

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
November 1, 2018
5:00 pm, Room 115, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARINGS

County

a. Shadow Elm Meadery CUP

Approved

Tontitown Planning Area

b. Wholesale Motorcars CUP

Approved

County

c. Ozarks Electric Wedington Substation CUP

Approved

LAND DEVELOPMENT HEARINGS

County

d. Ozarks Electric Wedington Substation Pre-LSD

Approved

County

e. JL Bry-son Shop Pre-LSD

Approved

County

f. Minor Subdivision Replat Lots 643 & 644 Wedington Woods Subdivision

Approved

County

**g. Village Heights Preliminary Subdivision
(formerly known as Volunteer Pre-Sub)**

Approved

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

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of September 27, 2018. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Kenley Haley made a motion to approve the agenda. Philip Humbard seconded. All board members present were in favor of approving. Motion passed.*

4. NEW BUSINESS

Randy Laney, Planning Board Chairman, directed attention to a rumored proposal for a change of land use not listed on the agenda and understood that some members of the public present would like to be heard regarding said proposal. At that point an unnamed member of the public asked to speak and requested to be placed on the agenda for the Quorum Court. The County Attorney, Brian Lester, advised said member of the public to contact his local Justice of the Peace regarding his request to be put on the agenda, he also reminded him that there is a period of time at the beginning of every Quorum Court Meeting where public comment is heard.

CONDITIONAL USE PERMIT HEARINGS

County

a. Shadow Elm Meadery CUP

Conditional Use Permit Request

Location: Section 13, Township 18, Range 29

Owner: Thomas Wade January Jr.

Applicant: Wade January

Location Address: 18674 Eagle Bend Road

Approximately: +/- 1.71 acres /1 lot

Proposed Land Use: Commercial

Coordinates: Latitude: 36.22535962, Longitude: -94.01349871

Project #: 2018-311

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

REQUEST: Conditional Use Permit approval to the use of a Mead production facility on a parcel of land that is 1.71 acres 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 not located in a Planning Area. It is solely within Washington County's jurisdiction.

FUTURE LAND USE: Low Density Residential (1-4 Units per Acre)

QUORUM COURT DISTRICT: District 5, Joe Patterson
VFD

FIRE SERVICE AREA: Nob Hill Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Springdale

Electric-Ozarks Electric

Natural Gas- N/A

Telephone- AT&T

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner/applicant of this property is Wade January. This property is located on the War Eagle peninsula, off Eagle Bend Rd., WC-561. This CUP request is to allow the January family to produce Mead in the small accessory building on their 1.71 acre property. Mead is an alcoholic beverage similar to wine, but made from honey. ABC permitting approval will be a condition of approval.

The Shadow Elm Meadery, if approved, will utilize this property for production only. Initially a tasting room was proposed because the applicant understood it as a requirement from ABC. But upon discussion with ABC's staff attorney the applicant now understands a tasting room isn't required, so it is removed from the proposal.

No tasting room is proposed, and no walk-in business is planned.

There is an existing septic system which the applicant plans to utilize once it is approved by the Health Department.

TECHNICAL CONCERNS:

Utilities

Ozarks Electric:

Ozarks Electric provided the following technical comments on this project:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Phone:

No comments were submitted by AT&T.

Cable/Gas:

Cox Communications and Black Hills Energy do not have jurisdiction at this location.

Fire:

The Washington County Fire Marshal provided the following comments on this project:

1. Show interior building layout to include:
 - Exit lights
 - Egress lighting
 - Lever door knobs or panic hardware
 - Exit doors with landings and sidewalks/pavers
 - Smoke alarms – prefer monitored alarm system even if it's a security system with smoke detectors.

Upon resubmittal all of the above requirements were addressed.

The Nob Hill Fire Chief drove out to evaluate how the property is accessed and said it looks fine for emergency apparatus.

Beaver Water District:

Beaver Water District had additional questions for the applicant:

1. What is the estimated production volume?
2. What is the estimated waste volume to include brewing waste and equipment cleaning water?
3. Provide a plan to account for waste streams associated with future growth/expansion.

The applicant is working with Beaver Water District to address these questions/concerns. Staff will update you at the meeting if BWD is satisfied.

Septic:

The applicant had the septic system installed before they formally requested this CUP review. The septic system must still be inspected and approved by the Health Department. It will be a condition of approval that full compliance with the Health Department is required.

Roads/Sight Distance/Ingress-Egress:

This property accesses off Eagle Bend Road, WC-561.

The Road Department did not provide any Technical Review comments for this project, and the County Engineer stated that with the expected very low traffic volume he won't require any improvements to the road or the driveway.

Sight Distance appears adequate.

Drainage:

The Washington County Contract Engineer provided stormwater drainage comments at Technical Review. All of the engineer's comments were addressed with the subsequent submittal. The County Engineer doesn't have any additional comments/concerns.

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:

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately (see attached diagram for examples).

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The site contains one permanent residence and one accessory building where the proposed Mead production will take place. Staff feels that the applicant's request is compatible with the surrounding density, especially now that they are not proposing a tasting room.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

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. **Planning Staff feels that due to the low-impact nature of this proposed use, coupled with the fact that the existing accessory building proposed to be used as the Mead production facility is constructed in the same character as the main house and many of the neighboring homes, and that the proposal does not include walk-in customers or a tasting room, compatibility with the neighbor's existing uses won't be an issue.**

Future Land Use Plan

The Future Land Use designation for this property is Low-Density Residential (1-4 units/acre). As no new structures are proposed, and that the existing accessory building proposed for the Mead production is constructed in the same character as the main house, and that the proposal does not include walk-in customers or a tasting room, Planning Staff feels this CUP proposal is compatible with the Future Land Use Plan.

SITE VISIT:

A site visit was conducted by planning staff on October 4, 2018. No issues were noted at that time.

NEIGHBOR COMMENTS/CONCERNS:

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

No neighbor/public comments have been received regarding this CUP request.

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Shadow Elm Meadery Conditional Use Permit with the following conditions:

Fire Conditions:

1. Final inspection is required by the Washington County Fire Marshal before commercial production begins.
2. The applicant is responsible for notifying the Washington County Fire Marshal when inspections are needed.

Septic Conditions:

1. The commercial septic system must be inspected and approved by the Arkansas Health Department (ADH) prior to commercial operation beginning.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

Roads/Ingress-Egress/Parking Conditions:

1. All entrance drives and parking areas must support 75,000lbs in all weather 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. 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:

Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Signage/Lighting Conditions:

1. No signage has been requested or approved.
2. If the applicant desires a sign in the future, a sketch must be submitted for review & approval by the Planning Department.
3. Signage cannot be placed in the County Right-of-Way.
4. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Alcoholic Beverage Control Conditions:

1. ABC permit must be approved.
2. Installation of a business phone.
3. Re-inspection by the ABC Enforcement Division within six (6) months of the letter dated July 12, 2018.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$42.80) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/24/18).
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. This CUP must be ratified by the Quorum Court.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Subdivision or Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
 - 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 Planning Director, Nathan Crouch, presented the staff report for the Board Members.

Joel Kelsey, Planning Board Member, stated, "So there will be no tasting and no sales."

Nathan Crouch responded, "No, sir."

Joel Kelsey inquired, "Will there be a filling station on there where people are going to come in and fill?"

Nathan Crouch replied, "No sir, he is. He is quite the business man and he is pretty proud of his product. He is taking samples out and he has hit up a bunch of hotels and restaurants and he will be producing the mead here, bottling and delivering."

Joel Kelsey continued, "And you said ABC was going to monitor."

Nathan Crouch affirmed, "Yes and they have given him conditional approval."

No Public Comment

Public Comment Closed

Joel Kelsey made a motion to approve the Shadow Elm Meadery CUP subject to staff recommendations. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.

Tontitown Planning Area

b. Wholesale Motorcars CUP

Conditional Use Permit Request

Location: Section 06, Township 17, Range 31

Owners: Lawrence & Brenda Jaro

Applicant: Joshua Duggar

Location Address: 14871 W HWY 412

Approximately: +/- 18.41 acres / 1 lot

Proposed Land Use: Commercial

Coordinates: Latitude: 36.17629369, Longitude: -94.31857080

Project #: 2018-317

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

REQUEST: Wholesale Motorcars is requesting **Conditional Use Permit** approval to operate a retail automotive sales dealership in an area where agricultural and single family uses are allowed by right.

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

PLANNING AREA: City of Tontitown Planning Area

QUORUM COURT DISTRICT: District 1, Tom Lundstrum

FIRE SERVICE AREA: Tontitown R Ural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: **Water-** Washington Water Authority

Electric- Ozarks Electric

Natural

Gas- Black Hills

Telephone- Century Tel

Cable- None

BACKGROUND/PROJECT SYNOPSIS:

Wholesale Motorcars is seeking Conditional Use Permit approval to operate a retail automotive sales dealership on a parcel of land (001-16913-000) that is approximately 18.4 acres in size. The area the automotive sales operation will utilize is approximately 0.97 acres in size.

The applicant, Joshua Duggar, states that the dealership will have two employees; himself and another person. There is capacity for approximately 50 vehicles on the lot.

The operating hours are Monday through Saturday from 10:00am to 6:00pm.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Washington Water Authority had the following comments:

1. No water service is currently provided for the SW portion of Parcel 001-16913-000. If future operation of the CUP requires water service, please submit a request for water service to the WWA Office (forms are available at washingtonwater.org).

The Washington County Fire Marshal had the following concerns/comments:

1. Clearly show the address of the business on the office building and at property entrance.
2. Place smoke detector in office.
3. Place Fire Lane/No parking signs on gravel drive every 100 feet.
4. Must obtain Engineered Compaction statement 75,000 lbs on gravel drive.
5. All turns must have a 38 foot turning radius.
6. Minimum 20 foot driveway.
7. Should you add anymore buildings or increase the size of the office you shall have prior approval from County Fire Marshal.
8. Should you change up the parking area for the vehicles and driveway you must have prior approval from the County Fire Marshal.

Health Department Issues:

No comments were received from the Arkansas Department of Health.

Should a future septic system be needed, the system must be designed by a Direct Representative of the Arkansas Department of Health and be approved by the Department of Health.

Electric/Phone:

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

Ozarks Electric submitted these comments:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. Keep in mind that Ozarks has overhead lines in the area. With existing 30ft. U.E.

Roads/Sight Visibility/Ingress-Egress/Parking:

1. 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 Statement was submitted. The Washington County Contracted Engineer, Zach Moore, has reviewed this statement and has the following comments:

1. Is there a roadside ditch along Wildcat Creek Road? If so does there need to be a pipe conveying flow under driveway?
 - a. Per the applicant: Yes there is a ditch, but it is on the opposite side to the road (eastern side), so water flow is not an issue at our driveway and no pipe is required.
2. Describe the drainage patterns on the site. Is the runoff generally flowing from north to south towards HWY 412?
 - a. Per the applicant: Yes, flows north to south (and slopes slightly westward) down the hill towards 412 highway.

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).

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).

Sheriff's Office Concerns:

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

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily agriculture with few single family residences. The nearest building from existing building the applicant is proposing to use as an office is approximately 140 feet using GIS measuring tools. The nearest residences are approximately 235 feet and 320 feet using GIS measuring tools. All of these residences and buildings are on the east side of the proposed business. On the west side is Highway 412. On the north is an existing poultry house that is being used for storage and is not a part of the proposed business.

Existing vegetation exists along the east side of the property. Currently, the vegetation is tall and acts as screening along the fence line.

Beyond the poultry house to the north is a smaller poultry house and a poleshed. The poultry house measures approximately 305 feet in length. The applicant's area where he would like to conduct business is approximately 400 feet across at its widest.

With the existing vegetation and the large poultry house and other existing structures on the property, Staff feels that there is enough screening using these items and will not be requiring further screen at this time. However, Staff may require screening at a future date.

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:

- b. 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.

Site Visit:

A site visit was conducted by Planning Staff on 10/04/208. Staff did notice anything of concern. However, staff does question on whether or not the entire size of the proposed business is under an acre as stated per the applicant. When staff measured the areas of the property being used for the proposed business, the size is greater than an acre. Staff will have to clarify this with the applicant. Should the site size be an acre or larger, staff will require the applicant to apply for large scale development.

Neighbor Comments and Concerns:

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

Staff mailed a total of six certified notifications. To date, staff has not received any comments from any of the neighbors.

Planning Staff will update the Board of any more comments.

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

Water/Plumbing/Fire Issues:

Washington Water Authority had the following comments:

1. No water service is currently provided for the SW portion of Parcel 001-16913-000. If future operation of the CUP requires water service, please submit a request for water service to the WWA Office (forms are available at washingtonwater.org).

The Washington County Fire Marshal had the following concerns/comments:

1. Clearly show the address of the business on the office building and at property entrance.
2. Place smoke detector in office.
3. Place Fire Lane/No parking signs on gravel drive every 100 feet.
4. Must obtain Engineered Compaction statement 75,000 lbs on gravel drive.
5. All turns must have a 38 foot turning radius.
6. Minimum 20 foot driveway.
7. Should you add anymore buildings or increase the size of the office you shall have prior approval from County Fire Marshal.
8. Should you change up the parking area for the vehicles and driveway you must have prior approval from the County Fire Marshal.

Health Department Conditions:

1. Should a future septic system be needed, the system must be designed by a Direct Representative of the Arkansas Department of Health and be approved by the Department of Health.

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

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

Drainage Conditions:

1. All drainage requirements and concerns must be addressed before final approval may be received.

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 if needed.

Utility Conditions:

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. Keep in mind that Ozarks has overhead lines in the area. With existing 30ft. U.E.

Washington Water Authority:

1. No water service is currently provided for the SW portion of Parcel 001-16913-000. If future operation of the CUP requires water service, please submit a request for water service to the WWA Office (forms are available at washingtonwater.org).

Additional and 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. Pay engineering any fees. This total will be calculated 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. **This project may require a Large Scale Development. Until determined, no work may begin for this project until Preliminary Large Scale Development has been decided and/or approved by the Planning Board.**
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.

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

Joel Kelsey inquired, "Are there any design standards in reference to something like that? To me it looks like you are going to throw a bunch of cars in a field, kind of like a storage unit or possibly a junkyard with a ticket booth. This is right on the main highway and you look at the one picture with the building that's got the cars already in it, the grass growing up on the tires and this and that; as far as the cleanliness and the appearance is there not anything that can control any of that?"

Sita Nanthavong, Senior Planner, replied, "The County does not have design standards for car lots."

Philip Humbar, Planning Board Member, commented, "It seems minimal to me."

Joel Kelsey affirmed, "I am going to have to agree with Philip on that."

Kenley Haley, Planning Board Member, asked, "My follow up on that, you said since there is no water there is no septic required. Well what about fire protection?"

Sita Nanthavong answered, "Since he is right outside of the Tontitown Planning Area there is enough tanker support. He is not going to be required to put in a hydrant or a dry pond or anything. There are no structures besides that 64 sq. ft. building. If it catches on fire it is going to go. As long as the cars don't blow up we should be ok. The Fire Marshal is here and he could possibly give us a little more explanation on the fire support for this particular project."

Daryl Yerton, Planning Board Member, pointed out, "You said that there will be two employees, the applicant and possibly someone else. It seems to me if there are any employees there that they must provide some sort of restroom facilities, even on a construction site we have to provide that."

Sita Nanthavong responded, "That I do not know."

Nathan Crouch stated, "It didn't come up at technical review."

Randy Laney clarified, "It is not in our set of regulations. That is the important part."

Nathan Crouch continued, "We had a representative from the health department at our tech review meeting and if I remember correctly it did come up that there wouldn't be any water service and we did have a diagram showing what the size of that little shack was going to be, knowing that there were going to be two employees, the health department didn't key in on that at all."

Philip Humbar inquired, "Are they just going to drive to town when they need to go?"

Joel Kelsey added, "You said something about 50 vehicles. The best I could tell looking at that picture I counted 40. There is a lot of land there and I think from experience that I have in the past in reference to car lots that may have been associated with the same owner, there will be more cars on that lot I can promise you."

Kenley Haley asked, "That is a good point so there are no regulations as to the density you can put on the 1.7 acres you can put 5 cars or even 100 cars?"

Sita Nanthavong answered, "The applicant says that he feels like he can put up to 50 cars on here, that is the number we put in to the presentation."

Nathan Crouch explained, "We don't have a density standard. However, a lot of times whenever something like this comes up it relates pretty well to the fire code. We call up the Fire Marshal and pick his brain about it and again it didn't come up. If the Fire Marshal would like to address that you could ask him the question. That hasn't come up at any of our technical meetings either."

Joel Kelsey inquired, "I have another question, in reference to opening up a business like that. Is there not a point that you have to have a business license in order to do that even if it's in the County?"

Nathan Crouch replied, "I believe our County Attorney could probably answer that question."

Brian Lester advised, "The County does not license businesses at all. Any business license would have to

come through a city or state under certain circumstances.”

Nathan Crouch followed up with, “There is no doubt he is operating before he has gotten his permitting, but he is trying to come into compliance now and we have precedent for that. We have done that before. We have also shut people down until they got their permitting in place. We have also had occasions where we did not shut them down before permitting was in place. You could go either way on that and we don’t necessarily have an ordinance that says we have to shut them down.”

Kenley Haley clarified, “Washington County would then be the regulating body over this since there is no water you are not going to have the health department involved and there are no permits and there is nothing with the state.”

Nathan Crouch noted, “It is a zoning issue for us.”

Joel Kelsey asked, “Can you put a limit on the number of cars?”

Nathan Crouch answered, “Sure we can. I believe we would have to base that on something though.”

Randy Laney inquired, “You can, but is it enforceable or not?”

Philip Humbard questioned, “You said the Fire Marshal is requiring gravel, but we are not?”

Nathan Crouch replied, “Yes sir, that would be in the lane where you would drive a car through here those are going to be required to be constructed as fire lanes and that is the fire lane standard.”

Philip Humbard continued, “But that is going to be gravel, right?”

Nathan Crouch responded, “I don’t believe the ‘for sale’ cars themselves would be sitting on gravel. It will be the lane between them.”

Philip Humbard asked, “Will there be a minimum thickness?”

Nathan Crouch answered, “It will be constructed to 20 ft. wide and compacted to support 75,000 lbs in all weather conditions.”

Kenley Haley inquired, “If they change this design do they have to come back?”

Nathan Couch replied, “Yes Ma’am. Well, changing the design or if they are still meeting the intent of the permit. If they wanted to put some more cars, they are going to have to have fire lane for the responding fire department to get within a certain distance of the fire. It is not necessarily right up to the bumper but it partially has to do with the length of the hose.”

Carl Gales, Chief of Staff, asked, “Are they in Tontitown’s Planning Area?”

Sita Nanthavong answered, “They are in Tontitown’s Planning Area.”

Carl Gales inquired, “Have we got a reply from Tontitown?”

Sita Nanthavong replied, “We didn’t get any comments; they are outside of their planning area.”

Carl Gales clarified, “So they are not in Tontitown.”

Sita Nanthavong responded, “They are not in Tontitown.”

Kenley Haley noted, "So this is solely Washington County."

Sita Nanthavong responded, "Yes."

No Public Comment

Public Comment Closed

Kenley Haley made a motion to approve the Wholesale Motorcars CUP subject to staff recommendations. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.

County

c. Ozarks Electric Wedington Substation CUP

Conditional Use Permit Request

Location: Section 19, Township 16, Range 32

Owners: Ozarks Electric Cooperative

Engineer: Robert Erickson

Location Address: N Jackson HWY WC 669

Approximately: +/- 6.73 acres /1 lot

Proposed Land Use: Utility Substation

Coordinates: Latitude: 36.06003171, Longitude: -94.42566467

Project #: 2018-319

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

REQUEST: Conditional Use Permit approval to allow an electrical utility substation occupying approximately 3.2 acres on a parcel of land that is 6.8 acres 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 not located in a Planning Area. It is solely within Washington County's jurisdiction.

FUTURE LAND USE: N/A

QUORUM COURT DISTRICT: District 13 Joel Maxwell

FIRE SERVICE AREA: Lincoln Rural

SCHOOL DISTRICT: Lincoln

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

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Ozarks Electric. The applicant is Robert Erickson, of Ozarks Electric. This property is located off N. Jackson Hwy, WC-669.

This CUP request is to allow an electric utility substation to occupy approximately 3.2 acres on a 6.8 acre parcel of land. The substation will be enclosed in a 240 x 240 ft fenced-in compound. No restroom/septic system or water service is proposed.

A detention pond is proposed, and was evaluated in the Large Scale Development review. (See LSD Staff Report)

TECHNICAL CONCERNS:

Fire Issues:

At Technical Review, the Fire Marshal listed several requirements which the applicant agreed with.

1. Oil spill containment plan (for the oil in the transformers)
2. Driveway minimum width of 20 ft, compacted to support 75,000 lbs in all weather conditions.
3. Put a knox lock on the gate out front,
4. No fire apparatus turnaround is required.
5. Install a fire hydrant.

6. State the size of the water mains on both sides of Jackson Hwy, and install hydrant on the side with the highest gpm at 25psi residual.
7. Install "Fire Lane – No Parking" signs along the access drive.

These requirements are conditions of approval.

Utilities:

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

These requirements are conditions of approval.

The phone, gas, and water utilities did not provide any Technical Review comments.

Roads/Sight Visibility:

This proposal requests to utilize a gravel driveway to access the substation compound, off N. Jackson Hwy, WC-669.

A permit is required through the Washington County Road Department to connect the driveway to the county road.

Sight distance is adequate in both directions.

Drainage:

A detention pond is proposed. It was reviewed by the County Engineer with the Large Scale Development submittal. (See LSD Staff Report)

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:

Appropriate, typical signage will be mounted on the exterior fence facing the road.

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

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are single family residential and agricultural. This proposed electric substation will be housed inside a fenced-in compound, and will not receive any traffic other than by authorized technicians.

As this proposed use is intended to improve the level of service the electric utility provides to the customers in the area, Staff feels that the applicant's request is compatible with the surrounding uses.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

4. INDUSTRIAL

The chief goals for industrial development are:

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities; **The proposed project site is adjacent to a major thoroughfare – Jackson Hwy.**
- b. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; and,
- c. Provide for ample utilities and services to support industrial development.

These goals can be achieved through the following operations:

- a. Adopt development regulations and standards to provide for quality development; **This proposed development must also receive Large Scale Development review & approval.**
- b. Identify suitable land for reservation of future industrial growth; **This land was previously selected, and is now proposed to be developed to accommodate future growth.**
- c. Provide adequate services, utilities and accessibility; **This is a utility expansion project.**
- d. Insulate industrial sites from other activities by location or buffers; and,
- e. Require provision of ample off-street parking and loading space.

As this development is considered critical infrastructure, Planning Staff considers it compatible with the neighbor's existing uses.

Future Land Use Plan

There is no future land use designation for this property, so there is no compatibility issue with the county's Future Land Use Plan.

SITE VISIT:

A site visit was conducted by planning staff on October 15, 2018. No issues were noted at that time. Sight distance is adequate in both directions.

NEIGHBOR COMMENTS/CONCERNS:

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

One neighbor called with concerns regarding the placement of the proposed substation. They were concerned whether the substation would be visible from their house, whether they'd be able to hear it, the amount of associated traffic, and whether she would be expected to grant an access easement. She stated she was opposed to the project in its current location, but would be in-favor if it was moved to the south (farther away from her home).

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Ozarks Electric Wedington Substation Conditional Use Permit with the following conditions:

Fire Conditions:

1. Oil spill containment plan (for the oil in the transformers)
2. Driveway minimum width of 20 ft, compacted to support 75,000 lbs in all weather conditions.
3. Put a knox lock on the gate out front,
4. No fire apparatus turnaround is required.

5. Install a fire hydrant.
6. State the size of the water mains on both sides of Jackson Hwy, and install hydrant on the side with the highest gpm at 25psi residual.
7. Install "Fire Lane – No Parking" signs along the access drive.
8. Final inspection is required by the Washington County Fire Marshal before this facility may begin operation.
9. The applicant is responsible for notifying the Washington County Fire Marshal when inspections are needed.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather 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. 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:

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Signage/Lighting Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$16.28) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/24/18).
2. Pay engineering fees within 30 days of project approval (will be calculated at Final LSD). 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. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Preliminary & Final Large Scale Development), and therefore, the applicant must submit for Preliminary Large Scale Development review within 12 months of this CUP project's ratification.

Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.

Randy Laney inquired, "I didn't understand their boundaries and how much screening is left after they put in this you mentioned trees on the neighbor's property, but on their property will there be any trees

left or are they going to level the whole thing?”

Nathan Crouch replied, “On their property they will level it, however, it’s a 3.2 acre site in an overall 6 acre and change between the compound and the neighbor.”

Randy Laney asked, “I mean on their property. Is Ozark clear cutting it all the way up to the edge on that neighbor or not?”

Nathan Crouch answered, “No sir. They are leaving some screening trees along the road frontage in order to screen it a little. They will be clearing the access drive but it is completely surrounded by forest.”

Daryl Yerton questioned, “So if you are leaving the screening along the road then the access drive is not necessarily going to be visible?”

Nathan Crouch responded, “We have kept it short enough and there is a gate. I have it on the Large Scale presentation but there is a gate right here and that is about as far in as they can pull, about where the access is labeled.”

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve the Ozarks Electric Wedington Substation CUP subject to staff recommendations. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARINGS

County

d. Ozarks Electric Wedington Substation Pre-LSD

Preliminary Large Scale Development Request

Location: Section 19, Township 16, Range 32

Owners: Ozarks Electric Cooperative

Engineer: Robert Erickson

Location Address: N Jackson HWY WC 669

Approximately: +/- 6.73 acres /1 lot

Proposed Land Use: Utility Substation

Coordinates: Latitude: 36.06003171, Longitude: -94.42566467

Project #: 2018-318

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

REQUEST: Ozarks Electric is requesting **Preliminary Large Scale Development** approval for the construction of the proposed Wedington Substation, off N. Jackson Hwy, WC-669. The proposal is to allow the construction of the substation itself, its associated compound (fenced-in area), detention pond, and access drive. The proposed development will occupy approximately 3.2 acres on the 6.8 acre parcel.

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

FIRE SERVICE AREA: Lincoln Rural

SCHOOL DISTRICT: Lincoln

INFRASTRUCTURE: Water– Lincoln Water Electric- Ozarks Electric
Telephone- Prairie Grove Telephone

Natural Gas– N/A
Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Ozarks Electric. The applicant is Robert Erickson, of Ozarks Electric. This property is located off N. Jackson Hwy, WC-669.

This Preliminary Large Scale Development request is to allow the construction of an electric utility substation, occupying approximately 3.2 acres on a 6.8 acre parcel of land. The substation will be enclosed in a 240 x 240 ft fenced-in compound, with a detention pond outside the northern fence line. No restroom, septic system, or water service is proposed.

The detention pond was evaluated by the County Engineer and found to be appropriately sized.

TECHNICAL CONCERNS:

Fire Issues:

At Technical Review, the Fire Marshal listed several requirements which the applicant agreed with.

1. Oil spill containment plan (for the oil in the transformers)
2. Driveway minimum width of 20 ft, compacted to support 75,000 lbs in all weather conditions.
3. Put a knox lock on the gate out front,
4. No fire apparatus turnaround is required.
5. Install a fire hydrant.
6. State the size of the water mains on both sides of Jackson Hwy, and install hydrant on the side with the highest gpm at 25psi residual.
7. Install "Fire Lane – No Parking" signs along the access drive.

These requirements are conditions of approval.

Septic/Health Department Issues:

No septic system or water service is proposed, so no Health Department review is required.

Utilities:

Ozarks Electric:

Ozarks Electric provided standard comments at Technical Review:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easement must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey at (479) 263-2167 or wmahaffey@ozarksecc.com

At Technical Review, Prairie Grove Telephone and Lincoln Water provided no comments. And there are no natural gas or cable providers at this location.

Roads/Sight Visibility/Ingress-Egress/Parking:

This proposal requests to utilize a gravel driveway to access the substation compound, off N. Jackson Hwy, WC-669.

A permit is required through the Washington County Road Department to connect the driveway to the county road.

Sight distance is adequate in both directions.

Drainage:

A detention pond is proposed. The County Engineer reviewed the drainage report and provided comments at Technical Review. The applicant addressed all of the County Engineer's comments. The County Engineer stated "My comments have been addressed, and I have no further comments."

Proposed stormwater drainage is adequate.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulation of the Arkansas Department of Environmental Quality (ADEQ). This project is not located within the MS4 area.

Signage/Lighting/Screening Concerns:

Appropriate, typical signage will be mounted on the exterior fence facing the road. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

NEIGHBOR COMMENTS/CONCERNS:

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

One neighbor called with concerns regarding the placement of the proposed substation. They were concerned whether the substation would be visible from their house, whether they'd be able to hear it, the amount of associated traffic, and whether she would be expected to grant an access easement. She stated she was opposed to the project in its current location, but would be in-favor if it was moved to the south (farther away from her home).

Staff will update the Planning Board at the 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/Engineering Issues			✓
Road Issues			✓
Fire Code Issues		X	
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements		X	
Info to supplement the plat			

STAFF RECOMMENDATION:

Staff recommends *approval* of the proposed Ozarks Electric Wedington Substation Preliminary Large Scale Development with the following conditions:

Fire Conditions:

1. Oil spill containment plan (for the oil in the transformers)
2. Driveway minimum width of 20 ft, compacted to support 75,000 lbs in all weather conditions.
3. Put a knox lock on the gate out front,
4. No fire apparatus turnaround is required.
5. Install a fire hydrant.
6. State the size of the water mains on both sides of Jackson Hwy, and install hydrant on the side with the highest gpm at 25psi residual.
7. Install "Fire Lane – No Parking" signs along the access drive.
8. Final inspection is required by the Washington County Fire Marshal before this facility may begin operation.

9. The applicant is responsible for notifying the Washington County Fire Marshal when inspections are needed.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather 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. 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:

Ozarks Electric:

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Signage/Lighting Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$16.28) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/24/18).
2. Pay engineering fees within 30 days of project approval (will be calculated at Final LSD). 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. CUP (2018-319) must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (Final Large Scale Development permit approval).

Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **Ozarks Electric Wedington Substation Pre-LSD** subject to staff recommendations. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.*

County

e. JL Bry-son Shop Pre-LSD

Preliminary Large Scale Development Request

Location: Section 32, Township 18, Range 28

Owners: Harold E Bryan Revocable Trust

Engineer: Engineering Services, Inc

Location Address: 20121 E HWY 412

Approximately: +/- 8 acres /1 lot

Proposed Land Use: Commercial

Coordinates: Latitude: 35.18115008, Longitude: -93.98415815

Project #: 2018-314

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

REQUEST: The applicant is requesting Preliminary Large Scale Development approval for the construction of a metal fabrication shop building that is approximately 10,000 square feet in size.

CURRENT ZONING: This 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: 5, Joe Patterson

FIRE SERVICE AREA: Nob Hill Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE:

Water- Springdale Water

Electric- Ozarks Electric

Natural Gas- None

Telephone- AT&T

Cable- None

BACKGROUND/ PROJECT SYNOPSIS:

JL Bry-Son Inc is requesting Preliminary Large Scale Development approval for the construction of a metal fabrication shop building that is approximately 10,000 square feet in area in order to grow their business.

The business is pre-existing and will not require a Conditional Use Permit.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues

City of Springdale currently services the area where the proposed building will be. However, the City has stated that it does not provide a high level of fire protection for this area due to flow restrictions in the existing water infrastructure. The water mains that serve the area are small in diameter and sufficient only for potable water.

The Washington County Fire Marshal has requested the following:

1. What is the GPM of the nearest fire hydrant?
2. Would the applicant consider turning the existing pond into a dry pond for additional fire support?
3. Fire lanes every 100 feet must be shown on the plat.
4. Show locations of interior and exterior exit signs.
5. Interior and exterior exit signs must be lit.
6. Exits must have a solid landing at doorsteps or a sidewalk.
7. Clarify the DEM addressing.

All Fire Marshal inquiries, comments, and requests must be met before final approval may be given.

Electric/Phone/Gas

The phone service is provided by AT&T. They provided no comments. There is no natural gas provider for this area.

Ozarks Electric provides service to this area. They had the following comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.

2. All property corners and easements must be clearly marked before construction will begin.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed at road crossings by developer must have 48 inches of cover at final grade and marked with post to identify end of conduits. (3 – 4-inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. 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. Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Ozarks Electric and provide them with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with Ozarks specifications. No metal conduit or metal sweeps are to be used.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Developer or contractor must apply for temporary construction service and permanent service before any design and cost is determined by Ozarks.
11. Please contact Ozarks Electric when construction begins on this project and again when construction is within three months of completion.

Water

1. The Springdale Water authority did not respond with comments.

Addressing

1. The new building must be addressed.

Environmental

1. 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 Department

1. Any work done in the County road right of way requires a permit from the road department.

SITE VISIT:

A site visit was conducted by planning staff on October 4, 2018. The applicant's proposed building sits on a property that is located on the southside of East Highway 412. It is easy to locate, and Staff did not notice anything of concern.

NEIGHBOR COMMENTS:

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

A total of nine notifications were sent. Currently, there are no comments from neighbors.

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 for the JL Bry-Son Shop Preliminary Large Scale with the following conditions:

Fire Marshal Conditions:

1. Provide the GPM for the nearest fire hydrant.
2. Inquire about the possibility of turning the existing pond into a dry-pond for additional fire support.
3. Show fire lanes/no parking signs every 100 feet on the plat.
4. Show the locations of the interior and exterior exit signs.
5. The interior and exterior signs must be lit.
6. Exits must have a solid landing at the doorsteps.
7. Clarify the DEM addressing.
8. The fire flow must be met unless specified by the Fire Marshal.

Utility Conditions:

Ozarks Electric Conditions

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
2. All property corners and easements must be clearly marked before construction will begin.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. All conduits placed at road crossings by developer must have 48 inches of cover at final grade and marked with post to identify end of conduits. (3 – 4-inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. 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. Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Ozarks Electric and provide them with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with Ozarks specifications. No metal conduit or metal sweeps are to be used.

8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat as well as a hard copy.
9. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
10. Developer or contractor must apply for temporary construction service and permanent service before any design and cost is determined by Ozarks.
11. Please contact Ozarks Electric when construction begins on this project and again when construction is within three months of completion.

Addressing Conditions:

1. The new building must be addressed.

Environmental Conditions:

1. 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 Department Conditions:

1. Any work done in the County road right of way requires a permit from the road department.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
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.
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. Have all signature blocks signed on a minimum of 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. Please contact the Circuit Clerk for acceptable plat size.

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

Kenley Haley inquired, "Since they don't meet the water requirement for fire protection what is going to be done?"

Sita Nanthavong replied, "There is a pond, so what they are hoping to do is convert the pond into a dry pond where they put a pump in there with a screen or filter so that in case of a fire they can pull up with their fire trucks and take out a fire hose and hook it to the pump that is in that pond and they can use that pond water as additional fire flow."

Kenley Haley asked, "Are there employees in the building?"

Sita Nanthavong answered, "There will be employees in the building. It is going to be a metal fabrication building. As they have projects, they will be in there."

Kenley Haley continued, "What are the hours of operation?"

Sita Nanthavong responded, "They will be standard 8-5, Monday-Friday."

Daryl Yerton stated, "As far as the work conditions in there, there will be welding in their work I assume so there will be potential fires."

Sita Nanthavong agreed, "Yes."

Daryl Yerton commented, "I am a little concerned about the fire safety aspect. I would like to hear somebody's opinion about what we should do as far as a condition to keep them from having the facility there without adequate fire protection."

Nathan Crouch suggested, "I might recommend speaking with the Fire Marshal about that, sir."

Tyler McCartney, Washington County Fire Marshal, addressed the Board, "Our side of it is first, life safety and the secondary is property. On this project as for the people inside there, they are going to be installing a fire alarm system that has heat and smoke detectors along with strobes and audible. That way they can get out. There won't be anybody sleeping in there or anything like that so if something happens they will get notified and be able to get out immediately. We do have the concern of the water flow out there. I want to say it is approximately 270,000 gallons is what is required. It is so many gallons for a duration of 2 hours. Even with tanker support at the closest hydrant that flows the most GPM as possible we are still having a rough time getting that flow even with that 10,000 gallons on site. That is why we are looking at the pond, like Sita was saying the pond will include a dry hydrant. That dry hydrant will be a pipe that goes in and comes back out to a place where we can hook it up with the fire truck. For lack of a better term, suck the water out of the pond and use that for fire suppression. There is a full on standard of how they have to install that and they have to show all that to us and get approval before they can put that in. Until they can meet that flow the project is a no go. As soon as they can meet that flow we can figure out something. I have been talking with the Fire Chief, Gary Hull, about maybe adding on some more tankers from different departments as an automatic aide so that we have more water coming. At that point we may or may not be able to meet the flow. It is still a concern of ours. We do have the authority to lower the flow a little bit but we just always hate to do that."

Philip Humbarb inquired, "Being a metal shop, what is there to burn inside of a metal shop?"

Tyler McCartney replied, "It is basically going to be your contents. As for a metal shop it is a type 2 non-combustible structure. It will be any contents that they have inside and it will have to be built completely out of metal so all you would have would be the insulation and anything else that they store within that structure."

Joel Kelsey asked, "With both departments there, the 10,000 on site and the installation of the pond would it be adequate at that point?"

Tyler McCartney answered, "We don't know how big the pond is yet, if they decide to go with the pond they have to bring on a hydrologist as well as a design of that pond and how much water it will hold."

Robert Daugherty, Planning Board Vice-Chairman, inquired, "If they put a pipe in the pond it will be tested prior to approval?"

Tyler McCartney affirmed, "Yes every pipe that is installed within Washington County we inspect it visually quarterly and once a year we flow it."

Joel Kelsey questioned, "Would it be possible to approve it with that condition?"

Nathan Crouch responded, "Yes. One thing you should know is that in our Large Scale process you have the preliminary and in order to construct you go through final. Final is where you do all of your as built plans and those are the ones that get signed off on. Planning and County Judge aren't going to sign anything until the Fire Marshal signs off on it. They will not be able to open and occupy the building until they get it signed and filed."

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve the JL Bry-son Shop Pre-LSD subject to staff recommendations. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.

County

f. Minor Subdivision Replat Lots 643 & 644 Wedington Woods Subdivision

Preliminary and Final Replat Approval Requests

Location: Section 06, Township 16, Range 31

Owners: Larry Wayne & Tresia Darling, Billy Dale & Jean Darling

Engineer: Bates & Associates

Location Address: 15944 & 15951 Cherry Circle

Approximately: +/- 4.55 acres /2 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.09390134, Longitude: -94.31331479

Project #: 2018-315

Planner: Rick Barry email: rbarry@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Darling Minor Subdivision Replat Lots 643 & 644 Wedington Woods. The request is to adjust the lot line between the two tracts of 2.10 & 2.45 acres respectively.

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

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

QUORUM COURT DISTRICT: District 7, Alicia Deavens.

FIRE SERVICE AREA: **Prairie Grove**-no comments were received from Prairie Grove Fire Department, and Tyler McCartney, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: **Water**- Washington Water Authority **Electric**- Ozark Electric **Natural Gas**- N/A

Telephone- ATT **Cable**- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The property owners and applicants are Wayne Darling and Billy Darling. The surveyor is Derrick Thomas of Bates & Associates, Inc. The applicants are requesting a lot line adjustment one parcel of 2.10 acres and one parcel of 2.45. Since both of these parcels are platted in the Wedington Woods subdivision, any alteration to the property lines must process as a Minor Subdivision Replat. There are several structures on the properties at this time, one of which is on the lot line at this time. However, this request is to adjust that property line away from the existing building.

The acreage for the original and adjusted parcels are as follows:

Original Lot 643: 2.10 acres

Adjusted Lot 643: 1.0 acres

Original Lot 644: 2.45 acres

Adjusted Lot 644: 3.55 acres

Since the primary means of access to the shop building on Lot 643 is the driveway for Lot 644, an access easement is required to secure that access.

TECHNICAL CONCERNS:

Sewer/Septic

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

- The two tracts will continue to utilize individual septic systems. A Designated Representative of the Arkansas State Health Department carried out a soil analysis on September 6, 2018, and determined that "There were no problems found at the time of inspection and the home is currently occupied."

Utility Comments

Ozarks Electric Comments

- Any damage or relocation of existing facilities will be at owner's expense.
- Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
- All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
- Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Planning Conditions

- Provide an access easement across Lot 644 to Lot 643, centered on existing driveway.

SITE VISIT:

A site visit was conducted by planning staff on October 15, 2018. No issues were noted at that time. Please see attached pictures of road access.

NEIGHBOR COMMENTS:

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

- One neighbor replied by mail with concerns regarding the proposed development. Concerns ranged from traffic noise, road conditions, safety, and decreased property values.

Staff will update the Planning Board at the 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.

	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 Replat approval of **Darling Minor Subdivision Replat Lots 643 & 644 Wedington Woods** with the following conditions:

Utility Conditions:

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

Utility Conditions:

Ozarks Electric Comments

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

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

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).

Planning Conditions:

1. The property line be adjusted to ensure that it does not bisect the driveway of Lot 644, as it does currently.

Standard Conditions:

6. Pay neighbor notification mailing fees \$69.19 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 10/25/18).
7. 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.
8. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
9. Lots that are over one-half acre in size will need to be addressed after the home location is known.
10. All general plat checklist items must be corrected.
11. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
12. Have all signature blocks signed on 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Rick Barry, presented the staff report for the Board Members.

Public Comment

Franco Sperandeo, Neighbor, addressed the Board, "I am not a Grinch ok, I like peace. The thing is, first of all I don't know a dang thing about a replat. I was in the real estate business and I have never come across that term. What is a replat?"

Nathan Crouch explained, "Whenever you are making a lot split sir, you are dealing with one lot but if you are taking a farmer's field and turning that into a subdivision with 5 or more lots you are going to result in a plat of that subdivision. The plat describes that entire subdivision rather than one lot at a time. And so, if you want to after that plat has been filed and built out if you want to change the configuration of any of those lots within that plat you have to replat that lot. This is a replat of the two adjacent lots.

Essentially it is a lot line adjustment between the two lots and they are only adjusting the common property line between them.”

Franco Sperandeo inquired, “Ok another question is the replat taking in consideration of the existing legal boundary of those lots?”

Nathan Crouch replied, “Yes sir.”

Franco Sperandeo asked, “In other words, there is a term called the the ‘angle of repose’ where it holds certain that the soil or whatever has an angle of repose so it is a plot line on top of the triangle up there and the slope or is the angle of repose at the base of the soil?”

Nathan Crouch answered, “I don’t believe the applicants were basing the new proposed lot line on the layout of the land. I believe they are basing it off the particular site elements and trying to get this particular lot in orange down to 1 acre which is our minimum and also getting the existing shop building and back parking lot fully over to the other lot.”

Franco Sperandeo continued, “My concern is the commercial aspect of this. I have no facts to support that other than there are close to six trucks that go in there in and out daily. Is it a commercial or isn’t it a commercial, it is a border-line truck stop.”

Nathan Crouch stated, “We haven’t been evaluating it with that respect.”

Franco Sperandeo went on, “My neighbor has children and the school buses are in the same vicinity as when the trucks leave; there is a traffic consideration there but what mu addendum described is what you all have. I am not going to go into all that you have the facts and you know I am not going to lose any sleep over a replat. It’s like an attractive nuisance and it is a judgment call. I guess I have to put up with it along with the other neighbors but the traffic in front of my property on my way to their property. It was basically in the ravine and being that they were in the truck business they filled it in and there is no law against that. I understand that but the usage is what I am concerned about.”

Nathan Crouch responded, “Yes sir, we have criteria for determining whether it is commercial. We would have to take a look at that.”

Franco Sperandeo commented, “I am not going to hire a lawyer.”

Nathan Crouch replied, “Well that is not what it would take.”

Franco Sperandeo offered, “It is a potential downgrade when I sell my property, if I ever sell it. They are going to have 5 or 6 trucks coming out of that place every morning. I would be glad to put you up in my residence and let you sleep there we will have dinner and see what happens the next morning.”

Randy Laney clarified, “Thank you for your comments. Like they said as far as the replatting I understand you may not have any issues with but you may have some issues with usage and we will refer those to staff to be looked at.”

Franco Sperandeo stated, “This is what the lawyers say that there is a statue called quiet enjoyment, I am sure you have heard of it. It is basically runners but I think quiet enjoyment I am in the circle of that quiet enjoyment of my property and it is being tested at 6:30 every morning when I hear ‘em roar up those diesels. Believe me, I was in the Navy for 20 years in a destroyer and they got diesels as big as this room and I got used to it. My bunk was an air dust space and it sort of put me to sleep, so you can get used to it. Anyway, I have taken up enough of your time.”

Public Comment Closed

Joel Kelsey made a motion to table the Minor Subdivision Replat Lots 643 & 644 Wedington Woods Subdivision subject to staff recommendations. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.

County

g. Village Heights Preliminary Subdivision (formerly known as Volunteer Pre- Sub)

Preliminary Large Scale Development Request

Location: Section 11, Township 17, Range 29

Owners: Volunteer Holdings LLC

Engineer: Engineering Services Inc.

Location Address: 17738 Broadview WC 1037

Approximately: +/- 12.33 acres / 1 lot

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.15266378, Longitude: -94.03473746

Project #: 2018-265

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

REQUEST: The applicant is requesting Preliminary Subdivision Approval of Village Heights Subdivision (formerly known as Volunteer Subdivision) to create a subdivision with 6 residential lots. The subject parcel is approximately 12.94 acres in size.

CURRENT ZONING: This 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: 5, Joe Patterson

FIRE SERVICE AREA: Nob Hill Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE:

Water- Springdale Water Electric- Ozarks Electric

Natural Gas- Black Hills Corp

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Volunteer Holdings is requesting approval for Village Heights Preliminary Subdivision. The request is to split a 12.94 acre +/- tract into 6 smaller tracts ranging from 1.00 acre to 1.32 acres in size with a remainder tract.

A Conditional Use Permit was not required due to each lot being an acre or larger.

The proposed lots and remainder with their associated acreage are as follows:

Lot 1	1.00 ± acres	Lot 5	1.13 ± acres
Lot 2	1.02 ± acres	Lot 6	1.32 ± acres
Lot 3	1.02 ± acres		
Lot 4	1.05 ± acres	Remainder	6.54 ± acres

Each lot is proposed to have its own septic sewer system. This will be installed once the applicant has a buyer and the construction plans are known. Soil analysis for each lot detailed that the soil was suitable for single family standard septic system.

This project came before the Planning Board on September 27, 2018. Planning Staff had requested for the project to be tabled to allow the applicant sufficient time to address drainage and septic concerns. Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Sewer/Septic

1. The applicant has yet to receive determination from the Department of Health in Little Rock. Permits will have to be approved by the Department of Health.
2. The applicant has received soil analyses from a Designated Representative. Staff has yet to receive a copy of the report at this time.

Electric/Phone/Gas

1. Any damage or relocation of utilities will be at the expense of the owner/applicant.
2. Ozarks Electric had the following comments:
 - a. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
 - b. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
 - c. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
 - d. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
 - e. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
 - f. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
 - g. 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.
 - h. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
 - i. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.

Water and Fire

1. Springdale Water Authority had no comment.
2. The Washington County Fire Marshal has the following comments:
 - a. Fire lane signs must be labeled on the plat unless the road unless the road is 28 feet in width.
 - b. The fire lane signs must be placed on the side of the road with the fire hydrants. Per State Code D103.6, fire apparatus roads shall be marked with permanent "No Parking-Fire Lane" signs complying with figure D103.6. The State Law says there is to be no parking in front of a fire hydrant § 27-51-1302. This pertains to existing fire hydrants along Broadview Drive WC 1037.
 - c. Frederickson Road WC 3554 improvements must show the road being widened to 20 feet in width.
 - d. Per State Code B105.1, The minimum fire-flow and flow duration requirements for one and two family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than specified in table B105.1. Existing fire flow will not support residences in excess of 3,600 square feet. This should be placed on the plat.

Addressing

1. Lots that are over one-half acre in size will need to be addressed after the home location is known.

Environmental

1. 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

1. Any work done in the County road right of way requires a permit from the road department.
2. The road named "Frederickson" will have to be upgraded/built to Washington County road standards. Soilwork and a building plan will be required.

Drainage

1. Zach Moore, the contracted engineer from Garver, had concerns regarding the drainage of the subdivision. Most of Mr. Moore's concerns have been addressed by the applicant.
2. The Planning Department may require the applicant to obtain drainage easements from nearby neighbors per Mr. Moore's request, if needed.
3. Mr. Moore is requesting a ditch be constructed on the upstream side of the road.
4. Will there be significant breakover between grades in the existing Frederickson Road?
5. All requests from the contracted engineer must be satisfied before approval may be given.

SITE VISIT:

A site visit was conducted by planning staff on September 19, 2018.

Staff noted that Frederickson Road is very undeveloped. Upon conferring with the applicant, Chief of Staff, and Road Superintendent, Frederickson Road will have to be constructed to current County road standards.

To the north of the proposed subdivision, there exists a small community of duplexes. To the east and south is the Village Estates Subdivision. To the west are larger tracts of land that are either vacant or contain single family residences.

NEIGHBOR COMMENTS:

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

A total of 20 notifications were sent certified on September 13, 2018. Staff received a total of 3 comments from the certified mailings.

A courtesy letter was sent on October 18, 2018 informing the property owners within the 300 feet boundary that this project will be seen at the November 1, 2018 Planning Board. The courtesy letter included updated plans.

Staff will update the Planning Board at the meeting if any further 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 Volunteer Preliminary Subdivision. However, Staff feels that many of the neighbor concerns should be addressed by the Applicant. The approval conditions are:

Septic Conditions:

1. Soil analyses for each lot shall include a primary and secondary location. The soil analyses will be conducted by a Designated Representative from the Department of Health. A copy of this report must be delivered to the Planning Department.
2. There shall be no deviation from the plans and specifications unless revised plans and specifications have been submitted for review and written consent given.
3. 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.
4. 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.
5. 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.
6. 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 damage or relocation of utilities will be at the expense of the owner/applicant.
2. Ozarks Electric had the following comments:
 - a. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
 - b. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.

- c. All off site easements that are needed for Ozarks to extend electrical service to the subdivision property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
- d. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
- e. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
- f. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
- g. 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.
- h. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
- i. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.

Washington County Fire Marshal:

- 1. Fire lane signs must be labeled on the plat unless the road unless the road is 28 feet in width.
- 2. The fire lane signs must be placed on the side of the road with the fire hydrants. Per State Code D103.6, fire apparatus roads shall be marked with permanent "No Parking-Fire Lane" signs complying with figure D103.6. The State Law says there is to be no parking in front of a fire hydrant § 27-51-1302. This pertains to existing fire hydrants along Broadview Drive WC 1037.
- 3. Frederickson Road WC 3554 improvements must show the road being widened to 20 feet in width.
- 4. Per State Code B105.1, The minimum fire-flow and flow duration requirements for one and two family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than specified in table B105.1. Existing fire flow will not support residences in excess of 3,600 square feet. This should be placed on the plat.

Washington County Addressing Conditions:

- 1. Lots over one-half acre will be addressed when the home location is known.

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).

Washington County Road 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. The Frederickson Road will have to be upgraded/built to Washington County road standards. Soilwork and a building plan will be required.

Drainage Conditions:

1. The applicant must address concerns from the County contracted engineer.
2. Drainage easements may be required per the recommendation of the County contracted engineer.

Standard Conditions:

1. Washington County will not maintain any common areas.
2. Pay Engineering Fees and Mailing 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.
3. 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.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. All general plat checklist items must be corrected.
7. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
8. 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. Please contact the Circuit Clerk for acceptable plat sizes.

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

No Public Comment

Public Comment Closed

*Joel Kelsey made a motion to table the **Village Heights Preliminary Subdivision** subject to staff recommendations. Daryl Yerton seconded. All board members present were in favor of approving. Motion passed.*

5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - December 6, 2018
 - Upcoming 2019 schedule

Brian Lester updated Board Members regarding three separate projects. The first of which was the White River Landing CUP lawsuit, to which he stated that the appellees filed their response recently and it will be a while before the County gets word back on the Court of Appeals' ruling. In addition he has requested that the Judge make a ruling on the Stone Chapel Dog Kennel and Cattery CUP. He (Brian Lester) filed a Motion to Dismiss arguing that the neighbors did not provide any concrete evidence to support their lawsuit in opposition to the project. In order to have standing to bring a lawsuit there must be some sort of proof of an "injury and it can't be merely conjecture or hyperbole", which he assured it did not. Mr. Lester would go on to disclose that he requested a ruling on that motion from the Judge so that the case can move forward, as well as stating that "My plan is if the Judge denies that motion, then we will file a Motion for Summary Judgment because you said yes, the Quorum Court said yes, and our Planning Staff said yes". The final project discussed was the Old Wire Service and Recreation Facilities CUP. Mr. Lester explained that he has filed "a Motion to Dismiss via 12(b)(6)", as jurisdiction had not been properly established by the opposing counsel within the Circuit Court.

6. Old Business

7. Adjourn

Daryl Yerton moved to adjourn. Joel Kelsey seconded. All Board members present 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