

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**&**  
**ZONING BOARD OF ADJUSTMENTS**  
**May 2, 2019**  
5:00 pm, Quorum Court Room, New Court House  
280 N. College Ave.  
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

**CONDITIONAL USE PERMIT HEARINGS**

County

**a. Reese Residential CUP**

**Approved**

County

**b. Dutch Mills Wireless Facility CUP**

**Approved**

County

**c. Thomas Pearson Road Wireless Facility CUP**

**Approved**

Fayetteville Planning Area

**d. The Big Red Barn CUP**

**Approved**

**LAND DEVELOPMENT HEARINGS**

Fayetteville Planning Area

**e. The Big Red Barn Pre-LSD**

**Approved**

County

**f. Ake Minor Subdivision**

**Approved**

County

**g. Young Summers Minor Subdivision**

**Approved**

Greenland Planning Area

**h. White River Landing Pre-LSD**

**Approved**

1. **ROLL CALL:** *Roll call was taken. Members present include Randy Laney, Walter Jennings, Robert Daugherty, Philip Humbar, Neil Helm and Jay Percy. Joel Kelsey was not in attendance.*

2. **APPROVAL OF MINUTES:** *Walter Jennings made a motion to approve the minutes of March 28, 2019. Philip Humbar seconded. All board members present were in favor of approving. Motion passed.*

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

4. **NEW BUSINESS**

## CONDITIONAL USE PERMIT HEARINGS

### County

#### a. Reese Residential CUP

##### *Residential Conditional Use Permit Request*

Location: Section 17, Township 13, Range 30

Applicant: Emily Reese

Location Address: 20094 Hidden Valley WC 229

Approximately: +/- 1.96 acres / 1 parcel

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.79996558, Longitude: -94.19779535

Project #: 2019-061

Planner: Rick Barry email: [rbarry@co.washington.ar.us](mailto:rbarry@co.washington.ar.us)

**REQUEST:** Conditional Use Permit approval to allow an auction facility on a parcel of land that is 1.96 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 within a Planning Area; it is located solely within the County's jurisdiction.

**QUORUM COURT DISTRICT:** District 14 Ann Harbison Rural Fire Department

**FIRE SERVICE AREA:** Boston Mountain

**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE: Water-** Washington Water Authority    **Electric-** Ozarks Electric

**Natural Gas-** N/A

**Telephone-** Century Tel    **Cable-** N/A

### BACKGROUND/ PROJECT SYNOPSIS:

Emily J. Reese is requesting Residential Conditional Use Permit approval to allow for a proposed 14' by 44' house to be constructed on a parcel that currently has two existing residences. Per Washington County regulation, the zoning density requirement is 1 unit/acre. This project is located solely within Washington County's jurisdiction.

### TECHNICAL CONCERNS:

#### Water/Plumbing/Fire Issues:

Washington County Fire Marshal:

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
  - a. B105.1 One- and two-family dwellings. 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 structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

- i. Exceptions:
      - 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      - 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
- 3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      - 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
      - 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
      - 3. There are not more than two Group R-3 or Group U occupancies.
- 4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
  - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
    - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ii. In each room used for sleeping purposes.
      - 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
    - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
    - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
  - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
- 5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.

- a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
6. Houses shall be a minimum of 10' apart (the more distance the better) as according to the Arkansas Fire Prevention Code.

**Sewer/Septic/Decentralized Sewer:**

1. Full compliance with ADH regulations is required.

**Electric/Gas/Cable/Phone:**

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

There were no comments received regarding gas, cable and telephone to the proposal.

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

At this time, there have been no comments or concerns provided by the Washington County Road Department.

**Drainage:**

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

**Environmental Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Density/Uses:**

The surrounding uses are single family residential and agricultural. The site contains one permanent residence, one mobile residence, as well as this proposed third residence on a parcel of 1.96 acres.

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

**County's Land Use Plan (written document):**

According to the County's Land Use Plan,

**SECTION III. PHYSICAL DEVELOPMENT**

**A. LAND USE CONSIDERATIONS**

**1. RESIDENTIAL**

- a. To provide for development of residential areas at appropriate densities.

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

**Future Land Use Plan**

There is no future land use designation for this portion of the County.

**SITE VISIT:**

A site visit was conducted by planning staff on April 4, 2019.

**NEIGHBOR COMMENTS/CONCERNS:**

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

At this time, there has been one neighbor comment form received. This comment form states that the residence is already in place and is less than 5 feet from the road.

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

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

**Water/Plumbing/Fire Conditions:**

- 1. The property is served from a 3" water main paralleling Hidden Valley Road. If water service from the Washington Water Authority (WWA) distribution system is desired, a Request for Water Service application will need to be filed with the WWA office.

**Sewer/Septic/Decentralized Sewer Conditions:**

- 1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).

**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](mailto:wmahaffey@ozarksecc.com)

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$20.45) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 04/22/19).
2. Pay engineering fees. The total will be calculated for this project once all invoices have been 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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

*Walter Jennings, Planning Board Member, inquired, "What is the acreage of the smaller parcel?"*

*Rick Barry, Planner, replied, "It is 1.96 acres."*

*No Public Comment*

*Public Comment Closed*

*Robert Daugherty made a motion to approve the **Reese Residential CUP** subject to staff recommendations. Neil Helm seconded. All board members present were in favor of approving. Motion passed.*

County

**b. Dutch Mills Wireless Facility CUP**

***Communications Tower Conditional Use Permit Request***

Location: Section 28, Township 14 North, Range 33 West

Owners: Larry & Rosemary Miedema

Applicant: Smith Radio

Location Address: 16801 S HWY 59

Approximately +/- 11.51 acres/ 1 lot

Proposed Land Use: Communications Tower

Coordinates: Latitude: 36.04183015, Longitude: -94.51397384

**Project #: 2019-067**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** Smith Communications is requesting **Conditional Use Permit** approval to construct and operate a wireless communications facility 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:** None

**QUORUM COURT DISTRICT:** District 13, Willie Leming  
**SCHOOL DISTRICT:** Lincoln

**FIRE SERVICE AREA:** Evansville Rural

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

**BACKGROUND/PROJECT SYNOPSIS:**

Smith Communications is seeking Conditional Use Permit approval to construct and operate a wireless communications facility.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is not in a planning area.

The project parcel (001-05487-002) is approximately 11.50 acres (more or less) in size.

The proposed tower will be 285 feet tall.

The lease area for the wireless communications facility is approximately 0.23 acres (more or less) or approximately 10,000 square feet. It will be 100x100 feet accessibly via S Hwy 59 from an easement.

There are no known existing communications towers within a 2 mile radius of the project parcel.

The applicant is not installing any type of building that will utilize septic/sewer.

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Washington Water Authority services this parcel and had the following comments:

1. The property is served from a 4" water main paralleling HWY 59. If water service from the Washington Water Authority (WWA) distribution system is desired, a Request for Water Service application will need to be filed with the WWA office (<https://washingtonwater.org/new-service-request>).

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

2. The road shall be a minimum of 26' wide with 38' turning radius and an approved turnaround. The access easement will need to be larger. This is for ladder truck access due to the height of the tower.
  - a. D103.2 Fire apparatus access roads shall not exceed 10 percent in grade.
    - i. Exception: Grades steeper than 10 percent as approved by the fire chief.
  - b. D103.3 The minimum turning radius shall be determined by the fire cede official.
  - c. D103.4 Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provision in accordance with table D103.4
  - d. 13'6" height clearance on driveway to tower add around tower
  - e. Fire Lane No Parking at front entrance.
3. There shall be a submitted statement from an engineer with their stamp of approval stating the drive is compacted to 75,000 pounds in all weather conditions.
  - f. D102.1 Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire departments apparatus by way of an approved fire apparatus access

- road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of 75,000 pounds.
4. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
    - g. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
    - h. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
      - i. Exceptions:
        1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
        2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
  5. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
    - i. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
      - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
        1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
        2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
        3. There are not more than two Group R-3 or Group U occupancies.
  6. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
    - j. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
    - k. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
  7. Should a building or generator be added to the site they shall obtain approval from the Washington County Fire Marshal.
  8. Any gate? Needs to be size of driveway. Knox Lock on gate.



**Health Department Issues:**

There is no proposed septic system.

**Electric/Phone:**

Ozarks Electric is the provider for this parcel. They had the following 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](mailto:wmahaffey@ozarksecc.com)

Prairie Grove Telephone provides phone service for this area. They did not submit comments.

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

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on AR S Hwy 59 is very adequate.

Please contact the Arkansas Department of Transportation and comply with all permitting and regulations concerning constructing in the Right-Of-Way.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. No additional comments.
2. The drainage report will need to be submitted and reviewed during the tower review process.

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Concerns:**

Signage: All proper signs must be visible on the fence.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation.

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily residential/agricultural.

**County's Land Use Plan (written document):**

According to the County's Land Use Plan:

**Section III. Physical Development**

**2. LIGHT COMMERCIAL**

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

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

Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. A wireless communications facility with sufficient visual mitigation such as opaque fencing or vegetation will assist with the visual impact of the project. Also, there is existing vegetation along the western and southern sides of the property.

The tower is proposed to be 285 feet tall. There exists one residence within the tower height plus 400 foot distance. A letter of consent from the property owner will be provided once the letter is signed and received.

Also, tower coverings come standard in white. A different color may be requested to allow the tower to blend in the area better.

**Site Visit:**

A site visit was conducted by Planning Staff on 04/15/2019. Staff did notice anything of concern. The neighborhood is very quiet.

**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 eleven (11) certified notifications on April 18, 2019. Staff has received one (1) comment in opposition of the project. The neighbor is worried that the tower is too close to their residence and is worried about health concerns.

Planning Staff will update the Board of any more comments.

**STAFF RECOMMENDATION: Staff recommends approval of the Dutch Mills Wireless Communications Facility Conditional Use Permit with the following conditions:**

**Water/Plumbing/Fire Conditions:**

Washington Water Authority services this parcel and has the following conditions:

1. The property is served from a 4" water main paralleling HWY 59. If water service from the Washington Water Authority (WWA) distribution system is desired, a Request for Water Service application will need to be filed with the WWA office (<https://washingtonwater.org/new-service-request>).

The Washington County Fire Marshal has the following conditions:

1. The road shall be a minimum of 26' wide with 38' turning radius and an approved turnaround. The access easement will need to be larger. This is for ladder truck access due to the height of the tower.
  - a. D103.2 Fire apparatus access roads shall not exceed 10 percent in grade.
    - i. Exception: Grades steeper than 10 percent as approved by the fire chief.
  - b. D103.3 The minimum turning radius shall be determined by the fire cede official.
  - c. D103.4 Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provision in accordance with table D103.4
  - d. 13'6" height clearance on driveway to tower add around tower
  - e. Fire Lane No Parking at front entrance.
2. There shall be a submitted statement from an engineer with their stamp of approval stating the drive is compacted to 75,000 pounds in all weather conditions.
  - a. D102.1 Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire departments apparatus by way of an approved fire apparatus access

- road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of 75,000 pounds.
3. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
    - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
    - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
      - i. Exceptions:
        1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
        2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
  4. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
    - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
      - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
        1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
        2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
        3. There are not more than two Group R-3 or Group U occupancies.
  5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
    - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
    - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
  6. Should a building or generator be added to the site they shall obtain approval from the Washington County Fire Marshal.
  7. Any gate? Needs to be size of driveway. Knox Lock on gate.

**Health Department Conditions:**

1. Please contact the Arkansas Department of Health if septic/sewer is needed in the future.

**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.
2. Please contact the Arkansas Department of Transportation to obtain proper permits and regulations prior to construction.

**Environmental Conditions:**

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

**Signage/Lighting/Screening Conditions:**

Signage: All proper signs must be visible on the fence.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation.

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned if needed.

**Utility Conditions:**

Ozarks Electric is the provider for this parcel. They have the following conditions:

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](mailto:wmahaffey@ozarksecc.com)

**Planning Conditions:**

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

**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. **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.

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

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve the Dutch Mills Wireless Facility CUP subject to staff recommendations. Neil Helm seconded. All board members present were in favor of approving. Motion passed.

County

**c. Thomas Pearson Road Wireless Facility CUP**

**Communications Tower Conditional Use Permit Request**

Location: Section 07, Township 16 North, Range 31 West

Owners: JZ Tower LLC

Applicant: BRT Group LLC

Location Address: W HWY 16 & Greenburrow WC 662

Approximately +/- 8.16 acres/ 1 lot

Proposed Land Use: Communications Tower

Coordinates: Latitude: 36.04183015, Longitude: -94.51397384

**Project #: 2019-065**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** BRT Group, LLC is requesting **Conditional Use Permit** approval to construct and operate a wireless communications facility 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:** None

**QUORUM COURT DISTRICT:** District 7, Sam Duncan

**FIRE SERVICE AREA:** Wedington Rural

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE: Water-** Washington Water Authority

**Electric-** Ozarks Electric

**Natural Gas-** None

**Telephone-** AT&T

**Cable-** Cox Communications

**BACKGROUND/PROJECT SYNOPSIS:**

BRT Group, LLC is seeking Conditional Use Permit approval to construct and operate a wireless communications facility.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is not in a planning area.

The project parcel (001-11521-002) is approximately 8.26 acres (more or less) in size.

The lease area for the wireless communications facility is approximately 0.23 acres (more or less) or approximately 10,000 square feet. It will be 10x10 feet accessibly via W Hwy 16 from a 25 foot easement.

The applicant is not installing any type of building that will utilize septic/sewer.

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Washington Water Authority services this parcel and had the following comments:

1. The property is served from a 6" water main paralleling HWY 16. If water service from the Washington Water Authority (WWA) distribution system is desired, a Request for Water Service application will need to be filed with the WWA office (<https://washingtonwater.org/new-service-request>).
2. A Fire Hydrant is located just south of the project, at the intersection of Greenburrow Road and HWY 16. Hydraulic characteristics of the hydrant are as follows:
  - Static Pressure: 53 psi
  - Residual Pressure: 20 psi @ 320 gpm

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

1. The road shall be a minimum of 26' wide with 38' turning radius and an approved turnaround. The access easement will need to be larger. This is for ladder truck access due to the height of the tower.
  - l. D103.2 Fire apparatus access roads shall not exceed 10 percent in grade.
    - i. Exception: Grades steeper than 10 percent as approved by the fire chief.
  - m. D103.3 The minimum turning radius shall be determined by the fire code official.
  - n. D103.4 Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provision in accordance with table D103.4
  - o. 13'6" height clearance on driveway to tower add around tower
  - p. Fire Lane No Parking at front entrance.
2. There shall be a submitted statement from an engineer with their stamp of approval stating the drive is compacted to 75,000 pounds in all weather conditions.
  - q. D102.1 Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire departments apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of 75,000 pounds.
3. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
  - r. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - s. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
4. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - t. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3

2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.
5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - u. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
  - v. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
6. Should a building or generator be added to the site they shall obtain approval from the Washington County Fire Marshal.
7. Any gate? Needs to be size of road. Knox Lock
8. Page C-2 wrong city on site address

**Health Department Issues:**

There is no proposed septic system.

**Electric/Phone:**

Ozarks Electric is the provider for this parcel. They had the following 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](mailto:wmahaffey@ozarksecc.com)

AT&T provides phone service for this area. They did not submit comments.

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

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on AR W Hwy 16 is very adequate.

Please contact the Arkansas Department of Transportation and comply with all permitting and regulations concerning constructing in the Right-Of-Way.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. No additional comments.
2. The drainage report will need to be submitted and reviewed during the tower review process.

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Concerns:**

Signage: All proper signs must be visible on the fence.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation.

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily residential/agricultural.

**County's Land Use Plan (written document):**

According to the County's Land Use Plan:

**Section III. Physical Development**

**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.

Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. A wireless communications facility with sufficient visual mitigation such as opaque fencing or vegetation will assist with the visual impact of the project. Also, there is existing vegetation along the western and southern sides of the property.

The tower is proposed to be 255 feet tall. Tower coverings come standard in white. A different color may be requested to allow the tower to blend in the area better.

**Site Visit:**

A site visit was conducted by Planning Staff on 04/15/2019. Staff did notice anything of concern. The neighborhood is very quiet.

**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 eight (8) certified notifications on April 18, 2019. Staff has received one (1) comment in favor of the project. The neighbor would prefer the tower to be camouflaged like the tower on Crossover/265 in Fayetteville.

Planning Staff will update the Board of any more comments.



**STAFF RECOMMENDATION:** Staff recommends approval of the Thomas Pearson Wireless Communications Facility Conditional Use Permit with the following conditions:

**Water/Plumbing/Fire Conditions:**

Washington Water Authority services this parcel and has the following conditions:

1. The property is served from a 6" water main paralleling HWY 16. If water service from the Washington Water Authority (WWA) distribution system is desired, a Request for Water Service application will need to be filed with the WWA office (<https://washingtonwater.org/new-service-request>).
2. A Fire Hydrant is located just south of the project, at the intersection of Greenburrow Road and HWY 16. Hydraulic characteristics of the hydrant are as follows:
  - Static Pressure: 53 psi
  - Residual Pressure: 20 psi @ 320 gpm

The Washington County Fire Marshal has the following conditions:

1. The road shall be a minimum of 26' wide with 38' turning radius and an approved turnaround. The access easement will need to be larger. This is for ladder truck access due to the height of the tower.
  - a. D103.2 Fire apparatus access roads shall not exceed 10 percent in grade.
    - i. Exception: Grades steeper than 10 percent as approved by the fire chief.
  - b. D103.3 The minimum turning radius shall be determined by the fire code official.
  - c. D103.4 Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provision in accordance with table D103.4
  - d. 13'6" height clearance on driveway to tower add around tower
  - e. Fire Lane No Parking at front entrance.
2. There shall be a submitted statement from an engineer with their stamp of approval stating the drive is compacted to 75,000 pounds in all weather conditions.
  - a. D102.1 Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire departments apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of 75,000 pounds.
3. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
4. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

- i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
  1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
  2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
  3. There are not more than two Group R-3 or Group U occupancies.
5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
  - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
6. Should a building or generator be added to the site they shall obtain approval from the Washington County Fire Marshal.
7. Any gate? Needs to be size of road. Knox Lock
8. Page C-2 wrong city on site address

**Health Department Conditions:**

1. Please contact the Arkansas Department of Health if septic/sewer is needed in the future.

**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.
2. Please contact the Arkansas Department of Transportation to obtain proper permits and regulations prior to construction.

**Environmental Conditions:**

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

**Signage/Lighting/Screening Conditions:**

Signage: All proper signs must be visible on the fence.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation.

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned if needed.

**Utility Conditions:**

Ozarks Electric has the following conditions:

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

**Planning Conditions:**

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

**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. **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.

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

*Public Comment*

*Dinah Dickerson, Neighbor residing at 1503 Greenburrow Road, addressed the Board, "I was the comment on opposition. Primarily from a safety perspective. If you guys are familiar with that section of Greenburrow it is a very, very dangerous road that we have to pull in. It is always a dodge game to make sure no one is coming around that corner so it is a safety issue. I've expressed concerns about it being a 55 mile an hour road and the safety sight distance. I don't think it meets criteria, based on that 55. You guys were shown the chart to show that. The other concern was to be able to check on any kind of camouflage or anything to do to help on the actual visual part of it, but the primary concern was safety. The other I wasn't quite clear on the actual lighting on the tower. Is that going to end up being a strobe light out there? Then, from the staffs own report where they quote that the tower is 255 ft. tall 'tower coverings come standard in white. A different color may be requested to allow the tower to blend in area better.' I don't really know what that means or what the options are. I wanted more specifics on that. Then, we go to the road visibility which is a safety, sight distance issue, and the lighting. Finally, as I flip through the letter we received, the frequency of traffic portion said a few cars a month going in to check that. I mean it is a business. The applicants own traffic report then revised that to say 1 or 2 passenger type small commercial vehicles a week. That's a little bit more. Obviously it's not going to be high traffic, but it is traffic on a blind curve out there which doesn't meet the way I interpret the rules. I think that's about the bulk of the concerns. Again, in the applicants own application they show sight distance on their own map which is also less than what I interpret the rules to be on the 55 mile an hour road. Those are my main concerns, basically safety. I think it is commercial and the entrance to a commercial location. Thank you."*

*Tom Holliman, Representative of the applicant BRT Group LLC, addressed the Board, "Our initial tenant is going to be T-Mobile. As you probably already know when we are given the search area by the engineers of our client. They indeed wanted to come down on HWY 16 just west of Fayetteville and provide better coverage along the highway and that part of the county. We felt like that was a good site. When we try to locate a property like this we try to find the least obtrusive obviously. We felt really good about this particular site. All the trees and the woods. We are way back in the back of this parcel. We did notice of course the highway is curvy in there. As we always do on state highways we immediately contact the Highway Departments. We have done that in this particular case. We already have approval by them of our entrance. They have already looked at it and studied our plans. We will have to get a permit. The actual permit itself from the highway department. I've got correspondence between them and us that says they will do that. We feel like that should satisfy the horizontal distance issue of safety. When we say 1-2 cars a week that is pretty aggressive. It really is not that much. We don't want to misstate that kind of thing, but when there is only one carrier on the tower like it will initially be its more like 1-2 cars a month. In reality of the technicians coming out to check on equipment and what have you. Now when and if the desire is to get more tenants on that tower. BRT is in contact constantly with Verizon and AT&T so over the next few years there is a good chance that they will go on that tower as well. What that means is at the most you might have 3, 4 or 5 trucks a month come out there just to check on the equipment. It is that kind of activity. As far as the aesthetics of it, now this is a 245 ft. self-supporting tower. They are all designed to be galvanized steel. We have all seen them all over the place. In fact I've done these for 20 years all over the United States and what we have found out is the actual galvanized steel is the least obtrusive color because it blends in with the cloudy skies. Especially when you have an area of trees. You paint them white they actually stand out more sometimes. You see them all over Fayetteville; the white monopoles. From a color stand point it will just be a kind of a light galvanized metal. Given the rural nature of the area and the height of the existing trees out there. Ms. Dickerson, I met with her yesterday, she is a nice lady and we had a good visit. We always want to be good neighbors to people that have issues. I wanted to meet with her and I was able to look out and see what she is going to be looking at. She probably is the only residence out there that might see that tower sticking above the trees. I will acknowledge that, but it is a 1/2 mile away. A lot of times when we go and make applications for cell towers we try to do the possibility of photo simulations of what a tower is going to look like. We can't even do a photo simulation out there because of all the trees. We can't even get a point to even take a picture. We actually looked at that possibility. When you get a 1/2 a mile away photo simulations are difficult to do. They are not really applicable to do like when you are in town and you are trying to see what a tower is going to look like. Of course on our side of the table we feel like from a visual stand point that isn't really going to impact that area that much. Lighting, it will be lit. Any tower over 200 ft. is going to have some kind of light on it. I don't have the specifics, I don't think it is a strobe light. We will have probably 2 or 3 red lights. One red light every so many feet coming down from the top. I don't know what the light is on the top right this second. The FAA will require us to have it lit, but it won't be a strobe light. At worst it will be a blinking white light on top. I can get you more details on that. It is nothing different from any other tower that you have ever seen around Washington County. I do have two other gentleman here in case we have other questions. Mr. Cliff McKinney from Little Rock and Jim Gris from Kansas City. They are my associates that come with us on zoning meetings. I will leave it at that for now. We will be happy to answer any more questions that any of you may have."*

*Randy Laney, Planning Board Chairman, inquired, "Is it safe to assume the lighting will be the minimal it has to be to meet FAA approval? It won't be anything in excess of that?"*

*Tom Holliman replied, "No, sir."*

*Public Comment Closed*

*Robert Daugherty made a motion to approve the **Thomas Pearson Road Wireless Facility CUP** subject to staff recommendations. Neil Helm seconded. All board members present were in favor of approving. Motion passed.*

Fayetteville Planning Area

**d. The Big Red Barn CUP**

***Conditional Use Permit***

Location: Section 30, Township 17, Range 30

Owners: Donnie & Charlotte King

Engineer: Bates & Associates

Location Address: 3287 N. Ruppel Rd WC 894

Approximately: +/- 16.52 acres / 1 lot

Proposed Land Use: Wedding/Event Center

Coordinates: Latitude: 36.11147248, Longitude: -94.21433868

**Project #: 2018-172**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** Donnie and Charlotte King are seeking **Conditional Use Permit** approval to operate a commercial building for an event center 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 Fayetteville

**QUORUM COURT DISTRICT:** District 7, Sam Duncan

**FIRE SERVICE AREA:** Wheeler Rural

**SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE: Water-** Fayetteville Water

**Electric-** Ozarks Electric

**Natural Gas-** None

**Telephone-** AT&T

**Cable-** Cox Communications

**BACKGROUND/PROJECT SYNOPSIS:**

Donnie and Charlotte King are seeking Conditional Use Permit and Preliminary Large Scale Development approval for a commercial building for an event center.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is in the City of Fayetteville Planning Area.

The project parcel (001-16774-004) is approximately 16.52 acres (more or less) in size.

The applicants will utilize an existing two-story barn as an event center. The total building height is approximately 44 feet. The first (ground) floor is approximately 5,250 square feet. The second (upper) story is 3,888 square feet.

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

City of Fayetteville Water services this parcel and did not submit a comment.

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

1. New and Existing Buildings and facilities shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address

numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

2. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further or the building added onto without an established water supply approved by the Washington County Sheriff Office Fire Marshal's Division. When a sufficient water supply is available, the owner shall install fire hydrants on site and install a NFPA 13 sprinkler system should they want to host more than 100 occupants without a fire watch from the local Fire Department.
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. You shall have an engineered statement insuring the drive and facility is compacted to 75,000 pounds submitted to the Washington County Sheriff Office Fire Marshal Division.
  - a. D102.1 Access and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050kg).
4. Add address to Fire Marshal on front page. 1155 W. Clydesdale Dr. Fayetteville, AR 72701
5. Fix radius to be a minimum of 38'.
6. Heights of power line on south side?
7. Need to show Fire Lane No Parking signs.
8. Trees need to be trimmed back to 13'6" at all times.
9. Knox pad lock on gates and Knox Box on building (with tamper switch to fire alarm). Applicant's thoughts?
10. Use of small building in back. If going to use need plans.
11. They shall not host more than 100 occupants at any time without having a minimum of 4 certified Firefighters and a fire engine on site from the local fire department. They shall be on site until the event is over or there are less than 100 people left in the structure. A max occupancy sign shall be posted with the requirements as stated above along with a max occupancy sign for the upstairs area.
12. A monitored fire alarm system with smoke and/or heat detectors shall be installed in the building. Plans shall be submitted to the Washington County Fire Marshal for review ASAP.
13. Any indoor displays shall comply with section 314 of the fire code. This is to include any vehicles in the building as display during any event.
14. Any open flame shall comply with section 308 of the Arkansas Fire Prevention Code.
15. The power sliding doors shall comply with section 1008.1.4.2 & 1008.1.4.3.
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17. Type of exit door up stairs? Needs panic hardware.
18. Egress balcony needs to comply with section 1019 of the Arkansas Fire Prevention Code volume I. (Request the fire marshal to read this section)
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20. During events there shall be clear defined aisles that are not blocked. Be mindful of the interior stairs.
21. Exterior egress lighting needs to be shown.
22. The walls must be rated.
23. A suppression system will be needed for the stove.
24. A passing structural analysis must be obtained.

**Health Department Issues:**

1. A Food Service Application may be applied for as long as there is a 3 compartment sink. Please contact the Department of Health.

**Electric/Phone:**

Ozarks Electric is the provider for this parcel. They had the following 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](mailto:wmahaffey@ozarksecc.com)

AT&T provides phone service for this area. They did not submit comments.

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

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on Ruppel Road is very adequate.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. Please show/label existing pipes at the pond outlet.
2. Are there other existing pipes along the northeast?
3. Please show/label proposed pipes to be installed by the Washington County Road Department.
4. Please include an explanation in the Drainage Report as to why the area to the northwest is not draining to the pond. If there's a berm or other diversion swale, please provide pictures and/or show the location on the drainage area map.
5. If the normal WSE is 1280.10, then detention storage below this elevation cannot be counted. This is assuming the pond is empty at the beginning of the storm event which is not the case.

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Concerns:**

Signage: All proper signs must be visible on the fence if required.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation if required.

**Sheriff's Office Concerns:**

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

## **COMPATIBILITY CONCERNS:**

### **Surrounding Uses:**

The surrounding uses are primarily residential/agricultural.

### **County's Land Use Plan (written document):**

According to the County's Land Use Plan:

#### **Section III. Physical Development**

##### **2. LIGHT COMMERCIAL**

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

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

Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. The applicant has adequate tree coverage along the east side of the property and has planted more. Also, a fence surrounds the property. Landscaping has been utilized to give the project site a very appealing visual to the neighborhood.

### **Site Visit:**

A site visit was conducted by Planning Staff on 04/16/2019. Staff did notice anything of concern. The neighborhood is very quiet.

### **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 twelve (12) certified notifications on April 18, 2019. Staff has received one (1) comment in favor of the project.

Planning Staff will update the Board of any more comments.

## **STAFF RECOMMENDATION: Staff recommends approval of the Big Red Barn Conditional Use Permit with the following conditions:**

### **Water/Plumbing/Fire Conditions:**

City of Fayetteville Water conditions:

1. Please contact the City of Fayetteville Water Department should any water service related issues arise.

The Washington County Fire Marshal has the following conditions:

1. New and Existing Buildings and facilities shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
2. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further or the building added onto without an



established water supply approved by the Washington County Sheriff Office Fire Marshal's Division. When a sufficient water supply is available, the owner shall install fire hydrants on site and install a NFPA 13 sprinkler system should they want to host more than 100 occupants without a fire watch from the local Fire Department.

- a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. You shall have an engineered statement insuring the drive and facility is compacted to 75,000 pounds submitted to the Washington County Sheriff Office Fire Marshal Division.
    - a. D102.1 Access and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050kg).
  4. Add address to Fire Marshal on front page. 1155 W. Clydesdale Dr. Fayetteville, AR 72701
  5. Fix radius to be a minimum of 38'.
  6. Heights of power line on south side?
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**Health Department Conditions:**

1. A Food Service Application may be applied for as long as there is a 3 compartment sink. Please contact 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.

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Conditions:**

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Screening: Please utilize an opaque screening method or plant vegetation if required.

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned if needed.
2. Please make sure the address is visible from the road.

**Utility Conditions:**

Ozarks Electric conditions:

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](mailto:wmahaffey@ozarksecc.com)

**Planning Conditions:**

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

**City of Fayetteville Planning Department Conditions:**

1. In light of the proposed conditional use permit's proximity to existing and planned residential uses, City of Fayetteville Planning staff recommends that events held at this property that include outdoor music be limited to the Friday and Saturday dates and times proposed in the request letter. To assure that those outdoor music events that do occur are of limited impact, staff recommends noise volume limits comparable to those within residential areas of Fayetteville. This includes the following:
  - a. 7:00 AM to 11:00 PM - 60 dB(A)
  - b. 11:00 PM to 7:00 AM - 55 dB(A)

Thank you for your consideration.

**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. **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.

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

*Randy Laney, asked, "I was curious as to the visual. You said green. Is it going to be trees and shrubs?"*

*Sita Nanthavong, Senior Planner, answered, "Trees and shrubs. Mostly trees. The site plan calls for trees. They have already planted some Junipers and some young trees here that were already existing when I visited. Up along this upper part here will be trees. I do not know what kind. Down here they are proposing Evergreens for screening."*

*Nathan Crouch, Planning Director, added, "Mr. Chairman, I might also note that there is a lot of existing mature trees up at the entrance along the road."*

*No Public Comment*

*Public Comment Closed*

*Robert Daugherty made a motion to approve **The Big Red Barn CUP** subject to staff recommendations. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.*

## **LAND DEVELOPMENT HEARINGS**

Fayetteville Planning Area

### **e. The Big Red Barn Pre-LSD**

***Preliminary Large Scale Development Request***

Location: Section 30, Township 17, Range 30

Owners: Donnie & Charlotte King

Engineer: Bates & Associates

Location Address: 3287 N. Ruppel Rd WC 894

Approximately: +/- 16.52 acres / 1 lot

Coordinates: Latitude: 36.11147248, Longitude: -94.21433868

**Project #: 2018-173**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary Large Scale Development approval existing barn to be utilized as an event center.

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

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

**QUORUM COURT DISTRICT:** 7, Sam Duncan      **FIRE SERVICE AREA:** Wheeler Rural

**SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE:**            Water- Fayetteville Water            Electric- Ozarks Electric  
                                         Natural Gas- None                            Telephone- AT&T                            Cable- Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

Donnie and Charlotte King are seeking Conditional Use Permit and Preliminary Large Scale Development approval for a commercial building for an event center.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is in the City of Fayetteville Planning Area.

The project parcel (001-16774-004) is approximately 16.52 acres (more or less) in size.

The applicants will utilize an existing two-story barn as an event center. The total building height is approximately 44 feet. The first (ground) floor is approximately 5,250 square feet. The second (upper) story is 3,888 square feet.

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

City of Fayetteville services this parcel and did not submit a comment.

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

1. New and Existing Buildings and facilities shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
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2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
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**Health Department Issues:**

1. A Food Service Application may be applied for as long as there is a 3 compartment sink. Please contact the Department of Health.

**Electric/Phone:**

Ozarks Electric is the provider for this parcel. They had the following comments:

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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.
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AT&T provides phone service for this area. They did not submit comments.

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

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on Ruple Road is very adequate.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

3. Please show/label existing pipes at the pond outlet.
1. Are there other existing pipes along the northeast?
2. Please show/label proposed pipes to be installed by the Washington County Road Department.
3. Please include an explanation in the Drainage Report as to why the area to the northwest is not draining to the pond. If there's a berm or other diversion swale, please provide pictures and/or show the location on the drainage area map.
4. If the normal WSE is 1280.10, then detention storage below this elevation cannot be counted. This is assuming the pond is empty at the beginning of the storm event which is not the case.

**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](http://www.adeq.state.ar.us)

**Signage/Lighting/Screening Concerns:**

Signage: All proper signs must be visible on the fence if required.

Lighting: 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).

Screening: Please utilize an opaque screening method or plant vegetation if required.

**Sheriff's Office Concerns:**

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

**SITE VISIT:**

A site visit was conducted by Planning Staff on 04/16/2019. Staff did notice anything of concern. The neighborhood is very quiet.

**NEIGHBOR COMMENTS:**

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 twelve (12) certified notifications on April 18, 2019. Staff has received one (1) comment in favor of the project.

Planning Staff will update the Board of any more comments.

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:** Staff recommends approval for the Big Red Barn Preliminary Large Scale with the following conditions:

**Water/Plumbing/Fire Conditions:**

City of Fayetteville Water conditions:

1. Please contact the City of Fayetteville Water Department should any water related issues arise.

The Washington County Fire Marshal conditions:

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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](mailto:wmahaffey@ozarksecc.com)

**Planning Conditions:**

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

**City of Fayetteville Planning Department Conditions:**

1. In light of the proposed conditional use permit's proximity to existing and planned residential uses, City of Fayetteville Planning staff recommends that events held at this property that include outdoor music be limited to the Friday and Saturday dates and times proposed in the request letter. To assure that those outdoor music events that do occur are of limited impact, staff recommends noise volume limits comparable to those within residential areas of Fayetteville. This includes the following:
  - a. 7:00 AM to 11:00 PM - 60 dB(A)
  - b. 11:00 PM to 7:00 AM - 55 dB(A)

Thank you for your consideration.

**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 with updates for the Board Members.

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve The Big Red Barn Pre-LSD subject to staff recommendations. Neil Helm seconded. All board members present were in favor of approving. Motion passed.

County

**f. Ake Minor Subdivision**

***Preliminary and Final Approval Requests***

Location: Section 12, Township 16, Range 32

Owners: Nolan & Rachel Ake

Engineer: Engineering Services Inc., ESI

Location Address: 15054 Draper WC 658

Approximately: +/- 37.44 acres / 4 lots

Coordinates: Latitude: 36.07553171, Longitude: -94.32840623

Project #: 2019-064

Planner: Rick Barry email: [rbarry@co.washington.ar.us](mailto:rbarry@co.washington.ar.us)

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Approval of Ake Minor Subdivision. The request is to create Tracts of 7.11, 17.49, 2.04, and 10.80 acres from a parcel of 37.44 acres.

**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, Sam Duncan.

**FIRE SERVICE AREA:** Wedington Rural Fire Department- No comments were received from Wedington Rural Fire Department.

**SCHOOL DISTRICT:** Prairie Grove

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

Telephone- AT&T    Cable- N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

Engineering Services, Inc, on behalf of Nolan & Rachel Ake, is requesting Minor Subdivision approval to create four tracts from a 37.44 acre parcel. This project is located solely within Washington County's unincorporated area.

Parent Lot (parcel #001-12749-000): 37.44 acres

Tract 1: 7.11 acres, no structures

Tract 2: 17.49 acres, includes one small building

Tract 3: 2.04 acres, no structures

Tract 4: 10.80 acres, no structures

**TECHNICAL CONCERNS:**

**Fire Marshal Comments:**

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
  - a. B105.1 One- and two-family dwellings. 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 structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
      2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
      3. There are not more than two Group R-3 or Group U occupancies.
4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
  - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
    - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ii. In each room used for sleeping purposes.
      1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
    - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels

and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.

- iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
  - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

#### **Utility Comments**

##### **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](mailto:wmahaffey@ozarksecc.com)

##### **Washington Water Authority Comments**

1. The property is served from a 4" water main paralleling Draper Rd. If any of the newly created properties desire water service from the Washington Water Authority (WWA) distribution system, a Request for Water Service application will need to be filed with the WWA office.

#### **SITE VISIT:**

A site visit was conducted by planning staff on April 4, 2019. 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.

At this time, there has been one comment form received from the neighbors. This comment form listed increased traffic, children playing, narrow curves on the road, as well as the possibility of low water pressure, among their concerns.

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.

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

**STAFF RECOMMENDATION:**

**Staff recommends Preliminary and Final Minor Subdivision approval of Ake Minor Subdivision with the following conditions:**

**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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees \$53.17 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 04/22/19).
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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.

6. 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.*

*No Public Comment*

*Public Comment Closed*

*Robert Daugherty made a motion to approve the Ake Minor Subdivision subject to staff recommendations. Philip Humbard seconded. All board members present were in favor of approving. Motion passed.*

County

**g. Young Summers Minor Subdivision**

***Preliminary and Final Approval Requests***

Location: Section 21, Township 15, Range 33

Owner: Eagle Holdings LLC

Engineer: Atlas Surveying

Location Address: 11081 Summers WC 457

Approximately: +/- 16.1 acres / 4 lots

Coordinates: Latitude: 36.05874015, Longitude: -94.05811993

**Project #: 2019-066**

**Planner: Rick Barry email: [rbarry@co.washington.ar.us](mailto:rbarry@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision Approval of Young Summers Minor Subdivision. The request is to create Tracts of 2.50, 2.50, 6.10, and 5.00 acres from a parcel of 16.10 acres.

**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 13, Willie Leming.

**FIRE SERVICE AREA:** **Cincinnati Rural Fire Department-** No comments were received from Cincinnati Rural Fire Department.

**SCHOOL DISTRICT:** Lincoln

**INFRASTRUCTURE:** **Water-** Lincoln Water **Electric-** Ozarks Electric **Natural Gas-** N/A

**Telephone-** Prairie Grove Telephone **Cable-** N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

Atlas Professional Land Surveying, on behalf of Eagle Holdings, LLC is requesting Minor Subdivision approval to create four tracts from a 16.10 acre tract. This project is located solely within Washington County's unincorporated area.

Parent Lot (parcel #001-09586-000): 14.97 acres

Tract A: 2.50 acres, no existing structures

Tract B: 2.50 acres, no existing structures

Tract C: 6.10 acres, no existing structures

Tract D: 5.00 acres, no existing structures

**TECHNICAL CONCERNS:**

**Fire Marshal Comments:**

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
  - a. B105.1 One- and two-family dwellings. 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 structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The proposed project has a fire-flow that can be met by tanker support from the local Fire Department. The property shall not be split any further without an established water supply approved by the Washington County Fire Marshal.
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
    - i. Exceptions:
      1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
      2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
      2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
      3. There are not more than two Group R-3 or Group U occupancies.
4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
  - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
    - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ii. In each room used for sleeping purposes.
      1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
    - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels

and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.

- iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
  - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
- a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

### **Utility Comments**

#### **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](mailto:wmahaffey@ozarksecc.com)

### **SITE VISIT:**

A site visit was conducted by planning staff on April 4, 2019. 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.

At this time, there have been no comments received from the neighbors.

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.

<b>Important Information Checklist</b>			
	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			
<b>General Plat Checklist</b>			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

**STAFF RECOMMENDATION:**

**Staff recommends Preliminary and Final Minor Subdivision approval of Young Summers Minor Subdivision with the following conditions:**

**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

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees \$53.17 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 04/22/19).
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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. 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.

No Public Comment

Public Comment Closed

Neil Helm made a motion to approve the Young Summers Minor Subdivision subject to staff recommendations. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.

Greenland Planning Area

**h. White River Landing Pre-LSD**

***Preliminary Large Scale Development Request***

Location: Section 09, Township 15, Range 30

Owners: Terry Wayne & Lavona Presley

Engineer: Bates & Associates

Location Address: 5241 Shaeffer WC 69

Approximately: 10.31 acres/ 1 lot

Coordinates: Latitude: 35.98965276, Longitude: -94.16338163

**Project #: 2018-133**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST:** White River Landing is requesting **Preliminary Large Scale Development** approval for the construction of a wedding/event center on a 7.24 acre parcel of land. An addition is proposed to be constructed onto an existing workshop building. Parking, septic, and planting plans are all proposed as well.

**CURRENT ZONING:** Project lies within the County's zoned area (Agriculture/Single-Family Residential 1 unit per acre). Project 2016-277 received Conditional Use Permit approval by the Planning Board on November 10, 2016, with conditions, and was ratified on March 21, 2019.

**PLANNING AREA:** This project is located in the City of Greenland's Planning Area.

**QUORUM COURT DISTRICT:** District 14, Ann Harbison

**FIRE SERVICE AREA:** West Fork Rural

**SCHOOL DISTRICT:** Greenland

**INFRASTRUCTURE:** **Water**– Fayetteville Water Hills

**Electric**- SWEPCO

**Natural Gas**– Black

**Telephone**- AT&T

**Cable**- Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

**White River Landing** wedding & event center is requesting Preliminary Large Scale Development approval to allow the construction of a wedding barn/event center on parcel # 001-06817-000, which is 7.24 acres. The construction involves retrofitting and adding-on to an existing workshop building that is approximately 2,650 sf in size. The proposed addition is 3,795 sf, 1,908 sf of which is covered patio area. The combined area of the proposed building is 6,445 sf.

60 regular parking spaces, with 6 overflow and 3 handicapped, for a total of 69 parking spaces is proposed.

**TECHNICAL CONCERNS:**

**Water Issues:**

Fayetteville Water services the property. A water easement was established in 2005, providing access for the service line from the house to the water main. Corey Granderson, of Fayetteville Water, commented that "water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability."

**Fire Issues:**

The entry of the development onto Shaeffer Rd is 65 ft. north of the existing residential driveway, and 26 ft. wide. The fire lane must be 24 ft. wide at minimum and constructed with gravel compacted to support 75,000 lbs in all weather conditions. The proposed fire lane loops around the portion of the property east of the existing building. The fire lane must be kept clear of parked cars etc., and all turning radii must be no less than 38 ft. to accommodate the larger tankers that would respond should a fire emergency take place. Overflow parking should be located between the fire lane entry and the residential driveway, just to the east of the pond. The proposed floorplan includes a 1,908 sf covered patio area on the south and west sides of the building. No tables or chairs may be used in the covered patio area. A separate covered grilling area is proposed to the south of the southwest corner of the building, and a smoking area just to the west of that. No cooking or grilling may take place anywhere within 20 ft. of the roof line. The nearest fire hydrant is approximately 1.5 miles to the south, in the Homestead Addition subdivision. The hydrant has a fire flow of 1,272 gpm, considered adequate by the fire marshal in regard to use as a filling hydrant for water tankers. A dry hydrant is proposed, sourcing its water from the on-site pond. However, the pond capacity will have to be evaluated, and the dry hydrant system will have to be designed by an engineer, then reviewed and approved by the Fire Marshal before installation may occur. Since the intent of a pond-fed dry hydrant is for fire protection, the pond is required to have a specific volume of water ready at all times. If the pond and dry hydrant are approved and implemented the stormwater drainage report should be edited to reflect the changes. Based on the floor plan provided by the applicant, the bldg. will be approx. 6,445 sf after the renovations, with 4,537 sf enclosed, and 1,908 sf covered patio with open sides. The fire marshal has classified the bldg. occupancy type, including the proposed improvements, as A2, which does not require a fire suppression (fire sprinkler) system and has a maximum occupancy load of 100 people. A fire suppression sprinkler system will be required if the applicant ever desires to increase the maximum occupancy load beyond 100 people, or increase the square footage of the building to greater than 5,000 sf. The covered patio area does not count toward that square footage as long as there is no seating under the patio roof. The maximum occupancy must be posted inside the bldg. All fire exits must be marked with signs and lights, and fire extinguishers must be placed according to state fire code. Architect stamped plans have been submitted, but an Engineer's Judgment must also be provided stating the existing building is structurally sound. The Fire Marshal will complete all inspections necessary for the building, and the final building and parking/driveway inspections. Washington County Planning will inspect the overall site according to adherence with the approved site plan and the conditions approved at CUP & LSD review.

**Septic/Health Department Issues:**

Soil information and an approved septic system design have been submitted. The Health Department's concerns and requirements have been addressed. The applicant understands the development must be in compliance with Arkansas Department of Health regulations.

**Electric/Phone/Water/Gas/Cable:**

This project is serviced by SWEPCO, AT&T, Fayetteville Water, and Black Hills natural gas. Generally, any relocation of existing facilities will be at the developer's expense.

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

At this location the County ROW is 30 ft from the centerline of the county road. Any work to be completed in the County right-of-way must be permitted prior to beginning construction. Upon visiting the site, the sight distance to the north is marginally adequate. So it is a condition of approval that the vegetation at the applicant's northeastern property corner be properly maintained as to maximize the sight distance. This is an ongoing condition of approval.

**Drainage:**

It is well known to the Road Department that Shaeffer Road has had drainage issues in front of this property, as the Road Department has attempted to repair it several times. The applicant and the Road Department Superintendent met on-site to discuss the drainage issue and new ways to mitigate the flooding. They agreed upon the solution to pipe the stormwater south, down the east side of the road, the cross under the road near the residential driveway on Mr. Presley's property, ultimately piping the water to the pond. This re-routing of the stormwater has been completed. The Road Department and Mr. Presley are both pleased with the results.

**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:**

The applicant has stated they wish to have two signs; a business sign and an exit sign. The business sign to let people know the name of the business, and the exit sign to encourage people to be courteous of the neighbors when leaving, to drive the speed limit, and to exit to the right only.

Planning Staff must review and approve both of the proposed signs, which must be no larger than 24 sq. ft. in size, and they must not be installed within the county road right-of-way.

All outdoor lighting, including the sign, 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 Large Scale Development.

No neighbor comments have been received. Staff will update you at the meeting if any neighbor comments are received.

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed White River Landing Preliminary Large Scale Development request, contingent upon receiving Fire Marshal approval of the dry hydrant and pond plans, with the following conditions:

**Fayetteville Water Conditions:**

1. Water use demand and meter sizing should be coordinated with City of Fayetteville Water Department to ensure serviceability.

**Fire Conditions:**

1. No tables or chairs are allowed to be used in the covered patio area on the west and south sides of the building. Any tables or chairs being used in these areas constitute a violation of the CUP.
2. No cooking, or grilling, may take place anywhere within 20' of the roof line.
3. The maximum occupancy (100) must be posted inside the bldg.
4. All fire exits must be marked with signs and lights.
5. Fire extinguishers must be placed and marked according to state fire code.
6. All entrance drives must be 24 ft. wide at minimum, and fire lane must support 75,000lbs in all weather conditions.
7. The fire lane must be kept clear of parked cars, etc., and all turning radii within the fire lane must be no less than 38ft.
8. Overflow parking is limited to the area between the fire lane entry and the residential driveway, just to the east of the pond.
9. Proposal must meet 2012 *Arkansas* International Fire Code.
10. A stamped Engineer's Judgment letter is required, stating the original building is structurally for the intended use.
11. A sidewalk is required, from the dressing room exits leading to the public way. The Fire Marshal will review and approve the plans.
12. Knox Box needs to be shown on the plans.
13. "Fire Lane – No Parking" signs are required along the fire lane and by the main entrance to the building.
14. An Engineer must sign compaction statement that the fire lane surface will support 75,000 lbs in all weather conditions.
15. A clear, unobstructed pathway is required through the covered patio area from the exits to beyond the roofline.
16. Move the doorway to the sound room to where it doesn't block the exit path from the bride's changing room.
17. No storage within 24-inches of the ceiling in any of the storage areas.
18. Submit plans for the fire alarm and smoke detection systems. They must be monitored systems with annual inspections.
19. All egress doors must be equipped with panic hardware.
20. Exterior egress lights are required and must be shown on the building plans.

**Proposed Dry Hydrant:**

21. Proposed dry hydrant must comply with NFPA 1142. Plans must be submitted to the Fire Marshal for review and approval.
22. Must be able to flow 1,000 FPM at draft.
23. Must use schedule 40 pipe.
24. Must provide, on a year round basis, the required quantity of water for fire flow. Should it not it must be repaired to do so and/or have a float pump installed to maintain water supply.
25. A bond must be put up with the county as per county ordinance.
26. Suction hose connections shall be compatible with the West Fork Fire Department hard suction. Contact prior to purchase for correct size.
27. Vehicle impact barriers required around FD connection. Minimum of 3 ft clearance space around connection.
28. Need support around all elbows and stress points needs to be shown.
29. Dry hydrant shall be accessible in all weather conditions.
30. Dry hydrants shall be made visible from the main roadway during emergencies by reflective marking and signage approved by the AHJ (Authority Having Jurisdiction).
31. Minimum of 2 ft of water is required above the top of the strainer.
32. Submit a Dry Hydrant Design worksheet as in NFPA 1142 appendix I.

**Septic Conditions:**

1. The septic system must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to operation of the business.
2. No parking (including overflow parking) is allowed on any portion of the septic system including the primary and alternate lateral fields.

3. Physical barriers must be placed adjacent to the primary and alternate septic lateral fields to prevent vehicles from damaging them. The barriers must be placed such that driving between or over them is not possible.

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

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work.
2. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. No off-site parking is allowed within Washington County's road right-of-way (ROW).
4. Mow/Clear vegetation in the area at the northeast corner of the property to maintain a clear line of sight from the commercial entry to the property. This is an ongoing condition and a note must be placed on the Final Plans that vegetation must be maintained in order to have a clear line of sight.
5. Must complete proposed striping at Wallen Mtn/Shaeffer Rd. intersection – Cost Share w/ County (Share Amounts TBD). This work must be permitted through ARDOT.

**Environmental Conditions:**

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

**Utility Conditions:**

1. Generally, any damage or relocation of utilities will be at the owner's expense.

**SWEPCO Conditions:**

1. Dedicate 20 ft. Utility Easement centered on all existing power lines.
2. Dedicate 20 ft. Utility Easement along the edge of Shaeffer Road.
3. Contact Swepeco at 888-216-3523 to make arrangements to upgrade service to remodeled building.
4. New building cannot be extended into Utility Easement.

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. Any proposed signs must be approved by the Planning Department.
3. Signs must be no larger than 24 sq. ft. in size, each.
4. Any outdoor lighting must be shielded from neighboring properties.
5. Any outdoor lighting must be indirect and not cause disturbance to drivers or neighbors.
6. All security lighting must be shielded appropriately.
7. If a dumpster is desired in the future, the location must be approved, and it must be screened with opaque fencing material, including the gate. Washington County Planning must approve the dumpster location and inspect the fencing.
8. Planting Plan must be approved by Planning Staff.

**Additional Conditions:**

1. Events are limited to 3 events per calendar week.
2. Events are limited to 1 event per day.
3. In addition to implementing the Planting Plan, the vegetative buffer on north property line must remain intact, and must be replaced if damaged or removed.
4. If the pond and dry hydrant plans are approved an updated stormwater drainage report is required, reflecting the changes to the pond and the volume of water required to be maintained.
5. No outdoor music is allowed with exception to the Wedding March for outdoor ceremonies.
6. No fireworks are allowed.
7. No outdoor activities are allowed after dark.
8. The business must close at 11:00 p.m.
9. No events will be held in the front portion of the property.
10. Erect 200 ft privacy fence along the north property line, centered on the building, according to the plans.
11. Plant additional trees/shrubs along the north property line according to the planting plan.

12. Insulate the building, which will act as a sound buffer.
13. White River Landing will not supply guests with alcohol – they must provide their own.
14. A sign is required to be placed in a conspicuous place, visible to guests as they exit, reminding them to be courteous of the neighbors, drive the speed limit, and exit to the south only.
15. An owner must be on-site during all gatherings.
16. The planting plan must be implemented.
17. Electric company contact information on the front page of the plans should list SWEPCO instead of Ozarks Electric.

**Standard Conditions:**

1. Floodplain permits will be required if any work is done in the floodplain.
2. Outdoor activities must be shown on LSD plans.
3. Pay engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office. **–Engineering fees will be totaled once the project is approved and all invoices have been received.**
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. 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), and therefore, the applicant must submit for Final Large Scale Development project review within 36 months of Preliminary LSD approval.

**PRIOR ZONING BOARD OF ADJUSTMENTS ACTION:**

Nov. 10, 2016 CUP Approved  
Mar. 21, 2019 CUP Ratified

*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 **White River Landing Pre-LSD** subject to staff recommendations. Walter Jennings 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:
  - o June 6, 2019
  - o July 11, 2019

*Nathan Crouch began, “At the direction of the Executive staff the Planning staff is looking to the other cities and counties for examples of how they conduct Conditional Use Permit review. What the submittal requirements are and what the pros and cons of some of their methods are so that we may change up our method to be more efficient and transparent on the requirements with regard to accessing compatibility and processing CUP’s. The problem seems to be that if an applicant submits everything they are required to there is no way of knowing whether their CUP would be considered compatible before the Planning Board Hearing. The subjectivity of our code seems to leave the opportunity wide open for the neighbors to stop a CUP based on several things, but a lot of times seems to be in the ‘not in my backyard’ emotions. To address this problem we would like to consider a more objective approach to assessing*

*compatibly for uses other than what are already allowed by right. Planning staff is eager to hear your thoughts though, on modifying the CUP review to become more objective. Please reach out to me for more in depth conversation as your time allows. Regarding Planning staff's recommendation to the Planning Board withholding the recommendation on compatibility has come before you a few times now. The reason behind the withholding has been due to the controversial nature of the projects whether it was opposed neighbors or some other issue. With Conditional Use Permits, especially the controversial ones, the Planning Department lacks an objective way to access compatibility. The recommendation to approve or deny a CUP becomes based on opinion. It becomes one side versus the other which can easily end up as an appeal to be heard by the courts. We'd like to keep our CUP's out of court while still conducting a very high level of review. Regarding the Minor Subdivision changes I have a meeting soon with Regional Planning to discuss their thoughts on what we are looking at. I will keep you posted on that too. I would just ask you to consider some of the things that you do like and some of the things that you don't like. Some of the things you understand very well and some things you don't about the CUP and let's open a dialogue. Whether that is between all of us or one-on-one. Over e-mail, phone or we'd be very happy for some of you to come in and visit us at the office. We don't get many visitors so please feel free. Either way I'd like to hear from you. We are just going to keep kicking this ball down the road to see if we can get it to stop somewhere good."*

*Randy Laney inquired, "Nathan, on your compatibility on CUP's, you are right it is subjective. I thought our existing policy sort of drove the process of the Planning Department, the neighbors and the developer to develop mitigating things that are pretty unique to every circumstance. Like tonight we heard of natural trees. In the past we've had berming. Are you all still going to drive towards something that you would've previously 'recommended'? Is it going to change the work process any?"*

*Nathan Crouch replied, "We can definitely use precedent from what we have recommended on similar projects in the past, but one of the problems that we hit is that a lot of these innovative methods that we might use to mitigate something, well it's not in our code and we can't require that without it being in our code."*

*Randy Laney continued, "Yes, but if it is required in order to encourage compatibility review that's been the hammer that we've had in the past. I guess I just don't want to get it to where we are planning it here in this public session where somebody says 'Well, I can see it' then we would say 'Hey, how about you proponent. Will you put the trees in or not?'. Then we kind of have a negotiation here. That is what the planning process is for. This is just my observations. I am not opposed to anything. I understand the court thing, but if you look at all of the cases we've reviewed statistically how many have gone to court? Not that many and I don't recall any that have actually reversed what the Planning Board did. It is more of what the Quorum Courts actions have been, but I am not 100% sure that it has never been the Planning Boards decision that's been overturned. I am not sure we are working on the right challenges. Never the less I think compatibility is subjective and it does depend and vary by location, mitigation efforts and by what the surround neighborhood is. I am open. I am objective but I don't know how you are going to draft that."*

*Nathan Crouch responded, "I have looked into the other cities. I've got some contacts at Fayetteville and Springdale that I think have their head in the right place. We are still looking to get some feedback from some of the other municipalities. I am very interested in what Regional Planning has to say."*

*Randy Laney stated, "Regional might be helpful. Municipalities seem like less so, because that is our challenge we are in such transition. The City of Fayetteville has been zoned in and out. Now they are backing up a little bit, but it has been there for a long time so people have been able to plan. When you've got a county that's in transition maybe that will be helpful, maybe not. I will be curious to see what you can find though."*



*Nathan Crouch affirmed, "Yes, sir."*

**6. Old Business**

**7. Adjourn**

*Robert Daugherty moved to adjourn. Walter Jennings 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: \_\_\_\_\_  
Randy Laney, Planning Board Chairman