

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
January 10, 2019
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a. Minor Subdivision Replat Lots 5 & 6 Oakview Estates

Approved

County

b. Minor Subdivision Replat Lot B-3 Bookout Minor Sub

Approved

CONDITIONAL USE PERMIT HEARING

County

c. Smith Towing and Recovery Impound CUP

Denied

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Walter Jennings, Joel Kelsey, Robert Daugherty, Philip Humbard, Neil Helm and Jay Percy.*

2. APPROVAL OF MINUTES: *Walter Jennings made a motion to approve the minutes of February 14, 2019. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Minor Subdivision Replat Lots 5 & 6 Oakview Estates

Preliminary and Final Replat Approval Requests

Location: Section 01, Township 16, Range 32

Owners: Bill & Debbie Purser

Engineer: Reid & Associates

Location Address: 15247 & 15241 W HWY 16

Approximately: +/- 11.17 acres / 2 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.08919757, Longitude: -94.33149623

Project #: 2019-027

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Minor Subdivision Replat Lots 5 & 6 Oakview Estates Subdivision. The request is to adjust the lot line between the two tracts of 5.47 and 5.70 acres respectively.

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

PLANNING AREA: This project is not located within a Planning Area; it is located solely within

the County's jurisdiction.

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

FIRE SERVICE AREA: **Wedington Rural Fire Department-** No comments were received from Boston Mountain Rural Fire Department, and Tyler McCartney, Washington County Fire Marshal does not typically review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: **Prairie Grove**

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

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Bill and Debbie Purser. The surveyor is Alan Reid of Alan Reid & Associates. The applicants are requesting a lot line adjustment for one parcel of 5.47 acres and one parcel of 5.70. Since both of these parcels are platted in the Oakview Estates Subdivision, any alteration to the property lines must process as a Minor Subdivision Replat. There are several structures on the properties at this time. However, this request is to adjust that property line away from the existing building.

Original Lot 5 (parcel # 370-12642-005): 5.47 acres (1 existing shed)

Adjusted Lot 5 (parcel # 370-12642-005): 5.06 acres

Original Lot 6 (parcel # 370-12642-006): 5.70 acres (1 existing home)

Adjusted Lot 6 (parcel # 370-12642-006): 6.11 acres (1 existing home, 1 existing shed)

TECHNICAL CONCERNS:

Fire Marshal Comments:

1. It is recommended that the property owners install smoke alarms in all structures and at least a 12' driveway.

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
5. There are Utility Easements along Ozarks overhead line.

Washington Water Authority Comments

1. Washington Water Authority does not have any water mains in close proximity to this project. If public water service is desired, a main extension will be necessary. Please have an engineer working on your behalf contact this office should you wish to pursue extending a water main to this property.

SITE VISIT:

A site visit was conducted by planning staff on March 19, 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.**

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

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Minor Subdivision Replat approval of Minor Subdivision Replat Lots 5 & 6 Oakview Estates 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
5. There are Utility Easements along Ozarks overhead line.

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 \$36.81 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 03/19/19).**
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

Walter Jennings made a motion to approve the Minor Subdivision Replat Lots 5 & 6 Oakview Estates subject to staff recommendations. Robert Daugherty seconded. All board members were in favor of approving. Motion passed.

County

b. Minor Subdivision Replat Lot B-3 Bookout Minor Sub

Preliminary & Final Replat Approval Requests

Location: Section 16, Township 16, Range 29

Applicant: Chris & Nancy Bookout

Engineer: Reid & Associates

Location Address: 16901 Lake Sequoyah WC 50

Approximately: +/- 5.05 acres / 3 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.05874015, Longitude: -94.05811993

Project #: 2019-028

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Minor Subdivision Replat Lot B-3 Bookout Minor Subdivision. The request is to divide the Lot into three (3) lots.

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 15, Butch Pond.

FIRE SERVICE AREA: Round Mountain Rural Fire Department- No comments were received from Boston Mountain Rural Fire Department.

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Water Electric- Ozarks Electric Natural Gas- SourceGas

Telephone- **AT&T** Cable- **Cox Communications**

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Chris & Nancy Bookout. The surveyor is Alan Reid of Alan Reid & Associates. The applicants are requesting permission to replat a lot that is currently 5.05 acres into lots of 1.08, 1.45 and 2.52 acres. Since both of these parcels are platted in the Oakview Estates Subdivision, any alteration to the property lines must process as a Minor Subdivision Replat. There are several structures on the property at this time.

Parent Lot (parcel #117-00002-000): 5.05 acres

Tract B-3A: 1.08 acres (0 existing structures)

Tract B-3B: 1.45 acres (1 existing shed)

Tract B-3C: 2.52 acres (0 existing structures)

TECHNICAL CONCERNS:

Fire Marshal Comments

1. The road being over 750' long will need to be a minimum of 26' wide with 38' turning radius and an approved turnaround.
 - a. D103.3 The minimum turning radius shall be determined by the fire code official.
 - b. 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
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. 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.
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.
 - 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.
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.
 - 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.
6. 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.
7. 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.

8. 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.

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

SITE VISIT:

A site visit was conducted by planning staff on March 19, 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.**

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

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Minor Subdivision Replat approval of Minor Subdivision Replat Lot B-3 Bookout Minor Subdivision with the following conditions:

Planning Conditions:

1. The private road development resulting from this proposal stands at 30' which allows for access to up to four (4) residences, any further development will require a widening of the right-of-way to 50', as well as additional conditions per Section 11-95 of the Washington County Code.

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 \$49.08 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 03/19/19).**
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 **Minor Subdivision Replat Lot B-3 Bookout Minor Sub** subject to staff recommendations. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARING

County

c. Smith Towing and Recovery Impound CUP

Conditional Use Permit Request

Location: Section 08, Township 13, Range 30

Applicant: Josh & Amanda Smith

Location Address: Winn Creek Rd., WC 228

Approximately: +/- 1 acre / 1 parcel

Proposed Land Use: Commercial Towing

Coordinates: Latitude: 35.82117618, Longitude: -94.19807913

Project #: 2018-337

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

REQUEST: Josh and Amanda Smith are requesting **Conditional Use Permit** approval to develop and operate a towing and recovery impound yard 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 14, Ann Harbison Rural

FIRE SERVICE AREA: Boston Mountain

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: **Water-** Washington Water Authority
Gas- None

Electric- Ozarks Electric

Natural

Telephone- Century Tel

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

Josh and Amanda Smith of Smith Towing and Recovery Impound are seeking Conditional Use Permit approval to operate a towing and impound yard.

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 (001-00679-000) is approximately 1 acre (more or less) in size. It is accessible from Winn Creek WC 228.

The applicant states that there will not be any water, gas, electric, or septic service at the site as this is an area where impounded or towed vehicles are temporarily brought to. There is a fence around the location with sheet iron over the fence to keep visibility from Winn Creek Road at a minimum.

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 concerns/comments:

1. If water service is desired in the future, a Request for Water Service Application needs to be filled out with the WWA office.
2. An 8" water main parallels both the western and southern property boundaries of the project. If an access drive is to be installed over the water main that is subject, but not limited, to traffic loading beyond conventional residential use or fire apparatus compaction standards, the water main will need to be encased at the owner's expense and under the supervision of WWA staff.

3. Once the main is exposed, if the existing water main alignment is not conducive for a field welded encasement based on horizontal or vertical deflection, the main will need to be rerouted at the owner's expense.
4. A construction site plan and construction detail needs to be submitted to the WWA Office for approval. The plan may be subject to Arkansas Department of Health approval.

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

1. There shall be approved 911 address numbers placed in a on the gate, road, or both so that they are plainly legible and visible for responding emergency agencies.
2. Just note that the property shall not be split or developed any further without approval by the Washington County Sheriff Office Fire Marshal's Division.
3. You shall have an engineered statement insuring the driveway is compacted to 75,000 pounds and submit it to the Washington County Sheriff Office Fire Marshal Division.
4. The driveway shall be 20' wide with no turn around required.
5. The turning radius at the edge of the driveway shall be 38' radius.
6. Per Washington County Ordinance 2005-26:
 - a. The State Fire Code is State law regardless of whether the County has adopted it or not.
 - b. All plats for development in Washington County shall require the approval and signature of the County Fire Marshal; furthermore, the Planning Board shall not approve any plat until it has received assurance from the Fire Marshal that said plat is in conformance with the State Fire Code; specifically adequate ingress and egress, road quality, and sufficient water resources.

Health Department Issues:

No comments/concerns were received from the Department of Health.

Electric/Phone:

Ozarks Electric is the provider for this parcel. They did not submit comments/concerns.

Century Tel provides phone service for this area. They did not submit comments/concerns.

Roads/Sight Visibility/Ingress-Egress/Parking:

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County roadway at any time.

The site distance at the proposed entrance on Winn Creek WC 228 is very adequate.

Drainage:

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

1. The swale alongside the road seems to not be deep enough to fit a pipe underneath the driveway without substantial regrading of the roadside ditch. Please allow the small swale to be allowed to continue across the proposed gravel driveway and not be dammed up by the driveway.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

Signage:

1. No signage is allowed within Washington County's road right-of-way (ROW).

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:

Washington County Planning has the following concerns/comments:

1. Opaque privacy screening plans on the East, North, and West sides of the project site must be submitted and approved.
2. A landscaping plan must be submitted and approved. Landscaping must be well maintained.
3. No inoperable vehicles may be visible from the County Road.

Sheriff's Office Concerns:

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

Planning Concerns:

1. For Sale Vehicles may not be placed on this site.
2. The site must remain generally neat and organized.
3. For Sale Vehicles may not be placed in the Washington County Right of Way.
4. The Washington County Right of Way must be kept clear from signage and other implements that may hinder the Road Department while performing maintenance.
5. All of the conditions must be met before business may be conducted.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily residential/agricultural. There is an existing excavation yard approximately 635 feet to the northeast of the proposed entrance of the project. Less than 200 feet to the south of the southeastern corner of the project parcel is a commercial building that accesses Devil's Den Road. Interstate 49 is approximately 1600 feet to the east of the eastern border of the property.

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 is unsure that even with that with the proposed conditions this project can meet the goal of the County's Land Use Plan.

Privacy fencing/screening of adequate height may block the view of the towing yard from most nearby neighbors. There are two-story homes which will overlook the towing/impound yard. The neighbors which reside in taller homes will be able to see directly into the impound/towing yard.

Landscaping should assist with the visual appeal of the property as long as the applicant keeps up routine maintenance and removes all of the cut/downed trees from the property boundary.

There are concerns from the neighbors in regards to the potential noise and operating hours. The nature of the towing & recovery business is a 24/7 business. Towing trucks have very large engines that are noisy. The potential for disturbances in the middle of the night is very real. There will be business potentially conducted at all hours of the day and night depending upon when wrecked vehicles are brought to the yard.

There are also environmental concerns in regards to the impounded/wrecked vehicles leaking chemicals and other toxic substances into the ground. There are some neighbors that utilize wells and ponds for their water. These added chemicals and substances will not be compatible with the water filtration system of these neighbors. Some neighbors are worried that their ponds will be contaminated with these leaking fluids.

Site Visit:

A site visit was conducted by Planning Staff on 02/20/2019.

The site is located off Winn Creek WC 228. Winn Creek is a dirt road that is maintained by the Washington County Road Department.

The property is surrounded by other parcels that are heavily agricultural and residential by nature. There is one commercial property to the southeast. The entrance to this business faces south along East Devil's Den Road.

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 seven (7) certified notifications on March 7, 2019. To date, staff has received fifteen (15) comments in opposition of the project.

All received comments have been included in this report.

Planning Staff will update the Board of any more comments.

STAFF RECOMMENDATION: Staff is withholding a recommendation the project. Staff will make a recommendation with the following conditions at the Planning Board Meeting:

Water/Plumbing/Fire Conditions:

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

1. If water service is desired in the future, a Request for Water Service Application needs to be filled out with the WWA office.
2. An 8" water main parallels both the western and southern property boundaries of the project. If an access drive is to be installed over the water main that is subject, but not limited, to traffic loading beyond conventional residential use or fire apparatus compaction standards, the water main will need to be encased at the owner's expense and under the supervision of WWA staff.
3. Once the main is exposed, if the existing water main alignment is not conducive for a field welded encasement based on horizontal or vertical deflection, the main will need to be rerouted at the owner's expense.
4. A construction site plan and construction detail needs to be submitted to the WWA Office for approval. The plan may be subject to Arkansas Department of Health approval.

The Washington County Fire Marshal had the following conditions:

1. There shall be approved 911 address numbers placed in a on the gate, road, or both so that they are plainly legible and visible for responding emergency agencies.
2. Just note that the property shall not be split or developed any further without approval by the Washington County Sheriff Office Fire Marshal's Division.
3. You shall have an engineered statement insuring the driveway is compacted to 75,000 pounds and submit it to the Washington County Sheriff Office Fire Marshal Division.
4. The driveway shall be 20' wide with no turn around required.
5. The turning radius at the edge of the driveway shall be 38' radius.
6. Per Washington County Ordinance 2005-26:
 - a. The State Fire Code is State law regardless of whether the County has adopted it or not.
 - b. All plats for development in Washington County shall require the approval and signature of the County Fire Marshal; furthermore, the Planning Board shall not approve any plat until it has received assurance from the Fire Marshal that said plat is in conformance with the State Fire Code; specifically adequate ingress and egress, road quality, and sufficient water resources.

Health Department Conditions:

1. Please submit septic design and permit to the Arkansas Department of Health for approval should the applicant wish to install a septic system in the future. The applicant will also have to have the soil analysis reviewed by the Planning Staff and be brought before the Planning Board for a modification of the original CUP.

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

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County roadway or right of way at any time.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to a sign being placed.
4. All outdoor storage and dumpster must be screened with opaque material (gates must be opaque too).
5. A landscaping plan must be submitted and approved. Landscaping must be well maintained.
6. No inoperable vehicles may be visible from the County Road.

Addressing Conditions:

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

Utility Conditions:

Ozarks Electric:

1. Please contact Ozarks Electric should future electrical issues arise.

Century Tel:

1. Please contact Century Tel should future telephone issues arise.

Planning Conditions:

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.
2. For Sale Vehicles may not be placed on this site.
3. The site must remain generally neat and organized.
4. For Sale Vehicles may not be placed in the Washington County Right of Way or Road Way.
5. The Washington County Right of Way must be kept clear from signage and other implements that may hinder the Road Department while performing maintenance.
6. All of the conditions of this CUP must be met before business may be conducted.

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.

Walter Jennings, Planning Board Member, inquired, "The gravel drive going into the property; the Fire Chief at Boston Mountain did not require that to be gravel but the Fire Marshal did require it. Is that correct?"

Sita Nanthavong replied, "Yes, that is correct."

Joel Kelsey, Planning Board Member, asked, "Sita, what did you say the time frame was that the length that these vehicles would stay on there?"

Sita Nanthavong answered, "I don't think I said, but generally I think it says 30 days?"

Joel Kelsey inquired, "What is the time frame between sunny picture and rainy picture?"

Sita Nanthavong replied, "March 13th was the rainy day and this was March 8th."

Joel Kelsey explained, "There is another vehicle there so that means the other two had been sitting there for that long. I was just trying to determine the length of time that they would be there."

Sita Nanthavong responded, "Okay."

Joel Kelsey questioned, "How long has this business been operating without the proper approval?"

Sita Nanthavong replied, "From my understanding towards the end of last year. Once it was made clear to Planning that Mr. Smith was not complying with our ordinances. We are now assisting him with coming into compliance."

Joel Kelsey inquired, "Once you find out he is non-compliant he can he still run the business until he comes before us or do you shut him down?"

Sita Nanthavong replied, "We asked him to stop."

Joel Kelsey asked, "Okay and did he or did he not?"

Sita Nanthavong answered, "We had reports that there were still vehicles being towed on and off the property."

Brian Lester, Washington County Attorney, clarified, "I just wanted to respond to the thing you said about shutting him down. The Planning Department cannot shut anybody down technically. I mean anytime we shut someone down the only way we legally can do that is we have to get a court order. An injunction from the court and so it has to go into a legal process. There has been no legal filing against Mr. Smith at this time."

Joel Kelsey stated, "What I am getting at is that it was brought before us that he is noncompliant and he was asked. He wasn't ordered but he was asked to cease per information and he has still been operating."

Neil Helm, Planning Board Member, asked, "I didn't find a point where there was a fence in your conditions. Could you point it out?"

Sita Nanthavong answered, "On the very last page of your update packet there are a list of conditions and it is under screening conditions which is the second to last. It says 'opaque privacy screening must be submitted and approved. Landscaping plan must be submitted and approved and no inoperative vehicles may be visible from the county road'."

Neil Helm stated, "I see it now. Thank you."

Josh Smith, applicant for the project, addressed the Board, "About the cars that are in the impound currently; there was one that was added after I went down to the Planning Office. That was on the morning of March 1st. The day that the county cop cars was run over by the semi on the interstate. We had to get those cars. We was the only towing company that could get there. We actually went up the interstate the wrong way. They had it shut down to Chester a couple hours that morning. I had to put that car in there. You can't tow a county vehicle off, a Sheriff's car especially, I guess they have evidence in them or whatever in them. They won't let you unhook them; once you hook on to them you gotta go to the jail with them. The other cars that's in there. Those cars have been cleaned up and removed from the impound by now, but I was told by the Planning Staff at the Operations Building, no commercial activity can be don't at that impound. So if I load the cars in my rollback and I haul them to TRG which is a scrape yard in Fayetteville. That is commercial. You receive money for that. I didn't want to be in trouble for that. We are still currently operating. I have state police contracts I have to fulfill. I have been taking the cars to my house, to my property. That is pretty much it. I mean this deal is a necessity. It is for the people. I am on the Fire Department in Winslow. We run lots of car wrecks on the interstate. If you have ever been on the interstate when peoples wrecking and cars going everywhere, it is not a real good place to be. The way that this come about is some troopers asked me if I had any land around. I talked to them and told them I did on the Winslow exit. I come to the County and got a DBA. I didn't wait to build my fence. I didn't come before ya'll. I didn't know that. I come here and got a DBA and a towing company name. Nobody said anything about it and we put it in. I am the only towing company down there. I noticed in some of the letters that was wrote there was two Drummonds had towing companies in Winslow. D and S body shop was one of them his name is Drew Drummond and they are actullay hauling for Co-part now. They just haul all salvage vehicles. That is all they do. They got off the state police rotation. I actually took there spot on rotation. Drummonds Wrecker Service at Brentwood, he is not permitted with the Tow Board or none of that. American Towing is actually in Greenland now. We are the only one. I am the only one at Winslow. I think you guys approved American Towing Yard at Greenland. You can't have satellite yards in this. You've got one location and that is where it is at. That is per State Police if you are going to tow for the State Police. Now if you are going to tow for yourself you can do whatever you want I guess, but that is on the State Police side. That is all that we tow for. I do some owner request stuff but most of my stuff is just for State Police."

Robert Daugherty, Planning Board Vice-Chairman, stated, "I assume that the reason you started without approval was because you were unaware of the regulations."

Josh Smith responded, "Yes sir."

Public Comment

Charles Klim, neighbor 50 yards from proposed project, addressed the Board, "I am building a two story house. It is a hell of an eye sore fellas. That is all I can tell ya. My neighbor Mike Pinion lives right across the road. There is a pond just adjacent about 35 ft. due South SW of the place and he has a well right straight across the road, close to the county road. That is his drinking water period. He is concerned and I am concerned for him. The head of the Winn Creek watershed that goes into West Fork.

Just down from Backwoods Beer & Goods it goes through my yard and the bottom of it is a meadow. Fluid run off from all of those vehicles over time is going to trickle into that and there are a lot of people that don't want it. Mike Pinion dang sure don't want it because it's his drinking water. That pond there that is probably where he gets his water because it is straight across from it. He's had that water well since his dad had it probably 70-75 years. That's all he's got for water. He is not hooked into the Water Authority. I've had nine vehicles come to my house. Individuals some of them I knew and some of them I didn't and they said that is one hell of an eye sore. They thought I was building it, but it wasn't me. It was Josh Smith and company. It is right on our property line in my yard. That's going to be what I got to look at. I've got a two story house and it is 33 ft. tall. Two stories that is all you are going to see. I don't care if you build a wall 30 ft. tall you are going to be able to see it. I am just looking out for my own personal goods on the value of real estate. Nobody out there wants it. I like Josh Smith and his wife and his family. You just picked a bad spot. He's got a large farm in Winslow across the railroad tracks he could have put it on. That is about all I've got to say. Thank you."

Mike Burney, neighbor on Bethlehem Road, addressed the Board, "We bought our property there about nine years ago to restore. It is a big colonial house. We've put in about 250 grand into this property in the last nine years. We just purchased some heavy equipment to do about another 80 thousand worth of work. This is a big problem for us because when you spend that kind of money on a property anybody interested at purchasing something like that at that price point. They are not going to want to drive into a neighborhood where this is the head of it. We have to see this every day. There were a couple comments that were made about the vehicles that are there now. A couple of them have been there for well over a month. I took pictures today leaving every one of the vehicles in the pictures that you guys have looked at are still there. None of them have been cleaned up. None of them have been removed. For me, I have been a business owner for 25 years. I have never really seen a commercial company come into a residential area and just decide to go ahead and build something like this without any type of approvals or permitting. That's standard practice. When you file for your articles of incorporation you know, there are plenty of resources for all of that. They tell you these are the things that you need to do to follow up with getting approval for this. Our primary concern is really the looks of the property and how it effects not just our values but the water sources as well. That watershed runs from the back side of that property all the way down through the holler and it actually crosses back behind my property. We were in the process of getting ready to drill a well and we were told to stop until we figure out how this is going to impact that watershed. Other than that, that is all I have to say. Thank you."

Dwight Count, neighbor 75 yards away from project, addressed the Board, "I vehemently disapprove of this. The adverse effect of our immediate property and homes. The lifestyle there is something that we do not agree with. In addition to the very nature of this type of business. I think it creates a life of its own through the hazardous waste of oil, gasoline and other liquids that seep into the ground and go right into the water system. I disagree with that. The noise and just the sight of this thing. I don't think Mr. Klim mentioned it but he must be 15, 20 yards from his home. I would appreciate it if you would give some serious consideration of the disapproval of this. Thank you very much."

Josh Smith stated, "When we was building that fence in that area; the reason it is on that property line is Mr. Klim actually asked us to put that on that property line. He had dug the front post hole and had that line marked. He asked us to put that fence on that property line so he knew where his property line was. Adjacent back to the head waters of Winn Creek. I don't know if you guys are familiar with the Beer Store, but their septic goes right in the bottom of that. Their lateral lines come right out of their store and go right over towards Mr. Klim and run right out into the bottom of that holler. This land is perked, it's had a perk test and stuff. There is not much oil leakage out of these cars. If any of you guys have ever busted a radiators or anything like that. Most of the fluid out of your radiators and stuff they leak at the scene of accident. Gasoline I don't think I have drove any cars in that have the fuel tanks busted on them. Our biggest deal most of the time is antifreeze and it runs out at the scene of the wreck. Occasionally you will have some transmission fluid and stuff like that, but that is just the nature of car wrecks. Do I think this is running down into the headwaters of Winn Creek? No. The pond that's adjacent that Mr. Klim was

talking about there across from that, that pond goes dry. That is a duck nest pond. I actually took my dozer and pushed a bunch of brush into it because it is a mosquito trap is what it is. It is not like it is a great big pond. He asked for that fence to be on that property line and that's why that fence is there. I would have moved the fence back if he would have asked me, but he came to us straightforward and asked us to put it on the line. That's why that's on the line like it is now."

Charles Klim clarified, "Let me correct Mr. Smith on that. I did not ask them to put it in the two holes that I had already dug for the property line. I just told him this is where this corner is and this is where this corner is on the one acre lot of your property. That is where they put it. I mean this thing is in my backyard, Sir. What else can I say, the property value on my property is going to go to hell. It is an eye sore and he has bucked all of you. The Planning Commission, the Water Department, the Road Department and that is just what it is. That is just how it is. I just ask you that you give it a hell of a good thought before you say yes or no. We've got Lee Creek across the road. The head of Lee Creek. I am not saying that these fluids are just going to run over there tomorrow, but they will get over there eventually. That is very poor soil. You can get a perk test out there and it will perk test well. It is gravelly soil and it does run down into Winn Creek. Lee Creek is across the road, but there you go if you go into Devil's Den. That is all I've got to say, Sir. Thank you."

Jacque Donaghe, neighbor across from project, addressed the Board, "I think I heard that they have to build a fence just on three sides. Is that correct? What about the south side? There is no fence or anything there. It is just three sides. What happens if they get full and start encroaching out? What happens then? Who monitors that? I know I heard them say something about 30 days and they tow that off, but who monitors that so that it doesn't become a junk yard? My question is then what happens if that does happen and that does become a junkyard? Who will monitor that?"

Randy Laney, Planning Board Chairman, explained, "We do enforcement by complaint. The County doesn't have the staff or the resources to patrol and check on these things. If you think they are not in compliance than you would have to call."

Jacque Donaghe continued, "Okay then so my question is what happens then if we look out there and it has become a junk yard. What happens then? Do they have to clean it up? Are they given enough time to remove it? I mean or does it just sit there?"

Randy Laney answered, "We'd start compliance and depending on how they responded I mean I can't predict the events, but that is how it is done. We don't have anybody that drives around to do enforcement. Sita, did you want to comment on screening?"

Sita Nanthavong responded, "The screening basically says east, north and west sides of the project site. It also says no inoperable vehicles may be visible from the county road. Which means he will have to put some sort of opaque fencing also along the south side."

Nathan Crouch, Planning Director, added, "I might follow up and say that the three sided screening was based on where the neighbors were located and there aren't any neighbors adjacent on the south side of the impound yard."

Public Comment Closed

Walter Jennings inquired, "Sita, can you clarify I guess here some of the environmental concerns really a lot of that is handled by ADEQ. Is that complaint driven as well?"

Sita Nanthavong replied, "Yes sir."

Walter Jennings asked, "Are there any conditions or is anything being done to mitigate any

environmental concerns?”

Sita Nanthavong answered, “At this point in time no. It did go through our technical review and no one said anything at the time.”

Neil Helm inquired, “Can you give me some compelling reasons that this was a CUP and also some compelling reasons that this board should deny?”

Sita Nanthavong replied, “Unfortunately, I cannot give you compelling reasons as to why you should deny, because that is subjective. Our stance is to be neutral. As far as why this is a CUP, Washington County has one zoning which is agricultural/single family residential use. Any use that is not agricultural/single family residential has to come through with a Conditional Use Permit, such as a business of this nature or any other nature.”

Neil Helm stated, “Excuse my ignorance, but thank you.”

Charles Klim inquired, “I am under the impression that various people in that immediate area where we are had submitted letters, comments and I have been informed that they have in excess of say a dozen. If that would be the case and they were to be presented here I am curious as to how many of those that were submitted agreed with this?”

Sita Nanthavong replied, “Out of all the comments received they were all opposed.”

Randy Laney noted, “Yes. I reviewed them, they are all negative. We are going to close. We don’t want to debate back and forth but come ahead and we will close it. Unless you have something else to mitigate the concerns. That is really what we are into now.”

Josh Smith stated, “The full reason for this and I didn’t tell you guys this in the start, is to have a towing facility in that area. If you have to cut somebody out of a car, one of your family members are in a car over a bank and we have to stabilize it to cut them out with the Jaws of Life, I don’t really want to wait for my wife or my little girl to be laying out there and wait on a wrecker to come from Greenland or West Fork when there is one right there at the interstate.”

Walter Jennings commented, “I will just start off by saying that I have concerns about water quality and environmental concerns. As well as not having fencing around the entire property.”

Nathan Crouch suggested, “We could definitely amend the conditions to add that fourth side to the privacy fence. It would be no problem. If you have any suggestions about fluid catchment or anything like that we could definitely revisit this.”

Walter Jennings replied, “I wish I did, but that is over my head honestly.”

*Philip Humbard made a motion to approve the **Smith Towing and Recovery Impound CUP** subject to staff recommendations. Neil Helm seconded. Roll call was taken. Philip Humbard and Neil Helm were for. Randy Laney, Walter Jennings, Joel Kelsey, Robert Daugherty and Jay Percy were all against. Motion failed.*

*Walter Jennings made a motion to deny the **Smith Towing and Recovery Impound CUP**. Joel Kelsey seconded. All in favor were Randy Laney, Walter Jennings, Joel Kelsey, Robert Daugherty and Jay Percy. Motion passed.*

5. Other Business

- Discussion of Current Development and Planning Department activities
- Discussion of proposed Minor Subdivision code changes

Introduction

The Planning office has identified a number of procedures that can be made more efficient while still providing the same or increased level of service to the citizens of Washington County. The first in this series of efficiencies is the Minor Subdivision code and review procedure. The Planning office proposes to edit the County Development Code so Minor Subdivisions can be reviewed administratively, without Planning Board approval.

Existing Code

The following is the relevant code pertaining to Minor Subdivisions.

Appendix D: Definitions

Subdivisions: The subdivision of land into lots and blocks, the parceling of land resulting in the need for access or utilities, or the dividing of an existing lot or parcel into two (2) or more parcels; a minor subdivision consists of four (4) lots or less.

Replat: The process of changing a previously approved land development either by alteration of a lot, parcel, or tract, or the placement of another type of development on a lot or tract different from the one previously contemplated when originally approved or by other changes made to the original plat. All replats must go through the planning process as set out in section 11-51 et seq. or may be done administratively if it qualifies for such.

Sec. 11-51. – Purpose

The purpose of this Article is to set forth procedures, requirements, minimum standards, specifications and acceptance criteria for the development of all unincorporated land under the jurisdiction of the Washington County Placing Board. Said land development shall include, but not be limited to, tract splits; large-scale development (LSD); subdivision and improvement of industrial, residential and commercial developments; and mobile home parks. The purpose of the road development guidelines and standards contained herein is to contribute to the dual function of traffic circulation and means for access to land and water.

Sec. 11-79 – Exemptions

(b) The following are exempt from the provisions specified in the county development regulations:

(3) The division of land into four (4) parcels, three (3) of which must be at least five (5) acres, and one (1) of which may be at least one (1) acre. Previous divisions for family members shall not be counted toward the four parcels exempted in this section.

(11) The division of land creating no more than four (4) lots, regardless of size and public road frontage, that is in a territorial planning area pursuant to Ark. Code Ann § 14-56-413 and has been approved by the Planning Commission of the appropriate city.

(e) To effectively administer the above, a survey shall be required for all exempt lot splits (as set out in Section 11-61 now Section 11-79 above) where all tracts created are less than twenty (20) acres each; this shall include the remaining tract if such is less than five (5) acres. The remaining tract is hereby defined as the tract retained by the owner of the property who is seeking the exempt split. The person seeking approval shall cause said survey to be recorded with the Circuit Clerk.

Sec. 11-112. - Enforcement.

In order to carry out the purpose of this Article and to assure an orderly program of land development after the effective date of this Article:

- (1) No plat of any tract of land within the planning area jurisdiction of the Washington County Planning Board or the Planned Growth Area of any city planning commission shall be accepted

- by the County Recorder for filing unless the plat has been approved by the Planning Board, or Washington County Planning Administrative Officer.
- (2) No conveyance by metes and bounds of tracts coming under the definition of land development without compliance with the applicable provisions of this Article or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
 - (3) No dedication of roads or streets shall be accepted by the County unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required plat.
 - (4) Suburban development in the Planned Growth Area of a city shall be under the jurisdiction of that particular city's regulations. However, no dedications of land or streets to the County shall be accepted by the County until the particular city has approved the Final Plat and construction of improvements and the County has received the appropriate maintenance bonds for the street and storm sewer improvement work.

Sec. 11-117 – Administrative handling of certain planning issues.

- (b) Replats of lots within a subdivision may be approved administratively by the Planning Administrative Officer if such is in an extra territorial planning area of a city, the city has approved such, there are no utility issues, and if the lot size is at least ten thousand (10,000) square feet.

In addition to the Planning review of these projects, the Arkansas Department of Health (ADH) and the County Fire Marshal have requirements for these Minor Subdivisions.

ADH- When creating 3 or more lots under 3 acres each (3 under 3) ADH requires the proposal be reviewed by their Engineering section (in Little Rock) as a subdivision. The only additional information the applicant needs to provide for this review are spot elevations at 4 corners of the proposed primary and alternate septic lateral fields (2 perk tests instead of 1, and 8 spot elevations)

Fire Marshal- The Washington County Fire Marshal doesn't review all Minor Subdivisions. Only when the Minor Subdivision plan is proposing 3 or more lots does the Fire Marshal review the plans, but then only has additional requirements when there are proposed homes at greater than 3,600 square feet.

The Planning office sends all exempt lot splits to the Fire Marshal for review when the survey shows 3 or more lots.

To summarize, a lot split creating 4 lots or less requires Minor Subdivision review. But there are several ways in which a Minor Subdivision can be exempted from Planning Board review. The only remaining trigger for a Minor Subdivision to go to the Planning Board is if the split proposes to create more than 1 lot at less than 5 acres or, in the case of a replat, if the subject property (to be split) is an existing subdivision lot. When a Minor Subdivision is creating 3 or more lots it goes to the Fire Marshal for review. When a Minor Subdivision is creating 3 or more lots at less than 3 acres each it goes to the Health Department's engineering section for review as a subdivision.

Existing Minor Subdivision review procedure

Submittal 1-11-19 (Friday, Day 1)

Applicant submits complete packet to the Planning office. The project gets assigned to a Planner, who then enters the project into the Planning Database and creates the digital and physical project folders.

Tech Packet 1-16-19 (Wednesday, Day 4)

Planner reviews the project according to the project type checklist. The Planner creates a Tech Review Explanation Letter to send out to the jurisdictional reviewers asking for their comments and requirements. The GIS Mapping Technician will create the vicinity and site maps, along with any other maps the Planner requests, to attach to the Tech Review packet.

Tech Review 1-22-19 (Tuesday, Day 8)

Planner will compile all of the comments/questions/requirements submitted by the jurisdictional reviewers and present them to the applicant at the Tech Review meeting. By the end of the day the Planner will prepare a single document containing all of the requirements and send it out to the applicant by the end of the day. Both the Planner and the document will notify the applicant of the Resubmittal date one week later.

Resubmittal 1-29-19 (Tuesday, Day 13)

Applicant will resubmit the packet having addressed all of the comments/questions/requirements discussed at the Tech Review meeting. Planner will send the resubmittal out to all of the jurisdictional reviewers that submitted comments/questions/requirements at the Tech Review meeting, asking them if the resubmittal has satisfied all of their requirements.

Planner will re-review the packet according to the project type checklist to ensure all County requirements have been met. If deficiencies are found the Planner will begin a dialog with the Applicant to establish a timeline of when all the requirements will be met.

Neighbor Notification 1-31-19 (Thursday, Day 15)

Planner will prepare a neighbor notification letter, with attachments including public comment form, vicinity and site maps, plans, and any other relevant documentation describing the intent of the request and the Planning Board date. These neighbor notification letter packets are sent out to the mailing addresses on record with the Assessor's office, to all of the properties within 300 ft of the subject property. According to Sec. 11-204, the notifications must be sent at least 14 days prior to the scheduled Planning Board meeting.

Staff Report Packets 2-8-19 (Friday, Day 21)

Planner will write a Staff Report outlining the intent of the project, the specific issues brought up by the jurisdictional reviewers, and the applicant's method of addressing the requirements. The Staff Report packet will be a comprehensive document containing all the details of the project, including the public comments if any are received (opposed or in-favor), and it will be published on the Planning Department's website. The Staff Report packets are emailed out to all the Planning Board members to familiarize them with the project before the Planning Board meeting.

Planning Board 2-14-19 (Thursday, Day 25)

Planner will use the content from the Staff Report packet to create a Powerpoint presentation and script to present to the Planning Board. As the Minor Subdivision (including Replats of subdivision lots) is an objective type of review, if all of the Minor Subdivision checklist items are met the Planner will recommend approval to the Planning Board at the meeting. The Planning Board votes on the item.

If the Planning Board approves the Minor Subdivision project, and once all of the conditions of approval are met, the Planner will instruct the applicant to begin gathering signatures on the final plat, leaving the final three signature blocks (Road Dept. Superintendent, Planning Board, County Judge) for the Planner to acquire, with the County Judge's signature being last. The Planning Board's decision may be appealed to the Quorum Court within 30 days of the Planning Board hearing.

Filing with the Circuit Clerk

The applicant takes the signed final plat to be filed at the Circuit Clerk's office. It should be filed as a Subdivision. After filing the final plat, the applicant/developer will take the plat to a title company to have new deeds written up according to the newly approved legal descriptions. Once they have the new deeds in hand they should be presented to the Assessor's office with instructions to complete the split of the original parcel(s). Once this split has been made at the Assessor's office, the split is formally completed and the newly created parcels will be assessed separately.

Issues with the existing procedure

- Regarding the applicant- Minor Subdivisions are simply lot splits when the resulting lot configuration yields 2-4 lots at less than 5 acres each. There are many ways in which the same lot split can be processed administratively based on its location or the owner's intent with the parcel once it is split. Property owners/ Developers typically try to avoid Minor Subdivision review when they can in order to expedite the process.

Additionally, the Minor Subdivision fee is \$250, plus the cost of mailing certified letters to all of the neighbors within 300 ft of the subject property. This proposal is to make all Minor Subdivisions exempt from Planning Board review, which has a \$50 fee.

- Regarding the Planning office- Processing Minor Subdivisions the same as full subdivisions is labor intensive, costs the Planning office and the developer more money and, as it is an objective review, nearly 100% of them are approved by the Planning Board.

Over the last 4 years the Planning office has processed 62 Minor Subdivisions. None have been denied, and 6 were tabled and considered dead when the applicant either lost interest or bought another property instead of pursuing the Minor Subdivision approval any further.

- Regarding the Planning Board- The Planning office has adjusted the timeline to a 5-week review cycle from the previous 4-week review cycle. We feel this longer review cycle slows the process down just enough so the developer isn't rushed as much and the neighbors receive plans in the notification packet that have been reviewed by several outside (jurisdictional) reviewers before they get it.

By the time a project makes its way through our process and to the Planning Board, it has been property vetted and should have had all the issues worked out. The process is very objective, and compatibility isn't considered as it is with Conditional Use Permits.

As the Planning office continues to make changes to become more efficient, we will be looking at ways to make our subjective reviews more objective. And in the case of Minor Subdivisions the review would make more sense to make it exempt from Planning Board review and begin handling them administratively.

Proposed changes to the Code

Sec. 11-79 – Exemptions

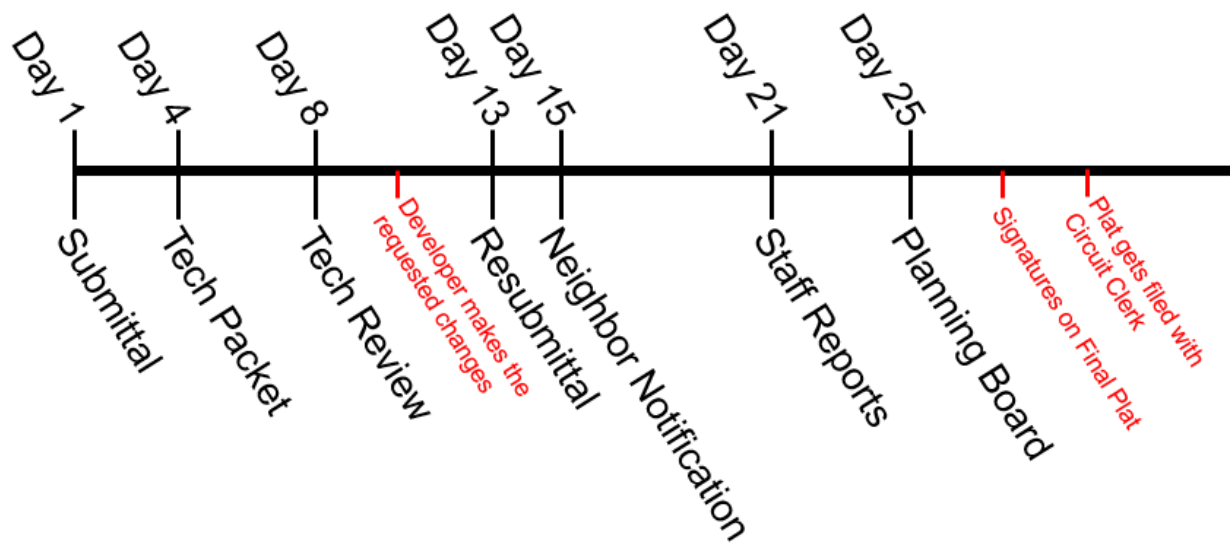
(b) The following are exempt from the provisions specified in the county development regulations:

- (3) The division of land into four (4) parcels or less, three (3) of which must be at least five (5) acres, and one (1) all of which may must be at least one (1) acre in size. Previous divisions for family members shall not be counted toward the four parcels exempted in this section.

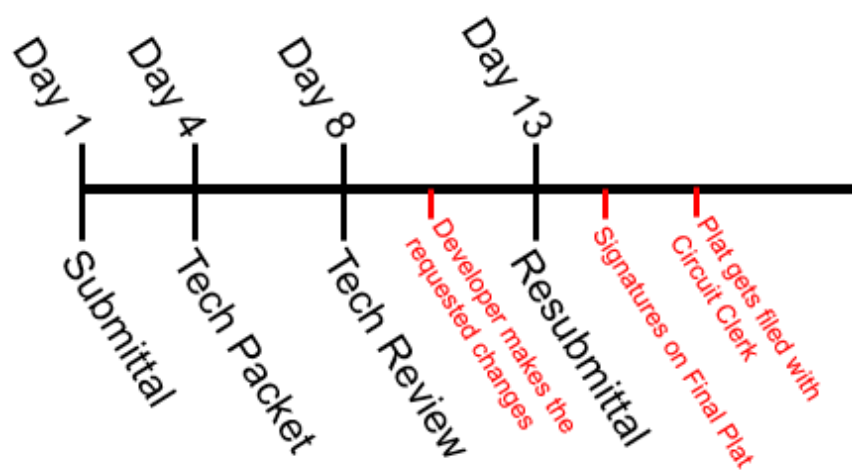
What will that change?

Only a small portion of the code is proposed for change, so the main difference will be procedural. By changing the code to allow Minor Subdivisions to become administrative, less time spent on administrative work for the Planning office, shorter Planning Board meetings for the board members, and less cost and bureaucracy for the land developers.

Existing Timeline



Proposed Timeline



The proposed changes will change the timeline of the Minor Subdivision review to end at Resubmittal.

The Planner will still send out the Tech Review packet requesting comments/concerns/requirements from all of the jurisdictional reviewers. The project will still go to Tech Review where the Planner presents the Developer with the comments/concerns/requirements from the jurisdictional reviewers. Then once the Developer submits all the required documentation to the Planner they can go about gathering signatures on the final plat. It will still be filed as a Subdivision with the Circuit Clerk.

So what's next?

The purpose of this Staff Report is to present the proposed changes to the Planning Board members so conversation at the Planning Board meeting can be based on something. At the meeting, please discuss what you do and don't agree with regarding the proposed changes. The Planning Office will make the changes suggested at the meeting, then present them to the County Attorney for legal review. Then the proposal will be presented to the Quorum Court to for their comments, and ultimately ratification.

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

Joel Kelsey inquired, "What are the ramifications if signatures aren't required? I am assuming that's by the neighbors?"

Nathan Crouch replied, "The signatures are from all the jurisdictional entities. On a typical Minor Subdivision our Tech Review process is about four or five minutes just like it is here at the Planning Board. I say the Tech Review process the Tech Review Meeting. Gathering all of the technical information. Basically goes as the same pace as a regular project. We send out a letter and wait for them to send something. Which a lot of times they don't; sometimes they do. The requirements are very typical and are usually boiler plate. They are copy and pasted from the previous one. What would happen without the signatures? The plat would then be a survey, instead of a plat. It wouldn't convey property. It wouldn't convey county road right-of-way, but our County Road Department has a right-of-way dedication form that could be employed for that."

Randy Laney asked, "What would you propose to have a visibility to the public? I would assume through this meeting of what's been done in the last month. Have you thought about that would you publish a report or would we have it as part of our agenda?"

Nathan Crouch answered, "We could definitely put together a report due every meeting for how many of these we have done. It just kind of depends on what the board wants. We have had some controversial Minor Subdivisions, a couple. In my time I counted them up the other day and we've had in the neighborhood of 65 in four years that I have been here. None of them were denied; not one. Several were tabled some of them died. Once they were tabled they forgot about it and didn't come back but none of them have been denied. I came to you first and I was going to pole the Board and then I was going to take this to Brian. Once we get that kind of buttoned up then we would report back to you and take it to the Quorum Court."

Randy Laney responded, "Okay, do you have a recommendation?"

Nathan Crouch stated, "Option 3, completely administrative. I don't necessarily think we are voting on anything here. I was just wanting to get your take on things. I have a couple more questions here just to get you thinking. I don't necessarily need anything from you tonight either. I would like for you give me some of your input whenever I send you an email out next week just to see where everyone thoughts are. My last question was does the Board have any suggestions? Something to think about. You don't have to answer now."

Neil Helm inquired, "When you review these do you review them against a standard checklist?"

Nathan Crouch replied, "All of our projects have checklists. The CUP has a checklist, but it is very broad and very subjective. All of our other projects have very defined objective checklists including the Minor Subdivision. I believe that the Minor Subdivision checklist isn't any more detailed or strict than the regular lot split. We have one additional requirement and that's that you perk test the ground on a Minor Sub."

Philip Humbarnd asked, "So the checklist used on anyone of these options would be the same?"

Nathan Crouch answered, "Yes sir."

Randy Laney expressed, "I appreciate you working on it. I know we have been literally talking about it for four or five years. To get something to make it easier for the folks to get things processed. I am a big

fan as long as we are not avoiding our responsibilities of Planning Board. As long as we could draft it in a way that would be binding legally. I would be all for it. I think it would help a lot.”

Robert Daugherty asked, “I am for same option. Could we get rid of the Subdivision name somehow?”

Joel Kelsey affirmed, “I think if you change the name to just plain lot split. I think that takes care of it. We have talked about it in those meetings. Subdivisions just scares everybody. They think it is just 100 house moving in.”

Randy Laney suggested, “Maybe just ‘the division of’ instead of subdivision.”

Joel Kelsey stated, “If you are poling, I am with option 3 as well.”

Nathan Crouch answered, “I will facilitate these options with the County Attorney for his review with your preferences and suggestions indicated. Once the County Attorney is satisfied I will take these code revisions to Quorum Court for their review and discussion and ultimately to try to get a vote on that. I will send an email out to ya’ll sometime next week and outline a lot of this and put the presentation in there to trigger your memory a little bit. Let’s have a little bit of a discussion then I will get with the County Attorney soon after and we will see if we can get this thing moving along.”

Neil Helm inquired, “My observation and expectation is that you are going to have significant demand for small parcels because of the growth. For instance in my part of the county we just can’t hardly find a small parcel to sell.”

Nathan Crouch replied, “I believe this will bring some more people into our area. Maybe some more people want to live out in the county on a smaller parcel they can afford.”

Neil Helm pointed out, “Yes. I think you are going to see multiplies of what you are currently processing.”

Nathan Crouch stated, “On the flip side I think a lot of people will say not in my backyard. I moved out to the county so everyone will have 10 acres and so forth. We are going to get it from both sides.”

Neil Helm agreed, “You are going to see that. There is going to be some push back against it, but when you have growth. Everybody wants to live in the county. Except for the people right in Fayetteville they don’t want to live in the county. Nonetheless, there is a high demand for it. It is current. 10-15 and 20 years ago we were more aggressive with this. After the last 7, 8, 9 and 10 years it slowed down because of the economy. We just don’t have any to market at this time. Consequently, there will be some activity.”

Nathan Crouch informed, “Yes sir. I would also like to point out that 5 lots or more is still going to be a subdivision. We are still going to have the maximum split count allowed on a parent parcel, but that hasn’t been revised in a while so I think that might be coming before you sometime in the future. Maybe putting a time limit on the split count. It hasn’t changed since I have been here. It has always been back to 2006. That was 8 years when I started. Now its 13 years.”

Brian Lester advised, “I just wanted to let you know as far as when you are looking at this don’t be worried about whether you are going to be derelict in your duty. Your duties and what you would do would be to approve or recommend for approval something ultimately that has to be codified and passed by the Quorum Court. Quorum Court is the one that sets what the duties of the Planning Board and the Planning Department and all of us for that matter that work for the County. I wouldn’t let that worry you on are we going to be doing our jobs, because ultimately it’s not your decision. The Quorum Court if they think hey this is a good idea they have the power and the ability to implement that.”

Randy Laney noted, "I just wanted to hear you say it on record. Good. Nathan, anything else?"

Nathan Crouch replied, "The only Other Business is that our next meetings are May 2nd and June 6th. We will see you there."

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