

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
Jan 12, 2016**

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: Variance for Price Minor Subdivision
(Building Setback Encroachments)**

Approved

County

b: Price Minor Subdivision

Approved

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

**b: Dutch Mills Cemetery Expansion CUP (TABLED AT THE
REQUEST OF THE APPLICANT)**

Tabled

1. ROLL CALL:

Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Chuck Browning, Cheryl West (via phone), and Kenley Haley. Randy Laney and Walter Jennings were not present.

2. APPROVAL OF MINUTES: *Daryl Yerton made a motion to approve the minutes of Dec 10, 2016. Chuck Browning seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Variance for Price Minor Subdivision (Building Setback Encroachments)

Variance Approval Request

Location: Section 19, Township 13 North, Range 29 West

Owner: Richard Price

Engineer: Bill Jenkins

Location Address: 20620 S. Hwy. 71 and 14440 Hughes Rd.

Approximately 5.37 acres / 2 lots Proposed Land Use: Residential

Coordinates: Latitude: 35.79016794, Longitude: -94.12053278

Project #: 2015-318 Planner: Courtney McNair email: cmcnair@co.washington.ar.us

County

b. Price Minor Subdivision

Preliminary and Final Subdivision Minor Subdivision Approval Request

Location: Section 19, Township 13 North, Range 29 West

Owner: Richard Price

Engineer: Bill Jenkins

Location Address: 20620 S. Hwy. 71 and 14440 Hughes Rd.

Approximately 5.37 acres / 2 lots Proposed Land Use: Residential

Coordinates: Latitude: 35.79016794, Longitude: -94.12053278

Project #: 2015-304 Planner: Courtney McNair email: cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting a Variance, and Preliminary and Final Minor Subdivision Approval of Price Minor Subdivision.

The Variance request is to allow the pole shed and existing house to encroach into building setbacks along the southern (house) and northern (pole shed) property line of proposed Tract B.

CURRENT ZONING: Project lies within the County Zoned Area (Agricultural/Single-Family Residential 1 unit per acre). This project meets current zoning.

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

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

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: Water– Winslow Water
Natural Gas– N/A Telephone- Century Tel

Electric- Ozarks Electric/SWEPSCO/OG&E
Cable- Cox

BACKGROUND/ PROJECT SYNOPSIS:

The property owner and applicant is Richard Price. The surveyor is Jenkins Surveying. The applicant is proposing to split a parcel of land that is approximately 5.37 acres into 2 tracts.

Parent Parcel 001-00423-001: 5.37 acres

- Proposed Tract A: 2.39 acres, takes access from Hwy. 71 via an existing driveway, existing home and septic system on site.
- Proposed Tract B: 2.98 acres, appears to access from Koyle Cemetery Road (WC 126), and has frontage on Hughes Road (WC 4172); existing home and pole shed (with encroachments), and septic system are on site.

The drawing submitted to Planning shows two encroachments into setbacks. A variance will be required to address these encroachments.

This must process as a Minor Subdivision because more than one lot is being created that is less than five (5) acres, so it does not qualify for administrative approval through Washington County's exemption ordinance.

The primary concern with this project is the encroachment of the pole shed and residence into the setbacks.

Variance

A Variance of Sec. 11-88 (a) has been requested to allow a pole shed and residence to remain within the setbacks.

The Variance is being requested because both structures already exist on this site. The proposed division is not the reason that the house will be encroaching along Koyle Cemetery Road. The applicant attempted to place the structure out of the setback, but due to the legal description of the centerline of Koyle Cemetery Road being slightly off center of the actual road, the house was placed approx. 5 feet into the setback. The proposed division is not the reason that the pole shed will be encroaching on the side setback. It has been located near the exterior boundary lines on this site since at least 2009 according to past aerial photography. The applicant purchased the property in June 2015 according to the Assessor's Records.

If either structure is destroyed or removed, they must be relocated to meet the building setback and utility easement requirements.

TECHNICAL CONCERNS:

Sewer/Septic

A letter was received from Mr. Jim Richardson, Designated Representative for the Arkansas Department of Health, which states the existing septic on Tract A appears to be in working order. Additionally, the permit for the newly installed septic system on Tract B was reviewed and approved by the Health Department.

Ozarks Electric/ SWEPCO/ OG&E

It appears that Ozarks Electric and OG&E both have electric lines crossing this property. The service area is shown within SWEPCO's territory. Therefore, all three companies were notified of this proposal and staff asked for any comments they may have regarding this proposal.

No comments were received from SWEPCO or Ozarks Electric.

OG&E commented that they have power on both Tract A and Tract B. They stated that if electricity is needed in the future, they will address it at that point.

Environmental

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

Road

This project accesses off WC 126, Koyle Cemetery Road, WC 4172, Hughes Road (residential drive), and AR Hwy 71 South. It appears that the house on proposed Tract A has an existing driveway, and the applicant received a permit from the Washington County Road Department to install a driveway for Tract B.

NEIGHBOR COMMENTS:

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

One neighbor has called with concerns over her private waterline and its potential location across the subject property. This neighbor did find documentation regarding this private waterline easement; however the location stated on the easement is not described in such a way that can be depicted on the Plat. Mr. Steve Zega, County Attorney, has reviewed the easement document. Based on his review, Planning Staff has asked the surveyor to add a note to the plat that references the easement document. The note should indicate that a private water line easement exists on this property. The surveyor has added this note to the Final Plat. Staff has no additional concerns.

One additional neighbor submitted an “in favor” comment, and had some questions. Those questions have all been answered.

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

Agenda Item A – Variance:

Staff recommends approval of the Variance for Price Minor Subdivision with the following conditions:

1. If either structure is destroyed or removed, they must be relocated to meet the building setback and utility easement requirements.

Washington County Planning Director, Juliet Richey, presented the staff report, with updates, for the board members.

No Public comments.

Public Comments Closed.

*Kenley Haley made a motion to approve the **Price Minor Subdivision** subject to staff recommendations Chuck Browning seconded. Randy Laney and Walter Jennings were not present. Board Members Daryl Yerton, Robert Daugherty, Chuck Browning, Cheryl West, and Kenley Haley were in favor of approving. Motion passed.*

(note: Cheryl West left the meeting after the vote on Agenda Item A).

Agenda Item B – Minor Subdivision:

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

Utility Conditions:

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

2. OG&E has power on Tracts A and B. If additional electricity is needed in the future, we will address the need at that point in time.

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:

2. Pay neighbor notification mailing fees (\$32.72) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to project engineer on 12/28/15).
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*
7. The Variance being requested must be approved prior to approval of the Minor Subdivision.

Washington County Planning Director, Juliet Richey, presented the staff report, with updates, for the board members.

No Public comments.

Public Comments Closed.

*Daryl Yerton made a motion to approve the **Price Minor Subdivision** subject to staff recommendations Chuck Browning seconded. Randy Laney, Walter Jennings, and Cheryl West were not present. Board Members Daryl Yerton, Robert Daugherty, Chuck Browning, and Kenley Haley were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARINGS

County

c. Dutch Mills Cemetery Expansion CUP

(Tabled)

Conditional Use Permit Approval Request

Location: Section 21, Township 14 North, Range 33 West

Applicant: Ken Bailey

Surveyor: Tim West, Atlas Survey

Location Address: East of 22361 Dutch Mills Road

Approximately 3.84 acres/ 1 Lot Proposed Land Use: Cemetery Expansion

Coordinates: Latitude 35.87487567" N Longitude: -94.49679131" W

Project #: 2015-301 Planner: Nathan Crouch e-mail at ncrouch@co.washington.ar.us

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

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming regular Planning Board meeting **February 4, 2016, and March 3, 2016.**
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

*Daryl Yerton moved to adjourn. Kenley Haley seconded. Motion passed.
All Board members were in favor of approving.*

Planning Board adjourned.

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman