

**MINUTES  
WASHINGTON COUNTY PLANNING BOARD  
&  
ZONING BOARD OF ADJUSTMENTS**

**April 07, 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 Replat Lot 18, Wheeler Heights  
Minor Subdivision**

**Approved**

County

**b: Replat Lot 18, Wheeler Heights Minor Subdivision**

**Approved**

**CONDITIONAL USE PERMIT HEARINGS**

Goshen Planning Area

**c: Habberton Wedding Chapel CUP**

**Approved**

**LAND DEVELOPMENT HEARINGS**

Goshen Planning Area

**d: Habberton Wedding Chapel Preliminary LSD**

**Approved**

Springdale Planning Area

**e: Ozark Electric Cooperative Corp. Solar Tract**

**Approved**

Fayetteville Planning Area

**f: Salem Storage Expansion LSD**

**Approved**

Fayetteville Planning Area

**g: Variance for Eastern Park Subdivision  
Preliminary Subdivision**

**Approved**

Goshen Planning Area

**h: Eastern Park Subdivision Preliminary Subdivision**

**Approved**

**1. ROLL CALL:**

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

**2. APPROVAL OF MINUTES:** *Cheryl West made a motion to approve the minutes of March 03, 2016. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

**LAND DEVELOPMENT HEARINGS**

**County**

**a. Variance for Replat Lot 18, Wheeler Heights Minor Subdivision**

***Variance Approval Request***

Location: Section 28, Township 17 North, Range 31 West

Owner: Kathy Spencer

Engineer: Bill Jenkins & Associates

Location Address: 13500 Wheeler Heights Rd

Approximately 8.56 acres / 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11847325, Longitude: -94.28891734

**Project #: 2016-096 Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**County**

**b. Replat Lot 18 Wheeler Heights Minor Subdivision**

***Preliminary and Final Minor Subdivision Replat Approval Request***

Location: Section 28, Township 17 North, Range 31 West

Owner: Kathy Spencer

Engineer: Bill Jenkins & Associates

Location Address: 13500 Wheeler Heights Rd

Approximately 8.56 acres / 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11847325, Longitude: -94.28891734

**Project #: 2016-071 Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST: The applicant is requesting Variance, and Preliminary and Final Minor Subdivision Replat Approval of Replat Lot 18, Wheeler Heights Minor Subdivision. The request is to split an 8.56 acre parcel to create an additional 1.0 acre parcel.**

**The Variance request is to allow three (3) existing sheds to remain within the building setback.**

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

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

**QUORUM COURT DISTRICT:** District 1, Tom Lundstrum.

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

**SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:** **Water**– Washington Water Authority **Electric**- Ozarks Electric  
**Natural Gas**– Source Gas **Telephone**- AT&T **Cable**- Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

The property owner and applicant is Kathy Spencer. The surveyor is Dan Jenkins of Jenkins Surveying. The applicant is requesting to divide an 8.56 acre parcel, to create an additional 1.0 acre parcel.

This proposed property division could not be processed administratively due to its location within a platted subdivision. The requested split must therefore process as a minor subdivision replat.

This Minor Subdivision will create 2 tracts with enough road frontage for each lot to meet subdivision requirements of 75 feet or more onto a public roadway:

Parent Parcel:

- Lot 18 – 8.56 acres
  - 3 existing mobile homes
  - 5 existing sheds

Proposed Replat:

- Lot 18A – 7.56 acres
  - 3 existing mobile homes (1 to be removed)
  - 5 existing sheds
    - 2 within building setbacks
    - 1 encroaching from western neighbor's property
- Lot 18B – 1.0 acre, no structures

**Staff has no concerns regarding this Minor Subdivision Replat proposal.**

**TECHNICAL CONCERNS:**

**Sewer/Septic**

The two tracts will utilize individual septic systems. A Designated Representative of the Arkansas State Health Department carried out a soil pit analysis on Lot 18B, and determined it to be "Suitable for a standard subsurface sewage disposal system."

Melissa Wonnacott-Center of the Arkansas Department of Health had no additional comments on this property division's septic.

**Electric/Phone/Gas**

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

**Water**

Washington Water Authority has a water meter located on the southwest corner of Lot 18B.

**Addressing**

As this lot is over one-half acre, it will be addressed when the home location is known.

**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**

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

There is a 30' dedicated right-of-way from the center-line of Wheeler Heights Road, WC861. The large aluminum shed encroaches approx. 2.5 feet into the right-of-way. The County Road Superintendent, Charles Ward, reviewed the plan and stated he had no concerns with the right-of-way encroachment.

**Variance**

When any land development occurs whether it is a split or lot line adjustment, or a larger more intensive development like a subdivision, the building setback requirement is applied at that time.

Since the structures this Variance cover were existing before building setbacks were applied, Staff recommends approval of the Variance. However, any new or replacement structures must comply with the building setback requirement.

**SITE VISIT:**

A site visit was conducted by planning staff on March 14, 2016. Staff has no concerns.

Lot 18B is directly adjacent to Wheeler Heights Road. The applicant, or if the lot is sold, the new owner, will need a permit from the County Road Dept. if any work is to be done in the county road right-of-way (ROW).

**NEIGHBOR COMMENTS:**

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

One neighbor called with concerns regarding her shop building, which encroaches onto Lot 18A from her property to the west. Planning Staff explained that the only concern we have with the encroaching shop building is that it would be included with the Variance, which proposes to allow all the encroaching buildings to remain within established building setbacks. If the applicant ever wished to pursue the property line encroachment issue, it will be an issue between property owners.

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

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

**Agenda Item A – Variance to allow existing structures to remain within building setback**  
**Staff recommends approval of the Variance for Replat Lot 18, Wheeler Heights Minor Subdivision with the following conditions:**

1. Allow the existing sheds to remain in the building setback.
2. If the sheds are ever removed, any new or replacement structures must be placed with respect to established building setbacks.
3. In regards to the existing carport encroaching on the western property line of Lot 18A: the Variance is for the non-conforming structure which is not the responsibility of the applicant.

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

Robert Daugherty made a motion to approve the **Variance for Replat Lot 18, Wheeler Heights Minor Subdivision** subject to staff recommendations. Walter Jennings seconded. Chuck Browning and Kenley Haley were not present. Board Members Randy Laney, Walter Jennings, Robert Daugherty, Cheryl West, and Daryl Yerton were in favor of approving. Motion passed.

**Agenda Item B – Minor Subdivision Replat**

**Staff recommends Preliminary and Final Plat Minor Subdivision Replat approval of Replat Lot 18, Wheeler Heights Minor Subdivision with the following conditions:**

**Utility Conditions:**

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. Any damage or relocation of utilities will be at the expense of the owner/applicant.

**Environmental Conditions:**

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

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$53.17) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 3/24/2016). PAID, 4-12-2016
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. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Planner, Nathan Crouch, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

Daryl Yerton, Planning Board member, asked about the trailers in the west lot.

Nathan Crouch, Washington County Planner, replied, "The trailer has been removed from the 1 acre lot."

Robert Daugherty made a motion to approve the **Replat lot 18 Wheeler Heights Minor Subdivision** subject to staff recommendations. Cheryl West seconded. Chuck Browning and Kenley Haley were not

present. Board Members Randy Laney, Walter Jennings, Robert Daugherty, Cheryl West, and Daryl Yerton were in favor of approving. Motion passed.

## **CONDITIONAL USE PERMIT HEARINGS**

### **Goshen Planning Area**

#### **c. Habberton Wedding Chapel CUP**

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

Location: Section 27, Township 17 North, Range 29 West

Owner: Rocking TJ Enterprises LLC

Engineer: Milholland Company

Location Address: 17531 Habberton Rd

Approximately 3.94 Proposed Land Use: Wedding Venue

Coordinates: Latitude: 36.11690585, Longitude: -94.05558920

**Projects #: 2016-072 Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST: Conditional Use Permit approval to allow a wedding venue on a parcel of land that is 3.92 acres in size.**

**CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per 2 acres).**

**PLANNING AREA: This project is located within Goshen's planning area. The City has submitted no comments at this time.**

**QUORUM COURT DISTRICT: District 15 Butch Pond**

**FIRE SERVICE AREA: Goshen VFD**

**SCHOOL DISTRICT: Springdale**

**INFRASTRUCTURE: Water- Fayetteville Water    **Electric-** Ozarks Electric    **Natural Gas-** Source Gas  
**Telephone-** AT&T    **Cable-** Cox**

### **BACKGROUND/ PROJECT SYNOPSIS:**

The owner of this property is John Elliott, of Rockin TJ Enterprises. This property is located in Goshen's Planning Area off Habberton Road, WC-89 (see attachments C-8 and C-9).

This CUP request is to allow a wedding chapel and reception hall on a property that is approximately 3.92 acres in size, and currently zoned for Agricultural and Single Family Residential Uses. This project does not require formal approval by the City of Goshen as they are not proposing a split, but the County will receive the City's comments and consider possible conditions via the CUP process.

The developer proposes phasing the site improvements into 2 phases:

- Phase 1: Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
- Phase 2: Construct the Wedding Chapel within 1 year of CUP approval.

The City of Goshen approved the split on July 7, 2015 to split off the 3.92 acre parcel (the project site) from the 60.2 acre parent parcel. Washington County Planning Dept. administratively approved the planning area split on July 14, 2015 (project #2015-148). The developer owns both parcels.

Any alcoholic beverages will be catered by persons using the facilities, not by the owner.

Please see the applicant's detailed letter of explanation (see attachment C-11).

## TECHNICAL CONCERNS:

### Water:

The applicant participated in a cost-share program, with a number of the neighbors, to extend a 2" Fayetteville Water main line down Habberton Rd. to Wilson Lane. The Site Plan shows a private water line will run from the water meter, located adjacent to Habberton Rd., 950 linear feet to the proposed barn.

### Fire:

The Washington County Fire Marshal and the Fire Chief at Goshen VFD have reviewed the proposal. Tanker Support will be employed when responding to fire emergencies at this location. The nearest fire hydrant is approx. 1.25 miles away to the south, at the intersection of AR Hwy 45 and Habberton Rd.

The County Fire Marshal requested that:

1. All exits must be marked with Exit signs. **(Shown on the Site Plan)**
2. Panic hardware is required on all exit doors. **(Shown on the Site Plan)**
3. All Egress doors must meet 2012 Arkansas International Fire Code. **(Addressed)**
4. Label ADA entrances to both buildings on the site plan. **(Will be shown on the updated Site Plan)**
5. Submit detail of the "Mechanical Room" showing hot water heater, ac unit, and any other machinery. **(Architect stated the Mechanical Room will be a "design/build" situation; Approved by Fire Marshal)**
6. No parking is allowed on the access drive or the turnaround. **(Shown on the Site Plan)**
7. No extended (event) parking in the area labeled "Delivery Parking". **(Shown on the Site Plan)**

The applicant has submitted everything the Fire Marshal has requested, addressing all fire safety concerns.

The access drive and parking lot is designed by geo-tec professional to support a 75,000lb Fire truck.

The proposed Reception Hall has no facilities for cooking (such as a kitchen). All food will be catered.

### Septic:

The septic system design specifies two 1,000 gallon septic tanks, and one 500 gallon dose tank. The septic system was approved by Melissa Wonnacott, of the Arkansas Department of Health, on 11-5-2015, and permitted by the Arkansas Department of Health.

The alternate septic field is adjacent to the overflow parking area, directly north of the parking lot. The developer has agreed to place a barrier (boulders, parking curbs, etc.) to keep vehicles from driving/parking on the septic field.

### Electric/Gas/Cable/Phone:

Ozarks Electric commented that 1 phase power is available, but if 3 phase power is needed the developer will be charged full cost to extend it approximately 2 miles to the site.

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

No comments were received from Source Gas, Cox Communications, or AT&T.

### Roads/Traffic Impact/Parking/Sight Visibility/:

The County Road Department commented that a 24" drainage pipe must be installed in the access drive at the connection to Habberton Road. Additionally, before work is to be done in the county road right-of-way, a permit must be obtained from the County Road Dept.

The applicant's engineer submitted a Traffic Impact statement (see attachment C-XX), stating a typical event will generate approximately 76 cars, arriving over a 30 minute time span. The proposed parking lot

is sized to accommodate 60 cars (3 handicap spaces), with overflow parking in the field directly to the north of the lot.

According to the formula we have used in the past for other assembly uses, based on this square footage, 58 parking spaces is required. Therefore the parking lot's 60 spaces is adequate.

The applicant's engineer also submitted a Sight Distance Compliance statement (see attachment C-13). Sight distance is adequate.

**Drainage:**

The Washington County Contract Engineer stated that his concerns were addressed with the latest drainage report submittal.

**Environmental Concerns:**

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

**Signage/Lighting/Screening Concerns:**

All outdoor lighting, including security lighting, or lighting meant to illuminate the proposed sign, must be shielded and down lit. Outdoor lighting must not cause disturbance to drivers or neighbors, and must be shielded from the neighboring properties (see attached lighting diagram, C-14).

The applicant has proposed signage that will be no larger than 24 sq. ft. No additional signage is allowed to be placed.

The proposed dumpster must be fenced. The fencing, and gate, shall be opaque material. Washington County Planning will inspect the fencing. Staff is not recommending additional screening at this time.

The reception hall will be a barn, exhibiting rural character, and the proposed parking is to be gravel. The wedding chapel, proposed to be built within one year from project approval, will be situated behind the barn and not visible from Habberton Rd. Staff feels that these site elements are not out of context in a rural setting.

**City of Goshen Concerns:**

The City of Goshen has submitted no comments at this time.

**Phasing:**

The intent of this Conditional Use Permit request is to address zoning, and to place conditions for compatibility.

The intent of the Preliminary Large Scale Development request is to address the proposed site elements, including the reception hall (barn) and the chapel. However, no building plans have been submitted for the chapel. When the applicant decides to move forward with construction of the chapel, Architect's plans and Final Large Scale Development review will be required.

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The adjacent surrounding uses are single family residential and agricultural. The surrounding uses are primarily single family residential and agricultural. There are three businesses, and one proposed, in the general vicinity: The Grey Barn, a landscaping company; Sassafra Springs Winery and Wedding Venue; Saddlebock Brewery; and the proposed White River Café.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions.

Based on the proposed site elements, which include a barn, parking lot constructed of gravel instead of



asphalt, wedding chapel placed behind the barn even though there is an existing chapel less than a mile away, amplified music will not be allowed outdoors (with the exception of the bridal song if they choose to hold an outdoor ceremony), no fireworks will be allowed, and adequate site distance in each direction, staff feels this proposal will be low impact.

Based on the nature of the surrounding area being predominantly single family residential and agricultural, but with elements of commercial use steadily increasing in number, and the fact that Habberton Rd. is a well-travelled connection between Goshen and eastern Springdale, staff feels that the applicant's request is compatible with the surrounding uses, with conditions.

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

Staff feels that the traffic and nature of this proposed use will "light commercial".

According to the County's Land Use Plan:

**2. LIGHT COMMERCIAL**

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses. **Planning Staff feels this proposal is not incompatible with the adjacent and surrounding uses based on these facts:**
  - The project site is set back off the road, elevated, and screened by an existing fence row of trees, such that visually it will be considered low impact.
  - The proposal, coupled with Staff recommendations, will have minimal impact to surrounding properties.
  - Property is located away from neighboring property lines.

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed wedding venue is compatible to residential uses because by conditions placed by staff and the applicant, it will be low impact and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties as it will appear generally agricultural in nature. Steps are being taken to ensure that the use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare as all appropriate utilities and infrastructure will be installed.

**Future Land Use Plan**

The Future Land Use Plan for this area shows that it is "Residential, Compatible to Surrounding Densities". This portion of the County Future Land Use Plan was extrapolated from the City of Goshen's adopted Future Land Use Plan for this area. The proposed use is not residential, but staff feels that it can be made compatible with recommended conditions.

**SITE VISIT:**

A site visit was conducted by planning staff on March 14, 2016. Sight distance is adequate.

**NEIGHBOR COMMENTS/CONCERNS:**

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

One neighbor comment has been received, "in favor" of the development.

One neighbor comment has been received, "opposed" to the development. The comments are primarily concerning fire safety. A copy of the comment form has been sent to the County Fire Marshal and Goshen

Fire Chief for their opinions and opportunity to address the comments individually.

Staff will update the Planning Board at the meeting with a response to the “opposed” comments received and additional comments that are received.

#### **PLAN CHECKLIST:**

No Checklist items remain. However, there are a number of spelling errors that must be corrected. A list has been sent to the Applicant.

#### **STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Habberton Wedding Chapel Conditional Use Permit with the following conditions:**

##### **Phasing:**

1. **Phase 1:** Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
  - The Reception Hall and Chapel are both addressed with this Preliminary Large Scale Development proposal and it is presumed that Final Large Scale Development approval will be sought for Phase 1.
2. **Phase 2:** Construct the Wedding Chapel within approximately 1 year from CUP approval
  - When the applicant wishes to construct the chapel, they will be required to submit architectural plans to the Planning Office and Fire Marshal for approval. Once these plans are approved, construction on the chapel may commence. Once chapel construction is complete, the applicant must submit for and receive Final Large Scale Development approval for the chapel specifically.
    - If the footprint of the Chapel changes, or any additional site elements are proposed, Phase 2 may be subject to a revised Preliminary Large Scale Development procedure.

##### **Fire Conditions:**

1. Proposal must meet 2012 *Arkansas* International Fire Code.
2. Label ADA entrances to both buildings on the site plan.
3. All access roads and parking area drives must have a 38' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000 lbs. in all weather conditions.

##### **Health Department Conditions:**

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking (including overflow parking) is allowed on any portion of the septic system, including the alternate area.
3. Physical barriers must be placed adjacent to the alternate septic field to prevent vehicles from entering the alternate area. The barriers must be placed such that driving between them is not possible.

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' x 20'. This must be completed prior to Final LSD. Any extensions must be approved by the Washington County Road Department Superintendent.
2. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
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. No parking is allowed within Washington County's road right-of-way (ROW).
5. The connection from the handicapped parking to the building entrance must be ADA compliant.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. The proposed sign shall not exceed 24 sq ft in size.
3. Signage cannot be placed in the County Right-of-Way.
4. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
5. The proposed dumpster must be screened with opaque fencing material, including the gate. Washington County Planning will inspect the fencing.

**Standard Conditions:**

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. This CUP must be ratified by the Quorum Court.
3. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
4. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
5. Project should be generally developed as stated by the applicant in their explanation letter.
6. **The CUP must be ratified by the Quorum Court. (Completed: 4-21-2016)**

**Additional Conditions**

1. *Full architectural plans for the chapel must be submitted. They have to be reviewed and approved by the fire marshal prior to construction. If there are any changes to the footprint size or other site elements then additional preliminary large scale development review may be required.*
2. *Outdoor activities will be limited by the owner to prevent loud noise. Amplified music will be limited to inside the facility except in the event of outdoor ceremony music. No fireworks will be permitted on the premises.*

*Washington County Planner, Nathan Crouch, presented the staff report for the board members.*

*Walter Jennings, Planning Board member, asked, "What type of trees are along the fence line? Are they evergreen or deciduous?"*

*Nathan Crouch, Washington County Planner, answered, "It's a mix of evergreen and deciduous leaning towards the deciduous side."*

*Denton Kilpatrick, owner to the south of the project, stated, "Fire protection is a major concern when talking about hayfields. I kept hearing a likeness to Sassafras Springs and the other chapels for fire protection. There is not a hydrant on site for Sassafras Springs but there is one on within 500 ft of Guy Terry Road. There is not a hydrant within one mile of Habberton Rd. There's no fire suppression system planned for this proposed site. There's a couple hundred acres of hayfield out here. We spoke to the fire marshal in the area and he said he did not approve anything. I didn't speak to him, Donna Peel did. It was*

*Nathan Wood. He told Donna Peel that he did not approve anything. It was mentioned from the presentation that they had adequate fire protection and the fire protection is from a tanker service from a hydrant a mile away. That same tanker service that was in Goshen's city limits was denied for the other chapel by Goshen because they did not think it was adequate for the amount of people proposed inside the venue. Their proposal was for 230 people inside a frame structure in a hayfield with no fire protection. Yes, the barn's hayfield is inside Benton County, they have a hydrant on site. They are required to have such suppression system. It is also a life style concern for us. We bought the land to the south. Bob sold us our parcel and their parcel. The noise pollution from traffic and people at all hours of the night will be a concern. No offense, I did not know the senior vice president of Tyson would be doing the janitorial services there. We will be having some traffic coming and going at all hours of the night. The only other proposed business is Saddlebock. It doesn't have the capacity and the seating number as the chapel. But every other proposed venue they did had adequate fire protection. It's always been required. The only other concern is the lifestyle. It's zoned 1-2 people residential. Even though it's in the middle of the site, it affects all the neighbors. The proposed driveway for this venue goes behind my friends and neighbors. It's going to get noisy, guys. I live in Waterford now. We consulted with an architect for this building. I can hear the chapel from my back porch on most Friday's and Saturday's. But they do have the permit to do it. Thank you for your time; it's just public safety and life style. I don't want it to be a disruption with my current lifestyle. We're out there shooting guns and things like that. There are always things like that going on out there. It's outside the city limits.*

*Johnathan McCain, owner to the southeast of the project, stated, "I actually had a wedding out there last summer. I built a good size cedar barn, 50 ft west from the pond. At the wedding the kids pulled a stunt with fireworks. I got a well that is pretty good but I've never been so concerned in my life. I had no control over this. About 5 months earlier there was a grass fire in Denton's pasture. Luckily, my son found it within half an hour and the fire came to the side of the barn. When you say it's not a risk, it is a risk. There is a brand new barn. At the wedding last summer we had about one hundred people out there. Luckily there were no problems no one got hurt. The neighbors didn't complain about the music. It was just a one-time event. It made me realize how intrusive this process is. Every weekend we can potentially have this kind of entertainment going on. I've bought the property from Bob and built my house out there. This is the worst thing that can possibly happen to our plans. It is very obtrusive, obnoxious; the traffic that we had was unbelievable. Nobody complained. It was a one-time event. We're talking about a road that we see accidents on every week. You did not mention that. I saw one on the 19<sup>th</sup>. It was a local driver. The week before there was an accident on the curve at the north and south end of the property. Jerry Johnson, the original owner of the property, talked to Barbara stating that they fix fences all the time. These were local drivers on the road. The increased traffic will be an inconvenience. It'll take away from the rural and agricultural atmosphere of the property. In my opinion it will be destroyed by this wedding facility. Safety wise if there is a fire over there I am toast. There's no way a tanker can stop fire going across a dry hay field. If there's a little tiny spark and it's going happen at night, I will be at great risk. Anything I'll do in the future will be jeopardized if I do not have adequate water protection or fire protection. We are absolutely opposed to this process. I would like the board to consider all the options. Please do not brush over my comments. I wrote a thorough, detailed letter of why I didn't like it. Safety and fire is a major concern. Forget our nice little home in the county. Life will change.*

*Cain Cavitt, property owner off Bridle Wood Estates, stated, "The concern I have is not the location of the wedding chapel. It's the increase in traffic. We have the Sassafras winery & event center, Saddlebock brewery, and now the proposed chapel. The concern I have is traffic late at night. If I'm driving home on a Friday or Saturday, there's a steady stream of cars heading back into town from Guy Terry. Guy Terry is very hilly road. As a parent, a husband, and resident I'm concerned about drivers that have been drinking. They could have hit me, my wife, or any of the neighbors. The increase in traffic and drunk driving is the concern I have. I don't have an issue with the noise.*

*Rachel Kilpatrick, owner to the south of the project, stated, "I'm going to second a couple of the things Denton said. When we bought our land and we're talking with architect with the intent to build there. We have concerns about the noise. My husband uses the land for hunting purposes. He goes out on the weekend and shoots skeet. We should not be limited on the land that we own. It may be a concern, especially if we have brides complaining about the sound of firearms going off. It is in the county and*

that's what we use it for. He goes deer hunting all the time. He goes out and shoots with my family. It's usually done on a Saturday when weddings occur. From a safety standpoint I'm concerned about the drinking at the wedding. There's going to be a significant amount of traffic with possibly drunk drivers on roads that are already dangerous. We drive from Waterford to Sassafras Springs all the time. This curve is dangerous. I'm not sure whose jurisdiction it is to fix it. It's dangerous for sober people, let alone for someone that has a drink or two. I recognize that it is a significant distance from all the houses in Bridlewood. It'll be a significant distance from our houses. It's set in the middle. But it's also in all of our backyards. It's not something you want when you build a house in the area. You do not intend to have a business in your backyard.

Robert Daugherty, Planning Board member, recused himself from the project.

Juliet Richey, Washington County Planning Director, stated the Fire Marshall Ledbetter is here to answer any questions. Juliet clarified, "There were several comments that the building is not up to fire code. The building is adequate and meets Arkansas State Fire Code. We have many developments that have a field hydrant that's not located on site and is a mile away. There's a part of the rural fire code that addresses that specifically. It's evaluated by the same criteria used to evaluate all the rural projects in the area."

Walter Jennings, Planning Board member, stated, "Chief Wood was notified but had no comments."

Juliet Richey stated, "Marshall Ledbetter met with Chief Wood. He can tell you more."

Dennis Ledbetter, Washington County Fire Marshall, stated "As far as approving the project, the Fire Chief is asked to if they can supply fire flow for the project. For the response to this building; the initial response will be from Goshen, Nob Hill, Round Mountain, and Elkins fire department. They all bring their tankers and lots of water. The state Fire Marshall approves the project if they meet the fire flow. They recognize it's a little bit different for projects in the rural area. For example they approved a pond for a project at Teen Challenge. They used a combination of drafting water and tanker support. They used the hydrant to fill their tank. These departments are coming in at different times. One truck may dump while another truck is coming in. The Fire Chief does not approve the project; they approve the delivery of the water. It takes a combination of all of them.

Daryl Yerton, Planning Board member, asked, "Is a fire suppression system, sprinkler system, not required in this building?"

Dennis Ledbetter replied, "You have to meet certain criteria. The building has to be classified. We'll have to check the fire code to see what the classification entails. It's usually the square footage and number of occupants. I was Fire Marshall for the city of Fayetteville. The city that has the water system uses it. If you're close to water main you use it. People live in the city for a reason and people live in the county for a reason. There are benefits to both of them.

Cheryl West, Planning board member, asked, "Is this in a rural area? Can they keep skeet shooting and hunting? They can use their land as they want?"

Juliet Richey replied, "Yes, if this was approved, the wedding chapel will have to accommodate them as well. They have their rights to do those things."

Public Comments Closed.

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

## LAND DEVELOPMENT HEARINGS

### Goshen Planning Area

#### d. Habberton Wedding Chapel Preliminary LSD

##### ***Preliminary Large Scale Development Request***

Location: Section 27, Township 17 North, Range 29 West

Owner: Rocking TJ Enterprises LLC

Engineer: Milholland Company

Location Address: 17531 Habberton Rd

Approximately 3.94 Proposed Land Use: Wedding Venue

Coordinates: Latitude: 36.11690585, Longitude: -94.05558920

Projects #: 2016-073 Planner: Nathan Crouch e-mail at [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)

**REQUEST:** Habberton Wedding Chapel is requesting **Conditional Use Permit** approval and **Preliminary Large Scale Development** approval to allow a wedding chapel and reception hall on a property that is approximately 3.92 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

**CURRENT ZONING:** Project is located within the County Zoned area (Agriculture/Single-Family Residential 1 unit per 2 acres), and is contingent on CUP 2016-072 being approved.

**PLANNING AREA:** This project is located within Goshen's planning area.

**QUORUM COURT DISTRICT:** District 1, Butch Pond

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE: Water-** Fayetteville Water

**Electric-** Ozarks Electric

**Natural Gas-** SourceGas

**Telephone-** AT&T

**Cable-** Cox Communications

#### **BACKGROUND/ PROJECT SYNOPSIS:**

As stated in the CUP request, **Habberton Wedding Chapel** is requesting **Preliminary Large Scale Development** approval to allow a wedding chapel and reception hall on a property that is approximately 3.92 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

This project does not require formal approval by the City of Goshen as they are not proposing a split, but the County will receive the City's comments and consider possible conditions via the CUP process.

The developer proposes phasing the site improvements into 2 phases:

- Phase 1: Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
  - The Reception Hall and Chapel are both addressed with this Preliminary Large Scale Development proposal and it is presumed that Final Large Scale Development approval will be sought for Phase 1.
- Phase 2: Construct the Wedding Chapel within 1 year from CUP approval.
  - When the applicant wishes to construct the chapel, they will be required to submit architectural plans to the Planning Office and Fire Marshal for approval. Once these plans are approved, construction on the chapel may commence. Once chapel construction is complete, the applicant must submit for and receive Final Large Scale Development approval for the chapel specifically.
    - If the footprint of the Chapel changes, or any additional site elements are proposed, Phase 2 may be subject to a revised Preliminary Large Scale Development procedure.

Please see the applicant's Letter of Explanation (attachment D-10) for more detail.

**TECHNICAL CONCERNS:**

**Water:**

The applicant participated in a cost-share program, with a number of the neighbors, to extend a 2" Fayetteville Water main line down Habberton Rd. to Wilson Lane. The Site Plan shows a private water line will run from the water meter, located adjacent to Habberton Rd., 950 linear feet to the proposed barn.

**Fire:**

The Washington County Fire Marshal and the Fire Chief at Goshen VFD have reviewed the proposal. Tanker Support will be employed when responding to fire emergencies at this location. The nearest fire hydrant is approx. 1.25 miles away to the south, at the intersection of AR Hwy 45 and Habberton Rd.

The County Fire Marshal requested that:

8. All exits must be marked with Exit signs. **(Shown on the Site Plan)**
9. Panic hardware is required on all exit doors. **(Shown on the Site Plan)**
10. All Egress doors must meet 2012 Arkansas International Fire Code. **(Addressed)**
11. Label ADA entrances to both buildings on the site plan. **(Will be shown on the updated Site Plan)**
12. Submit detail of the "Mechanical Room" showing hot water heater, ac unit, and any other machinery. **(Architect stated the Mechanical Room will be a "design/build" situation; Approved by Fire Marshal)**
13. No parking is allowed on the access drive or the turnaround. **(Shown on the Site Plan)**
14. No extended (event) parking in the area labeled "Delivery Parking". **(Shown on the Site Plan)**

The applicant has submitted everything the Fire Marshal has requested, addressing all fire safety concerns.

The access drive and parking lot is designed by geo-tec professional to support a 75,000lb Fire truck.

The proposed Reception Hall has no facilities for cooking (such as a kitchen). All food will be catered.

**Septic:**

The septic system design specifies two 1,000 gallon septic tanks, and one 500 gallon dose tank. The septic system was approved by Melissa Wonnacott, of the Arkansas Department of Health, on 11-5-2015, and permitted by the Arkansas Department of Health.

The alternate septic field is adjacent to the overflow parking area, directly north of the parking lot. The developer has agreed to place a barrier (boulders, parking curbs, etc.) to keep vehicles from driving/parking on the septic field.

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

Ozarks Electric commented that 1 phase power is available, but if 3 phase power is needed the developer will be charged full cost to extend it approximately 2 miles to the site.

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

No comments were received from Source Gas, Cox Communications, or AT&T.

**Roads/Traffic Impact/Parking/Sight Visibility:**

The County Road Department commented that a 24" drainage pipe must be installed in the access drive at the connection to Habberton Road. Additionally, before work is to be done in the county road right-of-way, a permit must be obtained from the County Road Dept.

The applicant's engineer submitted a Traffic Impact statement, stating a typical event will generate approximately 76 cars, arriving over a 30 minute time span. The proposed parking lot is sized to accommodate 60 cars (3 handicap spaces), with overflow parking in the field directly to the north of the lot.

According to the formula we have used in the past for other assembly uses, based on this square footage, 58 parking spaces is required. Therefore the parking lot's 60 spaces is adequate.

The applicant's engineer also submitted a Sight Distance Compliance statement (see attachment C-12). Sight distance is adequate.

**Drainage:**

The Washington County Contract Engineer stated that his concerns were addressed with the latest drainage report submittal.

**Environmental Concerns:**

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

**Signage/Lighting/Screening Concerns:**

All outdoor lighting, including security lighting, or lighting meant to illuminate the proposed sign, must be shielded and downlit. Outdoor lighting must not cause disturbance to drivers or neighbors, and must be shielded from the neighboring properties (see attached lighting diagram, C-13).

The applicant has proposed signage that will be no larger than 24 sq. ft. No additional signage is allowed to be placed.

The proposed dumpster must be fenced. The fencing, and gate, shall be opaque material. Washington County Planning will inspect the fencing. Staff is not recommending additional screening at this time.

The reception hall will be a barn, exhibiting rural character, and the proposed parking is to be gravel. The wedding chapel, proposed to be built within one year from project approval, will be situated behind the barn and not visible from Habberton Rd. Staff feels that these site elements are not out of context in a rural setting.

**City of Goshen Concerns:**

The City of Goshen has submitted no comments at this time.

**Phasing:**

The intent of this Preliminary Large Scale Development request is to address the proposed site elements, including the reception hall (barn) and the chapel. However, no building plans have been submitted for the chapel. When the applicant decides to move forward with construction of the chapel, Architect's plans and Final Large Scale Development review will be required.

**NEIGHBOR COMMENTS/CONCERNS:**

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

One neighbor comment has been received, "in favor" of the development.

One neighbor comment has been received, "opposed" to the development. The comments are primarily concerning fire safety. A copy of the comment form has been sent to the County Fire Marshal and Goshen Fire Chief for their opinions and opportunity to address the comments individually.

Staff will update the Planning Board at the meeting with a response to the "opposed" comments received and additional comments that are received.



**CHECKLIST:**

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

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

No Checklist items remain. However, there are a number of spelling errors that must be corrected. A list has been sent to the Applicant.

**STAFF RECOMMENDATION: If the CUP is approved (Agenda Item C), staff recommends approval of the proposed Habberton Wedding Chapel Preliminary Large Scale Development with the following conditions:**

**Phasing:**

1. Phase 1: Construct the Reception Hall and all site improvements and supportive infrastructure, except the Chapel.
  - The Reception Hall and Chapel are both addressed with this Preliminary Large Scale Development proposal and it is presumed that Final Large Scale Development approval will be sought for Phase 1.
  
2. Phase 2: Construct the Wedding Chapel within approximately 1 year from CUP approval.
  - When the applicant wishes to construct the chapel, they will be required to submit architectural plans to the Planning Office and Fire Marshal for approval. Once these plans are approved, construction on the chapel may commence. Once chapel construction is complete, the applicant must submit for and receive Final Large Scale Development approval for the chapel specifically.
    - If the footprint of the Chapel changes, or any additional site elements are proposed, Phase 2 may be subject to a revised Preliminary Large Scale Development procedure.

**Fire Conditions:**

1. Proposal must meet 2012 *Arkansas* International Fire Code.
2. Label ADA entrances to both buildings on the site plan.
3. All access roads and parking area drives must have a 38' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000 lbs. in all weather conditions.

**Septic Conditions:**

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking (including overflow parking) is allowed on any portion of the septic system, including the alternate area.
3. Physical barriers must be placed adjacent to the alternate septic field to prevent vehicles from entering the alternate area. The barriers must be placed such that driving between them is not possible.

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' x 20'. This must be completed prior to Final LSD. Any extensions must be approved by the Washington County Road Department Superintendent.
2. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
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. No parking is allowed within Washington County's road right-of-way (ROW).
5. The connection from the handicapped parking to the building entrance must be ADA compliant.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.
2. The proposed sign shall not exceed 24 sq ft in size.
3. Signage cannot be placed in the County Right-of-Way.
4. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
5. The proposed dumpster must be screened with opaque fencing material, including the gate. Washington County Planning will inspect the fencing.

**Standard Conditions:**

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. This CUP must be ratified by the Quorum Court.
3. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
4. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
5. Project should be generally developed as stated by the applicant in their explanation letter.

**Additional Conditions**

1. Full architectural plans for the chapel must be submitted. They have to be reviewed and approved by the fire marshal prior to construction. If there are any changes to the footprint size or other site elements then additional preliminary large scale development review may be required.

2. **Please note that most of these conditions are similar to the ones on CUP 2016-072, however, there are differences between the projects. Take care to read ALL conditions carefully.**
3. **All conditions approved with Project 2016-072 shall apply to this project.**
4. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
5. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
6. Only the uses proposed are allowed; no additional uses unless additional review takes place.
7. **The Preliminary Large Scale Development approval is contingent on the Conditional Use Permit (CUP) approval. This includes Planning Board/ Zoning Board of Adjustments (PB/ZBA) CUP approval, CUP Ratification by the Quorum Court, and no CUP appeal being filed within 30 days of the PB/ZBA approval.**
8. **Prior to construction, all updated site and building plans must be submitted to the Planning Office and approved (2 copies for review).**
9. **No construction may begin until Preliminary LSD Plans (2 copies) have been submitted with all corrections shown and approved by Planning Staff.**
10. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
11. Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.
12. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - i. Construction must commence within 12 months of this approval or Preliminary LSD approval will be void.

*Washington County Planner, Nathan Crouch, presented the staff report for the board members.*

*No Public comments.*

*Public Comments Closed.*

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

### **Springdale Planning Area**

#### **e. Ozark Electric Cooperative Corp. Solar Tract**

##### ***Final Large Scale Development Request***

Location: Section 09, Township 17 North, Range 29 West

Owner: Ozarks Electrical Cooperative/ Applicant: Matt Irving

Engineer: Guernsey

Location Address: NW Corner of US HWY 412 and WC 2052 (Boulder Dr.)

Approximately 12 acres total (estimated 5 acres to be developed) / Proposed Land Use: 1 MW Solar Generation Facility

Coordinates: Longitude: -94.08215033 "W Latitude 36.16396344 "N

**Project #: 2015-107 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

**REQUEST:** Ozarks Electrical Cooperative Corp Solar Tract is requesting Final Large Scale Development to begin operation of an approximately 5 acre development of a 1 MW (megawatt) PV (photovoltaic) Solar generation facility on a tract of land approximately 12 acres in size.

**CURRENT ZONING:** Project lies within an unzoned portion of Washington County

**PLANNING AREA:** This project is located in Springdale's Planning Area, adjacent to Springdale City Limits.

**QUORUM COURT DISTRICT:** District 5, Joe Patterson

**FIRE SERVICE AREA:** Nob Hill/Springdale      **SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:** Water-Springdale   **Electric-**Ozarks Electric   **Natural Gas-**SourceGas   **Telephone-**ATT   **Cable-** Cox Communications

**BACKGROUND/ PROJECT SYNOPSIS:**

**Ozarks Electrical Cooperative Corp. Solar Tract LSD** is requesting **Final Large Scale Development** approval to begin operation of an approximately 5 acre development of a 1 MW PV Solar generation facility on a tract of land approximately 12 acres in size. A lot split was processed by the City of Springdale and Washington County in February 2015 to allow Ozarks Electric to purchase this portion of land.

The facility proposes to take access off of Boulder Dr., WC 2052, via a 20' wide looped driveway.

Grading has been completed for the drive and development area. An 8' chain link fence is located around the perimeter of the development area.

*Final Inspections were completed on April 1, 2016.*

*The driveway entrances were found to be paved appropriately, and the culverts had been installed by the Road Department. The Fire Marshal and Chief Hull of the Nob Hill Fire Department inspected the turnaround area and gate locks. These were found to be adequate.*

*At the time of the inspection, the signage for the shut off panels was not yet installed. Those have now been placed and staff received pictures showing their placement. These are adequate as well.*

Please see the attached plans for more information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Springdale Water services this property. No comments were received, no water service will be necessary. Due to the nature of this proposal (low voltage, no buildings, aluminum frames for the arrays), Planning Staff and the Washington County Fire Marshal determined that information on the water line and hydrant were not needed.

A knock box will be located on the exterior of the fence for emergency access. The cut-off panel key shall be located in the knock box with the fence key. The cut-off for the breakers is located near the entrance and will have posted instructions for emergency personnel.

The access road must support 75,000 lbs. The applicant constructed the access drive to be a looped drive accessing from Boulder Rd. The drive should be 20' in width. 28' minimum turn radius required for all parts of access drive. *This was inspected and found adequate.*

**Septic:**

There will be no septic system associated with this development.

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

Generally, any damage or relocation of utilities will be at the expense of the owner/applicant. No additional utility comments were received.

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

The facility proposes to take access off of Boulder Dr., WC 2052, via a 20' wide proposed driveway. A permit was issued to work in the County ROW, and two separate tiles were installed. There was a minor variation on the length of the tile (instead of one long one, there are two shorter ones so that no clean out is required), but as long as the turn radius is met, there is no concern.

The applicant is showing the required 30' ROW on their side of the road. And, the minimum 20' (in length and width) paved apron that is required at the connection with the paved County Road is also shown on the plan. ***This was inspected and found adequate.***

**Drainage:**

The Washington County Contract Engineer has reviewed and approved the drainage report.

**Environmental Concerns:**

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

**NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project at Preliminary LSD plan review. Final LSD plan review does not require another notification. At the time of this staff report, no comments have been received.

***No comments were received.***

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION: Staff recommended approval of the Ozarks Electric Cooperative Corp. Solar Tract Final Large Scale Development with the following conditions:**

**Water/Plumbing/Fire Conditions:**

1. A knox box is to be located on the exterior of the fence for emergency access.
2. The cut-off panel key shall be located in the knox box with the fence key.
3. The cut-off for the breakers is located near the entrance and will have posted instructions for emergency personnel.
4. The access road must support 75,000 lbs in all weather conditions.
5. The entrance drive should be 20' in width. 28' minimum turn radius required for all parts of access drive.

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

1. Require 30' ROW to be dedicated on their side of the road.
2. A minimum 20' (in length and width) paved apron is required at the connection with the paved County Road.

**Environmental Conditions:**

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

**Utility Conditions:**

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

**General Conditions:**

1. Pay Engineering Fees within 30 days of receiving statement. This will be calculated once staff receives all invoices.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. **No plan corrections remain.**
4. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

*Washington County Senior Planner, Courtney McNair, presented the staff report with updates for the board members.*

*No Public comments.*

*Public Comments Closed.*

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

**Fayetteville Planning Area**

**f. Salem Storage Expansion LSD**

***Preliminary Large Scale Development Approval Request***

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

Owner: Salem Storage LLC

Engineer: Blew & Associates

Location Address: 3519 N Salem Rd.

Approximately 8.00 acres / 1 building with 44 storage units. Proposed Land Use: Storage Units

Coordinates: Latitude: 36.11577592, Longitude: -94.20818923

**Project #: 2016-075 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

**REQUEST:** Salem Storage Expansion is asking for Preliminary Large Scale Development to construct an additional storage building on a parcel of land that is approximately 8 acres in size.

**CURRENT ZONING:** Project lies within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre), and the existing storage facility is "grandfathered" in this location.

**PLANNING AREA:** This project is located within the City of Fayetteville's Planning Area. The City does not

formally review Large Scale Developments, but had the opportunity for review and comment during Technical Review.

**QUORUM COURT DISTRICT:** District 8,      **FIRE SERVICE AREA:** Wheeler Rural      **SCHOOL DISTRICT:** Fayetteville

**INFRASTRUCTURE:** **Water-** Fayetteville      **Electric-** Ozarks Electric  
**Natural Gas-** SourceGas      **Telephone-** AT&T      **Cable-** Cox Communications

**BACKGROUND/ PROJECT SYNOPSIS:**

Salem Storage Expansion is asking for Preliminary Large Scale Development to construct an additional storage building on a parcel of land that is approximately 8 acres in size.

The proposal is for the construction of one additional building within the fenced perimeter of the existing storage facility. The proposed building is 12,000 sq ft and will house 44 additional storage units.

This project will not require a Conditional Use Permit because there is already storage taking place in the area that the proposed addition is to be located. They will just be moving it from outdoor to indoor storage.

Please see the site plans for further information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Fayetteville Water services this area. There is an existing hydrant on the site.

Wheeler Fire Department services this area and is okay with the existing gate situation at the existing entrance. They have responded there before without complication. No new / additional entrances are proposed. No fire flow gpm has been submitted, but the Fire Marshal has requested that they provide the flow. ***This has now been submitted and is adequate.***

Fire extinguishers are required. **The locations must be shown on the plans. The Fire Marshal will determine if they are adequate.**

**Health Department Issues:**

***There was concern that the proposed building was located in the septic system area that services the existing office building on site. The original permit could not be located, but based on past aerial imagery and previously proposed septic areas; the Health Department is requiring the proposed building be located more to the north to avoid the septic area.***

***The Fire Marshal and Fire Chief of Wheeler VFD agree that the new configuration is acceptable.***

***Additionally, the entire grassy area (between the existing office/apartment and the proposed storage building) must remain open so there is adequate space for the existing primary and alternate field according to the Health Department. This means that NO PARKING or STORAGE of any kind may occur in this area. The RVs that are currently stored there must be removed immediately. Staff conducted a site visit Thursday morning to make sure the septic area is clear before the meeting.***

This proposed addition will not have any type of restroom facilities, and therefore will not be connected to a septic system.

**Electric/Phone:**

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

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

This project accesses off WC 892, N. Salem Road. There is an existing entrance to the existing storage unit facility that is proposed to be used for this additional building.

No new / additional entrances are proposed.

Generally, any work (i.e. clearing, grading, driveway install) to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department.

**Drainage:**

A Drainage Report was submitted. The Washington County Contracted Engineer has reviewed this report. He found it to be adequate.

**Environmental Concerns:**

This project is in an urbanized/unincorporated area of Washington County. Initially it was thought that a stormwater permit would be required from Washington County. However, after code review by the Washington County Environmental Affairs Director and Washington County Attorney, it was determined that less than one acre of property is actually being disturbed and therefore the Washington County stormwater permit is not required.

However, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. [www.adeg.state.ar.us](http://www.adeg.state.ar.us)

**NEIGHBOR COMMENTS/CONCERNS:**

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

One “opposed” comment has been submitted. The neighbor has requested screening from the public roads, but that is not something we are able to consider under Large Scale Development review.

**Since the time of the staff report, an additional written “opposed” comment was received with similar comments as the other neighbor.**

**Planning received a phone call from another “opposed” neighbor. They brought the concern of the septic location to Staff’s attention. Staff feels this has been resolved adequately. Additionally, the neighbor had concerns about drainage, but the Contracted County Engineer did find the drainage report to be adequate.**

**CHECKLIST:**

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

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



**Checklist items remaining: (highlighted)**

8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. <i>Include parcel numbers. <b>Missing several: 001-16739-000, 001-16727-002, 179-00015-000, and 312-01450-000 is listing the incorrect owner. Aaron and Kelly Parks.</b></i>
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>LSD plan</i> shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes. <b>Add WC Road #s, only showing 59' of ROW, is that dedicated? Show 30' on your side. Surface condition?</b>

**Additional Plan corrections:**

- Show Fire extinguisher locations on the plans.

**STAFF RECOMMENDATION: Staff recommended approval of the proposed Salem Mini Storage Expansion Preliminary Large Scale Development with the following conditions, with updates since the time of the staff report:**

**Additional Plan corrections:**

- Show Fire extinguisher locations on the plans. **Fire Marshal will determine if they are adequate.**

**Septic Conditions:**

1. **The proposed building must be located more to the north to avoid the septic area as shown on the revised plans received by staff on 4/6/16.**
2. **Corrected copies of the plan showing this configuration and the approximate location of the septic system (along with all other plan corrections) are to be submitted to the Planning Office prior to construction. Staff requires a digital copy and 2 corrected hard copies.**
3. **Additionally, the entire grassy area (between the existing office/apartment and the proposed storage building) must remain open so there is adequate space for the existing primary and alternate field according to the Health Department. This means that NO PARKING or STORAGE of any kind may occur in this area.**

**Water/Plumbing/Fire Conditions:**

1. Show required fire extinguishers on plans. To be approved by the Fire Marshal.
2. All access roads and parking area drives must be compacted to support 75,000lbs in all weather conditions. Should be a note.
3. the Fire Marshal will inspect all improvements prior to the building being occupied.

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

1. Generally, any work (i.e. clearing, grading, driveway install) to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department.

**Environmental Conditions:**

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

**Signage/Lighting/Screening Conditions:**

1. No additional signage is allowed to be placed.
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.

**Addressing Conditions:**

1. The applicant must apply for a 911 address to be assigned.

**Utility Conditions:**

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

**Additional and Standard Conditions:**

1. Checklist items remaining:

8) Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. Include parcel numbers. Missing several: 001-16739-000, 001-16727-002, **179-00015-000 shown now, but owner incorrect-Darby and Amiee York, and 312-01450-000 is listing the incorrect owner. Aaron and Kelly Parks.**

(10) Existing roads, streets, culverts, railroads, and other features: The LSD plan shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes. Add WC Road #s, only showing 59' of ROW, is that dedicated? **Show 30' on your side-dimension.**

**Additional Plan corrections:**

- Show Fire extinguisher locations on the plans. Fire Marshal will determine if they are adequate.
2. Only the uses proposed are allowed; no additional uses unless additional review takes place
  3. Pay mailing fees (\$85.89) within 30 days of the project hearing. The invoice was emailed to the applicant on 3.31.16.
  4. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
  5. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
  6. **No construction may begin until Preliminary LSD Plans (2 copies) have been submitted with all corrections shown and approved by Planning Staff.**
  7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
  8. Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.
  9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
    - Construction must commence within 12 months of this approval or Preliminary LSD approval will be void.
  10. **Final Large Scale Development approval will be required prior to occupation of this proposed office building.**

**Septic Conditions:**

1. The proposed building must be located more to the north to avoid the septic area as shown on the revised plans received by staff on 4/6/16.
2. Corrected copies of the plan showing this configuration and the **approximate location of the septic system** (along with all other plan corrections) are to be submitted to the Planning Office prior to construction. Staff requires a digital copy and 2 corrected hard copies.
3. Additionally, the entire grassy area (between the existing office/apartment and the proposed storage building) must remain open so there is adequate space for the existing primary and alternate field according to the Health Department. This means that **NO PARKING or STORAGE** of any kind may occur in this area. **Add a note to the plans.**

**Additionally, Staff noticed that on C2, Site Information, the Zoning is listed as C-2, Highway Commercial. This zoning category does not exist in the County. This site is zoned Agricultural/Single Family Residential 1 unit/acre. The use was grandfathered.**

*Washington County Senior Planner, Courtney McNair, presented the staff report with updates for the board members.*

*Daryl Yerton, Planning Board member, asked, "Are they going to continue to allow storage of RVs at the facility? If so can they use the grassy area? If they remove the space with the building where are they going to store them?"*

*Courtney McNair, Washington County Senior Planner, stated, "I asked them the same question. They will continue to allow RV storage in other portions of the site. But in this area they will send out letters to the RV owners saying their contract is terminated. Paul, the manager, is here. He explained that everything is a month-by-month lease and they can terminate those spots. He'll contact other storage facilities to see if they have openings available. But they will discontinue those RV spots. It'll be buildings instead of RV spots."*

*Daryl Yerton asked, "Are there requirements for setbacks for parking RVs?"*

*Courtney McNair, replied, "They're within the fenced area. They can't park RVs in the county R-O-W. There's a 35' R-O-W on that side of the road. It goes back to the fence."*

*No Public comments.*

*Public Comments Closed.*

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

**Fayetteville Planning Area**

**g. Variance for Eastern Park Subdivision Preliminary Subdivision**

**Variance of Chapter 11, Article IV, Section 11.99.1 (c) Request**

Location: Section 32, Township 17 North, Range 29 West

Owner: L&F Construction, LLC

Engineer: USI Consulting Engineers, Ferdinand Fourie

Location Address: 4436 E. Mission Blvd

Approximately 7.66 acres / 14 lots. Proposed Land Use: 12 Single Family Residential (1 lot for septic and 1 lot for detention)

Coordinates: Latitude: 36.097785, Longitude: -94.097156

**Project #: 2015-122 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

**VARIANCE REQUEST:**

The applicant is requesting a variance from the Washington County code regarding the SCADA system for decentralized sewer systems. The SCADA system is an alert system that sends a phone call or text to an emergency contact in case of a system malfunction. The applicant is proposing a similar system with the same notification capability, but would like to use an alternate system.

Washington County code:

Sec. 11-99.1. - Community sewer systems. Modified

**(c) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:**

**(1) Automatic call-out or text to emergency contact number during alarm event.**

Renee Biby has reviewed the application for the variance and stated that if ADH agrees with this proposal, the County will support the variance. At the time of this staff report, no recommendation has been received from ADH regarding the requested variance.

**Staff has received confirmation from the state that ADH “does not have specific equipment requirements, but if the Waste Water Treatment Plant is not going to be manned 24 hour per day, 365 days per year, they do want an auto dialer system that will notify the plant operators when any alarm conditions occur. If the plant control panel has sufficient capability, a full SCADA system is not necessarily required.”**

**STAFF RECOMMENDATION for the VARIANCE APPROVAL REQUEST:**

**Staff recommended approval of the Variance of Chapter 11, Article IV, Section 11.99.1 (c) with conditions**

- 1. The variance fee of \$50.00 must be paid within 30 days of the project hearing.**
- 2. The intent of the ordinance regarding the required call out/text to emergency contact must be accomplished with the proposed alternative system.**
- 3. Recording of flow amount to drip fields must be provided in accordance with ADEQ and ADH regulations.**
- 4. The Washington County Public Utilities Coordinator and ADH must both review the final proposed alternative system of notification.**

*Washington County Senior Planner, Courtney McNair, presented the staff report with updates for the board members.*

*No Public comments.*

*Public Comments Closed.*

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

**Fayetteville Planning Area**

**h. Eastern Park Subdivision Preliminary Subdivision**

**Preliminary Subdivision Approval Request**

Location: Section 32, Township 17 North, Range 29 West

Owner: L&F Construction, LLC  
Engineer: USI Consulting Engineers, Ferdinand Fourie  
Location Address: 4436 E. Mission Blvd  
Approximately 7.66 acres / 14 lots. Proposed Land Use: 12 Single Family Residential (1 lot for septic and 1 lot for detention)  
Coordinates: Latitude: 36.097785, Longitude: -94.097156  
**Project #: 2015-122 Planner: Courtney McNair e-mail at [cmcnair@co.washington.ar.us](mailto:cmcnair@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary Subdivision Plat approval for Eastern Park Subdivision which includes 12 residential lots, one lot for the detention area, and one lot for the decentralized sewer system, on a parcel that is 7.66 acres in size.

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

This project received Conditional Use Permit approval on November 13, 2014 from Washington County to allow a density of approx. 2.3 units/acre (this area is zoned Single Family Residential 1 unit per acre / Agricultural). The current proposal is less dense than what was approved with the CUP. They are currently proposing approx. 1.64 units/acre.  
All conditions of CUP 2014-018 must be adhered to for this project. **(see attached approval letter).**

**PLANNING AREA:** The subject property is located within Fayetteville's Planning Area. This project received Preliminary Plat Approval on June 8, 2015 from the city. All conditions approved by the City of Fayetteville apply to this proposed project.

**QUORUM COURT DISTRICT:** District 15, Butch Pond.

**FIRE SERVICE AREA:** Goshen VFD

**SCHOOL DISTRICT:** Fayetteville School District

**INFRASTRUCTURE:** **Water**– Fayetteville Water **Electric**- Ozarks Electric  
**Natural Gas**– SourceGas **Telephone**- AT&T **Cable**- Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

This project was submitted as a Conditional Use Permit in 2014. It was tabled several times and came before the Planning Board in September 2014. At that meeting, the Planning Board denied the density request. The applicant lowered the proposed density and appealed that decision to the Quorum Court. The Quorum Court voted to approve the CUP in November 2014. This project has been through the City of Fayetteville for Preliminary Subdivision Plat approval which was granted June 8, 2015 with conditions. All conditions approved with the CUP and Fayetteville's Preliminary Plat apply to this project. This project was tabled at the applicant's request at the July 30, 2015 and August 27, 2015 Washington County Planning Board Meetings in order to work on outstanding concerns. It was removed from the October 1, 2015 meeting. This project was resubmitted, but then tabled at the November 5, 2015, December 10, 2015, February 4, 2016 and March 3, 2016 Planning Board Meetings at the applicant's request.

The applicant for this project is L&F Construction, Inc. The engineer is Ferdi Fourie, USI Consulting Engineers.

The applicant is requesting Preliminary Subdivision Plat approval for Eastern Park Subdivision which includes 12 residential lots, one lot for the detention area, and one lot for the decentralized sewer system, on a parcel that is 7.66 acres in size.

The property is located within Fayetteville's Planning Area, east of the city limits, and within the one-mile buffer. One entrance off Highway 45 (E. Mission Blvd.) is proposed to access this development.

This parcel did have one existing residence that has been removed.

The residential lots are proposed to utilize a Decentralized Sewer System (DSS).

**TECHNICAL CONCERNS:**  
**Sewer/Septic & Public Utility**

This project proposes to utilize a decentralized septic system (DSS) for **all 12** of the residential lots. The design for the DSS is under review and the engineer will need to provide more detail to the State Health Department for their Engineering Section Plan Review. **The applicant must submit the design for this system to the State Health Department for review and approval prior to any subdivision construction.**

There have been several attempted renditions for the proposed Decentralized Sewer System to service these lots. The current submittal with a response letter to the Arkansas Department of Health has been submitted and reviewed by the Washington County Public Utilities Coordinator, Renee Biby.

Also, the applicant is requesting a variance from the Washington County code regarding the SCADA system for decentralized sewer systems. The SCADA system is an alert system that sends a phone call or text to an emergency contact in case of a system malfunction. The applicant is proposing a similar system with the same notification capability, but would like to use an alternate system.

Washington County code:

Sec. 11-99.1. - Community sewer systems. Modified

(a) "Community sewer systems," also known as "decentralized sewer systems," are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

(b) To ensure compatibility in the event of annexation, all community sewer systems located within two (2) miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Public Utility Coordinator shall make this determination after consulting with the cities involved.

(1) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.

**(c) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:**

**(1) Automatic call-out or text to emergency contact number during alarm event.**

(d) Prior to construction plan approval pursuant to [section 11-74](#), proof of application from the Arkansas Department of Environmental Quality showing a permit has been applied for and is deemed administratively complete shall be submitted to the Public Utility Coordinator.

(e) Prior to receiving final plat approval pursuant to [section 11-75](#), proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Public Utility Coordinator.

(f) This section shall be enforceable by appropriate civil action by the County Judge.

(g) All community sewer systems are required to have a back-up generator in the event of power outage, said generator to be approved by the Washington County Public Utilities Coordinator.

Renee Biby has reviewed the application for the variance and stated that if ADH agrees with this proposal, the County will support the variance. At the time of this staff report, no recommendation has been received from ADH regarding the requested variance. Staff will update you at the meeting. THIS ISSUE MUST BE RESOLVED PRIOR TO PRELIMINARY PLAT APPROVAL.

Renee Biby has also reviewed the resubmitted information for the system as a whole. She had some comments, but determined that it will be at the discretion of the ADH to make the final decision on those

issues. Planning Staff is comfortable with recommending approval based on ADH ultimately approving the decentralized system with only minor changes anticipated.

With an earlier submittal to the State Health Department Engineering division, regarding the proposed decentralized system, ADH submitted back several comments (see attached). Several of the comments are related to the system specifications, and the engineer for the project has asked the system manufacturer to submit those details. Additionally, the engineer for this project responded to the comments as well.

The Engineering Department at ADH responded that they will review the corrections once plans are officially submitted to their office. The engineer for this project has not submitted those to ADH at this time. However, based on the resubmitted information, the corrections only impact the treatment area, and do not affect the size of the required drip fields, and therefore should not affect the overall layout of the subdivision.

Clarification was provided regarding the required 100' buffer from the sewer system. The buffer must be 100' from the drip lines, but not the treatment plant according to the City of Fayetteville and ADH.

The engineer submitted a new utility plan showing that Lot 12 will be on a gravity link to the decentralized system and will not require a grinder pump. Those plans have been sent to Fayetteville for additional review.

This has been a very complex and complicated project, however, staff does feel that most of the major concerns have been addressed at this time, or will be addressed with the further review that is required by several other agencies prior to and during the Construction Plan process. The Engineering Division of the Arkansas State Health Department, Arkansas Department of Environmental Quality, City of Fayetteville Engineering and Water, as well as Construction Plan review by the Washington County Road Department and Contracted Engineer will take place if this project receives Preliminary Approval.

Staff has two outstanding concerns prior to recommending for Preliminary Approval by the Planning Board. Staff would like to have a recommendation from ADH regarding the requested variance, and is waiting for the County Contracted Engineer to complete his review of the latest drainage submittal. If those two items are addressed, and adequate, prior to the Planning Board Meeting, Staff will recommend the Board approve this Preliminary Subdivision Plat.

***The County Contracted Engineer has approved the drainage report, and a satisfactory response has been received from ADH regarding the variance.***

**Some minor plat corrections/planning conditions remain to be addressed.**

#### **Electric/Phone/Gas/Cable**

This property is serviced by Ozarks Electric, Source Gas, AT&T, and Cox Communications. Generally any damage or relocation of utilities will be at cost to the developer.

**Ozarks Electric:** Ozarks Electric submitted general comments and requested road crossings and additional easements to be shown on the plat. It appears these easements and crossings are shown and correct.

**AT&T:** No comment was received from AT&T.

**Cox Cable:** No comment was received from Cox Cable.

**SourceGas:** No comment was received from SourceGas.

#### **Water & Fire**

This property is serviced by City of Fayetteville water. There is an existing waterline located on Hwy 45 (E. Mission Blvd.).

The City of Fayetteville initially stated that the applicant must provide a looped water connection that will involve a minimum 2" water main from the eastern dead-end line, back out to the main on Hwy 45. After research and review by the City of Fayetteville Engineering division and Water & Sewer, this requirement has been removed.

The nearest hydrant is located at Hwy 45 and E. Ashley Lane, which is approximately ¼ mile to the west of the proposed entrance to this property. The gpm fire flow for that hydrant is 974 gpm. A new hydrant is proposed near the entrance of the subdivision, and two additional hydrants are proposed to be located within the development.

The Washington County Fire Marshal asked that an engineered fire flow for the proposed hydrants be submitted at Preliminary Subdivision review. This has been submitted and is adequate.

The Washington County Fire Marshal has stated that the hydrants shown on the plans are adequate. The road is proposed to be 28' wide which allows for parking on one side of the road. The side of the road where the hydrant is located must be marked as "no parking", and there must be a 20' section of "no parking" across the street at the hydrant locations. This has been corrected on the plat.

The turn radius is required to be a minimum 38', and this is shown on the plat. The turn-arounds shown on the plat are adequate.

#### **Addressing**

At Final Plat, addresses must be shown on the plat for all lots less than one-half acre. The note per the Subdivision Checklist, that lots over one-half acre will be addressed when the home location is known, has been added to the plat.

#### **Environmental**

No storm water 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. This proposed project is larger than five acres and will require a Construction Stormwater for Large Sites permit from ADEQ. A copy must be submitted to Planning for our file.

[http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/default.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm)

**The engineer has stated that the Notice of Intent (NOI) will be filed with ADEQ at least 14 days prior to beginning construction.**

#### **Fayetteville's Preliminary Plat Approval**

This project has received City of Fayetteville Preliminary Approval by the Planning Commission on June 8, 2015.

Additionally, the engineer for this project has submitted corrections to the City of Fayetteville based on the new lot configuration since the time of the City's Preliminary Approval. That is currently under review.

All conditions of the City of Fayetteville's approval and any addition conditions placed as a result of the reconfiguration must be completed. **(Please see attached letter and conditions section for all of the City of Fayetteville conditions) Planning Staff will also include all new City of Fayetteville recommendations once they are received.**

#### **Roads**

One entrance is proposed off Hwy 45 (E Mission Blvd). As this is a state highway, the applicant will be required to obtain proper permits from AHTD before constructing the entrance. No direct residential lot access onto Hwy 45 will be allowed (all lots must have access the proposed interior street). In addition, there is a small residential drive, Trough Springs Drive, to the north of this property. No access will be allowed onto that road, and this is noted on the plat.



A statement showing that the sight distance at the entrance was received by the engineer for this project. The sight distance meets/exceeds County Standards.

The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sac, this is shown on the plat. They also stated that with the currently proposed plat, the streets will be classified as Class II residential, per county regulations. Soil analysis is required for determining the street section, and the engineer has stated that the geotechnical soil report will be completed. No signage or structures may be placed in the County ROW. No trees are to be planted in the ROW.

A note has been added to the plat that states "Washington County does not maintain sidewalks, streetlights, fencing, common areas, or detention/retention ponds".

### **Drainage**

There is some concern about the 'level spreader' proposed near the entrance of this project. Staff is concerned that due to the topography (there is no ditch on that side of Highway 45, and the neighbor's yard forms a "bowl") the neighbor could be negatively impacted by this drainage outlet being placed here. The engineer has submitted a new drainage report, and that is under review by County Contract Engineer, Clay Grote. ***The County Contracted Engineer has approved the drainage report.***

In addition to this concern, previously Mr. Grote stated that detention outflow structures are not allowed in county ROW. The engineer for the project has stated that only the inlet is in the County ROW, and the outflow is in the State Highway ROW. Additionally, gutter spread (located on the large detention pond in the north east corner of the property) needs to be addressed in drainage report. **He had stated that both concerns can be updated with the construction plan submittal.**

### **Planning**

All conditions approved with CUP 2014-018 must be completed. One minor checklist item remains to be addressed as well.

The CUP plans were approved with a sign easement. This is not shown on the Preliminary Plat, but the engineer has stated that this will be filed as a separate document. Signage may not be placed in the County ROW. **The applicant has stated that they may try to pursue an easement from the Highway Department, but understands it cannot be within the County ROW if a sign is placed.**

The engineer for the project has submitted a planting proposal for the required trees (retained 2 existing trees per lot, and add 3 additional trees per lot-not necessarily 3 additional trees on each lot, but within the overall development). **Staff is concerned with one tree that is located very near the drip lines.**

**If any of the trees to be retained are damaged or removed, additional trees must be planted to replace them at a rate of 3 new trees to 1 existing. Strong preference is placed on retaining existing trees.**

**Care must be taken when installing the privacy fence that none of the trees along the property line are damaged or removed. This need to be indicated on the plans.**

An agreement with a neighbor to the south to maintain certain large trees was formalized in writing (with specific tree locations show). The drip line of these trees must be left intact and fenced for protection during construction to insure their protection.

### **Site Visit:**

Planning Staff has conducted several site visits. No additional concerns have been noted.

### **NEIGHBOR COMMENTS:**

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

Five opposed neighbors have submitted comments over the course of this project's review (6/16/15, 6/30/15, 7/1/15, 8/26/15, and 11/4/15). Additionally, staff has had ongoing conversations with two neighbors about remaining concerns. Most of these comments address issues that are generally reviewed during the Conditional Use Permit portion of review.

Additional conversation has been ongoing with one neighbor. Concerns have been forwarded to the state health department regarding the decentralized sewer system design, and they are reviewing them along with the permit submitted by the applicant.

One other neighbor had concerns about the maintenance of the fence along the property line. Staff will make it a condition of approval that this is to be kept in good repair.

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

**CHECKLIST:**

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

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

Checklist items to be addressed:

(8) Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. Include parcel numbers. One correction: Add property across Hwy 45- 001-15726-000 Garnet D. Terry. This is shown on one sheet, but not the main C2 (and is cutoff on C3). **This has been added, but the USE was left off. Add the USE of this property.**

Other Plat Issues to be addressed:

- No additional plat corrections noted at this review.

**STAFF RECOMMENDATION for the PRELIMINARY SUBDIVISION PLAT APPROVAL REQUEST: As the VARIANCE was granted approval, Planning Staff recommended for approval of the Preliminary Plat of Eastern Park Subdivision with the following conditions:**

**Sewer/Septic & Public Utility Conditions:**

1. The design for the DSS is under review and the engineer will need to provide more detail to the State Health Department for their Engineering Section Plan Review.
2. The applicant shall submit the design for this system to the State Health Department for review and approval prior to construction.

3. All conditions placed by State Health Department shall be completed.
4. The Engineering Department at ADH responded that they will review the corrections once plans are officially submitted to their office.
5. A buffer shall be maintained that is at least 100' from the drip lines, but not the treatment plant according to the City of Fayetteville and ADH.
6. The engineer submitted a new utility plan showing that Lot 12 will be on a gravity link to the decentralized system and will not require a grinder pump. This must be reviewed and approved by ADH and the City of Fayetteville.
7. Washington County Code regulating Community Sewer Systems (Sec. 11-99.1. - Community sewer systems. Modified) must be completed as set out in the following (with the exception of the type of emergency notification system per the VARIANCE request):

Sec. 11-99.1. - Community sewer systems. Modified

(a) "Community sewer systems," also known as "decentralized sewer systems," are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

(b) To ensure compatibility in the event of annexation, all community sewer systems located within two (2) miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Public Utility Coordinator shall make this determination after consulting with the cities involved.

(1) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.

(c) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:

(1) Automatic call-out or text to emergency contact number during alarm event.

(d) Prior to construction plan approval pursuant to section 11-74, proof of application from the Arkansas Department of Environmental Quality showing a permit has been applied for and is deemed administratively complete shall be submitted to the Public Utility Coordinator.

(e) Prior to receiving final plat approval pursuant to section 11-75, proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Public Utility Coordinator.

(f) This section shall be enforceable by appropriate civil action by the County Judge.

(g) All community sewer systems are required to have a back-up generator in the event of power outage, said generator to be approved by the Washington County Public Utilities Coordinator.

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

1. Generally any damage or relocation of utilities will be at cost to the developer.
2. Ozarks Electric: Ozarks Electric submitted general comments and requested road crossings and additional easements to be shown on the plat. It appears these easements and crossings are shown and correct.

**Water & Fire Conditions:**

1. The Washington County Fire Marshal has stated that the hydrants shown on the plans are adequate.

2. The road is proposed to be 28' wide which allows for parking on one side of the road. The side of the road where the hydrant is located must be marked as "no parking", and there must be a 20' section of "no parking" across the street at the hydrant locations. This has been corrected on the plat.
3. The turn radius is required to be a minimum 38', and this is shown on the plat. The turn-arounds shown on the plat are adequate.

**Addressing Conditions:**

1. At Final Plat, addresses must be shown on the plat for all lots less than one-half acre. The note per the Subdivision Checklist, that lots over one-half acre will be addressed when the home location is known, has been added to the plat.

**Environmental Conditions:**

1. No storm water 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. This proposed project is larger than five acres and will require a Construction Stormwater for Large Sites permit from ADEQ. A copy must be submitted to Planning for our file.  
[http://www.adeg.state.ar.us/water/branch\\_permits/general\\_permits/stormwater/default.htm](http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm)
2. The Notice of Intent (NOI) shall be filed with ADEQ at least 14 days prior to beginning construction.

**Fayetteville's Preliminary Plat Approval Conditions:**

1. This project has received City of Fayetteville Preliminary Approval by the Planning Commission on June 8, 2015.
2. Additionally, the engineer for this project has submitted corrections to the City of Fayetteville based on the new lot configuration since the time of the City's Preliminary Approval. That is currently under review.
3. All conditions of the City of Fayetteville's approval and any addition conditions placed as a result of the reconfiguration must be completed.

**Roads Conditions:**

1. The applicant will be required to obtain proper permits from AHTD before constructing the entrance.
2. No direct residential lot access onto Hwy 45 will be allowed (all lots must have access the proposed interior street).
3. In addition, there is a small residential drive, Trough Springs Drive, to the north of this property. No access will be allowed onto that road, and this is noted on the plat.
4. The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sac, this is shown on the plat.
5. The streets will be classified as Class II residential, per county regulations.
6. Soil analysis is required for determining the street section at Construction Review.
7. No signage or structures may be placed in the County ROW.
8. No trees are to be planted in the ROW.
9. A note has been added to the plat that states "Washington County does not maintain sidewalks, streetlights, fencing, common areas, or detention/retention ponds".

**Drainage Conditions:**

1. There is some concern about the 'level spreader' proposed near the entrance of this project. Staff is concerned that due to the topography (there is no ditch on that side of Highway 45, and the neighbor's yard forms a "bowl") the neighbor could be negatively impacted by this drainage outlet being placed here. The engineer has submitted a new drainage report, and that is under review by County Contract Engineer, Clay Grote.
2. Detention outflow structures are not allowed in county ROW. The engineer for the project has stated that only the inlet is in the County ROW, and the outflow is in the State Highway ROW. This can be updated with the construction plan submittal.

3. Additionally, gutter spread (located on the large detention pond in the north east corner of the property) needs to be addressed in drainage report. This can be updated with the construction plan submittal.

**Planning Conditions:**

1. All conditions approved with CUP 2014-018 must be completed.
2. One minor checklist item remains to be addressed as well.
3. The CUP plans were approved with a sign easement. This is not shown on the Preliminary Plat, but the engineer has stated that this will be filed as a separate document. Signage may not be placed in the County ROW. The applicant has stated that they may try to pursue an easement from the Highway Department, but understands it cannot be within the County ROW if a sign is placed.
4. The engineer for the project has submitted a planting proposal for the required trees (retained 2 existing trees per lot, and add 3 additional trees per lot-not necessarily 3 additional trees on each lot, but within the overall development). Staff is concerned with one tree that is located very near the drip lines.
5. If any of the trees to be retained are damaged or removed, additional trees must be planted to replace them at a rate of 3 new trees to 1 existing. Strong preference is placed on retaining existing trees.
6. Care must be taken when installing the privacy fence that none of the trees along the property line are damaged or removed. This need to be indicated on the plans.
1. An agreement with a neighbor to the south to maintain certain large trees was formalized in writing (with specific tree locations show). The drip line of these trees must be left intact and fenced for protection during construction to insure their protection.
2. The privacy fence along the property boundary shall be kept in good repair.
3. Checklist items to be addressed:
  - (8) Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. Include parcel numbers. One correction: Add property across Hwy 45- 001-15726-000 Garnet D. Terry. This is shown on one sheet, but not the main C2 (and is cutoff on C3). This has been added, but the USE was left off. Add the USE of this property.
4. The Engineering Division of the Arkansas State Health Department, Arkansas Department of Environmental Quality, City of Fayetteville Engineering and Water, as well as Construction Plan review by the Washington County Road Department and Contracted Engineer will take place prior to and during Construction Review. All conditions placed by any of these agencies must be completed. If major modifications are necessary due to any further review, this project may be required to return through Washington County Planning Preliminary Subdivision Plat review at the discretion of the Washington County Planning Director.

**Standard Conditions:**

1. Washington County will not maintain common areas or park areas.
2. Pay Engineering Fees within 30 days of receipt of invoice. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. 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. Once all plat corrections have been completed, submit two corrected plats for review to the Planning Office prior to construction plan review.
6. The pre-construction meeting may not be held until Preliminary Plats (2 copies) have been submitted with all corrections shown and approved by Planning Staff.
7. Please contact the City and County to determine the next steps for each entity in the construction process.
8. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received by the Washington County Road Department and approved by the County Attorney prior to a pre-con meeting being set up.

9. If the City wishes to hold a pre-con meeting as well, the County would prefer that we have a joint pre-con meeting.
10. Absolutely no construction may begin until the pre-construction meeting is completed and the plans have been accepted by Washington County.
11. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
12. Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.
13. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - Construction must commence within 12 months of this approval or Preliminary Plat approval will be void.
14. Final Subdivision Plat approval by the Washington County Planning Board, all signatures, and filing with the Circuit Clerk will be required prior to any lots being sold.

*Washington County Senior Planner, Courtney McNair, presented the staff report with updates for the board members.*

*Daryl Yerton, Planning Board member, asked, "How does the lot size fit with the existing surrounding subdivision?"*

*Courtney McNair, Washington County Senior Planner, answered, "They vary. There are larger residential lots adjacent to this area and across Hwy 45 are smaller lots. It's a mix in the broad general area."*

*Daryl Yerton, asked, "Do we consider structure size at this time?"*

*Courtney McNair, replied, "That would have been at Conditional Use Permit."*

*No Public comments.*

*Public Comments Closed.*

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

## **5. Other Business**

- Discussion of Current Development and Planning Department Activities.
  - Discussion of March 30, 2016, County Attorney's Opinion 2016-03
- Reminder of upcoming regular Planning Board meeting **May 5, 2016 and June 2, 2016.**
- Any other Planning Department or Planning Board business.

## **6. Old Business**

## **7. Adjourn**

*Cheryl West moved to adjourn. Daryl Yerton 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