

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS

August 2, 2012

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: Replat Tract 2, Daugherty Minor Subdivision

Approved

Springdale Planning Area

b: Dollar General LSD

Approved

Springdale Planning Area

c: Sonora Middle School LSD

Approved

County

g: Big Red Dirt Farm, LLC LSD

Approved

CONDITIONAL USE PERMIT HEARINGS

County

d: Starlight Organics Homestead CUP

Approved

Prairie Grove Planning Area

e: Ellis Family Solutions CUP

Tabled

Goshen Planning Area

f: Ebenezer Baptist Church CUP

Removed

1. ROLL CALL:

Roll call was taken. Members present include: Cheryl West, Kenley Haley, Randy Laney, Robert Daugherty, Daryl Yerton, and Walter Jennings. Chuck Browning was absent.

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes from June 28, 2012. Kenley Haley second. Motion passed.*

3. APPROVAL OF THE AGENDA:

Cheryl West made a motion to approve the agenda. Daryl Yerton seconded. Motion passed.

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Replat Tract 2, Daugherty Minor Subdivision

Minor Subdivision Request

Location: Section 25, Township 14 North, Range 33 West

Owner: Donnie and Brandi Wilhite

Applicant: Donnie and Brandi Wilhite

Location Address: Closest address: 19778 Boys Home Road

Approximately 5.43 acres/ Proposed Land Use: Residential

Coordinates: Longitude: 94° 26' 38.34" W Latitude: 35° 51' 55.02" N

Project #: 2012-068 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Replat Approval of Tract 2, Daugherty Minor Subdivision. The request is to split a 5.43 acre parcel into two tracts.

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 10, Rick Cochran.

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

SCHOOL DISTRICT: Lincoln

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

BACKGROUND/ PROJECT SYNOPSIS:

The property owners/applicants are Donnie and Brandi Wilhite. The surveyor is Bill Jenkins. The applicants are requesting to divide a 5.43 acre parcel into two tracts:

Tract 2A- 4.43 acres

Tract 2B- 1 acre (building residence on this lot)

This property had an old mobile home on it that has been removed. The new residence, located on the proposed Tract 2B, is mostly completed. **(see attachments A-5 - A-7)**

This proposed property division could not be processed administratively because it is located within a previously platted subdivision and therefore considered a replat.

(see attachment A-8)

TECHNICAL CONCERNS:

Sewer/Septic

Only Tract 2B is proposed to have a residence on it at this time. The septic design and approval

is attached. **(Page A-9 - A-14).**

In addition, the septic system appears to be located on Tract 2A and therefore is located in a Septic Easement. The entire system, including the alternate area, must be located in this easement.

If a residence is ever to be located on Tract 2A, a septic system must be designed by a Designated Representative and approved by the Health Department for that residence.

Electric/Phone/Gas

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

Water

Lincoln water services this parcel. It appears that a water tap already exists for the proposed residence on Tract 2B

Addressing

There is currently no DEM address assigned to this parcel. The applicant thought that a 911 address existed for this lot, but Planning Staff was unable to verify that with the 911 Addressing office. An application must be submitted for a 911 Address.

Environmental

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

Road

This parcel accesses off of English Road, WC 4434, a residential drive. Residential drives are NOT maintained by Washington County.

Both proposed lots have adequate road frontage.

The note on the plat that states "Driveway tile will need to be approved by the County Judge and installed at the owner's expense" is incorrect and must be taken off the plat prior to signatures being obtained.

SITE VISIT:

A site visit was conducted by planning staff on June 18, 2012. **(Please see site photos page A-15 - A-17).**

Currently, there is a temporary trailer on the property which the applicants are staying in until the residence is complete. This trailer may not be used as a permanent residence without further review. It is the applicant's responsibility to contact staff once the residence is completed so that a final site inspection can be completed.

NEIGHBOR COMMENTS:

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

No comments have been received at this time.

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

CHECKLIST:

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

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

STAFF RECOMMENDATION:

Staff recommends the approval of Replat Tract 2, Daugherty Minor Subdivision with the following conditions:

Utility Conditions:

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

Sewer/Septic Conditions:

1. If a residence is ever to be located on Tract 2A, a septic system must be designed by a Designated Representative and approved by the Health Department for that residence.
2. The septic system(s) must be approved, installed and inspected by the Health Department prior to occupation of the residence(s).

Environmental Conditions:

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

Addressing Conditions:

1. There is currently no DEM address assigned to this parcel. An application must be submitted for a 911 Address.

Additional Conditions:

1. The temporary trailer may not be used as a permanent residence without further review.
2. It is the applicant's responsibility to contact staff once the residence is completed so that a final site inspection can be completed.

Standard Conditions:

1. Pay review fee (\$150.00) within 30 days of project approval. Any extension must be approved by the Planning Office.

2. Pay neighbor notification mailing fees (\$17.75) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 7/26/12).
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. Once all plat corrections have been completed, submit corrected plat to Washington County Planning for review prior to obtaining signatures.
5. 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.

Robert Daugherty, told Chairman Randy Laney, that is he abstaining on the project.

Randy Laney, Chairman, asked if the applicant if is there anything additional he would like to add to the presentation and if anyone else here would like to speak for or against the project.

No public comments. Public comments closed.

Daryl Yerton made a motion to approve the Replat Tract 2, Daugherty Minor Subdivision subject to staff recommendations. Walter Jennings seconded. All board members were in favor of approving. With Robert Daugherty abstaining. Motion passed.

Springdale Planning Area

b. Dollar General LSD

Final Large Scale Development

Location: Section 2, Township 17 North, Range 29 West

Owner/Developer: Carlton & Donna Anderson

Engineer/Surveyor: Coover Consultants

Location Address: 17204 E. Hwy 412, Springdale, AR 72764

3.75 acres and 1 unit / Proposed Land Use: commercial

Coordinates: Longitude: 94°2' 48.53"W Latitude: 36 9'56.251"N

Project #: 2011-158 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

REQUEST: Final Large Scale Development Approval for Dollar General LSD. The proposed project is located on a parcel containing 1.256 acres with 1 proposed commercial unit.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre). Conditional Use Permit to allow the use of a shop/ office structure to house a trade-type business on this site was approved January 5, 2012, project # 2011-153.

PLANNING AREA: This project is located in the City of Springdale's Planning Area. The City of Springdale does not formally review this type of Large Scale Development project, but have an informal review and comments.

QUORUM COURT DISTRICT: District 13, Joe Patterson

INFRASTRUCTURE: **Water-** Springdale **Electric-**Ozarks Electric **Natural Gas-** AWG
Telephone- AT&T Phone **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property PB General Holdings (Sonora) LLC. The applicant is Dollar General and the

engineer is Gary Coover of Coover Consultants. This property is located in the Sonora community off E. Hwy. 412.

Dollar General is requesting Final LSD approval for a commercial retail store on 1.256 acres. The store is 9,100 square feet (7,310 sq ft of sales floor) and there is 20,137 sq ft of paving and parking areas with a 3-lane access driveway.

The parcel required a lotline adjustment through the City of Springdale and Washington County. That split was approved by Springdale and Washington County on 2/15/12, WC project # 2012-018.

All items on the Washington County Land Development Submittal Checklist have been completed.

All outstanding items have been addressed.

Dollar General opened on July 19, 2012 under the Temporary Use Clause. All conditions were completed prior to opening and they must received approval at the August 2, 2012 Planning Board Meeting to remain open. The applicant is aware of this condition.

CHECKLISTS:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project. It is up to the Planning Board's discretion whether or not to agree with staff recommendation.

Important Information Checklist

	Inadequate	Acceptable	Complete
Planning Issues/ Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues (ADEQ)			✓

General Plan Checklist

	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

Planning/Engineering Issues

The lotline adjustment was completed.

Road Issues

The driveway permit from the Arkansas Highway and Transportation Department was submitted.

An adequate compaction statement for the parking and drive areas was also submitted.

Fire Code Issues

An updated fire flow test was submitted, and the knox box was installed.

Exit lights, panic hardware on exit doors and fire extinguishers have been installed and inspected by the Washington County Fire Marshal.

Utility Issues

No additional utility comments.

Health Department Issues

The septic system was approved, installed and inspected by the Health Department.

The septic/plumbing system was designed so that it can be connected to the public sewer system when available.

STAFF RECOMMENDATION: Staff recommends Final LSD Plan approval of the proposed Dollar General LSD with the following conditions:

1. All conditions of the Conditional Use Permit approval must be adhered to.
2. Dollar General will be required to stop operations if this project is not approved at the August 2, 2012 Planning Board Meeting.
3. The spot lighting must remain downward facing. Cannot shine outwards onto hwy 412.
4. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process with the County.
5. 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

Randy Laney, Chairman, asked if the applicant if is there anything additional he would like to add to the presentation and if anyone else here would like to speak for or against the project

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the Dollar General Final LSD subject to staff recommendations. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.

Springdale Planning Area

c. Sonora Middle School LSD

Final Large Scale Development Approval Request

Location: Section 10, Township 17 North, Range 29 West

Owner/Developer: Springdale School District No. 50

Engineer/Surveyor: McGoodwin, Williams, & Yates

Location Address: 17149 E. Hwy 412, Springdale, AR 72764

26.21 acres and 2 lots / Proposed Land Use: school

Coordinates: Long: 94°3'3.7"W Lat: 36°9'49.28"N

Project #: 2010-093 Planner: Juliet Richey, e-mail at jrichey@co.washington.ar.us

REQUEST: Final Large Scale Development Approval for Sonora Middle School LSD.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre). **The project also obtained a Conditional Use Permit for the use of a school (and related uses) April 7, 2011.**

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

QUORUM COURT DISTRICT: District 13, JP Joe Patterson

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

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

Septic- Onsite septic system owned by a public entity (Springdale School District)

BACKGROUND/ PROJECT SYNOPSIS:

This property is owned by the Springdale School District #50. The applicant for this project is Dr. Jim D. Rollins and the Springdale School District. The engineer for this project is Chris Brackett of McGoodwin, Williams, and Yates.

The Springdale School District is requesting Final Large Scale Development approval for the school (one school building and all related uses) be allowed on approximately 26.21 acres. The Preliminary Large Scale Development and CUP for this project were approved in April 2011.

This proposed school site sits directly adjacent (to the west) of the Sonora Elementary School site (for which a CUP and Preliminary LSD were approved in February 2010).

The middle school will be served by a septic system owned by the school district. Storm water detention is proposed on the middle school site to handle water from both the middle school and elementary school.

Clay Grote, County Contract Engineer, has approved the final drainage report for this project.

TRAFFIC ISSUES:

Several months ago AHTD approved a signal for the intersection of Sonora Road and HWY 412 E. As per the completed traffic study, the School District is widening and improving Sonora Road and installing a light at the intersection.

- Parents dropping children off or picking them up will enter the school at the eastern drive and will queue in the lanes provided. These parents will exit to the south and east through the Elementary School and eventually to Sonora Road.
- Buses will enter the western drive and travel to the Elementary School along the southern drive that connects the two schools and turn around to pick up/drop off children at the Elementary School. These buses will then travel back along the southern and western drive to pick up/drop off children at the Middle School. And finally the buses will exit back onto Highway 412 at the western drive.
- Teachers, school staff and visitors will enter at the western drive and they will be able to park in any of the three parking lots provided. These vehicles can exit either directly onto Highway 412 at the western drive or they can travel to Sonora Road on the southern drive.

If the light is not in place and at full functionality by the first day of school, the school district has developed a traffic contingency plan (**see attached pg C8**) that they will utilize until the signal is fully functional. The school district must let us know 2 weeks prior to the opening of school on August 20th whether or not the signal will be complete in time. Chief Deputy Jay Cantrell, Washington County Sheriff's Office, has approved the contingency plan.

TECHNICAL CONCERNS:

Fire Safety Issues:

Dennis Ledbetter-County Fire Marshal, Gary Hull-Nob Hill Fire Chief, and Ed Stith-Springdale Fire Marshal, have reviewed the CUP, Preliminary LSD, and Final LSD.

They completed inspections of the Building July 19 and 27, 2012, and while most items were complete, there are a few remaining issues that they will need to re-inspect prior to the August 2 meeting.

The fire issues seem on track to be completed before August 2. Staff will provide an update on their progress at the meeting.

ADA, Parking, and Sidewalks:

Parking and ADA accessibility have been addressed with the LSD plans.

Planning needs a statement that ADA access from ADA parking spaces to the building is in place prior to building occupation.

Sidewalks connecting the middle and elementary schools together will run along the parent pick up drive connecting the campuses. ADA access ramps for sidewalks are required to be installed at curb crossings for all driveways, street intersections, and crosswalks (this is to be completed at the time the sidewalks are constructed). All street or drive crossings must be ADA compliant in slope at designated ADA and pedestrian crossing points.

After a site inspection on July 27, 2012, there are three sidewalk connection points that still require a ramp, and one area that requires crosswalk striping. The contractor has been made aware of this and is working to rectify the issue. Planning staff stipulates that this be completed prior to the Planning Director signing the Final LSD plan.

Engineering (Drainage) Issues:

The applicant provided a drainage study for review. Washington County Contract Engineer, Clay Grote, reviewed the report and found it to be adequate. No additional drainage requirements are recommended at this time.

Septic/Sewer Issues:

The school has installed a large septic system for this site. Final ADEQ approval has been issued (**see attached pg. C7**).

The school must follow all rules and regulations of the Arkansas Health Department and Arkansas Department of Environmental Quality.

Environmental Issues:

No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations www.adeq.state.ar.us

***Site Plan:
(signage, lighting, screening)***

All outdoor lighting must be shielded from surrounding properties and traffic. Upon staff inspection on July 27, 2012, the lighting appears to be shielded.

The signage is proposed to be indirectly lit. The LSD plan shows that the signage is proposed to be placed near the front (northern) property line, just east of the western drive. As of the inspection on July 27, 2012, the sign is still under construction, but appears to be in compliance.

CHECKLISTS:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project. It is up to the Planning Board's discretion whether or not to agree with staff recommendation.

Important Information Checklist

	Inadequate	Acceptable	Complete
Planning Issues/ Engineering Issues		x	
Road Issues		x	
Fire Code Issues	x		
Utility Issues			x
Health Department Issues			x
Other Important Issues (ADEQ)			x

General Plan Checklist

	Inadequate	Acceptable	Complete
General Information			x
Existing Conditions			x
Proposed Improvements			x
Info to supplement plat			x

STAFF RECOMMENDATION:

Staff recommends approval of the Final LSD with the following conditions:

FIRE SAFETY CONDITIONS:

1. All fire issues must be completed to the satisfaction of the Washington County Fire Marshal prior to the occupancy of the building (this includes faculty and staff occupancy).

GENERAL CONDITIONS:

1. No development or parking will be allowed at any time on any portion of the septic areas (including alternate areas). The Health department strongly suggests some sort of fencing or other protective barrier be placed around alternate field areas
2. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate review process.
3. All CUP conditions must be adhered to.

ROAD/TRAFFIC/PARKING CONDITIONS:

1. ADA access ramps for sidewalks are required to be installed at curb crossings for all driveways, street intersections, and crosswalks. All street or drive crossings must be ADA compliant in slope at designated ADA and pedestrian crossing points. **Three ramps must be added and one crosswalk area striped at southern connection points of the school. This must be completed prior to the Planning Director signing the Final LSD Plan.**
2. Continue working on road improvements.
3. All road improvements (including, but not limited to: drainage, road work, traffic signal installation, paving, striping, and corresponding signage installation) must be complete and approved by the County Road Department as a condition of Final LSD Approval.
4. All widening to Sonora Road must be complete prior to August 20, 2012.
5. School begins August 20, 2012. If the traffic signal is not under normal operation by the time school starts, traffic control shall be achieved via the Contingency Traffic Plan submitted on 7-13-12. Planning staff and the County Sheriff's Office should be alerted two weeks prior to the start of school (August 6) if the contingency plan will be needed.

FEES:

1. Engineering Fees will be calculated at Final Large Scale Development for the Conditional Use Permit, Preliminary Large Scale Development, and Final Large Scale Development review.
\$38.12 Mailing fees for Preliminary LSD and CUP
\$50.00 Engineering review fees
\$15.00 Lot Line Adjustment fee
\$103.12 Total

GENERAL:

1. Have all signature blocks signed on 11 Final Plans - 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 Director, Juliet Richey, presented the staff report

Randy Laney, Chairman, asked if the applicant if is there anything additional he would like to add to the presentation and if anyone else here would like to speak for or against the project

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the Sonora Middle School Final LSD subject to staff recommendations. Cheryl West seconded. All board members were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARINGS

County

d. Starlight Organics Homestead CUP

Conditional Use Permit Approval Request

Location: Section 23, Township 16 North, Range 32 West

Owner: Steve & Patricia Penn

Applicant: Patricia Penn

Location Address: 16428 Mateer Road Lincoln, AR 72744

Approximately 25 acres/ Proposed Land Use: Residential/Agricultural

Coordinates: Longitude: 94° 21' 21.896" W Latitude: 36° 2' 59.856" N

Project #: 2012-080 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a third residence on a parcel of land that is 25 acres in size.

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

PLANNING AREA: This project is *not* located within a city's planning area. It is located solely within the County.

QUORUM COURT DISTRICT: District 10 Rick Cochran

FIRE SERVICE AREA: Wedington

SCHOOL DISTRICT: Prairie Grove

INFRASTRUCTURE: Water- well Electric-Ozarks Electric Natural Gas- N/A Telephone- Prairie Grove Phone Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owners of this property are Steve and Patricia Penn. The applicant is Patricia Penn. This property (parcel # 001-12909-001) is located west of Farmington off Mateer Road WC# 610 (a Washington County-maintained gravel road) (see attachments D-13 and D-15). The property owners live on this parcel where they and their children run a small organic farm (see attachment D-24).

This CUP request is to allow a second structure on a parcel of land 25 acres in size with no road frontage. Because the property has no public road frontage, this project does not qualify for the "Additional Dwelling Unit" administrative process and must be processed as a Conditional Use Permit.

There is one permanent residence on the property (16428 Mateer Road) and the applicant's son periodically occupies the site in his RV; he stays for varying amounts of time but does not live here permanently (see attachment D-15 and D-20 through D-22). The applicant has stated that a hose is hooked up to the RV to provide water (the applicant is on well water) but that the applicant's son uses a toilet in the house at 16428 Mateer Road. The applicant assured Planning Staff that they do not dispose of septic waste on the ground and that any waste resulting from the hose water was disposed of properly at RV parks, etc. On the 07.19.2012 site visit by Planning Staff, no evidence of surface waste dumping was seen.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The existing home at 16428 Mateer Road utilizes well water and the proposed additional home has had a well dug which is located 100 feet away from the leach field (see attachment D-28 through D-36). Washington County Fire Marshall, Dennis Ledbetter, had no comment. The homes meet the minimum twenty feet of separation between structures and meets Washington County building setback requirements.

Sewer/Septic:

The existing home at 16428 Mateer Road is on septic and the proposed additional home will also utilize septic. Soil work and a septic design for the additional home has been submitted and approved by Melissa Wonnacott-Center of the Arkansas State Health Department (see attachments D-28 through D-36). The septic system must be installed and inspected by The Arkansas State Health Department prior to occupation.

Electric/Gas/Cable/Phone:

Prairie Grove Telephone is okay with the wording of "...ingress, egress and for utility purposes over, across and under the following described tract..." in deed 2010-00028762 (see attachments D-37 through D-39 and D-40 through D-42) even though no *width* is included in the legal description. Ozarks Electric states that generally, any damage or relocation of utilities will be at the expense of the owner/applicant. There are no gas, cable service, or water lines to this property.

Roads/Sight Visibility/Ingress-Egress:

A 2010 deed grants an ingress, egress, and utility easement (of no specified width) to Steve and Patricia Penn for access from parcel 00-12909-001 to Mateer Road WC# 610 (see attachment D-40 through D-42). While not easement width is detailed in this deed, Planning Staff and Shane Bell (of Prairie Grove Telephone) both feel comfortable with the deed wording and no width will be required to be added to the deed (see attachment D-37 through D-39). The Washington County Road Department had no comment on this project.

Drainage:

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

Environmental Concerns:

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

COMPATIBILITY CONCERNS:

Surrounding Density:

The surrounding land uses are single family residential and agricultural.

The adjoining parcel densities are:

Most dense: 1 residence per 118.66 acres

Least dense: 0 residences per 77.35

Average density – 0.2 residences per 67.21 acres

The proximity parcel densities are:

Most dense: 1 residence per 19.74 acres

Least dense: 0 residences per 77.35 acres

Average density – 0.2 residences per 48.60 acres

The applicant is proposing a density of 1 residence per 8.22 acres. While this density is greater than that of the surrounding properties (see attachments D-16 and D-17), this application is for an additional home for *family* and would be low-impact in nature. Planning Staff feels this proposal is compatible with the adjoining densities and is in compliance with Washington County's current zoning density requirements.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

- a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density of one residence per 8.22 acres is compatible with the surrounding densities in the area.**
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **Ozark Electric Cooperation and Prairie Grove Telephone utilities are available.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that this additional residence on 25 acres with a land use of agricultural/residential will be compatible with the character of the surrounding area which consists of agricultural/residential and agricultural land uses.**
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls; **This project is for an agricultural/residential land use.**
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads. **No right of way is required. This project utilizes an easement that accesses Mateer Road WC# 610 (a gravel County-Maintained road).**

5. AGRICULTURAL

- a. Protecting agricultural lands and uses, as valuable resources, is critical to Washington County's economy and character, and is of the utmost importance. As a crucial element in retaining the agricultural character and rural nature of the county, it is doubly important to protect, and in some cases, preserve agricultural lands. **The proposed home is of only 900 square feet and is located on a family organic farm worked by the family members.**
- b. This objective should be met by the identification of agricultural areas to be protected, and the adoption and enforcement of regulatory mechanisms to minimize and avoid the effect of incompatible adjoining uses.

Planning Staff feels that since the land use will remain agricultural/residential in an area of adjoining agricultural/residential and agricultural land uses, that the applicant's request is compatible with the surrounding land uses.

Future Land Use Plan

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

NEIGHBOR COMMENTS/CONCERNS:

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

No comments have been received. Staff will provide the Planning Board Members with any additional submitted comments at the Planning Board Meeting on August 2, 2012.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Starlight Organics Homestead Conditional Use Permit with the following conditions:

Planning Conditions:

1. The new address of 16434 Mateer Road WC #610 has been conditionally assigned for the new residence. It has been conditionally released upon approval of Starlight Organics Homestead CUP by the Washington County Planning Board and Zoning Board of Adjustments, upon all conditions of this proposed CUP being met, and upon ratification of Starlight Organics Homestead CUP by the Washington County Quorum Court.
2. The RV, which is sometimes occupied on the property, must have its waste properly disposed of according to the requirements of the Arkansas Department of Health.
3. Any future residences to be constructed on this property must come through Washington County Planning as a Conditional Use Permit. *(08.03.2012 note: This CUP approved the second and third structures on this property (the RV and the home being constructed at 16434 Mateer Road). Therefore, if the RV is replaced with a different structure in the future, that replacement structure would be covered with this CUP; no additional CUP would be required for that replacement).*
4. No structures may be built within 20 feet of the additional residence and the RV being presented with this Conditional Use Permit. Any construction within the floodplain must come through Washington County Planning for review.
5. A new address must be acquired by the applicant for the RV on the property.
6. If, in the future, the RV is replaced by a permanent structure, its septic system must be submitted to Planning Staff and be inspected and approved by the Health department prior to occupation of the residence.

Septic Conditions:

1. After installation, the septic system must be inspected and approved by the Health Department prior to occupation of the residence(s).

Environmental Conditions:

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

Utility Conditions:

1. Any relocation of Ozarks Electric facilities will be at the expense of the owner/applicant.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$7.10) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 07.24.2012).
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, additional residences, or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance. This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Sarah Geurtz, presented the staff report.

Randy Laney, Chairman, asked if the applicant if is there anything additional she would like to add to the presentation and if anyone else here would like to speak for or against the project.

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the Starlight Organics Homestead CUP subject to staff recommendations. Walter Jennings seconded. All board members were in favor of approving. Motion passed.

Prairie Grove Planning Area

e. Ellis Family Solutions CUP

Conditional Use Permit Approval Request

Location: Section 32, Township 15 North, Range 31 West

Owner: Amy Jo Ellis

Applicant: Amy Jo Ellis/ Nick Vandenberg

Location Address: 13907 Meacham Road, Prairie Grove, AR 72753

Approximately 1.15 acres/ Proposed Land Use: Residential

Coordinates: Longitude: 94° 18' 9.98" W Latitude: 35° 56' 25.39" N

Project #: 2012-068 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

This item was tabled at the request of the applicant.

Goshen Planning Area

f. Ebenezer Baptist Church CUP

Conditional Use Permit Approval Request

Location: Section 27, Township 17 North, Range 28 West

Owner: Scott Henderson

Applicant: Paul Davis

Location Address: 21859 Fire Tower Road Elkins, AR 72727

Approximately 9.66 acres/ Proposed Land Use: Church

Coordinates: Longitude: 93° 56' 50.279" W Latitude: 36° 6' 22.068" N

Project #: 2012-081 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

This item was removed from the agenda at the request of the applicant.

LAND DEVELOPMENT HEARING

County

g. Big Red Dirt Farm, LLC LSD

Preliminary Large Scale Development Request

Location: Section 09, Township 16 North, Range 31 West

Owner: Big Red Dirt Farm, LLC

Applicant: Big Red Dirt Farm, LLC

Engineer Name: Jorgensen and Associates

Location Address: 15453 Hamstring Road, Fayetteville, AR, 72704

Approximately 57.29 acres / Proposed Land Use: quarry

Coordinates: Longitude: 94° 16' 8.72" W Latitude: 36° 4' 54.77" N

Project #: 2012-065 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Preliminary Large Scale Development Approval for Big Red Dirt Farm LLC, Preliminary LSD.

The proposed project is located on a parcel containing 57.29 acres.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre). Conditional Use Permit to allow the use of a quarry on this site was approved March 26, 2009, project # 2008-162.

PLANNING AREA: This project is not located within a City's Planning Area, however, since it is directly adjacent to the City of Fayetteville's City limits, County Planning Staff did request their comments on the project.

The City recommended that all CUP conditions and Consent Decree Conditions stay in place.

QUORUM COURT DISTRICT: District 11, JP Mary Ann Spears (R)

INFRASTRUCTURE: Water – The property is in the service area of Washington Water Authority.

Other Utilities - The lot is in the service area of Ozark Electric, AT&T Telephone, Source Gas (not on site), and Cox Communications.

BACKGROUND/ PROJECT SYNOPSIS:

Big Red Dirt Farm, LLC is the current owner of the property. The proposed project has access off of Hamstring Road (WC #842).

The applicant has requested Preliminary Large Scale Development approval to transition from the sole use of a red dirt pit to include quarrying activities for the extraction of rock. They will use a portable crusher that will move around the site to whatever location it is needed. All blasting is contracted; no explosives will be stored onsite.

A Conditional Use Permit for this project was originally denied by the Planning Board (September 2008), but ultimately approved on appeal by the Quorum Court (March 2009). The case then proceeded to Court where it was ultimately settled by a Consent Decree (March 2012).

The Conditional Use Permit conditions (pg G6) and the conditions of Consent Decree (pg G9) are both applicable to this Large Scale Development.

The primary differences between dirt pits and quarries are as follows:

- Blasting of rock
- Crushing of rock material
- Differences in reclamation requirements by Arkansas Department of Environmental Quality (ADEQ)

LARGE SCALE DEVELOPMENT CONSIDERATIONS:

Preliminary Large Scale Development is the first step in the (generally) four-step Large Scale Development Process:

- 1. Preliminary LSD Hearing**
- 2. Construction of Improvements**
- 3. Final LSD Hearing**
- 4. Signing and Filing of Final LSD/ Approval to Begin Operation**

Unlike a CUP, there are only specific items that we can even consider for a Large Scale Development.

We can generally consider the following:

- **Drainage issues-** A drainage report was completed for this LSD. The drainage report was reviewed and approved by the County Contract Engineer. The report calls for allowing a space for the existing off-site drainage to pass through the required berms at the SW corner of the property. The LSD plans were recently updated to reflect this change. The Contract Engineer is reviewing the change. I will update you at the meeting in regard to his approval (or not) of the plans.
- **Traffic impact-** The existing entrance to Big Red Dirt Farm will be utilized. The applicant will be required to pave this entrance to be 40' wide and 250' in depth from the intersection of Hamstring Road. Loaded trucks are prohibited from turning left onto Hamstring. Trucks must turn right onto Hamstring and proceed to HWY 16. A traffic study was completed for this project. This study was reviewed and approved by the County Contract Engineer and the County Road Department.

Compliance with Sections 11-100 and 101 below (see below excerpts from code in italics):

Section 11-100 (pertinent excerpts)

(c) Such large-scale developments shall be set back from the edge of any County or public road no less than two hundred fifty (250) feet.

(d) The approach to such large-scale developments from the edge of County or public road to the edge on the development shall be no less than forty (40) feet in width and paved in accordance with specifications to be promulgated by the County Road Superintendent so as to decrease dust, dirt, and mud from being deposited on and around County and public roads.

(e) Every large-scale development shall develop and submit a dust abatement plan to prevent dust from causing a traffic hazard on County and public roads. Said plan shall include, in accordance with regulations to be promulgated by the County Road Superintendent, the applying of water or a dust palliative as needed.

(f) Every large-scale development shall maintain and clean the approaches as set out above on a regular basis and shall be responsible for removal of any foreign objects on a County or public road which have been deposited on said road as a result of activity generated by said development.

(g) All large-scale developments shall require any vehicle leaving its facility to be securely covered and/or sealed so as to prevent any load from dropping, sifting, leaking, or otherwise escaping therefrom regardless of the date of manufacture as set out in Ark. Code Ann. § 27-35-110.

Compliance with 11-00:

- **(c) As seen on the plans- the mining portions of the development will be set back 250' from the County Road.**
- **(d) The proposed 40'x250' paved access road is shown on the plans.**
- **(e) The dust abatement plan has been submitted (see pg G15). At this time it is being reviewed by the County Road Department and County Engineer. Staff will update you on their comments at the meeting.**
- **(f) This measure is included in the dust abatement plan**
- **(g) This measure has been acknowledged by the applicant.**

Washington County Code of Ordinances

Section 11-101(pertinent excerpts)

(d) The Planning Board may postpone any action until all other legal and/or environmental requirements of any other local, State, or federal agency have been met.

(e) If any land development raises environmental concerns, the Planning Board may, at the expense of the developer, retain its own qualified consulting engineer to assist it and the Planning Director in assuring that all environmental issues have been properly addressed by the developer and its engineer. Said consulting engineer shall maintain an office no greater than one hundred (100) miles from Washington County.

(f) Public comments shall be taken prior to any decision by the Planning Board at the preliminary plat stage and the final plat stage. Approval of the preliminary and final plat shall not take place at the same meeting and the approval of the final plat shall be no sooner than the next regularly scheduled meeting.

Compliance with 11-101:

- **(d) & (e) All ADEQ permits are in place (Stormwater, Air, and Mining). Copies of these are in your packet (see pgs). Clay Grote, our County Contract Engineer, has reviewed this project. If the Planning Board feels his review is inadequate, then further review can be explored.**
- **(f) Only Preliminary approval is requested at this time. Public Comment will be taken at each hearing.**

NEIGHBOR NOTIFICATIONS AND COMMENTS:

136 neighbors were notified of this Preliminary LSD (all neighbors within ½ mile of the project site). Eleven responses were submitted: 1 in favor, 10 opposed. Please see all responses (**pgs G29-G42**).

The concerns cover a wide range of topics including:

- Noise,
- Dust,
- Traffic and Road issues,
- Livestock,
- and Wildlife.

As stated in the "Large Scale Development Considerations" section above- there are only certain items that the Planning Board can consider with a Large Scale Development. Many of the items listed by neighbors cannot be considered by the Planning Board in this process. Many of these items were taken

into consideration at CUP and are reflected in the CUP conditions (**see pgs**) and elaborated upon further in the Consent Decree (**see pgs**).

Planning Staff feel that if the County Engineer and Road Department review and approve the newly resubmitted LSD plan and Dust Abatement Plan- the Preliminary Large Scale Development will be ready for approval (with conditions).

CHECKLISTS:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project. It is up to the Planning Board's discretion whether or not to agree with staff recommendation.

Important Information Checklist

	Inadequate	Acceptable	Complete
Planning Issues/ Engineering Issues		X	
Road Issues			X
Fire Code Issues			X
Utility Issues		X	
Health Department Issues		X	
Other Important Issues (ADEQ)			X

General Plan Checklist

	Inadequate	Acceptable	Complete
General Information			X
Existing Conditions			X
Proposed Improvements			X
Info to supplement plat		X	

STAFF RECOMMENDATION: Staff recommends Preliminary LSD Plan approval of the proposed Big Red Dirt Farm LLC with the following conditions:

1. All conditions of the Conditional Use Permit approval (March 2009) and the Consent Decree (March 2012) must be adhered to.
2. Must adhere to all applicable LSD standards found in sections 11-100 and 11-101.
3. Pay mailing fees of \$506.25.
4. In the April 2012 Traffic Study, D (1) Traffic Engineering techniques, Items a-e should be followed.
5. In addition to notifying emergency management for each blast- please notify the following:
 1. Washington County Sheriff's dispatch: 444-5703
 2. FireCom: 521-5800
6. Pay engineering fees. These will be calculated once all review has been completed
7. At Final LSD, you must dedicate 30ft from center of road right of way and 25' PUE (on the outside of the ROW) the length of your property.
8. You must have a 250ft x 40ft asphalt or concrete entrance connectivity to county road prior to Final LSD
9. Any work that may be done in the County Road right of way will require a permit from the Washington County Road department.
10. The Health Department has no comment on your current portable toilet use. However, once a new building or trailer is placed onsite (on the footprint of the existing structure to be demolished), a DR must either evaluate the existing septic or design a new septic to be used with the new structure. The Health Department must approve the DRs decision and/or design (or approve an alternate solution).
11. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.
12. Ozark Electric:
 - a. Any relocation of existing facilities will be at developer's expense. Any extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.

- b. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
 - c. If off site easements are needed for Ozarks to get electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
 - d. Subdivisions will be built on Policy 45 (Ozarks will contribute up to 50% of the direct cost. The remainder of the direct cost will be paid by the Developer). There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
 - e. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
 - f. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings, and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
 - g. Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com when construction begins on subdivision and again when construction is within three months of completion.
13. AT&T- Relocation of or damage to any ATT facilities will be at the owner/developer's expense.
14. Cox Communication- Any damage to or relocation of our existing facilities will be at the owner/developer's expense
15. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process with the County.

Washington County Planner Director, Juliet Richey, presented the staff report. Juliet stated that she passed out a copy of the conditional use permit conditions and also the consent decree to members of the audience. She said that both CUP and the consent decree are going to be considered in tonight's meeting. Randy Laney, Chairman, asked if the applicant if is there anything additional he would like to add to the presentation for our records.

David Jorgensen, Jorgensen and Associates, representing Big Red Dirt Farm, said that the only thing he can add is that the some of the berms and most of the fence have already been installed. They look forward to completing the check list and various items that are needed on the project.

Randy Laney, Chairman, asked anyone else here would like to speak for or against the project.

Daryl Yerton, asked about the original CUP, if the septic system for the replace of the resident trailer is stipulated in the original CUP? Juliet, said no, it's not going to replace that building. Daryl Yerton, so that is a new condition? Juliet replied yes.

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the Big Red Dirt Farm, LLC Preliminary LSD subject to staff recommendations. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development.
- Reminder of upcoming regular Planning Board meeting Sept 06, 2012
Randy Laney stated that tonight is election tonight. Juliet said that we need to elect a Chair and Vice chair. We will open the floor for nomination. She also stated that Robert and Randy have elected to stay and that George Butler, County Attorney, said that they could serve another term. Cheryl West made motion to elect Randy Laney as Chairman and Robert Daugherty as Vice Chairman. Kenley Haley seconded. All board members were in favor of approving. Motion passed.
- *Juliet Richey, reminded the board about the appeal hearing for the NWA Quarry is scheduled on August 23, 6:00 pm.*
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

Daryl Yerton moved to adjourn. Robert Daugherty 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