

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
February 7, 2013
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 of setback for Replat Lot 228 Wedington Woods Subdivision Approved

County

b: Replat Lot 228, Wedington Woods Subdivision Approved

County

**c: Hale Mountain Road Minor Subdivision (TABLED
AT THE REQUEST OF THE APPLICANT)** TABLED

County

d: Mountain Minor Subdivision Approved

Springdale Planning Area

e: Northwest Arkansas Quarries Approved

CONDITIONAL USE PERMIT HEARINGS

County

f: The Lodge at Hazel Valley (adjustment CUP) Approved

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes from Dec 6, 2012. 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. Walter Jennings seconded. All board members were in favor of approving. Motion passed.

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Variance of setback for Replat Lot 228, Wedington Woods Subdivision

Variance Approval Request

Location: Section 05, Township 16 North, Range 31 West

Owner: Robert Daugherty

Applicant: Bates and Associates (Derrick Thomas)

Location Address: 13554 Persimmon Lane, Fayetteville, AR 72704

Approximately 2.56 acres/ Proposed Land Use: Residential/ 2 lots

Coordinates: Longitude: 94° 17' 29.18" W, Latitude: 36° 5' 43.75" N

Project #: 2012-159 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

County

b. Replat Lot 228, Wedington Woods Subdivision

Preliminary and Final Replat Approval Request

Location: Section 05, Township 16 North, Range 31 West

Owner: Robert Daugherty

Applicant: Bates and Associates (Derrick Thomas)

Location Address: 13554 Persimmon Lane, Fayetteville, AR 72704

Approximately 2.56 acres/ Proposed Land Use: Residential/ 2 lots

Coordinates: Longitude: 94° 17' 29.18" W, Latitude: 36° 5' 43.75" N

Project #: 2012-159 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Variance and Replat Approval of Lot 228, Wedington Woods Subdivision. The request is to split a 2.56 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 7, Rick Cochran

FIRE SERVICE AREA: Wedington-has no comments on this project, and Dennis Ledbetter, Washington County Fire Marshal does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Farmington, Bryan Law

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

BACKGROUND/ PROJECT SYNOPSIS:

The property owner/applicant is Eagle Holdings, LLC. The surveyor is Bates and Associates. The applicants are requesting to divide a 2.56 acre parcel into two lots: **(see attached plat A&B - 5)**

Lot 228 A-1.28 acres

Lot 228 B-1.28 acres

This property has two existing residences. The proposed split will leave one residence per proposed lot. Currently there are two RV-type campers being used as residences while the mobile homes are being repaired. These cannot be used as residences once the mobile homes are inhabited without seeking Conditional Use Permit Approval to allow more than one (1) residence per parcel. There have already been concerns voiced by neighbors.

The existing residence on Proposed Lot 228B is currently located within the front building setback/utility easement along Persimmon Lane. The applicant is requesting a Variance to allow the residence to remain at its current location. If the Variance is granted, and the residence is ever replaced or moved, it must be placed outside of the building setback/easement. **(see variance request A&B - 6).**

The only utility that commented on the Variance was Washington Water Authority. They are in favor of approving the Variance as long as the requirement that if the residence is ever replaced or moved, it will be located out of the easement.

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

TECHNICAL CONCERNS:

Sewer/Septic

It appears that there are two existing septic systems on this property. Staff has received the existing septic permits and verification from a Designated Representative (DR) of the Health Department stating that the septic systems are in working order **(see attachment A&B - 7-17).**

Electric/Phone/Gas

Any damage or relocation of utilities will be at the expense of the owner/applicant. In addition, Ozarks Electric is requiring a 15' utility easement along Sycamore Lane for the existing overhead power line (this is shown on the updated plats).

Water

Washington Water Authority services this parcel. They are requiring utility easements to be shown on all front setbacks and 911 Addresses to be shown for each residence. (Both are shown on the updated plats).

As stated earlier, Washington Water Authority is in favor of allowing the Variance as long as if the residence is ever replaced or removed; it is located outside of the utility easement.

Addressing

Addresses are listed on the plat for each residence.

Environmental

After January 1, 2013, no stormwater permit will be required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Road

This parcel accesses off Persimmon Lane, WC 2166, and Sycamore Lane, WC 2167. Road numbers need to be shown on the plat.

Both proposed lots have adequate road frontage, and both residences have driveways installed. If in the future, the drive location is moved, any work to be completed in the Washington County Right of Way requires a permit.

SITE VISIT:

A site visit was conducted by planning staff on December 14, 2012 (see site photos A&B – 18-23).

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		x	
Road Issues			x
Fire Code Issues			x
Utility Issues			x
Health Department Issues			x
Other Important Issues			x
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			x
Existing Conditions		x	
Proposed Improvements			x
Info to supplement plat			x

STAFF RECOMMENDATION:

Staff recommends the approval of the Variance for Replat Lot 228, Wedington Woods Subdivision to allow the existing residence on Proposed Lot 228B to remain as currently located (within the front building setback/utility easement along Persimmon Lane), with the following condition:

1. If the residence is ever replaced or moved, it must be placed outside of the building setback/easement.

This variance is not approved until the Washington County Judge signs the Variance Request Form.

STAFF RECOMMENDATION:

Staff recommends the approval of Replat Lot 228, Wedington Woods Subdivision with the following conditions:

Utility Conditions:

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

Road Conditions:

1. Any work to be completed in the Washington County Right of Way requires a permit.

Environmental Conditions:

1. After January 1, 2013, no stormwater permit will be required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Additional Conditions:

1. Washington County Road Numbers must be added to the plats.
2. Only one residence per lot is allowed by right. Once the mobile homes are repaired and occupied, the RV/camper units must not be used as residences without Conditional Use Permit Review and Approval.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$60.35) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 12/18/12).
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. All general plat checklist items must be corrected.
4. Once all plat corrections have been completed, submit corrected plat 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 for the board members.

Planning Board Member, Kenley Haley, asked at the time when the renovations are completed will the RVs be moved?

Courtney McNair responded, Yes, they have to be removed or not currently lived in as a permanent structure. They can use it as storage. They could not use it as residence.

Kenley Haley asked about renovation deadline.

Courtney McNair responded, "no deadlines".

Planning Director, Juliet Richey, said that deadline for renovation cannot be regulated as part of subdivision. It's not a conditional use permit. It's a minor subdivision. Juliet added that it's common for people to have alternate living quarters while they are building or renovating houses. There's nothing our

code to prohibit it. As long as they are occupying only one residence at once or they apply for a special permit for two buildings that they are using for residence.

Kenley Haley asked even in a minor subdivision?

Juliet Richey responded, yes.

No public comments. Public comments closed.

Daryl Yerton made a motion to approve the **Variance of setback for Replat Lot 228, Wedington Woods Subdivision** and **Replat Lot 228, Wedington Woods Subdivision** subject to staff recommendations. Cheryl West seconded. Robert Daugherty abstained. Board members Randy Laney, Daryl Yerton, Walter Jennings, Ken Haley, and Cheryl West were in favor of approving. Motion passed.

County

c. Hale Mountain Road Minor Subdivision (TABLED AT THE REQUEST OF THE APPLICANT)

Preliminary and Final Plat Approval Request

Location: Section 30, Township 14 North, Range 32 West

Owner: Daugherty Lincoln Farms LLC

Applicant: Bates and Associates (Derrick Thomas)

Location Address: 16748 Hale Mountain Road, Morrow, AR 72749

Approximately 60.48 acres/ Proposed Land Use: Residential

Coordinates: Longitude: 94° 25' 48.23" W, Latitude: 35° 52' 7.17" N

Project #: 2013-004 Planner: Sarah Geurtz e-mail at sguertz@co.washington.ar.us

County

d. Mountain Minor Subdivision

Preliminary and Final Plat Approval Request

Location: Section 1, Township 14 North, Range 32 West

Owner: William and Cheryl Lynch

Applicant: Bates and Associates (Derrick Thomas)

Location Address: 15171 Kelly Mountain Road, Prairie Grove, AR 72753

Approximately 96.84 acres/ Proposed Land Use: Residential

Coordinates: Longitude: 94° 25' 47.014" W, Latitude: 35° 52' 7.8" N

Project #: 2013-005 Planner: Sarah Geurtz e-mail at sguertz@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of Mountain Minor Subdivision to split a 96.84 acre parcel into four 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 13, Ron Aman.

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

SCHOOL DISTRICT: **Prairie Grove**

INFRASTRUCTURE: **Water**—Washington Water Authority **Electric**—Ozarks Electric
Natural Gas—SourceGas area but a personal natural gas well is used

Telephone-Prairie Grove Telephone

Cable-N/A

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are William and Cheryl Lynch; the applicant and surveyor is Derrick Thomas of Bates & Associates Civil Engineering and Land Surveying.

The property is located at the intersection of Kelly Mountain Road WC# 18 and Blue Mountain Road WC# 299 (see attachments D-10 through D-14)

There have been too many prior property divisions on the parent parcel for the proposed property division to be processed administratively. Therefore, this project must process as a Minor Subdivision.

The applicant is requesting Preliminary and Final Minor Subdivision Plat approval for Mountain Minor Subdivision to create a 4 tract subdivision from an existing 96.84 acre parcel:

- Tract A: 23.30 acres
- Tract B: 35 acres
- Tract C: 7 acres
- Tract D: 31.54 acres

Each tract will have enough road frontage for each lot to meet subdivision requirements of 75 feet or more onto a public roadway (see attachment D-14).

Note that the current parcel's property outline appears differently in the enclosed maps and the plat (see attachment D-10 and D-14). This is because a lot line adjustment between parcels 001-04504-000 and 001-04505-000 was approved on 01.05.2013 by Washington County Planning but a deed has not been filed to cause the County's maps to reflect this change. Therefore, the maps and plat included in this packet show different parcel lines.

A condition has been placed on this project requiring the approved lot line adjustment survey to be filed before this plat can be signed by Staff. A second condition says that these newly approved property lines must be created with a deed before this minor subdivision will be considered complete and before the proposed tracts could be deeded to new owners.

The main issues with this project involve the required filing of the lot split survey and filing of deeds to create the approved lot lines (these matters are addressed in the conditions placed on this project).

TECHNICAL CONCERNS:

Sewer/Septic

The four tracts will utilize individual septic systems. A Designated Representative of the Arkansas Department of Health conducted soil work for Tracts A, C, and D and found them to be suitable for standard subsurface sewage disposal systems with plenty of room for alternate areas (see attachments D-16 through D-19). The septic system on Tract B was found to pose no health nuisance. Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) has approved the attached soil and septic documents.

A well house is located on Tract B but is not utilized for potable water. Staff has inquired of Ms. Wonnacott-Center as to whether, since Tract B's septic did not test the well water for safety, if a condition should be added stating that the well cannot be utilized for potable water unless a test shows the well water to be safe. Staff will update the Planning Board/Zoning Board of Adjustments at the February 7th meeting on this matter.

Electric/Phone/Gas

Ozarks Electric has overhead electrical lines located on this property. One line runs in a 30 foot wide utility easement from Kelly Mountain Road to the manufactured home located on the property. The other line runs in a 20 foot wide utility easement along the west side of Blue Mountain Road on the subdivision's side.

The residence at 15171 Kelly Mountain Road uses natural gas from a natural gas well on the property. Gary Boyle with Lindsey & Associates, who is involved in this development, reported to Staff that the natural well is located on Tract B and the other tracts will not be accessing it.

Water

Mr. Josh Moore of Washington Water Authority (WWA) reported that water taps can be provided for all the proposed tracts. He said that Tract A will be served from Kelly Mountain Road and Tract C and D will be served from Blue Mountain Road. Tract B already accesses WWA's water from a tap off Kelly Mountain Road (see attachment D-14). There is a water well on Tract B but it is not used as the drinking water source for the residence on this tract.

Mr. Moore has reported that if a house is constructed on the southern portion of Tract A, the topography in this area might result in too little water pressure to the house. Staff is awaiting an updated response from Mr. Moore on this matter and will update the Planning Board/Zoning Board of Adjustments about this at the February 7, 2013 meeting.

Addressing

The address of 15171 Kelly Mountain Road is assigned to the manufactured home on the property. There are no other 9-1-1 addresses currently assigned to the property. Lots over one-half acre in size will need to be addressed after the home locations are known.

Environmental

No stormwater permit is required by Washington County at this time. The applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).
www.adeq.state.ar.us

Road

Any work done in the County road Right of Way requires a permit from the road department. Any tile that may be installed will need to be sized by the road department.

The proposed road frontages are sufficient (see attachment D-14):

- **Tract A** has 532.69' road frontage onto Kelly Mountain Road WC18.
- **Tract B** has 796.02' road frontage onto Kelly Mountain Road WC18.
- **Tract C** has 292.58' road frontage onto Kelly Mountain Road WC18 and 699.93' road frontage onto Blue Mountain Road WC29.
- **Tract D** has 760.88' road frontage onto Kelly Mountain Road WC18.

SITE VISIT:

A site visit was conducted by planning staff on January 25, 2013. No problems were observed. Please see attached pictures from this site visit (attachments D-21 through D-23).

NEIGHBOR COMMENTS:

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

No neighbors contacted staff with complaints or concerns.

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			N/A
Utility Issues		X	
Health Department Issues			✓
Other Important Issues			✓
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions		X	
Proposed Improvements			✓
Info to supplement plat		X	

STAFF RECOMMENDATION:

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

Planning Conditions:

1. Label with topography numbers all of the ten foot topography lines.
2. Add to the plat the information for the adjacent parcel 001-04504-005.
3. Correct the land uses on the replat – not all of the surrounding parcels are residential land uses.

Utility Conditions/Road Conditions:

1. Any relocation of Ozarks Electric facilities will be at the developer’s expense.
2. Label the ROW on Blue Mountain Road WC#299 where it is 30’ wide and where it is 60’ wide.
3. Any relocation of Ozarks Electric facilities will be at the developer’s expense.
4. Within the plat, call out the ownership names of the utility lines and utility easements.
5. If homes are constructed on the southern portions of Tract A or B, Washington Water Authority (WWA) may not be able to provide sufficient water pressure due to elevation. Before constructing

homes on these tracts, contact Josh Moore of WWA to determine if the proposed home sites will be conducive to having sufficient water pressure without need of a water pump.

Environmental Conditions/Septic Conditions:

1. No stormwater permit is required by Washington County, at this time. Must comply with all ADEQ rules and regulations. www.adeq.state.ar.us
2. 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).

Standard Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
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. All general plat checklist items must be corrected.
4. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
5. Lots that are over one-half acre in size will need to be addressed after the home location is known.
6. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Sarah Geurtz, presented the staff report for the board members.

No public comments. Public comments closed.

*Robert Daugherty made a motion to approve the **Mountain Minor Subdivision** subject to staff recommendations. Walter Jennings seconded. All board members were in favor of approving. Motion passed.*

Springdale Planning Area

e. Northwest Arkansas Quarries LSD

Final Large Scale Development Request

Location: Sections 26, 27, and 35, Township 18 North, Range 29 West and

Owner: JB Hunt, LLC

Applicant: Chris Godsey/ Northwest Arkansas Quarries

Engineer Name: Steven Beam, P.E., Crafton Tull & Associates, Inc.

Location Address: 21202 N. Parson's Road, Springdale, AR, 72764

Approximately 118.5 acres/ Proposed Land Use: stockpile (105 ac) and mining areas (13.5 acres)

Coordinates: Longitude: 94° 2' 52.28" W Latitude: 36° 11' 29.305" N

Project #: 2012-142 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Final Large Scale Development Approval for NWA Quarries LSD. This LSD includes the mining and stockpile areas approved as CUP project 2012-136 and the Preliminary LSD. The proposed project includes 105 acres for stockpiling and approximately 13.5 acres of existing quarry pit for mining.

CURRENT ZONING: Agricultural and Single Family residential (with a density of 1 unit per acre). A Conditional Use Permit (CUP 2012-136) to allow stockpiling (105 acres) and Mining (13.5 acres) was also granted on October 18, 2012. Please see attached CUP approval letter and map for a detailed description of the CUP, **pg E-7**.

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 an opportunity to submit comments. No comments were received from the City of Springdale for this LSD.

QUORUM COURT DISTRICT: District 5, Joe Patterson

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

BACKGROUND/ PROJECT SYNOPSIS:
JB Hunt, LLC is the owner of the property.

Northwest Arkansas Quarry submitted a Final LSD Application for a portion of several parcels of land (tax parcels #001-18669-000, 001-18668-000, 001-18410-000, 001-18452-000, located at 21202 N. Parson's Road, Springdale, AR, 72764).

If this Final LSD is approved, this project will not be required to come back before the Planning Board. All improvements for the LSD have been completed with the exception of the following:

- Planting of cedars along berms (Three different types of evergreen trees were required for the planting of the berms. Two types- Pine and Holly trees- have already been planted and inspected. The cedars will be shipped from the northeastern US and are not available to ship until Spring due to northeastern winter weather. The cedars have already been purchased by NWA Quarries and will be planted upon receipt in the spring).
- Completing depletion of one stockpile that is slightly within the 250' setback. (This depletion is ongoing and should be completed in the next few weeks).

The Final Large Scale Development will not be signed by Planning Staff until both of these conditions have been met.

LARGE SCALE DEVELOPMENT CONSIDERATIONS:

Final Large Scale Development is the third 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

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.
- **Traffic impact-** The existing entrance will be utilized. The applicant will be required to pave this entrance to be 40' wide and 250' in depth from the intersection of Parson's Road. The applicant has paved a much greater area than required in order to help reduce dust tracking onto Parson's Road. See **page C-102 of the plans** for details.

A traffic statement was submitted for this project (**see pg E-12**). No increase in traffic is proposed with this LSD. This statement 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 11-100:

- **(c) As seen on the plans C-102 (plan pages located on website or within the Planning Board's packet)-** there are a few areas where some portions of existing stockpiles slightly encroach into the 250' setback. The applicant has removed all encroaching stockpiles in the southern portion of the site and is in the process of depleting the northern stockpile in the setback area. (Please reference the letter from NWA Quarries on pg E-5). All portions of the stockpiles will be set back 250' from the County Road prior Planning Staff signing the Final LSD plan.
- **(d) The proposed paved access road (larger than required) has been completed.**
- **(e) The dust abatement plan has been submitted and approved by the County Engineer and Road Department (see pg E-14).**
- **(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). Clay Grote, our County Contract Engineer, has reviewed this project.**
- **(f) Public Comment will be taken at the final hearing.**

CUP CONDITION CONSIDERATIONS:

The applicant must comply with all CUP Conditions.

For a list of all applicable conditions, please see **pg E-7**.

Most conditions have been addressed/ or are in the process of being addressed at this time.

NEIGHBOR NOTIFICATIONS AND COMMENTS:

57 neighbors were notified of this project at CUP and Preliminary LSD stages (all neighbors within ½ mile of the project site).

No notification is required for FINAL LSD.

Staff has not received any comments from the public regarding the Final LSD. However, if any comments are received prior to the Planning Board Meeting, they will be provided for your review at the meeting.

UTILITY ISSUES:

No major issues known.

HEALTH DEPARTMENT ISSUES:

None. Restroom facilities (portable) located on the original 120 acres.

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 Final LSD Plan approval of the proposed NWA Quarries LSD with the following conditions:

1. All conditions of the Conditional Use Permit approval (October 18, 2012) must be adhered to.
2. Must adhere to all applicable LSD standards found in sections 11-100 and 11-101.
3. Pay engineering fees of \$25.00.
4. All portions of the stockpiles will be set back 250’ from the County Road prior to staff signing the Final LSD.
5. All cedars must be planted and inspected by Planning Staff prior to staff signing the Final LSD.
6. Springdale Water:
 - a. Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water utilities.
 - b. The owner/developer shall be responsible for the cost of any required adjustments to the existing water facilities due to site grading or paving
 - c. No excavation or stockpiling of materials in the Springdale Water Utilities water line easements on this property.
7. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.
8. Cox Communication- Any damage to or relocation of our existing facilities will be at the owner/developer’s expense
9. Please add the Health Department signature block
10. 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 Planning Director, Juliet Richey, presented the staff report for the board members.

No public comments. Public comments closed.

Robert Daugherty made a motion to approve the **Northwest Arkansas Quarries LSD** subject to staff recommendations. Cheryl West seconded. Walter Jennings Abstained. Board members Randy Laney, Daryl Yerton, Robert Daugherty, Kenley Haley, and Cheryl West were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARINGS

County

f. The Lodge at Hazel Valley (adjustment) CUP

Conditional Use Permit Request

Location: Section 20, Township 14, Range 28 West

Owner: Wayne and Gina Hudec

Applicant: Roger Rains

Location Address: 16330 Olive Rd., Fayetteville, AR

39.15 acres and 2 lots

Proposed Land Use: Recreational Business

Coordinates: Longitude-93°58'57.083" W Latitude-35°51'49.639"N

Project #: 2013-007 Planner: Juliet Richey, e-mail at jrichey@co.washington.ar.us

REQUEST:

Originally this property was approved for a CUP to allow for both large special events AND overnight lodging on a commercial scale. This acreage also included some outdoor recreation/special event area and parking in addition to the actual lodge building. The applicant now wishes to reduce the proposed use on this property to the following:

The Lodge at Hazel Valley Ranch is requesting a CUP to allow the use of a lodge/rental facility for overnight stay for up to ten guests. The proposed use will be located on +/- 39.25 acres. Special events requiring large parking areas have been REMOVED from this CUP submittal- therefore all extra parking areas are being eliminated. All parking will now take place near the existing lodge building. Please see all current submittal documents and revised site plan on **pgs: F10- F14**.

CURRENT ZONING: Project does lie within the County Zoned area (Agriculture/Single-Family Residential 1 unit per acre). In 2011, the Planning Board approved a CUP for this property (CUP 2011-113). This currently proposed CUP (CUP 2013-007) will replace the original CUP.

PLANNING AREA: This project is not located within a City's Planning Area

QUORUM

COURT DISTRICT: District 15, JP Butch Pond

BACKGROUND/ PROJECT SYNOPSIS:

The Lodge at Hazel Valley Ranch is requesting a CUP to allow the use of lodge/rental facility for overnight stay on a commercial scale. The proposed use will be located on +/- 39.25 acres.

The owners are Wayne and Grace Regina Hudec. The property is located at 16330 Olive Road. This project involves two parcels of land: 001-02376-000 and 001-02375-000. The project is in the Sunset Fire Dept. service area. The property is in the service area of the following utilities: Washington Water Authority, Ozarks Electric, and Windstream telephone.

The applicant's letter (**pg F11**) does a fair job of explaining what they are planning for the site.

Please refer to the most up to date site plan on **pg F12** for the current parking and fire access plans.

Covered parking for up to 8 vehicles and uncovered parking for one ADA space is provided near the lodge.

Any larger events will be kept to 4 times or less per year, and therefore fall under our temporary use ordinance, and are not required to be covered by this CUP.

The primary issues with this conditional use permit request have been fire safety, septic, ADA, and water system issues of the existing structure.

Fire Issues:

The Fire Marshal is requiring that all access roads to be used by emergency or fire vehicles shall be built to withstand 75,000 lbs in all weather conditions. These areas include the y-shaped interior roadway serving the lodge and covered parking area.

Originally there was to be a dry hydrant required on this property. However, with a new water line now imminent, the Fire Marshal and responding Fire Department would prefer to use a fill hydrant that will be located at the intersection of Olive Road and Hazel Valley Road instead. Therefore, a dry hydrant on the property is no longer required (**see pg F16**).

The Fire Marshal also set standards for the interior of the building in the 2011 CUP (because it will be transitioning from private/residential to commercial use). The Lodge has already implemented all of these items (monitored fire alarm, extinguishers, signage, etc), and they have been inspected and approved by the Fire Marshal.

Proposed Fire conditions:

1. Access roads to all parking areas must be 20' wide and able to handle 75,000 lbs in all weather conditions.
2. The Fire Marshal will determine the maximum occupancy of the lodge building.
3. This CUP will not allow the existing kitchen to be used as a commercial kitchen. The only cooking allowed in the kitchen will be done by overnight lodge guests who cook for themselves.
4. Any future additions to the lodge must be reviewed via separate CUP/LSD applications. All additions and expansions will be subject to fire code and possibly require an architect.

ADA Issues:

The applicant is working with an architect in order to provide accommodations for ADA patrons. It has been determined that one of the existing restrooms/baths will need to be extensively remodeled in order to properly accommodate an ADA patron.

As the remodel will take time and be costly for the applicant, he has requested that the CUP be approved with a condition that allows them to make reasonable temporary ADA Accommodations at this time (provision of an ADA parking space, ramps to access the facility, ramps and accessibility to reach an ADA portable toilet and shower area) , and begin work toward a restroom/bath remodel and complete ADA ramping (allowing 360 degree access to all of the facility) to be completed by September 2013. This plan is outlined on **pages F13 and F14** of the Staff report.

Staff is open to this phased approach to ADA accommodations/remodel, as we feel that there will be some accommodation provided at all times, and truly great accommodations under

construction and available in the very near future.

Staff recommends approval of the plan as outlined in **pgs F13 and F14** of this staff report. Any extension of the September 2013 deadline must be approved by County Planning Staff. All appropriate ADA markings and signage should be placed at the ADA parking area.

Please see the letter from the applicant on pg F13.

Septic Issues:

There is a septic system already installed for this site. In 2011, Staff received a copy of the permit for this system, as well as a letter from a D.R. stating that the system was currently functioning well.

Staff believes that there should not be any issue with the septic serving this property for the uses proposed. Staff will hold the applicant to the original septic conditions, as no updated information from the D.R. has been submitted.

Water system:

The existing water to the lodge is provided by wells. In 2011 the lodge had testing completed on the wells, and determined the need for a chlorination system or other treatment system. Since that time they have installed a U.V. treatment system. This system has is required to have periodic testing and will be monitored by the Health Department. At this time the Lodge seems to be in compliance with all Health Department Standards in regard to this system (**see pg. F29**).

The Arkansas Department of Health deems the commercial servicing of the proposed number of people a "Semi-Public Water Supplier." All ADH standards applying to this type of system must be abided by (**see pg F23- F28**). A letter from ADH will be required as a condition of CUP approval. If the amount of people and frequency at which they are serviced ever changes for this site, then the appropriate water system regulations must be abided by at that time.

It is anticipated that this site will be serviced a proposed Washington Water Authority public line within a year's time. At that point, the lodge could connect to the public service and cease to be a semi public water supplier if they desire.

Other issues addressed and considered in the CUP proposal in order to provide compatibility with the surrounding community are signage, noise, assessment of surrounding existing land use compatibility, and adjacent property owner comments.

Signage- Any signage desired by the owner could be no larger than 4' x 6'. The sign is not to be lit. Staff does require that in no circumstance shall any signage be placed within the County road right-of-way.

Noise- The noise volume of regular events should not be to a level that is disruptive to surrounding property owners.

Assessment of Surrounding Existing Land Use-

Even though the proposed land use is different from the existing surrounding land uses (i.e. residential/ agricultural) staff has concluded that it can be compatible with the surrounding area with conditions listed in the staff report. Conditions such as fire safety, adequate septic, safe ingress / egress and other listed above provide proper compatibility. In addition to conditions for providing compatibility, the CUP proposal will retain the rural/ agricultural type character of the community. See surrounding uses map on **pg. F9**

Neighboring property owner comments- All property owners within 300' of this property were notified. Staff has received no comments from surrounding property owners.

Staff will update you at the meeting of any neighboring property owner comments received.

STAFF RECOMMENDATION: Staff recommends approval of this CUP with the following conditions:

General Conditions

1. Site plans and notes as shown on pgs F11-F14 shall be generally adhered to.
2. Any other use or expansion not considered with this CUP shall be subject to a separate development review
3. Please pay mailing fees within 30 days of CUP approval (any extensions must be granted by Planning Staff).
4. All conditions must be completed prior to operation or subject to specifically stated timelines.
5. This CUP shall officially replace CUP 2011-113.

Septic Conditions

1. As per the 9-28-11 email and letter from D.R. Ms. Corbitt, the property's existing septic facilities should be adequate for the proposed use, with a few follow up checks of the system to be performed after the facility is open.
2. Checks by a D.R. should be performed on the system in the first two consecutive prime seasons (fall or spring) after opening. If the system is functioning adequately at those times, then no further action will be needed. If any issues are found with the system, the D.R. will make a recommendation on how to remedy the situation (ie add a dosing pump or additional lines). The final design/solution must be approved by ADH
3. Any other criteria specified by ADH

Plumbing Code confirmation of completion.

1. The property owner is required to meet state plumbing code for public buildings along with all other state codes.
2. A licensed plumber must perform the plumbing inspections and provide a confirmation letter to the Planning Department once all requirements have been met.

Signage Conditions

1. Any signage desired by the owner could be no larger than 4' x 6'. The sign is not to be lit.
2. Under no circumstance shall any signage be placed within the County road right-of-way.
3. Any other type of signage not within the CUP proposal must be approved by planning staff.

Washington County Road Department Conditions

1. Absolutely no parking (AT ANY TIME, for any event) will be allowed in County ROWs.
2. Any work done in the county road right of way requires a permit from the road department. Call 444-1610 for more information.
3. All interior road driveways must be at least 20' in width where they intersect with the County Road

Fire Conditions

1. Access roads to all parking areas must be 20' wide and able to handle 75,000 lbs in all weather conditions.
2. All Fire access roads must meet all fire code regs including slope requirement.
3. The Fire Marshal will determine the maximum occupancy of the lodge building.
4. This CUP will not allow the existing kitchen to be used as a commercial kitchen. The only cooking allowed in the kitchen will be done by overnight lodge guests who cook for themselves.

5. Any future additions to the lodge must be reviewed via separate CUP/LSD applications. All additions and expansions (with the exception of the ADA renovations outlined in F13 and F14) will be subject to Fire code and possibly require an architect.
6. The applicant must meet with the County Fire Marshal to determine which areas should be marked as Fire Lanes. These areas should be marked/signed accordingly. All Fire Lane areas and marking/signage methods must be approved by the County Fire Marshal.

Water System Conditions

1. The Arkansas Department of Health deems the commercial servicing of the proposed number of people a "Semi-Public Water Supplier." All ADH standards applying to this type of system must be abided by (see pg F23-F28). A letter from ADH will be required as a condition of CUP approval. If the amount of people and frequency at which they are serviced ever changes for this site, then the appropriate water system regulations must be abided by at that time.
2. It is anticipated that this site will be serviced a proposed Washington Water Authority public line in approximately a year's time. At that point, the lodge could connect to the public service and cease to be a semi public water supplier if they desire.
3. Plumbing Plans may require approval of ADH. If so, the applicant must provide documentation of this approval prior to any planned renovation.

ADA Conditions:

1. Staff recommends approval of the plan as outlined in pgs F13 and F14 of this staff report. Any extension of the September 2013 deadline must be approved by County Planning Staff. All appropriate ADA markings and signage should be placed at the ADA parking area.

Washington County Environmental Affairs Conditions

1. No stormwater permit will be required by Washington County at this time.
2. Must comply with all ADEQ rules and regulations.

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

No public comments. Public comments closed.

*Walter Jennings made a motion to approve the **The Lodge at Hazel Valley (adjustment) CUP** 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 March 7, 2013
- *Juliet Richey briefed the board members about the end of year report. She also informed the board about the status of changing the minor subdivision to administrative process. Juliet said that they were supposed to present it before county services this month but it was the first meeting with four new members. After talking with county attorney, it was decided it would be best to present it at the second county services meeting in March.*
- 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