

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS

April 04, 2013

5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

Fayetteville

a: Variance for Buffington Subdivision

Approved

Fayetteville

b: Buffington Subdivision

Approved

County

c: Variance for Replat Tract 8 Timberline Minor SD

Approved

County

d: Replat Tract 8 Timberline Minor SD

Approved

County

e: Hale Mountain Road Minor SD

Approved

County

f: Variance for B&R Minor SD

Approved

County

g: B&R Minor Subdivision

Approved

County

h: B&R Meat Processing CUP

Approved

Elkins

i: White River Auctions CUP

Denied

Fayetteville

**j: Hughmount Village Prelim Plat SD (TABLED AT THE
REQUEST OF THE APPLICANT)**

Tabled

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of March 7, 2013. Daryl Yerton seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA:

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

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

Fayetteville Planning Area

a. Variance for Buffington Subdivision

Variance Approval Request

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

Owners: REO Holdings I, LLC c/o Nikki Lovell, Metropolitan National Bank

Applicants: Clay Carlton and Mike Lamberth with Buffington Homes of Arkansas

Location Address: 3920 Oakland Zion Road WC# 83, Fayetteville, AR 72703

Approximately 26.10 acres / Proposed Land Use: Subdivision / Residential

Coordinates: Longitude: 94° 5' 58.57" W Latitude: 36° 7' 17.859" N

Project #: 2013-044 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

Fayetteville Planning Area

b. Buffington Subdivision

Preliminary Subdivision Approval Request

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

Owners: REO Holdings I, LLC c/o Nikki Lovell, Metropolitan National Bank

Applicants: Clay Carlton and Mike Lamberth with Buffington Homes of Arkansas

Location Address: 3920 Oakland Zion Road WC# 83, Fayetteville, AR 72703

Approximately 26.10 acres / Proposed Land Use: Subdivision / Residential

Coordinates: Longitude: 94° 5' 58.57" W Latitude: 36° 7' 17.859" N

Project #: 2013-044 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: The applicant is requesting Variance and Preliminary Subdivision Approval of Buffington Subdivision to create a subdivision with 43 residential lots on 26.10 acres with a density of 1.64 homes per acre. The subject property is located within Fayetteville's Planning Area. The Variance request involves allowing the southern road terminating in a temporary cul-de-sac to be longer than allowed by Washington County Code.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre) but a Conditional Use Permit (CUP) was passed at the 12.6.2012 Planning Board meeting to allow the density of 1.7 homes per acre on this project's property (project #2012-111).

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area. The applicant reported to Staff that Fayetteville approved the Preliminary Plat on 3.25.2013. Staff left a message with Andrew Garner (the Fayetteville Planner on this project) for further information on the approval and for a copy of the approved plat. Staff will update the Planning board on this matter at the April 4th meeting.

QUORUM COURT DISTRICT: District 15, Butch Pond.

FIRE SERVICE AREA: **Goshen & Fayetteville-** no comments were received from either Fire Department. Washington County Assistant Fire Marshal, Tyler McCartney, reviewed the plans and provided comments (provided later in this report).

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The applicants are Mike Lamberth and Clay Carlton of Buffington Homes of Arkansas. The property owners are Metropolitan National Bank and REO Holdings I LLC c/o Nikki Lovell.

The engineer is Jared Inman with Jorgensen and Associates and the traffic study engineer is Peters Associates Engineers, Inc. The applicants are requesting Preliminary Subdivision approval to create a 43 residential lot subdivision on 26.10 acres with a density of 1.64 homes per acre. A Conditional Use Permit (CUP), project #2012-111, was approved with conditions by the Planning Board on Dec. 6, 2013.

This Subdivision would create a 43 residential lot Subdivision on 26.10 acres with a density of 1.64 homes per acre. It is located within Fayetteville's Planning Area. 5.45 acres would be reserved for detention ponds, a community sewer system, and a POA-held property where a creek runs through the development (see attached A&B-18-20).

Note that in the Conditional Use Permit (CUP) stage of this project, a .125 acre parcel was initially included in the subdivision layout but Staff discovered that this parcel was owned by Gaddy Investment Company, Inc. and therefore might have to be removed from the subdivision layout. This parcel has now been removed from the Subdivision layout.

The property is located within Fayetteville's Planning Area, just under 1 mile east of Fayetteville's City Limits, southwest of the Fayetteville City Limits at the junction of Oakland Zion Road WC# 83 and E. Gulley Road WC# 345 (see attachments A&B-15-20). It comprises 7 parcels: 001-15535-001, 001-15532-000, 001-15536-000, 001-15513-000, 001-15534-001, and 001-15534-003. Parcels 001-15533-000 & 001-001-15532-002 are also involved through lot line adjustments. These lot line adjustments are required to process through, and be approved, by Fayetteville and the County before this Subdivision can be approved as a Preliminary Subdivision.

This project would put traffic onto both E. Gulley Rd. WC# 345 and Oakland Zion Rd. WC# 83 and at the intersection of these two roads. In the CUP approval, conditions were placed upon the project for alterations to both this intersection and widening of portions of Oakland Zion Rd and E. Gulley Rd. (see attachment A&B-17). These improvements must be constructed and accepted prior to Final Plat.

There will be a community sewer system on Lot 44.

The applicant has stated there to be water lines available on Oakland Zion Rd. and E. Gulley Rd. and that both waterlines would be tapped for this project. Also reported by the applicant is that there is an existing fire hydrant on E. Gulley Rd.

A Variance is being requested to allow the Street #4's total measured length to be longer than that allowed by Washington County Code. The Engineer on this project, Jared Inman with Jorgensen & Associates, reported to Staff that the proposed road length, as measured from the intersection of the proposed street #2 and street #1 to the outer edge of street # 4's cul-de-sac, is 1535 feet in length. Therefore, as currently drawn, it is longer than allowed by County Code (Code requires temporary cul-de-sac streets to not exceed 1,200 feet in length, measured to the outer edge of the turnaround from the edge of the right-of-way of the existing county road which serves as access to the land development, per Washington County Code Section 11-90(6)) (see attached A&B-18).

Due to several CUP conditions requiring Fayetteville's streamside protection measures to be followed, the Fayetteville City Engineer, Glen Newman, was asked if he would be willing to review for those conditions. Mr. Newman graciously told Staff that he would review for those conditions per Fayetteville's codes but said that his review would not take place until the grading permit was submitted (after the civil site construction plans were approved and Fayetteville had preconstruction and site inspections) (see attached A&B-29 & 30).

This project has processed through Fayetteville Planning for Preliminary Subdivision Approval. After Fayetteville's own review, they determined that they were not in support of the County's condition for the southern cul-de-sac future connection point to the west (as presented at the December 6, 2012 Planning Board meeting). Instead, they will have the developer pursue a future connection to the south. More information on this matter can be found in this report on page A&B-4 under the Road heading).

The main issue with this Preliminary Subdivision has involved the future connection point for the southern cul-de-sac. More information on this matter is found below.

TECHNICAL CONCERNS:

Sewer/Septic & Public Utility

A community sewer system will be installed on lot 44 to serve the entire subdivision. During the CUP, Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) stated:

"The soils in this portion of the County tend to not drain well. The soil work shows some of the tested sites to be unsuitable for septic systems. However, the Lot being proposed for a community septic system has well-draining soils. If each lot was going to have its own septic system, some of these lots might have to be 3 acres in size. However, by utilizing a community septic system on the lot as presented, this problem is avoided."

Renee Biby, the Washington County Public Utility & Assistant Grants Administrator, is requiring the applicant to provide copies to her of everything submitted to ADEQ and ADH when the applicant is seeking approval for the Community Sewer System. Ms. Biby also requires the applicant to follow the Washington County Rules of Rural Development Authority Concerning Community Sewer Systems and for to-scale copies of the as-builts to be submitted to her at time of completion. Ms. Biby reported to Staff that the conditions she placed upon the CUP will be covered either in the conditions she placed upon this Preliminary Subdivision or will be covered at Final Plat.

Electric/Phone/Gas

Ozarks Electric: One of the conditions being placed on this project for Ozarks Electric states that all Utility Easements are to be cleared of all trees, brush, dirt piles, buildings and debris so that the easements will be accessible with equipment, and that if easements are not cleared, the developer may be subject to extra charges.

Another condition states: *"Lots 6, 11 and 12 will need to have a 35 foot U.E/S.B. added due to an existing High Voltage electric transmission line that is approximately 38 feet from the center of Gulley Road. This line has an existing 50 foot easement (25 feet on both sides of center line) No building or structures are to be built inside this 50 foot easement."* On 3.29.2013, Staff contacted Greg McGee with Ozarks Electric for clarification on this and will update the Planning Board at the April 4th Planning Board meeting on this matter.

Many other conditions were added to this project for Ozarks Electric – see the Utility Conditions.

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

Cox Cable: No comment was received from Cox Cable.

SourceGas: Reported that facilities are in place to serve this proposed subdivision and that a high pressure gas main runs north and south on the east side of Oakland-Zion WC# 83. Any damage or relocation of existing facilities will be at the owner's expense. The applicant must apply for service by contacting 1-800-563-0012.

Water & Fire

Washington Water Authority: The applicant, Clay Carlton, stated during the CUP that there was an existing 6" waterline on Oakland Zion Road and an 18" waterline on East Gulley Road. Mr. Carlton also stated that both waterlines would be tapped for this project and that the existing fire hydrant on East Gulley Road had a static pressure of 86 psi and a flow of 1465 gpm. The water provider (Fayetteville Water) submitted no comments on this project.

The Washington County Assistant Fire Marshal, Tyler McCartney, reviewed the plat and reported that the hydrant spacing looked good and that the needed fire flows will be met by flows reported in the CUP stage by the applicant.

Addressing

There is currently the 9-1-1 address of 3920 Oakland Zion Rd. assigned to this subdivision's property, but no home exists at this address.

At Final Plat, this Subdivision will be reviewed by the 9-1-1 Data Base Coordinator to assign 9-1-1 addresses to each lot. Said lot addresses will be shown on the Final Plat.

Environmental

No stormwater permit is required by Washington County at this time. Must comply with all ADEQ rules and regulations.

Fayetteville's Preliminary Plat Approval

Mr. Inman reported to Staff that the City of Fayetteville approved Buffington's Preliminary Plat on 3.25.2013. However, a copy of this approval and the approved plat has not been seen by Staff. Of concern to Staff is that the plats included in this Staff Report have some slight changes from the plats Fayetteville approved (see attached A&B-23). Staff has left a message with the Fayetteville Planner on the project (Andrew Garner) in order to get information on Fayetteville's approval and to get information on whether the changes will cause problems. Staff will update the Planning Board at the April 4th meeting.

Lot Line Adjustments

Staff has not received administrative lot line adjustments for the adjustments that must occur for this Minor Subdivision. However, on 03.28.2013, Jared Inman with Jorgensen & Associates told Staff that Fayetteville had the lot line adjustment surveys and that he would contact Fayetteville and Blew & Associates about the matter. Staff will update the board on this matter at the April 4th Planning Board meeting. A condition has been placed on this project addressing the lot line adjustments in case they have not been approved by both Fayetteville and Washington County by the April 4th meeting.

Road

The Washington County Road Department requires all interior streets to be 28 feet wide (back to back), not including parking spaces. There shall be no designated side for on-street parking.

The final design for the improvements to Oakland Zion, East Gulley, and the Gulley/Oakland Zion intersection shall be submitted at Construction Plan Review. All road improvements shall be at the full cost of the developer.

In the CUP, several conditions were created regarding the southern cul-de-sac accessing to the west instead of accessing through the creek and riparian area. To arrive at those conditions, the County had worked with the Fayetteville Planning Office and Staff thought we had reached a compromise by requiring a temporary cul-de-sac against a western property boundary instead of crossing the stream. However, when the Preliminary Plat processed through Fayetteville's Subdivision Committee Review process, Fayetteville determined that they would be requiring Right of Way dedication extending from the cul-de-

sac, across the stream, to the southern property line. Fayetteville also determined that they would be requiring a monetary assessment for a possible future stream crossing to the south in lieu of a connection point to the west.

Therefore, the CUP conditions relating to the temporary cul-de-sac connecting to the west and not crossing the creek will no longer apply.

Variance: A Variance is being requested to allow the Street #4's total measured length to be longer than that allowed by Washington County Code. The Engineer on this project, Jared Inman with Jorgensen & Associates, reported to Staff that the proposed road length, as measured from the intersection of the proposed street #2 and street #1 to the outer edge of street # 4's cul-de-sac, is 1535 feet in length. Therefore, as currently drawn, it is longer than allowed by County Code (Code requires temporary cul-de-sac streets to not exceed 1,200 feet in length, measured to the outer edge of the turnaround from the edge of the right-of-way of the existing county road which serves as access to the land development, per Washington County Code Section 11-90(6)) (see attached A&B-18). The Washington County Road Department is in support of this proposed Variance. A Variance form has not been filled out and submitted to Staff yet; it must be submitted by the April 4th Planning Board meeting. Staff will update the Planning Board on this matter at the April 4th meeting.

Drainage

The County Contract Engineer, Clay Grote, reported to Planning Staff that his CUP Drainage condition #2 (see attached A&B-32) could not be required until Construction Plan Review when the final drainage report would be submitted. Therefore, this condition will be addressed at Construction Plan Review. A condition has been placed on this project addressing this matter.

A Preliminary Drainage Report was submitted and Mr. Grote concurred with Fayetteville's comments regarding it. Those comments are included in the Conditions placed upon this project.

Mr. Grote will be reviewing the Streamside Protection Zone boundaries for compliance. Staff will update the Planning Board at the April 4th meeting on this matter.

Tree Preservation

Sarah Geurtz and Mike Lamberth met on the project site March 19th to look at potential tree preservation areas. Staff told Jorgensen & Associates that they did not need to survey the trees in areas where existing trees could not be saved (such as in the middle of a tract or where an easement had to be located). Staff required the other potential tree preservation areas to be surveyed in and the resulting tree preservation plan submitted to Staff (see attached A&B 20-22).

Some trees will have to be removed due to either home placements, roads, or because Ozarks Electric requires the trees and brush to be cleared within the utility easements so that the easements will be accessible with equipment.

It has been reported to Staff that the riparian area to the south (Lot 46) will be POA-owned.

SITE VISIT:

A site visit was conducted by Planning Staff on March 19. Staff noticed a possible site visibility concern from the approximate proposed location of the E. Gully Rd. connection point. However, Mr. Inman with Jorgensen & Associates submitted to Staff a sight distance drawing showing the sight distance to be sufficient (see attached A&B-24). The Washington County Road Department and County Contract Engineer had no comment about the sight distance.

NEIGHBOR COMMENTS:

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

proposed project.

One neighbor, New Castle LLC, submitted a comment: *“As a fellow East Fayetteville land owner, I think this neighborhood makes a great addition to the Gulley Road area. Buffington Homes has a great track record and Horse Bend Estates is a great example of their finished product.”* (see attached A&B-28).

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

CHECKLIST:

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

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

STAFF RECOMMENDATION FOR VARIANCE:

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

1. Allow the total measured length of Street #4 to be approximately 1535 feet in length, which is longer than that allowed by Washington County Code Section 11-90 (6) which says that temporary cul-de-sac streets are not to exceed 1,200 feet in length, measured to the outer edge of the turnaround from the edge of the right-of-way of the existing county road which serves as access to the land development.

STAFF RECOMMENDATION:

Staff recommends Preliminary Subdivision approval of Buffington Subdivision with the following conditions:

Planning Conditions:

1. Add the other property owner, REO Holdings I LLC c/o Nikki Lovell to the listed property owners on the plat and to the application.
2. Indicate, with a call-out on the plat, that the property between Lots 6 & 12 is to be improved per road requirements.
3. Washington County will not maintain sidewalks or streetlights.

4. Washington County will not maintain common areas or park areas.
5. If the required lot line adjustment approvals have not been acquired through both the City of Fayetteville and Washington County Planning by the April 4th Planning Board/Zoning Board of Adjustments meeting, approval is required as a condition of the approval of this Preliminary Subdivision.
6. The Riparian Area must be drawn as required in this project's CUP.
7. Any notes on the plat that are Fayetteville's and do not relate to Washington County shall be removed.

Utility Conditions:

Ozarks Electric:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
4. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction. Other utilities will require more conduits at road crossing.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354.
5. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built on Policy 45 (Ozarks is responsible for up to 50% and the Developer is responsible for the remainder of the cost of construction) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All back lot and side lot utility easements to be 20 feet except side lot utility easements to be used for street lights to be 10 feet. All front lot utility easements to be a minimum of 25 feet.
8. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.
9. 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.
10. Please contact me when construction begins on subdivision and again when construction is within three months of completion. Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com

11. Lots 6, 11 and 12's northern U.E/S.B. shall be 35 feet wide due to an existing High Voltage electric transmission line that is approximately 38 feet from the center of Gulley Road. This line has an existing 50 foot easement (25 feet on both sides of center line) No building or structures are to be built inside this 50 foot easement.

Source Gas:

12. Any damage or relocation of existing facilities will be at the owner's expense.
13. Apply for service by contacting 1-800-563-0012.

Fayetteville Water:

14. There shall be three (3) points of connection to the water system: the 6-inch on Oakland Zion, the 4-inch on Gulley (not the 18-inch), and the 8-inch extension to Castle Rock.

Community Sewer:

15. Follow the Washington County Rules of Rural Development Authority Concerning Community Sewer Systems.
16. The applicant must provide copies to Renee Biby of everything submitted to ADEQ and ADH when seeking approval for the Community Sewer System.
17. Provide copies of the as-builts to Renee Biby at time of completion.

Environmental Conditions:

1. No stormwater permit is required by Washington County, at this time. Must comply with all ADEQ rules and regulations.
http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm

Drainage Conditions:

1. The south detention pond's outfall should be above the 100 year water surface elevation of the stream. Address this issue by Construction Plan Review.

Fayetteville's Drainage Report comments with which Mr. Grote concurred:

2. Indicate CN values used (circle on charts and provide back up spreadsheet).
3. Review the Outfall structure and discharge pipe for both new detention ponds.
 - b. The Mannings' n does not agree with the pipe description.
 - c. The Weir (top of box) should be included in the outlet design to see impact to discharge pipe.
 - d. Velocities of discharge pipe appear excessive (10 fps max allowed per DCM).
4. Velocity Reduction will be required for each outfall pipe to ensure the receiving creek banks area stabilized.
5. Verify the condition and capacity of the existing channel. Provide an engineered solution to stabilize channel if necessary, and prevent scour velocity, up to 10 year design event. The channel should also be cleaned prior to acceptance by removal of any brush, deadfall,

obstruction, etc to the satisfaction of the engineering division. Scour protection must be installed at the outfall into the floodway.

Washington County Road Department Conditions:

1. Roll-over (mountable curb may be needed for the church property (parcels 001-15547-000 and 001-15548-000) due to the church's parking needs.
2. A County Variance will be required for the southern cul-de-sac length.
3. All proposed interior Subdivision roads shall be 28 feet wide (back to back), not including parking spaces. There shall be no designated side for on-street parking.
4. The final design for the improvements to Oakland Zion Road, East Gulley Road, and the Gulley/Oakland Zion intersection shall be submitted at Construction Plan Review.
5. All road improvements shall be at the full cost of the developer.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$113.39) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 03.27.2013).
2. Pay Engineering Fees within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Please contact the City and County to determine the next steps for each entity in the construction process.
8. If you receive Preliminary approval- construction plans must be approved, bond and insurance (Washington County must be named on the insurance) must be received by the Washington County Road Department and approved by the County Attorney prior to a pre-con meeting being set up.
9. If the City wishes to hold a pre-con meeting as well, the County would prefer that we have a joint pre-con meeting.
10. Absolutely no construction may begin until the pre-construction meeting is completed and the plans have been accepted by Washington County.
11. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.

Washington County Planner, Sarah Geurtz, presented the staff report for the board members. Mrs. Geurtz presented some updates to the staff reports as follows: Ozarks Electric conditions regarding their required utility easement off Gulley Rd. has been clarified in the conditions, Fayetteville water added a condition that there shall be 3 points of connection to their water system, and that 2 neighbors contacted staff. Ms. Wethers contacted staff with concerns that the developers might not develop the property as approved, concerning unhappiness with the density, and home size and value. The planning process ensures that development occurs as approved, density was already approved, and home size and value cannot be considered. Ms. Nina Davis contacted staff concern that she might lose land to the intersection reconfiguration. Please note that the land involved in this reconfiguration is right-of-way land.

Kenley Haley, Planning Board member, asked if they're going to extend that road where the cul-de-sac was?

Sarah Geurtz, replied yes, it's a possibility for the future. Fayetteville likes connection points to be in place for future developments. Fayetteville wants to be able to connect to the large parcel to the south.

Kenley Haley, Planning Board member, asked what would happen to the trees located there? Will it be overridden by that condition?

Sarah Geurtz, responded that the trees would have to come out at that point. It might not happen. It's an assessment to be kept by Fayetteville for 10 years. And at that point they'll look at development in the area and decide if the assessment will be removed or not. The Right-of-Way will remain.

Juliet Richey, Washington County Planning Director, stated to the board that the way we phrased that condition, we said that we're going to preserve it as per Fayetteville's riparian ordinance. Therefore, the Fayetteville's riparian ordinance does allow for crossing, technically it is in compliance as proposed.

No public comments. Public comments closed.

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

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

County

c. Variance for Replat Tract 8 Timberline Minor Subdivision

Variance Approval Request

Location: Section 13, Township 14 North, Range 32 West

Applicant: Curtis Nunn

Location Address: 15251 Brown Rd, Prairie Grove, AR 72753

17.03 acres

Proposed Land Use: Agricultural/Residential

Coordinates: Longitude: 94° 20 '5.52" W Latitude-35° 53' 15.22" N

Project #: 2013-037 Planner: Sarah Geurtz, e-mail at sgeurtz@co.washington.ar.us

County

d. Replat Tract 8 Timberline Minor Subdivision

Preliminary and Final Minor Subdivision Approval Request

Location: Section 13, Township 14 North, Range 32 West

Applicant: Curtis Nunn
Location Address: 15251 Brown Rd, Prairie Grove, AR 72753
17.03 acres
Proposed Land Use: Agricultural/Residential
Coordinates: Longitude: 94° 20 '5.52" W Latitude-35° 53' 15.22" N
Project #: 2013-037 Planner: Sarah Geurtz, e-mail at sgeurtz@co.washington.ar.us

REQUEST: The applicant is requesting Variance and Replat approval of Replat Tract 8 Timberline Minor Subdivision. The request is to split a 17.03 acre parcel into two tracts of 3.99 and 13.04 acres and to be able to allow a pre-existing shed to be located within a building setback. An easement vacation may occur as part of the replat due to the shed also being constructed within an existing utility easement.

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 14, Ann Harbison.

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 **Telephone**- Prairie Grove Telephone **Cable**- n/a

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Erich and Donita Newger (parcel 492-02292-000) and Curtis and Sarah Nunn (parcel 492-02293-000); the applicant is Curtis Nunn. The surveyor is Jorgenson and Associates. The request is to split a 17.03 acre parcel, in the existing Timberline Subdivision, into 2 tracts as follows:

- Tract 8A – 3.99 acres with road frontage onto Brown Road WC# 283
- Tract 8B – 13.04 acres with road access onto Brown Road WC# 283 via a 30' wide access and utility easement through the adjoining parcel 492-02293-000 (shown on the attached replat as Tract 9). Curtis Nunn, who owns the immediately adjacent parcel to the east (parcel 492-02293-000), intends to purchase Tract 8B as grazing ground for his cattle.

(See attached C&D-10b through C&D-14)

There is an existing shed located within the eastern building setback line on Tract 8A. The applicant is requesting a Variance to allow this shed to remain at its current location within the building setback. If the requested Variance is granted, and the residence is ever torn down or removed, then no structure may be re-built within the building setback (see variance request C&D-16-17).

The shed was also constructed on an existing 12.5' wide utility easement located along the eastern property line of Tract 8A (this easement is not currently shown on the attached replat). Staff has contacted all utility companies to determine if they would be in support of vacating this easement, and will update the Planning Board at the April 4th meeting on this matter.

The primary concern involves whether the utility companies would be in support of vacating the

12.5 foot easement that runs beneath the shed.

TECHNICAL CONCERNS:

Sewer/Septic

Tract 8B is being created so Mr. Nunn can graze his cattle on it. Therefore, a “statement of intent regarding septic system” was submitted (see attached C&D-20). This document stated that Donita Newger and Curtis Nunn do not contemplate nor are aware of nor has the intention of installing a septic system on Tract 8B. Melissa Wonnacott-Center of the Arkansas State Health Department is fine with this document and is not requiring soil work to be carried out for this tract.

A septic system evaluation was submitted for the existing septic system on Tract 8A; no health nuisance was found and the Designated Representative reported that the existing sewage disposal system appeared to be functioning properly (see attached C&D-18 &19). Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) reported to Staff that, “after looking through the resent information, I do not feel that this project needs an further comment from this office. Everything has been disclosed that is necessary at this time.”

Any future 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).

Setbacks

Note that the attached Variance form (see attached C&D-16 & 17) lists required side setbacks of 10 feet in width but the replat shows setbacks of 20 feet. The surveyor has been contacted by Staff in order to determine which width they want to use; Staff will update the Planning Board on this matter at the April 4th Planning Board meeting.

Electric/Phone/Gas

Existing easements: There are 12.5 foot wide utility easements located adjacent to and parallel with all interior property lines (per the original 1978 plat, see attached C&D-15). These easements are not shown on this attached replat. The shed has been constructed over one of these easements (the shed actually overlaps Tract 8A & 9’s property line but since Tract 9 is not being divided, it is not included in this Variance request). Staff has inquired of the utility companies (Ozarks Electric, Washington Water Authority, Prairie Grove Telephone, and SourceGas) if they have lines within this utility easement and if they would be in support of vacating it.

If all are in favor of vacation, the utility company signatures on the replat would be sufficient in order to vacate the easement. Staff will update the Planning Board at the April 4th meeting on this matter. There are also existing 25 foot wide utility lines, per the original 1978 plat, that are being required to be added/labeled on the replat.

Ozarks Electric: Greg McGee reported that any relocation of existing facilities would be at the owner's expense and that any extension of a line to be built specifically to feed this property would be at full cost to the owner. Mr. McGee also reported that all existing power lines, on this property, have a 30 foot existing easement. Staff has inquired of Mr. McGee if Ozarks Electric has existing easements that are not shown on the resubmitted replat. If there are, those easements will be required to be added to the replat. Staff will update the Planning Board members at the April 4th meeting on this matter.

Prairie Grove Telephone: requested Tract 8A’ front building setback to also be a 25 foot wide utility easement; this change was been made to the replat.

SourceGas: had no comment.

Water

Washington Water Authority (WWA): Andy Feinstein reported to Staff that the replat has shown their water line location in an incorrect place: it does not cross Brown Rd. as the drawing suggests, but follows the south ROW to the East. A condition placed upon this project requires this to be corrected on the replat. WWA also reported that if a driveway is constructed at the 30' easement being dedicated by the Nunns, that the applicant/property owners need to be aware of WWA's main line in this area and that the minimum required cover is 36". Any relocation of existing facilities would be at the owner's expense.

Mr. Feinstein also reported that WWA's easement for their main line was originally 20' in width, but that the replat indicates a 25' easement. Mr. Feinstein said that this is fine, but that the extra 5' is not required – it is up to the property owners if they want to grant WWA the extra 5'.

Mr. Feinstein reported to Staff that a water tap would be available for Tract 8B if one was requested.

Addressing

Since Tract 8B is being split off for grazing purposes and there are no plans by the applicant or property owners to construct a residence on this tract, no DEM address is being required to be assigned to this parcel, at this time.

Environmental

No stormwater permit is required by Washington County, at this time. Must comply with all ADEQ rules and regulations.

http://www.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm. Please note that if construction disturbs more than one acre, a Notice of Coverage and Stormwater Pollution Prevention Plan must be posted at the site prior to commencing construction. If construction disturbs more than 5 acres, a NOC, SWPPP, and stormwater permit must be completed. The permit must be submitted to ADEQ along with any applicable fees.

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.

- Tract 8A – 3.99 acres with road frontage onto Brown Road WC# 283
- Tract 8B – 13.04 acres with road access onto Brown Road WC# 283 via a 30' wide access and utility easement through the adjoining parcel 492-02293-000 (shown on the attached replat as Tract 9). Curtis Nunn, who owns the immediately adjacent parcel to the east (parcel 492-02293-000), intends to purchase Tract 8B as grazing ground for his cattle.

NEIGHBOR COMMENTS:

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

No neighbors have called with comments or concerns about this project. Staff will update the Planning Board at the meeting if any additional comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION FOR VARIANCE:

Staff recommends Variance approval of Variance for Replat Tract 8 Timberline Minor Subdivision with the following conditions:

1. If the existing shed if ever torn down or removed, no structure may be re-built within the building setback as determined by the Replat Tract 8 Timberline Minor Subdivision plat.
2. Source Gas must not have existing lines beneath this shed and/or SourceGas must be willing to vacate the existing 12.5 foot easement located beneath this shed.

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Plat Minor Subdivision approval of Replat Tract 8 Timberline Minor Subdivision with the following conditions:

Planning Conditions:

1. Have a total of four owner signature lines/date lines to the Replat so all property owners can sign.
2. Add the deed book and page numbers to the replat.
3. Add Brown Road's surface condition to the replat.
4. Add the existing address numbers to the replat.
5. Add the notice "Each additional lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division" to the replat.
6. Utilities signature block: remove the signature lines for the listed utility companies that do not have lines on the involved parcels.
7. Change the side building setbacks to 10' in width.

Utility Conditions/Road Conditions:

1. Add all utility easements (as created with the 1978 Timberline Subdivision plat) to the replat. These include 12.5 foot wide easements adjacent to and parallel with all interior property lines and

a 25 foot wide utility easement adjacent to and parallel with all exterior property lines and road right-of-ways (for those already shown on the replat as well as those to be added, label them with the plat filing number that created them or include information about the 1978 plat's filing number concerning the easements in the Notes section of the replat).

2. Ozarks Electric: Any relocation of existing facilities will be at owner's expense. Any extension of a line that has to be built specifically to feed this property will be at full cost to the owner.
3. Ozarks Electric: Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions
4. Ozarks Electric: All existing power lines on this property have a 30 foot existing easement. Add all existing Ozarks Electric easements to the replat.
5. Washington Water Authority (WWA): On the replat, draw WWA's water line location where WWA reported the line to be located.
6. Washington Water Authority (WWA): If a driveway is proposed at the 30' easement being dedicated by the Nunns (on parcel 492-02293-000), please be aware of our main line in this area. Minimum cover is 36". Any relocation of existing facilities will be at the owner's expense.
7. Any future 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).

Environmental Conditions:

1. No stormwater permit is required by Washington County, at this time. Must comply with all ADEQ rules and regulations.
http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/construction/construction.htm.
Please note that if construction disturbs more than one acre, a Notice of Coverage and Stormwater Pollution Prevention Plan must be posted at the site prior to commencing construction. If construction disturbs more than 5 acres, a NOC, SWPPP, and stormwater permit must be completed. The permit must be submitted to ADEQ along with any applicable fees.

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. Lots that are over one-half acre in size will need to be addressed after the home location is known.
4. All general plat checklist items must be corrected.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining

signatures.

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.

Walter Jennings, Planning Board member, asked if the shed was over the property line?

Sarah Geurtz, responded yes.

Dave Jorgensen, Engineer from Jorgensen and Assoc, was available to answer any questions.

No public comments. Public comments closed.

*Daryl Yerton made a motion to approve the **Variance for Replat Tract 8 Timberline Minor** subject to staff recommendations. Walter Jennings seconded. Randy Laney was not present. Board Members Daryl Yerton, Robert Daugherty, Cheryl West, Walter Jennings, Kenley Haley, and Chuck Browning were in favor of approving. Motion passed.*

*Chuck Browning made a motion to approve the **Replat Tract 8 Minor SD** subject to staff recommendations. Cheryl West seconded. Randy Laney was not present. Board Members Daryl Yerton, Robert Daugherty, Cheryl West, Walter Jennings, Kenley Haley, and Chuck Browning were in favor of approving. Motion passed.*

County

e. Hale Mountain Road Minor Subdivision

Preliminary and Final Minor Subdivision Approval Request

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

Owner: Daugherty Lincoln Farms LLC

Applicant: Bates and Associates (Derrick Thomas)

Location Address: 16478 Hale Mountain Road, Morrow, AR 72749

Approximately 59.49 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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of Hale Mountain Road Minor Subdivision. The request is to split a 59.49 acre parcel into three tracts of 56.05 acres, 1.45 acres, and 1.99 acres each.

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: 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 Water **Electric**- Ozarks Electric **Natural Gas**– SourceGas
Telephone- Prairie Grove Telco **Cable**- n/a

BACKGROUND/ PROJECT SYNOPSIS:

The property owner is Daugherty Lincoln Farms LLC; the applicant and surveyor is Derrick Thomas of Bates & Associates. The property owner is requesting to divide an existing 59.49 acre parcel into three tracts as follows:

- Tract A: 56.05 acres with more than the required 165 feet of road frontage
- Tract B: 1.45 acres with 166.04 feet of road frontage onto Hale Mountain Road WC# 3
- Tract C: 1.99 acres with 198.11 feet of road frontage onto Hale Mountain Road WC# 3

(see attached E-9 through E-13). *Note that only 75 feet of road frontage is required for Subdivision lots*

Several lot line adjustments are in the process of Administrative Review that would adjust the property boundary lines of parcels 001-05031-000, 001-05032-000, and 001-05033-000. The lot line adjustments are being done by the property owner in order to clean up some property boundaries (see attached E-13).

The property is located south of Lincoln, just north of Morrow, off W. Hwy 45 and Hale Mountain Road WC# 3. (see attached E-9 through E-13).

Tracts B & C are being proposed to be split off from the parent tract, this will leave existing homes on both tracts and no home on Tract A.

Tract B utilizes a water well on Tract A and Tract C connects to Lincoln Water's 4 inch line.

Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) was originally concerned with the septic situations on Tracts B & C but in February she reported to Staff that septic information had been submitted to her and that everything looked good. Staff has contacted Melissa to see if these two tract's septic field locations need to be shown on the replat. Staff will update the Planning Board at the April 4th meeting on this matter.

The main issue with this project has involved soil and septic information for Tracts B & C.

TECHNICAL CONCERNS:

Sewer/Septic

This project originally started processing through Washington County Planning in January 2013. However, it was tabled at the request of the applicant so the applicant would have time to acquire required septic documentation for the existing septic systems on Tract B & C. At that time, Ms. Wonnacott-Center reported to Staff that Tract A, due to its large size (56.05 acres), did not require soil work.

In February 2013, Ms. Wonnacott-Center reported to Staff that septic information had been submitted to her (Staff has not yet seen this paperwork but has requested it from Ms. Wonnacott-Center) and that everything looked good. Staff is waiting on information from Mrs. Wonnacott-Center regarding if she wants the existing septic systems for Tracts B & C to be shown on the replat and will update the Planning Board on this matter at the April 4th Planning Board meeting.

Electric/Phone/Gas

Ozarks Electric: Any relocation of Ozarks electric facilities is to be at the developer's expense.

Prairie Grove Telco: their one comment was that the utility easement on the east side of Hale Mountain Road be shown as a 25' building setback and utility easement. The surveyor made this change to the plat.

SourceGas: No comment was received.

Water

Chuck Wood of Lincoln Water reported to Staff that they have a 4" water line in this area and that they provide water to the home located on the proposed Tract C. This line must be added to the plat where it is located on the property involved in this Minor Subdivision.

Tract B utilizes a well located on Tract A. There is a proposed 10' wide water well and service easement from Tract B to the well on Tract A so Tract B will be able to continue to access the well water it currently accesses. Tract A must not utilize the well that Tract B accesses; tract A must utilize a different water source. Derrick Bates of Bates & Associates reported to Staff that Tract A would not be utilizing the well.

Addressing

- Tract B: 16478 Hale Mountain Road.
- Tract C: 16712 Hale Mountain Road. There is currently no DEM address assigned to this parcel. This tract must be assigned a 9-1-1 address per a condition placed upon this project.
- Tract A: no existing home.

Environmental

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

Roads

The Washington County Road Department requires a more clear labeling of the 30 foot right of way for Hale Mountain Road. A permit from the Road Department to be acquired if any work is required in the County Road Right of Way.

The Arkansas Highway Transportation Department (AHTD) had no comments, but Driveway permits for all new access points must be obtained via AHTD.

NEIGHBOR COMMENTS:

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

One neighbor called with concerns regarding the terminology of "Minor Subdivision". Staff explained the meaning of the terminology and the applicant's fears seemed to be alleviated.

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

CHECKLIST:

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

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

STAFF RECOMMENDATION:

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

Planning Conditions:

1. Submit to Staff the surveys for this project's approved Lot Line Adjustment, file the resulting stamped surveys with the Washington County Circuit Clerk, and submit one of the Circuit Clerk-stamped surveys to Staff.
2. Add Lincoln Water's lines to the plat where they exist on this Minor Subdivision's property.
3. Label more clearly the right of way for County Road WC# 3 on the east side of the road.
4. Tract A must not utilize the well that Tract B accesses; tract A must utilize a different water source.
5. Correct the land use designation for parcels as indicated in the Plat Checklist.
6. Add the Washington County Road number for Hale Mountain Road to the plat.
7. Add the 9-1-1 address to the plat for the home on Tract B.
8. Acquire a 9-1-1 address for the existing home on Tract C; once this is assigned, add it to the plat.

Utility Conditions/Road Conditions:

1. Ozarks Electric: Any relocation of Ozarks Electric facilities will be at the developer's expense.
2. Ozarks Electric: Show 30' utility easements for overhead power lines running to the east serving existing homes on detail "A" and detail "B" of the plat.
3. Lincoln Water: Add the water line location to this Minor Subdivision's plat where the line is located on the subject's property.
4. 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).

Environmental Conditions:

1. 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

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. Driveway permits for all new access points must be obtained via the Arkansas Highway Transportation Department (AHTD).
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Robert Daugherty, Planning Board member, requested to recuse himself from item E due to personal and business relationships.

Washington County Planner, Sarah Geurtz, presented the staff report for the board members. Ms. Geurtz presented several updates to the staff reports as follows: the lot line adjustments have now been approved by Washington County Planning, that Melissa Wonnacott-Center of the Arkansas Department of Health stated to staff that she had had everything address concerning the septic systems and that the exact septic field locations did not need to be added to the plot, and that a neighbor contacted staff with concerns that not be addressed by staff concerning potential for chicken houses (which would be allowed by this property's zoning), and potential driveway locations. Mr. Daugherty told staff that he spoke with his neighbors yesterday and alleviated her concerns.

No public comments. Public comments closed.

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

County

f. Variance for B& R Addition Minor Subdivision

Variance Approval Request

Location: Section 11, Township 13 North, Range 30 West

Applicant: B&R Meat Processing (Scott and Earl Ridenoure)
Location Address: 621 N. Devils Den Road, Winslow, AR 72759 (existing residence on property)
11.41 acres/ 2 lots
Proposed Land Use: Commercial Butcher Shop
Coordinates: Longitude: 94° 8 '35.8" W Latitude-35° 48' 33.69" N
Project #: 2013-038 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

County

g. B & R Addition Minor Subdivision

Preliminary and Final Minor Subdivision Approval Request

Location: Section 11, Township 13 North, Range 30 West
Applicant: B&R Meat Processing (Scott and Earl Ridenoure)
Location Address: 621 N. Devils Den Road, Winslow, AR 72759 (existing residence on property)
11.41 acres/ 2 lots
Proposed Land Use: Commercial Butcher Shop
Coordinates: Longitude: 94° 8 '35.8" W Latitude-35° 48' 33.69" N
Project #: 2013-038 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of B & R Addition Minor Subdivision is requesting Minor Subdivision Plat approval to create a 2 lot subdivision (Tract 1: 2.71 acres, Tract 2: 8.69 acres) from one existing tract.

A variance for Tract 2 will be required to allow the amount of public road frontage to be 50' (code requires a minimum of 75'). At this time, Planning Staff recommends approval of this variance.

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 14, Ann Harbison.

FIRE SERVICE AREA: Boston Mountain VFD- 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: Greenland

INFRASTRUCTURE: Water- Winslow Water **Electric-** OG&E **Natural Gas-** n/a **Telephone-** Century Link **Cable-** n/a

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is requesting to divide an existing parcel into two tracts as follows:

- **Tract 1: 2.71 acres** with 50 feet of road frontage
 - **No existing structures**
- **Tract 2: 8.69 acres** with more than the required 75 feet of road frontage
 - **One existing home**

This project accesses off HWY 74, Devil's Den Road.

TECHNICAL CONCERNS:

Sewer/Septic

A septic inspection has been completed for the existing home on Tract 2. The existing septic is working

and adequate. Please see engineer's report on **pg G21**.

Tract 1 has completed septic designs for two systems:

- A standard septic system. Please see **pg G12**.
- A special septic system which includes a grease trap (similar to the type a restaurant would have in place) and several other pieces of specialized equipment. Please see **page G25**. This special system is required by ADEQ in order to process the water coming from the butchering operation.

All information has been submitted to the Health Department and is adequate at this time. **See pg G51**.

Electric/Phone/Gas

No utility comments were received

Water

A new tap is proposed to serve Tract 1. The tap will be made into the 2" existing Winslow waterline on HWY 74. Tract 2 (existing home) has existing water service.

Environmental

SWPPP submitted generally looked good. No stormwater permit will be required by Washington County, at this time. Must comply with all ADEQ rules and regulations. www.adeg.state.ar.us

Please check with ADEQ to see if an industrial stormwater permit will be required with your proposed CUP.

Roads

This project accesses off HWY 74, Devil's Den Road. Any work in the ROW or driveway permits must be pursued through AHTD.

A variance will be required to allow the amount of public Road frontage to be 50' (code requires a minimum of 75'). At this time, Planning Staff is recommending approval of this variance.

NEIGHBOR COMMENTS:

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

One neighbor called with questions regarding the project. Staff emailed him copies of additional paperwork to help answer his questions.

No official comments were received in support or opposed.

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

CHECKLIST:

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

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

STAFF RECOMMENDATION FOR VARIANCE:

Staff recommends Variance approval of Variance for B&R Addition Minor SD to allow the amount of public road frontage for Tract 1 to be 50' (code requires a minimum of 75').

- This approval is subject to the condition that no access may be taken via this road frontage, but must be taken through easement on Tract 2.

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Plat Minor Subdivision approval of B & R Addition Minor Subdivision with the following conditions:

Planning Conditions:

1. List the utility companies on the plat.
2. List land use of surrounding residential properties as "residential"
3. Show setback on tract 2.
4. Add the required signature block for the County Judge.

Utility Conditions/Septic Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH) or ADEQ (as required), installed, and then inspected by ADH prior to occupation.

Environmental Conditions:

1. SWPPP submitted generally looked good. 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
2. Please check with ADEQ to see if an industrial stormwater permit will be required with your proposed CUP.

Standard Conditions:

1. Any work to be completed in the Road Right-of-Way requires a permit from AHTD.

2. Add Plat note that no access may be taken via this road frontage, but must be taken through easement on Tract 2.
3. Driveway permits for all new access points must be obtained via the Arkansas Highway Transportation Department (AHTD).
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. Lots that are over one-half acre in size will need to be addressed after the structure location is known.
6. All general plat checklist items must be corrected.
7. Please pay notification mailing fees.
8. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
9. 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.*

❖ **Due to the last minute changes to the plat on April 4, please re-submit a plat with the above corrections for staff to review. It is possible that further corrections could be needed due to the changes made to the plat.**

❖ **Do not obtain signatures until the plat has been thoroughly re-checked by Planning Staff.**

Washington County Planner, Sarah Geurtz, handed out last minute comments and updates to the Planning Board members.

Washington County Planning Director, Juliet Richey, stated to the planning board that this project is has a variance and CUP. Juliet Richey presented an overview of the project.

Juliet Richey, presented the staff report for the board members.

Kenley Haley, Planning Board member, commented that was a good change on the visibility.

Bart Petray, Surveyor from Hoffman and Associates, stated the changes to the driveway were made last night. He has brought hard copies for the planning board if the board would to see.

Public comments for Variance:

Paul McGuire, Property owner to the South, asked if it is resolved that it will no longer be a used driveway at anytime in the future?

Juliet Richey, responded that is correct.

Public comments Closed.

Daryl Yerton, Planning Board member, wanted to restate to the public that they are voting on the variance for driveway easement.

Roberty Daugherty, Planning Board member, stated that this part is the just the variance. They will vote on the CUP and final SD next.

Kenley Haley, Planning Board member, wanted to make sure that with the current proposal, that the drive is closed. However, if they wanted to open that back up then they would have to come back and present to the planning board.

Juliet Richey, responded that is correct. It will also be a condition of conditional use. We will add a note to the plat as well. It should be covered at every development stage.

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

Public comments for Minor Subdivision:

Paul McGuire, Property owner to the South, his only question is, how come they have decided to put that meat processing so near his property line when there is 11 acres available. It can be located to the center of the property and give some distance between other property owners.

Juliet Richey, responded that she understands what the owner is trying to ask. When we consider division of land, you're asking about the use of the meat processing plan. And that part is not considered with the division of land by state law. We have certain regulations about which the planning board can look at the way land is divided. And the use cannot be taken into consideration at that time. I understand that you want more. I can assume that the people selling the property, who are doing the division, that's how they wanted it divided.

Paul McGuire, asked if they wanted the driveway put where it was proposed before and maybe it's not best thing.

Kenley Haley, Planning Board member, ask Juliet we'll look at we setbacks when we go to the usage right? For property setbacks, building setbacks, so we might be able to address a few things at that time.

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

CONDITIONAL USE PERMIT HEARINGS

County

h. B & R Meat Processing Conditional Use Permit

Conditional Use Permit Approval Request

Location: Section 11, Township 13 North, Range 30 West

Applicant: B&R Meat Processing (Scott and Earl Ridenoure)

Location Address: 621 N. Devils Den Road, Winslow, AR 72759 (existing residence on property)

2.71 acres/ 1 unit

Proposed Land Use: Commercial Butcher Shop

Coordinates: Longitude: 94° 8 '35.8" W Latitude-35° 48' 33.69" N

Project #: 2013-039 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: B & R Meat Processing CUP is requesting Conditional Use Permit approval to allow a meat processing facility on proposed tract 1 (2.71 acres) of the B 7 R Addition Minor Subdivision.

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 Planning Area; it is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 14, Ann Harbison VFD **FIRE SERVICE AREA:** Boston Mountain
SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: Water- Winslow Electric-OG&E Natural Gas- N/A Telephone- Century Link
Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

This operation will handle the slaughter and processing of beef and pork, and the processing of deer. This is a custom butchery establishment. There will be no general retail aspect to this establishment.

Customers will drop off their livestock or (field dressed) deer and return later to pick up the packaged products.

There will be two holding pens to hold livestock for a maximum of 12 hours prior to slaughter. These pens will be located adjacent to the north side of the proposed building. They are shown on the plat/plan with Item G.

The expected traffic volume is projected to be low

Please see the attached applicant letter for detailed information, **page H-11.**

A large format floorplan showing the interior layout of the facility is shown on the attached plan. There will not be much out of doors impact with this use, with the exception of the holding pens outside (where animals will stay for approximately 12 hours or less while awaiting slaughter).

All slaughtering and butchering activities will take place indoors, and there should be no noise or smells associated with such. Due to some questions from a neighbor, the applicant's engineer has provided a detailed handout in regard to odors. **See page H-15.**

If this CUP is approved, then the applicant must proceed through the Large Scale Development Process (LSD).

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This subdivision request was reviewed by the County Fire Marshal.

This project is located in the Winslow water service area. According to the architect's letter, there is an existing 6" waterline at the street and Winslow Water Department reported the flow in that area to be 400 gpm at 35-45 psi. The Fire Marshal found this flow acceptable in conjunction with tanker support.

All Fire comments have been addressed at this time.

The Plumbing plans for this project have been approved by ADH. **See page H-13.**

Sewer/Septic/Decentralized Sewer:

As mentioned in the minor Subdivision report, Tract 1 has completed septic designs for two systems:

- A standard septic system. Please see **pg G12**.
- A special septic system which includes a grease trap (similar to the type a restaurant would have in place) and several other pieces of specialized equipment. Please see **page G25**. This special system is required by ADEQ in order to process the water coming from the butchering operation.

All information has been submitted to the Health Department and is adequate at this time. **See pg G51**.

Electric/Gas/Cable/Phone:

No utility comments have been received at this time.

Roads/Sight Visibility/Ingress-Egress/Parking:

The interior roads are shown on the **plan/plat G**. These roads and radii meet the specifications needed for fire purposes.

Parking appears to be adequate for their low-traffic needs.

This project accesses off HWY 74, Devil's Den Road. Any work in the ROW or driveway permits must be pursued through AHTD.

Drainage:

The Washington County Contract Engineer has no comments on this proposed project. A full drainage report will be required at LSD.

Environmental Concerns:

SWPPP submitted generally looked good. 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

Please check with ADEQ to see if an industrial stormwater permit will be required with your proposed use.

Signage/Lighting/Screening Concerns:

No signage has been proposed at this time.

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.

All security lighting must be shielded appropriately (see attached diagram for examples).

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural.

While the use of meat processing facility does differ from traditional agricultural and residential uses (allowed by right in the area), Planning Staff feel that the following characteristics of this proposed use make this use compatible with the neighboring properties:

- the low traffic volume of this use
- the proposed development will look primarily rural in nature (large metal shop-like building with an agricultural holding pen)
- there should be no non-agricultural smells or noises pertaining to this use
- multiple proposed conditions regarding health and safety.

County's Land Use Plan (written document):

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

2. LIGHT COMMERCIAL

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

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

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.

One neighbor called with questions regarding the project. Staff emailed him copies of additional paperwork to help answer his questions.

No official comments were received in support or opposed.

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Conditional Use Permit with the following conditions (Staff may add additional conditions prior to the meeting, as some follow-up work is still being completed):

General Conditions:

1. The project shall adhere to the general plan submitted.

Water/Plumbing/Fire Conditions:

1. Fire Marshal will need to inspect locations of fire extinguishers, exit signs, etc at the LSD stage.
2. Final interior layout plan must be approved by the Fire Marshal prior to construction.
3. New drive must meet fire code. Drainage and erosion appear to be a concern in regard to the drive. This may need to be addressed with hard surfacing and engineering to resolve drainage issues.
4. Check the grade if over 10 percent - Fire Chief Approval Required

Sewer/Septic/Decentralized Sewer Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH) or ADEQ (as

required), installed, and then inspected by ADH prior to occupation.

2. No parking is allowed on any portion of the septic systems including the alternate area. (No overflow parking either).

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. Any work to be completed in the Right-of-Way requires a permit from AHTD.
3. Driveway permits for all new access points must be obtained via the Arkansas Highway Transportation Department (AHTD).
4. Final easement width should accommodate all AHTD and Fire Marshal Needs.

Environmental Conditions:

1. SWPPP submitted generally looked good. 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
2. Please check with ADEQ to see if an industrial stormwater permit will be required with your proposed CUP.

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
3. At Preliminary LSD, submittal of a planting plan depicting a mix of evergreen shrubbery and trees that should form a relatively full screen of 10-15' in height (minimum) at maturity along the southern property line is required. This vegetation should extend 100' east and 100' west of the drive/building area. This plan is subject to the approval of County Planning Staff.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. No vehicular access may be taken from the 50' road frontage area of Tract 1. All access shall be taken via the easement through Tract 2.
3. Final sight distance calculations for the easement 's intersection with HWY 74 must be submitted and found to be adequate at Preliminary LSD
4. If a sign is desired for this property- it may be *no larger* than 64 square feet and must be a

monument style sign (maximum height of 8' tall). Sign placement must be approved by the County Planning Office and can in no way impede sight distance. No signs may be placed within the ROW. A similarly sized sign may be placed on the building. If lighting is desired- the sign must be indirectly lit.

5. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
6. This CUP must be ratified by the Quorum Court.
7. ADA accommodation should be taken into consideration (both within and without the building), and Plumbing Code must be adhered to.
8. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
9. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 1. This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

- ❖ **Please note that no CUP is final until the 30-day appeal period has run (and no appeal has been filed), and the CUP has been ratified by the Quorum Court.**
- ❖ **The deadline for an appeal to be filed is May 6, 2013.**
- ❖ **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
- ❖ **Please contact Planning Staff with any questions.**

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

Bart Petray, Surveyor from Hoffman and Associates, had no additional comments. He brought updated plans showing some width dimensions on the new driveway location. He has two copies were it's handwritten if the board wants to see it.

Public Comments:

Paul McGuire, Property owner to the South, has read a prepared statement from Renee Banks, "I've been informed that there is to be a meeting in regards to Washington County approving a meat processing plant, being built on Devil's Den road in Winslow, Arkansas. As a resident living not very far from the proposed business, I have some concern with it being built there. The first is the proximity to the houses that adjoin the land. It seems that the land area is very small for such a business and therefore the adjoining homeowners will be very close to the business. I would think that such a business would require more land area so that there would be a buffer type zone between it and residents. The biggest concern is the effect that it will have on the water system and septic system being installed. The Winslow Water system was built to serve rural homes, not businesses. The system is gravity feed and there are already issues on the line with water pressure. Homes that are at the end of the line or up any amount of elevation from the main line already have problems whenever usage is high or there is an increase in usage. For example when the fire hydrants are in use there is an effect at my home on Devil's Den road. Some of my neighbors are out of water until the hydrant is turned off. I expect that the business use will be a lot of water and I would like for there to be some assurance that it will not cause pressure problems

for the surrounding neighbors. The concern with the septic is that if the parcel of land is a big enough area to for the volume of water that maybe required for a business without spilling or contaminating ground water". (Letter From Renee Banks)

Paul McGuire then stated, if we could, I would like to show where my pond is. I don't want to lose my pond. That was the basis of my comment. The fact is this woman that wrote this letter works for the Winslow Water Department, and she should know whether they feel like it's adequate to service this or not. I don't believe there is a 6inch line. I'm not sure the communication between Winslow Water and the neighbors is correct. But my main concern is after they get the water, where does it go? And not into my pond. If they move the driveway maybe they might want to move the business towards the new driveway area.

Chuck Browning, Planning Board member, asked where does Mrs. Banks live?

Paul McGuire pointed to where Mrs. Banks lived on the map. She lives approximately a quarter of the mile south of the project.

Chuck Browning asked if Paul McGuire's main objection is the impact potential from the septic that might affect his pond, or is it the proximity to his property line?

Paul McGuire responded yes. They have 11 acres and they're wanting to put the development 60 ft from my property line. And I have a pond. My pond maybe begins 50 ft inside my property. So basically they have maybe 100 ft from the headwater of my pond.

Robert Daugherty, Planning Board member, asked if Paul McGuire is more concerned about the pond than the relationship to his house. "You're more concerned about the water issue, the drainage issue, than proximity to your house?"

Paul McGuire responded yes. I'm living with my mother now. I don't want to make any false statements. I am not living there currently. My house is not on there. The property has been in my family over 50 years. The pond was dug by my dad. It's an old Indian spring. They found arrowheads. When the buffalo used to come there with the arrowhead stuck in them. My objection is, if I do build back again, then I have one home there. I would build the home with a pond overview.

Kenley Haley, Planning Board member, stated that Juliet Richey may have already addressed some of those concerns. Asked if the run-off would be away from the pond?

Juliet Richey, Planning Board member, responded yes. The septic is behind the building.

Juliet Richey pointed out for the Board members where the septic is located. Juliet Richey stated that there is 10 ft of fall going behind the building in the opposite direction of the pond. If he's concerned about the water from the septic system, all of the water should be going away from the pond.

Chuck Browning, Planning Board member, asked Paul McGuire if that makes sense?

Paul McGuire, said yes it does, that's the visual part of it. If it was a house being built on the property line, it will be fine. But why have they decided with 11 acres at their disposal to come in within 65 ft of the property line with a big business and within 100 ft of my pond and where I would like to build a home? Why can't there be a further setback on 11 acres. Especially now, since the driveway has been moved to the north? They can move their business towards the driveway in the north.

Kenley Haley asked Juliet Richey what is the required setback?

Juliet Richey answered 10 ft.

Paul McGuire asked is that for a business?

Kenley Haley responded yes. So comparatively 60 ft is quite a bit of difference.

Paul McGuire stated that knowing that now they can move their business closer, within 10 ft, that it is not what the area wanted. The people in the area have all lived there for years! He also stated that he was not convinced about the Winslow Water situation.

Robert Daugherty, Planning Board member, stated that the board has to rely on what Winslow Water tell us.

Kenley Haley, asked Juliet if she talked to Winslow Water.

Juliet Richey responded yes and that she has passed out a letter to the board members. Juliet stated that there are two water lines on the road. There's a 2 inch and a 6 inch. They're actually tapping into the 2 inch since that is what Winslow Water wants them to tap into.

Paul McGuire said that earlier tonight it was mentioned that it was a 6 inch line.

Juliet Richey stated that what she was talking about then was the fire flow. There are two lines. There is a 2 inch and a 6 inch. One is on one side of the road and the other is on the other side of the road. The 6 inch was taken into consideration for the fire flow (gallon per minute) for water to fight fires. The 2 inch is the one Winslow Water is having them tap into. Juliet stated that she has followed up with Paul McGuire's concern. She has called Winslow Water and they said that everything was fine. There shouldn't be a problem unless there is a water main break. That's normal all over the county. Even in Fayetteville, if someone uses the fire hydrant you may not have water. But all water systems are regulated by the state. They have a minimum amount of pressure they have to keep through the Arkansas Department of Health. It seems unlikely for Winslow Water to step out of bounds and offer a tap to someone that is going to cause them to not be able to keep their minimum pressure. We asked for their comments. They issued them to us and they said that they are going to give B&R Meat Processing a tap.

Robert Daugherty stated that we have to rely on their expert opinions.

Doris Willard, who owns the property being developed, said that the reason they have chosen this part of the property is that they would not have to buy any more land than they have to. As far as the water system, my nephew takes care of the water there. I'm pretty sure that he would address that there is adequate water. We have water breaks and we're out of water once in a while. However, I think they would be able to give them a call and tell them not to kill anything. Mr. McGuire's property is next door, but he has had cattle, goats, hogs, and etc around his pond drinking and eating out of it. I don't see a problem.

Al Prior, Prior Engineering from Van Buren, I was the design engineer on the waste water system on the storm drainage and on the hydraulic systems. I can comment on the water usage. This is going to be a facility which processes meat 90% of the time except for hunting season. It will have a very low usage. It'll process a few cows and a few pigs. It is not going to be a high process industry. The highest demand from the general public is in the summer time. And B&R is going to be using the most water in the fall and the in the winter when the demands are typically lower. They will use a large quantity of water during wash down but it won't be for that long of a time. As far as the septic systems, he pointed to the picture with the pond for the board members, saying that the building is located to the west and the septic system will be further back than that. There will be two systems. One for the domestic waste from the bathroom and one for the process water. Those will be well over 100 ft from the pond. The systems are designed for the maximum usage. Which again 90% of the time they will have very low usage. The process water, because of the nature of what they'll be doing, the parts coming off of the animal that are killed, blood, etc, can be used by other industries. They try to capture as of much of this as possible. It has been documented in other studies, they say that by using the best practice they can catch anywhere from 85% to 90% of the blood. You can catch 100% of the larger parts. The system on the commercial side, the process water will go through a grease trap and will go into a 1,500 gallon septic tank and will go into a

1,000 gallon pump dosing tank. This will actually dose the system, which will make a better usage of the lateral line system. We're adding into this a thing that is called a sludgehammer which adds air to the septic tank and to the grease trap which tends to help break down the organics. There was a question about odor from this. There should be very little odor from this. From what the owners have told me, the holding pen will only be used on weekends when somebody needs to drop something off on a Sunday afternoon and the animals will only be there for a short period of time. All the killing will be done inside. If you are hunters you already know that the deer that will be brought there will already be field dressed. I will be available to answer any further questions or provide any information.

Public Comments Closed.

Daryl Yerton, Planning Board member, stated that someone made a comment earlier about the building being half way or in the center of the property, north and south. The drawing he has shows that the distance it is 158 ft. The lot maybe bigger than that. I can't tell from the drawing. If that is the case and it's an 80 ft building then the building maybe 40 ft on each side. That 158 maybe that section for the east, which includes that driveway.

Walter Jennings, Planning Board member, stated that it is 208 ft.

Chuck Browning, Planning Board member, asked Juliet Richey if there were any responses from the other property owners? Specifically the property owners on that triangle parcel?

Juliet Richey, Washington County Planning Director, replied on the update that was passed out to the board members, that Mary Lou Jackson, the property owner that lives there, stated that she is opposed due to the water concerns.

Chuck Browning asked if she was not concerned about the location?

Juliet Richey, replied says that Mary Lou Jackson did not say so.

Chuck Browning asked if there was any consideration given to some type of a barrier or site barrier to put along the property line?

Juliet Richey responded that Staff did not feel like it was necessary because there wasn't going to be a lot of activity outside, on the side that faces it. But I am open to that if the board feels like a vegetative barrier would be helpful. That would be a fine condition to add.

Chuck Browning stated if he was in Mr. McGuire's position, he would not like it close to his property either. I can be satisfied with some type of berm so to keep it were it is not so sightly. If Mr. McGuire is agreeable to that then this might be something we can agree to. Pines trees or something.

Juliet Richey stated that the board can add conditions for something like that.

Chuck Browning stated that he just wants to make sure that this is something Mr. McGuire would be accepting of.

Paul McGuire replied that if this was his last choice, he would appreciate it.

Bart Petray, Surveyor from Hoffman and Associates, there's already a typical fence row with large trees going through the fence row south between the owner and Mr. McGuire. Some sort of shrubbery that would come up to the bottom of the foliage of the tree would be a better option in my client's opinion than a row of pine trees.

Walter Jennings, Planning Board member, asked if the client was here.

Bart Petray responded yes.

Robert Daugherty, Planning Board member, asked if shrubbery is the screening that you would prefer?

Bart Petray, responded yes, a row of shrubbery underneath the trees that would come up to the lower levels of the limbs of the trees that are already there. Cows graze there. They're going to graze up to a level and that's going to be a clear line of sight. Above that level is going to be foliage of the tree themselves. If you plant pine trees you're still going to have the same clearance.

Cheryl West, Planning Board member, asked which side of the fence will the tree be on?

Bart Petray responded it will be in the fence row.

Chuck Browning replied saying that you are right. You could get the shrubbery up to a little bit on the fence, but then you are going to need something from there up. Whether it's planted 10 ft off the side of the fence or something so the cows don't get to it. That could be firs or something in that nature. I have lots of fences on my property and lots of trees too but it's not enough to give you a good barrier.

Daryl Yerton said that if we give you some screening and if you ever build on there that there would be some sort of screening from the building itself.

Paul McGuire stated that if the screening was maintained and it didn't die. He asked would that also block compressor or freezer noises?

Robert Daugherty, replied yes. It would help assist in reducing noise.

Chuck Browning stated that he wanted a good plan for screening that covers high and low, something that would be long term, to keep it from the adjoining property, and give him some barrier.

Juliet Richey asked the board how far they would want the screening to run? The length of the building?

Chuck Browning replied that he would want it further than that and back along the drive. 50ft to 100ft in both directions.

Juliet Richey asked the board for specific guidance on the feet and the direction of the screening.

Chuck Browning replied from the drive way on both sides, 100ft. I would plant low shrubs 3ft to 4ft and cedars or firs that would give it the 8ft to 10ft range as well.

Juliet Richey said that she was not sure where power lines or water line would be.

Chuck Browning thought that it was 30ft that they need. They go 30ft from the north side and still have 20ft to work with from the south side.

Robert Daugherty asked where is the utility line?

Juliet Richey said that they are not there yet. She pointed out to the board where the electric and water line would be on the plans.

Chuck Browning stated that Mr. McGuire may not have a house there now but he might two or three years later and by that time the trees would be grown. We're not asking to put full sizes trees in right now. Something that would work toward the future to provide the screening.

Juliet Richey asked the board what the minimum height on the plants would be and what the height for the screening would be?

Chuck Browning stated that the shrubs should be 3ft to 4ft which would cover your fence and the cedars

ought to be 8ft to 10ft.

Juliet Richey pointed out that they had trouble finding cedars in the past. She asked the board if we can specify evergreens?

Daryl Yerton asked if we can consider the screening since there is not really any residential land at this location?

Juliet Richey replied, yes. If you feel like it's an impact on somebody's land, it doesn't have to be specifically tied to a residence. So we're looking at a mix of evergreen shrubbery and trees that should form a relatively full screen at 10ft to 15ft at maturity.

Chuck Browning made a motion to approve the **B&R Processing CUP** subject to staff recommendations and the added screening conditions. Daryl Yerton seconded. Randy Laney was not present. Roll was taken. Board Members Daryl Yerton, Robert Daugherty, Cheryl West, Walter Jennings, Kenley Haley, and Chuck Browning were in favor of approving. Motion passed.

Elkins

i. White River Auctions CUP

Conditional Use Permit Approval Request

Location: Section 12, Township 15 North, Range 29 West

Applicant: Jada L. Guidry

Location Address: 19123 Briarfield Rd, Elkins AR, 72727

57.7 acres

Proposed Land Use: Auction

Coordinates: Longitude: 94°6'39.734"W Latitude-36°7'24.879"N

Project #: 2013-023 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow an auction facility on a parcel of land that is 57.7 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 located within Elkins planning area. The City submitted no comments.

QUORUM COURT DISTRICT: District 15 Butch Pond

FIRE SERVICE AREA: Elkins VFD

SCHOOL DISTRICT: Elkins

INFRASTRUCTURE: Water- Mt. Olive **Electric-**Ozarks Electric **Natural Gas-** Source Gas

Telephone- Windstream **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

Request:

White River Auctions is requesting a Conditional Use Permit (CUP) to create a multi-use auction facility. This facility is proposed to be open each Saturday of the month; year-round.

This CUP is proposed to be located on a parcel of land (tax parcel #001-06230-000) at 19123 Briarfield Rd, the northwest corner of the intersection of HWY 16 and Briarfield Rd- WC 151).

The applicant wishes to finish out an existing metal barn on the site (see interior plans on **pg I15**) to hold a sale once per week on Saturdays throughout the year. They propose to have three different types of sales each Saturday:

- Miscellaneous sale will start at 10am,
- Poultry sale will start at 1pm,
- Livestock sale will start at 4pm (once they receive their USDA certification).

As per the applicant, the miscellaneous sale will consist of items similar to garage sale items and will be held outside the barn in a designated area (This area is shown on the submitted plan). All items will be brought in on Saturday morning and removed from property each Saturday after the sale. No items will be left outdoors overnight. If an item is left there by a customer it will be disposed of that evening.

The Poultry sale will consist of chickens, ducks, rabbits, etc. This sale will be held inside the existing barn. The applicant proposes to add a small enclosed barn like place (shown on the submitted plan **pg I11**) on both sides of the barn; one for check in and one for check out.

The livestock sale will consist of cows, horses, goats, sheep, hogs, etc. They will have covered pens out back (shown on the submitted plan, **pg I11**) and a ring on the inside of the existing barn to run the animals through to sell (see interior plan on **pg I15**). They will also have a small storage area for the state vet. That facility will consist of a storage container bolted to the back of the pens.

They are proposing to have an Arkansas State Licensed concession trailer parked near the barn (no closer than 10') to provide concessions at the auction events.

They are also proposing that an office and two restrooms will be built on the inside of the existing barn.

Please refer to the applicant's submittal letter (**pg I9- I10**) and proposed site sketch (**pg I11**) for more information.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Water and Plumbing:

Mt. Olive is the water provider for this project. Plumbing permits may be required from Mt. Olive Water.

All new plumbing installed in the building must meet the appropriate plumbing code for this use. Please provide proof from a master plumber that all plumbing has been designed and installed adequately.

The applicant may be required to send plumbing plans to the Health Department and Mt. Olive Water prior to any plumbing construction commencing. Please verify what is required at the time of Preliminary LSD (and prior to beginning any construction).

Fire:

Planning staff has received the following fire flow information (from the applicant):

- GPM flow rate is: 825 GPM (it is unclear where this flow rate is taken from)
- 2" water main on Briarfield Road
- 2" or 3" along HWY 16. There are two fire hydrants on HWY 16: one that is ½ mile north of the property, and one that is ½ mile south of the property.

The responding Fire Department (Elkins) will be able to serve this project with tanker support. They will utilize one of the existing offsite hydrant to refill tankers.

The interior drive must be built at least 20' in width and be able to handle 75,000 lbs in all weather conditions.

The final determination of the location of fire lanes around the building and surfaces within the parking area that need to be able to support at least 75,000 lbs shall be determined at LSD. Must have fire code compliant turnaround.

All interior walls of the barn building must be covered by sheet metal, sheetrock, or other material approved by the Fire Marshal. At this time the applicants plan to utilize sheet metal.

Final determination of the location of emergency lighting, exits lights, door hardware, fire extinguishers (number and location) will be determined at Large Scale Development.

The concession trailer can be located no closer than 10' from the barn building (including overhangs and porches).

Interior layout as shown in the plan submitted on February 21, 2013 (**pg 111**) appears to be generally satisfactory.

Septic/Health Department Issues:

Septic:

A D.R. performed the soil work for this property. This soil work and a septic design have been submitted to the Health Department for approval.

Planning Staff has spoken with the Health Department and the soil work and septic design are adequate. The Health Department will be forwarding a copy of the approved design to Planning Staff within the next few days. Staff expects to have this for the Planning Board by the March 7 Meeting.

The applicants are planning on fencing off the septic area (to insure than no one will drive over or park in this area) with goat wire. Goats and sheep will be allowed to run in that area.

Health Department:

As a part of this CUP, the applicant wishes to utilize a concession trailer to provide food to auction participants and visitors. The Health Department has stated that the Concession trailer should be an Arkansas State Licensed mobile unit or push cart.

The trailer must be licensed as a food establishment because this is an ongoing weekly business, not a temporary event or celebration.

The concession trailer should abide by all State Rules and Regulations pertaining to food establishments. These regulations can be found in the Health Department's code under *Section 8-3, Permit to Operate*.

The applicant may direct any questions to the local Environmental Health Specialist. James Shumate, 521-8181 x2115.

The concession trailer must be located at least 10' from building (as per Fire Marshal).

Electric/Gas/Cable/Phone:

No utility comments were received. Staff does not anticipate that there will be any utility issues

Roads/Sight Visibility/Ingress-Egress/Parking:

The auction facility will access off of Briarfield Road, WC 151. No access will be taken from HWY 16.

The Road Department requests the following conditions:

1. Dedicate 30'ft R.O.W on your side of the Road at LSD.
2. If a culvert is needed, the county will size it (it is not anticipated that a culvert will be needed for this project).

3. No Parking on WC 151.
4. Any work in the County ROW requires a permit from the Washington County Road Department. Contact 444-1610 for more details.
5. If after a time this use causes issues with WC 151, then the Road Dept may require improvements to the Road at that time.

Drainage:

Drainage study will need to be provided at large scale development.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately (see attached diagram for examples).

The applicant has proposed the following signage:

“For signage we will have a lighted sign down by HWY 16. Maximum measurements will be 8ft.X8ft. We also propose to have a painted sign on the front of our barn with the same measurements.”

Staff is fine with this, but asks that the signage be indirectly lit (a light shining on the sign), as opposed to being lit from within. This is a standard condition for rural settings.

COMPATIBILITY CONCERNS:

Multiple concerns have been brought forward by property owners within the general area of the project. The primary concern is that the livestock auction site could possibly increase the amount of animal disease in the area (**see concerns and responses to concerns by the applicant pg I-18 - I-43**). In particular, the fear of poultry disease seems to be of most concern, especially in regard to the proximity of ten commercial poultry houses across HWY 16 (under the ownership of Mr. Marley. Please see Mr. Marley’s concerns on **pg I-34 – I-36**). These chicken houses contract broiler production with Tyson, and Scott Gustin, DVM, of Tyson has also submitted a letter of concern (**see pg I-41**).

There are multiple federal and state laws that regulate the operation of livestock and poultry auctions (see excerpts on **pgs I-44 – I-111**). The applicant has stated that they will be abiding by all applicable laws and making sure that all required animal testing is completed for each auction (**see pg I-19**)

The question appears to be whether or not the existing laws (regulating auction facilities and the testing of poultry and livestock) are sufficient to not substantially increase the risk of disease to agricultural uses already in existence (and allowed by right) in the area.

I am having conversations with Dr. Clark, U of A Extension Poultry Veterinarian, about possible conditions that might be able to be placed on this operation that could further negate the risk. He should be back in touch with me prior to the meeting, and I will report more to you at that time. The conversations we have engaged in to date indicate that many of the biosecurity measures that can be taken are related to the care of the poultry or livestock prior to their arrival at the auction site. He also stated that while there are many measures that can be taken to improve biosecurity, there is never a way to completely zero out the risk.

Dr. Clark also pointed out that the risk could work both ways. The auction could potentially increase the risk of disease at the commercial chicken operation, but the commercial chicken operation could also increase the risks of disease spreading to the auction.

I also spoke with the vet from Tyson who wrote me a letter about this project (**pg I-41**). He stated that he feels that the proximity of these two operations is the primary issue, and that he/ Tyson recommend that there be at least ½ mile of separation (the current proposal has the two operations approximately 1/3 of a mile apart- measuring from the auction barn to the closest broiler house). He also stated that there is an increase in risk in an auction scenario (versus a normal private backyard or free range poultry operation- which would be allowed by right under our regulations) due to the animals being brought in each week from a variety of locations and flocks (whereas the animals who would be there in a farming situation allowed by right would reside onsite for longer periods).

Please look over the attachments and email me with any questions that you may have. Staff will provide further updates at the meeting.

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.

Comments have been received from two property owners within the notification area: Marley (**see pg I-34- I36**) and Unger (**see pg I-20 – I-23**).

Multiple comments have been received from other land owners or concerned entities (**See pg I-40 – I-43**).

The applicant has responded directly to some of the concerns voiced by the neighbors (**see pgs I-24– I-33, I-37- I-39**).

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

STAFF RECOMMENDATION: The Conditional Use Permit application for the development known as *White River Auction CUP*, was denied by the Washington County Planning Board / Zoning Board of Adjustments on April 4, 2013.

The below listed conditions address other issues that staff felt were resolved prior to the disease concern coming to the forefront.

Water/Plumbing/Fire Conditions:

1. Plumbing permits may be required from Mt. Olive Water.
2. All new plumbing installed in the building must meet the appropriate plumbing code for this use. Please provide proof from a master plumber that all plumbing has been designed and installed adequately. You may be required to send plumbing plans to the Health Department and Mt. Olive Water prior to any plumbing construction commencing. Please verify what is required at the time of Preliminary LSD (and prior to beginning any construction).
3. The responding Fire Department (Elkins) will be able to serve this project with tanker support. They will utilize one of the existing offsite hydrant to refill tankers.
4. The interior drive must be built at least 20' in width and be able to handle 75,000 lbs in all weather conditions.
5. The final determination of the location of fire lanes around the building and surfaces within the parking area that need to be able to support at least 75,000 lbs shall be determined at LSD. Must have fire code compliant turnaround.
6. All interior walls of the barn building must be covered by sheet metal, sheetrock, or other material approved by the Fire Marshal. At this the applicants plan to utilize sheet metal.
7. Final determination of the location of emergency lighting, exits lights, door hardware, fire extinguishers (number and location) will be determined at Large Scale Development.

8. The concession trailer can be located no closer than 10' from the barn building (including overhangs and porches).
9. Interior layout as shown in the plan submitted on February 21, 2013 (**pg A11**) appears to be generally satisfactory.

Septic/Health Department Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).
3. The Concession trailer should be an Arkansas State Licensed mobile unit or push cart. The trailer must be licensed as a food establishment because this is an ongoing weekly business, not a temporary event or celebration. The concession trailer should abide by all State Rules and Regulations pertaining to food establishments. These regulations can be found in the Health Department's code under *Section 8-3, Permit to Operate*.

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

1. All entrance drives and portions of the parking areas designated by the Fire Marshal must support 75,000lbs in all weather conditions.
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. Dedicate 30'ft R.O.W on your side of the Road at LSD.
4. No Parking on WC 151.
5. If after a time this use causes issues with WC 151, then the Road Dept may require improvements to the Road at that time.

Environmental Conditions:

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

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.
3. Signage will consist of a lighted sign near HWY 16. Maximum measurements will be 8ft.X8ft. It is also proposed to have a painted sign on the front of the barn with the same measurements. All signage must be indirectly lit (a light shining on the sign), as opposed to being lit from within.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
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. This CUP must be ratified by the Quorum Court (It will be placed on the March 21, 2013 QC Agenda).
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. Appropriate ADA accessibility should be achieved for this building and site. Please consult with a professional (usually an architect or engineer) on what may be required for this use.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a. This project requires additional review (Subdivision or Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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

Cheryl West, Planning Board member, asked are operations like this required to have a state vet from the Arkansas Poultry and Livestock to test the animals before they come in?

Juliet Richey replied yes, during the auctions. It's not the state vet but people who are licensed by the state vet.

Cheryl West stated it would be like any sale barn or at the fair. The animals would have to be tested before they come through the gate.

Walter Jennings, Planning Board member, asked what the scale, how big the auctions will be compared to what Fayetteville had?

Juliet Richey, responded that it will be much smaller than Fayetteville. The applicants stated that they will have between 40 to 50 people attending the auctions each week.

Kenley Haley, Planning Board member, asked what kind of animals would be brought? Pigs, chickens, everything?

Juliet Richey explained that the livestock portion is separate from the poultry portion of the auction. It's regulated separately; you have to have a separate permit for it. The state has very specific rules about the pigs; for example their feet cannot touch the ground when they're outside. There are very specific regulations to handle the livestock part. I feel like the livestock part of it is less concerning than the poultry.

Cheryl West asked if Juliet has talked to any poultry company? Do they have any concerns?

Juliet Richey responded that the houses across the street are Tyson affiliated. One of the Tyson vets submitted a letter. I did call him and asked him some follow up questions. He talked about risk but he did not quantify what the level or elevation of risk is. However, he did mention that proximity was the issue. That it was too close. He said that their minimum is one half mile. It was not clear if this was his opinion, a Tyson rule, or an industry rule of thumb. That is why I put the distance on the map; 0.35 mile is the current distance. It could be that proximity is the answer, but again I don't have any back up material to support this. For example, half a mile is a good number because of X. When I asked Dr. Clark about the half mile, is that an industry standard? He said he thought that the standard used to be 1 to 3 mile. Dr.

Clark said that he did not know if the standards have changed or if Tyson is just using a separate standard because it is not another commercial poultry operation.

Kenley Haley asked would we have any type of liability with this?

Juliet Richey replied that she talked to George Butler, the County attorney, and he didn't say anything about that. I understand the concerns, certainly on the side of the commercial poultry operator and the applicant, you probably read her letter as well. But there are other variables that could impact those ten broiler houses as well, regarding the traffic along highway 16 and different animals coming through. I've met and talked with the owner of the ten houses and they provided me with a good understanding of how commercial poultry works. He (broiler house owner) knows for the most part, all the chicken houses in the area and all the major operations that drive trucks past the facility. He (broiler house owner) knows all the chicken houses in the area that do drive trucks pass his facility, what time of the month, where they're coming from, etc. He had to vaccinate their chickens, because another integrator who had outbreaks of certain things, not nearby, had to vaccinate their chickens. And just the shedding of the vaccination, the live virus from the vaccination, and from them driving by causes him to proactively vaccinate his chickens. I think there is real risk.

Kenley Haley stated that she does not feel comfortable with this. She asked what kind options do we have?

Juliet Richey replied that we have the same options we have for every conditional use permit. Approve it, deny it, table it, or approve it with conditions.

Kenley Haley responded we have reasons to deny it.

Juliet Richey said I think there are reasons you can use to deny it.

Kenley Haley stated that we really don't have a recommendation.

Juliet Richey replied saying that she cannot get anybody to tell her anything that is quantifiable. When I bring forward a recommendation, I try not to be cavalier about it. One of your choices is that you can table it for more information, but I would request that you ask me to find some specific information. You can deny it, you can approve it, or you can approve it with conditions.

Robert Daugherty, Planning board member, asked if there was a another set of poultry houses going into this area, that can be done without coming before the board right? As long as it meet the criteria. That's the other complex part of this problem, as long as it meet the criteria of the chicken company. They could put other chicken houses across the road.

Cheryl West replied if another company was across the road they're going to police that big time.

Juliet Richey added that somebody could move there and start running free range chicken and we do not have any way to regulate that either.

Robert Daugherty replied, exactly. If it was free range we don't have any control.

Chuck Browning, Planning Board member, said that without any professional input we can't say that the auction has to be a half mile from any existing chicken houses or it has to be 3 miles from any chicken houses.

Robert Daugherty added that it makes it very tough. The one thing we don't want to do is endanger the livelihood of the people that own the poultry houses. We don't have any criteria to know for sure about the potential danger.

Chuck Browning stated that if you eliminate the poultry side of the auction, does it still pose a danger to those chicken houses?

Robert Daugherty replied, I don't think it causes so much. We have talked about it. I have considered that but I think the proponent thinks it is an important criteria of what they are wanting to do. I don't think it's feasible for them. That would be their call. I think we should look at this in a different manner.

Chuck Browning stated that if we start putting 3 mile distances between every chicken houses in North West Arkansas that there would be no place to put anything.

Robert Daugherty reiterated that's what makes it so difficult for us. I can see where there is emotional feelings both ways and I know there is. This is what makes it so different and very difficult.

Chuck Browning, Planning Board member, asked if the 3 buildings on the left hand margin of the map are chicken houses.

Juliet Richey, replied yes but they do not appear to be in service.

Chuck Browning had to leave early and said that he would vote to table the project until we have further information.

Juliet Richey reminded the board that she had handouts with letters and petitions from citizens that are in favor of the project.

Public comments:

James Tucker, partner of the applicant, said that he had talked to the owner and she said that if it comes down to dropping the poultry side of it she would be willing to do it. The USDA and the Arkansas Poultry and Livestock commission are there every Saturday. They check every animal. They don't personally bleed them, but they have licensed people that actually do. The APHIS vet for Arkansas Poultry and Livestock is there. If they see anything out of the usual, even if the antigen that those birds are tested with, they have to check those and write it on the papers. Every bird that is sold whether it be chicken, duck, turkey, etc, has a piece of paper filled out: the owner of the animal as it was sold, the wing band number, test number, and everything put on it is sent on Monday morning back to Arkansas Poultry and Livestock. So they can keep up with it. For instance, if a sick bird shows up a month later with a disease, that bird has a wing band on it just like hogs, all hogs in the state of Arkansas to be tested for rabies. They have to be bled by the Arkansas Poultry and Livestock commission. You cannot sell a hog in the state of Arkansas that has not been tested and that is not carrying an ID tag as to where it originally came from. Any poultry that is sold, even the ones at your county fair, they got those little silver bands around their wings or legs, showing that those were tested. They were tested but probably not for every disease you can get, but they were tested. That's why they let them go to the country fair or a trade, poultry swap. They are tested they are tagged. You can research the tag and call Arkansas Poultry and Livestock commission at their toll free number that number will come back to you and tell you where exactly that bird came from. As far as how the people treat their animals. The sale barn can't really tell how people treat their animals. One of the big problems and worries, especially in the livestock part was brucellosis. brucellosis in the past was a big scare. The last cow found in the state of Arkansas was in 1997. There has not been one found since. The cow was actually located in a sale barn, tested and found positive. They actually had to get rid of the herd. That was in 1997. According to the USDA and the Arkansas Poultry and Livestock commission, we have not found one tested positive since 1997. There is a known carrier of the disease in the United States. It so happens that the Federal government owns all those animals. They're called the American Bison in Yellowstone National Park. They are actually carriers. According to the Arkansas Poultry and Livestock commission, the only way to get brucellosis is to steal a buffalo and bring back with you. I hope this helps you. Arkansas Poultry and Livestock is there every Saturday from the time you get there to the time it ends. You cannot sell a bird that has not been tested. Any cattle or cow has to be brucellosis tested.

Robert Daugherty asked if the proponent would look at dropping the poultry?

Cheryl West added "all foul."

James Tucker replied yes. She said she would be willing to drop the poultry part of the auction.

Cheryl West stated that she would still be concerned if someone comes with any kind of foul. They come and then go home. In that short time the damage could already be done before they realize it.

James Tucker responded that's like biosecurity on the farm.

Jeff Marley, owner of the ten chicken houses stated, I don't know where to start or where to stop. Let me start with the bird diseases. They will test for the one disease. They will bleed every bird. It will be for a strain of typhoid. Same way at the fair same way everywhere. It will only be for the typhoid. The cattle will only be bled and tested for Bangs. They will do a card check there on site. If that turns positive that will be sent to the state which will then run through a more comprehensive study to see if it's a strain 19. Strain 19 is the variety of which vaccines come from. Currently there is no Bangs in the United States except for the buffalo bison in Yellowstone National Park. But we still vaccinate and state still pays to vaccinate. There have been other know carriers and people can get that disease.

The question I have is that half mile from the sale barn site or from where our two driveways meet at the highway? His meets on the left and mine meets on the right. Two weeks ago when it was 67 degrees outside, disease was not a big deal. Last three days would have been horrible. Can they keep their birds in their hands when they get on to the auction site? Chicken/birds are hard to hang on to. Another concern that I have is if someone misses their driveway. I have two driveways on that farm. One entrance near the south and one entrance 200 ft north near the four chicken houses. If they miss that driveway to the auction, do you think they're going to stop with their 16ft to 20ft trailer, back onto the highway, and turn around? Or are they going to use my big turnaround area in front of the buildings and go back out? It's innocent enough. All trailers are slatted so they are just dropping organisms as they are making their turn. That is our high traffic area as we service those chicken houses whether it's for the birds or for the livestock. Whether it's Bangs or it is any of the other shipping fever complex, we'll go back to the Bangs. I know it's not been there but it has been. In the 90's when all this was eradicated all of us in the area have had different experiences with that. If it does break it will be a mile quarantine radius from whichever side it's quarantined. That encompasses 2,010 acres from that location site. If my 500 acres on the lower side of that farm gets quarantined we take in a large portion of territory. To clear that, if you are not familiar with what it takes to clear that should that happen. It takes two bleds, get the cows out, etc.

Let's just say approximately a half a mile from the back side of your slide, is the White River, the main artery of the White River. That is a main concern of mine. I have been consciously using my BMP practices to keep my cattle fenced out of the river. Due to the drought last summer I had to fence in two small places because all the ponds are dry, I had to water them. Typically, I keep the fences up and the cattle out of the river. That is the main artery for Beaver Lake. That is another concern. If we have an errant or pathogen or disease organisms that get away under a storm event. Not only am I going to be exposed but it is exposed on down the road by the waterways. Also, in the news today, they notice that the AI strain maybe influenza has mutated to where they think it is crossing species in China. Tyson had two hen farms that broke with AI several years ago. Along with bleeding out the birds they had to de-populate that farm. That's what is going to happen to me if they did that. Are you familiar with what happens with de-population? The expenses on those two farms and if it was mine, it could easily exceed one million dollars clean up. I'll be out of business. They would not go back in. Now that's just for the AI, there's the MS, MG, LT, the bronchitis, and two chickens that Georges vaccinated for. There is no sick flock in my vicinity. They were over on the 412 corridor cause that's where the high traffic area is. So then Georges' vaccinated all his birds. Because there's four farms past me and I am within 3 miles. Tyson is concerned about the possibility of passing on those modified live viruses if they have a roving reaction with that flock. They only go by that farm twice in the winter time. We only vaccinate those chickens twice. That is how serious Tyson takes that into consideration. That's just only for the LT, the bronchitis, and the Georgia 98 strain. That's the ones they are concerned about. When the Tyson personnel that only goes

other Tyson farms comes to visit my farm they all wear their plastic suits, boots, air tight outfit, and head nets. They usually don't wear gloves because everybody washes their hands. If you want to drop the poultry yes, but there is still the live stock end of it. I have 120 head of cows there and there are other land owners with cattle across the street too. If one of those calves get out, once it's get out of a trailer, the 6 strand of barb wire fence will not hold them. There is always the "if factor", what about the stray bullet, what about that one disease organism that gets out into that herd. Then we have to deal with it. It's the what if's, the one percent, one tenth of a percent, that hit us. If it was never going to happen we wouldn't need vaccines. We would never have to worry about this.

Public Comments Closed.

Walter Jennings, Planning Board member, asked if there is more information out there?

Robert Daugherty, Planning Board member stated, that was my question too. I don't know we can get any more definitive answers. I just don't know if you can get them.

Juliet Richey, Planning Director, stated that she can follow up with other integrators, Georges, Simmons, etc. But I don't know what they are going to tell me. I don't know that they are going to talk specifically about this use. Most of their rules of thumb had to do with issues that are generally under their control, which is the situation of other commercial poultry operations. That's what I deduced from talking with Dr. Clark and the Tyson gentleman. I think that's why he was somewhat hesitant to give me anymore parameters. If I do go out and find stuff, if it was suggested to me, to look at other sale barns and their relations to commercial poultry operations, and if there's ever been an outbreak in those commercial operations: First of all, I don't know how to do that kind of research. I don't really have the man power to do that kind of research. I don't think that me randomly finding situations is a statistically sound way to evaluate risk. That's not a scientific study. I don't know how to address that.

Robert Daugherty responded that I don't know if we are going to find that answer.

Kenley Haley asked if we deny this, does the applicant have options? What are their options? What's a denied vs. a tabled to the applicant?

Juliet Richey replied both sides have the option to appeal to the quorum court. After the decision from the quorum court, they can go before the Circuit Court, for all parties. As far as if they can bring back something different, they cannot bring back the same exact application if something has been denied. You cannot bring the same exact application for the same area. Now could they come back with a modified application saying that they only wanted to do cattle or just the livestock portion, then yes. I would say that's a big enough modification if they wanted to bring it back in that manner, if it was denied.

Robert Daugherty stated that he has always tried to apply his common sense to the situation. I have a legitimate concern about this gentleman's livelihood. With that many poultry houses, it's very important to him. That's the reason it makes this situation so difficult for me. Because I understand. I try to promote commerce and the commercial aspect of it. But when it endangers somebody's livelihood and can to this extent, that's what concerns me. That's the reason the poultry part bothers me so much.

Daryl Yerton, Planning Board member, asked about the scope of responsibility as for as the planning board. From what I understand, our scope is to determine if they can conditionally use a piece of property to run a business. And expands on that as to the type of business and the implication on the community. I do not feel good about making a decision without having more time to think about it. I'm leaning both ways. I don't know how to vote.

Juliet Richey responded this is why I didn't make a recommendation. I think that's a valid reason. I think that if you want to table something because you need time to think about it, However, I would like some specific direction on the information that you want.

Cheryl West stated that she agrees with Bob. I don't think that we are going to get a definitive answer.

Juliet Richey added I agree. That's what I have arrived at. That's why I did not give a recommendation. To me, all these other uses we look at. For example, the previous project, there are a lot of factors to it that seem compatible. You found that one piece that you felt uneasy about. You are able to apply a condition to solve that visual issue. Then we can all feel like we understood what was all at stake and we mitigated it the best we could. This picture is really hard for me to understand everything that is at stake. I don't feel like I can get definitive answers or at least I haven't been able to so far. I will research everything you tell me to, but I can't perform scientific studies.

Walter Jennings said that is what he is wrestling with. He hears the concern of the neighbor and that makes sense. I also can see where the community would need an auction barn. I worry that if you can't have one within 3 miles of a chicken hous,. Where would you put it? There's nowhere to put it. You have to find a balance.

Robert Daugherty stated that he knows there is a need. He sees the support for it. I try to promote the commerce and will support it. However, I do not want to endanger somebody's livelihood in the process.

Cheryl West added it's the location.

Robert Daugherty agreed that it's the location. I'm not against the live stock auction. I am a farmer. I know that you need those. The problem is I don't want to cause this gentle great financial harm with the decisions I make. And it could.

Kenley Haley stated that was she ready to make a motion. She feels that both applicant and owner have options whether it being approved, denied, or tabled. Or the applicant can come back with a completely modified business.

*Kenley Haley made a motion to deny the **White River Auctions CUP** Cheryl West seconded. Randy Laney and Chuck Browning were not present. Roll was taken. Board Members Kenley Haley, Cheryl West, and Robert Daugherty voted yes; to deny. Board members Daryl Yerton and Walter Jennings voted no. Motion passed.*

ITEM TO BE TABLED AT THE REQUEST OF THE APPLICANT

Fayetteville

j. Hughmount Village Prelim Plat SD

Preliminary Plat Approval Request

Location: Section 31, Township 17 North, Range 30 West

Owner: Hughmount Village LLC

Applicant: Kim Husse, Engineering Design Associates, PA

Location Address: Across the street from 2680 Hughmount Rd.

57.7 acres and 132 Lots

Proposed Land Use: Residential

Coordinates: Longitude: 94°13'39.98"W Latitude-36°6'4.97"N

Project #: 2013-024 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

5. Other Business

- Discussion of Current Development.
- Reminder of upcoming regular Planning Board meeting May 02, 2013
- *Sarah will be attending the National APA conference in April.*
- *Juliet Richey reminded that board that Randy Laney, informed her that will be an event that night. Depending upon items on the agenda. We can move the Board meeting an hour early at 4:00pm instead of 5:00pm.*
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

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

Planning Board adjourned.

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman