

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

August 01, 2013

4:30 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

Fayetteville

a: Gulley Addition

Approved

County

b: Big Red Dirt Farm LLC, LSD

Approved

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Kenley Haley made a motion to approve the minutes of June 27, 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

a. Gulley Addition

Preliminary Subdivision Approval Request

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

Owner/Applicant: JRJC, LLC/Jay McLelland

Location Address: no location address

4.77 acres/ 4 lots

Proposed Land Use: Single Family Residential

Approximate Coordinates: Longitude: -94.088381 Latitude: 36.105795

Project #: 2013-106, Planner: Courtney McNair email cmcnair@co.washington.ar.us

REQUEST: **The applicant is requesting Preliminary Subdivision Approval of Gulley Addition to create a subdivision with 4 single family residential lots, located on 4.77 acres. The density is 1 residential unit per acre and therefore is in compliance with Washington County zoning.**

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre). This proposal meets Washington County Zoning and does not require a Conditional Use Permit.

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area. Fayetteville approved the Preliminary Plat on 6.10.2013. This approval is included in your packet **(A-7-10)**

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen Volunteer Fire Department (Fayetteville also responds)

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is Jay McLelland. The property owner is JRJC, LLC according to County records and the last filed deed information.

The applicant is requesting Preliminary Subdivision Approval of Gulley Addition to create a subdivision with 4 single family residential lots on 4.77 acres. Their projected total density is 1 unit per acre.

In most cases, subdivisions with 4 lots or less can process administratively through the Washington County Planning Office. However, this project is required to construct a Public Road to service the proposed lots because the City of Fayetteville does not allow private roads within their planning area. Therefore, this project is required to proceed through the Subdivision process (Preliminary Subdivision, Construction Plan Review and Approval, and Final Subdivision).

Fayetteville reviewed and approved this project with conditions on June 10, 2013.

Most concerns have been related to the construction of the public road that is required. The developer has submitted a plat that proposes a combination of curb and gutter and open ditch construction for the road.

TECHNICAL CONCERNS:

Sewer & Public Utilities

A soil report regarding individual septic systems for each lot has been performed by Reba Bailey **(A-11-12)**. The Health Department is requiring that the soil pit locations and four (4) corners of the designed septic fields be shown on the plat.

After the plat is approved, the applicant will be required to submit plans to the Arkansas Department of Health for subdivision plan review.

Electric/Phone/Gas

Ozarks Electric: No comment was received from Ozarks Electric.

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

Cox Cable: No comment was received from Cox Cable.

SourceGas: No comment was received from SourceGas

Generally any relocation or damage to existing facilities will be at the expense of the owner.

Water & Fire

City of Fayetteville Water: City of Fayetteville Water Utility services this property. All water main lines along the interior subdivision streets are currently in place and active. City of Fayetteville Water will review any extensions or upgrades to be made to existing service. Standard City of Fayetteville specifications and details shall govern construction.

Fire: The Fire Marshal has reviewed the plans for the proposed layout. All of his concerns have been addressed.

Two fire hydrants are proposed.

GPM fire flow for the hydrant at the intersection of Gulley Road and Sagely Lane has a flow of 2500 GPM.

Addressing

As all lots are over a half acre in size, the addresses will be assigned once the home locations are known.

Environmental

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

Roads

This project accesses off Palmilla Drive via a stub out constructed within the existing Sloan Estates Subdivision. The applicant is requesting to only bring the curb and guttering partially into the proposed project. He then plans to use an open-ditch road for the remainder of the public road being constructed.

The Road Department has reviewed the latest submittal and has additional conditions as listed in the conditions of approval.

Drainage

A full drainage report was submitted and reviewed. **The County Engineer asked for some clarification and is currently reviewing the resubmittal.**

NEIGHBOR COMMENTS:

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

No comments have been received.

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

STAFF RECOMMENDATION:

Staff recommends Preliminary Subdivision approval of Gulley Addition Preliminary Plat with the following conditions:

Planning Conditions:

1. Please correct all items on the Washington County Land Development Submittal Checklist. A copy was provided at Tech Review; please contact Washington County Planning Staff if an additional copy is needed.
2. Condition #3 of the City of Fayetteville's approval states that a property line adjustment/lot split must be created prior to final plat. This must also be approved through Washington County.
3. Must abide by all of the City of Fayetteville's conditions of approval.
4. Electric pole must be located out of the street and within an approved UE.
5. Correct the road name to Palmilla Drive
6. Must coordinate with both city & county on construction plan, submittals, review, & etc.
7. Pay neighbor notification and mailing fees (\$29.68) within 30 days of project approval. Any extension must be approved by the Planning Office. Invoice emailed to applicant on 7/25/13.

Septic Conditions:

1. Need to show septic pit locations and show four corners of septic field
2. After plat is approved, the applicant will be required to submit to the Arkansas Department of Health for subdivision plan review.

Environmental Conditions:

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

Water and Fire Conditions:

1. Standard City of Fayetteville specifications and details shall govern construction.
2. All roads must be able to support 75,000lbs in all weather conditions.

Road and Drainage Conditions:

1. Need a copy of soils test.
2. You will need two separate bonds before any construction begins (also prior to the pre construction meeting). One bond for the current portion of work in Sloan Estates and a performance bond for all new construction on the new subdivision.
3. Need updated street section once soil tests are obtained
4. Right of way must be from the centerline of the road (30 feet on each side)

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. 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. Once all plat corrections have been completed, submit 2 copies of the corrected plat for review to the Planning Office. Planning Staff must approve that all corrections have been made before the pre-construction meeting can be scheduled
4. Please contact the City and County to determine the next steps for each entity in the construction process.
5. 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-construction meeting being scheduled
6. If the City wishes to hold a pre-construction meeting as well, the County would prefer that we have a joint pre-construction meeting.
7. Absolutely no construction may begin until the pre-construction meeting is completed and the plans and bonds have been accepted by Washington County.
8. 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 Senior Planner, Courtney McNair presented the staff report for the board members.

No Public comments. Public Comments Closed.

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

County

b. Big Red Dirt Farm LLC, LSD

Final Large Scale Development Request

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

Owner: Big Red Dirt Farm, LLC

Applicant: Big Red Dirt Farm, LLC

Engineer Name: Jorgensen and Associates

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

Approximately 57.29 acres / Proposed Land Use: quarry

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

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

REQUEST: Final Large Scale Development Approval for Big Red Dirt Farm LLC, LSD. The proposed project is located on a parcel containing +/- 57.29 acres.

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

Preliminary Large Scale Development approval was received August 2, 2012.

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

At Preliminary LSD the City recommended that all CUP conditions and Consent Decree Conditions stay in place. No comments were received at Final LSD.

QUORUM COURT DISTRICT: District 7, JP Rick Cochran

INFRASTRUCTURE: Water – The property is in the service area of Washington Water Authority. Other Utilities - The lot is in the service area of Ozark Electric, AT&T Telephone, SourceGas (not on site), and Cox Communications.

BACKGROUND/ PROJECT SYNOPSIS:

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

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

The Planning Board granted Preliminary Large Scale Development approval August 2, 2012.

The Conditional Use Permit conditions (pg B-11), the conditions of Consent Decree (pg B-14), and Preliminary Large Scale Development Conditions (pg B-19) are all applicable to this Large Scale Development.

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

will be stored onsite.

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

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

Planning Staff has inspected the site on multiple occasions over the last few months. The following items were inspected and found to be in place and adequate:

- Berms and evergreen tree seedlings
- Fencing and signage
- Re-grading and re-vegetation of the buffer areas
- Pavement along entrance drive
- General compliance with the plan and applicable CUP and Consent Decree Conditions

LARGE SCALE DEVELOPMENT CONSIDERATIONS:

This Final Large Scale Development hearing is the third step in the (generally) four-step Large Scale Development Process:

1. Preliminary LSD Hearing
2. Construction of Improvements required (including all applicable LSD, CUP, and Consent Decree requirements)
3. Final LSD Hearing
4. Signing and Filing of Final LSD/ Approval to Begin Operation

Unlike a CUP, there are only specific items that we can consider for a Large Scale Development. We can generally consider the following:

- **Drainage issues-** A drainage report was completed for this LSD. The drainage report was reviewed and approved by the County Contract Engineer at Preliminary LSD. There have been some changes in the berm configuration since Preliminary Plat (additional openings were left to allow existing offsite drainage to proceed into the site). The engineers are revising the Preliminary LSD Drainage Report to reflect these changes. The Contract Engineer will review the changes, and let me know if the final report is acceptable. I will update you at the meeting in regard to his approval (or not) of the plans.
- **Traffic impact-** The existing entrance to Big Red Dirt Farm will be utilized. The applicant will be required to pave this entrance to be 40' wide and 250' in depth from the intersection of Hamstring Road. Loaded trucks are prohibited from turning left onto Hamstring. Trucks must turn right onto Hamstring and proceed to HWY 16. Truck traffic is further addressed in the Consent Decree regarding the maximum number of loads per day that can be removed from the site: a maximum of 200 loads per day (based on a 30 day rolling average) of rock or red dirt extracted from the Site for delivery off the Site to customers. A traffic study was completed for this project. This study was reviewed and approved by the County Contract Engineer and the County Road Department at Preliminary LSD.

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

Section 11-100 (pertinent excerpts)

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

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

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

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

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

Compliance with 11-00:

- **(c) As seen on the plans- the mining portions of the development will be set back 250' from the County Road.**
- **(d) The 40'x250' paved access road is shown on the plans.**
- **(e) The dust abatement plan was submitted at Preliminary LSD (see pg B-21). This plan was reviewed and approved by the County Road Department and County Engineer.**
- **(f) This measure is included in the dust abatement plan**
- **(g) This measure has been acknowledged by the applicant.**

Washington County Code of Ordinances

Section 11-101(pertinent excerpts)

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

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

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

Compliance with 11-101:

- **(d) & (e) All ADEQ permits are in place (Stormwater, Air, and Mining). Copies of portions of these permits are in your packet (see pgs B-28 – B-47). Only portions were included in the interest of saving paper/copies. If you wish to see the permits in their entirety, they will be posted to the Planning Department Website.**
Clay Grote, our County Contract Engineer, has reviewed this LSD project. If the Planning Board feels his review is inadequate, then further review can be explored.
- **(f) Public Comment has been taken at each previous hearing and will be taken at the Final LSD hearing.**

NEIGHBOR NOTIFICATIONS AND COMMENTS:

Neighbor notifications are not required by County code for Final LSD hearings.

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

The concerns cover a wide range of topics including:

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

As stated in the “Large Scale Development Considerations” section above- there are only certain items that the Planning Board can consider with a Large Scale Development. Many of the items listed by neighbors cannot be considered by the Planning Board in this process. Many of these items were taken into consideration at CUP and are reflected in the CUP conditions (see pg B-11) and elaborated upon further in the Consent Decree (see pgs B-14).

CHECKLISTS:

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

Important Information Checklist

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

General Plan Checklist

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

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

1. All conditions of the Conditional Use Permit approval (March 2009), the Consent Decree (March 2012), and Preliminary LSD approval (August 2012) must be adhered to.
2. Must adhere to all applicable LSD standards found in sections 11-100 and 11-101.
3. Pay Preliminary LSD mailing fees of \$506.25 within 30 days.

4. In the April 2012 Traffic Study, D (1) Traffic Engineering techniques, Items a-e should be followed.
5. In addition to notifying emergency management for each blast- please notify the following:
 - a. Washington County Sheriff's dispatch: 444-5703
 - b. FireCom: 521-5800
6. Pay engineering fees. These will be calculated once all review has been completed.
7. Please add a clearly labeled 25' PUE (on the outside of the ROW) the length of your property (to be dedicated with this LSD plan).
8. Keep in mind that you are required to grade your final product to certain specifications- even if it is a lake. Keep this in mind when determining your final floor elevations and how you dig.
9. As per the July 10, 2013, letter from Licensed D.R., Rebecca Corbitt, the current system appears to be functioning adequately at this time. If, at any point in the future, there will be more than three employees at this business, or the portable toilet located onsite is removed, then an additional assessment of the system and its adequacy must be performed by a D.R. at that time. If any improvements are recommended by the D.R. or the ADH, then those must be implemented.
10. As per the Conditional Use Permit, evergreen vegetation is required on the perimeter berms. Staff has inspected the berms and found that pine trees have been planted. Some mortality is to be expected with any planting. The Planning office will inspect the vegetation this fall to see what trees survived the summer. A replacement schedule for the vegetation that has died will be scheduled for this fall/winter. After that time, the Planning Office will inspect the berm vegetation periodically. It is the responsibility of the Quarry owners to keep all evergreen vegetation in place and healthy as per the Conditional Use Permit.
11. BRDF will submit a report via email (or other method found to be acceptable by the Planning Office) to the Planning Office each month showing the number of loads transported in the past 30 days. The Consent Decree limits their loads to "200 loads per day (based on a 30 day rolling average) of rock or red dirt extracted from the Site for delivery off the Site to customers."
12. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.
13. Any other land divisions, commercial structures, or other types of uses not considered with this submittal must come through a separate CUP or review process with the County.

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

Kenley Haley, Planning Board member, asked if there is a signal light at Hamstring and 16 West?

Juliet Richey responded no.

Public comments.

Dave Jorgenson, Engineer from Jorgensen & Associates, stated that he is available to answer any questions that the board has.

Public Comments Closed.

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

5. Other Business

- Discussion of Current Development.
- Proposed Amendment to Planning Board By-Laws

ARTICLE II. MEMBERS AND TERMS

A. Membership on the Planning Board shall be as provided by state statute 14-14-705 and 14-17-203(a). The Board shall consist of seven (7) members appointed by the Judge and confirmed by the Quorum Court. Appointed members shall subscribe to the oath of office within ten (10) days from the date of appointment, and evidence of the oath of office shall be filed with the County Clerk. At least 1/3 of the members shall not hold any other elective office or appointment, except membership on a municipal or joint planning commission or a zoning board of adjustment. All of the members appointed to the Board shall be qualified electors of the County.

B. Terms of membership shall be as provided by state statutes 14-14-705 and 14-17-203(b). The term of each member shall be 4 years. ~~No Board member shall be appointed for more than two (2) consecutive terms.~~ A vacancy in the membership due to death, resignation, removal, or other cause shall be filled by an appointee of the Judge and confirmed by the Quorum Court for the unexpired term. Any member of the Board shall be subject to removal for cause upon recommendation of the Judge and confirmation by the Quorum Court.

C. It shall be the duty of the members to regularly attend the meetings of the Planning Board, and except in the case of illness or extraordinary circumstances, the absence of any member from three (3) consecutive regular meetings and/or from six (6) regular meetings during the period of one calendar year shall constitute cause for removal by the County Judge.

Robert Daugherty made a motion to amend the by-laws. Cheryl West seconded. Walter Jennings was not present. Board Members Randy Laney, Chuck Browning, Daryl Yerton, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.

- Reminder of upcoming regular Planning Board meetings **September 5** and **October 3, 2013**.
- Discussion of possibly replacing paper packets with digital tablets for Planning Board Meetings.
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

Chuck Browning moved to adjourn. Cheryl West 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