

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS

Sept 04, 2014

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

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a: Owens Minor Subdivision

Approved

County

b: Hill Mountain Estates Minor Subdivision

Approved

CONDITONAL USE PERMIT HEARINGS

County

c: Witter CUP

Denied

County

d: Hale Mountain Free Holiness Church CUP

Approved

Fayetteville Planning Area

e: W. Wheeler Cell Tower CUP (Revision)

Approved

COMMUNICATION TOWER HEARING

Fayetteville Planning Area

f: W. Wheeler Cell Tower

Approved

CONDITONAL USE PERMIT HEARINGS

County

g: Teen Challenge Revised CUP

Approved

LAND DEVELOPMENT HEARINGS

County

h: Teen Challenge Preliminary LSD

Approved

CONDITONAL USE PERMIT HEARINGS

County

i. Saddlebock Brewery Expansion CUP

Approved

LAND DEVELOPMENT HEARINGS

County

j. Saddlebock Brewery Preliminary LSD

Approved

CONDITONAL USE PERMIT HEARINGS

County

k: Eastern Park Subdivision CUP

Denied

County

l: Rich Red Dirt CUP

Tabled

(To be tabled at the request of the applicant)

1. ROLL CALL:

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

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes of Aug 07, 2014. Robert Daugherty seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Robert Daugherty made a motion to approve the agenda. Chuck Browning seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Owens Minor Subdivision

Preliminary and Final Subdivision Approval Request

Location: Section 15, Township 15 North, Range 33 West

Owners: James Owens

Applicant: Blew & Associates / Scott Blackshers

Location Address: 21840 Summers Mountain Road

Approximately 39.83 acres and 4 lots/ Proposed Land Use: Residential/Agricultural

Coordinates: Longitude: -94.47585311"W, Latitude: 35.97590285"N

Project #: 2014-046 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Owens Minor Subdivision Owens Subdivision is requesting Preliminary and Final Subdivision Plat approval to create a 4 tract Minor Subdivision from one existing parcel (001-09497-000). All lots are at least 1 acre in size:

The subdivision proposes to create 4 tracts from an existing 39.83 acre parcel. The resulting acreages would be:

- **Tract 1: 12.33 acres**
- **Tract 2: 8.58 acres**
- **Tract 3: 8.75 acres**
- **Tract 4: 10.16 acres**

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre). The proposed project meets the current zoning requirements.

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: Lincoln and Cincinnati FD- did not submit comments on this project, and Dennis Ledbetter, Washington County Fire Marshal does not review projects with four (4) lots or less.

SCHOOL DISTRICT: Lincoln

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

BACKGROUND/ PROJECT SYNOPSIS:

The subdivision proposes to create 4 tracts from an existing 39.83 acre parcel. The resulting acreages would be:

- Tract 1: 12.33 acres
- Tract 2: 8.58 acres
- Tract 3: 8.75 acres
- Tract 4: 10.16 acres

Tract 1 contains existing structures. This tract is where the address 21840 Summers Mountain Road address is located.

This project is being processed as a Minor Subdivision due to the amount of past splits on the parent parcel.

The primary issue is whether or not ADH will find these lots suitable for septic and wells (due to evidence of bad soils on some of the lots).

Staff will have an update from the Health Department at the meeting on Thursday.

TECHNICAL CONCERNS:

Sewer/Septic

Soil work was submitted on August 20 (see pgs A-7 through A-10). The soil work showed that some lots are only suitable with a modified system. Planning Staff is unsure if this is acceptable to the Health Department and has forwarded the soil work to the Health Department for their review and Comment.

Soil work to determine septic suitability and the ability to place a well on each lot should be evaluated and found to be sufficient prior to Final Plat. Staff will update you on this at the meeting.

Electric/Phone/Gas

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

Water

Lincoln Water services this parcel. They made no comment.

Wells are a permissible alternative as long as each lot can accommodate both a well and a septic system as per Health Department regulations.

Addressing

An address must be assigned for each unaddressed lot once the house location is known.

Environmental

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

Roads

This project accesses off Summer Mountain Road, WC 676. All lots have frontage on the Road. All lots have an adequate amount of road frontage. No new roads or road improvements are proposed with this project. The applicant will dedicate 30' ROW on Summers Mountain Road.

NEIGHBOR COMMENTS:

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

One comment "in opposition" to the development has been received at this time. **Please see page A-11.** The neighbor had concerns regarding the possibility of manufactured homes being placed on the lots.

Washington County does not regulate the type of single family home that can be allowed on a lot in the County. The possibility of manufactured homes is not an issue that can be considered with this type of 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		x	
Road Issues		x	
Fire Code Issues			N/A
Utility Issues			x
Health Department Issues	x		
Other Important Issues			x
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information		x	
Existing Conditions		x	
Proposed Improvements		x	
Info to supplement plat		x	

STAFF RECOMMENDATION:

If ADH finds the soil work to be adequate in regard to septics and well suitability (prior to the meeting on Thursday), Staff will recommend the approval of Owens Minor Subdivision with the following conditions:

Utility Conditions:

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

Sewer/Septic Conditions:

2. Need verification from Lincoln Water that taps are available for these lots, or soil work to determine septic suitability and the ability to place a well on each lot should be evaluated and found to be

sufficient prior to Final Plat.

Road Conditions:

1. Any work done in the County road right-of-way will require a permit from the road department
2. If any driveway tile is needed, the road department will need to size.
3. Please show 30 foot right-of-way the length of the property from the center of the road.
4. If you do not have Washington County install any tile that may be needed, then Washington County must size the tile and a permit obtained for each tile from the Road Department will be required.

Environmental Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Correct all outstanding Plat checklist items.
3. If a lot line adjustment is still desired by neighbor to the south- this adjustment must be completed (and this plat adjusted) prior to the signing of this final plat.
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. 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 Planning Directory, Juliet Richey, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

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

County

b. Hill Mountain Estates Minor Subdivision

Preliminary and Final Plat Approval Request

Location: Section 22, Township 14 North, Range 32 West

Owner: James & Susie Perry

Applicant: James and Susie Perry

Engineer: Blew & Associates

Location Address: 15734 Greasy Valley Rd, Prairie Grove, AR 72753

Approximately 24.97 acres / 2 lots. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.88111960, Longitude: -94.36392283

Project #: 2014-152 Planner: Sarah Geurtz email sgeurtz@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval to divide a parcel of 24.97 acres into two tracts (2.20 and 22.77 acres).

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

PLANNING AREA: This project is not located within a Planning Area; it is located solely within the

County's jurisdiction.

QUORUM COURT DISTRICT: District 13, Ron Aman.

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

SCHOOL DISTRICT: Lincoln

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

BACKGROUND/ PROJECT SYNOPSIS:

The property owners and applicants are James and Susie Perry. The surveying company is Blew & Associates. The subject property is located off Greasy Valley Road WC #8 south of Prairie Grove and Lincoln **(B-9)**.

The applicants are requesting Preliminary and Final Minor Subdivision Plat approval of Hill Mountain Estates Minor Subdivision to divide a 24.97 parcel into two tracts as follows:

Tract 1: 2.20 acres (contains an existing home, a couple sheds, and a pond)

Tract 2: 22.77 acres (wooded) **(B-10 & B-11)**

The property owners want to split off Tract 2 to sell to Gary and Jill Hill. Staff has been told that the Hills would like to build a home on the property in maybe four or five years.

Both tracts meet the Washington County's Subdivision road frontage requirements of a minimum of seventy-five feet road frontage.

This proposed property division cannot be processed administratively due to too many previous property divisions that have been done on this property. A Minor Subdivision is therefore required in order to split this property again.

At this time, Lincoln Water can provide water for a new home on Tract 2 as long as the home is not constructed on a portion of this tract that has an elevation of greater than about 1550 feet. This makes water available for only the northern half of the property. Lincoln Water suggested that the property owner or buyer look into installing water holding tanks and/or having an Engineer look into the matter to help ensure there will be enough water pressure. The future home buyer will need to be cognizant of where on the property the home will be built.

The primary issue with this project has been the lack of water pressure for elevations above around 1550 feet.

TECHNICAL CONCERNS:

Sewer/Septic

The home on Tract 1 utilizes an existing septic system. Reba Bailey (A Designated Representative of the Department of Health) inspected the septic and found it to appear to be functioning properly at the time of the inspection **(B-13 & B-14)**. Melissa Wonnacott-Center of the Arkansas Department of Health is not requiring, at this time, soil work for Tract 2. However, she stated that when tract 2 is sold, soil suitability will need to be determined at that time.

Electric/Phone/Gas

Greg McGee with Ozarks Electric reported that any damage or relocation of existing facilities will be at the owner's expense and any extension of a line that has to be built specifically to feed this property will be at full cost to the owner.

He also reported that they have an existing power line on the property that has an existing 30 easement.

Water

Mr. Chuck Wood with Lincoln Water told Staff that Lincoln Water can provide water for a new home on Tract 2 as long as the home is not constructed on a portion of this tract that has an elevation of greater than about 1550 feet. Mr. Wood said that Lincoln Water cannot provide enough water pressure for a home located higher than about 1550 feet of elevation due to limiting factors with the closest water tank.

The property climbs in elevation from about 1470 feet at Greasy Valley Road to 1720 feet of elevation at the southern property boundary (**B-11**). Mr. Wood suggested that the property owner or buyer look into installing water holding tanks and/or having an Engineer look into the matter to help ensure there will be enough water pressure.

Addressing

The home on Tract 1 has the address of 15734 Greasy Valley Road. Tract 2 will need to be addressed once the home location is known.

Environmental

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

Road

Tract 1: 381.56 feet road frontage onto Greasy Valley Road WC #8.

Tract 2: 85.88 feet road frontage onto Greasy Valley Road WC #8.

Tract 1 has an existing driveway onto Greasy Valley Road. Tract 2 will eventually have a driveway created. 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.

SITE VISIT:

A site visit will be conducted by Planning Staff before the upcoming September 4, 2014 Planning Board meeting and Staff will update the Board on the findings.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. At this time, no neighbors have contacted Staff with comments or concerns about this project. Staff will update the Planning Board at the meeting if any comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

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

Utility Conditions/Road Conditions:

1. Septic - 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. Septic – When Tract 2 is sold, soil suitability will need to be determined and submitted to the Arkansas Department of Health.
3. Ozarks Electric - Any damage or relocation of existing facilities will be at owner’s expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner. Please contact Greg McGee if you have any questions (479) 684-4634 or gmcgee@ozarksecc.com
4. Ozarks Electric - Ozarks has an existing power line on the property that has an existing 30 easement. Show or label this easement width on the plat.
5. Lincoln Water cannot provide enough water pressure higher than about 1550 feet of elevation. The property climbs in elevation from about 1470 feet at Greasy Valley Road to 1720 feet of elevation at the southern property boundary. Installing water tanks and even consulting with an engineering firm regarding the location of the home and the available water system would be good ideas in order to ensure enough water pressure for a home on this parcel.

Environmental Conditions:

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

Standard Conditions:

1. Pay neighbor notification mailing fees (\$30.48) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 8/27/2014).

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

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

No Public comments.

Public Comments Closed.

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

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

c. Witter CUP

Conditional Use Permit Approval Request

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

Owner: Morris and Kathryn Witter

Applicant: Morris Witter III

Engineer: Bates & Associates, Inc.

Location Address: east of 3576 Salem Rd, Fayetteville, AR 72703

Approximately 1.79 acres / 2 lots less than 1 acre each. Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11372003, Longitude: -94.20893001

Project #: 2014-144 Planner: Sarah Geurtz email sgeurtz@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the division of a 1.79 acre tract into two parcels (each less than one acre 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 Fayetteville's planning area. The City has submitted no comments.

QUORUM COURT DISTRICT: District 8, Barbara Fitzpatrick

FIRE SERVICE AREA: Wheeler

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The owners of this property are Morris and Kathryn Witter. The applicant is Morris Witter III. The surveyor on this project is Bates & Associates. The property is located west of Fayetteville just outside of Fayetteville's City Limits line off West Salem Road WC #894 (C-11).

The Conditional Use Permit Request is to allow the division of a 1.79 acre tract into two parcels (each around 0.895 acres in size) in an area where a maximum of 1 unit per acre is allowed by right and any higher density must be reviewed as a Conditional Use Permit Request by the County Planning Board/ Zoning Board of Adjustments (C-11 through C-13 and applicant's letter C-15).

There are no existing homes on the property; the applicant wishes to construct a home on each parcel. The property division is required to process through the City of Fayetteville and be approved before the Washington County Planning Office will review the tract split as an Administrative Exempt Tract split.

There have been no issues with this project except for a neighbor who contacted staff with concerns. Please see information about this on page C-4 and C-5.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Fayetteville Water can provide water to this property. The water main is located along the north side of West Salem Road (C-17).

The Washington County Fire Marshal had no comment. The Wheeler Fire Department did not comment on this project.

Sewer/Septic/Decentralized Sewer:

Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) reported that, according to soil information submitted by Reba Bailey, the soils in this area are suitable for a standard septic system design. However, full information cannot be accessed until permits are submitted to ADH. Ms. Wonnacott-Center had some concerns with loading (she thinks the septic field locations and sizes could differ from what is shown) but she thinks that the submitted soil work is feasible for a CUP. A full permit will be required at the time of split through Fayetteville and it must be shown to be sufficient. This is a condition of approval (C-16).

Electric/Gas/Cable/Phone:

Ozarks Electric reported that they have an existing power line on the property that has an existing 30 easement. They also said that any damage or relocation of existing facilities will be at owner's expense and that any extension of a line that has to be built specifically to feed this property will be at full cost to the owner.

AT&T is the providing telephone company; they had no comments.

SourceGas and Cox Cable Communications service this area; they had no comments.

Roads/Sight Visibility/Ingress-Egress/Parking:

This property accesses W. Salem Road WC #894. The only comments the Road Department had were that if a tile is needed, Washington County Road Department will size it and that any work done in right-of-

way will need a permit from the Washington County Road Department.

Drainage:

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

Environmental Concerns:

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

City of Fayetteville Concerns:

Fayetteville submitted no comments regarding this project.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

Surrounding density ranges from 0 homes per 8.45 acres to the most dense which is 1 home per 1.23 acres. This proposed CUP will be 0.90 acres per home. While there are parcels to the south and west that contain no residences, the subject property is surrounded with subdivisions to the north and east and is very close to being within the Fayetteville City Limits. Staff feels that the applicant's request is not too vastly different from surrounding densities and can therefore be compatible with the surrounding densities (C-14).

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

- a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density is compatible with the surrounding densities in the area.**
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **Utilities are available.**
- d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that two additional residences will be compatible with the character of the surrounding area.**
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for

planned, future roads. **The Washington County Road Department voiced no issues with two new residential homes accessing W. Salem Road at this location.**

Future Land Use Plan

This portion of the County's Future Land Use Plan was extrapolated from the City of Fayetteville's adopted Future Land Use Plan for this area. The Future Land Use Plan for this area shows that it is "Rural Area Residential". The County categorizes this future land use as:

Residential use- rural in nature (large tracts) combined with a strong emphasis on agricultural use in addition to conservation and preservation of woodlands, grasslands, and agricultural lands that are sparsely settled.

Due to the low impact nature of the proposed residential use where each tract will occupy approximately 0.895 acres, staff feels this project will be compatible with the surrounding uses.

SITE VISIT:

A site visit has not been conducted yet by planning staff. Staff will update the Planning Board by the September 4th Planning Board meeting about Staff's site visit.

NEIGHBOR COMMENTS/CONCERNS:

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

At the time of the writing of this staff report, one neighbor has contacted Staff with concerns. One of his concerns (that renters might move into the homes) cannot be considered with this CUP request. His other concerns were that he had been told there might be buried waste such as tires on the property and he was also concerned about whether or not the soil was okay for septic systems.

Staff contacted the Environmental Affairs Director, Sophia Stephenson, about the waste concern. She said that any waste is required to be disclosed when property is sold. However, she asked Staff to report to her what Staff's site visit shows. Ms. Stephenson said that if needed she can then have the Environmental Affairs Officer check the situation if needed. Staff will update the Planning Board on this matter at the September 4th Planning Board meeting. ADH has reviewed the soils and conditions have been placed upon the project to make sure the soils will properly handle the septic systems.

Staff will update the Planning Board at the September 4th Planning Board meeting if any new neighbors contact Staff with concerns or complaints.

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

Planning Conditions:

1. This property split must be processed through both the City of Fayetteville and the County. Fayetteville's approval is required before the County can process this split administratively.
2. This CUP is for allowing the division of a 1.79 acre parcel into two tracts smaller than one acre each in an area when acreages must be at least one acre in size to be in accordance with zoning.

Sewer/Septic/Decentralized Sewer Conditions:

1. Septic: 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. Septic: submit septic permits to ADH in order for ADH to fully access the site for standard septic system design. A full permit will be required at the time the property division processes through Fayetteville and the permit must be found to be sufficient.

Roads/Sight Visibility/Ingress-Egress/Parking 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.

Environmental Conditions:

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

Utility Conditions:

1. Ozarks Electric: Any damage or relocation of existing facilities will be at owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner.
2. Ozarks Electric Ozarks has an existing power line on the property that has an existing 30 easement. Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$31.76) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 8/29/2014).
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. This CUP must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a. This project does not require additional Planning Board review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

Public comments.

Christine Bell, neighbor to the west of the property, has lived in Fayetteville for a number of years and seen a lot of growth. They moved out in the rural area to enjoy the bigger acreage and land. Several years ago a proposed storage unit was built. Many of the neighbors were against it because at the time there

was no zoning. The storage was built, but it does not fit into the neighborhood. County was established and set that lots cannot be smaller than 1 acre. Most of the neighbors have 1.5 acres or greater. We live across from a huge subdivision now. "I don't understand why they would split a lot into 0.89 acres to put two houses on it." Mr. Bell is concerned about the zoning and land acreage of the proposed project. She wishes the board would be against this proposal.

Terry Martin, neighbor on West Salem road, has lived out there for 27 years. They moved in the county to enjoy the larger land and acreage. The Lewis Estates are two and half acres lots. The smaller lots were grandfathered in. Mr. Martin is concerned with the zoning and lot size compatibility. He does not want smaller lots and urges the board not to approve the lot split.

Morris Witter, the property owner and applicant, states, "there are numerous lots in the area that are around 1 acre in size. There's one subdivision that is about 300 yards of the property are .2 of an acre." Mr. Witter states that Mr. Bell has confronted him about building on the land. Mr. Witter feels that 9/10th of an acre is compatible with the land.

Randy Laney, Planning Board Director, wanted to clarify the acreage between the powerpoint map and survey. The 1.79 is accurate?

Sarah Geurtz, Washington County Planner, replied, "Yes, that's correct. Because the city of Fayetteville is so close to the property, some of the subdivisions that Mr. Witter is referring to are located right there where Fayetteville starts. They are subdivisions strictly in the county but are in Fayetteville's planning area with 1.3, 1.5, and 1.7 acre parcels."

David Bell, neighbor to the west of the property, is concerned about the smaller acreage. He showed the board members where the property is located on the map.

Public Comments Closed.

Kenley Haley, Planning Board member, asked about the close proximity of the subdivisions. "What do we consider close, 300 yards?"

Juliet Richey, Planning Board Director, replied, "We do not have any strict definition. We usually look at things that are directly adjacent and then neighborhoods."

Kenley Haley responded, "The immediate surrounding area has larger lots."

Robert Daugherty made a motion to approve the **Witter CUP** subject to staff recommendations. The was not motion seconded. The motion died. Chuck Browning made a motion to deny the **Witter CUP**. Walter Jennings seconded. Board members Kenley Haley, Chuck Browning, Walter Jennings, and Cheryl West were in favor of denying. Randy Laney and Robert Daugherty Opposed. Motion passes 4 to 2.

County

d. Hale Mountain Free Holiness Church CUP

Conditional Use Permit Approval Request

Location: Section 07, Township 13 North, Range 32 West

Owner: Hale Mountain Church

Applicant: Wayne Hunt

Location Address: across the road from 19100 Hale Mt. Road, Cane Hill, AR 72717

1.00 acre/ 1 Lot

Proposed Land Use: Church

Coordinates: Latitude 35.82521289" N, Longitude: -94.44125178" W

Project #: 2014-065 Planner: Sarah Geurtz email sgeurtz@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the use of a church on one acre of land.

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

PLANNING AREA: This project is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 13 Ron Aman
Department

FIRE SERVICE AREA: Morrow Fire

SCHOOL DISTRICT: Lincoln

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

BACKGROUND/ PROJECT SYNOPSIS:

The property owner is Hale Mountain Church; the applicant is Wayne Hunt. The surveyor is Eddie Gore of Gore Surveying. This property is located south of Lincoln off Hale Mountain Road WC# 3 south of Morrow (D-13).

This Conditional Use Permit request is to allow the use of a church on one acre of land in an area where the use of Single Family Residential (maximum of 1 unit per acre) or Agricultural, is allowed by right, and all other proposed uses must be reviewed as Conditional Use Permit Requests by the County Planning Board/ Zoning Board of Adjustments.

The property currently consists of 7.45 acres. In June of this year, Planning Staff approved a tract split for this property in order to split off one acre for this church (D-15 & D-16). At the time of this staff report's writing, a deed has not been filed with the Circuit Clerk's office to create the approved property division. Therefore, the maps attached with this staff report show the parcel to be 7.45 acres in size (D-14). A condition on this project requires this approved one acre tract to be created.

This proposed church will replace the congregation's existing Hale Mountain Free Holiness Church located to the south of the subject property (also located off Hale Mountain Road). Please see the applicant's letter (D-23).

The church will consist of approximately 5600 sq ft. It will contain a fellowship hall, a sanctuary, three classrooms, a sound room, women's restroom, men's restroom, and a foyer. The applicant is also proposing parking and a septic system. Thirty-eight parking spots are required (D-17, & D-19 through D-21)).

At this time, Staff is unsure if sight distances are sufficient from the proposed entrance onto Hale Mountain Road. Once the surveyor knows the exact location of this entrance, the surveyor must submit to Staff what the sight distances are and from what height the measurements were taken. Per a condition placed on this project, sight distances must meet Washington County code.

There will be a play area (not shown on the attached plans) behind the church. Staff will update the Planning Board at the September 4th meeting about the play area's location.

Currently, about forty-five people attend the existing Hale Mountain Free Holiness Church located adjacent to the south; it is planned that the new church building will provide services to up to one hundred members. Hours of operation will be Sundays at 10:00 am and 6:00 pm and Thursdays at 7:00 pm. A four foot by four foot sign is proposed.

The property is wooded and there are no residences on it. Large Scale Development review is not required of this project because the church will only occupy one acre of land.

The primary issue with this project has been whether or not there is adequate sight distance onto Hale Mountain Road WC #3.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

The Morrow Fire Chief, Jeff Winningham, reviewed the plat and is fine with it. Also, John Luther, the Director of the Washington County Department of Emergency Management wrote a mutual aid agreement letter stating that the Morrow, Evansville, Lincoln, and Prairie Grove fire departments will be able to meet the fire flow requirements for this church **(D-25)**.

Washington Water Authority (WWA) reported that water taps are available **(D-24)** and that the applicant needs to apply to WWA for a water tap. WWA requires that plumbing plans be submitted to WWA and then to the State for review and approval. WWA also requires the plumbing to be done by a master plumber licensed accordingly.

The Washington County Fire Marshal reviewed the building plans. He reported to planning staff that the plans covered everything discussed and that he had no additional comments at the time.

Sewer/Septic/Decentralized Sewer:

The septic system will be installed on the western portion of the property behind the future church. Melissa Wonnacott-Center of the Arkansas Department of Health (ADH) reported to Staff that the submitted septic permit had been reviewed and was fine. Soil work is included in this packet **(D-28 through D-32)**.

Electric/Gas/Cable/Phone:

Prairie Grove Telephone had no comment.

Ozarks Electric reported that any damage or relocation of existing facilities will be at the developer's expense and any extension of a line that has to be built specifically to feed this property will be at full cost to the developer. Ozarks also reported that they have a single phase overhead power line on this property that will supply a single phase service and there is no three phase power available on this property. If a three phase service is required for this project, there will be significant charges involved to extend the three phase line. The applicant told Staff that they do not need three phase service. Therefore, the lack of three phase power to this property is not a problem for the applicant.

There is no gas or cable service to this property.

Roads/Sight Visibility/Ingress-Egress/Parking:

The church parking lot will access Hale Mountain Road WC #3 via a sixty foot wide driveway entrance. There is concern regarding sight visibility onto Hale Mountain Road WC #3. Staff is waiting on a letter from the surveyor that states what the sight distances are and from what height the measurements were taken. Staff will update the Planning Board on what the sight distances are. A condition has been placed on this project requiring the sight distance to be adequate per Washington County's code.

Parking will be at the front of the building between the church building and Hale Mountain Road WC #3. Thirty-eight vehicle stalls are proposed; two of the vehicle stalls will be ADA compliant **(D-17)**.

Drainage:

Eddie Gore, this project's surveyor, submitted a letter stamped and signed by himself **(D-26 & D-27)** stating that drainage from this project will flow westerly from Hale Mountain Road into a natural ditch on the property to the north owned by Hale Mountain Holiness Church. Stormwater runoff will then flow along this ditch and into a large canyon to the west on property owned by Steve Udem. Mr. Gore stated, "This little project should have no detrimental impact on such a big and uninhabited drainage basin."

Mr. Udem submitted a letter to Staff stating that he is fine with this situation **(D-26)**.

The Washington County Contract Engineer, Mr. Clay Grote, reported that the letter submitted by the surveyor and the letter submitted by Mr. Udem were sufficient for addressing this project's drainage.

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

Signage cannot be placed in the County Road right-of-way. 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 (D-34).

A four foot by four foot sign is proposed; it cannot be placed in the road Right Of Way.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The property density is not changing. This Conditional Use Permit request is to allow the use of a church in an area where the use of Single Family Residential (maximum of 1 unit per acre) or Agricultural, is allowed by right, and all other proposed uses must be reviewed as Conditional Use Permit Requests by the County Planning Board/ Zoning Board of Adjustments. The surrounding property uses are mostly agricultural with a few large residential uses, one residential/agricultural use, and a church use (D-22).

Staff feels the applicant's request will be compatible with the surrounding uses.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

2. LIGHT COMMERCIAL

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

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

Planning Staff does not consider Hale Mountain Free Holiness Church CUP request to be incompatible with the surrounding land usages of residential, agricultural, and church. Conditions have been placed upon this project in order to mitigate impacts the use of a church might have.

Future Land Use Plan

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

SITE VISIT:

A site visit will be conducted by Planning Staff before the upcoming September 4, 2014 Planning Board meeting and Staff will update the Board on the findings.

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, Mr. Roy Phillips, Jr., submitted an in favor letter. Staff will update the Planning Board at the September 4th meeting if any additional comments are received (**D-33**).

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Hale Mountain Free Holiness Church Conditional Use Permit with the following conditions:

Planning Conditions:

1. Signed Architect building plans must be submitted prior to construction.
2. All health safety conditions recommended by the architect must be followed.
3. Church should be approximately sized as proposed, less than 6,000 sq ft.
4. ~~Architect must submit an egress plan (to address Fire Code issues) for the building. This plan must be reviewed by the Washington County Fire Marshal and found to be sufficient.~~ **Submitted and approved by Fire Marshal.**
5. Hours of operation, days, and day-to-day operations should be generally as stated by the applicant:
 - i. Sundays at 10:00 am and 6:00 pm
 - ii. Thursdays at 7:00 pm
6. Only the proposed use of a church facility is allowed with this CUP; no additional uses are allowed unless additional review takes place. (i.e. daycare, school, etc...)
7. Generally, restrict grading and tree removal only to that necessary for development.
8. A deed for tract split 2014-00014497, project number 2014-092, shall be filed in order to create the one acre parcel this church will occupy.

Water/Plumbing/Fire Conditions:

1. Water: Apply to Washington Water Authority for a water tap.
2. Water: Plumbing plans must be submitted to WWA, then to the State for review and approval. Plumbing must be done by a master plumber licensed accordingly.
3. Fire: The project must meet State Fire Code.
4. Fire: Facility should be entirely sheet rocked prior to use as an assembly area.
5. Fire: No holes may be made in the fire wall.
6. Fire: Lighted exit signs, fire extinguishers, emergency lighting, and panic hardware on exit doors are required.
7. Fire: The Fire Marshal will complete all inspections necessary for the building, and the final building and parking/drive inspections.
8. Fire: A "warming kitchen" only is allowed. If the kitchen use changes from "warming" to a commercial type kitchen, several additional conditions will be required. The project must come back through the CUP process to make this change

Sewer/Septic/Decentralized Sewer 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 perking either).

3. The septic system area must not be disturbed.
4. The Washington County Fire Marshal will complete the final inspection of the site.

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

1. The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and at least 20' deep x the width of the driveway. This must be completed prior to the operation of the church. Any extensions must be approved by the Washington County Road Department Superintendent.
2. All entrance drives and parking areas must support 75,000 lbs in all weather conditions. A compaction statement stating this is required.
3. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
4. ~~Once the surveyor knows the exact location of this project's entrance onto Hale Mountain Road, the surveyor must submit to Staff what the sight distances are and from what height the measurements were taken. Sight distances must meet Washington County code.~~ **9.24.2014 plan submitted with this information labeled.**
5. ~~Submit the location within the drive from which you took the submitted sight distances. The sight distance measurements should be taken from the lane or area within the driveway that a vehicle would use to make the corresponding turn movement. If the sight distance measurements submitted were not taken within the correct locations, you may need to re-take these measurements.~~ **Submit final sight distance determinations in the form of a signed/stamped letter.**
- 6- The ingress/egress lanes on the drive should be marked (presumably striped) when the drive is constructed. **Please update your CUP site plan to show these designations.** ~~The plan should also be updated to show the first 20' from the road being paved.~~

Environmental Conditions:

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

Utility Conditions:

1. Ozarks Electric - any damage or relocation of existing facilities will be at the developer's expense and any extension of a line that has to be built specifically to feed this property will be at full cost to the developer.
2. Ozarks Electric - they have a single phase overhead power line on this property that will supply a single phase service and there is no three phase power available on this property. If a three phase service is required for this project, there will be significant charges involved to extend the three phase line.

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Road right-of-way.
2. A four foot by four foot sign is approved with this project. It must be located out of the road Right Of Way
3. 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.

Standard Conditions:

1. ~~Pay neighbor notification mailing fees (\$29.26) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant and the Engineer on 8/28/2014).~~ **Paid on 9.24.2014**
2. ~~Pay any engineering fees within 30 days of project approval. Any extension must be approved by the Planning Office. Staff will notify the applicant if any engineering fees were incurred.~~ **Engineering time did not exceed an hour so there will be no Engineering fee for the**

applicant.

3. ~~Pay the \$100 CUP review fee within 30 days of project approval. Any extension must be approved by the Planning Office. **Engineering time did not exceed an hour so there will be no Engineering fee for the applicant.**~~
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 home location is known.
6. ~~This CUP must be ratified by the Quorum Court. **Ratified 9.18.2014**~~
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does NOT require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

No Public comments.

Kenley Haley, Planning Board member, asked about the signs and restrictions on type of signs.

Sarah Geurtz, Washington County Planner, replied "It's 4 ft x 4 ft. Signage cannot be placed in the right of way if approved. Any outdoor lighting must be shielded from neighboring property. Any lighting must be indirect and not cause disturbances. The surrounding property use is agricultural and residential."

Public Comments Closed.

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

e. W. Wheeler Cell Tower CUP (Revision)

Conditional Use Permit Request

Location: Section 25, Township 17 North, Range 31 West

Owners: Seletha Bilderback

Applicant: WesTower Communications / John Beacham /SiteExcell/ Nathaniel Lewellen

Location Address: 3293 W. Weir Road

Approximately 26.97 acres/ Proposed Land Use: Cell Tower

Coordinates: Longitude: -94.24051151" W, Latitude: 36.11277845" N

Project #: 2014-041 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: The Conditional Use Permit Request 2014-041 to allow a **150' unlit monopole cell tower** to be constructed on parcel 001-17317-000 (26.97 acres) was **approved** by the Planning Board/Zoning Board of Adjustments on May 1, 2014 and **ratified** by the Quorum Court on May 15, 2014. A proposed 30 foot wide access and utility easement will provide access from Adams Road WC# 707 to the tower site. The tower will be located on a 75'x75' lease area with a proposed shelter and generator.

This request is to revise one of the existing conditions (condition number 4 in the *Roads/Ingress-Egress Conditions* section).

CURRENT ZONING: Agriculture/Single-Family Residential 1 unit per acre.

PLANNING AREA: This project is located in the City of Fayetteville's Planning Area. The City did not comment on this project.

QUORUM COURT DISTRICT: District 7, Rick Cochran **FIRE SERVICE AREA:** Wheeler VFD
SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

The Conditional Use Permit Request to allow a **150' unlit monopole cell tower** at the location depicted on the attached maps was **approved** by the Planning Board/Zoning Board of Adjustments on May 1, 2014 and **ratified** by the Quorum Court on May 15, 2014.

Please see the attached approval letter listing all approved conditions (**pg E-5, E-6**).

Since the time of that approval, it has come to Planning Staff's attention that one of the conditions of this Conditional Use Permit was not palatable to the owner of the parcel where the tower will be placed.

This proposed CUP hearing will determine whether the following condition may be stricken or amended:

Roads/Ingress-Egress Conditions:

4. *Must give right-of-way for county roads that touch effected parcel. The right-of-way may be needed on both sides of one side of road.*

The existing condition was desired by the County Road Department in order to ensure that the County had a defined R.O.W. along their roads so that if any electric or phone line extensions/upgrades were needed to service this tower that those lines would be located outside of the area the Road Department generally needs for maintenance.

The parcel on which the tower is proposed is quite large (26.97 acres) and has road frontage along both Adams Road and Weir Road. It is our understanding that the owner of the parcel does not wish to dedicate Right of Way along Weir Road, but would be agreeable with dedicating R.O.W. along Adams Road (please see the attached letter provided by the applicant **pg E-4**).

The Road Department and Planning Department are supportive of a CUP condition change that would require only the dedication of ROW along Adams Road and a condition that stated that if any new (underground or aboveground) fiber, telephone wire, or electric service needs to be extended to this site to serve the proposed tower that such lines will not be placed closer than 30' from the centerline of any existing County Road.

The proposed condition should serve the same functional purpose as the originally proposed condition without the property owner having to dedicate as much R.O.W.

All other conditions and aspects of the proposed tower are proposed to remain as approved May 1 and May 15, 2014.

If this CUP is approved, then this tower must go through Washington County's communications tower approval process.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300' of the exterior boundary of the parcel were notified. No neighbors have submitted comments for or against the CUP at this time.

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

STAFF RECOMMENDATION: Staff recommends approval of the proposed W. Wheeler Cell Tower Conditional Use Permit Revision with the following conditions:

General Conditions:

1. The project shall generally adhere to the plans submitted.

Fire Conditions:

1. Access road must be at least 20' wide and support 75,000 lbs in all weather conditions.
2. Existing cattle guard must also support 75,000 lbs or be bypassed
3. Access road must have a turnaround with 28' radii.
4. Existing overhead electric must have appropriate clearance for fire trucks.
5. Any additional generators or tanks must be reviewed by Fire Marshal.
6. Please put a NFPA placard on the generator tank.

Roads/Ingress-Egress Conditions:

1. Any work that may be done in the County road right-of-way will require a permit from the Washington County Road Department.
2. No new utility lines may be in the existing county road right-of-way and must be at least 30 feet from the center of any county road.
3. Prior to any construction taking place, the landline phone utility (AT&T) must set up a meeting with Washington County Road Department to discuss route of any new or updates to utility lines.
4. **The property owner must dedicate right-of-way along Adams Road (where it touches the affected parcel) . If any new (underground or above ground) fiber, telephone wire, electric service, or other utility needs to be extended to this site to serve the proposed tower, such lines shall not be placed closer than 30' from the centerline of any existing County Roads.**
5. County Road Dept. staff will inspect the site immediately post construction to evaluate whether any damage to the road has occurred. If so, the applicant or tower company will be responsible to remedy the situation.

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

Utility Conditions:

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

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately.
3. The compound area should be screened by using opaque material or privacy fencing a minimum of 6' in height.

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.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a. This project requires additional review (Communications Tower Approval), and therefore, the applicant must submit for Communication Tower Approval within 12 months of this CUP project's ratification.
 - b.

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

No Public comments.

Public Comments Closed.

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

COMMUNICATION TOWER HEARING

Fayetteville Planning Area

f. W. Wheeler Cell Tower

Communications Tower Request

Location: Section 25, Township 17 North, Range 31 West

Owners: Seletha Bilderback

Applicant: WesTower Communications / John Beacham /SiteExcell/ Nathaniel Lewellen

Location Address: 3293 W. Weir Road

Approximately 26.97 acres/ Proposed Land Use: Cell Tower

Coordinates: Longitude: -94.24051151" W, Latitude: 36.11277845" N

Project #: 2014-091 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: W. Wheeler Tower CUP (AT&T Cellular Tower) is requesting **Communication Tower approval to construct an approximately 150 foot tall monopole wireless communications tower facility.** The tower will not be lit. A proposed 30 foot wide access and utility easement will provide access from Adams Road WC# 707 to the tower site. The tower will be located on a 75'x75' lease area with a proposed shelter and generator.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). The Conditional Use Permit Request 2014-041 to allow a 150' unlit monopole cell tower to be constructed on parcel 001-17317-000 (26.97 acres) was approved by the Planning Board/Zoning Board of Adjustments on May 1, 2014 and ratified by the Quorum Court on May 15, 2014.

A revision to that CUP is requested with Item E on this month's Planning Board/ZBA Agenda). If the revised CUP is approved, then the CUP revision will also apply to this Communication Tower Approval.

PLANNING AREA: This project is located in the City of Fayetteville's Planning Area. The City did not comment on this project.

QUORUM COURT DISTRICT: District 7, Rick Cochran **FIRE SERVICE AREA:** Wheeler VFD

SCHOOL DISTRICT: Fayetteville

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

BACKGROUND/ PROJECT SYNOPSIS:

W. Wheeler Tower CUP (AT&T Cellular Tower) is requesting Communication Tower approval to construct an approximately 150 foot tall monopole wireless communications tower facility. The tower will not be lit. Please see **pg F-7** for a visual example of a monopole-type tower.

The tower will be constructed on parcel 001-17317-000 (26.97 acres). A proposed 30 foot wide access and utility easement will provide access from Adams Road WC# 707 to the tower site. The tower will be located on a 75'x75' lease area with a proposed shelter and generator. It is presumed by staff that additional generators, shelters, and meter banks will be added in the future with future antenna co-locations.

The plans state that this facility will be unmanned and the only reoccurring traffic will be light trucks for equipment maintenance technicians.

Please see the attached site plan for further information (pg F-6).

As is required by code, all neighbors within 800' plus the height of the tower (950') were notified. No neighbors have submitted comments for or against the tower at this time.

APPLICABLE FEDERAL LAW IN REGARD TO REVIEW OF CELL TOWERS:

Items we *cannot* consider- as per federal regulation:

Sec 704 (a)(iv) of the FCC Act of 1996 prohibits us from making decisions about the possible environmental impacts of cell towers based on radio frequency emissions, etc. This includes health-related concerns in regard to radio frequency emissions.

There is a maximum amount of radiation allowed by Federal regulation. As long as the tower does not exceed that amount, then you may not use this as a reasoning to not allow the tower.

In November of 2009, the FCC issued a Declaratory Ruling clarifying portions of the FCC Act. This clarification states the following:

- Local governments have 150 days to review and act upon tower siting applications. If the County fails to act in that period of time, the applicant can bring action against us in court, and we will bear the burden of explaining why the delay was reasonable.
- The County cannot deny an application solely because "one or more carriers serve a given geographic market," as in doing so, the County would be engaging in unlawful regulation that "prohibits or has the effect of prohibiting the provision of personal wireless services." In other words- just because one provider (i.e. AT&T, Verizon, etc) has existing good service in an area is not grounds to deny a tower from being placed in that area.

TECHNICAL INFORMATION:

Certification Letter

A letter stating that the proposed tower meets all design criteria required by local, State, and Federal requirements is required. We usually receive this information from the Tower designer/manufacturer. It is AT&T's policy not to bid the actual tower until after the Tower Approval has been given by the jurisdiction (the approval they are requesting tonight). Therefore, Staff will make this a condition of approval. The letter must be received prior to construction.

Sec. 11-304. Procedures for regular review.

A project which is subject to regular review pursuant to the terms of this Article shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to Ordinance No. 99-34 in Appendix "C" and entitled "Application for Approval of Tower or Antenna Array." The applicant must also provide a letter certifying that the tower meets or exceeds design criteria and all current local, State, and Federal requirements regarding the construction, maintenance and operation of the tower; said letter to be issued by an architect, engineer, manufacturer, or other similar professional if determined to be qualified by the Planning Administrator.

Preference for co-location

The County Ordinance also requires that co-location of an antenna on an existing tower be pursued when feasible (in lieu of building a new tower). The applicant has supplied a letter (with attachments) stating why there are no existing towers that can be co-located upon in order to provide the service needed by this site. **See pgs F16 through F-19.**

Setback from Roads and Residences

The tower will be set back approximately 286 feet from Adams Road (the proposed placement *exceeds* the required setback requirement of 170') and the nearest residence appears to be located approximately 394' from the tower's base (the proposed placement exceeds the minimum required setback of 225').

Information from Other Agencies

The applicant has submitted a NEPA (National Environmental Preservation Act) Report created for this project as well as FCC and FAA information for this site. In an effort to reduce printing costs- These documents were not printed with this packet. However, they are available upon request.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed W. Wheeler Communication Tower with the following conditions:

Planning Conditions:

1. Must be an approximately 150 foot tall unlit, self-supporting monopole wireless communications tower facility.
2. Compound must be generally sized as presented. It is understood that additional equipment sheds may be added in the future with future co-locations.
3. This approval and the corresponding CUP will apply only to the lease area and related easement as presented and not to the entire 27 acres.
4. Proper Circuit Clerk-filed easement documents shall be recorded for the proposed access and utility easement.
5. All CUP (and revised CUP) Conditions must be adhered to.
6. Once the tower manufacturer has been chosen, the letter as required in Section 11-304 shall be submitted and approved by planning staff. (submitted 9-4-14, not yet reviewed)
7. Please amend the site plan to state the distance to the nearest residence.
8. Please remove ROW demarcation for the eastern side of Adams Road on the site plan.
9. Please update Construction Drawing package with updated Site Plan drawing once all corrections are made and site plan drawing is approved.
10. This approval is for the tower only- all antenna submittals must be approved via the Antenna Array Approval Process.
11. Page 4 of the Appendix C Checklist must be completed when the antenna application is submitted.
12. Surveyor's Note #9 should be stricken and Fire Code compliant turnaround shown on plans.

Water/Plumbing/Fire Conditions:

1. Access road must be at least 20' wide and support 75,000 lbs in all weather conditions.
2. Existing cattle guard must also support 75,000 lbs or be bypassed. (new plans submitted 9-4-14)
3. Access road must have a turnaround with 28' radii. (must show on plans)
4. Existing overhead electric must have appropriate clearance for fire trucks. (appears to be adequate on current plans)
5. Any additional generators or tanks must be reviewed by Fire Marshal.
6. Please put a NFPA placard on the generator tank.

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

1. ROW dedication must be obtained from the property owner and accepted by County prior to any construction and the final approval from the Planning Office is issued.
2. Any work that may be done in the County road right-of-way will require a permit from the Washington County Road Department.
3. No new utility lines may be in the existing County road right-of-way and must be at least 30 feet from the center of any county road.
4. Prior to any construction taking place, the landline phone utility (AT&T) must set up a meeting with

Washington County Road Department to discuss route of any new or updates to utility lines. *If any new (underground or above ground) fiber, telephone wire, electric service, or other utility needs to be extended to this site to serve the proposed tower, such lines shall not be placed closer than 30' from the centerline of any existing County Roads.*

5. County Road Dept. staff will inspect the site immediately post construction to evaluate whether any damage to the road has occurred. If so, the applicant or tower company will be responsible to remedy the situation.

Utility Conditions:

1. Ozarks Electric: Any damage or relocation of an existing line or extension of a line to feed this property will be at the owner's/applicant's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner. Contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions.
2. Any utility work in the County Road ROW must be approved and permitted by the Road Department. Call 444-1610 for details.

Signage/Lighting/Screening Conditions:

1. All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors.
2. All security lighting must be shielded appropriately
3. The compound area should be screened by using opaque material or privacy fencing a minimum of 6' in height.

Standard Conditions:

1. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
2. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
3. This approval is contingent on the Revised Conditional Use Permit (CUP 2014-041) approval. This includes Planning Board/ Zoning Board of Adjustments (PB/ZBA) CUP approval, CUP Ratification by the Quorum Court, and no CUP appeal being filed within 30 days of the PB/ZBA approval.
4. No construction may begin until approval is complete (as detailed above).
5. Must adhere to all applicable Washington County Communication Tower Ordinance Standards, ARTICLE VIII. PLACEMENT, CONSTRUCTION AND MAINTENANCE OF ANTENNA ARRAYS AND COMMUNICATION TOWERS.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.

It is the applicant's responsibility to contact the Planning Office when inspections are needed.

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

No Public comments.

Public Comments Closed.

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

CONDITIONAL USE PERMIT HEARING

County

g. Teen Challenge Revised CUP

Conditional Use Permit Approval Request

Location: Section 25, Township 14 North, Range 33 West
Owner/Applicant: Teen Challenge Ranch of NWA/Steadfast, Inc., Randy Ritchey
Location Address: 19778 Boys Home Road, Morrow, AR 72749
26.66 acres (1 unit) / Proposed Land Use: Institutional
Coordinates: Latitude: 35° 51' 59.48" N, Longitude: 94 ° 26' 12.41" W
Project #: 2014-150 Planner: Courtney McNair email cmcnair@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the expansion of an institutional use on a parcel of land that is 26.66 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 solely within the County.

QUORUM COURT DISTRICT: District 13-Ron Aman

FIRE SERVICE AREA: Morrow VFD

SCHOOL DISTRICT: Lincoln

INFRASTRUCTURE: Water- Lincoln Electric-Ozarks Electric Natural Gas- Onsite gas well

Telephone- PGTelco Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner/applicant of this of this project is the Teen Challenge Ranch of NWA. Randy Ritchey is the engineer. This property is located near Morrow on Boys Home Road WC# 431 (**see attachments G-43-44**).

A similar CUP request was approved on June 27, 2013. The applicant is essentially asking for the same use that was approved with 2013-090, but with several layout and fire protection changes. Additionally, the CUP approval for 2013-090 is now expired. New approval must be granted in order for this project to move forward.

This CUP request is to allow the Teen Challenge Ranch of NWA to construct a multi-purpose administration building (21,575 sq ft) that will house the Chapel, Administration, Education Facilities, Dining Hall, and Food Preparation. No additional students will be housed with this addition, but there may be a few more staff. The final capacity of this building is for 80 student and 25 staff (there will be no residences, but the kitchen will serve meals to this many people. Offices and classrooms will be occupied). The project will also include upgrades to the internal drives and parking, and upgrades to the electric line servicing the property. The existing pond is proposed to be expanded and will be used for fire-fighting. The parcel is approximately 26.66 acres

This proposed CUP is located on the property adjacent to the current Teen Challenge location. The Teen Challenge Ranch of NWA currently leases property from the State of Arkansas for their existing operation. Many of these existing buildings are in need of repair or upgrade. Teen Challenge would eventually like to move all of the operations onto the adjacent property under review with this project. However, the only building being proposed at this time is the administration building. The applicants are aware that any additional buildings will be required to come through the CUP and LSD processes separately.

The main differences between the 2013-090 project and this proposal involve fire protection and septic layout.

Project 2013-090 proposed to upgrade a water line and use a sprinkler system in the Administration building. It was discovered that Lincoln water did not have the capacity to serve those needs and could not provide water for fire-fighting purposes. Therefore, this project (2014-150) proposes to use a series of fire walls within the building, and plans to expand the pond for fire protection. A dry hydrant, well, and fire access road are proposed in conjunction with the pond expansion.

The septic system that was approved in 2013 did not adequately address the full planned use of the building. The system was therefore not sized correctly. A much larger septic system is required to be proposed. The details of this system are being discussed, but staff feels comfortable making this a condition of approval.

(Please see applicant's letter G-11-12).

The primary issues with this project are related to fire safety.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Lincoln Water services this area. As per a conversation with Planning Staff, Mr. Chuck Wood stated that Lincoln Water would be able to provide potable water for the project, but no fire protection. The applicant is aware of this condition.

The applicant chose to have the State Fire Marshal's office review the fire protection and architectural plans for this project. They are proposing to use a series of fire walls (dividing the building into three separate sections), expand the existing pond, install float monitor on the pond to detect water level, use a well to maintain the water level at a minimum of half the total capacity to ensure adequate water for fire protection, and install a dry hydrant for the fire department to connect to in order to use the water from the pond to fight fires. Additionally, a fire lane drive is proposed. It must support 75,000lbs in all weather conditions, be a minimum of 20 feet wide, and be marked as a fire lane (signage can be used).

All documents and correspondence related to the pond, maintenance of the pond, and requirements of County Ordinances regulating ponds for fire protection are included in this packet.

Staff would like to highlight a few of the conditions regarding the fire protection system:

- **Site and pond plans must be submitted to the State Fire Marshal for approval. A letter was provided saying the State Fire Marshal would accept a pond as an alternative fire protection system, but it also says the applicant should submit these plans. (Staff has asked for clarification from the State Fire Marshal to make sure we understand his letter correctly, if Staff receives clarification that is contrary to this condition, this condition will be revised).**
- **Add note: The Washington County Fire Marshal will inspect quarterly as per County Ordinance requirements.**
- **The managing entity will be required to keep maintenance records and provide these to the Fire Marshal during his inspections.**
- **Add note: The algae level must be kept to a level so as it does not impact the functionality of the fire protection system.**
- **The Washington County Fire Marshal will visually inspect the algae level at his quarterly inspections.**
- **The hydrant assembly must have a protective barrier. Please update plan of hydrant to show this barrier.**

Some of the notes on the plans related to the pond need to be revised:

- **No cattle are to water in this pond.**
- **"A bond shall be purchased for 25% of the cost of construction for the pond and related system (including, but not limited to, the clay liner, dry hydrant assembly, float device, pump, and all mechanical elements)."**
- **"The bond is to be approved by the Washington County Attorney as to form and content with Washington County as the beneficiary."**

- **Add a note that the project will abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as “First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow Tanks”**
- **The notes on sheet 3 are cut off and staff cannot read them entirely. These will need to be reviewed in full and corrections may be required.**

Interior drives must support 75,000lbs in all weather conditions and be a minimum of 26-feet wide with a 30-foot radius on all turns. The entrance drive is still labeled at 24-feet wide but it measures wider. This must be corrected. In addition, the curve radius measurement should be called out for all fire lanes. All fire lanes must have signs indicating they are fire lanes. All fire lanes must be compacted to support 75,000lbs in all weather conditions. An Engineer statement regarding compaction is required.

The existing structures will still be in use once the proposed building is completed. However, they will be used for different purposes though. Prior to changing the use of the current structures, the Washington County Fire Marshal must be contacted and he must approve the use change. It is anticipated that all new uses will be less intensive than the current uses, so no additional CUP's will be required for the existing buildings.

Phasing:

As mentioned in the previous section, the building will be separated into three sections by fire walls. The applicant is proposing that the full build out of each section be phased. They plan to construct the exterior of the building entirely in Phase 1, and then finish out the building interior within 3-5 years. The phases of the building that are not complete are NOT to be used in any manner. The architect is required to submit plans for phase 2 and 3 to the Washington County Fire Marshal, prior to commencing construction on those phases. The Fire Marshal will review and approve each phase. The Fire Marshal will then inspect the building prior to the building being occupied.

The applicant must complete all phases within the time limits they proposed (3-5 years). Any extension of this time must be approved by the Washington County Planning Director. The Planning Director may grant up to two (2) ninety-day extensions; the denial of any such extension may be appealed to the Board. However, in no event shall more than two (2) extensions be granted.

(see attached Architect Plans G & H)

- Phase 1 (to be completed under the normal time limits):
 - Building 1-
 - Kitchen, dining, chapel, meeting room, and small restroom facilities.
- Phase 2 (to be completed within 3-5 years):
 - Building 2-
 - Several offices, larger restroom facilities, and a hospitality/conference room. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.
- Phase 3 (to be completed within 3-5 years):
 - Building 3-
 - Several classrooms, computer study lab, library and media room, a few offices, and additional restroom facilities. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.

Sewer/Septic/Decentralized Sewer:

Staff has not received the updated information on the proposed septic system for this project. The general location of the system is indicated on the plans. Discussion between the applicant and Washington County Health Department has been ongoing. Prior to construction, the septic system must be approved by the Arkansas Health Department (ADH). Staff and the Health Department are comfortable recommending this as a condition of approval. The site has very good soil for installing a septic system, and it is a large site. There is no concern that the septic system will not fit on this site.

All documents and correspondence related to the sizing, review and submittal of the septic system design are included in this packet.

Electric/Gas/Cable/Phone:

This project requires 3-Phase electric power. According to the applicant, Ozarks Electric is going to upgrade the electric lines from single-phase to 3-phase using the existing poles and alignment along Hale Mountain Road (WC#3). The engineer needs to show a 30-foot utility easement for the existing overhead power lines.

The applicant has stated that they plan to use an existing natural gas well on the property. PGTelco has no additional comments.

Roads/Sight Visibility/Ingress-Egress/Parking:

This project takes access off Boys Home Road (WC#431), which connects to Hale Mountain Road (WC#3). Boys Home Road is gravel and therefore the driveway apron for this project is not required to be paved. A new culvert will be necessary since the width of the entrance drive is increasing. The applicant is responsible for paying for the extension and the Washington County Road Department will install it.

Any work to be completed in the County ROW must be permitted with the Road Department prior to construction.

The engineer is showing 30-feet of ROW on the project property. There is an existing fence within this ROW which must be relocated.

Drainage:

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

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 **G-26**).

Any outdoor storage must be screened with an opaque material. If a dumpster is used, it must be screened with an opaque material (the gate must be opaque as well).

No new or additional signage is being proposed with this project.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are mostly single family residential and agricultural; however, there are several parcels related to the existing institutional use in the area, and there is a quarry within the general area. The site contains one existing storage building. The property adjacent houses the majority of the Teen Challenge of NWA Ranch facilities. There is an existing Mess Hall, Dorm, and Administration Building. Staff housing is located along the same road, but not directly adjacent.

While this use is not agricultural or single-family residential, staff feels that the applicant's request is compatible with the existing surrounding uses.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

2. LIGHT COMMERCIAL

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

- b. **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.**

While this proposal is not residential, staff feels that the overall site will retain the rural character of the surrounding properties.

Future Land Use Plan

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

SITE VISIT:

Staff will be completing a site visit prior to the Planning Board meeting and will update the Board of any concerns (if any) at the meeting.

NEIGHBOR COMMENTS/CONCERNS:

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

No comments have been received at this time. Staff will update the Board if any comments are submitted at the meeting.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Teen Challenge Ranch of NWA Revised Expansion (Administration Building) Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. All access roads and fire lanes must support 75,000lbs in all weather conditions.
2. The fire lane drive providing access to the dry hydrant must be a minimum of 20-foot wide, support 75,000lbs in all weather conditions, and be marked as fire lane (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).It must also be marked "one-way" as per the LSD plans submitted.
3. Interior drives must support 75,000lbs in all weather conditions and be a minimum of 26-foot wide with a 30-foot radius on all turns.
4. The entrance drive is still labeled at 24-foot wide, but measures wider. This must be corrected.
5. In addition, the curve radius measurement should be called out for all fire lanes.
6. All fire lanes must have signs indicating they are fire lanes. (Can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
7. All fire lanes must be compacted to support 75,000lbs in all weather conditions.
8. An Engineer statement regarding compaction is required.
9. The existing structures will still be in use once the proposed building is completed. They will be used for different purposes though. Prior to changing the use of the current structures, the Washington County Fire Marshal must be contacted and must approve the use change. It is anticipated that all new uses will be less intensive than the current uses, so no additional CUP's will be required for the existing buildings.
10. This project will abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as "First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow

Tanks”

11. All notes on the LSD plans regarding the fire protection system shall be adhered to for this project.
12. The fire protection system includes, but is not limited to, the expanded pond, the clay liner, dry hydrant assembly, float device, pump, and all mechanical elements
13. The fire protection system will be constructed as stated in the plans.
14. Washington County Fire Marshal will inspect the fire protection system quarterly.
15. Site and pond plans must be submitted to the State Fire Marshal for approval. A letter was provided saying the State Fire Marshal would accept a pond as an alternative fire protection system, but it also says the applicant should submit these plans. (Staff has asked for clarification from the State Fire Marshal to make sure we understand his letter correctly, if Staff receives clarification that is contrary to this condition, this condition will be revised).
16. Add note: The Washington County Fire Marshal will inspect quarterly as per County Ordinance requirements.
17. The managing entity of the fire protection system will be required to keep maintenance record and provide these to the Fire Marshal during his inspections.
18. Add note: The algae level must be kept to a level so as it does not impact the functionality of the fire protection system.
19. The Washington County Fire Marshal will visually inspect the algae level at his quarterly inspections.
20. The hydrant assembly must have a protective barrier. Please update plan of hydrant to show this barrier.
21. No cattle are to water in this pond.
22. Revise note: “A bond shall be purchased for 25% of the cost of construction for the pond and related system (including, but not limited to, the clay liner, dry hydrant assembly, float device, pump, and all mechanical elements).”
23. Add note: “The bond is to be approved by the Washington County Attorney as to form and content with Washington County as the beneficiary.”
24. Add note: “This project will abide by all applicable Rules and Regulations as set by Washington County Ordinances 2006-52 and 2006-77, as well as “First Rules and Regulations of the County Fire Marshal and the Public Utilities Coordinator Regarding Land Developments Utilizing Fire Flow Tanks””
25. The notes on sheet 3 are cut off and staff cannot read them entirely. These will need to be reviewed, and corrections may be required.
26. The building must meet Arkansas State Fire Code.
27. All requirements made by the State Fire Marshal’s office shall apply to this approval.
28. The Washington County Fire Marshal will inspect all improvements prior to the building being occupied.
29. Prior to changing the use of the current structures, the Washington County Fire Marshal must be contacted and must approve the use change.

Phasing:

1. Construct the exterior of the building entirely in Phase 1.
2. Finish out the building interior within 3-5 years.
3. The phases of the building that are not complete are NOT to be used in any manner.
4. The architect is required to submit plans for phase 2 and 3 to the Washington County Fire Marshal, prior to commencing construction on those phases. The Fire Marshal will review and approve each phase. The Fire Marshal will then inspect the building prior to the building being occupied.
5. The applicant must complete all phases within the time limits they proposed (3-5 years). Any extension of this time must be approved by the Washington County Planning Director. The Planning Director may grant up to two (2) ninety-day extensions; the denial of any such extension may be appealed to the Board. However, in no event shall more than two (2) extensions be granted.

Phasing Plan:

- Phase 1 (to be completed under the normal time limits):
 - Building 1-

- Kitchen, dining, chapel, meeting room, and small restroom facilities.
- Phase 2 (to be completed within 3-5 years):
 - Building 2-
 - Several offices, larger restroom facilities, and a hospitality/conference room. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.
- Phase 3 (to be completed within 3-5 years):
 - Building 3-
 - Several classrooms, computer study lab, library and media room, a few offices, and additional restroom facilities. This area is NOT to be occupied in any manner until construction is complete and inspected by the Washington County Fire Marshal.

Septic Conditions:

1. The general location of the system is indicated on the plans. Discussion between the applicant and Washington County Health Department has been ongoing.
2. Prior to construction, the septic system(s) must be approved by the Arkansas Health Department (ADH). Then the system must be installed and inspected by ADH prior to occupation of the building.
3. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).The alternate area must remain undisturbed.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. A new culvert will be necessary since the width of the entrance drive is increasing. The applicant is responsible for paying for the extension and the Washington County Road Department will install it.
4. Any work to be completed in the County ROW must be permitted with the Road Department prior to construction.
5. The engineer is showing 30-feet of ROW on the project property. There is an existing fence within this ROW which must be relocated.

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. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. This project requires 3-Phase electric power.
3. The engineer needs to show a 30-foot utility easement for the existing overhead power lines.

Ozarks Electric Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
2. All property corners and easements must be clearly marked 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. On site easements must be shown on plat and recorded with the county.
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.)There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. 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.

5. Pad mounted transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
6. Developer will need to contact Justin Northcutt at Ozarks Electric (684-4911) and provide him with electrical load information before any cost to developer can be determined.
7. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with OECC specifications. No metal conduit or metal sweeps are to be used.
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. Developer or contractor must apply for electric temporary construction and permanent service before any design and cost is determined by Ozarks.
11. Please contact me when construction begins on this project and again when construction is within three months of completion. Mike Phipps OECC 684-4696 e-mail mphipps@ozarksecc.com

Additional Comments:

1. Contractor will need to contact Mike Phipps with OECC for the installation and routing of the electric primary conduits from overhead power pole to the transformer location.

Signage/Lighting/Screening Conditions:

1. Signage cannot be place in the County Right-of-Way.
2. No additional signage is being requested or approved with this CUP.
3. Add note to plans: 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.
4. Any outdoor storage must be screened with an opaque material. If a dumpster is used, it must be screened with an opaque material (the gate must be opaque as well).

Standard Conditions:

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. Pay neighbor notification mailing fees (\$16.60) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 08/28/2014).
3. Show building address on the plans.
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. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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

No Public comments.

Public Comments Closed.

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

LAND DEVELOPMENT HEARING

County

h. Teen Challenge Preliminary LSD

Preliminary Large Scale Development Approval Request

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

Owner/Applicant: Teen Challenge Ranch of NWA/Steadfast, Inc., Randy Ritchey

Location Address: 19778 Boys Home Road, Morrow, AR 72749

26.66 acres (1 unit) / Proposed Land Use: Institutional

Coordinates: Latitude: 35° 51' 59.48" N, Longitude: 94 ° 26' 12.41" W

Project #: 2014-151 Planner: Courtney McNair email cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Large Scale Development Approval to construct a multi-purpose administration building (approximately 20,000 sq ft) that will house the Chapel, Administration, Education Facilities, Dining Hall, and Food Preparation facility on 26.66 acres.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). Please note that this site also requested a Conditional Use Permit to allow the expansion of the institutional use, to also be heard at the September 4, 2014 meeting. CUP 2014-150 must be approved prior to this Preliminary LSD request.

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 VFD **SCHOOL DISTRICT:** Lincoln

INFRASTRUCTURE: Water– Lincoln Water **Electric-** Ozarks Electric **Natural Gas–** onsite well
Telephone- PGTelco **Cable-** n/a

BACKGROUND/ PROJECT SYNOPSIS:

The owner/applicant of this of this project is the Teen Challenge Ranch of NWA. Randy Ritchey is the engineer. This property is located near Morrow on Boys Home Road WC# 431

As was presented with the CUP This CUP request is to allow the Teen Challenge Ranch of NWA to construct a multi-purpose administration building (21,575 sq ft) that will house the Chapel, Administration, Education Facilities, Dining Hall, and Food Preparation. No additional students will be housed with this addition, but there may be a few more staff. The final capacity of this building is for 80 student and 25 staff (there will be no residences in this building, but the kitchen will serve meals to this many people. Offices and classrooms will be occupied).

The project will also include upgrades to the internal drives and parking, and upgrades to the electric line servicing the property. The existing pond is proposed to be expanded and will be used for fire-fighting. The parcel is approximately 26.66 acres

Please refer to attachments in the CUP 2014-150 packet.

The primary issues with this project are related to fire safety.

All conditions placed on project CUP 2014-150 must be followed.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This LSD request was reviewed by the County Fire Marshal. The water and fire issues are addressed in the CUP portion of this project.

Sewer/Septic/Decentralized Sewer:

Staff has not received any revised information on the proposed septic system for this project. The general location of the system is indicated on the plans.

Discussion between the applicant and Washington County Health Department has been ongoing. Prior to construction, the septic system must be approved by the Arkansas Health Department (ADH). Staff and the Health Department are comfortable recommending this as a condition of approval. The site has very good soil for installing a septic system, and it is a large site. There is no concern that the septic system will not fit on this site.

Electric/Gas/Cable/Phone:

The utility information is addressed with the CUP portion of this project.

Roads/Sight Visibility/Ingress-Egress/Parking:

Road concerns are addressed with the CUP portion of this project.

Drainage:

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

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:

The screening and lighting concerns are addressed in the CUP portion of this project.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Staff notified for the CUP and Preliminary LSD with one notice as both are to be heard on the current agenda. No comments have been received.

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

CHECKLIST:

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

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

There are a few minor checklist items that must be corrected, as well as some general corrections that must be made to the LSD plans. These are listed as conditions of approval.

STAFF RECOMMENDATION:

Staff recommends Preliminary Large Scale Development approval of Teen Challenge Ranch of NWA Revised Expansion (Administration Building) Preliminary LSD with the following conditions:

Checklist and General LSD Plan Conditions:

1. All checklist items must be completed.
 - a. #3 Legal Descriptions must be shown on plans
 - b. #4 Concrete or approved aluminum monuments shall be placed at the exterior boundary corners.
 - c. #14 Soil Analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.
 - d. #19 Proposed use of all land within the development.
 - e. Address for the building must be shown on the plans.
2. General LSD Plan:
 - a. Sheet 1 has Morrow listed as a City. It is not incorporated, and has no local ordinances. Washington County has sole local jurisdiction.
 - b. On Sheets 2 and 3, the entrance is still listed as 24 feet wide, correct on plans.
 - c. Also, on sheets 2 and 3, show the turn radius on all fire lanes.
 - d. Add and revise all notes as detailed in CUP 2014-150.

Water/Plumbing/Fire Conditions:

1. Follow all conditions set with CUP 2014-150

Septic Conditions:

1. Follow all conditions set with CUP 2014-150

Utility Conditions:

1. Follow all conditions set with CUP 2014-150

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

1. Follow all conditions set with CUP 2014-150

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

Signage/Lighting/Screening Conditions:

1. Follow all conditions set with CUP 2014-150

Standard Conditions:

1. Conditions of approval for CUP 2014-150 shall be followed.
2. **Prior to construction, all updated site and building plans must be submitted to the Planning Office and approved (2 copies for review).**
3. The project should be developed generally as stated in the applicant's CUP letter with additional conditions proposed by staff. It is understood that there may be slight variations.
4. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
5. Pay mailing fees listed on the CUP conditions.
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. **The Preliminary Large Scale Development approval is contingent on the Conditional Use Permit (CUP) approval. This includes Planning Board/ Zoning Board of Adjustments (PB/ZBA) CUP approval, CUP Ratification by the Quorum Court, and no CUP appeal being filed within 30 days of the PB/ZBA approval.**
9. **No construction may begin until approval is complete (as detailed above).**
10. **No construction may begin until Preliminary LSD Plans (2 copies) have been submitted with all corrections shown and approved by Planning Staff.**
11. **Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.**
12. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - **Construction must commence within 12 months of this approval or Preliminary LSD approval will be void.**

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

No Public comments.

Public Comments Closed.

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

CONDITIONAL USE PERMIT HEARING

County

i. Saddlebock Brewery Expansion CUP

Conditional Use Permit Request

Location: Section 22, Township 17 North, Range 29 West

Owner/Developer: Carolyn Rehbock/ Steven Rehbock/White River Specialty Leasing

Location Address: 18250 Habberton Road, Fayetteville, AR

2 acres (expansion)/ Proposed Land Use: Brewery Expansion

Coordinates: Lat/Long: 36.13078857, -94.06031427

Project #2014-048 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant is proposing to construct an additional deck (22'x20'), increase the size of the existing tasting room (within the existing building), add a restroom, allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). They received a CUP in 2011 for the brewery use (project 2011-129)

PLANNING AREA: This project is located solely in the County.

QUORUM COURT DISTRICT: District 15 Butch Pond

FIRE SERVICE AREA: Nob Hill VFD

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: **Water-** Fayetteville **Electric-**Ozarks Electric **Natural Gas-** Source Gas

Telephone- ATT **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is White River Specialty Leasing; the applicant is Steve Rehbock. The Engineer is Phil Swope with Gray Rock Consulting. This property is located off Habberton Road, WC #89 (near the intersection of Guy Terry Road and Habberton Road). The address is 18244 Habberton Road.

This Conditional Use Permit approval request is to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant is proposing to construct an additional deck (22'x20'), increase the size of the existing tasting room (within the existing building), add a restroom, allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, extend operating hours (Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm), and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

The project received approval in 2011 for the brewery. Since then, two decks have been added. These decks had basic Fire Marshal approval for standing only, no seating was allowed. This has been a problem. Many times there have been chairs on the decks when Staff has inspected the project. The applicant is asking to add seating to these decks. Additionally, coolers and a boiler room were added without review, and the parking lot and septic system have been expanded. The applicant is asking for review and approval of these additions and changes.

In the applicant's letter, Mr. Rehbock states that the proposed addition/expansion, and additional seating on existing decks would add approximately 70 more seats for this location (originally approved for 20, so a total of approximately 90 seats requested). The applicant's engineer set the allowed occupancy load for each area at a total of 70 seats. The engineer's calculated occupancy must be used:

Expanded Tasting Room: 25 (approved for 20 seats in 2011).

Two Existing Decks: 20 (10 each)

Proposed Deck: 25

Please see the attached letter from the applicant (**I-8**), building plans, and site plans for further information.

It has come to staff's attention that one of the building additions constructed without County approval may be violating the flowage easement agreement with the US Army Corps of Engineers. This will need to be resolved between the applicant and the Corps and should not affect Washington County approval. If any adjustments are needed in order to comply with the Corps, a clear fire exit must be maintained that meets current AR State Fire Code. The Washington County Fire Marshal will need to review and approve any proposed changes as a result of this issue.

The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the manufacturing and distribution of alcohol for the proposed micro-brewery. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will

provide Planning Staff with copies of all permits issued to them by the ABC Board. The preliminary request for expansion has been approved **(I-21)**, and the applicant is aware that another inspection will be conducted once construction is complete.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This property is serviced by Fayetteville Water and is in the Nob Hill Volunteer Fire Department (VFD) Service Area. It was in Goshen's Fire Service Area when the project received approval in 2011 (with Nob Hill VFD support). When the Planning Area for the City of Goshen was reduced, the service area was changed to Nob Hill VFD response.

A two-inch waterline was extended to this property in order for Fayetteville to service the lot with water in 2011. This line will not be used for the purpose of fighting fires, as it is not large enough. On the previous project, Goshen Fire Department stated that they could provide adequate tanker support to provide water for fire fighting for this proposed business. Nob Hill has not commented on the current proposal. The Washington County Fire Marshal has reviewed this project and submitted comments.

All access roads and parking areas must support 75,000lbs in all weather conditions. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved). The Fire Marshal has asked for two additional fire lane signs to be placed in order to provide a "Y" turn around for emergency vehicles. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane). Please see attached sketch for details **(I-18-19)**.

The building must meet Arkansas State Fire Code. Exit lights/emergency lights and fire extinguishers are required. The Fire Marshal will inspect all improvements prior to the building being occupied.

Sewer/Septic/Decentralized Sewer:

The septic system was recently expanded and approved by the Health Department.

There is also a holding tank on this property for "industrial waste". This tank had previously malfunctioned and there was no system in place to alert the owner. The Health Department asked for an alarm system to be installed with this tank. There is a note on the plans stating that one will be installed. See attached email **(I-11)** that details what type of alarm will be used. This must be installed and operational prior to Final LSD approval.

No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written **(I-15-16)** and will be filed. This easement area is shown on the plans.

Electric/Gas/Cable/Phone:

AT&T Telephone, Source Gas, and Cox Communications did not comment on this project. Ozarks Electric stated that any relocation of existing facilities will be at developer's expense.

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

Roads/Sight Visibility/Ingress-Egress/Parking:

The driveway was widened and the apron paved with the CUP approval in 2011. The Road Department has no further comments.

Parking is shown on the plans. There are a total of 25 parking spaces and one ADA parking space. The engineer has stated that this is adequate for the proposed total number of patrons **(I-11-12)**. Parking cannot block fire lanes at any time.

Drainage:

The Washington County Contract Engineer reviewed and approved the drainage report submitted for this project.

Environmental Concerns:

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

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).

No additional lighting is being requested with this CUP.

The applicant is not proposing any additional screening with this submittal. Staff agrees, and no additional screening is required at this time.

Staff has conducted several site visits. The existing vegetation along the north side of the property creates a natural buffer and should be retained. If vegetation is removed, Planning Staff will review for additional screening requirements. Staff does not feel that any screening is necessary to the west (across Habberton Road, there is an existing commercial building which is also owned by White River Specialty Leasing). The properties to the south and east are owned by the Rehbocks (the applicant for the brewery project). Staff does not feel that additional screening for the east is needed as it is a large acreage owned by the applicant. To the south, there is one residential neighbor approximately 250 feet away. There is a garden (hops trellis) providing some screening for that residence. At this time, staff feels this is adequate.

Sheriff's Office Concerns:

The Washington County Sheriff's Office reviewed these plans and commented that the applicant must comply with all requirements and regulations of the State Alcohol Beverage Control Division (ABC).

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily single family residential and agricultural. The site is currently used as a brewery. Directly across Habberton Road there is an existing vacant commercial business.

Staff feels that the applicant's request can be made compatible to the surrounding uses, with conditions.

County's Land Use Plan (written document):

The applicant is asking for an expansion of an existing project, but staff feels the use is different from what was approved before. Currently, the business is more of a manufacturing use than a gathering use. With this proposed expansion, there will be an expansion of the gathering use associated with this business. It is not the brewing use that is expanding. However, staff does feel that the impact will be similar to a light commercial type use.

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

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

- c. 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.**

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed expansion of the gathering use is compatible to residential uses because it is low impact and will not disrupt the normal development of this area. The main seating areas are proposed to be located inside the building and on the north side of the building which has the best natural buffering. The additional outdoor activities (horseshoes and volleyball) are located further towards the back of the property, not proposed to be played after dark, and should be minimally disruptive. Only un-amplified music is allowed.

Staff feels that the proposed use will not cause a negative impact on the surrounding properties. Staff feels this use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Improvements to the septic system and holding tank have been/are being made. Fire exits have been evaluated. A similar use (Sassafras Springs Vineyard and Event Center) was approved earlier this year and is located just off Gulley Road (within ½ mile of the Saddlebock Brewery building).

Future Land Use Plan

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

Due to the low impact nature of this use, and recommended conditions, staff feels this project will be compatible with the surrounding uses.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Staff notified for the CUP and Preliminary LSD with one notice as both are to be heard on the current agenda.

One "In Favor" comment has been received. Staff will update you at the meeting if any additional comments are received.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Saddlebock Brewery Expansion Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. All access roads and parking areas must support 75,000lbs in all weather conditions.
2. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
3. The Fire Marshal has asked for two additional fire lane signs to be placed in order to provide a "Y" turn around for emergency vehicles. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane). This has been shown on the latest digital submittal, but staff will need hard copies as well.
4. The building must meet Arkansas State Fire Code.
5. Fire exit paths must meet State Fire Code (including decks). This needs to be shown on the architectural drawings.
6. Exit lights/emergency lights and fire extinguishers are required.
7. The Fire Marshal will inspect all improvements prior to the building being occupied.
8. Restroom must be ADA compliant.

Septic Conditions:

1. An alarm system must be installed for the holding tank. There is a note on the plans stating that one will be installed. This must be installed and operational prior to Final LSD approval.
2. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.

3. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written and shall be filed. This easement area is shown on the plans.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. The connection from the handicapped parking to the handicap ramp must be ADA compliant.
4. Parking cannot block fire lane at any 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. No additional signage is being requested or approved with this CUP.
3. 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.
4. No additional lighting is proposed or approved with this CUP.
5. The existing vegetation along the North side of the property shall be retained for screening. If vegetation is removed, Planning Staff will review for additional screening requirements.
6. No additional screening is required at this time.

Standard Conditions:

1. Only un-amplified music is allowed.
2. The project should be developed as stated in the applicant's CUP letter with additional conditions proposed by staff.
3. All conditions approved with project 2011-129 shall apply to this project as well.
4. Hours of operation must be generally as stated, Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm.
5. No additional employees are proposed or approved at this location.
6. Occupancy is limited to that set by the engineer: Expanded Tasting Room: 25, Two Existing Decks: 20 (10 each), Proposed Deck: 25
7. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
8. Pay mailing fees (\$33.20). Staff emailed invoice to applicant on 8/28/14.
9. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
10. The applicant must comply with the Alcohol Beverage Control board and submit copies of all permits issued by the ABC for this project.
11. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
12. This CUP must be ratified by the Quorum Court.
13. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
14. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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 **Saddlebock Brewery Expansion CUP** subject to staff recommendations. Walter Jennings seconded. Daryl Yerton was not present. Board Members Randy Laney, Walter Jennings, Chuck Browning, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

County

j. Saddlebock Brewery Preliminary LSD

Preliminary Large Scale Development Approval Request

Location: Section 22, Township 17 North, Range 29 West

Owner/Developer: Carolyn Rehbock/ Steven Rehbock/White River Specialty Leasing

Engineer: Gray Rock Consulting, Phil Swope, Dirk Thibodaux

Location Address: 18250 Habberton Road, Fayetteville, AR

2 acres / Proposed Land Use: Brewery Expansion

Coordinates: Lat/Long: 36.13078857, -94.06031427

Project #2014-149 Planner: Courtney McNair, e-mail at cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Large Scale Development (LSD) plan approval to allow the expansion of the previously approved brewery use on 2.02 acres. The applicant is proposing to construct an additional deck (22'x20'), increase the size of the existing tasting room (within the existing building), add a restroom, allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

The accompanying Conditional Use Permit (2014-048) must be approved prior to this Preliminary LSD request.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). They received a CUP in 2011 for the brewery use (project 2011-129). CUP 2014-048 must be approved prior to this Preliminary LSD request.

PLANNING AREA: This project is located solely in the County.

QUORUM COURT DISTRICT: 15, Butch Pond **FIRE SERVICE AREA:** Nob Hill VFD **SCHOOL DISTRICT:** Springdale

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

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is White River Specialty Leasing; the applicant is Steve Rehbock. The Engineer is Phil Swope with Gray Rock Consulting. This property is located off Habberton Road, WC #89 (near the intersection of Guy Terry Road and Habberton Road). The address is 18244 Habberton Road.

This Preliminary Large Scale Development approval request is to allow the expansion of the previously approved brewery use on 2.02 acres.

As was presented with the accompanying Condition Use Permit (CUP) request (Project #2014-048), the applicant is proposing to construct an additional deck (22'x20'), increase the size of the existing tasting room (within the existing building), add a restroom, allow un-amplified music to be played outdoors, allow volleyball and horseshoe areas, extend operating hours (Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm), and bring into compliance several additions that were not reviewed with the original CUP approval in 2011.

The project received approval in 2011 for the brewery. Since then, two decks have been added. The Fire Marshal approved them for standing only, no seating was allowed. This has been a problem. Many times there have been chairs on the decks when Staff has inspected the project. The applicant is asking to officially add seating to these decks. Additionally, coolers and a boiler room were added without review, and the parking lot and septic system were expanded. The applicant is asking for review and approval of these additions and changes.

The applicant's engineer set the allowed occupancy load for each area at a total of 70 seats. The engineer's calculated occupancy must be used:

- Expanded Tasting Room: 25 (approved for 20 seats in 2011).
- Two Existing Decks: 20 (10 each)
- Proposed Deck: 25

Please refer to attachments in the CUP 2014-048 packet.

The State Alcohol Beverage Control (ABC) Board will regulate all conditions that deal with the manufacturing and distribution of alcohol for the proposed micro-brewery. Washington County Planning will require that the applicant abide by all conditions made by the ABC Board and that the applicant will provide Planning Staff with copies of all permits issued to them by the ABC Board. The preliminary request made to the ABC Board for expansion has been approved, and the applicant is aware that another inspection will be conducted once construction is complete.

If this project receives Preliminary Large Scale Development approval, it must proceed through the Final Large Scale Development (LSD) process once construction is complete.

The project should be developed as stated in the applicant's CUP letter (**attached with the CUP 2014-048 packet**) with additional conditions proposed by staff. All conditions approved with projects 2011-129 and 2014-048 shall apply to this project as well (**J-7-9 and attached with CUP 2014-048 packet**).

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This property is serviced by Fayetteville Water and is in the Nob Hill Volunteer Fire Department (VFD) Service Area. It was in Goshen's Fire Service Area when the project received approval in 2011 (with Nob Hill VFD support). When the Planning Area for the City of Goshen was reduced, the service area was changed to Nob Hill VFD response.

A two-inch waterline was extended to this property in order for Fayetteville to service the lot with water in 2011. This line will not be used for the purpose of fighting fires, as it is not large enough. On the previous project, Goshen Fire Department stated that they could provide adequate tanker support to provide water for fire fighting for this proposed business. Nob Hill has not commented on the current proposal. The Washington County Fire Marshal has reviewed this project and submitted comments.

All access roads and parking areas must support 75,000lbs in all weather conditions. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved). The Fire Marshal has asked for two additional fire lane signs to be placed in order to provide a "Y" turn around for emergency vehicles. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane).

The building must meet Arkansas State Fire Code. Exit lights/emergency lights and fire extinguishers are

required. The Fire Marshal will inspect all improvements prior to the building being occupied.

Sewer/Septic/Decentralized Sewer:

The septic system was recently expanded and approved by the Health Department.

There is also a holding tank on this property for "industrial waste". This tank had previously malfunctioned and there was no system in place to alert the owner. The Health Department asked for an alarm system to be installed with this tank. There is a note on the plans stating that one will be installed. See attached email (**attached with CUP 2014-048 packet**) that details what type of alarm will be used. This must be installed and operational prior to Final LSD approval.

No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written and will be filed. This easement area is shown on the plans.

Electric/Gas/Cable/Phone:

AT&T Telephone, Source Gas, and Cox Communications did not comment on this project. Ozarks Electric stated that any relocation of existing facilities will be at the developer's expense.

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

Roads/Sight Visibility/Ingress-Egress/Parking:

The driveway was widened and the apron paved with the CUP approval in 2011. The Road Department has no further comments.

Parking is shown on the plans. There are a total of 25 parking spaces and one ADA parking space. The engineer has stated that this is adequate for the proposed total number of patrons. Parking cannot block fire lanes at any time.

Drainage:

The Washington County Contract Engineer reviewed and approved the drainage report submitted for this project.

Environmental Concerns:

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

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

No additional lighting is being requested with this CUP.

The applicant is not proposing any additional screening with this submittal. Staff agrees, and no additional screening is required at this time.

Sheriff's Office Concerns:

The Washington County Sheriff's Office reviewed these plans and commented that the applicant must comply with all requirements and regulations of the State Alcohol Beverage Control Division (ABC).

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Staff notified for the CUP and Preliminary LSD with one notice as both are to be heard on the current agenda.

One "In Favor" comment has been received. Staff will update you 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			✓
Planning Issues/Engineering Issues		X	
Road Issues			✓
Fire Code Issues		X	
Utility Issues			✓
Health Department Issues		X	
Other Important Issues		X	
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements		X	
Info to supplement plat		X	

There are a few minor checklist items that must be corrected, as well as some general corrections that must be made to the LSD plans. These are listed as conditions of approval.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Saddlebock Brewery Expansion Preliminary Large Scale Development with the following conditions:

Water/Plumbing/Fire Conditions:

1. All access roads and parking areas must support 75,000lbs in all weather conditions.
2. Fire lanes along the drive and within the parking area must be marked (can be signage-if the drive and lots are gravel; or paint-if the drive and lots are paved).
3. The Fire Marshal has asked for two additional fire lane signs to be placed in order to provide a “Y” turn around for emergency vehicles. The parking spaces shown are fine and should not impact the fire lane (as long as there is a clear 20-foot wide fire lane). This has been shown on the latest digital submittal, but staff will need hard copies as well.
4. The building must meet Arkansas State Fire Code.
5. Fire exit paths must meet State Fire Code (including decks). This needs to be shown on the architectural drawings.
6. Exit lights/emergency lights and fire extinguishers are required.
7. The Fire Marshal will inspect all improvements prior to the building being occupied.
8. Restroom must be ADA compliant.

Septic Conditions:

1. An alarm system must be installed for the holding tank. There is a note on the plans stating that one will be installed. This must be installed and operational prior to Final LSD approval.
2. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed.
3. The alternate area is on an adjacent property (owned by the applicant). A separate easement legal description has been written and shall be filed. This easement area is shown on the plans.

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

1. All entrance drives and parking areas must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. The connection from the handicapped parking to the handicap ramp must be ADA compliant.

4. Parking cannot block fire lane at any 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. No additional signage is being requested or approved with this project.
3. 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.
4. No additional lighting is proposed or approved with this project.
5. The existing vegetation along the North side of the property shall be retained for screening. If vegetation is removed, Planning Staff will review for additional screening requirements.
6. No additional screening is required at this time.

Checklist and General LSD Plan Conditions:

1. All checklist items must be completed.
 - a. #19 Proposed use of all land within the development.
 - b. Remove signature blocks until Final LSD.
 - c. Address for the building must be shown on the plans.
2. General LSD Plan:
 - a. Page C0.0 Contacts:
 - Remove City of Fayetteville Fire Department Information
 - Remove City of Goshen Fire Department Information
 - Add Nob Hill VFD information
 - Correct Washington County Fire Marshal's Address
 - Shannon Jones is no longer with the City of Fayetteville Water Department.
 - Planning has different contacts shown for Source Gas, ATT, and Cox Communications. Please verify that the correct contact information is provided.
 - b. Page C0.0 General Notes:
 - #20 refers to incorrect project numbers
 - #22 refers to sewer line installation (there is no sewer line)
 - #23 refers to incorrect project numbers
 - c. Page C0.0- Remove signature blocks
 - d. Page C2.0 Planning Commission Information:
 - #2, instead of "old", please use "previously approved"
 - e. Page C2.0- Submit hard copies that reflect changes that have been submitted digitally.
 - Fire lane signs and removing erroneous fire lane call out
 - ADA parking
 - Corrected legal description
 - f. Page C2.0- General Site Plan Notes
 - #5 remove "city of"
 - #12 does not apply to these plans-remove
 - #13 does not apply to these plans-remove
 - g. Page C2.0- Grading Notes
 - #9 does not apply to these plans-remove
 - h. Page C2.0- Sequence of Construction Notes
 - Do any of these apply? If not, please remove. Leave any that apply to these plans.

i. Page A2.1

- Show the fire exit path distance for the proposed deck and existing decks (this has been verified to meet State Fire Code via email, but must be shown on the plans).
- Is the existing toilet proposed to be removed? If not, please show it back on the plans.

Standard Conditions:

1. Conditions of approval for CUP 2014-048 shall be followed.
2. **Prior to construction, all updated site and building plans must be submitted to the Planning Office and approved (2 copies for review).**
3. The project should be developed generally as stated in the applicant's CUP letter with additional conditions proposed by staff. It is understood that there may be slight variations.
4. All conditions approved with projects 2011-129 and 2014-048 shall apply to this project as well.
5. Only un-amplified music is approved.
6. Hours of operation must be generally as stated, Monday-Thursday 2pm-9pm, and Friday-Sunday noon-9pm.
7. No additional employees are proposed or approved at this location.
8. Occupancy is limited to that set by the engineer: Expanded Tasting Room: 25, Two Existing Decks: 20 (10 each), Proposed Deck: 25
9. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
10. Pay mailing fees listed on the CUP conditions.
11. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations (at Final LSD)
12. The applicant must comply with the Alcohol Beverage Control board and submit copies to Planning Staff of all permits issued by the ABC for this project.
13. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
14. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
15. The Preliminary Large Scale Development approval is contingent on the Conditional Use Permit (CUP) approval. This includes Planning Board/ Zoning Board of Adjustments (PB/ZBA) CUP approval, CUP Ratification by the Quorum Court, and no CUP appeal being filed within 30 days of the PB/ZBA approval.
16. No construction may begin until approval is complete (as detailed above).
17. No construction may begin until Preliminary LSD Plans (2 copies) have been submitted with all corrections shown and approved by Planning Staff.
18. Once construction is commenced, it is the applicant's responsibility to inform the Planning Office.
19. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - Construction must commence within 12 months of this approval or Preliminary LSD approval will be void.

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 **Saddlebock Brewery Preliminary LSD** subject to staff recommendations. Walter Jennings seconded. Daryl Yerton was not present. Board Members Randy Laney, Walter Jennings, Chuck Browning, Robert Daugherty, Cheryl West and Kenley Haley were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARINGS

Fayetteville Planning Area

k. Eastern Park Subdivision CUP

Conditional Use Permit Approval Request

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

Owner: Fred Patrick/L&F Construction

Engineer: USI Consulting Engineers, Ferdinand Fourie

Location Address: 4436 E. Mission Blvd

Approximately 7.66 acres / 19 lots. Proposed Land Use: 17 Single Family Residential (2 other lots-one for septic and one for detention)

Coordinates: Latitude: 36.097785, Longitude: -94.097156

Project #: 2014-018 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow a residential subdivision with 17 residential lots, 1 lot for a decentralized sewer system, and one lot for drainage. The overall density proposed is 2.3 units per acre.

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 Fayetteville's planning area. The city has submitted comments (**K-41-42**).

QUORUM COURT DISTRICT: District 15, Butch Pond **FIRE SERVICE AREA:** Goshen VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville **Electric-**Ozarks Electric **Natural Gas-** Source Gas

Telephone- AT&T **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

This property is owned by LF Construction. The applicant is Fred Patrick, and the engineer is Ferdi Fourie with USI Engineering. The property is located east of the City of Fayetteville and is within approximately ½ mile of the City Limits of Fayetteville.

Eastern Park Subdivision is requesting Conditional Use Permit approval to allow a residential subdivision with 17 residential lots to be placed on a property that is approximately 7.66 acres in size. Two additional lots are proposed; One lot is to be used for drainage/detention (0.38 acres) and the other, a decentralized sewer system (0.41 acres). The requested density is 2.3 units/acre. Residential lots range in size from 0.23 acres to 0.35 acres.

One entrance off Highway 45 (E. Mission Blvd) is proposed to access this development.

This project was on the May 1, 2014 Planning Board/Zoning Board of Adjustments (PB/ZBA) agenda. At that meeting, the PB/ZBA voted to table the project and asked the applicant to further evaluate the existing trees onsite, as well as propose mitigation efforts for the surrounding property owners.

The proposed density is still high, but, with fencing, and the addition and retention of trees, the applicant has made some efforts to mitigate impact on adjacent neighbors.

In the follow up letter submitted by the applicant (**K-10-11**), he proposes to add two trees per lot, make every effort to save existing trees, install fencing, and build a pavilion. He has enclosed sketches of the proposed houses for this site.

In addition to compatibility concerns, staff had concerns that all necessary site elements may not fit on the site because the acreage is fairly small. The engineer has shown all of the elements staff listed as

concerns. The plans show the road and road right-of-way (ROW), the utility easements, fire hydrants, sewer line in a separate easement (cannot be in the same easement as water), building setbacks, and signage easement.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

This property is serviced by City of Fayetteville water. There is an existing waterline located on Hwy 45 (E. Mission Blvd.). The nearest hydrant is located at Hwy 45 and E. Ashley Lane, which is approximately ¼ mile to the west of the proposed entrance to this property. The gpm fire flow for that hydrant is 974 gpm. A new hydrant is proposed near the entrance of the subdivision, and two additional hydrants are proposed to be located within the development.

Fayetteville Water commented, "This project is within the 1-mile planning district and will be subject to preliminary plat review through the city. Detailed Engineering comments will be generated at that time."

The Washington County Fire Marshal asked that an engineered fire flow for the proposed hydrants be submitted at Preliminary Subdivision review. He also stated that all hydrants must be shown on the plans (and labeled or indicated on the legend). Hydrants must be spaced every 500 feet. Information was provided to the applicant regarding road width (**K-43-44**). No parking will be allowed on the side of the street where the hydrant is located. The cul-de-sacs shown appear to be adequate. No parking will be allowed on the cul-de-sac (this must be posted). A 28 foot turn radius is required on all curves. Modified curbs will be required on bio-islands within the cul-de-sacs.

Full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.

Sewer/Septic/Decentralized Sewer:

Soil work was submitted for this project (**K-23**). Test pit locations are shown on the plats within the Decentralized Sewer System (DSS) lot. The applicant is proposing a gravity-feed system that can be connected to City of Fayetteville sewer in the future if necessary. All review and permitting of this system must be completed at Preliminary Subdivision review.

Renee Biby, the Washington County Public Utilities Coordinator, submitted comments regarding the proposed DSS. All review and permitting of the proposed DSS must be completed as per County and State Regulations.

Electric/Gas/Cable/Phone:

No comments were received by ATT, Source Gas, or Cox Communications. Ozarks Electric provided general comments to the applicant.

Roads/Sight Visibility/Ingress-Egress/Parking:

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

Sight distance appears adequate, and a statement verifying the sight distance will be required at Preliminary Subdivision review. It must meet minimum County standards.

The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sacs. They also stated that with the currently proposed plat, the streets will be classified as Class II residential, per county regulations. No utilities, signage, lighting, or structures may be placed in the County ROW.

Drainage:

The Washington County Contract Engineer has no comments on this proposed project at this time. A full drainage study will be required at Preliminary Subdivision review. The drainage report must meet City of Fayetteville's specifications.

As the discharge point at this time is proposed to flow into a pond on an adjacent property, a drainage easement may be required. More information will be gathered at the Preliminary Subdivision phase if this project receives CUP approval.

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:

Sidewalks and two bio-islands are shown on the plats; these must be maintained by the POA or other entity. Washington County will not maintain sidewalks or bio islands. 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.

A sign easement is shown on the plat. Staff recommends monument type signage, approximately 60 sq ft or less in size, that is indirectly lit (if lit). The signage will not be allowed to be placed in the County ROW. The proposed signage must be approved by Planning Staff.

A six-foot privacy fence is proposed around the entire property line (except where it touches the Hwy 45 ROW). In addition to the fencing, the engineer for this project provided a tree survey. Every effort must be made to retain the trees that are indicated on these plans as retained. It is understood that during the Preliminary Subdivision phase of this project, some additional existing trees may need to be removed. If additional trees are to be removed, the applicant must show how they plan to replace them at Preliminary Subdivision review. A tree protection plan must be submitted detailing how the trees are to be protected during construction. Staff must review and approve this plan prior to construction.

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

Staff recommends the addition of three trees per lot: two street trees per lot as proposed by the applicant (minimum 2-inch in caliper), and one tree per yard shall be required, (unless existing trees have been preserved to meet this requirement-the preference is for existing trees to be retained).

Staff recommends that all new trees be installed at a minimum 2-inch caliper size. Plantings will be inspected. Any that do not survive must be replaced within the first year after construction is complete.

City of Fayetteville Concerns:

This project is located within approximately ½ mile of the city limits.

The City of Fayetteville submitted comments. According to the letter submitted by the City of Fayetteville (K-41-42), generally, the proposed density is incompatible with the City of Fayetteville Future Land Use Plan, and incompatible with surrounding rural residential properties. Mitigation to lessen the impact of this density should be considered.

COMPATIBILITY CONCERNS:

Surrounding Density/Uses:

The surrounding uses are single family residential and agricultural. The site contains one residence and one barn which are proposed to be removed. The proposed density of the project is 2.3 units/acre (1 unit per 0.4 acres). The adjacent average density is 0.14 units/acre (1 unit per 7.125 acres); with lots ranging from approximately 1.25 acres to 24 acres in size.

In the vicinity, there is more dense development (K-47-48). Subdivisions in the general area range from 1 unit/3.39 acres to 1 unit/0.3 acres. There is also a storage facility in the near vicinity. Additional

commercial uses are within ¼ mile of the proposed development.

The applicant has proposed some mitigation efforts for adjacent neighbors.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

- h. To provide for development of residential areas at appropriate densities. **The proposal is a very high density for this area. The only densities that are similar are in the Holiday Hills Homes SD. These homes are cottage type and several are duplexes. Most other subdivisions in the general area have lots that average ½ acre or more.**
- i. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes; **the proposal will be required to meet minimum County Subdivision standards (10,000 sq ft minimum lot size) and the lot sizes as shown are in compliance with these standards. The proposal does not meet current zoning which is why the applicant must request Conditional Use Permit approval.**
- j. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **Utilities are available to service this development.**
- k. Protect the character and integrity, and property values, of single-family, residential areas; **the proposal is for single family residential use. Mitigation is proposed for density differences (screening, retention and addition of trees).**
- l. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls; **the use proposed is residential.**
- m. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
- n. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads. **This development takes access from a state highway. All interior roads will be constructed to at least minimum County standards.**

Staff feels that this project as proposed will not be detrimental to public health, safety and welfare.

The engineer has also shown that all required site elements can be placed on the property. Staff feels like there has been good communication and discussion about the vision for this project.

As stated at the May 1, 2014 Planning Board, staff feels that this property is located in an area of the County that is undergoing transition from a rural area to a more developed area. Eventually residential rooftops and privacy fencing seem to be a "given" for this area. The applicant has responded to staff's request for additional studies and mitigation efforts. The density remains high, but staff feels that with conditions, this project will not diminish the use and enjoyment of the surrounding properties.

Future Land Use Plan

The future land use for this area (derived from the City of Fayetteville adopted Land Use plan) is Rural Area Residential. Rural Area Residential is defined as 1 unit/15 acres. Most of the adjacent properties do not conform to this future land use designation (see above section with acreages). This development is not compatible with the future land use designation.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. One opposed comment was submitted with the current notification. Staff has included previous comments submitted by neighbors with this packet as well.

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

STAFF RECOMMENDATION:

Staff recommends approval for the Conditional Use Permit request of the Eastern Park Subdivision CUP, with the following conditions:

Water/Plumbing/Fire Conditions:

1. Engineered fire flow for the proposed hydrants must be submitted at Preliminary Subdivision review.
2. All hydrants must be shown on the plans (and labeled or indicated on the legend). Hydrants must be spaced every 500 feet.
3. No parking will be allowed on the side of the street where the hydrants are located.
4. Modified curbs will be required on bio-islands within the cul-de-sacs.
5. The cul-de-sacs shown appear to be adequate.
6. Full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.

Septic Conditions:

1. All review and permitting of the proposed decentralized sewer system (dss) must be completed as per County and State regulations.
2. No parking is allowed on any portion of the dss including the alternate area. The alternate area must remain undisturbed (no overflow parking either).
3. The proposed decentralized sewer system must be gravity flow and use no interceptor tanks.
4. At Preliminary Subdivision Plat, please provide a drawing of the system, operations manual, and details on the SCADA system that will be installed.
5. Prior to Construction Plan approval, proof that the operations permit has been submitted to ADEQ and has been deemed administratively complete should be submitted to the Public Utilities Coordinator.
6. Prior to Final Plat approval, proof that the final permit from ADEQ has been submitted and approved needs to be submitted to Public Utilities Coordinator.
7. Note that prior to the permit being approved by ADEQ, the developer will have to have an approved budget and be required to put up five years of operations expenses to ADEQ.
8. Details about who will own the sewer system upon completion of the subdivision need to be submitted at Preliminary Plat.
9. Note to the developer that there is a \$500 annual fee required for the permit to ADEQ.
10. The Public Utilities Coordinator would like to see something in the covenants that mentions the decentralized sewer system and the responsibility to the homeowners to pay the costs for operations and maintenance of the system (although this is not required by our ordinance).

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

1. All drives must support 75,000lbs in all weather conditions.
2. No parking is allowed within the Washington County Right-of-way.
3. Obtain proper permits from AHTD before constructing the entrance.
4. All subdivision lots must access onto the proposed roads. No direct access from subdivision lots will be allowed on Hwy 45 (Mission Blvd).
5. No subdivision lot access will be allowed on Trough Springs Drive.

6. A statement verifying the sight distance will be required at Preliminary Subdivision review. It must meet minimum County standards.
7. The Washington County Road Department requires that the right-of-way (ROW) carry through the proposed cul-de-sacs
8. Streets will be classified as Class II Residential, per County regulations.
9. No utilities, signage, lighting, or structures may be placed in the County ROW.

Drainage Conditions:

1. A full drainage study will be required at Preliminary Subdivision review.
2. The drainage report must meet City of Fayetteville's specifications.
3. Care must be taken to avoid contamination of the spring fed pond by runoff created by the development.
4. As the discharge point at this time is proposed to flow into a pond on an adjacent property, a drainage easement may be required. More information will be gathered at the Preliminary Subdivision phase if this project receives CUP approval.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. This proposed project is larger than five acres and would require a Stormwater Permit for Large Construction Sites.
http://www.adeq.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm

Utility Conditions:

1. Generally, any damage or relocation of utilities will be at the expense of the owner/applicant.
2. All required utility easements must be shown at Preliminary Plat.
3. **Ozarks Electric Comments:**
 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

Signage/Lighting/Screening Conditions:

1. Sidewalks and two bio-islands are shown on the plats; these must be maintained by the POA or other entity. Washington County will not maintain sidewalks or bio islands.
2. 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.
3. A sign easement is shown on the plat. Sign must be placed within the proposed easement.
4. Staff recommends monument type signage, approximately 60 sq ft or less in size, that is indirectly lit (if lit). The signage will not be allowed to be placed in the County ROW. The proposed signage must be approved by Planning Staff.
5. A six (6) foot privacy fence along the property line is required to be installed (except where the property touches the Hwy 45 ROW).
6. An agreement with a neighbor to the south to maintain certain large trees must be formalized in writing (with specific tree locations show) at Preliminary Plat. The drip line of these trees must be left intact and fenced for protection during construction to insure their protection.
7. Every effort must be made to retain the trees that are indicated on these plans as retained. It is understood that during the Preliminary Subdivision phase of this project, some addition existing trees may need to be removed.
8. The addition of three trees per lot: two street trees per lot as proposed by the applicant (minimum 2-inch in caliper), and one tree per yard shall be required, (unless existing trees have been preserved to meet this requirement-the preference is for existing trees to be retained). **-This condition is being examined and adjustments are expected-Staff will update at the meeting.**
9. Any tree that is to be counted as preserved (this includes the trees in the agreement with the adjacent neighbor) must have the drip line preserved and shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in tree preservation areas. No filling, excavating or other land disturbance shall take place in tree preservation areas.
10. Before commencing any construction activity, the applicant shall construct tree protection barriers, by a method approved by Planning Staff, on the site along the tree drip line or 10 feet from the trunk, whichever is greater.
11. A tree protection plan must be submitted detailing how the trees are to be protected during construction. Staff must review and approve this plan prior to construction.
12. Staff recommends that all new trees be installed at a minimum 2-inch caliper. Plantings will be inspected. Any that do not survive must be replaced within the first year after construction is complete.
13. County Planning Staff may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, the roots of which extend onto the site of the proposed construction.
14. If the required barriers surrounding the agreed upon protected trees are not adequately maintained during construction, County Planning Staff shall prescribe remedial measures.

Standard Conditions:

1. Pay engineering fees. Staff will prepare a statement once all invoices are received. If less than one hour of review, there will be no billed charges.
2. Pay neighbor notification mailing fees (\$65.40 and \$66.40) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 05/01/2014 and 08/28/2014).
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. This CUP must be ratified by the Quorum Court.
5. No CUP is final until the 30-day appeal period has run (and no appeal has been filed).

6. As this project is located in the City of Fayetteville's Planning area, it must proceed through the City Subdivision Plat process if CUP is granted. It must also proceed through the Washington County Subdivision Plat process after approval is granted by the City of Fayetteville.
7. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - a. This project requires additional review (Subdivision), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.

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

Public comments.

Kenley Haley, Planning Board member, wanted to clarify that Fayetteville Planning said it is incompatible. "Is that their recommendation?"

Courtney McNair, Washington County Senior Planner, replied, "It's incompatible with their future land use. I agree it is incompatible with their future land use. They did say that mitigation efforts should be attempted in order to make it compatible with the surrounding areas."

Kenley Haley asked about the square footage of the houses. "The houses run from 2,500-3,000 sq ft correct?"

Courtney McNair replied, "I think it's an average of 2,500 sq ft."

Kenley Haley asked how many houses per acres?

Courtney McNair replied, "It's 2.3 homes per acre."

Randy Laney, Planning Board Director, asked, "How far is the Holiday Hills unit from the project?"

Courtney McNair replied, "From the entry point it's 700 ft."

Kenley Haley asked if they are concern about the decentralized system near the pond.

Courtney McNair responded that the public utilities coordinator was not concerned. As long as it is designed and maintained properly. "ADEQ also regulates these types of system to make sure that if anything malfunctions there's a plan in place. There's a managing agency that review those."

Kenley Haley stated, "Also there is a runoff that's going to run into someone's property. Was that the easement you're referring to?"

Courtney McNair replied that is correct. "They currently show runoff to flow into a lot which is a detention area. Then discharge that into the adjacent pond. The easement maybe a necessity."

Chuck Browning, Planning Board member, asked "What happens if she sells that property and the pond? Will it always be there?"

Juliet Richey responded, "We'll require the easement to be written and convey with the property deed."

Chuck Browning replied, "I understand it may be conveyed, but the potential future property owner may not want the easement there."

Juliet Richey responded, "They can eliminate the pond but they would still have to accept the water."

Chuck Browning asked how this the project not compatible with Fayetteville's future land use plan.

Courtney McNair replied, "This area in the future land is shown to be rural area residential which is 1 unit per 15 acres."

Walter Jennings, Planning Board member, asked "Do they plan to have sidewalks on Hwy 45?"

Courtney McNair responded, "I'm unaware of that. It would be a highway department question. We did notify the highway department but we did not receive any comments."

Kenley Haley stated, "It says on the report 2,500 sq ft to 3,000 sq ft."

Randy Laney stated, "I didn't read anything about covenants. That's just the average for the square footage. Are you building the houses yourself?"

Ferdinand Fourie replied, "They're going to be built by the developer."

Cheryl West, Planning Board member, asked, "Why lot 17 is so tiny compared to the other lots?"

Ferdinand Fourie, replied, "That's an existing property line. Also, I was wondering about this tree replacement. We would replace 3 trees for any tree we would take out. If we were to save one of the trees that is existing and switch it out with a tree that we take out would that be allowed?"

Courtney McNair responded, "The intent of that condition was to maintain the average number of trees."

Cheryl West asked if there were there any neighbor comments.

Courtney McNair replied, "Just one neighbor comment. He has the same comment as before. He's not opposed to this particular development. He's opposed to the deviation in zoning. He feels it too large of a deviation."

Walter Jennings stated he still has same concern about the density and the lack of connectivity to anything else other than Highway 45.

Ferdinand Fourie, responded, "There's a connection provided in the future. There's a future right-of-way when Fayetteville comes in, it will be connected to that road. It's designed in a manner that will allow future connectivity. The cul-de-sac can be modified. The reason we put that cul-de-sac is there is we plan to put a bio island. The drainage will follow into the island before it gets to the detention pond. It'll provide some low impact development features."

Cheryl West stated that it just bothers her that all the surrounding lots are 1 acre or more. Just like the previous project we turned down. "The reasoning for that is you have big lots and they're coming in as tiny lots. I'm concerned by about smaller lots."

Public Comments Closed.

Kenley Haley made a motion to deny the **Eastern Park Subdivision CUP**. Cheryl West seconded. Daryl Yerton was not present. Board Members Walter Jennings, Chuck Browning, Cheryl West and Kenley Haley were in favor of approving the denial. Robert Daugherty opposed. Randy Laney did not vote. Motion passed.

County

I. Rich Red Dirt CUP (to be tabled at the request of the applicant)

Conditional Use Permit Approval Request

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

Applicant: Benny Holtzclaw

Location Address: 15792 Harmon Road

122.00 acres

Proposed Land Use: Open Pit Red Dirt/Clay/Gravel Extraction
Coordinates: Longitude: -94.28545281" W Latitude 36.08850625" N
Project #: 2014-124 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

Robert Daugherty made a motion to approve the agenda tabling Rich Red Dirt CUP. Cheryl West seconded. All board members were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Reminder of upcoming regular Planning Board meetings **October 2, 2014**, and **November 6, 2014**.
- Update on East Prairie Grove Tower CUP (if any updates are available).
- Any other Planning Department or Planning Board business.

Randy Laney wanted some clarity on establishing hours for a church during the CUP process. He understands placing hours on a business but a church is different since it's an assembly area. "Bottom line is they change the time they want to meet they probably will not notify planning."

Juliet Richey replied, "What we have done in the past is to try gauge the use of the property. I understand what you're trying to say. We can make it more clear in the future."

Randy Laney added, "Secondly, I want to understand these inspections. I've always told people in the county we work on a complaint base enforcement. With Saddlebock the people standing vs. seating. Did we have a complaint about this?"

Juliet Richey, replied that the health department brought it to our attention. "We approved the septic system based on this sizing for that type of use based on the number of seats. The health department notified us that they're not complying with their conditional use. We went out to investigate the site and kept tabs on it. "

Chuck Browning asked, "What's the difference between standing and seating?"

Juliet Richey responded, "That's just one of the criteria that health department looks at when they size septic. They look at standing vs. seating. It is different from the county."

Randy Laney also wants to talk about the acreage requirement.

Kenley Haley wants to know if there is a database of all the projects that are less than acre that have been approved by the county. That way can we look objectively at why we made the exceptions.

Juliet Richey replied, "Generally in the past when we have situations where someone is just making a couple of small lots we look at it differently. We look at the impact to the area and changing the nature of the area. To me two lots are very different vs. 20 lots in terms of density. The planning staff can consider the size of the development and the deviation from one acre. The difference between 1 acre and 0.90 acre is not much difference to us.

Randy Laney wants to understand the process of how staff determines the deviation in one acre. "The idea behind the one acre zoning is that we can bring developers of subdivision to the table and allow them to make exceptions as long as they can mitigate certain factors. These are where you get the trees, berms sidewalks, and etc. It wasn't so much the idea of the 1 acre but what can they do to when they get below the one acre.

Juliet Richey responded, "We had a neighbor that emailed us with the same question. They asked what is the difference between the one acre? Is this a variance to zoning? It is not a variance. A variance is a strict variation on the letter of the law. Our zoning allows certain uses by right. It doesn't prohibit other types of uses. Other uses or density maybe considered through a conditional use permit process. It lists

out the criteria that we would require. Based on the criteria, this how we think that each of these should be addressed. That's our process we use. The way it's written there's a lot of ways you can look at it. When you asked what's near, the same area, and etc, I can tell how you we look at but I can't tell you exactly what it means to you. What it boils down to is compatibility. Compatibility does not mean the same. It means they're able to co-exist and there's a list we go through: without causing harm to health safety, without causing infrastructure issues, would cause a decrease in property values, and etc. Those are what we're looking at compatibility wise. Compatibility does not mean the 'same'. Different people are going to have different ideas regarding what is compatible."

Randy Laney stated, "We just wanted to have a discussion so that we can get some feedback."

Cheryl West stated that she empathizes with the citizens who moved out in the county to enjoy the larger land and rural environment. "Are they not protected in any way?"

Juliet Richey replied, "Sometimes people have a false understanding of what zoning is. We have zoning in place just as the city. They have uses that are allowed by right, uses that are allowed by conditional uses, and uses are prohibited. It's a fallacy for people to say that when they move out here the area is zoned 1 unit per acre and feel like it's protected under 1 unit per acre zoning. That's not what our zoning is. It says that 1 acre is allowed by right. Other uses and density maybe considered through a checklist get conditional use permit. We have a lot more conditional uses that are allowed than the standard zoning ordinances. Most people will not research the property and look up all the uses for their property. It's not a common thing people know. I don't know how to answer your question. The world we live in very is complicated and people shouldn't build a false expectation that things are going to be a certain way until they understand all the legalities of it."

Randy Laney commented, "When someone says they bought it 30 years ago when the understanding that it's going to be like that forever. 30 years ago there was no zoning and no protection. Anything could have been developed."

Robert Daugherty, Planning Board member, replied "It's same the thing to me when someone says they bought a commercial building in the county and then it gets annexed into the city as agricultural. That doesn't mean that it's always going to be used as commercial. From then on you either have to rezone it or get a conditional use. You're not necessarily grandfathered in. That's the way I understand it. People buy farms and they don't expect a poultry house or chicken farm next to them. Things change it's not guaranteed all the time."

Morris Witter stated that he lived and worked in the county for 20 years. "I hear people ask how to divide an acre and half into two or three 3/4 lots. It happens all the time. When I bought the property I thought I could divide the lots and put two small homes, less than 2,000 sq ft. I thought that it wouldn't be a problem. It's 9/10th of an acre. I know the ordinance says 1 acre but 9/10th is low density. Some of the homes across the street are 5,000 sq ft on an acre and half. I'm going to have more rural land around my home than they are. One of the neighbor that spoke earlier, behind her home is 40 acres. It's right next to the subdivision that's in Fayetteville. That 40 acres behind her house is going to become a subdivision in the next 5 years. It's going to be 1 house per every quarter acre. These people are arguing with us tonight. They're going to have these subdivisions around their houses. The board turned me down for having 9/10ths of an acre. In six months someone is going to develop the 40 acres into a subdivision and it's going to get approved."

Katherine Witter added that they were originally going to buy this property and put a small home on it. They decided it would be nice to have their daughter and her husband close by. So they decided to split the property for two small homes. We thought it wouldn't be a problem with two lots and two small homes. It surprised us that it would be a problem. From the beginning, we never got a friendly and neighborly vibe from the property owner next door. We felt like they did not want us here. They didn't want us to divide the land. I think they didn't want anybody there at all."

Randy Laney stated that they have the right to appeal."

Morris Witter stated that the neighbors were against the storage units across the street. They formed a group to try to oppose the storage unit. Now we feel like they're opposing us. "We kind of walked into a hornet's nest."

6. Old Business

7. Adjourn

*Kenley Haley moved to adjourn. Walter Jennings 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