

MINUTES
WASHINGTON COUNTY PLANNING BOARD
January 14, 2021
5:00 pm, via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARING

County

a. Hogeys Wireless Communications Facility CUP

Approved

LAND DEVELOPMENT HEARINGS

County

b. Ozark Solar Park Pre-LSD

Approved

County

c. Replat Lots 11 & 12 War Eagle Cove Estates Subdivision

Approved

County

d. Replat Lot 4 Evans Addition Subdivision

Tabled

County

e. Replat Lots 2, 3, 4 & 5 War Eagle Bend Subdivision

Tabled

CONDITIONAL USE PERMIT HEARINGS

County

f. Marshallese New Beginnings CUP

Tabled

County

g. Hunt Rogers Quarry Expansion HI CUP

Tabled

LAND DEVELOPMENT HEARING

County

h. Hunt Rogers Quarry Expansion HI Pre-LSD

Tabled

1. ROLL CALL: *Roll call was taken. Members present include Joel Kelsey, Robert Daugherty, Jay Percy, Philip Humbard and Neil Helm.*

2. APPROVAL OF MINUTES: *Philip Humbard made a motion to approve the minutes of December 10th, 2020 as written. Jay Percy seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Philip Humbard made a motion to approve the agenda as written. Neil Helm seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

- Election of the Washington County Planning Board Vice-Chairman

*Jay Percy made a motion to appoint **Philip Humbard, Planning Board Member to fill the Planning Board Vice-Chairman seat.** Robert Daugherty seconded. All board members were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARING

County

a. Hogeye Wireless Communications Facility CUP

Conditional Use Permit Request

Location: Section 04, Township 14, Range 31

Engineer: Faulk & Foster

Location Address: 14652 Hogeye WC 28

JP District: Ann Harbison, District 14

Approximately: +/- 51.36 acres / 1 parcel

Coordinates: Latitude: 35.92325862, Longitude: -94.27306085

Project #: 2020-346

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

APPLICANT’S REQUEST

The applicant is requesting conditional use permit approval to allow the development and operation of a lawn care and landscaping business.

SITE INFORMATION

Land Owner:	Harold Bartholomew Family Trust	Parcel Number:	001-03891-000
Site Location:	14652 Hogeye WC 26	Planning Area:	None
Acreage:	51 acres +/- per WC Public Map	QC District:	14, Jim Wilson
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	West Fork
FIRM:	05143C0345F	Fire District:	Prairie Grove
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water	Washington Water		

BACKGROUND/SYNOPSIS

The applicant, Verizon Wireless through Faulk and Foster, is requesting conditional use permit approval to allow the development and operation of a wireless communications facility. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a Planning Area. The proposal is located along Hogeye WC 26. The project parcel is approximately 51 acres per the Washington County Public Map. Approximately, 0.24 acres will be utilized for the actual facility. The applicant is proposing a 30 foot access and utility easement and an additional 15 foot easement which will not be used for access. The lease area will be approximately 100 feet by 100 feet. The actual facility will be 70 feet by 70 feet and fenced. The entrance to the facility will be through a 12 foot wide gate which will be locked. The applicant states they are unable to co-locate on other existing towers due to the lack of towers in the area. There aren't towers or the towers in existence do not meet Verizon's criteria for co-location. If the applicant is granted a conditional use permit, they will continue with tower review. If administrative tower review requirements cannot met, the review will then continue to the Planning Board review. Please see the attached documents for more detailed information.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential/Agricultural	Ag/SF Res 1 unit/ac
South	Residential/Agricultural	Ag/SF Res 1 unit/ac

East	Residential/Agricultural	Ag/SF Res 1 unit/ac
West	Residential/Agricultural	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is mixed with agricultural and residential uses. The property is vacant. The property owner also owns the adjacent property to the east, which is also vacant. Hogeye WC 28 borders the south and western boundaries of the project parcel. The applicant will place the access road along the southern portion of the property.

County’s Land Use Plan

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:

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.

The proposed Conditional Use Permit is to allow the applicant to development and operate a wireless communications facility on land that is leased from the property owner. Staff feels that with the proposed conditions this project meets the goal of the County’s Land Use Plan. A wireless communications facility with sufficient visual mitigation such as opaque fencing or vegetation will assist with the visual impact of the project. The location is primarily agricultural but does have very light commercial and industrial/utility uses. Electrical powerlines run through the property.

Future Land Use / Zoning Designation

The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has received one comment voicing opposition of the project. This comment is attached. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application and tendered the appropriate fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
3 That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.	Adequate utilities are available or will be made available at the applicant or property owner's expense.
4 That the proposed use is compatible with the surrounding area.	A wireless communications facility is neither agricultural no residential in use or feel. However, the proposed use is very low maintenance once beyond the construction phase. A 70x70 foot facility that's fenced and set off the road should not interfere is the day to day of any nearby residence. There's an existing easement that contains powerlines and electrical poles that run through the property. This is visible in the attached maps.
5 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.	The proposed location is in a quiet area. The proposed development, aside from the construction phase, should not be considered detrimental to the public health, safety, morals, comfort or general welfare. There will not be heavy equipment utilized on site after the construction phase. The tower is reviewed for structural integrity by multiple engineers and must receive federal approval before it can be erected. The site will not generate loud noises or will it attract visitors. The facility will be gated to safe keep the tower and its supporting equipment. Once established, there should only be staff to conduct inspections and updates once or twice a month.
6 That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.	The properties nearby are either wooded or cleared for pasture. The proposed facility will not cause further removal of trees since the area is already cleared. The proposed use is limited to the 100x100 foot lease area. There will not be gatherings or visitors to the lease area once established.

<p>7 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.</p>	<p>The conditional use request should not impede with the normal and orderly development and improvement of the surrounding area. Once the construction phase is complete, there should only be tech support staff visiting the site a few times a month to conduct inspections and upgrades. Hogeye Road should be able to accommodate an extra 2-3 vehicles a month traveling to the site.</p>
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SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

From Washington Water Authority

1. Property is served off an 8" water main that parallels Hogeye RD on the north side. If water service is desired at the newly created property, please fill out and submit a "Request for Water Service" with the WWA Office. Form can be found at (www.washingtonwater.org).
2. The existing water main will run under the proposed access drive (~50' north of the centerline of Hogeye RD, not shown on plans) and will need an encasement to protect the main for long term traffic/construction loading, designed by a Professional Engineer in the State of AR and installed by the owner. Please contact the WWA office for more information.

From PG Telco

1. No comments for this project.

From Washington County Road Department

1. The Road Department does not have any concerns. There will however need to be a permit for working within the road right of way during the construction of the entrance.

From Washington County Environmental Affairs

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

From Washington County 911 Addressing Dept. of Emergency Mgmt.

1. A physical 911 address may be required. Please complete the Address Application, if needed.

From the Washington County Engineer

1. There are no comments concerning the CUP. However, the engineer is anticipating that the site distance on the west drive entrance to be an issue that will have to be resolved in the LSD. Also, with the amount of impervious area being added, it is probably safe for the applicant to assume detention will be required.

From Washington County Planning

Please provide or update the following from the CUP checklist:

1. Soil analysis from a DR has not been received. Please submit this or a date of when the analysis is to be performed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feels that the proposed use can be made compatible with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – Washington Water Authority

1. Property is served off an 8" water main that parallels Hogeye RD on the north side. If water service is desired at the newly created property, please fill out and submit a "Request for Water Service" with the WWA Office. Form can be found at (www.washingtonwater.org).
2. The existing water main will run under the proposed access drive (~50' north of the centerline of Hogeye RD, not shown on plans) and will need an encasement to protect the main for long term traffic/construction loading, designed by a Professional Engineer in the State of AR and installed by the owner. Please contact the WWA office for more information.

Fire Safety Conditions

Fire Marshal

1. Please contact the Washington County Fire Marshal for fire safety concerns and questions.

Prairie Rural Fire Department

1. Please contact the Nob Hill Fire Department for fire safety concerns and questions.

Sewer/Septic Conditions

1. Should the applicant have need for septic in the future, they must return for review.

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.adeg.state.ar.us

Drainage/Engineering Conditions

1. A drainage study will be required during the tower review.

Signage Conditions

1. Signs shall not be directly lit.

Lighting Conditions

1. 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.

Screening Conditions

1. Uniform opaque screening along the perimeter of the

Road Conditions

1. A permit from the Washington County Road Department will be required prior to any work being completed in the right-of-way.
2. Any tile that may be needed must be sized by the Road Department.

Addressing Conditions

1. A physical 911 address may be required. Please complete the Address Application, if needed.

Planning Conditions

1. If the CUP is approved, the applicant must continue this project through the tower review process. If the project does not meet the criteria for administrative review, approval must be granted by the Planning Board.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Washington County Senior Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

No Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **Hogeye Wireless Communications Facility CUP** subject to staff recommendations. Neil Helm seconded. All Board Members present were in favor of approving. Motion passed.*

LAND DEVELOPMENT HEARINGS

County

b. Ozark Solar Park Pre-LSD

Preliminary Large Scale Development Request

Location: Section 20, Township 15, Range 32

Applicant: Today's Power

Location Address: 11147 S Wedington Blacktop WC 33

JP District: Willie Leming, District 13

Approximately: +/- 16.37 acres / 1 parcel

Coordinates: Latitude: 35.96663454, Longitude: -94.40024515

Project #: 2020-342

Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting Preliminary Large Scale Development approval to construct a solar battery storage facility on a parcel that is zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Freeman Poultry, Inc	Parcel Number:	001-08708-000
Site Location:	11147 S Wedington Blacktop WC 33	Planning Area:	Lincoln
Acreage:	16.54 acres +/- per survey	QC District:	13, Willie Leming
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Lincoln
FIRM:	05143C0310F	Fire District:	Lincoln Rural
Wetland:	No	Watershed:	None

UTILITIES

Electricity: Ozark Electric
Cable: None
Water: Lincoln Water

Gas: Black Hills
Phone: PG Telco

BACKGROUND/SYNOPSIS

The applicant, Today's Power Inc (TPI), is requesting preliminary large scale development approval to operate a solar battery storage facility. A conditional use permit was approved by the Washington County Planning Board on November 5, 2020 and ratified by the Quorum Court November 19, 2020. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a Planning Area. The proposal is located west of S Wedington Blacktop WC 33. The project parcel is approximately 16.54 acres. The solar field will be fenced with gated. There will be parking available but limited to TPI personnel for maintenance purposes. TPI estimates around four (4) employees accessing the site for maintenance, but will typically not have personnel present 24 hours a day. Aside from TPI employees and its scheduled visitors, there will be no customers visiting the site. The applicant intends to have a sign with the TPI logo and site details posted near the front gate. The solar field is expected to utilize the entire 16.5 acre parcel. The solar panels will be located towards the back of the parcel. There is an existing pond. This will not be removed or filled in. The battery storage area will be towards the front (eastern side) of the parcel. The existing entrance to the property will not be used. The applicant will install a new entrance. The asphalt apron will lead into a gravel drive. There should be no audible noise emitted from the facility and should not produce trash or waste after its construction phase. The solar structures will not exceed 10 feet in height. The solar field facility will not have water or plumbing on site. Please see the attached documents for more detailed information.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Agricultural	Ag/SF Res 1 unit/ac
West	Agricultural	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is heavy with agricultural uses. The property is currently vacant. It has been used as pasture and a hayfield.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479) 263-2167 Or wmahaffey@ozarksecc.com
5. 30Ft. U.E. along existing Ozark overhead lines.

From PG Telco

1. No comments.

From the County Engineer

1. C201 Site Plan - Is adequate sight distance provided for driveway? Does fence create obstruction? Provide sight distance triangles for driveway.
2. C201 Site Plan - Confirm with the fire marshal that radius is large enough to accommodate fire trucks. Typically 26' radius is required from fire marshal
3. C202 Entrance Detail - 24" Minimum pipe size. Confirm minimum with street department
4. C202 Entrance Detail - Confirm with the fire marshal that radius is large enough to accommodate fire trucks. Typically 26' radius is required from fire marshal
5. Drainage Report Pg 4 - Summary table should include 2, 10, 25, 50, 100 year storms per item 13 of the Drainage Report Checklist
6. Drainage Report Appendix - Confirm that impervious area only increased 0.01 acres with the addition of access drive and concrete pads for storage units

From Washington County Road Department

1. The Road Department does not have any concerns. There will however need to be a permit for working within the road right of way during the construction of the entrance.

From Washington County Environmental Affairs

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

From Washington County Department of Emergency Management

1. A physical 911 address may be required. Please complete the Address Application, if needed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the submittal documents and recommends approval of the project with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. 30Ft. U.E. along existing Ozark overhead lines.

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. Please contact the City of Lincoln for water concerns and questions.

Fire Safety Conditions

Fire Marshal

1. Please contact the Fire Marshal for any safety concerns.

Lincoln Rural Fire Department

1. Please contact the Fire Department for any safety concerns.

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

Drainage Conditions

1. All existing drainage conditions, if any, must be addressed and receive approval by the County engineer before construction may begin.

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

Road Conditions

1. Please contact the Washington County Road Department for permitting.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. 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.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type, if required.

Planning Conditions

1. Construction plans must be provided to the Planning Department and approved by the County before construction may begin.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Washington County Senior Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

Joel Kelsey, Planning Board Chairman, inquired, "Sita, what is the distance to the closest house?"

Sita Nanthavong replied, "The distance to the closest house, I do not remember off the top of my head, but, it was pretty close."

Joel Kelsey continued, "There was no concern health wise or anything for anything that close to that house?"

Sita Nanthavong responded, "No sir, I know that the property owner did voice concerns at the CUP meeting but, there was no appeal filed. They did not contact Planning staff that I know of. I personally did not get an email or a phone call from that property owner requesting more information."

Nathan Crouch, Planning Director, added, "I just did a quick and dirty measurement. That home is roughly 90 feet from its property line to the south of the house."

Sita Nanthavong noted, "Thank you."

Public Comment

Steven Shepard, 11115 Wedington Blacktop Road, addressed the Board, "I am the house that is 85 feet from where the panels are going to be built. Where they are going to work on the road to get back to the solar panels, there is already a road there. I guess they are going to widen it and gravel it. Will I have access to that to get to the back of my property like I do now?"

Sita Nanthavong responded, "If you have an easement, sir, then your easement doesn't change. If you don't have an easement then you will have to obtain one or find another entrance to the back of your property."

Joel Kelsey asked, "So where he is using that road now, if that property is now owned by Ozark Electric then he would have to obtain an easement through them to be able to do that?"

Sita Nanthavong answered, "Yes sir."

Steven Shepard commented, "So get ahold of Ozark Electric to get one."

Joel Kelsey affirmed, "Yeah, you have to get up with Ozarks Electric to see if you can work something out as far as an easement agreement with them."

Matt Irving, Representative for the applicant Today's Power, clarified, "I just want to let you know that Today's Power owns the property, not Ozarks Electric. I am certainly happy to discuss with him about giving him access."

Public Comment Closed

Robert Daugherty made a motion to approve the **Ozark Solar Park Pre-LSD** subject to staff recommendations. Jay Percy seconded. All Board Members present were in favor of approving. Motion passed.

County

c. Replat Lots 11 & 12 War Eagle Cove Estates Subdivision

Preliminary and Final Land Development Requests

Location: Section 29, Township 18, Range 28

Applicant: Jenkins Surveying

Location Address: 22541 W War Eagle WC 507

JP District: Patrick Deakins, District 5

Approximately: +/- 0.58 acres / 2 lots

Coordinates: Latitude: 36.20684259, Longitude: - 93.98510215

Project #: 2020-345

Planner: Sita Nanthavong email: snanthavong@washingtoncountvar.gov

APPLICANT'S REQUEST

The applicant is requesting a minor subdivision replat of Lots 11 and 12 in the War Eagle Cove Estates Subdivision to adjust lot lines. No new lots are being created.

SITE INFORMATION

Land Owner:	Cantrell Real Estate Ventures	Parcel Number:	528-02819-000, 528-02820-000
Site Location:	22541 W War Eagle WC 507	Planning Area:	None
Acreage:	Lot 11 0.36 ac +/-, Lot 12 0.34 ac +/-	QC District:	5, Patrick Deakins
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Springdale
FIRM:	05143C0125F	Fire District:	Nob Hill Rural
Wetland:	No	Watershed:	Beaver

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water:	Springdale Water		

BACKGROUND/SYNOPSIS

The applicant is requesting a minor subdivision replat of Lots 11 and 12 in the War Eagle Cove Estates Subdivision to adjust lot lines. No new lots are being created. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a Planning Area. The proposal is located within Block 1 of the War Eagle Cove Subdivision on W War Eagle Rd WC 507. A multi-family unit was constructed across Lots 11 and 12. The applicant wishes to adjust the lot lines between the two lots to run through the middle of the structure so that each residence is associated with its own parcel and entry. Please see the attached documents for more detailed information.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	Ag/SF Res 1 unit/ac
South	Residential	Ag/SF Res 1 unit/ac
East	Residential	Ag/SF Res 1 unit/ac
West	Residential	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is heavy with residential uses. The property contains a multi-family residence. The entrance to both residences is on the south portion of the current Lot 11.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479) 263-2167 Or wmahaffey@ozarksecc.com
5. 30Ft. U.E. along existing Ozark overhead lines.

From City of Springdale Engineering Water

1. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
2. Field locate and verify the location of existing water and sanitary sewer facilities located on proposed Lots. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum of 10' is between the utility and easement line. Please show the 3' water main and its easement located along Lake View Drive.
3. Any water taps to be installed on existing facilities shall be installed by Springdale Water Utilities at the owner or developer's expense.
4. Please be advised that private water meter service lines cannot cross adjacent properties in order to access services or be located and running parallel within a public utility easement.

From Washington County Environmental Affairs

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.adeg.state.ar.us

From Washington County Department of Emergency Management

1. A physical 911 address may be required. Please complete the Address Application, if needed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the submittal documents and recommends approval of the project with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner's expense.

2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. 30Ft. U.E. along existing Ozark overhead lines.

Phone – AT&T

1. Please contact AT&T for telephone concerns and questions.

Water – City of Springdale Engineering

1. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
2. Field locate and verify the location of existing water and sanitary sewer facilities located on proposed Lots. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum of 10' is between the utility and easement line. Please show the 3' water main and its easement located along Lake View Drive.
3. Any water taps to be installed on existing facilities shall be installed by Springdale Water Utilities at the owner or developer's expense.
4. Please be advised that private water meter service lines cannot cross adjacent properties in order to access services or be located and running parallel within a public utility easement.

Fire Safety Conditions

Fire Marshal

1. Please contact the Fire Marshal for any safety concerns.

Nob Hill Rural Fire Department

1. Please contact the Fire Department for any safety concerns.

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

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 for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
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. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Washington County Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

Joel Kelsey inquired, "I guess I am just confused there is no new house. The same owner owns both. There is no house going to be added there to where they are both going to share the deck or anything like that?"

Sita Nanthavong replied, "No, the way it is now on that left-hand side the property line kind of goes through the deck. I think they are condos. Both condos are assessed as the same property. The proposal will have lot 11 with one half which is one condo then, lot 12 will have the other half. "

Joel Kelsey stated, "Now I'm with you; now that you say condos."

Neil Helm asked, "What does that do for a setback?"

Sita Nanthavong answered, "I did not think of setbacks honestly. When it comes to a planned development or something like this I would say we would have to apply for a variance, because we are creating structures within the setback that are existing. I don't know. Nathan, do you have any insight?"

Nathan Crouch detailed, "We have two variances. We have one that is reviewed by the Zoning Board and one that we can handle administratively. Our administrative variance is for accidental encroachments into the setbacks and typically we only use the administrative variance whenever a project is not going to the Planning Board. However, this is a classic case of an accidental encroachment to the setback. Basically, it comes down to you have an existing structure, and then whenever land development of some sort is applied to the property setbacks are then triggered, then you have a nonconforming structure. It's a \$75 administrative variance. We can address that in office in about twenty minutes."

No Public Comment

Public Comment Closed

*Philip Humbarb made a motion to approve the **Replat Lots 11 & 12 War Eagle Cove Estates Subdivision** subject to staff recommendations. Jay Percy seconded. All Board Members present were in favor of approving. Motion passed.*

County

d. Replat Lot 4 Evans Addition Subdivision

(tabled by the Planning Office)

Preliminary and Final Land Development Requests

Location: Section 32, Township 16, Range 31

Applicant: A Million Miracles Surveying

Location Address: 13665 Bethel Blacktop WC 62

JP District: Sam Duncan, District 7

Approximately: +/- 2.13 acres / 2 lots

Coordinates: Latitude: 36.02792765, Longitude: -94.29561609

Project #: 2020-348

Planner: Nick Little email: nlittle@washingtoncountyar.gov

County

e. Replat Lots 2, 3, 4 & 5 War Eagle Bend Subdivision

(tabled by the Planning Office)

Preliminary and Final Land Development Requests

Location: Section 19, Township 18, Range 28

Applicant: Bates & Associates

Location Address: 22794 Raymond WC 508

JP District: Patrick Deakins, District 5

Approximately: +/- 1.83 acres / 4 lots

Coordinates: Latitude: 36.21246967, Longitude: -94.00201483

Project #: 2020-343

Planner: Nick Little email: nlittle@washingtoncountyar.gov

CONDITIONAL USE PERMIT HEARINGS

County

f. Marshallese New Beginnings CUP

(tabled by the Planning Office)

Conditional Use Permit Request

Location: Section 06, Township 15, Range 29

Engineer: Keston Jima

Location Address: 15013 Black Oak WC 57

JP District: Ann Harbison, District 14

Approximately: +/- 2.03 acres / 1 parcel

Coordinates: Latitude: 36.00276456, Longitude: -94.10122836

Project #: 2020-346

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

County

g. Hunt Rogers Quarry Expansion HI CUP

(tabled due to lack of Quorum)

High Intensity Conditional Use Permit Request

Location: Section 26, Township 18, Range 29

Applicants: Bates & Associates

Location Address: 21636 High Lonesome WC 4589

Approximately: +/- 244.5 acres / 5 parcels

JP District: Patrick Deakins, District 5

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-301

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

LAND DEVELOPMENT HEARING

County

h. Hunt Rogers Quarry Expansion HI Pre-LSD

(tabled due to lack of Quorum)

High Intensity Preliminary Large Scale Development Request

Location: Section 26, Township 18, Range 29

Applicants: Bates & Associates

Location Address: 21636 High Lonesome WC 4589

Approximately: +/- 244.5 acres / 5 parcels

JP District: Patrick Deakins, District 5

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-302

Planner: Nathan Crouch email: ncrouch@washingtoncountyar.gov

5. Old Business

6. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - February 25th, 2021
 - April 1st, 2021

7. Adjourn

Robert Daugherty moved to adjourn. Philip Humbar seconded. All Board members were in favor of approving. Motion passed.

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Joel Kelsey, Planning Board Chairman