

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**June 10, 2021**  
5:00 pm, Quorum Court Room, New Court House  
280 N. College Ave.  
Fayetteville, Arkansas 72701

**DEVELOPMENT REVIEWED:**

**ACTION TAKEN:**

County

**a. Rock Town Layover RV Park CUP**

**Tabled**

County

**b. Sonora Subdivision CUP**

**Approved**

County

**c. Sonora Subdivision Pre-Sub**

**Approved**

County

**d. Minor Sub Replat Lots 4 & 5 Daugherty Subdivision**

**Approved**

County

**e. Blue Springs RV Park Pre-LSD**

**Approved**

Goshen Planning Area

**f. Fritchie Farms CUP Amendment**

**Approved**

County

**g. Sonora Boat & RV Storage CUP**

**Approved**

County

**h. Been Mountain Wireless Communications Facility CUP**

**Denied**

1. ROLL CALL: *Roll call was taken. Members present include Joel Kelsey, Philip Humbar, Neil Helm, Jay Percy, Lisa Miller, Loren Shackelford and Kiara Luers. All Board Members were present.*

2. APPROVAL OF MINUTES: *Loren Shackelford made a motion to approve the minutes of the May 6<sup>th</sup>, 2021 meeting as written. Jay Percy seconded. All board members were in favor of approving. Motion passed.*

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

4. OLD BUSINESS

County

**a. Rock Town Layover RV Park CUP**

**(Tabled by the applicants)**

*Conditional Use Permit Request*

Location: Section 36, Township 18, Range 29

Applicant: Rick & Troyce England

Location Address: 16029 Bug Scuffle Road WC 216

JP District: Jim Wilson, District 14

Approximately: +/- 39.75 acres / 1 parcel

Coordinates: Latitude: 35.76343620, Longitude: -94.35298771

**Project #: 2021-092**

**Planner: Nick Little email: [nlittle@washingtoncountvar.gov](mailto:nlittle@washingtoncountvar.gov)**

*Philip Humbar made a motion to approve the agenda as written. Loren Shackelford seconded. All board members were in favor of approving. Motion passed.*

County

**b. Sonora Subdivision CUP**

*Conditional Use Permit Request*

Location: Section 11, Township 17, Range 29

Applicant: Engineering Services Inc.

Location Address: On Sonora Road WC 93

JP District: Patrick Deakins, District 5

Approximately: +/- 16.74 acres / 15 lots

Coordinates: Latitude: 36.16086993, Longitude: -94.04820580

Project #: 2021-096

Planner: Sita Nanthavong email: [snanthavong@washingtoncountvar.gov](mailto:snanthavong@washingtoncountvar.gov)

**APPLICANT'S REQUEST**

The applicant is requesting conditional use permit approval to allow the development of 15 single-family residential lots in an area that is zoned for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

**SITE INFORMATION**

|                 |                                                       |                  |                    |
|-----------------|-------------------------------------------------------|------------------|--------------------|
| Land Owner:     | Savanna C McCain Revocable Living Trust               | Parcel Number:   | 001-14900-000      |
| Site Location:  | Sonora Road                                           | Planning Area:   | None               |
| Acreage:        | 16.74 acres +/-                                       | QC District:     | 5, Patrick Deakins |
| Current Zoning: | Agriculture/Single-Family Residential 1 unit per acre | School District: | Springdale         |
| FIRM:           | 05143C0095F                                           | Fire District:   | Nob Hill           |
| Wetland:        | No                                                    | Watershed:       | None               |

**UTILITIES**

|              |                    |        |      |
|--------------|--------------------|--------|------|
| Electricity: | Ozark Electric     | Gas:   | None |
| Cable:       | Cox Communications | Phone: | AT&T |
| Water        | City of Springdale |        |      |

**BACKGROUND/SYNOPSIS**

This project came before the last Planning Board meeting on May 6, 2021. The projects (CUP and Preliminary Subdivision) were tabled to allow more Planning Board members to vote on the projects since a majority vote for the CUP could not be obtained. The information within this report is the same as last time. There are no updates. The applicant is requesting conditional use permit approval to develop a fifteen (15) lot subdivision on a lot that is approximately 16.74 acres in size. 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 the Planning Area. The subject parcels is located south of Highway 412 along Sonora Road, just south of the Sonora Elementary School. Being that some of the proposed lots are less than one (1) acre in size, a conditional use permit must be approved by the Planning Board and ratified by the Quorum Court.

**Subject Parcel & Acreage**

001-14900-000 16.74 acres +/-

**Proposed Lots & Acreage**

|       |             |        |             |
|-------|-------------|--------|-------------|
| Lot 1 | 1.05 ac +/- | Lot 9  | 1.00 ac +/- |
| Lot 2 | 1.00 ac +/- | Lot 10 | 1.00 ac +/- |
| Lot 3 | 1.00 ac +/- | Lot 11 | 1.00 ac +/- |
| Lot 4 | 1.00 ac +/- | Lot 12 | 0.89 ac +/- |
| Lot 5 | 1.02 ac +/- | Lot 13 | 0.88 ac +/- |
| Lot 6 | 1.00 ac +/- | Lot 14 | 0.88 ac +/- |
| Lot 7 | 1.00 ac +/- | Lot 15 | 0.87 ac +/- |
| Lot 8 | 1.00 ac +/- |        |             |

The subject parcel is currently vacant. There is an existing pond on proposed Lot 12. The applicant's developer states they will drain, muck, and fill the pond per County requirements. Please see the attached documents for more detailed information.

**COMPATIBILITY**

**Surrounding Land Use and Zoning**

| Direction from Site | Land Use                 | Zoning              |
|---------------------|--------------------------|---------------------|
| North               | Public Use               | CUP                 |
| 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 currently vacant and is accessible only from Sonora Road WC 33. The parcels directly to the north belongs to the Sonora Elementary School. These parcels have a conditional use to allow the non-conforming use of a school within the current County zoning. Just north of the school is E Hwy 412. Between the school and the proposed subdivision is a small tree line.

### County's Land Use Plan

According to the County's Land Use Plan:

#### SECTION III. PHYSICAL DEVELOPMENT

##### A. LAND USE CONSIDERATIONS

To achieve these objectives, it is essential to:

- a. To provide for development of residential areas at appropriate densities.
- 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;
- d. Protect the character and integrity, and property values, of single family, residential areas;
- 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

The proposed Conditional Use Permit is to allow the applicant to develop a 15 lot subdivision. A total of 4 of these lots will be under one (1) acre in size. Per Sec 11-88 Residential lot and block standards for subdivisions, the minimum area a lot must be is 10,000 square feet.

| Proposed Lot | Acreage per Plat | Square Feet |
|--------------|------------------|-------------|
| Lot 12       | 0.89 ac +/-      | 38,768      |
| Lot 13       | 0.88 ac +/-      | 38,332      |
| Lot 14       | 0.88 ac +/-      | 38,332      |
| Lot 15       | 0.87 ac +/-      | 37,897      |

Proposed lots 12-15 are well over the 10,000 square foot requirement. Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. The smaller lots are larger than the residential lot and block standards for subdivisions as set by the County and will be utilized for single-family uses.

### 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 for proposed Lots 12 through 15 due to their sizes being less than 1 acre.

### 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 any comments. Staff will update the Planning Board if there are comments.

**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 available upon request.                                                                                                                                                                                                                                                         |
| 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.                                                                                                                                                                           | The surrounding area is a mixed use of public use (school), agriculture, and residential. The Planning Area is adjacent to the subject parcel on the west side. There are a few subdivision developments nearby.                                                                                                                                                                                    |
| 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.                                                           | There is a school to the north of the subject property. A small subdivision development should not be detrimental to the immediate area and to the school. An extra 15-30 vehicles on Sonora Road should not discomfort existing residents of the area.                                                                                                                                             |
| 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 proposed residential lots will be accessed from a single access road connecting to Sonora Rd. All residences will be contained on the subject lot. The arrangement of lots and proposed residences should not impede on the enjoyment of the adjacent property owners. A small self-contained neighborhood should not substantially diminish and impair the surrounding area's property values. |
| 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.                                                                 | The conditional use request should not impede with the normal and orderly development and improvement of the surrounding area. Having parcels that are less than one acre in size, but yet larger than 0.75 acres should not be harmful or cause the surrounding area to be chaotic or be detrimental to the normal and orderly development and improvement of the area.                            |

**SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW**

| REVIEWER                          | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Staff<br>Sita Nanthavong | All items from the CUP checklist have been completed.                                                                                                                                                                                                                                                                                                                                                                                  |
| Electric<br>Ozarks Electric       | <ol style="list-style-type: none"> <li>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.</li> <li>All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.</li> </ol> |

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                             | <ol style="list-style-type: none"> <li>3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision 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.</li> <li>4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)</li> <li>5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.</li> <li>6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, re-sodding, etc.</li> <li>7. 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.</li> <li>8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.</li> <li>9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com</li> </ol> |
| <p>Water<br/>Springdale Water Utilities</p> | <ol style="list-style-type: none"> <li>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.</li> <li>2. Field locate and verify the location of existing water 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-foot is between the utility and easement line.</li> <li>3. 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.</li> <li>4. Please be advised that approved septic applications from the Arkansas Department of Health shall be submitted to Springdale Water Utilities.</li> <li>5. Steel encasements shall be required at all utility (water and sewer) crossings with storm drainage where pipes larger than 42-inch in diameter are proposed. The proposed 8" water line crosses a proposed 48" CMP pipe between Lots 11 and 12.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               | <ol style="list-style-type: none"> <li>6. Submit detailed plans to Springdale Water Utilities for review and approval prior to submitting to the Arkansas Department of Health.</li> <li>7. If perimeter walls, fences, or signs are proposed for the development, detailed drawings will need to be submitted for approval to this office prior to their construction.</li> <li>8. The final approval and acceptance of facilities proposed herein is subject to the acceptance by the utility of a utility spacing plan. Prior to any construction on this project, please submit a utility spacing plan. The Owner and Engineer must submit certain assurance in written form guaranteeing adherence to said plan.</li> <li>9. Please be advised that the fire hydrant placement, fire hydrant location, fire flow capacity and other items shall be in accordance with the requirements of the City of Springdale Fire Department, State Fire code, other agencies or jurisdiction. The Springdale Water Utilities makes no statements or formed any calculation regarding the capacity of the water system with respect to fire flow capacity. The Engineer shall be solely responsible to meet all requirements with respect to fire system capacity.</li> <li>10. Water system capacity in this area is very limited whereby maximum meter sizing for new installations in this area has been limited to individual 5/8-inchmeter sets per tract for new construction. A study is currently underway by the utility to determine availability of water services. Before any additional connections to the water system are allowed, the developer/engineer will be required to submit a detailed water system analysis for this proposed development showing the adequacy of the existing water system to support this type of development.</li> <li>11. The proposed water line appears to be crossing a subsurface wastewater disposal area. All necessary spacing requirements shall be met in this area.</li> </ol> |
| Fire Safety<br>WC Fire Marshal                | <ol style="list-style-type: none"> <li>1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| WC Environmental Affairs                      | <ol style="list-style-type: none"> <li>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. <a href="http://www.adeq.state.ar.us">www.adeq.state.ar.us</a></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| WC 911 Addressing<br>Dept. of Emergency Mgmt. | <ol style="list-style-type: none"> <li>1. A physical 911 address may be required. Please complete the Address Application, if needed.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**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**

1. Any damage or relocation of existing facilities will be at the owner’s or developer’s expense.
2. All offsite easements that are needed for utility service to the property/properties must be obtained by the developer and easement documentation may be required by the utility company.
3. All onsite easements must be shown on the plat and recorded with the County.
4. It is the owner/developer’s responsibility to contact each utility provider to determine what permits and/or easements will be required.

**Fire/Safety Conditions**

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner or their designee (Architect/Engineer).

### **Sewer/Septic Conditions**

1. The project will need review by the Arkansas Department of Health department.
2. It is the owner/developer's responsibility to contact the Arkansas Department of Health to determine what permits and designs are required prior to construction.

### **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](http://www.adeq.state.ar.us)

### **Drainage/Engineering Conditions**

1. All concerns from the Washington County Engineer must be addressed before final approval of this project may be given.
2. The Washington County Engineer must review and approve construction plans before the applicant may start to break ground for development.

### **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.

### **Signage Conditions**

1. Signs shall not be directly lit.
2. Signs may not exceed 24 square feet in size.
3. Signs must not be placed within right of ways.

### **Planning Conditions**

1. The applicant must address all technical review comments as the project proceeds through to completion.
2. Per Sec. 11-102 Vehicular access from private drive
  - a. No land development, including those subject to exemption as set out in Washington County Code 11-79, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.
  - b. Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.
  - c. No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.
  - d. This section shall not be applicable to interior roads in a land development.

### **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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. 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.*

*Neil Helm, Planning Board Member, inquired, "I continue to ask you why we're willing to approve a subdivision that does not meet the requirements of that particular subdivision in that particular area when it's clearly apparent that with one less lot the rules could be meet?"*

*Sita Nanthavong replied, "It is not up to staff to determine whether or not an applicant should change their site plan. They wanted this amount of lots and that is what they are proposing."*

*Neil Helm asked, "I don't disagree with that, but it is your position that they should follow the rules shouldn't they?"*

*Sita Nanthavong answered, "They are following the rules by being here tonight and asking for a CUP to have parcels at less than an acre. That is rule following, Sir."*

*Neil Helm stated, "It appears to me that they are just skirting the rules by asking for that."*

*Sita Nanthavong explained, "I personally believe that by being here tonight and being before this entire board, then also having to proceed with the Quorum Court with three separate readings. They are not skirting anything. In fact they are making it harder on themselves. That's four different meetings that they have to be scrutinized and asked questions about why they have parcels at less than an acre, Sir."*

*Neil Helm responded, "Thank you."*

*Philip Humbard, Planning Board Vice-Chairman, inquired, "All the requirement is, is that it has to be at least 10,000 sq. ft. before they can come to this request, they have to at least meet that requirement?"*

*Sita Nanthavong replied, "Yes."*

*Loren Shackelford, Planning Board Member, asked, "This is the project that's adjoining the school. There is city zoning in very close proximity to this that would allow quarter acre lots, basically across the street. This is the same property?"*

*Sita Nanthavong affirmed, "Yes, this is the same property."*

*Blake Murray, Engineer for the proposed project, addressed the Board, "First of all Sita, those are some impressive maps. I'm sure it took a while to color in all the quarter acres so thank you for that. I don't have a whole lot to add from what Sita said. I mean sure it would be nice to have all of them over an acre, but they were trying to get as many as they can. As you can understand we have a housing shortage. Right now prices are through the roof so losing a lot causes all the prices to go up. I heard in the last report at Fayetteville that the median house price was \$425,000. It wasn't five years ago that you could've gotten something for \$100,000 or less. Every time we lose a lot the prices go up because we*

have to pass those costs onto somebody. Originally we were very close to being in compliance. I was interpreting the street sections wrong. I talked with the County Engineer who is in charge of that. I looked at the street section and I thought it was a 50 ft. right-of-way instead of a 60, because of that now there are more lots that are underneath that threshold. Which is why we're requesting that. I don't feel like it's an unreasonable density or lot size based on this proximity to Highway 412 or the school. I'm happy to try to answer any questions you all may have. We do have an agreement with the school in place. We have an easement already signed for the water line going north. I don't foresee any issues moving forward."

No Public Comment

Public Comment Closed

Loren Shackelford stated, "Mr. Chair, I concur with staff comments that this is the proper procedure to go through to request the deviation from the lot size. Given the proximity of the school, with the density we see develop around new schools, I think this is very applicable for the neighborhood."

Loren Shackelford made a motion to approve the **Sonora Subdivision CUP** subject to staff recommendations. Lisa Miller seconded. Neil Helm opposed. All other Board Members were in favor of approving. Motion passed.

## 5. NEW BUSINESS

### LAND DEVELOPMENT HEARINGS

#### County

#### c. Sonora Subdivision Pre-Sub

##### *Preliminary Land Development Request*

Location: Section 11, Township 17, Range 29

Applicant: Engineering Services Inc.

Location Address: On Sonora Road WC 93

JP District: Patrick Deakins, District 5

Approximately: +/- 16.74 acres / 15 lots

Coordinates: Latitude: 36.16086993, Longitude: -94.04820580

Project #: 2021-090

Planner: Sita Nanthavong email: [snanthavong@washingtoncountyar.gov](mailto:snanthavong@washingtoncountyar.gov)

#### **APPLICANT'S REQUEST**

The applicant is requesting preliminary subdivision approval to allow the development of 15 single-family residential lots in an area that is zoned for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

#### **SITE INFORMATION**

|                 |                                                       |                  |                    |
|-----------------|-------------------------------------------------------|------------------|--------------------|
| Land Owner:     | Savanna C McCain Revocable Living Trust               | Parcel Number:   | 001-14900-000      |
| Site Location:  | Sonora Road                                           | Planning Area:   | None               |
| Acreage:        | 16.74 acres +/-                                       | QC District:     | 5, Patrick Deakins |
| Current Zoning: | Agriculture/Single-Family Residential 1 unit per acre | School District: | Springdale         |
| FIRM:           | 05143C0095F                                           | Fire District:   | Nob Hill           |
| Wetland:        | No                                                    | Watershed:       | None               |

#### **UTILITIES**

|              |                    |        |      |
|--------------|--------------------|--------|------|
| Electricity: | Ozark Electric     | Gas:   | None |
| Cable:       | Cox Communications | Phone: | AT&T |
| Water:       | City of Springdale |        |      |

#### **BACKGROUND/SYNOPSIS**

This project came before the last Planning Board meeting on May 6, 2021. The projects (CUP and Preliminary Subdivision) were tabled to allow more Planning Board members to vote on the projects since a majority vote for the CUP could not be obtained. The information within this report is the same as last time. There are no updates. The applicant is requesting preliminary subdivision approval to develop a fifteen (15) lot subdivision on a lot that is approximately 16.74 acres in size. The project parcel

is not in the Planning Area. The subject parcel is located south of Highway 412 along Sonora Road, just south of the Sonora Elementary School. Being that some of the proposed lots are less than one (1) acre in size, a conditional use permit must be approved by the Planning Board and ratified by the Quorum Court.

**Subject Parcel & Acreage**

001-14900-000 16.74 acres +/-

**Proposed Lots & Acreage**

|       |             |        |             |
|-------|-------------|--------|-------------|
| Lot 1 | 1.05 ac +/- | Lot 9  | 1.00 ac +/- |
| Lot 2 | 1.00 ac +/- | Lot 10 | 1.00 ac +/- |
| Lot 3 | 1.00 ac +/- | Lot 11 | 1.00 ac +/- |
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| Lot 7 | 1.00 ac +/- | Lot 15 | 0.87 ac +/- |
| Lot 8 | 1.00 ac +/- |        |             |

The subject parcel is currently vacant. There is an existing pond on proposed Lot 12. The applicant’s developer states they will drain, muck, and fill the pond per County requirements. 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                      | Public Use               | CUP                 |
| 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 currently vacant and is accessible only from Sonora Road WC 33. The parcels directly to the north belongs to the Sonora Elementary School. These parcels have a conditional use to allow the non-conforming use of a school within the current County zoning. Just north of the school is E Hwy 412. Between the school and the proposed subdivision is a small tree line.

**County’s Land Use Plan**

According to the County’s Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

B. LAND USE CONSIDERATIONS

To achieve these objectives, it is essential to:

- h. To provide for development of residential areas at appropriate densities.
- i. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
- j. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development;
- k. Protect the character and integrity, and property values, of single family, residential areas;
- l. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
- 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

A total of 4 of these lots will be under one (1) acre in size. Per Sec 11-88 Residential lot and block standards for subdivisions, the minimum area a lot must be is 10,000 square feet.

| Proposed Lot | Acreage per Plat | Square Feet |
|--------------|------------------|-------------|
| Lot 12       | 0.89 ac +/-      | 38,768      |
| Lot 13       | 0.88 ac +/-      | 38,332      |
| Lot 14       | 0.88 ac +/-      | 38,332      |
| Lot 15       | 0.87 ac +/-      | 37,897      |

Proposed lots 12-15 are well over the 10,000 square foot requirement. Staff feels that with the proposed conditions this project meets the goal of the County’s Land Use Plan. The smaller lots are larger than the residential lot and block standards for subdivisions as set by the County and will be utilized for single-family uses.

**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 for proposed Lots 12 through 15 due to their sizes being less than 1 acre.

**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 any comments. Staff will update the Planning Board if there are comments.

**SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW**

| REVIEWER                          | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Staff<br>Sita Nanthavong | <p>Please complete the following from the Preliminary Subdivision checklist:</p> <ul style="list-style-type: none"> <li>a. Item 14 - Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.</li> <li>b. Item 15 - Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. If none, add a note to the plats stating there are none.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Electric<br>Ozarks Electric       | <ol style="list-style-type: none"> <li>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.</li> <li>2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.</li> <li>3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision 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.</li> <li>4. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)</li> <li>5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.</li> <li>6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is</li> </ol> |

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | <p>determined at the time the engineering design for electrical service)<br/> There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, re-sodding, etc.</p> <ol style="list-style-type: none"> <li>7. 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.</li> <li>8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.</li> <li>9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>Water<br/> Springdale Water Utilities</p> | <ol style="list-style-type: none"> <li>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.</li> <li>2. Field locate and verify the location of existing water 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-foot is between the utility and easement line.</li> <li>3. 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.</li> <li>4. Please be advised that approved septic applications from the Arkansas Department of Health shall be submitted to Springdale Water Utilities.</li> <li>5. Steel encasements shall be required at all utility (water and sewer) crossings with storm drainage where pipes larger than 42-inch in diameter are proposed. The proposed 8" water line crosses a proposed 48" CMP pipe between Lots 11 and 12.</li> <li>6. Submit detailed plans to Springdale Water Utilities for review and approval prior to submitting to the Arkansas Department of Health.</li> <li>7. If perimeter walls, fences, or signs are proposed for the development, detailed drawings will need to be submitted for approval to this office prior to their construction.</li> <li>8. The final approval and acceptance of facilities proposed herein is subject to the acceptance by the utility of a utility spacing plan. Prior to any construction on this project, please submit a utility spacing plan. The Owner and Engineer must submit certain assurance in written form guaranteeing adherence to said plan.</li> <li>9. Please be advised that the fire hydrant placement, fire hydrant location, fire flow capacity and other items shall be in accordance with the requirements of the City of Springdale Fire Department, State Fire code, other agencies or jurisdiction. The Springdale Water Utilities makes no statements or formed any calculation regarding the capacity of the water system with respect to fire flow capacity. The Engineer shall be solely responsible to meet all requirements with respect to fire system capacity.</li> </ol> |

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               | <p>10. Water system capacity in this area is very limited whereby maximum meter sizing for new installations in this area has been limited to individual 5/8-inch meter sets per tract for new construction. A study is currently underway by the utility to determine availability of water services. Before any additional connections to the water system are allowed, the developer/engineer will be required to submit a detailed water system analysis for this proposed development showing the adequacy of the existing water system to support this type of development.</p> <p>11. The proposed water line appears to be crossing a subsurface wastewater disposal area. All necessary spacing requirements shall be met in this area.</p> |
| Fire Safety<br>WC Fire Marshal                | 1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WC 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. <a href="http://www.adeq.state.ar.us">www.adeq.state.ar.us</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| WC 911 Addressing<br>Dept. of Emergency Mgmt. | 1. A physical 911 address may be required. Please complete the Address Application, if needed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

### RECOMMENDATION & CONDITIONS

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

#### Utility Conditions

1. Any damage or relocation of existing facilities will be at the owner's or developer's expense.
2. All offsite easements that are needed for utility service to the property/properties must be obtained by the developer and easement documentation may be required by the utility company.
3. All onsite easements must be shown on the plat and recorded with the County.
4. It is the owner/developer's responsibility to contact each utility provider to determine what permits and/or easements will be required.

#### Fire/Safety Conditions

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner or their designee (Architect/Engineer).

#### Sewer/Septic Conditions

1. The project will need review by the Arkansas Department of Health department.
2. It is the owner/developer's responsibility to contact the Arkansas Department of Health to determine what permits and designs are required prior to construction.

#### 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](http://www.adeq.state.ar.us)

#### Drainage/Engineering Conditions

1. All concerns from the Washington County Engineer must be addressed before final approval of this project may be given.
2. The Washington County Engineer must review and approve construction plans before the applicant may start to break ground for development.

**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.

**Signage Conditions**

1. Signs shall not be directly lit.
2. Signs may not exceed 24 square feet in size.
3. Signs must not be placed within right of ways.

**Planning Conditions**

1. The applicant must address all technical review comments as the project proceeds through to completion.
2. Per Sec. 11-102 Vehicular access from private drive
  - a. No land development, including those subject to exemption as set out in Washington County Code 11-79, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.
  - b. Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.
  - c. No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.
  - d. This section shall not be applicable to interior roads in a land development.

**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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. 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, Planning Board Chairman, inquired, "In reference to one picture that you showed to the north. Do we know what the line of sight distance is? If you are taking the picture from where the entrance is going to be to the subdivision. What is that line of sight to the north? With that little rise in the hill and everything it just looked a little short there."*

Blake Murray replied, "I don't have that number with me. I am happy to work with the Staff Engineer to make sure he's happy. If you want to make that a condition I'm okay with that. Apart from that I am happy to discuss any questions ya'll might have."

Kiara Luers, Planning Board Member, asked, "Is it possible to add that condition at this moment?"

Nathan Crouch affirmed, "Yes."

No Public Comment

Public Comment Closed

Kiara Luers made a motion to approve the **Sonora Subdivision Pre-Sub** subject to staff recommendations with the addition of a condition that the applicant work with the Engineer in order to verify sight lines looking north and south. Loren Shackelford seconded. All Board Members were in favor of approving. Motion passed.

County

**d. Minor Sub Replat Lots 4 & 5 Daugherty Subdivision**

*Preliminary & Final Land Development Requests*

Location: Section 25, Township 14, Range 33

Applicant: Satterfield Land Surveyors

Location Address: 20288 Boys Home Road WC 431

JP District: Willie Leming, District 13

Approximately: +/- 4.46 acres / 2 lots

Coordinates: Latitude: 35.86638362, Longitude: -94.44816172

Project #: 2021-134

Planner: Nick Little email: [nlittle@washingtoncountyar.gov](mailto:nlittle@washingtoncountyar.gov)

**APPLICANT'S REQUEST**

The applicant is requesting minor subdivision replat approval in order to split a platted subdivision lot into 2 new lots, both of which are less than 5 acres.

**SITE INFORMATION**

|                 |                                            |                  |                    |
|-----------------|--------------------------------------------|------------------|--------------------|
| Land Owner:     | Tony & Jennifer Grim                       | Parcel Number:   | 202-00001-000      |
| Site Location:  | 20288 Boys Home Road WC431,<br>Lincoln, AR | Planning Area:   | None               |
| Acreage:        | 4.51 acres +/-                             | QC District:     | 13, Willie Leming  |
| Current Zoning: | Conditional Use/Ag SFR 1                   | School District: | Lincoln            |
| FIRM:           | 05143C0475G                                | Fire District:   | Morrow Rural - 101 |
| Wetland:        | No                                         | Watershed:       | None               |

**UTILITIES**

|              |                |        |          |
|--------------|----------------|--------|----------|
| Electricity: | Ozark Electric | Gas:   | None     |
| Cable:       | None           | Phone: | PG Telco |
| Water:       | Lincoln Water  |        |          |

**BACKGROUND/SYNOPSIS**

The applicant, Chris Newman, is requesting minor subdivision replat approval in order to split a platted subdivision lot. The parent parcel is 4.51 acres and is a platted lot in Daugherty Subdivision. The new lots will be 3.24 and 1.27 acres in size. The zoning is listed as Conditional Use, but the standard agricultural and single family residential uses remain applicable to this property. The project parcel is not in a planning area. The proposal is located on the northern side of Boys Home Road WC431. Both new lots will access Boys Home Road via a 30' utility and access easement. There are no residential structures on the property at this time. The applicant and current property owner are proposing to build single family homes on each of the new lots.

## 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 // CUP |
| South                      | Residential              | Ag/SF Res 1 unit/ac // CUP |
| East                       | Agricultural/Residential | Ag/SF Res 1 unit/ac // CUP |
| West                       | Agricultural             | Ag/SF Res 1 unit/ac        |

### 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

No comments were received from any jurisdictional reviewers concerning this project. Planning Staff will update the Board should any further comments be received.

### RECOMMENDATION & CONDITIONS

Staff has reviewed the submitted documents and recommends approval with the following conditions:

#### Planning Conditions

1. The parent parcel is already zoned for Conditional Use. Any change in the use of this property, outside of residential or agricultural use, will have to be presented to the Planning Board for their consideration.

#### 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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

*Washington County Planner, Nick Little, presented the staff report with updates for the Board Members.*

*Joel Kelsey inquired, "Nick, I am trying to remember, but looking at this last picture with the two current manufactured homes are those on the same parcel that they are asking for on this right here?"*

*Nick Little responded, "No, they are not. They're on a different piece of land. The fence back there signifies the southern property boundary to my knowledge?"*

*Loren Shackelford asked, "The City of Lincolns comments on the water if we do this lot split are we going to note on the plat or somewhere that a water tap is not guaranteed? Or is it our responsibility to do so?"*

Nick Little answered, "I don't know if it's our responsibility necessarily."

Loren Shackelford responded, "If I am understanding it correctly Lincoln's saying that if we split this they're not guaranteeing there would be an additional water tap available for whoever bought the lot that is being created."

Nick Little replied, "Right."

Nathan Crouch added, "Not without upgrades."

Lisa Miller, Planning Board Member, inquired, "Who pays for the upgrades?"

Nick Little replied, "I imagine the applicant would have to."

Ricky Hill, Engineer for the proposed project, addressed the Board, "My apologies Nick, we've addressed all the access issues if you want to have that. I thought that they had sent it to you today, sorry about that Nathan. We've addressed the easement issues. The applicant is aware of the water situation. There won't be any other structures where they're going to build the new two residences. One on each tract. One on four and one on five. I think we've met all the requirements that they had asked us to take care of."

Nick Little asked, "The new easement, it extends down to where the publicly maintained boys home is?"

Ricky Hill replied, "Yes. Two of the existing easements were already filed of record. We attached our easement to the two existing easements and made it a flow straight through so that they come off of one existing easement cross on the new portion and then hit the additional existing easement to access the property. We will put a note on there about the water. That won't be a problem."

No Public Comment

Public Comment Closed

Kiara Lures made a motion to approve the **Minor Sub Replat Lots 4 & 5 Daugherty Subdivision** subject to staff recommendations. Philip Humbar seconded. All Board Members were in favor of approving. Motion passed.

County

**e. Blue Springs RV Park Pre-LSD**

***Preliminary Large Scale Development Request***

Location: Section 06, Township 17, Range 28

Applicant: Blew & Associates

Location Address: 20540 Blue Springs Road WC 70

JP District: Patrick Deakins, District 5

Approximately: +/- 32.13 acres / 1 parcel

Coordinates: Latitude: 36.16998992, Longitude: -94.00358408

Project #: 2021-134

Planner: Sita Nanthavong email: [snanthavong@washingtontyvar.gov](mailto:snanthavong@washingtontyvar.gov)

**APPLICANT'S REQUEST**

The applicant is requesting preliminary large scale development approval to begin construction on Phase One of the Blue Springs RV Park.

**SITE INFORMATION**

|                 |                                                       |                  |                    |
|-----------------|-------------------------------------------------------|------------------|--------------------|
| Land Owner:     | Capstone Builders, Inc                                | Parcel Number:   | 001-13720-003      |
| Site Location:  | 20540 Blue Springs Rd WC 70                           | Planning Area:   | None               |
| Acreage:        | 31.91 acres +/- per survey                            | QC District:     | 5, Patrick Deakins |
| Current Zoning: | Agriculture/Single-Family Residential 1 unit per acre | School District: | Springdale         |
| FIRM:           | 05143C0095F                                           | Fire District:   | Nob Hill Rural     |
| Wetland:        | No                                                    | Watershed:       | Beaver Lake        |

## UTILITIES

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

## BACKGROUND/SYNOPSIS

The applicant is requesting preliminary large scale development approval to begin construction on Phase One of the Blue Springs RV Park. The Conditional Use Permit for this project was approved by the Planning Board on November 5, 2020. The CUP was ratified by the Quorum Court on March 18, 2021. 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 Blue Springs Rd WC 70 which is just south of Hwy 412. The project parcel is approximately 31.91 acres. The project will be accessible from Blue Springs Road WC 70. The applicant is intending to install Phase One of their Large Scale Development Plan. This includes 63 RV pads with associated asphalt paved driveways, RV park entrance, office, clubhouse, septic areas, parking areas, dog kennels, and a pool. 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                      | 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 mixed with agricultural and residential uses. The property is currently vacant. The western portion that borders the road is cleared off trees. The eastern, southern, and northeastern boundaries are wooded with trees.

### Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. 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 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

| REVIEWER                                        | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Planning Staff</b><br><b>Sita Nanthavong</b> | Please provide or update the following from the Pre-LSD checklist <ul style="list-style-type: none"><li>• Item 8: Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. Include parcel numbers.</li><li>• Item 9: All LSD Plans presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer. (sec. 13-1)</li><li>• Item 14: Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.</li></ul> |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                       | <ul style="list-style-type: none"> <li>Item 15: Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. If none, add a note to the plans stating there are none. (Signature Block 6)</li> <li>Item 19: Proposed use of all land within the development.</li> <li>Item 22: Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Electric<br/>Ozarks Electric</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Water<br/>City of Springdale</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Gas<br/>Source Gas</b>                             | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Phone<br/>AT&amp;T</b>                             | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Cable<br/>No provider</b>                          | No comments received. No cable provider.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Fire District<br/>Nob Hill Rural</b>               | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Fire Safety<br/>WC Fire Marshal</b>                | 1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. I can meet with a representative to sign acknowledgement form.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>School District<br/>Springdale School District</b> | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Safety<br/>WC Sheriff's Dept</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Septic/Sewer<br/>Dept. of Health</b>               | <p>From Richard S Murphree, RS. Env Manager</p> <ul style="list-style-type: none"> <li>I understand that the proposed development was initially submitted for review back in 2012. Any approval or agreements made at that time would no longer be valid.</li> <li>Soils must be evaluated in the areas of the proposed primary and secondary disposal fields.</li> <li>The wastewater disposal system must be reviewed and approved by ADH Div. of Engineering.</li> <li>Due to the number of connections, approval may also be required from ADEQ.</li> <li>The area is very steep and may prohibit system installation. This would need to be considered and addressed during the design.</li> <li>The development is in close proximity to Beaver Lake, the source of drinking water for much of NW Arkansas. Density and effluent quality should be considered.</li> <li>The proposed pool would be considered "public". Plans must be reviewed and approved by ADH before construction.</li> </ul> |
| <b>Planning Area</b>                                  | No comments received. Not in a planning area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Drainage<br/>Garver</b>                            | <p>Please see attached for more details</p> <ul style="list-style-type: none"> <li>• Pre Developed Drainage Areas (page 28 of 103) <ul style="list-style-type: none"> <li>○ This should be channel flow as the runoff is in a well defined channel.</li> <li>○ These three segments are all labeled as 100' but appear to be different lengths, update so that lengths are labeled correctly.</li> <li>○ Provide a north arrow and scale on this drainage area map.</li> <li>○ Drainage area boundaries should be perpendicular to contours, update this boundary to reflect that.</li> </ul> </li> <li>• Post Developed Drainage Areas (page 29 of 103) <ul style="list-style-type: none"> <li>○ This appears to be mostly channel flow, not sheet flow. Sheet flow should be limited to 100' max. as shown in the pre development phase.</li> <li>○ Sheet flow should be limited to 100' max for all drainage areas as shown in the pre development phase.</li> <li>○ Does the post area #1 TOC start here as shown? The TOC should begin at the most hydrologically distant point in the watershed.</li> <li>○ Will the future RV parking spaces be graded so that runoff drains as shown? This boundary is drawn based on existing contours.</li> <li>○ Drainage area boundaries should be perpendicular to contours, update this boundary to reflect that.</li> <li>○ This should be channel flow as the runoff is in a well defined channel.</li> </ul> </li> <li>• TR55 Tc Worksheet (page 37 of 103) <ul style="list-style-type: none"> <li>○ Update pre and post TOC calculations as necessary.</li> </ul> </li> <li>• TR55 Tc Worksheet (page 47 of 103) <ul style="list-style-type: none"> <li>○ Update pre and post TOC calculations as necessary.</li> </ul> </li> </ul> |
| <b>WC Environmental Affairs</b>                       | <ol style="list-style-type: none"> <li>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. <a href="http://www.adeq.state.ar.us">www.adeq.state.ar.us</a></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Roads<br/>WC Road Department</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>WC 911 Addressing<br/>Dept. of Emergency Mgmt.</b> | <ol style="list-style-type: none"> <li>1. A physical 911 address may be required. Please complete the Address Application, if needed.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

**RECOMMENDATION & CONDITIONS**

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

**Utility Conditions**

1. Any damage or relocation of existing facilities will be at the owner's or developer's expense.
2. All offsite easements that are needed for utility service to the property/properties must be obtained by the developer and easement documentation may be required by the utility company.
3. All onsite easements must be shown on the plat and recorded with the County.
4. It is the owner/developer's responsibility to contact each utility provider to determine what permits and/or easements will be required.

**Fire/Safety Conditions**

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner or their designee (Architect/Engineer).

**Sewer/Septic Conditions**

1. The project will need review by the Arkansas Department of Health department.
2. It is the owner/developer's responsibility to contact the Arkansas Department of Health to determine what permits and designs are required prior to construction.

**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](http://www.adeq.state.ar.us)

**Drainage/Engineering Conditions**

1. All concerns from the Washington County Engineer must be addressed before final approval of this project may be given.
2. The Washington County Engineer must review and approve construction plans (if applicable) before the applicant may start to break ground for development.

**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.

**Signage Conditions**

1. Signs shall not be directly lit.
2. Signs may not exceed 24 square feet in size.
3. Signs must not be placed within right of ways.

**Planning Conditions**

1. The applicant must address all technical review comments as the project proceeds through to completion.
2. This request is for the Phase One of the project. When the applicant is ready to start development on Phase Two, they must return for review and approval before beginning construction.
3. Please refer to the CUP conditions for the Blue Springs RV Park. These conditions must be met 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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. 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.*

*Kiara Lures inquired, "I just wanted to clarify you said that the septic would be a part of Phase 1?"*

*Sita Nanthavong replied, "Yes, both septic fields."*

*Cody Sexton, Engineer for the proposed project, addressed the Board Members, "I don't have a whole lot to add to what Sita has put in the presentation. I will bring up a couple of issues that have been topics of conversation through the conditional use permit for the project. I wanted to point out that the trees that are existing on the property we've had conversations where people were afraid that we were going to come in on the project and you know scorched earth wipe out all the trees on the property. That would completely be counter intuitive to what the objective of the project is. If you look at the layout of the project and the places where everything is going to go in all of the pads and buildings will be in areas that already don't have trees. The areas that are already fields. We have landscaping plans to add more trees to the property than what is already there. It's actually going to have more landscaping and more trees than the natural forest that is out there today. The second topic that I wanted to bring up is the stormwater/rainwater coming off of the entirety of the 30 plus acre development. I know we've had conversations where people are concerned because it's a very hilly area and there are deep ravines that come off of the property we have designed with standard stormwater management practices where we're actually going to be able to hold back that water. It will leave the site slower than what it is leaving the site today. If there are concerns about that water rushing off and carrying away sediment or vegetation debris or anything like that, which at some point is going to make its way downstream to where we are. We've already addressed that to where it is going to be in a better condition than what it is today. The third item just to reiterate obviously with the septic system that will be constructed at some point with the project that you know not a single thing is ever going to happen on this project until that has all been thoroughly reviewed by the State of Arkansas and permitted. Nothing is going to happen there until 100% everyone on the planet is happy that it's going to be done correctly. That's all I have to add at the moment."*

#### *Public Comment*

*Colleen Gaston, Staff Attorney for Beaver Water District, addressed the Board, "Beaver Water District supplies the treated drinking water for most of the cities of Northwest Arkansas. Our sole source of untreated water is Beaver Lake. As some of you may recall Beaver Water District objected during the Conditional Use Permit process to the density proposed for the Blue Springs RV Park because of the associated sediment pollution, stormwater runoff and wastewater issues that pose a threat to water quality in Blue Springs Cove and Beaver Lake. Our concerns about these issues remain and have not been addressed by the applicant in the materials filed for the large-scale development. As noted by the Engineer for the County there are numerous deficiencies in the stormwater management report that was submitted. If you look at the staff's report you can see a list of those deficiencies. Similarly the applicant has submitted insufficient information for the Arkansas Department of Health to make an assessment regarding the planned wastewater treatment for the development. During the preliminary large-scale development process Beaver Water District did let the planning staff know that we agreed with and supported the comments of the Arkansas Department of Health. As of this afternoon, when I checked the Arkansas Department of Health has not received anything from Blue Springs RV. We ask that the*

*Planning Board not approve this preliminary large-scale development at least until the applicant has submitted information sufficient to address the stormwater management and wastewater treatment that will be installed. Simply approving the preliminary large-scale development subject to a long list of conditions that may or may not be ultimately verified or that are at least difficult for Beaver Water District and the general public to find out about, track or review will not be adequate to protect the water quality of the lake. Additionally the conditions enumerated by the staff while helpful do not fully reflect the deficiencies in the stormwater management report and the comments submitted by the Department of Health. The staff's sewer/septic conditions state that the project will need review only by the Arkansas Department of Health. The Department of Health's comments however specifically stated that the area is very steep and may prohibit installation and that approval may also be required from ADEQ. ADEQ is now the Arkansas Department of Energy Environment Division of Environmental Quality. Also, the topsoil has been removed as was discussed previously. The flat part of this property was illegally used as a dirt mine in the recent past. At least the top two or three topsoil has been removed on all the level areas. The Department of Health requires that undisturbed soil must be used for septic systems. The rest of the areas trees, the applicant has said the steeper parts of the area are treed and the applicant has just stated tonight that it does not intend to remove those trees. The issue of wastewater treatment in Beaver Water District review is an unknown and serious concern. In addition to the County Engineer's comments on the stormwater management report it appears to Beaver Water District Engineers that the future expansion, what you have before you tonight is just phase one, will drain to the same detention basin proposed to be used for phase one, but those volumes of runoff were not taken into consideration in the calculations. We thank you for your consideration of Beaver Water District's concerns and for our request to table this matter until the applicant addresses the deficiencies and provides the missing information."*

*Shannon Sherman, Neighbor at 20416 Blue Springs Road, addressed the Board Members, "I noticed tonight just reading the project description it states in an area zoned as agricultural/single-family, 1 unit per acre. That's what the description says. It doesn't say circumvent that rule it says one unit per acre. I appreciate what Ms. Colleen just stated to you concerning the specifics and the legalities, but as a community we have opposed this project. This is my fourth time to speak. It has been noted. It is documented that this is an issue for our community. We received literature from the water shed itself and part of that literature showed the soil concerns. That area can receive government money to protect the lake. To prevent runoff, etc. They're willing to give money to the patrons in that community to protect the lake due to the type of soil we have. Specifically we have one group trying to give money to patrons to protect the area and we have others who are trying to come in and affect the lake with septic issues and potential runoff. If you've ever been to that end of the lake after heavy rains you can see the soil running into the lake. It changes color. There's definitely going to be runoff there. No one in our community wants to try to prohibit or force our will on this landowner. Not one person. The only thing I've heard from anyone except for the concerns about our drinking water, a dangerous curve that has been yet addressed by anybody pushing the project, that hasn't been addressed. There's a curve there that is a concern. It's a concern by everybody, but the main thing is let's just stick to the rules, one unit per acre. I hope that you can understand where we are coming from. I'm on a natural spring, not on well water. I have a submergible pump that pumps my water from the spring to my home. Yeah, we are concerned about our drinking water. We're not on County water. We don't have that luxury, but the steep ravines are there. The runoffs are going to reach the lake. I have video I can present that, the rocky soil. The NRCS wouldn't even provide us with an opportunity to help us develop a pond due to the soil. Based on their satellite imagery. I can provide that. Again the community, we're just concerned about our drinking water. We're concerned about the number of RV Parks that will be there. 111 seems very excessive. The septic waste, I don't know what 32 homes would produce in a month's time, but I can only imagine the number of RV's that would be coming in and out dumping waste. Using it as a dumping area. I'm pretty certain that it would be much greater than family dwellings at one unit per acre. There are no numbers to back that up from my end nor the developer. Again we talked about the dangerous curve. We're concerned as to what else is coming to our community with the forth RV Park within 2 miles. There is going to be a fourth RV Park within 2 miles of each other. It almost feels like again, one unit per acre is being thrown out the window. We didn't create that. We didn't establish that standard, someone else did. I was told that I should know about the RV Park because it's public record. I'm pretty sure one unit per*

acre is zoned agricultural/single-family dwelling is public record. I'm pretty confident that is a public record for anybody to see the same as I could have seen that this RV Park was coming to a property that I've purchased, but again I'll let that be. We're just concerned about our water quality and our environment in the community. I appreciate the time and the opportunity to speak to you tonight. Thank you."

Cody Sexton commented, "Every single one of the items that the Water Authority and Mr. Sherman have brought up are something that we're very sensitive to. We don't want any of those things to be an issue either. Running down some of the comments that were made, as I mentioned before pertaining to the stormwater the comment was made that there were multiple deficiencies in the design in the report that was prepared. I'm certain that she is speaking about the previous report that was a couple of weeks ago. I'm sure that Sita can point out later, that at that time all of the comments from the County's reviewing Engineer we did address and added to. All of the questions that they had on the stormwater report we sent in just this morning. There were a handful more of minor comments that we did receive from the County. Which we will once again of course deal with expeditiously because like I said we want everything to be absolutely perfect. We don't want there to be stormwater issues on our project any more than anyone else does, but I will state that those previously mentioned deficiencies have been addressed. Those are in the City's hands. Maybe that information just hasn't been run the rest of the way down the line. The comment was made that nothing on our project has been submitted to the State of Arkansas, ADQ, Department of Health or anything along those lines. You're correct. Absolutely nothing has been submitted to the state yet. The reason for that is because that is the whole reason that we're here tonight. We're still in the Preliminary Large Scale Development phase. That permitting process isn't something that is going to happen on the project until we get much farther down the line into the Large Scale Development. Obviously it is economically infeasible for the developer to have us have the entirety of the project at 100% today, and to turn those documents over to the Arkansas Department of Health or any other agencies, because we're not there yet. We're still working through this process, with you guys, so yes that is correct. That's not a part of the process until we hit a few more steps down the line. Once the Preliminary has been approved and more when we're towards the end of the Large Scale Development. Yes, absolutely that is something that is going to happen. We're just too early in the process for that today. I know we had mention of curves on the access into it. Sita did specifically bring that up and mentioned in her presentation where she talked about the line of sight distances that we do have on both sides of the entrances coming in. Also she did mention in her presentation that our developer is actually very receptive to installing an additional lane. Specifically for the purpose of giving an acceleration lane for vehicles on his property to come out to be out of the way. Even though that might not technically be necessary for the line of sight. This was something that he came up with on his own just to make people feel more comfortable with the situation with the roads, the line of sight, and the distances out there. Then going back to the comments about the uses of the property and the zoning, agricultural versus the uses that we are working towards. Well, that's why we went through that whole process with the Conditional Use Permit, which has already been approved. That's about it, unless you guys have any other questions or me. I'd be happy to answer them."

Philip Humbard asked, "What about the issue of the septic areas being mines for topsoil?"

Cody Sexton answered, "Yeah, topsoil has been stripped off previously by a previous property owner, but we're actually talking about the soil underneath because that is where your lateral line receptors go. Underneath that hasn't been destroyed. If you're talking about your septic system for your house. You are not putting your lateral lines on the topsoil. It's three feet or four feet underneath or whatever its going to be. That's the soil that we are talking about that has still been undisturbed."

Joel Kelsey inquired, "Nathan, in reference to his comment where the applicant had talked about possibly adding an extra turning lane, is that a condition that we can add?"

Nathan Crouch replied, "Yes sir, we can add any kind of condition we want within reason."

Joel Kelsey asked, "Okay then in reference to the paperwork to the State does that normally, you know

what I mean?"

*Nathan Crouch answered, "There's a process to go through with getting septic systems whether they are residential or whether they are commercial. Getting them approved and no doubt they need to go down to the engineering section at the Arkansas State Health Department. As far as I know that can go down anytime, but I would say that it's probably not conducive to send it down there until you've got a lot of the details ironed out."*

*Joel Kelsey responded, "There are many details to iron out. I was just trying to figure out if it needed to be you know because if you submit the paperwork and you send it down there and it doesn't get approved there's no sense going anywhere. I'm wondering if we get the chicken before the egg in this deal."*

*Nathan Crouch explained, "Right, and you know the one bit of advice that I always give everybody on the front end is get your septic figured out, but everyone approaches the process a little differently."*

*Lisa Miller inquired, "I'm also concerned about the septic and the water as well. I'm assuming and we all know what the first three letters of that word are, that this land has perked out and a perk test has already been done for the septic?"*

*Cody Sexton replied, "Yes, tests have been done by the soils engineer for the two locations for the septic on this specific parcel."*

*Lisa Miller asked, "How long ago?"*

*Cody Sexton answered, "I do not remember off the top of my head."*

*Lisa Miller continued, "For the current land owner?"*

*Cody Sexton responded, "Yes, for the current land owner. He has owned the property for several years. He's actually been through this same process a couple of times."*

*Lisa Miller went on, "Also earlier you stated that a CUP had already been approved?"*

*Joel Kelsey affirmed, "Yes, this has already been before us. As stated by Sita before it's already gone through the Quorum Court for ratification."*

*Cody Sexton recounted, "We've been through this process. Now this time is for the Pre-LSD. We're not springing anything on you guys. We don't want to have problems with the septic system either. That is definitely not going to move forward one centimeter until everything is absolutely perfect. If it's not going to be a profitable project if there's a big septic mess with all of them."*

*Lisa Miller inquired, "Nathan, what do you recommend on this situation with the septic?"*

*Nathan Crouch replied, "We can make conditions all day long other than that I don't really make recommendations."*

*Joel Kelsey stated, "That was the reason why I asked about the extra turning lane. If we can add that condition. I think that's a great idea. It helps address the curve issue and so forth. I understand the situation and explanation of the paperwork."*

*Nathan Crouch communicated, "Mrs. Miller, let me clarify I do make recommendations a lot, but we don't design projects we review what is given to us and we send it out to the reviews to review it. I think this still has a few more hurdles to pass especially the State. We're just on the County level right now. We have code that says that none of these approvals on this level will be valid until those approvals from the state come in also. It's still pretty conceptual."*

*Cody Sexton added, "If I can reiterate even here tonight we're not even at the Large Scale Development. We're still just at the Preliminary Large Scale Development. We've got a lot more meetings with you guys and you guys are going to see this again."*

*Lisa Miller asked, "You all have more work to do, is what you're telling me?"*

*Cody Sexton answered, "Yes, which is why you aren't seeing a 100% polished product."*

*Joel Kelsey asked for clarification, "I think Phil pointed it out. The extra turning lane you were talking about, is that coming out of the RV Park going east?"*

*Cody Sexton responded, "Yes, so that if you're coming around the corner that RV or trailer is not even in your lane. He is off to the side. That guy pulling out, he's got time to goose it and get up to speed. That was Mr. Ditch's idea before we even looked at the numbers for the line of sight. He's really got a great business plan. He wants to have a top notch development."*

*Colleen Gaston commented, "Just a couple of things, but I'll start by asking a question. If in fact the public will have a full opportunity to comment on the Large Scale Development? I guess I have a question about what this process is if we're not really seeing how this project is going to look. There are two areas shown for septic fields. One for the pool house, laundry and so on. The other for the RV slots. There is no alternate leech field shown. We have real concerns if this is even feasible. I guess the applicant is saying 'Well it's up to them to go forward', but the Department of Health has concerns. Beaver Water District has concerns. There's no alternate leech field for either of those two shown. The idea that you can remove topsoil and just lay leachate lines and that's good is not correct. Again, the Department of Health requires undisturbed soils for septic systems. That's another issue. On the stormwater I appreciate that things may have been submitted, but what we reviewed was what was posted on the website, what we got from the Planning Staff, what is contained in the staff report that you have and that's also posted on the website. That staff report lists a number of deficiencies in the stormwater management report. If those have been corrected wonderful. We'd appreciate an opportunity to see them. Again, that's why we were asking that this matter be tabled just long enough to do those things and perhaps for the applicant to investigate further on the wastewater treatment issue."*

#### *Public Comment Closed*

*Joel Kelsey inquired, "The question in reference to the septic, once they submit paperwork if there's questions in reference to what Mrs. Gaston's relaying to the Health Department will let them know. That'll be handled from there before it gets to a certain point, correct? They either approve it or they don't approve it once they take a look at it and go from there, if there's issues. That's not anything that we can do. The stormwater, in reference to her questions on the staff report and so forth about the issues that were there that she claims are deficiencies, have those been addressed?"*

*Nathan Crouch replied, "One would hope. Our process is such that our County Engineer makes comments regarding stormwater and county roads. Whenever we have stormwater issues in county roads we end up working closer with the engineer on that project. We sure aren't signing off on a final until our County Engineer is satisfied. We're the last ones to sign before the Judge. We're not signing until the Health Department has signed it. Our County Engineer doesn't sign, but we reach out to him and we get his thumbs up first. We're not signing and we're not sending it up to the Judge to sign, then to be filed at the Courthouse, until all these jurisdictional reviewers have given us a thumbs up."*

*Joel Kelsey stated, "Okay. I'm not sure where it's going, but if it goes in one direction I would like to see that acceleration lane."*

*Jay Percy made a motion to approve the **Blue Springs RV Park Pre-LSD** subject to staff recommendations with the addition that the applicant install an acceleration lane. Loren Shackelford seconded. All Board Members were in favor of approving. Motion passed.*

## **CONDITIONAL USE PERMIT HEARINGS**

Goshen Planning Area

### **f. Fritchie Farms CUP Amendment**

#### *Conditional Use Permit Amendment Request*

Location: Section 05, Township 16, Range 28

Applicant: Matt Fritchie

Location Address: 15810 Ball Road WC 33

JP District: Butch Pond, District 15

Approximately: +/- 17.30 acres / 1 parcel

Coordinates: Latitude: 36.08389151, Longitude: -93.97847394

Project #: 2021-135

Planner: Nathan Crouch email: [ncrouch@washingtoncountvar.gov](mailto:ncrouch@washingtoncountvar.gov)

### **APPLICANT'S REQUEST**

The applicant is requesting specific amendments to the conditions in the existing conditional use permit for Fritchie Farms (CUP 2015-075), which was approved in July, 2015. The requested amendments are:

1. Increase maximum occupancy from 175 (self-imposed limit) to 250.  
\*There may be additional septic requirements for this increase.
2. Expand hours of operation.  
Current hours: Friday- 10:00 am to 10:00 pm, Saturday- 8:00 am to 10:00 pm.  
Requested hours: Sunday thru Thursday- 10:00 am to 10:00 pm, Friday & Saturday- 8:00 am to 12:00 am.
3. Amplified music  
Play amplified music indoors until 10:00 pm on Fridays and Saturdays, 8:00 pm Sunday through Thursday. Ceremony music is still allowed outdoors during the ceremony.
4. Allow wedding sparklers.  
Condition of CUP (2015-075) says: No fireworks.

### **SITE INFORMATION**

|                 |                         |                  |                    |
|-----------------|-------------------------|------------------|--------------------|
| Land Owner:     | Fritchie Farms, LLC     | Parcel Number:   | 001-09950-002      |
| Site Location:  | 15810 Ball Rd           | Planning Area:   | Goshen             |
| Acreage:        | 17.3                    | QC District:     | 15, JP Pond        |
| Current Zoning: | Ag/ SFR-1, CUP 2015-075 | School District: | Goshen             |
| FIRM:           | 05143C0275F             | Fire District:   | Goshen Rural – 118 |

### **UTILITIES**

|              |                    |        |      |
|--------------|--------------------|--------|------|
| Electricity: | Ozark Electric     | Gas:   | N/A  |
| Cable:       | N/A                | Phone: | AT&T |
| Water        | Fayetteville Water |        |      |

### **BACKGROUND/SYNOPSIS**

The applicant, Matt Fritchie, is requesting conditional use permit approval to amend the conditions approved with Fritchie Farms CUP 2015-075. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. Fritchie Farms is located at 15810 Ball Rd, just outside Goshen city limits, but inside Goshen's planning area. Fritchie Farms Large Scale Development, 2015-098 was approved in Sept, 2016. Amendments to the LSD are not required at this time since the requested amendments do not increase the size of the development by 1 acre or more. The original CUP request in 2015 was opposed by many neighbors, but was ultimately approved after the applicant self-imposed limits on occupancy (175) and days of the week (2). Now that the wedding venue has been operating a few years, the applicant feels they have been a good neighbor and is requesting to open up full-time, to nearly full capacity. The architect set the maximum occupancy at 299 based on building type and size. The septic system was constructed based on the (self-imposed) 175 occupancy load. So the applicant is waiting for requirements from the Health Department on whether the septic system will have to be upgraded in size and capacity, or whether the existing system will be sufficient.

\*see attached septic permit.

## 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/ Residential | Ag/SF Res 1 unit/ac |
| East                       | Agricultural/Residential  | 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, with an existing CUP (CUP 2015-075) to allow the land-use of a wedding barn. It is in an area that is heavy with agricultural uses. The property does not currently have any residences on it, and the barn is situated in the middle of the property. The grounds surrounding the barn are well manicured.

### Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. 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 not received comments voicing opposition or favor of the project. 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.                                                                      | Application- complete.<br>\$250 review fee is due.                                                                                                                                         |
| 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.                                          | Planning Staff sent out neighbor notification packets on May 27, 2021.                                                                                                                     |
| 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.                    | The development currently exists. All required utilities are available.                                                                                                                    |
| 4 That the proposed use is compatible with the surrounding area.                                                                                                                 | Compatibility with the surrounding area was assessed and approved with CUP 2015-075.                                                                                                       |
| 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 current CUP request is for amendments to the existing CUP 2015-075. Increasing the maximum occupancy may require an expansion of the existing septic system.                           |
| 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                      | The development currently exists, with an approved CUP. The County Planning office hasn't received any complaints concerning diminished enjoyment of other properties in the neighborhood. |

|                                                                                                                                                                            |                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| substantially diminish and impair property values within the surrounding area.                                                                                             |                                                                                                                                                                                        |
| 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. | This Conditional Use is already established. The requested amendments to the conditions of CUP 2015-075 should not impede development and improvement of the surrounding neighborhood. |

**SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW**

**Health Department**

1. Melissa Wonnacott of the Arkansas Department of Health writes: A permit for alteration of the existing septic system should be submitted to the Health Department. This alteration permit should include the maximum number of patrons and the gallons per day should be 5gpd per person. This will increase the size of the system significantly. There may also be a need to request an ADEQ permit due to the number of patrons in the facility. I would suggest that they contact their Designated Representative to inquire about designing an alteration permit.

**County Engineer**

1. Is the gravel parking lot being expanded? If so, provide updated drainage report accounting for additional impervious area.

**RECOMMENDED CONDITIONS**

The following conditions of approval come from CUP 2015-075, with the amended conditions shown in red text.

**Water/Plumbing/Fire Conditions:**

1. If total length of drive does not exceed 500', all access roads and parking area drives must be a minimum of 20' wide. If the drive exceeds 500' in length, the minimum width is 24'.
2. All access roads and parking area drives must have a 38' turn radius at minimum, and fire lanes and access roads must be compacted to support 75,000lbs in all weather conditions.
3. Fire lanes along the drive and within the parking area must be marked (can be marked with signage- if the drive and lots are gravel; or marked with paint- if the drive and lots are paved).
4. The pick-up/drop-off area must be looped in such a way that when the water-tanker is empty it can pull away and the next tanker can easily move into that position.
5. A "warming only" kitchen is allowed. If commercial kitchen is desired, additional review will be required.
6. The building must meet Arkansas State Fire Code.
7. Exit lights/emergency lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. The applicant's architect is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
10. The connection between the building and the handicapped parking spaces, as well as the restrooms, must be ADA compliant.
11. Architectural drawings for the event structure, signed and stamped by a licensed architect, are required and must be submitted prior to, or concurrent with Preliminary LSD.
12. Architectural plans should show the proposed ingress/egress paths, exit/emergency lighting, and fire extinguishers, as well as all other information needed to meet Arkansas State Fire Code and ADA compliance.
13. The applicant must comply with any Health/Safety/Fire Code recommendations made by the architect.
14. The Fire Marshal will review the plans, make comment, and must approve plans before project can move forward, or be occupied.

**Planning Conditions:**

1. Official sight distance for the new entrance will need to be stated at Preliminary LSD. The proposed grading must be shown on the Preliminary LSD plans. The applicant's engineer is to certify the sight distance meets or exceeds the minimum County Code at Preliminary LSD.
2. No fireworks are allowed, with exception to wedding sparklers.
3. No outdoor amplified music is allowed, with exception to wedding ceremony music.
4. Pay \$250 CUP fee.
5. If the gravel parking lot is to be expanded, provide updated drainage report accounting for additional impervious area.

**Septic Conditions:**

1. The septic system must receive approval from the Health Department before it is installed.
2. The system will be inspected by the Health Department prior to occupation of the proposed building.
3. No parking is allowed on any portion of the septic system including the alternate area. The alternate area must remain undisturbed. (No overflow parking either).
4. The septic system (primary and alternate area) must be delineated (landscaping/fencing/other barrier) to prevent anyone from parking or driving in this area.
5. The applicant is requesting a "warming only" kitchen at this time. Full details will be required at Preliminary LSD. A retail food service permit may be required. Please contact David Cowan at the Washington County Health Department to discuss.
6. Project must be in compliance with the regulations of the Arkansas Department of Health.
7. A permit for alteration of the existing septic system should be submitted to the Health Department. Applicant should contact their Designated Representative to inquire about designing an alteration permit.
8. This alteration permit should include the maximum number of patrons and the gallons per day should be 5gpd per person. This will increase the size of the system significantly.
9. Applicant shall discuss permitting requirements with ADEQ regarding the number of patrons in the facility.
10. Prior to increasing the occupancy load of the facility beyond 175 people, applicant shall receive Health Department and ADEQ approvals.

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

1. No signage or parking is allowed within Washington County's road right-of-way (ROW).
2. The Road Department requires 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).
3. Any work (i.e. clearing, grading, driveway install) 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.

**Drainage**

1. A full drainage study is required at Preliminary LSD.

**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. 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.
2. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
3. No additional signage is allowed to be placed without additional review.
4. If the applicant chooses to use lighting for the sign, all signage must be indirectly lit.
5. If a dumpster is placed, staff must approve the placement and will require it to be screened with an opaque material, including the gate, so it won't be visible to neighbors.
6. Care should be taken to leave existing vegetation on the north and west property boundaries intact.

**Additional and Standard Conditions:**

1. A lot split will need to be completed. Both Goshen and Washington County will need to review and approve the lot split.
2. Pay mailing fees of \$34.08 within 30 days of 6/10/21 hearing. (an invoice was emailed to the applicant on 6/4/2021)
3. Pay CUP review fee of \$250.00 within 30 days of 6/10/21 hearing.
4. 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.
5. Hours of operation must be generally as stated (Sunday thru Thursday- 10:00 am to 10:00 pm, Friday & Saturday- 8:00 am to 12:00 am)
6. The applicant must apply for an address to be assigned.
7. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
8. This CUP must be ratified by the Quorum Court.
9. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
10. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - ~~This project does require additional Planning Board review (Large Scale Development). Therefore, all conditions of this CUP approval must be completed within 12 months of this CUP project's ratification.~~
11. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
12. All CUPs must be ratified by the Quorum Court.
13. Final inspection approval is required prior to issuance of CUP approval letter. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
14. 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.

*Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.*

*Philip Humbarb inquired, "About the occupancy, you said the architect had a limit and they had a self-imposed limit, is there anyone else that needs to be considered about what the occupancy level would be for that building?"*

*Nathan Crouch replied, "If I understand your question correctly, the architect set the occupancy at 299*

based on the square footage and the building type. Then the applicant had a petition. It was a lot of people opposed to at the time. Then he went to self-limiting himself to try to get this in. He limited himself to 175 and two day a week, and got it in. Through my research especially discussing with the Health Department, they said that they would need to increase the septic system in order to allow that. ADEQ might have some approvals for that as well. Yes sir.”

Philip Humbar stated, “I was more worried about fire code or something.”

Nathan Crouch responded, “The building was designed to fire code for 299 people.”

Joel Kelsey inquired, “I see on 10, it states that prior to increasing it they will have the Health Department and ADEQ approvals. Would it not behoove that they actually have that system refitted to fit that many people before you open it up with just permits? Wouldn't that overload that?”

Nathan Crouch replied, “Yes sir. To expand the septic system completely. Yes.”

Joel Kelsey commented, “I think we need to have something in there that that needs to be done with the approvals from the Health and ADEQ, before you have an event out there and you've got more than 175 people out there. They need to get a permit and it needs to be constructed with the approvals from the Health and ADEQ before they can actually have an event with more than 175, is what I'm saying.”

Nathan Crouch explained, “Well, yes Sir. That was my intent behind writing these conditions. This is a new installation permit at the bottom of it, it's signed by the sanitarian that works this district. Melissa Wonnacot with the Health Department. What I would be looking for is another permit with her signature on it with the occupancy at 299 instead of 175. She ain't gonna sign that until they have a system in the ground.”

Joel Kelsey responded, “That supports that. Okay, that was my question.”

Loren Shackelford added, “This is in the City of Goshen Planning Area. I am the Chairman of the Planning Commission for the City of Goshen. I don't feel like there's a conflict there, but I wanted to alert the committee that I do serve in that capacity in this area.”

No Public Comment

Public Comment Closed

Kiara Luers made a motion to approve the **Fritchie Farms CUP Amendment** subject to staff recommendations. Lisa Miller seconded. All Board Members were in favor of approving. Motion passed.

#### County

#### **g. Sonora Boat & RV Storage CUP**

##### ***Conditional Use Permit Request***

Location: Section 02, Township 17, Range 29

Applicant: Earthplan Design Alternatives, PA

Location Address: Off of E HWY 412

JP District: Patrick Deakins, District 5

Approximately: +/- 3.38 acres / 1 parcel

Coordinates: Latitude: 36.16644286, Longitude: -94.04873160

Project #: 2021-141

Planner: Nathan Crouch email: [ncrouch@washingtoncountvar.gov](mailto:ncrouch@washingtoncountvar.gov)

#### **APPLICANT'S REQUEST**

The applicant is requesting conditional use permit approval for the land-use of a boat and RV storage facility off Hwy 412, across from Sonora School.

\*Large Scale Development approval is required. If this CUP is approved, the applicant will submit plans for Preliminary LSD review.

## SITE INFORMATION

|                 |                                                       |                  |                      |
|-----------------|-------------------------------------------------------|------------------|----------------------|
| Land Owner:     | Hector Orellana                                       | Parcel Number:   | 001-14411-006        |
| Site Location:  | 17204 E Hwy 412, Springdale                           | Planning Area:   | None                 |
| Acreage:        | 3.39 acres                                            | QC District:     | 5, Patrick Deakins   |
| Current Zoning: | Agriculture/Single-Family Residential 1 unit per acre | School District: | Springdale           |
| FIRM:           | 05143C0095F                                           | Fire District:   | Nob Hill Rural – 119 |
| Wetland:        | No                                                    | Watershed:       | None                 |

## UTILITIES

|              |                  |        |             |
|--------------|------------------|--------|-------------|
| Electricity: | Ozark Electric   | Gas:   | Black Hills |
| Cable:       | Cox              | Phone: | AT&T        |
| Water:       | Springdale Water |        |             |

## BACKGROUND/SYNOPSIS

The property owner, Hector Orellana, is requesting conditional use permit approval to operate a storage facility for boats and RVs. The proposed development is larger than 1 acre, so if this CUP request is approved the Large Scale Development request will follow. 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 city planning area. The subject property is located on the north side of E Hwy 412, just across the highway from Sonora School, west of Orellana's Auto Sales. There are no residential structures on the property at this time.

## 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                      | CUP (School)             | Ag/SF Res 1 unit/ac + CUP |
| East                       | CUP (used car lot)       | Ag/SF Res 1 unit/ac + CUP |
| West                       | Residential/Agricultural | Ag/SF Res 1 unit/ac       |

### Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/acre. Adjacent to the property owner's home, the subject parcel is currently vacant lawn. It is located along E Hwy 412, a major East-West arterial state highway, and many various types of land-use can be found within the vicinity.

### County's Land Use Plan

According to the County's Land Use Plan:

#### SECTION III. PHYSICAL DEVELOPMENT

##### C. LAND USE CONSIDERATIONS

##### 1. LIGHT COMMERCIAL

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

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

### Future Land Use / Zoning Designation

The parcel is not in a city planning area. There County's Future Land Use Map shows this area is designated for Low Density Residential (1-4 units/acre).

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 not received any comments on this project at all. Planning Staff will update the Board should any 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.                                                                                                                                | Complete.                                                                                                                                                                                                                                                           |
| 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.                                                                                                    | Complete. Planning Staff sent out neighbor notifications on May 27, 2021—2 weeks prior to the June 10, 2021 Planning Board meeting.                                                                                                                                 |
| 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 and roads are available, and stormwater drainage will be addressed at Large Scale Development with detention ponds.                                                                                                                              |
| 4 That the proposed use is compatible with the surrounding area.                                                                                                                                                                           | This section of E. Hwy 412 has many various types of light commercial land use. Boat & RV storage isn't any more impactful than the others.                                                                                                                         |
| 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 use is a Boat & RV storage facility. This use is not considered dangerous by nature, or unsafe. The applicant plans on installing a fence around the perimeter of the storage facility if the CUP & LSD are approved.                                  |
| 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. | Elements of compatibility, such as vegetative screening and privacy fencing, will be required at the LSD stage of review.<br>Outdoor security lighting shall be oriented such that the lighting will not shine onto neighboring properties or approaching vehicles. |
| 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.                                                                 | If this storage facility is approved and built, it will be contained on its own parcel. It will not affect the development potential of any of the surrounding properties.                                                                                          |

### SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From the County Engineer

1. A full drainage report including a pre vs. post analysis and pond calculations shall be determined at LSD.
2. What material is the pavement?
3. Prior to construction, an ARDOT driveway permit shall be obtained.

\*Project Engineer replied that the fenced in area will be gravel, not pavement. And that they understand and will comply with the drainage report and driveway permit requirements.

## **RECOMMENDATION & CONDITIONS**

Staff has reviewed the CUP submittal documents and feel the proposed boat & RV storage facility can be made compatible with county ordinances with the following conditions:

### **Utility Conditions**

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line or water main 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 service and the modifications have been designed.

### **Drainage Conditions**

1. Should the applicant deviate from their plans to cover the project area with gravel or if the applicant plans to alter the current existing grades, further review will be needed per the County Engineer.
2. A full drainage report including a pre vs. post analysis and pond calculations shall be determined at the Large Scale Development phase of 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.adeq.state.ar.us](http://www.adeq.state.ar.us)

### **Road Conditions**

1. A permit from the Arkansas Department of Transportation (ARDOT) is required prior to any work being completed in the right-of-way.

### **Signage Conditions**

1. Any signage must be placed out of the right of way.
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.
2. The applicant shall utilize privacy fencing or similar opaque material to screen the storage facility development from the neighboring properties and E Hwy 412.

### **Planning Conditions**

1. The Conditional Use Permit is specifically to allow a boat and RV storage facility only. Any future land uses not allowed by the current zoning must come before the Planning Board for conditional use permit approval, and must be ratified by the Quorum Court.
2. The applicant must address all technical review comments as the project proceeds through to completion.
3. Large Scale Development approval is required.

### **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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

*Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.*

*No Public Comment*

*Public Comment Closed*

*James Guertz, Engineer with EDA for the project, addressed the Board, "I am happy to answer any questions you may have."*

*Lisa Miller inquired, "I think we ought to table this at least until we get the title issue cleared up on the right piece of property or can we do that?"*

*Nathan Crouch replied, "The issue has been discussed with the property owner and the previous property owner and the Assessor's Office by Mr. Guertz and I think that he can give you the details of those conversations. I believe that process has been initiated."*

*James Guertz stated, "It looks like the Assessor's Office put the wrong property name on a property to our east for us. We did not buy the car lot or whatever that thing is over there. They've told me they are going to have to remap it. It was their mistake and they'll get that corrected. Our deeds are correct so that's not the issue."*

*Joel Kelsey asked, "The owner for this property we're talking about is not the same owner?"*

*James Guertz answered, "Correct, the new owner is Jeremy Davidson."*

*Joel Kelsey responded, "Okay."*

*Neil Helm stated, "I would agree with you that it doesn't need to be touched until it's in the right ownership."*

*Jay Percy inquired, "Is it just the GIS maps that are wrong?"*

*Nathan Crouch replied, "Basically, the GIS maps draw their data from the Assessor data. It seems that they may have just assigned the new ownership to this parcel instead of this parcel. There's one parcel between. They are aware and they might have actually already changed it. I haven't looked today."*

James Guertz clarified, “Just to be clear, the warranty deed that was created for this property is the one we’re presenting here. It was not a separate property. Our legal warranty deed does indicate that we own this property. It’s just a mapping error or whatever the Assessor does to assign their maps to work.”

Neil Helm asked, “Does your warranty deed match the survey?”

James Guertz answered, “Yes.”

Nathan Crouch added, “I would add that it is also a condition of approval.”

Loren Shackelford made a motion to approve the **Sonora Boat & RV Storage CUP** subject to staff recommendations. Jay Percy seconded. All Board Members were in favor of approving. Motion passed.

County

**h. Been Mountain Wireless Communications Facility CUP**

*Communications Tower Conditional Use Permit Request*

Location: Section 35, Township 18, Range 28

Applicant: CMI Acquisitions

Location Address: 21279 Spring Valley WC 97

JP District: Patrick Deakins, District 5

Approximately: +/- 2.04 acres / 1 parcel

Coordinates: Latitude: 36.18296882, Longitude: -93.93816335

Project #: 2021-143

Planner: Sita Nanthavong email: [snanthavong@washingtoncountyar.gov](mailto:snanthavong@washingtoncountyar.gov)

**APPLICANT’S REQUEST**

The applicant is requesting conditional use permit approval to develop and operate a wireless communications facility in an area that is zoned for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

**SITE INFORMATION**

|                 |                                                       |                  |                    |
|-----------------|-------------------------------------------------------|------------------|--------------------|
| Land Owner:     | D’Ann Whittle                                         | Parcel Number:   | 001-18327-004      |
| Site Location:  | 21279 Spring Valley Rd WC 97                          | Planning Area:   | None               |
| Acreage:        | 63.38 acres +/-                                       | QC District:     | 5, Patrick Deakins |
| Current Zoning: | Agriculture/Single-Family Residential 1 unit per acre | School District: | Springdale         |
| FIRM:           | 05143C0125F                                           | Fire District:   | Nob Hill           |
| Wetland:        | No                                                    | Watershed:       | None               |

**UTILITIES**

|              |                      |        |      |
|--------------|----------------------|--------|------|
| Electricity: | Ozark Electric       | Gas:   | None |
| Cable:       | None                 | Phone: | AT&T |
| Water        | Madison County Water |        |      |

**BACKGROUND/SYNOPSIS**

The applicant is requesting conditional use permit approval to develop and operate a wireless communications facility in an area that is zoned for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. 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 the west side of Spring Valley Rd WC 97. The project parcel is approximately 63.38 acres. The applicant will lease a 0.96 acre area to be utilized as the wireless communications facility. The applicant intends to construct a 250’ tall wireless communications tower (260’ with lightning rod). There is room on the tower for three total antenna arrays with Verizon utilizing one of the arrays. The applicant will utilize an existing farm road which connects to Spring Valley Rd WC 97. The farm road will be upgraded to be a 30 feet wide access and utility easement. The facility will be approximately 65’ x 65’. The perimeter will be enclosed by a chain linked fence topped with barbed wire. The gate will remain locked unless the tower is being inspected or worked on. Please know that this request is for the conditional use permit. Further permitting will be required by the applicant as they go through the Tower Review process. Should the Tower Review not qualify for administrative review, the applicant will be requested to then go through the full Tower Review before the Planning Board. 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 currently vacant and is accessible from Spring Valley WC 97. The parcel is surrounded by primarily agricultural uses. Poultry houses are on adjacent parcels to the north and west.

### County's Land Use Plan

According to the County's Land Use Plan:

#### SECTION III. PHYSICAL DEVELOPMENT

##### D. 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 develop 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.

### 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 not received any comments. Staff will update the Planning Board if there are comments.

### 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 69x69 foot facility that's fenced and set off the road should not interfere with the day to day of any nearby residence.                                                                                                                                                                                                                                                                                                                                                                                  |
| 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 nor 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 lease area. There will not be gatherings or visitors to the lease area once established.                                                                                                                                                                                                                                                                                                                                                                                                |
| 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.                                                                 | 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. Pleasant Valley Road should be able to accommodate an extra 2-3 vehicles a month traveling to the site.                                                                                                                                                                                                                                                                                          |

**SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW**

| REVIEWER                                  | COMMENTS                                                                           |
|-------------------------------------------|------------------------------------------------------------------------------------|
| <b>Planning Staff<br/>Sita Nanthavong</b> | 1. All items from the CUP Checklist have been turned in except for the review fee. |
| <b>Electric<br/>Ozarks Electric</b>       | No comments received.                                                              |
| <b>Water<br/>Madison County Water</b>     | No comments received.                                                              |
| <b>Gas</b>                                | N/A                                                                                |

|                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>No Provider</b>                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Phone<br/>AT&amp;T</b>                             | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Cable<br/>No Provider</b>                          | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Fire District<br/>Nob Hill Rural</b>               | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Fire Safety<br/>WC Fire Marshal</b>                | 2. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project.                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>School District<br/>Springdale School District</b> | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Safety<br/>WC Sheriff's Dept</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Septic/Sewer<br/>Dept. of Health</b>               | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Planning Area<br/>N/A</b>                          | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Drainage<br/>Garver</b>                            | Please see attached for more details.<br>1. Sheet 3.0<br>a. Provide a typical section showing the width, pavement section, cross slopes, and roadside ditches for the proposed farm road improvements<br>b. Provide proposed contours for the farm road improvements and the compound. Confirm that access drive does not exceed 10%.<br>c. Is a pipe crossing needed here? If so, the min. pipe size shall be 24" per the county road department.<br>d. Provide note below per Sec. 11-90 of the Code of Ordinances |
| <b>WC Environmental Affairs</b>                       | 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. <a href="http://www.adeq.state.ar.us">www.adeq.state.ar.us</a>                                                                                                                                                                                                                                                             |
| <b>Roads<br/>WC Road Department</b>                   | No comments received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>WC 911 Addressing<br/>Dept. of Emergency Mgmt.</b> | 1. A physical 911 address may be required. Please complete the Address Application, if needed.                                                                                                                                                                                                                                                                                                                                                                                                                       |

## 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

1. Any damage or relocation of existing facilities will be at the owner's or developer's expense.
2. All offsite easements that are needed for utility service to the property/properties must be

obtained by the developer and easement documentation may be required by the utility company.

3. All onsite easements must be shown on the plat and recorded with the County.
4. It is the owner/developer's responsibility to contact each utility provider to determine what permits and/or easements will be required.

#### **Fire/Safety Conditions**

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner or their designee (Architect/Engineer).

#### **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.adeq.state.ar.us](http://www.adeq.state.ar.us)

#### **Drainage/Engineering Conditions**

1. All concerns from the Washington County Engineer must be addressed before final approval of this project may be given.
2. The Washington County Engineer must review and approve construction plans (if applicable) before the applicant may start to break ground for development.

#### **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.

#### **Signage Conditions**

1. Signs shall not be directly lit.

#### **Lighting Conditions**

1. All outdoor lighting not mandated by Federal requirements must be shielded from neighboring properties. Any lighting not required by Federal regulations 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 facility.

#### **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. Final inspection approval is required prior to issuance of CUP approval letter.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. 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.
8. 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.*

*Kiara Lures inquired, "Sita, I'm not sure you're going to be able to answer this, but the surrounding towers that are within two to five miles, do you know if they are within similar residential areas just for reference?"*

*Sita Nanthavong replied, "We can look at the map really quickly. The one north looks like it is in a very rural area. The one on the west is a few miles away from Blue Springs Village. Its a few miles away from the Blue Springs RV Park. The ones on the south are again, within the Goshen Planning Area. Goshen's not densely populated. I would say that's semi-rural."*

*Loren Shackelford stated, "I would say the two in Goshen are in more populated areas than what this is proposed to be."*

*David McGee, Representative from Verizon for the proposed project, addressed the Board, "Sita covered most of it, but this so I don't want to repeat myself. Like she said the proposed 250 ft. tower on a 63 acre tract. There is an existing 915 ft. road that we will utilize and improve. It's an approximately 80 x 80 ft. lease area that will house the tower and compound. This site does meet the setback requirements as she said. Its purpose is to improve coverage in this area and offload existing sites that maybe taxed to provide continuous coverage. I think our engineer provided a statement that it will cover this area between the sites 412 and 330. That's what it's designed for. I think it was pretty late yesterday when I reached out to Sita and heard about the opposition so have not had much change to review that. I think there is a petition that I got this morning after I had already left to come up here. I've seen it on the phone, but haven had a chance to print it out. I forwarded it to the property owner, who is related to the one who started the petition. I think it's his nephew, he told me. We do a lot of sites. I feel this one is a good site in that it's distant. There are houses around, but it's not very close to them. I think the nearest house, the one that was in question is about 1200 ft. away. Almost a quarter mile. I think they had a list of about four issues about this site. I know one was the RF emissions. Which is as you know regulated by the FCC. Verizon complies with and does testing when they put in a site that they are well within the FCC limits of RF exposure. At that distance we don't feel that there is any risk of any sort of that nature. I think one of the counsel persons asked a question about one of the nearby sites. I looked those up last night in preparation for this. It looked like I do have the distances to all the nearby sites. The one to the, I believe it's to the east, is that War Eagle that I saw on the map. Sorry I've done a lot of work in Arkansas, but have not done any work in this county before. It was a 385 ft. guide tower that SBA had put in. Literally right up next to a neighborhood. I took a picture of it. I think its 400 ft. to the nearest house, as measured by Google Earth. It does appear that some of them are in more residential areas. I appreciate you*

hearing us. I'm glad to answer any questions."

Kiara Luers asked, "Do you know if there was any consideration of putting the tower elsewhere on the large parcel. Currently it is closest to the most cluster of residential. Was there more consideration on pulling it more south and or west?"

David McGee answered, "There may have been. I know this is what the agent was able to work with the property owner. We always try to get them as far away as we can, but sometimes there may be reasons they couldn't move it any further back. I think they felt that the 915 ft. or so is a little bit longer than we normally get."

#### Public Comment

Samuel Satterfield, Neighbor residing at 550 Madison Road 7353, addressed the Board, "I actually grew up in that area. Basically lived there my whole life. I had actually planned on within the next year or so building in the range of that circle that we can't have houses in. That is my families land. I grew up in that area and would like to stay in that area. We've got a pretty good community. We've got a lot of people that grew up in the area as well that are moving back. They are all opposed to this. Nobody wants to walk out of their house and see a 260 ft. tall tower. You guys talked about the distances and all that. I can assure you houses that are a mile away, 2 miles away down the dirt roads they're going to see the tower. I myself have never seen a 265 ft. tall tree to block it. Regardless of how close you are to it, it's an eyesore. It really is. That's our biggest deal. I would think that everybody sitting here today would feel that same way if somebody came in and bought an adjacent piece of property to ya'll and wanted to build something that ya'll didn't agree with or desire. That's all I have to add."

Jonathan Isaacs, Neighbor residing at 22617 Poole Road, addressed the Board, "A little bit of what I've learned here today is talking about the 675 feet, I know the property as well because all family lives right there. It looks like that proposed site is within about 150 ft. of the corner of their property. To me that kind of makes it a little difficult if you were going to build. Also something that I've listened here, we talk about how these towers are close in proximity to structures that already have people living in them. Is it dense? Well, we don't know exactly the timing of which those towers were built, the houses were built, if it was that person's choice to build with an existing tower there then so be it. When you are already there and somebody is proposing a tower than there is a little different feel to it. Also my wife works for Tyson and is talking about the serving section piece of it. During the whole pandemic we worked off of a Verizon hotspot. Just a little deal and she is running monster excel files the entire time. Working five days a week there with no problems as far as service goes. That questions the need for it. I understand that sometimes it fills in gaps here and there and other things, but for our direct community I'm not sure that the need is that heavy. Also just listening you've got opposition here from the east, from the north and from the west. We're all three separate families. These are all the neighboring properties. I think that kind of tells you the feel of what is going on there. Thank you all."

#### Public Comment Closed

Kiara Luers stated, "My biggest concern is really page 117. When you see the setbacks from residences. That 625 radius circle is within the Satterfield property. For me, with an entire parcel for the tower to be placed I don't think it's fair to the owner of that property to now no longer have the ability to put in a residence there. I personally at this time would not approve that because of that reason."

Loren Shackelford inquired, "I'll ask staff, have we seen other cell tower applications to where the radius of disallowment for any additional improvements beyond that property onto adjoining property owners?"

Sita Nanthavong replied, "The way that I interpret it is that as long as it doesn't exist before the tower is constructed then they can construct, but that doesn't stop someone putting a house on it afterwards. We don't have any code that says if it's already there I can't put a house near by it. Theoretically the neighbor that is within that circle could put his house in that corner if you wish to after construction of

the tower.”

Kiara Luers made a motion to deny the **Been Mountain Wireless Communications Facility CUP** as it currently sits. Jay Percy seconded. Philip Humbarnd recused himself. Roll call was taken. Jay Percy and Kiara Luers voted for. Joel Kelsey, Loren Shackelford, Lisa Miller and Neil Helm voted against. The motion failed.

Loren Shackelford made a motion to approve the **Been Mountain Wireless Communications Facility CUP** subject to staff recommendations. Lisa Miller seconded. Philip Humbarnd recused himself. Roll call was taken. Joel Kelsey, Lisa Miller and Loren Shackelford voted for. Neil Helm, Jay Percy and Kiara Luers voted against. The motion failed.

Neil Helm made a motion to deny the **Been Mountain Wireless Communications Facility CUP** as it currently sits. Philip Humbarnd recused himself. Kiara Luers seconded. Roll call was taken. Joel Kelsey, Loren Shackelford and Lisa Miller voted against. Neil Helm, Jay Percy and Kiara Luers voted for. The motion failed.

The County Attorney, Brian Lester, advised Planning Staff that the project was denied due to lack of a Quorum.

## 6. OTHER BUSINESS

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
  - July 22<sup>nd</sup>, 2021
  - August 26<sup>th</sup>, 2021

## 7. Adjourn

Loren Shackelford moved to adjourn. Philip Humbarnd 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