

**MINUTES OF THE
REGULAR MEETING OF THE
WASHINGTON COUNTY QUORUM COURT**

Thursday, December 21, 2017
6:00 p.m.

Washington County Quorum Court Room

2018 JAN 22 AM 9:42
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

County Judge Joseph K. Wood called the meeting to order.

JP Daniel Balls led the prayer and pledge.

Members present were JP Daniel Balls, JP Harvey Bowman, JP Alicia Deavens, JP Robert Dennis, JP Lisa Ecke, JP Ann Harbison, JP Joe Kieklak, JP Eva Madison, JP Sue Madison, JP Joel Maxwell, JP Joe Patterson, JP Butch Pond, JP Fred Rausch, and JP Bill Ussery. JP Tom Lundstrum was absent.

Following a couple of amendments to the agenda, a motion was made by JP Ecke to approve the agenda as amended and seconded by JP Harbison. The agenda was unanimously adopted.

A motion to suspend the rules and read all ordinances and resolution by title only was made by JP S Madison and seconded by JP E Madison. The motion was passed with majority vote. JP Dennis opposed.

During the citizen's comment time, Shane Grisham from Lincoln, AR, spoke in opposition of the Native Flower CUP. He presented the Court with a presentation why he opposed.

A motion was made by JP Ecke to approve November 16th and November 20th minutes and seconded by JP Kieklak. The minutes were unanimously approved.

County Treasurer Bobby Hill gave the Treasurer's Report. There was a comment made by JP Dennis.

County Comptroller Ashley Farber gave the Comptroller's Report.

County Judge presented his Judge's Report. He presented the appointments for the Board of Directors of Washington Regional Medical Center. Neal Pendergraft – 5-year term; Dorothy Hanby – 3-year term; Tim Helder – 3-year term; Anthony Hui, MD – 3-year term; Larry Armstrong, DO, Chief of Staff – 2-year term. All terms will begin January 1, 2018. A motion to accept the appointments was made by JP S Madison and seconded by JP Kieklak. A voice vote was called and all members present voted to approve the appointments. Judge Wood also presented the HIV Clinic report.

Staff Planners, Sita Nanthavong and Nathan Crouch presented the staff summary and staff recommendations of the Conditional Use Permit for Native Flower to the Quorum Court. There were comments made by various members of the Court.

Appellant Shane Grisham spoke to the Quorum Court regarding his opposition for the CUP and answered questions from the Quorum Court. There were various questions from the Court to Staff Planner Nathan Crouch, County Attorney Lester, and Assessor Russell Hill. Also, Paula Marinoni and Lorraine O'Neal spoke in opposition to the CUP.

JP Maxwell presented agenda item 10.1 and read the ordinance by title only, "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD" (Native Flower). JP Maxwell moved the Court to suspend the rules and advance said ordinance to a second reading. The motion was seconded by JP Pond. A roll call was called and the votes were tallied as follow:

JP Balls-No

JP Bowman - Yes

JP Deavens - Yes

JP Dennis - No
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - No
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Yes
JP Pond - Yes
JP Rausch - Yes
JP Ussery –Yes

County Attorney Lester read the ordinance by title only for a second reading. JP Maxwell again moved the Court to suspend the rules and advance the ordinance to a third and final reading, which was seconded by JP Deavens. A roll call was called and the votes were tallied as follow:

JP Balls- No
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - No
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - No
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Yes
JP Pond - Yes
JP Rausch - Yes
JP Ussery – Yes

County Attorney Lester read the ordinance by title only for a third and final reading. A motion to adopt the ordinance was made by JP Maxwell and seconded by JP Bowman. The Quorum Court members then discussed their position regarding their vote on this ordinance. During public comment, Lorraine O’Neal spoke in favor of denying the CUP. A roll call was called and the votes were tallied as follow:

JP Balls- No
JP Bowman - Yes
JP Deavens - Yes
JP Dennis -Yes
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - No
JP Lundstrum - Absent
JP E Madison - No
JP S Madison -Yes
JP Maxwell -Yes
JP Patterson -Yes
JP Pond -Yes
JP Rausch -Yes
JP Ussery -Yes

Ordinance 2017-70, AN ORDINANCE DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Native Flower), was adopted.

Staff Planners, Sita Nanthavong and Nathan Crouch presented the staff summary and staff recommendations of the Conditional Use Permit for Stone Chapel Dog Kennel & Cattery to the Quorum Court. There were comments made by various members of the Court.

Applicant Jamie Hertzberg spoke to the Quorum Court regarding her request for a CUP and answered questions from the Quorum Court. Holly Hertzberg read a letter from Mary Smith expressing her support. Rachel Miller, Carmen Nelson, and Landon Foster spoke in favor of the CUP.

Appellants Helga Coleman, Laurie Voss, and Warren Gabbard spoke in opposition to the CUP. There were comments made by various members of the Court.

JP Deavens presented agenda item 12.1. JP Deavens commented she was going to abstain from voting on the CUP. JP Balls requested County Attorney Lester read the ordinance to ratify the CUP. County Attorney Lester read the ordinance by title only, "AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD" (Stone Chapel Dog Kennel & Cattery). JP Balls moved the Court to suspend the rules and advance said ordinance to a second reading. The motion was seconded by JP Kieklak. A roll call was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Abstain
JP Dennis - No
JP Ecke - Yes
JP Harbison - No
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison -Yes
JP Maxwell - Yes
JP Patterson - Yes
JP Pond - Yes
JP Rausch - Yes
JP Ussery – Yes

County Attorney Lester read the ordinance by title only for a second reading. JP Balls again moved the Court to suspend the rules and advance the ordinance to a third and final reading, which was seconded by JP S Madison. A roll call was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Abstain
JP Dennis - No
JP Ecke - Yes
JP Harbison - No
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Yes
JP Pond - Yes
JP Rausch - Yes
JP Ussery – Yes

County Attorney Lester read the ordinance by title only for a third and final reading. A motion to adopt the ordinance was made by JP Balls and seconded by JP Pond. There were comments made by JP Dennis and JP Harbison. A motion to table the ordinance until the next Quorum

Court meeting was made by JP Dennis and seconded by JP Harbison. A roll call vote to table the ordinance was called and the votes were tallied as follow:

JP Balls- No
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - No
JP Harbison - Yes
JP Kieklak - No
JP Lundstrum - Absent
JP E Madison - No
JP S Madison -No
JP Maxwell - No
JP Patterson - No
JP Pond - No
JP Rausch - Yes
JP Ussery - No
The motion failed.

There were comments made by JP E Madison, JP S Madison, and JP Kieklak. During public comment, Jason Hudson, Charles Scharlau, Marty Sharlau, Pat Kienzle, and Helga Coleman spoke against the CUP. Eileen Jennings, Landon Foster, and Jamie Hertzberg spoke in favor of the CUP. There were comments made by various members of the Court. A roll call was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - No
JP Deavens - Abstain
JP Dennis - No
JP Ecke - Yes
JP Harbison - No
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Yes
JP Pond - Yes
JP Rausch - No
JP Ussery – Yes

Ordinance 2017-71, AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Stone Chapel Dog Kennel & Cattery), was adopted.

JP Rausch presented agenda item 13.1. County Attorney Lester read the ordinance by title only, "AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD" (Frank House Residential). A motion to adopt the ordinance was made by JP Rausch and seconded by JP Ussery. There was comment made by JP Ecke. During public comment, Cassi Huran spoke in favor of the CUP. A roll call vote was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Yes
JP Dennis -Yes
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Absent

JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Absent
JP Pond - Yes
JP Rausch - Yes
JP Ussery - Yes

Ordinance 2017-72, AN EMERGENCY ORDINANCE RATIFYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD (Frank House Residential), was adopted.

JP Dennis presented agenda item 14.1 and read the ordinance by title only, "AN ORDINANCE AMENDING WASHINGTON COUNTY CODE SECTION 2.7-1". A motion to table the ordinance was made by JP E Madison and second by JP Balls. A roll call was called and the votes were tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - Yes
JP Dennis - Yes
JP Ecke - Yes
JP Harbison - Yes
JP Kieklak - Absent
JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Absent
JP Pond - Yes
JP Rausch - Yes
JP Ussery - Yes

The motion passed to table the ordinance.

JP Dennis withdrew agenda item 15.1.

JP Ussery presented agenda item 16.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$7,800 IN THE LAW ENFORCEMENT GRANT FUND FOR 2017; AND APPROPRIATING \$7,800 FROM THE LAW ENFORCEMENT GRANT FUND TO THE ADR GRANT BUDGET". There was a scrivener's error in Article 2 line item 35140467-3005; the line item should be 35140497-3005. A motion to adopt the ordinance as amended was made by JP Ecke and seconded by JP Ussery. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

Ordinance 2017-73, AN ORDINANCE ANTICIPATING ADDITIONAL REVENUE OF \$7,800 IN THE LAW ENFORCEMENT GRANT FUND FOR 2017; AND APPROPRIATING \$7,800 FROM THE LAW ENFORCEMENT GRANT FUND TO THE ADR GRANT BUDGET, was adopted.

JP Ussery presented agenda item 17.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEM IN THE CIRCUIT COURT III BUDGET BY \$6,600; AND APPROPRIATING THE AMOUNT OF \$6,600 FROM THE GENERAL FUND TO THE CIRCUIT COURT III BUDGET FOR 2017". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Pond. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

Ordinance 2017-74, AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEM IN THE CIRCUIT COURT III BUDGET BY \$6,600; AND APPROPRIATING THE AMOUNT OF \$6,600 FROM THE GENERAL FUND TO THE CIRCUIT COURT III BUDGET FOR 2017, was adopted.

JP Ussery presented agenda item 18.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEM IN THE ASSESSOR BUDGET BY \$20,500; AND APPROPRIATING THE AMOUNT OF \$20,500 FROM THE GENERAL FUND TO THE ASSESSOR BUDGET FOR 2017". A motion to adopt the ordinance was made by JP Ussery and seconded by JP Pond. There was comment made by JP E Madison. There was no public comment. A roll call was called and all members present voted to adopt the ordinance.

Ordinance 2017-75, AN ORDINANCE REDUCING PERSONAL SERVICES LINE ITEM IN THE ASSESSOR BUDGET BY \$20,500; AND APPROPRIATING THE AMOUNT OF \$20,500 FROM THE GENERAL FUND TO THE ASSESSOR BUDGET FOR 2017, was adopted.

JP Ussery presented agenda item 19.1. County Attorney Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE OF PARALEGAL IN THE COUNTY ATTORNEY'S BUDGET; JUVENILE OFFICER IN THE CIRCUIT COURT III BUDGET; SECRETARY RECEPTIONIST IN THE VETERANS SERVICE BUDGET; AND HEO I IN THE ROAD BUDGET FOR 2017". There were comments made by various members of the Court, County Attorney Lester, and Comptroller Ashley Farber. A motion to table the ordinance was made by JP E Madison and seconded by JP S Madison. A roll call was called and the vote was tallied as follow:

JP Balls- Yes
JP Bowman - Yes
JP Deavens - No
JP Dennis - Yes
JP Ecke - No
JP Harbison - No
JP Kieklak - Yes
JP Lundstrum - Absent
JP E Madison - Yes
JP S Madison - Yes
JP Maxwell - Yes
JP Patterson - Absent
JP Pond - Yes
JP Rausch - Yes
JP Ussery - No

The motion passed to table the ordinance.

JP Ussery presented agenda item 20.1. There was an amendment to the ordinance, adding another grant that came out of the same fund and correcting Article 2 changing the description from Medical/Dental/Hospital to Medicine and Drugs. County Attorney Lester read the ordinance by title only, "AN ORDINANCE TRANSFERRING MONIES OF \$20,383 WITHIN THE OJP DRUG COURT ENHANCEMENT BUDGET IN THE DRUG COURT GRANT FUND; AND APPROPRIATING \$28,142 FROM THE DRUG COURT GRANT FUND TO THE DRUG COURT ACCOUNTABILTY BUDGET FOR 2017". A motion to adopt the ordinance as amended was made by JP Ussery and seconded by JP Balls. There were comments made by JP S Madison, JP E Madison and Comptroller Ashley Farber. A roll call was called and all members present voted to adopt the ordinance.

Ordinance 2017-76, AN ORDINANCE TRANSFERRING MONIES OF \$20,383 WITHIN THE OJP DRUG COURT ENHANCEMENT BUDGET IN THE DRUG COURT GRANT FUND; AND APPROPRIATING \$28,142 FROM THE DRUG COURT GRANT FUND TO THE DRUG COURT ACCOUNTABILTY BUDGET FOR 2017, was adopted.

JP Ecke presented agenda item 21.1 and 22.1. Director Watson discussed the changes that were requested on Heavy Equipment Operator II and Victim Assistance Coordinator. There were comments made by various members of the Court. A motion to approve the changes made on Heavy Equipment Operator II was made by JP Ecke and seconded by JP Balls. A voice vote was called and all members present voted to approve the changes. A motion to approve the

changes made on Victim Assistance Coordinator was made by JP Ecke and seconded by JP Balls. A voice vote was called and all members present voted to approve the changes.

JP Balls introduced agenda item 23.1. County Attorney Lester read the resolution by title only, "A RESOLUTION EXPRESSING THE WILLINGNESS OF WASHINGTON COUNTY TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT PROGRAM ATTRIBUTABLE FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION TO BEGIN DESIGN AND ENVIRONMENTAL WORK ON THE HOWARD NICKELL ROAD AND HIGHWAY 112 INTERSECTION PROJECT". JP Balls asked Chief Gales to explain the resolution. A motion to adopt the resolution was made by JP Balls and seconded by JP Harbison. There was no public comment. A roll call was called and all members present voted to adopt the resolution.

Resolution 2017-14, A RESOLUTION EXPRESSING THE WILLINGNESS OF WASHINGTON COUNTY TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT PROGRAM ATTRIBUTABLE FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION TO BEGIN DESIGN AND ENVIRONMENTAL WORK ON THE HOWARD NICKELL ROAD AND HIGHWAY 112 INTERSECTION PROJECT, was adopted.

JP Bowman provided an update on Public Works – There was no meeting due to lack of an agenda.

JP Dennis provided an update on County Services – There was no meeting due to lack of an agenda.

JP Ecke provided an update on Personnel – They did meet and the results were from the meeting tonight.

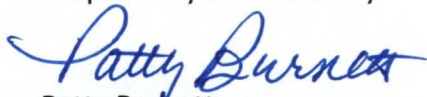
JP Maxwell provided an update on Jail/LE/Courts – There was no meeting due to lack of an agenda.

JP Ussery provided an update on Finance & Budget – There was no meeting due to lack of an agenda.

During "Other Business" JP Bowman requested an update on the County lawsuit. County Attorney Lester provided information on the lawsuit. A motion to draw up a resolution to send to the Rainwater Law Firm to validate the support of the Quorum Court on their opinion to throw out the lawsuit was made by JP Bowman. JP Pond made the second for the sake of discussion. JP Pond requested the County Attorney create the resolution. JP Pond withdrew his second. There was comment made by JP E Madison.

A motion to adjourn the meeting was made by JP Kieklak and seconded by JP Deavens. The meeting was adjourned at 10:45 pm.

Respectfully submitted by



Patty Burnett

Quorum Court Coordinator

11110

2017 DEC 22 AM 11:13

BECKY LEWALLEN
CLERK & PROBATE CLERK
WASHINGTON COUNTY, ARK.

ORDINANCE NO. 2017-70

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE DENYING A CONDITIONAL
USE PERMIT GRANTED BY THE PLANNING
AND ZONING BOARD.**

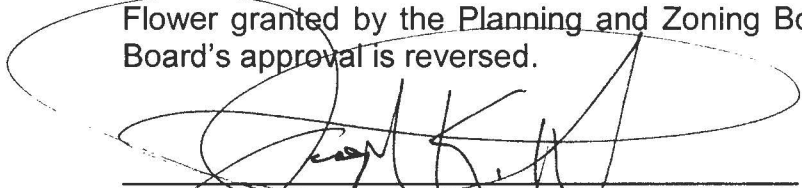
WHEREAS, the Planning and Zoning Board granted a
Conditional Use Permit on October 5, 2017 for Native Flower; and,

WHEREAS, an appeal has been filed concerning such; and,

WHEREAS, the Quorum Court, acting as the board of
administrative appeal, has reviewed the facts and evidence presented by the parties as
allowed under A.C.A. §14-17-203(g).

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. That the Conditional Use Permit for Native
Flower granted by the Planning and Zoning Board is hereby denied and the Planning
Board's approval is reversed.



JOSEPH K. WOOD, County Judge

12-21-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Joel Maxwell
Date of Passage: December 21, 2017
Votes For: 11 Votes Against: 3
Abstention: 0 Absent: 1



WASHINGTON COUNTY PLANNING OFFICE

2615 Brink Dr.
Fayetteville, AR 72701
(479) 444-1724
(479) 973-8417

Appeal Hearing- December 21, 2017
Project- **Native Flower CUP**
Project Number- **2017-183**
Planner: **Nathan Crouch**
ncrouch@co.washington.ar.us

ZONING- CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the criteria checklist when making decisions in these matters.

REQUEST: **Native Flower** is requesting **Conditional Use Permit** approval to allow the use of a Medical Marijuana Cultivatio Facility. If selected by the State of Arkansas the applicant intends to construct a facility approximately 1.5 acres in size, with a 4,160 sq ft head house and four 3,840 sq ft greenhouses on a 48.2 acre property, south of Lincoln, Arkansas off Bush Road, WC-448.

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

PLANNING AREA: This project is not located in a Planning Area, it is solely within Washington County's jurisdiction.

QUORUM COURT DISTRICT: District 13, Joel Maxwell

FIRE SERVICE AREA: Lincoln Rural VFD

SCHOOL DISTRICT: Lincoln

INFRASTRUCTURE: **Water-** Lincoln Water **Electric-** Ozarks Electric
Telephone- Prairie Grove Telephone

Natural Gas- N/A
Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property and applicant for this request is Tom Smith. The surveyor/engineer is Kyle Sargent of Redline. This property is located off Bush Road, WC-448.

The applicants are requesting **Conditional Use Permit** approval to allow a medical marijuana cultivation facility on a property that is approximately 48.26 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

If selected by the State of Arkansas the applicant will move forward with Large Scale Development plans, to include a phasing plan. Phasing plans won't be submitted until the Preliminary Large Scale Development submittal, but the applicant has verbally expressed this as their plan.

Please see the applicant's letter for more detail.

TECHNICAL CONCERNS:

Road:

This project accesses off Bush Road, WC-448. Two entrances are proposed.

The speed limit at this location is not posted, therefore as it is a rural, dirt county road the speed limit is automatically set at 35 mph. The sight distance requirement in a 35 mph zone is 390 ft in each direction. The original location of the facility showed the driveway locations in the curve of Bush Road, and at Staff's recommendation at Tech Review the applicant agreed to shift the location of the facility north to a location with adequate sight distance.

No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.

Generally, 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.

Water:

Lincoln Water services this area. No comments have been received by Lincoln Water.

Fire:

The site plan shows a looped fire lane going around the boundary of the development, inside the double row security fence.

All turning radii in the fire lane meets the 38 ft minimum turning radii requirement, and the applicant has stated the 26 ft wide fire lane will be gravel surface compacted to support 75,000 lbs in all weather conditions.

A Knox box will be utilized to provide keys for the development to emergency personnel.

Maximum travel distances to emergency exits, emergency exit signs, and fire extinguisher locations are adequate and meet minimum fire code requirements.

If any volatile chemicals are to be kept inside any of the buildings the fire marshal and fire chief will be provided with a list and a placard will be placed on the entrances to the applicable buildings as per fire code.

No kitchen is proposed for the business.

Health Department:

Soil work has been provided by a Designated Representative of the Arkansas Health Department, and found suitable for an individual septic system to adequately service the development.

Electric:

This project is serviced by Ozarks Electric. Generally, any relocation of existing facilities will be at the developer's expense.

No comments were received by Ozarks Electric.

Drainage:

The proposed detention pond must be placed in a more suitable location, downhill from the proposed development. The location shown is the original location from when the development was in its originally proposed location. The development moved a couple hundred feet down the road, but the proposed detention pond remained in its original location.

A Drainage Report was submitted. The Washington County Contracted Engineer has not yet reviewed the resubmitted proposal. Staff will update the Board at the meeting as to any comments/requirements the Engineer makes.

Signage/Lighting/Screening Concerns:

No signage is proposed with this CUP request. A sketch of any future proposed signage must be submitted to Washington County Planning for approval prior to being placed.

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.

A dumpster is not shown on the plans. If a dumpster is desired in the future it must be screened behind a privacy fence. All outdoor storage must be screened with opaque material (gates must be opaque too).

City of Lincoln Concerns:

The City of Lincoln submitted no comments on this project.

Addressing Concerns:

The Department of Emergency Management submitted no comments on this project.

Sheriff's Office Concerns:

Jay Cantrell, with the Washington County Sheriff's Department, requires a facility security plan be submitted for review. Staff will update the Board at the meeting as to any comments/requirements the Sheriff's Department.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are a mix of residential and agricultural properties.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions. As there will be a low number of employees only working during day shift hours, and no deliveries from large trucks, Staff feels this proposal will be low impact. There is no expected odor or noise.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "light commercial".

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

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

- 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.

Staff feels that this project meets the goal of the County's Land Use Plan. The proposed cultivation facility use is compatible to residential uses because it is low impact and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties.

Future Land Use Plan

The County Future Land Use Plan for this area shows no designation at this location.

While the proposed use is not residential, due to the low impact nature of this use, and recommended conditions, staff feels this project will be compatible with the surrounding uses.

The City of Lincoln submitted no comments.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. No comments have been received. Staff will update you at the meeting if any neighbor comments are received.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Native Flower Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. This development must be fully approved by the Fire Marshal before it may be occupied by the public or employees.
2. The entrance drive/fire lane must be constructed to 26' wide.
3. A hammerhead turnaround is not required as the fire lane loops the entire development.
4. No parking is allowed along the entrance drive.
5. All fire lane roads must have a 38' turn radius at minimum, and must be compacted to support 75,000lbs in all weather conditions.
6. Fire lanes 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).
7. Emergency exit lights and fire extinguishers are required.
8. The Fire Marshal will inspect all improvements prior to the building being occupied.
9. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer and/or the county fire marshal.
10. The building must meet Arkansas State Fire Code.
11. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
12. A statement at Final LSD will be required that states the buildings are in compliance with AR State Fire Code and ADA regulations.

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. No additional signage is allowed to be placed without review by the Planning Dept.
3. If signage is desired in the future, a sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
5. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
6. All outdoor storage, and dumpster if desired in the future, must be screened with opaque material (gates must be opaque too).

Utility Conditions:

Ozarks Electric:

1. Any relocation of existing facilities will be at developer's expense. Any extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. If off site easements are needed for Ozarks to get electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin.
4. Subdivisions will be built on Policy 45 (Ozarks will contribute up to 50% of the direct cost. The remainder of the direct cost will be paid by the Developer). There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.

6. 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.
7. Please contact Wes Mahaffey at (479) 263-2167 or wmahaffey@ozarksecc.com when construction begins on subdivision and again when construction is within three months of completion.

Sheriff's Department Conditions:

1. Submit Emergency Management Plan. This should include the emergency gathering area.
2. Submit facility security plan.

Additional and Standard Conditions:

1. Pay mailing fees (\$31.92) within 30 days of project hearing. Invoice was emailed to the applicant on 10/2/2017.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated at the Final LSD phase 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. This CUP must be ratified by the Quorum Court.
5. Phasing plans must be submitted at Preliminary Large Scale Development permitting stage.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
8. This project does require additional Planning Board review (Final Large Scale Development).
9. All rules & regulations by the State of Arkansas must be followed.
10. The security camera layout plan must be updated to reflect the new project site.

PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

<u>October 5, 2017</u>	CUP Approved
_____	CUP Ratified
_____	Denied
_____	Tabled

ORDINANCE NO. 2017-71

2017 DEC 22 AM 11:12
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE RATIFYING A
CONDITIONAL USE PERMIT GRANTED
BY THE PLANNING AND ZONING BOARD.

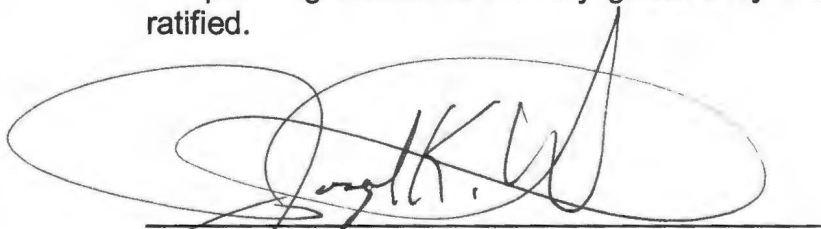
WHEREAS, the Planning and Zoning Board granted a
Conditional Use Permit on November 2, 2017 for Stone Chapel Dog Kennel & Cattery;
and,

WHEREAS, an appeal has been filed concerning such; and,

WHEREAS, the Quorum Court, acting as the board of
administrative appeal, has reviewed the facts and evidence presented by the parties as
allowed under A.C.A. §14-17-203(g).

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Conditional Use Permit for Stone
Chapel Dog Kennel & Cattery granted by the Planning and Zoning Board is hereby
ratified.



JOSEPH K. WOOD, County Judge

12-22-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Alicia Deavens
Date of Passage: December 21, 2017
Votes For: 9 Votes Against: 4
Abstention: 1 Absent: 1



WASHINGTON COUNTY PLANNING OFFICE

Ordinance 2017-71

2615 Brink Dr.
Fayetteville, AR 72701
(479) 444-1724
(479) 973-8417

Appeal Hearing- December 21, 2017
Project- Stone Chapel Dog Kennel & Cattery CUP
Project Number- 2017-195
Planner: Nathan Crouch
ncrouch@co.washington.ar.us

ZONING- CONDITIONAL USE PERMIT REQUEST

The determination as to whether a conditional use permit will be granted is subjective to a degree. The Zoning Board of Adjustments may act on issues discussed in the criteria checklist when making decisions in these matters.

REQUEST: Jamie Hertzberg is requesting **Conditional Use Permit** approval to allow a dog & cat kennel on a property that is approximately 2.54 acres in size, and currently zoned for Agricultural and Single Family Residential Uses.

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

PLANNING AREA: This project is located in Fayetteville Planning Area.

QUORUM COURT DISTRICT: District 7, Alicia Deavens

FIRE SERVICE AREA: Wheeler Rural VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: **Water-** Fayetteville Water
Telephone- AT&T

Electric- Ozarks Electric
Cable- Cox

Natural Gas- Black Hills Corp

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property, and applicant for this request, is Jamie Hertzberg. The engineer is Bates & Associates. This property is located off Sunshine Road, WC-877.

The applicant is requesting **Conditional Use Permit** approval to allow a Dog & Cat Kennel business on a property that is approximately 2.54 acres in size, and currently zoned for Agricultural and Single Family Residential Uses. The request proposes to occupy less than 1 acre, so Large Scale Development permitting is not required at this time.

The structure for the kennel already exists as a covered, open sided horse riding arena. The proposal is to enclose the building and convert it to a kennel for up to 36 dogs and 10 cats.

The City of Fayetteville has approved the applicant's request to connect the kennel to the city sewer grid.

Please see the applicant's letter for more detail.

TECHNICAL CONCERNS:

Road:

This project accesses off Sunshine Road, WC-877. The existing entrance to the horse riding arena is proposed to be abandoned, and combined with the applicant's residential driveway, resulting in a shared entry point.

The posted speed limit is 35 mph, which has a sight distance requirement of 390 ft in each direction. Planning Staff estimates the sight distance at 320 ft to the stop sign to the east, and in excess of 400 ft to the west.

No signage or parking is allowed within Washington County's road right-of-way (ROW). This proposal shows one proposed sign, outside the county road right-of-way.

The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.

Generally, 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.

Water:

Fayetteville Water services this area. No comments have been received by Fayetteville Water.

Electric:

This project is serviced by Ozarks Electric. Generally, any relocation of existing facilities will be at the developer's expense.

No comments were received from Ozarks Electric.

Fire:

The driveway and parking area servicing the proposed business must be constructed with gravel compacted to support 75,000 lbs in all weather conditions. A statement from the project engineer will be required prior to signing the final plans.

The life safety plan showing the travel distance to the exits, the location of exit signs and fire extinguishers is acceptable.

No kitchen is proposed for the business.

The Fire Marshal provided no comments.

Health Department:

This project proposes to connect to the City of Fayetteville's municipal sewer system, and has received Fayetteville's approval to do so. No comments were received from the Health Department.

Drainage:

The County Contract Engineer provided the following comments:

1. N. Sunshine road is classified as a collector roadway in Fayetteville's Master Street Plan. Per Fayetteville Code of Ordinances for collector roadways, curb cuts shall be located a minimum of 100' from an intersection or driveway and where necessary, curb cuts shall be shared between two or more lots. It is recommended that the existing driveway be moved a minimum of 100' away from the existing drive for the house and barn or combined into one driveway.

The close proximity of the driveways could create a dangerous situation for patrons exiting parking lot. –**The site plan now shows the commercial driveway combined with the existing residential driveway.**

2. Please provide a drainage analysis to determine the increase in peak flow as a result of the gravel parking lot and porch addition. Based on this drainage analysis, stormwater detention may be required. –**The project engineer has provided peak runoff calculations, and the County Contract Engineer has determined stormwater detention is not required.**

Signage/Lighting/Screening Concerns:

There is an existing sign at the front of the property. It will be removed and a new, similar sign will be installed outside the right-of-way. No additional signage is allowed to be placed. If the applicant chooses to use lighting for the existing sign, it must be indirectly lit. No signage is allowed within Washington County's road right-of-way (ROW). A sketch of any future proposed signage must be submitted to Washington County Planning for approval prior to being placed.

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.

A dumpster is not shown on the plans. If a dumpster is desired in the future it must be screened behind a privacy fence. All outdoor storage must be screened with opaque material (gates must be opaque too).

Due to the nature of the proposed business, Staff feels sound buffering along the eastern fenceline of the subject property may help make this proposed use more compatible with the adjacent neighbor's existing residential use. The proposed dog kennel and the neighbor's house to the east are approximately 350 ft apart. Planning Staff makes this recommendation on behalf of the eastern neighbor due to their expressed concerns regarding the potential noise associated with a dog kennel, and the proximity of the buildings.

The following additional conditions regarding sound buffering were approved by the Planning Board:

1. Sound buffering is required along the eastern, southern, and western sides of the development to help soften the noise as it leaves the development. The type of sound buffering will be at the discretion of the applicant, but must be reviewed and approved by Planning Staff.
2. The site plan must be updated to show the sound buffering strategy.
3. The roof of the proposed kennel must be insulated as per the applicant's Statement of Intent.
4. The exterior walls of the proposed kennel must be insulated as per the applicant's Statement of Intent.
5. The outside dog runs on the south and west sides of the kennel building must be surrounded with privacy fencing and/or other sound buffering material.
6. No dogs shall be outside between the hours of 11:00pm and 7:00am, as per the City of Fayetteville's noise ordinance.

City of Fayetteville Concerns:

The City of Fayetteville submitted no comments on this project.

Addressing Concerns:

The Department of Emergency Management submitted no comments on this project.

Sheriff's Office Concerns:

Washington County Sheriff's Office submitted no comments on this project.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are a mix of residential, commercial, and agricultural properties.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with the sound buffering conditions. Staff does not expect the traffic to impact the surrounding community.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "light commercial".

According to the County's Land Use Plan,

2. LIGHT COMMERCIAL

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

- 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.

Staff feels that this project does meet the goal of the County's Land Use Plan. The proposed dog kennel business use is compatible with residential uses because it is low impact (with the conditions approved at the 11-2-17 Planning Board meeting) and will not disrupt the normal development of this area. Staff feels that the proposed use will not cause a negative impact on the surrounding properties.

Additionally, Washington County recognizes dogs as agricultural animals, and Fayetteville City Planning has provided a letter (attached) stating, "**the City Council designated animal boarding as its own use to be allowed by-right in Agriculturally and Industrially zoned areas and by conditional use in the City's most intensive commercial zoning districts. Given the rural and large lot residential development on the subject property and adjacent lots, the proposed use appears appropriate. However with the proposed location being within 600-1200 feet of three single-family residential subdivisions, we recommend that the condition proposed by Washington County staff for sound buffering along the east property line be supplemented by buffering along the south and west boundaries as well. Additionally, we would like to request that a condition be added to limit access to the outdoor play areas to 7:00 AM to 11:00 PM, which would be in-line with Fayetteville's noise ordinance, which requires reduced noise levels between 11:00 PM and 7:00 AM.**"

Future Land Use Plan

The County Future Land Use Plan designation for this area is "Residential (Compatible to Surrounding Densities)".

While the proposed use is not residential, due to the low impact nature of this use, with recommended conditions, staff feels this project will be compatible with the surrounding uses.

The City of Fayetteville submitted comments. *Please see attached.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. Many written public comments have been received (26 in favor, 9 opposed). *Public comments are attached.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Stone Chapel Dog Kennel & Cattery Conditional Use Permit with the following conditions:

Water/Plumbing/Fire Conditions:

1. This development must be fully approved by the Fire Marshal before any of the commercial structures may be occupied by the public.
2. The entrance drive shall be designated as fire lane.
3. No parking is allowed along the entrance drive.
4. The driveway and parking area must be constructed to support 75,000lbs in all weather conditions.
5. Exit lights/emergency lights and fire extinguishers are required.
6. The applicant must comply with any Health/Safety/Fire Code recommendations made by the project engineer, architect, and/or the county fire marshal.
7. The building must meet Arkansas State Fire Code.
8. The applicant's engineer is to set the final occupancy load, and ensure the building meets Arkansas State Fire Code, and is compliant with ADA standards.
9. A statement is required that states the buildings are in compliance with AR State Fire Code and ADA regulations.

Drainage:

1. Stormwater peak runoff calculations must be provided to the County Contract Engineer.
2. If it is determined that stormwater detention is required, the site plan shall be revised to show the detention area.
3. Construction may not begin before final Engineering approval is granted by the County Contract Engineer. Drainage is addressed, and approved by the County Engineer.

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

1. Sight distance must be shown on the site plan.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW).
3. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road.
4. Generally, 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.

Signage/Lighting/Screening Conditions:

1. The proposed sign, and location, is allowed. It may not exceed 24 sq ft in size, and must not be directly lit.
2. If additional signage is desired in the future, a sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
3. Any proposed future signage may not exceed 24 sq. ft. in size and must not be directly lit.
4. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
5. All outdoor storage, and dumpster if desired in the future, must be screened with an opaque, permanent material (to include the gate), such as privacy fencing or other.
6. Sound buffering is required along the eastern, southern, and western sides of the development to help soften the noise as it leaves the development. The type of sound buffering will be at the discretion of the applicant, but must be reviewed and approved by Planning Staff.
7. The site plan must be updated to show the sound buffering strategy.

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay mailing fees (mailing fees have not been calculated yet) within 30 days of project hearing.
2. Pay engineering fees (engineering fees have not been calculated yet). This total will be calculated once all invoices are received.
3. A statement from the project engineer must be submitted prior to the building being occupied that says the development (building, parking, access, restrooms, etc) are in full compliance with all ADA regulations.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
8. The roof of the proposed kennel must be insulated as per the applicant's Statement of Intent.
9. The exterior walls of the proposed kennel must be insulated as per the applicant's Statement of Intent.
10. The outside dog runs on the south and west sides of the kennel building must be surrounded with privacy fencing and/or other sound buffering material.
11. No large (semi) truck deliveries are allowed.
12. No more than 5 employees are allowed as per the applicant's Statement of Intent.
13. Business hours are to be as proposed: Monday-Friday, 7:30am – 6:00pm; Saturday, 8:00am – 5:00pm; Sunday, Closed.
14. Business hours may be slightly (temporarily) adjusted to accommodate customers for drop-offs and pick-ups.
15. ~~Dogs last time outside will be no later than 6:00pm.~~ Replaced w/ Condition #16.
16. No dogs shall be outside between the hours of 11:00pm and 7:00am, as per the City of Fayetteville's noise ordinance.

PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:

____ November 2, 2017 _____ CUP Approved
____ CUP Ratified
____ Denied
____ Tabled

ORDINANCE NO. 2017-72

2017 DEC 22 AM 11:12
BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

FILED

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN EMERGENCY ORDINANCE RATIFYING
A CONDITIONAL USE PERMIT GRANTED
BY THE PLANNING AND ZONING BOARD.

WHEREAS, the Planning and Zoning Board granted a
Conditional Use Permit on November 2, 2017 for Frank House Residential; and,

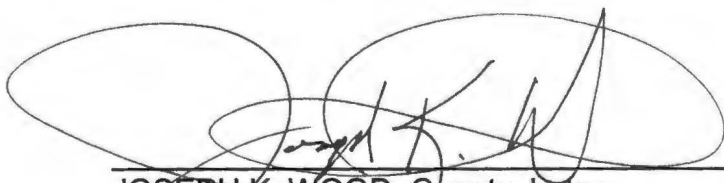
WHEREAS, immediate ratification is necessary by the
Quorum Court to prevent undue delay and expense to the applicant; and,

WHEREAS, ratification will not affect any appeal rights any
person may have.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That the Conditional Use Permit for Frank
House Residential granted by the Planning and Zoning Board is hereby ratified.

ARTICLE 2. Emergency Clause: It is hereby determined
that it is the public's best interest for this ordinance to be effective immediately; and the
general health, safety and welfare of the citizens are affected by such for the reasons as
set out above; therefore, an emergency is declared to exist and this ordinance shall be
and is effective from the date of its passage.



JOSEPH K. WOOD, County Judge

12-22-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Fred Rausch
Date of Passage: December 21, 2017
Votes For: 12 Votes Against: 0
Abstention: 0 Absent: 3

Frank House Residential CUP – Ratification Letter

The Planning Board/Zoning Board of Adjustments unanimously approved Frank House Residential Conditional Use Permit (with conditions) on November 2, 2017.

Staff does not expect any appeals on this CUP and recommends ratification of the project.

The property is owned by Richard W. Frank Jr. He is represented by Cassandra Horan. The project is located in the Washington County jurisdiction and is within the City of Tontitown Planning Area. It is accessible by Harmon Road WC 31.

This CUP to allow a parcel of land that is approximately 1.43 acres to be split into 2 residential lots consisting of 0.87 acres and 0.56 acres.

Current Parcel Information:

- 001-17127-000, 1.43 acres, two residences

Adjusted:

- Tract 1, 0.87 acres, 1 story brick and frame house, cellar, block building
- Tract 2, 0.56 acres, 1 story frame house, shed

There are two existing single family residences on the property. Each has its own individual septic system. Lateral lines for each septic system encroach upon neighboring property. Septic/sewer easements have been obtained and filed with the Arkansas Department of Health.

The block building on Tract 1 encroaches upon the side setback. A variance is needed to address the encroachment.

If this project receives CUP approval, the proposed split must then receive approval from the City of Tontitown. All conditions of Tontitown approval must be completed. If the split is approved by the City of Tontitown, this project must request administrative lot split approval from Washington County.

Staff does not expect this project to be contentious, and is recommending approval of the project, with conditions.

No neighbor comment forms have been submitted in favor, or opposed to this project.

This project was not contentious, and staff recommended approval of the proposed Frank House Residential Conditional Use Permit, with conditions.

The Planning Board/ Zoning Board of Adjustments approved (6 members voted “in favor”, 0 members voted “against”, 1 member was not present, 0 members abstained) the project with the following conditions:

Water/Plumbing/Fire Conditions:

1. Both houses are being serviced by Washington Water Authority.

Sewer/Septic/Decentralized Sewer Conditions:

1. Soil analysis was performed by a Designated Representative from the Arkansas Department of Health. The current systems were found to be in good condition.

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

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.

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.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$37.80) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/27/2017).
2. Pay engineering fees, if applicable, within 30 days of project approval. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

FILED

2017 DEC 22 AM 11:12

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR


ORDINANCE NO. 2017-73

BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE ANTICIPATING ADDITIONAL
REVENUE OF \$7,800 IN THE LAW
ENFORCEMENT GRANT FUND FOR 2017; AND
APPROPRIATING \$7,800 FROM THE LAW
ENFORCEMENT GRANT FUND TO THE ADR
GRANT BUDGET.

ARTICLE 1. There is hereby anticipated additional revenue of
\$7,800 in the State Grants Revenue Line Item of the Law Enforcement Grant Fund (3514-7010)
for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$7,800
from the Law Enforcement Grant Fund to the Special Legal Line Item in the ADR Grant Budget
(35140497-3005) for 2017.



JOSEPH K. WOOD, County Judge

12-22-2017
DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: December 21, 2017
Votes For: 12 Votes Against: _____
Abstention: _____ Absent: 3

ORDINANCE NO. 2017-74_

BECKY LEWALLEN
COUNTY CLERK
OFFICE OF THE COUNTY CLERK
10000403-1001

2017 DEC 22 AM 11:12

FILED

APPROPRIATION ORDINANCE:

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:


AN ORDINANCE REDUCING PERSONAL
SERVICES LINE ITEM IN THE CIRCUIT
COURT III BUDGET BY \$6,600; AND
APPROPRIATING THE AMOUNT OF \$6,600
FROM THE GENERAL FUND TO THE CIRCUIT
COURT III BUDGET FOR 2017.

ARTICLE 1. Appropriations are hereby reduced by the total
amount of \$6,600 from Full-Time Salary Line Item of the Personal Services Category in the
Circuit Court III Budget (10000403-1001) for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$6,600
from the General Fund to the following Line Items in the Circuit Court III Budget for 2017:

General Supplies	(10000403-2001)	\$ 500
Fuel, Oil & Lubricants	(10000403-2007)	200
Other Professional Services	(10000403-3009)	5,000
Postage	(10000403-3021)	200
Cell Phone/Pager/Radio	(10000403-3022)	500
Contract-Overages	(10000403-3074)	<u>200</u>

TOTAL APPROPRIATIONS: \$ 6,600



Joseph K. Wood, County Judge

12-22-2017

Date



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: December 21, 2017
Votes For: 12 Votes Against: _____
Abstention: _____ Absent: 3

ORDINANCE NO. 2017-75

2017 DEC 22 AM 11:12
BECKY LEWALLEN
CLERK & PARALEL CLERK
WASHINGTON, AR

10350

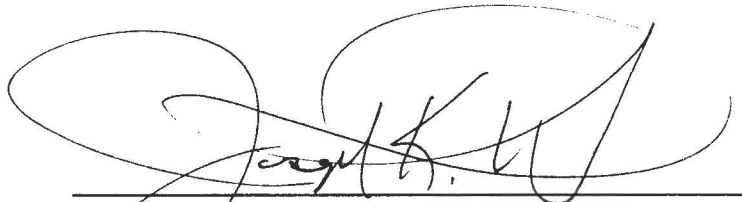
APPROPRIATION ORDINANCE:

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REDUCING PERSONAL
SERVICES LINE ITEM IN THE ASSESSOR
BUDGET BY \$20,500; AND APPROPRIATING
THE AMOUNT OF \$20,500 FROM THE
GENERAL FUND TO THE ASSESSOR
BUDGET FOR 2017.

ARTICLE 1. Appropriations are hereby reduced by the total
amount of \$20,500 from Full-Time Salary Line Item of the Personal Services Category in the
Assessor Budget (10000105-1001) for 2017.

ARTICLE 2. There is hereby appropriated the amount of \$20,500
from the General Fund to the Vehicles Line Item of the Capital Outlay Category in the Assessor
Budget (10000105-4005) for 2017.



Joseph K. Wood, County Judge

12-22-2017

Date


BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: December 21, 2017
Votes For: 11 Votes Against: _____
Abstention: _____ Absent: 4

2017 DEC 22 AM 11:12

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDINANCE NO. 2017-76

BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

**AN ORDINANCE TRANSFERRING MONIES OF
\$20,383 WITHIN THE OJP DRUG COURT
ENHANCEMENT BUDGET IN THE DRUG COURT
GRANT FUND; AND APPROPRIATING \$28,142
FROM THE DRUG COURT GRANT FUND TO THE
DRUG COURT ACCOUNTABILITY BUDGET FOR
2017.**

ARTICLE 1. The Personal Service Salaries Line Items of the
OJP Drug Court Enhancement Budget are hereby reduced by \$20,383 for 2017:

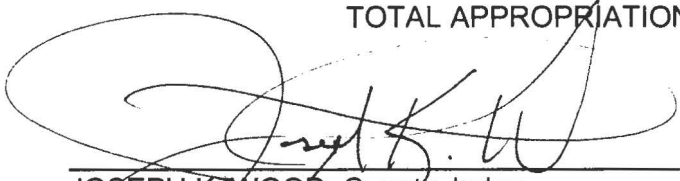
Salary Full-Time	(35130483-1001)	\$ 15,108	
Social Security Matching	(35130483-1006)	1,156	
Noncontributory Retirement	(35130483-1008)	2,229	
Health Insurance Matching	(35130483-1009)	1,835	
Life Insurance	(35130483-1016)	<u>55</u>	
			20,383

TOTAL REDUCTION: \$ 20,383

ARTICLE 2. There is hereby appropriated the total amount of
\$48,525 from the Drug Court Grant Fund to the various line items in the following budgets for
2017:

<u>OJP Drug Court Enhancement</u>			
Medicine and Drugs	(35130483-2004)	\$	20,383
 <u>Drug Court Accountability</u>			
Medicine and Drugs	(35130485-2004)	\$	300
Medical/Dental/Hospital	(35130485-3006)		4,000
Drug Testing	(35130485-3007)		3,000
Other Professional Services	(35130485-3009)		20,342
Travel	(35130485-3030)		<u>500</u>
			28,142

TOTAL APPROPRIATION: \$ 48,525



JOSEPH K. WOOD, County Judge

12-22-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Bill Ussery
Date of Passage: December 21, 2017
Votes For: 13 Votes Against: _____
Abstention: _____ Absent: 2

FILED

2017 DEC 22 AM 11:12

BECKY LEWALLEN
CO. & PROBATE CLERK
WASHINGTON CO. AR

RESOLUTION NO. 2017-14

**BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, A RESOLUTION
TO BE ENTITLED:**

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
WASHINGTON COUNTY TO UTILIZE FEDERAL-AID SURFACE
TRANSPORTATION BLOCK GRANT PROGRAM -
ATTRIBUTABLE FUNDS ADMINISTERED BY THE
NORTHWEST ARKANSAS REGIONAL PLANNING
COMMISSION TO BEGIN DESIGN AND ENVIRONMENTAL
WORK ON THE HOWARD NICKELL ROAD AND HIGHWAY 112
INTERSECTION PROJECT**

WHEREAS, Washington County understands Federal-aid Surface Transportation Block Grant Program Funds are available at 80% federal participation and 20% local match to begin the design and environmental work for the Highway 112 and Howard Nickell Road intersection project; and

WHEREAS, Howard Nickell Road and Highway 112 are classified as Minor Arterials on the adopted FHWA Benton and Washington County Functional Classification Map (2015); and

WHEREAS, Howard Nickell Road is classified on the Fayetteville Master Street Plan as a Principal Arterial Parkway; and

WHEREAS, Washington County plans to partner with the City of Fayetteville and apply for STBGP-A funding for the project; and

WHEREAS, the current application request is approximately \$350,000 to be put toward the environmental studies and design work; and

WHEREAS, the local match required for this amount would be split equitably between Washington County and the City of Fayetteville. The required local match would be approximately \$35,000 for Washington County and \$35,000 for the City of Fayetteville; and

WHEREAS, Washington County understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, Washington County understands that there will be no reimbursement for any work accomplished prior to issuance by the Arkansas Department of Transportation of an official notice to Proceed; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public.

**NOW, THEREFORE, BE IT RESOLVED BY THE WASHINGTON
COUNTY QUORUM COURT THAT:**

ARTICLE 1. Washington County will participate in accordance with its designated responsibility.

ARTICLE 2. Washington County Judge is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the design and environmental work of the above stated project.

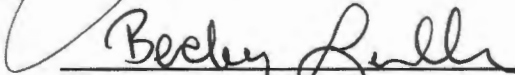
ARTICLE 3. Washington County pledges its full support and hereby authorizes Washington County to cooperate with the Northwest Arkansas Regional Planning Commission and the City of Fayetteville to initiate action to implement this project.



JOSEPH K. WOOD, County Judge

12-22-2017

DATE



BECKY LEWALLEN, County Clerk

Sponsor: Daniel Balls
Date of Passage: December 21, 2017
Votes For: 12 Votes Against: _____
Abstention: _____ Absent: 3