

BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2019 MAY 20 AM 11:56

FILED

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

Thursday, April 18, 2019  
6:00 p.m.  
Washington County Quorum Court Room

JP Deakins called the meeting to order.

A motion to elect JP Deakins to preside over the meeting in Judge Joseph Wood's absence was made by JP Johnson and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the motion.

JP Harbison led the prayer and pledge.

Members present were JP Lance Johnson, JP Susan Cunningham, JP Harvey Bowman, JP Judith Yanez, JP Patrick Deakins, JP Lisa Ecke, JP Sam Duncan, JP Eva Madison, JP Andrea Jenkins, JP Suki Highers, JP S Madison, JP Willie Leming, JP Ann Harbison, and JP Butch Pond. JP Shawndra Washington was absent.

A motion to amend the agenda and add an ordinance was made by JP S Madison and seconded by JP E Madison. A voice vote was called and all members present unanimously voted to approve the motion. A motion to adopt the agenda as amended was made by JP S Madison and seconded by JP E Madison. A voice vote was called and all members present unanimously voted to adopt the agenda as amended.

A motion to suspend the rules and read all ordinances by title only was made by JP S Madison and seconded by JP Leming. A voice vote was called and all members present unanimously voted to approve the motion.

During citizen's comment, James Harris read a letter from Rick Bostian opposing the Heritage Farms CUP. Barney Nubbie, Lou Reed Sharp, and Alan Lankford spoke in opposition of the Heritage Farms CUP. Debra Dorman Carlisle spoke in opposition of the Elevate Elite Training Academy CUP. Lyndel Johnson spoke in favor of the Elevate Elite Training Academy CUP.

The March 21<sup>st</sup> minutes were approved with no corrections.

JP Deakins presented the Judge's Report. He presented to the Court a Purchasing Department Disposal of County Property for March. He gave an update on the Crisis Stabilization Unit.

Judge Stacey Zimmerman presented the JDAI Report to the Quorum Court. There were comments made by JP S Madison and JP Harbison.

JP Deakins introduced agenda item 9.1. This ordinance was on its third and final reading. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$82,701 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$82,701 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2017 BUDGET FOR 2019". During public comment, Elizabeth Coger and Sarah Moore spoke. A roll call vote was called and the votes were tallied as follow:

JP Johnson: Yes  
JP Cunningham: Yes  
JP Bowman: Yes  
JP Yanez: No  
JP Deakins: Yes  
JP Ecke: Yes  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: No  
JP Jenkins: No

JP Highers: No  
JP S Madison: No  
JP Leming: Yes  
JP Harbison: Yes  
JP Pond: Yes

**Ordinance 2019-25, AN ORDINANCE RECOGNIZING ADDITIONAL REVENUES OF \$82,701 IN THE LAW ENFORCEMENT GRANT FUND; AND, APPROPRIATING THE AMOUNT OF \$82,701 FROM THE LAW ENFORCEMENT GRANT FUND TO THE SCAAP 2017 BUDGET FOR 2019, was adopted.**

JP Deakins introduced agenda item 10.1. This ordinance was on its second reading. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD" (Heritage Farms NWA). A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP S Madison and seconded by JP E Madison. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No  
JP Cunningham: No  
JP Bowman: Yes  
JP Yanez: Yes  
JP Deakins: No  
JP Ecke: Yes  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: Yes  
JP Jenkins: Yes  
JP Highers: Yes  
JP S Madison: Yes  
JP Leming: Yes  
JP Harbison: Yes  
JP Pond: Yes

The motion was approved. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD". There were comments made by various members of the Court sharing their position regarding their vote on the ordinance. During public comment, Marty Matlock, Dan Zelenka, Bobby Morris, Mark Draper, and David Linn spoke. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No  
JP Cunningham: Yes  
JP Bowman: No  
JP Yanez: Yes  
JP Deakins: No  
JP Ecke: No  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: Yes  
JP Jenkins: Yes  
JP Highers: Yes  
JP S Madison: Yes  
JP Leming: Yes  
JP Harbison: Yes  
JP Pond: Yes

**Ordinance 2019-26, AN ORDINANCE DENYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD" (Heritage Farms NWA), was adopted.**

JP Deakins introduced agenda item 11.1. Senior Planner, Sita Nanthavong presented the staff summary of the Conditional Use Permit for Elevate Elite Training Academy to the Quorum Court.

There were comments made by various members of the Court. A motion to postpone the discussion until the May Quorum Court meeting was made by JP Duncan and seconded by JP S Madison. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No  
JP Cunningham: No  
JP Bowman: Yes  
JP Yanez: No  
JP Deakins: No  
JP Ecke: No  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: No  
JP Jenkins: No  
JP Highers: No  
JP S Madison: Yes  
JP Leming: No  
JP Harbison: No  
JP Pond: No

The motion failed. There were comments made by JP Harbison, JP E Madison, and JP Johnson.

Applicant Clarice Whitmore spoke to the Quorum Court regarding the request for the Conditional Use Permit and answered questions from the Court. Lyndel Johnson, Justin Lee, and Kristin Lee spoke in favor of the CUP.

Appellant Peggy Patterson, Tim Boudrey, Mark Bridges, Gerry Harris, Farmington Mayor Ernie Penn, and Martha DeVault spoke in opposition of the CUP.

There were comments made by various members of the Court sharing their position regarding their vote on the CUP. A motion to deny the Elevate Elite Training Academy Conditional Use Permit was made by JP Harbison and seconded by JP Jenkins. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING THE RATIFICATION OF A CONDITIONAL USE PERMIT APPROVED BY THE PLANNING AND ZONING BOARD". A motion to suspend the rules and advance the ordinance to a second reading was made by JP Pond and seconded by JP Jenkins. A roll call vote was called and all members present unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING THE RATIFICATION OF A CONDITIONAL USE PERMIT APPROVED BY THE PLANNING AND ZONING BOARD". A motion to suspend the rules and advance the ordinance to a third and final reading was made by JP Pond and seconded by JP Jenkins. A roll call vote was called and all members present unanimously voted to approve the motion. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE DENYING THE RATIFICATION OF A CONDITIONAL USE PERMIT APPROVED BY THE PLANNING AND ZONING BOARD". There was no public comment. A roll call vote was called and the votes were tallied as follow:

JP Johnson: No  
JP Cunningham: Yes  
JP Bowman: Yes  
JP Yanez: Yes  
JP Deakins: No  
JP Ecke: Yes  
JP Duncan: Yes  
JP Washington: Absent  
JP E Madison: Yes  
JP Jenkins: Yes  
JP Highers: Yes  
JP S Madison: Yes  
JP Leming: Abstain  
JP Harbison: Yes  
JP Pond: Yes

**Ordinance 2019-27, AN ORDINANCE DENYING THE RATIFICATION OF A CONDITIONAL USE PERMIT APPROVED BY THE PLANNING AND ZONING BOARD, was adopted.**

JP Deakins introduced agenda item 13.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE CHANGING THE TITLE AND GRADE OF ONE FULL-TIME POSITION IN THE CIRCUIT COURT III BUDGET FOR 2019". A motion to adopt the ordinance was made by JP E Madison and seconded by JP S Madison. There was no public comment. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

**Ordinance 2019-28, AN ORDINANCE CHANGING THE TITLE AND GRADE OF ONE FULL-TIME POSITION IN THE CIRCUIT COURT III BUDGET FOR 2019, was adopted.**

JP E Madison introduced agenda item 14.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE RECOGNIZING ADDITIONAL CARRYOVER MONEY IN VARIOUS GRANT FUNDS IN THE AMOUNT OF \$65,882.27; AND, REDUCING \$139.32 FROM VARIOUS GRANT FUND BUDGET LINE ITEMS FOR 2019". A motion to adopt the ordinance was made by JP E Madison and seconded by JP Pond. There was no public comment. A roll call vote was called and all members present unanimously voted to adopt the ordinance.

**Ordinance 2019-29, AN ORDINANCE RECOGNIZING ADDITIONAL CARRYOVER MONEY IN VARIOUS GRANT FUNDS IN THE AMOUNT OF \$65,882.27; AND, REDUCING \$139.32 FROM VARIOUS GRANT FUND BUDGET LINE ITEMS FOR 2019, was adopted.**

JP Harbison introduced agenda item 15.1. County Attorney Brian Lester read the ordinance by title only, "AN ORDINANCE REDUCING \$4,248.52 FROM UNAPPROPRIATED COUNTY RESERVES (1000) AND APPROPRIATING SAID AMOUNT TO THE OTHER PROFESSIONAL SERVICES LINE ITEM (10000107-3009) IN THE QUORUM COURT'S BUDGET FOR 2019". A motion to adopt the ordinance was made by JP Harbison and seconded by JP Pond. There was no public comment. A roll call vote was called and majority of the members present voted to adopt the ordinance. JP E Madison opposed.

**Ordinance 2019-30, AN ORDINANCE REDUCING \$4,248.52 FROM UNAPPROPRIATED COUNTY RESERVES (1000) AND APPROPRIATING SAID AMOUNT TO THE OTHER PROFESSIONAL SERVICES LINE ITEM (10000107-3009) IN THE QUORUM COURT'S BUDGET FOR 2019, was adopted.**

JP S Madison introduced agenda item 16.1. "AN ORDINANCE ESTABLISHING MINIMUM STANDARDS OF HABITABILITY FOR RESIDENTIAL RENTAL PROPERTY". This ordinance was deferred to a Committee.


JP Bowman gave an update on the County Services Committee - The committee did not meet due to lack of an agenda.

JP Harbison gave an update on the Finance & Budget Committee – The committee met and discussed the ordinances that were approved at this meeting.

JP Johnson gave an update on the Jails/LE/Courts Committee – The committee met and had a public forum allowing citizens to speak on the jail overcrowding.

JP Pond gave an update on the Personnel Committee - The committee met and discussed the title and grade changes that was requested by Judge Stacey Zimmerman.

The meeting was adjourned at 9:00 p.m.

  
Respectfully submitted by,  
Patty Burnett  
Quorum Court Coordinator

Item 19-I-018

Finance & Budget Committee (02 12 19): Passed to QC with a DO PASS recommendation  
First Reading 02 21/2019 (failed to obtain votes required to adopt without separate readings)  
Second Reading 03 21/2019  
Third Reading 04/18/2019

FILED  
2019 APR 22 PM 3:06  
BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

**ORDINANCE NO. 2019-25**

**APPROPRIATION ORDINANCE**

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

**AN ORDINANCE RECOGNIZING  
ADDITIONAL REVENUES OF \$82,701 IN THE  
LAW ENFORCEMENT GRANT FUND; AND,  
APPROPRIATING THE AMOUNT OF \$82,701  
FROM THE LAW ENFORCEMENT GRANT  
FUND TO THE SCAAP 2017 BUDGET FOR  
2019.**

**WHEREAS**, under the State Criminal Alien Assistance Program (SCAAP), the Office of Justice Programs of the U.S. Department of Justice awards grant money to eligible local governments that incur certain types of costs due to the incarceration of illegal aliens; and,

**WHEREAS**, Washington County received a SCAAP 2017 Grant award in the amount of \$82,701.

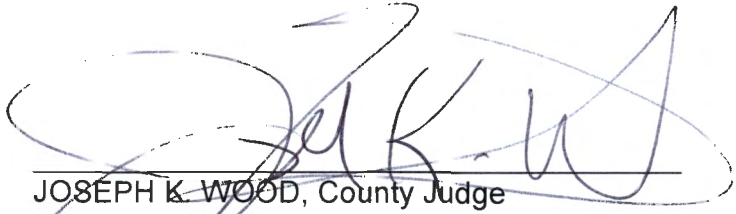
**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** There is hereby recognized additional revenue of \$82,701 in the Other Federal Grants Revenue line item of the Law Enforcement Grant Fund (35147109) for 2019.

**ARTICLE 2.** There is hereby appropriated the amount of \$82,701 from the Law Enforcement Grant Fund to the Small Equipment line item in the SCAAP 2017 Budget (35140576-2002) for 2019.

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JOSEPH K. WOOD, County Judge

04-22-2019  
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **April 18, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Deakins, Ecke, Duncan, Leming, Harbison, Pond**  
Members Voting Against: **Yanez, E. Madison, Jenkins, Highers, S. Madison**  
Members Abstaining:  
Members Absent: **Washington**

Item 19-1-036  
Planning and Zoning Board Meeting (02/14/19): Denied  
Quorum Court Meeting (03/21/2019): First Reading  
Quorum Court Meeting (04/18/2019): Second and Third Reading

FILED  
2019 APR 22 PM 3:06  
BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO., AR

**ORDINANCE NO. 2019-26**

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


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

**WHEREAS**, the Planning and Zoning Board denied a Conditional Use Permit on **February 14, 2019**, for **Heritage Farms**; and,

**WHEREAS**, after reviewing the information provided by the Planning Department, the applicant, and members of the community, the Quorum Court desires to deny the Conditional Use Permit, as allowed by Washington County Code and the laws of the State of Arkansas

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

**ARTICLE 1.** That the Conditional Use Permit for **Heritage Farms** denied by the Planning and Zoning Board is hereby denied.

  
\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

04-22-2019  
DATE

  
\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Sam Duncan**  
Date of Passage: **April 18, 2019**  
Members Voting For: **Cunningham, Yanez, Duncan, E. Madison, Jenkins, Highers, S. Madison, Leming, Harbison, Pond**  
Members Voting Against: **Johnson, Bowman, Deakins, Ecke**  
Members Abstaining:  
Members Absent: **Washington**



# WASHINGTON COUNTY PLANNING OFFICE

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

Agenda Item

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Meeting- February 14, 2019  
Project Name: **Heritage Farms CUP**  
Project Number- **2018-341**  
Planner- Nathan Crouch  
ncrouch@co.washington.ar.us

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## 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 zoning ordinance and criteria checklist when making decisions in these matters.

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**REQUEST:** Conditional Use Permit approval for Heritage Farms NWA to use parcel # 001-11943-000 for open cut red dirt mining operations, and to use parcel # 001-11940-001 for the dirt pit haul road.

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

**PLANNING AREA:** This property is not located within a planning area, it is located solely within Washington County's jurisdiction.

**FUTURE LAND USE:** No Future Land Use has been designated at this location.

**QUORUM COURT DISTRICT:** District 7, JP Sam Duncan

**FIRE SERVICE AREA:** Wedington Rural VFD

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE:** **Water-** Washington Water Authority  
**Telephone-** AT&T

**Electric-** Ozarks Electric  
**Cable-** N/A

**Natural Gas-** N/A

### **BACKGROUND/ PROJECT SYNOPSIS:**

The applicant is requesting Conditional Use Permit approval for Heritage Farms to transition existing agricultural/residential zoned property to open cut red dirt/clay/gravel extraction operations. The property is owned by Heritage Farms NWA. Construction of the haul road has already begun.

This operation proposes the construction of a haul road and red dirt pit operations- extraction of red dirt, clay, and creek gravel. The proposed haul road from Greenburrow Road will connect to the proposed open cut mining area. The proposed mining area is split up into four phases, with progression from one phase to the next based on market demand. The phases are as follows:

- Phase 1- 6.16 acres
- Phase 2- 6.06 acres
- Phase 3- 3.8 acres
- Phase 4- 3.1 acres

Total area to be mined- 19.12 acres

The proposed hours of operation are 7:30am – 5:00pm, Monday – Friday, with 3 to 5 employees, and approximately 75 trucks/day in the spring & summer months. (Please see applicant's Letter of Explanation)



### **TECHNICAL CONCERNS:**

The Conditional Use Permit is subjective in nature. Its intent is to assess the proposed development's compatibility with the existing uses in the surrounding area. The Conditional Use Permit criteria for approval are as follows (**with Planning Staff comments in bold text**):

#### **Sec. 11-200. –Criteria for allowance of conditional uses.**

- a) The Board shall hear and decide requests for a conditional use and may authorize such if it finds:
1. That a written application has been filed with the Planning Office and the appropriate fee has been paid. **Application is on file and fee has been paid.**
  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 notified neighbors within ½ mile of the subject property, by certified mail, within 30 days of the hearing date.**
  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 exiting conditions, coupled with the proposed conditions of approval regarding utilities, roads, and drainage, will ensure adequate infrastructure is in place for this development.**
  4. That the proposed use is compatible with the surrounding area. **There are other red dirt pits and a quarry in the area within a few miles. However Planning Staff has received a substantial number of public comments in opposition to this proposal based on several criteria including (but not limited to) safety, noise, dust, traffic, property values, wildlife, water quality, and stormwater runoff. Many residents of this neighborhood feel this proposed use is not compatible with the surrounding area. However, the applicant feels this proposed use is compatible with the area based on Fayetteville's growth toward the west, and the demand for red dirt as a building material.**
  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 neighbors have made the argument that this proposed use will be detrimental to their public health, safety, comfort, and general welfare.**
  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. **With the applicant's estimated 75 trucks/day (in & out), many neighbors have commented in opposition to this proposed use, believing it will substantially diminish their ability to enjoy their property, as well as impair property values in the area. At the time of this Staff Report, 39 public comment forms have been submitted citing diminished property values as a concern. Neither the applicant nor the neighbors have submitted any quantitative data on property value fluctuations related to open cut red dirt mines.**
  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. **Public comments have been submitted citing fear of decreased property values, which may deter future development in the surrounding area.**
- b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

#### **Fire Issues:**

1. Turning radii at the entry point is 38'.
2. Knox Box or Knox lock is needed to open the gate and the office.
3. Approved fire apparatus turnaround area – needs to be shown on the plan.
4. 75,000 lb (H-20) compaction on the road up to the office.
5. Must have address at the road and on the building where it is easy for emergency responders to identify.
6. Maximum grade of the fire lane shall not exceed 10%, as per Arkansas state fire code.

**Septic:**

1. No comment unless they are doing a building (with a restroom).

The applicant is not proposing a restroom at this time, so the Health Department's comments have been addressed.

**Utilities**

**Electric/Gas/Cable/Phone:**

No water, gas, or cable utilities are proposed.

There will be electricity and phone service in the scale office. No comments/requirements were submitted by Ozarks Electric or AT&T.

**Washington Water Authority**

Although no water service is proposed with this application, Washington Water Authority provided the following comments/requirements for the November 13<sup>th</sup> Technical Review meeting:

1. Property is served from a 4" water main located running along Greenburrow Rd., WC-662. The current application states that water service is not being requested as part of the LSD; if this changes in the future, please submit a Request for Water Service Form ([www.washingtonwater.org](http://www.washingtonwater.org)).
2. The nearest Fire Hydrant to the project site is located at the intersection of Greenburrow Rd., WC-662 and HWY 16, or approximately 0.7 miles to the NW of the project site. Flow rate at this hydrant is 325 gpm @ 20 psi.
3. Due to the heavy equipment traffic generated by this LSD, the existing water main running under the proposed access drive should be encased with a steel encasement.

The plans show 60 feet of 8-inch steel encasement running beneath the haul road where it connects to Greenburrow Road. Washington Water Authority's requirement is addressed.

**Roads/Sight Distance/Ingress-Egress/Parking:**

The Washington County Road Department submitted the following comments/requirements for the November 13<sup>th</sup> Technical Review meeting:

1. Pave the county road (Greenburrow Rd., WC-662) from the haul road entrance south to Elkhorn springs Rd.

Paving the road is a condition of approval. However, laying asphalt is not practical during the cold time of the year. So, if this proposed development is approved, paving of the road may have to wait until a warmer time of the year.

Sight distance was provided by the Road Department and was determined with GPS points.

Sight distance to the north (left hand turn out of the haul road) is 431.54 ft.

Sight distance to the south (right hand turn out of the haul road) is 421.71 ft.

Sight distance is adequate.

The on-site employees will park their vehicles in the area near the scale office, which is at a lower elevation than Greenburrow Rd. The parking area will not be visible from the public road.

**Drainage:**

The Washington County Contracted Engineer has reviewed each set of plans and each Stormwater Drainage Report. Based on the review of the latest submittal the County Contracted Engineer still has the following questions:

1. What is happening that the length of flow is increasing 270 ft from Pre- to Post?

2. Is it possible to add a table with flows leaving the pond after “detained” with associated water surface elevations? Ultimately, need to verify that 1 vertical foot of freeboard is provided between the 100 year maximum water surface elevation and the top of berm.
3. Is 1167.0 the maximum water surface elevation that occurs in the pond at the 100 year event?

These questions, and any additional questions that arise, must be adequately addressed/answered by the applicant’s engineer. This is a condition of approval.

**Environmental Concerns:**

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

**Signage/Lighting/Screening Concerns:**

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

**Arkansas Department of Environmental Quality (ADEQ):**

ADEQ comments/requirements were received on November 26<sup>th</sup>, nearly 2 weeks after the Technical Review meeting. The comments/requirements are as follows:

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_noi.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_swppp\\_template\\_large\\_site.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_inspection\\_form.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf)
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. However, **this facility is near an ecologically sensitive spring (Elkhorn Springs) and a section of the Illinois River that is designated as an Ecologically Sensitive Water and impaired by chlorides and sulfates. Please note that additional BMPs may be required to be protective of these waters, or the Department may require coverage under an individual permit.** The application forms for the Industrial General Permit are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_notice\\_of\\_intent.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_2014\\_igp\\_permit\\_swppp\\_template.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf)

Full compliance with ADEQ’s permitting requirements is a condition of approval.

**Access Easement crossing the subject property**

Concerns were raised by the neighbors to the south regarding the access easement used to access their property. The applicant has constructed the haul road across the private road (access easement), creating a condition that to travel north-to-south along the easement a vehicle will have to cross over the haul road, which is built up to a higher elevation.

Planning Staff has mapped the easement and found that the location of the access road was properly described in the legal description. The easement document appears to have been properly recorded with the Circuit Clerk’s office.

Although it is not in the Washington County Land Development Code, Planning Staff urges the property owners to come to an amicable, mutually favorable agreement. Otherwise, the issue will be a civil matter between property owners and should be settled in court.

## COMPATIBILITY CONCERNS:

### Surrounding Uses:

The surrounding uses are single family residential and agricultural, with very little Light Commercial, as well as at least 3 other quarries/red dirt pits (the closest is under reclamation in accordance with ADEQ's requirements, meaning it's lifespan as an active quarry is over).

The subject property doesn't have any permanent structures at this time.

Staff feels that the applicant's request is compatible with the surrounding property densities, since this application doesn't propose to split the property any smaller.

### County's Land Use Plan (written document):

According to the County's Land Use Plan,

## SECTION III. PHYSICAL DEVELOPMENT

### A. LAND USE CONSIDERATIONS

#### 4. INDUSTRIAL

The chief goals for industrial development are:

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities; **This proposed site, although not adjacent to a major thoroughfare, is 1.8 miles from a major thoroughfare. If approved, that entire distance will be paved.**
- b. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; **Heritage Farms NWA, the owner of this property, owns in excess of 200 acres at this location. The tax revenue generated by this proposed development will benefit the county and its residents. However, any future development other than Agricultural or Single Family Residential at a density of 1 residential unit/acre must receive Conditional Use Permit approval and ratification by the Washington County Quorum Court, so no expansion of this development (if approved) will be allowed without amending the CUP & HI-LSD permits. Single-family residential and/or Agricultural uses are allowed by right in the county zoning code.**
- c. Provide for ample utilities and services to support industrial development. **The current proposal doesn't require provision of additional utilities. Each proposed industrial development must go through Washington County's planning process, must be approved by the Planning Board, and ratified by the Washington County Quorum Court.**

### Future Land Use Plan

Washington County's Future Land Use Plan shows no designation for this area.

### SITE VISIT:

A site visit has been conducted by planning staff. Sight distance from the haul road location appears to be adequate.

### **NEIGHBOR COMMENTS/CONCERNS:**

In accordance with High-Impact Large Scale Development regulations all neighbors within one-half mile of the boundary of this property were notified by certified mail of this proposed project. The notification letters were mailed out 30-days before the Planning Board meeting. The address list Staff uses to mail public notices is generated by our in-house database system, which sources information from the Assessor's parcel data. The initial list was 96 addresses. Then, any additional comments received from addresses outside the 0.5 mile notification buffer, or from additional people living at the same address, are added to the list. Planning Staff has received 137 public comments, all in opposition to this proposed dirt pit.

Opposed comments cite safety, noise, dust, traffic, property values, wildlife, water quality, and stormwater runoff as the main concerns, but many other concerns are included as well.

The attached Neighbor Comment Map shows 1/4, 1/2, and 1 mile radius around the subject property. All of the properties that touch or are inside the 1/2 mile radius are automatically added to the notification list. Opposed public comments were received from all of the properties shaded in red. Planning Staff didn't receive any public comment forms from the properties shaded in blue. Additionally, the properties shown with orange stripes are the other quarry/mining operations in the vicinity; some are active, some are inactive.

Public comment forms, as well as the applicant's letters to the neighbors, were all emailed to the Planning Board members on February 6, 2019. Staff will update the Planning Board at the meeting if any additional comments are received.

(See attached neighbor comment map)

### **STAFF RECOMMENDATION:**

Due to the High-Impact nature of this proposed use, in addition to the lack of quantifiable data to inform the process of assessing compatibility, **Staff withholds a recommendation for the proposed Heritage Farms Conditional Use Permit.** Staff urges the Planning Board to listen to the opposition from the members of the community claiming the proposed use is not compatible based on the perceived impact this dirt pit may force upon them. And listen to the applicant's claim that the proposed use is compatible based on the need for red dirt as a building material due to Fayetteville's growth.

Once both sides of the issue have addressed the board, weigh the two sides to determine for yourselves if the proposal has met the compatibility requirements.

### **Fire Conditions:**

1. All entrance drives and fire lanes (including turnaround area) must be paved, or constructed of base material compacted to support 75,000 lbs in all weather conditions.
2. Maximum turning radii is 38' at the entry point and all areas within the fire lane.
3. A Knox Box or Knox lock is needed to open the gate and the office.
4. Approved fire apparatus turnaround area – needs to be shown on the plan.
5. 75,000 lb (H-20) compaction is required on any fire lane areas if they are not paved.
6. Must have address at the road and on the building where it is easy for emergency responders to identify.
7. Maximum grade of the fire lane shall not exceed 10%.

### **Sewer/Septic/Decentralized Sewer Conditions:**

1. If a septic system is desired in the future the applicant must comply with the regulations set forth by the Arkansas Department of Health.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

**Road Conditions:**

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
2. Greenburrow Road must be paved, from the haul road south to Elkhorn Springs Road.

**Drainage Conditions:**

1. All comments/questions/requirements by the County Contracted Engineer must be addressed.
2. The County Contracted Engineer had comments/questions/requirements after reviewing each set of plans. Additional questions/comments/requirements may be forthcoming as the Engineer reviews subsequent submittals.

**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).

**Arkansas Department of Environmental Quality (ADEQ)**

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_noi.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_swppp\\_template\\_large\\_site.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_inspection\\_form.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf)
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. However, this facility is near an ecologically sensitive spring (Elkhorn Springs) and a section of the Illinois River that is designated as an Ecologically Sensitive Water and impaired by chlorides and sulfates. Please note that additional BMPs may be required to be protective of these waters, or the Department may require coverage under an individual permit. The application forms for the Industrial General Permit are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_notice\\_of\\_intent.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_2014\\_igp\\_permit\\_swppp\\_template.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf)
3. Full compliance with ADEQ is required.

**General Utility Conditions:**

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

**Washington Water Authority:**

1. Water main crossing under the haul road must be sleeved in steel encasement.
2. The applicant has designed a field welded encasement for the water main/access road crossing. Add note "All field welds must be conducted under the supervision of a WWA representative" to sheet C-6. Once the main is exposed, if the existing water main alignment is not conducive for a field welded encasement based on horizontal or vertical deflection, the main will need to be rerouted in a similar fashion at the owner's expense.

**Signage/Lighting/Screening Conditions:**

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

**Arkansas Department of Environmental Quality Conditions:**

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_noi.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_swppp\\_template\\_large\\_site.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000\\_inspection\\_form.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf)
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. The application forms for the Industrial General Permit are found at the links below:  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_notice\\_of\\_intent.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf)  
[https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000\\_2014\\_igp\\_permit\\_swppp\\_template.pdf](https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf)

**Planning Conditions:**

1. A water truck shall be onsite whenever the pit is in operation. Water will be applied to the pit area and the haul road as needed for dust abatement. (as per note in the plans)
2. No blasting is allowed.
3. Hours of operation will be limited to 7:30am to 5:00pm, Monday through Friday, with Saturdays by appointment only.
4. Fire extinguishers must be located in the scale office and on all pieces of heavy equipment located onsite.
5. Final slope of the fire lane shall be determined by the project engineer, in situ, at Final LSD. The maximum grade shall not exceed 10.0%.
6. Commercial mining operations may not begin before the haul road and Greenburrow road are paved.
7. Greenburrow road shall be paved from the haul road south to Elkhorn Springs road.
8. The paving of Greenburrow road will be done to the county road standard.
9. Full compliance with all applicable federal, state, and local laws is required.
10. All stormwater drainage concerns raised by the County Contracted Engineer must be adequately addressed, then reviewed and approved by the County Contracted Engineer.
11. The on-site employees will park their vehicles in the area near the scale office, which is at a lower elevation than Greenburrow Rd. The parking area will not be visible from the public road.

**Standard Conditions:**

1. Pay engineering fees (not calculated yet) within 30 days of project hearing. Any extension must be approved by the Planning Office.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court before commercial operations may begin.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - o This project requires additional review (High Impact Large Scale Development), and therefore, the applicant must receive High Impact Preliminary Large Scale Development approval within 12 months of this CUP project's ratification, otherwise the Conditional Use approval is null and void.

**PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:**

\_\_\_\_\_ CUP Approved  
\_\_\_\_\_ CUP Ratified  
\_\_\_\_\_ Denied  
\_\_\_\_\_ Tabled

BECCY L. WALLLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

2019 APR 25 PM 2:39

FILED

**ORDINANCE NO. 2019-27**

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

**AN ORDINANCE DENYING THE  
RATIFICATION OF A CONDITIONAL USE  
PERMIT APPROVED BY THE PLANNING  
AND ZONING BOARD.**

**WHEREAS**, the Planning and Zoning Board recommended approval of a Conditional Use Permit on **February 14, 2019**, for the **Elevate Elite Training Academy**; and,

**WHEREAS**, an appeal was filed by county citizens opposing the recommendation of the Planning and Zoning Board; and,

**WHEREAS**, after reviewing the information provided by the Planning Department, the applicant, and opponents of the recommendation, the Quorum Court finds that the statutory conditions required for a conditional use permit have not been met and hereby deny the ratification of a conditional use permit pursuant to Washington County Code and the laws of the State of Arkansas.

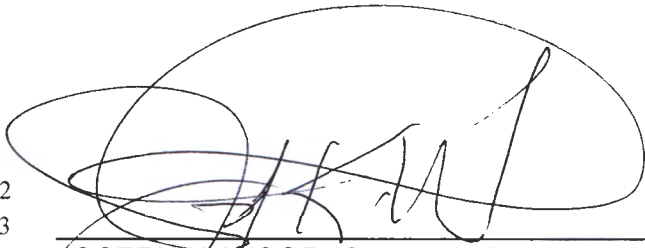
**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** That the ratification of a Conditional Use Permit for the **Elevate Elite Training Academy** recommended for approval by the Planning and Zoning Board is hereby denied.

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JOSEPH K. WOOD, County Judge

04-24-2019  
DATE



BECKY LEWALLEN, County Clerk

Introduced by:	<b>JP Harvey Bowman</b>
Date of Passage:	<b>April 18, 2019</b>
Members Voting For:	<b>Cunningham, Bowman, Yanez, Ecke, Duncan, E. Madison, Jenkins, Highers, S. Madison, Harbison, Pond</b>
Members Voting Against:	<b>Johnson, Deakins</b>
Members Abstaining:	<b>Leming</b>
Members Absent:	<b>Washington</b>



# WASHINGTON COUNTY PLANNING OFFICE

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

Agenda Item

## E

Meeting: February 14, 2019  
Project: Elite Elevate Training  
Academy CUP  
Project Number: 2018-379  
Planner: Sita Nanthavong  
snanthavong@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:** Manuel and Clarice Whitmore are requesting **Conditional Use Permit** approval to construct and operate an indoor gym for youth age baseball and basketball team training and tournaments in an area where agricultural and single family uses are allowed by right.

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

**PLANNING AREA:** City of Farmington

**QUORUM COURT DISTRICT:** District 7, Sam Duncan

**FIRE SERVICE AREA:** Prairie Grove Rural

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE:** **Water-** Washington Water Authority  
**Telephone-** Prairie Grove Telephone

**Electric-** Ozarks Electric  
**Cable-** Cox Communications

**Natural Gas-** Black Hills Corp

### **BACKGROUND/PROJECT SYNOPSIS:**

This project was tabled at the Planning Board on January 10, 2019 by the Planning Board to allow the applicant more time to assess the viability of additional parking.

Manuel and Clarice Whitmore of Elevate Elite Training Academy are seeking Conditional Use Permit and Preliminary Large Scale Development approval to construct and operate an indoor gym for youth age baseball and basketball team training and tournaments.

The training hours will be Monday through Thursday from 3pm to the last scheduled practice at 9pm.

The tournaments will occur during the summer months of June, July and August twice a month on Saturdays and Sundays. The last scheduled game will be at 9pm.

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 in the Farmington Planning Area. To date, the City of Farmington has yet to submit comments regarding this project.

The project parcel (001-12506-002) is approximately 25 acres (more or less) in size. On October 19, 2018 the City of Farmington approved a tract split of 2.00 acres (more or less) on the east side for this project. This split was/has not/yet to be processed by Washington County.

The applicant will also purchase an additional 0.25 acres to increase the amount of parking spaces to a total of 61. An additional 40 off-site parking spaces will be located at 12292 W Hwy 62 in Farmington. Jim Ayers will allow the applicant to utilize the parking lot of his business, Ayers Drywall, during tournament weekends. This location is a less than a mile from the proposed gym location. This brings the total amount of parking spaces during tournaments to 101.

There will be two buildings constructed.

Building 1

- 11,970 square feet
- Utilized for tournaments and training when necessary
- Will contain 2 regulation sized courts with vending and concession area
- Will contain restrooms

Building 2

- 2,400 square feet
- Utilized for training, storage, and office areas
- No courts will be inside

The applicant is not proposing to have pole lighting, but rather wall packs.

There will be signage located on the north wall of the proposed building 1. The applicant is not proposing a freestanding sign at this time.

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Washington Water Authority services this parcel and had the following comments:

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen, the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.
2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to approved by WWA before submittal to Arkansas department of health

The Washington County Fire Marshal had the following concerns/comments:

1. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740

2. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
3. Vehicle impact protection must meet AFC section 312
4. Panic hardware on exit doors.
5. Callout for fire hydrants
6. Lever style door opener on office door and any interior door should it not be push open

**Health Department Issues:**

A Direct Representative of the Arkansas Department of Health performed a soil analysis on October 11, 2018. The soil was determined to be adequate for a standard type individual sewage disposal system. A septic design and permitting will still need to be approved by the Arkansas Department of Health.

**Electric/Phone:**

Ozarks Electric is the provider for this parcel. They had the following comments:

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

Prairie Grove Telephone provides phone service for this area. They did not submit comments.

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

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on Bethel Blacktop WC 62 is very adequate.

Please contact the Washington County Road Department and comply with all permitting and regulations concerning constructing in the Right-Of-Way.

**Drainage:**

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. No additional comments.
2. The drainage report will need to be updated to include the additional parking places for review.

**Environmental Concerns:**

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

**Signage/Lighting/Screening Concerns:**

Signage:

No signage is allowed within Washington County's road right-of-way (ROW).

**Lighting:**

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 (see attached diagram).

**Screening:**

There is moderate natural vegetation along the entire boundary of the proposed project.

**Sheriff's Office Concerns:**

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

**COMPATIBILITY CONCERNS:**

**Surrounding Uses:**

The surrounding uses are primarily residential/agricultural. Across the proposed driveway is an electrical substation. Within a one mile-radius, there are other commercial uses, though, those properties are along W. Hwy 62.

**County's Land Use Plan (written document):**

According to the County's Land Use Plan:

**Section III. Physical Development**

**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 with the proposed conditions this project meets the goal of the County's Land Use Plan. An indoor gym that hosts practices and games for youth aged children a few times a week and primarily on weekends should not impact Bethel Blacktop, which is already heavily trafficked. All parking will be onsite and not in the street or the County Right of Way.

The visitors to the indoor gym will be primarily indoors.

There exists natural vegetation to aid with visual mitigation of the proposed project site.

**Site Visit:**

A site visit was conducted by Planning Staff on 01/03/2019. Staff did notice anything of concern.

**Neighbor Comments and Concerns:**

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

Staff mailed a total of twenty six (26) certified notifications on December 27, 2018. Staff has received one comment in favor of the project for that mailing.

Since then, Staff has received a total of 21 comments total. These comments were received from the neighbors within the 300 foot buffer area and beyond. Eight of these were in opposition. The concerns were regarding traffic, the unattractiveness of the buildings, the location wasn't appropriate for such a project, there weren't enough restrooms provided.

The comments in favor stated that yes, affordable training facilities were needed in the area. The youth could use leadership skills and benefit from the outreach Mr. and Mrs. Whitmore would be able to help provide.

On February 8, 2019, Planning Staff received a petition that contains 90 signatures. All of these signatures were in opposition of the project. The petition has been attached for your review along with any and all the comments to date.

Planning Staff will update the Board of any more comments.

**STAFF RECOMMENDATION: Staff withholds recommendation of the project. To date, Staff has yet to receive comments from the City of Farmington. They state that they will send comments concerning the project during the week of the Planning Board Meeting on February 14, 2019. Staff will make a recommendation to approve, deny, or table the project at the Planning Board meeting.**

**Water/Plumbing/Fire Issues:**

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen, the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.
2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to be approved by WWA before submittal to Arkansas department of health

**Washington County Fire Marshal Conditions:**

1. Please ensure that there is no parking by the second fire hydrant (the hydrant farthest from Bethel Blacktop).
2. If the buildings will be all metal (no wood studs or wood membrane), then the occupancy type will be a Type 2B.
3. The street entry must be 26 feet.
4. Turn radii on all turns must be 38 feet.
5. Please finish out the sidewalks.
6. Please contact the Fire Chief for the City of Farmington for placement of the Knox Box.
7. The kitchen is stated to be a warming kitchen only.
8. The fire extinguishers and alarms will need to be inspected annually.

9. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740
10. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
11. Vehicle impact protection must meet AFC section 312
12. Panic hardware on exit doors.
13. Callout for fire hydrants
14. Lever style door opener on office door and any interior door should it not be push open

**Health Department Conditions:**

1. Please submit septic design and permit to the Arkansas Department of Health for approval.

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

1. Any work done in the County right-of-way will require a permit from the Washington County Road Department 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)

**Signage/Lighting/Screening Conditions:**

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. 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.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. No additional signage is allowed to be placed.
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 must be screened with opaque material (gates must be opaque too).

**Addressing Conditions:**

1. The applicant must apply for 911 addresses to be assigned if needed.

**Utility Conditions:**

*Ozarks Electric:*

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

**Planning Conditions:**

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

**Additional and Standard Conditions:**

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).
2. Pay engineering any 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. **This CUP must be ratified by the Quorum Court.**
5. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

**PRIOR PLANNING BOARD/ZONING BOARD OF ADJUSTMENTS ACTION:**

\_\_\_\_\_ CUP Approved  
\_\_\_\_\_ CUP Ratified  
\_\_\_\_\_ Denied  
\_\_\_\_\_ Tabled



Item 19-I-039  
Personnel Committee (04/08/2019): Passed to Finance & Budget  
Finance & Budget Committee (04/09/2019): Passed to QC with a DO PASS recommendation

FILED  
2019 APR 22 PM 3:06  
BECKY LEWALLEN  
CO. & PROBATE CLERK  
WASHINGTON CO. AR

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**ORDINANCE NO. 2019-28**

**APPROPRIATION ORDINANCE**

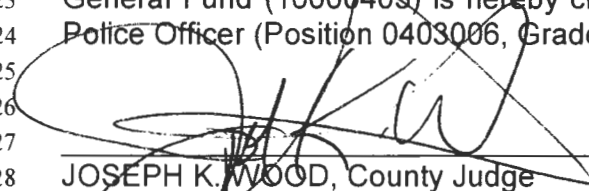
**BE IT ENACTED BY THE QUORUM  
COURT OF THE COUNTY OF  
WASHINGTON, STATE OF ARKANSAS,  
AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CHANGING THE TITLE AND  
GRADE OF ONE FULL-TIME POSITION IN  
THE CIRCUIT COURT III BUDGET FOR 2019.**

**WHEREAS**, the Washington County Circuit Court III desires  
to change the title and grade of a Juvenile Probation Officer to Juvenile Probation  
Officer/Specialized Police Officer for 2019; and,

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

**ARTICLE 1.** The title of the personnel position of Juvenile  
Probation Officer (Position 0403006, Grade 15) in the Circuit Court III Budget of the  
General Fund (10000403) is hereby changed to Juvenile Probation Officer/Specialized  
Police Officer (Position 0403006, Grade 16) for 2019.

  
\_\_\_\_\_  
JOSEPH K. WOOD, County Judge

04-22-2019  
DATE

  
\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Adoption: **April 18, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins,  
Duncan, E. Madison, Jenkins, Highers, S. Madison,  
Leming, Pond**  
Members Voting Against:  
Members Abstaining:  
Members Absent: **Ecke, Washington, Harbison**

FILED  
2019 APR 22 PM 3:07  
BECKY LEWALLEN  
CLERK & PROBATE CLERK  
WASHINGTON COUNTY, AR

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**ORDINANCE NO. 2019-29**

**APPROPRIATION ORDINANCE**

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

**AN ORDINANCE RECOGNIZING ADDITIONAL CARRYOVER MONEY IN VARIOUS GRANT FUNDS IN THE AMOUNT OF \$65,882.27; AND, REDUCING \$139.32 FROM VARIOUS GRANT FUND BUDGET LINE ITEMS FOR 2019.**

**WHEREAS,** some grant funds had incorrect encumbrance amounts applied to their carryover amounts for 2019; and

**WHEREAS,** taxes were paid from various 2018 grant funds but were not reduced from the balances prior to the 2019 carryovers; and

**WHEREAS,** it is the desire of the Quorum court to correct those errors and omissions.

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

**ARTICLE 1.** There are hereby appropriated the total amount of \$65,483.25 from the various County Grant Funds to line items in the following Grant Budgets for 2019:

<u>FEMA – Dye Creek</u>		
Bridges & Steel	(34000202-2031)	\$ 56.71
Engineering/Architectural	(34000202-3004)	60,294.28
<u>FEMA – 2017 Flood</u>		
Paints & Metals	(34000203-2021)	431.28

43	<u>USAR 2017</u>		
44	Parts & Repairs	(35110563-2023)	500.00
45			
46	<u>ADEQ-BMT WC 16-07</u>		
47	General Supplies	(35120764-2001)	2,000.00
48	Other Professional Services	(35120764-3009)	1,000.00
49	Training & Education	(35120764-3101)	1,390.00
50			
51	<u>DHS-JDAI 2018</u>		
52	Other Professional Services	(35170459-3009)	210.00
53			
54	<b>TOTAL ADDITIONAL CARRYOVER AMOUNT</b>		<b><u>\$ 65,882.27</u></b>

55

56 **ARTICLE 2.** There is hereby reduced the total amount of  
57 \$139.32 from the following line items in Grant Fund Budget 35100454 for 2019:

58			
59	<u>JDC-GIA 2018-2019</u>		
60	Clothing/Uniforms	(35100454-2006)	\$ 96.44
61	Computer/IT Equipment	(35100454-2009)	8.78
62	Detainee Supplies	(35100454-2011)	34.10
63			
64	<b>TOTAL REDUCTIONS</b>		<b><u>\$ 139.32</u></b>

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70 JOSEPH K. WOOD, County Judge

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70 DATE 04-22-2019

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75 BECKY LEWALLEN, County Clerk

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77 Introduced by: **JP Ann Harbison**

78 Date of Passage: **April 18, 2019**

79 Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,**  
80 **Duncan, E. Madison, Jenkins, Highers, S. Madison,**  
81 **Leming, Harbison, Pond**

82 Members Voting Against:

83 Members Abstaining:

84 Members Absent: **Washington**

**ORDINANCE NO. 2019-30**

**APPROPRIATION ORDINANCE**

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

**AN ORDINANCE REDUCING \$4,248.52 FROM UNAPPROPRIATED COUNTY RESERVES (1000) AND APPROPRIATING SAID AMOUNT TO THE OTHER PROFESSIONAL SERVICES LINE ITEM (10000107-3009) IN THE QUORUM COURT'S BUDGET FOR 2019.**

**WHEREAS**, the Quorum Court voted to appeal the Circuit Court's ruling of the denial of a condition use permit to Terry Presley; and,

**WHEREAS**, there is currently due a balance of \$4,248.52 to attorney Constance Clark of Davis, Clark, Butt, Carithers and Taylor, PLC for legal services in this matter; and,

**WHEREAS**, the Quorum Court does not have sufficient funds in its budget to pay for said services.

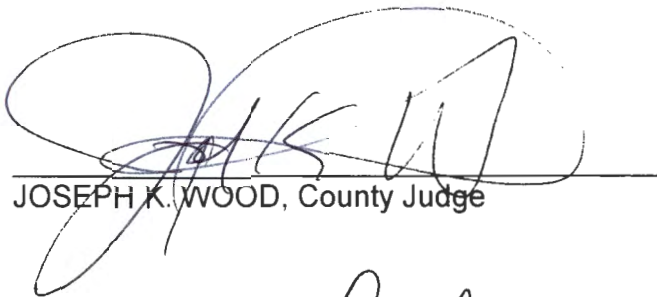
**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** That \$4,248.52 is appropriated from unappropriated county reserves (1000) to the Other Professional Services line item (10000107-3009) in the Quorum Court's Budget for 2019.

FILED  
2019 APR 22 PM 3:07  
BECK WALLER  
CO. & F. VICE CLERK  
WASHINGTON COUNTY, ARKANSAS

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JOSEPH K. WOOD, County Judge

04-22-2019  
DATE



BECKY LEWALLEN, County Clerk

Introduced by: **JP Ann Harbison**  
Date of Passage: **April 18, 2019**  
Members Voting For: **Johnson, Cunningham, Bowman, Yanez, Deakins, Ecke,  
Duncan, Jenkins, Highers, S. Madison, Leming, Harbison,  
Pond**  
Members Voting Against: **E. Madison**  
Members Abstaining:  
Members Absent: **Washington**