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

Monday, November 13, 2014  
6:00 p.m.  
Washington County Quorum Court Room

- 175.1 The Washington County Quorum Court met in special session on Thursday, November 13, 2014. The meeting was called to order by County Judge Marilyn Edwards.
- 175.2 Judge Edwards explained the purpose of this special meeting was to review an appeal for a Conditional Use Permit denied by the Washington County Planning Board and Zoning Board of Adjustments on September 4, 2014.
- 175.3 H. Bowman led the Quorum Court in a prayer and the Pledge of Allegiance.
- 175.4 MEMBERS PRESENT: Ron Aman, Rex Bailey, Harvey Bowman, Diane Bryant, John Firmin, Barbara Fitzpatrick, Ann Harbison, Tom Lundstrum, Eva Madison, Joe Patterson, and Butch Pond.
- 175.5 MEMBERS ABSENT: Candy Clark, Rick Cochran, Jimmy Mardis, and Bill Ussery.
- 175.6 OTHERS PRESENT: County Judge Marilyn Edwards; County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 175.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 175.8 **A motion was made and seconded to adopt the agenda as presented. The motion passed unanimously by those present by voice vote. The agenda was adopted as presented.**
- 175.9 **CONDITIONAL USE PERMIT APPEAL HEARING:**  
**Eastern Park Subdivision CUP Conditional Use Permit Approval Request**  
Location: Section 32, Township 17 North, Range 29 West  
Owner: Fred Patrick/L&F  
Construction Engineer: USI Consulting Engineers, Ferdinand Fourie  
Location Address: 4436 E. Mission Blvd.  
Proposed Land Use: Approximately 7.66 acres/17 lots; 15 Single Family Residential (2 other lots-one for septic and one for detention)  
Coordinates: Latitude: 36.097785, Longitude: -94.097156  
**Project #: 2014-018 Planner: Courtney McNair,**  
**cmcnair@co.washington.ar.us**

**Introductory Remarks and Presentation by County Staff Summarizing the Project and Staff Recommendations:**

- 176.1 Planning Director Juliet Richey addressed the Quorum Court stating that this is an appeal for the denial by the Planning Board of a CUP for Eastern Park Subdivision and Senior Planner Courtney McNair would be giving a presentation on the project. She stated that she would be reviewing the basics of conditional use permits since they do not often deal with these appeals. Ms. Richey noted that the majority of Washington County is zoned single family residential and agricultural by rights and the density for a single family is one unit per acre. She stated that a common misconception about their ordinance is that they strictly disallow any other types of development or densities of residential development which is not true. She stated that these are considered through a conditional use permit process where they can be allowed or not. She explained that they will get comments from neighbors and other community members that they are going against their own coordinates by even considering these and that is not true as their ordinance is made to allow some uses by rights and to take into consideration under a CUP other uses.
- 176.2 Ms. Richey referred to the Conditional Use Permit Criteria Checklist completed for this project which contains the criteria in their ordinance of which they consider CUPs, including issues having to do with utilities, roads, drainage compatibility, health safety issues, and enjoyment of surrounding property owners, and include staff's reasoning along with their recommendations for each of those. She pointed out when they talk about compatibility, especially with residential zoning, sometimes the point is made that there are these exact densities directly next door. She explained that to be compatible does not mean that the lots have to be exactly the same as the surrounding subdivisions, but rather compatibility means able to live in harmony with and staff looks at conditions that can be placed on CUPs through the permit process that make something compatible that might not be strictly compatible on its own.
- 176.3 Senior Planner Courtney McNair addressed the Quorum Court stating that this was an appeal on the Eastern Park Subdivision that is located on the east side of the County outside city limits of Fayetteville in District 15, located within the City of Fayetteville's planning area off of Hwy. 45 and Mission Blvd, approximately one-half mile from the city limits of Fayetteville. She noted that the property is zoned Agricultural/Single-Family Residential 1 unite per acre by right and they are asking for a CUP to allow the residential subdivision now with 15 residential lots, one lot per each centralized sewer system and one lot

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 3

for drainage with an overall proposed density is 1.96 units per acre. Ms. McNair stated that the property is owned by L&F Construction and the owner is Fred Patrick who is present tonight; and the engineer is Ferdinand Fourie from USI Engineering.

177.1 Ms. McNair stated that the project was originally submitted to the Planning Office in February of 2014 and the applicant tabled the project several times before it went before the Planning Board as they were working out some issues. She reported at the May 1, 2014 Planning Board/Zoning Board of Adjustments meeting, staff recommended that the Board table the project because they had asked the applicant to look into some mitigation efforts for surrounding property owners as the proposed density was higher than adjacent properties. At that time the applicant received five signatures from surrounding neighbors stating that they were unopposed to his proposed project; five neighbors submitted written comments against this proposed project and with revisions, the applicant did try to address the neighbors concerns. She noted that no neighbors spoke at the meeting, either for or against this project and all five members of the Board voted to table the project and the applicant further removed the project from the June 26, 2014 meeting while he sought another engineer. She stated at the September 4, 2014, the CUP was heard by the Planning Board/Zoning Board, staff recommended for approval and the Planning Board denied the project based on density. She noted that one neighbor who had submitted previous comments, also submitted written comments against the project at this meeting, but no neighbors spoke at the meeting, either for or against the project. She reported that six members of the Board were present at the meeting at which four members voted to deny the project, one member was opposed to denying the project, and one neighbor did not vote, so the denial passed.

177.2 Ms. McNair stated that the new plan proposed on October 31, 2014, requested a CUP to allow a residential subdivision with 15 residential lots, one decentralized sewer lot and one detention lot with the total acres of 7.66 acres with requested density of 1.96 units per acre with residential lots ranging in size from 0.23 acres to 0.35 acres and now with lot 17, is actually 0.63 acres with the revision. She stated that one entrance is proposed off of Highway 45 and the applicant would have to apply for frontage through the Highway Department. Ms. McNair noted that the applicant proposed the change after the Planning Board denied the project that reduced the lot areas of density from 2.3 units per acre to 1.96 units per acre; three of the previous lots were combined into one lot that would be on an individual septic system and the other 14 residential lots would utilize the proposed decentralized

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 4

sewer system. She stated that the new layout does not alter staffs' recommendations for this project.

- 178.1 Ms. McNair noted that the property is serviced by City of Fayetteville water with an existing waterline located along Hwy. 45 with the nearest hydrant located ¼ mile with 974 gpm fire flow and a new hydrant is proposed near the entrance of the subdivision and two additional hydrants proposed to be located within the development. She noted that the Washington County Fire Marshall asked that an engineered fire flow for the proposed hydrants be submitted at the Preliminary Subdivision phase and that all hydrants be shown on the plans and spaced every 500 feet as per fire code. The cul-de-sacs appear to be adequate and modified curbs will be required on bio-islands within the cul-de-sac to ensure that a fire truck can maneuver around them. She noted that full review for compliance with the State Fire Code will be required at Preliminary Subdivision review.
- 178.2 Ms. McNair stated that soil work was submitted with this project and test pit locations are shown on the plats within the Decentralized Sewer System lot. The applicant is proposing a gravity-feed system that will be connected to City of Fayetteville sewer in the future if necessary and all review and permitting of this system must be completed at the Preliminary Subdivision review. Ms. McNair pointed out that three of the previously proposed lots were combined into one lot that will be on an individual septic system and the other 14 residential lots will utilize the decentralized sewer system as planned. This change reduces the density from 2.3 units per acre to 1.96 units per acre and leaves a total of 15 residential lots and two service lots. Ms. McNair reported that Renee Biby, the Washington County Public Utilities Coordinator submitted comments regarding the proposed DSS and all review and permitting of the proposed DDS must be completed as per County and State Regulations. From preliminary discussion at County Services regarding this project, it appears to staff that many of the Quorum Court members had concerns regarding this type of waste disposal System and Ms. McNair stated that Ms. Biby was present tonight to answer any questions about the technicalities. She noted that this type of system is regulated by the State and County and staff trusts those agencies to review these systems, so staff was not concerned about this issue.
- 178.3 Ms. McNair stated that they did not receive comments from the telephone, gas, or cable companies and Ozark Electric provided general comments and a full utility review will take place at the Preliminary Subdivision stage if this CUP is approved.

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 5

- 179.1 Ms. McNair reported that the sight distance appears adequate along Hwy. 45 with the one entrance proposed and no lots will access directly onto Hwy. 45, but all access onto the interior road. A statement verifying the sight distance will be required at Preliminary Subdivision review as it must meet minimum County standards. She noted that there was a small residential drive to the north, Trough Springs Drive, and no access will be allowed onto that road.
- 179.2 Ms. McNair reported that the Washington County Contract Engineer had no comments on the project at this time. A full drainage study will be required at Preliminary Subdivision review and the drainage report must meet City of Fayetteville specifications. She noted that the discharge point at this time is proposed to flow into a pond on an adjacent property and a drainage easement may be required from that neighbor.
- 179.3 Ms. McNair stated at this time there have been no concerns by Environmental Affairs and no storm water permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality.
- 179.4 Ms. McNair stated that sidewalks and bio-islands as shown on the plats must be maintained by the POA or other entity as Washington County does not maintain these. All outdoor lighting must be shielded appropriately. She stated that a sign easement was shown on the previous plat and if they wish to add a sign to this development, that will need to be shown and approved by staff before signage be placed. She noted that staff is recommending a monument-type sign, 60 sq. feet or less in size, that is indirectly lit or not lit. A six-foot privacy fence is proposed around the entire property line except where it touches the Hwy. 45 right-of-way. In addition to the fencing, the engineer for this project provided a tree survey and every effort must be made to retain the trees that are indicated on these plans as retained and if trees are to be removed, the applicant must show how they plan to replace them and staff must review and approve a tree protection plan prior to construction. Ms. McNair stated that an agreement with a neighbor to the south to maintain certain large trees must be formalized in writing with specific tree locations marked and the drip line of these trees must be left intact and fenced for protection during construction to ensure their protection.
- 179.5 Ms. McNair reported that there are currently 35 trees marked to be saved on this plat which is an average of two trees per residential lot and staff is comfortable with this preservation in conjunction with an additional 3 trees per each lot being planted. These additional trees do not have to be on each lot, but must average 3 additional trees per lot and if more of the existing mature

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 6

trees are removed or damaged during construction, staff will require that an additional 3 new trees be planted for every mature tree removed beyond what is proposed. She noted that staff puts very high priority on maintaining the existing mature trees. Staff recommends that all new trees be installed at a minimum 2-inch caliper size and plantings will be inspected and any that do not survive must be replaced within the first year after construction is complete.

- 180.1 Ms. McNair stated that this project is located within approximately ½ mile of the Fayetteville city limits and according to a letter submitted by the City of Fayetteville, the proposed density is incompatible with the City of Fayetteville Future Land Use Plan, and incompatible with surrounding rural residential properties and mitigation to lessen the impact of this density should be considered.
- 180.2 Ms. McNair stated that surrounding uses are single family residential and Agricultural. The site contains one residence and one barn which are proposed to be removed. The proposed density of the project is 1.9 units/acre and the adjacent average density is 0.14 units/acre which is 1 unit per 7 acres. She noted in the vicinity, there is more dense development with subdivisions in the general area ranging from 1 unit/3.39 acres to 1 unit/0.3 acres. She stated that there is also a storage facility and cell tower in the near vicinity and additional commercial uses are within ¼ mile of the proposed development.
- 180.3 Ms. McNair stated that according to the County's Land Use Plan, residential is to provide for development of residential areas at appropriate densities. The proposal is very high density for the adjacent densities and the only densities that are similar are in the Holiday Hills Homes Subdivision with cottage type homes and duplexes. Most other subdivisions in the area have lots that average ½ acre or more. She stated that the proposal will be required to meet minimum County subdivision standards (10,000 sq. ft. minimum lot size) and the lot sizes as shown are in compliance with these standards. The plan requires development to be connected to utilities and utilize zoning as a means to guide the progression of development, and utilities are available to service this development. The plan requires protection of the character and integrity, and property values, of single-family, residential areas and the proposal is for single family residential use with mitigation proposed for density differences through screening, retention and addition of trees. The plan calls for protection of residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls and the use proposed is residential. The plan requires maintaining

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 7

an adequate county road plan and standards to guide and accommodate traffic movement; this development takes access from a state highway and all interior roads will be constructed to at least minimum county standards.

- 181.1 Ms. McNair stated that staff feels this project will not be detrimental to public health, safety and welfare. The engineer has shown that all required site elements can be placed on the property. As stated at the May 1, 2014 Planning Board, staff feels that this property is located in an area of the County that is undergoing transition from a rural area to a more developed area; eventually residential rooftops and privacy fencing seems to be "given" for this area. The applicant has responded to staff's request for additional studies and mitigation efforts and though density remains high, staff feels that with conditions, this project will not diminish the use and enjoyment of the surrounding properties.
- 181.2 Ms. McNair stated one consideration staff looks at is the impact of what is allowed by right (1 unit per acre, so 7 residences would be allowed by right on this property) and what is being proposed (15 residences). If the applicant wanted to add 7 residences and do so with no regard to any existing tree canopy, no fencing for his neighbors, drainage would not be addressed, and it would be up to the individual lot owner to have an individual septic system installed on his or her lot. She explained that the CUP process allows staff to address issues that help protect the natural resources of the County, protect neighboring properties with conditions, and limit impact of development on the rural areas in the County. Staff feels that 7 residences on a cleared lot could have a negative impact on the surrounding area. The conditions that require trees to be retained, additional trees to be planted, and fencing will help to alleviate some of that impact even though the density is higher than what is allowed by right.
- 181.3 Ms. McNair stated that all neighbors within 300 feet of the boundary of this property were notified by regular mail of this appeal; and previously, all neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project and no additional comments have been received by staff at this time.
- 181.4 Ms. McNair stated that the applicant has reduced the density from 2.3 units per acre to 1.96 units per acre with the removal of two lots. When reviewing the criteria checklist, staff found that with conditions this project should be compatible and therefore, staff is again recommending approval of the CUP for Eastern Park Subdivision CUP with conditions and request that the Quorum Court vote to allow applicant to move forward with this project with

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 8

staff conditions that include water, plumbing, fire, septic, roads, sight visibility, drainage, environmental, utility, signage/lighting and screening.

- 182.1 R. Bailey stated that the density is the main concern of the Planning Board and it sounds to him like staff feels very comfortable with this subdivision, to which Ms. McNair confirmed. In response to R. Bailey's question about how far Fayetteville sewer is from this site, Ms. McNair stated that it is about ½ mile from the Fayetteville city limits. She further verified that the developer has been trying to work with the neighbors.
- 182.2 E. Madison stated that she toured this site and noted that lot 12 got bigger and lot 17 will be the only lot that is not on the decentralized sewer, but will always be on its own system. She stated she doesn't believe it will be too long before the City of Fayetteville sewer will connect and asked what would happen to those two lots on the west end if they tap into the city's system; to which Ms. McNair responded that typically the developer would leave those as green space and they would no longer be used. She noted that one of those lots is for retention and that would stay.
- 182.3 Ms. McNair added that the City of Fayetteville would probably allow the Lot 17 to tap onto city sewer at that point as well.
- 182.4 D. Bryant stated that Lot 17 was really three lots for a while, so if they would take the acreage away from that with 16 lots, what would the average lot size be for the 16; to which Ms. McNair stated that the smaller lots are more on the range of 0.23 acres to 0.35 or ¼ to 1/3 acre. D. Bryant stated that she finds it a little hard to believe that ¼ acre would accommodate a house.
- 182.5 A. Harbison asked whether the septic system has passed all state requirements to which Renee Biby, Public Utilities Coordinator for Washington County responded that it has not yet met all requirements, but will have to have their permit from ADEQ by the Preliminary Subdivision stage.

**Testimony from Public Agencies (Health Department, Road Department, etc.)**

- 182.6 Sam Dunn, Regional Environmental Specialist with the Arkansas Department of Health, addressed the Quorum Court stating that he was there as a resource for the drift sewer systems. He noted that he was not there to speak for or against this project, but rather was asked to be a resource to answer



Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 9

questions about decentralized sewers or process of drift, permitting and installation.

- 183.1 In response to a statement from A. Harbison that there were no individual tanks on these lots, Planning Director Juliette Richey stated that they don't allow those types of sewer systems. A. Harbison stated that they had a problem with these south of Fayetteville and she wanted to make sure that they don't have that same problem.
- 183.2 Mr. Dunn addressed A. Harbison, stating that he has discussed this issue with Ms. Biby and is familiar with what she is speaking about in south Fayetteville, and he is used to doing septic systems with individual tanks and it all goes back to quality control and the type of specifications they are dealing with. He stated that he works with a company from Tennessee that has 25,000 to 30,000 septic systems like this in operation. He understands that this is a gravity flow, single tank which is fine.
- 183.3 Ms. Biby thanked Mr. Dunn for his assistance and advice to check the float level which solved all kinds of problems.
- 183.4 In response to a question from R. Bailey, Mr. Dunn stated that decentralized drip is a very good system all the way around if it is done right.
- 183.5 J. Firmin stated that he understands the more traditional septic system and asked for an explanation of the difference between that and the decentralized drip system to which Mr. Dunn responded that this will be a gravity flow to a one central tank to the processing plant for treatment and then to the drip field. With regard to a primary and secondary drip field, Mr. Dunn explained that the primary field is the main field that is used for dispersal and the secondary field is to backup in case there is a problem with the primary field.
- 183.6 Ms. Biby further explained that the sewer system has not been designed yet for this project and will be approved at the time of Preliminary Plat so Mr. Firmin's question is premature. She stated that a drip irrigation system is a large septic system that treats a large subdivision with all treatment going to one central area and then it goes to the discharge area from the septic system.
- 183.7 Mr. Dunn added that when the discharge gets out to the dispersal area, the method of dispersal is ½ inch diameter drip tubing that has a control rate that regulates the flow of liquid being dispersed into the soil and is a very low flow of about ½ gallon or less an hour under pressure. He stated that this is

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 10

applying the effluent at a very slow controlled rate over a larger area and is more efficient than a traditional treatment system. In further response to D. Bryant, Mr. Dunn explained that the "green things" are aerobic treatment units which processes waste water and brings the strength of the waste water down to make it more acceptable for ejection into the soil or how much oxygen it takes to digest something. They use these units to bring the DOD down to a very low level so the soil doesn't have to process or renovating the dod level so they simply are moving water through the soil. Mr. Dunn reported that some of these units treated it down to such a low level that the fecal discharge from the units is zero.

- 184.1 In response to a question about how often the sludge from these systems has to be pumped, Mr. Dunn stated that the maintenance people will come out and do a test on the sludge level in the bottom and once it reaches a certain level, they bring a vacuum truck out and pump it out and it will go for waste dispersal.
- 184.2 **Presentation by the Applicant/Appellant in Support of the Project**
- 184.3 Fred Patrick, one of the owners of the property at Eastern Park, addressed the Quorum Court thanking those who met him to tour this property and those who called him to discuss the project. He addressed maps showing the adjustments that have been made to this property, noting initially five lots that didn't conform to either county or city requirements and had to be 10,000 sq. ft. which they are now. He further noted lots that were 75ft. wide and those have now been made 80ft. wide. He pointed out those are on gravity systems and will would go down toward the treatment Plant. He stated that there was concern about the lift station of some lots and those have been removed, pointing out one lot where the septic will go into the front two lots which will help the density.
- 184.4 Mr. Patrick stated when they first started this, they wanted to have more or a rural feel with no curbing, gutters or sidewalks, but after meeting with the City of Fayetteville, discovered that they would be required as the property is in the city's growth area. He had thought that the property was  $\frac{3}{4}$  of a mile from the city, but found out that they were  $\frac{1}{2}$  mile and therefore, they have to comply with them which is what they couldn't understand when they came to the last Planning Commission meeting. He stated that they thereafter complied with the city, sidewalks, size of the lots, and though he had never heard of such, they did a tree survey and have plans to save every tree that they can and plant trees where staff indicates. He further addressed the house size these lots will accommodate stating that the minimum will be 2500

sq. ft. and a maximum of 3200 sq. ft. He noted that the city requires 25ft. set backs and these lots are 190 feet, so they will be making the setbacks 25ft. to 45ft. where they can. Mr. Patrick further showed a picture of storage units that were next door to this property that were six units to an acre. He further noted that he has not heard any objections from neighboring property owners.

- 185.1 With regard to the septic system, Mr. Patrick stated that there has been concern about who is going to pay for the maintenance on the system. He noted on the Bill of Assurance And Protective Covenants for Eastern Park, paragraph 19 reads as follows: "The association of owners of lots in the Eastern Park Sub-division (the "Association") shall be responsible for maintenance and repair of the fence located adjacent to Arkansas Hwy. 45 bordering the Subdivision and for maintenance of the septic system located at the southwestern corner of the subdivision. Each lot owner shall be assessed a monthly fee of \$49.95 for the cost of maintaining the septic treatment system. The annual POA dues (Article III, Section 4 of the By Laws) will cover maintenance costs of fence. When final approval for the subdivision is obtained, Developer will deposit \$12,000 in an escrow for maintenance of the septic treatment system." Mr. Patrick explained that this amounts to what people who live in the city pay as their sewer bill.
- 185.2 Mr. Patrick stated in the By-Laws for Eastern Park Property Owners Association, Article III, Section 4 states, "Each homeowner will be assessed \$100 per year for POA dues for mowing and maintenance of common areas. In addition, each homeowner will be assessed \$49.95 per month for maintenance of the septic treatment plan effective until the subdivision is annexed into the City of Fayetteville and each home is connected directly to the city of Fayetteville sewer system. For the septic treatment plant, a financial institution will bill homeowners monthly and hold the money in an escrow account. In the event that a homeowner's septic fee is over 90 days in arrears, the POA may place a lien on the homeowner's property." Mr. Patrick stated that this is to keep the problems that were brought to his attention that occurred in Greenland or West Fork from happening.
- 185.3 D. Bryant asked about street lights to which Mr. Patrick stated that there will be three or four as required by the City of Fayetteville, plus there will be lights on the rock columns on each side as you go off of Hwy. 45.
- 185.4 E. Madison stated that because she is the President of a Property Owner's Association for the past eight years, she would recommend that Mr. Patrick include his vision in their covenants about how the homeowners are

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 12

supposed to deal with the eventuality of attachment to the City's sewer system which will be at their expense.

- 186.1 Mr. Patrick responded to E. Madison, agreeing that this would be a good idea to include in the covenants.
- 186.2 J. Firmin asked County Attorney George Butler whether a power of attorney can apply a lien to which he responded that this is done all the time. He further asked in the Fayetteville growth area with seven lots on there, whether that meant that Fayetteville would not have any input in that or would they still have to meet city standards to which Mr. McNair replied they would have to meet subdivision regulations, but they could put in seven lots without asking for a change of use.
- 186.3 Mr. Patrick thanked Sam Dunn for attending this meeting tonight.
- 186.4 **Presentation by any opponents of the Project.**
- 186.5 There was no presentation by any opponents of the Project.
- 186.6 County Attorney George Butler stated that if desired they can suspend the rules and place the ordinance on second and third reading. He pointed out that one thing that was a little bit tricky was if you were for the issues of the CUP, you vote against ratification.
- 186.7 AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT DENIED BY THE PLANNING AND ZONING BOARD: J. Patterson introduced **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board**, and County Attorney George Butler read the ordinance that is on first reading.
- 186.8 County Attorney George Butler further explained if you are for the project, vote against the ordinance. He stated if the ordinance fails, the CUP is granted. He noted that in case this was confusing, he prepared an alternate ordinance.
- 186.9 E. Madison asked if County Attorney Butler saw any problem doing that tonight with there being no opposition to which he responded that they have never done it before, but they have never had an unopposed CUP.

Minutes of the Special Meeting of the  
Washington County Quorum Court  
November 13, 2014  
Page 13

- 187.1 In response to A. Harbison, County Attorney George Butler explained that the Ordinance says if this ordinance fails, then the CUP shall be deemed granted.
- 187.2 Due to confusion about how the voting would affect the readings and passage or failure of the ordinance, County Attorney George Butler suggested that they substitute an alternative ordinance that makes this issue clear.
- 187.3 E. Madison stated that from where she is headed is that they would be reversing the Planning Board and she wants to be respectful of their decision because she admires the work that they do. However, from what she understood from Mr. Patrick's comments, there wasn't a lot of explanation given at the meeting for why they denied the permit, though she believes it had a lot to do with the density and Juliette Richey responded that all comments were related to the various densities. E. Madison stated that historically and traditionally the way density has been viewed in the county, it doesn't necessarily fit here because of its proximity to the city. She lives in a subdivision close to this and knows that people want nice homes, but they don't want large lots.
- 187.4 B. Pond stated that he appreciates the alternative ordinance. He stated that Mr. Patrick is seeking approval to build this subdivision and he would like to approve him doing so.
- 187.5 **A motion was made to substitute ordinance with an alternative ordinance. The motion was seconded. The motion passed unanimously by those present by voice vote. The ordinance was substituted.**
- 187.6 County Attorney George Butler read the substitute ordinance.
- 187.7 **B. Pond made a motion to suspend the rules and place the ordinance on second reading by title only. R. Bailey seconded.**
- 187.8 VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, and B. Pond.
- 187.9 **The motion passed with eleven members voting in favor of the motion.**
- 187.10 County Attorney George Butler read **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board** by title only.

- 188.1 **B. Pond made a motion to suspend the rules and place the ordinance on third and final reading by title only. R. Bailey seconded. The motion passed unanimously by voice vote by those present.**
- 188.2 County Attorney George Butler read **An Ordinance Ratifying A Conditional Use Permit Denied By The Planning And Zoning Board** by title only.
- 188.3 **B. Fitzpatrick made a motion to adopt the ordinance. B. Pond seconded.**
- 188.4 Citizen Comments: There were no citizen comments made.
- 188.5 E. Madison stated since they learned the hard way that not offering their opinion on why they are voting certain ways on these ordinances, should they do so to which County Attorney George Butler responded that it wasn't necessary because they are not dealing with the federal statute on this.
- 188.6 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 188.7 VOTING FOR: R. Aman, R. Bailey, H. Bowman, D. Bryant, J. Firmin, B. Fitzpatrick, A. Harbison, T. Lundstrum, E. Madison, J. Patterson, and B. Pond.
- 188.8 **The motion passed with eleven members voting in favor of the motion.**
- ORDINANCE NO. 2014-67, BOOK NO. 9, PAGE NO. 461**
- 188.9 CITIZEN COMMENTS: There were no citizen comments made.
- 188.10 ADJOURNMENT: The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Jessica Biondi  
Quorum Court Coordinator/Reporter