

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

Thursday, July 9, 2015
6:00 p.m.
Washington County Quorum Court Room

2015 SEP 13 PM 3:41
FILED

- 292.1 The Washington County Quorum Court met for a special meeting on Thursday, July 9, 2015. The meeting was called to order by Judge Marilyn Edwards.
- 292.2 Judge Edwards stated that this is a Conditional Use Permit Appeal Hearing on the Fritchie Farms CUP denied by the Washington County Planning and Zoning Board.
- 292.3 JP J. Firmin led the Quorum Court in a prayer and in the Pledge of Allegiance.
- 292.4 MEMBERS PRESENT: Daniel Balls, Harvey Bowman, Rick Cochran, Robert Dennis, Lisa Ecke, John Firmin, Ann Harbison, Tom Lundstrum, Eva Madison, Sue Madison, Joe Patterson, Butch Pond, and Bill Ussery.
- 292.5 MEMBER ABSENT: Sharon Lloyd and Joel Maxwell.
- 292.6 OTHERS PRESENT: County Judge Marilyn Edwards, County Chief of Staff George Butler, County Comptroller Cheryl Bolinger; Interested Citizens; and Members of the Press.
- 292.7 ADOPTION OF THE AGENDA: Judge Edwards asked if there were any additions or deletions to the agenda.
- 292.8 **A motion was made and seconded to adopt the agenda as present. The motion passed unanimously by voice vote by those present. The agenda was adopted as presented.**
- 292.9 CONDITIONAL USE PERMIT APPEAL HEARING: Fritchie Farms CUP Conditional Use Permit Request; Location: Section 05, Township 16 North, Range 28 West; Owners: Matthew and Katherine Ritchie (previously Herman and Carol Salisbury); Applicant: Matthew Fritchie; Location Address: West of 15656 Ball Road; Approximately 12.0 acres/Proposed Land Use: Wedding/Event Venue; Coordinates: Latitude: 36.08237377, Longitude: -93.97470331; Project #: 2015-075; Planner: Courtney McNair, Email: cmcnair@co.washington.ar.us.
- 292.10 Introductory Remarks and Presentation by County Staff Summarizing the Project and Staff Recommendation: Courtney McNair, Planner, addressed

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the Quorum Court and gave a brief overview of zoning in Washington County. She stated that zoning was originally passed in 2006 and extended to the full county in 2007. The primary concerns of residents and reason for passing the zoning revolved around compatibility of uses with existing rural and agricultural uses and the primary compatibility concerns were for high density residential development and high impact industrial uses, such as rock quarries and dirt mines. She stated that the Quorum Court passed an ordinance that allows low density single-family residential one unit per acre and in Goshen's planning area, one unit per two acres and agricultural uses by right. All other uses that are commercial, retail, multi-family, higher density residential and industrial are allowed by conditional use permit only. Ms. McNair stated that allowing or considering a use via the conditional use permit, other than what is allowed by right, is not a variance to their zoning. A variance is a strict variation on the letter of the law and our zoning allows certain uses by right, but it does not strictly prohibit other uses.

- 293.1 Ms. McNair stated that other uses or densities may be considered through the conditional use permit process and their code specifically lists the criteria that they would require to be met to allow conditional use permit. She stated that conditional use permits are based on the following: Chapter 11, Article 6, Section 11-200 - (1) The board shall hear and decide request for a conditional use permit and may authorize such if it finds that a written application has been filed with the Planning Office and the appropriate fee has been paid; (2) That the application has provided proof that each property owner as set out in Section 11-204 has been notified by certified mail; (3) That adequate utilities, roads, drainage, and other public services are available and adequate or can be made available and adequate if the use is granted; (4) That the proposed use is compatible with the surrounding area; (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; (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; and (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. She stated staff looks to see if there are similar projects and to see if the similar projects have deterred residential and agricultural uses and then they look for potential conditions that again lessen the potential impact of the requested use. If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesated, then the Board has the power to impose conditions which shall be

specifically set forth. She stated that this is after a thorough review by Planning Staff and other agencies. Conditions are generally created for specific projects asking for approval, and most conditions are in direct response to any potential issues that came up during their research. This significantly helps reduce the potential impact and allows uses to co-exist in existing agricultural and rural areas.

- 294.1 Ms. McNair explained that the Planning and Zoning Board will hear these projects first and rule on the conditional use permit with three choices which is then forwarded to the Quorum Court who has the same three choices on how to act on the conditional use permit as follows: (1) They can approve as submitted by the applicant with no conditions; (2) They can deny it; or (3) They can approve it with conditions that the proposed use to meet the required criteria, such as compatibility and safety. Generally planning staff has crafted a list of conditions that they can choose to accept or add their own if they choose. Staff will give a detailed report addressing each criteria point directly and how it relates to this project; some are very cut and dry such as safety and infrastructure and some can be less so involving compatibility issues. Staff can tell them their professional analysis of the project and proposed conditions, but there may be some things they see differently in regard to compatibility. Compatibility does not mean the same, but that two uses can co-exist in harmony with each other and different people may have different ideas on what is compatible. It is large acreage with 118 acres and the building event center is scheduled for 50 to 200 people. Outdoor uses are allowed with fewer restrictions on noise and hours than the Fritchie Farms.
- 294.2 Ms. McNair stated for the most part, zoning has been very successful for Washington County and they find that conditions work for all concerned. Two very similar projects to this have been approved using this CUP process and both have had no complaints since approved. One such project is Stables on the Hill located south of Elkins, is very rural much like the Fritchie Farms CUP they will hear tonight. Most of the surrounding property is agricultural or single-family residential with two churches located within ½ mile of it. It is large acreage with 118 acres and the building event center is scheduled for 50 to 200 people. Outdoor uses are allowed with fewer restrictions on noise and hours than the Fritchie Farms proposal and it was approved in March 2009 with conditions. A large-scale development was not required for this project as there was an existing driveway and structure. Fritchie Farms does require large-scale development review and approval if it is approved as a CUP and this always adds another layer of review for that project for safety.

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- 295.1 Ms. McNair stated that the second example is called Sassafras Springs Vineyard and Events Center and was initially approved for a winery, but then it came back to add an event center because it was so popular. The location is rural, but less rural than Stables of the Hill and Fritchie Farms and the Bridlewood Subdivision is very near and most of the surrounding neighbors are residential neighbors. The total acreage is about 15 acres and the occupancy is for about 200 people for the event center. However, additionally the winery can hold events up to 100 people and have an outdoor wedding venue that can hold events and are allowed tented events occasionally as long as they contact the Fire Marshall prior to those events. Outdoor events are allowed and they have fewer restrictions than are being asked for with the Fritchie Farms CUP approval. This CUP was approved in March of 2014 and they did then have to go through preliminary large-scale because they had some upgrades required to the driveway with this project and they received preliminary large-scale approval in April of 2014 and final large-scale approval in May of 2014 which was effectively when they could operate. Alcohol is allowed at both venues. She stated that some of these that are allowed by right in this area can have more potential impact than the type of CUP being requested before them tonight. Large agricultural farms are allowed by right here. This is a request that staff feels will retain the rural nature of the area that surrounds it.
- 295.2 Ms. McNair stated that the Fritchie Farms CUP approval was approved by the Planning Board on May 7 with conditions that staff and the board felt made this use compatible. Staff recommended approval for the Planning Board and recommends the same to the Quorum Court for several reasons. This project is generally low impact. The site will be used for a few days per week. All safety and health concerns have been addressed in regard to fire and access for emergency vehicles. The building design has been certified by an architect and a septic system is being designed to handle appropriate loads for this use. Care has been taken by the applicant, by the Planning staff, by other agencies and the Planning Board to add conditions that will increase compatibility. The siting of the building on the property, limitations regarding outdoor noise and music, and by creating a rural aesthetic by having the barn be the event center and the drive and parking to be gravel; and with the precedent of similar venues approved by the Quorum Court and showing history of blending well in this rural community with residential and agricultural neighbors. In addition, Planning staff received two comments from other reviewing agencies, the Sheriff's Office and Shane Wood, Chief of the Round Mountain Volunteer Fire Department, after the deadline for submittal of paper copies, she will be referencing them in her report and presented them to County Attorney Steve Zega.

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- 296.1 County Attorney Steve Zega explained that the documents that Ms. McNair handed to him were received out of time and she will reference them out of time for them to be in the packet per our rules. He stated that anyone is welcome to view these as they don't appear in the packets and Ms. McNair has copies of them. He stated if they wish to see them personally, they will have to make a motion to suspend the rules and it will take a 2/3 vote from the court to get the documents before you.
- 296.2 **H. Bowman made a motion to suspend the rules to receive the documents. T. Lundstrum seconded.**
- 296.3 **Judge Edwards called for a vote on the motion to suspend the rules.**
- 296.4 **VOTING FOR: T. Lundstrum, E. Madison, S. Madison, J. Patterson, B. Ussery, D. Balls, H. Bowman, R. Cochran, R. Dennis, L. Ecke, J. Firmin, and A. Harbison. ABSTENSION: B. Pond. **The motion passed with twelve members voting for the motion and one abstention. The rules were suspended and documents distributed.****
- 296.5 County Attorney Zega stated that Ms. McNair will also provide as many copies as she has to the public.
- 296.6 County Attorney Zega explained that Ms. McNair will continue to make her detailed presentation and then they will hear from any governmental or public agencies who will talk about this project that may include Fire Marshall Dennis Ledbetter, Nathan Wood with the Goshen Fire Department, and someone from the Sheriff's Office. Thereafter, those who are in opposition to the project will have 30 minutes to speak and then either the applicant or folks in support of the project will have 30 minutes to speak. He stated that a member of the court may at that time move for one of the two alternate ordinances be passed and they could potentially tonight move to suspending the rules and passing one of the two ordinances tonight. He stated that the court could also simply have an either or both ordinances read tonight on first reading, leave it on first reading and proceed to the next hearing which would be at the next Quorum Court meeting one week from that night, with the third meeting scheduled for July 27th, same time, same room and if a decision has not been made by then, one of the two ordinances will be on third reading and they will deliberate and vote on one of the ordinances that night. He reiterated at any of these three meetings, the court may pass one of these two ordinances, depending on how they feel about the debate tonight and the information received. As a preliminary matter, he stated that they don't have a lot in terms of who can

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speaking and for how long, but they are confined to the 30 minutes per side; and then when they come for public comment after the court has started to consider one of the two ordinances, the sides are limited to 10 minutes apiece and he would ask very respectfully that they limit themselves to one of them coming to speak, taking one turn at a time at the microphone and in general, remember that this is a deliberative and these folks respect you and want them to respect each other and the court.

- 297.1 S. Madison referred to County Attorney Zega's explanation stating that she is confused why they have an either/or sort of ordinance and not just one ordinance to vote either up or down and whether there was a legal reason for doing it that way.
- 297.2 County Attorney Zega responded to S. Madison, stating that they have two ordinances, one for each option that could be before them and the Quorum Court can either override what the Planning Commission did with Ordinance #6.2 or ratify the decision of the Planning Commission with Ordinance #6.1, and if they decide to add other conditions, they would modify #6.1 with those additional conditions.
- 297.3 Ms. McNair stated that the applicant is requesting conditional use permit approval to allow the use of a wedding and event center in an area zoned for agricultural and single-family residential uses. This project is located on the east side of the County near Goshen. It is located in Goshen's planning area off of Ball Road and near the intersection of Ball Road and Goshen-Tuttle. The property has recently been split and sold to the applicant and another person. This was the original Salisbury farm and the Salsburys have retained a small portion as well. Two lot line adjustments processed through both the City of Goshen and Washington County, as is procedure when something lies in a planning area, this is the first lot line adjustment that created two tracts and this is the second one which created the proposed Fritchie Farms tract.
- 297.4 Ms. McNair showed an aerial photo of the current configuration of the lot, stating that it is approximately 20 acres in size, and the applicant has indicated that he would like to further split 12 acres for the proposed CUP and build a residence on the remainder. As this project is located in Goshen's planning area, the applicant is aware that both Goshen and Washington County Planning must review and approve this future adjustment. Goshen's minimum lot size is two acres, so this future split would be compliant with the minimum lot size.

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- 298.1 Ms. McNair stated that the proposed project includes construction of a new barn to be used as an event center, parking area and driveway, and associated septic system. An outdoor wedding venue is also proposed. Hours of operation would generally be from 10:00 a.m. to 10:00 p.m. on Fridays and 8:00 a.m. to 10:00 p.m. on Saturdays. The applicant is planning to accommodate parking of 70 to 85 vehicles with an estimated occupancy of around 175 people. The applicant has stated that outdoor and entertainment will not be amplified and no fireworks will be allowed. With the proposal, the applicant will not provide alcohol and not apply for any permits with the Alcohol Beverage Control Board, but alcohol will be allowed on a catered basis.
- 298.2 Ms. McNair stated as discussed in the introduction, the following are the criteria for allowing conditional use permits and staff will go through each criteria and discuss as it relates to this project. (a) Written application was filed with the Planning Office on 4/03/15 and the appropriate fee was paid on 5/7/15. (b) The applicant has provided proof that each property owner as set out in Section 11-204 has been notified by certified mail. She noted that this Section allows the Planning Administrator, on behalf of the applicant for a CUP, to send a certified letter to all adjacent adjoining property owners within 300 feet of the exterior boundary of the proposed use at least 14 days prior to the scheduled meeting. The notification must state the location of the proposed project; the date, time and place of the review; and state that the proposed use will be heard by the Quorum Court for ratification on their next meeting following the meeting of the board. The applicant shall reimburse the Planning Office for the actual cost of mailing, plus 15 cents per notice sent to cover our paper and envelope costs. These notices were sent via certified mail on 4/22/15 to all neighbors within 300 feet of the exterior boundaries of the original Salsbury farm property because it had not been split yet at that time and mailing fees were paid by the applicant on 5/8/15, which these were sent 15 days prior to the meeting.
- 298.3 Ms. McNair continued stating (c) 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. Schools - She stated that the public services they typically review for included Fayetteville Schools that submitted no comments and there is no adverse impact expected on the schools since this is not a residential development. Water - The applicant contacted Mt. Olive Water about connecting this project to their water system and Ray Eaton with Mt. Olive Water has indicated that this project is in the Mt. Olive Water service and can connect to their service line. Sewer - With regard to septic, Melissa Wonnacott of the Health Department stated that in the event center, water

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usage is based on 5 gallons per person per day, but if the intent is to use the establishment only 2-3 days a week, a septic system can be designed to address that particular situation. She stated when the designated representative submitted a design, that the Health Department would take that into account. The septic system will be more fully discussed under item (e). Electric/Gas/Phone - Ozark Electric commented that 3-phase power is not available, but the applicant did not plan to use 3-phase power so they don't see this as a concern. Any relocation of Ozark facilities will be at the cost of developer. AT&T did not submit comments, but again staff does not feel that they will be adversely impacted. Roads - Washington County 330, this project accesses off of Ball Road which is a county-maintained gravel road. Ball Road is approximately 30 feet in width at the site and is in good condition. The proposed project does not warrant road improvements. Full discussion of road access will be discussed also under item (e). Fire - Goshen Volunteer Fire Department - Planning Staff met with Goshen Fire Chief Nathan Wood to discuss this project and the nearest fire hydrant is off-site and further than 500 feet away. In order to meet minimum requirements of Arkansas State Fire Code, water tanker support will be necessary to provide enough water to the site in the event of a fire. Round Mountain and Nob Hill Fire Departments will provide mutual aid with tanker support. It is very common in rural areas that these fire departments have mutual aid responses and provide tanker support in lieu of a fire hydrant. A full discussion of fire safety will be discussed under item (e). Drainage - A preliminary drainage report has been submitted by the applicant's Engineer Jeff Bates who stated due to the small increase in peak run-off, the close proximity to streams, and the long buffer between the development and existing stream, that no detention is proposed at this time. The Washington County Contract Engineer had no comments on this proposed project at the time, but a full drainage study will be required at Preliminary Large Scale Development if this project receives CUP approval. The Environmental Affairs Office states at this time, 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 if there is any that pertain to this project. For addressing, the 9-1-1 address for the proposed barn will be assigned when the exact location of the proposed event center is known, and the applicant must apply for that to be assigned.

- 299.1 Ms. McNair next addressed (e) on the criteria checklist - The establishment, maintenance or operation of the CUP will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. She stated the main points she will discuss under this item regard fire protection, road access and safety, and the septic design. As discussed earlier, Planning Staff met with

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Chief Wood to discuss the project and in order to meet the minimum requirements of Arkansas State Fire Code, tanker support will be necessary to provide water to the site. Due to Nob Hill Fire Department which is one of the mutual aide responders, having a 38 foot turning radius, the Goshen Fire Chief Nathan Wood, Washington County Fire Marshall Dennis Ledbetter, and Planning staff feel that no turning radius within the designated fire lanes for this project can be less than 38 feet and this must be shown when the Preliminary Large Scale Development plans are submitted, if this CUP is approved. Additionally, the water tankers need a clear area to deliver water and the Fire Marshall and Goshen Fire Chief have recommended a pickup/drop off area to be designated as fire lane large enough to support Nob Hill Fire Department's largest tanker and moved in such a way that when the water tanker is empty, it can pull away and the next tanker can easily move into that position. Fire lanes along the drive must be marked and those are shown on the plans and the preferred fire lane must be shown on the Preliminary Large Scale plans if this CUP is approved. She noted that there was a 20 foot clear fire lane with no parking and all curbs must have a minimum of 38 foot radius, and there is a minimum 60'x20' fire pull-off area for the water dump and the cul-de-sac meets minimum requirements for the fire trucks to turn around and quickly go back out.

- 300.1 Additionally, preliminary architectural drawings have been submitted for the proposed building, showing the main floor and small loft above. These architect plans must be signed and stamped by a licensed architect prior to construction. These plans show the proposed ingress and egress paths, exit and emergency lighting, and fire extinguishers as well as all other information needed to meet Arkansas State Fire Code and ADA requirements. The connection between the building and the handicapped spaces as well as the restrooms must be ADA compliant. The applicant at this time is proposing a warming only kitchen or catering kitchen which is typical and full details will be required to be submitted at Preliminary Large Scale Development. A retail food service permit may be required by the Health Department. The applicant understands that if a commercial kitchen is ever desired; further review by the Fire and Health Departments will also be required. The County Fire Marshall required that the applicant's architect set the occupancy load for the building. The applicant's requested occupancy is approximately 175 people for this CUP and the architect's calculated fire occupant load for the building is 299 people maximum. This CUP was approved by the Planning Board to allow events generally sized as proposed by the applicant for 175 people. Therefore, the applicant's requested occupancy is in compliance with the fire code occupancy requirements; lower than what the architect says is safe. If in the future the

applicant wants to hold larger events on a regular basis, he will need to return for further CUP review and possible infrastructure such as septic upgrades, and probably a larger parking area as well. The architect must ensure that the building meets Arkansas State Fire Code and is ADA compliant and a statement will be required at final Large Scale Development stating that the project does meet Arkansas State Fire Code and ADA requirements. The applicant must comply with any health, safety or fire code recommendations made by his architect. The Fire Marshall will review the plans, make comments, and must approve the plans prior to construction. The Assistant Fire Marshall has reviewed these preliminary architectural drawings and found them adequate. Additionally, the Fire Marshall will inspect the building before it is ever allowed to be occupied if this CUP is approved.

- 301.1 With regard to the septic system, this project is proposing to utilize an individual septic system; soil work has been completed and submitted by Linda Mayo of Water and Environmental Testing of Northwest Arkansas and according to her report, this soil appears to be adequate. Additionally, a permit has been submitted to the Health Department for their review; the septic system must receive approval from the Health Department before it is installed and once installed, must be inspected by the Health Department prior to the occupation of this building. The septic system, primary and alternate area, must be delineated by landscaping, fencing or some other barrier to ensure that no one can park or drive on it. No parking is allowed on any part of the septic system at any time, including the alternate area. The proposed project must be in compliance with Arkansas Department of Health. Earlier today, Dr. Robert Morgan, Manager of Environmental Equality with Beaver Water District, contacted staff and asked that we pay close attention to the proximity of the septic with the nearby stream, so Ms. McNair measured to make sure that they were within their proper distances and from the septic to the FEMA regulated flood plain is approximately 200 feet and there is an additional 40 feet to the centerline of the existing creek. The Health Department requires 100' setback from septic systems for creeks so she feels like they are in a safe zone. Additionally, the applicant has left his tree line intact which should also help to protect runoff.
- 301.2 This property accesses off of Ball Road and is a county-maintained, gravel road that is approximately 30' in width at the approximate Fritchie Farm site and Ball Road is even wider at the intersection of Goshen Tuttle Road. The only concerns that staff has with this road is that the driveway location along Ball Road needs to be very carefully placed to meet sight distance requirements. Staff went to the site several times to measure the available sight distance from

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three different possible locations and found one location to be marginally acceptable. As this is a dirt road with no speed limit sign posted, the speed limit is set at 35mph and according to Washington County Code, with a speed limit of 35mph the applicant is required to have 390' of intersection site distance for left turn and 335' of intersection site distance for right turns. Since the sight distance was so close to the Washington County minimum requirement, staff is requiring that the applicant's engineer certify that the sight distance meets or exceeds the minimum County Code at preliminary large scale development. The applicant's engineer provided a preliminary sketch and statement about the sight distance. Ms. McNair noted that the driveway and parking design has changed since the sight distance was submitted, but the driveway is in the same location, making this relevant.

- 302.1 The engineer feels that adequate sight distance can be met with some grading and vegetation removal. Per fire code, the driveway accessing the event center must be a minimum of 20' wide if it is 500' or less, and if it exceeds 500' it will be required to go up to 24' in order to meet Arkansas State Fire Code. Standard conditions apply to this CUP as well. There is no parking allowed within Washington County's right-of-way. No work can begin on a Washington County driveway without a permit, clearing, grading, driveway installation and the Road Department requires a 30' right-of-way to be dedicated on the applicant's side of the road.
- 302.2 Ms. McNair stated that the Washington County Sheriff's Office has no concerns for this project. Staff discussed the project and the two existing projects mentioned in the introduction with Chief Deputy Jay Cantrell of the Washington County Sheriff's Office. He stated that they have had no increase in calls due to noise, drunk driving or any of the other aspects associated with the two existing event centers staff has discussed. He also submitted the email which is one of the documents that the court received that said in regard to concerns of an increase in drunk drivers because of the Fritchie Farms; the Sheriff's Office has not experienced any noticeable increase in drunk driver calls or drunk driver arrests at similar projects within their jurisdiction.
- 302.3 Ms. McNair next addressed (d) on the CUP criteria checklist, that the proposed use is compatible with the surrounding area. She stated that the surrounding area is primarily single-family residential and agricultural and while the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions. The proposal will be low impact and visually, the site will appear agricultural in nature as they are using a barn exterior for their event center. The parking and drive will be

gravel and outdoor music is limited and staff is recommending size and lighting restrictions on signage. Maps were shown of the adjacent uses, agricultural and residential and in the general area, are a similar makeup. All outdoor lighting must be shielded from neighboring properties and any lighting must be indirect and not cause a disturbance to drivers or neighbors. Additionally, all security lighting must be shielded appropriately which is a standard condition and staff's recommendation that lighting is down lit and not pointed to shine on other's properties.

- 303.1 The applicant has indicated that he wants a sign. There is no signage allowed within county right-of-way and as this is rural site, staff recommends that the sign be about 24 square feet and not be directly lit, but if it is to be lit, it is to be up lit. A sketch of the proposed sign must be presented to Washington County Planning prior to the sign being placed and no additional signage is allowed to be placed without additional review. Planning staff conducted site visits and noted that due to topography and the proposed location of event center, it will be difficult to see it from the road or from neighboring properties. Therefore, they weren't requiring any additional screening; however, care should be taken to leave the existing vegetation on the north and west property boundaries and it is shown on the plan that applicant plans to leave those buffers in place.
- 303.2 When discussing the impact this proposed project may have on neighboring properties, noise-related issues were considered. The applicant is proposing no firework use or outdoor amplified music. These restrictions should help lessen potential impact on the neighbors' enjoyment of their own property during hours of operation of this proposed event center.
- 303.3 Ms. McNair addressed (f) on the CUP criteria checklist, stating 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. In addition to the letter from a local realtor submitted by the applicant stating that this type of development does not in fact diminish but in fact improves property values, staff feels that with conditions this proposed project can be made compatible and will not diminish or impair these property values. Due to the rural nature of surrounding property, outdoor amplified music will be limited, outdoor lighting must be screened from neighboring properties, and the proposed hours are generally from 10:00 a.m. to 10:00 p.m. on Fridays and 8:00 a.m. to 10:00 p.m. on Saturdays in order to reduce the impact to the surrounding neighbors. The applicant has stated that alcohol will be allowed on premise but will be on a catered basis. A sketch of the proposed sign needs to be submitted before

they install it and the applicant does not know if a dumpster is desired at this time, but if they do place one, staff must approve that placement and they will require it to be screened with opaque material, including the gate so that it is not visible from any neighboring properties.

- 304.1 Ms. McNair addressed (g) on the CUP criteria checklist, stating that the establishment of the CUP will not impede the normal and orderly development and improvement of the surrounding areas for uses permitted in the zone. Conditions regarding music, lighting, frequency of use, and maintaining the natural buffering from other properties, along with the proposed physical location of the barn/event center are all factors. As stated in the introduction, staff also researches for those precedents to see two very similar projects have been approved using this CUP process. Both of these projects have had no complaints; there has been no mass exodus and development is still occurring in those areas just as it always has. Those noted that those examples were Stable on the Hill located south of Elkins in a very rural area. The building event center holds 50 to 200 people so Fritchie Farms is within that range as well. Outdoor use of alcohol is allowed and there have been no complaints. Additionally, on this project tanker support was needed to meet the firefighting capabilities with a volunteer fire department. The land use was different from surrounding land uses that existed and it has been compatible with the surrounding uses and has helped retain the rural character of this area. It has less strict conditions than Fritchie Farms and the applicant for Fritchie Farms has proposed these more strict time frames and noise restrictions. It did not require a full large scale development review as Fritchie Farms will because the barn and existing driveway already existed and will require a large scale development review which is another layer to ensure safety. This is a very similar area and very similar concerns were voiced at the beginning. This was approved by the Planning Board and ratified by the Quorum Court after thorough review from Planning staff and other agencies and with conditions placed to protect the public health, safety and welfare and address compatibility. This was approved in March 2009 and there have been no complaints.
- 304.2 Ms. McNair stated that the second similar project approved through the CUP process was the Sassafras Vineyard and Event Center which initially was a winery later expanding to an event center which holds approximately 200 people. They have outdoor events and fewer restrictions. The CUP was approved in March of 2014 and effectively they were operational by May of 2014 with no complaints. All fire lane drives were 20' wide and had a smaller turn radius of 28' which is also in Goshen's Volunteer Fire Service area and

they were confident that they could meet the fire requirements of this site. While this existing project was not residential, staff does feel that it has been very compatible as it is also low-impact visually, it appears agricultural because the event center is a barn, there is gravel drives and parking, and limits on outdoor music at this event center as well. It has less strict conditions, but did require the full large scale development review like the Fritchie project will if the CUP is approved. It had very similar concerns in a very densely populated area next to a subdivision and other residential homes. After thorough review by Planning staff and other agencies and with conditions placed to protect public health, safety and welfare, and address compatibility, this has been a very successful project with no complaints.

- 305.1 Ms. McNair stated finally staff looks at compatibility with the adopted county land use plan, a written document that went with the zoning and they also look at the future land use designation for the area. Compatibility with the policies adopted in the county land use plan for light commercial continues with the primary goal of retaining the rural characteristics of Washington County. Light commercial usage should be allowed if they are not incompatible with adjacent residential and agricultural uses or by conditions placed on such to mitigate its impact together with community facilities and compatible residential uses. This use typically serves as a buffer between general, commercial, and strictly residential uses. Staff feels that this project meets the goal of the County land use plan as the proposed center is compatible with residential uses because of conditions placed and it will be low impact and not disrupt the normal development of this area. It will not cause negative impact on surrounding properties; it will appear agricultural in nature; it will have a low frequency of use and steps are being taken to ensure that it will not be detrimental to or endanger public health, safety or welfare. In addition, the responding Goshen Volunteer Fire Department has reviewed this project and stated that they have adequate equipment to provide emergency services to this establishment.
- 305.2 Compatibility with future land use map showing cities and use plans for their planning areas. Residential compatible to surrounding densities is this designation and this portion of the county's future land use plan was extrapolated from the City of Goshen's adopted future land use plan. They asked the City of Goshen for formal comments and they provided none. Staff does think that it will be made compatible with the recommended conditions and due to the low impact nature feel that it will be compatible with the surrounding densities.

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- 306.1 Ms. McNair addressed the neighbor and appellate comments, stating that staff takes neighbor comments very seriously. She stated when comments are received; they assess their research to see if they have already looked at these concerns or if they need further review. They also look for any new information in these comments and anything that may be brought to light so that they can properly and thoroughly investigate every concern received by their office. All neighbors within 300 feet of the boundary were notified by certified mail of this CUP hearing. No written conditions were received prior to the report distribution to the Planning Board on May 1 and those notifications went out on April 22nd. Staff then received one opposed comment on May 4 and one on May 6 with eight additional opposed comments received on May 7, the day of the Planning Board with some of those being submitted at the meeting. Typically staff would like an opportunity to speak with neighbors beforehand and address any comments that have come up, but they were not given that opportunity. She does feel that they addressed all of their concerns in their staff report, even before receiving their concerns.
- 306.2 Most of the opposed comments had similar concerns, including noise, traffic, drunk driving, a vain description of operation hours and special events provided by the applicant, excessive light and litter. Ms. McNair stated that she feels like the staff report addressed most of these concerns adequately, but she will go over some of them.
- 306.3 Noise - outdoor music is limited by conditions recommended by staff and amended by the Planning Board. The condition approved was that no fireworks or outdoor amplified music is allowed. No outdoor music is to be played after 8:00 pm. Staff does have a suggested amendment in regards to outdoor amplified music. Staff feels that outdoor amplified music related to the actual wedding ceremony should be allowed (CD, IPOD or somebody signing on a microphone) for the wedding party to enter and leave the ceremony, but restricted to that actual ceremony. No dance music after the ceremony.
- 306.4 Traffic - Planning staff asked the Washington County Road Department for input regarding the traffic increase and they were not concerned. They stated that the estimate of 80 vehicles per event is roughly the same impact as one day's traffic for an 8-lot subdivision. However, as the event center will only operate a few days per week, the impact would actually be less than that of an 8-lot subdivision. Based on the potential impact of this proposed use, the Road Department does not feel that any road improvements are necessary. Additionally, planning staff is requiring that the applicant's engineer certify that the sight distance is met. The condition approved was that official sight

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distance for the new entrance will need to be stated at preliminary large scale development. The proposed grading must be shown on the preliminary large scale development plans. The applicant's engineer is to certify the sight distance meets or exceeds minimum county code at preliminary large scale development.

- 307.1 Drunk driving - Planning Staff asked Sheriff's Department if they had any concerns and they did not as stated in the email. Additionally, if someone chooses to break the law and drive while under the influence of alcohol, there are laws in place to address this. There are officers to enforce this and it is not within Washington County Planning's jurisdiction to enforce this.
- 307.2 A vague description of operational hours and special events provided by the applicant - Typically Planning staff and the Planning Board recommend general hours of operation on similar projects to allow some flexibility and we addressed it with the condition of hours of operation must be generally as stated - Fridays from 10 am to 10 pm and Saturdays from 8 am to 10 pm. According to the applicant's letter, their requested use is for an event center with events such as weddings, birthdays and special occasions. Staff does not feel that a definition for special events or occasions is necessary as long as all conditions of the CUP approval are adhered to, the type of event should not impact the surrounding properties in a negative manner. That is why these conditions are there - to make sure this does not negatively impact their neighbors.
- 307.3 Excessive lighting shining into neighbor's homes - The Planning Board passed several conditions to clarify what type of lighting is allowed.
- 307.4 Litter - Staff does not feel that litter will be an issue. The applicant plans to live on this property and will be the caretaker of the property. A condition was placed if they do place a dumpster, it must be screened appropriately.
- 307.5 Planning staff also sent out notification to all neighbors who were notified of the original CUP hearing and they have been notified by regular mail according to Washington County ordinance, of the Quorum Court appeal dates. In addition, staff notified two additional people not notified the first time, one being the applicant. These two additional property owners are included as a result of the split of the Salsbury Farm and subsequent selling of the portions of the original Salsbury Farm that have occurred since that of the required notification. The Assessor's records indicate these new parcel deeds were filed on May 8 and June 2; therefore, both new deeds were subsequent to the

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Planning Board hearing, so staff had no way to notify them the first time, but they were notified of this meeting.

- 308.1 Ms. McNair identified a map that showed the location of all neighbors who both spoke and submitted written comments at the Planning Board meeting.
- 308.2 Ms. McNair next addressed the appeal that was submitted, stating that the appellant listed several reasons for the appeal.
- 308.3 The applicant failed to notify several neighbors as required by County Code - Staff has detailed their methods; they sent notifications to all neighbors of the entire Salsbury Farm because it had not been split yet. It is the policy of their department to create a notification list and have another staff member independently create the same list and compare the two to make sure there are no mistakes or omissions, which they did. After receiving the appeal, planning staff rechecked the notification list just to make sure that nobody was missed and found no errors. They also rechecked their notification to make sure that all required information was stated and it was found to be accurate and correct. Therefore, Planning Staff does not feel that any error using their best management practices was made and that all neighbors required to be notified were notified properly and the applicant also reimbursed the county as stated in the ordinance.
- 308.4 The area surrounding the proposed event location consists of several residential and agricultural properties - Staff agrees that the surrounding area is agricultural and residential properties and they have addressed the compatibility concerns in their previous report.
- 308.5 There will be extreme detriment to the surrounding residents and traffic on Ball Road, Tuttle Road, Elkins and Goshen - Staff was not sure how there would be extreme detriment to the surrounding residents and the traffic listed. They feel that the life/safety issues have been well reviewed and that many conditions were placed to ensure that the event center will not be detrimental to or endanger public health, safety and welfare. As discussed previously, they asked the Washington County Road Department to weigh in and they were not concerned.
- 308.6 There will be considerable reduction to the value of residential and agricultural land due to safety, traffic hazards and noise concerns due to the commercial activities of the party barn - The applicant provided a letter which was in the packet from a local real estate broker, Brian Dandy, to provide professional

opinion on this. According to Mr. Dandy, when raw land is developed, not only does it become more valuable by nature, but becomes more valuable based on its potential, and as proposed, would raise the value of the surrounding properties from an appraisal standpoint. In addition, staff feels that multiple conditions have been placed to mitigate noise, safety and traffic issues related to the proposed use.

- 309.1 Noise, traffic hazards and safety concerns will impede residential development and have adverse effects on agricultural land - Again, staff feels that they have adequately addressed this and that this impact has not been seen on the two other venues that are very similar in the county. There has been no impediment of residential and agricultural development around these other two venues that are very similar.
- 309.2 That the fire protection provided by Goshen Fire Department and surrounding fire departments is not adequate to support this type of venue in this rural part of the county as evidenced by recent house fires that these departments were not able to put out to save the structures - Matthew Wood, Goshen Fire Department Chief, provided a response letter included in the packets and described the training of his volunteer fireman, the details of the residential house fire which the appellant was referring, and steps taken by both the applicant and the reviewing agencies to provide adequate fire protection for this particular location. He stated that due to the type of occupancy, the driveway and structure will be built to different standard than those of a typical residential home. The CUP process gives the Planning Board and Quorum Court the ability to respond to safety issues using the Arkansas State Fire Code. Additionally, Mr. Shane Wood, Chief of Round Mountain Volunteer Fire Department which is a mutual aide responder submitted the letter which the court accepted. In his letter, he also detailed the training that his volunteers receive and that their ISO classification for insurance is a 4 to 6 compared to the unprotected 10 which cuts insurance rates in half for their service area. He also provided additional details about the structural fire reference, including that the fire was well underway prior to the emergency call; that the fire was a propane-fueled fire; and that the fire was well advanced upon their arrival. Mr. Wood explained that with tanker support and water shuttle, similar to the shuttle that would be used for Fritchie Farms, only with better access roads; they were able to provide 1200 gallons per minute fire flow which is better than most hydrants.

- 310.1 Ball Road and Goshen-Tuttle Road are narrow county roads that have sharp and dangerous curves that could put the lives of people on these roads in danger, especially people who are not familiar with the roads and those consuming alcohol at these events - Staff has discussed these, but unless subdivision or high impact development such as dirt pits or quarries, staff does not generally review off-site roads. Goshen-Tuttle Road is not directly accessed by this property and the traffic impact is expected to be minimal as discussed for an 8-lot subdivision or less. While most traffic will arrive and leave the property at the same time like most other community-type buildings, the expected number of vehicles is less than compared to the 8-lot subdivision and does not rely any type road improvement. Driving while under the influence of alcohol is a crime and there are laws and enforcement officers who police this type of illegal activity. It is not within the Planning Department's jurisdiction to enforce, nor has it been an issue for the Sheriff's Office for the other two venues which are very similar and both of those allow alcohol at their event centers.
- 310.2 Lack of definite time and days that this proposed center will operate - As stated before, typically they use general hours of operation to allow for a little flexibility.
- 310.3 Operation of a commercial business on a dirt road - The County has many light commercial businesses operating on dirt and gravel roads and staff is unsure why the appellant feels this is a concern. Daycares and Mechanics are types of businesses that have more traffic event than this is proposed to have as its daily use.
- 310.4 The appellant submitted 101 petitions from Washington County residents opposed to this project. Planning staff located all of these addresses and mapped them as a visual for the court. While there are a few far-reaching petitions, the majority are focused around Goshen. To further analyze the expected impact to these citizens, staff ran both a mile and a half mile buffer query for petitions in proximity to the proposed project. Generally staff for every CUP looks within one-half mile to project vicinity for compatibility and in this case went beyond and looked a full mile to see what kind of petitions were there. There are 43 unique petition addresses and 68 petitions within one mile; within one-half mile there were 13 unique petition addresses and a total of 20 petitions. Several petitions were submitted from the congregation at the Land of Goshen Church. Staff would like to note that the applicant's proposed use times are generally Fridays and Saturdays and not during typical church use times which are Sundays and Wednesday evenings. The petition

submitted were check box style with neighbors having the option to pick which elements they were opposed to, including traffic on Tuttle Road, safety on Tuttle Road, line of sight, traffic on Ball Road being a dirt road, drunk drivers, fire safety, noise, depreciation of housing values, and unwanted strangers. Staff feels like they have thoroughly discussed traffic safety on these roads, drunk drivers, fire safety, noise, and depreciation of housing values. As for unwanted strangers in our quiet residential neighborhood, they are talking about a private piece of property where people will attend an event for a few hours and then leave on a public roadway, so she is not sure that this is a founded complaint.

- 311.1 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 specifically be set forth. In conclusion, staff feels like the concerns voiced by the neighbors and appellant have been adequately addressed after full review by all servicing agencies. They have existing businesses like this already in operation in the county with fewer restrictions than what are being imposed on this project. Nothing has come to light in their review and no evidence has been presented by the appellant that has indicated that this location is somehow different, that it will be more detrimental or more impactful than the similar venues that already exist that the Quorum Court has already approved in the County. This type of project works well in residential areas and is shown to co-exist with careful consideration of conditions placed with their residential and agricultural uses. The potential impact of this project is less than traditional retail uses and even less impactful than some uses that are allowed by right. When the Quorum Court passed zoning, the intent was not to exclude commercial business, but to develop in a way that is respectful of neighboring properties and this can be achieved by conditions placed on projects to make them compatible. Again, compatibility does not mean the same; it means that different uses are able to co-exist in harmony with one another. As long as the conditions placed on the CUP are adhered to, there should be minimal impact to the uses and all of the uses should be compatible.
- 311.2 The Planning Board approved this project with conditions on May 7 at the regularly scheduled Planning and Zoning Board meeting; five members voted in favor, none voted against, and two were not present to vote. Therefore, staff is recommending approval of the proposed Fritchie Farms CUP with conditions, with the one suggested amendment by staff.

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- 312.1 County Attorney Steve Zega stated at this time they typically have JPs comments or questions to the Planning staff member, but while Ms. McNair was speaking he thought of a more articulate answer to JP Madison's question. He stated that zoning decisions are legislative in nature meaning they have to have an ordinance which is why every time they have non-controversial or uncontested decisions from the Planning Board, the procedure is that the JP whose district the project is in brings it forward before the court and they pass it and it becomes part of the legislation to include the zoning map that is also legislative and has been held that way by the Arkansas Supreme Court. He stated therefore that is why they have to have an ordinance and they are binary here because you can't do all three options because you don't know which further conditions they might attach.
- 312.2 R. Cochran stated for compatible event venues that already exist, what were the days and hours that were established by their CUP; to which Ms. McNair responded for the Stables on the Hill project, the noise shall be kept at a reasonable level; the hours of operation should be quite close to the information provided to Planning with 11:00 pm the estimated shut down time as provided by the owner and applicant and events are primarily on weekends. With respect to Sassafras Event Center, she reported that the hours of operation must be generally as stated, 10 am to 11 pm. Music at the event center will move to indoors, but from previous approval at the winery, outdoor music was allowed.
- 312.3 R. Cochran asked about the residential population density around the two similar venues; to which Ms. McNair responded for Stables on the Hill it is very similar with an average lot size of around 20 acres and Fritchie has several that are 5 acres or so, but there is a mix from 5 acres to 80 acre farms which is very similar to Stables on the Hill. She stated that the Sassafras Winery and Event Center is actually much denser with a subdivision next door and most of the surrounding residential properties are 5 acres or less.
- 312.4 R. Cochran referred to pages 39, 40 and 41 in the packets show the CUP and asked if that included any of the amendments approved by the County Commission; to which Ms. McNair responded that it should include the amendments. He referred to (4) under Planning Conditions that says no outdoor music is to be played after 8:00 pm and in her presentation, Ms. McNair mentioned having an amendment to allow limited music during an outdoor ceremony; to which Ms. McNair responded that what R. Cochran is referring to is as Planning Board approved it with no outdoor amplified music and staff is

- asking the Quorum Court to add that amendment as they believe that was the intent.
- 313.1 R. Cochran stated that he just wanted to make clear that they were voting on the conditions shown on pages 39, 40 and 41 of their packets.
- 313.2 R. Cochran stated that Ms. McNair mentioned a certain square footage for the signage in her presentation, referred to page 40 under Signage / Lighting / Screening Conditions (3) doesn't mention a size but simply states that no additional signage is allowed to be placed without additional review.
- 313.3 Ms. McNair responded to R. Cochran stating that staff recommendation that the signage be 24 square feet should be included in this condition.
- 313.4 R. Cochran referred to the vegetation buffers and the statement that "care should be taken to leave existing vegetation on the north and west property boundaries intact," stating that this is kind of fuzzy to him because if it is cleared, there is nothing there that indicates a buffer needs to be put back if a they were to clear it or if the trees were all to die; to which Ms. McNair responded that this is not clear and it is the Quorum Court's purview to add a condition to make it more clear.
- 313.5 R. Cochran addressed County Attorney Zega and asked on these CUPs, what was the neighbors' remedy regarding compliance with the conditions of the CUP for hours of activities, occupancy limits, lighting, etc. what is the neighbor's remedy if Fritchie Farms does not stay in compliance with the CUP; to which he responded that they have a variety of remedies at their disposal. He stated the first remedy is that with any of their ordinances, they have the general enforcement provision at the beginning of the Code providing for fines. He noted that their Code does not have jail time possible with it, but if a county ordinance is broken in a criminal fashion, the person who breaks it could be subject to fine. The second remedy would be in court in a civil sense that they could enjoin potentially operation, noting that they have had issues come up with County Planning where they have asked to shut down incompatible or outside of planning use enjoining the operation of a business that did not get a CUP. He further explained that more often, injunctions and potential civil damages would be left to the injured homeowners or surrounding property owners. Attorney Zega stated that the county side would generally be criminal and the private property owners would be civil enforcement.

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- 314.1 E. Madison stated she is interested in the “uses by right” for this property and what it could be right now without coming to them or to Planning; to which Ms. McNair responded that it could be any agricultural use as defined in their code and could range from a small garden to a hog farm by right. E. Madison asked if it could be the full property; to which Ms. McNair responded that they own 20 acres now and 20 acres of that could be a turkey farm or a vegetable garden.
- 314.2 Additionally, kenneling or orchards are allowed by right as agricultural use; and since this is in Goshen’s Planning area, they could put one home per two acres or they could put ten residential homes and that would require some subdivision review, but would not require zoning review. E. Madison commented that this would probably generate more vehicle trips to which Ms. McNair responded that is what the Road Department has told them.
- 314.3 E. Madison stated if it is not an agricultural use in her experience, what would be a typical use for something like this; to which Ms. McNair responded in this particular area, they do seem to be residential homes on lots ranging from 5 up to 80 acres with some agricultural mixed in, mostly cattle and hay farms. She further pointed out that she was told the reason this road is so wide is because there are chicken farms on down the road. She stated if this use does not get approved, it is her understanding that he still intends to build his personal residence in this area.
- 314.4 E. Madison stated that Planning had noted that the existing fire hydrant is more than 500 feet away and she would assume that a fire hydrant would be more consistent than a tanker truck and asked if that fire hydrant was within reach at all; to which Ms. McNair responded that she will let Fire Chief Nathan Wood speak to that in a moment. She explained that the concern with these rural water departments is that their lines are very small, so while they can provide potable water, they cannot support fire hydrants. However, Fire Chief Nathan Wood is perfectly happy with the shuttle system, and especially with the road set up if this gets CUP approval, it will be set up for his best fire protection. Ms. McNair further stated that based on staff research, they believe that tankers are equivalent to fire hydrants, noting in Fayetteville they would get 1,200 gallons per minute, but on the Mt. Olive water lines, they would not get that flow.
- 314.5 E. Madison stated that someone contacted her about the curve on Ball Road and Ms. McNair reported that is all dependent on whether they can get the sight distance; to which Ms. McNair explained on Ball Road they will be required to clear that bank and possibly cut it down to ensure that they can meet the minimum sight distance requirements. She believes that the concern is with

Goshen-Tuttle Road, but again this project does not directly access Goshen-Tuttle and staff and the Road Department do not look at off-site roads unless it is a very high impact development. E. Madison asked if this will be affected by having to remove the vegetation that R. Cochran was talking about for the sight distance; to which Ms. McNair responded that the vegetation is on the west and north and the bank that will need to be cut down is on the south.

- 315.1 H. Bowman referred to the aerial photo of the site asking Ms. McNair to highlight exactly where the barn is to be located and where the nearest residents are to the barn, as well as the entrance to go to the barn. He noted that this is primarily surrounded by timber and a flood zone to which Ms. McNair concurred. He further asked whether the house to the north is part of the CUP request area to which Ms. McNair responded that it was part of the original Salisbury Farm and originally they had to use the whole parcel because it had not been split. She further estimated that there is about 1500 feet from the house to the barn.
- 315.2 L. Ecke asked County Attorney Zega whether anytime they have a private event center such as this, that security has to be hired by the people renting the venue; to which he responded that the county does not require that as part of planning conditions. She asked in the event that someone had an event at Sassafras where alcohol would be served, would the party renting the venue have to pay for security for the event; to which Attorney Zega responded that there is no legal requirement to do that; however, there could be a private contract between the event venue and party renting the venue that requires that.
- 315.3 A. Harbison stated that the Planning staff has done an excellent job in answering all the concerns that the neighboring property owners have come forth with and preparing the CUP and she will be supporting this ordinance. She stated that she believes in property rights and that the Planning staff has made this project very compatible to the neighbors. She noted anytime there is change, people are going to be opposed to it. She noted that she has done a wedding at the Stables on the Hill which is a very nice venue and she sees this as the same type of venue.
- 315.4 R. Dennis stated if this is a for profit venue and the weekends are booked up, what happens when someone wants to book a wedding on another day; to which Ms. McNair responded that the applicant certainly couldn't do this on every day of the week and the conditions placed keep him from doing so. She is fairly sure that if the applicant steps out of line in this manner, she will be

receiving phone calls from the neighbors. She reiterated that this venue is only to be open on Fridays and Saturdays during the times stated.

- 316.1 R. Dennis stated from seeing all the drainage problems that they have had and reports from the Beaver Water District on how run-off is so damaging to the water and roads, it seems like they would have to have some type of retention pond coming off the parking lot, barn, and property itself.
- 316.2 Ms. McNair responded to R. Dennis stating at preliminary large scale development, a full drainage study will be required. She noted that the engineer stated he didn't think retention would be necessary, but when the full topography and full drainage study is done they would have to put that in as per their engineer's requirements and that will be fully reviewed.
- 316.3 R. Dennis stated that he has seen a lot of mistakes made this week and would really like to see that done.
- 316.4 J. Firmin addressed the neighbor comments and asked if all 17 folks within the designated area are living on the property or did they just have to own the property; to which Ms. McNair responded that she does not know because the people who are notified are the owners of the property regardless if they live on the property. However, anyone living on the property as a renter or owner can comment because they have a right to do so whether they live on the property or not.
- 316.5 J. Firmin stated that one of the neighbors' concerns was the noise factor and he was wondering if there were actual people living on the property in question and how close they were.
- 316.6 B. Pond stated that he has recused himself on the issue because of some conflicts of interest regarding this property, but he would like to offer some helpful suggestions, not saying whether he is for or against this being passed. He referred to the vegetation buffer issue and that they are trying to keep this use compatible with agriculture, questioning whether they intend to keep any area where there are not any trees mowed; to which Ms. McNair responded she knows that they will maintain it. B. Pond stated that there are probably a lot of thistles growing there at this time and if left to blow in the wind, the neighbors would have to contend with the seedlings and a thistle issue is not a good neighbor policy. He referred to the road safety issue stating that he doesn't disagree with the Road Department, but if you look at how wide the road is at the bridge and then note how narrow the road becomes where you

are trying to get your visibility, they will be doing some grading to make that a better access. He stated that he would make the suggestion that it would be helpful to the developer, neighborhood and people who use that road if when they grade that bank to make it more visible to allow the county to have enough of that so that road could be as wide there as it is down by the bridge.

- 317.1 Testimony from any additional Public Agencies or Departments (Health Department, Road Department, etc.) - Dennis Ledbetter, Washington County Fire Marshal addressed the Quorum Court regarding the issues with water supply, stating if the waterline is close and big enough, they usually require a hydrant and in this situation, the waterline is too small so they will use the hydrant to fill with. He stated that there are several ways to meet the fire flow requirement, with a fire hydrant, to place a water tank on site which is expensive and not very attractive, tanker support, or the State Fire Marshal allows you to dig a pond which works, but this has to be regulated and watched. He stated with the rural fire departments in this area, all have tankers and in this area of Arkansas, they have more tankers and a system on how they use them. He noted that the State Fire Marshal has reviewed this tanker support system and at the last State Fire Marshal meeting they recommended that the rest of the state copy the tanker system that we have here which promotes both growth and safety.
- 317.2 Richard Green, Patrol Sergeant for the Washington County Sheriff's Office, addressed the Quorum Court reporting that they have had no complaints on every such venue that they have in their jurisdiction and they are not anticipating any problems from this venue.
- 317.3 R. Dennis addressed Fire Chief Ledbetter and thanked him for the great job that they do with their tankers systems.
- 317.4 Presentation by the Appellant/Opponents of the Project (30-minute limit) - County Attorney Steve Zega explained that in the 30-minute period, there is no individual limit, but an overall accumulative time limit of 30 minutes.
- 317.5 Bernadette Boyle, resident of 925 Tuttle Road, addressed the Quorum Court and a map stating that the map accurately depicts their total opposition to any zoning change and the CUP as documented in the 101 signed petitions presented to this court. She addressed J. Firmin's previous question, stating that she was one of those who went house-to-house to get each of these petitions and can attest that there are homes and people living on each of these surrounding properties and they do not represent vacant lots. She stated that

the Planning office had to send out a 300' notice so evidently there are homes less than and 300' from the proposed structure. She noted she is across the street on Tuttle Road and argues that she is within the 300' because her acreage is not correctly recorded, but she has five bedrooms that face the barn doors. She stated before the court makes its decision and votes, that they remember this map and the sea of red representing residents against a party barn in their residential/agricultural neighborhood. She stated that they feel that their concerns have not been accurately addressed by any means.

318.1 Becky Martin, resident of 15671 Ball Road, addressed the Quorum Court within 300' and right across the road from the proposed event center. It is her understanding that county zoning laws are in place to give citizens peace of mind that the property rights and values are secure and also that the primary responsibility of the Planning Board is to prepare plans, ordinances and recommendations regarding land planning matters for the consideration of Quorum Court. She stated this includes protection of zoning laws that are in place for public purpose and the result of public benefit, not the protection or the alteration of zoning laws that will benefit only the individual requesting the zoning, such as spot zoning. She stated these considerations by Quorum Court become of particular importance when the recommendations regarding changes in land planning matters pose a threat to the health and safety of the neighborhood and negatively affect the property values of the neighborhood, change the essential character and are not desired by the neighborhood. Ms. Martin stated that they are a neighborhood, though they may not have the appearance of the typical neighborhood.

318.2 Ms. Martin continued stating that after reviewing planning staff's recommendations in response to her neighbors concerns and her appeal, she finds their project summary and findings further reiterate that Fritchie Farms will be the only one to benefit of the Quorum Court's approval of this CUP. She stated that approval of the CUP will not benefit the 101 residents that signed a petition in opposition to this request, who have homes, families, acreage and animals that actually live in the neighborhood, unlike Mr. Fritchie who is not a resident of their neighborhood. Furthermore, she stated in her review of planning staff's recommendations, she found an acceptance of opinion treated as fact. Precisely, she noted a letter from a real estate broker stating the residents of the neighborhood do not need to be concerned about the event center devaluing their property, and this letter was nothing more than one individual's opinion as it was void of statistical data and evidence-based research. She stated that statistics are important in that they can point out

relationships which will afford an unbiased objective to avoid building strategy on unsupported assumptions.

- 319.1 Ms. Martin further stated that her review also revealed concerns surrounding the septic system, noting that the Arkansas Department of Health base their findings on the intent the establishment be open 2-3 days a week; therefore, proposed to utilize an individualized septic system. However, referencing Mr. Fritchie's letter received by the Planning Commission on June 29, he describes his hours of operation as mostly Fridays and Saturdays. When Mr. Fritchie expands the hours of operation to include additional days of the week and an extra few hundred people are utilizing the septic system will create a serious problem. She addressed the Washington County Road Departments input regarding the increase in traffic on Ball Road, who did not feel that any road improvements were necessary based on the impact of the proposed use. She stated once again, Planning staff provided another department with inconclusive material based upon vague and ambiguous information provided by Fritchie Farms in regard to the exact number of days the event center will be open, and when he expands those days there will be an increase in traffic on that road, different from what the Road Department was asked to consider. Planning staff also investigated the concern regarding the narrow width of Ball Road and found it to be 30' in width and in good condition which is true for the current use of this dirt road. However, with the change in zoning there will be the potential for an increase in development which will require Ball Road to be paved. She questioned the availability of an easement to make improvements to this road because the width of the road would have to increase to 60' as required for paved roads in areas of development in Washington County. She noted the house directly across from the proposed venue is too close to the road to give up any land towards an easement requirement, as is Mr. Salsbury's house that is located on a curve on the same side of the proposed event center and her boundaries which are located on the opposite side of the event center are sheer drop-offs, therefore affording no increase in road width either. She stated that this lack of an easement must be taken into consideration when contemplating allowing this permit because the additional 30' just does not exist.
- 319.2 Ms. Martin noted on May 7, the Planning Board did amend the permits request for outdoor music, stating that no outdoor amplified music is allowed and no outdoor music is allowed after 8:00 pm. However, Mr. Fritchie's letter submitted to the Planning Board on June 29, after the May 7 decision, states all outside music is proposed to be played within the barn, not outside. She stated, the definition of proposed is to put forth an idea or plan for consideration

or discussion by others. She stated that it disturbs her that Mr. Fritchie still thinks amplified outdoor music is an option after the Planning Board specifically denied this request.

- 320.1 Ms. Martin stated that Mr. Fritchie has many uncertain or indefinite responses surrounding his request for a CUP to build an event center in the middle of their neighborhood. Not only has he made it difficult for Planning staff to accurately evaluate his requests, he is also creating a slippery slope that is opening the door for future, additional aversive impacts surrounding this event center should they grant this permit. She stated that she knows the Quorum Court has been responsive to resident issues in the past and hopes that they will support her and her neighbors' request to deny the Fritchie Farms CUP. She further stated that Mr. Fritchie keeps changing his mind, not only changing the location of the barn, at the Planning Commission he was directly asked would he have additional hours of operation and he indicated he would. He and his wife will start this venue, but their plan is to expand into other areas and additional days of the weeks, and is planning to build cabins out there so people who attend this event center can spend the night and talks about having camps. She stated that he is not providing all of the information and the Planning staff is just working with what they have. She noted that Mr. Fritchie was asked by the Planning Board if he planned on making this event center his livelihood and planning on allowing sororities and fraternities to rent the event center and he indicated he was on all questions. She stated that Mr. Fritchie is only providing the information that he needs to get this CUP passed. Ms. Martin referred to the two similar venues that have been discussed and questioned whether they too had 101 residents in opposition. She further noted that tonight is the first she has heard that Mr. Fritchie is planning on living on the property.
- 320.2 Ms. Martin asked that the Quorum Court take what she has said into consideration, understand that they live there for a reason and want to live in a neighborhood, not where spot zoning is allowed and different people can come in and plop down on different types of commercial businesses.
- 320.3 Carolyn Jordan, resident of 15920 Goshen-Tuttle Road, addressed the Quorum Court stating that she feels they have not had a voice in this; that Ms. McNair and her staff have been very biased and she was given 1½ hours to present this to the court tonight with no opposition or complaints, but they are only given 30 minutes to opposes before Mr. Fritchie is given 30 more minutes in favor of the project. She stated when she attended the Planning Board meeting in May, she turned in several articles that talked about wedding barns

and the negative impact they had on neighborhoods, but they could not find those in the packet that was published for this hearing tonight. She reported that these articles talked about the constant summer long agony that people endured who lived near these wedding barns. These wedding venues may be fine in other neighborhoods, but they do not want this and it appears that their only recourse is to hire an attorney and spend thousands of dollars to go to civil court if they have problems with it.

321.1 Ms. Jordan states that she lives on Tuttle Road, the first house closest to Ball Road and in between herself and Ball Road is a very sharp curve, and they had expressed their concern at the Planning Board meeting about the safety on Tuttle Road and all that was addressed was Ball Road. She stated that it terrifies her about the risk this will place her family and neighbors in if the Quorum Court allows this. She stated that her property is landlocked with no other way to access other than the driveway around the curve from Ball Road. She noted that they attend horse shows in the summers and she is worried about getting her horse trailers safely in and out of that driveway with that traffic coming off of Ball Road with a speed limit of 50 mph on Tuttle Road, except at the curve that is 25 mph which most don't obey. She noted that planning staff has stated that they expect traffic to be minimal; however, 75 plus cars on Ball Road and coming in and out at the same time on Tuttle Road is not minimal.

321.2 Ms. Jordan noted that Mays Barn was a similar proposed venue and the CUP for that was recently denied by the City of Goshen and Goshen-Tuttle Road and the S curve close to Ball Road which she lives between was the major issue in that decision. She stated if the City of Goshen recognizes the danger of Goshen-Tuttle Road and the curves close to Ball Road, then it certainly warrants the County addressing the same safety concerns. She noted that Courtney McNair from the Planning Office attended that Goshen City Council meeting regarding Mays Barn and is familiar to the safety concerns she is referring to. She reported that there are 24 driveways and 7 side roads on Goshen-Tuttle Road between Ball Road and Hwy. 45 which is a lot of driveways and side roads in a short distance. She further pointed out that the first 3 driveways closest to Ball Road coming into Goshen, hers being one of them, currently 6 families use these 3 driveways and another 2 families are expected to use her driveway, for a total of 8 families using the first 3 driveways closest to Ball Road. However, she noted none of these homes can be seen from Goshen-Tuttle Road. In closing, Ms. Jordan stated that the area surrounding the proposed wedding site is more residential than most people realize, making this location very inappropriate for this type of venue.

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- 322.1 Jason Mitchell, resident at 726 Hale Road, addressed the Quorum Court stating that he has a one-year-old and he believes that the noise from this proposed venue will be a problem as it projects through to his house. He does not believe that this venue will generally operate only on weekends, believing that it will be a 7-day a week operation. He stated that he is an environmental scientist and consultant and concurs with R. Dennis about run-off which concerns him as they don't catch animal waste diseases, they catch human waste diseases. He stated with that many people in one spot, the Health Department will need to review that really hard in order to approve it because of the cave systems underneath that will be extremely affecting this area. As for the traffic issue, he stated it will not just be Tuttle Road that the traffic will be on with drunk drivers who will have to get back to Fayetteville eventually, but affects his wife coming home from work or anytime they are coming home, there will be the potential for a drunk driving accident because of the alcohol allowances at this venue. Mr. Mitchell stated he doesn't understand how a subdivision can be compared to an 80 spot parking lot because the run-off for that is big. He stated that they moved to this quiet community 8 years ago with no problems, commute for that reason, and if he wanted to live in town where he could have access to these type of venues, he would but he wants his son to grow up there as well and doesn't want to have to deal with these types of things. He stated that this venue will destroy all of that for him and he will probably move if this is CUP is allowed.
- 322.2 Charles Langham, resident at 911 Hale Road, addressed the Quorum Court explaining that he is 76 years old and grew up on this farm which is adjacent on the north side to the property in consideration, so he has had some experience in this area. With regard to the noise issue, they live in sort of a unique area with half a dozen bench fields surrounding this area all about the same altitude. He reported that various neighbors have had parties across these bench fields and the sound really carries because they are actually in a valley with mountains all around with benches down lower and deep ravines in between. If the Quorum Court is to approve this CUP, he urged them not to water down anything to do with the noise issues and in fact, suggested that they place stronger conditions in this area.
- 322.3 R. Dennis asked Mr. Langham how far he believes this party music carries and whether he can hear music that comes from down towards Goshen because he knows there are some parties held there; to which Mr. Langham responded that he has not heard too much from the Goshen area.

- 323.1 Brian Lester, Attorney-at-Law, addressed the Quorum Court stating that Becky Martin asked him to help them with this appeal process and he wanted to address the letter submitted by Round Mountain Fire Chief Shane Wood. He stated that he is very familiar with the fire that has been referenced at 325 Wandering Way as this house belonged to his brother and his brother and sister-in-law refused to be involved in this appeal because they are very appreciative to all of the men and women who helped to try and save their house and are rebuilding out there. He stated that the letter by Chief Shane Wood that references a late 9-1-1 call is not accurate, as his brother saw a light glow in his back yard that night and could see a fire coming out of his chimney, so he called 9-1-1 immediately and got his family out. Further, this was not a gas-fed fire, but a chimney fire that started due to a defect in the building. He had a propane tank at the house, but that was all shut off before the fire spread. Mr. Lester stated that he doesn't believe these people are here to necessarily negatively talk about the quality of people providing fire service. He knows what it entails being a volunteer fireman as he served as one for a number of years in a very large volunteer fire department. He noted that these people have great training and are quality people, but at any given time with a volunteer group, you have to hope that you have enough volunteers to fight a fire. He stated with the particular fire on December 7, the first truck on the scene was only manned by one fireman and it took several minutes before more man power got there. He stated that this fire spread from what looked like a flue chimney fire, engulfed the attic of the house, and then completely got out of hand and there was nothing that they could do. Mr. Lester stated that these neighboring residents' concerns are that with this large scale venue with so many people running around and the time that it takes for a fire truck to get out there, it is very dangerous.
- 323.2 Mr. Lester further addressed Mr. Fritchie's statement that hours would generally be 8 am to 10 pm, stating that the problem with that is how do they determine in a court of law what the term "generally" is as it is not defined by the statute as to what the hours are. With that and on behalf of the residents opposing this CUP that showed up tonight, he thanked the Quorum Court for taking the time to listen to them and they hope that their concerns will be taken into consideration.
- 323.3 Mike Jordan, resident of 15920 Goshen-Tuttle Road, addressed the Quorum Court stating that he likes to sit outside at night and listen to the coyotes and crickets, but he can hear cars turning in and out over on Bail Road and he can hear children talking and playing, so the sound does travel right across that

valley. He stated that this is something to consider because the neighbors will be able to hear what is going on at this proposed venue.

- 324.1 In summary, Carolyn Jordan addressed the Quorum Court and urged them to please hear their voice on this issue. She reported going door-to-door with Ms. Boyle and when they told people about this proposed venue, they couldn't sign a petition fast enough and they would have had more petitions signed but people were not at home. She reiterated that they feel like they do not have a voice and that the Planning staff is bias. She stated she has nothing personal against Mr. Fritchie as she understands he is a very nice guy, but urged them not to ruin their neighborhood. She stated she doesn't care that the similar venues have not had any complaints and suggested that people go there to have their weddings and parties because they do not want this in their neighborhood.
- 324.2 **A 5-minute recess was taken at this time.**
- 324.3 Presentation by the Applicant/Those in Support of the Project (30-minute limit)
- Nathan Wood with the Goshen Fire Department addressed the Quorum Court stating that he wished to speak to the December 7 fire that was discussed earlier. He explained that the Goshen Fire Department is a volunteer department made up of 23 volunteers. He reported that they utilize 8 pieces of apparatus, 3 engines, 2 tankers, 2 brush trucks and 1 rescue operating out of two stations. He stated that these 23 volunteers have put in a total of 371 man hours of training since January 1, 2015, and they are supported by automatic aide agreements with Elkins, Round Mountain, and Nob Hill Volunteer Fire Departments. He stated on all structure fires or fires threatening a structure in the area of Ball Road will get the response of all four departments.
- 324.4 Mr. Wood reported that the most recent structure fire call they responded to in this area was on December 7, 2014, referenced earlier at 325 Wandering Way which is approximately one mile northwest of the proposed Fritchie Farm. On their arrival, they found a large two-story residential structure of 5,441 sq. ft. under roof with heavy burning through the roof around the chimney on the back side of the structure. When they got enough personnel on the scene, they stretched two 1-3/4" hand lines through the front of the structure. It was apparent the crews inside were making no progress so he made the decision to withdraw from inside operations and approximately 2 minutes later, the HVAC system fell 20' right where the firefighters had been. After they withdrew firefighters from inside operations, the fire had already taken hold of the attic area and was running the entire ridge of the structure. At that point, he made

the decision to go to a defensive operation placing an additional 2½" hand line in service on the back side of the structure and a 3" hand line service on the north side of the structure. He reported that the house was a total loss.

- 325.1 Mr. Wood stated that this was a propane-fed fire because he ordered a crew to go around and shut the propane off and it actually blew out just before crews entered the structure around the fireplace area. With regard to access to the structure, he stated for a volunteer fire department dealing with tanker shuttles, access is everything because if they can't get the water to the fire, they can't put it out. He stated that he does believe that Ms. Martin's comments made regarding rural fire protection for the greater Goshen area and he believes her comments are both unsound and made out of haste towards Fritchie Farms and he personally believes her comments towards the Goshen Volunteer Fire Department and surrounding departments was based on hearsay and not the truth. He stated that nobody who spoke tonight has ever come to the fire department and asked for any kind of run statistics, how they respond, etc. He stated that he does take it personally when someone called them inadequate when they are volunteering their time and doing the best with what they have.
- 325.2 Matthew Fritchie, applicant for the Fritchie Farms CUP, addressed the Quorum Court stating that he purchased these 20 acres in Elkins off of Ball Road to build a wedding venue event center in 2014. He noted that he had to medically retire from the Springdale Fire Department after a ceiling fell on him in a fire and for the past year he has worked dispatching fire, EMS and police at the Springdale Police Department. However, it only took him a few months to realize this was not what he wanted to do long term, and this is when he and his wife decided to build a wedding venue and provide a beautiful, well-built place where two people can come together and start a new chapter in their lives. He stated that his wife is a mental health therapist and he being a retired firefighter, they have always wanted to do something to give back to and help people. He stated that the court has heard a lot of opinions tonight and a lot of things that simply aren't true and so he will only be providing facts and clarifications for some of the things that have been said.
- 325.3 Mr. Fritchie thanked the Washington County Planning office for all that they have done, as well as the Washington County Sheriff's Office, Fire Marshall Dennis Ledbetter, and Nathan Wood with the Goshen Fire Department.
- 325.4 Mr. Fritchie noted that the appellant continues to use the term "party barn" which was addressed at the very first Planning Board meeting and they were all present when it was explained that the proposed venue is a wedding venue,

not a party barn. The wedding venue he has in mind is very classy and very nice and there may be catered liquor, but he is not providing that. He reported looking up all 101 addresses that were turned in on petitions, only 19 of those residents are in the path of driving to the barn from Hwy. 45; 3 were unknown; and 79 were not even in the path. Of the 101 petitions, 13 stated that they were members of a church in the area and both of the churches are in the path, but church is held on Sundays and Fritchie Farms will be open on Fridays and Saturdays. He stated that there were only 43 of the homes that were within a mile radius of the barn and on 13 homes within ½ mile of the barn.

- 326.1 Mr. Fritchie stated that he feels the majority of the complaints are related to noise and he would be willing to add a restriction of keeping the noise level at 70 decibels or less. He gave the comparisons of a vacuum cleaner being 75 to 85 decibels, a lawn mower is 90 to 100 decibels, and a tractor is 100 to 120 decibels; so with that in mind, he questioned whether they should stop people from cleaning their homes, mowing their lawns or hauling hay because those would all be louder than what he is proposing to do. Mr. Fritchie addressed mention of the "long and winding road" stating that he measured mileage from Hwy. 45 to the barn at 1.3 miles with a few curves, nothing major with one turn onto Ball Road. In response to reference of long dirt roads, from Goshen-Tuttle Road to the drive of Fritchie Farms is .2 miles.
- 326.2 Mr. Fritchie stated that it felt like a personal attack when the appellants questioned his integrity stating that they know he will operate outside the time limits that he has been given. He stated that his word is his bond and whatever the Planning staff tells him is what he is going to do and for them to question is integrity when they don't know him is frustrating. Furthermore, he is aware that any future plans he may have for this property would have to be approved by County Planning. His thoughts about building cabins in the future were for the purpose of church retreats and for a place for the wedding party to stay the night before the wedding. He stated he absolutely denies stating that he would rent the venue to fraternities and sororities because he hadn't even thought about that, but rather his plans are for weddings, anniversaries and birthday parties.
- 326.3 Mr. Fritchie stated that there was mention of a wrong letter sent out which was his original with the revamped and resent, so some of the information they have given is from a letter that is incorrect which they are fully aware of. In closing, he stated that Fritchie Farms is not a party barn, saloon, bar or anything else that it is being portrayed to be. Rather, it is meant to be a beautiful, rustic, wedding barn where people can get married. He stated that he and his wife

would like to build a house on the property in the future to raise their children; and his brother-in-law who is one of the pastors of Hindsville Baptist Church and his children will be living with them. He thanked the Quorum Court for their time and consideration.

- 327.1 S. Madison asked Mr. Fritchie to remind her of the hours that he is restricted to; to which he responded Friday 10 am to 10 pm and Saturday 8 am to 10 pm and he will not offer to lower those hours if people think it is too late.
- 327.2 S. Madison stated since this is a large parcel of land for just a barn, what other activities he envisioned for this property; to which Mr. Fritchie responded that they thought about doing hay on the additional inside tract of 13 acres that Mr. Salsbury is saving for him for one year to buy and they will probably cut hay.
- 327.3 S. Madison stated that one of the concerns that she often has when there are large events going on is that there generally is no recycling provided and waste out in the county is often more of a concern sometimes than waste within the city and she asked if Mr. Fritchie had given any thought to what he will do with waste from this venue; to which he responded that his plan was, unless he needs a dumpster, was to just haul it off himself and take it to the dump, but he would be more than willing to have recycling bins provided.
- 327.4 S. Madison noted that Boston Mountain Solid Waste would be more than willing to provide those recycling bins.
- 327.5 Regarding 70 decibels or less, S. Madison stated that she is worried that this might be lower than he thinks; to which Mr. Fritchie responded that he has done some research on this and there are some big cities in California that restrict their noise level to 60 decibels. He further verified that as it currently stands, there would be no amplified outdoor music and they are requesting only that a song be played when the bride walks down the aisle and when the bride and groom walk back up the aisle, whether that be acoustic or just a simple CD or Ipod song, but no party or dancing music will be played outside the barn.
- 327.6 S. Madison stated just for public information, and as someone had mentioned fraternity and sorority parties, it is her understanding that the University requires any such parties to have security in attendance and the Sheriff's Department often provides off-duty officers for this purpose.
- 327.7 R. Cochran asked if the outside activity would basically be setting up chairs, performing the wedding service, and then retreating to the barn; to which Mr.

Fritchie responded that they can do it one of two ways, have the wedding outside or inside and then more than likely the reception either way will be inside.

- 328.1 R. Cochran stated that looking at the topography, he has lived with his backdoor to an elementary school and when the kids went out for recess, it created quite a lot of noise which he compared to a wedding and reception which he says can be quite lively questioning whether Mr. Fritchie can keep the decibels level at 70 or below; to which he responded that the 70 decibel limit is just for music. R. Cochran stated by confining the receptions to inside then that would be being a good neighbor. He noted that weather permitting, an outdoor wedding is a great thing and is not very noisy because there is only one person speaking at a time and he believes having music when the parties go up and down the aisle is appropriate. He stated he was kind of surprised to see an early morning start at 8:00 am, but understands that folks need time to set up and decorate; to which Mr. Fritchie responded that some people will have their wedding at 11:00 am. He further explained that there probably won't be any weddings on Friday, but this day can be used for setting up Saturday weddings, rehearsing and having a rehearsal dinner.
- 328.2 In response to R. Cochran's question, Mr. Fritchie verified that at this time, he has no plans to expand hours past Friday and Saturday. R. Cochran stated if they were to include in the CUP Friday and Saturday only and lock down the hours rather than generally speaking, what hours would he be satisfied to denote; to which Mr. Fritchie responded that if people think 10:00 pm is too late, he would be willing to make it earlier. He further explained that the party would have to clean up or pay a fee to have him clean up, so he thinks the receptions will end around 9:00 pm which gives them an hour to clean up, though this might not always be the case. He further stated he would have no problem making it even earlier at 8:00 pm on the wedding day, though they may need the extra hour on Friday night.
- 328.3 L. Ecke stated that she believes what they really want to do if Ms. McNair and Mr. Fritchie agree is to amend the Fritchie Farms CUP, (4) under Additional and Standard Conditions on the Fritchie Farms CUP to remove the word "generally" from his hours. She stated that his hours of operation are reasonable at Friday from 10:00 am to 10:00 pm on Fridays and 8:00 am to 10:00 pm on Saturdays, but the word "generally" is what causes them concern. She reported attending an outdoor wedding at a similar venue that was lovely and the music was a CD played on a boom box which wasn't too loud, and if this is the type of activity Mr. Fritchie is planning, she thinks everyone will be happy.

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- 329.1 Mr. Fritchie responded to L. Ecke's suggestion that he would be agreeable with this amendment to his CUP; and further, that she described the type of outdoor wedding that he is envisioning that will last 2-3 hours.
- 329.2 In response to a question from S. Madison, County Attorney Steve Zega stated when it is time, he would suggest if it is the Court's pleasure to ratify the CUP with additional conditions that they move to adopt Ordinance #6.1 and amend Article 1 to state at the end, "... with the following additional conditions . . .", and then articulate those conditions."
- 329.3 A member of the audience asked if they could ask Mr. Fritchie questions in the time remaining under his presentation; to which Attorney Zega responded that was just not how the process worked at this point. However, they would have another opportunity to speak in general.
- 329.4 County Attorney Steve Zega further stated that he would suggest that he read both ordinances, simply for the purpose of placing them both on first reading that night and whichever they choose to either ratify or deny the CUP, they will take care of that ordinance tonight if they so choose.
- 329.5 S. Madison questioned if they were going to make amendments to the ordinance, whether they need to read that in whichever ordinance they are choosing; to which Attorney Zega responded that she can amend after he reads the ordinance.
- 329.6 AN ORDINANCE RATIFYING OR DENYING A CONDITIONAL USE PERMIT GRANTED BY THE PLANNING AND ZONING BOARD: E. Madison introduced both ordinances; one ratifying the conditional use permit and one denying the conditional use permit. County Attorney Steve Zega read the ordinances which are both on first reading.
- 329.7 S. Madison stated that she believes the applicant has proposed a fairly mild use of the property given what the uses by right might be that would also have a negative impact on the neighborhood. She stated she thinks it is important for the neighbors to realize that things change and they are a growing county and she thinks this is a fairly low key use of the property.
- 329.8 **S. Madison made a motion to adopt #6.1 ratifying the decision of the Planning Board with the following conditions in Article I - that "generally" be stricken from the time and in fact, the times be strictly**

limited from Friday 10:00 am to 10:00 pm and Saturday from 8:00 am to 10:00 pm; and that there will be no outdoor music, amplified or otherwise, except for the bridal processional and recessional ceremony music; and that music be limited to 70 decibels or less.

- 330.1 A. Harbison asked if there would be a problem if a song was sung or a taped song played; to which S. Madison responded that her intent was to try to make clear that wedding ceremony music was allowable, whether played on a boom box or sung.
- 330.2 R. Cochran stated that he was also thinking about the wedding ceremony music because there are times when someone will sing a song, so maybe the wording should be, ". . . with the exception of music during the wedding ceremony and prior to 8:00 pm at 70 decibels or less" which covers the sound limit and time frame in which they would hear the music.
- 330.3 S. Madison restated the music portion of her amendment, ". . . **and that there will be no outdoor amplified music other than wedding ceremony music to conclude by 8:00 pm.**"
- 330.4 County Attorney Steve Zega stated that they are getting ahead of themselves here because they have not advanced the ordinance through the readings, so he believes the proper motion would be to amend ordinance #6.1 first before they move to adopt the ordinance, after which he should restate the amendments as he understands them to be, and then they can proceed through the readings.
- 330.5 E. Madison stated as a point of order that they can't amend ordinance #6.1 until there is a motion pending, so they have to advance through the readings before they can amend.
- 330.6 County Attorney Zega responded to E. Madison, stating that it is not on the floor properly for adoption until it has been read three times, one way or the other.
- 330.7 E. Madison stated that they need to advance it through the readings; then move to pass; and then amend the ordinance.
- 330.8 County Attorney Zega responded that he is not sure he agrees with E. Madison, but doesn't believe it does any harm to do it that way. He suggested before any more motions are made, he will restate the amendments as he understands them to be. He stated that Article 1 is amended and would now

read as follows, "That the Conditional Use Permit for Fritchie Farms granted by the Planning and Zoning Board is hereby ratified with the following additional conditions: (a) The hours of operation are strictly limited to Friday from 10:00 am to 10:00 pm and Saturday from 8:00 am to 10:00 pm; (b) that there shall be no outdoor music except for wedding ceremony music which shall conclude before 8:00 pm; and c) that outdoor music shall be limited to 70 decibels or less."

- 331.1 Court Secretary Karen Beeks stated if they move the ordinance up through the readings and then amend it, the ordinance goes back on first reading.
- 331.2 **S. Madison made a motion to amend the ordinance as set forth above. T. Lundstrum seconded.**
- 331.3 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**
- 331.4 **VOTING FOR: T. Lundstrum, E. Madison, S. Madison, J. Patterson, B. Ussery, D. Balls, H. Bowman, R. Cochran, L. Ecke, J. Firmin, and Harbison. VOTING AGAINST: R. Dennis. ABSTENSION: B. Pond. **The motion passed with eleven members voting for and one member voting against the motion and one abstention. The ordinance was amended.****
- 331.5 **R. Cochran made a motion to amend ordinance #6.1 adding that the signage is limited to one sign not to exceed 24 square feet as is the recommendation of the Planning Board. L. Ecke seconded.**
- 331.6 In response to a question about referencing sign lighting as well, County Attorney Steve Zega stated that this language is already in the conditions. He further advised that with this second amendment, the ordinance will need to go back to first reading.
- 331.7 **With no further discussion, Judge Edwards called for a vote on the motion to amend the ordinance.**
- 331.8 **VOTING FOR: T. Lundstrum, E. Madison, S. Madison, J. Patterson, B. Ussery, D. Balls, H. Bowman, R. Cochran, L. Ecke, J. Firmin, and Harbison. VOTING AGAINST: R. Dennis. ABSTENSION: B. Pond. **The motion passed with eleven members voting for and one member voting against the motion and one abstention. The ordinance was amended.****

- 332.1 **A motion was made and seconded to read the ordinance as amended. The motion passed unanimously by those present by voice vote.**
- 332.2 County Attorney Steve Zega read **An Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board** on first reading and amended as follows: Article 1. "That the Conditional Use Permit for Fritchie Farms granted by the Planning and Zoning Board is hereby ratified with the following additional conditions: (a) The hours of operation are strictly limited to Friday from 10:00 am to 10:00 pm and Saturday from 8:00 am to 10:00 pm; (b) that there shall be no outdoor music except for wedding ceremony music which shall conclude before 8:00 pm; c) that outdoor music shall be limited to 70 decibels or less; and (d) signage shall be limited to one 24 square foot total sign."
- 332.3 In response to the question whether the outdoor music was totally restricted or just amplified outdoor music; to which County Attorney Steve Zega stated that he thought they were just limiting it to 70 decibels and this would include amplified or unamplified music.
- 332.4 J. Firmin stated that he thinks it would facilitate everyone to have just the one meeting tonight, but he would like County Attorney Steve Zega to explain the process so that everyone understands what is going on. Also, he had a problem with public comments after the vote and would suggest that those opponents to the CUP have the opportunity to speak a few more minutes before the vote; otherwise, he will have trouble agreeing to suspending the rules and moving the ordinance through three readings tonight.
- 332.5 County Attorney Steve Zega responded to J. Firmin stating that the published agenda tonight calls for the motion, then deliberation, followed by public comment, and finally the vote. He stated that there is 10 minutes provided for each side with an individual limit of 3 minutes per speaker before you vote.
- 332.6 County Attorney Steve Zega explained to the audience that the court has moved to amend ordinance #6.1 as he just read it. He stated that by law an ordinance must go through three readings before it may be ratified and if they so choose, they have the option to move to suspend the rules by a 2/3rds vote and place it on second reading by title only and can stop there if they so choose and continue with the deliberation and public comment. He stated if they choose to put it on third and final reading by title only, it would go through the same process. He explained if they do not move to suspend the rules on either of those two readings by a 2/3rds vote tonight, then the ordinance will

remain on first reading and they will continue to the next regularly scheduled Quorum Court meeting in a week at which the opponents of this CUP are welcome to attend and make their comments at those meetings as well.

- 333.1 **R. Cochran made a motion to suspend the rules and place the ordinance on second reading by title only. T. Lundstrum seconded. The motion passed with twelve members voting in favor and one abstention.**
- 333.2 County Attorney Steve Zega read **An Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, by title only.
- 333.3 **T. Lundstrum made a motion to suspend the rules and place the ordinance on third and final reading by title only. S. Madison seconded. The motion passed with twelve members voting in favor and one abstention.**
- 333.4 County Attorney Steve Zega read **An Ordinance Ratifying A Conditional Use Permit Granted By The Planning And Zoning Board**, by title only.
- 333.5 **S. Madison made a motion to adopt the ordinance. T. Lundstrum seconded.**
- 333.6 B. Pond stated that he would like to remind the court that it would be very good for that developer and that neighborhood to make sure when they do that grading, that they leave enough easement for a safer, wider road that would be improved.
- 333.7 Ms. McNair stated for clarification that one of the conditions required by the County Road Department is that the applicant provide 30 foot of right-of-way on his side of the road and within that right-of-way the Road Department can expand the road if they so choose. She stated one of the neighbors mentioned that they needed 60 foot of right-of-way for a county road which is true if you are building a new county road; however, the Road Department will take what they can get and if they have 30 foot on Mr. Fritchie's side and they need to expand the road, they will do so on the side that they have the right-of-way available since it is an existing road.
- 333.8 B. Pond stated that there is not any place to take any right-of-way off of the other side and he is hopeful that Mr. Fritchie will let the Road Department have a little more right-of-way off of his side so he will have a better situation for his property in the neighborhood.

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- 334.1 E. Madison stated that now is the time for them to explain their votes and they deserve to hear from them on the decision they are about to make. When she looks to one of these type of decisions, she typically likes to look to the JP whose district it is in as they would know that district best, knows the people involved and property owners the best; however, in this case she is a bit conflicted because JP Pond is conflicted and she is not sure why. She stated since she is getting no guidance within this district, she has to look at this and decide what she would do if it were her district, noting that she is an adjoining district. She stated that any kind of change in their neighborhood gives everyone concerns and she has personally had "invasions" all around her neighborhood in Fayetteville with rezoning and developments and she has been before the Fayetteville Planning Commission and is aware of what the opponents are going through.
- 334.2 E. Madison stated that she would be glad if someone wanted to put this venue next to her because what Mr. Fritchie has described is actually a very pleasant location; he has shown that he wants to be a really good neighbor, and she wishes that they would give him more of a chance. She noted as a retired firefighter, he is not someone who has just popped into town and trying to put up a party barn, but someone who has been a part of their community and wants to be a good neighbor and she would much rather have this than a hog barn. She believes what Mr. Fritchie is proposing is imminently reasonable and in fact, she is concerned that he has imposed so many restrictions on himself that it may be a little bit hard to operate. She stated that she will support this project partly because she believes planning has worked diligently and her fire safety and septic concerns in the beginning have been dispelled by their agencies who have stated they don't have those concerns. She doesn't think that they can all assume that Mr. Fritchie and those renting his venue are going to do bad things and break the rules and law, but they need to assume that people are going to be law abiding citizens and good neighbors, and if that is not the way it works out, they will deal with the problems.
- 334.3 J. Patterson stated that he has had property that has been in their family since 1890 be condemned by the State of Kansas who took 160 acres with no negotiating other than the price; and for a second time with the federal government who took 132 acres of land seven miles away from the other property and they didn't negotiate because they wanted to put in a seven mile lake and two 732' power plant stacks and his brother now lives in the first house below it. These things aren't pleasant and they don't like change that comes along in life, but it all works out. He noted that he can see both sides of this

issue, but their duty on the Quorum Court is to evaluate what is going on, swear to uphold the law to protect the free society of America, and do it to the best of their ability. He stated that someone always comes out of these CUP hearings not happy and there is nothing that they can do about that.

- 335.1 T. Lundstrum stated that he appreciates County Attorney Zega's explanation of suspending the rules and moving this ordinance forward, but he doesn't believe that the average citizen understands what these special Quorum Court meetings cost which is \$3,000 each. He stated that it seems pretty evident to them that this was going to pass, so essentially by going ahead and moving it forward tonight, they have saved taxpayers \$6,000 and another part of their responsibility is to look after county tax money. He stated that he appreciates everyone's patience and their comments. He also stated that if the county had not passed a zoning law, he could have walked out there and built whatever he wanted. He stated even under zoning, everybody has their individual rights and those have to somehow find a balance and sometimes they have to give a little to get a little. He believes that this will all work out because they are all good people and should be good neighbors and work together.
- 335.2 B. Pond stated that he is not really able to express how he feels about this one way or the other at this time and does not want to say anything that would sway votes one way or the other because in his mind, that would not be ethical. He takes a little issue with E. Madison's comment on this matter. He appreciates all the time that has been spent on this.
- 335.3 R. Dennis stated that his reason for voting against this ordinance is that he felt like they were over-reaching in their amendments. He thinks that this wedding venue is fine, but believes that Mr. Fritchie will regret such restrictions being placed on him and believes that they will probably see him again asking that they be removed.
- 335.4 Citizen Comments: County Attorney Steve Zega stated that the first ten minutes of the allotted 20 minute public comments goes to the applicant Mr. Fritchie and people supporting his position.
- 335.5 Matt Fritchie, applicant of this CUP, addressed the Quorum Court stating his appreciation to the Quorum Court for their time and consideration; however, he is due to be at work soon and needed to leave.

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- 336.1 With no further comments in support of the CUP, Judge Edwards stated that the next ten minutes are allotted for public comments from those against the CUP.
- 336.2 Becky Martin addressed the Quorum Court stating that her comments are directed at the Quorum Court and Planning Board and has nothing to do with Mr. Fritchie. She stated this was her first time in Quorum Court and she is disappointed because they are all public officials and they should be representing the public. She stated that Planner Courtney McNair was biased with a flippant attitude and even laughing at times during her presentation.
- 336.3 She stated that some of the Quorum Court members asked questions, commented and acted as though they cared, but A. Harbison indicated she was voting in favor of the CUP before anyone had an opportunity to speak and as an elected public official, she finds that offensive. Further, she noted that when Mr. Fritchie spoke, the Quorum Court members were very attentive and listened, asked him questions and were interested; however, when some of the opponents spoke, some members of the court didn't even bother to look them in the eye. Ms. Martin stated that she lost total confidence in the Quorum Court when it appeared they didn't know anything about this process, going back and forth regarding procedure, and as a resident of Washington County, she finds that embarrassing. The comment made about a hog farm offended her and she would rather live next door to a hog farm; but since it was pointed out that she can do whatever she wants with her property, she may just put a hog farm in place. She further felt like some comments made by the JPs towards them sounded like they were being chastised like children, telling them to be good neighbors, etc. She stated whether they vote for this CUP or not, they are public officials and need to treat the public with respect, and if she felt like they truly listened to the facts and tried to make a compromise, she would be fine with that. Ms. Martin stated that she works in a school and attends board meetings and works with the public and she hopes that she treats them with more respect than she has seen some JPs treat some of them tonight.
- 336.4 Bernadette Boyle addressed the Quorum Court inquiring whether this hearing was recorded and the public would have access to it; to which Court Secretary Karen Beeks responded the video will be on the Fayetteville government channel site. She stated that she would like to obtain the video for future reference because she does not live in a la-la land. She expressed her disappointment in E. Madison who was supposed to take the place of B. Pond, pretended like she cared, wanted her to send the pictures, but did very little to help them and she feels like they had no representation on this matter.

- 337.1 Carolyn Jordan addressed the Quorum Court stating when they talk about noise in this area, she lives on Tuttle and she can hear the gravel crunching when the people living on Hale pull into their driveways. She stated that it is phenomenal the way the noise travels in this area. She stated that she has always lived in the country around livestock and the way the noise travels in this area is not like anywhere else she has lived. She further pointed out that this barn is not air conditioned so therefore, it will be open and anything that is inside might as well be outside because they will be able to hear it. Ms. Jordan further stated that her driveway is closest to Ball Road and when this area is mowed, the City Marshall has to come and turn his blue lights on Ball Road for them to mow that section between her driveway and Ball Road because it is that dangerous. She does not believe that the safety on Tuttle Road near the intersection of Ball and Tuttle Roads has been taken into consideration. She stated that she works as an educator and she feels that they have been chastised, stating that she is sorry that this meeting cost the county \$3,000, but they have the right to be heard.
- 337.2 Judge Edwards addressed the citizens present and thanked them for taking the time to attend this hearing, stating that she knows these things are not easy.
- 337.3 **With no further discussion, Judge Edwards called for a vote on the motion to adopt the ordinance.**
- 337.4 **VOTING FOR: T. Lundstrum, E. Madison, S. Madison, J. Patterson, B. Ussery, Daniel Balls, H. Bowman, R. Cochran, L. Ecke, J. Firmin, and A. Harbison. VOTING AGAINST: R. Dennis. ABSTENTION: B. Pond. The motion passed with eleven members voting in favor and one member voting against the motion, and one abstention. The ordinance was adopted.**
- ORDINANCE NO. 2015-49, BOOK NO. 10, PAGE NO. 207**
- 337.5 **ADJOURNMENT: The meeting adjourned at 9:23 p.m.**

Respectfully submitted,



Carly Sandidge
Quorum Court Coordinator/Reporter