

Minutes of the Regular Farmington City Council Meeting March 8, 2021

Due to the Covid 19 pandemic, a state of emergency was declared by Arkansas Governor Asa Hutchinson, in order to comply to social distancing requirements this meeting was held virtually using the Zoom Meeting system. Mayor Ernie Penn, City Clerk Kelly Penn, City Attorney Steve Tennant, City Business Manager Melissa McCarville, Police Chief Brian Hubbard, Fire Chief Bill Hellard, Public Works Director Floyd Shelley and City Building Inspector Rick Bramall were physically at City Hall. Police Chief Hubbard took everyone's temperature before they entered the meeting and social distancing was observed. We had no citizens come to city hall to attend the meeting. The regular meeting of the City Council scheduled for Monday, March 8th, 2021 was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Council Members answered to their names via Zoom: Sherry Mathews, Hunter Carnahan, Keith Lipford, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley.

Comments from Citizens – Wayne Mays from the Fayetteville Chamber of Commerce introduced himself and said he was on the last Zoom meeting and will be expecting to meet with Mayor Penn regarding a medical manufacturing business coming to the area. He had been in touch with our Chamber of Commerce Leadership and expected to bring a proposal to the table in the near future.

Approval of the minutes for the February 23th, 2021. On the motion of Council Member Bryant and a second by Council Member Mathews and by the consent of all Council Members present after a roll call vote, the minutes were approved as presented by a vote of 8-0.

Financial Reports – Mayor Penn presented the financial reports.

Entertain a motion to read all Ordinances and Resolutions by title only. On the motion of Council Member Bryant and a second by Council Member Morgan and by the consent of all Council Members present after a roll call vote, the motion to read all Ordinances and Resolutions by title only was approved 8-0.

Proclamations, Special Announcements, Committee/Commission Appointments. Committee Reports - Police Chief Hubbard thanked the city council members and Mayor Penn for the new addition and improvements done to the Police department.

Committee Reports – Council Member Bryant had a zoom meeting for her Economic Development committee to work on their mission statement.

Items to be removed from City of Farmington Inventory –NONE

Unfinished Business – NONE

New Business

Ordinance No 2021-03 An ordinance rezoning 2.61 acres located at 325 South Hunter parcel #760-01533-2900 and 357 South Hunter parcel 760-01533-201, from R-1 residential single family to MF-2 residential multi family, as requested by Cox Development.

Mayor Penn gave a brief overview on the procedures for the agenda item, comment sections for the public and the city council. City Staff is recommending the approval of this item, it was presented to the Planning Commission on Monday February 22, 2021 and approved unanimously as it complied with the city land use plan and that was adopted by the city council in 2016. Mayor Penn gave an overview of the surrounding properties and their zoning. We have received 3 letters from citizens with regards to these rezoning requests. (See attached)

Project Engineer Blake Jorgenson for Cox Development gave the council a brief overview of the history of the project and said it's in line with the city's most recent land plan. The project goes back to 2004 - 2007 due to the real estate market going south. The comprehensive land map has changed since then and we feel this zoning is in line with the land use map the city council adopted. The only addition will be water detention areas.

Mayor Penn reminded the Council this vote is strictly for the rezoning of the property, the large-scale development will be handled by the planning commission. We are only dealing with rezoning.

Council Member Keith Lipford - I was there for the planning committee discussion for this as well. I know it has some issues that come up in the past for this property. The problem of the narrowness of it and that large scale development will have to deal with that, my biggest thing is there is a section of duplexes behind this property but then they are surrounded, you have Meadow, Northhaven, Briar Meadow, all around its single-family dwelling. I think most people that I have talked to, the direction that they want the city to go is more single-family dwelling and less multi-family less high density for the future of Farmington and that whole feels like home thing that we are going for. High density stuff just does not get it, so that's just my thoughts on this and I will let someone else speak.

Council Member Linda Bell -I would like to concur with Keith absolutely, I think we have, as a city, we have approved several multifamily developments and I think its time to put a halt to it. We need to focus on residential families on what's basically left to develop in this area. There are multiple concerns when we get in to multi family high density populations and that's all I have to say.

Council Member Diane Bryant – I agree with both Keith and Linda, multi family could be anything, it could be duplexes, four plex's, tri plex's, I guess even six plex's because really the term multi family is so broad. I have a hard time with that and I think because we are a kind of a feels like home community, I like the (inaudible) homes R 2 which is far less here but I don't agree with the overall zoning change simply because it leaves them wide open for the duplexes, fourplex's, triplex's, six plex's or whatever. That's it.

Council Member Linda Bell – That's a big skip from R1 to MF 2.

Council Member Diane Bryant – Well there isn't anything in between is there?

Council Member Linda Bell - R2 to MF 1.

Mayor Penn commented that the engineer did not comment on this but the reason they went to this zoning was because of the layout of the property because it would not be contoured to single family residential properties, that's why they asked for MF2, because there are duplexes on 2 sides and MF 2 on the other side next to it. There is residential property to the north.

Project Engineer Blake Jorgenson – Mr. Mayor the property immediately to the south is already MF2, is that correct?

Mayor Penn - Yes to the south and to the east.

Project Engineer Blake Jorgenson - Correct, this land could not be developed under R1 or R2 due to lot width minimum at the right of way. And I think there was a comment by Miss Bell, I do think that the city of Farmington is very welcoming to all community members and I think single family residential can also be multifamily. I don't think no one aims to develop property bringing in someone who does not support the city and I think this, half the fact that this has been approved in the past I hope the city council when they issued their future land use map that they recognize that this was something that had been approved and supported and we simply looking to continue the legacy that Farmington set.

City Council Member Linda Bell – At some point this was approved in back in 2005, 2007, this city does not even resemble it's self as it did back then, my only concern, and this has been a concern since I ran for City Council is that when we start dealing with multi family, I have a directly , diagonally across from my home, which happens to be highest crime rate right there with these the duplexes on Southwind's that's my concern, we just had a lot across from Williams we approved a huge development over there with multi family I understand this is only 2 ½ acres and that's not a huge deal but for the future I just think we need to slow down on everything multifamily rezoning for a while we have lots of, what we do have left I would like to see single resident, residential homes go in.

City Council Member Keith Lipford – I want to address something that Blake brought up, he mentioned that this land would not be able to be developed unless it fits into a certain MF2 zoning, and we all want to be hospitable to the people who want to come do things in Farmington. On the other hand, what's best for Farmington is best for Farmington and we shouldn't adjust that to benefit a builder or to make life easier on them at the expense of Farmington. Does that make sense what I am saying?

City Council Member Diane Bryant – Yes.

City Council Member Bobby Morgan - It does to me, my question is we approved something in 2007 for a senior citizen complex to be put in there but went by the wayside because they couldn't get in there with a fire truck, I don't see how this could can be any different when you line this thing with condominiums. That's my only comment, or duplexes, triplexes whatever you want to call them.

Mayor Penn - I think that's a good comment, you are right they didn't originally have room to do what they wanted to so the property next to it, to the east is multi family and the owner has expressed an interest in developing that to 5 four plexes for senior living, that's not on the table tonight so that's not applicable but there again you would have duplexes behind you and four plex's in front of you. I am not saying one-way or the other, you guys will vote on this but I'm saying the likelihood of building single family in that strip of land would probably slim to none. Any other comments? Mayor Penn closed the City Council comment section and opened the meeting to public comments for the agenda item.

Casey Smith 35 Briar Meadow – I apologize for interrupting earlier this is my first city council meeting and I appreciate the opportunity to talk but I believe that the area your speaking of is directly behind my house, I am roughly about 4 houses down from this area and I am greatly opposed to having multi, I do not want it to be some multifamily complex. I feel like we have a great, very great neighborhood that we have on South Dakota Trail and I do not think that adding any more apartments or duplexes in that area would be a good idea. I do think adding a park or some other place that would be available to the people, lots of families live in Dakota Trail and creating a park or some other established place even a dog park would be a great idea to put in that place. I want you to know that I am sorely against the idea of rezoning this property.

City Business Manager McCarville read a comment typed in the chat section of the zoom meeting from Phillip Shepard, he said maybe the city should buy the land and turn it into a park of sorts with all improvements on Hunter since it seems to be the land can't be used.

City Clerk Kelly Penn – Mr. Shepard what is your address please?

City Business Manager McCarville read a comment typed in the chat section of the zoom meeting from Mr. Shepard – 53 Briar Meadow.

Mayor Penn thanked them for the comments and that they would be taken under advisement. The city has a large financial commitment that we have to participate with ARDOT with Highway 170 to make that a 3 lane, curb and gutter and sidewalks on both sides and so I would be hesitant to recommend the city council expend any funds on any additional property or improvements until that project is completed. That's just my comment but I appreciate everyone's comments.

Shelia Andrews - Thank you for the opportunity to express our concerns on this, since you do have my multi page concern list I hope that's going to be entered into the record, it's my understanding it will be,

Mayor Penn -Yes it will be.

Shelia Andrews - Rezoning because we don't want tiny housing next to our acreage, the surrounding property owners has between 2 and 9 acres the ones close to it has at least one acre and tiny homes, tiny lots just don't.

Mayor Penn – Shelia I hate to interrupt you but we are talking about the one on the east side, I mean the west side, not your side yet.

Shelia Andrews - Ok I apologize, I will get there next time

Mayor Penn – Hang in there, thank you.

City Business Manager McCarville read chat comments from Kyle Daniels 63 East Wolfdale - We are adamantly against the rezoning.

Chris Bryson – I would like to speak, not sure how to raise my hand. I live 324 South Hunter Street. I live basically across the street from where this is being developed and I am trying to stick to each item and my land does not adjoin this property but would really impact me. I would speak to a couple of points I would like to share. First of all, when you talk about the residential areas Briar Meadow Rain Song those are vibrant communities where we are trick or treating up and down those streets, that's the heart of the neighborhood, the way I see it if you get if multifamily unit's particularly high density multifamily units it can't get more dense based on just the rezoning application, what I believe this is doing is decreasing the property values of our homes in the area, all the people here watching this are not going to be able to sell their houses for the value that they are worth if multi family homes are our community so I am pretty concerned about that, I would also say that in the applications it suggests that traffic will not be impacted by this and I can tell you everything is impacted by this like the more people you move in, the more people have to go to work, it's going to create bottlenecks, there is not a question about that. The other thing that I would like to say is that this is a really hard time for people to communicate and community organize and you know the whole idea of the planning commission approving this originally when we met a couple of weeks ago I didn't even realize this was actually considered separately until they had already voted on across the street and so I would argue you would probably have much stronger community response if we were in normal times where we could knock on doors and talk to folks without having to wear masks. And have 27 people here now speaks to how much this matters to so many people here. That's my 2 cents across the street, I am adamantly opposed to it and hope you consider some of concerns shared as well.

Bob & Kathy Crisp – 17 Briar Meadow - I agree with a lot of what has been said, there are 2 different dynamics here with multifamily and single family, I agree with property values also, we are looking at a lot of people, we just built a new high school out there and that will bring more traffic in that area and that tract of land is not a great piece of land, I don't know what the road situation would be, is there only going to be one entrance in there or two? I was thru this 4 or 5 years ago to Bobby Morgan's point where the fire department would not sign off on it because there was no turn around access. I don't think it's a good tract of land to develop, even for single family, it's just an odd dynamic. So, it backs up to my back yard.

City Business Manager McCarville read chat comments - Jerry & Amy Beard agree with the others that opposed the zoning.

Forest Benton - I know my land is not right against it but I can see it from my land, which is (inaudible) Wolfdale, I don't know about the drainage issues of that land but some of the land I have you can't build on it it's so wet and other issues with it, no access to it once it gets built, if they were building on it, going out, does that make sense? I agree with the other people.

Mayor Penn closed the public comment section and moved back to the city council for any further discussion.

City Business Manager McCarville read chat comment, Tina McCarver opposes the rezoning, address is 71 Briar Meadow.

Mayor Penn asked for any other council comments.

City Council Member Keith Lipford – Hey, I just, I figured this may come up at some point, I have talked to other council members and spent a long time thinking about this I don't know at times in the past when people had a personal stake in what was going on, they would abstain from voting and that was my original intent in this process to abstain. As I look (inaudible) and work through this and there has been a lot of people who have come to including a round of people I don't know and I am not sure they know where I live, that have come to me to talk to me about this issue and glad I think we are standing against more multifamilies coming in and how much they dislike it. The more people came to me the more I started think for me not to vote would be letting down some of those voters uh so normally I would abstain in a situation like this but based of the things the people that have come to me I feel like I would be not doing them a service if I were to abstain tonight.

City Clerk Kelly Penn - Keith I think you can, I understand your point and I understand the people who have come to you but legally I believe, and I will let Mr. Tennant address that, but legally I believe you have to abstain because you have personal interest in this since it backs up to your property but I will Steve address that.

City Attorney Steve Tennant – Keith I was going to address this and more especially on the 2nd agenda item, because you live, your property is adjacent to the property on the next agenda item but since you bring this up, this is a procedural matter that I thought about it greatly, it's my job as city attorney, for the past several years there have been very few times when a conflict of interest raises, there is no statute to address this, other than when city council member contracts with the city to sell service and goods or so forth, we don't have a specific policy where we set rules for council members. I know of 1 city in this area had to do that, actually to go that route because council members were not abstaining from conflicts of interest. I hope the city of Farmington does not have to go in that direction. Like I said Keith you defiantly do have, not a financial, but a material interest in the outcome, I have allowed you to go through deliberation on this issue but I insist that you abstain, its in fairness and transparency and I think it does not serve the council properly for an individual who has such a material interest in the outcome to vote, I think Keith you would agree would you not sir?

Council Member Keith Lipford - I am okay, that was my original intent but I had so many people flood to me about this I thought well which is the right thing to do for the people, I'm ok.

Council Member Linda Bell – Is that both ordinances Steve?

Mayor Penn – we are just talking about the first one, but yes, he will have to abstain from the vote for both.

Council Member Bobby Morgan – Will he have to abstain?

City Attorney Steve Tennant – yes that is my legal position and I sincerely believe that.

Mayor Penn asked if there were any other questions on the agenda item.

City Council Member Bobby Morgan – Is this with an emergency clause to pass at this meeting or 3 separate meetings?

Mayor Penn - pass it all in one meeting.

City Attorney Steve Tennant - It has to take 6 members to pass an emergency clause Bobby, when it comes to voting the Mayor can make up 5 individuals to pass, but it takes two third of council members to pass the emergency clause.

City Council Member Bobby Morgan - Thanks Steve

City Council Member Linda Bell- Are we ready to vote?

Mayor Penn – There are comments being made but not sure who is speaking, it's background noise. We will entertain a motion the request is an ordinance rezoning to 2.61 acres located at 325 North Hunter from R1 residential to MF2 multifamily.

City Business Manger McCarville said to wait she had a comment from Mrs. Smith,

City Clerk Kelly Penn - Public Comment is closed.

Mayor Penn -We have closed it to the public.

City Clerk Penn - She can make her comment if it effects the next ordinance but the comments are closed in that section, I am sorry.

Mayor Penn asked for a motion and a second. City Clerk Penn explained that first motion that would be made, all your doing is to put it go to a vote, you're not approving or disapproving the ordinance on making the motion to put it up for a vote. Where you approve or disapprove is when we say shall the ordinance pass, the only thing you are doing is giving the body the option to vote and making their opinions public by suspending the rule requiring the reading of the ordinance in full 3 different dates be suspended and that ordinance number 2021-03 be read one time by title only, that would be the first motion we would need please

City Council Member Bell made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and for Ordinance 2021-03 be read 1 time by title only, it was seconded by Council Member Parsley. The motion failed by a vote of 4-3. Council Members voting no were Carnahan, Morgan, Bryant, Parsley. Council Members voting yes were Mathews, Bell, Cunningham. Council Member Lipford abstained. City Clerk Penn says that the motion fails. City Council Member Bell asked so there will be 3 more readings? City Clerk Penn says no you don't get to vote the motion failed.

City Attorney – The Mayor can always cast the deciding vote to pass a motion, bylaw order ordinance or resolution but not the emergency clause.

City Clerk Penn - That would only tie at this point ,that would be 4-4.

City Attorney Tennant clarified the vote count.

City Clerk Penn confirmed that the vote was 4 no's, 3 yes's and 1 abstain. City Clerk Penn said I appreciated the council but I think you do the public a great disservice when you vote no on the very first time and you do not put it on record to take a vote. I understand you think this vote is saying no but it it's your choice but I am just saying from a legality stand point all you voted for right now is not to put it up for a vote to not be considered. But the vote is final and we will move on to the next item.

Ordinance No 2021-04 An ordinance to appeal of planning commission denial for Cox Development parcel #760-01533-000 for rezoning of property located on the east side of South Hunter Street, from R1 to R-2 to MF2/MF1, the new request will be for a zoning change for the whole parcel of 10.52 acres.

Mayor Penn gave the council a brief overview of the R1 vs. R2, only the size of the lots will change, 7500 square feet with 32 homes or 10000 square feet with 25 homes, the setbacks and frontage stay the same. This is single family development.

Project Engineer Blake Jorgenson - Will the previous item will be up for the next council meeting? How does that work?

Mayor Penn said no the item failed.

Project Engineer Blake Jorgenson- I think it's important to have an extend discussion about items, basically, if the city council is going to say how the whole city and staff feel, we just had a planning commission unanimously approve the previous project. The city council denied the right, to simply asking, to grow the city from the inside out and I hate that we are sending a message that says those voters don't count, they are still citizens and voters in your city, I think it's imperative that

City Council Member Bell - Mr. Mayor haven't we gone thru this already?

Project Engineer Blake Jorgenson – Yes Miss Bell, I bring this up because the same sentiment applies to this, it is single family with regards to R1 or R2, is the message that.

Mayor Penn - please do not interrupt.

Project Engineer Blake Jorgenson - The question is a vote for no says, I am really appalled, it sends a message that combative to previous city council that established this area is a high-density growth zone. Of course, its high-density growth zone it's on a major highway that is about to be improved its right by downtown, right by the schools, exactly how you want your city to grow, from the inside out, you other option is to grow from the outside in, which is a major cost to everyone in the city. This request is really simple, do you want 7,500 sq foot or 10,000 sq foot lots, the same exact house will be built regardless, single family, you have seen the elevations, an established developer and we just hope the discussion goes to a reading and thanks for your time.

Mayor Penn asked Engineer Jorgenson what the developer indicated the size of the homes would be. He said an all-brick facade and with accents, 1550 to 1800 sq feet home, 250k to 290k price range.

City Council Member Diane Bryant asked how many homes would be if it was multi family, Mayor Penn said we are not dealing with multifamily, the planning commission didn't approve that we are dealing with R1. If its ten thousand square feet here would be 25 lots, 7500 32 lots.

City Council Member Linda Bell – I want to comment to Mr. Jorgensen, this is completely in my mind, completely different than the one we just discussed, it's not multifamily rezoning, this is residential rezoning, I have no problem with that what so ever the city is growing and I totally understand that and support that and this sounds like a good place to put residential single-family homes. I just want you to understand this is totally different that a multifamily 2 rezoning request in my mind and to the rest of the city council, we are certainly for growth of the city, its just how it grows, so we can be, we approved a lot of multifamily in the last year.

City Council Member Keith Lipford –I did want to bring up one thing, comment and a question, drainage issue at the planning committee, which typically goes under large scale development, a person I talked to on Wolfdale today on the phone, one of the things that came up , in large scale development do you have to have 10 or 12 acres, house accommodations for rainwater for 10 year storm, that will be handled, the concern is significant rain floods thru my yard and neighbors across from me, it doesn't come from the property from behind me it flows thru the property behind me when it developed it won't flow thru that property it will flow around it if its built up, legally I don't think they have any requirements to address drainage issues that are affected by that land.

Project Engineer Blake Jorgenson - We can address that when they have to do the drainage calculations and don't forget the highway 170 drainage improvements will affect that.

Council Member Lipford -The water has to get there first.

Project Engineer Blake Jorgenson - Keith with regards to abstaining from the previous vote you can always contact our office if you ever have any questions or the drainage issues, or how the property will affect you we are here to help. As far as the drainage goes one of the questions was why did the layout change, we are doing it to add detention and water quality, we didn't have that in the past. The southside detention and west corner, we are sharing calculations with the highway department and shared drawings and use modifications to deal with the stormwater in a better way.

City Council Hunter Carnahan – Is there a difference in the road for R1 or R2, for a fire truck to go in and turn around, more space, less space, one entrance, two entrances? trying to think of emergency personnel... 32 lots vs 25, traffic on the side of the road and impact of several fire trucks responding to a medical call or house fire?

Mayor Penn - Fire Chief would address that at large scale development and, if it was not large enough, they would make the developer adjust it accordingly.

Project Engineer Blake Jorgenson - Road way is the same, it will accommodate a fire truck with a car parked in the side of the street.

Mayor Penn opened the Public Comment section of the meeting.

Shelia Andrews – Thanks for letting me address all these concerns, I know these that these concerns that I submitted already will be reviewed by the council members and we appreciate that. We oppose the rezoning from R1 to R2 for because of the smaller lots, I have several issues with that and my husband Calvin has been here since 1969 and knows the lay of the land and what has happened in the past and has addressed the numerous planning commissions , we want to keep the Farmington image as a family friendly area , we don't want cheap housing, all along the route of highway 170 is majority of rentals that already gives us a persona that we are rental and they are not very well kempt up. I did a property comparison in the area and made an equation to several of the council members home properties for 2 tiny homes doubling the use of property. We are, understanding the growth of Farmington but we are in a neighborhood that is very family oriented and we share a lot of green space especially on the south side from the Crisp's to the Bryson's to the Rodriguez property, we don't want intrusion from people from the north that's not keeping their property up. That's very evident when you go down the some of the other areas, we also have concerns about the drainage, and that's a very big issue but we will address that later, what we oppose is the R2 zoning. We have several questions and I was hoping to get them answered but I will call Jorgenson this week and get more answers. But we understand what the city council is opposed to, we want larger homes with bigger lots so we wont have issues on our property, In the past history of approval in 2007 and it had a cul de sac at the end of the property , no one has

addressed these issues, they just had a picture, we don't want Farmington infrastructure to be catastrophic, we depend on 2 other facilities and with the snow past week or so it was evident we have a shortage and were put on a boil order or conservation order.

City Clerk Penn - Ma'am that is Washington Water Authority it has nothing to do with the city of Farmington and you have 30 seconds of comment left.

Shelia Andrews -It affected the city of Farmington with those restrictions, I appreciate it and I appreciate those council members comments and we still oppose the R2 rezoning.

Mayor Penn - To clarify, when we do large scale, we also do tech review that addresses fire department and utility companies address issue and our sewer capacity, when we expanded our sewer a few years ago we can grow our city to 22,000 people with no issues. Thank you for your concerns, anyone else have any questions?

Calvin Andrews - They haven't addressed the drainage for the south, I believe this property it gets more drainage from the south than the property itself, its mowed better and has more resistance. I don't know if they know how much from the south it gets, that is what worries me. If it's not done correctly for all the drainage, it can flood Mr. Bryson's house and I don't want to see that, bad ordeal., that's my thought and concerns. Thanks for your time.

Chris Bryson – I will jump in; I don't want to take up too much time since I spoke on the last issue. I live at 324 Hunter street. There is a lot to say about energy and when you devote a lot of energy to an agenda item the second one can seem a little less important. The opposite happened with the planning commission last time, I didn't even realize we had two separate issues, I would really like to emphasize and ask this group to consider neighboring properties to this land. My house, I bought because I wanted to live in the country, my boys and I in my back yard, we can throw rocks and live the kind of life I did. I realize you are going to address growth but frankly from R1 to R2 is to appease developer, no reason to bring more people to this land, any other adjoining property is multiple acreage, from R1 to R2 is a compromise not warranted, people that own homes that border this land will have to deal with more people and more traffic, 25 or 32 houses, I would choose 25, traffic again, traffic, only has one entrance on Hunter with 1 entrance, there will be an increase. That's a lot of cars every morning, false assumptions that matter to everyone here. Flooding matters, I will get flooded, I am no engineer, all neighbors are saying the same thing, largest lots available are only fair to people who own the land next to it. I would refer you to my statement I provided pictures of my backyard, water is there, literally mowing up crawdads.

City Business Manager McCarville read chat comments- The Daniels oppose this as well. Renee Denham is asking what is the estimated increase in traffic for a very busy road, I understand the new road coming soon but that is already increasing traffic to school once its completed, Jerry & Amy Beard say smaller lots and smaller houses will affect property values for surrounding owners, we oppose this rezoning

Forrest Benton - I oppose, don't see why they are adding more 12 - 15 houses making lots smaller., just trying to add more, I have people on my yard, people will be looking for greenspace. There are no parks on this side of 62.

City Business Manager McCarville read chat comments- Rachel Spawn 60 Wolddale, they oppose this, is there more than one entrance.

Forest Benton I – how many ways in and out, circle drive?

City Business Manager McCarville read chat comments Rene Denham is opposed.

Mayor Penn closed the public comment section and opened it back up for further discussion for the City Council.

City Council Member Linda Bell – can I confirm the planning commission denied it but it went from R2 to R2/MF2?

Mayor Penn – They did deny that request by 5-2 vote,

City Council Member Bell - I want to make a comment to the public, as city council members we can't look at drainage issues we are just looking at rezoning, it goes to large scale development we are fortunate to have great engineers, we can't worry about that because it's my understanding that the homes are nice sized, they are R2 size lots to deal with a detention pond a drainage issues issue. That is just a comment I want to make, that's it.

City Council Member Keith Lipford - I brought up drainage issues earlier, I want to make sure I clarify I had a phone call today to discuss and ask questions yes because I live here and I kind of feel like a center point for that but I am okay with that people ask me questions, I explained that the large scale development takes into property and run off, streets sidewalk's retention ponds, can't just take the 10 12 acres and say well let the water run-off, The conversation that went on, came up, what about the water behind the property, the concern is when the property is built up the water will flow around the hill and the back of the property, it's the rain coming from behind the property, that's the concern they have, for me personally I am setting on 2 1/2 acres, to the north is 8 acres, to the south are between an acre an 4 and then pastures to the east. To me it's a push for R1 to fit well, I get it that's what we have, R2 is too much of a slight to property size to make sense to surrounding property owners,

City Council Member Diane Bryant- Cox built my home, built a nice home, lots of crown molding I am happy. I think it's a pretty nice home that he has built they appear to be good homes, 25 or 32 it's going to get built out, 25 or 32 more homes, I understand the flooding concerns, makes sure planning commission had a good detention pond and really build those homes up.

City Council Member Hunter Carnahan - I can understand where they are coming from with flooding because depending on whether or not they are in a flood plain or not you have to have flood insurance. Where I am at, I am in a flood plain and have to have flood insurance and if you're not in a flood plain you don't have to have flood insurance and if you get flooded it's not covered regardless if it's the drainage or whatever you are just out, so I can understand it's not a drainage issue, I have full confidence the Cox engineers know what they are doing developing or building. I see the point of the residents that are in that are being concerned about it and causing them issues. If I lived there 10 years and never flooded, never worried about my house flooding and 4 years from now my house floods and I am out to 50k or 20k that would be a tough pill to swallow. It's going to be developed no matter what and I agree it should be, I want to continue to grow and be the best we can be. Several people are said it's not a drainage issue its not but I very much understand why they are concerned; I pay my flood insurance double what my home insurance is to live where I live. If people had to get flood insurance that could deter people from living in that area, I feel when I sell my house that will be a detourant when they buy from me. Just my two cents.

City Council Member Linda Bell - Mr. Mayor I have a question. If we are, why did the planning commission change their rezoning request initially, we didn't they vote from R1 to R2 initially?

Mayor Penn – They did not present it to them with that option. They lowered it from MF2 to MF1, that's what they voted one. The petitioner has the right to appeal the decision and lower the zoning request but not raise it.

City Council Member Linda Bell – It goes straight to us; it does not go back to them.

Mayor Penn -I know the drainage has been brought up many times, and I am not an engineer but I have listened to enough engineer discussions that they have to take into consideration where that water comes from. If it comes from the property to the south or the mountain or where it comes from, they have to take that into consideration for their calculations in how they design the drainage. Right now, the drainage is not good, the because the road is old and the drainage ditches are small. It would have to be corrected, and have to be reviewed by our engineers and Blake knows Chris Bracket is one of the toughest engineers in the business and we are fortunate to have him overseeing our projects and the planning commission will be very detailed oriented and have the same questions answered that yall are having also.

City Council Member Diane Bryant – What size home, what's the maximum size home that can be built on 40? 75?

Mayor Penn - They have to adhere to all the setbacks that you have on a 10,000 square foot lot, 60 percent of the house can cover the lot, same as R1.

City Council Member Keith Lipford - You can build up, multi levels and you can get as big as you can figure out how to build.

City Council Member Diane Bryant -Is it 40%, like 7500, that could be a good size home.

City Council Member Linda Bell – They already said 1550 to 1850 R2.

Mayor Penn - See the thing about it is you can't, the amount of money you have invested in the land to develop and what the cost to be developed, Blake can interject, you can't, you have to have a relationship between the cost of developing the lot to how expensive they are, you don't have \$50,000.00 lot and a \$40,000.00 house on. You just don't do that. Its typically 5 times value of the lot. I know that because I was in real estate lending side for 42 years, that's my knowledge about that. Are you ready to vote?

City Clerk Kelly Penn - The motion will be the same way as last time, ordinance suspended,

Council Member Mathews made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and for Ordinance 2021-04 be read 1 time by title only, it was seconded by Council Member Bell and after a roll call vote, the motion was approved 4-3 with Council Members Mathews, Bell, Cunningham and, Bryant voting yes, Council Members Carnahan, Morgan and Parsley voting no and Council Member Lipford abstaining.

City Attorney Steve Tennant clarified the vote was 4-3.

City Clerk Penn - That means you can ask shall the ordinance pass after we read it by title only 1 time.

City Attorney Tennant -It takes 5 to pass an ordinance, the Mayor can be one of the votes to pass it.

Mayor Penn - But not to read it.

City Clerk Kelly Penn - Not to read it, we have enough to read it.

City Attorney Steve Tennant - It has to be 6 for the Emergency clause

City Clerk Kelly Penn - I am going to read this by title only and then the mayor will ask shall the ordinance pass. City Clerk Penn read Ordinance 2021-04 by title only.

Mayor Penn clarified before I ask this you are voting for it or against it, for it or against it. Mayor Penn asked shall the ordinance pass? After a roll call vote the motion failed by a vote of 5-2. Council Members voting no were Carnahan, Cunningham, Morgan, Bryant, Parsley. Council Members voting yes were Mathews and Bell. Council Members Lipford abstained. Motion Fails.

City Council Member Linda Bell - Excuse me, only 5 no's?

City Clerk Kelly Penn clarified the vote - 5 no's 2 yes's and 1abstention.

City Council Member Linda Bell - Only 5 voted no?

City Clerk Kelly Penn - Yes only 5 voted no.

City Council Member Linda Bell - Mayor don't you have to vote?

City Council Member Bobby Morgan - That's what I thought.

City Clerk Kelly Penn -No the Mayor does not have to vote; it is not a tie. The mayor would only vote to break a tie.

City Council Member Linda Bell -You have to have six to pass an ordinance.

City Council Member Bobby Morgan - Well how did you get six to pass it.

Mayor Penn – Listen everybody listen to Steve Tennant

City Attorney Tennant - Folks it takes 5 to pass an ordinance, if there is a tie between the council the Mayor can be the deciding vote. It takes 6 members to pass an emergency clause, 2/3 of the city council members for an emergency clause, 5 to pass an ordinance. the mayor can always cast a vote to pass a motion, a bylaw, order or ordinance. He can't be the 6th vote to pass an emergency clause.

City Council Member Linda Bell - I got it.

Mayor Penn - The ordinance failed. Blake you can leave if you like and go have some supper, anyone else who wished to leave may do so. We will move on to other business and the Fire Chief is going to do great things.

Council Member Cunningham left the Zoom meeting.

Resolution No. 2021-05 A resolution in support to apply for, accept and amend the vehicle exhaust capture system for Farmington Fire Station 1.

Fire Chief Hellard gave the council a brief overview of the grant process. On the motion of Council Member Carnahan and a second by Council Member Lipford and after a roll call vote, the motion passed 6-0 with Council Member Sherry Mathews abstaining, Resolution No. 2021-05 was approved. City Attorney Steve Tennant read Resolution 2021-05 by title only.

Resolution No. 2021-06 A resolution in support to apply for, accept and amend the budget for staffing for Adequate Fire & Emergency Response Grant (SAFER), through FEMA, to fund training and certification of a Fire Marshall

Fire Chief Hellard gave the council a brief overview of the grant process. On the motion of Council Member Bell and a second by Council Member Bryant and after a roll call vote, the motion passed 6-0 with Council Member Sherry Mathews abstaining, Resolution No. 2021-06 was approved. City Attorney Steve Tennant read Resolution 2021-06 by title only.

Resolution No. 2021-07 A resolution in support to apply for, accept and amend the budget for staffing for Adequate Fire & Emergency Response Grant (SAFER), through FEMA, to fund three firefighter positions.

Fire Chief Hellard gave the council a brief overview of the grant process. On the motion of Council Member Carnahan and a second by Council Member Lipford and after a roll call vote, the motion passed 6-0 with Council Member Sherry Mathews abstaining, Resolution No. 2021-07 was approved. City Attorney Steve Tennant read Resolution 2021-07 by title only.

There being no further business to come before the council and on the motion of Council Member Carnahan and seconded by Council Member Morgan and by the consent of all members present, the meeting adjourned at 7:40 pm until the next regularly scheduled meeting to be held Monday April 12th, 2021 in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;



City Clerk Kelly Penn



Mayor Ernie Penn

Leann Tolleson

From: Melissa McCarville <melissamccarville@cityoffarmington-ar.gov>
Sent: Monday, March 8, 2021 4:53 PM
To: leanntolleson@cityoffarmington-ar.gov
Cc: 'Jerry Beard'
Subject: FW: Updated letter regarding rezoning appeal

Please forward this to all city council members, city attorney, mayor and city clerk. Please make a few additional copies to have for City staff at the meeting.

-----Original Message-----

From: Jerry Beard [<mailto:jwbeard2003@yahoo.com>]
Sent: Monday, March 8, 2021 4:25 PM
To: melissamccarville@cityoffarmington-ar.gov
Cc: w2p1@cityoffarmington-ar.gov
Subject: Updated letter regarding rezoning appeal

On the notice of public hearing under RZN #2 it states the change from R-1 to R-2 on the perimeter lots results in the size of each tract going from a minimum of 10,000 SF to 7,500 SF. These lots are being proposed to be built with homes in the 1,500 SF range.

Oakridge Subdivision houses are generally larger houses than those proposed and on larger lots (10,000 SF +).

The property owners actually adjoining the property for RZN #2 are all large, nicer homes on large lots. Most lots are several acres in size giving the feel of a rural environment.

To stay consistent with this feel of a rural environment, it would probably be more accurate to rezone it RE-1 (to accommodate single-family residential development on low density, large estate type lots to provide and preserve a rural environment).

To rezone from R-1 to R-2 would be going in the wrong direction. The difference in size of houses and properties between RZN #2 and connecting properties would be so great that it would lower those adjoining property values. We relied on the current R-1 zoning when we bought our properties and built our homes. Why should these owners suffer so that the developer can make more money?

Also, this is being treated as an appeal. I would think an appeal would be taking the same original request and having it reconsidered by a higher authority (city council). This is not what is happening. The rezoning request on the original application has changed for property on east side of Hunter. The part of the property originally requested to be changed to multifamily is now being requested to be changed to R-2. That is not an appeal, it is a new rezone request and should require a new application to be sent back to the planning commission.

For the record, my wife and I are against the rezone request. Please give copies of this letter to all council members.

Sincerely,
Jerry and Amy Beard
29 Post Oak Lane
Farmington, AR 72730

Dear members of the Farmington City Council,

First, I would like to thank you all for serving on the City Council. I know you all are dedicating personal time out of your days and evenings for others because you care about this community. I truly appreciate that.

I write this statement to explain my reasons for opposing the two different ordinance rezoning requests by Cox development. I live on 324 South Hunter Street, Farmington, AR, 72730, so these rezoning requests are concerning to me for a variety of reasons. Please note I do share all the same concerns outlined by Mr. and Mrs. Andrews, as well as others, too.

With respect to Item 11 of New Business – Ordinance No 2021-04 – I would oppose this appeal of the Planning Commission’s decision. There are several points I wish to highlight here:

- 1) This would be inconsistent with the adjoining properties. As other neighbors with adjoining properties have also noted, if this were taken into account, it is more than fair to argue this acreage should be zoned as RE-2. On a personal note, I purchased my home in 2013 with the understanding that developments in the area would be consistent with other homes that border this land. Large land plots and homeowners that take care of the yards is what I found. This proposal, if approved, is going in an entirely different direction.
- 2) Rezoning to R-2 would inevitably lead to this neighborhood becoming a predominately rentals. This would result in lower property values for current homeowners, and it runs the risk of becoming a neighborhood that does not have homeowners that take care of their yards or homes. Please consider what this would mean if you were part of this community attempting to raise a family and making the huge investment of owning a home in such a neighborhood.
- 3) The original application to rezone this property stated that the development would not increase traffic in the area. Please consider the significant assumptions that are made with such a statement, and how much of an impact they have on people’s daily lives if untrue. I question the assumptions for a several reasons: First, there is currently only one entry point to the parcel. This would lead all traffic in and out of the area through Hunter Street. Increasing the number of lots, homes, and residents will only increase traffic, and it will clearly create a bottleneck without other roads being built to provide further entry points. Making the claim that traffic will not increase assumes that other entry points will be gained, or it is an exceptionally poor assumption. Second, Farmington has grown significantly, and it will continue to grow – our infrastructure is already being stretched. Rezoning to add more residents to a specific area will only increase the stress on our system.
- 4) Finally, and most importantly for me personally, is the issue of drainage. I have grave concerns of what it will mean for my home and property if this land is developed. I have attached pictures of my yard that demonstrate the soft ground that makes up most of my backyard to the extent that I can push a stick 24 inches into the ground after weeks of no

rain. Properties to the east and south of my home drain onto my property and eventually into this land being proposed for development. As I understand it, developing this land will only require the developer to account for the rainfall of that specific acreage and not the water coming onto the property. Essentially, I will have nowhere for the water to go except towards my home. Please see Mr. and Mrs. Andrews' statement regarding this matter that further illustrates this point. The land proposed to be developed serves as the lowest area in the region for water drainage and the only way to build on it is to raise it up. I am not just some guy trying to limit the homes built around my house. Please read Mr. and Mrs. Andrews' statement and refer to the pictures I have attached that show how close my shop is to this land – it will be under water if that land is raised higher to build.

With respect to #10 under New Business – Ordinance No. 2021-03 – I oppose this rezoning effort, too. I realize this area is going to be developed regardless but switching this to high density housing will significantly decrease property value and increase traffic. This will serve the developer – not the community, and it is currently zoned for R-1.

There is no reason why it could not be developed into a solid neighborhood of single-family homes consistent with many other areas of Farmington that are currently being developed. Once made aware of this proposal, I drove around the multi-family neighborhood a bit further away from my home to provide documentation of the issues that are so prevalent. These neighborhoods are not as well kept, there are box springs next to dumpsters, and cars parked up and down the street. Please consider the comments made by other community members this evening, the pictures attached for reference, and the type of neighborhoods we are growing next to state-of-the-art school facilities. I have tried to wrap my brain around any reason to approve this and I just can't see it. It is currently zoned for R-1, and the only reason to make this change would be to appease a developer while growing a problem that does not need to exist.

Once again, I appreciate your time and effort on this council, and the consideration you give our concerns.

Sincerely,

Chris Bryson

















March 4, 2021

City of Farmington City Council:

Thank you for the opportunity to address our concerns regarding the Edgewood Subdivision appeal for rezoning. We realize our community is growing in all directions. Up front, the Andrews' oppose the rezoning to R2. We do not want tiny lots next to our large estate acreage.

The Edgewood Subdivision development east of Highway 170 has been in front of the Planning Commission numerous times since 1999. The Andrews' have been an active participant in these meetings excluding the November 2005 meeting. The last time the property was in front of the Planning Commission was in 2007. The Planning Commission only gave us three (3) minutes to state our concerns and then repeatedly said "anything other than the flooding." Therefore, our concerns and question were not all addressed.

I realize this is "just a rezoning" appeal. It isn't to the surrounding property owners. My husband, Calvin Andrews, and I still live on the property of his childhood. His parents, Bill and Carol Andrews, purchased 17 acres in 1969. The proposed land development was part of that purchase, as well as, all the property on this south side of this proposed subdivision. The property now owned by the Rachael and Aaron Spahn, Brett and Christy Taylor, and Mr. Juan Rodriguez was part of the original 17 acres. This is OUR neighborhood including Chris and Sarah Bryson.

The landowners adjoining this proposed subdivision have acreage of (Andrews) 4.17 acres, (Bryson) 2.165 acres, (Lipford) 2.44 acres, (Beard) 9 acres, (Benton) 8.2 acres and (Rodriguez) 3.44 acres. The two properties which are between our property, the Andrews, and Mr. Rodriguez's are 1 acre lots (Spahn and Taylor). The landowners' property values are from \$200,000 (Benton) which has no dwellings to \$290,000 (Spahn) according to the Washington County Assessor's Office. Our properties are large estate type lots which provide and preserve a rural environment. We have accessory buildings and several lots can and still have livestock. A Planning Commissioner made a statement our lots should be described as Residential Estates. We live on the edge of town. We enjoy our wildlife, our "country" atmosphere, and our playground. Once again, this is OUR neighborhood.

The developer may bring up there is a duplex near the proposed development. A duplex was built in 1994 by Bill Andrews (yes Calvin's dad) and Ernie Cole (Calvin's uncle), before this area was Farmington "zoned".

The Edgewood Subdivision proposed lots are .172 acre each with an approximate 1,500 sq. ft. dwelling with an approximate value of \$150,000 each. How would you feel living on acreage with open greenspace where your children and grandchildren play freely in open space and a developer proposed tiny housing lots? Councilwomen Bryant, the proposed lot is half the size of your lot on East Creek. The developer could build 2 dwellings on your property. Councilwomen Bell, the proposed lot is half the size of your lot on Countryside or could build little over 2 dwellings on your property. Councilwomen Mathews, your lot on Hunter, they could build 3 dwellings on your property. Councilman Carnahan, the developer could build 2 dwellings on you Hunter property.

Farmington's image is important. Does Farmington want to be known for cheap housing with high rent or duplex haven? Drive down Highway 170 toward the new High School. What do you see? Rental dwellings line Highway 170. This will be another breeding ground for unkept dwellings. Why did the developer compare this development to South Haven and Oakridge and not to the new Red Bird Development north of the Farmington Cemetery? South Haven and Oakridge have 46% rental occupancy. Going south on Highway 170 from the smoke shop to the 2nd house on west side of Wolfdale or 2 houses south of the intersection of Rainsong and Highway 170 or until the Crosby Farm, 15 homes out of 25 are rentals. This proposed development appears to be another neighborhood of rental property, just with newer dwellings. In a three (3) mile radius, renters do not upkeep the property as someone which owns the property. Renters do not take care nor have the appearance of pride in the home property. Who will come clean our property after the developer sells the lot? I do have pictures of the trash and dumped furniture in the rental areas. This subdivision will have small dwellings if the Council reverses the Planning Commission.

Traffic going to the new Farmington High School is vastly increasing. Are you aware the traffic going to the Farmington High School now has over 1,100 students and with the additional 800 new homes being built in the Farmington area will increase the travel on Highway 170? Also, the new development "The Grove" will be adding 300 homes which could travel Highway 170. How did the developer determine that the inclusion of these development residents would not adversely affect traffic? Additionally, are you aware Wolfdale Road is a speed track for drivers to avoid the Highway 170 and Highway 62 intersection?

Attractive Nuisance surrounds this proposed development. This property is surrounded by open grassland and trees (Andrews, Benton, Lipford and Beard property). Livestock can and are still on some of these properties. These greenspace areas will attract children and teens to "play" on our property as well as Forest Benton and Jerry Beard's property because the proposed property does not have room to play football or ride their ATV's. Then, here they come to our "playground". With inattentive parents, their children could trespass onto the grasslands and get hurt, we (the property owner) could be held negligent because of their age. Our neighbors have nice playground areas for their children and guest. Insurance can't make an attractive nuisances safer; however, it can help with protect us from a greater financial loss. We, the property owner(s) will have the additional financial burden not the "new" neighbors. How will the City of Farmington or the developer protect or look out for us? We believe not. As Mr. Beard stated at the Planning Commission, "Why should these owners suffer so that the developer can make more money?"

To protect the adjacent property owners (Bryson, Andrews, Benton, and Lipford), I request a fence be built around the development of 10.62 acres to prevent trespassing and the attractive nuisance of the green open pasture, rolling hill and wooded area. We do not want the liability when children or adults want to play on our property. The cost can be passed onto the new purchaser. Other Farmington subdivisions, new and established, have privacy fences to enclose the subdivision.

The Developer cannot follow simple rules or guidelines. How can we trust him to follow proper procedure in developing this subdivision? In the application for Rezoning, it states “3. Provide a copy of the deed of the property”. The deed was not included, just the legal description. It appears; we are supposed to “trust” his word. Other developers provided a deed copy for their development. Is the developer better than the other developers?

The notification list did not have the correct adjoining property owners listed. It listed Willow Wood as property owned for the property of owned by Juan Rodriguez. Mr. Rodriguez’s deed was recorded 6/1/2016. In the rezoning application we received, the land was labeled incorrectly. It had “Aaron Spahn” as an adjoining land owner for the property the Andrews’ owns. The plat was incorrect.

In the application notification, Mr. Cox stated the reason for rezoning was, “This property was previously approved for construction for R-2, but we are now requesting to officially rezone most of the two R-2 with an internal island zoned for MF-2”. His wording appears it was rezoned. If it was rezoned, why wasn’t an ordinance signed? Why would construction be approved before the rezoning approved? I have been told “procedures and zoning” have changed over the years. Cox Development purchased the west of 170 properties May 3, 2005. After the “said” approvals in 2007, why wasn’t these properties developed? Why now?

Why did Jorgenson’s approach the Beards to purchase their property? Why is the developer deviating from the approved plat of 2007? If the construction plan was good in 2007, why would it not be good now?

In the November 21, 2005, Planning Commission Meeting, Commissioner Gail Biswell True asked if adjacent property owners had been notified about the preliminary plat. Jorgensen’s representative, Christopher Brackett, said “If it is required, I’m sure we did.” Commissioner True recalled the concerns the Andrews expressed in 2002. No evidence was located with the November Agenda packet. In prior years, notifications were made and required. However, in the December 19, 2005, an Ordinance was passed to require Adjacent Property Notifications. As stated earlier, the Andrews’ have been involved in this development since 1999, but not in the 2005 submission.

These actions by the developer and engineers(s) give an appearance of doubtful honesty and suspicious motives. Also, it appears, the developer and engineers, prefer to submit requests at the last minute deadline to “push things through” without public notice. How can we, as Farmington citizens and adjoining property owners, trust the developer and engineers “word”?

During the 2021 Planning Commission, Jorgensen did not don discuss the plat; however, the plat was displayed. The plat designated 5 ingress/egress streets. Why was this not provided to the adjoining property owners when the application was submitted? In their prior year submission, a detail plat was included in the submission.

These “small” issues may seem inconsequential to you, but these issues are not inconsequential to the surrounding landowners.

Draining and flooding in the low level of the southwest side of property adjoining the Bryson and Andrews' property. The elevation of this property is 1214 and 1210 feet the lowest elevation of the property, this area has flooded and almost into the Bryson household. Water stands in the northwest corner area of the Andrews property and the northeast corner area of the Bryson property. From the southeast corner of the Edgewood property (behind Mr. Rodriguez's shed) along the fence line of toward Highway 170, the ground is swampy and continues to pool in the Andrews northwest corner into the Bryson northeast corner. We, the Andrews, cannot mow this area for 6 weeks each summer due to the standing water, also the Bryson's has the same standing water. We are requesting a drainage analysis be completed and presented to the Commission for drainage and possible detention pond before any approved be granted. The prior drainage analysis addresses only the Edgewood north property line and center of property.

The southeast corner lot of Edgewood has an elevation of 1248 feet and the west corner lots elevation will be at 1214 feet (south) and 1210 feet (north), do you plan to build to the contour of the property? Are you aware the property east of proposed Edgewood has an elevation of 1256 feet?

How do you propose to adequately drain the water flow down our fence line? The fence line is constantly wet and pooling. How will you prevent flooding in these areas? And, if your proposal does not prevent the flooding and the Bryson's home floods, what recourse will the Bryson's have? The Andrews property will have standing water for months which attracts poisonous snakes?

I have discussed the drainage issue with the State of Arkansas due to the 170 expansion. They stated they have had water issues on the west boundary between the Bryson and Lipford property. Has Jorgensen discussed this issue with the State of Arkansas 170 Expansion? How will your drainage design accommodate this issue? What impact will storm water runoff have with new dwellings diverting the water flow into the adjacent properties?

Where will be drainage tie into the South Haven subdivision? What will happen with the drainage once it crosses 170, and goes to the "V" point in the West property, near the South Fork of Farmington Creek? Where will the drainage go before it gets to Farmington Creek?

The current Farmington Flood Plain Map is dated 2008. I have reviewed the draft Farmington Flood Plain Map dated November 27, 2020, from EDA and discussed with James Gertz. It is my understanding the 2017 flood involving Garland McKee road, and the South Fork Farmington Branch going under Highway 170 near the Kilpatrick's through the Cobsy 45 acres, around Peachtree Nursing Home and west of South Haven subdivision, as well as, Commission Ball's inquires prompted this updated flood plain map. The 2017 flood impacted our family, friends and the Bryson property and the northwest corner of our property. According to the draft flood plain map, excluding the Clyde Karnes road, this area has a 1% annual chance flood hazard. By adding more pavement, cement and more obstacles will increase the percentages of flooding. Are the City of Farmington and the developer willing to chance of a home flooding? Will the City of Farmington purchase the Bryson property or assist in him in recovering from water damaged home?

Sex Offenders and arsonists are numerous in a three (3) mile radius. Nine (9) sex offenders are in rental property. Rental property is a possible breeding ground. We already have an arsonist and drug deals at arm's length.

Farmington's infrastructure is nonexistent. Farmington relies on the combination of City of Fayetteville for water and sewer as well as the Washington Water Authority. Since 2000, Farmington has grown from a population of 3,605 to 7,798 in 2020 and still growing. As a City, what will happen to us when City of Fayetteville or Washington Water Authority can no longer provide us? Just a few weeks ago, Washington Water Authority requested water conservation and electricity roving blackout periods. What will happen when all the new subdivisions become populated? Will our power grid be overloaded? Will we be rationed? Will we be asked to "conserve"? How will the City of Farmington accommodate their citizens when City of Fayetteville and the Washington County Authority say they cannot provide any more utilities? During this last snow storm, these issues of water and electrical were affected.

Furthermore, south of Highway 62 and along Highway 170 corridor, we do not have adequate fire, police or ambulance service. We do not have any close coverage. We do not have a local ambulance service. An ambulance is staged at the Farmington Fire Station for a few hours a day during "rush hour". How will Farmington be covered when the Farmington Fire Department assist the rural fire department, such as out between Summers and Cincinnati, as they did just last week (It was on Facebook)?

Future Farmington City growth is indicated on the Farmington Land Use Map of 2016. The map designates the areas surrounding us, to the southeast, south and southwest for medium to high residential city growth. The map is a proposed plan or suggestion. Just because it is "designated" as such growth does not mean it is set in concrete. The Planning Commission should be more fluid in observances instead of hiding behind 'what our elected officials' have approved. I don't believe the property owners at Twin Falls would like .172 acre size lots on their outlying areas, nor around the "Osnes" on South Archie Watkins Road

I could not locate nor does the map indicate any type of Environmental Impact Study. This would assist local landowners, as well as, the City of Farmington to determine at an early stage in planning a rezoning area or new subdivision. This would find ways and means to reduce adverse impacts, shape projects and present the predications and options to decision makers such as the Planning Commission and City Council.

The following direct questions are to clarify the intent of the developer upfront not after a possible zoning approval. It could be too late to voice the concerns after the first request is approved. We want to be involved in our "neighborhood" and how new developments will effect and affect our daily living and the enjoyment of our countryside of nature by seeing the deer roam through our properties and the geese landing in our fields, and mostly OUR children and grandchildren playing in our field.

1. How many dwellings will be built on the 10.62 acres?
2. What is the benefit or reason for rezoning this property from a 10,000 sq. ft. to a 7,500 sq. ft. lot?
3. What variances are and will be requested on this property?

4. Have you considered the property for an Independent Living Community?
5. How tall will be structures be? What is the transitional height plane?
6. What are the surrounding properties zoned as?
7. How many sewer taps will you request? Will you be able to accommodate sewer taps for the Lipford's and Bryson's?
8. Will the current utility system be adequate for the new development? Will the City of Fayetteville have sufficient capacity for the development?
9. Will the developer be building fences for each dwelling for safety and security?
10. Will the development have adequate parking for 2 plus family vehicles per dwelling on a 7,500 sq. ft. lot (a lot size of .172 acres)?
11. What type of entrance will be for this development?
12. Will firetrucks or school buses have adequate turnaround space?
13. What type of street lighting will be provided?
14. How much green space will be included in this development?
15. What other projects has this developer done?
16. What developments have Jorgenson's and Associates done in the Farmington area?
17. What is the price point for the 1,500 sq. ft. "homes" proposed?
18. How is the Highway 170 expansion going to affect the street curves to avoid the 100 ft. tangent for this development?
19. Does the approval of construction project imply the approval of a rezoning?

Once again, thank you and we oppose the rezoning to R2. We do not want tiny lots next to our large estate acreage.

Do you have any question for me?

Thank you once again.

Regards,

Calvin and Sheila Andrews