City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

City Council Final Agenda

Thursday, November 7, 2024

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1
Council Member D'Andre Jones Ward 1
Council Member Sarah Moore Ward 2
Council Member Mike Wiederkehr Ward 2
Council Member Scott Berna Ward 3
Council Member Sarah Bunch Ward 3
Council Member Teresa Turk Ward 4
Council Member Holly Hertzberg Ward 4

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

IMPORTANT MESSAGE:

THIS MEETING WILL RECESS AFTER NEW BUSINESS ITEM C. 3.
THE REMAINING ITEMS WILL CONTINUE AT THE SPECIAL CITY COUNCIL MEETING ON TUESDAY, NOVEMBER 12, 2024.
THE REGULARLY SCHEDULED CITY COUNCIL AGENDA SESSION WILL FOLLOW IMMEDIATELY AFTER.

MEETING INFORMATION:

1. **WEBINAR ID: 868 3638 9819**
   PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_UGC7JFFRSD2HKQDKOVSUWA

   AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

1. **MONTHLY FINANCIAL REPORT AND SALES TAX REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS

1. **LEWIS BROTHERS LEASING COMPANY (LAND SALE):**

   A RESOLUTION TO APPROVE A LAND SALE AGREEMENT WITH LEWIS BROTHERS LEASING COMPANY, INC. FOR THE SALE OF APPROXIMATELY 0.057 ACRES FOR $100.00 (2024-715)

A. CONSENT

A.1. AGAR, LLC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD RFP 24-12 AND AUTHORIZE A CONTRACT WITH AGAR LLC IN THE AMOUNT OF $84,882.00 FOR THE CURATION AND INSTALLATION OF THE WEST AVENUE PARKING GARAGE MURAL (2024-648)

A.2. DEADHORSE MOUNTAIN ROAD (MASTER PLAN APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT A MASTER PLAN FOR 220 ACRES ON DEADHORSE MOUNTAIN ROAD (2024-653)

A.3. AREA AGENCY ON AGING OF NORTHWEST ARKANSAS (LEASE AGREEMENT):

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS THROUGH DECEMBER 31, 2025 FOR THE WALKER PARK SENIOR ACTIVITY AND WELLNESS CENTER IN THE AMOUNT OF $1.00 PER YEAR, WITH AN AUTOMATIC RENEWAL FOR SEVEN ADDITIONAL ONE YEAR TERMS (2024-646)

A.4. ENVIRONMENTAL CONSULTING OPERATIONS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AMENDMENT NO. 11 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF $68,000.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2025 (2024-638)

A.5. NEC, INC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD BID #24-43 AND AUTHORIZE A CONTRACT WITH NEC, INC. IN THE AMOUNT OF $155,903.50 FOR THE SALEM ROAD ADA IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $20,000.00 (2024-647)

A.6. STEELWORX INDUSTRIAL GROUP, LLC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD BID #24-39 AND AUTHORIZE A CONTRACT WITH STEELWORX INDUSTRIAL GROUP, LLC, IN THE AMOUNT OF $554,956.00 FOR THE CONSTRUCTION OF THE ELMHURST AND MCCLINTON PHASE I DRAINAGE IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $60,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 DRAINAGE BOND PROGRAM (2024-616)

A.7. FAYETTEVILLE WAREHOUSE PARTNERS, LLC. (LAND PURCHASE):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED ON NORTH GREGG AVENUE OWNED BY FAYETTEVILLE WAREHOUSE PARTNERS, LLC FOR THE AMOUNT OF $261,473.00, PLUS $10,000.00 FOR CLOSING COSTS, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 STREET IMPROVEMENT BOND PROJECT (2024-599)

A.8. RAILROAD CROSSING ELIMINATION STUDY (COST SHARE AGREEMENT):

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE CITY OF SPRINGDALE IN THE TOTAL AMOUNT OF $144,000.00 FOR THE RAILROAD CROSSING ELIMINATION STUDY, OF WHICH $62,400.00 WILL BE THE CITY OF FAYETTEVILLE'S RESPONSIBILITY (2024-649)

A.9. MCCLELLAND CONSULTING ENGINEERS, INC. (CONTRACT AMENDMENT):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF $101,682.00 TO INCLUDE CONSTRUCTION PHASE AND ADDITIONAL DESIGN SERVICES, AND TO APPROVE A BUDGET ADJUSTMENT (2024-664)

A.10. FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICY (ADOPTION):

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT EXTERNAL AGENCY RELATIONS POLICY (2024-590)

A.11. 4TH JUDICIAL DISTRICT DRUG TASK FORCE (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF $533,067.00, TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS, AND TO APPROVE A BUDGET ADJUSTMENT (2024-601)

A.12. 2025 SELECTIVE TRAFFIC ENFORCEMENT PROJECT (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2025 SELECTIVE TRAFFIC ENFORCEMENT PROJECT GRANT AWARD IN THE AMOUNT OF $40,600.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-581)

B. UNFINISHED BUSINESS

B.1. URBAN FORESTRY MANAGEMENT PLAN (APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT THE URBAN FORESTRY MANAGEMENT PLAN (2024-1677)

CONTACT THE OFFICE OF THE CITY CLERK TREASURER FOR AGENDA ITEM HISTORY FROM FEBRUARY 2, 2024 TO OCTOBER 1, 2024.

AT THE OCTOBER 1, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 7, 2024 CITY COUNCIL MEETING.

B.2. ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR:

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING A NEW (H) PROTECTIONS FOR SINGLE-FAMILY ZONED DISTRICTS TO PROVIDE THE SAME PROTECTIONS FOR ADJOINING SINGLE FAMILY RESIDENTIAL DISTRICTS AS CURRENTLY REQUIRED FOR URBAN THOROUGHFARE AND ALL MULTI-FAMILY DISTRICTS (2024-585)

AT THE OCTOBER 1, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING.

B.3. ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR (ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE):

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE FOR URBAN CORRIDOR IN SECTION (B) (2) (2024-614)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

B.4. T-HANGAR (REVISED LEASE & RATE INCREASE):

A RESOLUTION TO APPROVE A REVISED T-HANGAR LEASE FORMAT UPDATING TERMS AND CONDITIONS, INCREASING RENT FOR 2025 BY 15%, AND ADOPTING A YEARLY 3% INFLATION ADJUSTMENT BEGINNING IN 2026, AND TO AUTHORIZE MAYOR JORDAN TO SIGN THE T-HANGAR LEASES (2024-579)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 7, 2024 CITY COUNCIL MEETING.

B.5. FIRST REPAIR, INC. (SERVICE CONTRACT):

RESOLUTION APPROVING A CONTRACT WITH FIRST REPAIR, INC. OF EVANSTON, ILLINOIS TO TRAIN FAYETTEVILLE LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE (2024-589)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 7, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS

C.1. APPEAL: LARGE SCALE DEVELOPMENT-2024-0011: (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST./URBAN LOFTS AT NELSON

HACKETT, 523):

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER D'ANDRE JONES AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2024-0011 (2024-616)

C.2. INFRAMARK, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO AWARD RFQ #24-05 AND AUTHORIZE A FIVE YEAR CONTRACT WITH INFRAMARK, LLC. FOR WASTEWATER TREATMENT OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES THROUGH DECEMBER 31, 2029, AND TO APPROVE PAYMENT IN THE AMOUNT OF $8,450,000.00 FOR SERVICES PROVIDED IN 2025 (2024-634)

C.3. FAYETTEVILLE POLICE DEPARTMENT POLICIES (ADOPTION):

A RESOLUTION TO APPROVE AMENDMENTS TO FAYETTEVILLE POLICE DEPARTMENT POLICIES (2024-641)

AT THE OCTOBER 29, 2024 CITY COUNCIL AGENDA SESSION, THE CITY COUNCIL EXPRESSED INTENT TO RECESS THE NOVEMBER 7, 2024 CITY COUNCIL MEETING AFTER THIS ITEM HAS BEEN HEARD. THE MEETING WILL RESUME ON NOVEMBER 12, 2024 AT 4:30 P.M.

C.4. REZONING-2024-0049: (1893 N. RUPPLE RD./CONRAD, 361):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-49 FOR APPROXIMATELY 1.04 ACRES LOCATED AT 1893 NORTH RUPPLE ROAD IN WARD 4 FROM RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-659)

C.5. VACATION-2024-0022: (EAST OF 111, 123, AND 135 S. PADDOCK LOOP/TREETOPS, 526):

AN ORDINANCE TO APPROVE VAC-24-22 FOR PROPERTY LOCATED EAST OF 111, 123, AND 135 SOUTH PADDOCK LOOP IN WARD 1 TO VACATE A 0.02 ACRE PORTION OF GENERAL UTILITY EASEMENT (2024-650)

C.6. VACATION-2024-0018: (314 W. LAFAYETTE ST./UNIVERSITY BAPTIST CHURCH, 484):

AN ORDINANCE TO APPROVE VAC-24-18 FOR PROPERTY LOCATED AT 314 WEST LAFAYETTE STREET IN WARD 2 TO VACATE 0.34 ACRES OF STREET RIGHT-OF-WAY (2024-660)

C.7. VACATION-2024-0020: (WEST END OF W. TREADWELL ST./MODUS STUDIO, 522):

AN ORDINANCE TO APPROVE VAC-24-20 FOR PROPERTY LOCATED AT

THE WEST END OF WEST TREADWELL STREET IN WARD 2 TO VACATE 0.22 ACRES OF STREET RIGHT-OF-WAY (2024-661)

C.8. REZONING-2024-0042: (1055 N. POLLARD AVE./ANDONA, 445):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-42 FOR APPROXIMATELY 0.84 ACRES LOCATED AT 1055 NORTH POLLARD AVENUE IN WARD 2 FROM R-O, RESIDENTIAL OFFICE AND NC, NEIGHBORHOOD CONSERVATION, TO NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-652)

C.9. REZONING-2024-0043: (1236 W. MT. COMFORT RD./SCHWARTING, 404):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-43 FOR APPROXIMATELY 0.30 ACRES LOCATED AT 1236 WEST MOUNT COMFORT ROAD IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-654)

C.10. REZONING-2024-0044: (2001 W. 18TH ST./ARNOLD, 598):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-44 FOR APPROXIMATELY 0.90 ACRES LOCATED AT 2001 WEST 18TH STREET IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-655)

C.11. REZONING-2024-0045: (2286 W. STONE ST./KJJ, 520):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-45 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 2286 WEST STONE STREET IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-656)

C.12. REZONING-2024-0046: (510 W. PRAIRIE ST./SCOTT, 523):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-46 FOR APPROXIMATELY 0.16 ACRES LOCATED AT 510 WEST PRAIRIE STREET IN WARD 2 FROM R-O, RESIDENTIAL-OFFICE TO DG, DOWNTOWN GENERAL (2024-657)

C.13. REZONING-2024-0048: (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-48 FOR APPROXIMATELY 1.40 ACRES LOCATED ON NORTH MEADOWLANDS DRIVE IN WARD 4 FROM R-O, RESIDENTIAL-OFFICE TO CS, COMMUNITY SERVICES (2024-658)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. WALKER PARK SENIOR ACTIVITY AND WELLNESS CENTER REPORT - CHASE GIPSON

E. CITY COUNCIL TOUR

E.1. URBAN LOFTS AT NELSON HACKETT LARGE SCALE DEVELOPMENT APPEAL (LSD-2024-0011) CITY COUNCIL TOUR

TOUR DATE: NOVEMBER 4TH, 2024
TIME: 4:00 PM
ADDRESS: SOUTHEAST OF NELSON HACKETT BOULEVARD/SOUTH STREET
PARKING: ALONG BLOCK AVENUE AND 4TH STREET (SEE ATTACHED)
REQUEST: LARGE SCALE DEVELOPMENT APPROVAL FOR 138 RESIDENTIAL UNITS

F. ANNOUNCEMENTS

G. ADJOURNMENT

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda Additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, appellant from a final decision of the Planning Commission or City Staff, etc.) may present its proposal only during this presentation period but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their three (3) minutes presentation period concerning the agenda item being considered by the City Council.

Courtesy and Respect: All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Virtual City Council Meetings Authorized: After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.

Interpreters or Telecommunications Devices for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-715

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Lioneld Jordan, Mayor

SUBJECT: **Resolution Approving a Land Sale Agreement with Lewis Brothers Leasing Co. for approximately 0.057 acres of City-owned property**

RECOMMENDATION:
Mayor Jordan recommends that the City Council approve a resolution authorizing the sale of approximately 0.057 acres of City-owned property on W. Moore Lane to Lewis Brothers Leasing Company, Inc.

BACKGROUND:
On October 15, 2024, the City Council passed Resolution 250-24 expressing its intent to sell City owned property on West Moore Layne to Lewis Brothers Leasing Company, Inc.

DISCUSSION:
City staff prepared and published notice of the sale in the newspaper on October 20, 2024, in accordance with Section 34.27 of the City Code.

BUDGET/STAFF IMPACT:
The City will receive the amount of $100.00, which will cover the City's costs.

ATTACHMENTS: Mayor Jordan Agenda Request Form - Signed (#3), Warranty Deed - City to Lewis Brothers - W Moore Lane (#4), 250-24 Resolution (#5), Land Sale Agreement - Executed - 103124 (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-715

Resolution Approving a Land Sale Agreement with Lewis Brothers Leasing Co. for approximately 0.057 acres of City-owned property

A RESOLUTION TO APPROVE A LAND SALE AGREEMENT WITH LEWIS BROTHERS LEASING COMPANY, INC. FOR THE SALE OF APPROXIMATELY 0.057 ACRES FOR $100.00

WHEREAS, on October 15, 2024, the City Council passed Resolution 250-24 expressing its intent to sell City owned property on West Moore Layne to Lewis Brothers Leasing Company, Inc.; and

WHEREAS, the land sale agreement provides for the sale of approximately 0.057 acres to Lewis Brothers Leasing Company, Inc. for the amount of $100.00; and

WHEREAS, the property is not needed for municipal purposes and it is not necessary to rezone the property at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Land Sale Agreement attached to this Resolution with Lewis Brothers Leasing Company, Inc. to convey 0.057 acres of City property to Lewis Brothers Leasing Company, Inc. for the amount of one hundred dollars ($100.00).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign the Land Sale Agreement and all other documents necessary to accomplish this conveyance.

Civic Clerk Item No.: 2024-715

AGENDA REQUEST FORM

FOR: Council Meeting of November 7, 2024

FROM: Mayor Lioneld Jordan

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO APPROVE A LAND SALE AGREEMENT WITH LEWIS BROTHERS LEASING COMPANY, INC. FOR THE SALE OF APPROXIMATELY 0.057 ACRES FOR $100.00

APPROVED FOR AGENDA:

Lioneld Jordan — 10/30/24

Lioneld Jordan
Mayor
Date

10/30/24

Blake Pennington
Senior Assistant City Attorney
Approved as to form
Date

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A LAND SALE AGREEMENT WITH LEWIS BROTHERS LEASING COMPANY, INC. FOR THE SALE OF APPROXIMATELY 0.057 ACRES FOR $100.00

WHEREAS, on October 15, 2024, the City Council passed Resolution 250-24 expressing its intent to sell City owned property on West Moore Layne to Lewis Brothers Leasing Company, Inc.; and

WHEREAS, the land sale agreement provides for the sale of approximately 0.057 acres to Lewis Brothers Leasing Company, Inc. for the amount of $100.00; and

WHEREAS, the property is not needed for municipal purposes and it is not necessary to rezone the property at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Land Sale Agreement attached to this Resolution with Lewis Brothers Leasing Company, Inc. to convey 0.057 acres of City property to Lewis Brothers Leasing Company, Inc. for the amount of one hundred dollars ($100.00).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign the Land Sale Agreement and all other documents necessary to accomplish this conveyance.

PASSED and **APPROVED** this 7th day of November, 2024.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **KARA PAXTON**, City Clerk/Treasurer

Part of Parcel No. 765-15874-001

WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation,** hereinafter called GRANTOR, for and in consideration of the sum of One Hundred Dollars ($100.00), the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Lewis Brothers Leasing Company, Inc.**, a corporation organized pursuant to the laws of the State of Arkansas, hereinafter called GRANTEE, and unto Grantee's heirs and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Thirty-Three (33), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a point which is 330.81 feet East and 688.88 feet North of the Southwest corner of said forty acre tract; thence N00°13'00" E 145.00 feet; thence S89°45'00" E 17 feet; thence S00°13'00" W 145.22 feet; thence N89°00'48" W 17 feet to the point of beginning, containing 0.057 acres, more or less, Washington County, Arkansas.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever. And the said Grantor hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this the _____ day of _____, 2024.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

By: _____
LIONELD JORDAN, Mayor

ATTEST:

_____
KARA PAXTON, City Clerk-Treasurer

[SEAL]

REVENUE STAMPS AFFIDAVIT
The foregoing deed has the correct amount of Revenue Stamps affixed or is exempt from such stamps.

Signed: _____
Lewis Brothers Leasing Company, Inc.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Kara Paxton**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk-Treasurer**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City of Fayetteville, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2024.

MY COMMISSION EXPIRES:

_____

_____
Notary Public

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 250-24

File Number: 2024-651

SALE OF LAND TO LEWIS BROTHERS LEASING COMPANY, INC. (RESOLUTION OF INTENT):

A RESOLUTION TO PROVIDE PUBLIC NOTICE THAT THE CITY COUNCIL IS CONSIDERING THE SALE OF APPROXIMATELY 0.057 ACRES OF LAND ON WEST MOORE LANE IN WARD 4 TO LEWIS BROTHERS LEASING COMPANY, INC. FOR THE SUM OF $100.00

WHEREAS, West Moore Lane was originally built and dedicated as a county road and became City of Fayetteville right of way when the land was annexed in 1967; and

WHEREAS, as properties developed in the area, the City acquired additional right of way through dedication and by deed; and

WHEREAS, on November 21, 2023, at the request of Lewis Brothers Leasing Company, Inc., the City Council vacated portions of the West Moore Lane right of way adjacent to properties the company owned; and

WHEREAS, by operation of law, most of the vacated right of way reverted to Lewis Brothers Leasing Company, Inc. but a portion that had been conveyed to the City by deed reverted to the City; and

WHEREAS, Lewis Brothers Leasing Company, Inc. has requested that the City sell the small portion of land so that it may proceed with its plans for development and has offered to pay $100.00 for the land.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby notifies the public that the City may sell approximately 0.057 acres of land to Lewis Brothers Leasing Company, Inc. for the sum of $100.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that the property does not need to be rezoned at this time and that no appraisal is necessary as the remnant piece of land is unusable to anyone but Lewis Brothers Leasing Company, Inc.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby informs the public that the City Council may consider a City Council resolution to approve a contract to sell this property to Lewis Brothers Leasing Company, Inc. during the November 7, 2024 City Council Meeting.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby determines that this property adjacent to the land owned by Lewis Brothers Leasing Company, Inc. is no longer needed for municipal purposes because the City has sufficient right of way for West Moore Lane and because the property lies in the middle of land owned by Lewis

Brothers Leasing Company, Inc.

PASSED and APPROVED on October 15, 2024

Approved:

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

Received from Blake Pennington on 11/01/2024 at 10:09 am

LAND SALE AGREEMENT

THIS LAND SALE AGREEMENT ("Agreement") is made and entered into by and between the **City of Fayetteville, Arkansas**, a municipal corporation of the State of Arkansas (hereinafter "Fayetteville") and **Lewis Brothers Leasing Company, Inc.**, a corporation organized pursuant to the laws of the State of Arkansas ("Purchaser").

For valuable consideration, the receipt and adequacy of which are hereby acknowledged, Fayetteville and Purchaser agree as follows:

TERMS AND CONDITIONS

1. Sale

Subject to the terms and conditions of this Agreement, Fayetteville agrees to sell and Purchaser agrees to purchase certain real property designated as Parcel # 765-15874-001 (the "Property"). The Property is legally described as follows:

> A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Thirty-Three (33), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a point which is 330.81 feet East and 688.88 feet North of the Southwest corner of said forty acre tract; thence N00°13'00" E 145.00 feet; thence S89°45'00" E 17 feet; thence S00°13'00" W 145.22 feet; thence N89°00'48" W 17 feet to the point of beginning, containing 0.057 acres, more or less, Washington County, Arkansas

In exchange for the Purchase Price of $100.00 to be paid at the closing, Fayetteville shall execute and deliver a general warranty deed to Purchaser which shall convey the Property to Purchaser subject to existing easements and rights of way of record.

2. Contingencies

None.

3. Purchase Price

In consideration of the sale of the Property, Purchaser shall pay to Fayetteville at closing the purchase price of ONE HUNDRED DOLLARS ($100.00) (the "Purchase Price").

4. Closing Date and Place

Closing shall occur within thirty (30) days following the date this Agreement has been executed by both parties unless extended by mutual agreement of the parties in writing. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas unless otherwise agreed to in writing by the parties.

5. Date of Possession

Possession of the Property shall be delivered to Purchaser on the Closing date free of any tenancies or other third party possessory rights.

6. Title Insurance

N/A

7. Deed and Other Documents

On the Closing date, Fayetteville shall convey marketable title to the Property by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement and approved by Purchaser, subject only to current real estate taxes, if any (to be apportioned between the parties) and existing easements approved by Purchaser. The expense of revenue stamps and recording fees, if any, shall be paid by Purchaser.

8. Risk of Loss

Risk of loss as to the Property shall remain with Fayetteville until the Closing date.

9. Purchaser's Due Diligence

Purchaser may enter upon the Property to conduct any surveying, testing or inspection it deems necessary to ensure the Property will be appropriate for the construction and use for its facility. If Purchaser discovers any problems that would adversely impact its development and use of the Property for its facility, Purchaser shall notify Fayetteville which is granted sixty (60) days to remediate any problem. Fayetteville may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Purchaser. Likewise, if Fayetteville does not remediate the problem to the satisfaction of Purchaser within the time allowed by this Agreement, Purchaser may terminate this Agreement without penalty or proceed under this Agreement to accept the property without resolution of the problem.

10. Notices

Notices required by this Agreement shall be in writing and shall be delivered to:

Lewis Brothers Leasing Company, Inc.
C/O Suzanne Clark, Clark Law Firm
121 West South Street
Fayetteville, Arkansas 72701
sclark@clark-firm.com

City of Fayetteville
ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701
mayor@fayetteville-ar.gov

11. Authority

Each of the parties represent and warrant that they are authorized to enter into this Agreement and that execution hereof will bind the entities to this Agreement.

12. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

13. Facsimile

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

14. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws of the State of Arkansas.

15. Survival

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

16. No Waivers

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

17. Time of Essence

Time is of the essence in this Agreement.

18. Invalidity

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity, it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

19. Complete Agreement

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Purchaser at closing.

20. Environmental Assessment

Purchaser may perform such tests and studies as Purchaser may deem necessary or appropriate to determine the environmental condition of the Property, such tests and studies to include, without limitation, "Phase I" environmental site assessments and such additional testing, including "Phase II" environmental site assessments, as determined by Purchaser to be necessary in Purchaser's discretion. Fayetteville hereby represents and warrants to Purchaser that, to the best of its knowledge, the Property is not contaminated with any chemical, material or substance to which exposure is prohibited, limited or regulated by any federal, state, county, local or regional authority or which is known to pose a hazard to health and safety and that the Property has never been used for a landfill, dump site, storage of hazardous substances, or by a manufacturer of any product or for any other industrial use.

Date: 10/31/24

LEWIS BROTHERS LEASING COMPANY, INC.

By: _____
Matt Lewis, CEO

WITNESS:

By: _____

Date: _____

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Kara Paxton, City Clerk Treasurer

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-648

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
Susan Norton, Chief of Staff

FROM: Joanna Bell, Arts and Culture Director—Parks, Natural Resources and Cultural Affairs

SUBJECT: **Contract with AGAR LLC for Curation and Installation of a Mural on the West Avenue Parking Garage**

RECOMMENDATION:
Staff recommends approval of the contract with AGAR LLC for the curation and installation of the West Avenue Parking Garage Mural.

BACKGROUND:
The City of Fayetteville issued an RFP (RFP 24-12) seeking a qualified firm to curate and produce a mural on the West Avenue Parking Garage as part of the Cultural Arts Corridor. The intent of this project is to create a visually engaging and community-centered artwork that enhances the area's appeal and fosters a stronger sense of place. AGAR LLC was selected through a competitive process based on their qualifications and extensive portfolio of public art installations.

DISCUSSION:
AGAR LLC has extensive experience in placemaking, public art, and mural production, and their proposal aligns with the City's vision for enhancing the Cultural Arts Corridor. The contract covers the full scope of work, including strategy development, artist selection, design refinement, and on-site mural installation. AGAR LLC has proposed a three-phase project: Public Art & Experience Strategy, Design & Development, and Production & Installation. Each phase will involve close collaboration with a curatorial committee and key stakeholders to ensure alignment with the Cultural Arts Corridor's goals, and the artwork will go before Fayetteville Arts Council for consideration before installation. The mural will enhance the parking garage, transforming it into an artistic landmark that encourages community engagement. The project also includes considerations for potential future programming, such as projection mapping and interactive elements, which can further activate the site.

BUDGET/STAFF IMPACT:
The total project cost is $84,882, which includes all design, artist fees, material procurement, and installation management. This cost is within the budget allocated for public art commission within the Capital Improvement Project budget.

ATTACHMENTS: SRF (#3), Appendix A Scope of Work and Fees (#4), RFP 24-12 AGAR Contract - Partially Executed (#5), RFP 24-12, Submittal - AGAR LLC - E (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-648

Contract with AGAR LLC for Curation and Installation of a Mural on the West Avenue Parking Garage

A RESOLUTION TO AWARD RFP 24-12 AND AUTHORIZE A CONTRACT WITH AGAR LLC IN THE AMOUNT OF $84,882.00 FOR THE CURATION AND INSTALLATION OF THE WEST AVENUE PARKING GARAGE MURAL

WHEREAS, the City issued RFP 24-12 seeking a qualified firm to curate and produce a mural on the West Avenue Parking Garage as part of the Cultural Arts Corridor; and

WHEREAS, the intent of this project is to create a visually engaging and community-centered artwork that enhances the area's appeal and fosters a stronger sense of place; and

WHEREAS, AGAR, LLC was selected through a competitive process based on its qualifications and extensive portfolio of public art installations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFP 24-12 and authorizes a contract with AGAR LLC in the amount of $84,882.00 for the curation and installation of the West Avenue Parking Garage Mural.

City of Fayetteville Staff Review Form

2024-648

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Joanna Bell	10/17/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of the contract with AGAR LLC for the curation and installation of the West Avenue Parking Garage Mural.

Budget Impact:

4470.520.8520-5315	Sales Tax Capital Improvement Fund
Account Number	Fund
24009	Public Art Commission, Misc.
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	155,000.00
		Expenses (Actual+Encum)	$	24,000.00
		Available Budget	$	**131,000.00**
Does item have a direct cost?	Yes	Item Cost	$	84,882.00
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	**46,118.00**

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

RFP 24-12, Placemaking Firm, Curator, or
Artist Studio for Parking Deck Mural
APPENDIX A – Scope of Work & Fees

AGAR LLC will oversee and manage the design, development, and installation of a mural on the West Avenue Parking Deck in Fayetteville, Arkansas. The mural will enhance the structure as a part of the Cultural Arts Corridor, supporting community engagement and placemaking efforts through public art

Deliverables

Phase 1: Public Art Strategy

Deliverables:

1. Immersion Session/Input
    a. Create the Curatorial Committee- a selected group of key Fayetteville stakeholders to advise and steward the project
    b. In-person session with two AGAR team members to define project vision, objectives, and goals with key stakeholders and the Curatorial Committee.
    c. Deliver summary and programming strategy approach.
2. Theme Development
    a. Present three (3) conceptual theme territories with narratives, artistic style, and technique considerations.
    b. Refine based on Curatorial Committee feedback.
3. Artist Portfolio Review
    a. Provide portfolios for up to three (3) artists aligned with the chosen theme.
    b. Facilitate artist selection for design development.
4. Preliminary Budgeting
    a. Outline preliminary budget based on artist fees, logistics, and installation methodology.

Fee for Phase 1: $10,050

Phase 2: Mural Design & Development

Deliverables

1. Concept Design
    a. Curator and Artist to provide/develop three (3) custom concept designs for the mural with proposed medium and methods.
    b. Refine selected design with up to two (2) rounds of revisions.
2. Programming Strategy
    a. Present strategies for potential future experiential enhancements, such as lighting, projection mapping, and interactive elements.
3. Final Budget:
    a. Deliver final budget for mural design, materials, installation, and logistics.

b. Ensure all required permits and insurance are secured.

Fee for Phase 2: $8,100

Phase 3: Mural Production & Installation

Deliverables:

1. On-Site Management
    a. Manage mural installation, including wall priming, material procurement, and artist coordination.
    b. Oversee logistics, including equipment (lifts, storage, etc.) and scheduling.
2. Installation
    a. Ensure proper execution of the mural design on-site with AGAR project management team overseeing the process.
    b. Coordinate artist travel and accommodations as necessary.
3. Programming Roadmap
    a. Develop a roadmap for future programming around the mural, outlining potential activations and projected budgets.

Fee for Phase 3: $66,732

Total Project Budget: $84,882, covering all three phases

Miscellaneous:

- City of Fayetteville will provide a clean and prepped wall surface for priming, and access to the site.
- AGAR LLC is responsible for procuring materials and equipment required for the mural installation.
- City of Fayetteville is responsible for securing any necessary local permits or approvals for the mural installation.
- Weather delays may impact the project timeline and could result in additional costs for equipment rental.

Timeline

Phase 1: October 25, 2024 – December 10, 2024

Phase 2: December 11, 2024 – January 10, 2025

Phase 3: January 11, 2025 – March 31, 2025

This contract executed this ___day of _____2024, between the City of Fayetteville, Arkansas (**City**), of 113 W. Mountain, Fayetteville, AR 72701 and AGAR, LLC (**AGAR**) of 1205 Walnut Street, Cincinnati, OH 45202, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. Purpose: The purpose of this Contract is to provide the terms and conditions necessary for the engagement of a Curator for Parking Deck Mural for the City of Fayetteville (the "Project").

2. Contract Documents: The Contract documents which comprise the contract between the City of Fayetteville and **AGAR** consist of this Contract and the following documents attached hereto, and made a part hereof:
    a. Appendix A: Scope of Work & Fees
    b. Appendix B: City Issued Solicitation for RFP 24-12
    c. Appendix C: **AGAR's** RFP Submittal
    d. Appendix D: **AGAR's** Certificate of Insurance

3. City's Responsibilities:
    a. The City shall make available to **AGAR,** all relevant information or data pertinent to the Project which is required by **AGAR** to perform the Services. **AGAR** shall be entitled to rely upon the accuracy and completeness of all information and data furnished by the City, including information and data originating with other consultants employed by the City whether such consultants are engaged at the request of **AGAR** or otherwise. Where such information or data originates either with the City or its consultants then **AGAR** shall not be responsible to the City for the consequences of any error or omission contained therein.

    b. When requested by **AGAR**, the City may engage specialist consultants directly to perform items of work necessary to enable **AGAR** to carry out the Services. Whether arranged by the City or **AGAR**, these services shall be deemed to be provided under direct contracts to the City unless expressly provided otherwise. If the City chooses not to engage specialist consultants, then the Parties will work cooperatively to modify the scope of services to reflect any reductions or additions to the services to be provided by **AGAR.**

    c. The City shall give prompt consideration to all documentation related to the Project prepared by **AGAR** and whenever prompt action is necessary shall inform **AGAR** of City's decisions in such reasonable time so as not to delay the schedule for providing the Services.

d. The City of Fayetteville's Arts and Culture Director is the project representative with respect to the services to be performed under this Agreement. The Arts and Culture Director shall have complete authority to transmit instructions, receive information, interpret and define policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

e. Wall Preparation and Condition

i. City's Responsibility for Wall Condition

The City agrees to ensure that the wall surface of the parking garage facade, where AGAR will design and install the mural, is in a condition suitable for mural application. This includes:

1. Inspection: The City is responsible for inspecting the wall to identify any damages, defects, or issues (such as cracks, water damage, water seepage, structural weaknesses, or surface irregularities) that may affect the quality or longevity of the mural.
2. Identification of Repairs: The City shall identify and notify AGAR in writing of any repairs or maintenance needed to bring the wall to a condition suitable for mural application.
3. Repairs at Client's Expense: Any repairs, reworks, or modifications to the wall, including but not limited to cleaning, resurfacing, or patching, deemed necessary by the City shall be completed by the City at its own expense in advance of AGAR commencing the mural installation.
4. Delays Due to Wall Condition

   If AGAR determines that the wall is not in a condition suitable for mural application upon commencement of the work, AGAR reserves the right to delay installation until such repairs are completed to its satisfaction. Any additional costs or delays resulting from a wall that is not in an appropriate condition for mural installation shall be borne solely by the City.
5. AGAR will not be held liable for any repair of the mural if issues present themselves after installation is complete, except for those caused by AGAR in completing the mural. Damages to the mural may come from repairs **not** made by the City, issues not properly identified in advance, , or intentional defacing or tagging of the wall.

4. AGAR's Responsibilities:

a. AGAR shall furnish the necessary qualified personnel to provide the Services. AGAR represents that it has access to the experience and capability necessary to and agrees to perform the

Services with the reasonable skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services at the time when and the location in which the Services were performed. This undertaking does not imply or guarantee a perfect Project and in the event of failure or partial failure of the product or the Services, AGAR will be liable only for its failure to exercise diligence, reasonable care, and professional skill. This standard of care is the sole and exclusive standard of care that will be applied to measure AGAR's performance. There are no other representations or warranties expressed or implied made by AGAR. In particular, but not by way of limitation, no implied warranty of merchantability or fitness for a particular purpose shall apply to the Services provided by AGAR nor shall AGAR warrant or guarantee economic, market or financial conditions, proforma projections, schedules for public agency approvals, or other factors beyond AGAR's reasonable control.

5. Non-Assignment: AGAR shall not assign its duties under the terms of this agreement without prior written consent of the City.

6. Indemnification and Hold Harmless:
    a. AGAR agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, but not defend, against any and all claims for property damage, personal injury or death, arising from AGAR's performance under this contract. This clause shall not, in any form or manner, be construed to waive that tort immunity set forth under Arkansas Law.

    b. Notwithstanding anything to the contrary, the total amount of all claims the City of Fayetteville may have against AGAR under this contract or arising from the performance or non-performance of the services under any theory of law, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the fees. As the City of Fayetteville's sole and exclusive remedy under this contract any claim, demand or suit shall be directed and/or asserted only against AGAR and not against any of AGAR's employees, officers or directors. Neither the City of Fayetteville nor AGAR shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected to this contract or the performance of the services on this project. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, unrealized energy savings, diminution of property value or loss of reimbursement or credits from governmental or other agencies.

7. Insurance:
    a. AGAR shall furnish a certificate of insurance addressed to the City of Fayetteville within ten (10) calendar days after contract finalization, presenting insurance which shall be maintained

throughout the term of the Contract in compliance with the terms of RFP 24-12. If applicable, AGAR shall require any subcontractor to provide insurance. In the event any employee engaged in work on the project under this contract is not protected under Worker's Compensation insurance, AGAR shall provide and shall cause each subcontractor to provide adequate employer's liability insurance for the protection of such of their employees are not otherwise protected. Worker's Compensation coverage shall be applicable with state law.

i. AGAR shall carry the following coverages, at minimum:
    1. Worker's Compensation Insurance – Statutory Amount
    2. Automotive Insurance covering all vehicles and trailers, if applicable
    3. General Liability - $1,000,000 each occurrence

ii. Certificates of Insurance shall list the City of Fayetteville as an additional insured. Listing the CITY as a Certificate Holder only is NOT an acceptable substitute. Certificates of Insurance must include the endorsement(s) showing the City of Fayetteville listed as an additional insured.

8. Price:
    a. AGAR Consulting shall perform the services included in this proposal for a flat fee of $84,882.
        i. AGAR shall strive to make decisions based on what is best for the City. As such, the AGAR compensation is structured as a not-to-exceed fee, unless mutually agreed upon additional services are incurred and the City is notified in advance for approval to proceed with said additional services, with billing to be completed on a phase-complete basis. Each billing shall be completed after each phase is complete; Phase 1, Phase 2, and Phase 3 of project completion.
    b. Additional services requested that fall outside the scope of this project shall be provided on a mutually agreed schedule and price, utilizing the hourly fee schedule provided in AGAR's proposal.

9. Payments:
    a. Payments shall be made after approval and acceptance of each itemized invoice, which shall not be unreasonably withheld.
    b. Unless disputed by the City, payments shall be made 30 calendar days after acceptance of invoice. Electronic delivery to the City is preferred.

10. Terms: All work as required in the Appendix A – Scope of work shall be completed by March 31, 2025.

11. Ownership of Documents:
    a. All documents provided by the City are and remain the property of the City. AGAR may retain reproduced copies of drawings and copies of other documents.

b. All documents and records, whether in physical or electronic format, prepared by AGAR or its subconsultant as part of the Project shall become the property of City when AGAR has been compensated for all services rendered; provided, however, that AGAR shall have the unrestricted right to their use.

c. AGAR shall retain its rights in its standard document details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of AGAR.

d. AGAR will grant the City, the State of Arkansas, and the United States of America a royalty-free, non- exclusive and irrevocable license to publish, reproduce and use, and dispose of in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others, of all copyrightable material first produced or composed under this agreement by the contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material.

12. Independent Contractor: AGAR is an independent contractor of the City and shall maintain complete responsibility for applicable state or federal law on unemployment insurance, withholding taxes, social security, or other industrial, labor or discrimination law for its employees. AGAR is responsible for its agents, methods and operations.

13. Notices: Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, e-mail or fax (receipt confirmed), or overnight courier.

14. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

15. Termination: This Contract may be terminated by the City of Fayetteville or AGAR for any reason with thirty (30) days written notice. If either party breaches this agreement, the non-defaulting party may terminate this Agreement after giving seven (7) days' notice to remedy the breach. On termination of this agreement, the City shall pay AGAR for the services performed through the date of termination within thirty (30) days of acceptance of final invoice.

16. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees. No modification of this contract shall be binding unless made in writing and executed by both parties.

17. Applicable Law: This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas. Venue for all legal disputes shall be Washington County, Arkansas.

18. Contract Administration: The Mayor or their Designated Representative shall be the Contract Administrator for this contract. AGAR's Principal or their Designated Representative shall be the primary contact for all matters pertaining to this contract.

19. Professional Responsibility: AGAR shall exercise reasonable skill, care, and diligence in the performance of services and will carry out its responsibilities in accordance with customarily accepted professional practices.

20. Permits & Licenses: AGAR shall secure and maintain any and all permits and licenses required to complete this Contract.

21. Publications: Recognizing the importance of professional development on the part of AGAR's employees and the importance of AGAR's public relations AGAR may prepare publications, such as technical papers, articles for periodicals, promotional materials, and press releases, in electronic or other format, pertaining to AGAR's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to AGAR. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. Approved materials may be used in a variety of situations and do not require additional review or approval for each use. The cost of AGAR's activities pertaining to any such publication shall be for AGAR's account.

22. Entire Agreement: These Contract documents constitute the entire agreement between the City of Fayetteville and AGAR and may be modified only by a duly executed written instrument signed by the City of Fayetteville and AGAR. In the event of a conflict between the terms of this Contract and the appendices, this Contract and the terms and conditions contained in Appendix B shall control.

23. Force Majeure: Any default in the performance of this Agreement caused by any of the following events and without fault or negligence on the part of the defaulting party shall not constitute a breach of contract: labor strikes, riots, war, acts of governmental authorities, unusually severe weather conditions or other natural catastrophe, disease, epidemic or pandemic, or any other cause beyond the reasonable

control or contemplation of either party. Nothing herein relieves the City of its obligation to pay AGAR for services actually rendered.

24. Severability: In the event that any court of competent jurisdiction shall determine that any provision of this agreement shall be unenforceable, then that provision shall be deemed to be null and void and the remaining provisions hereof shall remain in full force and effect.

25. Debarment Certification: AGAR hereby provides debarment/suspension certification indicating compliance with the below Federal Executive Order. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government. AGAR hereby attests its principal is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and AGAR LLC by its authorized officer has made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS	AGAR LLC
By:_____	By:_____
LIONELD JORDAN, MAYOR	JOSH HEUSER, OWNER/PRINCIPAL

ATTEST:

By:_____
Kara Paxton, City Clerk

Date Signed: _____ Date Signed: _____

RFP 24-12 Addendum 1
AGAR LLC
Supplier Response

Event Information

Number:	RFP 24-12 Addendum 1
Title:	Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural
Type:	Request for Proposal
Issue Date:	6/30/2024
Deadline:	7/24/2024 02:00 PM (CT)
Notes:	The City of Fayetteville, Arkansas, seeks proposals from qualified firms for a Placemaking Firm, Curator, or Artist Studio for Parking Deck Art Installation. Any questions regarding this RFP shall be directed to Amanda Beilfuss, City of Fayetteville Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov or (479) 575-8220.

Contact Information

Contact:	Kenny Fitch Purchasing Agent
Address:	Purchasing Room 306 City Hall 113 West Mountain Street - Room 306 Fayetteville, AR 72701
Email:	kfitch@fayetteville-ar.gov

AGAR LLC Information

Contact: Accounting
Address: 1205 Walnut Street
Cincinnati, OH 45202
Phone: (513) 549-4576
Email: accounting@theagar.com
Web Address: www.theagar.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Robyn Novak
Signature

robyn@theagar.com
Email

Submitted at 7/23/2024 04:10:26 PM (CT)

Supplier Note

On behalf of the entire AGAR team, Thank you for the opportunity to submit this response. Please do not hesitate to reach out to me, Robyn Novak, robyn@theagar.com with any questions.

Requested Attachments

RFP 24-07, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural — AGAR_Fayetteville_Final.pdf

Please attach the signed and completed RFP form, located in the 'Attachments' tab, along with proposal.

Response Attachments

AGAR_Fayetteville_Executive Summary.pdf

Executive Summary

RFP 24-12, Artist for Parking Deck Mural _AGAR_Signed_Forms.pdf

Signed RFP Forms

AGAR_Fayetteville Reference Bios.docx

AGAR References

AGAR_Fayetteville Team Bios.docx

AGAR team bios

Bid Attributes

1	**Addendum Acknowledgement** By selecting "I agree", you acknowledge that you have read all addendum(s) that have been issued for this solicitation, if applicable. ☑ I agree

AGAR X City of Fayetteville

RFP 24-12, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural

Real connections with real people to make real impact for customers and the communities we serve.



HELLO.

AGAR is a medium for growth. We were founded on the principle of #GrowingCulture and put this mantra into practice with every partnership and project we commence.

The City of Fayetteville's West Avenue Parking Deck Mural and Programming provides a unique opportunity to curate a dynamic and engaging public art space, building upon the experiential foundations already imbedded within the Ramble and ultimately fostering continued conversations and connections within the community.

At AGAR we view our engagement with clients as a collaborative process and we value the opportunity to share our response for this RFP. We would be happy to walk through this presentation and/or answer any questions that may arise.

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Part 02 Strategy & Budget Proposal

Part 03 References

Part 04 Other Relevant Information

Part 05 Detailed Project Timeline

Part 01

Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects



About AGAR

At AGAR, we believe in the power of public art to grow community, culture, and commerce. As an experiential marketing and placemaking agency, we leverage experiential design and communications, event production public art curation, and technology to reach audiences and grow culture for companies, brands, and the communities we serve. Our services allow us to curate today and program for tomorrow.

We believe human connection is invaluable

As the world moves more and more digital, the value of a human connection and experience inherently increases.

Creating moments that touch the soul

We curate unforced fascination around the core premise of purposeful engagement:
Explore. Dialogue. Share.

A continuous cycle of challenging the status quo, discovering the untapped, and encouraging guests to share and converse today's relevancy and tomorrow's innovation.



Part 01

Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects

OUR EXPERTISE: PLACEMAKING & PUBLIC ART

Our Placemaking & Public Art offer is unique, offering full 360 services from strategy, curation, and design, to in-house production, project management, installations, programming and more.

Placemaking Strategy, Development & Positioning
Cultural Strategy & Opportunity Assessment
Community Outreach & Engagement
Programming, Event Strategies & Activations
Public Art Design, Strategy & Curation
Art Installation Management
Artist Events & Speaking Engagements
Naming, Brand Identity Design & Systems
Environmental Graphic Design & Way finding
Experiential Communications Strategy & Activations
Artist Influencer Strategy & Talent Management
Social Media Strategy & Activation
Video Production & Motion Graphics

OUR SERVICES

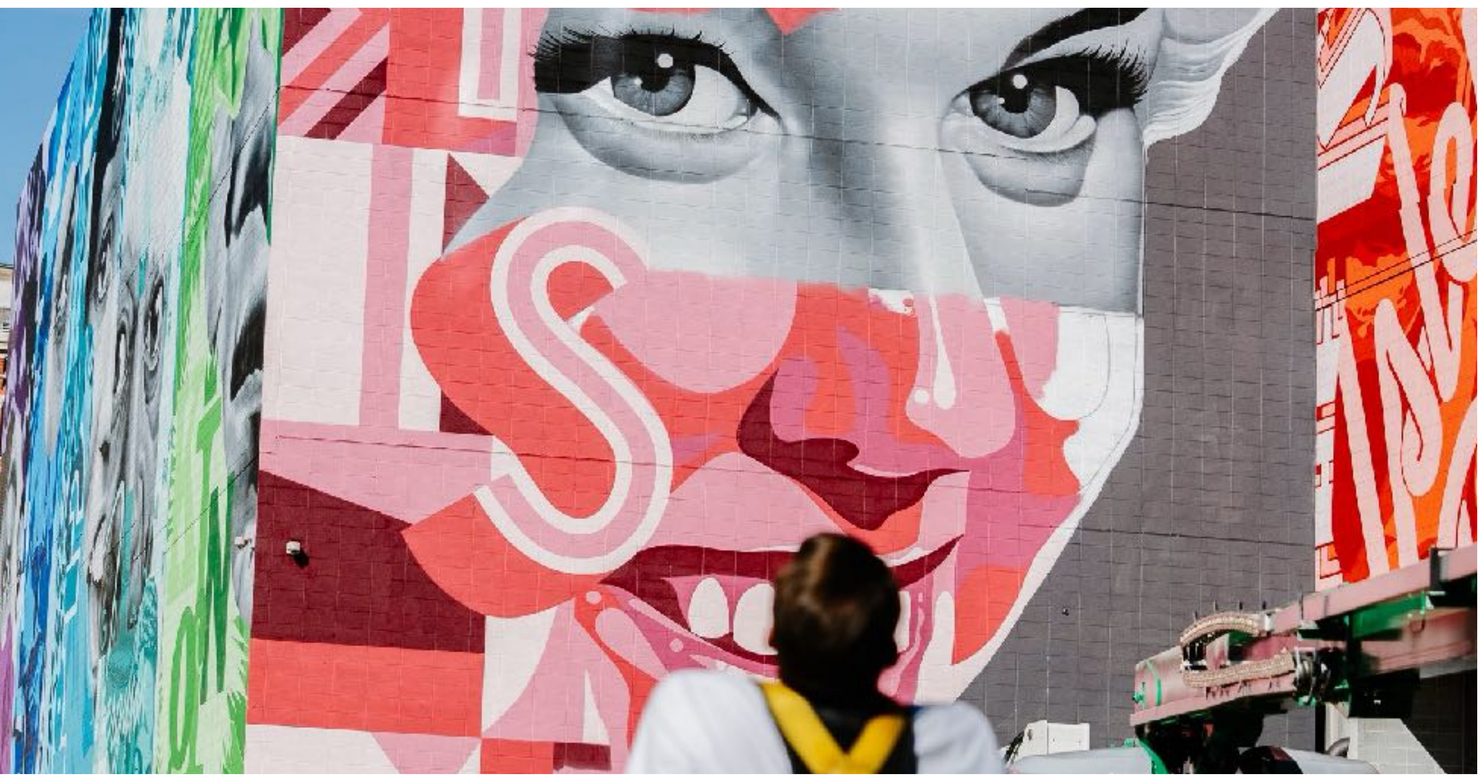
Experiences
Strategy
Design
Production
Communication
Content

TRISTAN EATON - CINCINNATI, OH

The most collectible street artist in the world paints his largest mural ever, resulting in the biggest piece of street art in the mid-west.

AGAR's Role: Curation, Artist Management, Production Management, Media Strategy









BIO

Tristan Eaton is a renowned American artist and designer, celebrated for his vibrant and eclectic murals that adorn cities worldwide. Born in Los Angeles in 1978, Eaton began his artistic journey as a graffiti artist in his teens, eventually transitioning into commercial design and toy creation with his brand Kidrobot. Known for his bold use of color, intricate layering, and pop culture references, Eaton's work combines elements of street art, graphic design, and fine art. His large-scale murals can be found in cities such as New York, Paris, and Detroit, making him a prominent figure in the contemporary art scene. In addition to his public art, Eaton's work has been featured in galleries and museums, solidifying his status as a versatile and influential artist.

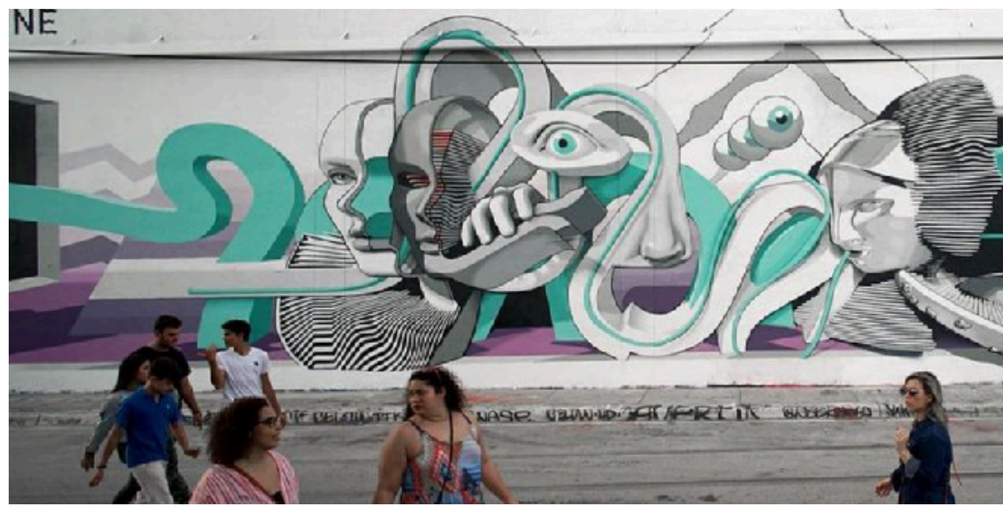
ART BASEL +Xylene - Miami, FL

“Mid-west artists debut first projection mapped mural at the largest art fair in the US”

AGAR’s Role: Festival Engagement, Artist Management, Production, Installation







BIO

Xylene Projects is a cutting-edge art collective known for its avant-garde installations and multimedia creations that push the boundaries of contemporary art. Founded by a group of visionary artists with diverse backgrounds in digital media, sculpture, and performance art, Xylene Projects seeks to create immersive experiences that challenge perceptions and provoke thought. Their work often incorporates elements of technology, light, and sound, resulting in dynamic pieces that engage all the senses. Based in Kentucky the collective has exhibited internationally, captivating audiences at prominent art festivals and galleries around the world. Xylene Projects continues to innovate and inspire, establishing itself as a pioneering force in the evolving landscape of modern art.

Autumn Deforest - Wynwood, FL

“Emerging female youth creates first multi-dimensional mural experience at Street-Art Mecca”

AGAR’s Role: Brand Integration, Concept Strategy, Artist Management, Production, Installation









BIO

Autumn de Forest, born in 2001, is an American contemporary artist whose prodigious talent and distinctive style have earned her international acclaim. Beginning her artistic journey at the tender age of five, Autumn quickly captivated the art world with her bold use of color, innovative techniques, and mature thematic explorations. Despite her young age, she has become a prominent figure in contemporary art, often hailed as a child prodigy and a voice of her generation.

Autumn’s work is characterized by a vibrant fusion of abstract expressionism and pop art, drawing inspiration from iconic artists such as Andy Warhol, Pablo Picasso, and Jackson Pollock. Her pieces often feature vivid color palettes, dynamic compositions, and a playful yet thought-provoking approach to subject matter. This unique blend of influences and her innate creativity have allowed Autumn to develop a signature style that resonates with a wide audience, from seasoned art collectors to casual observers.

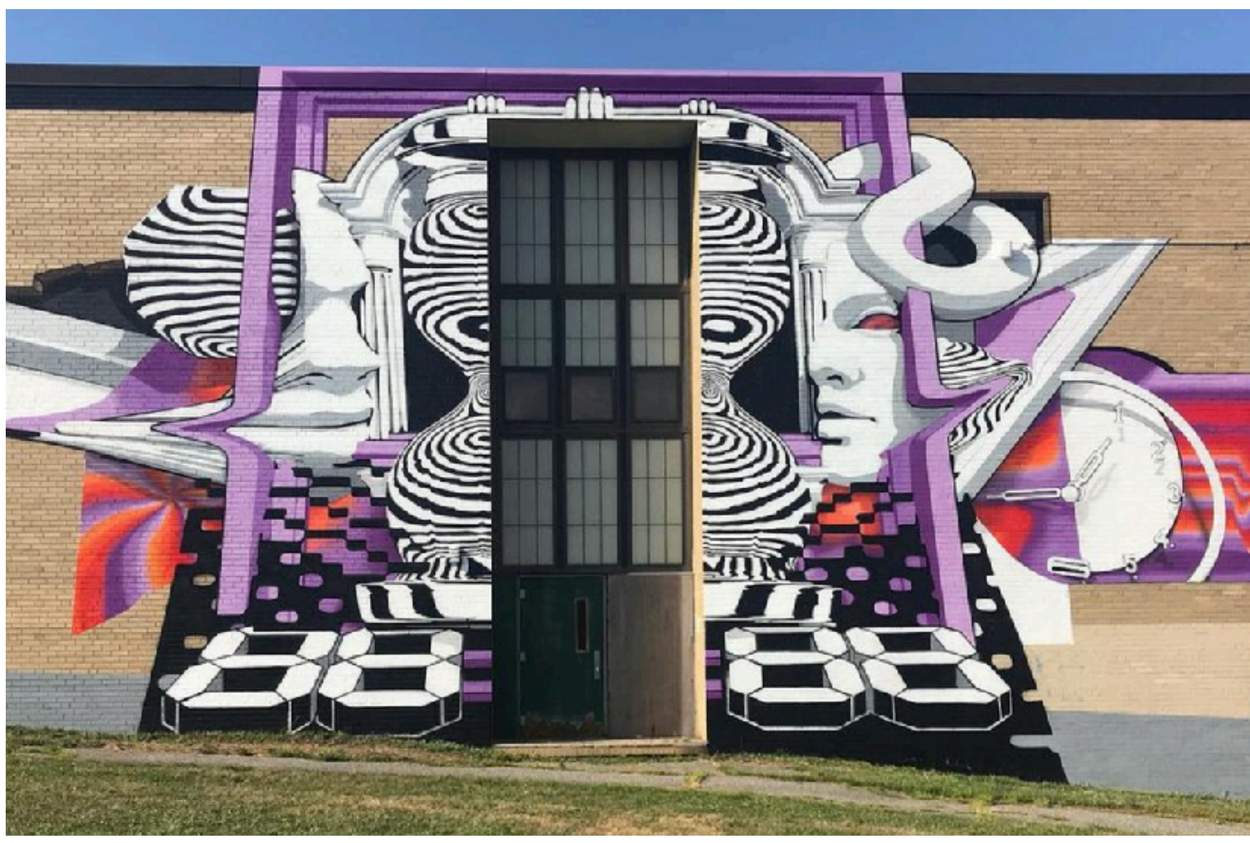
POW WOW WORLDWIDE + Xylene

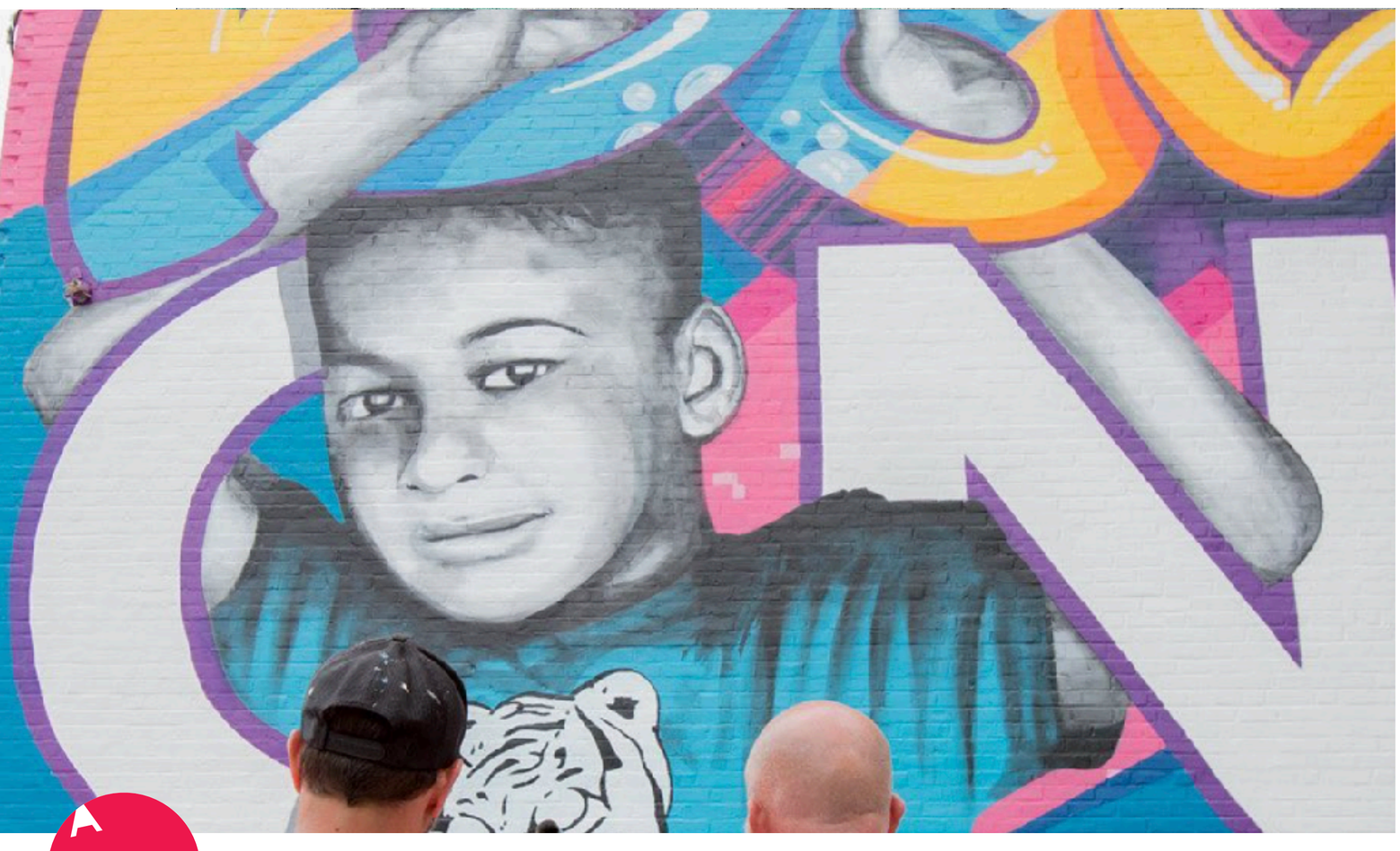
“Spraying and rolling” at the biggest touring mural festival in the US

AGAR’s Role: Community Engagement, Production, Installation











BIO

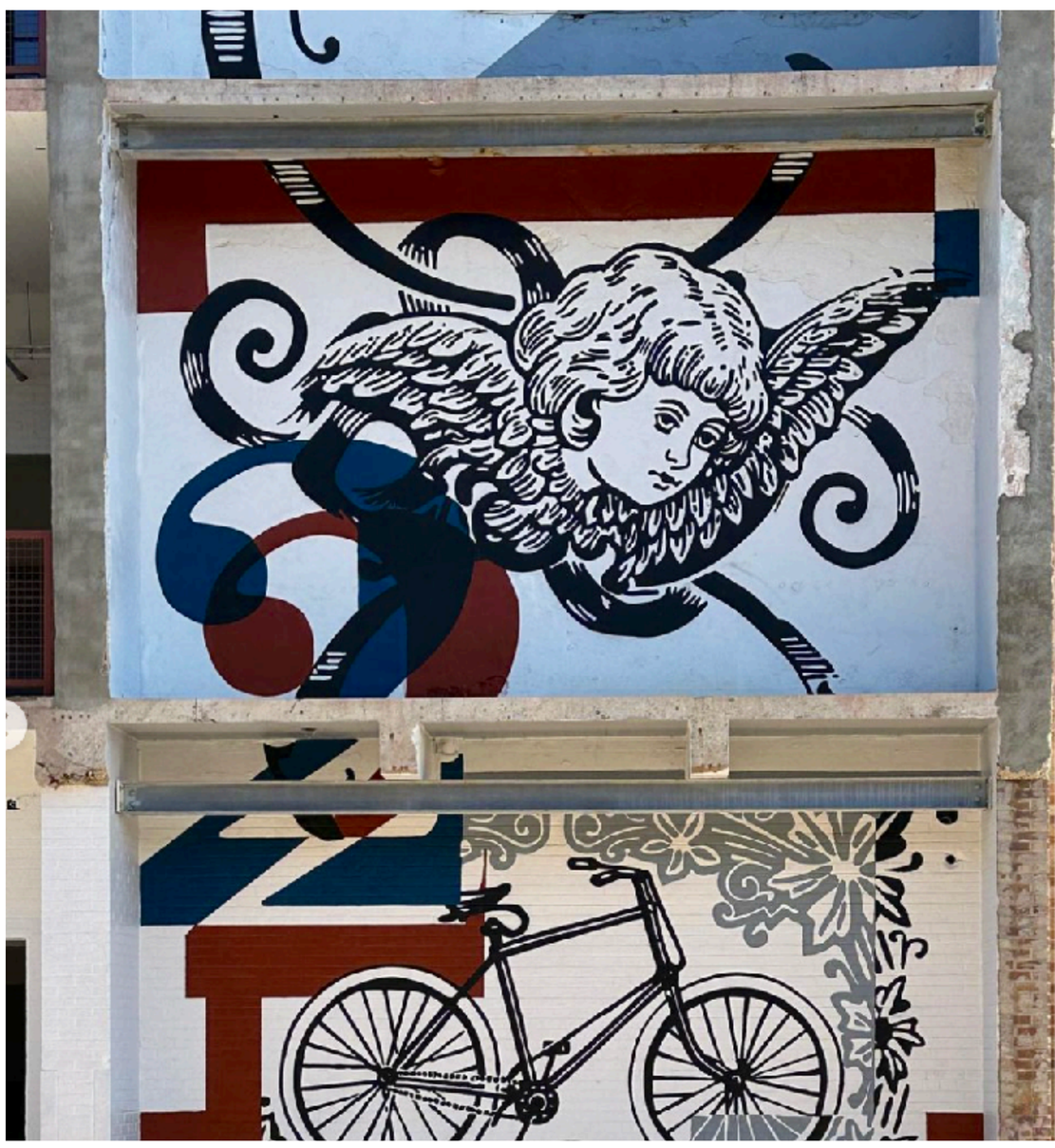
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Part 01
Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects

Factory 52, Norwood, OH + Chroma Projects
“Building a new town square from scratch with a nod to its deep artistic history”

AGAR’s Role: Historic Research, Curation, Artist Management, Production, Installation + Programming (Activations, PR & Communications)













BIO

Chroma Projects is a dynamic and innovative art collective based in Cincinnati, known for its vibrant and community-centric approach to contemporary art. Founded by a group of passionate local artists, Chroma Projects aims to bridge the gap between art and the public through engaging exhibitions, interactive installations, and collaborative events. Their work often features bold colors, diverse mediums, and thought-provoking themes that reflect the cultural and social landscape of Cincinnati. Committed to fostering creativity and inclusivity, Chroma Projects also offers workshops and outreach programs to support emerging artists and enrich the community. By transforming ordinary spaces into extraordinary experiences, Chroma Projects continues to make a significant impact on Cincinnati’s artistic scene.

BIO

AGAR led the design of the Card Portals, custom US Playing Bicycle cards, and currently leads on-site programming, communication, social media and PR to broaden awareness, and curate one-of-a-kind experiences including 52Taps, Sauced Bourbon & BBQ, Light the Season and more.

BLINK CINCINNATI - FAITH 47

Bearing the torch of a new community through immersive storytelling.

AGAR's Role: Curation, Artist Management, Production, Installation



BIO

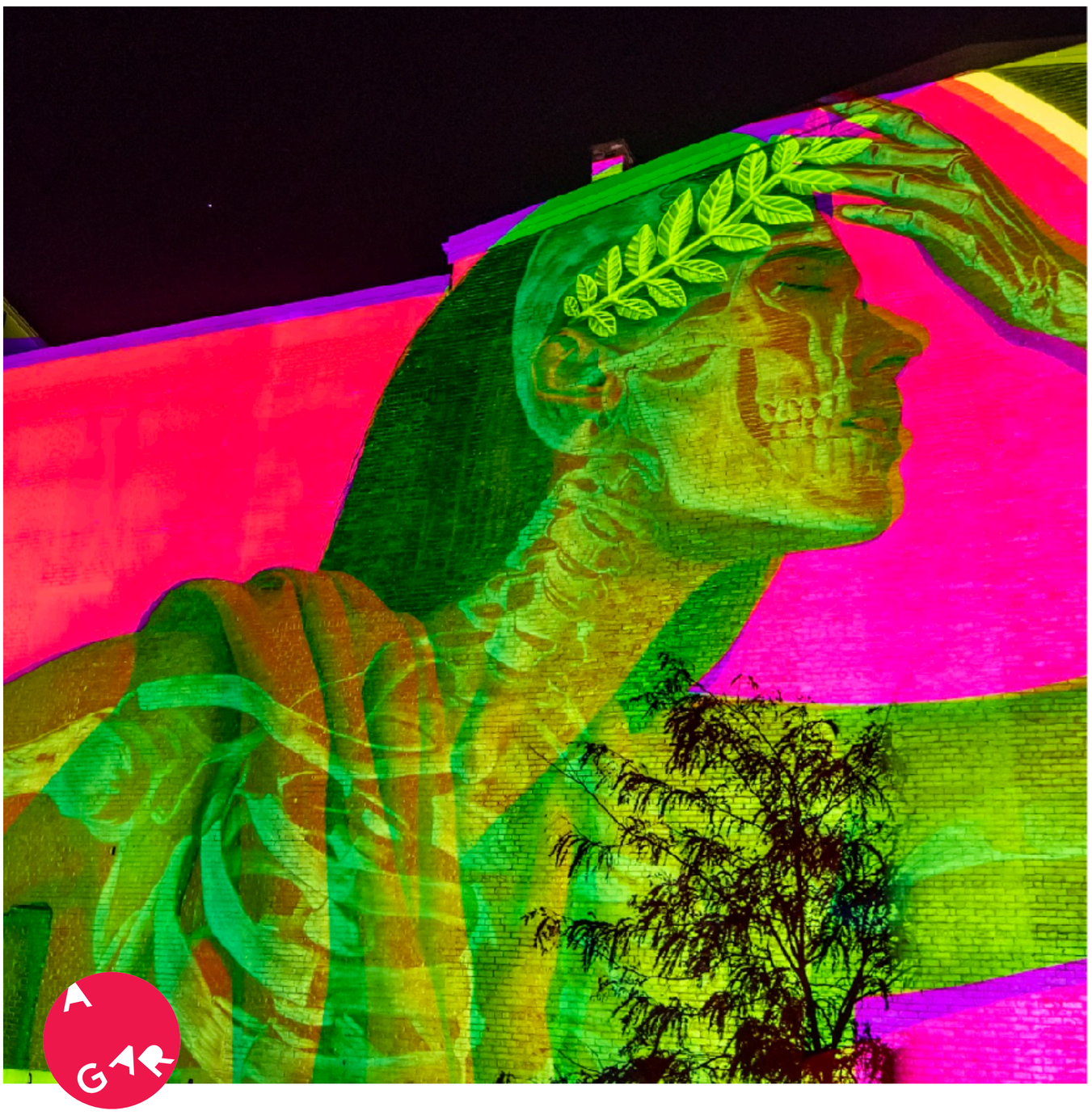
Faith 47, born in Cape Town, South Africa, is an internationally renowned street and studio artist known for her powerful and emotive work. Her art, which often explores themes of human rights, nature, and spirituality, combines striking imagery with deep social commentary. Faith 47's murals grace urban landscapes across the globe, from Johannesburg to London to Los Angeles, making her a prominent figure in contemporary street art. Her work extends beyond walls to include installations and fine art, exhibited in galleries and museums worldwide. With a career marked by a profound commitment to social justice and beauty, Faith 47 continues to inspire and challenge audiences with her evocative creations.

BLINK CINCINNATI - INSANE 51

The master of 3D murals collaborates for a first ever projection mapped experience.

AGAR's Role: Technological Strategy & Integration, Curation, Artist Management, Production, Installation







BIO

Insane 51, born Alexandros Papathanasopoulos in Athens, Greece, is a globally acclaimed street artist known for his innovative 3D murals and dynamic use of color. Combining classical painting techniques with modern graffiti, Insane 51 creates stunning artworks that reveal hidden layers when viewed through 3D glasses. His distinctive style has made him a prominent figure in the international street art scene, with notable works displayed in cities such as New York, Berlin, and Paris. Beyond his large-scale murals, Insane 51's work has been featured in numerous art festivals and exhibitions, showcasing his unique ability to blend tradition with contemporary street art. His captivating and immersive creations continue to push the boundaries of visual art, earning him widespread recognition and admiration.

Part 01
Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects

BLINK CINCINNATI - Multiple Artist Collaborations

The nations largest immersive art festival

AGAR's Role: Founding Organizer, Curation, Artist Management, Production, Installation, Master Planning and Programming











BIO

With the goal of creating a manifesto for a future city and bringing national awareness and global buzz to Cincinnati, AGAR joined a handful of creative leaders and the City of Cincinnati to design an event that would illuminate a path toward inclusion and possibility, leveraging the great equalizer: art. With this lofty goal in mind, BLINK was born, the nation's largest immersive art festival, now in its third year.

RESULTS

The impact of BLINK contributed significantly to the local economy and culture, with the success prompting another festival in 2024.

17
Permanent murals

30
City blocks of activation

$126M
Economic impact

2.1M
Attendance

Part 01
Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects

OUR TEAM



JOSH HEUSER
Founder

As Founder of AGAR, Josh not only sets the overall vision for the brand, but is a strategic leader, developing innovative business strategies to drive growth. As owner and operator of various restaurant and hospitality venues, he maintains a unique experiential and placemaking perspective, creating experiences while garnering valuable insights that enable him to deliver a cutting-edge guest experience. An entrepreneur always looking to evolve, Josh and AGAR have helped change the face of Cincinnati, one endeavor and project at a time, including BLINK, the nation's largest immersive art festival. As co-creator, Josh was critical to the success of the 2022 festival, which drove $126 million dollars of economic impact to the Cincinnati region. Josh's multifaceted approach encompasses financial acumen, strategic vision, and a dedication to the development of the greater community to which he calls home.

Role For Fayetteville:
Executive Sponsor



ANDREW SALZBRUN
Partner, Executive Creative Director

As the Executive Creative Director for AGAR, Andrew provides the strategic vision for the company and its partners, leveraging a rich expertise in placemaking experience mapping and strategy. With a portfolio spanning over a decade, Andrew's work focuses on lasting positive impact. And as co-founder and executive creative director of BLINK, the nation's largest immersive art festival, Andrew understands first-hand how placemaking and experiential design can create that positive impact and build long-term, meaningful culture in a community. The success of the 2022 BLINK festival provided incredible positive fiscal impact to the region and featured 71 artists, from all over the world. With a deep resume of community-anchoring venues throughout the Midwest, Andrew values the importance of a first impression and the people behind it.

Role For Fayetteville:
Artist Curation & Management, Executive Creative Direction (Concept Development & Design), Experiential Programming Development



NOAH BEITING
Director of Operations

As Director of Operations, Noah facilitates public art by seamlessly blending his creative passion with operational expertise. He doesn't just manage operations; he acts as a liaison, translating between the creative mind of the artist and the realities of the project. During BLINK, the nation's largest immersive art festival, Noah works with 30+ international muralists, fostering strong relationships, effectively communicating project specifications and ensuring their artistic vision thrives. This includes coordination with building owners, brick masons, art material distributors, shippers, storage facilities, local utility providers, the City of Cincinnati, and more. Along with artist relations, Noah acts as a site scout, assisting with the curatorial process and placement of certain artists and their works through the city. His resourceful nature extends to acquiring essential equipment, ensuring everything is in place for artistic creation to flourish.

For Fayetteville:
Pre-Production Coordination (Artist, Site, Client, Vendor), Budgeting, Material, Mural, Programming & Logistics Procurement



CLAIRE KOLBERG
On-Site Project Manager

Claire Kolberg brings over 15 years of experience in executive administration, operations, and event and production management. Most notably, she was the Director of the award-winning The Unexpected from 2015 – 2023 bringing over 45 pieces of artwork to downtown Fort Smith. Claire is a member of the Walton Arts Center Board of Directors, and a member of the P.E.A.R.L. Ben Roberds Scholarship committee. She lives in Fayetteville with her family.

For Fayetteville:
On-Site Project Management & Logistics,, Artist & Vendor Coordination, Client Account Services

Part 02

Strategy and Budget Proposal

THE RAMBLE

OUR APPROACH

Guiding the guest through a connected journey at every moment of their experience,: curating moments of discovery, fostering conversations, piquing curiosities, and ultimately making memories.

The West Avenue Parking Garage Mural for the City of Fayetteville poses a unique opportunity transforming an ordinary parking garage structure into an extraordinary experience supportive of the site's overall context, The Ramble. "The Ramble is characterized as: a fun embrace of a journey...not in a hurry to get from point A to point B, but rather, open to possibility...the concept falls nicely in sync with the cadence of a walk or a bike ride, spontaneous conversation, outdoor installations, and gathering spaces."

Marking the "first major public art commission of the Cultural Arts Corridor", The West Avenue Parking Garage aims to "transform its large surface into a visually engaging and community-centric artwork that will enhance the aesthetic appeal of the garage, foster community engagement, and contribute to the revitalization of Fayettevilles downtown area."

With this in mind, our approach starts with the foundation: context and vision for the site and its surroundings (art, civic, cultural, and natural), curating a theme and design that exemplifies the core principles of The Ramble, and ultimately bringing the vision to life for the community to connect with.

Part 02

Strategy and Budget Proposal

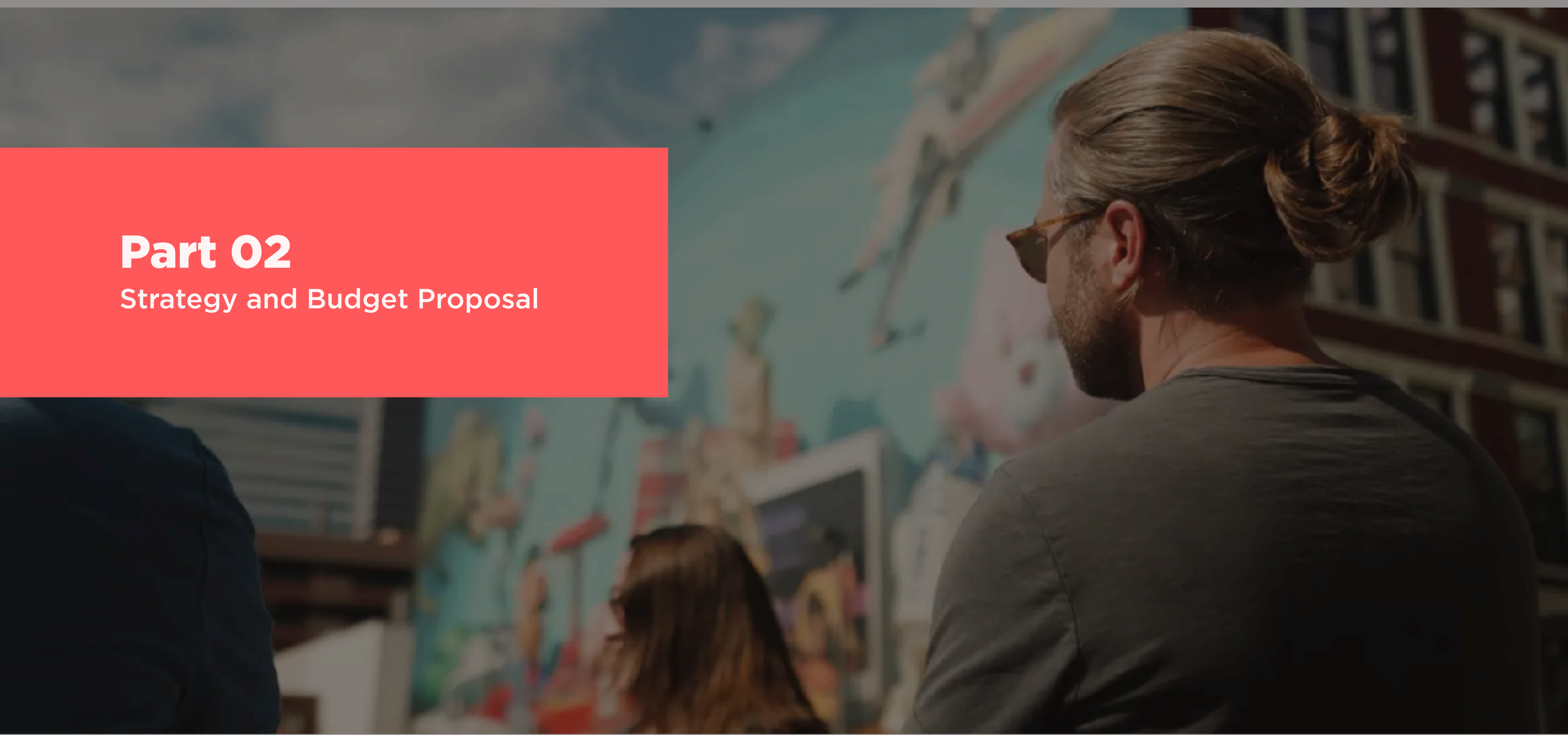
Our Approach

For the West Avenue Parking Garage Mural we are aligned to a three phase approach to bring the dynamic art piece to life. Our process is collaborative inclusive of setting the vision with key stakeholders and the community, partnering with artist(s) to curate a resonating and signature piece as well as managing and producing the installation to ensure the vision is brought to life across all touch points.

We also believe in looking at not just today, but tomorrow. We believe as part of the foundation for this project (Phase 1) and carrying through the development and installation (Phases 2 & 3) that we simultaneously look at experiential considerations, art-based enhancements and/or activations and programming that may be brought to life in future phases to continually connect the community with this art.

WE BELIEVE GREAT EXPERIENCES HAVE A STRATEGIC THROUGH LINE

	PHASE 1: PUBLIC ART & EXPERIENCE STRATEGY	PHASE 2: DESIGN & DEVELOPMENT	PHASE 3: PRODUCTION & INSTALLATION	FUTURE PHASE: PROGRAMMING LAUNCH
WEST AVENUE PARKING GARAGE MURAL	• Comprehensive Strategy • Potential Themes • Artist Considerations	• Concept Design & Development • Final Budget	• Artist Installation • On-Site Management	
FUTURE PROGRAMMING STRATEGY	• Placemaking & Programming Strategy Approach	• Programming Strategy: Enhancements and/or Activations • Preliminary Budget	• Future Programming Roadmap • Scope & Budget Development	• Production, Procurement & Live Activation(s)



Part 02

Strategy and Budget Proposal

Phase 1: Public Art & Experience Strategy

OBJECTIVE

Establish the vision for the overall public art and experience strategy, collaborating with the Curatorial Committee to create a signature piece.

DELIVERABLES

Immersion Session
Programming Strategy Approach/CPS
Concept Strategy Themes
Artist Portfolio Review

TIMING

6 WEEKS; PREP, PRESENTATIONS + FOLLOW-UP *PENDING CLIENT APPROVALS (TENTATIVELY 09/15/2024-10/31/2024)*

FEE

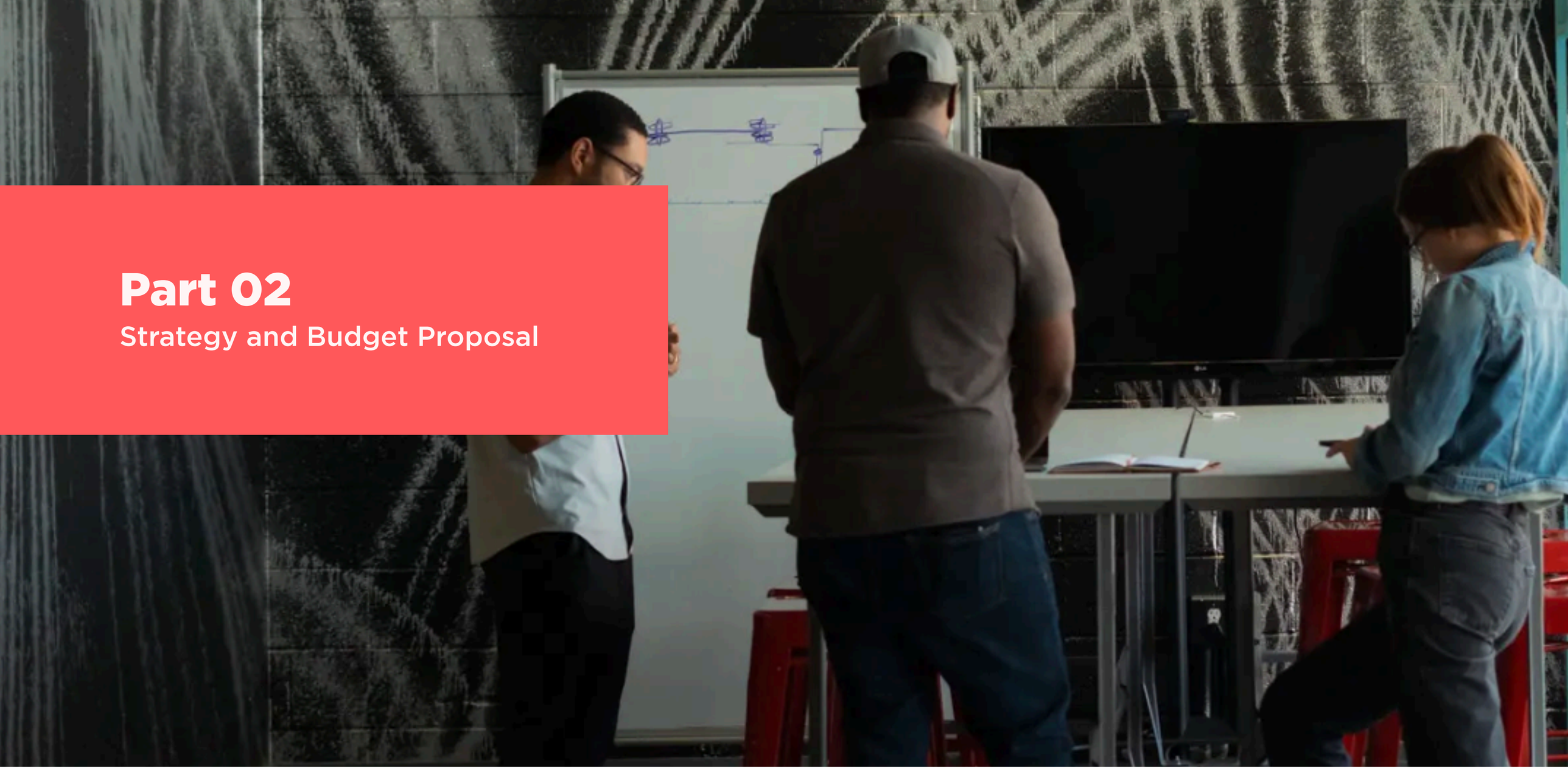
$10,050

KEY STEPS & DELIVERABLES

1. **Develop a Comprehensive Strategy**
    1. **Immersion Session:**
    Three (3) AGAR team members to attend a kick-off call/meeting to immerse in the overall objectives, vision, and key goals for the mural with key stakeholders and/or the Curatorial Committee. Two (2) team members for on-site visit.
    2. **Placemaking & Programming Strategy Approach**:
    As part of the Immersion Session, Discussion around short-term and long-term goals for this particular location as well as contextual understanding of adjacent experiences that can be leveraged/complimented upon installation, programming, and activation.
        1. Deliverables: AGAR to provide Immersion Session Summary/Site Visit, Programming Strategy Recommended Approach for Mural and Potential Future Activation Considerations, and Overall Project CPS
        2. Timing: 1-2 weeks

2. **Identify Potential Themes, Styles, and Approaches for the Art Installation**
    1. **Concept Strategy Themes**:
    AGAR will provide up to three (3) theme territories for the art installation including an overarching narrative, visual and artistic style considerations, and varied technique-based approaches for consideration to key stakeholders and/or the Curatorial Committee.
        1. Deliverables: AGAR to provide three (3) theme territories, Curatorial Committee to select one (1) for refinement for the artist consideration set. (Includes one (1) round of minor refinement.)
        2. Timing: 2 weeks+/-

3. **Artist Considerations**
    1. **Artist Portfolio Review**:
    AGAR will facilitate curating up to three (3) artists whose work aligns with the overall Placemaking and Experiential Art Concept Strategy/Theme. AGAR will prepare an overview of the artist, their background, sample work, and points of consideration (including preliminary budget) specific to the West Avenue Parking Garage.
        1. Deliverables: AGAR will prepare a creative brief for artists. AGAR to provide three (3) artists for review, Curatorial Committee to select one (1) artist to “award” and move forward to the paid Design & Development phase. AGAR to include preliminary budgeting considerations based upon each of the artists fees, methodology and/or logistics. AGAR will manage all pre, during, and post correspondence with artists.
        2. Timing: 2 weeks +/-



Part 02

Strategy and Budget Proposal

Phase 2: Design & Development

OBJECTIVE

Design, develop and finalize the art piece concept, materials, methods and budget. Provided additional strategy regarding potential opportunities for added future experiential programming and/or enhancements.

DELIVERABLES

Concept Design & Development
Programming Strategy
Final Budget

TIMING

4 WEEKS; PREP, PRESENTATIONS + FOLLOW-UP *PENDING CLIENT APPROVALS (TENTATIVELY 11/01/2024-11/30/2024)*

FEE

$8,100

KEY STEPS & DELIVERABLES

1. **Concept Development**
    1. **Concept Design & Development**:
    AGAR will partner with the "awarded" artist to develop up to three (3) custom concept designs for the garage. AGAR will work with the artist to create one (1) high-level design per concept. Including proposed medium, method and potential future experiential enhancement considerations *(With additional budget considerations for activation if applicable)*.
        1. Deliverables: AGAR to provide three (3) concept designs Curatorial Committee to select one (1) for final design for artist refinement. (Includes two (2) rounds of design refinement.)
        2. Timing: 4 weeks+/-, *in tandem with Mural Budget Finalization

2. **Programming Development**
    1. **Programming Strategy**:
    Upon the selection of a final Concept Design, AGAR will partner with the artist to explore potential enhancements for the selected art piece. These enhancements may include experiential elements such as lighting, interactivity, projection, and/or programming based activations/experiences to complement the art piece. (****Note, these enhancements will be explored only from a strategic level (outline of idea and material and/or method of support, anticipated added budget considerations), this scope does NOT cover the design, development, budget and/or installation of any programming development.)*
        1. Deliverables: AGAR to provide three (3) programming strategy considerations. No rounds of refinement are included in this scope.
        2. Timing: 2 weeks+/-, In tandem with the Final Concept Design Refinement

3. **Budget Finalization**
    1. **Final Mural Budget**:
    Upon the approval of the final selected concept design for the garage, AGAR will finalize budgeting considerations based upon the final design, methodology, production, installation, and/or logistics. AGAR will manage all pre, during, and post correspondence with the artist, vendors, site, city, etc.
        1. Deliverables: AGAR to include final budgeting and correspondence as noted above.
        2. AGAR will secure necessary insurance and permits needed to execute the work. The client will communicate and permit and approval processes needed on a local level.
        3. Timing: 2 weeks +/- *in tandem with Concept Design & Development



Part 02

Strategy and Budget Proposal

Phase 3: Production & Installation

OBJECTIVE

On-site management of artist installation, pre-during, and post to ensure conceptual design is brought to life.

DELIVERABLES

Art Installation
On-Site Management
Future Programming Roadmap

TIMING

12 WEEKS; PREP, PRESENTATIONS + FOLLOW-UP *PENDING CLIENT APPROVALS (TENTATIVELY 01/01/2025-03/30/2025)*

FEE

$66,732

KEY STEPS & DELIVERABLES

1. **Art Installation & Management**
    1. **Art Installation, On-Site Management**:
    AGAR will manage the artist installation with on-site project management. Client is to deliver a clean, prepped/finished ready-to-paint wall. AGAR will apply one (1) coat of primer to the existing wall (approximately 50'x100') and delivered a fully prepared wall to the client. *(*Client is responsible for any wall repairs needed prior to commencement of the project.)* AGAR will procure artist materials, supplies, lift, equipment (as applicable), delivery and return.
        1. Deliverables:
            1. AGAR to procure and provide materials (paint, brushes, rollers, spray equipment, and other supplies as applicable) including equipment (120' - 135' boom lift, pod for paint and/or equipment storage, portalet for job site)
            2. AGAR coordinate artist, vendors, materials, scheduling and logistics.
            3. AGAR will manage the coordination, execution and oversight of the mural installation.
            4. AGAR to coordinate travel and accommodations with artist directly.
            5. AGAR will contract, manage and pay the artists directly.
            6. AGAR to be on-site for on-site project management review.
        2. Timing: Installation *(priming and painting)* will take approximately 2 weeks. AGAR to work with client on final installation schedule, pending local weather. It is advised that install happens during a period where weather is consistently above 45 degrees Fahrenheit for best application and adhesion.
    3. During the 12 weeks +/- allotted, it may be that there is no activity, due to weather conditions, until the end of the period. Refer to proposed timing and schedule.

2. **Programming Ideas**
    1. **Future Programming Roadmap**:
    Upon the selection of the final preferred Programming Strategy Component(s). AGAR will prepare a one-page top-line Roadmap and estimated budget to create a critical path for future programming and/or experiential activations based upon the desired experience. This Roadmap will outline the experiential objectives, brief, proposed cadence and projected budgeting considerations.
        1. Deliverables: AGAR to provide one-page roadmap. AGAR can provide an additional scope of work at this time for Future Programming needs.
        2. Timing: 2 weeks+/-, In tandem with the Art-Installation

Fees

PHASE	SCOPE/DELIVERABLES	BUDGET
Phase 1: Public Art & Experience Strategy	**Develop a Comprehensive Strategy** *(Includes 2 AGAR staff site visit for in-person immersion session, (Travel: $2,500))*	**$10,050**
	Identify Potential Themes, Styles, Approaches	
	Provide Artist Considerations & Preliminary Budgeting	
Phase 2: Design & Development	**Concept Development**	**$8,100**
	Programming Development & Presentation	
	Budget Finalization & Presentation	
Phase 3: Production & Installation	**Art Installation & Management** ** Work may not begin until the end of the period depending on local weather.* ** Includes site visit and on-site artist mgmt. (Travel $2,500)*	**$8,532**
	Art Material Procurement	**$4,200**
	Equipment Procurement (Lifts, storage, portalet, etc)	**$16,800**
	Wall Priming	**$3,000**
	Mural Installation / Artist Fee	**$32,400**
	Programming Ideas	**$1,800**
TOTAL		**$84,882**

ASSUMPTIONS

1) Client will inform AGAR of any local permitting, certificates, or licenses needed for installing the mural.
2) If weather, or any act of God, delays the project while equipment is rented, then additional costs for equipment may be billed back to the client.
3) The client approves that parking of boom lifts and heavy machinery is approved in any and all areas needed to install the mural. If duradeck or plywood is needed for driving lifts, the client must provide and pay for those items.
4) This project will not have a public call to artists. All reviews will be off of portfolios before artists are contacted for scheduling. Site specific mockups and drawings will only happen once a final artist is selected and confirmed.
5) Per the request of the RFP, AGAR's disclosure of profit is 15%.

Part 03
References

OUR PARTNERS



JUSTIN BROOKHART

Executive Director of BLINK Cincinnati
Senior Vice President of Cultural Economy at the Cincinnati USA Regional Chamber

Justin orchestrates the nation's largest immersive art event spanning over 30+ city blocks across Cincinnati and Northern Kentucky. Under his leadership, BLINK showcases monumental murals, illuminated art installations, and projection mapping on historic architecture.
Justin brings a diverse background merging business expertise with a deep commitment to fostering the arts. Formerly based in Austin, TX, he served as Managing Director at Mondo, collaborating with top designers to build a global community around limited-edition collectibles. Transitioning to Renegade Craft as Chief Operating Officer, Justin supported artistic entrepreneurs through a nationwide tour promoting the creative economy.

Contact Information:
jbrookhart@cincinnatichamber.com



NICK LINGENFELTER

Chief Development Officer, PLK Communities

Nick brings over 18 years of expertise in commercial real estate, partnering with PLK since 2014. Leading the development team, Nick champions projects that integrate placemaking and public art, emphasizing environmental sustainability and innovative design that fosters community engagement. His role spans the entire project lifecycle—from site selection and entitlements to design and resident experience—ensuring each development resonates emotionally with its community.

Contact Information:
nick@plkcommunities.com



ADAM GELTER

Principal and Co-Founder at 3CDC

Adam Gelter, Principal and Co-Founder at 3CDC, has spearheaded transformative real estate developments in Cincinnati's urban core over 19 years. With a focus on public art and placemaking, he led projects totaling $2.5 billion, revitalizing 207 buildings and creating 17 acres of civic spaces. Notable achievements include overseeing the $143 million renovation of Music Hall and leading the $48 million expansion of Washington Park and $31.9 million restoration of Ziegler Park. Adam's expertise spans diverse projects such as corporate headquarters, hotels, affordable housing, and civic buildings, integrating new market tax credits and historic tax credits for financing. Starting as an intern at 3CDC in 2005, Adam rose to Executive Vice President of Real Estate, overseeing major projects like the $92 million Court & Walnut development and $750 million Convention Center District.

Contact Information:
agelter@3cdc.org



THE RAMBLE

Part 04
Other Relevant Information

The Ramble provides a connective art, cultural, and communal thread within the City of Fayetteville creating a journey of discovery and social connectivity. We believe the West Avenue Parking Garage has the opportunity to become a beacon along this Cultural Arts Corridor.

Our Curatorial Approach Includes 4 Key Considerations:

Context

Balancing the urban fabric of the existing parking garage with its natural surround setting and it's position within the heart of the Cultural Arts Corridor.

Curation

Collaborating with artists who have a breadth of experience and expression, a sensitivity to context and community values, and a future forward mindset.

Community

Creating engagement via vision and implementation through a dynamic piece that serves as a social and cultural fabric, and a canvas for continued activation.

Connectivity

Fostering conversation, piquing curiosity and encouraging the community to explore, dialogue and share together.

Part 04
Other Relevant Information

Experience Considerations

The West Avenue Parking Garage has the opportunity to expand it's canvas creating an engaging piece within the Cultural Arts Corridor. We believe various facets of design can be implemented to amplify the piece and bring aspects of day-parting in for a holistic experience.

And our research has uncovered average weekend foot traffic in areas with murals is 30% higher than average weekend foot traffic in other parts of the city.



Perspective in Dimension

The facade has the opportunity **to leverage enhanced perspective and layered architectural dimension** to create visual interest. Enhanced lighting and projection mapping can be leveraged for rotational programming and unexpected moments of delights throughout the year(s).

-reference example: Astro



Juxtaposition of Light

The facade has the opportunity for a more permanent integration **leveraging light as dimension** creating a striking juxtaposition of light and form.

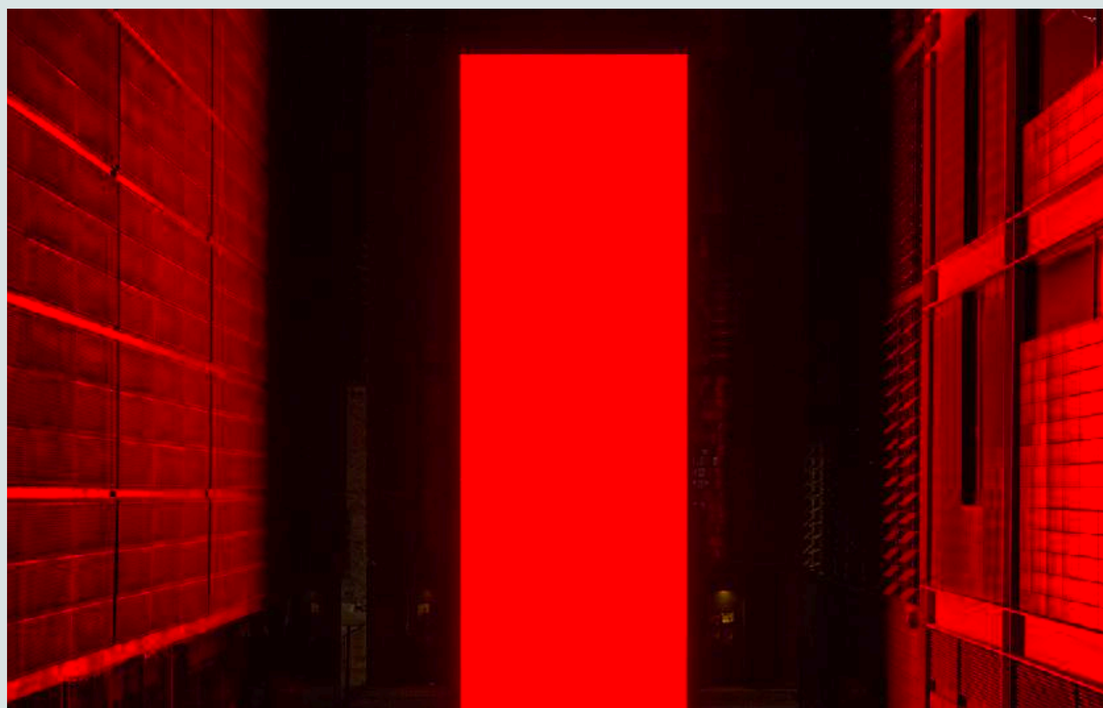
-reference example: Ian Strange



Impact in Color

The facade has the opportunity **to embrace color and light in a dramatic way**. The rectangular form of the parking garage offers a clean canvas opening the world of possibilities and programming that can evolve over a season, year, and beyond.

-reference example: Spy Studio



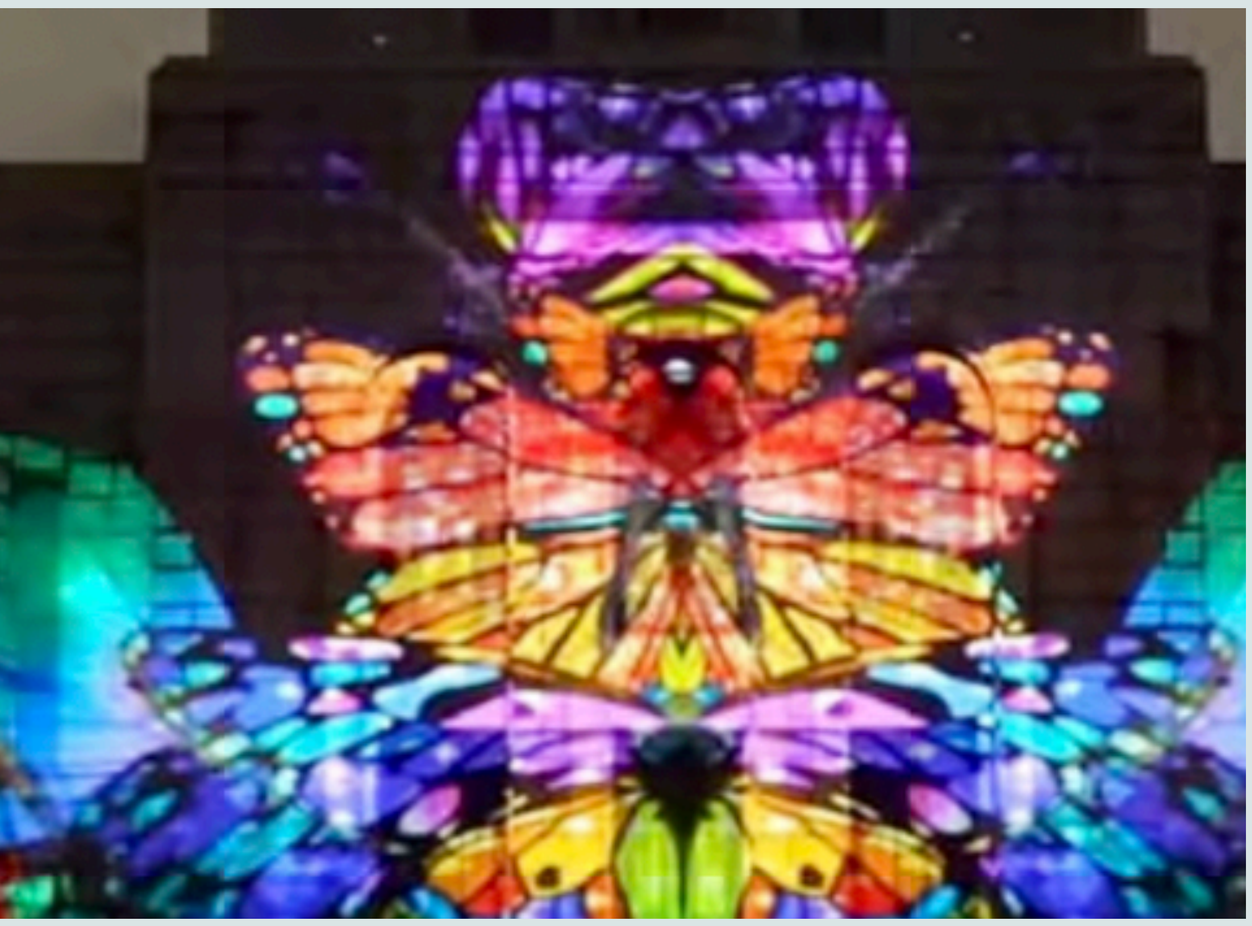
Part 04
Other Relevant Information

Best in-class, must-attend events... move people.

More than a “one-time event”... we believe in creating a cycle of connectivity through programming. Creating a journey of discovery, connection, and conversation encouraging guests to **“Explore. Dialogue. and Share.”**

The West Avenue Parking Garage has an opportunity to add additional programming, curating dynamic activations and/or potential projection mapping at relevant times of the year:

collegiate sporting celebrations, Lights of the Ozark, Artosphere, NWA pride, etc. Complimenting other Ramble programming and/or creating a new signature experience all on its own.









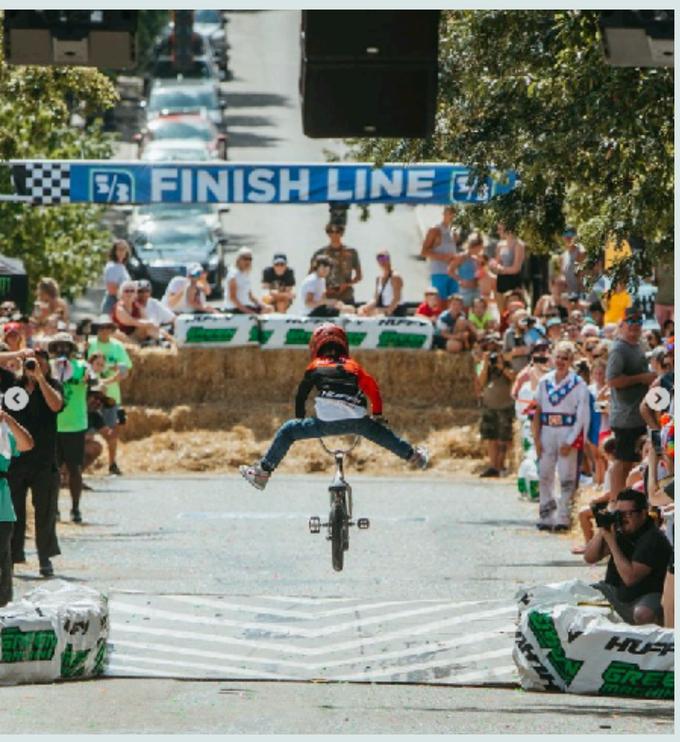




Part 04
Other Relevant Information

Curating experiences, programming events and fostering community is in our DNA.

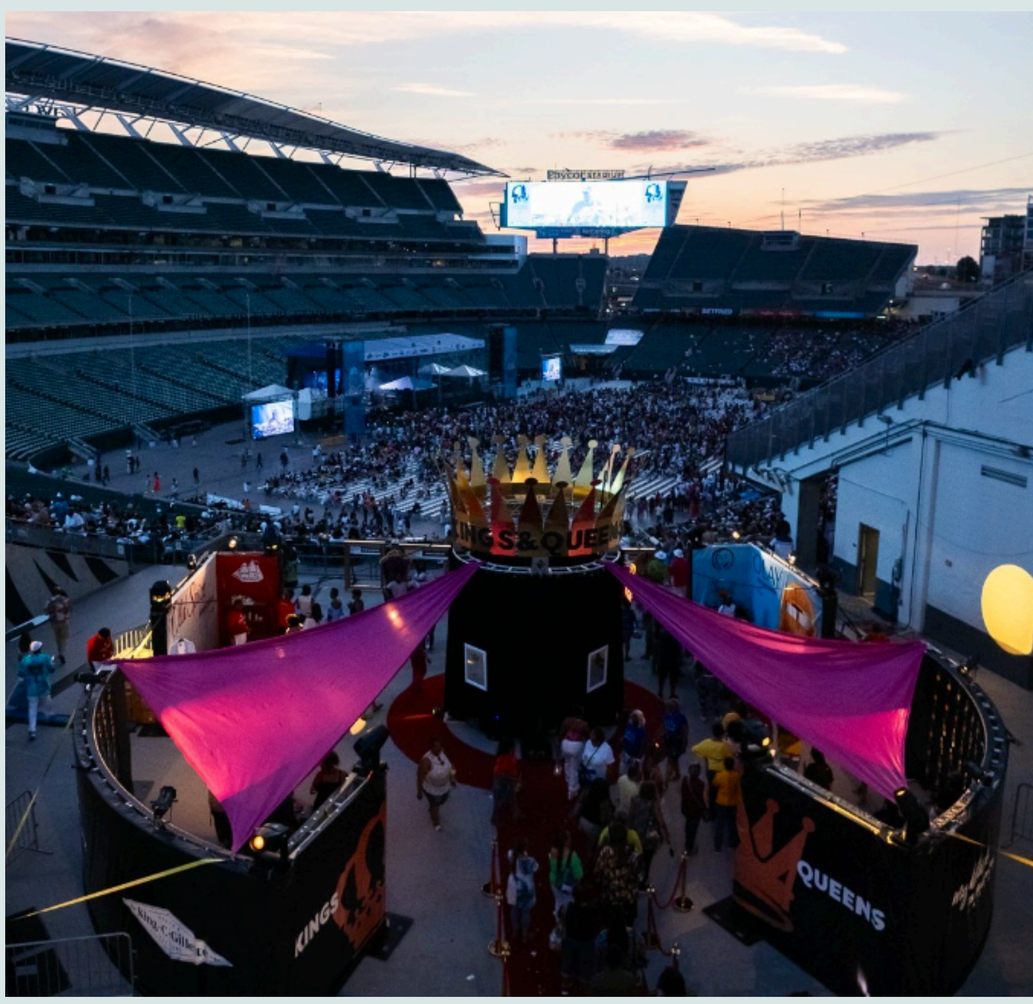
We do this through the lens of our 15+ years experience in curating brand activations for Fortune 100 companies and communities alike. We offer full service programming strategy, design, production, activation, staffing, and PR.













Part 05

Detailed Project timeline

From vision and strategy through production and installation... Full service curation delivered.

At AGAR we take pride in “our concepts becoming reality”. Ensuring client visions are brought to life in a timely manner. We provide a critical path schedule for each of our projects with integrated milestones for key stakeholder reviews and approvals.

PHASE	SCOPE/DELIVERABLES	TIMING
Phase 1: Public Art & Experience Strategy		**9/15/2024-10/31/2024 (6 Weeks Total)**
	Develop a Comprehensive Strategy	**2 Weeks Total**
	• Kick Off Immersion Session	1 week
	• Summary of Immersion Session & Project Strategy Approach	1 week
	Identify Potential Themes, Styles, Approaches	**2 Weeks Total**
	• Concept Theme Development	1 week
	• Curatorial Committee Review	1 day
	• Refinement/Curatorial Committee Final Selection	1 week
	Provide Artist Considerations & Preliminary Budgeting	**2 Weeks Total**
	• Artist Portfolio Development	1 1/2 weeks
	• Curatorial Committee Review & Selection of Final Artist	2 days
	• Preliminary Budgeting Development & Presentation	1 week
Phase 2: Design & Development		**11/01/2024-11/30/2024 (4 Weeks Total)**
	Concept Development	**4 Weeks Total** **In tandem with Budget Finalization*
	• 3 Concepts Developed	2 weeks
	• Curatorial Committee Review and Selection of 1	2 days
	• Concept Refinement Rd #1 & Review	1 week
	• Concept Refinement Rd #2 & Final Approval	1 week
	Programming Development & Presentation	**2 Weeks Total** **In tandem with Concept Development*
	Budget Finalization & Presentation	**2 Weeks Total** **In tandem with Concept Development*
Phase 3: Production & Installation	**Art Installation & Management** ** Work may not begin until the end of the period depending on local weather.*	**12 Week Allotment 1/1/25 - 3/30/25**
	Art Material Procurement and Shipping	**2 weeks**
	Equipment Procurement (Lifts, storage, portalet, etc)	**2 weeks**
	Wall Priming	**3 days**
	Mural Installation	**approx 1 1/2 weeks**
	Programming Ideas	**2 Weeks** **in tandem with Art Installation*
	• Future Programming Roadmap Development & Presentation	2 weeks

Contact/

Robyn Novak
robyn@theagar.com
+513 708 5935

We imagine and build spaces & places

Designing new worlds of wonder that deliver unforced fascination in social settings is our calling card.

More than a point-in-time event,

Our placemaking approach is a strategic cycle of connectivity

This cycle builds a brand and cultivates community. Done right, it creates unparalleled connections, fosters growth and never stops delighting.

And we welcome the opportunity to collaborate with the City of Fayetteville

To curate and program a memorable experience for today and tomorrow.

thank you.

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AGAR X City of Fayetteville

RFP 24-12, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural

Executive Summary

Contact/
Robyn Novak
robyn@theagar.com
+513 708 5935

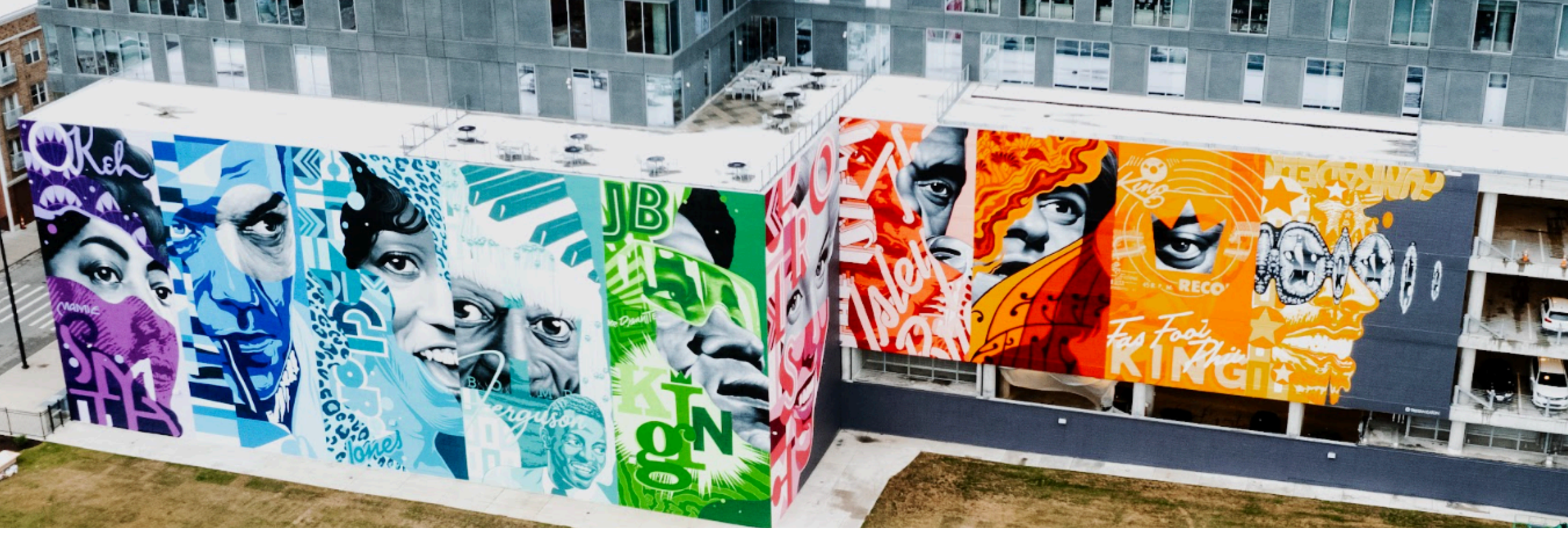




Part 01
Introduction, Qualifications and Experience/Previous Public Art & Placemaking Projects

At AGAR, we believe in the power of public art to grow community, culture, and commerce. As an experiential marketing and placemaking agency, we leverage experiential design and communications, event production public art curation, and technology to reach audiences and grow culture for companies, brands, and the communities we serve. Our services allow us to curate today and program for tomorrow. Our Placemaking & Public Art offer is unique, offering full 360 services from strategy, curation, and design, to in-house production, project management, installations, programming and more. For over 15 years in Public Art, Placemaking & Programming experience we take pride in curating individual murals for communities, commissioning signature pieces, and building future cities by curating art on a global stage with award-winning events like Blink.

The founders of AGAR, Josh Heuser and Andrew Salzbrun, have personally commissioned, curated and produced over 60 murals in the Midwest and across North America.



Part 02 Strategy & Budget Proposal

The West Avenue Parking Garage Mural for the City of Fayetteville poses a unique opportunity transforming an ordinary parking garage structure into an extraordinary experience supportive of the site's overall context, The Ramble. With this in mind, our approach starts with the foundation: context and vision for the site and its surroundings (art, civic, cultural, and natural), curating a theme and design that exemplifies the core principles of The Ramble, and ultimately bringing the vision to life for the community to connect with. Our strategy, approach and respective fees are a reflection of this holistic vision and process. *For a breakdown of fees and schedule refer to full RFP response.

PHASE	FEES	TIMING
Phase 1: Public Art & Experience Strategy	$10,050	6 Weeks
Phase 2: Design & Development	$8,100	4 Weeks
Phase 3: Production and Installation	$66,732	12 Weeks
Total Project Budget:	**$84,882**	**22 Weeks+/-**

Part 03 References **Please refer to the full RFP submittal for bios.*

JUSTIN BROOKHART, *EXECUTIVE DIRECTOR OF BLINK*

NICK LINGENFELTER, *CHIEF DEVELOPMENT OFFICER ELK*

ADAM GELTER, *PRINCIPAL & CO-FOUNDER OF 3CDC*





Part 04 Other Relevant Information

The Ramble provides a connective art, cultural, and communal thread within the City of Fayetteville creating a journey of discovery and social connectivity. We believe the West Avenue Parking Garage has the opportunity to become a beacon along this Cultural Arts Corridor.

Our Curatorial Approach Includes 4 Key Considerations:
Context | Curation | Community | Connectivity

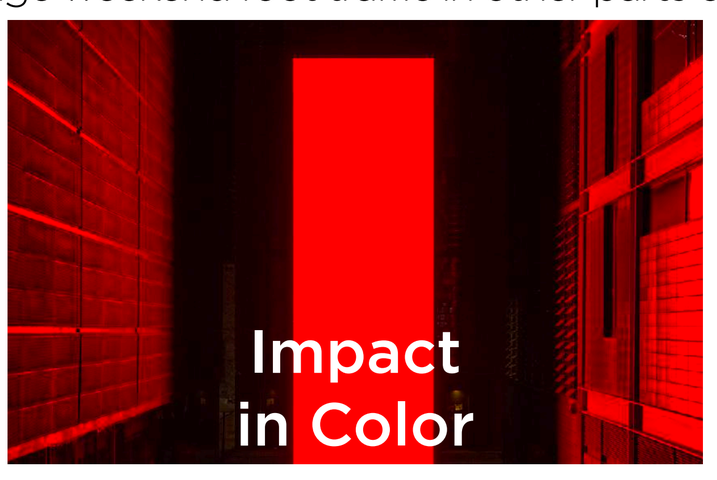
Experience Considerations

The West Avenue Parking Garage has the opportunity to expand it's canvas creating an engaging piece within the Cultural Arts Corridor. We believe various facets of design can be implemented to amplify the piece and bring aspects of day-parting in for a holistic experience.

And our research has uncovered average weekend foot traffic in areas with murals is 30% higher than average weekend foot traffic in other parts of a city.









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The West Avenue Parking Garage has an opportunity to add additional programming, curating dynamic activations and/or potential projection mapping at relevant times of the year:
collegiate sporting celebrations, Lights of the Ozark, Artosphere, NWA pride, etc. Complimenting other Ramble programming and/or creating a new signature experience all on its own.

Part 05 Detailed Project Timeline

**Please refer to the full RFP submittal for a detailed project timeline. Our response follows the proposed timeline provided by The City of Fayetteville,.*

AGAR | 1205 Walnut Street, Cincinnati, OH 45202
513-549-4576 | www.theagar.com

As requested, please find references whom AGAR has partnered with on Public Art, Placemaking and Programming initiatives.

Justin Brookhart
Executive Director of BLINK Cincinnati
Senior Vice President of Cultural Economy at the Cincinnati USA Regional Chamber
jbrookhart@cincinnatichamber.com

Justin orchestrates the nation's largest immersive art event spanning over 30+ city blocks across Cincinnati and Northern Kentucky. Under his leadership, BLINK showcases monumental murals, illuminated art installations, and projection mapping on historic architecture.

Justin brings a diverse background merging business expertise with a deep commitment to fostering the arts. Formerly based in Austin, TX, he served as Managing Director at Mondo, collaborating with top designers to build a global community around limited-edition collectibles. Transitioning to Renegade Craft as Chief Operating Officer, Justin supported artistic entrepreneurs through a nationwide tour promoting the creative economy.

Educated at the University of New Orleans with a Bachelor of Arts in Film Arts and holding a Master of Public Affairs from the LBJ School of Public Affairs at the University of Texas at Austin, Justin is dedicated to leveraging his skills to amplify cultural impact and community engagement through transformative art experiences.

AGAR has partnered closely with Justin on all aspects of BLINK including the development strategies, master planning, curation, artist management and production.

Nick Lingenfelter
Chief Development Officer, PLK Communities
nick@plkcommunities.com

Nick brings over 18 years of expertise in commercial real estate, partnering with PLK since 2014. Leading the development team, Nick champions projects that integrate placemaking and public art, emphasizing environmental sustainability and innovative design that fosters community engagement. His role spans the entire project lifecycle—from site selection and entitlements to design and resident experience—ensuring each development resonates emotionally with its community.

Nick's extensive background includes navigating tax credit financing, TIFs, bonds, brownfield redevelopments, and historic renovations, alongside ground-up construction. Prior to PLK, he

held a prominent role in commercial real estate banking in Chicago and Cincinnati for 13 years. A graduate of The Ohio State University, Nick is dedicated to his family—his wife Jessica and their two children, Eli and Zoe.

AGAR has partnered with Nick on the development of Factory 52 in Norwood, Ohio including developing the master public art strategy, design, curation, artist management, production and installation. AGAR also developed the property's programming strategy, and activation plan, including the cadence, design, P&L oversight, production, activation, staffing, PR, Social Media and Communications for the property's signature events.

Adam Gelter
Principal and Co-Founder at 3CDC
agelter@3cdc.org

Adam Gelter, Principal and Co-Founder at 3CDC, has spearheaded transformative real estate developments in Cincinnati's urban core over 19 years. With a focus on public art and placemaking, he led projects totaling $2.5 billion, revitalizing 207 buildings and creating 17 acres of civic spaces. Notable achievements include overseeing the $143 million renovation of Music Hall and leading the $48 million expansion of Washington Park and $31.9 million restoration of Ziegler Park. Adam's expertise spans diverse projects such as corporate headquarters, hotels, affordable housing, and civic buildings, integrating new market tax credits and historic tax credits for financing.

Starting as an intern at 3CDC in 2005, Adam rose to Executive Vice President of Real Estate, overseeing major projects like the $92 million Court & Walnut development and $750 million Convention Center District. He holds degrees from Vanderbilt University and the University of Cincinnati and serves on the boards of VisitCincy and Shelterhouse. Adam also co-founded Generocity513 and RepresentCincy to foster community diversity and engagement in Over-the-Rhine. As an adjunct professor at the University of Cincinnati, he contributes to shaping future urban planners and developers.

AGAR has partnered with Adam on multiple Public Art, Placemaking and Programming initiatives across the City of Cincinnati.

AGAR | 1205 Walnut Street, Cincinnati, OH 45202
513-549-4576 | www.theagar.com

As requested, please find AGAR bios and an overview of AGAR. The bios reflect the AGAR team who will be leading and executing this initiative for the City of Fayetteville.

About AGAR
At AGAR, we believe in the power of public art to grow community, culture, and commerce. As an experiential company, we are founded on the premise that as the world grows more and more digital the value of a human connection and experience inherently increases. AGAR leverages experiential design and communications, event production and technology to reach audiences and grow culture for companies, brands, and the communities we serve.

We bring a unique lens to the world of placemaking and programming. We believe developers and place-makers should work hand-in-hand from the early stages to imagine future realities for residents and guests. We imagine and build spaces, places, and experiences: we design new worlds of wonder that deliver unforced fasciation in social settings-this is our calling card. More than a point-in-time event, our approach is a strategic cycle of connectivity that builds a brand and cultivates community. And done right, it creates unparalleled connections, fosters growth, and never stops delighting audiences.

AGAR creates real connections for civic and community partners like The City of Cincinnati, The Port Authority of Cincinnati, 3CDC, The University of Cincinnati, Cincinnati Children's Hospital, Northern Kentucky University, Cincinnati Parks, Cincinnati USA Regional Chamber, PLK Communities, United Way of Greater Cincinnati, FC Cincinnati, MegaCorp, among others. AGAR also activates award-winning engagements for Fortune 500 brand partners including Procter & Gamble, Kroger, All Nippon Airways, Lexus, smartwater, Kenvue, DSW, Sazerac and more. (Please refer to our full RFP response for a list of some of artist collaborations as part of our Public Art work.)

Andrew Salzbrun
Partner and Managing Director, AGAR

As the Executive Creative Director for AGAR, Andrew provides the strategic vision for the company and its partners, leveraging a rich expertise in placemaking experience mapping and strategy. With a portfolio spanning over a decade, Andrew's work focuses on lasting positive impact. And as co-founder and executive creative director of the award-winning festival, BLINK, the nation's largest immersive art festival. Andrew understands first-hand how placemaking and artist creation can create that positive impact and build long-term, meaningful culture in a community. The success of the 2022 BLINK festival provided incredible positive fiscal impact to the region and featured 71 hand-picked artists from all over the world. With a deep resume of community-anchoring venues throughout the Midwest, Andrew values the importance of a first impression and the people behind it.

Role for Fayetteville:

- Artist Curation & Management, Executive Creative Direction (Concept Development & Design), Experiential Programming Development

Public Art, Placemaking, & Programming Experience:

- BLINK – Co-Founder and Executive Creative Director
- Factory 52 Development - Public Art Strategy and project direction
- Cincinnati USA Regional Chamber – Regional public art consultant
- The PORT Authority – Developed and led Camp Washington Community Engagement
- 3CDC – Public art curation and park development
- Kroger – In-store Curation & Mural Production
- Procter & Gamble – Brand Strategy and Public Art Curation

Noah Beiting

Director of Operations

As Director of Operations, Noah facilitates public art by seamlessly blending his creative passion with operational expertise. He doesn't just manage operations; he acts as a liaison, translating between the creative mind of the artist and the realities of the project. During BLINK, the nation's largest immersive art festival, Noah works with 30+ international muralists, fostering strong relationships, effectively communicating project specifications and ensuring their artistic vision thrives. This includes coordination with building owners, brick masons, art material distributors, shippers, storage facilities, local utility providers, the City of Cincinnati, and more. Along with artist relations, Noah acts as a site scout, assisting with the curatorial process and placement of certain artists and their works through the city. His resourceful nature extends to acquiring essential equipment, ensuring everything is in place for artistic creation to flourish.

Role for Fayetteville:

- Pre-Production Coordination (Artist, Site, Client, Vendor), Budgeting, Material, Mural, Programming & Logistics Procurement

Public Art, Placemaking, & Programming Experience:

- BLINK
- PLK Communities/F52 Public Art
- 3CDC
- UCAA
- PromoWest
- Gee Horton Studios + Weston Art Gallery
- Paloozanoire + Cincinnati Art Museum
- The City of Cincinnati
- Unexpected Fort Smith - HOXXOH Pop-Up Studio
- Miami - Wynwood Neighborhood

Claire Kolberg
On-Site Project Manager

Claire Kolberg brings over 15 years of experience in executive administration, operations, and event and production management. Most notably, she was the Director of the award-winning The Unexpected from 2015 – 2023 bringing over 45 pieces of artwork to downtown Fort Smith. As a member of the 64.6 Downtown/ Main Street Fort Smith team, she is responsible for programming, marketing, and social media/ website management. In addition to her creative duties, Kolberg provides executive level administrative support to a busy and in demand CEO, philanthropist, and community agitator. Projects span from travel and calendar management to personal and professional life management, charitable giving management and more.

Claire is a member of the Walton Arts Center Board of Directors, and a member of the P.E.A.R.L. Ben Roberds Scholarship committee. She lives in Fayetteville with her family.

Role for Fayetteville:
- On-Site Project Management & Logistics, Artist & Vendor Coordination, Client Account Services

Public Art, Placemaking, & Programming Experience:
- The Unexpected
- Peacemaker Festival-Unexpected pop-up art installation
- ARkanvas in partnership with OZ Art
- Mussorgsky's Pictures at an Exhibition in partnership with UA-Fort Smith and Fort Smith Symphony
- Garrison Commons Pocket Park, Fort Smith
- Gateway Park, Fort Smith
- Co-Author Community Development Institute Handbook, Quality of Place Chapter (2020)

Josh Heuser
Founder
As Founder of AGAR, Josh not only sets the overall vision for the brand, but is a strategic leader, developing innovative business strategies to drive growth. As owner and operator of various restaurant and hospitality venues, he maintains a unique experiential and placemaking perspective, creating experiences while garnering valuable insights that enable him to deliver a cutting-edge guest experience. An entrepreneur always looking to evolve, Josh and AGAR have helped change the face of Cincinnati, one endeavor and project at a time, including BLINK, the nation's largest immersive art festival. Josh's multifaceted approach encompasses financial acumen, strategic vision, and a dedication to the development of the greater community to which he calls home. He has personally commissioned, curated and produced over 30+ murals in the Midwest and across North America.

Role for Fayetteville:
- Executive Sponsor

Public Art, Placemaking, & Programming Experience:
- BLINK

- The City of Cincinnati
- 3CDC
- Cincinnati USA Regional Chamber
- Kroger
- Procter & Gamble
- The PORT Camp Washington Engagement
- Newport on the Levee

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256

TDD (Telecommunication Device for the Deaf): 479.521.1316

RFP (REQUEST FOR PROPOSAL)

Request for Proposal: RFP 24-12, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural

DEADLINE: Wednesday, July 24, 2024 before 2:00 PM, local time
SR. PURCHASING AGENT: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov
DATE OF ISSUE AND ADVERTISEMENT: 06/30/2024

REQUEST FOR PROPOSAL
RFP 24-12, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural

No late proposals shall be accepted. RFPs shall be submitted through the City's third-party electronic bidding platform or by submitting a sealed physical proposal to the City of Fayetteville, Purchasing Division at the below location.

City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection. The City of Fayetteville shall not be responsible for lost or misdirected proposals, or for failure of proposer's technical equipment.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Director.

City of Fayetteville, AR
Request for Proposal
RFP 24-12, Placemaking Firm, Curator, or Artist Studio for Parking Deck Mural

The City of Fayetteville, Arkansas, seeks proposals from qualified firms for a Placemaking Firm, Curator, or Artist Studio for Parking Deck Art Installation. Any questions regarding this RFP shall be directed to Amanda Beilfuss, City of Fayetteville Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov or (479) 575-8220.

Solicitation documents and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All proposals shall be received by **Wednesday, July 24, 2024 before 2:00 PM, Local Time** utilizing the electronic bidding software or by submitting a sealed physical proposal to the City of Fayetteville, Purchasing Division. All proposals are due before the time stated. No late proposals shall be accepted. Submitting electronically is strongly encouraged. The City of Fayetteville shall not be responsible for lost or misdirected proposals, or for failure of proposer's technical equipment.

All interested parties shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located. A one hundred percent (100%) performance bond and separate payment bond is required with the contract awarded. Proposers shall have a current, valid registration with the Arkansas Secretary of State at time of RFP deadline OR be able to provide proof of registration before recommendation of award to Fayetteville City Council.

The City of Fayetteville reserves the right to reject any or all Proposals and to waive irregularities therein, and all parties agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any interested party because of such rejections, nor shall any interested party seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Statement in response to this invitation shall constitute an agreement of the interested party to these conditions.

City of Fayetteville
By: Amanda Beilfuss, Sr. Purchasing Agent
P: 479.575.8220 abeilfuss@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Date of advertisement: 06/30/2024
This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.
Amount paid: $182.12

1. SUBMISSION OF A PROPOSAL SHALL INCLUDE:
   Each proposal shall contain the following at a minimum. Proposer must also address detailed requirements as specified in the Scope of Work.

   a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP in the most cost-effective manner. The term Proposer shall be in reference to a firm or individual responding to this solicitation.

   b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.

   c. The complete fee and cost to the City for all services outlined in this RFP.

   d. Statement should be no more than twenty-five (25) pages; single sided, standard, readable, print on standard 8.5x11 documents. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the twenty-five-page limitation: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.

      i. Submitting and responding to this RFP: Proposals shall be prepared simply and economically, providing a straightforward, concise description of its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents physically submitted should be typewritten on standard 8 ½" x 11" white papers and bound in one volume. Exceptions would be schematics, exhibits, one-page resumes, and City required forms. Limit proposal to twenty-five (25) pages or less, excluding one-page team resumes, references, and forms required by the City for completion. All proposals shall be sealed upon delivery to the City of Fayetteville.

         1. Option 1 –Electronic Submittal (***strongly encouraged***): Proposers can go to www.fayetteville-ar.gov/bids and follow the prompts to submit a proposal within the electronic bidding platform. If a proposal is submitted electronically, a physical submission is not necessary. All Proposers must register in order to be able to submit. There is no fee for registration.

         2. Option 2 – Physical Submittal: All Proposers shall submit one (1) original copy of their proposal as well as one (1) electronic copy on a properly labeled USB or other electronic media device. The electronic copy submitted shall be contained into one single electronic file and shall be identical to the hard copies provided. The use of Adobe PDF documents is strongly recommended. Files contained on an USB or electronic media shall not be restricted against saving or printing. Electronic copies shall not be submitted via e-mail to

City employees by the Proposer and shall be provided to the City in a sealed manner. FedEx, UPS, USPS, or other packages should be clearly marked with the RFP number on the outside of the mailing package.

e. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.

f. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.

g. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.

h. Proposers shall have experience in work of the same or similar nature and must provide references that will satisfy the City of Fayetteville. Proposer shall furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.

i. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.

j. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office or electronic clock located in the City's third-party bidding software.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing via e-mail to the Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed RFP made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any manufacturer's names, trade name, brand name, catalog number, etc. used in specifications are for the purpose of describing and establishing general quality levels. Such references are NOT intended to be restrictive. Proposals shall be considered for all brands that meet the quality of the specifications listed for any items.

4. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the right to the following:

a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.

b. The City of Fayetteville reserves the right to select the proposal it believes will serve the best interest of the City.

c. The City of Fayetteville reserves the right to accept or reject any or all proposals.

d. The City of Fayetteville reserves the right to cancel the entire request for proposal.

e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.

f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information or proposal data without changing the terms of the proposal.

g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

h. The City reserves the right to ask for a best and final offer from one or more Proposers. The best and final offer process is not guaranteed; therefore, Proposers shall submit and respond to this RFP on the most favorable terms available.

5. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

6. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

7. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

8. CONFLICT OF INTEREST:

a. The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Limited Authority of City Employee to Provide Services to the City".

b. The Proposer shall promptly notify Amanda Beilfuss, City Sr. Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may

influence or appear to influence the Proposer's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the Proposer may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

9. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn prior to the time set for the proposal submittal based on a written request from an authorized representative of the firm; however, a proposal shall not be withdrawn after the time set for the proposal.

10. LATE PROPOSAL OR MODIFICATIONS:

a. Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Proposers refer to their submission status in the online bidding portal or call the Purchasing Division at (479) 575-8220 to ensure receipt of their submittal documents prior to opening time and date listed.

b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated. The official clock to determine local time shall be the atomic clock located in the Purchasing Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

11. CONSTITUTIONAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all constitutional, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

12. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the Proposer, the Proposer agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

13. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that their proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

14. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

a. The City of Fayetteville reserves the privilege of auditing a Contractor's records as such records relate to purchases between the City and said Contractor.

b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

15. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

16. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers prior to submitting a proposal on this requirement.

17. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), no later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

18. CERTIFICATE OF INSURANCE:

The successful bidder shall provide a Certificate of Insurance in accordance with the following guidelines, prior to commencement of any work: $1,000,000 Commercial Liability, Statutory Worker's Compensation, and General Automotive, if applicable. SUCH CERTIFICATE SHALL LIST THE CITY OF FAYETTEVILLE AS AN ADDITIONAL INSURED. LISTING THE CITY OF FAYETTEVILLE AS A CERTIFICATE HOLDER ONLY IS NOT AN ACCEPTABLE SUBSTITUTE. CERTIFICATE OF INSURANCE MUST INCLUDE THE ENDORSEMENT SHOWING THE CITY OF FAYETTEVILLE LISTED AS AN ADDITIONAL INSURED. Insurance shall remain valid, when applicable, throughout project completion.

19. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or

penalty for untimely payments. Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing. The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

20. CANCELLATION:

a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.

b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.

c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.

d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the Contractor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

21. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.

b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first.

22. NON-EXCLUSIVE CONTRACT:

Award of this RFP shall impose no obligation on the City to utilize the Contractor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-phase contracts, this provision shall apply separately to each item.

23. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from

contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

24. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFP from the Proposer. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

25. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

26. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

Proposers shall use the original RFP form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFP form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFP documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFP response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFP response and presented in the form of an addendum to the original RFP documents.

27. OTHER GENERAL CONDITIONS:

a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.

b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.

c. This solicitation is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the City to pay for any costs incurred by Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.

d. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.

e. **Any uncertainties shall be brought to the attention to Amanda Beilfuss immediately via telephone (479.575.8220) or e-mail (abeilfuss@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville**

Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all Proposers to be on equal terms.

f. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Amanda Beilfuss, City of Fayetteville, Sr. Purchasing Agent via e-mail (abeilfuss@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.

g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.

h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements but is not intended to limit a RFP's content or to exclude any relevant or essential data.

i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.

j. The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.

k. The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to the City of Fayetteville.

1. INTRODUCTION:

The West Avenue Parking Garage project aims to transform the parking structure into a dynamic public art space that enhances the aesthetic appeal, promotes community engagement, and boosts local tourism and economy. The budget for this project is $85,000. The awarded Proposer will be responsible for managing the entire project, from concept development to artist engagement, to installation within the allocated budget of $85,000. The City of Fayetteville seeks a placemaking firm, curator, or large artist studio to manage the art selection and installation for the project.

2. BACKGROUND:

This project marks the first major public art commission for the Cultural Arts Corridor, also known as The Ramble. The Ramble is a dynamic new 50-acre outdoor public space designed to revitalize Fayetteville's downtown area and create a destination for residents and visitors alike. The corridor links the City's key cultural institutions, including the Walton Arts Center, TheatreSquared, Nadine Baum Studios, Fayetteville Public Library, and the University of Arkansas' Art and Design District. By showcasing and celebrating arts culture, The Ramble aims to enhance civic space and serve as a catalyst for additional development and density in the downtown area. This includes increasing bike trails and connections, improving streets and walkability, and fostering community engagement.

Per the brand identity development work: "The Ramble is characterized as: a full embrace of the journey…not in a hurry to get from point A to point B, but rather, open to possibility…the concept falls nicely in sync with the cadence of a walk or a bike ride, spontaneous conversation, outdoor installations, and gathering spaces". Additionally, The Ramble is a nod to Arkansas-born musician and actor Levon Helm. A former member of The Band, Helm hosted Midnight Ramble sessions in a barn on his property in Woodstock, New York, until his death in 2012.

Within The Ramble, areas north of Center Street will be referenced as "Upper Ramble" and areas south of Center Street will be referenced as "Lower Ramble." The design for the Upper Ramble consists of a gathering and event lawn, public plaza, garden spaces and a civic promenade, midway between the downtown square and the University campus, and adjacent to the Razorback Regional Greenway, ensuring that this project will contribute to creating a dynamic and experiential place. This public art commission for the southern facing façade of the West Avenue Parking Garage is a key component of The Upper Ramble's viewshed, reflecting Fayetteville's commitment to integrating art into city life and enhancing the cultural vibrancy of the downtown area.

3. SCOPE OF WORK AND DELIVERABLES:

a. **Scope of Work:** The West Avenue Parking Garage project involves the creation of a dynamic public art installation on a prominent wall of the parking garage. This wall is approximately 50 feet wide by 100 feet tall. The project aims to transform this large surface into a visually engaging and community-centric artwork that will enhance the aesthetic appeal of the garage, foster community engagement, and contribute to the revitalization of Fayetteville's downtown area. The awarded Proposer will be responsible for managing the entire project, from concept development to artist engagement, to

installation within the allocated budget of $85,000. This budget encompasses various components essential for the successful execution of the project, including but not limited to:

i. **Artist Fees:** The respondent will need to budget for artist fees, covering travel, lodging, concept development, design work, and any assistants or additional personnel required for the project.

ii. **Concept Development and Design:** The respondent will need to allocate a portion of the budget to the development and design of the public art installation. This includes costs associated with initial concept creation, design revisions, and final design approval.

iii. **Materials and Installation:** The respondent will be responsible for procuring all necessary materials, including raw materials, paint, sprayers, brushes, rollers, and all other supplies. Additionally, costs related to equipment rental, such as lifts and boom equipment, must be covered. The respondent will also handle wall priming and any preparatory work required for the installation.

iv. **Travel and On-Site Management:** The budget must account for travel expenses and on-site management by the respondent's staff. This includes overseeing the installation process, conducting site visits, and ensuring the project progresses according to plan.

All Proposals must include a detailed cost breakdown for each component including estimated personnel, exclusions, and all labor costs, expenses, overhead, and profit.

b. Key Deliverables:

i. Phase 1 – Public Art & Experience Strategy:

1. Develop a comprehensive strategy
2. Identify potential themes, styles, and approaches for the art installation
3. Provide artist considerations and preliminary budgeting

ii. Phase 2 – Design & Development:

1. Concept Development: Create multiple conceptual designs for review and selection by the Fayetteville Arts Council
2. Programming Development: Share ideas for potential interactive elements, lighting, or activation enhancements to implement immediately or later (pending additional budget availability)
3. Budget Finalization: Finalize the budget based on the selected concept

iii. Phase 3 – Production & Installation:

1. Art Installation & Management: Oversee the installation of the chosen art concept
2. Programming Ideas: Develop a roadmap for ongoing programming and engagement activities

4. QUALIFICATIONS:

a. Demonstrated experience in managing similar public art and placemaking projects

b. Strong portfolio showcasing past projects with a focus on community engagement and public art

c. Ability to collaborate with local artists, stakeholders, and the community

d. Capacity to manage the project within the allocated budget and timeline

e. Compliance with all local, state, and federal regulations and requirements, including a 100% Performance Bond and Payment Bond (bonds must be separate). Bonds are not required until Contract has been awarded by Fayetteville City Council.

5. TENTATIVE PROJECT TIMELINE:

RFP Issuance: 6/30/2024
Proposal Submission Deadline: 07/24/2024
Selection of Contractor: 08/07/2024
Concept Development Phase: 09/15/2024 to 10/31/2024
Design Finalization: 11/30/2024
Art Installation: 01/02/2025 to 03/30/2025

6. PROPOSAL FORMAT:

The proposal shall contain all sections listed herein and shall respond fully to all requirements of the RFP. Statement should be no more than twenty-five (25) pages; single sided, standard readable, print on standard 8.5 X 11 pages. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion:

a. Part I –Introduction, Qualifications and Experience/Previous Public Art and Placemaking Projects:

Provide samples of previous projects created by the curator or firm. Include any relevant promotional literature. List examples of public art installations, placemaking projects, or similar initiatives that the team has completed in the last five years, clearly indicating the respondent's role in each example. If work is being presented that was done by personnel working for another firm at the time of the work, this must be clearly indicated. Include current client contact information for project examples. Clearly provide information on the team members who will be primarily responsible for facilitating the project, listing their relevant experience and examples of similar projects. Refer to the information provided under "Scope of Services to be Provided."

b. Part II – Strategy and Budget Proposal:

Speak broadly to potential approaches and strategy for the public art installation. Outline all costs associated with the project, including consultant fees, travel expenses, and any other applicable expenses. The total budget for the project is $85,000.

c. Part III – References:

Provide three (3) references from past clients who can speak to the firm's capability to execute this work.

d. Part IV – Other Relevant Information:

Provide other relevant information indicating the applicant's abilities to successfully complete the public art project for the West Avenue Parking Garage.

e. Part V – Detailed Project Timeline:

Include specific deliverables for each phase of the project. The plan will ideally be completed in Quarter 1 of 2025.

7. PRICE PROPOSAL:

Proposers shall provide an all-inclusive fee price proposal. Include a detailed cost breakdown including estimated personnel, exclusions, and all labor costs, expenses, overhead, and profit. Provide a payment schedule based on project milestones/deliverables. These deliverables will be confirmed during contract negotiations with the chosen consultant.

8. CONTRACT FORMATION:

If the negotiation produces mutual agreement, a contract will be considered for approval by the City of Fayetteville City Council. If negotiations with the highest-ranking Proposer fail, negotiations may be initiated with the next highest-ranking Proposer until an agreement is reached. The City reserves the right to reject all offers and end the process without executing a contract.

9. SELECTION CRITERIA:

The following criteria will be used by the City to evaluate and score responsive proposals. Proposers shall include sufficient information to allow the City to thoroughly evaluate and score the proposal. Each proposal submitted is not required to be ranked by the selection committee. The contract may be awarded to the most qualified firm, per the evaluation criteria listed below, based on the evaluation of the selection committee. Following the evaluation of the proposals, the Selection Committee may request that the top-ranking firm(s) make an oral presentation or be interviewed. If presentations are necessary, they will take place in Fayetteville, Arkansas. Notices will be sent by the Purchasing Division.

1) 30% **Qualifications in Relation to Specific Project to be Performed:** Information reflecting qualifications of the consultant, partners, and project team. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors, if used, shall be listed with information on their organization.

2) 20% **Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project.

3) 20% **Proposed Method of Doing Work:** A proposed work plan (description of how the project would be conducted as well as other facts concerning approach to scope) indicating methods and schedules for accomplishing scope of work. Include with this the amount of work presently underway.

4) 15% **Past Performance:** Previous evaluations shall be considered a significant factor. If previous evaluations with the City are not available, the professional firm's past performance records with City and others will be used, including quality of work, timely performance, diligence, and any other pertinent information. Firm will provide a list of similar jobs performed and person whom the City can contact for information.

5) 15% **Cost/Fees:** Complete costs and fees as described in this RFP and for delivery of the proposal including fiscal feasibility and financial stability. All fees shall be clearly identified with RFP response and be itemized as much as possible.

9. ADDITIONAL DOCUMENTS AND INFORMATION: The following documents are included with this solicitation as additional information:

   a. Appendix A: Blueprints and Photos of South facing garage facade

   b. Appendix B: Ramble Brand Identity and Style Guide

CONTINUES ON NEXT PAGE

1. DISCLOSURE INFORMATION

a. Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

   i. If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_X_____1) NO KNOWN RELATIONSHIP EXISTS

_____2) RELATIONSHIP EXISTS (Please explain): _____

_____

_____

b. I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

c. Proposer agrees that they shall have a current, valid registration with the Arkansas Secretary of State at time of RFP deadline OR be able to provide proof of registration before recommendation of award to Fayetteville City Council.

d. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

e. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: AGAR, LLC

Primary Contact: Robyn Novak Title of Primary Contact: Executive Director of Development

Phone#1 (cell preferred): (513) 708-5935 Phone#2: (513) 549-4576

E-Mail Address: robyn@theagar.com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject Contractor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED
1	Robyn Novak	7/22/2024

4. DEBARMENT CERTIFICATION:

a. As an interested party on this project, you are required to provide debarment/suspension certification indicating compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

b. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

c. Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

5. SIGNATURE SUBMITTAL:

NAME OF COMPANY: AGAR, LLC

PHYSICAL ADDRESS: 1205 Walnut Street, Cincinnati OH 45202

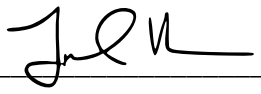
MAILING ADDRESS: 1205 Walnut Street, Cincinnati OH 45202

TAX ID #: 80-0300732 AR. SECRETARY OF STATE FILING #: N/A

PHONE: (513) 549-4576 FAX: N/A

E-MAIL: josh@theagar.com

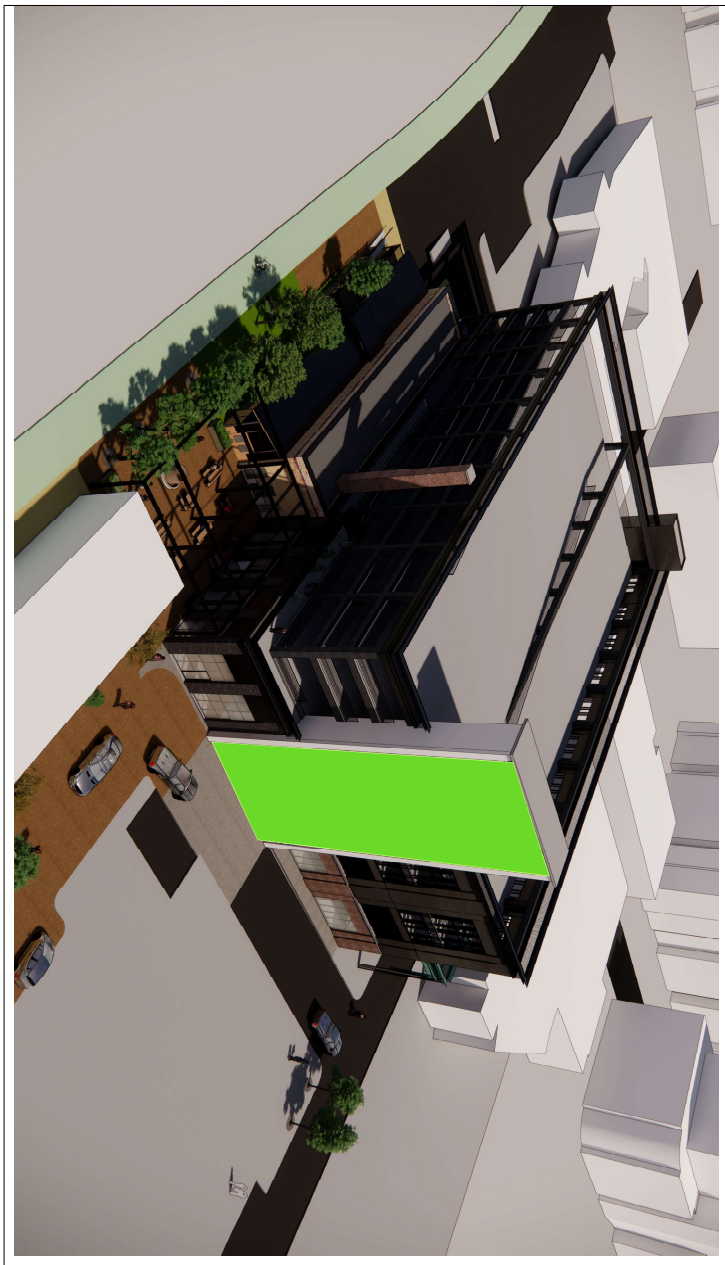
By submitting your response, you certify that you are authorized to represent and bind your company :

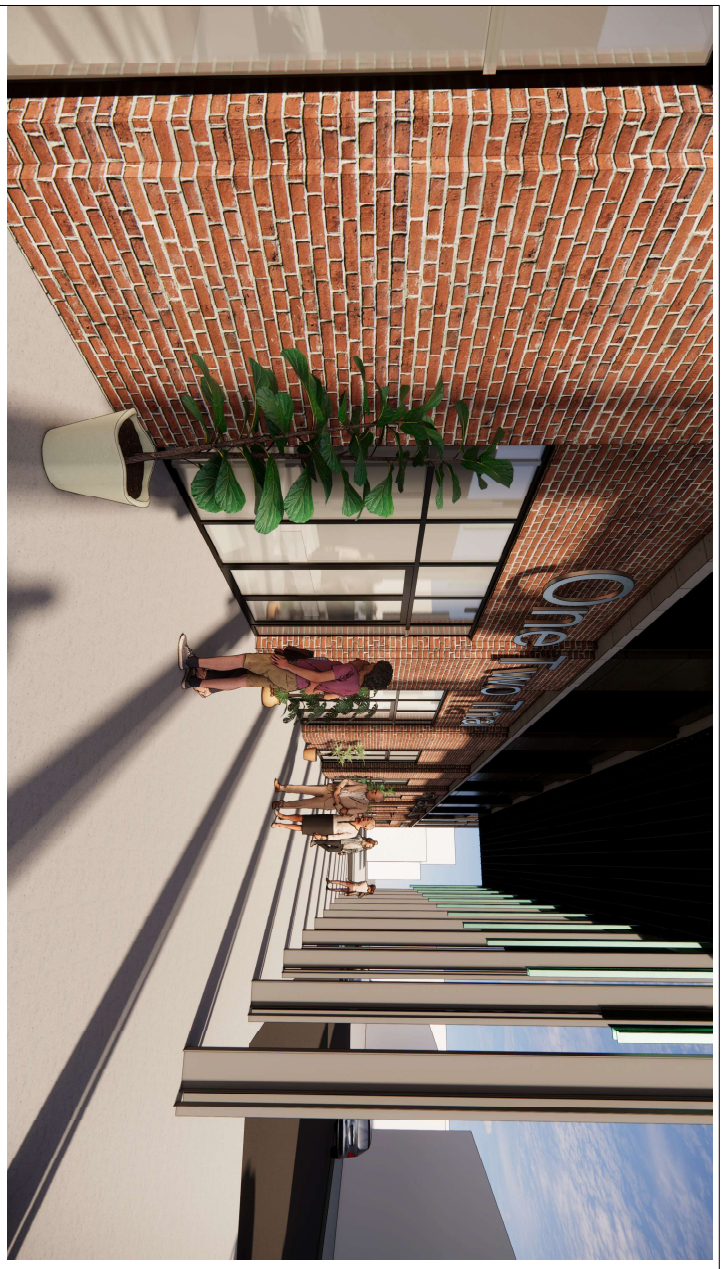
SIGNATURE: 

PRINTED NAME: Josh Heuser

TITLE: Founder DATE: 7/12/24

END OF RFP DOCUMENT





SHEET
A6.00

3D VIEWS

DOWNTOWN PARKING DECK, CITY OF FAYETTEVILLE

2020

REV. NO.	DATE	REVISION DESCRIPTION

REVISIONS

DESIGN DEVELOPMENT REVIEW SET
10-05-2020
NOT FOR CONSTRUCTION

WALKER CONSULTANTS 55 YEARS
MBL ARCHITECTURE
olsson
302 East Millsap Road
Fayetteville, AR 72703
TEL 479.443.3404
www.olsson.com





SHEET
A6.01

3D VIEWS

DOWNTOWN PARKING DECK, CITY OF FAYETTEVILLE

2020

REV. NO.	DATE	REVISION DESCRIPTION

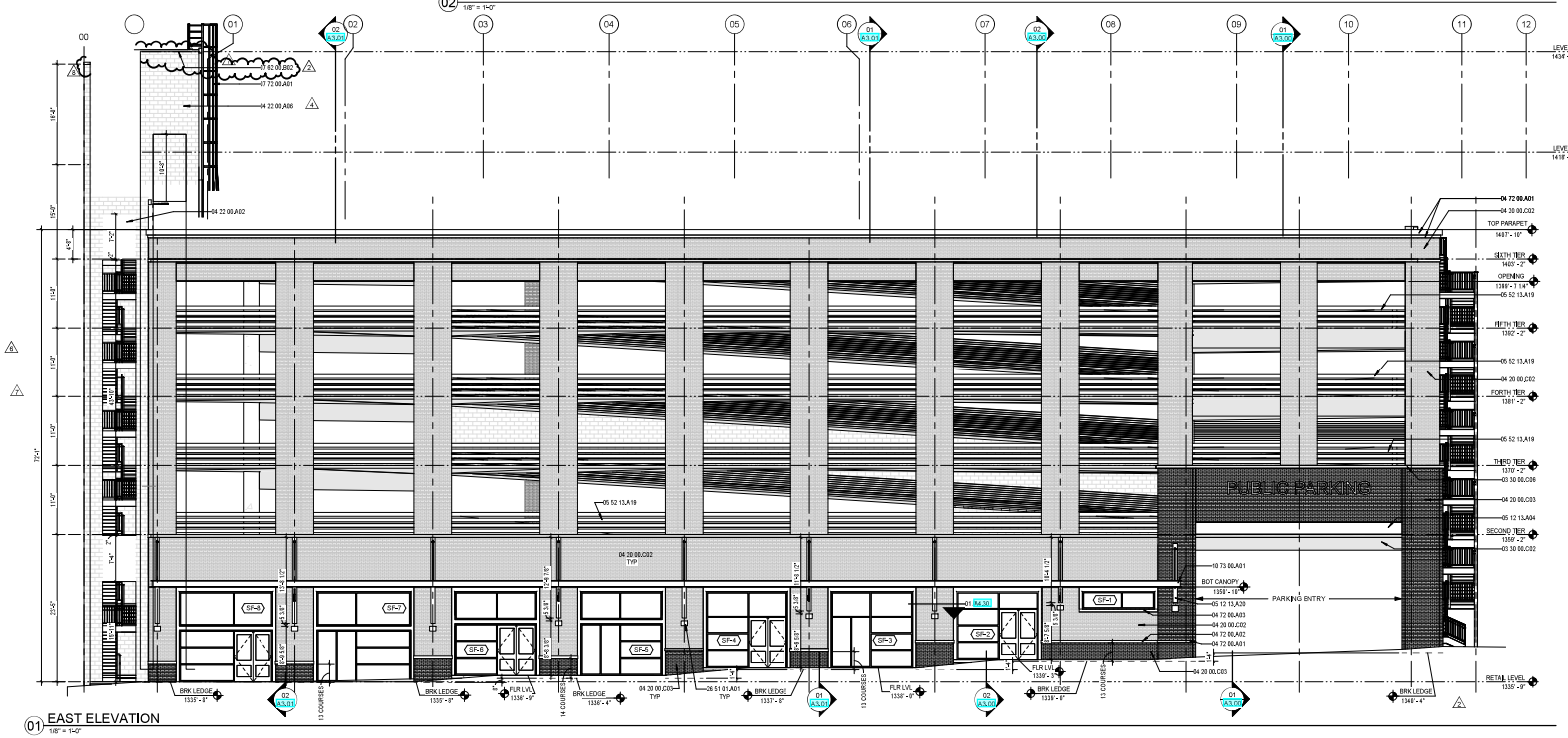
REVISIONS

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MBL ARCHITECTURE
olsson
302 East Millsap Road
Fayetteville, AR 72703
TEL 479.443.3404
www.olsson.com



02 SOUTH ELEVATION
1/8" = 1'-0"



01 EAST ELEVATION
1/8" = 1'-0"

KEYNOTE LEGEND

03 30 00.C02	CAST-IN-PLACE CONCRETE PARKING STRUCTURE BEAM (SEE STRUCTURAL)
03 30 00.C06	CAST-IN-PLACE CONCRETE DECK EXTENSION (SEE STRUCTURAL)
04 20 00.C02	BRICK VENEER TYPE 1
04 20 00.C03	BRICK VENEER TYPE 2
04 22 00.A02	PAINTED 4" CONCRETE MASONRY UNIT (SEE STRUCTURAL)
04 22 00.A06	PAINTED CONCRETE MASONRY UNIT (SEE STRUCTURAL)
04 72 00.A01	ARCHITECTURAL CAST STONE COPING
04 72 00.A02	ARCHITECTURAL CAST STONE WAINSCOT
04 72 00.A03	ARCHITECTURAL CAST STONE WINDOW SILL
05 12 13.A01	BENT STEEL PLATE, (SEE STRUCTURAL)
05 12 13.A04	GALVANIZED WIDE FLANGE STEEL BEAM, (SEE STRUCTURAL)
05 12 13.A20	PAINTED MC STEEL CHANNEL TO SUPPORT CANOPY (SEE STRUCTURAL)
05 52 13.A19	GALVANIZED AND PAINTED 7" x 1/4" STEEL SLAT
07 62 00.B02	CONT PREFINISHED 20 GA SHEET METAL COPING
07 72 00.A01	ROOF ACCESS LADDER
10 73 00.A01	PREENGINEERED ALUMINUM CANOPY
26 51 01.A01	WALL MOUNTED EXTERIOR BUILDING LIGHT, (SEE LIGHTING)
31 31 13.A01	12' TALL CHAIN LINK FENCE

WALKER CONSULTANTS
2525 Bay Area Blvd
Suite 400
Houston, TX 77058
281.580.0066 Ph.

olsson
302 East Millsap Road
Fayetteville, AR 72703
TEL 479.443.3404
www.olsson.com

MBL ARCHITECTURE

NO.	DATE	REVISION DESCRIPTION
1	07/12/2021	PER ARCH
2	08/26/2021	PER ARCH
3	11/11/2022	PER ARCH
4	04/11/2023	ASI #5
		ASI #7

EXTERIOR ELEVATIONS

DOWNTOWN PARKING DECK

CITY OF FAYETTEVILLE

FAYETTEVILLE, ARKANSAS

2021

drawn by: Author
checked by: Checker
approved by: Approver
GAUC by:
project no. 200011
drawing no.
date 08/03/2021

SHEET
A2.00

WALKER CONSULTANTS LACY ARCHITECTURE REGISTERED ARCHITECT CERTIFICATE NO. 12-105 ARKANSAS

IM 360://Olsson_Projects (F) (200)_Revit)/200011 Dickson and West Parking.rvt
4/11/2023 11:00:18 AM


CASE
580
CASE
3058
CARDBOARD
ONLY
CARTON
SOLAMENTE
FAYETTEVILLE
RECYCLING &
TRASH
COLLECTIONS
479-575-8397


N West Ave


24 HOUR
PAID
PARKING
HOUSES
LEASING
479-521-9155

THE RAMBLE

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Positioning ---------- 3
Values ---------- 5
Zones ---------- 8
Application ---------- 11



POSITIONING

Settled between pockets of restored wilderness and Fayetteville’s beloved downtown arts and entertainment district, The Ramble illuminates the evolving role of public space in our community. By embracing the journey, it serves as an urban through line and gathering space, a canvas for activating public art and programming, and a connection to natural woodlands and waterways in the heart of downtown.

BRAND STATEMENT

The Ramble is a celebration of the journey—connecting people with people, people with nature, and people with art.

We believe that nature has a profound role to play in individual and social well-being—that fresh air and green space are vital to a thriving community. We are dedicated to stewarding the urban forest for generations to come, providing open access to nature in the heart of downtown.

ECOLOGY

- Ecological aspects of the project include stormwater treatment, stream restoration, invasive plant removal, ecosystem repair and native plantings.
- The project will seek SITEs certification, a sustainability rating system for landscape projects that is similar to LEED for buildings. This project will be the first SITEs accredited project in Arkansas.
- Reclamation of Tanglewood Branch will restore stream health and will invite interaction with the creek.
- A new bridge and trail connection will cross Tanglewood Branch connecting Gregg Ave to the Razorback Greenway and the Library.

COMMUNITY

We believe that urban space is vital to strengthening the social fabric and health of our community. The Ramble is a canvas for what is possible, paving the path for an engaged and active downtown full of accessible, walkable and cyclable events, casual gatherings, art installations, field trips, outdoor performances and more.

- Lighting, wide sidewalks and parking to improve walkability.
- Small and large spaces will be suitable to host intimate gatherings and larger community events.
- An improved connection from downtown to the Mill District.

CULTURE

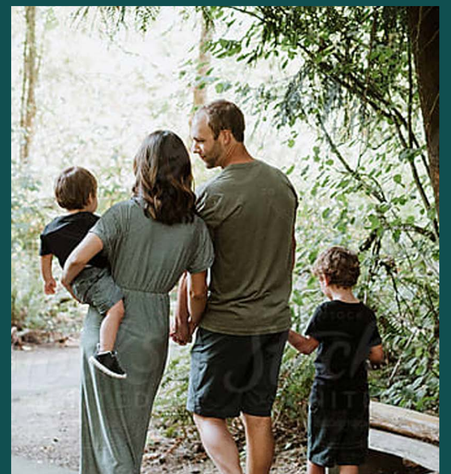
We believe in our community. We believe in learning from each other, and celebrating our differences. The Ramble conveys energy, movement and interconnectedness—a shared space, open for all, to amplify the vibrancy of our creative ecosystem.

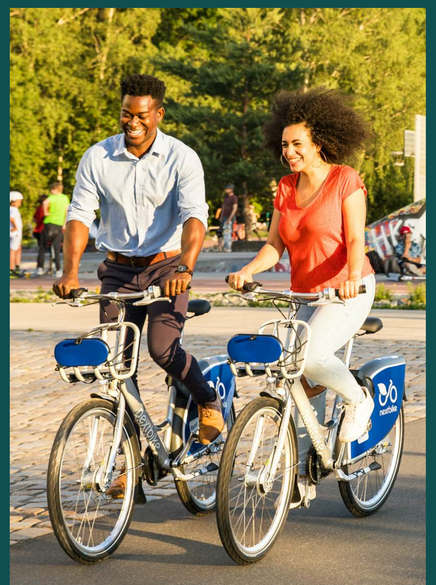
- It is a celebration of design, visual and performing arts with woodland and trailside art installations, murals and nature exhibit opportunities. It is a space to play, storytelling and engaging curiosity.
- Festivals and performances of all shapes and sizes will be able to utilize the variety of performance and gathering spaces.
- The project will not only include public art but it also connects existing art institutions such as WAC, T2 and Nadine Baum Studios on the north end with the expanding Fayetteville Public Library and the University of Arkansas' Art & Design District on the south end.

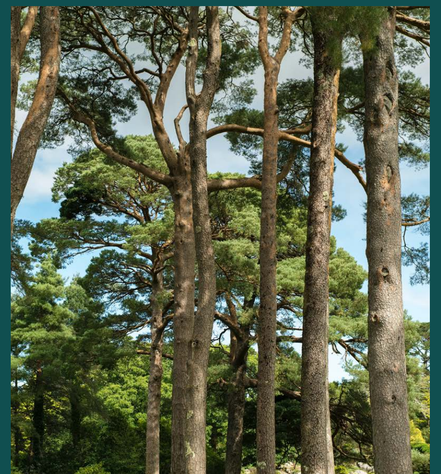
ZONES

The primary zones making up The Ramble are Tanglewood Park, Fay Jones Woods, Razorback Greenway and West Avenue Streetscapes.

Within The Ramble, areas north of Center Street will be referenced as “Upper Ramble” and areas south of Center Street will be referenced as “Lower Ramble.” Corresponding on-site wayfinding signage will be added to help guide the public through the space.







TANGLEWOOD PARK

The Gregg Avenue natural area just west of Tanglewood Branch Creek has been named Tanglewood Park. This name references a natural landmark – Tanglewood Branch Creek – which is located immediately to the east of the space.

It pays tribute to the restored waterway that naturally connects all areas of The Ramble, and it reinforces the City's dedication to environmental stewardship.

It will be transformed into a beautiful park with plenty of gardens, shade, and places to sit.

This flexible and dynamic outdoor space will become a new center of downtown, supporting local art projects, music and other community and cultural programming.

FAY JONES WOODS

A distinct and historic space located between West and Gregg Avenues, Fay Jones Woods has retained its existing reference within The Ramble.

An homage to well-known architect and Fayetteville native Fay Jones, Fay Jones Woods will provide a literal breath of fresh air in downtown.

Elevated boardwalks, overlooks and bridges, accessible trails, gathering spaces, and access to the restored Tanglewood Branch creek, these woods will celebrate the Ozarks ecosystem while preserving native forest.

RAZORBACK GREENWAY

Improvements like repaving, new signalizations at key crossing, energy efficient lighting and importantly, new trail connections to surrounding streets, will transform this section of Greenway into a vital artery of downtown.

Improvements to West Street, like road resurfacing, lighting, shade trees and rain gardens will improve walkability and further connect The Fay Jones Woods and Civic Plaza.

Expanded parking will be located on the Depot lot, providing 350 parking spots for all manner of escapades downtown as well as house a police substation and retail space at street level.

WEST STREET PARKING DECK

HOW DO WE USE IT?

Well that's entirely up to you. Consider: music popups and plays, art walks, outdoor movies, yoga, revolving installations and murals, gallery row, civic celebrations, kids camps and field trips, community planting, reading in a shady spot, volunteer gardeners, slow walks, quick jogs, and festivals of all kinds.

Inclusive, fun and constantly changing with the seasons, the Cultural Arts Corridor is Fayetteville's to create. Our citizens and neighbors will ultimately decide how this space becomes woven into the fabric of our community.

THE LINE

A graphical representation that ties together the identity of The Ramble, the line can be used tactically throughout signage, print collateral and other applications to help tell the story of path.
The path represented is a symbol of the self-guided journey our visitors take along the way. It also conveys an interconnected system that defines The Ramble and visually gives it a home.

For clarity, the line should only be represented in Ramble red or white.



PRIMARY LOGO



ALTERNATE LOGOS

THE
RAMBLE

THE RAMBLE

THE
RAMBLE

THE
RAM
BLE

EXTERNAL USE LOGO

THE RAMBLE
FAYETTEVILLE
ARKANSAS

EXTERNAL USE LOGO STACKED

THE
RAMBLE
FAYETTEVILLE
ARKANSAS

RAMBLE ICON



RAMBLE ICON SOLID



UPPER RAMBLE LOGO



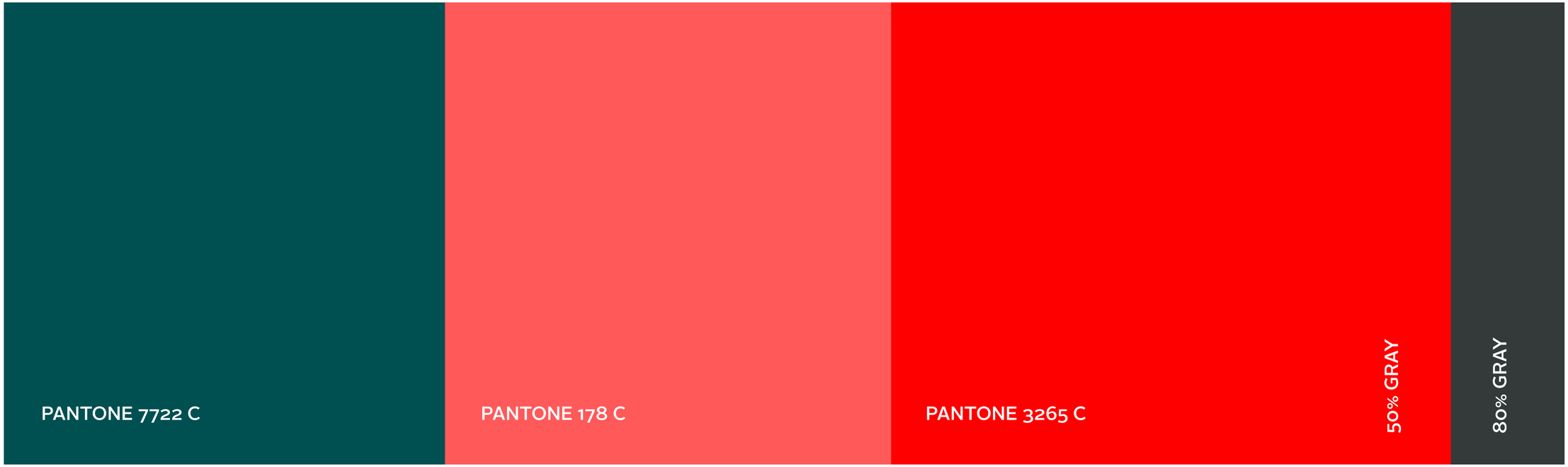


LOWER RAMBLE LOGO





RAMBLE COLOR FAMILY



CITY OF FAYETTEVILLE COLOR FAMILY



THE RAMBLE

1. Oxidized metal substrate
2. Cut out, lower line treatment
3. Durable printed signs on standoffs
4. Metal Substrate Bend



Destination Informational

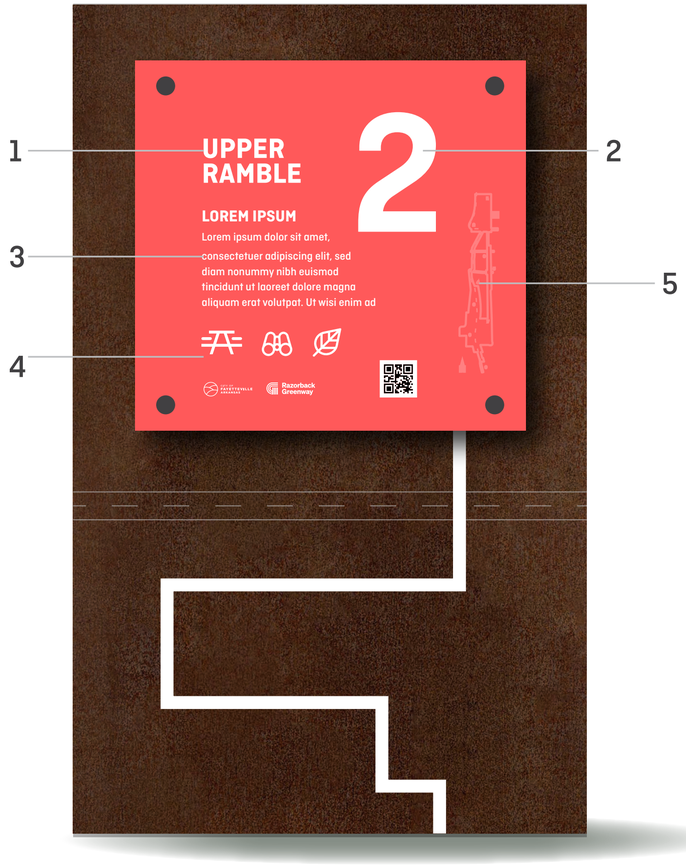


High-level navigation

THE RAMBLE

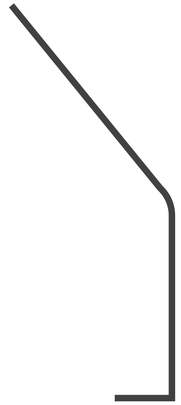
Destination Markers

1. Zone Notation
2. Marker Number
3. Area Description
4. Activity Icons
5. Map Reference





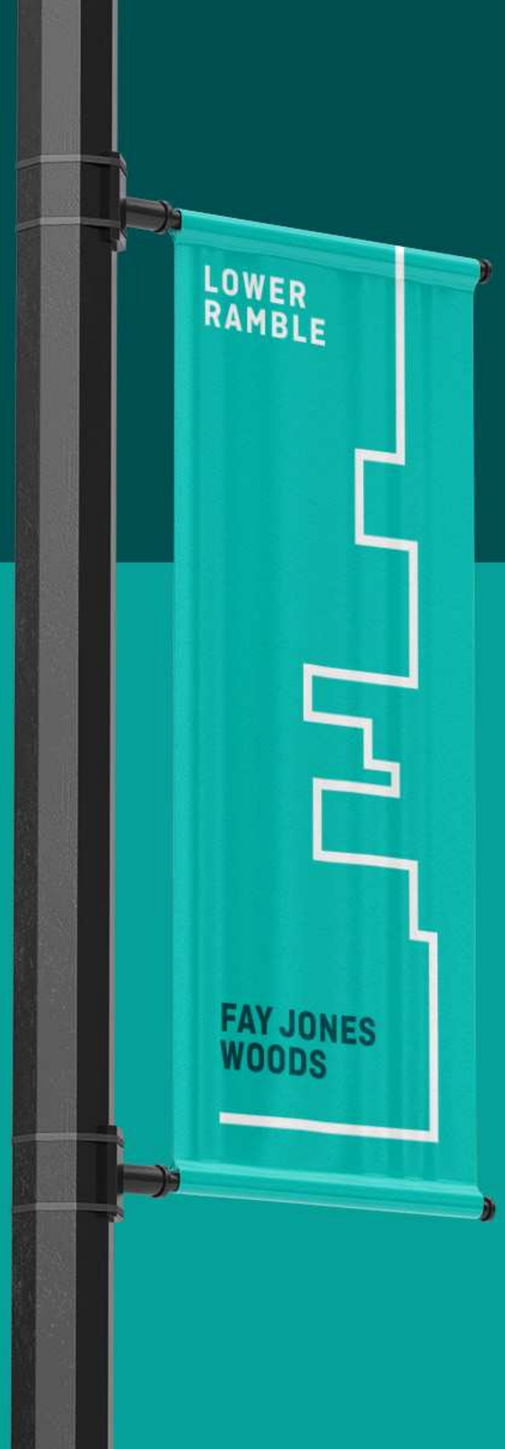
Side Reference




THE
RAMBLE


THE
RAM
BLE


THE
RAMBLE


LOWER
RAMBLE
FAY JONES
WOODS


UPPER
RAMBLE
THE
LAWN

Thank You.

Archetype, Inc.

831 S School, Fayetteville, AR 72701

479.595.8581

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-653

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

SUBJECT: **Approval of a Master Plan**

RECOMMENDATION:
Resolution to approve a master plan for 220 acres on Deadhorse Mountain Road jointly owned by the City, Watershed Conservation Resource Center and Beaver Water District.

BACKGROUND:
On November 1, 2022, the City Council approved Res. 257- 22, authorizing Mayor Jordan to sign a subrecipient agreement with Watershed Conservation Resource Center (WCRC) to purchase 225 acres along the West Fork of the White River. The resolution also authorized the Mayor to sign any other documents necessary to consummate the land purchase as well as any other necessary agreements between the City, WCRC, and Beaver Water District as the co -purchasers.

A Tenants in Common Agreement between The City, Watershed Conservation Resource Center and the Beaver Water District was executed in February of 2023. This agreement included several commitments, including developing a master plan for the property.

DISCUSSION:
WCRC has been diligently working to fulfill the agreement commitments including applying for and receiving over $4M in EPA Climate Pollution Reduction Grant. They have also prepared a master plan for the property. Pursuant to the Tenants in Common Agreement, the master plan includes the restoration of natural resources, development of the property including structures that support the mission of the WCRC, a mitigation bank and alignment and construction of public trails and other recreational facilities.

BUDGET/STAFF IMPACT:
None.

ATTACHMENTS: SRF (#3), River Commons Master Plan - Final 10.14.24 (#4), 257-22 RESOLUTION Tri-Party Agreement (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-653

Approval of a Master Plan

A RESOLUTION TO APPROVE AND ADOPT A MASTER PLAN FOR 220 ACRES ON DEADHORSE MOUNTAIN ROAD

WHEREAS, on November 1, 2022, City Council approved Resolution 257-22 authorizing Mayor Jordan to sign a subrecipient agreement with Watershed Conservation Resource Center (WCRC) to purchase 225 acres along the West Fork of the White River and authorizing the Mayor to sign any other documents necessary to consummate the purchase and provide for management of the land; and

WHEREAS, in February 2023, a Tenants in Common Agreement between the City, WCRC, and the Beaver Water District was executed with several commitments and requirements, including the development of a master plan for the property; and

WHEREAS, the master plan includes the restoration of natural resources, development of the property with structures that support the mission of the WCRC, a mitigation bank and alignment and construction of public trails and other recreational facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Master Plan for 220 acres on Deadhorse Mountain Road, a copy of which is attached to this Resolution, and authorizes Mayor Jordan to sign the plan.

City of Fayetteville Staff Review Form

2024-653

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Alison Jumper	11/15/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Resolution to approve a master plan for 220 acres on Deadhorse Mountain Road jointly owned by the City, Watershed Conservation Resource Center and Beaver Water District.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 257-22

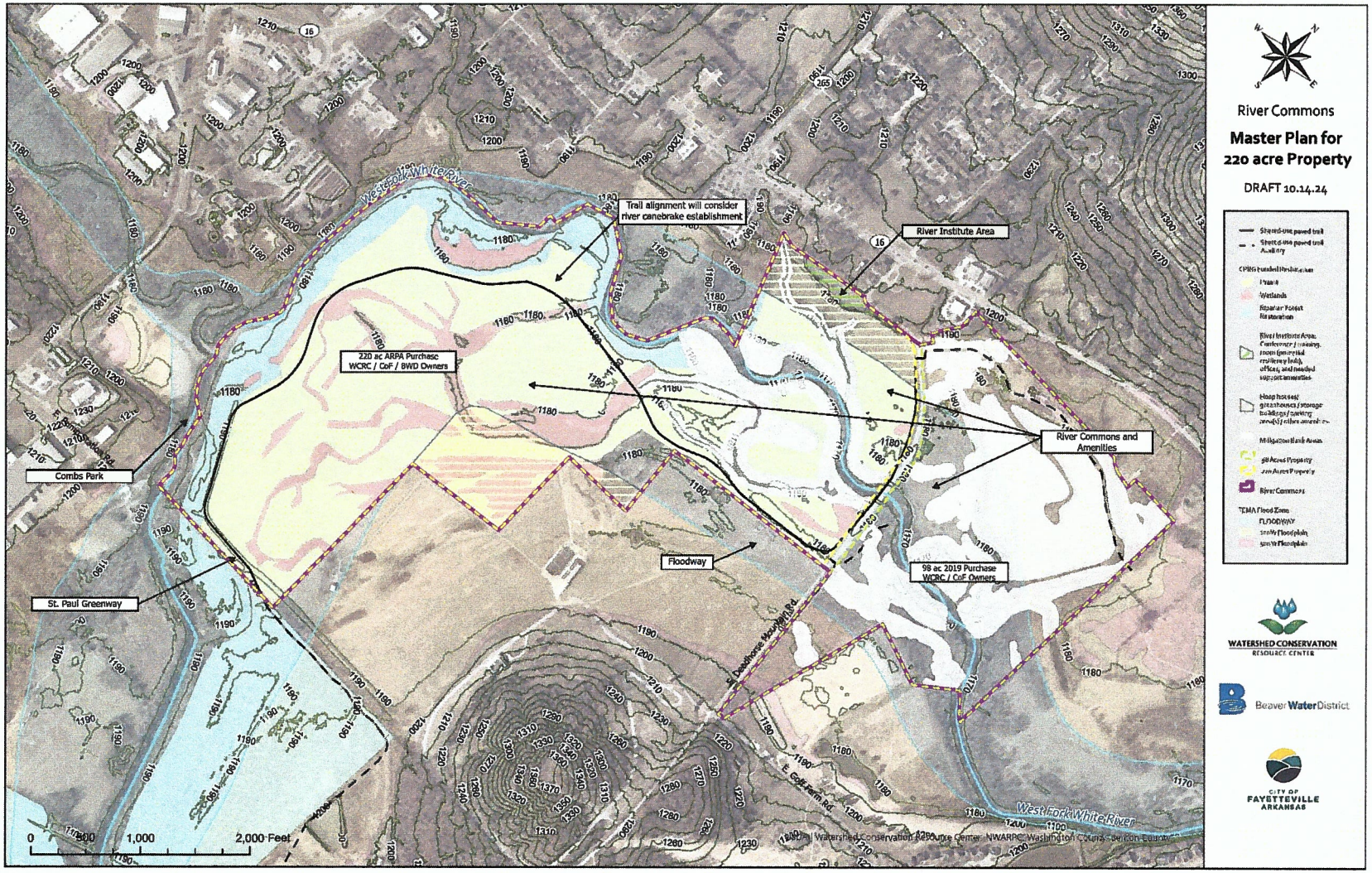
Change Order Number:

Approval Date: 11/1/2022

Original Contract Number:

Comments:

Master Plan
River Commons' 220-acre Area (10/14/24)



Pursuant to Section 3.3 of the Tenants In Common Agreement ("TIC Agreement) executed by the Watershed Conservation Resource Center ("WCRC"), City of Fayetteville ("City"), and Beaver Water District ("BWD") on February 17, 2023, , the following matters are addressed:

1) **Restoration of the natural resources of the property (TIG Agreement Sections 3.3.1 and 5)**

The WCRC has sought and secured funding to restore natural resources by working with a coalition of partners, led by Metroplan with the NWA Regional Planning Commission and the City of Fort Smith. Metroplan was awarded the EPA Climate Pollution Reduction Grant funding through the Inflation Reduction Act. As part of the grant application, the WCRC developed and submitted a project with the City and Northwest Arkansas Land Trust (NWALT) to conduct restoration on the River Commons 220-acre property. Restoration includes prairie, wetlands, and riparian areas. In addition, the project funding includes 1) construction of a shared-use paved trail through the property that will be part of the planned St. Paul's Greenway (TIC Agreement Section 6); and 2) a conservation easement (TIC Agreement Section 3.5) through NWALT. A total of $4.254 million was allocated to the River Commons and associated adjacent areas.

Stream restoration will be conducted as funding becomes available through the West Fork White River (WFWR) Watershed Plan (PL-566) or other funding sources. The WCRC is working with the United Keetoowah Band of Indians in OK (UKB) to restore river canebrakes. The WCRC has contracted with a local farmer to manage the pasture grasses and cut hay. The farmer is helping to remove invasive vegetation and encourage native grass establishment.

The WCRC will continue to seek funding for restoration and long-term maintenance activities (TIC Agreement Section 4.4).

2) **Development of the property (TIC Agreement Sections 3.3.2, 5, and 6) and other recreational facilities (TIC Agreement Section 3.3.5)**

The WCRC continues to seek funding for developing public access amenities as a natural area for the local community and to create the River Commons & Institute. The River Commons area encompasses the 220-acre property and 98-acre property across S Dead Horse Mountain Road. A framework plan called the River Commons and Institute was developed by the University of Arkansas Community Design Center (UACDC) and the WCRC with guidance from a steering committee that includes the City and several partners for the 98-acre property. Amenities for the public may be developed along with structures supporting native plant propagation and community engagement in accordance with the tenants in common agreement on the 220-acre property. The WCRC, with partners from the steering committee and River Coalition, are applying for an EPA Community Change Grant to construct a training center and offices for the WCRC and potentially others (River Institute). If funding is secured, the training center will also act as a resiliency hub for southeast Fayetteville. The best location for this initiative is acreage outside of the 500-year flood plain on the 220-acre property.

3) **Creation of a mitigation bank (TIC Agreement Sections 3.3.3 and 3.4)**

The 220-acre site includes the WFWR Mitigation Bank. The WFWR Mitigation Bank has been expanded to the 98-acre site. At this time, there are no plans to expand mitigation sites on the 220-acre site.

4) **Alignment and construction of public trails (TIC Agreement Sections 3.3.4 and 6)**

The WCRC worked with the City to develop a preliminary shared-use paved trail alignment. The trail is funded through the EPA CPRG grant and final alignment and construction will be completed under this grant. Secondary trails will be developed as needed for the site.

The Parties Agree to the Master Plan Presented in this Document, and the persons below attest that they have proper legal authority to sign for the entity on whose behalf they are signing.

WATERSHED CONSERVATION RESOURCE CENTER

By: Sandi J. Formica
SANDI J. FORMICA
Executive Director

Date: Oct. 17, 2024

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
LIONELD JORDAN, Mayor

Date: _____

BEAVER WATER DISTRICT

By: _____
M. LANE CRIDER
Chief Executive Officer

Date: October 17, 2024

ATTEST:

By: _____
KARA PAXTON, City Clerk-Treasurer

TENANTS IN COMMON AGREEMENT

This TENANTS IN COMMON AGREEMENT ("**Agreement**") is entered between the Watershed Conservation Resource Center, an Arkansas nonprofit corporation ("**WCRC**"), the City of Fayetteville, Arkansas, a duly constituted municipality under the laws of the State of Arkansas (the "**City**"), Beaver Water District, a public nonprofit Regional Water Distribution District duly constituted under the authority of A.C.A. § 14-116-101 *et seq.* ("**BWD**"), hereinafter also referred to collectively as the "**Parties**" or individually as a "**Party**".

RECITALS

A. WCRC is a 501(c)(3) public charity whose purpose is to conserve and restore rivers, riparian and wetland resources;

B. BWD's mission is to sustainably provide its customers with safe, economical drinking water. The City is one of BWD's four wholesale drinking water customers. Beaver Lake is the source of raw water for BWD. The West Fork of the White River ("**WFWR**") is a significant tributary of Beaver Lake;

C. WCRC is the subrecipient of American Rescue Plan Act ("**ARPA**") grant funds totaling $1,445,400.00 (the "**ARPA Funds**") which were awarded by, and passed through, the City pursuant to Resolution 257-22 and that certain Subrecipient Award Agreement between the City and WCRC dated December 2, 2022 (the "**Award Agreement**") for the purchase of 223 acres, more or less, as more particularly described on Exhibit A hereto (the "**Property**"), most of which lies in the floodplain of the WFWR and can provide significant ecological services and green infrastructure for the benefit of BWD and the citizens of the City by reducing nonpoint source pollution to Beaver Lake;

D. On April 25, 2022, BWD committed to contribute up to $800,000.00 toward WCRC's purchase of the Property;

E. The Award Agreement provides that the Parties will take title to the Property as tenants in common and they have entered into a contract to purchase the Property in such capacities; and

F. The Parties now wish to enter into this Agreement to better ensure compliance with the eligible purpose for which the ARPA Funds were awarded by establishing the terms of the Parties' relationship as tenants in common, restricting transfers of their ownership interests for permanent conservation of the Property, and establishing limited permitted uses of the Property.

AGREEMENT

In consideration of the provisions contained herein, including the foregoing recitals, all of which are incorporated herein as material terms of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, covenant and agree as follows:

1. Nature of Relationship. The Parties intend and hereby declare that their relationship is that of co-tenant of the Property, each as to an undivided interest therein. Except as co-tenants, no other relationship as partners or joint venturers exists among them. The Parties shall have all of the rights and privileges of co-owners of real estate, except as such rights and privileges are modified by the terms of this Agreement. Neither the ownership of the Property by the Parties, nor any of the provisions of this Agreement, nor any acts of the Parties, nor any other circumstances, shall be deemed to create a partnership, joint venture, or other business entity for

any purpose whatsoever. Each Party, in connection with the ownership of such undivided interest in the Property, shall take reasonable steps in dealing with third parties to negate any inference that any such partnership, joint venture, or other business entity exists, and all acts of each Party shall be consistent with such Party being a tenant-in-common holding an undivided interest in the Property. In furtherance of the provisions of this Section, the Parties shall not conduct business under a common name, execute any agreements identifying the Parties as partners, shareholders, or members of a partnership, corporation, limited liability company or other business entity, or otherwise hold themselves out as a partnership, corporation, limited liability company or other business entity. No Party is authorized to act as agent for, to act on behalf of, or to do any act that will bind, any other Party, or to incur any obligations with respect to the Property.

2. Income and Liabilities. Except as otherwise provided herein, each Party will be entitled to all benefits and obligations of ownership of the Property. The Property shall not be used for any profit-making purpose but any incidental income shall be reinvested in furtherance of WCRC's mission. Any obligation that would require the City to expend any resources must be approved by the City in accordance with its financial and purchasing regulations and applicable state law before the City shall be bound by such obligation. BWD shall have no financial obligations except as set forth in section 3.2 below.

3. Tenants in Common's Obligations. The Parties will perform such acts as may be reasonably necessary to carry out the terms and conditions of this Agreement, including, without limitation:

3.1 Documents. The execution of documents required in connection with the acquisition, access easements, conservation easements, restoration, maintenance, improvement, or transfer of interests in the Property and such additional documents as may be required under this Agreement or may be reasonably required to achieve the intent of the Parties with respect to the Property.

3.2 Acquisition.

3.2.1 The City shall transfer the ARPA Funds, and BWD shall transfer $740,000.00 of its contribution, to WACO Title Company (the "**Title Company**") to be held in escrow and disbursed at closing of the Property.

3.2.2 The Title Company shall apply the ARPA Funds toward the purchase price of the Property at closing and for no other purpose.

3.2.3 The Title Company shall apply the $740,000.00 contributed by BWD toward the purchase price of the Property.

3.2.4 Prior to the closing date, BWD shall transfer the remaining $60,000.00 of its contribution to WCRC to cover the costs associated with acquiring fee title to the Property, to include, without limitation, the pursuit costs, cost of environmental site assessments, appraisals, surveys, and title policy premiums, and any remaining BWD funds shall be used for preliminary Property management, restoration planning, and ongoing Property management costs.

3.3 Master Plan. The Parties agree to develop a Master Plan for the Property (hereinafter the "**Plan**") within two (2) years of acquisition of the Property. The Plan must be unanimously approved by the Parties. The Master Plan should, at a minimum, address:

3.3.1 Restoration of the natural resources of the Property, including but not limited to the streambanks and wetlands;

3.3.2 Development of the Property, including construction of any structures that support the mission of WCRC;

3.3.3 Creation of a mitigation bank;

3.3.4 Alignment and construction of public trails; and

3.3.5 Other recreational facilities.

3.4 Mitigation Bank. The Parties agree that the Property, or portions of the Property, may be used to establish a mitigation bank, if legally permissible.

3.5 Conservation Easement.

3.5.1 The Parties agree to work cooperatively and expeditiously to grant a conservation easement to a qualified land trust covering all or most of the Property in order to conserve and protect the natural resources and water quality benefits of the Property (the "**Conservation Easement**"). The Conservation Easement shall be recorded in the appropriate real property records within one (1) year of the Parties' adoption of the Plan or, if pursuit of a mitigation bank is agreed upon in the Plan, within three (3) years of the Parties' adoption of the Plan. The Conservation Easement will be in addition to and may incorporate the approximately 28.38 acres of the Property that are already held by the Northwest Arkansas Land Trust ("**NWALT**") in a conservation easement recorded in the real property records of Washington County on September 3, 2014.

3.5.2 Each Party may participate in discussions and negotiations with the land trust on the terms of the Conservation Easement, but WCRC will be responsible for coordinating the negotiations and the Parties' review of the drafts and final Conservation Easement and related documents.

3.5.3 One of the stated purposes in the Conservation Easement must be the protection of the Property's watershed values.

3.5.4 The Conservation Easement shall also permit the construction, development, and use of all structures, areas of non-permeable surfaces, and any other improvements authorized by this Agreement or the Plan and which must not significantly impair or interfere with the Property's watershed or conservation values.

3.5.5 Each Party will review and not unreasonably withhold its approval of the Conservation Easement and will execute and deliver such approved Conservation Easement for recording in the appropriate real property records.

3.6. Improvements. All improvements placed on the Property, whether by or on behalf of a Party, must be consistent with, and not have a substantial adverse impact on, the natural condition, watershed values, and water quality benefits of the Property, including as restored and enhanced. The use and construction of non-permeable improvements not authorized by this Agreement or the Plan must be in compliance with the Conservation Easement and must be unanimously approved by the Parties prior to commencement of any site preparation or construction work. The Parties further acknowledge and agree that the design and location of all such improvements must not preclude or otherwise unduly interfere with the establishment of a mitigation bank

on the Property. Such improvements will be subject to approval by the applicable federal governmental authorities with jurisdiction over any such mitigation bank.

4. WCRC Management.

4.1. At a minimum, WCRC shall maintain the Property in its current capacity as a functioning floodplain.

4.2. WCRC shall bear the cost of any taxes and pursue available exemptions from property taxes as a result of the Property being used exclusively for public charity.

4.3. WCRC shall maintain comprehensive commercial general liability insurance coverage on the Property, which shall list BWD and the City as additionally insured.

4.4. WCRC will seek funding for and, to the extent funding is secured, will: (1) stabilize and restore streambanks, wetlands, floodplains and other natural features, as needed, on the Property; (2) establish horticultural areas for the production of native plant species to be used in restoration projects in northwest Arkansas; and (3) develop infrastructure to support public spaces for hiking, birding, nonmotorized boat access, and similarly low-impact uses.

4.5. WCRC will provide BWD and the City with a minimum of annual written reports regarding WCRC's maintenance, restoration, development, and other activities on the Property. The reports will provide an accounting of expenditures by WCRC and of grants or other monies received by WCRC and used for improvements to the Property.

4.6. Any of the Parties' authorized agents shall have the right to enter and be on the Property in furtherance of the permitted uses set out in this Agreement. Such right of entry shall include use of any easements that provide access to the Property.

4.7. If the Property is used by WCRC to create wetland mitigation credits, the City and BWD are entitled to discounted rates to purchase the credits.

5. WCRC Development.

5.1 Subject to adoption of the Plan as set forth in section 3.3 above and the approval requirements of section 3.6 above, WCRC may be authorized to construct permanent structures to provide office space for WCRC staff, community education and training areas, and interpretative spaces to engage the community and educate the public on stream and riparian restoration and residential storm-water management, so long as: (a) the impervious coverage of the structures does not exceed 20,000 square feet; (b) the structures are located on the approximately 1.5 acres on the north end of the Property that are outside the floodway and floodplain; (c) the structures do not impair or interfere with the watershed values or water quality benefits of the Property; and (d) the structures are not in conflict with ARPA regulations (the "**WCRC Development Reserve**"). WCRC shall not be entitled to any monetary contribution or reimbursement from the Parties of costs associated with constructing or maintaining the improvements permitted by this subsection.

5.1.1. All access drives must be located, designed, and constructed with extreme care for the environment and should utilize existing road beds and pervious materials where possible; and

5.1.2. Subject to the terms of any Conservation Easement, the City and BWD may grant

WCRC a 99-year ground lease over, or convey fee title to, the WCRC Development Reserve, as such property is described by a licensed surveyor, and at such time as the WCRC improvements have been designed but prior to commencement of construction, pursuant to the mutually agreeable terms of a lease agreement or deed that includes all necessary and beneficial easements.

5.2. Additionally, WCRC shall have the right, but no obligation to construct the following low-impact improvements on the Property, so long as the improvements do not impair or interfere with the watershed values or water quality benefits of the Property. WCRC shall not be entitled to any monetary contribution or reimbursement from the Parties for the costs associated with constructing or maintaining the improvements permitted by this subsection. Such improvements include, but are not limited to:

5.2.1. Constructing structures to store equipment, including but not limited to stream restoration equipment, horticultural equipment, and other equipment and implements needed to maintain improvements on the Property so long as the impervious coverage of the structures does not exceed 10,000 square feet and the structures are located outside the floodway;

5.2.2. Constructing greenhouses and hoop houses to grow native plants so long as the impervious coverage of the structures does not exceed 20,000 square feet and the structures are located outside the floodway;

5.2.3. Constructing gravel roads and firebreaks for ecological restoration and maintenance;

5.2.4. Growing native plants, native plant sod, and other needed plant material for restoration projects;

5.2.5. Erecting signs reasonably necessary to regulate access to, and use of, the Property;

5.2.6. Constructing primitive walking trails covered, if at all, by wood chips, gravel, or other highly porous surface and not more than four feet (4') in width, together with steps, railings or footbridges. Trails must largely blend into natural surroundings and be located in a manner to control soil erosion, avoid damage to fragile plant communities, and reduce the fragmentation of wildlife habitat;

5.2.7. Constructing habitat enhancement devices, such as birdhouses and bat houses;

5.2.8. Constructing blinds for nature study;

5.2.9. Contracting for and permitting construction of utility improvements servicing permitted uses of the Property and serving the improvements permitted within the WCRC Development Reserve; and

5.2.10. Constructing one (1) access point for nonmotorized boats.

6. City Development.

6.1. The City may, subject to adoption of the Plan as set forth in section 3.3 above and the approval requirements of section 3.6 above, construct the following improvements on the Property, so long as they are: (a) in compliance with City streamside protection and floodplain ordinances; (b) the cumulative

impervious coverage of such improvements does not exceed four (4) acres; and (c) such improvements do not impair or interfere with the watershed values or water quality benefits of the Property. The City shall not be entitled to any monetary contribution or reimbursement from the Parties for costs associated with constructing or maintaining the improvements permitted by this subsection. Such improvements are limited to:

6.1.1. Construction and maintenance of a hard surface trail, including maintenance areas along both sides of the trail, that complies with the City's trail specifications, generally following the West Fork of the White River alignment. The City will utilize low-impact construction methods or permeable trail surfaces in sensitive areas of the Property.

6.1.2. All access drives must be located, designed, and constructed with extreme care for the environment and should utilize existing road beds and pervious materials where possible;

6.2. The City will support and financially assist with the development of trail access infrastructure and no more than one half (1/2) acre of pervious parking areas for public access.

6.3. Until such time as the City has completed construction of the permitted trails, the Property shall remain closed to the general public.

7. Disposition of Interest.

7.1. Except for the Permitted Transfers set forth in this section, no Party may Transfer its interest in the Property without the unanimous written consent of the other Parties in their sole discretion. Any Transfer in violation of this Agreement shall be void *ab initio*. "Transfer" shall mean directly or indirectly, sell, assign, transfer, convey, pledge, mortgage, encumber, or hypothecate an interest in the Property or any portion thereof, the result of which would be to directly or indirectly divest the Party of any portion of its title to the Property, voluntarily or involuntarily.

7.2. Notwithstanding the foregoing, Transfer shall not include a "Permitted Transfer." For purposes of this Contract, "Permitted Transfer" means:

7.2.1. Transfer by a Party of its interest in the Property in equal shares to the remaining Parties. Transfer shall be on an "as is, where is" basis, by special warranty deed, and subject to all easements, rights-of-way, covenants, reservations, and restrictions thereon of record. The Transfer shall be for no additional consideration. Upon execution of an assignment and assumption agreement among the assuming parties and recordation of the special warranty deed, the transferor shall be released from any further obligations and responsibilities under this Agreement; or

7.2.2. Transfer by a Party of its interest in the Property to a qualified land trust or a 501(c)(3) nonprofit organization whose primary purposes include land and stream restoration and conservation or watershed protection. Any such Transfer, however, shall be subject to the prior written consent of the other Parties. The Transfer shall be made on an "as is, where is" basis, made by special warranty deed and shall be subject to all easements, rights-of-way, covenants, reservations and restrictions thereon of record. As a condition of any such Transfer, the qualified land trust or 501(c)(3) nonprofit organization shall assume in writing all of the transferor's remaining obligations and responsibilities under this Agreement. Upon execution of an assignment and assumption agreement and recordation of the special warranty deed, the transferor shall be released from any further obligations and responsibilities under this Agreement.

8. Partition and Accounting. To the maximum extent allowed by Arkansas law, the Parties waive

all rights as tenants in common to partition all or any portion of the Property and to demand an accounting between them as to the Property. This restraint on alienation shall commence on the date of acquisition of fee title to the Property by the Parties and shall remain in effect as long as the Conservation Easement remains in place.

9. Right of Survivorship. The Parties, intending to be bound as joint tenants with right of survivorship should a Party dissolve, otherwise cease to exist, or become insolvent, agree that such Party's interest in the Property shall automatically pass to the remaining Party or Parties equally, subject to any applicable state or federal laws and regulations governing dissolution and insolvency. The dissolving Party shall deliver an executed quitclaim deed to the remaining Party or Parties for purposes of conveying their undivided interest in the Property and evidencing compliance with this provision as a matter of public record.

10. FOIA. Any records furnished by the City under this instrument are subject to the Freedom of Information Act, A.C.A. § 25-19-101 *et seq*.

11. Miscellaneous.

11.1. Mutuality; Reciprocity; Runs with the Land. All provisions, conditions, covenants, restrictions, obligations and agreements contained herein are made for the direct, mutual, and reciprocal benefit of each and every part of the Property; will be binding upon and will inure to the benefit of each Party and its respective successors, assigns, devisees, representatives, lessees and all other persons acquiring any undivided interest in the Property or any portion thereof whether by operation of law or any manner whatsoever (collectively, "Successors"); will create mutual, equitable servitudes and burdens upon the undivided interest in the Property of each Party in favor of the undivided interest of every other Party; will create reciprocal rights and obligations between the Parties, their undivided interests in the Property, and their Successors; and will, as to each Party and their Successors operate as covenants running with the land, for the benefit of the other Tenants in Common pursuant to applicable law. It is expressly agreed that each covenant contained herein (i) is for the benefit of and is a burden upon the undivided interests in the Property, (ii) runs with the undivided interests in the Property, and (iii) benefits and is binding upon each Successor owner during its ownership of any undivided interest in the Property, and each owner having any interest therein derived in any manner through any tenant in common or Successor. Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is and will be conclusively deemed to have consented and agreed to every restriction, provision, covenant, right and limitation contained herein, whether or not such person expressly assumes such obligations or whether or not any reference to this Agreement are contained in the instrument conveying such interest in the Property to such person. The Parties agree that, subject to the restrictions on transfer contained herein, any Successor will become a party to this Agreement upon acquisition of an undivided interest in the Property as if such person was a tenant in common initially executing this Agreement.

11.2. Term. The term of this Agreement will begin effective as of the date of the last signature below and will terminate at such time as the Parties or their successors-in-interest or assigns no longer own the Property as tenants in common.

11.3. Memorandum of Agreement. The Parties agree that this Agreement will not be placed of record in the land records where the Property is located, or in any other place. The Parties will, however, execute a memorandum of agreement that will be recorded in the land records where the Property is located.

11.4. Further Assurances. The Parties agree that from time to time hereafter, upon request, each of them will execute, acknowledge and deliver such other reasonable documents and instruments, and take such further reasonable action, as may be reasonably necessary to carry out the intent of this Agreement.

11.5. Binding Effect and Benefit. All provisions of this Agreement will inure to the benefit of and will be binding upon the successors-in-interest, assigns, and legal representatives of the Parties.

11.6. Modification. No modification, waiver, amendment, discharge or change of this Agreement will be valid unless the same is in writing and signed by all Parties or their successors in interest.

11.7. Notices.

City of Fayetteville, Arkansas
ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, Arkansas 72701
Phone: (479) 575-8330
mayor@fayetteville-ar.gov

Watershed Conservation Resource Center
ATTN: Sandi Formica, Executive Director
380 West Rock Street
Fayetteville, Arkansas 72701
Phone: (501) 352-5252
formica@watershedconservation.org

Beaver Water District
ATTN: M. Lane Crider, Chief Executive Officer
301 N. Primrose Road
Lowell, Arkansas 72745
(479) 756-3651
lcrider@bwdh2o.org

11.8. Waivers. No act of any Party will be construed to be a waiver of any provision of this Agreement, unless such waiver is in writing and signed by the Party affected. Any Party hereto may specifically waive any breach of this Agreement by any other Party, but no such waiver will constitute a continuing waiver of similar or other breaches.

11.9. Governing Law. This Agreement will be subject to and governed by the laws of the State of Arkansas, without regard to conflict of law principles.

11.10. Headings and Captions. Subject headings and captions are included for convenience purposes only and will not affect the interpretation of this Agreement.

11.11. Incorporation by Reference. All exhibits and documents referred to in this Agreement will be deemed incorporated herein by any reference thereto as if fully set out.

11.12. Severability. If any portion of this Agreement is illegal, null, void, or against public policy, for any reason, or will be held by any court of competent jurisdiction to be illegal, null, void, or against public policy, the remaining portions of this Agreement will not be affected thereby and will remain in full force and effect to the fullest extent permissible by applicable law.

11.13. Rights and Remedies Cumulative. The rights and remedies expressed herein are

cumulative and not exclusive of any rights and remedies otherwise available.

11.14. Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the Parties, oral or written, are hereby superseded and merged herein.

11.15. Attorneys' Fees. If any action or proceeding is instituted between all or any of the Parties arising from or related to or with this Agreement, the Party(ies) prevailing in such action or arbitration will be entitled to recover from the other Party(ies) all of its (or their) costs of action or arbitration, including, without limitation, reasonable attorneys' fees and costs as fixed by the court or arbitrator therein.

11.16. Authority. Each individual signing this Agreement in a representative capacity acknowledges and represents that he/she/it is duly authorized to execute this Agreement in such capacity in the name of, and on behalf of, the designated corporation, partnership, trust or other entity.

11.17. Legal Representation of the Parties. The Parties represent that prior to the execution of this Agreement they have had the opportunity to review this Agreement, as well as the exhibits, and consult with and receive the advice of qualified legal counsel on the ramifications and effects of this Agreement. Any rule of construction or interpretation otherwise requiring this Agreement to be construed or interpreted against any Party will not apply to any construction or interpretation hereof.

11.18. Overriding Intent. The provisions of this Agreement are intended to comply with the U.S. Department of the Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds, the implementing regulations, including those governing disposition of property acquired using ARPA Funds, and this Agreement will be applied and construed in a manner consistent with this intent and the Parties' desire to permanently conserve the Property for the benefit of the public and the protection of water quality in the Beaver Lake Watershed.

[*Signature Pages Follow.*]

WHEREFORE, IN AGREEMENT WITH ALL TERMS AND CONDITIONS WITHIN THIS AGREEMENT, the persons below attest that they have proper legal authority to sign for the entity on whose behalf they are signing.

WATERSHED CONSERVATION RESOURCE CENTER

By: Sandi J. Formica
SANDI J. FORMICA
Executive Director

Date: 2-16-2023

BEAVER WATER DISTRICT

By:
M. LANE CRIDER
Chief Executive Officer

Date: 2/16/23

CITY OF FAYETTEVILLE, ARKANSAS

By:
LIONELD JORDAN, Mayor

Date: 2/17/23

ATTEST:

By: Kara Paxton
KARA PAXTON, City Clerk-Treasurer

CITY CLERK / TREASURER
CITY OF FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-646

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

SUBJECT: **Lease Agreement for the Walker Park Senior Activity and Wellness Center**

RECOMMENDATION:
Staff recommends approving a lease agreement with the Area Agency on Aging of Northwest Arkansas for the Walker Park Senior Activity and Wellness Center.

BACKGROUND:
The Walker Park Senior Activity and Wellness Center opened in July of 2003 and has been under the operations of the Area Agency on Aging of Northwest Arkansas. The Center offers a wide range of recreational and health and wellness activities throughout the year.

DISCUSSION:
The Agency has continued to uphold lease terms for the building and consistently offers quality programs and activities for the seniors of Fayetteville. Only minor changes to the lease agreement were made and include:
1). Lease term automatically renews for seven additional one year terms after initial term.
2). Updated language in section 4. to clarify the Agency must abide by City ordinances regulating signage.
3). Updated the Parks Department name throughout.
4). Moved the General Maintenance section up to section 6.

BUDGET/STAFF IMPACT:
None.

ATTACHMENTS: SRF (#3), Lease Agreement (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-646

Lease Agreement for the Walker Park Senior Activity and Wellness Center

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS THROUGH DECEMBER 31, 2025 FOR THE WALKER PARK SENIOR ACTIVITY AND WELLNESS CENTER IN THE AMOUNT OF $1.00 PER YEAR, WITH AN AUTOMATIC RENEWAL FOR SEVEN ADDITIONAL ONE YEAR TERMS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a lease agreement with Area Agency on Aging of Northwest Arkansas through December 31, 2025, a copy of which is attached to this Resolution and made a part hereof, for Walker Park Senior Activity and Wellness Center in the amount of $1.00 per year, with an automatic renewal for seven additional one year terms.

City of Fayetteville Staff Review Form

2024-646

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Alison Jumper	11/11/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approving a lease agreement with the Area Agency on Aging of Northwest Arkansas for the Walker Park Senior Activity and Wellness Center.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 212-14

Change Order Number:

Approval Date: 12/2/2014

Original Contract Number:

Comments:

LEASE AGREEMENT

for the Walker Park Senior
Activity and Wellness Center

This Agreement, made and entered into the _____ day of _____ 20___, by and between the City of Fayetteville and the Area Agency on Aging of Northwest Arkansas,

WITNESSETH:

1. Leased Premises. For and in consideration of the rents, covenants, and agreements herein entered into and agreed upon by the Area Agency on Aging of Northwest Arkansas as obligations to the City of Fayetteville, the City of Fayetteville lets, leases, and demises unto Area Agency on Aging of Northwest Arkansas, subject to the terms and conditions contained herein, the property situated in Fayetteville, Arkansas, located at 945 South College, Fayetteville, Arkansas known as the Walker Park Senior Activity and Wellness Center. To have and to hold said premises unto the said Area Agency on Aging of Northwest Arkansas for and during the term herein stated, subject to the covenants, terms, conditions, and liens herein contained.

2. Term. This Lease shall commence on January 1, 2025 for a term of one year ending on December 31, 2025. The Lease shall automatically renew for seven additional one year terms thereafter unless either party provides written notice of its intent to terminate at least 90 days before the end of the current term.

3. Rent. Area Agency on Aging of Northwest Arkansas agrees to pay to City of Fayetteville as rental for the full term of this Lease the sum of $1.00 per year, to be paid in advance on January 1, 2025, and on the first day of each and every year thereafter during the term of this Lease and further agrees to provide services to Fayetteville senior citizens as set forth in the separate contract for services.

4. Signs and Advertising. Area Agency on Aging of Northwest Arkansas shall comply with the City of Fayetteville's ordinances regulating signage and further agrees not to utilize any form of advertising that may be deemed objectionable to City of Fayetteville or to the general public, including, but not limited, to loudspeakers or related electronic equipment, radios, or projected sound outside of the leased premises.

5. Repairs. Area Agency on Aging of Northwest Arkansas shall maintain the building structure, including exterior doors and windows, in a reasonable state of repair and shall make such repairs as may be required to keep and maintain the grounds in a good and tenantable condition. Area Agency on Aging of Northwest Arkansas shall keep the interior of the building, including interior walls, floors, doors, wiring, plumbing, and window and door glass in good repair at its expense. The City of Fayetteville Facilities and Construction Division will be responsible for repairs to the roof, heating and air units, and major repairs for electrical and

plumbing. The City Parks, Natural Resources, and Cultural Affairs Department will provide snow removal on the parking lot.

Area Agency on Aging of Northwest Arkansas shall, at the termination, surrender, or forfeiture of this Lease, return said premises with the interior, including all of the above items, in as good and satisfactory condition as the same was at the beginning of Lease, normal wear and tear excepted. Area Agency on Aging of Northwest Arkansas shall be permitted to make alterations, additions or improvements upon or to the leased premises, provided that any such alterations, additions or improvements will be and remain a part of the leased premises at the expiration of this lease and thereupon become the property of the City of Fayetteville.

No construction or renovation will be undertaken without the expressed written approval and consent of City of Fayetteville. Capital items costing over $10,000 for the Walker Park Senior Activity and Wellness Center building must be submitted to the City of Fayetteville Parks, Natural Resources, and Cultural Affairs Department by May 1 of each year in order to be considered for the following year by the City Council.

6. General Maintenance. Area Agency on Aging of Northwest Arkansas agrees to provide general daily maintenance and upkeep of facility, i.e., cleaning of floors, kitchen area, offices, restrooms, dining area, craft room and windows in compliance with the Arkansas Health Department regulations.

7. Use. Area Agency on Aging of Northwest Arkansas agrees to use the lease premises for the purpose of operating a Senior Activity and Wellness Center and for no other purpose or purposes without the written consent of City of Fayetteville having been obtained in advance. Area Agency on Aging of Northwest Arkansas shall not use, nor permit the demised premises to be used, for any purpose or purposes other than those expressed herein. Normal usage of the Walker Park Senior Activity and Wellness Center would consist of services such as nutrition, recreation, health and wellness programs, crafts, case management, and services for Senior Adults. Use of the premises for special events such as scheduled meetings of community groups, reunions, receptions, etc., will be considered a normal use of the Walker Park Senior Activity and Wellness Center and will not be considered a violation of this Paragraph or of Paragraph 7 below. Area Agency on Aging of Northwest Arkansas is allowed to charge a user fee for events and programs. The City of Fayetteville will be allowed to schedule and utilize the Walker Park Senior Activity and Wellness Center to conduct public meetings or staff meetings. Should the property cease to be utilized as a Senior Activity and Wellness Center, this Lease shall become null and void and all improvements on said property shall inure to City of Fayetteville pursuant to Paragraph 2 hereinabove.

The Walker Park Senior Activity and Wellness Center is designated as an emergency shelter by the City of Fayetteville. The City purchased and installed a large generator to make the building feasible as an emergency shelter and the generator shall only be used by City of Fayetteville employees in the event of an emergency or power outage. The staff of the Walker Park Senior Activity and Wellness Center will work with the City of Fayetteville Staff to ensure the center is properly prepared to serve as an emergency shelter as required by the City.

8. Assignment. Area Agency on Aging of Northwest Arkansas shall not assign this Lease or sublet the leased premises without prior written consent of the City of Fayetteville. Any such assignment or subletting shall in no way relieve Area Agency on Aging of Northwest Arkansas from liability for the obligation imposed by this Lease. Area Agency on Aging of Northwest Arkansas may only be released from liability by a specific written release executed by City of Fayetteville. It is understood by the City of Fayetteville that the Area Agency on Aging of Northwest Arkansas may choose to subcontract with an Aging Services Provider to operate the senior programs in the center. This subcontract arrangement does not constitute assignment of the Lease for the purposes of this document.

9. City-Provided Insurance. The City of Fayetteville hereby agrees to cause an insurance policy to be purchased protecting the premises from fire, windstorm, hail and extended coverage, vandalism, malicious mischief, and burglary insurance to cover damage to the building or the premises, said insurance is to be written by a responsible insurance company authorized to do business within the State of Arkansas in an amount equal to not less than the replacement value of the premises and to furnish Area Agency on Aging of Northwest Arkansas with proof thereof. Such policy of insurance shall provide protection against loss so insured against for the benefit of City of Fayetteville and Area Agency on Aging of Northwest Arkansas as their interests may appear. If, during the term of this lease, the premises or the building and other improvements in which the premises are located are totally or partially destroyed from any cause, rendering the premises totally or partially inaccessible or unusable, City of Fayetteville shall restore the premises or the building and other improvements in which the premises are located to substantially the same condition as they were in immediately before destruction.

10. Insurance on Area Agency on Aging of Northwest Arkansas's Property. Area Agency on Aging of Northwest Arkansas shall be solely responsible for maintaining insurance on its property, including, but not limited to, movables, trade fixtures installed by Area Agency on Aging of Northwest Arkansas, furniture, furnishings, and inventory.

11. Liability Insurance. Area Agency on Aging of Northwest Arkansas shall, during the term of this Lease, maintain public liability insurance on the leased premises and on the business operated by the Area Agency on Aging of Northwest Arkansas or any sub-tenant occupying the leased premises. The limits of such public liability insurance shall not be less than $300,000.00 per each occurrence for bodily injury liability, with a $1,000,000.00 aggregate. Such policy shall contain a clause that the insurer will not cancel or change the insurance without giving City of Fayetteville, its successors or assigns, ten (10) days' prior written notice; and a certificate of such insurance shall be delivered to City of Fayetteville prior to the inception of this Lease.

12. Taxes. City of Fayetteville agrees to pay in full or cause to be paid in full all ad valorem property taxes levied and other taxes and assessments payable upon the leased premises. However, Area Agency on Aging of Northwest Arkansas agrees to pay all taxes levied against any furniture, fixtures or other personal property used in or on the premises by Area Agency on Aging of Northwest Arkansas on sub-leases of Area Agency on Aging of Northwest Arkansas.

13. Utility Bills. Area Agency on Aging of Northwest Arkansas agrees to pay all utility bills, including electricity, gas, water, sewer, telephone and trash pick up assessed against the premises

throughout the term of this lease and any other expense incidental to the Area Agency on Aging of Northwest Arkansas's occupancy of the leased premises. The Area Agency on Aging of Northwest Arkansas may request funding from the City of Fayetteville for utility bills. Funding requests must be submitted to the City of Fayetteville Budget Department by the deadline date required for Outside Agencies each year in order to be considered for the following year by the City Council.

14. Compliance with Laws. Area Agency on Aging of Northwest Arkansas agrees not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises.

15. Trash. All trash and refuse deposited outside the building must be placed in sufficient receptacles furnished by Area Agency on Aging of Northwest Arkansas and approved by the City of Fayetteville Trash and Recycling Division.

16. Title and Quiet Enjoyment: City of Fayetteville covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease said premises as herein provided. Upon payment by Area Agency on Aging of Northwest Arkansas of the rents herein provided and upon the observance and performance of all the covenants, terms, and conditions upon Area Agency on Aging of Northwest Arkansas's part to be observed and performed, Area Agency on Aging of Northwest Arkansas shall peaceable and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by City of Fayetteville, subject to the terms and conditions of this Lease.

17. Succession. This Lease Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

18. Waste. Area Agency on Aging of Northwest Arkansas agrees not to commit waste, nor permit waste to result or to be done to or upon the aforesaid property and premises; not to conduct any business thereon or therein, nor store or permit to be stored thereon or therein any explosives, combustible substances or materials of any nature, which would increase the fire hazard or cause a premium to be charged for insurance higher than that charged for the present use of said property; and not to operate, nor permit to be operated, nor to exist hereon or therein, any public or private nuisance.

19. Severability. Each paragraph of this Lease Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

20. Interpretation. This Lease Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

21. Entire Agreement. This Lease Agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This Lease Agreement supersedes all prior agreements, contracts, and understandings of any kind between

the parties relating to the subject matter hereof. This Agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WITNESS OUR HANDS this _____ day of_____, 2024.

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS

By: _____
Name
Executive Director

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Kara Paxton, City Clerk-Treasurer

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

On this day, personally appeared before me Brad Bailey, the Executive Director of the Area Agency on Aging of Northwest Arkansas, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he or she executed the same for the purposes therein contained.

WITNESS my hand and official seal this 11th day of September, 2024.

Judy C. Peters
Notary Public

My Commission Expires: 2-14-2033

JUDY C PETERS
Notary Public - Arkansas
Boone County
Commission # 12392391
My Commission Expires Feb 14, 2033

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

On this day, personally appeared before me Lioneld Jordan and Kara Paxton, Mayor and City Clerk Treasurer of the City of Fayetteville, Arkansas, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and official seal this _____ day of _____, 2024.

_____
Notary Public

My Commission Expires: _____

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-638

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Tim Nyander, Utilities Director

SUBJECT: **Environmental Consulting Operations, Inc. Amendment No. 11**

RECOMMENDATION:
Staff recommends the approval of Amendment No.11 to the contract with Environmental Consulting Operations, Inc. (ECO) in the amount of $68,000.00 for wetlands mitigation site monitoring and management for 2025.

BACKGROUND:
In 2014, Ordinance 5687 was passed by the City Council to approve a contract with ECO, Inc, for Woolsey Wetlands mitigation site monitoring and management. At the time, ECO qualified as a sole source provider for this contract due to the extensive knowledge and work conducted on the Woolsey Wetland Prairie Mitigation Site during the Wastewater Systems Improvement Project (WSIP). Section 3.2 of the contract provides that the contract may be renewed for additional one-year terms upon mutual agreement of the City and ECO.

DISCUSSION:
The contract covers the following work tasks for 2025:

Amendment No. 11 Scope of Services	**Fee Estimate**
Part A - 2024 Project Administration & Management	$4,000.00
Part B - 2024 Annual Ecological Restoration Monitoring	$30,500.00
Part C - 2024 Annual Adaptive Management Strategy	$32,000.00
Part D - 2024 Update Surplus Wetland Credit Tracking Ledger	$0.00
Part E - 2024 Academic Research Project Guidance	$1,500.00
Total	**$68,000.00**

The details of each of these work tasks are outlined within the proposed Amendment No. 11 between the City of Fayetteville and ECO, Inc. The contract amount for Amendment No. 11 is a 3.82% increase from 2024. The cost has not increased in the previous two years.

BUDGET/STAFF IMPACT:
Funds are available in the Wastewater Treatment Operations Program.

ATTACHMENTS: SRF (#3), 2025 Executive Summary (#4), Amendment No. 11 (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-638

Environmental Consulting Operations, Inc. Amendment No. 11

A RESOLUTION TO APPROVE AMENDMENT NO. 11 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF $68,000.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2025

WHEREAS, Ordinance 5687, which was adopted on May 6, 2014, waived the requirement of formal competitive bidding and authorized a contract with Environmental Consulting Operations, Inc. for wetlands mitigation site monitoring and management for 2014; and

WHEREAS, Section 3.2 of the contract provides that the contract may be renewed for additional one-year terms upon mutual agreement of the City and Environmental Consulting Operations, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 11 to the contract with Environmental Consulting Operations, Inc. in the amount of $68,000.00 for wetlands mitigation site monitoring and management in 2025.

City of Fayetteville Staff Review Form

2024-638

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander	10/9/2024	WASTEWATER TREATMENT (730)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends the approval of Amendment No.11 to the contract with Environmental Consulting Operations, Inc. in the amount of $68,000.00 for wetlands mitigation site monitoring and management for 2025.

Budget Impact:

540.730.5120-5315.00	Water & Sewer
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	79,100.00
		Expenses (Actual+Encum)		
		Available Budget	$	**79,100.00**
Does item have a direct cost?	Yes	Item Cost	$	68,000.00
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	**11,100.00**

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # Ord. 5687

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

2025 Executive Summary:
Woolsey Wet Prairie Annual Ecological Monitoring & Adaptive Management:
ECO, Inc. Contract Amendment No. 11

Overview & Background

Woolsey Wet Prairie Sanctuary was established by the City of Fayetteville, AR (City) as part of wetland compensatory mitigation requirements under Section 404 Permit No. 14207 issued by the U.S. Army Corps of Engineers Little Rock District (Corps). The 43.8-acre mitigation site was constructed to offset the permanent alteration of 7.92 acres of wetlands from construction of the City's Wastewater Systems Improvement Project (WSIP). The Corps Section 404 Permit required 73.57 wetland credits to be generated at the mitigation site to offset wetland losses from the WSIP.

Environmental Consulting Operations, Inc. (ECO, Inc.) developed the WSIP stormwater permitting Best Management Practices (BMP) Plans, conducted WSIP construction compliance evaluations, and oversaw full compliance with related regulations and environmental permits. Under ECO, Inc.'s oversight, contractors working for the City completed over $160 million in work without a single environmental permit violation.

ECO, Inc. designed the Corps-required ecological features of the wetland mitigation site and has met all mandated monitoring and reporting requirements, including the required wetland credit ledger to track the use of surplus wetland credits by the City. Under ECO, Inc.'s management, a total of 94.47 mitigation credits have been generated, producing a surplus of 20.90 credits. After ECO, Inc.'s conferrals with the Corps, the City received a special one-of-a-kind approval to use the 20.90 surplus wetland credits for City infrastructure projects that require wetland compensatory mitigation within the Illinois River Watershed. To date, surplus wetland credits have been used for the City's Van Asche Drive Extension Project and the Clabber Creek Recreational Trail Project, saving the City thousands of dollars.

Under ECO, Inc.'s adaptive management strategy, the mitigation site has a current plant species list totaling 505 species, a 975% increase beyond the 47 plant species observed in 2004. Eleven species at the site are tracked by the Arkansas Natural Heritage Commission (ANHC) as species of state conservation concern. Nonetheless, persistent invasive species are present at the site, requiring continued monitoring and adaptive management activities

ECO, Inc. Scope of Work

ECO, Inc.'s May 8, 2014 Agreement for Professional Environmental Consulting Services covered the following work tasks for 2014, and has been amended annually from 2015 through 2025:

ECO, Inc. Scope of Services
Part A - Project Administration & Management
Part B - Annual Ecological Restoration Monitoring
Part C - Annual Adaptive Management Strategy
Part D - Update Surplus Wetland Credit Tracking Ledger
Part E - Academic Research Project Guidance

The details for each of these work tasks are outlined within the proposed 2025 Contract Amendment No. 11 between the City of Fayetteville and ECO, Inc. for Parts A – E.

As shown in the 2024/2025 cost comparison table below, the 2025 "Not to Exceed" cost of **$68,000.00** represents a $2,500 or 3.8% increase to the contract amount that was approved by the City of Fayetteville for ECO, Inc.'s 2024 scope of work. The ECO, Inc. hourly billable rates for 2025 will remain the same.

Contract Amendments No. 10 (2024) & No. 11 (2025) Cost Comparison

ECO Scope of Services	2024 Amend. No. 10	2025 Amend. No. 11
Part A - Project Administration & Management	**$4,350**	**$4,000**
Part B - Annual Ecological Restoration Monitoring	**$28,000**	**$30,500**
Part C - Annual Adaptive Management Strategy	**$31,650**	**$32,000**
Part D - Update Surplus Wetland Credit Tracking Ledger	**$0**	**$0**
Part E - Academia Research Project Guidance	**$1,500**	**$1,500**
Total	**$65,500**	**$68,000**

ECO, Inc. will continue to conduct annual monitoring activities to identify problem areas where specific management controls are warranted. ECO, Inc. will continue to coordinate adaptive management practices to:

- **Develop plant group-specific herbicide application guidance and recommendations for City's Contractor conducting on-site adaptive management activities,**
- **Review records of herbicide applications made by entity conducting on-site adaptive management activities,**
- **Coordinate with City's Contractor conducting on-site adaptive management activities to maintain an aggressive herbicide program for controlling woody vegetation in an effort to prevent excessive growth of trees that necessitates timber mulching,**
- **Develop prescribed burn specifications for informal bid process of selecting burn contractor,**
- **Review, approve, and oversee conduction of academic research projects in accordance with City's Corps Section 404 Permit requirements,**
- **Coordinate/scheduling/oversight of prescribed burn, and**
- **Process/coordinate/update surplus wetland credit ledger should City infrastructure improvement projects arise that require wetland mitigation credits.**

ECO, Inc. possesses the very specialized technical and regulatory expertise and site-specific knowledge to complete these tasks for the purpose of meeting Corps-mandated mitigation performance standards and to maintain the existing surplus wetland credits for use in future City infrastructure improvements that require compensatory wetland mitigation. Having won numerous awards and recognitions, Woolsey Wet Prairie Sanctuary has been a success story under the design and management of ECO, Inc. and is a unique ecological feature for the City of Fayetteville like no other in Arkansas.

AMENDMENT NO. 11
TO
AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES
BETWEEN CITY OF FAYETTEVILLE, ARKANSAS AND
ENVIRONMENTAL CONSULTING OPERATIONS, INCORPORATED
FOR
WOOLSEY WET PRAIRIE ECOLOGICAL MONITORING AND MANAGEMENT
ENVIRONMENTAL CONSULTING SERVICES

THIS AMENDMENT NO. 11 to the Agreement For Professional Environmental Consulting Services, dated May 8, 2014 (the "Agreement"), by and between CITY OF FAYETTEVILLE, ARKANSAS (CITY) and ENVIRONMENTAL CONSULTING OPERATIONS, INC. (ECO) for environmental consulting services in connection with monitoring and ecological adaptive management of CITY's wetland mitigation site (SITE) known as Woolsey Wet Prairie is made and entered into for purposes of continuity of Site wetland habitat status in order to maintain surplus wetland credits generated at Site and due to Corps of Engineers (Corps) regulatory requirements to manage and maintain wetland compensatory mitigation in perpetuity to assure Site continues to meet ecological performance standards.

WHEREAS, this **AMENDMENT NO. 11** is a renewal of the May 8, 2014 Agreement that included a provision for automatic renewal of ECO's annual Scope of Services beyond 2014 for additional 1-year terms upon mutual agreement by both CITY and ECO. Unless specifically stated, all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the CITY and ECO.

NOW THEREFORE, the CITY and ECO agree to amend the Agreement for ECO's Scope of Services as follows:

1. Part A - Project Administration & Management

a) General administration and project management activities;

b) Perform project initiation activities;

c) Provide environmental regulatory and technical information to CITY, CITY Contractors, Citizens of CITY, and Academia;

d) Meet with CITY, CITY Contractors, and Academia for information exchange, goal and timeline setting, reviewing management strategies, and action items;

e) Perform internal project control including budgeting, scheduling, and quality control;

f) Part A applies to January through December 2025. Renewal of ECO's annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part A services beyond 2025.

2. Part B - Annual Ecological Restoration Monitoring

a) Conduct qualitative monitoring activities throughout the growing season to maintain cumulative plant species lists, evaluations of seasonal hydrology and associated plant communities, and identification of stands of invasive plant species to be controlled;

b) Observe and document total plant species richness for each wetland cell and the total mitigation SITE in historical comprehensive plant species lists;

c) Record locations of concentrated stands of non-native and native invasive plant species and locations of rare Arkansas Natural Heritage Commission (ANHC) tracking plant species on wetland cell maps;

d) Develop 2025 Woolsey Wet Prairie Adaptive Management Strategy & Monitoring Report No. 19 that is consistent with historical monitoring and management activities at Site in a format to be used for SITE adaptive management purposes;

e) Part B applies to January through December 2025. Renewal of ECO's annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part B services beyond 2025.

3. Part C - Annual Adaptive Management Strategy

a) Continued development and implementation of annual strategy for specific controls of invasive species via selection, coordination, and scheduling of time sensitive hydrology controls, herbicide applications, mowing, hand pulling, and prescribed burning;

b) Make SITE visits throughout the growing season to make observations of hydrology, vegetation, and effectiveness of invasive vegetation control;

c) Oversee selection, scheduling, and coordination of SITE adaptive management activities and provide guidance pertaining to Site Deed-Restrictive Covenant restrictions to CITY and CITY’s Contractors associated with management of Site;

d) Provide restoration ecology advisory technical guidance to CITY and CITY’s Contractors associated with management of Site for the purpose of implementation of Site management activities that are compliant with Site permanent protection measures and restrictions specified in the CITY’s Corps Section 404 permit;

e) Document and maintain records of adaptive management activities implemented and the date of use;

f) Make adjustments, as necessary, to timing and type of vegetation management to be implemented including, but not restricted to, hydrology management, mowing, herbicide applications, prescribed burning, and hand pulling of invasive plant species;

g) Utilize wetland cell aerial photographs showing locations of concentrated stands of invasive and non-native plant species and locations of rare ANHC tracking plant species in order to target and prioritize areas for specific management activities;

h) Develop herbicide application specifications that include specific types of herbicides to apply to specific invasive plant species by CITY contractors;

i) Schedule and select type of herbicide, adjuvant, and application rate to be used for specific target non-native and invasive plant species at specific locations and document herbicide effectiveness;

j) Coordinate, schedule, and observe areas where herbicide applications have been made to evaluate effectiveness for controlling invasive species by CITY contractors;

k) Develop burn specifications that clearly identify prescribed Burn Contractor responsibilities as a part of CITY's informal bid process that identify: SITE preparation, notifications, and Burn Contractor responsibilities;

l) Coordinate, schedule, and observe prescribed burn to evaluate Burn Contractor's conformance with state laws, notifications, and specifications;

m) Coordinate co-existence of planned construction and operation activities at adjacent solar array and NWALT Westside Prairie Preserve with adaptive management activities at the SITE;

n) Part C applies to January through December 2025. Renewal of ECO's annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part C services beyond 2025.

4. Part D - Update Credit Tracking Ledger for Surplus Wetland Credits

a) SITE has generated surplus of wetland credits above those required by CITY's Corps Section 404 permit for wetland compensatory mitigation. CITY has received Corps approval to use wetland credits to mitigate for wetland impacts caused by the CITY's infrastructure improvement projects within Illinois River watershed HUC 11110103;

b) Under the 2014 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Van Asche Extension Project for submittal to Corps;

c) Under the 2015 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Clabber Creek Recreational Trail Project for submittal to Corps;

d) Under the 2016 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

e) Under the 2017 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

f) Under the 2018 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

g) Under the 2019 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

h) Under the 2020 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Clabber Creek Recreational Trail Project for submittal to Corps;

i) Under the 2021 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

j) Under the 2022 Scope of Services, ECO developed a wetland credit ledger to include surplus credits and credit debits from CITY's Clabber Creek Recreational Trail Project for submittal to Corps;

k) Under the 2023 Scope of Services, CITY did not utilize any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

l) At the time of development of this amendment under the 2024 Scope of Services, CITY has not utilized any surplus wetland credits for City infrastructure improvement projects requiring wetland compensatory mitigation;

m) It is unknown at the current time, whether or not Part D services will be necessary for January through December 2025 and will be a function of whether or not surplus credit transactions occur. Should 2025 wetland credit transactions occur, ECO shall update wetland credit ledger accordingly for submittal to Corps at the end of 2025;

n) Renewal of ECO's annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part D services beyond 2025.

5. Part E - Academic Research Project Review and Guidance

a) During 2017, there was an increased interest in the SITE for academic research projects from various departments of the University of Arkansas ranging from herpetology to soil microbiology. While research projects at the site are exciting and encouraged, the need exists for guidance and oversight to ensure that all parties involved are made aware of the various requirements of the CITY's Corps Section 404 permit and Deed Restricted Covenant for the SITE. Failure to manage research project activities at the SITE has the potential to result in the CITY not being in compliance with the terms and conditions of the CITY's Corps Section 404 permit and the Deed Restricted Covenant for the SITE.

b) ECO, Inc. has developed a research request form and guidance document intended for use by proposed research projects that will provide project-specific relative information to ECO, Inc., CITY's Contractors, and the CITY for review and approval, while also educating the applicant about the SITE Corps Section 404 permit requirements. ECO, Inc. will review academic research project proposals and provide project-specific guidance to parties conducting research at SITE.

c) Part E applies to January through December 2025. Renewal of ECO's annual Scope of Services will be reviewed by the City Council and amended upon approval for renewal of Part E services beyond 2025.

6. Compensation

For the amended Scope of Services described herein, CITY agrees to pay ECO the sum specified below on Cost Detail Table. The total payment shall be a lump sum "not to exceed" amount of **SIXTY-EIGHT THOUSAND U.S. DOLLARS ($68,000.00).**

Amendment No. 11 - 2025 Cost Detail

Amended ECO Scope of Services	Fee Estimate
Part A - 2025 Project Administration & Management	**$4,000**
Part B - 2025 Annual Ecological Restoration Monitoring	**$30,500**
Part C - 2025 Annual Adaptive Management Strategy	**$32,000**
Part D - 2025 Update Surplus Wetland Credit Tracking Ledger	**$0**
Part E - 2025 Academic Research Project Guidance	**$1,500**
Total	**$68,000**

The CITY and ECO intending to be legally bound, indicate their approval of this **AMENDMENT NO. 11** by their signatures below:

ENVIRONMENTAL CONSULTING OPERATIONS, INC.

By: Seth Pickens
Seth Pickens, President

Date: October 2, 2024

CITY OF FAYETTEVILLE

By: _____
Lioneld Jordan, Mayor

Date: _____

ATTEST:

By: _____
Kara Paxton, City Clerk/Treasurer

Date: _____

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-647

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey, Engineering Design Manager

SUBJECT: **Approval of a construction contract in the amount of $155,903.50 with NEC, Inc. for the Salem Road ADA Improvements Project and approval of a $20,000.00 project contingency.**

RECOMMENDATION:
Staff recommends approval of a construction contract in the amount of $155,903.50 with NEC Inc. for the Salem Road ADA Improvements Project and approval of a $20,000.00 project contingency.

BACKGROUND:
The Salem Road ADA Improvements project includes the construction of 28 ADA ramps along Salem Road from Mica Street to Fairfax Street. In addition to the ramps, portions of sidewalk and curb will be replaced at each location.

This project is included in the Transportation Division Sidewalk Work Plan for 2024. The Engineering Division has prepared the design plans and the project was put out for bid.

DISCUSSION:
On October 8, 2024, the City received seven (7) construction bids for this project. NEC, Inc. submitted the low bid of $155,903.50. Engineering staff recommends awarding this contract to NEC, Inc. The contract time is 90 days (3 months) for substantial completion.

BUDGET/STAFF IMPACT:
The design and construction of this project will be paid for with Capital Improvements Project funds allocated for sidewalk improvements.

PURCHASE ORDER DETAILS

G/L ACCT	PROJECT	AMOUNT
4470.410.8410-5814.00	02053.1	$155,903.50

ATTACHMENTS: SRF (#3), Salem ADA NEC Agreement (#4), Bid 24-43, Bid Tab - Final (#5), Bid 24-43, Submittal - NEC, Inc - E (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-647

Approval of a construction contract in the amount of $155,903.50 with NEC, Inc. for the Salem Road ADA Improvements Project and approval of a $20,000.00 project contingency.

A RESOLUTION TO AWARD BID #24-43 AND AUTHORIZE A CONTRACT WITH NEC, INC. IN THE AMOUNT OF $155,903.50 FOR THE SALEM ROAD ADA IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $20,000.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #24-43 and authorizes Mayor Jordan to sign a contract with NEC, Inc. in the amount of $155,903.50 for the Salem Road ADA Improvements Project, and further approves a project contingency in the amount of $20,000.00.

City of Fayetteville Staff Review Form

2024-0647

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Casey	10/14/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of a construction contract in the amount of $155,903.50 with NEC Inc. for the Salem Road ADA Improvements Project and approval of a $20,000.00 project contingency.

Budget Impact:

4470.410.8410-5814.00	Sales Tax Capital Improvments - Transportation Services
Account Number	Fund
02053.1	Sidewalk Improvements
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	1,988,328.00
		Expenses (Actual+Encum)	$	984,826.75
		Available Budget	**$**	**1,003,501.25**
Does item have a direct cost?	Yes	Item Cost	$	175,903.50
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	**$**	**827,597.75**

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments: Item cost includes project contingency.

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: N SALEM RD ADA IMPROVEMENTS

Contract No.: 24-43, Construction

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2023 by and between The City of Fayetteville, Arkansas and NEC, Inc. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of 28 ADA Ramps along N. Salem Road. The work will require demolition and removal of existing curb and gutter and sidewalk to allow for the installation of the new ramps. Miscellaneous items include moving street lights, adjusting water valves to grade and signage.

Any use of a third-party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Open burning and blasting is not allowed on City projects.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in City of Fayetteville Right-of-way and in General Utility Easements.

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

A. The Work shall be Substantially Completed within **90** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within **120** calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars ($750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars ($500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

4.02 As provided in the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

5.03 FINAL PAYMENT:

A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Contractor has carefully studied all:

(1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

(2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Contractor has given the Purchasing Division written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by the Purchasing Division is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
   a. Notice to Proceed.
   b. Contractor's Bid.
   c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: **N SALEM RD ADA IMPROVEMENTS**
8. Addenda numbers 1 & 2 inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may

become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.06 LIENS:

A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor. Three counterparts each has been retained by The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor.

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices
2425 South 5th Place
Rogers AR 72758

Address for giving notices
113 W. Mountain St.
Fayetteville, AR 72701

License No. 0148780425

Agent for Service of process

(Type or legibly print)

Contractor shall attach evidence of authority of Agent for Service process to sign. If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Agent for Service process authority to sign.

(If Contractor is a corporation, corporate entity or LLC, attach evidence of authority to sign.)

END OF DOCUMENT 00500

DOCUMENT 00500 – AGREEMENT (continued)

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CONTRACTOR:	CITY OF FAYETTEVILLE
By: Michael Necessary	By: Lioneld Jordan
(Type or legibly print)	
(Signature)	(Signature)
Title: V.P.	Title: Mayor

Contractor shall attach evidence of authority to sign.
If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.
Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy form the Arkansas State Secretary of State to document that the corporation, corporate entity or LLC is in current "Good Standing" with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL)	(SEAL)
Attest _____	Attest _____

CITY OF
FAYETTEVILLE
ARKANSAS

BID TABULATION

Bid 24-43, Construction - N. Salem Rd. ADA Improvements

DEADLINE: Tuesday, October 8, 2024 at 2:00 PM

Certification of Funds: $225,000.00 *($281,250.00 total allowed)*

				NEC, Inc (N.E.C., Inc.)		Backus Concrete LLC.		Sweetser Construction, Inc.		Milestone Construction Company, LLC		Tomlinson Asphalt co.		Steelworx Industrial Group		Tri Star Contractors	
			Total	$155,903.50		$158,841.85		$163,050.00		$176,864.04		$179,540.00		$201,362.00		$223,052.40	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Mobilization (Max 5% Total Bid minus Bonds and Insurance)	1	LS	$4,555.00	$4,555.00	$1.00	$1.00	$4,500.00	$4,500.00	$3,750.00	$3,750.00	$5,000.00	$5,000.00	$8,000.00	$8,000.00	$10,326.50	$10,326.50
2	Insurance and Bonding	1	LS	$4,328.00	$4,328.00	$6,900.00	$6,900.00	$2,050.00	$2,050.00	$8,805.41	$8,805.41	$4,000.00	$4,000.00	$6,600.00	$6,600.00	$6,195.90	$6,195.90
3	Roadway Construction Control (Staking)	1	LS	$4,830.00	$4,830.00	$7,820.00	$7,820.00	$5,400.00	$5,400.00	$7,500.00	$7,500.00	$2,000.00	$2,000.00	$7,800.00	$7,800.00	$9,500.00	$9,500.00
4	Erosion Control	1	LS	$4,206.00	$4,206.00	$3,782.00	$3,782.00	$1,500.00	$1,500.00	$4,350.00	$4,350.00	$3,000.00	$3,000.00	$5,820.00	$5,820.00	$8,500.00	$8,500.00
5	Traffic Control and Maintenance	1	LS	$6,490.00	$6,490.00	$8,660.00	$8,660.00	$5,000.00	$5,000.00	$4,849.50	$4,849.50	$8,500.00	$8,500.00	$15,000.00	$15,000.00	$9,500.00	$9,500.00
6	Clearing, Grubbing, & Demolition	1	LS	$4,299.00	$4,299.00	$4,175.00	$4,175.00	$10,800.00	$10,800.00	$2,962.50	$2,962.50	$4,500.00	$4,500.00	$6,600.00	$6,600.00	$15,000.00	$15,000.00
7	R&D Existing Curb and Gutter	680	LF	$11.00	$7,480.00	$19.12	$13,001.60	$20.00	$13,600.00	$12.58	$8,554.40	$15.00	$10,200.00	$18.00	$12,240.00	$6.00	$4,080.00
8	R&D Existing Concrete Pavement (Sidewalk, Driveways, etc)	320	SY	$28.50	$9,120.00	$40.77	$13,046.40	$30.00	$9,600.00	$27.38	$8,761.60	$25.00	$8,000.00	$30.00	$9,600.00	$10.00	$3,200.00
9	R&D Existing Asphalt Pavement (As Needed)	50	SY	$69.00	$3,450.00	$182.34	$9,117.00	$25.00	$1,250.00	$133.20	$6,660.00	$105.00	$5,250.00	$27.60	$1,380.00	$25.00	$1,250.00
10	4" Topsoil Placement	600	SY	$8.50	$5,100.00	$14.16	$8,496.00	$15.00	$9,000.00	$13.63	$8,178.00	$16.00	$9,600.00	$6.00	$3,600.00	$35.00	$21,000.00
11	Pavement Repair for Maintenance of Traffic(can be either asphalt or colored concrete)	20	SY	$317.50	$6,350.00	$167.65	$3,353.00	$200.00	$4,000.00	$259.00	$5,180.00	$200.00	$4,000.00	$540.00	$10,800.00	$200.00	$4,000.00
12	18" Concrete Curb and Gutter (Type A) w/ 4" Class 7 Base	680	LF	$27.50	$18,700.00	$23.76	$16,156.80	$45.00	$30,600.00	$37.60	$25,568.00	$40.00	$27,200.00	$38.40	$26,112.00	$25.00	$17,000.00
13	4" Thick Concrete w/ 4" ABC Class 7 (Sidewalks and Ramps)	395	SY	$109.00	$43,055.00	$68.95	$27,235.25	$75.00	$29,625.00	$123.39	$48,739.05	$132.00	$52,140.00	$78.00	$30,810.00	$185.00	$73,075.00
14	Cast-in-Place Detectable Warning Devices	435	SF	$20.00	$8,700.00	$25.88	$11,257.80	$50.00	$21,750.00	$31.73	$13,802.55	$40.00	$17,400.00	$30.00	$13,050.00	$35.00	$15,225.00
15	Solid Sod (Bermuda)	600	SY	$9.00	$5,400.00	$20.52	$12,312.00	$10.00	$6,000.00	$11.98	$7,188.00	$18.00	$10,800.00	$48.00	$28,800.00	$6.00	$3,600.00
16	Relocate Existing Mailbox	1	EA	$194.50	$194.50	$2,780.00	$2,780.00	$575.00	$575.00	$375.00	$375.00	$250.00	$250.00	$450.00	$450.00	$850.00	$850.00
17	Adjust Water Valve Box to Grade	7	EA	$2,092.00	$14,644.00	$275.00	$1,925.00	$400.00	$2,800.00	$814.29	$5,700.03	$100.00	$700.00	$900.00	$6,300.00	$1,250.00	$8,750.00
18	Construction Photographs & Video	1	LS	$2,007.00	$2,007.00	$5,750.00	$5,750.00	$2,000.00	$2,000.00	$750.00	$750.00	$5,000.00	$5,000.00	$4,200.00	$4,200.00	$3,500.00	$3,500.00
19	Signage (New and Relocations)	1	LS	$2,995.00	$2,995.00	$3,073.00	$3,073.00	$3,000.00	$3,000.00	$5,190.00	$5,190.00	$2,000.00	$2,000.00	$4,200.00	$4,200.00	$8,500.00	$8,500.00

* NOTICE: Bid award is contingent upon supplier meeting minimum specifications and formal authorization by City Officials.

Amanda Beilfuss 10/10/24

Amanda Beilfuss, Sr. Purchasing Agent

L. McGaugh 10/10/2024

Les McGaugh, Purchasing Director

Bid 24-43 Addendum 2

NEC, Inc

N.E.C., Inc.

Supplier Response

Event Information

Number:	Bid 24-43 Addendum 2
Title:	Construction - N. Salem Rd. ADA Improvements
Type:	Invitation to Bid
Issue Date:	9/15/2024
Deadline:	10/8/2024 02:00 PM (CT)
Notes:	The City of The City of Fayetteville is accepting sealed bids from properly licensed firms for the construction of 28 ADA Ramps along N. Salem Road in Fayetteville. The work will require demolition and removal of existing curb and gutter and sidewalk to allow for the installation of the new ramps. Miscellaneous items include moving street lights, adjusting water valves to grade and signage. Questions regarding this bid should be addressed to Amanda Beilfuss, Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact:	Amanda Beilfuss - Sr. Purchasing Agent
Address:	Purchasing City Hall Room 306 113 W. Mountain St. Fayetteville, AR 72701
Email:	abeilfuss@fayetteville-ar.gov

NEC, Inc Information

Contact: Colin Necessary
Address: 2425 S 5th Pl
Rogers, AR 72758
Phone: (479) 621-6324
Fax: (479) 621-6328
Email: cbnecessary@nec-contractors.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Michael J. Necessary
Signature

mjnecessary@nec-contractors.com
Email

Submitted at 10/8/2024 09:37:36 AM (CT)

Requested Attachments

Bid 24-43 Signature Forms

COF_Salem ADA_NEC Bid Form for Submission_10.7.2024.pdf

Please attach your completed forms. These signature documents can be found in the Project Manual.

Bid 24-43 Bid Bond

NEC Bid Bond_Salem ADA Improvements_10.7.2024.pdf

Please attach a signed and completed copy of your bid bond. Bid bonds in the form of a cashier's check shall be delivered to City Hall, Purchasing Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Bid Attributes

1	**Arkansas Secretary of State Filing Number:** 18391
2	**Arkansas Contractor License Number:** 0148780425
3	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

4	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree
5	**Addendum Acknowledgement** By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid. ☑ I agree

Bid Lines

1	Mobilization (Max 5% Total Bid minus Bonds and Insurance)	Quantity: 1	UOM: LS	Price:	$4,555.00	Total: $4,555.00
2	Insurance and Bonding	Quantity: 1	UOM: LS	Price:	$4,328.00	Total: $4,328.00
3	Roadway Construction Control (Staking)	Quantity: 1	UOM: LS	Price:	$4,830.00	Total: $4,830.00
4	Erosion Control	Quantity: 1	UOM: LS	Price:	$4,206.00	Total: $4,206.00
5	Traffic Control and Maintenance	Quantity: 1	UOM: LS	Price:	$6,490.00	Total: $6,490.00
6	Clearing, Grubbing, & Demolition	Quantity: 1	UOM: LS	Price:	$4,299.00	Total: $4,299.00
7	R&D Existing Curb and Gutter	Quantity: 680	UOM: LF	Price:	$11.00	Total: $7,480.00
8	R&D Existing Concrete Pavement (Sidewalk, Driveways, etc)	Quantity: 320	UOM: SY	Price:	$28.50	Total: $9,120.00
9	R&D Existing Asphalt Pavement (As Needed)	Quantity: 50	UOM: SY	Price:	$69.00	Total: $3,450.00
10	4" Topsoil Placement	Quantity: 600	UOM: SY	Price:	$8.50	Total: $5,100.00

11	Pavement Repair for Maintenance of Traffic (can be either asphalt or colored concrete)	Quantity: 20	UOM: SY	Price:	$317.50	Total: $6,350.00
12	18" Concrete Curb and Gutter (Type A) w/ 4" Class 7 Base	Quantity: 680	UOM: LF	Price:	$27.50	Total: $18,700.00
13	4" Thick Concrete w/ 4" ABC Class 7 (Sidewalks and Ramps)	Quantity: 395	UOM: SY	Price:	$109.00	Total: $43,055.00
14	Cast-in-Place Detectable Warning Devices	Quantity: 435	UOM: SF	Price:	$20.00	Total: $8,700.00
15	Solid Sod (Bermuda)	Quantity: 600	UOM: SY	Price:	$9.00	Total: $5,400.00
16	Relocate Existing Mailbox	Quantity: 1	UOM: EA	Price:	$194.50	Total: $194.50
17	Adjust Water Valve Box to Grade	Quantity: 7	UOM: EA	Price:	$2,092.00	Total: $14,644.00
18	Construction Photographs & Video	Quantity: 1	UOM: LS	Price:	$2,007.00	Total: $2,007.00
19	Signage (New and Relocations)	Quantity: 1	UOM: LS	Price:	$2,995.00	Total: $2,995.00
20	***Line deleted as part of an Addendum***					

Response Total: $155,903.50

5500 Euper Lane
PO Box 3529
Ft. Smith, AR 72913 (479) 452-4000
www.bhca.com

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we
(Here insert full name and address or legal title of Contractor)

N.E.C., Inc.
2425 S. 5th Place
Rogers, AR 72758

as Principal, hereinafter called the Principal, and
(Here insert full name and address or legal title of Surety)

U. S. Specialty Insurance Company
801 S. Figueroa St., Suite 700
Los Angeles, CA 90017

a corporation duly organized under the laws of the State of **Texas**
as Surety, hereinafter called the Surety, are held and firmly bound unto
(Here insert full name and address or legal title of Owner)

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

as Obligee, hereinafter called the Obligee, in the sum of **FIVE PERCENT OF THE TOTAL AMOUNT BID** Dollars ($ **5%**), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **North Salem ADA Improvements**
(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **8th** day of **October** **2024**

Kadie Janes
(Witness)

N.E.C., Inc.
(Principal) (Seal)

(Title) MICHAEL NECESSARY

Maggie Bradley
(Witness)

U. S. Specialty Insurance Company
(Surety)

Suzanne Elizabeth Niedzweidz
(Title) (Seal)

Suzanne Elizabeth Niedzweidz , Attorney-In-Fact

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TOKIO MARINE HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Paxton C. Clark, Marty C. Clark, Scott R. Clark, Cheri Lynn Irby, Mary Ann Justice, Lisa McClure, Suzanne Elizabeth Niedzwiedz, Shannon C. Schmidly, Shannon Graves Schmidly, Elizabeth Solomon or Joshua D. Tritt of Fort Smith, Arkansas

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** *****Ten Million***** Dollars (***$10,000,000.00***).

This Power of Attorney shall expire without further action on April 23rd, 2026. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 18th day of April 2022.

AMERICAN CONTRACTORS INDEMNITY COMPANY, TEXAS BONDING COMPANY, UNITED STATES SURETY COMPANY, U.S. SPECIALTY INSURANCE COMPANY

By: _____
Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On this 18th day of April 2022, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (seal)

SONIA O. CARREJO
Notary Public - California
Los Angeles County
Commission # 2398710
My Comm. Expires Apr 23, 2026

I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 8th day of October 2024.

Bond No. Bid Bond
Agency No. 18758

Kio Lo, Assistant Secretary

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Contract Name: N SALMEM RD ADA IMPROVEMENTS

Bid #: 24-43, Construction
Date: October 8, 2024

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company NEC, Inc.

Name Michael Necessary

Address 2425 South 5th St., Rogers AR 72758

Principal Office 2425 South 5th St., Rogers AR 72758

Corporation, partnership, individual, joint venture, other Corporation

Arkansas State General Contractor's License Number
0148780425

(Type or legibly print)

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 20 years and has performed work of the nature and magnitude of this Contract for 20 years. Bidder has been in business under its present name for 20 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

5. Bidder normally performs the following work with his own forces:

Grading, Concrete, Utilities, and Storm Drainage

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

Please see qualifications Statement

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

BMC Insurance

5500 Euper Lane

Fort Smith AR 72903

Joshua D. Tritt

8. Bidder's Workmen's Compensation Experience Modifier Factor is: 065.

FINANCIAL STATEMENT

B. If requested by the City of Fayetteville during the evaluation of bids the bidder shall provide to the City of Fayetteville the following additional information:

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:

   a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).

   b. Net fixed assets.

   c. Other assets.

d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	_____	_____	$_____
b.	_____	_____	$_____

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: October 8, 2024.

(OFFICIAL SEAL)

Name of Organization:

N.E.C., INC.

By MICHAEL HECESSARY

(Type or legibly print)

By _____

(Signature)

Title V.P.

(Type or legibly print)

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

Mike Necessary
Cell: 479-721-2473
Email: mjnecessary@NEC-contractors.com

Kevin Necessary
Cell: 479-721-2474
Email: KJNecessary@NEC-contractors.com

STATEMENT OF BIDDER'S QUALIFICATIONS

The name of our company is N.E.C., Inc. Our address is 2425 S. 5th Place, Rogers, AR 72758. We were organized and incorporated on April 15, 2004, in the state of Arkansas. Mike Necessary and Kevin Necessary collectively have over 70 years of infrastructure construction experience with over forty of those years in business for themselves. Included below are lists of contracts on hand, the larger projects recently completed, our equipment available, and our experiences of jobs of this size.

Our company specializes in constructing infrastructure improvements to include earthwork, utilities, and concrete work. We have never failed to complete a contract agreement as per contract requirements. We have never defaulted on a contract. We have never been fined or had our license suspended by the Arkansas Contractor's Licensing Board.

The contracts in hand now are a $1.2 million contract for site work and grading CDI Contractors for the Walmart AMP Renovations in Rogers, a $1.1 million contract with Milestone Construction for Shaw Park in Springdale, a $12.9 million contract for Shadow Valley in Rogers, a $1.9 million contract for site work for the University of Arkansas for the Student Success Center, and numerous smaller contracts for general contractors.

The contracts completed in the last 24 months are a $1.7 million contract for site work and grading for Springdale Schools, a $1 million contract for Shadow Valley subdivision phase 8, a $.6 million contract for Branchwood Trail for Bella Vista POA, a $2 million contract for site work at Fellowhip Bible, Fayetteville, and numerous smaller contracts for local municipalities.

Some of the completed, larger projects include:
A $3.8 million contract the with the City of Pea Ridge, Arkansas for the Highway 72 water extension and downtown sewer rehabilitation with a completion date of June 2009. A $900,000 contract, constructing a bridge-length box culvert, with the Arkansas Highway and Transportation Department was completed in May of 2011. Beaulah East Mine Reclamation for ADEQ which totalled $643,522. A $4,000,000 contract with Bentonville schools which included new water, sewer, storm drain, streets and sidewalks, was completed in May of 2012. An AHTD project on Hwy 540 for a Cable Barrier finished in 2012 was $1.2 million. NEC had a $1.5 million contract with CDI Contractors to perform services of sanitary sewer, storm drains and all grading on the new Regional Armed Forces Reserve Center. Kinco awarded us a

contract for $755,000 to build new water and sewer line and all grading work for the new NW Arkansas Childrens Center which was completed in 2012. Another project was subcontracted under Nabholz Construction for $838,000 was to do all grading, sewer and storm drain for the Lincoln High School in Lincoln Arkansas that was completed in 2012.

We have also sub-contracted our work over the last two years from general contractors such as Crossland, Kinco Constructors, Flintco LLC, VCC Constuction and CDI Contractors performing sitework at various projects over Northwest Arkansas.

We own and have available for use 8 excavators of different sizes, 3 Caterpillar road graders, 4 Caterpillar 35 ton articulated offroad trucks, 3 Caterpillar front-end loaders, 3 backhoes, 4 Caterpillar bulldozers, 4 Ingersol vibratory compactors, 1 Gomaco 3600 curber, 8 dump trucks, and various smaller pieces required to construct improvements to infrastructure.

We have worked closely with all the civil engineers in Northwest Arkansas over the past 40 years including the Arkansas Highway and Transportation Department.

Jeremy Woody of Legacy Bank our primary banking source with $1,500,000 of AR secured credit available and $2,500,000 of secured credit with equipment. We will if asked provide a detailed financial statement to be reviewed by the Owner with a principal of our firm.

NEC has a good relationship with all municipalities in NW Arkansas. Any of the following may be contacted as a source for referral. Rogers Water Utilities; Earl Roush, Springdale Water; Rick Pulverenti, Fayetteville Utilities; Don Osburn, and Bentonville Water and Sewer; Preston Newbill.

NEC has a great reputation with our suppliers also. Our major suppliers for most jobs are as listed: Rogers Group Inc for aggregates, SMG Ready Mix for our concrete needs, and Ferguson Waterworks, and Scurlock Industies, for our utility and pipe sources.

Mike Necessary personally has been in the construction business for over 40 years beginning at age 15 during summers and permanently upon graduation from the University of Arkansas. He carries the title of Vice President. His experience has been in earthwork, concrete, equipment operation, estimating, bidding, project management and business management. 25 years were spent with Necessary Construction, Inc., 5 years with APAC, McClinton-Anchor, and the most recent previous 15 years with NEC Inc,.

Kevin Necessary personally has been in the construction business for over 30 years. Upon graduation from Arkansas Tech University in 1987, Kevin joined Necessary Construction, Inc. and remained with them until their sale in 1999 to APAC, McClinton-Anchor, where he remained until he and Mike organized NEC, Inc. in 2004. Kevin carries the title of President and has particular focus on utility work, estimating, bidding, project management, and business management.

Our construction team consists of people who are interested in constructing a quality product in a safe manner. The core team of office personnel and management have been with N.E.C., Inc. since the beginning and most were with APAC, McClinton-Anchor with Mike and Kevin.

Contractors License No. 0148780425

N.E.C. Inc.

By:_____

_____
Date

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END OF DOCUMENT 00140

DOCUMENT 00400 – BID FORM

Contract Name: N SALEM RD ADA IMPROVEMENTS

Bid Number: 24-43

BID TO:

Owner: The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

BID FROM:

Bidder: NEC, Inc.

2425 South 5th Place

Rogers AR 72758

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
Addenda #1	9.27.2024
Addenda #2	10.02.24

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

I. Bidder has given the Purchasing Division written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by the Purchasing Division is acceptable to Bidder.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not

sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 - Subpart P - Excavations.

M. Bidder has not been debarred from doing business with a government entitiy.

ARTICLE 4 - BID PRICE

Bidders are required to provide pricing for all line items, including deductive alternate items. Failure to provide deductive alternate pricing can result in bid rejection.

The City intends to award this contract to the lowest qualified responsive responsible bidder based on the total base bid as long as the base bid amount falls within the amount of funds certified for the project plus 25%.

In the event no bid falls within the amount of funds certified for the project plus 25%, the City will utilize the deductive alternates in order to further evaluate bids until a bid received falls within the amount certified, plus 25%.

In the event all deductive alternates are subtracted from the total base bid and no bid falls within the amount certified, plus 25%, all bids shall be rejected and become confidential.

In not case shall the amount bid for the item of "mobilization" exceed 5% of the total Base Bid. This amount shall NOT include bonds & insurance or trench & excavation safety. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

Bidder shall complete the work in accordance with the Contract Documents for the price(s) submitted by the Bidder.

ARTICLE 5 - CONTRACT ITEMS

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

A. Required 5% Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond in the amount of 5% _____ Dollars ($ _____).

B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Michael Necessary

NEC, Inc.

2425 South 5th Place, Rogers AR 72758

Email: mjnecessary@nec-contractors.com

Phone No. (479)721-2473

Fax No. (479)621-6328

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

Arkansas State Contractor License No. 0148780425.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No. _____ Fax No. _____

Email address: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____
(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No. _____ Fax No. _____

DOCUMENT 00400 – BID FORM (continued)

Email address: _____

A Corporation or LLC

Corporation Name: NEC, Inc. _____ (SEAL)

State of Incorporation: Arkansas _____

Type (General Business, Professional, Service, Limited Liability): S-Corp _____

By: _____

(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): _____

Title: _____

(CORPORATE SEAL)

Attest: _____

(Signature of Corporate Secretary)

Phone No. _____ Fax No. _____

Email address: _____

Tax ID Number (TIN): _____

UEI # _____

Cage Code: _____

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END OF DOCUMENT 00400

5500 Euper Lane
PO Box 3529
Ft. Smith, AR 72913 (479) 452-4000
www.bhca.com

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we
(Here insert full name and address or legal title of Contractor)

N.E.C., Inc.
2425 S. 5th Place
Rogers, AR 72758

as Principal, hereinafter called the Principal, and
(Here insert full name and address or legal title of Surety)

U. S. Specialty Insurance Company
801 S. Figueroa St., Suite 700
Los Angeles, CA 90017

a corporation duly organized under the laws of the State of **Texas**
as Surety, hereinafter called the Surety, are held and firmly bound unto
(Here insert full name and address or legal title of Owner)

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

as Obligee, hereinafter called the Obligee, in the sum of **FIVE PERCENT OF THE TOTAL AMOUNT BID** Dollars ($ **5%**), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **North Salem ADA Improvements**
(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **8th** day of **October** **2024**

Kadie Janes
(Witness)

N.E.C., Inc.
(Principal) (Seal)

(Title) MICHAEL NECESSARY

Maggie Bradley
(Witness)

U. S. Specialty Insurance Company
(Surety)

Suzanne Elizabeth Niedzweidz
(Title) (Seal)

Suzanne Elizabeth Niedzweidz , Attorney-In-Fact

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TOKIO MARINE HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Paxton C. Clark, Marty C. Clark, Scott R. Clark, Cheri Lynn Irby, Mary Ann Justice, Lisa McClure, Suzanne Elizabeth Niedzwiedz, Shannon C. Schmidly, Shannon Graves Schmidly, Elizabeth Solomon or Joshua D. Tritt of Fort Smith, Arkansas

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed** *****Ten Million***** Dollars (***$10,000,000.00***).

This Power of Attorney shall expire without further action on April 23rd, 2026. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 18th day of April 2022.

AMERICAN CONTRACTORS INDEMNITY COMPANY, TEXAS BONDING COMPANY, UNITED STATES SURETY COMPANY, U.S. SPECIALTY INSURANCE COMPANY

By: _____
Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On this 18th day of April 2022, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (seal)

SONIA O. CARREJO
Notary Public - California
Los Angeles County
Commission # 2398710
My Comm. Expires Apr 23, 2026

I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 8th day of October, 2024.

Bond No. Bid Bond
Agency No. 18758

_____
Kio Lo, Assistant Secretary

visit tmhcc.com/surety for more information

HCCSMANPOA07/2023

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

N SALEM RD ADA IMPROVEMENTS

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition		
SWPPP/Erosion Control		
Asphalt		
Concrete		
Landscaping		
Material Testing		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Bidder's Signature

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-616

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Approval of a contract in the amount of $554,956.00 with Steelworx Industrial Group, LLC. for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, approval of a project contingency of $60,000 (11%), and approval of a budget adjustment.**

RECOMMENDATION:
Staff recommends approval of a contract in the amount of $554,956.00 with Steelworx Industrial Group, LLC. for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, approval of a project contingency of $60,000 (11%), and approval of a budget adjustment.

BACKGROUND:
This project will consist of upstream detention and water quality improvements in order to help alleviate flooding In the area of E Fairlane St, S Elmhurst Ave and E McClinton St. This project was identified as a priority project by the City Council after the April 2017 flooding event.

DISCUSSION:
This project has been identified as one of the projects to be funded by the 2019 Drainage Bond Program to help alleviate the flooding of multiple structures within the drainage basin. The improvements associated with Phase I will include the construction of a detention basin located near the intersection of S Mashburn Ave and E Martin Luther King Jr BLVD. The detention area will also include proposed water quality improvements including a bioswale and plantings within the basin itself and within a downstream channel. Lastly, Beaver Water District also has planned low impact development improvements within the apartment complex immediately south of the proposed detention. Combined, these improvements should reduce the amount and velocity of flow to the downstream properties as well as improve water quality. While the phase I improvements alone will not completely resolve the flooding issues, they should improve the situation until Phase II can be constructed.

BUDGET/STAFF IMPACT:
The drainage improvements are funded by the 2019 Drainage Bond Program.

ATTACHMENTS: SRF (#3), BA (#4), Summary of Improvements (#5), Bid 24-39, Submittal - Steelworx Industrial Group - E (#6), Bid 24-39, Bid Tab - Final (#7), Elmhurst and McClinton Phase I Agreement (#8)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-616

Approval of a contract in the amount of $554,956.00 with Steelworx Industrial Group, LLC. for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, approval of a project contingency of $60,000 (11%), and approval of a budget adjustment.

A RESOLUTION TO AWARD BID #24-39 AND AUTHORIZE A CONTRACT WITH STEELWORX INDUSTRIAL GROUP, LLC, IN THE AMOUNT OF $554,956.00 FOR THE CONSTRUCTION OF THE ELMHURST AND MCCLINTON PHASE I DRAINAGE IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $60,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 DRAINAGE BOND PROGRAM

WHEREAS, the Elmhurst and McClinton Phase I Drainage Improvements Project, consisting of upstream detention and water quality improvements to help alleviate flooding in the area of East Fairlane Street, South Elmhurst Avenue and East McClinton Street, was identified as a priority project by the City Council after the April 2017 flooding event; and

WHEREAS, the improvements associated with Phase I will include the construction of a detention basin located near the intersection of South Mashburn Avenue and East Martin Luther King Jr. Boulevard, as well as proposed water quality improvements including a bioswale and plantings within the basin itself and within a downstream channel; and

WHEREAS, Beaver Water District also has planned low impact development improvements within the apartment complex immediately south of the proposed detention; and

WHEREAS, combined, these improvements should reduce the amount and velocity of flow to the downstream properties as well as improve water quality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #24-39 and authorizes Mayor Jordan to sign a contract with Steelworx Industrial Group, LLC in the amount of $554,956.00 for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, and further approves a project contingency in the amount of $60,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-616

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown	10/4/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a contract in the amount of $554,956.00 with Steelworx Industrial Group, LLC. for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, approval of a project contingency of $60,000 (11%), and approval of a budget adjustment.

Budget Impact:

4704.860.7420-5817.00	Drainage Projects 2022 Bonds
Account Number	Fund
46040.7420.1000	Elmhurst McClinton Drainage Phase I
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	279,449.00
		Expenses (Actual+Encum)	$	88,807.21
		Available Budget	**$**	**190,641.79**
Does item have a direct cost?	Yes	Item Cost	$	554,956.00
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	424,956.00
		Remaining Budget	**$**	**60,641.79**

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Alan Pugh	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a contract in the amount of $554,956.00 with Steelworx Industrial Group, LLC. for the construction of the Elmhurst and McClinton Phase I Drainage Improvements Project, approval of a project contingency of $60,000 (11%), and approval of a budget adjustment.

COUNCIL DATE: 11/7/2024

ITEM ID#: **2024-616**

Holly Black
10/17/2024 8:42 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.2024926

TOTAL	-	-				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
4704.860.7420-5817.00	364,956	-	46040	7420.1000	EX	Improvements - Bridge & Drainage
4704.860.7420-5911.99	60,000	-	46040	7420.1000	EX	Contingency - Capital Project
4704.860.7999-5899.00	(424,956)	-	46040	7999	EX	Unallocated - Budget
	-	-				
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	-	-				

INDEX TO DRAWINGS

1	COVER
2	INDEX OF SHEETS & KEY MAP
TSU-1	TOPO. & UTIL. SURVEY STA. 1+00 TO STA. 8+00
TSU-2	TOPO. & UTIL. SURVEY STA. 8+00 TO STA. 12+00 & FAIRLANE CHANNEL
PP-1	PLAN & PROFILE STA. 20+00 TP STA. 23+75
PP-2	PLAN & PROFILE STA. 23+75 TO STA. 25+37
PP-3	PLAN - NORTH CHANNEL & MLK POND
GRD-1	GRADING & EROSION CONTROL PLAN- NORTH CHANNEL
GRD-2	GRADING & EROSION CONTROL PLAN- STA. 20+25 TO STA. 22+50
GRD-3	GRADING & EROSION CONTROL PLAN- MLK POND
GRD-4	PROFILES - MLK POND
WL-1	RETAINING WALL- PLAN AND PROFILE- MLK POND
D-1	CITY OF FAYETTEVILLE DETAILS- SIDEWALK & PIPE TRENCH
D-2	MISCELLANEOUS DETAILS
D-3	WEIR AND INFILTRATION TRENCH DETAILS - STA. 20+35
D-4	MLK POND OUTLET STRUCTURE AND BIO-SWALE DETAILS
D-5	EROSION CONTROL DETAILS 1
D-6	EROSION CONTROL DETAILS 2



McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1580 E. STEARNS ST.
FAYETTEVILLE, ARKANSAS 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 14327
JONATHAN T. STRAUN
7-18-24
ORIGINAL SIGNATURE ON FILE

ELMHURST-MCCLINTON DRAINAGE IMPROVEMENTS PHASE 1 FAYETTEVILLE, AR

©2024

811 Know what's below. Call before you dig.

REVISIONS		
REV	DATE	DESCRIPTION

INDEX OF SHEETS & KEY MAP

DESIGNED BY: JTS	DRAWN BY : WAS
DATE: 7/17/2024	REVISION: BID
SCALE: NTS	JOB NUMBER: 19-2143

W:\2019\19-2143 - Elmhurst & McClinton Drainage Improvements, Fayetteville, AR\Design Drawings\Sheets\19-2143 Index And Key Map.dwg, PRINTED ON: July 17, 2024 @ 3:04 PM

Bid 24-39 Addendum 7
Steelworx Industrial Group
Supplier Response

Event Information

Number:	Bid 24-39 Addendum 7
Title:	Construction - Elmhurst and McClinton Drainage Improvements (Phase 1)
Type:	Invitation to Bid
Issue Date:	8/4/2024
Deadline:	9/18/2024 02:00 PM (CT)
Notes:	The City of The City of Fayetteville is accepting sealed bids from properly licensed firms for the construction of approximately 154,000 cubic foot storm water retention pond adjacent to Huntsville Road with associated storm drain, outlet structure, concrete sidewalk, bioswale, retaining wall, and landscaping. The work also includes the construction of two sodded drainage swales, totaling approximately 475 LF, including an associated concrete weir with decorative face. Questions regarding this bid should be addressed to Amanda Beilfuss, Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact:	Amanda Beilfuss - Sr. Purchasing Agent
Address:	Purchasing City Hall Room 306 113 W. Mountain St. Fayetteville, AR 72701
Email:	abeilfuss@fayetteville-ar.gov

Steelworx Industrial Group Information

Contact: Michael Glenn
Address: 1860 East Pump Station Road
Fayetteville, AR 72701
Phone: (479) 422-4810
Email: Michael.Glenn@steelworxig.com
Web Address: www.steelworxig.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Derek McKeon
Signature

derek.mckeon@steelworxig.com
Email

Submitted at 9/18/2024 01:58:06 PM (CT)

Requested Attachments

Bid 24-39 Signature Forms

BID FORM SIGNED.pdf

Please attach your completed forms. These documents can be found in the Project Manual.

Bid 24-39 Bid Bond

BID BOND SIGNED.pdf

Please attach a signed and completed copy of your bid bond. Bid bonds in the form of a cashier's check shall be delivered to City Hall, Purchasing Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Response Attachments

Bidder Qualification Forms SIGNED.pdf

Bidder Qualifications Form

Bid Attributes

1	**Arkansas Secretary of State Filing Number:** 811246121
2	**Arkansas Contractor License Number:** 0405550424
3	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

4	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree
5	**Addendum Acknowledgement** By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid. ☑ I agree

Bid Lines

1	Bonds & Insurance	Quantity: 1	UOM: LS	Price: $8,000.00	Total:	$8,000.00
2	Act 291 Trench and Excavation Safety System	Quantity: 1	UOM: LS	Price: $6,600.00	Total:	$6,600.00
3	Mobilization (Street and Drainage) - Max 5% Total Bid minus Trench Safety and Bonds and Insurance	Quantity: 1	UOM: LS	Price: $25,750.00	Total:	$25,750.00
4	Erosion Control	Quantity: 1	UOM: LS	Price: $8,100.00	Total:	$8,100.00
5	Clearing, Grubbing, and Demolition	Quantity: 1	UOM: LS	Price: $32,220.00	Total:	$32,220.00
6	Traffic Control	Quantity: 1	UOM: LS	Price: $6,600.00	Total:	$6,600.00
7	Rock Excavation (Allowance)	Quantity: 5	UOM: CY	Price: $420.00	Total:	$2,100.00
8	Embankment (Plan Quantity)	Quantity: 75	UOM: CY	Price: $30.00	Total:	$2,250.00
9	Unclassified Excavation (Plan Quantity)	Quantity: 3100	UOM: CY	Price: $27.60	Total:	$85,560.00
10	4" Topsoil Placement & Select Grading	Quantity: 4640	UOM: SY	Price: $6.00	Total:	$27,840.00

11	Sodding, Greenspace, Yards and Channels (Excludes Topsoil)					
	Quantity: 4640	UOM: SY		Price:	$5.50	Total: $25,520.00
12	Additional Watering as needed, to ensure establishment through 1-year warranty period					
	Quantity: 250	UOM: MG		Price:	$18.30	Total: $4,575.00
13	18" RCP					
	Quantity: 30	UOM: LF		Price:	$102.00	Total: $3,060.00
14	18" Flared End Section					
	Quantity: 1	UOM: EA		Price:	$678.00	Total: $678.00
15	4' x 2' Reinforced Concrete Box Culvert					
	Quantity: 64	UOM: LF		Price:	$456.00	Total: $29,184.00
16	(4" Depth) Concrete Sidewalk					
	Quantity: 56	UOM: SY		Price:	$90.00	Total: $5,040.00
17	Outlet Structure - MLK Pond					
	Quantity: 1	UOM: LS		Price:	$19,650.00	Total: $19,650.00
18	Bioswale (MLK Pond)					
	Quantity: 121	UOM: LF		Price:	$108.00	Total: $13,068.00
19	Bioswale (South of Huntsville)					
	Quantity: 54	UOM: LF		Price:	$240.00	Total: $12,960.00
20	Variable Height Concrete Block Mass Retaining Wall					
	Quantity: 945	UOM: SF		Price:	$93.60	Total: $88,452.00
21	Decorative Fence					
	Quantity: 107	UOM: LF		Price:	$68.00	Total: $7,276.00
22	Abandon RCP, Flowable Fill					
	Quantity: 15	UOM: CY		Price:	$252.00	Total: $3,780.00
23	6' Tall Wood Privacy Fence					
	Quantity: 168	UOM: LF		Price:	$18.00	Total: $3,024.00
24	Bald Cypress Tree, 2.5" Caliper (Planted)					
	Quantity: 9	UOM: EA		Price:	$840.00	Total: $7,560.00
25	Elderberry Shrub, #3 Gal. (Planted)					
	Quantity: 26	UOM: EA		Price:	$72.00	Total: $1,872.00
26	Overcup Oak Tree					
	Quantity: 15	UOM: EA		Price:	$840.00	Total: $12,600.00

27	Black Willow Tree	Quantity: 9	UOM: EA	Price:	$840.00	Total: $7,560.00
28	Roughleaf Dogwood	Quantity: 26	UOM: EA	Price:	$72.00	Total: $1,872.00
29	Shrub Willow	Quantity: 26	UOM: EA	Price:	$72.00	Total: $1,872.00
30	Wetland Grass	Quantity: 800	UOM: SY	Price:	$3.50	Total: $2,800.00
31	Tree Protection Fencing (Allowance)	Quantity: 604	UOM: LF	Price:	$9.00	Total: $5,436.00
32	Natural Stone Rip-Rap	Quantity: 238	UOM: SY	Price:	$54.00	Total: $12,852.00
33	Concrete Weir w/Decorative Face	Quantity: 58	UOM: LF	Price:	$421.00	Total: $24,418.00
34	Amended Soil	Quantity: 45	UOM: CY	Price:	$144.00	Total: $6,480.00
35	Concrete Headwall (for 4' x 2' RCBC)	Quantity: 1	UOM: LS	Price:	$22,200.00	Total: $22,200.00
36	Filter Fabric for Infiltration Channel	Quantity: 350	UOM: SY	Price:	$4.80	Total: $1,680.00
37	Steel Encasement on Existing Sewer Main	Quantity: 27	UOM: LF	Price:	$252.00	Total: $6,804.00
38	6" HDPE Drain Pipe	Quantity: 242	UOM: LF	Price:	$20.50	Total: $4,961.00
39	10" Nyloplast Drain Basin	Quantity: 1	UOM: EA	Price:	$2,220.00	Total: $2,220.00
40	6" HDPE Connection to Existing Box Culvert	Quantity: 1	UOM: EA	Price:	$180.00	Total: $180.00
41	Dead Tree Removal (within area tree protection)	Quantity: 6	UOM: EA	Price:	$300.00	Total: $1,800.00
42	Tree Pruning (within tree protection area)	Quantity: 5	UOM: EA	Price:	$120.00	Total: $600.00

43	Asphalt Pavement Cut & Repair					
	Quantity: 90	UOM: SY	Price:	$67.00	Total:	$6,030.00
44	Concrete Curb & Gutter					
	Quantity: 65	UOM: LF	Price:	$28.80	Total:	$1,872.00

Response Total: $554,956.00

DOCUMENT 00410 – BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

Steelworx Industrial Group, LLC

1860 E Pump Station Road

Fayetteville, AR 72701

as Principal, hereinafter called the Principal, and

Swiss Re Corporate Solutions America Insurance Corporation

1200 Main St. Suite 800

Kansas City, MO 64105-2478

a corporation duly organized under the laws of the State of **Missouri** as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of **Five Percent of the Total Amount Bid** Dollars ($ **5%**), for the payment of which sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for:

BID # 24-39, Elmhurst-McClinton Drainage Improvements, Phase 1

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

DOCUMENT 00410 –BID BOND (continued)

Signed and sealed this **18th** day of **September** 20**24**.

PRINCIPAL (CORPORATE SEAL)

Steelworx Industrial Group, LLC

By _____

_____

SURETY

Swiss Re Corporate Solutions America Insurance Corporation

By _____

Suzanne Elizabeth Niedzwiedz

ATTORNEY-IN-FACT (CORPORATE SEAL)

_____

_____

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

SWISS RE CORPORATE SOLUTIONS

SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION ("SRCSAIC")
SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION ("SRCSPIC")
WESTPORT INSURANCE CORPORATION ("WIC")

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT SRCSAIC, a corporation duly organized and existing under laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, and SRCSPIC, a corporation organized and existing under the laws of the State of Missouri and having its principal office in the City of Kansas City, Missouri, and WIC, organized under the laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, each does hereby make, constitute and appoint:

LISA A. McCLURE, MARTY C. CLARK, MARY ANN JUSTICE, SCOTT R. CLARK, SUZANNE ELIZABETH NIEDZWIEDZ, SHANNON G. SCHMIDLY, ELIZABETH A. SOLOMAN, PAXTON C. CLARK, JOSHUA D. TRITT, AND SHANNON C. SCHMIDLY

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TWO HUNDRED MILLION ($200,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both SRCSAIC and SRCSPIC at meetings duly called and held on the 18th of November 2021 and WIC by written consent of its Executive Committee dated July 18, 2011.

"RESOLVED, that any two of the President, any Managing Director, any Senior Vice President, any Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is, authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Corporation bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Corporation; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Corporation may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION CORPORATE SEAL 1973 MISSOURI

SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION CORPORATE SEAL MISSOURI

By _____
Erik Janssens, Senior Vice President of SRCSAIC & Senior Vice President of SRCSPIC & Senior Vice President of WIC

By _____
Gerald Jagrowski, Vice President of SRCSAIC & Vice President of SRCSPIC & Vice President of WIC

WESTPORT INSURANCE CORPORATION CORPORATE SEAL MISSOURI

IN WITNESS WHEREOF, SRCSAIC, SRCSPIC, and WIC have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers

this 10 day of NOVEMBER, 20 22

Swiss Re Corporate Solutions America Insurance Corporation
Swiss Re Corporate Solutions Premier Insurance Corporation
Westport Insurance Corporation

State of Illinois
County of Cook ss

On this 10 day of NOVEMBER, 20 22, before me, a Notary Public personally appeared Erik Janssens, Senior Vice President of SRCSAIC and Senior Vice President of SRCSPIC and Senior Vice President of WIC and Gerald Jagrowski, Vice President of SRCSAIC and Vice President of SPCSPIC and Vice President of WIC, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.

OFFICIAL SEAL
CHRISTINA MANISCO
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires March 28, 2026

Christina Manisco, Notary

I, Jeffrey Goldberg, the duly elected Senior Vice President and Assistant Secretary of SRCSAIC and SRCSPIC and WIC, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said SRCSAIC and SRCSPIC and WIC, which is still in full force and effect.
IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 18th day of September, 2024.

Jeffrey Goldberg, Senior Vice President &
Assistant Secretary of SRCSAIC and
SRCSPIC and WIC

DOCUMENT 00400 – BID FORM

Contract Name: Elmhurst-McClinton Drainage Improvements, Phase 1

Bid Number: 24-39

BID TO:

Owner: The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

BID FROM: Steelworx Industrial Group

Bidder: Derek McKeon

Michael Jackson

Blake Engleman

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
Addendum #1	08.20.24
Addendum #2	08.23.24
Addendum #3	09.04.24
Addendum #4	09.05.24
Addendum #5	09.09.24
Addendum #6	09.12.24
Addendum #7	09.16.24

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

H. Bidder has given the Purchasing Division written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by the Purchasing Division is acceptable to Bidder.

I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

J. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

K. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 - Subpart P - Excavations.

ARTICLE 4 - BID PRICE

Bidders are required to provide pricing for all line items, including deductive alternate items. Failure to provide deductive alternate pricing can result in bid rejection.

The City intends to award this contract to the lowest qualified responsive responsible bidder based on the total base bid as long as the base bid amount falls within the amount of funds certified for the project plus 25%.

In the event no bid falls within the amount of funds certified for the project plus 25%, the City will utilize the deductive alternates in order to further evaluate bids until a bid received falls within the amount certified, plus 25%.

In the event all deductive alternates are subtracted from the total base bid and no bid falls within the amount certified, plus 25%, all bids shall be rejected and become confidential.

In no case shall the amount bid for the item of "mobilization" exceed 5% of the total Base bid. This amount shall NOT include bonds & insurance or trench & excavation safety. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

Bidder shall complete the work in accordance with the Contract Documents for the price(s) submitted by the Bidder.

ARTICLE 5 - ITEMS

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

DOCUMENT 00400 – BID FORM

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

A. Required 5% Bid security in the form of a cashier's check from a bank located in the State of Arkansas or a Bid Bond in the amount of _____ Dollars ($ _____).

B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Derek McKeon

_____

_____

Email: derek.mckeon@steelworxig.com

Phone No. 479.419.4558

Fax No. _____

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

Arkansas State Contractor License No. 0405550424.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No. _____ Fax No. _____

Email address: _____

DOCUMENT 00400 – BID FORM

A Partnership

Partnership Name: _____ (SEAL)

By: _____

(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No. _____ Fax No. _____

Email address: _____

A Corporation or LLC

Corporation Name: Steelworx Industrial Group (SEAL)

State of Incorporation: Arkansas

Type (General Business, Professional, Service, Limited Liability): LLC

By: Michael Glenn

(Signature of general partner - attach evidence of authority to sign)

Name (type or printed): Michael Glenn

Title: EVP Operations

(CORPORATE SEAL)

JENICA PHILLIPS NOTARY PUBLIC #12712565 Expires 12-12-30 BENTON COUNTY, ARKANSAS

Attest: Jenica Phillips

(Signature of Corporate Secretary)

Phone No. (479) 419-4558 Fax No. (479) 419-4558

Email address: _____

Tax ID Number (TIN): 85-1149403

UEI # R2MJZLJ9K1C6

Cage Code: 9PM02

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

BID # 24-39 Elmhurst-McClinton Drainage Improvements, Phase 1

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition		
SWPPP/Erosion Control	Second Nature Landscapes 211 E. Hwy 264, Springdale, AR	5%
Asphalt		
Concrete		
Landscaping	Second Nature Landscapes 211 E. Hwy 264, Springdale, AR	20%
Material Testing		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Bidder's Signature

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Contract Name: Elmhurst-McClinton Drainage Improvements, Phase 1
Bid #: 24-39, Construction
Date: 09/18/2024

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Steelworx Industrial Group

Name Derek McKeon

Address 1860 E. Pump Station Rd., Fayetteville, AR 72701

Principal Office 1860 E. Pump Station Rd., Fayetteville, AR 72701

Corporation, partnership, individual, joint venture, other LLC

Arkansas State General Contractor's License Number 0405550424

(Type or legibly print)

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 4 years and has performed work of the nature and magnitude of this Contract for 4 years. Bidder has been in business under its present name for 4 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

5. Bidder normally performs the following work with his own forces:

Earthwork, storm drain utilities, water utilities, sanitary sewer utilites, site and building concrete, erosion control

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

BHC Insurance
1626 Empire St. Suite 207 (479) 270-7377
Lowell, AR 72745 Agent: Josh Tritt

8. Bidder's Workmen's Compensation Experience Modifier Factor is: 0.94.

FINANCIAL STATEMENT

B. If requested by the City of Fayetteville during the evaluation of bids the bidder shall provide to the City of Fayetteville the following additional information:

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:

   a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).

   b. Net fixed assets.

   c. Other assets.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	_____	_____	$_____
b.	_____	_____	$_____

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: September 18, 2024.

(OFFICIAL SEAL)

JENICA PHILLIPS NOTARY PUBLIC #12712565 Expires 12.12.30 BENTON COUNTY, ARKANSAS

Name of Organization:
Steelworx Industrial Group

By Zach Holperfield

(Type or legibly print)

By _____

(Signature)

Title CFO Office Manager

(Type or legibly print)

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

COMPLETED WORK:

Project: Axis Electric New Office (Earthwork & Concrete)
Owner: Kunruk, LLC.
Engineer/Architect: Jorgensen & Associates
Contract Amount: $280,055.00
Surety: BHC
Date of Completion: 12/31/24
Self Perform %: 100%

Project: O'Reilly's Auto (Earthwork & Concrete)
Owner: O'Reilly's Auto Parts
Engineer/Architect: Esterly Schneider Associates, Inc.
Contract Amount: $287,172
Surety: BHC
Date of Completion: 08/30/24
Self Perform %: 100%

Project: Madison County Sheriff's Office & Detention Center (Earthwork & Concrete)
Owner: Madison County
Engineer/Architect: Spirit Architecture
Contract Amount: $826,931.03
Surety: BHC
Date of Completion: 06/30/24
Self Perform %: 100%

CONSTRUCTION EXPERIENCE:

Blake Engleman: 15+ years in building & site concrete, retaining walls

Derek McKeon: 10 years in earthwork, storm drain, erosion control and utility construction

Tyler Johnson: 15+ years in earthwork, storm drain & concrete construction

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT

Contract Name: Elmhurst-McClinton Drainage Improvements, Phase 1
Bid #: 24-39, Construction
Date: 09/18/2024

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Steelworx Industrial Group

Name Derek McKeon

Address 1860 E. Pump Station Rd., Fayetteville, AR 72701

Principal Office 1860 E. Pump Station Rd., Fayetteville, AR 72701

Corporation, partnership, individual, joint venture, other LLC

Arkansas State General Contractor's License Number 0405550424

(Type or legibly print)

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4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

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   b. Net fixed assets.

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DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT (continued)

d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

f. Name of firm preparing financial statement and date thereof:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	_____	_____	$_____
b.	_____	_____	$_____

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: September 18, 2024.

(OFFICIAL SEAL)

JENICA PHILLIPS NOTARY PUBLIC #12712565 Expires 12.12.30 BENTON COUNTY, ARKANSAS

Name of Organization:
Steelworx Industrial Group

By Zach Holperfield

(Type or legibly print)

By _____

(Signature)

Title CFO Office Manager

(Type or legibly print)

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

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Contract Amount: $280,055.00
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Owner: O'Reilly's Auto Parts
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Surety: BHC
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Self Perform %: 100%

CONSTRUCTION EXPERIENCE:

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Tyler Johnson: 15+ years in earthwork, storm drain & concrete construction

CITY OF FAYETTEVILLE ARKANSAS

BID TABULATION

Bid 24-39, Construction - Elmhurst and McClinton Drainage Improvements (Phase 1)

DEADLINE: Wednesday, September 18, 2024 at 2:00 PM

Certification of Funds: $750,000.00 *($937,500.00 total allowed)*

				Rejected IHawl		Steelworx Industrial Group		Sweetser Construction, Inc.		Steep Creek LLC		Tri Star Contractors	
			Total	$314,709.00		$554,956.00		$783,135.00		$998,194.15		$1,364,704.20	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Bonds & Insurance	1	LS	$9,166.00	$9,166.00	$8,000.00	$8,000.00	$9,750.00	$9,750.00	$18,900.00	$18,900.00	$37,908.45	$37,908.45
2	Act 291 Trench and Excavation Safety System	1	LS	$850.00	$850.00	$6,600.00	$6,600.00	$2,500.00	$2,500.00	$16,900.00	$16,900.00	$5,000.00	$5,000.00
3	Mobilization (Street and Drainage) - Max 5% Total Bid minus Trench Safety and Bonds and Insurance	1	LS	$7,600.00	$7,600.00	$25,750.00	$25,750.00	$22,500.00	$22,500.00	$45,550.00	$45,550.00	$63,180.75	$63,180.75
4	Erosion Control	1	LS	$5,900.00	$5,900.00	$8,100.00	$8,100.00	$7,500.00	$7,500.00	$21,900.00	$21,900.00	$30,000.00	$30,000.00
5	Clearing, Grubbing, and Demolition	1	LS	$10,910.00	$10,910.00	$32,220.00	$32,220.00	$37,500.00	$37,500.00	$82,150.00	$82,150.00	$40,000.00	$40,000.00
6	Traffic Control	1	LS	$3,000.00	$3,000.00	$6,600.00	$6,600.00	$5,000.00	$5,000.00	$5,425.00	$5,425.00	$15,000.00	$15,000.00
7	Rock Excavation (Allowance)	5	CY	$450.00	$2,250.00	$420.00	$2,100.00	$400.00	$2,000.00	$600.00	$3,000.00	$300.00	$1,500.00
8	Embankment (Plan Quantity)	75	CY	$6.00	$450.00	$30.00	$2,250.00	$65.00	$4,875.00	$54.00	$4,050.00	$45.00	$3,375.00
9	Unclassified Excavation (Plan Quantity)	3100	CY	$11.00	$34,100.00	$27.60	$85,560.00	$45.00	$139,500.00	$38.65	$119,815.00	$25.00	$77,500.00
10	4" Topsoil Placement & Select Grading	4640	SY	$1.00	$4,640.00	$6.00	$27,840.00	$18.00	$83,520.00	$6.36	$29,510.40	$42.00	$194,880.00
11	Sodding, Greenspace, Yards and Channels (Excludes Topsoil)	4640	SY	$6.60	$30,624.00	$5.50	$25,520.00	$7.50	$34,800.00	$6.49	$30,113.60	$5.00	$23,200.00
12	Additional Watering as needed, to ensure establishment through 1-year warranty period	250	MG	$4.00	$1,000.00	$18.30	$4,575.00	$20.00	$5,000.00	$42.40	$10,600.00	$50.00	$12,500.00
13	18" RCP	30	LF	$90.00	$2,700.00	$102.00	$3,060.00	$137.50	$4,125.00	$211.67	$6,350.10	$120.00	$3,600.00
14	18" Flared End Section	1	EA	$950.00	$950.00	$678.00	$678.00	$1,200.00	$1,200.00	$4,110.00	$4,110.00	$3,000.00	$3,000.00
15	4' x 2' Reinforced Concrete Box Culvert	64	LF	$390.00	$24,960.00	$456.00	$29,184.00	$605.00	$38,720.00	$847.50	$54,240.00	$1,250.00	$80,000.00
16	(4" Depth) Concrete Sidewalk	56	SY	$40.00	$2,240.00	$90.00	$5,040.00	$16.00	$896.00	$123.80	$6,932.80	$120.00	$6,720.00
17	Outlet Structure - MLK Pond	1	LS	$6,495.00	$6,495.00	$19,650.00	$19,650.00	$14,000.00	$14,000.00	$47,790.00	$47,790.00	$20,000.00	$20,000.00
18	Bioswale (MLK Pond)	121	LF	$35.50	$4,295.50	$108.00	$13,068.00	$85.00	$10,285.00	$133.47	$16,149.87	$450.00	$54,450.00
19	Bioswale (South of Huntsville)	54	LF	$119.25	$6,439.50	$240.00	$12,960.00	$264.00	$14,256.00	$133.83	$7,226.82	$450.00	$24,300.00
20	Variable Height Concrete Block Mass Retaining Wall	945	SF	$17.00	$16,065.00	$93.60	$88,452.00	$100.00	$94,500.00	$128.41	$121,347.45	$225.00	$212,625.00
21	Decorative Fence	107	LF	$100.00	$10,700.00	$68.00	$7,276.00	$210.00	$22,470.00	$247.90	$26,525.30	$225.00	$24,075.00
22	Abandon RCP, Flowable Fill	15	CY	$215.00	$3,225.00	$252.00	$3,780.00	$200.00	$3,000.00	$597.67	$8,965.05	$500.00	$7,500.00
23	6' Tall Wood Privacy Fence	168	LF	$35.00	$5,880.00	$18.00	$3,024.00	$50.50	$8,484.00	$117.86	$19,800.48	$185.00	$31,080.00
24	Bald Cypress Tree, 2.5" Caliper (Planted)	9	EA	$575.00	$5,175.00	$840.00	$7,560.00	$630.00	$5,670.00	$837.50	$7,537.50	$900.00	$8,100.00
25	Elderberry Shrub, #3 Gal. (Planted)	26	EA	$575.00	$14,950.00	$72.00	$1,872.00	$90.00	$2,340.00	$390.00	$10,140.00	$600.00	$15,600.00
26	Overcup Oak Tree	15	EA	$575.00	$8,625.00	$840.00	$12,600.00	$630.00	$9,450.00	$837.50	$12,562.50	$900.00	$13,500.00
27	Black Willow Tree	9	EA	$575.00	$5,175.00	$840.00	$7,560.00	$630.00	$5,670.00	$837.50	$7,537.50	$900.00	$8,100.00
28	Roughleaf Dogwood	26	EA	$460.00	$11,960.00	$72.00	$1,872.00	$90.00	$2,340.00	$390.00	$10,140.00	$900.00	$23,400.00
29	Shrub Willow	26	EA	$60.00	$1,560.00	$72.00	$1,872.00	$90.00	$2,340.00	$390.00	$10,140.00	$700.00	$18,200.00
30	Wetland Grass	800	SY	$3.00	$2,400.00	$3.50	$2,800.00	$2.70	$2,160.00	$5.63	$4,504.00	$30.00	$24,000.00
31	Tree Protection Fencing (Allowance)	604	LF	$4.25	$2,567.00	$9.00	$5,436.00	$15.00	$9,060.00	$8.20	$4,952.80	$20.00	$12,080.00
32	Natural Stone Rip-Rap	238	SY	$47.00	$11,186.00	$54.00	$12,852.00	$300.00	$71,400.00	$137.77	$32,789.26	$200.00	$47,600.00
33	Concrete Weir w/Decorative Face	58	LF	$300.00	$17,400.00	$421.00	$24,418.00	$950.00	$55,100.00	$1,412.59	$81,930.22	$1,750.00	$101,500.00
34	Amended Soil	45	CY	$80.00	$3,600.00	$144.00	$6,480.00	$102.00	$4,590.00	$208.67	$9,390.15	$200.00	$9,000.00
35	Concrete Headwall (for 4' x 2' RCBC)	1	LS	$2,800.00	$2,800.00	$22,200.00	$22,200.00	$3,200.00	$3,200.00	$11,980.00	$11,980.00	$10,000.00	$10,000.00
36	Filter Fabric for Infiltration Channel	350	SY	$1.50	$525.00	$4.80	$1,680.00	$6.00	$2,100.00	$7.46	$2,611.00	$45.00	$15,750.00
37	Steel Encasement on Existing Sewer Main	27	LF	$460.00	$12,420.00	$252.00	$6,804.00	$450.00	$12,150.00	$960.76	$25,940.52	$500.00	$13,500.00
38	6" HDPE Drain Pipe	242	LF	$10.50	$2,541.00	$20.50	$4,961.00	$42.00	$10,164.00	$39.94	$9,665.48	$65.00	$15,730.00
39	10" Nyloplast Drain Basin	1	EA	$1,830.00	$1,830.00	$2,220.00	$2,220.00	$2,500.00	$2,500.00	$4,960.00	$4,960.00	$9,500.00	$9,500.00
40	6" HDPE Connection to Existing Box Culvert	1	EA	$350.00	$350.00	$180.00	$180.00	$1,200.00	$1,200.00	$1,496.00	$1,496.00	$2,500.00	$2,500.00
41	Dead Tree Removal (within area tree protection)	6	EA	$510.00	$3,060.00	$300.00	$1,800.00	$600.00	$3,600.00	$937.50	$5,625.00	$2,500.00	$15,000.00
42	Tree Pruning (within tree protection area)	5	EA	$275.00	$1,375.00	$120.00	$600.00	$500.00	$2,500.00	$625.00	$3,125.00	$1,800.00	$9,000.00
43	Asphalt Pavement Cut & Repair	90	SY	$91.50	$8,235.00	$67.00	$6,030.00	$75.00	$6,750.00	$328.89	$29,600.10	$200.00	$18,000.00
44	Concrete Curb & Gutter	65	LF	$39.00	$2,535.00	$28.80	$1,872.00	$38.00	$2,470.00	$64.85	$4,215.25	$50.00	$3,250.00

* NOTICE: Bid award is contingent upon supplier meeting minimum specifications and formal authorization by City Officials.

Amanda B 9/23/24

Amanda Beilfuss, Sr. Purchasing Agent

L. McGaugh 9/23/2024

Les McGaugh, Purchasing Director

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Elmhurst-McClinton Drainage Improvements, Phase 1

Contract No.: Bid #24-39, Construction

THIS AGREEMENT is dated as of the 7th day of November in the year 2024 by and between The City of Fayetteville, Arkansas and Steelworx Industrial Group, LLC (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of an approximately 154,000 cubic foot storm water retention pond adjacent to Huntsville Road with associated storm drain, outlet structure, concrete sidewalk, bioswale, retaining wall, and landscaping as shown in the project plans. The work also includes the construction of two sodded drainage swales, totaling approximately 475 LF, including an associated concrete weir with decorative face.

Any use of a third-party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Open burning is not allowed on City projects.

Blasting is not allowed on City projects.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in City of Fayetteville Right-of-way and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities.

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

A. The Work shall be Substantially Completed within 90 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within 105 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars ($750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars ($500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

4.02 As provided in the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

1. There shall be no changes without prior written approval of the Engineer of Record and/or the City's designated Professional Engineer.

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

5.03 FINAL PAYMENT:

A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Contractor has carefully studied all:

(1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

(2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.
2. Exhibits to this Agreement (enumerated as follows):
   a. Notice to Proceed.
   b. Contractor's Bid.
   c. Documentation submitted by Contractor prior to Notice of Award.
3. Performance, Payment, and other Bonds.
4. General Conditions.
5. Supplementary Conditions.
6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: ELMHURST-MCCLINTON DRAINAGE IMPROVEMENTS, PHASE 1.
8. Addenda numbers 1-7 inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.06 LIENS:

A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor. Three counterparts each has been retained by The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor.

This Agreement will be effective on November 7, 2024, which is the Effective Date of the Agreement.

CONTRACTOR:	CITY OF FAYETTEVILLE
By: Eric Wright	By: Lioneld Jordan
(Type or legibly print)	
Eric Wright	
(Signature)	(Signature)
Title: CEO/Managing Partner	Title: Mayor

Contractor shall attach evidence of authority to sign.
If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Contractor's signature and execution of Agreement.
Further if Contractor is a corporation, corporate entity or LLC, Contractor shall also attach a copy of the Contractor's Articles of Incorporation and a copy form the Arkansas State Secretary of State to document that the corporation, corporate entity or LLC is in current "Good Standing" with the State of Arkansas and such entity is permitted to perform work in the State of Arkansas.

(SEAL)	(SEAL)
Attest	Attest

Address for giving notices

1860 E. Pump Station Road

Fayetteville, AR 72701

Address for giving notices

113 W. Mountain St.

Fayetteville, AR 72701

License No. 0405550424

Agent for Service of process

Eric Wright

(Type or legibly print)

Contractor shall attach evidence of authority of Agent for Service process to sign. If Contractor is a corporation, corporate entity or LLC, Contractor shall attach Corporate Resolution authorizing Agent for Service process authority to sign.

(If Contractor is a corporation, corporate entity or LLC, attach evidence of authority to sign.)

END OF DOCUMENT 00500

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-599

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey

SUBJECT: **Approval of a resolution authorizing the purchase of property located on N Gregg Avenue owned by Fayetteville Warehouse Partners, LLC, in the amount of $261,473.00 plus $10,000 for the associated closing costs and to approve a budget adjustment.**

RECOMMENDATION:
Staff recommends approval of a resolution authorizing the purchase of property located on N Gregg Avenue owned by Fayetteville Warehouse Partners, LLC, in the amount of $261,473.00 plus $10,000 for the associated closing costs and to approve a budget adjustment

BACKGROUND:
The extension of Futrall Drive has long been on the City's Master Street Plan, to provide additional access to approximately 150 acres of undeveloped property west of the railroad tracks, east of Garland Avenue, and north of Drake Street. The connection will provide a more direct access from the property to the Fulbright Expressway and will include pedestrian facilities to allow for safe crossings at the railroad and Gregg Avenue.

On December 15, 2020, the City Council approved an agreement with the Arkansas Missouri Railroad for the construction of a new railroad crossing at North Futrall Drive and North Gregg Ave. As part of the agreement, the railroad required the closure of an existing crossing.

DISCUSSION:
After the agreement with the railroad was approved, City staff began looking at options to allow for the closure of the existing railroad crossing at Jocelyn Lane. The original concept included the extension of a private drive from the south that included a new bridge crossing of Sublett Creek to access the two properties served by the existing railroad crossing. A preliminary design was prepared, and a cost estimate was developed. With a cost estimate of over $1,000,000, staff decided to explore other options.

The City Land Agents ordered appraisals of the two properties to evaluate the option to purchase the properties instead of providing access. These properties both are located along the Razorback Greenway and could be an asset to the City's trail system. The 2022 appraised value of the two properties was $695,000. With the significant savings possibility with this option, staff reached out to the property owners to begin conversations regarding the purchases. Fortunately, both owners were open to the discussion. In February of 2024, the City Council approved the purchase of 2633 N Gregg Avenue.

City Staff has negotiated the purchase of this property from Fayetteville Warehouse Partners, LLC and is

prepared to close on the property if approved by the City Council.

BUDGET/STAFF IMPACT:
The proposed source for the funding would be the 2019 Transportation Bond Funds.

ATTACHMENTS: SRF (#3), BA (#4), Fayetteville Warehouse Partners - Land Sale Agreement (#5), Fayetteville Warehouse Partners - N Gregg Avenue Appraisal Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-599

Approval of a resolution authorizing the purchase of property located on N Gregg Avenue owned by Fayetteville Warehouse Partners, LLC, in the amount of $261,473.00 plus $10,000 for the associated closing costs and to approve a budget adjustment.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED ON NORTH GREGG AVENUE OWNED BY FAYETTEVILLE WAREHOUSE PARTNERS, LLC FOR THE AMOUNT OF $261,473.00, PLUS $10,000.00 FOR CLOSING COSTS, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 STREET IMPROVEMENT BOND PROJECT

WHEREAS, the extension of Futrall Drive has long been on the City's Master Street Plan to provide additional access to approximately 150 acres of undeveloped property west of the railroad tracks, east of Garland Avenue, and north of Drake Street; and

WHEREAS, on December 15, 2020, City Council approved an agreement with the Arkansas Missouri Railroad for the construction of a new railroad crossing at North Futrall Drive and North Gregg Avenue which required the closure of an existing crossing; and

WHEREAS, after the agreement with the railroad was approved, City staff began looking at options to allow for the closure of the existing railroad crossing at Jocelyn Lane and staff recommends purchasing the property owned by Fayetteville Warehouse Partners, LLC rather than creating an alternative access.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of property located on N. Gregg Avenue owned by Fayetteville Warehouse Partners, LLC for the amount of $261,473.00, plus $10,000.00 for the estimated associated closing costs.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-599

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Casey	9/30/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of a resolution authorizing the purchase of property located on N Gregg Avenue owned by Fayetteville Warehouse Partners, LLC, in the amount of $261,473.00 plus $10,000 for the associated closing costs and to approve a budget adjustment

Budget Impact:

4702.860.7220-5805.00	2022 Transportation Bond Funds
Account Number	Fund
46020.7220	Futrall/Gregg and Shiloh/Gregg RR Crossings
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	2,323,280.00
		Expenses (Actual+Encum)	$	1,592,080.93
		Available Budget	**$**	**731,199.07**
Does item have a direct cost?	Yes	Item Cost	$	271,473.00
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	271,473.00
		Remaining Budget	**$**	**731,199.07**

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Matt Casey	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Staff recommends approval of a resolution authorizing the purchase of property located on N Gregg Avenue owned by Fayetteville Warehouse Partners, LLC, in the amount of $261,473.00 plus $10,000 for the associated closing costs and to approve a budget adjustment

COUNCIL DATE: 11/7/2024

ITEM ID#: **2024-599**

Holly Black

9/30/2024 3:46 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

RESOLUTION/ORDINANCE

v.2024826

Account Number	Increase / (Decrease) Expense	Revenue	Project.Sub# Project	Sub.Detl	AT	Account Name
TOTAL	-	-				
4702.860.7220-5805.00	271,473	-	46020	7220	EX	Land - Acquisition
4702.860.7999-5899.00	(271,473)	-	46020	7999	EX	Unallocated - Budget
	-	-				
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Docusign Envelope ID: 121CC8F6-1211-476D-8BC4-DA47EEBFD4DB

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, an Arkansas municipal corporation (hereinafter "City" or "Fayetteville") and **Fayetteville Warehouse Partners, LLC, an Arkansas limited liability company** (hereinafter "the Seller").

TERMS AND CONDITIONS

1. *PURCHASE AND SALE*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to purchase, and the Seller agrees to sell, the following described property (the "Property"):

SEE ATTACHED EXHIBIT "A" FOR PROPERTY DESCRIPTION

2. *PURCHASE PRICE*

Subject to the terms and conditions, mutual promises and covenants of this Agreement, the City agrees to purchase the Property for **Two hundred sixty-one thousand, four hundred seventy-three and no/100 dollars ($261,473.00)** to be paid to the Seller by the City on or before the Closing Date.

3. CONTINGENCIES

The Parties agree that this sale and all the Agreements set forth herein are subject to and contingent upon approval by the Fayetteville City Council and subsequent execution hereof by the Mayor, of the original offer amount of $261,473.

The Parties agree that this sale shall be contingent upon the property being vacant of all tenants at the time this Agreement is signed by the Seller and Seller is responsible for maintaining that vacancy until closing.

4. *CLOSING DATE AND PLACE*

Closing shall occur within 90 days following the date this Agreement has been executed by the parties. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville or at another location agreed upon by the parties. The Closing Date may be extended upon the mutual agreement of the parties.

5. *DATE OF POSSESSION*

Possession of the Property shall be delivered to the City of Fayetteville on the Closing Date free of any tenancies or other third-party possessory rights.

6. *TITLE INSURANCE*

The Seller shall order a title commitment on the Property, as soon as practicable following the full execution of this Agreement, through City Title & Closing, LLC. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing), The Seller shall have thirty (30) days from the date of the City notice of such defects to attempt to cure such defects, but shall have no obligations to do so, and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, the City may terminate this agreement or may, at its election, take title subject to any such defects (the "Permitted Exceptions"). The cost of the title commitment and the cost of the owner's title policy shall be borne by the Seller.

Docusign Envelope ID: 121CC8F6-1211-476D-8BC4-DA47EEBFD4DB

7. *DEED, TAXES, CLOSING COSTS, AND OTHER DOCUMENTS*

On the Closing date, the Seller shall convey marketable and insurable title to the premises by special warranty deed, subject only to the Permitted Exceptions.

Taxes and special assessments due on or before the date of closing shall be paid by Seller. Ad valorem taxes applicable to the year of the closing shall be prorated as of the date of closing. The City and the Seller shall equally share the cost of a reasonable closing fee imposed by the closing agent employed by parties provided however that the City shall be responsible for any revenue stamps resulting from this transaction and all recording fees for the deed and other documents that need to be filed.

8. *RISK OF LOSS*

Risk of loss as to the Property shall remain with the Seller until the Closing date.

9. *THE CITY OF FAYETTEVILLE'S DUE DILIGENCE*

The City may enter upon the Property to conduct any surveying, testing or inspection it deems necessary to ensure the Property will be appropriate and safe. If the City discovers any problems that would adversely impact its development and use of the Property for its facilities, the City shall notify the Seller who shall be granted sixty (60) days to remediate any problem, but shall not be obligated to do so. The Seller may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by the City.

If the City elects to proceed to closing after conducting its due diligence as herein provided, its acquisition of the Property is and shall be "as is, where is" and without all faults, defects, and deficiencies, and without any representation or warranty by the Seller, all such representations and warranties hereby being disclaimed by the City.

10. *NOTICES*

Notices required by this Agreement shall be in writing and shall be delivered to:

City of Fayetteville
ATTN: Mayor's Office

113 W. Mountain Street
Fayetteville, AR 72701

Fayetteville Warehouse Partners, LLC,
ATTN: TL Asset Management, LLC, Manager, c/o T.J. Lefler, Manager
5100 JB Hunt Drive STE 800
Rogers, AR 72758

11. *AUTHORITY*

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of themselves or their respective entities and that execution hereof will bind all parties to this Agreement.

12. *COUNTERPARTS*

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

13. *FACSIMILE*

For purposes of executing this Agreement, a scanned or facsimile signature shall be as effective an as actual signature.

14. *APPLICABLE LAW*

Docusign Envelope ID: 121CC8F6-1211-476D-8BC4-DA47EEBFD4DB

This Agreement shall be construed and enforced in accordance with the laws of the State of Arkansas with venue in Washington County, Arkansas.

15. *SURVIVAL*

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

16. *NO WAIVERS*

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be· deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

17. *TIME OF ESSENCE*

Time is of the essence in this Agreement.

18. *INVALIDITY*

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity, it shall only affect such term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

19. *COMPLETE AGREEMENT*

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by all the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to the City at closing.

IN AGREEMENT WITH ALL OF THE TERMS AND CONDITIONS of this Land Sale Agreement and after being properly authorized by the Fayetteville City Council, the Mayor and City-Clerk Treasurer of the City of Fayetteville, Arkansas, Purchaser, sign their names below:

[SIGNATURE PAGE TO FOLLOW]

Docusign Envelope ID: 121CC8F6-1211-476D-8BC4-DA47EEBFD4DB

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

Date: _____

ATTEST:

By: _____
Kara Paxton
City Clerk-Treasurer

IN AGREEMENT WITH ALL OF THE TERMS AND CONDITIONS of this Land Sale Agreement, Seller, through its authorized agent or representative, signs below:

FAYETTEVILLE WAREHOUSE PARTNERS, LLC,
An Arkansas limited liability company
BY: TL Asset Management, LLC, its Manager

By: Signed by: T.J. Lefler _____
Troy James Lefler, Manager of
TL Asset Management LLC

Date: 8/27/2024

WITNESS:

By: _____

Docusign Envelope ID: 121CC8F6-1211-476D-8BC4-DA47EEBFD4DB

EXHIBIT A

A part of the South Half of the Southeast Quarter of Section 34, Township 17 North, Range 30 West, being more particularly described as follows: Commencing at a point which is S87°23'51"E 3909.13 feet from the Southwest corner of the of said Section 34 and running thence N20°47'43"E 38.22 feet; thence N15°03'08"E 196.71 feet; thence N17°01'27"E 99.29 feet; thence N06°24'17"E 343.09 feet; thence N08°14'17"E 140.98 feet' thence N85°19'38"E 53.29 feet; thence N34°18'04"W 80.78 feet to the centerline of Scull Creek and the Point of Beginning; thence along said creek centerline the following: N02°31'03"E 190.38 feet; thence N25°46'12"W 163.70 feet; thence N00°53'41"W 68.60 feet; thence leaving said creek centerline N87°04'48"E 193.98 feet to an existing rebar; thence S57°32'36"E 5.40 feet to an existing rebar; thence S58°19'21"E 46.59 feet; thence along a curve to the left having a radius of 53.00 feet and a chord bearing and distance of S23°41'19"E 105.44 feet to an existing rebar; thence N60°52'50"E 63.59 feet to an existing rebar on the Westerly right of way of the Frisco Railroad; thence along said right of way the following: S28°29'12"E 93.60 feet; thence along a curve to the right having a radius of 1894.03 and a chord bearing and distance of S29°47'17"E 44.35 feet to an existing rebar; thence leaving said right of way S64°44'30"W 141.41 feet; thence S38°15'47"E 30.85 feet; thence S62°51'49"W 258.30 feet to the point of beginning and containing 2.07 acres, more or less. (Per survey by Bates and Associates, Inc. dated 09/29/2020 Drawing #20-138 ALTA and signed by Derrick L. Thomas)

RESTRICTED APPRAISAL REPORT



AVALUATIONS

APPRAISAL COMPANY

Commercial Land

N. Gregg Avenue | Fayetteville, AR 72703









As of: July 1, 2022

Prepared For: City of Fayetteville
125 W. Mountain Street | Fayetteville, AR 72701

Prepared By: Avaluations, LLC
P.O. Box 2991 | Fayetteville, AR 72702

RESTRICTED APPRAISAL REPORT

July 8, 2022

City of Fayetteville
Attn: Brandi Samuels
125 W. Mountain Street
Fayetteville, AR 72701

RE: Appraisal of commercial land located at N. Gregg Avenue, Fayetteville, AR 72703

Our file number: City of Fayetteville

Dear Ms. Samuels:

In fulfillment of our agreement as outlined in the letter of engagement, Avaluations, LLC is pleased to transmit our Restricted Appraisal Report developing an opinion of the fee simple estate in the above referenced real property as of July 1, 2022, on an "As Is" basis. The opinion of value reported below is qualified by certain assumptions, limiting conditions, certifications, and definitions, which are set forth in the report.

The appraisal will be used by the City of Fayetteville for internal analysis purposes. It may not be distributed to or relied upon by other persons or entities without written permission of Avaluations, LLC. However, the City of Fayetteville may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan efforts. The appraisers are not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions.

Please note that our consent to allow an appraisal report prepared by Avaluations, LLC or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed and the reasoning leading to the opinion of value. The analysis, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the *Uniform Standards of Professional Appraisal Practice* (USPAP), the requirements of the *Code of Professional Ethics* and *Standards of Professional Appraisal Practice* of the Appraisal Institute, The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), and Title XI Regulations.

Based on the analysis contained in the following report, the market value of the subject property is concluded as follows:

MARKET VALUE CONCLUSION

Appraisal Premise	Interest Appraised	Effective Date	Value Conclusion
As Is	Fee Simple	July 1, 2022	$240,000

The analysis contained in this appraisal is based upon assumptions and estimates that are subject to uncertainty and variation. These estimates are often based on data obtained in interviews with third parties, and such data are not always completely reliable. In addition, we make assumptions as to future behavior of consumers, and the general economy, which are highly uncertain. It is, however, inevitable that some assumptions will not materialize and that unanticipated events may occur which will cause actual achieved operating results to differ from the financial analyses contained in this report, and these differences may be material. Therefore, while our analysis was conscientiously prepared on the basis of our experience, and the data available, we make no warranty of any kind that the conclusions presented will, in fact, be achieved. Additionally, we have not been engaged to evaluate the effectiveness of management, and we are not responsible for future marketing efforts, and other management actions upon which actual results may depend.

We believe, based on the assumptions employed the value conclusion represents a market price achievable within 6 months prior to the effective date. The value conclusion was based upon the following extraordinary assumptions or hypothetical conditions.

Extraordinary Assumptions

An extraordinary assumption is defined by USPAP (2020 – 2021 Edition) as:

An assumption directly related to a specific assignment, as of the effective date of the assignment results, which if found to be false, could alter the appraiser's opinions or conclusions.

Ø None Noted.

Hypothetical Conditions

A hypothetical condition is defined by USPAP (2020 – 2021 Edition) as:

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purposes of analysis.

Ø None Noted.

We take no responsibility for any events, conditions, or circumstances affecting the market that exists subsequent to the effective date of this appraisal. This letter is invalid as an opinion of value if detached from the report, which contains the text, exhibits, and addenda.

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis or if Avaluations, LLC can be of further service, please contact us.
Respectfully submitted,



Aaron Crawley, CG1562
Certified General Appraiser

AVALUATIONS
APPRAISAL COMPANY

Certification and Limiting Conditions

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT:

- The statements of facts contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon the development or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development and reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- Brett Cooper, SR4508, provided significant real property appraisal assistance to the person signing this certification. He participated in the subject history research, neighborhood analysis, courthouse research, MLS and CoStar research, and the sales comparison approach.
- In compliance with USPAP standards, I certify that I *have not* performed services as an appraiser, or in any other capacity, regarding the subject property within a three-year period immediately preceding acceptance of this assignment.



Aaron Crawley, Certified General Appraiser
AR CG1562, exp. 6/30/2023
OK 13112CGA, exp. 2/28/2024

General Assumptions & Limiting Conditions

I suggest that anyone using this appraisal read the following limiting conditions and assumptions thoroughly. The acceptance and/or use of the appraisal report constitutes acceptance of the following conditions.

In rendering my opinions, I have made certain assumptions and my opinions are conditioned upon and are subject to certain qualifications including, but not limited to, the following:

Information Used

No responsibility is assumed for accuracy of information furnished by others or from others, including the client, its officers and employees, or public records. I am not liable for such information or for the work of contractors, subcontractors and engineers. The comparable data relied upon in this appraisal has been confirmed with one or more parties familiar with the transaction unless otherwise noted; all are considered appropriate for inclusion to the best of my factual judgment and knowledge.

Certain information upon which the opinions and values are based may have been gathered by research staff working with the appraiser. Names, professional qualifications and extent of their participation can be furnished to the client upon request.

Legal, Engineering, Financial, Structural or Mechanical Nature, Hidden Components, Soil

No responsibility is assumed for matters legal in character or nature, nor matters of survey, nor of any architectural, structural, mechanical or engineering nature. No opinion is rendered as to the legal nature or condition of the title to the property, which is presumed to be good and marketable. The property is appraised assuming it is free and clear of all mortgages, liens or encumbrances, unless otherwise stated in particular parts of this report.

The legal description is presumed to be correct, but I have not confirmed it by survey or otherwise. I assume no responsibility for the survey, any encroachments or overlapping or other discrepancies that might be revealed thereby.

I have inspected, as far as possible by observation, the land and improvements thereon; however, it was not possible to personally observe conditions beneath the soil or hidden structural, or other components, or any mechanical components within the improvement; as a result, no representation is made herein as to such matters unless otherwise specifically stated. The estimated market value assumes that no such conditions exist that would cause a loss of value. I do not warrant against the occurrence of problems arising from any of these conditions.

It is assumed that there are no hidden or unapparent conditions to the property, soil, subsoil or structures, which would render them more or less valuable. No responsibility is assumed for any such conditions or for any expense or engineering to discover them. All mechanical components are assumed to be in operating condition standard for the properties of the subject's type. The condition of the heating, cooling, ventilation, electric and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements, unless otherwise stated. No judgment is made as to the adequacy of insulation, engineering or energy efficiency of the improvements or equipment.

Information relating to the location or existence of public utilities has been obtained through verbal inquiry to the appropriate utility authority, or has been ascertained from visual evidence. No warranty has been made regarding the exact location or capacities of public utility systems. Subsurface oil, gas or mineral rights were not considered in this report unless otherwise stated.

The appraisal is based on the premise that there is or will be full compliance with all applicable Federal, State and local environmental regulations and laws, unless otherwise stated in the report; and that all appropriate zoning, building and use regulations and restrictions of all types have been or will be complied with, unless otherwise stated in the report. It is assumed that all require licenses, consent, permits or other legislative or administrative authority, whether local, State, Federal, and/or private, have been or can be obtained or renewed for the use intended and considered in the value estimate.

Component Values

The distribution of the total valuation of this report between land and improvements applies only under the proposed program of utilization. The separate valuations of land and buildings must not be used in conjunction with any other appraisal, and are invalid if so used.

A report related to an estate that is less than the whole fee simple estate applies only to the fractional interest involved. The value of this fractional interest, plus the value of all other fractional interests, may or may not equal the value of the entire fee simple estate considered as a whole.

A report relating to the geographic portion of a larger property applies only to such geographic portion and should not be considered as applying with equal validity to other portions of the larger property or tract. The value for such geographic portions, plus the value of all other geographic portions, may or may not equal the value of the entire property or tract considered as a single entity.

All valuations in the report are applicable only under the estimated program of the highest and best use and are not necessarily appropriate under other programs of use.

Auxiliary and Related Studies

No environmental or impact studies, special market study or analysis, highest and best use analysis study or feasibility study has been requested or made by us unless otherwise specified in this report or in my agreement for services. I reserve the unlimited right to alter, amend, revise or rescind any of these statements, findings, opinions, values, estimates or conclusions upon any subsequent study or analysis or previous study or analysis that subsequently becomes available to us.

Dollar Values, Purchasing Power

The value estimates and the costs used herein are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and price of the United States dollar as of the date of value estimate.

Inclusions

Furnishings and equipment or business operations, except as otherwise specifically indicated, have been disregarded, with only the real estate being considered.

Proposed Improvements Conditioned Value

For the purpose of this appraisal, on- or off-site improvements proposed, if any, as well as any repairs required, are considered to be completed in a good and workmanlike manner according to information submitted and/or considered by us. In cases of proposed construction, the report is subject to change upon inspection of the property after construction is complete. The estimate of value, as proposed, is as of the date shown, as if completed and operating at levels shown and projected.

Value Change, Dynamic Market Influences

The estimated value is subject to change with market changes over time. Value is highly related to interest rates, exposure, time, promotional effort, supply and demand, terms of sale, motivation and conditions surrounding the offering. The value estimate considers the productivity and relative attractiveness of the property both physically and economically in the marketplace.

The estimate of value in this report is not based in whole or in part upon race, color or national origin of the present owners or occupants of the properties in the vicinity of the property appraised.

In the event this appraisal includes the capitalization of income; the estimate of value is a reflection of such benefits and my interpretation of income and yields and other factors which were derived from general and specific market information. Such estimates are made as of the date of the estimate of value. As a result, they are subject to change, as the market is dynamic and may naturally change over time. The date upon which the value estimate applies is only as of the date of valuation, as stated in the letter of transmittal. The appraisal assumes no responsibility for economic or physical factors occurring at some later date which may affect the opinion stated herein.

An appraisal is the product of a professionally trained person, but nevertheless is an opinion only, and not a provable fact. As a personal opinion, a valuation may vary between appraisers based upon the same facts. Thus, the appraiser warrants only that the value conclusions are his best estimate as of the date of valuation. There are no guaranties, either written or implied, that the property would sell for the expressed estimate of value.

Sales History

Unless otherwise stated, the appraiser has not reviewed an abstract of title relating to the subject property. No title search has been made, and the reader should consult an attorney or title company for information and data relative to the property ownership and legal description. It is assumed that the subject title is marketable, but the title should be reviewed by legal counsel. Any information given by the appraiser as to a sales history is information that the appraiser has researched; to the best of my knowledge, this information is accurate, but not warranted.

Management of the Property

It is assumed that the property which is the subject of this report will be under prudent and competent ownership and management over the entire life of the property. If prudent and competent management and ownership are not provided, this would have an adverse effect upon the value of the property appraised.

Confidentiality

We are not entitled to divulge the material (evaluation or valuation) content of this report and analytical findings or conclusions, or give a copy of this report to anyone other than the client or his designee, as specified in writing, except as may be required by the Appraisal Institute, as they may request in confidence for ethic enforcement, or by a court of law with the power of subpoena.

All conclusions and opinions concerning the analyses as set forth herein are prepared by the appraisers whose signatures appear. No change of any item in the report shall be made by anyone other than the appraiser, and the firm shall have no responsibility if any such unauthorized change is made.

Whenever our opinion herein with respect to the existence or absence of fact is qualified by the phrase or phrases "to the best of our knowledge", "it appears" or "indicated", it is intended to indicate that, during the course of our review and investigation of the property, no information has come to our attention which would give us actual knowledge of the existence or absence of such facts.

The client shall notify the appraiser of any error, omission or invalid data herein within 10 days of receipt and return of the report, along with all copies, to the appraiser for corrections prior to any use whatsoever. Neither our name nor this report may be used in connection with any financing plans which would be classified as a public offering under State or Federal Security Laws.

Copies, Publication, Distribution, Use of Report

Possession of this report, or any copy thereof, does not carry with it the right of publication, nor may it be used for other than its intended use. The physical report remains the property of the firm for the use of the client, with the fee being for the analytical services only. This report may not be used for any purpose by any person or corporation other than the client or the party to whom the report is addressed. Additional copies may not be made without the written consent of an officer of the firm, and then only in its entirety.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations effort, news, sales or other media without my prior written consent and approval of the client.

It has been assumed that the client or representative thereof, if soliciting funds for his project, has furnished to the user of this report complete plans, specifications, surveys and photographs of land and improvements, along with all other information which might be deemed necessary to correctly analyze and appraise the subject property.

Trade Secrets

This appraisal was obtained from Avaluations, LLC or related companies and/or its individuals and consists of "trade secrets and commercial or financial information" which is privileged and confidential. Notify the appraisers signing the report or an officer of Avaluations, LLC of any request to reproduce this report in whole or in part.

Testimony, Consultation, Completion of Contract for Appraisal Services

A contract for appraisal, consultation or analytical services is fulfilled and the total fee payable upon completion of the report. The appraisers or those assisting in the preparation of the report will not be asked or required to give testimony in court or hearing because of having made the appraisal in full or in part, nor will they be asked or required to engage in post appraisal consultation with client or third parties except under separate and special arrangement and at an additional fee.

Any subsequent copies of this appraisal report will be furnished on a cost plus expenses basis, to be negotiated at the time of request.

Limit of Liability

Liability of the firm and the associates is limited to the fee collected for preparation of the appraisal. There is no accountability or liability to any third party.

Fee

The fee for this appraisal or study is for the service rendered, and not for time spent on the physical report. The acceptance of the report by the client takes with it the agreement and acknowledgement that the client will pay the negotiated fee, whether said agreement was verbal or written. The fee is in no way contingent on the value estimated.

Assignment Overview and Scope of Work

Date of Inspection

The subject was inspected on July 1, 2022.

Date of Value and Interest Appraised

The date of value and interest appraised is described in the following table:

Market Value Date		
As Is	Fee Simple	July 1, 2022

Date of Report

The date of report is July 8, 2022.

Purpose of Appraisal

The purpose of this appraisal was to estimate the "As Is" market value of the subject property as of the effective date of appraisal. The current economic definition agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is contained in the definitions section of this report.

Intended Use and User of Appraisal

The intended use of this report is to estimate the value of the security offered for internal analysis purposes for the intended user – City of Fayetteville.

Competency of Appraisers

The appraisers' specific qualifications are included within this report. These qualifications serve as evidence of their competence for the completion of this appraisal assignment in compliance with the competency provision contained within the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation. The appraisers' knowledge and experience, combined with their professional qualifications, are commensurate with the complexity of this assignment based on the following:

- Professional experience
- Educational background and training
- Business, professional, academic affiliations and activities

The appraisers have previously provided consultation and value estimates for similar commercial land and various types of commercial properties in Northwest Arkansas.

Scope of the Appraisal

The scope of this appraisal assignment involves the completion of several steps performed within the guidelines of commonly accepted appraisal procedures. The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the purpose of the appraisal and its intended use, as previously outlined. Avaluations, LLC completed the following steps for this assignment:

The subject property was identified to the appraiser by the client providing the property address and the current owner's name. A tax card and plat were pulled for that address via a third-party provider. The property boundaries were pointed out to the appraiser by the Washington County GIS mapping software.

The following approaches to value have been considered in the scope of work decision for the main "Value Opinion":

- Ø The Direct Comparison Approach was performed.

Please be aware that the term "Inspection" may be used on some standard appraisal forms which the appraiser cannot modify. The term inspection found anywhere in this report is to mean a "Personal Visual Inventory" of the subject's or comparable property's components. This is opposed to a "Home Inspection", which investigates the appropriateness and soundness of various components of the improvements.

The American Disability Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey or analysis of the property or comparable sales to determine whether or not they are in conformity with one or more of the requirements of the act.

The appraiser is competent to perform this assignment in terms of geographic area, property type, market, and the related analytical methods.

Extent of Research of the Subject Property

The Census Tract information for the subject property was obtained from a third-party provider based on the property address via my appraisal software. The flood zone information for the subject property was obtained from a third-party provider based on the property address via my appraisal software.

The subject property data that was obtained from second-hand sources was validated by the appraiser personally accessing the subject property.

I did personally make a visual inventory of the subject property while walking over the land. I am familiar with the subject neighborhood and the market area. I have worked in and around this area for a number of years. I did drive through parts of this neighborhood in conjunction with this assignment.

Unless a professional home inspection, structural engineer study, or similar report was provided to the appraiser; the subject property information was obtained by a method of data gathering known as a "Personal Visual Inventory". This consists of the appraiser compiling notes of what components are there and how many of them there are. This personal visual inventory may be made on-site or from the curb, but not from photos or a video presentation. The extent of the subject property accessed was stated above; and did not include accessing any part of the property that could not be walked through in an upright manner, or that required the use of special equipment such as a ladder. None of the property components were dissected or inspected by the appraiser.

The appraiser has not performed a "Home Inspection" which is a process utilized to rate the appropriateness and usability of the various components of the structure. This process involves inspecting and testing. Should you have concerns about these issues please seek a qualified professional to investigate these issues for you. The information obtained from a home inspection may affect the value of the subject property, so the appraisal should be made after the home inspection rather than vice versa.

Neither police records nor past issues of newspapers have been researched concerning the subject property's past use for anything that might affect the safety or health of present and future occupants. This includes but is not limited to the by-products of methamphetamine production, infectious disease, or environmental hazards.

If available in the normal course of business the appraiser has evaluated any previous sales within the past 3 years prior to the effective date of the appraisal, and current contract, listing, or option of the subject property for its applicability in forming an opinion of current market value and/or marketability.

Extent of the Analysis & Associated Research

The following analysis and associated research have been performed in conjunction with the main opinion of value:

The Direct Sales Comparison was performed by an analysis in which the subject is compared to similar properties that have a recent marketing history.

An opinion of the value was formed by the Direct Comparison Approach. A quantitative line by line adjustment grid was utilized. Many of the property characteristics were considered including; the size of the improvements, land size, date of sale, view, topography and location.

The comparable properties were obtained from a thorough search of office files, the local MLS and/or Tax office. The tax data was supplied by a third-party provider. The physical property characteristics, sales price, and date were not verified by any other source. However, the second-hand data records were analyzed for errors and inconsistencies. The records with errors and discrepancies were not used. Records that showed a large discrepancy from the other data was not used.

Previous Market Activity of the Subject

The subject property has sold within the past three years prior to the effective date of this report. The subject property (with additional parcels) sold on 10/02/2020 for $2,500,000 from ARKA Holdings, LLC to Fayetteville Warehouse Partners, LLC via Warranty Deed as recorded in Deed Book 2020, Page 36694. This appears to be a typical arms-length transaction with the price near market levels. The subject property has not been listed for sale within the past year prior to the effective date of this report, per Northwest Arkansas MLS data sources.

Interest Appraised

Fee Simple Interest

Exposure Time

Exposure Time is defined as "The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal" (The Dictionary of Real Estate Appraisal, Fourth Edition, page 105). The opinion of reasonable exposure time for the subject property is around 12 Months.

Marketing Time

Reasonable marketing time is defined as an opinion of the amount of time it might take to sell the property interest being appraised at the concluded market value immediately after the effective date of the appraisal. It is a function of price, time, use, and anticipated market conditions. The user should rely on this opinion with caution, as the appraiser cannot foresee spastic changes in the economy. There is no significant changing environmental, economic, government, or social trends in this market. No major events have occurred or are expected to occur subsequent to the data analyzed in the "exposure time" analysis that indicate changes in the market conditions. For this reason, the anticipated marketing time is the same as my opinion of the subject's exposure time of around 12 months.

Restricted Use Report

This is a Restricted Use Appraisal Report, which is intended to comply with the reporting requirements set forth under Standard Rule 2-2 (c) of USPAP for a real property appraisal report. There may be insufficient information presented for this report to be understood. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's work file. The information contained in the report is specific to the needs of the client and for the intended use stated in this report. However, in order to meet the requirements for an “evaluation” according to the Interagency Appraisal and Evaluation Guidelines, this report has been supplemented with additional information about the subject property and its market, as well as the data, reasoning, and analyses that were used in the valuation process.

Highest and Best Use

The highest and best use of the subject property as though vacant is for a warehouse/ manufacturing facility in accordance with the physically possible, appropriately supported, and financially feasible use of the site.

Subject Information

The subject property is located on the west side of N. Gregg Avenue, north of the N. Gregg Avenue/ W. Sunbridge Drive intersection in northern Fayetteville. More generally, the subject property can be described as its street name of: N. Gregg Avenue, Fayetteville, Arkansas.

The subject site consists of a single platted parcel of land, which is located on the west side of N. Gregg Avenue. The subject parcel is irregular shaped with approximately 1.90 acres or 82,764 square feet of land area, per the courthouse records. The subject site is level to gently sloping and has around 211' of frontage along Jocelyn Lane. The subject is visible from N. Gregg Avenue; however, it lacks direct frontage along N. Greg Avenue due to the St. Louis & San Francisco Railroad. The railroad runs north to south along the east side of the subject site. An overhead powerline easement runs north to south on the eastern side of the subject site. Also, the subject site is currently located within the I-1; Heavy Commercial and Light Industrial District zoning.

Legal description of the subject property is as follows: Part of S ½ of the SE ¼ of Section 34, Township 17 North, Range 30 West, Washington County, Arkansas (see the full legal description in the addendum of this report). The subject site is located in census tract #0107.03. Also, the subject is located on F.E.M.A. Panel #05143C0210F dated 05/16/2008. Per this map, the subject is located within the 100-year floodplain as it lies within flood zone AE (see the attached flood map in the addendum of this report).

Methodology Applicable to the Subject

The subject is being appraised on the basis of its value "As Is". Based upon the type of property and scope of this assignment, I have used the Sales Comparison Approach to estimate the market value of the subject property.

Sales Comparison Approach

Land Sales Analysis with Adjustments

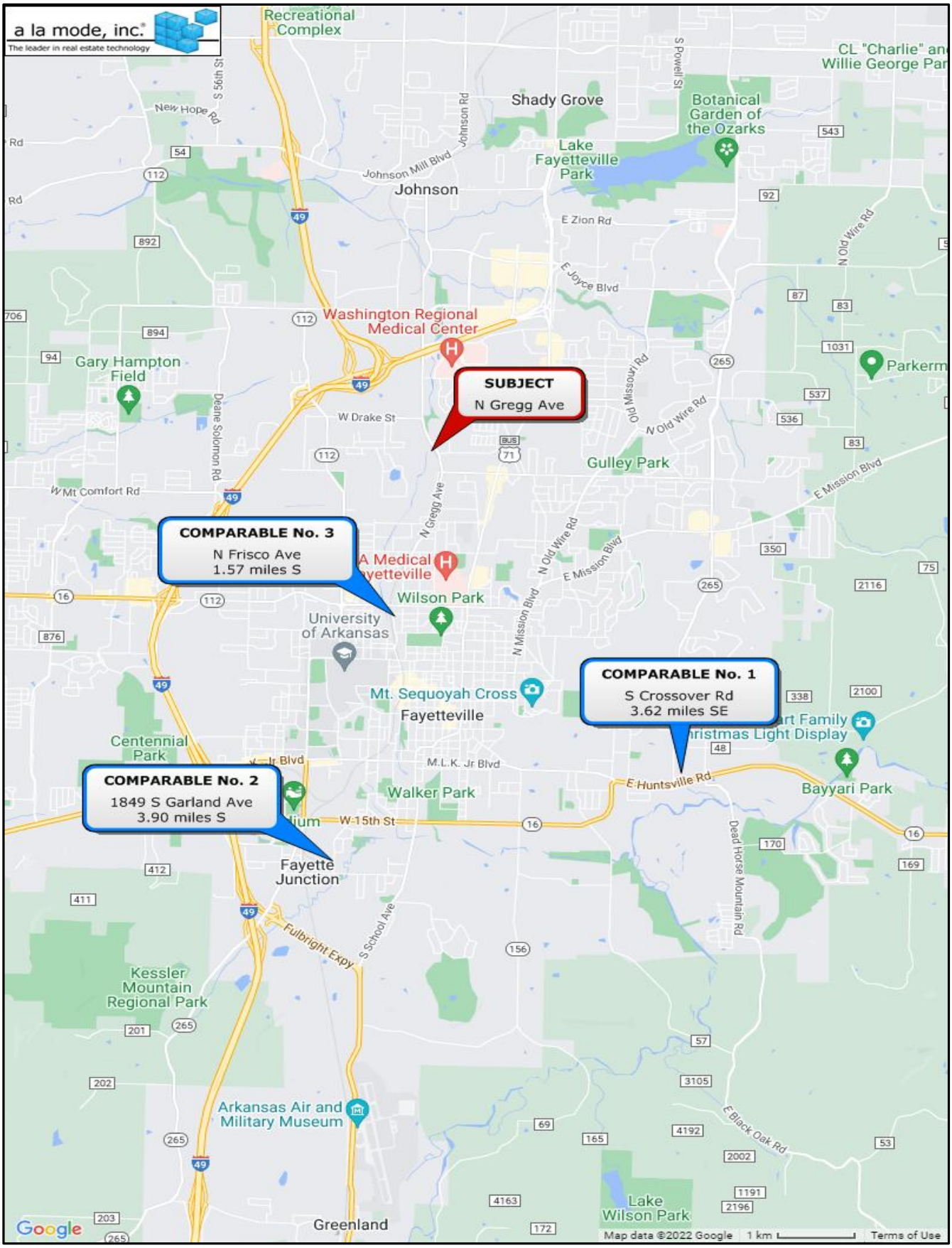
	Subject	Sale 1	Sale 2	Sale 3
Address	N. Gregg Avenue	S. Crossover Road	1849 S. Garland Avenue	N. Frisco Avenue
City	Fayetteville	Fayetteville	Fayetteville	Fayetteville
Recording Date	-----	9/21/2021	12/13/2021	4/10/2020
Sale Price	-----	$ 250,000	$ 575,000	$ 300,000
Land Area (SF)	82,764	110,207	152,460	93,654
Land Area (Acres)	1.90	2.53	3.50	2.15
Price/ Sq. Foot Comparison		$ 2.27	$ 3.77	$ 3.20
Property Rights Conveyed				
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Adjusted Price		$ 2.27	$ 3.77	$ 3.20
Financing Terms				
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Adjusted Price		$ 2.27	$ 3.77	$ 3.20
Conditions of Sale				
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Adjusted Price		$ 2.27	$ 3.77	$ 3.20
Time/Market Conditions				
Appraisal Date	7/1/2022			
Months Elapsed	---------	9.43	6.67	27.07
Annual % Adj.	0.00%			
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Adjusted Price		$ 2.27	$ 3.77	$ 3.20
Location		Comparable	Comparable	Comparable
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Site Size		Larger	Larger	Larger
Percent Adjustment		5.0%	14.0%	2.0%
Dollar Adjustment		$ 0.11	$ 0.53	$ 0.06
Public Utilities		Comparable	Comparable	Comparable
Percent Adjustment		0.0%	0.0%	0.0%
Dollar Adjustment		$ -	$ -	$ -
Flood Zone		Comparable	Superior	Comparable
Percent Adjustment		0.0%	-20.0%	0.0%
Dollar Adjustment		$ -	$ (0.75)	$ -
Railroad Tracks		Superior	Superior	Comparable
Percent Adjustment		-10.0%	-10.0%	0.0%
Dollar Adjustment		$ (0.23)	$ (0.38)	$ -
Net Percent Adjustment		-5.0%	-16.0%	2.0%
Net Adjustment		$ (0.11)	$ (0.60)	$ 0.06
Adjusted Price		$ 2.16	$ 3.17	$ 3.27
	Weight	*30%*	*30%*	*40%*

Price/ Sq. Foot Comparison

# of Comps		3
Maximum	$	3.27
Weighted Avg.	$	2.90
Minimum	$	2.16

Indicated Subject Value

Land Area (SF)		82,764
Indicated Value Per SF	$	2.90
Indicated "As Is" Value	$	240,335
Indicated Value Rounded To	$	240,000


a la mode, inc.
The leader in real estate technology
SUBJECT
N Gregg Ave
COMPARABLE No. 3
N Frisco Ave
1.57 miles S
COMPARABLE No. 1
S Crossover Rd
3.62 miles SE
COMPARABLE No. 2
1849 S Garland Ave
3.90 miles S
Recreational Complex
Shady Grove
Botanical Garden of the Ozarks
Lake Fayetteville Park
Johnson
Washington Regional Medical Center
Gary Hampton Field
W Drake St
Gulley Park
W Mt Comfort Rd
Wilson Park
University of Arkansas
Mt. Sequoyah Cross
Fayetteville
Centennial Park
Walker Park
Fayette Junction
Bayyari Park
Kessler Mountain Regional Park
Arkansas Air and Military Museum
Greenland
Lake Wilson Park
E Zion Rd
E Joyce Blvd
E Mission Blvd
E Huntsville Rd
W 15th St
M.L.K. Jr Blvd
N Gregg Ave
N Old Wire Rd
Old Missouri Rd
Deane Solomon Rd
S School Ave
Fulbright Expy
Dead Horse Mountain Rd
E Black Oak Rd
Google
Map data ©2022 Google
1 km
Terms of Use

Reconciliation

Reconciliation and Final Concluded Value

The pertinent approaches to value have been summarized in this appraisal analysis. A summary of the value conclusions of each of these individual approaches indicates the following:

Cost Approach - *The cost of reproducing or replacing the subject property, less depreciation from all sources, plus the land value as determined through market comparison.*	N/A

Direct Sales Comparison Approach - *The value as indicated by recent sales of comparable properties, as adjusted to account for all differences in physical, location and economic characteristics.*	$240,000

Income Approach - *The value which can be supported by the property's net earning capacity, based upon capitalization of the net income imputable to the property.*	N/A

The Sales Comparison Approach to value is relevant in this appraisal situation and market data was available for this approach. Since the subject consists of commercial land the Cost and Income Approaches were not applicable approaches to value and were not performed. When adequate market sales are available, the Sales Comparison Approach is considered the most reliable indication of market value. An adequate sample of comparable properties were available from the subject market area; therefore, this approach was given all the weight.

Based on the foregoing, the market value of the subject has been concluded as follows:

MARKET VALUE CONCLUSION

Appraisal Premise	Interest Appraised	Effective Date	Value Conclusion
As Is	Fee Simple	July 1, 2022	$240,000

Definitions

adjusted sale price

The figure produced When the transaction price of a comparable sale is adjusted for elements of comparison in the valuation process.

assessed value

The value of a property according to the tax rolls in ad valorem taxation; may be higher or lower than market value, or based on an assessment ratio that is a percentage of market value.

cash equivalency analysis

An analytical process in which the sale price of a transaction with nonmarket financing or financing with unusual conditions or incentives is converted into a price expressed in terms of cash or its equivalent.

client

1. The individual, group, or entity who engages a valuer to perform a service. (SVP)
2. The party or parties who engage, by employment or contract, an appraiser in a specific assignment. Comment: The client may be an individual, group. Or entity, and may engage and communicate with the appraiser directly or through an agent. (USPAP, 2016-2017 ed.)
3. Generally the party or parties ordering the appraisal report. It does not matter who pays for the work. (CUSPAP, 2014 ed.)

curable functional obsolescence

An element of depreciation; a curable defect caused by a flaw in the structure, materials, or design, which can be practically and economically corrected.

depreciation

1. In appraisal, a loss in property value from and cause; the difference between the cost of an improvement on the effective date of the appraisal and the market value of the improvement on the same date. *See also* external obsolescence; functional obsolescence; physical deterioration.
2. In accounting, an allocation of the original cost of an asset, amortizing the cost over the asset's life; calculated using a variety of standard techniques.

developer's fee

Typically, a payment by the property owner to a third party for overseeing the development of a project from inception to completion, included among the direct and indirect costs of development. Sometimes, the term is used to describe the time, energy, and experience a developer invests in a project as well as a reward for the risk undertaken.

direct capitalization

A method used to convert an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the net income estimate by an appropriate capitalization rate or by multiplying the income estimate by an appropriate factor. Direct capitalization employs capitalization rates and multipliers extracted or developed from market data. Only one year's income is used. Yield and value changes are implied, but not explicitly identified.

discounted cash flow (DCF) analysis

The procedure in which a discount rate is applied to a set of projected income streams and a reversion. The analyst specifies the quantity, variability, timing, and duration of the income streams and the quantity and timing of the reversion, and discounts each to its present value at a specified yield rate.

disposition value

The most probable price that a specified interest in property should bring under the following conditions:

1. Consummation of a sale within a specified time, which is shorter than the typical exposure time for such a property in that market.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both the buyer and seller are acting prudently and knowledgeably.
4. The seller in under compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider to be their best interests.
7. An adequate marketing effort will be made during the exposure time.
8. Payment will be made in cash in US dollars (or the local currency) or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition can also be modified to provide for valuation with specified financing terms. *See also* distress sale; forced-sale price; liquidation value; market value.

distress sale

A sale involving a seller acting under undue duress. *See also* disposition value; forced sale; liquidation value.

elements of comparison

The characteristics or attributes of properties and transactions that cause the prices of real property to vary; include real property rights conveyed, financing terms, conditions of sale, expenditures made immediately after purchase, market conditions, location, physical characteristics, and other characteristics such as economic characteristics, use, and non-realty components of value.

entrepreneurial incentive

The amount an entrepreneur expects to receive for his or her contribution to a project. Entrepreneurial incentive may be distinguished from entrepreneurial profit (often called developer's profit) in that it is the expectation of future profit as opposed to the profit actually earned on a development or improvement. The amount of entrepreneurial incentive required for a project represents the economic reward sufficient to motivate an entrepreneur to accept the risk of the project and to invest the time and money necessary in seeing the project through to completion. *See also* entrepreneurial profit.

entrepreneurial profit

1. A market-derived figure that represents the amount an entrepreneur expects to receive for his or her contribution to a project; the difference between the total cost of a property (cost of development) and its market value (property value after completion), which represents the entrepreneur's compensation for the risk and expertise associated with development. An entrepreneur who successfully creates value through new development, expansion, renovation, or an innovative change of use is rewarded by entrepreneurial profit. Entrepreneurs may also fail and suffer losses.
2. In economics, the actual return on successful management practices, often identified with coordination, the fourth factor of production following land, labor, and capital; also called *entrepreneurial return* or *entrepreneurial reward. See also* entrepreneurial incentive.

excess land

Land that is not needed to serve or support the existing use. The highest and best use of the excess land may or may not be the same as the highest and best use of the improved parcel. Excess land has the potential to be sold separately and is valued separately. *See also* surplus land.

external obsolescence

A type of depreciation; a diminution in value caused by negative external influences and generally incurable on the part of the owner, landlord, or tenant. The external influence may be either temporary or permanent.

extraordinary assumption

An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. (USPAP, 2016-2017 ed.) *See also* special assumption.

fee simple interest

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

forced-sale price

The price paid in a forced sale or purchase, i.e., a sale in which a reasonable time was not allowed to find a purchaser or the purchaser was forced to buy. *See also* disposition value; distress sale; liquidation value.

gross building area (GBA)

1. Total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above-grade area. This includes mezzanines and basements if and when typically included in the market area of the type of property involved.
2. Gross leasable area plus all common areas.
3. For residential space, the total area of all floor levels measured from the exterior of the walls and including the super-structure and substructure basement; typically does not include garage space.

highest and best use

1. The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

2. The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS)
3. [The] highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future. (Uniform Appraisal Standards for Federal Land Acquisitions)

hypothetical condition

1. A condition that is presumed to be true when it is known to be false. (SVP)
2. A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about the integrity of data used in an analysis. (USPAP, 2016-2017 ed.)

incurable functional obsolescence

An element of depreciation; a defect caused by a deficiency or super adequacy in the structure, materials, or design that cannot be practically or economically corrected as of the effective date of the appraisal.

land to building ratio

The proportion of land area to gross building area; one of the factors determining comparability of properties.

leased fee interest

The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary right when the lease expires.

liquidation value

The most probable price that a specified interest in property should bring under the following conditions:

1. Consummation of a sale within a short time period.
2. The property is subjected to market conditions prevailing as of the date of valuation.
3. Both the buyer and seller are acting prudently and knowledgably.
4. The seller is under extreme compulsion to sell.
5. The buyer is typically motivated.
6. Both parties are acting in what they consider to be their best interests.
7. A normal marketing effort is not possible due to the brief exposure time.
8. Payment will be made in cash in US dollars (or the local currency) or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This definition can also be modified to provide for valuation with specified financing terms. *See also* disposition value; distress sale; forced-sale price.

market rent

The most probable rent that a property should bring in a competitive and open market reflecting the conditions and restrictions of a specified lease agreement, including the rental adjustments and revaluation, permitted uses, use restrictions, expense obligations, term, concessions, renewal and purchase options, and tenant improvements (TIs).

market value

A type of value that is the major focus of most real property appraisal assignments. Both economic and legal definitions of market value have been developed and refined, such as the following.

1. The most widely accepted components of market value are incorporated in the following definition: The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.
2. Market value is described, not defined, in the Uniform Standards of Professional Appraisal Practice (USPAP) as follows: A type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership of a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.
   Comment: Forming an opinion of market value is the purpose of many real property appraisal assignments, particularly when the client's intended use includes more than one intended user. The conditions included in market value

definitions establish market perspectives for development of the opinion. These conditions may vary from definition to definition but generally fall into three categories:

a) The relationship, knowledge, and motivation of the parties (i.e., seller and buyer);
b) The terms of sale (e.g., cash equivalent, or other terms); and
c) The conditions of sale (e.g., exposure in a competitive market for a reasonable time prior to sale).

Appraisers are cautioned to identify the exact definition of market value, and its authority, applicable in each appraisal completed for the purpose of market value. (USPAP, 2016-2017 ed.)

USPAP also requires that certain items be included in every appraisal report. Among these items, the following are directly related to the definition of market value:

- Identification of the specific property rights to be appraised.
- Statement of the effective date of the value opinion.
- Specification as to whether cash, terms equivalent to cash, or other precisely described financing terms are assumed as the basis of the appraisal.
- If the appraisal is conditioned upon financing or other terms, specification as to whether the financing or terms are at, below, or above market interest rates and/or contain unusual conditions or incentives. The terms of above- or below-market interest rates and/or other special incentives must be clearly set forth; their contribution to, or negative influence on, value must be described and estimated; and the market data supporting the opinion of value must be described and explained.

3. The following definition of market value is used by agencies that regulate federally insured financial institutions in the United States: The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:
   - Buyer and seller are typically motivated;
   - Both parties are well informed or well advised, and acting in what they consider their best interests;
   - A reasonable time is allowed for exposure in the open market;
   - Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
   - The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

   (12 C.F.R. Part 34.42(g); 55 *Federal Register* 34696, August 24, 1990, as amended at 57 *Federal Register* 12202, April 9, 1992; 59 *Federal Register* 29499, June 7, 1994)

4. The International Valuation Standards Council defines *market value* for the purpose of international standards as follows: The estimated amount for which an asset or liability should exchange on the *valuation date* between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion. (IVS)
5. The Uniform Standards for Federal Land Acquisitions defines *market value* as follows: Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable buyer, with neither acting under and compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal. (Uniform Appraisal Standards for Federal Land Acquisitions)

net operating income (NOI)

The actual or anticipated net income that remains after all operating expenses are deducted from effective gross income but before mortgage debt service and book depreciation are deducted. Note: This definition mirrors the convention used in corporate finance and business valuation for EBITDA (earnings before interest, taxes, depreciation, and amortization).

net reversionary interest.

The lump-sum benefit that an investor receives at the termination of an investment after the deduction of sales commissions and outstanding mortgage debt. *See also* reversion.

obsolescence

One cause of depreciation; an impairment of desirability and usefulness caused by new inventions, changes in design, improved processes for production, or external

factors that make a property less desirable and valuable for a continued use; may be either functional of external.

paired data analysis

A quantitative technique used to identify and measure adjustments to the sale prices or rents of comparable properties. To apply this technique, sales or rental data on nearly identical properties, or adjusted data, is compared to isolate and estimate a single characteristic's effect on value or rent. Often referred to as *paired sales analysis*.

point estimate

A value indication reported as a single dollar amount. In estimating market value, a point estimate is typically regarded as the most probable number, not the only possible number.

pro forma

A projected income and expense statement for proposed development.

range of value

In final reconciliation, the range in which the final market value opinion of a property may fall; usually stated as the interval between a high and low value limit.

reconciliation

A phase of a valuation assignment in which two or more value indications are processed into a value opinion, which may be a range of value, a single point estimate, or a reference to a benchmark value.

reconstructed operating statement

A statement prepared by an appraiser or other analyst to reflect the potential future performance of a property, considering its historical income and expenses. In preparing reconstructed operating statements, appraisers may consult accountants' financial statements, comparable properties, auditors' statements, or historical data provided by the ownership entity.

reversion

A lump-sum benefit that an investor receives or expects to receive upon the termination or sale of an investment; also called *reversionary benefit*.

sequence of adjustments

The order in which quantitative adjustments are applied to the sale prices of comparable properties.

special assumption

1. An assumption, directly applicable to a specific service, which if found to be false, could alter the opinions or conclusions in an appraisal or review. (SVP)
2. An assumption that either assumes facts that differ from the actual facts existing at the valuation date or that would not be made by a typical market participant in a transaction on the valuation date. (IVS)

supply and demand

In economic theory, the principle that states that the price of a commodity, good, or service varies directly, but not necessarily proportionately, with demand, and inversely, but not necessarily proportionately, with supply. In real estate appraisal context, the principle of supply and demand states that the price of real property varies directly, but not necessarily proportionately, with demand and inversely, but not necessarily proportionately, with supply.

surplus land

Land that is not currently needed to support the existing use but cannot be separated from the property and sold off for another use. Surplus land does not have and independent highest and best use and may or may not contribute value to the improved parcel.

Uniform Standards of Professional Appraisal Practice (USPAP)

In the United States, professional standards, developed for appraisers and users of appraisal services by the Appraisal Standards Board of The Appraisal Foundation, that are required for use in federally related transactions. Compliance with USPAP is also required in certain appraisals by state certification and licensing boards.

vacancy and collection loss

A deduction from potential gross income (PGI) made to reflect income reductions due to vacancies, tenant turnover, and nonpayment of rent; also called *vacancy and credit loss* or *vacancy and contingency loss*.

Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal,* 6th ed. (Chicago: Appraisal Institute, 2015).

Addendum

Photo Pages



Looking southwesterly from N. Gregg Avenue at the front of the subject property.



Looking southwesterly at the subject property.



Looking easterly at the subject property.



Looking northerly at the subject property.



Looking southerly at the subject property.



Looking southwesterly at the subject property.

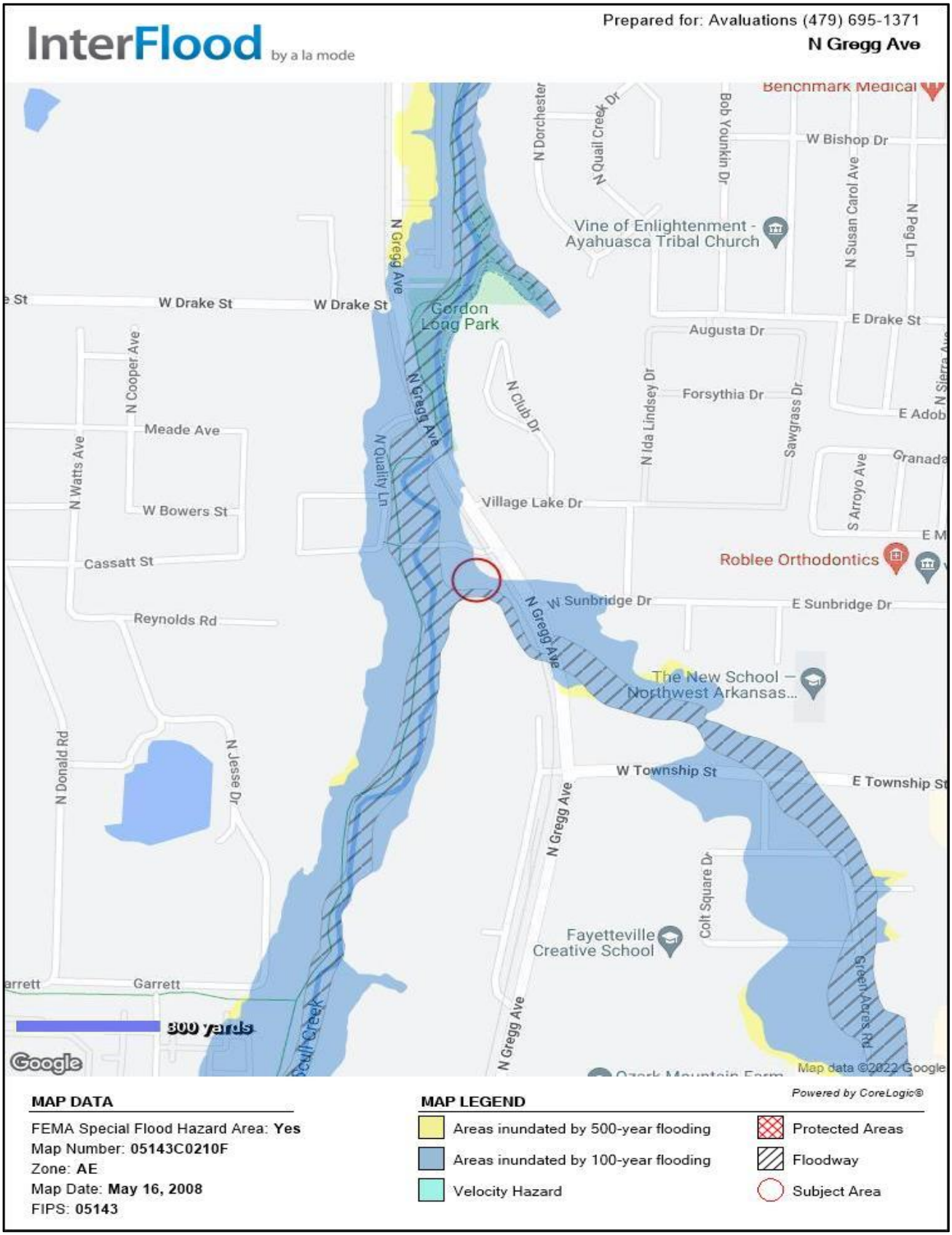


Looking southerly down N. Gregg Avenue, subject on the right.



Looking northerly down N. Gregg Avenue, subject on the left.

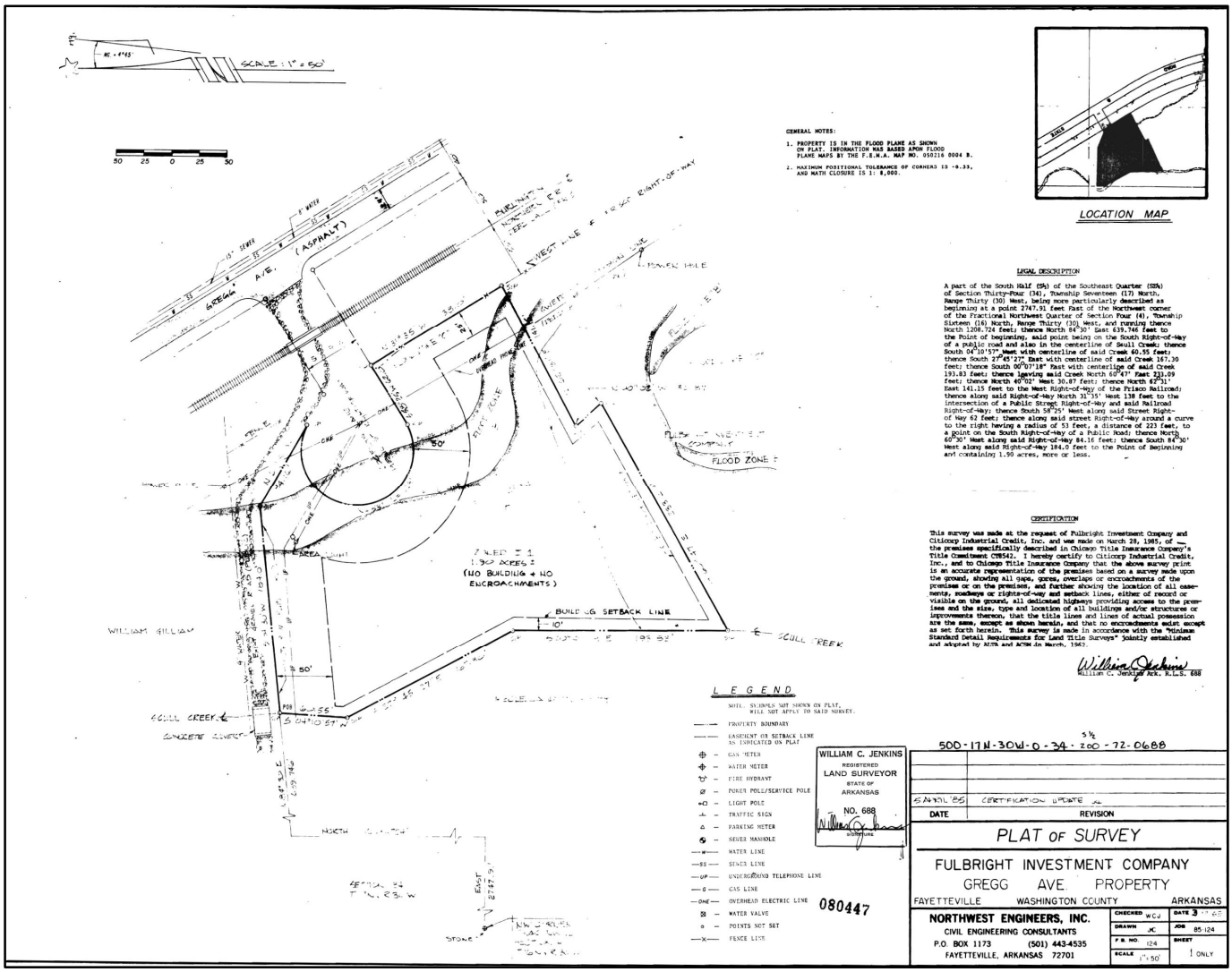
Flood Map


InterFlood by a la mode
Prepared for: Avaluations (479) 695-1371
N Gregg Ave
Benchmark Medical
W Bishop Dr
N Dorchester
N Quail Creek Dr
Bob Younkin Dr
N Susan Carol Ave
N Peg Ln
Vine of Enlightenment - Ayahuasca Tribal Church
W Drake St
W Drake St
N Gregg Ave
Gordon Long Park
E Drake St
Augusta Dr
N Cooper Ave
N Club Dr
N Ida Lindsey Dr
Forsythia Dr
Sawgrass Dr
Meade Ave
N Watts Ave
N Quality Ln
W Bowers St
Village Lake Dr
S Arroyo Ave
Granada
Cassatt St
Roblee Orthodontics
W Sunbridge Dr
E Sunbridge Dr
Reynolds Rd
The New School – Northwest Arkansas...
N Donald Rd
N Jesse Dr
W Township St
E Township St
Colt Square Dr
Fayetteville Creative School
Garrett
Garrett
Scull Creek
300 yards
Google
Map data ©2022 Google
Powered by CoreLogic®
MAP DATA
FEMA Special Flood Hazard Area: Yes
Map Number: 05143C0210F
Zone: AE
Map Date: May 16, 2008
FIPS: 05143
MAP LEGEND
Areas inundated by 500-year flooding
Areas inundated by 100-year flooding
Velocity Hazard
Protected Areas
Floodway
Subject Area

Legal Description

A part of the South 1/2 of the SE 1/4 of Section 34, Township 17 North, Range 30 West, being more particularly described as beginning at a point 2747.91 feet East of the Northwest corner of the Fractional NW 1/4 of Section 4, Township 16 North, Range 30 West, and running thence North 1208.724 feet; thence N 84°30' E 639.746 feet to the Point of Beginning, said point being on the South right of way of a public road and also the centerline of Scull Creek; thence S 04°10'57" W with the centerline of said creek 60.55 feet; thence S 27°45'27" E with centerline of said creek 167.301 feet; thence S 00°07'18" E with centerline of said creek 193.83 feet; thence leaving said creek N 60°47' E 233.09 feet; thence N 40°02' W 30.87 feet; thence N 62°31' E 141.15 feet to the West right of way of Frisco Railroad; thence along said right of way N 31°35' W 138 feet to the intersection of a public street right of way and said railroad right of way; thence S 58°25' W along said right of way 62 feet; thence along said street right of way around a curve to the right having a radius of 53 feet, a distance of 223 feet, to a point on the South right of way of a public road; thence N 60°30' W along said right of way 84.16 feet; thence S 84°30' W along said right of way 184.00 feet to the Point of Beginning, containing 1.90 acres, more or less.

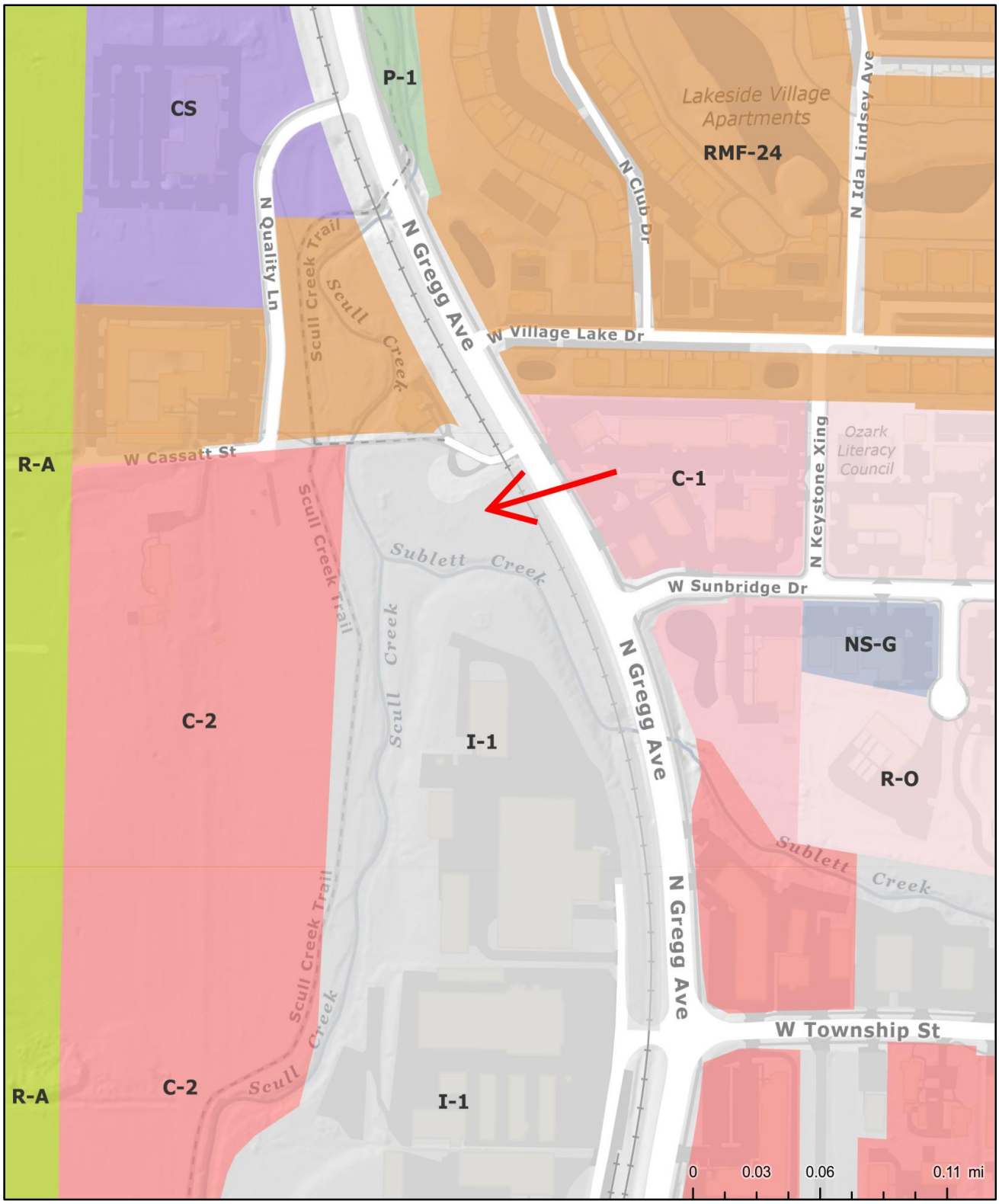
Survey


SCALE: 1" = 50'
50 25 0 25 50
GREGG AVE. (ASPHALT)
WEST LINE E ½ NW ¼
CENTER LINE
FLOOD ZONE C
FLOOD ZONE A
AREA = 1.90 ACRES ±
(NO BUILDING ENCROACHMENTS)
BUILDING SETBACK LINE
10'
50'
WILLIAM GILLIAM
SCULL CREEK
CONCRETE CHANNEL
POB
S 64°10'57" W
NORTH
EAST
2747.9'
SECTION 34
T 1 N, R 3 W
STONE
GENERAL NOTES:
1. PROPERTY IS IN THE FLOOD PLANE AS SHOWN ON PLAT. INFORMATION WAS BASED APON FLOOD PLANE MAPS BY THE F.E.M.A. MAP NO. 050216 0004 B.
2. MAXIMUM POSITIONAL TOLERANCE OF CORNERS IS ±0.33, AND MATH CLOSURE IS 1: 8,000.
LOCATION MAP
LEGAL DESCRIPTION
A part of the South Half (S½) of the Southeast Quarter (SE¼) of Section Thirty-Four (34), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as beginning at a point 2747.91 feet East of the Northwest corner of the Fractional Northwest Quarter of Section Four (4), Township Sixteen (16) North, Range Thirty (30) West, and running thence North 1208.724 feet; thence North 84°30' East 639.746 feet to the Point of beginning, said point being on the South Right-of-Way of a public road and also in the centerline of Scull Creek; thence South 04°10'57" West with centerline of said Creek 60.55 feet; thence South 27°45'27" East with centerline of said Creek 167.30 feet; thence South 00°07'18" East with centerline of said Creek 193.83 feet; thence leaving said Creek North 60°47' East 233.09 feet; thence North 40°02' West 30.87 feet; thence North 62°31' East 141.15 feet to the West Right-of-Way of the Frisco Railroad; thence along said Right-of-Way North 31°35' West 138 feet to the intersection of a Public Street Right-of-Way and said Railroad Right-of-Way; thence South 58°25' West along said Street Right-of Way 62 feet; thence along said street Right-of-Way around a curve to the right having a radius of 53 feet, a distance of 223 feet, to a point on the South Right-of-Way of a Public Road; thence North 60°20' West along said Right-of-Way 84.16 feet; thence South 84°30' West along said Right-of-Way 184.0 feet to the Point of Beginning and containing 1.90 acres, more or less.
CERTIFICATION
This survey was made at the request of Fulbright Investment Company and Citicorp Industrial Credit, Inc. and was made on March 28, 1985, of the premises specifically described in Chicago Title Insurance Company's Title Commitment C78542. I hereby certify to Citicorp Industrial Credit, Inc., and to Chicago Title Insurance Company that the above survey print is an accurate representation of the premises based on a survey made upon the ground, showing all gaps, gores, overlaps or encroachments of the premises or on the premises, and further showing the location of all easements, roadways or rights-of-way and setback lines, either of record or visible on the ground, all dedicated highways providing access to the premises and the size, type and location of all buildings and/or structures or improvements thereon, that the title lines and lines of actual possession are the same, except as shown herein, and that no encroachments exist except as set forth herein. This survey is made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by ASTA and ACSM in March, 1961.
William C. Jenkins Ark. R.L.S. 688
LEGEND
NOTE: SYMBOLS NOT SHOWN ON PLAT, MAY NOT APPLY TO SAID SURVEY.
PROPERTY BOUNDARY
EASEMENT OR SETBACK LINE AS INDICATED ON PLAT
GAS METER
WATER METER
FIRE HYDRANT
POWER POLE/SERVICE POLE
LIGHT POLE
TRAFFIC SIGN
PARKING METER
SEWER MANHOLE
WATER LINE
SEWER LINE
UNDERGROUND TELEPHONE LINE
GAS LINE
OVERHEAD ELECTRIC LINE
WATER VALVE
POINTS NOT SET
FENCE LINE
WILLIAM C. JENKINS
REGISTERED
LAND SURVEYOR
STATE OF
ARKANSAS
NO. 688
080447
500-17N-30W-0-34-200-72-0688
3½
DATE
REVISION
PLAT OF SURVEY
FULBRIGHT INVESTMENT COMPANY
GREGG AVE. PROPERTY
FAYETTEVILLE WASHINGTON COUNTY ARKANSAS
NORTHWEST ENGINEERS, INC.
CIVIL ENGINEERING CONSULTANTS
P.O. BOX 1173 (501) 443-4535
FAYETTEVILLE, ARKANSAS 72701
CHECKED WCJ
DRAWN JC
F.B. NO. 124
SCALE 1" = 50'
DATE 3-28-85
JOB 85-124
SHEET 1 ONLY

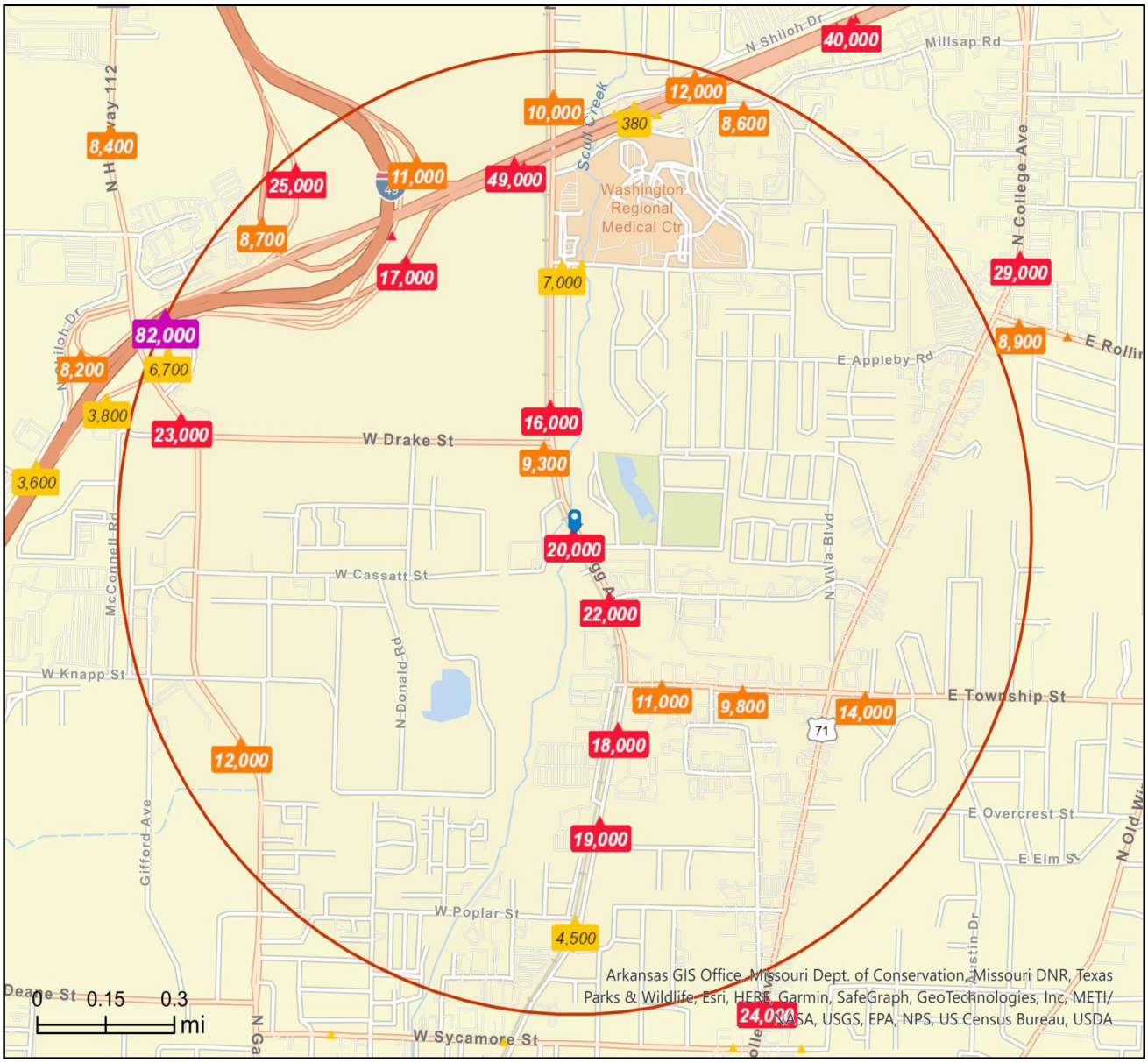
Parcel Map


SCULL CREEK LIMITED PARTNERSHIP
Women's Residence
QUALITY LIFE ASSOCIATES INC
Jocelyn Ln
N Gregg Ave
N GREGG AVE
WHISTLE STOP PLAZA LLC
W JOCELYN LN
CITY OF FAYETTEVILLE
FRISCO RAILROAD
FAYETTEVILLE WAREHOUSE PARTNERS LLC
UNIVERSITY OF ARKANSAS
Scull Creek
395
FAYETTEVILLE WAREHOUSE PARTNERS LLC

Zoning Map


CS
P-1
Lakeside Village Apartments
RMF-24
N Ida Lindsey Ave
N Club Dr
N Quality Ln
Scull Creek Trail
Scull Creek
N Gregg Ave
W Village Lake Dr
R-A
W Cassatt St
C-1
Ozark Literacy Council
N Keystone Xing
Sublett Creek
W Sunbridge Dr
NS-G
C-2
I-1
R-O
W Township St
0
0.03
0.06
0.11 mi

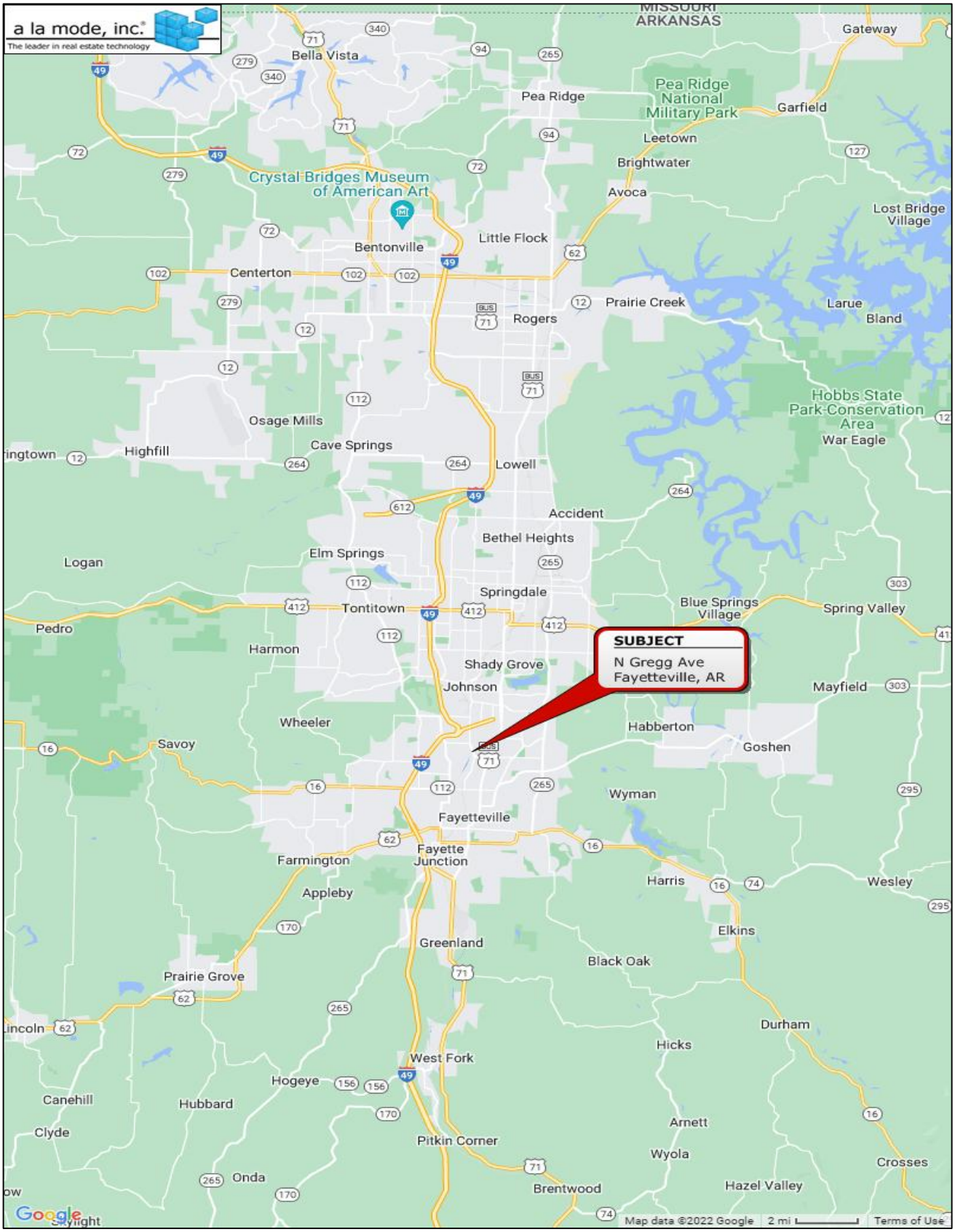
Traffic Count Map



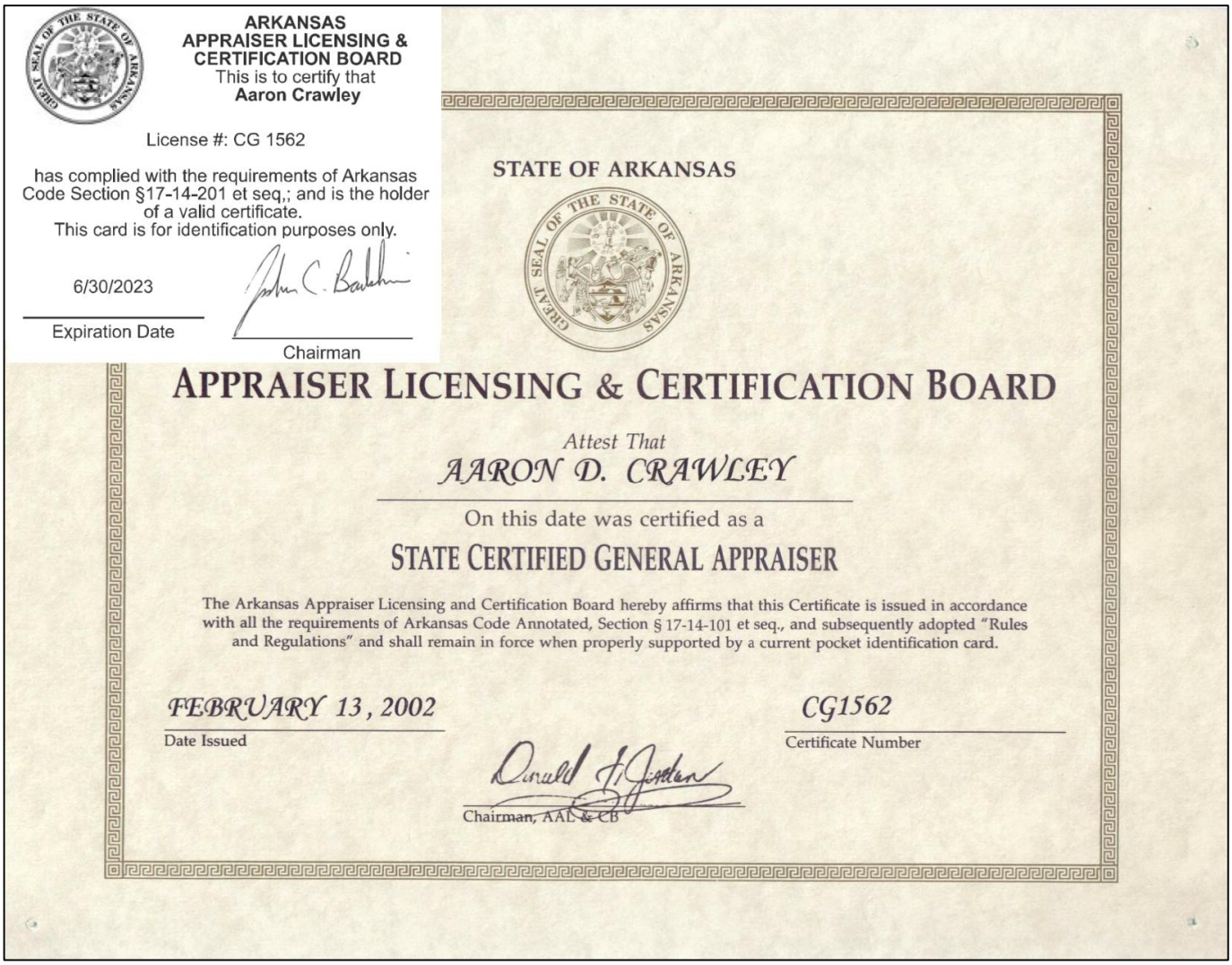
Aerial Map


a la mode, inc.
The leader in real estate technology
SUBJECT
N Gregg Ave
Fayetteville, AR
Google
Imagery ©2022 , Arkansas GIS, Maxar Technologies, State of Arkansas, USDA/FPAC/GEO, Washington County
20 m
Terms of Use

Location Map



Appraiser License



ARKANSAS
APPRAISER LICENSING &
CERTIFICATION BOARD
This is to certify that
Aaron Crawley

License #: CG 1562

has complied with the requirements of Arkansas Code Section §17-14-201 et seq,; and is the holder of a valid certificate.
This card is for identification purposes only.

6/30/2023
Expiration Date

Chairman

STATE OF ARKANSAS

APPRAISER LICENSING & CERTIFICATION BOARD

Attest That

AARON D. CRAWLEY

On this date was certified as a

STATE CERTIFIED GENERAL APPRAISER

The Arkansas Appraiser Licensing and Certification Board hereby affirms that this Certificate is issued in accordance with all the requirements of Arkansas Code Annotated, Section § 17-14-101 et seq., and subsequently adopted "Rules and Regulations" and shall remain in force when properly supported by a current pocket identification card.

FEBRUARY 13, 2002
Date Issued

CG1562
Certificate Number

Chairman, AAL & CB

Appraiser Resume

P.O. Box 2991, Fayetteville, AR 72702 Phone: (479) 695-1371 Email: avalue@cox-internet.com

Aaron Crawley

Education 1994–1998 University of Arkansas Fayetteville, AR

- Bachelors of Science in Business Administration – Financial Management

Professional Designations

Arkansas – Certified General Real Estate Appraiser, CG1562
Oklahoma – Certified General Real Estate Appraiser, 13112CGA

Educational courses from the Appraisal Institute:

Appraisal Principles – *University of Colorado, Boulder, Colorado*
Appraisal Procedures – *University of Colorado, Boulder, Colorado*
Uniform Standards of Prof. Appraisal Practice: *St. Louis, Missouri; Dallas, Texas; Fayetteville, AR; Little Rock, AR.*
Eminent Domain & Condemnation Appraising, *Manhattan, NY*
Advanced Income & Capitalization, *Houston, Texas*
Advanced Sales Comp. & Cost Approach, *Houston, Texas*
Residential Sales Comparison Approach, *Grand Rapids, Michigan*

Educational seminars from the Appraisal Institute or McKissock:

Analyzing Operating Expenses
Online Internet Search Strategies for Real Estate Appraisers
Appraising Nursing Facilities
Office Building Valuation: A Contemporary Perspective
Appraising Convenience Stores
Appraisal of Residential Property for Foreclosure & Pre-foreclosure
Business Practices and Ethics
Reviewing Residential Appraisals
Commercial Clients Seminar
Regression Analysis
General Report Writing & Case Studies
Advanced Hotel Appraising – Full Service Hotels
Appraisal of Fast Food Facilities
Appraisal of Land Subject to Ground Leases

Employment Experience

• 2001–Present Avaluations, LLC Fayetteville, Arkansas

Managing Owner/Operator

Perform all aspects of commercial real estate appraisals, review and consulting in Northwest Arkansas, Fort Smith region and Eastern Oklahoma.

• 1997–2001 Danehower & Associates Rogers, Arkansas

Licensed Staff Appraiser

Types of Appraisals Performed

Airport Hanger
Amusement Facility
Car Lot / Open Display Facility
Carwash
Chapel/ Reception Hall
Church/ Religious Facility
Commercial Cave
Convenience Store
Daycare
Fitness Center/ Gym
Industrial/ Manufacturing Facility
Laundromat
Lodge
Medical Office
Mini-Storage Facility
Mobile Home Park
Motel/ Hotel
Multi-Family Residential
Neighborhood Shopping Center
Nursing Home
Pharmacy
Professional Office
Restaurant
Retail Facility
Residential Subdivision
RV Park
Warehouse

479-695-1371 | P.O. Box 2991, Fayetteville, AR | avaluations.com

AVALUATIONS

APPRAISAL COMPANY

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-649

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey, Engineering Design Manager

SUBJECT: **A Resolution for approval of an agreement with the City of Springdale, AR. for the Railroad Crossing Elimination Study**

RECOMMENDATION:
Staff recommends a resolution approving a cost share agreement with the City of Springdale, AR. in the amount of $144,000 for the Railroad Crossing Elimination Study.

BACKGROUND:
The Cities of Fayetteville and Springdale, in collaboration with Arkansas & Missouri Railroad, were awarded a 2022 Railroad Crossing Elimination Grant in the amount of $576,000 to conduct planning activities to scope improvement projects at various at-grade crossings to improve mobility and enhance safety for the area. The application requested funding for a grant to plan improvements at various crossings between the University Avenue crossing in Fayetteville to the Apple Blossom Avenue crossing in Springdale.

The pursuit of funds for railroad crossing safety stemmed from the addition of two new crossings near the Fulbright Expressway and associated contractual obligations of the City to close and/or improve the safety of existing crossings.

The following crossings were covered in the application:

Fayetteville
• University Avenue - possible closure and replacement with bike/ped grade separation (closure of this location is required as part of the new crossing at Shiloh Street).
• Dickson Street - possible improvements to allow quiet zone
• Frisco Avenue - safety and geometric improvements
• Jocelyn Lane - possible closure (closure of this location is required as part of the new crossing at Futrall Drive)
Springdale
• Shady Grove Road - possible safety and drainage improvements)
• Sunset Avenue - possible safety improvements and realignment of adjacent intersections
• Randall Wobbe Drive - possible replacement with grade separation
• Apple Blossom Drive - possible safety improvements

Each location will be evaluated for criteria such as safety, environmental impact, economic impact and

multimodal impact.

After the notification of award of this grant, staff from the City of Fayetteville, City of Springdale and the Railroad met with the Federal Railroad Administration (FRA) and identified the steps necessary to move towards obligation of the funds. The first step was for the three parties to enter into an agreement for the administration of this grant. This agreement was approved at the January 2, 2024 City Council Meeting. The second step was the acceptance of the grant by the City of Fayetteville. The resolution accepting the grant was approved at the June 4, 2024 City Council Meeting. The third step was hiring an engineer to perform the study. This agreement was approved at the October 15, 2024 city council meeting. The final step is the approval of an agreement between the Cities to share the cost of the local matching funds.

DISCUSSION:
A cost share agreement between the City of Fayetteville and the City of Springdale is necessary to cost share the local matching funds ($144,000). The City of Fayetteville's share will be up to $62,400.00. The City of Springdale's share will be up to $81,600.00. The agreement has been prepared by City of Fayetteville staff and has been reviewed by the City of Springdale. This agreement will be presented to the Springdale City Council for approval as well.

BUDGET/STAFF IMPACT:
The local matching funds for the City of Fayetteville ($62,400.00) will be paid for from 2022 Transportation Bond Funds. The remainder ($81,600.00) of the contract cost will be covered by the City of Springdale. A budget adjustment was approved, and the funds were recognized at the October 15, 2024 City Council meeting.

ATTACHMENTS: SRF (#3), Fayetteville Springdale RRCE Agreement (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-649

A Resolution for approval of an agreement with the City of Springdale, AR. for the Railroad Crossing Elimination Study

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE CITY OF SPRINGDALE IN THE TOTAL AMOUNT OF $144,000.00 FOR THE RAILROAD CROSSING ELIMINATION STUDY, OF WHICH $62,400.00 WILL BE THE CITY OF FAYETTEVILLE'S RESPONSIBILITY

WHEREAS, the Cities of Fayetteville and Springdale, in collaboration with Arkansas & Missouri Railroad, were awarded a 2022 Railroad Crossing Elimination Grant in the amount of $576,000.00 to conduct planning activities to scope improvement projects at various at-grade crossings to improve mobility and enhance safety for the area; and

WHEREAS, staff recommends approval of a cost share agreement with the City of Springdale to provide for each city's portion of local matching funds required for the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a cost share agreement with the City of Springdale in the amount of $144,000.00 for the Railroad Crossing Elimination Study, of which $62,400.00 will be the City of Fayetteville's responsibility.

City of Fayetteville Staff Review Form

2024-649

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Casey	10/14/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends a resolution approving a cost share agreement with the City of Springdale, AR in the amount of $144,000 for the Railroad Crossing Elimination Study.

Budget Impact:

4601.860.7220-4420.00	Bond Program Grant Matching
Account Number	Fund
46020.7220	Streets Bond Projects - Futrall/Gregg & Shiloh/Gregg RR Xing
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	2,470,611.00
		Expenses (Actual+Encum)	$	1,592,080.93
		Available Budget	**$**	**878,530.07**
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	**$**	**878,530.07**

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

COST SHARE AGREEMENT FOR RAILROAD CROSSING ELIMINATION STUDY

This Agreement, made and entered into on this _____ day of _____ 2024, by and between the City of Fayetteville, Arkansas ("Fayetteville") and the City of Springdale, Arkansas ("Springdale"),

WITNESSETH:

WHEREAS, Fayetteville and Springdale are the recipients of a 2022 United States Department of Transportation (USDOT), Federal Railroad Administration (FRA) Railroad Crossing Elimination (RCE) Grant ("Grant") for a study of a 14-mile corridor of the Arkansas and Missouri Railroad through the cities of Fayetteville and Springdale to identify feasible safety improvements at various street crossings; and

WHEREAS, the City of Fayetteville accepted the award of the $576,000 grant on June 4, 2024 and the Cities of Fayetteville and Springdale are responsible for a $144,000 local match for the $720,000 study cost; and

WHEREAS, the Grant identifies that Fayetteville will pay $62,400 and Springdale will pay $81,600 of the $144,000 local match based on project cost estimates prepared for the grant application; and

WHEREAS, on October 15, 2024, the Fayetteville City Council approved a contract with Olsson, Inc. to perform the study as identified in the Grant.

NOW, THEREFORE, the City of Fayetteville, Arkansas and the City of Springdale, Arkansas agree as follows:

1. The City of Fayetteville, Arkansas agrees to:

    A. Administer the Railroad Crossing Elimination Grant funds in accordance with the grant agreement.

    B. Administer the project contract with Olsson, Inc. and remit payment after receipt of valid invoices.

    C. Provide the necessary and normal project management for all project sites located within the city limits of Fayetteville.

    D. Provide a copy of the invoices from Olsson, Inc. to the City of Springdale upon completion of work.

2. The City of Springdale, Arkansas agrees to:

   A. Provide the necessary and normal project management for all project sites located within the city limits of Springdale.

   B. Reimburse the City of Fayetteville for its matching portion for crossings within the city limits of Springdale in an amount not to exceed $81,600.00 within sixty (60) days of receipt of invoices following the completion of the project.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

CITY OF SPRINGDALE, ARKANSAS

By: _____
DOUG SPROUSE, Mayor

ATTEST:

By: _____
Denise Pearce, City Clerk

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
Kara Paxton, City Clerk

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-664

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Approval of an engineering contract amendment with McClelland Consulting Engineers to include construction phase and additional design services in the amount of $101,682.00, and approval of a budget adjustment.**

RECOMMENDATION:
Staff recommends approval of an engineering contract amendment with McClelland Consulting Engineers to include construction phase and additional design services in the amount of $101,682.00, and approval of a budget adjustment.

BACKGROUND:
Currently, this neighborhood experiences street and home flooding during high intensity rain events. Runoff overflows into S Elmhurst Ave from the north and floods the street and adjacent property prior to re-entering a defined drainage way and continuing south. Given the type and frequency of flooding that occurs, this project was identified as a priority project by City Council after the April 2017 flooding event and has been identified as one of the projects to be funded for design by the first phase of the 2019 Drainage Bond Program with construction occurring within the second phase.

On August 18, 2020, City Council approved entering into a contract with McClelland Consulting Engineers (resolution 2020-0639) to design this project.

DISCUSSION:
This amendment includes construction phase services as well as additional design phase services. The construction phase services will include construction administration, testing and any additional construction observation that will be requested by the City. It also includes design phase services to modify both the Phase I and Phase II design due to adjustments made in order to address property owner requests and concerns as well as dividing the plans into two separate phases once it was determined that funding would not be available for the entire project.

BUDGET/STAFF IMPACT:
The drainage improvements are funded by the 2019 Drainage Bond Program.

ATTACHMENTS: SRF (#3), BA (#4), Elmhurst and McClinton MCE Amendment (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-664

Approval of an engineering contract amendment with McClelland Consulting Engineers to include construction phase and additional design services in the amount of $101,682.00, and approval of a budget adjustment.

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF $101,682.00 TO INCLUDE CONSTRUCTION PHASE AND ADDITIONAL DESIGN SERVICES, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, on August 18, 2020, the City Council authorized a Professional Engineering Services Agreement with McClelland Consulting Engineers to design the Elmhurst & McClinton Drainage Improvements project; and

WHEREAS, Amendment No. 1 will include construction administration, testing and any additional construction observation that will be requested by the City; and

WHEREAS, Amendment No. 1 will also include design phase services to modify both the Phase I and Phase II design due to adjustments made in order to address property owner requests and concerns as well as dividing the plans into two separate phases once it was determined that funding would not be available for the entire project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign Amendment No. 1 to the engineering services agreement with McClelland Consulting Engineers in the amount of $101,682.00 for construction phase and additional design services associated with the Elmhurst & McClinton Drainage Improvements Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-664

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown	10/4/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of an engineering contract amendment with McClelland Consulting Engineers to include construction phase and additional design services in the amount of $101,682.00, and approval of a budget adjustment.

Budget Impact:

4704.860.7420-5860.02	Improvements Bridge and Drainage
Account Number	Fund
46040.7420.1000	Elmhurst McClinton Drainage Phase I
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	279,449.00
		Expenses (Actual+Encum)	$	88,807.21
		Available Budget	$	190,641.79
Does item have a direct cost?	Yes	Item Cost	$	101,682.00
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	101,682.00
		Remaining Budget	$	190,641.79

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Alan Pugh	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of an engineering contract amendment with McClelland Consulting Engineers to include construction phase and additional design services in the amount of $101,682.00, and approval of a budget adjustment.

COUNCIL DATE: 11/7/2024

ITEM ID#: **2024-664**

Holly Black
10/17/2024 8:42 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.2024926

	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
TOTAL	-	-				
4704.860.7420-5860.02	101,682	-	46040	7420.1000	EX	Capital Prof Svcs - Engineering/Architectura
4704.860.7999-5899.00	(101,682)	-	46040	7999	EX	Unallocated - Budget
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ELMHURST & MCCLINTON DRAINAGE IMPROVEMENTS

AMENDMENT TO OWNER - ENGINEER PROFESSIONAL SERVICES AGREEMENT

Amendment No. 1

1. *Background Data:*

   a. Effective Date of Owner-Engineer Agreement: August 18th, 2020

   b. Owner: The City of Fayetteville

   c. Engineer: McClelland Consulting Engineers, Inc

   d. Project: Elmhurst & McClinton Drainage Improvements

2. *Description of Modifications:*

   The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows: shall perform or furnish the following Additional Services:

   a. Revise ATTACHMENT 'A', SCOPE OF SERVICES, as attached.
   b. Revise ATTACHMENT 'D', COMPENSATION, as attached.

3. *Agreement Summary (Reference only)*

a. Original Agreement amount:	$	194,525.00
b. Net change for prior amendments:	$	-
c. This amendment amount:	$	101,682.00
d. Adjusted Agreement amount:	$	296,207.00

The foregoing Agreement Summary is for reference only and does not alter the terms of the original Agreement.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____ , 2024.

OWNER:	ENGINEER:
City of Fayetteville	McClelland Consulting Engineers, Inc
By:	By:
Title:	Title: Vice President
Date Signed:	Date Signed: 10.16.2024

Kevin Beaumont Date: 2024.10.16 18:12:18-05'00'

ATTACHMENT 'A'
Amendment No. 1

SCOPE OF SERVICES

CITY OF FAYETTEVILLE, ARKANSAS
ELMHURST & MCCLINTON DRAINAGE IMPROVEMENTS

1) **Bidding Services (Phase I)**

During the bidding phase of the project, the ENGINEER will:

a. Make available construction documentation to CITY OF FAYETTEVILLE (CITY),
b. Prepare addenda as appropriate,
c. Manage pre-bid meeting and,
d. Issue Notice of Award and Notice to Proceed documents.
e. The CITY Purchasing Department will manage the advertisement for bids, bid opening and evaluation and further will make a recommendation to City Council.

2) **Construction Related Services (Administration & Observation – Phase I)**

During the construction phase of work, the ENGINEER will accomplish the following:

a. Perform survey consisting of the establishment of control points for construction purposes.
b. Provide construction administration services during the construction phase for a period not to exceed 20 weeks (5 months) by way of the following:
    i. Manage preconstruction meeting.
    ii. Review submittals.
    iii. Prepare contractor pay estimates and submit to CITY for review and approval.
    iv. Prepare change orders as needed.
    v. Attend final inspection and prepare punch list.
    vi. Prepare as-built record drawings utilizing contractor's measurements.
    vii. Represent CITY at meetings as needed pertaining to this project.
c. Provide partial on-site observation (maximum 25% of time as an overall average) of the construction work as it progresses for a period not to exceed 5.0 months.
d. Prepare and submit close out documentation.
e. The proposed fee is based on 20 weeks (5 months) construction timeframe. The ENGINEER's weekly construction and observation costs for continued provision of services beyond the 20-week timeframe shall be invoiced using current hourly rates not to exceed $1,700 per week.

3) **Materials Testing & Special Inspection Services (Phase I)**

a. See attached estimated budget breakdown for the scope of construction materials testing and special inspection services.

4) **Design Changes to Drainage System (Phase II)**

ENGINEER shall make changes to design of Phase II of project as follows:

a. Extend storm drainage connection at southern limit of project, north of Nantucket Dr.
b. Revise storm drainage at Fairlane St. where collects overland flow from both Graham and Terry/Richter properties.
c. Revise alignment to box culvert over approx. 300 LF along McClinton St. and portion of Elmhurst St.
d. Revise design of cast-in-place structures to accommodate alignment changes, as well as conceal under pavement.
e. Waterline relocation. Revise and extend design of the 8" PVC water main relocation approximately 300 LF. Changes necessitated by the revised box culvert alignment, and an effort to save the larger trees in the neighborhood.
f. Make minor changes to the sanitary sewer design so as to accommodate the revised alignment of the box culvert. If major changes are deemed necessary, this work will be accommodated by way of a separate amendment.

ATTACHMENT 'D'
Amendment No. 1

COMPENSATION

CITY OF FAYETTEVILLE, ARKANSAS
ELMHURST & MCCLINTON DRAINAGE IMPROVEMENTS

- The compensation as defined in Attachment 'D' of the original Contract, as well as subsequent amendments, shall remain in full effect, and shall also include compensation associated with this amendment:

Amend compensation as follows:

- CITY shall pay ENGINEER for Construction Related Services and Reimbursable Expenses rendered for an amount not exceeding $101,682.00. Professional services shall be charged using the most recent hourly rates, unless indicated otherwise. Refer to attached schedule for 2024 rates.

Bidding Services (Phase I):	$ 8,875.00
Construction Administration (Phase I):	$ 12,750.00
Construction Observation (Phase I):	$ 20,750.00
Materials Testing & Special Inspections (Phase I):	$ 7,065.00
Design Changes to Drainage System (Phase II):	$ 50,492.00
Reimbursables:	$ 1,750.00
Total Construction Related Services Fee	**$ 101,682.00**

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1580 E. Stearns St.
Fayetteville, AR 72703
Office: (479)443.2377
mce.us.com

October 16, 2024

1.0 Estimated Budget

Based on the currently available project documentation, we anticipate being able to provide Construction Material Testing and Special Inspection services on this project for a Not-To-Exceed Without Approval amount as detailed below:

Provided Testing and Inspection Service	Estimated Cost
Subgrade Recommendations	$1,140.00
Soil and Base Density Testing	$1,680.00
Reinforcing Bar Observation	$570.00
Cast-in-Place Concrete Field Testing	$2,790.00
Concrete Cylinder Pick-Up	$350.00
Asphalt Coring and Testing	$535.00
Total Not-to-Exceed Without Approval Fee	**$7,065.00**

The information on the following pages provides further detail regarding the anticipated testing scope of the project which includes several trips for each service, time spent on-site for each service, and other anticipations that were integral in arriving at the Not-To-Exceed Fee amount.

2.0 Anticipated CMT/Special Inspections Scope Of Work

It is expected that services for Construction Materials Testing and Special Inspections may include, but are not limited to subgrade recommendations and observations, field density testing, rebar inspections, and cast-in-place concrete testing. An allowance for asphalt testing has also been included, should it be required under the project scope. To better your understanding of our associated fees, we presented an estimated per-trip amount for the services we anticipate providing on this project. The provided per-trip price assumes the following factors:

- A Geotechnical Engineer or his/her representative spending one (1) hour on-site for each trip pertaining to subgrade recommendations.
  - *Travel time, mileage, and report writing are factored into the unit trip amount.*
- A certified technician spending one (1) hour on-site for each soil/base density testing trip.
  - *Four (4) density tests are anticipated to be conducted on each trip.*
  - *Thickness verification of the base materials during each base density testing trip, if required.*
  - *Travel time, mileage, and report writing are factored into the unit trip amount*.
- A Geotechnical Engineer or his/her representative spending one (1) hour on-site for the observation of reinforcing elements prior to the placement of concrete.
  - *Travel time, mileage, and report writing are factored into the unit trip amount.*
- A certified technician spending one (1) hour on-site for each cast-in-place concrete testing trip.
  - *MCE assumes that one (1) set of five (5) 4" x 8" cylinders being sampled for every 50 cubic yards (CY)*
  - *Additional time for continuous observation and testing for monolithic concrete pours over 100 CY.*
  - *Travel time, mileage, and reporting fees are included in the per-trip amount for this service.*
- An Asphalt Certified Technician spending up to three (3) hours on-site for the coring of asphalt pavement materials for further analysis and laboratory testing per trip.
  - *Time for patching the core locations is included in the per-trip amount for this service.*
  - *Travel time, mileage, and reporting fees are included in the per-trip amount for this service.*

We anticipate that the duration of the project will be less than twelve (12) months. If this estimated duration is incorrect or if the assumptions detailed within this document are inaccurate, please allow us to make appropriate revisions.

The anticipated services and associated fees presented are intended to provide the project with a safe allowable budget for materials testing and special inspections. These services will be invoiced based on actual services provided (including time spent on site, number of tests, etc.) using our current fee sheet, which may be provided upon request. **From the assumptions and project details referenced above, the per-trip estimates and subtotals for each service anticipated to be required are provided below, and on the following pages.**

Subgrade Recommendations	**$285.00 per trip estimate**
Block Mass Retaining Wall – Bearing Capacity	3 trips
Concrete Retaining Wall – Bearing Capacity	1 trip
Estimated Subtotal	**$1,140.00**

Soil and Base Density Testing	**$240.00 per trip estimate**
Retaining Wall Leveling Pads (Base)	3 trips
Sidewalk (Base)	1 trip
Curb-and-Gutter (Base)	1 trip
Street Repair (Base)	2 trips
Estimated Subtotal	**$1,680.00**

Reinforcing Bar Observation	**$285.00 per trip estimate**
Concrete Retaining Wall	2 trips
Estimated Subtotal	**$570.00**

Cast-in-Place Concrete Field Testing	**$310.00 per trip estimate**
Concrete Weir Structure	2 trips
Sidewalk	1 trip
Curb-and-Gutter	1 trip
Concrete Retaining Wall	2 trips
MLK Pond Outlet Structure	3 trips
Estimated Subtotal	**$2,790.00**

Concrete Cylinder Pick-Up	**$70.00 per trip estimate**
A charge for concrete cylinder pick-up will only be applied in the event that it is the sole reason for the site visit on days when no other testing is scheduled. We have assumed that this will be required for one-half ($^1/_2$) of the anticipated concrete trips.	
Estimated Subtotal	**$350.00**

Asphalt Coring and Testing	**$535.00 per trip estimate**
A certified technician coring asphalt samples for final laboratory acceptance testing. It is anticipated that up to two (2) total cores may be required for laboratory testing for the project. The cores will be tested for bulk-specific gravity and thickness verification. It is anticipated that one (1) trip may be required for this service.	
Estimated Subtotal	**$535.00**

Our fees are directly related to the number of trips made for each service and time spent on site. If the project scope varies after the submittal of this document and prior to construction, please allow for the review/revision of this document.

10/16/2024

McCLELLAND CONSULTING ENGINEERS, INC.

*STANDARD HOURLY RATES

Chief Draftsman	$120 - $130
Clerical	$55 - $85
Construction Observer	$85 - $165
Draftsman	$70 - $125
Environmental Scientist/Designer	$125 - $150
Geotech Engineer	$130 - $210
GIS Technician	$80 - $140
HR/Payroll Admin	$75-$100
Landscape Architect	$90 - $170
Media Specialist	$80 - $105
Principal	$215 - $280
Project Accountant	$70 - $155
Project Designer - Intern	$50 - $60
Project Designer	$80 - $155
Project Engineer	$125- $180
Project Manager	$140 - $210
Registered Land Surveyor	$115 - $165
Soils Lab Technician	$50 - $140
Specification Writer	$50 - $90
Sr. Project Manager	$185 - $270
Structural Engineer	$200 - $270
Survey (2 man or Robotic) Crew	$145 - $165
Survey (3 man) Crew	$165 - $195
Survey Field (1 Man or Rodman)	$75 - $130
Survey GPS	$75 - $130
Survey Technician	$65 - $95
Expenses	@ Cost
Mileage	.655/mi

** Standard Hourly Rates may be adjusted annually in accordance with the normal salary review practices of McClelland Consulting Engineers.*

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-590

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Brad Hardin, Fire Chief

FROM: Granville Wynn, Financial Analyst - Fire

SUBJECT: **Fire Department Administrative Policy Approval**

RECOMMENDATION:
Staff is requesting Council Approval adopting Fayetteville Fire Department Administrative Policy.

BACKGROUND:
The Fayetteville Fire Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended and to meet best practices while working through the CFAI accreditation process. Through the accreditation process, it was recommended that we review and update our Automatic Aid Agreements with our partner agencies at least every three years. This update adds changes to the template agreement that will be reviewed by the Fire Chief and a representative from our partner agencies. Changes and additions are in RED print.

DISCUSSION:
This is the Policy presented for Council Approval:

External Agency Relations

BUDGET/STAFF IMPACT:
No Budget Impact with this policy.

ATTACHMENTS: SRF (#3), External Agency Relations Policy (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-590

Fire Department Administrative Policy Approval

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT EXTERNAL AGENCY RELATIONS POLICY

WHEREAS, while working through the Commission on Fire Accreditation International Process, it was recommended that the department review and update their Automatic Aid agreements with partner agencies every three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Fayetteville Fire Department External Agency Relations Policy, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-590

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Brad Hardin	9/30/2024	FIRE (300)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff is requesting Council Approval adopting a Fayetteville Fire Department Administrative Policy.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Fayetteville Fire Department		
Administrative Policies		
External Agency Relations		
Version **1**	Created: **March 24, 2023**	Revised: **July 27, 2023**
SOG Reference:	119, 125, 128, 601, 602	
CFAI Reference:	Category 10: External Systems Relationships	

Purpose

The purpose of this policy is to establish and govern guidelines for cooperation between the Fayetteville Fire Department (FFD) and external agencies. Examples of such agencies are neighboring professional and volunteer fire departments, Central Emergency Medical Services (CEMS), The Arkansas Department of Emergency Management (ADEM), the Fayetteville Police Department (FPD), the University of Arkansas Police Department (UAPD), Washington Country Sherriff's Department (WCSO), and federal level departments or agencies.

The FFD recognizes the importance of cooperation with external agencies in the event of large-scale emergencies, disasters, or other incidents that require a coordinated response. The department will work collaboratively with external agencies to ensure the safety of the public, emergency responders, and property.

General Guidelines

The FFD will maintain open lines of communication with external neighboring professional & volunteer fire departments, local law enforcement agencies, emergency medical services, state level agencies, and federal agencies. When a multi-agency response is requested or required the department shall follow National Incident Management System (NIMS) protocols.

The department will work cooperatively with outside agencies to ensure a coordinated response to incidents and exchange information with other agencies as necessary to ensure the safety of the public, emergency responders, and property.

Definitions

Mutual Aid — Mutual aid agreements are agreements between two or more jurisdictions to render assistance and resources to the other jurisdiction when requested.

Automatic Aid — Automatic aid that is pre-arranged between neighboring departments covering a specific area along the jurisdictional boundary that provide for automatic initial dispatch of both departments.

1. Typically referred as "Auto-Aid".
2. Resources are pre-identified for a planned response.

DRAFT

Fayetteville Fire Department		
Administrative Policies		
External Agency Relations		
Version **1**	Created: **March 24, 2023**	Revised: **July 27, 2023**
SOG Reference:	119, 125, 128, 601, 602	
CFAI Reference:	Category 10: External Systems Relationships	

Policy

Cooperation with neighboring professional and volunteer fire departments

1. The FFD will cooperate with neighboring professional and volunteer fire departments through established automatic and mutual aid agreements. The FFD will work to maintain established agreements and seek to establish agreements with departments that we do not currently have.

    - Requests for mutual aid will be denied when the deployment of FFD resources outside the City would severely compromise the safety of Fayetteville citizens.

2. The FFD will provide mutual aid assistance to neighboring fire departments as requested, and neighboring departments will provide aid and assistance to the Fayetteville Fire Department when requested. The FFD shall follow the Arkansas Administrative Code that requires fire departments to provide aid to other fire departments and the Statewide Mutual Aid Plan of the Arkansas Association of Fire Chiefs.

3. Automatic Aid Agreements will be maintained by the Fayetteville Fire Department and provided to the appropriate dispatch centers for following neighboring departments.

    a. Springdale
    b. Wedington
    c. Farmington
    d. Round Mountain
    e. Goshen
    f. Wheeler
    g. Johnson
    h. West Fork
    i. Elkins

DRAFT

Fayetteville Fire Department		
Administrative Policies		
External Agency Relations		
Version **1**	Created: **March 24, 2023**	Revised: **July 27, 2023**
SOG Reference:	119, 125, 128, 601, 602	
CFAI Reference:	Category 10: External Systems Relationships	

Cooperation with emergency medical services

1. The Fayetteville Fire Department will cooperate with outside emergency medical services when aid is requested.

Cooperation with the state level agencies

1. The Fayetteville Fire Department will cooperate with Arkansas state level agencies when aid is requested.

Cooperation with local, state, and federal law enforcement agencies

1. The Fayetteville Fire Department will cooperate with law enforcement agencies when aid is requested.

Documentation

The department will maintain documentation of all incidents involving cooperation with outside agencies for the purposes of cost reimbursement, personnel exposure, injuries, and legal proceedings.

Conclusion

The Fayetteville Fire Department is committed to working collaboratively with external agencies to ensure a coordinated response to emergencies, disasters, and other incidents that require a unified response.

DRAFT

Fayetteville Fire Department		
Administrative Policies		
External Agency Relations		
Version **1**	Created: **March 24, 2023**	Revised: **July 27, 2023**
SOG Reference:	119, 125, 128, 601, 602	
CFAI Reference:	Category 10: External Systems Relationships	

Agreement Template

Automatic Aid Agreement
_____Fire Department

The City of Fayetteville Fire Department and the _____Fire Department agree to enter into an Automatic Aid (auto-aid) partnership for emergency response to structure fires within a predetermined area in which they will be automatically dispatched as part of the initial structure fire response. This agreement shall remain in effect for three (3) years from the date of signature. Either party may terminate this agreement by providing ninety (90) days written notice to the other party.

The City of Fayetteville Fire Department will respond to an automatic aid dispatch in _____ with two fire companies (one designated as RIT) and one command unit.

The _____ Fire Department will respond to an automatic aid dispatch in Fayetteville with one engine company, staffed with three personnel.

Dispatch Procedures:

- When a call comes in for a structure fire within the auto-aid area, units from both departments will be simultaneously dispatched through a coordinated effort between the City of Fayetteville Central Dispatch Center and FireCom or the City of Springdale Dispatch Center.
- All Responding units will operate on the AWIN radio system and the designated interop channel, alerting both dispatch centers that they are responding (or unable to respond).

Response:

- If a jurisdiction is unable to render auto-aid due to other emergency response requirements or lack of adequate resources, it will contact both dispatch centers and advise of the situation.
- No personal vehicles will respond to auto-aid incidents inside the city limits of Fayetteville.
- Auto-aid partners can request additional or specific equipment after the initial dispatch has been made. The department head, or designee, will make the decision on the request and notify the appropriate dispatch centers.

Effective Date_____

DRAFT

Fayetteville Fire Department		
Administrative Policies		
External Agency Relations		
Version **1**	Created: **March 24, 2023**	Revised: **July 27, 2023**
SOG Reference:	119, 125, 128, 601, 602	
CFAI Reference:	Category 10: External Systems Relationships	

Signatures

_____ _____

Fayetteville Fire Chief Brad Hardin _____Fire Chief _____

Annex A: Document Review Dates.

Version	Date of Review	FFD Review	Aid Department Review
1	YYYY-MM-DD	Name/Position	Name/Position
2	YYYY-MM-DD	Name/Position	Name/Position
3	YYYY-MM-DD	Name/Position	Name/Position

DRAFT

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-601

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Mike Reynolds, Police Chief

SUBJECT: **Arkansas Prosecutor Coordinator's Office funding for the 4th Judicial District Drug Task Force**

RECOMMENDATION:
Staff recommends approval of a resolution to accept funding from the Arkansas Prosecutor Coordinator's Office for the specific support of the 4th Judicial District Drug Task Force (DTF) via a budget adjustment in the amount of $533,067.

BACKGROUND:
For over 10 years, grant funding for the Drug Task Force (DTF) has remained unchanged, while expenses have steadily increased. This lack of additional funding has placed a greater financial burden on local agencies, which have had to contribute additional funding to maintain their illicit drug investigations. During the 2023-24 grant period, local agencies contributed 61.4% of the total DTF costs. The Office of the Arkansas Drug Director has been working with the state legislature and the governor's office for several years to secure additional funding for the shortfall experienced by Arkansas' nineteen drug task forces. In June of 2024, the Arkansas Legislature approved four million dollars for the State's drug task forces to assist them with this year's budget. The Arkansas Legislature may consider a long-term and sustained funding source for the drug task forces during the 2025 legislative season.

DISCUSSION:
The Governor's Office recently allocated four million dollars to the Arkansas Prosecutor Coordinator's Office, which was approved by the Arkansas Legislature, to specifically reduce the financial burden on local agencies involved in the nineteen drug task forces in Arkansas. Our DTF will receive $533,067 of this funding, which will lower local agency expenses to 8.6%. The City of Fayetteville is the fiduciary of these funds, and this money will be distributed as follows: Fayetteville - $337,436; Springdale - $71,154; Washington County - $70,757; and Elkins - $53,720.

BUDGET/STAFF IMPACT:
There are no matching requirements associated with this funding. The Drug Enforcement Fund budget adjustment will recognize revenue from the Arkansas Prosecutor Coordinator's Office in the amount of $533,067 and increase the expense budget to allow for the distribution of these funds. This budget adjustment has no impact on staffing.

ATTACHMENTS: SRF (#3), BA (#4), SRM (#5), Contact Info (#6), Employee Roster (#7), Use of Funds (#8)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-601

Arkansas Prosecutor Coordinator's Office funding for the 4th Judicial District Drug Task Force

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF $533,067.00, TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a State Drug Crime Enforcement and Prosecution Grant for state funding of the Fourth Judicial District Drug Task Force in the amount of $533,067.00, and authorizes Mayor Jordan to sign all necessary documents to receive the grant funds.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-0601

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds	10/15/2024	POLICE (200)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of a resolution to accept funding from the Arkansas Prosecutor Coordinator's Office for the specific support of the 4th Judicial District Drug Task Force (DTF) via a budget adjustment in the amount of $533,067.

Budget Impact:

2930.200.2960-various	Drug Enforcement
Account Number	Fund
62401-2425	Police DTF - Prosecutor's Assoc Fund
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	1,143,915.00
		Expenses (Actual+Encum)	$	648,133.55
		Available Budget	$	495,781.45
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	533,067.00
		Remaining Budget	$	1,028,848.45

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	POLICE (200)	
	Requestor: Willie Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

This budget adjustment will establish State funding issued by the Governor's Office to the Arkansas Prosecuting Attorneys Association for the pass-through purpose of partially funding the shortfall of Arkansas Drug Task Forces.

COUNCIL DATE: 11/7/2024

ITEM ID#: **2024-0601**

Kevin Springer
10/14/2024 1:36 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.2024926

TOTAL	195,631	195,631				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2930.200.2960-4302.01	-	533,067	62401	2425	RE	State Grants - Operational
2930.200.2960-5300.02	71,154	-	62401	2425	EX	Salaries/Benefits (M) - Springdale
2930.200.2960-5300.03	70,757	-	62401	2425	EX	Salaries/Benefits (M) - Washington County
2930.200.2960-5300.05	53,720	-	62401	2425	EX	Salaries/Benefits (M) - Rural
2930.200.2960-4999.99	-	(337,436)			RE	Use Fund Balance - Current
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
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	-	-				
	-	-				

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 7, 2024

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

DATE: October 14, 2024

SUBJECT: **Arkansas Prosecutor Coordinator's Office funding for the 4th Judicial District Drug Task Force**

RECOMMENDATION:

Staff recommends approval of a resolution to accept funding from the Arkansas Prosecutor Coordinator's Office for the specific support of the 4th Judicial District Drug Task Force (DTF) via a budget adjustment in the amount of $533,067.

BACKGROUND:

For over 10 years, grant funding for the Drug Task Force (DTF) has remained unchanged, while expenses have steadily increased. This lack of additional funding has placed a greater financial burden on local agencies, which have had to contribute additional funding to maintain their illicit drug investigations. During the 2023-24 grant period, local agencies contributed 61.4% of the total DTF costs. The Office of the Arkansas Drug Director has been working with the state legislature and the governor's office for several years to secure additional funding for the shortfall experienced by Arkansas' nineteen drug task forces. In June of 2024, the Arkansas Legislature approved four million dollars for the State's drug task forces to assist them with this year's budget. The Arkansas Legislature may consider a long-term and sustained funding source for the drug task forces during the 2025 legislative season.

DISCUSSION:

The Governor's Office recently allocated four million dollars to the Arkansas Prosecutor Coordinator's Office, which was approved by the Arkansas Legislature, to specifically reduce the financial burden on local agencies involved in the nineteen drug task forces in Arkansas. Our DTF will receive $533,067 of this funding, which will lower local agency expenses to 8.6%. The City of Fayetteville is the fiduciary of these funds, and this money will be distributed as follows: Fayetteville - $337,436; Springdale - $71,154; Washington County - $70,757; and Elkins - $53,720.

BUDGET/STAFF IMPACT:

There are no matching requirements associated with this funding. The Drug Enforcement Fund budget adjustment will recognize revenue from the Arkansas Prosecutor Coordinator's Office in the amount of $533,067 and increase the expense budget to allow for the distribution of these funds. This budget adjustment has no impact on staffing.

Attachments:

Budget Adjustment

CONTACT INFORMATION

4th Judicial District **DTF**

Lioneld Jordan	479-575-8331
Authorized Official	Office Phone #
	Cell #
	mayor@fayetteville-ar.gov
	E-Mail Address

Capt. Jason French	479-587-3500
Commander	Office Phone #
	479-841-7973
	Cell #
	jfrench@fayetteville-ar.gov
	E-Mail Address

Willie Newman	479-587-3581
Fiscal Officer	Office Phone #
	479-871-8523
	Cell #
	wnewman@fayetteville-ar.gov
	E-Mail Address

4th Judicial District **DTF EMPLOYEES (Existing)**

	NAME	TITLE	FUNDING SOURCE*	CURRENT SALARY
1.	Jacob Lawson	DTF Supervisor	Combination - Fayetteville	$121,157
2.	Dalton Frazier	DTF Investigator	Combination - Fayetteville	$81,811
3.	Parrish Diaz	DTF Investigator	Combination - Fayetteville	$86,556
4.	Cara Murdoch	DTF Secretary	Combination - Fayetteville	$52,619
5.	Guillermo Sanchez	DTF Investigator	Combination - Springdale	$ 73,804
6.	John Billingsley	DTF Investigator	City - Springdale	$ 68,962
7.	Austin Bowen	DTF Investigator	City - Springdale	$ 63,079
8.	Garrett Rex	DTF Investigator	Combination - Washington County	$79,333
9.	John Mackey	DTF Investigator	Combination - Elkins	$68,032
10.				

***Please list whether this is a city, county, grant funded or combination. Also, please list county or city by name**

Bob McMahan
Prosecutor Coordinator

State of Arkansas
Office of the Prosecutor Coordinator
323 Center, Suite 750
Little Rock, Arkansas 72201
(501) 682-3671/Fax (501) 682-5004

Lori Kumpuris
Deputy Prosecutor
Coordinator

REGULATIONS REGARDING USE OF FUNDS

4th Judicial District **DRUG TASK FORCE**

As a recipient of state funds specifically designated to the Prosecutor Coordinator's Office (PCO) to address shortfalls in Drug Task Force (DTF) funding across the state, I acknowledge the following regulations governing the distribution and expenditure of this money:

1. All amendments to the approved spending plans for each DTF, with regard to any salary or benefits line item, shall be approved by the Prosecutor Coordinator's Office/Prosecution Coordination Commission (PCO/PCC).

2. Any requested amendments from the approved spending plans shall be submitted to the PCO in writing by sending an email request to bob.mcmahan@arkansas.gov.

3. Transfers between line items in an approved spending plan cannot exceed 10% of the line item total without approval of the PCO/PCC.

4. All expenditures shall be reported to the PCO/PCC on a monthly basis by email to bob.mcmahan@arkansas.gov.

Authorized Official — Date

#232

Commander — 10-15-2024 Date

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-581

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Mike Reynolds, Police Chief

SUBJECT: **FY2025 Selective Traffic Enforcement Project (STEP) Grant Award**

RECOMMENDATION:
Staff recommends acceptance of the FY2025 Selective Traffic Enforcement Project (STEP) Grant Award and approval of a budget adjustment in the amount of $40,600.

BACKGROUND:
The Fayetteville Police Department has participated in STEP every year since its inception in 1998. For 26 years, Fayetteville has partnered through grant funding with the Arkansas Highway Safety Office to reduce the total number of motor vehicle crashes, injuries, and fatalities. Our primary strategy for reaching our mutual goals is through dedicated and diligent enforcement of occupant protection, DWI/DUI, speeding, and distracted driving laws. This is accomplished by dedicating patrol officer(s) to monitor STEP activity for a given period of time in known problem areas. This grant funding not only allows us to participate in directed traffic enforcement (speeding, DWI, Click It or Ticket protection mobilization, etc.), it also allows the Fayetteville Police Department to purchase additional equipment, provide child safety seat checkpoints, and provide a loaner child safety seat for those in need.

DISCUSSION:
The FY2025 STEP Grant Award for the Fayetteville Police Department is $25,600 in federal funding, which consists of $18,000 for enforcement and $7,600 for the purchase of portable breath testing equipment. The award also includes $15,000 in state grant funding for the purchase of child safety seats. Local in-kind matching funds in the amount of $11,000 are required for the FY2025 STEP Grant Award. In-kind expenses are defined as on-duty regular patrol shift hours dedicated to STEP activity. The FY2025 STEP grant will reimburse the Fayetteville Police Department for overtime hours dedicated to seatbelt, driving under the influence, speed, and distracted driving enforcement activities. The grant period for this award is October 1, 2024, to September 30, 2025. Furthermore, the Fayetteville Police Department budgets $15,000 annually to supplement and support the purchase of child safety seats for those in need.

BUDGET/STAFF IMPACT:
In-kind expenses in the amount of $11,000 are budgeted annually within our operating budget. Patrol officers will perform matching STEP activities while on duty, and no additional officers are required within the STEP grant.

ATTACHMENTS: SRF (#3), BA (#4), SRM (#5), Award Documents - FY25 STEP Award (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-581

FY2025 Selective Traffic Enforcement Project (STEP) Grant Award

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2025 SELECTIVE TRAFFIC ENFORCEMENT PROJECT GRANT AWARD IN THE AMOUNT OF $40,600.00, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a 2025 Selective Traffic Enforcement Project (STEP) grant award in the amount of $40,600.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing the revenue.

City of Fayetteville Staff Review Form

2024-581

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds	10/1/2024	POLICE (200)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends acceptance of the FY2025 Selective Traffic Enforcement Project (STEP) Grant Award and approval of a budget adjustment in the amount of $40,600.

Budget Impact:

1010.200.2920-various	General
Account Number	Fund
31607-2025-4302/4309	Police STEP Grant
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	40,600.00
		Remaining Budget	$	40,600.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	POLICE (200)	
	Requestor: T Tannehill	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish revenue and expense accounts for the FY2025 Selective Traffic Enforcement Program (STEP) grant award.

COUNCIL DATE: 11/7/2024

ITEM ID#: **2024-581**

Holly Black
10/2/2024 2:54 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.2024926

TOTAL	40,600	40,600					
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name	
1010.200.2920-4309.01	-	25,600	31607	2425.4309	RE	Federal Grants - Operational	
1010.200.2920-4302.01	-	15,000	31607	2425.4302	RE	State Grants - Operational	
1010.200.2920-5120.00	18,000	-	31607	2425.4309	EX	Personnel Other - Contra	
1010.200.2920-5210.00	7,600	-	31607	2425.4309	EX	Minor Equipment	
1010.200.2920-5210.00	15,000	-	31607	2425.4302	EX	Minor Equipment	
	-	-					
	-	-					
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	-	-					

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF NOVEMBER 7, 2024

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

DATE: October 1, 2024

SUBJECT: **FY 2025 Selective Traffic Enforcement Project (STEP) Grant Award**

RECOMMENDATION:

Staff recommends acceptance of the FY2025 Selective Traffic Enforcement Project (STEP) Grant Award and approval of a budget adjustment in the amount of $40,600.

BACKGROUND:

The Fayetteville Police Department has participated in STEP every year since its inception in 1998. For 26 years, Fayetteville has partnered through grant funding with the Arkansas Highway Safety Office to reduce the total number of motor vehicle crashes, injuries, and fatalities. Our primary strategy for reaching our mutual goals is through dedicated and diligent enforcement of occupant protection, DWI/DUI, speeding, and distracted driving laws. This is accomplished by dedicating patrol officer(s) to monitor STEP activity for a given period of time in known problem areas. This grant funding not only allows us to participate in directed traffic enforcement (speeding, DWI, Click It or Ticket protection mobilization, etc.), it also allows the Fayetteville Police Department to purchase additional equipment, provide child safety seat checkpoints, and provide a loaner child safety seat for those in need.

DISCUSSION:

The FY2025 STEP Grant Award for the Fayetteville Police Department is $25,600 in federal funding, which consists of $18,000 for enforcement and $7,600 for the purchase of portable breath testing equipment. The award also includes $15,000 in state grant funding for the purchase of child safety seats. Local in-kind matching funds in the amount of $11,000 are required for the FY2025 STEP Grant Award. In-kind expenses are defined as on-duty regular patrol shift hours dedicated to STEP activity. The FY2025 STEP grant will reimburse the Fayetteville Police Department for overtime hours dedicated to seatbelt, driving under the influence, speed, and distracted driving enforcement activities. The grant period for this award is October 1, 2024, to September 30, 2025. Furthermore, the Fayetteville Police Department budgets $15,000 annually to supplement and support the purchase of child safety seats for those in need.

BUDGET/STAFF IMPACT:

In-kind expenses in the amount of $11,000 are budgeted annually within our operating budget. Patrol officers will perform matching STEP activities while on duty, and no additional officers are required within the STEP grant.

Attachments:

Budget Adjustment
FY2025 STEP Grant Award Documents

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

FY 2025 HIGHWAY SAFETY SUBGRANT AGREEMENT
This project is not for the purpose of Research and Development.

RECIPIENT

Fayetteville Police Department

Telephone: (479) 587-3581

Fax: (479) 587-3570

GOVERNMENTAL UNIT

1800 N Stephen Carr Memorial Blvd
Fayetteville Arkansas 72704
Washington County

PROJECT NO: OP-2025-02-02-08
SC-2025-01-01-08
AL-2025-06-06-08
M8DDLE-2025-02-02-08

TAX ID NO:

71 - 6018462

FAIN: 69A37525300004020AR06
9A3752530000405EARL

TYPE OF APPLICATION

Initial

Revision

X Continuation

INITIAL PROJECT STARTING DATE

10/01/1999

402 CFDA: 20.600 - State and Community Highway Safety

405 CFDA: 20.616 - National Priority Safety Program

UEI: FKCQRMDULFH9

PROJECT TITLE:

Selective Traffic Enforcement Project (STEP)

OPERATIONAL AREA OF PROJECT

Fayetteville
Police Dept

	AMOUNT		
COST CATEGORY	**FEDERAL**	**STATE**	**LOCAL**
Personal Services	$18,000.00		$8,200.00
Equipment	$7,600.00		
Maintenance & Operation			$2,800.00
Other Direct Costs		$15,000.00	
Indirect Cost			
Administrative Costs			
Total	$25,600.00	$15,000.00	$11,000.00

PROJECT PERIOD		**FUNDING PERIOD**	
From:	10/01/2024	From:	10/01/2024
To:	09/30/2025	To:	09/30/2025

FUNDING

SOURCE	**AMOUNT**
Federal	$25,600.00
State	$15,000.00
Local	$11,000.00
Total	$51,600.00

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Agreement Prepared By: Maurice Long

Title: Program Manager

Arkansas State Police
Arkansas Highway Safety Office
1 State Police Plaza Drive
Little Rock, AR 72209
(501) 618-8486
(501) 618-8124 fax

BACKGROUND

The State of Arkansas is taking increased steps to address safety on the State's roadways as part of an effort to implement innovative strategies to reduce traffic fatalities throughout the State. The Arkansas Highway Safety Office (AHSO) considers safety issues by focusing on behavioral aspects at the driver level. The goal is to reduce highway fatalities by better identifying driver behaviors that cause fatal crashes, implementing programs to address those behaviors and targeting locations where fatal crashes occur.

Based on a five-year average (2018 - 2022), 603 people lose their lives each year on Arkansas roadways. In 2022, there were 643 total traffic fatalities compared to 692 the previous year. Over the same five years, alcohol-related fatalities (fatalities involving a driver or motorcycle operator with a BAC of .08 or greater) averaged 154 per year. There were 153 alcohol-related fatalities in 2022.

An additional area of concern is occupant protection where in 2022 there were 221 unrestrained passenger vehicle occupant fatalities. In 2022, Arkansas' safety belt use rate was 79.1%, while the National use rate stood at 91%. Arkansas' safety belt use rate increased to 79.7% in 2023.

Also of concern are speed-related fatalities where in 2022, 143 people died as a result of speed-related crashes.

Strict enforcement of the State's traffic laws, through Selective Traffic Enforcement Projects (STEP), has been proven effective in reducing traffic crashes and fatalities. The State will continue to use this strategy to address its traffic safety problems.

PROBLEM STATEMENT

The Fayetteville Police Department began a proactive approach to collision reduction which included implementation of the STEP through a grant with the AHSO. The Department wishes to continue to operate aggressive and sustained selective traffic enforcement, as well as, participate in the State's Imparied Driving, Seat Belt, Speed and Distracted Driving mobilizations/campaigns.

SCOPE OF WORK

PROJECT GOALS: The overall goal of this project is to decrease the number of traffic-related crashes and fatalities by conducting a Selective Traffic Enforcement Project in Washington County. The goal for each component of this project is as follows: Alcohol Component (Section 405)- Reduce the annual number of alcohol-related crashes from 358 and reduce alcohol-related fatalities from 8 as recorded in 2022. Seat Belt Component (Section 402)- Increase seat belt use from 91% as recorded in 2024. Speed Component (Section 402)- Reduce the annual number of speed-related crashes from 564 and reduce speed-related fatalities from 14 as recorded in 2022.

SUMMARY OF PROJECT OBJECTIVES: This project's primary objectives are to achieve as average of two (2) - three (3) vehicles stops per hour per officer during seat belt enforcement (with an emphasis on enforcement of occupant restraint laws); two (2) - three (3) vehicle stops per hour per officer during speed enforcement; one (1) – two (2) vehicle stops per hour per officer during distracted driving enforcement; and one (1) DWI/DUI arrest per eight (8) – twelve (12) hours per officer during DWI/DUI enforcement. A public information and education program will support these objectives.

METHOD OF EVALUATION BY ASP/HSO

ADMINISTRATIVE: X
IMPACT EVALUATION: X By achievement of project objectives.

_____ ASP/AHSO will reimburse the recipient an amount equal to ____% of all eligible cost.

X ASP/AHSO will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:

   Federal Funds: $25,600.00

   State Funds: $15,000.00

2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:

   (Date) 10/01/2024 to (Date) 09/30/2025

3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance and in accordance with ASP/AHSO policy. (See Subgrant Agreement/Contract Terms).

WORK STATEMENT

A. The recipient, Fayetteville Police Department in exchange for consideration offered by the Arkansas State Police Highway Safety Office, hereafter referred to as the Arkansas Highway Safety Office (AHSO), and in the interest of improving highway safety, hereby agrees to pursue the achievement of the following objectives:

1. Appoint a Project Coordinator to be a liaison between the recipient and the (AHSO) and to be responsible for coordinating selective enforcement activities and financial transactions associated with this subgrant agreement. Herein, give signature authorization for the Project Coordinator to request reimbursement and agreement change orders when applicable. Compensation for the Project Coordinator will be from local funds.

2. Project Coordinator, or designee, will work with their designated AHSO Program Manager to ensure they understand State, Federal and Highway Safety Office policies and procedures.

3. Ensure that agency maintains an enforced seat belt policy and provides the AHSO a copy of any revisions to the policy.

4. Conduct selective enforcement of the State's seat belt, driving while intoxicated (DWI)/driving under the influence (DUI), speed limit, child passenger protection, distracted driving and motorcycle helmet laws. Officers are to ensure compliance with the State's seat belt and child restraint laws during all vehicle stops. Enforcement should target locations where fatal/serious injury crashes are occurring.

5. Seat belt enforcement (from 6:00 a.m. until 9:00 p.m.) will emphasize enforcement of seat belt and child restraint laws.
Speed enforcement (from 6:00 a.m. until 9:00 p.m.) will emphasize speed violations.
Distracted Driving enforcement will emphasize enforcement of distracted driving law violations and may be worked anytime day or night, any day of the week.
DWI/DUI enforcement will emphasize enforcement of DWI/DUI laws and may be worked anytime day or night any day of the week. Participating officers are expected to average two vehicle stops per hour when not actively processing a DWI arrest during DWI enforcement.
The AHSO retains the right to limit or modify enforcement hours and days at its discretion and as necessary to help projects meet performance objectives as stated in Work Statement six (6). Agencies may request modifications to enforcement hours for AHSO approval based on problem identification. Also, during the enforcement mobilizations in Work Statement 7, the enforcement time restrictions cited above do not apply and Seat Belt, and Speed may be enforced day or night. For example: During the Click It or Ticket Mobilizations, seat belt enforcement is not limited to 6:00 a.m. to 9:00 p.m., but may be worked anytime day or night during the mobilization (CIOT Day & Night).
Officers working on the project are expected to enforce all the laws cited in this agreement during seat belt, speed, DWI/DUI and Distracted Driving enforcement.

6. Performance objectives for the project and individual participating officers are as follows:
Seat Belt and Speed: two (2) to three (3) stops per hour; Distracted Driving: one (1) to two (2) per hours.
DWI/DUI: 1 DWI arrest per eight (8) to twelve (12) hours.

Nothing in this agreement shall be interpreted as a requirement, formal or informal, that an officer issue a specific or predetermined number of citations in pursuance of the organization's obligations here under. However, reported citations will be reviewed to verify enforcement activities. The organization agrees to complete the above stated objectives in addition to completing the normal routine agency traffic enforcement activities.

7. Participate in two (2) Seat Belt, five (5) DWI/DUI, one (1) Speed and two (2) Distracted Driving mobilization(s) during the project period. Must participate in the public information and education (PI&E) activities (press conferences/news releases) in conjunction with the mobilization activities. An informal seat belt survey conducted by the agency will also precede and follow each seat belt mobilization for evaluation purposes. Mobilization dates are as follows but are subject to change.

1. State Distracted Driving Mobilization - October 20 -26, 2024

2. State Seat Belt Mobilization - November 25 – December 1, 2024**

3. National Winter DWI Mobilization - December 13, 2024 - January 1, 2025*

4. State St. Patrick's Day DWI Mobilization - March 14 – 17, 2025

5. National Distracted Driving Mobilization - April 7 – 14, 2025

6. National 420 Campaign April 18 – 20, 2025

7. National Memorial Day Seat Belt Mobilization - May 19 - June 1, 2025**

8. State July 4th Holiday DWI Mobilization – July 2 – 6, 2025

9. National Speed Mobilization - July 9 – 31, 2025

10. National Labor Day DWI Mobilization - August 15 - September 1, 2025*

*Conduct checkpoints and/or saturation patrols on at least four days/nights during the National DWI mobilizations.

**Agencies are encouraged to conduct night time seat belt enforcement during Thanksgiving and Memorial day seat belt enforcement mobilizations.

Participation in all State, National and Regional Mobilizations is a required activity of this grant agreement. Project activity should be managed to ensure that sufficient funds are available to participate in these mobilizations. Submit a mobilization report within 15 days after a mobilization period in accordance with the format provided by the AHSO. Agency is urged to participate in sobriety checkpoints and/or saturation patrols during all DWI/DUI mobilizations. Officers are not restricted to the enforcement times cited in Work Statement 5 during the mobilizations.

8. Conduct Public Information and Education (PI&E) activities to support the objectives of this project. These activities will include, but are not limited to, issuing a news release at the beginning of the project period to notify the community of the project activities, conducting a minimum of two media exposures for each mobilization e.g., news conferences, news releases, social media posts, interviews, reporter ride-alongs and participating in a minimum of two (2) other community engagement activities e.g., community events, health fairs, booths, civic/school/employer presentations during the year. Please click on www.trafficsafetymarketing.gov for materials to assist you in conducting these activities.

9. The only costs eligible for reimbursement are selective enforcement (which includes officer pay and applicable benefits), child safety seats (see Work Statement 10) and pre-approved equipment (see Work Statement 11). The recipient will be reimbursed for officers working selective traffic enforcement at a rate that does not exceed one and one-half times the officer's regular hourly rate. Each officer is allowed a maximum of up to twelve (12) hours of STEP enforcement reimbursement per day and 36 hours per week. Any STEP enforcement time exceeding twelve (12) hours per day or 36 hours per week per officer will not be reimbursed. Reimbursement is limited to one officer per patrol vehicle. Officers may also be compensated at the selective enforcement rate for hours spent conducting seat belt surveys associated with mobilizations and time spent working at clinics associated with the proper installation of child safety seats. Hours spent conducting seat belt surveys, participating in sobriety checkpoints, or working at child safety seat clinics will not be used when calculating enforcement performance and is reported separately on the monthly report form in eGrants. Officers compensated through this agreement shall work strictly within the scope of this project while performing duties in connection with and being funded by this agreement. Hours worked on and compensated through this agreement must not supplant (be a substitute for) regular officer hours and pay. Routine patrol functions, including crash investigations, will be assigned to personnel on regular duty. Should a project officer become involved in routine patrol functions while conducting selective enforcement, the officer will be compensated from other funds. No part-time personnel can be compensated through this agreement. Note: Consistent with federal guidelines officers working Selective Enforcement should be compensated in accordance with recipient overtime policy and nothing in this agreement should be interpreted as authority to violate agency policy. Submit to the AHSO any revisions to agency overtime policy within 30 days of the effective date of the revision.

10. If child safety seats are an approved budget line item on the invoice forms, purchase and loan child safety seats in accordance with AHSO policy. Seats must be purchased no later than February 28, 2025. Invoices for the seats must be submitted to the AHSO within 30 days of purchase. All purchases must be in compliance with federal, state and local purchasing laws and regulations.

11. If equipment is an approved budget line item on the invoice forms, purchase the following equipment to assist with the enforcement effort:

EQUIPMENT: Ten (10) Portable Breathalyzers at $755.00 each to be used during overtime traffic enforcement. Priority use of this equipment shall be given to those officers actively working STEP enforcement. Assurance is provided herein that throughout the life expectancy of this equipment, it will be used for the purposes expressed or implied in this agreement. All purchases must be in compliance with federal, state and local purchasing laws and regulations and if applicable, be listed on the National Highway Traffic Safety Administration's current Conforming Products List of Evidential Breath and Speed Measurement Devices. ALL equipment purchases must be pre-approved in writing and must comply with the Buy America Act.

12. Ensure that all officers working on this project have successfully completed the National Highway Traffic Safety Administration's approved courses on occupant protection usage and enforcement (OPUE) or traffic occupant protection strategies (TOPS) training and standardized field sobriety testing (SFST) during the project period.

13. Ensure that all officers working this project are familiar with Arkansas Code Annotated (A. C. A.) 27-37-701 thru 27-37-707 (the mandatory seat belt law). A violation of the mandatory seat belt law is a "primary" offense for enforcement purposes.

14. Ensure that all officers working on this project are familiar with A.C.A. 27-34-101 thru 27-34-108 (the "Child Passenger Protection Act"). Children under the age of fifteen (15) years must be restrained and any child under six (6) years of age and under sixty (60) pounds in weight must be restrained in a child safety seat. Violation of this law is a primary offense, meaning that a vehicle may be stopped if there is probable cause to believe that the law is being violated.

15. Ensure that all officers working on this project are familiar with Act 561 of 2001 (the ".08 BAC law"). Persons arrested for violation of A.C.A. 5-65-103 and 5-56-205 shall be determined to be DWI arrests. Youthful offenders arrested for violation of A.C.A. 5-65-303 shall be determined to be DUI arrests.

16. Ensure that all officers working on this project are familiar with laws concerning Distracted Driving. Act 738 of 2019 amends A.C.A. 27-51-1501 thru 27-51-1506 and 27-51-1601 thru 27-51-1610 to comply with distracted driving requirements under Federal law. These laws prohibit the use of wireless communication devices for texting while driving; limit wireless communication device use by young drivers: prohibit wireless communication device use by drivers under eighteen years of age and drivers who are at least eighteen but under twenty-one years of age from using wireless communication devices (allows drivers who are at least eighteen but under twenty one years of age to use hands-free wireless telephones or devices); and to improve the safety of highways and roads by prohibiting wireless communication device use in school zones and highway work zones.

17. Ensure department implements policies and internal controls to prevent fraud and misuse of grant funds.

18. Submit monthly reimbursement requests, local match reporting form and activity reports, including PI&E activities, along with a cover letter(s) by the 30th of the subsequent month in accordance with formats provided by the AHSO. The reimbursement requests must include as back-up supporting documentation: copies of original AHSO STEP Daily Worksheets (with officer's and supervisor's signatures), copies of time sheets (with officer's and supervisor's signatures), payroll summary sheets which accurately reflects payroll disbursed by the agency for STEP for the time period requested and invoices for any eligible items purchased (i.e. child safety seats) along with proof of payment (i.e. copy of the check). The summary sheets must record each officer who worked, dates they worked, number of hours worked for each date, regular and overtime pay rates, applicable fringe rates and be signed by both the project coordinator and an agency payroll or fiscal department representative. An Annual Project Activity Report will be submitted in accordance with the format provided by the AHSO. This annual report and the final reimbursement request are due within 30 days following the end of the project period. Final reimbursement will not be made until a satisfactory annual report is submitted.

Note: NHTSA regulations require that each state submit a final voucher (reimbursement request/invoice) within 120 days after the end of the Fiscal Year. Therefore, in order to meet the NHTSA deadline, subrecipient reimbursement requests received by the AHSO more than 90 days after the end of the project period are ineligible for payment. The AHSO Administrator may extend the time period to submit reimbursement requests only in extraordinary circumstances.

19. Create a project file (physical or electronic) for maintaining the agreement and financial documents. The file will contain a copy of this agreement, agreement terms, and officers signed Acknowledgement Form. Related AHSO policies and procedures, policies or procedures of the recipient related to this project's activities, copies of monthly activity reports, AHSO STEP daily worksheets, reimbursement requests, payroll summary sheets outlined in Work Statement 18, other supporting financial documentation such as payroll printouts and invoices, a copy correspondence relating to the agreement, and documentation of public information activities should also be included in this file. The file must be maintained in one location and is subject to review by State and Federal authorities responsible for oversight of this agreement. Copies of time sheets, original AHSO STEP daily worksheets, and citations for all officers paid through this agreement must be kept in this file. Time sheets must have officer's and supervisor's signatures with attached supporting documents. AHSO STEP daily worksheets must be completed properly and have the officer's and a supervisor's signature to be eligible and approved for reimbursement.

WORK STATEMENT

B. The Arkansas Highway Safety Office (AHSO) hereby agrees to perform the following activities:

1. Reimburse the recipient for all eligible costs incurred in accordance with provisions stated in the Subgrant Agreement/Contract Terms. An analysis of reimbursable costs is provided in the attached Subgrantee Invoice Form.

2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.

3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.

ACCEPTANCE AND AUTHORIZATION TO PROCEED

It is understood and agreed by the undersigned that a subgrant received for this agreement is subject to the Infrastructure Investment and Jobs Act (or Bipartisan Infrastructure Law (BIL)), subsequent U.S. Department of Transportation funding reauthorization, and all administrative regulations governing this grant established by the U.S. Department of Transportation approved in accordance with 2 CFR Part 1201 and 23 CFR Part 1300 subject to the availability of Federal funds. It is further understood that any State funds utilized within are subject to all applicable State regulations and are likewise subject to their availability. It is expressly agreed that this agreement including the Appendix i (Subgrant Agreement/Contract Terms) and Appendix ii (Certifications and Assurances), constitute an official part of the State's Highway Safety Program and that said recipient will meet the requirements as set forth herein.

The recipient Fayetteville Police Department has appointed the following official representatives with legal authority to accept this subgrant agreement.

A. SUBGRANT DIRECTOR		B. AUTHORIZING OFFICIAL	
1. Signature:		1. Signature:	Lioneld Jordan
2. Name:		2. Name:	Lioneld Jordan
3. Title:		3. Title:	Mayor
4. Date:		4. Date:	

Approval to proceed, effective 10/01/2024 to 09/30/2025 with committed Federal funds of $25,600.00 and State funds of $15,000.00, given by the State Official responsible to the Governor for administration of the State Highway Safety Program:

Approved:

Director, Arkansas State Police
and
Governor’s Highway Safety Representative

Date

Appendix i

ARKANSAS STATE POLICE
HIGHWAY SAFETY OFFICE
GENERAL PROVISIONS AND
SUBGRANT AGREEMENT/CONTRACT TERMS

The terms below are hereby included as part of this subgrant agreement/contract.

I.	Glossary of Definitions
II.	Changes
III.	Disputes
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I. GLOSSARY OF DEFINITIONS

This glossary defines those terms whose meanings may be unclear in the subgrant agreement/contract in which they are used. These definitions are meant to apply only to the usage of these terms in this subgrant agreement/contract.

Activity - Elements of work that accumulate to accomplish contract objectives.

Activity Number - A number assigned by the HSO for internal management.

Actual - The attained state of resources expended and/or accomplishments.

Ark. Code Ann. - Arkansas Code Annotated.

ASP - Arkansas State Police.

Authorizing Official - The Contractor's or Subgrantee legally appointed person authorized to commit the organization to contract or subgrant agreement.

Budgeted - The estimated level of expenditure set up in the contract.

CFR - Code of Federal Regulation.

Contractor - The State agency, county, city, quasi-public organization, private individual, or corporation entering into a contract with the HSO.

Contract Director - The duly authorized representative of the Contractor charged with the responsibility of executing the contract.

Contract Period - The period of time in which all activities specified in the contract must be performed.

Coordinator/Administrator - The State official appointed by the Governor's Representative for Highway Safety to be responsible for the Highway Safety Program.

Cost Incurred - Costs are considered incurred on the date that goods/services are received and accepted.

DOT - Department of Transportation.

DPS - Department of Public Safety

Evaluation - A process that involves measuring the success or failure of an activity in achieving predetermined objectives; a judgment of value of worth.

FHWA - Federal Highway Administration, U.S. Department of Transportation.

FY - Fiscal Year. Federal Fiscal Year starts October 1st and ends September 30 of each year. State Fiscal Year starts July 1st and ends June 30 of each year.

Funding Period - The period of time in which the Subgrantee/Contractor can incur costs eligible for reimbursement.

Governor's Highway Safety Representative - The State official who is responsible to and represents the Governor in the conduct of the Statewide Highway Safety Program (Director - Arkansas State Police).

Grantor Agency - Arkansas State Police.

Highway Safety Manager - A staff member authorized by the Highway Safety Office Administrator to oversee the day to day activities of the Highway Safety Program and serve as deputy to the Administrator.

HSO - Highway Safety Office.

HSP - Highway Safety Plan as required by NHTSA and DOT.

NHTSA - National Highway Traffic Safety Administration, U.S. Department of Transportation.

OMB - Office of Management and Budget.

Obligated - The proposed level of accomplishments that are budgeted and funded.

PM - Program Module.

PSP - Problem Solution Plan.

Political Subdivision - A generally recognized governmental unit below the State level having a defined geographic area of the State.

Program Manager - A staff member authorized by the Administrator to act as the liaison between the HSO and the Subgrantee/Contractor in all matters pertaining to a subgrant agreement/contract.

Project Period (Period of Performance) - The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the award.

Standard Number - A number assigned to one of the 18 highway safety program areas as developed by NHTSA and promulgated by the Secretary, U.S. Department of Transportation.

State Agency - An administrative division of State Government.

Subgrantee - The State agency, county, city, quasi-public organization, private individual, or corporation entering into a subgrant agreement with the HSO.

Subgrant Director - The duly authorized representative of the Subgrantee charged with the responsibility of executing the subgrant agreement.

USC - United States Code.

YTD - Year to date.

II. CHANGES/PROJECT REVISIONS/AMENDMENTS

A. Any change (project revision/amendment) to this subgrant agreement/contract document must be requested by written notice 30 days prior to the anticipated effective date of the proposed change if possible.Upon request, a Subgrant Agreement/Contract Change Order form will be furnished to theSubgrantee/Contractor, which must be submitted with the Authorizing Official's signature. Upon receipt of the Subgrant Agreement/Contract Change Order, the HSO will review and either approve or disapprove this change.

B. Likewise, any change in this subgrant agreement/contract document initiated by the HSO will require notice to the Subgrantee/Contractor of the proposed change 30 days prior to the anticipated effective date of same if possible. The Subgrantee/Contractor will be given 10 working days to review and either concur or contend to the proposed change.

C. Any disputes or disagreements arising from A or B above will be arbitrated as set forth in Contract Subgrant Agreement/Term III.

III. DISPUTES

A. Except as otherwise provided in this subgrant agreement/contract, any dispute concerning a question of fact arising under this subgrant agreement/contract which is not disposed of by agreement shall be decided by the Coordinator/Administrator, who shall reduce his/her decision to writing and mail or otherwise furnish a copy thereof to the Subgrantee/Contractor. The decision of the Coordinator/Administrator shall be final and conclusive unless, within 30 days from the date of receipt of such copy if possible, the Subgrantee/Contractor mails or otherwise furnishes to the Coordinator/Administrator a written appeal addressed to the HSO. The decision of the HSO or its authorized representative for the determination of such appeals shall be final and conclusive unless it is determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Subgrantee/Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his/her appeal. Pending final decision of a dispute hereunder, the Subgrantee/Contractor shall proceed diligently with the performance of the subgrant agreement/contract and in accordance with the HSO's decision.

B. This "DISPUTES" clause does not preclude consideration of law questions in connection with decisions provided for in Paragraph A above, and nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

IV. CONDITIONS FOR TERMINATION PRIOR TO COMPLETION

If, through any cause other than acts of God or the public enemy, flood, or quarantine restrictions, the Subgrantee/Contractor should fail to fulfill in timely or proper manner the obligations of this agreement/contract, the HSO may terminate this agreement/contract by giving written notice to the Subgrantee/Contractor at least 7 days prior to the effective date of termination and by specifying the effective date of termination. All furnished or unfurnished documents, data, studies, surveys, reports, maps, drawings, models, and photographs prepared by the Subgrantee/Contractor shall, at the option of the HSO, become the property of the HSO and the Subgrantee/Contractor shall be entitled to receive only reasonable and equitable compensation for the satisfactory work completed, and only in proportion to the monetary consideration covenanted and agreed upon in the contract for the completed scope of the work.

At their convenience, the principals to this agreement may terminate this agreement by one giving to the other, or each giving to the other, written notice at least 30 days prior to the effective date of termination, and by specifying the effective date of termination.

Upon termination of this agreement/contract, whether for cause or at the convenience of one or both principals, the Subgrantee/Contractor shall be reimbursed for the portion of out-of-pocket expenses (not otherwise reimbursed prior thereto) incurred by the Subgrantee/Contractor during the project/contract period which are directly attributable to the incompleted portion of the services covered by this agreement. The Subgrantee/Contractor shall be paid an amount which bears the same ration to the total compensation as the services actually performed bear to the total services of the Subgrantee/Contractor.

V. EXCUSABLE DELAYS

Except with respect to defaults of Subcontractors, the Subgrantee/Contractor shall not be in default by reason of any failure in performance of this agreement/contract in accordance with its terms (including any failure by the Subgrantee/Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failures arise out of causes beyond the control and without the fault or negligence of the Subgrantee/Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Subgrantee/Contractor. If the failure to perform is caused by the failure of a Subcontractor to perform or make progress, and if such failure arises out of cause beyond the control of the Subgrantee/Contractor and Subcontractor, and without the fault or negligence of either of them, the Subgrantee/Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by Subcontractor were obtainable from other sources, (b) the Coordinator shall have ordered the Subgrantee/Contractor in writing to procure such supplies or services from other sources, or (c) the Subgrantee/Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Coordinator shall ascertain the facts and extent of such failure, and if he/she shall determine that any failure to perform was occasioned by one or more of the said causes, the delivery schedule shall be revised accordingly.

VI. NON-COLLUSION

The Subgrantee/Contractor warrants that he has not employed or retained any company or person, other than a bonafide employee working for the Subgrantee/Contractor, to solicit or secure this agreement, and that he has not paid or agreed to pay any company or person, other than a bonafide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement. For breach or violation of this warranty, the HSO shall have the right to annul this agreement without liability, or, in its discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, gift, or contingent fee.

VII. COST PROVISIONS

2 CFR Part 1201 and 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards which can be found at <http://www.ecfr.gov>.

VIII. UNIFORM ADMINISTRATIVE REQUIREMENTS

2 CFR Part 1201 and 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards which can be found at http://www.ecfr.gov.

IX. METHOD OF PAYMENT

Under the Standard Method of Payment, the Subgrantee/Contractor agrees to perform the work previously stated and to accept as payment reimbursement(s) for actual costs incurred, in accordance with the terms of the agreement/contract.

Other methods which may be used to pay Consultants are as follows; (1) lump sum, (2) cost per unit of work, (3) cost plus a fixed fee amount, or (4) specific rates of compensation. The specific rates of compensation method should be considered only if all other methods have been found to be inappropriate.

Each of the acceptable Consultant methods of payment is discussed below:

A. Lump Sum By this method, the Consultant undertakes to perform the services stated in the agreement for an agreed amount of compensation.

This method of payment is appropriate only if the extent, scope, complexity, character, and duration of the work to be required has been established to a degree that just compensation can be determined and evaluated by all parties at the time of negotiations.

When submitted for approval, each proposed agreement wherein payment is to be by a lump sum shall be accompanied by a copy of an estimate prepared by the Consultant showing a statement of his probable costs for the several elements of the work and his expected net fee.

The Consultant's statement is to include a supported breakdown of the costs, direct and indirect which the firm expects to incur. The Consultant's method of dividing the project into work units is to be such that the estimate can be intelligently reviewed.

To be considered for Federal-aid reimbursement, the lump sum amount proposed must be found by the Governor's Representative or appropriate State agency to be a just and equitable compensation, and must be supported by documentation as to the basis for such findings.

The agreement should contain provisions for the adjustment of the lump sum amount in the event of changes in the work to be performed.

B. Cost Per Unit of Work By this method, the Consultant is paid on the basis of the unit of work performed. This method is appropriate when the related unit cost of the work can be determined in advance with reasonable accuracy, but the extent of the work is indefinite. A proposal utilizing this method payment is to be supported in the same manner as that specified for the lump sum method.

C. Cost Plus a Fixed Fee By this method, the Consultant is reimbursed for his costs and receives in addition a predetermined amount as a fixed fee.

When at the time of negotiations with the Consultant, it is found not feasible to establish payment on the basis of the lump sum or cost per unit of work method, payment should be on the basis of reimbursement of the acceptable costs incurred by the Consultant plus a predetermined amount. This method of payment is appropriate when the extent, scope, complexity, character, or duration is indeterminable at the time of negotiations, or where the work is of a nature that the State agency does not have the experience or knowledge to permit an evaluation of the Consultant's proposal as required to support a lump sum amount.

D. Specific Rates of Compensation By this method the Consultant is paid at an agreed and supported specific fixed hourly or daily rate for each class of employee directly engaged in the work. Such rates of pay include the Consultant's estimated costs and net fee. This method of payment should be considered only on those occasions where none of the three methods of payment described under method 1. 2., or 3. can be used. It should be considered only for relatively minor items of work of indeterminable extent over which control is maintained of the class of employee to be used and the extent of such use. The specific rates of compensation are to include, and the agreement or referenced supporting data shall specifically identify and set forth separately, the direct salary costs, salary additives, indirect costs, and the fixed fee. Other direct costs may be set forth as an element of the specific rate or may be included as independent cost items. The specific rates so determined are to be established by the Consultant and found by the Governor's Representative to be reasonable and proper.

Consultant agreements providing that payment is to be based or adjusted on a prescribed percentage of estimated or actual cost times a multiplier, will not be accepted for Federal-aid reimbursement.

When the method of payment for Consultant services is other than a lump sum, the agreement must specify an upper limit of compensation. There should be recognition, however, that the reasons underlying the selection of the method of payment preclude arriving at a realistic estimate of the total anticipated costs of the service. The basis for establishment of the amount specified as the upper limit should be documented and provisions should be made to permit adjustment in the upper limit when the Consultant is able to establish, to the satisfaction of the governmental agency and Governor's Representative, that there has been or is to be a significant change in the (1) scope, complexity, or character of the services to be performed, (2) conditions under which the work is required to be performed, or (3) duration of work. In the case of the Cost-Plus Fixed Fee method, an appropriate adjustment in the predetermined net fee shall be considered.

X. TERMS AND CONDITIONS OF PAYMENT

A. Unless otherwise specified in the agreement/contract Work Statement, the Subgrantee/Contractor agrees to bill the ASP at monthly intervals only, using the forms and format specified. The maximum amount of the total subgrant agreement/contract is specified in the agreement/contract.

B. The Subgrantee/Contractor agrees to submit the final bill no later than 30 days after the termination of the funding period.

C. The Subgrantee/Contractor agrees to submit no bill for work performed or material delivered unless such bill is accompanied by a report which complies with the requirements of the Work Statement.

XI. INSPECTION/MONITORING

The ASP, (including, as an adjunct thereto, agents of the Federal Government when Federal funds are involved) has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises on which it is being performed. If any inspection or evaluation is made by the HSO on the premises of the Subgrantee/Contractor or a Subcontractor, the Subgrantee/Contractor shall provide and shall require his Subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the HSO personnel in their duties. All inspections and evaluation shall be performed in such a manner as will not unduly delay the work.

XII. PROPERTY MANAGEMENT

See 2 CFR Part 1201, 2 CFR Part 200 and 23 CFR § 1300.31

XIII. RECORD RETENTION

See 2 CFR Part 200

XIV. OWNERSHIP OF DATA AND CREATIVE MATERIAL

The ownership of material, discoveries, inventions, and results developed, produced, or discovered by this agreement/contract is governed by the terms of 2 CFR Part 1201 and 2 CFR Part 200.

XV. REPORTS

A. Before publication or printing, the final draft of any report(s) required under the agreement/contract schedule shall be submitted to the HSO for review and concurrence. Review and approval by the National Highway Traffic Safety Administration will be coordinated by the ASP prior to returning comments or approvals to the Subgrantee/Contractor. All recorded information which is produced in the performance of this agreement shall be the sole property of the Arkansas State Police, Highway Safety Office, and reports or other such information are to be regarded as material in the public domain and shall not be copyrighted or restricted as to the distribution and reproduction. The Subgrantee/Contractor shall furnish the ASP with the quantity of copies of the report(s) specified in the agreement/contract.

B. Each report covered by Paragraph A must include the following statements on the cover page:

1. This report was prepared for the HSO, in cooperation with DOT's NHTSA or DOT's FHWA.

2. The conclusions and opinions expressed in this document are those of the author, and do not necessarily represent those of the State of Arkansas, ASP, DOT or any other agency of the State or Federal Government.

XVI. EQUAL OPPORTUNITY

The Subgrantee/Contractor assures and certifies:

A. The Subgrantee/Contractor will comply with Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, handicap, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and the Subgrantee/Contractor will immediately take any measures necessary to effectuate this agreement.

B. The Subgrantee/Contractor will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

XVII. SUBCONTRACTUAL

A. The Subgrantee/Contractor shall give advance notice to the HSO of any proposed subcontract hereunder, and the Subgrantee/Contractor shall not, without prior written approval of the Administrator, enter into such subcontract. (See Paragraph B. below.)

B. NHTSA or FHWA may require approval of any contract for professional services prior to issuance and initiation of work. This review may take up to 30 days and shall consider, in part, the following matters:

1. Determination of the Consultant's qualifications;
2. Manner of selection from those qualified to perform the service;
3. Necessity for subcontracting;
4. Review of the contract, to ensure that minimum terms of the prime contract have been incorporated into the subcontract;
5. Pre-award audit has been performed for contracts in excess of $25,000.00; and,
6. The Subgrantee/Contractor’s price breakdown includes costs (if any) for personal services, subcontracts, commodities, other direct costs, indirect costs, and profit.

XVIII. UTILIZATION OF SMALL BUSINESS CONCERNS

A. It is the policy of the United States Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

B. The Subgrantee/Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Subgrantee/Contractor finds to be consistent with the efficient performance of this agreement/contract.

XIX. ORDER OF PRECEDENCE

In the event of an inconsistency between provisions of this agreement/contract, the inconsistency shall be resolved by giving precedence in the following order:

A. Subgrant Agreement/Contract Document

B. Work Statement

C. Subgrant Agreement/Contract Terms

XX. SUBGRANTEE/CONTRACTOR'S LIABILITY

A. The Subgrantee/Contractor shall be liable for any loss of, or injury to, any material developed or serviced under this agreement/contract which is caused by the Subgrantee/Contractor's failure to exercise such care in regard to said material as a reasonably careful owner of similar materials would exercise.

B. Subgrantee/Contractor shall provide commercial insurance or equivalent method acceptable to the HSO office for replacement or repair of damaged or lost equipment. Subgrantee/Contractor shall reimburse the HSO office for residual value of equipment sold or otherwise disposed of.

XXI. SAVE HARMLESS

It is expressly agreed and understood that the Subgrantee/Contractor is an independent Subgrantee/Contractor and not an agent, servant, or employee of the State, and the Subgrantee/Contractor shall save harmless the State and representatives thereof from all suits, actions, or claims of any kind brought on account of any person or property in consequence of any neglect in safeguarding the work, or on any act or omission by the Subgrantee/Contractor or its employees, or from any claims or amounts arising or recovered under Worker's Compensation Laws or any other law, by-law, ordinance, regulation, order, or decree (Not Applicable to State Agencies and Institutions of Higher Education).

The Subgrantee/Contractor shall be responsible for all damage to property and personal injury of any kind resulting from any act, omission, neglect, or misconduct of any employee or agent of said Subgrantee/Contractor in the manner or method of performing the work for the period of the agreement/contract

XXII. TAX AND COMPENSATION LIABILITY

Nothing herein contained shall be construed as incurring for the State any liability for Worker's Compensation, F.I.C.A., Withholding Tax, Unemployment, or any other payment which would be required to be paid by the State if the State and the Subgrantee/Contractor were standing in an employer-employee relationship, and the Subgrantee/Contractor hereby agrees to assume and pay all such liabilities.

XXIII. REIMBURSEMENT OF ELIGIBLE EXPENDITURES

A. It is mutually agreed and promised that upon written application by the Subgrantee/Contractor and approval by the State, the State shall obligate funds for reimbursement of eligible expenditures as set forth in the application.

B. It is mutually agreed and promised that the Subgrantee/Contractor shall reimburse the State for any ineligible or unauthorized expenditures for which Federal and/or State funds have been claimed and payment received as determined by a State or Federal audit.

C. It is further agreed and promised that where reimbursement is made to the Subgrantee/Contractor in installments, the State shall have the right to withhold any installments to make up reimbursement received for any ineligible or unauthorized expenditures until such time as the ineligible claim is made up or corrected by the Subgrantee/Contractor.

XXIV. APPLICATION OF HATCH ACT

The subgrantee/contractor will comply with the provisions of the Hatch Act which limit the political activities of employees.

XXV. STANDARDS FOR SUBGRANTEE/CONTRACTOR FINANCIAL MANAGEMENT SYSTEMS

This item prescribes standards for financial management systems of subgrant agreement/contract supported activities of state and local governments. Subgrantee/Contractor financial management systems shall provide for:

A. Accurate, current, and complete disclosure of the financial results of each subgrant agreement/contract activity in accordance with the HSO reporting requirements;

B. Records which identify adequately the source and application of funds for subgrant agreement/contract activities. These records shall contain information pertaining to grant awards and authorizations, obligations, commitments, assets, liabilities, outlays, and income;

C. Effective control over and accountability for all funds, property, and other assets. Subgrantee/Contractor shall adequately safeguard all such assets, and shall assure that they are used solely for authorized purposes;

D. Comparison of actual with budgeted amounts for each agreement/contract. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the HSO;

E. Procedures to minimize the time elapsing between the transfer of funds from the State Treasury and the disbursement by the Subgrantee/Contractor whenever funds are advanced by the HSO;

F. Procedures for determining the allowability and allocability of costs in accordance with the provisions of 2 CFR Part 200;

G. Accounting records which are supported by source documentation;

H. Audits to be made by the Subgrantee/Contractor or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The Subgrantee/Contractor will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity; and, every two years, considering the nature, size, and complexity of the activity; and;

I. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

XXVI. PROCUREMENT

A. State of Arkansas Procurement Law and Rules will govern purchasing.

https://www.transform.ar.gov/wp-content/uploads/Laws-and-Rules-updated-Dec-2023.pdf

B. A summary of the various requirements is as follows:

Typical Procurement Methods

Type	Small Order (SO)	Competitive Bid (CB)	Competitive Sealed Bid Invitation for Bid (IFB)	Competitive Sealed Proposal Request for Proposal (RFP)
Method	No price quotes required. No public posting required.	Email Prospective Contractors to obtain at least 3 price quotes. No public posting required.	Publicly posted solicitation (5-90 days) requesting a sealed price quote. Requires a public opening.	Publicly posted solicitation (5-90 days) requesting a sealed technical proposal and a separately sealed cost proposal. Requires a public opening.
Cost Threshold	Up to $20,000 or up to $40,000 if the Prospective Contractor is a *Certified* Minority-Owned or *Certified* Woman-Owned Business.	Up to $75,000	$75,000 and up	$75,000 and up
Contractor Selection	Based on agency policy, but competition should be used to the greatest extent possible.	Based on low cost	Based on low cost	Based on highest total score from evaluation of technical proposals (70%) and calculated cost score (30%).
Discussion/ Negotiation	Requesting a lower cost is encouraged.	Requesting a lower cost is encouraged.	Negotiation is encouranged to achieve a lower cost and/or better contract value.	Negotiation is encouraged to achieve a lower cost and/or better contractual value.
Examples	Commodities: Office supplies, medical supplies, uniforms, equipment, and books. Services: lawn care, pest control, security guard services.	Commodities: Office supplies, medical supplies, uniforms, equipment, and books. Services: lawn care, pest control, security guard services.	Commodities: furniture, license places, IT equipment Services: mailing services, transcription services, basic medical services	Services: actuarial servcies, advertising and marketing services, banking services
Ark. Code	§ 19-11-231	§ 19-11-234	§ 19-11-229	§ 19-11-230

C. Splitting of item or items with the intent to use a less restrictive requirement is not permitted.

D. Descriptions and specifications must be sufficiently restricted or specific so as to exclude cheap or inferior commodities which are not suitable or practicable for the purpose for which they are to be used, but at no time should they be so specific in detail as to restrict or eliminate competitive bidding of any items of comparable quality and coming within a reasonably close price range.

E. Arkansas preference does not apply.

Note: Also see Procurement Standards at 2 CFR Part 200

XXVII. PROCUREMENT PROCEDURES - BREATH TESTING EQUIPMENT

A. These items are usually exempt from bidding requirements because of one or several of the following:

1. Single source of supply items;

2. Scientific and technical equipment and parts thereof required by an employee by reason of his profession or training; and

3. Items requiring standardization and interchangeability of parts with existing equipment.

B. The records required for reimbursement are as follows:

1. Copy of Purchase Order giving description of item purchased:

2. Statement, approved by the Project Director, explaining reason for purchasing on an exempt basis without any bids;

3. Standard payment documentation, as follows:
   a. Copy of vendor's invoice showing receiving approval by project personnel,
   b. Copy of document showing payment for goods, and,
   c. Paid receipt or endorsement on payment document; and,

4. Statement for each item purchased showing the following:
   a. Serial number,
   b. Model number, and,
   c. Property control number (if any).

XXVIII. MINORITY BUSINESS ENTERPRISE

The recipient of this subgrant agreement/contract agrees to adopt by reference the Minority Business Enterprise Program that has been approved by DOT for the HSO, or to show evidence of approval of the recipient's own Minority Business Enterprise Program by a cognizant agency of the Federal government.

The recipient of this subgrant agreement/contract agrees to include the following statement in all subsequent contracts which are financed in whole or in part with Federal funds provided under the agreement with the recipient:

A. Required MBE Contract Clauses

1. Policy It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23, apply to this agreement.

2. MBE Obligation The recipient or its subcontractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all recipients or subcontractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

XXIX. PAYROLL PROCEDURES

A. Personal Services compensation is allowable if:

1. For services rendered during the contract period,

2. Reasonable for services rendered,

3. Personnel appointed in accordance with state or local government rules,

4. Based on payrolls documented and approved in accordance with generally accepted business practices, and

5. Supported by time and attendance records signed by both employee and supervisor.

B. Employee Benefits are allowable if:

1. Provided pursuant to a leave system,
2. Employer contribution or expense for:
    a. Social Security
    b. Employee Health Insurance
    c. Unemployment Insurance
    d. Worker's Compensation Insurance
    e. Pension Plans
3. The cost is equitably allocated to all activities.

C. The records required are as follows:

1. Time sheets showing employee names, daily hours, activities, and signatures of employee and supervisor;
2. Payroll record showing rate of pay, gross wages, itemized deductions, net pay, and signature of proper official; and,
3. Benefit Plan(s) records showing rates and amount paid by the employer.

XXX. TRAVEL PROCEDURES

Travel costs are allowable for the following actual expenses incurred by project employees while traveling on official project business: transportation, lodging, meals and other related expenses. An itemized travel report, with receipts for all items **excluding meals**, is required, and should be signed by the traveler and the supervisor. Out-of-State travel must have **prior written approval** of the HSO. Current daily limits for meals and lodging are set out in State Travel Regulations promulgated by the Arkansas Department of Finance and Administration found at https://www.dfa.arkansas.gov/accounting-office/financial-management-guide/subchapter-9-travel-regulations.

Regards State of Arkansas Employees:

Travel costs are limited to the State of Arkansas Travel maximums according to current State Travel Regulations. (Airfare is always limited to less-than-first-class airfare when less-than-first-class air accommodations are available). Reimbursement is for **actual expenses** up to the maximum allowed per federal per diem rates established by the General Services Administration (GSA). Guidance is provided on the GSA website at http://www.gsa.gov/portal/content/104877 for deducting meal amounts from reimbursement claims for meals furnished by the government or other sources. Detailed receipts are required for all expenses **excluding meals**.

Regards Other Travelers:

Travel costs are limited to the lesser of local regulations, actual costs, or State travel maximums. Lodging may exceed State travel maximums only in instances where the maximum allowable lodging rate for that area is not available to the traveler (the traveler must make every effort to obtain the allowable State rate) or when the hotel rate where the conference or meeting is held exceeds the maximum allowable lodging rate for that area. Reimbursement is for **actual expenses** up to the maximum allowed per federal per diem rates established by the GSA. Guidance is provided on the GSA website at http://www.gsa.gov/portal/content/104877 for deducting meal amounts from reimbursement claims for meals furnished by the government or other sources. Detailed receipts are required for all expenses, **excluding meals**.

XXXI. CONFIDENTIALITY REQUIREMENTS

We have researched the question on confidentiality and have identified the following salient items which are relevant to our agreements/contracts:

A. NHTSA Order 210-1, Chapter I, Section B, Subsection (7) (a) states that the Contractor or any employee of the such Contract shall be considered to be employees of the NHTSA for purposes of the requirements of the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C.

B. Section 3, Subsection (b) (1) of the July 1, 1975, Privacy Act Guidelines states that disclosures “To those officers and employees of the agency which maintains the records who have a need for the records in the performance of their duties;” is a permissible disclosure (Section 552a of U.S.C.5, P.L. 93-579).

C. Section 408, Subsection (b) (1) (b) of the regulations on Confidentiality of Alcohol and Drug Abuse Patient Records states that records may be released to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner (P.L. 93-282, 2.1 U.S.C. 1175).

XXXII. PROFESSIONAL SERVICES CONTRACT

See 2 CFR 200

XXXIII. INDIRECT COSTS

Indirect costs are those: Incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. The term “indirect costs,” as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs within a governmental unit department or in other agencies providing services to a governmental unit department. Indirect cost pools should be distributed to benefitted cost objectives on basis that will produce an equitable result in consideration of relative benefits derived.

See Section VII, Cost Provisions of these terms for applicable cost regulations.

Appendix ii to Part 1300 - Certifications and Assurances for Fiscal Year 2025 Highway Safety Grants (23 U.S.C Chapter 4 Sec. 1906, Pub. L. 109-59, as Amended by Sec. 4011, Pub. L. 114-94)

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption]

Recipient: Fayetteville Police Department **Fiscal Year:** 2025

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. The Governor's Representative for Highway Safety, hereby provides the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- Sec. 1906, Public Law 109-59, as amended by Sec. 25024, Public Law 117-58;
- 23 CFR part 1300 - Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 - Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will *comply with FFATA guidance, OMB Guidance on FFATA Subward and Executive Compensation Reporting*, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
  - Unique entity identifier (generated by **SAM.gov**);
- The names and total compensation of the five most highly compensated officers of the entity if:
  (i) the entity in the preceding fiscal year received-
  (I) 80 percent or more of its annual gross revenues in Federal awards;
  (II) $25,000,000 or more in annual gross revenues from Federal awards; and
  (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- *49 CFR part 21* (entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964);
- *28 CFR 50.3* (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972*, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- *The Age Discrimination Act of 1975*, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- *Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- *Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) [1] in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient,
or any transferee for the longer of the following periods:
   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub□grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S.Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b. Establishing a drug-free awareness program to inform employees about:
   1. The dangers of drug abuse in the workplace;
   2. The grantee's policy of maintaining a drug-free workplace;
   3. Any available drug counseling, rehabilitation, and employee assistance programs;
   4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
   5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
   1. Abide by the terms of the statement;
   2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;

e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted -
   1. Taking appropriate personnel action against such an employee, up to and including termination;
   2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICIAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federalfunds.

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

   This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

RESTRICTIONS ON STATE LOBBYING

(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded,** as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www .sam.gov/).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Mailers-Primary Tier Covered Transactions

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
    a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (l)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, civil judgment debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded,** as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (https://www.sam.gov/),

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA
(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U .S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST
(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
   a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
   b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.

2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b) (1)(A))

3. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or on behalf of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and on behalf of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)

4. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(E))
6. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:

    • Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to -
        o Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
        o Increase use of seat belts by occupants of motor vehicles;
    • Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
    • An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
    • Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
    • Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
    • Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands

7. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))

8. The State will not expend Section 402 funds to carry out a program to purchase, operate,or maintain an automated traffic enforcement system, except in a work zone or school zone. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001.

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, if required by 2 CFR Part 200.501 within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. One (1) copy of the report will be furnished to the Arkansas State Police Highway Safety Office (ASP-HSO) within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of 2 CFR Part 200.501 is available at www.ecfr.gov. The recipient has been made aware of audit requirements. **The recipient is required to inform the ASP-HSO if subject to these audit requirements.**

Appendix iii

2025 STEP

Organization: Fayetteville Police Department **STEP-2025-Fayetteville Police Depar-00033**

III. Budget Request

Complete the budget categories request below detailing the projected number of officers , hours to be worked during these mobilizations, and average rate of pay and applicable fringe benefits. If any equipment is requested, list the type of equipment, cost, and justification for the equipment in the budget narrative.

Budget Categories	# Officers Est. to Work	Avg. # of Hours per Officer	OT Avg. Rate of Pay	Total Est. OT Pay	Fringe Benefit Rate	Total Fringe	Amount Requested	Approved Amount	Funding Source
Personal Services									
(DWI/DUI)	30	3	$58.67	$5,280.30		$1,449.44	$6,729.74	$6,700.00	2025 IJA 402 - AL 25 ($0.00)
(Safety Belt)	30	3	$58.67	$5,280.30		$1,449.44	$6,729.74	$6,700.00	2025 IJA 402 - OP 25 ($0.00)
(Speed)	15	2	$58.67	$1,760.10		$483.15	$2,243.25	$2,300.00	2025 IJA 402 - SC 25 ($0.00)
(Texting/Cell)	15	2	$58.67	$1,760.10		$483.15	$2,243.25	$2,300.00	2025 IJA 405e - M8LE 25 ($0.00)
New Funding Source (AHSO ONLY)									
Other Direct Costs				**Cost Per Seat**		**Quantity**			
Child Safety Seats				$79.99		187	$14,958.13	$15,000.00	2025 Child Passenger Seats ($0.00)
Equipment (Describe below)				**Cost Per Item**		**Quantity**			
Portable Breath Tests				$751.79		10	$7,517.90	$7,600.00	2025 IJA 402 - AL 25 ($0.00)
TOTAL							$40,422.01	$40,600.00	

FAIN Number(s):

69A37525300004020AR0

69A3752530000405EARL

Organization: Fayetteville Police Department **STEP-2025-Fayetteville Police Depar-00033**

III. Budget Request

Note: This is a budget request only. The Subgrantee Invoice Form (SIF) issued by the AHSO represents the approved budget and only those costs included on the SIF are eligible for reimbursement.

Sub Grantee Budget Narrative:

The Child Safety Seat Program is a highly effective community outreach service by our Community Oriented Policing Division . The demand exceeds our supply level every year. Fayetteville currently has 15 Child Safety Technicians, which includes 3 instructors. We have requested $14,958.13 due to the popularity and demand of our community. This amount is based on an average cost per seat of $79.99 per unit for 187 child safety seats. These funds can easily be justified due to the popularity of the child safety seat event we host and the depletion of our inventory of child safety seats. Distributing child safety seats is a great community event and promotes positive interactions between the public and law enforcement officers.

Patrol officers utilize portable breath tests to detect impairment in drivers . Our agency has not requested grant funding for portable breath tests since 2019. Our agency would like to purchase a total of 10 units at $751.79each for a total cost of $7,517.90 to fortify our current inventory.

(attach additional sheets if needed)
https://ahsoegrants.asp.arkansas.gov//_Upload/71220_1151391-PBTsformalquote.pdf

(attach additional sheets if needed)

Budget Narrative AHSO Use Only

(attach additional sheets if needed)

(attach additional sheets if needed)

Fayetteville Police Department

STEP-2025-Fayetteville Police Depar-00033

IV. Local Match

Budget Categories	Amount	Approved Amount
Personal Services		
Personnel	$8,186.12	$8,200.00
Maintenance & Operation		
Vehicles	$2,728.70	$2,800.00
Equipment		
Other Direct Costs		
Total	$10,914.82	$11,000.00

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-1677

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Ted Jack, Park Planning Superintendent
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager
Susan Norton, Chief of Staff

FROM: John Scott, Urban Forester

SUBJECT: **Urban Forestry Management Plan**

RECOMMENDATION:
Urban Forestry staff recommends that the City Council adopt the Urban Forestry Management Plan.

BACKGROUND:
The City's Urban Forestry efforts have undergone a remarkable transformation since the last plan was completed over a decade ago, in 2012. Significant advancements have been made in adapting the city's tree species selections to account for the impacts of climate change and emerging tree diseases, ensuring the long-term health and resilience of the urban canopy. Continuous research and knowledge-building have further strengthened the city's urban forestry program, equipping decision-makers with the insights required to manage this vital green infrastructure effectively.

In accordance with the Unified Development Code's mandate to conduct a tree canopy analysis every ten years, the city has now fulfilled this requirement, laying the groundwork for a new 10-year Urban Forestry Management Plan. This plan was developed through a sample tree inventory, public and internal surveys, benchmarking against industry best practices, and detailed audits. The Urban Forestry Advisory Board was a key stakeholder throughout, ensuring the plan's recommendations aligned with community priorities. Input was also gathered from various municipal departments, including Parks, Natural Resources, Cultural Affairs, Public Works, Development Services, and Sustainability, further strengthening the plan's cross-functional approach.

With the city's rapid growth and the evolving landscape of urban forestry, this updated management plan comes at a critical juncture, poised to guide the next decade of the city's tree-focused initiatives. By leveraging the wealth of data and insights gathered through this planning process, the city is well-equipped to strategically enhance its urban forest, delivering tangible benefits to the community through improved environmental quality, increased resilience, and enhanced quality of life.

DISCUSSION:
The Urban Forestry Management Plan (UFMP) is a visionary document that serves as a guiding framework for improving and enhancing Fayetteville's urban forest. This flexible plan thoroughly evaluates the city's current tree inventory, urban forestry programs, development codes, and maintenance practices while carefully considering various stakeholders' values and priorities.

The UFMP establishes ambitious yet achievable goals that increase the city's overall tree canopy cover from the current level of 39.4% to a target of 40.6% over the next 10 years. To reach this goal, the plan outlines a flexible strategy of planting approximately 1,850 new trees annually through a combination of direct plantings and community giveaway programs while also emphasizing the critical importance of maintaining these young trees to ensure their healthy maturation. Fayetteville's urban forest is recognized as a cherished natural asset and an economic resource, providing an estimated $55 million in annual benefits through improved air quality and reduced stormwater runoff.
Key Information

- 39.4% of Fayetteville was shaded by urban tree canopy cover in 2019.
- Tree Goal- 40.6% across the city over a 10-year planning period.
- A flexible goal of planting 1,850 trees annually to be achieved through planting and giveaways while focusing on maintaining new trees to maturity.
- Fayetteville’s urban forest provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes.
- A 2022 analysis shows Fayetteville’s overall Tree Equity Score is 87 out of 100. The national average score is 85 (as of 2023).

The UFMP's visionary approach is grounded in five key principles:

- Equitable and Resilient Canopy Cover,
- Maintenance and Management,
- Tree Preservation and Protection,
- Funding and Levels of Service,
- Community Education, Engagement, and Stewardship.

Each of these principles is further elaborated upon, with detailed strategies and priority actions outlined to guide the city's efforts in continuously providing high-quality urban forestry services both now and in the future. With a strong focus on equity, resilience, and sustainable management, the Urban Forestry

BUDGET/STAFF IMPACT:
None

ATTACHMENTS: SRF (#3), Urban Forestry Management Plan (#4), Supplements with Table of Content (#5), Urban Forestry Management Plan - Revised Version (#6), Supplements with Table of Content - Revised Version (#7)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-1677

Urban Forestry Management Plan

A RESOLUTION TO APPROVE AND ADOPT THE URBAN FORESTRY MANAGEMENT PLAN

WHEREAS, the Unified Development Code Chapter 167.03 requires Urban Forestry to complete a tree canopy analysis or equivalent study every ten years; and

WHEREAS, the last comprehensive Urban Forestry plan was completed in 2012 and, since that time, Fayetteville has seen tremendous growth, changes in species recommendations due to climate change and new tree diseases, and an ever-expanding knowledge of trees; and

WHEREAS, on June 21, 2022, City Council approved a contract with PlanIT Geo to prepare a 10-year Urban Forestry Management Plan; and

WHEREAS, the Plan was completed in 2024 with the assistance of the City's Urban Foresters and input from the Urban Forestry Advisory Board; the general public, and internal stakeholders including the Parks, Natural Resources, and Cultural Affairs Department; Public Works Department, Development Services Department, and the Sustainability Division; and

WHEREAS, the proposed Urban Forestry Management Plan is a visionary document guiding improvements, setting goals, and establishing standards based on the principles of Equitable and Resilient Canopy Cover; Maintenance and Management; Tree Preservations and Protection; Funding and Levels of Service; and Community Education, Engagement, and Stewardship.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Urban Forestry Management Plan, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-1677

Item ID

10/1/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

John Scott	9/12/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Urban Forestry staff recommends that the City Council adopt the Urban Forestry Master Plan.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



URBAN FORESTRY **MANAGEMENT PLAN**

CITY OF FAYETTEVILLE, ARKANSAS

2024

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

URBAN FORESTRY
MANAGEMENT PLAN

City of Fayetteville, Arkansas // 2024

Acknowledgments
Funding for this effort supported by the City of Fayetteville

The City of Fayetteville, AR Contributors

- Parks, Natural Resources and Cultural Affairs – Urban Forestry
- Development Services – Urban Forestry
- Public Works – Engineering and Park Maintenance
- Other Supporting City Departments and Programs
- Fayetteville Urban Forestry Advisory Board
- Fayetteville Environmental Action Committee
- Fayetteville Parks and Recreation Advisory Board
- Fayetteville Planning Commission
- City Council
- Community members of Fayetteville
- GIS Department (Thank you!)

Document Design: Brittany Phillips Design

Plan Prepared By: Chris Peiffer, PlanIT Geo
Plan Edited By: John Scott, Urban Forester City of Fayetteville

All other photos unless noted are from the City of Fayetteville, Arkansas

CITY OF
FAYETTEVILLE
ARKANSAS

LETTER FROM THE CITY OF FAYETTEVILLE

In Fayetteville, trees are a source of pride and hold a special place in our City's identity. Our urban tree canopy is part of what makes Fayetteville unique and attractive to residents and visitors. The City of Fayetteville's Urban Forestry Management Plan will serve as a blueprint to guide Fayetteville during rapid growth, helping to make sure our growing community remains healthy, vibrant and green. A coalition of residents, staff, stakeholders and board members created this plan for Fayetteville by reviewing our past and current conditions and considering what the future holds for Fayetteville.

I want to express gratitude to all contributors to the Urban Forestry Management Plan. The direction outlined in this plan will help us maintain and grow our urban forests, which continue to provide direct benefits to our community.

MAYOR LIONELD JORDAN

A LETTER FROM FAYETTEVILLE'S URBAN FORESTERS

Trees and forests are the silent workhorses in our City that provide us with many benefits. Trees give us one of the most basic elements of life: oxygen. Trees shelter us from the sun during the blazing summer months. Trees filter pollutants from the air and give us cleaner air to breathe. Trees absorb rainwater and help with stormwater control when located correctly. Trees help make our lives livable.

Scientists are making discoveries about trees every year. Within the last ten years, we have learned that trees communicate with each other. We are learning about the complex web of relationships trees have with each other and other organisms. In the past thirty years, we have learned that trees produce chemicals we absorb in our skin that naturally lower our blood pressure and reduce our anxiety levels. We are just scratching the surface of what we know about trees.

The City of Fayetteville has a unique relationship with trees and tree preservation. The collaboration with our community shows how important trees are to our residents. Trees and our urban forests continue to be a high priority for our residents as illustrated in the survey results from this Plan, the Park and Recreation System Plan, Energy Action Plan, and City Plan 2040. We are thrilled to have a plan that embraces our residents' priorities and will help guide us through future growth.

Our City is changing quickly, and these changes impact trees. This plan is a guide to help us continue to grow and change while remembering the importance of trees. Over the past ten years, Urban Forestry staff has strengthened our tree preservation and landscape codes, added flexible elements for development in code, and clarified our Unified Development Code. The Urban Forestry Management Plan has a vision to continue strengthening, clarifying, and adding flexibility to our Tree Preservation and Landscape codes.

The Urban Forestry Management Plan will also help focus our efforts to maintain, grow, and enhance our urban forest programs for the next ten years. Fayetteville's award-winning Urban Forestry programs lead the state in innovation, public outreach, technology, and progress. This plan will help continue this progress, strengthen those attributes, and guide us on what we can do for our urban forests. We are excited to continue to serve Fayetteville with award-winning programs by implementing the recommendations of this plan.

MELISSA EVANS, URBAN FORESTER, DEVELOPMENT SERVICES
JOHN SCOTT, URBAN FORESTER, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS



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Executive Summary

INTRODUCTION

The quality of life for Fayetteville's community members is strongly improved by its trees (collectively known as the urban forest), as trees make a vital and affordable contribution to the sense of community, enhance and create pedestrian-friendly neighborhoods, provide energy savings, reduce stormwater runoff, and improve air quality. Future climate predictions indicate that heat waves will become more frequent, and the average yearly temperatures are expected to continue to rise. In addition, it is anticipated that the region will experience more frequent extreme weather events and temperature changes, prolonged periods of drought, and shortened or disrupted natural seasons. Fayetteville's urban forest is a key part of the City's climate resilience goals, it:

- provides much-needed shade
- is one of the most effective mechanisms to cool urban areas
- reduces stormwater runoff
- increases property values
- makes the City more livable

Protecting, maintaining, and expanding Fayetteville's urban forest is essential to preserving and improving quality of life for all residents while increasing property values. To plan and manage Fayetteville's urban forest, a baseline assessment of tree canopy cover was conducted in 2019.

PURPOSE

The City's Urban Forestry Management Plan ("Plan") aims to provide goals and a roadmap for the City to preserve and expand tree canopy cover and maximize the benefits of Fayetteville's urban forest.

KEY FINDINGS

Fayetteville's programs for urban forest management, community engagement, public tree maintenance, tree ordinances, and the supporting Urban Forestry Advisory Board are critical to meeting the City's commitment to climate change mitigation and adaptation, carbon sequestration, stormwater reduction, water conservation, wildlife habitat enhancement, and service to the community. The following summarizes key findings about the City's tree canopy, its programs, and the community it serves.

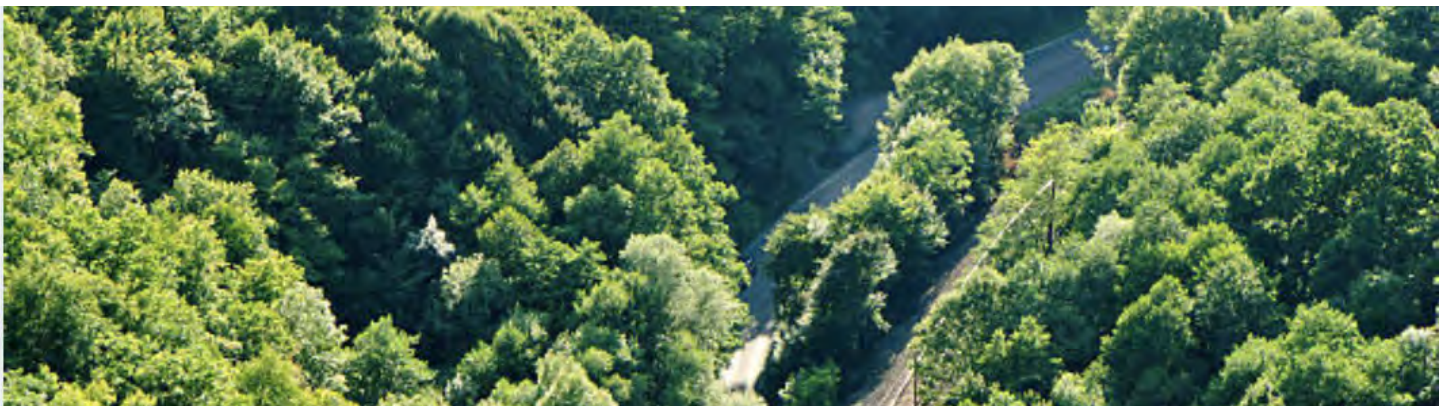


THE PLANNING PROCESS

The development of the Fayetteville Urban Forestry Management Plan was based on answering four key questions:

WHAT DO WE HAVE?
WHAT DO WE WANT?
HOW DO WE GET THERE?
HOW ARE WE DOING?

Figure 1. The process to develop Fayetteville's Urban Forestry Management Plan



URBAN FOREST KEY FINDINGS

1. 39.4% of the City was shaded by urban tree canopy cover in 2019 and had a Tree Equity Score of 87 out of 100. The regional average is 77 and the national average is 85 (see page 36 in the Current Conditions section for more details).
2. The citywide urban forest provides an annual estimated benefit of $55 million by improving air quality, health savings, energy savings, and reducing stormwater volume. (Endreny, 2018)
3. A sample inventory of 2,712 public trees and 848 private trees was completed in 2022. The trees are diverse- the top ten species only comprise 44% of all trees.
4. Fayetteville has an estimated 42,000 public trees of which 25,000 are in maintained areas.
5. The 25,000 publicly-maintained trees provide an estimated $2.5 million in ecosystem benefits.

MANAGEMENT KEY FINDINGS

The urban forest is managed by three different City departments— Parks, Natural Resources and Cultural Affairs; Public Works; and Development Services.

1. 1.00 full-time equivalent (FTE) staff is in Parks, Natural Resources and Cultural Affairs (Park Planning & Urban Forestry Division) and oversees tree plantings, Arbor Day Celebration, the Tree City USA program, specifies new tree plantings in public spaces, is the Staff Leader for the City's Urban Forestry Advisory Board (UFAB), works on Code changes, outreach, budgets, and advises maintenance best management practices.
2. 6.00 FTEs in Park Maintenance in Public Works perform public street tree maintenance.
3. 1.00 FTE in Development Services manages trees as part of private development in accordance with Chapter 167 "Tree Preservation and Protection" within Fayetteville's Unified Development Code and Chapter 177 "Landscape Requirements Code."
4. An estimated 74% of public trees are 12 inches in diameter or less, 75% of trees are in good condition, and the most common maintenance need for public trees is clearance pruning (8%), removals (6%), and watering for tree establishment.
5. Fayetteville's Urban Forest Audit Score (page 65) based on U.S. Forest Service criteria is 73% (completed in 2023). The Audit evaluates and scores 11 categories of sustainable urban forest management categories according to industry standards and best practices.
6. Challenges and shared priorities among City staff and commission members include staffing, ordinance and standards, and infrastructure conflicts with 50% or more of participating staff indicating these as challenges or concerns.

ALIGNING CITY PRIORITIES

The Urban Forestry Management Plan complements existing city and regional planning efforts such as the City Plan 2040 comprehensive plan for Fayetteville, the Park and Recreation System Master Plan, Energy Action Plan, and the Climate Action Plan (in development as of 2024).

Involvement from stakeholders and residents has been key to development of the Urban Forestry Management Plan and establishing the Plan's priorities. A diverse group of city staff, residents, and community stakeholders provided perspectives on the most important issues faced by the urban forest. Collectively, this group prioritized preserving existing trees and incorporating healthy, climate-tolerant or native trees into the City's built environment, particularly in underserved areas. The Plan's goals reflect these values and priorities.

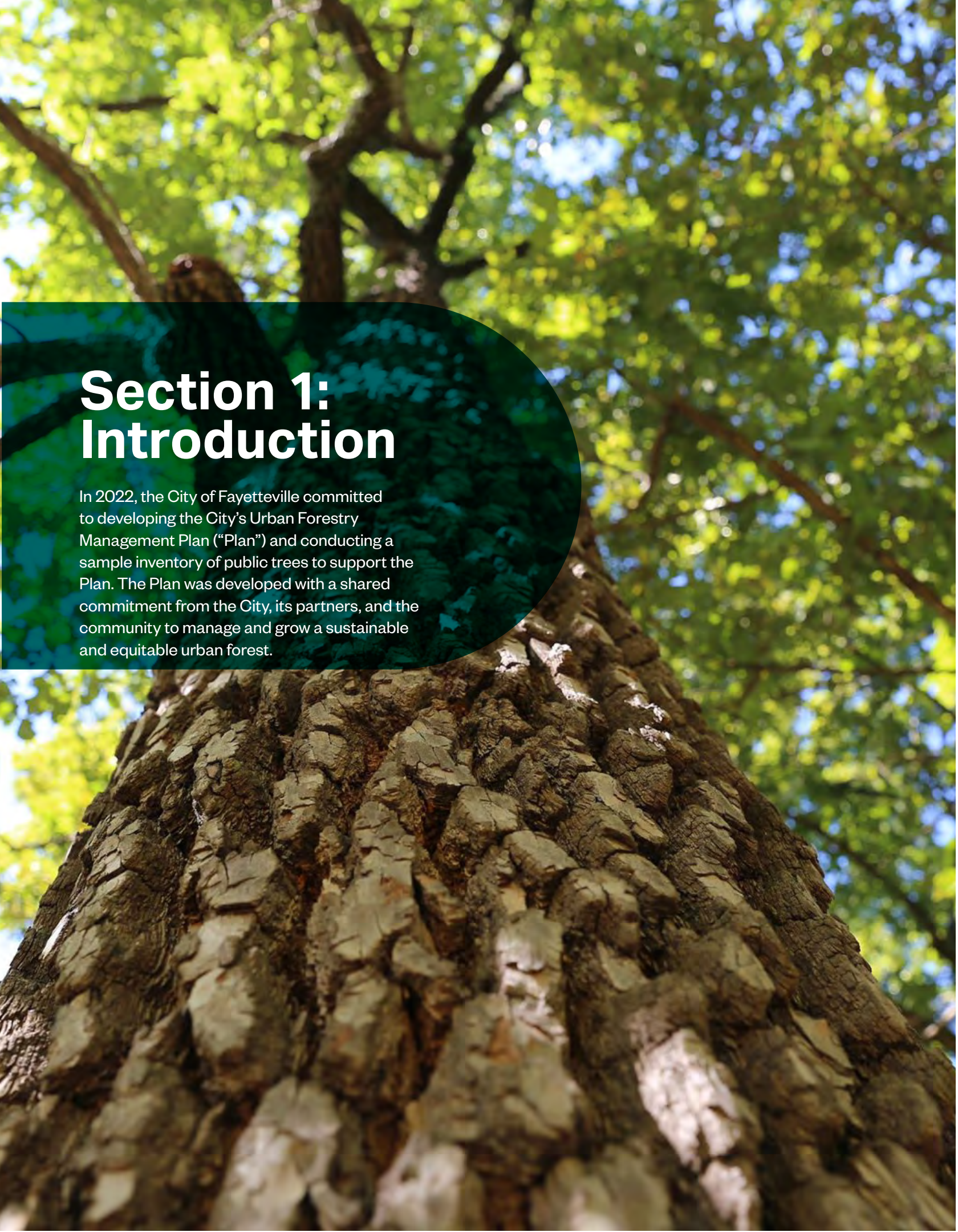
URBAN FORESTRY MANAGEMENT PLAN VISION AND GUIDING PRINCIPLES

Urban Forest Vision	Guiding Principles
Healthy Trees, Healthy City: The vision for Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.	**Equitable and Resilient Canopy Cover:** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges. **Maintenance and Management:** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity. **Tree Preservation and Protection:** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices. **Funding and Levels of Service:** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges. **Community Education, Engagement, and Stewardship:** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

Table 1. Summary of the vision and guiding principles for Fayetteville's Urban Forestry Management Plan.

Fayetteville's Urban Forestry Management Plan aims to achieve 44.4% canopy coverage across the City over a 30-year planning period with a 1.2% increase in the first 10 years. The Plan recommends planting an average of 1,850 trees per year, with a focus on 60% being large-canopy trees at maturity. The other goal is to plant trees the City has the ability to maintain to maturity so these trees can provide the maximum benefits to our environment. The City, developers, and private landowners will collectively contribute to reaching the canopy cover goal. (For goal details see page 72)

Tree canopy analysis must be conducted every 10 years to benchmark against our goals and determine what within the management plan needs to be modified to achieve the canopy goals, as required by City Code section 167.03.C.



Section 1: Introduction

In 2022, the City of Fayetteville committed to developing the City's Urban Forestry Management Plan ("Plan") and conducting a sample inventory of public trees to support the Plan. The Plan was developed with a shared commitment from the City, its partners, and the community to manage and grow a sustainable and equitable urban forest.

Introduction

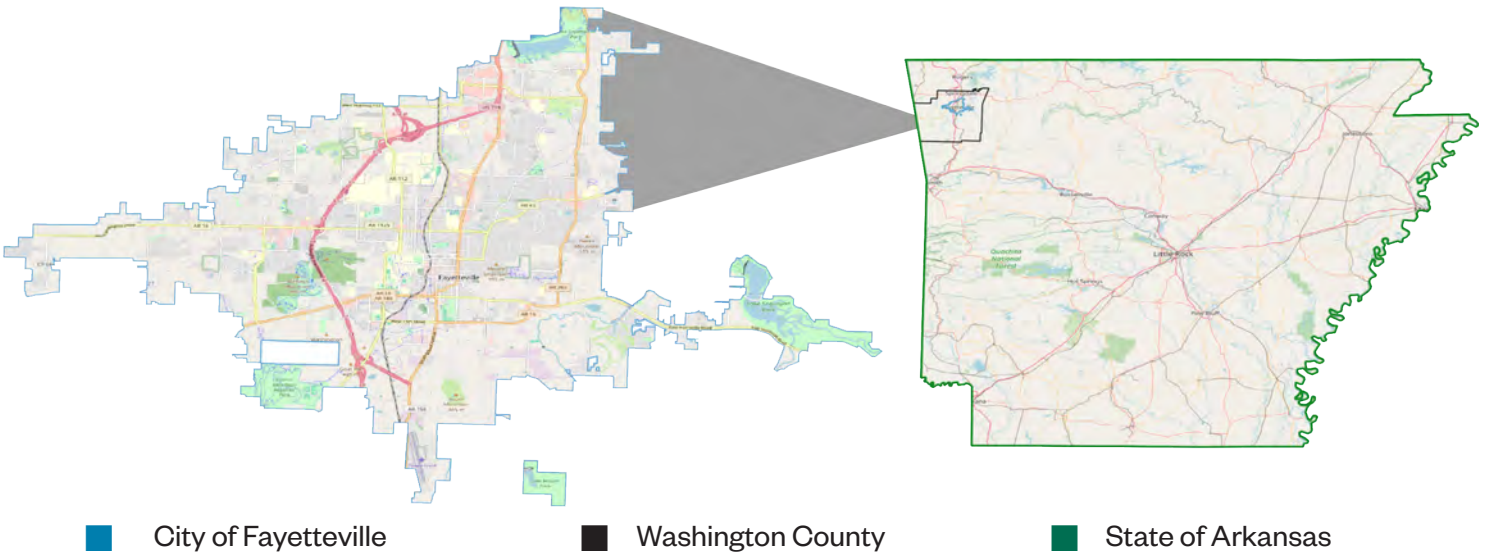


Figure 2. Maps displaying the location of Fayetteville, Arkansas within Washington County.

ABOUT FAYETTEVILLE

Nestled within the picturesque Ozark Mountains in the northwestern part of the state, Fayetteville, Arkansas, stands as a vibrant and growing community that harmoniously blends urban development with natural beauty. As the heart of Washington County and home to the University of Arkansas, Fayetteville exudes a unique character that attracts residents, students, and visitors alike.

Fayetteville is the second most populous city in Arkansas with 93,949 people as of the 2020 U.S. Census. It spans 55.8 square miles and of that area, 39.4% (22 square miles) is covered by the canopy of trees that comprise Fayetteville's urban forest. Fayetteville's location between the Springfield Plateau and the Boston Mountains within the Ozarks gives rise to a wide variety of land forms and environmental features including native prairie wetlands, steeply sloped and forested uplands, and a variety of streams and water bodies.
Overall, Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health, and community engagement, making Fayetteville a more livable and enjoyable city.



Photo showing view of the Ozark Mountains from Fayetteville. Source: Experience Fayetteville



Photo showing circa 1890 Fayetteville, looking northwest from Mount Sequoyah; fayettevillehistory.org

BACKGROUND AND HISTORY

Situated in the Ozark Mountains, Fayetteville is known for its natural beauty and diverse wildlife. However, over time, the natural environment in and around Fayetteville has been significantly altered due to human settlement and unchecked development. As urban development happened, the natural environment transitioned to what is referred to as an urban forest, meaning trees in an urban area. However, there still remain heavily forested areas and woodlots along with forested public parks and open space within the City. The following provides an overview of the history of the natural environment which led to the City's urban forest and the focus of this management plan.

The earliest settlers in the Fayetteville area were Native American tribes who lived off the land and hunted and gathered food from the natural environment. However, with the arrival of European settlers in the early 19th century, the landscape began to change. The first settlers cleared large areas of land for farming, which led to deforestation and loss of habitat for many species of plants and animals.

In the late 19th and early 20th centuries, industrialization began to take hold in Fayetteville. Sawmills and other factories sprang up, leading to further deforestation and pollution of the local waterways. The construction of railroads and highways also had a significant impact on the natural environment, as large areas of land were cleared to make way for these transportation routes.

As Fayetteville continued to grow and develop, urbanization became a significant factor in altering the natural environment. The population increased, and more land was needed for housing, development, and infrastructure. This led to further deforestation and loss of habitat, as well as increased pollution and degradation of waterways.

Despite these significant changes, Fayetteville has also taken steps to preserve and protect its natural environment. A pivotal moment in Fayetteville's Urban Forestry history came in 2000 when Mary Lightheart protested the removal of trees at a proposed development and climbed into a massive oak tree, living there for three weeks. She and 50 other activists were protesting a new shopping center that would cause the removal of a large stand of oak trees. At the time, the Mayor and City Council approved the project. Two organizations, the League of Women Voters and Sierra Club, sued the City.

The activists helped bring light to tree preservation and triggered political change. The following year, a stronger tree preservation ordinance was enacted with a new Mayor. The residents of Fayetteville made it clear that trees are vital to this City.

This commitment to the natural environment is carried on by Fayetteville's Urban Forestry Management Plan and the City's programs for trees that are detailed in the Current Conditions section.

BENEFITS AND SERVICES PROVIDED BY FAYETTEVILLE'S TREES

A diverse and healthy urban forest works to the benefit of the community, the environment, and the economy. Following is a summary of some of the key benefits and services of trees, nature, and greenspaces in urban areas that was compiled from research to develop Fayetteville's Urban Forestry Management Plan.

IMPROVE THE QUALITY OF LIFE

Trees make cities more livable by decreasing summer temperatures and improving well-being. Greater contact with natural environments correlates with lower levels of stress, improved performance, and fewer sick days. Residents in areas with more greenery are three times more likely to be physically active and less likely to be overweight than residents living in areas with little greenery. View the following section for additional details about Fayetteville's urban forest improving the quality of life for residents.



Cooler Pavement Diminishes Urban Heat Islands

Tree canopy lowers temperatures by shading buildings, asphalt, and concrete. Trees deflect radiation from the sun and release moisture into the air, reducing surface temperatures by as much as 36 degrees. Lower temperatures diminish fumes from heated asphalt and mitigate the urban heat island effect.



Improve Air Quality

Trees produce oxygen and clean the air by removing pollutants that would otherwise contribute to human health problems such as asthma and other respiratory diseases.



Protect Wildlife and Ecosystems

Preserving and planting trees provides valuable habitat for wildlife, supports pollinator species, and provides favorable conditions for beneficial soil microorganisms.



Save Energy and Lower Energy Costs for Buildings

As natural screens, trees insulate homes and businesses from extreme weather, keeping buildings cooler and reducing air conditioning bills. Shade trees planted on a sunny exposure can provide savings of up to 50% in the summer. In winter, evergreen trees provide a barrier to cold winter winds.



Conserve Water and Soil

A tree's root system draws water into the soil and their canopy slows rainfall, reducing runoff and erosion while removing contaminants. In contrast, impervious surfaces like roads and parking lots allow water to run off unfiltered and at high volumes, increasing the likelihood of flooding and impaired water quality.

Other benefits include increased property values, reduced pavement wear, traffic calming, public safety, among others. View a compilation of research on urban forest benefits and services prepared by the Alliance for Community Trees (www.actrees.org). Tree benefits are quantified in the following section.

"In light of the ongoing effects of climate change, trees and their associated canopy have innumerable benefits and an urban forest plays a role in carbon sequestration, mitigating stormwater issues, filtering pollutants, increasing property values, improving public health, and reducing the heat island impacts associated with urban areas."

FAYETTEVILLE CITY PLAN, 2040

A CLOSER LOOK AT TREES IMPROVING THE QUALITY OF LIFE IN FAYETTEVILLE

Trees come in various forms— shade trees, flowering trees, trees with edible fruit and nuts, and trees with vibrant fall color. All types contribute benefits and services to the urban ecosystem— an ecosystem that brings nature into cities through tree canopy, parks, and interconnected greenspace. Many environmental benefits of trees in urban areas are identifiable and measurable, while other benefits are tangential and experiential, such as the feeling of walking a quiet tree-covered trail. The following provides a summary of the social and human health benefits of trees and greenspaces.



The urban forest brings a myriad of social and health benefits to Fayetteville's communities. Park and street trees create a sense of community, offering opportunities for people to come together and engage in various activities. These shared spaces foster a sense of belonging and connection among residents. Additionally, Fayetteville's urban forest provides a respite from the hustle and bustle of city life, offering peaceful retreats where individuals can relax, unwind, and enjoy nature.

Research summarized in the following paragraphs shows the presence of trees and greenery in urban areas reduces stress, improves mental well-being, and encourages physical activity, all of which contribute to healthier and happier communities. Moreover, Fayetteville's urban forest creates opportunities for environmental education and volunteering, inspiring residents to learn about nature, participate in tree planting initiatives, and engage in environmental stewardship.



Figure 3. Human health and social benefits of trees.

Overall, Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health and community engagement, making Fayetteville a more liveable and enjoyable city.



Studies have found that the amount of trees and vegetation in common spaces such as parks are related to a sense of neighbrohood safety and more social activitiy. In turn, greenery in cities enhances the strength of social ties among neighbors (Kim, et al., 2020).

Encounters with nature in cities also lead to enhanced positive attitudes, decreased stress levels, improved attention spans, and better performance on cognitive memory assessments (Wolf, et al., 2020).

Tree canopy cover and greenspaces in cities motivate and provide opportunities for people to be physically active. The percentage of greenspace within a two mile radius of a person's home has been associated with the percentage of residents reporting good health, particularly among the elderly and those with lower socioeconomic status—groups that are typically less likely to get sufficient physical activity. Research shows that community residents are three times as likely to be physically active when living in areas with more greenspace (Ulmer, et al., 2016).

Opportunities to experience urban nature—whether it's a view of a street tree out a window or actually being outside in nature— are key to the mental well-being of city residents. People are happier, experience a greater sense of well-being, and have reduced stress levels when they live in areas with more greenspace nearby or on a tree canopied neighborhood street (White, et al., 2013).

More tree cover near schools also has a positive effect on student performance. Children with challenges concentrating are more focused following a 20-minute walk in an urban park or tree canopy covered sidewalk than they do after walks in other urban settings without trees and greenery (Taylor, et al., 2009). Trees in neighborhoods and parks connect children to nature.

The link between time spent in natural settings and health outcomes has been the center of focus for healthcare and insurance industries in recent years. Trees and greenspaces have shown to increase longevity, reduce the risk of cancer and heart disease, reduce anxiety and depression, improve immune function, and reduce stress hormones. A study in 2016 of 108,000 people found a 12% lower rate of non-accidental mortality among those with the most greenery in a 820-foot (250 meters) radius around their homes (James, et al., 2016). In addition, hospital patients placed in rooms with views of nature experienced shorter stays in the hospital compared to patients in rooms that faced other buildings (Mihandoust, et al., 2021).

ENVIRONMENTAL BENEFITS OF TREES

Research over the past several decades provides valuable quantified data on environmental benefits for urban forest researchers, managers, and practitioners. This data can be used to communicate tree benefits to residents and stakeholders and to incorporate trees into infrastructure design such as stormwater management. It can also be used to develop strategies that reduce inequities.

A tree canopy assessment conducted by the City in 2020 (with 2019 imagery) determined that 39.4% of the City (14,000 acres) was shaded by tree canopy. In 2022, a sample inventory of 2,712 public trees and 848 private trees was conducted to make estimates about the composition and structure of public and private tree populations. These datasets were used to calculate the following benefits of the citywide urban forest and public tree population as noted.

Citywide Tree Canopy Benefits

The citywide tree canopy across public and private land provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes. (Endreny, 2018)

Public Tree Benefits

The 2022 sample inventory of public trees determined that are 42,000 trees in public spaces, and 25,000 are maintained.

The 25,000 publicly maintained trees were used to calculate the benefits and services. Using i-tree tools, it is estimated that the 25,000 provide $71,615 in ecosystem benefits annually.

It is estimated that the 25,000 maintained public trees sequester (capture) 1.4 million pounds of carbon dioxide annually, worth $33,613. The air quality benefits equate to $23,949 annually in services. $14,056 of stormwater benefits are diverted from the 25,000 trees. Using these three benefits, the 25,000 public trees provide a yearly total of $71,615 in ecosystem benefits (Tree Inventory Summary).



Photo of Eastern towhee habitats are supported by healthy urban forests. Source: Audubon Arkansas

CARBON BENEFITS	**$33,613**
AIR QUALITY BENEFITS	**$23,949**
STORMWATER BENEFITS	**$14,053**
TOTAL BENEFITS	**$71,615**

Over the lifetime of these trees (i-trees uses 35.7 years), $ 2.5 million in benefits for our 25,000 maintained public trees. The value of the 42,000 public trees is over $4.2 million in ecosystem services benefits. (Tree Inventory Supplement)

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft3"= cubic feet

Figure 4. Estimated annual benefits of Fayetteville's public trees Source: USDA Forest Service i-Tree research

PLAN PURPOSE

Caring for and prioritizing the urban forest is an important part of maintaining a sustainable and vibrant city. However, urban forest management must also support the City's goals including economic development, transportation, urban design, and the goals of property owners. In recognition of this, Fayetteville's Code of Ordinances requires 'a tree canopy analysis and an Urban Forestry Effects Model study or their current equivalent studies within the current geographical boundaries of the city by December 31, 2012. Thereafter, the city should conduct these studies every ten (10) years.' UDC 167.03

The Urban Forestry Management Plan serves as a guide to proactively manage, care for, protect, and expand the City's tree canopy while navigating these competing pressures. The Plan provides a strategic and systematic framework for the sustainable stewardship, enhancement, and utilization of trees within the urban areas of Fayetteville. This Plan serves as a roadmap to guide decision-making and actions related to the urban forest. The key purposes include:

Sustainability and Environmental Health:

The Plan ensures that the ecological benefits are maintained and enhanced, contributing to the overall environmental health and resilience of the City

Quality of Life and Community Well-Being:

The Plan provides the strategies to create and maintain accessible and inviting greenspaces that enhance the quality of life and foster community pride.

Urban Planning and Design:

The Plan aligns with urban planning and design principles, ensuring that tree preservation, planting, maintenance, and removal are integrated into the built environment while reducing or clarifying competing priorities.

Climate Change Mitigation and Adaptation:

The Plan's overarching goal to increase canopy enables the City to maximize the urban forest's contribution to climate change mitigation and adaptation efforts.

Public Safety and Infrastructure:

The Plan provides recommendations for public tree maintenance and risk management.

Education and Outreach:

The Plan includes recommendations for community engagement, outreach, and education to raise awareness about the value of trees, promote responsible stewardship, and support the community in tree planting and maintenance activities.

Long-Term Vision:

A vision for the urban forest ensures decisions made today have a positive impact on future generations. It provides a framework for adaptive management, allowing for adjustments based on changing conditions and priorities.

Coordination and Collaboration:

The Plan fosters collaboration among various internal and external stakeholders to ensure a coordinated and holistic approach to urban forest management.

Legal and Regulatory Compliance:

Creation of the Plan is required by City Code. Recommendations in the Plan improve regulations for tree preservation, protection, maintenance, planting, and compliance.

CHALLENGES FACING FAYETTEVILLE'S URBAN FOREST

External Challenges

Urban forests across the country face common stressors including urban heat, poor air quality, weather extremes, pressure from development, and invasive plants, pests, and diseases. These challenges are often intensified by conflicting priorities and a shortage of resources.

Fayetteville's urban forest has been growing and changing as development and redevelopment occurs in the City. In many ways Fayetteville and the northwest region of the state are fortunate to be such a highly desirable place to live, work, recreate, and study. Rapid growth in northwest Arkansas is predicted and the effects are already being felt. From 2010 to 2020, Washington County's population rose by 21.1% and almost half of that growth was in Fayetteville alone. Specifically, Fayetteville is experiencing a 28% growth rate and is now the second largest city in the state, replacing Fort Smith (NWARPC). According to Woods & Poole Economics, Inc., the Fayetteville-Springdale-Rogers metropolitan area has a 76% population growth projected from 2022 to 2060.

Like many cities, the tree canopy cover in Fayetteville is not equitably distributed across the City. As a result, some neighborhoods experience higher surface and ambient temperatures, poorer air quality, and more frequent flooding than neighborhoods with greater canopy cover. Additionally, the lack of access to trees and greenspace impacts residents' physical and mental health, sense of community, and overall well-being.

Climate change is an overarching challenge that is compounding the issues facing Fayetteville's trees. In addition to the known pests, diseases, and weather that the native trees have evolved to withstand, the new changes in temperature and weather extremes bring a new onslaught of pests, diseases, and wet/drought cycles.

Healthy trees can play a significant role in making Fayetteville more resilient to weather and climate extremes by sustaining the natural ecosystem health. Yet the ability of community trees and forests to achieve their full potential is often significantly limited due to poor tree health stemming from reactive fixes instead of holistic solutions, limited training of tree care professionals, and insufficient municipal budgets.

Internal Challenges

- Proper and timely management of the trees in accordance with current best management practices.
- The need for updated tree-related regulations that preserve, protect, and grow the urban forest aligned with best practices and City priorities.
- Limited financial and operational resources to address the gradual and immediate impacts of climate change.
- Concerns regarding the organizational structure and communications with having three groups working in three different departments.
- Preparing for emerald ash borer and other emerging tree pests and diseases.
- Strategic tree planting programs and initiatives needed to sustain and expand tree canopy and the associated benefits.
- Educating and revitalizing community tree stewardship.



THE TIME IS NOW

It is critical for Fayetteville's environment, economy, and community well-being that the City act now to sustainably manage the urban forest. The City has a Comprehensive Plan for how Fayetteville will grow and change with development. Among other plans in place or in development is the City's Climate Action Plan. Fayetteville's Urban Forestry Management Plan supports and builds on the goals and policies of these plans and supplements those with vital analyses, studies, metrics, and strategies relating to the City's natural environment and specifically, the urban forest.

Undeveloped areas contain native trees and vegetation, fertile soils, vital water resources, natural prairie, and wetlands. Protection and conservation of these critical areas is up to the citizens and the choices made by the City.

Fayetteville's Urban Forestry Management Plan provides the roadmap with goals and supporting recommendations to manage, grow, preserve, and strengthen the urban forest through invigorated partnerships that align with city and community priorities. Section 2 of this Plan is an overview of the current state of Fayetteville's urban forest and will serve as a baseline to measure future progress. Section 3 is an overview of Fayetteville's priorities for the urban forest which were identified through community and stakeholder input which informed the Plan's vision, guiding principles, goals, strategies, and priority actions. Section 4 of the Plan details the implementation and monitoring guidelines and the Appendices section provides additional information and studies to support the Plan and its implementation.

Let's begin by exploring Fayetteville's urban forest.



Section 2: Current Conditions

Trees That Make Up Fayetteville's Urban Forest

PROGRESS FROM 2012 ASSESSMENT RECOMMENDATIONS

To begin exploring our urban forests, we must review the 2012 recommendations to see our progress over the last ten years. The recommendations in the 2012 Urban Tree Canopy Assessment Report were evaluated to develop recommendations for the Urban Forestry Management Plan. The following provides a summary of the status of recommendations in the 2012 report (Urban Tree Canopy Assessment Project 2012 recommendations- Pages 33 and 34).

1. Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:

- People are part of the urban forest. This report can be used as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
- Solicit feedback from community partners to refine tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
- Develop best management practices (BMPs), such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.

2024 Update. On Going and Complete. *The old and new Urban Forestry Plan will be available online.*
We regularly meet with our board to discuss ordinance changes and tree-planting initiatives and stress the importance of planting the right tree in the right place for longevity. The Urban Forestry Advisory Board advises staff on ordinance changes and tree-planting initiatives. The board is made up of a diverse group of community stakeholders.

We have developed a Best Management Practices to ensure we care for new yearly plantings. We set our planting goals based on what we can maintain and grow to maturity.

2. Monitor, adapt, and enforce existing tree Preservation and Protection ordinances.

- Streamline tree-related policies and identify if codes are working against local goals.
- Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
- Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, stormwater, and resource managers.

2024 Update. Integrated and Complete. *Urban forestry staff continually review policies and codes and regularly adjust to necessary changes. We inspect all projects for a 90% survival rate. We collaborate with planning, sustainability, park maintenance, stormwater engineers, and others throughout the city for many projects.*

3. Develop a regional urban tree canopy assessment report in Arkansas.

Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.

2024 Update. Not applicable. *Our latest Urban Forestry Management Plan will be available regionally for other entities to review. This recommendation is outside the scope of staff work. Urban Forestry staff does talk with the NWA Regional Planning Director about trees. Urban Forestry staff would participate in a regional plan if initiated by a larger regional entity like the NWA Regional Planning Commission.*

4. Assess tree canopy every 8-10 years to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as the I-Tree Canopy can be used between comprehensive GIS-based assessments.

2024 Update. Integrated and Complete. *Urban Forestry Staff has worked with the GIS department and receives NAIP imagery as it is released; we can get regular canopy updates every two years. GIS has used the standards to give us tree canopy assessments every other year. We received one in 2015, 2017, and 2019 and are getting canopy assessments for 2021 and 2023. We assess the tree canopy every two years.*

The City's Urban Foresters frequently participates in several public education and outreach campaigns.

5. Disseminate this project's land cover and UTC assessment data broadly.
While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.

2024 Update. Integrated and Complete. *The Urban Forestry staff has several tools to help with the above, and we use GIS and the multitude of layers to plan green infrastructure. The staff has included LID features in many of the City's details, and engineering has included LID in the stormwater management of new developments in our city. Our maps are available to everyone.*

6. Foster academic partnerships. Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.

2024 Update. Complete. *We have spoken with several groups at the University of Arkansas to get them to become Tree Campus USA, but we have not succeeded. We keep regular contact with the University's Landscape Architecture department. We have also reached out to the sustainability department at the University of Arkansas.*
The staff regularly works with all public and private schools in Fayetteville. We have had planting projects with students at Butterfield Elementary, Haas Hall Academy, The New School, and Washington Elementary. We have been involved with the Fayetteville High School Advance Placement science program, which monitors and removes invasive plants at McNair Middle School. We have participated in several regional activities that teach children the importance of trees.

7. Explore all potential partnerships to achieve urban forest goals: public/private
including corporate and academic sponsors, council representatives, environmental quality, and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.

2024 Update. Complete. *Fayetteville's Urban Forestry has partnered with Compassion Fayetteville, Beaver Watershed, Illinois Watershed Partnership, the Land Trust, Arkansas Urban Forestry Council, and other groups. We have recently started partnerships with several Property Owners Associations.*

8. Promote hardy, climate-adapted, and long-lived tree species that are appropriate for Fayetteville's environment to ensure investments in trees achieve maximum benefits.

2024 Update.Active, Integrated and Complete. *The City of Fayetteville codified the use of native Ozark trees as the recommended tree species. We have stressed the right tree for the right place. We actively promote using only Ozark native trees and shrubs in development.*

We have updated the recommended tree species list and are working on a new one.

9. Target areas for tree planting using the assessment data.

- Use results to justify targeted public tree plantings in the public right-of-way and greater private planting in commercial landscaping.
- Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS web map as social assessment tools for residents and businesses.

2024 Update. Integrated and On Going. *Over the last five years, we have used Tree Equity Score to locate new planting locations. We also use heat maps and other tools to help us plant trees in the most needed locations. Before that, we have always used income, access to trees, heat islands, and other factors to locate new tree plantings.*

10. Create a central repository for monitoring tree planting and tree removals on public and private property, possibly using a web-based application open to the public.

2024 Update. Integrated and On Going. *The Urban Forester in Parks, Natural Resources, and Cultural Affairs receives all planting plans city-wide and tracks how many trees are removed and planted yearly. The staff also created a spreadsheet that monitors how much is removed in the development review process. Staff can track development removal as well. Staff is currently unable to keep up with the data due to workload in Development and hopes for additional staffing soon. Staff cannot track private property owners activities.*

11. Ensure consistency in future UTC assessments using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.

2024 Update. Integrated and On Going. *With NAIP imagery, we can bring regular reports closer together; however, rapid technological advances may not always make this possible. We will continue to try to do this. This field has made many advances over the past ten years, and aerial imagery allows us to compare information. However, the imagery gets more accurate and improves each year. The latest data will be the most accurate.*

12. Create or update an existing targeted education and outreach campaign using the ecosystem benefits values. Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining, and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.

2024 Update. Integrated and On Going. *We use trees' benefits and values daily with developers and internal customers. This topic is talked about frequently.* ***We won an award for placing price tags on trees that showed the benefits of each tree.***

13. Work on urban forestry goals and design specifications for other environmental planning initiatives such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.

2024 Update. Integrated and On Going. *Goals are something we continue to assess and focus on for tree preservation. We will have new goals when we complete this document.*

Forestry is starting to move towards other natural resource management. The foresters worked with the engineering department on specifications for BMPs for stormwater; this included tree preservation, usually near a stream. Staff created mitigation options and codified the options for green roofs, green facades, and other LID features.

14. Assess forest stands at risk from development by overlaying zoning or future land use data and developable slope percent. Quantify and locate areas at risk that, if developed, would impact overall citywide canopy cover goals as the economy improves and development follows.

2024 Update. Modified and Integrated. *The staff has not assessed at-risk forests in the city using zoning codes and future zoning. However, staff uses multiple maps when reviewing development projects such as the enduring green network, heat island map, flood plan, Hill Side Hilltop Overlay District, and other available mapping tools. We use these tools to recommend conservation in the form of tree preservation easements and tree preservation on each project. We identify high-priority areas during our reviews of each project.*

15. Promote cost-effective professional development in urban forestry. eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, City officials and public works employees. eLearn Urban Forestry provides free access to learning modules with a link to the Continuing Forestry Education (CFE) group, where you can get ISA or SAF credit for a small maintenance fee. Visit elearn.sref.info/ for more details.

2024 Update. Integrated and Complete. *Urban Forestry staff codified ISA and other entities as a requirement for internal and external foresters. The city supports employees who want to become certified arborists and allows travel for continuing education. Staff continue to meet standard continuing education requirements to maintain credentials.*

16. Provide an environment for natural forest regeneration. This study shows that grass, herbaceous, and shrub/briar land cover types naturally regenerate into forests, contributing to the City's overall tree canopy and ecosystem services.

2024 Update. Integrated and On Going. *Urban Forestry worked on two forest regeneration projects just last year. The staff has been converting City-owned hay fields into forests and savannas.*

CURRENT CONDITIONS

When the term infrastructure is used, oftentimes roads, bridges, power lines, and storm drains are most recognized. In addition to these staples of city infrastructure, trees lining streets and shading parks and backyards are to be included. These trees, collectively known as the urban forest, provide essential benefits that help Fayetteville function. Services generated by trees in Fayetteville provide immense value to the City. Like other city infrastructure, urban trees require management and maintenance to succeed.

The urban forest is comprised of trees across all city landscapes including streetscapes, parks and open space, trail and waterway corridors, commercial and residential properties, among others. While the Plan primarily addresses public trees, all trees across ownership types and the care of these trees contribute to overall urban forest health, sustainability, and associated benefits.

To present an analysis of the current conditions of Fayetteville's urban forest, tree populations in these landscapes are characterized by the type of setting and land ownership type (public or private) and the responsibility for maintenance (City, property owner, or other). In the following section, analyses are first summarized for the public street tree population, and private trees are then incorporated into the summary by describing the citywide urban tree canopy cover.

Public trees are comprised of trees along streetscapes, in medians, alleys, parks, open space, and natural areas on City-owned land. The City is primarily responsible for the maintenance of these trees and the Urban Forestry Management Plan focuses on the public street trees. View the illustration below for a summary of the tree types in Fayetteville.

RESULTS OF THE 2022 PUBLIC TREE SAMPLE INVENTORY

Fayetteville's urban forest is a diverse ecosystem consisting of young and mature trees of varying species, function, and associated benefits. As part of the planning process, a sample inventory was conducted for public trees and private trees (utilizing public rights-of-way for visual assessments). A total of 2,712 public trees were inventoried and research and analysis were applied to estimate the total public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.



Figure 5. Illustration of the types of trees in Fayetteville.

Based on the sample and assumptions, it is estimated that Fayetteville has 25,000 tree that are in maintained areas of public parks and street rights-of-way.

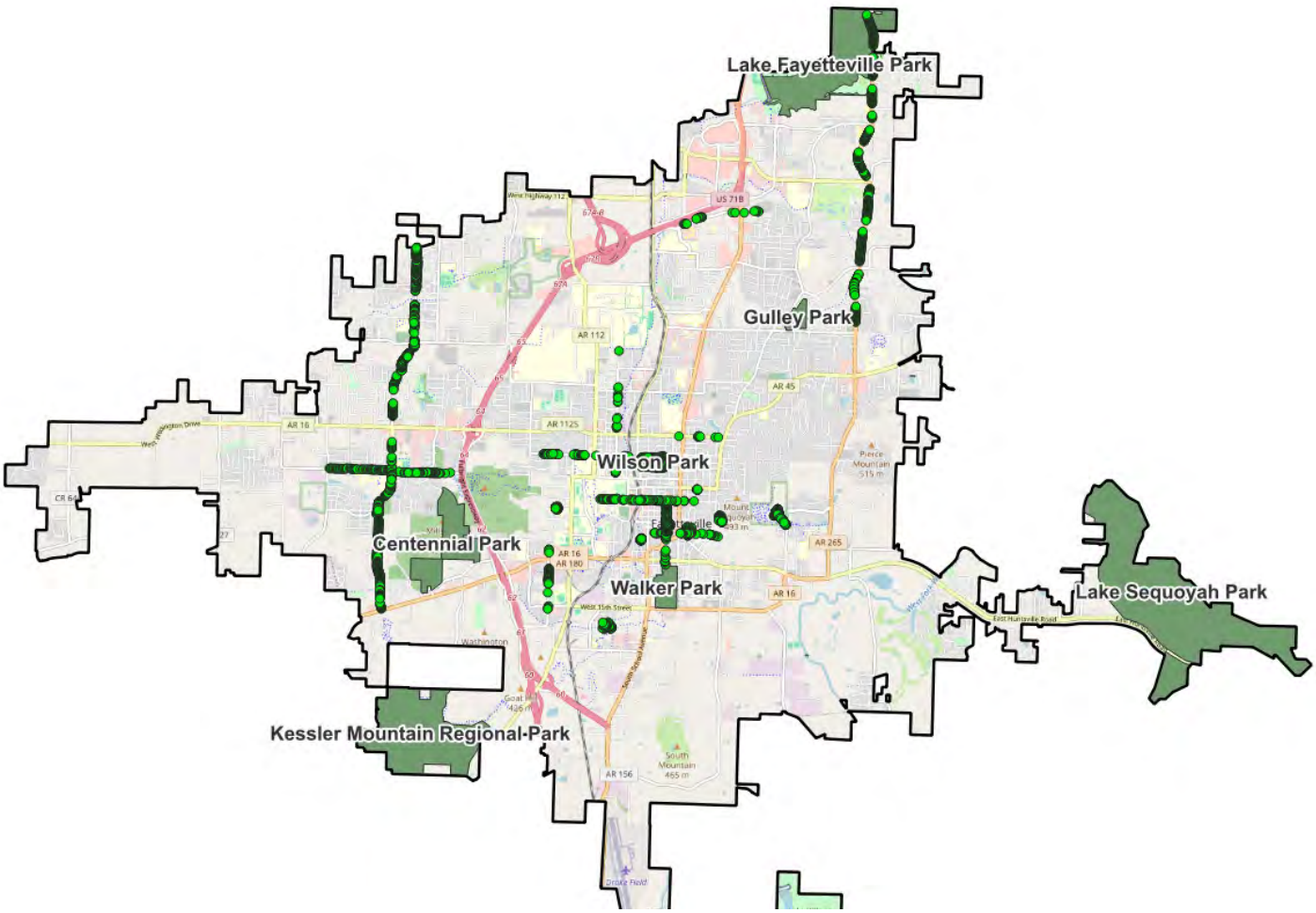


Figure 6. Overview of the sample inventory of public trees completed in 2022.

For more detailed information, refer to the Supplement Tree Inventory Summary.

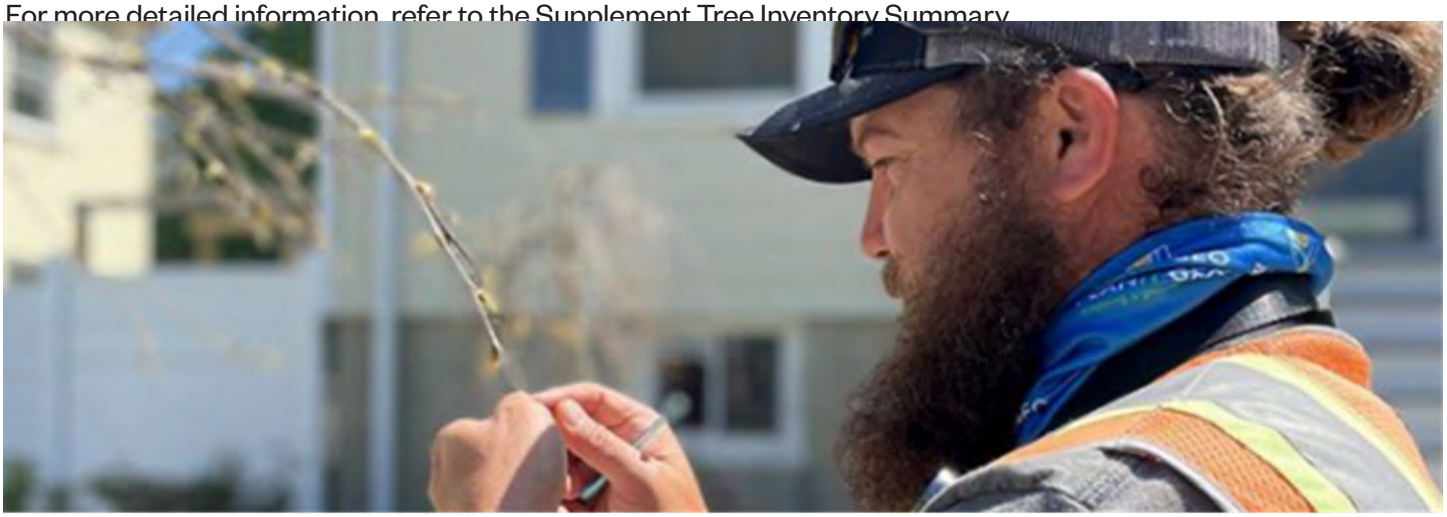


Photo showing a Certified Arborist examining the tree buds to accurately identify the species.

TREE INVENTORY OVERVIEW

In October 2022, a sample inventory of public and private trees in Fayetteville was conducted by Certified Arborists accredited by the International Society of Arboriculture.

The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forestry Management Plan. The tree inventory was intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the Plan.

Note, the sample public and private tree inventory analysis was conducted in October 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changed since the analysis. Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in the Tree Inventory Supplement.

SUMMARY OF THE PUBLIC STREET TREE POPULATION



7%
Princeton elms (*Ulmus americana* 'Princeton')



6%
Post oaks (*Quercus stellata*)



6%
Willow oaks (*Quercus phellos*)



111 unique public tree species



75% of public trees in good condition



55% of public trees are 0 to 6 inches in diameter

Figure 7. Overview of the species results of the 2022 sample inventory of public trees.

INTERPRETATION OF PUBLIC TREE INVENTORY ANALYSES AND CITYWIDE ESTIMATES

To grow a healthy and diverse urban forest, the public tree population must be well understood and managed. The data from the 2022 sample tree inventory were examined and assessed to determine the species, size, health, structural integrity, quality of the growing space, and maintenance needs, among other key characteristics for management that is representative of the citywide public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.

SPECIES DIVERSITY

Species composition data are essential since the types of trees present throughout the City dictate the amount and type of benefits produced, tree maintenance activities required, budget considerations, and influences species selection for future plantings.

It is estimated the current public tree population consists of 111 different species and 54 unique tree genera— relatively average in terms of species diversity in the region based on benchmarking research. Princeton elms comprise the highest percentage of trees with 7% of the total tree population, followed by post oaks at 6% and willow oaks with 6%. The top ten most common species make up 44% of the total public tree population— slightly lower than average compared to benchmarking research— which is a potential indicator of a healthy level of tree species diversity. If the most common tree species comprise less than half of the population, it may be a sign that the tree population is relatively diverse due to the number of unique tree species and their frequency of occurrence. The remaining 56% of public trees are made up of other species that are primarily pin oaks, blackgums, red maple, northern red oak, baldcypress, and hackberry.

Size and Relative Age Distribution

The distribution of public tree ages and size classes influences the structure of the citywide urban forest and impacts present and future management costs. An unevenly aged urban forest offers continued flow of ecological benefits and a more uniform workflow allowing managers to more accurately allocate annual maintenance schedules and budgets.

To optimize the value and benefits of Fayetteville's trees, the public tree population should have a high percentage of large canopy trees which provide greater ecosystem benefits. On the other hand, there must be a suitable number of younger, smaller trees in the urban forest to account for and eventually replace large and mature trees in decline. Having a healthy percentage of young trees in the urban forest will ensure a sustainable tree population.

To compare Fayetteville's urban forest structure to industry-recommended standards, the "ideal distribution" is used (Richards, 1983 and 1993). The diameter at breast height ("DBH" measured at 4.5-feet above grade) is used to measure relative age.

Overall, based on the sample inventory and estimated public tree population, the size distribution of Fayetteville's public tree population is similar to the ideal age distribution. Generally, an ideal distribution has a larger proportion of small diameter trees compared to larger diameter trees. Specifically, an ideal distribution for public trees consists of:

Ideal Distribution of Public Tree Size Classes versus Fayetteville's Distribution

	Ideal Distribution	Fayetteville Distribution
Tree in the 0-6 in class/ Young trees	40%	55%
Trees that are 6-12 class	25%	19%
Trees that are 12-18 class	15%	14%
Trees that are 18-24 class	10%	6%
Trees that are 24-30 class	6%	4%
Trees that are over 30" DBH	4%	2%

Table 2. Comparing public tree size classes

It is estimated that 55% of Fayetteville's public trees are in the 0-6-inch class compared to the recommended 40%. In contrast, the City also has less 6-12-inch trees (19%) compared to the ideal distribution of 25%.

The remaining size classes are within 4% of the ideal percentage.

The size and relative age distribution of Fayetteville's public trees indicates the population is relatively young given the City has more small-diameter trees and fewer trees than the ideal percentage for each of the larger size classes. This distribution may be an indication of an increase recently in planting efforts. The City should expect a growing demand for maintenance as the large number of young / small trees mature.



CONDITION

Tree characteristics and environmental factors affect the management needs for urban trees. An analysis of the condition can provide an indicator of how well the trees are managed and how they are performing given site-specific conditions. Understanding current and changing conditions plays an important role in planning, budgeting, and resource allocation. Tree maintenance needs are assigned for public safety reasons and by tracking these needs, managers are able to better plan and manage Fayetteville's public trees and the citywide urban forest.

The sample inventory of public trees was analyzed and extrapolated to identify potential trends in tree condition and the management recommendations to improve condition or minimize the deterioration of tree condition. Each inventoried tree's health was evaluated by ISA Certified Arborists based on the condition of the wood and the foliage as well as the structure.

Based on the analysis, it is estimated that three out of four public trees (75%) are in good condition and 15% are in fair condition with only 5% of trees in poor or dead condition. The dead trees or trees noted for removal should be addressed and planned for immediately. Trees classified as "Fair" or "Poor" should be examined to determine the necessary mitigation or plant health care, if any, to improve their condition.

OBSERVATIONS AND DEFECTS

Tree observations (or defects) were recorded during the 2022 sample inventory to further describe a tree's health, structure, or location when more detail was needed. A total of 20 observation categories were available for the arborists to note during the inventory. The public trees were noted to have 11 of the 20 categories. For more detailed information, refer to the Tree Inventory Summary Supplement.

A total of 1,283 observations were recorded during the tree inventory. Crown dieback was the most frequent observation recorded. It is estimated that 30% of the citywide public tree population has some level of crown dieback and 6% have cavity decay present. Mechanical damage due to lawnmowers, weed trimmers, construction, or other may comprise 5% of the public tree population followed by poor structure with 4%.

Of the recordings, 17% of the observations or defects may be preventable or mendable meaning the defects or concerns observed are primarily human-caused. For example, poor structure can be prevented or limited with proper young tree pruning, implementing best practices and standards would prevent or reduce the number of improperly pruned trees, and poor root systems can be prevented by choosing quality tree nursery stock, proper planting, and amending soils. Trees with poor location and/or hardscape damage observations could have been prevented by choosing the appropriate species for the site and ensuring adequate root space. Lastly, adequate mulch rings, growing space, grates, and awareness would reduce the count of mechanical damage observations. The data also shows the impacts of deferred maintenance. Also, about 35% of the observations recorded could be addressed or prevented with proactive pruning and/or plant health care.

MAINTENANCE NEEDS

It is estimated that 8% of the public tree population requires clearance pruning while only 6% require removal, 3% need pruning for clearance around utilities, and 1% require routine pruning or crown cleaning. The low percentage of maintenance needs may be an indicator of the City's current practices of conducting routine proactive pruning of public trees across the City. Newly planted trees should be structurally pruned (training pruned) within five years of planting though it was not an observable need in the recorded sample inventory.

Young tree training pruning is performed to improve tree form or structure; the recommended length of young tree pruning cycles is three years since young trees tend to grow at faster rates (on average) than more mature trees. The young tree cycle differs from a routine pruning cycle in that these trees generally can be pruned from the ground with a pole pruner or pruning shear.

The objective is to increase structural integrity by pruning for one dominant leader in most cases for most tree species. Young tree training pruning is species-specific, since many trees may naturally have more than one leader. For such trees, young tree training pruning is performed to develop a strong structural architecture of branches so that future growth will lead to a healthy, structurally sound tree. In addition to training pruning, young trees may also require additional maintenance such as added or amended mulch, watering, added or removed stakes and ties, and/or clearance of debris and litter. These needs can potentially be addressed during young tree training pruning.

Trees included in the young tree training pruning cycle are generally less than six inches DBH. These younger trees sometimes have branch structures that can lead to potential problems as the tree ages. Potential structural problems include codominant leaders, multiple limbs attaching at the same point on the trunk, crossing/interfering limbs, or dead/diseased/damaged limbs. If these problems are not corrected, they may worsen as the tree grows, increasing risk and creating potential liability.

INTERPRETATION OF PRIVATE TREE ANALYSES AND ESTIMATES

Though less data was collected for private trees during the 2022 sample inventory, this data is valuable in providing information about the citywide urban forest. A total of 850 private trees were inventoried from the public rights-of-way. Based on industry research and benchmarking of comparable cities, it is estimated that there are 80,000 trees in maintained areas of private property.

Using the sample inventory and an analysis that extrapolated the data, it is estimated that most tree species are oaks or Quercus with 19%, maples or Acer with 12%, and pines or Pinus with 9%. The top ten most common tree genera comprise 78% of the private tree population whereas, the top ten most common tree species comprise 57% of the population. The most common tree species include pin oaks (9%), loblolly pine (8%), red maple (8%), arborvitae, London planetree, hackberry, eastern redbud, eastern red cedar, Princeton elms, and black cherry. Most private trees are in the 0-6-inch class with 39%, followed by the 12-18-inch class (23%) and trees in the 6-12-inch class with 20%. Only 2% of private trees are greater than 30 inches.

Similar to public trees, it is estimated the private tree population is primarily in good condition (70%) with only 4% in poor condition and 2% consist of dead trees.

Based on the Certified Arborists observations of private trees from the public rights-of-way, it appears that the most common maintenance needs are pruning for clearance (9%), removing hardware from trees (6%), and utility pruning (2%).

Summary of Tree Inventory Analysis

Understanding the extent, structure, condition, characteristics, and maintenance needs of public trees enables Fayetteville's Urban Forestry Program and Transportation Department's right-of-way crews to effectively budget, plan, and address maintenance and planting needs in a sustainable, safe, and equitable manner. A comprehensive citywide public tree inventory is recommended in the Plan, and it is essential that the City maintain the data and routinely update the inventory.

For private trees, understanding the extent, health, composition, and other factors provides the Urban Forestry Program with a better picture of the entire urban forest. Challenges such as pests and diseases, invasive plant species, climate resiliency, among other threats to the urban forest can be addressed for private trees by providing resources, education, training, and other support to property owners to support growing a sustainable and resilient urban forest.

As stated at the beginning of this section, additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in Tree Inventory Summary supplement.



CURRENT CONDITIONS OF THE CITYWIDE URBAN FOREST : TREE CANOPY COVER OVERVIEW

An assessment of tree canopy cover citywide provides the data and information to develop goals and strategies relating to tree planting, preservation, tree equity, and risk management along with the data to support community outreach and education. These urban tree canopy assessments, referred to as "UTC Assessments" or "Tree Canopy Assessments" and "TCA's" provide the information for long-term planning and serve as a measurement of change and progress over time.

This information can be utilized with other city planning efforts for sustainability, equity, human health, climate resiliency, stormwater management, water quality, wildlife preservation and enhancement, air quality improvements, and development guidelines among many others.

UTC assessments provide a baseline understanding of existing canopy cover across the entire city. In addition, these assessments provide an analysis of possible planting areas citywide and by various planning boundaries. This assessment for Fayetteville represents an important step in better understanding current conditions of the urban forest, its tree canopy distribution and value, and the importance of urban forestry during planning processes. This baseline assessment should be utilized in measuring progress resulting from implementing this Plan.

URBAN TREE CANOPY (UTC) FINDINGS - OVERVIEW

A consultant provided an analysis and a report with recommendations on Fayetteville's tree canopy cover change from 2002 to 2010, and in 2020, the City's Geographic Information System (GIS) Department assessed the existing tree canopy and possible planting areas citywide using imagery from 2013, 2015, 2017, and 2019. The historical imagery and related assessments provide information on the canopy change over time though this section focuses on the most current assessment from 2019. The summaries below provide an overview of the baseline conditions relating to urban tree canopy cover and possible planting area in the City. For more information on GIS methodology, see GIS Study

2019 UTC Findings – Citywide The City of Fayetteville is 55.8 square miles in size. Tree canopy covers 22.0 square miles of this area (39.4%) according to 2019 imagery

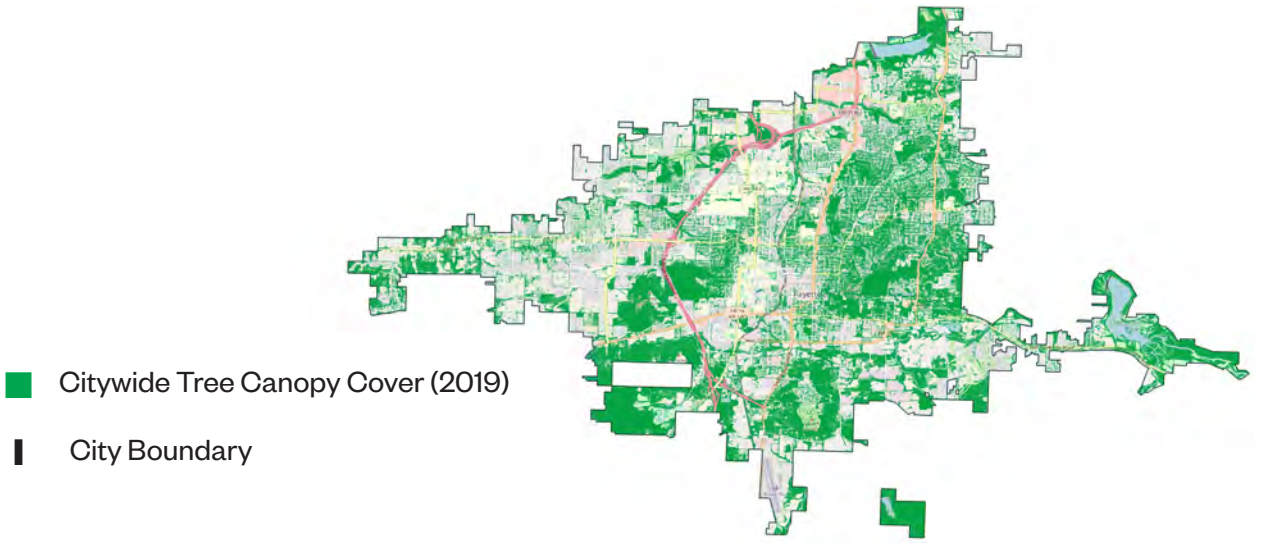


Figure 8. Map displaying the tree canopy mapped from 2019 imagery.

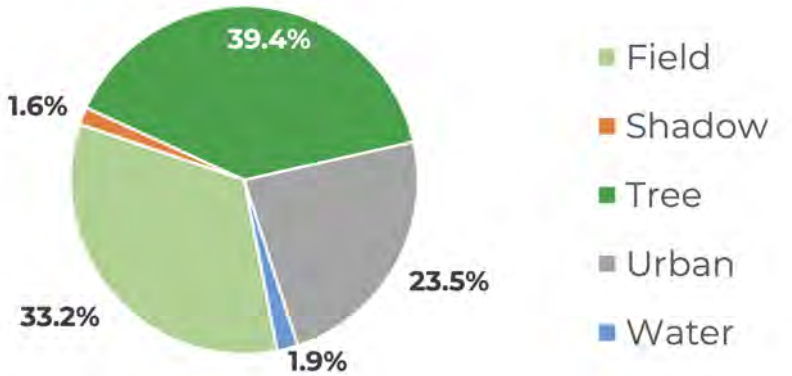


Figure 9. Citywide tree canopy results (2019). Source: City of Fayetteville



Figure 10. Examples of the land cover classes.

SPECIAL CONSIDERATIONS AND VULNERABILITIES

By measuring changes in tree canopy cover, city planners, urban forest managers, and policymakers can understand how changes and regulations in the urban landscape are affecting the health and vitality of the City, as well as the quality of life of residents. Secondly, tree canopy cover is a key indicator of urban forest health. Urban forests are dynamic systems that are impacted by a variety of factors, including urbanization, climate change, and invasive species. By analyzing changes in tree canopy cover over time, planners can take action to address the underlying causes of tree canopy loss or tree health decline.

Change in tree canopy cover can also be used to inform future policy and decision-making. For example, by tracking changes in tree canopy cover over time, city planners can identify areas where new trees may need to be planted to maintain or increase overall canopy cover. The information can also be used to inform land-use planning and development decisions, such as determining where to locate new parks or green spaces.

In Fayetteville, the Urban Forester within Development Services actively monitors and tracks tree canopy cover change through development regulations and is supported by the Urban Forester in Parks, Natural Resources and Cultural Affairs. Comprehensive worksheets and data are utilized to track on a monthly and yearly basis. The tracking includes forecasting the future canopy growth and loss.

In addition to this extensive tracking system, the City completed tree canopy assessments for four time periods—2013, 2015, 2017, and 2019. The following provides a summary of the canopy cover change that was utilized to inform the long-term canopy goals and priority planting areas discussed in the following section.

LAND COVER CHANGE OVER TIME*

From 2013 to 2019, the canopy cover decreased from 43.0% to 39.4% and the land cover classified as field decreased from 41.0% to 33.2%. Urban land cover increased by 3.5% going from 20.0% to 23.5%. This is an increase of 1,400 acres or 2.2 square miles of urban land since 2013. The data is representative of the changes occurring in the City over time as development increases.

* Note: Technology (e.g., data, imagery, resolution) for canopy assessments continues to improve. The 2019 data is the most accurate. For this comparison, GIS used the same city boundaries from 2013 to 2019. (For more informaion see GIS Study)



Figure 11. Examples of the land cover classes analyzed as part of the 2019 tree canopy study.

CANOPY REQUIREMENTS IN CHAPTER 167 TREE PRESERVATION AND PROTECTION ORDINANCE

Chapter 167 of Fayetteville's Code of Ordinances regulates and monitors tree canopy cover change in the City. The chapter addresses canopy cover preservation, afforestation, and mitigation and the regulations and procedures vary depending on factors and considerations such as the zoning designation, the type or size of a project, and the quality of the tree canopy removed.

The table below summarizes the tree minimum canopy cover requirements by zoning designation that are factored into the canopy goals recommended in the Urban Forestry Management Plan. Note, the zoning designations in the table below are consolidated into generalized categories. Specific zoning designations and details for each are available in Table 1 of Chapter 167.04.C.

REGULATING TREE CANOPY COVER

Zoning Designation (consolidated)	Percent Minimum Canopy
Residential (includes single-family, residential office, residential intermediate, multi-family)	15-25% (depending on designation)
Neighborhood Services (includes limited and general)	20% (for both sub-categories)
Neighborhood Commercial	20%
Community Services	20%
Thoroughfare (includes commercial and urban thoroughfare)	15% (for both categories)
Central Business Commercial	15%
Downtown Core	10%
Main Street Center	10%
Downtown General	10%
Neighborhood Conservation	20%
Heavy Commercial & Light Industrial	15%
General Industrial	15%
Institutional	25%
Planned Zoning District* (Hillside/Hilltop Overlay District, "HHOD")	25% (30%)
All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.	

Table 3. Minimum canopy requirements by zoning designation according to The Tree Preservation and Protection Ordinance.

TREE CANOPY EQUITY

Tree canopy is often not distributed equitably across city landscapes and ownership types. The American Forests organization created the Tree Equity Score (TES, www.treeequityscore.org) tool to measure tree equity across 150,000 U.S. neighborhoods and 486 municipalities in urban areas. Each community's TES indicates whether there are enough trees for everyone to experience the health, economic, and climate benefits that trees provide. The scores are based on how much tree canopy and surface temperature align with income, employment, race, age, and health factors. A 0- to-100-point system makes it easy to understand how a community is doing.

With the knowledge the score provides, Fayetteville's community leaders, tree advocates, and residents alike can address climate change and public health through the lens of social equity, attract new resources, factor the scores into technical decisions, guide implementation of the 2023 Urban Forestry Management Plan, and track progress toward achieving tree equity.

A score of 100 represents tree equity. Based on a 2022 analysis, Fayetteville's overall tree equity score is 87 out of 100. Based on the nationwide dataset for 197,505 U.S. Census-defined urban areas, the average score is 85 (as of 2023).

EQUITY IN TREE CANOPY COVER (TREE EQUITY SCORE TOOL)

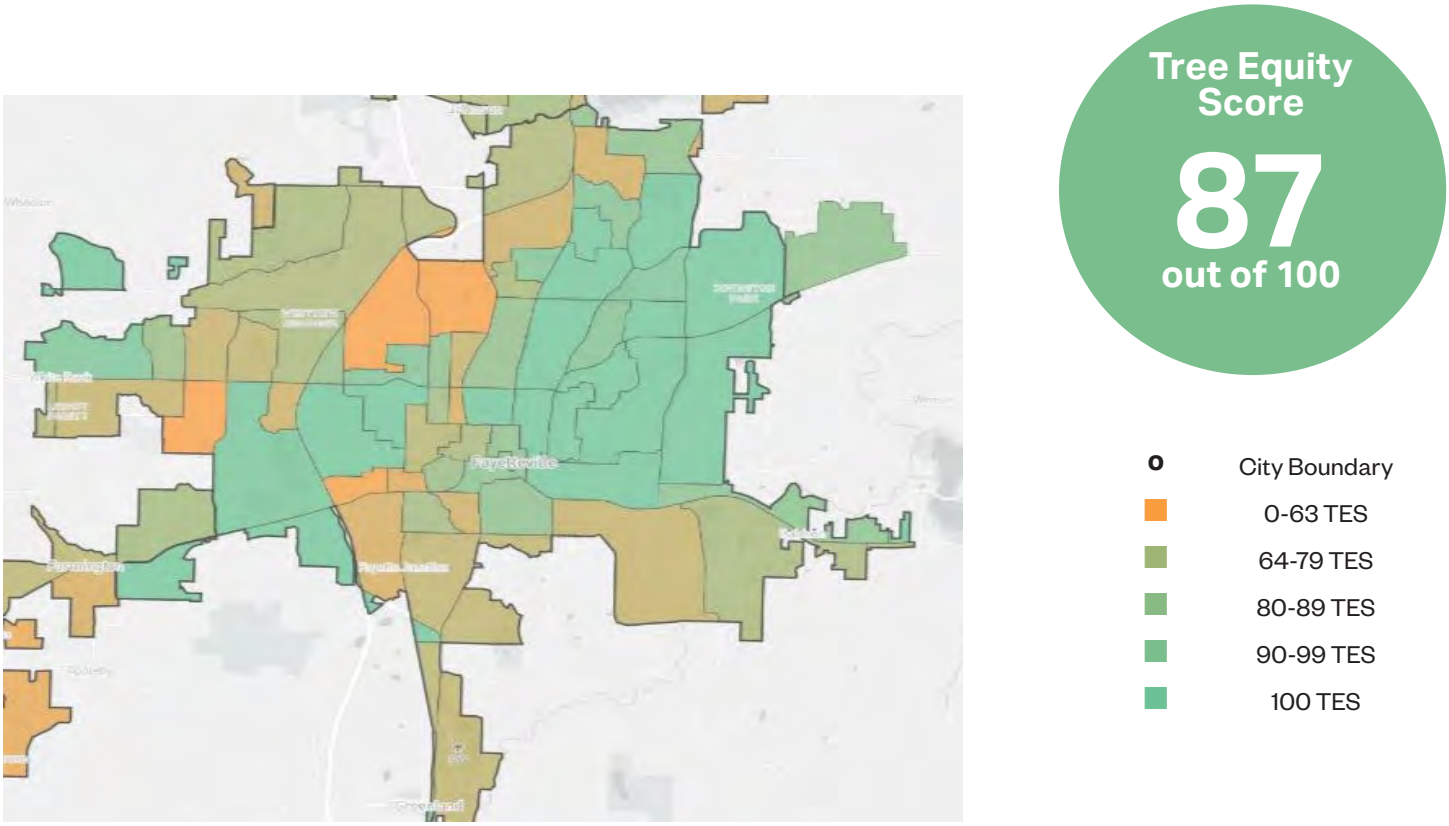


Figure 12. Map showing the Tree Equity Scores for Census Block Groups in Fayetteville. Source: American Forests' Tree Equity Score Tool

The map above displays the Tree Equity Scores for each U.S. Census Block Group within the City of Fayetteville based on the data inputs listed in the figure above.

Compared to other cities in the state, Fayetteville's Tree Equity Score of 87 is the second highest score out of 10 Arkansas cities in the study (see figure on the next page) and has the fourth highest score out of eight U.S. cities commonly used in comparing Fayetteville (see figure on the following page). This score for Fayetteville is based on a combination of metrics listed in the figure above for 47 Census Block Groups (CBG) comprising the City and averaged for a combined total score.

TREE EQUITY SCORE INPUTS

Existing Canopy

Population Density

Income

Employment

Surface Temperature

Race

Age

Health

COMPARISON OF TREE EQUITY SCORES IN ARKANSAS: AVERAGE SCORE: 77

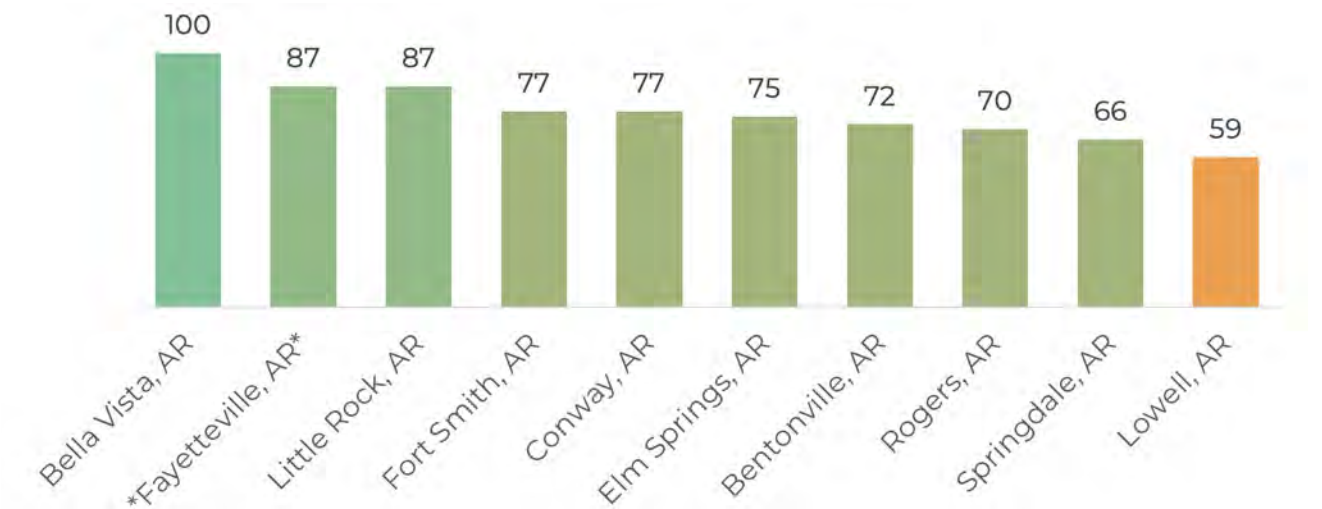


Figure 13. Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas cities based on a 2023 study. Source: American Forests' Tree Equity Score Tool

*Note, the Tree Equity Score tool utilized data from EarthDefine and found the canopy cover percentage to be 35.6%, the UFMP utilizes the 39.4% determined by the City. The numbers by EarthDefine are only used for this comparison. For more information about the data sets and input refer to https://www.treeequityscore.org.

COMPARISON OF TREE EQUITY SCORES IN SELECT U.S. CITIES: AVERAGE SCORE: 87

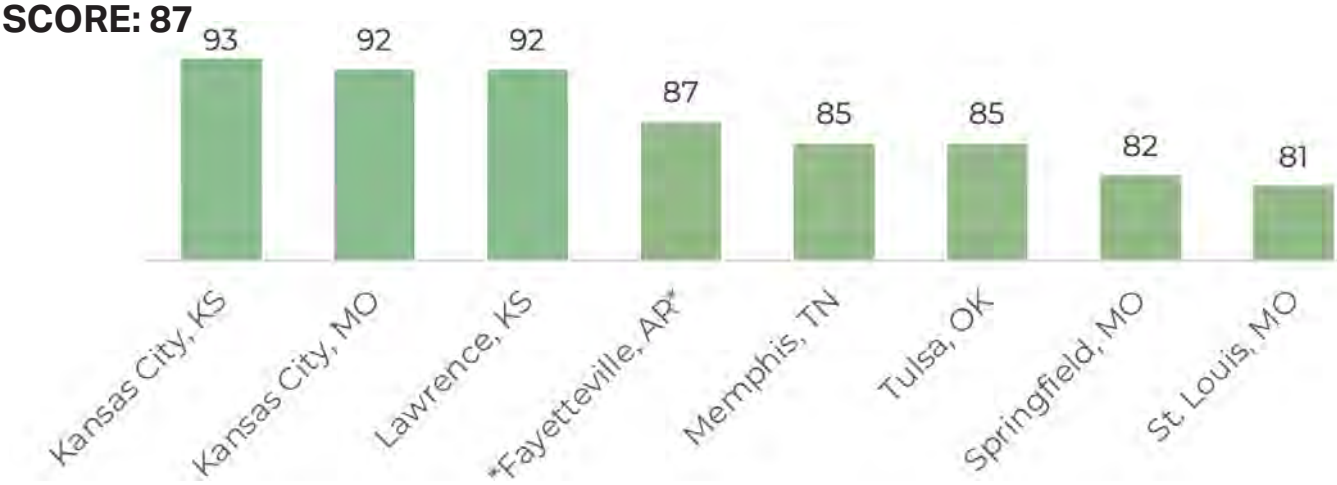


Figure 14. Tree Equity Score comparisons for select U.S. cities. Source: American Forests' Tree Equity Score Tool

TREE EQUITY DISCUSSION

In the past few years, regional partners are increasingly acknowledging and confronting the past practices, current perceptions, and accelerating progress to ensure that communities, landscapes, and policies are more intentional about enhancing historically disinvested areas.

Driven in part by Fayetteville's Urban Forestry Management Plan and other City/regional initiatives, ambitious goals to increase tree canopy in areas of greatest need are taking hold. Although the City would oversee and monitor these canopy goals, the effort would inevitably require extensive support from all City departments, community-based organizations, and others aiming to prepare for a hotter and drier climate while development increases.



Figure 15. An example of higher tree canopy cover east (right) of North Gregg Avenue in the center of the image compared to areas west of the route. Source: Google Earth 2021 imagery

EASEMENTS

City easements refer to the legal rights granted to a city, utilities, or municipality to use certain portions of private property for public purposes, such as the installation of utilities or the construction of public infrastructure like sidewalks or roads. In Fayetteville, city easements can lead to the loss of tree canopy cover if not managed properly or if regulations do not adequately preserve and protect the existing trees.

When the City constructs public infrastructure like sidewalks or roads, they may need to remove trees that conflict with the design and function. In some cases, easements may restrict the planting of trees or other vegetation that could interfere with the infrastructure or utilities that are installed. This restriction can limit the ability to plant new trees and thus limit the potential for future tree canopy cover. Also, the installation of underground utilities in City easements can damage tree roots, which can lead to tree decline or death. When trees are damaged or killed due to City easement activities, the tree canopy cover can be significantly reduced. In addition, maintenance activities such as pruning or tree removal may be necessary in easements to ensure the proper functioning of public infrastructure. However, if not done properly, these activities can result in the loss of tree canopy cover.

Easements where canopy is vulnerable were analyzed to determine the existing tree canopy cover within to support the strengthening of regulations, monitoring, and management efforts guided by this Plan. An analysis of tree canopy within Fayetteville's easements was conducted in 2023 utilizing the City's 2019 tree canopy data. The City contains a number of different types of easements ranging from access, avigation, conservation, drainage, utilities (e.g., gas, sewer, and water), grading, landscape, private, sidewalk, telephone, trail, tree preservation, and vacated. The potential for tree canopy gains and losses largely depends on the intended use of the easement, responsible parties, and the regulations.

CITY EASEMENT TYPES

- Conservation
- Tree Preservation
- Drainage
- Utilities

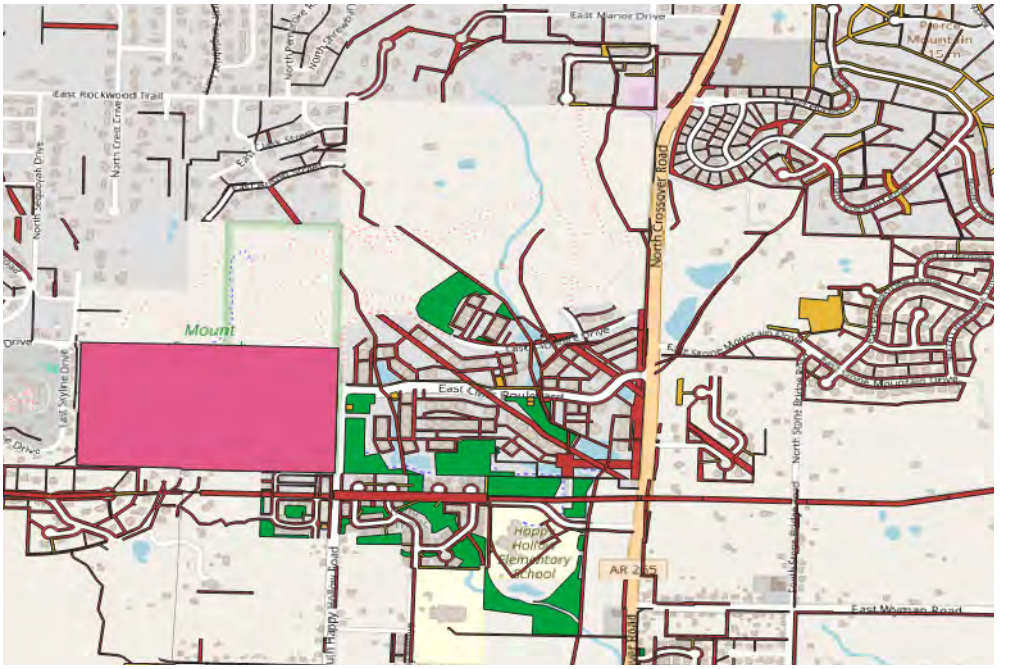


Figure 16. Examples of the types of easements found in the City of Fayetteville.

The table and map below describe the easement types vulnerable to canopy loss.

Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements")	Areas to Proactively Preserve Canopy
Conservation, Tree Preservation	Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Table 4. Potential vulnerability to canopy loss by easement type.

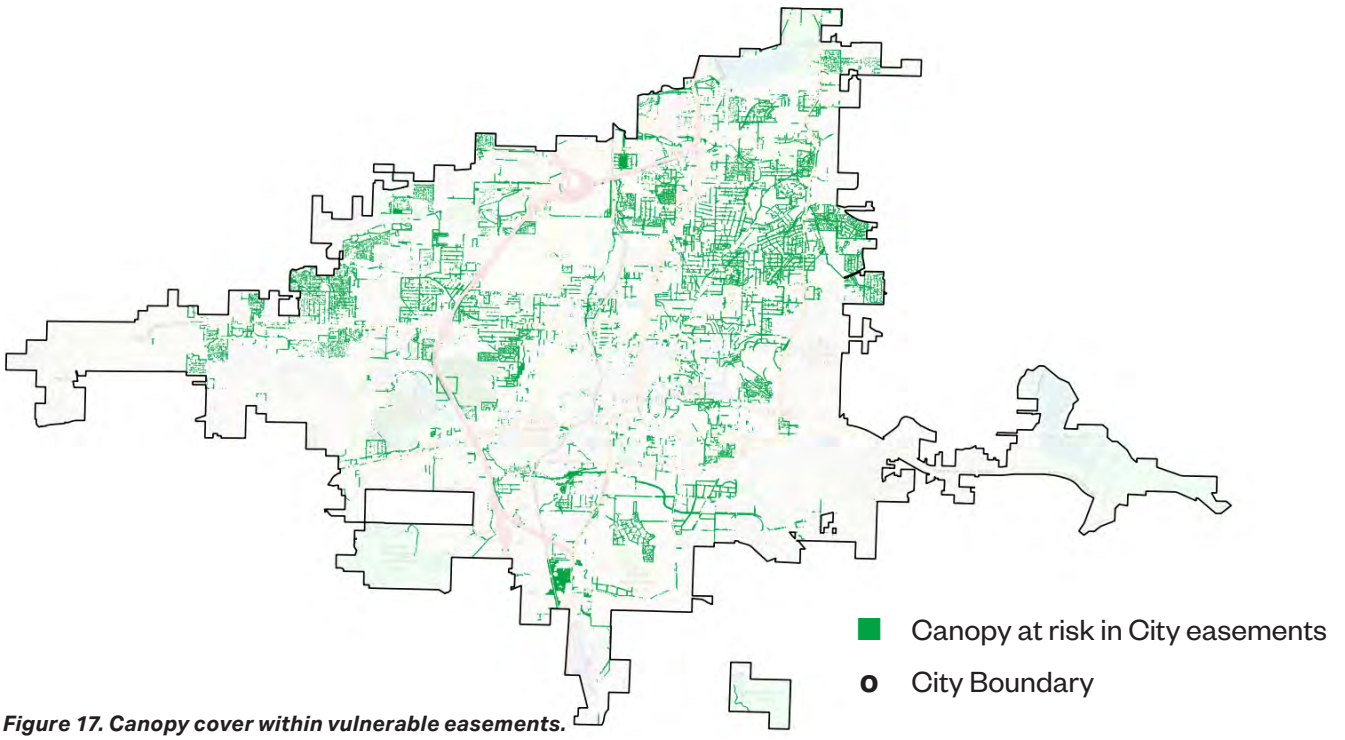


Figure 17. Canopy cover within vulnerable easements.

Acres of Vulnerable Easements	Acres of Canopy in Vulnerable Easements	% Canopy of Vulnerable Easements	Impact on Citywide Canopy Cover
3,981 total acres of vulnerable easements	1,015 acres of canopy in vulnerable easements	25% canopy within vulnerable easements	2.6% potential loss (39.4% reduced to 36.8%)

Table 5. Summary of vulnerable canopy in City easements.

Based on these categories, the vulnerable easements amount to a total of 3,981 acres and within that area, there are a total of 1,015 acres of canopy or 25%. The 1,015 acres of canopy represents 7.2% of the total citywide canopy cover (14,081 acres). This means that if the trees in these easements are not protected and canopy is removed, the City's canopy cover of 39.4% would be reduced to 36.8%.

NATIVE PRAIRIE



Photo of Wilson Springs Preserve, a 121-acre preserve with the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region. Source: City of Fayetteville

Fayetteville's native prairie land is a rare and valuable ecosystem that is home to a diverse array of plant and animal species. Historically, areas of the City were covered in tallgrass prairie, which supported a variety of grasses, wildflowers, and other plants, as well as large grazing mammals like bison and elk.

Today, much of Fayetteville's native prairie land has been converted to other land uses, such as agriculture, urban development, and transportation infrastructure. However, there are still some remnant prairie areas in and around the City that provide important habitat for native plant and animal species.

One example of a native prairie area in Fayetteville is the Wilson Springs Preserve, a 121-acre site that is the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region (Northwest Arkansas Land Trust). In considering a plan for Fayetteville's urban forest and goals to increase tree canopy cover, it is important to evaluate areas of the City where it may not be preferable or permitted to plant trees. While some native prairie lands have been lost to development and other areas are being restored, it's important to consider the native habitats and ecosystems and whether they support growing trees that survive and thrive.

Based on GIS maps provided by the Northwest Arkansas Land Trust (NWALT) and the City of Fayetteville, there are areas of the City that may lend themselves to prairie restoration. The following map provides an overview of these native prairie lands.

CANOPY COVER IN HISTORIC NATIVE PRAIRIE LAND

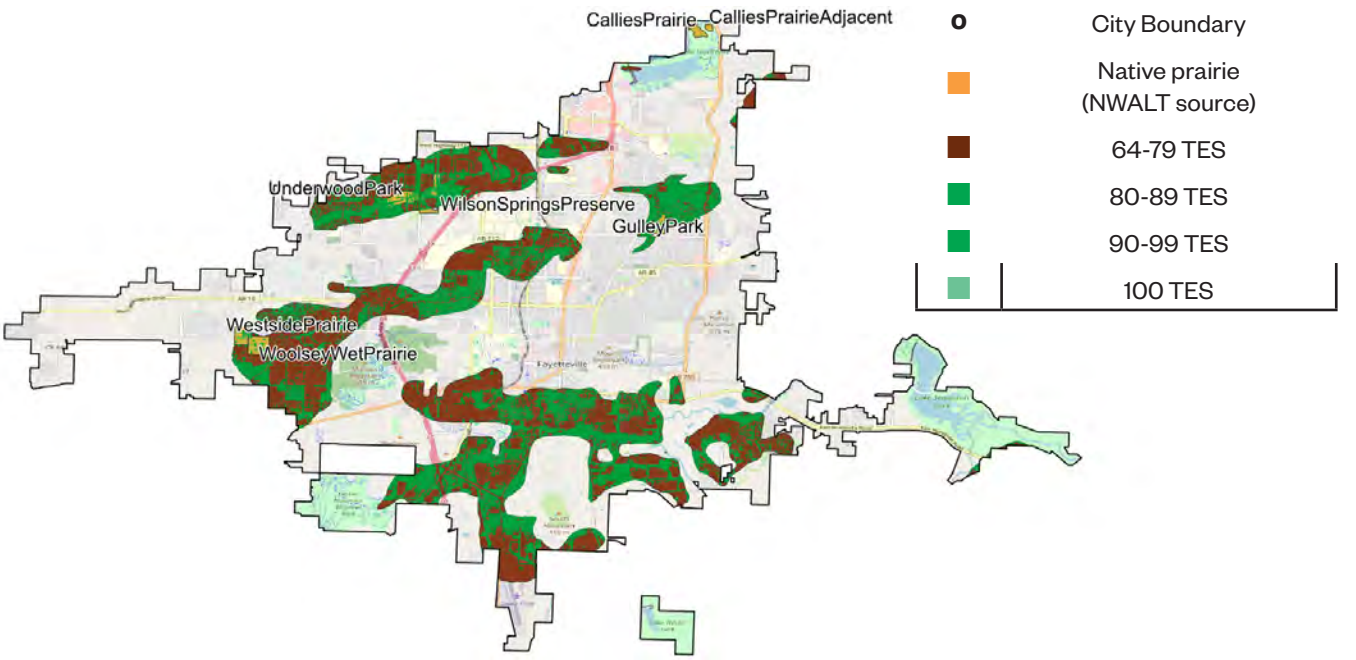


Figure 18. Map of the canopy within native and restored prairie land.

Total Prairie Acres	Total Canopy in Prairies	% of Canopy within Prairies
9,769 total native prairie land acres	1,957 total canopy acres in native prairie land	20% canopy in native prairie land

Table 6. Summary of the land acres and the canopy cover within native prairie land.

Protected Prairie-related Areas	Acres*
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	**252 acres**

Table 7. Summary of the protected prairie-related areas. Source: City of Fayetteville

* Total acres may include land area that is not prairie, for example, Wilson Springs Preserve and Underwood Park

As shown in the map and tables above, the City has nearly 10,000 acres of land that was native prairie land. 20% of the native prairie land contains tree canopy which amounts to 1,957 acres of canopy. Over time, the City and organizations have actively restored and protected or preserved portions of this native prairie land as shown in the previous table.

Based on the figures provided by the City, 252 acres of prairie have been restored and/or protected while other native prairie land has been reshaped by development or is vulnerable. In Appendix A priority planting areas are explored with a consideration to preserve or restore native prairie land by not introducing trees into the landscape.

UNIVERSITY AND INSTITUTIONS



Aerial phote view of the University of Arkansas campus. Source: University of Arkansas

The University of Arkansas located in Fayetteville owns and manages the urban forest within its campus, while the City of Fayetteville manages the urban forest within its jurisdictional boundaries. The goals of managing the urban forest at the University may differ from those of the City. The University may prioritize aesthetics, education, and research, while the City focuses more on public safety, stormwater management, improving air quality, reducing the loss of canopy due to development, and improving human health and well-being.

While the urban forest within the University grounds contributes benefits to all city residents, the environment, and local economies, the City does not have authority to determine how canopy is preserved, expanded, or reduced. Therefore, an analysis was conducted to look at the amount of canopy on University grounds and the section of this Plan that discusses priority planting areas considers excluding these areas within the University.

TREE CANOPY COVER WITHIN THE UNIVERSITY OF ARKANSAS

University Acres	Canopy Area (Ac)	Canopy %
377 campus acres	22 acres of canopy on campus	6% canopy on campus

Citywide Acres	35,712
Citywide Canopy Acres	14,081
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059
Citywide Canopy % Excluding University	39.37%

Table 8. Canopy within University of Arkansas property

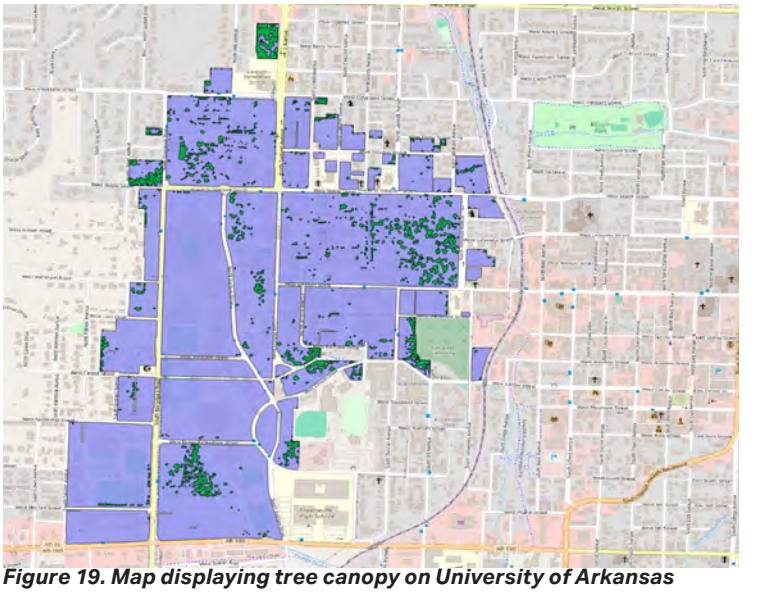


Figure 19. Map displaying tree canopy on University of Arkansas property within the urban core.

University of Arkansas property in urban core

Canopy within University of Arkansas property

As shown in the map and table above, an analysis of tree canopy cover within the University of Arkansas (UA) property in the urban core (excludes the UA Department of Food Science properties to the north) was completed as part of the study. A total of 377 acres of University property were mapped and it was found that within those areas, there are a total of 22 acres of canopy resulting in a 6% canopy for the University of Arkansas.

Hypothetically, if all trees were to be removed on the University property, the citywide tree canopy cover would be reduced from 39.43% to 39.37%. While the loss is not significant, the benefits the canopy provides to students, visitors, and residents warrant continued coordination and communication with institutions and stakeholders in the community. City development regulations, including for tree preservation, do not apply to the University of Arkansas as it is State property.

CURRENT TREE MANAGEMENT IN FAYETTEVILLE

The City of Fayetteville has a wide range of existing policies, regulations, and programs that are used to manage the City's urban forest. City departments engaged in Fayetteville's urban forest planning effort each bring important expertise, perspective, and resources to this commitment—to the tune of nearly $700,000 ($6.66 per capita) to manage approximately 42,000 public trees of which an estimated 25,000 trees are in maintained areas of streetscapes, parks, and properties.

Fayetteville is a leading city in urban forestry, having been recognized as a Tree City USA for 28 years, the fifth longest running designation in Arkansas. Fayetteville has also received more Growth Awards than any other city in the state, with 10 awards as of 2023.

PROGRAMS FOR MANAGING FAYETTEVILLE'S TREES

Department	Division	Count of FTEs*	Title	Certifications
Development Services	Development Review	1.00	Urban Forester	ISA** Certified Arborist
Parks, Natural Resources and Cultural Affairs	Parks Planning & Urban Forestry	1.00	Urban Forester	ISA Certified Arborist, ISA Municipal Specialist, ISA TRAQ***
Public Works	Park Maintenance	6.00	Urban Foresters	3 ISA Certified Arborists

Table 9. Summary of the departments and staff involved in urban forest management in Fayetteville.

* Full-time employee or full-time equivalent, ** International Society of Arboriculture, *** Tree Risk Assessment Qualification

SUMMARY OF PROGRAMS AND SERVICES

The Parks, Natural Resources and Cultural Affairs Department was reimagined and restructured in late 2021/early 2022 to give more focus to natural resources, arts, and culture in addition to the quality programming, greenspaces, and facilities it already provides. Prior to restructuring, it was referred to as the Parks and Recreation Department. A new 10-year Park and Recreation System Master Plan was completed in late 2022. This plan identifies themes set forth by the community to guide the growth and development of parks and it supports the goals of this Urban Forestry Management Plan.

The City's Urban Forestry Program within the Parks, Natural Resources and Cultural Affairs Department is overseen by one of the Urban Foresters and supports public street tree maintenance crews, the Urban Forester in Development Services, and the City's Urban Forestry Advisory Board.

Development Services' Urban Forester provides services related to development plan reviews and other supporting services. Specifically, the Urban Forester administers, reviews, and monitors regulations within Chapter 167 of Fayetteville's Unified Development Code titled, "Tree Preservation and Protection" and Chapter 177 "Landscape Requirements Code."

Public Works has six Urban Foresters in Public Works Park Maintenance for public street tree and park tree management. The Parks Maintenance Division was integrated into Public Works in 2021 and continues to support Parks, Natural Resources and Cultural Affairs in operations, facility improvements, and tree activities.

Sharing public tree maintenance and management responsibilities across departments can yield many benefits, such as utilizing limited resources efficiently. It is critical that workflows are clear and understood. Fayetteville's urban forest continues to grow and change, public awareness of the City's urban forest and its programs is increasing, and the beneficial impacts of trees to mitigate climate change are understood better than ever. In turn, it is anticipated the service demands will continue to rise, especially as the City implements the Plan's strategies to increase tree canopy cover. As service demand continues to increase so does the need to find methods to increase capacity and efficiency under strained fiscal support.



STAFFING LEVELS FOR URBAN FOREST MANAGEMENT

Many cities struggle to maintain adequate staffing and resource allocation. Available resources may cover short-term needs while neglecting important initiatives necessary to sustain long-term urban forest management. Determining and maintaining optimal staffing levels is critical to a program's efficiency. Optimal staffing depends on several factors including the number of public trees, how authority and responsibility is defined in the municipal code, internal and external expectations, customer service (i.e., the public), operations, and existing programs.

The City of Fayetteville's commitments to public health and safety, combating climate change, and addressing inequities translates into a growing demand for both long-term initiatives, and the staff to operate them. The growing urban forest will require increased staffing levels to achieve and maintain urban forest goals. Public Works and Development Services need to add full time employess to maintain the current level of services. As the City grows these positions will need to grow.

Some capacity and efficiencies for existing workloads can be improved through clarifications of roles, responsibilities, and workflows among City departments and divisions. Periodically examining program structures, staffing needs, and levels of service may identify ways to improve efficiencies, communications, and workflows within and among departments. Cities often consider consolidating their tree programs into one division or section to achieve these outcomes. Establishing a strong organizational structure with clear operating procedures is foundational in reducing future costs and addressing increased service demands.



TREE-RELATED PLANS AND REGULATIONS IN FAYETTEVILLE

Evaluating the alignment of existing policies and plans in Fayetteville with urban forest management elements ensures a strong connection among the programs that manage the urban forest and the projects and initiatives that support them. Proper alignment of urban forestry program recommendations reduces the risk of wasting resources and enables success of key projects that support urban forestry goals. Plans cannot live in isolation, therefore, cross-examining various plans and documents brings to light any projects or initiatives that are a misplacement of resources and time. Tree regulations in the City provide the foundation from which tree canopy cover can be preserved, protected, and expanded while aligning with industry standards and best practices. Regulations for trees on private property are the primary tools for urban foresters to guide private landowners and developers in sustainable practices.

RELEVANT PLANS AND STUDIES

Several documents and resources were reviewed and indexed as part of the information discovery process to develop the Urban Forestry Management Plan. These documents included:



City Plan 2040 (2020 update): The City of Fayetteville adopted its first comprehensive plan in 1970. The plan, and all of its subsequent updates and revisions, seek to establish a framework of goals, policies, and guidelines to direct future physical, economic, and social development.



Energy Action Plan (2018): This plan is structured around one overarching goal: reducing greenhouse gas emissions (GHG) for activities occurring in Fayetteville. While GHG reduction is the guiding goal, a host of co-benefits accompany these actions. The plan outlines ways that the City can increase energy efficiency, transition to cleaner fuel sources, improve public health outcomes, build more resilient local businesses, among other core principles.



Active Transportation Plan (updated February 2023): The plan serves as a guiding document for Fayetteville infrastructure and program development related to active transportation. It outlines a network of sidewalks, trails, and bicycle facilities to provide walkers, cyclists, and other users with clear pathways and connections to important city destinations.



Park and Recreation System Master Plan (2023): This plan was in development during the planning stage of the Urban Forestry Management Plan. In February 2023, the Park and Recreation System Master Plan was completed. It exemplifies the City's values in providing a thriving park system for all ages, abilities, and activities. The strategic plan will guide the future of Parks and Recreation for the next decade. It evaluated the existing conditions of the park network and identified areas for growth, improvement, and preservation.



Climate Action Plan: The goal of the Climate Action Plan will be to inform future policies, programs and actions undertaken by the City and to assist the City in its efforts to remain resilient to the anticipated changes in the climate to preserve the quality of life for those who live, work and play in Fayetteville.

The relevant plans and studies are summarized above to demonstrate the parallels among urban forestry and other planning efforts in the City. The Urban Forestry Management Plan's long-term framework aims to complement goals and policies within these City plans and studies that pertain to trees in Fayetteville. This evaluation of existing resources serves to reduce conflicting priorities in the City.

Tree Canopy Assessments (2002, 2010, 2013, 2015, 2017, 2019) and Studies (2020):

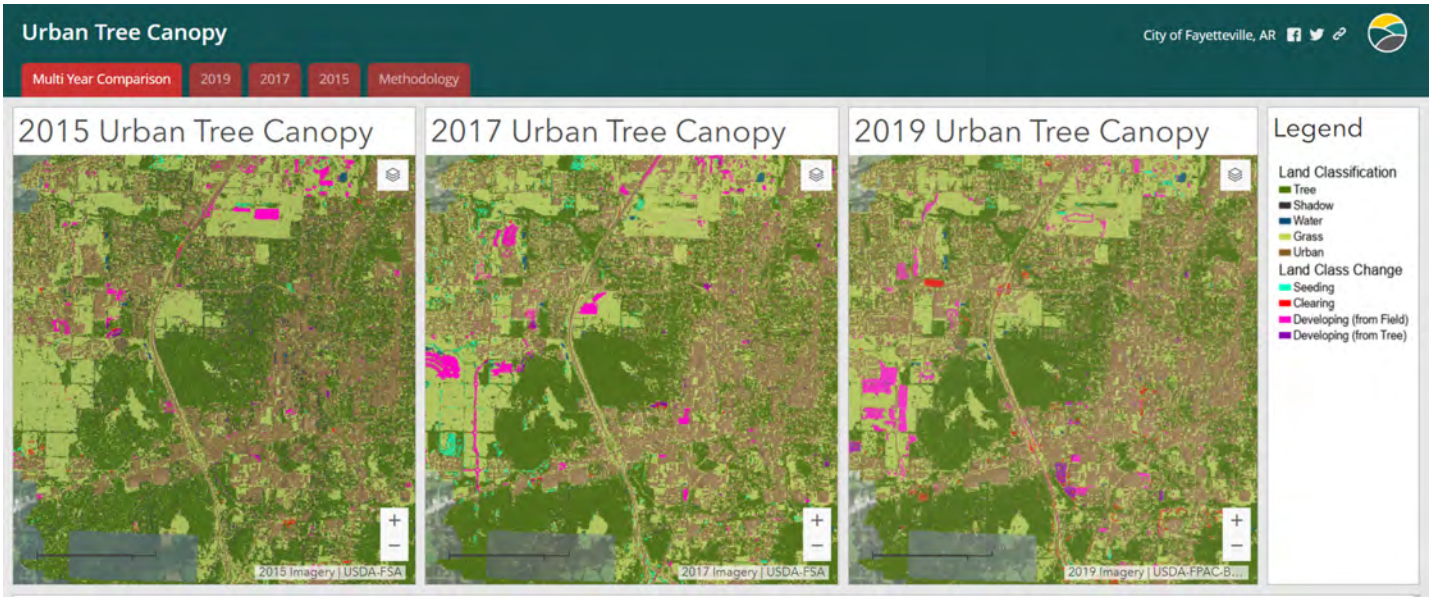


Figure 20. Comparison of canopy in 2015, 2017 and 2019

High-resolution GIS assessments of land cover were completed to identify the extent and opportunities for urban tree canopy cover. The City conducted these assessments based on 2002, 2010, 2013, 2015, 2017, and 2019 imagery to analyze canopy cover change. A consultant provided an analysis and report on the City's tree canopy cover change from 2002 to 2010 (in 2012), and in 2020, the City's GIS Department completed the Tree Canopy Cover and Environmental Equity study, report, and supporting web map for the 2013, 2015, 2017, and 2019 time periods to examine the correlations between canopy cover and socioeconomic data. (Tree Study)

The difference may be a result of canopy increase, improvements in technology, or as stated in the accuracy assessment for the 2012 UTC Assessment Report "The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, there is 99% confidence that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.0% likely underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). The accuracy assessment uses concepts defined as Quantity and Allocation disagreement (Pontius, et al., 2011) to estimate true land cover percent values based on statistical results" (see the "COF_Classification_Accuracy_Assessment_Document" PDF provided to the City in 2012 for more details). Therefore, 36% is likely underestimating the amount of tree canopy in 2010 by up to 8% meaning the canopy in 2010 could have been as high as 44%.

As shown in the previous figure, Fayetteville has demonstrated a proactive commitment to urban forest management by assessing tree canopy cover over several time periods and implementing the recommendations as resources allow. By monitoring the state of tree canopy cover, the City can better understand the urban ecosystem's health and make informed decisions. Fayetteville has also made strides in public and developer education on the significance of trees within the cityscape. Resources and guidance are provided to ensure responsible tree care and development practices, emphasizing the importance of preserving and enhancing the urban tree canopy. Additionally, the Urban Forestry staff have recognized policies and regulations that need to be updated to align with contemporary urban forestry standards, prioritizing the protection and growth of this vital green infrastructure. Furthermore, Fayetteville has invested in planting resilient tree species, making its urban forest more adaptive to climate challenges. These efforts reflect the City's commitment to enhancing the quality of life for its residents while fostering a greener, more sustainable future.

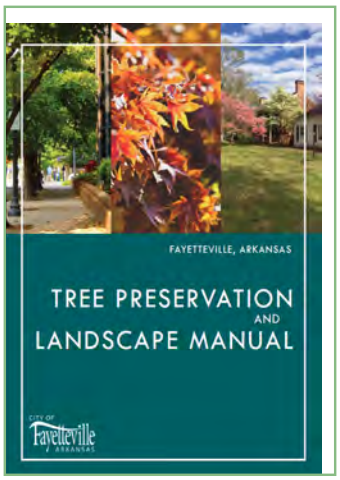
While Fayetteville's urban forestry efforts have made commendable progress, the 2024 Urban Forestry Management Plan builds on the progress and guides the City toward a long-term vision. The City must continue its commitment to reassessing canopy cover over time and expanding public education efforts to ensure a sustainable and thriving urban tree canopy. By successfully implementing the Plan, Fayetteville can bolster its urban forestry programs and grow a resilient urban forest.

TREE ORDINANCES IN FAYETTEVILLE

Chapter 167, Tree Preservation and Protection: This preservation ordinance within Fayetteville Code of Ordinances preserves and protects trees and natural areas in the City based on the type of project and its location. The regulations require a tree preservation plan and canopy cover retention or the planting of trees to meet minimum canopy cover requirements by zoning designation for proposed development projects.

Chapter 177 Landscape Regulations: In 2007 the Urban Forester (then titled Landscape Administrator) collaborated with other City staff to consolidate landscape requirements found throughout multiple sections of the Unified Development Code into this single ordinance (Chapter 177). The intention of consolidating requirements was to help meet the needs of those applying for development review. The ordinance aimed to meet the following goals: a greener, more attractive city with reduced heat, noise and air pollution; and increased property values. The City of Fayetteville requires developers to include landscaping in their building plans to beautify property, provide shade, and screen the perimeters of parking lots, utilities, incompatible uses, and vehicular use areas.





Tree Preservation and Landscape Manual (2016): The original manual was created in 1999, updated in 2006, and was condensed in 2016 in coordination with the Parks and Recreation Division and the Sustainability and Resilience Department. It was then approved by the Urban Forestry Advisory Board. The updated manual's primary purpose is to provide developers, engineers, architects, landscape architects, and contractors with the City's requirements for tree preservation and protection and landscape installation. The manual corresponds with the requirements detailed in the City of Fayetteville Unified Development Code Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Regulations.

Figure 21. Fayetteville's Tree Preservation and Landscape Manual provides the tree-related regulations and standards for entities involved in private development design and construction.



A cursory review of existing tree-related ordinances in Fayetteville was conducted based on industry tools and resources, comparisons of findings from benchmarking research, input gathered from internal stakeholders, and a cross-examination of regulations compared to industry standards and best practices. This integrated approach aims to balance goals for tree canopy cover, development, and other priorities in the future.

Appendix C provides a summary of the evaluation of Fayetteville's tree-related ordinances.

SUMMARY OF FAYETTEVILLE'S KEY URBAN FORESTRY PROGRAMS AND RESOURCES

- The Urban Forestry team in Public Works performs tree maintenance on street trees not adjacent to private property. They also maintain trees in parks and along the trails.
- Tree preservation and protection for new development is performed by the Urban Forester in Development Services. Residential reviews are performed by the Urban Forester in Parks, Natural Resources and Cultural Affairs.
- Development Services administers Chapter 167 of the Unified Development Code to ensure Fayetteville maintains, enhances, and preserves trees and the City's natural beauty.
- The City's Urban Forestry Advisory Board advises the City Council and the Mayor on urban forestry issues.
- Fayetteville Code of Ordinances Chapter 167 Tree Preservation and Protection to preserve and expand the City's urban forest. Chapter 177 regulates landscape for developments.
- Volunteer opportunities for tree stewardship and education.
- Tree City USA accreditation and Arbor Day celebrations.
- Amazing Trees of Fayetteville program and online inventory.
- Celebration of Trees Event and other events celebrating and educating attendees about Fayetteville's urban forest.
- The City has an invasive plant ordinance, encourages Ozark native trees, and discourages trees found to have issues.

STAKEHOLDER FEEDBACK ON CURRENT CONDITIONS

Internal and external engagement is critical to the success of an urban forestry management plan. By engaging with Fayetteville's staff, residents, businesses, and other stakeholders, urban forestry staff are given a better understanding of the needs and concerns of the community. Engagement was conducted throughout the development of Fayetteville's Urban Forestry Management Plan. The feedback and input gathered was used to shape a plan that is representative of the needs of all stakeholders in the City. The engagement conducted throughout the development of the Plan also helps to build support for Fayetteville's urban forest and to ensure the Plan is implemented effectively.

Internal Stakeholder Feedback

In August and September 2022, engagement with City staff in various departments to develop the Urban Forestry Management Plan began with an online survey to identify workflows, measures of success, concerns, priorities, and shared goals and outcomes as it relates to trees in the City. A total of 28 of the 59 (47%) invited staff and board / commission members participated in the survey and follow-up interviews as desired.

Staff participants represented the departments of Parks, Natural Resources and Cultural Affairs; Public Works; Environmental; and Development Services. In addition, members from the Urban Forestry Advisory Board, Parks, Natural Resources and Cultural Affairs Advisory Board, Environmental Action Committee, Planning Commission, and Keep Fayetteville Beautiful participated.

The figure on the following page provides a graphic summary of responses. Most respondents serve as advocates for public trees and park improvements, over 60% support community recreation and engagement, and half are involved with City planning. Over half of the respondents noted the staffing levels as a challenge, along with needed improvements as they relate to ordinances and infrastructure conflicts (50% each). 46% feel there is more to be done in terms of preparedness planning as well as 46% concerned with the sustainability of ecosystems.

The respondents noted their top priorities to address in the Plan as procuring funding for the City to purchase land for tree preservation and canopy expansion, supporting local businesses and others in the community to cooperatively grow and maintain the urban forest, and increase funding to purchase trees to be planted to support canopy goals.



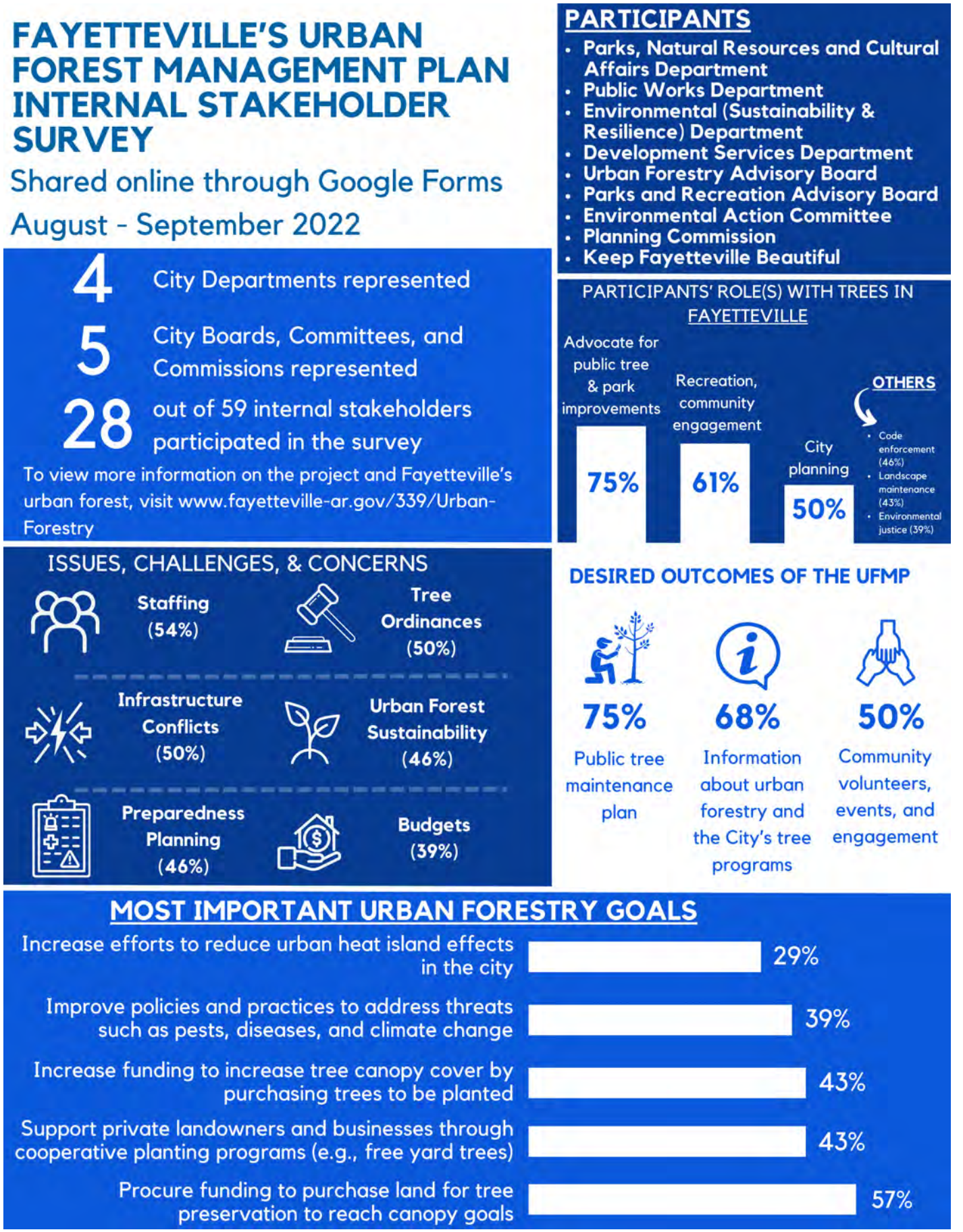


Figure 22. Summary of the feedback received from internal stakeholders.

EXTERNAL ENGAGEMENT

Project Website

To support the development of the Urban Forestry Management Plan's vision, goals, and recommended actions, the urban forestry consultants met with Urban Forestry staff to develop strategies for community education, outreach, and engagement. The project team utilized the City's "Speak Up Fayetteville" website (speakup.fayetteville-ar.gov) to share information about the project and opportunities for engagement. To raise awareness and encourage engagement in the project, the website included background information and resources, project timelines, draft outcomes, and the platform for launching the public survey.

Media and Messaging

Throughout the development of the Plan, information was shared about the project and the City's urban forest through various mediums including news outlets, City website content, press releases, and social media.

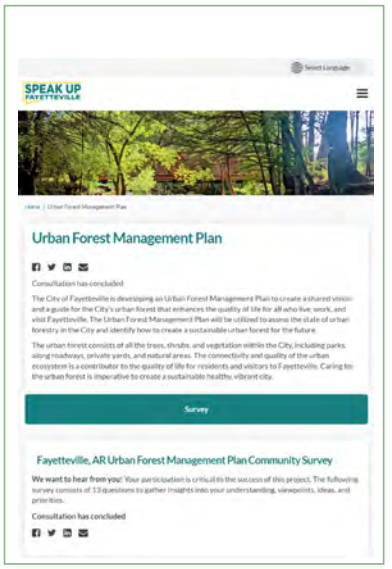


Figure 23. Example of the outreach conducted throughout the planning process.

Community Survey

From December 2022 through mid-January 2023, a 14-question online survey was launched on the City's Speak Up Fayetteville website to learn how trees impact the lives of Fayetteville's community members, to gather feedback on canopy goals and priority planting areas, to identify where the City should prioritize resources and investments, and to recognize the benefits and services provided by trees that the community values most.

A total of 169 responses were received. The following provides an overview of the engagement garnered from the effort followed by a summary infographic.



The majority of respondents own a home in Fayetteville (61%) and are between 25 and 35 years old (28%).

Respondents are engaged with their urban forest in that they understand and appreciate trees providing shade and reducing surface temperatures (62%) and would like to see trees planted where there is historically less canopy coverage (50%). The trees planted should be resilient to pests and diseases, changing climates, limited space, and storm events (40%). To improve public tree health, respondents support setting and achieving canopy goals that are based on reducing heat, improving ecosystems, expanding canopy cover in underserved communities, and increasing the benefits trees provide (74%). They would also like to see more trees and preservation incorporated into development projects (66%) and planting trees that can coexist with sidewalks and underground utilities (41%). Future resources and investments that result from the Plan should be focused on strengthening ordinances for private development

Figure 24. The project website for Fayetteville's Urban Forestry Management Plan.

(70%), purchasing land for conservation (54%), planting trees on public property (51%), and partnering with private property owners to plant trees on private property (41%). To achieve canopy goals, respondents would like to see parks and greenways prioritized (69%), followed by planting trees along streets (68%), on commercial and industrial property (60%), and on school and campus grounds (40%). The kinds of trees respondents would like to see planted include trees and priority areas that are climate-based (56%) and location-based using the right tree right place principle and replanting trees that were removed (25%). Most respondents support watering the street trees adjacent to their property during periods of drought (73%).

The success of this engagement effort is largely attributed to the City's commitment to share the survey and conduct outreach. The survey was announced on the City's website, the Speak Up Fayetteville project webpage, social media posts, press releases, news media, and shared throughout relevant partner networks.

As noted in the Introduction, Fayetteville's trees face multiple challenges from various sources. The urban forest is vulnerable to changing conditions due to urbanization, extreme weather, and pests and diseases.



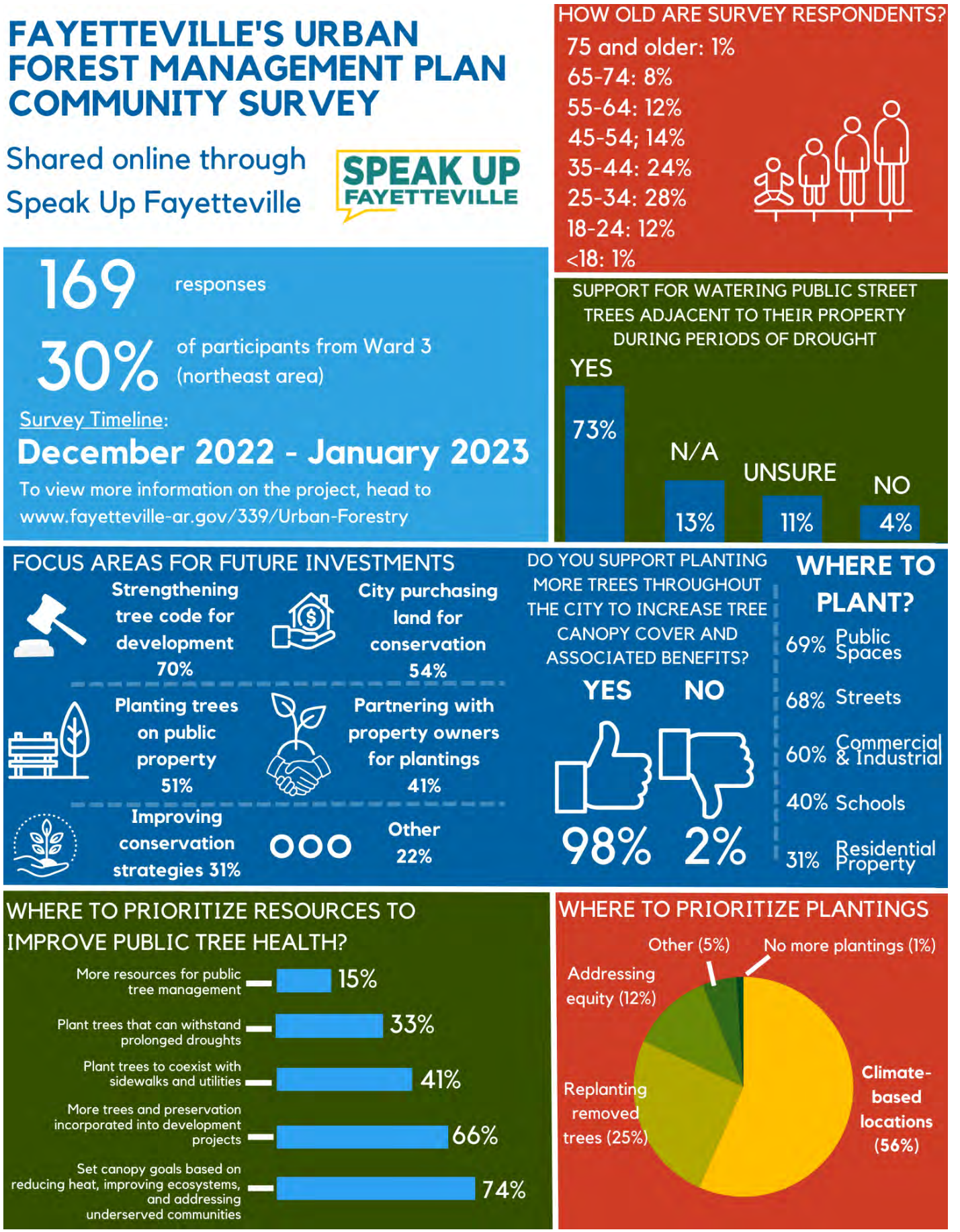


Figure 25. Infographic summary of the public's priorities and viewpoints regarding the urban forest

URBAN FOREST VULNERABILITIES DEVELOPMENT AND LAND USE CHANGE

The Northwest Arkansas Regional Planning Commission (NWARPC) estimates that Fayetteville will grow to a population of 142,496 by the year 2040. This will be an increase of an additional 48,547 people added to the most recent U.S. Census Bureau estimated population of 93,949 in 2020. Planning and anticipating the location, form, and function of land use and growth patterns enables the City and the existing residents to guide where and in what pattern this growth will occur. Relative to neighboring cities, Fayetteville has a large percentage of undeveloped land including swaths of canopy cover and native prairie land. However, according to the City's Urban Forestry Program, Fayetteville lost 35 acres of tree canopy cover in 2022 due to development. While the City's tree ordinances do require tree preservation, protection, and planting to mitigate canopy loss, it is projected that there will be a net loss of 20 acres of canopy solely for those development projects reported in 2022. Additionally, existing urban areas rezoned for more dense development reduce available space for trees and greenspace.

Fragmentation

Development often results in fragmentation of tree canopy, creating isolated populations that are less likely to cross-pollinate. This can reduce biological and genetic diversity of the ecosystem and change the species composition (Fahrig, 2003). It may also result in the loss of buffering potential, such as vegetative stabilization of stream banks. As sites become fragmented and the amount of ecosystem space is reduced, many plants and animals that rely on connected habitats may disappear from the region (Saunders, et al., 1991).

Altered Soils

Urban trees must often survive in compacted soils that have been altered for the built environment. A good growing medium for trees contains approximately 50% pore space (which allows the root system access to the air and water it needs to survive) and a layer of organic matter. In contrast, construction soils typically have less than 25% pore space and organic matter combined.

Competition for Space

Conflicts with hardscapes and utilities often occur when trees are not provided adequate space for root and canopy growth. In rights-of-way, trees may compete for space with signs and streetlights, underground utilities, and overhead electric and telephone lines. As trees outgrow available space, their roots can raise sidewalks as they search for water, air, and growing space. The resulting sidewalk repairs may require removal of the tree or application of alternative sidewalk solutions. The City has regulations and best management practices (BMPs) for addressing these situations.

The prevention of future conflicts requires streetscape design that considers the mature size of trees being planted as well as available technologies that allow trees to thrive in this environment. Examples of these unique designs are provided in the graphic below:



EASEMENTS



ROOT BARRIERS



SUSPENDED PAVEMENT



STRUCTURAL SOILS

Figure 26. Examples of the potential streetscape design solutions for preventing or mitigating tree and infrastructure conflicts.

To prevent and address negative impacts from development, the City of Fayetteville coordinates efforts to ensure projects adhere to City requirements such as tree canopy cover, stormwater management, public safety, and accessibility.

CLIMATE CHANGE IMPACTS

As the effects of climate change take hold, already stressed trees will decline more rapidly, and healthy trees will have to endure multiple stressors to survive and thrive. The extreme heat and drought will reduce water availability, the plant hardiness zone will shift and introduce invasive plant species, stronger storms will occur resulting in more downed trees and limbs due to the canopy declining, and existing and introduced tree pests and diseases will flourish as trees continue to weaken.

If the City does not commit to a long-term proactive approach and disciplined investment to improve the health and reliability of the public trees, Fayetteville will fight a costly, reactive and escalating battle against failing trees— which will have a detrimental impact to public safety, budgets, tree crews, road closures, and utility reliability. The negative environmental, public well-being and scenic impacts will also be significant.
With a quarter of Fayetteville's public street trees in fair or worse condition, and with climate change altering the types of species that thrive, the City's tree canopy is at considerable risk.



Figure 27. Emerald ash borer (EAB) insect (top), dieback (left), larvae (bottom left), borer holes (right), and larvae galleries (bottom right). Source: AR Department of Agriculture

URBAN TREE PESTS AND DISEASES

Pests and diseases add to the existing stresses faced by trees in an urban environment. Stressed trees are more vulnerable to insects and diseases, although some pests and diseases pose an equal threat to healthy trees. Climate change can create conditions that are favorable for the spread of pests and diseases. Also, prolonged drought stresses trees causing them to be more susceptible to pests and diseases.

Though emerald ash borer (EAB) was found in Arkansas in 2002, it is still a concern for the ash (Fraxinus) trees across the City. From the sample inventory of public trees in 2022, it is estimated that 2% (600 trees) are ash trees. Currently, the City does not treat any ash trees on public land, but ash trees are no longer planted or recommended.

The insect attacks and kills healthy as well as stressed trees, causing catastrophic loss to all ash species. Its impact on the structural integrity of host trees can cause these trees to become safety hazards.

Sudden oak death (SOD) is caused by Phytophthora ramorum, a fungus-like microorganism. At least 90 species of trees and woody ornamentals are hosts for SOD. Changing climates may cause SOD to become more widespread and harder to control. The disease produces rapid decline in oaks; death may occur within months to years later. Symptoms include bleeding cankers on the lower trunk. Other symptoms include leaf spots with dark margins and stem cankers. Control of SOD is focused on early detection and eradication of infected plants.



Figure 28. Sudden oak death (SOD) wood and bark discoloration (top) and lesions and discoloration of leaves (bottom). Source: AR Department of Agriculture

Dutch elm disease (DED) is caused by a fungus (Ophiostoma ulmi) that infects the vascular system of elm (Ulmus) trees. The disease propagates on a number of different elm species but the majority of cases in Arkansas have been found on American elm (Ulmus americana).



Figure 29. American elm identifying features (left), leaf flagging symptom of Dutch elm disease (middle), and gallery of bark beetles that are the vector for the Ophiostoma ulmi fungus. Source: University of Arkansas Cooperative Extension Service

Bacterial leaf scorch (BLS) is a systemic disease caused by the bacterium Xylella fastidiosa that disrupts the transportation of water through the tree. It is commonly transmitted by insects with piercing mouthparts, impacting sycamore, sweetgum, American elm, and various maple, oak, and other tree species. With higher temperatures and drought predicted, the impact of BLS on Fayetteville's trees is likely to increase.



A B C D

Figure 30. Bacterial leaf scorch observed on oak (A), redbud(B), elm (C), and maple (D) leaves. Source: University of Arkansas Cooperative Extension Service

There are other pests and diseases to monitor such as the jumping oak gall disease affecting white oak trees, tent caterpillars with a wide range of hosts, oak wilt, red oak borer insect, thousand cankers disease, laurel wilt disease, and the threat of Asian long-horned beetle that prefers maples but also has a wide range of preferred host tree species. Additional information regarding tree pests and diseases can be found at the University of Arkansas Cooperative Extension Service.

Urban Heat

Like many urban areas, Fayetteville is experiencing the detrimental effects of excessive summer heat. Urban heat is a phenomenon that describes the higher air and surface temperatures in urban areas compared to surrounding rural areas. The temperature difference is largely due to the prevalence of buildings, roads, and other elements of the built environment that absorb and retain heat. Increased emissions of greenhouse gases and reduced tree canopy serve to magnify these impacts. Without strategic intervention, urban heat threatens the well-being and health of the community, particularly vulnerable populations lacking the cooling shade of trees.

With urban heat rising, the concern of tree decline is at the forefront of planning in urban areas. To understand Fayetteville's urban forest vulnerability to urban heat, analyses were conducted to measure and project potential impacts on its trees. These impacts include:

- **Increased stress on trees:** Urban heat adds to stress trees are already facing from factors such as air pollution, drought, and pests, making it more difficult for trees to survive and thrive.
- **Reduced tree growth:** Urban heat can slow down tree growth, which can lead to a decline in the overall health of the urban forest.
- **Increased tree mortality:** Urban heat increases the risk of tree loss, which can lead to gaps in the urban forest.
- **Reduced air quality:** Urban heat tends to hold pollutants in the atmosphere, worsening air quality. This places an additional burden on trees' air purifying capabilities while also having a negative impact on human health and the environment.
- **Changes in plant communities:** Urban heat can lead to changes in the composition of plant communities, as some species are more tolerant of heat than others. This can lead to a loss of biodiversity in the urban forest

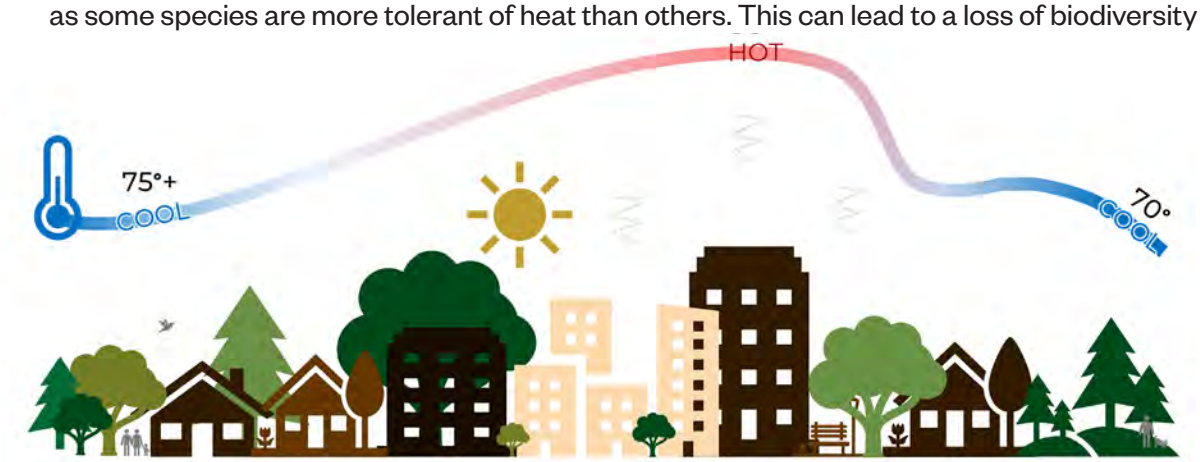


Figure 31. Illustration of the temperature difference in urban areas due to the urban heat island effect.

Changes in Plant Communities

Climate change will have a dramatic impact on the tree species that can survive and thrive in Fayetteville. To inform the Plan's recommendations, the USDA Forest Service Climate Change Tree Atlas was utilized to model habitat changes for tree species growing in the southeast region of the United States, which includes Arkansas. However, some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included (Iverson, et al., 2019).

The tables below list tree species that may be found growing in Fayetteville and their predicted vulnerability to habitat loss due to changing conditions. It also includes the proportion of those tree species that are currently in Fayetteville's public tree population based on the 2022 sample inventory. The percentages are then extrapolated to represent a public tree population of 25,000 trees (estimated).

SPECIES HABITAT PREDICTED TO INCREASE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to INCREASE Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Princeton Elm	7%
	Post oak	6%
	Willow oak	6%
	Blackgum	4%
	New Harmony Elm	3%
	Red maple	3%
	American elm	3%
	Eastern redbud	3%
	~~Green ash~~	2%
	Eastern red cedar	1%
	Winged elm	1%
	Water oak	1%
	Eastern hophornbeam	1%
	Honeylocust	1%
	Flowering dogwood	1%
	Tulip tree	1%
	Osage orange	1%
	Shortleaf pine	1%
	Black cherry	1%
	Loblolly pine	0.5%
	American sycamore	0.4%
	Pecan	0.3%
	Overcup oak	0.3%
	Sweetgum	0.3%
	American holly	0.2%
	American hornbeam	0.2%
	Mockernut hickory	0.2%
	Southern red oak	0.2%
	Persimmon	0.2%
	Southern magnolia	0.1%
	Blackjack oak	0.1%
	River birch	0.1%
	~~White ash~~	0.1%
	Sassafras	0.04%
Total		**51% or 12,703 Trees**

Table 10. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to increase (low emission scenario).

SPECIES HABITAT PREDICTED TO NOT CHANGE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to NOT Change Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Baldcypress	3%
	Hackberry	3%
	White oak	2%
	Black walnut	1%
	Nuttall oak	1%
	Mulberry	1%
	Scarlet oak	0.4%
	Boxelder	0.3%
	Shumard oak	0.3%
	Swamp chestnut oak	0.1%
	American beech	0.1%
	Chinkapin oak	0.1%
	Pignut hickory	0.1%
	Bitternut hickory	0.04%
	Black Hickory	0.04%
Total		**12% or 2,913 Trees**

Table 11. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas' predicted to not change (low emission scenario).

SPECIES HABITAT PREDICTED TO DECREASE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to DECREASE Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Pin oak	5%
	Northern red oak	3%
	Sugar maple	3%
	Serviceberry	2%
	Bur oak	1%
	Silver maple	0.4%
	Shagbark hickory	0.4%
	American basswood	0.3%
	Black oak	0.2%
	Ohio buckeye	0.1%
	Black locust	0.1%
Total		**16% or 3,899 Trees**

Table 12. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).



Figure 32. Summary of the climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change.
Web source: www.fs.usda.gov/nrs/atlas/tree/

Habitat Increase	No Habitat Change	Habitat Decrease
51%	12%	16%
or 12,703 public street trees	or 2,913 public street trees	or 3,899 public street trees

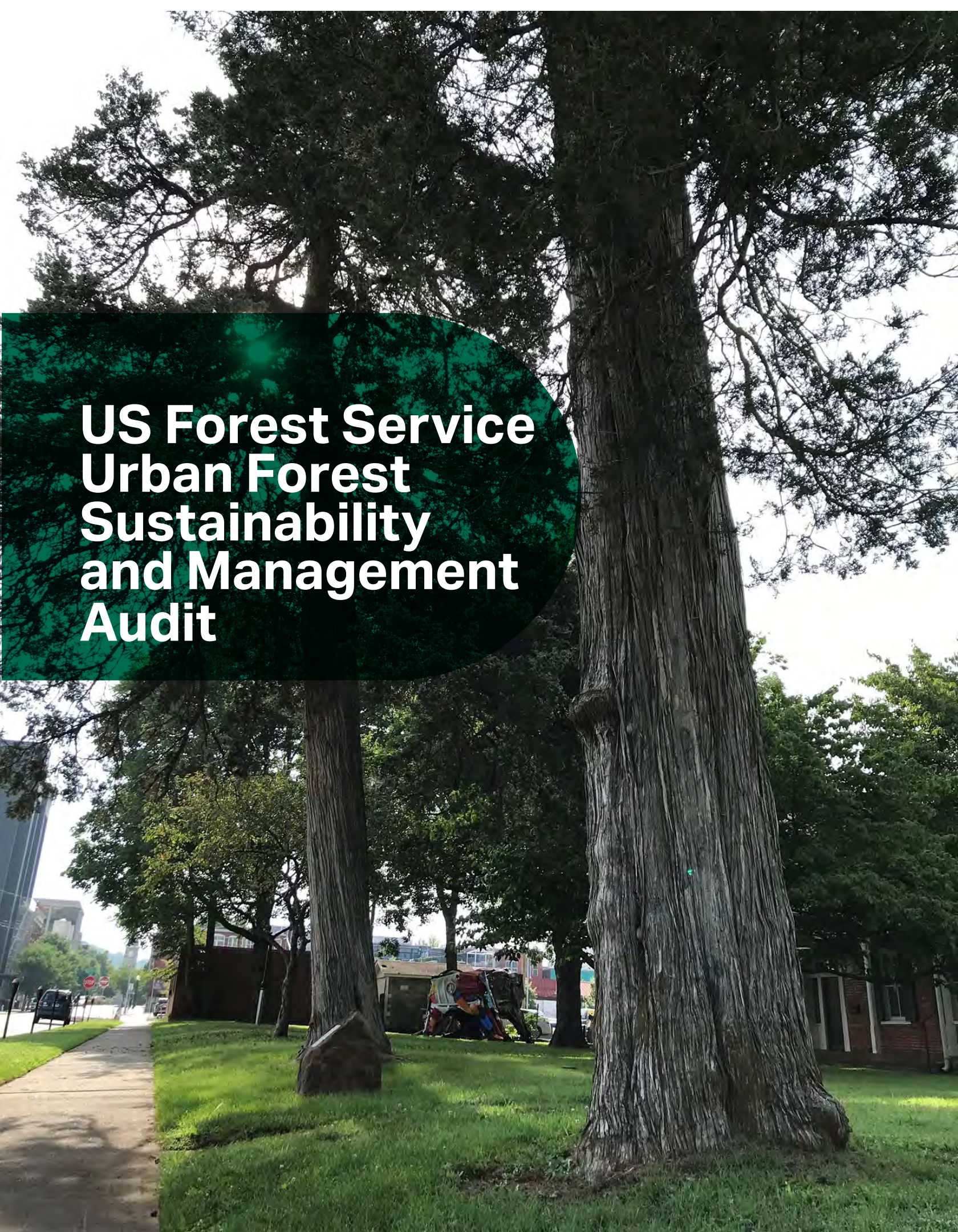
Table 13. Summary of the climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

According to the Climate Change Atlas and based on the 2022 sample inventory of Fayetteville's public street trees, 51% or an estimated 12,703 trees are expected to have their growing conditions and habitat improve and increase due to climate change. 12% or 2,913 public trees in Fayetteville are predicted to not be impacted by changing climates and 16% or 3,899 trees are predicted to be negatively impacted by climate change and experience habitat loss.

SUMMARY OF URBAN FOREST VULNERABILITIES

In summary, the key issues or challenges facing Fayetteville's urban forest that are addressed with the Urban Forestry Management Plan include:

- Managing the urban forest for sustainability and resiliency
- Addressing street tree maintenance needs
- Tree risk management
- The need for updated tree-related regulations
- Development pressure and construction / infrastructure conflicts
- Limited resources to address climate change impacts
- Strategic tree planting programs and initiatives
- Equitably expanding tree canopy cover, associated benefits, and levels of service
- Revitalizing and strengthening community tree stewardship



US Forest Service Urban Forest Sustainability and Management Audit

INDICATORS OF A SUSTAINABLE URBAN FOREST

Methodology

To assess the current state of Fayetteville's urban forest, the programs that manage it, and the community that shapes and benefits from it, a comprehensive evaluation was conducted using the framework of the U.S. Forest Service's Urban Forest Sustainability and Management Audit (Abbot, et al., 2015).

The framework was adapted from the Model of Urban Forest Sustainability (Clark, et al., 1997) and subsequent iterations. The primary objectives of the evaluation of Fayetteville's urban forest are defined by the authors and adapted by the Fayetteville Urban Forestry Management Plan consulting team:

- Engage the full spectrum of the organizations' management team
- Provide program direction for ongoing professional training
- Conduct a gap analysis of management practices and the health of urban forests
- Provide strategic direction to improve the health of the urban forest
- Optimize management for environmental justice and equitable distribution of resources

A sustainable system can be defined as one that survives or persists. In the context of urban forests, the objective can be stated as attempting to achieve the maximum long-term benefits over the greatest amount of time. Clark's framework provides specific criteria to evaluate sustainability along with measurable indicators. Social and economic factors as well as natural science are considered, as sustainability is often viewed as the "overlap between what is ecologically possible and what is societally desired by the current generation". Recognizing that both conditions will change over time, sustainability is addressed as a process rather than a goal (Clark, et al., 1997).

Clark's framework categorizes urban forest sustainability indicators in terms of the trees (or resource), the management, and the people who benefit from the urban forest. Within each category, a series of urban forestry industry standards and best management practices were used to evaluate Fayetteville's current performance level. Indicators were rated as low, medium, or high based on available data and information provided by stakeholders. Assessment results were used to identify areas where Fayetteville's urban forest can be improved and to develop recommendations.

The complete Urban Forest Audit for Fayetteville conducted in 2023 is available in Appendix B. The following provides a summary of the evaluation:

RESULT

Based on the analysis of findings from the needs assessment, Fayetteville scored a 73% in terms of urban forest sustainability and management as defined by the U.S. Forest Service, partners, and planning consultants. Based on similar audits completed by the urban forestry consultants, of the 16 audits, the average score is 64%. The City of Fayetteville scored relatively high when compared to other urban forestry audits completed by the consultants for other communities of similar size. Overall, the City scored highest in Professional Capacity and Training, Community, Green Asset Management, and Risk Management— all of which are at or above 75%. The Urban Forestry Management Plan provides guidance to maintain these strengths and to address shortcomings as opportunities.

Fayetteville's Urban Forest Audit Results (2023)



Figure 33. Summary of the 2023 Urban Forest Audit completed for Fayetteville's Plan.

URBAN FOREST AUDIT SUMMARY DISCUSSION

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the Plan's goals, strategic actions, and targets. This audit or "gap analysis" enables the City's Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan goals in that the audit categories and elements can be revisited at key intervals in the implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

INTERPRETING THE URBAN FOREST AUDIT SCORES

The Urban Forest Audit System should serve as a baseline assessment from which progress can be measured and strategies can be adjusted using an adaptive management approach. Overall, Fayetteville scored a 73 out of 100 based on the consultants' evaluation. The scores resulting from the evaluation are informative but should not be considered a definitive assessment or a reason for excessive action due to a currently low score or inaction due to a high score. The following provides an interpretation of the scores for the City to consider when implementing the Plan's corresponding actions.

See Appendix B for details regarding scores for each Audit category and the criteria or indicators to improve scores for each category.

Category	Findings
Management Policy and Ordinances Rating of 71%	The City scored relatively average in this category due to the existing tree ordinances, development standards, and the Tree Preservation and Landscape Manual. The Tree-related Plans and Regulations section of this Plan summarizes existing tree ordinances and Appendix C provides a summary of an evaluation of these ordinances based on industry standards and best practices. The City's Comprehensive Plan includes urban forestry and tree canopy as a vital component in addressing climate change.
Professional Capacity and Training Rating of 89%	Staff have industry certifications, qualifications, and training. The Urban Forestry Program has staff for park and trail tree maintenance and to administer tree preservation and protection for new development. In addition, the program works with other departments, partners, and contractors to plant trees. In recent years, staffing levels increased but capacity should be evaluated periodically to ensure it aligns with the goals of this Plan and the service demands.
Funding and Accounting Rating of 67%	The City's adopted budgets have specific line items for the Urban Forestry Program and staff. The City's Tree Escrow accoun historically was the primary funding source for urban forestry activities. The figures reported for Arbor Day Foundation Tree City USA accreditation incorporate budgets from other departments but do not include the urban forestry budgets for Public Works' programs responsible for planting trees. Those programs in Parks, Natural Resources and Cultural Affairs are now funded primarily through the general funds.
Decision and Management Authority Rating of 63%	An Urban Forestry Advisory Board exists to advise on urban forestry matters. Currently, urban forest management is distributed across three groups in three different departments. The delineation of responsibilities is unclear and there is no single department or staff person designated as a point of contact for urban forestry. It is likely that communications and workflows could be improved with an adjusted program structure. Unique to other cities, Fayetteville's Urban Forester in Development Services has direct authority and oversight on tree preservation and protection for new development.
Tree-related Inventories Rating of 65%	Fayetteville completed a sample inventory of public trees and planting spaces along with a private tree sample inventory. In addition, the City conducted GIS analyses of urban tree canopy cover over four time periods and examined the correlation of tree canopy to socio-demographic data. Also, the Urban Forester actively tracks canopy gains and losses occurring on development projects— one of the most robust tracking systems the urban forestry consultants have seen. Within the City, the University of Arkansas has an inventory of its trees through its Arboretum Mapping Project.
Tree-related Plans Rating of 54%	Tracking and reporting of urban forest management activities, this Plan, and urban forestry referenced in the Comprehensive Plan and canopy goals in the Energy Action Plan resulted in higher than average scores for certain elements within this category. The City completed a Tree Canopy Cover and Environmental Equity Story Map and supporting reports.
Risk Management Rating of 78%	The Urban Forester in Parks, Natural Resources and Cultural Affairs is trained in tree risk assessments and the City has an adopted standard of care. The City completed a sample public tree inventory in 2022 to inform management strategies. The City also has an Emergency Operations Plan, actively manages invasive plant species and pests and diseases, and has lists and resources for recommended and prohibited trees.

Disaster Planning Rating of 64%	The City's maintenance staff and contractors address downed trees and limbs and collaborate when extensive response is needed.
Standards, and Best Practices Rating of 73%	Fayetteville has an average rating for this category though its strengths include tree ordinances, the Tree Preservation and Landscape Manual, Comprehensive Plan, Standard Details such as the Tree Preservation detail, clear guidance on the City's website relating to regulations and best practices, tree species lists, and tree protection requirements for construction and development.
Community Rating of 89%	Fayetteville has been a Tree City USA city consecutively since 1995, demonstrating the value placed on urban forests. This Plan included a public survey and has engaged and informed the public through an interactive project website— Speak Up Fayetteville. The City conducts Arbor Day events, has an Urban Forestry Advisory Board, engages the public through social media, website, and other platforms, addresses service requests, conducts the annual Celebration of Trees event, has an online resource for Amazing Trees in Fayetteville, provides education resources and trainings, and works closely with other community partners.
Green Asset Management Rating of 80%	The sample public tree inventory determined there are 54 unique tree genera and 111 unique tree species resulting in no tree species exceeding the recommended diversity thresholds. The size classes of public trees are in line with an ideal distribution and the majority (75%) of public trees are in good condition. Also, only 6%of trees are recommended for removal and the primary maintenance need is clearance pruning (8%). Most importantly, the City's Park Maintenance right-of-way crews proactively prune approximately 4,000 public trees per year resulting in an estimated 5.7-year rotation and the Urban Forestry Program conducts public park and trail tree maintenance.

Table 14. Interpretation of the 2023 Urban Forest Audit scores

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.



Section 3: Vision for the Future and Recommendations

INTRODUCTION

This section provides guidance and recommendations for the City of Fayetteville to continue to provide high levels of service now and into the future over the next 10 years. The Urban Forestry Management Plan's recommendations include those that may only take a few months and others that will require a coordinated effort that may need to continue on beyond the 10-year timeframe.

PLAN VISION STATEMENT

"Healthy Trees, Healthy City: To cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations."



Vision

What does the urban forest and its programs look like 10 years from now?

The vision guides direction on where Fayetteville is headed and helps guide recommendations for the future.

Guiding Principles

What are we aspiring to achieve?

These are the aspirations for the City over the next 10 years. They are key themes for organizing the Plan and include a citywide canopy cover goal.

Goals

How do we achieve our principles and vision?

The goals are specific opportunities for the City to move toward the 10-year vision.

Strategies

What is the approach to take?

Strategies provide the general direction or method to take to achieve the goals.

Priority Actions

What is the next step?

This is the prioritized list of steps to take.



GUIDING PRINCIPLES, GOALS, STRATEGIES, AND ACTIONS

A series of guiding principles supported by goals, strategies, and actions are provided to serve as a 10-year roadmap toward the urban forest vision.



GUIDING PRINCIPLES AND GOALS OVERVIEW

Fayetteville's Urban Forestry Management Plan was designed to guide the City in managing, protecting, and growing its urban forest. The goals, strategies, and priority actions were developed based on research and analysis of available data, extensive internal and external engagement, and an evaluation of urban forest sustainability criteria. The resulting goals and recommendations address the current conditions, existing and potential challenges, and shared priorities described in Section two of the Urban Forestry Management Plan. The Plan's long-term framework supports the shared vision for Fayetteville's urban forest.

To achieve the vision for the urban forest, a citywide canopy cover goal 44.4 % over 30 years was established as the cornerstone metric for tracking progress in implementing the Urban Forestry Management Plan. The canopy goal embodies the City's commitment to sustainability and community well-being. This metric can be used by the City for tracking and monitoring the urban forest and it resonates with residents, creating a tangible and shared vision of a lush and vibrant urban environment. Moreover, the canopy cover goal aligns with other goals and priorities in the City such as environmental stewardship, climate change resilience, public health, air quality enhancement, and temperature moderation. By using canopy cover as an overarching measure, Fayetteville ensures a comprehensive approach that not only improves the urban ecosystem but also fosters a sense of pride, unity, and responsibility among its residents.

Fayetteville's Tree Canopy Cover Goal

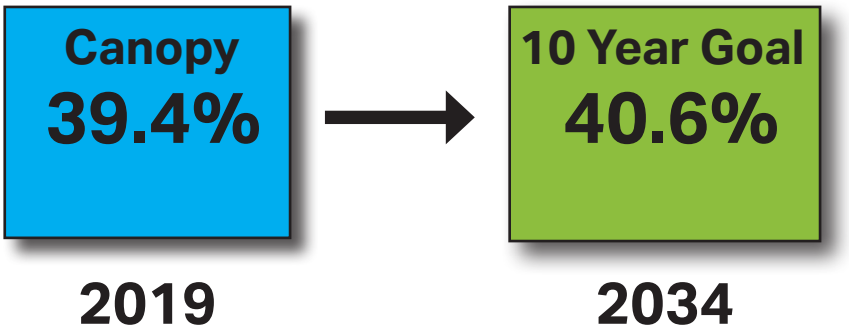


Figure 34. Fayetteville's 10-year canopy goal milestones and targets.

The 2023/2024 Urban Forestry Management Plan is a testament to Fayetteville's unwavering commitment to urban forestry. The overall 30-year goal is to increase canopy from 39.4% to 44.4%. The first step in achieving the 30-year goal is to focus on the actions necessary for the next ten years. The ten-year goal is to increase canopy by 1.2% to 40.6%.

To reach the 10-year goal, an average of 1,850 trees must be planted annually. The approach to reach this number is flexible and allows adjustments so that staff only plant trees they can be maintained to maturity. Planting trees that will reach maturity is a key aspect of this plan and goal for Urban Forestry staff.

There are three contributing tree planting sources: city-led planting, public planting through tree giveaways, and development of tree plantings.

City Plantings

Public Works Urban Forestry staff has maintained information that lets us know how many trees our maintenance staff can care for each year. Newly planted trees require regular watering, structural pruning, mulching, and monitoring for pests and diseases. After 3-5 years, the regular maintenance is lower and requires pruning every few years as needed. We use a 90% survival rate for our newly planted trees. Communication from Public Works Urban Forestry is key to knowing what our annual tree planting will be for the following year. The number of trees planted by the City will fluctuate based on the maintenance capacity of our Public Works Urban Forestry staff.

Development Plantings

It is estimated from available data that approximately 3,728 trees are planted annually due to development activities. The tree planting numbers presented in this plan are based on a no net canopy loss, meaning the number of trees removed, principally due to development, are replaced. Development activities that remove the canopy must be mitigated to reach the canopy goals, which is part of the standards and purpose in 177.01 B1: "Promoting reasonable conservation and replenishment of valued tree canopy and vegetation." Urban Forestry staff suspects this is insufficient to replace the lost canopy from development. Canopy has increased from 2012 to 2019, possibly due to the replacement canopy from development or more accurate imagery. More data is needed to study this information.

Public Plantings

Current tree giveaway programs such as "Celebration of the Trees" and "Invasive Bounty" provide about 1,350 trees annually. The survival rate for the trees given away is around 65%. This rate shows that approximately 75% (Roman 2014) of trees get planted, and minus 10% for our standard survival rate, it comes to a 65% survival rate.

Urban Forestry Staff has created a pilot program that works directly with property owners and homeowners' associations to add trees on streets, in lots, or around detention areas. These programs are currently adding

approximately 100 trees to the canopy. The survival rate for these trees is estimated at 90% since the homeowners will be planting them directly and maintaining trees on their property. The annual number of these types of plantings is targed to grow.

Below is an overview of initial planting efforts. Large trees are targeted for development and city plantings, but a mixture of tree sizes is used in the calculations. For calculations, it is assumed that 60% of trees will be large, 30% will be medium, and 10% will be small. Calculations use an average tree canopy diameter of 40 feet (~ 20 years), which equals 1,257 square feet of canopy per tree. The chart below indicates general city-wide efforts before implementing this plan and is used for estimating baseline conditions.

Planting sources	Annual Planting	Survival Rate	Net trees
City Planting	450	90%	405
Citizen Planting (Give Away)	1,350	65%	877
Citizen Planting (Neighborhood Planting)	100	90%	90
Total trees			1,373

The annual goal is 1,850 trees planted, and the City is currently adding 1,373 net trees (survive the first three years) annually. With increased effort, this goal can be achieved. These numbers will grow, as indicated in Appendix A. In five years, staff will reexamine the goals for tree planting as data from development, NAIP GIS Maps and new programs are established, giving more data to update planting goals.

Using this integrated approach, along with preservation and mitigating the loss of canopy, the City of Fayetteville can be confident this ambitious goal is achievable.

PRIORITY PLANTING AREAS

Maintaining and selecting locations for trees to reach maturity requires careful planning and consideration of the location. The following maps are recommended to be used when selecting tree planting areas, these areas are high priority and can have the biggest impact. Social, economic, and environmental considerations go into locating areas for tree planting projects.

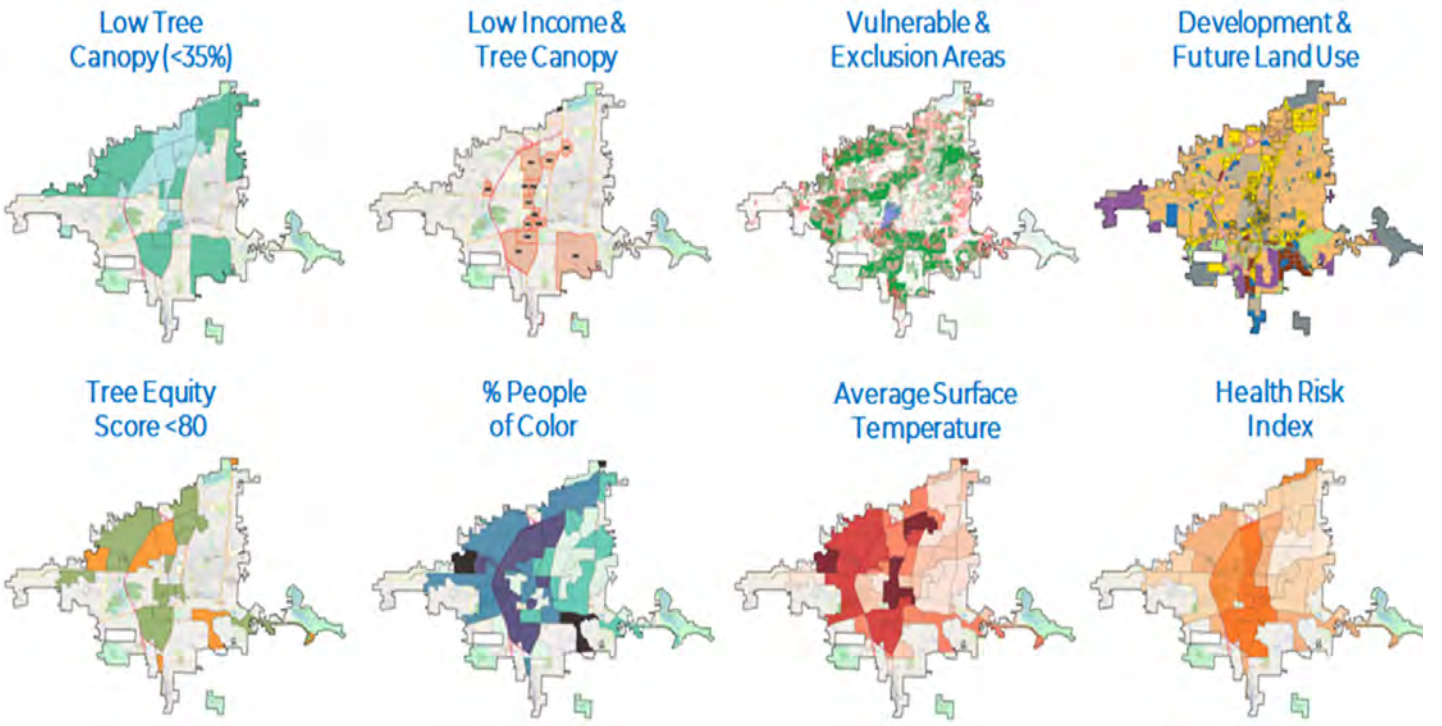


Figure 35. Scenqarios for priority planting areas to achieve canopy goals and the Plan's outcomes.

By identifying priority planting areas to achieve the canopy goal, tree planting and maintenance can be strategically targeted where trees will have the most beneficial impact. The figure above provides an illustration of the priority areas for consideration and Appendix A provides the criteria going into the priorities along with larger maps.

STAKEHOLDER- DRIVEN GUIDING PRINCIPLES AND GOALS

During the analysis of data, collection of information, and gathering of internal and external stakeholder input, a series of overarching guiding principles emerged that helped to set the Plan's direction and solidify its foundation. The following five principles summarize the community's priorities and are reinforced by the feedback received from internal stakeholder engagement sessions. These priorities along with the Urban Forest Audit and the Indicators of Sustainable Urban Forestry (detailed in Section 2) established the foundation of the Plan.

	Guiding Principles	Goals
A 	**Equitable and Resilient Canopy Cover** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.	**Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land. **Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners. **Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
B 	**Maintenance and Management** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.	**Goal B1**: Prioritize public tree maintenance and tree risk management. **Goal B2:** Reduce conflicts between trees and other infrastructure such as sidewalks and utilities. **Goal B3:** Manage harmful tree pests and diseases that are present or expected to impact the urban forest. **Goal B4:** Conduct ongoing industry and professional training for City staff interacting with trees in Fayetteville.
C 	**Tree Preservation and Protection** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the city and best practices.	**Goal C1:** Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts. **Goal C2:** Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan. **Goal C3:** Monitor and enforce tree-related ordinances.
D 	**Funding and Levels of Service** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.	**Goal D1**: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals. **Goal D2:** Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal. **Goal D3:** Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
E 	**Community Education, Engagement, and Stewardship** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.	**Goal E1:** Continue to achieve Tree City USA status and other industry recognitions. **Goal E2:** Create and implement an engagement strategy for all demographics and stakeholders in the community. **Goal E3:** Provide inclusive program offerings such as events, education, and training to meet the needs of all.

Figure 36. Guiding principals and goals.

A) EQUITABLE AND RESILIENT CANOPY COVER

We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.

Stakeholder Input and Support

Experts and stakeholders stressed the importance of setting and achieving local and citywide canopy goals to support the long-term health and sustainability of the urban forest. For example, planted trees must be resilient to drought and extreme weather events while supporting biodiversity in the urban ecosystem. A diverse mix of tree species is necessary to ensure the ability of the urban forest to survive pest and disease outbreaks. Success is predicated on planting trees matched to the site in terms of soils, water availability, space, and desired function. Post-planting care is required for trees to become established and thrive in the urban environment.

GOAL A1: INCREASE TREE CANOPY COVER CITYWIDE BEGINNING IN PRIORITY AREAS AND PURCHASED LAND.

Goal A1 Strategies
a) Procure funding to purchase land for the City to preserve and plant trees.
b) Review and refine the priority planting areas provided by the Plan.
c) Continue to offer free trees to citizens.
d) Plant a minimum of 1,850 trees per year for 10 years and reassess citywide canopy cover.
e) Coordinate with other City plans and programs.
Goal A1 Priority Actions
Review, refine, and finalize the canopy cover goals and planting priorities. Consider the status of recommendations outlined in the 2012 Urban Tree Canopy Assessment Report (see Table 9 in the Urban Forestry Management Plan).
Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.
Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.
Continue to offer tree care information especially in the priority neighborhoods.
Monitor progress toward achieving the canopy goals and planting targets. Use high-resolution imagery to assess and monitor canopy cover every two years. At minimum, reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.

GOAL A2: IMPLEMENT A COOPERATIVE TREE PLANTING PROGRAM WITH BUSINESSES, INSTITUTIONS, ORGANIZATIONS, NEIGHBORHOODS, AND PROPERTY OWNERS.

Goal A2 Strategies
a) Identify existing and potential stakeholders.
b) Collaborate and share resources to identify program funding opportunities.
c) Track progress and recognize successes.
d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.
Goal A2 Priority Actions
Draft a list of existing and potential stakeholders with input from multiple departments.
Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.
Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.

GOAL A3: PLANT TREES THAT ARE RESILIENT TO CURRENT AND FUTURE CHALLENGES SUCH AS CLIMATE CHANGE AND TREE PESTS.

Goal A3 Strategies
a) Use data and research to make decisions on approved tree species for planting.
b) Select the right tree for the right site.
c) Provide ongoing tree care and monitor the condition of tree plantings.
Goal A3 Priority Actions
Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
Provide watering and irrigation for public tree plantings.
Evaluate measures to improve the enforcement of regulations for post-planting maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.

B) MAINTENANCE AND MANAGEMENT

We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.

Stakeholder Input and Support

The community would like to see more shade trees along streets and sidewalks, recognizing that this will require additional resources. Participants in the engagement to develop the Plan stated that they would like the City to maintain street trees in a routine, proactive manner. City staff are in support of cooperative planting programs with businesses, institutions, organizations, and individuals where trees can be planted in yards to shade sidewalks. The staff engaged in the planning effort also support improving policies and practices for better public tree maintenance addressing concerns such as tree pests, diseases, and climate change impacts.

GOAL B1: PRIORITIZE PUBLIC TREE MAINTENANCE AND TREE RISK MANAGEMENT.

Goal B1 Strategies
a) Assess the public tree population for maintenance needs and potential risks.
b) Develop a public tree maintenance plan.
c) Continue to assess and possibly increase Urban Forestry Staff in Public Works.
d) Stay current with industry research, tools, technology, standards, and best practices.
e) Focus on planting strategies and designs that produce long-lived trees.
Goal B1 Priority Actions
Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.
Create annual work plans and seek funds to implement those plans using the actions within Goal D3.
Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.
Acquire and maintain industry certifications and trainings for Urban Foresters.
Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties.
Strengthen or establish public tree risk assessment and mitigation protocols.
Analyze the work plans in relation to staffing and possible contracting work.

GOAL B2: REDUCE CONFLICTS BETWEEN TREES AND OTHER INFRASTRUCTURE SUCH AS SIDEWALKS AND UTILITIES.

Goal B2 Strategies
a) Assess public trees for current and potential infrastructure conflicts.
b) Identify existing and potential alternative solutions to infrastructure conflicts.
c) Coordinate with internal and external stakeholders.
d) Ensure trees are planted with the proper soil volume as shown in City details.

Goal B2 Priority Actions
Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.
Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.

GOAL B3: MANAGE HARMFUL TREE PESTS AND DISEASES THAT ARE PRESENT OR EXPECTED TO IMPACT THE URBAN FOREST.

Goal B3 Strategies
a) Identify the primary tree pests and diseases of concern.
b) Provide information for identifying tree pests and diseases.
c) Monitor public trees and the urban forest for tree pests and diseases of concern.
d) Create a preliminary emerald ash borer (EAB) plan.
Goal B3 Priority Actions
Develop and implement an integrated pest management or plant health care plan for public trees.
Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Focus on education and technical assistance with large private landowners.

GOAL B4: CONDUCT ONGOING INDUSTRY AND PROFESSIONAL TRAINING FOR CITY STAFF INTERACTING WITH TREES IN FAYETTEVILLE.

Goal B4 Strategies
a) Identify the staff and training needs and secure the annual budget required.
b) Conduct internal cross-training and document training materials and protocols.
c) Continue involvement with state wide boards and commisisons.
Goal B4 Priority Actions
Utilize free and available online trainings and materials where appropriate.
Support the Urban Forestry Advisory Board in attending the free online Tree Board University program developed by the U.S. Forest Service.

C) TREE PRESERVATION AND PROTECTION

Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.

Stakeholder Input and Support

Preservation and protection of existing trees was identified as a high priority. Existing mature trees have an outsized impact on sustainability, environmental justice, wildlife and ecosystems, and human health. Exploring changes to the tree ordinances was raised in most engagement activities and sessions. Preservation and planting requirements should be robust but not unduly burdensome to developers. They should also be tailored to the biome, e.g., different standards for natural prairies compared to forested areas. Trees planted or protected should survive post-development and be replaced if they die. City staff are in support of procuring funding to purchase land for tree preservation in order to maintain and increase tree canopy cover.

GOAL C1: ESTABLISH OR UPDATE POLICIES AND PRACTICES TO REDUCE THE URBAN FOREST'S VULNERABILITY TO TREE PESTS, DISEASES, AND CLIMATE CHANGE IMPACTS.

Goal C1 Strategies
a) Quantify the urban forest's role in climate change mitigation.
b) Maintain tree regulations to minimize urban forest vulnerabilities.
c) Assesss development workloads and increase Urban Forestry Staff in Development Services.
Goal C1 Priority Actions
Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.
Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.
As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.

GOAL C2: UPDATE OR AMEND TREE-RELATED ORDINANCES TO SUPPORT THE CITYWIDE CANOPY COVER GOAL AND OTHER GOALS IN THE PLAN.

Goal C2 Strategies
a) Monitor and track tree plantings and removals.
b) Adopt a no-net-loss policy for public trees.
c) Review and implement recommended changes to tree ordinances.
Goal C2 Priority Actions
Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.
Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.
Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.

Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.
Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.
Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.

GOAL C3: MONITOR AND ENFORCE TREE-RELATED ORDINANCES.

Goal C3 Strategies
a) Distribute information and resources regarding changes to tree regulations.
b) Establish a protocol when tree regulations are changed.
c) Recognize exemplary tree preservation practices and projects.
Goal C3 Priority Actions
Update information on the City's website and in materials as tree regulations change.
Consider developing a protocol for scheduled inspections, random spot checks, and recordkeeping.
Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.

D) FUNDING AND LEVELS OF SERVICE

The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.

Stakeholder Input and Support

During engagement exercises, concerns were raised regarding limited resources, staffing, funding, and time to address the current climate challenges. Additional resources in Development Resources, where code compliance officers are located, are needed to inspect, monitor, and enforce tree regulations. Proactive maintenance in Public Works is needed to water, plant new trees, and monitor new trees that will mitigate the impact of climate change. Stakeholders largely supported allocating additional resources to ensure the availability of urban forest resources now and in the future. City staff support increasing funding to purchase trees to plant towards a citywide canopy cover goal.

GOAL D1: PROCURE FUNDING FOR THE CITY TO PURCHASE LAND FOR TREE PRESERVATION AND PLANTING AND TO ACHIEVE OTHER CITY GOALS.

Goal D1 Strategies
a) Identify potential areas for land acquisition that meets Urban Forestry goals and City goals.
b) Coordinate with partners for land acquisition and management.
c) Lead by example and distribute information about land acquisition program.
Goal D1 Priority Actions
Review with internal partners the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.
Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.
Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).
Develop management plans for the properties purchased.

GOAL D2: INCREASE FUNDING TO PURCHASE TREES TO BE PLANTED AND SUPPORTING INFRASTRUCTURE IN SUPPORT OF THE CANOPY COVER GOAL.

Goal D2 Strategies
a) Identify the funding gap and funding source(s).
b) Communicate the benefits of a robust planting effort.
c) Develop and implement a tree planting program aligned with the canopy goal.
Goal D2 Priority Actions
Determine the funding gap to meet the goal of 1,850 per year.

Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.
Secure the necessary funding to meet the annual tree planting targets.
Provide bi-annual reports on canopy goal progress to justify continued funding for tree plantings.
Develop communications with local tree nurseries concerning the availability of the tree species for planting to reduce costs and address tree species diversity goals.

GOAL D3: EVALUATE THE STAFFING LEVELS, STRUCTURE, AND RESOURCES FOR TREE-RELATED PROGRAMS AND ADJUST AS NEEDED TO MEET THE GOALS OF THE PLAN AND GROWING DEMANDS OF THE URBAN FOREST.

Goal D3 Strategies
a) Track and report program activities and Plan implementation progress.
b) Analyze the organization of departments involved with trees in Fayetteville.
c) Conduct cost-benefit analyses and evaluate growing service demands and evaluate in house staffing levels, and their ability to meet the goals of this plan.
Goal D3 Priority Actions
Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.
Consider the benefits for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

E) COMMUNITY EDUCATION, ENGAGEMENT, AND STEWARDSHIP

A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement Stakeholder Input and Support.

Participants reported a perception of conflicting policies and priorities regarding the City's trees. City departments, partners, developers, and the community must have a common understanding of the challenges and opportunities surrounding the urban forest to develop a shared vision for addressing them. A public communications plan stemming from a citywide coordinated effort was seen as a necessary step in bringing clarity to the roles of City departments involved with the urban forest and tree care. Half of the internal stakeholders engaged support bolstering community engagement and volunteer efforts.

GOAL E1: CONTINUE TO ACHIEVE TREE CITY USA STATUS AND OTHER INDUSTRY RECOGNITIONS.

Goal E1 Strategies
a) Continue to track program activities and budgets.
b) Explore the opportunities and requirements for other recognition programs.
Goal E1 Priority Actions
Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.
Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.
Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.

GOAL E2: CREATE AND IMPLEMENT AN ENGAGEMENT STRATEGY FOR ALL DEMOGRAPHICS AND STAKEHOLDERS IN THE COMMUNITY.

Goal E2 Strategies
a) Identify and collaborate with stakeholders to draft the strategy.
b) Implement the strategy as a coordinated effort.
c) Review and adapt the strategy as changes occur.
Goal E2 Priority Actions
Finalize a community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.
Increase outreach and marketing for improving and expanding tree canopy for the public good.
Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.
As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.
Identify existing and potential partners and organizations to support community outreach and engagement that is inclusive and equitable.

GOAL E3: PROVIDE INCLUSIVE PROGRAM OFFERINGS SUCH AS EVENTS, EDUCATION, AND TRAINING TO MEET THE NEEDS OF ALL.

Goal E3 Strategies
a) Continue to implement programs and services through the lens of environmental stewardship.
b) Coordinate with new and existing community and regional partners.
c) Develop strategies for open participation that is inclusive .
Goal E3 Priority Actions
Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
Identify low tree canopy neighborhoods for targeted engagement.
Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
Make the data and information from this Plan accessible to the public online.
Gather feedback for continual improvements to events, education, and trainings.

Table 15. Details of goals and strategies



Section 4: Implementation

IMPLEMENTATION

The framework of the goals and actions in the Urban Forestry Management Plan provides the City of Fayetteville with the means to measure progress and adapt to an ever-changing environment and availability of resources. Each of the goals align with the U.S. Forest Service's Urban Forest Audit System described and summarized in Section 2 of this Plan. The actions are intended to guide the City towards improvements in ranking for each of the nearly 130 elements within the 11 categories of urban forest management. As actions are implemented, the City may conduct new iterations of the Urban Forest Audit to gauge success, evaluate progress, and adjust accordingly. View the Evaluate section (page 100) of the Monitoring Plan for more information.

Based on the assessment of Fayetteville's urban forest resource, the programs that manage it, and the community that shapes and benefits from it, the following implementation summary is recommended. Implementing the Plan in this manner will effectively and efficiently address the City's shared challenges and priorities using available resources. As the Plan progresses, more resources will become available to implement the longer-term actions.

IMPLEMENTATION SUMMARY

A) Equitable and Resilient Canopy Cover			
Guiding Principle	We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.		
Audit Category	Policy & Ordinances; Standards & Best Practices		
Goals	**Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land.	**Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners.	**Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
Strategies	a) Procure funding to purchase land for the City to preserve and plant trees.	a) Identify existing and potential stakeholders.	a) Use data and research to make decisions on approved tree species for planting.
	b) Review and refine the priority planting areas provided by the Plan.	b) Collaborate and share resources to identify program funding opportunities.	b) Select the right tree for the right site.
	c) Continue to offer free trees to citizens.	c) Track progress and recognize successes.	c) Provide ongoing tree care and monitor the condition of tree plantings.

	d) Plant 1,850 trees per year for 10 years and reassess citywide canopy cover.	d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.	
	e) Coordinate with other City plans and programs.		
Priority Actions	Review, refine, and finalize the canopy cover goals and planting priorities. Consider the status of recommendations outlined in the 2012 Urban Tree Canopy Assessment Report (see Table 9 in the Plan).	Draft a list of existing and potential stakeholders with input from multiple departments.	Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
	Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.	Organize workshops or seminars that focus on the importance of the program.	Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
	Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.	Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.	Provide watering and irrigation for public tree plantings.
	Continue to offer tree care information especially in priority neighborhoods.	Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.	Enforce the post-planting regulations regarding maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.
	Monitor progress toward achieving the canopy goals and planting targets.		
	Reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.		

Maintenance and Management			
Guiding Principle	We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.		
Audit Category	Green Asset Management; Tree Inventories; Tree Plans		
Goals	Goal B1: Prioritize public tree maintenance and tree risk management.	Goal B2: Reduce conflicts between trees and other infrastructure such as sidewalks and utilities.	Goal B3: Manage harmful tree pests and diseases that are present or expected to impact the urban forest.
Strategies	a) Assess then need for more public works Urban Foresters.	a) Assess public trees for current and potential infrastructure conflicts.	a) Identify the primary tree pests and diseases of concern.
	b) Develop a public tree maintenance plan.	b) Identify existing and potential alternative solutions to infrastructure conflicts.	b) Provide information for identifying tree pests and diseases.
	c) Develop a plan for maintaining trees that are planted toward the canopy goal.	c) Coordinate with internal and external stakeholders.	c) Monitor public trees and the urban forest for tree pests and diseases of concern.
	d) Stay current with industry research, tools, technology, standards, and best practices.	d) Ensure trees are planted with the proper soil volume.	d) Create a preliminary emerald ash borer (EAB) plan.
	e) Focus on planting strategies and designs that produce long-lived trees.		
Priority Actions	Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.	Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.	Develop and implement an integrated pest management or plant health care plan for public trees.
	Create annual work plans and seek funds to implement those plans using the actions within Goal D3.	Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.	Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Goals Continued	Goal B1: Prioritize public tree maintenance and tree risk management.	Goal B2: Reduce conflicts between trees and other infrastructure such as sidewalks and utilities.	Goal B3: Manage harmful tree pests and diseases that are present or expected to impact the urban forest.

Priority Actions Continued	Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.		Focus on education and technical assistance with large private landowners.
	Acquire and maintain industry certifications and trainings for Urban Foresters.		
	Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties.		
	Strengthen or establish public tree risk assessment and mitigation protocols.		
	Develop a framework and approach to utilize more biomass resulting from public tree maintenance, removals, and post-storm cleanup. Expand efforts beyond mulching by including logs for wood products for local craftsmen.		

Tree Preservation and Protection			
Guiding Principle	Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.		
Audit Category	Policy & Ordinances; Standards & Best Practices; Capacity & Training; Authority		
Goals	Goal C1: Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts.	Goal C2: Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan.	Goal C3: Monitor and enforce tree-related ordinances.
Strategies	a) Assess development workloads and increase Urban Forestry in Development Services.	a) Monitor and track tree plantings and removals.	a) Distribute information and resources regarding changes to tree regulations.
	a) Quantify the urban forest's role in climate change mitigation.	b) Adopt a no-net-loss policy for public trees.	b) Establish a formal protocol.
	b) Maintain tree regulations to minimize urban forest vulnerabilities.	c) Review and implement recommended changes to tree ordinances.	c) Recognize exemplary tree preservation practices and projects.
Priority Actions	Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.	Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.	Update information on the City's website and in materials as tree regulations change.
	Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.	Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.	Consider developing a protocol for scheduled inspections, random spot checks, recordkeeping, an on-site education.

	As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.	Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.	Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.
		Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.	
Goals Continued	Goal C1: Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts.	Goal C2: Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan.	Goal C3: Monitor and enforce tree-related ordinances.
Priority Actions Continued		Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.	
		Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.	
		Establish a policy for reassessing the citywide tree canopy cover at regular intervals to monitor the canopy goal.	

Funding and Levels of Service			
Guiding Principle	The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.		
Audit Category	Green Asset Management; Community		
Goals	Goal D1: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals.	Goal D2: Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal.	Goal D3: Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
Strategies	a) Identify potential areas for land acquisition.	a) Identify the funding gap and funding source(s).	a) Track and report program activities and Plan implementation progress.
	b) Coordinate with partners for land acquisition and management.	b) Communicate the benefits of a robust planting effort.	b) Analyze the organization of departments involved with trees in Fayetteville.
	c) Lead by example and distribute information about the program.	c) Develop and implement a tree planting program aligned with the canopy goal.	c) Conduct cost-benefit analyses and evaluate growing service demands.
Priority Actions	Review the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.	Determine the funding gap for planting 1,850.	Develop a mission and vision statement for urban forest management in the City that align with the goals in this Plan.
	Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.	Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.	Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
	Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).	Secure the necessary funding to meet the annual tree planting targets.	Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.

	Develop management plans for the properties purchased.	Provide annual reports on canopy goal progress to justify continued funding for tree plantings.	Determine the need for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Goals Continued	Goal D1: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals.	Goal D2: Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal.	Goal D3: Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
Priority Actions Continued	In the long-term, consider utilizing land acquired for pilot projects such as testing new tree species for the region and in-house tree production (i.e., tree nursery).	Coordinate with tree nurseries the tree species for planting to reduce costs and address tree species diversity goals.	Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
			Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

Community Education, Engagement, and Stewardship			
Guiding Principle	A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.		
Audit Category	Community		
Goals	Goal E1: Continue to achieve Tree City USA status and other industry recognitions.	Goal E2: Create and implement an engagement strategy for all demographics and stakeholders in the community.	Goal E3: Provide inclusive program offerings such as events, education, and training to meet the needs of all.
Strategies	a) Continue to track program activities and budgets.	a) Identify and collaborate with stakeholders to draft the strategy.	a) Implement programs and services through the lens of environmental justice.
	b) Explore the opportunities and requirements for other recognition programs.	b) Implement the strategy as a coordinated effort.	b) Coordinate with new and existing community and regional partners.
		c) Review and adapt the strategy as changes occur.	c) Develop strategies to remove barriers to participation.

Priority Actions	Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.	Finalize a robust community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.	Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
	Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.	Increase outreach and marketing for improving and expanding tree canopy for the public good.	Identify low tree canopy neighborhoods for targeted engagement.
	Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.	Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.	Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
		As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.	Make the data and information from this Plan accessible to the public online.
		Identify existing and potential partners and organizations to support the implementation of the community outreach strategy and support engagement that is inclusive and equitable.	Gather feedback for continual improvements to events, education, and trainings.

MONITORING PLAN

This Urban Forestry Management Plan will be updated every ten years as outlined in the code. Revisions can be made in five years, and canopy data will be collected from GIS every two years and revised periodically. Better data will help reflect changes in the urban forest and incorporate changes in industry standards. Also, community response and industry recommendations should be considered to reach the established goals. This process should be overseen by an urban forestry working group consisting of community members with various skill sets and backgrounds. Examples include the City's Urban Forestry Program, Urban Forestry Advisory Board members, other City staff, and stakeholders. The monitoring of the plan should follow the evaluation, monitoring, reporting, and Revising methodology. Knowing how the City and its partners are doing will require a continual evaluation process. This section presents examples of how to monitor, analyze, and revise the Plan, which will keep stakeholders informed of the status of the Urban Forestry Program. To monitor progress toward implementing the Plan recommendations, an evaluation similar to the U.S. Forest Service's Urban Forest Audit (details below in the Evaluate section) conducted to develop the initial Plan should be completed. This evaluation will identify progress and shortfalls compared to the baseline audit.

In addition, a report card could be created based on the audit's outcomes and distributed to the public periodically. This will measure progress toward implementing the Plan's actions. The Report section provides a suggested structure for measuring and reporting success toward accomplishing each goal. Other indicators to measure progress may need to be developed to ensure a thorough and accurate evaluation.



EVALUATE



The U.S. Forest Service's Urban Forest Audit System provides a framework for routine evaluations of the urban forest, the programs that manage it, and the community that shapes and benefits from it. The deliverables to this Urban Forestry Management Plan project include guidance for completing an update to the audit completed in 2023 to develop the Plan. This audit system consists of 11 categories of urban forest management, sustainability, and community. Within the 11 categories are approximately 130 subcategories or elements. Each element was ranked or scored based on the consultants' evaluations in 2023 for the Urban Forestry Management Plan. It is recommended the City's urban forestry working group (or similar) complete a bi-annual audit to inform any alterations to actions and strategies.

About the Urban Forest Audit

The primary objectives of the audit are defined by the Urban Forest Audit System authors and adapted by the City's urban forestry consulting team to engage the full spectrum of the organizations' management team, provide program direction that increases the level of professionalism in management, conduct a gap analysis of management practices and the health of urban forests, provide strategic direction to improve the health of the urban forest, and optimize management for environmental justice and equitable distribution of resources.

1) Management Policy and Ordinances
2) Professional Capacity and Training
3) Funding and Accounting
4) Decision and Management Authority
5) Tree-related Inventories
6) Tree-related Plans
7) Risk Management
8) Disaster Planning
9) Standards and Best Practices
10) Community
11) Green Asset Management

Table 16. Categories for evaluation using the U.S. Forest Service's Urban Forest Audit System.

Urban Forest Audit Process

The process of analyzing the urban forest involved extensive information and document gathering and research to identify policies, practices, programs, and standards pertaining to categories of urban forest sustainability and management as defined by Clark et al. (1997), Kenney et al. (2011), and the Forest Service. The categories are listed in Table 16.

Each category has a series of subcategories pertaining to the specific category. As an example, the subcategories listed in Table 17 are in the Management Policy and Ordinances category:

1.01) Climate Change (Sustainability)
1.02) No Net Loss
1.03) Risk Management
1.04) Tree Canopy Goals
1.05) Tree Protection
1.06) Utility
1.07) Human Health
1.08) Wildlife Diversity/Habitat/Protection
1.09) Performance Monitoring
1.10) Private Tree Ordinances
1.11) Public Tree Ordinances
1.12) Development Standards
1.13) High-Conservation Value Forests
1.14) Urban Interface (WUI)

Table 17. List of subcategories within the Management Policy and Ordinances category of the audit

All available documents and plans were reviewed and tallied in the audit worksheet as part of the information discovery phase. Based on the evaluation of the documents and outcomes of all planning processes (i.e., research, City staff interviews, urban forest benchmarks, data analyses, and community engagement) each subcategory within the 11 categories was "ranked" using the following system:

0) Not Practiced - Component doesn't exist or is not practiced; 0 points
1) In Development - Component is in development as part of or aside from this Plan; 1 point
2) Adopted Practice - Component is routinely practiced; 2 points
3) Exceeds Adopted Practice - The component is exceeded; 3 points

The points were then totaled for an overall rating to provide a summary of the City's level of achieving each category of urban forest management and sustainability.

Urban Forest Audit Results for Fayetteville

#	Category	SOC* (% Achieved)	Base** (% Achieved)	Overall Rating	Overall (% Achieved)
1	Management Policy, Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision, Management Authority	50%	100%	5	63%
5	Tree-related Inventories	NA	56%	17	65%
6	Tree-related Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs***	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Management	NA	NA	16	80%
TOTAL		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation. SOC refers to the degree of prudence and caution required of an individual who is under a duty of care (i.e., legal obligation of the controlling authority, owner, or manager) to minimize risk. Neither state, regional, nor national minimum management components have been established for SOC but these are interim recommendations for consideration. (NA = not applicable)

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category. (NA = not applicable)

***Best Management Practices (BMPs)

Table 18. Outcomes of the urban forest audit completed in 2023 for Fayetteville's Plan.

Urban Forest Audit Summary Discussion

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the Plan's goals, strategies, and actions. This audit or "gap analysis" enables the Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the Urban Forestry Program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan strategies in that the audit categories and elements can be revisited at key intervals in the Plan implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.



Figure 37. Results of the 2023 urban forest audit to utilize in Plan monitoring.

EVALUATE

Measuring accomplishment of the actions will require ongoing analysis. The outcomes of the Urban Forest Audit System in the Evaluate section can be used to monitor change over time. These benchmark values should be tracked, and a state of the urban forest report should be prepared and distributed to the public every 2 to 5 years. Analysis may include an updated public tree inventory, i-Tree benefits analyses, or urban tree canopy assessments. The state of the urban forest report should include the benchmark values as reported in the Plan and the Urban Forest Audit System as of 2023, so that the City can measure and compare changes to the urban forest. The report should reflect changes to the audit system that are measured.



The following table provides a summary of the benchmark values that can be used to monitor and report on Plan progress.



Primary Urban Forest Benchmark Values to Measure Plan Progress

2019 Urban Tree Canopy (UTC) Cover (Assessed in 2022)	
Tree Equity Score (2022)	87 out of 100
Urban Tree Canopy	39.4%
Short-term Canopy Goals	39.9% by 2029 (1,850 trees/year) 40.6% by 2034 (1,850 trees/year)
Long-term Canopy Goals	44.4% by 2054 (3,000 trees/year)
Total Trees to Reach 10-year Goal	18,500 trees by 2034 (1,850 trees/year)
Total Trees to Reach 30-year Goal	91,000 trees by 2054 (3,000 per year avg.)
Public Tree Counts (2022 estimates)	
Total Public Trees (alive or dead)	42,000 (estimated)
Total Public Street Trees	25,000
Total Public Street Planting Sites	TBD
Total Public Open Space Trees	Unknown
Tree Benefits (2022 estimates)	
Citywide (UTC Assessment)	2019: $76.5 million (total)
Ecosystem Benefits of Public Trees	2022: $4.2 million (annual estimate)
Tree and Budget Distribution (2021)	
Public Trees (street and park) per Capita	0.44
Budget per Capita	$6.66
Urban Foresters (3 departments)	8.00 (2023)
Total Public Trees per Staff	5,000 trees for every 1.0 FTE
Management Activities (2023)	
Public Trees Pruned	To be recorded at the end of the year
Public Trees Removed	To be recorded at the end of the year
Public Trees Planted	To be recorded at the end of the year
Number of Volunteers and/or Hours	To be recorded at the end of the year
Urban Forest Audit System (Total Score of 2023): 73%	
Management Policy and Ordinances	71%
Professional Capacity and Training	89%
Funding and Accounting	67%
Decision and Management Authority	63%
Tree-related Inventories	65%
Tree-related Plans	54%
Risk Management	78%
Disaster Planning	64%
Standards and Best Management Practices	73%
Community	89%
Green Asset Management	80%
Public Perception (2022)	
Tree-related priorities	62% want trees for shade
Preference for improving public tree health	74% for setting canopy goals, 66% for more trees and preservation in development
Where to prioritize future investments	70% for improved tree code for development

Table 19. Fayetteville's primary urban forest benchmark values to measure Plan progress.

REPORT



Based on the evaluation of Plan implementation progress, the City's urban forestry (or similar) should track, record, and report on the metrics described below that are measures or indicators of success based on the Urban Forest Audit utilized in developing the Plan's goals.

POLICY AND ORDINANCES

Urban forest policies are the foundation for preserving the environmental benefits, resiliency, and the character of Fayetteville's urban forest.

- List all City-led planning efforts.
- Describe related City-led tree planting efforts.
- Communicate citywide canopy goals.
- List recommended changes to City Code, policies, and manuals.
- Distribute any recommended tree list to city staff, partners, and residents.

CAPACITY, TRAINING, AND AUTHORITY

Fayetteville has the capacity and expertise to provide optimal levels of service for sound urban forest management.

- List the existing staff and supporting departments and partners.
- Summarize roles and responsibilities of the Urban Forestry Advisory Board.
- Describe existing and needed certifications, qualifications, and training.
- Report the number of volunteers and volunteer hours.

BUDGET AND FUNDING

Funding and resources enable comprehensive and sustainable urban forest management for the preservation and enhancement of tree benefits.

- Report the proportion of public trees to the City population.
- Report the number of volunteers and volunteer hours.
- List the unfunded urban forestry needs.
- Report the budget, and donations.

ASSESSMENTS AND PLANNING

A thorough understanding of the urban forest ensures data-driven decisions, sustainable and comprehensive planning, and amplified tree benefits.

- Report the number of public trees planted, pruned, and removed.
- Report the number of trees assessed for risk.
- Provide a summary of existing tree canopy cover citywide every two years.

	COMMUNITY ENGAGEMENT Sustainable urban forest management and equity is achieved through a partnership with the City and its residents resulting in improved well-being, human health, and local economies. • List existing and potential partners. • Report the number of planting events and trees planted. • Report the history/count of Tree City USA and supporting awards. • Report the number of volunteers, events, and volunteer hours. • Report the results of public surveys. • Report on the activities of the Urban Forestry Advisory Board.
	GREEN ASSET MANAGEMENT Fayetteville proactively manages the public trees, continues to grow and expand a healthy canopy, effectively mitigates climate change impact. List the existing and potential outreach platforms and initiatives. • Report the number of public trees pruned, removed, and planted. • Report the number of mitigation plantings and stormwater plantings. • Report progress towards canopy goals and tree planting targets. • Provide a map of planting areas for upcoming year. • Report on Urban Forestry Audit score every 5 years.

Table 20. Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals.

REVISE

Completion of this Plan is a critical step towards meeting the vision for Fayetteville's urban forest. Continual monitoring, analysis, and reporting will help to keep urban forest partners involved and focused on accomplishing the actions. Plans are typically revised every 10 to 15 years; hence, the Plan will need formal revision to respond and adapt to changes as they develop. Formal revision of the Plan should coincide with the update of the City's Comprehensive Plan, Park and Recreation System Master Plan, Energy Action Plan, Tree Preservation and Landscape Manual, climate/sustainability and stormwater plans, and other relevant planning efforts. Recommendations and goals of each should be compared. Revisions to the Plan should occur with major events, such as newly discovered pests or diseases, changes in program budget and resources, or significant changes to industry standards or legal codes.

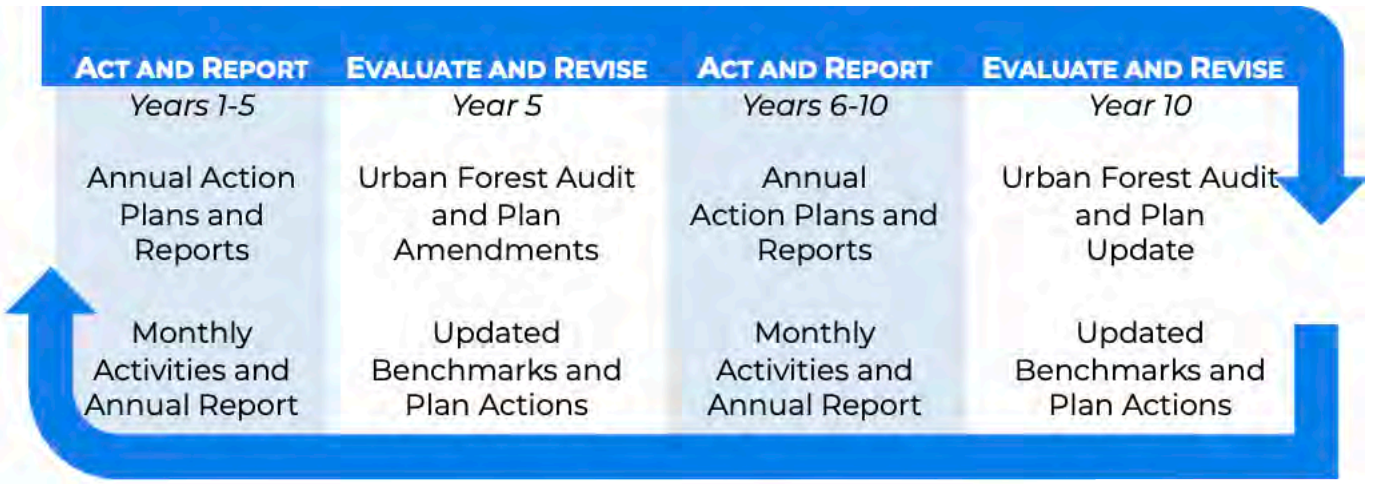


Figure 38. Example of the plan implementation, evaluation, and revision process.

Applying the Urban Forest Audit to Revise the Plan

The Urban Forest Audit can serve as the tool for the City to effectively Evaluate, Monitor, Report, and Revise the Plan as part of the implementation and monitoring protocols. As found in the 2023 Urban Forest Audit completed to develop the Plan, there are areas of urban forest management where the City is performing at a high level and other areas where improvements are needed. The goals and actions in the Plan address both these strengths and challenges. The following summarizes the relationship of the Plan's actions to the categories in the Urban Forest Audit. Each action in the Plan includes a reference to the Audit's category and subcategory (see Appendix B).

Ranking	Count	%	% of Total
1) In Development	63	25%	49%
2) Adopted Common Practice	62	48%	48%
0) Not Practiced	4	0%	3%
Category Total	**129**	**73%**	**100%**

Table 21. Summary count of the evaluations completed in the 2023 Urban Forest Audit.

Out of the nearly 130 elements (or subcategories) within the Audit, the majority (63 elements or 49%) ranked "1) In Development" followed by 62 (48%) elements ranked as "2) Adopted Common Practice". Most of the elements given the "In Development" ranking was a result of the outcomes from the Urban Forestry Management Plan or the strategic actions within the Plan to be implemented. As the Plan is being implemented, the status or score of the categories within the audit should change.



Conclusion

CONCLUSION

Trees are an integral part of the community and the ecological systems in which they exist. They provide significant economic, social, and ecological benefits, such as carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of water quality, enhancement of human health and wellness, and increase the value of properties. Planting and maintaining trees helps Fayetteville become more sustainable and reduces the negative impacts on the ecosystem from urban development. Trees are as necessary as water, infrastructure, and energy to sustain healthy communities. The health of the urban forest is directly linked to the health of the region.

The Urban Forestry Management Plan is a roadmap for a strategic approach to manage Fayetteville's urban forest. The Plan contains goals and supporting actions that are critical to the long-term vitality of the forest. However, in order for the Plan to actually have an impact on the forest resource, it requires stewardship and financial resources to begin implementation. Further, it needs to be institutionalized as a document requiring implementation with a sense of urgency to get things started. Completion of the Urban Forestry Management Plan clearly demonstrates that City leadership understands that a healthy urban forest is critical to guaranteeing the long-term health and vitality of the community.

In order to accomplish the goals, the City should consider the following commitments:

- **Recognize that the trees of the urban forest are more than aesthetic enhancements.**
- **Recognize trees as the backbone of the urban ecosystem and an essential part of the community's green infrastructure.**
- **Promote the health and growth of the urban forest by following scientifically established best management practices for tree selection, planting, watering, and pruning.**
- **Promote a robust urban forest through policies and practices that reduce its vulnerability to known diseases or pest infestations, and future threats, including the anticipated effects of climate change.**
- **Engage in a continuous process of long-range planning for the growth and maintenance of the urban forest.**
- **Promote public appreciation of the urban forest through educational outreach programs.**
- **Support local businesses, institutions, organizations, and individuals in their efforts to grow and maintain the urban forest through community education.**
- **Proceed in a manner that is inclusive and transparent.**

Successful implementation of actions in this Plan will bring Fayetteville to a higher level of service that is more equitably distributed across the City resulting in a sustainable and thriving urban forest that benefits all residents and future generations— ultimately achieving the Plan vision: Healthy Trees, Healthy City: Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.



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Supplemental Material Contains more in-depth information and data.

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Supplement 2- Canopy Goal Setting and Priority Areas
Supplement 3- Tree Inventory Summary
Supplement 4- Public Survey Results
Supplement 5- Staff & Board Member Survey Results
Supplement 6- US Forest Service Urban Forest Audit
Supplement 7- Recommended Tree List and Sister City Climate City Assessment
Supplement 8- Invasive Plant Species Program Review
Supplement 9- Urban Tree Canopy Assessment Project 2012

APPENDIX A. CANOPY GOALS AND PLANTING TARGETS

Canopy Goal Assumptions Data from Fayetteville's tree canopy cover assessments (2019) and the American Forests Tree Equity Score (TES) tool were analyzed to identify a feasible canopy goal and to develop strategies to achieve it. The draft canopy goal was refined by examining the available land area, resources, other ongoing city priorities, future land use, land ownership types, opportunities to mitigate urban heat, and preservation of native prairie land. Other considerations were our climate, elevations, historic canopy coverage for the regions, topography, survey results, climate change atlas, invasive species, and development patterns. The goals were set to be achievable and flexible so that staff could take different strategic approaches to planting trees.

Using this integrated approach, the City of Fayetteville's ambitious and achievable goal is 44.4% tree canopy in 30 years— up from 39.4% based on 2019 imagery. To achieve this, the City and partners must preserve the existing canopy to the greatest possible extent, mitigate the lost canopy, and increase canopy coverage by planting trees.

- Existing tree canopy cover is based on imagery from 2019.
- Promote growing trees to maturity rather than focusing on a number.
- A no-net-loss strategy is sought, meaning the number of public trees removed for internal municipal projects and encouraging mitigation on private property.
- Development projects must continue to mitigate tree removal, dedicate tree preservation easements, and add street trees.
- Most new large neighborhoods are in previous pasture land.
- Supporting citizens and growing trees in existing neighborhoods with POA/HOA support.
- Trees that grow into large canopy trees are planted wherever feasible.
- The City will need to plant public street planting sites and consider converting impervious surfaces to planting sites and planting in parks and natural areas.
- Assumes a potential for young tree mortality post-planting is 10% with POA/HOA projects and City projects (the standard for Fayetteville is 10%).
- Assume a potential for trees given away with a mortality rate of 65% (10% is our mortality rate, and studies show around 75% make it into the ground from tree giveaways combined. The mortality rate is an optimistic 65%).
- $408 per tree is the average cost for contracted tree planting.
- Emphasis should be placed on planting native and highly adaptable trees that support strategies for climate resiliency and tree species diversity.

Priority Planting Areas to Achieve Canopy Goals and Tree Equity

Once the City finalizes local and citywide tree canopy goals, it is recommended to establish priority areas based on a variety of themes and community needs. Themes may include ownership type (public and private), areas of low existing tree canopy, Tree Equity Scores (TreeEquityScore.org), and greatest amount of available planting space while other themes may address air quality, stormwater reduction, water quality, and preserving native land cover (e.g., native prairie land). Others may evaluate opportunities to address disadvantaged areas, densely populated regions, loss due to development, and human health factors such as asthma cases, median age, and mental health. In any planting prioritization scenario, the scale may include U.S. Census Bureau Census Block Groups, Future Land Use Classes, neighborhoods, ownership (public, private, campus and institutional), and citywide.

Using the results from the 2019 Urban Tree Canopy Assessment and an analysis of canopy change over four time periods and analyses in a Geographic Information System (GIS), a series of recommended prioritization techniques is provided. The description of the prioritization techniques and scenarios is provided below followed by a series of corresponding priority maps.

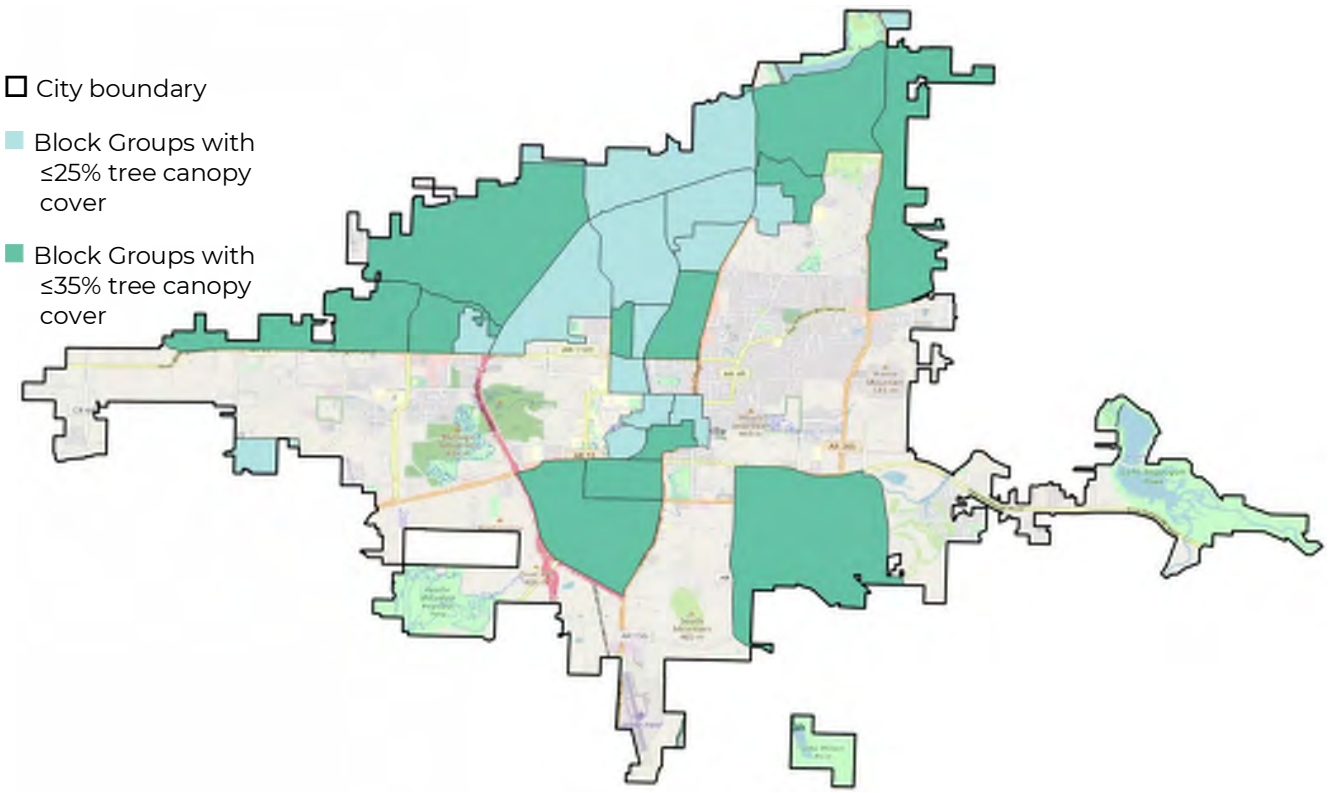
- **Low Tree Canopy:** It is important to understand the existing distribution of existing tree canopy across the City. This scenario shows Census Block Groups (CBGs) that are low in canopy cover (less than 35% canopy cover).
- **Low Income and Tree Canopy:** This scenario shows the CBGs with a high proportion of low-income populations and low amounts of tree canopy cover (less than 35%).
- **Vulnerable and Exclusion Areas:** Certain areas of the City may not be preferable to plant trees such as in native prairie land. Other areas are outside of the City's jurisdiction such as the University of Arkansas. And other areas such as easements have tree canopy that is vulnerable to change such as the removal of trees for a utility easement.
- **Development and Future Land Use:** With robust tree regulations in place, tree plantings in future land use areas can be considered to support a citywide canopy goal.
- **Tree Equity:** The American Forests' Tree Equity Score tool evaluates the correlation between tree canopy cover, surface temperatures, and socioeconomic data. Priority areas may include CBGs that have less than the citywide score of 87 out of 100.
- **Percent People of Color:** Redressing tree canopy cover inequities requires multiple facets of urban forest management though identifying canopy cover and the proportion of people of color within CBGs can assist in determining priority areas for plantings.
- **Average Surface Temperature:** Trees and green spaces have been proven to lower surface temperatures and mitigate urban heat island effects. Data from USGS Landsat 8 imagery, thermal bands.
- **Health Risk Index:** Research shows trees can improve human health through air quality improvements and encouraging physical activity. Priority areas are based on self-reported poor mental health, poor physical health, asthma, and coronary heart disease from the Centers for Disease Control.

View the maps on the following pages for examples of the listed planting priority techniques.

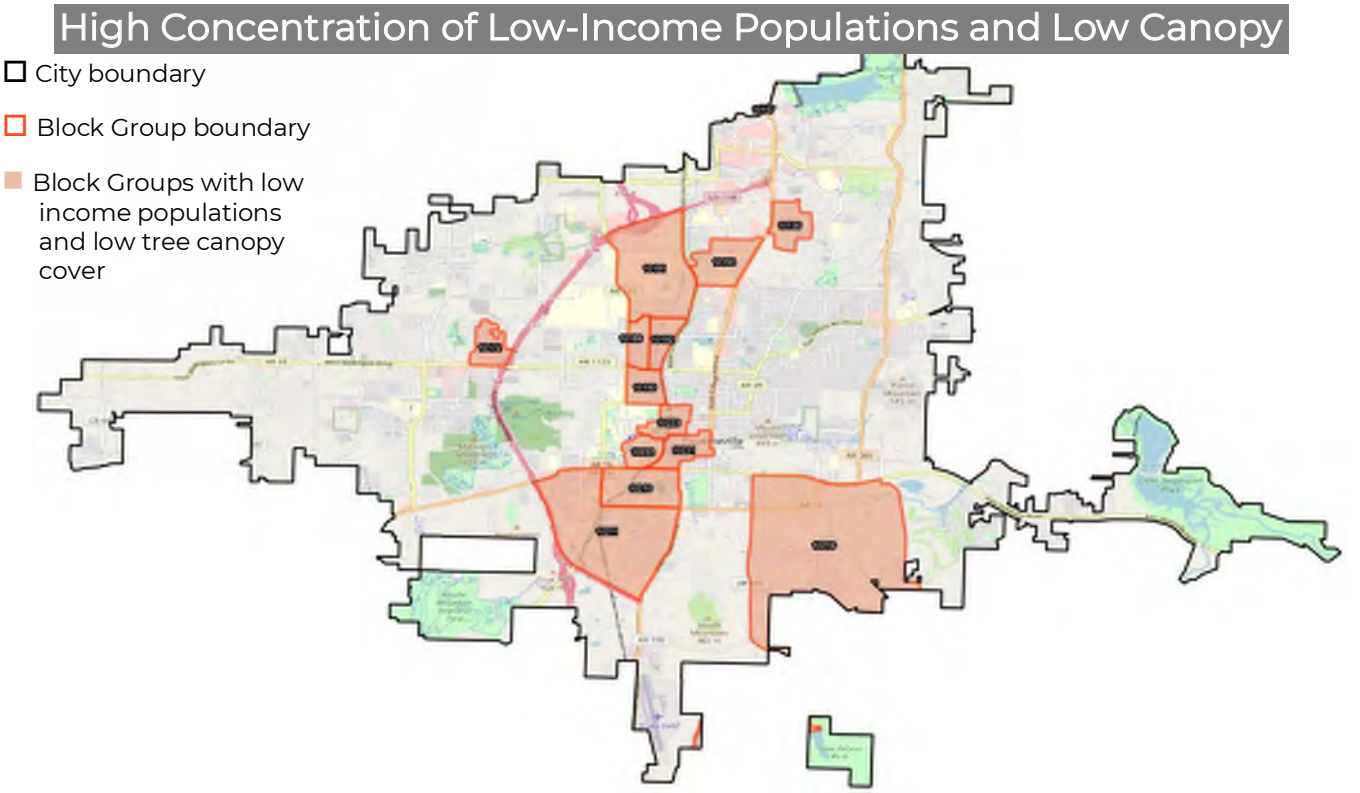
Priority Planting Maps by Theme

Figure 50. Priority planting maps by planting theme.

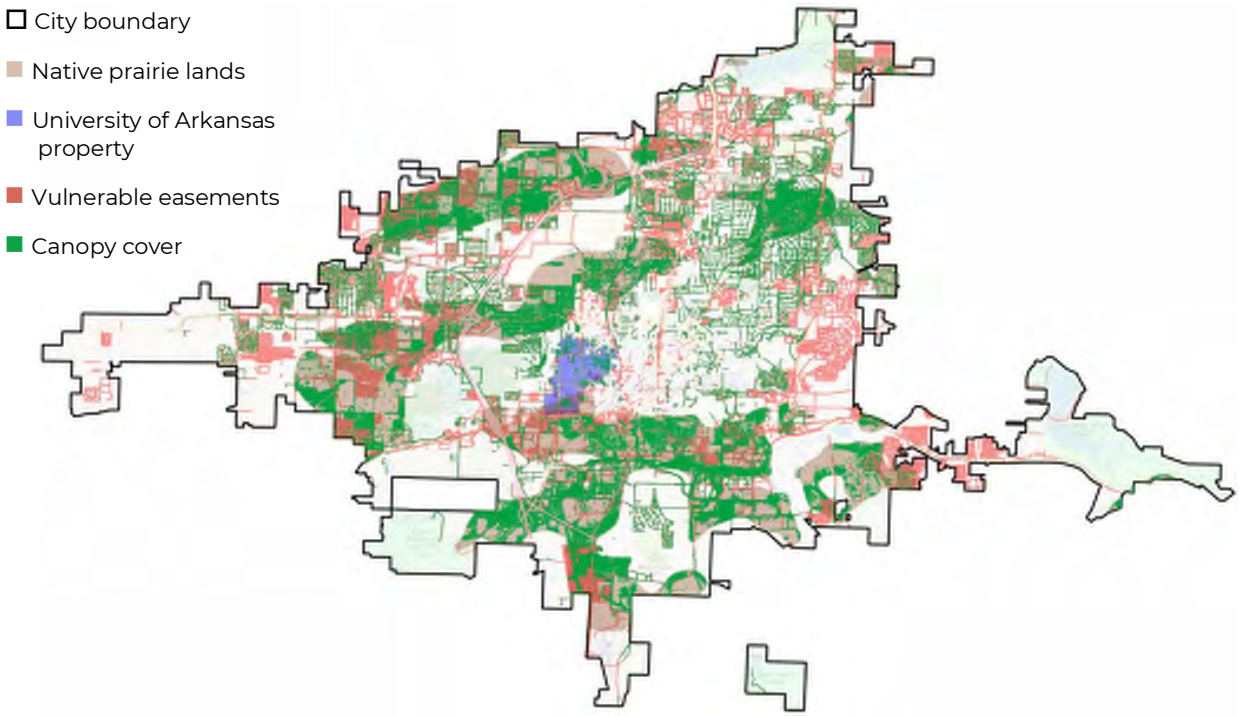
Areas with Low Tree Canopy Cover (<35%)



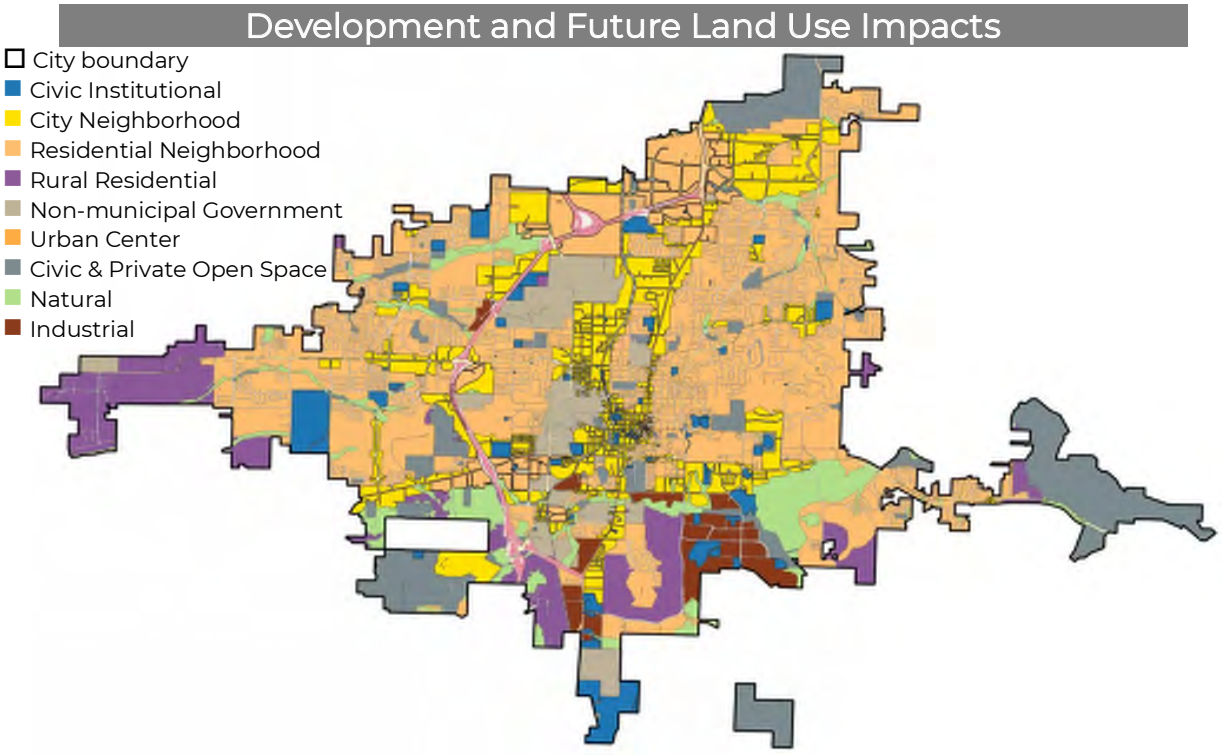
High Concentration of Low-Income Populations and Low Canopy



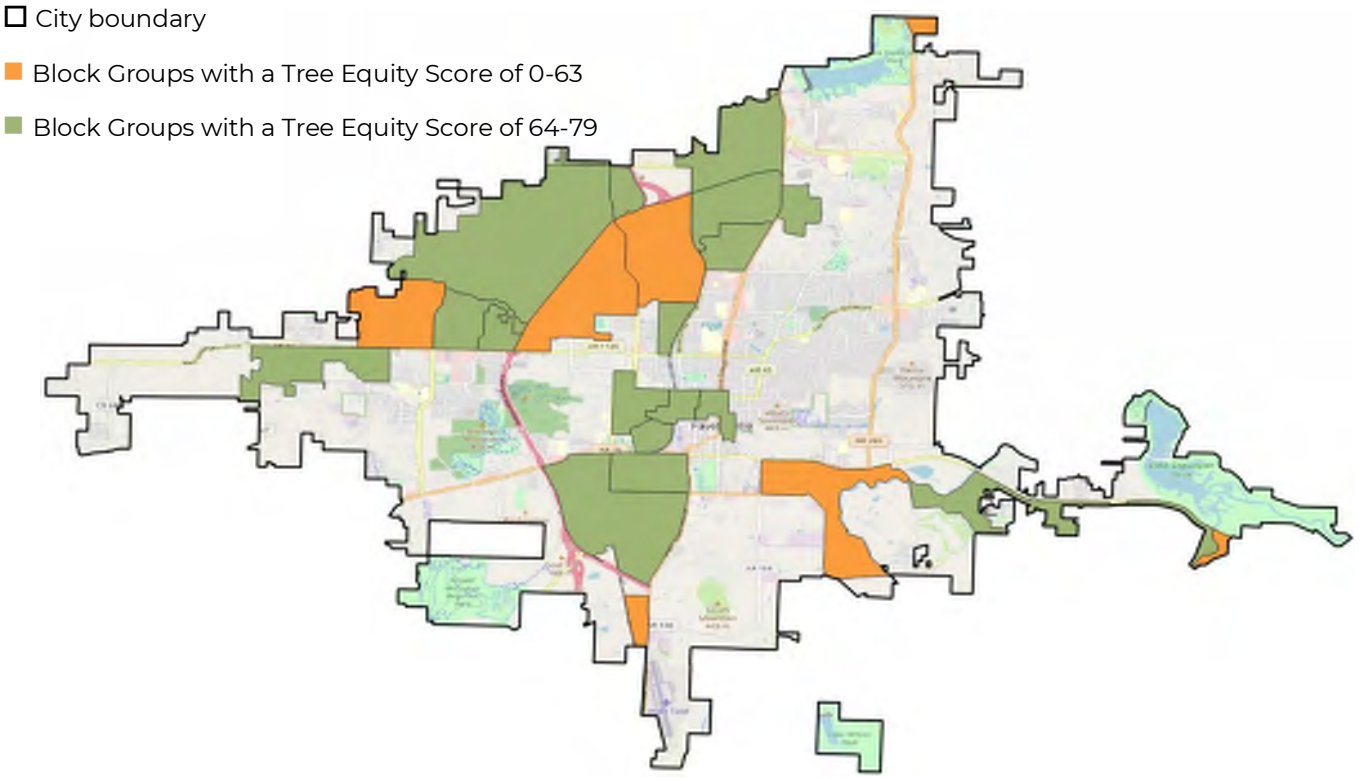
Vulnerable and Exclusion Areas



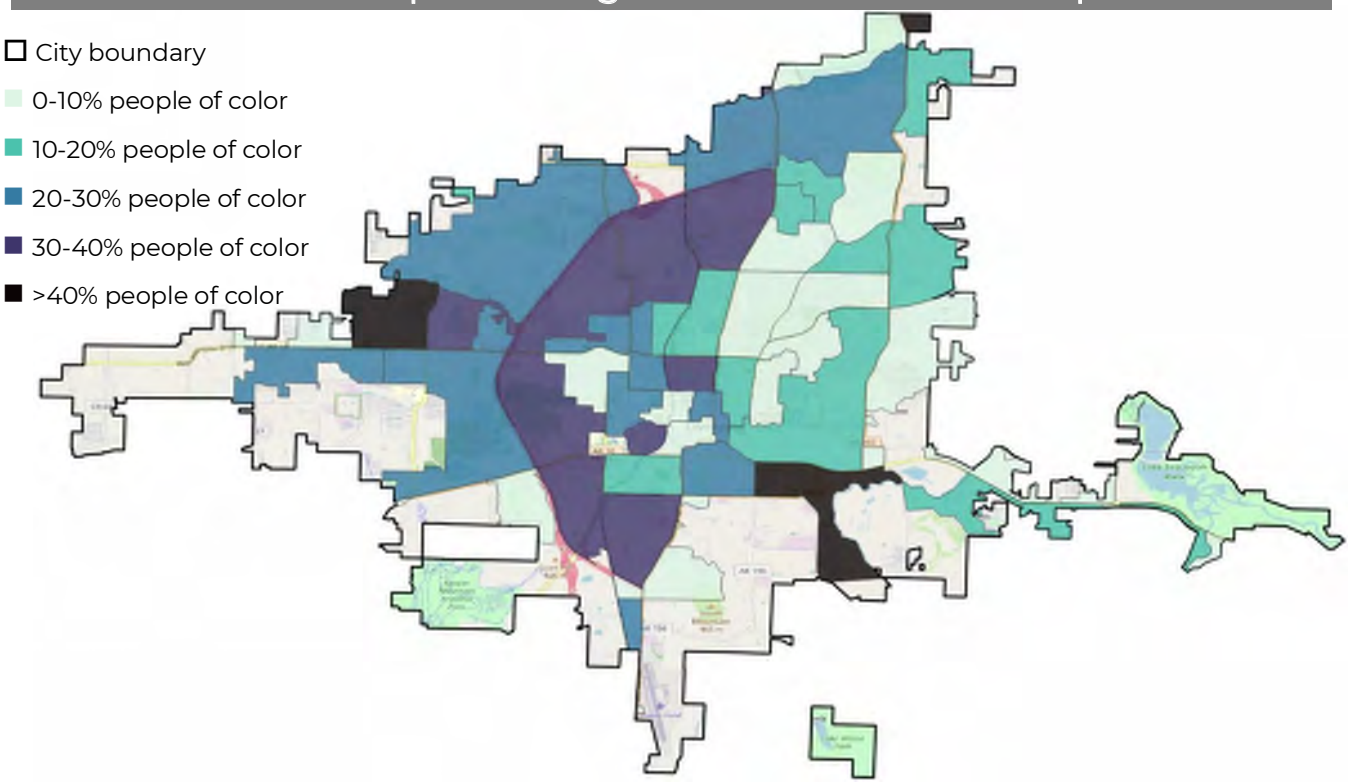
Development and Future Land Use Impacts



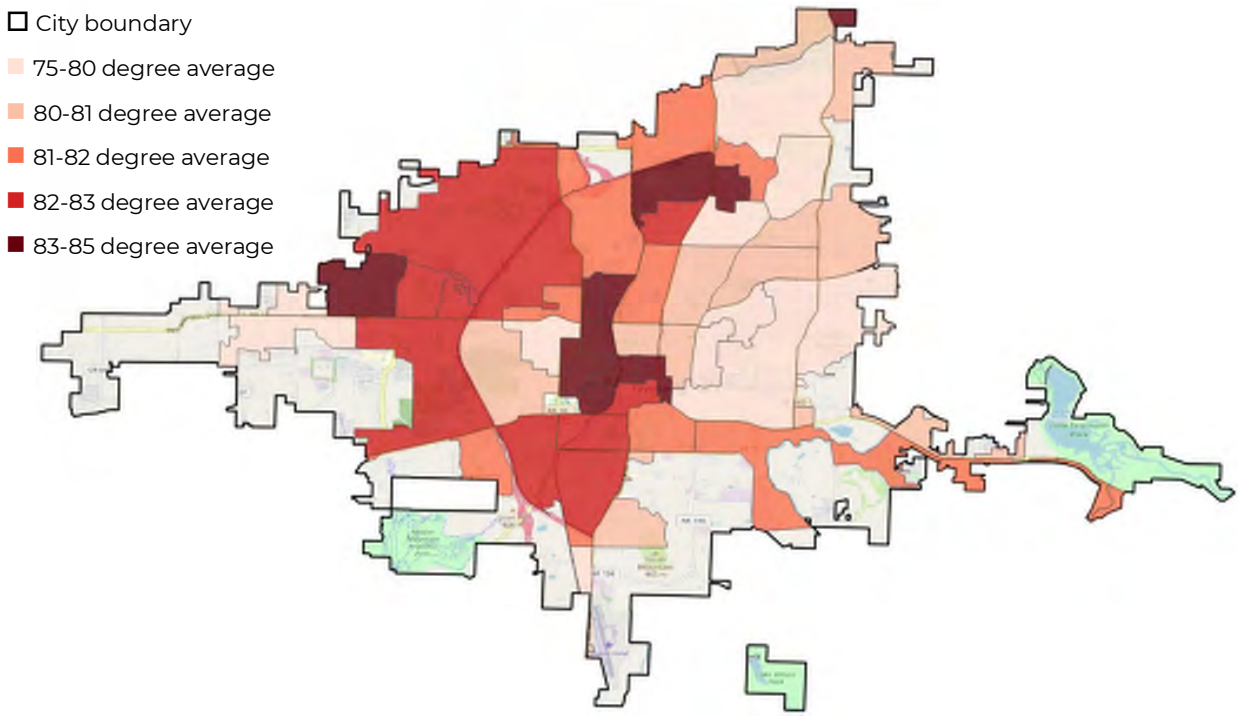
Areas with Tree Equity Scores Less Than 80 out of 100



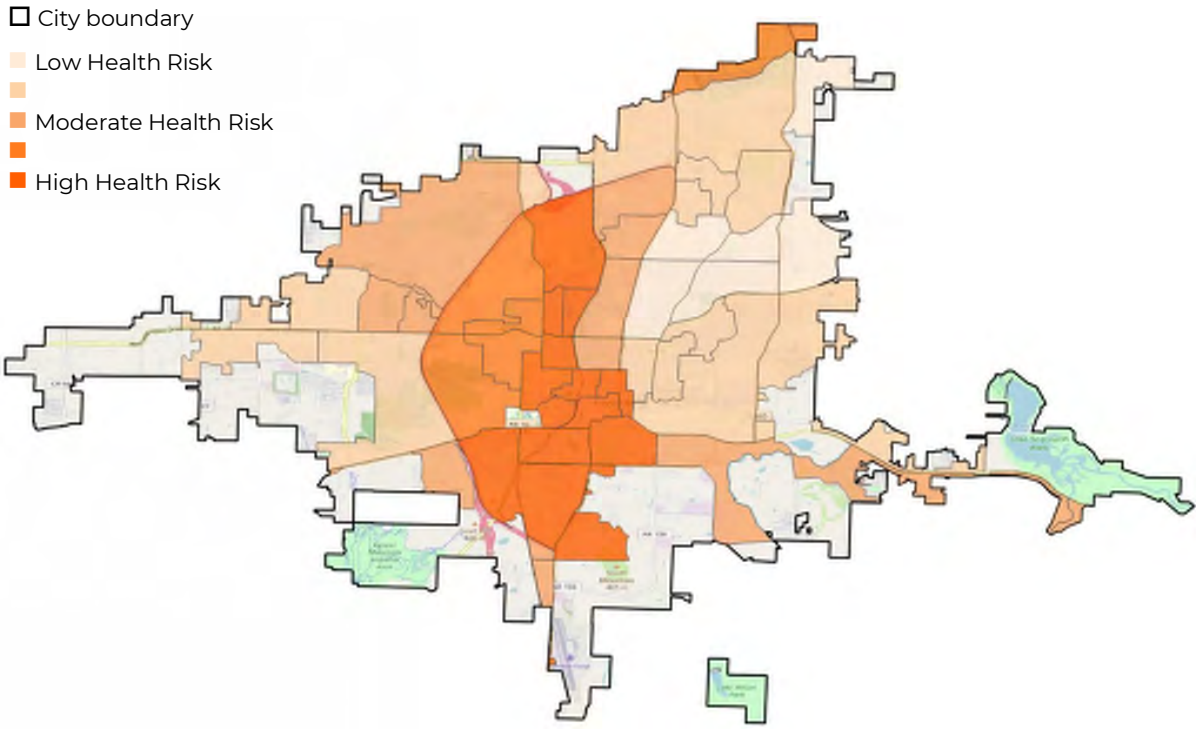
Census Block Groups with High Concentrations of People of Color



Areas with Higher than Average Surface Temperature



Health Risk Index Based on the Centers for Disease Control



APPENDIX B. 2023 URBAN FOREST AUDIT RESULTS

Urban Forest Audit Scoring Key

Not Practiced (0)	In Development (1)	Adopted Practice (2)

Table 21. Results of the 2023 Urban Forest Audit.

Management Policy

Category	Component Evaluated	Description or Criteria for Evaluation
1.00	Approved Policy Statements	Written policy statements approved by a governing body.
1.01	Climate Change (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.
1.02	No Net Loss	Can refer to trees, basal area, or canopy.
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".
1.05	Tree Protection	Construction and/or landscape maintenance.
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g., exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.
1.08	Wildlife Diversity/Habitat/Protection	Mammals, birds, or reptiles.
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.
1.10	Ordinance (Private)	Tree protection and management for trees on private property.
1.11	Ordinance (Public)	Tree protection and management for public trees.
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.

Capacity and Training

Category	Component Evaluated	Description or Criteria for Evaluation
2.00	Professional Management	Provision for professional consultation.
2.01	Certified Arborist - Staff	International Society of Arboriculture
2.02	Certified Arborist - Contracted	International Society of Arboriculture
2.03	Certified Arborist - Other Resource	International Society of Arboriculture
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).

Funding and Accounting

Category	Component Evaluated	Description or Criteria for Evaluation
3.00	Urban Forestry Budget	
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.

Authority

Category	Component Evaluated	Description or Criteria for Evaluation
4.00	Authority	
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).

Tree-related Inventories

Category	Component Evaluated	Description or Criteria for Evaluation
5.00	Inventories and Assessments	
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.
5.03	Public Trees 🡻	🡻 Evaluate below 🡻
5.04	Street Trees	Is there a recent (5 year) inventory?
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
5.07	Continuous inventory on a cycle (≤5 years; i.e. panel)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.08	Private Trees 🡻	🡻 Evaluate below 🡻
5.09	Campus (Educational)	Is there a recent (5 year) inventory?
5.10	Corporate	Is there a recent (5 year) inventory?
5.11	Other Private Property	Is there a recent (5 year) inventory?
5.12	Continuous inventory on a cycle (≤5 years; i.e. panel), inventory software	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, improved educational opportunity).
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.

Tree-related Plans

Category	Component Evaluated	Description or Criteria for Evaluation
6.00	Management Planning Activities	
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.
6.02	Public Trees ↓	↓ Evaluate below ↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
6.06	Private Trees ↓	↓ Evaluate below ↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?
6.08	Corporate	Is there a recent (5 year) plan?
6.09	Other Private Property	Is there a recent (5 year) plan?
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)

Risk Management

Category	Component Evaluated	Description or Criteria for Evaluation
7.00	Risk Management Activities	
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.

Disaster Planning

Category	Component Evaluated	Description or Criteria for Evaluation
8.00	Disaster Planning Activities	
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).
8.07	Urban Forest Strike Team	Participation in the UFST project.

Standards and Best Management Practices

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.
9.06	Lightning Protection Systems	BMP written to the ANSI A300 Standard.
9.07	Planting	Planting and transplanting standards required/specified.
9.08	Pruning	Pruning standards required for conserved & planted trees.
9.09	Removal	Infrastructure damage, stump grinding, etc.
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).
9.13	Design Standards	Standards for design that specifically require trees; standards for tree placement (i.e. location), soil treatment, and/or drainage.
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.
9.16	Inventory Data Collection	Community has adopted or developed applicable standards for local urban tree inventory data collection to support QA/QC.
9.17	Minimum Planting Volume	Minimum required root zone volume.

Standards and Best Management Practices (continued)

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard
9.21	Topping	Prohibits topping or other internodal cuts (public & private).
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, and/or preferred species (may include native and non-native species); alternatively, a list of species prohibited.
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.
9.25	Urban Agriculture	Enabled urban food forestry practices.
9.26	Wood Utilization	Larger diameter material is processed for wood products.
9.27	Third-party forest products certification compliance	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™ (FSC®).
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities (an efficient process that uses one fuel to generate two types of energy— electrical and thermal).
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.
9.30	Watering Standards	

Community

Category	Component Evaluated	Description or Criteria for Evaluation
10.00	Activities that Build Community	
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.
10.03	Private Property Tree Program	Does your community sponsor this program locally?
10.04	Public-facing Tree Inventory and Management Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.
10.08	Arboretum designation	Internal or third party arboretum designation.
10.09	Significant trees	For example: size, history.
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?
10.12	Active Communications	Press releases, regular news articles (print), “State of the Urban Forest” reports, periodic analysis of threats and opportunities.
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).
10.14	Tree Campus USA®, Tree City USA®, Tree Line USA®	Community/campus meets current qualifications for any of these programs.
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.

Green Asset Management

Category	Component Evaluated	Description or Criteria for Evaluation
11.00	Observed Outcomes (Activity, Health)	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).
11.02	Genus Diversity	No genera exceed 20% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.
11.07	Species Diversity	No species/cultivars exceed 10% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').

APPENDIX C. TREE ORDINANCE EVALUATION

The following considerations are provided for Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations of Fayetteville's Code of Ordinances. The evaluation is based on a checklist shown in the table on the following page. Considerations for changes may also pertain to City design standards, protocols, and manuals such as the Fayetteville Tree Preservation and Landscape Manual (referred to as the Tree Manual in this section). Based on this approach, the following summary provides the City with considerations for tree regulation changes in the future.

- Prior to any significant change(s) to tree ordinances, it is recommended that the City engage with internal and external stakeholders and the general public to gather input and feedback.
- Include references to the Urban Tree Canopy (UTC) assessments and the amount of tree canopy cover (39.4% based on 2019 imagery) and associated ecosystem benefits. Begin by updating section 167.01 Purpose and section 177.01 Purpose with these references and expand on the purpose to include the benefits of trees in mitigating climate change and other benefits and services not currently listed such as the human health and social benefits.
- Consider creating a section within Chapter 167 ("Definitions") that specifically defines and clarifies urban forestry-related terms. An example of a clarification could include descriptions and criteria for "significant trees", "priority trees" (listed in section 167.04.E.3), and trees within the "Tree Registry". As an alternative, the definitions could be listed in the Tree Manual and referenced in Chapter 167.
- Identify changes to resources needed to provide adequate staffing for administration, monitoring, and enforcement of tree-related ordinances. Update Code language accordingly.
- Consider a more nuanced approach to tree mitigation requirements for private development. For example, large mature and/or specimen trees that are approved for removal should have a greater requirement in terms of mitigation, replacement plantings, and/or fees. Explore mitigation and penalties for the unauthorized removal of private protected trees (Chapter 167) and public trees (Chapter 177). Periodically review and update canopy goal requirements as needed.
- Gather feedback to determine if any changes are necessary for public and private tree variances to the regulations. Develop incentives and regulations for projects to meet the canopy cover requirements (%'s) rather than defaulting to mitigation.
- During the periodic update to the Tree Manual, review the recommended tree species for planting and revise as needed based on the latest research and goals for tree species diversity. Periodically revisit the invasive plant species list in section 177.09 of Fayetteville's Code of Ordinances and update as needed based on the latest research, presence of species of concern, and the emergence of favorable habitats for new invasives to the region due to changing climates.
- Clarify roles and responsibilities for public street trees planted as part of private development projects (Chapter 177). Consider updating regulations for public street trees that are not planted as part of private development projects.
- Clarify regulations for trees in proximity or in conflict with overhead utilities.
- Review the evaluation table on the following page to finalize a scope of potential changes to tree-related ordinances.

Table 22. Tree ordinance evaluation checklist. Source: PlanIT Geo

Priority Level Key: 1 = High Priority, 3 = Low Priority " –" = adequate regulations in place

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Credentials				
Requires certified arborist for paid private tree work	X	167.07		-
Requires certified arborist for public tree work	X	167.07		-
Requires licensing of private tree care firms	X	167.07		-
Defines official authority for public tree management	X	Throughout Ch. 177		-
Public Tree Management and Protection				
Establishes/authorizes Urban Forester to regulate public trees	X	Throughout Ch. 177		-
Establishes/Authorizes City position (e.g., Mayor, City Administrator, DPW Director) to regulate public trees	X	177.02.B	Defines the authority and role of the Urban Forestry Advisory Board	-
Requires annual public tree work plans				2
Identifies formula for determining monetary tree value				1
Establishes responsibility for public tree maintenance (e.g., City, adjacent property owner)	X (Limited)	177.05 177.10	Chapter 177 does not define responsibility beyond those street trees planted as part of private development	1
Requires regular public tree maintenance	X (Limited)	177.10	Provided only for street trees planted as part of private development (3 years)	1
Requires particular types of maintenance (e.g., pruning)	X	167.06.A		-
Requires adherence to ANSI A300 standards and best management practices	X	167.06.A		-
Establishes permit system for work on public trees				3
Establishes provisions for penalties for non-compliance				2

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Public Tree Management and Protection (continued)				
Restricts public tree removal	X	167.06.C		-
Permit or approval required for tree removal, pruning or excavating near public trees				1
Prohibits damage to public trees (e.g., attaching ropes, signs, wires, chemicals, storing materials, excavation etc.)	X	177.01 167.06.D	"Damage" should be defined and prohibited rather than "remove and replace damaged landscape"	-
Restricts burning of solid wood waste				3
Establishes a wood utilization program				2
Establishes an insect/disease control strategy			Address pests/diseases of concern. Consider ability to remove diseased trees on private property if a hazard	1
Defines tree maintenance requirements on public property	X (Limited)	177.10	Only applies to street trees as part of private development	1
Prohibits tree topping	X	167.06.E		-
Regulates abatement of hazardous or public nuisance trees	X	167.08		-
Regulates removal of dead or diseased trees	X	167.08		-
Tree Fund	X (Limited)	177.10.A.5.b	Only applies to street trees as part of private development. Consider adjusting $250 fee-in-lieu and $425 3-year maintenance fees to align with industry and comparable cities' rates	1
Public Tree Planting				
Regulates tree species which may or may not be planted on **private** property (approved tree list)	X	167.04.I.6	Update periodically based on research and trends	-
Requires replacement of removed publicly owned trees	X (Limited)	177.01	Only applies to private development street trees	2
Regulates tree species which may or may not be planted on **public** property (approved tree list)	X	177.09 167.06	Revisit species list periodically and update as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation				
Requires tree planting around reconstructed parking lots	X	177, 167.04 Ch. 167 Table 1		-
Requires tree plantings around new parking lots	X	167.04 Ch. 167 Table 1	Required for lots with 5 or more spaces	-
Requires tree plantings around new developments	X	167.04.I.4 Ch. 167 Table 1	Plantings are regulated in terms of canopy retention and high or low priority canopy	-
Restricts tree removal on private property	X (Limited)	167.04.L.3	Consider fees / fines for violation(s). Only restricted in tree preservation easements	-
Permit or approval required for tree removal on private property	X (Limited)	167.04	Only restricted in tree preservation easements	-
Requires preservation of trees during development on private property	X	167.04	Mitigation is an option and should be a last resort to preservation	-
Prohibits damage to preserved/protected trees	X	167.05		-
Prohibits damage or removal of trees on another person's property	X (Limited)	167.05	Mitigation is the only penalty though. Consider changes	3
Inventory of trees on site required	X	167.04	Requires a preservation plan	-
Identification of forests/woodlands required	X	167.04		-
Specific species and/or size of trees regulated (e.g., heritage/significant trees)	X (Limited)	167.04.E	Revisit periodically to determine if sizes reflect species significance and value. Needs more protection in Code	2
Location of Critical Root Zone/Dripline required	X	167.05	Specification provided in Tree Preservation and Landscape Manual	-
Minimum canopy coverage requirement set	X	167.04.C	Table 1 Consider updating canopy requirements using the canopy assessment data and canopy goals as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Identification of riparian buffers, natural areas, preservation zones	X	167.04.E.2		-
Tree protection/preservation plan required	X	167.04		-
Identification of prohibited activities in dripline/critical root zone	X	167.05	Also in Tree Preservation and Landscape Manual	-
Tree protection fencing required	X	167.04.H.2 167.04.H.3 167.05.B	Chain link or orange fence required	-
Location/type of other tree protection measures (e.g., root pruning, aeration, vertical mulching, trunk/soil protection, irrigation,) on development plans (e.g., site plans, construction plans, etc.)	X	167.04.H.2 167.04.H.3 167.05.B		-
Provide incentives for tree preservation	X (Limited)	167.04.I 167.04.J	On- and off-site mitigation offered, fee-in-lieu toward Escrow account. Reevaluate for additional incentives to preserve canopy rather than mitigate. No credits considered	1
Landscape plan with proposed landscaping and mitigation trees to be planted	X	167.04		-
Requires Grading plan to include protected/preserved trees	X	167.04.A.10		-
Utility plan with trees to include protected/preserved trees	X (Limited)	167.06.J	Consider referencing industry standards for utility pruning and to consult with Urban Forester for pruning or removing trees encroaching utilities (above and below ground, including proposed lights)	1

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Tree planting requirements for removal of regulated trees	X	167.04.C	Consider a 2:1 replacement ratio for significant, specimen, special / priority trees or mitigation that is based on the diameter inches of tree(s) removed	-
Fee in Lieu of planting mitigation trees	X	167.04.J.4	Determine if Escrow Account fee per tree required and 3-year maintenance fee is adequate	-
Tree mitigation survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
New tree planting survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
Fine for removal of regulated trees			No penalties, fees, or fines listed. Only tree mitigation (planting) currently	1
Penalties established for damage and removal of preserved/saved trees			No penalties, fees, or fines listed	1
Bonding utilized to discourage tree removals			A tree bond requires a land developer to deposit a certain amount of money with the local authority during development. If the identified tree or trees are not present and healthy after the development, the funds are forfeited.	1
Tree Fund	X	167.04.J.4	City's Tree Escrow	-

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Supplements

SUPPLEMENTS

1. Urban Forestry Benchmarks
    - Budget Comparison
2. Canopy Goal Setting and Priority Areas
    - Planting Priority Maps
    - Prairie Maps
3. Tree Canopy Inventory
    - Species Distribution
    - Ecosystem Benefits
4. Public Survey Summary
5. Staff and Board Member Survey Summary
6. US Forest Service Urban Forest Audit
7. Recommended Tree list and Sister City Climate City Assessment
    - Future Climate Comparison
    - Climate Change Species Recommendation
    - Climate Adaptation Report
8. Invasive Plant Species Program Review
9. 2012 Fayetteville Urban Tree Canopy Report





URBAN FOREST BENCHMARKS

Last Updated: 8/30/2023

A comparison summary of analogous Arkansas Tree City USA cities for the:

City of Fayetteville, AR
Urban Forest Management Plan

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

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BACKGROUND AND OVERVIEW

Background

The purpose of Urban Forest Benchmarking is to understand the level of effort and capacity necessary to satisfy the City's adopted goals, to identify industry trends and best practices, and to ensure urban forest sustainability. Benchmarks help to gauge the City's investment in its urban forest compared to other communities facing similar issues in urban forest management. The results of the benchmarking exercise enable the urban forestry planning consultants to develop realistic strategies and achievable targets that align with comparable communities and industry standards. It will also serve as one platform and tool for monitoring implementation of Fayetteville, AR's Urban Forest Management Plan (in development as of January 2023).

BENCHMARKING DATA SOURCES

Several data sources were reviewed and compiled to evaluate how Fayetteville's urban forest and associated programs compare to industry standards and communities of a similar size or geographic location and how its own operations have changed over time.

Phase I of the benchmarking process uses the Arbor Day Foundation's Tree City USA 2021 dataset and compares statistics provided by the City of Fayetteville and as reported to Arbor Day for Tree City USA accreditation. The dataset includes program metrics for over 3,700 communities and the data is used to identify cities of similar size, location, and program structure that also participate in the Tree City USA program. Using this dataset helps better understand how Fayetteville's urban forestry budget and activities compare to relevant cities. Relevant cities are determined by 1) proximity (within 50 and 100 miles of city center), 2) population size (percent difference and cities with more than 90,000 but less than 200,000 people), and cities outside of these parameters but are areas of interest. The Tree City USA dataset is largely focused on urban forestry budgets, per capita funding information, and volunteer hours. The number of trees planted, removed, and pruned are also summarized. The budget from Tree City USA application includes all departments, equipment, vehicles, and volunteer hours. It does not represent the budgeted amount for Urban Forestry Tree plantings.



Phase II of benchmarking involves comparing Fayetteville's urban forestry operations to findings from an in-depth study conducted by researchers Richard Hauer and Ward Peterson (2014). In this study, researchers interviewed urban forestry programs in various regions across the U.S. and among varying population classes. A total of 670 communities participated in the census. Specific study focus areas include community and staff profiles, funding, tree management policy and planning, volunteers and partnerships, contracting tree care activities, community tree populations, tree operations and management, and assistance programs. Data from this study was compared to data obtained from the City of Fayetteville for the purposes of determining program health as compared to accurate data across a range of scales and locations.

Phase III of benchmarking is comprised of presenting the findings to the City and allowing time for any further data collection or clarifications in order to ensure the highest quality analysis. This phase also includes internal quality controls to ensure data comparisons are as accurate as possible. Information gathered during this process will inform the development of realistic and attainable goals and strategies in the City's Urban Forest Management Plan.

PHASE I BENCHMARKING RESEARCH

Summary of Communities for Benchmarking Research

Understanding the urban forest policies, management approaches, budgets, and programs of comparable communities and nationwide averages provides comparative data to benchmark the City's performance, present and future. While existing tree data describes the current conditions, benchmarks offer guidance to bring Fayetteville's urban forestry policies and practices into alignment with similar-sized cities in Arkansas and nationwide, enhancing urban forest management. A summary of the cities used for benchmarking Fayetteville can be found in (Table 1) below.

COMPARISON CITIES & COMPARISON GROUPS

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan

Comparison Criteria	Community	County	Pop.*	Difference	Distance**
STUDY AREA	**Fayetteville**	**Washington**	**93,580**	**0**	**0.0**
AR Cities >25k Pop	Springdale, AR	Washington/Benton	87,609	-5,971	8.9
AR Cities >25k Pop	Rogers, AR	Benton	71,112	-22,468	22.7
AR Cities >25k Pop	Bentonville, AR	Benton	56,734	-36,846	27.0
AR Cities >25k Pop	Bella Vista, AR	Benton	30,808	-62,772	34.8
AR Cities >25k Pop	Fort Smith, AR	Sebastian	89,576	-4,004	58.1
AR Cities >25k Pop	Conway, AR	Faulkner	65,121	-28,459	159.7
AR Cities >25k Pop	Hot Springs, AR	Garland	38,114	-55,466	185.9
AR Cities >25k Pop	N. Little Rock, AR	Pulaski	64,162	-29,418	187.0
City Interest	Lawrence, KS	Douglas	98,193	4,613	267.4
City Interest	Columbia, MO	Boone	126,853	33,273	314.7
Pop. Group Nation	Springfield, MO	Greene	169,724	76,144	150.3
Pop. Group Nation	Topeka, KS	Shawnee	125,963	32,383	293.8
Pop. Group Nation	Norman, OK	Cleveland	128,097	34,517	243.0
Pop. Group Nation	Champaign, IL	Champaign	90,739	-2,841	541.1
Pop. Group Nation	Asheville, NC	Buncombe	93,350	-230	822.2
Pop. Group Nation	Edmond, OK	Oklahoma	93,697	117	211.6
Pop. Group Nation	Reading, PA	Berks	95,112	1,532	1204.6
Pop. Group Nation	Fishers, IN	Hamilton	99,116	5,536	628.7
AVERAGE			90,403	-3,353	297.9

Comparison Criteria	Pop.*	Difference
State Average	**22,685**	**-70,895**
Nationwide Average	**42,602**	**-50,878**

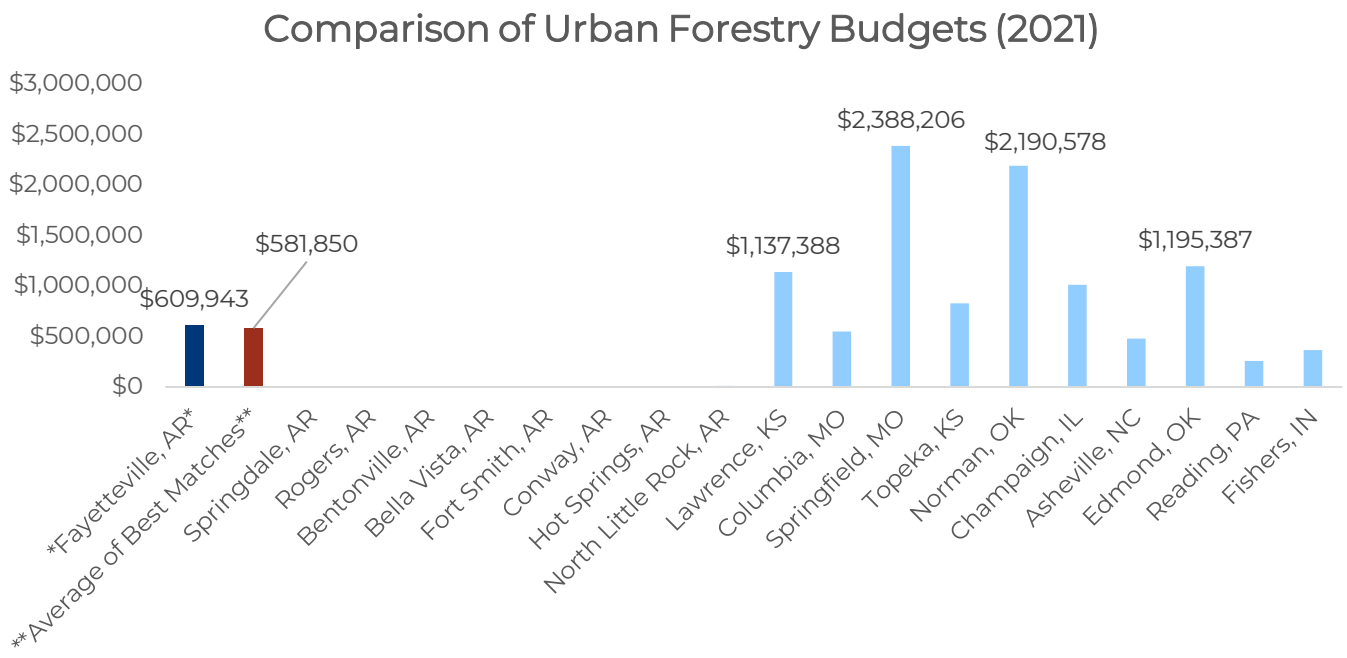
* Population as of 2021 TC USA reporting

** Driving distance from the study area in miles

After the City reviewed the draft list of communities, the list was refined as shown above and the following summaries were updated to serve as the second round of benchmarking.

Phase I Benchmarking Comparison

URBAN FORESTRY BUDGETS (2021)



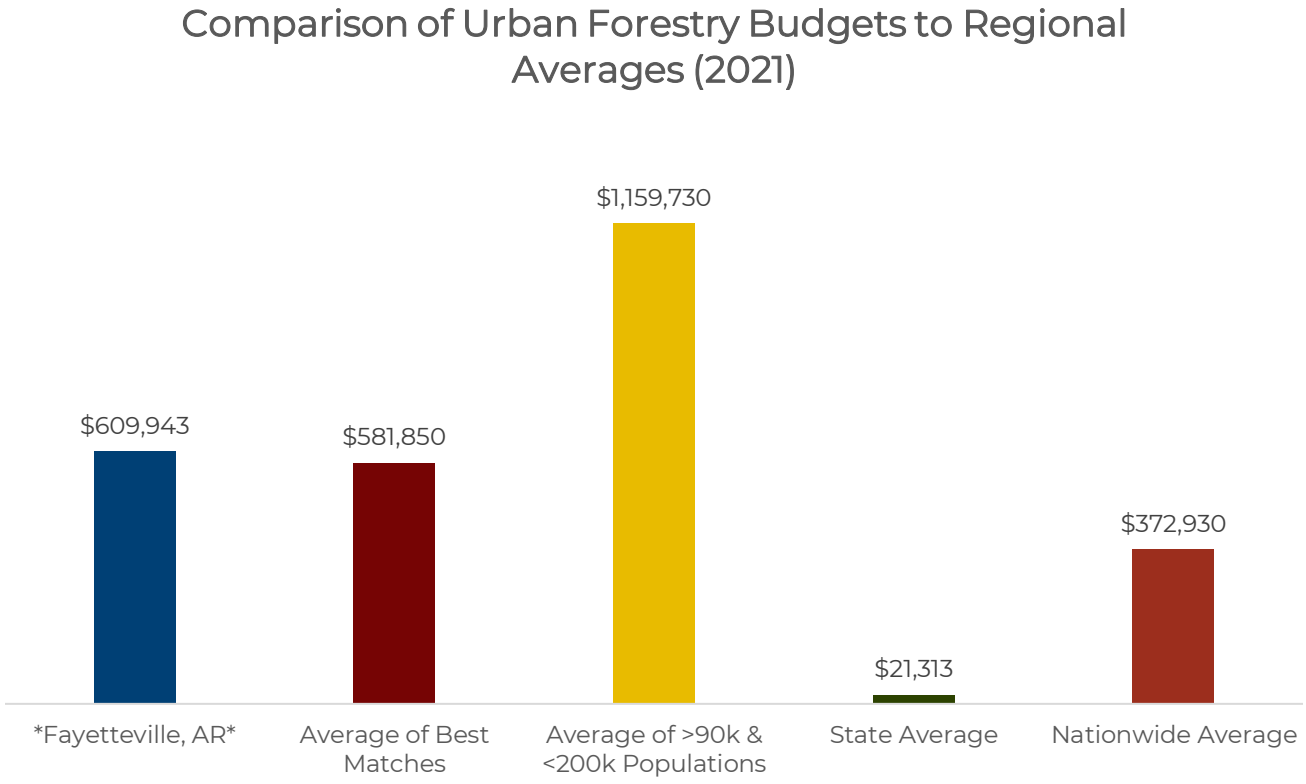
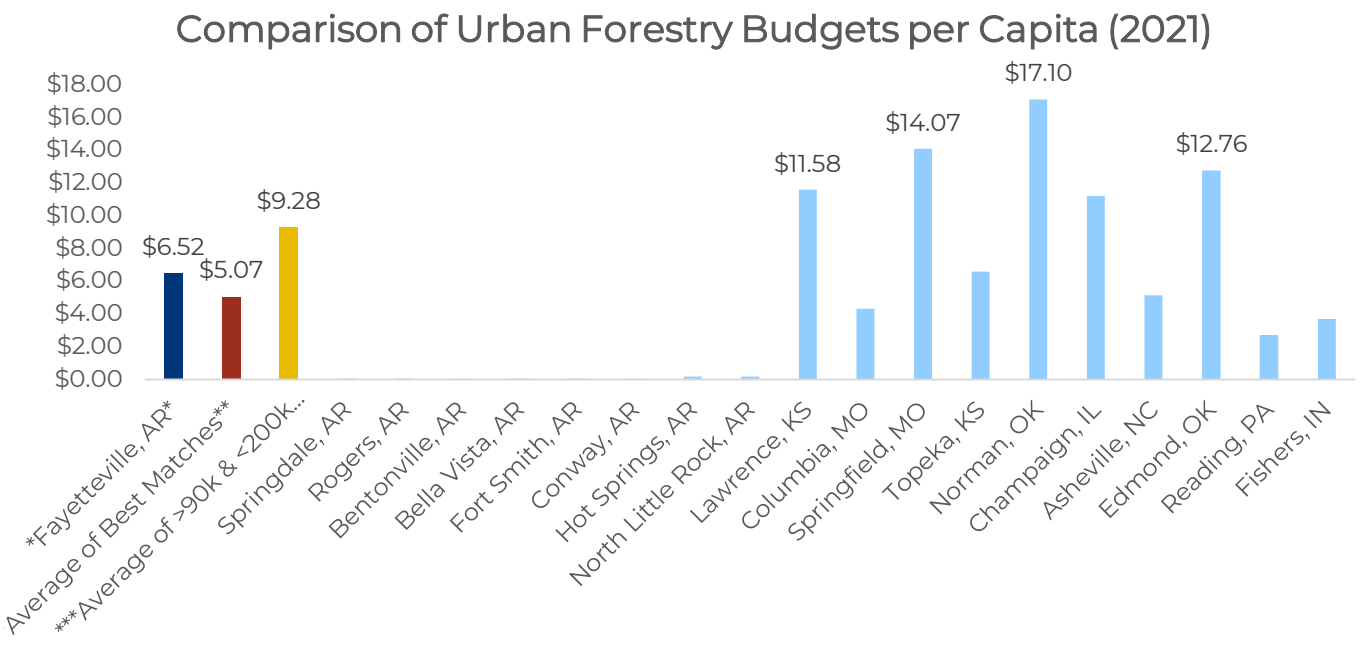


Figure 1. Comparison of urban forestry budgets in 2021



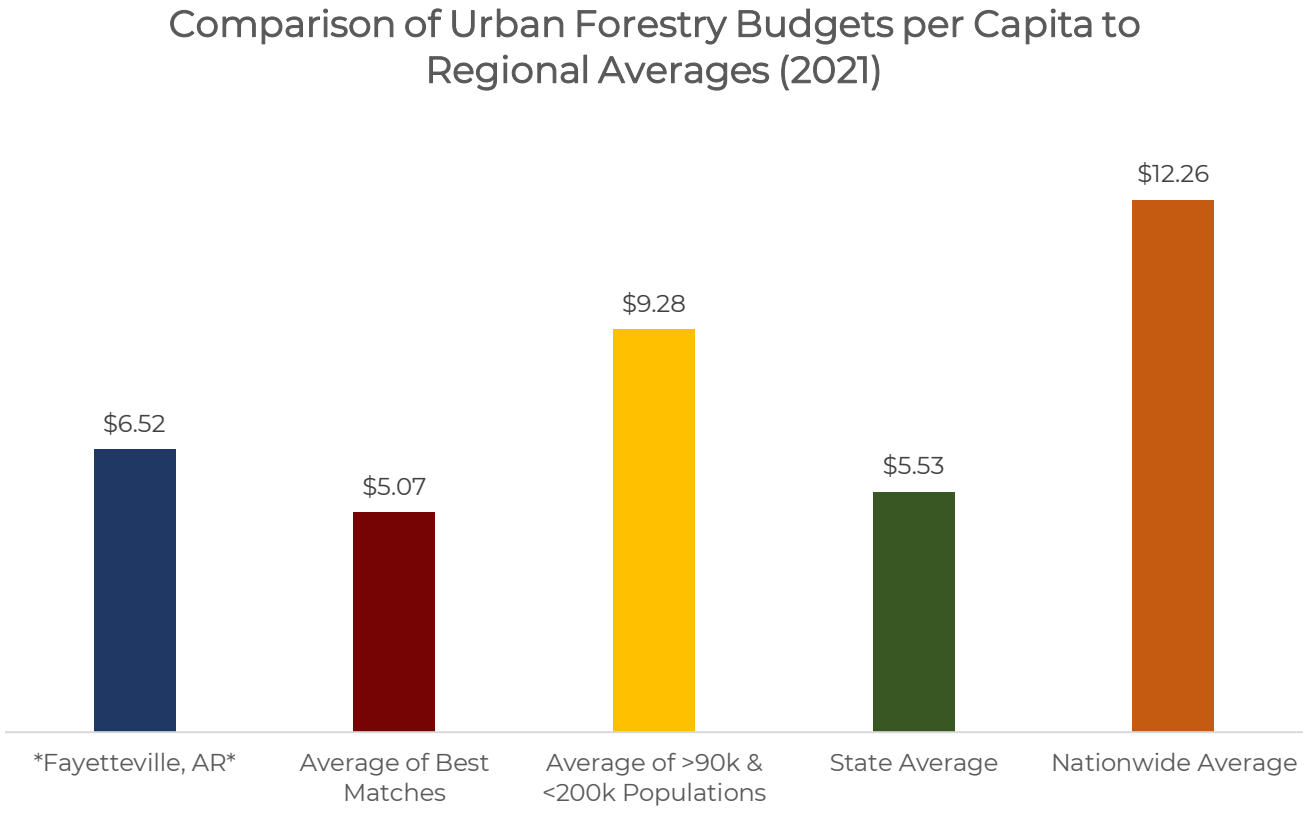
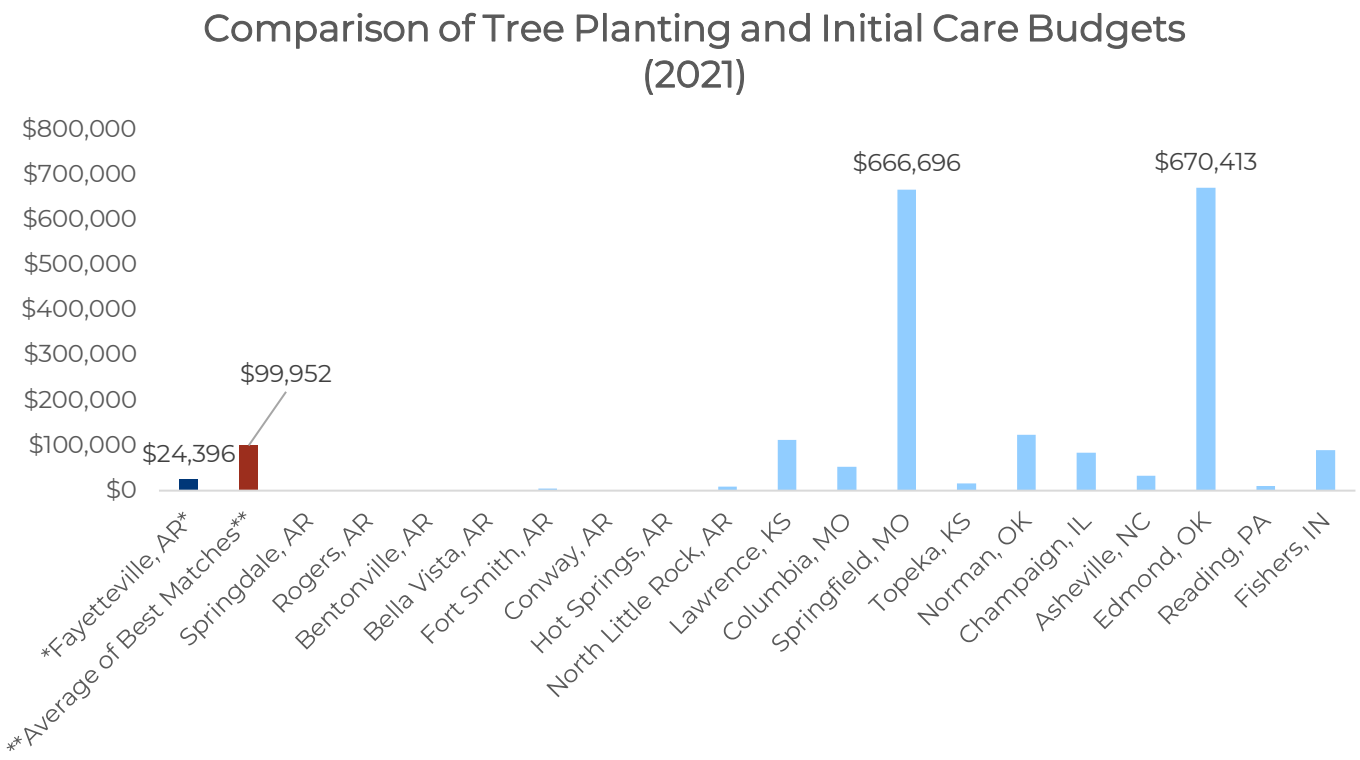


Figure 2. Comparison of urban forestry budgets per capita in 2021



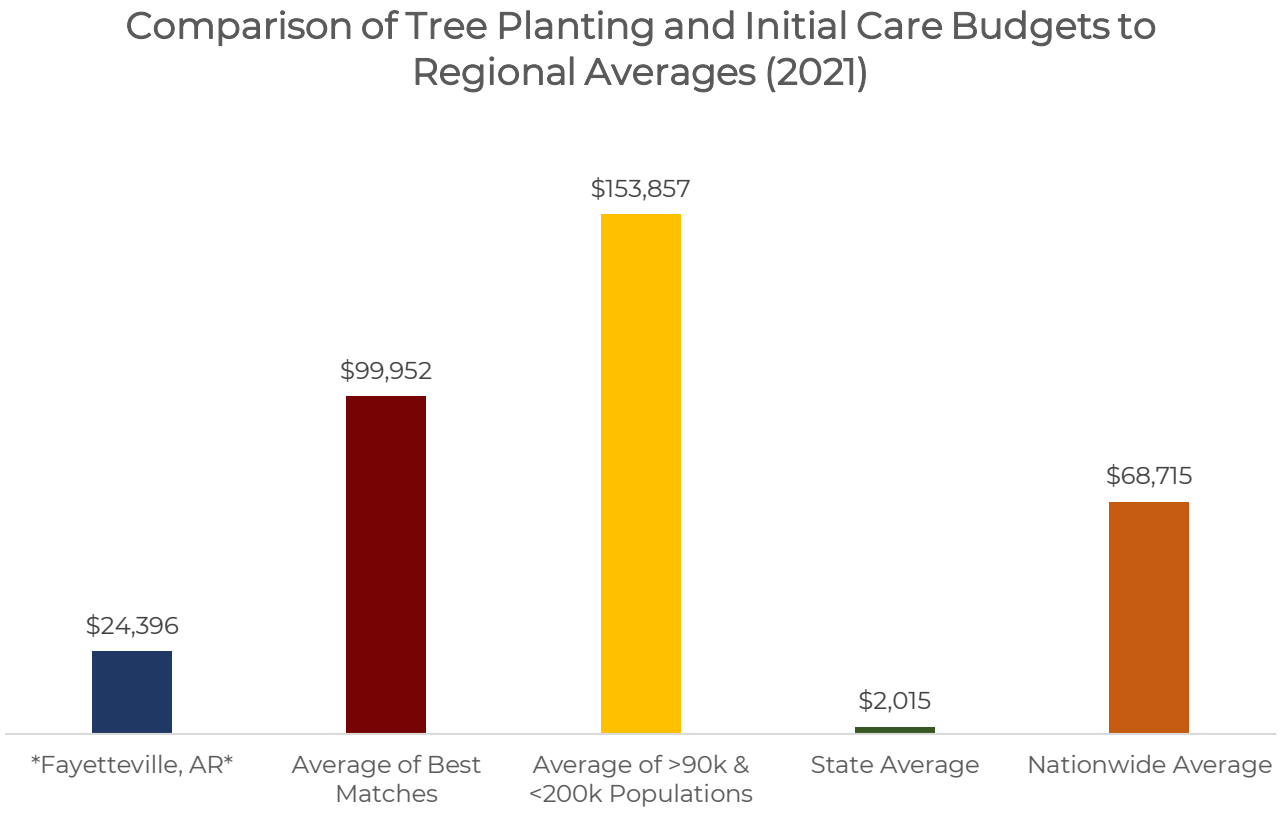
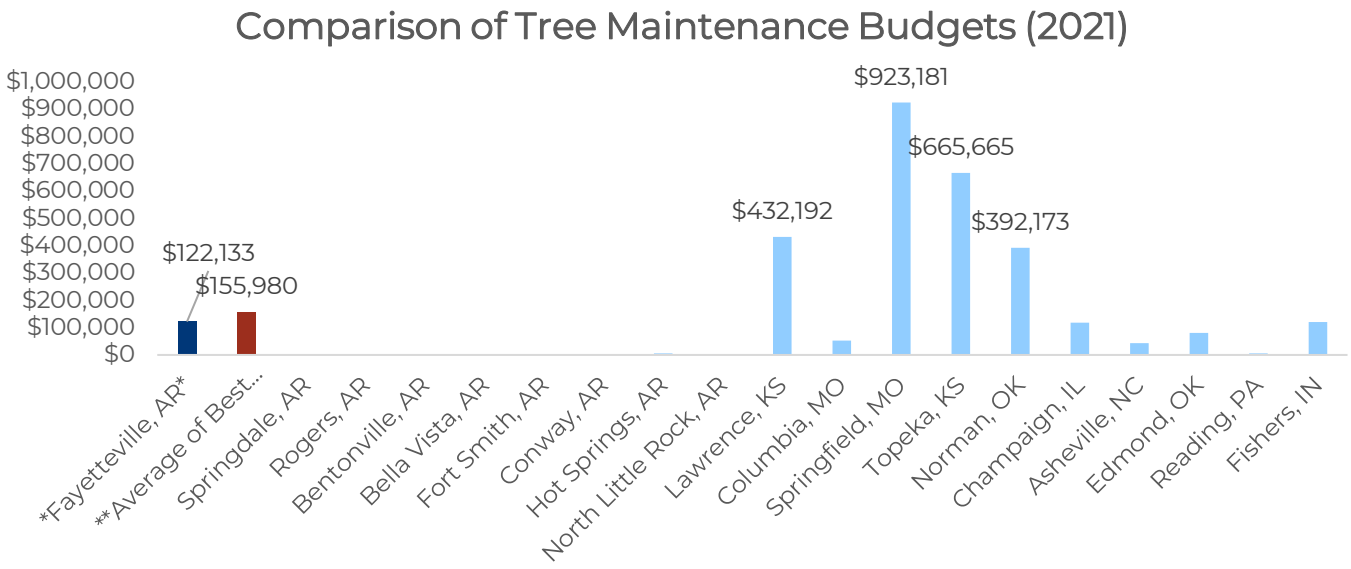


Figure 3. Comparison of tree planting and initial care budgets in 2021



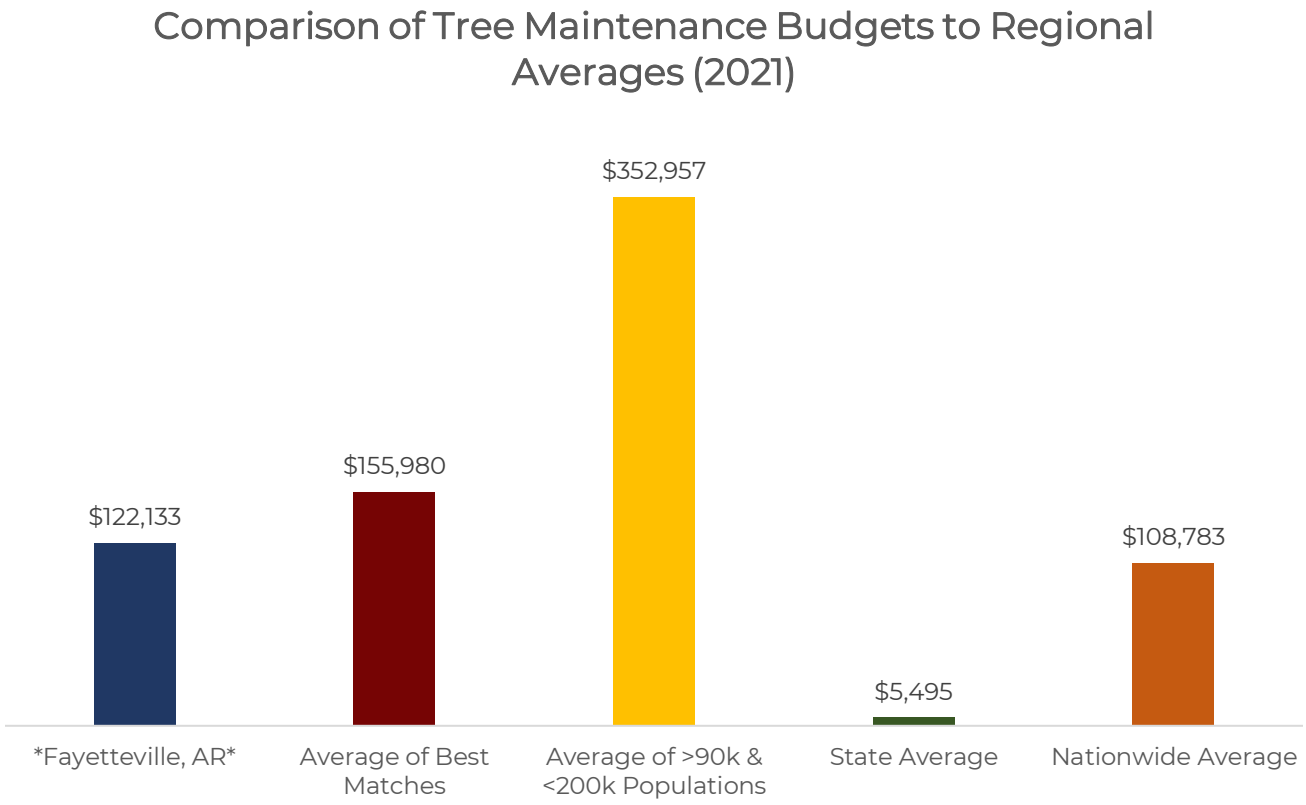
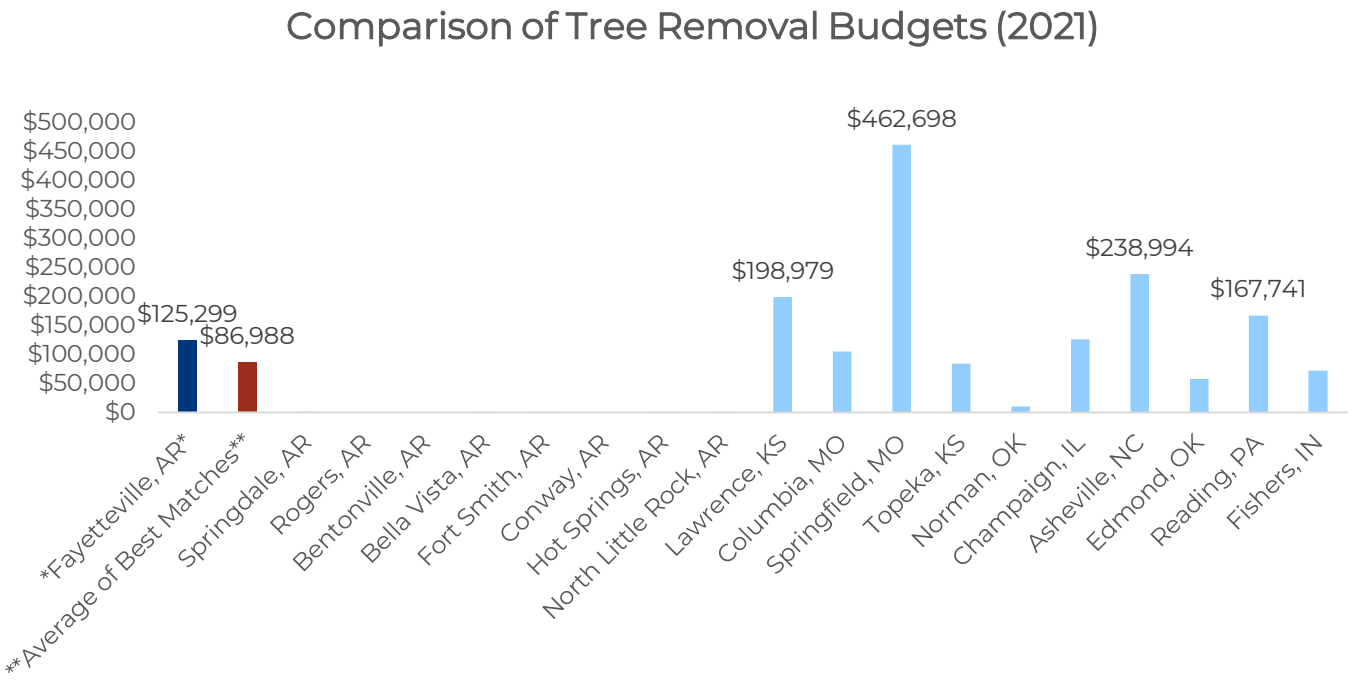


Figure 4. Comparison of tree maintenance budgets in 2021



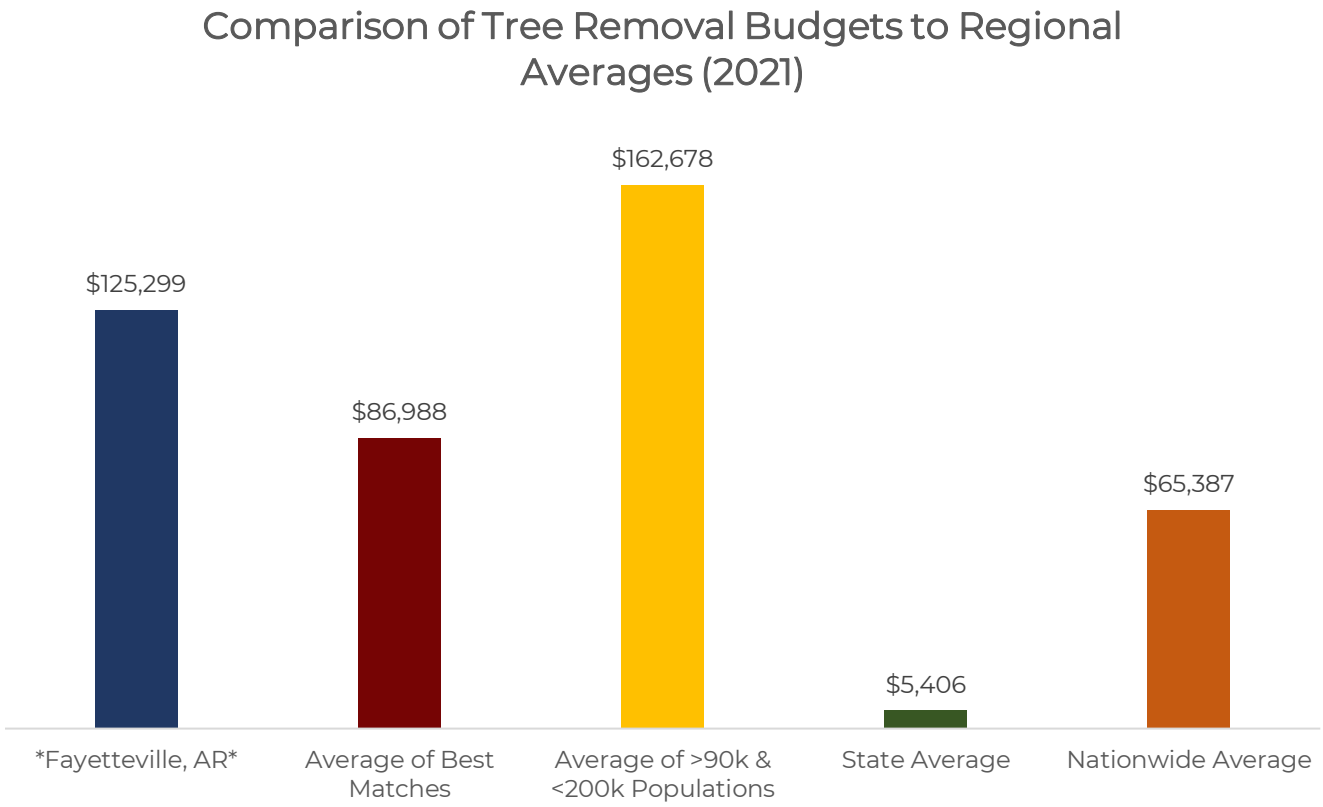
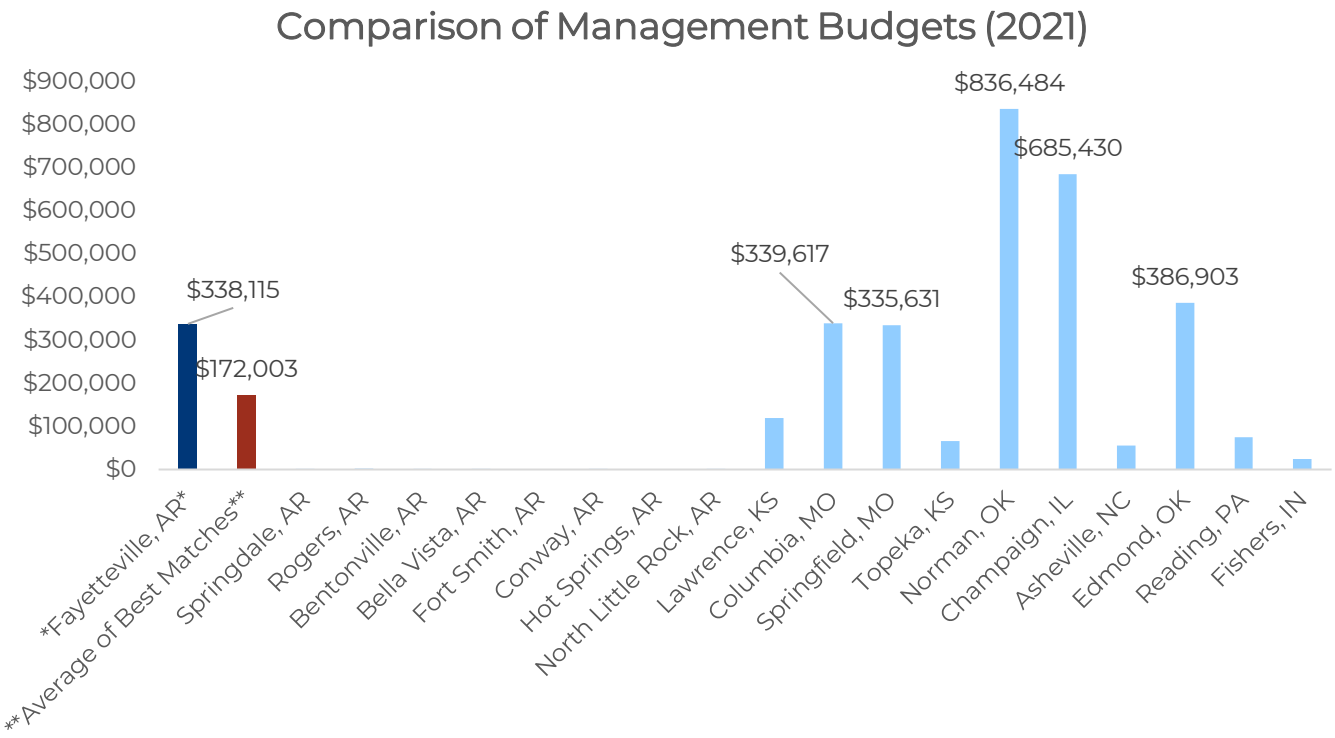


Figure 5. Comparison of tree removal budgets in 2021



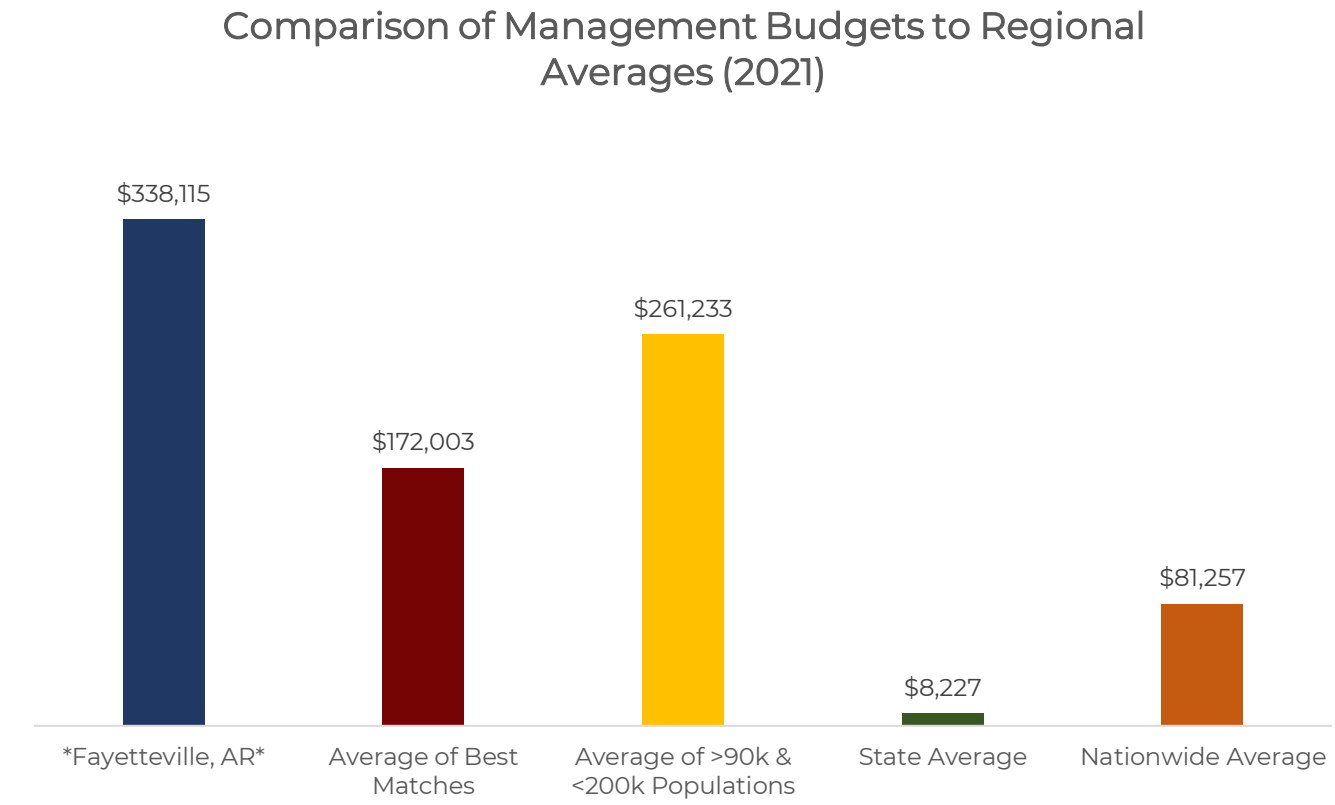
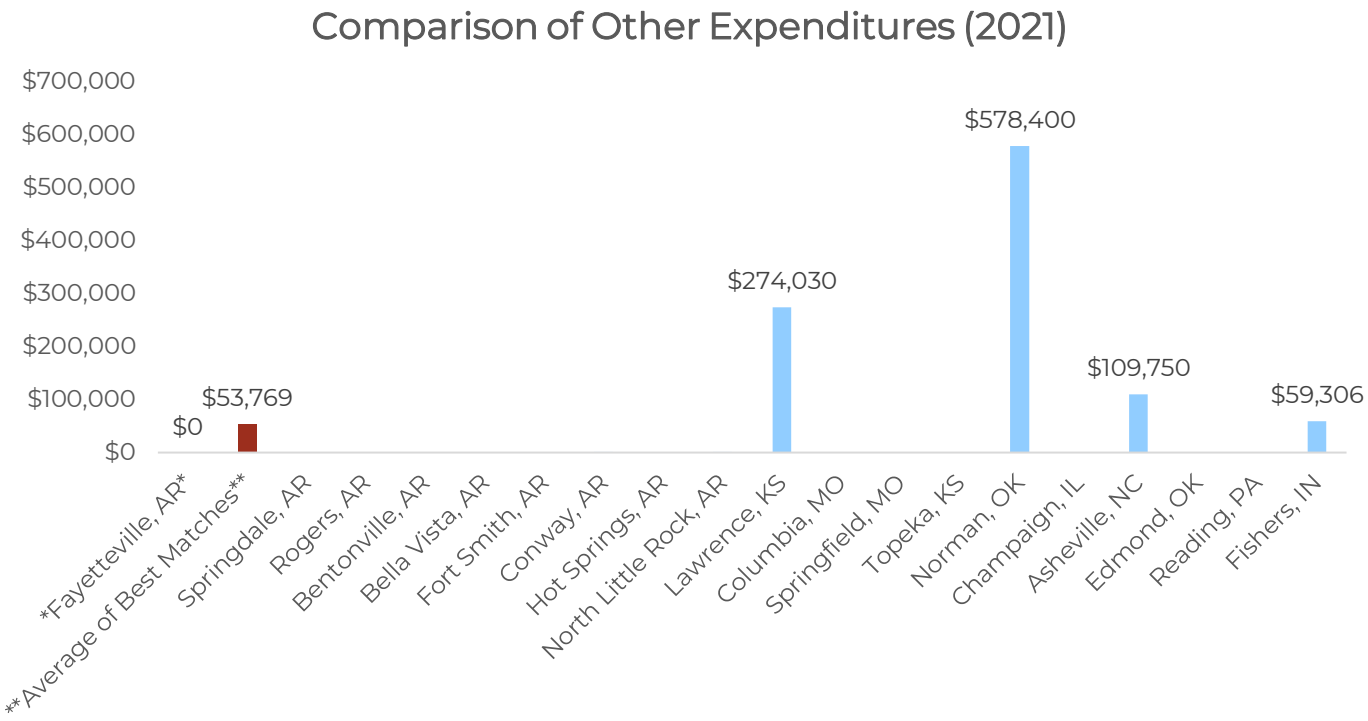


Figure 6. Comparison of management budgets in 2021



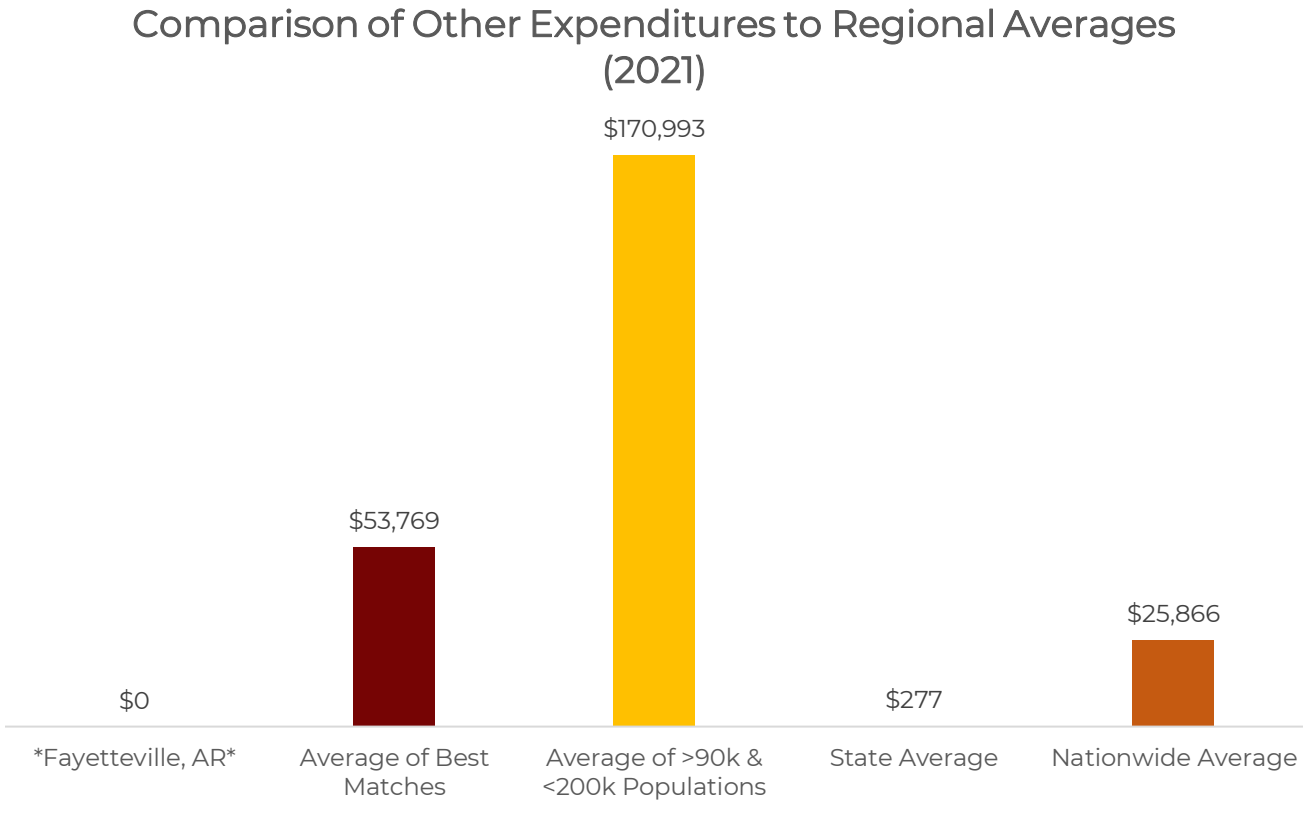
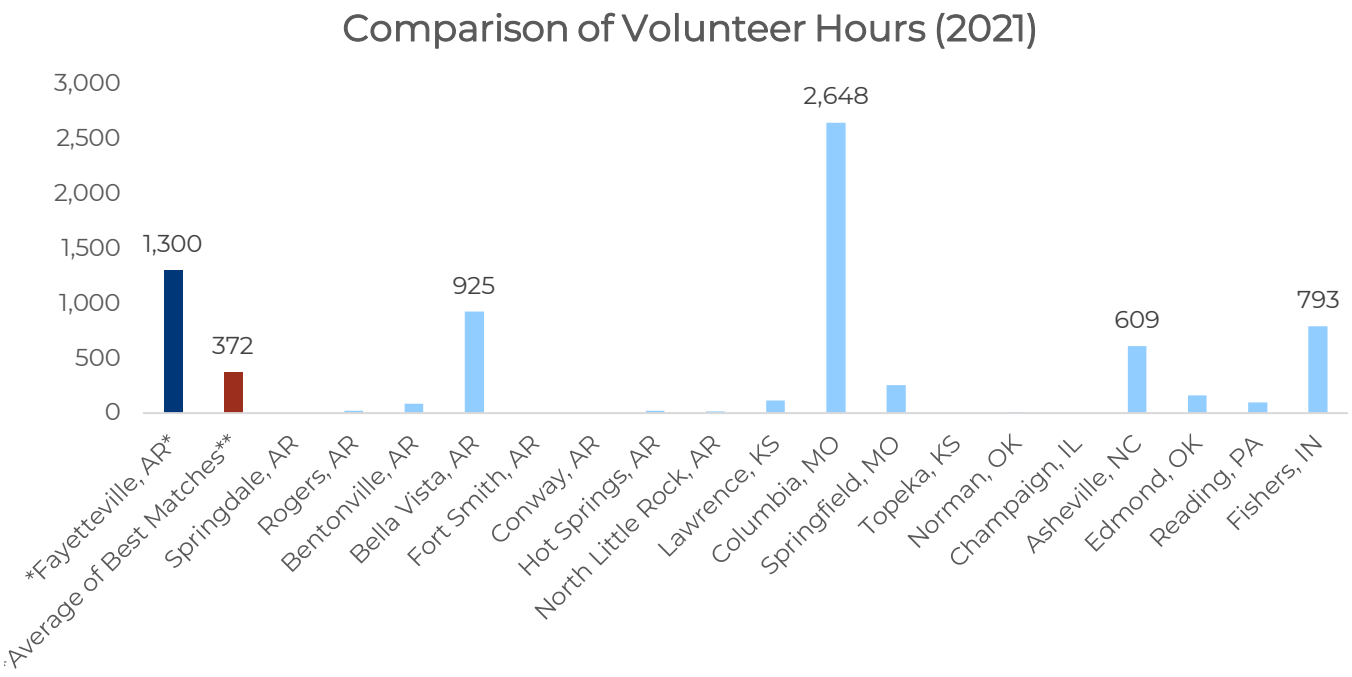


Figure 7. Comparison of other expenditures in 2021

URBAN FORESTRY ACTIVITIES



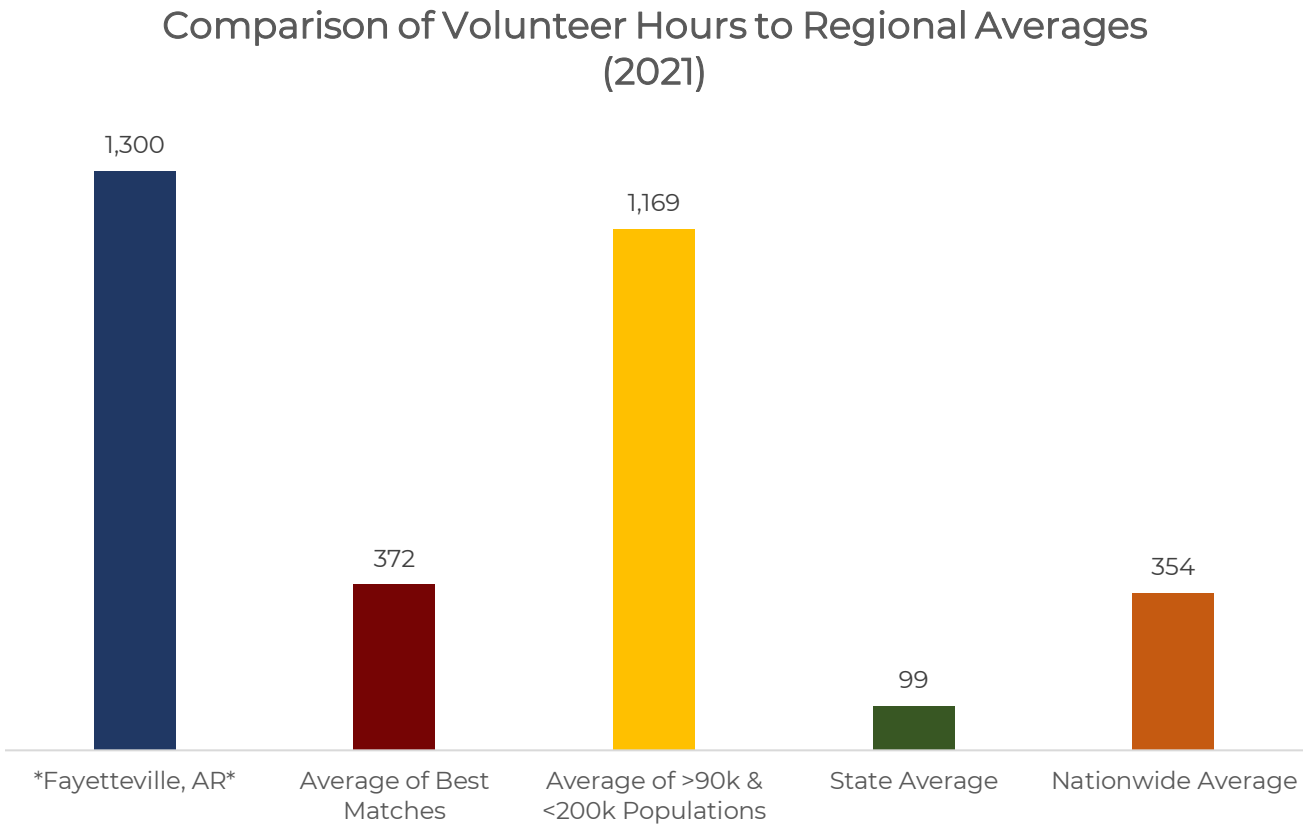
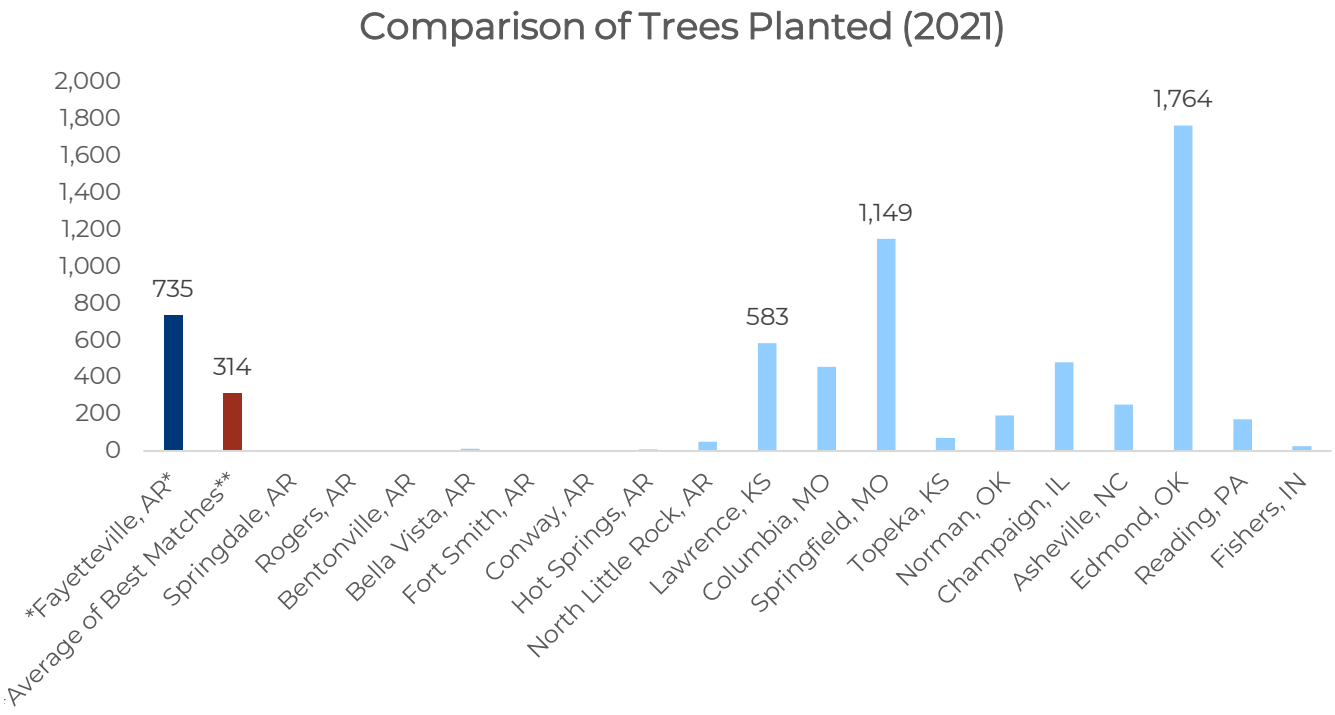


Figure 8. Comparison of volunteer hours in 2021



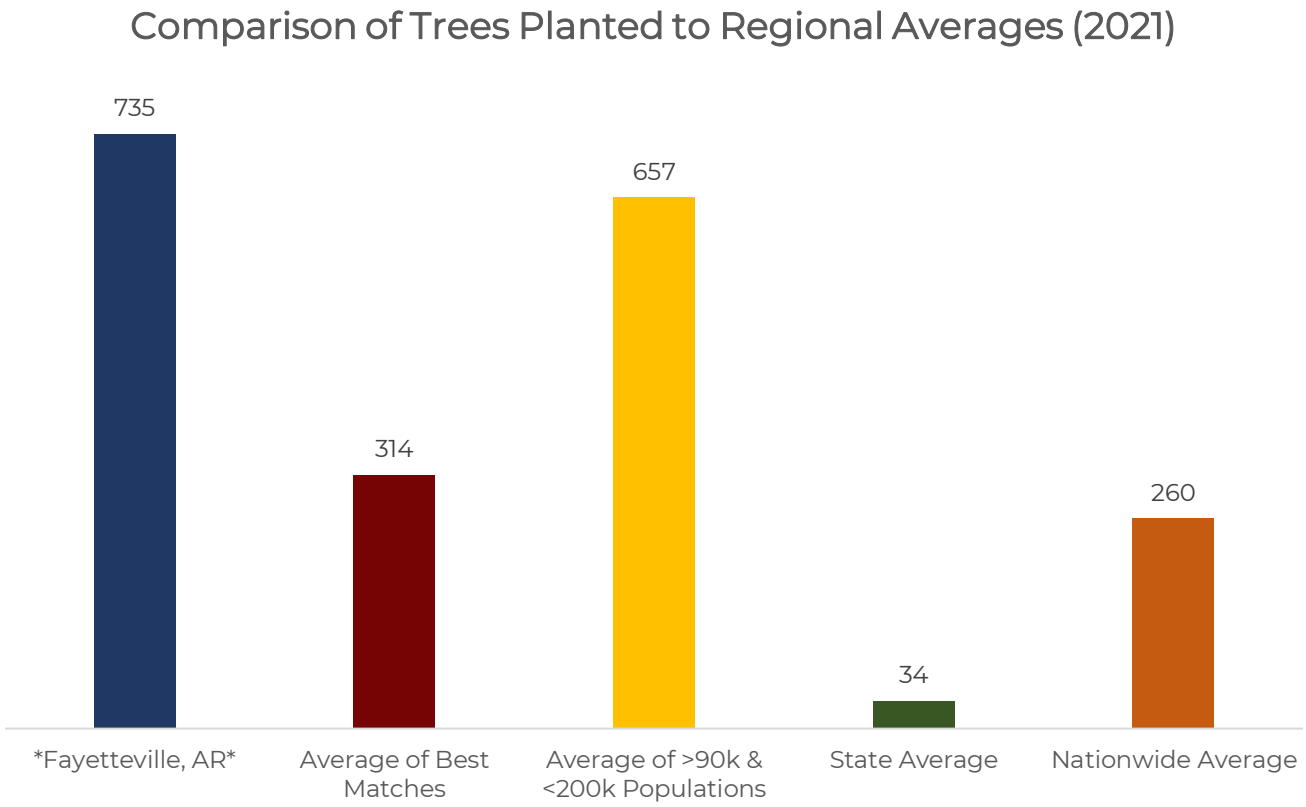
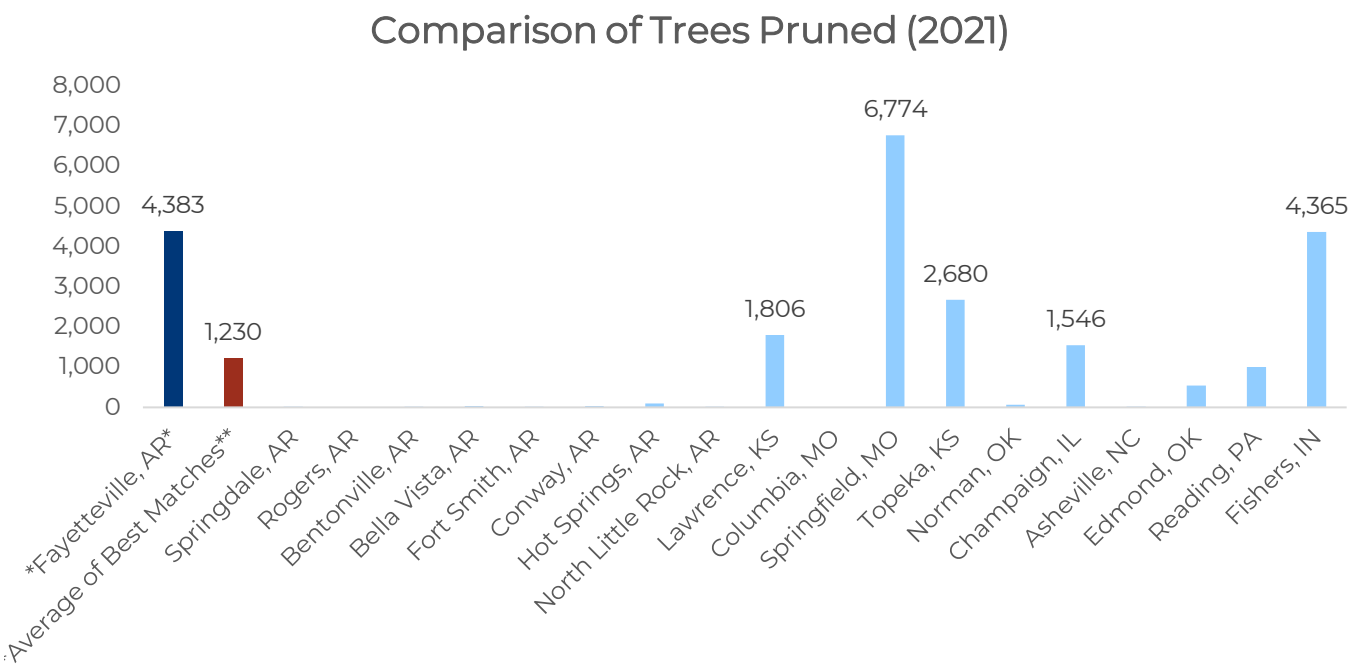


Figure 9. Comparison of the number of trees planted in 2021



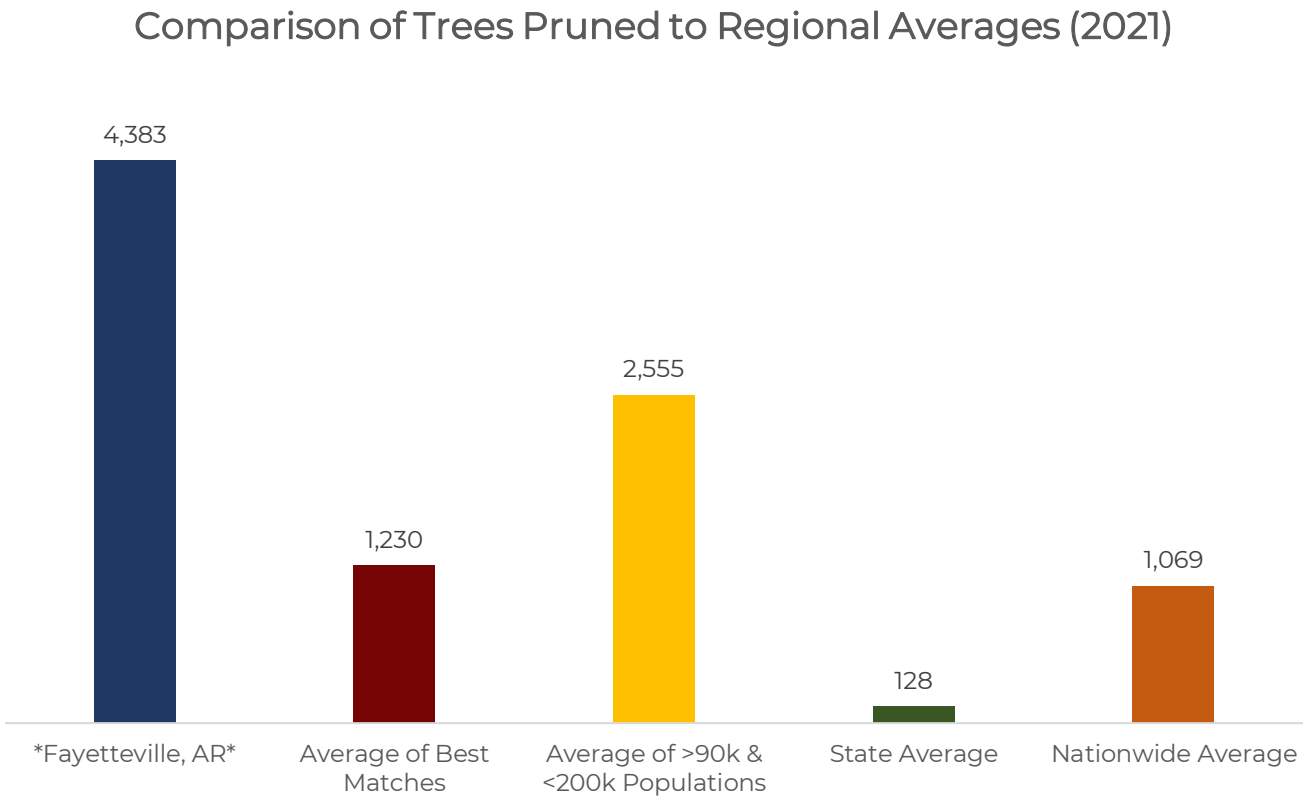
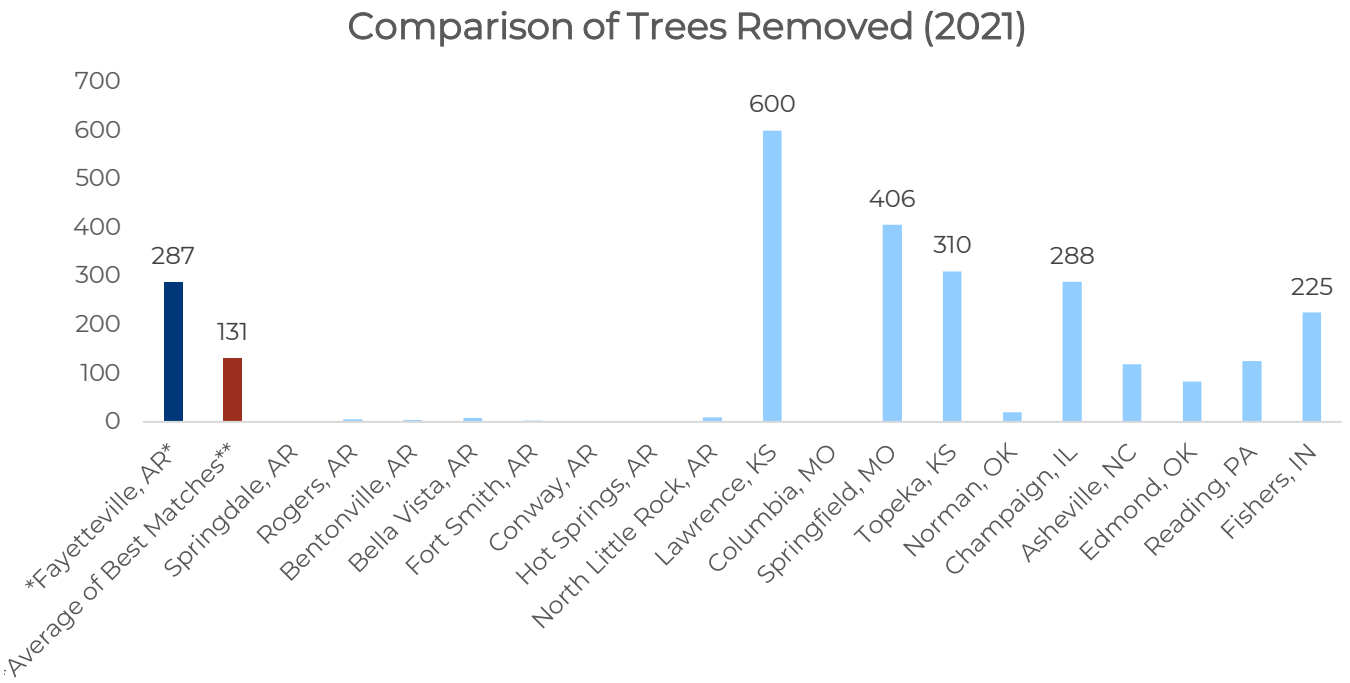


Figure 10. Comparison of the number of trees pruned in 2021



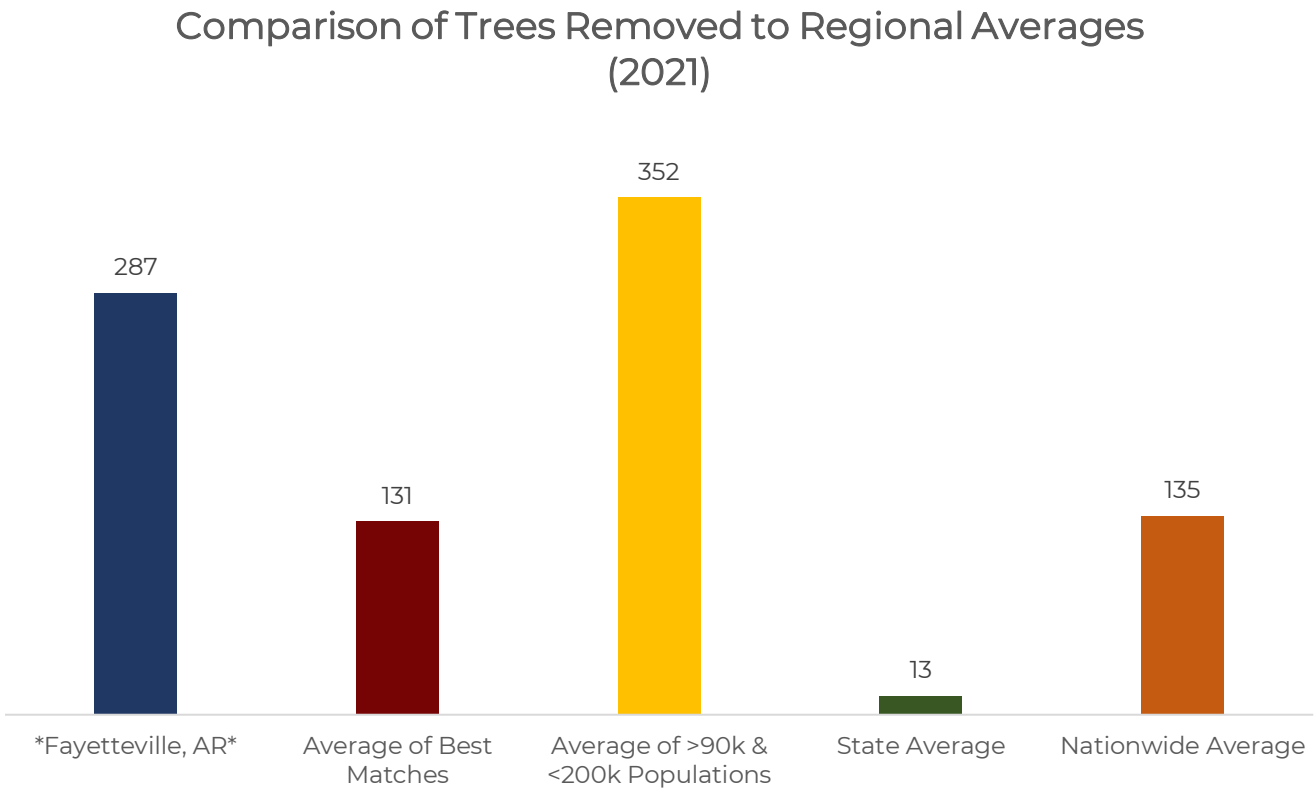
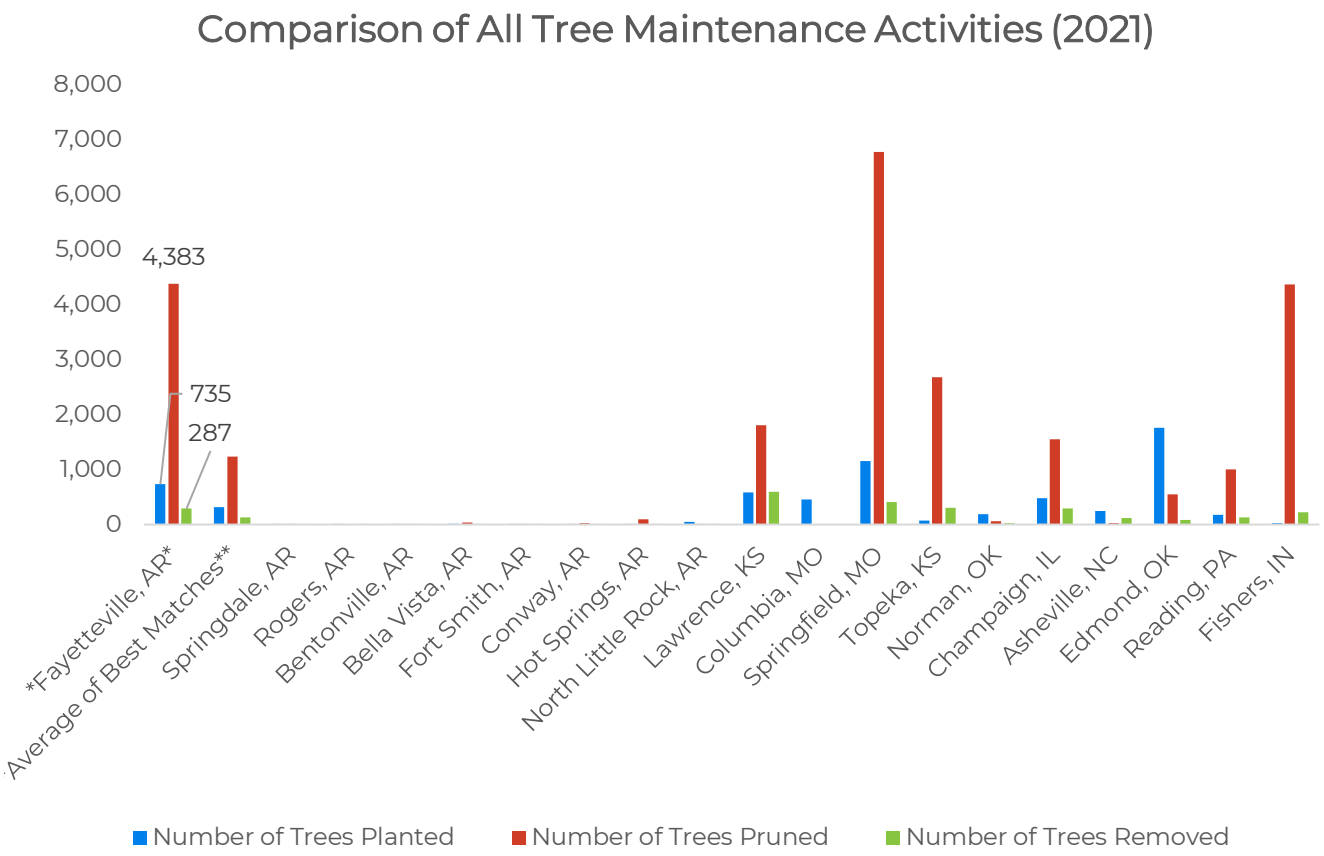


Figure 11. Comparison of the number of trees removed in 2021



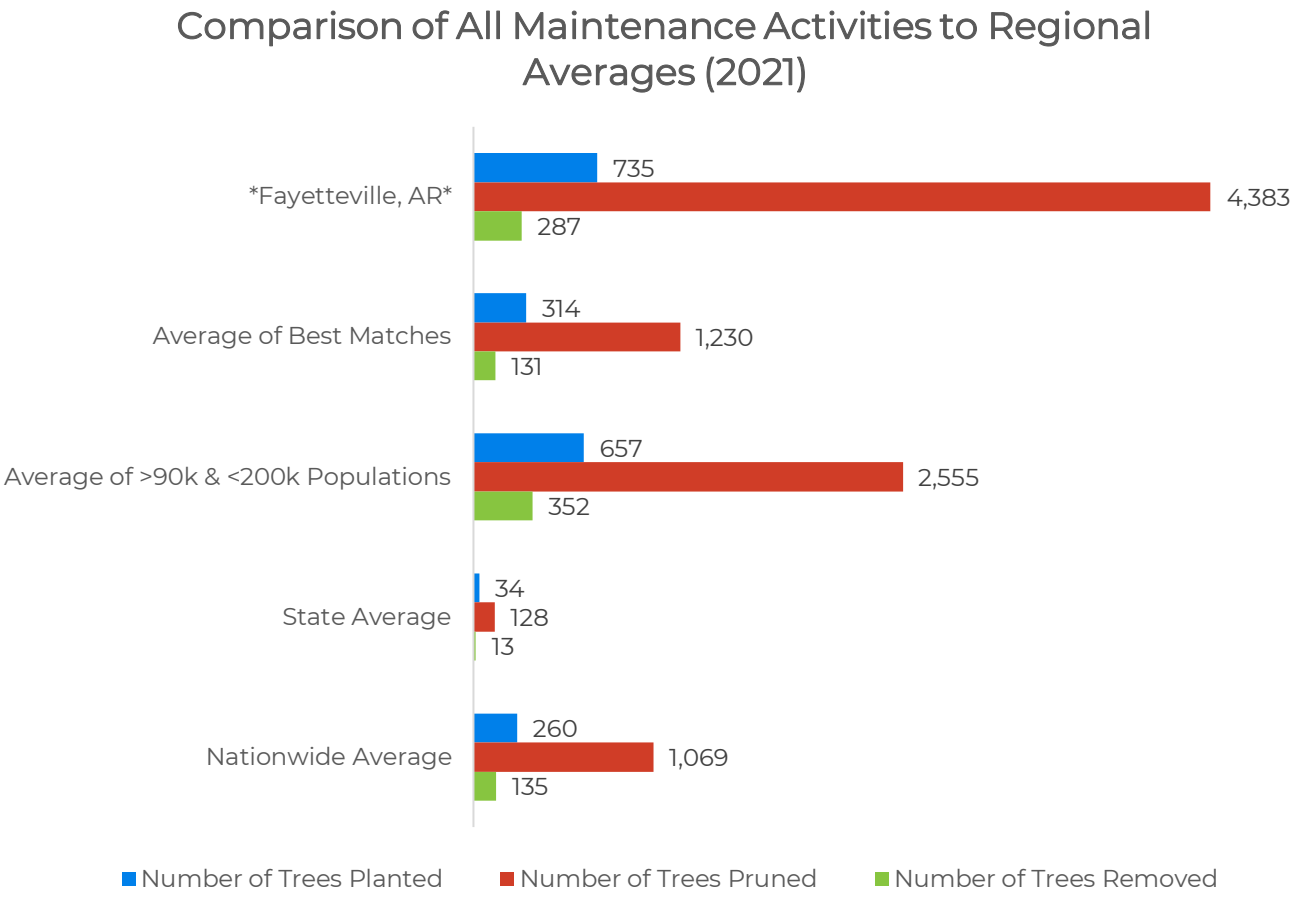


Figure 12. Combined comparison summary of tree management activities in 2021

TABLE SUMMARY OF URBAN FORESTRY BUDGETS AND ACTIVITIES (2021)

Community	Tree Planting and Initial Care	Tree Maintenance	Tree Removal	Management	Utility Line Clearance	Other Expend-itures	Overall Budget
Fayetteville, AR	$24,396	$122,133	$125,299	$338,115	$0	$0	$609,943
Average of Best Matches	$99,952	$155,980	$86,988	$172,003	$13,158	$53,769	$581,850
Average of >90k & <200k Populations	$153,857	$352,957	$162,678	$261,233	$58,013	$170,993	$1,159,730
Springdale, AR	$600	$300	$1,450	$1,400	$0	$0	$3,750
Rogers, AR	$700	$1,400	$0	$1,500	$0	$0	$3,600
Bentonville, AR	$229	$0	$0	$20	$0	$0	$249
Bella Vista, AR	$800	$200	$225	$75	$0	$0	$1,300
Fort Smith, AR	$3,900	$1,000	$100	$0	$0	$0	$5,000
Conway, AR	$680	$384	$0	$121	$0	$31	$1,216
Hot Springs, AR	$734	$6,000	$350	$0	$0	$0	$7,084
N. Little Rock, AR	$8,790	$500	$580	$680	$0	$100	$10,650
Lawrence, KS	$112,105	$432,192	$198,979	$120,082	$0	$274,030	$1,137,388
Columbia, MO	$52,595	$52,595	$105,191	$339,617	$0	$0	$549,998
Springfield, MO	$666,696	$923,181	$462,698	$335,631	$0	$0	$2,388,206
Topeka, KS	$15,302	$665,665	$84,165	$65,531	$0	$0	$830,663
Norman, OK	$123,521	$392,173	$10,000	$836,484	$250,000	$578,400	$2,190,578
Champaign, IL	$84,566	$117,944	$126,849	$685,430	$0	$0	$1,014,789
Asheville, NC	$33,155	$42,587	$238,994	$55,908	$0	$109,750	$480,394
Edmond, OK	$670,413	$80,522	$57,549	$386,903	$0	$0	$1,195,387
Reading, PA	$9,911	$4,835	$167,741	$75,567	$0	$0	$258,054
Fishers, IN	$90,000	$120,000	$72,600	$25,000	$0	$59,306	$366,906

Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)

BUDGET PER CAPITA SUMMARY (2021)

Community	Overall Budget	Per Capita Budget
Fayetteville, AR	$609,943	$6.52
Average of Best Matches	$581,850	$5.07
Average of >90k & <200k Populations	$1,159,730	$9.28
Springdale, AR	$3,750	$0.04
Rogers, AR	$3,600	$0.05
Bentonville, AR	$249	$0.00
Bella Vista, AR	$1,300	$0.04
Fort Smith, AR	$5,000	$0.06
Conway, AR	$1,216	$0.02
Hot Springs, AR	$7,084	$0.19
North Little Rock, AR	$10,650	$0.17
Lawrence, KS	$1,137,388	$11.58
Columbia, MO	$549,998	$4.34
Springfield, MO	$2,388,206	$14.07
Topeka, KS	$830,663	$6.59
Norman, OK	$2,190,578	$17.10
Champaign, IL	$1,014,789	$11.18
Asheville, NC	$480,394	$5.15
Edmond, OK	$1,195,387	$12.76
Reading, PA	$258,054	$2.71
Fishers, IN	$366,906	$3.70

Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021

PHASE II BENCHMARKING RESEARCH

Note: The following comparisons use Fayetteville's 2021 metrics whereas the metrics for the comparison populations are based on 2014 data. The urban forestry planning consultants will need 2014 metrics from the City or data from the US Forest Service for 2021 in order to finalize the Phase II benchmarking. The following study is a preliminary exercise intended for internal use and for initial comparisons from which strategies may be developed.

URBAN FORESTRY BUDGETS

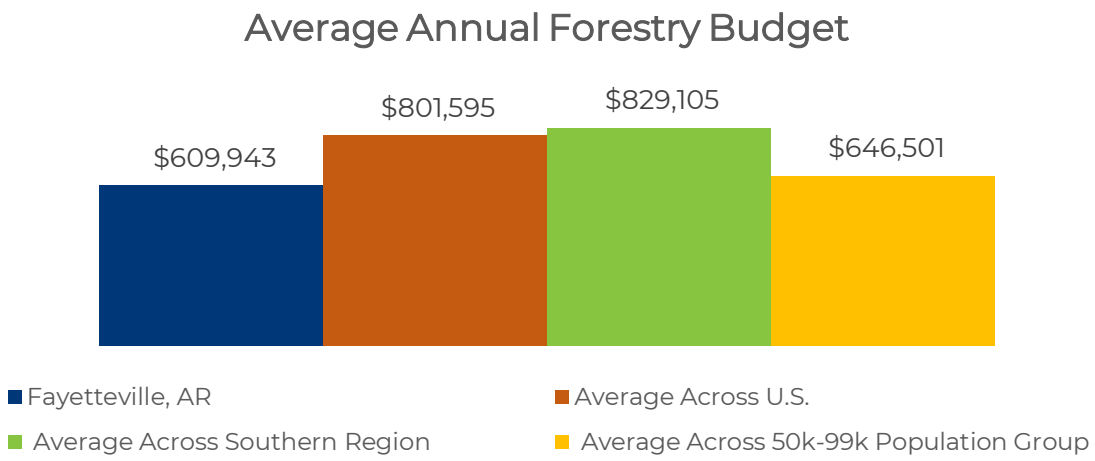


Figure 13. Comparison of urban forestry budgets (Hauer, 2014)

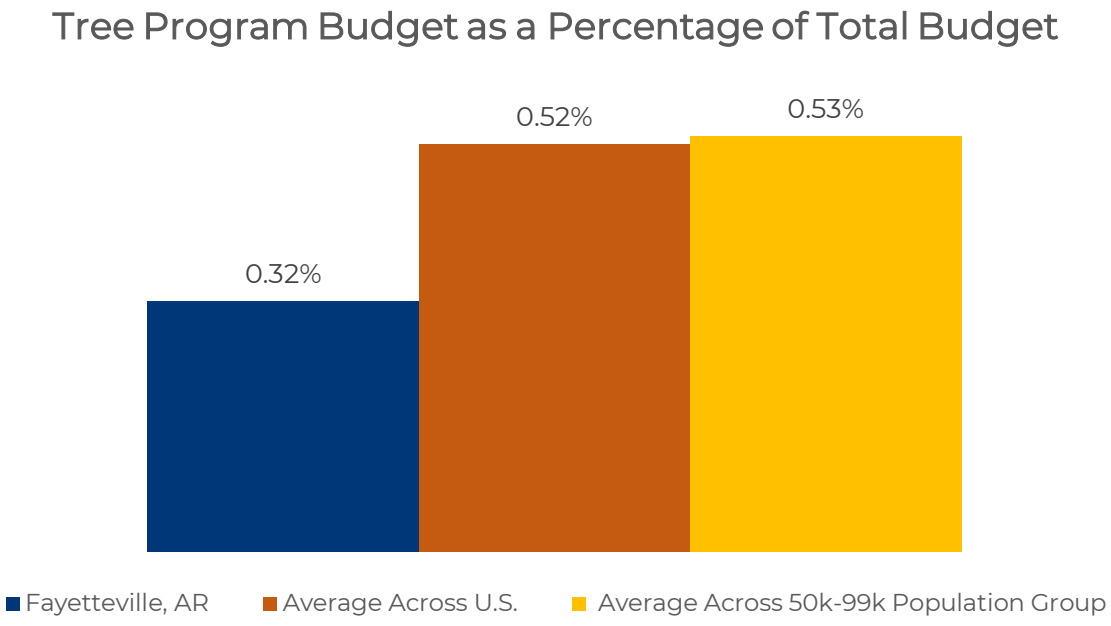


Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)

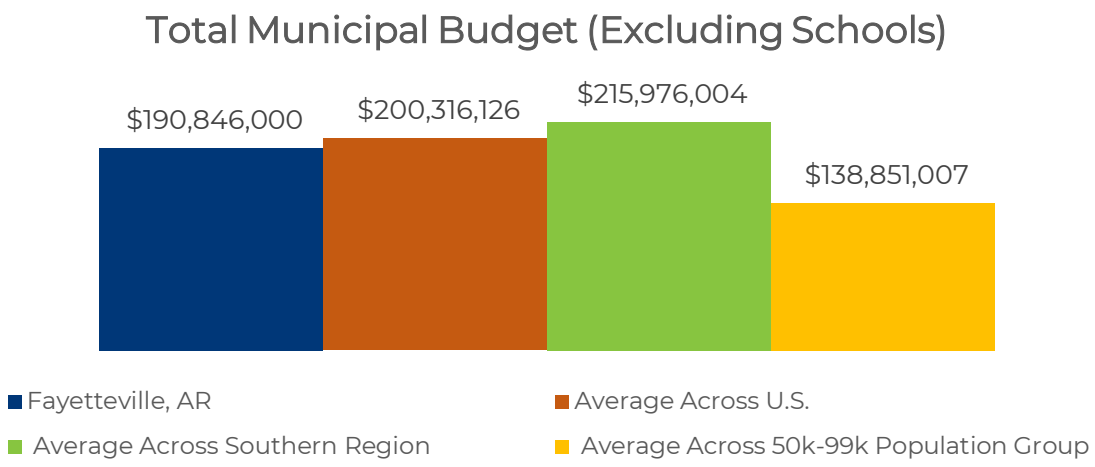


Figure 15. Total municipal budgets (Hauer, 2014)

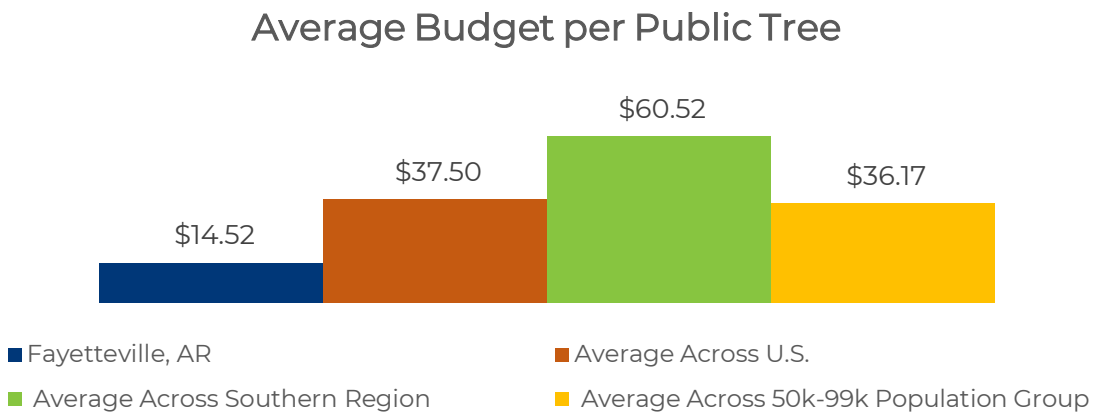


Figure 16. Average budget per public tree (Hauer, 2014)

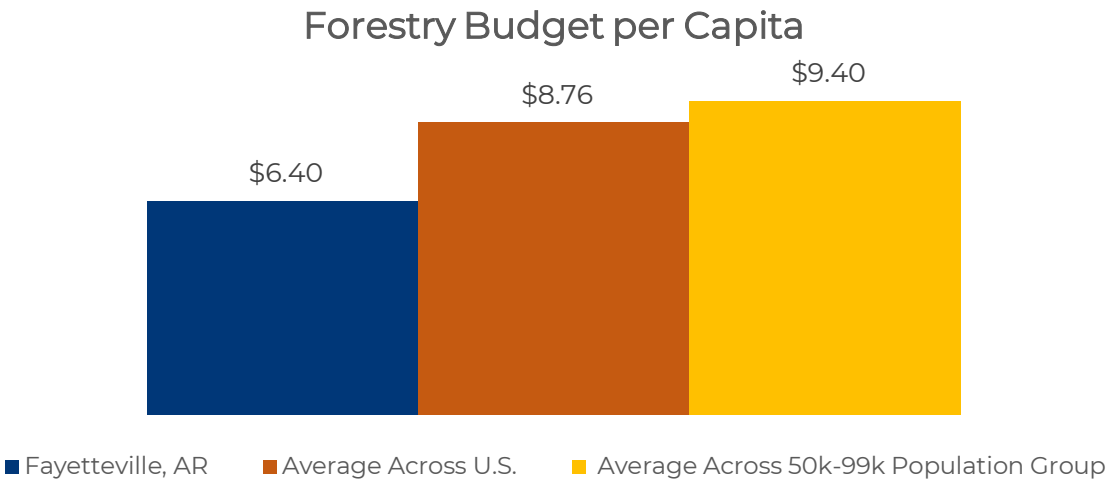


Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)

COMPARISON OF PUBLIC TREE COUNTS, DISTRIBUTION, AND VALUE

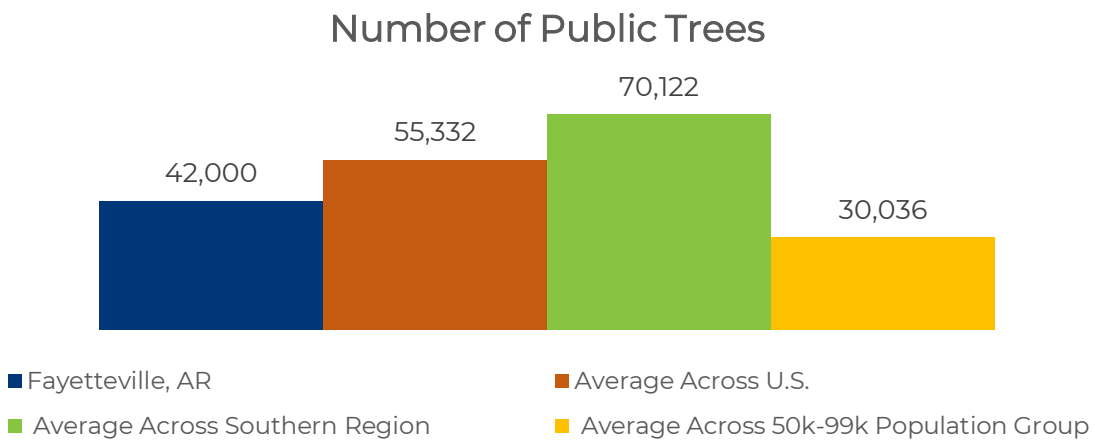


Figure 18. Comparison of the number of public trees (Hauer, 2014)

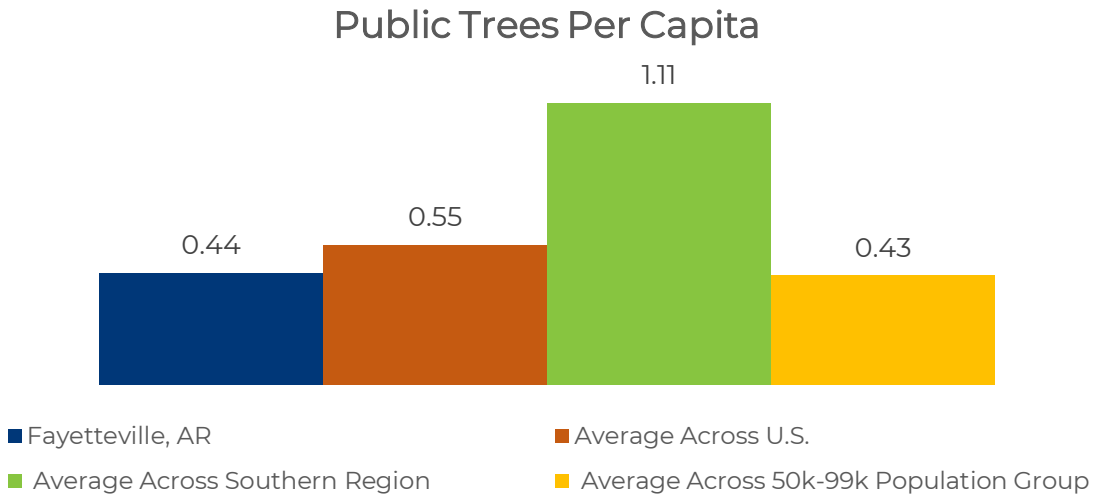


Figure 19. Comparison of public trees per capita (Hauer, 2014)

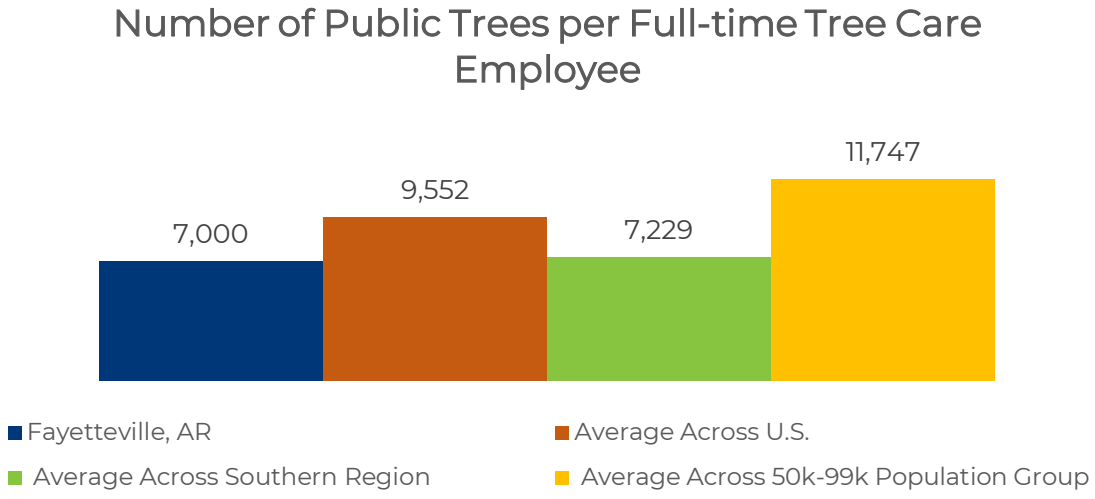


Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer, 2014)

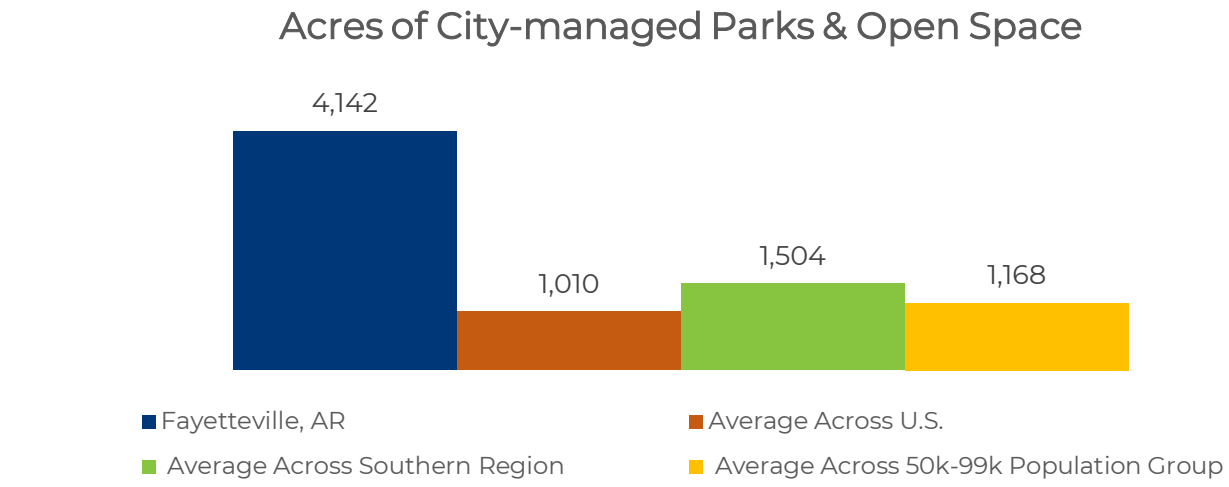
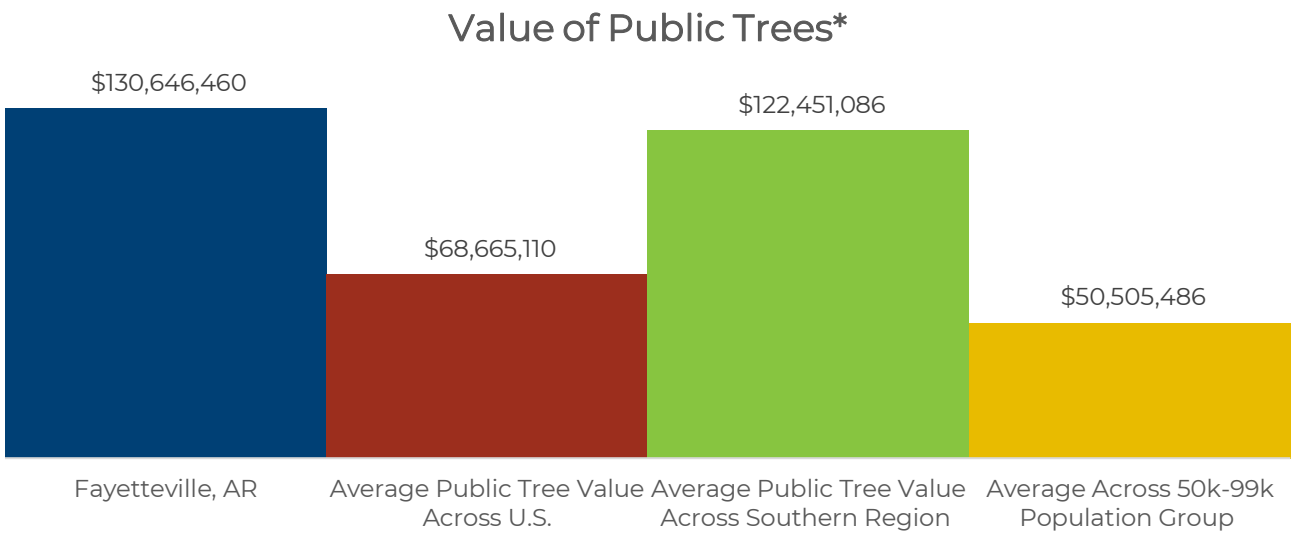


Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)



** Value of Fayetteville's public trees is based on the $1.3 million in ecosystem benefits and services ($110.63 per tree on average) plus the structural value of public trees estimated at $3,000 per tree on average based on regional research.*

Figure 22. Comparison of the value of public trees (Hauer, 2014)



Fayetteville, AR

URBAN FORESTRY MANAGEMENT PLAN

Canopy Goal Setting & Priority Areas

August 2023

Canopy Goals for Consideration

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Total Added Benefits	Total Carbon Seq. (lbs)
Year 1	2023	35,712	14,081	14,105	39.4%	39.5%	1,000	$18,559	149,592
Years 2-5	2024-2027	35,712	14,105	14,244	39.5%	40%	6,000	$111,354	897,552
Years 6-8	2028-2030	35,712	14,244	14,396	40%	40%	6,500	$120,634	972,348
Years 9-10	**2031-2032**	**35,712**	**14,396**	**14,512**	**40%**	**40.6%**	**5,000**	**$92,795**	**747,960**
Years 11-15	2033-2037	35,712	14,512	14,815	41%	41%	13,000	$241,267	1,944,696
Years 16-18	2038-2040	35,712	14,815	15,025	41%	42%	9,000	$167,031	1,346,328
Years 19-20	2041-2042	35,712	15,025	15,165	42%	42.5%	6,000	$111,354	897,552
Years 21-25	2043-2047	35,712	15,165	15,619	42%	44%	19,500	$361,901	2,917,044
Years 26-28	2048-2050	35,712	15,619	15,969	44%	45%	15,000	$278,385	2,243,880
Years 29-30	2051-2052	35,712	15,969	16,202	45%	45%	10,000	$185,590	1,495,920
TOTAL	30 Years			2,120	45.4%	5.9%	91,000	$1,688,869	13,612,872

Minus 10% cumulative canopy loss = 44.4% in 30 years (2023 – 2052). Considers 10% will be small canopy trees, 30% medium canopy, and 60% large canopy trees.

A 10-year goal requires a total of 18,500 trees with an average of 1,850 trees per year

If pursuing a 30-year goal, 91,000 total trees needed with an average of 3,000 trees per year needed.

Scenario B) Detailed Planting Targets to Establish a 10-year Canopy Goal

Milestone	Year	Total City Acres	Canopy Ac (2019)	Canopy % (2019)	Planting Scenarios (# of Trees)	New Canopy Acres Added	Total Canopy Acres	New % Canopy	Total Added Ecosystem Benefits	All Plantings: Future Carbon Sequestered by Large Trees (249.32 lbs/tree)	All Plantings: Total Future Carbon Sequestered
Year 1	**2023**	**35,712**	**14,081**	**39.4%**	**1,000**	**23.3**	**14,105**	**39.5%**	**$18,559**	**149,592**	**149,592**
	2024	35,712	14,081	39%	1,000	23.3	14,128	40%	$18,559	149,592	149,592
	2025	35,712	14,081	39%	1,500	35.0	14,163	40%	$27,839	224,388	224,388
	2026	35,712	14,081	39%	1,500	35.0	14,198	40%	$27,839	224,388	224,388
Year 5	2027	35,712	14,081	39%	2,000	46.6	14,244	40%	$37,118	299,184	299,184
	2028	35,712	14,081	39%	2,000	46.6	14,291	40%	$37,118	299,184	299,184
	2029	35,712	14,081	39%	2,000	46.6	14,338	40%	$37,118	299,184	299,184
Year 8	2030	35,712	14,081	39%	2,500	58.3	14,396	40%	$46,398	373,980	373,980
	2031	35,712	14,081	39%	2,500	58.3	14,454	40%	$46,398	373,980	373,980
Year 10	**2032**	**35,712**	**14,081**	**39%**	**2,500**	**58.3**	**14,512**	**40.6%**	**$46,398**	**373,980**	**373,980**
	2033	35,712	14,081	39%	2,500	58.3	14,571	41%	$46,398	373,980	373,980
	2034	35,712	14,081	39%	2,500	58.3	14,629	41%	$46,398	373,980	373,980
	2035	35,712	14,081	39%	2,500	58.3	14,687	41%	$46,398	373,980	373,980
	2036	35,712	14,081	39%	2,500	58.3	14,745	41%	$46,398	373,980	373,980
Year 15	2037	35,712	14,081	39%	3,000	69.9	14,815	41%	$55,677	448,776	448,776
	2038	35,712	14,081	39%	3,000	69.9	14,885	42%	$55,677	448,776	448,776
	2039	35,712	14,081	39%	3,000	69.9	14,955	42%	$55,677	448,776	448,776
Year 18	2040	35,712	14,081	39%	3,000	69.9	15,025	42%	$55,677	448,776	448,776
	2041	35,712	14,081	39%	3,000	69.9	15,095	42%	$55,677	448,776	448,776
Year 20	2042	35,712	14,081	39.4%	3,000	69.9	15,165	42.5%	$55,677	448,776	448,776
	2043	35,712	14,081	39%	3,000	69.9	15,235	43%	$55,677	448,776	448,776
	2044	35,712	14,081	39%	3,500	81.6	15,316	43%	$64,957	523,572	523,572
	2045	35,712	14,081	39%	4,000	93.2	15,409	43%	$74,236	598,368	598,368
	2046	35,712	14,081	39%	4,000	93.2	15,503	43%	$74,236	598,368	598,368
Year 25	2047	35,712	14,081	39%	5,000	116.5	15,619	44%	$92,795	747,960	747,960
	2048	35,712	14,081	39%	5,000	116.5	15,736	44%	$92,795	747,960	747,960
	2049	35,712	14,081	39%	5,000	116.5	15,852	44%	$92,795	747,960	747,960
Year 28	2050	35,712	14,081	39%	5,000	116.5	15,969	45%	$92,795	747,960	747,960
	2051	35,712	14,081	39%	5,000	116.5	16,085	45%	$92,795	747,960	747,960
Year 30	2052	35,712	14,081	39.4%	5,000	116.5	16,202	45.4%	$92,795	747,960	747,960

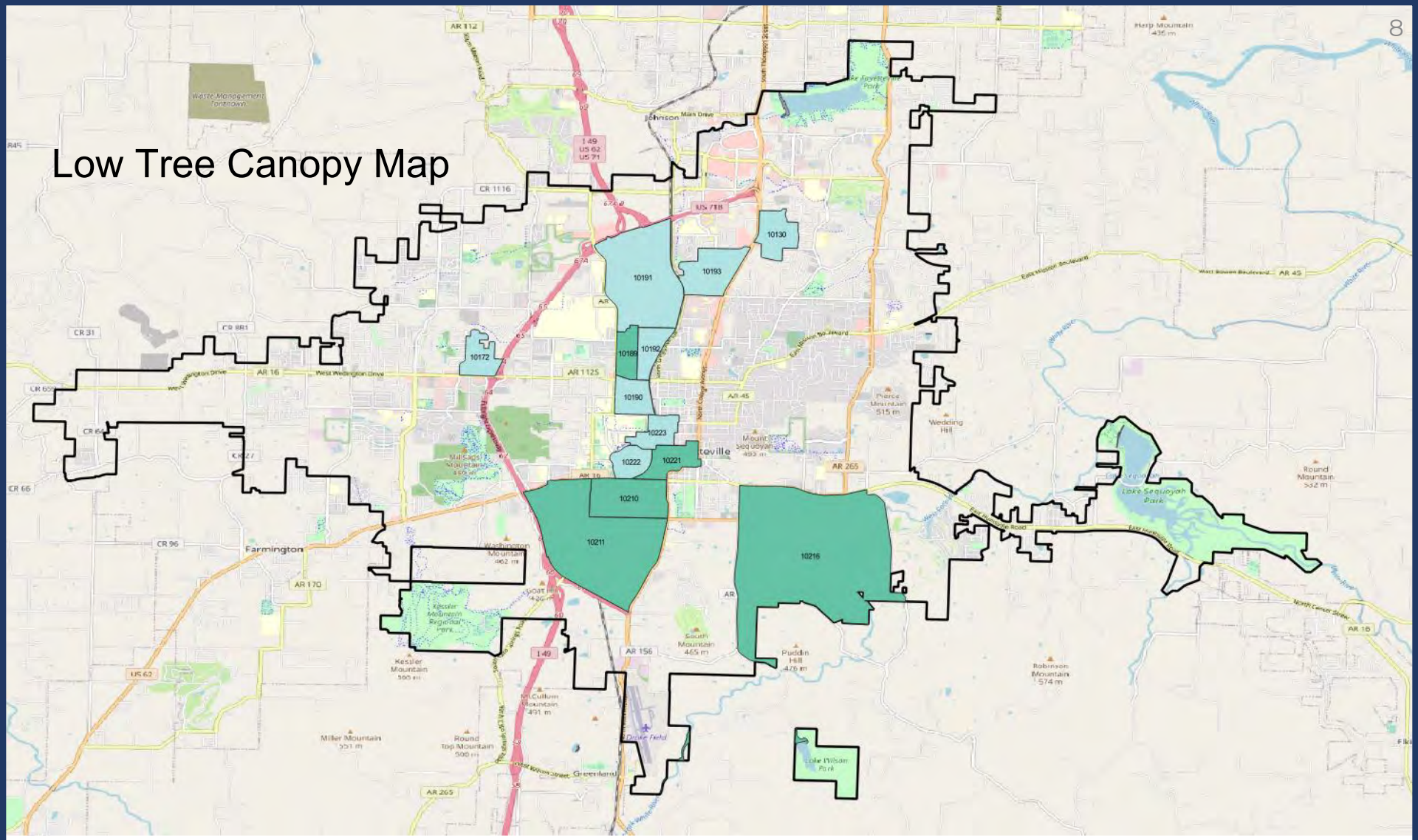
Scenario B) Milestones for 40.6% Canopy in 10 years

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Average Trees per Year	Total Added Benefits	Total Carbon Sequestered (lbs)
Year 1 thru Year 5	2023-2027	35,712	14,081	14,244	39.4%	39.9%	7,000	1,400	$129,913	1,047,144
Year 6 thru Year 10	**2028-2032**	**35,712**	**14,244**	**14,512**	**39.9%**	**40.6%**	**11,500**	**2,300**	**$213,429**	**1,720,308**
TOTALS	10 Years			431		1.2%	18,500	1,850	$343,342	2,767,452

Scenario B) Estimated Costs for 40.6% Canopy in 10 Years

Year Range	Starting Canopy %	New Canopy %	% Change	Total Trees Added	Total Added Benefits	Total Carbon Sequestered (lbs)	Average Trees Per Year	Average Subcontract Planting Cost Per Tree	Estimated Annual Cost	Estimated 10-Year Cost
2023 – 2032	39.4%	40.6%	1.2%	18,500	$343,342	2,767,452	1,850	**$408**	**$754,486**	**$7,544,855**

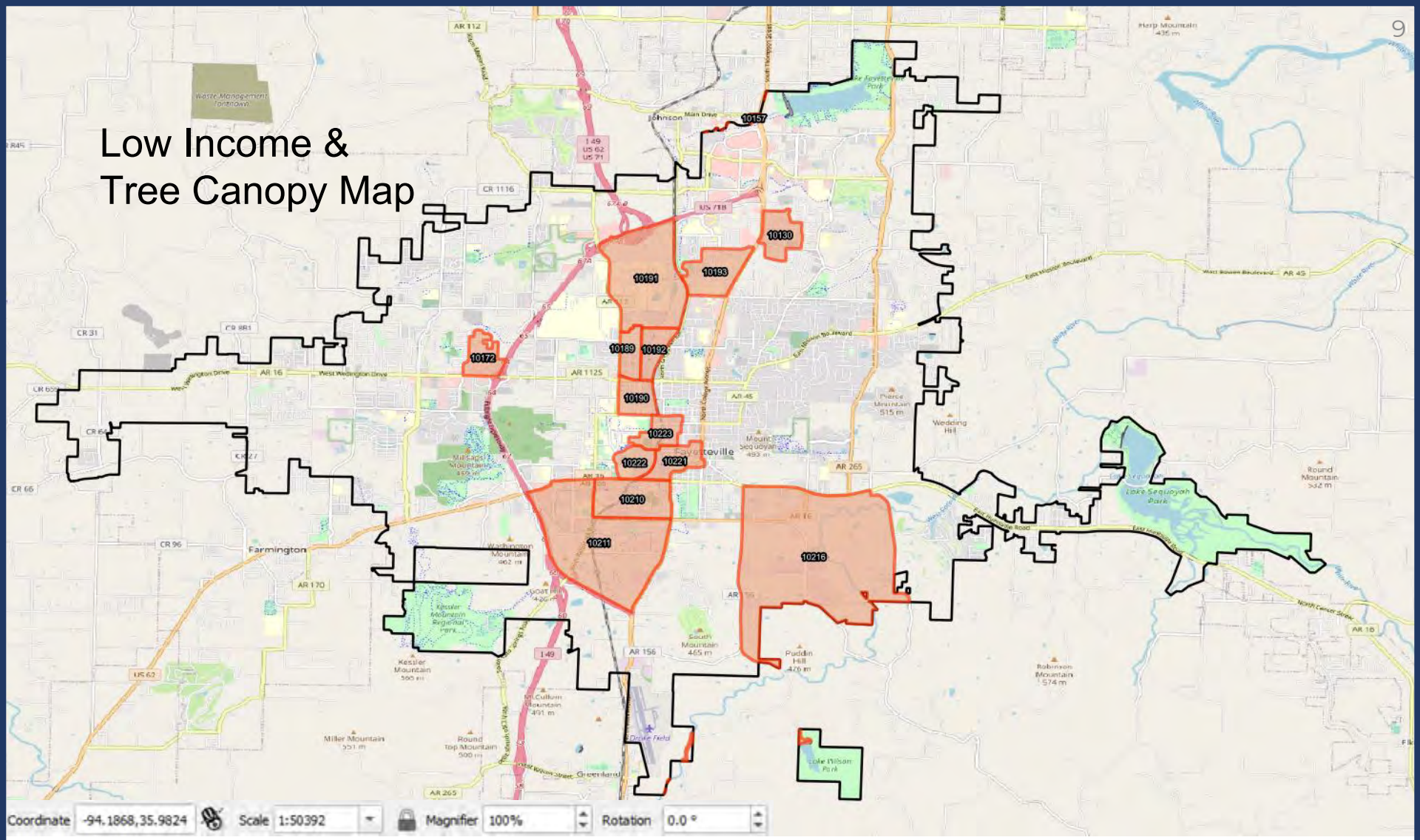
Low Tree Canopy Map



Priority Planting Areas Legend

- City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover

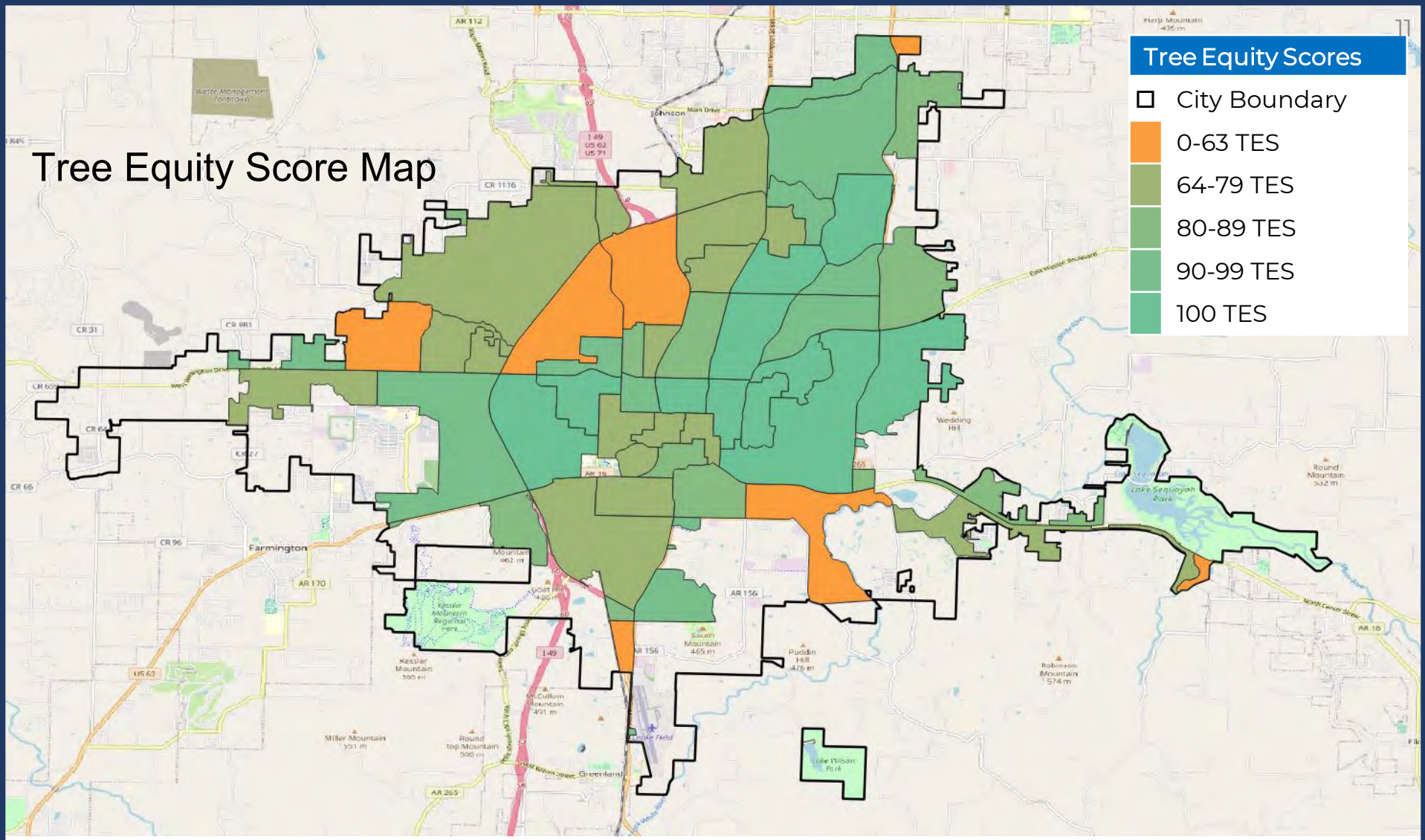
Low Income & Tree Canopy Map



Priority Planting Areas Legend

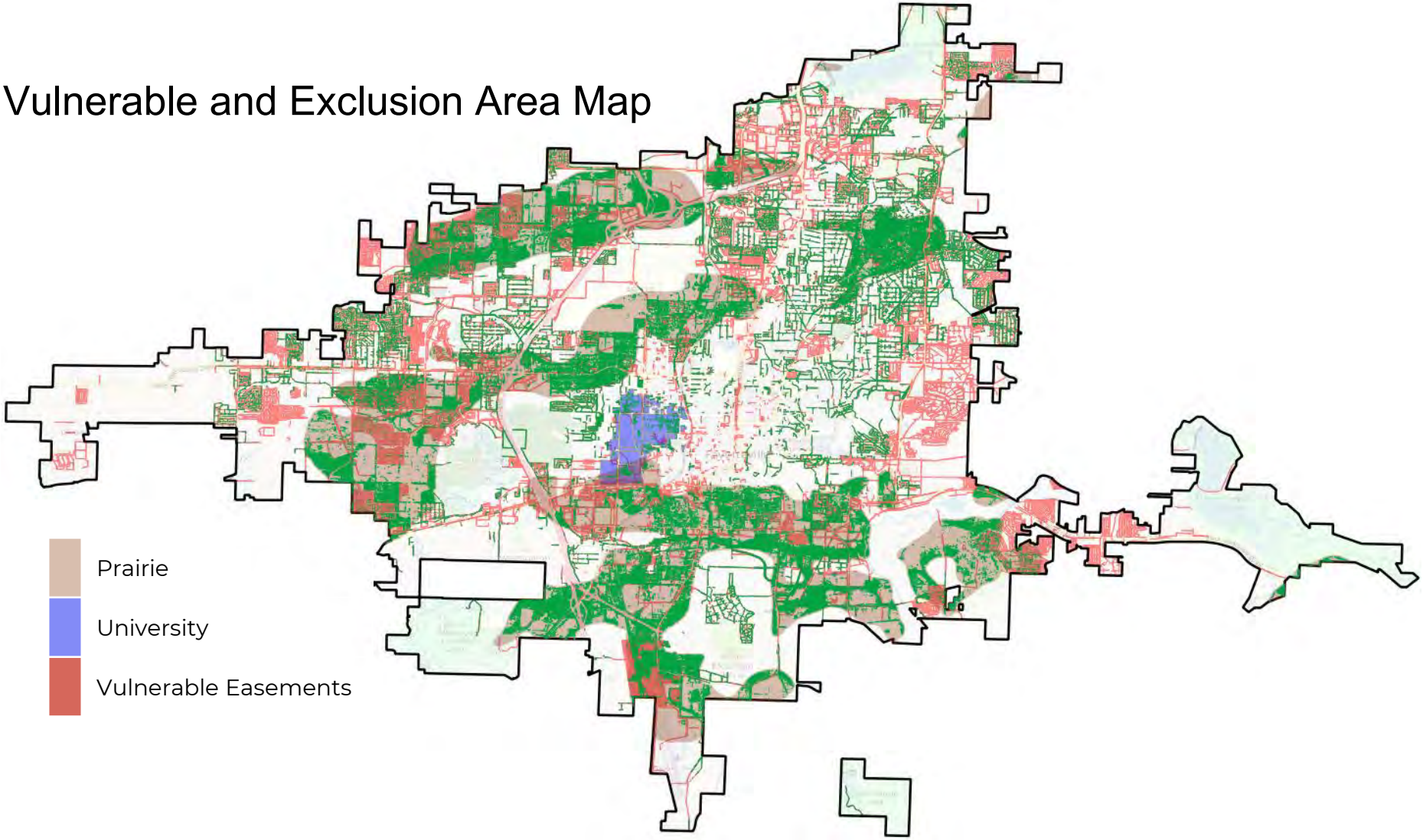
- City Boundary
- Block Group Boundary
- Block Groups with Low Income Populations and Low Tree Canopy

Tree Equity Score Map

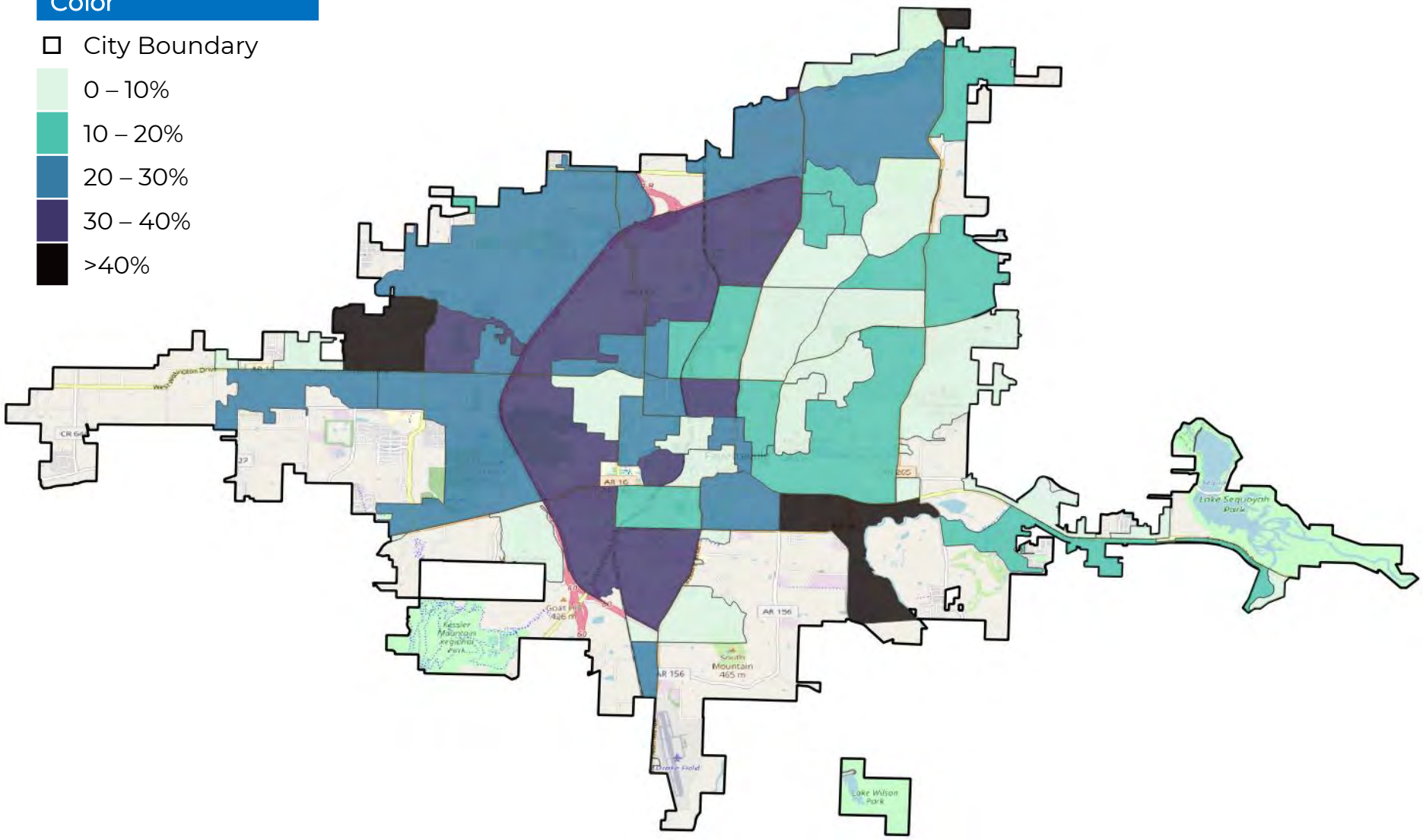


Canopy Cover

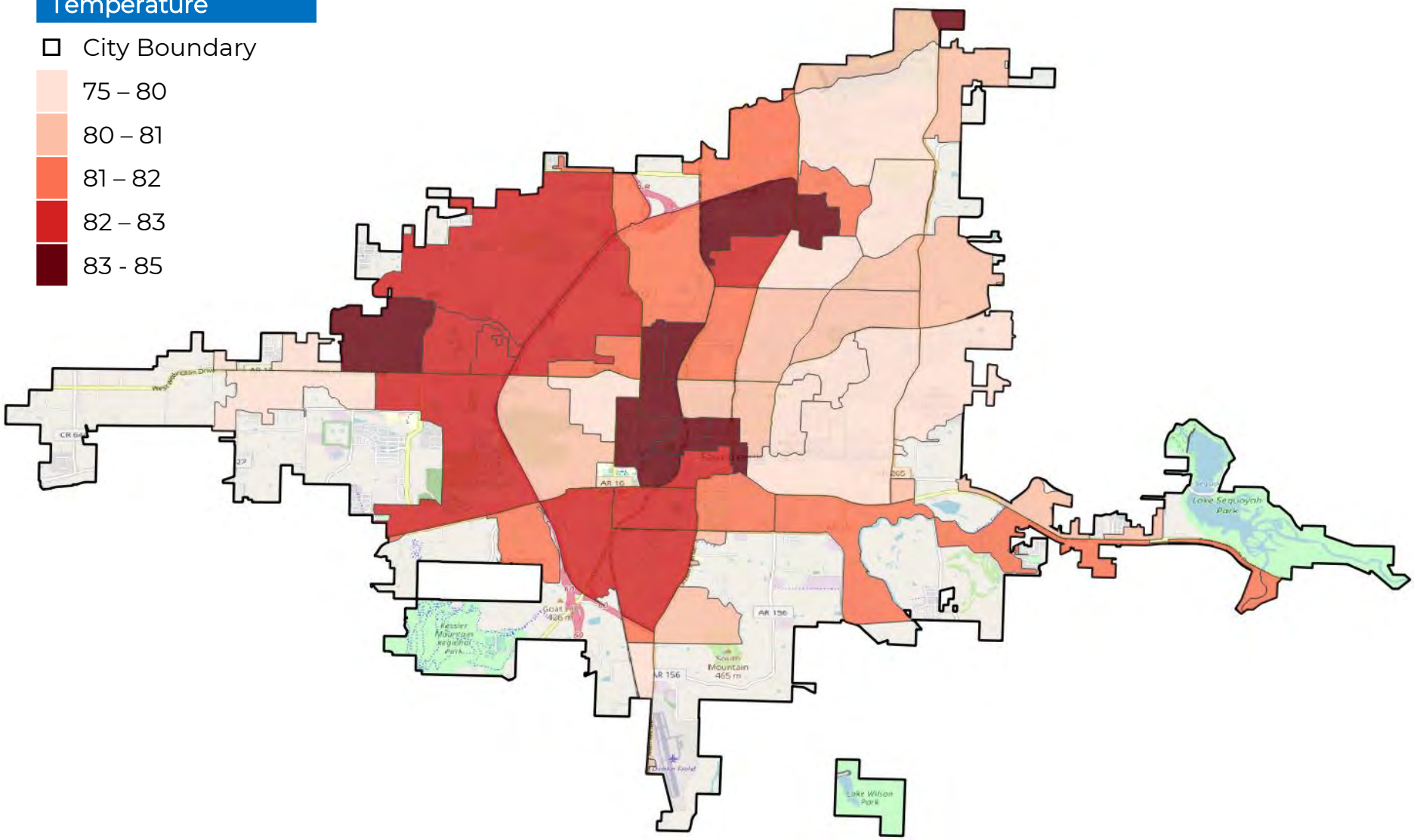
Vulnerable and Exclusion Area Map



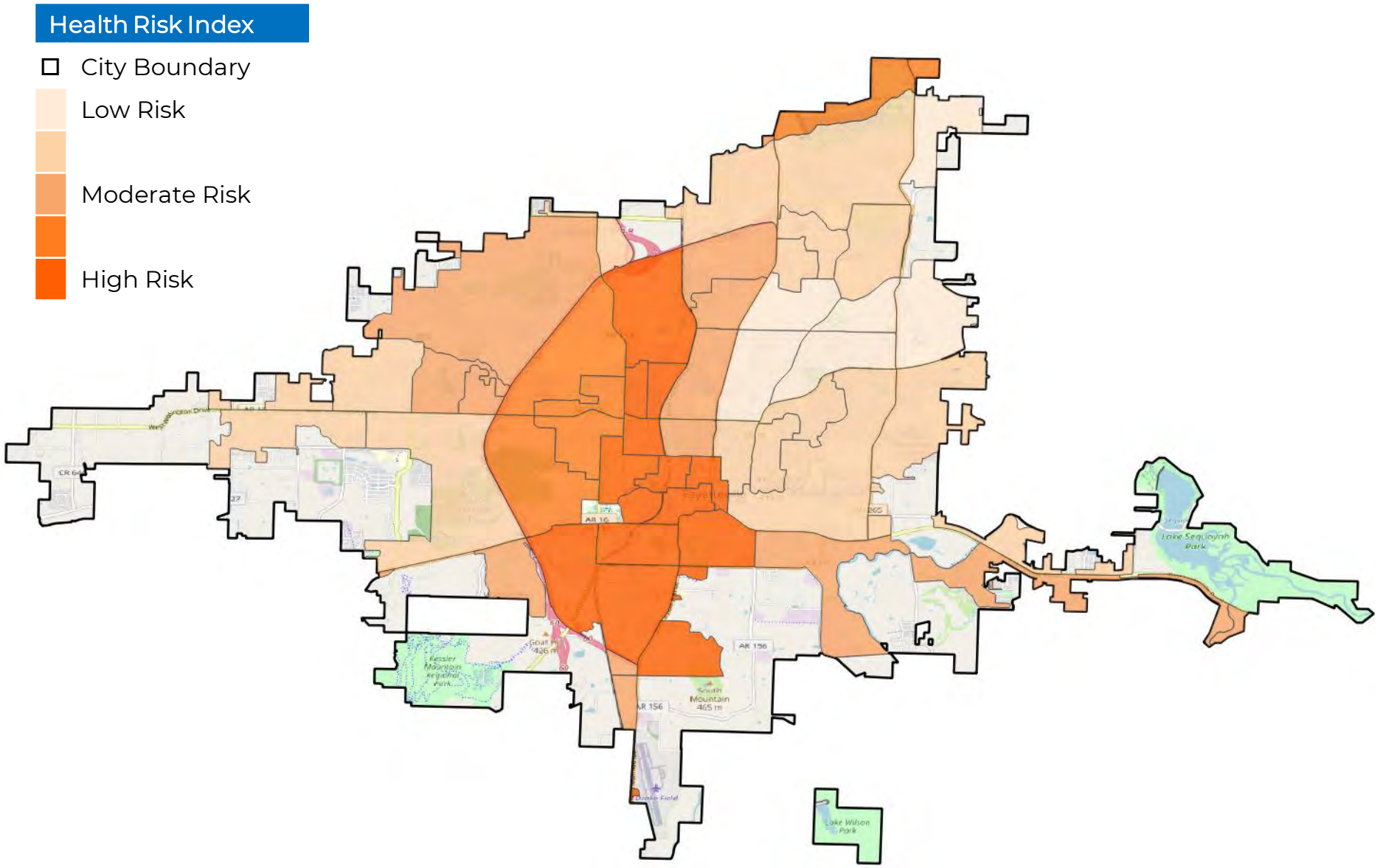
Percent People of Color (All People Not White Non-Hispanic, US Census Bureau American Community Survey 2014-2018 Source)



Urban Heat (Surface Temperature Data from USGS Landsat 8 imagery, thermal bands)

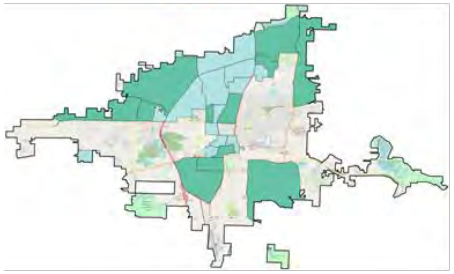


Health Risk (Self-reported Poor Mental Health, Poor Physical Health, Asthma, & Coronary Heart Disease – CDC Source)



Summary of Priority Planting Area Scenarios

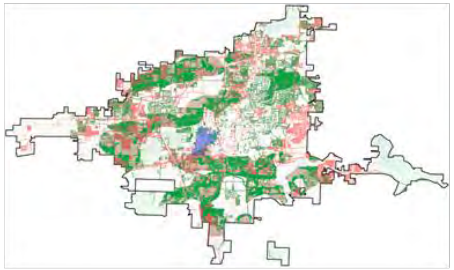
Low Tree Canopy (<35%)



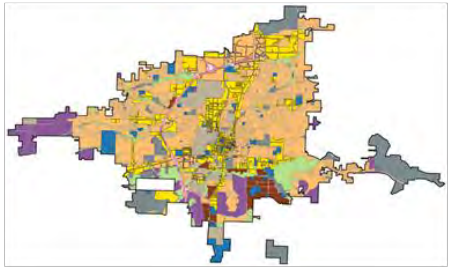
Low Income & Tree Canopy



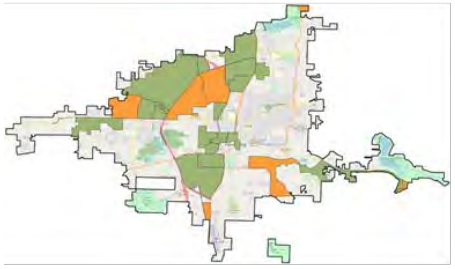
Vulnerable & Exclusion Areas



Development & Future Land Use



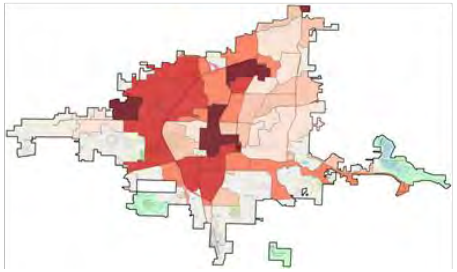
Tree Equity Score <80



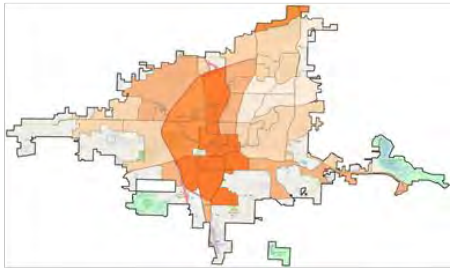
% People of Color



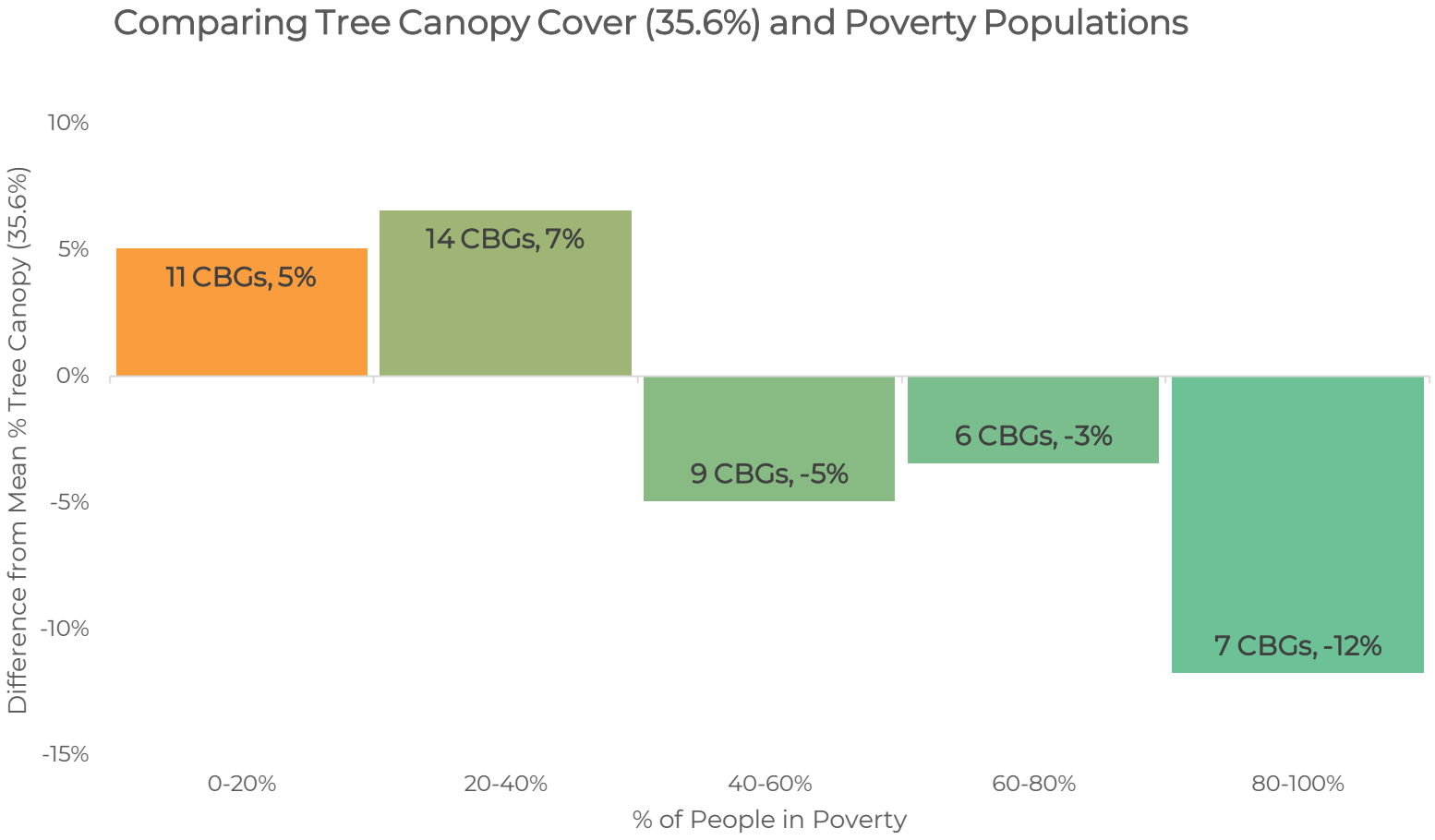
Average Surface Temperature



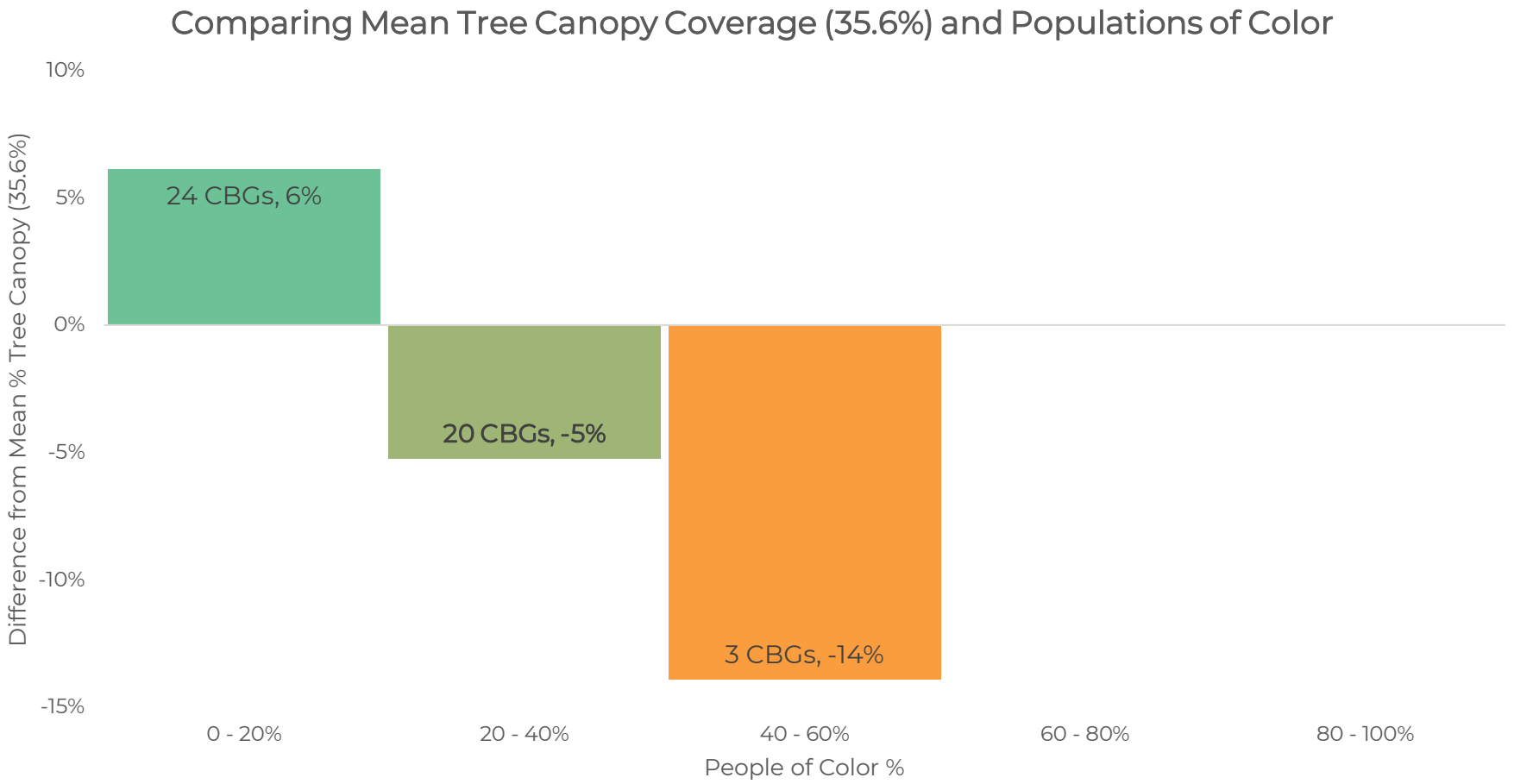
Health Risk Index



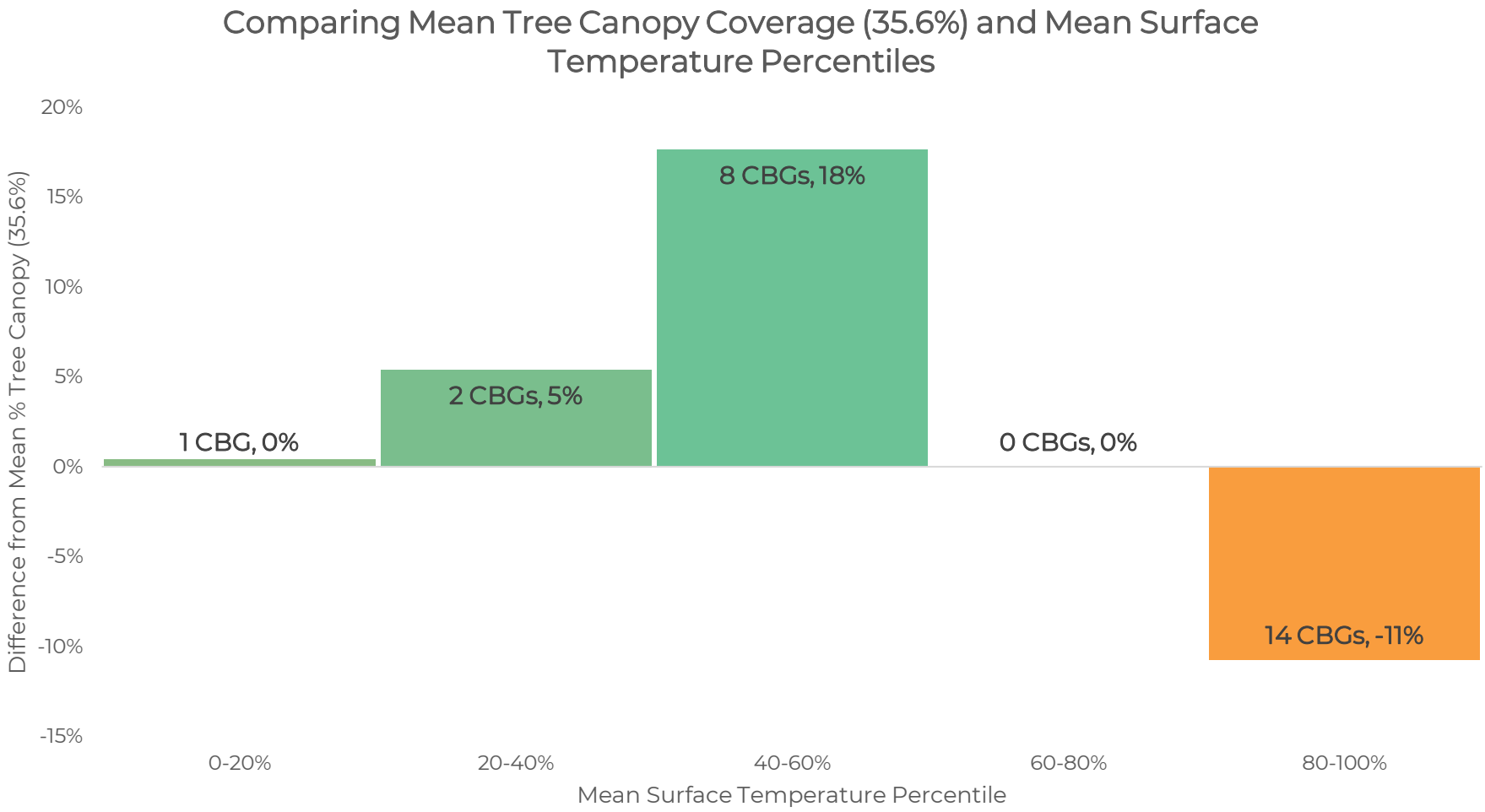
Analysis of the Populations in Poverty Compared to the Mean Canopy Cover (35.6%)



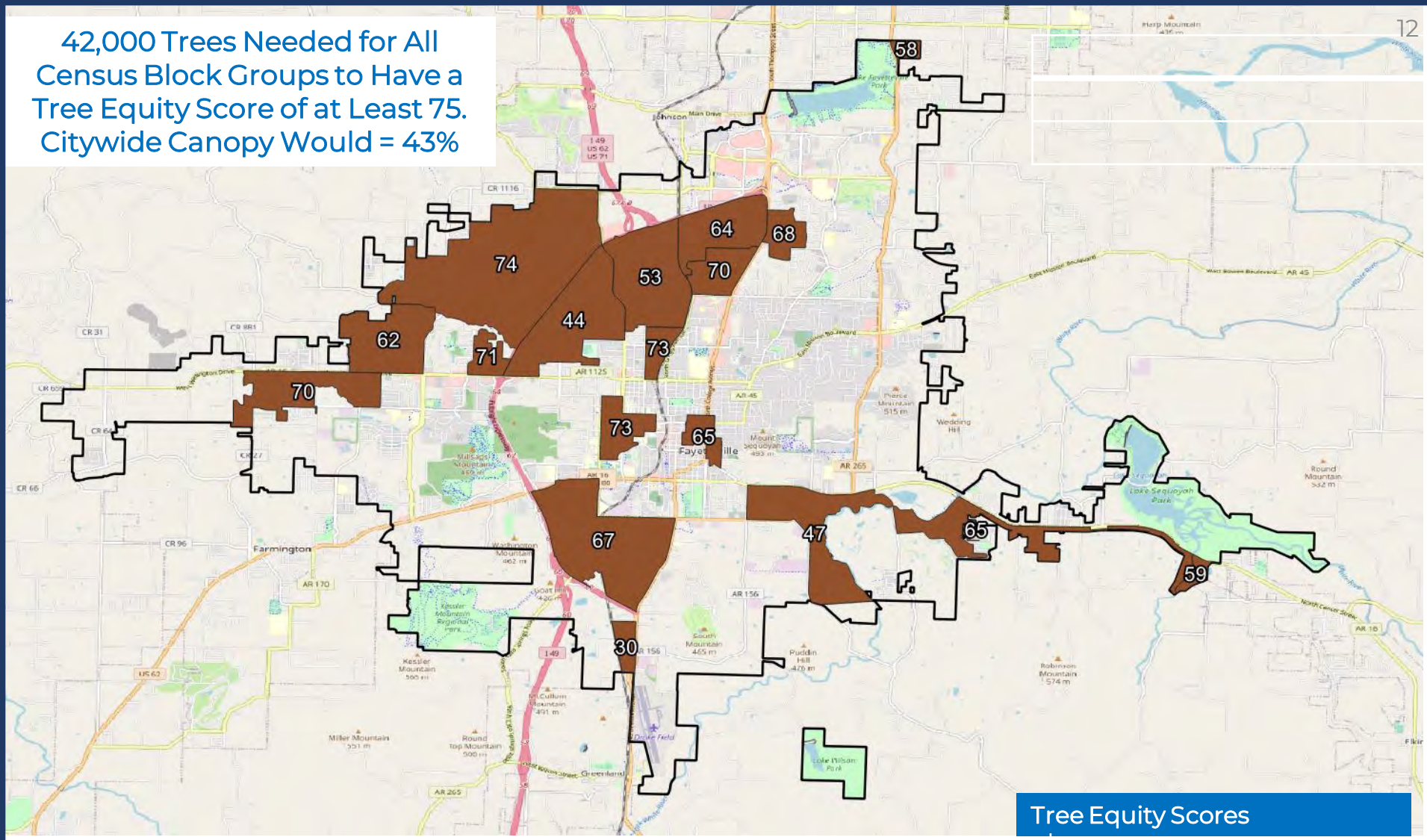
Analysis of the Populations of Color Compared to the Mean Canopy Cover (35.6%)



Analysis of Surface Temperatures and the Mean Canopy Cover (35.6%)



42,000 Trees Needed for All Census Block Groups to Have a Tree Equity Score of at Least 75. Citywide Canopy Would = 43%

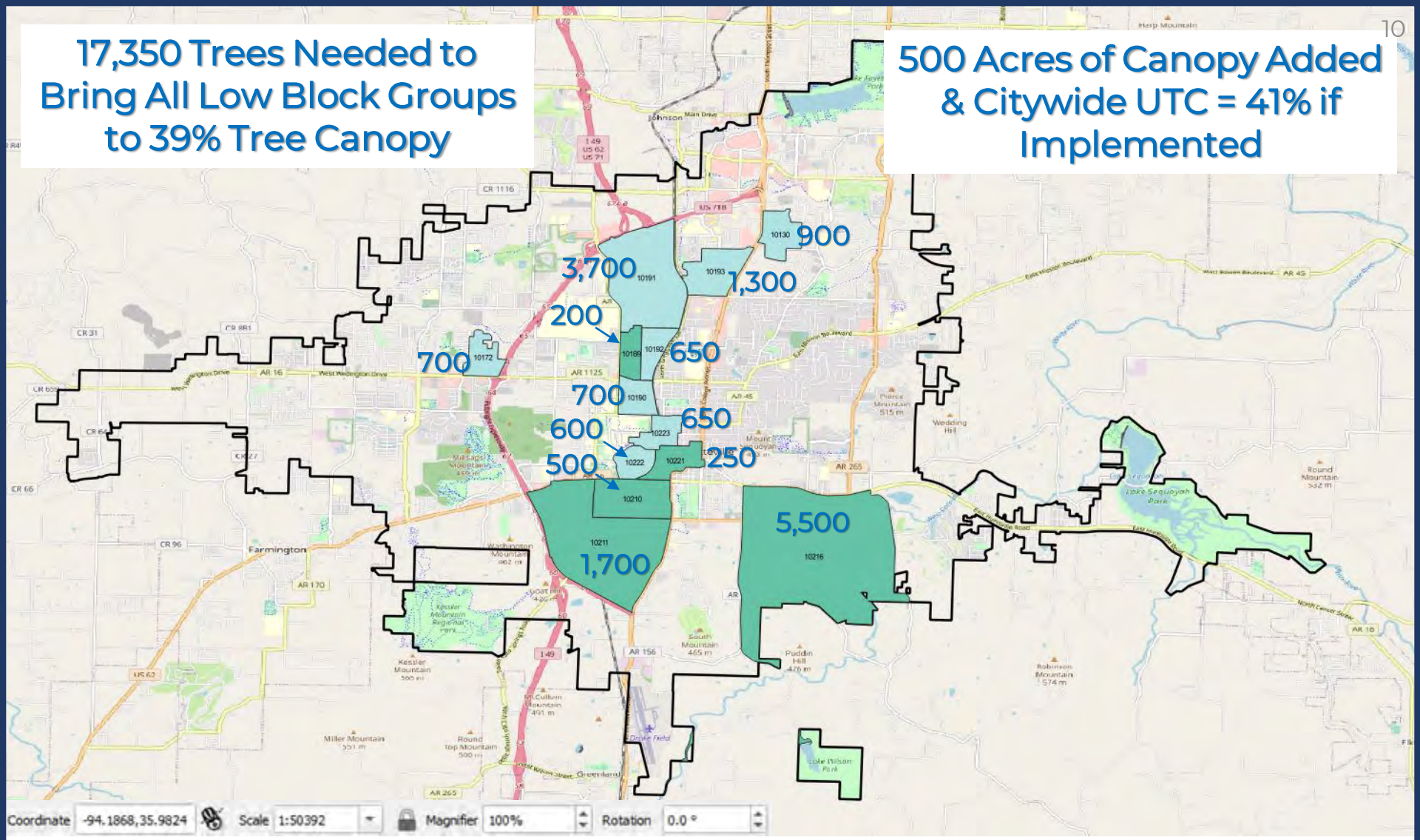


Tree Equity Scores

- City Boundary
- Block Groups with < 75 TES

17,350 Trees Needed to Bring All Low Block Groups to 39% Tree Canopy

500 Acres of Canopy Added & Citywide UTC = 41% if Implemented



Priority Planting Areas Legend

- ☐ City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover
- # Number of trees needed to reach City UTC of 39%

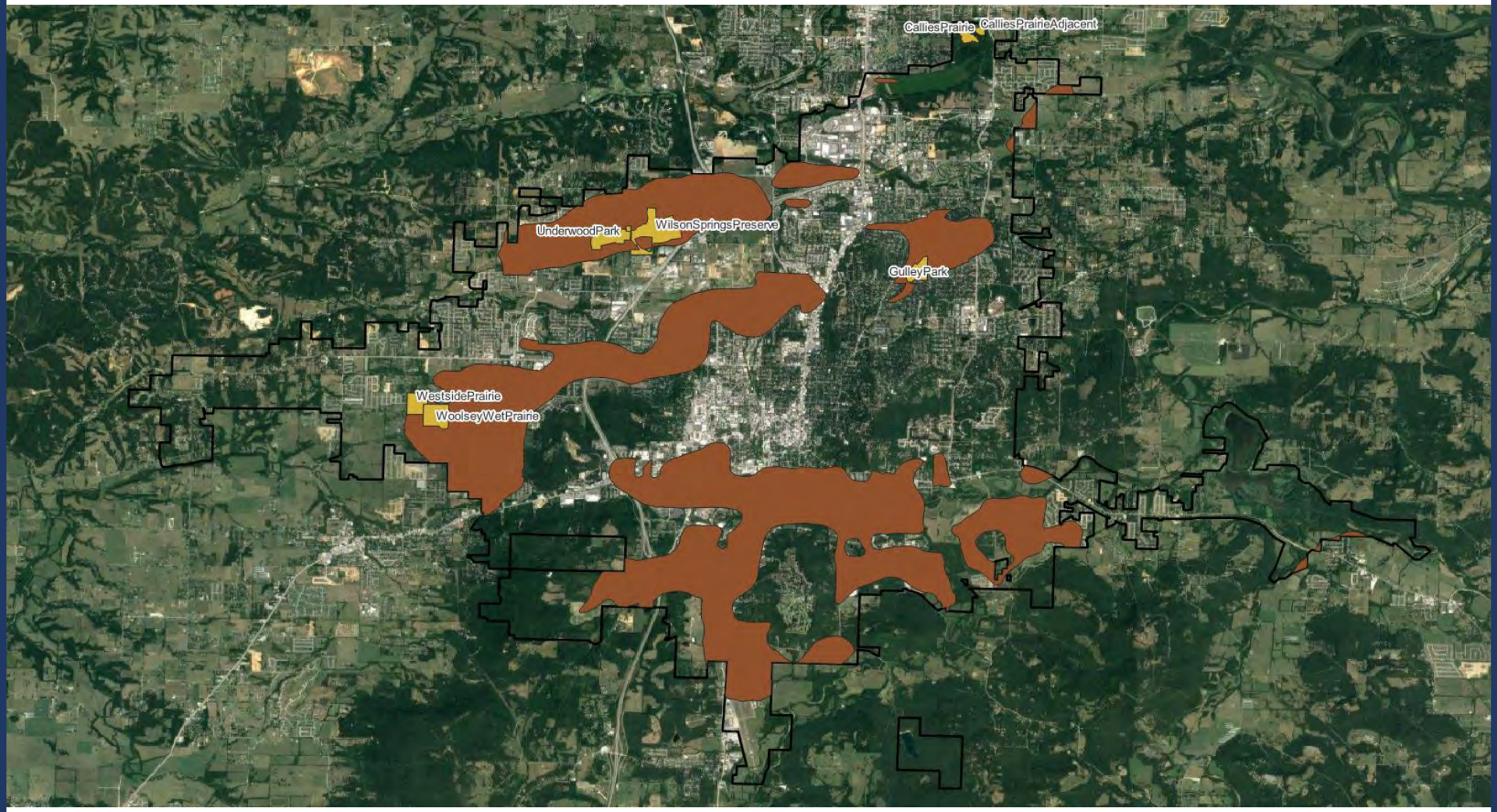
Exclusion or Vulnerable Areas

Prairies Delineated Based on List Provided by City Staff



Protected Prairie-related Areas	Acres
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	252 acres

Native Prairie & Prairies Delineated Based on List Provided by City Staff

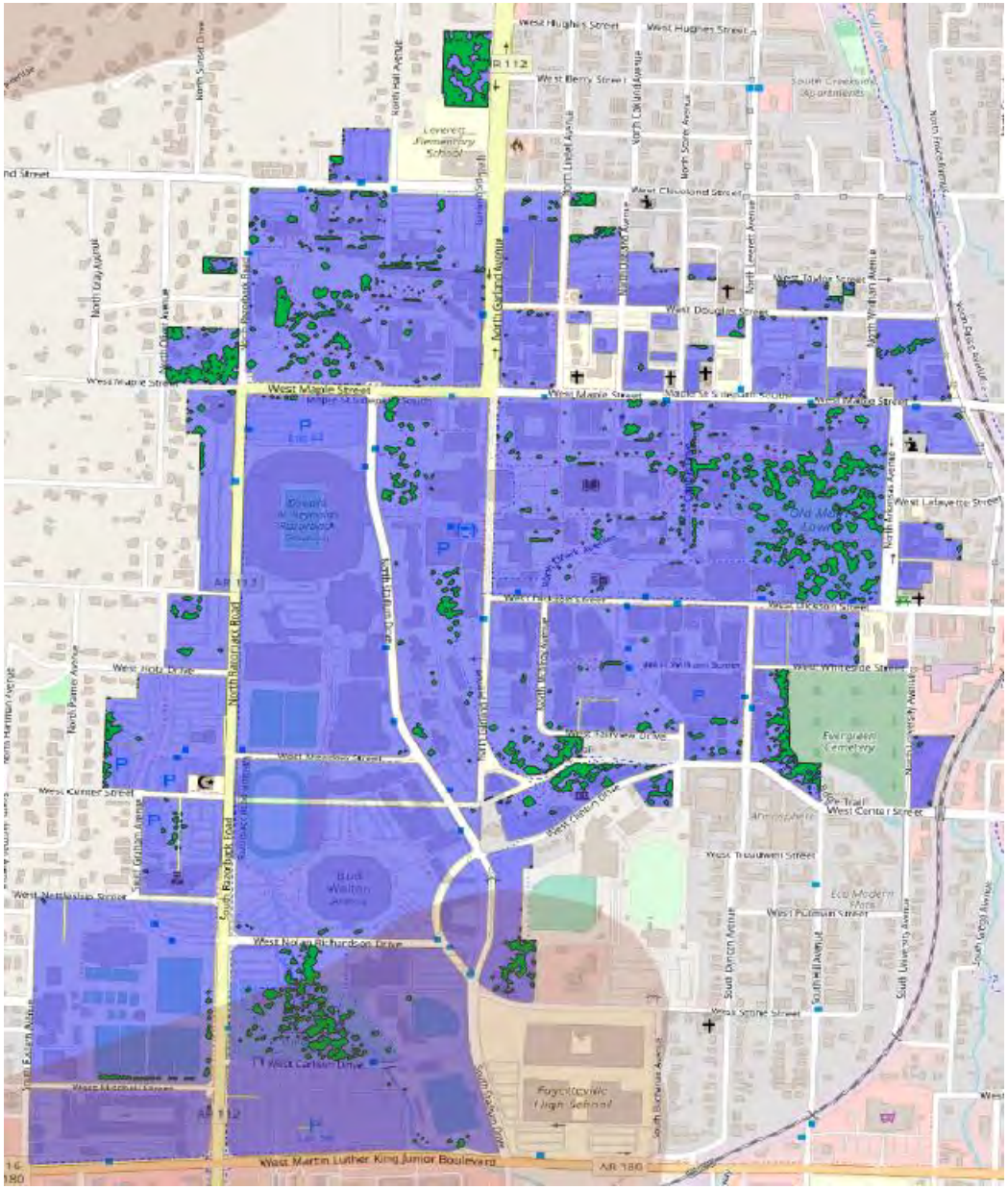


GIS layer provided by:
Marson Nance, CLM
Director of Land Stewardship & Research
Northwest Arkansas Land Trust

Total Prairie Acres	9,769
Total Canopy Acres in Prairie	1,957
Canopy % in Prairie	20%

NORTHWEST ARKANSAS LAND TRUST

University of Arkansas Canopy

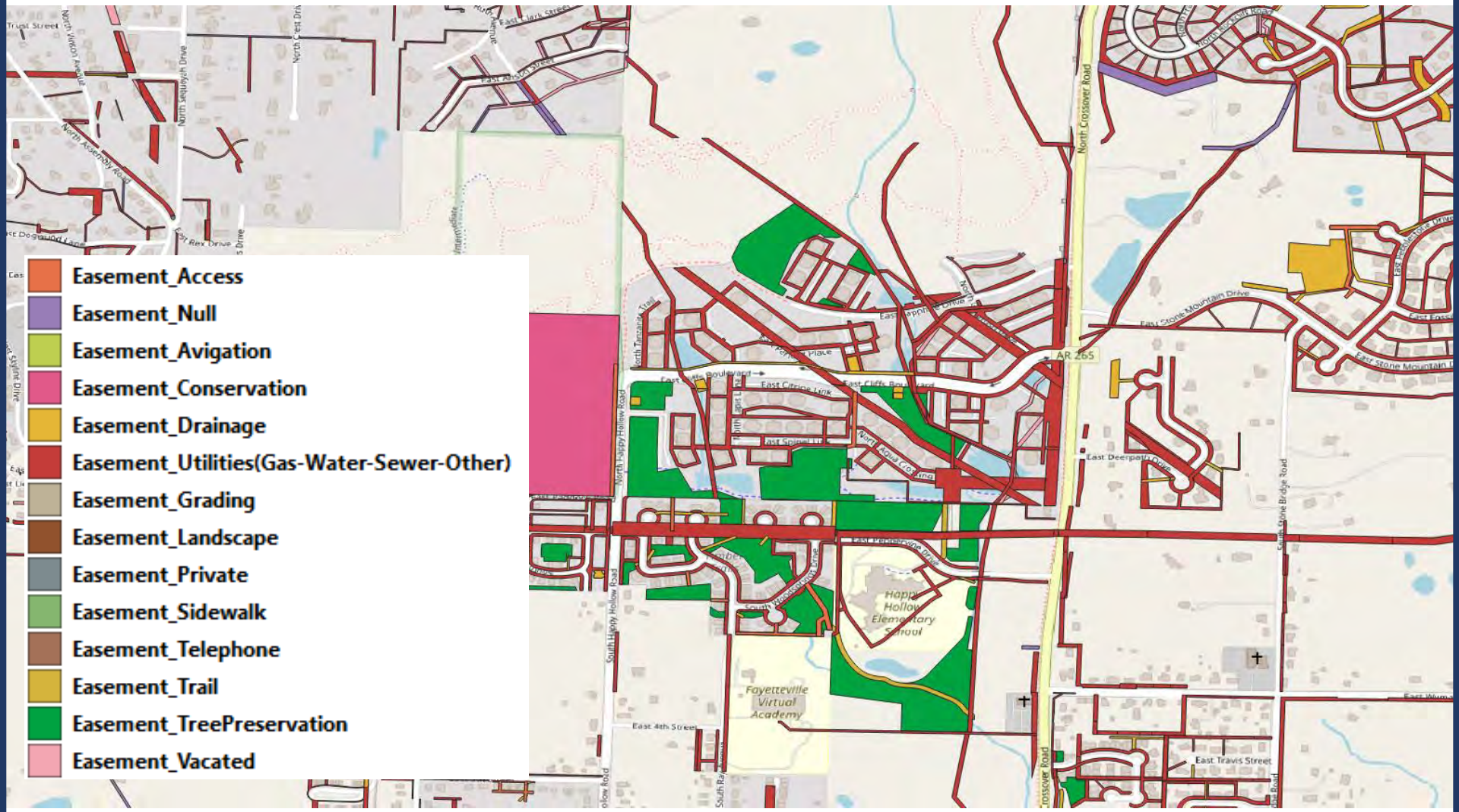


University Acres	Canopy Area (Ac)	Canopy %
377.0	22.0	6%

Citywide Acres	35,712
Citywide Canopy Acres	14,081.24
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059.27
Citywide Canopy % Excluding University	**39.37%**

- University of Arkansas property
- Canopy within University of Arkansas property

Easements Example



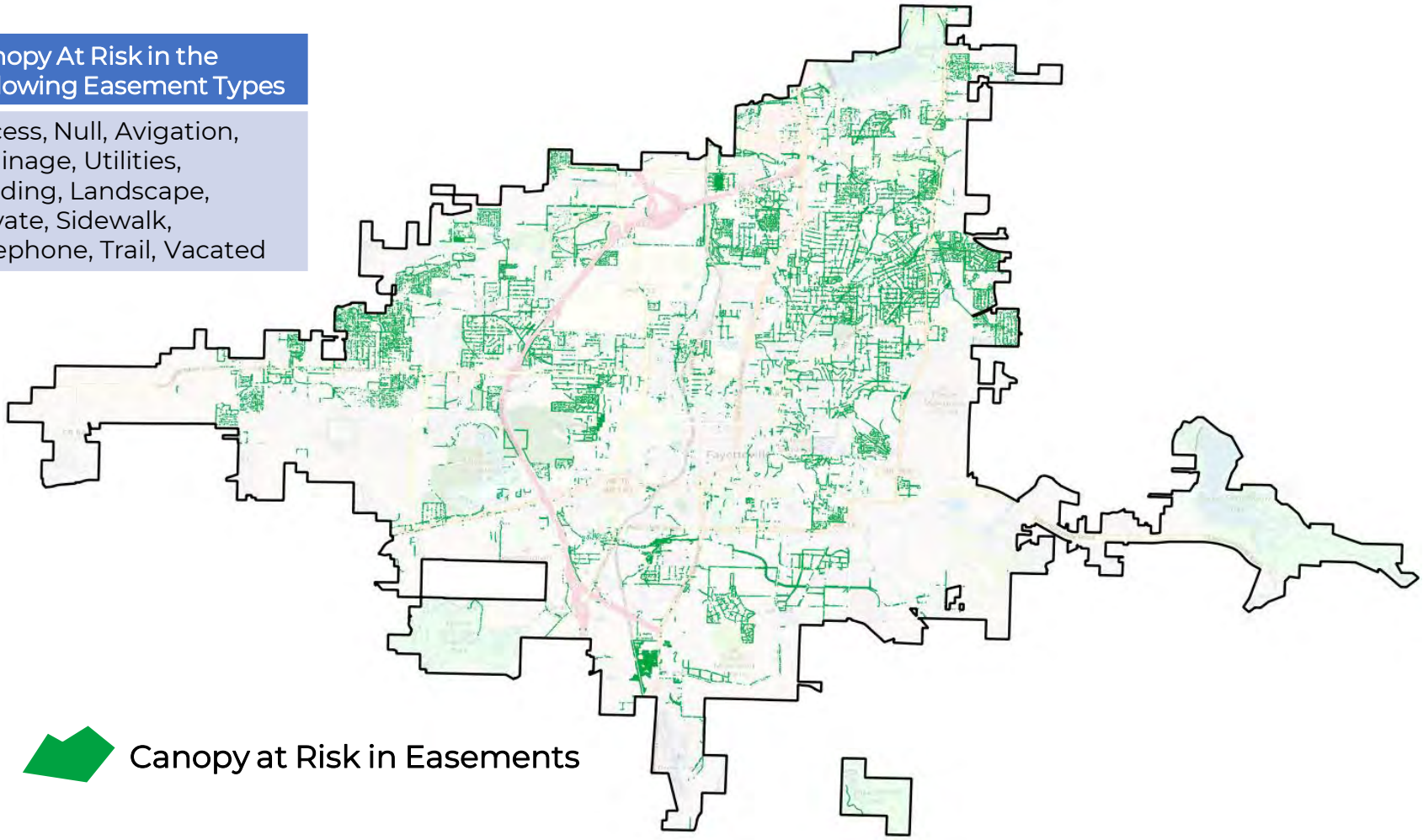
Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements"	Areas to Proactively Preserve
Conservation(?), Tree Preservation	Access, Null(?), Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Canopy in At Risk Easements

Acres of Vulnerable Easements	Canopy Acres of Vulnerable Easements	% Canopy of Vulnerable Easements
3,980.6	1,015.0	25%

Canopy At Risk in the Following Easement Types

Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated

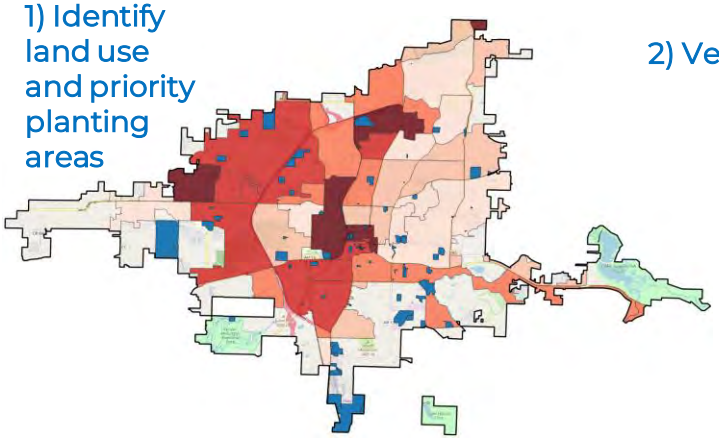


Canopy at Risk in Easements

Applying Canopy Goals & Priority Planting Areas with Consideration of Exclusion Areas

Priority Planting in Civic Institutional Land Use Areas to Achieve Canopy Goals

1) Identify land use and priority planting areas



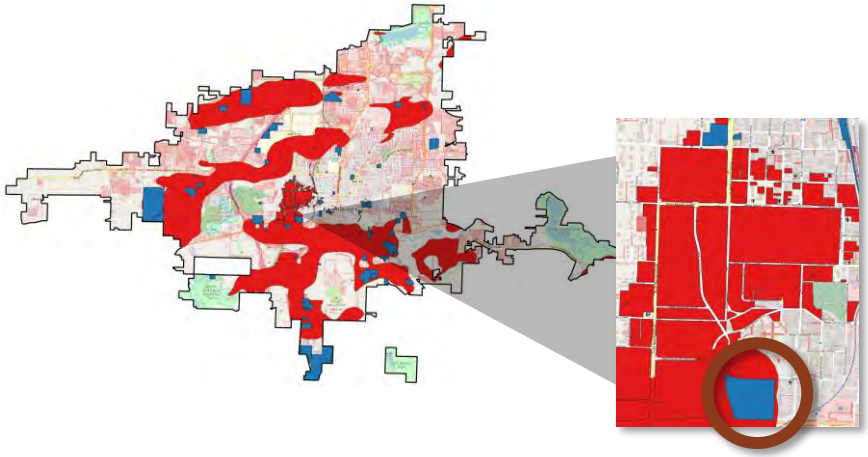
Average Surface Temperature

- City Boundary
- Civic Institutional Land Use
- 75 – 80
- 80 – 81
- 81 – 82
- 82 – 83
- 83 - 85

2) Verify and confirm the canopy goal and number of trees to plant for the land use

Future Land Use	Current Canopy %	Modeled Canopy %	Timeframe (years)	# of Trees per Year
Urban Center	16%	16%	30	1
City Neighborhood	30%	31%	30	106
Residential Neighborhood	41%	46%	30	1,050
Rural Residential	48%	53%	30	1,032
Non-Muni Government	17%	19%	30	55
Civic Institutional	30%	32%	30	74
Civic & Private Open Space	62%	65%	30	202
Natural	62%	65%	30	480
Industrial	30%	30%	30	3
Citywide	39%	44.7%	30 Years	3,003

3) Identify and remove non-plantable areas (university, easements, prairie)



Legend

- City Boundary
- Civic Institutional Land Use
- University grounds, vulnerable easements, and prairie
- Not plantable

4) Identify Possible Planting Area in priority area for the land use and determine planting locations



5) Continue to identify possible planting areas in priority areas for the land use to strategize how and where to plant 74 trees per year for 30 years to reach the 32% canopy goal for the Civic Institutional land use as shown in the table above in step #2



TREE INVENTORY SUMMARY

An internal summary of the public and private sample tree inventory to inform the

City of Fayetteville, AR
Urban Forest Management Plan

April 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo developers of TreePlotter

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TREE INVENTORY OVERVIEW

About

In October 2022, a sample inventory of public and private trees in Fayetteville, Arkansas was conducted by PlanIT Geo's Certified Arborists accredited by the International Society of Arboriculture. The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forest Management Plan ("UFMP" or "Plan") project that is currently underway as of November 2022. The tree inventory is intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the UFMP.

Due to limited funding, a comprehensive inventory was not conducted though sampling methods were used in order to extrapolate the data to represent the total public and private tree populations, respectively. To do this, a sample inventory of public trees along approximately 5 percent of linear road miles (25 miles) was conducted. For public trees in parks, approximately 10 percent of City park acres were inventoried. The locations for the public tree inventory were determined by the City's Urban Forester and PlanIT Geo's Field Services team. For the private tree sample, an inventory of trees on private property was conducted when adjacent to public trees being inventoried. Data collection for private trees was not conducted on or within private property— the inventory was conducted within public rights-of-way (i.e., sidewalks) to provide a snapshot of the extent, structure, and characteristics of private trees. In addition to trees, possible available public planting sites were also inventoried based on criteria provided by the City's Urban Forester.

In November 2022, the Consulting Team developing the UFMP reviewed and analyzed the tree inventory datasets and provided summary worksheets and this draft summary report. The following details the draft outcomes of the analysis. Additional analyses such as ecosystem benefits and extrapolating the data to represent the Citywide urban forest remains to be done as part of the UFMP project.

Note, the public and private tree sample inventory analysis was conducted in the months of November and December 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changes since the analysis.

Tree Inventory Database

www.pg-cloud.com/FayettevilleAR

Tree Inventory Counts

Tree Population / Feature	Public Datasets	Private Datasets
Total Data Points	3,076	850
Total Tree Points (alive and dead)	2,712	848
Possible Planting Sites (includes removed and stump)	364	2 (stumps)
Total Living Trees	2,568	830
Total Dead Trees	144	18

Table 1. Counts for the public and private sample tree inventory

Data Fields Collected

TreePlotter Tab	Data Field	Public Tree Dataset	Private Tree Dataset
Tree Tab	Primary ID	X	X
	Status	X	X
	Common Name	X	X
	Scientific Name	X	X
	Number of Stems	X	X
	Condition	X	X
	DBH	X	X
	DBH Range	X	X
	Observations	X	X
	Private Parcel Tree?	X	X
	Genus/Species Code	X	X
	Crown Light Exposure	X	X
Location Tab	Address	X	X
	Growing Space Type	X	X
	Land Use	X	X
	Planting Site Width	X	X
Management Tab	Tree Work	X	X
	Wires	X	X
	Clearance Conflicts	X	X
	User	X	X
	Date Added	X	X
	Last Modified	X	X
	Last Modified User	X	X

Table 2. Data fields collected as part of the 2022 sample tree inventory

PUBLIC TREE SAMPLE INVENTORY SUMMARY

Includes public street, median, park, and trail trees

Public Data Highlights (Sample Inventory)

Field	Value
Data Points	2,740 public data points
Alive & Dead Trees	2,568 (95%) Alive 144 (5%) Dead
Adjacent Land Use	68% Park/Vacant/Other 15% Single Family
Primary Growing Space Type	Other (Maintained): 39% Planting Strip: 27%
Primary Planting Site Width	Class II (medium) 6-10 feet: 42% (1,151 trees) Class III (large) 11+ feet: 36% (964 trees)
Number of Unique Tree Genera	54
Most Common Tree Genera	*Quercus*: 31% (838 trees) *Ulmus*: 15% (411 trees) *Acer*: 8% (213 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 74% of public trees
Number of Unique Tree Species	111
Most Common Tree Species	Princeton elm: 7% (189 trees) Post oak: 6% (175 trees) Willow oak: 6% (165 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 44% of public trees
Tree Size Classes	55% 0-6in DBH (1,499 trees) 19% 6-12in DBH (516 trees) 14% 12-18in DBH (367 trees) 6% 18-24in DBH (158 trees) 4% 24-30in DBH (122 trees) 2% >30in DBH (50 trees)
Average Diameter / Largest Tree	8.1 inch average / 62 inch baldcypress
Tree Condition	0.04% Excellent (1 tree) 75% Good (2,043 trees) 15% Fair (394 trees) 5% Poor (130 trees) 5% Dead (144 trees)
Observations	30% Crown Dieback (813 trees) 6% Cavity Decay (174 trees)
Recommended Tree Work	Clearance Prune: 8% (217 trees) Remove Tree: 6% (162 trees) Utility Prune: 3% (72 trees)
Wire Conflicts	Wires present & conflicting: 72 trees (3%)
Clearance Conflicts	Pedestrian: 2% (53 trees) Building: 1% (37 trees)
Ecosystem Benefits	$7,767 Overall Annual Value

Table 3. Summary of the sample public tree inventory

Public Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Public Trees

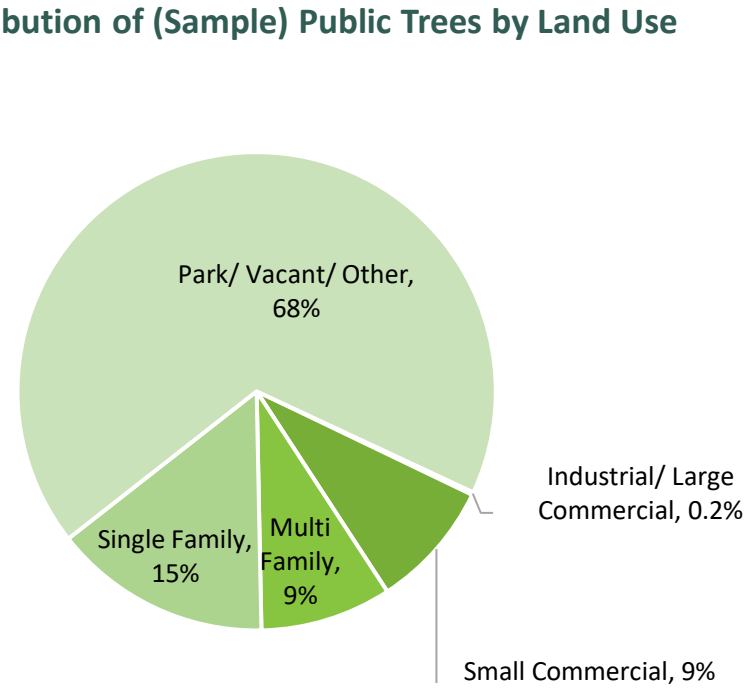


Figure 1. Distribution of (sample) public trees by land use

Growing Space Type of Public Trees

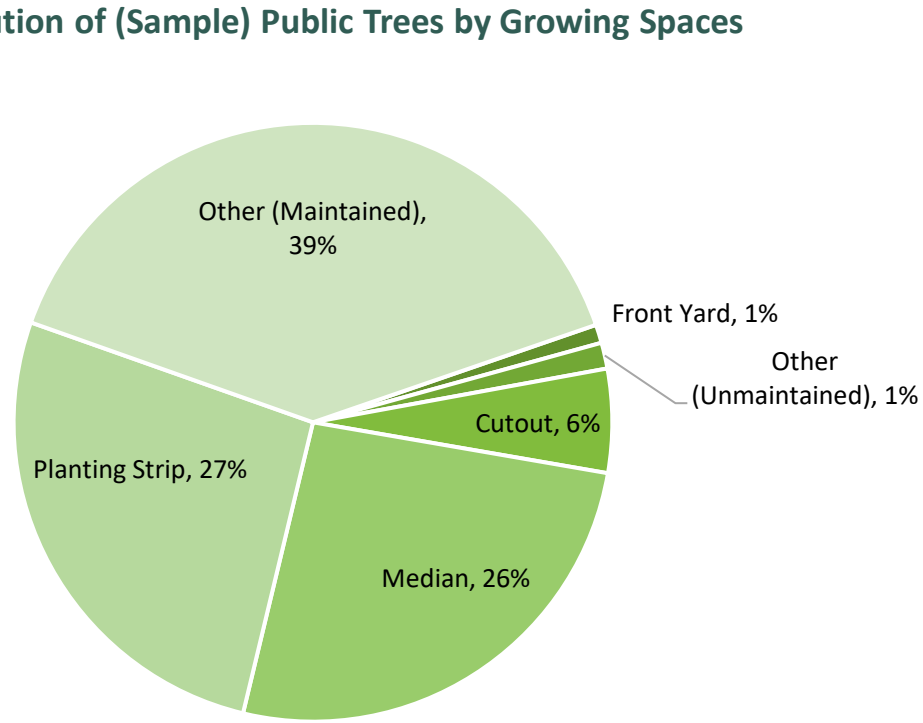


Figure 2. Distribution of (sample) public trees by growing spaces

Existing Tree Planting Site Width of Public Trees

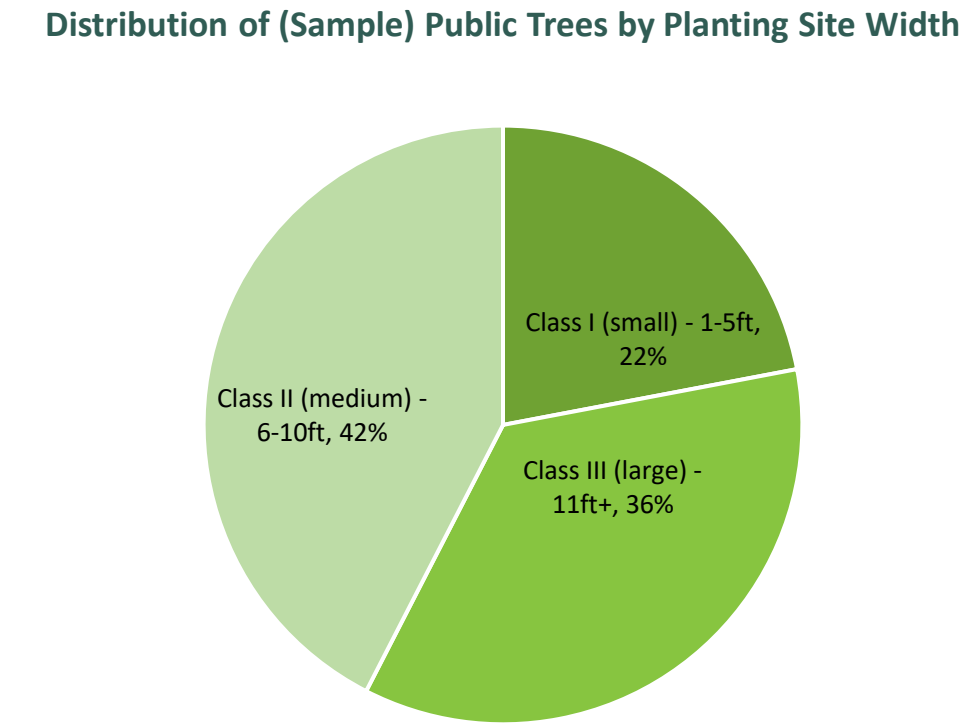


Figure 3. Distribution of (sample) public trees by planting site width

Public Tree Structure (Sample Inventory)

Public Tree Genera Composition

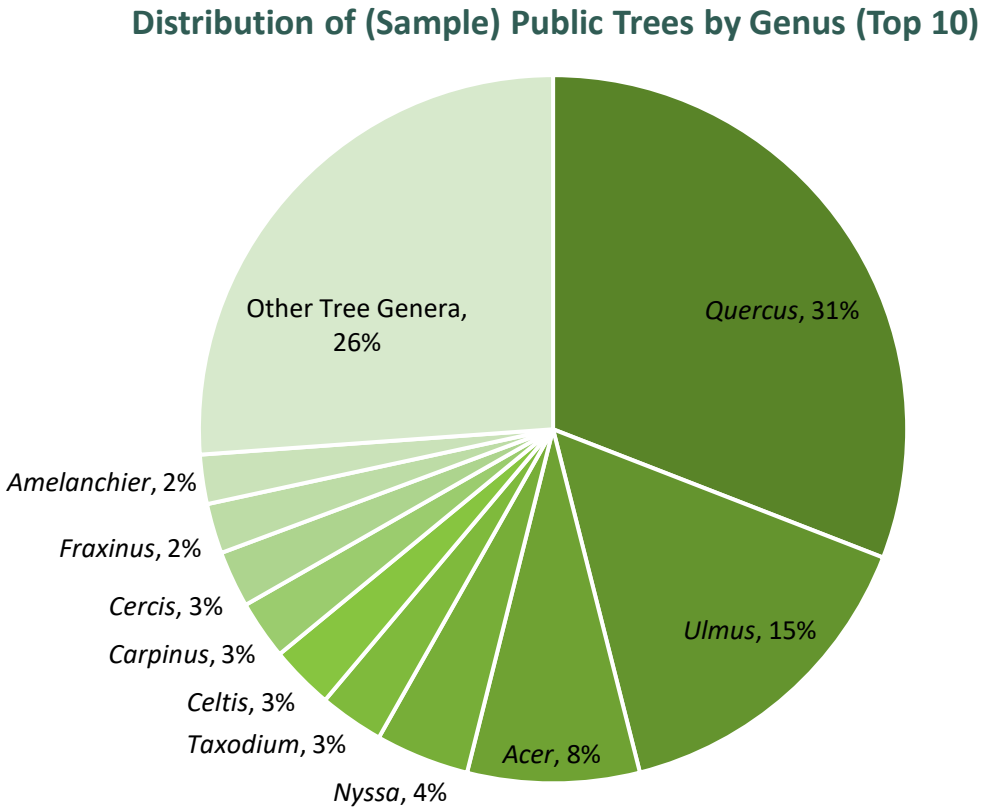


Figure 4. Distribution of (sample) public trees by genus (top 10)

Public Tree Species Composition

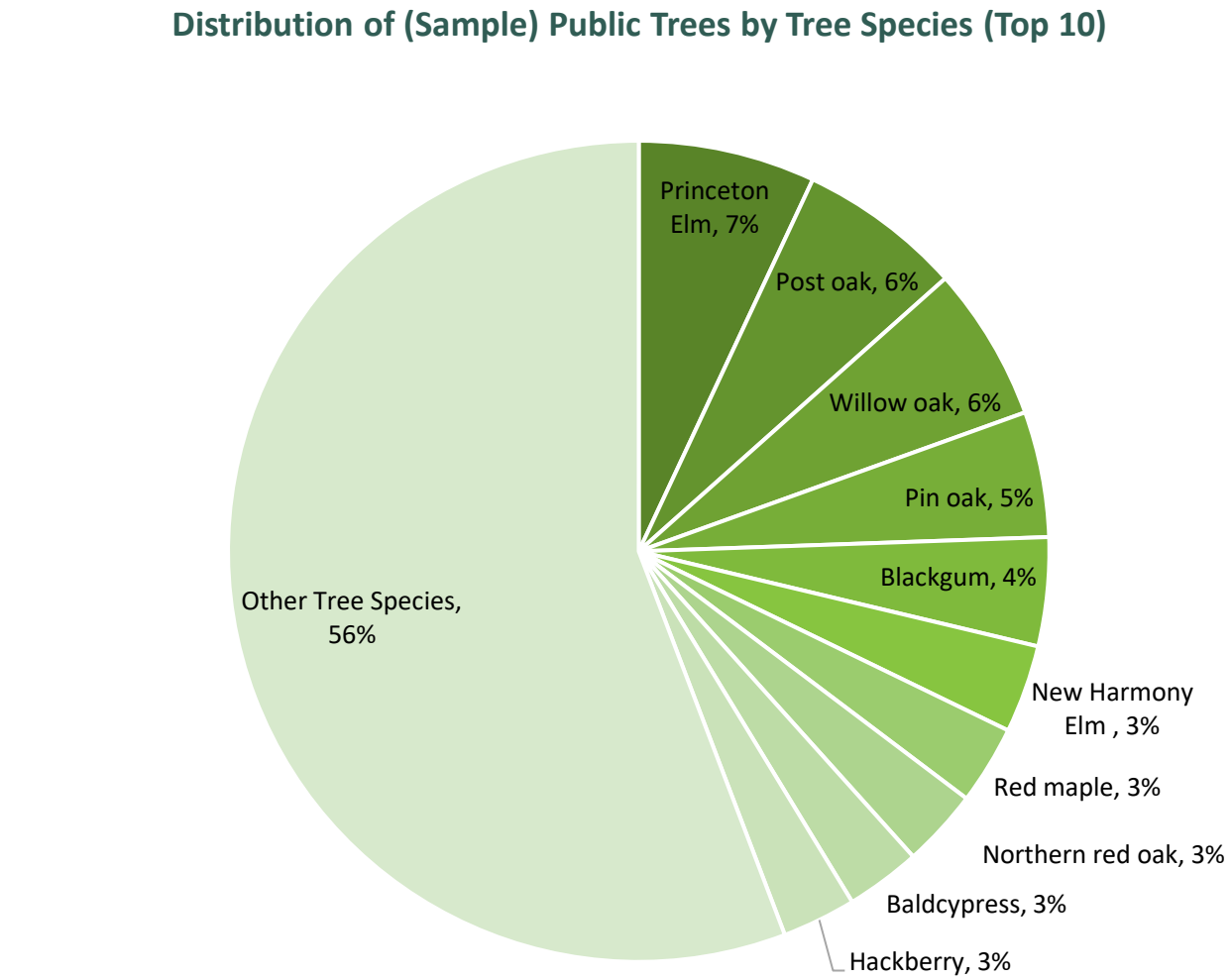


Figure 5. Distribution of (sample) public trees by tree species (top 10)

Public Tree Size Classes and Relative Age Distribution

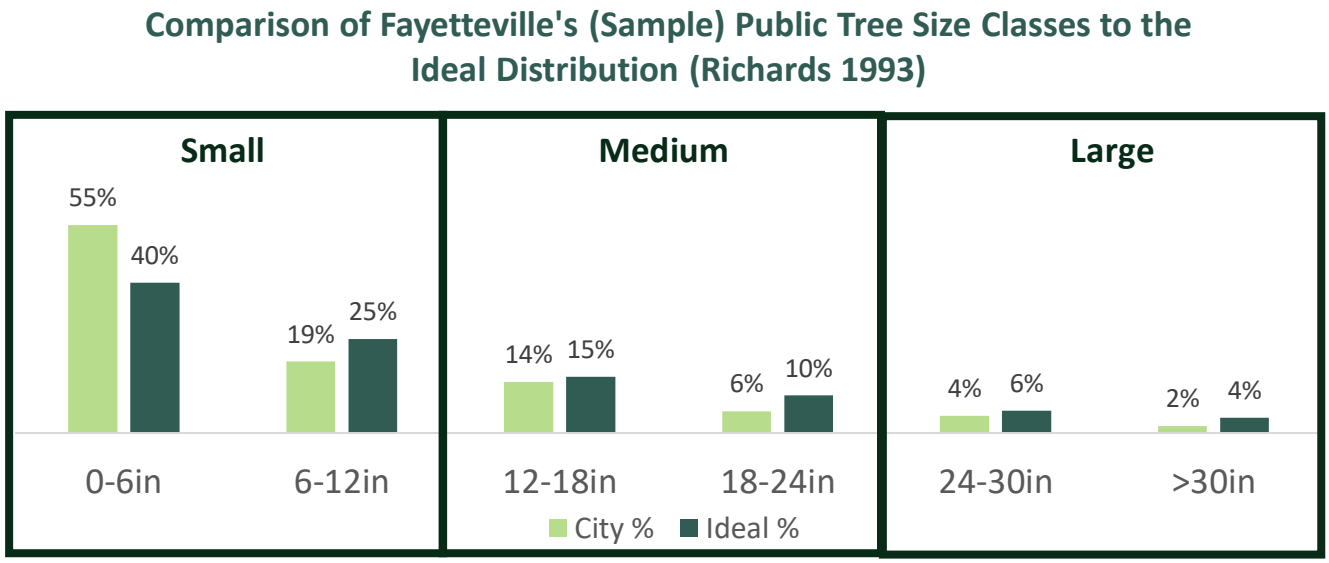


Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Sample Inventory)

Public Tree Condition

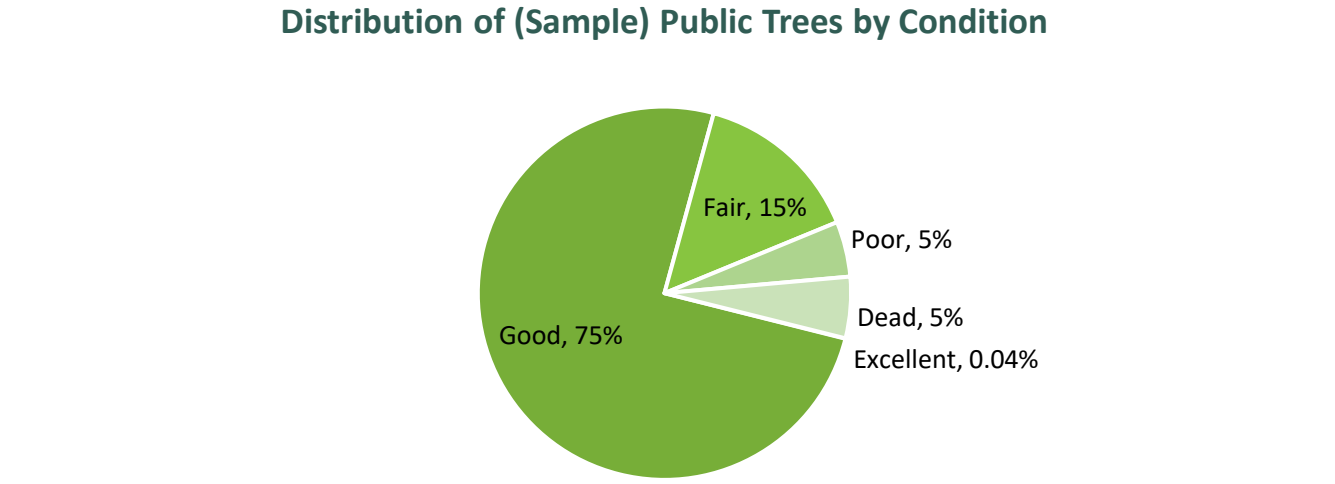


Figure 7. Distribution of (sample) public trees by condition

Public Tree Observations

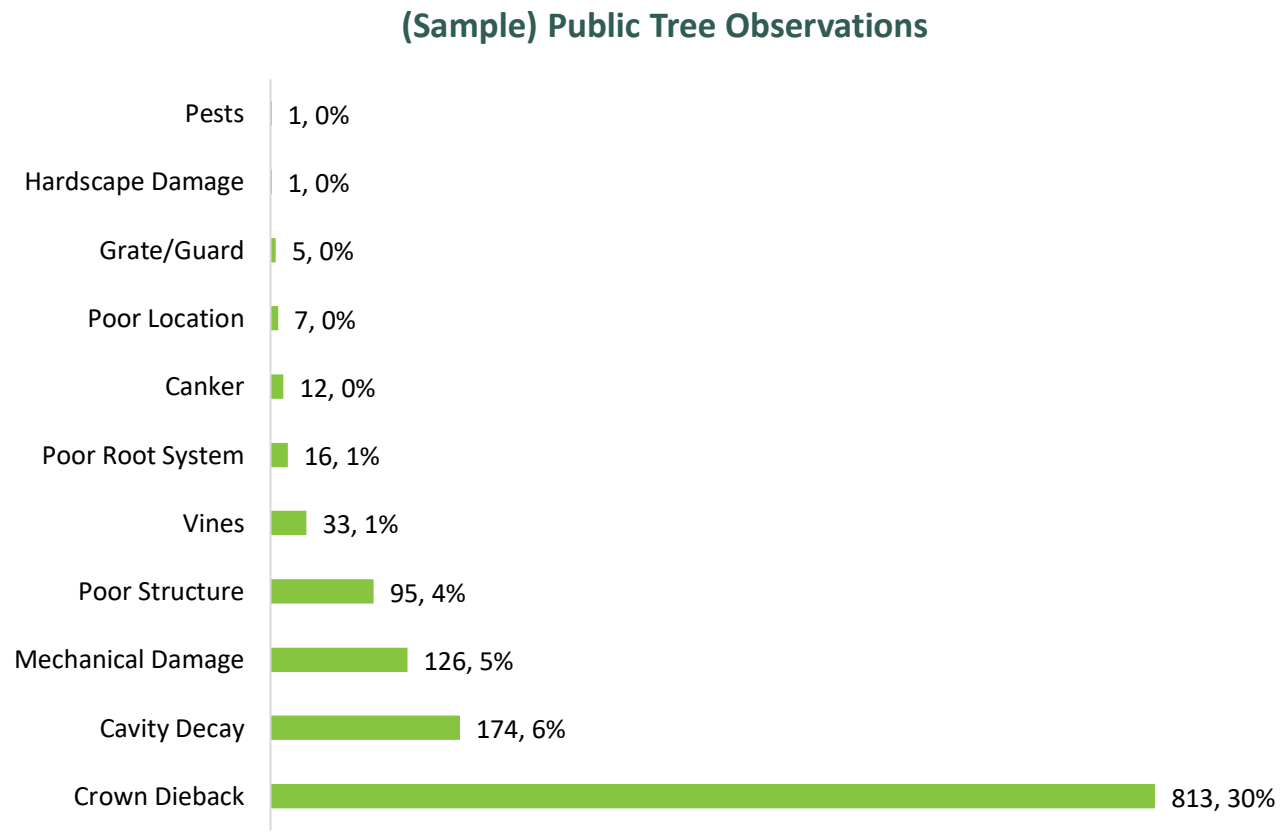


Figure 8. Observations of the (sample) public trees

Recommended Maintenance of Public Trees ("Tree Work")

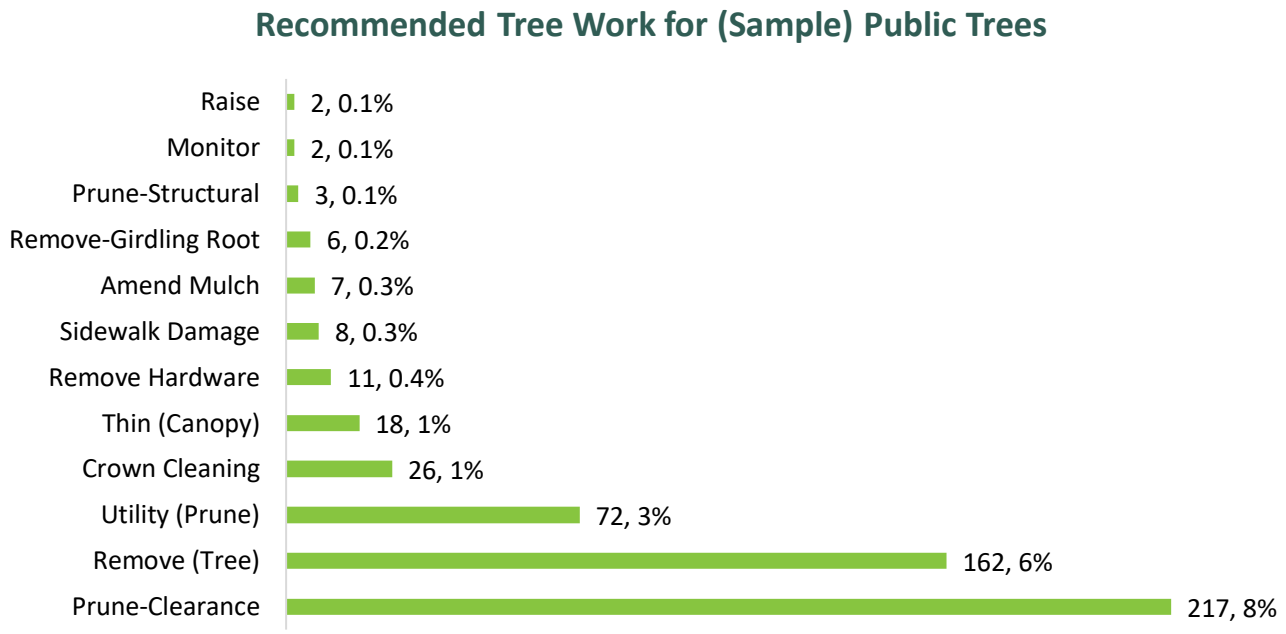


Figure 9. Recommended tree work for (sample) public trees

Public Tree Conflicts (Sample Inventory)

Public Tree Wire Conflicts

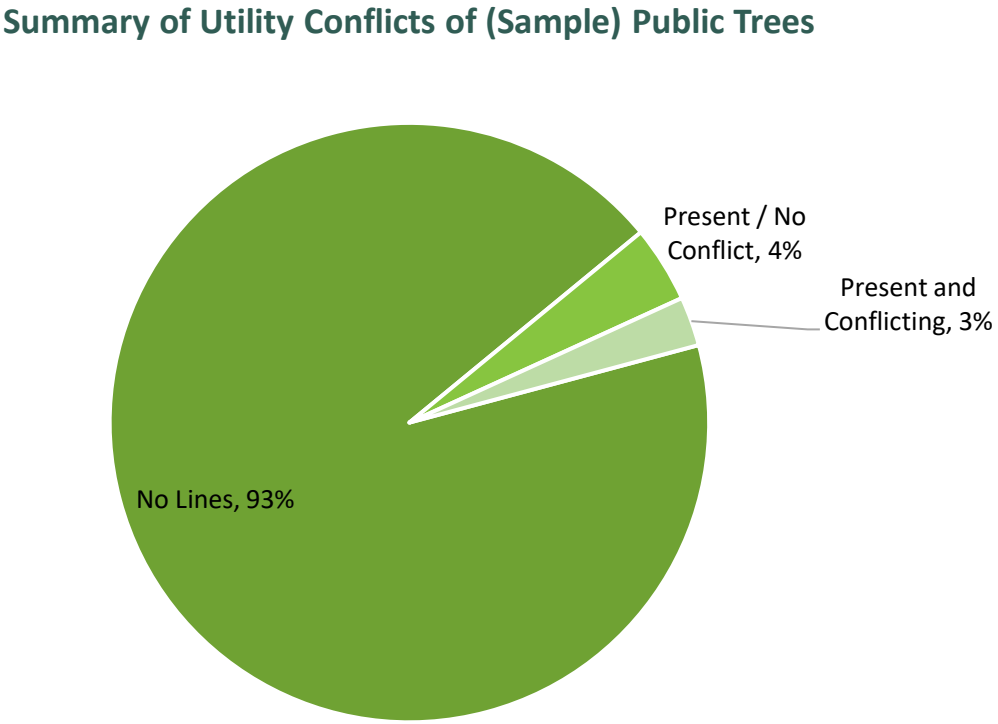


Figure 10. Summary of utility conflicts of (sample) public trees

Public Tree Clearance Conflicts

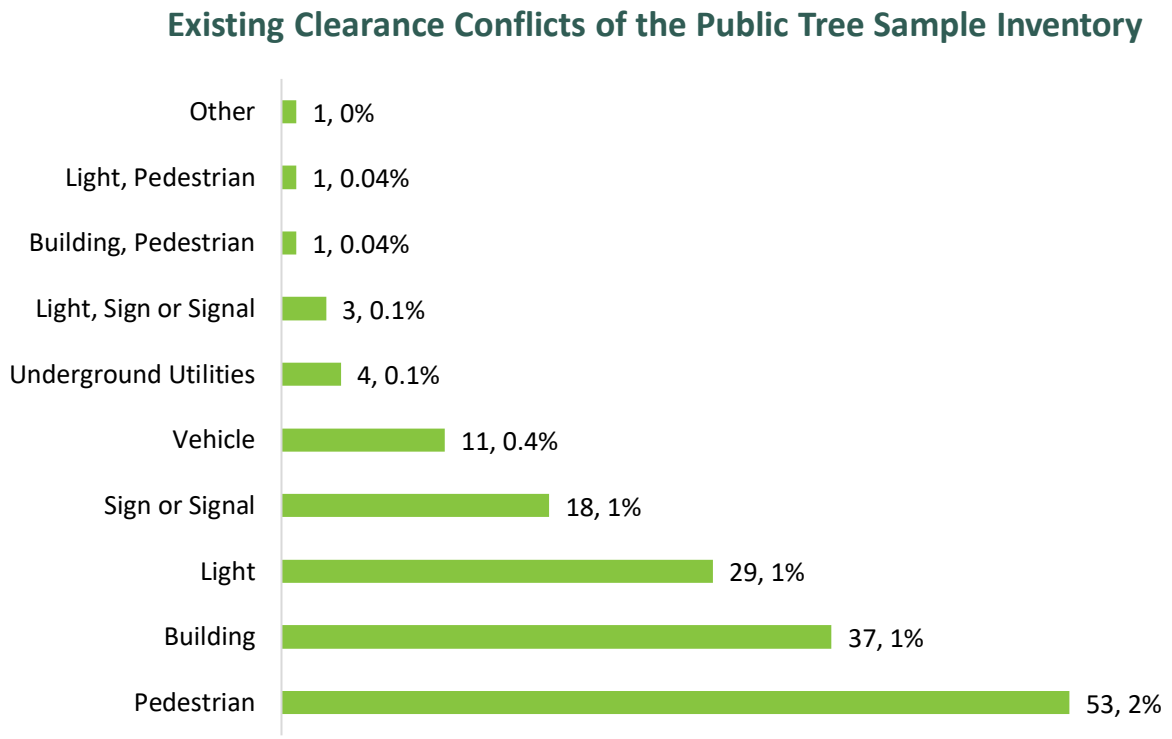


Figure 11. Existing clearance conflicts of the public tree sample inventory

Ecosystem Benefits and Services of the Public Tree Sample Inventory

Table 4. Ecosystem benefits and services of the sample public trees

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft^3"= cubic feet

PRIVATE TREE SAMPLE INVENTORY SUMMARY

Private Data Highlights (Sample Inventory)

Field	Value
Data Points	850
Alive & Dead Trees	848
Adjacent Land Use	39% Single Family 27% Multi Family
Primary Growing Space Type	Other (Maintained): 70% Front Yard: 19%
Primary Planting Site Width	Class III (large) 11+ feet: 62% Class II (medium) 6-10 feet: 20%
Number of Unique Tree Genera	34
Most Common Tree Genera	*Quercus*: 19% (159 trees) *Acer*: 12% (103 trees) *Pinus*: 9% (75 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 78% of private trees
Number of Unique Tree Species	64
Most Common Tree Species	Pin oak: 9% (76 trees) Loblolly pine: 8% (65 trees) Red maple: 8% (64 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 57% of private trees
Tree Size Classes	39% 0-6in DBH (334 trees) 20% 6-12in DBH (171 trees) 23% 12-18in DBH (198 trees) 10% 18-24in DBH (83 trees) 5% 24-30in DBH (44 trees) 2% >30in DBH (18 trees)
Average Diameter / Largest Tree	10.2 inch average / 34 inch tulip tree
Tree Condition	0.1% Excellent (1 tree) 70% Good (594 trees) 24% Fair (202 trees) 4% Poor (33 trees) 2% Dead (20 trees)
Observations	41% Crown Dieback (346 trees) 9% Cavity Decay (75 trees)
Recommended Tree Work	Clearance Prune: 9% (74 trees) Remove Hardware: 6% (53 trees) Remove (Tree): 3% (23 trees)
Wire Conflicts	Wires present & conflicting: 17 trees (2%)
Clearance Conflicts	Building: 4% (33 trees) Pedestrian: 3% (23 trees)
Ecosystem Benefits	$3,295 Overall Annual Value

Table 5. Summary of the sample private tree inventory

Private Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Private Trees

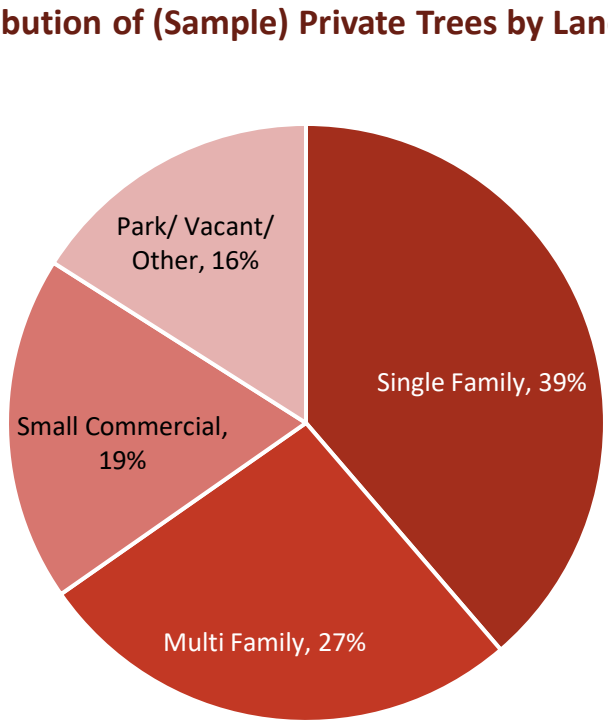


Figure 12. Distribution of (sample) private trees by land use

Growing Space Type of Private Trees

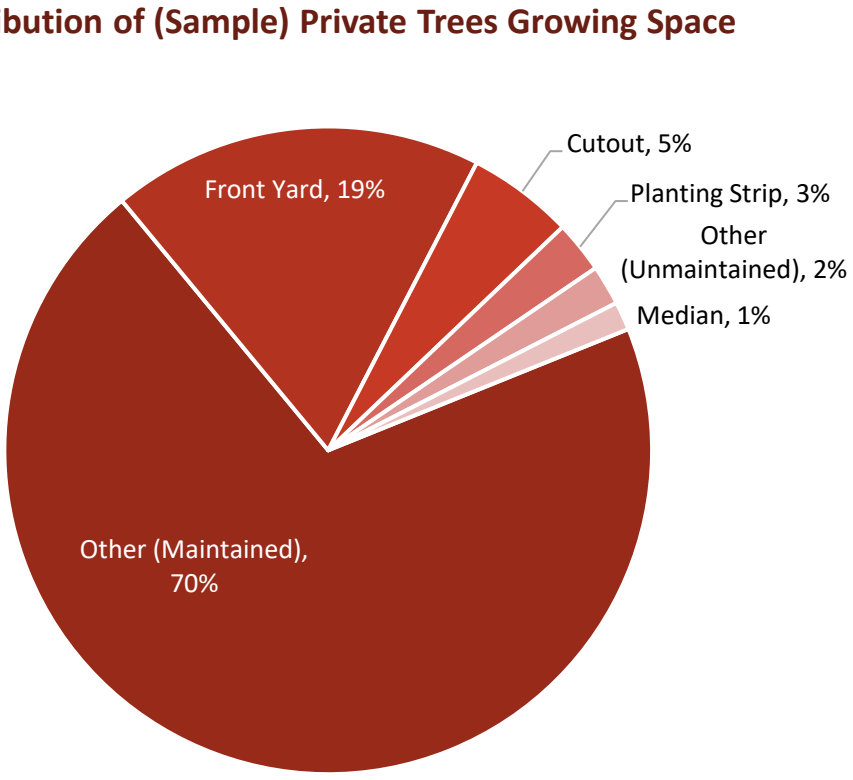


Figure 13. Distribution of growing space for the (sample) private trees

Existing Tree Planting Site Width of Private Trees

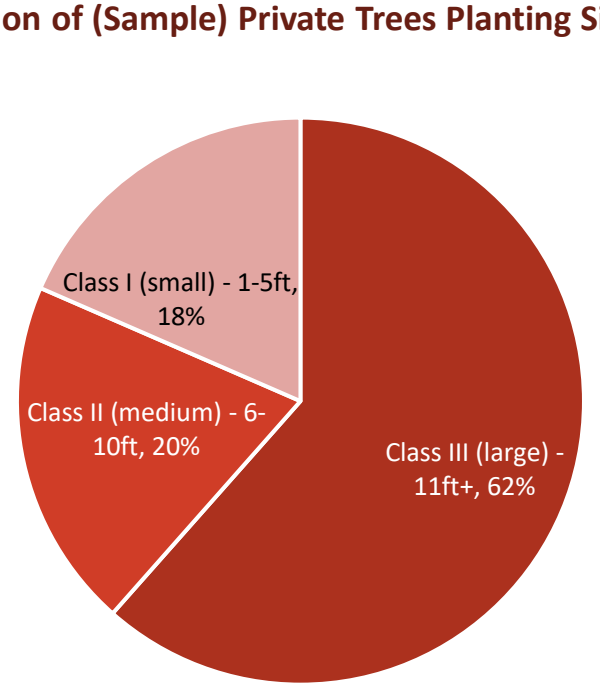


Figure 14. Distribution of (sample) private trees planting site widths

Private Tree Structure (Sample Inventory)

Private Tree Genera Composition

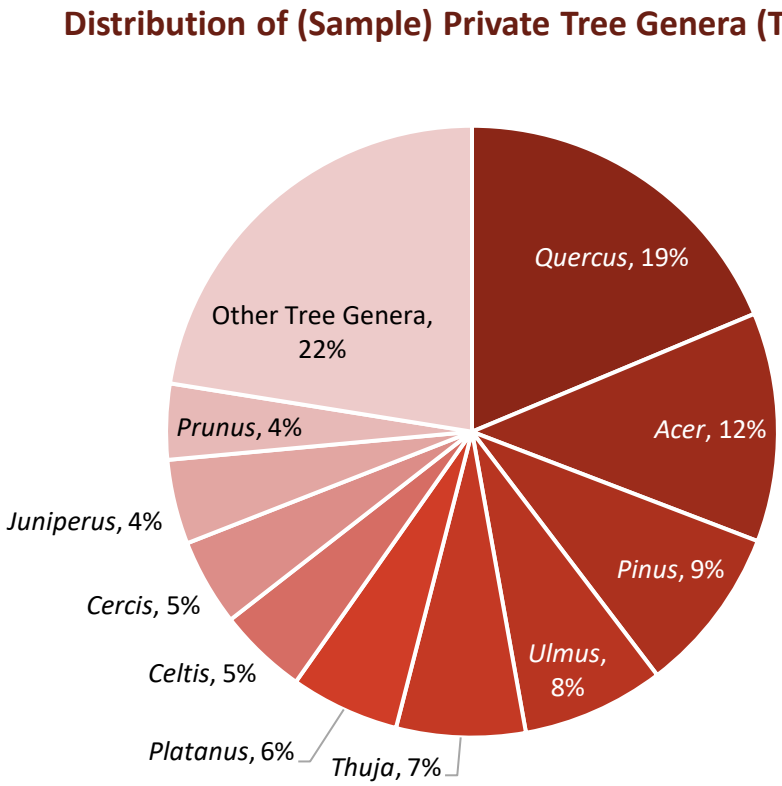


Figure 15. Distribution of (sample) private tree genera (top 10)

Private Tree Species Composition

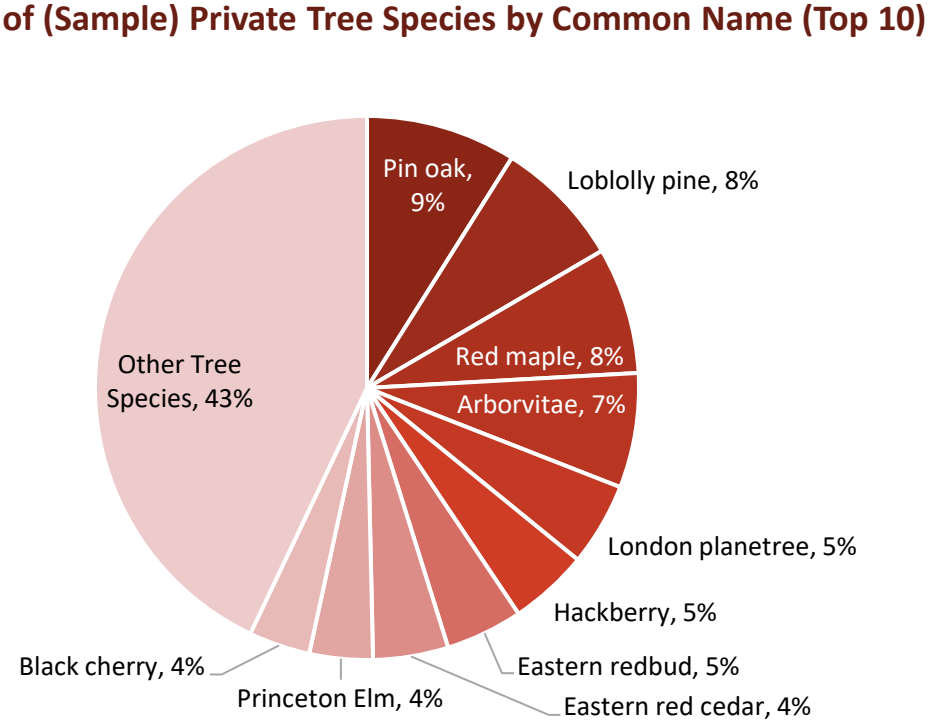


Figure 16. Distribution of (sample) private tree species (top 10)

Private Tree Size Classes and Relative Age Distribution

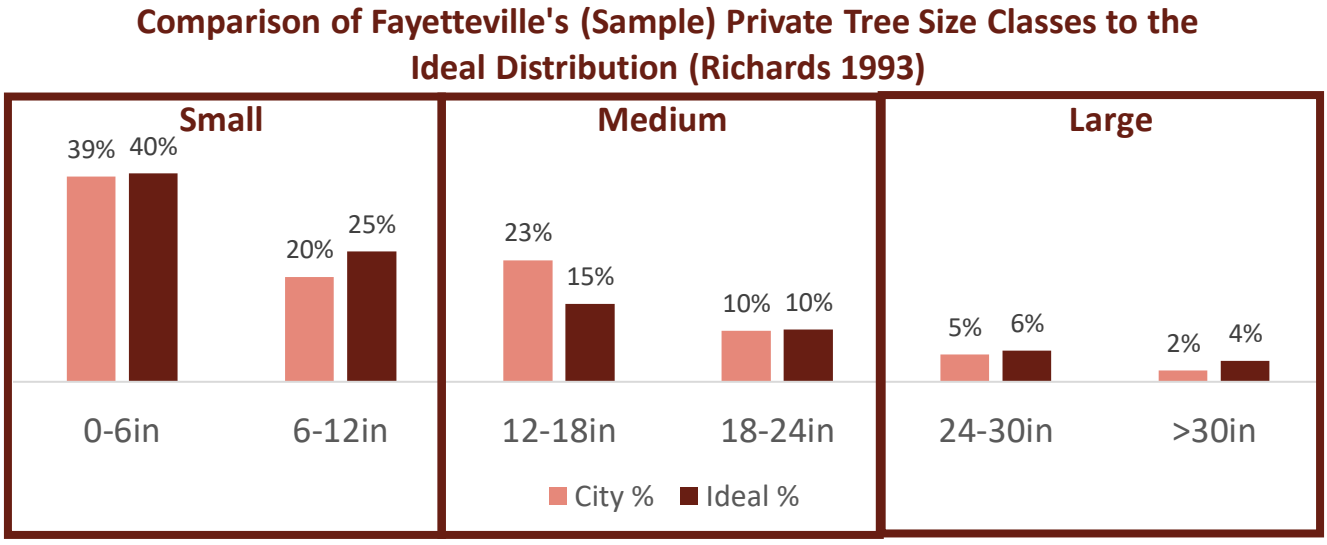


Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Sample Inventory)

Private Tree Condition

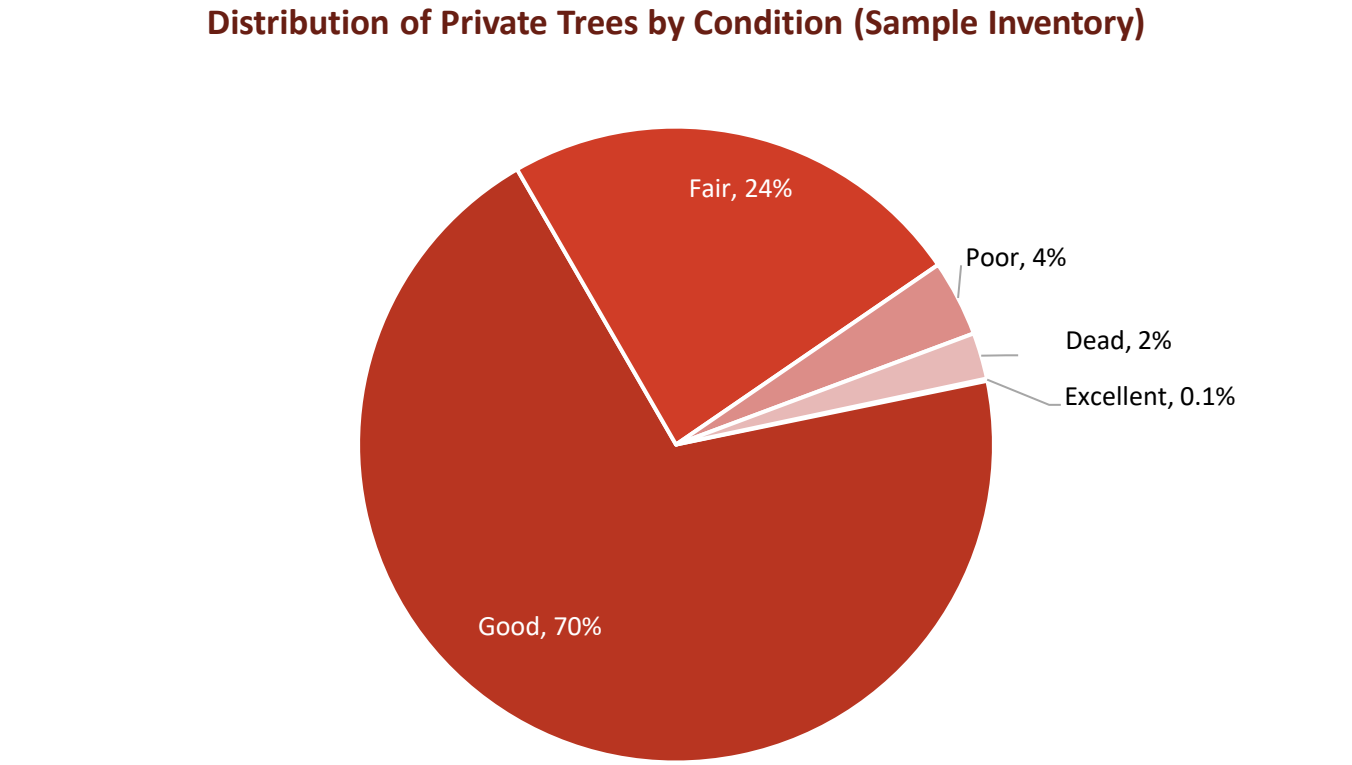


Figure 18. Distribution of (sample) private trees by condition

Private Tree Observations

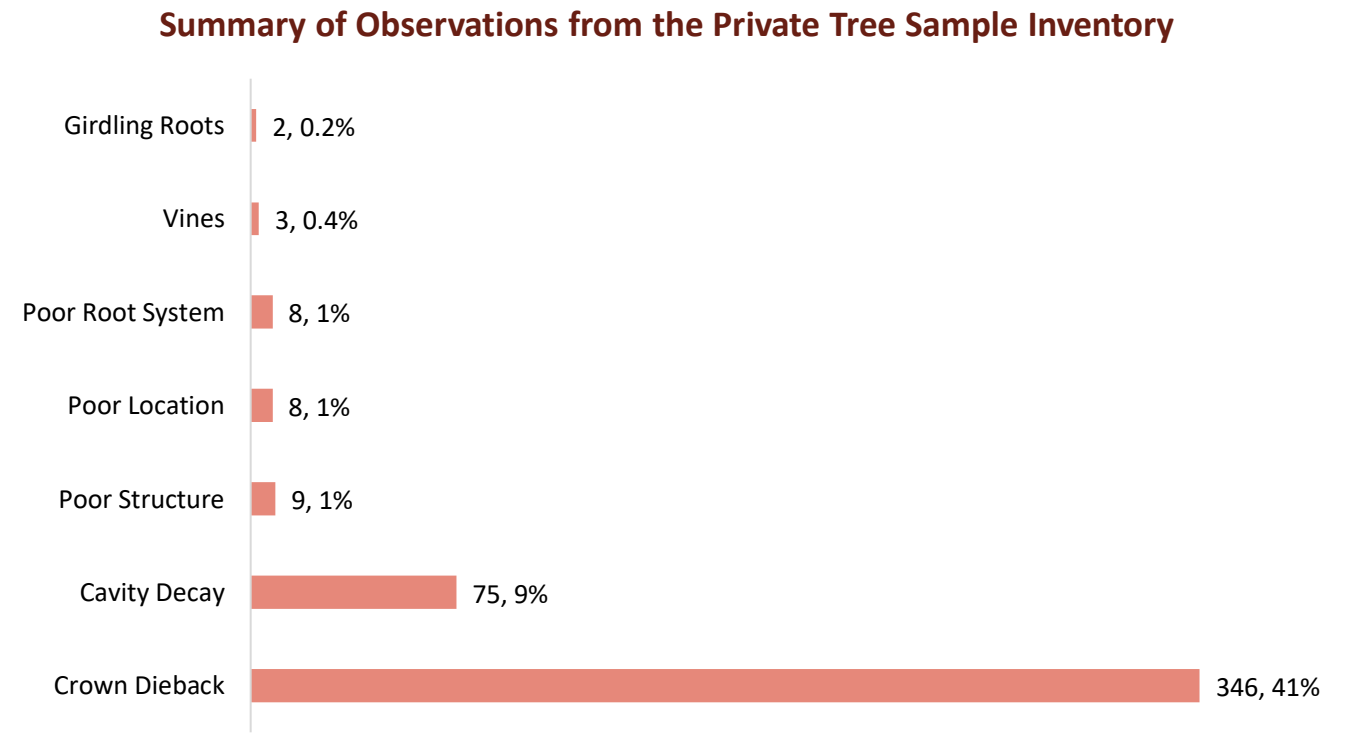


Figure 19. Summary of observations from the private sample tree inventory

Recommended Maintenance of Private Trees ("Tree Work")

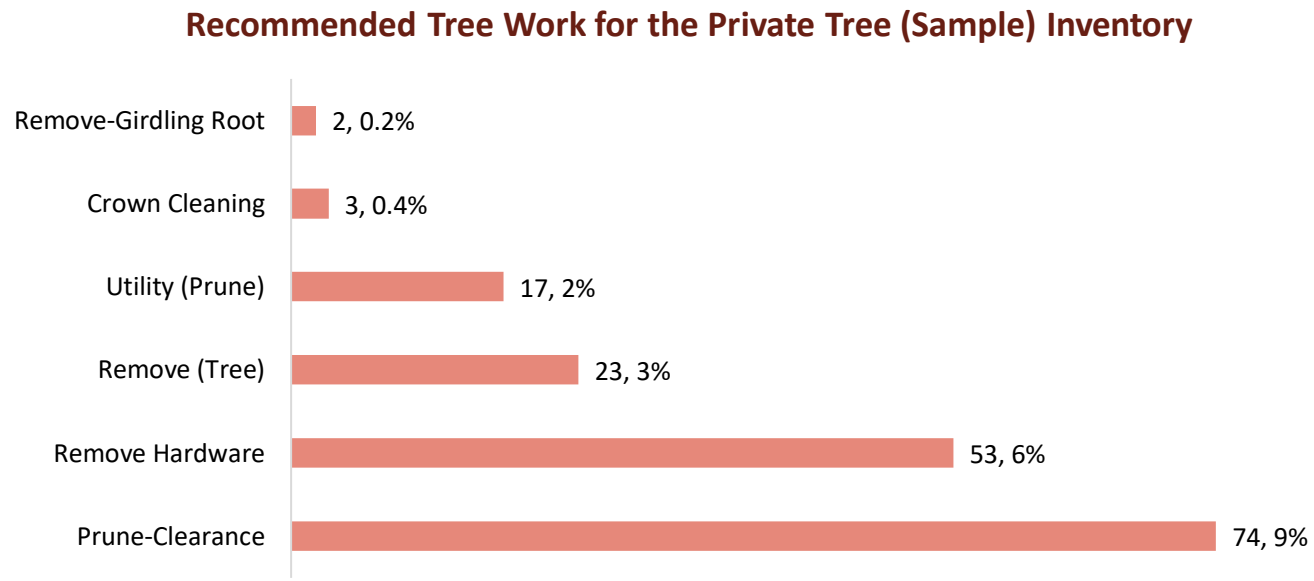


Figure 20. Recommended tree work for the (sample) private tree inventory

Private Tree Conflicts (Sample Inventory)

Private Tree Wire Conflicts

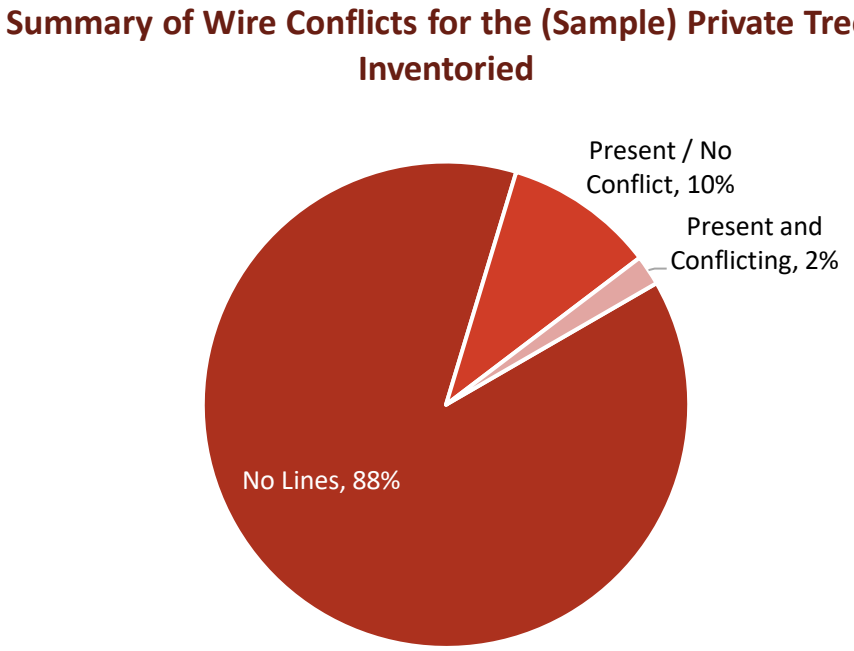


Figure 21. Summary of the wire conflicts for the (sample) private tree inventory

Private Tree Clearance Conflicts

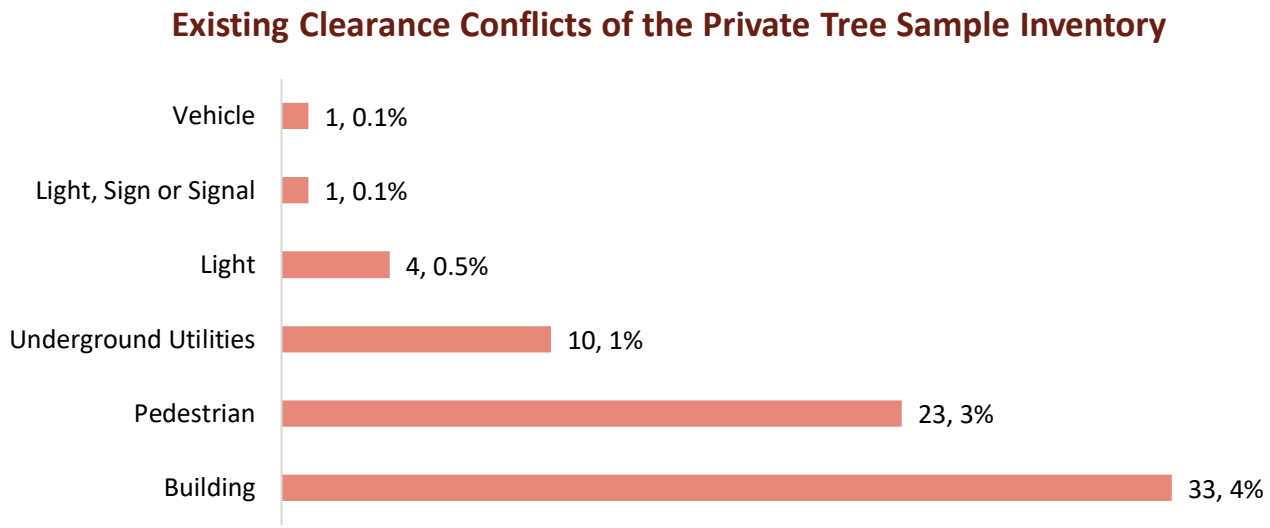


Figure 22. Existing clearance conflicts of the (sample) private tree inventory

Ecosystem Benefits and Services of the Private Tree Sample Inventory

Table 6. Ecosystem benefits and services of the sample private trees

ECOSYSTEM BENEFITS	Amount 830 Private trees	AVERAGE PER TREE
Overall Monetary Benefit ($)	$3,295	$3.97
Air Quality Monetary Benefit ($)	$1,153	$1.39
CO (Carbon Monoxide) Pollution Removed (lbs)	5	0.006
CO Removed Monetary Benefit ($)	$3	$0.00
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	25	0.03
NO2 Removed Monetary Benefit ($)	$5.0	$0.01
O3(Ozone) Pollution Removed (lbs)	422	0.51
O3 Removed Monetary Benefit ($)	$496	$0.60
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	14	0.02
PM2.5 Removed Monetary Benefit ($	$647	$0.78
SO2 (Sulfur dioxide) Pollution Removed (lbs)	9	0.01
SO2 Removed Monetary Benefit ($)	$0.00	$0.00
Pollutants Removed (lbs)	475	0.57
Carbon Sequestrated Monetary Benefit ($)	$1,656	$2.00
Carbon Sequestered (lbs)	71,206	85.79
Stormwater Monetary Benefit ($)	$486.00	$0.59
Evaporation (ft^3)	93,621	112.80
Interception (ft^3)	93,762	112.97
Transpiration (ft^3)	198,003	238.56
Potential Evaporation (ft^3)	807,155	972.48
Evapotranspiration (ft^3)	610,884	736.00
Runoff Avoided (ft^3)	7,272	8.76
CO2 Storage (lbs)	2,015,538	2428.36
CO2 Storage Monetary Benefit ($)	$46,876	$56.48
Carbon Dry Weight (lbs)	1,099,385	1324.56
Carbon Storage (lbs)	549,692	$662.28

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

PUBLIC PARK AND TRAIL SAMPLE TREE INVENTORY

Summary of Sample Tree Inventories in Public Parks

Data Field	Wilson Park	Farmers Market	Frisco Park	Greathouse Park	Mt. Sequoyah Gardens	Mt. Sequoyah Trail
# of Data Points	485	41	61	95	48	179
Most Common Tree Genera	*Quercus* (41%)	*Prunus* (37%)	*Amel-anchier* (31%)	*Ulmus* (25%)	*Cercis* (19%)	*Quercus* (53%)
Most Common Tree Species	Post oak (19%)	Yoshino flowering cherry (37%)	Service-berry (31%)	Green ash (22%)	Eastern redbud (19%)	Post oak (38%)
Primary Condition	Good (84%)	Good (100%)	Good (80%)	Good (46%)	Good (67%)	Good (88%)
Primary Size Class	6-12in (21%)	6-12in (54%)	0-3in (41%)	6-12in (45%)	6-12in (46%)	12-18in (50%)
Tree Work	Clearance Prune (8%)	Clearance Prune (17%)	Remove Tree (3%)	Remove Tree (6%)	Crown Cleaning (13%)	Remove Tree (3%)
Primary Observation	Crown Dieback (35%)	Poor Root System (32%)	Crown Dieback (23%)	Poor Location (13%)	Crown Dieback (60%)	Poor Structure (12%)
Primary Clearance Conflict	Lights 4%	Buildings (17%)	None	None	Buildings (4%)	None

Table 7. Tree data summaries for parks inventoried in 2022

POSSIBLE PUBLIC PLANTING SITES

Summary of Possible Planting Sites on Public Property

Field	Value
Counts	Proposed Planting Sites: 336 Stumps: 28 Dead Trees: 144
Proposed Planting Site Widths	Class I (small) 1-5 feet: 80 (16%) Class II (medium) 6-10 feet: 316 (62%) Class III (large) 11+ feet: 112 (22%)
Growing Space of Proposed Sites	Cutout: 275 (54%) Median: 192 (38%) Other (Maintained): 38 (7%)
Adjacent Land Use of Proposed Sites	Park/Vacant/Other: 260 (51%) Single Family: 140 (28%) Small Commercial: 50 (10%)
Wire Conflicts	No Lines: 470 (93%) Wires Present, No Conflict: 34 (7%) Wires Present, Conflicting: 4 (0.8%)
Diameter of Stumps	3-6in: 20 (71%) 12-18in: 4 (14%) 0-3in: 2 (7%)

Table 8. Summary of possible public planting sites inventoried in 2022

ESTIMATED CHARACTERISTICS OF ALL PUBLIC TREES

Methodology

Based on a total of 470 (500) linear road miles in the City and the inventory of public trees along 5% of roadways, the urban forestry consultants utilized research data from the 2014 Urban & Community Forestry Census of Tree Activities (Hauer, et al.) to estimate the total public tree population. For communities of similar size, population, population density, and linear road miles, the average public tree population is 25,000 trees. Based on these estimates, the sample public tree data (2,712 alive or dead trees) was extrapolated to represent 25,000 public trees. The following summaries provide estimates of public tree extent, growing space, structure, characteristics, and maintenance needs:

Public Tree Status

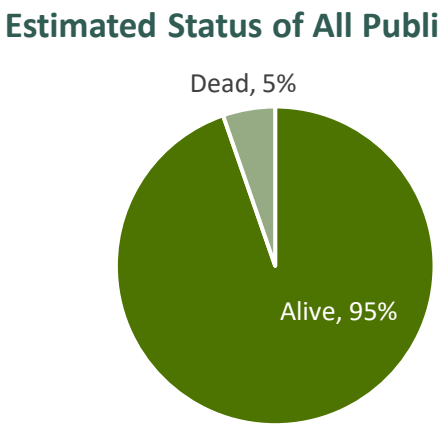


Figure 23. Estimated status of all public trees

Public Tree Location and Growing Space (Estimated for All Public Trees)

Adjacent Land Use of Public Trees

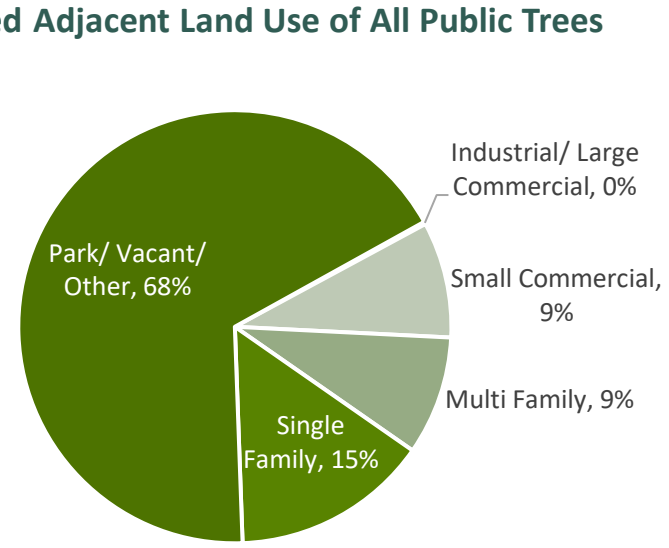


Figure 24. Estimated adjacent land use of all public trees

Growing Space Type of Public Trees

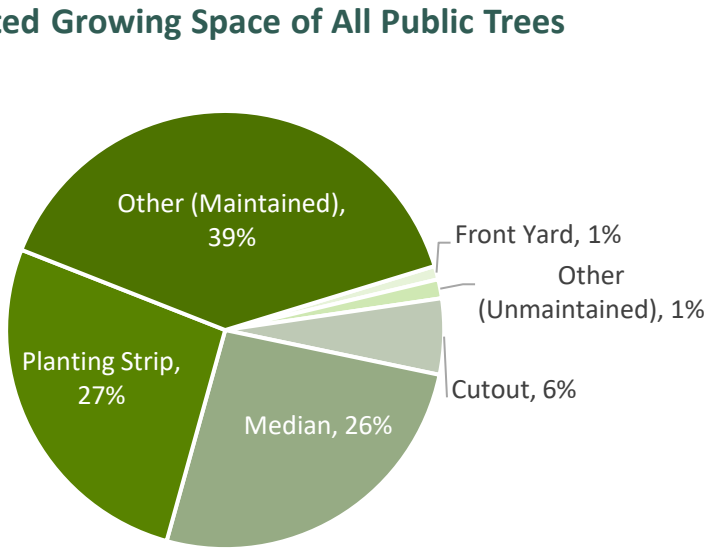


Figure 25. Estimated growing space of all public trees

Existing Tree Planting Site Width of Public Trees

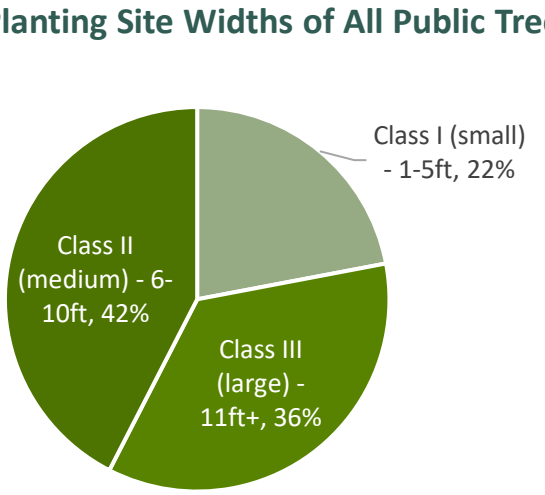


Figure 26. Estimated planting site widths of all public trees

Public Tree Structure (Estimated for All Public Trees)

Public Tree Genera Composition

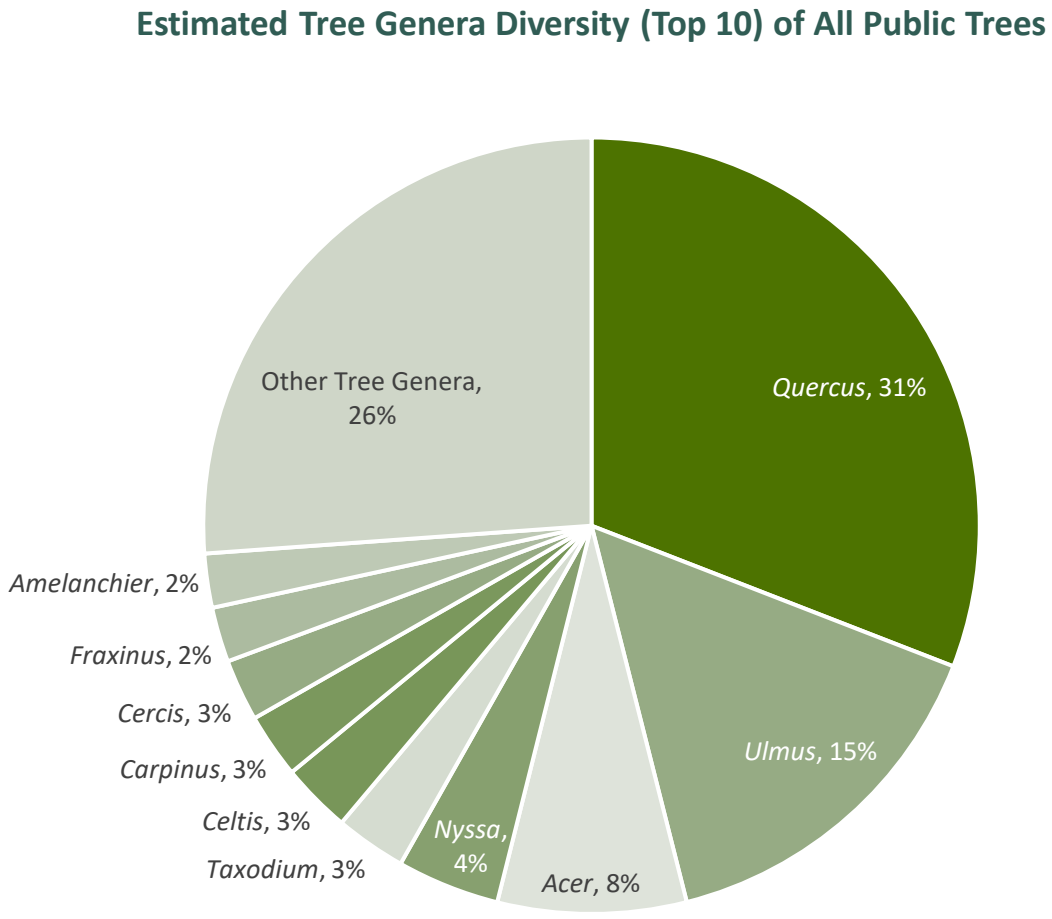


Figure 27. Estimated tree genera diversity for all public trees (top 10)

Public Tree Species Composition

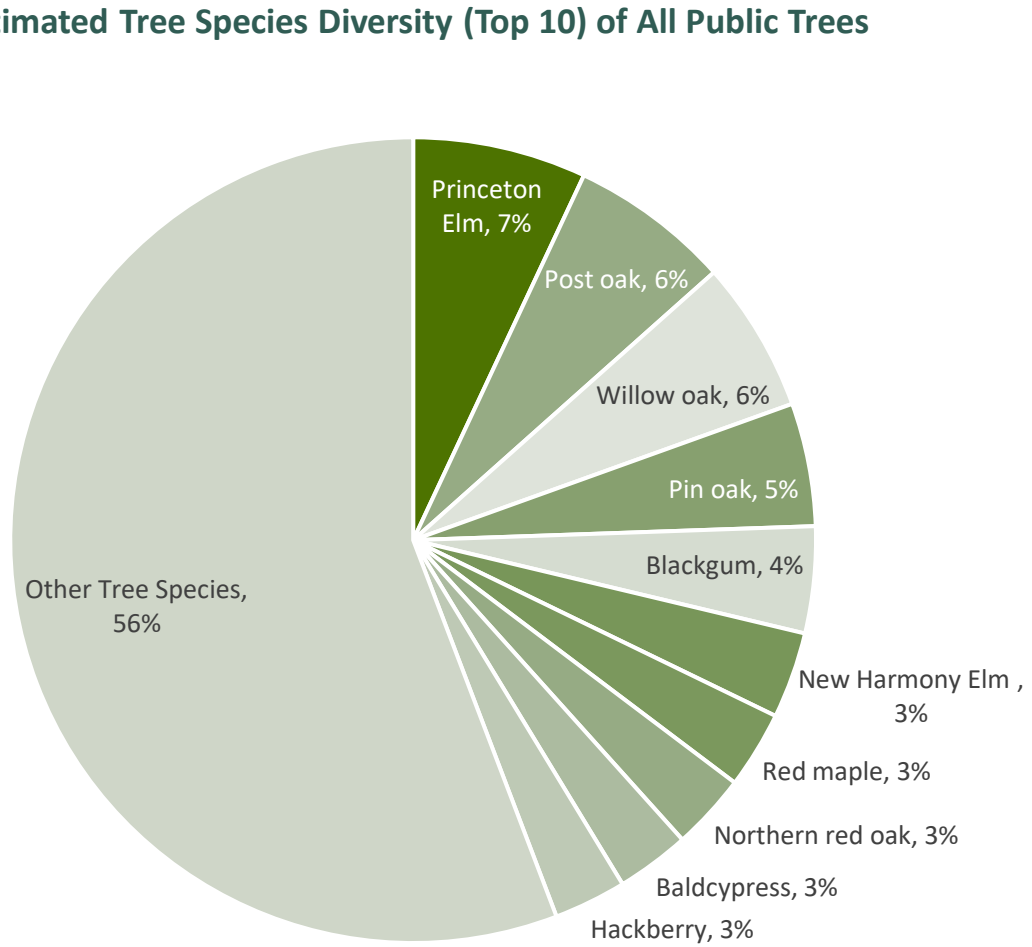


Figure 28. Estimated tree species diversity for all public trees (top 10)

Public Tree Size Classes and Relative Age Distribution

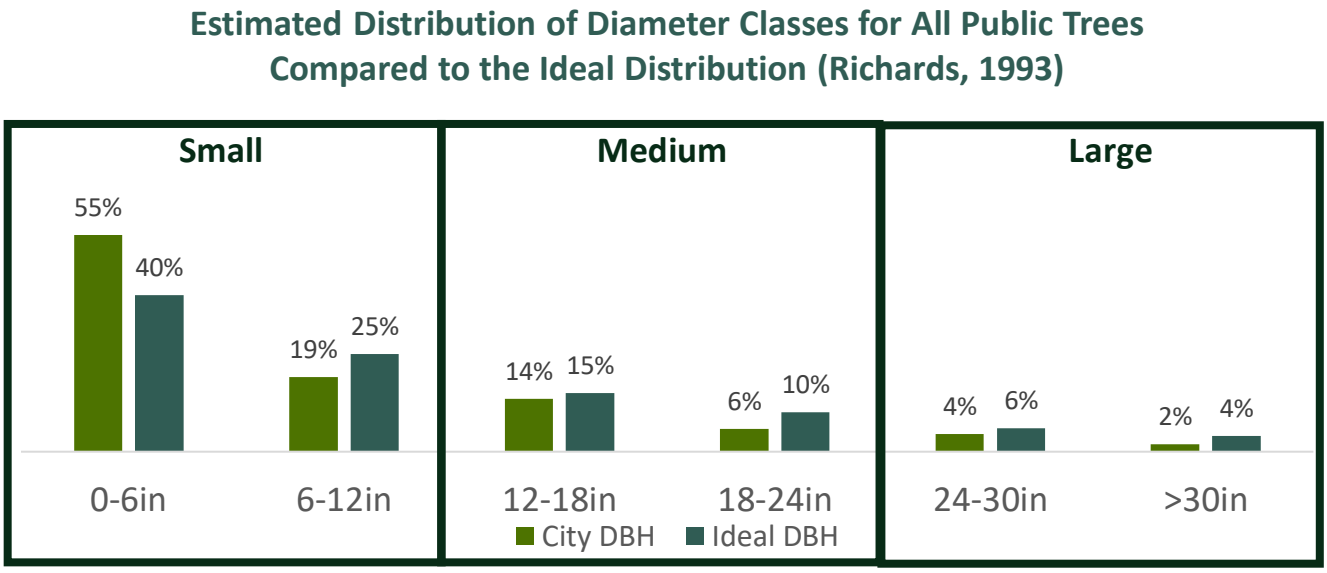


Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Estimated for All Public Trees)

Public Tree Condition

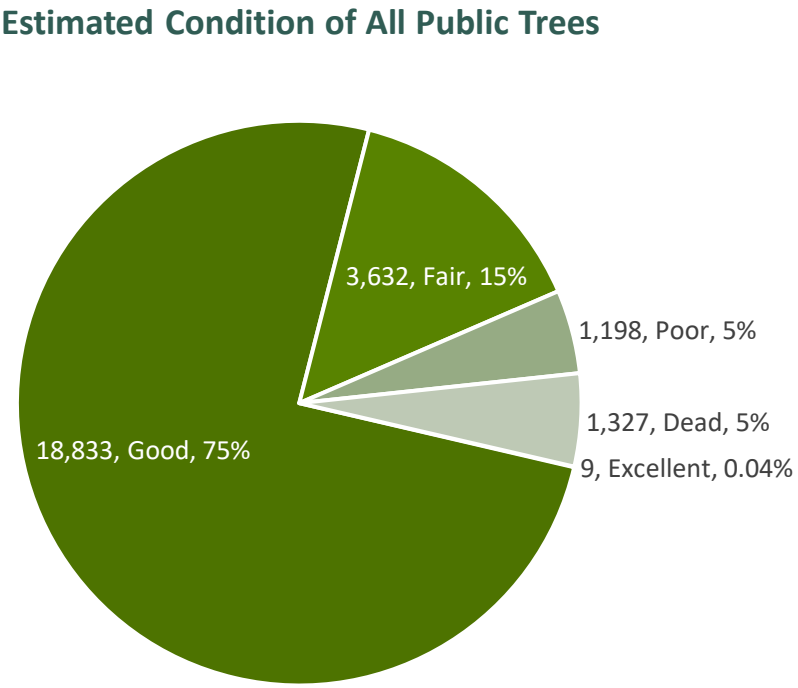


Figure 30. Estimated condition of all public trees

Public Tree Observations

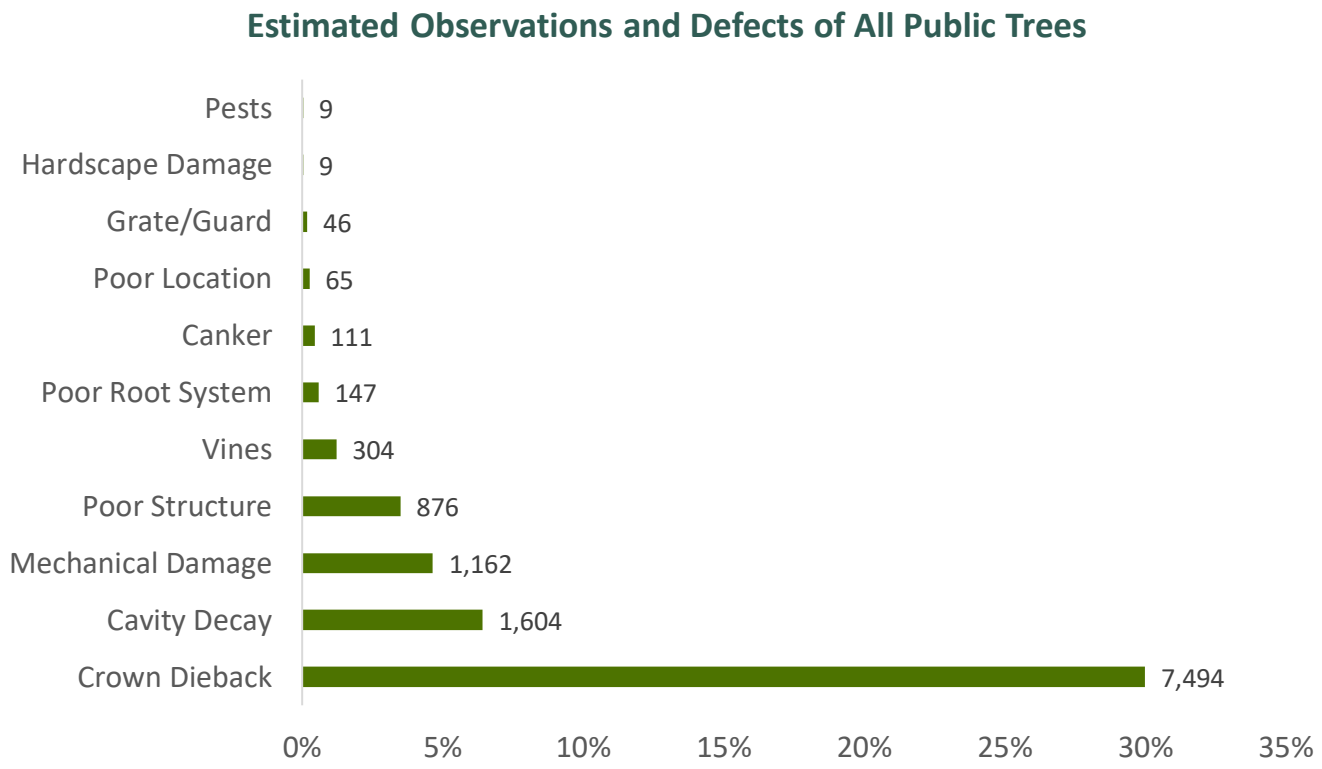


Figure 31. Estimated observations and defects of all public trees

Recommended Maintenance of Public Trees ("Tree Work")

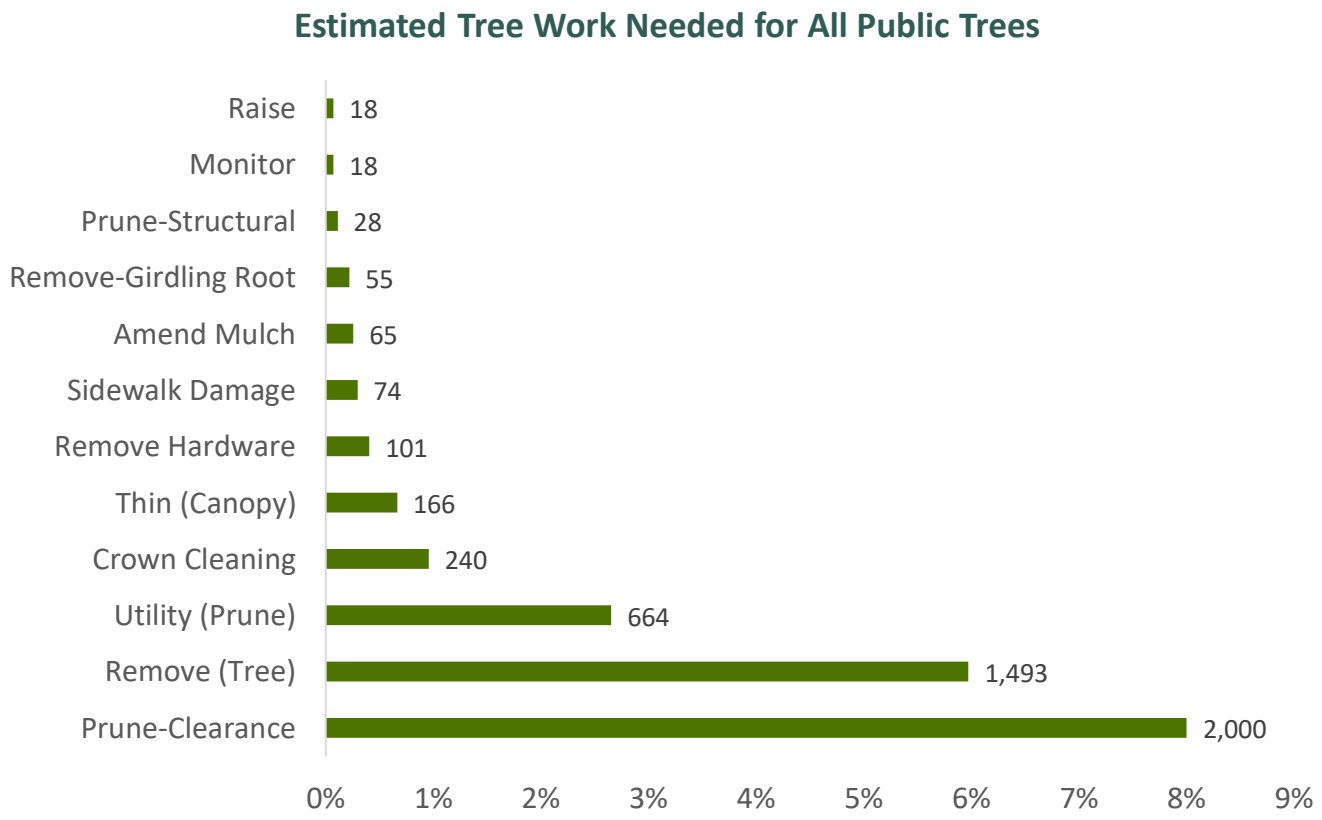


Figure 32. Estimated tree work needed for all public trees

Public Tree Conflicts (Estimated for All Public Trees)

Public Tree Wire Conflicts

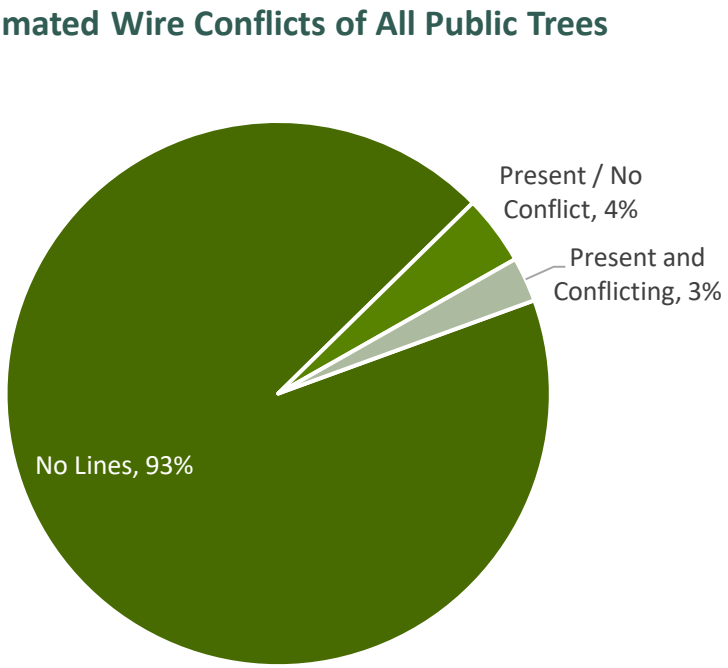


Figure 33. Estimated wire conflicts for all public trees

Public Tree Clearance Conflicts

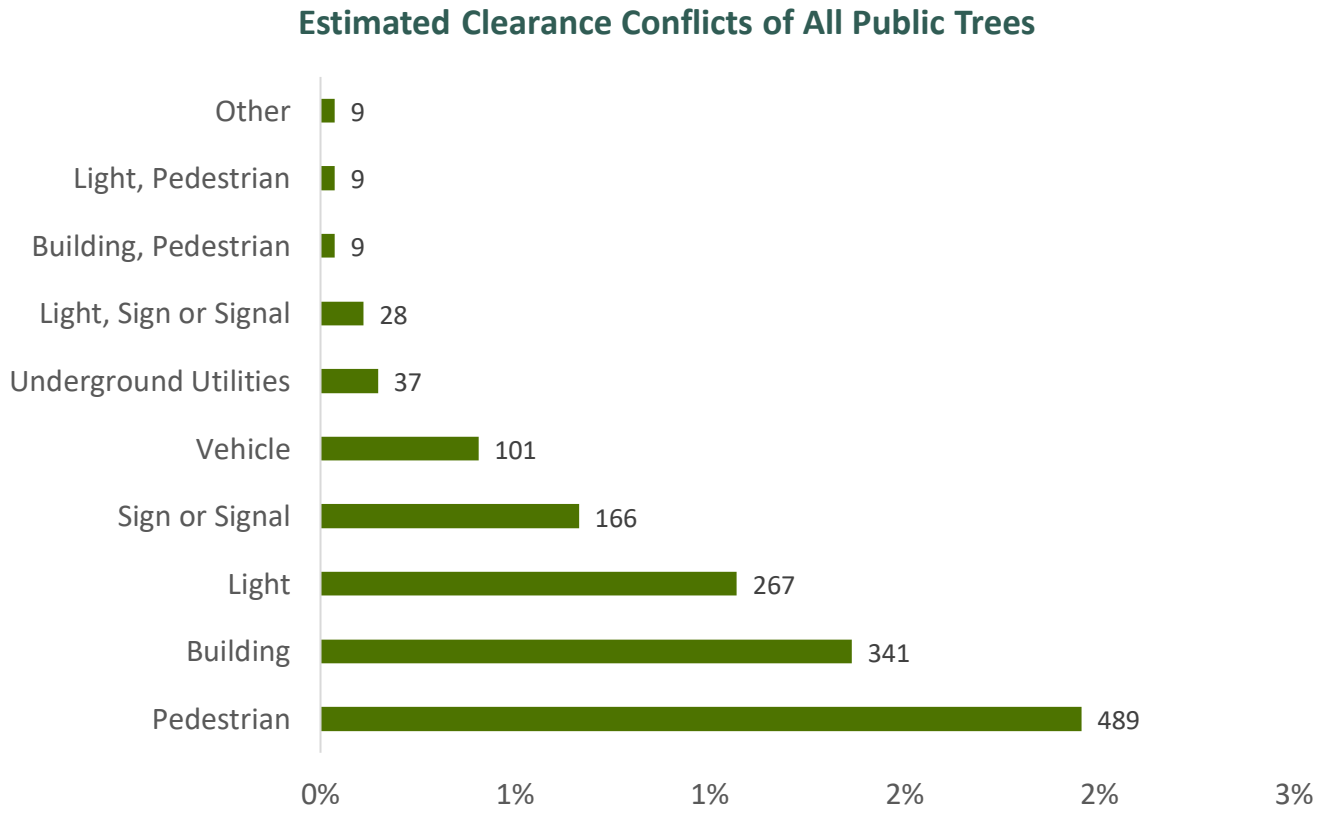


Figure 34. Estimated clearance conflicts of all public trees

Estimated Ecosystem Benefits and Services of All Public Trees

Table 9. Estimated ecosystem benefits and services of all public trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$71,600		
Air Quality Monetary Benefit	$23,949		
Pollutants Removed	10,776 lbs	5 tons	
Carbon Monetary Benefit	$33,614		
Carbon Stored	1,445,102 lbs	723 tons	
Evaporation	2,672,939 ft^3	19,994,971 gal	30 Olympic pools
Interception	2,676,967 ft^3	20,025,105 gal	30 Olympic pools
Potential Evaporation	23,050,898 ft^3	172,432,701 gal	261 Olympic pools
Evapotranspiration	17,444,624 ft^3	130,494,858 gal	198 Olympic pools
Runoff Avoided	210,214 ft^3	1,572,508 gal	2 Olympic pools
Stormwater Monetary Benefit	$14,054		
Transpiration	5,656,762 ft^3	42,315,524 gal	64 Olympic pools
CO Pollution Removed	112 lbs		
CO Removed Monetary Benefit	$72		
NO2 Pollution Removed	506 lbs		
NO2 Removed Monetary Benefit	$103		
O3 Pollution Removed	9,643 lbs	5 tons	
O3 Removed Monetary Benefit	$11,367		
PM2.5 Pollution Removed	258 lbs		
PM2.5 Removed Monetary Benefit	$12,344		
SO2 Pollution Removed	189 lbs		
SO2 Removed Monetary Benefit	$0.09		
CO2 Sequestered	1,445,101 lbs	723 tons	
CO2 Sequestered Monetary Benefit	$33,613		
CO2 Storage	49,303,705 lbs	24,652 tons	
CO2 Storage Monetary Benefit	$1,146,668		
Carbon Dry Weight	26,892,933 lbs	13,446 tons	
Carbon Storage	13,446,459 lbs	6,723 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

ESTIMATED CHARACTERISTICS OF ALL PRIVATE TREES

Methodology

A total of 850 private trees were inventoried as a sample. These trees were located in private parcels adjacent to public streets that were visited during the public tree inventory. According to Fayetteville's Mobility Plan, there are a total of 470 linear road miles and the inventory crews inventoried along a total of 25 linear road miles or approximately 5% of roadways. The private parcels included in the sample inventory had a total acreage of 342 acres. Using the City's Zoning classifications and GIS data, a total of 32,150 acres exist across the City. Therefore, the inventory crews visited 1% of all private parcels. Based on these figures, it is estimated that there are a total of 79,884 private trees, or approximately 80,000 private trees in maintained areas of properties. The following summaries provide estimates of private tree extent, growing space, structure, characteristics, and maintenance needs:

Private Tree Status

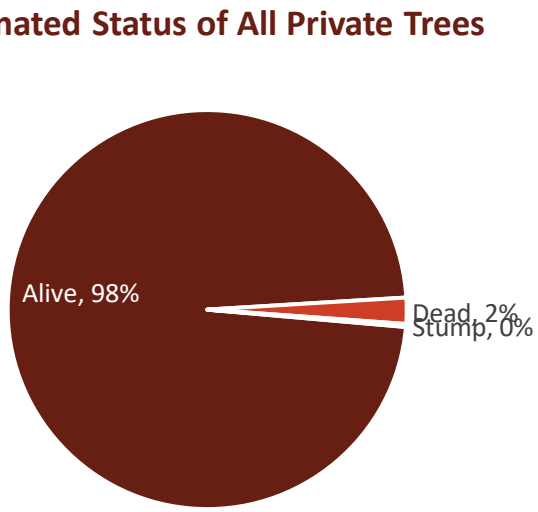


Figure 35. Estimated status of all private trees

Private Tree Location and Growing Space (Estimated for All Private Trees)

Land Use of Private Trees

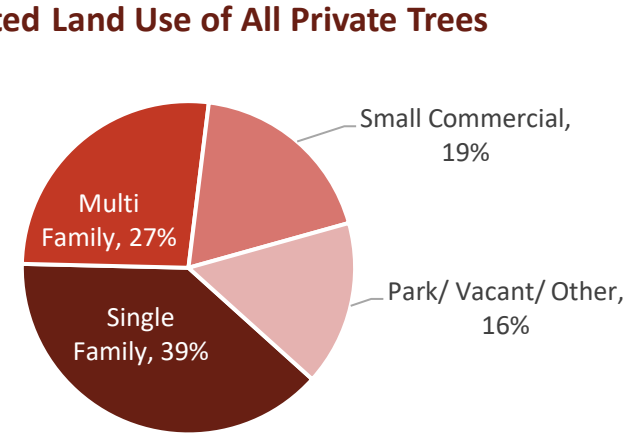


Figure 36. Estimated land use of all private trees

Growing Space Type of Private Trees

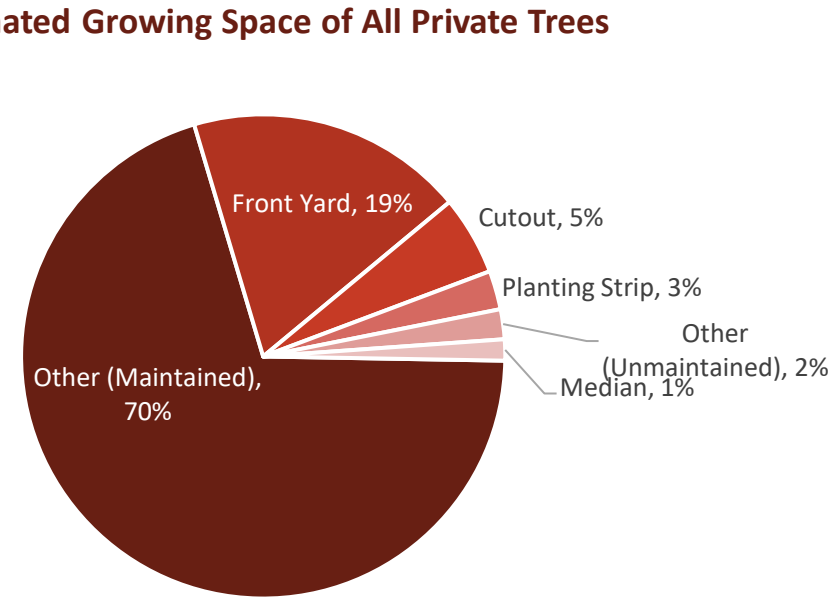


Figure 37. Estimated growing space of all private trees

Existing Tree Planting Site Width of Private Trees

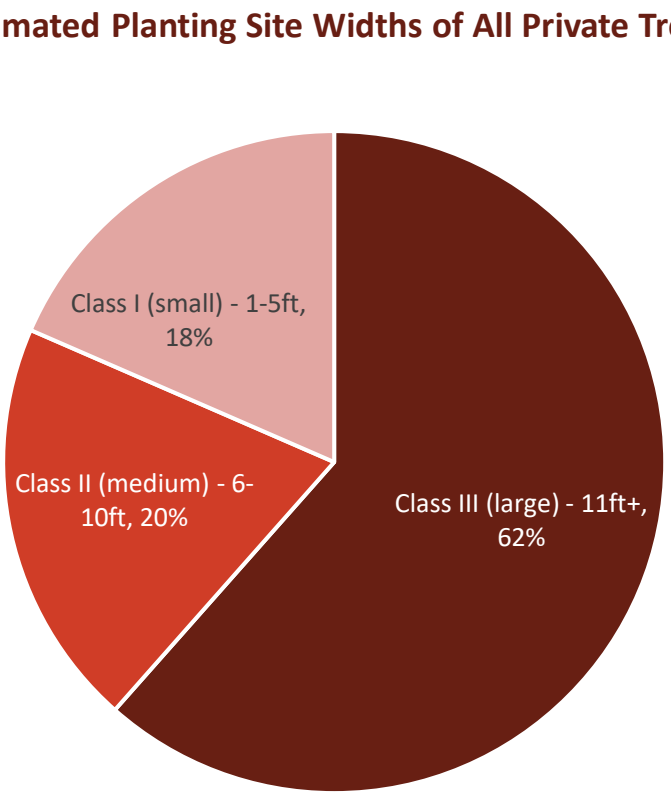


Figure 38. Estimated planting site widths of all private trees

Private Tree Structure (Estimated for All Private Trees)

Private Tree Genera Composition

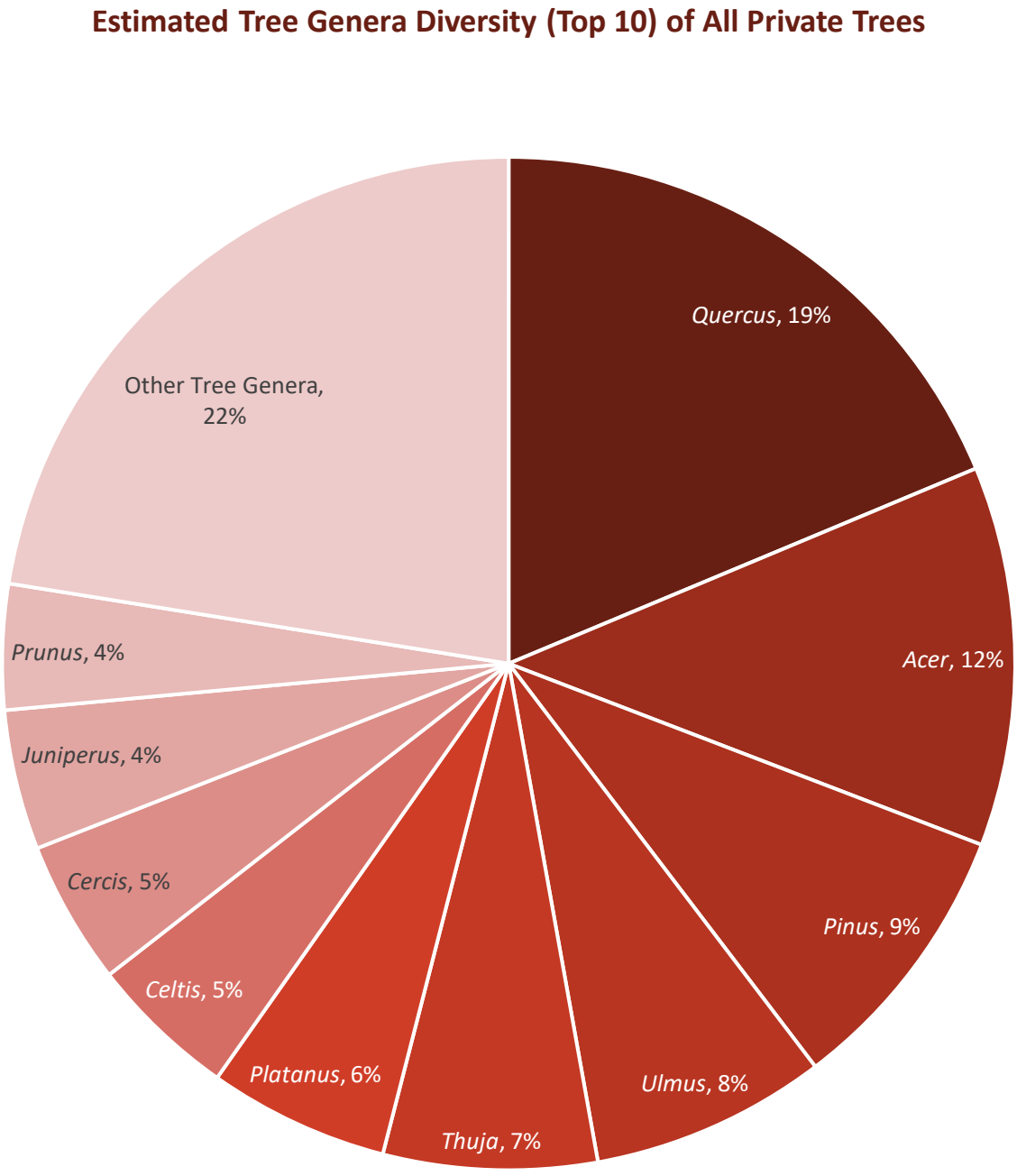


Figure 39. Estimated tree genera diversity of all private trees (top 10)

Private Tree Species Composition

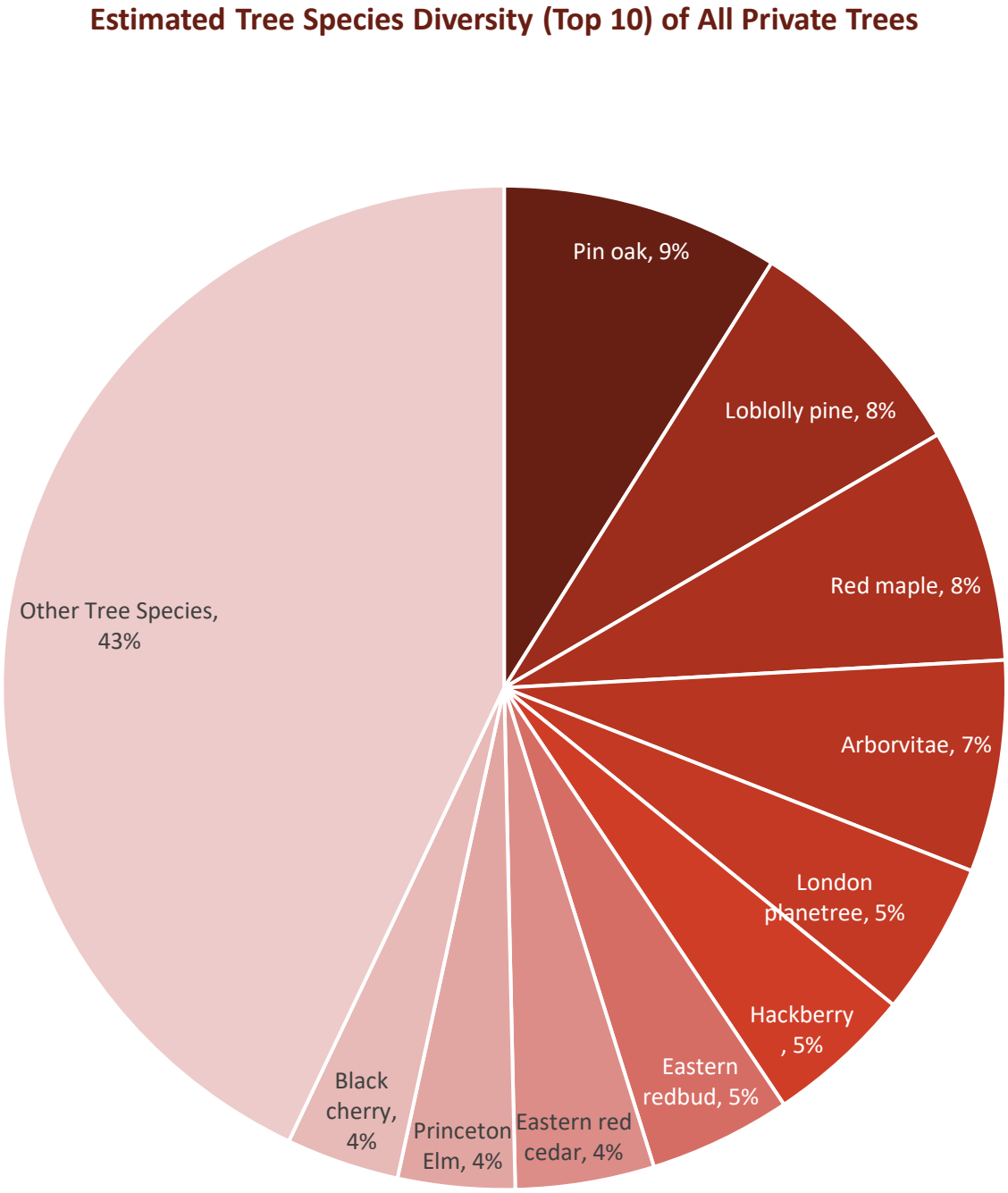


Figure 40. Estimated tree species diversity of all private trees (top 10)

Private Tree Size Classes and Relative Age Distribution

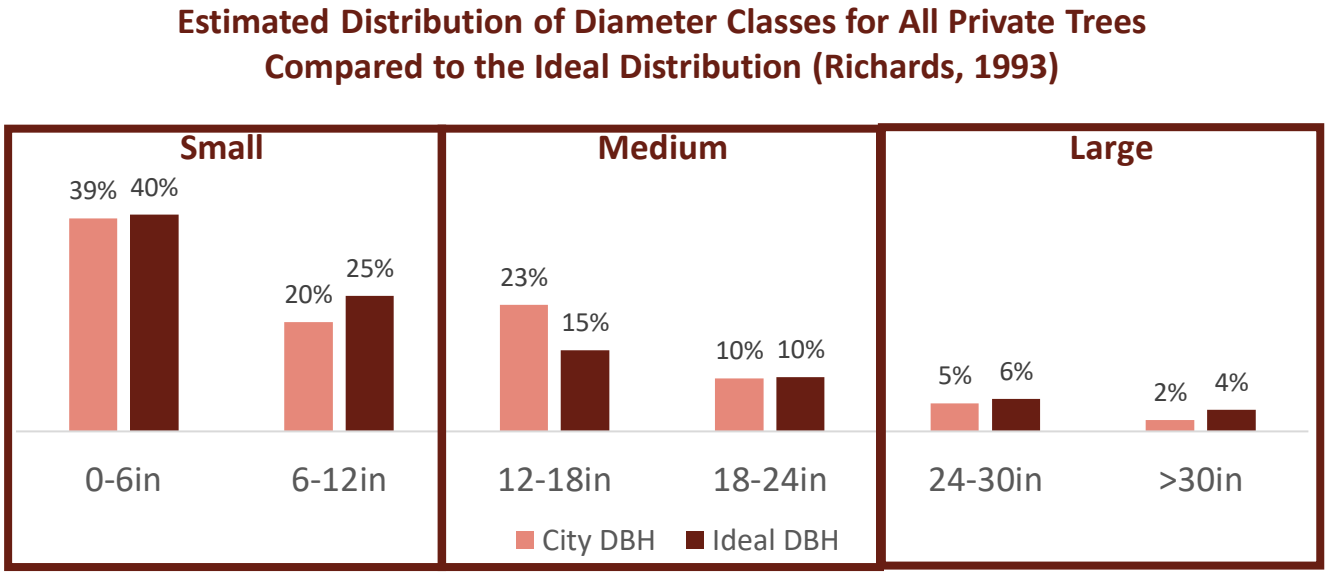


Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Estimated for All Private Trees)

Private Tree Condition

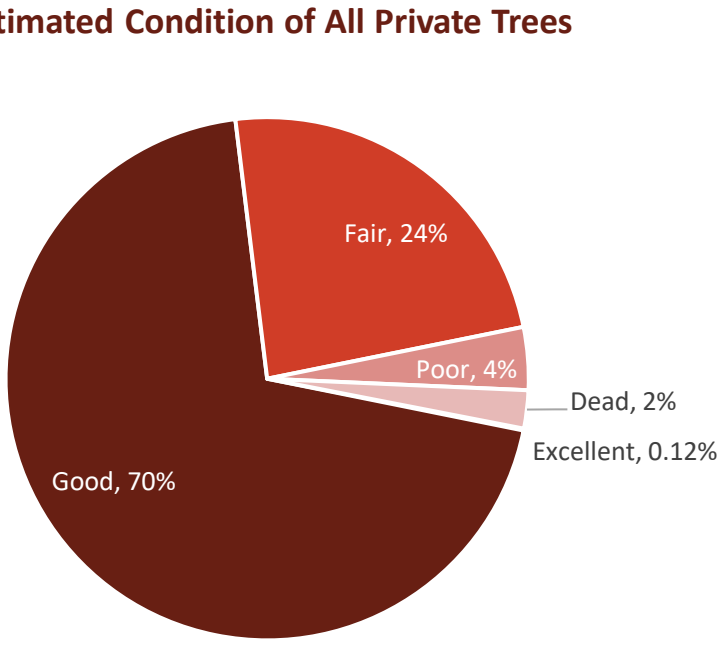


Figure 42. Estimated condition of all private trees

Private Tree Observations

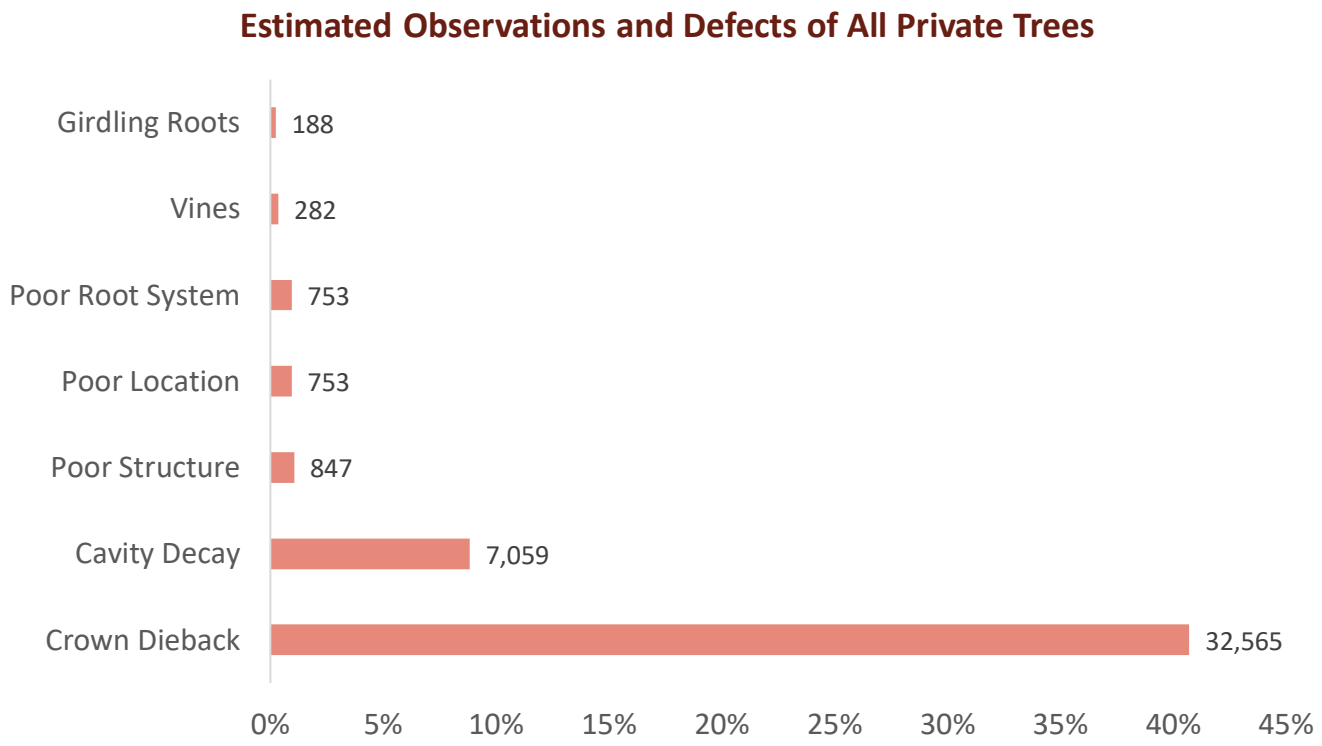


Figure 43. Estimated observations and defects of all private trees

Recommended Maintenance of Private Trees ("Tree Work")

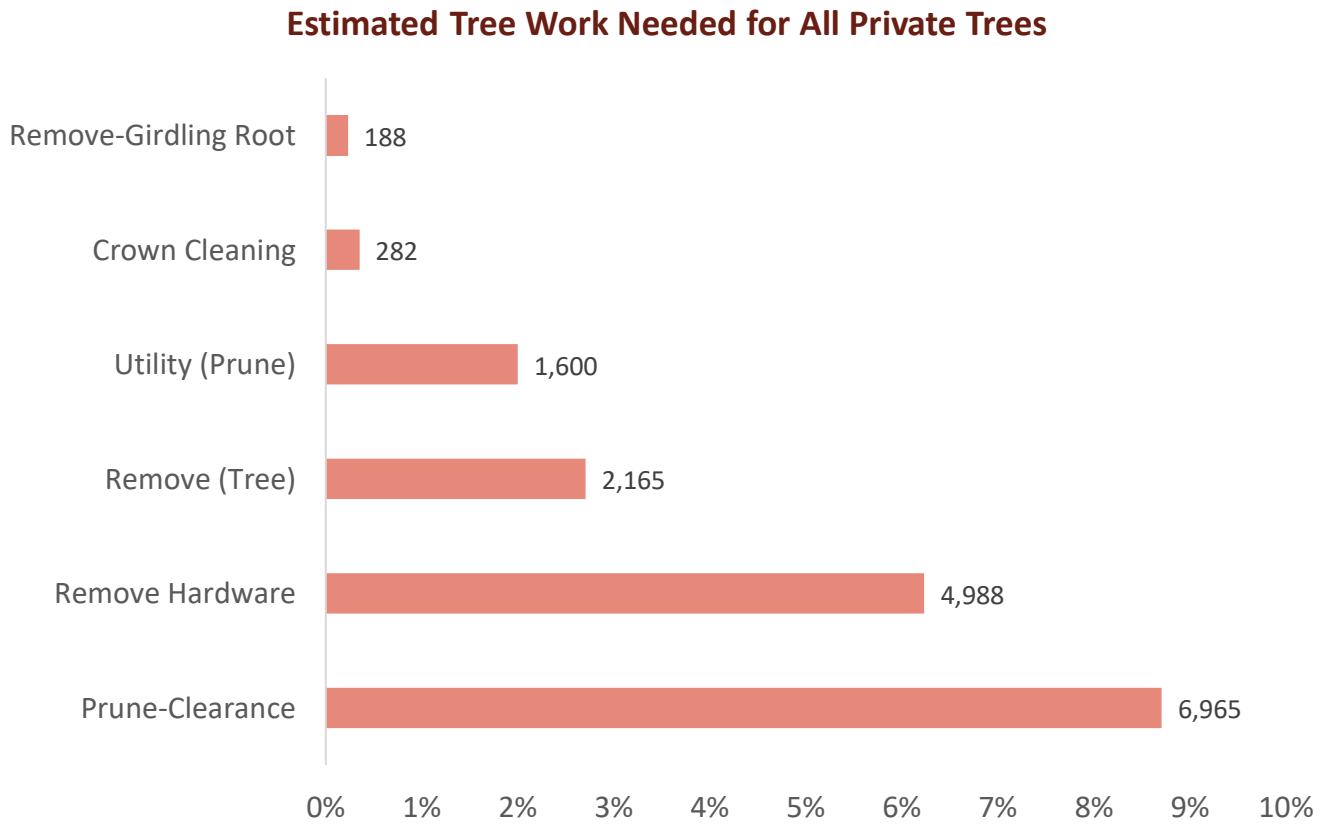


Figure 44. Estimated tree work needed for all private trees

Private Tree Conflicts (Estimated for All Private Trees)

Private Tree Wire Conflicts

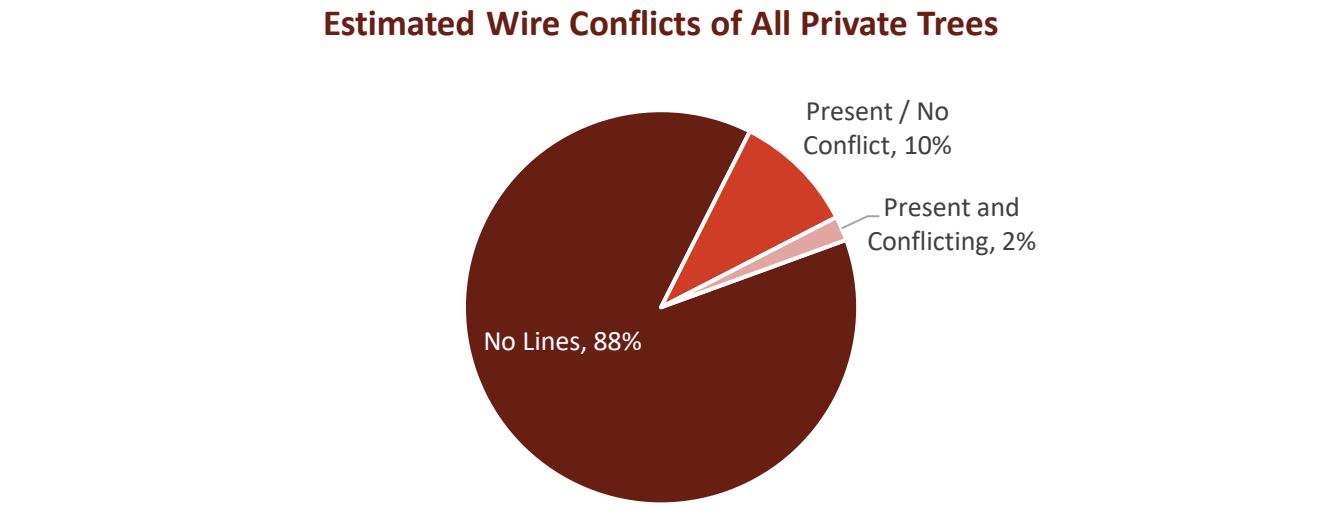


Figure 45. Estimated wire conflicts of all private trees

Private Tree Clearance Conflicts

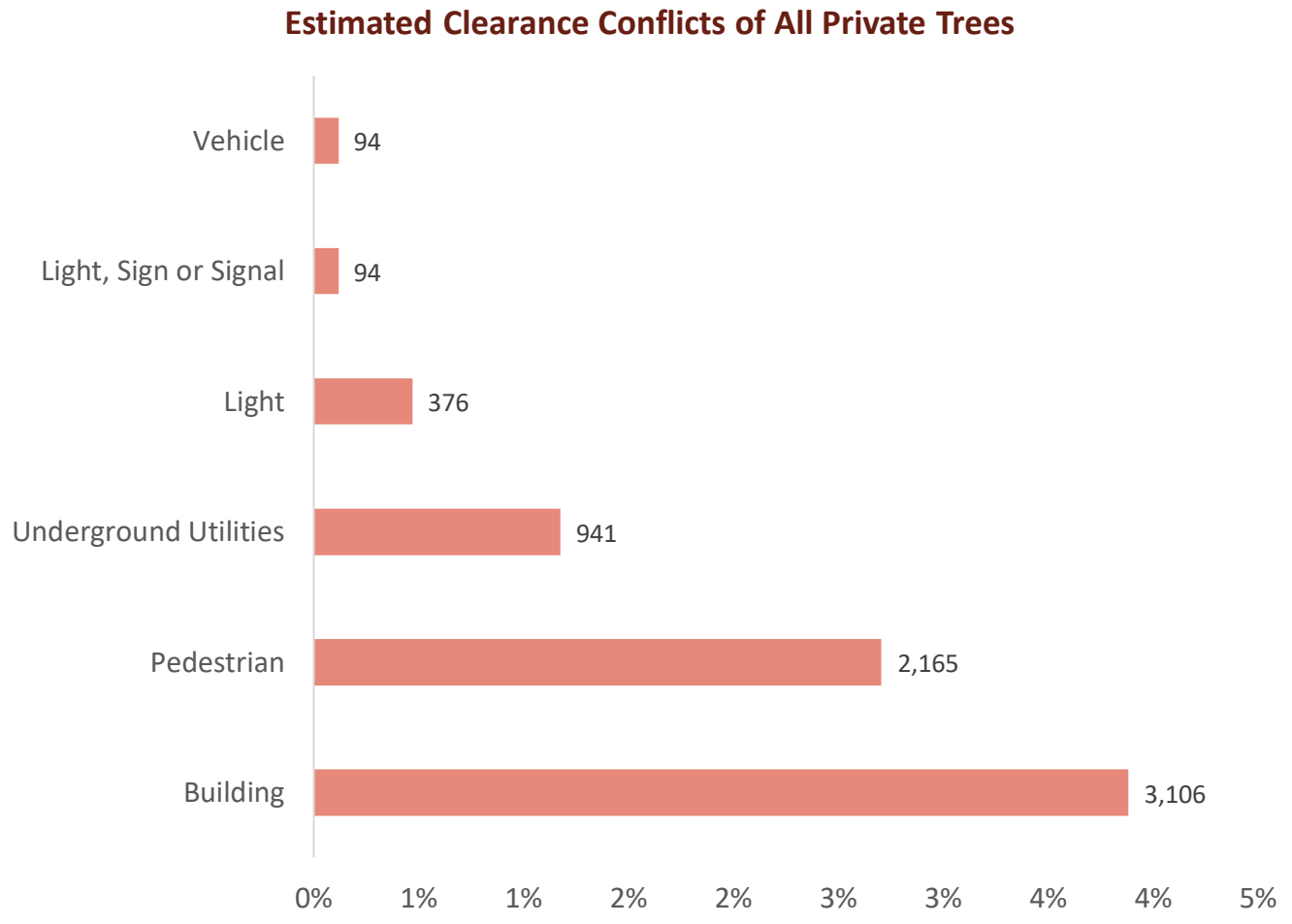


Figure 46. Estimated clearance conflicts of all private trees

Estimated Ecosystem Benefits and Services of All Private Trees

Table 10. Estimated ecosystem services and benefits of all private trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$731,024		
Air Quality Monetary Benefit	$244,520		
Pollutants Removed	110,024 lbs	55 tons	
Carbon Monetary Benefit	$343,191		
Carbon Stored	14,754,324 lbs	7,377 tons	
Evaporation	27,290,389 ft^3	204,146,299 gal	309 Olympic pools
Interception	27,331,518 ft^3	204,453,968 gal	310 Olympic pools
Potential Evaporation	235,346,953 ft^3	1,760,517,592 gal	2,667 Olympic pools
Evapotranspiration	178,107,558 ft^3	1,332,337,147 gal	2,019 Olympic pools
Runoff Avoided	2,146,258 ft^3	16,055,125 gal	24 Olympic pools
Stormwater Monetary Benefit	$143,485		
Transpiration	57,754,878 ft^3	432,036,521 gal	655 Olympic pools
CO Pollution Removed	1,144 lbs	0.6 tons	
CO Removed Monetary Benefit	$732		
NO2 Pollution Removed	5,165 lbs	3 tons	
NO2 Removed Monetary Benefit	$1,048		
O3 Pollution Removed	98,456 lbs	49 tons	
O3 Removed Monetary Benefit	$116,053		
PM2.5 Pollution Removed	2,631 lbs	1 ton	
PM2.5 Removed Monetary Benefit	$126,030		
SO2 Pollution Removed	1,930 lbs	1 ton	
SO2 Removed Monetary Benefit	$1		
CO2 Sequestered	14,754,307 lbs	7,377 tons	
CO2 Sequestered Monetary Benefit	$343,189		
CO2 Storage	503,385,026 lbs	251,693 tons	
CO2 Storage Monetary Benefit	$11,707,346		
Carbon Dry Weight	274,573,683 lbs	137,287 tons	
Carbon Storage	137,286,767 lbs	68,643 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

Fayetteville, Urban Forest Management Plan



~Public Survey Summary

1/24/23

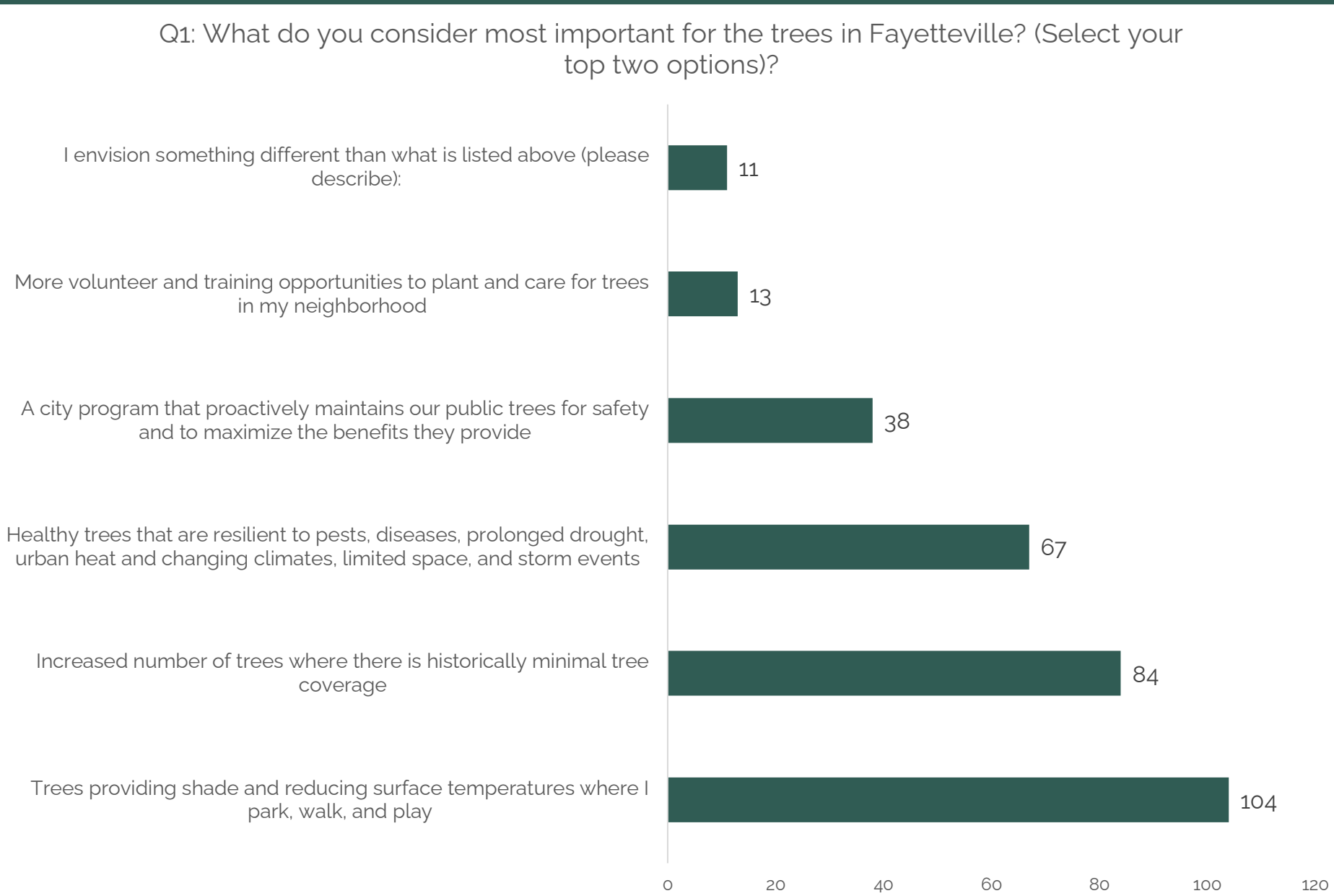
CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™
developers of TreePlotter

Survey Overview

Count of Surveys Received
169 Complete Contributors (2 participants selectively answered survey)
Survey Timeframe
December 15, 2022 – January 16, 2023
Platform
"Speak Up Fayetteville" https://speakup.fayetteville-ar.gov/

QUESTION #1

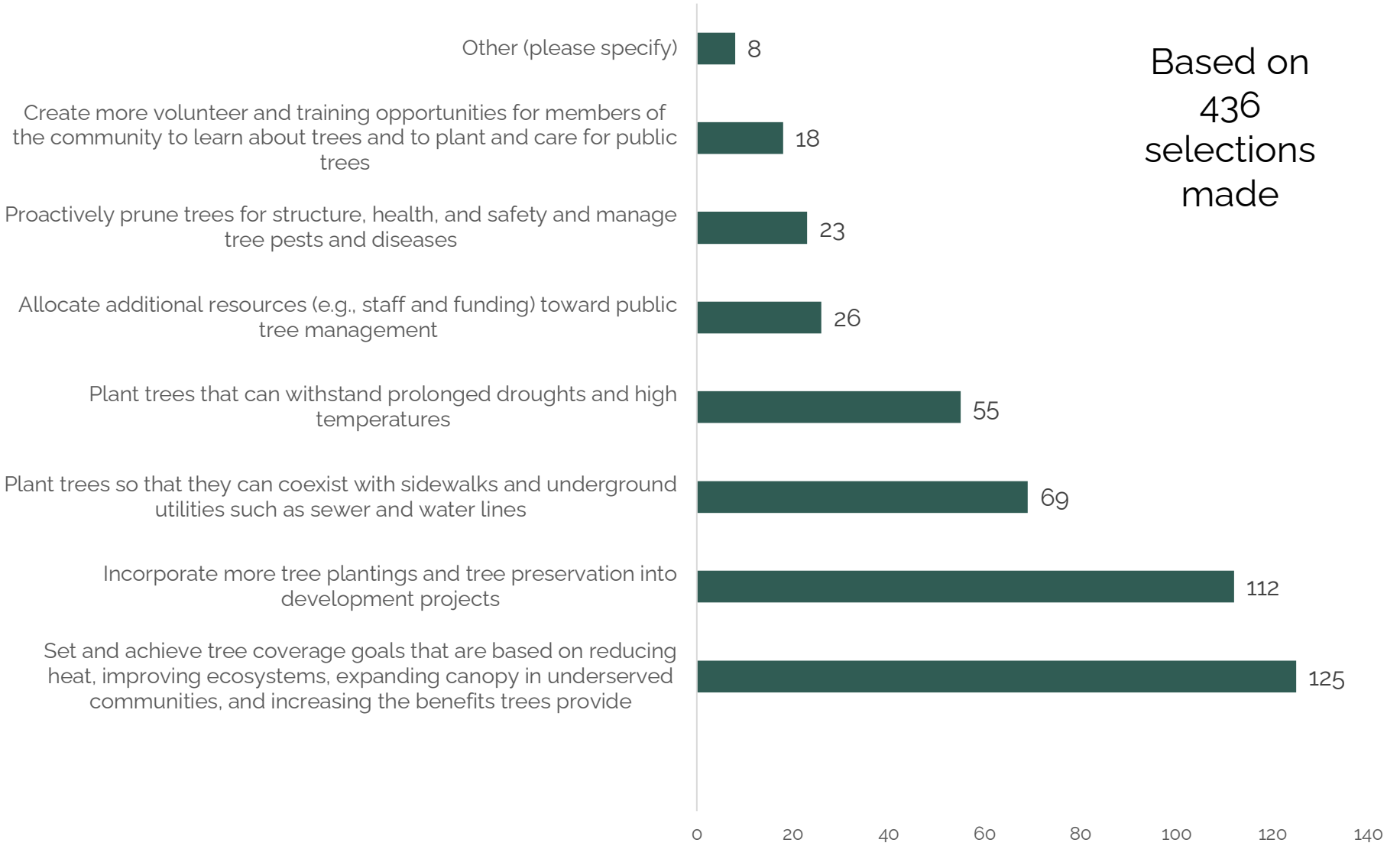

Q1: What do you consider most important for the trees in Fayetteville? (Select your top two options)?
I envision something different than what is listed above (please describe):
11
More volunteer and training opportunities to plant and care for trees in my neighborhood
13
A city program that proactively maintains our public trees for safety and to maximize the benefits they provide
38
Healthy trees that are resilient to pests, diseases, prolonged drought, urban heat and changing climates, limited space, and storm events
67
Increased number of trees where there is historically minimal tree coverage
84
Trees providing shade and reducing surface temperatures where I park, walk, and play
104
0
20
40
60
80
100
120

Question #1 Comments

Categories	Comment Count
Trees and Food	2
Tree Protection	1
Tree Removal Conflict	1
Native Species	3
Planting	1
Invasives	1
Inclusion and Diversity Concern	1

QUESTION #2

Q2: Where should the City use resources to improve public tree health? (Select your top three options)2



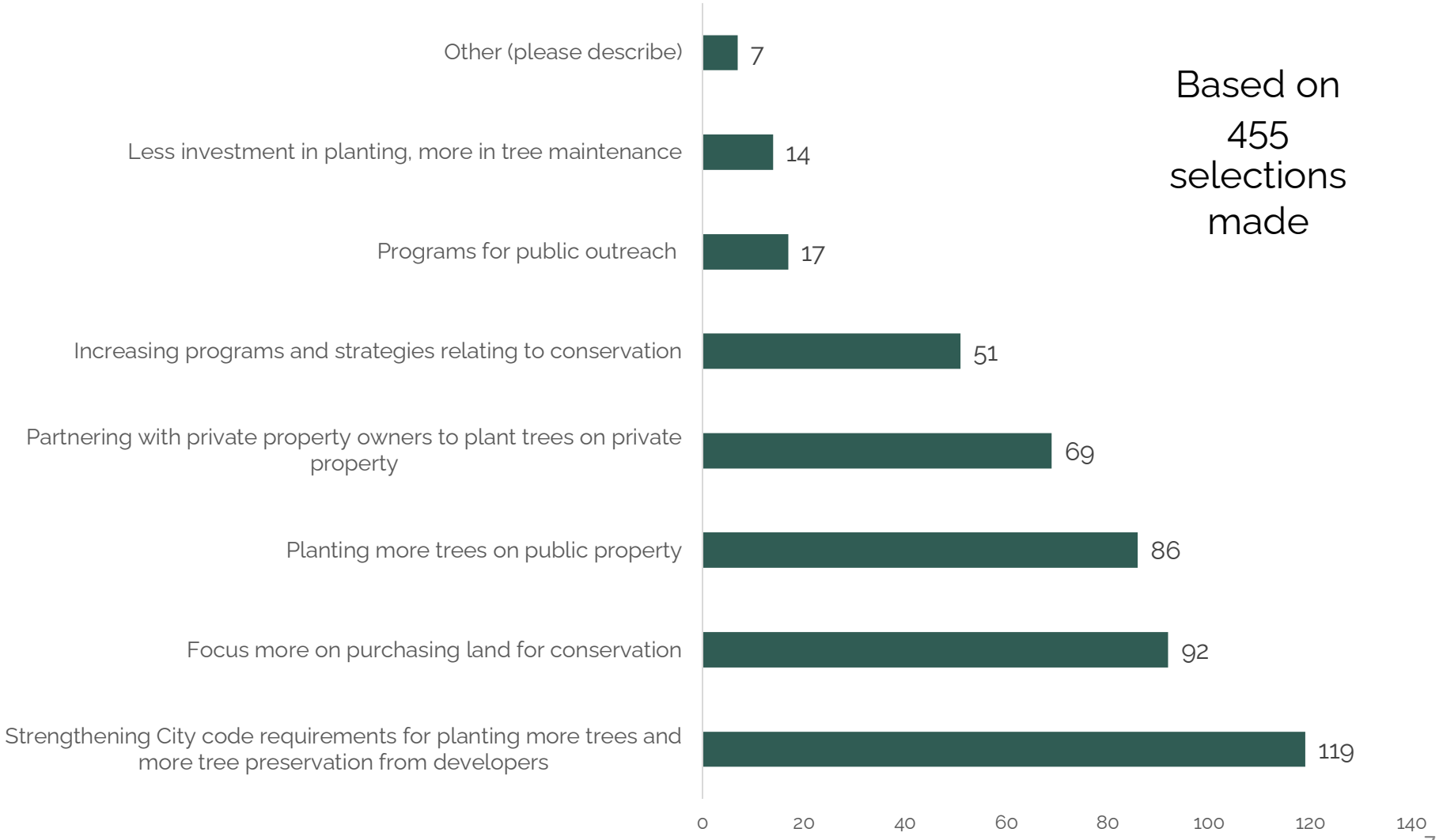
Based on 436 selections made

Question #2 Comments

Categories	Comment Count
Trees and Food	1
Tree Protection	3
Invasives	2
Native Species	2
Diversity and Development	1

QUESTION #3

Q3: Where should the City focus its investments with the current funding and with any additional funding that arises from the Urban Forest Management Plan? (Select up to three options)

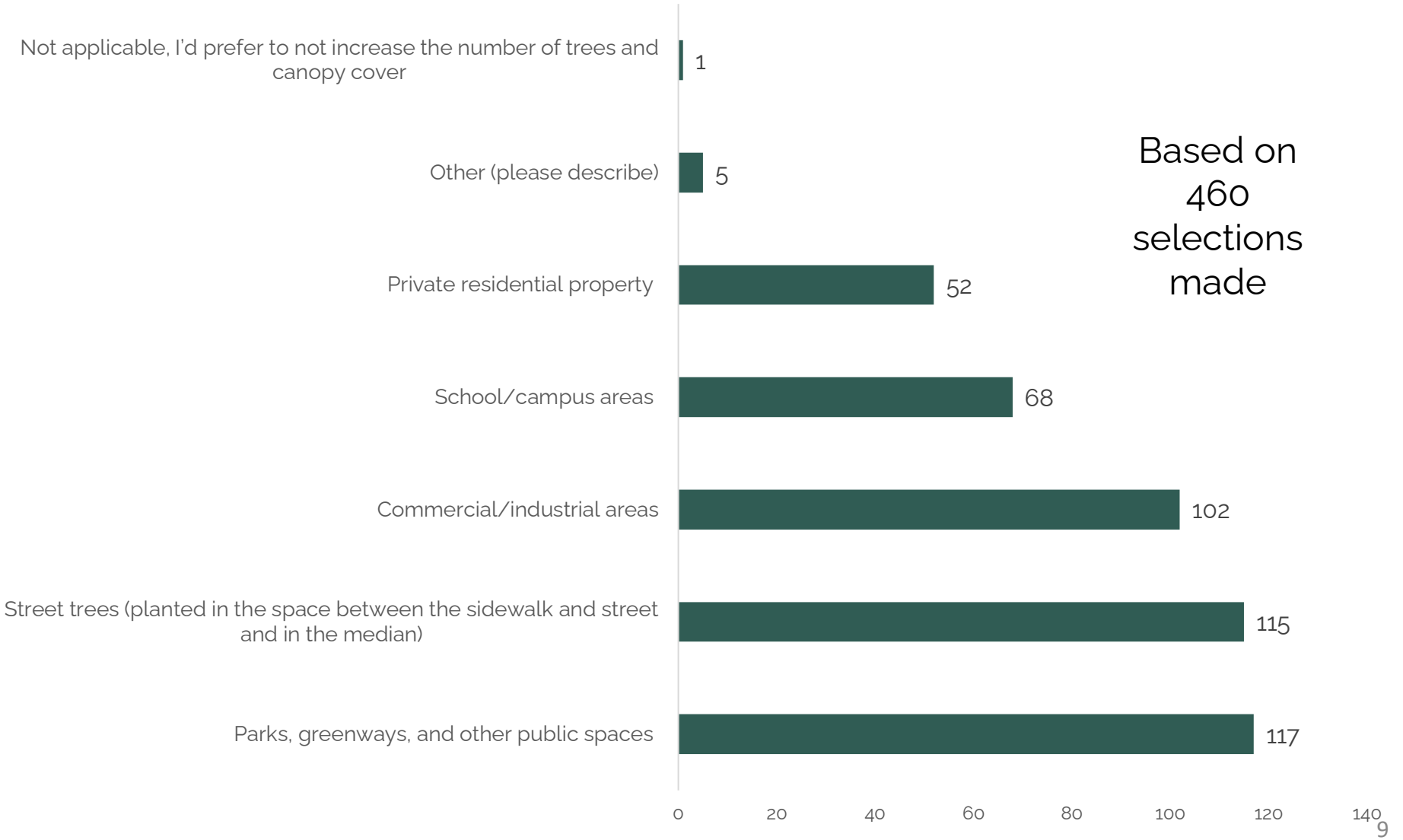


Question #3 Comments

Categories	Comment Count
Ordinance Amendment	3
Tree Protection	1
Mature Tree Protection	1
Trash Removal	1
Diversity and Inclusion Concerns	1

QUESTION #4

Q4: To achieve your vision for the urban forest, which might include increasing the number of trees and tree canopy cover, where should the City prioritize tree plantings? (Select your top three options)

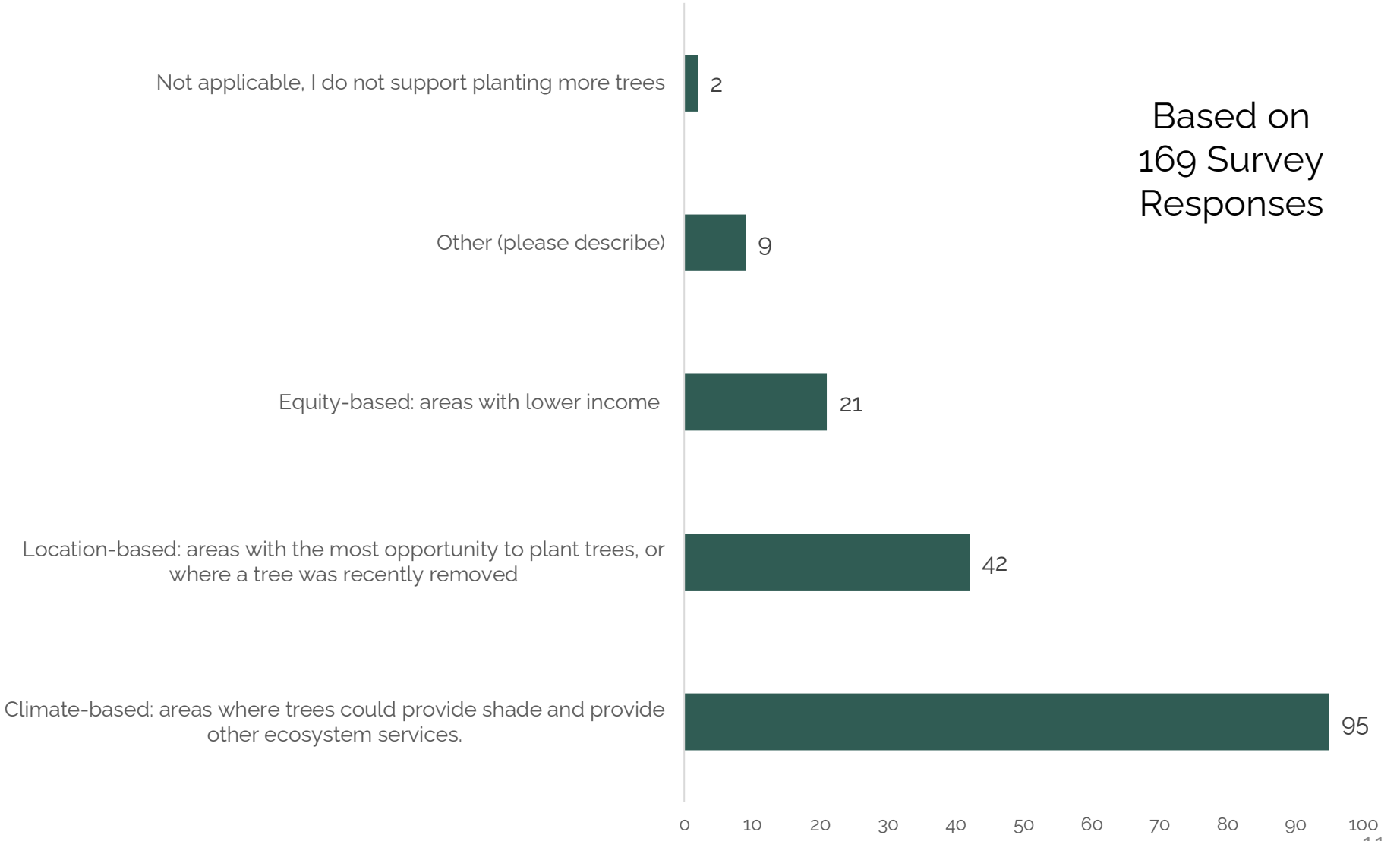


Question #4 Comments

Categories	Comment Count
Tree Protection	1
Invasive	2
Specie Selection	1
Diversity and Inclusion Concern	1

QUESTION #5

Q5: If you support planting more trees throughout the City, where should the City and its partners focus these efforts?



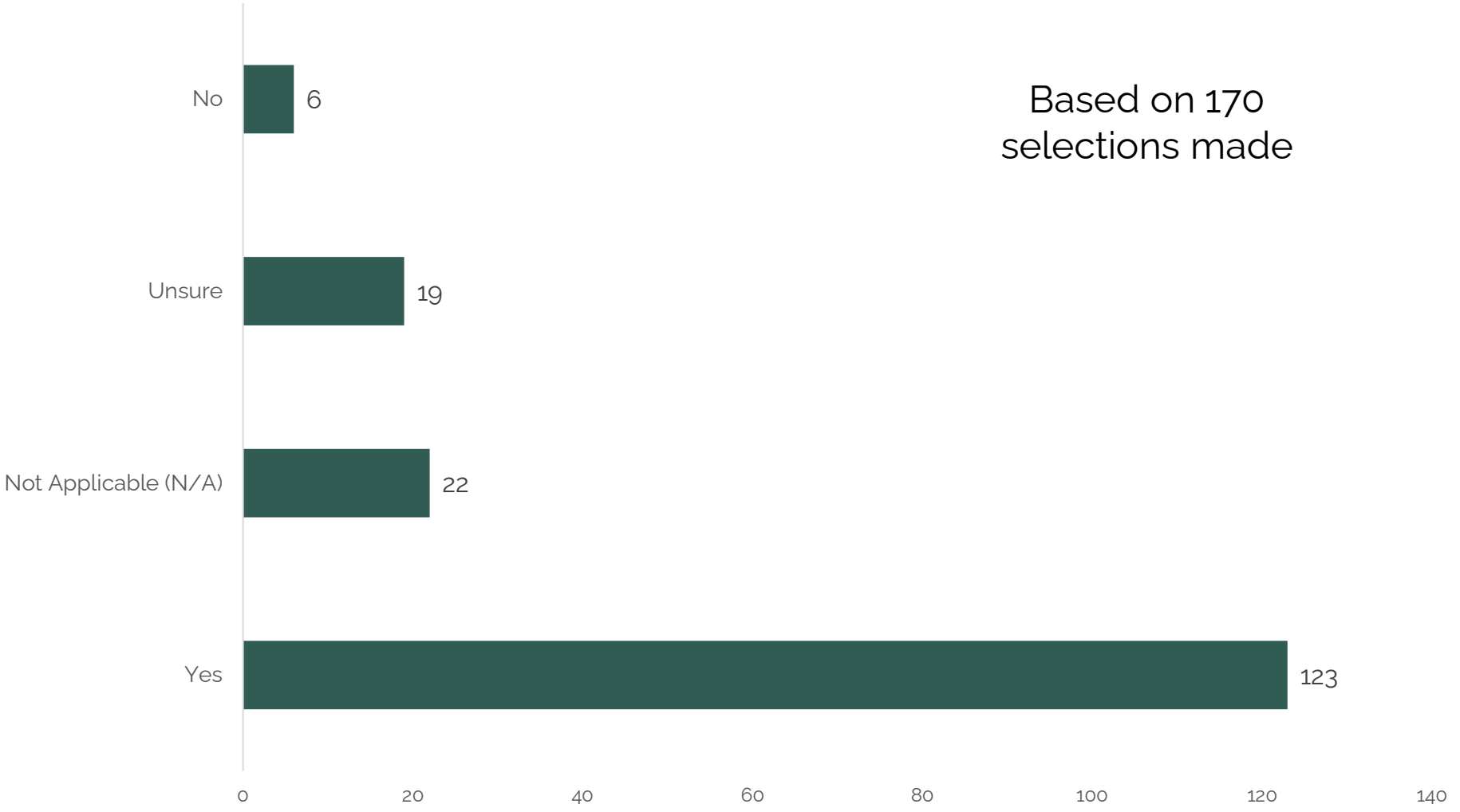
Based on 169 Survey Responses

Question #5 Comments

Categories	Comment Count
All	5
Vegetation Inventory	1
Invasive Removal	1
Location-Highway	1
Diversity and Inclusion Concern	1

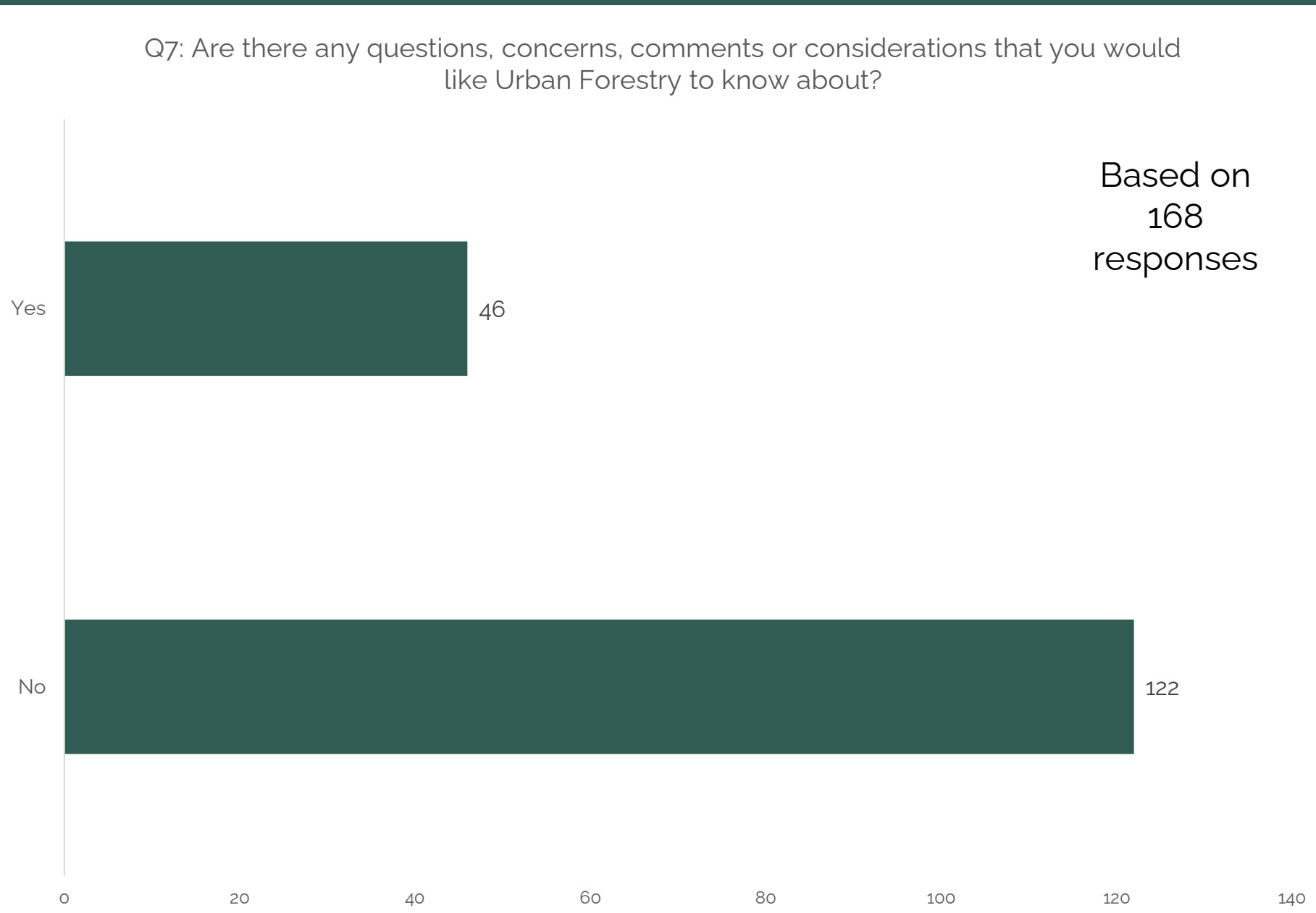
QUESTION #6

Q6: Increasing a healthy tree canopy cover requires investments in planting trees along with postplanting care such as young tree pruning and watering. Would you be willing to water trees during drought conditions that are in the public rights-of-way adja



Based on 170 selections made

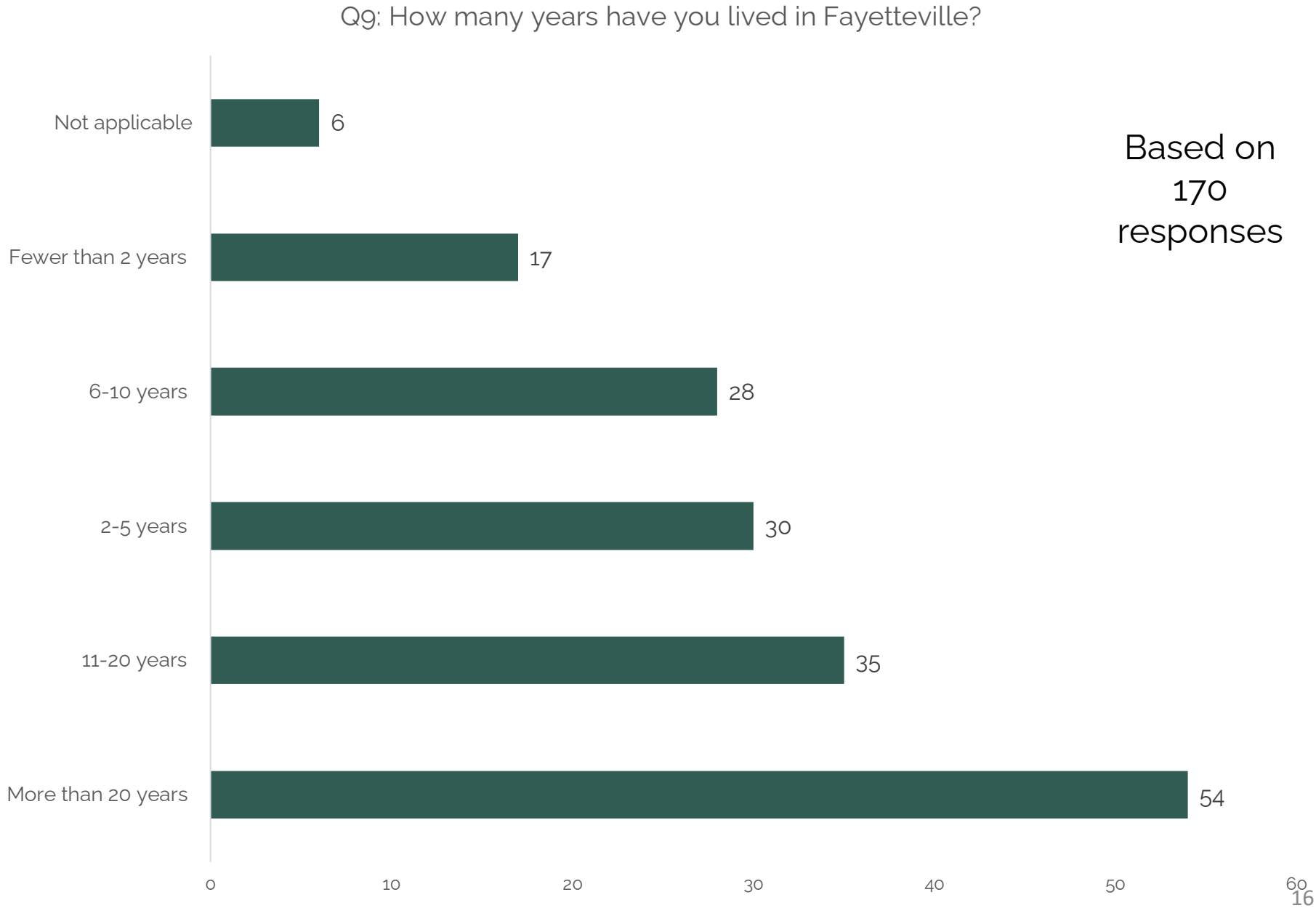
QUESTION #7


Q7: Are there any questions, concerns, comments or considerations that you would like Urban Forestry to know about?
Based on 168 responses
Yes
46
No
122
0
20
40
60
80
100
120
140

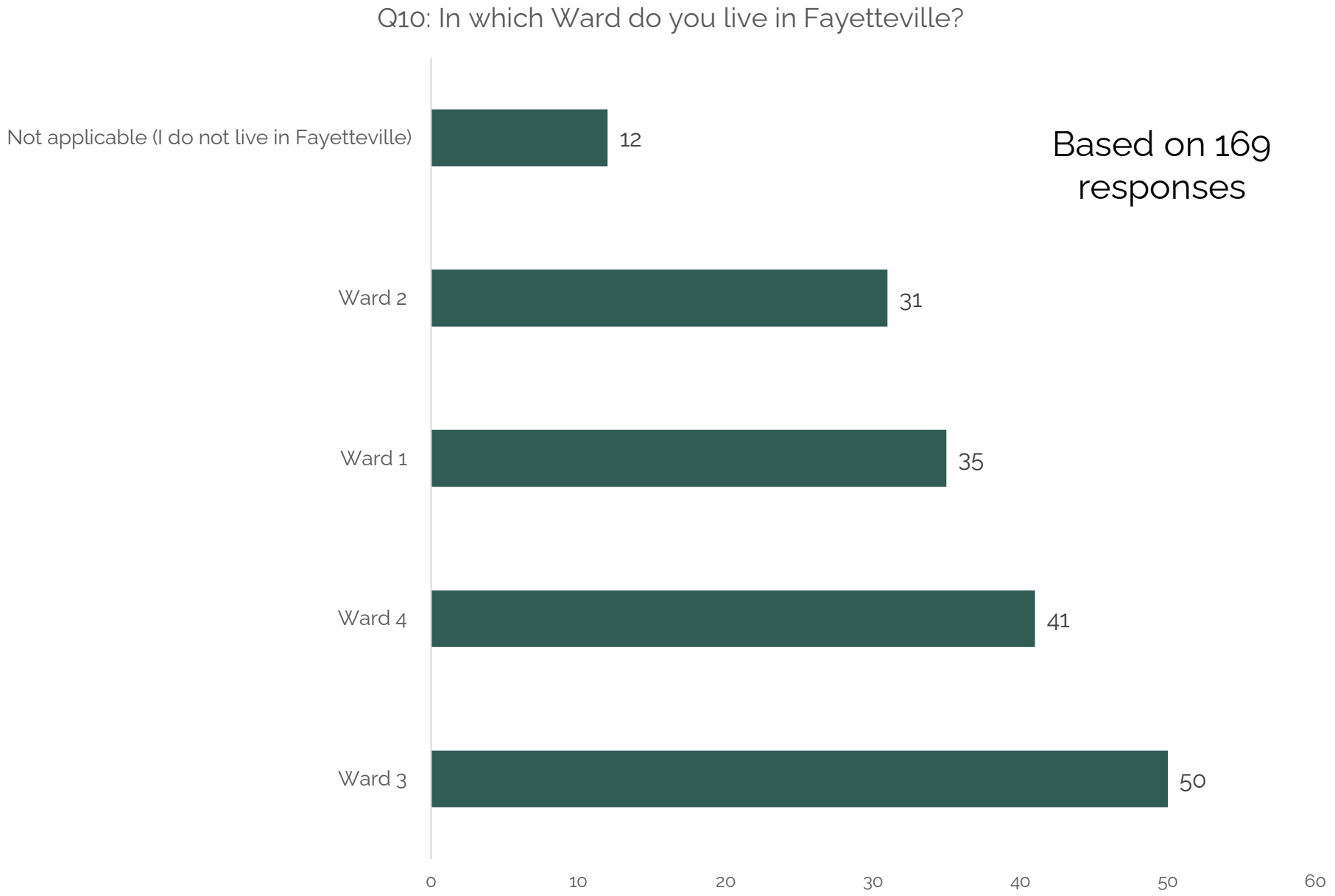
Question #7 Comments (categorized)

Categories	Comment Count
Native Species	3
Equity	1
Increase Canopy	2
Trees and Food	1
Watering	3
Trees and Development	9
Tree Maintenance	2
Tree Donation Funds	1
Cost Share Program- Tree Removal Specific	1
Thanks	2
Tree Removal	1
Job Growth	1
Prioritization of UF activities	1
Free Tree Planting Giveaways	1
Education Material-Tree Selection	1
Tree Planting Locations	1
Increase Canopy	1
Invasives	2
Ecological Concerns	1
Volunteer Opportunity	1
Tree Removal Ordinance	1

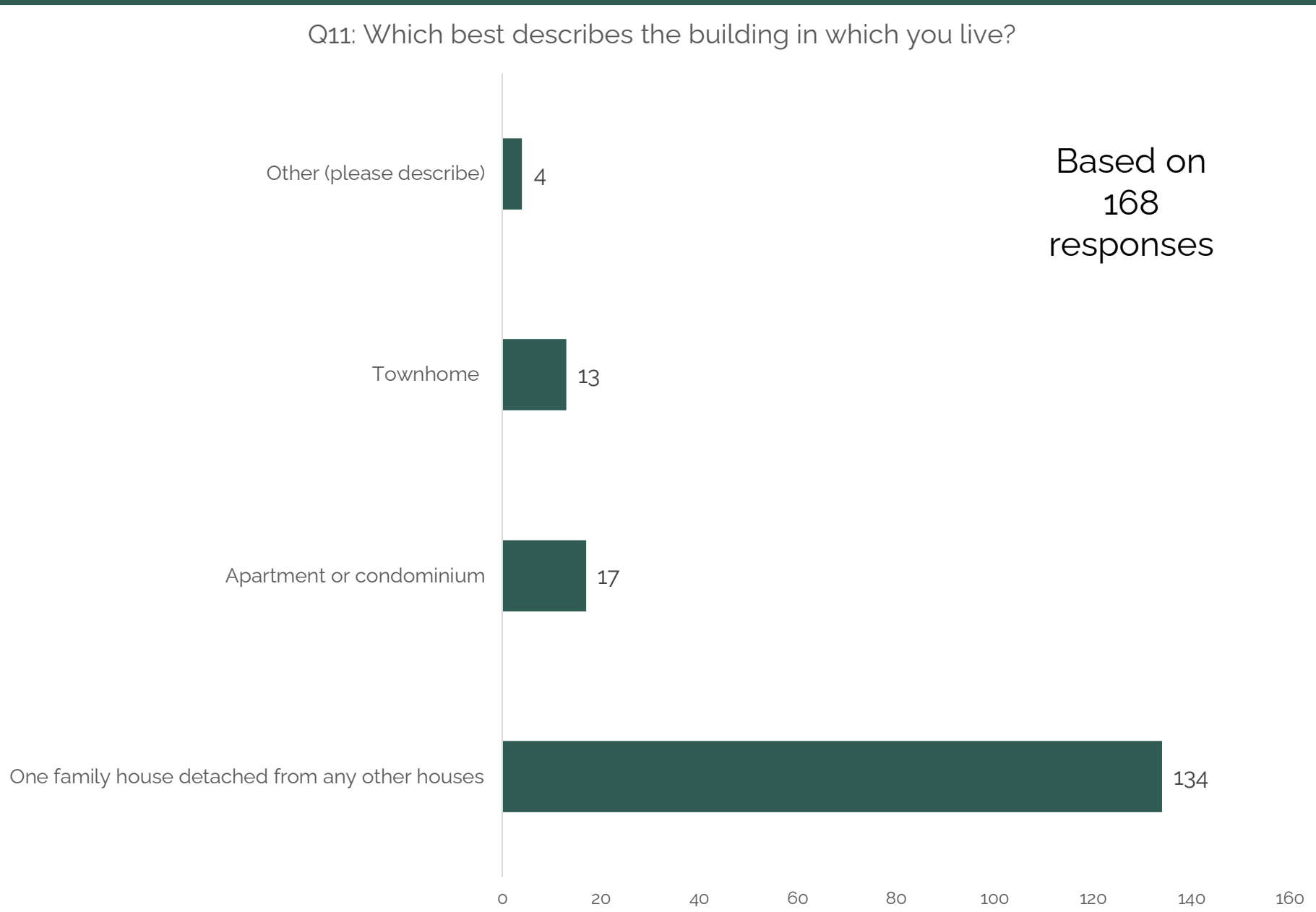
QUESTION #9


Q9: How many years have you lived in Fayetteville?
Not applicable
6
Fewer than 2 years
17
6-10 years
28
2-5 years
30
11-20 years
35
More than 20 years
54
0
10
20
30
40
50
60
Based on 170 responses

QUESTION #10

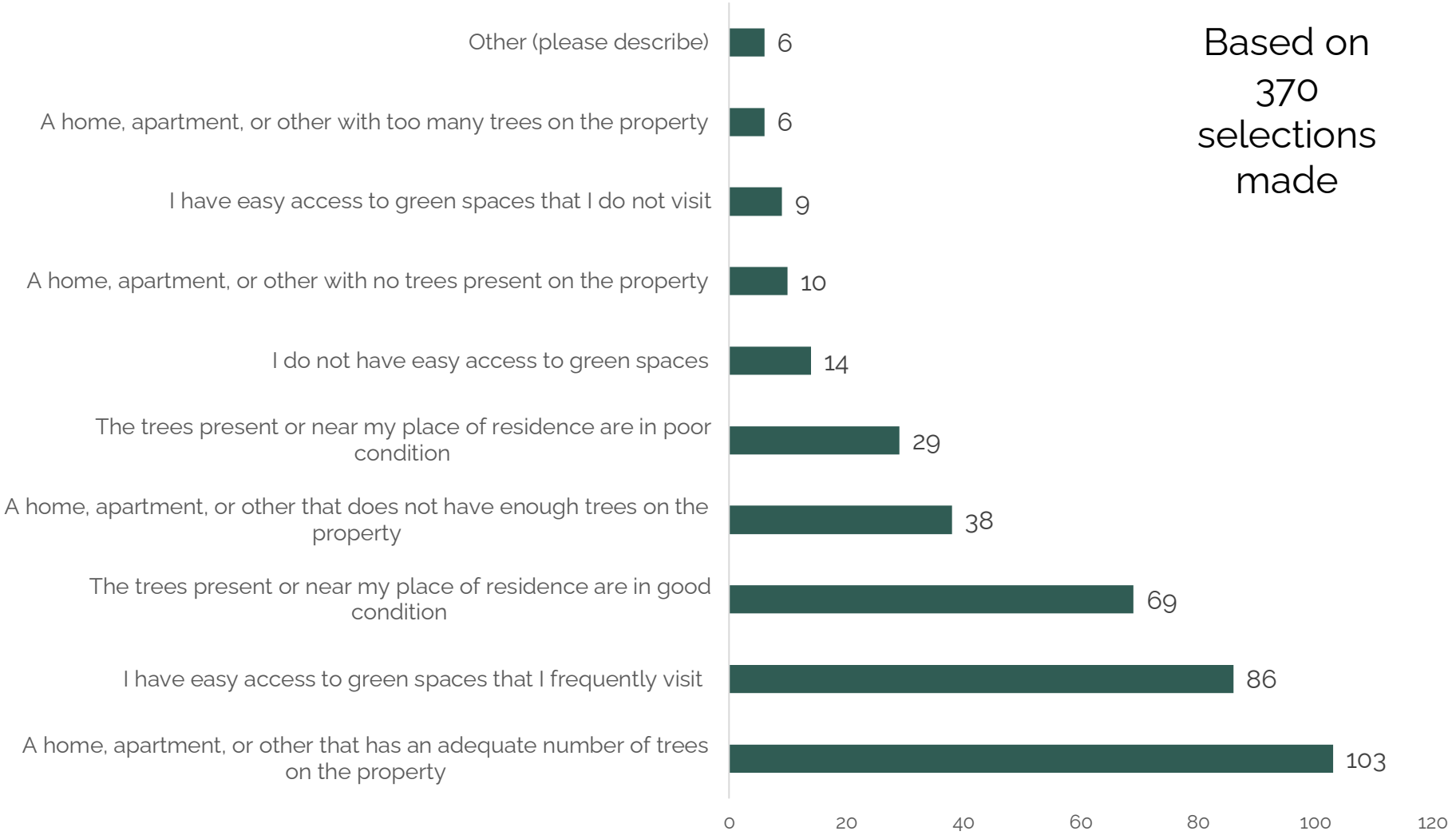

Q10: In which Ward do you live in Fayetteville?
Not applicable (I do not live in Fayetteville)
12
Ward 2
31
Ward 1
35
Ward 4
41
Ward 3
50
0
10
20
30
40
50
60
Based on 169 responses

QUESTION #11


Q11: Which best describes the building in which you live?
Other (please describe)
4
Townhome
13
Apartment or condominium
17
One family house detached from any other houses
134
0
20
40
60
80
100
120
140
160
Based on 168 responses

QUESTION #12

Q12: If you live in Fayetteville, please describe the current conditions where youreside.
(Select all that apply)

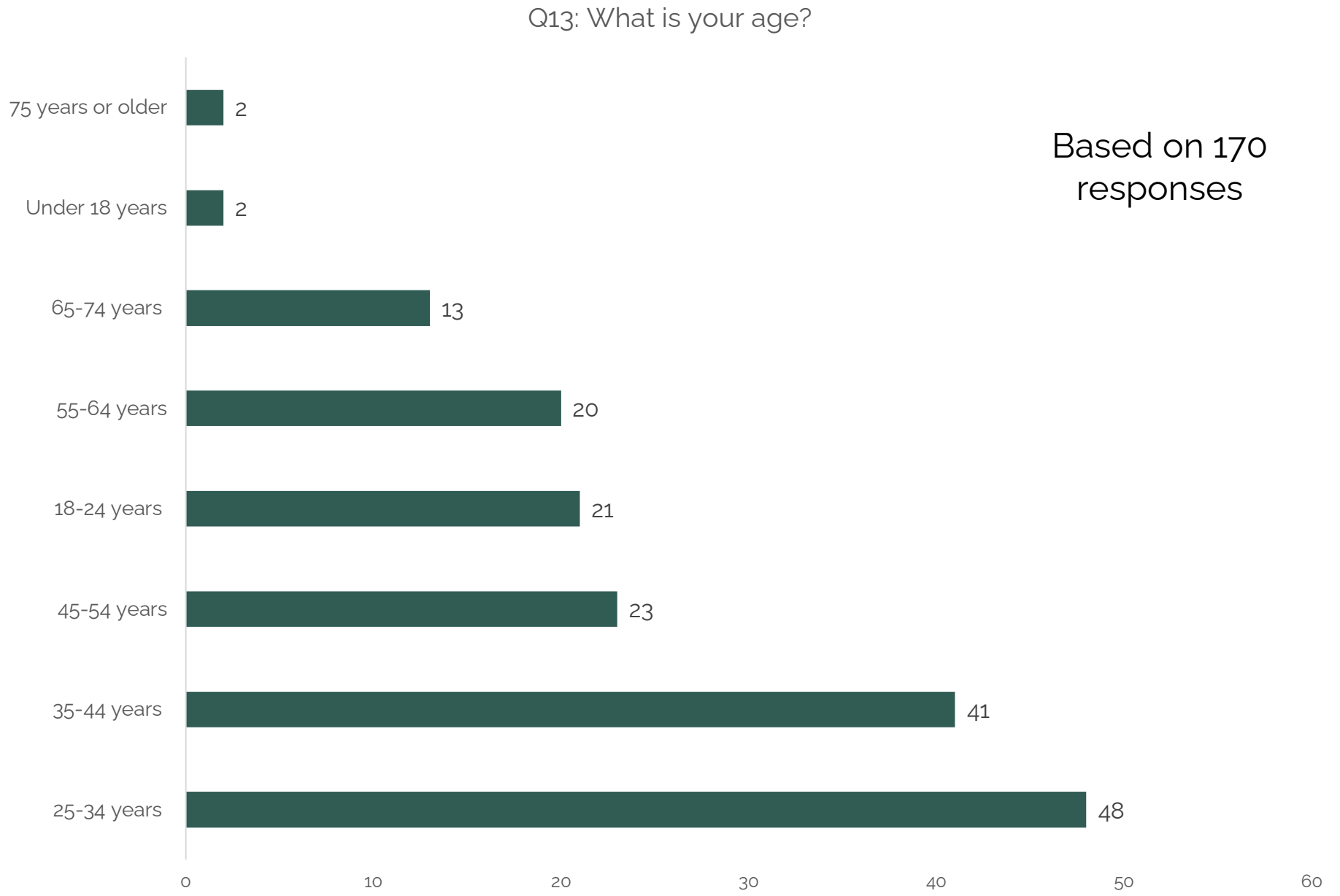


Based on 370 selections made

Question #12 Comments

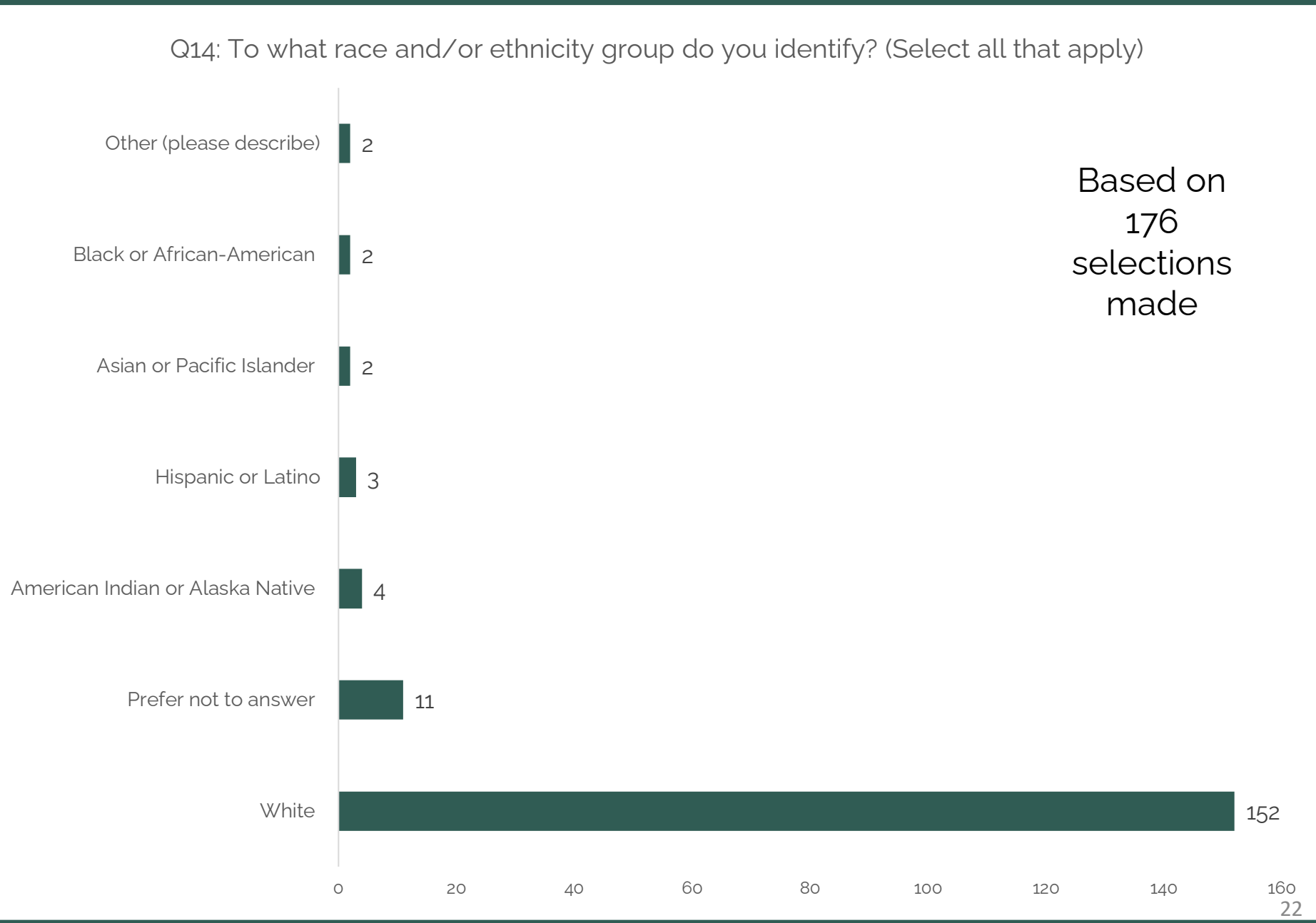
Categories	Comment Count
Tree Impacts	1
Trees and Development	1
Other	3
Invasives	1

QUESTION #13



Based on 170 responses

QUESTION #14


Q14: To what race and/or ethnicity group do you identify? (Select all that apply)
Other (please describe)
2
Black or African-American
2
Asian or Pacific Islander
2
Hispanic or Latino
3
American Indian or Alaska Native
4
Prefer not to answer
11
White
152
0
20
40
60
80
100
120
140
160
Based on 176 selections made

Question #14 Comments

Comment
Middle Eastern
European

Fayetteville, Urban Forest Management Plan



Task C. City Operations and Workflows
~ Staff & Board Member Survey Summary ~

CITY OF FAYETTEVILLE ARKANSAS

9/30/22

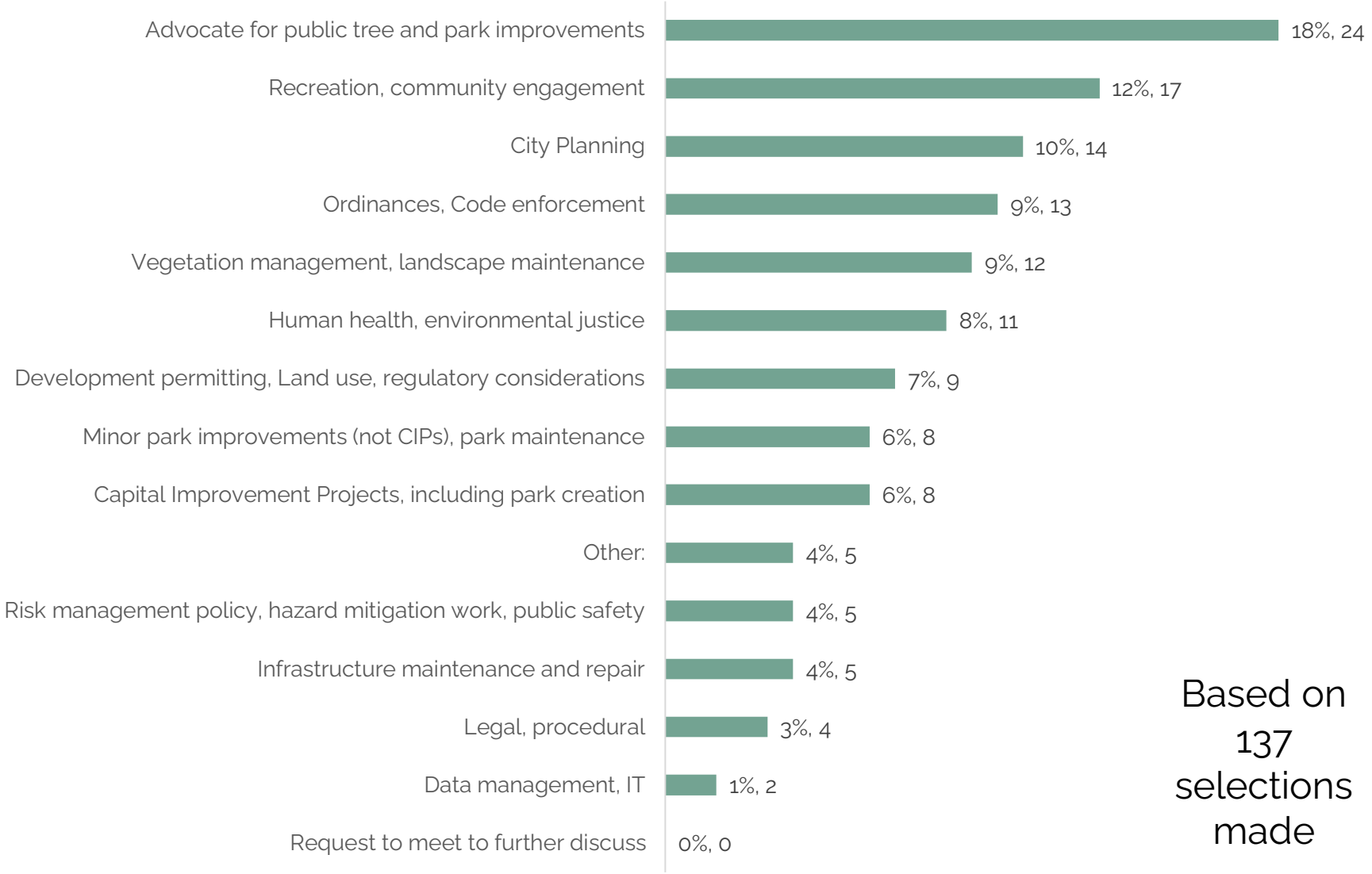
PlanITGeo™ developers of TreePlotter

Survey Overview

Count of Surveys Received
28 of 59 invited (47%)
Survey Timeframe
August 30, 2022 – September 23, 2022
Platform
Google Forms: https://forms.gle/BA67usA5y3RuiAABA

QUESTION #2

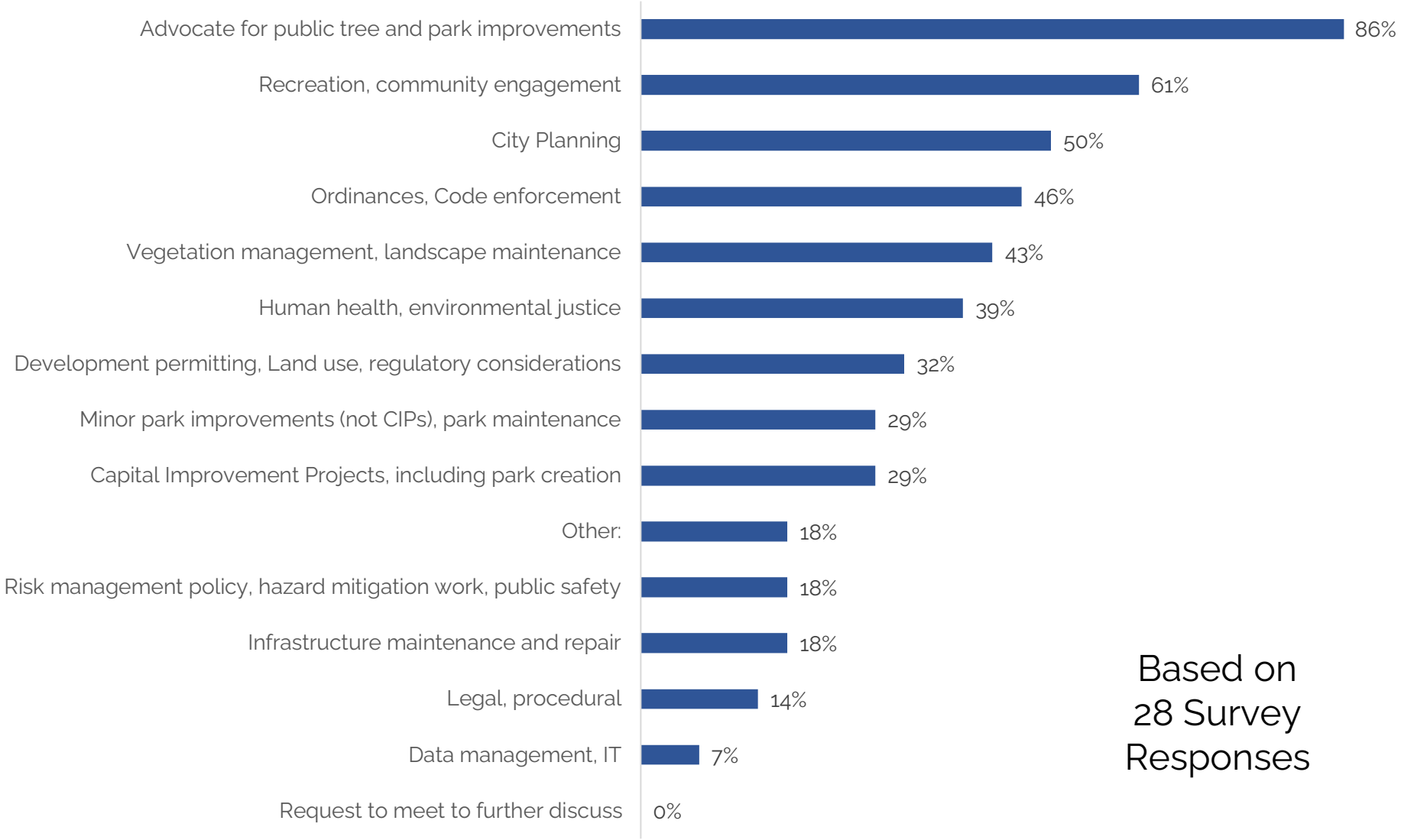
2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



Based on 137 selections made

QUESTION #2

2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



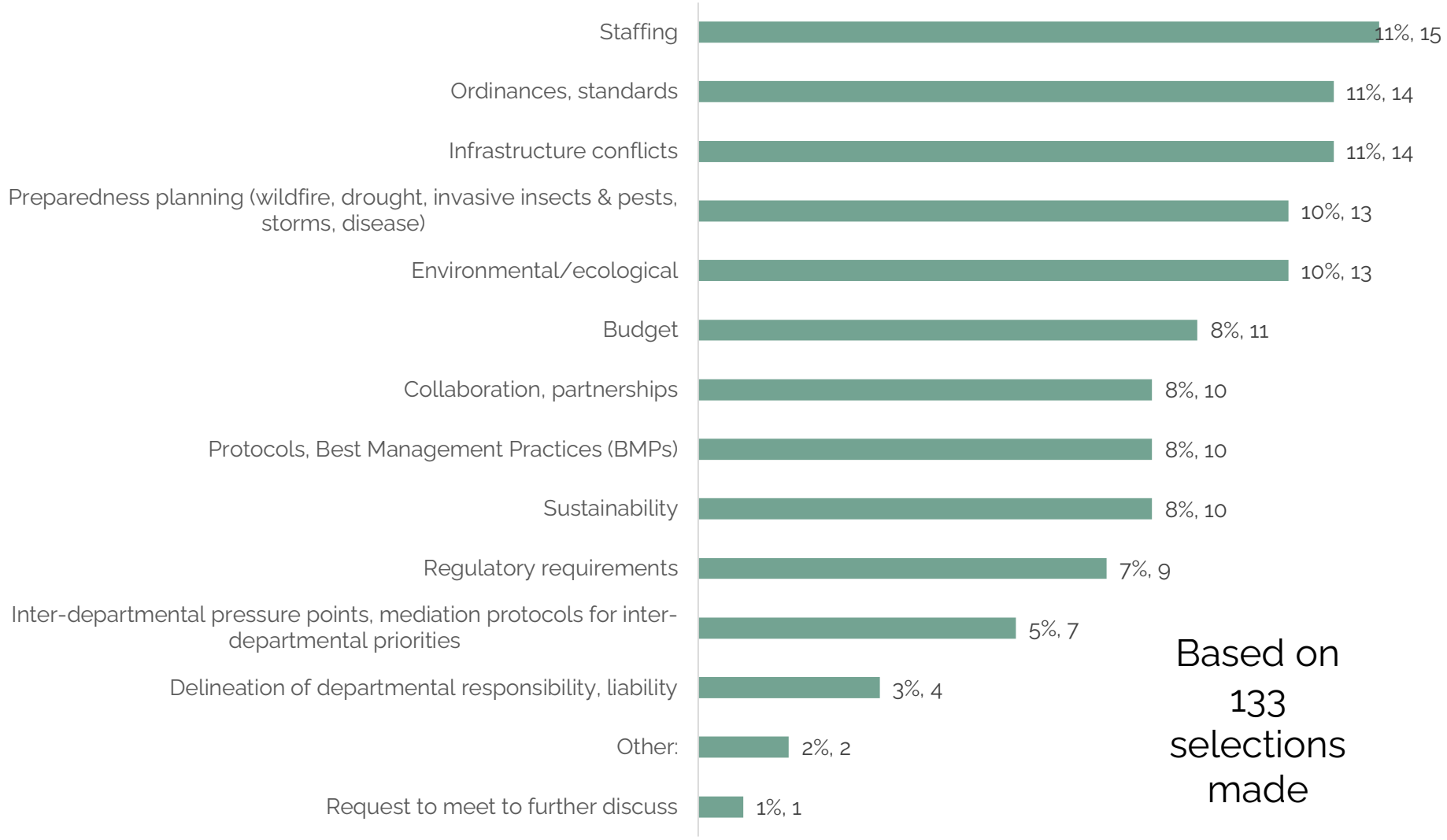
Based on 28 Survey Responses

Question #2 Comments

Name	Comment(s)
	Member of PRAB
	Citizen at large on EAC committee
	use the platform of an outdoor retailer to advocate for public lands and environmental stewardship
	EAC has advisory role to City Council
	Voice for urban forestry goals and missed opportunities in city planning decisions.

QUESTION #3

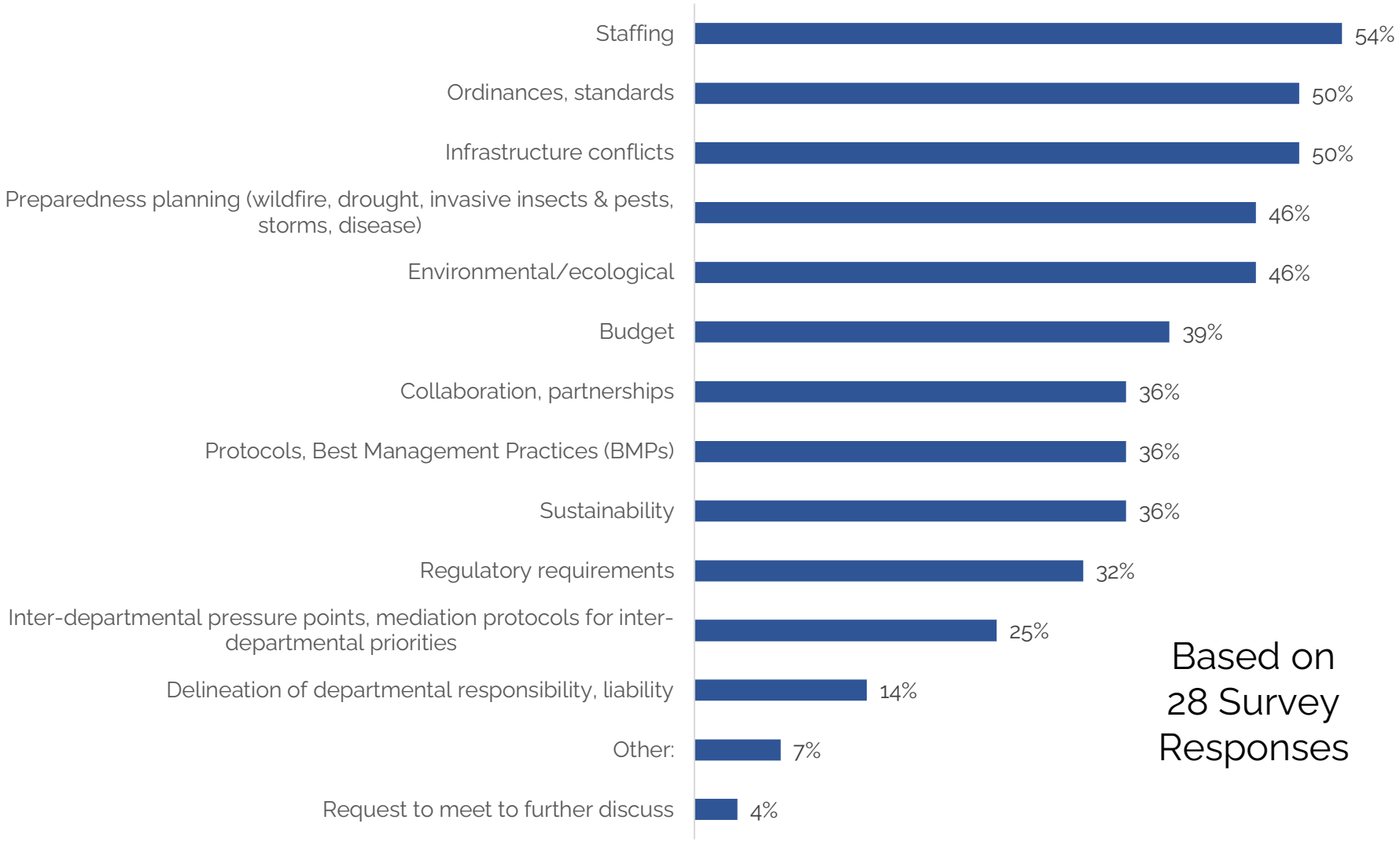
3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 133 selections made

QUESTION #3

3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 28 Survey Responses

Question #3 Comments

Name	Comment(s)
	Poor inventory management
	Replacement of street trees in existing neighborhoods

QUESTION #4

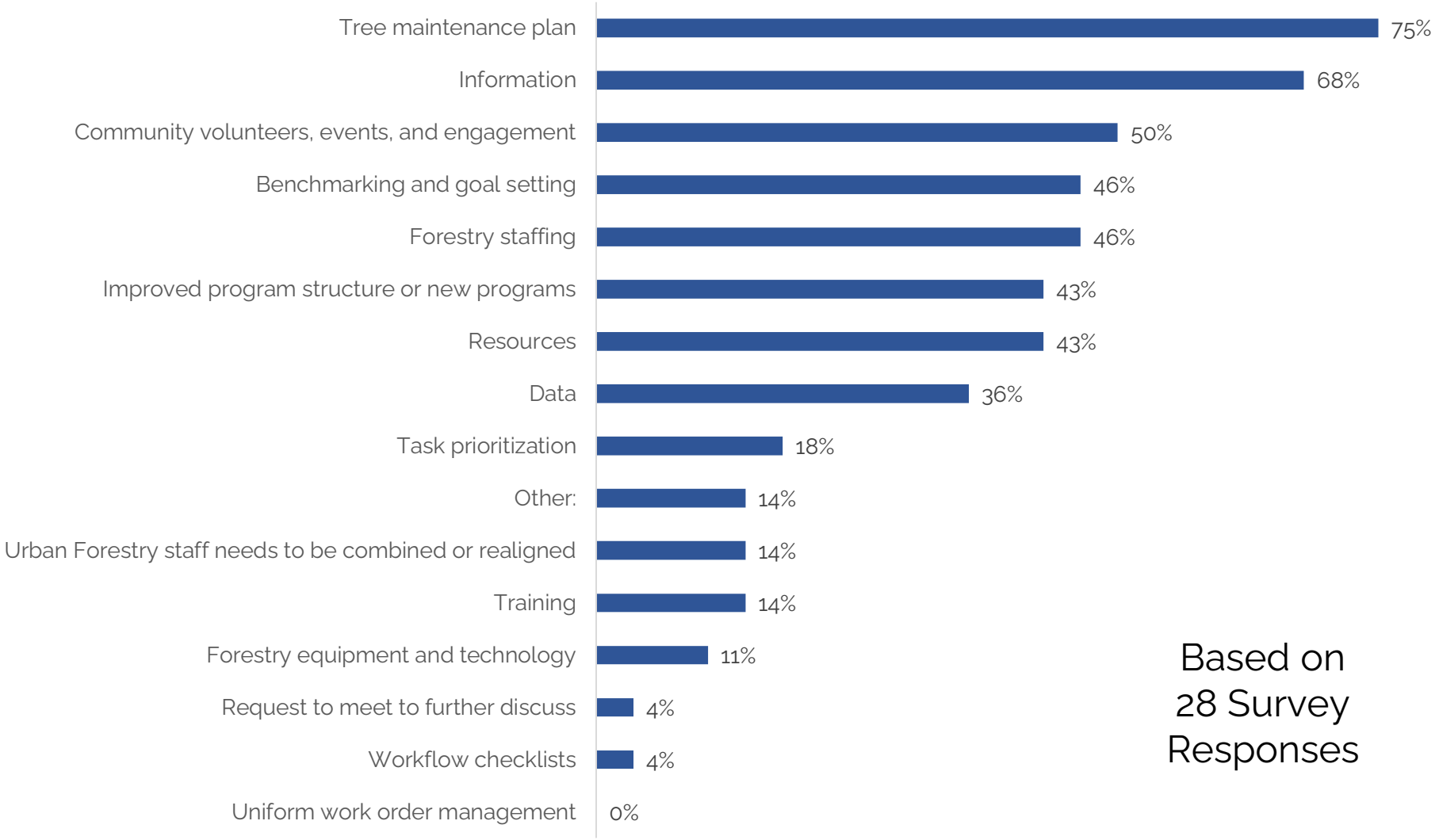
4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



Based on 136 selections made

QUESTION #4

4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



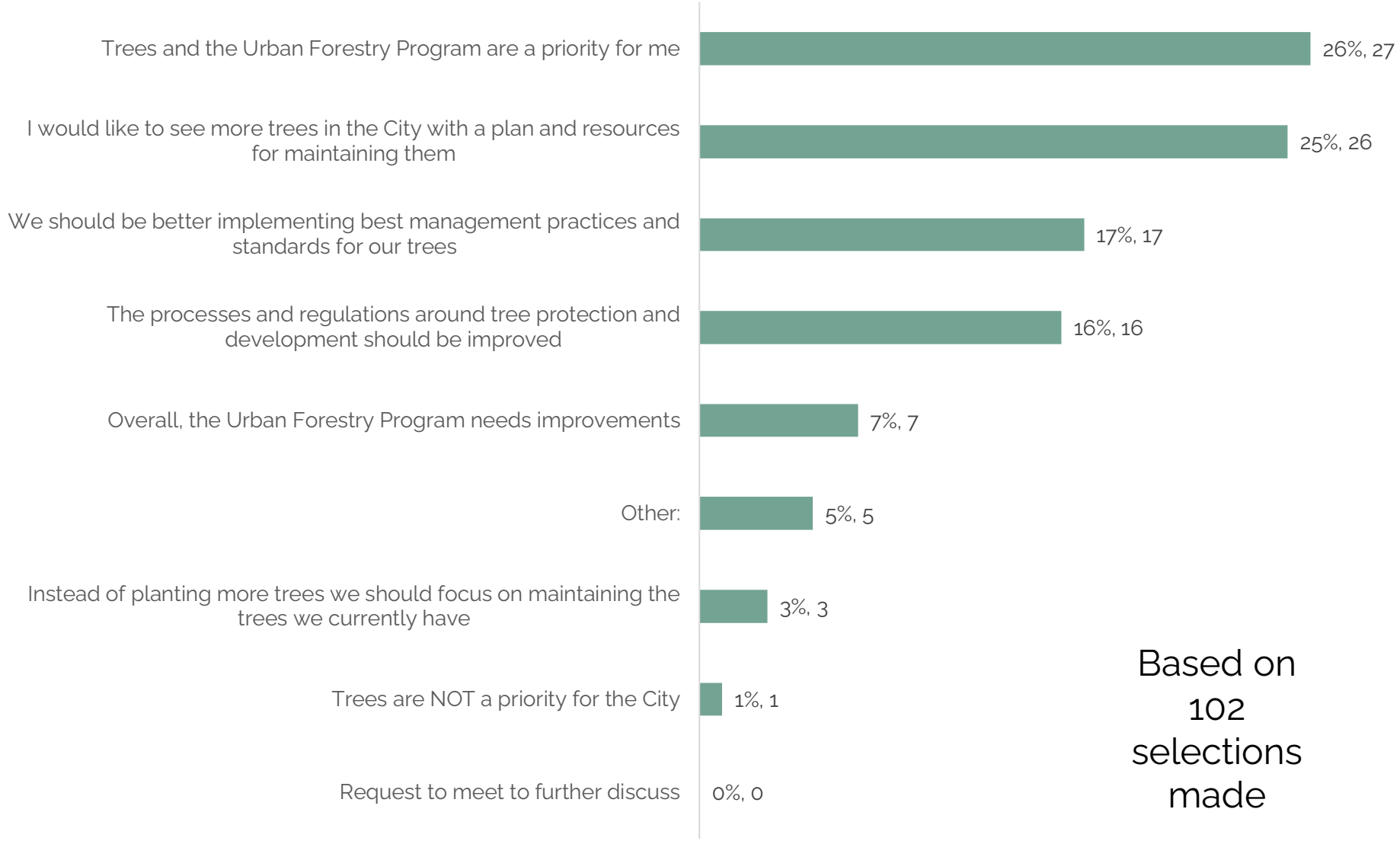
Based on 28 Survey Responses

Question #4 Comments

Name	Comment(s)
	Expand to be "urban ecology"
	Supporting current Forestry activities and preservation/landscaping standards
	Clear understanding of where efforts should be focused and what benefits will be received by increased efforts is warranted.
	Prioritize planting trees that will have the greatest positive impact on other species. For example, prioritize native oaks over Liriodendron (tulip tree)

QUESTION #5

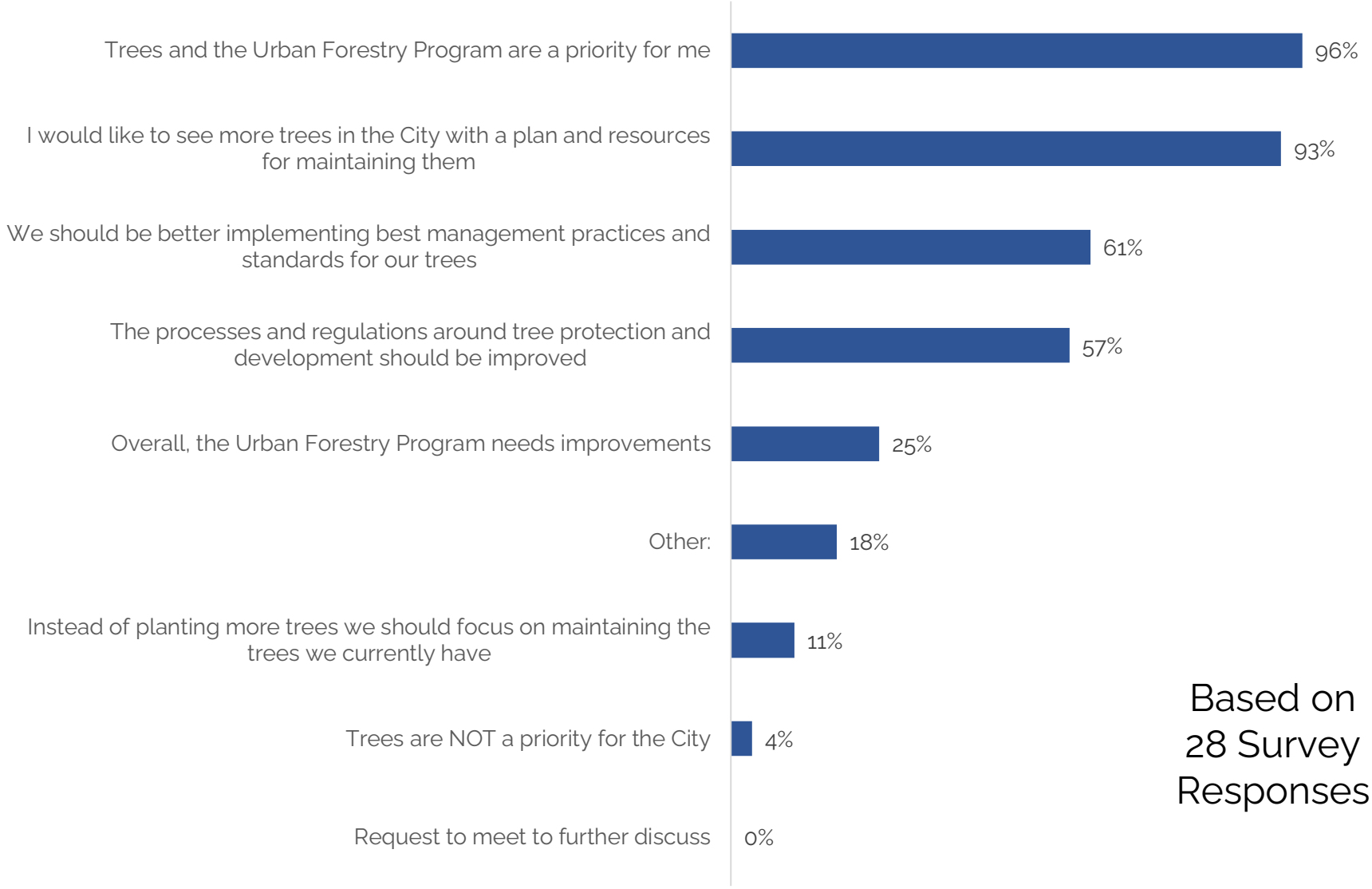
5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



Based on 102 selections made

QUESTION #5

5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



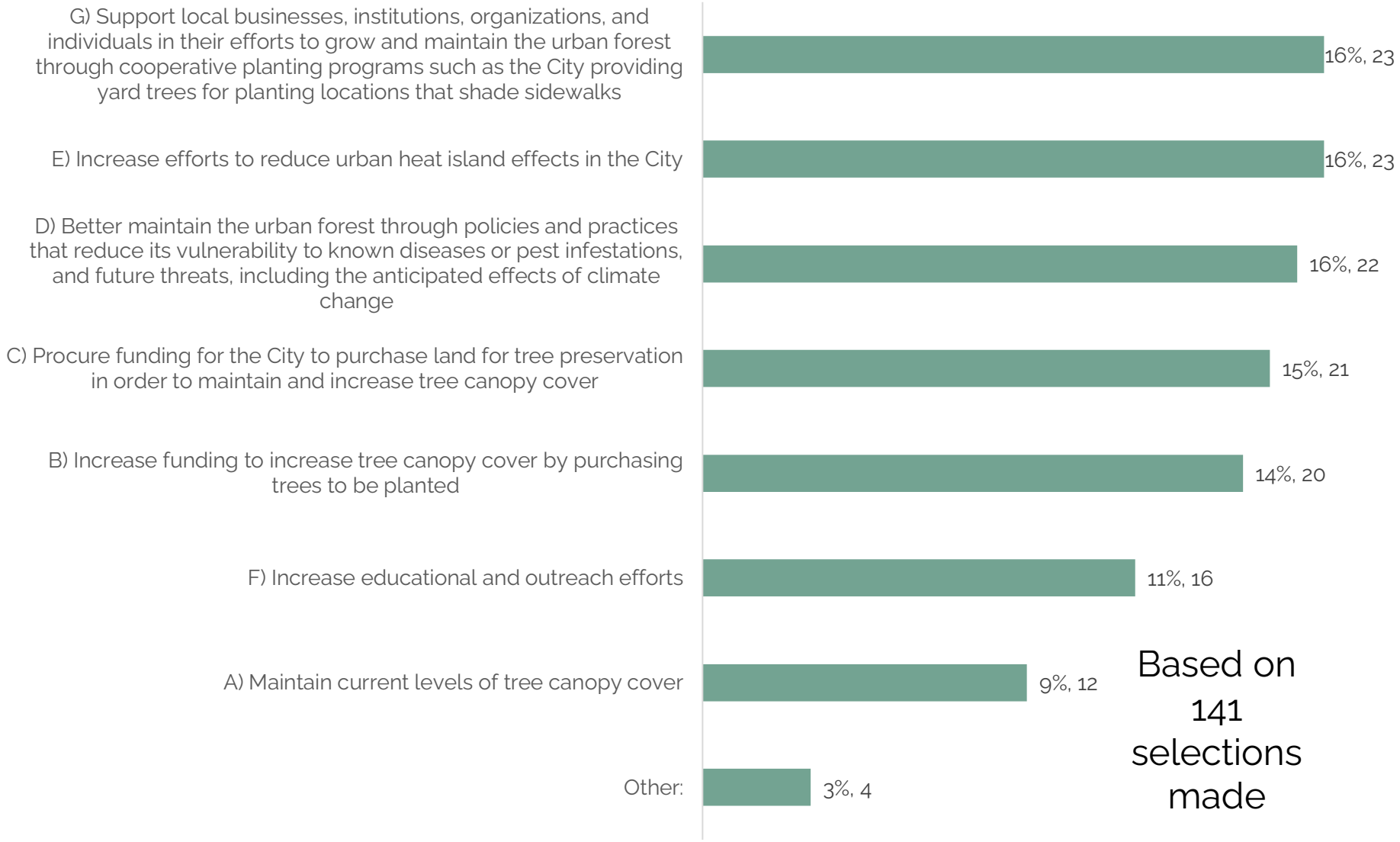
Based on 28 Survey Responses

Question #5 Comments

Name	Comment(s)
	I picked 3 and 4 because I like the idea of more trees but we lack a proper maintenance plan
	Expand to include broader ecological issues
	Street sections need to be reviewed. We are placing trees in spaces that are too confined for long term health of tree and infrastructure.
	We should not just be counting trees on properties that are about to be developed. We should identify large trees with significant environmental value.
	Yes, the Urban Forestry program needs improvements - it needs more resources, more vocal recognition of its value, and deeper integration with utilities and infrastructure and management that reflects that value

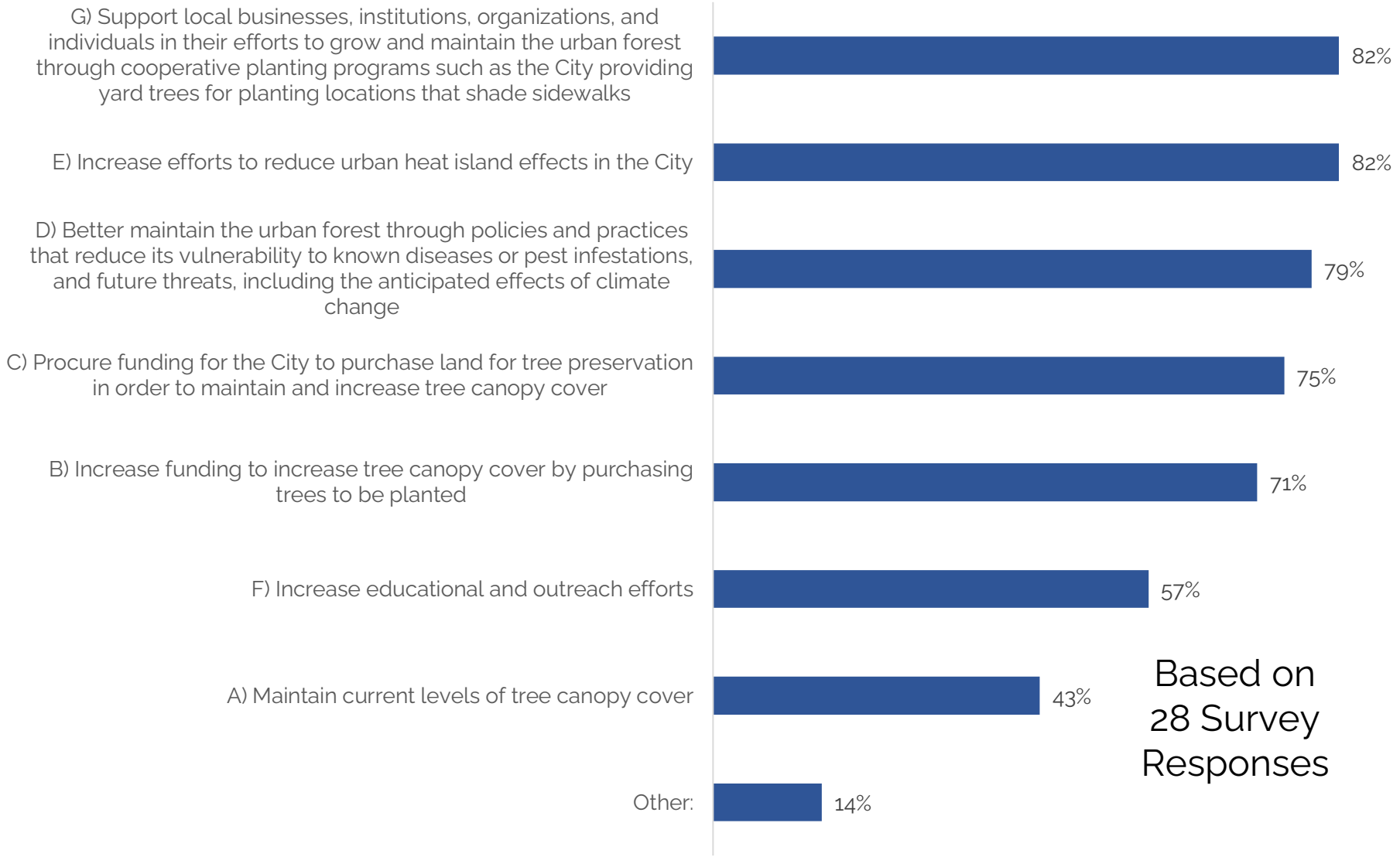
QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?



QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?

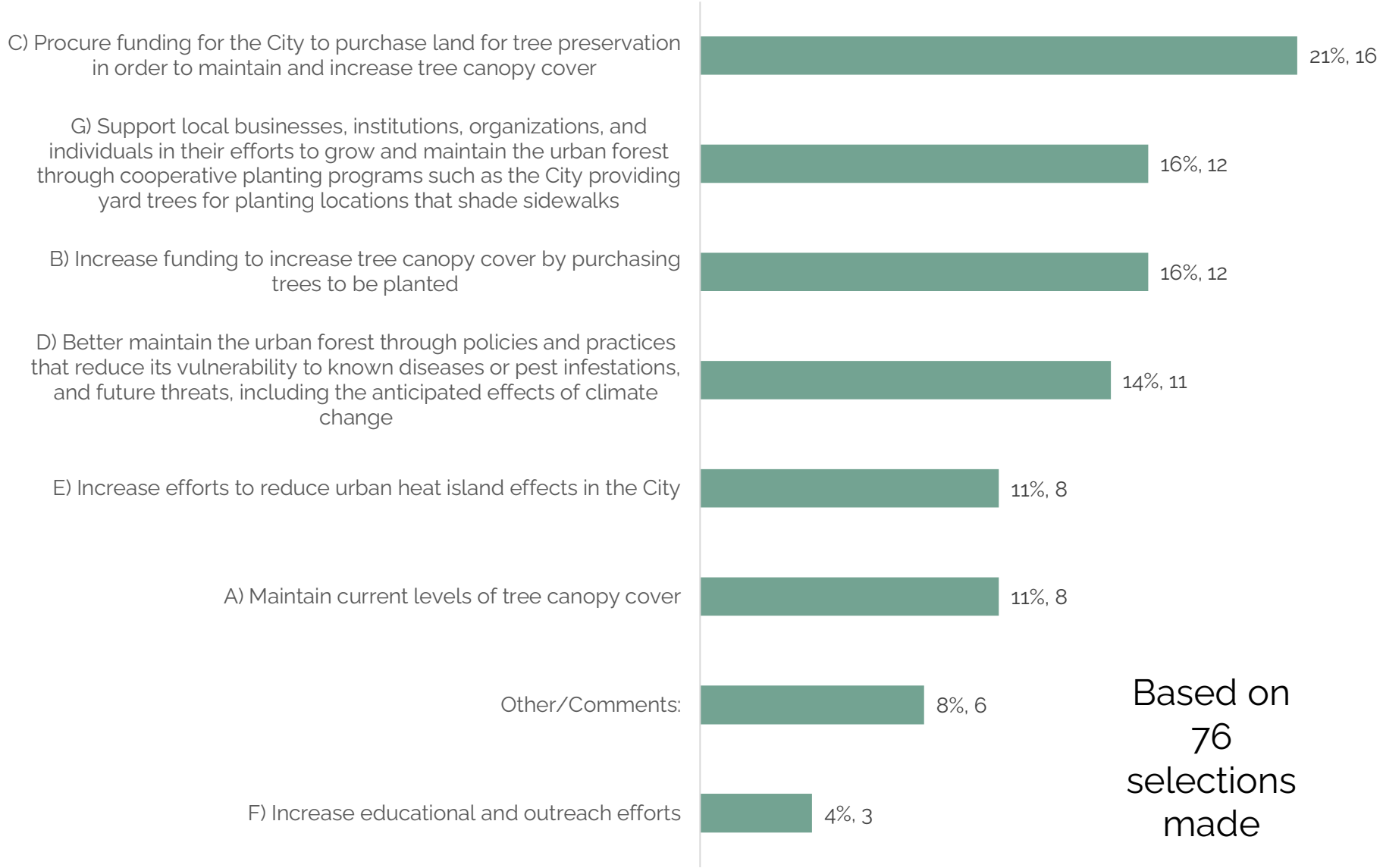


Question #6 Comments

Name	Comment(s)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	I agree with A) as a percent of the City under canopy, but not necessarily the existing canopy.
	Determine what is a reasonable canopy goal for the city based on land use, growth, and evnironmental/health benefits.
	Integration of urban ecology, of which forestry is a subset, into the value decisions of the mayor and city council, into budgeting and staffing, and into workflows of utilities and engineering

QUESTION #7

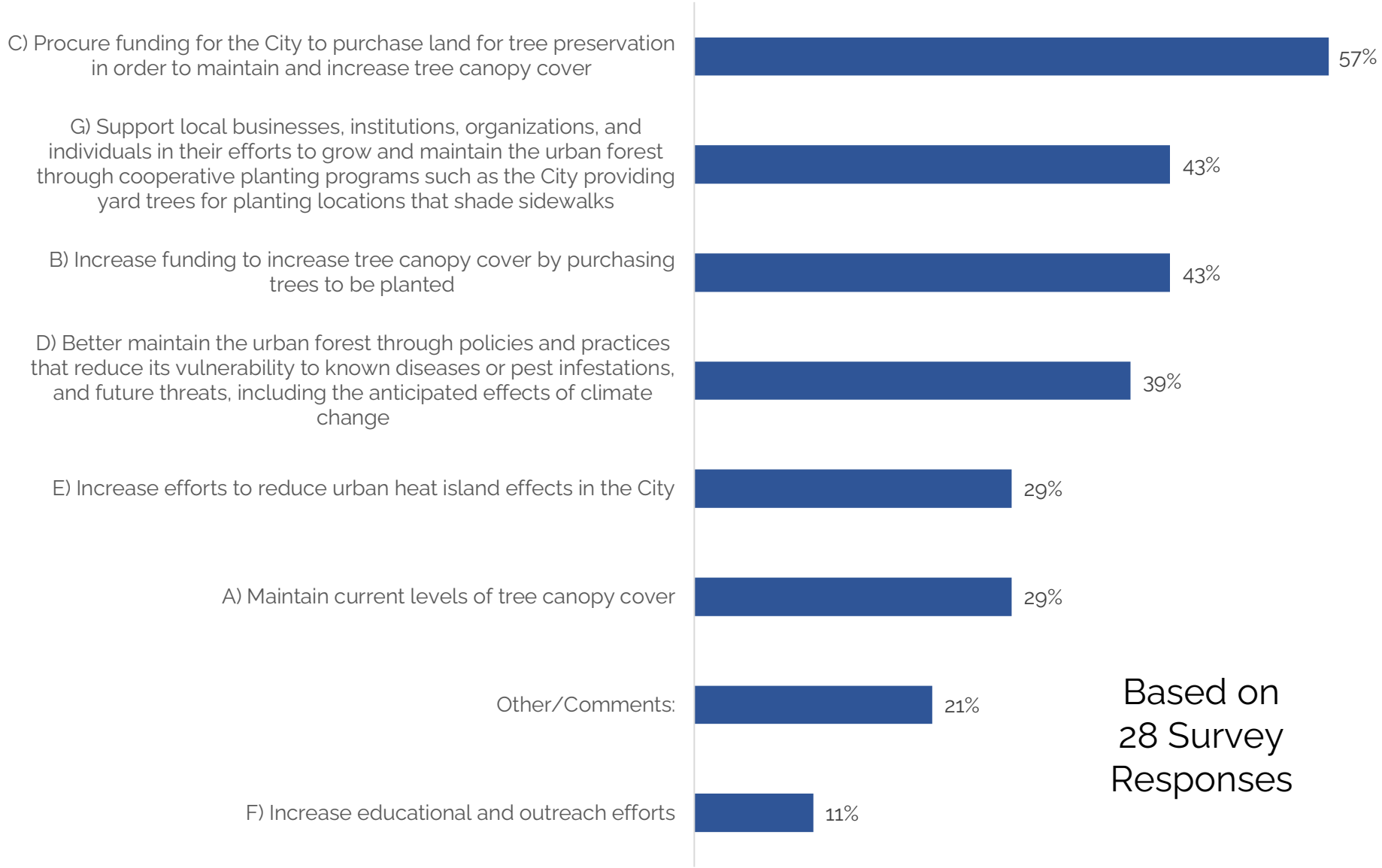
7. From the list above, what are the three (3) most important goals (list letter)?



Based on 76 selections made

QUESTION #7

7. From the list above, what are the three (3) most important goals (list letter)?



Based on 28 Survey Responses

Question #7 Comments

Name	Comment(s)
	Large gap between C (procure funding…) and G (support local businesses…)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	and B (increase funding…)
	and F (increase educational…)
	I agree with A) (maintain current levels of UTC…) as a percent of the City under canopy, but not necessarily the existing canopy.
	Other: Integration and expansion of Urban Forestry through the city's organization

Fayetteville Urban Forestry Management Plan


Source: Shutterstock

US Forest Service Urban Forest Audit
~ Adapted for Fayetteville, AR ~

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

August 2023

URBAN FOREST AUDIT SYSTEM: OVERVIEW

U.S. Forest Service's
Urban Forest Sustainability & Management Audit System

Information Gathering & Discovery

- Measure City's readiness for improved urban forest management, use of the Discovery Matrix
- Document Index of discovered resources
- 11 Categories, 129 planning elements
  1) Management Policy & Ordinances
  2) Capacity and Training
  3) Funding and Accounting
  4) Decision & Authority
  5) Tree Inventories
  6) Urban Forest Plans
  7) Risk Management
  8) Disaster Planning
  9) Standards and Best Practices
  10) Community
  11) Green Asset Evaluation

Audit Process (example only)

Category & Element	Count
Management Policy and Ordinances	30
Professional Capacity and Training	3
Funding and Accounting	4
Decision and Management Authority	3
Inventories	14
Urban Forest Management Plans	13
Risk Management	4
Disaster Planning	4
Standards & Best Management Practices (BMPs)	39
Community	28
Green Asset Evaluation	10

Category: Management Policy & Ordinances		
#	Subcategory	Document/Resource
1.02	Climate Change (Sustainability)	Tree Policy Manual Sustainable City Plan
1.03	No Net Loss	Tree Policy Manual
1.04	Risk Management	Tree Policy Manual
1.05	Tree Canopy Goals	Sustainable City Plan General Plan

URBAN FOREST AUDIT SYSTEM: DOCUMENT INDEX

Documents Evaluated and Recorded in the Index

#	Resource	Information Gathered / Application
1	City Plan 2040 Comprehensive Plan	Public survey conducted, tree canopy section 8.3 (p89), climate change and canopy, urban forest benefits, ordinance, UFAB (formerly Tree and Landscape Advisory Committee est. in 1993)
2	Tree Preservation & Landscape Manual	Contains recommended tree list
3	Code of Ordinances - Chapter 167 Tree Preservation and Protection	
4	Code of Ordinances - Chapter 177 Landscape Regulations	Contains list of invasive plant species
5	Tree Preservation Standard Detail	
6	Tree List from Arkansas Native Plant Society	
7	Significant Trees List & Classifications	
8	Tree Canopy Cover and Environmental Equity	
9	Adopted Annual Budget & Work Program	Contains statement on 40% canopy goal (based on Energy Action Plan), lists trees planted, lists trees mitigated and preservation acres
10	2022 Q1 Executive Management Report	Nothing to report
11	Adopted Five Year Capital Improvements Plan 2021-2025	
12	"Fayetteville First" Strategic Plan	
13	Energy Action Plan	Chapter 1 Greenhouse Gas Reduction & Climate Change; Chapter 3 Buildings, Strategy #5 - UHI mitigation (p40); Chapter 3 Buildings Strategy 2, Make Existing Single-family & Multi-family Dwellings More Efficient; Ch 3 Buildings Strategy 4, Conduct a Community-Wide Tree Canopy Assessment and Set a Tree Canopy Coverage Percentage Goal (p39); Ch 3 Cross-Sector Strategy 1, Integrate Resilience and Adaptation Considerations into Planning and Policy Decisions -- investigate feasibility of a stormwater utility to improve green infrastructure
14	Master Street Plan (excerpt from City Plan 2040)	
15	City Plan 2040 Public Survey	Q11) "please help the City understand which of the following amenities, characteristics, or public improvements should be prioritized in association with infill" -- responses greatly supported making the neighborhood they want to live in, projects are friendly to pedestrians, and public amenities (traffic calming, pathways, open spaces)

Example of the resources reviewed and documented in the Document Index

A total of 66 documents were gathered for the research and information discovery phase of the UFMP project. Based on the research, there were a total of 326 instances where elements in the Audit were referenced in the 66 documents. An example of the document index is provided above. For a complete listing, see the “Fayetteville Urban Forest Audit” spreadsheet.

Urban Forest Audit System: Discovery Matrix

Example of the Documents and References to Audit Elements

Management Policy and Ordinances	
Climate Change (Sustainability)	City Plan 2040 Comprehensive Plan Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 "Fayetteville First" Strategic Plan Energy Action Plan Active Transportation Plan Mobility Plan Fayetteville Downtown Master Plan Walker Park Neighborhood Master Plan Weddington Corridor Plan Economic and Labor Force Analysis - Appendix B Draft Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B University of Arkansas Office for Sustainability - Plants - Current Projects
No Net Loss	Tree Canopy Cover and Environmental Equity
Risk Management	Code of Ordinances - Chapter 167 Tree Preservation and Protection Adopted Annual Budget & Work Program Mobility Plan
Tree Canopy Goals	City Plan 2040 Comprehensive Plan Tree Preservation & Landscape Manual Code of Ordinances - Chapter 167 Tree Preservation and Protection Tree Canopy Cover and Environmental Equity Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 Energy Action Plan Mobility Plan Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B City Website Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester) Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester)

Discovery Matrix example for Fayetteville documents relating to Management Policy

Once the documents were indexed, each of the 66 resources were reviewed and cross-examined with the Audit's Discovery Matrix categories (11) and elements (130). An example of the process is shown on the left. For the "Management Policy and Ordinances" category, documents are listed in the green cells that mention or relate to the category's elements including "Climate Change", "No Net Loss", "Risk Management", and "Tree Canopy Goals". Any reference to the element within a document was given a "1" to enable a count of the total references to urban forestry per document, per element.

Audit Category	Documents with Reference
Management Policy and Ordinances	104
Professional Capacity and Training	4
Funding and Accounting	10
Decision and Management Authority	40
Inventories	18
Urban Forest Management Plans	7
Risk Management	12
Disaster Planning	2
Standards & Best Management Practices (BMPs)	109
Community	20
Green Asset Evaluation	N/A
TOTAL COUNT	**326**

URBAN FOREST AUDIT SYSTEM: PROCESS



RESEARCH DEEP DIVE: Existing plans, ordinances, practices

CITY CONSULTATIONS: Workflows, operations, services, best practices, standards, challenges, opportunities

EXISTING CONDITIONS: Inventory analysis, ecosystem benefits, trends, maintenance needs, planting, preservation

BENCHMARKING: Establish baseline metrics for comparison and monitoring ($ per tree, staff per tree, etc.)

COMMUNITY ENGAGEMENT: Existing and potential partners, recommendations, public meeting

URBAN FOREST AUDIT: Systematic evaluation from which goals and actions are developed and can be monitored

URBAN FOREST AUDIT SYSTEM: PROCESS

Category: Management Policy & Ordinances			
Element	*Subcategory*	*Description or Criteria for Evaluation*	*Assigned Status**
1.01	Climate Change (Sustainability)	With reference to urban trees, addresses the long-term health and productivity of the natural resource.	Score: 2 "Adopted Common Practice"
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Score: 2 "Adopted Common Practice"
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP and prioritization funding mechanisms.	Score: 2 "Adopted Common Practice"
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	

EXAMPLE

0) Not Practiced
1) In Development
2) Adopted Common Practice
3) Exceeds Common Practice

*For each subcategory that is evaluated, 0 points are attributed if the component doesn't exist or is not practiced; 1 point is given if the component is in development; 2 points are given if the component is routinely practiced; and 3 points are given if the practice is exceeded. The points can then be totaled for an overall score.

URBAN FOREST AUDIT SYSTEM: OUTCOMES

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	75%	50%	15	54%
2	Professional Capacity and Training	100%	NA	13	81%
3	Funding and Accounting	100%	NA	6	50%
4	Decision and Management Authority	100%	50%	7	88%
5	Inventories	NA	25%	12	46%
6	Urban Forest Management Plans	NA	50%	11	46%
7	Risk Management	100%	100%	16	89%
8	Disaster Planning	NA	100%	13	93%
9	Standards and BMPs	100%	69%	44	73%
10	Community	100%	NA	24	86%
11	Green Asset Evaluation	NA	NA	17	85%
Total		**96%**	**63%**	**178**	**70%**

EXAMPLE

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Score Key

Color	Rank	Description	Ranking Rationale / Considerations
Blue	Category and element description		
Light Red	0) Not Practiced	No mention of the audit element in any documents, nothing uncovered during staff consultations, not in development as part of the UFMP project.	Describes the considerations that influenced the ranking
Yellow	1) In Development	The audit element is either mentioned in various documents but needs improvements or it is being addressed as part of the UFMP project.	Describes the considerations that influenced the ranking
Green	2) Adopted Common Practice	The audit element is mentioned in various documents, and it aligns with industry standards and best practices.	Describes the considerations that influenced the ranking

URBAN FOREST AUDIT SYSTEM: MANAGEMENT POLICY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
1.00	**Policy**	**Written policy statements approved by a governing body.**	
1.01	Urban Heat (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.	Most documents that mention sustainability relate to development not trees though Chapter 167 Tree Preservation & Protection ordinance exists
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Not specifically mentioned but ordinances have mitigation requirements
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.	No document specifically calls out standards, protocols, or staff trained for tree risk management
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	Energy Action Plan has a stated goal of 40%
1.05	Tree Protection	Construction and/or landscape maintenance.	Ordinances, critical root zone mentioned in various permit documents, construction standards
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).	No policy in place for utility pruning was found but permits require identifying location of underground utilities
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g. exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.	Benefits of trees are stated in various documents but less emphasis on heat reduction and human health
1.08	Wildlife Diversity / Habitat / Protection	Mammals, birds, or reptiles.	Comprehensive Plan and other plans have strategies and policies for preserving and conserving natural resources for wildlife
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.	Performance metrics in budget documents. Specific KPIs to be developed as part of the UFMP
1.10	Ordinance (Private)	Tree protection and management for trees on private property.	Ordinances are in place but will be reviewed with recommendations as part of the UFMP. City has the Tree Preservation & Landscape Manual
1.11	Ordinance (Public)	Tree protection and management for public trees.	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.	The Comprehensive Plan focuses heavily on conservation and easements
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.	Wildfire management is not covered in the documents but invasive species management is

URBAN FOREST AUDIT SYSTEM: CAPACITY & TRAINING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
2.00	**Professional Management**	**Provision for professional consultation.**	
2.01	Certified Arborist - Staff	International Society of Arboriculture	Urban Foresters in Parks, Public Works, and Development
2.02	Certified Arborist - Contracted	International Society of Arboriculture	Chapter 167 identifies and recognizes ISA Certified Arborists
2.03	Certified Arborist - Other Resource	International Society of Arboriculture	Supporting staff with ISA credentials
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.	City to provide input
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar	City to provide input
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar	City to provide input
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.	City to provide input, trainings and resources are available on the website ("Citizen Tree Care Resources")
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar	Unsure of the training and background of members on the Urban Forestry Advisory Board, Environmental Action Committee, or the Keep Fayetteville Beautiful Committee
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).	City to provide input but improvements will be recommended in the UFMP

URBAN FOREST AUDIT SYSTEM: FUNDING & ACCOUNTING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
3.00	**Urban Forestry Budget**		
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.	Urban Foresters and programs clearly listed in budget line items
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.	City to provide input
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?	Line items for the Urban Forestry staff, clear line items for Forestry & Habitat plus events, and Tree City USA reporting documents
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.	City to provide input

Urban Forest Audit System: Authority

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
4.00	**Authority**		
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.	"Urban Forester" mentioned frequently in documents stating authority, role, and communications protocols
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.	Clearly defines the role of the Urban Forester
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).	City to provide input
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).	Urban Forestry Advisory Board

URBAN FOREST AUDIT SYSTEM: INVENTORIES

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
5.00	**Inventories and Assessments**		
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.	2012, 2013, 2015, 2017, 2019 canopy assessments
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.	The sample inventory and canopy data were collected / provided to conduct the analysis as part of the UFMP
5.03	Public Trees ↓	↓ Evaluate below ↓	↓
5.04	Street Trees	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?	No inventory located except for the public/private sample inventory in 2022
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	No inventory located except for the public/private sample inventory in 2022
5.07	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services.	Guidance to be provided in the UFMP
5.08	Private Trees ↓	↓ Evaluate below ↓	↓
5.09	Campus (Educational)	Is there a recent (5 year) inventory?	University of Arkansas has a tree inventory and online map
5.10	Corporate	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.11	Other Private Property	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.12	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services).	Guidance to be provided in the UFMP
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)	Water Master Plan but not specific to green infrastructure or stormwater. Energy Action Plan has a strategy to investigate feasibility of a stormwater utility to improve green infrastructure
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, etc.	Canopy Assessments and tree inventory provide spatial data. Guidance to be provided in the UFMP
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.	City to provide input

URBAN FOREST AUDIT SYSTEM: PLANS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
6.00	**Management Planning**		
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.	City to provide input
6.02	Public Trees ↓	↓ Evaluate below ↓	↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?	Guidance to be provided in the UFMP
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?	Parks Master Plan in development as of January 2023
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	Guidance to be provided in the UFMP
6.06	Private Trees ↓	↓ Evaluate below ↓	↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?	TBD whether University of Arkansas is a Tree Campus USA campus
6.08	Corporate	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.09	Other Private Property	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.	Energy Action Plan mentions stormwater utility for green infrastructure
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.	Comp Plan, Energy Action Plan, Parks Master Plan (in progress), neighborhood plans
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.	Guidance to be provided in the UFMP
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?	Section 8.3 of the Comprehensive Plan is "Tree Canopy" and describes the role urban forests play in climate change, stormwater, etc.
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)	Guidance to be provided in the UFMP. Conducting this Audit is one approach to Criteria & Indicators

URBAN FOREST AUDIT SYSTEM: RISK MANAGEMENT

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
7.00	**Risk Management Activities**		
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.	City to provide input
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.	City to provide input
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.	City to provide input
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?	City to provide input
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.	City to provide input
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.	City to provide input
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?	City to provide input
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.	City to provide input
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.	10 documents mention invasive management, prohibited trees, recommended trees, Arkansas Native Plant Society tree list, among others

URBAN FOREST AUDIT SYSTEM: DISASTER PLANNING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
8.00	**Disaster Planning Activities**		
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.	City to provide input, Fayetteville Emergency Operations Plan is in place
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.	Nothing found at the county level, City to provide input
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).	No plan identified, City to provide input
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.	City likely has a structure in place, City to provide input
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.	City to provide input
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).	City to provide input
8.07	Urban Forest Strike Team	Participation in the UFST project.	City to provide input

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**Standards & BMPs**		
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population	No specific mention about age diversity but species diversity is recognized
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).	Tree ordinances reference best practices, website lists standards, Comprehensive Plan lists BMPs, Tree Preservation Manual, Tree Preservation Standard Detail
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.	Ordinances list requirements, City website has resources, Structural Soil Detail includes guidance
9.06	Lightning Protection	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.07	Planting	Planting and transplanting standards required/specified.	Listed in ordinances, Tree Preservation Standard Detail, website, Tree Planting on Slope Detail
9.08	Pruning	Pruning standards required for conserved & planted trees.	Listed in ordinances, Tree Preservation Manual, Tree Preservation Standard Detail, City website
9.09	Removal	Infrastructure damage, stump grinding, etc.	Guidance listed in Chapter 167 and City website
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.	Risk mentioned in Ch. 167 but should be evaluated as part of the UFMP
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).	Critical root zone, tree protection zones, critical root zone addressed in ordinances, Tree Preservation Manual, City website, and Tree Preservation Standard Detail
9.13	Design Standards	Standards for design that specifically require trees; standards for placement, soil treatment, and/or drainage.	18 documents have standards listed for development that impacts trees and landscaping (Comp Plan, Tree Manual, Ordinances, Active Transportation Plan, neighborhood plans, others)
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.	City website has a list and references the Arkansas Native Plant Society Tree List

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS CONT.

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**ANSI Standards & BMPs**	**CONTINUED**	
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.	Energy Action Plan recommends stormwater utility for green infrastructure, other plans reference stormwater management and GI
9.16	Inventory Data Collection	Adopted or developed standards for tree inventory data collection	Guidance to be provided in the UFMP
9.17	Minimum Planting Volume	Minimum required root zone volume.	Tree Preservation & Landscape Manual provides standards and BMPs
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.	Tree Preservation & Landscape Manual notes the 2" minimum caliper
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).	Tree Preservation & Landscape Manual plus 5 other documents note this
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard	No specific standards for safety around trees. Guidance to be provided in the UFMP
9.21	Topping	Prohibits topping or other internodal cuts (public & private).	Chapter 167 restricts topping
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, or preferred species (native and non-native species); alternatively, a list of species prohibited.	Tree Preservation & Landscape Manual, ordinances, significant trees list, City website, and others list the recommended or required trees
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.	Tree Preservation & Landscape Manual notes the ANSI standard for nursery stock
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.	Chapter 167 and City website mention utility management but could be expanded as part of the UFMP
9.25	Urban Agriculture	Enabled urban food forestry practices.	Guidance to be considered for the UFMP
9.26	Wood Utilization	Larger diameter material is processed for wood products.	Guidance to be considered for the UFMP
9.27	3rd party forest certification	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™	Guidance to be considered for the UFMP
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities.	Guidance to be considered for the UFMP
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.	No mention of debris management, guidance to be considered for the UFMP
9.30	Watering Standards		Various documents state the watering requirement post-planting. Additional guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: COMMUNITY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
10.00	**Community Building**		
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?	City website, social media, Speak Up Fayetteville
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.	Resources on City website, Tree Manual
10.03	Private Property Tree Program	Does your community sponsor this program locally?	To be addressed in the UFMP
10.04	Public-facing Inventory Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).	2022 sample tree inventory used a public facing software program but trial subscription ended. City does have online portal of canopy assessment maps
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?	Comprehensive Plan included a survey. Ongoing public feedback recommendations to be provided in the UFMP
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.08	Arboretum designation	Internal or third party arboretum designation.	University of Arkansas tree inventory and Arboretum Mapping Project, Botanical Garden of the Ozarks
10.09	Significant trees	For example: size, history.	No Heritage or Significant Tree Ordinance but City has Significant Trees on website
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.	City to provide input. City has tree giveaways, and tree donations
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?	Several posts about urban forestry but additional guidance to be provided in UFMP
10.12	Active Communications	Press releases, regular news articles (print), "State of the Urban Forest" reports, periodic analysis of threats and opportunities.	Additional guidance to be provided in the UFMP
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).	Volunteer program and events, invasive species removal, City website with resources for tree care
10.14	Tree City USA®	Community/campus meets current qualifications for any of these programs.	27 years as TC USA with 9 Growth Awards
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.	Volunteer programs and events

URBAN FOREST AUDIT SYSTEM: GREEN ASSET EVALUATION

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
11.00	**Observed Outcomes**	**Based on an analysis of tree inventories**	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.02	Genus Diversity	No genera exceed **20%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.	Based on the sample inventory in 2022, 31% are oaks, 15% elms, 8% maples. Guidance to be provided in the UFMP
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.	Based on the sample inventory in 2022, the highest percent of recommended tree work is pruning for clearance (8%). Guidance to be provided in the UFMP
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.	Only 6% of the trees inventoried in 2022 have a clearance conflict (2% pedestrian, 1% building, 1% light, 1% sign or signal). Guidance to be provided in the UFMP
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.	Only 0.3% of trees inventoried in 2022 were noted as causing sidewalk damage. Guidance to be provided in the UFMP
11.07	Species Diversity	No species/cultivars exceed **10%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.	Based on the sample inventory in 2022, no species exceed the 10% threshold. 7% are Princeton elms, 6% post oaks, 6% willow oaks, 5% pin oaks, and 4% blackgums. Guidance to be provided in the UFMP
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.	Based on the sample inventory in 2022, 75% of public trees are in good condition, 15% in fair condition, 5% poor, and 5% dead. Guidance to be provided in the UFMP
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').	Based on the sample inventory in 2022, only 3 trees (0.1%) require structural pruning at a young age. Guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: SUMMARY

Final Audit Results

Note, the audit may be kept internal and is only meant to serve as a preliminary evaluation to support the development of the Plan's goals and strategies though it may serve as a UFMP implementation monitoring tool

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision and Management Authority	50%	100%	5	63%
5	Inventories	NA	56%	17	65%
6	Urban Forest Management Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Evaluation	NA	NA	16	80%
Total		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Source

The original audit and supporting spreadsheet were developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, Georgia). The spreadsheet was based on the current Urban Forest Sustainability and Management Review Checklist developed in cooperation with Agnes Scott College Office of Sustainability and the ASC Arboretum Advisory Council and the City of Austin (TX)

https://urbanforestrysouth.org/resources/files/UFS%20and%20ASC%20UF%20ReviewCalc%20Tool%20-18Aug15%20v4.2beta.xlsx/view



RECOMMENDED TREE LIST & SISTER CLIMATE CITY ASSESSMENT

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

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CLIMATE IMPACTS IN FAYETTEVILLE

Urban areas around the world are facing dramatically intensifying extreme weather and climate impacts including drought, long-term water shortages, flooding, extreme weather events, and prolonged heat. Urban trees can play a significant role in making Fayetteville resilient to weather and climate extremes, and in protecting human and ecosystem health and safety. View Appendix A for the Climate Adaptation Report generated for the southeast United States from the Climate Adaptation Workbook.

Increased temperatures and prolonged heat have a dramatic effect on urban trees. Urban trees already face many struggles of the urban environment, including competition for space, elements of an urban environment, vandalism, and harmful pests and diseases. Some of Fayetteville's established trees are unlikely to survive the changes in the climate and weather patterns over the next 50-75 years. Planting the right trees for Fayetteville today and in the future will play a vital role in the resiliency of the City's urban forest as well as overall community sustainability.

In pursuit of a sustainable and resilient urban forest, the City of Fayetteville seeks to apply climate adaptation strategies to urban forest management planning. Building toward this objective, the City maintains a recommended tree list of small, medium, and large trees prepared by the Arkansas Native Plant Society. The following provides an analysis of the changing climate and considerations for new tree species to integrate into Fayetteville's urban forest over time.

FAYETTEVILLE'S CURRENT TREE LIST AND PLANTING PRACTICES

Recreated from the City of Fayetteville's website— www.fayetteville-ar.gov/3979/List-of-Recommended-Native-Trees-and-Shr

Overview

Urban Forestry Staff reviews, recommends and selects trees for a variety of sites and growing environments. Staff evaluates each place for site-specific variables when selecting the most appropriate trees for a site. Not every tree is right for every location, and the Urban Forestry staff uses our extensive tree knowledge, research and site evaluation when selecting trees, mindful of how each tree and each site may change in the short- and long-term future.

This list of trees contains recommendations for trees planted in Fayetteville, including ideal locations and notes on each tree. It highlights how many species of butterflies and moths each of these trees can host. The list does not include all the insects, birds, reptiles and small mammals that a tree can host. The Arkansas Native Plant Society was the catalyst for this updated list, and the Urban Forestry Advisory Board assisted with information.

Urban Forestry Staff is continuously researching and contemplating the use, space, species and varieties of trees, shrubs and plants used throughout the City. We seek expert advice in our community and are lucky to have professional connections with the Horticulture, Landscape Architecture, and Plant Pathology Departments at the University of Arkansas. We also have a healthy relationship with the Arkansas Forestry Commission and the Arkansas Native Plant Society. We utilize the wealth of knowledge surrounding us to benefit the City by helping Staff and residents choose the right tree for the right space.

The Danger of Single Species Planting

Historically, the use of a single species of street trees has had negative consequences. In the early 1900s, the American Chestnut, a popular and heavily planted street tree, was devastated by the chestnut blight. The blight caused large swaths of trees in the American streetscape to perish and left large gaps in the American landscape. A similar incident occurred with the spread of Dutch Elm disease. Due to the monoculture planting of elm trees as street trees, the impact was even more noticeable on streetscapes throughout the country. For these reasons and other global issues with plant disease, pests and pathogens, Fayetteville's Urban Forestry Staff encourages and recommends a diverse planting palette. Using native species trees is vital because it benefits the local ecosystem and saves the City money and time. Native species are well suited for our climate and prosper in Northwest Arkansas's soils because they originated here.

Criteria for Selection for the List

The City Urban Forestry Staff carefully selects species of trees as each location offers unique challenges. The overall criteria include:

- Native or native cultivars first
- Trees tolerant of pollution, drought and harsh conditions (salt/sand from winter and winds)
- Trees that create litter problems or produce large fruit are not used as street trees
- Tree shape – to ensure limbs are not too low and could create a visibility issue
- Small trees under power lines
- Trees with seasonal interest: fall color or blooms
- Amount of sun and shade in the existing conditions
- Speed of traffic
- Pedestrian intensity
- Visibility for traffic
- Maintenance issues
- Pest problems
- Longevity of the tree
- Type of Street Tree location:
    - Urban tree well
    - Large median (over six feet wide)
    - Small median (usually the green space between a curb and sidewalk, less than six feet wide)

Street Tree Planting Scenarios

Urban Tree Well

Trees planted in urban tree wells have the most difficulty surviving and thriving for several reasons: the structured soils do not offer the same nutrients as a forest; space for the root systems is limited; and exposure to pollutants. The tree's shape also has to be considered for pedestrian visibility, automobile visibility, and not interfering with buildings.

Large Medians

Large median spaces vary in size from six to 10 feet wide. The space is adequate for most trees, and Staff considers maintenance needs when choosing a tree to be planted in the medians. Trees that produce less litter and fruit are ideal for large medians. Finally, visibility is another characteristic when choosing a large median tree. Urban Forestry staff selects trees that allow for visibility under and through the canopy to increase vehicular safety.

Small Medians - Trees between Curb and Sidewalk (Tree Lawn less than Six feet)

Small medians are the green spaces between the curb and the sidewalk, typically less than six feet wide. In these cases, Staff prioritizes maintaining the structural integrity of the sidewalk and curb. Other factors included in choosing the right species for this condition are sightline visibility for vehicles and pedestrians, sun and shade conditions, the appropriate size for location in town (residential, commercial, downtown), watering needs, amount of litter produced, and environmental benefits.

This list does not contain every tree used in Fayetteville. Urban Forestry Staff does consider other trees not listed as viable options and will examine all proposed trees. There are construction techniques that allow larger trees in small locations. Staff will consider these techniques with appropriate construction details.

LARGE SPECIES - Mature ht. 45' or above

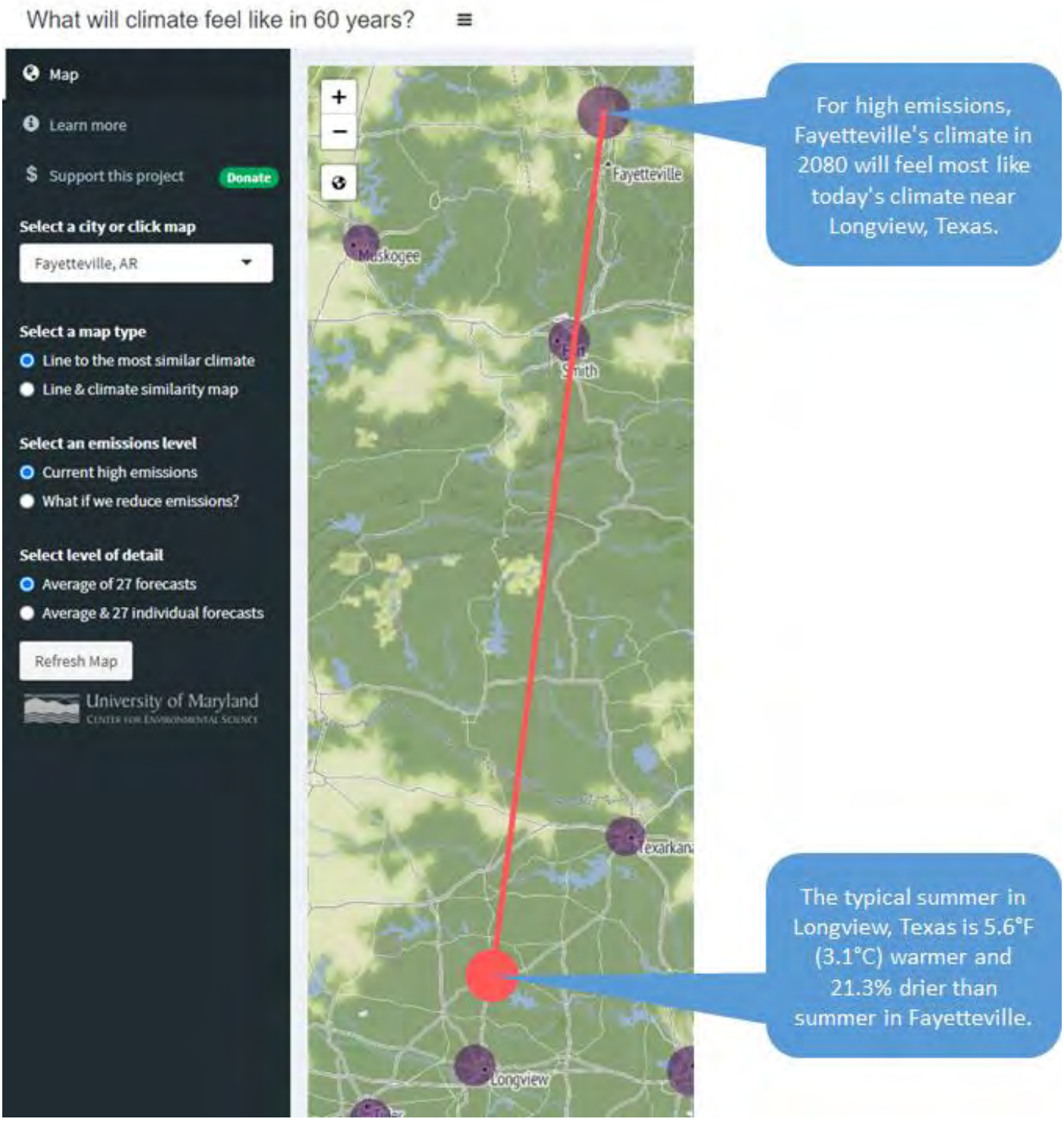
Species	Common Name	Street Tree Recommendation Types of Street tree conditions. Tree well, Large median (6' or more) small median (6' or less)	Number of butterfly and moth species tree can host (Does not include other insects, birds, reptiles and small animals that live in trees.)	Ideal Location	Notes
Acer rubrum	Red Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Acer saccharum	Sugar Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Betula nigra	River Birch	None	221		Extended dry soil leads to leaf drop. Avoid high pH. The three trunk species is overused in landscapes.
Carya cordiformis	Bitternut Hickory	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.
Carya illinoinensis	Pecan	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list

FAYETTEVILLE'S SISTER CLIMATE CITY

The Future Urban Climates tool, created and maintained by University of Maryland Center for Applied Sciences, is a mapping tool that matches and displays similar climates for cities across the United States. The comparisons are based on minimum and maximum temperatures and seasonal precipitation in each city.

The closest area where current climate data is available is the Springdale, Arkansas area, just 10 miles north of Fayetteville. Results for a high emissions scenario show that the climate in 2080 for the Fayetteville region will feel most like today's climate near Longview, Texas—approximately 130 miles east of Dallas, Texas. The typical winter in Longview, Texas is 10.7°F (5.9°C) warmer and 40.8% wetter than winter in Fayetteville.



Sister Climate City Tree List Comparisons

Based on the climate projections, Longview, Texas (Sister Climate City) currently has a climate that is similar to Fayetteville's projected climate and plant hardiness zone. The Sister Climate City's approved tree planting list was researched and compared with Fayetteville's "2020 Tree List From Arkansas Native Plant Society" list. After online research, no recommended tree list exists or was found for Longview, TX's urban forestry program. Therefore, the City of Dallas, Texas's recommended tree list was utilized given Dallas is only 130 miles west of Longview and the urban forestry consultants conducting this SCCA study have extensive experience in the Dallas-Fort Worth area.

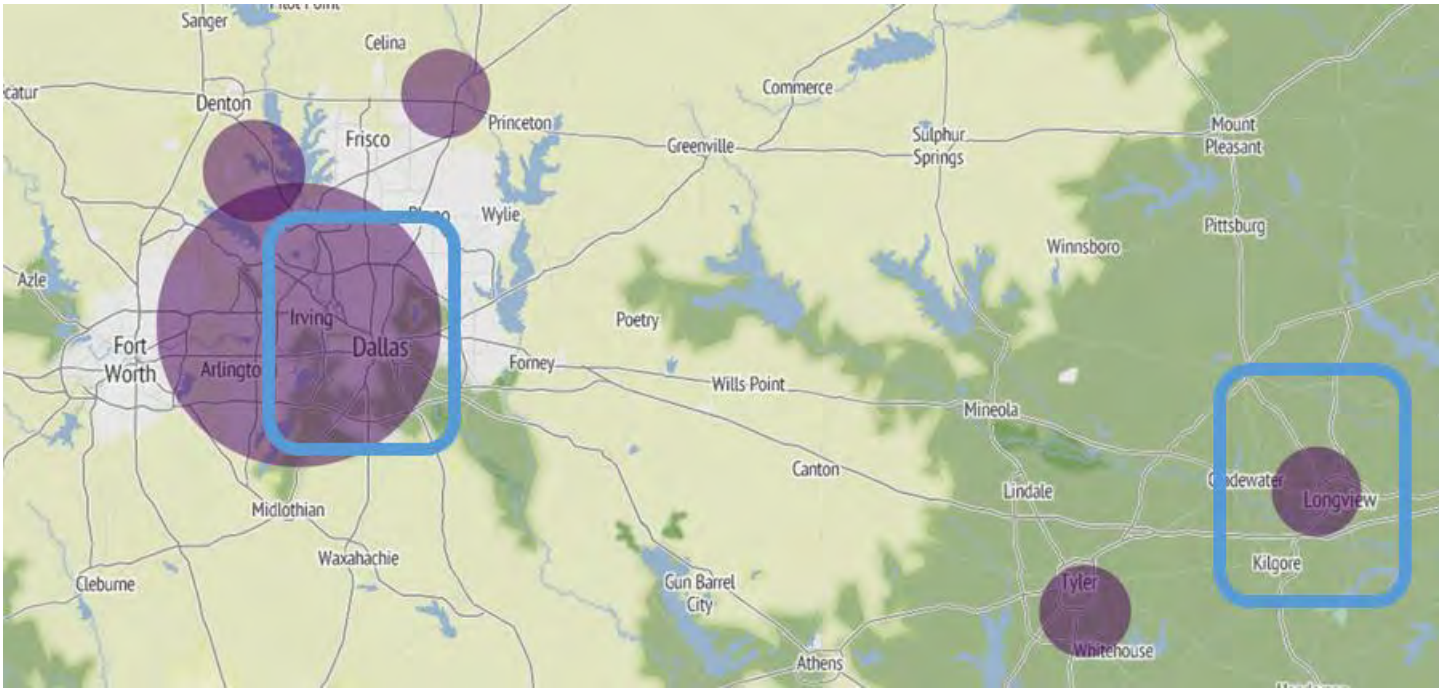


Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results

A total of 38 of 74 (51%) tree species in Fayetteville's tree list are in the "Approved Tree List" for Dallas, TX. The majority (24 tree species) are in the "Large" category, four are in the "Medium" category, and nine are in the "Small" category. The table below details Fayetteville's tree list (shrubs excluded) and an indicator of the species that is also in the Dallas tree list.

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists

COMPARISON OF FAYETTEVILLE TREE LIST TO SISTER CLIMATE CITY TREE LIST		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Acer saccharum	Sugar Maple	
Aesculus glabra	Ohio Buckeye	
Aesculus pavia	Red Buckeye	Yes
Amelanchier arborea	Serviceberry	
Aronia arbutifolia	Red Chokeberry	
Asimina triloba	Pawpaw	
Betula nigra	River Birch	Yes
Carpinus caroliniana	Hornbeam or Musclewood	
Carya cordiformis	Bitternut Hickory	
Carya illinoinensis	Pecan	Yes
Carya ovata	Shagbark Hickory	
Catalpa speciosa	Northern Catalpa	
Celtis laevigata	Sugarberry	Yes
Celtis occidentalis	Hackberry	
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cladrastis kentuckea	Yellowwood	
Cornus alternifolia	Alternate Leaved Dogwood	
Cornus florida	Flowering Dogwood	Yes
Corylus americana	Hazelnut	
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli	Cockspur Hawthorn	
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Diospyros virginiana	Persimmon	
Fagus grandifolia	American Beech	
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Hamamelis vernalis	Ozark Witch Hazel	
Hamamelis virginiana	Common Witch Hazel	
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly	
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly	
Ilex X *attenuata* 'Fosteri' *	Foster Holly	

Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
*Liriodendron tulipifera**	Tulip Tree	
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
*Magnolia virginiana**	Sweet Bay Magnolia	
Nyssa sylvatica	Black Tupelo	
Ostrya virginiana	Hophornbeam	
Pinus echinata	Shortleaf Pine	
*Pinus strobus **	Eastern White Pine*	
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
*Quercus bicolor **	Swamp White Oak	
Quercus falcata	Southern Red Oak	Yes
Quercus imbricaria	Shingle Oak	
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus nigra	Water Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Quercus shumardii	Shumard Oak	Yes
Quercus velutina	Black Oak	
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Sassafras albidum	Sassafras	
*Taxodium distichum **	Bald Cypress*	Yes
*Thuja occidentalis**	Eastern Arborvitae	
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

Summary of Matching Tree Species

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists

SUMMARY OF TREE SPECIES MATCHES		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Aesculus pavia	Red Buckeye	Yes
Betula nigra	River Birch	Yes
Carya illinoinensis	Pecan	Yes
Celtis laevigata	Sugarberry	Yes
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cornus florida	Flowering Dogwood	Yes
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
Quercus falcata	Southern Red Oak	Yes
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus shumardii	Shumard Oak	Yes
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Taxodium distichum *	Bald Cypress*	Yes
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

USDA Forest Service Climate Change Atlas Considerations

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas

SISTER CLIMATE CITY AND US FOREST SERVICE CLIMATE CHANGE ATLAS CONSIDERATIONS			
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**	**Predicted Habitat Change****
Acer rubrum	Red Maple	Yes	Increase
Acer saccharum	Sugar Maple		Decrease
Aesculus glabra	Ohio Buckeye		Decrease
Aesculus pavia	Red Buckeye	Yes	
Amelanchier arborea	Serviceberry		Decrease
Aronia arbutifolia	Red Chokeberry		
Asimina triloba	Pawpaw		
Betula nigra	River Birch	Yes	Increase
Carpinus caroliniana	Hornbeam or Musclewood		Increase
Carya cordiformis	Bitternut Hickory		No change
Carya illinoinensis	Pecan	Yes	Increase
Carya ovata	Shagbark Hickory		Decrease
Catalpa speciosa	Northern Catalpa		
Celtis laevigata	Sugarberry	Yes	
Celtis occidentalis	Hackberry		No change
Cercis canadensis	Redbud	Yes	Increase
Chionanthus virginicus	Fringe Tree	Yes	
Cladrastis kentuckea	Yellowwood		
Cornus alternifolia	Alternate Leaved Dogwood		
Cornus florida	Flowering Dogwood	Yes	Increase
Corylus americana	Hazelnut		
Cotinus obovatus	American Smoketree	Yes	
Crataegus crus-galli	Cockspur Hawthorn		
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes	
Crataegus viridis	Green Hawthorn	Yes	
Diospyros virginiana	Persimmon		Increase
Fagus grandifolia	American Beech		No change
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Gymnocladus dioicus	Kentucky Coffeetree	Yes	
Hamamelis vernalis	Ozark Witch Hazel		
Hamamelis virginiana	Common Witch Hazel		
Ilex decidua	Deciduous Holly	Yes	
Ilex opaca	American Holly	Yes	Increase
Ilex vomitoria *	Yaupon Holly	Yes	
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly		
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly		
Ilex X *attenuata* 'Fosteri' *	Foster Holly		
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
*Liriodendron tulipifera**	Tulip Tree		Increase

Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
*Magnolia virginiana**	Sweet Bay Magnolia		
Nyssa sylvatica	Black Tupelo		Increase
Ostrya virginiana	Hophornbeam		Increase
Pinus echinata	Shortleaf Pine		Increase
*Pinus strobus **	Eastern White Pine*		
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
*Quercus bicolor **	Swamp White Oak		
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus imbricaria	Shingle Oak		
Quercus macrocarpa	Bur Oak	Yes	Decrease
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus nigra	Water Oak		Increase
Quercus phellos	Willow Oak		Increase
Quercus rubra	Northern Red Oak		Decrease
Quercus shumardii	Shumard Oak	Yes	No change
Quercus velutina	Black Oak		Decrease
Rhamnus caroliniana	Carolina Buckthorn	Yes	
Sapindus saponaria var. *dummondii*	Soapberry	Yes	
Sassafras albidum	Sassafras		Increase
*Taxodium distichum **	Bald Cypress*	Yes	No change
*Thuja occidentalis**	Eastern Arborvitae		
Tilia americana	American Linden	Yes	Decrease
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase
Viburnum prunifolium	Blackhaw Viburnum		
Viburnum rufidulum	Rusty Blackhaw	Yes	

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

Summary of Trees in the SCCA List and Favorable with Climate Change

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas

Fayetteville Tree List (ordered by Scientific Name)	Common Name	Dallas, TX Tree List?	Predicted Habitat Change**
Acer rubrum	Red Maple	Yes	Increase
Betula nigra	River Birch	Yes	Increase
Carya illinoinensis	Pecan	Yes	Increase
Cercis canadensis	Redbud	Yes	Increase
Cornus florida	Flowering Dogwood	Yes	Increase
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Ilex opaca	American Holly	Yes	Increase
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus shumardii	Shumard Oak	Yes	No change
Taxodium distichum *	Bald Cypress*	Yes	No change
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).
Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

SUMMARY

Fayetteville's tree planting recommendations are in line with industry standards and best practices since the City utilizes the Arkansas Native Plant Society list and therefore, generally plants and recommends planting trees native to the region.

The effects of climate change are already taking hold in the City and Fayetteville recognizes the challenges that lie ahead. Some of the experienced and anticipated effects include prolonged periods of high temperatures and drought, extreme weather events, changes in the duration of seasons, favorable conditions for harmful tree pests and diseases, among other impacts. To grow a sustainable and resilient urban forest, the City should continue to examine the performance of trees planted and the species of trees that are recommended for planting.

To develop plans and strategies relating to tree planting for climate change, a Sister Climate City Analysis (SCCA) was conducted. This SCCA examined the predicted climate of Fayetteville 60 years from now and identified a city with a current climate that matches the projected climate of Fayetteville. The City of Longview, Texas was identified but no city-approved or recommended tree list was found. Therefore, a neighboring city, the City of Dallas, Texas was utilized given the location and the urban forestry consultant's experience working with Dallas. From the SCCA, it was found that 51% of Fayetteville's trees on the Arkansas Native Plant Society tree list are also in the City of Dallas's approved tree list. This means that those trees in Fayetteville's list may favor well with changing climate since the Sister Climate City of Dallas currently approves and is planting those tree species.

In addition to the Sister Climate City Analysis, the U.S. Forest Service's Climate Change Atlas was utilized to examine the predicted habitat change due to climate change. From this study, it was found that 44 trees in Fayetteville's list are in the Climate Change Atlas study. Of the 44 trees, there are 28 species where it is predicted that the habitat will increase due to climate change. A total of 8 species have habitats that may decrease and 8 species have habitats that may not change with climate change. A full report is provided in the 2023 Urban Forestry Management Plan.

When combining the SCCA results and the Climate Change Atlas, a total of 24 of the 74 (32%) tree species in Fayetteville's list are on the Dallas, TX approved tree list and are predicted to have habitats either increase or not change.

This analysis shows the City of Fayetteville is on track for planting a resilient urban forest but the City should be mindful of the diversity of species, the associated benefits of the trees planted, the maintenance needs, and other considerations beyond what is covered in this summary report. The results of this analysis are not meant to serve as a definitive guide for tree species selection. Instead, it provides an analysis of what is currently being planted compared to the effects of climate change and offers general guidance on the species of trees that should continue to be planted while considering other goals and standards such as species diversity.

APPENDIX A. CLIMATE ADAPTATION REPORT

Climate Change Impacts for Southeast

Source: Adaptation Workbook, Developed in partnership with the U.S. Department of Agriculture (USDA), the USDA Forest Service, the Northern Institute of Applied Climate Science, and American Forests.

Climate Change Impacts for Southeast research report by: Carter, L., A. Terando, K. Dow, K. Hiers, K.E. Kunkel, A. Lascurain, D. Marcy, M. Osland, and P. Schramm, 2018: Southeast. In Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 743–808. doi: 10.7930/NCA4.2018.CH19

This region was defined in the National Climate Assessment (2014) and includes the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

National Climate Assessment (2018) - Southeast

Temperatures in the Southeast are projected to increase by 4.4 to 7.7 degrees Fahrenheit by late-century (2071-2100).
All climate models agree that temperatures are projected to increase over the 21st century across the Southeast. The spatial variations are projected to be relatively small across the region, with the largest temperature changes occurring in the northwest part of the region (Arkansas, Kentucky, Mississippi, and Tennessee), the smallest variations occurring in southern Florida. Temperature increases will be the greatest in summer. The greatest warming during summer is expected in the northwest portion of the region. Compared to all other seasons, winter temperature increases are projected to be more mild.

R.S. Vose, D.R. Easterling, and others. 2017. Climate Science Special Report: Temperature Changes in the United States. U.S. Global Change Research Program.

The Southeast is expected to experience between 5 and 30 more days per year with a maximum temperature exceeding 95 degrees Fahrenheit by the middle of the century.
The smallest increase of 4 days per year is expected in areas with a currently low number of 95-degree days, including the highest elevation areas along the spine of the Appalachians where historically days above 95-degrees occur fewer than 10 days out of the year. The largest increase in the number of 95-degree days per year (35 days) is expected in south-central Florida, where these kinds of hot days are already common. The western portion of the region is expected to experience the largest number of consecutive 95-degree days, with as many as 16-20 additional days by mid-century.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The Southeast is expected to experience between 0 and 14 fewer days per year with a minimum temperature below 10 degrees Fahrenheit by the middle of the century.
The largest decreases are expected in Kentucky, Virginia, Tennessee, North Carolina and the northern part of Arkansas. The smallest decreases in cold days are expected along the coastal and southern areas, where these kinds of cold days rarely occur. Similarly, the Southeast region is expected to have more than 20 fewer days with a minimum temperature below 32 degrees by the middle of the century.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Average annual precipitation is projected to increase slightly in the northeast portion of the Southeast, but may decrease in the southwest half of the region.
There is uncertainty between different climate scenarios for future precipitation projections in the Southeast. Generally, there is a southwest-to-northeast gradient in annual precipitation projections. The greatest increases are projected in North Carolina and Virginia (3-9% increase by the end of the century), and the greatest decreases are projected in Louisiana and Arkansas (3-12% decrease by the end of the century). Overall changes in precipitation for the Southeast are projected to be slight and comparable to current year-to-year variations. Daily precipitation totals in the Southeast have increased substantially in the fall season, and this trend is expected to continue.

D.R. Easterling, K.E. Kunkel, and others. 2017. Climate Science Special Report: Precipitation Change in the United States. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The number of days per year with more than 1 inch of precipitation will increase across the Southeast by the middle of the century, and double the number of heavy rainfall events are projected by late century.
Extreme rainfall events have increased in frequency and intensity in the Southeast, and will continue to increase in the future. Most of the region is projected to experience 6% to 25% more days each year with more than an inch of precipitation by the middle of the century. The largest increases (up to 25% increases) in extreme precipitation are expected across the Appalachian Mountains. The smallest increases (less than 10%) are expected across Arkansas, Louisiana and Mississippi. Days with more than 2 inches, 3 inches, and 4 inches of precipitation are also expected to occur more frequently by the middle of the century. Under a high emissions scenario, projections indicate approximately double the number of heavy rainfall events (2-day precipitation events with a 5-year return period) and a 21% increase in the amount of rain falling on the heaviest precipitation days (days with a 20-year return period) by late century. Heavy precipitation associated with hurricanes and tropical storms could result in more flooding and damage to coastal forests, and contribute to an increase in inland flooding as well.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

A majority of climate models suggest that precipitation in the Southeast will increase in the winter, spring, and fall by the end of the century, but summer is generally expected to become drier.
Simulated changes in summer precipitation by the end of the century range from a 0-10% decrease, with the largest decreases occurring in southern Florida and Arkansas and Tennessee. The means of several climate models indicate that winter and spring precipitation may increase around 15% by the end of the century, particularly in the northern part of the region. Daily precipitation totals in the Southeast have increased substantially in the fall season; this trend is expected to continue, with the greatest expected increases along the Gulf Coast. Overall, only minimal change or slight increases in precipitation are projected along much of the Atlantic and Gulf Coasts. These projections are averaged outputs from a climate scenario with higher emissions (A2), and under mild climate scenarios changes are generally expected to be smaller.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The annual freeze-free season is expected to increase by 20 to 30 days in the Southeast by 2055. The freeze-free season lengthens by more than a month by the late 21st century in climate simulations based on a high emissions scenario.
The freeze-free season is defined as the period of time between the last spring frost (daily minimum temperature below 32 degrees F) and the first fall frost. The length of the annual freeze-free season has been increasing since the 1980s, and all climate models agree that it will continue to increase in the future across the Southeast. The largest increases of 25-30 days are mainly expected in Louisiana, Tennessee, Kentucky, Virginia, and North Carolina. The smallest changes are expected in southern Florida, which is not surprising because freezing events are already rare in this part of the Southeast.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Red spruce, balsam fir, and eastern hemlock are projected to decline substantially across the Southeast by the end of the century, and conditions for pines may also deteriorate.
Red spruce and eastern hemlock are already declining in some areas, and these species are projected to be extirpated from the southeast by 2100 as a result of the combined stresses of warming, air pollution, and insects. If temperature continues to increase and precipitation becomes more variable, conditions for pine growth may begin to deteriorate. Even if regional forest productivity remains high for pine species, the center of forest productivity could shift northward into North Carolina and Virginia, causing significant economic and social impacts.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Climate change will amplify many existing stressors to forest ecosystems in the Southeast, such as invasive species and insect pests.
Forest ecosystems throughout the Southeast Region are exposed to a range of natural, introduced, and anthropogenic stressors. Stressors such as invasive plants, forest pests, and diseases are expected to become more damaging under climate change, and these factors may interact in unpredictable ways. The southern pine beetle is already the most destructive pest in the region's forests, and longer growing seasons could allow populations of the pest to expand more rapidly. Cogongrass and kudzu are expected to expand into new territory under climate change, and both of these species have cascading effects on disturbance regimes and diversity.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Wildfire risk is projected to increase across the Southeast by the end of the century.
Rising temperatures and increases in the duration and intensity of drought are expected to increase wildfire occurrence and also reduce the effectiveness of prescribed fire in the Southeast. While this region experiences the highest number of wildfires in the country, prescribed fire is currently more common than wildfire in Southeastern forests. However, as fire seasons lengthen in the future, the window for prescribed burning may decrease because of increased fuel flammability. Decades of wildfire suppression has increased the potential for crown fires, and model projections indicate that wildfires are likely to occur more frequently in the Southeast in the future. Annual fire probability, calculated solely with climate data and physical principles, is projected to increase by 20% to 80% across the Southeast by the end of the century, with the greatest increases in the southern Appalachians. The incidence of atmospheric conditions that contribute to large and erratic fire behavior, measured by the Haines Index, is also projected to occur more 8 to 11% more frequently by the end of the century. The limitation for these sorts of projections is that they do not account for changes in land use, fire suppression rates, or vegetation changes.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Y. Tang, S. Zhong, and others. 2015. The Potential Impact of Regional Climate Change on Fire Weather in the United States. Annals of the Association of American Geographers.

R. Guyette, F. Thompson, and others. 2014. Future Fire Probability Modeling with Climate Change Data and Physical Chemistry. Forest Science.

Damage from hurricanes and sea-level rise is expected to increase in the Southeast by the end of the century.
Global sea level rise is projected to rise between 1 and 4 feet by the end of the century. Sea level rise and related increases in storm surges pulsing farther inland will continue to exacerbate ongoing land loss in low-lying coastal areas and may result in excessive saltwater inundation of coastal forests. The number of Category 4 and 5 hurricanes has increased since the 1980s, and this trend can be attributed both to natural variability and climate change. High-intensity hurricanes such as the 2017 Hurricane Irma are expected to become more common in the future. Rapid intensification of storms is also more likely as the climate warms, even though there is also some historical evidence that the same conditions that lead to this intensification also act to weaken hurricane intensity near the U.S. coast, but it is unclear whether this relationship will continue as the climate warms further. Damage from these kinds of storms can be intense and extend for hundreds of miles inland, including windthrow and blowdown, inundation, damage to infrastructure on land, and significant ecological impacts to terrestrial and freshwater ecosystems due to saltwater intrusion and altered hydrology.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

L. Carter, J. Jones, and others. 2014. National Climate Assessment – Southeast. U.S. Global Change Research Program.

Low-diversity systems are at greater risk from climate change.
Studies have consistently shown that diverse systems have exhibited greater resilience to extreme environmental conditions and greater potential to recover from disturbance than less diverse communities. This relationship makes less diverse communities inherently more susceptible to future changes and stressors. The diversity of potential responses of a system to environmental change (response diversity), is a critical component of ecosystem resilience. Response diversity is generally reduced in less diverse ecological systems. Genetic diversity within species is also critical for the ability of populations to adapt to climate change, because species with high genetic variation have better odds of producing individuals that can withstand extreme events and adapt to changes over time.

E.V. Moran, F. Hartig, and others. 2015. Intraspecific trait variation across scales: Implications for understanding global change responses. Global Change Biology.

A.S. Jump, R. Merchant, and others. 2009. Environmental change and the option value of genetic diversity.

T. Elmqvist , C. Folke, and others. 2003. Response diversity, ecosystem change, and resilience. Frontiers in Ecology and the Environment.

A. Hoffman and C. Sgrò. 2011. Climate change and evolutionary adaptation. Nature.

Systems that are more tolerant of disturbance have less risk of declining on the landscape
Disturbances such as wildfire, flooding, and pest outbreaks are expected to increase in the future. Forests that are adapted to gap-phase disturbances, with stand-replacing events occurring over hundreds or thousands of years, may be less tolerant of more frequent widespread disturbances. Mesic hardwood forests can create conditions that could buffer

against fire and drought to some extent, but these systems are not expected to do well if soil moisture declines significantly. Forest systems that are more tolerant of drought, flooding, or fire are expected to be better able to withstand climate-driven disturbances. This principle holds true only to a given point, because it is also possible for disturbance-adapted systems to experience too much disruption. For example, dry pine forests and woodlands might benefit from drier conditions with more frequent fire, but these systems might also convert to savannas or open grasslands if fire becomes too frequent or drought becomes too severe.

G. Nowacki and M. Abrams. 2008. The Demise of Fire and "Mesophication" of Forests in the Eastern United States. BioScience.

E. Gustafson and B. Sturtevant. 2013. Modeling Forest Mortality Caused by Drought Stress: Implications for Climate Change. Ecosystems.

Species in fragmented landscapes will have less opportunity to migrate in response to climate change.
Habitat fragmentation can hinder the ability of tree species to migrate to more suitable habitat on the landscape, especially if the surrounding area is nonforested. Modeling results indicate that mean centers of suitable habitat for tree species will migrate between 60 and 350 miles by the year 2100 under a high emissions scenario and between 30 and 250 miles under milder climate change scenarios. Based on data gathered for seedling distributions, it has been estimated that many northern tree species could possibly migrate northward at a rate of 60 miles per century. Fragmentation makes this disparity even more challenging, because the landscape is essentially less permeable to migration.

L. Iverson, M. Schwartz, and others. 2004. How fast and far might tree species migrate in the eastern United States due to climate change?. Global Ecology and Biogeography.

C. Woodall, C. Oswalt, and others. 2009. An indicator of tree migration in forests of the eastern United States. Forest Ecology and Management.

Systems that are limited to particular environments will have less opportunity to migrate in response to climate change.
Some species and forest types are confined to particular habitats on the landscape, whether through requirements for hydrologic regimes, soil types, or other reasons. Similar to species occurring in fragmented landscapes, isolated species and systems face additional barriers to migration. Widespread species may also have particular habitat requirements. For example, sugar maple is often limited to soils that are rich in nutrients like calcium, so this species may actually have less available suitable habitat than might be projected solely from temperature and precipitation patterns. Riparian forests are not expected to be able to migrate to upland areas because many species depend on seasonal flood dynamics for regeneration and a competitive advantage. Similarly, lowland conifer swamps contain a unique mix of species that are adapted to low pH values, peat soils, and particular water table regimes. These species face additional challenges in migration compared to more-widespread species with broad ecological tolerances.

A. Jump and J. Peñuelas. 2005. Running to stand still: adaptation and the response of plants to rapid climate change. Ecology Letters.

The urban heat island effect can exacerbate the effects of increasing temperatures.
Urban areas with one million or more people can be 2 to 13° F warmer than their surrounding rural areas due to the "urban heat island effect" from heat-absorbing infrastructure such as pavement and buildings as well as waste heat generated from manufacturing and automobiles. The urban heat island is often more pronounced in historically redlined areas with lower tree cover.

H. Akbari. 2005. Energy saving potentials and air quality benefits of urban heat island mitigation. Lawrence Berkeley National Laboratory.

Maxwell, K. , Julius, S. , and others. 2018.

The surface urban heat island response to urban expansion: A panel analysis for the conterminous United States

Recent progress on urban overheating and heat island research. Integrated assessment of the energy, environmental, vulnerability and health impact. Synergies with the global climate change

The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas

Impervious cover can exacerbate the effects of increased heavy precipitation events in urban areas.
Increases in impervious cover can dramatically increase the size and frequency of localized flooding. Typically, urban floods are short-lived, but extended flooding can stress trees, leading to leaf yellowing, defoliation, and crown dieback. If damage is severe, mortality can occur. In addition, flooding can lead to secondary attacks by insect pests and diseases. Some species are more tolerant of flooding than others. Flood-intolerant species include upland species such as bitternut and shagbark hickory, Kentucky coffeetree, and white oak. Species that are generally tolerant of flooding include species that are generally native to wetlands and riparian areas such as baldcypress, sycamore, and red maple. Trees in coastal areas may also be vulnerable to saltwater intrusion during flood events.

S. Bratkovich, L. Burban, and others. 1993. Flooding and Its Effect on Trees. USDA Forest Service Northeastern Area.

G. Hollis. 1975. The effect of urbanization on floods of different recurrence interval. Water Resources Research.

Maxwell, K. , Julius, S. , and others. 2018.

Causal Effect of Impervious Cover on Annual Flood Magnitude for the United States

Assessing the tree health impacts of salt water flooding in coastal cities: A case study in New York City



INVASIVE PLANT SPECIES PROGRAM REVIEW

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

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FAYETTEVILLE'S CURRENT INVASIVE PLANT SPECIES PROGRAM

Overview

An invasive plant is a plant species found outside its native range that threatens the survival or reproduction of native plants and animals, reducing biological diversity and causing significant damage to ecosystems, communities, habitats, and native species. The parks across the City of Fayetteville contain many invasive plant species, including two that are prolific: Japanese and Bush Honeysuckle (*Lonicera maackii*) and Chinese Privet (*Ligustrum sinense*).

The City of Fayetteville's Parks Maintenance Division in the Public Works Department is responsible for the invasive plant species removal and habitat restoration programs on public lands. Parks Maintenance also conducts and collaborates with organizations to host work days to remove targeted areas and rely heavily on volunteers for this work, which ranges from removal of plants with loppers and shovels, to replanting once invasives are gone. Volunteers that participate in these events are trained to take the skills learned back home so that they may remove these plants from their own back yards.

The City has an events calendar and page for interested community members to sign up for text or email notifications about upcoming stewardship volunteer opportunities. In addition to events and trainings, the City has information about the Invasive Plants Ordinance and a list of invasive plants and native alternatives on its website.



Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook)



Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook)

The Fayetteville City Council adopted Ordinance #5820 on November 3, 2015 (see Attachment A); this ordinance established a list of eighteen invasive plants to be restricted from being installed in new developments that require a Landscape Plan Review by the Urban Forester. The list of invasive plants was determined through an open participation process which involved a team of thirteen stakeholders. Stakeholders included nursery owners/managers, landscape architects, academic experts, landscape installers, hobby gardeners, botanists, naturalists, conservationists, City Park Managers and local citizens. The team met to evaluate the economic and environmental harm caused by invasive plants. After recognizing the need for an invasive plant policy, the stakeholder group reviewed other communities' invasive plant species policies and made recommendations to City staff.

The Ordinance was established in response to Fayetteville's Comprehensive Plan's guiding policies for Natural Areas which calls to, "preserve native vegetation and meet the habitat needs of multiple species." To support the awareness and compliance of the Ordinance, the "Invasive Plant Species in Fayetteville, Arkansas" resource was created by the City which consists of the eighteen invasive plants and recommends appropriate plant species for trees, shrubs or ground cover. The City of Fayetteville encourages all property owners to identify, remove and replace invasive plants from the landscapes around their homes and businesses.



Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR)

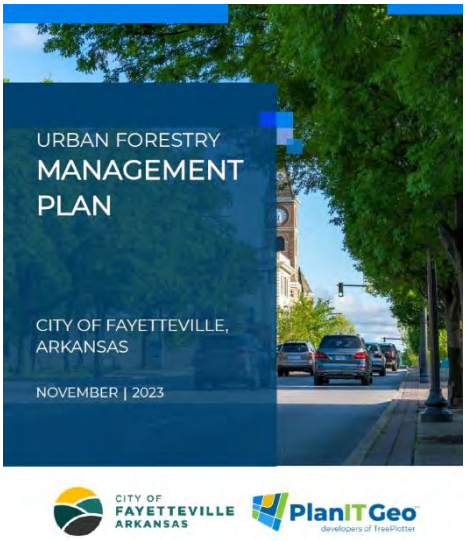


Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan

This report was provided to the City of Fayetteville in support of the 2023 Urban Forestry Management Plan ("Plan") and was created to examine the existing program for managing invasive plant species in the City. Within the Plan, invasive plant species were recognized as an external challenge facing the City's urban forest now and in the future with changing climates. To address these challenges, Goal B1 in the Plan calls for the City to "prioritize public tree maintenance and tree risk management" and has a supporting action to "continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties."

The following provides a summary of the program review and recommendations based on industry standards and best practices and local research pertaining to the management of invasive plant species.

Current Management of Invasive Plant Species

For the City's consideration, the following table summarizes the plant species that are invasive according to Fayetteville's Invasive Plant Species educational packet compared to the University of Arkansas' Cooperative Extension Service (U of A Cooperative Extension) Invasive Plants in Arkansas list:

Plant Species	Listed in Fayetteville's Invasive Plant Species Educational Packet?	Listed in the University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List?*
Asian Wisteria	Yes	Yes
Bamboo	Yes	Yes
Bigleaf Periwinkle	Yes	Yes
Callery/Bradford Pear	Yes	Yes
Burning Bush	Yes	No
Bush Honeysuckle	Yes	No
Chinese Privet	Yes	Yes
Creeping Euonymus	Yes	No
English Ivy	Yes	Yes
Heavenly Bamboo	Yes	No
Japanese Honeysuckle	Yes	Yes
Kudzu	Yes	No
Littleleaf Periwinkle	Yes	No
Mimosa, Silktree	Yes	Yes
Multiflora Rose	Yes	No
Sericea Lespedeza	Yes	Yes
Shrubby Lespedeza	Yes	Yes
Tree-of-Heaven	Yes	No
Running Monkey Grass	No	Yes
Tall Fescue	No	Yes
Chinese Tallow Tree	No	Yes
Cogongrass	No	Yes

*City of Fayetteville, AR's webpage for Invasive Plants and Native Alternatives (www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives)

**University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List (www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants)



Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide)

Evaluating and Updating the City's Invasive Species Management Program

The City may consider updating the invasive plant species listed in the Invasive Plant Species educational packet and the City Ordinance #5820 to align with recommendations provided by the University of Arkansas' Cooperative Extension Service, the Arkansas Native Plants Society, the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide", the Northwest Arkansas Land Trust, and/or other reputable sources.

According to the Cooperative Extension Service at the University of Arkansas, the following plant species have been invasive in some landscape situations and should be monitored by the City of Fayetteville to determine the level of invasiveness and the need for prohibiting planting:

- Garlic Chives
- Devil's Walking Stick
- Artemesia
- Trumpet Creeper
- Obedient Plant
- Sweet Autumn Clematis
- Mexican Hydrangea
- Queen Ann's Lace
- Wintercreeper Euonymus
- Chameleon Plant
- Cypress Vine

Planning a Management Strategy

For the consideration of Fayetteville, the following management strategies are recommended for invasive plant species management on public lands and for educating the public to manage invasives on private land (recreated from the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide."):

Prevent Invasive Plants From Establishing

- Don't introduce invasive plants; consider native alternatives
- Younger invasive plants are easier to remove than well-established plants

Identify Plant Species & Area To Be Managed

- Take an inventory of your area and properly identify invasive and native plants
- Use caution on streamside areas or heavily sloped areas
- Seek assistance and consultation in sensitive areas
- Determine where and how removed brush will be handled. If composting, heat must be maintained above 145° F to denature seeds

Practice Safety

- Dress appropriately
    - Long sleeves, pants, gloves, sturdy shoes or boots
    - Safety glasses, sunscreen, and/or insect repellant may be appropriate
- If Using Chemical Herbicide Treatment, Personal Protective Equipment (PPE) Is Needed
    - Safety glasses
    - Latex or nitrile gloves
    - Prevent spills and use extreme caution near water sources
    - Read herbicide labels and Safety Data Sheets (SDS) for additional PPE measures and application guidelines
    - The herbicide label is the law
- Use Extreme Caution With Sharp or Heavy Tools
    - Acquire safety training for chainsaw use
- Be Aware of Surroundings

    - Swinging tools or falling limbs could injure you or others nearby
- Contact Arkansas One-Call at 811
    - Call 811 to locate underground utility lines prior to disturbing a substantial area and/or using heavy equipment.
- Use Caution When Working Around Overhead Utility Lines
- Work Areas May Not Be Easily Accessible
    - Be aware of steep slopes, banks, and slippery areas
- Be Aware of Wildlife
    - Work areas may harbor animals, snakes, or insects
    - Use caution with plants such as Poison Ivy, Poison Hemlock, or thorns (Greenbrier and Multiflora Rose)
- Rest Often
- Stay Hydrated

Divide Area

- Work in phases
- Large acreage may require focusing on one species at a time or dividing into smaller manageable areas
- Plant densities can be overwhelming; distribute workload

Seek Assistance From Local Professionals

- Tree professionals may be required. Use a certified arborist
- Consult your local extension office for herbicide recommendations

Revegetate/Encourage Native Plants

- Minimize damage to native vegetation during removal
- Consult native plant resources and research
- Choose correct native plant for growing conditions, ecoregion, and space
- Currently, Fayetteville recommends the "Wildscaping with Ozark Native Plants - Native Wildflowers and Grasses" resource for revegetating with native plants and the "Ozark-Friendly Landscape – Native Trees and Shrubs" resource for native trees

Do Maintenance Seasonally

- Many plants sprout or sucker from cut points; revisit managed areas
- Opening canopy may activate invasive seed bank and viney plants



Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News)

Invasive Plant Species Control and Removal Methods

Several methods are used to control or remove invasive plants each with varying degrees of effectiveness, advantages, and disadvantages. Listing here is not an endorsement for any one method. The area of infestation often dictates removal techniques, such as sensitive riparian areas along waterways, wetlands, or sloped areas. Use of herbicide trade names does not indicate endorsement of any one product.

Mechanical

- Hand Pulling
- Cutting (chainsaw, hand saw, pruners)
- Stump pulling (weed wrench, shrub pullers, chains, mattock, shovel, large machinery)
- Machinery (mowing, brush hog)

"Hand removal" is very effective but does require manual labor and may not be practical across large areas. Cutting alone is rarely effective, unless used in conjunction with cut-stump treatments. The most effective way to kill invasive plants is by removing the entire plant including root systems. Stump pulling is useful for small to medium shrubs and trees and is easier in moist soil.

Cultural Practices

Prescribed fire has been used throughout history to control vegetation, but burning is often unavailable in urban settings. Fire can control the spread of some invasive plants, but must often be used in tandem with mechanical and/or chemical measures. It can risk harming native vegetation, activate invasive seed banks, or even stimulate some undesirable plants. Refer to local laws and ordinances to ensure compliance. Applying mulch helps to control invasive populations by preventing sprouting. It also holds moisture for native plants and covers bare soil to help prevent erosion.

Chemical (Herbicide)

- Foliar spray
- Cut-stump treatments
- Basal bark treatment
- Frill (hack-and-squirt)

Always read and follow herbicide label instructions and precautions. Great care should be taken when conducting chemical treatment and it is important to consult your local cooperative extension office for herbicides effective for weed and brush control. A brief description of herbicide treatments follows:

Foliar sprays are not always a viable option in the urban landscape or public setting. This technique can be used to target young plants, but it tends to be ineffective on many resilient, mature, invasive plants in Northwest Arkansas. Foliar spray can damage or kill non-target native plants from drift and contaminate water resources.

Cut-stump treatments minimize chemical use and contamination of native vegetation and water resources. Most effective in the fall, stumps are cut 3 to 4 inches from the ground and are treated with an herbicide-marking mixture within a few minutes using a squirt bottle or sponge applicator. The marking dye helps land managers or volunteers to see where the chemical has been applied. Stump treatments also help to prevent suckering or secondary growth. Resilient stumps may need cutting and chemical application again the following season.

Basal bark herbicide treatment is effective on most invasive woody plants including vines. An oil soluble herbicide is mixed with an oil carrier. For woody plants with a 6-inch diameter or less, spray the bark of the plant from ground level to 15 inches. Plants should not be cut for 6 months. This method can be used anytime of the year except early spring.

Frill or hack and squirt is used to target invasive trees and introduces the herbicide into the stem using spaced cuts below the last live branch and around the trunk. A hatchet is used to make downward angled incisions through the bark (2 inches long) evenly spaced (one inch) around the tree. Each cut is carefully filled (do not allow spillage) with herbicide-marking mixture using a spray bottle or gunjet.

Re-establishing Native Vegetation

Once invasive vegetation is removed from a property, it is important to establish a healthy stand of plants native to the local ecoregions of Northwest Arkansas. Native vegetation provides shelter and food for wildlife, and it contributes to the reproduction and survival of insects, birds, fish, reptiles, and mammals. Native vegetation also supports migrating species, such as monarch butterflies and wood thrushes. Having adapted to the Ozark Mountain region, native species of plants generally are easy to establish and are drought resistant. Many are beautiful with showy flowers, berries, and leaves, and they can easily be incorporated into a landscaped setting. The previous tables of plants native to both the Boston Mountains and Ozark Highlands Ecoregion should be considered for replanting. These lists can be used as a guide for the revegetation of an area of interest where invasive plants have been removed. Just because a shrub is removed doesn't mean it needs replaced with another shrub. As an example, there may be a preference to establish native grasses and woodland wildflowers in a forested area where bush honey suckle has been removed. As part of the invasive removal process, a plan for native plant establishment should be created.



Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas)

Native plants can be established by dispersing seed or by planting potted plants or bare roots. Native seed can be collected locally or purchased and is generally used for large areas where grasses and wildflowers are desired. If native seed is purchased, a local source or at a minimum, a source that was cultivated in or near the Ozark Mountain region should be considered. When dispersing native seed on bare soils, mix a nursery crop of winter wheat or oats with a variety of native grass and wildflower species. Following the application of the seed mix, cover with straw. Trees and shrubs are generally established by planting potted plants or bare roots. Again, if possible, find a local source for these plants.

Once the treated area is replaced with native plants, it is important to inspect for and remove new invasive plants that will try to reestablish on the property. Once a healthy stand of native vegetation is established, less invasive vegetation will arise.



Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA)

Invasive Plant Species Program Review Checklist

The following checklist is provided by the urban forestry consultants at PlanIT Geo for the City of Fayetteville to examine and update its current Invasive Plant Species Management Program. By updating the program and aligning it with industry standards and best practices, the City will be better equipped to implement the 2023 Urban Forestry Management Plan and achieve the vision of a sustainable urban forest in Fayetteville.

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.)

A) PROGRAM OVERVIEW		
A1) Mission and Goals		
Question	***Answer***	***Status***
A1a) Are the program's mission and goals clearly defined and measurable?		
A1b) Do the goals align with the City's overall priorities and environmental goals?		
A2) Program Scope		
Question	***Answer***	***Status***
A2a) What types of invasive plants does the program target?		
A2b) What geographic areas does the program cover?		
A2c) What types of interventions are used (e.g., education, removal, restoration)?		
A3) Program Budget		
Question	***Answer***	***Status***
A3a) Is the program adequately funded to achieve its goals?		
A3b) How are resources allocated across different program components?		
A3c) Are there opportunities for additional funding or cost savings?		

B) PROGRAM IMPLEMENTATION		
B1) Planning and Prioritization		
Question	***Answer***	***Status***
B1a) Does the program have a strategic plan for managing invasive species?		
B1b) Are priorities set based on the ecological impact of different species and the feasibility of control?		
B1c) Is there a mechanism for regularly updating the plan and incorporating new information?		
B2) Outreach and Education		
Question	***Answer***	***Status***
B2a) Does the program have a comprehensive outreach and education plan to engage the public and stakeholders?		
B2b) Are educational materials clear, accurate, and accessible to different audiences?		
B2c) Are there opportunities to partner with other organizations for outreach efforts?		

B3) Invasive Species Removal		
Question	***Answer***	***Status***
B3a) Are control methods effective and based on best practices?		
B3b) Are appropriate disposal methods used for removed plants?		
B3c) Are there monitoring protocols in place to assess the success of control efforts?		
B4) Restoration and Re-vegetation		
Question	***Answer***	***Status***
B4a) Does the program include efforts to restore native plant communities after invasive species removal?		
B4b) Are native species selection and planting methods appropriate for the site and ecological goals?		
B4c) Are there monitoring protocols in place to assess the success of restoration efforts?		

C) PROGRAM EVALUATION		
C1) Data Collection and Analysis		
Question	***Answer***	***Status***
C1a) Does the program collect data on the distribution and abundance of invasive species?		
C1b) Are data collection methods reliable and standardized?		
C1c) Is data analyzed regularly to inform program decision-making?		
C2) Monitoring and Reporting		
Question	***Answer***	***Status***
C2a) Does the program monitor the effectiveness of its interventions?		
C2b) Are results reported to stakeholders and the public?		
C2c) Are there opportunities to improve monitoring and reporting procedures?		
C3) Adaptive Management		
Question	***Answer***	***Status***
C3a) Does the program use an adaptive management approach to adjust interventions based on monitoring results?		
C3b) Are lessons learned from past efforts incorporated into future planning?		
C3c) Are there opportunities to share information and best practices with other programs?		

D) PARTNERSHIPS AND COLLABORATION		
D1) Stakeholder Engagement		
Question	***Answer***	***Status***
D1a) Does the program actively engage with stakeholders such as residents, landowners, and businesses?		
D1b) Are there opportunities for stakeholders to participate in program planning and implementation?		
D2) Interagency Collaboration		
Question	***Answer***	***Status***
D2a) Does the program collaborate with other agencies and organizations involved in invasive species management?		
D2b) Are there opportunities to share resources and expertise?		
D3) Volunteer Engagement		
Question	***Answer***	***Status***
D3a) Does the program utilize volunteers for invasive species removal and restoration efforts?		
D3b) Are volunteer opportunities well-organized and effective?		

E) RECOMMENDATIONS FOR IMPROVEMENT		
Question	***Answer***	***Status***
E1) Based on the review findings, what are the key recommendations for improving the program's effectiveness?		
E2) What are the estimated costs and resources needed to implement the recommendations?		
E3) What are the potential benefits of implementing the recommendations?		

F) CONCLUSION		
Question	***Answer***	***Status***
F1) Overall, is the Fayetteville invasive plant species management program meeting its goals and objectives?		
F2) What are the program's strengths and weaknesses?		
F3) What are the key opportunities for improvement?		

ADDITIONAL NOTES
This checklist is a starting point and may need to be adapted to the specific context of the program.
The review process should involve stakeholders from diverse backgrounds and perspectives.
The results of the review should be used to inform program improvement efforts.

SUMMARY

Fayetteville's urban forest consists of all trees throughout the City on both public and private property. The trees and the overall urban forest are vital resources that provide numerous ecological, economic, and social benefits. However, invasive plant species pose a significant threat to the health and sustainability of this valuable asset. To ensure the long-term health of the urban forest, it is critical for Fayetteville to regularly review and update its programs for managing invasive plant species. By conducting the program review and applying the recommendations provided in this Report the City of Fayetteville will be position to:

Address evolving threats: Invasive species are constantly adapting and evolving, requiring frequent reassessment of management strategies. New invasive species may emerge, and existing species may develop resistance to current control methods. Updating the program allows for incorporating new knowledge and implementing more effective approaches.

Adapt to changing environmental conditions: Climate change and other environmental factors can significantly impact the distribution and abundance of invasive species. By reviewing and updating the program, Fayetteville can ensure it is adaptable and capable of responding to these changing conditions.

Optimize resource allocation: Limited resources must be used efficiently and effectively. A review process can identify areas for improvement in resource allocation and ensure that program efforts are focused on achieving the most significant impact.

Improve program effectiveness: Regular evaluation and feedback are crucial for identifying program weaknesses and areas for improvement. This information can be used to refine existing strategies, develop new interventions, and ultimately enhance the program's overall effectiveness.

Maintain public support: An effective invasive species management program relies on public awareness and support. By demonstrating commitment to continuous improvement and transparency, the program can build trust and encourage broader community engagement.

Ensure a sustainable future: Invasive plant species can have devastating consequences for the health and diversity of the urban forest. By proactively managing these threats, Fayetteville can ensure the long-term sustainability of this valuable ecosystem and safeguard its ecological, economic, and social benefits for future generations.

Regularly reviewing and updating Fayetteville's invasive plant management program is crucial for maintaining a healthy and resilient urban forest. This proactive approach will require ongoing commitment and collaboration, but it will ultimately contribute to a more sustainable and vibrant City for all residents.

RESOURCES

- Arkansas Native Plant Society: anps.org/category/native-plants/Missouri Department of Conservation mdc.mo.gov/trees-plants/problem-plant-control
- Arkansas One-Call. Damage prevention information, local contacts and rules for safe digging in Arkansas: Dial 811 or 1 (800) 482-8998
- Arkansas State Plant Board (phone: 501-225-1598): aad.arkansas.gov/arkansas-state-plant-board
- City of Fayetteville Code of Ordinances, Ordinance #5820 https://library.municode.com/ar/Fayetteville/ordinances/code_of_ordinances?nodeId=749989
- City of Fayetteville Invasive Plants and Native Alternatives: www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives
- Invasive Plant Atlas: invasiveplantatlas.org
- MP44, "Recommended Chemicals for Weed and Brush Control," University of Arkansas Division of Agriculture, Research and Extension, Arkansas 2021. See MP44 online at www.uaex.edu
- National Invasive Species Information Center: invasivespeciesinfo.gov
- University of Arkansas Division of Agriculture Cooperative Extension (phone: 501-671-2000): uaex.edu/yard-garden/in-the-garden/native-plants
- University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List: www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants
- Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide

ATTACHMENT A: ORDINANCE #5820

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5820

File Number: 2015-0496

AMEND CHAPTER 177 LANDSCAPE REGULATONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

WHEREAS, on May 5, 2015, the City Council passed Resolution 101-15 requesting that City staff examine the need and propriety of submitting a proposed ordinance that would regulate or prohibit the sale or use of certain invasive plant species in Fayetteville; and

WHEREAS, City staff assembled a team of thirteen diverse stakeholders who identified eighteen invasive plant species that warrant restrictions based on the economic and environmental harm that they cause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (B)(12) as follows: "Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (C)(8) as follows: "Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.02(B) by replacing "Tree and Landscape Advisory Committee" with "Urban Forestry Advisory Board."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.03 **Landscape Plan Requirements** by adding the words "Combined Plan" to the beginning subsection (C)(5) and by adding a new subsection (C)(7)(h) as follows: "Plants listed in Section 177.09: **Invasive Plant Species** shall not be installed in developments requiring a landscape plan review."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby adds a new Section 177.09 Invasive Plant Species as set forth in Exhibit "A" attached hereto and made a part hereof.

PASSED and APPROVED on 11/3/2015

Approved:

_____
Lioneld Jordan, Mayor

Attest:

_____
Sondra E. Smith, City Clerk Treasurer

Exhibit A

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinensis, Wisteria floribunda

Bamboo
Pyllostachys Spp.

Bigleaf Periwinkle
Vinca major

Callary/Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
*Hedera helix*Heavenly Bamboo
*Nandina domestica**

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silktree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Sericea Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

*Cultivars that do not produce flowers or fruit are not considered invasive.

PLAN-IT GEO, LLC

FAYETTEVILLE, ARKANSAS



URBAN TREE CANOPY ASSESSMENT PROJECT 2012

5790 YUKON STREET
ARVADA, CO 80002

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Fayetteville, Arkansas

Urban Tree Canopy Assessment

November 2012

Prepared By

Funding assistance was provided by a grant from the Arkansas Forestry Commission Urban & Community Forestry Program through the USDA Forest Service. Special thanks to the U.S. Forest Service Urban Forestry South-Centers for Urban & Interface Forestry team for their assistance.

Prepared For

The Arkansas Forestry Commission-Urban & Community Forestry Program,
Urban Forestry South-Centers for Urban & Interface Forestry,
and the City of Fayetteville

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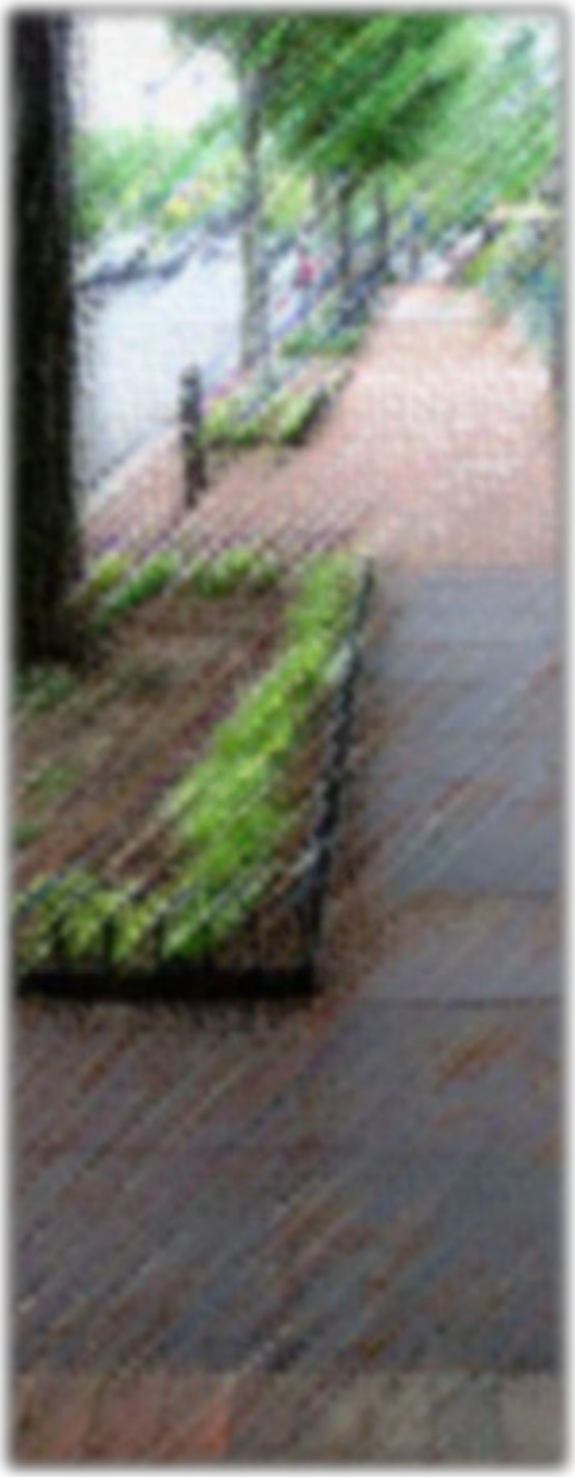
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FAYETTEVILLE, ARKANSAS
URBAN TREE CANOPY ASSESSMENT 2012

EXECUTIVE SUMMARY

This Urban Tree Canopy (UTC) assessment provides a benchmark of Fayetteville's current tree cover. The study delivers essential data layers, maps and tools to enhance urban forest management, policy and decision-making, and planning. Additionally, by calculating some of the services and benefits the tree canopy provides, City staff and elected officials have information that places a value on trees and forests in their community in order to promote sound environmental and land use plans and policies.

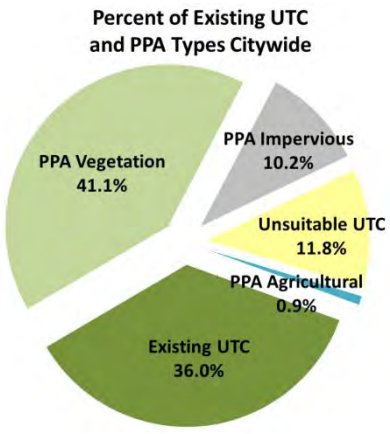


Geographic information systems (GIS), Land Use / Land Cover data, and high-resolution summer imagery provide the basis for this assessment. The data and technologies were used to assess Existing UTC and Possible Planting Areas (PPA) for assessment boundaries with different planning scales and intents. These included Fayetteville's city boundary, 6 land use types at the parcel-level, 2010 census blocks, riparian corridors by watershed boundary, and street rights-of-way.

This report presents results for current land cover and UTC distribution, compares canopy cover to 2002 conditions, estimates tree canopy benefits through multiple scenarios, and offers an evaluation, custom maps and tools, and recommendations for setting and achieving UTC goals.

URBAN TREE CANOPY IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437 acres) defined by the city limits of the City of Fayetteville, in Washington County, Arkansas. Based on a land area (after excluding water) of 34,586 acres, the City of Fayetteville has 12,441 acres (36%) of existing tree canopy, 17,757 acres (51%) of possible planting area, and 4,388 acres (13%) that is likely unsuitable for tree planting.



Riparian buffer analysis reveals there is 60% tree cover along Fayetteville's streams and rivers. Canopy cover within land use categories ranged from 18% (Commercial) to 45% (Agriculture) while the street rights-of-way average 13% cover. Residential properties average 41% UTC with 6 available planting sites per acre.

ECOSYSTEM SERVICES

Trees and forests in communities provide many "ecosystem services", or direct and indirect economic and environmental benefits such as removing air pollutants, storing and sequestering carbon, mitigating stormwater runoff, conserving energy through shade and wind block, improving public health, and providing wildlife habitat. Fayetteville's tree canopy currently provides an estimated $3.5M in air quality services each year and $64M in total stormwater management. Additionally, 50,000 planting sites were mapped near residential buildings where energy conservation

and associated carbon emissions reductions could be maximized. The impact on ecosystem services from increasing and decreasing canopy cover is presented in this report.

URBAN FOREST MANAGEMENT SCENARIOS

Management scenarios are presented and discussed involving further mapping, analysis and evaluation of Fayetteville's urban forest.

- **Comparison of canopy cover and benefits (2002 – 2012)** – urban forests are dynamic and constantly changing. Three (3) methods were used to assess gains and losses in tree canopy.
- **Target areas to plant trees** – an analysis of potential tree planting sites focused on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Other attributes were added to this GIS layer for additional prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – at 36% UTC, Fayetteville is 4% (~1,400 ac) below the national recommendation of 40%. Scenarios to reach 40% and an evaluation on the City's tree preservation ordinance are presented.
- **Management of the urban forest on city owned properties** – gains and losses in tree canopy on city properties is evaluated for future management purposes.

RECOMMENDATIONS AND SUMMARY

Understanding how and where trees are concentrated and distributed across Fayetteville is essential for maintaining a healthy and sustainable urban forest. This study provides the most up-to-date analysis to foster this overarching goal.

Fayetteville currently has 36% tree cover with 52% of the City classified as possible planting space. A comparison and trends assessment indicates canopy cover has decreased from around 37% to 36% (approximately 750-acre net loss) from 2002 to present. Forest regeneration and new tree planting are helping to offset only some of the losses from new development. Broad recommendations offer suggestions on using the results of this assessment as well as ways to create, expand, or strengthen urban forestry practices in the City.

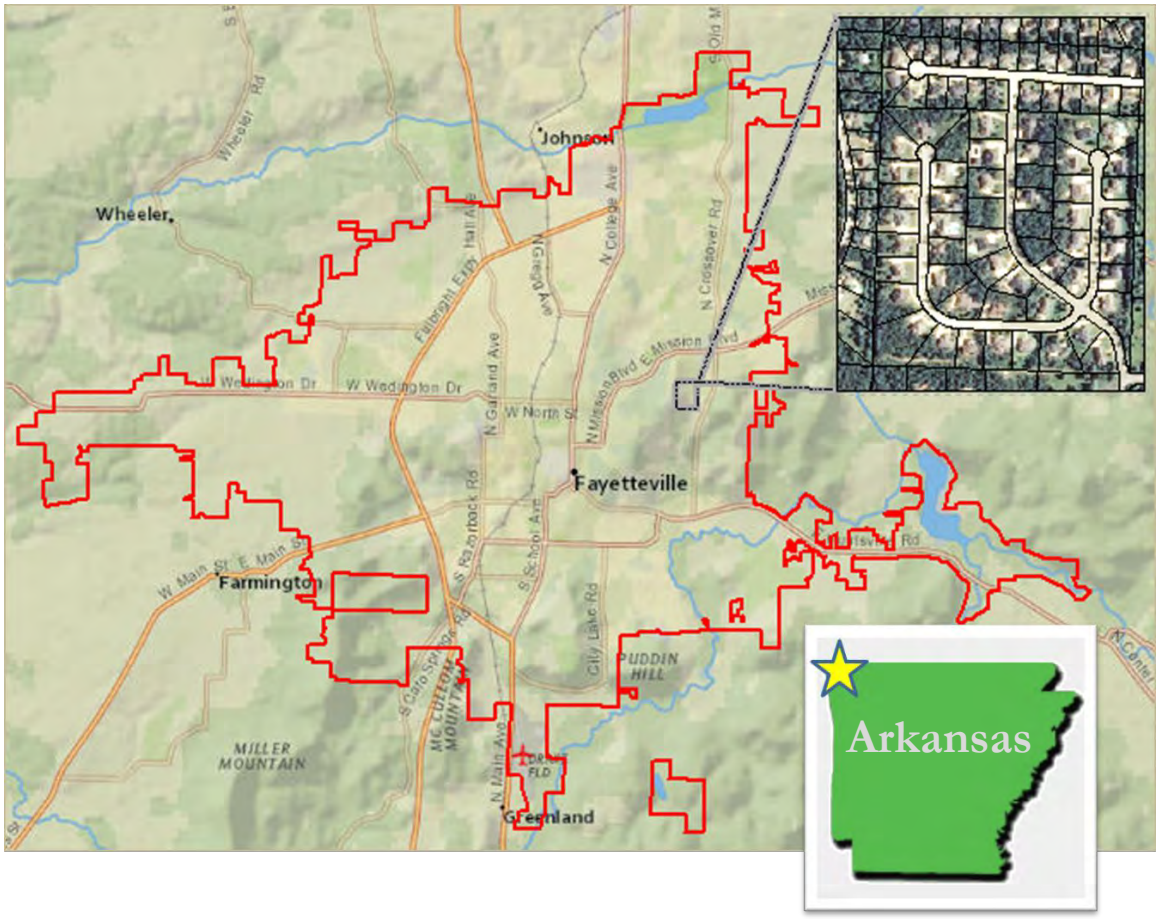
As development and economic progress continue, communities and public officials place a value on their tree cover when drafting and revising policies that affect trees. Fayetteville's leaders, business community, and citizens shape their urban forest in tree planting and protection ordinances, and should use the results from this study to reevaluate whether changes in the City's landscape the past 10 years is acceptable for their health, the environment, and the local economy and community.



Tree canopy cools impervious surfaces on hot sunny days therefore reducing the effects of radiant heat escaping back into the atmosphere (Downing, 2011).

INTRODUCTION

Trees provide many economic, social, and environmental benefits that form the basis of livability in urban municipalities. Therefore, it is important for urban development to work closely with urban forest health protection and management goals in order to maintain community livability. Geographic distribution of land use plays a critical role in maintaining a uniform urban forest. Each category of land use has unique management objectives and regulatory constraints.



This Urban Tree Canopy Assessment (UTC) in Fayetteville represents an opportunity to better understand baseline conditions of tree canopy, the distribution of existing canopy vs. potential tree canopy, and development of tools to incorporate urban forest benefits during policy and planning processes. It involves the use of high-resolution multispectral imagery, GIS, and remote sensing technologies, training and development of custom tools, ecosystem benefits modeling, and reporting to characterize existing and potential UTC. The products and outcomes of this study will support developing and monitoring of UTC goals, provide detailed data for management plans and ordinances, and foster greater understanding of UTC benefits.

This analysis of urban tree canopy aims to reveal and provide a better understanding of the benefits of the City of Fayetteville's green infrastructure, expanding upon previous studies by the Fayetteville Natural Heritage Association (FNHA). This study looks at the urban forest's relation to air quality, stormwater control, and carbon sequestration and storage. With funding in part provided by the USDA Forest Service (USDA FS), the Arkansas Forestry Commission Urban & Community Forestry (AFC) program contracted with Plan-It Geo, LLC to map Fayetteville's urban tree canopy

(UTC). This assessment examines the area and percent cover for existing tree canopy, possible planting area (in vegetated grass areas and paved impervious areas), and areas unsuitable for planting (buildings, roads, water, agricultural fields, etc.). These metrics were calculated for six (6) assessment boundaries: (1) Fayetteville City boundary, (2) land use, (3) census blocks, (4) riparian corridors, (5) street rights-of-way, and (6) parcels (see Table 1 on the following page).

The assessment was accomplished by using newly generated land cover data and assessment boundaries provided by City GIS. The land cover classification includes the following eight (8) classes for the City: (1) tree canopy, (2) other low-lying vegetation, (3) bare soil/dry vegetation, (4) water, (5) buildings, (6) roads, (7) agriculture, and (8) other impervious surfaces (parking lots, driveways, etc.). See Figure 1.

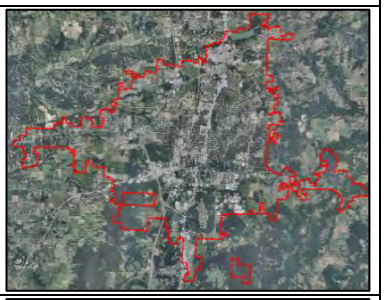
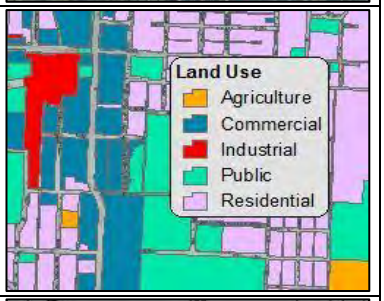
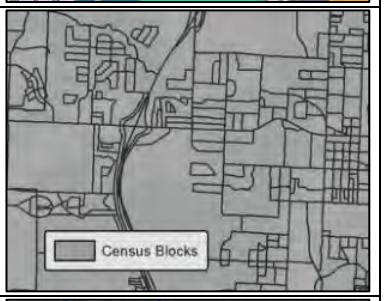
Specific objectives of this assessment were to:

- Map and assess eight (8) land cover classes across Fayetteville.
- Map and quantify existing urban tree canopy and possible planting areas for the City and five other finer scale assessment boundaries.
- Estimate Urban Forest Ecosystem Services, including air pollution removal capacity, carbon storage and sequestration, and stormwater management, broken out by the City, residential land uses, and watersheds.
- Create a series of Urban Forest Management Scenarios describing how UTC has changed over time and what current vs. future projected tree benefits and tree canopy could look like. This involved developing a GIS layer for prioritized potential planting locations, a plug 'n play Canopy Calculator tool, and an evaluation of the City's tree preservation ordinance.
- Provide training to City staff, volunteer organizations, state agency officials, and others in a workshop demonstrating how to use the data and tools and conduct ecosystem services analysis. In addition, presenting the results to the Fayetteville City Council.

The Fayetteville Urban Tree Canopy assessment provides data and tools to develop local and regional urban forestry goals, policies, outreach, and management plans to sustain and enhance the existing urban forest. In addition to this report, Plan-It Geo, LLC has also provided GIS data layers and Excel spreadsheets to accompany reported results. Only a fraction of the information available from this assessment is provided in the report. Fayetteville and other partners are encouraged to conduct additional analyses to answer specific questions related to local planning policies and concerns.



Table 1. List and description of UTC assessment boundaries for this study.

Assessment Boundary	# of Types or Features	Description	Map
City Boundary	1	City of Fayetteville	
Land Use	6	Land Use Categories Used: Agriculture Commercial Industrial Public Land Residential Public Right-of-Way	
Census Blocks	1,894	2010 U.S. Census data provides demographic data at the tract, block group, and block level. The most detailed 'block' level was used for this project.	
Riparian Corridors	69	Buffered streams and rivers, segmented by watershed boundary into finer-scale reaches to provide a better planning scale for this assessment.	
Street Rights-of-Way	903	The public rights-of-way (ROW) along streets.	
Parcels	28,768	Tax lots from the county assessors property database.	

MAJOR FINDINGS

Based on Fayetteville's analysis of aerial imagery, Land Use / Land Cover, ecosystem services, and potential tree planting sites, the following represents the major findings from this study.

- ***Fayetteville has 36% urban tree canopy cover based on 2010 imagery.***
- ***Canopy trends indicate a loss of possibly 1.5% UTC since 2002.***
- ***Residential lots cover 31% of Fayetteville with an average tree cover of 41% citywide. This represents 1/3 of the City's total tree canopy.***
- ***19% of the City's tree canopy is on publically owned properties.***
- ***The current urban forest removes nearly 1.3M pounds of air pollutants from the air annually, valued at $3.5M per year.***
- ***This equates to 1.1 billion pounds of stored carbon with an annual carbon sequestration rate of 8.4M pounds of CO2 taken up by the tree canopy.***
- ***Stormwater Savings***
    - ***At 36% UTC, Fayetteville's tree canopy is valued at an estimated $64 million based on avoided stormwater facility construction costs.***
    - ***If canopy declines, at 30.0% canopy cover, it is valued at $44M.***
    - ***At 40% UTC with 4% of new canopy growth from regeneration (natural forested areas), it is valued at $65M***
    - ***At 45% UTC with the new canopy growing over streets and parking lots, the tree canopy would be valued at $85M.***
- ***Natural forest regeneration plays a large role in UTC gains in Fayetteville. Examples are provided in the Canopy Change section of this report.***
- ***There are 50,000 potential tree planting locations near residential buildings. If trees are planted to maximize cooling in summer, energy conservation as trees reach maturity would be significant.***

METHODOLOGY

The following section describes the data and methods used for land cover classification and the terminology for defining and assessing the urban tree canopy (UTC) and potential planting areas (PPA). Brief methods for the comparison of tree canopy cover from 2002 to 2010 are included in the Results section further below.

DATA INPUTS, IMAGERY AND LAND COVER CLASSIFICATION

Numerous GIS data layers from the City and County were used in the process of mapping land cover classes and in the UTC assessment process. Examples include streets, buildings, water bodies, streams, parcels, land use, publicly owned properties, watersheds, and GIS layers from Fayetteville Natural Heritage Association's Green Infrastructure Plan. One-meter resolution imagery from summer 2010 (National Agricultural Imagery Program – NAIP) was used as the basis for this UTC Assessment. The final land cover classification data includes eight (8) classes: (1) **tree canopy**, (2) **grass / open space**, (3) **bare soil/dry vegetation**, (4) **water**, (5) **buildings**, (6) **roads**, (7) **agriculture**, and (8) **other paved surfaces** (parking lots, driveways) shown in Figure 1 below.

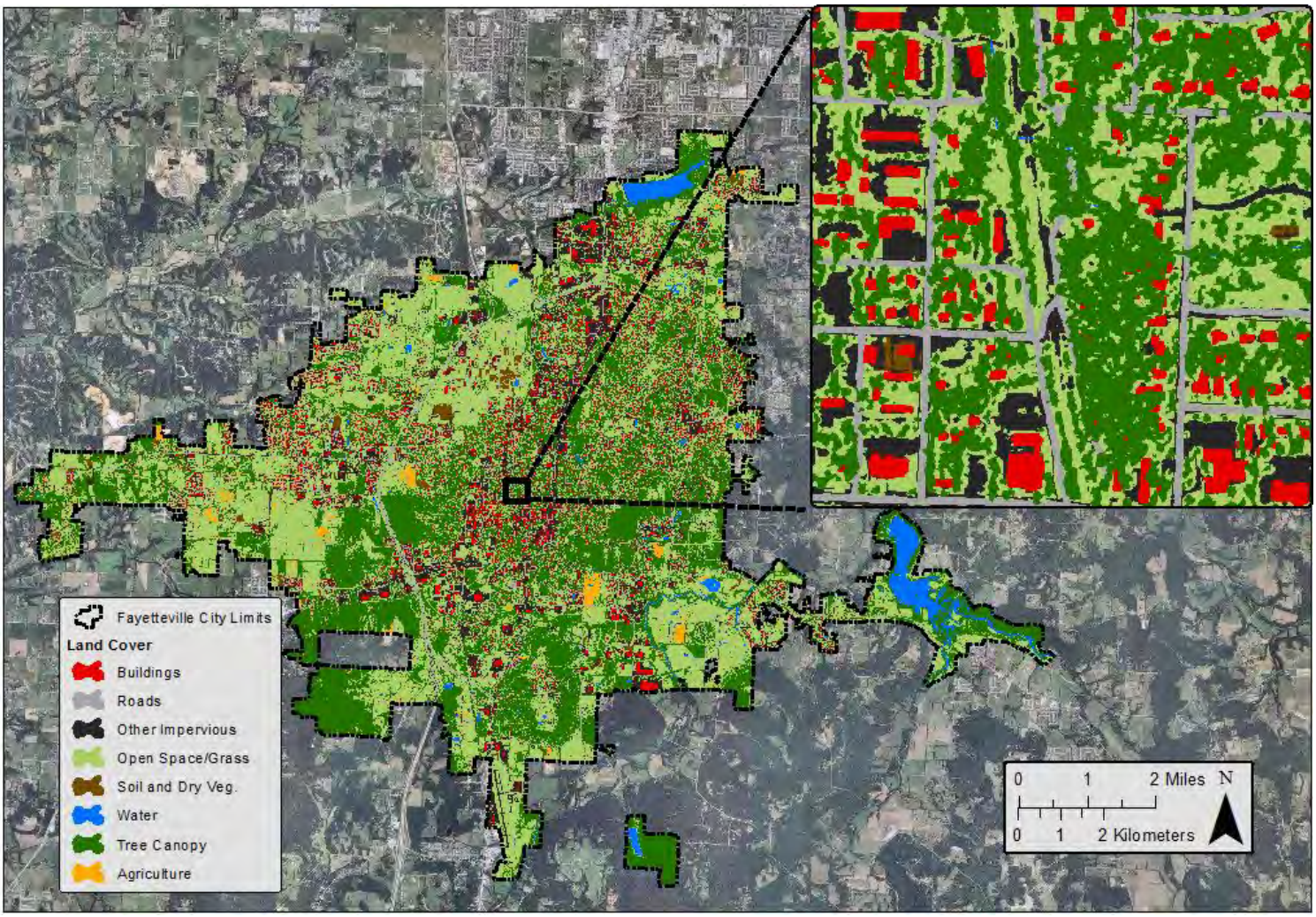


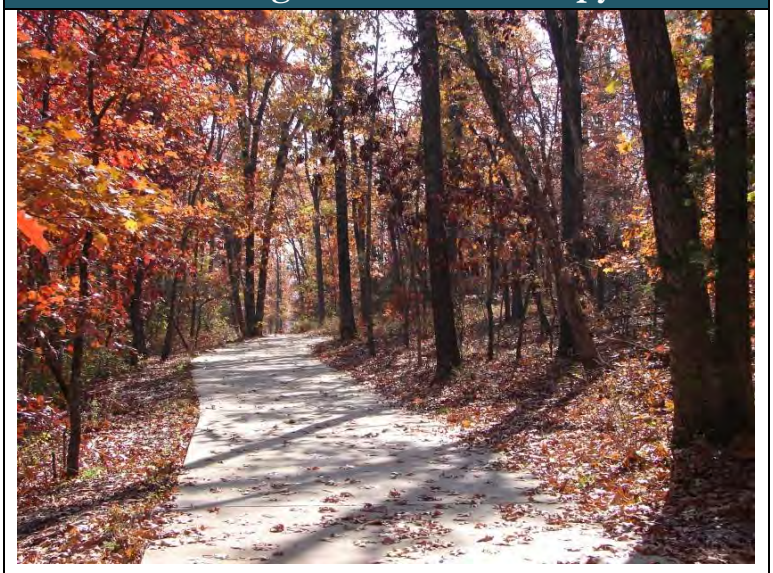
Figure 1. Land cover with 8 classifications as an overview and an inset map.

TERMINOLOGY

The UTC types assessed in this study are defined and described below. The area and percent of each was reported for six assessment boundaries. More details are provided throughout the report.

- ***Existing forest canopy*** is comprised of all forests and individual trees mapped from the 2010 summer NAIP imagery. For the purposes of this study, water was excluded from the total study area when calculating percent UTC. Excluding water from the study area (35,437 acres) creates total land area (34,586 acres) which was used to create all UTC metrics.
- ***Possible planting area (PPA)*** is defined as the total land area where no tree canopy cover currently exists and it is biophysically possible to plant trees. In this analysis, mainly grass and open space constitute "PPA – Vegetation" while impervious surfaces such as parking lots makeup "PPA – Impervious". These are combined to report Total PPA. This does not equal to potential canopy but rather the space on-the-ground that is available for tree planting opportunities.
- ***Unsuitable UTC***, for this study, was the combination of bare soil, dry vegetation, roads, buildings, agricultural land use, and water. Soil and dry vegetation are considered unsuitable given they comprise baseball infields, industrial lots, and vegetation that is lacking completely or unmaintained. Some areas mapped as Unsuitable UTC could become PPA through natural and human processes over time. Agricultural lands from the county land use data were sub-categorized as a PPA type but are generally considered as Unsuitable UTC.

Existing Urban Tree Canopy



Possible Planting Areas – Streets & Yards



Possible Planting Areas – Impervious



RESULTS

Detailed land cover and UTC assessment results are presented below. Land cover results are presented first, followed by results for each assessment boundary with specific tables, maps and graphics for Existing UTC, Possible Planting Areas, and Unsuitable UTC.

LAND COVER IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437.4 acres) defined by the city limits of Fayetteville. The two predominate land cover types for the study area are green vegetation (grass and open space) at 41% (14,518 acres) and secondly tree canopy at 12,441 acres as shown in Figure 2. "Other impervious", consisting of parking lots, driveways, patios, and other paved surfaces, is third comprising of 10% of Fayetteville or 3,539 acres. The next four land cover classes including roads, buildings, water, soil and dry vegetation each individually fall under 10% for land cover and as a whole comprise of 14% of Fayetteville's land cover.

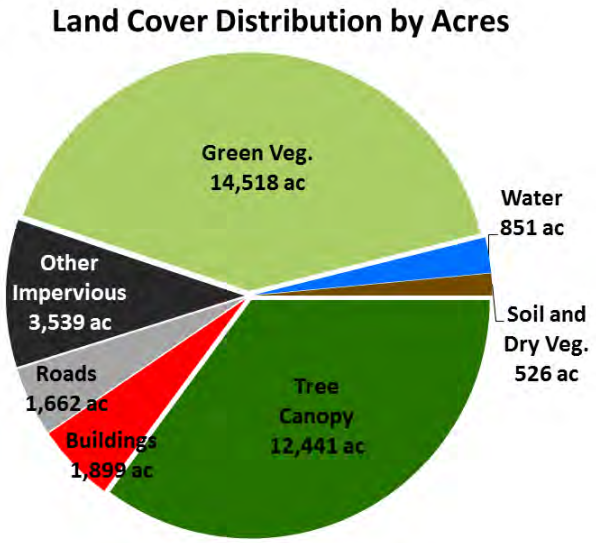


Figure 2. Distribution of land cover in Fayetteville.

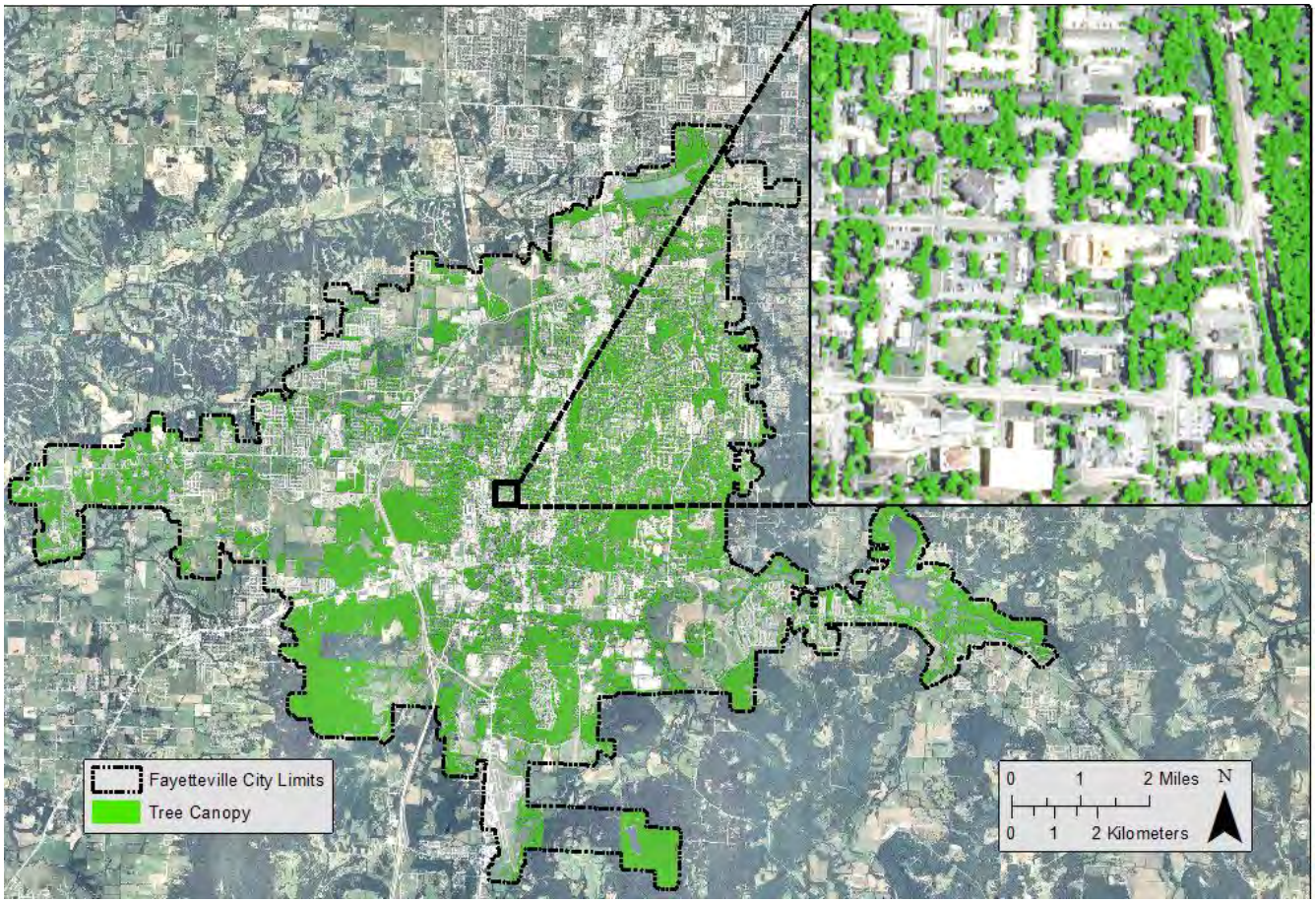


Figure 3. Tree canopy classification overview and inset map.

TREE CANOPY IN FAYETTEVILLE

As seen in Table 2 and Figure 4, Fayetteville's current UTC covers 12,441 acres or 36% of the total land area. In addition to tree canopy, total possible planting area (PPA) in Fayetteville is equivalent to 18,057 acres or 52% of the total land area. The remaining 4,088 acres (11.8%) of land area is considered unsuitable for planting additional trees.

Table 2. Metrics for Fayetteville showing UTC and PPA in acres and percent.

	Total Acres	Land Area (acres)	2010 UTC (acres)	2010 UTC %
City of Fayetteville	35,437	34,586	12,441	36.0%

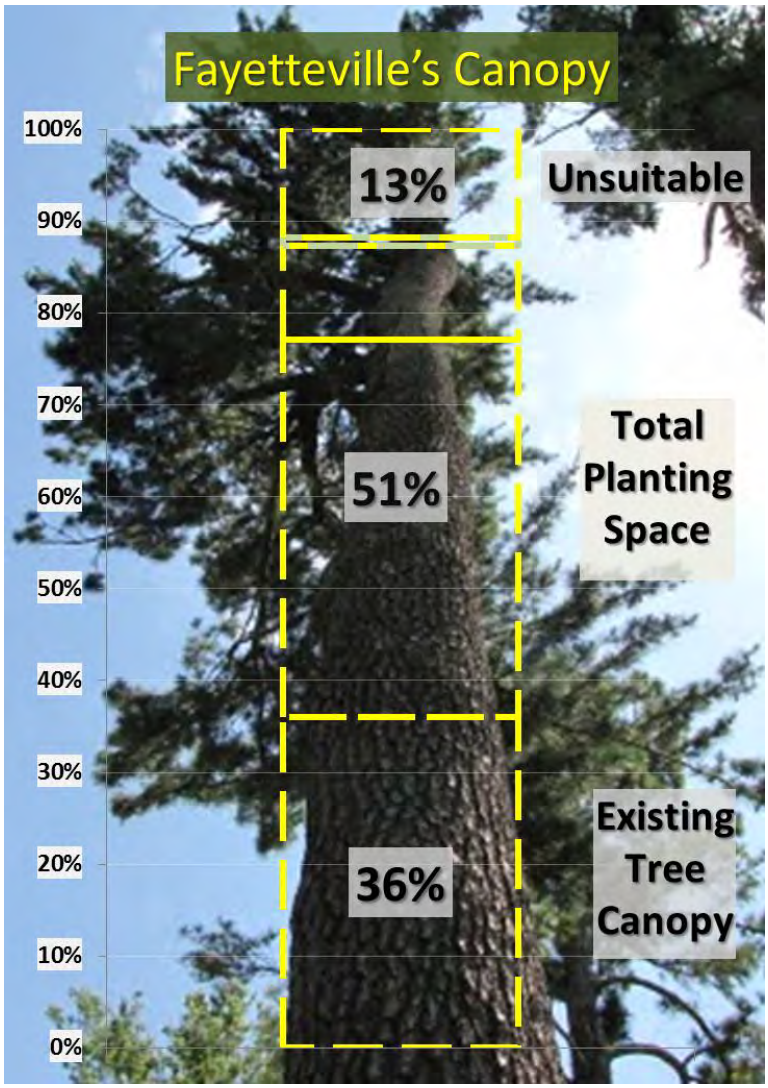


Figure 4. Percent distribution of UTC and PPA for the City of Fayetteville.

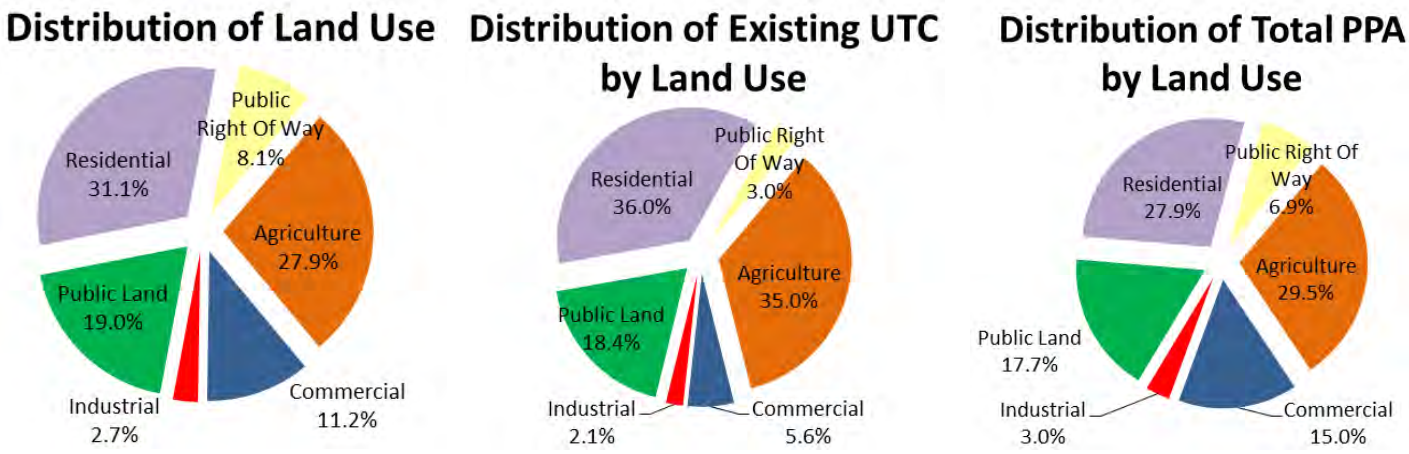
TREE CANOPY BY LAND USE AND PARCELS

Various policies, regulations, ordinances, and city codes influence tree canopy in Fayetteville. To provide data that advances urban forest management, six (6) broad land use categories were assessed for tree canopy and possible planting areas. Parcels from the county tax assessor's database were provided which included broad land use categories. Public lands were derived from parcels with 'exempt' status and the Public Rights-of-Way occur outside of all parcel boundaries. This was the finest scale assessment boundary and included 28,768 records. Results can be queried and symbolized using GIS to drill down and identify specific planting opportunities in subdivisions, land use types, or neighborhoods. Table 3 provides complete results for UTC and PPA land use metrics.

Table 3. UTC and PPA Results for 6 Broad Land Use Categories.

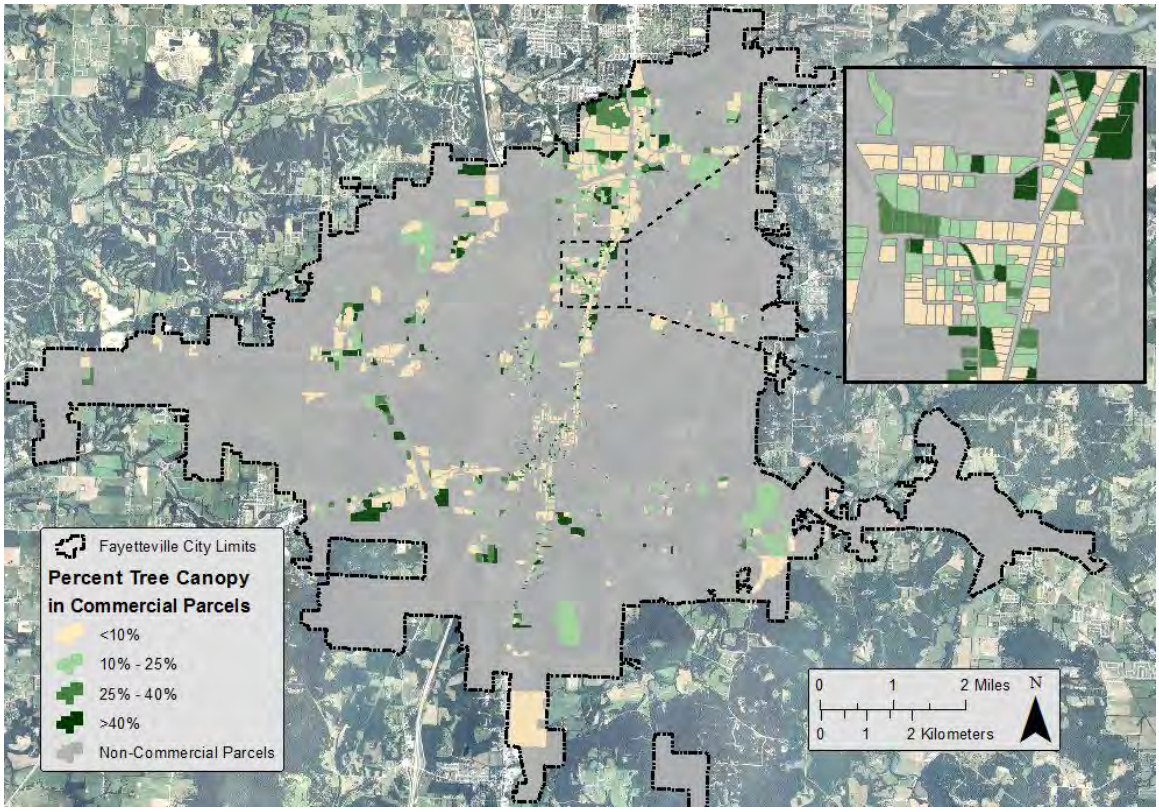
	Land Use Category	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	Existing UTC %	Distribution of UTC by Land Use	Total Possible Planting (acres)	Total Possible Planting %	Distribution of Total PPA by Land Use
City of Fayetteville	Agriculture	9,880	9,757	27.9%	4,353	44.6%	35.0%	5,329	54.6%	29.5%
	Commercial	3,985	3,943	11.2%	702	17.8%	5.6%	2,705	68.6%	15.0%
	Industrial	957	949	2.7%	258	27.2%	2.1%	549	57.9%	3.0%
	Public Land	6,731	6,106	19.0%	2,285	37.4%	18.4%	3,190	52.2%	17.7%
	Residential	11,017	10,968	31.1%	4,475	40.8%	36.0%	5,038	45.9%	27.9%
	Public Right Of Way	2,867	2,863	8.1%	368	12.9%	3.0%	1,247	43.6%	6.9%
	TOTALS	**35,437**	**34,586**	**100.0%**	**12,441**	**36.0%**	**100.0%**	**18,058**	**52.2%**	**100.0%**

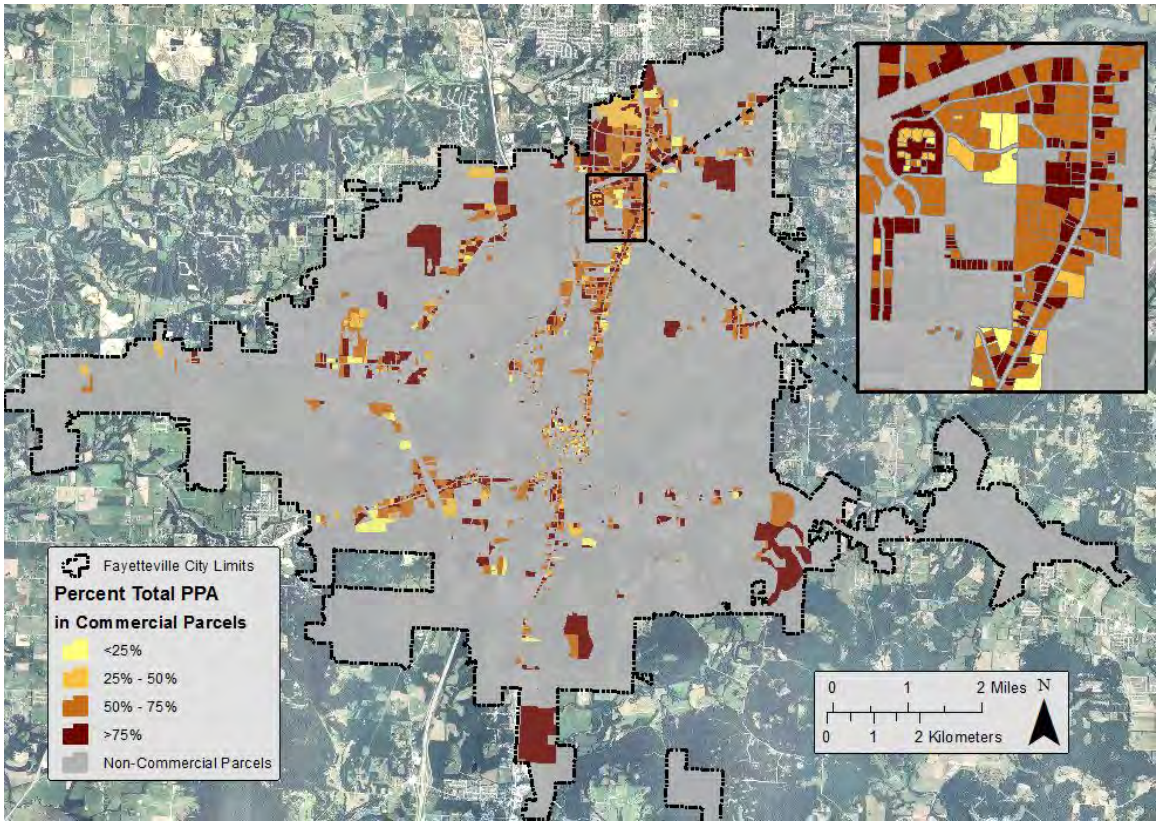
As an example, Commercial properties makeup 11% of the City, have 18% average tree canopy cover which represents almost 6% of UTC citywide, have 69% possible planting area largely from turf grass areas and parking lots, which constitutes 15% of all the PPA citywide.



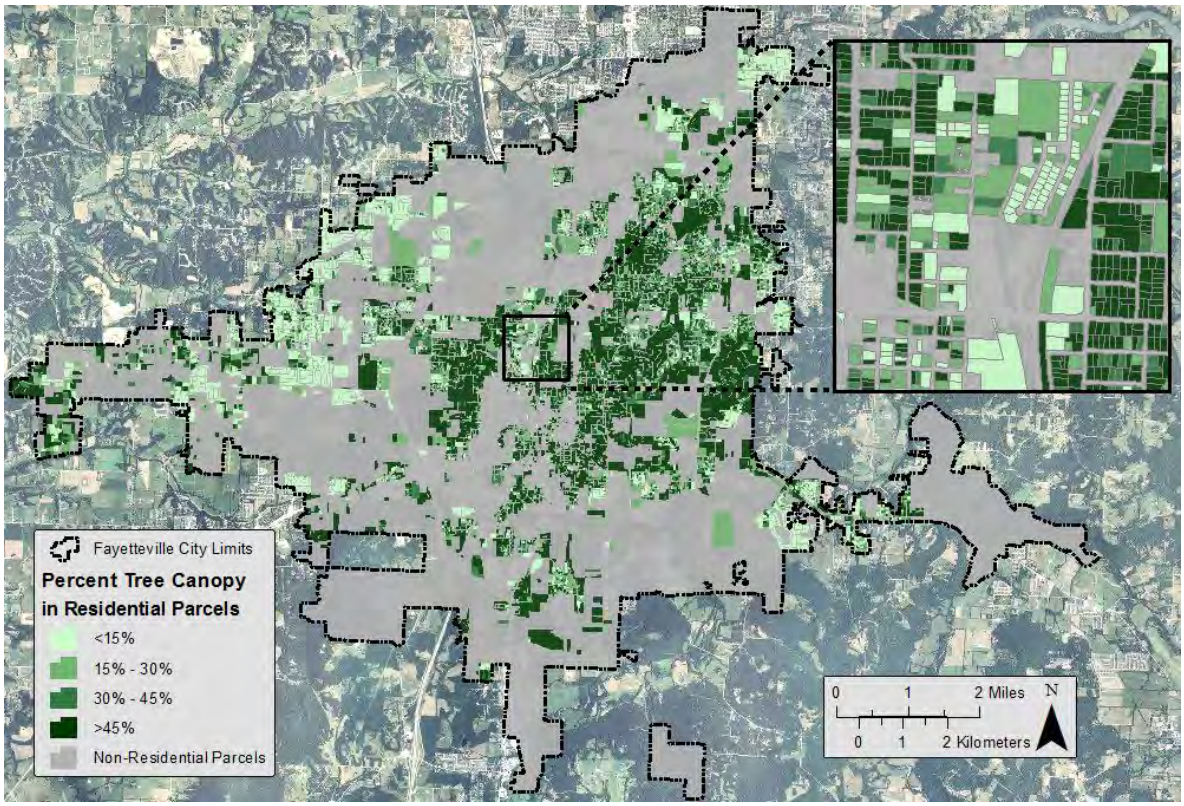
Figures 5-7. The Distribution of Land Use, UTC by Land Use, and PPA by Land Use.

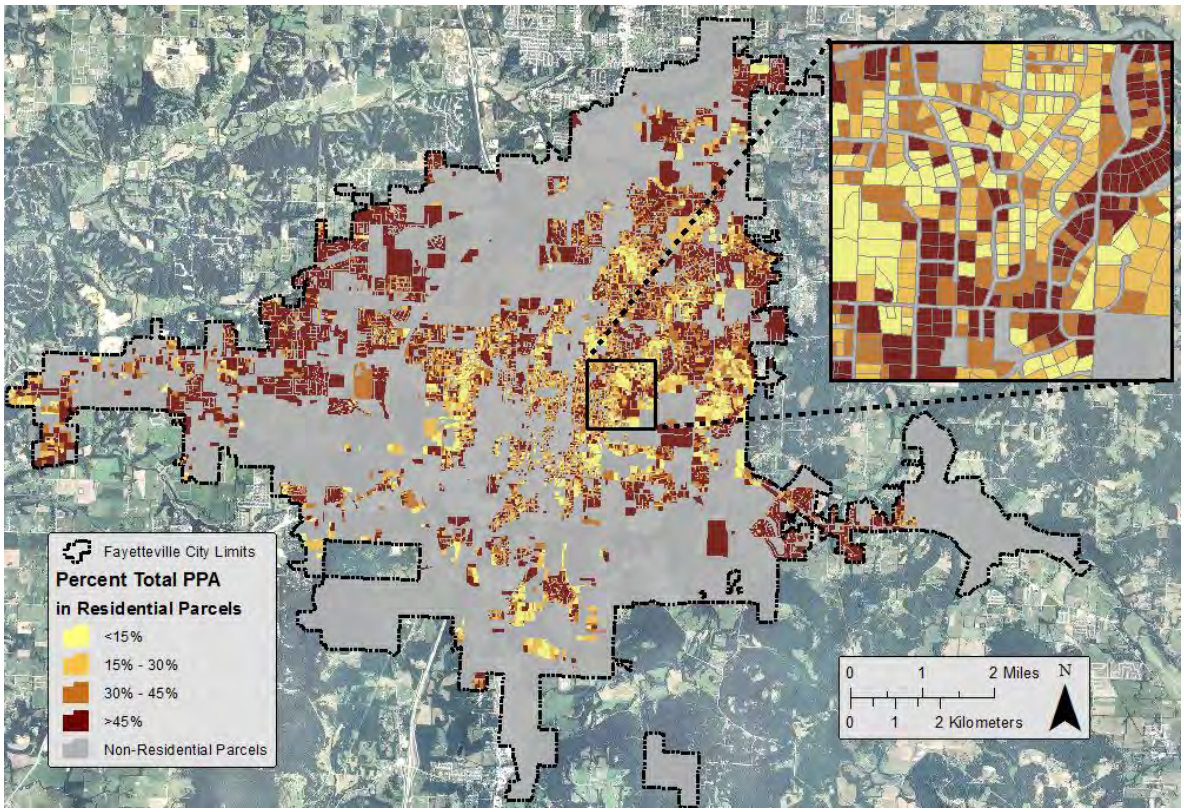
Maps in Figures 8-13 on the following pages illustrate how the land use and parcels data can be used together with UTC and PPA metrics to target specific properties for tree planting as well as monitoring the effectiveness of ordinances. Maps are shown for commercial, residential, and public properties by the percent of Existing UTC and Total Possible Planting Areas.



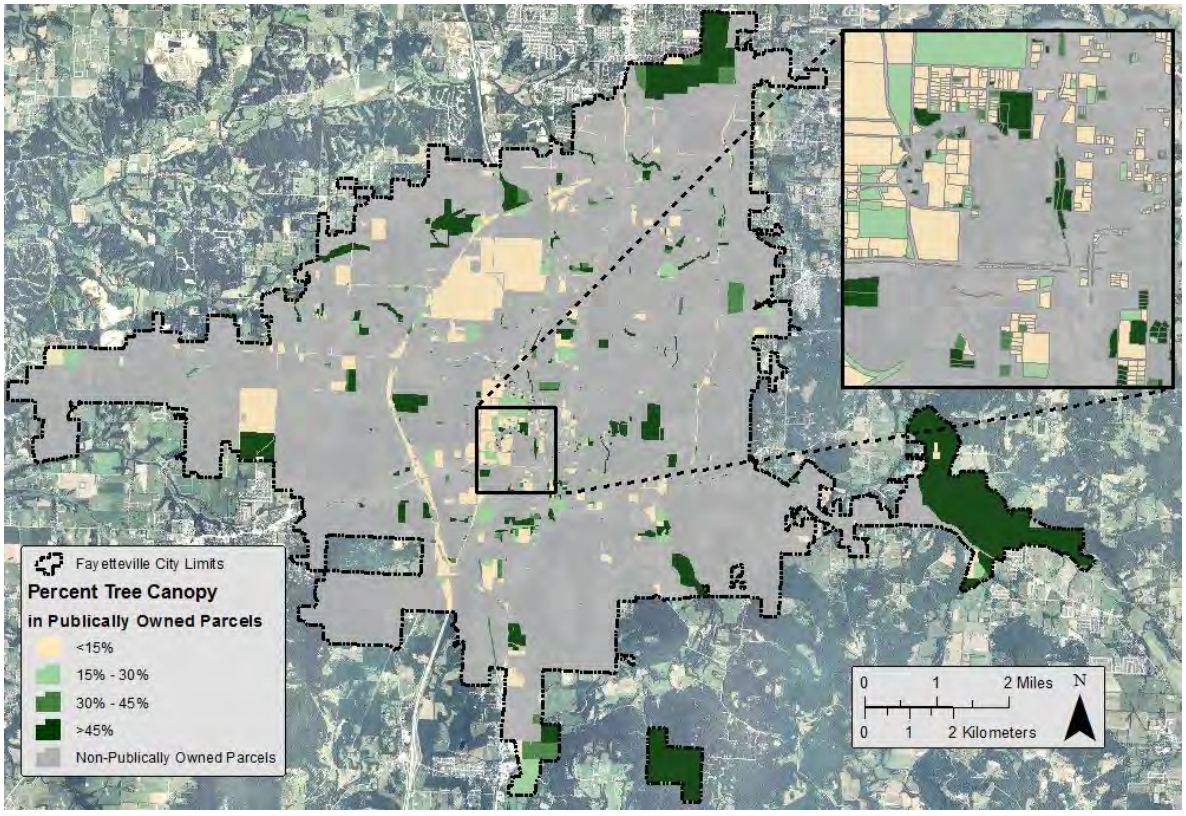


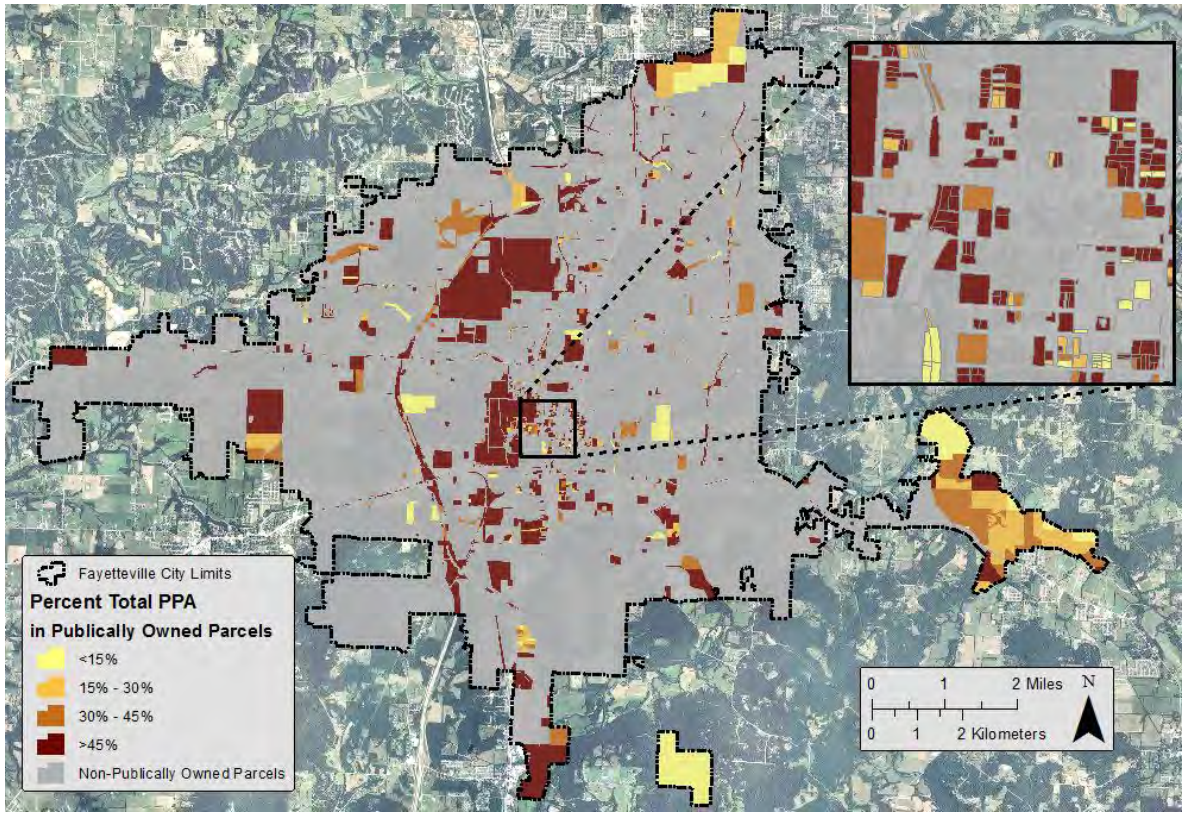
Figures 8-9. Existing UTC and Total PPA Percentages for Commercial Properties.





Figures 10-11. Residential parcels color-coded by Percent Existing UTC and Total PPA.





Figures 12-13. Publicly owned parcels color-coded by Percent Existing UTC and Total PPA.

TREE CANOPY IN THE STREET RIGHTS-OF-WAY

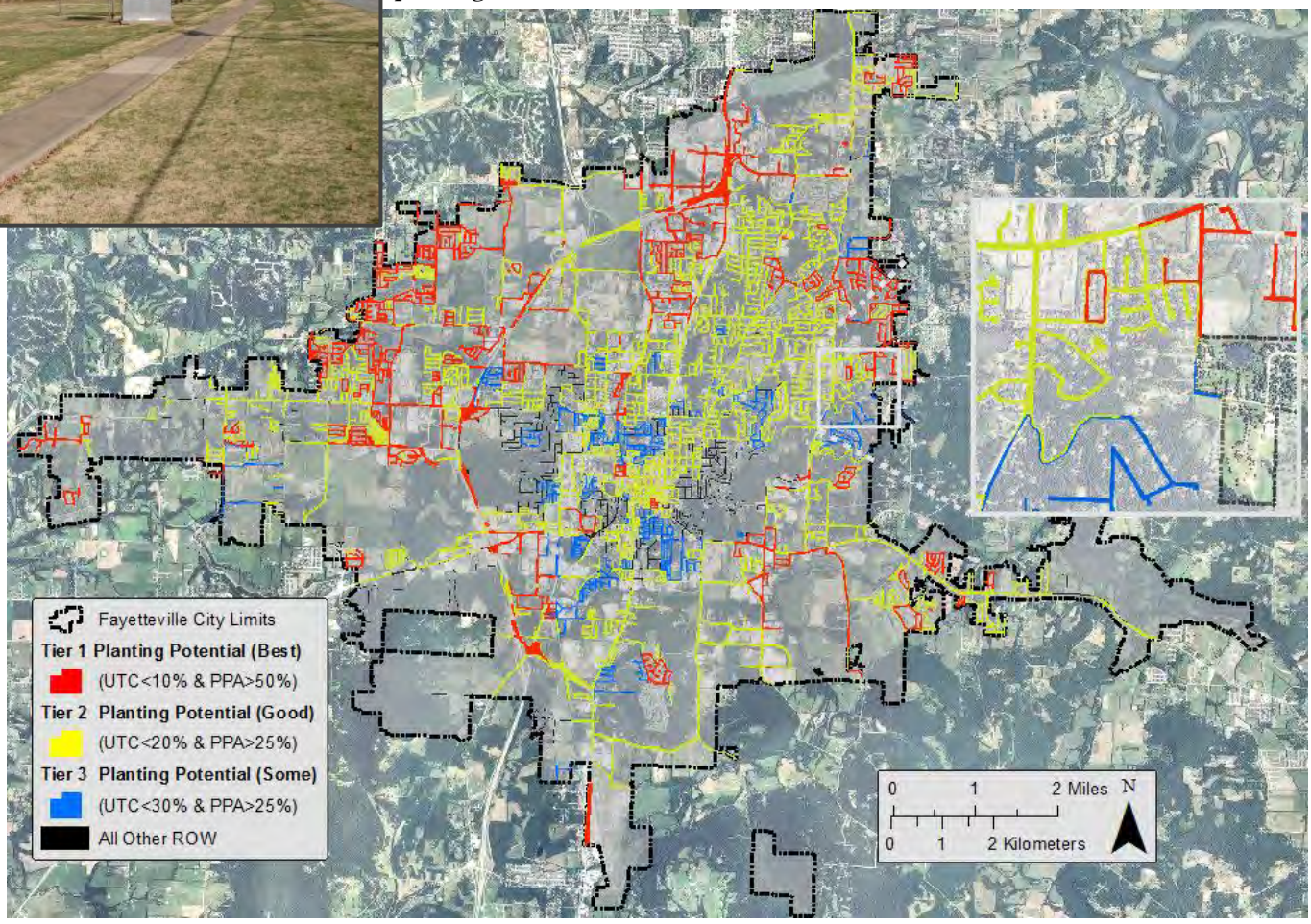
The City of Fayetteville's urban forestry program plants, manages, and maintains trees in the street rights-of-way (ROW). This is where the City has the most direct influence on tree canopy aside from tree preservation or other private property ordinances. Key findings in Fayetteville's ROW are:

- ROW total land area is equal to 2,863 acres, or 8% of the total city land area.
- Existing UTC in the ROW is 368 acres or 13% average cover. This represents 3% of all UTC citywide.
- PPA – Vegetation totals 611 acres or 21% of the ROW and PPA – Impervious totals 636 acres or 22% of the ROW.
- There are an estimated 15,000 potential planting sites in the ROW, or 5 per acre. If 25% of these sites were planted, grew to 30' tree crown spreads, this would generate 61 acres of new tree canopy. 61 acres is 4% of the acreage required to reach 40% citywide UTC.

Other UTC and PPA results for the ROW can be seen in Table 3 and Figures 5-7 in the Tree Canopy by Land Use section.



Figure 14. Potential planting area in the Street ROW. The GIS queries in the map legend show 3 colors based on ranges of Existing UTC and Total PPA. As an example, streets colored red have less than 10% UTC and greater than 50% total planting area.



TREE CANOPY BY CENSUS BLOCKS

The 2010 U.S. Census data provides social and demographic information at a variety of scales, specifically in GIS format from large to small as census tracts, block groups, and individual blocks. In Fayetteville, 1,894 census blocks were assessed for UTC and planting areas.

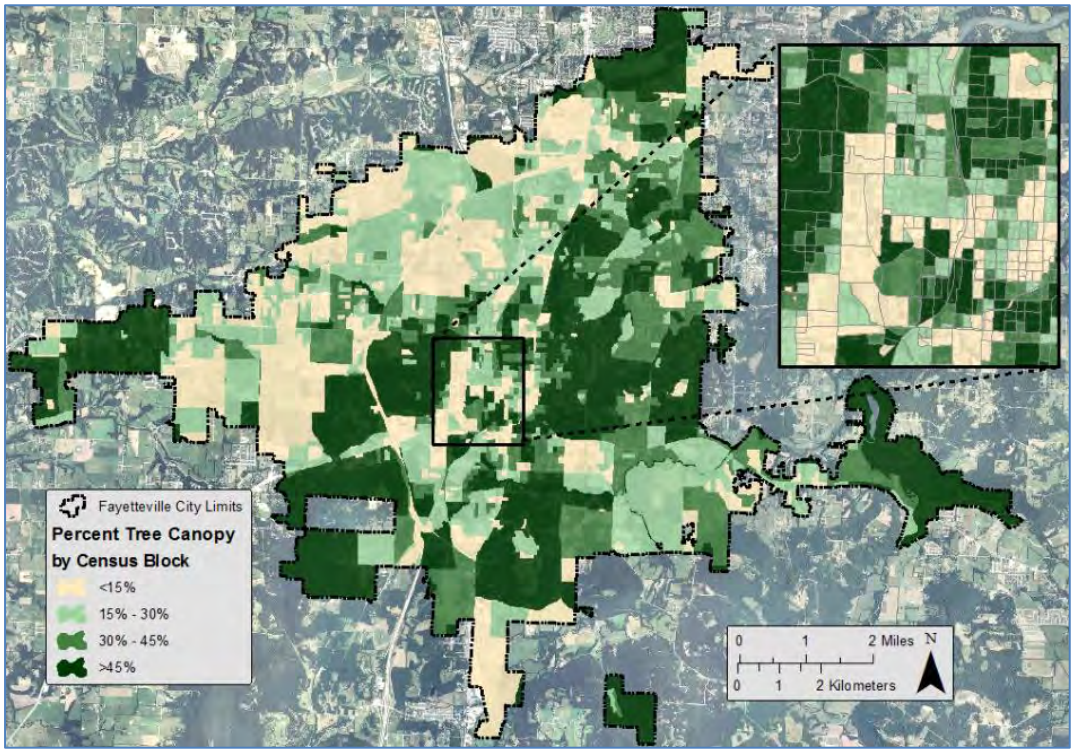


Figure 15.

Census blocks (socio-demographic units) color-coded by Percent UTC. Darker areas have more tree cover than lighter colored areas.

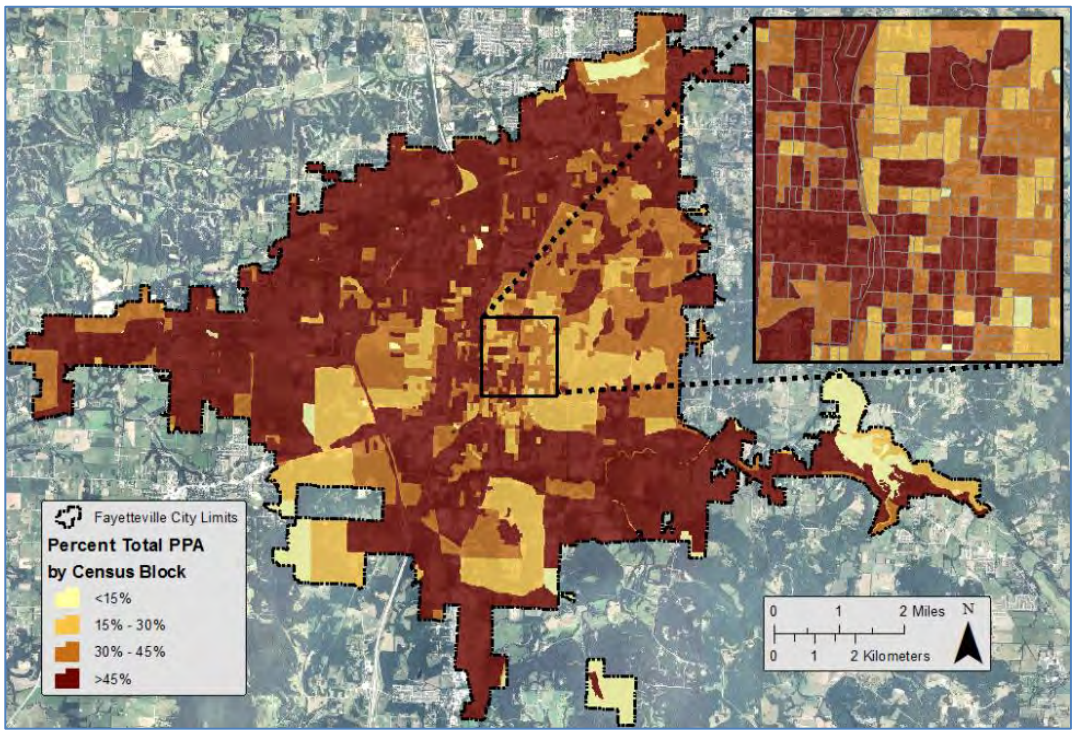
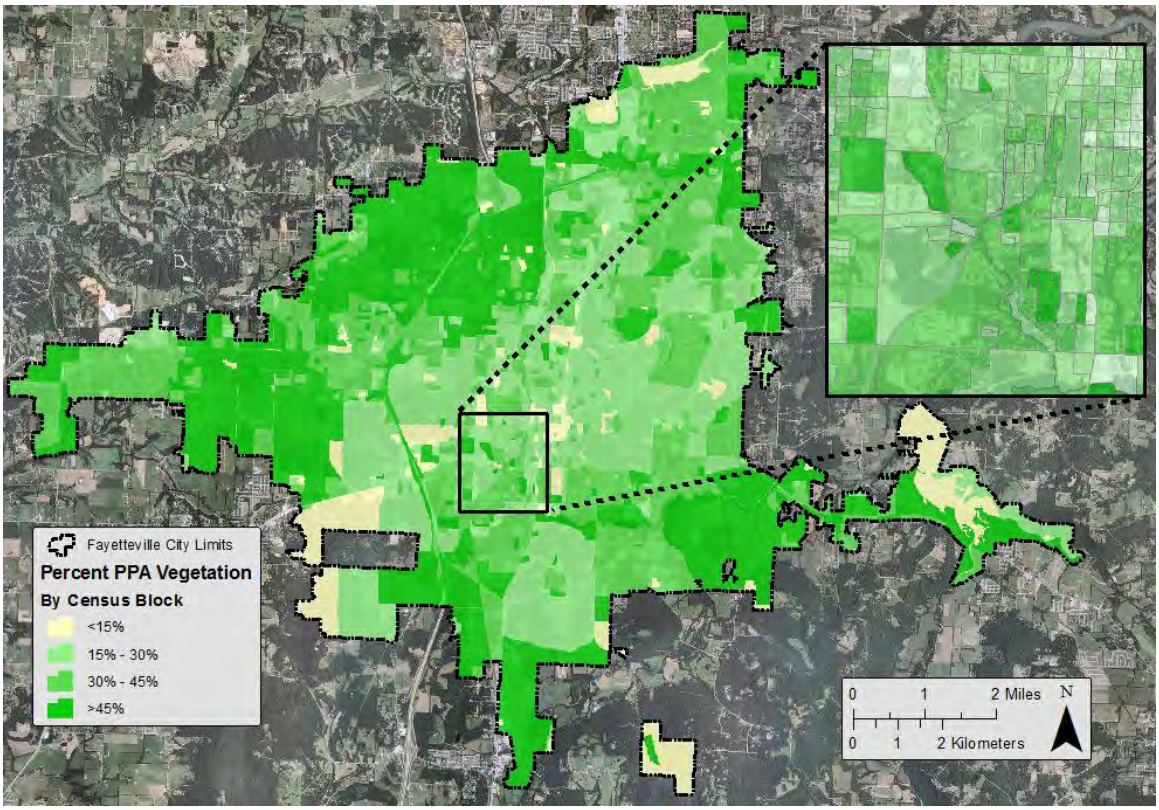


Figure 16.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space as well as suitable paved (impervious) areas.

Figure 17.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space. Agricultural land use areas were excluded from percentages.



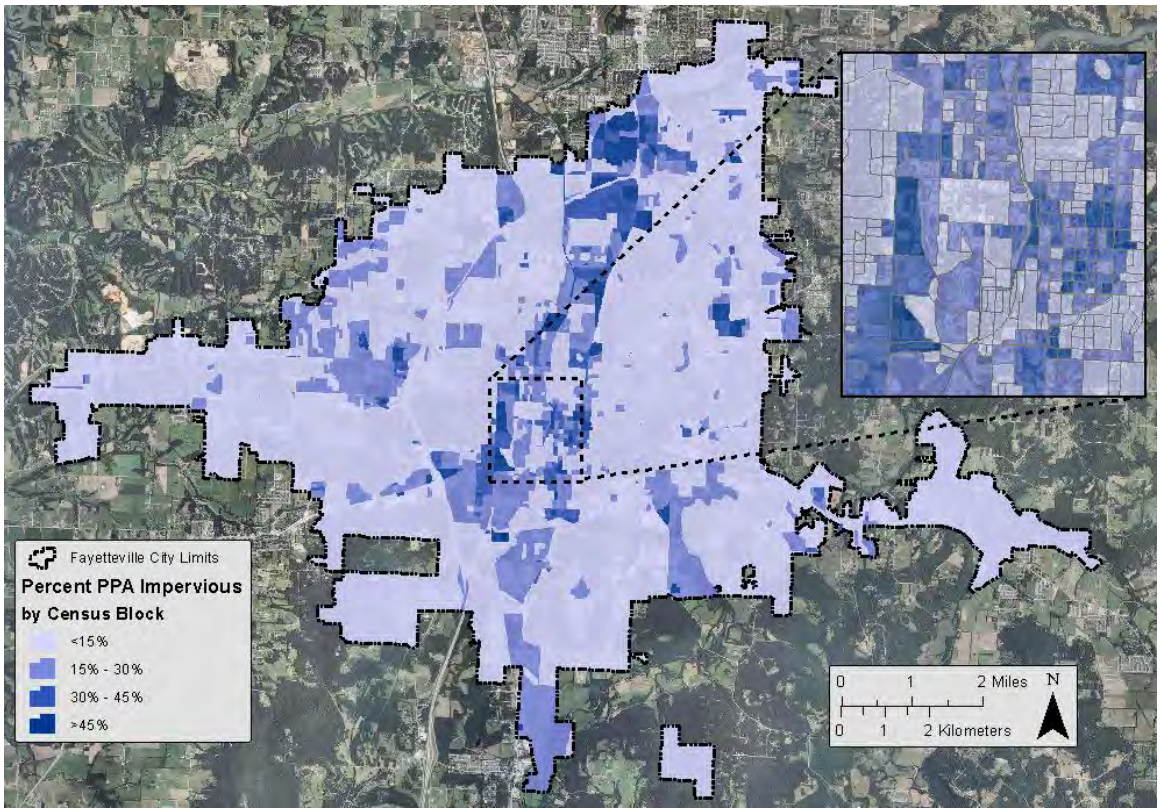


Figure 18.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from suitable paved (impervious) areas such as parking lots, driveways, etc.

TREE CANOPY BY RIPARIAN CORRIDORS

Fayetteville's streams and rivers, or riparian corridors, provide many ecosystem services such as erosion and sediment control, stream temperature regulation, and wildlife habitat. Conservation buffers along riparian areas are a best management practice where development is often restricted and natural vegetation is encouraged to maintain natural processes. In this study, to provide assessment results at a useful scale, Fayetteville's riparian areas were split along watershed boundaries and then segmented manually into smaller stream reaches. This resulted in 69 riparian corridor "segments" which were buffered by 100 feet and analyzed for UTC and PPA. Key findings included:

- 49 (of 69) riparian corridors segments have greater than 50% existing canopy cover.
- 14 have greater than 50% potential planting area (grass and open space).
- Three watersheds with the largest amount of riparian area for tree planting are:
    - Hamestring Creek (78 acres of PPA; 1,559 potential planting sites)
    - Mud Creek-Clear Creek (92 acres of PPA; 3,037 potential planting sites)
    - Town Branch-West Fork White River (122 acres of PPA; 3,729 planting sites)

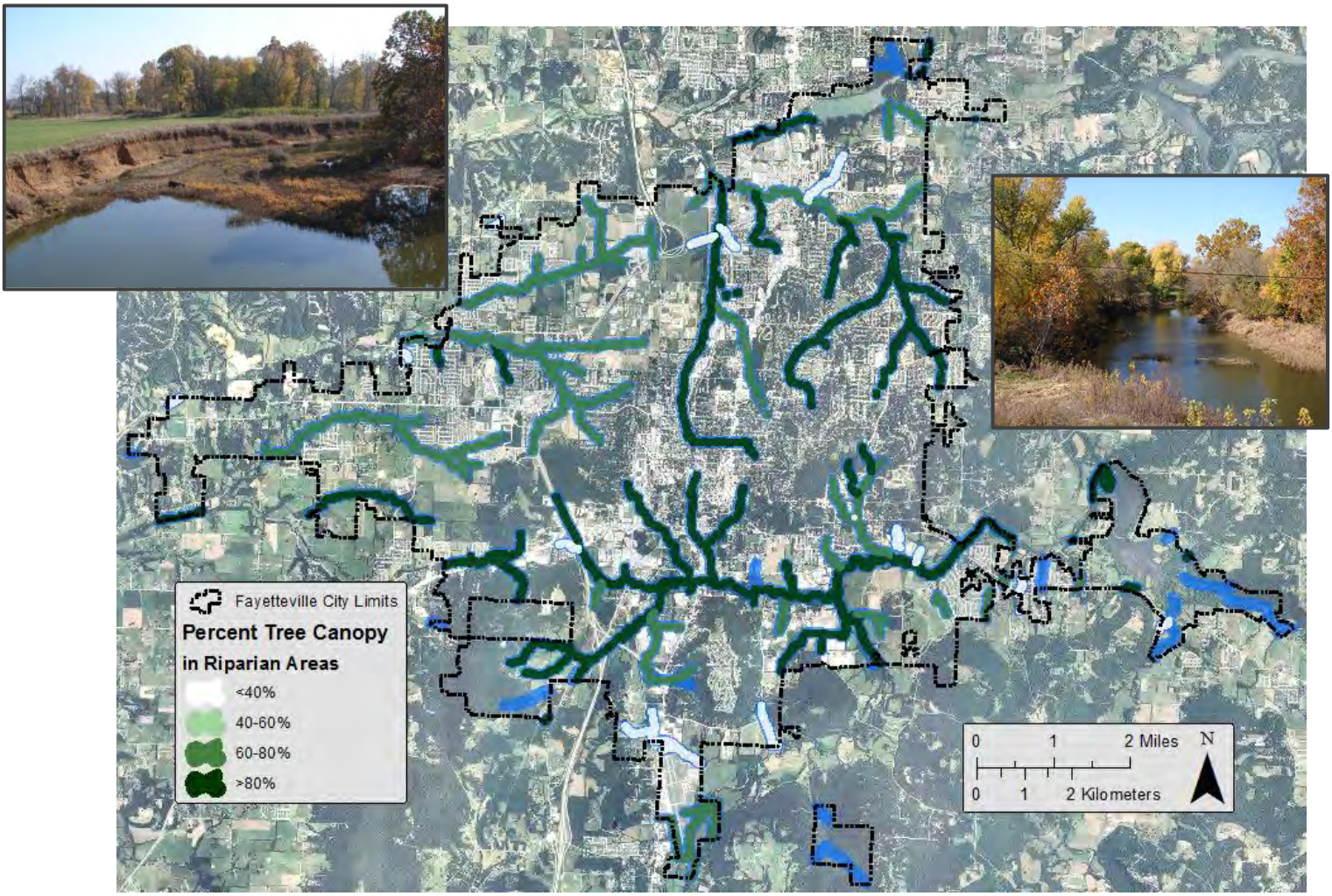


Figure 19. Riparian buffer segments color-coded by percent Existing UTC.

ECOSYSTEM SERVICES



Forest benefits are referred to as "ecosystem services", and describe ways in which urban forests contribute to improving quality of life. We tend to take for granted the direct and indirect benefits trees provide because they are not assigned a dollar value.

Examples include:

- Providing habitat and protecting biodiversity
- Decreasing stormwater utility costs, erosion, and flooding
- Reducing urban heat island effect and cooling costs
- Improving property values, tax revenues, recreation opportunities, and public health and well being
- Absorbing carbon dioxide annually through carbon sequestration and through carbon storage
- Improving air quality, water quality and groundwater recharge

CITYgreen software was used to estimate the benefits of Fayetteville's existing urban tree canopy and scenarios with decreased and increased canopy cover. CITYgreen, a GIS software developed by American Forests using research from the U.S. Forest Service and Natural Resources Conservation Service (NRCS), was used to calculate current and potential benefits related to carbon storage (cumulative amount of carbon stored in trees over time), carbon sequestration (the rate that carbon is captured), air pollution removal by trees annually, stormwater benefit of urban forests.

CITYgreen Parameters Used:

1.) Reference City for Air Quality: Tulsa was chosen as the closest, most representative city for the U.S. Forest Service reference city for air pollutant removal capacity of the urban forest.

2.) Soils: from the choices of Hydrologic Soil Group (HSG) A, B, C or D, soil type "C" was chosen as most representative. C type soils allow for less infiltration (clay) and are more restrictive soil type than B (loam).

3.) Construction cost per cubic foot (cu. ft.): $3/cu. ft. was used as a conservative average for stormwater facility construction cost.

4.) Replacement Land Cover Type: when tree canopy is "replaced" in the CITYgreen model, the replacement land cover chosen was Open Space - Grass/Scattered Trees: Grass cover 50% - 75%. This is more conservative than replacing the tree canopy with commercial or residential development which has a much higher curve number (CN).

Table 4. Summary of Benefits from Current and Future Projected Scenarios of UTC in Fayetteville.

City of Fayetteville "Tree Canopy & Environmental Benefit Scenarios"

Benefit Type			SCENARIOS				
	UTC-%	Citywide 36%	Decline to 30%	Increase #1 to 40%	Increase #2a to 45%	Increase #2b to 45%	Residential 41%
Air Quality	*Annual $ Benefit*	$3.5 million	$3.0 million	$4.0 million	$4.5 million	$5.0 million	$1.3 million
	Lbs. Removed/Year	1.3 million	1.1 million	1.4 million	1.6 million	1.8 million	461,000
Carbon Storage & Sequestration	*Total CO2 stored*	1.1 billion	915 million	1.2 billion	1.4 billion	1.5 billion	391 million
	Annual Rate Stored	8.4 million	7.1 million	9.5 million	10.7 million	11.9 million	3.0 million
Stormwater Savings	*Total $ Benefit*	$64.1 million	$43.9 million	$65.5 million *	$67.1 million *	$84.9 million **	$22.2 million
	Total Gallons Benefit . . .	21.4 million	14.6 million	21.9 million	22.4 million	28.3 million	7.4 million

* For Scenarios "Increase #1 and #2a", new projected tree canopy was assumed to be forests (natural regeneration), not individual yard trees.
** For the Scenario "Increase #2b", new projected tree canopy was assumed to overhang impervious surfaces, resulting in a larger $ value.

Plan-It Geo then used i-Tree Design, a free web-based tool developed by the U.S. Forest Service, to estimate benefits such as energy conservation from a common tree. A red oak tree was modeled at 8" diameter at breast height (dbh) and then projected 25 years out (20" dbh). See Figure 20.



Figure 20. Output from i-Tree Design software showing that a young red oak tree (8" dbh) provides $18 in annual energy savings if planted on the west side of a residential home. If the tree grows for 25 years, it would be expected to reach 20" dbh and provide nearly $48 in annual energy savings. With 50,000 potential planting locations near residential homes in Fayetteville, planting one-quarter (1/4) of these could provide roughly $600,000 in energy savings annually when those trees reach maturity.

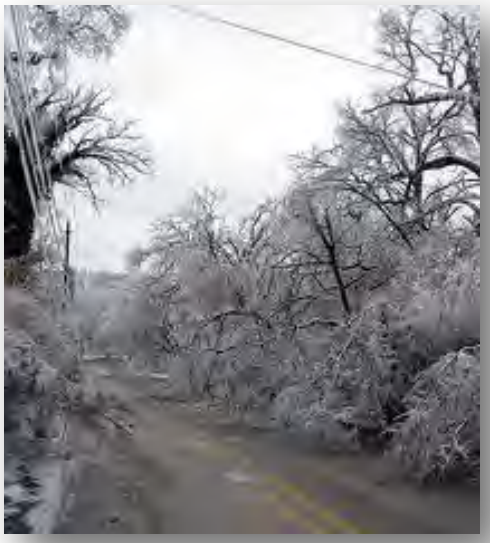
URBAN FOREST MANAGEMENT SCENARIOS

Using the land cover data and UTC assessment results, further analysis provides a presentation of different management scenarios introduced below. GIS data models and interpretation were utilized to produce these scenarios. Sample maps or tables are presented for each scenario and provided as additional data along with this report.

- **Comparison of canopy cover and benefits (2002 – 2012)** – multiple data layers and methods were used to assess gains or losses in tree canopy over the roughly ten-year time period. Table 4 in the Ecosystem Services section illustrates scenarios that quantify decreases and increases in benefits as canopy cover changes.
- **Target areas to plant trees** – potential tree planting sites were modeled citywide using the land cover data and GIS analysis. Attributes were created focusing on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Multiple other attributes were added to the GIS planting points for prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – this entails an analysis of Fayetteville's current canopy coverage in comparison to the national recommendation of 40% and recommendations on the effectiveness of the tree preservation ordinance.
- **Management of the urban forest on city owned properties** – tree canopy is evaluated for gains or losses for future management purposes.

2002 – 2012 COMPARISON

Fayetteville's urban forests are constantly changing over time resulting from natural and man-made processes, including tree growth and planting, and mortality and development. Monitoring forest change provides important information about the effectiveness of forest policy, community action, and natural processes impacting the urban forest. Today, urban forest managers have access to a variety of tools designed to evaluate forest cover at different spatial scales. This assessment uses three different approaches to evaluate forest change that has occurred since 2002. While no single available approach provides precise quantitative measurements of forest change, the combined methods elucidate several important trends.



Agents of change: heavy winds, flooding, and ice storms such as the 2009 storm illustrated on the right can cause heavy damage and natural loss to forest canopy.

Canopy Comparison Methods

Canopy cover between the two time periods was compared using three methods presented here.

1. i-Tree Canopy Method:
    - A point-based statistical analysis was conducted using the *i-Tree Canopy* tool to compare canopy cover across Fayetteville based on current and 2002 high resolution Google Maps imagery. This method has been used to evaluate canopy cover in 20 cities across the country (Nowak and Greenfield, 2012).

- Tree canopy was assessed for each time period at 770 randomly distributed points.
- Results: 37% (13,147 acres) and 35.3% (12,509 acres) of the City was forest cover in 2002 and 2010 respectively (based on total area), for a net loss of 1.7% (640 acres).

2. GIS Land Cover Comparison Method:

   - Two previous land cover assessments mapped canopy cover in Fayetteville in 2001 and 2002 from satellite imagery. Although the assessments provided the best available data at the time, the overall accuracy of the final land cover products were below standards required for direct comparison with this assessment. Therefore, a manual GIS-based review and editing approach was conducted to provide an initial level of quality control in a comparison between the 2002 canopy data at 39% and the 2010 UTC results at 36%.
   - Forests greater than one-quarter acre from each time period was overlaid to identify significant areas of change. Areas were validated in this GIS-based approach by visually comparing with imagery from each time period and correcting obvious errors.
   - Results illustrate total forest canopy gains of 502 acres and losses of 1,249 acres, for a net loss of 747 acres (2%). See Figure 21.

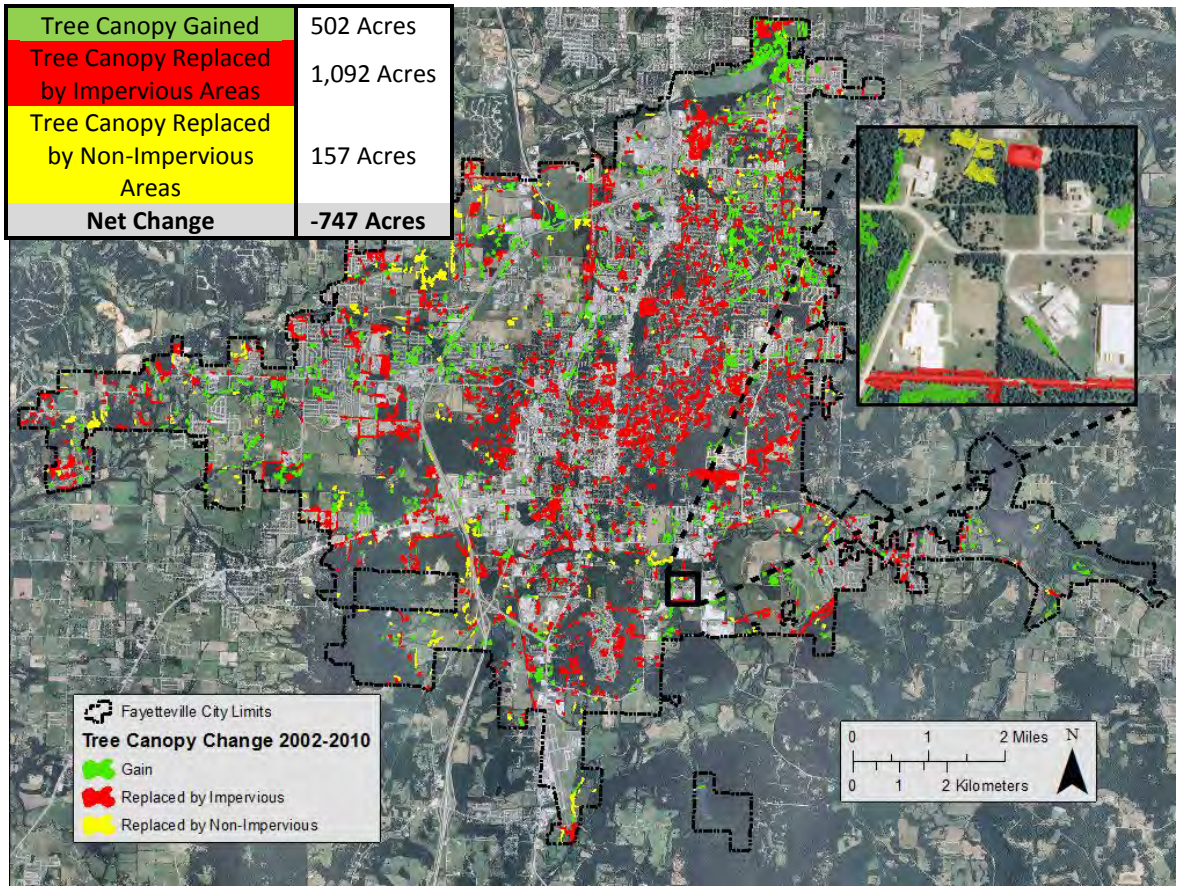


Figure 21. Comparing forests using GIS analysis to show significant gain and loss areas.

3. Growth of Trees from New Residential Development

- Canopy growth from newly planted trees was estimated by digitizing individual tree crowns from current imagery and comparing canopy area to the expected canopy size at the time of planting (2002).
- COF identified 22 new developments where tree plantings were known to occur around 2002. Within the new developments canopies from 250 randomly selected trees were digitized to measure current canopy areas in square feet. The estimated starting point of 40 square feet was subtracted from current canopy to estimate growth since planting.



Figure 22. Individual tree crowns added about 23 acres per 1,000 newly planted trees between since 2002.

- Results for 250 sampled trees on residential properties:
    - Total canopy area in 2011: 66,801 sq.ft. (estimated at 10,000 sq.ft. in 2002 as the starting point)
    - Total canopy growth = 56,081 sq.ft. (1.29 acres)
    - Average annual tree growth = 224 sq.ft. per tree
- Residential canopy cover averages 41% citywide while it averages around 6 or 7% in the 22 subdivisions assessed in this task, implying newly planted trees are not yet compensating for the loss of trees removed during development.

When extrapolated out forty (40) years, the sampled 250 trees are expected to comprise about 5.7 acres of canopy, or 0.02% of Fayetteville's total area. Using this assumption, planting 1,000 trees each year for 40 years would yield about 23 acres of forest canopy annually. With an expected survival to maturity rate of about 70%, accumulated over 40 years a total of 13,000 acres of new tree canopy would be added.

We estimate that around 60 medium sized mature trees are equivalent to one acre of forest canopy. Given mortality rates in the region, the City and residents should expect to plant around 80 trees to produce one acre of mature tree canopy in the future.

Canopy Change and Interpretation

Assessing urban tree canopy change presents many technical challenges given differences in image quality, availability, classification methods, and level of QA/QC. Data and computing capabilities are constantly making higher levels of accuracy and precision in land cover mapping possible. Comparisons with Fayetteville's 2001 and 2002 classifications were challenged given the satellite imagery used as the input image for the 2001 assessment was unavailable and noticeable errors of under- and overestimation were visible. The fact that two independent methods (i-Tree and land cover data) used to assess canopy change yielded similar values provides confidence in both the stated canopy percent values for each time period and the methods used to present a trend in cover.

Table 5. Canopy comparison analysis results from three (3) methods.

Analysis Method	Canopy Change Percent	Change Description
i-Tree Canopy	1.7% Loss Citywide	City-wide statistical estimate comparing 2002 and 2011 tree canopy.
GIS Overlay	2% Loss Citywide	GIS analysis of gains and losses since 2002 in forest areas greater than ¼-acre.
Tree Growth in Developments	0.1% Growth per 1,000 trees planted	Canopy growth over 8 years reflects the challenge of reforestation compared with losses to development.
Overall Trend	1.5% Loss	Overall, canopy cover is in decline.

Recommendations for Comparing Canopy Change Over Time

Based on the comparisons done within the scope of this project, the following recommendations are offered for conducting reliable UTC comparisons over time:

- Use the same city boundary given they change over time due to annexations
- Because UTC percent is calculated based on land area which excludes water, ensure that the area of water is the same and/or accurate in both time periods.
- Use similar image resolution and quality and LiDAR (Light Detection & Ranging) when possible.
- Conduct time-intensive Quality Assurance / Quality Control (QA/QC) for quality comparisons.
    - Accuracy of each time period should be 95% or greater to ensure losses are demonstrating actual canopy change.
    - Early forest regeneration is difficult to map with remote sensing and can be subjective with manual processing. Canopy mapping with sufficient detail to map individual trees will aid in mapping early canopy growth over time.
- Canopy Change analysis within i-Tree Canopy version-5.0 can be effective, but is still subjective to the analyst's preference. Use multiple interpretations to arrive at confident values.
- A process known as "object fate analysis" can be conducted to assess change in land cover across time periods, though initial research shows this is a time-intensive and expense method.

Figure 23. Examples of tree canopy increases from natural regeneration and street/yard planting.

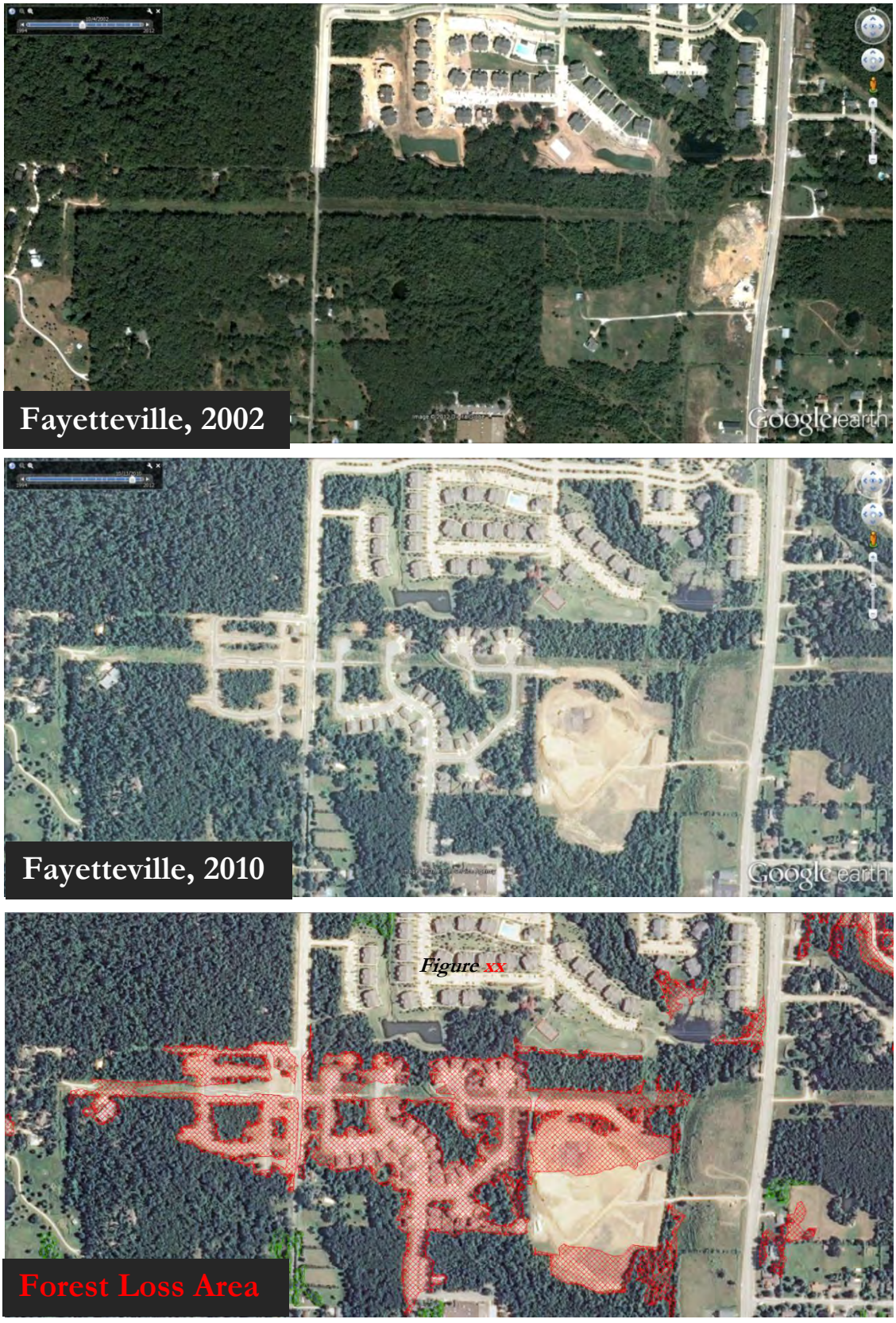








Figure 24. Examples of tree cover loss during development (mapping result shown at bottom).



TARGETING AREAS TO PLANT TREES

The land cover, land use, UTC, and other data were inputs to a sophisticated GIS model to automate the mapping of potential tree planting sites. The resulting GIS points will assist the City in targeting areas to plant trees, evaluating the effectiveness of tree preservation ordinances, and goal setting.

Available planting sites exist where there is a lack of trees and adequate planting area exists in grass and herbaceous cover. To get a more realistic estimate of where trees could be practically planted, exclusions and constraints were applied in the model (see Table 6). After removing these areas from grass and open space in the land cover data, the remaining spaces were converted into potential planting site points.

Table 6. List and description of the main rules used to map potential tree planting locations.

GIS Layer(s)	Rule Applied	Reason
Tree Canopy	Buffered by 10 feet	To allow for spacing and growth of existing trees
Buildings	Buffered by 5 feet	To avoid tree and building conflicts
Agricultural Land Use	Buffered by 15 feet	To allow for farming and related uses

The City should ground-truth (field-verify) the points over time to exclude points that are invalid due to conflicts such as safety, utilities/power lines, and small trees not seen in the 2010 canopy mapping.

The model resulted in roughly 190,000 sites, so prioritizing them is crucial. To prioritize sites, new attributes were added to the GIS planting sites layer. For example, land use types from parcels were spatially joined (overlaid) to each site. For proximity to urban heat islands and wildlife habitat corridors (as well as other high value areas), similar overlays and distances assumptions were used. Sites that meet each criterion can now be queried, symbolized, and counted. The list in Table 7 below shows the types, their count, the criteria used, and then calculates the impact on citywide UTC if 25% or 50% were planted. Maps on the following pages and Appendix offer many examples.

Table 7. List of attributes added to each potential planting site (GIS point database) for prioritization and possible impact on UTC goals.

Planting Site Attribute	Total # of Planting Sites	General Criteria Used	Additional UTC Acres from Planting:		% of Additional UTC Acres Needed to Reach 40% UTC Goal:	
			25% of Planting Sites	50% of Planting Sites	25% of Planting Sites	50% of Planting Sites
City Owned	6,447	On City Owned Property	26	52	2%	4%
School	1,100	On School Parcel	4	9	0%	1%
Wildlife Habitat	47,181	Within 50 ft of Large Forests	191	383	14%	27%
Along Riparian Corridor	18,360	Within 100 ft of Riparian Corridor	74	149	5%	11%
Energy Conservation	69,153	Within 50 ft of Building	281	561	20%	40%
Park	7,898	On Park Parcel	32	64	2%	5%
Urban Heat Island	37,131	Within 50 ft of Large Impervious Area	151	301	11%	22%
Trail	29,033	Within 100 ft of Trail	118	236	8%	17%
Near Park	20,065	Within 1/8 mi of Park	81	163	6%	12%
Front Yard	45,461	Within 25 ft of Rights of Way	184	369	13%	26%
Near School	1,557	Within 1/8 mi of School	6	13	0%	1%
Air Quality	5,691	Within 50 ft of Highways/Arterials	23	46	2%	3%

* Numbers reflect planting sites in "Developed" areas with the exception of Riparian sites which include all
* Projections based on trees with an average 30' crown spread (15' radius)

Urban Heat Island Effect – *refers to developed areas that are hotter than surrounding rural areas due to the abundance of man-made materials there which absorb the sun's energy much more than trees or other plants, and in turn warm the air around them* (Center for Environmental Studies, Brown University, "Trees and the Urban Heat Island Effect", 2010). Tree shade lowers ambient air temperatures which limits the formation of ozone and smog. Trees also absorb ozone which reduces air pollutant concentrations.

The EPA reports that tree shading can reduce surface temperatures 20–45ºF in the summer.

Only 4% of Fayetteville's urban tree canopy overhangs impervious surfaces.

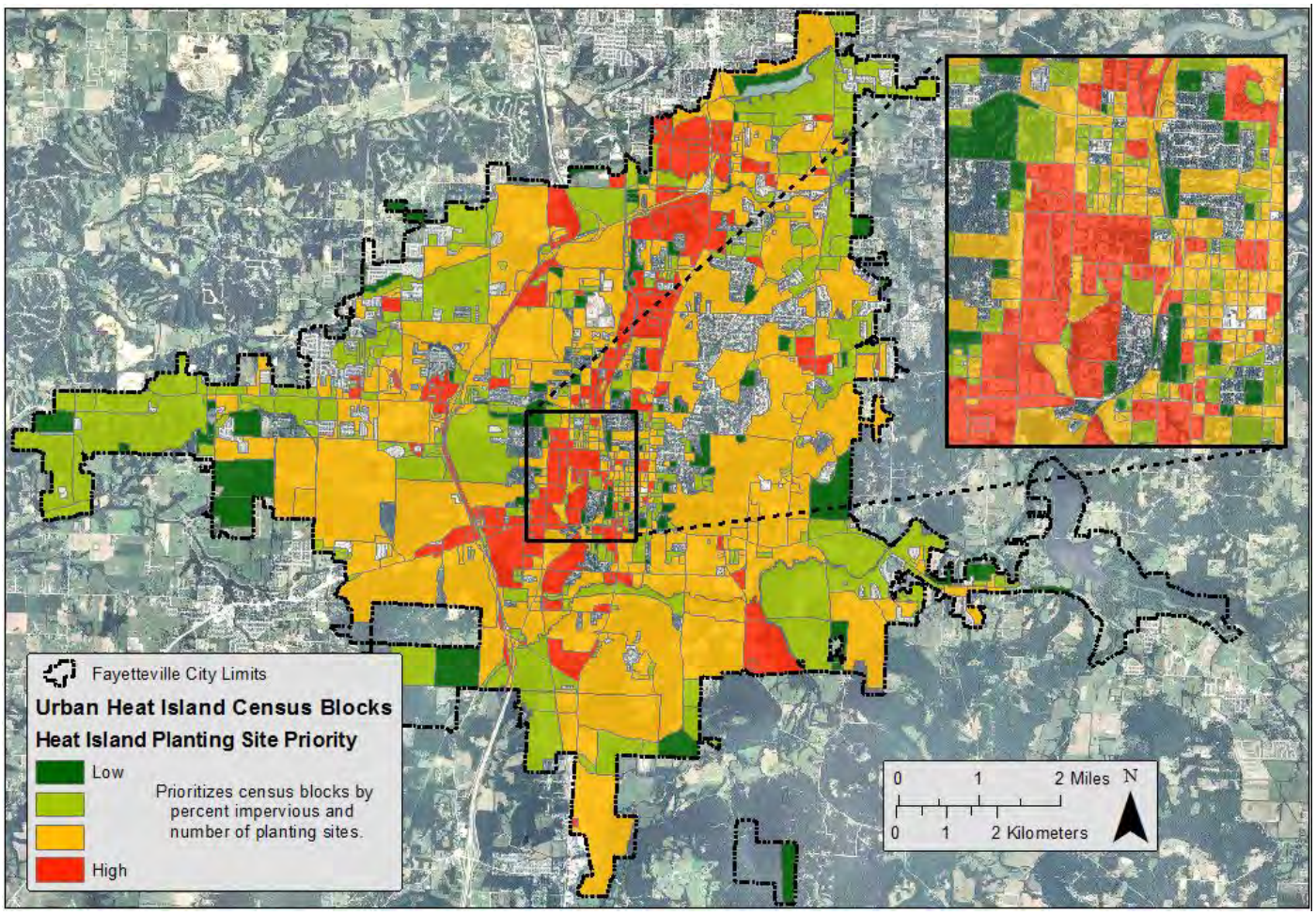


Figure 25. Census blocks with the largest contiguous impervious surface area and highest number of potential planting sites.

Wildlife Habitat – urban forests provide essential habitat for wildlife and provide opportunities for the community to experience nature in the city. The GIS planting site points were modeled with ecological and corridor data from the Fayetteville Natural Heritage Association (FNHA), land use, and large contiguous forested areas. Figures 26-29 illustrates querying planting locations near habitat.

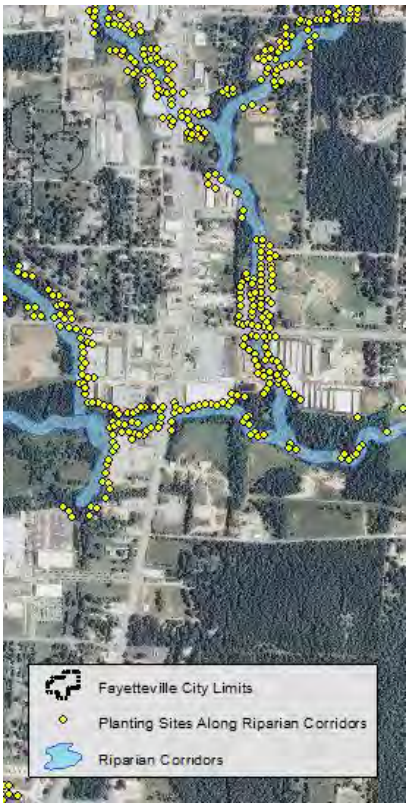


Figure 26. Potential tree planting sites along riparian corridors for improving water quality and decreasing storm water runoff.

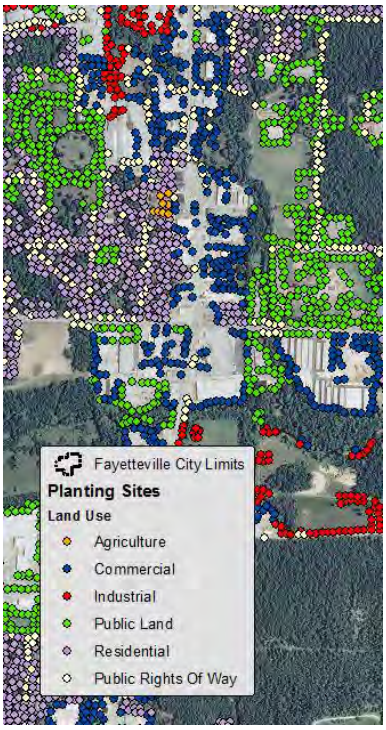


Figure 27. Potential Planting Areas by Land Use.

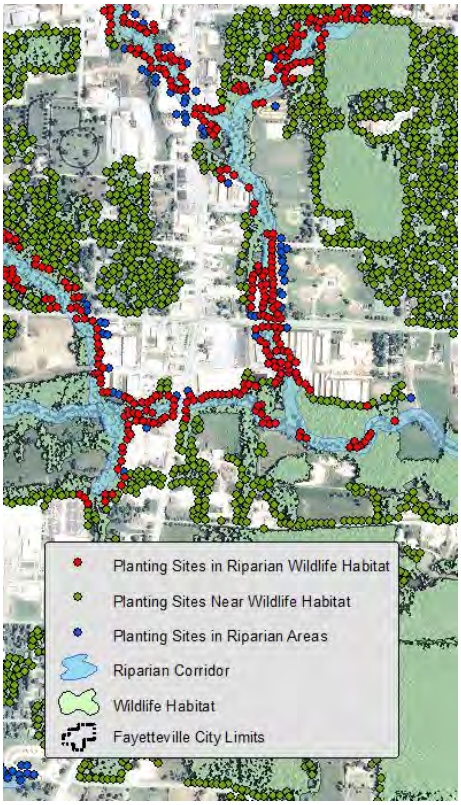


Figure 28. Potential tree planting sites in Fayetteville Natural Heritage Association (FNHA) core areas provide another potential for increased wildlife habitat.



Figure 29. Potential tree planting sites along riparian corridors and near forested lands provide a higher quality wildlife habitat and often provide important wildlife corridors.

TREE CANOPY COVER GOALS AND POLICY

One objectives of this study is to compare canopy coverage to the national recommendation of 40%. At 36% UTC, bridging the 4% gap (1,383 acres) can be accomplished in a number of ways. Here are 2 very different scenarios showing what it might take:

- Using Plan-It Geo's Canopy Calculator tool (Figure 30 below), 40% UTC can be achieved by increasing Commercial properties from 18% to 20% and Residential lots from 41% to 50%.
- Natural forest regeneration is a driver of canopy gains based on results from this study and a cost-effective path. With an estimated 500 acres of forest gain in 10 years (not considering losses), a similar trend could in theory help the City reach 40% UTC in 30 years, but would require a cessation of forest loss during development.

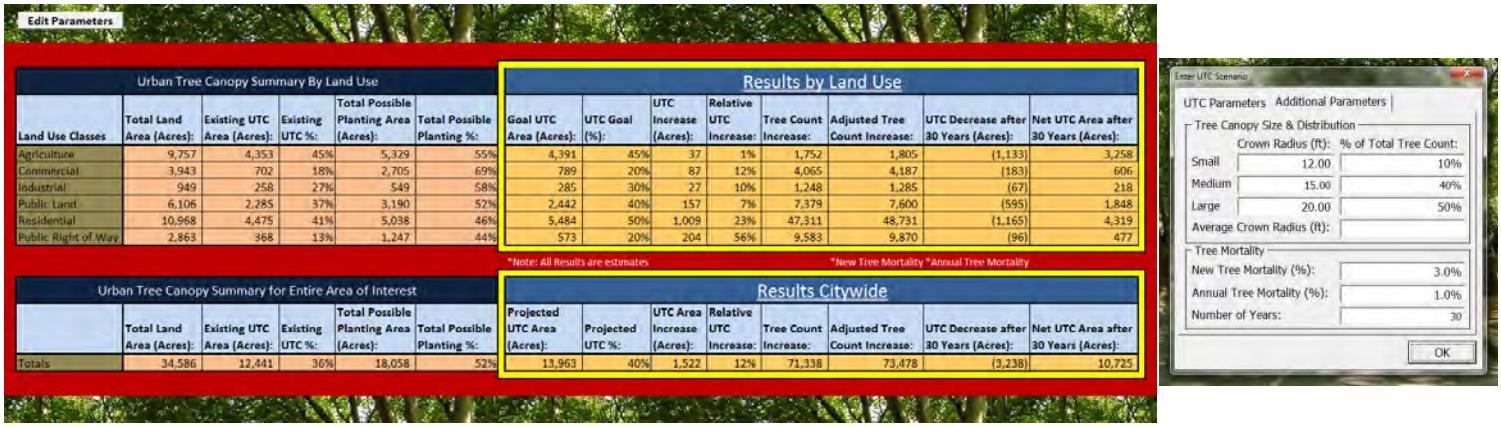


Figure 30. Plan-It Geo's Urban Tree Canopy Calculator tool used to set future goals in Fayetteville.

Another objective is to provide an evaluation of the effectiveness of Fayetteville's tree preservation ordinance followed by recommendations if the ordinance is not working.

The Tree Preservation and Protection Chapter under Fayetteville's Unified Development Code provides a framework for maintaining urban forest quality while the City grows and develops. As the Chapter objectives state, trees provide a variety of benefits that contribute Fayetteville's natural beauty and livability for its residents, including temperature and climate regulation, air and noise pollution reduction, storm water, flood, and erosion mitigation, provision of wildlife habitat, energy conservation, and property value enhancement. The Chapter aims to promote these benefits through the preservation of on-site trees during development, using on-site mitigation strategies when preservation in not possible, off-site preservation, off-site forestation projects, or financial contributions to a tree escrow account.

How can UTC assessment be used to measure successes resulting from the ordinance?

Measuring the incremental success of tree preservation and protection is important for meeting stated goals into the future. Of the many tools available to urban forest managers, this UTC assessment provides a snapshot of city-wide forest canopy extent as seen from above, and its requisition meets the goal of conducting an assessment by end of 2012. The following results can be used to evaluate the relative success of the Tree Preservation and Protection Chapter:

- **Overall forest canopy percent change** across Fayetteville: 37% in 2002 to 36% in 2010.
- **Riparian areas canopy cover** averages 61%, well above the citywide forest cover of 36%.

- **Urban Heat Islands: Canopy percent** averages 22% among census blocks with large impervious areas, and just 9% in high priority areas mapped in this study.
- **Rights of Way: Canopy percent** averages 13% with only 4% of the total tree canopy overhanging impervious surfaces across the City.

Additional Tasks to Measure Preservation and Protection Success

Additional analysis steps can be conducted to measure Preservation and Protection success that were outside the scope of this analysis but could be implemented internally by COF staff:

- **Using this Assessment Data.** Use the new data to evaluate whether recent developments have met preservation requirements (e.g. Minimum Canopy Requirements).
- **Conduct Periodic UTC Assessments.** As the Chapter recommends, periodic assessments can evaluate ordinance progress. Consider using NAIP or i-Tree Canopy (Google Maps and Google Earth) during intermediate years to track development-specific progress.
- **Assess Hillside / Hillslope Overlay Districts** for canopy change over time.
- **Hedonic Pricing models** can be used to assess canopy's contribution to property values.
- **Track Registry Tree growth** of individual registry trees to ensure longevity and protection.

Other forestry tools for measuring preservation success

Today's urban forest managers have access to host of tools which can enhance the effectiveness of management strategies. Many tools are inexpensive or free and can be used to target specific goals and locations.

- **Tree Inventories** provide the greatest level of detail regarding individual tree conditions. Requiring developers to conduct a post-development tree inventory could be a cost-effective way to initiate Fayetteville's citywide inventory.
- **i-Tree Eco** provides the best available science to value benefits received from urban trees.
- **Localized Ecological Studies** can be used to assess impacts from specific development and mitigation strategies by directly measuring impacts before and after implementation.
- **Developer Workshops** hosted by Fayetteville's urban forestry staff to promote best management practices (BMPs) and specific development strategies (such as ordinance requirements or recommendations like cluster development).

MANAGEMENT

The City currently owns and maintains 543 properties that include civic buildings, parks & open space, trails, and more. UTC and PPA metrics were calculated for each property and joined to the land use data layer at the parcel-level. This way queries and custom maps of these properties can be created along with other information. Results were summarized for all city owned properties and the results can be seen in Table 7.

Table 7. Tree canopy and planting potential metrics summarized for all City Owned Properties.

	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	UTC %	Distribution of % Total UTC	PPA Vegetation (acres)	PPA Vegetation %	PPA Impervious (acres)	PPA Impervious %	Total # of Planting Sites	Planting Sites per Acre
City Owned Properties	4,763	4,136	11.7%	2,355	56.9%	18.9%	1,491	36.0%	195	4.7%	6,447	1.56

Using the results from the analysis steps described above, gains and losses of tree canopy was estimated for city owned properties (see Figure 31 below). This resulted in a loss of tree canopy for 54 acres or 1.3% of City Owned Properties. This information should be used as a general trend and not an exact measure of UTC change.

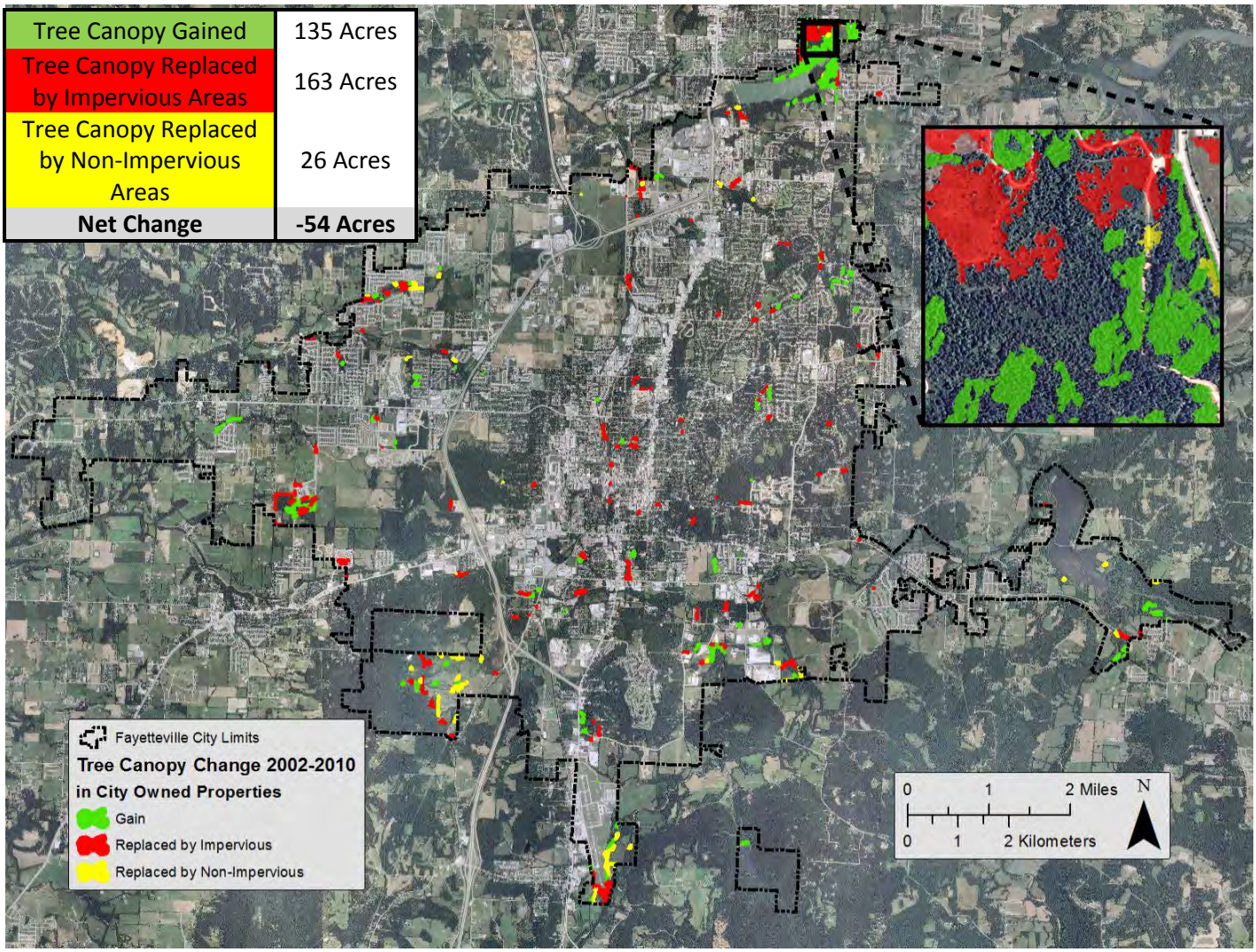


Figure 31. Canopy change for City Owned Properties from 2002-2010.

RECOMMENDATIONS

Based on this assessment, the following general recommendations are offered for using the data and for managing, maintaining, and monitoring a healthy, sustainable, robust working urban forest.

1. **Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:**
   - People are part of the urban forest. Use this report as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
   - Solicit feedback from community partners for the refinement of tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
   - Develop best management practices (BMPs) such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.
2. **Monitor, adapt, and enforce existing tree Preservation and Protection ordinances**.
   - Streamline tree-related policies and identify if codes are working against local goals.
   - Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
   - Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, and stormwater and resource managers.
3. **Develop a regional urban tree canopy assessment report in Arkansas.** Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.
4. **Assess tree canopy every 8-10 years** to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as i-Tree Canopy can be used in between comprehensive GIS-based assessments.
5. **Disseminate the land cover and UTC assessment data from this project broadly**. While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.
6. **Foster academic partnerships.** Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.
7. **Explore all potential partnerships to achieve urban forest goals**: public/private including corporate and academic sponsors, council representatives, environmental quality and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.
8. **Promote hardy, climate-adapted, and long-lived tree species** that are appropriate for Fayetteville's environment to insure investments in trees achieve maximum benefits.
9. **Target areas for tree planting using the assessment data.**
   - Use results to justify targeted public tree plantings in the public rights-of-way and greater private planting in commercial landscaping.
   - Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS webmap as social assessment tools available to residents and businesses.

10. **Create a central repository for monitoring tree planting and tree removals** on public and private property, possibly using a web-based application that is open to the public.
11. **Ensure consistency in future UTC assessments** by using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.
12. **Create or update an existing targeted education and outreach campaign using the ecosystem benefits values.** Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.
13. **Work urban forestry goals and design specifications into other environmental planning initiatives** such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.
14. **Assess forest stands at risk from development** by overlaying zoning or future land use data and developable slope %. Quantify and locate areas at risk that if developed would impact overall citywide canopy cover goals as the economy improves and development follows.
15. **Promote cost-effective professional development in urban forestry.** eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared specifically toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, city officials and public works employees. eLearn Urban Forestry provides free access to learning modules, with a link to the Continuing Forestry Education (CFE) group, where for a small maintenance fee you can get ISA or SAF credit. Visit elearn.sref.info/ for more details.
16. **Provide an environment for natural forest regeneration.** This study shows that grass, herbaceous, and shrub/briar land cover types are naturally regenerating into forests, contributing to the City's overall tree canopy and ecosystem services.



SUMMARY

Urban forests are dynamic resources that are constantly changing through natural and human processes. Managing urban forests effectively requires an understanding of where trees are presently, where they can be planted equitably to maximize benefits, and where physical restrictions may prevent their growth.

This assessment provides COF will their first high-resolution UTC data set and citywide estimate of 36% tree cover. While agriculture and residential land uses have similar average tree cover (45% and 41% respectively) and they makeup similar proportions of the total tree canopy (35% and 36% respectively), residential areas provide 28% of the total possible planting area citywide and are most realistic for canopy gains that benefit the community most. These results indicate that one of the most cost-effective means to advancing urban forestry in the city may be education and outreach on the benefits of urban tree canopy.

Based on assessing land cover across several broad land use types, tree planting that focuses on vegetation land cover, such as grassy areas, and impervious land cover, such as parking lots, which are concentrated on public lands and residential land use types will have the greatest impact for increasing Fayetteville's urban tree canopy. As population density and impervious cover increases, the necessity of planting trees will also increase.

Regeneration, be it natural or by strategically planting seedlings and saplings, is important to the success and future of Fayetteville's urban tree canopy. This study shows that natural regeneration is occurring and adding to canopy cover, but invasive species control and forest management is needed.

It is import to sustain the health, environmental, and social benefits received from urban forests by consideration of tree maintenance and forest preservation during development through utilizing a specific urban forest management plan and furthermore the setting of goals. These plans should be dynamic in order to adjust with continuous forest change.

On future periodic assessments, techniques for monitoring gains and losses need to be consistent and include strict quality control / quality assurance methods to reliably track change over time. Additional technology tools are becoming available such as open source wiki-style mobile and web-mapping applications to engage the public in tracking and caring for trees.



Balancing new development with the protection and conservation of environmental values related to forest cover such as wetland habitat, air quality, and climate adaptation related to carbon storage and energy conservation will be an ongoing work item. The economic benefits of urban tree canopy alone are incentives to continue in this direction.

APPENDIX

Additional details on Fayetteville's 2012 urban tree canopy assessment are provided including supporting information on urban tree benefits, land cover classification methodology and accuracy, addition tree planting site maps, and literature citations.

URBAN TREE BENEFITS

The benefits of urban trees include environmental, economic, and social values. These "ecosystem services" are direct or indirect benefits provided by urban forests and individual trees that are often dismissed or underrepresented when valuing infrastructure because they don't readily have an associated dollar value. Types of tree benefits are listed and briefly described below. While none alone are a "silver bullet", when combined, trees and the urban forest are an impressive part of the solution for sustainability during urban planning and community development.

Environmental "Services" of Urban Trees:

- Air Quality – trees absorb, trap, offset and hold air pollutants such as particulate matter, ozone, sulfur dioxide, carbon monoxide, and CO^2.
- Greenhouse Gases (GHGs) and Carbon – trees store and sequester carbon through photosynthesis as well as offset carbon emissions at the plant due to energy conservation.
- Water Quality and Stormwater Runoff Mitigation – trees infiltrate, evapotranspire, and intercept stormwater while also increasing soil permeability and ground water recharge.
- Erosion control – tree roots hold soil together along stream banks and steep slopes, stabilizing soils and reducing sedimentation issues in water bodies.
- Urban heat island effect – trees cool the air directly through shade and indirectly through transpiration, reducing day and nighttime temperatures in cities.
- Increased wildlife habitat – Trees create local ecosystems that provide habitat and food for birds and animals, increasing biodiversity in urban areas.

Economic "Services" of Urban Trees:

- Property value – numerous studies across the country show that residential homes with healthy trees add property value (up to 15%).
- Energy conservation – trees lower energy demand through summer shade and winter wind block, additionally offsetting carbon emissions at the power plant.
- Economic Development – trees attract businesses, tourists, and increase shopping.
- Stormwater facilities – trees and forests reduce the need for or size of costly gray infrastructure.
- Pavement – tree shade increases pavement life through temperature regulation (40-60% in some studies).

Social "Services" of Urban Trees:

- Public health – trees help reduce asthma rates and other respiratory illnesses.
- Safe walking environments – trees reduce traffic speeds and soften harsh urban landscapes.
- Crime and domestic violence – urban forests help build stronger communities. Nature and trees provide settings in which relationships grow stronger and violence is reduced.
- Connection to nature – trees increase our connection to nature.
- Noise pollution – Trees reduce noise pollution by acting as a buffer and absorbing up to 50% of urban noise (U.S. Department of Energy study).

LAND COVER CLASSIFICATION METHODS & ACCURACY

Introduction to Image Classification and Accuracy

The goal of image classification for the City of Fayetteville (COF) was to convert a landscape comprised of complex uses and cover types into target categories that are meaningful for the management of the City's urban forests. The object-based classification approach used in this analysis provides the ability to segment landscape features at a fine scale with a high level of precision, based on the 1 meter horizontal resolution of the input imagery. Classification accuracy assessment describes how well the classification is able to translate the complex landscape into target land cover classes.

Five target land cover classes (1. Tree Canopy, 2. Impervious Surface, 3. Green Vegetation and Agriculture, 4. Soil and Dry Vegetation, or 5. Water) were and three impervious sub-classes were initially mapped (for a total of eight classes) for the COF using four-band National Agricultural Inventory Program (NAIP) aerial photography from 2010. A single color infra-red image was mosaicked from multiple Geotiff image tiles purchased from USDA NAIP headquarters in Utah. Feature Analyst software (FA) was used to segment the COF mosaic into desired land cover classes. Additional vector layer inputs were used to further segment classification categories.

Target land cover classes were selected because they segment the landscape into categories that are useful for urban forest management. Tree canopy describes the current forest cover as seen from above, but is only part of Urban Tree Canopy (UTC) assessment. Subcategories of impervious surfaces segment areas where it may be impossible to plant trees (such as roads and buildings) and areas where trees offset many of the negative impacts of impervious materials (such as parking lots and sidewalks). Areas comprised of green vegetation are important for UTC assessment since they represent the easiest transition to additional forest cover through tree planting. In this assessment, all agricultural areas were classified in the vegetation category and later differentiated from other green vegetation using the agricultural land use data provided by the COF. Soil and dry vegetation is excluded from possible planting areas since these areas represent either current development, or areas where live vegetation is not supported. For this classification, water was directly digitized in combination with input data provided by the COF.

Accuracy Assessment

Accuracy assessments serve two main purposes; Accuracy assessments provide information to map producers about what methods are working and where improvements need to be made for creating the best possible product from available resources. Accuracy assessments also provide information to map users who need to understand how closely the intended classification categories represent the true classes observed on the ground.

Procedure

More than 100 sample points were randomly distributed across the study area and assigned a random numeric value. Sorting from lowest random value to highest, at each sample point, a 3x3 pixel (9 m2) reference sample unit was digitized onto the NAIP imagery and assigned one of the five target land cover classes. The procedure was repeated until an at least 100 pixels were sampled from the three dominant land cover classes (Tree Canopy, Impervious Surfaces, and Green Vegetation). Sample units were then intersected with the classified map to compare with the reference samples, as presented in the sample error matrix below.

Interpretation

Statistical relationships between the reference pixels (representing the true conditions on the ground) and the intersecting classified pixels are used to understand how closely the entire classified map represents the COF landscape. The sample error matrix represents the intersection of reference pixels manually identified by a human observer (columns) and classification category of pixels in the classified image (rows). The white boxes along the diagonals of the matrix represent agreement between the two pixel maps. Off-diagonal values represent the number pixels manually referenced to the column class that were classified as another category in the classification image. Overall accuracy is computed by dividing the total number of correct pixels by the total number of pixels reported in the matrix (238+165+220+72+66 = 761 / 819 = 93%), and the matrix can be used to calculate per class accuracy percentages. For example, 260 pixels were manually digitized in the reference map as Tree Canopy, but only 238 of those pixels were classified as Tree Canopy in the classification map, with 22 pixels misclassified as Green Vegetation. This relationship is called the "Producer's Accuracy" and is calculated by dividing the agreement pixel total (diagonal) by the reference pixel total (column total). Therefore, the Producer's Accuracy for Tree Canopy is calculated as: (238 / 260 = 0.92), meaning that we can expect that 92% of all tree canopy in the COF were classified as Tree Canopy in the classification map. Conversely, the "User's Accuracy" is calculated by dividing the number agreement pixel total by the total number of classified pixels in the row category. For example, 241 classification pixels intersecting reference pixels were classified as Tree Canopy, but three pixels were identified as Green Vegetation in the reference map. Therefore, the User's Accuracy for Tree Canopy is calculated as: (238 /241 = 0.99), meaning that pixels classified as Tree Canopy the classification were actual tree canopy in the COF.

It is important to recognize the Producer's and User's accuracy percent values are based on a sample of the true ground cover, represented by the reference pixels. As with any statistical relationship we can compute the level of confidence with which the classified map values represent the reference map of the COF. Confidence intervals are used to report the lower limit and upper limit of the expected percent values of each classification category. In the matrix above, the 95% confidence interval describes the range of values we would expect to observe 95 out of 100 times given a randomly distributed selection of reference pixels. For example, if the accuracy assessment was repeated 100 times, we expect that tree canopy accuracy would fall between 88% and 95% for Producer's and 97% and 100% for User's accuracy for at least 95 of the 100 samples.

Relating Accuracy to the Classification Map

Accuracy assessments provide important information regarding how well the landscape was classified into target land cover classes, but what do Producer's and User's accuracies mean for interpreting land cover results? It should be noted that for both the classification map and the error matrix, land cover classes are interrelated, meaning that if a pixel is incorrectly omitted from one category, it is also incorrectly committed to another category. For example, 22 pixels in the sample error matrix were erroneously omitted from the Tree Canopy class and erroneously committed to the Green Vegetation class. The classification map reports 36.5% of the COF is covered with Tree Canopy. The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, we are 99% confident that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.5% probably underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). Figure 32 below uses work by Pontius and Millones

(2011) to illustrate the total map area of each classification category where there is agreement between the reference and classification map (blue), where classification categories contained committed (pink) and omitted (green) pixels. The figure below uses concepts defined as Quantity and Allocation disagreement to estimate true land cover percent values based on statistical results.

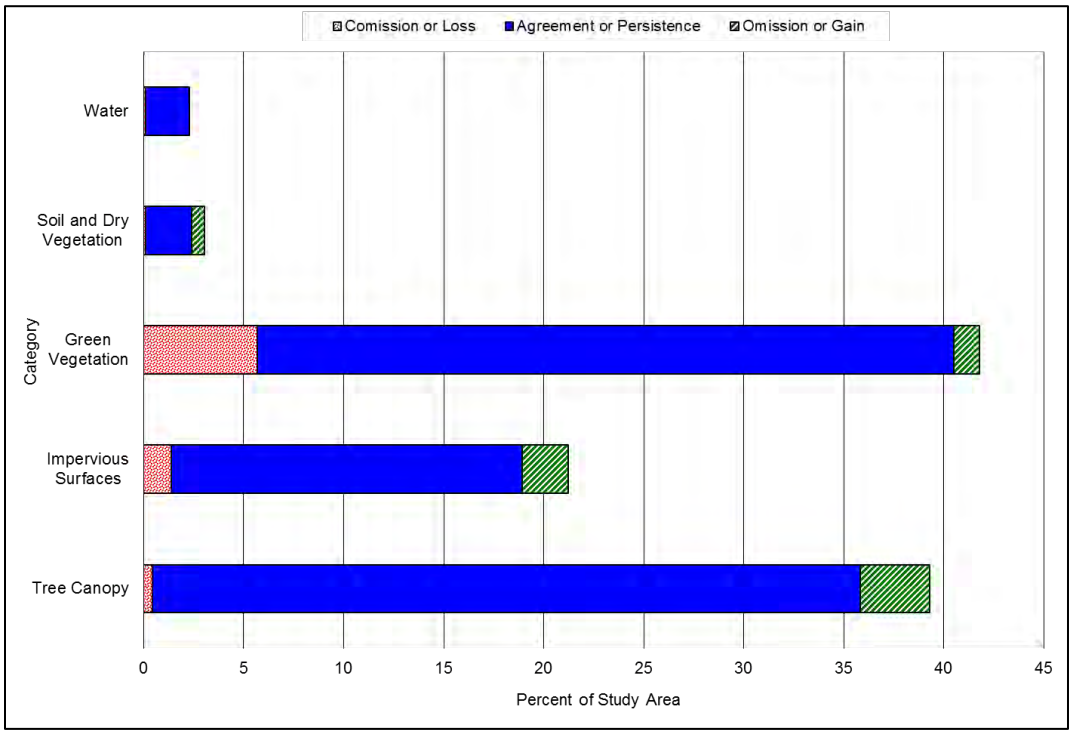


Figure 32. Land Cover Accuracy Assessment per land cover class

Land Cover Classes

A total of eight land cover classes were mapped for Fayetteville including four impervious sub-classes classified using some of the City's GIS resources.

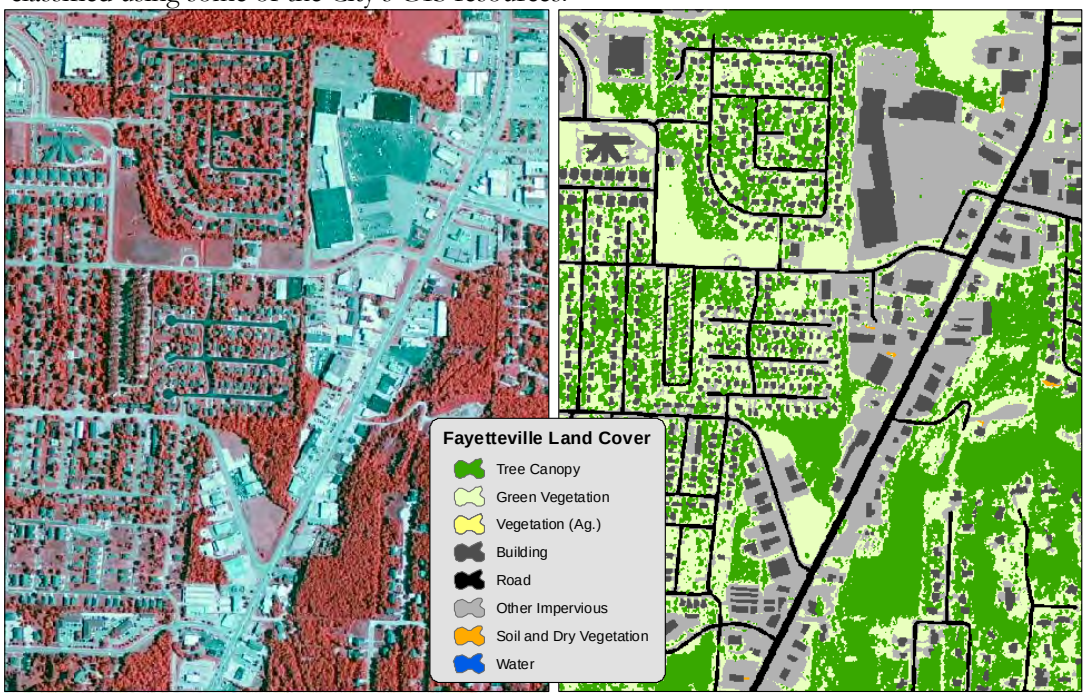


Figure 33. An additional example of the land cover mapping data in Fayetteville.

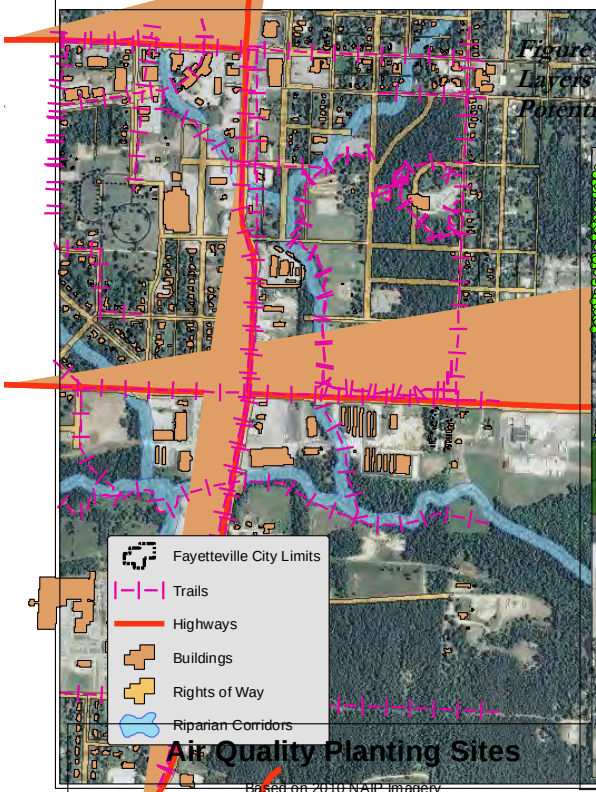


Figure 34. Reference GIS Layers used to Prioritize Potential Planting Sites.

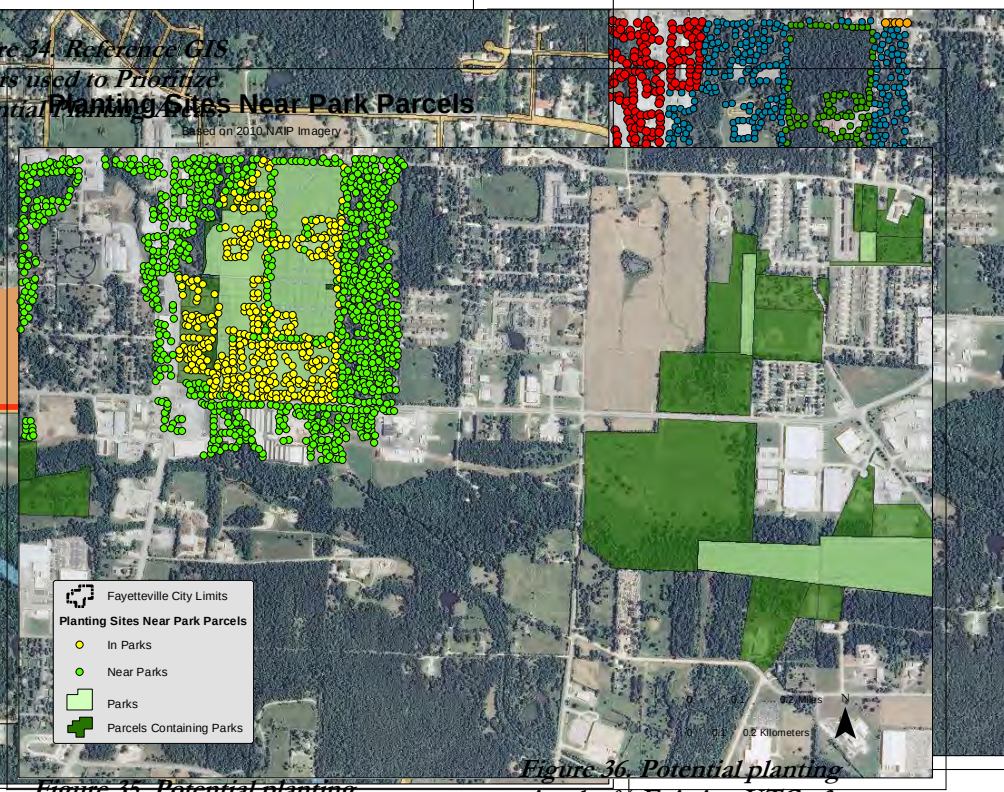


Figure 35. Potential planting sites in and nearby parks.

Figure 36. Potential planting sites by % Existing UTC of underlying census block.

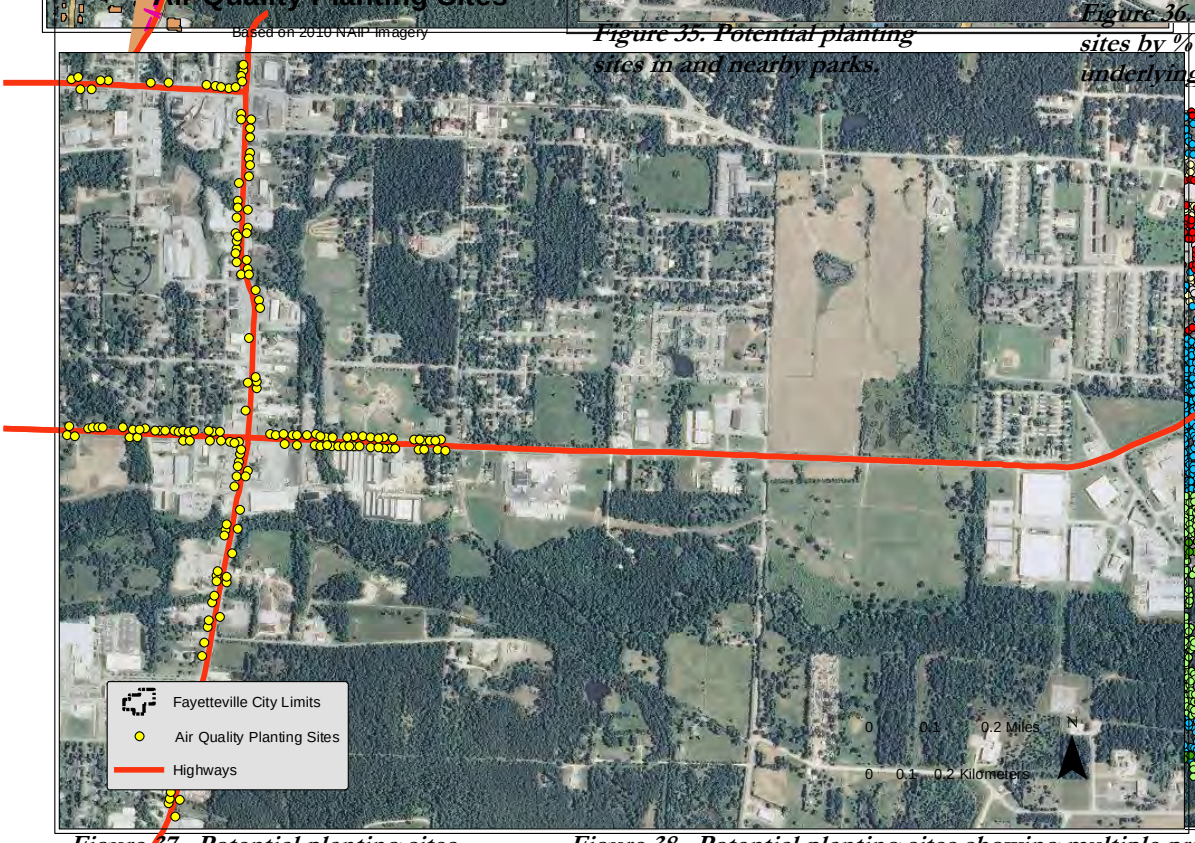


Figure 37. Potential planting sites along major arterials and highways to maximize air quality benefits.

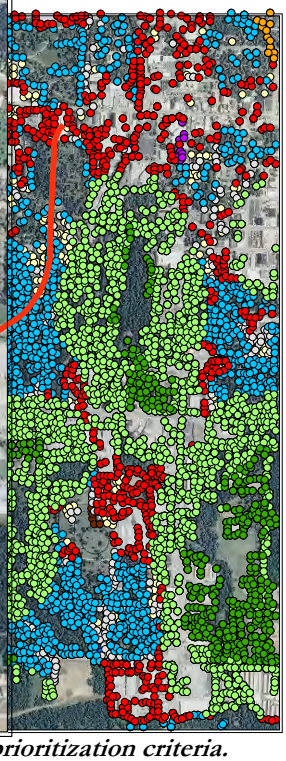


Figure 38. Potential planting sites showing multiple prioritization criteria.

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URBAN FORESTRY MANAGEMENT PLAN

CITY OF FAYETTEVILLE, ARKANSAS

2024

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

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Fayetteville Environmental Action Committee
Fayetteville Geographic Information System (GIS) Division
Fayetteville Parks, Natural Resources and Cultural Affairs
Fayetteville Parks, Natural Resources and Cultural Affairs Advisory Board
Fayetteville Planning Commission
Fayetteville Public Works – Engineering and Park Maintenance
Fayetteville Sustainability and Resilience
Fayetteville Urban Forestry Advisory Board
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Photos, unless noted, are from the City of Fayetteville, Arkansas

CITY OF
FAYETTEVILLE
ARKANSAS

LETTER FROM THE CITY OF FAYETTEVILLE

In Fayetteville, trees are a source of pride and hold a special place in our City's identity. Our urban tree canopy is part of what makes Fayetteville unique and attractive to residents and visitors. The City of Fayetteville's Urban Forestry Management Plan will serve as a blueprint to guide Fayetteville during rapid growth, helping to make sure our growing community remains healthy, vibrant and green. A coalition of residents, staff, stakeholders, consultants, and board members created this plan for Fayetteville by reviewing our past and current conditions and considering what the future holds for Fayetteville.

I want to express gratitude to all contributors to the Urban Forestry Management Plan. The direction outlined in this plan will help us maintain and grow our urban forests, which continue to provide direct benefits to our community.

MAYOR LIONELD JORDAN

A LETTER FROM FAYETTEVILLE'S URBAN FORESTERS

Trees and forests are the silent workhorses in our City that provide us with many benefits. Trees give us one of the most basic elements of life: oxygen. Trees shelter us from the sun during the blazing summer months. Trees filter pollutants from the air and give us cleaner air to breathe. Trees absorb rainwater and help with stormwater control when located correctly. Trees help make our lives livable.

Scientists are making discoveries about trees every year. Within the last ten years, we have learned that trees communicate with each other. We are learning about the complex web of relationships trees have with each other and other organisms. In the past thirty years, we have learned that trees produce chemicals we absorb in our skin that naturally lower our blood pressure and reduce our anxiety levels. We are just scratching the surface of what we know about trees.

The City of Fayetteville has a strong relationship with trees and tree preservation. The collaboration with our community shows how important trees are to our residents. Trees and our urban forests continue to be a high priority for our residents as illustrated in the survey results from this Plan, the Park and Recreation System Master Plan, Energy Action Plan, and City Plan 2040. We are thrilled to have a plan that embraces our residents' priorities and will help guide us through future growth.

Our City is changing quickly, and these changes impact trees. This plan is a guide to help us continue to grow and change while remembering the importance of trees. Over the past ten years, Urban Forestry staff has strengthened our tree preservation and landscape codes, added flexible elements for development in code, and clarified our Unified Development Code. The Urban Forestry Management Plan has a vision to continue strengthening, clarifying, and adding flexibility to our Tree Preservation and Landscape codes.

The Urban Forestry Management Plan will also help focus our efforts to maintain, grow, and enhance our urban forest programs for the next ten years. Fayetteville's award-winning Urban Forestry programs lead the state in innovation, public outreach, technology, and progress. This plan will help continue this progress, strengthen those attributes, and guide us on what we can do for our urban forests. We are excited to continue to serve Fayetteville with award-winning programs by implementing the recommendations of this plan.

MELISSA EVANS, URBAN FORESTER, DEVELOPMENT SERVICES
JOHN SCOTT, URBAN FORESTER, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS



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DEFINITIONS AND ABBREVIATIONS

CARBON SEQUESTRATION - The action of capturing carbon from the atmosphere and storing it in another form that canot be immediately released.

CARBON STORAGE - The total amount of carbon in a forest or tree.

DBH - Diameter at Breast Height, which is a industry standard of tree size. This is measure of diameter of the tree, 4.5 feet above the ground.

NET TREE - Refers the number of trees that reach a level maturity that is past their most vulnerable stages of growth.

NO NET LOSS - For the purpose of the Urban Forestry Master Plan, no net loss is defined as balancing canopy loss, regardless of cause, with canopy growth through private and public tree plantings and natural regeneration across the city.

PRIVATE TREES - Trees on private property and not maintained by the City.

PUBLIC TREES - Trees along streets, in medians, parks, and in high use areas on City owned lands.

UDC - Urban Development Code, this is the document that contains the City's ordinances.

UFMP - Urban Forestry Management Plan

Supplemental Material Contains more in-depth information and data.

Supplement 1- Urban Forestry Benchmarks

Supplement 2- Canopy Goal Setting and Priority Areas

Supplement 3- Tree Inventory Summary

Supplement 4- Public Survey Results

Supplement 5- Staff & Board Member Survey Results

Supplement 6- US Forest Service Urban Forest Audit

Supplement 7- Recommended Tree List and Sister City Climate City Assessment

Supplement 8- Invasive Plant Species Program Review

Supplement 9- Urban Tree Canopy Assessment Project 2012



Section 1: Executive Summary

EXECUTIVE SUMMARY

INTRODUCTION

The quality of life for Fayetteville's community members is strongly improved by its trees (collectively known as the urban forest), as trees make a vital and affordable contribution to the sense of community, enhance and create pedestrian-friendly neighborhoods, provide energy savings, reduce stormwater runoff, and improve air quality. Future climate predictions indicate that heat waves will become more frequent, and the average yearly temperatures are expected to continue to rise. In addition, it is anticipated that the region will experience more frequent extreme weather events and temperature changes, prolonged periods of drought, and shortened or disrupted natural seasons. Protecting, maintaining, and expanding Fayetteville's urban forest is essential to preserving and improving quality of life for all residents.

PURPOSE

The City's Urban Forestry Management Plan ("Plan") aims to provides goals and a roadmap for the City to preserve and expand tree canopy cover and maximize the benefits of Fayetteville's urban forest.

THE PLANNING PROCESS

The development of the Fayetteville Urban Forestry Management Plan was based on answering four key questions:

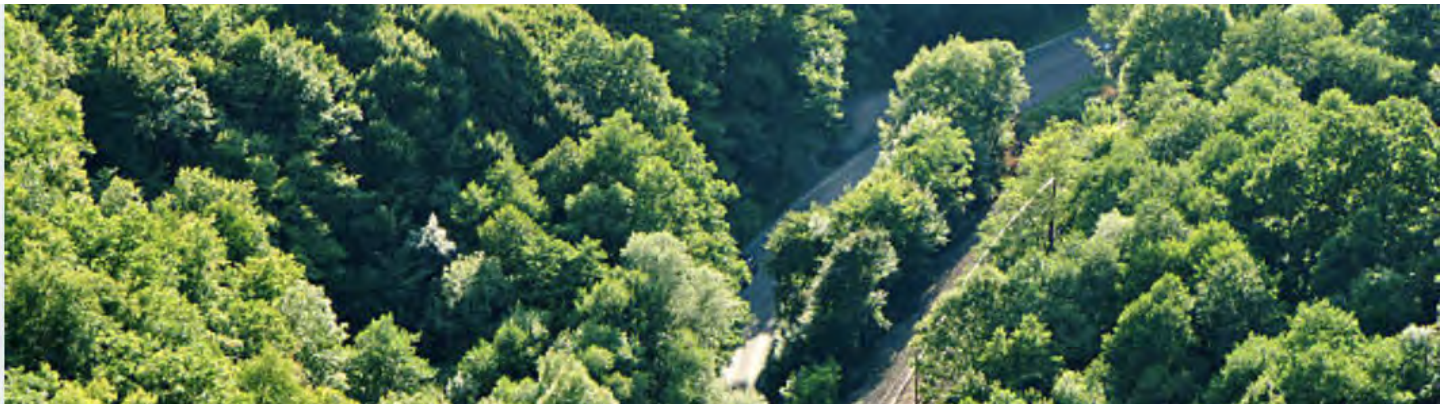
WHAT DO WE HAVE?

WHAT DO WE WANT?

HOW DO WE GET THERE?

HOW ARE WE DOING?





URBAN FOREST KEY FINDINGS

1. 39.4% of the City was shaded by urban tree canopy cover in 2019.
2. Fayetteville's Tree Equity Score is 87 out of 100. The regional average is 77 and the national average is 85 (see page 36 in the Current Conditions section for more details).
3. The citywide urban forest provides an annual estimated benefit of $55 million by improving air quality, health savings, energy savings, and reducing stormwater volume. (Endreny, 2018)
4. An estimated 74% of public trees (Trees comprised of trees along streets, in medians, alleys, parks, and trees in high use areas on City owned lands) are 12 inches in diameter or less, 75% of trees are in good condition, and the most common maintenance need for public trees is clearance pruning (8%), removals (6%), and watering for tree establishment.
5. Fayetteville's Urban Forest Audit Score (page 65) based on U.S. Forest Service criteria is 73% (completed in 2023). The Audit evaluates and scores 11 categories of sustainable urban forest management categories according to industry standards and best practices.
6. A sample inventory of 2,712 public trees and 848 private trees was completed in 2022. The trees are diverse- the top ten species only comprise 44% of all trees.
7. Fayetteville has an estimated 25,000 public trees in maintained areas.
8. The 25,000 publicly-maintained trees provide an estimated $2.5 million over their life in ecosystem benefits.

MANAGEMENT KEY FINDINGS

The City's public trees are managed by three different City departments— Parks, Natural Resources and Cultural Affairs; Public Works; and Development Services.

1. 1.00 full-time equivalent (FTE) staff in Parks, Natural Resources and Cultural Affairs (Park Planning & Urban Forestry Division) and oversees tree plantings, Arbor Day Celebration, the Tree City USA program, specifies new tree plantings in public spaces, is the Staff Leader for the City's Urban Forestry Advisory Board (UFAB), works on Code changes, outreach, budgets, and advises maintenance best management practices.
2. 6.00 FTEs in Public Works perform public tree maintenance.
3. 1.00 FTE in Development Services manages trees as part of private development in accordance with Chapter 167 "Tree Preservation and Protection" within Fayetteville's Unified Development Code and Chapter 177 "Landscape Requirements Code."
4. City staff and commission members face several shared challenges and priorities, including staffing issues, ordinance standards, and infrastructure conflicts. Over 50% of participating staff have identified these as key concerns.

ALIGNING CITY AND COMMUNITY PRIORITIES

The Urban Forestry Management Plan complements existing city and regional planning efforts such as the City Plan 2040 comprehensive plan for Fayetteville, the Park and Recreation System Master Plan, Energy Action Plan, and the Climate Action Plan (in development as of 2024). Involvement from stakeholders and residents has been key to development of the Urban Forestry Management Plan and establishing the Plan's priorities. A diverse group of city staff, residents, and community stakeholders provided perspectives on the most important issues faced by the urban forest. Collectively, this group prioritized preserving existing trees and incorporating healthy, climate-tolerant or native trees into the City's built environment, particularly in underserved areas. The Plan's goals reflect these values and priorities.

URBAN FORESTRY MANAGEMENT PLAN VISION AND GUIDING PRINCIPLES

URBAN FOREST VISION	GUIDING PRINCIPLES
Healthy Trees, Healthy City: The vision for Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.	**Equitable and Resilient Canopy Cover:** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges. **Maintenance and Management:** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity. **Tree Preservation and Protection:** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices. **Funding and Levels of Service:** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges. **Community Education, Engagement, and Stewardship:** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

Table 1. Summary of the vision and guiding principles for Fayetteville's Urban Forestry Management Plan.

Fayetteville's Urban Forestry Management Plan aims to achieve 44.4% canopy coverage across the City over a 30-year planning period with a 1.2% increase in the first 10 years. The Plan recommends planting an average of 1,850 net trees per year, with a focus on 60% being large-canopy trees at maturity. The City's priority is to maximize the number of trees planted while ensuring they can be maintained to maturity. The City, developers, and private landowners will collectively contribute to reaching the canopy cover goal (*For information on goals see page 66-67*).

Tree canopy analysis is conducted every 10 years to track progress towards our goals and determine what needs to be modified to achieve the canopy goals, as required by City Code section 167.03.C.



Section 2: Introduction

In 2022, the City of Fayetteville committed to developing the City's Urban Forestry Management Plan ("Plan") and conducting a sample inventory of public trees to support the Plan. The Plan was developed with a shared commitment from the City, its partners, and the community to manage and grow a sustainable and equitable urban forest.

ABOUT FAYETTEVILLE

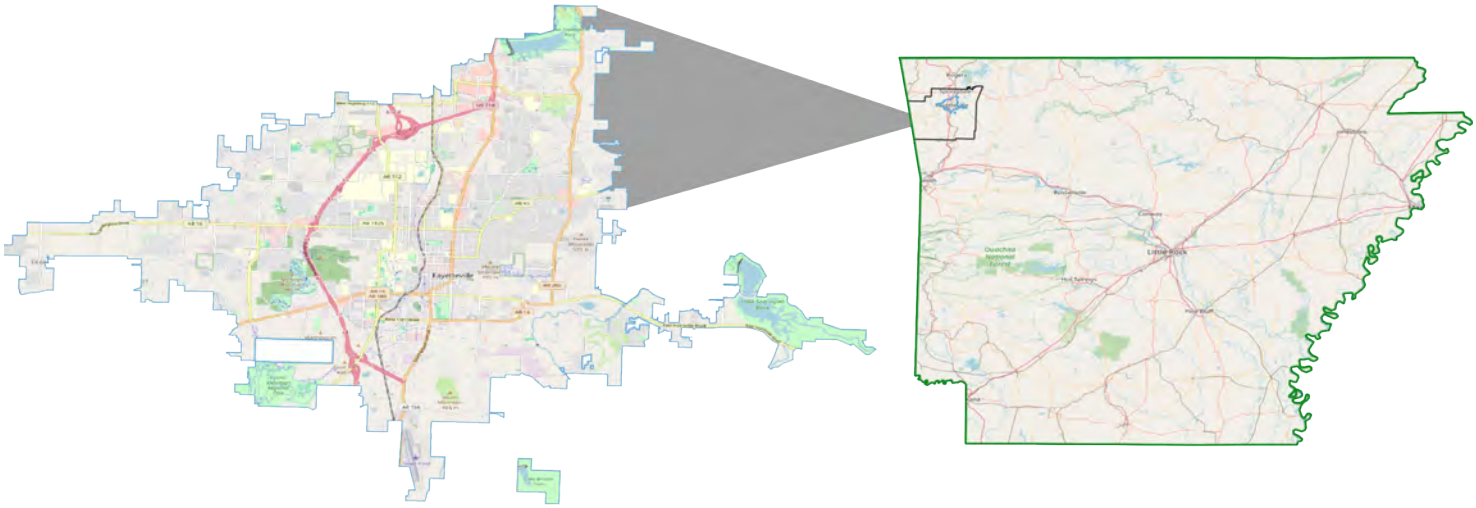


Figure 1. Maps displaying the location of Fayetteville, Arkansas within Washington County.

Nestled within the picturesque Ozark Mountains in the northwestern part of the state, Fayetteville, Arkansas, is a vibrant and growing community that harmoniously blends urban development with natural beauty. As the heart of Washington County and home to the University of Arkansas, Fayetteville exudes a unique character that attracts residents, students, and visitors alike.

Fayetteville is the second most populous city in Arkansas with 93,949 people as of the 2020 U.S. Census. Fayetteville's location between the Springfield Plateau and the Boston Mountains within the Ozarks gives rise to a wide variety of land forms and environmental features including native prairie wetlands, steeply sloped and forested uplands, and a variety of streams and water bodies. Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health, and community engagement, making Fayetteville a more livable and enjoyable city.



Ozark Mountains from Fayetteville. Source: Experience Fayetteville



Photo showing circa 1890 Fayetteville, looking northwest from Mount Sequoyah; fayettevillehistory.org

BACKGROUND AND HISTORY

Before the arrival of European settlers, the Ozark Mountains were home to a unique and diverse ecosystem. Understanding the pre-settlement forest conditions, as documented by early explorers, is crucial in appreciating the ecological history of the region. These descriptions reveal a landscape dominated by oak and hickory woodlands, with widely spaced trees creating an open canopy. The forest was punctuated by open glades and patches of prairie grass, adding to its distinctiveness. Shortleaf pine forest ecosystems thrived on the drier, south and west-facing slopes, further enhancing the area's ecological diversity (National Forest Foundation , 2014).

Fayetteville's evolution into the modern city has integrated the surrounding forests into its urban landscape, supporting a network of verdant public spaces and parks. Heavily wooded areas still thrive within the city limits, contributing to Fayetteville's reputation as a green, forested city.

The earliest settlers in the area were Native American tribes who lived off the land and hunted and gathered food from the natural environment. Later, with the arrival of European settlers in the early 19th century, the landscape began to change. The first settlers cleared large areas of land for farming, which led to deforestation and loss of habitat for many species of plants and animals.

In the late 19th and early 20th centuries, industrialization began in Fayetteville. Sawmills and other factories sprang up, leading to further deforestation and pollution of the local waterways. The construction of railroads and highways also had a significant impact on the natural environment as large areas of land were cleared to make way for these transportation routes.

As Fayetteville continued to grow and develop, urbanization became a significant factor in altering the natural environment. The population increased, and more land was needed for housing, development, and infrastructure. This led to further deforestation and loss of habitat, as well as increased pollution and degradation of waterways.

Despite these significant changes, Fayetteville has also taken steps to preserve and protect its natural environment. A pivotal moment in Fayetteville's Urban Forestry history came in 2000 when Mary Lightheart protested the removal of trees at a proposed development and climbed into a massive oak tree, living there for three weeks. She and 50 other activists were protesting a new shopping center that would cause the removal of a large stand of mature oak trees.

Activists helped bring light to tree preservation and the importance of trees. The following year, a stronger tree preservation ordinance was enacted. This action has led to the City of Fayetteville leading the state in progressive urban forestry programs. The residents of Fayetteville made it clear that trees are vital to this City.

This commitment to the natural environment is carried on by Fayetteville's Urban Forestry Management Plan and the City's programs for trees that are detailed in the Current Conditions section.

TREES AS A PUBLIC GOOD

A diverse and healthy urban forest works to the benefit of the community, the environment, and the economy. Trees make cities more livable by decreasing summer temperatures and improving well-being. Greater contact with natural environments correlates with lower levels of stress, improved performance, and fewer sick days. Residents in areas with more greenery are three times more likely to be physically active and less likely to be overweight than residents living in areas with little greenery.



Cooler Pavement Diminishes Urban Heat Islands

Tree canopy lowers temperatures by shading buildings, asphalt, and concrete. Trees deflect radiation from the sun and release moisture into the air, reducing surface temperatures by as much as 36 degrees. Lower temperatures diminish fumes from heated asphalt and mitigate the urban heat island effect.



Improve Air Quality

Trees produce oxygen and clean the air by removing pollutants that would otherwise contribute to human health problems such as asthma and other respiratory diseases.



Protect Wildlife and Ecosystems

Preserving and planting trees provides valuable habitat for wildlife, supports pollinator species, and provides favorable conditions for beneficial soil microorganisms.



Save Energy and Lower Energy Costs for Buildings

As natural screens, trees insulate homes and businesses from extreme weather, keeping buildings cooler and reducing air conditioning bills. Shade trees planted on a sunny exposure can provide savings of up to 50% in the summer. In winter, evergreen trees provide a barrier to cold winter winds.



Conserve Water and Soil

A tree's root system draws water into the soil and their canopy slows rainfall, reducing runoff and erosion while removing contaminants. In contrast, impervious surfaces like roads and parking lots allow water to run off unfiltered and at high volumes, increasing the likelihood of flooding and impaired water quality.

Other benefits include increased property values, reduced pavement wear, aesthetics, health, traffic calming, public safety, among others. View a compilation of research on urban forest benefits and services prepared by the Alliance for Community Trees (www.actrees.org). Tree benefits are quantified in the following section.

"In light of the ongoing effects of climate change, trees and their associated canopy have innumerable benefits and an urban forest plays a role in carbon sequestration, mitigating stormwater issues, filtering pollutants, increasing property values, improving public health, and reducing the heat island impacts associated with urban areas."

FAYETTEVILLE CITY PLAN, 2040

A CLOSER LOOK

Trees come in various forms: shade trees, flowering trees, edible fruit and nuts trees, and trees with vibrant fall colors. All types contribute benefits and services to the urban ecosystem. The environmental benefits of trees in urban areas are identifiable and measurable, while other benefits are tangential and experiential, such as the feeling of walking a quiet tree-covered trail.



Park and street trees create a sense of community, offering opportunities for people to come together and engage in various activities. These shared spaces foster a sense of belonging and connection among residents. Additionally, Fayetteville's urban forest provides a respite from the hustle and bustle of city life, offering peaceful retreats where individuals can relax, unwind, and enjoy nature.

Research summarized in the following paragraphs shows the presence of trees and greenery in urban areas reduces stress, improves mental well-being, and encourages physical activity, all of which contribute to healthier and happier communities. Moreover, Fayetteville's urban forest creates opportunities for environmental education and volunteering, inspiring residents to learn about nature, participate in tree planting initiatives, and engage in environmental stewardship.



Figure 2. Human health and social benefits of trees.

Studies have found that the amount of trees and vegetation in common spaces such as parks are related to a sense of neighborhood safety and more social activity. In turn, greenery in cities enhances the strength of social ties among neighbors (Kim, et al., 2020).

Encounters with nature in cities also lead to enhanced positive attitudes, decreased stress levels, improved attention spans, and better performance on cognitive memory assessments (Wolf, et al., 2020).

Tree canopy cover and greenspaces in cities motivate and provide opportunities for people to be physically active. The percentage of greenspace within a two mile radius of a person's home has been associated with the percentage of residents reporting good health, particularly among the elderly and those with lower socioeconomic status groups that are typically less likely to get sufficient physical activity. Research shows that community residents are three times as likely to be physically active when living in areas with more greenspace (Ulmer, et al., 2016).



Opportunities to experience urban nature—whether it's a view of a street tree out a window or actually being outside in nature— are key to the mental well-being of city residents. People are happier, experience a greater sense of well-being, and have reduced stress levels when they live in areas with more greenspace nearby or on a tree canopied neighborhood street (White, et al., 2013).

Tree cover near schools has a positive effect on student performance. Children with challenges concentrating are more focused following a 20-minute walk in an urban park or tree canopy covered sidewalk than they do after walks in other urban settings without trees and greenery (Taylor, et al., 2009). Trees in neighborhoods and parks connect children to nature.

The link between time spent in natural settings and health outcomes has been the center of focus for healthcare and insurance industries in recent years. Trees and greenspaces have shown to increase longevity, reduce the risk of cancer and heart disease, reduce anxiety and depression, improve immune function, and reduce stress hormones. A study in 2016 of 108,000 people found a 12% lower rate of non-accidental mortality among those with the most greenery in a 820-foot (250 meters) radius around their homes (James, et al., 2016). In addition, hospital patients placed in rooms with views of nature experienced shorter stays in the hospital compared to patients in rooms that faced other buildings (Mihandoust, et al., 2021).

ENVIRONMENTAL BENEFITS OF TREES

Research over the past several decades provides valuable quantified data on environmental benefits for urban forest researchers, managers, and practitioners. This data can be used to communicate tree benefits to residents and stakeholders and to incorporate trees into infrastructure design such as stormwater management. It can also be used to develop strategies that reduce inequities.

A tree canopy assessment conducted by the City in 2020 (with 2019 imagery) determined that 39.4% of the City (14,000 acres) was shaded by tree canopy. In 2022, a sample inventory of 2,712 public trees and 848 private trees was conducted to estimate the composition and structure of public and private tree populations. These datasets were used to calculate the following benefits of the citywide urban forest and public tree population.

Citywide Tree Canopy

The citywide tree canopy across public and private land provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes (Endreny, 2018).

Public Trees

Public trees are comprised of trees along streetscapes, in medians, alleys, parks, trees in high use areas on City-owned land. The 2022 sample inventory of public trees determined there are 42,000 trees in public spaces, and 25,000 are maintained.

The 25,000 publicly maintained trees were used to calculate the benefits and services below. Using i-tree tools, it is estimated that the 25,000 trees provide $71,615 in ecosystem benefits annually.

It is also estimated that they sequester (capture) 1.4 million pounds of carbon dioxide annually, worth $33,613. The air quality benefits equate to $23,949 annually in services. $14,053 of stormwater benefits are diverted from the 25,000 trees. Using these three benefits, the 25,000 public trees provide a yearly total estimated $71,615 in ecosystem benefits (Tree Inventory Summary).



Photo of Eastern towhee habitats are supported by healthy urban forests. Source: Audubon Arkansas

CARBON BENEFITS	**$33,613**
AIR QUALITY BENEFITS	**$23,949**
STORMWATER BENEFITS	**$14,053**
TOTAL BENEFITS	**$71,615**

Assuming an average tree lifetime of 37.5 years based on the i-Tree model, the 25,000 maintained public trees are estimated to generate $7.5 million in ecosystem benefits over their lifetime. Similarly, the 42,000 trees in public spaces are projected to provide over $4.2 million in ecosystem services under the same lifespan assumption. *(For more informaation see Supplement 3, Tree Inventory Supplement page 10)*

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($)	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs) Annually	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft3"= cubic feet

Table 2. Estimated annual benefits of Fayetteville's public trees Source: USDA Forest Service i-Tree research

To understand the annual ecosystem benefits above, it important to understand the difference between carbon sequestration, and carbon storage. Carbon sequestration is the action of capturing carbon from the atmosphere and storing it in another form that cannot be immediately released, and carbon storage, which is the total amount of carbon in a forest or tree.

BUILDING ON PROGRESS

A review of the 2012 Urban Tree Canopy Assessment (Supplement 9, Urban Tree Canopy Assessment Project 2012) was completed to track progress and build upon successes. A summary of the 2012 recommendations with progress information follows.

1. Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:

- People are part of the urban forest. This report can be used as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
- Solicit feedback from community partners to refine tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
- Develop best management practices (BMPs), such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.

2024 Update. On Going and Complete. *The old and new Urban Forestry Plan will be available on line.*

Staff regularly meets with the Urban Forestry Advisory Board to discuss ordinance changes and tree-planting initiatives and stress the importance of planting the right tree in the right place for longevity. The Urban Forestry Advisory Board advises staff on ordinance changes and tree-planting initiatives. The board is made up of a diverse group of community stakeholders.

Staff has developed a Best Management Practices to ensure we care for new yearly plantings. We set our planting goals based on what we can maintain and grow to maturity.

2. Monitor, adapt, and enforce existing Tree Preservation and Protection ordinances.

- Streamline tree-related policies and identify if codes are working against local goals.
- Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
- Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, stormwater, and resource managers.

2024 Update. Integrated and Complete. *Urban forestry staff continually review policies and codes and regularly adjust to necessary changes. We inspect all projects for a 90% survival rate. We collaborate with planning, sustainability, park maintenance, stormwater engineers, and others throughout the city for many projects.*

3. Develop a regional urban tree canopy assessment report in Arkansas.

Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.

2024 Update. Incomplete. *Fayetteville is one of the few cities in the state that conducts regular tree canopy assessments, completing a study every ten years. Only a handful of other cities in the state have followed suit. Bentonville, for example, completed tree canopy studies in 2013 and 2019. Moving forward, it would be beneficial to advocate for a more regional approach, with additional cities undertaking similar assessments. Urban Forestry staff would enthusiastically participate in a coordinated, regional canopy assessment led by the NWA Regional Planning Commission, which could provide a more comprehensive picture across Northwest Arkansas.*

4. Assess tree canopy every 8-10 years to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as the I-Tree Canopy can be used between comprehensive GIS-based assessments.

2024 Update. Integrated and Ongoing. *Urban Forestry Staff has worked with the GIS department and receives NAIP imagery as it is released; we can get regular canopy updates every two years. GIS has used the standards to give us tree canopy assessments every other year. We received one in 2015, 2017, and 2019 and are getting canopy assessments for 2021 and 2023.*

The City's urban foresters frequently participate in public education and outreach campaigns. Since 2012, the City has expanded its educational efforts and launched several new programs:

- *A ban on invasive plants was implemented, accompanied by an informational packet and a public outreach campaign to raise awareness.*
- *An "Invasive Plant Bounty" program was created, which has since been emulated nationwide.*
- *The "Amazing Trees of Fayetteville" initiative highlights significant or unique tree species within the City.*
- *"Tree Price Tags" were hung in high-traffic areas, showcasing the ecosystem benefits of the City's trees.*
- *The City now participates annually in school events like Symbols Day and Forest Awareness Day, reaching hundreds of elementary students.*

These new programs have steadily increased public participation and engagement each year

Since 2012, the City Council has amended the Tree Preservation ordinance seven times, strengthening the code, closing loopholes that enabled clear-cutting, adding Low-Impact Development mitigation options, and clarifying key aspects of the regulations.

5. Disseminate this project's land cover and UTC assessment data broadly.
While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.

2024 Update. Integrated and Complete. *The Urban Forestry staff has several tools to help with the above, and we use GIS and the multitude of layers to plan green infrastructure. The staff has included LID features in many of the City's details, and engineering has included LID in the stormwater management of new developments in our city. Our maps are available to everyone.*

6. Foster academic partnerships. Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.

2024 Update. Ongoing. *We have been in touch with several groups at the University of Arkansas to encourage them to become a Tree Campus USA, but we have not been successful. We maintain regular contact with the University's Landscape Architecture department and have also reached out to the Sustainability Department at the University of Arkansas.*

Our staff regularly collaborates with public and private schools in Fayetteville. We have organized tree planting projects with students at Butterfield Elementary, Haas Hall Academy, The New School, and Washington Elementary. Additionally, we have been involved with the Fayetteville High School Advanced Placement science program, which oversees the monitoring and removal of invasive plants at McNair Middle School. Furthermore, we have taken part in numerous regional activities aimed at educating children about the importance of trees.

7. Explore all potential partnerships to achieve urban forest goals: public/private including corporate and academic sponsors, council representatives, environmental quality, and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.

2024 Update. Ongoing. *Fayetteville's Urban Forestry has partnered with Compassion Fayetteville, Beaver Watershed Alliance, Illinois River Watershed Partnership, the NWA Land Trust, Arkansas Urban Forestry Council, and other groups. In 2022, we started partnerships with several Property Owners Associations.*

8. Promote hardy, climate-adapted, and long-lived tree species that are appropriate for Fayetteville's environment to ensure investments in trees achieve maximum benefits.

2024 Update. Active, Integrated and Complete. *In 2023 the City of Fayetteville codified the use of native Ozark trees as the recommended tree species. We have stressed the right tree for the right place. We actively promote using only Ozark native trees and shrubs in development. We updated the recommended tree species list and are working on a new one.*

9. Target areas for tree planting using the assessment data.

- Use results to justify targeted public tree plantings in the public right-of-way and greater private planting in commercial landscaping.
- Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS web map as social assessment tools for residents and businesses.

2024 Update. Integrated and On Going. *Over the last five years, we have used Tree Equity Score to locate new planting locations. We also use heat maps and other tools to help us plant trees in the most needed locations. Before that, we have always used income, access to trees, heat islands, and other factors to locate new tree plantings.*

10. Create a central repository for monitoring tree planting and tree removals on public and private property, possibly using a web-based application open to the public.

2024 Update. Integrated and On Going. *The Urban Forester in the Parks, Natural Resources, and Cultural Affairs department receives all city planting plans and tracks the annual removal and planting of trees. The staff has also created a spreadsheet to monitor tree removals during the development review process. However, the current workload in the Development department has made it challenging for the staff to keep up with this data, and they hope to receive additional staffing soon. The Urban Forester has prioritized collecting this data in 2025.*

11. Ensure consistency in future UTC assessments using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.

2024 Update. Integrated and On Going. *With NAIP imagery, we can bring regular reports closer together; however, rapid technological advances may not always make this possible. We will continue to try to do this. This field has made many advances over the past ten years, and aerial imagery allows us to compare information. However, the imagery gets more accurate and improves each year. The latest data will be the most accurate.*

12. Create or update an existing targeted education and outreach campaign using the ecosystem benefits values. Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining, and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.

2024 Update. Integrated and On Going. *We use trees' benefits and values daily with developers and internal customers. This topic is talked about frequently. We won an award for placing price tags on trees that showed the benefits of each tree.*

13. Work on urban forestry goals and design specifications for other environmental planning initiatives such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.

2024 Update. Integrated and On Going*. Goals are something we continue to assess and focus on for tree preservation. We will have new goals when we complete this document.*

Forestry is starting to move towards other natural resource management. The foresters worked with the engineering department on specifications for BMPs for stormwater; this included tree preservation, usually near a stream. Staff created mitigation options and codified the options for green roofs, green facades, and other LID features.

14. Assess forest stands at risk from development by overlaying zoning or future land use data and developed slope percent. Quantify and locate areas at risk that, if developed, would impact overall citywide canopy cover goals as the economy improves and development follows.

2024 Update. Modified and Integrated. *The staff has not assessed at-risk forests in the city using zoning codes and future zoning. However, staff uses multiple maps when reviewing development projects such as the enduring green network, heat island map, flood plan, Hill Side Hilltop Overlay District, Nature Based Climate Resilience Score, and other available mapping tools. We use these tools to recommend conservation in the form of tree preservation easements and tree preservation on each project. We identify high-priority areas during our reviews of each project.*

15. Promote cost-effective professional development in urban forestry. eLearn Urban Forestry is a state-of-the-art on line, distance-learning program geared toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, City officials and public works employees. eLearn Urban Forestry provides free access to learning modules with a link to the Continuing Forestry Education (CFE) group, where you can get ISA or SAF credit for a small maintenance fee. Visit elearn.sref.info/ for more details.

2024 Update. Integrated and On Going. *Urban Forestry staff codified ISA and other entities as a requirement for internal and external foresters. The city supports employees who want to become certified arborists and allows travel for continuing education. Staff continue to meet continuing education requirements to maintain credentials.*

16. Provide an environment for natural forest regeneration. This study shows that grass, herbaceous, and shrub/briar land cover types naturally regenerate into forests, contributing to the City's overall tree canopy and ecosystem services.

2024 Update. Integrated and On Going. *Last year, Urban Forestry undertook two major forest regeneration initiatives. The department has been systematically converting City-owned hay fields into native forests and savannas. For instance, a hay field at Bayyari Park was planted with 75 large Ozark native trees, while Rodney Ryan Park gained 56 Ozark native trees to restore the original savanna landscape. Additionally, Harmony Pointe Park is slated for an upcoming reforestation project.*



THE TIME IS NOW

It is critical for Fayetteville's environment, economy, and community well-being that the City act now to sustainably manage the urban forest. The City has a Comprehensive Plan for how Fayetteville will grow and change with development. Among other plans in place or in development is the City's Climate Action Plan. Fayetteville's Urban Forestry Management Plan supports and builds on the goals and policies of these plans and supplements those with vital analyses, studies, metrics, and strategies relating to the City's natural environment and specifically, the urban forest.

Undeveloped areas contain native trees and vegetation, fertile soils, vital water resources, natural prairie, and wetlands. Protection and conservation of these critical areas is up to the citizens and the choices made by the City.

Fayetteville's Urban Forestry Management Plan provides the roadmap with goals and supporting recommendations to manage, grow, preserve, and strengthen the urban forest through invigorated partnerships that align with city and community priorities.

PLAN PURPOSE AND VISION

The Urban Forestry Management Plan serves as a guide to proactively manage, care for, protect, and expand the City's tree canopy while navigating these competing pressures. The Plan provides a strategic and systematic framework for the sustainable stewardship, enhancement, and utilization of trees within Fayetteville. This Plan serves as a roadmap to guide decision-making and actions related to the urban forest.

Caring for and prioritizing the urban forest is an important part of maintaining a sustainable and vibrant city. However, urban forest management must also support the City's goals including economic development, transportation, urban design, and the goals of property owners. In recognition of this, Fayetteville's Code of Ordinances requires 'a tree canopy analysis and an Urban Forestry Effects Model study' or their current equivalent studies within the current geographical boundaries of the city every ten (10) years (UDC 167.03).

SUSTAINABILITY AND ENVIRONMENTAL HEALTH:

The Plan ensures that the ecological benefits of trees are maintained and enhanced, contributing to the overall environmental health and resilience of the City.

QUALITY OF LIFE AND COMMUNITY WELL-BEING:

The Plan provides strategies to create and maintain accessible and inviting greenspaces that enhance the quality of life and foster community pride.

CLIMATE CHANGE MITIGATION AND ADAPTATION:

The Plan's overarching goal to increase canopy enables the City to maximize the urban forest's contribution to climate change mitigation and adaptation efforts.

PUBLIC SAFETY AND INFRASTRUCTURE:

The Plan provides recommendations for public tree maintenance and risk management.

EDUCATION AND OUTREACH:

The Plan includes recommendations for community engagement, outreach, and education to raise awareness about the value of trees, promote responsible stewardship, and support the community in tree planting and maintenance activities.

LONG-TERM VISION:

A vision for the urban forest ensures decisions made today have a positive impact on future generations. It provides a framework for adaptive management, allowing for adjustments based on changing conditions and priorities.

An Urban Forestry Management Plan is....

A planning tool that sets values and goals for the current and future urban forest.

A planning tool that identifies Public interest, broad planting and maintenance goals, service gaps, canopy trends and identifies opportunities for improvement.

A planning tool that outlines strategies for achieving urban forestry goals.

An Urban Forestry Management plan is <u>not...</u>

A plan focused on individual sites.

An operations model or financial budget.

A detailed planting plan for trees.

A detailed rewrite of Urban Development Codes pertaining to trees.

Section 3: Current Conditions



CURRENT CONDITIONS

The urban forest includes streetscapes, parks and open space, trail and waterway corridors, commercial and residential properties, among others. While the Plan primarily addresses public trees, all trees across ownership types and the care of these trees contribute to the health, sustainability, and associated benefits of the urban forest.

The current conditions of Fayetteville's urban forest and tree populations are characterized by the type of setting (public or private) and the party responsible for maintenance (the city, property owners, or others).

Public trees are comprised of trees along streetscapes, in medians, parks, and trees in high use areas on City-owned land. View the illustration below for a summary of the tree types in Fayetteville.



Figure 3. Illustration of the types of trees in Fayetteville.

TREE INVENTORY

In October 2022, a sample inventory of public and private trees in Fayetteville was conducted by a contracted Certified Arborist accredited by the International Society of Arboriculture (ISA).

The tree inventory was intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the Plan. The University of Arkansas property was not included in this plan's public or private tree inventory.

Note, the sample public and private tree inventory analysis was conducted in October 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changed since the analysis. Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in the Tree Inventory Supplement.

CHALLENGES FACING FAYETTEVILLE'S URBAN FOREST

EXTERNAL CHALLENGES

Urban forests across the country face common stressors including urban heat, poor air quality, weather extremes, pressure from development, and invasive plants, pests, and diseases. These challenges are often intensified by conflicting priorities and a shortage of resources.

COMMUNITY GROWTH

Fayetteville's urban forest has been growing and changing as development and redevelopment occurs in the City. In many ways Fayetteville and the northwest region of the state are fortunate to be such a highly desirable place to live, work, recreate, and study. Rapid growth in northwest Arkansas is predicted and the effects are already being felt. From 2010 to 2020, Washington County's population rose by 21.1% and almost half of that growth was in Fayetteville alone. Specifically, Fayetteville is experiencing a 28% growth rate and is now the second largest city in the state, replacing Fort Smith (NWARPC). According to Woods & Poole Economics, Inc., the Fayetteville-Springdale- Rogers metropolitan area has a 76% population growth projected from 2022 to 2060.

EQUITY

Like many cities, the tree canopy cover in Fayetteville is not equitably distributed across the City. As a result, some neighborhoods experience higher surface and ambient temperatures, poorer air quality, and more frequent flooding than neighborhoods with greater canopy cover. Additionally, the lack of access to trees and greenspace impacts residents' physical and mental health, sense of community, and overall well-being.

CLIMATE CHANGE

Climate change is an overarching challenge that is compounding the issues facing Fayetteville's trees. In addition to the known pests, diseases, and weather that the native trees have evolved to withstand, the new changes in temperature and weather extremes bring a new onslaught of pests, diseases, and wet/dry cycles.

Healthy trees can play a significant role in making Fayetteville more resilient to weather and climate extremes by sustaining the natural ecosystem health, yet the ability of urban forests to achieve their full potential is often significantly limited due to poor tree health stemming from reactive fixes instead of holistic solutions, limited training of tree care professionals, and insufficient municipal budgets.

INTERNAL CHALLENGES

Proper and timely management of the trees in accordance with current best management practices.

The need for updated tree-related regulations that preserve, protect, and grow the urban forest aligned with best practices and City priorities.

Limited financial and operational resources to address the gradual and immediate impacts of climate change.

Concerns regarding the organizational structure and communications with having three Urban Forestry groups working in three different departments.

Preparing for emerald ash borer and other emerging tree pests and diseases.

Strategic tree planting programs and initiatives needed to sustain and expand tree canopy and the associated benefits.

Educating and revitalizing community tree stewardship.

2022 PUBLIC TREE SAMPLE INVENTORY

Fayetteville's urban forest is a diverse ecosystem consisting of young and mature trees of varying species, function, and associated benefits. A sample inventory was conducted including public trees and private trees (utilizing public rights-of-way for visual assessments). The University of Arkansas property was not included in this plan's public or private tree inventory. A total of 2,712 public trees were inventoried and used to estimate the total public maintained tree population at 25,000 trees. For more detailed information, refer to the Supplement 3, Tree Inventory Summary.

Based on the sample and assumptions, it is estimated that Fayetteville has 25,000 public trees, which are trees along streets, in medians, parks, and high-use areas. The map below shows the locations of the trees surveyed to collect the data used to create this plan.

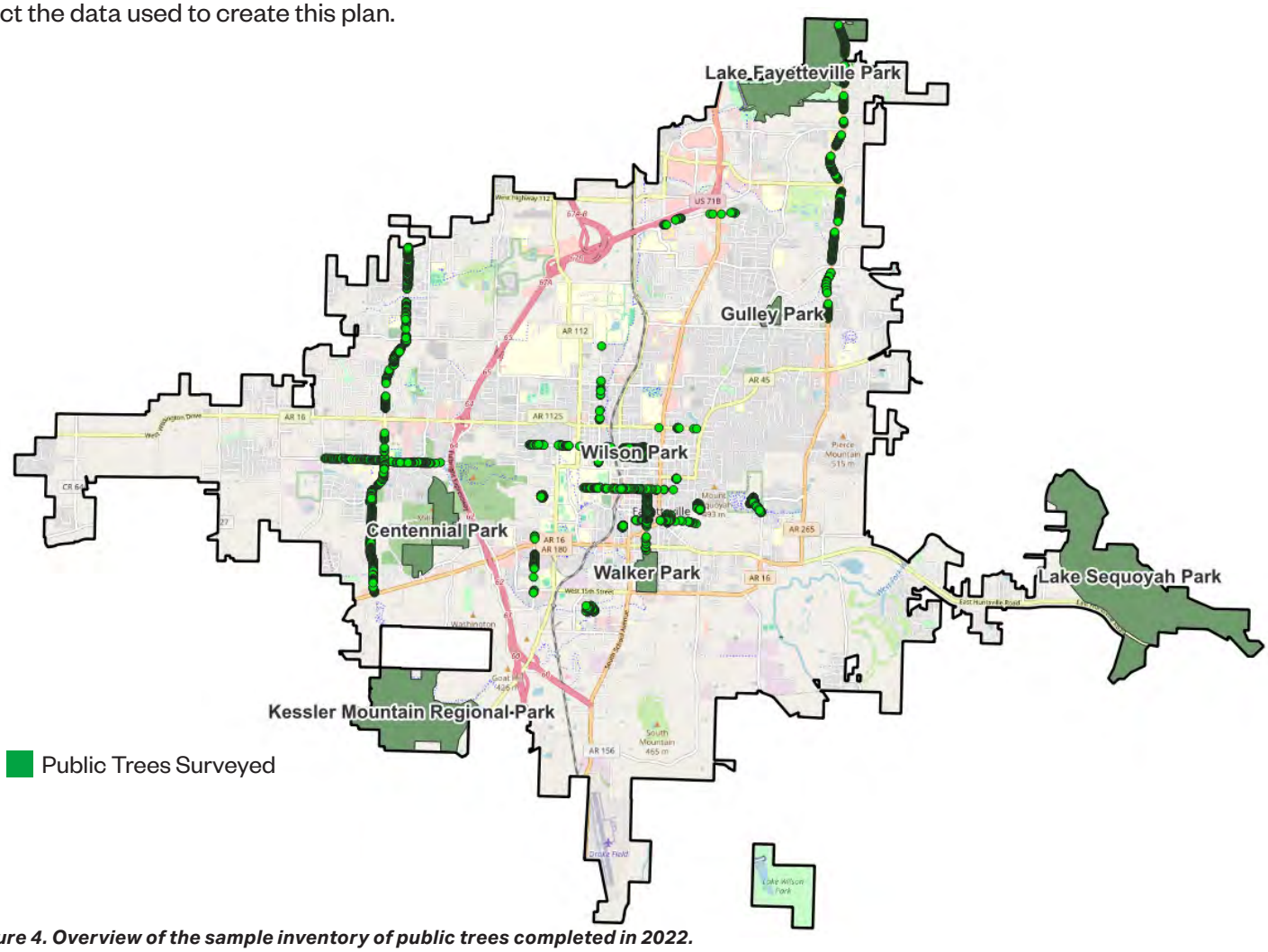


Figure 4. Overview of the sample inventory of public trees completed in 2022.

To grow a healthy and diverse urban forest, the public tree population must be well understood and managed. The data from the 2022 sample tree inventory were examined and assessed to determine the species, size, health, structural integrity, quality of the growing space, and maintenance needs, among other key characteristics for management that is representative of the citywide public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.

SPECIES DIVERSITY

Species composition data are essential since the types of trees present throughout the City dictate the amount and type of benefits produced, tree maintenance activities required, budget considerations, and influences species selection for future plantings.

It is estimated the current public tree population consists of 111 different species and 54 unique tree genera, which is relatively average in terms of species diversity in the region based on benchmarking research. Princeton elms comprise the highest percentage of trees with 7% of the total tree population, followed by post oaks at 6% and willow oaks with 6%. The top ten most common species make up 44% of the total public tree population— slightly lower than average compared to benchmarking research— which is a potential indicator of a healthy level of tree species diversity. If the most common tree species comprise less than half of the population, it may be a sign that the tree population is relatively diverse due to the number of unique tree species and their frequency of occurrence. The remaining 56% of public trees are made up of other species that are primarily pin oaks, blackgums, red maple, northern red oak, bald cypress, and hackberry. Refer to Supplement 3, The Tree Inventory Summary, for more details.



111 unique public tree species



75% of public trees in good condition



55% of public trees are 0 to 6 inches in diameter

SPECIES (TOP 10)

Princeton Elm
Post oak
Willow oak
Pin oak
Blackgum
New Harmony Elm
Red maple
Northern red oak
Bald cypress
Hackberry

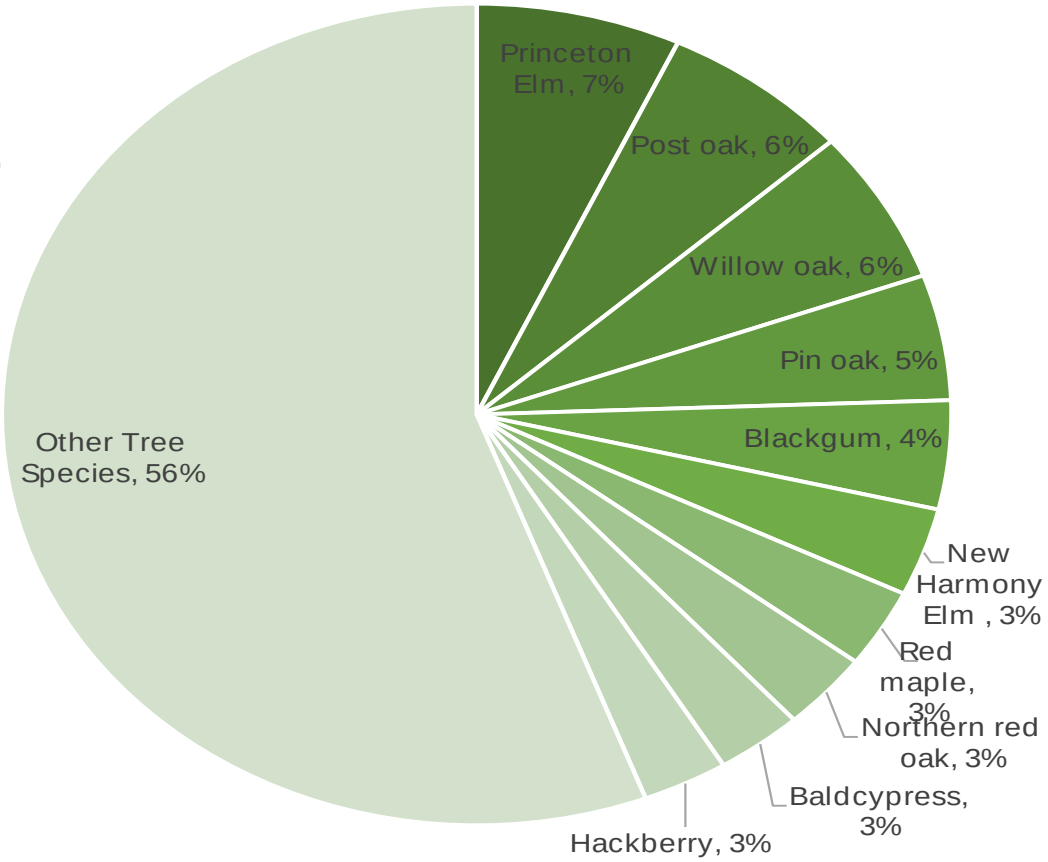


Figure 5. Overview of the species results of the 2022 sample inventory of public trees.

SIZE AND RELATIVE AGE DISTRIBUTION

The distribution of public tree ages and size classes influences the structure of the citywide urban forest and impacts present and future management costs. An unevenly aged urban forest offers continued flow of ecological benefits and a more uniform workflow allowing managers to more accurately allocate annual maintenance schedules and budgets.

To optimize the value and benefits of Fayetteville's trees, the public tree population should have a high percentage of large canopy trees which provide greater ecosystem benefits. There must also be a suitable number of younger, smaller trees in the urban forest to replace large and mature trees in decline. Having a healthy percentage of young trees in the urban forest will ensure a sustainable tree population.

To compare Fayetteville's urban forest structure to industry-recommended standards, the 'ideal distribution' is used (Richards, 1983 and 1993). The diameter at breast height ("DBH" measured at 4.5-feet above grade) is used to measure relative age.

Based on the sample inventory and estimated public tree population, the size distribution of Fayetteville's public tree population is similar to the ideal age distribution. Generally, an ideal distribution has a larger proportion of small diameter trees compared to larger diameter trees. Below is an chart that shows the ideal distribution and Fayetteville's distribution.

Tree Size	Ideal Distribution	Fayetteville's Distribution
Tree in the 0-6 in class/ Young trees	40%	55%
Trees that are 6-12 class	25%	19%
Trees that are 12-18 class	15%	14%
Trees that are 18-24 class	10%	6%
Trees that are 24-30 class	6%	4%
Trees that are over 30" DBH	4%	2%

Table 2. Comparing public tree size classes

It is estimated that 55% of Fayetteville's public trees are in the 0-6 inch class compared to the recommended 40%. In contrast, the City also has less 6-12-inch trees (19%) compared to the ideal distribution of 25%.

The size and relative age distribution of Fayetteville's public trees indicates the population is relatively young given the City has more small-diameter trees and fewer trees than the ideal percentage for each of the larger size classes. This distribution may be an indication of an increase recently in planting efforts. The City should expect a growing demand for maintenance as the large number of young / small trees mature.

CONDITION

Understanding current and changing conditions plays an important role in planning, budgeting, and resource allocation. An analysis of the condition can provide an indicator of how well the trees are managed and how they are performing given site-specific conditions. Tree maintenance needs are assigned for public safety reasons and by tracking these needs, managers are able to better plan and manage Fayetteville's public trees and the citywide urban forest.

Findings from the sample inventory of public trees were used to identify potential trends in tree condition and make the management recommendations to improve condition or minimize the deterioration of trees. Tree health was evaluated by a contracted ISA Certified Arborist based on the condition of the wood, foliage, and structure.



Based on the analysis, it is estimated that three out of four public trees (75%) are in good condition and 15% are in fair condition with only 5% of trees in poor or dead condition. The dead trees or trees noted for removal should be addressed and planned for immediately. Trees classified as "Fair" or "Poor" should be examined to determine the necessary mitigation or plant health care, if any, to improve their condition.

OBSERVATIONS AND DEFECTS

Tree defects were recorded during the 2022 sample inventory to describe further a tree's health, structure, or location. Using a system of 20 observation categories, the arborist found the public trees exhibited 11 of the 20 categories. For more detailed information, refer to page 7 of supplement 3, the Tree Inventory Summary.

A total of 1,283 observations were recorded during the tree inventory. Crown dieback was the most frequent observation recorded. It is estimated that 30% of the citywide public tree population has some level of crown dieback and 6% have cavity decay present. Mechanical damage due to lawnmowers, weed trimmers, construction, or other may comprise 5% of the public tree population followed by poor structure with 4%.

The data reveals several key insights about tree management. Of the recorded observations, 17% of the defects or concerns identified were potentially preventable and fixable. This indicates that many issues are primarily human-caused, highlighting the crucial role of proper tree care practices.

For example, poor tree structure can be prevented through timely and appropriate young tree pruning. Implementing industry best practices and standards would reduce the number of improperly pruned trees. Additionally, selecting quality nursery stock, proper planting techniques, and soil amendments can prevent poor root systems. Trees with suboptimal locations or hardscape damage could have been avoided by selecting species suited to the site and ensuring adequate root space.

Furthermore, the data shows the impacts of deferred maintenance, with about 35% of the recorded observations potentially addressable through proactive pruning and plant health care. Lastly, simple measures like adequate mulch rings, growing space, tree grates, and general awareness could have prevented many instances of mechanical damage. Addressing these areas can enhance the long-term viability and benefits provided by the urban tree canopy.

MAINTENANCE NEEDS

The City's current practices of proactive, routine pruning of public trees have resulted in a low overall maintenance need. Only 8% of the public tree population requires clearance pruning, 6% need removal, 3% require pruning around utilities, and 1% need routine pruning or crown cleaning. While newly planted trees should be structurally pruned (training pruned) within five years, this was not an observable need in the sample inventory.

INTERPRETATION OF PRIVATE TREE ANALYSES AND ESTIMATES

Though less data was collected for private trees during the 2022 sample inventory, this data is valuable in providing information about the citywide urban forest. A total of 850 private trees were inventoried from the public rights-of-way. Based on industry research and benchmarking of comparable cities, it is estimated that there are 80,000 trees in maintained areas on private property.

The sample inventory analysis estimates that oaks (Quercus) comprise 19% of the tree population, maples (Acer) 12%, and pines (Pinus) 9%. The top ten most common tree genera account for 78% of the private tree population, while the top ten most common tree species make up 57%. The most prevalent tree species are pin oak (9%), loblolly pine (8%), red maple (8%), arborvitae, London planetree, hackberry, eastern redbud, eastern red cedar, Princeton elm, and black cherry. Most private trees fall into the 0-6-inch (39%), 6-12-inch (20%), and 12-18-inch (23%) size classes. Only 2% of private trees exceed 30 inches in diameter.

Similar to public trees, it is estimated the private tree population is primarily in good condition (70%) with only 4% in poor condition and 2% consist of dead trees. Based on the contracted ISA Certified Arborists observations of private trees from the public rights-of-way, it appears that the most common maintenance needs are pruning for clearance (9%), removing hardware from trees (6%), and utility pruning (2%).

SUMMARY OF TREE INVENTORY ANALYSIS

Understanding the extent, structure, condition, characteristics, and maintenance needs of public trees enables Fayetteville's Urban Forestry Program and Transportation Department's right-of-way crews to effectively budget, plan, and address maintenance and planting needs in a sustainable, safe, and equitable manner.

For private trees, understanding the extent, health, composition, and other factors provides the Urban Forestry Program with a better picture of the entire urban forest. Challenges such as pests and diseases, invasive plant species, climate resiliency, among other threats to the urban forest can be addressed for private trees by providing resources, education, training, and other support to property owners to support growing a sustainable and resilient urban forest.

Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in Tree Inventory Summary supplement.



URBAN TREE CANOPY ASSESSMENT- A SNAPSHOT

Urban Tree Canopy Assessments (UTC) provide the comprehensive data and information needed to develop goals and strategies relating to tree planting, preservation, tree equity, risk management, and the data to support community outreach and education. This information can be utilized with other city planning efforts for sustainability, equity, human health, climate resiliency, stormwater management, water quality, wildlife preservation and enhancement, air quality improvements, and development guidelines, among many others. UTCs provide a baseline understanding of existing canopy cover across the entire city. In addition, these assessments can provide an analysis of possible planting areas citywide and by various planning boundaries. This baseline assessment should be utilized to measure the progress resulting from implementing this plan.

2019 UTC Findings – Citywide The City of Fayetteville is 35,712 acres in size. Tree canopy covers 14,081 acres of this area (39.4%) according the analysis of 2019 imagery.

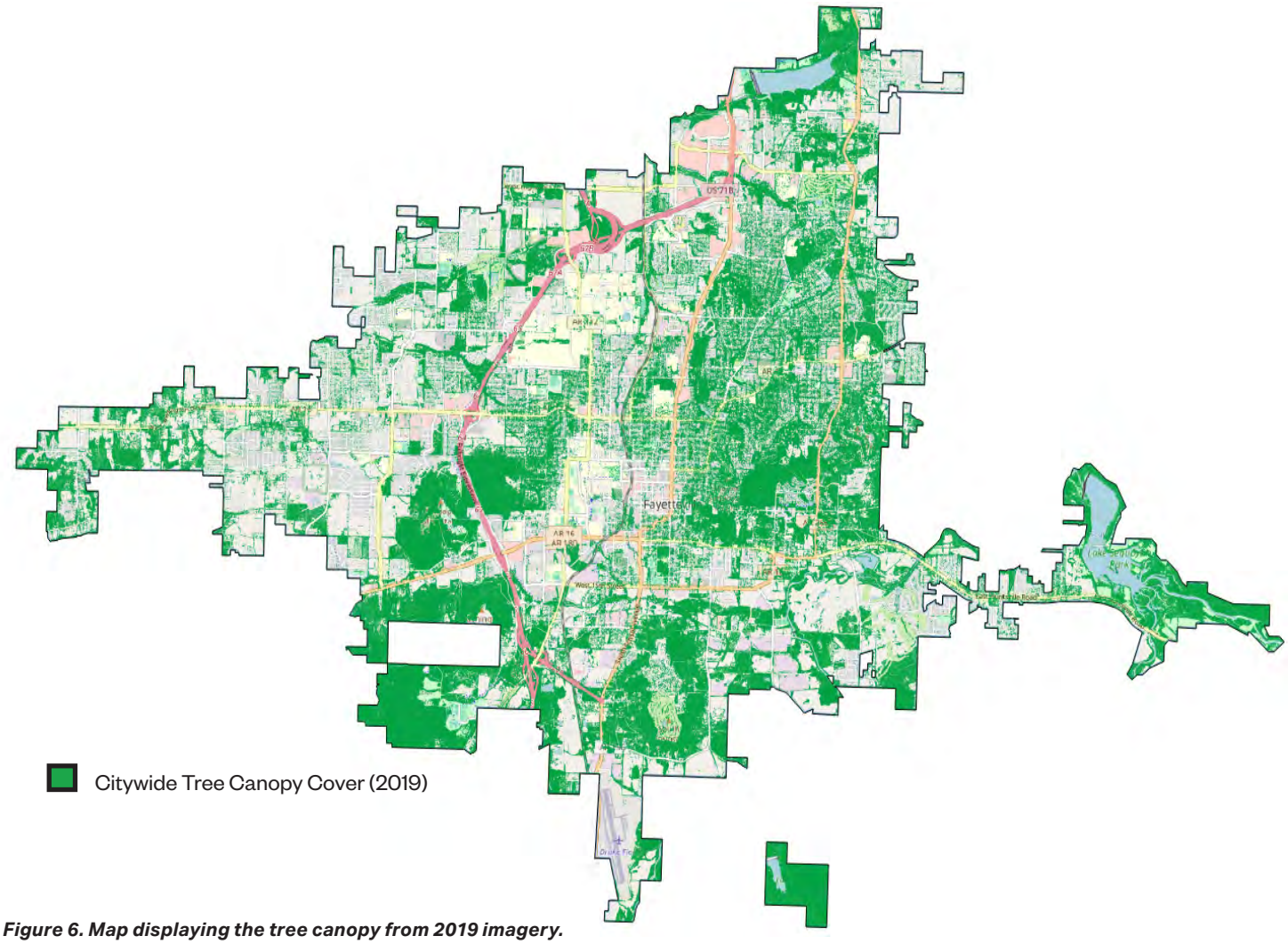


Figure 6. Map displaying the tree canopy from 2019 imagery.

URBAN TREE CANOPY (UTC) FINDINGS - OVERVIEW

A consultant provided an analysis and a report with recommendations on Fayetteville's tree canopy cover change from 2002 to 2010, and in 2020, the City's Geographic Information System (GIS) Department assessed the existing tree canopy and possible planting areas citywide using imagery from 2013, 2015, 2017, and 2019. The historical imagery and related assessments provide information on the canopy change over time though this section focuses on the most current assessment from 2019. The summaries below provide an overview of the baseline conditions relating to urban tree canopy cover and possible planting area in the City. For more information on GIS methodology, see GIS Study.

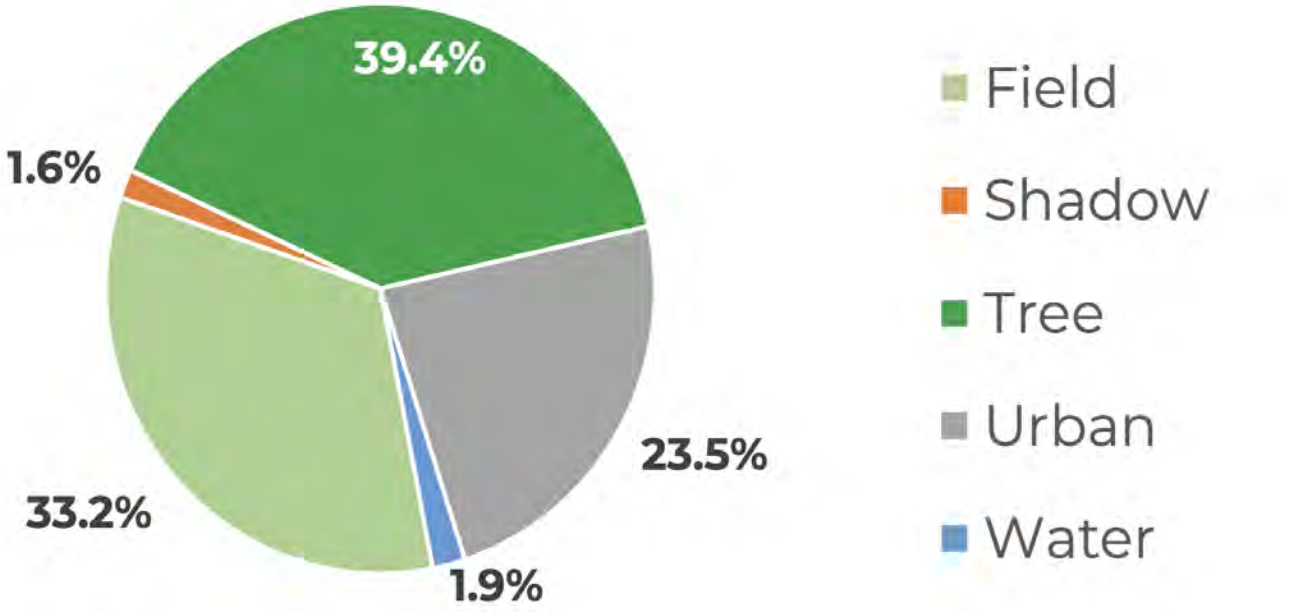


Figure 7. Citywide tree canopy results (2019). Source: City of Fayetteville



Figure 8. Examples of the land cover classes.

UTC COMPARISON

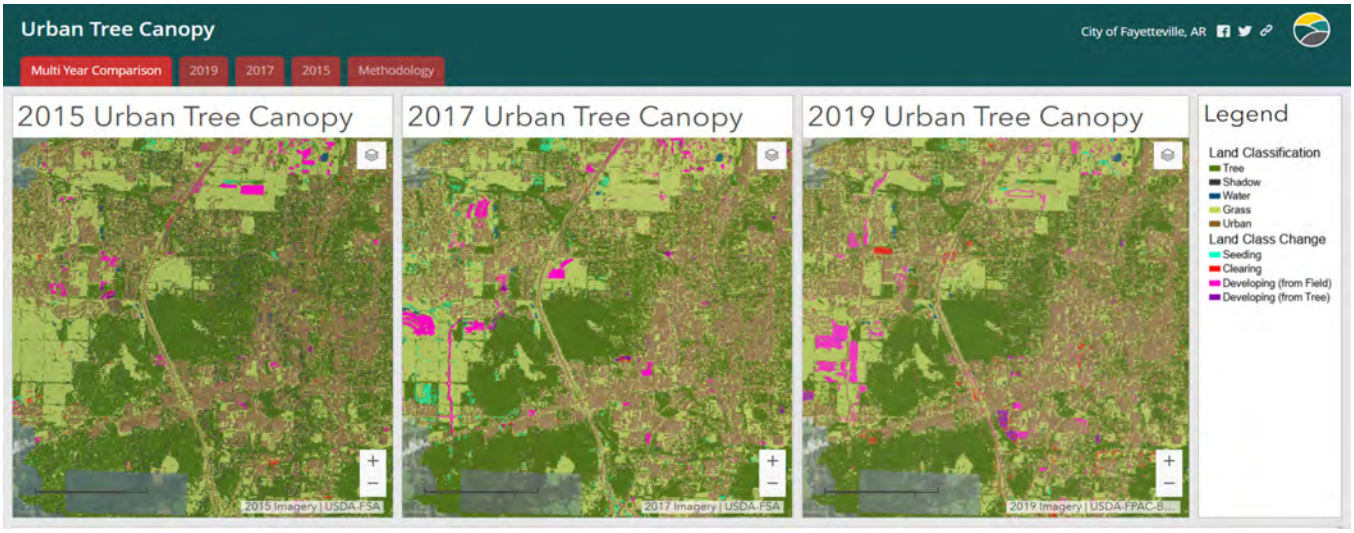


Figure 9. Comparison of canopy in 2015, 2017 and 2019

High-resolution GIS assessments of land cover were completed to identify the extent and opportunities for urban tree canopy cover. The City conducted these assessments based on 2013, 2015, 2017, and 2019 imagery to analyze canopy cover change. A consultant provided an analysis and report on the City's tree canopy cover change from 2002 to 2010 (in 2012), and in 2020, the City's GIS Department completed the Tree Canopy Cover and Environmental Equity study, report, and supporting web map for the 2013, 2015, 2017, and 2019 time periods to examine the correlations between canopy cover and socioeconomic data. (Equity Tree Study).

The difference in reported tree canopy from 2002, 2010 to 2013 and the following years may be due to several factors beyond actual changes in tree canopy:

- Variation in imagery used for the different years of the study.
- Different methods in computing canopy.
- Improvements in the technology and methods used to assess and map the tree canopy.

National Agriculture Imagery Program (NAIP) aerial imagery, captured during the peak growing season, provides optimal data for tree canopy analysis. For this and future reports, the city will use the 2015 city boundary, encompassing 35,457 acres. As the city grows, it can provide data for the new boundaries alongside information based solely on the 2015 city limits. This 2015 boundary will be used to evaluate the success of the ten-year canopy coverage goal (40.6%) outlined in the plan.

Utilizing GIS and NAIP imagery to measure canopy coverage represents a valuable, innovative technology that increases the accuracy of these assessments.

	ACTUAL CITY BOUNDARY			STUDY WITH 2015 BOUNDARY	
Year	City Boundary (Acres)	Tree Canopy (Acres)	Canopy Percent	Study Boundary (2015)	Study Canopy Percent
2013	35,456	14,518	40.95%	35,457	40.95%
2015	35,457	14,217	40.10%	35,457	40.10%
2017	35,457	13,934	39.30%	35,457	39.30%
2019	35,712	14,081	39.43%	35,457	39.71%

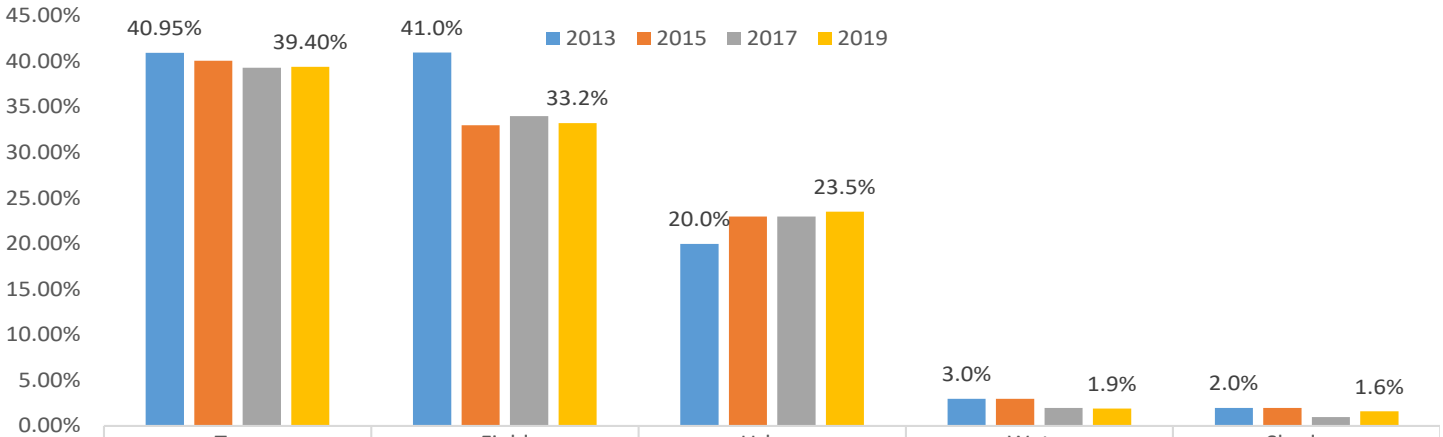
Table 3. Comparison of boundary used for GIS data.

As shown in the previous figure, Fayetteville has demonstrated a proactive commitment to urban forest management by assessing tree canopy cover over several time periods and implementing the recommendations as resources allow. By monitoring the state of tree canopy cover, the City can better understand the urban ecosystem's health and make informed decisions.

Fayetteville's urban forestry efforts have made commendable progress, and the 2024 Urban Forestry Management Plan builds on the progress and guides the City toward a long-term vision. The City must continue its commitment to reassessing canopy cover over time. By measuring changes in tree canopy cover, city planners, urban forest managers, and policymakers can understand how changes and regulations are affecting the health and vitality of the City, as well as the quality of life of residents. Urban forests are dynamic systems that are impacted by a variety of factors, including urbanization, climate change, and invasive species.

LAND COVER CHANGE OVER TIME

From 2013 to 2019, the canopy cover decreased from 43.0% to 39.4% and the land cover classified as field decreased from 41.0% to 33.2%. Urban land cover increased by 3.5% going from 20.0% to 23.5%. This is an increase of 1,400 acres or 2.2 square miles of urban land since 2013. The data is representative of the changes occurring in the City over time as development increases.



	Tree	Field	Urban	Water	Shadow
2013	40.95%	41.0%	20.0%	3.0%	2.0%
2015	40.10%	33.0%	23.0%	3.0%	2.0%
2017	39.30%	34.0%	23.0%	2.0%	1.0%
2019	39.40%	33.2%	23.5%	1.9%	1.6%

Figure 10. Examples of the land cover classes analyzed as part of the tree canopy study.

In Fayetteville, the urban forester within Development Services actively monitors and tracks tree canopy cover change through development regulations and is supported by the urban forester in Parks, Natural Resources, and Cultural Affairs. Comprehensive worksheets and data, along with GIS data, are utilized to track on a monthly and yearly basis. This tracking includes forecasting future canopy growth and loss, and providing staff with clear and reliable guidance on a wealth of information and specifically the following:

- Areas impacted the most by the removed canopy
- Areas to add canopy
- The time it will take to replace the canopy (This can even be tracked on a parcel level or development project level)

Change in tree canopy cover can be used to inform future policy and decision-making. For example, by tracking changes in tree canopy cover over time, city planners can identify areas where new trees may need to be planted to maintain or increase overall canopy cover. The information can also be used to inform land-use planning and development decisions, such as determining where to locate new parks or green spaces.

TREE ORDINANCES IN FAYETTEVILLE

Chapter 167 in the Fayetteville Urban Development Code (UDC) is the Tree Preservation and Protection ordinance. This preservation ordinance preserves and protects trees and natural areas in the City based on the type of project and its location. The regulations require a tree preservation plan and canopy cover retention or the planting of trees to meet minimum canopy cover requirements by zoning designation for proposed development projects.

The table below summarizes the tree minimum canopy cover requirements by zoning designation that are factored into the canopy goals recommended in the Urban Forestry Management Plan. Note, the zoning designations in the table below are consolidated into generalized categories. Specific zoning designations and details for each are available in the UDC, Table 1 of Chapter 167.04.C.

MINIMUM TREE PRESERVATION REQUIREMENTS

ZONING DESIGNATION (CONSOLIDATED)	Percent Minimum Canopy
Residential	15-25%
(single-family, residential office, residential intermediate, multi-family)	*(depending on designation)*
Neighborhood Services	20%
(includes limited and general)	*(for both sub-categories)*
Neighborhood Commercial	20%
Community Services	20%
Thoroughfare	15%
(includes commercial and urban thoroughfare)	*(for both categories)*
Central Business Commercial	15%
Downtown Core	10%
Main Street Center	10%
Downtown General	10%
Neighborhood Conservation	20%
Heavy Commercial & Light Industrial	15%
General Industrial	15%
Institutional	25%
Planned Zoning District*	25%

Table 4. Minimum canopy requirements by zoning designation according to The Tree Preservation and Protection Ordinance.

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

Chapter 177, Landscape Regulations, is the ordinance aimed to meet the following goals: a greener, more attractive city with reduced heat, noise and air pollution; and increased property values. The City of Fayetteville requires developers to include landscaping in their building plans to beautify property, provide shade, and screen the perimeters of parking lots, utilities, incompatible uses, and vehicular use areas. Those requirements are found in this chapter of the UDC.

The Tree Preservation and Landscape Manual, created in 1999, updated in 2006, and condensed in 2016, aligns perfectly with the City of Fayetteville Unified Development Code Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Regulations. This alignment ensures that the manual is a reliable and comprehensive tool for developers and others involved in the development process.



A cursory review of existing tree-related ordinances in Fayetteville was conducted based on industry tools and resources, comparisons of findings from benchmarking research, input gathered from internal stakeholders, and a cross-examination of regulations compared to industry standards and best practices. Appendix C provides a summary of the evaluation of Fayetteville's tree-related ordinances. This integrated approach aims to balance goals for tree canopy cover, development, and other priorities in the future.

SUMMARY OF FAYETTEVILLE'S KEY URBAN FORESTRY PROGRAMS AND RESOURCES

The Urban Forestry team in Public Works performs tree maintenance on street trees not adjacent to private property. They also maintain trees in parks and along the trails.

Tree preservation and protection for new development is performed by the Urban Forester in Development Services. Residential reviews are performed by the Urban Forester in Parks, Natural Resources and Cultural Affairs.

Development Services administers Chapter 167 of the Unified Development Code to ensure Fayetteville maintains, enhances, and preserves trees and the City's natural beauty.

The City's Urban Forestry Advisory Board advises the City Council and the Mayor on urban forestry issues.

Fayetteville Code of Ordinances Chapter 167 Tree Preservation and Protection to preserve and expand the City's urban forest. Chapter 177 regulates landscape for developments.
Volunteer opportunities for tree stewardship and education.

Tree City USA accreditation and Arbor Day celebrations.

Amazing Trees of Fayetteville program and on line inventory.

Celebration of Trees Event and other events celebrating and educating attendees about Fayetteville's urban forest.

The City has an invasive plant ordinance, encourages Ozark native trees, and discourages trees found to have issues.

TREE CANOPY EQUITY

Tree canopy is often not distributed equitably across city landscapes and ownership types. The American Forests organization created the Tree Equity Score (TES, www.treeequityscore.org) tool to measure tree equity across 150,000 U.S. neighborhoods and 486 municipalities in urban areas. Each community's TES indicates whether there are enough trees for everyone to experience the health, economic, and climate benefits that trees provide. The scores are based on how much tree canopy and surface temperature align with income, employment, race, age, and health factors. A 0- to-100-point system makes it easy to understand how a community is doing.

The TES can be used by Fayetteville's community leaders, tree advocates, and residents to address, and evaluate the urban forests through the lens of social equity, guide technical decisions and implementation of the 2024 Urban Forestry Management Plan.

A score of 100 represents tree equity. Based on a 2022 analysis, Fayetteville's overall tree equity score is 87 out of 100. Based on the nationwide dataset for 197,505 U.S. Census-defined urban areas, the average score is 85 (as of 2023).

EQUITY IN TREE CANOPY COVER (TREE EQUITY SCORE TOOL)

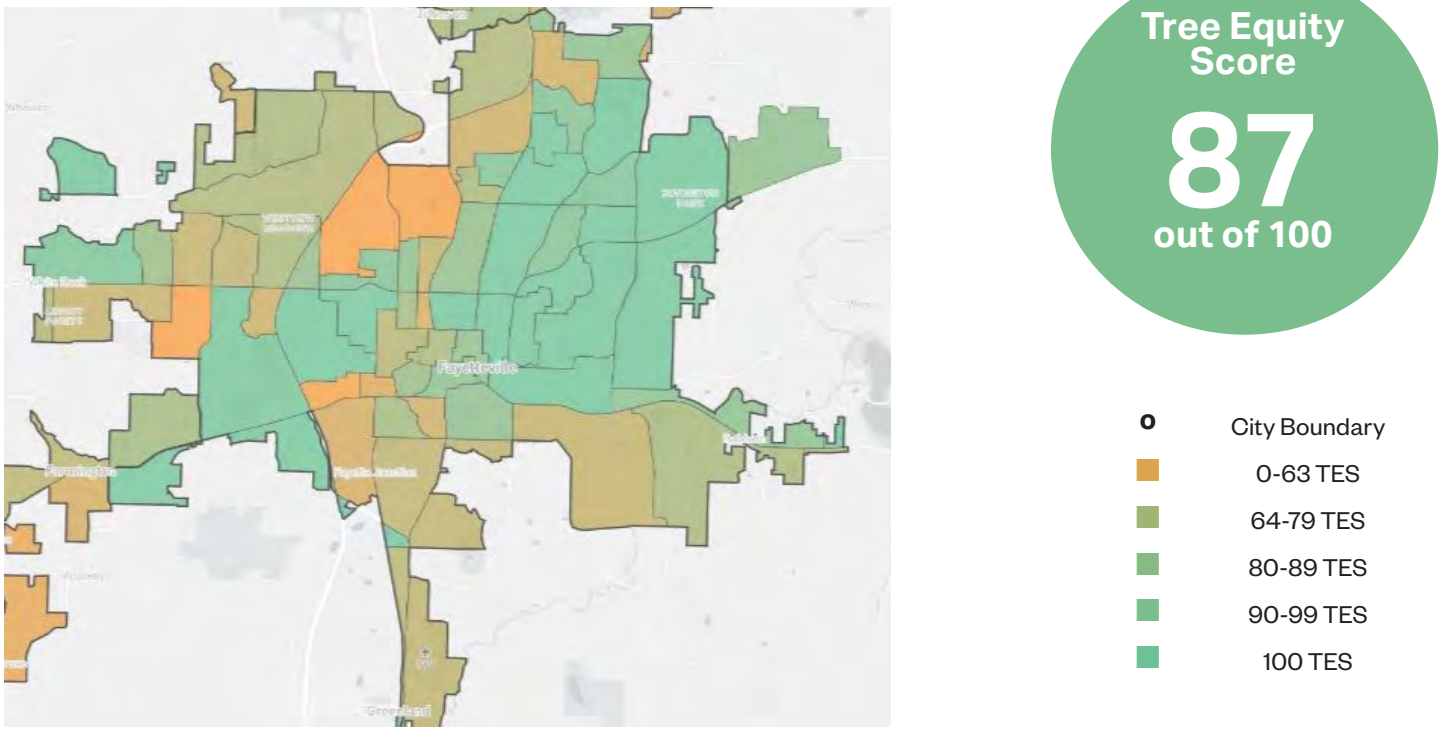


Figure 11. Map showing the Tree Equity Scores for Census Block Groups in Fayetteville. Source: American Forests' Tree Equity Score Tool

Compared to other cities in the state, Fayetteville's Tree Equity Score of 87 is the second highest score out of 10 cities in the study (see figure on the next page) and has the fourth highest score out of eight U.S. Cities commonly used in comparing Fayetteville (see figure on the following page). Fayetteville's score is based on a combination of metrics listed in the figure 12.

Tree equity is being increasingly acknowledged as a priority, and confronting the past practices, to ensure that communities, landscapes, and policies are more intentional about enhancing historically disinvested areas. Fayetteville's Urban Forestry Management Plan seeks to increase canopy in the greatest need areas. Urban Forestry staff has been actively using and will continue to use equity as a criteria for tree planting projects

TREE EQUITY SCORE INPUTS

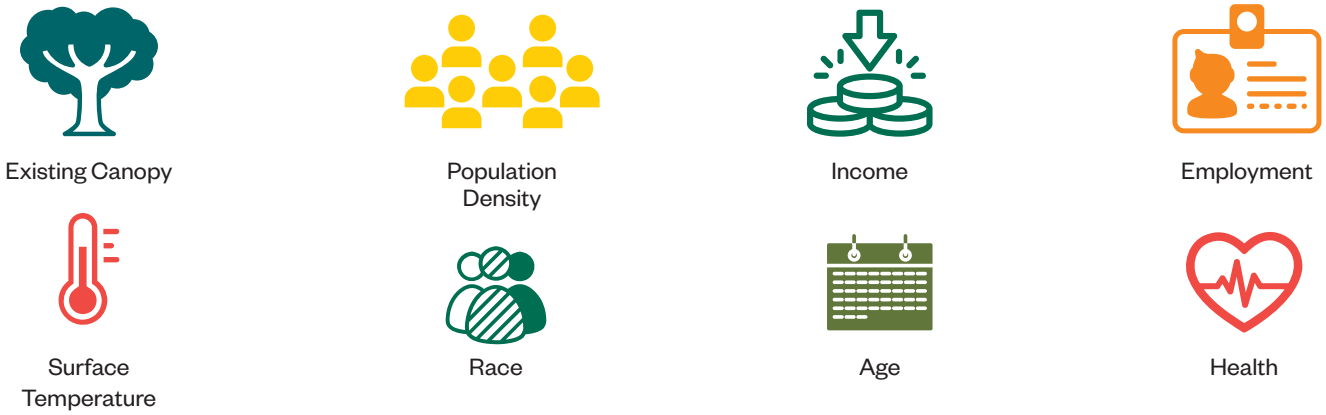


Figure 12. Tree equity data matrix.

COMPARISON OF TREE EQUITY SCORES IN ARKANSAS, AVERAGE: 77

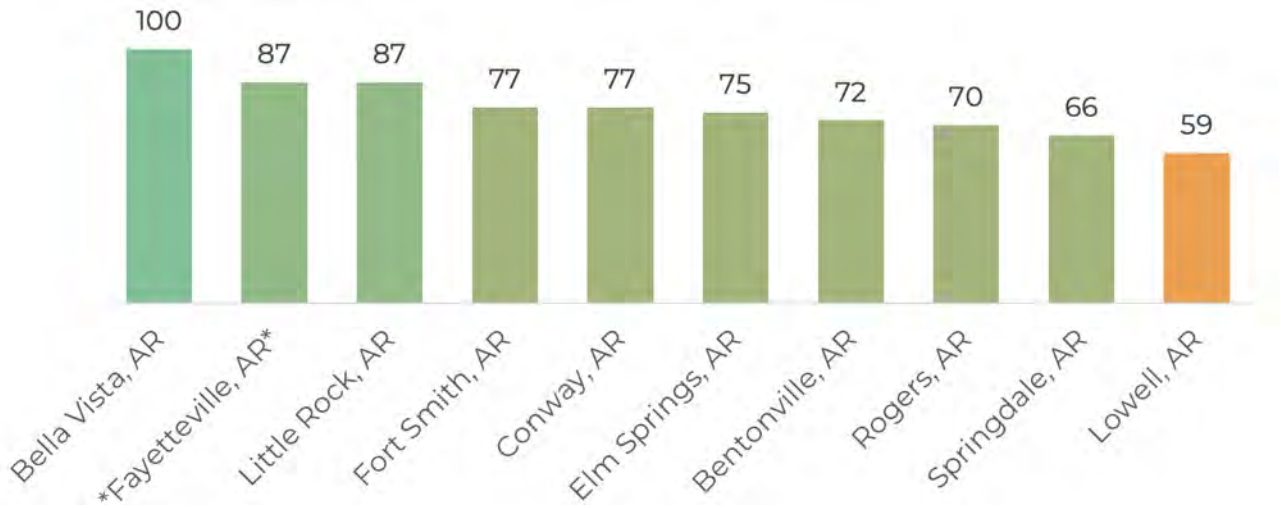


Figure 13. Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas cities based on a 2023 study. Source: American Forests' Tree Equity Score Tool.

COMPARISON OF TREE EQUITY SCORES IN SELECT U.S. CITIES, AVERAGE: 87

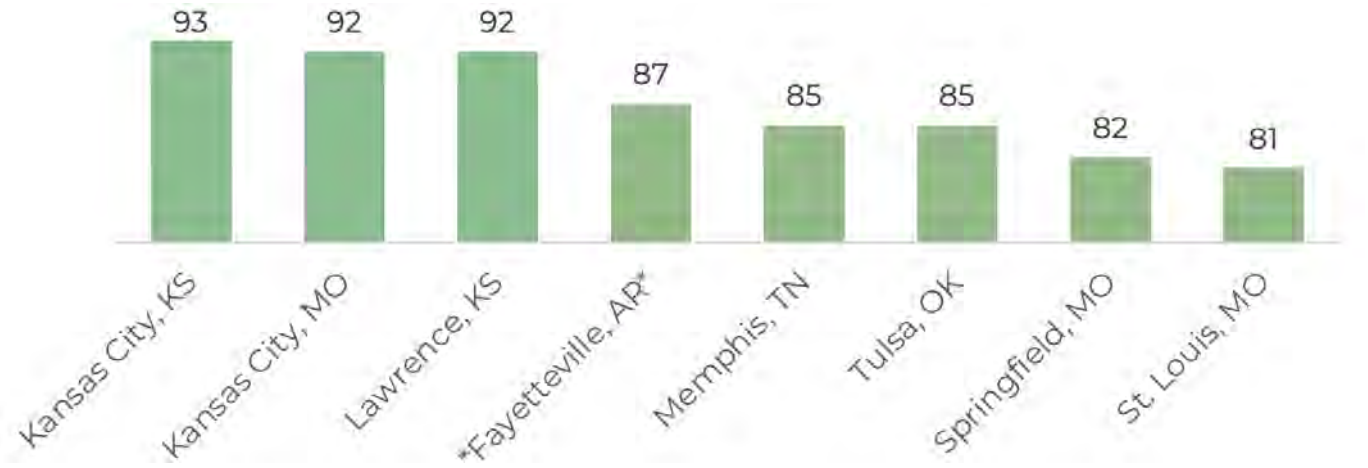


Figure 14. Tree equity score comparison for select U.S. Cities. Source: American Forests' Tree Equity Score Tool.

*Note, the Tree Equity Score tool utilized data from EarthDefine and found the canopy cover percentage to be 35.6%, the UFMP utilizes the 39.4% determined by the City. The numbers by EarthDefine are only used for this comparison. For more information about the data sets and input refer to https://www.treeequityscore.org.

NATIVE PRAIRIE



Photo of Wilson Springs Preserve, a 121-acre preserve with the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region. Source: City of Fayetteville

In considering a plan for Fayetteville's urban forest and goals to increase tree canopy cover, it is important to evaluate areas of the City where it may not be preferable or permitted to plant trees. While some native prairie lands have been lost to development and other areas are being restored, it's important to consider the native habitats and ecosystems and whether they support growing trees that survive and thrive. Historically, areas of the City were covered in tallgrass prairie, which supported a variety of grasses, wildflowers, and other plants, as well as large grazing mammals like bison and elk. Fayetteville's native prairie land is a rare and valuable ecosystem that is home to a diverse array of plant and animal species.

As mentioned in the background, much of Fayetteville's native prairie land has been converted to other land uses, such as agriculture, urban development, and transportation infrastructure. However, there are still some remnant prairie areas in and around the City that provide important habitat for native plant and animal species. One example of a native prairie area in Fayetteville is the Wilson Springs Preserve, a 121-acre site that is the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region (Northwest Arkansas Land Trust).

Based on GIS maps provided by the Northwest Arkansas Land Trust (NWALT) and the City of Fayetteville, there are areas of the City that may lend themselves to prairie restoration. The following map provided by Northwest Arkansas Land Trust (NWALT) illustrates an overview of native prairie lands that may lend themselves to future prairie restoration.

CANOPY COVER IN HISTORIC NATIVE PRAIRIE LAND

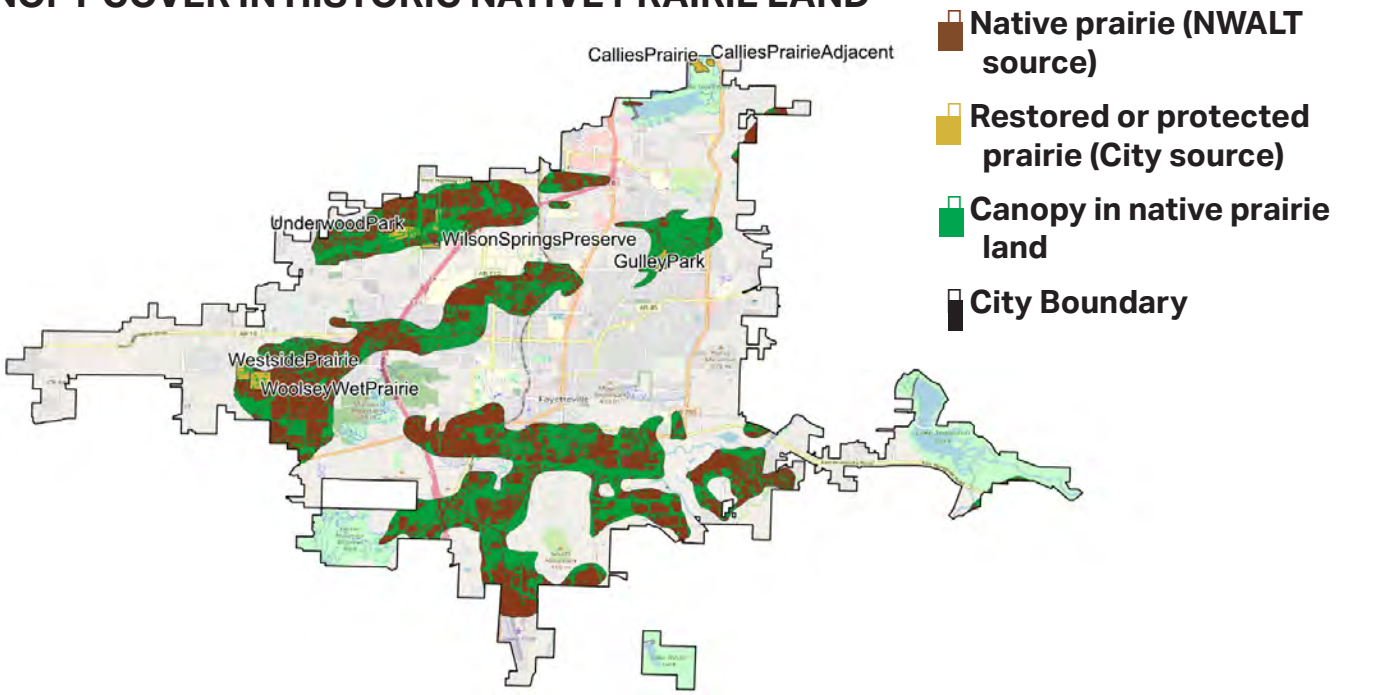


Figure 15. Map of the canopy within native and restored prairie land.

Total Prairie Acres	Total Canopy in Prairies	% of Canopy within Prairies
9,769 total native prairie land acres	1,957 total canopy acres in native prairie land	20% canopy in native prairie land

Figure 16.Acres of native and restored prairie land.

Protected Prairie-related Areas	Acres*
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	**252 acres**

Figure 17. Native and restored prairie land.

As shown in the map and tables above, the City has nearly 10,000 acres of land that was native prairie land. 20% of the native prairie land contains tree canopy which amounts to 1,957 acres of canopy. Over time, the City and organizations have actively restored and protected or preserved portions of this native prairie land as shown in the previous table.

Based on the figures provided by the City, 252 acres of prairie have been restored and/or protected while other native prairie land has been reshaped by development or is vulnerable. In Appendix A explores priority planting areas with a consideration to preserve or restore native prairie land by not introducing trees into the landscape.

THE UNIVERSITY OF ARKANSAS



Aerial photo view of the University of Arkansas campus. Source: University of Arkansas

The University of Arkansas located in Fayetteville owns and manages the urban forest within its campus. The Universities goals for their urban forests may differ from those of the City. While the urban forest within the University contributes benefits to all City residents, the environment, and local economies, the City does not have authority to determine how canopy is preserved, expanded, or reduced. Therefore, an analysis was conducted to look at the amount of canopy on University grounds and the section of this Plan that discusses priority planting areas considers excluding these areas within the University.

The University property was not included in this plan's public or private tree inventory. The University of Arkansas properties were not included in goals or future visions. However, its property and trees were included in the GIS canopy cover measurements. The University, as an independent entity, owns and manages its property, and is not bound by the landscape requirements, tree maintenance practices, or any other landscape regulations enforced by the City of Fayetteville. In the context of this plan, the University operates with a degree of autonomy within the City.

TREE CANOPY COVER WITHIN THE CAMPUS OF THE U OF A

University Acres	Canopy Area (Ac)	Canopy %
377 campus acres	22 acres of canopy on campus	6% canopy on campus

Citywide Acres	35,712
Citywide Canopy Acres	14,081
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059

Table 5. Canopy within University of Arkansas property

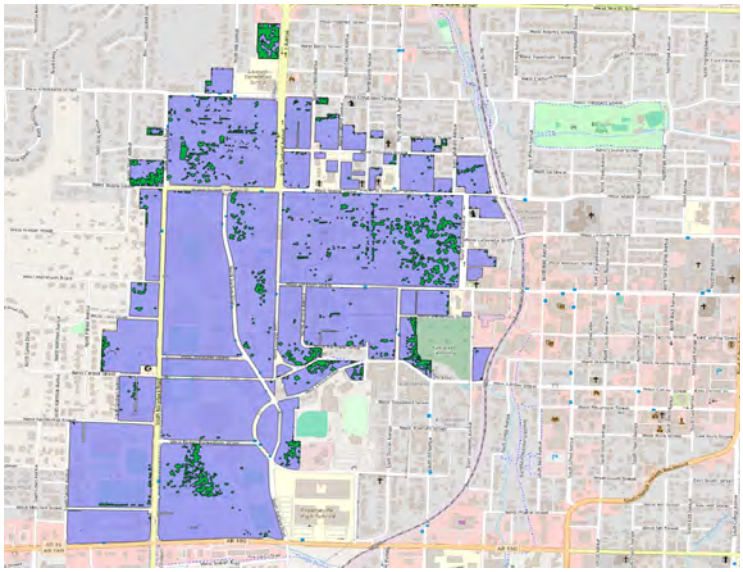


Figure 18. Map displaying tree canopy on University of Arkansas property within the urban core.

University of Arkansas property in urban core

Canopy within University of Arkansas property

As shown in the map and table above, an analysis of tree canopy cover within the University of Arkansas (UA) property in the urban core (excludes the UA Department of Food Science properties to the north) was completed as part of the study. A total of 377 acres of University property were mapped and it was found that within those areas, there are a total of 22 acres of canopy resulting in a 6% canopy for the University of Arkansas.

Although the main U of A campus covers a relatively small area compared to the entire city, the benefits of its tree canopy for students, visitors, and residents warrant ongoing coordination and communication with community institutions and stakeholders. While the University, as state property, is exempt from city development regulations like tree preservation, it is still important to maintain positive relationships with University stakeholders.

TREE MANAGEMENT TEAM

The City's urban forest is governed by a variety of policies, regulations, programs and departments; each bringing important expertise, perspective and resources. Combined, the financial support is estimated at nearly $700,000.

Due to this shared management, Fayetteville is a leading city in urban forestry, having been recognized as a Tree City USA for 28 years, the fifth longest running designation in Arkansas. Fayetteville has also received more Growth Awards than any other city in the state, with 10 awards as of 2023.

Department	Division	Count of FTEs*	Title	Certifications
Development Services	Development Review	1.00	Urban Forester	ISA** Certified Arborist
Parks, Natural Resources and Cultural Affairs	Parks Planning & Urban Forestry	1.00	Urban Forester	ISA Certified Arborist, ISA Municipal Specialist, ISA TRAQ***
Public Works	Park Maintenance	6.00	Urban Foresters	3 ISA Certified Arborists

Table 6. Summary of the departments and staff involved in urban forest management in Fayetteville.

* Full-time employee or full-time equivalent, ** International Society of Arboriculture, *** Tree Risk Assessment Qualification

DEPARTMENT RESPONSIBILITIES

The management of the city's urban forest is divided across three municipal departments. The Parks, Natural Resources and Cultural Affairs Department oversees the City's Urban Forestry Program, which is led by one of the Urban Foresters and supports public street tree maintenance crews. In addition to these responsibilities, the Urban Forester also creates and manages tree planting initiatives, public outreach programs, provides guidance on hazardous trees, and serves as the staff liaison to the City's Urban Forestry Advisory Board.

Development Services' Urban Forester provides services related to development plan reviews and other supporting services. Specifically, the Urban Forester administers, reviews, and monitors regulations within Chapter 167 of Fayetteville's Unified Development Code titled, "Tree Preservation and Protection" and Chapter 177 "Landscape Requirements Code."

Public Works has six Urban Foresters in Public Works Park Maintenance for public street tree and park tree management. The Parks Maintenance Division was integrated into Public Works in 2021 and continues to support Parks, Natural Resources and Cultural Affairs in operations, facility improvements, and tree activities.

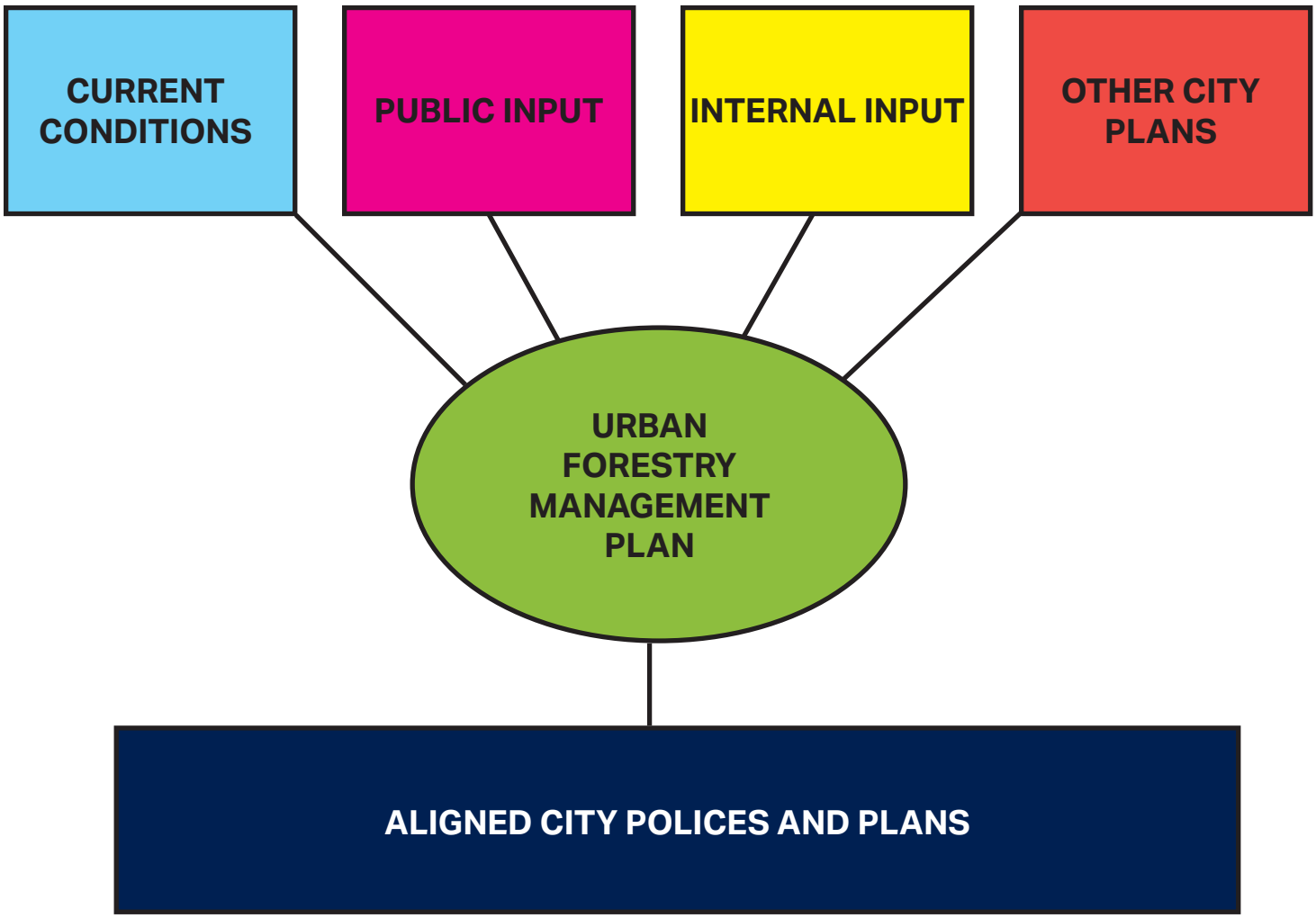
Sharing public tree maintenance and management responsibilities across departments can yield many benefits, such as utilizing limited resources efficiently. It is critical that workflows are clear and understood. Fayetteville's urban forest continues to grow and change, public awareness of the City's urban forest and its programs is increasing, and the beneficial impacts of trees to mitigate climate change are understood better than ever. In turn, it is anticipated the service demands will continue to rise, especially as the City implements the Plan's strategies to increase tree canopy cover. As service demand continues to increase so does the need to find methods to increase capacity and efficiency under strained fiscal support.



Section 4: Planning Process

PLANNING PROCESS

Evaluating the alignment of existing policies and plans in Fayetteville with urban forest management elements ensures a strong connection among the programs that manage the urban forest and the projects and initiatives that support them. Proper alignment of urban forestry program recommendations reduces the risk of wasting resources and enables success of key projects that support urban forestry goals. Plans cannot live in isolation, therefore, cross-examining various plans and documents brings to light any projects or initiatives that are a misplacement of resources and time. Tree regulations in the City provide the foundation from which tree canopy cover can be preserved, protected, and expanded while aligning with industry standards and best practices. Regulations for trees on private property are the primary tools for urban foresters to guide private landowners and developers in sustainable practices.



Several documents and resources were reviewed and indexed during the development of the Urban Forestry Management Plan. These documents included:



City Plan 2040 (2020 update): The City of Fayetteville adopted its first comprehensive plan in 1970. The plan, and all of its subsequent updates and revisions, seek to establish a framework of goals, policies, and guidelines to direct future physical, economic, and social development.



Energy Action Plan (2018): This plan is structured around one overarching goal: reducing greenhouse gas emissions (GHG) for activities occurring in Fayetteville. While GHG reduction is the guiding goal, a host of co-benefits accompany these actions. The plan outlines ways that the City can increase energy efficiency, transition to cleaner fuel sources, improve public health outcomes, build more resilient local businesses, among other core principles.



Active Transportation Plan (updated February 2023): The plan serves as a guiding document for Fayetteville infrastructure and program development related to active transportation. It outlines a network of sidewalks, trails, and bicycle facilities to provide walkers, cyclists, and other users with clear pathways and connections to important city destinations.



Park and Recreation System Master Plan (2023): This plan was in development during the planning stage of the Urban Forestry Management Plan. In February 2023, the Park and Recreation System Master Plan was completed. It exemplifies the City's values in providing a thriving park system for all ages, abilities, and activities. The strategic plan will guide the future of Parks and Recreation for the next decade. It evaluated the existing conditions of the park network and identified areas for growth, improvement, and preservation.



Climate Action Plan: The goal of the Climate Action Plan will inform future policies, programs and actions undertaken by the City and to assist the City in its efforts to remain resilient to the anticipated changes in the climate to preserve the quality of life for those who live, work and play in Fayetteville. Carbon sequestration helps to mitigate carbon dioxide levels. Our urban forests help sequester and store carbon.

The relevant plans and studies are summarized above to demonstrate the parallels among urban forest and other planning efforts in the City. The Urban Forestry Management Plan's long-term framework aims to complement goals and policies within these City plans and studies that pertain to trees in Fayetteville. This evaluation of existing resources serves to reduce conflicting priorities in the City. For more information and cross plan goals see Appendix E: Existing Plan Cross Referencing.

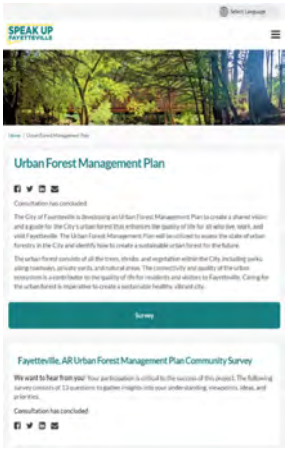
PUBLIC ENGAGEMENT

Engaging internal and external stakeholders is critical to the success of an urban forestry management plan. By involving Fayetteville's staff, residents, businesses, and other stakeholders, the urban forestry team gained a better understanding of the community's needs and concerns. This engagement was woven throughout the development of Fayetteville's Urban Forestry Management Plan, shaping a final plan that reflects the diverse needs of all stakeholders.

To raise awareness and encourage participation, the project team utilized the City's "Speak Up Fayetteville" website (speakup.fayetteville-ar.gov). The website provided background information, project timelines, draft outcomes, and a platform to launch the public survey, allowing the community to stay informed and provide feedback.

From December 2022 through mid-January 2023, a 14-question on line survey was launched on the City's Speak Up Fayetteville website to learn how trees impact the lives of Fayetteville's community members, to gather feedback on canopy goals and priority planting areas, to identify where the City should prioritize resources and investments, and to recognize the benefits and services provided by trees that the community values most.

A total of 169 responses were received. The following provides an overview of the engagement garnered from the effort followed by a summary info-graphic. The majority of respondents own a home in Fayetteville (61%) and are between 25 and 35 years old (28%).



Respondents are engaged with their urban forest in that they understand and appreciate trees providing shade and reducing surface temperatures (62%) and would like to see trees planted where there is historically less canopy coverage (50%). The trees planted should be resilient to pests and diseases, changing climates, limited space, and storm events (40%). To improve public tree health, respondents support setting and achieving canopy goals that are based on reducing heat, improving ecosystems, expanding canopy cover in under served communities, and increasing the benefits trees provide (74%). They would also like to see more trees and preservation incorporated into development projects (66%) and planting trees that can coexist with sidewalks and underground utilities (41%). Future resources and investments that result from the Plan should be focused on strengthening ordinances for private development (70%), purchasing land for conservation (54%), planting trees on public property (51%), and partnering with private property owners to plant trees on private property (41%). To achieve canopy goals, respondents would like to see parks and greenways prioritized (69%), followed by planting trees along streets (68%), on commercial and industrial property (60%), and on school and campus grounds (40%). The kinds of trees respondents would like to see planted include trees and priority areas that are climate-based (56%) and location-based using the right tree right place principle and replanting trees that were removed (25%). Most respondents support watering the street trees adjacent to their property during periods of drought (73%).

The success of this engagement effort is largely attributed to the City's commitment to share the survey and conduct outreach. The survey was announced on the City's website, the Speak Up Fayetteville project web page, social media posts, press releases, news media, and shared throughout relevant partner networks.

The public comment period for the UFMP was open from September 27 to October 11, 2024, allowing time for review and comments. The plan has been presented to the Environmental Action Committee, Parks, Natural Resources, and Cultural Affairs Advisory Board, Planning Commission, and Urban Forestry Advisory Board.

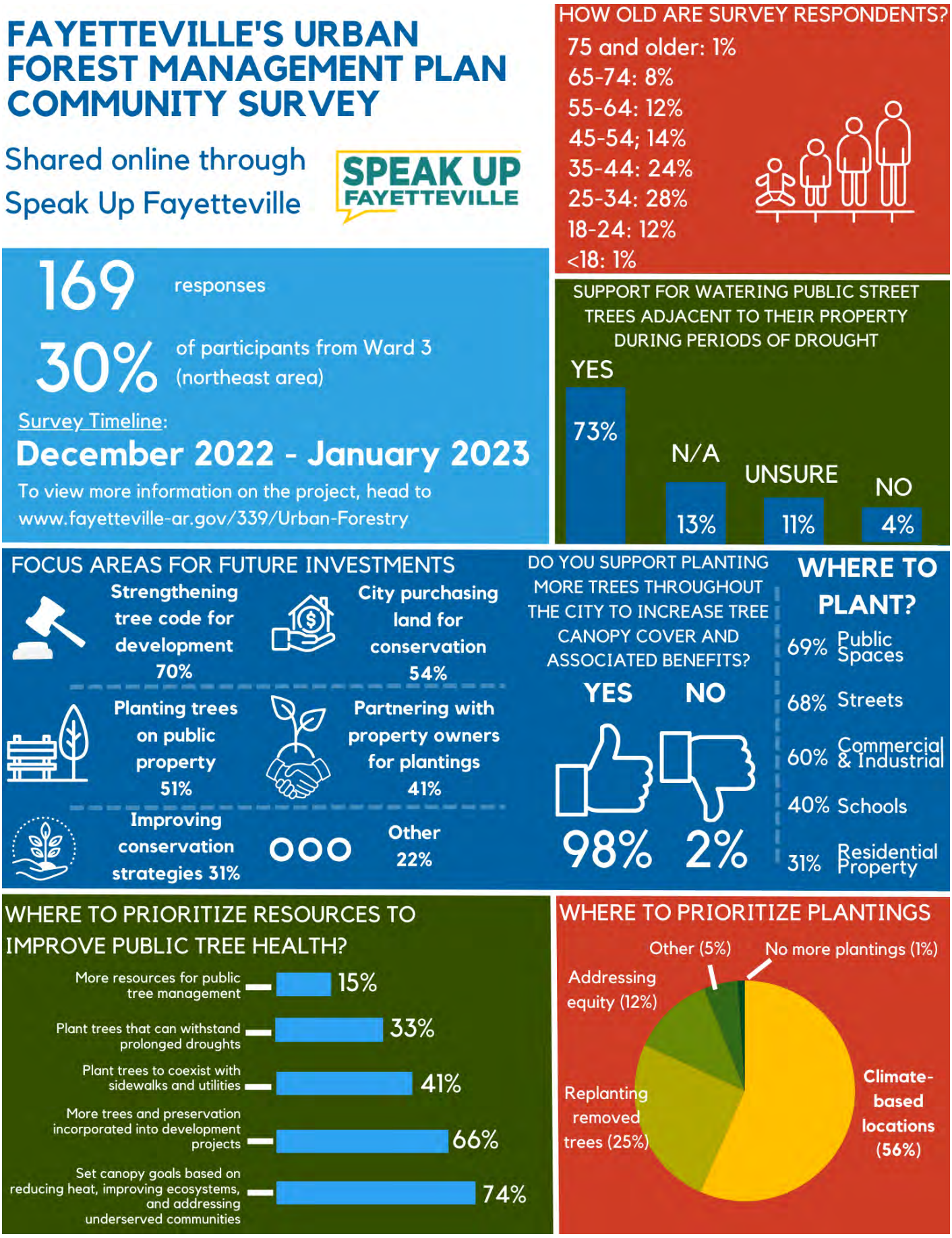


Figure 19. Info-graphic summary of the public's priorities and viewpoints regarding the urban forest.

INTERNAL ENGAGEMENT

In August and September 2022, engagement with City staff in various departments to develop the Urban Forestry Management Plan began with an on line survey to identify workflows, measures of success, concerns, priorities, and shared goals and outcomes as it relates to trees in the City. A total of 28 of the 59 (47%) invited staff and board /commission members participated in the survey and follow-up interviews as desired.

Staff participants represented the departments of Parks, Natural Resources and Cultural Affairs; Public Works; Environmental; and Development Services. In addition, members from the Urban Forestry Advisory Board, Parks, Natural Resources and Cultural Affairs Advisory Board, Environmental Action Committee, Planning Commission, and Keep Fayetteville Beautiful participated.

The figure on the following page provides a graphic summary of responses. Most respondents serve as advocates for public trees and park improvements, over 60% support community recreation and engagement, and half are involved with City planning. Over half of the respondents noted the staffing levels as a challenge, along with needed improvements as they relate to ordinances and infrastructure conflicts (50% each). 46% feel there is more to be done in terms of preparedness planning as well as 46% concerned with the sustainability of ecosystems.

The respondents noted their top priorities to address in the Plan as procuring funding for the City to purchase land for tree preservation and canopy expansion, supporting local businesses and others in the community to cooperatively grow and maintain the urban forest, and increase funding to purchase trees to be planted to support canopy goals.



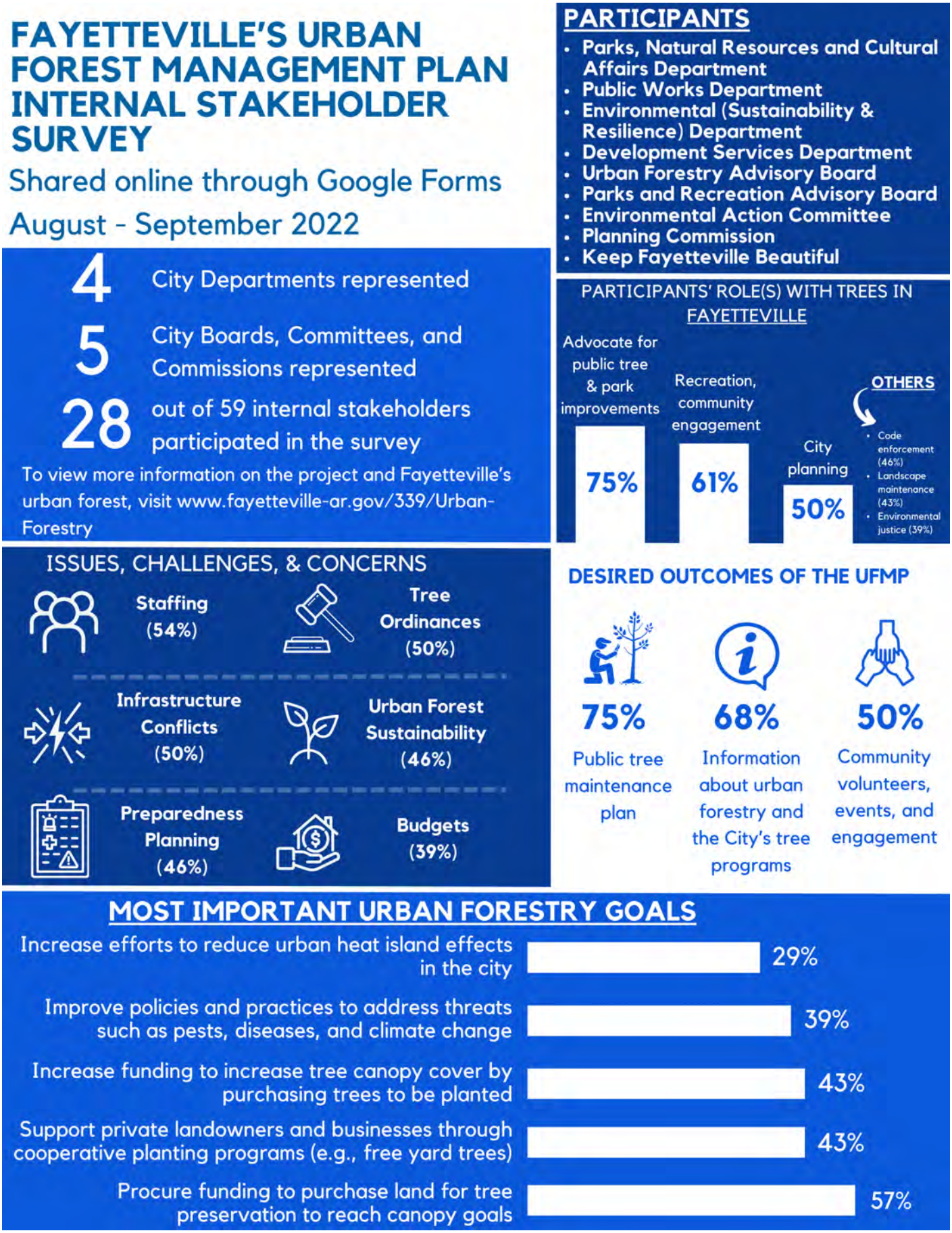


Figure 20. Summary of the feedback received from internal stakeholders.



Section 5: Vulnerabilities

DEVELOPMENT AND LAND USE CHANGE

The Northwest Arkansas Regional Planning Commission (NWARPC) estimates that Fayetteville will grow to a population of 142,496 by the year 2040. This will be an increase of an additional 48,547 people added to the most recent U.S. Census Bureau estimated population of 93,949 in 2020. Planning and anticipating the location, form, and function of land use and growth patterns enables the City and the existing residents to guide where and in what pattern this growth will occur. Relative to neighboring cities, Fayetteville has a large percentage of undeveloped land including swaths of canopy cover and native prairie land. However, according to the City's Urban Forestry Program, Fayetteville lost 35 acres of tree canopy cover in 2022 due to development. While the City's tree ordinances do require tree preservation, protection, and planting to mitigate canopy loss, it is projected that there will be a net loss of 20 acres of canopy solely for those development projects reported in 2022. Additionally, existing urban areas rezoned for more dense development reduce available space for trees and greenspace.

Fragmentation

Development often results in fragmentation of tree canopy, creating isolated populations that are less likely to cross-pollinate. This can reduce biological and genetic diversity of the ecosystem and change the species composition (Fahrig, 2003). It may also result in the loss of buffering potential, such as vegetative stabilization of stream banks. As sites become fragmented and the amount of ecosystem space is reduced, many plants and animals that rely on connected habitats may disappear from the region (Saunders, et al., 1991).

Altered Soils

Urban trees must often survive in compacted soils that have been altered for the built environment. A good growing medium for trees contains approximately 50% pore space (which allows the root system access to the air and water it needs to survive) and a layer of organic matter. In contrast, construction soils typically have less than 25% pore space and organic matter combined.

Competition for Space

Conflicts with hardscapes and utilities often occur when trees are not provided adequate space for root and canopy growth. In rights-of-way, trees may compete for space with signs and streetlights, underground utilities, and overhead electric and telephone lines. As trees outgrow available space, their roots can raise sidewalks as they search for water, air, and growing space. The resulting sidewalk repairs may require removal of the tree or application of alternative sidewalk solutions. The City has regulations and best management practices (BMPs) for addressing these situations.

To prevent and address negative impacts from development, the City of Fayetteville coordinates efforts to ensure projects adhere to City requirements such as tree canopy cover, stormwater management, public safety, and accessibility.

The prevention of future conflicts requires streetscape design that considers the mature size of trees being planted as well as available technologies that allow trees to thrive in this environment. Examples of these unique designs are provided in the graphic below:



EASEMENTS



ROOT BARRIERS



SUSPENDED PAVEMENT



STRUCTURAL SOILS

Figure 21. Streetscape design solutions for preventing or mitigating tree and infrastructure conflicts.

EASEMENTS AND CANOPY VULNERABILITY

Easements grant legal rights to a city, utility, or other municipality to use specific areas of private property for public purposes, such as installing utilities or constructing public infrastructure like sidewalks and roads. However, trees located within these easements can be vulnerable if not properly managed or if regulations fail to adequately preserve and protect the existing tree canopy.

The construction of public infrastructure like sidewalks or roads can lead to the removal of trees due to conflicts with the design and function. Easements may also restrict the planting of trees or other vegetation that could interfere with the installed infrastructure or utilities. This restriction limits the potential for future tree canopy cover in those areas. Additionally, the installation of underground utilities in City easements can damage tree roots, potentially causing tree decline or death. Maintenance activities such as pruning or tree removal may also be necessary in easements to ensure proper functioning of public infrastructure. However, if not done properly, these activities can result in the loss of valuable tree canopy cover.

An analysis of tree canopy within Fayetteville's easements was conducted in 2023 utilizing the City's 2019 tree canopy data, to determine the impact of potential canopy loss. The City contains a number of different types of easements ranging from access, aviation, conservation, drainage, utilities (e.g., gas, sewer, and water), grading, landscape, private, sidewalk, telephone, trail, and tree preservation. The potential for tree canopy gains and losses largely depends on the intended use of the easement, responsible parties, and the regulations.

CITY EASEMENT TYPES

- Conservation
- Tree Preservation
- Drainage
- Utilities

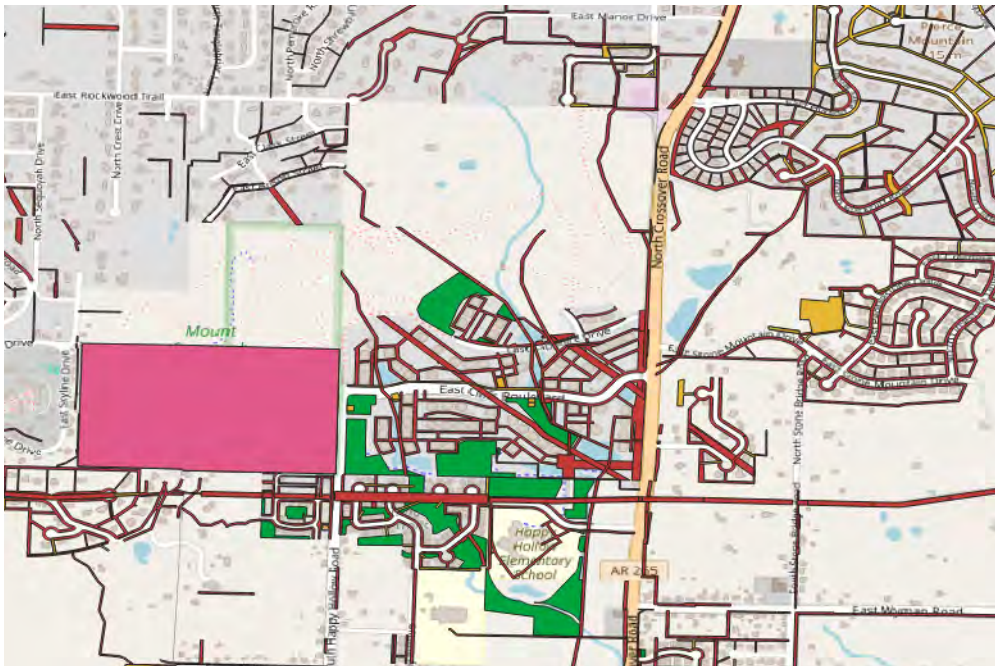


Figure 22. Examples of the types of easements found in the City of Fayetteville.

The table and map below describe the easement types vulnerable to canopy loss

Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements")	Areas to Proactively Preserve Canopy
Conservation, Tree Preservation	Access, Null, Aviation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail,	Access, Landscape, Sidewalk, Trail,

Table 7. Potential vulnerability to canopy loss by easement type.

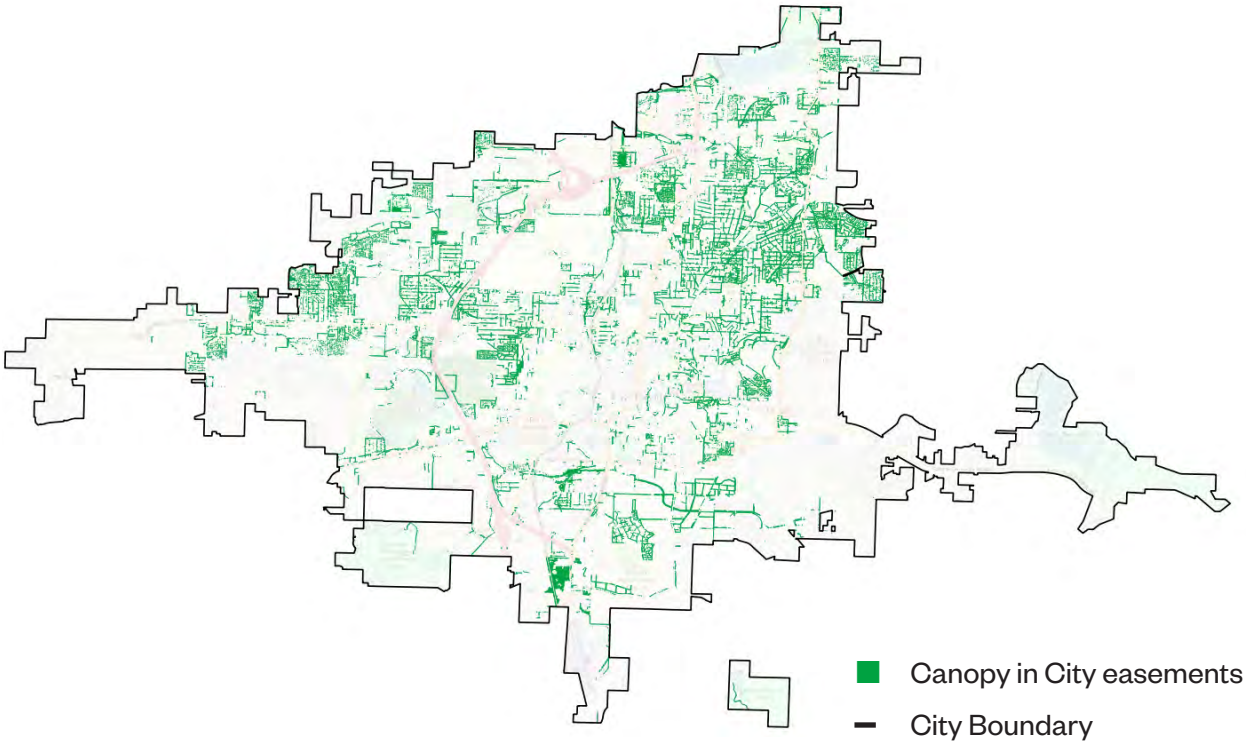


Figure 23. Canopy cover within vulnerable easements.

Acres of Vulnerable Easements	Acres of Canopy in Vulnerable Easements	% Canopy of Vulnerable Easements	Impact on Citywide Canopy Cover
3,981 total acres of vulnerable easements	1,015 acres of canopy in vulnerable easements	25% canopy within vulnerable easements	2.6% potential loss (39.4% reduced to 36.8%)

Table 8. Summary of vulnerable canopy in City easements.

Based on these categories, the vulnerable easements amount to a total of 3,981 acres and within that area, there are a total of 1,015 acres of canopy or 25%. The 1,015 acres of canopy represents 7.2% of the total citywide canopy cover (14,081 acres). This means that if the trees in these easements are not protected and canopy is removed, the City's canopy cover of 39.4% would be reduced to 36.8%.

CLIMATE CHANGE IMPACTS

As the effects of climate change take hold, already stressed trees will decline more rapidly, and healthy trees will have to endure multiple stressors to survive and thrive. The extreme heat and drought will reduce water availability, the plant hardiness zone will shift and introduce invasive plant species, stronger storms will occur resulting in more downed trees and limbs due to the canopy declining, and existing and introduced tree pests and diseases will flourish as trees continue to weaken.

If the City does not commit to a long-term proactive approach and disciplined investment to improve the health and reliability of the public trees, Fayetteville will fight a costly, reactive and escalating battle against failing trees, which will have a detrimental impact to public safety, budgets, tree crews, road closures, and utility reliability. The negative environmental, public well-being and scenic impacts will also be significant. With a quarter of Fayetteville's public street trees in fair or worse condition, and with climate change altering the types of species that thrive, the City's tree canopy is at considerable risk.

URBAN HEAT

Like many urban areas, Fayetteville is experiencing the detrimental effects of excessive summer heat. Urban heat island is a phenomenon that describes the higher air and surface temperatures in urban areas compared to surrounding rural areas. The temperature difference is largely due to the prevalence of buildings, roads, and other elements of the built environment that absorb and retain heat. Increased emissions of greenhouse gases and reduced tree canopy serve to magnify these impacts. Without strategic intervention, urban heat threatens the well-being and health of the community, particularly vulnerable populations lacking the cooling shade of trees.

With urban heat rising, the concern of tree decline is at the forefront of planning in urban areas. To understand Fayetteville's urban forest vulnerability to urban heat, analyses were conducted to measure and project potential impacts on its trees. These impacts include:
Increased stress on trees: Urban heat adds to stress trees are already facing from factors such as air pollution, drought, and pests, making it more difficult for trees to survive and thrive.

- **Reduced tree growth:** Urban heat can slow down tree growth, which can lead to a decline in the overall health of the urban forest.
- **Increased tree mortality:** Urban heat increases the risk of tree loss, which can lead to gaps in the urban forest.
- **Reduced air quality**: Urban heat tends to hold pollutants in the atmosphere, worsening air quality. This places an additional burden on trees' air purifying capabilities while also having a negative impact on human health and the environment.
- **Changes in plant communities**: Urban heat can lead to changes in the composition of plant communities as some species are more tolerant of heat than others. This can lead to a loss of biodiversity in the urban forest.



Figure 24. Illustration of the temperature difference in urban areas due to the urban heat island effect.

Changes in Plant Communities

Climate change will have a dramatic impact on the tree species that can survive and thrive in Fayetteville. To inform the Plan's recommendations, the USDA (United States Department of Agriculture) Forest Service Climate Change Tree Atlas was utilized to model habitat changes for tree species growing in the southeast region of the United States, which includes Arkansas. However, some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included (Iverson, et al., 2019).

The tables below list tree species that may be found growing in Fayetteville and their predicted vulnerability to habitat loss due to changing conditions. It also includes the proportion of those tree species that are currently in Fayetteville's public tree population based on the 2022 sample inventory.

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
SPECIES HABITAT PREDICTED TO INCREASE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Princeton Elm	7%
	Post oak	6%
	Willow oak	6%
	Blackgum	4%
	New Harmony Elm	3%
	Red maple	3%
	American elm	3%
	Eastern redbud	3%
	~~Green ash~~ (Emerald Ash Borer)	2%
	Eastern red cedar	1%
	Winged elm	1%
	Water oak	1%
	Eastern hop hornbeam	1%
	Honeylocust	1%
	Flowering dogwood	1%
	Tulip tree	1%
	Osage orange	1%
	Shortleaf pine	1%
	Black cherry	1%
	Loblolly pine	0.5%
	American sycamore	0.4%
	Pecan	0.3%
	Overcup oak	0.3%
	Sweetgum	0.3%
	American holly	0.2%
	American hornbeam	0.2%
	Mockernut hickory	0.2%
	Southern red oak	0.2%
	Persimmon	0.2%
	Southern magnolia	0.1%
	Blackjack oak	0.1%
	River birch	0.1%
	~~White ash~~ (Emerald Ash Borer)	0.1%
	Sassafras	0.04%
Total		**51%**

Table 9. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to increase (low emission scenario).

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
SPECIES HABITAT PREDICTED TO NOT CHANGE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Bald cypress	3%
	Hackberry	3%
	White oak	2%
	Black walnut	1%
	Nuttall oak	1%
	Mulberry	1%
	Scarlet oak	0.4%
	Boxelder	0.3%
	Shumard oak	0.3%
	Swamp chestnut oak	0.1%
	American beech	0.1%
	Chinkapin oak	0.1%
	Pignut hickory	0.1%
	Bitternut hickory	0.04%
	Black Hickory	0.04%
Total		**12%**

Table 10. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas' predicted to not change (low emission scenario).

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
Species Habitat Predicted to DECREASE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Pin oak	5%
	Northern red oak	3%
	Sugar maple	3%
	Serviceberry	2%
	Bur oak	1%
	Silver maple	0.4%
	Shagbark hickory	0.4%
	American basswood	0.3%
	Black oak	0.2%
	Ohio buckeye	0.1%
	Black locust	0.1%
Total		**16%**

Table 11. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).



Figure 25. Climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species composition of Fayetteville's urban forest may change.
Web source: www.fs.usda.gov/nrs/atlas/tree/

According to the Climate Change Atlas and based on the 2022 sample inventory of Fayetteville's public street trees, 51% or an estimated 12,703 trees are expected to have their growing conditions and habitat improve and increase due to climate change. 12% or 2,913 public trees in Fayetteville are predicted to not be impacted by changing climates and 16% or 3,899 trees are predicted to be negatively impacted by climate change and experience habitat loss.



URBAN TREE PESTS AND DISEASES

Pests and diseases add to the existing stresses faced by trees in an urban environment. Stressed trees are more vulnerable to insects and diseases, although some pests and diseases pose an equal threat to healthy trees. Climate change can create conditions that are favorable for the spread of pests and diseases. Also, prolonged drought stresses trees causing them to be more susceptible to pests and diseases.

Though emerald ash borer (EAB) was found in Arkansas in 2002, it is still a concern for the ash (Fraxinus) trees across the City. From the sample inventory of public trees in 2022, it is estimated that 2% (600 trees) are ash trees. Currently, the City does not treat any ash trees on public land, but ash trees are no longer planted or recommended.

The insect attacks and kills healthy as well as stressed trees, causing catastrophic loss to all ash species. Its impact on the structural integrity of host trees can cause these trees to become safety hazards.

Figure 26. Emerald ash borer (EAB) insect (top), dieback (left), larvae (bottom left), borer holes (right), and larvae galleries (bottom right). Source: AR Department of Agriculture

Sudden oak death (SOD) is caused by Phytophthora ramorum, a fungus-like microorganism. At least 90 species of trees and woody ornamentals are hosts for SOD. Changing climates may cause SOD to become more widespread and harder to control. The disease produces rapid decline in oaks and other tree species; death may occur within months to years later. Symptoms include bleeding cankers on the lower trunk, and leaf spots. Control of SOD is focused on early detection and eradication of infected plants.



Figure 27. Sudden oak death (SOD) wood and bark discoloration.The lesions and discoloration of leaves of one of the 90 different tree species SOD impacts. Source: AR Department of Agriculture

Dutch elm disease (DED) is caused by a fungus (Ophiostoma ulmi) that infects the vascular system of elm (Ulmus) trees. The disease propagates on a number of different elm species but the majority of cases in Arkansas have been found on American elm (Ulmus americana).



Figure 28. American elm identifying features (left), leaf flagging symptom of Dutch elm disease (middle), and gallery of bark beetles that are the vector for the Ophiostoma ulmi fungus. Source: University of Arkansas Cooperative Extension Service

Bacterial leaf scorch (BLS) is a systemic disease caused by the bacterium Xylella fastidiosa that disrupts the transportation of water through the tree. It is commonly transmitted by insects with piercing mouth parts, impacting sycamore, sweetgum, American elm, and various maple, oak, and other tree species. With higher temperatures and drought predicted, the impact of BLS on Fayetteville's trees is likely to increase.



A B C D

Figure 29. Bacterial leaf scorch observed on oak (A), redbud(B), elm (C), and maple (D) leaves. Source: University of Arkansas Cooperative Extension Service

There are other pests and diseases to monitor such as the jumping oak gall disease affecting white oak trees, tent caterpillars with a wide range of hosts, oak wilt, red oak borer insect, thousand cankers disease, laurel wilt disease, and the threat of Asian long-horned beetle that prefers maples but also has a wide range of preferred host tree species. Additional information regarding tree pests and diseases can be found at the University of Arkansas Cooperative Extension Service.

Section 6: Vision, Recommendations, and Implementation



INTRODUCTION

This section provides guidance and recommendations for the City of Fayetteville to continue to provide high levels of service now and into the future over the next 10 years. The Urban Forestry Management Plan's recommendations include those that may only take a few months and others that will require a coordinated effort that may need to continue on beyond the 10-year time frame.

PLAN VISION STATEMENT

"Healthy Trees, Healthy City: To cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations."



VISION

What does the urban forest and its programs look like ten years from now?

The vision guides direction on where Fayetteville is headed and helps guide recommendations for the future.

GUIDING PRINCIPLES

What are we aspiring to achieve?

These are the aspirations for the City over the next 10-years. They are key themes for organizing the plan and include a citywide canopy cover goal.

GOALS

How do we achieve our principles and vision?

The goals are specific opportunities for the City to move toward the 10-year vision.

STRATEGIES

What is the approach to take?

Strategies provide the general direction or method to take to achieve the goals.

Priority Actions

What is the next Step?

This is the prioritized list of steps to take.



GUIDING PRINCIPLES, GOALS, STRATEGIES, AND ACTIONS

Fayetteville's Urban Forestry Management Plan aims to guide the City in managing, protecting, and growing its urban forest. The goals, strategies, and priority actions are developed based on research and analysis of available data, extensive internal and external engagement, and an evaluation of urban forest sustainability criteria. The resulting goals and recommendations address the current conditions, existing and potential challenges, and shared priorities.

To achieve the vision for the urban forest, a citywide canopy cover goal 44.4 % over 30 years was established as the cornerstone metric for tracking progress in implementing the Urban Forestry Management Plan. This metric can be used by the City to track and monitor the urban forest, it resonates with residents, creating a tangible and shared vision of a lush and vibrant urban environment. Moreover, the canopy cover goal aligns with other goals and priorities in the City such as environmental stewardship, climate change resilience, public health, air quality enhancement, and temperature moderation. By using canopy cover as an overarching measure, Fayetteville ensures a comprehensive approach that not only improves the urban ecosystem but also fosters a sense of pride, unity, and responsibility among its residents.



Fayetteville's Tree Canopy Cover Goal

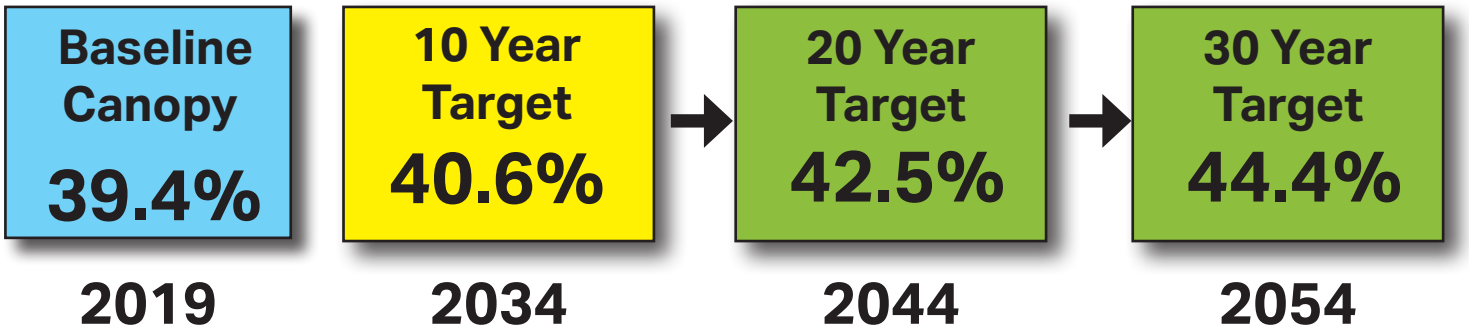


Table 11. Fayetteville's canopy goal milestones and targets.

The overall 30-year goal is to increase canopy from 39.4% to 44.4%. The first step in achieving the 30-year goal is to focus on the actions necessary for the next ten years. The ten-year goal is to increase canopy by 1.2% to 40.6%.

The city's goal of adding 1,850 net trees (trees that reach a level of maturity past their most vulnerable stage of growth) is flexible, with the trees coming from three sources: city plantings, tree giveaways, and citizen plantings. This innovative approach prioritizes maintaining trees to maturity over simply planting a large number. The plan starts by determining how many trees the Public Works Urban Foresters can realistically maintain over the next three years. The direct citizen tree planting program is the second component for reaching the 1,850 net tree goal. Finally, the number of trees given away will be adjusted as needed to ensure the overall target is met. By using realistic mortality rates, the city can better understand and achieve its tree-planting objectives. The example below illustrates how this flexible approach can be implemented.

Planting Sources	**Annual Planting**	**Survival Rate**	**Net Trees**
City Planting	450	90%	405
Citizen Planting	100	90%	90
Subtotal			**495**
Tree Give Aways	2085	65%	1355
Total Net Trees			**1850**

This example shows that even though we need to adjust for fluctuation in maintenance capacity and participation in neighborhood plantings, we can still achieve our 1850 net tree goal. Using this integrated approach, along with preservation and mitigating the loss of canopy, the City of Fayetteville can be confident that this ambitious goal is achievable.

City Plantings

Public Works Urban Forestry staff has maintained information that lets us know how many trees our maintenance staff can care for each year. Newly planted trees require regular watering, structural pruning, mulching, and monitoring for pests and diseases. After 3-5 years, the regular maintenance is lower and requires pruning every few years as needed. We use a 90% survival rate for our newly planted trees. Communication from Public Works Urban Forestry is key to knowing what our annual tree planting will be for the following year. The number of trees planted by the City will fluctuate based on the maintenance capacity of our Public Works Urban Forestry staff.

Citizen Plantings

Urban Forestry Staff has created a pilot program that works directly with property owners and homeowners' associations to add trees on streets, in lots, or around detention areas. These programs are currently adding

approximately 100 trees annually to the canopy. The survival rate for these trees is estimated at 90% since the homeowners will be planting them directly and maintaining trees on their property. The annual number of these types of plantings is targeted to grow.

Tree Give Aways

The city currently hosts two annual tree giveaway events - the Celebration of Trees and the Invasive Plant Bounty - which provide 1,250 free trees to residents. To further expand these efforts, the city could create additional tree distribution programs around Earth Day, Arkansas Arbor Day, and National Arbor Day. Given the strong community interest and attendance at these existing initiatives, expanding the opportunities for residents to receive free trees would be a valuable program addition.

Urban Tree Mortality

Trees do have a lifespan that is typically much longer than humans. However, we must account for natural tree mortality, as 1.1% of the tree stock is estimated to be lost annually (Nowak & Greenfield, 2012).

Our city has a diverse tree population, including forests, public, and private trees. The natural mortality in city forests is offset by replacement and natural regeneration, so the overall forest canopy remains stable.

In contrast, the City actively replaces dead and dying trees on streets, parks, and other municipal properties. Private property owners are also accounted for in the biannual NAIP canopy assessment, and tree replacement programs like Celebration of Trees and partnerships with POAs/HOAs help replant dead trees and add new trees to barren yards.

By addressing tree natural mortality while actively replenishing the urban canopy through public and private efforts, the city is able to maintain a healthy, sustainable tree population. This helps us focus on adding to our overall tree canopy.

Development

It is estimated from available data that approximately 3,728 trees are planted annually due to development activities. The tree planting numbers presented in this plan are based on a no net canopy loss, meaning a balance of canopy loss, regardless of cause, with canopy growth through private and public tree plantings and natural regeneration across the city. Development activities that remove the canopy must be mitigated to reach the canopy goals, which is part of the standards and purpose in 177.01 B1: “Promoting reasonable conservation and replenishment of valued tree canopy and vegetation.” Urban Forestry staff suspects this is insufficient to replace the lost canopy from development.

The primary goal of the Urban Forestry Management plan is to increase the city’s overall tree canopy from 39.4% to 40.6% over the next 10 years. While development has the largest impact on the city’s tree canopy, with some projects resulting in tree loss, particularly in wooded areas, other projects in less treed areas like agricultural fields are expected to gain canopy. To minimize canopy loss, the city’s development code requires a minimum tree cover that must be met for each parcel, with tree mitigation required if a parcel cannot fully meet these requirements. Extensive tree planting efforts from both public and private sources will be required to achieve the targeted 1.2% canopy increase.

Studying and tracking development impacts to the tree canopy is crucial for the Urban Forestery program to respond to evovling conditions.

PRIORITY PLANTING AREAS

Maintaining and selecting locations for trees to reach maturity requires careful planning and consideration of the location. The following maps are recommended to be used when selecting tree planting areas, these areas are high priority and can have the biggest impact. Social, economic, and environmental considerations go into locating areas for tree planting projects.

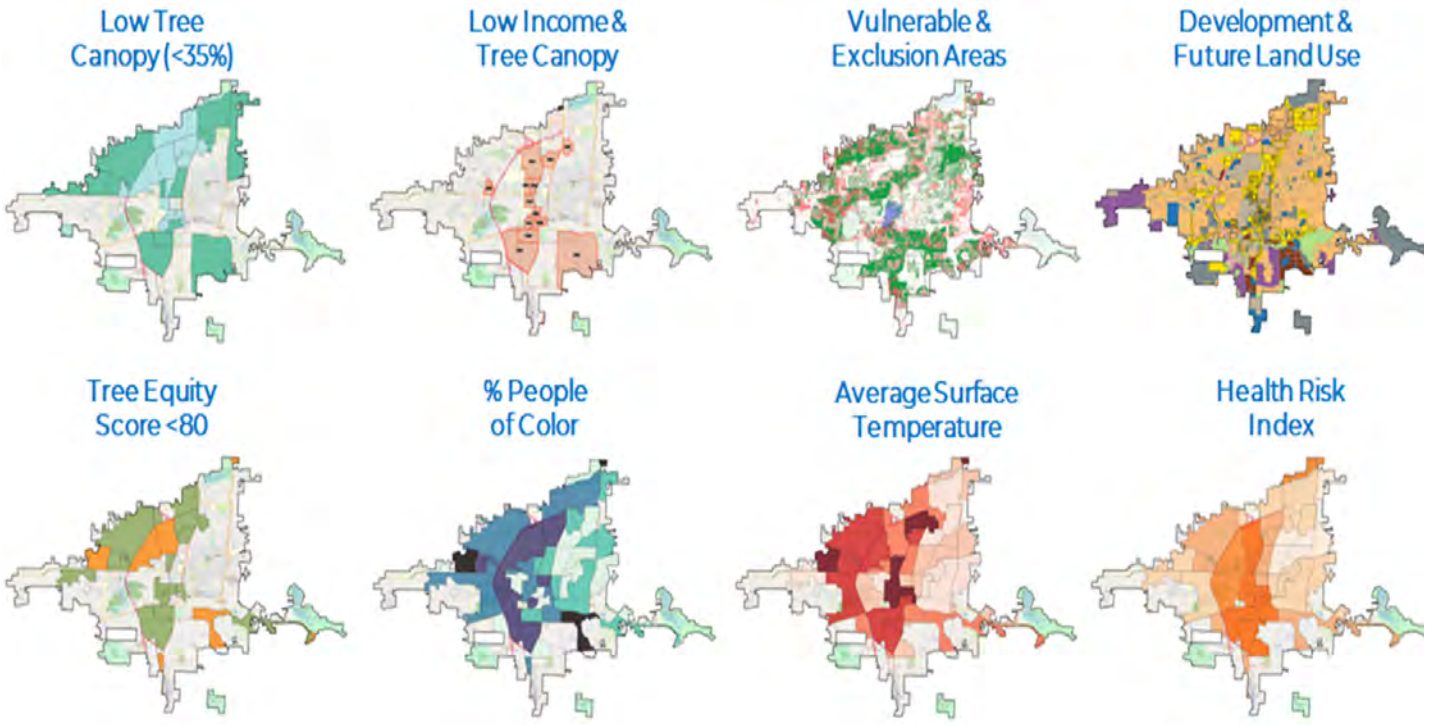


Figure 30. Scenarios for priority planting areas to achieve canopy goals and the Plan's outcomes. Larger Maps can be found on pages 108-111

By identifying priority planting areas to achieve the canopy goal, tree planting and maintenance can be strategically targeted where trees will have the most beneficial impact. The figure above provides an illustration of the priority areas for consideration and Appendix A provides the criteria going into the priorities along with larger maps.

STAKEHOLDER- DRIVEN GUIDING PRINCIPLES AND GOALS

During the data analysis, information collection, and internal and external stakeholder input gathered, a series of overarching guiding principles emerged. These principles were shaped by the feedback received from the surveys. The community's role in this process is crucial, and these priorities, along with the Urban Forest Audit and the Indicators of Sustainable Urban Forestry (detailed in Section 2) established the foundation of the Plan.

	Guiding Principles	Goals
A 	**Equitable and Resilient Canopy Cover** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.	**Equitable and Resilient Canopy Cover Goals** **Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land. **Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners. **Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
B 	**Maintenance and Management** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.	**Maintenance and Management Goals** **Goal B1:** Prioritize public tree maintenance and tree risk management. **Goal B2:** Reduce conflicts between trees and other infrastructure such as sidewalks and utilities. **Goal B3:** Manage harmful tree pests and diseases that are present or expected to impact the urban forest. **Goal B4:** Conduct ongoing industry and professional training for City staff interacting with trees in Fayetteville.
C 	**Tree Preservation and Protection** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the city and best practices.	**Tree Preservation and Protection Goals** **Goal C1:** Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts. **Goal C2:** Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan. **Goal C3:** Monitor and enforce tree-related ordinances.
D 	**Funding and Levels of Service** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.	**Funding and Levels of Service Goals** **Goal D1:** Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals. **Goal D2:** Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal. **Goal D3:** Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
E 	**Community Education, Engagement, and Stewardship** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.	**Community Education and Engagement Goals** **Goal E1:** Continue to achieve Tree City USA status and other industry recognitions. **Goal E2:** Create and implement an engagement strategy for all demographics and stakeholders in the community. **Goal E3:** Provide inclusive program offerings such as events, education, and training to meet the needs of all.

Figure 31. Guiding principals and goals.

A) EQUITABLE AND RESILIENT CANOPY COVER

We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.

STAKEHOLDER INPUT AND SUPPORT

Experts and stakeholders stressed the importance of setting and achieving local and citywide canopy goals to support the long-term health and sustainability of the urban forest. For example, planted trees must be resilient to drought and extreme weather events while supporting biodiversity in the urban ecosystem. A diverse mix of tree species is necessary to ensure the ability of the urban forest to survive pest and disease outbreaks. Success is predicated on planting trees matched to the site in terms of soils, water availability, space, and desired function. Post-planting care is required for trees to become established and thrive in the urban environment.

GOAL A1: INCREASE TREE CANOPY COVER CITYWIDE BEGINNING IN PRIORITY AREAS AND PURCHASED LAND.

Goal A1 Strategies
a) Procure funding to purchase land for the City to preserve and plant trees.
b) Review and refine the priority planting areas provided by the Plan.
c) Continue to offer free trees to citizens.
d) Plant 1,850 net trees per year for 10 years and reassess citywide canopy cover.
e) Coordinate with other City plans and programs.
Goal A1 Priority Actions
Review, refine, and finalize the canopy cover goals and planting priorities.
Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.
Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.
Continue to offer tree care information especially in the priority neighborhoods.
Monitor progress toward achieving the canopy goals and planting targets. Use high-resolution imagery to assess and monitor canopy cover every two years. At minimum, reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.

GOAL A2: IMPLEMENT A COOPERATIVE TREE PLANTING PROGRAM WITH BUSINESSES, INSTITUTIONS, ORGANIZATIONS, NEIGHBORHOODS, AND PROPERTY OWNERS.

Goal A2 Strategies
a) Identify existing and potential stakeholders.
b) Collaborate and share resources to identify program funding opportunities.
c) Track progress and recognize successes.
d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.
Goal A2 Priority Actions
Draft a list of existing and potential stakeholders with input from multiple departments.
Organize workshops or seminars that focus on the importance of the program.
Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.
Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.

GOAL A3: PLANT TREES THAT ARE RESILIENT TO CURRENT AND FUTURE CHALLENGES SUCH AS CLIMATE CHANGE AND TREE PESTS.

Goal A3 Strategies
a) Use data and research to make decisions on approved tree species for planting.
b) Select the right tree for the right site.
c) Provide ongoing tree care and monitor the condition of tree plantings.
Goal A3 Priority Actions
Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
Provide watering and irrigation for public tree plantings.
Evaluate measures to improve the enforcement of regulations for post-planting maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.

B) MAINTENANCE AND MANAGEMENT

We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.

STAKEHOLDER INPUT AND SUPPORT

The community would like to see more shade trees along streets and sidewalks, recognizing that this will require additional resources. Participants in the engagement to develop the Plan stated that they would like the City to maintain street trees in a routine, proactive manner. City staff are in support of cooperative planting programs with businesses, institutions, organizations, and individuals where trees can be planted in yards to shade sidewalks. The staff engaged in the planning effort also support improving policies and practices for better public tree maintenance addressing concerns such as tree pests, diseases, and climate change impacts.

GOAL B1: PRIORITIZE PUBLIC TREE MAINTENANCE AND TREE RISK MANAGEMENT.

Goal B1 Strategies
a) Assess the public tree population for maintenance needs and potential risks.
b) Develop a public tree maintenance plan.
c) Develop a plan for maintaining trees that are planted toward the canopy goal.
d) Stay current with industry research, tools, technology, standards, and best practices.
e) Focus on planting strategies and designs that produce long-lived trees.
Goal B1 Priority Actions
Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.
Create annual work plans and seek funds to implement those plans using the actions within Goal D3.
Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.
Acquire and maintain industry certifications and trainings for Urban Foresters.
Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasive and wildlife on public properties.
Strengthen or establish public tree risk assessment and mitigation protocols.
Develop a framework and approach to utilize more biomass resulting from public tree maintenance, removals, and post-storm cleanup. Expand efforts beyond mulching by including logs for wood products for local craftsmen.

GOAL B2: REDUCE CONFLICTS BETWEEN TREES AND OTHER INFRASTRUCTURE SUCH AS SIDEWALKS AND UTILITIES.

Goal B2 Strategies
a) Assess public trees for current and potential infrastructure conflicts.
b) Identify existing and potential alternative solutions to infrastructure conflicts.
c) Coordinate with internal and external stakeholders.
d) Ensure trees are planted with the proper soil volume.
Goal B2 Priority Actions
Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.
Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.

GOAL B3: MANAGE HARMFUL TREE PESTS AND DISEASES THAT ARE PRESENT OR EXPECTED TO IMPACT THE URBAN FORESTS.

Goal B3 Strategies
a) Identify the primary tree pests and diseases of concern.
b) Provide information for identifying tree pests and diseases.
c) Monitor public trees and the urban forest for tree pests and diseases of concern.
d) Create a preliminary emerald ash borer (EAB) plan.
Goal B3 Priority Actions
Develop and implement an integrated pest management or plant health care plan for public trees.
Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Focus on education and technical assistance with large private landowners.

GOAL B4: CONDUCT ONGOING INDUSTRY AND PROFESSIONAL TRAINING FOR CITY STAFF INTERACTING WITH TREES IN FAYETTEVILLE.

Goal B4 Strategies
a) Identify the staff and training needs and secure the annual budget required.
b) Conduct internal cross-training and document training materials and protocols.
c) Consider offering or supporting training of volunteers and tree care professionals.
Goal B4 Priority Actions
Utilize free and available on line trainings and materials where appropriate.
Support the Urban Forestry Advisory Board in attending the free on line Tree Board University program developed by the U.S. Forest Service.
Expand the trainings to include considerations for youth and workforce development.

C) TREE PRESERVATION AND PROTECTION

Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.

STAKEHOLDER INPUT AND SUPPORT

Preservation and protection of existing trees was identified as a high priority. Existing mature trees have an out sized impact on sustainability, environmental justice, wildlife and ecosystems, and human health. Exploring changes to the tree ordinances was raised in most engagement activities and sessions. Preservation and planting requirements should be robust but not unduly burdensome to developers. They should also be tailored to the biome, e.g., different standards for natural prairies compared to forested areas. Trees planted or protected should survive post-development and be replaced if they die. City staff are in support of procuring funding to purchase land for tree preservation in order to maintain and increase tree canopy cover.

GOAL C1: ESTABLISH OR UPDATE POLICIES AND PRACTICES TO REDUCE THE URBAN FOREST'S VULNERABILITY TO TREE PESTS, DISEASES, AND CLIMATE CHANGE IMPACTS.

Goal C1 Strategies
a) Quantify the urban forest's role in climate change mitigation.
b) Maintain tree regulations to minimize urban forest vulnerabilities.
Goal C1 Priority Actions
Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.
Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.
As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.

GOAL C2: UPDATE OR AMEND TREE-RELATED ORDINANCES TO SUPPORT THE CITYWIDE CANOPY COVER GOAL AND OTHER GOALS IN THE PLAN.

Goal C2 Strategies
a) Monitor and track tree plantings and removals.
b) Adopt a no-net-loss policy for public trees.
c) Review and implement recommended changes to tree ordinances.
Goal C2 Priority Actions
Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.
Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.
Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.
Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.
Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.
Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.
Establish a policy for reassessing the citywide tree canopy cover at regular intervals to monitor the canopy goal.

GOAL C3: MONITOR AND ENFORCE TREE-RELATED ORDINANCES.

Goal C3 Strategies
a) Distribute information and resources regarding changes to tree regulations.
b) Establish a formal protocol.
c) Recognize exemplary tree preservation practices and projects.
Goal C3 Priority Actions
Update information on the City's website and in materials as tree regulations change.
Consider developing a protocol for scheduled inspections, random spot checks, record keeping, an on-site education.
Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.

D) FUNDING AND LEVELS OF SERVICE

The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.

STAKEHOLDER INPUT AND SUPPORT

During engagement exercises, concerns were raised regarding limited resources, staffing, funding, and time to address the current climate challenges. Additional resources in Development Resources, where code compliance officers are located, are needed to inspect, monitor, and enforce tree regulations. Proactive maintenance in Public Works is needed to water, plant new trees, and monitor new trees that will mitigate the impact of climate change. Stakeholders largely supported allocating additional resources to ensure the availability of urban forest resources now and in the future. City staff support increasing funding to purchase trees to plant towards a citywide canopy cover goal.

GOAL D1: PROCURE FUNDING FOR THE CITY TO PURCHASE LAND FOR THE TREE PRESERVATION AND PLANTING NEW TREES.

Goal D1 Strategies
a) Identify potential areas for land acquisition.
b) Coordinate with partners for land acquisition and management.
c) Lead by example and distribute information about the program.
Goal D1 Priority Actions
Review the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.
Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.
Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).
Develop management plans for the properties purchased.
In the long-term, consider utilizing land acquired for pilot projects such as testing new tree species for the region and in-house tree production (i.e., tree nursery).

GOAL D2: INCREASE FUNDING TO PURCHASE TREES TO BE PLANTED AND SUPPORTING INFRASTRUCTURE IN SUPPORT OF THE CANOPY GOAL.

Goal D2 Strategies
a) Identify the funding gap and funding source(s).
b) Communicate the benefits of a robust planting effort.
c) Develop and implement a tree planting program aligned with the canopy goal.
Goal D2 Priority Actions
Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.
Secure the necessary funding to meet the annual tree planting targets.
Provide annual reports on canopy goal progress to justify continued funding for tree plantings.
Coordinate with tree nurseries the tree species for planting to reduce costs and address tree species diversity goals.

GOAL D3: EVALUATE THE STAFFING LEVELS, STRUCTURE, AND RESOURCES FOR THE TREE-RELATED PROGRAMS AND ADJUST AS NEEDED.

Goal D3 Strategies
a) Track and report program activities and Plan implementation progress.
b) Analyze the organization of departments involved with trees in Fayetteville.
c) Conduct cost-benefit analyses and evaluate growing service demands.
Goal D3 Priority Actions
Develop a mission and vision statement for urban forest management in the City that align with the goals in this Plan.
Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.
Determine the need for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

E) COMMUNITY EDUCATION, ENGAGEMENT, AND STEWARDSHIP

A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

STAKEHOLDER INPUT AND SUPPORT

Participants reported a perception of conflicting policies and priorities regarding the City's trees. City departments, partners, developers, and the community must have a common understanding of the challenges and opportunities surrounding the urban forest to develop a shared vision for addressing them. A public communications plan stemming from a citywide coordinated effort was seen as a necessary step in bringing clarity to the roles of City departments involved with the urban forest and tree care. Half of the internal stakeholders engaged support bolstering community engagement and volunteer efforts.

GOAL E1: CONTINUE TO ACHIEVE TREE CITY USA STATUS AND OTHER INDUSTRY RECOGNITIONS.

Goal E1 Strategies
a) Continue to track program activities and budgets.
b) Explore the opportunities and requirements for other recognition programs.
Goal E1 Priority Actions
Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.
Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.
Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.

GOAL E2: CREATE AND IMPLEMENT AN ENGAGEMENT STRATEGY FOR ALL DEMOGRAPHIC AND STAKEHOLDERS IN THE COMMUNITY.

Goal E2 Strategies
a) Identify and collaborate with stakeholders to draft the strategy.
b) Implement the strategy as a coordinated effort.
c) Review and adapt the strategy as changes occur.
Goal E2 Priority Actions
Finalize a robust community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.
Increase outreach and marketing for improving and expanding tree canopy for the public good.
Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.
As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.
Identify existing and potential partners and organizations to support the implementation of the community outreach strategy and support engagement that is inclusive and equitable.

GOAL E3: PROVIDE INCLUSIVE PROGRAM OFFERINGS SUCH AS EVENTS, EDUCATION, AND TRAINING TO MEET THE NEEDS OF ALL.

Goal E3 Strategies
a) Implement programs and services through the lens of environmental equity.
b) Coordinate with new and existing community and regional partners.
c) Develop strategies to remove barriers to participation.
Goal E3 Priority Actions
Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
Identify low tree canopy neighborhoods for targeted engagement.
Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
Make the data and information from this Plan accessible to the public online.
Gather feedback for continual improvements to events, education, and trainings.



Photo: Fayetteville's urban forestry programs engage with youth in the community by planting a tree at Butterfield Elementary School. Source: City of Fayetteville

STAFFING LEVELS FOR URBAN FOREST MANAGEMENT

Many cities struggle to maintain adequate staffing and resource allocation. Available resources may cover short-term needs while neglecting important initiatives necessary to sustain long-term urban forest management. Determining and maintaining optimal staffing levels is critical to a program's efficiency. Optimal staffing depends on several factors including the number of public trees, how authority and responsibility is defined in the municipal code, internal and external expectations, customer service (i.e., the public), operations, and existing programs.

The City of Fayetteville's commitments to public health and safety, combating climate change, and addressing inequities translates into a growing demand for both long-term initiatives, and the staff to operate them. The growing urban forest will require increased staffing levels to achieve and maintain urban forest goals. Public Works and Development Services need to add full time employees to maintain the current level of services. As the City grows these positions will need to grow.

Some capacity and efficiencies for existing workloads can be improved through clarifications of roles, responsibilities, and workflows among City departments and divisions. Periodically examining program structures, staffing needs, and levels of service may identify ways to improve efficiencies, communications, and workflows within and among departments. Cities often consider consolidating their tree programs into one division or section to achieve these outcomes. Establishing a strong organizational structure with clear operating procedures is foundational in reducing future costs and addressing increased service demands.

IMPLEMENTATION

The framework of the goals and actions in the Urban Forestry Management Plan provides the City of Fayetteville with the means to measure progress and adapt to an ever-changing environment and availability of resources. As actions are implemented, the City may conduct new iterations of the Urban Forest Audit to gauge success, evaluate progress, and adjust accordingly.

Based on the assessment of Fayetteville's urban forest resource, the programs that manage it, and the community that shapes and benefits from it, the following implementation summary is recommended. Implementing the Plan in this manner will effectively and efficiently address the City's shared challenges and priorities using available resources. As the Plan progresses, more resources will be neccessary to implement the longer-term actions.

MONITORING PLAN

This Urban Forestry Management Plan will be updated every ten years as outlined in the code. Revisions can be made in five years, and canopy data will be collected from GIS every two years and revised periodically. Better data will help reflect changes in the urban forest and incorporate changes in industry standards. Also, community response and industry recommendations should be considered to reach the established goals. This process should be supported by an urban forestry working group consisting of community members with various skill sets and backgrounds. Examples include the City's Urban Forestry Program, Urban Forestry Advisory Board members, other City staff, and stakeholders. The monitoring of the plan should follow the evaluation, monitoring, reporting, and revising methodology. Knowing how the City and its partners are doing will require a continual evaluation process. This section presents examples of how to monitor, analyze, and revise the Plan, which will keep stakeholders informed of the status of the Urban Forestry Program. To monitor progress toward implementing the Plan recommendations, an evaluation similar to the U.S. Forest Service's Urban Forest Audit (details below in the Evaluate section) conducted to develop the initial Plan should be completed. This evaluation will identify progress and shortfalls compared to the baseline audit.

In addition, a report card could be created based on the audit's outcomes and distributed to the public periodically. This will measure progress toward implementing the Plan's actions. The Report section provides a suggested structure for measuring and reporting success toward accomplishing each goal. Other indicators to measure progress may need to be developed to ensure a thorough and accurate evaluation.



EVALUATE



The U.S. Forest Service's Urban Forest Audit System provides a framework for routine evaluations of the urban forest, the programs that manage it, and the community that shapes and benefits from it. The deliverables to this Urban Forestry Management Plan project include guidance for completing an update to the audit completed in 2023 to develop the Plan. This audit system consists of 11 categories of urban forest management, sustainability, and community. Within the 11 categories are approximately 130 subcategories or elements. Each element was ranked or scored based on the consultants' evaluations in 2023 for the Urban Forestry Management Plan. It is recommended the City's urban forestry working group (or similar) complete a bi-annual audit to inform any alterations to actions and strategies.

About the Urban Forest Audit

The primary objectives of the audit are defined by the Urban Forest Audit System authors and adapted by the City's urban forestry consulting team to engage the full spectrum of the organizations' management team, provide program direction that increases the level of professionalism in management, conduct a gap analysis of management practices and the health of urban forests, provide strategic direction to improve the health of the urban forest, and optimize management for environmental justice and equitable distribution of resources.

1) Management Policy and Ordinances
2) Professional Capacity and Training
3) Funding and Accounting
4) Decision and Management Authority
5) Tree-related Inventories
6) Tree-related Plans
7) Risk Management
8) Disaster Planning
9) Standards and Best Practices
10) Community
11) Green Asset Management

Table 13. Categories for evaluation using the U.S. Forest Service's Urban Forest Audit System.

Urban Forest Audit Process

The process of analyzing the urban forest involved extensive information and document gathering and research to identify policies, practices, programs, and standards pertaining to categories of urban forest sustainability and management as defined by Clark et al. (1997), Kenney et al. (2011), and the Forest Service. The categories are listed in Table 13.

Each category has a series of subcategories pertaining to the specific category. As an example, the subcategories listed in Table 14 are in the Management Policy and Ordinances category:

1.01) Climate Change (Sustainability)
1.02) No Net Loss
1.03) Risk Management
1.04) Tree Canopy Goals
1.05) Tree Protection
1.06) Utility
1.07) Human Health
1.08) Wildlife Diversity/Habitat/Protection
1.09) Performance Monitoring
1.10) Private Tree Ordinances
1.11) Public Tree Ordinances
1.12) Development Standards
1.13) High-Conservation Value Forests
1.14) Urban Interface (WUI)

Table 14. List of subcategories within the Management Policy and Ordinances category of the audit

EVALUATE

Measuring accomplishment of the actions will require ongoing analysis. The outcomes of the Urban Forest Audit System in the Evaluate section can be used to monitor change over time. These benchmark values should be tracked, and a state of the urban forest report should be prepared and distributed to the public every 2 to 5 years. Analysis may include an updated public tree inventory, i-Tree benefits analyses, or urban tree canopy assessments. The state of the urban forest report should include the benchmark values as reported in the Plan and the Urban Forest Audit System as of 2023, so that the City can measure and compare changes to the urban forest. The report should reflect changes to the audit system that are measured.



Primary Urban Forest Benchmark Values to Measure Plan Progress

2019 Urban Tree Canopy (UTC) Cover (Assessed in 2022)	
Tree Equity Score (2022)	87 out of 100
Urban Tree Canopy	39.4%
Short-term Canopy Goals	39.9% by 2029 (1,850 trees/year) 40.6% by 2034 (1,850 trees/year)
Long-term Canopy Goals	44.4% by 2054 (3,000 trees/year)
Total Trees to Reach 10-year Goal	18,500 trees by 2034 (1,850 trees/year)
Total Trees to Reach 30-year Goal	91,000 trees by 2054 (3,000 per year avg.)
Public Tree Counts (2022 estimates)	
Total Public Trees (alive or dead)	42,000 (estimated)
Total Public Street Trees	25,000
Total Public Street Planting Sites	TBD
Total Public Open Space Trees	Unknown
Tree Benefits (2022 estimates)	
Citywide (UTC Assessment)	2019: $76.5 million (total)
Ecosystem Benefits of Public Trees	2022: $4.2 million (annual estimate)
Tree and Budget Distribution (2021)	
Public Trees (street and park) per Capita	0.44
Budget per Capita	$6.66
Urban Foresters (3 departments)	8.00 (2023)
Total Public Trees per Staff	5,000 trees for every 1.0 FTE
Management Activities (2023)	
Public Trees Pruned	To be recorded at the end of the year
Public Trees Removed	To be recorded at the end of the year
Public Trees Planted	To be recorded at the end of the year
Number of Volunteers and/or Hours	To be recorded at the end of the year
Urban Forest Audit System (Total Score of 2023): 73%	
Management Policy and Ordinances	71%
Professional Capacity and Training	89%
Funding and Accounting	67%
Decision and Management Authority	63%
Tree-related Inventories	65%
Tree-related Plans	54%
Risk Management	78%
Disaster Planning	64%
Standards and Best Management Practices	73%
Community	89%
Green Asset Management	80%
Public Perception (2022)	
Tree-related priorities	62% want trees for shade
Preference for improving public tree health	74% for setting canopy goals, 66% for more trees and preservation in development
Where to prioritize future investments	70% for improved tree code for development

Table 15. Fayetteville's primary urban forest benchmark values to measure Plan progress.

REPORT AND REVISE



To assess the progress of the Plan's implementation, the City's urban forestry department (or similar) should track, record, and report on the success metrics identified in the Urban Forest Audit that was used to develop the Plan's goals. Based on the findings from these reports, the City should revise its policies, procedures, goals, codes, and other relevant areas as needed.

POLICY AND ORDINANCES

Urban forest policies are the foundation for preserving the environmental benefits, resiliency, and the character of Fayetteville's urban forest.

- List all City-led planning efforts.
- Describe related City-led tree planting efforts.
- Communicate citywide canopy goals.
- List recommended changes to City Code, policies, and manuals.
- Distribute any recommended tree list to city staff, partners, and residents.

CAPACITY, TRAINING, AND AUTHORITY

Fayetteville has the capacity and expertise to provide optimal levels of service for sound urban forest management.

- List the existing staff and supporting departments and partners.
- Summarize roles and responsibilities of the Urban Forestry Advisory Board.
- Describe existing and needed certifications, qualifications, and training.
- Report the number of volunteers and volunteer hours.

BUDGET AND FUNDING

Funding and resources enable comprehensive and sustainable urban forest management for the preservation and enhancement of tree benefits.

- Report the proportion of public trees to the City population.
- Report the number of volunteers and volunteer hours.
- List the unfunded urban forestry needs.
- Report the budget, and donations.

ASSESSMENTS AND PLANNING

A thorough understanding of the urban forest ensures data-driven decisions, sustainable and comprehensive planning, and amplified tree benefits.

- Report the number of public trees planted, pruned, and removed.
- Report the number of trees assessed for risk.
- Provide a summary of existing tree canopy cover citywide every two years.

COMMUNITY ENGAGEMENT

Sustainable urban forest management and equity is achieved through a partnership with the City and its residents resulting in improved well-being, human health, and local economies.

- List existing and potential partners.
- Report the number of planting events and trees planted.
- Report the history/count of Tree City USA and supporting awards.
- Report the number of volunteers, events, and volunteer hours.
- Report the results of public surveys.
- Report on the activities of the Urban Forestry Advisory Board.

GREEN ASSET MANAGEMENT

Fayetteville proactively manages the public trees, continues to grow and expand a healthy canopy, effectively mitigates climate change impact. List the existing and potential outreach platforms and initiatives.

- Report the number of public trees pruned, removed, and planted.
- Report the number of mitigation plantings and stormwater plantings.
- Report progress towards canopy goals and tree planting targets.
- Provide a map of planting areas for upcoming year.
- Report on Urban Forestry Audit score every 5 years.

Figure 32. Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals.

REVISE

Completion of this Plan is a critical step towards meeting the vision for Fayetteville's urban forest. Continual monitoring, analysis, and reporting will help to keep urban forest partners involved and focused on accomplishing the actions. Plans are typically revised every 10 to 15 years; hence, the Plan will need formal revision to respond and adapt to changes as they develop. Formal revision of the Plan should coincide with the update of the City's Comprehensive Plan, Park and Recreation System Master Plan, Energy Action Plan, Tree Preservation and Landscape Manual, climate/sustainability and stormwater plans, and other relevant planning efforts. Recommendations and goals of each should be compared. Revisions to the Plan may occur with major events, such as newly discovered pests or diseases, changes in program budget and resources, or significant changes to industry standards or legal codes.

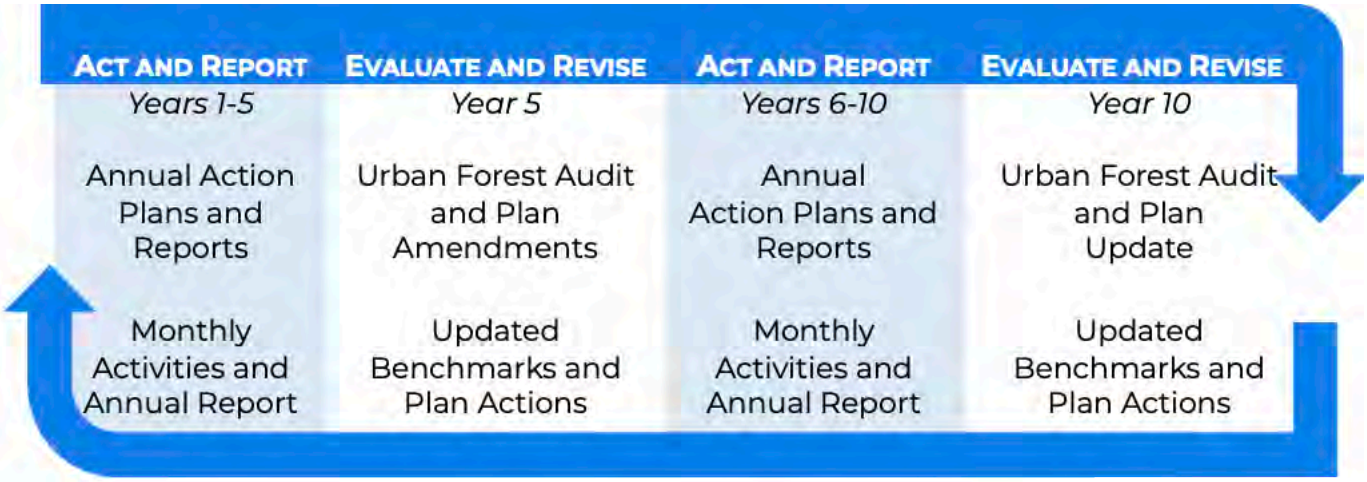


Figure 33. Example of the plan implementation, evaluation, and revision process.

Applying the Urban Forest Audit to Revise the Plan

The Urban Forest Audit can serve as the tool for the City to effectively Evaluate, Monitor, Report, and Revise the Plan as part of the implementation and monitoring protocols. As found in the 2023 Urban Forest Audit completed to develop the Plan, there are areas of urban forest management where the City is performing at a high level and other areas where improvements are needed. The goals and actions in the Plan address both these strengths and challenges.

Ranking	Count	%	% of Total
1) In Development	63	25%	49%
2) Adopted Common Practice	62	48%	48%
0) Not Practiced	4	0%	3%
Category Total	**129**	**73%**	**100%**

Table 16. Summary count of the evaluations completed in the 2023 Urban Forest Audit.

Out of the nearly 130 elements (or subcategories) within the Audit, the majority (63 elements or 49%) ranked "1) In Development" followed by 62 (48%) elements ranked as "2) Adopted Common Practice". Most of the elements given the "In Development" ranking was a result of the outcomes from the Urban Forestry Management Plan or the strategic actions within the Plan to be implemented. As the Plan is being implemented, the status or score of the categories within the audit should change.



Section 7: Conclusion

CONCLUSION

Trees are an integral part of the community and the ecological systems in which they exist. They provide significant economic, social, and ecological benefits, such as carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of water quality, enhancement of human health and wellness, and increase the value of properties. Planting and maintaining trees helps Fayetteville become more sustainable and reduces the negative impacts on the ecosystem from urban development. Trees are as necessary as water, infrastructure, and energy to sustain healthy communities. The health of the urban forest is directly linked to the health of the region.

The Urban Forestry Management Plan is a roadmap for a strategic approach to manage Fayetteville's urban forest. The Plan contains goals and supporting actions that are critical to the long-term vitality of the forest. However, in order for the Plan to actually have an impact on the forest resource, it requires stewardship and financial resources to begin implementation. Further, it needs to be institutionalized as a document requiring implementation with a sense of urgency to get things started. Completion of the Urban Forestry Management Plan clearly demonstrates that City leadership understands that a healthy urban forest is critical to guaranteeing the long-term health and vitality of the community.

In order to accomplish the goals, the City should consider the following commitments:

- **Recognize that the trees of the urban forest are more than aesthetic enhancements.**
- **Recognize trees as the backbone of the urban ecosystem and an essential part of the community's green infrastructure.**
- **Promote the health and growth of the urban forest by following scientifically established best management practices for tree selection, planting, watering, and pruning.**
- **Promote a robust urban forest through policies and practices that reduce its vulnerability to known diseases or pest infestations, and future threats, including the anticipated effects of climate change.**
- **Engage in a continuous process of long-range planning for the growth and maintenance of the urban forest.**
- **Promote public appreciation of the urban forest through educational outreach programs.**
- **Support local businesses, institutions, organizations, and individuals in their efforts to grow and maintain the urban forest through community education.**
- **Proceed in a manner that is inclusive and transparent.**

Successful implementation of actions in this Plan will bring Fayetteville to a higher level of service that is more equitably distributed across the City resulting in a sustainable and thriving urban forest that benefits all residents and future generations— ultimately achieving the Plan vision: Healthy Trees, Healthy City: Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.



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Supplemental Material Contains more in-depth information and data.

Supplement 1- Urban Forestry Benchmarks

Supplement 2- Canopy Goal Setting and Priority Areas

Supplement 3- Tree Inventory Summary

Supplement 4- Public Survey Results

Supplement 5- Staff & Board Member Survey Results

Supplement 6- US Forest Service Urban Forest Audit

Supplement 7- Recommended Tree List and Sister City Climate City Assessment

Supplement 8- Invasive Plant Species Program Review

Supplement 9- Urban Tree Canopy Assessment Project 2012

APPENDIX A. CANOPY GOALS

Canopy Goal Assumptions: Data from Fayetteville's tree canopy cover assessments (2019) and the American Forests Tree Equity Score (TES) tool were analyzed to identify a feasible canopy goal and to develop strategies to achieve it. The draft canopy goal was refined by examining the available land area, resources, other ongoing city priorities, future land use, land ownership types, opportunities to mitigate urban heat, and preservation of native prairie land. Other considerations were our climate, elevations, historic canopy coverage for the regions, topography, survey results, climate change atlas, invasive species, and development patterns. The goals were set to be achievable and flexible so that staff could take different strategic approaches to planting trees.

Using this integrated approach, the City of Fayetteville's ambitious and achievable goal is 44.4% tree canopy in 30 years— up from 39.4% based on 2019 imagery. To achieve this, the City and partners must preserve the existing canopy to the greatest possible extent, mitigate the lost canopy, and increase canopy coverage by planting trees.

- Existing tree canopy cover is based on imagery from 2019.
- Promote growing trees to maturity rather than focusing on a number.
- A no-net-loss strategy is sought, balancing tree loss with tree gains through out the city.
- Development projects must continue to mitigate tree removal, dedicate tree preservation easements, and add street trees.
- Most new large neighborhoods are in previous pasture land.
- Supporting citizens and growing trees in existing neighborhoods with POA/HOA support.
- Trees that grow into large canopy trees are planted wherever feasible.
- The City will need to plant public street planting sites and consider converting impervious surfaces to planting sites and planting in parks and natural areas.
- Assumes a potential for young tree mortality post-planting is 10% with POA/HOA projects and City projects (the standard for Fayetteville is 10%).
- Assume a potential for trees given away with a survival rate of 65% (10% is our mortality rate, and studies show around 75% make it into the ground from tree giveaways combined. The survival rate is an optimistic 65%).
- $408 per tree is the average cost for contracted tree planting.
- Emphasis should be placed on planting native and highly adaptable trees that support strategies for climate resiliency and tree species diversity.

APPENDIX B: URBAN FORESTRY AUDIT

US FOREST SERVICE URBAN FOREST SUSTAINABILITY AND MANAGEMENT AUDIT

To assess the current state of Fayetteville's urban forest, the programs that manage it, and the community that shapes and benefits from it, a comprehensive evaluation was conducted using the framework of the U.S. Forest Service's Urban Forest Sustainability and Management Audit (Abbot, et al., 2015).

The framework was adapted from the Model of Urban Forest Sustainability (Clark, et al., 1997) and subsequent iterations. The primary objectives of the evaluation of Fayetteville's urban forest are defined by the authors and adapted by the Fayetteville Urban Forestry Management Plan consulting team:

- Engage the full spectrum of the organizations' management team
- Provide program direction for ongoing professional training
- Conduct a gap analysis of management practices and the health of urban forests
- Provide strategic direction to improve the health of the urban forest
- Optimize management for environmental equity

A sustainable system can be defined as one that survives or persists. In the context of urban forests, the objective can be stated as attempting to achieve the maximum long-term benefits over the greatest amount of time. Clark's framework provides specific criteria to evaluate sustainability along with measurable indicators. Social and economic factors as well as natural science are considered, as sustainability is often viewed as the "overlap between what is ecologically possible and what is societally desired by the current generation". Recognizing that both conditions will change over time, sustainability is addressed as a process rather than a goal (Clark, et al., 1997).

Clark's framework categorizes urban forest sustainability indicators in terms of the trees (or resource), the management, and the people who benefit from the urban forest. Within each category, a series of urban forestry industry standards and best management practices were used to evaluate Fayetteville's current performance level. Indicators were rated as low, medium, or high based on available data and information provided by stakeholders. Assessment results were used to identify areas where Fayetteville's urban forest can be improved and to develop recommendations.

RESULT

Based on the analysis of findings from the needs assessment, Fayetteville scored a 73% in terms of urban forest sustainability and management as defined by the U.S. Forest Service, partners, and planning consultants. Based on 16 similar audits completed by the urban forestry consultants, the average score is 64%. The City of Fayetteville scored relatively high when compared to other urban forestry audits completed by the consultants for other communities of similar size. Overall, the City scored highest in Professional Capacity and Training, Community, Green Asset Management, and Risk Management— all of which are at or above 75%. The Urban Forestry Management Plan provides guidance to maintain these strengths and to address shortcomings as opportunities.



Figure 33. Summary of the 2023 Urban Forest Audit completed for Fayetteville's Plan.

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the plan's goals, strategies, and priority actions. This audit or "gap analysis" enables the City's Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan goals in that the audit categories and elements can be revisited at key intervals in the implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

All available documents and plans were reviewed and tallied in the audit worksheet as part of the information discovery phase. Based on the evaluation of the documents and outcomes of all planning processes (i.e., research, City staff interviews, urban forest benchmarks, data analyses, and community engagement) each subcategory within the 11 categories was "ranked" using the following system:

0) Not Practiced - Component doesn't exist or is not practiced; 0 points
1) In Development - Component is in development as part of or aside from this Plan; 1 point
2) Adopted Practice - Component is routinely practiced; 2 points
3) Exceeds Adopted Practice - The component is exceeded; 3 points

The points were then totaled for an overall rating to provide a summary of the City's level of achieving each category of urban forest management and sustainability.

Urban Forest Audit Results for Fayetteville

#	Category	SOC* (% Achieved)	Base** (% Achieved)	Overall Rating	Overall (% Achieved)
1	Management Policy, Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision, Management Authority	50%	100%	5	63%
5	Tree-related Inventories	NA	56%	17	65%
6	Tree-related Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs***	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Management	NA	NA	16	80%
TOTAL		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation. SOC refers to the degree of prudence and caution required of an individual who is under a duty of care (i.e., legal obligation of the controlling authority, owner, or manager) to minimize risk. Neither state, regional, nor national minimum management components have been established for SOC but these are interim recommendations for consideration. (NA = not applicable)

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category. (NA = not applicable)

***Best Management Practices (BMPs)

Table 18. Outcomes of the urban forest audit completed in 2023 for Fayetteville's Plan.

Category	Findings
Management Policy and Ordinances Rating of 71%	The City scored relatively average in this category due to the existing tree ordinances, development standards, and the Tree Preservation and Landscape Manual. The Tree-related Plans and Regulations section of this Plan summarizes existing tree ordinances and Appendix C provides a summary of an evaluation of these ordinances based on industry standards and best practices. The City's Comprehensive Plan includes urban forestry and tree canopy as a vital component in addressing climate change. As part of the Plan, a canopy analysis was completed, and canopy goals were drafted to support a "no net loss" approach with canopy expansion.
Professional Capacity and Training Rating of 89%	Staff have industry certifications, qualifications, and training. The Urban Forestry Program has staff for park and trail tree maintenance and to administer tree preservation and protection for new development. In addition, the program works with other departments, partners, and contractors to plant trees. In recent years, staffing levels increased but capacity should be evaluated periodically to ensure it aligns with the goals of this Plan and the service demands.
Funding and Accounting Rating of 67%	The City's adopted budgets have specific line items for the Urban Forestry Program and staff. The City's Tree Escrow account is one funding source for tree planting activities. The figures reported for Arbor Day Foundation Tree City USA accreditation incorporate budgets from other departments but do not include the urban forestry budgets for Public Works' programs responsible for planting trees. Until very recently tree escrow was the primary funding source, now, there is a designated budget for tree planting. The score will improve with the next audit score.
Decision and Management Authority Rating of 63%	An Urban Forestry Advisory Board exists to advise on urban forestry matters. Currently, urban forest management is distributed across three groups in three different departments. The delineation of responsibilities at times is unclear and there is no single department or staff person designated as a point of contact for urban forestry. It is likely that communications and workflows could be improved with an adjusted program structure. Unique to other cities, Fayetteville's Urban Forester in Development Services has direct authority and oversight on tree preservation and protection for new development.
Tree-related Inventories Rating of 65%	Fayetteville completed a sample inventory of public trees and planting spaces along with a private tree sample inventory. In addition, the City conducted GIS analyses of urban tree canopy cover over four time periods and examined the correlation of tree canopy to sociodemographic data. Also, the Urban Forester actively tracks canopy gains and losses occurring on development projects— one of the most robust tracking systems the urban forestry consultants have seen. Within the City, the University of Arkansas has an inventory of its trees through its Arboretum Mapping Project.

Tree-related Plans Rating of 54%	Tracking and reporting of urban forest management activities, this Plan, and urban forestry referenced in the Comprehensive Plan and canopy goals in the Energy Action Plan resulted in higher than average scores for certain elements within this category. The City completed a Tree Canopy Cover and Environmental Equity Story Map and supporting reports.
Risk Management Rating of 78%	The Urban Forester in Parks, Natural Resources and Cultural Affairs is trained in tree risk assessments and the City has an adopted standard of care. The City completed a sample public tree inventory in 2022 to inform management strategies. The City also has an Emergency Operations Plan, actively manages invasive plant species and pests and diseases, and has lists and resources for recommended and prohibited trees.
Disaster Planning Rating of 64%	The City's maintenance staff and contractors address downed trees and limbs and collaborate when extensive response is needed.
Standards, and Best Practices Rating of 73%	Fayetteville has an average rating for this category though its strengths include tree ordinances, the Tree Preservation and Landscape Manual, Comprehensive Plan, Standard Details such as the Tree Preservation detail, clear guidance on the City's website relating to regulations and best practices, tree species lists, and tree protection requirements for construction and development.
Community Rating of 89%	Fayetteville has been a Tree City USA city consecutively since 1995, demonstrating the value placed on urban forests. This Plan included a public survey and has engaged and informed the public through an interactive project website— Speak Up Fayetteville. The City conducts Arbor Day events, has an Urban Forestry Advisory Board, engages the public through social media, website, and other platforms, addresses service requests, conducts the annual Celebration of Trees event, has an on line resource for Amazing Trees in Fayetteville, provides education resources and trainings, and works closely with other community partners.
Green Asset Management Rating of 80%	The sample public tree inventory determined there are 54 unique tree genera and 111 unique tree species resulting in no tree species exceeding the recommended diversity thresholds. The size classes of public trees are in line with an ideal distribution and the majority (75%) of public trees are in good condition. Also, only 6% of trees are recommended for removal and the primary maintenance need is clearance pruning (8%). Most importantly, the City's Park Maintenance's right-of-way crews proactively prune approximately 4,000 public trees per year resulting in an estimated 5.7-year rotation and the Urban Forestry Program conducts public park and trail tree maintenance.

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.

APPENDIX B. 2023 URBAN FOREST AUDIT RESULTS

Urban Forest Audit Scoring Key

Not Practiced (0)	In Development (1)	Adopted Practice (2)

Management Policy

Category	Component Evaluated	Description or Criteria for Evaluation
1.00	Approved Policy Statements	Written policy statements approved by a governing body.
1.01	Climate Change (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.
1.02	No Net Loss	No net loss is mitigating the lost canopy within 20 years.
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".
1.05	Tree Protection	Construction and/or landscape maintenance.
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g., exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.
1.08	Wildlife Diversity/Habitat/Protection	Mammals, birds, or reptiles.
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.
1.10	Ordinance (Private)	Tree protection and management for trees on private property.
1.11	Ordinance (Public)	Tree protection and management for public trees.
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.

Capacity and Training

Category	Component Evaluated	Description or Criteria for Evaluation
2.00	Professional Management	Provision for professional consultation.
2.01	Certified Arborist - Staff	International Society of Arboriculture
2.02	Certified Arborist - Contracted	International Society of Arboriculture
2.03	Certified Arborist - Other Resource	International Society of Arboriculture
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).

Funding and Accounting

Category	Component Evaluated	Description or Criteria for Evaluation
3.00	Urban Forestry Budget	
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: [1)] risk management, [2)] young tree care, [3)] mulching.
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.

Authority

Category	Component Evaluated	Description or Criteria for Evaluation
4.00	Authority	
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).

Tree-related Inventories

Category	Component Evaluated	Description or Criteria for Evaluation
5.00	Inventories and Assessments	
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.
5.03	Public Trees 🡻	🡻 Evaluate below 🡻
5.04	Street Trees	Encompassed with the current inventory.
5.05	Parks/Riparian Areas	Encompassed with the current inventory.
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
5.07	Continuous inventory on a cycle (≤5 years; i.e. panel)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.08	Private Trees 🡻	🡻 Evaluate below 🡻
5.09	Campus (Educational)	Not applicable.
5.10	Corporate	Not applicable.
5.11	Other Private Property	Not applicable.
5.12	Continuous inventory on a cycle (≤5 years; i.e. panel), inventory software	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, improved educational opportunity).
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.

Tree-related Plans

Category	Component Evaluated	Description or Criteria for Evaluation
6.00	Management Planning Activities	
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.
6.02	Public Trees ↓	↓ Evaluate below ↓
6.03	Street Tree Management	Public works Urban Forestry manages street trees.
6.04	Parks/Riparian Area Management	Several restoration projects are underway.
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
6.06	Private Trees ↓	↓ Evaluate below ↓
6.07	Campus (Educational)	Not applicable.
6.08	Corporate	Not applicable.
6.09	Other Private Property	Not applicable.
6.10	Green Infrastructure	There is a plan for green infrastructure. Large-scale projects.
6.11	Other Written Plans	Not applicable
6.12	Tree Planting	Plans are done yearly.
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)

Risk Management

Category	Component Evaluated	Description or Criteria for Evaluation
7.00	Risk Management Activities	
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.

Disaster Planning

Category	Component Evaluated	Description or Criteria for Evaluation
8.00	Disaster Planning Activities	
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).
8.07	Urban Forest Strike Team	Participation in the UFST project.

Standards and Best Management Practices

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.
9.06	Lightning Protection Systems	BMP written to the ANSI A300 Standard.
9.07	Planting	Planting and transplanting standards required/specified.
9.08	Pruning	Pruning standards required for conserved & planted trees.
9.09	Removal	Infrastructure damage, stump grinding, etc.
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).
9.13	Design Standards	Standards for design that specifically require trees; standards for tree placement (i.e. location), soil treatment, and/or drainage.
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.
9.16	Inventory Data Collection	Community has adopted or developed applicable standards for local urban tree inventory data collection to support QA/QC.
9.17	Minimum Planting Volume	Minimum required root zone volume.

Standards and Best Management Practices (continued)

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard
9.21	Topping	Prohibits topping or other internodal cuts (public & private).
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, and/or preferred species (may include native and non-native species); alternatively, a list of species prohibited.
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.
9.25	Urban Agriculture	Enabled urban food forestry practices.
9.26	Wood Utilization	Larger diameter material is processed for wood products.
9.27	Third-party forest products certification compliance	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™ (FSC®).
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities (an efficient process that uses one fuel to generate two types of energy— electrical and thermal).
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.
9.30	Watering Standards	

Community

Category	Component Evaluated	Description or Criteria for Evaluation
10.00	Activities that Build Community	
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.
10.03	Private Property Tree Program	Does your community sponsor this program locally?
10.04	Public-facing Tree Inventory and Management Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.
10.08	Arboretum designation	Internal or third party arboretum designation.
10.09	Significant trees	For example: size, history.
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?
10.12	Active Communications	Press releases, regular news articles (print), “State of the Urban Forest” reports, periodic analysis of threats and opportunities.
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).
10.14	Tree Campus USA®, Tree City USA®, Tree Line USA®	Community/campus meets current qualifications for any of these programs.
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.

Green Asset Management

Category	Component Evaluated	Description or Criteria for Evaluation
11.00	Observed Outcomes (Activity, Health)	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).
11.02	Genus Diversity	No genera exceed 20% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.
11.07	Species Diversity	No species/cultivars exceed 10% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').

APPENDIX C: TREE PLANTING AREAS AND CRITERIA

Priority Planting Areas to Achieve Canopy Goals and Tree Equity

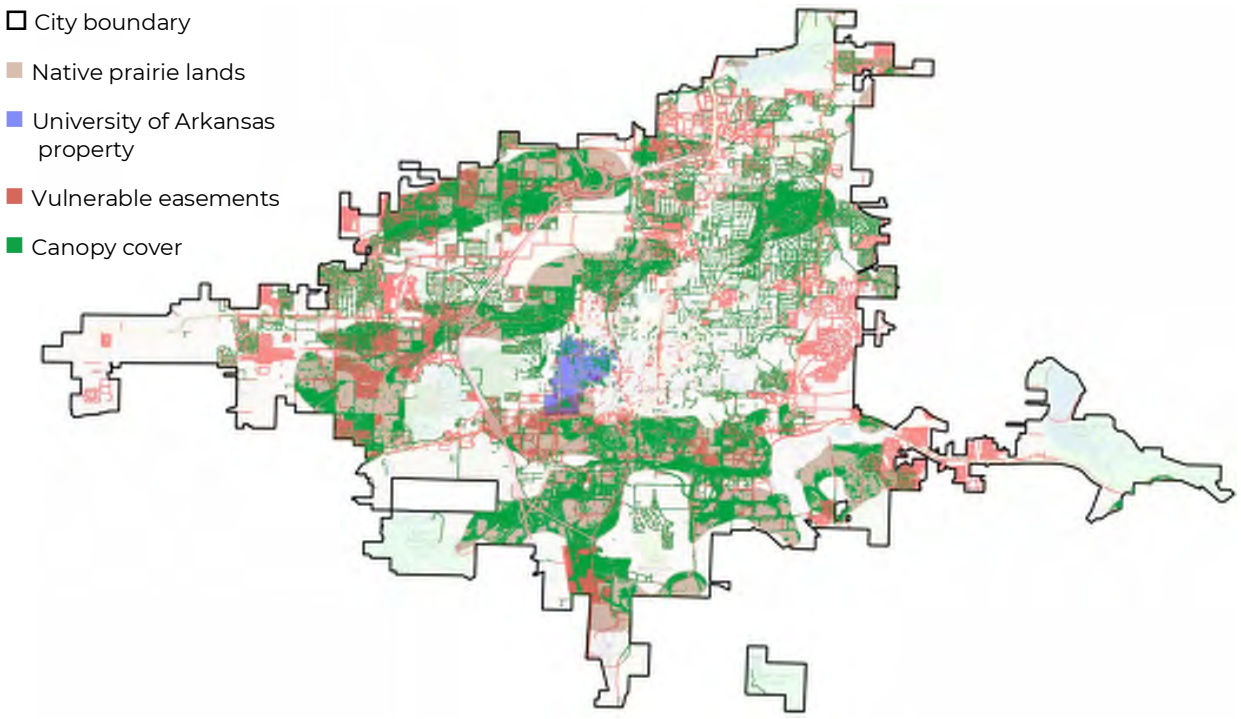
Once the City finalizes local and citywide tree canopy goals, it is recommended to establish priority areas based on a variety of themes and community needs. Themes may include ownership type (public and private), areas of low existing tree canopy, Tree Equity Scores (TreeEquityScore.org), and greatest amount of available planting space while other themes may address air quality, stormwater reduction, water quality, and preserving native land cover (e.g., native prairie land). Others may evaluate opportunities to address disadvantaged areas, densely populated regions, loss due to development, and human health factors such as asthma cases, median age, and mental health. In any planting prioritization scenario, the scale may include U.S. Census Bureau Census Block Groups, Future Land Use Classes, neighborhoods, ownership (public, private, campus and institutional), and citywide.

Using the results from the 2019 Urban Tree Canopy Assessment and an analysis of canopy change over four time periods and analyses in a Geographic Information System (GIS), a series of recommended prioritization techniques is provided. The description of the prioritization techniques and scenarios is provided below followed by a series of corresponding priority maps.

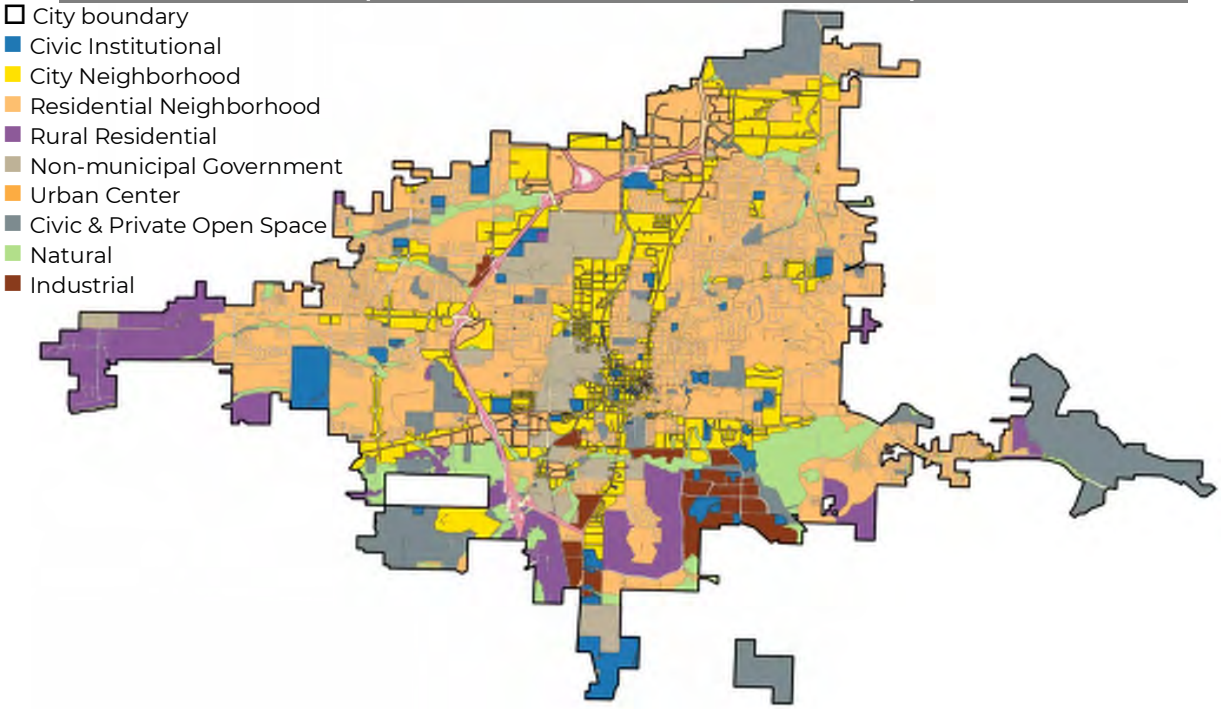
- **Low Tree Canopy:** It is important to understand the existing distribution of existing tree canopy across the City. This scenario shows Census Block Groups (CBGs) that are low in canopy cover (less than 35% canopy cover).
- **Low Income and Tree Canopy:** This scenario shows the CBGs with a high proportion of low-income populations and low amounts of tree canopy cover (less than 35%).
- **Vulnerable and Exclusion Areas:** Certain areas of the City may not be preferable to plant trees such as in native prairie land. Other areas are outside of the City's jurisdiction such as the University of Arkansas. And other areas such as easements have tree canopy that is vulnerable to change such as the removal of trees for a utility easement.
- **Development and Future Land Use:** With robust tree regulations in place, tree plantings in future land use areas can be considered to support a citywide canopy goal.
- **Tree Equity:** The American Forests' Tree Equity Score tool evaluates the correlation between tree canopy cover, surface temperatures, and socioeconomic data. Priority areas may include CBGs that have less than the citywide score of 87 out of 100.
- **Percent People of Color:** Redressing tree canopy cover inequities requires multiple facets of urban forest management though identifying canopy cover and the proportion of people of color within CBGs can assist in determining priority areas for plantings.
- **Average Surface Temperature:** Trees and green spaces have been proven to lower surface temperatures and mitigate urban heat island effects. Data from USGS Landsat 8 imagery, thermal bands.
- **Health Risk Index:** Research shows trees can improve human health through air quality improvements and encouraging physical activity. Priority areas are based on self-reported poor mental health, poor physical health, asthma, and coronary heart disease from the Centers for Disease Control.

View the maps on the following pages for examples of the listed planting priority techniques.

Vulnerable and Exclusion Areas



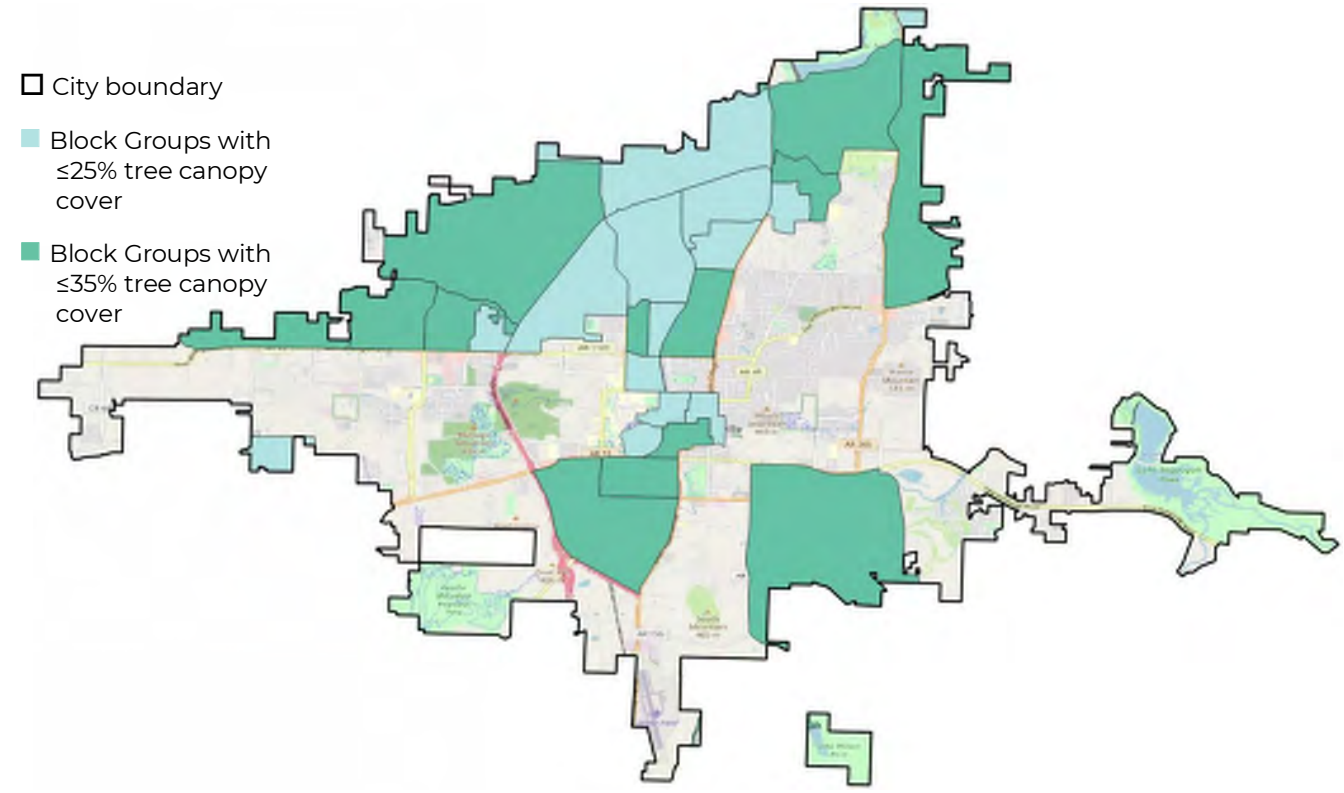
Development and Future Land Use Impacts



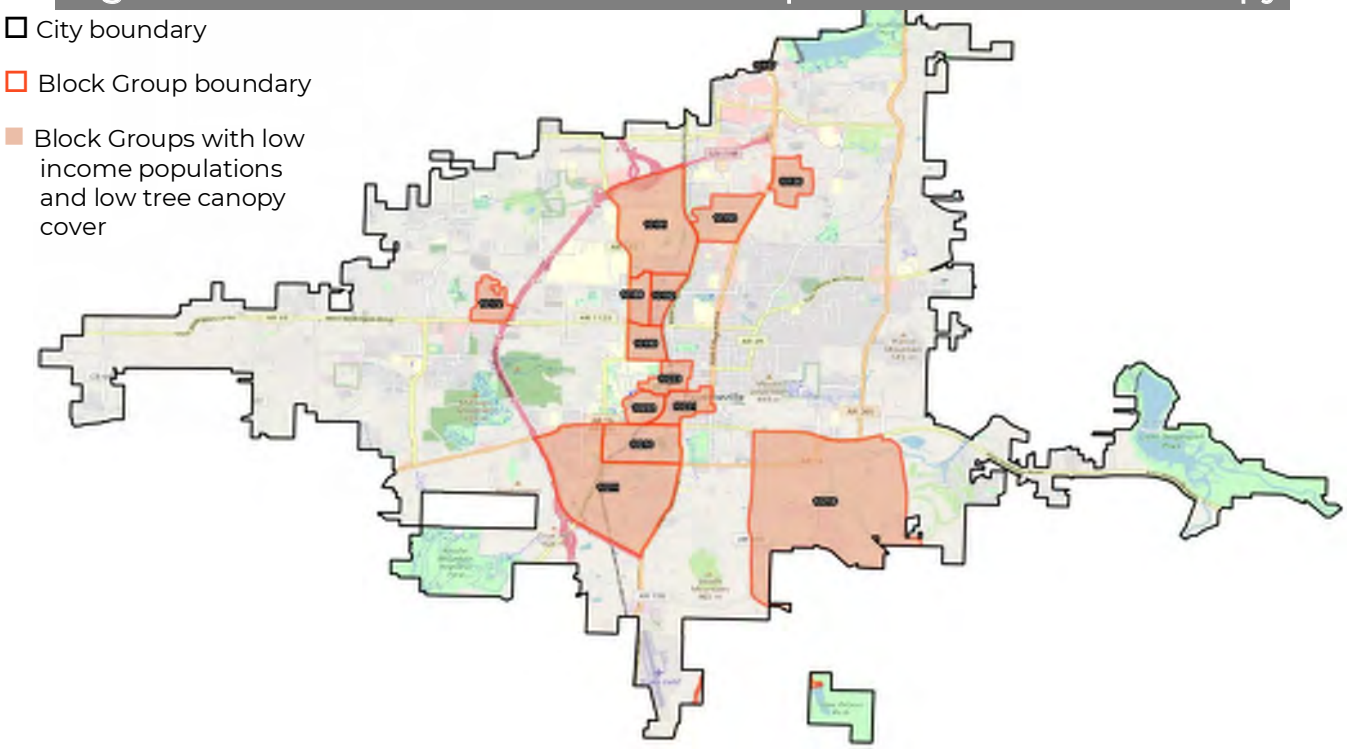
Priority Planting Maps by Theme

Figure 50. Priority planting maps by planting theme.

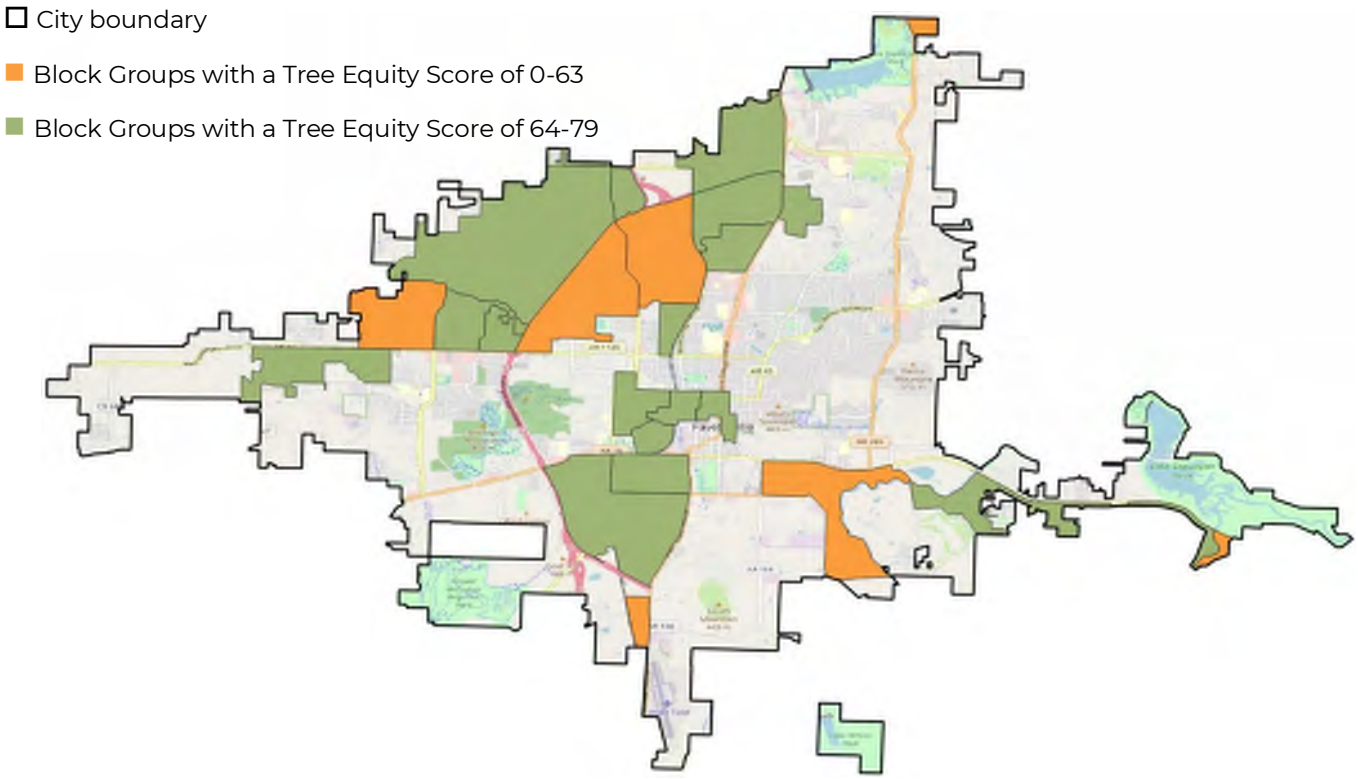
Areas with Low Tree Canopy Cover (<35%)



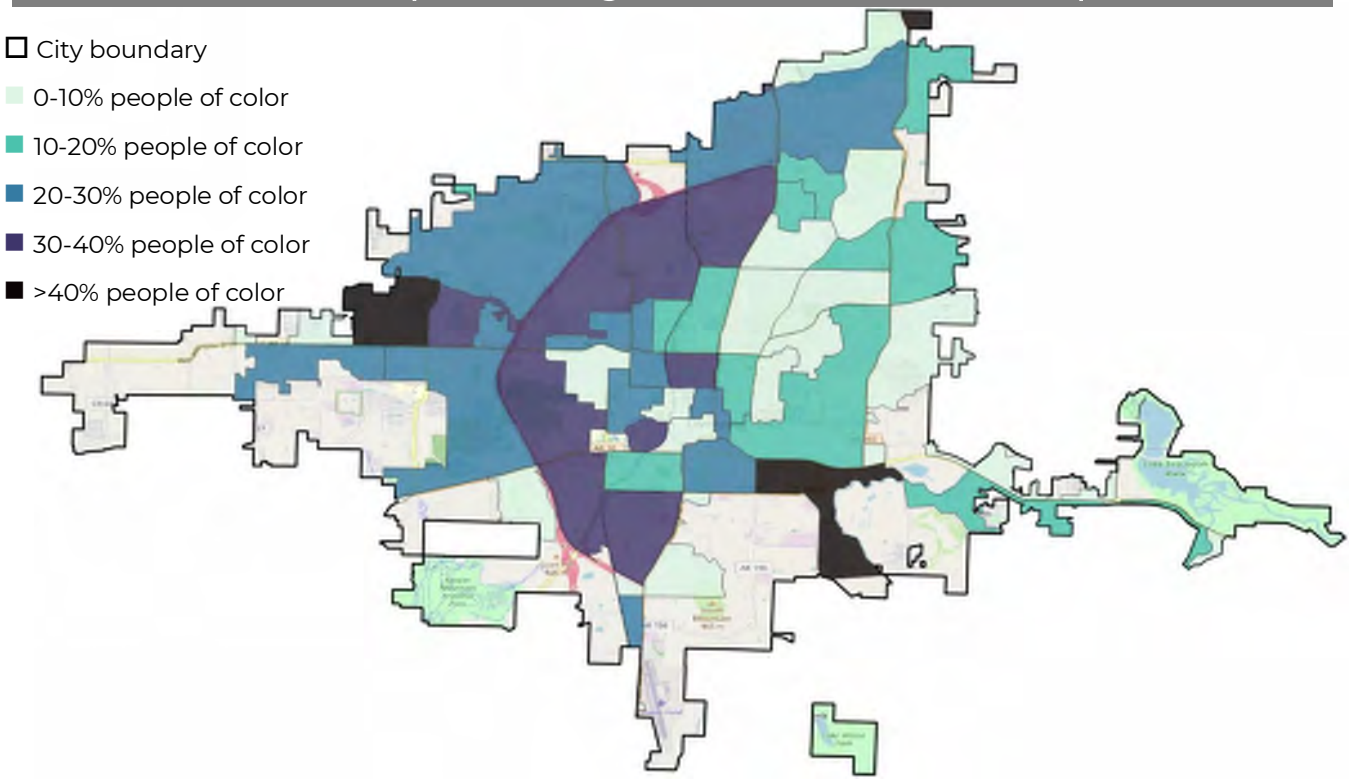
High Concentration of Low-Income Populations and Low Canopy



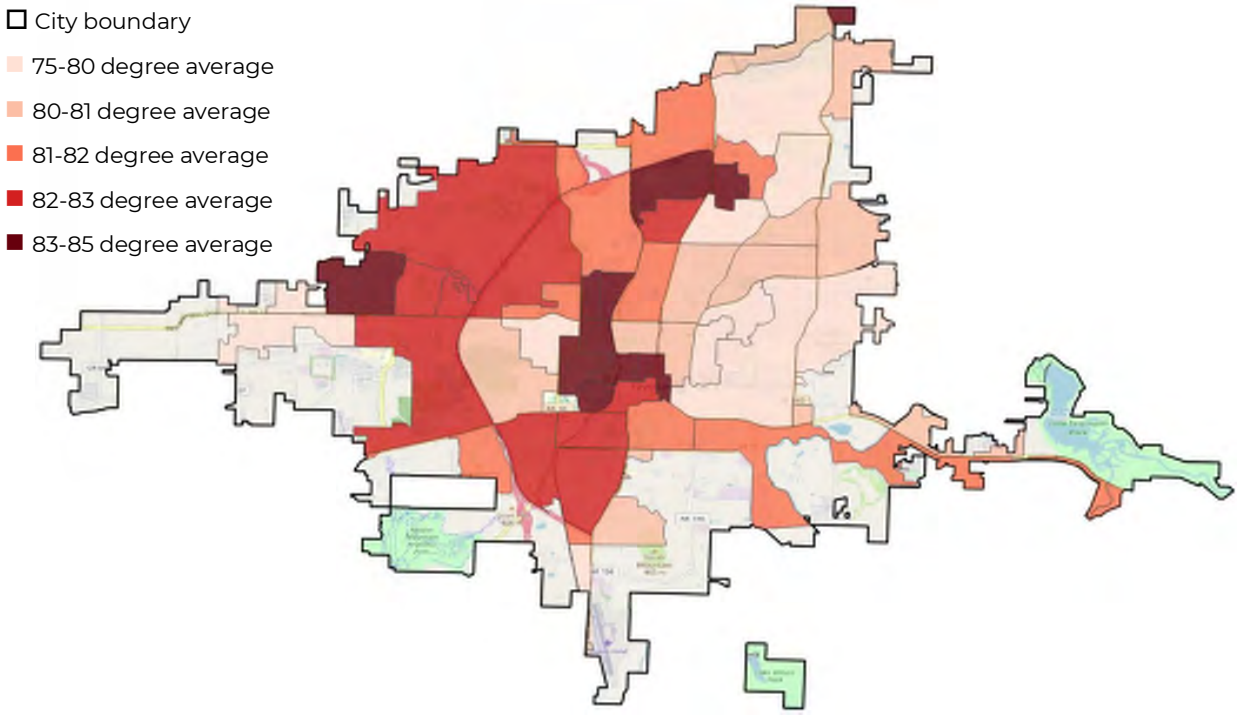
Areas with Tree Equity Scores Less Than 80 out of 100



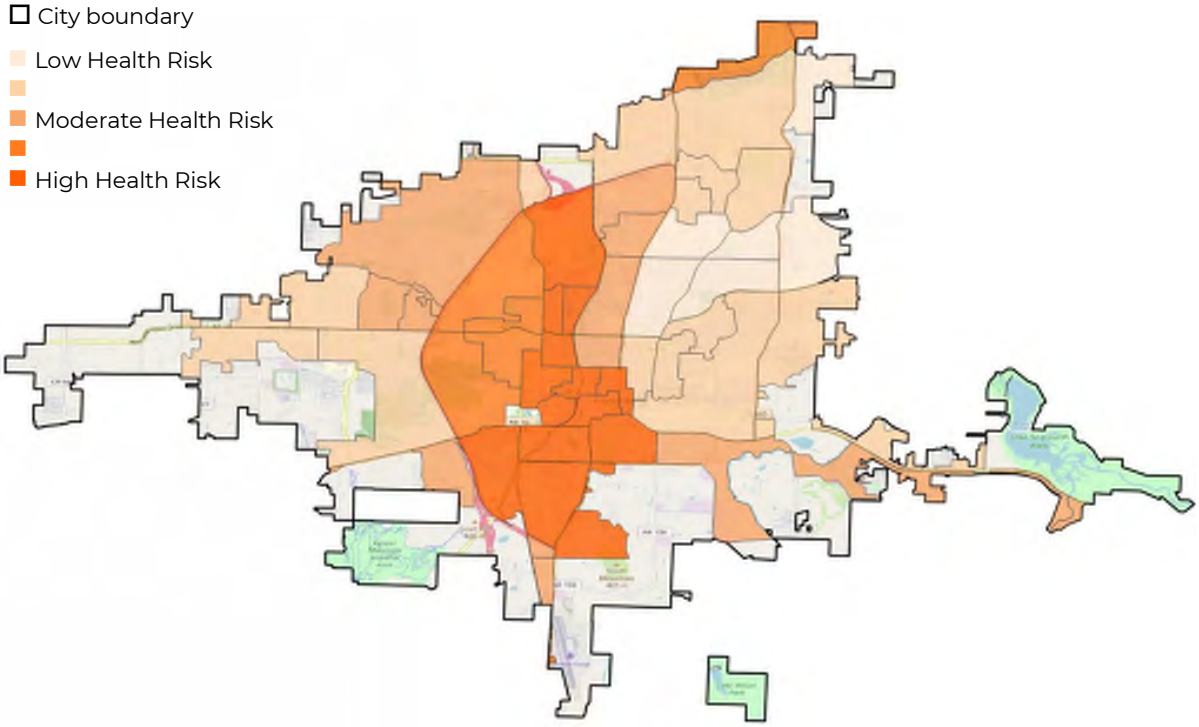
Census Block Groups with High Concentrations of People of Color



Areas with Higher than Average Surface Temperature



Health Risk Index Based on the Centers for Disease Control



APPENDIX D: ORDINANCE EVALUATION

The following considerations are provided for Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations of Fayetteville's Code of Ordinances. The evaluation is based on a checklist shown in the table on the following page. Considerations for changes may also pertain to City design standards, protocols, and manuals such as the Fayetteville Tree Preservation and Landscape Manual (referred to as the Tree Manual in this section). Based on this approach, the following summary provides the City with considerations for tree regulation changes in the future.

- Prior to any significant change(s) to tree ordinances, it is recommended that the City engage with internal and external stakeholders and the general public to gather input and feedback.
- Include references to the Urban Tree Canopy (UTC) assessments and the amount of tree canopy cover (39.4% based on 2019 imagery) and associated ecosystem benefits. Begin by updating section 167.01 Purpose and section 177.01 Purpose with these references and expand on the purpose to include the benefits of trees in mitigating climate change and other benefits and services not currently listed such as the human health and social benefits.
- Consider creating a section within Chapter 167 ("Definitions") that specifically defines and clarifies urban forestry-related terms. An example of a clarification could include descriptions and criteria for "significant trees", "priority trees" (listed in section 167.04.E.3), and trees within the "Tree Registry". As an alternative, the definitions could be listed in the Tree Manual and referenced in Chapter 167.
- Identify changes to resources needed to provide adequate staffing for administration, monitoring, and enforcement of tree-related ordinances. Update Code language accordingly.
- Consider a more nuanced approach to tree mitigation requirements for private development. For example, large mature and/or specimen trees that are approved for removal should have a greater requirement in terms of mitigation, replacement plantings, and/or fees. Explore mitigation and penalties for the unauthorized removal of private protected trees Chapter 167) and public trees (Chapter 177). Periodically review and update canopy goal requirements as needed.
- Gather feedback to determine if any changes are necessary for public and private tree variances to the regulations. Develop incentives and regulations for projects to meet the canopy cover requirements (%'s) rather than defaulting to mitigation.
- During the periodic update to the Tree Manual, review the recommended tree species for planting and revise as needed based on the latest research and goals for tree species diversity. Periodically revisit the invasive plant species list in section 177.09 of Fayetteville's Code of Ordinances and update as needed based on the latest research, presence of species of concern, and the emergence of favorable habitats for new invasives to the region due to changing climates.
- Clarify roles and responsibilities for public street trees planted as part of private development projects (Chapter 177). Consider updating regulations for public street trees that are not planted as part of private development projects.
- Clarify regulations for trees in proximity or in conflict with overhead utilities.
- Review the evaluation table on the following page to finalize a scope of potential changes to tree-related ordinances.

Table 22. Tree ordinance evaluation checklist. Source: PlanIT Geo

Priority Level Key: 1 = High Priority, 3 = Low Priority " –" = adequate regulations in place

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Credentials				
Requires certified arborist for paid private tree work	X	167.07		-
Requires certified arborist for public tree work	X	167.07		-
Requires licensing of private tree care firms	X	167.07		-
Defines official authority for public tree management	X	Throughout Ch. 177		-
Public Tree Management and Protection				
Establishes/authorizes Urban Forester to regulate public trees	X	Throughout Ch. 177		-
Establishes/Authorizes City position (e.g., Mayor, City Administrator, DPW Director) to regulate public trees	X	177.02.B	Defines the authority and role of the Urban Forestry Advisory Board	-
Requires annual public tree work plans				2
Identifies formula for determining monetary tree value				1
Establishes responsibility for public tree maintenance (e.g., City, adjacent property owner)	X (Limited)	177.05 177.10	Chapter 177 does not define responsibility beyond those street trees planted as part of private development	1
Requires regular public tree maintenance	X (Limited)	177.10	Provided only for street trees planted as part of private development (3 years)	1
Requires particular types of maintenance (e.g., pruning)	X	167.06.A		-
Requires adherence to ANSI A300 standards and best management practices	X	167.06.A		-
Establishes permit system for work on public trees				3
Establishes provisions for penalties for non-compliance				2

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Public Tree Management and Protection (continued)				
Restricts public tree removal	X	167.06.C		-
Permit or approval required for tree removal, pruning or excavating near public trees				1
Prohibits damage to public trees (e.g., attaching ropes, signs, wires, chemicals, storing materials, excavation etc.)	X	177.01 167.06.D	"Damage" should be defined and prohibited rather than "remove and replace damaged landscape"	-
Restricts burning of solid wood waste				3
Establishes a wood utilization program				2
Establishes an insect/disease control strategy			Address pests/diseases of concern. Consider ability to remove diseased trees on private property if a hazard	1
Defines tree maintenance requirements on public property	X (Limited)	177.10	Only applies to street trees as part of private development	1
Prohibits tree topping	X	167.06.E		-
Regulates abatement of hazardous or public nuisance trees	X	167.08		-
Regulates removal of dead or diseased trees	X	167.08		-
Tree Fund	X (Limited)	177.10.A.5.b	Only applies to street trees as part of private development. Consider adjusting $250 fee-in-lieu and $425 3-year maintenance fees to align with industry and comparable cities' rates	1
Public Tree Planting				
Regulates tree species which may or may not be planted on **private** property (approved tree list)	X	167.04.I.6	Update periodically based on research and trends	-
Requires replacement of removed publicly owned trees	X (Limited)	177.01	Only applies to private development street trees	2
Regulates tree species which may or may not be planted on **public** property (approved tree list)	X	177.09 167.06	Revisit species list periodically and update as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation				
Requires tree planting around reconstructed parking lots	X	177, 167.04 Ch. 167 Table 1		-
Requires tree plantings around new parking lots	X	167.04 Ch. 167 Table 1	Required for lots with 5 or more spaces	-
Requires tree plantings around new developments	X	167.04.I.4 Ch. 167 Table 1	Plantings are regulated in terms of canopy retention and high or low priority canopy	-
Restricts tree removal on private property	X (Limited)	167.04.L.3	Consider fees / fines for violation(s). Only restricted in tree preservation easements	-
Permit or approval required for tree removal on private property	X (Limited)	167.04	Only restricted in tree preservation easements	-
Requires preservation of trees during development on private property	X	167.04	Mitigation is an option and should be a last resort to preservation	-
Prohibits damage to preserved/protected trees	X	167.05		-
Prohibits damage or removal of trees on another person's property	X (Limited)	167.05	Mitigation is the only penalty though. Consider changes	3
Inventory of trees on site required	X	167.04	Requires a preservation plan	-
Identification of forests/woodlands required	X	167.04		-
Specific species and/or size of trees regulated (e.g., heritage/significant trees)	X (Limited)	167.04.E	Revisit periodically to determine if sizes reflect species significance and value. Needs more protection in Code	2
Location of Critical Root Zone/Dripline required	X	167.05	Specification provided in Tree Preservation and Landscape Manual	-
Minimum canopy coverage requirement set	X	167.04.C	Table 1 Consider updating canopy requirements using the canopy assessment data and canopy goals as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Identification of riparian buffers, natural areas, preservation zones	X	167.04.E.2		-
Tree protection/preservation plan required	X	167.04		-
Identification of prohibited activities in dripline/critical root zone	X	167.05	Also in Tree Preservation and Landscape Manual	-
Tree protection fencing required	X	167.04.H.2 167.04.H.3 167.05.B	Chain link or orange fence required	-
Location/type of other tree protection measures (e.g., root pruning, aeration, vertical mulching, trunk/soil protection, irrigation,) on development plans (e.g., site plans, construction plans, etc.)	X	167.04.H.2 167.04.H.3 167.05.B		-
Provide incentives for tree preservation	X (Limited)	167.04.I 167.04.J	On- and off-site mitigation offered, fee-in-lieu toward Escrow account. Reevaluate for additional incentives to preserve canopy rather than mitigate. No credits considered	1
Landscape plan with proposed landscaping and mitigation trees to be planted	X	167.04		-
Requires Grading plan to include protected/preserved trees	X	167.04.A.10		-
Utility plan with trees to include protected/preserved trees	X (Limited)	167.06.J	Consider referencing industry standards for utility pruning and to consult with Urban Forester for pruning or removing trees encroaching utilities (above and below ground, including proposed lights)	1

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Tree planting requirements for removal of regulated trees	X	167.04.C	Consider a 2:1 replacement ratio for significant, specimen, special / priority trees or mitigation that is based on the diameter inches of tree(s) removed	-
Fee in Lieu of planting mitigation trees	X	167.04.J.4	Determine if Escrow Account fee per tree required and 3-year maintenance fee is adequate	-
Tree mitigation survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
New tree planting survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
Fine for removal of regulated trees			No penalties, fees, or fines listed. Only tree mitigation (planting) currently	1
Penalties established for damage and removal of preserved/saved trees			No penalties, fees, or fines listed	1
Bonding utilized to discourage tree removals			A tree bond requires a land developer to deposit a certain amount of money with the local authority during development. If the identified tree or trees are not present and healthy after the development, the funds are forfeited.	1
Tree Fund	X	167.04.J.4	City's Tree Escrow	-

APPENDIX E: EXISTING CITY PLANS CROSS REFERENCING

The Urban Forest has been valued for decades and accounted for in many planning efforts across city departments. References to the urban forest in other plans have been extracted and are summarized below.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
THE CITY PLAN 2040 VISION, 2020 UPDATE 	**City Plan 2040 Goals** **Goal 1 - We will make appropriate infill and revitalization our highest priority. P. 22.** **3.1.5 Reinvest in parks, street, and civic buildings within the heart of the City.** The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community cultural identity. The City should continue to utilize the Enduring Green Network map to identify and preserve high-value open spaces that help to create an interconnected green network throughout the community. P. 24 **Goal 5 - We will assemble and enduring green network. P. 40** 3.5.1 Vigilantly nurture a continuum of greenspace. 3.5.2 Strategically plan for and acquire land that can be incorporated into the Enduring Green Network. 3.5.3 Promote conservation easements and alternative development patterns that encourage efficient use of land.
ENERGY ACTION PLAN, 2018 UPDATE 	**Cross Sector Building** **Strategy 3. Make existing institutional, commercial, and industrial buildings more efficient. P. 37** Encourage heat island mitigation features to help lower utility costs for residents and businesses. Encourage tree planting, green roofs, and other energy-saving techniques across the City through education, outreach, and tree give-aways. **Strategy 4: Conduct a community-wide tree canopy assessment and set a tree canopy coverage percentage goal. P. 39** Target areas in need of additional tree canopy by creating a tree canopy map layer.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
ENERGY ACTION PLAN, 2018 UPDATE 	**CROSS SECTOR- BUILDINGS** **Strategy 4: Conduct a community-wide tree canopy assessment and set a tree canopy coverage percentage goal. P. 39** Explore a strategy and funding mechanism to increase the permanent preservation of lands identified as the "Enduring Green Network" in the City's Future Land Use Plan and Map. These lands may be City-owned or preserved through land trusts, tree preservation easements, or other mechanisms. Increase awareness of utility-focused "Right Tree, Right Place" program through joint outreach campaigns. Explore options to develop a tree planting program partnering with residents, business owners, and institutions for the planting of trees in right-of-way, on easements, or on private properties. Evaluate the feasibility of modifying existing tree preservation minimums and mitigation rates in the City's Tree Preservation Code to improve the long-term ecological outcomes of urban development. Conduct a community-wide tree canopy assessment every five years. **City Government Strategies** **Strategy 2: Make all new and existing city-owned facilities and assets more energy efficient. P. 58** **Action Items:** Explore a strategy and funding mechanism to increase the permanent preservation of lands identified as the "Enduring Green Network" in the City's Future Land Use Plan and Map. These lands may be City-owned or preserved through land trusts, tree preservation easements or other legal mechanisms. Install native landscaping to provide relief from the urban heat island effect and reduce cooling costs in summer months. Continue to prioritize tree planting at existing and new facilities to provide shade, infiltrate stormwater, improve air quality, and generally enhance our urban ecosystem functions.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**6.0 Nature Based Solutions Ecosystem Services** **Goal 3: Preserve land within the City's planning area that provide high ecosystem services for resilience to extreme weather events. P 38.** Action: Explore bond potential for land acquisition and conservation. P. 40 **Goal 4: Restore and improve ecosystem services provided by existing preserved natural areas. Existing preserved lands identified as having high ecosystem services value for adaptation to extreme weather events should be prioritized for conservation and restoration efforts. P. 41** Action: Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program **Goal 5: Reduce climate change threats to public infrastructure and private property. P. 42** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Update tree lists that prioritize native and climate-resilient tree species. Identify opportunities to "rewild" parks that contribute to ecosystem resilience **Ecosystem Resilience** **Goal 1: Identify lands with high levels of biodiversity and ecosystem resilience. P. 43** Actions: Create a city-wide tool to track environmental assets and ecosystem services. Identify opportunities to "rewild" parks that contribute to ecosystem resilience. **Goal 2: Preserve lands with high levels of biodiversity and ecosystem resilience. P. 43** Actions: Acquire at least 100 acres of land with very high value for climate resilience by 2040.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**Goal 3: Restore and enhance City-owned or managed lands with high levels of biodiversity and ecosystem resilience. P. 45** Actions: Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Identify opportunities to "rewild" parks that contribute to ecosystem resilience. Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. Update tree lists that prioritize native and climate-resilient tree species. **Goal 4: Support on-going ecological education and outreach efforts by local expert organizations. P. 46** Actions:Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. **Carbon Sequestration** **Goal 1: Measure and track carbon sequestration in the City's tree canopy and natural environment. P. 47** Actions: Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover. **Goal 2: Increase carbon sequestration into the City's soils, plants, and tree's biomass. P. 47** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way. Distribute native tree and plant species that provide optimal carbon sequestration benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**Goal 3: Preserve and enhance existing carbon sinks such as wetlands, prairies, and forests. P. 48** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way. Distribute native tree and plant species that provide optimal carbon sequestration benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. Acquire lands with high carbon sequestration value.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
Active Transportation Plan (2023) 	**Pedestrian Recommendations – Planning P. 36** Include greenspace separation and/or street trees for all city and privately developed sidewalk projects.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
PARK AND RECREATION SYSTEM MASTER PLAN (FEBRUARY 2023) 	**Guiding Principle 1: Nature Connection** **Goal A2: Raise awareness about parks, recreation offerings, environmental education, and trails. P. 57** **Strategy g) Provide environmental education through signage, program partnerships, outdoor classrooms and stewardship and volunteerism.** **Goal A3: Increase nature interaction opportunities in parks, focusing on more urbanized areas of Fayetteville. P. 58** Restore flood plains and wetland areas, adding bird viewing screens and other amenities to promote nature based activities in locations and with methods that do not negatively impact wildlife or sensitive ecologies. **Guiding Principle 5: Resilient Natural Systems P. 80** **Goal E1. Conserve land and strategically direct acquisitions for conservation to meet environmental and community objectives.** a) Develop a Conservation Plan to advance the "Enduring Green Network" and other natural resource goals. Include a natural lands and open space acquisitions action plan with consideration to linked growth concepts. b) Re-purpose city properties and acquire properties in the city center that will provide access to nature contact and deliver environmental services. c) Partner with Northwest Arkansas Land Trust, Watershed Alliances, Corp of Engineers, Department of the Interior and others to conserve land.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
PARK AND RECREATION SYSTEM MASTER PLAN (FEBRUARY 2023) 	**Goal E2. Promote green infrastructure and regional systems in support of environmental conservation and preservation. P. 81** **Strategies:** a) Seek opportunities for stormwater properties to serve multiple purposes such as urban forest or recreation purposes. b) Implement best management practices to reduce flooding and erosion and preserve the quality of streams. **Goal E3. Enhance the ecological performance of existing parks and natural land properties. P.82** a) Improve management of natural resources within city properties and make improvements that enhance performance for ecological/climate action purposes. b) Create a dedicated natural resources team within parks maintenance to focus on natural areas. c) Coordinate with the Urban Forestry Plan to increase/improve tree canopy throughout the parks system where appropriate. d) Integrate volunteers and environmental educators (such as the Watershed Conservation Resource Center) into restoration and environmental enhancement projects. e) Educate about the value of unconventional management practices such as prescribed burns, livestock grazing, weed management and use of native grasses.

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Supplements

SUPPLEMENTS

1. Urban Forestry Benchmarks
    - Budget Comparison
2. Canopy Goal Setting and Priority Areas
    - Planting Priority Maps
    - Prairie Maps
3. Tree Canopy Inventory
    - Species Distribution
    - Ecosystem Benefits
4. Public Survey Summary
5. Staff and Board Member Survey Summary
6. US Forest Service Urban Forest Audit
7. Recommended Tree list and Sister City Climate City Assessment
    - Future Climate Comparison
    - Climate Change Species Recommendation
    - Climate Adaptation Report
8. Invasive Plant Species Program Review
9. 2012 Fayetteville Urban Tree Canopy Report





URBAN FOREST BENCHMARKS

Last Updated: 8/30/2023

A comparison summary of analogous Arkansas Tree City USA cities for the:

City of Fayetteville, AR
Urban Forest Management Plan

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

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BACKGROUND AND OVERVIEW

Background

The purpose of Urban Forest Benchmarking is to understand the level of effort and capacity necessary to satisfy the City's adopted goals, to identify industry trends and best practices, and to ensure urban forest sustainability. Benchmarks help to gauge the City's investment in its urban forest compared to other communities facing similar issues in urban forest management. The results of the benchmarking exercise enable the urban forestry planning consultants to develop realistic strategies and achievable targets that align with comparable communities and industry standards. It will also serve as one platform and tool for monitoring implementation of Fayetteville, AR's Urban Forest Management Plan (in development as of January 2023).

BENCHMARKING DATA SOURCES

Several data sources were reviewed and compiled to evaluate how Fayetteville's urban forest and associated programs compare to industry standards and communities of a similar size or geographic location and how its own operations have changed over time.

Phase I of the benchmarking process uses the Arbor Day Foundation's Tree City USA 2021 dataset and compares statistics provided by the City of Fayetteville and as reported to Arbor Day for Tree City USA accreditation. The dataset includes program metrics for over 3,700 communities and the data is used to identify cities of similar size, location, and program structure that also participate in the Tree City USA program. Using this dataset helps better understand how Fayetteville's urban forestry budget and activities compare to relevant cities. Relevant cities are determined by 1) proximity (within 50 and 100 miles of city center), 2) population size (percent difference and cities with more than 90,000 but less than 200,000 people), and cities outside of these parameters but are areas of interest. The Tree City USA dataset is largely focused on urban forestry budgets, per capita funding information, and volunteer hours. The number of trees planted, removed, and pruned are also summarized. The budget from Tree City USA application includes all departments, equipment, vehicles, and volunteer hours. It does not represent the budgeted amount for Urban Forestry Tree plantings.



Phase II of benchmarking involves comparing Fayetteville's urban forestry operations to findings from an in-depth study conducted by researchers Richard Hauer and Ward Peterson (2014). In this study, researchers interviewed urban forestry programs in various regions across the U.S. and among varying population classes. A total of 670 communities participated in the census. Specific study focus areas include community and staff profiles, funding, tree management policy and planning, volunteers and partnerships, contracting tree care activities, community tree populations, tree operations and management, and assistance programs. Data from this study was compared to data obtained from the City of Fayetteville for the purposes of determining program health as compared to accurate data across a range of scales and locations.

Phase III of benchmarking is comprised of presenting the findings to the City and allowing time for any further data collection or clarifications in order to ensure the highest quality analysis. This phase also includes internal quality controls to ensure data comparisons are as accurate as possible. Information gathered during this process will inform the development of realistic and attainable goals and strategies in the City's Urban Forest Management Plan.

PHASE I BENCHMARKING RESEARCH

Summary of Communities for Benchmarking Research

Understanding the urban forest policies, management approaches, budgets, and programs of comparable communities and nationwide averages provides comparative data to benchmark the City's performance, present and future. While existing tree data describes the current conditions, benchmarks offer guidance to bring Fayetteville's urban forestry policies and practices into alignment with similar-sized cities in Arkansas and nationwide, enhancing urban forest management. A summary of the cities used for benchmarking Fayetteville can be found in (Table 1) below.

COMPARISON CITIES & COMPARISON GROUPS

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan

Comparison Criteria	Community	County	Pop.*	Difference	Distance**
STUDY AREA	**Fayetteville**	**Washington**	**93,580**	**0**	**0.0**
AR Cities >25k Pop	Springdale, AR	Washington/Benton	87,609	-5,971	8.9
AR Cities >25k Pop	Rogers, AR	Benton	71,112	-22,468	22.7
AR Cities >25k Pop	Bentonville, AR	Benton	56,734	-36,846	27.0
AR Cities >25k Pop	Bella Vista, AR	Benton	30,808	-62,772	34.8
AR Cities >25k Pop	Fort Smith, AR	Sebastian	89,576	-4,004	58.1
AR Cities >25k Pop	Conway, AR	Faulkner	65,121	-28,459	159.7
AR Cities >25k Pop	Hot Springs, AR	Garland	38,114	-55,466	185.9
AR Cities >25k Pop	N. Little Rock, AR	Pulaski	64,162	-29,418	187.0
City Interest	Lawrence, KS	Douglas	98,193	4,613	267.4
City Interest	Columbia, MO	Boone	126,853	33,273	314.7
Pop. Group Nation	Springfield, MO	Greene	169,724	76,144	150.3
Pop. Group Nation	Topeka, KS	Shawnee	125,963	32,383	293.8
Pop. Group Nation	Norman, OK	Cleveland	128,097	34,517	243.0
Pop. Group Nation	Champaign, IL	Champaign	90,739	-2,841	541.1
Pop. Group Nation	Asheville, NC	Buncombe	93,350	-230	822.2
Pop. Group Nation	Edmond, OK	Oklahoma	93,697	117	211.6
Pop. Group Nation	Reading, PA	Berks	95,112	1,532	1204.6
Pop. Group Nation	Fishers, IN	Hamilton	99,116	5,536	628.7
AVERAGE			90,403	-3,353	297.9

Comparison Criteria	Pop.*	Difference
State Average	**22,685**	**-70,895**
Nationwide Average	**42,602**	**-50,878**

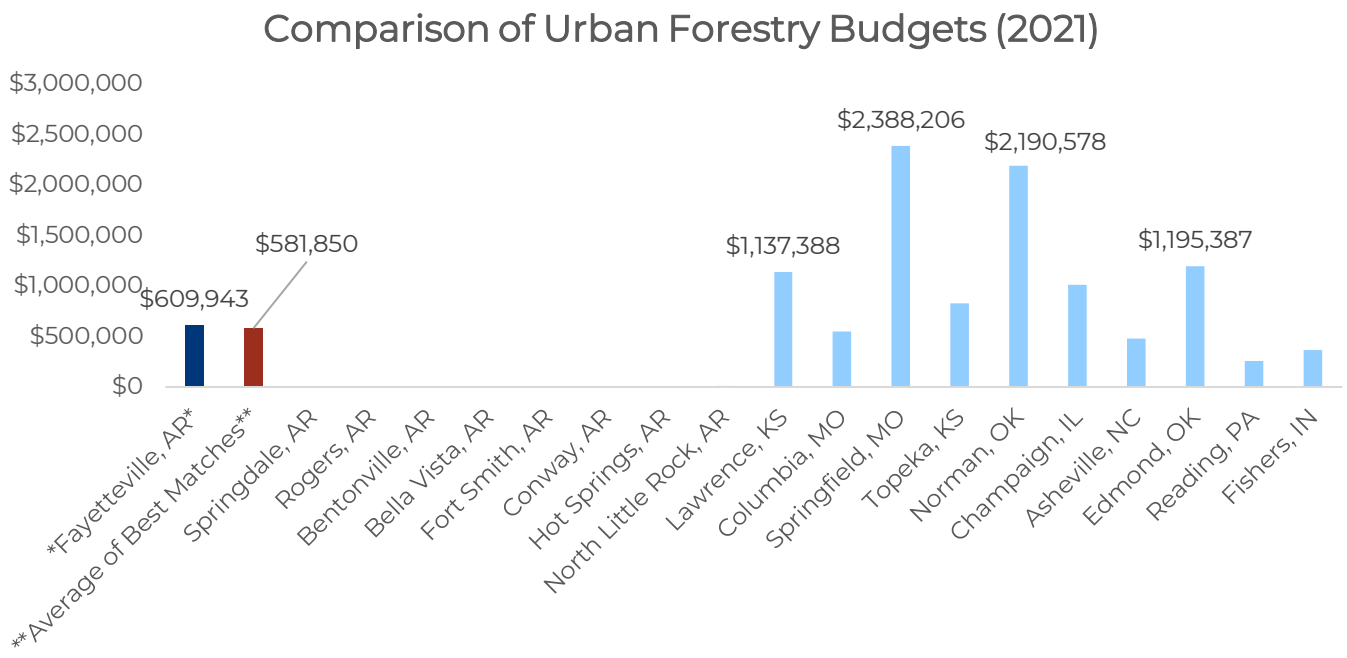
* Population as of 2021 TC USA reporting

** Driving distance from the study area in miles

After the City reviewed the draft list of communities, the list was refined as shown above and the following summaries were updated to serve as the second round of benchmarking.

Phase I Benchmarking Comparison

URBAN FORESTRY BUDGETS (2021)



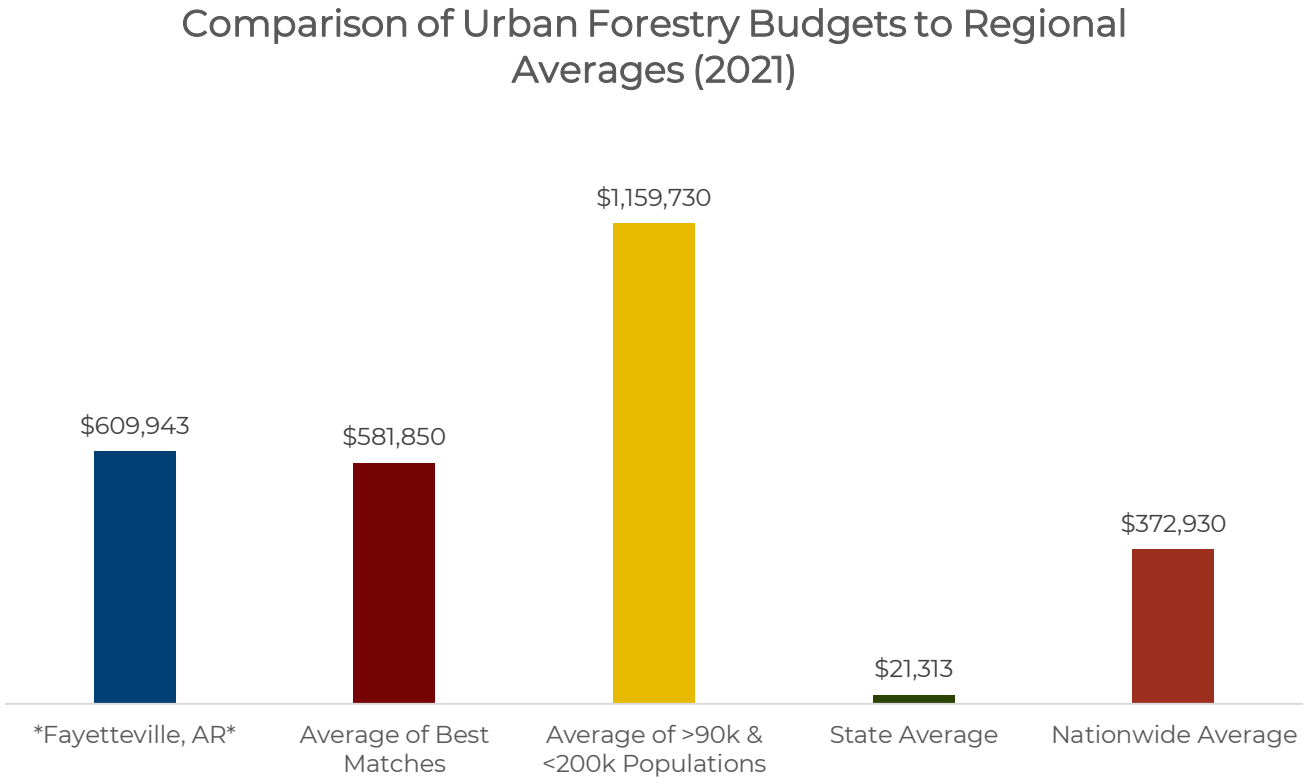
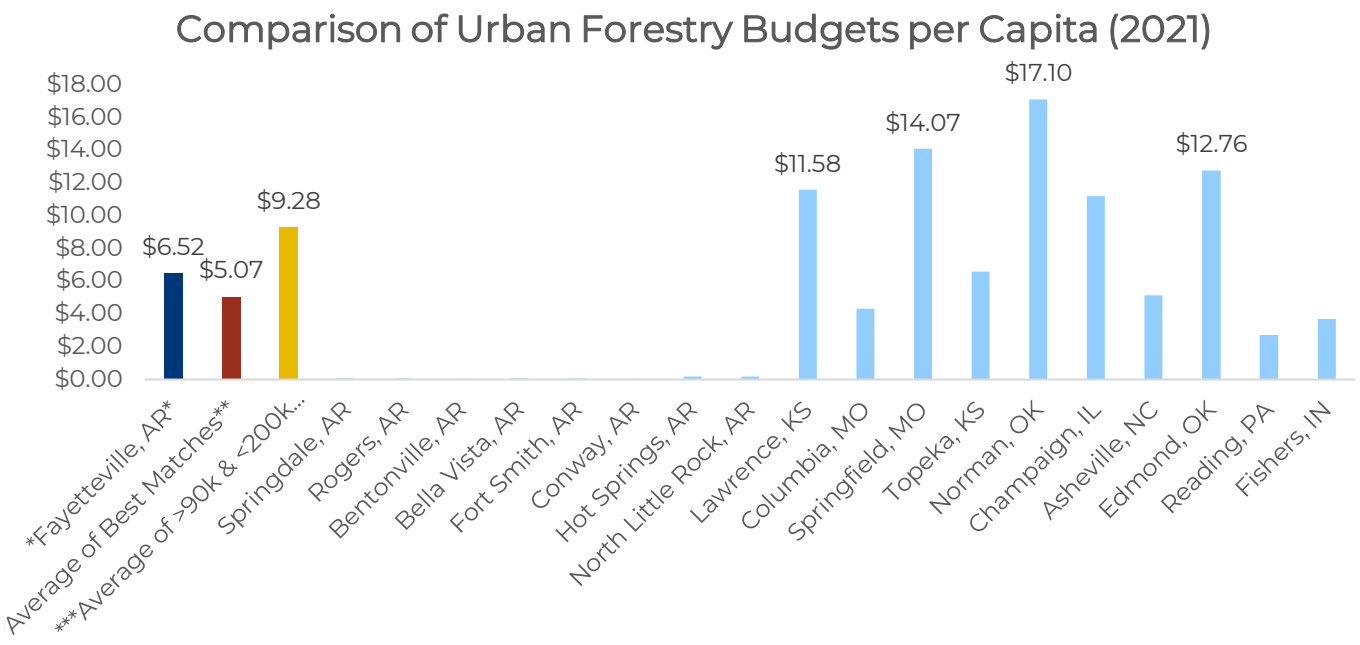


Figure 1. Comparison of urban forestry budgets in 2021



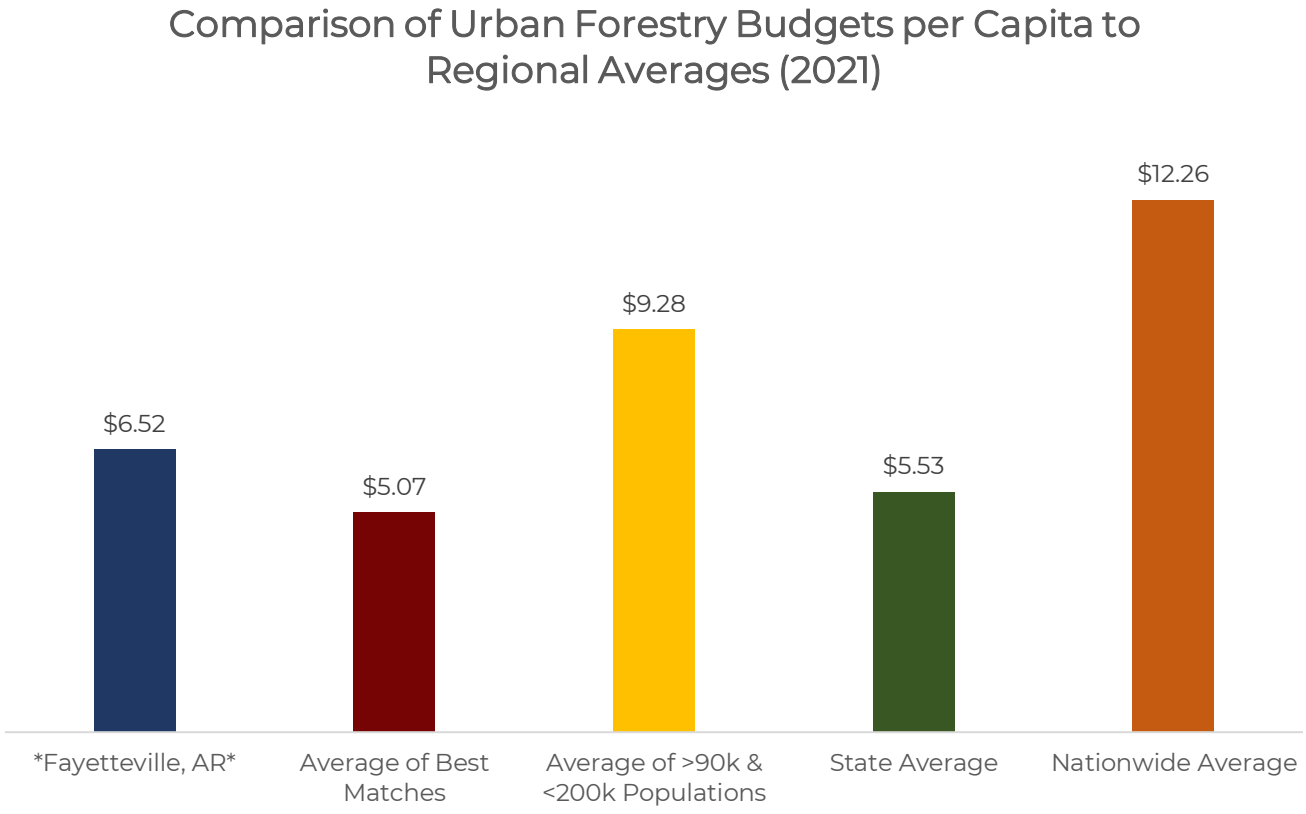
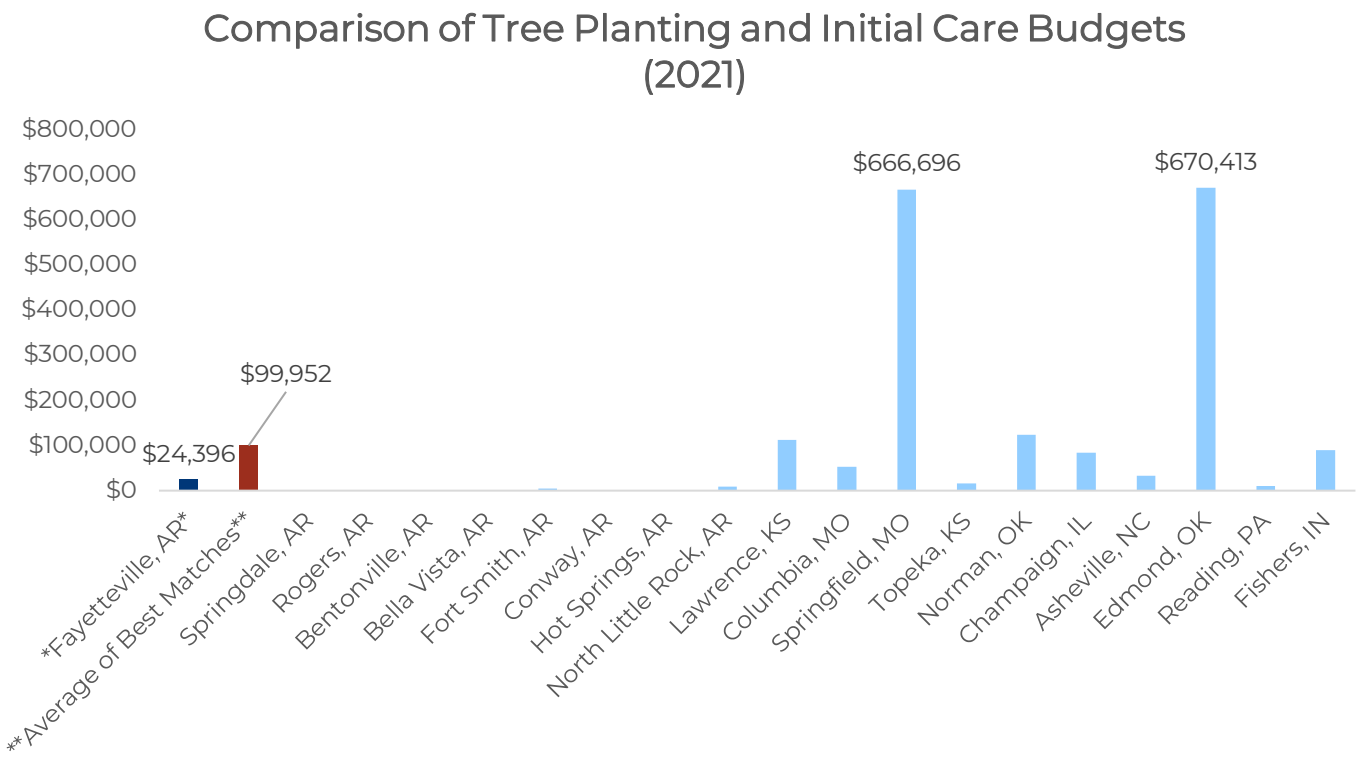


Figure 2. Comparison of urban forestry budgets per capita in 2021



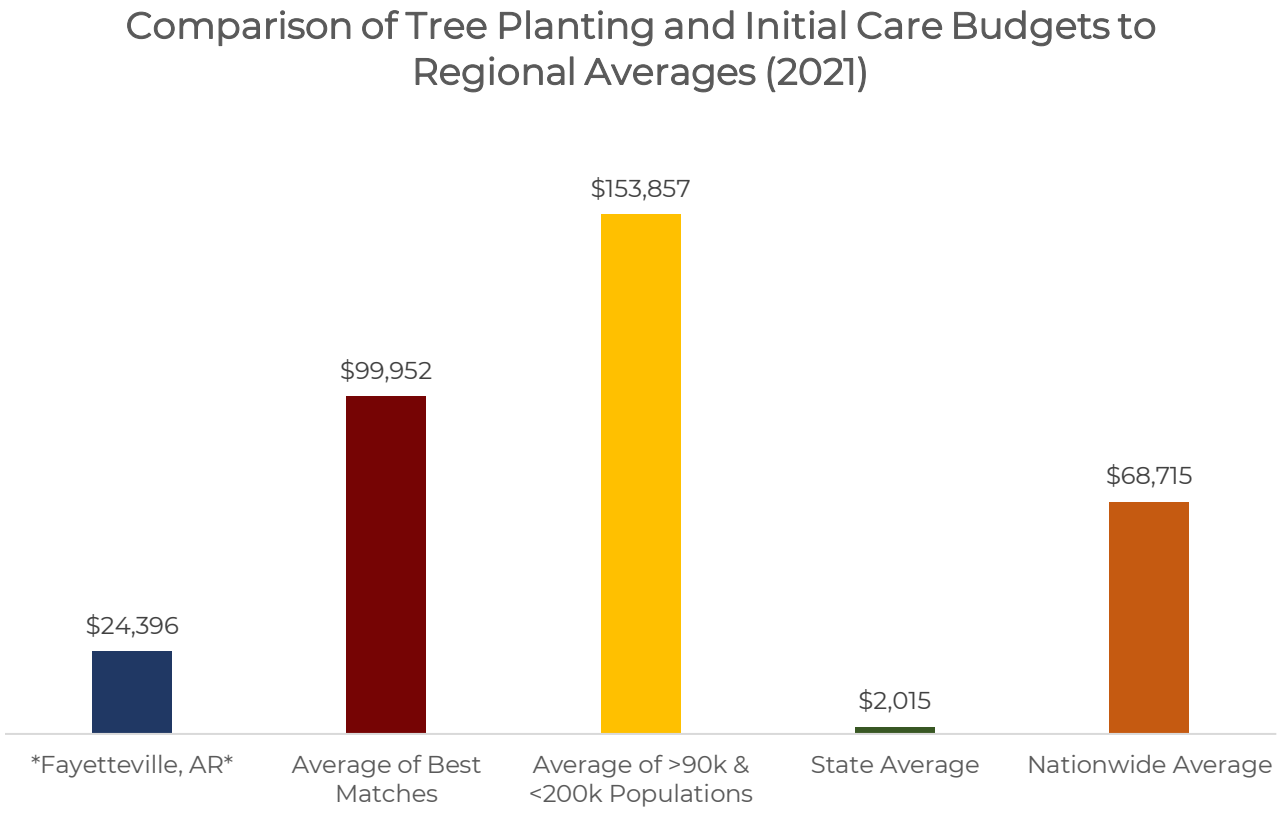
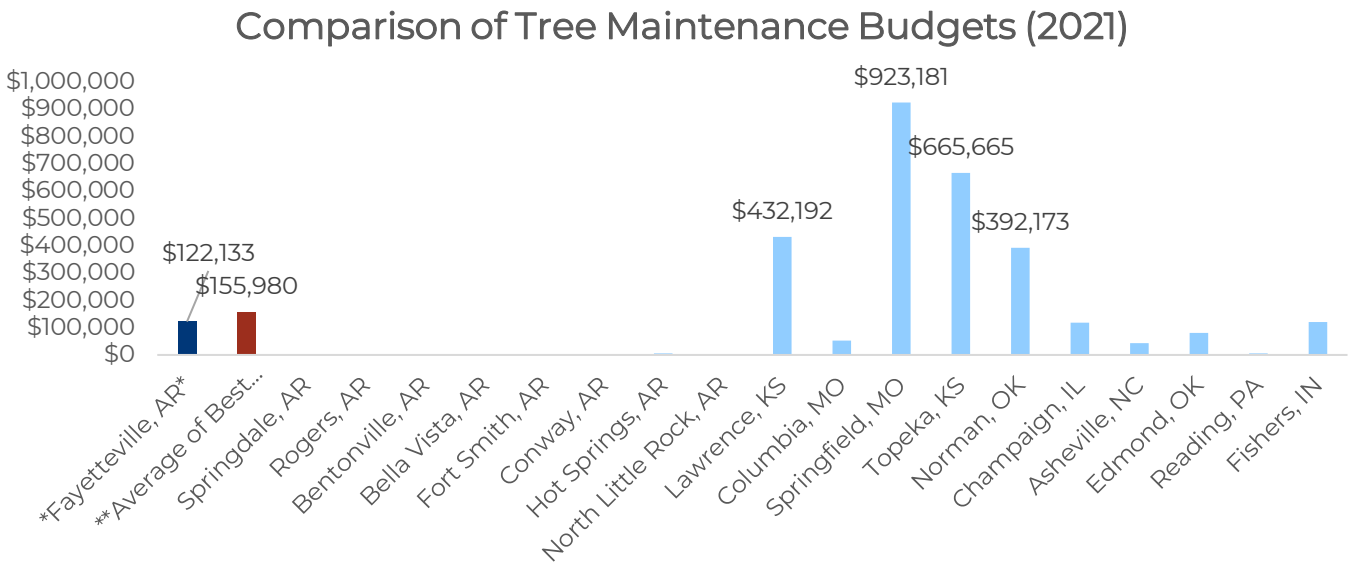


Figure 3. Comparison of tree planting and initial care budgets in 2021



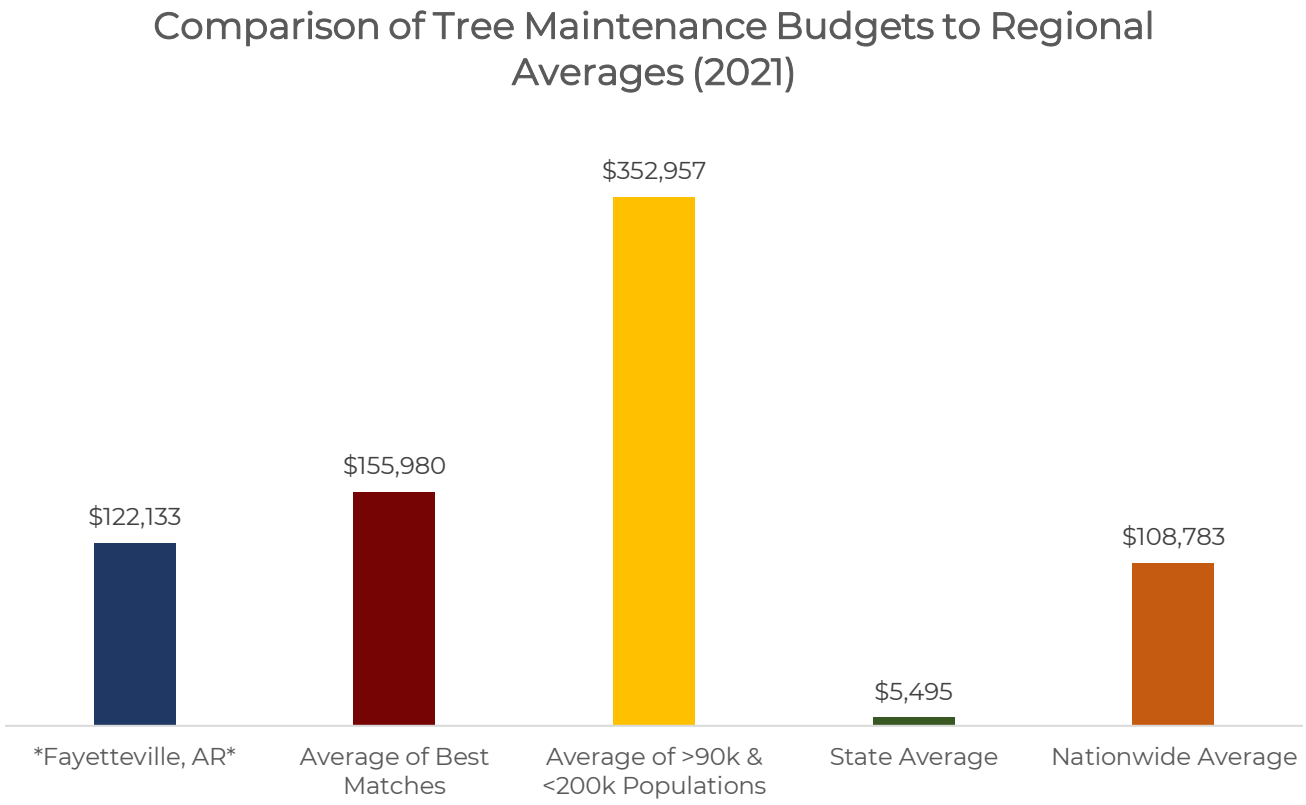
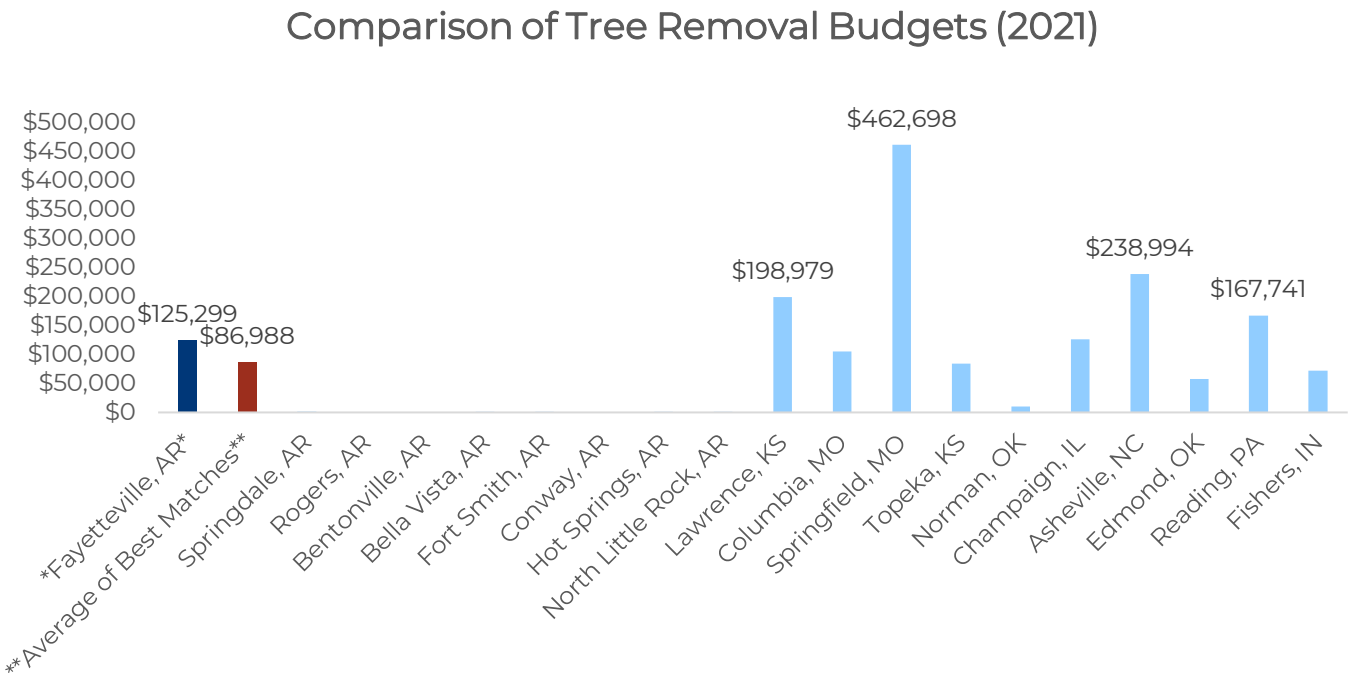


Figure 4. Comparison of tree maintenance budgets in 2021



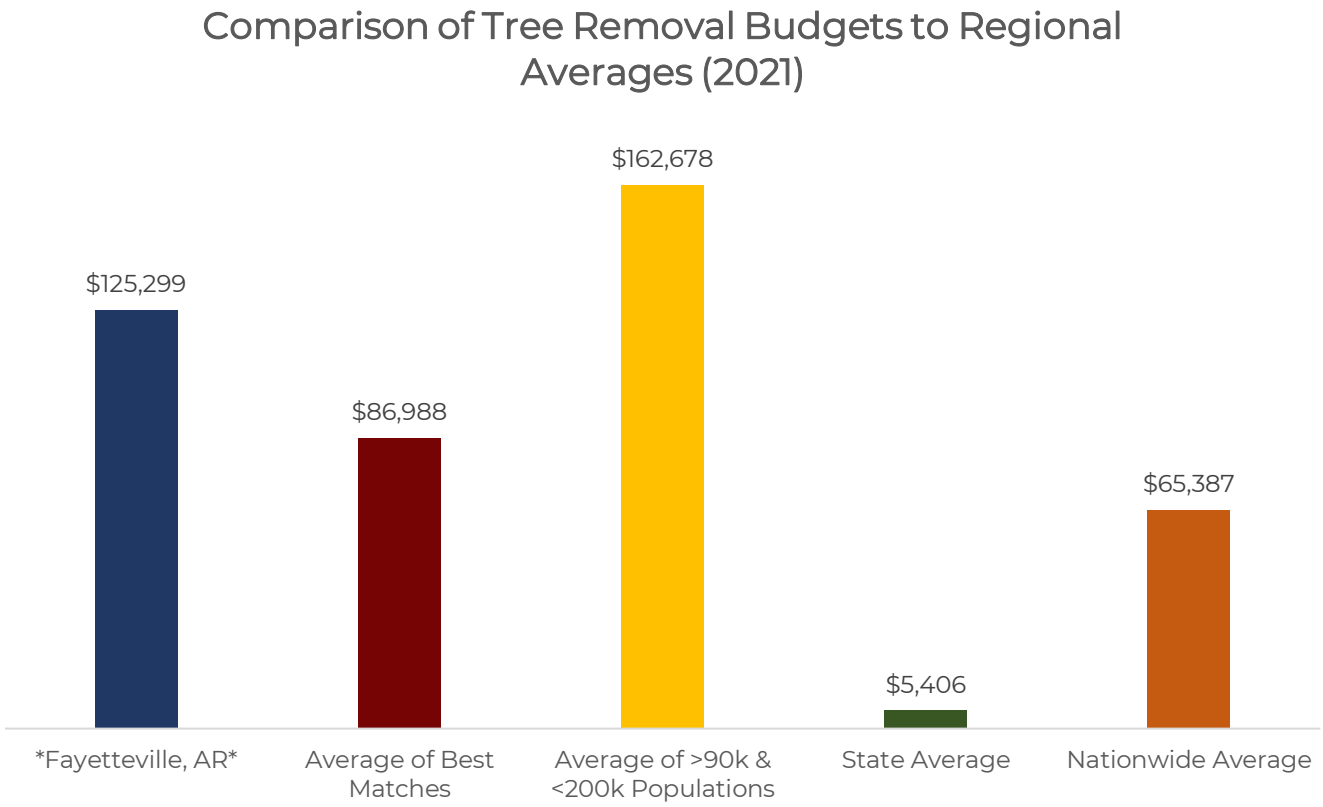
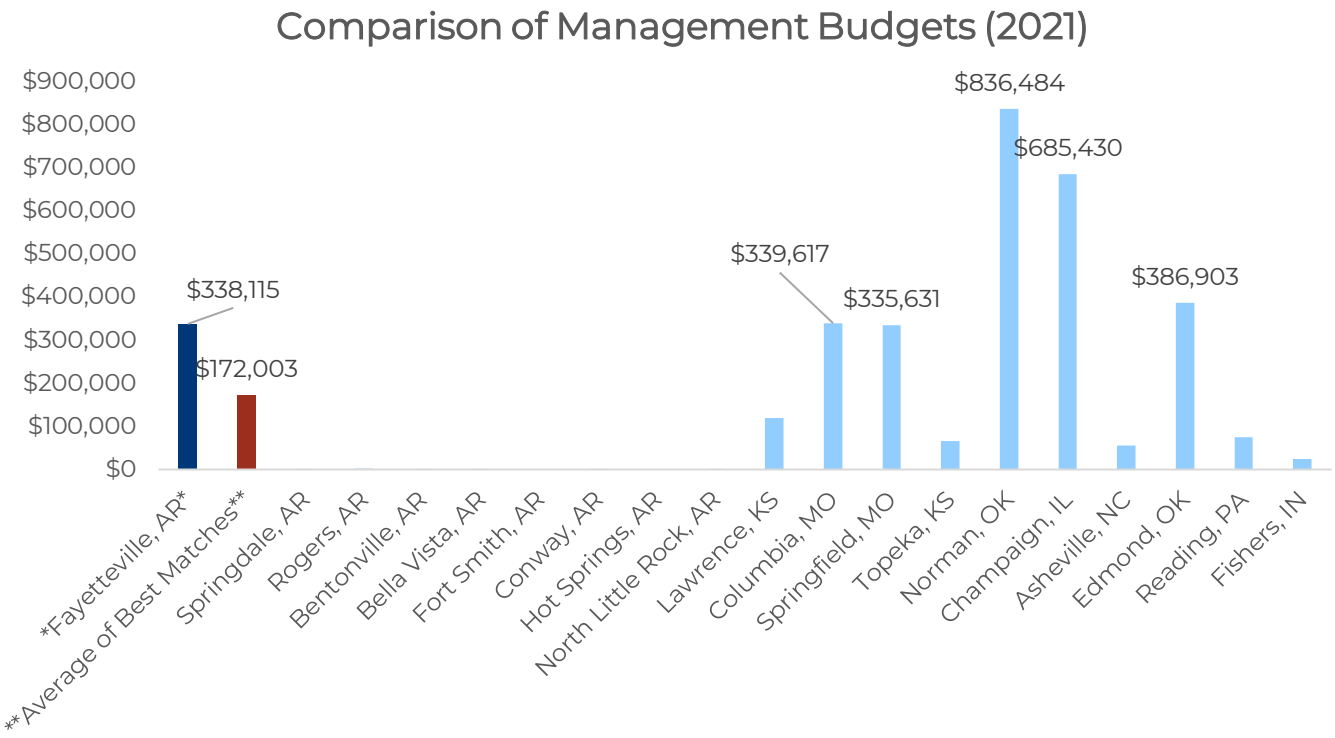


Figure 5. Comparison of tree removal budgets in 2021



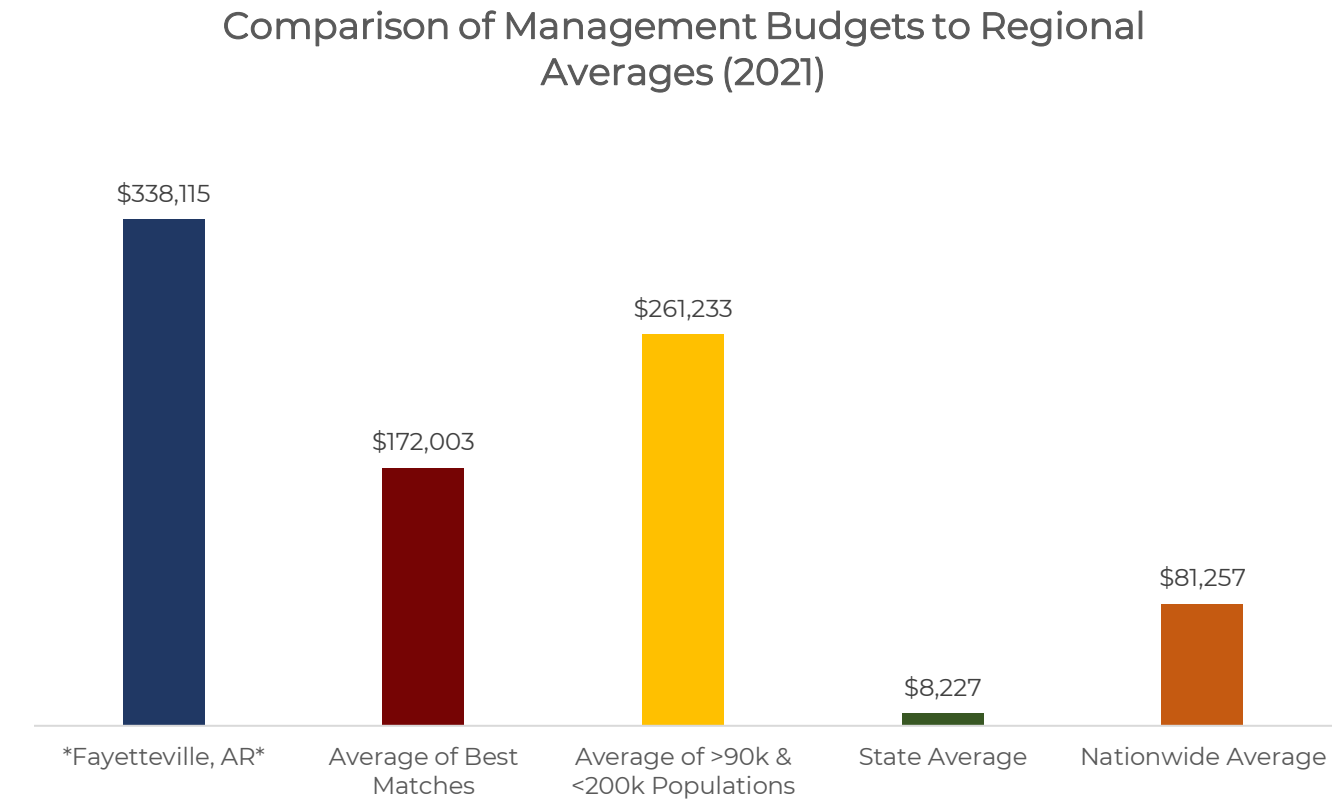
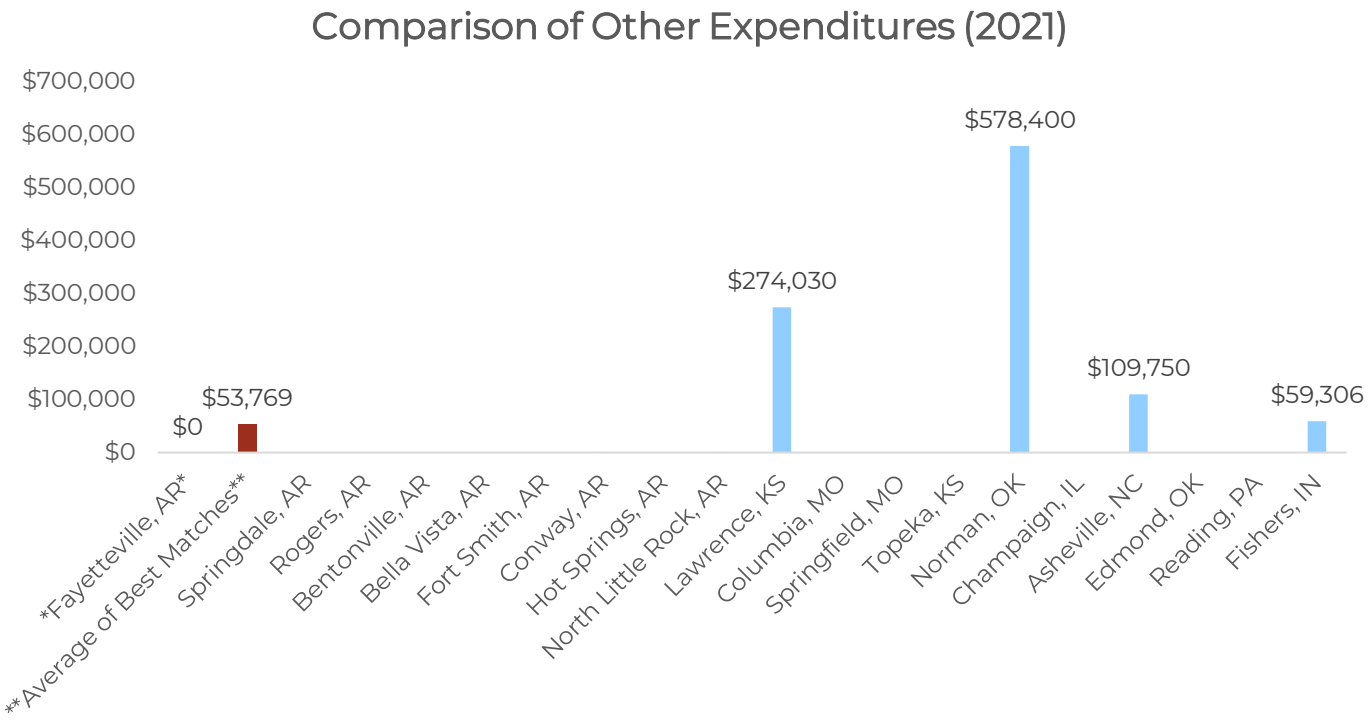


Figure 6. Comparison of management budgets in 2021



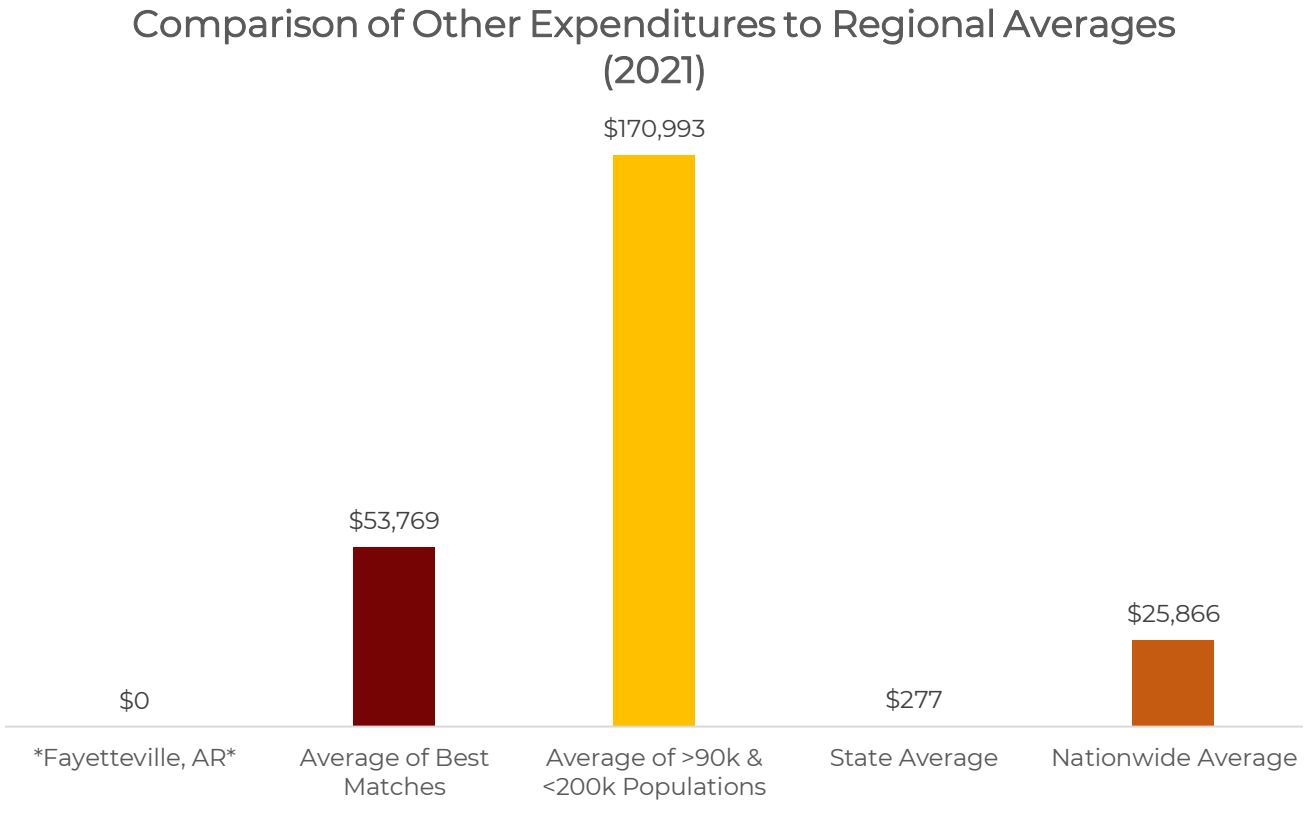
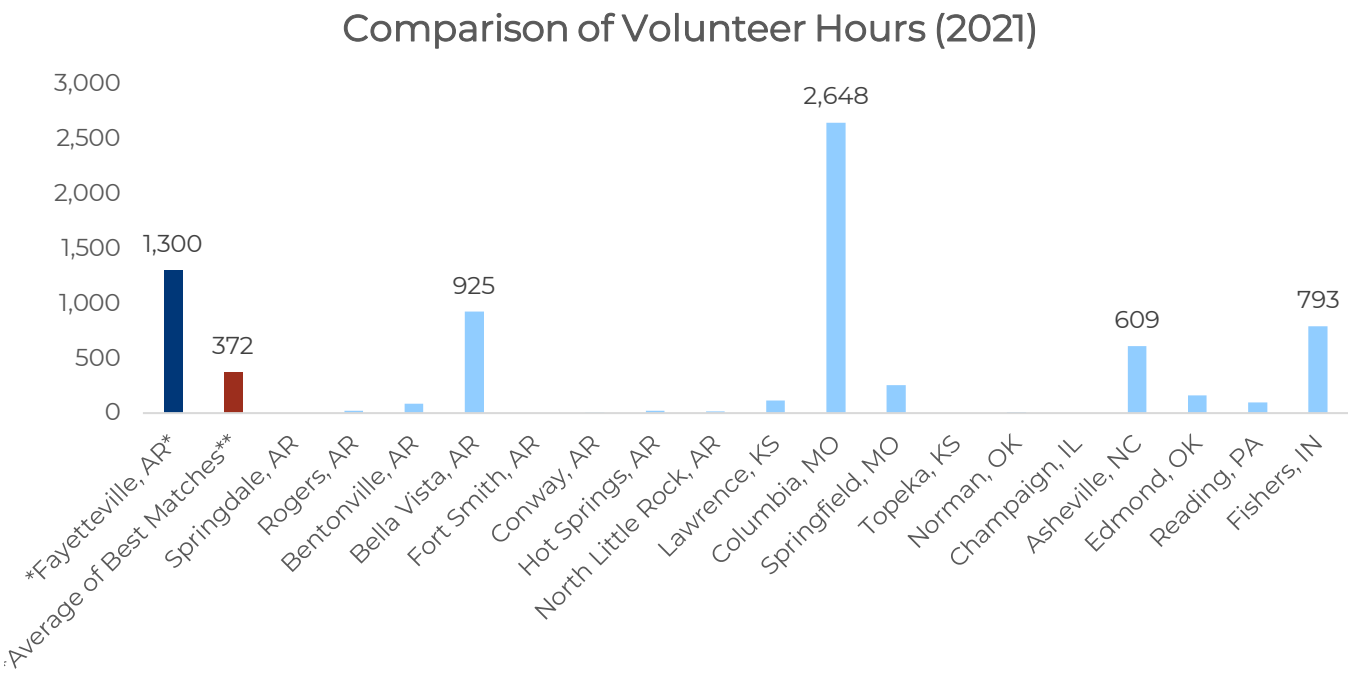


Figure 7. Comparison of other expenditures in 2021

URBAN FORESTRY ACTIVITIES



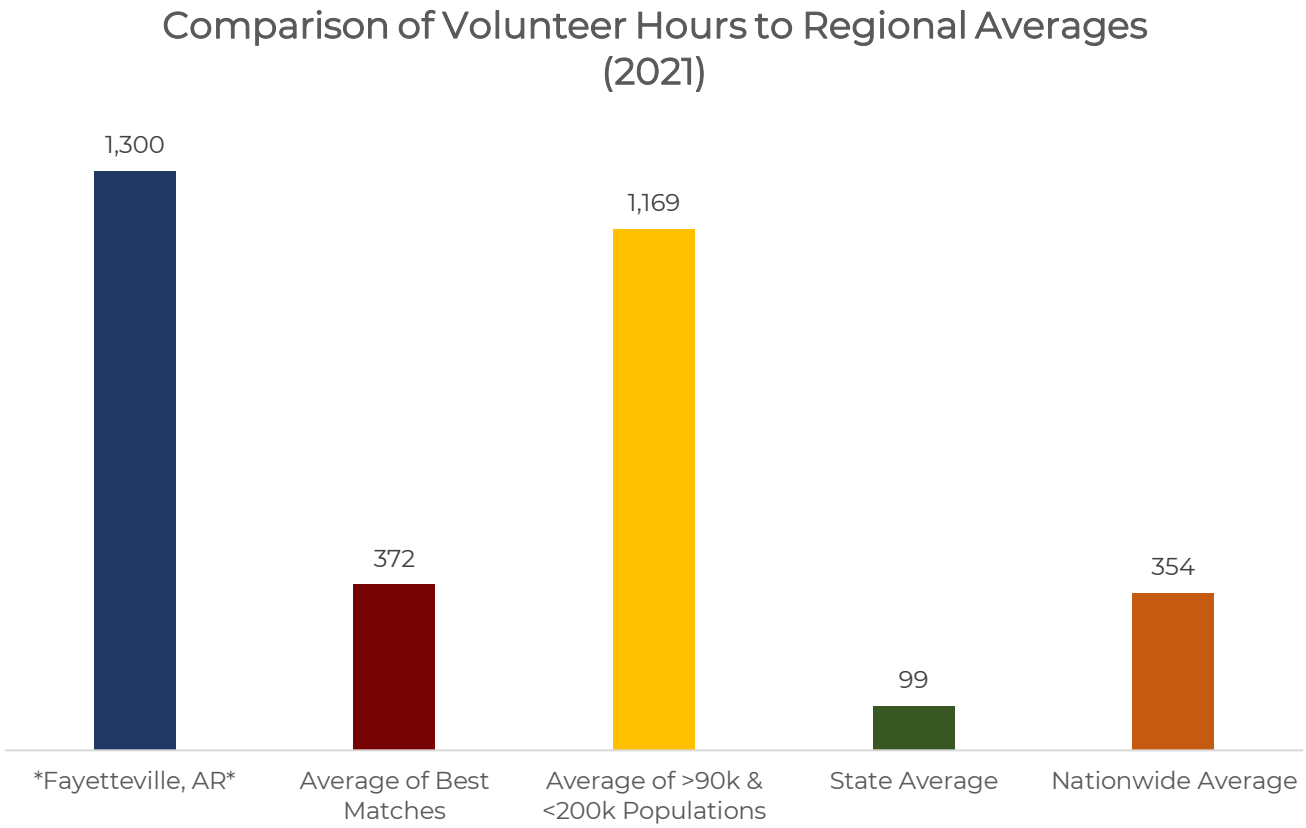
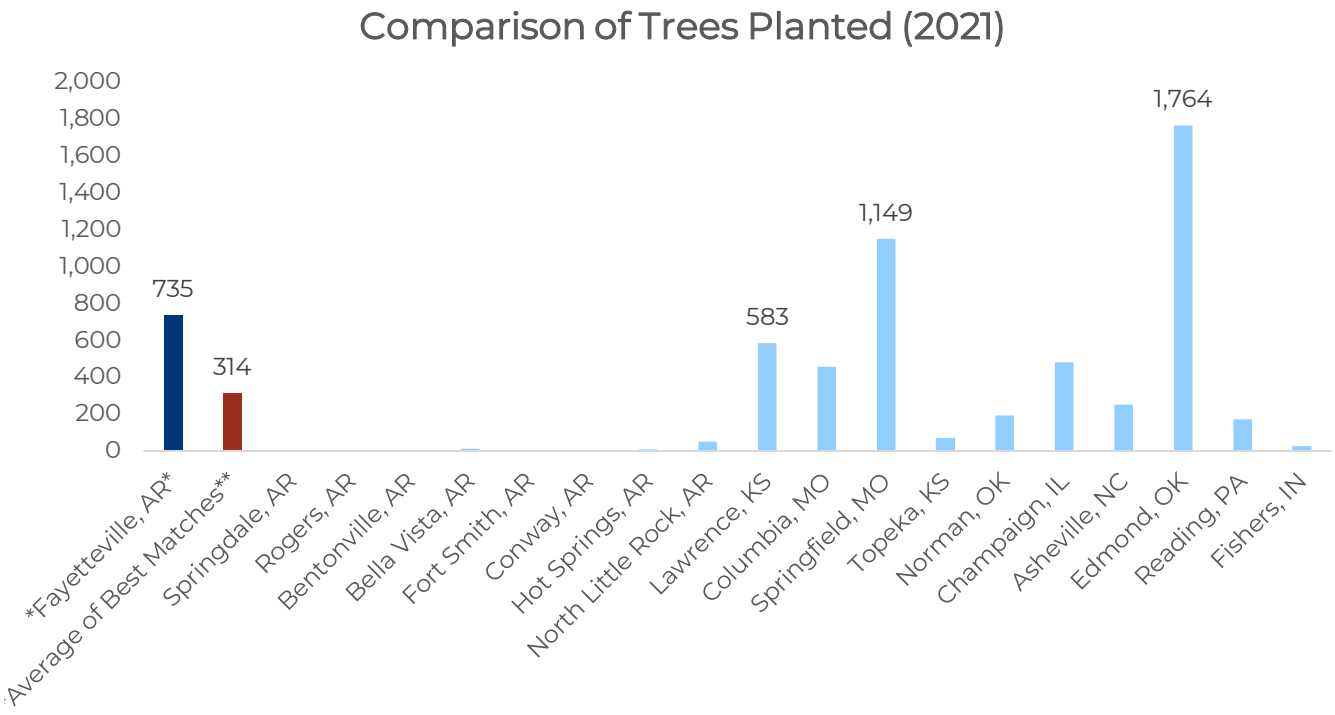


Figure 8. Comparison of volunteer hours in 2021



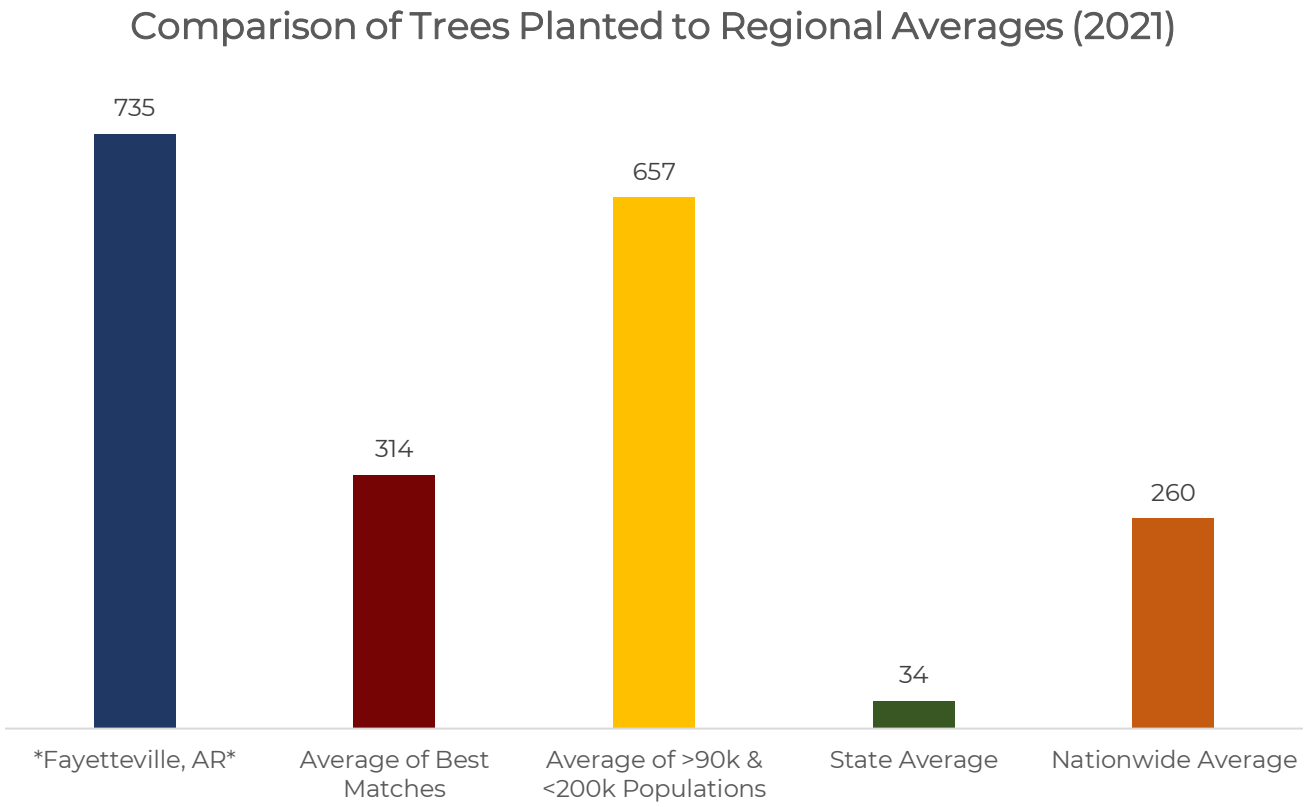
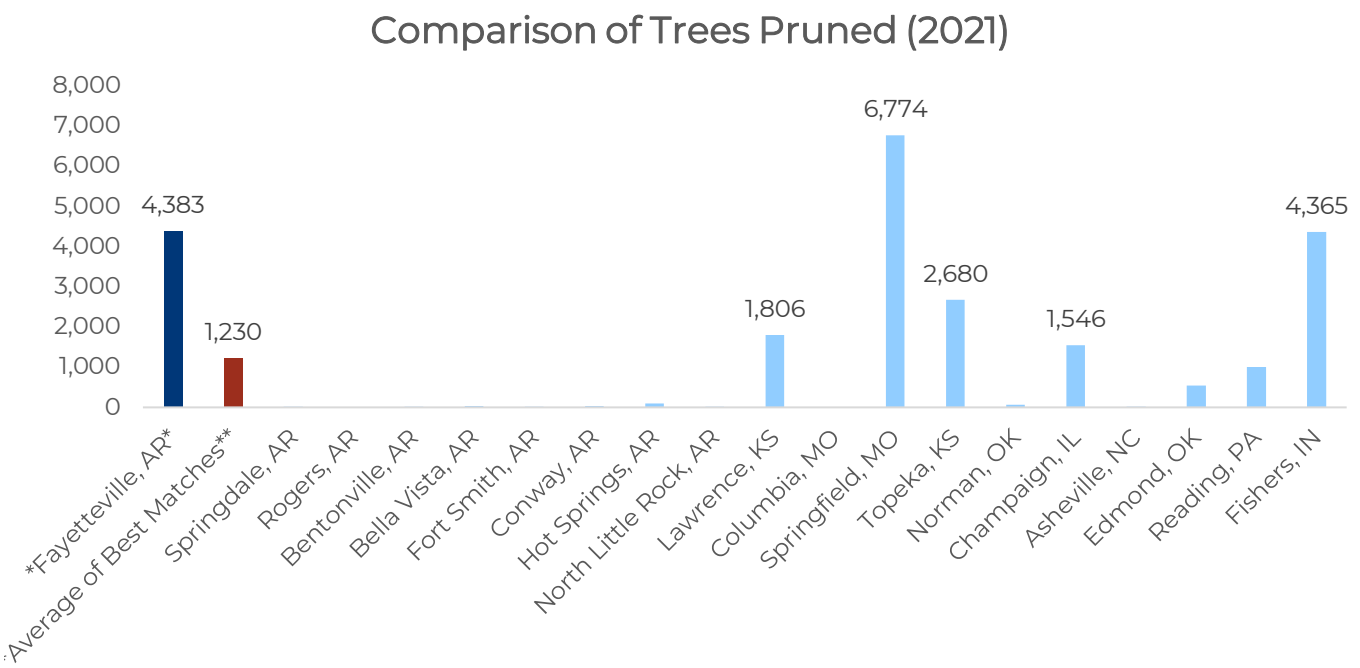


Figure 9. Comparison of the number of trees planted in 2021



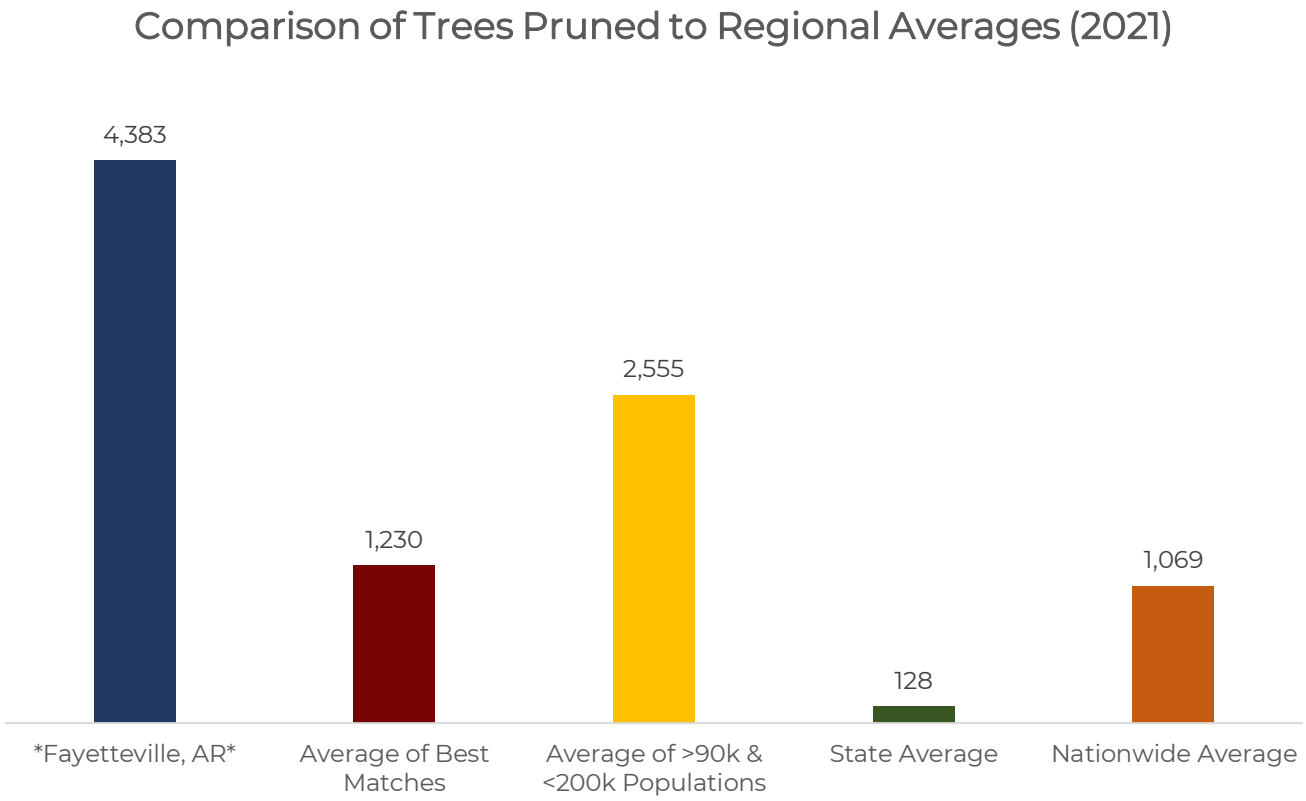
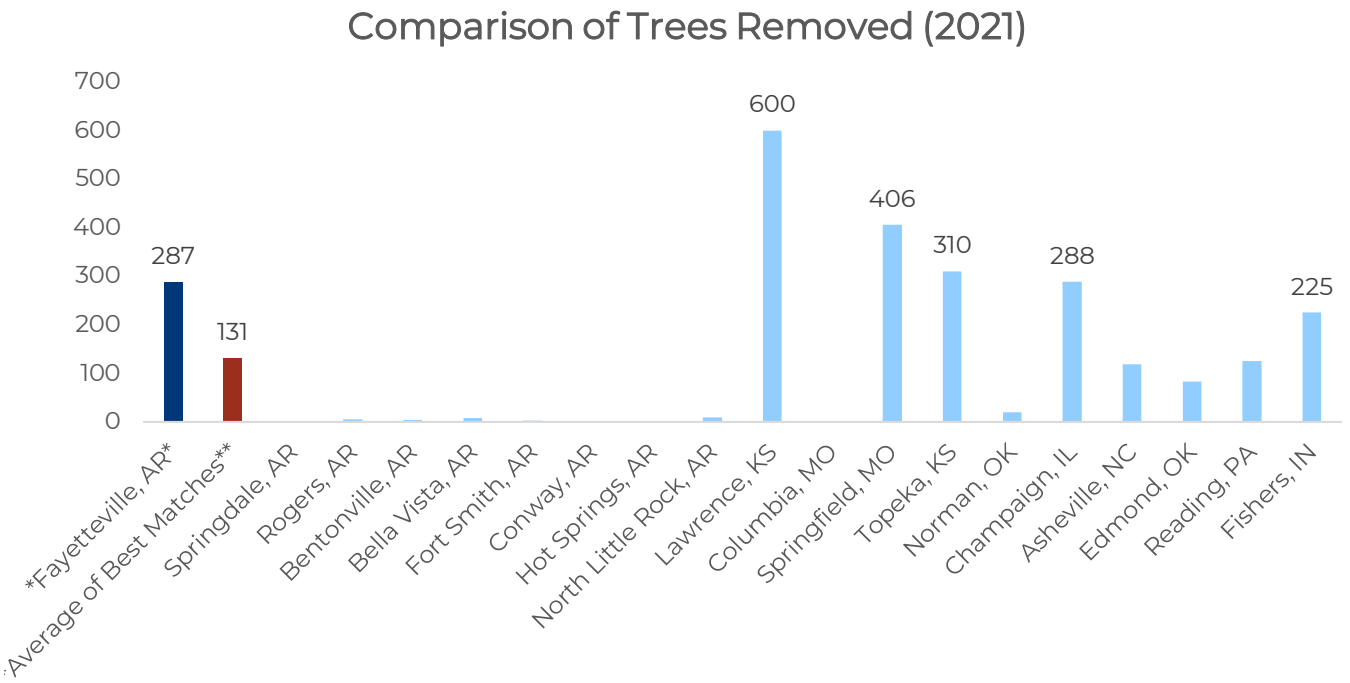


Figure 10. Comparison of the number of trees pruned in 2021



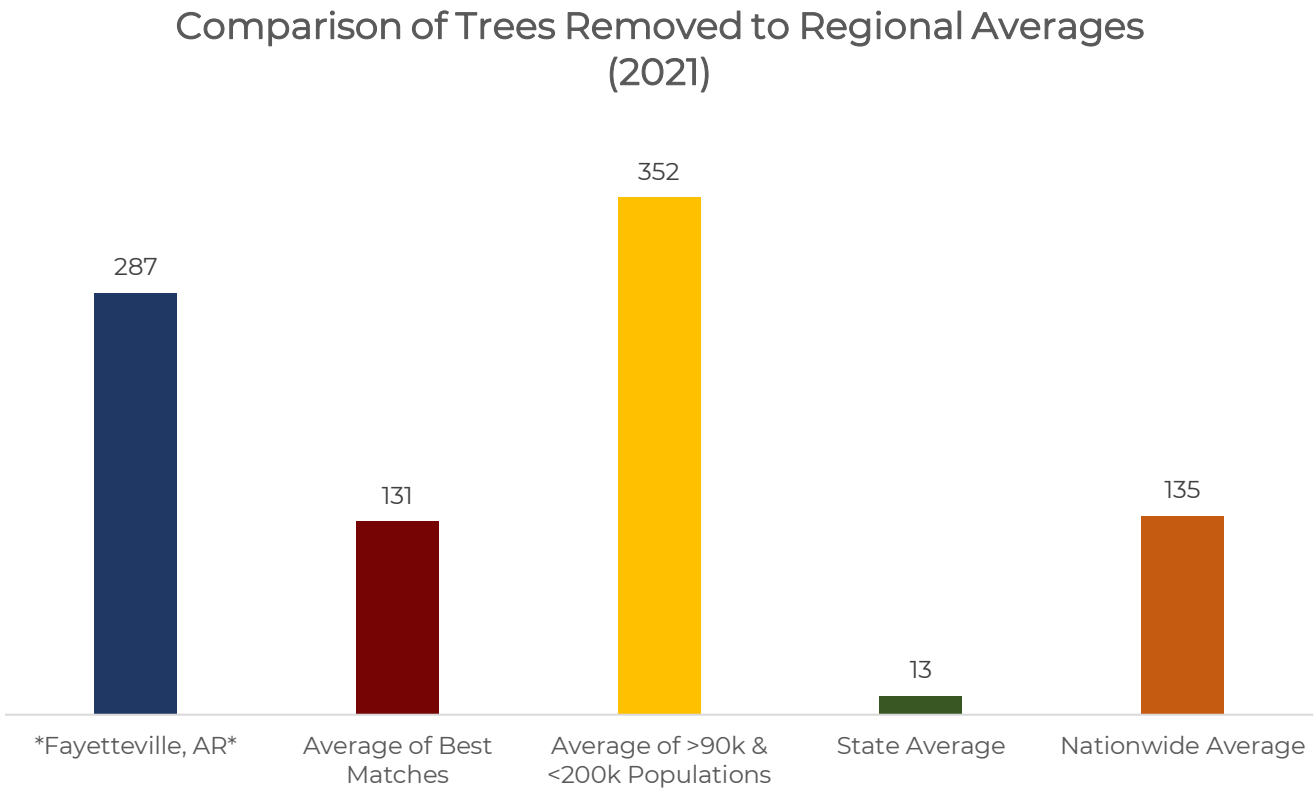
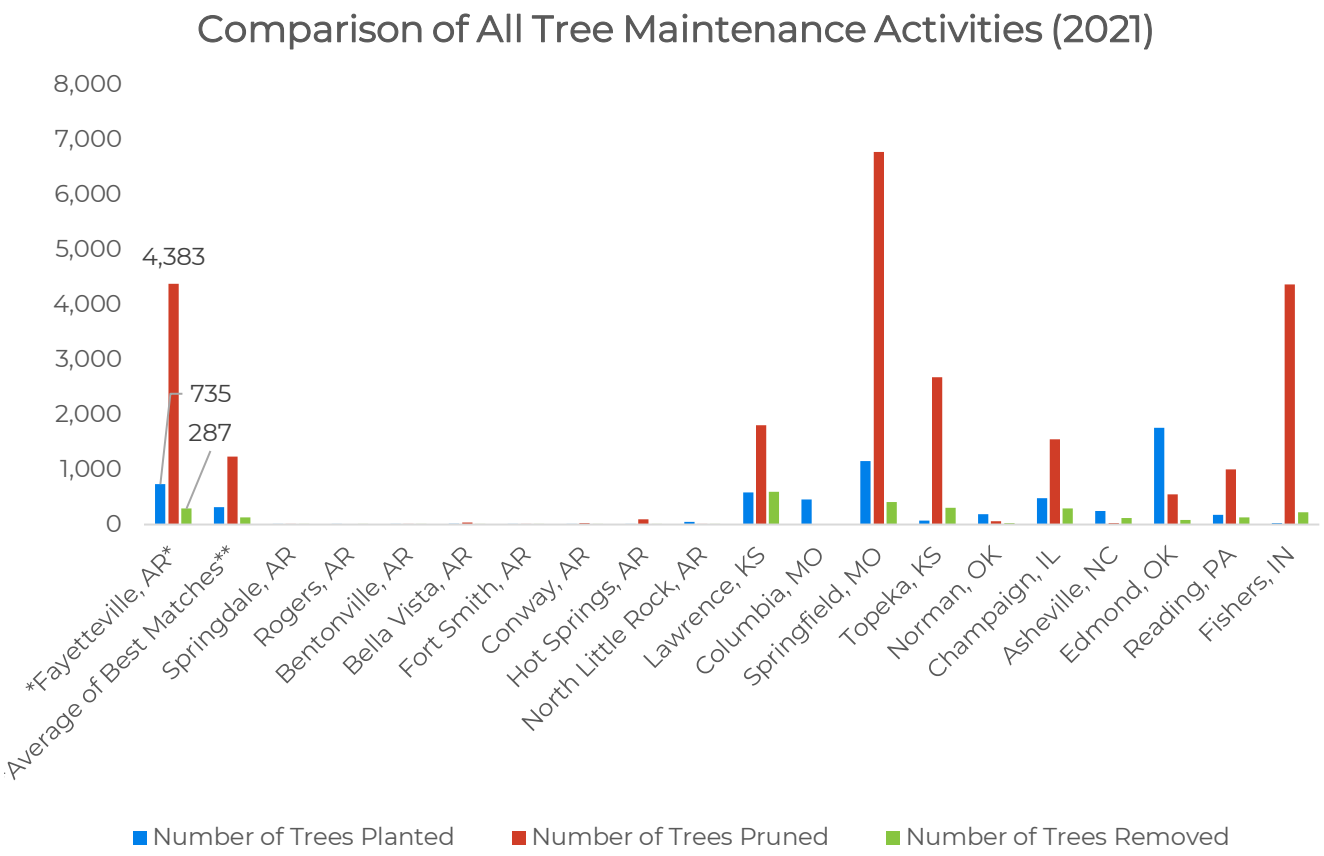


Figure 11. Comparison of the number of trees removed in 2021



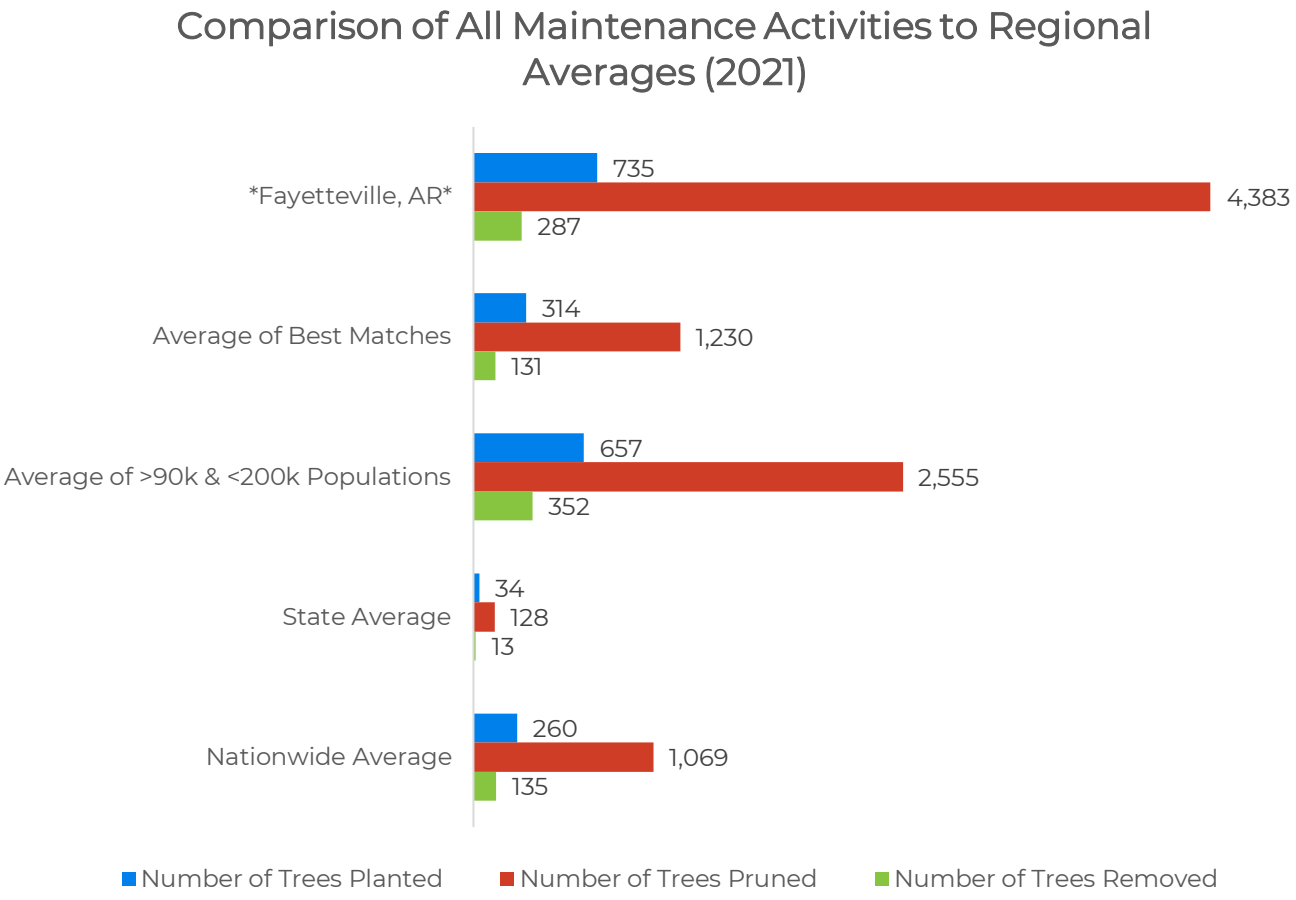


Figure 12. Combined comparison summary of tree management activities in 2021

TABLE SUMMARY OF URBAN FORESTRY BUDGETS AND ACTIVITIES (2021)

Community	Tree Planting and Initial Care	Tree Maintenance	Tree Removal	Management	Utility Line Clearance	Other Expend-itures	Overall Budget
Fayetteville, AR	$24,396	$122,133	$125,299	$338,115	$0	$0	$609,943
Average of Best Matches	$99,952	$155,980	$86,988	$172,003	$13,158	$53,769	$581,850
Average of >90k & <200k Populations	$153,857	$352,957	$162,678	$261,233	$58,013	$170,993	$1,159,730
Springdale, AR	$600	$300	$1,450	$1,400	$0	$0	$3,750
Rogers, AR	$700	$1,400	$0	$1,500	$0	$0	$3,600
Bentonville, AR	$229	$0	$0	$20	$0	$0	$249
Bella Vista, AR	$800	$200	$225	$75	$0	$0	$1,300
Fort Smith, AR	$3,900	$1,000	$100	$0	$0	$0	$5,000
Conway, AR	$680	$384	$0	$121	$0	$31	$1,216
Hot Springs, AR	$734	$6,000	$350	$0	$0	$0	$7,084
N. Little Rock, AR	$8,790	$500	$580	$680	$0	$100	$10,650
Lawrence, KS	$112,105	$432,192	$198,979	$120,082	$0	$274,030	$1,137,388
Columbia, MO	$52,595	$52,595	$105,191	$339,617	$0	$0	$549,998
Springfield, MO	$666,696	$923,181	$462,698	$335,631	$0	$0	$2,388,206
Topeka, KS	$15,302	$665,665	$84,165	$65,531	$0	$0	$830,663
Norman, OK	$123,521	$392,173	$10,000	$836,484	$250,000	$578,400	$2,190,578
Champaign, IL	$84,566	$117,944	$126,849	$685,430	$0	$0	$1,014,789
Asheville, NC	$33,155	$42,587	$238,994	$55,908	$0	$109,750	$480,394
Edmond, OK	$670,413	$80,522	$57,549	$386,903	$0	$0	$1,195,387
Reading, PA	$9,911	$4,835	$167,741	$75,567	$0	$0	$258,054
Fishers, IN	$90,000	$120,000	$72,600	$25,000	$0	$59,306	$366,906

Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)

BUDGET PER CAPITA SUMMARY (2021)

Community	Overall Budget	Per Capita Budget
Fayetteville, AR	$609,943	$6.52
Average of Best Matches	$581,850	$5.07
Average of >90k & <200k Populations	$1,159,730	$9.28
Springdale, AR	$3,750	$0.04
Rogers, AR	$3,600	$0.05
Bentonville, AR	$249	$0.00
Bella Vista, AR	$1,300	$0.04
Fort Smith, AR	$5,000	$0.06
Conway, AR	$1,216	$0.02
Hot Springs, AR	$7,084	$0.19
North Little Rock, AR	$10,650	$0.17
Lawrence, KS	$1,137,388	$11.58
Columbia, MO	$549,998	$4.34
Springfield, MO	$2,388,206	$14.07
Topeka, KS	$830,663	$6.59
Norman, OK	$2,190,578	$17.10
Champaign, IL	$1,014,789	$11.18
Asheville, NC	$480,394	$5.15
Edmond, OK	$1,195,387	$12.76
Reading, PA	$258,054	$2.71
Fishers, IN	$366,906	$3.70

Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021

PHASE II BENCHMARKING RESEARCH

Note: The following comparisons use Fayetteville's 2021 metrics whereas the metrics for the comparison populations are based on 2014 data. The urban forestry planning consultants will need 2014 metrics from the City or data from the US Forest Service for 2021 in order to finalize the Phase II benchmarking. The following study is a preliminary exercise intended for internal use and for initial comparisons from which strategies may be developed.

URBAN FORESTRY BUDGETS

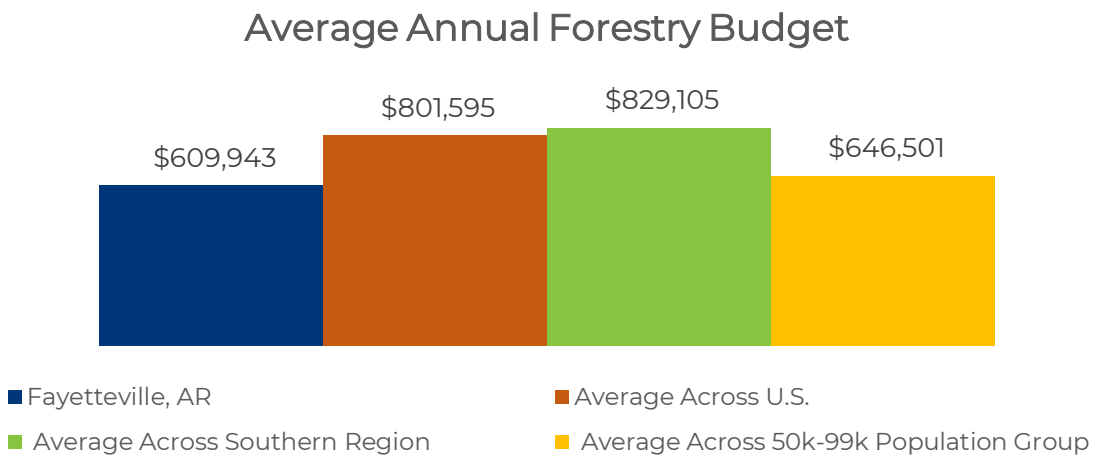


Figure 13. Comparison of urban forestry budgets (Hauer, 2014)

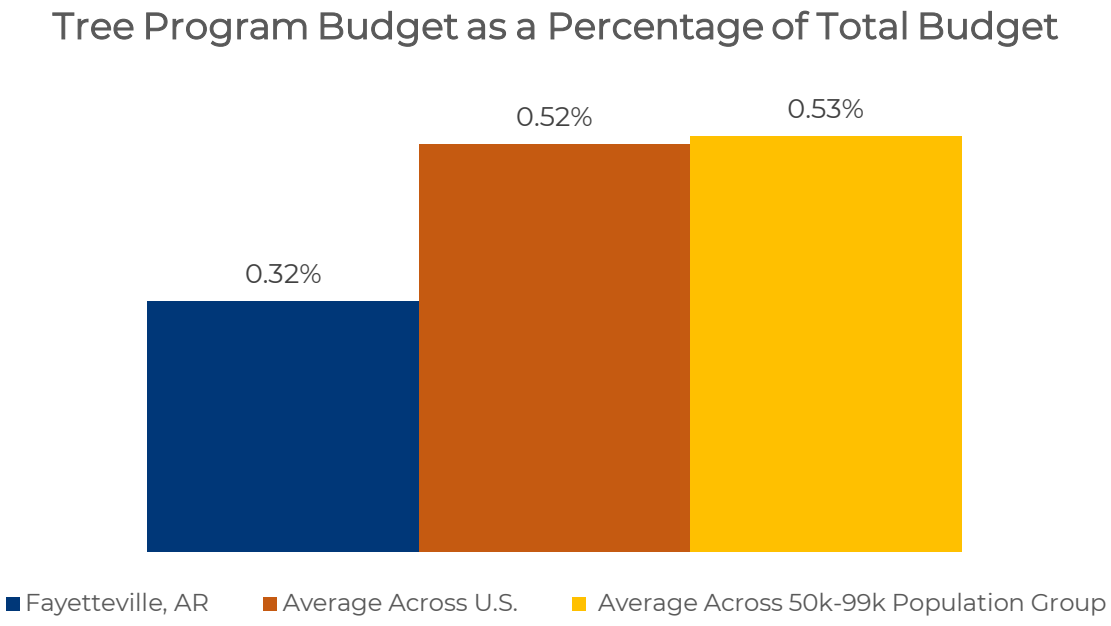


Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)

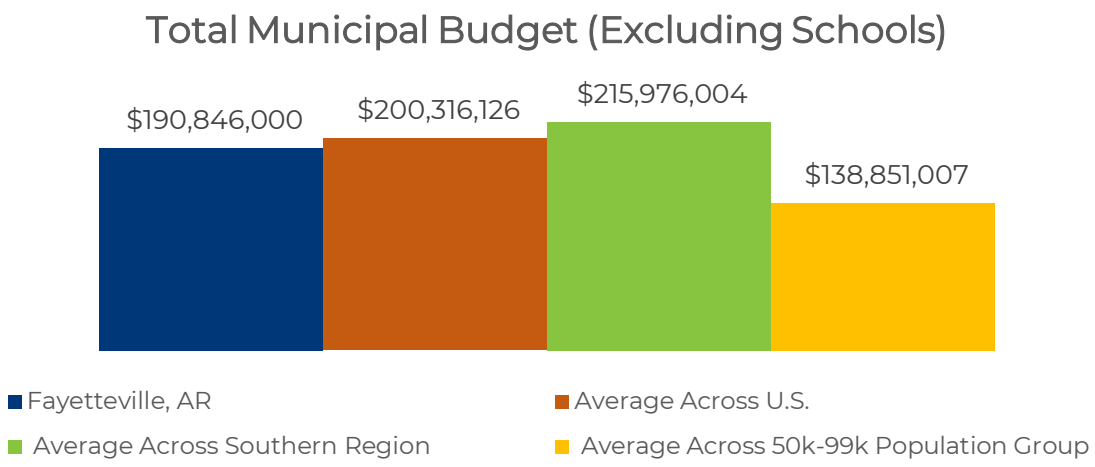


Figure 15. Total municipal budgets (Hauer, 2014)

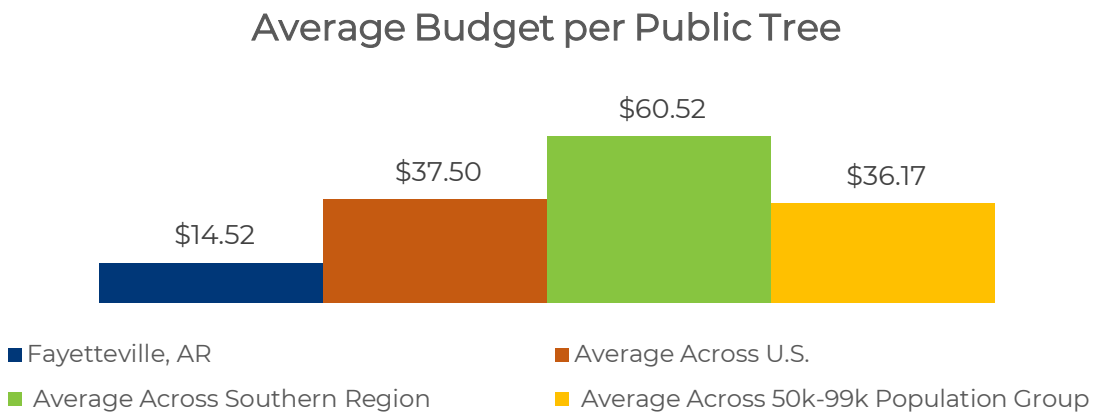


Figure 16. Average budget per public tree (Hauer, 2014)

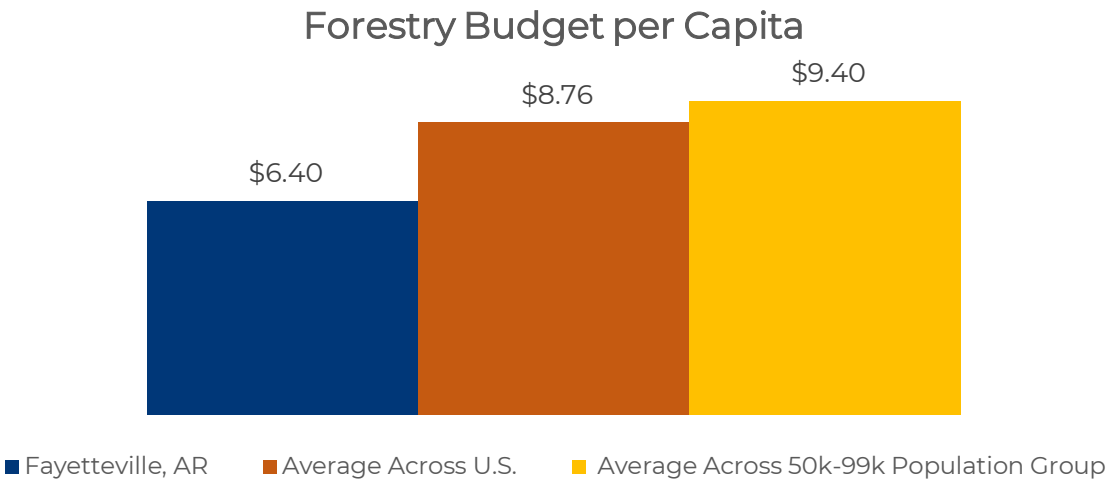


Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)

COMPARISON OF PUBLIC TREE COUNTS, DISTRIBUTION, AND VALUE

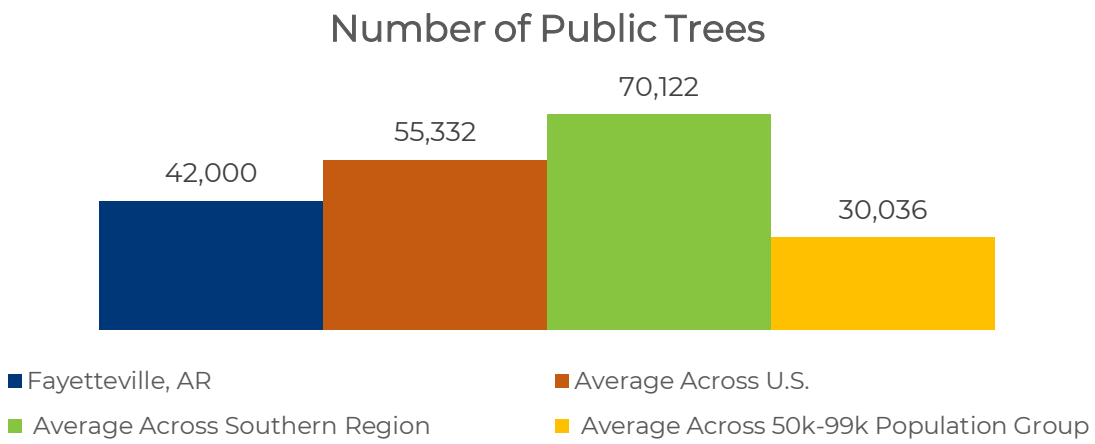


Figure 18. Comparison of the number of public trees (Hauer, 2014)

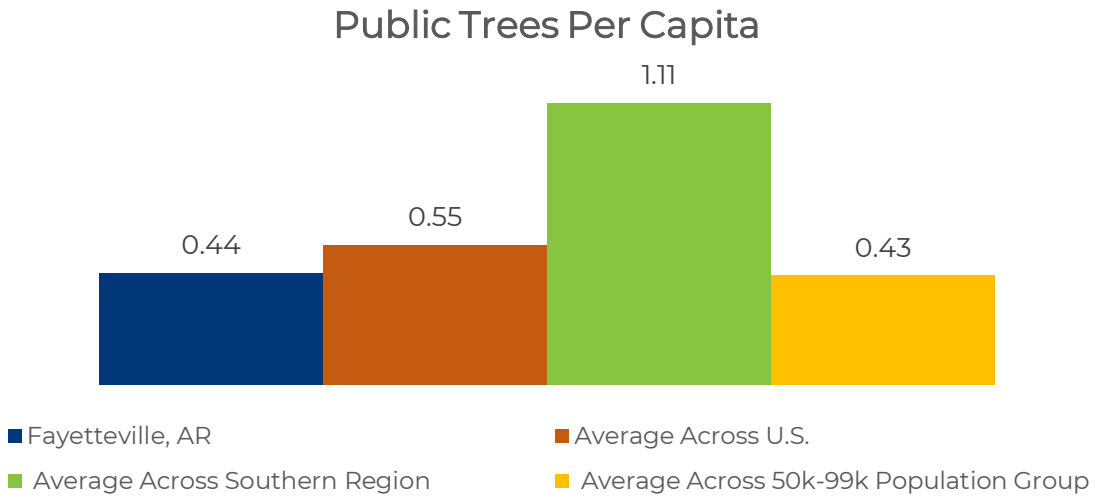


Figure 19. Comparison of public trees per capita (Hauer, 2014)

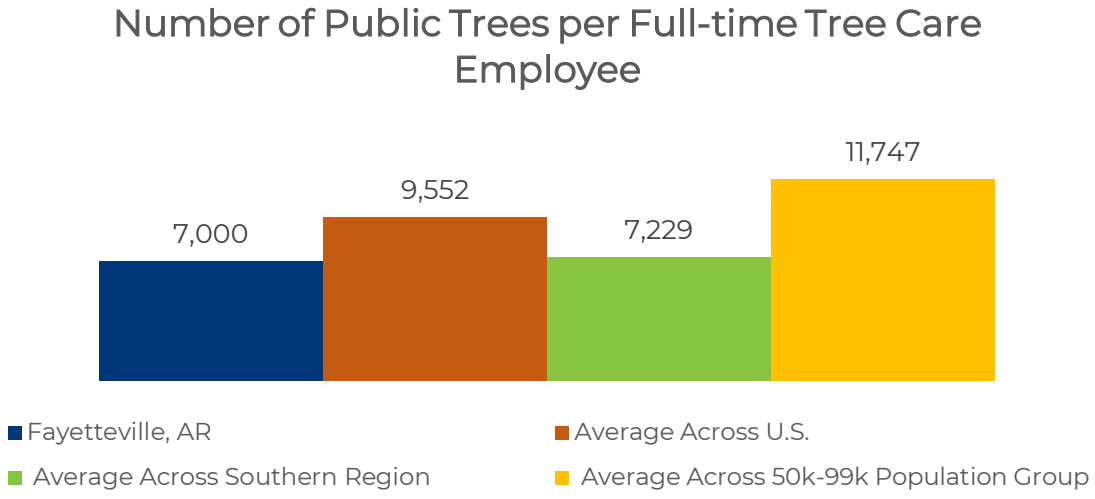


Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer, 2014)

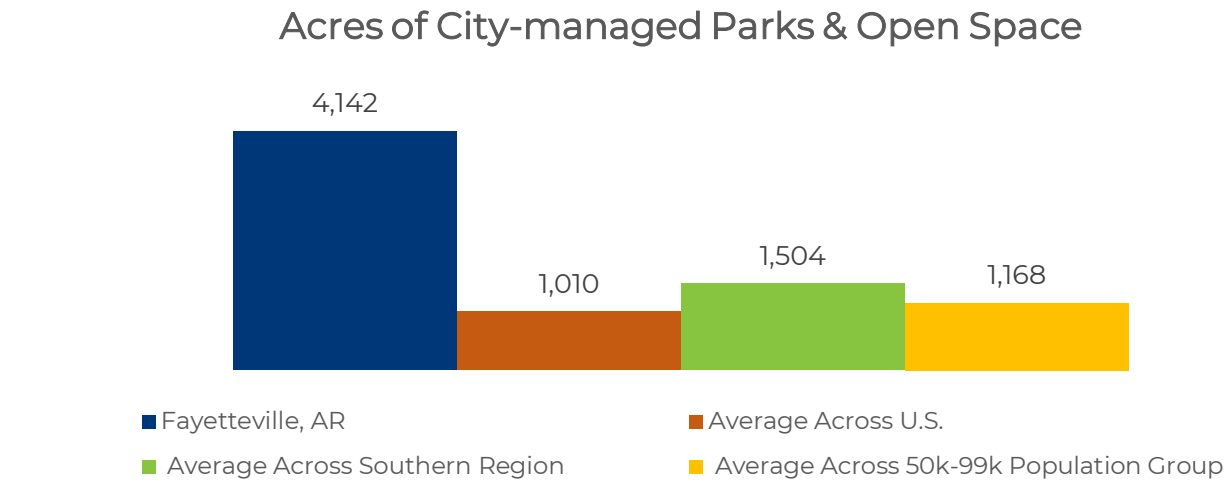
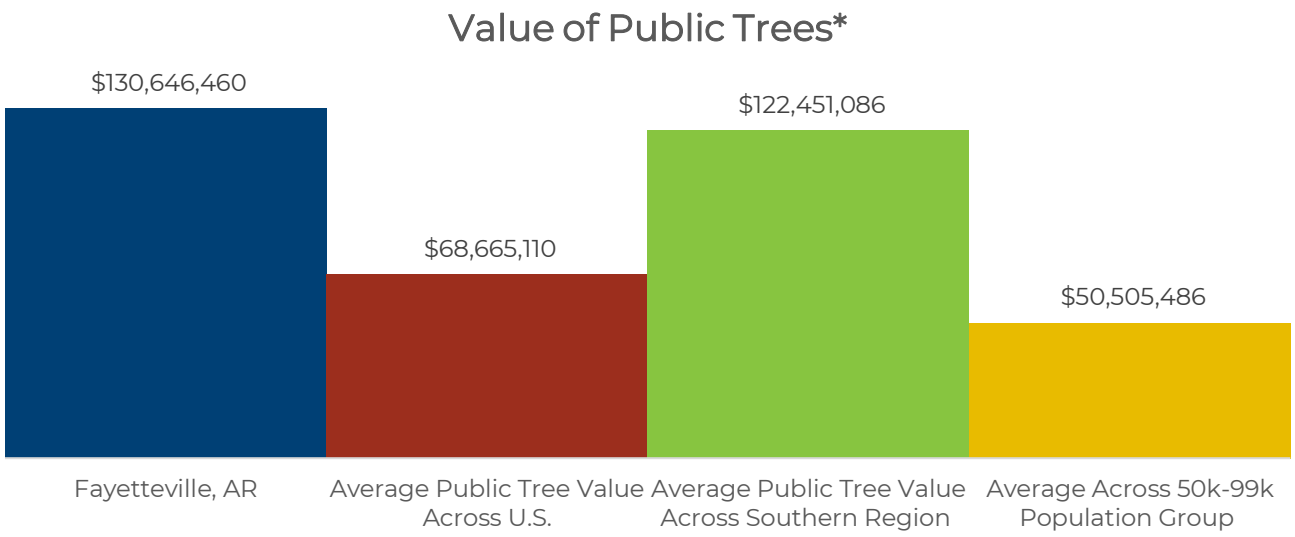


Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)



** Value of Fayetteville's public trees is based on the $1.3 million in ecosystem benefits and services ($110.63 per tree on average) plus the structural value of public trees estimated at $3,000 per tree on average based on regional research.*

Figure 22. Comparison of the value of public trees (Hauer, 2014)



Fayetteville, AR

URBAN FORESTRY MANAGEMENT PLAN

Canopy Goal Setting & Priority Areas

August 2023

Canopy Goals for Consideration

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Total Added Benefits	Total Carbon Seq. (lbs)
Year 1	2023	35,712	14,081	14,105	39.4%	39.5%	1,000	$18,559	149,592
Years 2-5	2024-2027	35,712	14,105	14,244	39.5%	40%	6,000	$111,354	897,552
Years 6-8	2028-2030	35,712	14,244	14,396	40%	40%	6,500	$120,634	972,348
Years 9-10	**2031-2032**	**35,712**	**14,396**	**14,512**	**40%**	**40.6%**	**5,000**	**$92,795**	**747,960**
Years 11-15	2033-2037	35,712	14,512	14,815	41%	41%	13,000	$241,267	1,944,696
Years 16-18	2038-2040	35,712	14,815	15,025	41%	42%	9,000	$167,031	1,346,328
Years 19-20	2041-2042	35,712	15,025	15,165	42%	42.5%	6,000	$111,354	897,552
Years 21-25	2043-2047	35,712	15,165	15,619	42%	44%	19,500	$361,901	2,917,044
Years 26-28	2048-2050	35,712	15,619	15,969	44%	45%	15,000	$278,385	2,243,880
Years 29-30	2051-2052	35,712	15,969	16,202	45%	45%	10,000	$185,590	1,495,920
TOTAL	30 Years			2,120	45.4%	5.9%	91,000	$1,688,869	13,612,872

Minus 10% cumulative canopy loss = 44.4% in 30 years (2023 – 2052). Considers 10% will be small canopy trees, 30% medium canopy, and 60% large canopy trees.

A 10-year goal requires a total of 18,500 trees with an average of 1,850 trees per year

If pursuing a 30-year goal, 91,000 total trees needed with an average of 3,000 trees per year needed.

Scenario B) Detailed Planting Targets to Establish a 10-year Canopy Goal

Milestone	Year	Total City Acres	Canopy Ac (2019)	Canopy % (2019)	Planting Scenarios (# of Trees)	New Canopy Acres Added	Total Canopy Acres	New % Canopy	Total Added Ecosystem Benefits	All Plantings: Future Carbon Sequestered by Large Trees (249.32 lbs/tree)	All Plantings: Total Future Carbon Sequestered
Year 1	**2023**	**35,712**	**14,081**	**39.4%**	**1,000**	**23.3**	**14,105**	**39.5%**	**$18,559**	**149,592**	**149,592**
	2024	35,712	14,081	39%	1,000	23.3	14,128	40%	$18,559	149,592	149,592
	2025	35,712	14,081	39%	1,500	35.0	14,163	40%	$27,839	224,388	224,388
	2026	35,712	14,081	39%	1,500	35.0	14,198	40%	$27,839	224,388	224,388
Year 5	2027	35,712	14,081	39%	2,000	46.6	14,244	40%	$37,118	299,184	299,184
	2028	35,712	14,081	39%	2,000	46.6	14,291	40%	$37,118	299,184	299,184
	2029	35,712	14,081	39%	2,000	46.6	14,338	40%	$37,118	299,184	299,184
Year 8	2030	35,712	14,081	39%	2,500	58.3	14,396	40%	$46,398	373,980	373,980
	2031	35,712	14,081	39%	2,500	58.3	14,454	40%	$46,398	373,980	373,980
Year 10	**2032**	**35,712**	**14,081**	**39%**	**2,500**	**58.3**	**14,512**	**40.6%**	**$46,398**	**373,980**	**373,980**
	2033	35,712	14,081	39%	2,500	58.3	14,571	41%	$46,398	373,980	373,980
	2034	35,712	14,081	39%	2,500	58.3	14,629	41%	$46,398	373,980	373,980
	2035	35,712	14,081	39%	2,500	58.3	14,687	41%	$46,398	373,980	373,980
	2036	35,712	14,081	39%	2,500	58.3	14,745	41%	$46,398	373,980	373,980
Year 15	2037	35,712	14,081	39%	3,000	69.9	14,815	41%	$55,677	448,776	448,776
	2038	35,712	14,081	39%	3,000	69.9	14,885	42%	$55,677	448,776	448,776
	2039	35,712	14,081	39%	3,000	69.9	14,955	42%	$55,677	448,776	448,776
Year 18	2040	35,712	14,081	39%	3,000	69.9	15,025	42%	$55,677	448,776	448,776
	2041	35,712	14,081	39%	3,000	69.9	15,095	42%	$55,677	448,776	448,776
Year 20	2042	35,712	14,081	39.4%	3,000	69.9	15,165	42.5%	$55,677	448,776	448,776
	2043	35,712	14,081	39%	3,000	69.9	15,235	43%	$55,677	448,776	448,776
	2044	35,712	14,081	39%	3,500	81.6	15,316	43%	$64,957	523,572	523,572
	2045	35,712	14,081	39%	4,000	93.2	15,409	43%	$74,236	598,368	598,368
	2046	35,712	14,081	39%	4,000	93.2	15,503	43%	$74,236	598,368	598,368
Year 25	2047	35,712	14,081	39%	5,000	116.5	15,619	44%	$92,795	747,960	747,960
	2048	35,712	14,081	39%	5,000	116.5	15,736	44%	$92,795	747,960	747,960
	2049	35,712	14,081	39%	5,000	116.5	15,852	44%	$92,795	747,960	747,960
Year 28	2050	35,712	14,081	39%	5,000	116.5	15,969	45%	$92,795	747,960	747,960
	2051	35,712	14,081	39%	5,000	116.5	16,085	45%	$92,795	747,960	747,960
Year 30	2052	35,712	14,081	39.4%	5,000	116.5	16,202	45.4%	$92,795	747,960	747,960

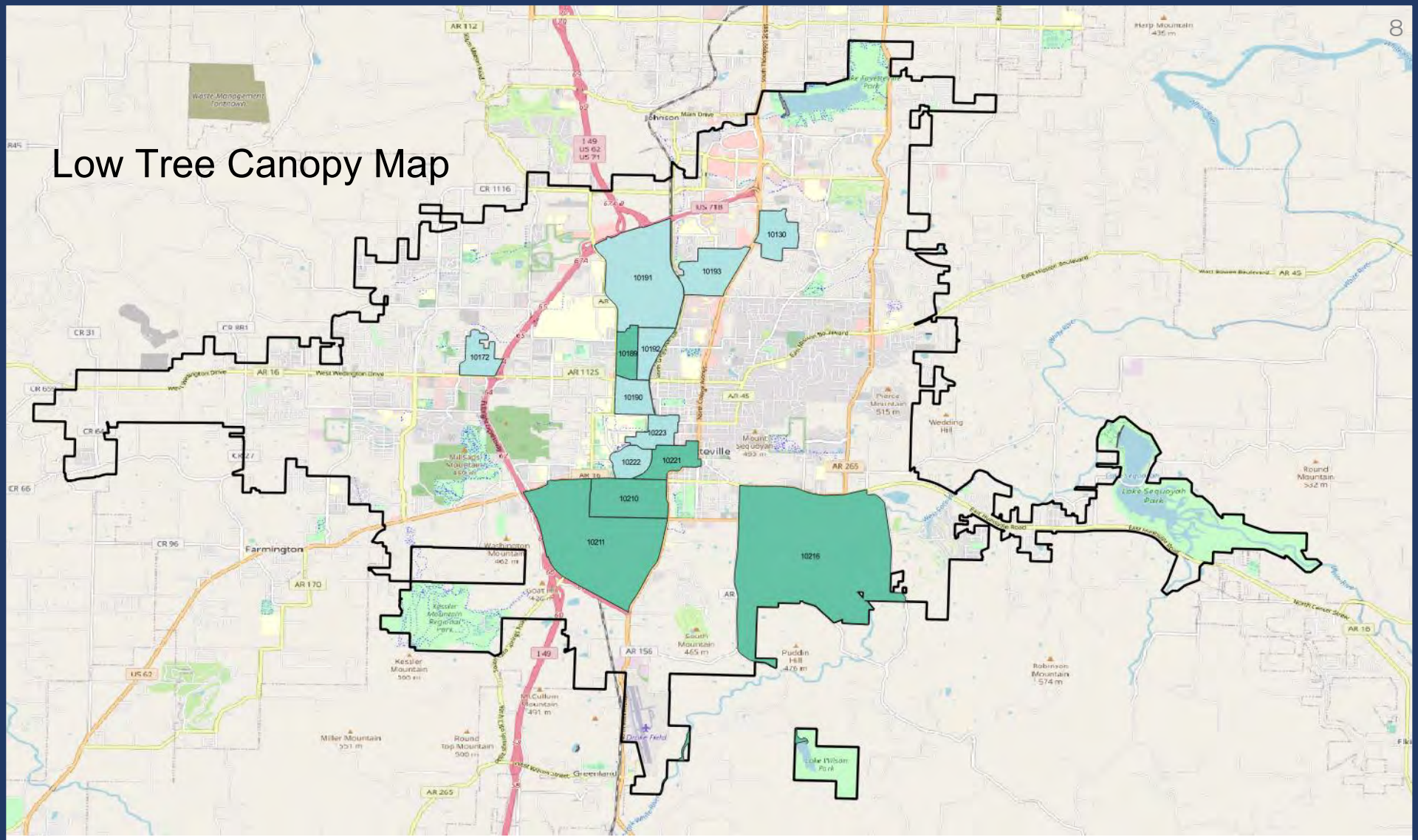
Scenario B) Milestones for 40.6% Canopy in 10 years

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Average Trees per Year	Total Added Benefits	Total Carbon Sequestered (lbs)
Year 1 thru Year 5	2023-2027	35,712	14,081	14,244	39.4%	39.9%	7,000	1,400	$129,913	1,047,144
Year 6 thru Year 10	**2028-2032**	**35,712**	**14,244**	**14,512**	**39.9%**	**40.6%**	**11,500**	**2,300**	**$213,429**	**1,720,308**
TOTALS	10 Years			431		1.2%	18,500	1,850	$343,342	2,767,452

Scenario B) Estimated Costs for 40.6% Canopy in 10 Years

Year Range	Starting Canopy %	New Canopy %	% Change	Total Trees Added	Total Added Benefits	Total Carbon Sequestered (lbs)	Average Trees Per Year	Average Subcontract Planting Cost Per Tree	Estimated Annual Cost	Estimated 10-Year Cost
2023 – 2032	39.4%	40.6%	1.2%	18,500	$343,342	2,767,452	1,850	**$408**	**$754,486**	**$7,544,855**

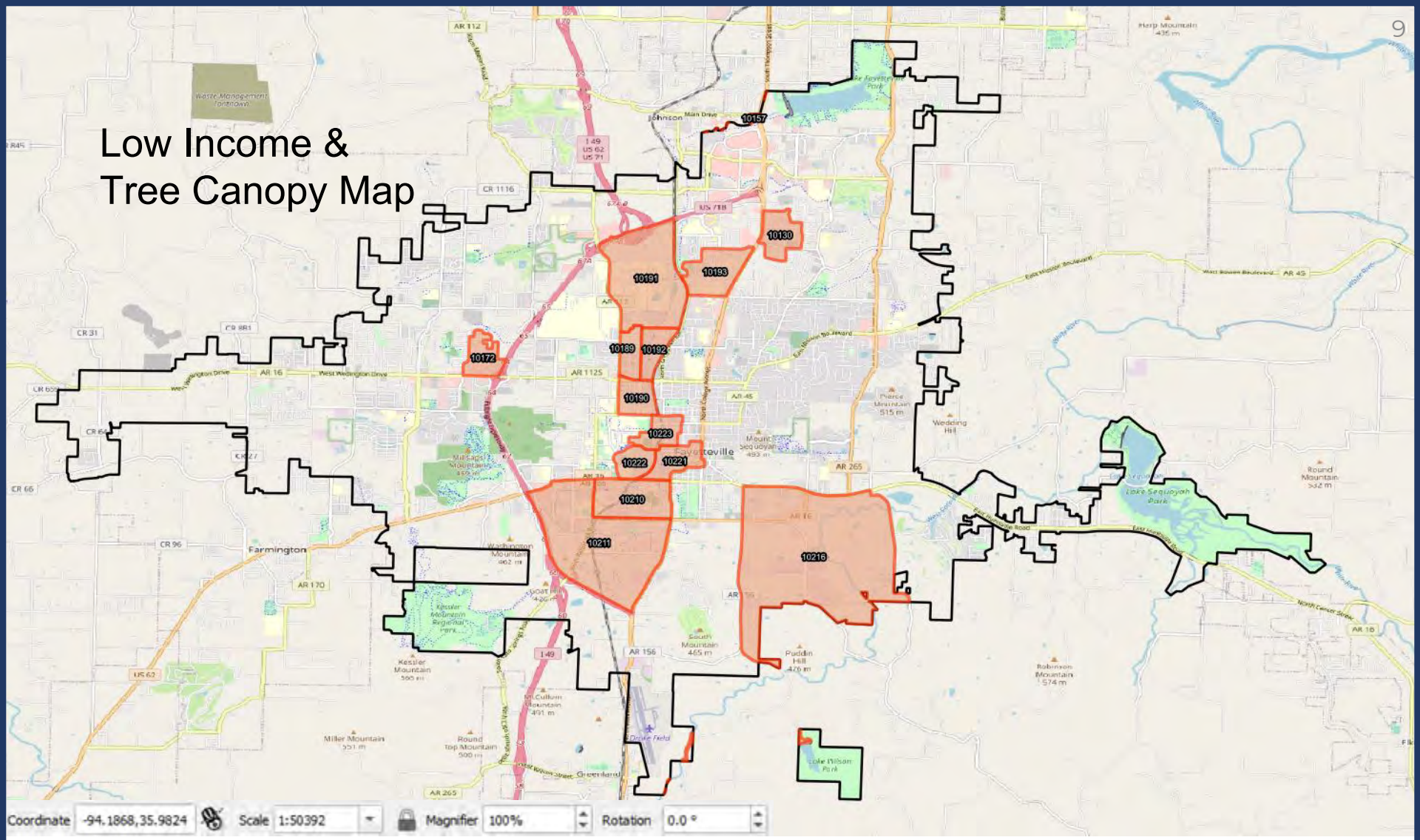
Low Tree Canopy Map



Priority Planting Areas Legend

- City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover

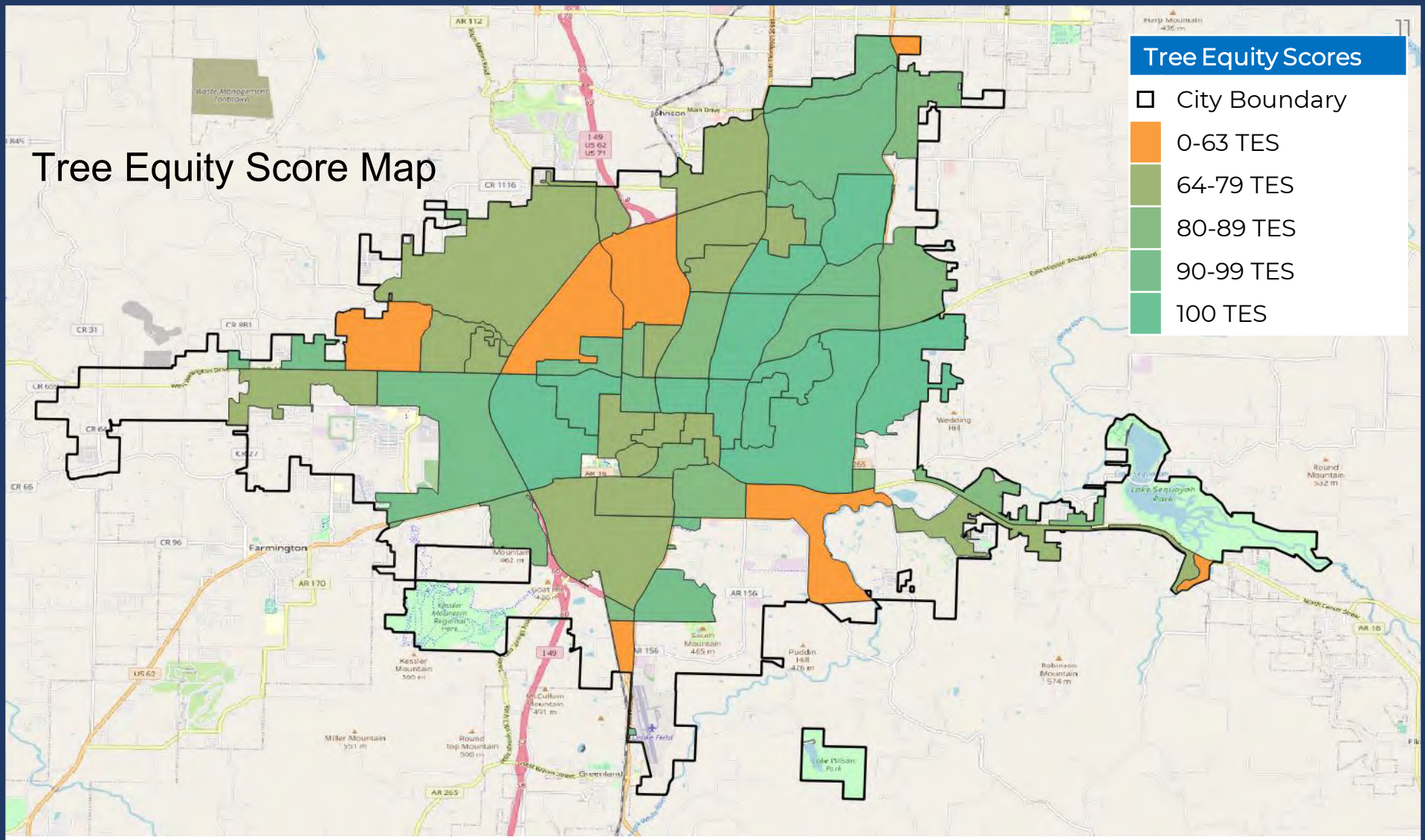
Low Income & Tree Canopy Map



Priority Planting Areas Legend

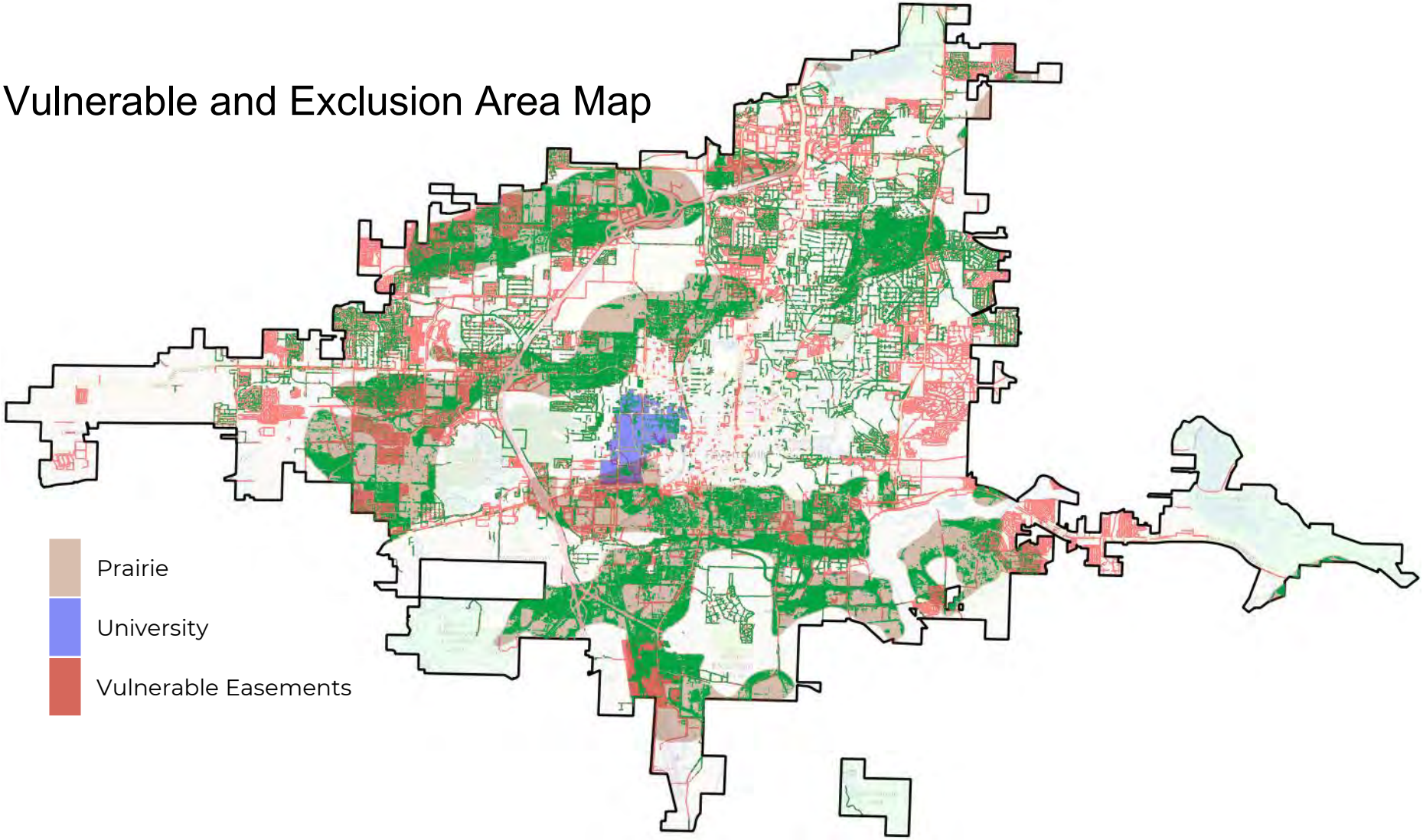
- City Boundary
- Block Group Boundary
- Block Groups with Low Income Populations and Low Tree Canopy

Tree Equity Score Map

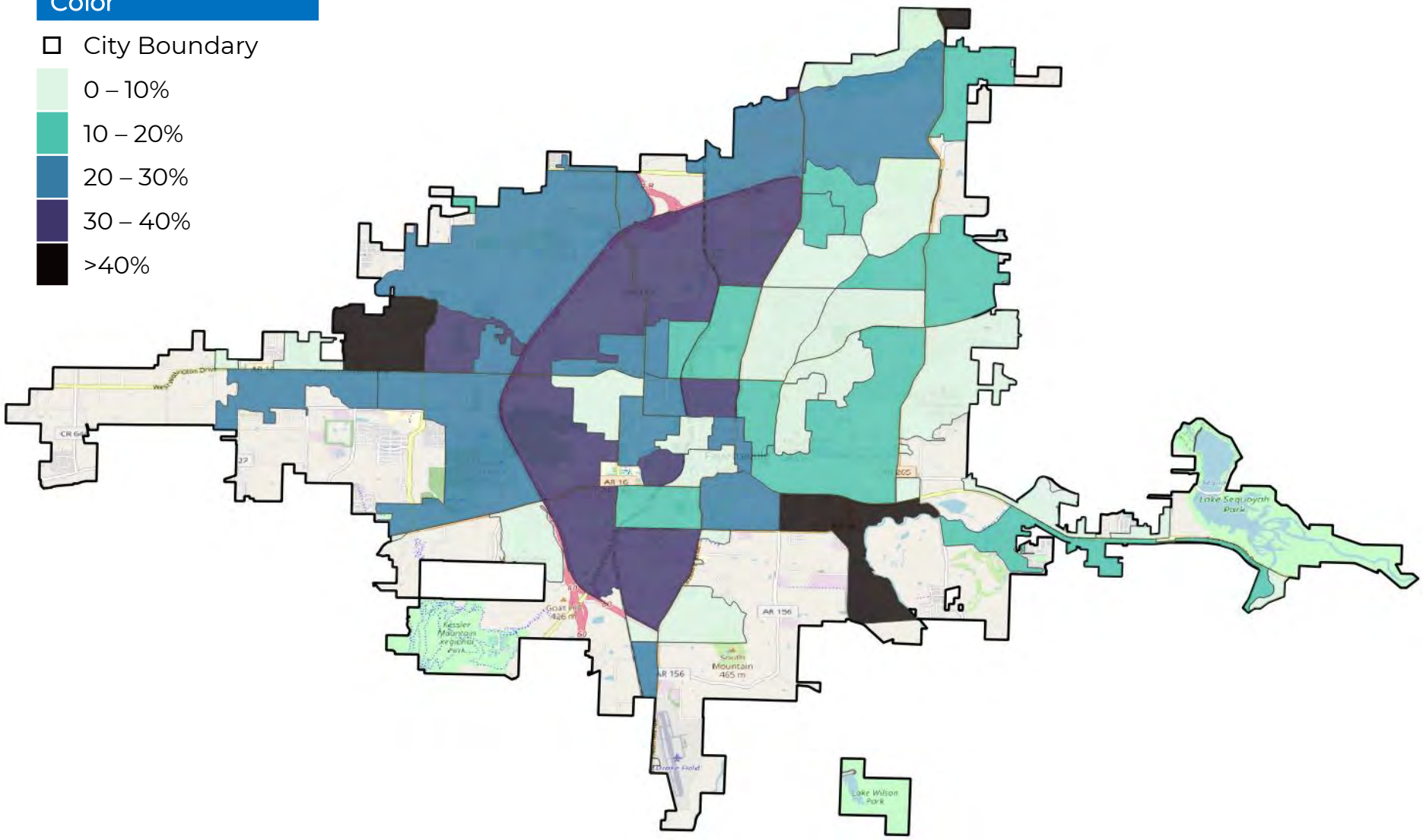


Canopy Cover

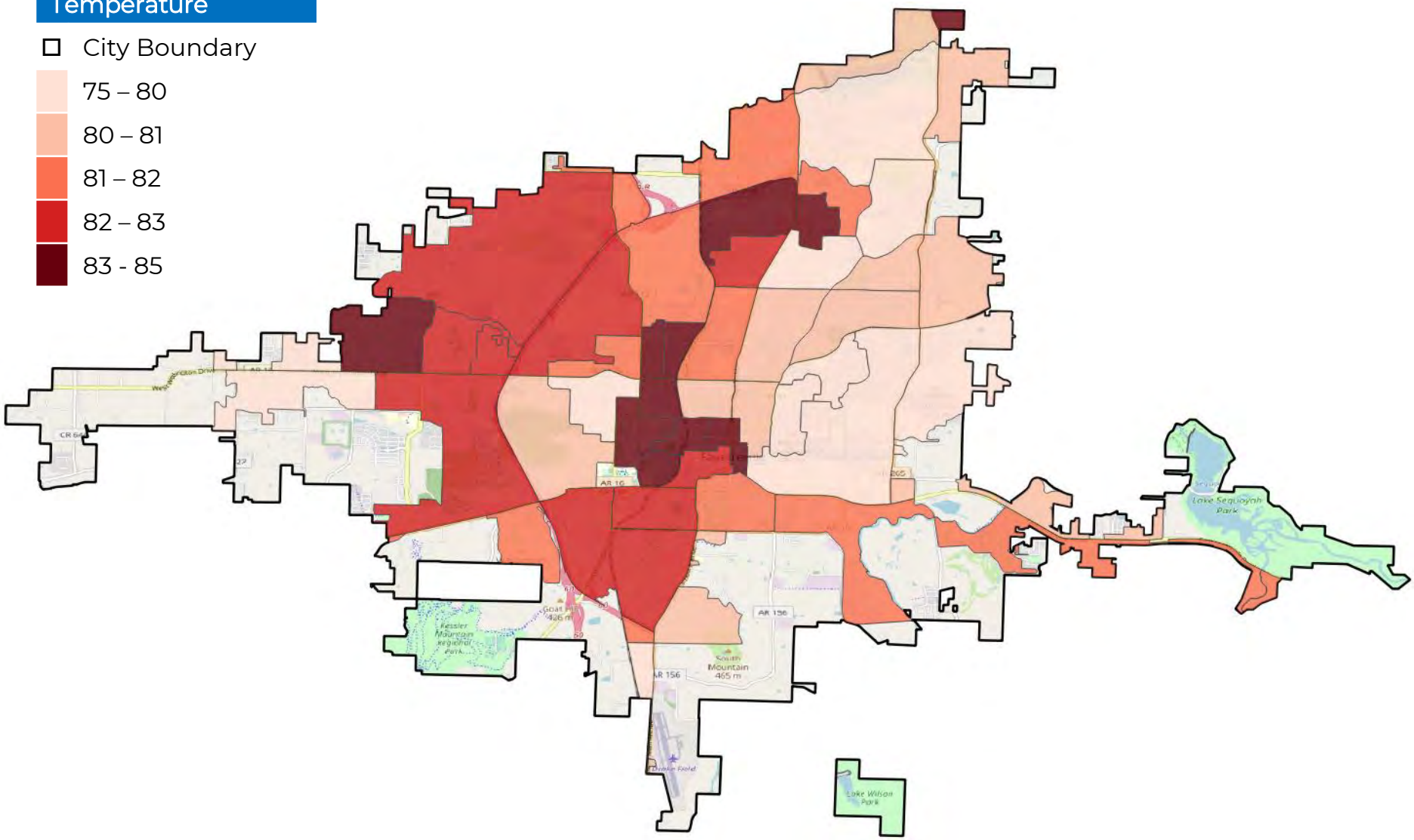
Vulnerable and Exclusion Area Map



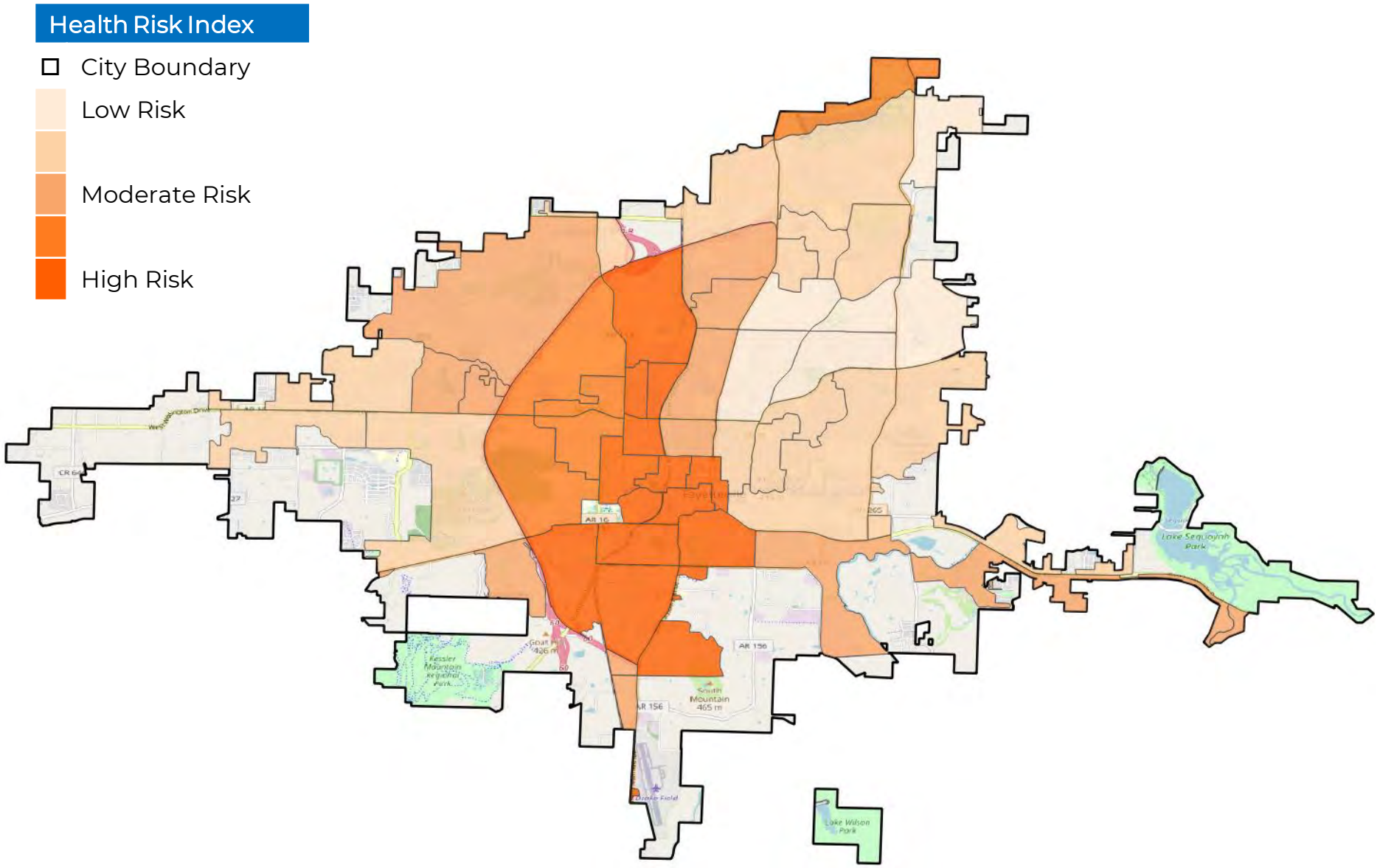
Percent People of Color (All People Not White Non-Hispanic, US Census Bureau American Community Survey 2014-2018 Source)



Urban Heat (Surface Temperature Data from USGS Landsat 8 imagery, thermal bands)

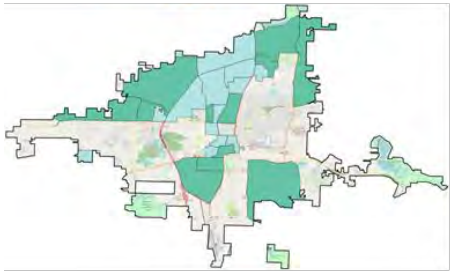


Health Risk (Self-reported Poor Mental Health, Poor Physical Health, Asthma, & Coronary Heart Disease – CDC Source)



Summary of Priority Planting Area Scenarios

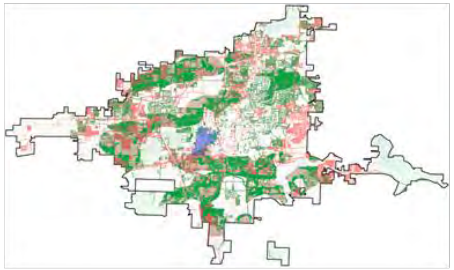
Low Tree Canopy (<35%)



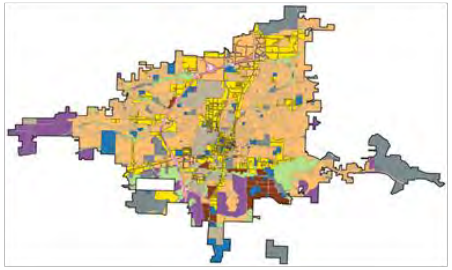
Low Income & Tree Canopy



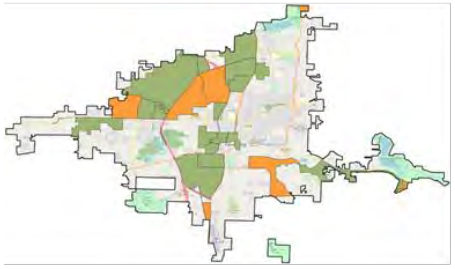
Vulnerable & Exclusion Areas



Development & Future Land Use



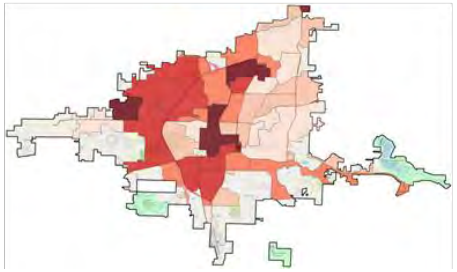
Tree Equity Score <80



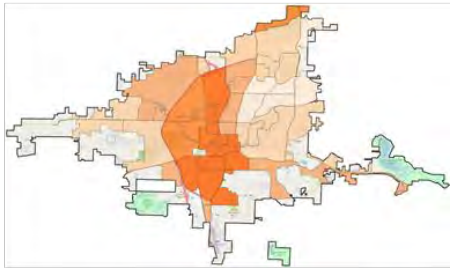
% People of Color



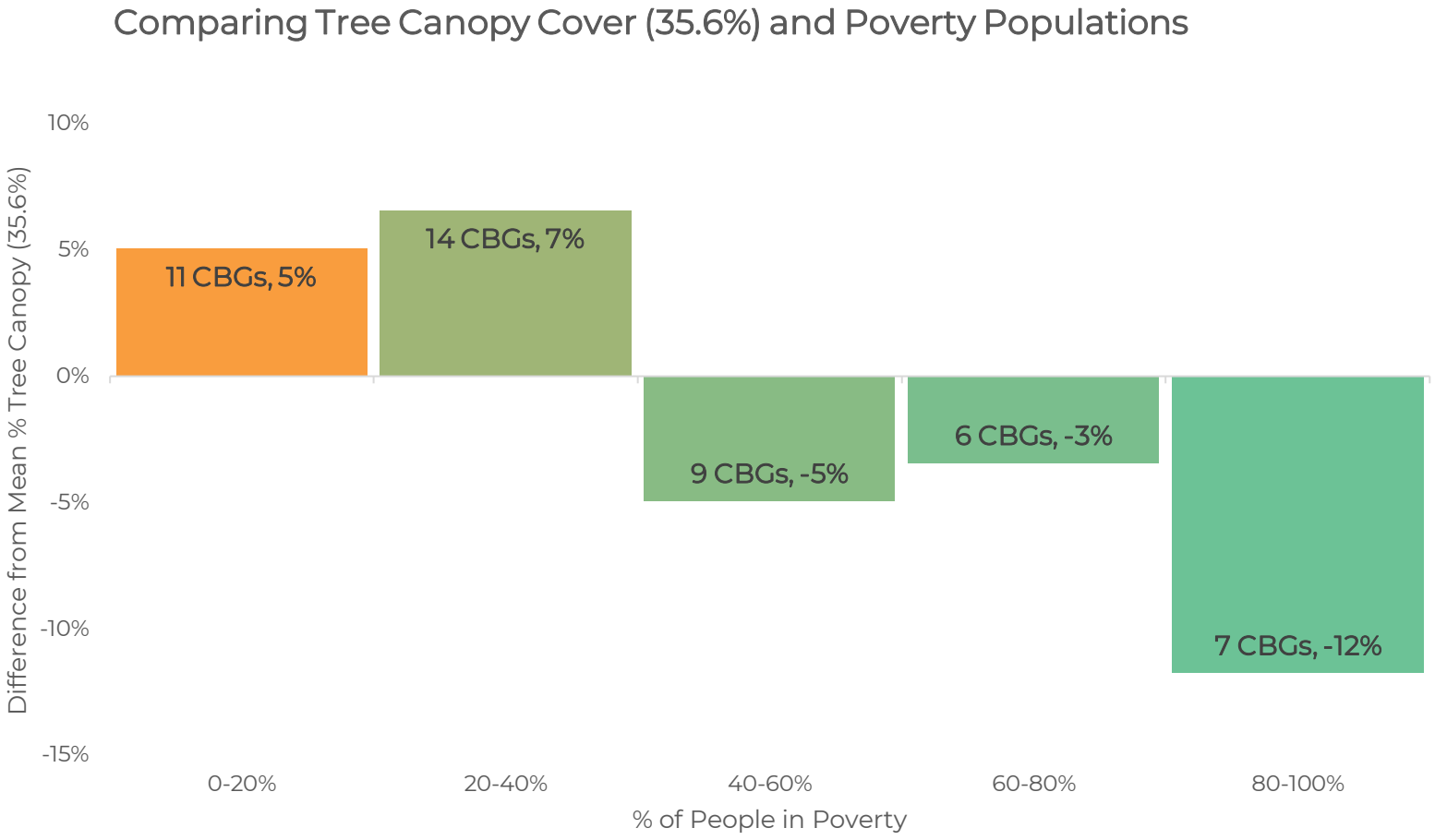
Average Surface Temperature



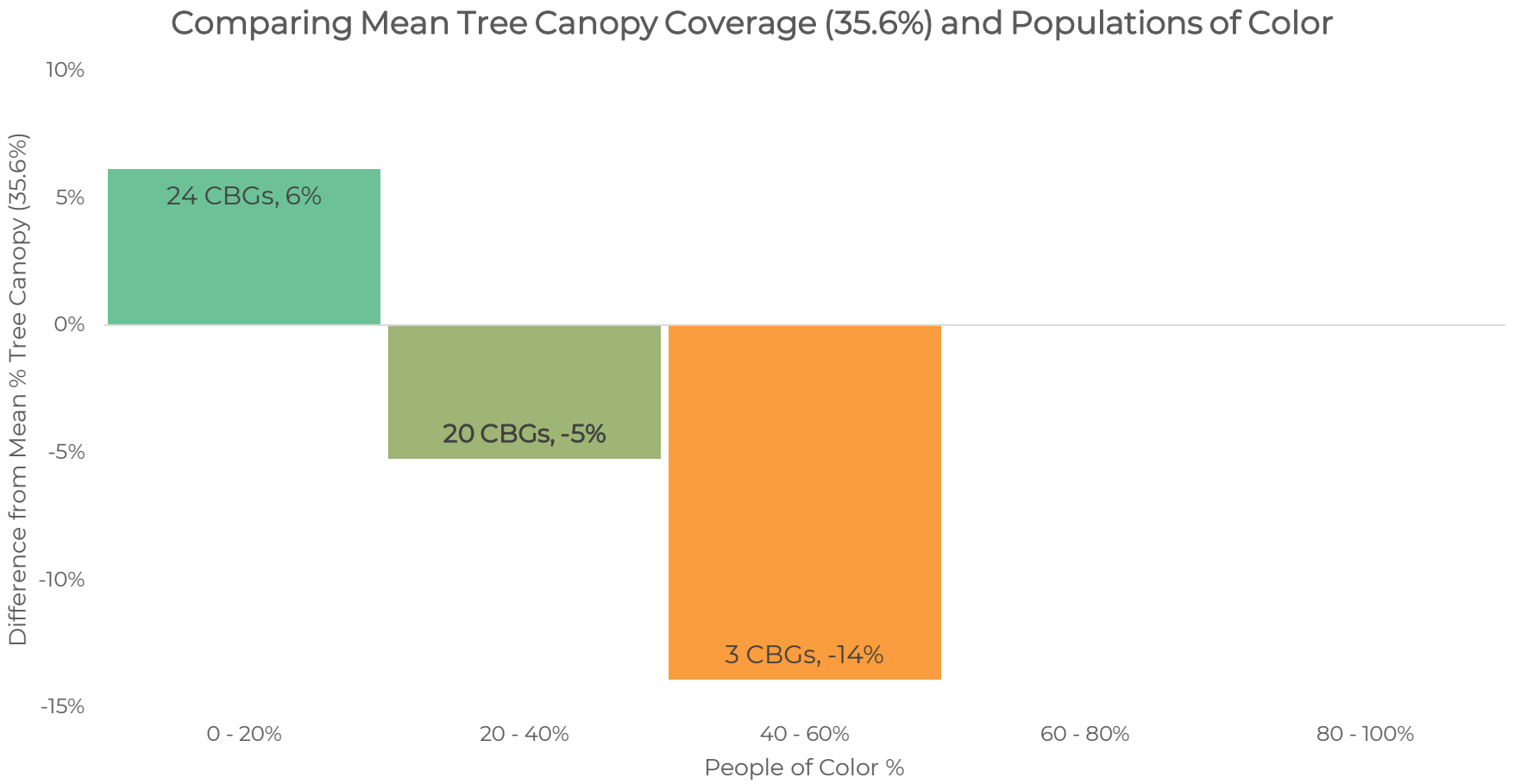
Health Risk Index



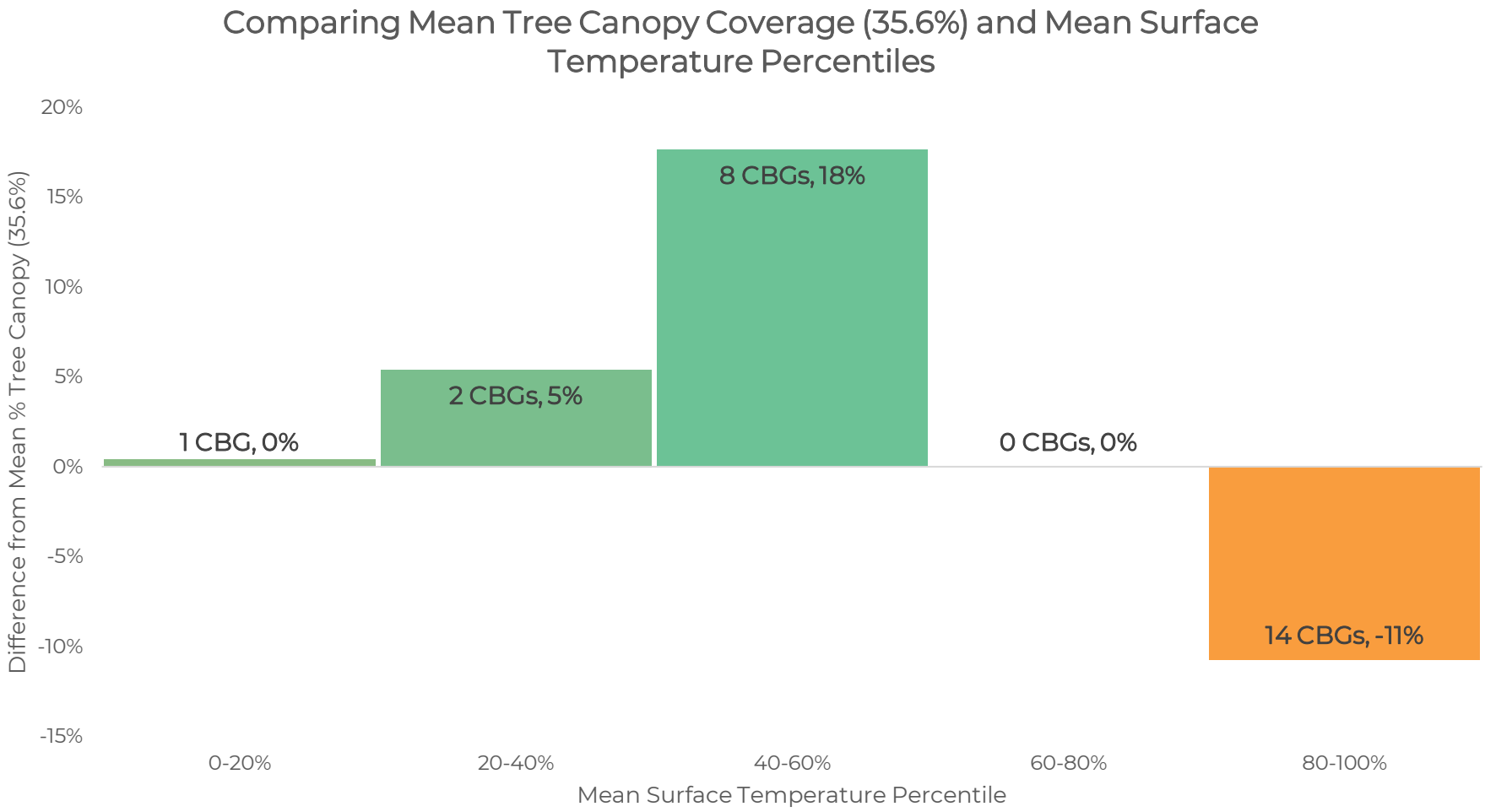
Analysis of the Populations in Poverty Compared to the Mean Canopy Cover (35.6%)



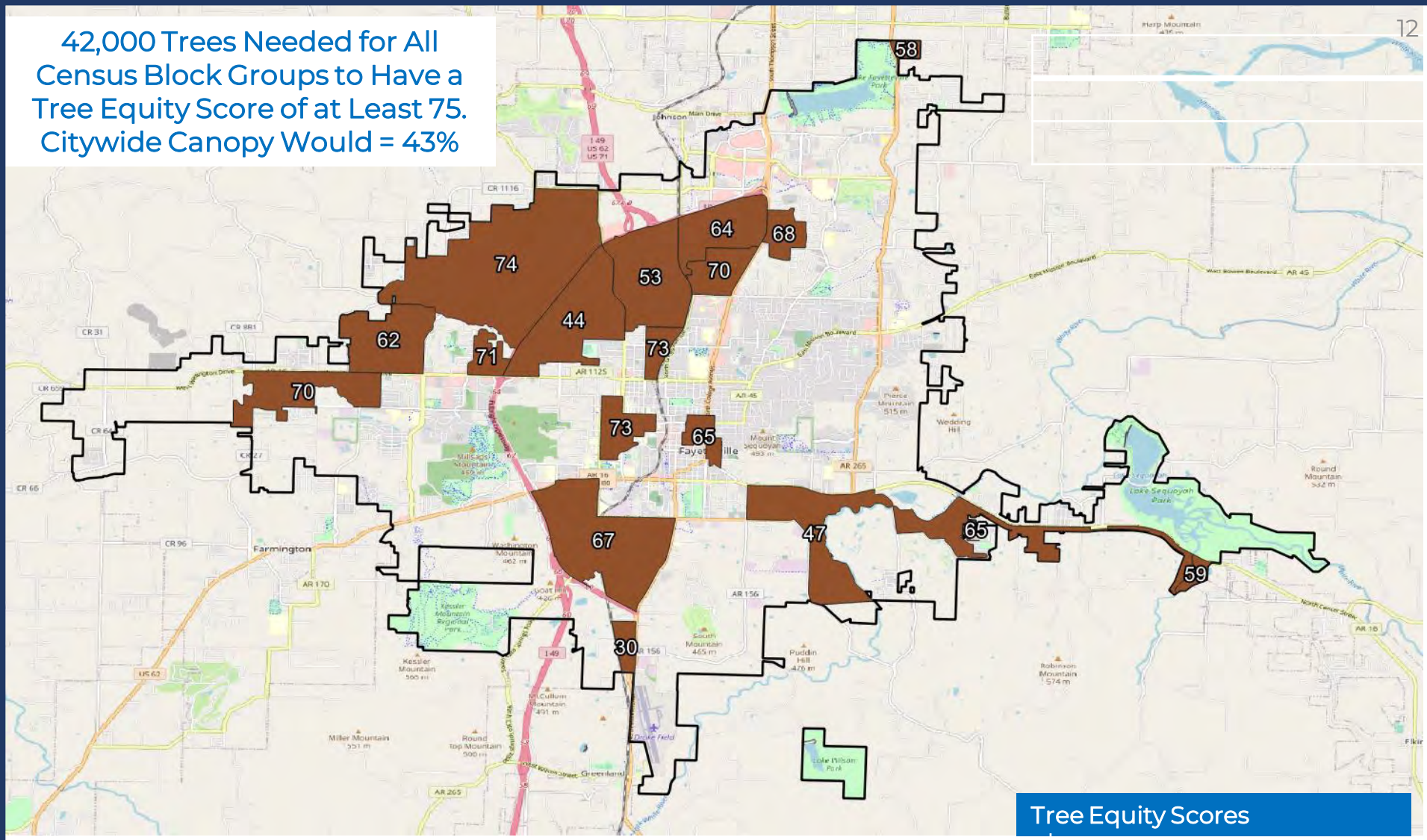
Analysis of the Populations of Color Compared to the Mean Canopy Cover (35.6%)



Analysis of Surface Temperatures and the Mean Canopy Cover (35.6%)



42,000 Trees Needed for All Census Block Groups to Have a Tree Equity Score of at Least 75. Citywide Canopy Would = 43%

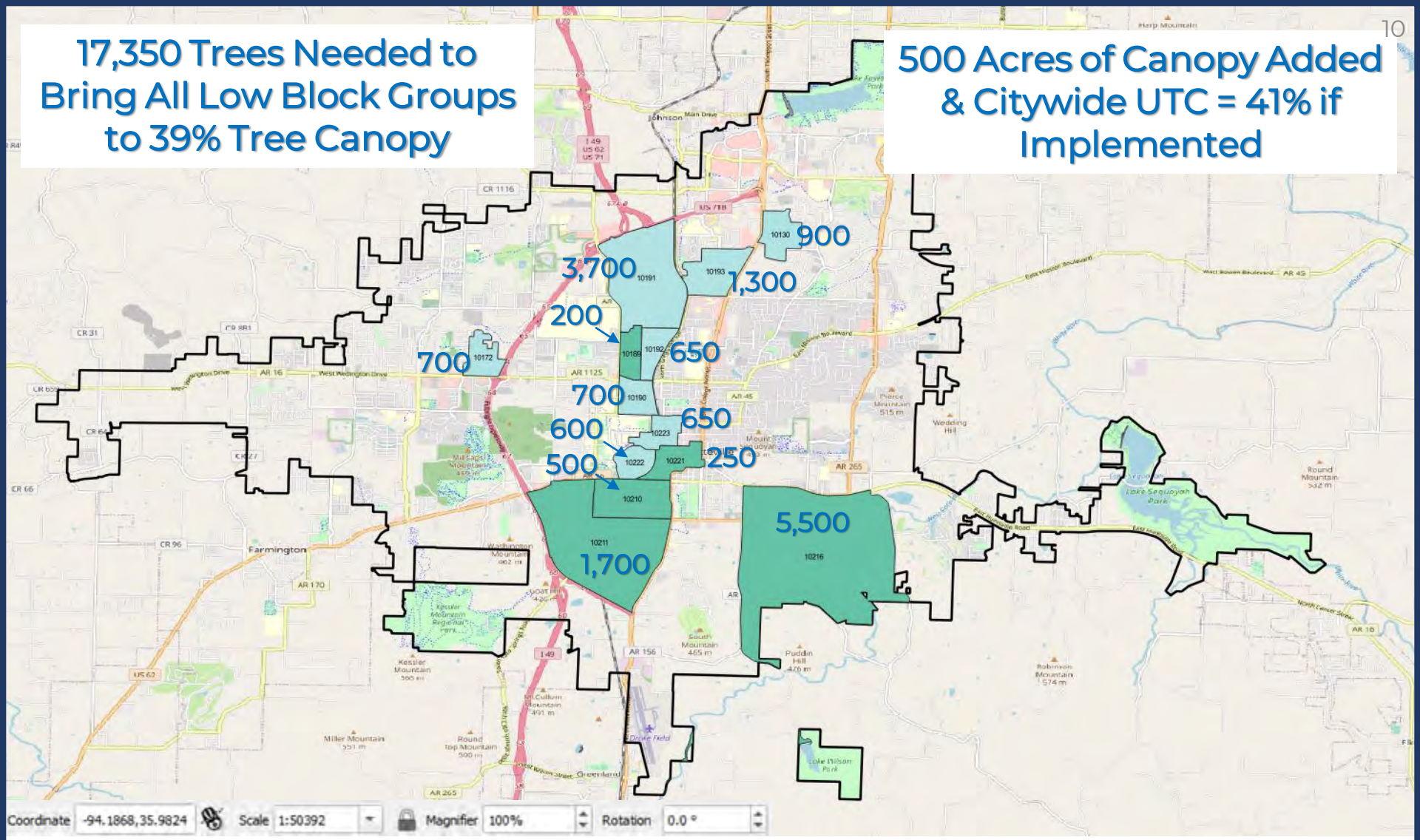


Tree Equity Scores

- City Boundary
- Block Groups with < 75 TES

17,350 Trees Needed to Bring All Low Block Groups to 39% Tree Canopy

500 Acres of Canopy Added & Citywide UTC = 41% if Implemented



Priority Planting Areas Legend

- ☐ City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover
- # Number of trees needed to reach City UTC of 39%

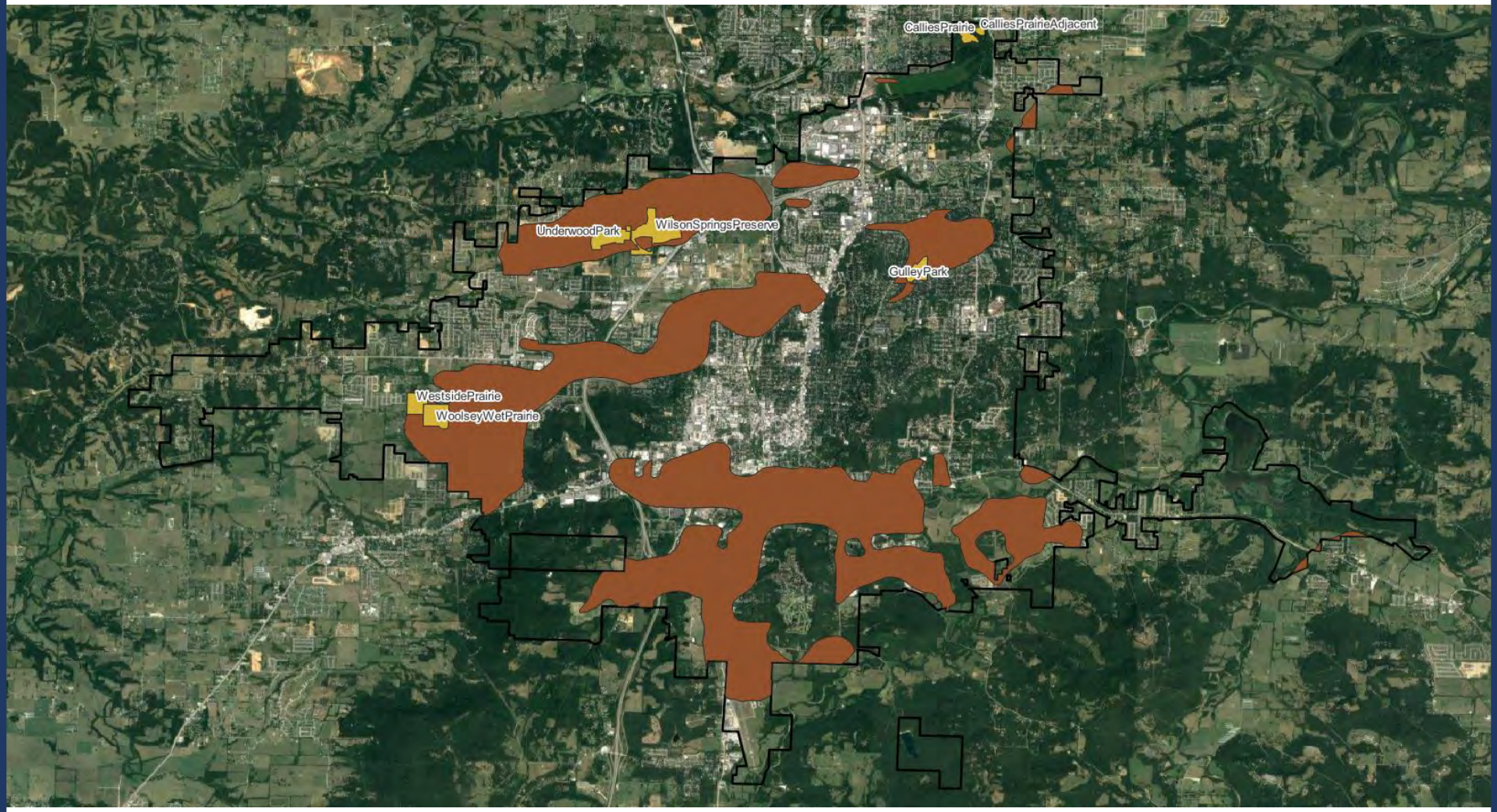
Exclusion or Vulnerable Areas

Prairies Delineated Based on List Provided by City Staff



Protected Prairie-related Areas	Acres
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	252 acres

Native Prairie & Prairies Delineated Based on List Provided by City Staff

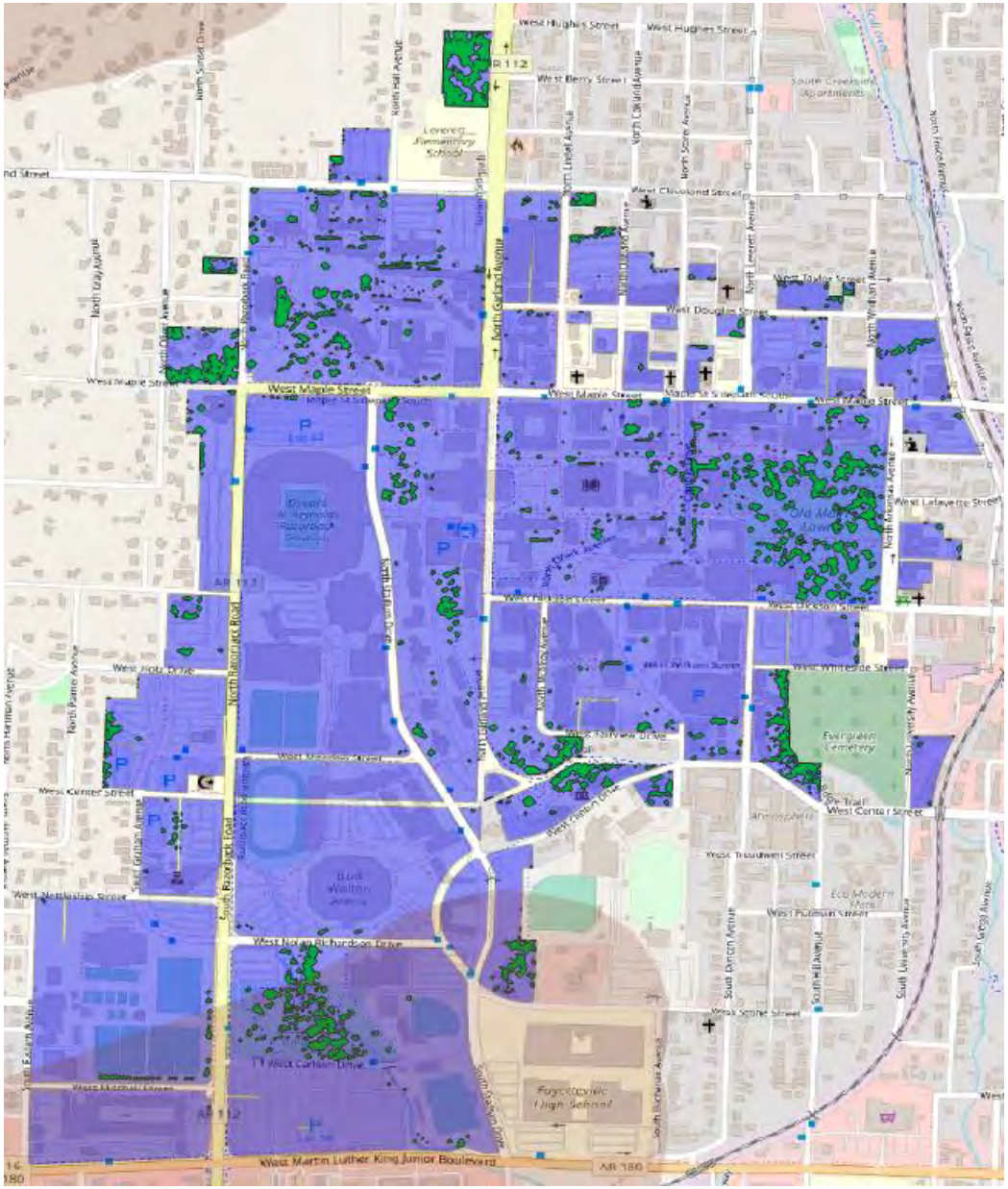


GIS layer provided by:
Marson Nance, CLM
Director of Land Stewardship & Research
Northwest Arkansas Land Trust

Total Prairie Acres	9,769
Total Canopy Acres in Prairie	1,957
Canopy % in Prairie	20%

NORTHWEST ARKANSAS LAND TRUST

University of Arkansas Canopy

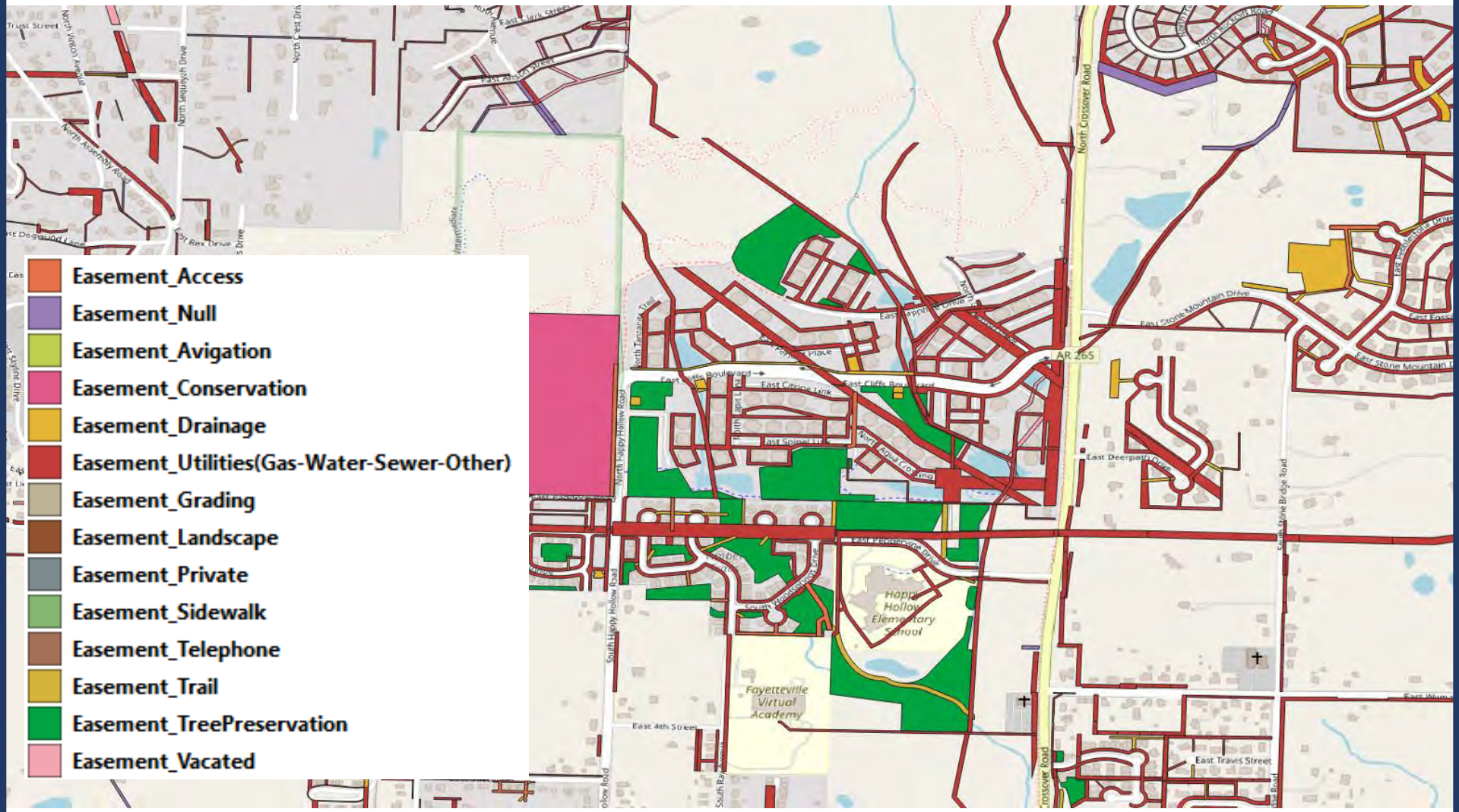


University Acres	Canopy Area (Ac)	Canopy %
377.0	22.0	6%

Citywide Acres	35,712
Citywide Canopy Acres	14,081.24
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059.27
Citywide Canopy % Excluding University	**39.37%**

- University of Arkansas property
- Canopy within University of Arkansas property

Easements Example



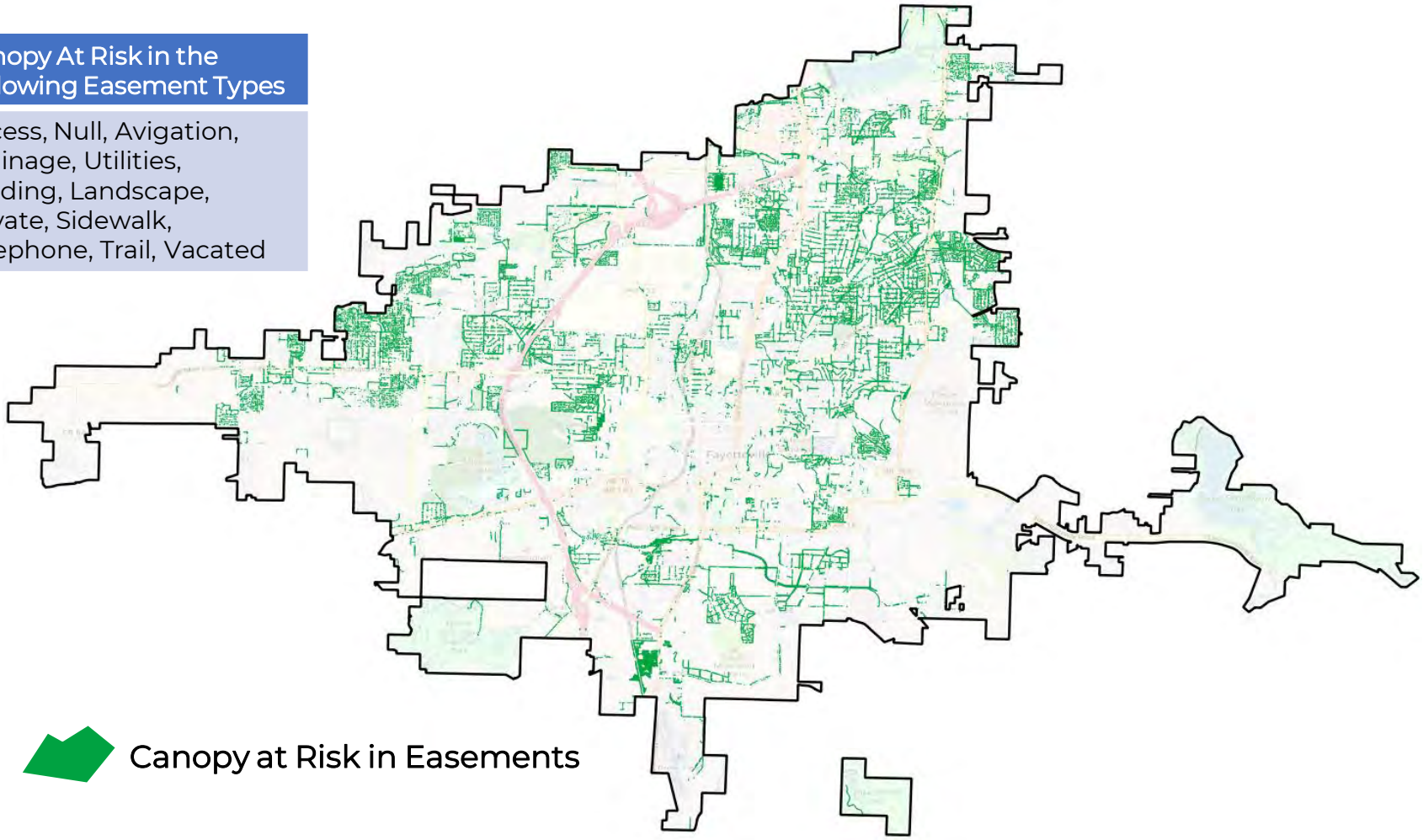
Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements"	Areas to Proactively Preserve
Conservation(?), Tree Preservation	Access, Null(?), Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Canopy in At Risk Easements

Acres of Vulnerable Easements	Canopy Acres of Vulnerable Easements	% Canopy of Vulnerable Easements
3,980.6	1,015.0	25%

Canopy At Risk in the Following Easement Types

Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated

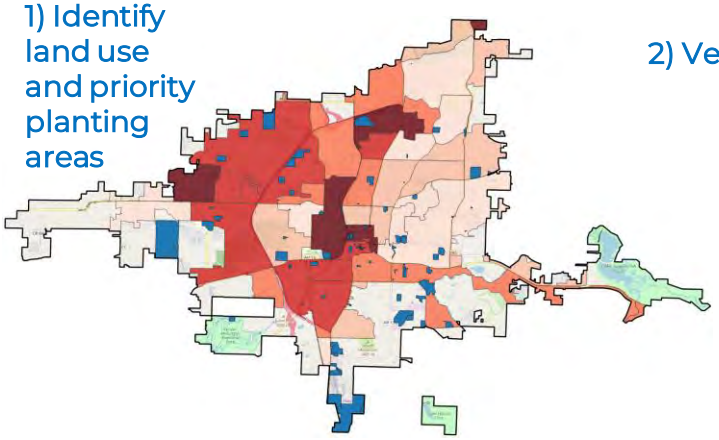


Canopy at Risk in Easements

Applying Canopy Goals & Priority Planting Areas with Consideration of Exclusion Areas

Priority Planting in Civic Institutional Land Use Areas to Achieve Canopy Goals

1) Identify land use and priority planting areas



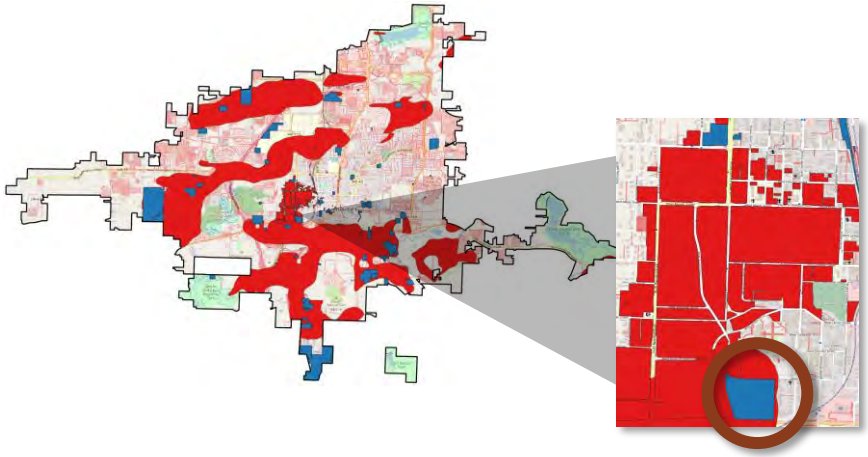
Average Surface Temperature

- City Boundary
- Civic Institutional Land Use
- 75 – 80
- 80 – 81
- 81 – 82
- 82 – 83
- 83 - 85

2) Verify and confirm the canopy goal and number of trees to plant for the land use

Future Land Use	Current Canopy %	Modeled Canopy %	Timeframe (years)	# of Trees per Year
Urban Center	16%	16%	30	1
City Neighborhood	30%	31%	30	106
Residential Neighborhood	41%	46%	30	1,050
Rural Residential	48%	53%	30	1,032
Non-Muni Government	17%	19%	30	55
Civic Institutional	30%	32%	30	74
Civic & Private Open Space	62%	65%	30	202
Natural	62%	65%	30	480
Industrial	30%	30%	30	3
Citywide	39%	44.7%	30 Years	3,003

3) Identify and remove non-plantable areas (university, easements, prairie)



Legend

- City Boundary
- Civic Institutional Land Use
- University grounds, vulnerable easements, and prairie
- Not plantable

4) Identify Possible Planting Area in priority area for the land use and determine planting locations



5) Continue to identify possible planting areas in priority areas for the land use to strategize how and where to plant 74 trees per year for 30 years to reach the 32% canopy goal for the Civic Institutional land use as shown in the table above in step #2



TREE INVENTORY SUMMARY

An internal summary of the public and private sample tree inventory to inform the

City of Fayetteville, AR
Urban Forest Management Plan

April 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo developers of TreePlotter

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TREE INVENTORY OVERVIEW

About

In October 2022, a sample inventory of public and private trees in Fayetteville, Arkansas was conducted by PlanIT Geo's Certified Arborists accredited by the International Society of Arboriculture. The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forest Management Plan ("UFMP" or "Plan") project that is currently underway as of November 2022. The tree inventory is intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the UFMP.

Due to limited funding, a comprehensive inventory was not conducted though sampling methods were used in order to extrapolate the data to represent the total public and private tree populations, respectively. To do this, a sample inventory of public trees along approximately 5 percent of linear road miles (25 miles) was conducted. For public trees in parks, approximately 10 percent of City park acres were inventoried. The locations for the public tree inventory were determined by the City's Urban Forester and PlanIT Geo's Field Services team. For the private tree sample, an inventory of trees on private property was conducted when adjacent to public trees being inventoried. Data collection for private trees was not conducted on or within private property— the inventory was conducted within public rights-of-way (i.e., sidewalks) to provide a snapshot of the extent, structure, and characteristics of private trees. In addition to trees, possible available public planting sites were also inventoried based on criteria provided by the City's Urban Forester.

In November 2022, the Consulting Team developing the UFMP reviewed and analyzed the tree inventory datasets and provided summary worksheets and this draft summary report. The following details the draft outcomes of the analysis. Additional analyses such as ecosystem benefits and extrapolating the data to represent the Citywide urban forest remains to be done as part of the UFMP project.

Note, the public and private tree sample inventory analysis was conducted in the months of November and December 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changes since the analysis.

Tree Inventory Database

www.pg-cloud.com/FayettevilleAR

Tree Inventory Counts

Tree Population / Feature	Public Datasets	Private Datasets
Total Data Points	3,076	850
Total Tree Points (alive and dead)	2,712	848
Possible Planting Sites (includes removed and stump)	364	2 (stumps)
Total Living Trees	2,568	830
Total Dead Trees	144	18

Table 1. Counts for the public and private sample tree inventory

Data Fields Collected

TreePlotter Tab	Data Field	Public Tree Dataset	Private Tree Dataset
Tree Tab	Primary ID	X	X
	Status	X	X
	Common Name	X	X
	Scientific Name	X	X
	Number of Stems	X	X
	Condition	X	X
	DBH	X	X
	DBH Range	X	X
	Observations	X	X
	Private Parcel Tree?	X	X
	Genus/Species Code	X	X
	Crown Light Exposure	X	X
Location Tab	Address	X	X
	Growing Space Type	X	X
	Land Use	X	X
	Planting Site Width	X	X
Management Tab	Tree Work	X	X
	Wires	X	X
	Clearance Conflicts	X	X
	User	X	X
	Date Added	X	X
	Last Modified	X	X
	Last Modified User	X	X

Table 2. Data fields collected as part of the 2022 sample tree inventory

PUBLIC TREE SAMPLE INVENTORY SUMMARY

Includes public street, median, park, and trail trees

Public Data Highlights (Sample Inventory)

Field	Value
Data Points	2,740 public data points
Alive & Dead Trees	2,568 (95%) Alive 144 (5%) Dead
Adjacent Land Use	68% Park/Vacant/Other 15% Single Family
Primary Growing Space Type	Other (Maintained): 39% Planting Strip: 27%
Primary Planting Site Width	Class II (medium) 6-10 feet: 42% (1,151 trees) Class III (large) 11+ feet: 36% (964 trees)
Number of Unique Tree Genera	54
Most Common Tree Genera	*Quercus*: 31% (838 trees) *Ulmus*: 15% (411 trees) *Acer*: 8% (213 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 74% of public trees
Number of Unique Tree Species	111
Most Common Tree Species	Princeton elm: 7% (189 trees) Post oak: 6% (175 trees) Willow oak: 6% (165 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 44% of public trees
Tree Size Classes	55% 0-6in DBH (1,499 trees) 19% 6-12in DBH (516 trees) 14% 12-18in DBH (367 trees) 6% 18-24in DBH (158 trees) 4% 24-30in DBH (122 trees) 2% >30in DBH (50 trees)
Average Diameter / Largest Tree	8.1 inch average / 62 inch baldcypress
Tree Condition	0.04% Excellent (1 tree) 75% Good (2,043 trees) 15% Fair (394 trees) 5% Poor (130 trees) 5% Dead (144 trees)
Observations	30% Crown Dieback (813 trees) 6% Cavity Decay (174 trees)
Recommended Tree Work	Clearance Prune: 8% (217 trees) Remove Tree: 6% (162 trees) Utility Prune: 3% (72 trees)
Wire Conflicts	Wires present & conflicting: 72 trees (3%)
Clearance Conflicts	Pedestrian: 2% (53 trees) Building: 1% (37 trees)
Ecosystem Benefits	$7,767 Overall Annual Value

Table 3. Summary of the sample public tree inventory

Public Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Public Trees

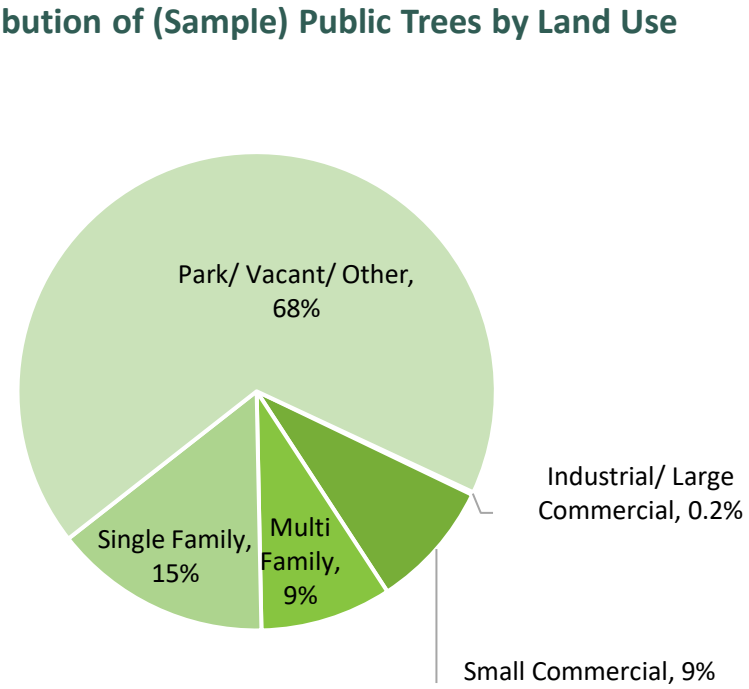


Figure 1. Distribution of (sample) public trees by land use

Growing Space Type of Public Trees

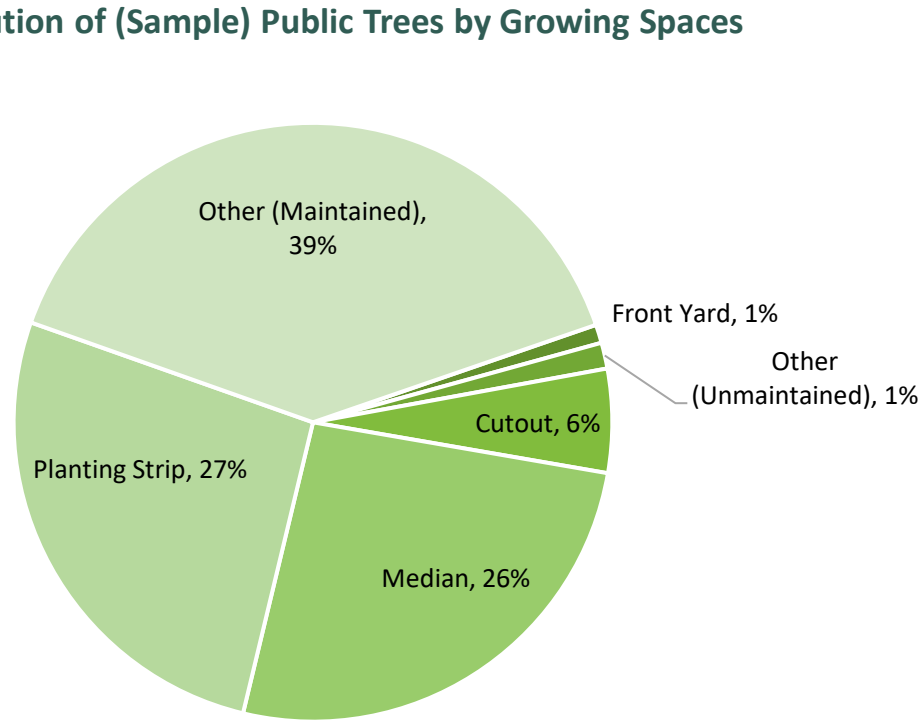


Figure 2. Distribution of (sample) public trees by growing spaces

Existing Tree Planting Site Width of Public Trees

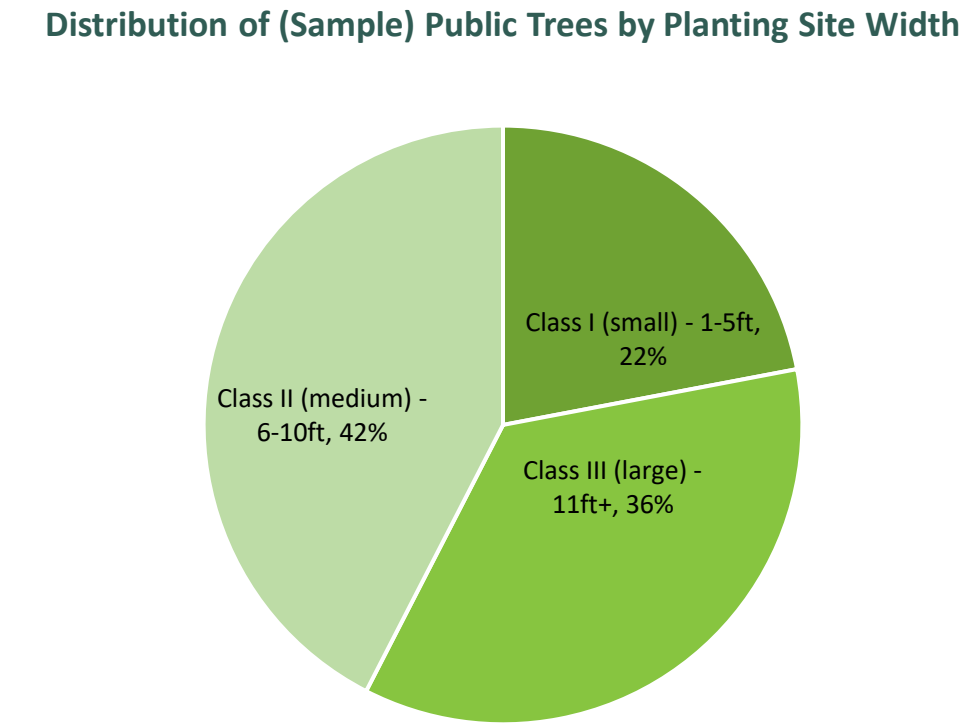


Figure 3. Distribution of (sample) public trees by planting site width

Public Tree Structure (Sample Inventory)

Public Tree Genera Composition

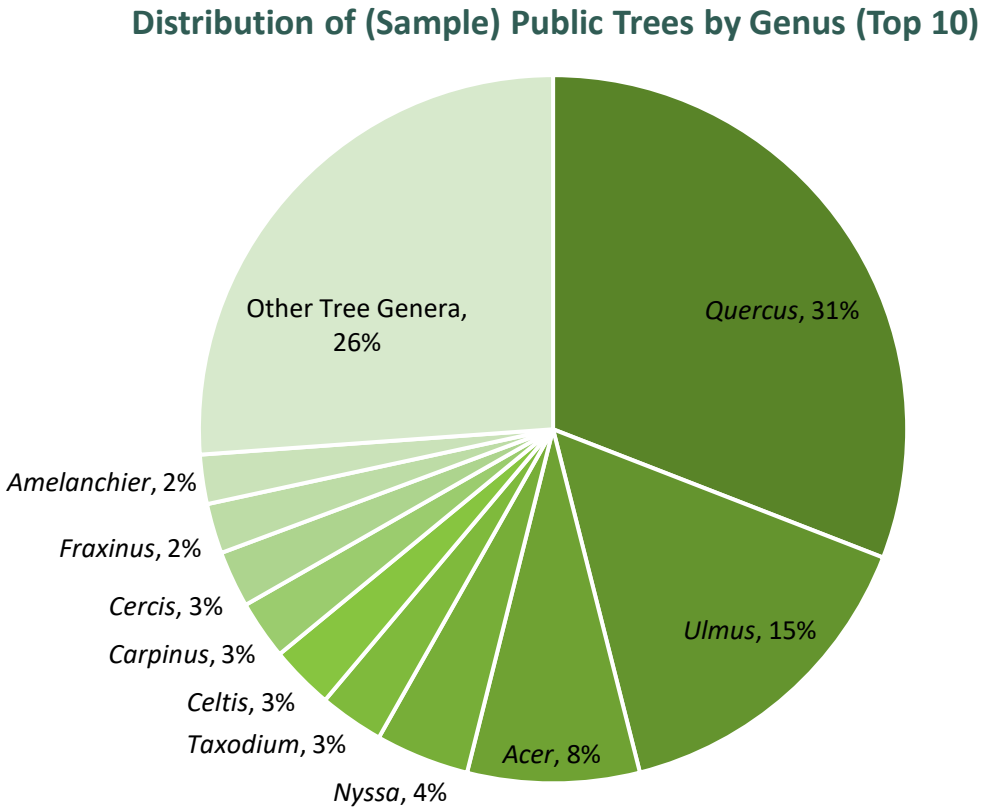


Figure 4. Distribution of (sample) public trees by genus (top 10)

Public Tree Species Composition

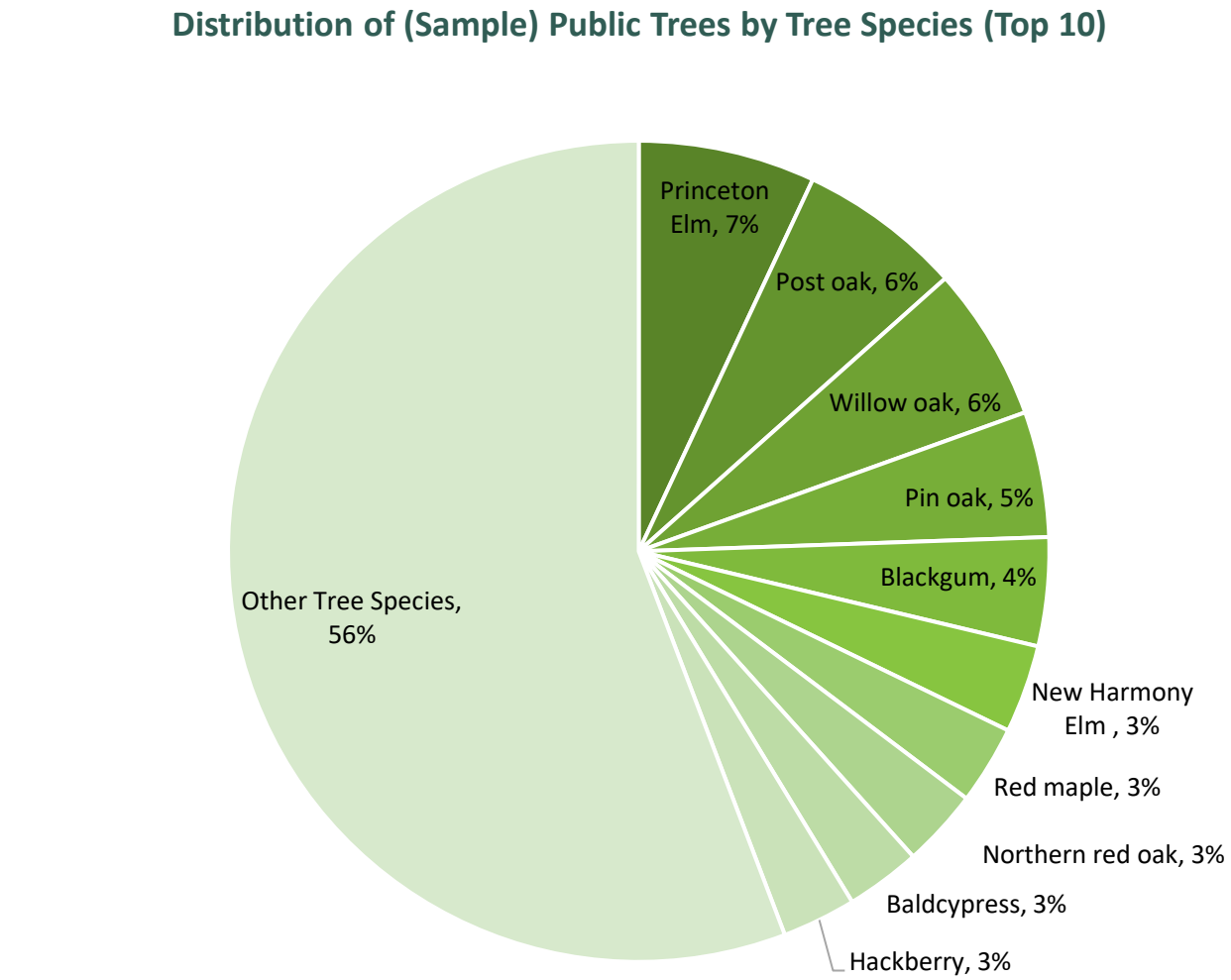


Figure 5. Distribution of (sample) public trees by tree species (top 10)

Public Tree Size Classes and Relative Age Distribution

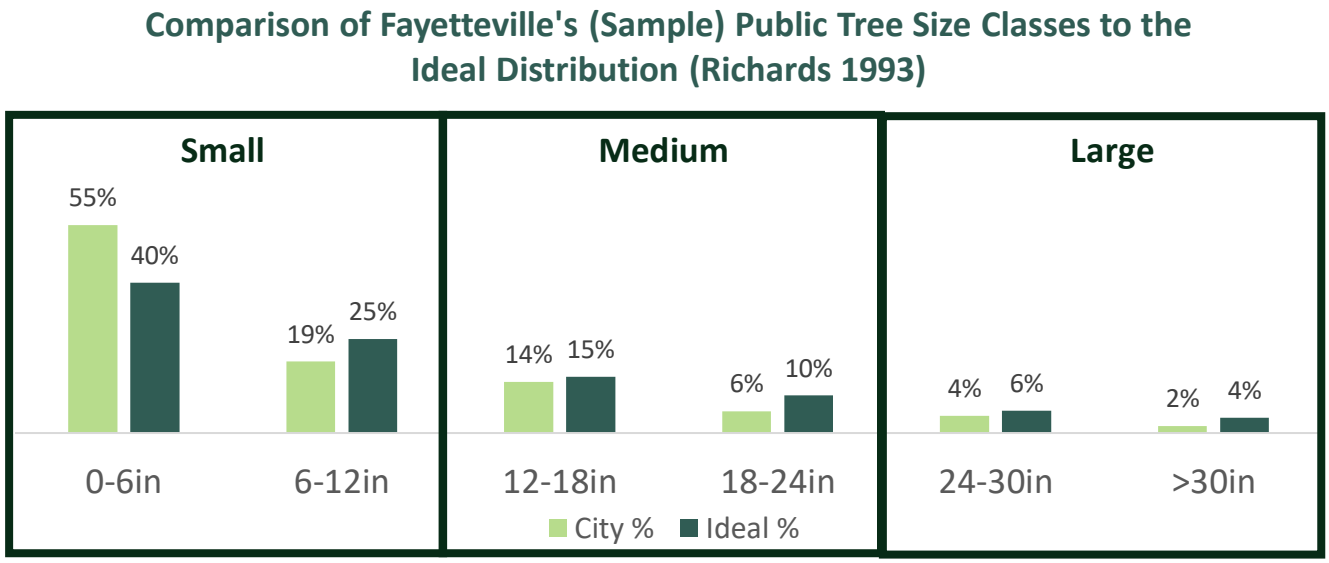


Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Sample Inventory)

Public Tree Condition

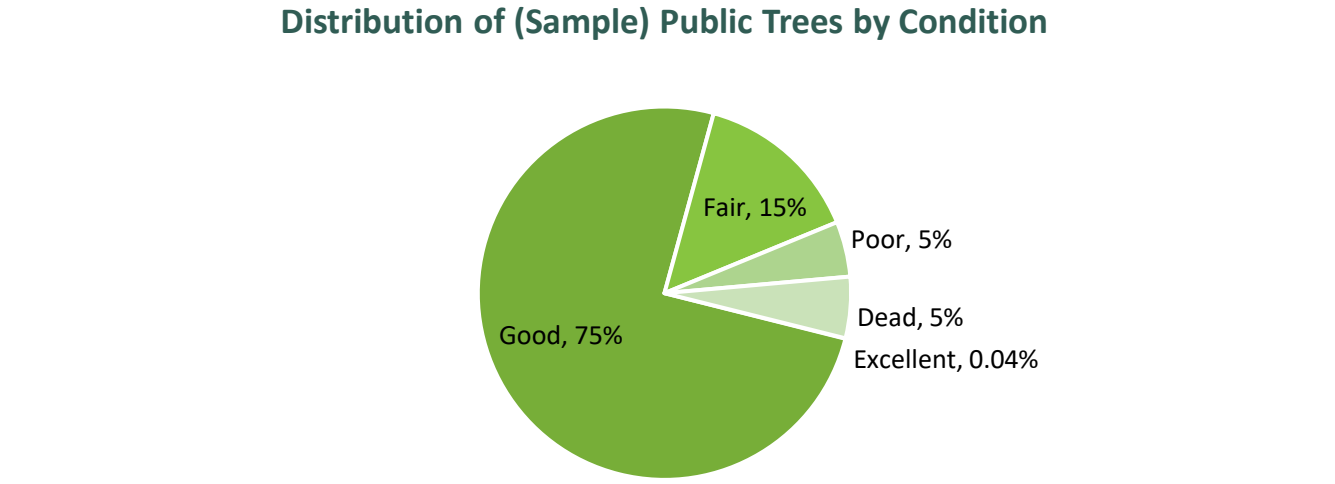


Figure 7. Distribution of (sample) public trees by condition

Public Tree Observations

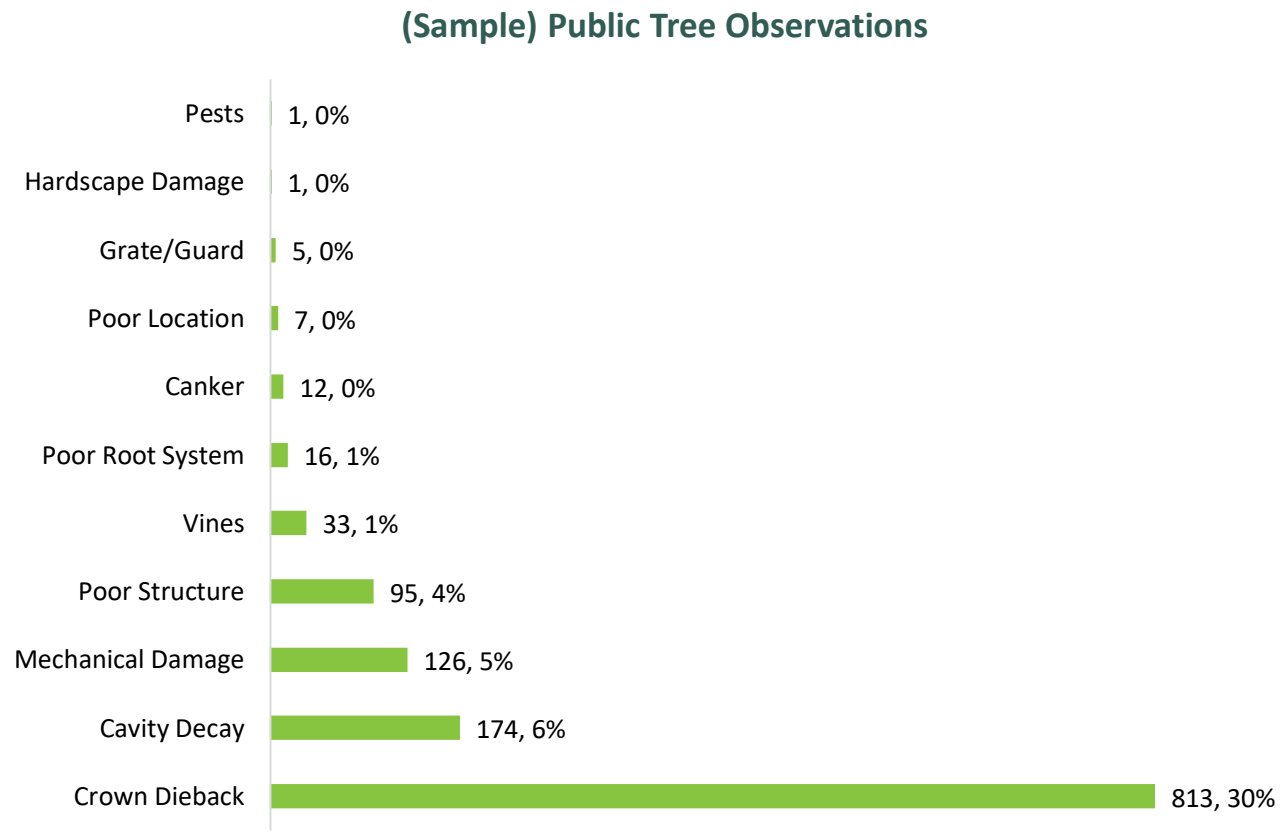


Figure 8. Observations of the (sample) public trees

Recommended Maintenance of Public Trees ("Tree Work")

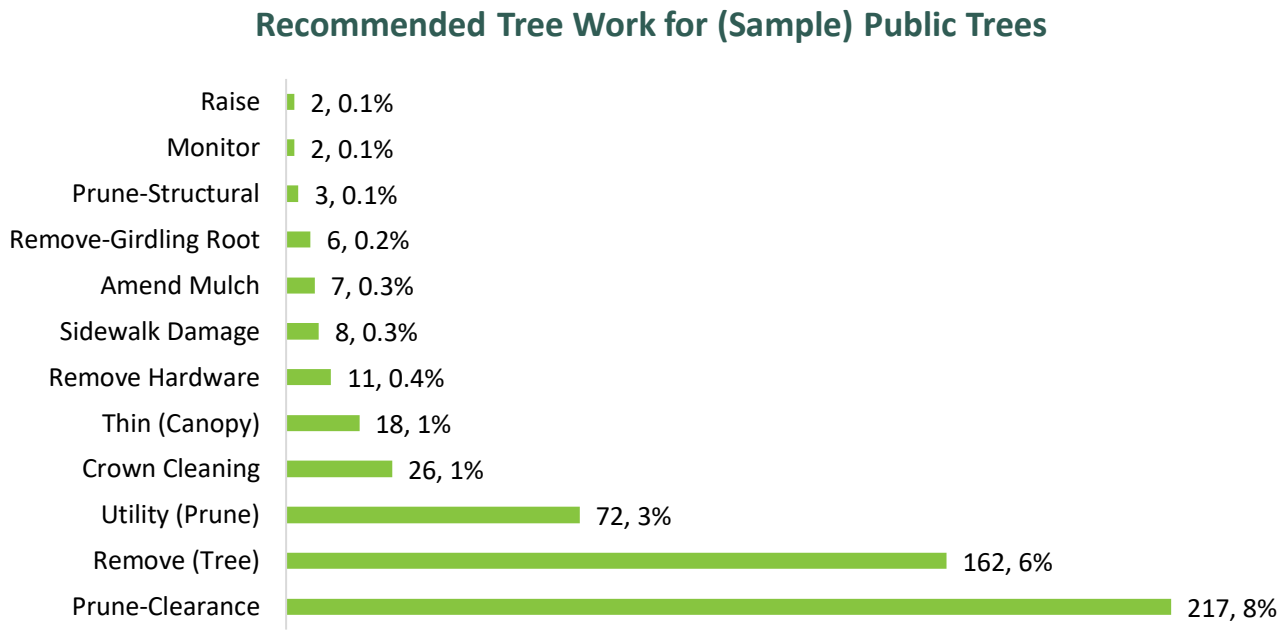


Figure 9. Recommended tree work for (sample) public trees

Public Tree Conflicts (Sample Inventory)

Public Tree Wire Conflicts

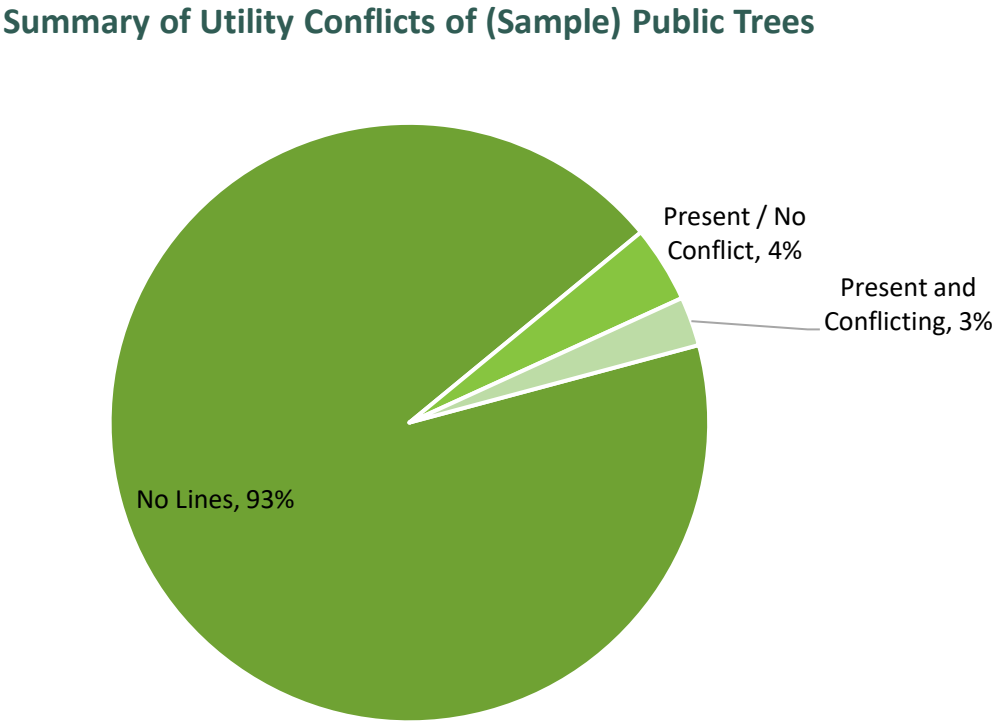


Figure 10. Summary of utility conflicts of (sample) public trees

Public Tree Clearance Conflicts

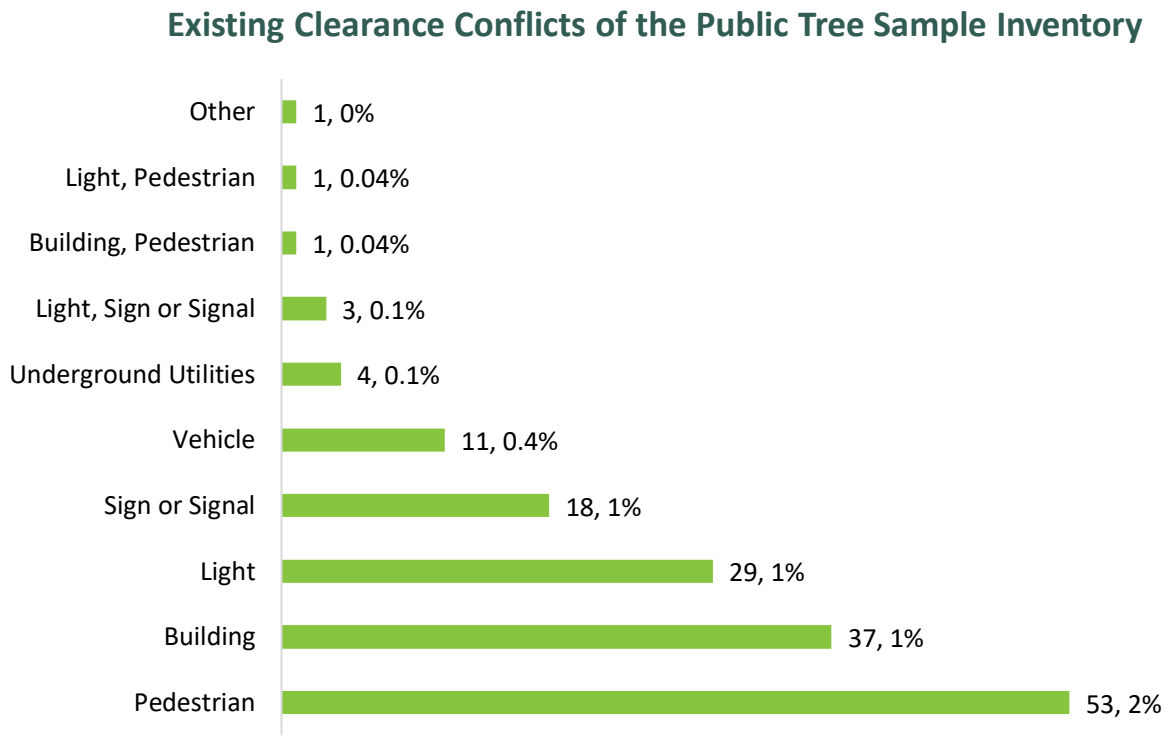


Figure 11. Existing clearance conflicts of the public tree sample inventory

Ecosystem Benefits and Services of the Public Tree Sample Inventory

Table 4. Ecosystem benefits and services of the sample public trees

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft^3"= cubic feet

PRIVATE TREE SAMPLE INVENTORY SUMMARY

Private Data Highlights (Sample Inventory)

Field	Value
Data Points	850
Alive & Dead Trees	848
Adjacent Land Use	39% Single Family 27% Multi Family
Primary Growing Space Type	Other (Maintained): 70% Front Yard: 19%
Primary Planting Site Width	Class III (large) 11+ feet: 62% Class II (medium) 6-10 feet: 20%
Number of Unique Tree Genera	34
Most Common Tree Genera	*Quercus*: 19% (159 trees) *Acer*: 12% (103 trees) *Pinus*: 9% (75 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 78% of private trees
Number of Unique Tree Species	64
Most Common Tree Species	Pin oak: 9% (76 trees) Loblolly pine: 8% (65 trees) Red maple: 8% (64 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 57% of private trees
Tree Size Classes	39% 0-6in DBH (334 trees) 20% 6-12in DBH (171 trees) 23% 12-18in DBH (198 trees) 10% 18-24in DBH (83 trees) 5% 24-30in DBH (44 trees) 2% >30in DBH (18 trees)
Average Diameter / Largest Tree	10.2 inch average / 34 inch tulip tree
Tree Condition	0.1% Excellent (1 tree) 70% Good (594 trees) 24% Fair (202 trees) 4% Poor (33 trees) 2% Dead (20 trees)
Observations	41% Crown Dieback (346 trees) 9% Cavity Decay (75 trees)
Recommended Tree Work	Clearance Prune: 9% (74 trees) Remove Hardware: 6% (53 trees) Remove (Tree): 3% (23 trees)
Wire Conflicts	Wires present & conflicting: 17 trees (2%)
Clearance Conflicts	Building: 4% (33 trees) Pedestrian: 3% (23 trees)
Ecosystem Benefits	$3,295 Overall Annual Value

Table 5. Summary of the sample private tree inventory

Private Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Private Trees

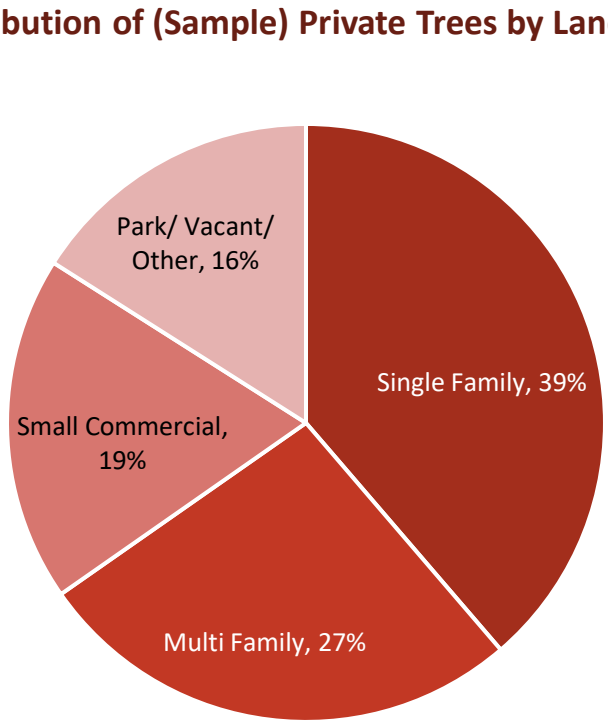


Figure 12. Distribution of (sample) private trees by land use

Growing Space Type of Private Trees

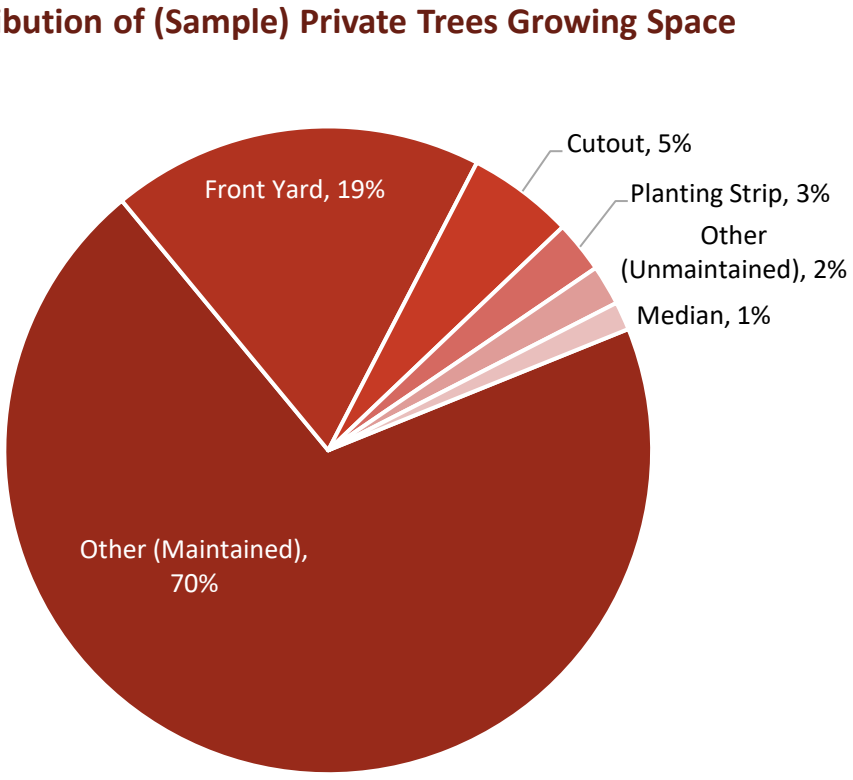


Figure 13. Distribution of growing space for the (sample) private trees

Existing Tree Planting Site Width of Private Trees

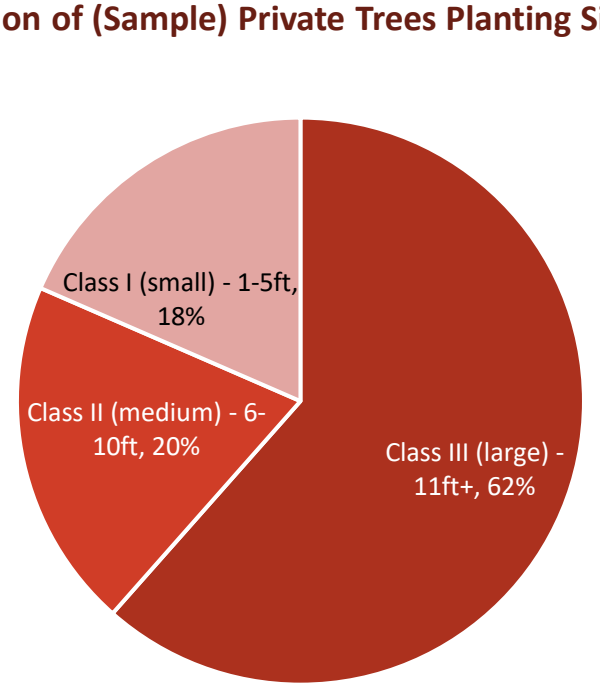


Figure 14. Distribution of (sample) private trees planting site widths

Private Tree Structure (Sample Inventory)

Private Tree Genera Composition

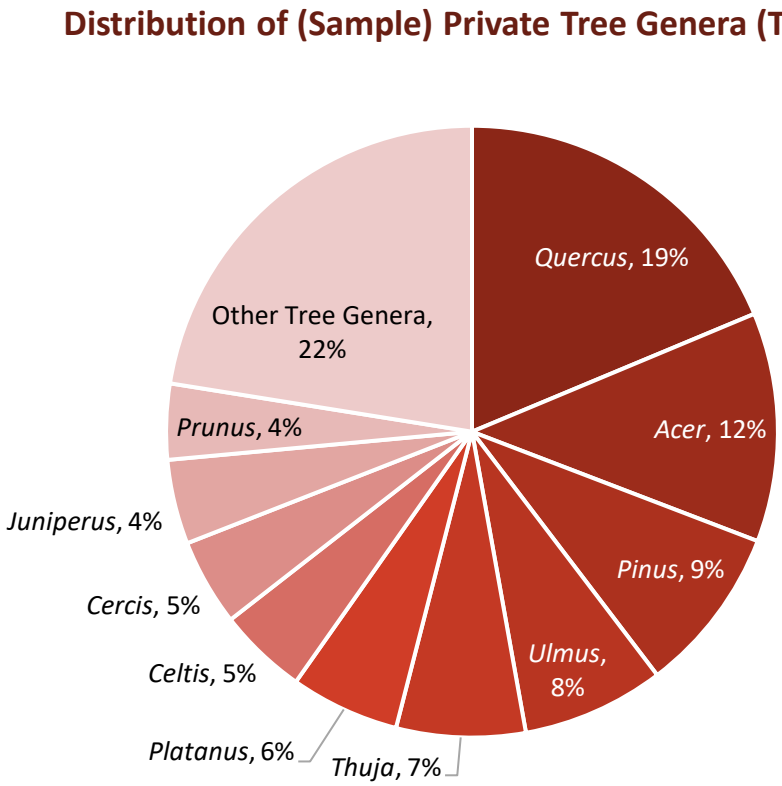


Figure 15. Distribution of (sample) private tree genera (top 10)

Private Tree Species Composition

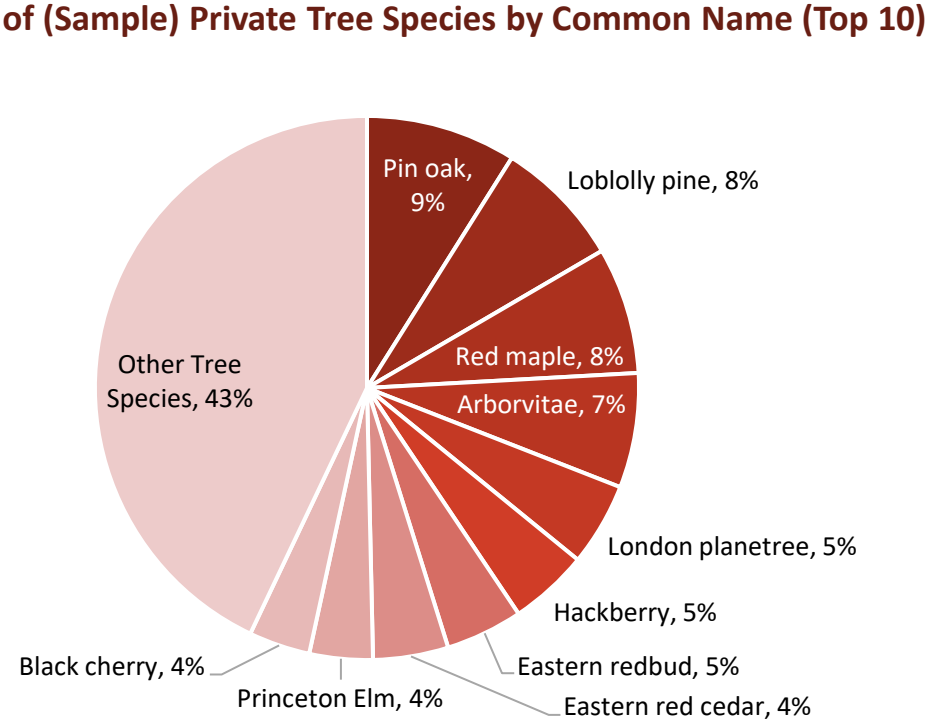


Figure 16. Distribution of (sample) private tree species (top 10)

Private Tree Size Classes and Relative Age Distribution

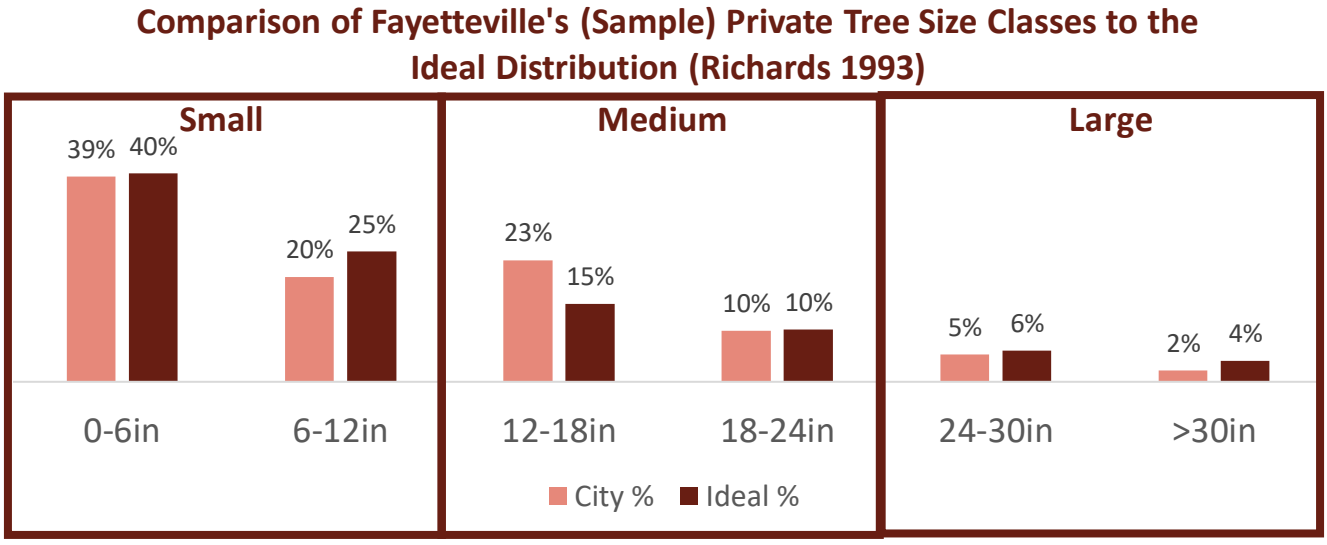


Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Sample Inventory)

Private Tree Condition

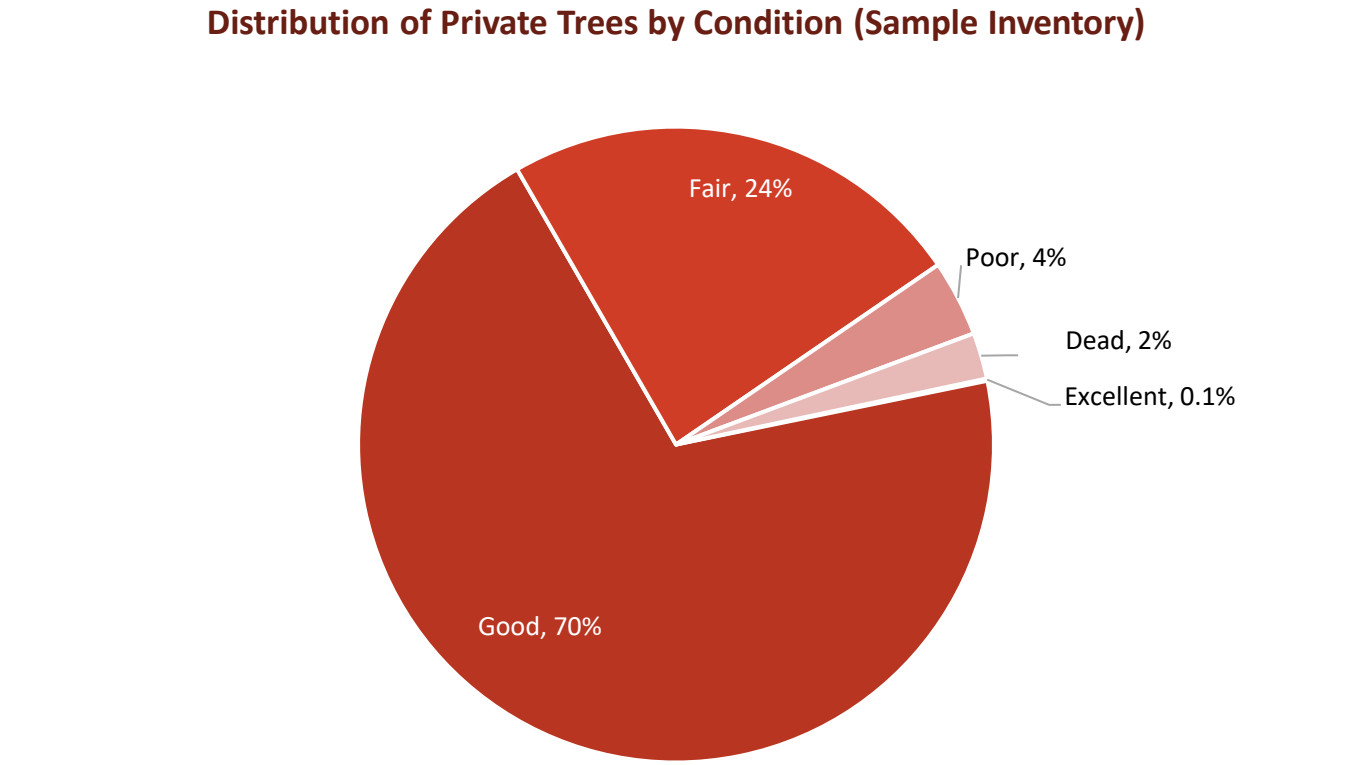


Figure 18. Distribution of (sample) private trees by condition

Private Tree Observations

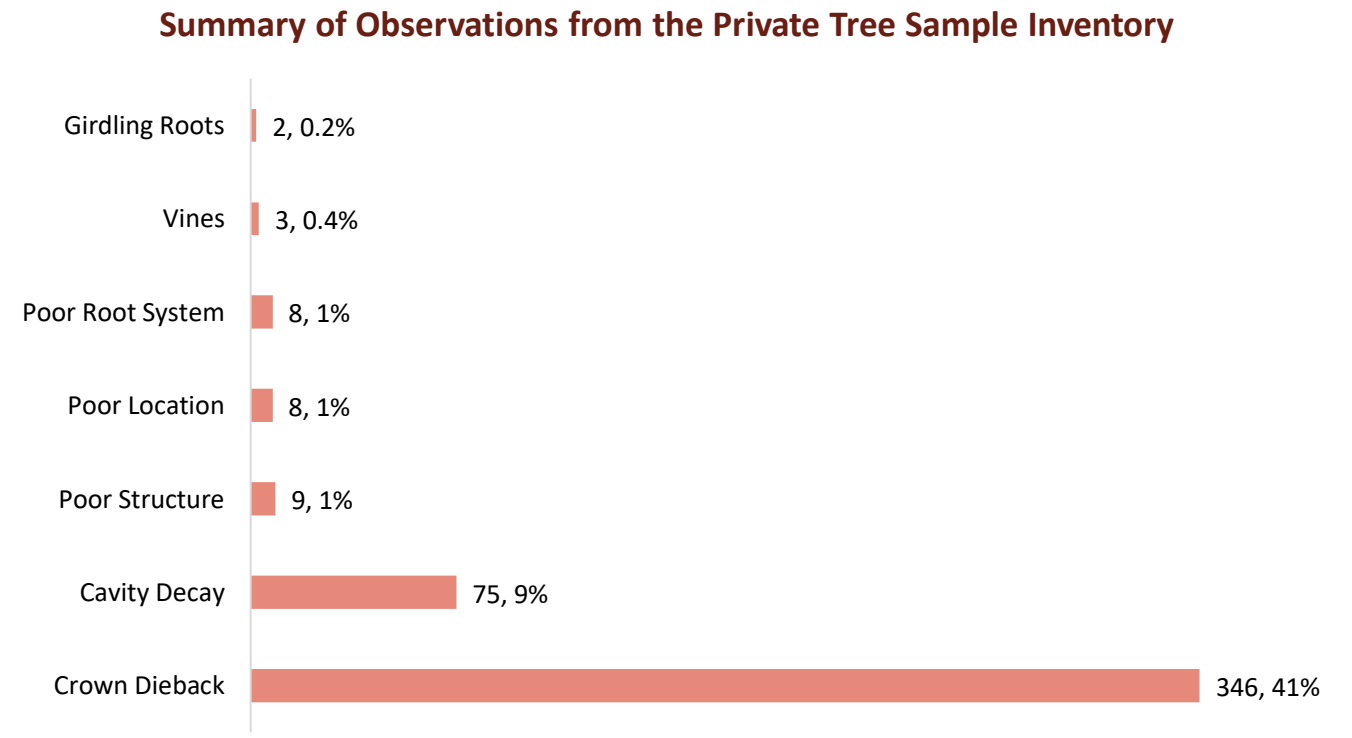


Figure 19. Summary of observations from the private sample tree inventory

Recommended Maintenance of Private Trees ("Tree Work")

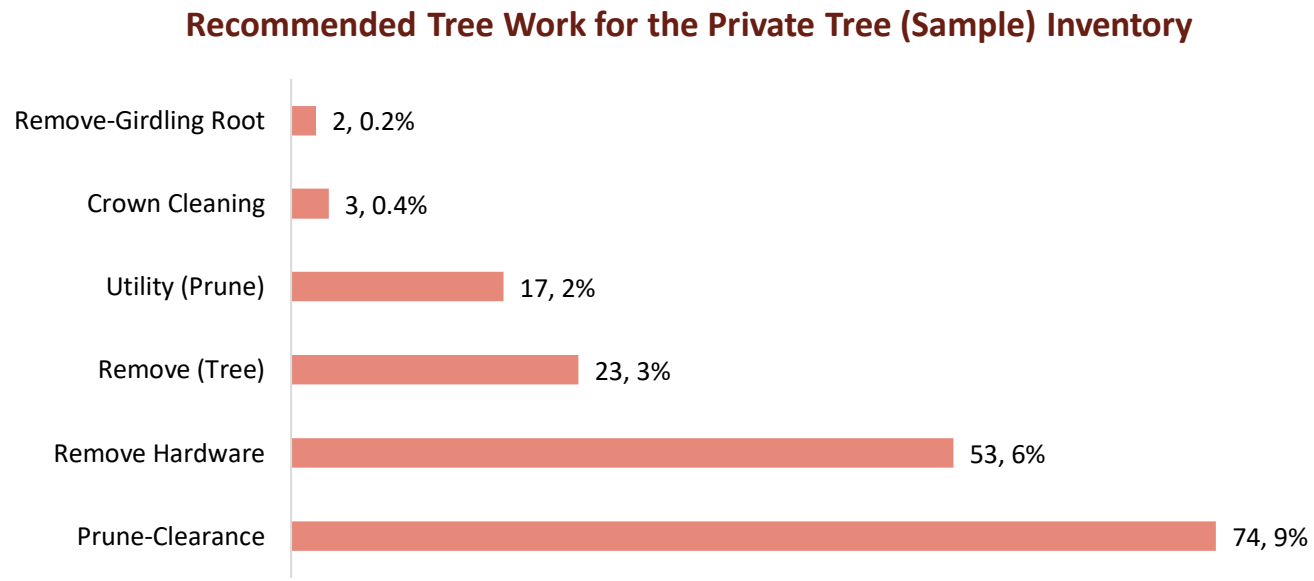


Figure 20. Recommended tree work for the (sample) private tree inventory

Private Tree Conflicts (Sample Inventory)

Private Tree Wire Conflicts

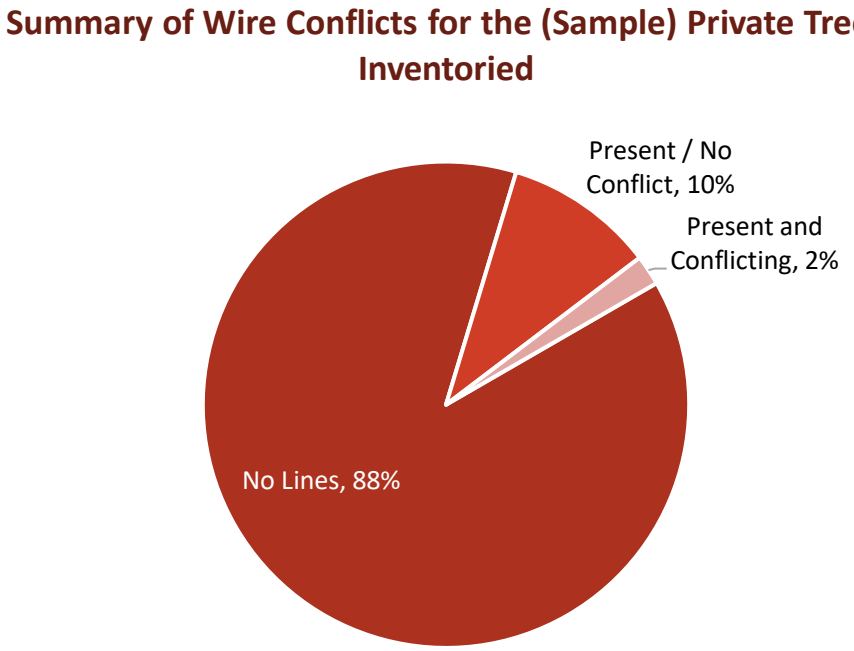


Figure 21. Summary of the wire conflicts for the (sample) private tree inventory

Private Tree Clearance Conflicts

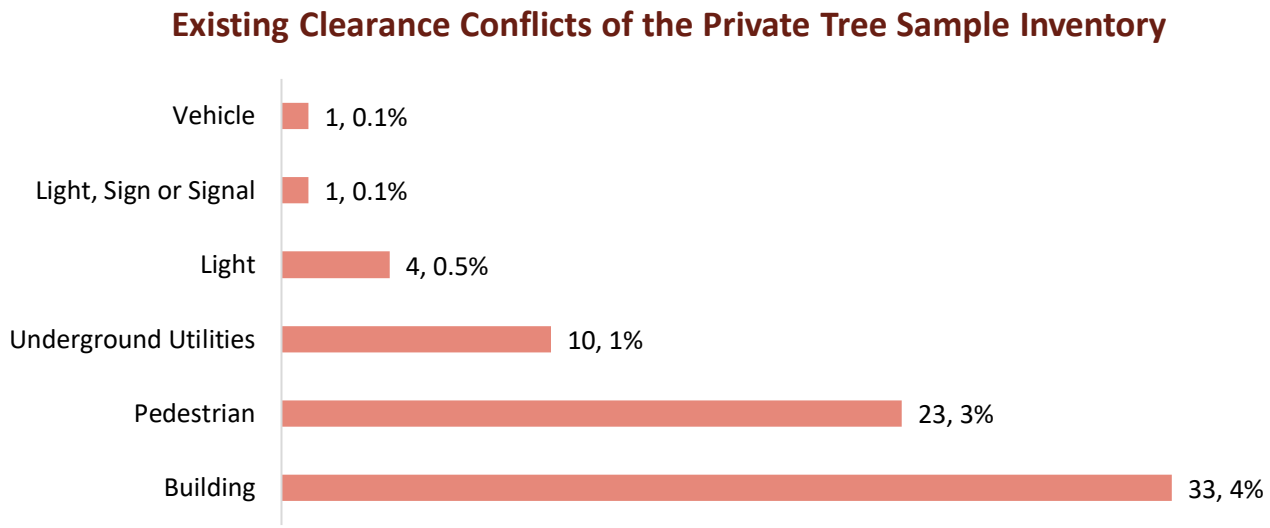


Figure 22. Existing clearance conflicts of the (sample) private tree inventory

Ecosystem Benefits and Services of the Private Tree Sample Inventory

Table 6. Ecosystem benefits and services of the sample private trees

ECOSYSTEM BENEFITS	Amount 830 Private trees	AVERAGE PER TREE
Overall Monetary Benefit ($)	$3,295	$3.97
Air Quality Monetary Benefit ($)	$1,153	$1.39
CO (Carbon Monoxide) Pollution Removed (lbs)	5	0.006
CO Removed Monetary Benefit ($)	$3	$0.00
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	25	0.03
NO2 Removed Monetary Benefit ($)	$5.0	$0.01
O3(Ozone) Pollution Removed (lbs)	422	0.51
O3 Removed Monetary Benefit ($)	$496	$0.60
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	14	0.02
PM2.5 Removed Monetary Benefit ($	$647	$0.78
SO2 (Sulfur dioxide) Pollution Removed (lbs)	9	0.01
SO2 Removed Monetary Benefit ($)	$0.00	$0.00
Pollutants Removed (lbs)	475	0.57
Carbon Sequestrated Monetary Benefit ($)	$1,656	$2.00
Carbon Sequestered (lbs)	71,206	85.79
Stormwater Monetary Benefit ($)	$486.00	$0.59
Evaporation (ft^3)	93,621	112.80
Interception (ft^3)	93,762	112.97
Transpiration (ft^3)	198,003	238.56
Potential Evaporation (ft^3)	807,155	972.48
Evapotranspiration (ft^3)	610,884	736.00
Runoff Avoided (ft^3)	7,272	8.76
CO2 Storage (lbs)	2,015,538	2428.36
CO2 Storage Monetary Benefit ($)	$46,876	$56.48
Carbon Dry Weight (lbs)	1,099,385	1324.56
Carbon Storage (lbs)	549,692	$662.28

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

PUBLIC PARK AND TRAIL SAMPLE TREE INVENTORY

Summary of Sample Tree Inventories in Public Parks

Data Field	Wilson Park	Farmers Market	Frisco Park	Greathouse Park	Mt. Sequoyah Gardens	Mt. Sequoyah Trail
# of Data Points	485	41	61	95	48	179
Most Common Tree Genera	*Quercus* (41%)	*Prunus* (37%)	*Amel-anchier* (31%)	*Ulmus* (25%)	*Cercis* (19%)	*Quercus* (53%)
Most Common Tree Species	Post oak (19%)	Yoshino flowering cherry (37%)	Service-berry (31%)	Green ash (22%)	Eastern redbud (19%)	Post oak (38%)
Primary Condition	Good (84%)	Good (100%)	Good (80%)	Good (46%)	Good (67%)	Good (88%)
Primary Size Class	6-12in (21%)	6-12in (54%)	0-3in (41%)	6-12in (45%)	6-12in (46%)	12-18in (50%)
Tree Work	Clearance Prune (8%)	Clearance Prune (17%)	Remove Tree (3%)	Remove Tree (6%)	Crown Cleaning (13%)	Remove Tree (3%)
Primary Observation	Crown Dieback (35%)	Poor Root System (32%)	Crown Dieback (23%)	Poor Location (13%)	Crown Dieback (60%)	Poor Structure (12%)
Primary Clearance Conflict	Lights 4%	Buildings (17%)	None	None	Buildings (4%)	None

Table 7. Tree data summaries for parks inventoried in 2022

POSSIBLE PUBLIC PLANTING SITES

Summary of Possible Planting Sites on Public Property

Field	Value
Counts	Proposed Planting Sites: 336 Stumps: 28 Dead Trees: 144
Proposed Planting Site Widths	Class I (small) 1-5 feet: 80 (16%) Class II (medium) 6-10 feet: 316 (62%) Class III (large) 11+ feet: 112 (22%)
Growing Space of Proposed Sites	Cutout: 275 (54%) Median: 192 (38%) Other (Maintained): 38 (7%)
Adjacent Land Use of Proposed Sites	Park/Vacant/Other: 260 (51%) Single Family: 140 (28%) Small Commercial: 50 (10%)
Wire Conflicts	No Lines: 470 (93%) Wires Present, No Conflict: 34 (7%) Wires Present, Conflicting: 4 (0.8%)
Diameter of Stumps	3-6in: 20 (71%) 12-18in: 4 (14%) 0-3in: 2 (7%)

Table 8. Summary of possible public planting sites inventoried in 2022

ESTIMATED CHARACTERISTICS OF ALL PUBLIC TREES

Methodology

Based on a total of 470 (500) linear road miles in the City and the inventory of public trees along 5% of roadways, the urban forestry consultants utilized research data from the 2014 Urban & Community Forestry Census of Tree Activities (Hauer, et al.) to estimate the total public tree population. For communities of similar size, population, population density, and linear road miles, the average public tree population is 25,000 trees. Based on these estimates, the sample public tree data (2,712 alive or dead trees) was extrapolated to represent 25,000 public trees. The following summaries provide estimates of public tree extent, growing space, structure, characteristics, and maintenance needs:

Public Tree Status

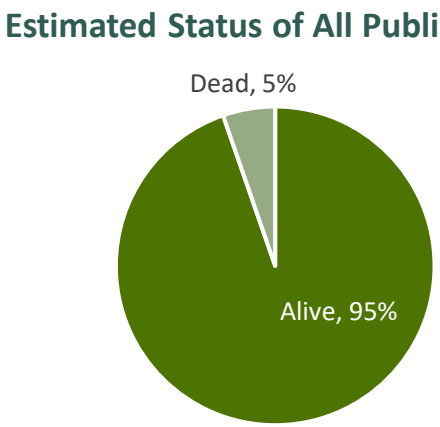


Figure 23. Estimated status of all public trees

Public Tree Location and Growing Space (Estimated for All Public Trees)

Adjacent Land Use of Public Trees

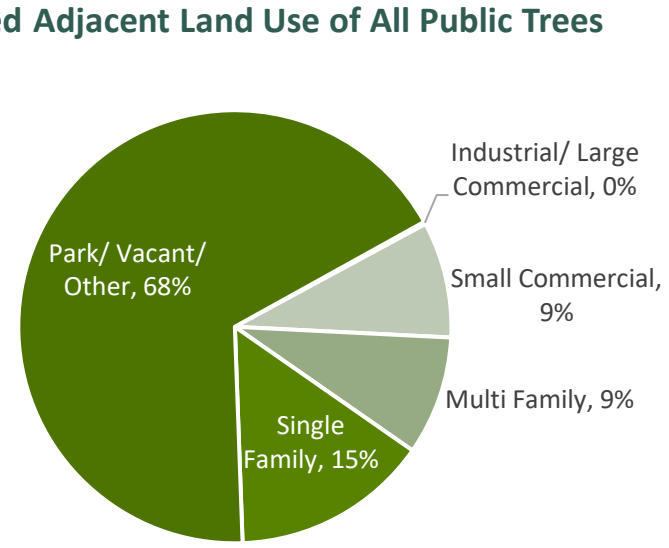


Figure 24. Estimated adjacent land use of all public trees

Growing Space Type of Public Trees

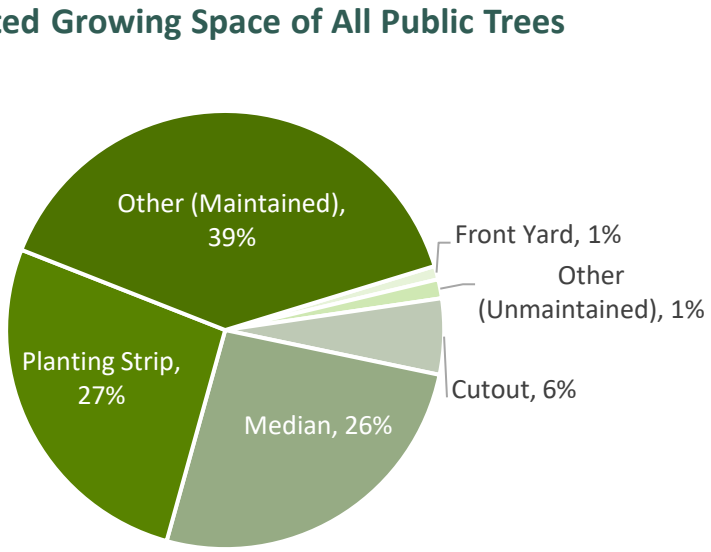


Figure 25. Estimated growing space of all public trees

Existing Tree Planting Site Width of Public Trees

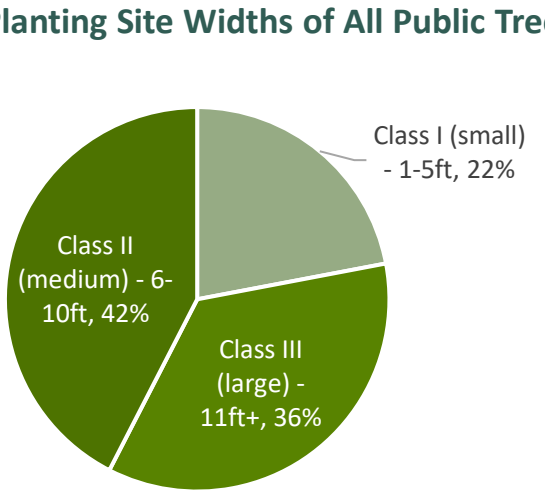


Figure 26. Estimated planting site widths of all public trees

Public Tree Structure (Estimated for All Public Trees)

Public Tree Genera Composition

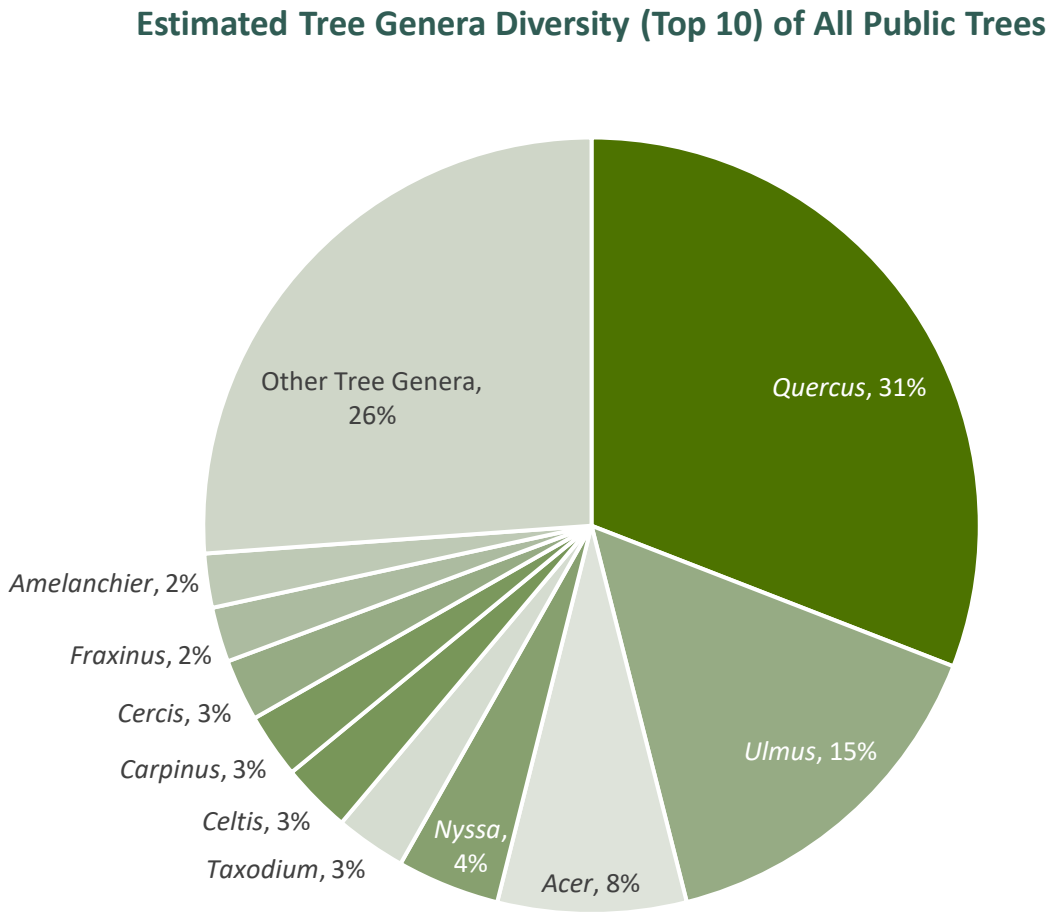


Figure 27. Estimated tree genera diversity for all public trees (top 10)

Public Tree Species Composition

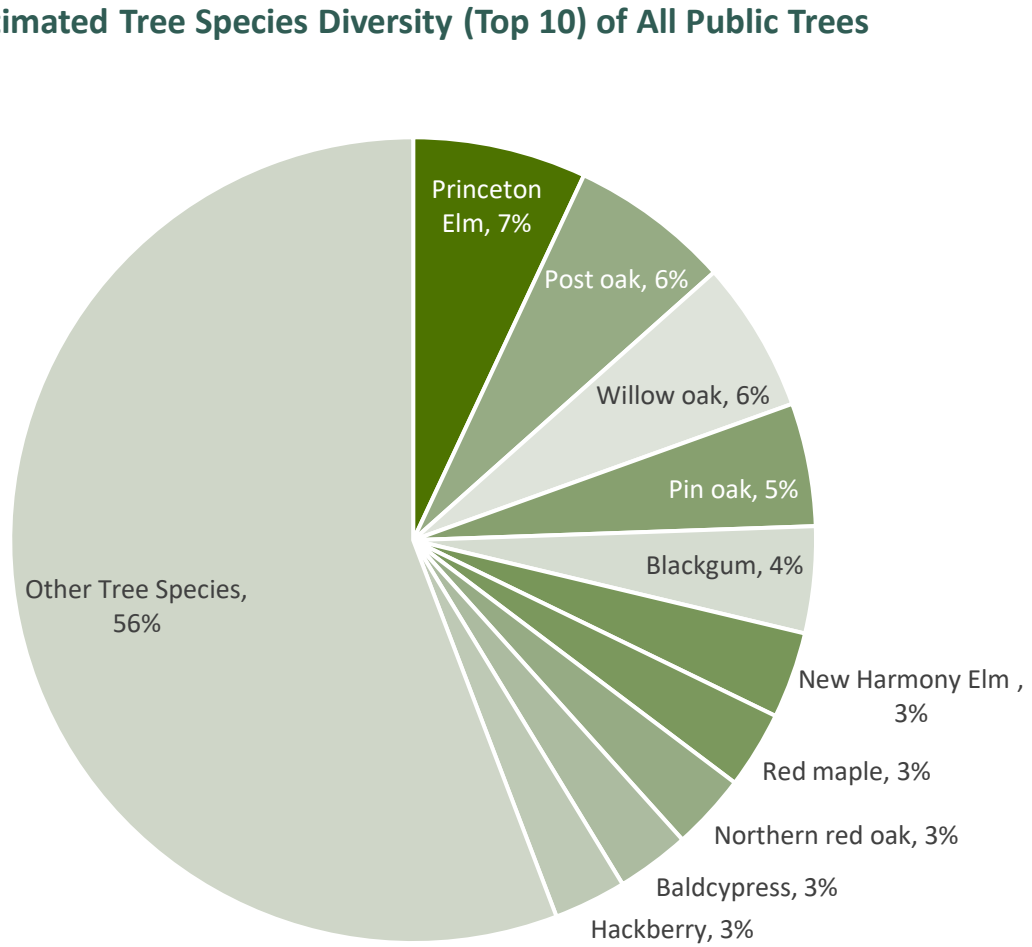


Figure 28. Estimated tree species diversity for all public trees (top 10)

Public Tree Size Classes and Relative Age Distribution

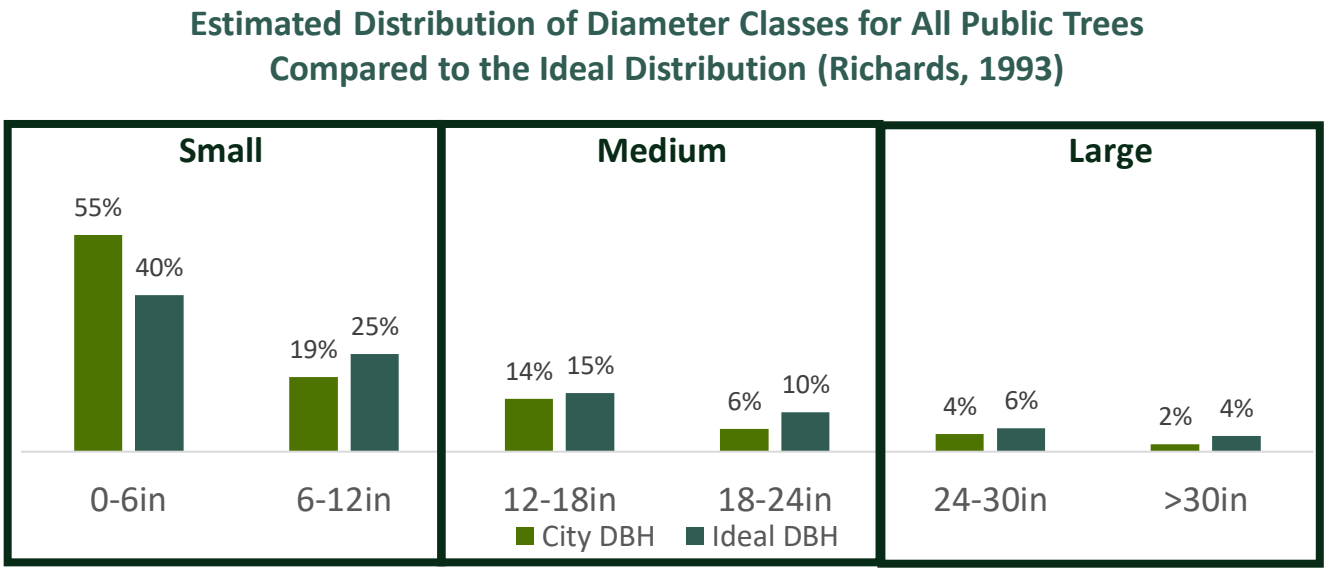


Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Estimated for All Public Trees)

Public Tree Condition

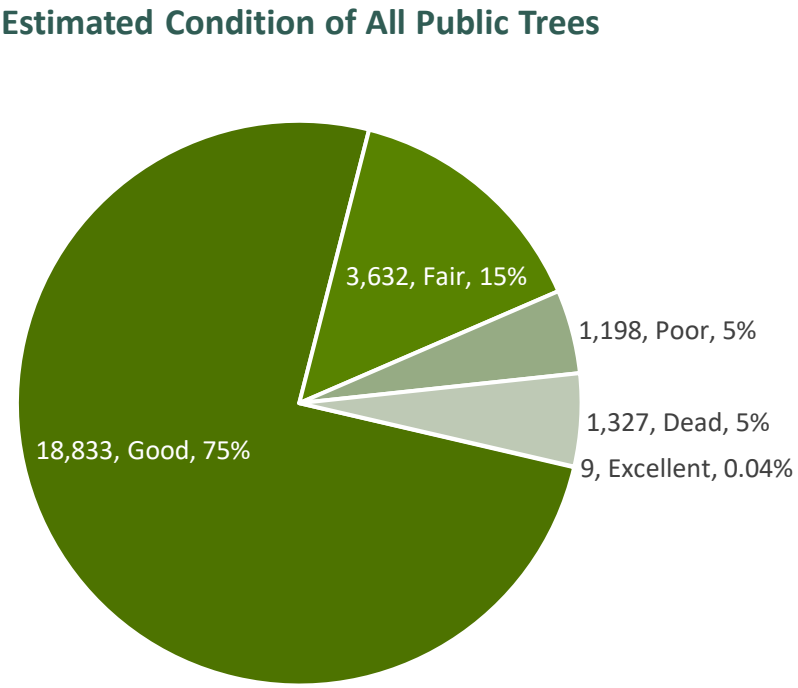


Figure 30. Estimated condition of all public trees

Public Tree Observations

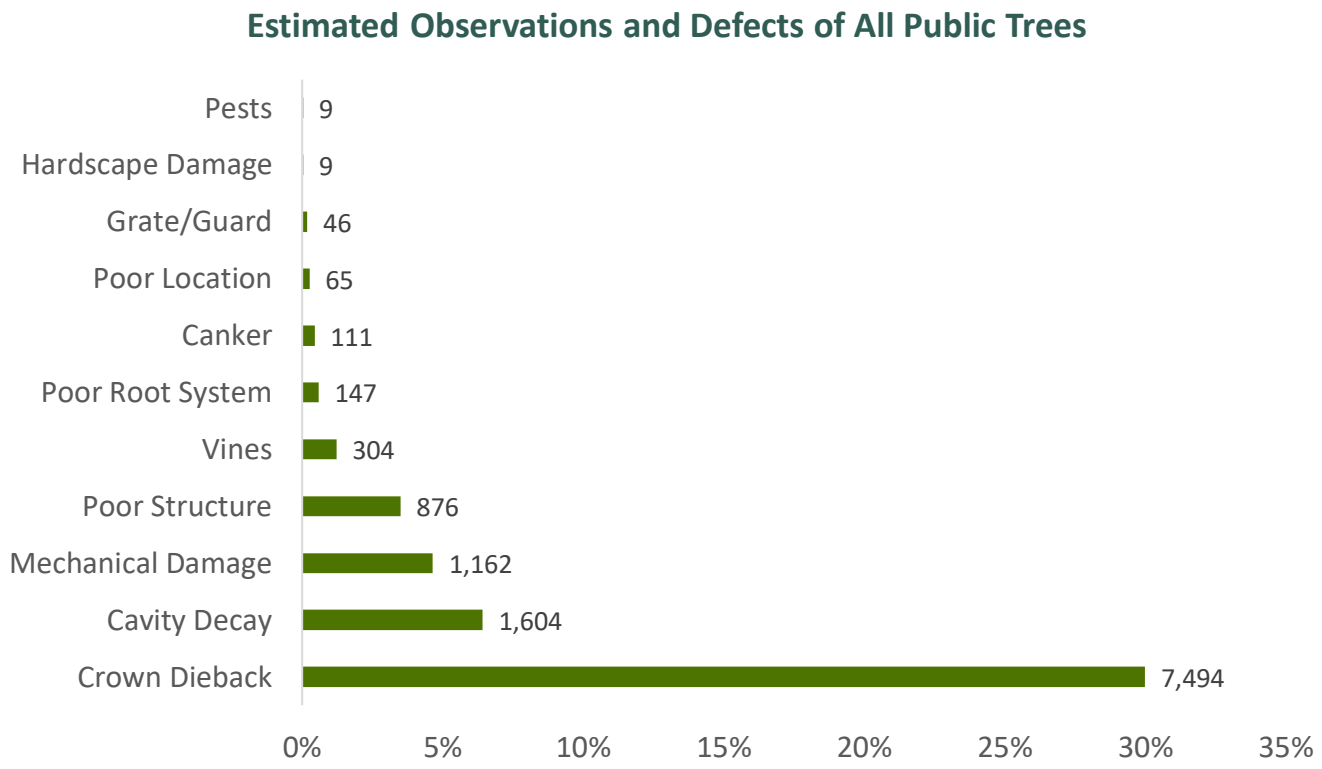


Figure 31. Estimated observations and defects of all public trees

Recommended Maintenance of Public Trees ("Tree Work")

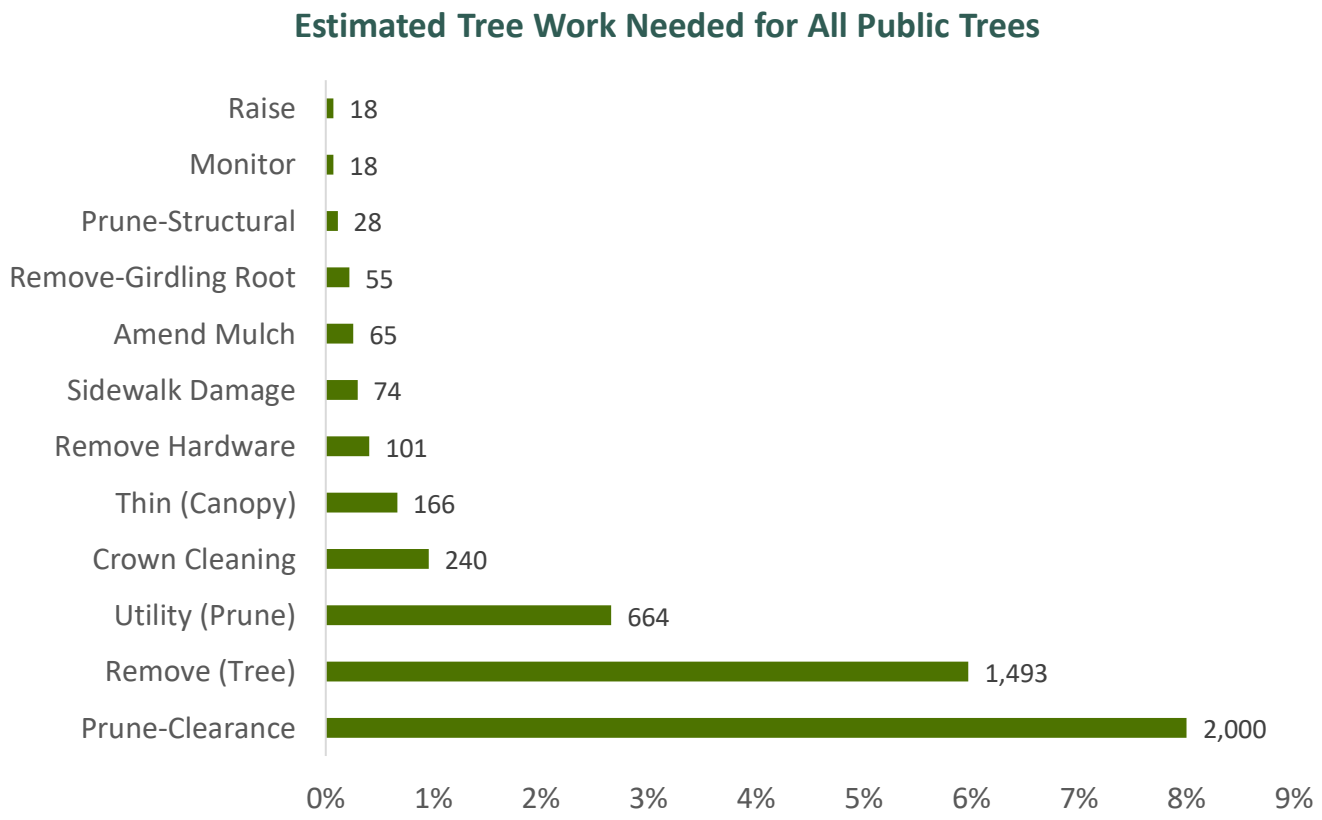


Figure 32. Estimated tree work needed for all public trees

Public Tree Conflicts (Estimated for All Public Trees)

Public Tree Wire Conflicts

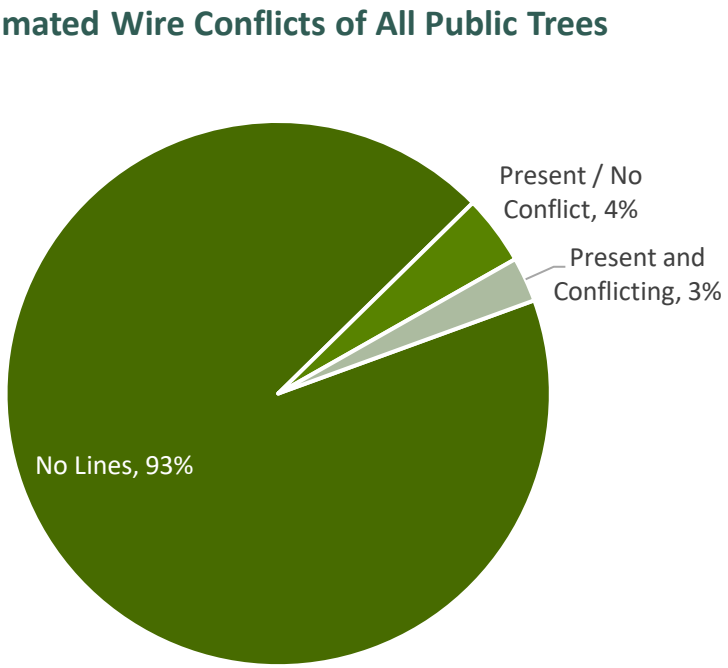


Figure 33. Estimated wire conflicts for all public trees

Public Tree Clearance Conflicts

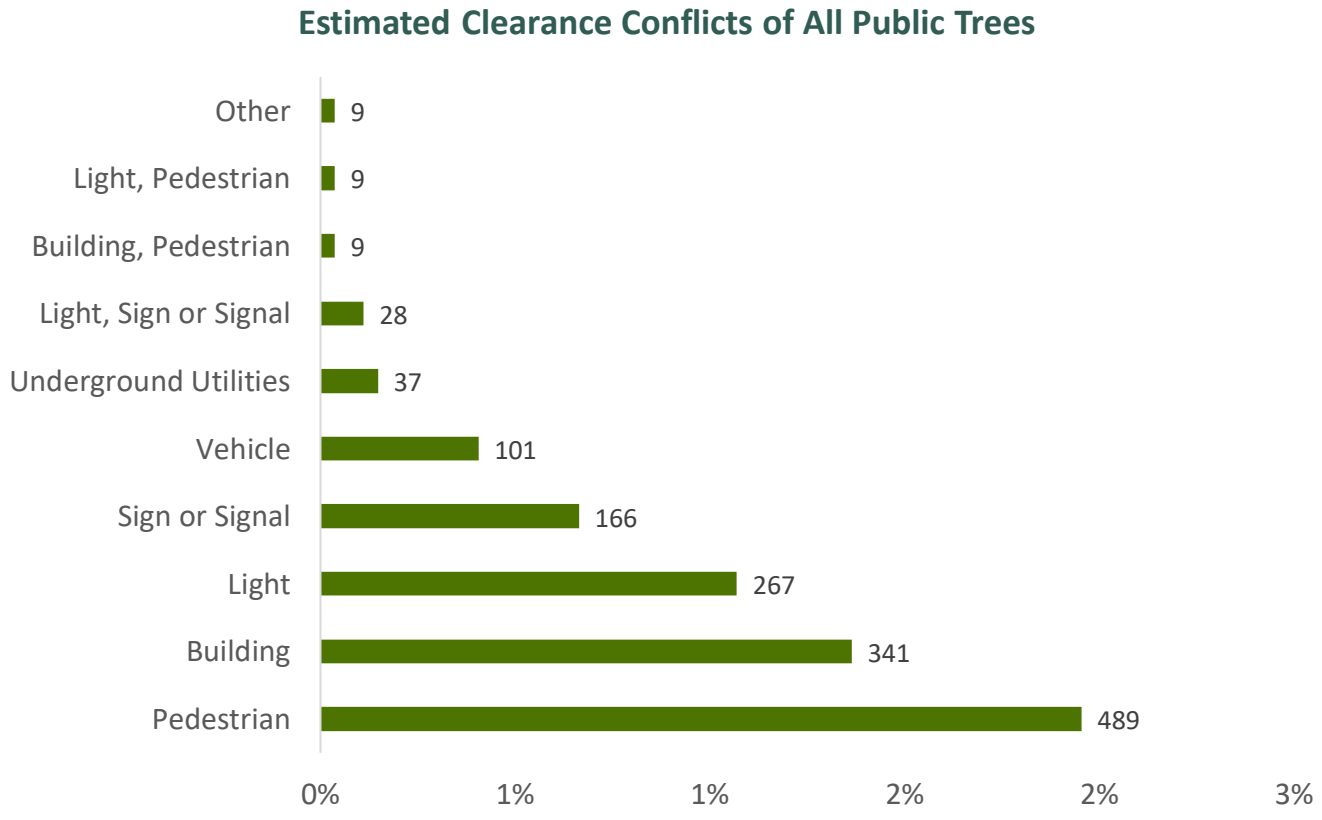


Figure 34. Estimated clearance conflicts of all public trees

Estimated Ecosystem Benefits and Services of All Public Trees

Table 9. Estimated ecosystem benefits and services of all public trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$71,600		
Air Quality Monetary Benefit	$23,949		
Pollutants Removed	10,776 lbs	5 tons	
Carbon Monetary Benefit	$33,614		
Carbon Stored	1,445,102 lbs	723 tons	
Evaporation	2,672,939 ft^3	19,994,971 gal	30 Olympic pools
Interception	2,676,967 ft^3	20,025,105 gal	30 Olympic pools
Potential Evaporation	23,050,898 ft^3	172,432,701 gal	261 Olympic pools
Evapotranspiration	17,444,624 ft^3	130,494,858 gal	198 Olympic pools
Runoff Avoided	210,214 ft^3	1,572,508 gal	2 Olympic pools
Stormwater Monetary Benefit	$14,054		
Transpiration	5,656,762 ft^3	42,315,524 gal	64 Olympic pools
CO Pollution Removed	112 lbs		
CO Removed Monetary Benefit	$72		
NO2 Pollution Removed	506 lbs		
NO2 Removed Monetary Benefit	$103		
O3 Pollution Removed	9,643 lbs	5 tons	
O3 Removed Monetary Benefit	$11,367		
PM2.5 Pollution Removed	258 lbs		
PM2.5 Removed Monetary Benefit	$12,344		
SO2 Pollution Removed	189 lbs		
SO2 Removed Monetary Benefit	$0.09		
CO2 Sequestered	1,445,101 lbs	723 tons	
CO2 Sequestered Monetary Benefit	$33,613		
CO2 Storage	49,303,705 lbs	24,652 tons	
CO2 Storage Monetary Benefit	$1,146,668		
Carbon Dry Weight	26,892,933 lbs	13,446 tons	
Carbon Storage	13,446,459 lbs	6,723 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

ESTIMATED CHARACTERISTICS OF ALL PRIVATE TREES

Methodology

A total of 850 private trees were inventoried as a sample. These trees were located in private parcels adjacent to public streets that were visited during the public tree inventory. According to Fayetteville's Mobility Plan, there are a total of 470 linear road miles and the inventory crews inventoried along a total of 25 linear road miles or approximately 5% of roadways. The private parcels included in the sample inventory had a total acreage of 342 acres. Using the City's Zoning classifications and GIS data, a total of 32,150 acres exist across the City. Therefore, the inventory crews visited 1% of all private parcels. Based on these figures, it is estimated that there are a total of 79,884 private trees, or approximately 80,000 private trees in maintained areas of properties. The following summaries provide estimates of private tree extent, growing space, structure, characteristics, and maintenance needs:

Private Tree Status

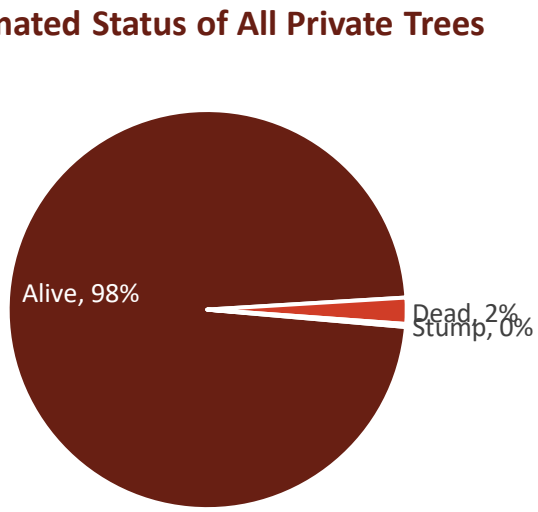


Figure 35. Estimated status of all private trees

Private Tree Location and Growing Space (Estimated for All Private Trees)

Land Use of Private Trees

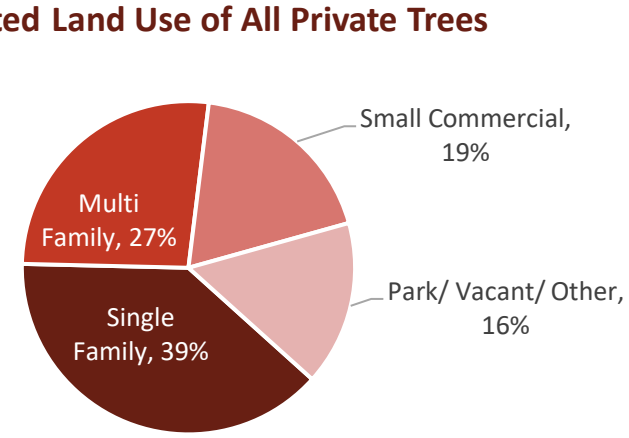


Figure 36. Estimated land use of all private trees

Growing Space Type of Private Trees

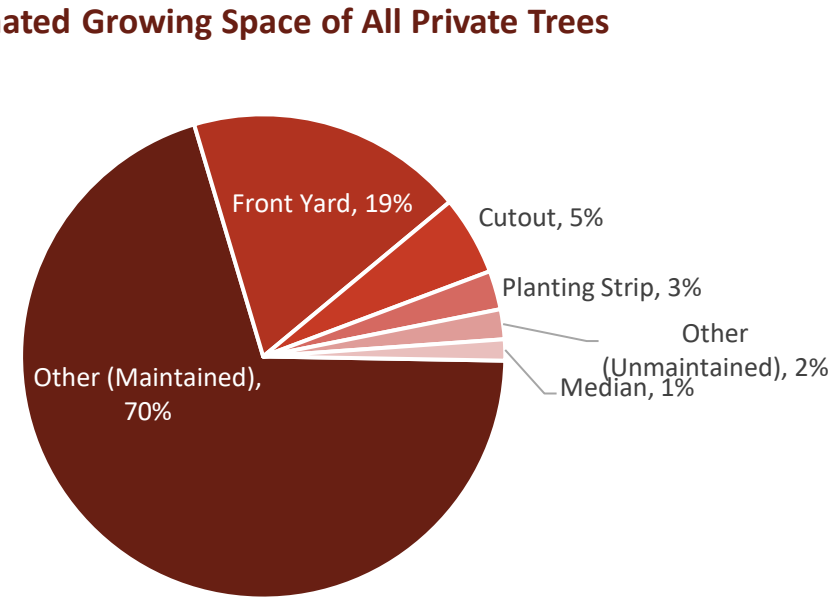


Figure 37. Estimated growing space of all private trees

Existing Tree Planting Site Width of Private Trees

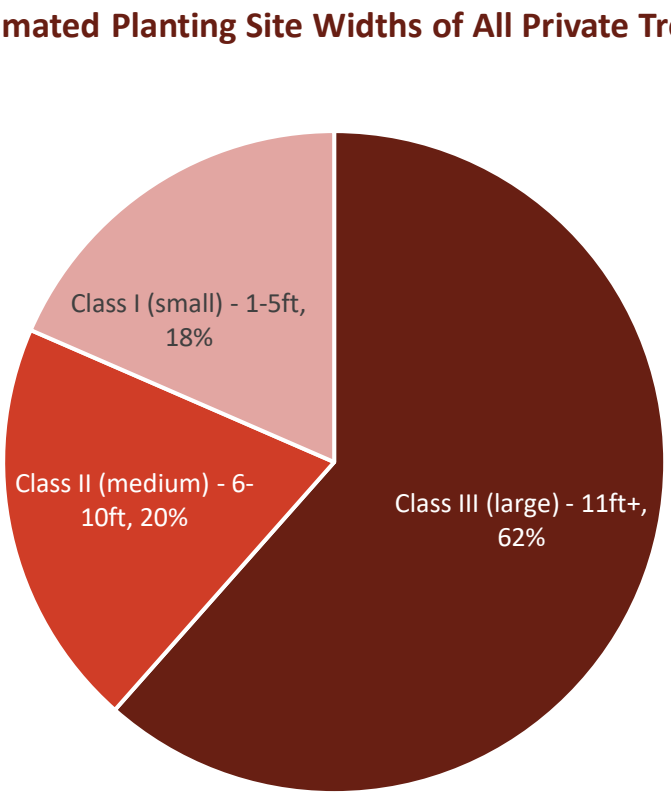


Figure 38. Estimated planting site widths of all private trees

Private Tree Structure (Estimated for All Private Trees)

Private Tree Genera Composition

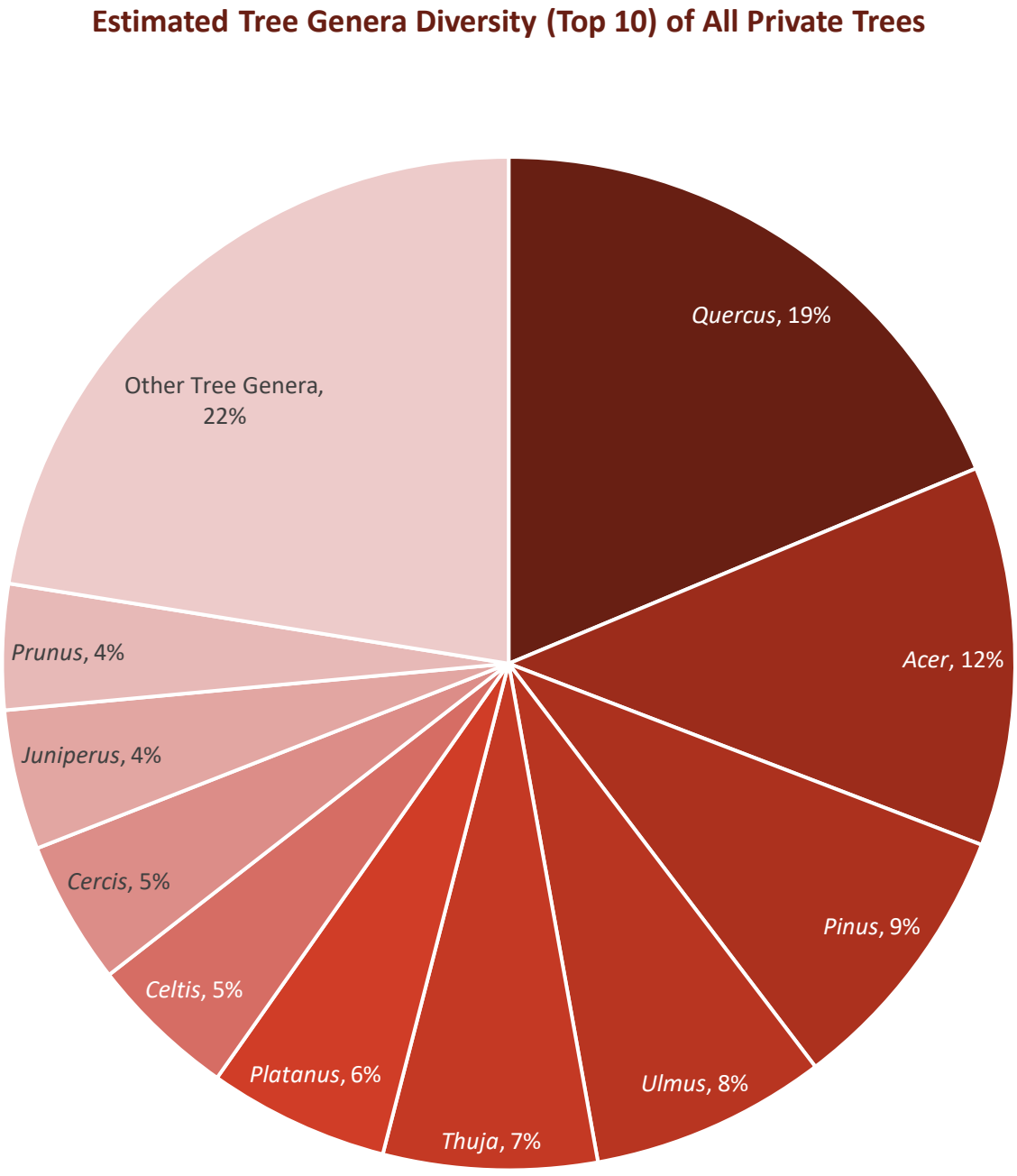


Figure 39. Estimated tree genera diversity of all private trees (top 10)

Private Tree Species Composition

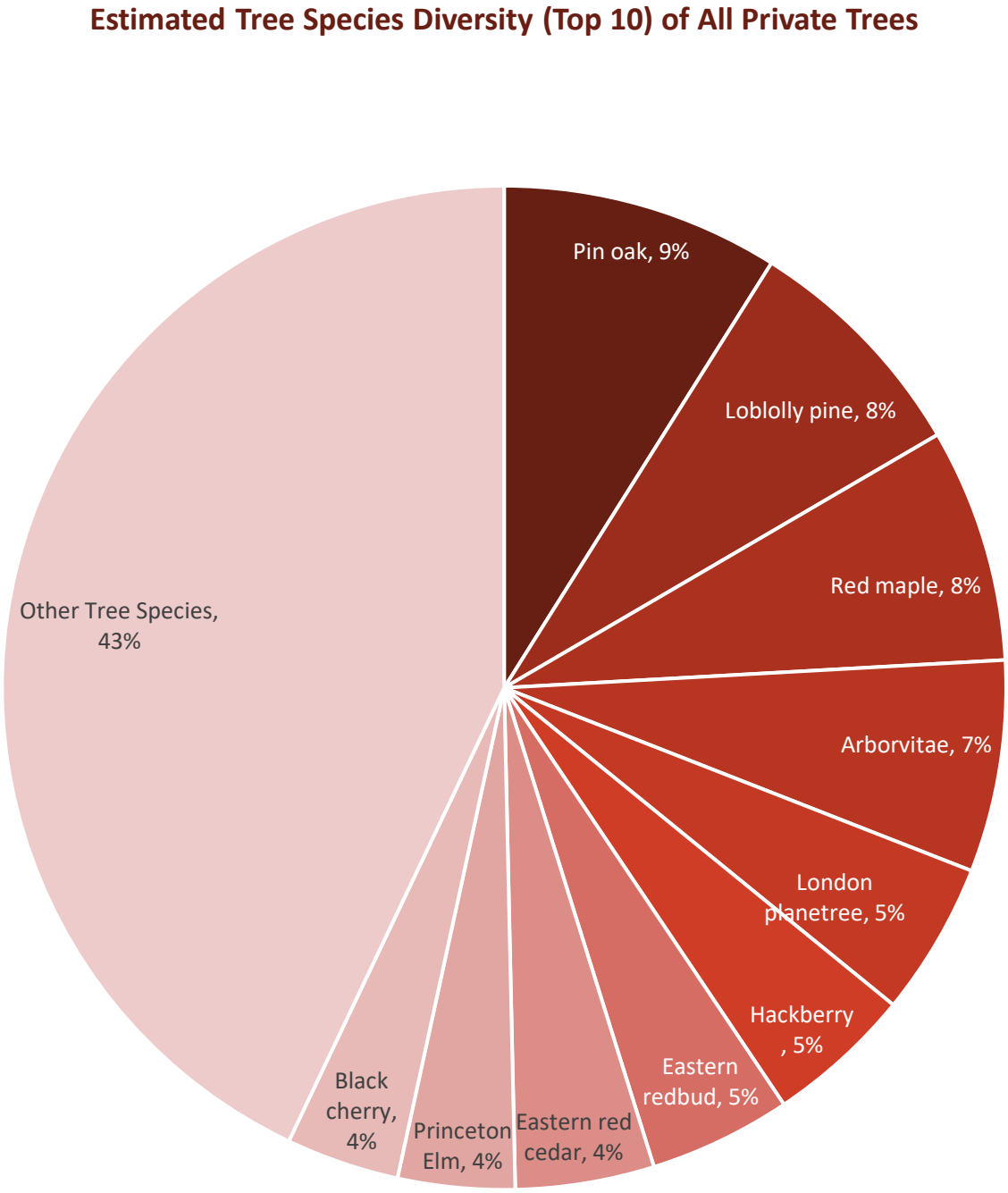


Figure 40. Estimated tree species diversity of all private trees (top 10)

Private Tree Size Classes and Relative Age Distribution

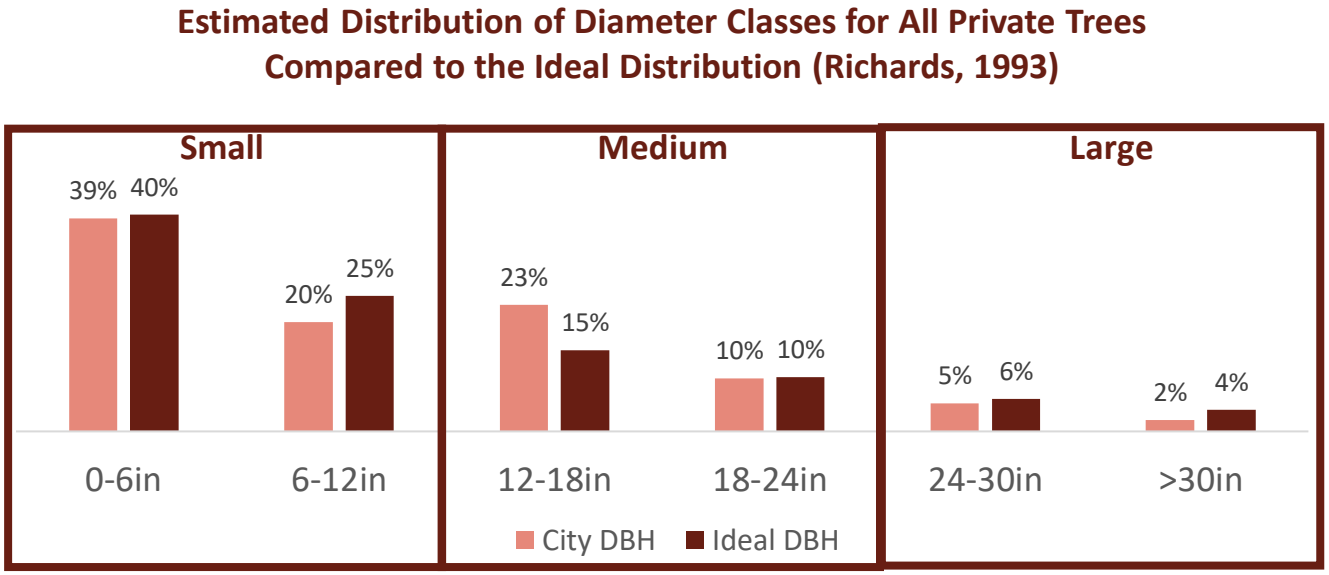


Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Estimated for All Private Trees)

Private Tree Condition

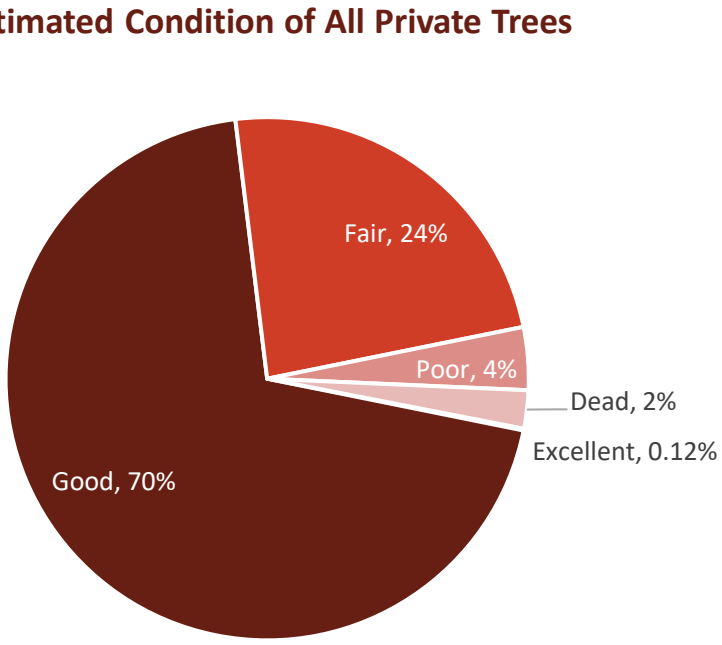


Figure 42. Estimated condition of all private trees

Private Tree Observations

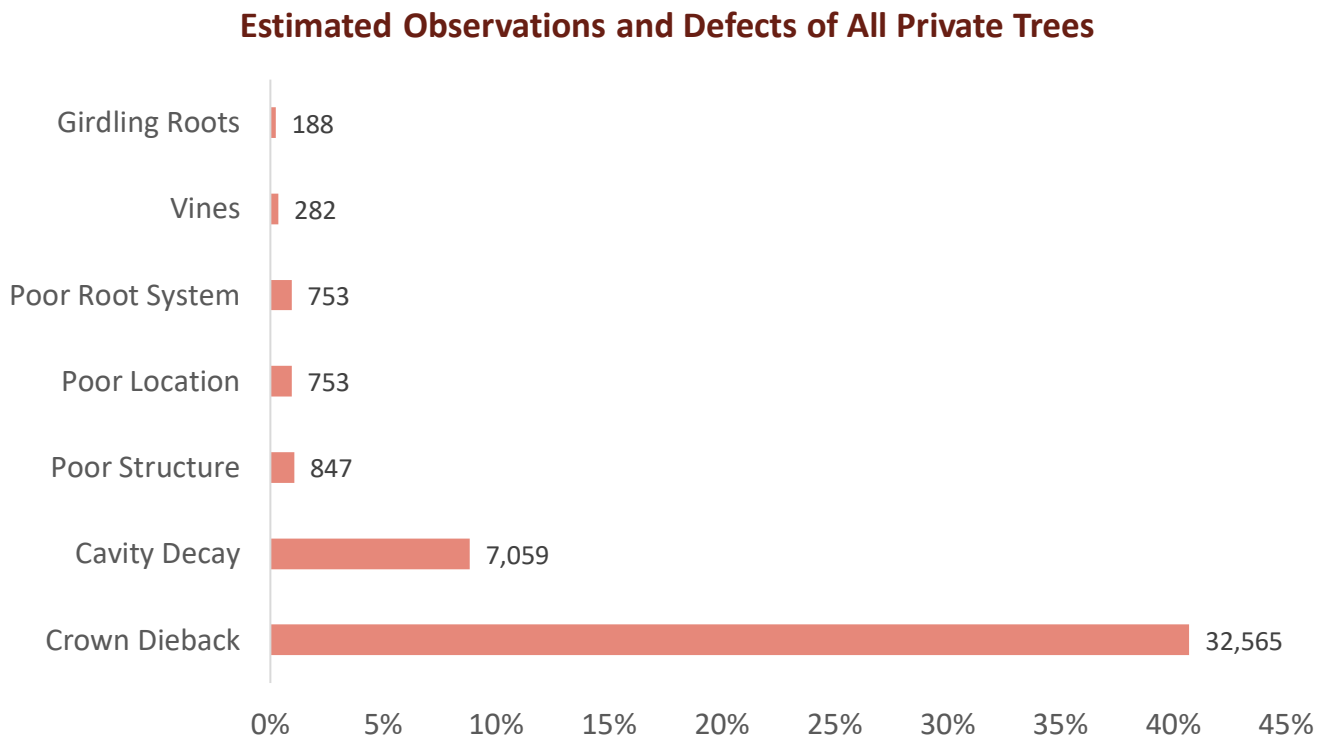


Figure 43. Estimated observations and defects of all private trees

Recommended Maintenance of Private Trees ("Tree Work")

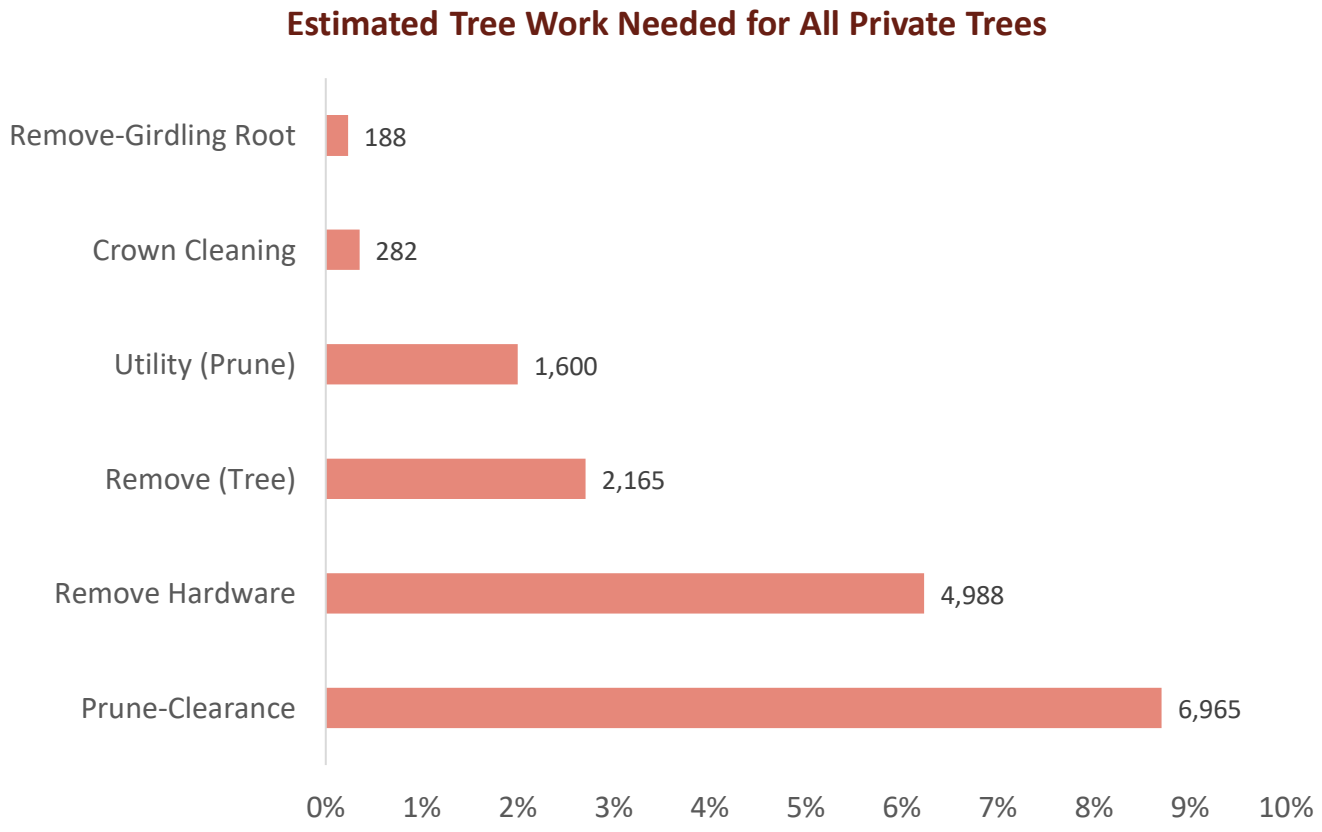


Figure 44. Estimated tree work needed for all private trees

Private Tree Conflicts (Estimated for All Private Trees)

Private Tree Wire Conflicts

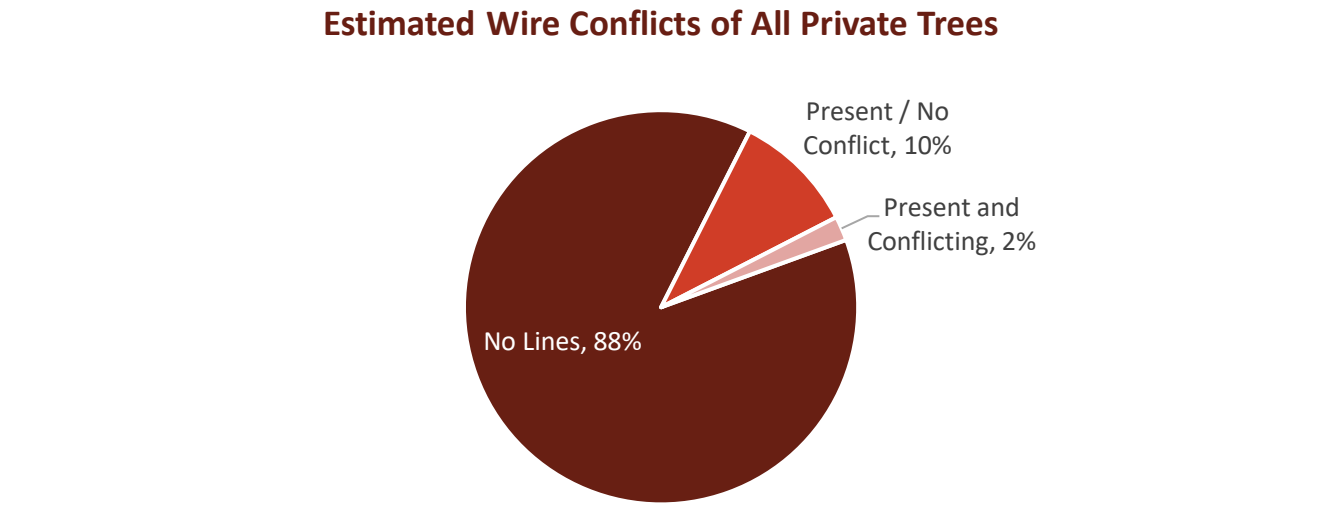


Figure 45. Estimated wire conflicts of all private trees

Private Tree Clearance Conflicts

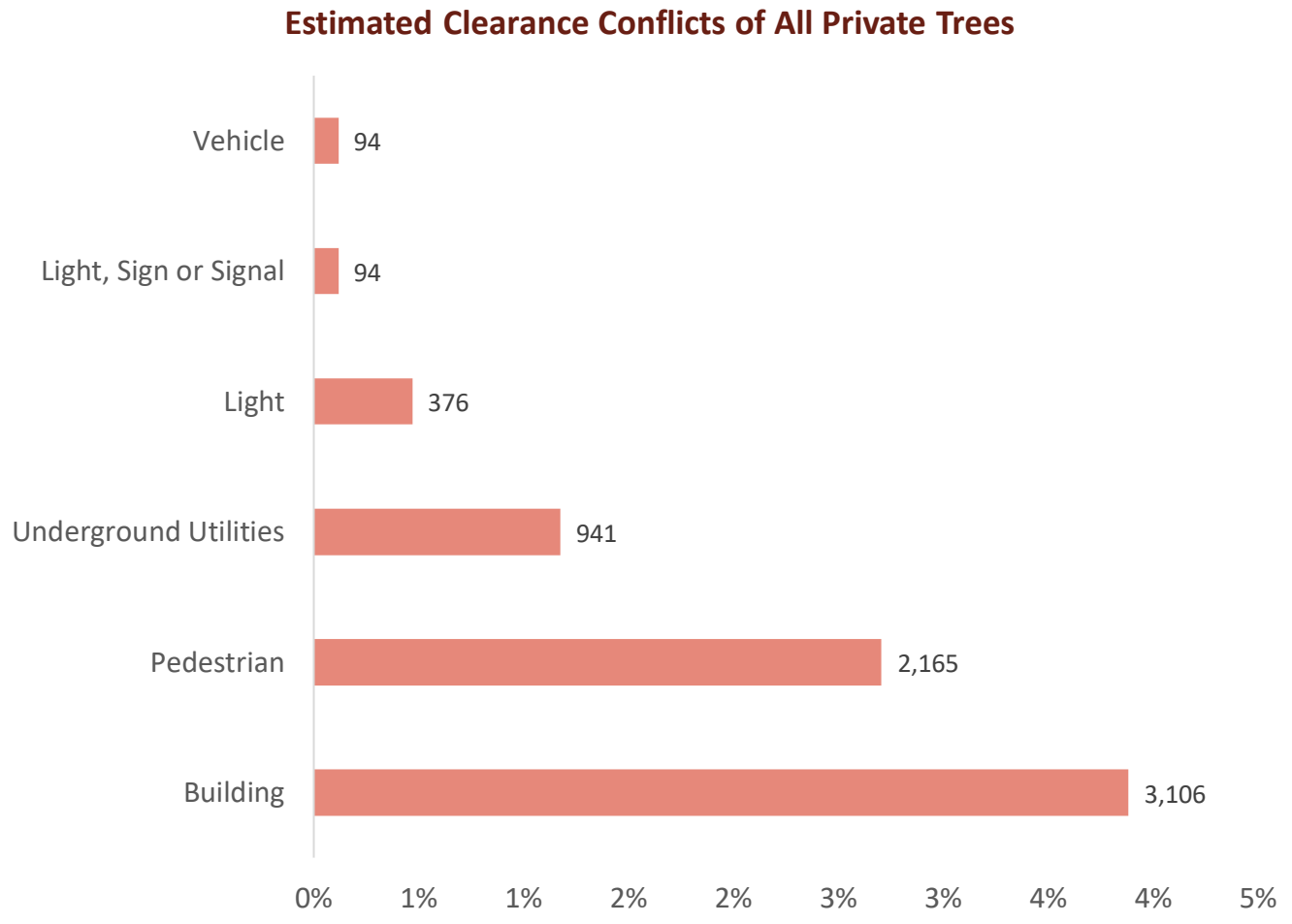


Figure 46. Estimated clearance conflicts of all private trees

Estimated Ecosystem Benefits and Services of All Private Trees

Table 10. Estimated ecosystem services and benefits of all private trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$731,024		
Air Quality Monetary Benefit	$244,520		
Pollutants Removed	110,024 lbs	55 tons	
Carbon Monetary Benefit	$343,191		
Carbon Stored	14,754,324 lbs	7,377 tons	
Evaporation	27,290,389 ft^3	204,146,299 gal	309 Olympic pools
Interception	27,331,518 ft^3	204,453,968 gal	310 Olympic pools
Potential Evaporation	235,346,953 ft^3	1,760,517,592 gal	2,667 Olympic pools
Evapotranspiration	178,107,558 ft^3	1,332,337,147 gal	2,019 Olympic pools
Runoff Avoided	2,146,258 ft^3	16,055,125 gal	24 Olympic pools
Stormwater Monetary Benefit	$143,485		
Transpiration	57,754,878 ft^3	432,036,521 gal	655 Olympic pools
CO Pollution Removed	1,144 lbs	0.6 tons	
CO Removed Monetary Benefit	$732		
NO2 Pollution Removed	5,165 lbs	3 tons	
NO2 Removed Monetary Benefit	$1,048		
O3 Pollution Removed	98,456 lbs	49 tons	
O3 Removed Monetary Benefit	$116,053		
PM2.5 Pollution Removed	2,631 lbs	1 ton	
PM2.5 Removed Monetary Benefit	$126,030		
SO2 Pollution Removed	1,930 lbs	1 ton	
SO2 Removed Monetary Benefit	$1		
CO2 Sequestered	14,754,307 lbs	7,377 tons	
CO2 Sequestered Monetary Benefit	$343,189		
CO2 Storage	503,385,026 lbs	251,693 tons	
CO2 Storage Monetary Benefit	$11,707,346		
Carbon Dry Weight	274,573,683 lbs	137,287 tons	
Carbon Storage	137,286,767 lbs	68,643 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

Fayetteville, Urban Forest Management Plan



~Public Survey Summary

1/24/23

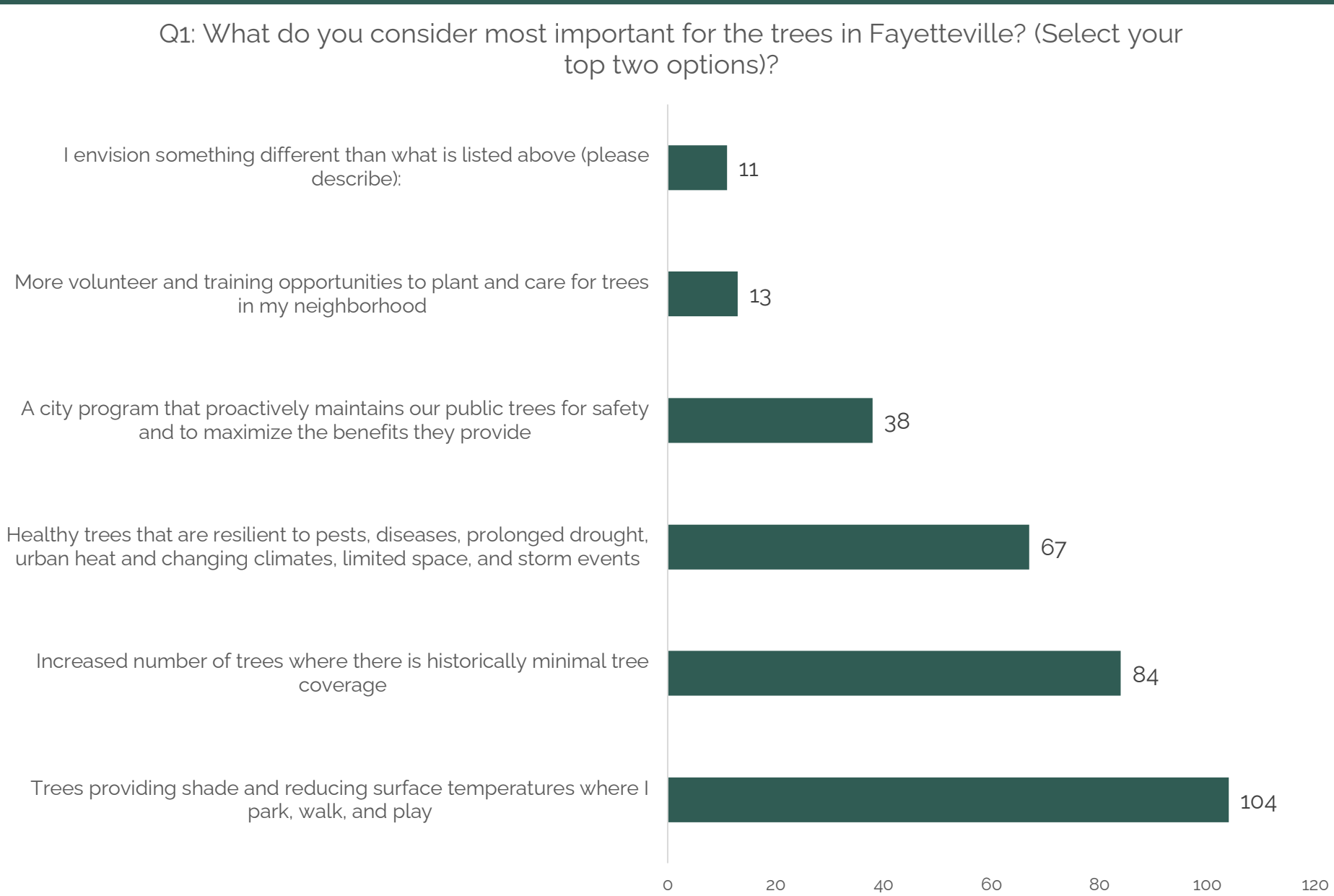
CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™
developers of TreePlotter

Survey Overview

Count of Surveys Received
169 Complete Contributors (2 participants selectively answered survey)
Survey Timeframe
December 15, 2022 – January 16, 2023
Platform
"Speak Up Fayetteville" https://speakup.fayetteville-ar.gov/

QUESTION #1

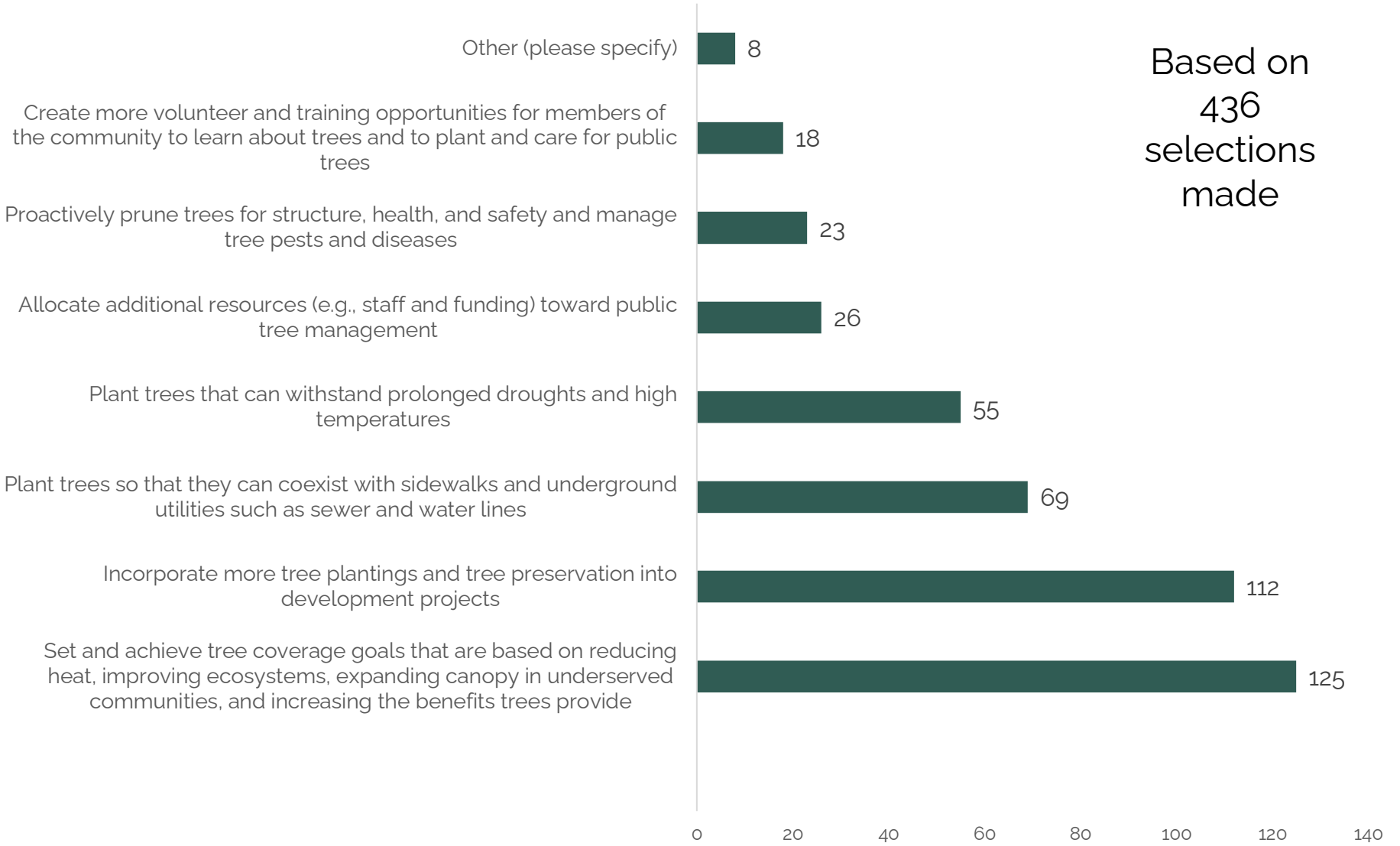

Q1: What do you consider most important for the trees in Fayetteville? (Select your top two options)?
I envision something different than what is listed above (please describe):
11
More volunteer and training opportunities to plant and care for trees in my neighborhood
13
A city program that proactively maintains our public trees for safety and to maximize the benefits they provide
38
Healthy trees that are resilient to pests, diseases, prolonged drought, urban heat and changing climates, limited space, and storm events
67
Increased number of trees where there is historically minimal tree coverage
84
Trees providing shade and reducing surface temperatures where I park, walk, and play
104
0
20
40
60
80
100
120

Question #1 Comments

Categories	Comment Count
Trees and Food	2
Tree Protection	1
Tree Removal Conflict	1
Native Species	3
Planting	1
Invasives	1
Inclusion and Diversity Concern	1

QUESTION #2

Q2: Where should the City use resources to improve public tree health? (Select your top three options)2



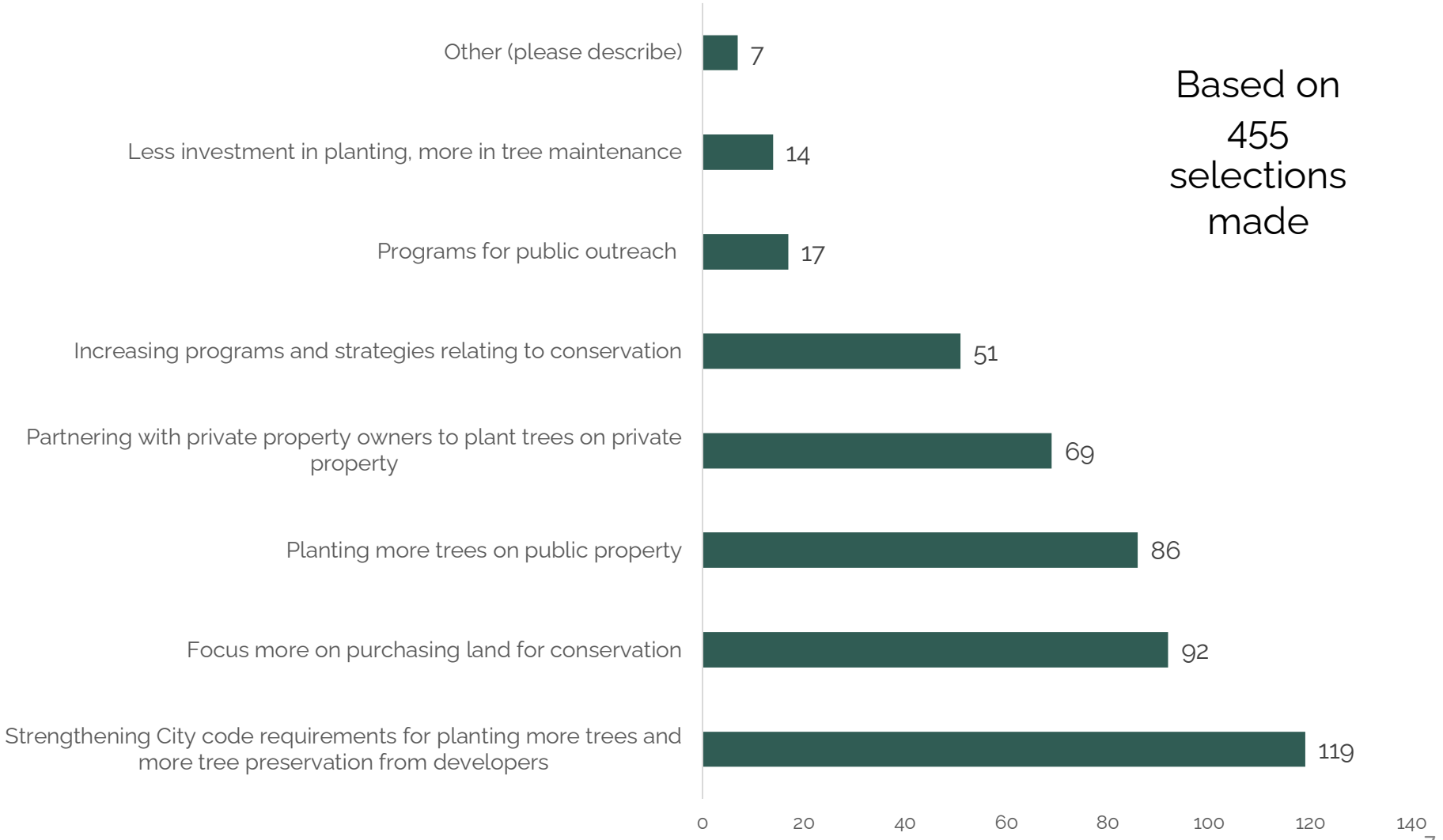
Based on 436 selections made

Question #2 Comments

Categories	Comment Count
Trees and Food	1
Tree Protection	3
Invasives	2
Native Species	2
Diversity and Development	1

QUESTION #3

Q3: Where should the City focus its investments with the current funding and with any additional funding that arises from the Urban Forest Management Plan? (Select up to three options)

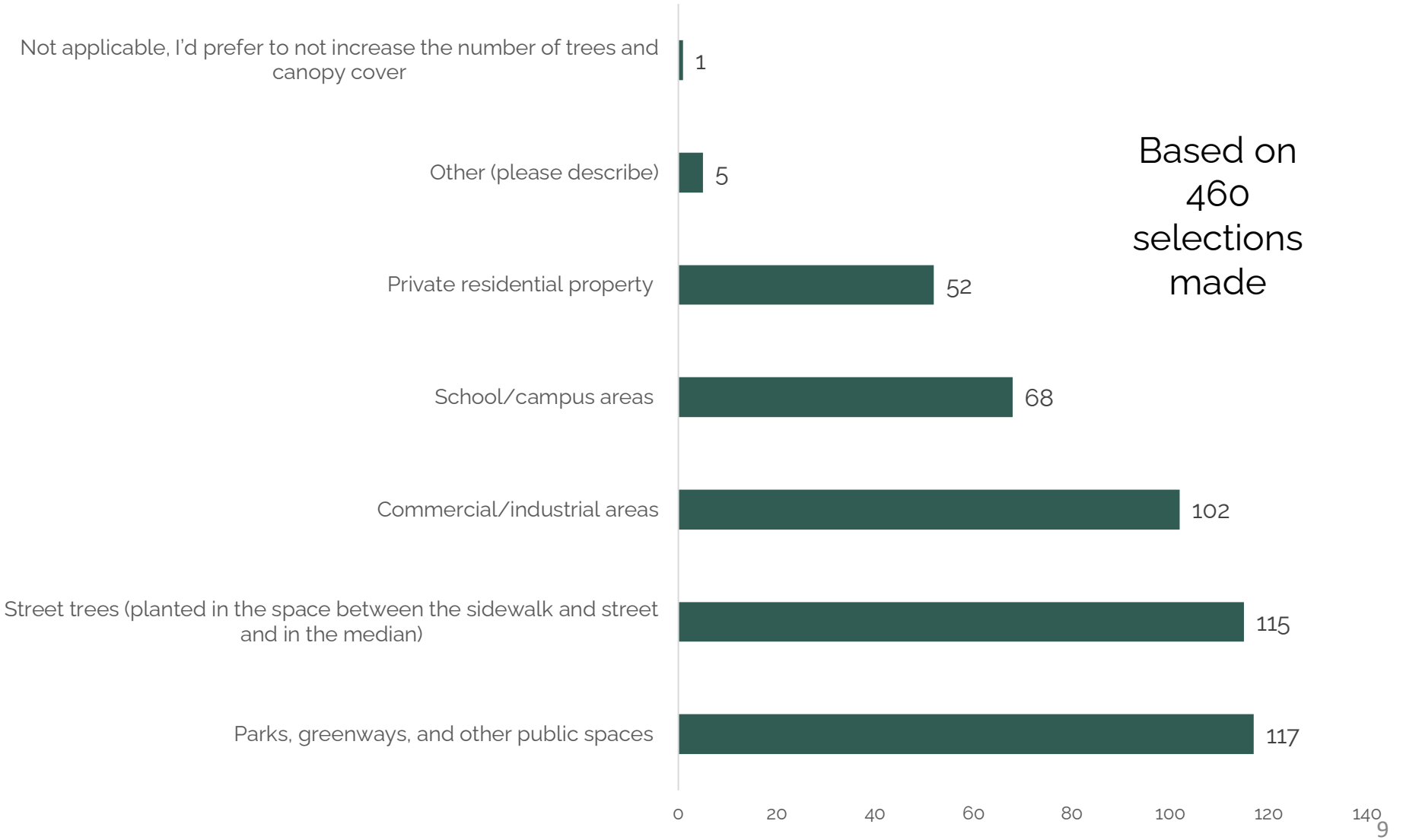


Question #3 Comments

Categories	Comment Count
Ordinance Amendment	3
Tree Protection	1
Mature Tree Protection	1
Trash Removal	1
Diversity and Inclusion Concerns	1

QUESTION #4

Q4: To achieve your vision for the urban forest, which might include increasing the number of trees and tree canopy cover, where should the City prioritize tree plantings? (Select your top three options)

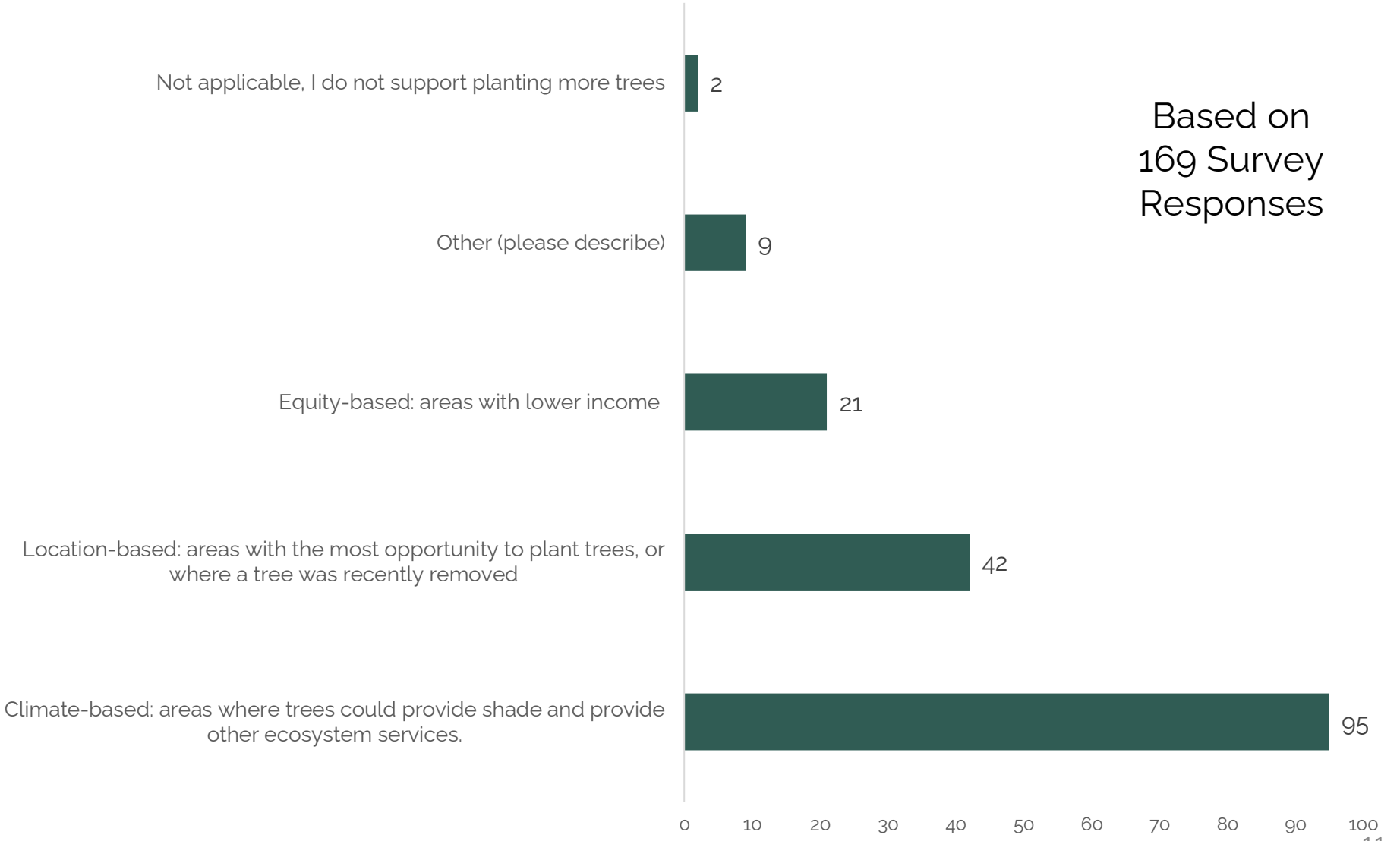


Question #4 Comments

Categories	Comment Count
Tree Protection	1
Invasive	2
Specie Selection	1
Diversity and Inclusion Concern	1

QUESTION #5

Q5: If you support planting more trees throughout the City, where should the City and its partners focus these efforts?



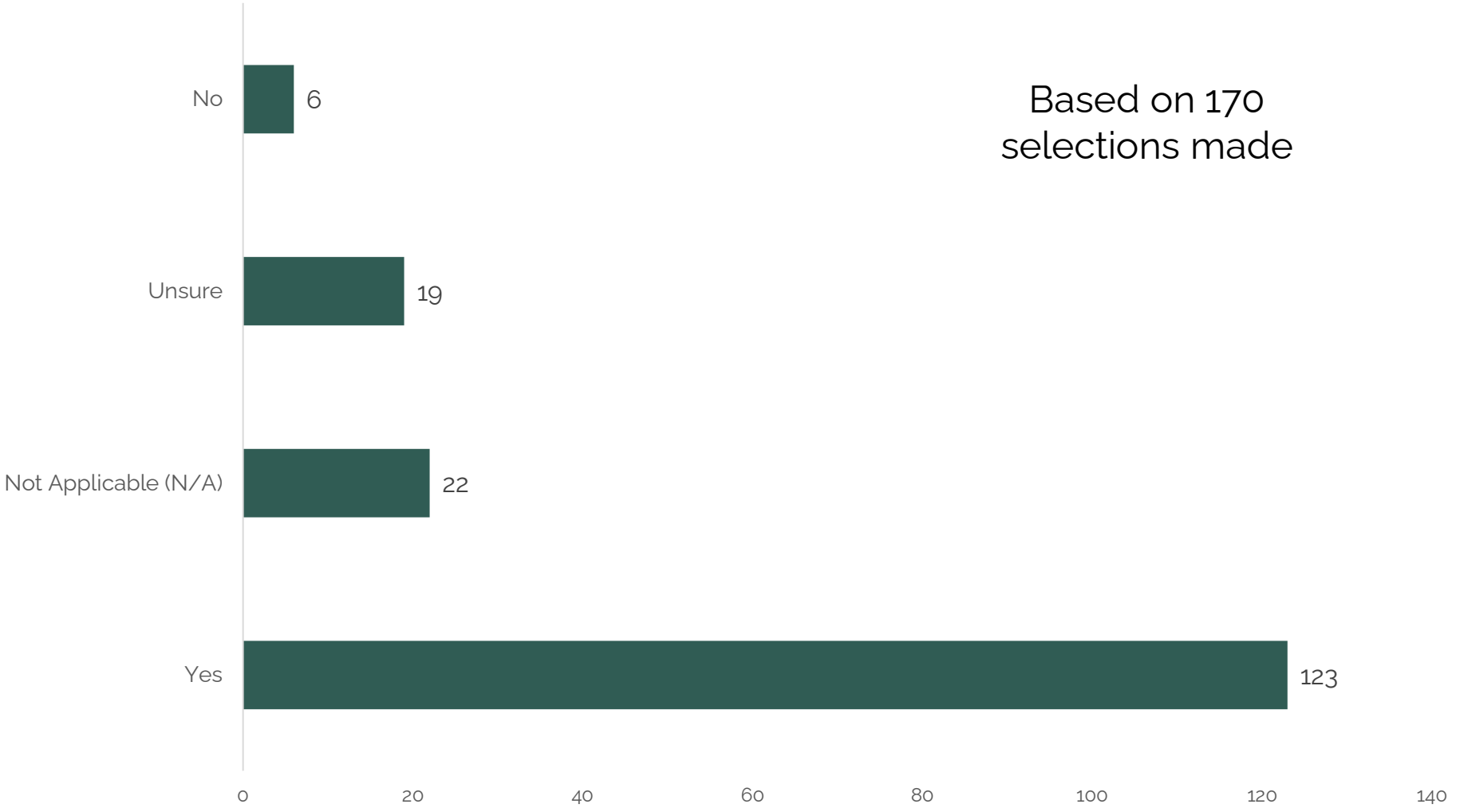
Based on 169 Survey Responses

Question #5 Comments

Categories	Comment Count
All	5
Vegetation Inventory	1
Invasive Removal	1
Location-Highway	1
Diversity and Inclusion Concern	1

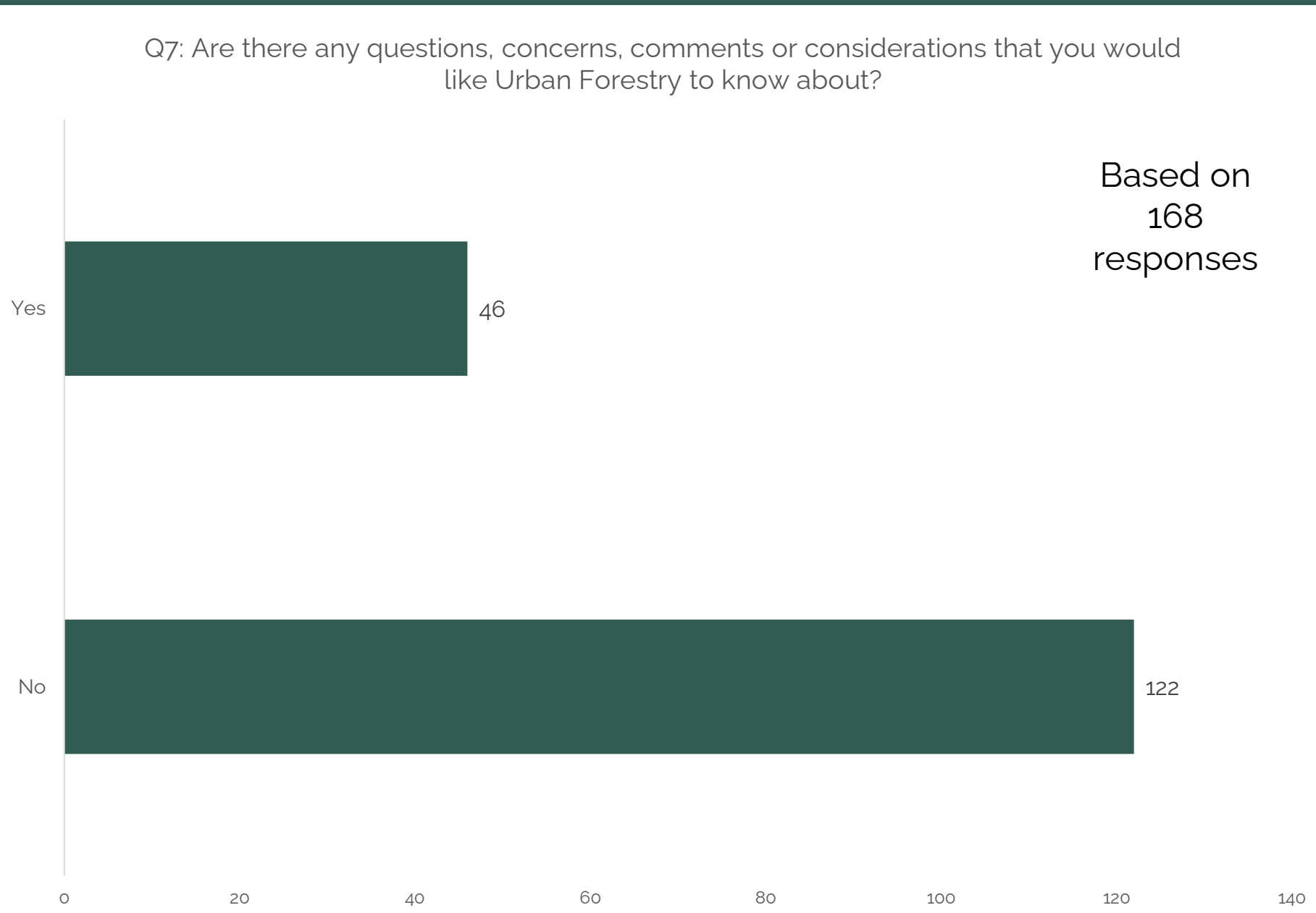
QUESTION #6

Q6: Increasing a healthy tree canopy cover requires investments in planting trees along with postplanting care such as young tree pruning and watering. Would you be willing to water trees during drought conditions that are in the public rights-of-way adja



Based on 170 selections made

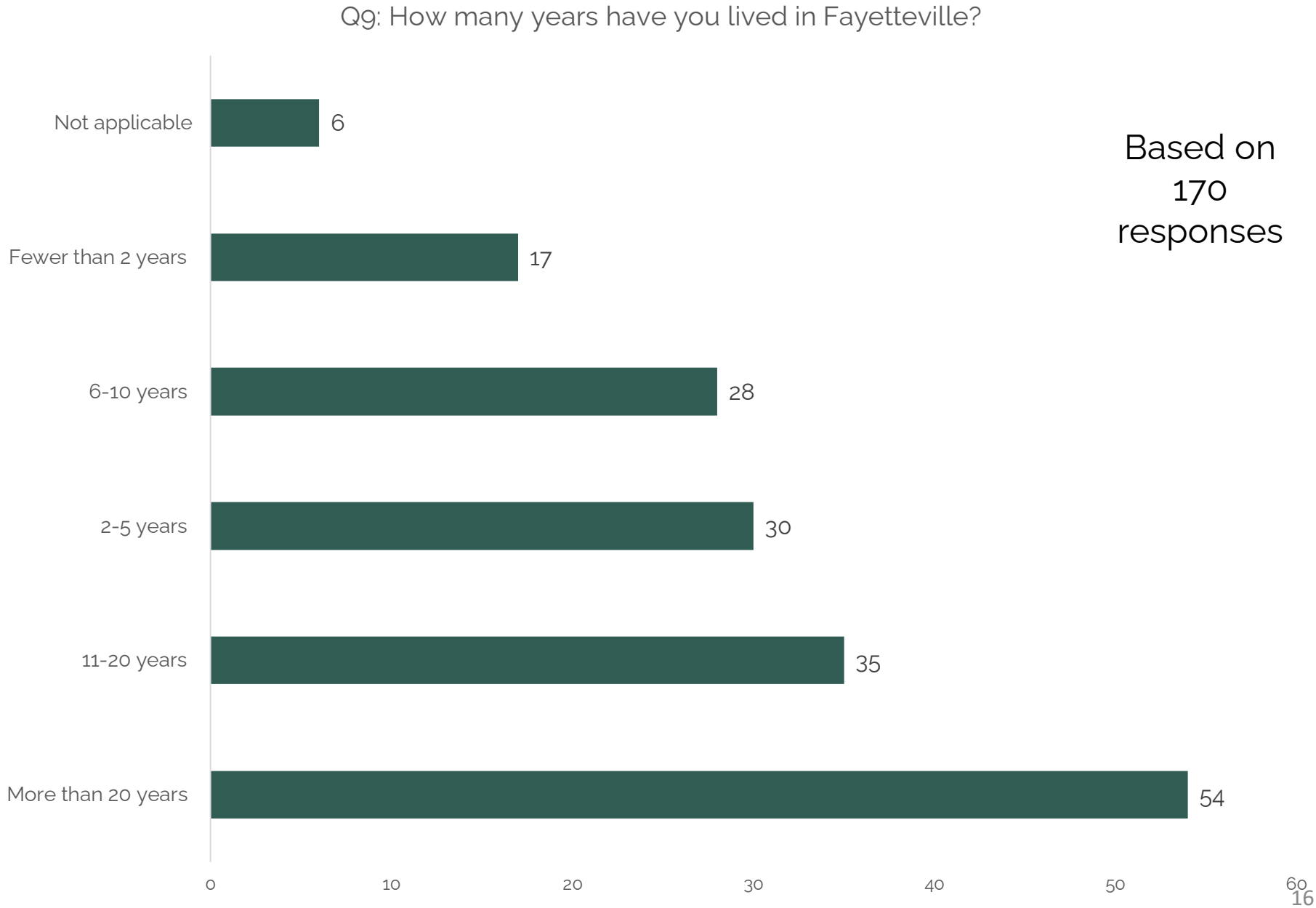
QUESTION #7


Q7: Are there any questions, concerns, comments or considerations that you would like Urban Forestry to know about?
Based on 168 responses
Yes
46
No
122
0
20
40
60
80
100
120
140

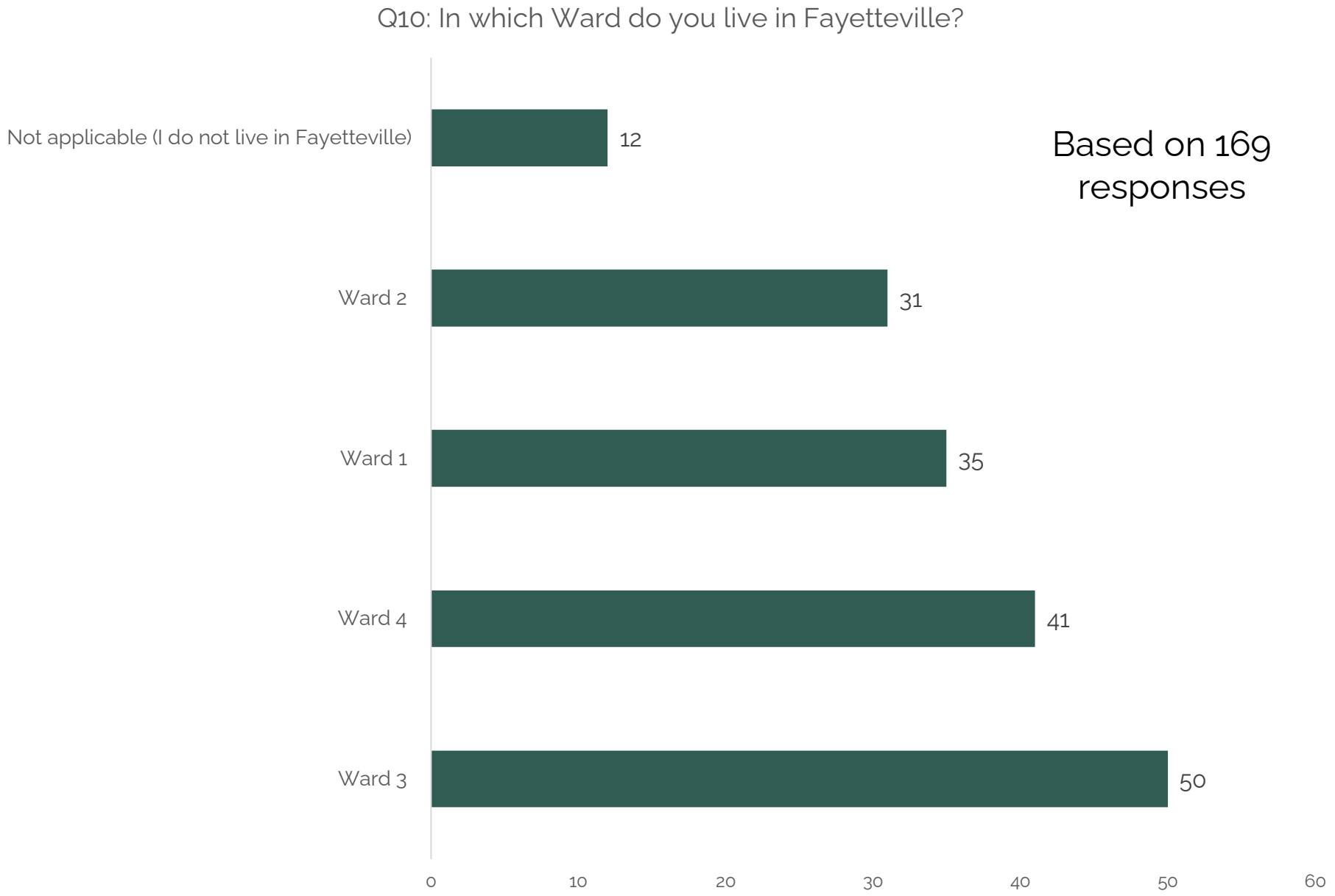
Question #7 Comments (categorized)

Categories	Comment Count
Native Species	3
Equity	1
Increase Canopy	2
Trees and Food	1
Watering	3
Trees and Development	9
Tree Maintenance	2
Tree Donation Funds	1
Cost Share Program- Tree Removal Specific	1
Thanks	2
Tree Removal	1
Job Growth	1
Prioritization of UF activities	1
Free Tree Planting Giveaways	1
Education Material-Tree Selection	1
Tree Planting Locations	1
Increase Canopy	1
Invasives	2
Ecological Concerns	1
Volunteer Opportunity	1
Tree Removal Ordinance	1

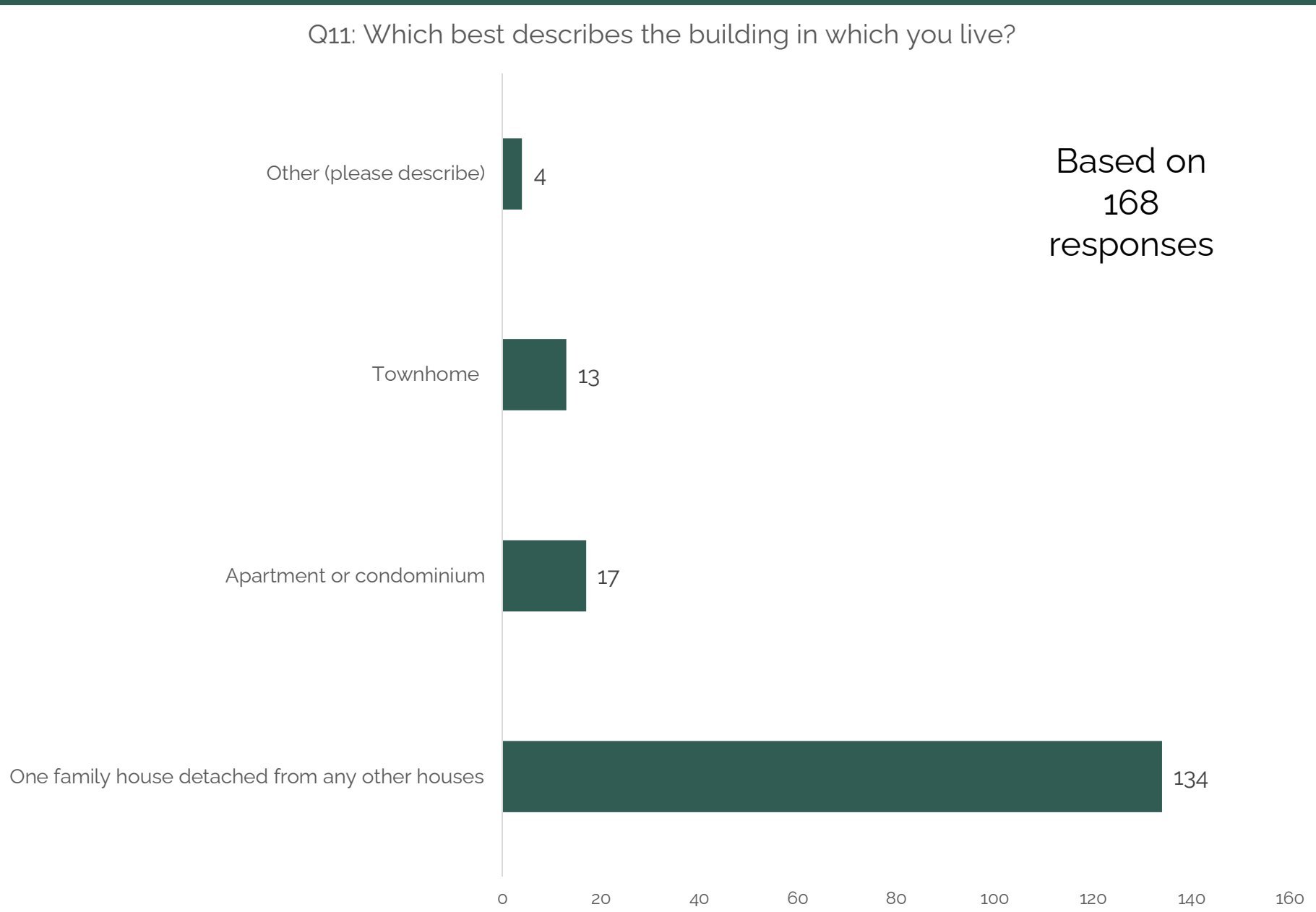
QUESTION #9


Q9: How many years have you lived in Fayetteville?
Not applicable
6
Fewer than 2 years
17
6-10 years
28
2-5 years
30
11-20 years
35
More than 20 years
54
0
10
20
30
40
50
60
Based on 170 responses

QUESTION #10

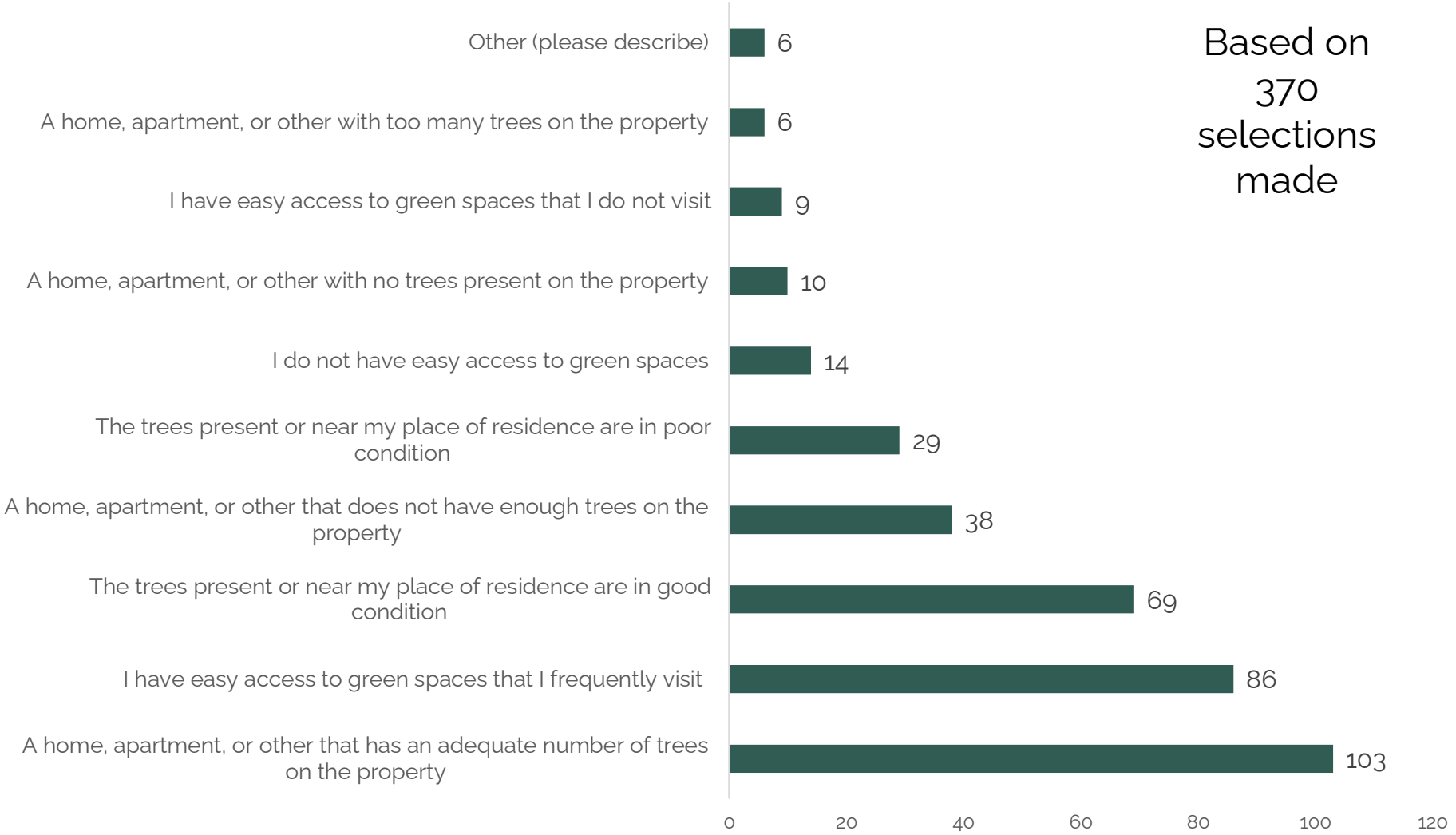

Q10: In which Ward do you live in Fayetteville?
Not applicable (I do not live in Fayetteville)
12
Ward 2
31
Ward 1
35
Ward 4
41
Ward 3
50
0
10
20
30
40
50
60
Based on 169 responses

QUESTION #11


Q11: Which best describes the building in which you live?
Other (please describe)
4
Townhome
13
Apartment or condominium
17
One family house detached from any other houses
134
0
20
40
60
80
100
120
140
160
Based on 168 responses

QUESTION #12

Q12: If you live in Fayetteville, please describe the current conditions where youreside.
(Select all that apply)

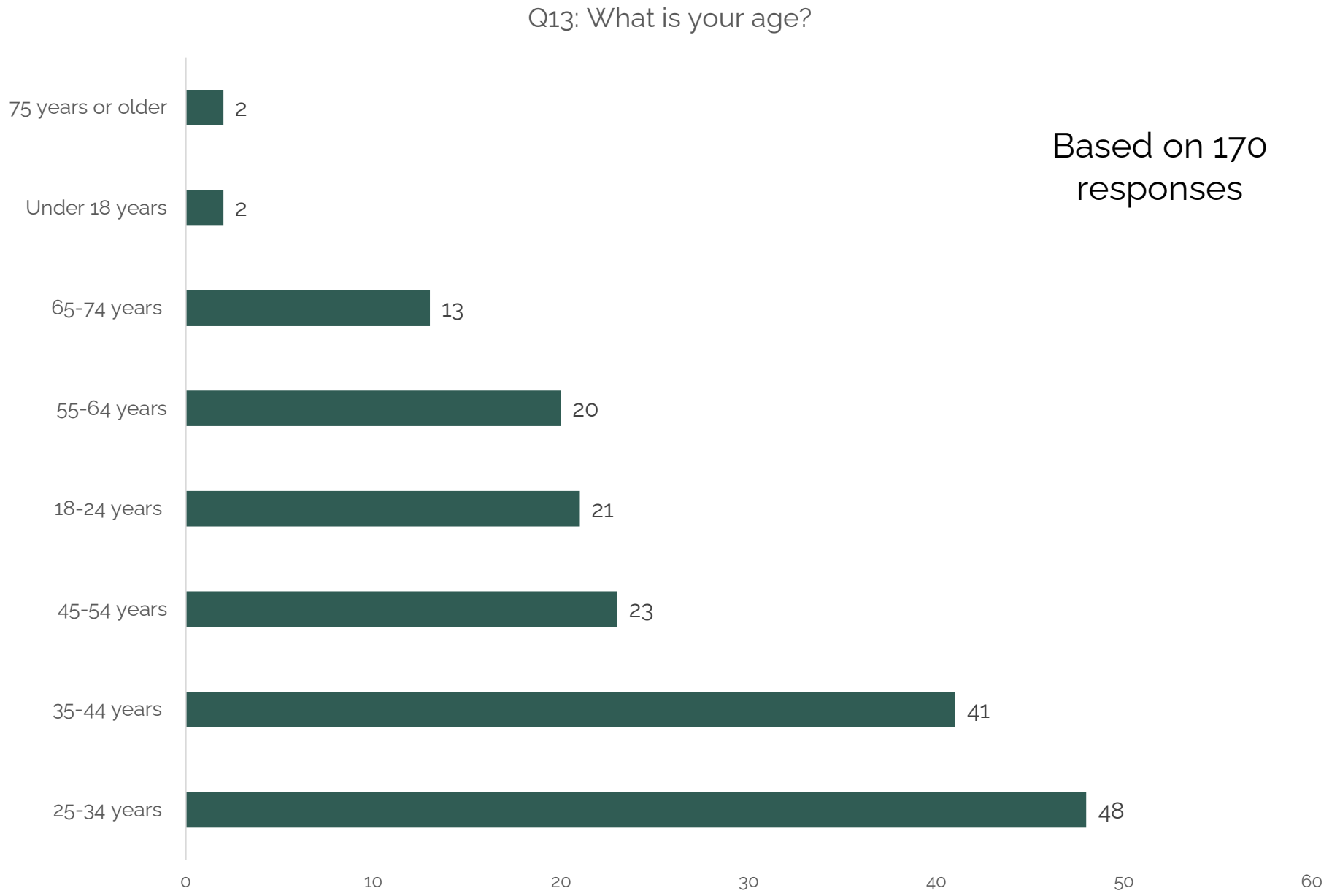


Based on 370 selections made

Question #12 Comments

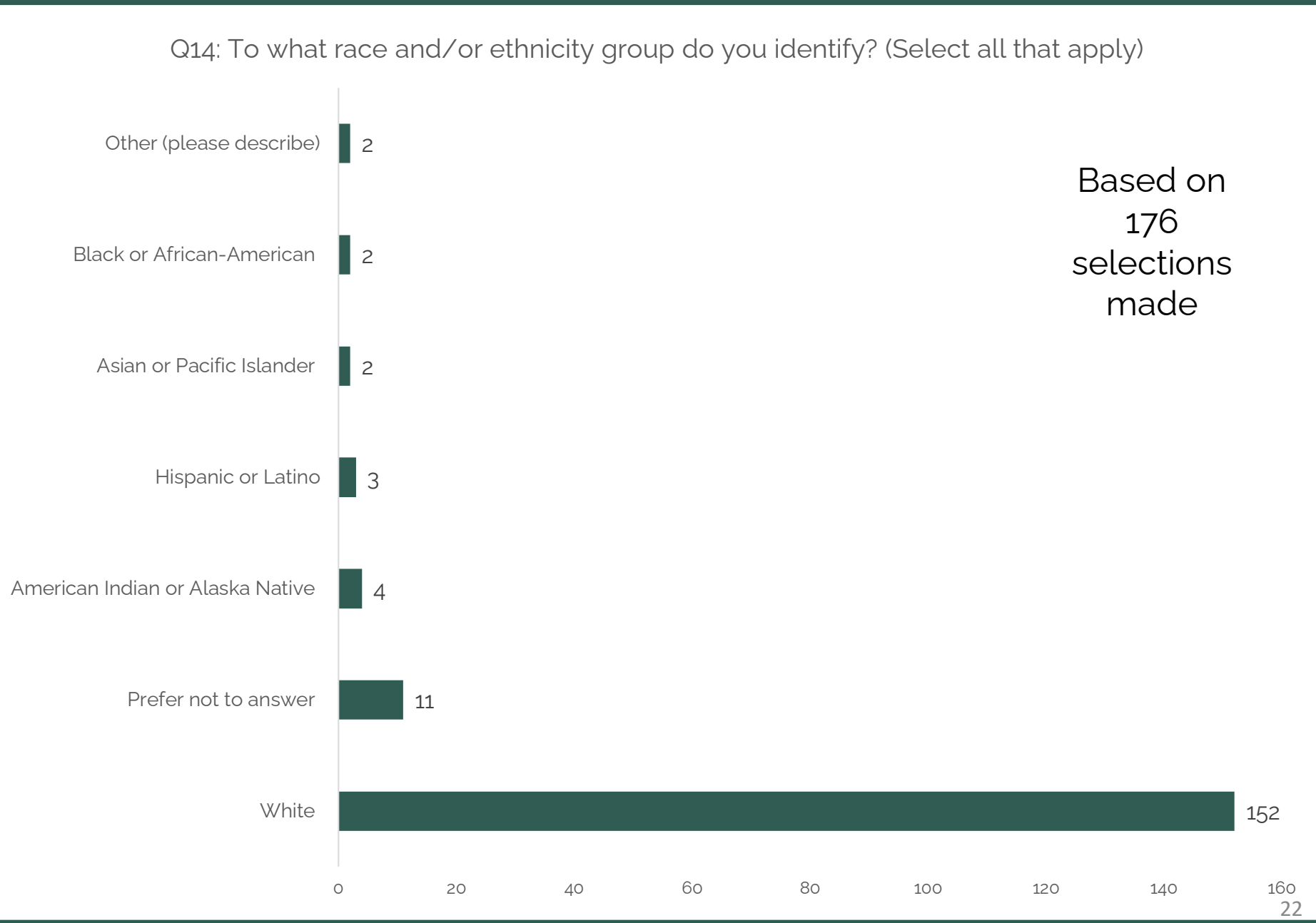
Categories	Comment Count
Tree Impacts	1
Trees and Development	1
Other	3
Invasives	1

QUESTION #13



Based on 170 responses

QUESTION #14


Q14: To what race and/or ethnicity group do you identify? (Select all that apply)
Other (please describe)
2
Black or African-American
2
Asian or Pacific Islander
2
Hispanic or Latino
3
American Indian or Alaska Native
4
Prefer not to answer
11
White
152
0
20
40
60
80
100
120
140
160
Based on 176 selections made

Question #14 Comments

Comment
Middle Eastern
European

Fayetteville, Urban Forest Management Plan



Task C. City Operations and Workflows
~ Staff & Board Member Survey Summary ~

CITY OF FAYETTEVILLE ARKANSAS

9/30/22

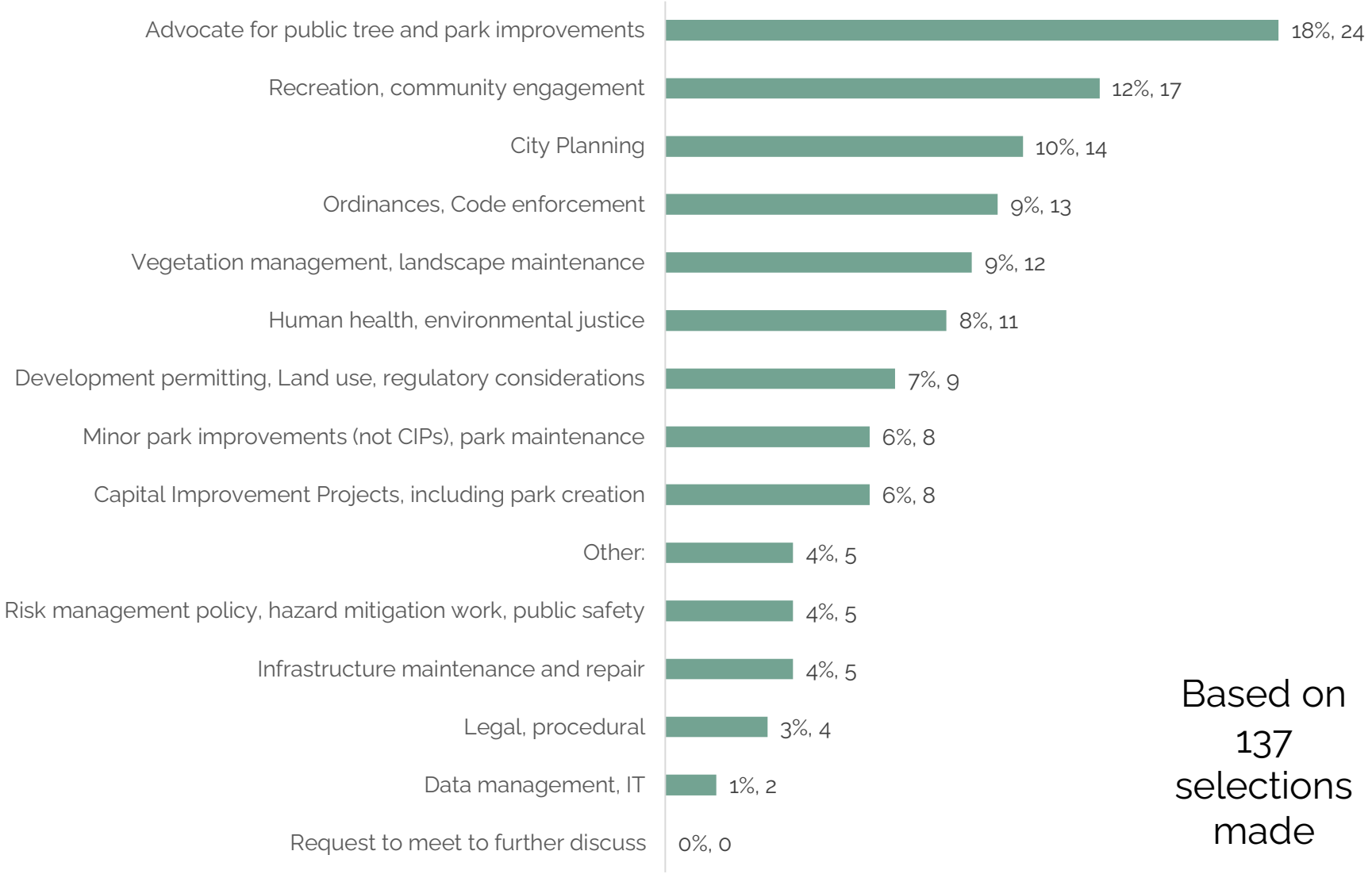
PlanITGeo™ developers of TreePlotter

Survey Overview

Count of Surveys Received
28 of 59 invited (47%)
Survey Timeframe
August 30, 2022 – September 23, 2022
Platform
Google Forms: https://forms.gle/BA67usA5y3RuiAABA

QUESTION #2

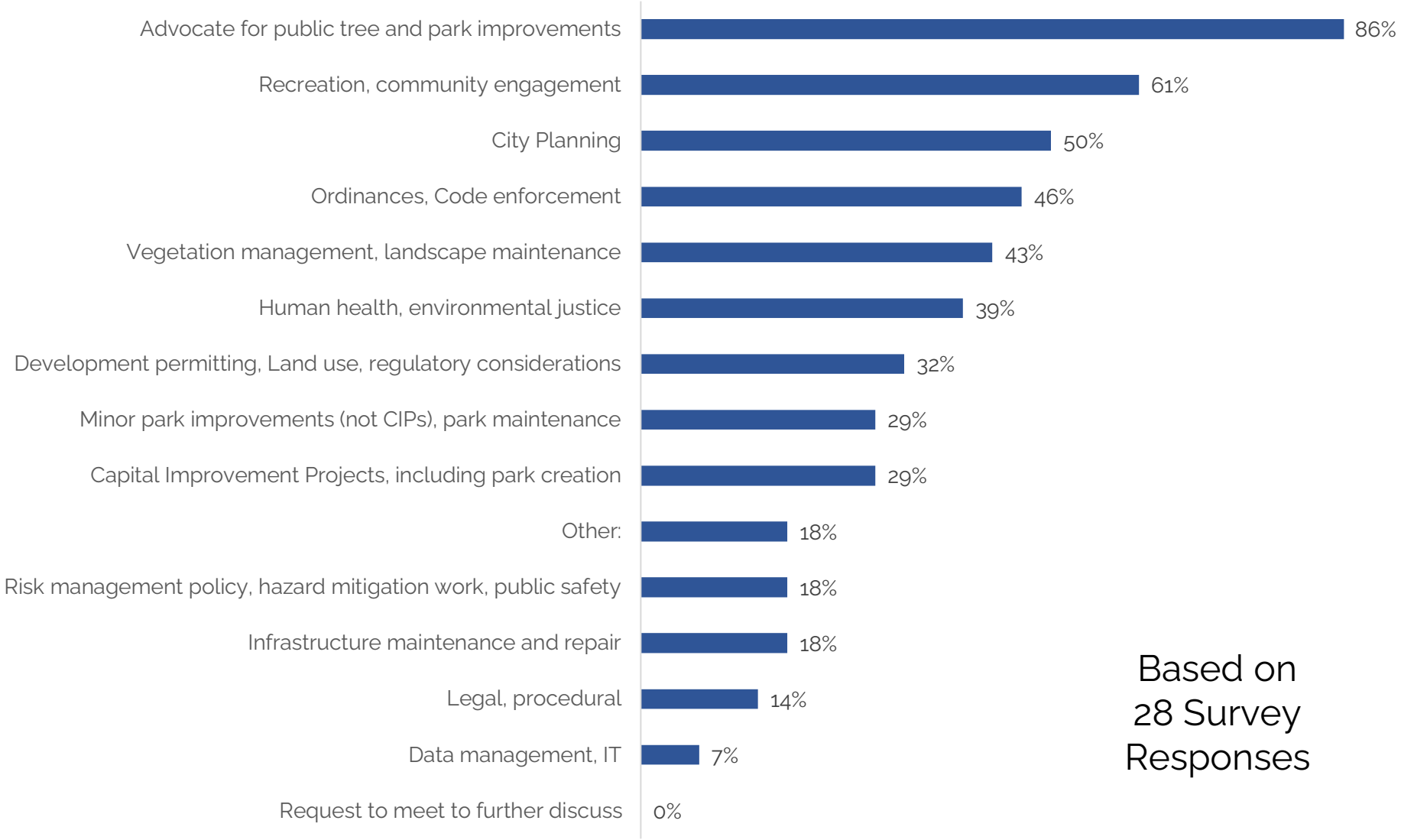
2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



Based on 137 selections made

QUESTION #2

2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



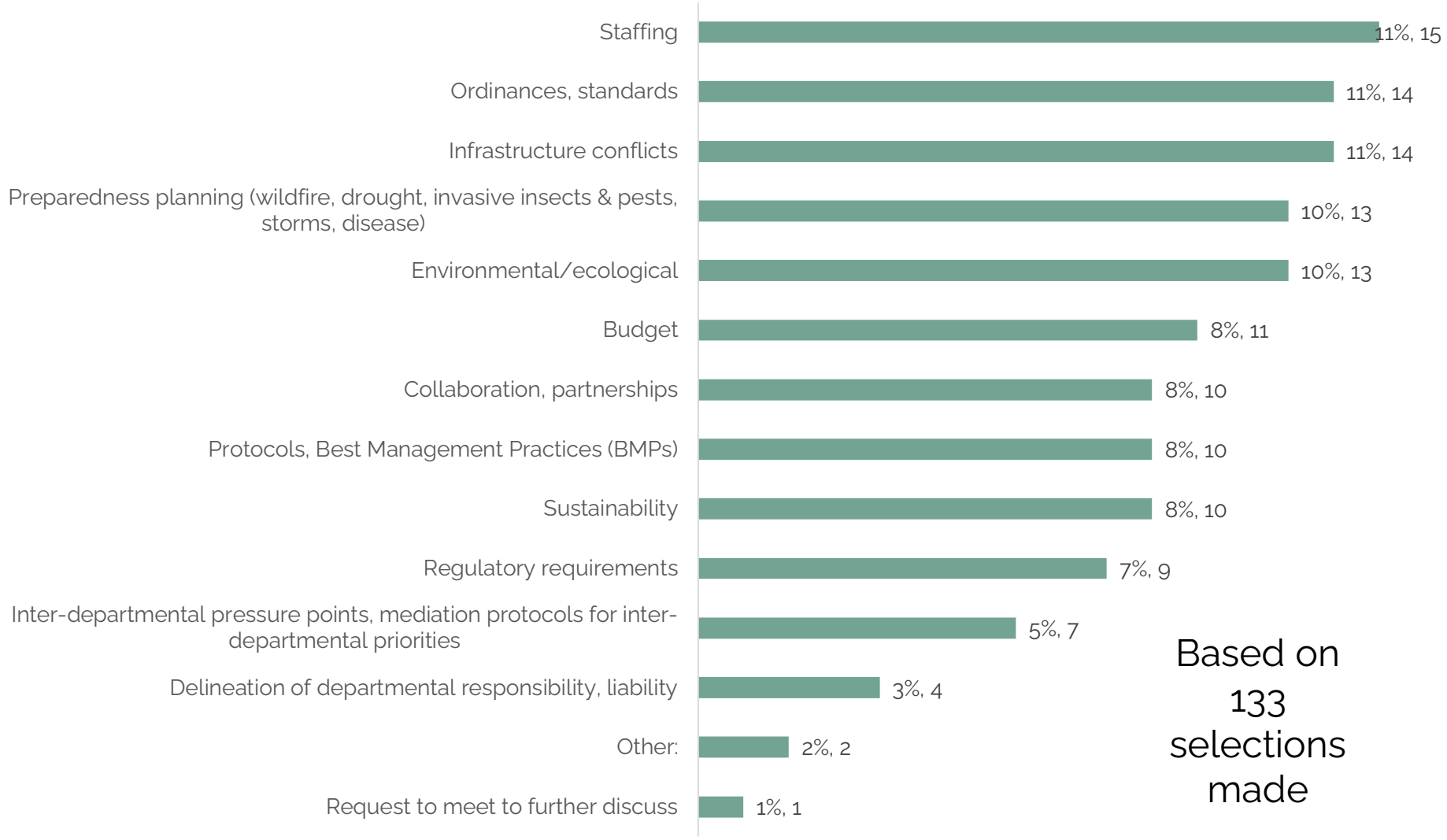
Based on 28 Survey Responses

Question #2 Comments

Name	Comment(s)
	Member of PRAB
	Citizen at large on EAC committee
	use the platform of an outdoor retailer to advocate for public lands and environmental stewardship
	EAC has advisory role to City Council
	Voice for urban forestry goals and missed opportunities in city planning decisions.

QUESTION #3

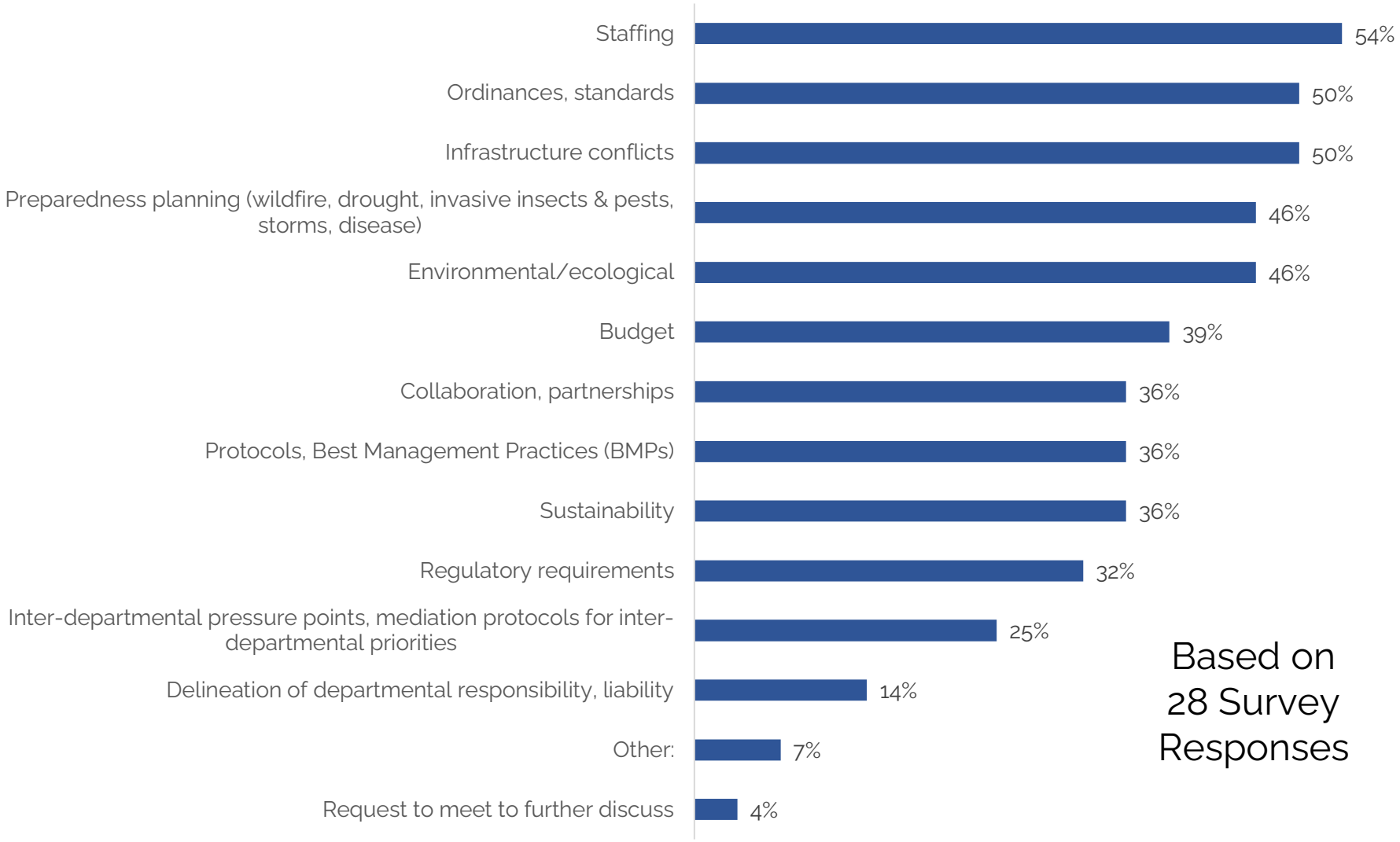
3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 133 selections made

QUESTION #3

3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 28 Survey Responses

Question #3 Comments

Name	Comment(s)
	Poor inventory management
	Replacement of street trees in existing neighborhoods

QUESTION #4

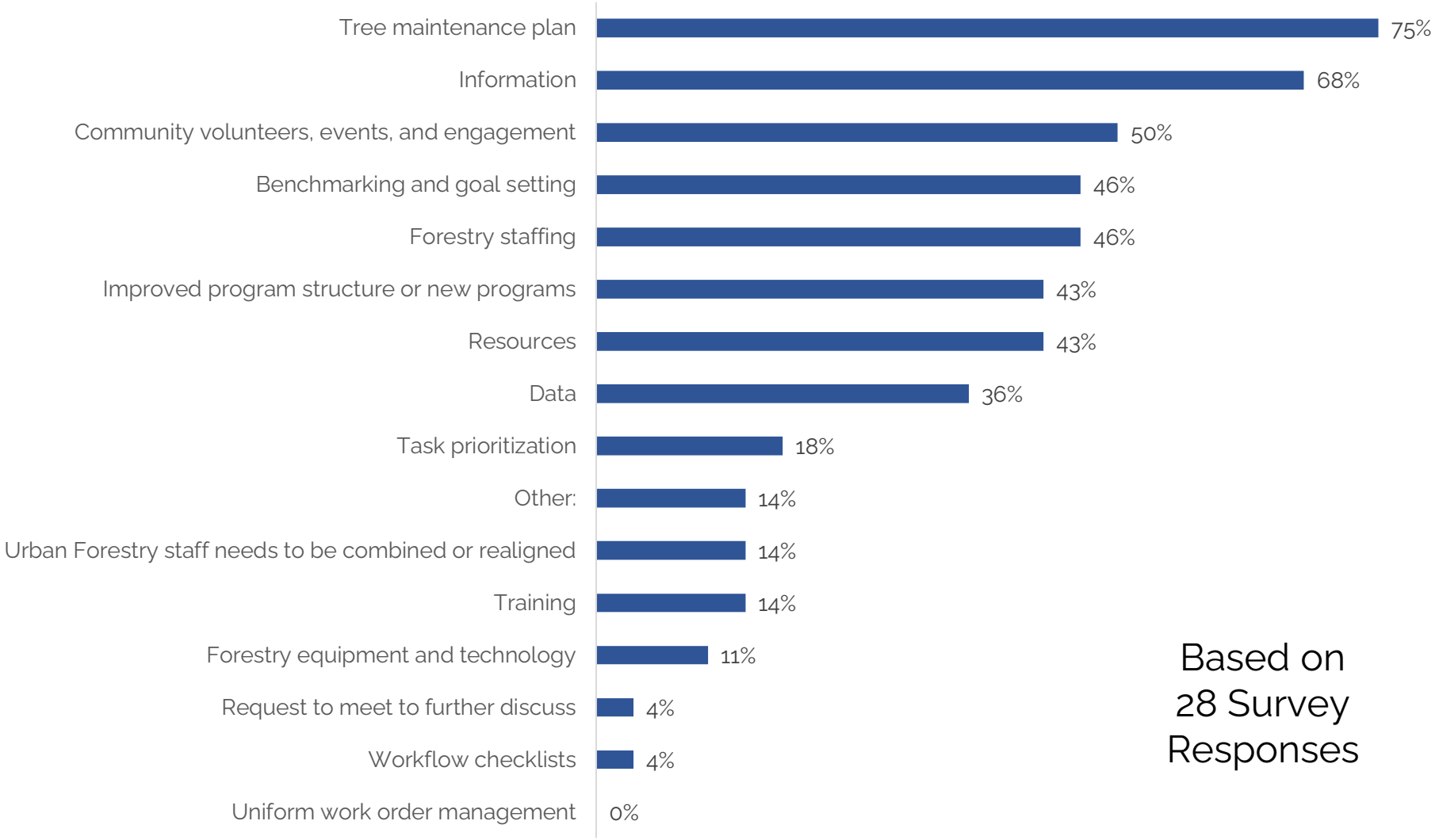
4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



Based on 136 selections made

QUESTION #4

4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



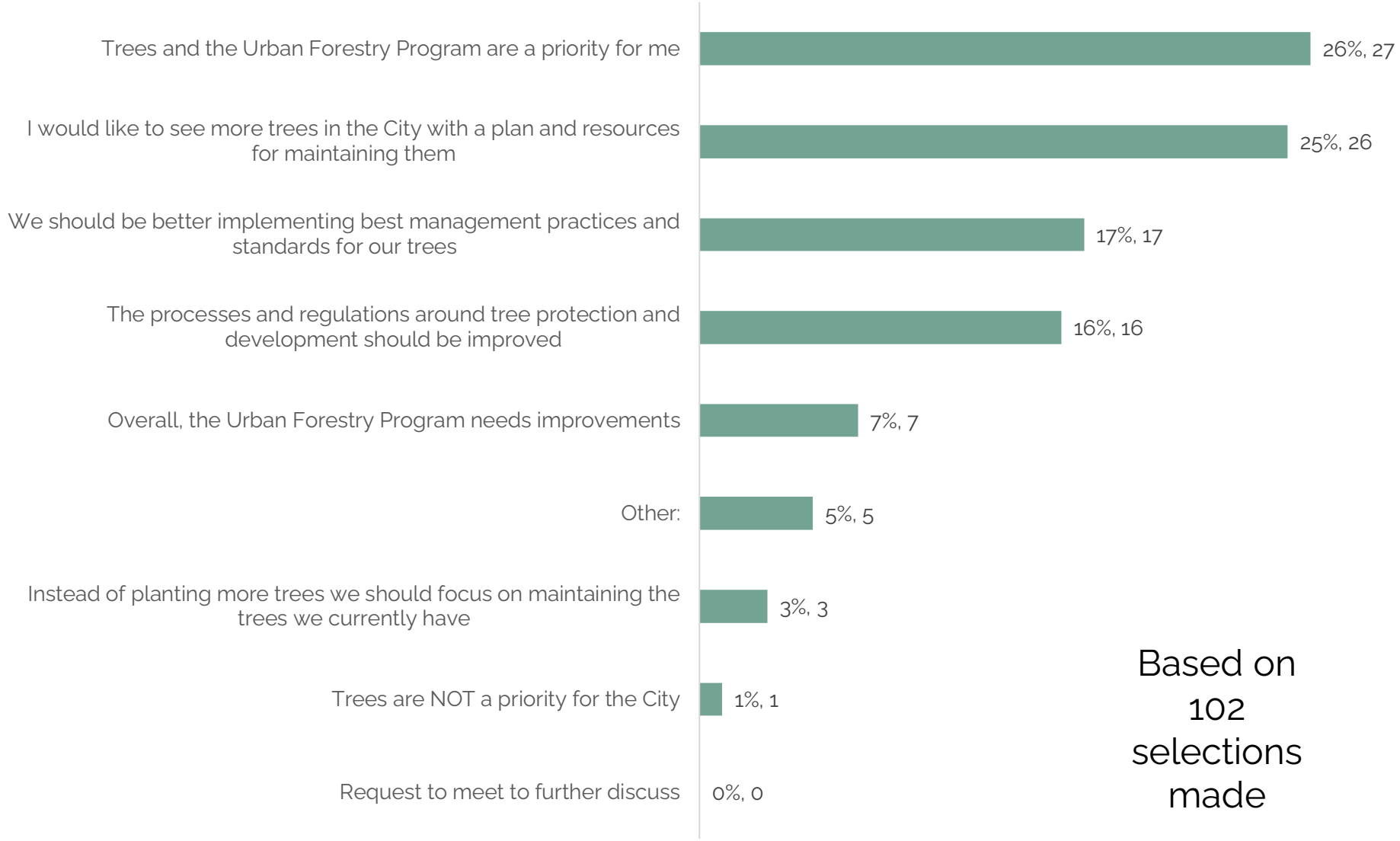
Based on 28 Survey Responses

Question #4 Comments

Name	Comment(s)
	Expand to be "urban ecology"
	Supporting current Forestry activities and preservation/landscaping standards
	Clear understanding of where efforts should be focused and what benefits will be received by increased efforts is warranted.
	Prioritize planting trees that will have the greatest positive impact on other species. For example, prioritize native oaks over Liriodendron (tulip tree)

QUESTION #5

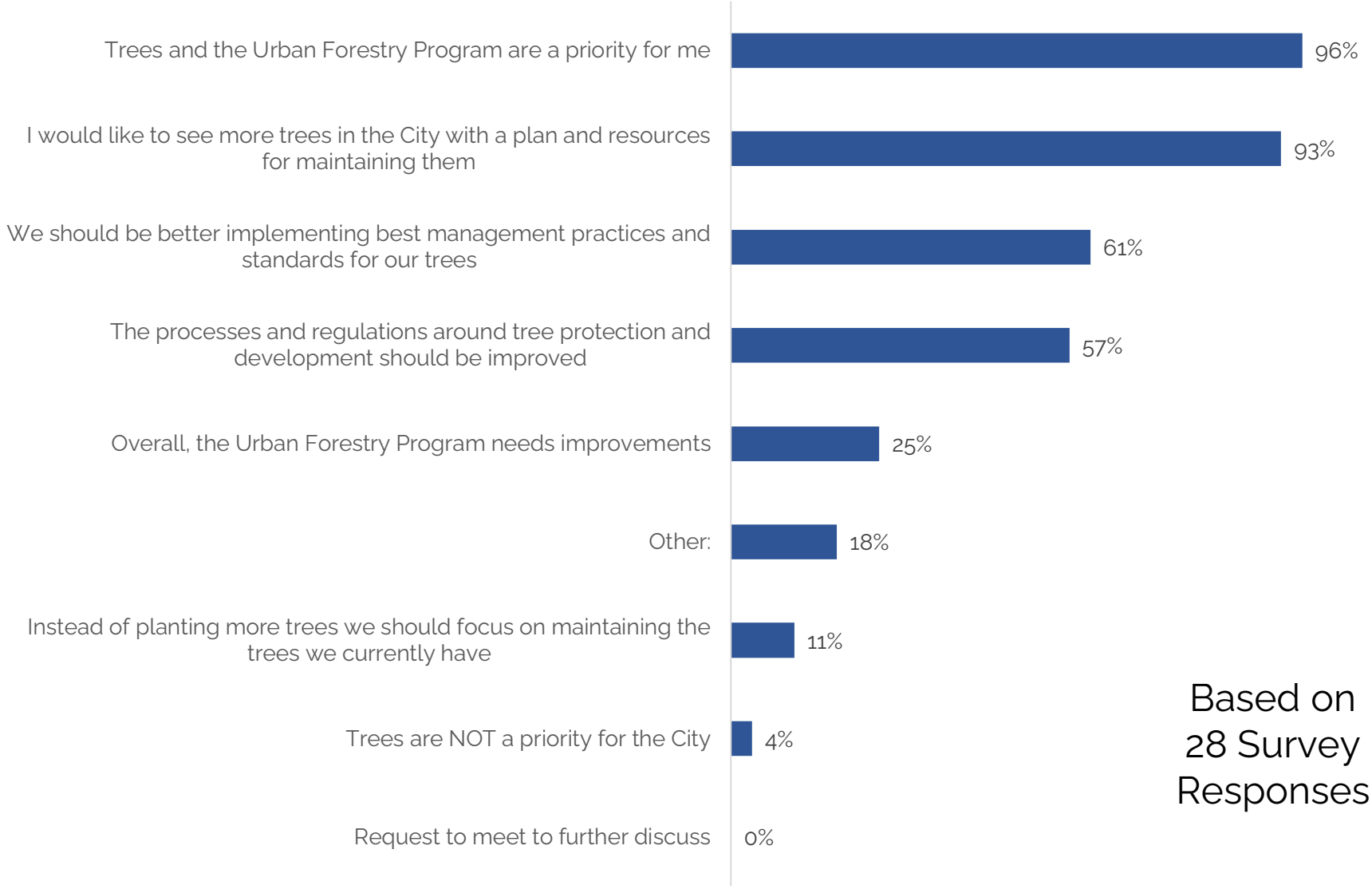
5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



Based on 102 selections made

QUESTION #5

5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



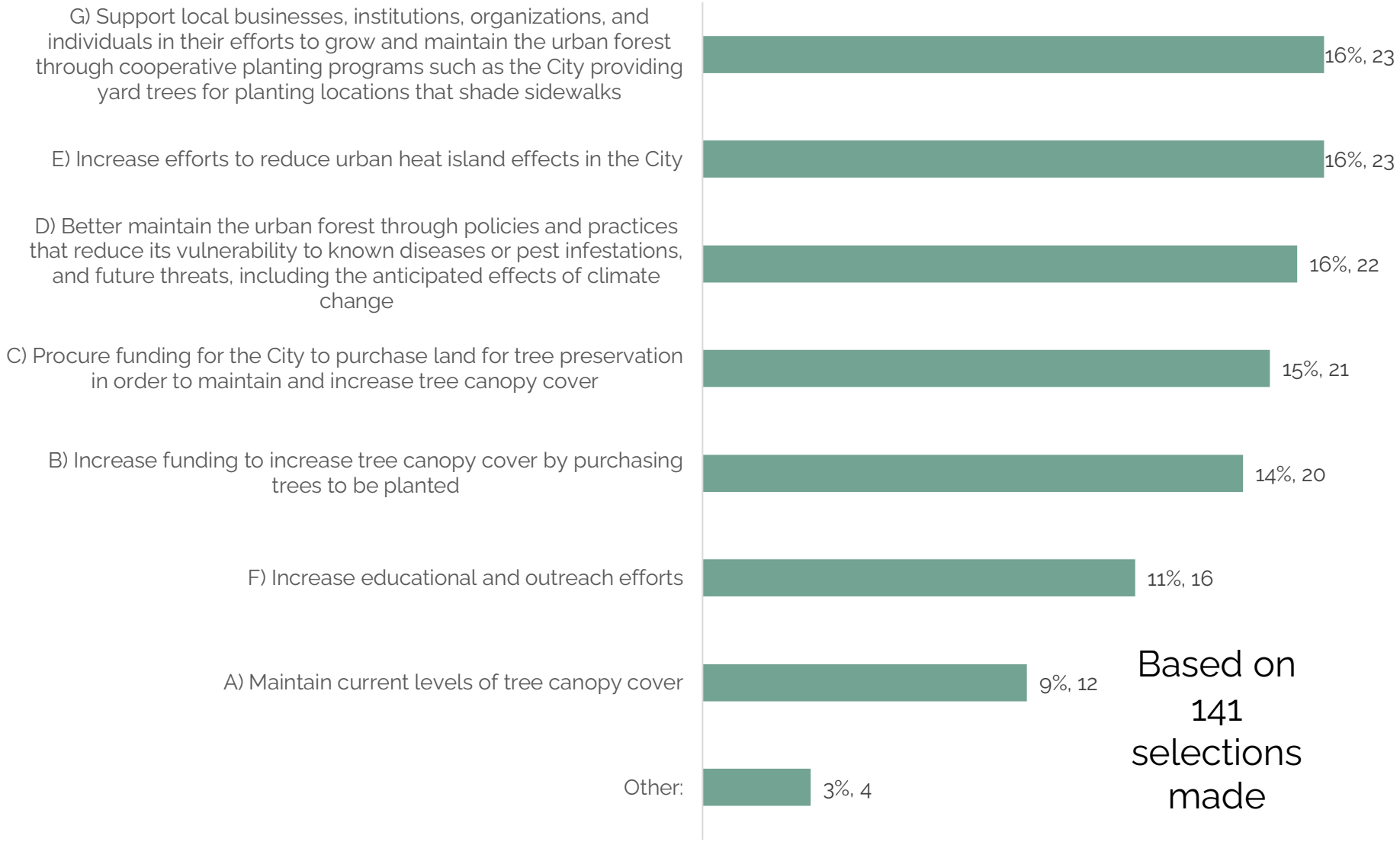
Based on 28 Survey Responses

Question #5 Comments

Name	Comment(s)
	I picked 3 and 4 because I like the idea of more trees but we lack a proper maintenance plan
	Expand to include broader ecological issues
	Street sections need to be reviewed. We are placing trees in spaces that are too confined for long term health of tree and infrastructure.
	We should not just be counting trees on properties that are about to be developed. We should identify large trees with significant environmental value.
	Yes, the Urban Forestry program needs improvements - it needs more resources, more vocal recognition of its value, and deeper integration with utilities and infrastructure and management that reflects that value

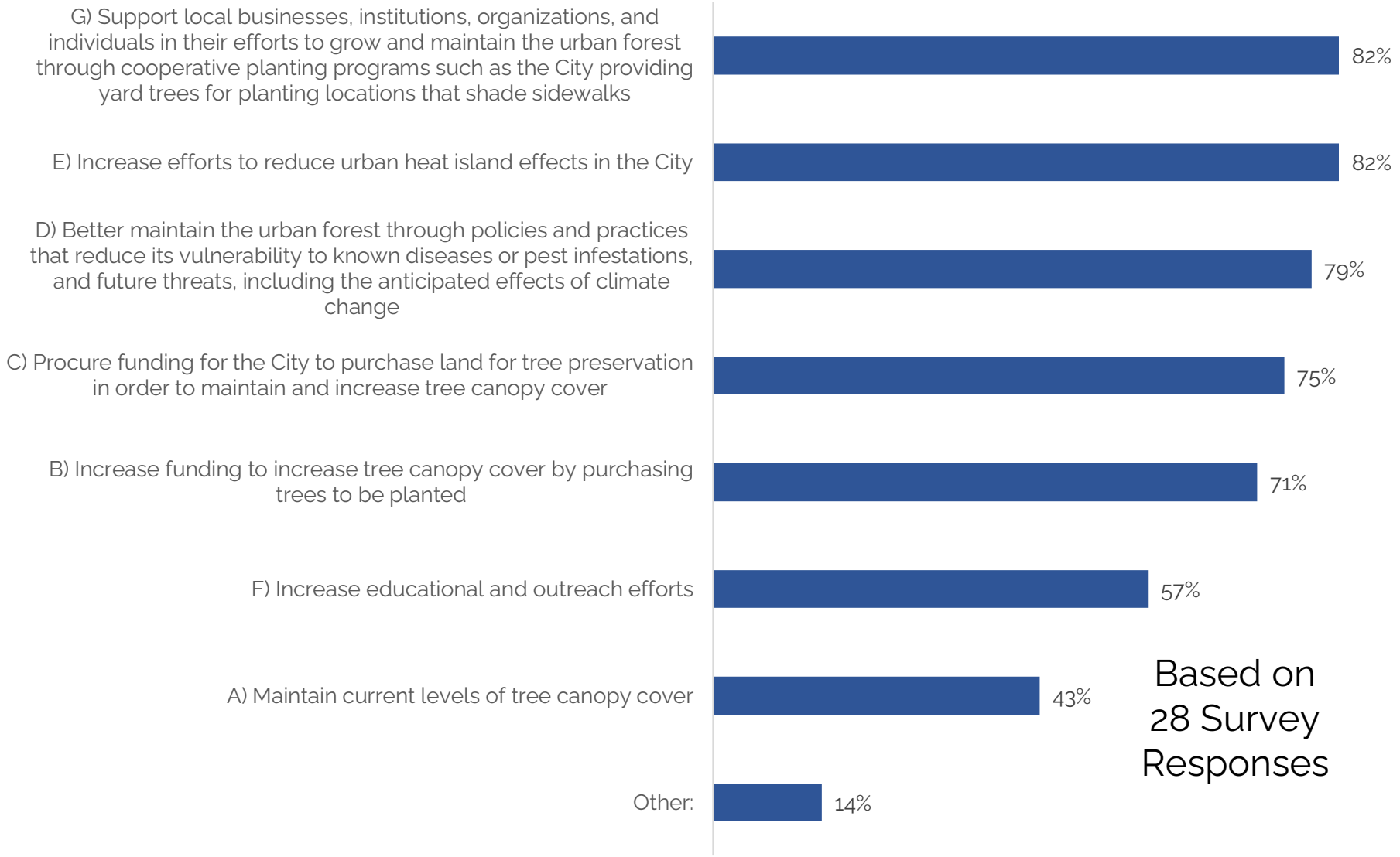
QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?



QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?

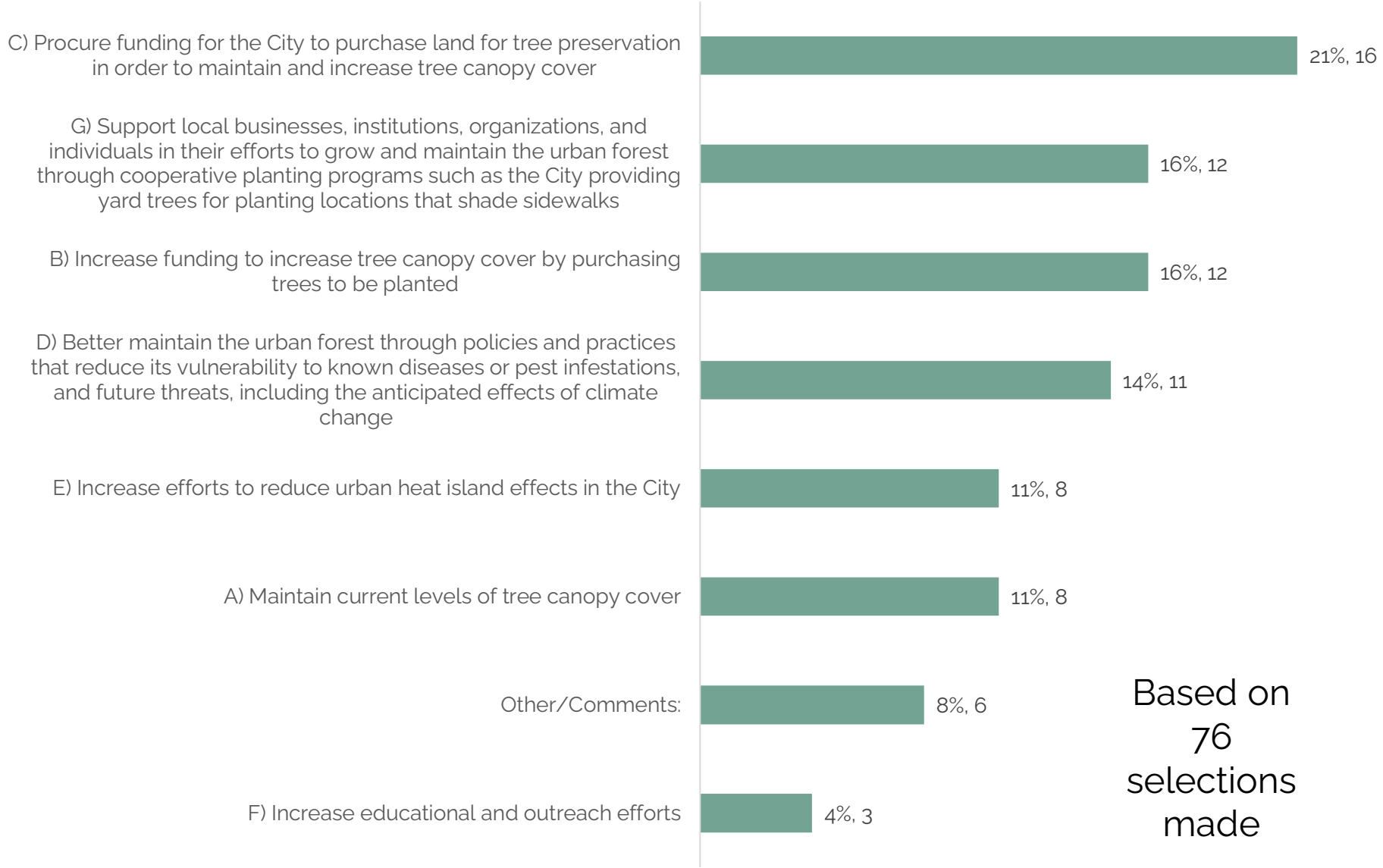


Question #6 Comments

Name	Comment(s)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	I agree with A) as a percent of the City under canopy, but not necessarily the existing canopy.
	Determine what is a reasonable canopy goal for the city based on land use, growth, and evnironmental/health benefits.
	Integration of urban ecology, of which forestry is a subset, into the value decisions of the mayor and city council, into budgeting and staffing, and into workflows of utilities and engineering

QUESTION #7

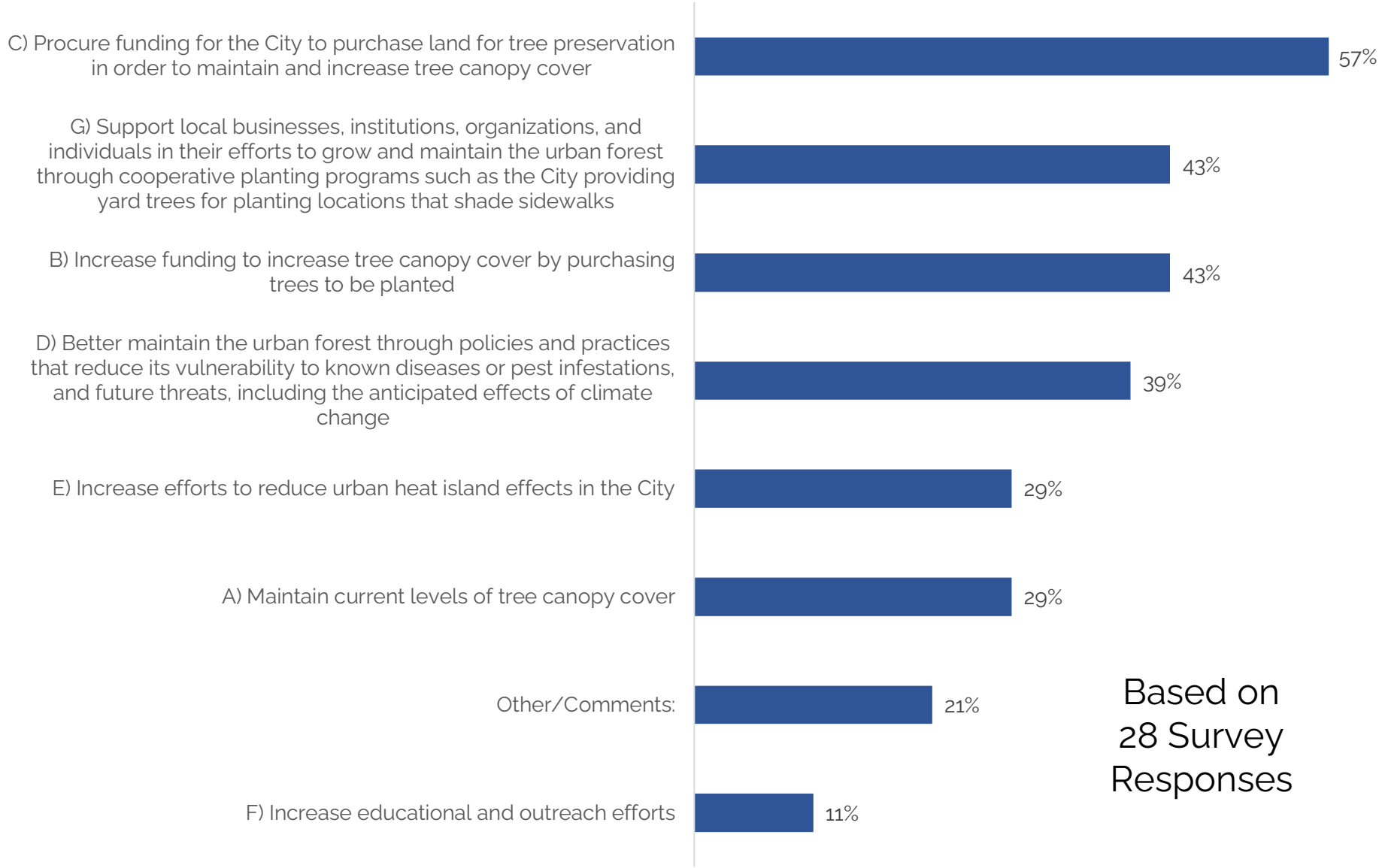
7. From the list above, what are the three (3) most important goals (list letter)?



Based on 76 selections made

QUESTION #7

7. From the list above, what are the three (3) most important goals (list letter)?



Based on 28 Survey Responses

Question #7 Comments

Name	Comment(s)
	Large gap between C (procure funding…) and G (support local businesses…)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	and B (increase funding…)
	and F (increase educational…)
	I agree with A) (maintain current levels of UTC…) as a percent of the City under canopy, but not necessarily the existing canopy.
	Other: Integration and expansion of Urban Forestry through the city's organization

Fayetteville Urban Forestry Management Plan


Source: Shutterstock

US Forest Service Urban Forest Audit
~ Adapted for Fayetteville, AR ~

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

August 2023

URBAN FOREST AUDIT SYSTEM: OVERVIEW

U.S. Forest Service's
Urban Forest Sustainability & Management Audit System

Information Gathering & Discovery

- Measure City's readiness for improved urban forest management, use of the Discovery Matrix
- Document Index of discovered resources
- 11 Categories, 129 planning elements
  1) Management Policy & Ordinances
  2) Capacity and Training
  3) Funding and Accounting
  4) Decision & Authority
  5) Tree Inventories
  6) Urban Forest Plans
  7) Risk Management
  8) Disaster Planning
  9) Standards and Best Practices
  10) Community
  11) Green Asset Evaluation

Audit Process (example only)

Category & Element	Count
Management Policy and Ordinances	30
Professional Capacity and Training	3
Funding and Accounting	4
Decision and Management Authority	3
Inventories	14
Urban Forest Management Plans	13
Risk Management	4
Disaster Planning	4
Standards & Best Management Practices (BMPs)	39
Community	28
Green Asset Evaluation	10

Category: Management Policy & Ordinances		
#	Subcategory	Document/Resource
1.02	Climate Change (Sustainability)	Tree Policy Manual Sustainable City Plan
1.03	No Net Loss	Tree Policy Manual
1.04	Risk Management	Tree Policy Manual
1.05	Tree Canopy Goals	Sustainable City Plan General Plan

URBAN FOREST AUDIT SYSTEM: DOCUMENT INDEX

Documents Evaluated and Recorded in the Index

#	Resource	Information Gathered / Application
1	City Plan 2040 Comprehensive Plan	Public survey conducted, tree canopy section 8.3 (p89), climate change and canopy, urban forest benefits, ordinance, UFAB (formerly Tree and Landscape Advisory Committee est. in 1993)
2	Tree Preservation & Landscape Manual	Contains recommended tree list
3	Code of Ordinances - Chapter 167 Tree Preservation and Protection	
4	Code of Ordinances - Chapter 177 Landscape Regulations	Contains list of invasive plant species
5	Tree Preservation Standard Detail	
6	Tree List from Arkansas Native Plant Society	
7	Significant Trees List & Classifications	
8	Tree Canopy Cover and Environmental Equity	
9	Adopted Annual Budget & Work Program	Contains statement on 40% canopy goal (based on Energy Action Plan), lists trees planted, lists trees mitigated and preservation acres
10	2022 Q1 Executive Management Report	Nothing to report
11	Adopted Five Year Capital Improvements Plan 2021-2025	
12	"Fayetteville First" Strategic Plan	
13	Energy Action Plan	Chapter 1 Greenhouse Gas Reduction & Climate Change; Chapter 3 Buildings, Strategy #5 - UHI mitigation (p40); Chapter 3 Buildings Strategy 2, Make Existing Single-family & Multi-family Dwellings More Efficient; Ch 3 Buildings Strategy 4, Conduct a Community-Wide Tree Canopy Assessment and Set a Tree Canopy Coverage Percentage Goal (p39); Ch 3 Cross-Sector Strategy 1, Integrate Resilience and Adaptation Considerations into Planning and Policy Decisions -- investigate feasibility of a stormwater utility to improve green infrastructure
14	Master Street Plan (excerpt from City Plan 2040)	
15	City Plan 2040 Public Survey	Q11) "please help the City understand which of the following amenities, characteristics, or public improvements should be prioritized in association with infill" -- responses greatly supported making the neighborhood they want to live in, projects are friendly to pedestrians, and public amenities (traffic calming, pathways, open spaces)

Example of the resources reviewed and documented in the Document Index

A total of 66 documents were gathered for the research and information discovery phase of the UFMP project. Based on the research, there were a total of 326 instances where elements in the Audit were referenced in the 66 documents. An example of the document index is provided above. For a complete listing, see the “Fayetteville Urban Forest Audit” spreadsheet.

Urban Forest Audit System: Discovery Matrix

Example of the Documents and References to Audit Elements

Management Policy and Ordinances	
Climate Change (Sustainability)	City Plan 2040 Comprehensive Plan Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 "Fayetteville First" Strategic Plan Energy Action Plan Active Transportation Plan Mobility Plan Fayetteville Downtown Master Plan Walker Park Neighborhood Master Plan Weddington Corridor Plan Economic and Labor Force Analysis - Appendix B Draft Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B University of Arkansas Office for Sustainability - Plants - Current Projects
No Net Loss	Tree Canopy Cover and Environmental Equity
Risk Management	Code of Ordinances - Chapter 167 Tree Preservation and Protection Adopted Annual Budget & Work Program Mobility Plan
Tree Canopy Goals	City Plan 2040 Comprehensive Plan Tree Preservation & Landscape Manual Code of Ordinances - Chapter 167 Tree Preservation and Protection Tree Canopy Cover and Environmental Equity Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 Energy Action Plan Mobility Plan Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B City Website Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester) Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester)

Discovery Matrix example for Fayetteville documents relating to Management Policy

Once the documents were indexed, each of the 66 resources were reviewed and cross-examined with the Audit's Discovery Matrix categories (11) and elements (130). An example of the process is shown on the left. For the "Management Policy and Ordinances" category, documents are listed in the green cells that mention or relate to the category's elements including "Climate Change", "No Net Loss", "Risk Management", and "Tree Canopy Goals". Any reference to the element within a document was given a "1" to enable a count of the total references to urban forestry per document, per element.

Audit Category	Documents with Reference
Management Policy and Ordinances	104
Professional Capacity and Training	4
Funding and Accounting	10
Decision and Management Authority	40
Inventories	18
Urban Forest Management Plans	7
Risk Management	12
Disaster Planning	2
Standards & Best Management Practices (BMPs)	109
Community	20
Green Asset Evaluation	N/A
TOTAL COUNT	**326**

URBAN FOREST AUDIT SYSTEM: PROCESS



RESEARCH DEEP DIVE: Existing plans, ordinances, practices

CITY CONSULTATIONS: Workflows, operations, services, best practices, standards, challenges, opportunities

EXISTING CONDITIONS: Inventory analysis, ecosystem benefits, trends, maintenance needs, planting, preservation

BENCHMARKING: Establish baseline metrics for comparison and monitoring ($ per tree, staff per tree, etc.)

COMMUNITY ENGAGEMENT: Existing and potential partners, recommendations, public meeting

URBAN FOREST AUDIT: Systematic evaluation from which goals and actions are developed and can be monitored

URBAN FOREST AUDIT SYSTEM: PROCESS

Category: Management Policy & Ordinances			
Element	*Subcategory*	*Description or Criteria for Evaluation*	*Assigned Status**
1.01	Climate Change (Sustainability)	With reference to urban trees, addresses the long-term health and productivity of the natural resource.	Score: 2 "Adopted Common Practice"
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Score: 2 "Adopted Common Practice"
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP and prioritization funding mechanisms.	Score: 2 "Adopted Common Practice"
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	

EXAMPLE

0) Not Practiced
1) In Development
2) Adopted Common Practice
3) Exceeds Common Practice

*For each subcategory that is evaluated, 0 points are attributed if the component doesn't exist or is not practiced; 1 point is given if the component is in development; 2 points are given if the component is routinely practiced; and 3 points are given if the practice is exceeded. The points can then be totaled for an overall score.

URBAN FOREST AUDIT SYSTEM: OUTCOMES

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	75%	50%	15	54%
2	Professional Capacity and Training	100%	NA	13	81%
3	Funding and Accounting	100%	NA	6	50%
4	Decision and Management Authority	100%	50%	7	88%
5	Inventories	NA	25%	12	46%
6	Urban Forest Management Plans	NA	50%	11	46%
7	Risk Management	100%	100%	16	89%
8	Disaster Planning	NA	100%	13	93%
9	Standards and BMPs	100%	69%	44	73%
10	Community	100%	NA	24	86%
11	Green Asset Evaluation	NA	NA	17	85%
Total		**96%**	**63%**	**178**	**70%**

EXAMPLE

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Score Key

Color	Rank	Description	Ranking Rationale / Considerations
Blue	Category and element description		
Light Red	0) Not Practiced	No mention of the audit element in any documents, nothing uncovered during staff consultations, not in development as part of the UFMP project.	Describes the considerations that influenced the ranking
Yellow	1) In Development	The audit element is either mentioned in various documents but needs improvements or it is being addressed as part of the UFMP project.	Describes the considerations that influenced the ranking
Green	2) Adopted Common Practice	The audit element is mentioned in various documents, and it aligns with industry standards and best practices.	Describes the considerations that influenced the ranking

URBAN FOREST AUDIT SYSTEM: MANAGEMENT POLICY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
1.00	**Policy**	**Written policy statements approved by a governing body.**	
1.01	Urban Heat (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.	Most documents that mention sustainability relate to development not trees though Chapter 167 Tree Preservation & Protection ordinance exists
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Not specifically mentioned but ordinances have mitigation requirements
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.	No document specifically calls out standards, protocols, or staff trained for tree risk management
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	Energy Action Plan has a stated goal of 40%
1.05	Tree Protection	Construction and/or landscape maintenance.	Ordinances, critical root zone mentioned in various permit documents, construction standards
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).	No policy in place for utility pruning was found but permits require identifying location of underground utilities
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g. exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.	Benefits of trees are stated in various documents but less emphasis on heat reduction and human health
1.08	Wildlife Diversity / Habitat / Protection	Mammals, birds, or reptiles.	Comprehensive Plan and other plans have strategies and policies for preserving and conserving natural resources for wildlife
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.	Performance metrics in budget documents. Specific KPIs to be developed as part of the UFMP
1.10	Ordinance (Private)	Tree protection and management for trees on private property.	Ordinances are in place but will be reviewed with recommendations as part of the UFMP. City has the Tree Preservation & Landscape Manual
1.11	Ordinance (Public)	Tree protection and management for public trees.	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.	The Comprehensive Plan focuses heavily on conservation and easements
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.	Wildfire management is not covered in the documents but invasive species management is

URBAN FOREST AUDIT SYSTEM: CAPACITY & TRAINING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
2.00	**Professional Management**	**Provision for professional consultation.**	
2.01	Certified Arborist - Staff	International Society of Arboriculture	Urban Foresters in Parks, Public Works, and Development
2.02	Certified Arborist - Contracted	International Society of Arboriculture	Chapter 167 identifies and recognizes ISA Certified Arborists
2.03	Certified Arborist - Other Resource	International Society of Arboriculture	Supporting staff with ISA credentials
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.	City to provide input
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar	City to provide input
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar	City to provide input
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.	City to provide input, trainings and resources are available on the website ("Citizen Tree Care Resources")
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar	Unsure of the training and background of members on the Urban Forestry Advisory Board, Environmental Action Committee, or the Keep Fayetteville Beautiful Committee
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).	City to provide input but improvements will be recommended in the UFMP

URBAN FOREST AUDIT SYSTEM: FUNDING & ACCOUNTING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
3.00	**Urban Forestry Budget**		
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.	Urban Foresters and programs clearly listed in budget line items
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.	City to provide input
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?	Line items for the Urban Forestry staff, clear line items for Forestry & Habitat plus events, and Tree City USA reporting documents
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.	City to provide input

Urban Forest Audit System: Authority

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
4.00	**Authority**		
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.	"Urban Forester" mentioned frequently in documents stating authority, role, and communications protocols
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.	Clearly defines the role of the Urban Forester
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).	City to provide input
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).	Urban Forestry Advisory Board

URBAN FOREST AUDIT SYSTEM: INVENTORIES

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
5.00	**Inventories and Assessments**		
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.	2012, 2013, 2015, 2017, 2019 canopy assessments
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.	The sample inventory and canopy data were collected / provided to conduct the analysis as part of the UFMP
5.03	Public Trees ↓	↓ Evaluate below ↓	↓
5.04	Street Trees	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?	No inventory located except for the public/private sample inventory in 2022
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	No inventory located except for the public/private sample inventory in 2022
5.07	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services.	Guidance to be provided in the UFMP
5.08	Private Trees ↓	↓ Evaluate below ↓	↓
5.09	Campus (Educational)	Is there a recent (5 year) inventory?	University of Arkansas has a tree inventory and online map
5.10	Corporate	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.11	Other Private Property	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.12	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services).	Guidance to be provided in the UFMP
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)	Water Master Plan but not specific to green infrastructure or stormwater. Energy Action Plan has a strategy to investigate feasibility of a stormwater utility to improve green infrastructure
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, etc.	Canopy Assessments and tree inventory provide spatial data. Guidance to be provided in the UFMP
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.	City to provide input

URBAN FOREST AUDIT SYSTEM: PLANS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
6.00	**Management Planning**		
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.	City to provide input
6.02	Public Trees ↓	↓ Evaluate below ↓	↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?	Guidance to be provided in the UFMP
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?	Parks Master Plan in development as of January 2023
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	Guidance to be provided in the UFMP
6.06	Private Trees ↓	↓ Evaluate below ↓	↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?	TBD whether University of Arkansas is a Tree Campus USA campus
6.08	Corporate	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.09	Other Private Property	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.	Energy Action Plan mentions stormwater utility for green infrastructure
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.	Comp Plan, Energy Action Plan, Parks Master Plan (in progress), neighborhood plans
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.	Guidance to be provided in the UFMP
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?	Section 8.3 of the Comprehensive Plan is "Tree Canopy" and describes the role urban forests play in climate change, stormwater, etc.
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)	Guidance to be provided in the UFMP. Conducting this Audit is one approach to Criteria & Indicators

URBAN FOREST AUDIT SYSTEM: RISK MANAGEMENT

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
7.00	**Risk Management Activities**		
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.	City to provide input
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.	City to provide input
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.	City to provide input
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?	City to provide input
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.	City to provide input
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.	City to provide input
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?	City to provide input
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.	City to provide input
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.	10 documents mention invasive management, prohibited trees, recommended trees, Arkansas Native Plant Society tree list, among others

URBAN FOREST AUDIT SYSTEM: DISASTER PLANNING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
8.00	**Disaster Planning Activities**		
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.	City to provide input, Fayetteville Emergency Operations Plan is in place
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.	Nothing found at the county level, City to provide input
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).	No plan identified, City to provide input
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.	City likely has a structure in place, City to provide input
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.	City to provide input
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).	City to provide input
8.07	Urban Forest Strike Team	Participation in the UFST project.	City to provide input

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**Standards & BMPs**		
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population	No specific mention about age diversity but species diversity is recognized
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).	Tree ordinances reference best practices, website lists standards, Comprehensive Plan lists BMPs, Tree Preservation Manual, Tree Preservation Standard Detail
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.	Ordinances list requirements, City website has resources, Structural Soil Detail includes guidance
9.06	Lightning Protection	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.07	Planting	Planting and transplanting standards required/specified.	Listed in ordinances, Tree Preservation Standard Detail, website, Tree Planting on Slope Detail
9.08	Pruning	Pruning standards required for conserved & planted trees.	Listed in ordinances, Tree Preservation Manual, Tree Preservation Standard Detail, City website
9.09	Removal	Infrastructure damage, stump grinding, etc.	Guidance listed in Chapter 167 and City website
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.	Risk mentioned in Ch. 167 but should be evaluated as part of the UFMP
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).	Critical root zone, tree protection zones, critical root zone addressed in ordinances, Tree Preservation Manual, City website, and Tree Preservation Standard Detail
9.13	Design Standards	Standards for design that specifically require trees; standards for placement, soil treatment, and/or drainage.	18 documents have standards listed for development that impacts trees and landscaping (Comp Plan, Tree Manual, Ordinances, Active Transportation Plan, neighborhood plans, others)
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.	City website has a list and references the Arkansas Native Plant Society Tree List

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS CONT.

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**ANSI Standards & BMPs**	**CONTINUED**	
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.	Energy Action Plan recommends stormwater utility for green infrastructure, other plans reference stormwater management and GI
9.16	Inventory Data Collection	Adopted or developed standards for tree inventory data collection	Guidance to be provided in the UFMP
9.17	Minimum Planting Volume	Minimum required root zone volume.	Tree Preservation & Landscape Manual provides standards and BMPs
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.	Tree Preservation & Landscape Manual notes the 2" minimum caliper
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).	Tree Preservation & Landscape Manual plus 5 other documents note this
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard	No specific standards for safety around trees. Guidance to be provided in the UFMP
9.21	Topping	Prohibits topping or other internodal cuts (public & private).	Chapter 167 restricts topping
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, or preferred species (native and non-native species); alternatively, a list of species prohibited.	Tree Preservation & Landscape Manual, ordinances, significant trees list, City website, and others list the recommended or required trees
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.	Tree Preservation & Landscape Manual notes the ANSI standard for nursery stock
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.	Chapter 167 and City website mention utility management but could be expanded as part of the UFMP
9.25	Urban Agriculture	Enabled urban food forestry practices.	Guidance to be considered for the UFMP
9.26	Wood Utilization	Larger diameter material is processed for wood products.	Guidance to be considered for the UFMP
9.27	3rd party forest certification	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™	Guidance to be considered for the UFMP
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities.	Guidance to be considered for the UFMP
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.	No mention of debris management, guidance to be considered for the UFMP
9.30	Watering Standards		Various documents state the watering requirement post-planting. Additional guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: COMMUNITY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
10.00	**Community Building**		
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?	City website, social media, Speak Up Fayetteville
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.	Resources on City website, Tree Manual
10.03	Private Property Tree Program	Does your community sponsor this program locally?	To be addressed in the UFMP
10.04	Public-facing Inventory Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).	2022 sample tree inventory used a public facing software program but trial subscription ended. City does have online portal of canopy assessment maps
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?	Comprehensive Plan included a survey. Ongoing public feedback recommendations to be provided in the UFMP
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.08	Arboretum designation	Internal or third party arboretum designation.	University of Arkansas tree inventory and Arboretum Mapping Project, Botanical Garden of the Ozarks
10.09	Significant trees	For example: size, history.	No Heritage or Significant Tree Ordinance but City has Significant Trees on website
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.	City to provide input. City has tree giveaways, and tree donations
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?	Several posts about urban forestry but additional guidance to be provided in UFMP
10.12	Active Communications	Press releases, regular news articles (print), "State of the Urban Forest" reports, periodic analysis of threats and opportunities.	Additional guidance to be provided in the UFMP
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).	Volunteer program and events, invasive species removal, City website with resources for tree care
10.14	Tree City USA®	Community/campus meets current qualifications for any of these programs.	27 years as TC USA with 9 Growth Awards
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.	Volunteer programs and events

URBAN FOREST AUDIT SYSTEM: GREEN ASSET EVALUATION

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
11.00	**Observed Outcomes**	**Based on an analysis of tree inventories**	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.02	Genus Diversity	No genera exceed **20%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.	Based on the sample inventory in 2022, 31% are oaks, 15% elms, 8% maples. Guidance to be provided in the UFMP
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.	Based on the sample inventory in 2022, the highest percent of recommended tree work is pruning for clearance (8%). Guidance to be provided in the UFMP
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.	Only 6% of the trees inventoried in 2022 have a clearance conflict (2% pedestrian, 1% building, 1% light, 1% sign or signal). Guidance to be provided in the UFMP
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.	Only 0.3% of trees inventoried in 2022 were noted as causing sidewalk damage. Guidance to be provided in the UFMP
11.07	Species Diversity	No species/cultivars exceed **10%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.	Based on the sample inventory in 2022, no species exceed the 10% threshold. 7% are Princeton elms, 6% post oaks, 6% willow oaks, 5% pin oaks, and 4% blackgums. Guidance to be provided in the UFMP
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.	Based on the sample inventory in 2022, 75% of public trees are in good condition, 15% in fair condition, 5% poor, and 5% dead. Guidance to be provided in the UFMP
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').	Based on the sample inventory in 2022, only 3 trees (0.1%) require structural pruning at a young age. Guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: SUMMARY

Final Audit Results

Note, the audit may be kept internal and is only meant to serve as a preliminary evaluation to support the development of the Plan's goals and strategies though it may serve as a UFMP implementation monitoring tool

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision and Management Authority	50%	100%	5	63%
5	Inventories	NA	56%	17	65%
6	Urban Forest Management Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Evaluation	NA	NA	16	80%
Total		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Source

The original audit and supporting spreadsheet were developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, Georgia). The spreadsheet was based on the current Urban Forest Sustainability and Management Review Checklist developed in cooperation with Agnes Scott College Office of Sustainability and the ASC Arboretum Advisory Council and the City of Austin (TX)

https://urbanforestrysouth.org/resources/files/UFS%20and%20ASC%20UF%20ReviewCalc%20Tool%20-18Aug15%20v4.2beta.xlsx/view



RECOMMENDED TREE LIST & SISTER CLIMATE CITY ASSESSMENT

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

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CLIMATE IMPACTS IN FAYETTEVILLE

Urban areas around the world are facing dramatically intensifying extreme weather and climate impacts including drought, long-term water shortages, flooding, extreme weather events, and prolonged heat. Urban trees can play a significant role in making Fayetteville resilient to weather and climate extremes, and in protecting human and ecosystem health and safety. View Appendix A for the Climate Adaptation Report generated for the southeast United States from the Climate Adaptation Workbook.

Increased temperatures and prolonged heat have a dramatic effect on urban trees. Urban trees already face many struggles of the urban environment, including competition for space, elements of an urban environment, vandalism, and harmful pests and diseases. Some of Fayetteville's established trees are unlikely to survive the changes in the climate and weather patterns over the next 50-75 years. Planting the right trees for Fayetteville today and in the future will play a vital role in the resiliency of the City's urban forest as well as overall community sustainability.

In pursuit of a sustainable and resilient urban forest, the City of Fayetteville seeks to apply climate adaptation strategies to urban forest management planning. Building toward this objective, the City maintains a recommended tree list of small, medium, and large trees prepared by the Arkansas Native Plant Society. The following provides an analysis of the changing climate and considerations for new tree species to integrate into Fayetteville's urban forest over time.

FAYETTEVILLE'S CURRENT TREE LIST AND PLANTING PRACTICES

Recreated from the City of Fayetteville's website— www.fayetteville-ar.gov/3979/List-of-Recommended-Native-Trees-and-Shr

Overview

Urban Forestry Staff reviews, recommends and selects trees for a variety of sites and growing environments. Staff evaluates each place for site-specific variables when selecting the most appropriate trees for a site. Not every tree is right for every location, and the Urban Forestry staff uses our extensive tree knowledge, research and site evaluation when selecting trees, mindful of how each tree and each site may change in the short- and long-term future.

This list of trees contains recommendations for trees planted in Fayetteville, including ideal locations and notes on each tree. It highlights how many species of butterflies and moths each of these trees can host. The list does not include all the insects, birds, reptiles and small mammals that a tree can host. The Arkansas Native Plant Society was the catalyst for this updated list, and the Urban Forestry Advisory Board assisted with information.

Urban Forestry Staff is continuously researching and contemplating the use, space, species and varieties of trees, shrubs and plants used throughout the City. We seek expert advice in our community and are lucky to have professional connections with the Horticulture, Landscape Architecture, and Plant Pathology Departments at the University of Arkansas. We also have a healthy relationship with the Arkansas Forestry Commission and the Arkansas Native Plant Society. We utilize the wealth of knowledge surrounding us to benefit the City by helping Staff and residents choose the right tree for the right space.

The Danger of Single Species Planting

Historically, the use of a single species of street trees has had negative consequences. In the early 1900s, the American Chestnut, a popular and heavily planted street tree, was devastated by the chestnut blight. The blight caused large swaths of trees in the American streetscape to perish and left large gaps in the American landscape. A similar incident occurred with the spread of Dutch Elm disease. Due to the monoculture planting of elm trees as street trees, the impact was even more noticeable on streetscapes throughout the country. For these reasons and other global issues with plant disease, pests and pathogens, Fayetteville's Urban Forestry Staff encourages and recommends a diverse planting palette. Using native species trees is vital because it benefits the local ecosystem and saves the City money and time. Native species are well suited for our climate and prosper in Northwest Arkansas's soils because they originated here.

Criteria for Selection for the List

The City Urban Forestry Staff carefully selects species of trees as each location offers unique challenges. The overall criteria include:

- Native or native cultivars first
- Trees tolerant of pollution, drought and harsh conditions (salt/sand from winter and winds)
- Trees that create litter problems or produce large fruit are not used as street trees
- Tree shape – to ensure limbs are not too low and could create a visibility issue
- Small trees under power lines
- Trees with seasonal interest: fall color or blooms
- Amount of sun and shade in the existing conditions
- Speed of traffic
- Pedestrian intensity
- Visibility for traffic
- Maintenance issues
- Pest problems
- Longevity of the tree
- Type of Street Tree location:
    - Urban tree well
    - Large median (over six feet wide)
    - Small median (usually the green space between a curb and sidewalk, less than six feet wide)

Street Tree Planting Scenarios

Urban Tree Well

Trees planted in urban tree wells have the most difficulty surviving and thriving for several reasons: the structured soils do not offer the same nutrients as a forest; space for the root systems is limited; and exposure to pollutants. The tree's shape also has to be considered for pedestrian visibility, automobile visibility, and not interfering with buildings.

Large Medians

Large median spaces vary in size from six to 10 feet wide. The space is adequate for most trees, and Staff considers maintenance needs when choosing a tree to be planted in the medians. Trees that produce less litter and fruit are ideal for large medians. Finally, visibility is another characteristic when choosing a large median tree. Urban Forestry staff selects trees that allow for visibility under and through the canopy to increase vehicular safety.

Small Medians - Trees between Curb and Sidewalk (Tree Lawn less than Six feet)

Small medians are the green spaces between the curb and the sidewalk, typically less than six feet wide. In these cases, Staff prioritizes maintaining the structural integrity of the sidewalk and curb. Other factors included in choosing the right species for this condition are sightline visibility for vehicles and pedestrians, sun and shade conditions, the appropriate size for location in town (residential, commercial, downtown), watering needs, amount of litter produced, and environmental benefits.

This list does not contain every tree used in Fayetteville. Urban Forestry Staff does consider other trees not listed as viable options and will examine all proposed trees. There are construction techniques that allow larger trees in small locations. Staff will consider these techniques with appropriate construction details.

LARGE SPECIES - Mature ht. 45' or above

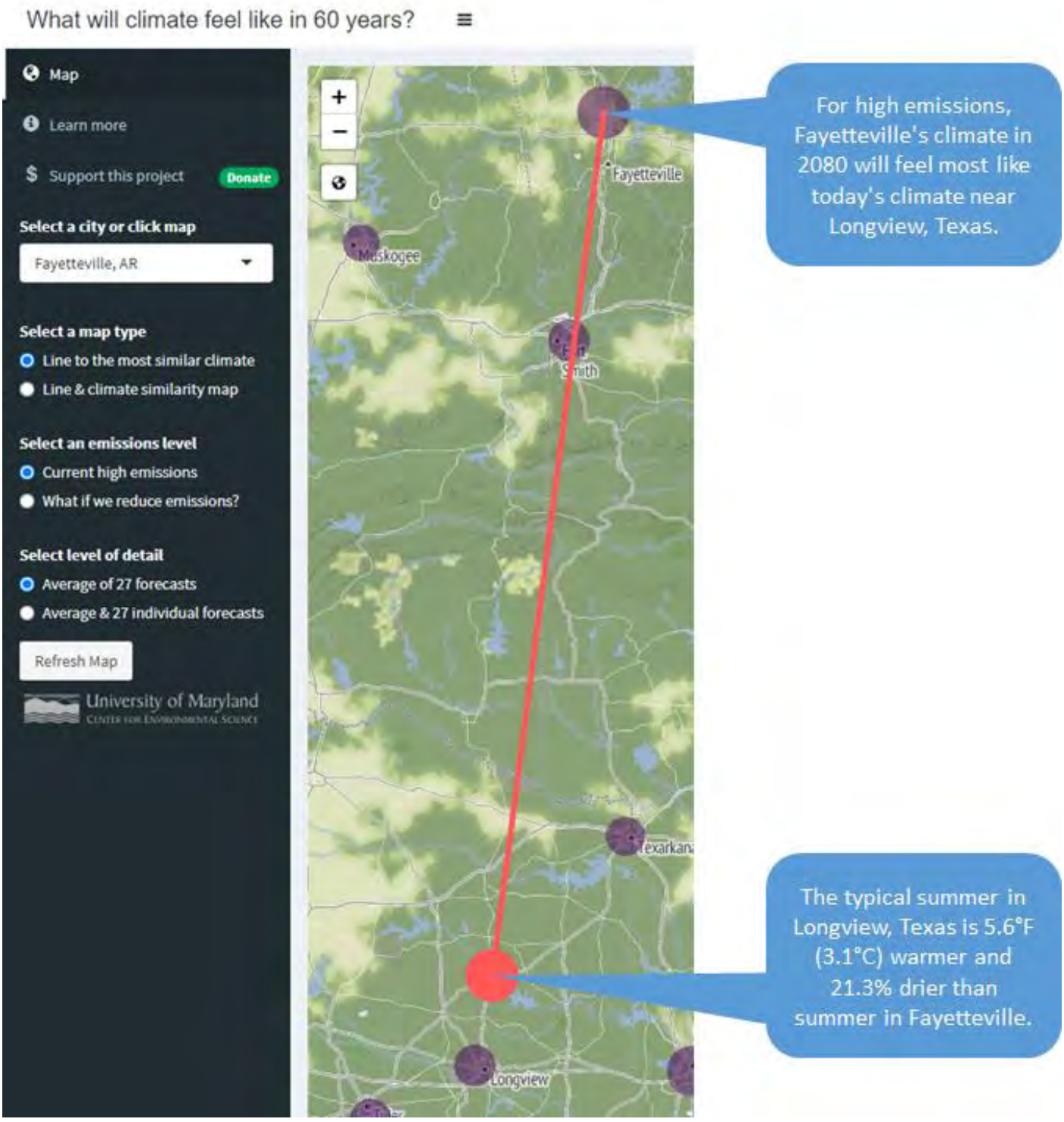
Species	Common Name	Street Tree Recommendation Types of Street tree conditions. Tree well, Large median (6' or more) small median (6' or less)	Number of butterfly and moth species tree can host (Does not include other insects, birds, reptiles and small animals that live in trees.)	Ideal Location	Notes
Acer rubrum	Red Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Acer saccharum	Sugar Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Betula nigra	River Birch	None	221		Extended dry soil leads to leaf drop. Avoid high pH. The three trunk species is overused in landscapes.
Carya cordiformis	Bitternut Hickory	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.
Carya illinoinensis	Pecan	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list

FAYETTEVILLE'S SISTER CLIMATE CITY

The Future Urban Climates tool, created and maintained by University of Maryland Center for Applied Sciences, is a mapping tool that matches and displays similar climates for cities across the United States. The comparisons are based on minimum and maximum temperatures and seasonal precipitation in each city.

The closest area where current climate data is available is the Springdale, Arkansas area, just 10 miles north of Fayetteville. Results for a high emissions scenario show that the climate in 2080 for the Fayetteville region will feel most like today's climate near Longview, Texas—approximately 130 miles east of Dallas, Texas. The typical winter in Longview, Texas is 10.7°F (5.9°C) warmer and 40.8% wetter than winter in Fayetteville.



Sister Climate City Tree List Comparisons

Based on the climate projections, Longview, Texas (Sister Climate City) currently has a climate that is similar to Fayetteville's projected climate and plant hardiness zone. The Sister Climate City's approved tree planting list was researched and compared with Fayetteville's "2020 Tree List From Arkansas Native Plant Society" list. After online research, no recommended tree list exists or was found for Longview, TX's urban forestry program. Therefore, the City of Dallas, Texas's recommended tree list was utilized given Dallas is only 130 miles west of Longview and the urban forestry consultants conducting this SCCA study have extensive experience in the Dallas-Fort Worth area.

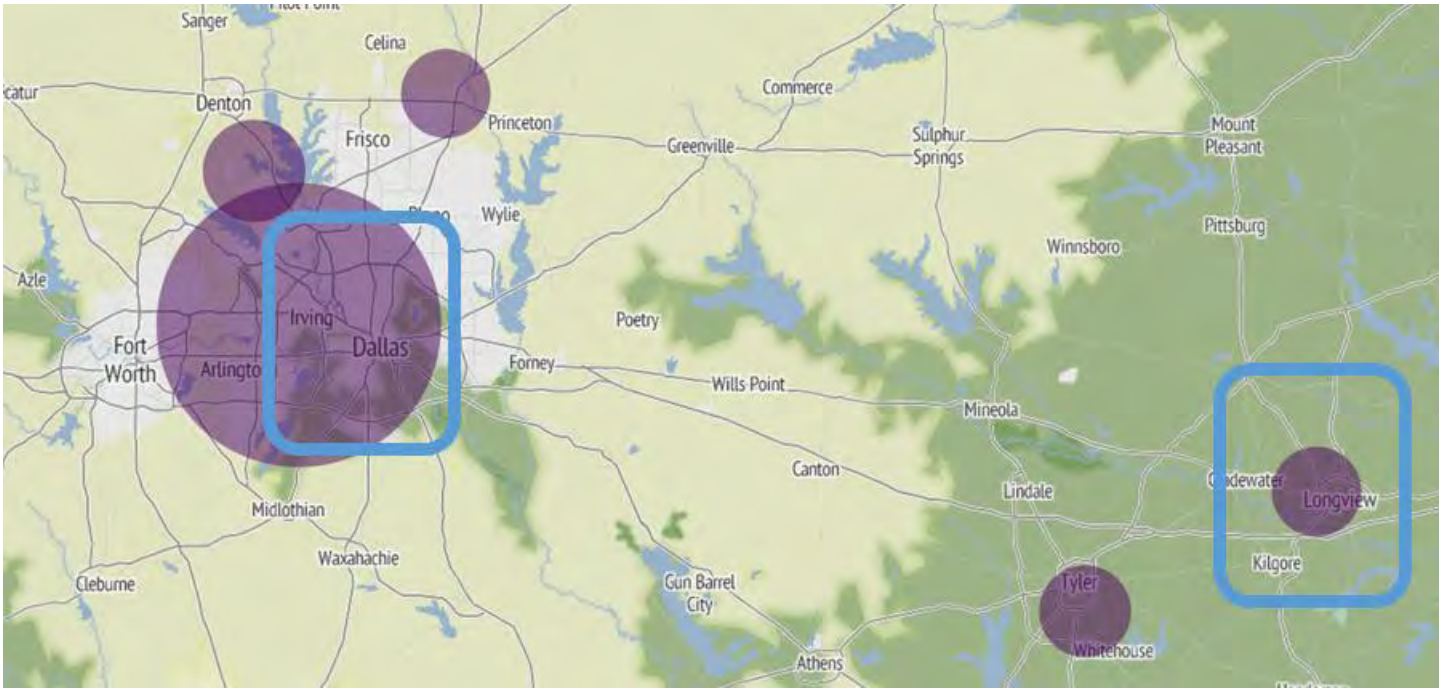


Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results

A total of 38 of 74 (51%) tree species in Fayetteville's tree list are in the "Approved Tree List" for Dallas, TX. The majority (24 tree species) are in the "Large" category, four are in the "Medium" category, and nine are in the "Small" category. The table below details Fayetteville's tree list (shrubs excluded) and an indicator of the species that is also in the Dallas tree list.

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists

COMPARISON OF FAYETTEVILLE TREE LIST TO SISTER CLIMATE CITY TREE LIST		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Acer saccharum	Sugar Maple	
Aesculus glabra	Ohio Buckeye	
Aesculus pavia	Red Buckeye	Yes
Amelanchier arborea	Serviceberry	
Aronia arbutifolia	Red Chokeberry	
Asimina triloba	Pawpaw	
Betula nigra	River Birch	Yes
Carpinus caroliniana	Hornbeam or Musclewood	
Carya cordiformis	Bitternut Hickory	
Carya illinoinensis	Pecan	Yes
Carya ovata	Shagbark Hickory	
Catalpa speciosa	Northern Catalpa	
Celtis laevigata	Sugarberry	Yes
Celtis occidentalis	Hackberry	
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cladrastis kentuckea	Yellowwood	
Cornus alternifolia	Alternate Leaved Dogwood	
Cornus florida	Flowering Dogwood	Yes
Corylus americana	Hazelnut	
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli	Cockspur Hawthorn	
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Diospyros virginiana	Persimmon	
Fagus grandifolia	American Beech	
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Hamamelis vernalis	Ozark Witch Hazel	
Hamamelis virginiana	Common Witch Hazel	
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly	
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly	
Ilex X *attenuata* 'Fosteri' *	Foster Holly	

Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
*Liriodendron tulipifera**	Tulip Tree	
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
*Magnolia virginiana**	Sweet Bay Magnolia	
Nyssa sylvatica	Black Tupelo	
Ostrya virginiana	Hophornbeam	
Pinus echinata	Shortleaf Pine	
*Pinus strobus **	Eastern White Pine*	
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
*Quercus bicolor **	Swamp White Oak	
Quercus falcata	Southern Red Oak	Yes
Quercus imbricaria	Shingle Oak	
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus nigra	Water Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Quercus shumardii	Shumard Oak	Yes
Quercus velutina	Black Oak	
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Sassafras albidum	Sassafras	
*Taxodium distichum **	Bald Cypress*	Yes
*Thuja occidentalis**	Eastern Arborvitae	
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

Summary of Matching Tree Species

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists

SUMMARY OF TREE SPECIES MATCHES		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Aesculus pavia	Red Buckeye	Yes
Betula nigra	River Birch	Yes
Carya illinoinensis	Pecan	Yes
Celtis laevigata	Sugarberry	Yes
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cornus florida	Flowering Dogwood	Yes
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
Quercus falcata	Southern Red Oak	Yes
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus shumardii	Shumard Oak	Yes
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Taxodium distichum *	Bald Cypress*	Yes
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

USDA Forest Service Climate Change Atlas Considerations

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas

SISTER CLIMATE CITY AND US FOREST SERVICE CLIMATE CHANGE ATLAS CONSIDERATIONS			
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**	**Predicted Habitat Change****
Acer rubrum	Red Maple	Yes	Increase
Acer saccharum	Sugar Maple		Decrease
Aesculus glabra	Ohio Buckeye		Decrease
Aesculus pavia	Red Buckeye	Yes	
Amelanchier arborea	Serviceberry		Decrease
Aronia arbutifolia	Red Chokeberry		
Asimina triloba	Pawpaw		
Betula nigra	River Birch	Yes	Increase
Carpinus caroliniana	Hornbeam or Musclewood		Increase
Carya cordiformis	Bitternut Hickory		No change
Carya illinoinensis	Pecan	Yes	Increase
Carya ovata	Shagbark Hickory		Decrease
Catalpa speciosa	Northern Catalpa		
Celtis laevigata	Sugarberry	Yes	
Celtis occidentalis	Hackberry		No change
Cercis canadensis	Redbud	Yes	Increase
Chionanthus virginicus	Fringe Tree	Yes	
Cladrastis kentuckea	Yellowwood		
Cornus alternifolia	Alternate Leaved Dogwood		
Cornus florida	Flowering Dogwood	Yes	Increase
Corylus americana	Hazelnut		
Cotinus obovatus	American Smoketree	Yes	
Crataegus crus-galli	Cockspur Hawthorn		
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes	
Crataegus viridis	Green Hawthorn	Yes	
Diospyros virginiana	Persimmon		Increase
Fagus grandifolia	American Beech		No change
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Gymnocladus dioicus	Kentucky Coffeetree	Yes	
Hamamelis vernalis	Ozark Witch Hazel		
Hamamelis virginiana	Common Witch Hazel		
Ilex decidua	Deciduous Holly	Yes	
Ilex opaca	American Holly	Yes	Increase
Ilex vomitoria *	Yaupon Holly	Yes	
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly		
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly		
Ilex X *attenuata* 'Fosteri' *	Foster Holly		
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
*Liriodendron tulipifera**	Tulip Tree		Increase

Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
*Magnolia virginiana**	Sweet Bay Magnolia		
Nyssa sylvatica	Black Tupelo		Increase
Ostrya virginiana	Hophornbeam		Increase
Pinus echinata	Shortleaf Pine		Increase
*Pinus strobus **	Eastern White Pine*		
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
*Quercus bicolor **	Swamp White Oak		
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus imbricaria	Shingle Oak		
Quercus macrocarpa	Bur Oak	Yes	Decrease
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus nigra	Water Oak		Increase
Quercus phellos	Willow Oak		Increase
Quercus rubra	Northern Red Oak		Decrease
Quercus shumardii	Shumard Oak	Yes	No change
Quercus velutina	Black Oak		Decrease
Rhamnus caroliniana	Carolina Buckthorn	Yes	
Sapindus saponaria var. *dummondii*	Soapberry	Yes	
Sassafras albidum	Sassafras		Increase
*Taxodium distichum **	Bald Cypress*	Yes	No change
*Thuja occidentalis**	Eastern Arborvitae		
Tilia americana	American Linden	Yes	Decrease
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase
Viburnum prunifolium	Blackhaw Viburnum		
Viburnum rufidulum	Rusty Blackhaw	Yes	

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

Summary of Trees in the SCCA List and Favorable with Climate Change

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas

Fayetteville Tree List (ordered by Scientific Name)	Common Name	Dallas, TX Tree List?	Predicted Habitat Change**
Acer rubrum	Red Maple	Yes	Increase
Betula nigra	River Birch	Yes	Increase
Carya illinoinensis	Pecan	Yes	Increase
Cercis canadensis	Redbud	Yes	Increase
Cornus florida	Flowering Dogwood	Yes	Increase
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Ilex opaca	American Holly	Yes	Increase
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus shumardii	Shumard Oak	Yes	No change
Taxodium distichum *	Bald Cypress*	Yes	No change
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).
Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

SUMMARY

Fayetteville's tree planting recommendations are in line with industry standards and best practices since the City utilizes the Arkansas Native Plant Society list and therefore, generally plants and recommends planting trees native to the region.

The effects of climate change are already taking hold in the City and Fayetteville recognizes the challenges that lie ahead. Some of the experienced and anticipated effects include prolonged periods of high temperatures and drought, extreme weather events, changes in the duration of seasons, favorable conditions for harmful tree pests and diseases, among other impacts. To grow a sustainable and resilient urban forest, the City should continue to examine the performance of trees planted and the species of trees that are recommended for planting.

To develop plans and strategies relating to tree planting for climate change, a Sister Climate City Analysis (SCCA) was conducted. This SCCA examined the predicted climate of Fayetteville 60 years from now and identified a city with a current climate that matches the projected climate of Fayetteville. The City of Longview, Texas was identified but no city-approved or recommended tree list was found. Therefore, a neighboring city, the City of Dallas, Texas was utilized given the location and the urban forestry consultant's experience working with Dallas. From the SCCA, it was found that 51% of Fayetteville's trees on the Arkansas Native Plant Society tree list are also in the City of Dallas's approved tree list. This means that those trees in Fayetteville's list may favor well with changing climate since the Sister Climate City of Dallas currently approves and is planting those tree species.

In addition to the Sister Climate City Analysis, the U.S. Forest Service's Climate Change Atlas was utilized to examine the predicted habitat change due to climate change. From this study, it was found that 44 trees in Fayetteville's list are in the Climate Change Atlas study. Of the 44 trees, there are 28 species where it is predicted that the habitat will increase due to climate change. A total of 8 species have habitats that may decrease and 8 species have habitats that may not change with climate change. A full report is provided in the 2023 Urban Forestry Management Plan.

When combining the SCCA results and the Climate Change Atlas, a total of 24 of the 74 (32%) tree species in Fayetteville's list are on the Dallas, TX approved tree list and are predicted to have habitats either increase or not change.

This analysis shows the City of Fayetteville is on track for planting a resilient urban forest but the City should be mindful of the diversity of species, the associated benefits of the trees planted, the maintenance needs, and other considerations beyond what is covered in this summary report. The results of this analysis are not meant to serve as a definitive guide for tree species selection. Instead, it provides an analysis of what is currently being planted compared to the effects of climate change and offers general guidance on the species of trees that should continue to be planted while considering other goals and standards such as species diversity.

APPENDIX A. CLIMATE ADAPTATION REPORT

Climate Change Impacts for Southeast

Source: Adaptation Workbook, Developed in partnership with the U.S. Department of Agriculture (USDA), the USDA Forest Service, the Northern Institute of Applied Climate Science, and American Forests.

Climate Change Impacts for Southeast research report by: Carter, L., A. Terando, K. Dow, K. Hiers, K.E. Kunkel, A. Lascurain, D. Marcy, M. Osland, and P. Schramm, 2018: Southeast. In Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 743–808. doi: 10.7930/NCA4.2018.CH19

This region was defined in the National Climate Assessment (2014) and includes the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

National Climate Assessment (2018) - Southeast

Temperatures in the Southeast are projected to increase by 4.4 to 7.7 degrees Fahrenheit by late-century (2071-2100).
All climate models agree that temperatures are projected to increase over the 21st century across the Southeast. The spatial variations are projected to be relatively small across the region, with the largest temperature changes occurring in the northwest part of the region (Arkansas, Kentucky, Mississippi, and Tennessee), the smallest variations occurring in southern Florida. Temperature increases will be the greatest in summer. The greatest warming during summer is expected in the northwest portion of the region. Compared to all other seasons, winter temperature increases are projected to be more mild.

R.S. Vose, D.R. Easterling, and others. 2017. Climate Science Special Report: Temperature Changes in the United States. U.S. Global Change Research Program.

The Southeast is expected to experience between 5 and 30 more days per year with a maximum temperature exceeding 95 degrees Fahrenheit by the middle of the century.
The smallest increase of 4 days per year is expected in areas with a currently low number of 95-degree days, including the highest elevation areas along the spine of the Appalachians where historically days above 95-degrees occur fewer than 10 days out of the year. The largest increase in the number of 95-degree days per year (35 days) is expected in south-central Florida, where these kinds of hot days are already common. The western portion of the region is expected to experience the largest number of consecutive 95-degree days, with as many as 16-20 additional days by mid-century.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The Southeast is expected to experience between 0 and 14 fewer days per year with a minimum temperature below 10 degrees Fahrenheit by the middle of the century.
The largest decreases are expected in Kentucky, Virginia, Tennessee, North Carolina and the northern part of Arkansas. The smallest decreases in cold days are expected along the coastal and southern areas, where these kinds of cold days rarely occur. Similarly, the Southeast region is expected to have more than 20 fewer days with a minimum temperature below 32 degrees by the middle of the century.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Average annual precipitation is projected to increase slightly in the northeast portion of the Southeast, but may decrease in the southwest half of the region.
There is uncertainty between different climate scenarios for future precipitation projections in the Southeast. Generally, there is a southwest-to-northeast gradient in annual precipitation projections. The greatest increases are projected in North Carolina and Virginia (3-9% increase by the end of the century), and the greatest decreases are projected in Louisiana and Arkansas (3-12% decrease by the end of the century). Overall changes in precipitation for the Southeast are projected to be slight and comparable to current year-to-year variations. Daily precipitation totals in the Southeast have increased substantially in the fall season, and this trend is expected to continue.

D.R. Easterling, K.E. Kunkel, and others. 2017. Climate Science Special Report: Precipitation Change in the United States. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The number of days per year with more than 1 inch of precipitation will increase across the Southeast by the middle of the century, and double the number of heavy rainfall events are projected by late century.
Extreme rainfall events have increased in frequency and intensity in the Southeast, and will continue to increase in the future. Most of the region is projected to experience 6% to 25% more days each year with more than an inch of precipitation by the middle of the century. The largest increases (up to 25% increases) in extreme precipitation are expected across the Appalachian Mountains. The smallest increases (less than 10%) are expected across Arkansas, Louisiana and Mississippi. Days with more than 2 inches, 3 inches, and 4 inches of precipitation are also expected to occur more frequently by the middle of the century. Under a high emissions scenario, projections indicate approximately double the number of heavy rainfall events (2-day precipitation events with a 5-year return period) and a 21% increase in the amount of rain falling on the heaviest precipitation days (days with a 20-year return period) by late century. Heavy precipitation associated with hurricanes and tropical storms could result in more flooding and damage to coastal forests, and contribute to an increase in inland flooding as well.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

A majority of climate models suggest that precipitation in the Southeast will increase in the winter, spring, and fall by the end of the century, but summer is generally expected to become drier.
Simulated changes in summer precipitation by the end of the century range from a 0-10% decrease, with the largest decreases occurring in southern Florida and Arkansas and Tennessee. The means of several climate models indicate that winter and spring precipitation may increase around 15% by the end of the century, particularly in the northern part of the region. Daily precipitation totals in the Southeast have increased substantially in the fall season; this trend is expected to continue, with the greatest expected increases along the Gulf Coast. Overall, only minimal change or slight increases in precipitation are projected along much of the Atlantic and Gulf Coasts. These projections are averaged outputs from a climate scenario with higher emissions (A2), and under mild climate scenarios changes are generally expected to be smaller.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The annual freeze-free season is expected to increase by 20 to 30 days in the Southeast by 2055. The freeze-free season lengthens by more than a month by the late 21st century in climate simulations based on a high emissions scenario.
The freeze-free season is defined as the period of time between the last spring frost (daily minimum temperature below 32 degrees F) and the first fall frost. The length of the annual freeze-free season has been increasing since the 1980s, and all climate models agree that it will continue to increase in the future across the Southeast. The largest increases of 25-30 days are mainly expected in Louisiana, Tennessee, Kentucky, Virginia, and North Carolina. The smallest changes are expected in southern Florida, which is not surprising because freezing events are already rare in this part of the Southeast.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Red spruce, balsam fir, and eastern hemlock are projected to decline substantially across the Southeast by the end of the century, and conditions for pines may also deteriorate.
Red spruce and eastern hemlock are already declining in some areas, and these species are projected to be extirpated from the southeast by 2100 as a result of the combined stresses of warming, air pollution, and insects. If temperature continues to increase and precipitation becomes more variable, conditions for pine growth may begin to deteriorate. Even if regional forest productivity remains high for pine species, the center of forest productivity could shift northward into North Carolina and Virginia, causing significant economic and social impacts.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Climate change will amplify many existing stressors to forest ecosystems in the Southeast, such as invasive species and insect pests.
Forest ecosystems throughout the Southeast Region are exposed to a range of natural, introduced, and anthropogenic stressors. Stressors such as invasive plants, forest pests, and diseases are expected to become more damaging under climate change, and these factors may interact in unpredictable ways. The southern pine beetle is already the most destructive pest in the region's forests, and longer growing seasons could allow populations of the pest to expand more rapidly. Cogongrass and kudzu are expected to expand into new territory under climate change, and both of these species have cascading effects on disturbance regimes and diversity.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Wildfire risk is projected to increase across the Southeast by the end of the century.
Rising temperatures and increases in the duration and intensity of drought are expected to increase wildfire occurrence and also reduce the effectiveness of prescribed fire in the Southeast. While this region experiences the highest number of wildfires in the country, prescribed fire is currently more common than wildfire in Southeastern forests. However, as fire seasons lengthen in the future, the window for prescribed burning may decrease because of increased fuel flammability. Decades of wildfire suppression has increased the potential for crown fires, and model projections indicate that wildfires are likely to occur more frequently in the Southeast in the future. Annual fire probability, calculated solely with climate data and physical principles, is projected to increase by 20% to 80% across the Southeast by the end of the century, with the greatest increases in the southern Appalachians. The incidence of atmospheric conditions that contribute to large and erratic fire behavior, measured by the Haines Index, is also projected to occur more 8 to 11% more frequently by the end of the century. The limitation for these sorts of projections is that they do not account for changes in land use, fire suppression rates, or vegetation changes.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Y. Tang, S. Zhong, and others. 2015. The Potential Impact of Regional Climate Change on Fire Weather in the United States. Annals of the Association of American Geographers.

R. Guyette, F. Thompson, and others. 2014. Future Fire Probability Modeling with Climate Change Data and Physical Chemistry. Forest Science.

Damage from hurricanes and sea-level rise is expected to increase in the Southeast by the end of the century.
Global sea level rise is projected to rise between 1 and 4 feet by the end of the century. Sea level rise and related increases in storm surges pulsing farther inland will continue to exacerbate ongoing land loss in low-lying coastal areas and may result in excessive saltwater inundation of coastal forests. The number of Category 4 and 5 hurricanes has increased since the 1980s, and this trend can be attributed both to natural variability and climate change. High-intensity hurricanes such as the 2017 Hurricane Irma are expected to become more common in the future. Rapid intensification of storms is also more likely as the climate warms, even though there is also some historical evidence that the same conditions that lead to this intensification also act to weaken hurricane intensity near the U.S. coast, but it is unclear whether this relationship will continue as the climate warms further. Damage from these kinds of storms can be intense and extend for hundreds of miles inland, including windthrow and blowdown, inundation, damage to infrastructure on land, and significant ecological impacts to terrestrial and freshwater ecosystems due to saltwater intrusion and altered hydrology.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

L. Carter, J. Jones, and others. 2014. National Climate Assessment – Southeast. U.S. Global Change Research Program.

Low-diversity systems are at greater risk from climate change.
Studies have consistently shown that diverse systems have exhibited greater resilience to extreme environmental conditions and greater potential to recover from disturbance than less diverse communities. This relationship makes less diverse communities inherently more susceptible to future changes and stressors. The diversity of potential responses of a system to environmental change (response diversity), is a critical component of ecosystem resilience. Response diversity is generally reduced in less diverse ecological systems. Genetic diversity within species is also critical for the ability of populations to adapt to climate change, because species with high genetic variation have better odds of producing individuals that can withstand extreme events and adapt to changes over time.

E.V. Moran, F. Hartig, and others. 2015. Intraspecific trait variation across scales: Implications for understanding global change responses. Global Change Biology.

A.S. Jump, R. Merchant, and others. 2009. Environmental change and the option value of genetic diversity.

T. Elmqvist , C. Folke, and others. 2003. Response diversity, ecosystem change, and resilience. Frontiers in Ecology and the Environment.

A. Hoffman and C. Sgrò. 2011. Climate change and evolutionary adaptation. Nature.

Systems that are more tolerant of disturbance have less risk of declining on the landscape
Disturbances such as wildfire, flooding, and pest outbreaks are expected to increase in the future. Forests that are adapted to gap-phase disturbances, with stand-replacing events occurring over hundreds or thousands of years, may be less tolerant of more frequent widespread disturbances. Mesic hardwood forests can create conditions that could buffer

against fire and drought to some extent, but these systems are not expected to do well if soil moisture declines significantly. Forest systems that are more tolerant of drought, flooding, or fire are expected to be better able to withstand climate-driven disturbances. This principle holds true only to a given point, because it is also possible for disturbance-adapted systems to experience too much disruption. For example, dry pine forests and woodlands might benefit from drier conditions with more frequent fire, but these systems might also convert to savannas or open grasslands if fire becomes too frequent or drought becomes too severe.

G. Nowacki and M. Abrams. 2008. The Demise of Fire and "Mesophication" of Forests in the Eastern United States. BioScience.

E. Gustafson and B. Sturtevant. 2013. Modeling Forest Mortality Caused by Drought Stress: Implications for Climate Change. Ecosystems.

Species in fragmented landscapes will have less opportunity to migrate in response to climate change.
Habitat fragmentation can hinder the ability of tree species to migrate to more suitable habitat on the landscape, especially if the surrounding area is nonforested. Modeling results indicate that mean centers of suitable habitat for tree species will migrate between 60 and 350 miles by the year 2100 under a high emissions scenario and between 30 and 250 miles under milder climate change scenarios. Based on data gathered for seedling distributions, it has been estimated that many northern tree species could possibly migrate northward at a rate of 60 miles per century. Fragmentation makes this disparity even more challenging, because the landscape is essentially less permeable to migration.

L. Iverson, M. Schwartz, and others. 2004. How fast and far might tree species migrate in the eastern United States due to climate change?. Global Ecology and Biogeography.

C. Woodall, C. Oswalt, and others. 2009. An indicator of tree migration in forests of the eastern United States. Forest Ecology and Management.

Systems that are limited to particular environments will have less opportunity to migrate in response to climate change.
Some species and forest types are confined to particular habitats on the landscape, whether through requirements for hydrologic regimes, soil types, or other reasons. Similar to species occurring in fragmented landscapes, isolated species and systems face additional barriers to migration. Widespread species may also have particular habitat requirements. For example, sugar maple is often limited to soils that are rich in nutrients like calcium, so this species may actually have less available suitable habitat than might be projected solely from temperature and precipitation patterns. Riparian forests are not expected to be able to migrate to upland areas because many species depend on seasonal flood dynamics for regeneration and a competitive advantage. Similarly, lowland conifer swamps contain a unique mix of species that are adapted to low pH values, peat soils, and particular water table regimes. These species face additional challenges in migration compared to more-widespread species with broad ecological tolerances.

A. Jump and J. Peñuelas. 2005. Running to stand still: adaptation and the response of plants to rapid climate change. Ecology Letters.

The urban heat island effect can exacerbate the effects of increasing temperatures.
Urban areas with one million or more people can be 2 to 13° F warmer than their surrounding rural areas due to the "urban heat island effect" from heat-absorbing infrastructure such as pavement and buildings as well as waste heat generated from manufacturing and automobiles. The urban heat island is often more pronounced in historically redlined areas with lower tree cover.

H. Akbari. 2005. Energy saving potentials and air quality benefits of urban heat island mitigation. Lawrence Berkeley National Laboratory.

Maxwell, K. , Julius, S. , and others. 2018.

The surface urban heat island response to urban expansion: A panel analysis for the conterminous United States

Recent progress on urban overheating and heat island research. Integrated assessment of the energy, environmental, vulnerability and health impact. Synergies with the global climate change

The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas

Impervious cover can exacerbate the effects of increased heavy precipitation events in urban areas.
Increases in impervious cover can dramatically increase the size and frequency of localized flooding. Typically, urban floods are short-lived, but extended flooding can stress trees, leading to leaf yellowing, defoliation, and crown dieback. If damage is severe, mortality can occur. In addition, flooding can lead to secondary attacks by insect pests and diseases. Some species are more tolerant of flooding than others. Flood-intolerant species include upland species such as bitternut and shagbark hickory, Kentucky coffeetree, and white oak. Species that are generally tolerant of flooding include species that are generally native to wetlands and riparian areas such as baldcypress, sycamore, and red maple. Trees in coastal areas may also be vulnerable to saltwater intrusion during flood events.

S. Bratkovich, L. Burban, and others. 1993. Flooding and Its Effect on Trees. USDA Forest Service Northeastern Area.

G. Hollis. 1975. The effect of urbanization on floods of different recurrence interval. Water Resources Research.

Maxwell, K. , Julius, S. , and others. 2018.

Causal Effect of Impervious Cover on Annual Flood Magnitude for the United States

Assessing the tree health impacts of salt water flooding in coastal cities: A case study in New York City



INVASIVE PLANT SPECIES PROGRAM REVIEW

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

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FAYETTEVILLE'S CURRENT INVASIVE PLANT SPECIES PROGRAM

Overview

An invasive plant is a plant species found outside its native range that threatens the survival or reproduction of native plants and animals, reducing biological diversity and causing significant damage to ecosystems, communities, habitats, and native species. The parks across the City of Fayetteville contain many invasive plant species, including two that are prolific: Japanese and Bush Honeysuckle (*Lonicera maackii*) and Chinese Privet (*Ligustrum sinense*).

The City of Fayetteville's Parks Maintenance Division in the Public Works Department is responsible for the invasive plant species removal and habitat restoration programs on public lands. Parks Maintenance also conducts and collaborates with organizations to host work days to remove targeted areas and rely heavily on volunteers for this work, which ranges from removal of plants with loppers and shovels, to replanting once invasives are gone. Volunteers that participate in these events are trained to take the skills learned back home so that they may remove these plants from their own back yards.

The City has an events calendar and page for interested community members to sign up for text or email notifications about upcoming stewardship volunteer opportunities. In addition to events and trainings, the City has information about the Invasive Plants Ordinance and a list of invasive plants and native alternatives on its website.



Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook)



Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook)

The Fayetteville City Council adopted Ordinance #5820 on November 3, 2015 (see Attachment A); this ordinance established a list of eighteen invasive plants to be restricted from being installed in new developments that require a Landscape Plan Review by the Urban Forester. The list of invasive plants was determined through an open participation process which involved a team of thirteen stakeholders. Stakeholders included nursery owners/managers, landscape architects, academic experts, landscape installers, hobby gardeners, botanists, naturalists, conservationists, City Park Managers and local citizens. The team met to evaluate the economic and environmental harm caused by invasive plants. After recognizing the need for an invasive plant policy, the stakeholder group reviewed other communities' invasive plant species policies and made recommendations to City staff.

The Ordinance was established in response to Fayetteville's Comprehensive Plan's guiding policies for Natural Areas which calls to, "preserve native vegetation and meet the habitat needs of multiple species." To support the awareness and compliance of the Ordinance, the "Invasive Plant Species in Fayetteville, Arkansas" resource was created by the City which consists of the eighteen invasive plants and recommends appropriate plant species for trees, shrubs or ground cover. The City of Fayetteville encourages all property owners to identify, remove and replace invasive plants from the landscapes around their homes and businesses.



Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR)

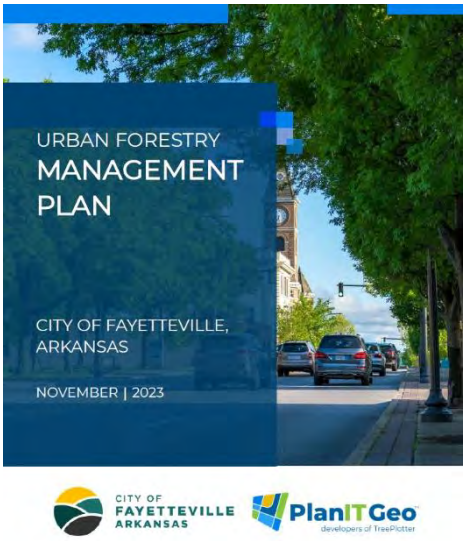


Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan

This report was provided to the City of Fayetteville in support of the 2023 Urban Forestry Management Plan ("Plan") and was created to examine the existing program for managing invasive plant species in the City. Within the Plan, invasive plant species were recognized as an external challenge facing the City's urban forest now and in the future with changing climates. To address these challenges, Goal B1 in the Plan calls for the City to "prioritize public tree maintenance and tree risk management" and has a supporting action to "continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties."

The following provides a summary of the program review and recommendations based on industry standards and best practices and local research pertaining to the management of invasive plant species.

Current Management of Invasive Plant Species

For the City's consideration, the following table summarizes the plant species that are invasive according to Fayetteville's Invasive Plant Species educational packet compared to the University of Arkansas' Cooperative Extension Service (U of A Cooperative Extension) Invasive Plants in Arkansas list:

Plant Species	Listed in Fayetteville's Invasive Plant Species Educational Packet?	Listed in the University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List?*
Asian Wisteria	Yes	Yes
Bamboo	Yes	Yes
Bigleaf Periwinkle	Yes	Yes
Callery/Bradford Pear	Yes	Yes
Burning Bush	Yes	No
Bush Honeysuckle	Yes	No
Chinese Privet	Yes	Yes
Creeping Euonymus	Yes	No
English Ivy	Yes	Yes
Heavenly Bamboo	Yes	No
Japanese Honeysuckle	Yes	Yes
Kudzu	Yes	No
Littleleaf Periwinkle	Yes	No
Mimosa, Silktree	Yes	Yes
Multiflora Rose	Yes	No
Sericea Lespedeza	Yes	Yes
Shrubby Lespedeza	Yes	Yes
Tree-of-Heaven	Yes	No
Running Monkey Grass	No	Yes
Tall Fescue	No	Yes
Chinese Tallow Tree	No	Yes
Cogongrass	No	Yes

*City of Fayetteville, AR's webpage for Invasive Plants and Native Alternatives (www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives)

**University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List (www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants)



Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide)

Evaluating and Updating the City's Invasive Species Management Program

The City may consider updating the invasive plant species listed in the Invasive Plant Species educational packet and the City Ordinance #5820 to align with recommendations provided by the University of Arkansas' Cooperative Extension Service, the Arkansas Native Plants Society, the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide", the Northwest Arkansas Land Trust, and/or other reputable sources.

According to the Cooperative Extension Service at the University of Arkansas, the following plant species have been invasive in some landscape situations and should be monitored by the City of Fayetteville to determine the level of invasiveness and the need for prohibiting planting:

- Garlic Chives
- Devil's Walking Stick
- Artemesia
- Trumpet Creeper
- Obedient Plant
- Sweet Autumn Clematis
- Mexican Hydrangea
- Queen Ann's Lace
- Wintercreeper Euonymus
- Chameleon Plant
- Cypress Vine

Planning a Management Strategy

For the consideration of Fayetteville, the following management strategies are recommended for invasive plant species management on public lands and for educating the public to manage invasives on private land (recreated from the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide."):

Prevent Invasive Plants From Establishing

- Don't introduce invasive plants; consider native alternatives
- Younger invasive plants are easier to remove than well-established plants

Identify Plant Species & Area To Be Managed

- Take an inventory of your area and properly identify invasive and native plants
- Use caution on streamside areas or heavily sloped areas
- Seek assistance and consultation in sensitive areas
- Determine where and how removed brush will be handled. If composting, heat must be maintained above 145° F to denature seeds

Practice Safety

- Dress appropriately
    - Long sleeves, pants, gloves, sturdy shoes or boots
    - Safety glasses, sunscreen, and/or insect repellant may be appropriate
- If Using Chemical Herbicide Treatment, Personal Protective Equipment (PPE) Is Needed
    - Safety glasses
    - Latex or nitrile gloves
    - Prevent spills and use extreme caution near water sources
    - Read herbicide labels and Safety Data Sheets (SDS) for additional PPE measures and application guidelines
    - The herbicide label is the law
- Use Extreme Caution With Sharp or Heavy Tools
    - Acquire safety training for chainsaw use
- Be Aware of Surroundings

    - Swinging tools or falling limbs could injure you or others nearby
- Contact Arkansas One-Call at 811
    - Call 811 to locate underground utility lines prior to disturbing a substantial area and/or using heavy equipment.
- Use Caution When Working Around Overhead Utility Lines
- Work Areas May Not Be Easily Accessible
    - Be aware of steep slopes, banks, and slippery areas
- Be Aware of Wildlife
    - Work areas may harbor animals, snakes, or insects
    - Use caution with plants such as Poison Ivy, Poison Hemlock, or thorns (Greenbrier and Multiflora Rose)
- Rest Often
- Stay Hydrated

Divide Area

- Work in phases
- Large acreage may require focusing on one species at a time or dividing into smaller manageable areas
- Plant densities can be overwhelming; distribute workload

Seek Assistance From Local Professionals

- Tree professionals may be required. Use a certified arborist
- Consult your local extension office for herbicide recommendations

Revegetate/Encourage Native Plants

- Minimize damage to native vegetation during removal
- Consult native plant resources and research
- Choose correct native plant for growing conditions, ecoregion, and space
- Currently, Fayetteville recommends the "Wildscaping with Ozark Native Plants - Native Wildflowers and Grasses" resource for revegetating with native plants and the "Ozark-Friendly Landscape – Native Trees and Shrubs" resource for native trees

Do Maintenance Seasonally

- Many plants sprout or sucker from cut points; revisit managed areas
- Opening canopy may activate invasive seed bank and viney plants



Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News)

Invasive Plant Species Control and Removal Methods

Several methods are used to control or remove invasive plants each with varying degrees of effectiveness, advantages, and disadvantages. Listing here is not an endorsement for any one method. The area of infestation often dictates removal techniques, such as sensitive riparian areas along waterways, wetlands, or sloped areas. Use of herbicide trade names does not indicate endorsement of any one product.

Mechanical

- Hand Pulling
- Cutting (chainsaw, hand saw, pruners)
- Stump pulling (weed wrench, shrub pullers, chains, mattock, shovel, large machinery)
- Machinery (mowing, brush hog)

"Hand removal" is very effective but does require manual labor and may not be practical across large areas. Cutting alone is rarely effective, unless used in conjunction with cut-stump treatments. The most effective way to kill invasive plants is by removing the entire plant including root systems. Stump pulling is useful for small to medium shrubs and trees and is easier in moist soil.

Cultural Practices

Prescribed fire has been used throughout history to control vegetation, but burning is often unavailable in urban settings. Fire can control the spread of some invasive plants, but must often be used in tandem with mechanical and/or chemical measures. It can risk harming native vegetation, activate invasive seed banks, or even stimulate some undesirable plants. Refer to local laws and ordinances to ensure compliance. Applying mulch helps to control invasive populations by preventing sprouting. It also holds moisture for native plants and covers bare soil to help prevent erosion.

Chemical (Herbicide)

- Foliar spray
- Cut-stump treatments
- Basal bark treatment
- Frill (hack-and-squirt)

Always read and follow herbicide label instructions and precautions. Great care should be taken when conducting chemical treatment and it is important to consult your local cooperative extension office for herbicides effective for weed and brush control. A brief description of herbicide treatments follows:

Foliar sprays are not always a viable option in the urban landscape or public setting. This technique can be used to target young plants, but it tends to be ineffective on many resilient, mature, invasive plants in Northwest Arkansas. Foliar spray can damage or kill non-target native plants from drift and contaminate water resources.

Cut-stump treatments minimize chemical use and contamination of native vegetation and water resources. Most effective in the fall, stumps are cut 3 to 4 inches from the ground and are treated with an herbicide-marking mixture within a few minutes using a squirt bottle or sponge applicator. The marking dye helps land managers or volunteers to see where the chemical has been applied. Stump treatments also help to prevent suckering or secondary growth. Resilient stumps may need cutting and chemical application again the following season.

Basal bark herbicide treatment is effective on most invasive woody plants including vines. An oil soluble herbicide is mixed with an oil carrier. For woody plants with a 6-inch diameter or less, spray the bark of the plant from ground level to 15 inches. Plants should not be cut for 6 months. This method can be used anytime of the year except early spring.

Frill or hack and squirt is used to target invasive trees and introduces the herbicide into the stem using spaced cuts below the last live branch and around the trunk. A hatchet is used to make downward angled incisions through the bark (2 inches long) evenly spaced (one inch) around the tree. Each cut is carefully filled (do not allow spillage) with herbicide-marking mixture using a spray bottle or gunjet.

Re-establishing Native Vegetation

Once invasive vegetation is removed from a property, it is important to establish a healthy stand of plants native to the local ecoregions of Northwest Arkansas. Native vegetation provides shelter and food for wildlife, and it contributes to the reproduction and survival of insects, birds, fish, reptiles, and mammals. Native vegetation also supports migrating species, such as monarch butterflies and wood thrushes. Having adapted to the Ozark Mountain region, native species of plants generally are easy to establish and are drought resistant. Many are beautiful with showy flowers, berries, and leaves, and they can easily be incorporated into a landscaped setting. The previous tables of plants native to both the Boston Mountains and Ozark Highlands Ecoregion should be considered for replanting. These lists can be used as a guide for the revegetation of an area of interest where invasive plants have been removed. Just because a shrub is removed doesn't mean it needs replaced with another shrub. As an example, there may be a preference to establish native grasses and woodland wildflowers in a forested area where bush honey suckle has been removed. As part of the invasive removal process, a plan for native plant establishment should be created.



Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas)

Native plants can be established by dispersing seed or by planting potted plants or bare roots. Native seed can be collected locally or purchased and is generally used for large areas where grasses and wildflowers are desired. If native seed is purchased, a local source or at a minimum, a source that was cultivated in or near the Ozark Mountain region should be considered. When dispersing native seed on bare soils, mix a nursery crop of winter wheat or oats with a variety of native grass and wildflower species. Following the application of the seed mix, cover with straw. Trees and shrubs are generally established by planting potted plants or bare roots. Again, if possible, find a local source for these plants.

Once the treated area is replaced with native plants, it is important to inspect for and remove new invasive plants that will try to reestablish on the property. Once a healthy stand of native vegetation is established, less invasive vegetation will arise.



Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA)

Invasive Plant Species Program Review Checklist

The following checklist is provided by the urban forestry consultants at PlanIT Geo for the City of Fayetteville to examine and update its current Invasive Plant Species Management Program. By updating the program and aligning it with industry standards and best practices, the City will be better equipped to implement the 2023 Urban Forestry Management Plan and achieve the vision of a sustainable urban forest in Fayetteville.

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.)

A) PROGRAM OVERVIEW		
A1) Mission and Goals		
Question	***Answer***	***Status***
A1a) Are the program's mission and goals clearly defined and measurable?		
A1b) Do the goals align with the City's overall priorities and environmental goals?		
A2) Program Scope		
Question	***Answer***	***Status***
A2a) What types of invasive plants does the program target?		
A2b) What geographic areas does the program cover?		
A2c) What types of interventions are used (e.g., education, removal, restoration)?		
A3) Program Budget		
Question	***Answer***	***Status***
A3a) Is the program adequately funded to achieve its goals?		
A3b) How are resources allocated across different program components?		
A3c) Are there opportunities for additional funding or cost savings?		

B) PROGRAM IMPLEMENTATION		
B1) Planning and Prioritization		
Question	***Answer***	***Status***
B1a) Does the program have a strategic plan for managing invasive species?		
B1b) Are priorities set based on the ecological impact of different species and the feasibility of control?		
B1c) Is there a mechanism for regularly updating the plan and incorporating new information?		
B2) Outreach and Education		
Question	***Answer***	***Status***
B2a) Does the program have a comprehensive outreach and education plan to engage the public and stakeholders?		
B2b) Are educational materials clear, accurate, and accessible to different audiences?		
B2c) Are there opportunities to partner with other organizations for outreach efforts?		

B3) Invasive Species Removal		
Question	***Answer***	***Status***
B3a) Are control methods effective and based on best practices?		
B3b) Are appropriate disposal methods used for removed plants?		
B3c) Are there monitoring protocols in place to assess the success of control efforts?		
B4) Restoration and Re-vegetation		
Question	***Answer***	***Status***
B4a) Does the program include efforts to restore native plant communities after invasive species removal?		
B4b) Are native species selection and planting methods appropriate for the site and ecological goals?		
B4c) Are there monitoring protocols in place to assess the success of restoration efforts?		

C) PROGRAM EVALUATION		
C1) Data Collection and Analysis		
Question	***Answer***	***Status***
C1a) Does the program collect data on the distribution and abundance of invasive species?		
C1b) Are data collection methods reliable and standardized?		
C1c) Is data analyzed regularly to inform program decision-making?		
C2) Monitoring and Reporting		
Question	***Answer***	***Status***
C2a) Does the program monitor the effectiveness of its interventions?		
C2b) Are results reported to stakeholders and the public?		
C2c) Are there opportunities to improve monitoring and reporting procedures?		
C3) Adaptive Management		
Question	***Answer***	***Status***
C3a) Does the program use an adaptive management approach to adjust interventions based on monitoring results?		
C3b) Are lessons learned from past efforts incorporated into future planning?		
C3c) Are there opportunities to share information and best practices with other programs?		

D) PARTNERSHIPS AND COLLABORATION		
D1) Stakeholder Engagement		
Question	***Answer***	***Status***
D1a) Does the program actively engage with stakeholders such as residents, landowners, and businesses?		
D1b) Are there opportunities for stakeholders to participate in program planning and implementation?		
D2) Interagency Collaboration		
Question	***Answer***	***Status***
D2a) Does the program collaborate with other agencies and organizations involved in invasive species management?		
D2b) Are there opportunities to share resources and expertise?		
D3) Volunteer Engagement		
Question	***Answer***	***Status***
D3a) Does the program utilize volunteers for invasive species removal and restoration efforts?		
D3b) Are volunteer opportunities well-organized and effective?		

E) RECOMMENDATIONS FOR IMPROVEMENT		
Question	***Answer***	***Status***
E1) Based on the review findings, what are the key recommendations for improving the program's effectiveness?		
E2) What are the estimated costs and resources needed to implement the recommendations?		
E3) What are the potential benefits of implementing the recommendations?		

F) CONCLUSION		
Question	***Answer***	***Status***
F1) Overall, is the Fayetteville invasive plant species management program meeting its goals and objectives?		
F2) What are the program's strengths and weaknesses?		
F3) What are the key opportunities for improvement?		

ADDITIONAL NOTES
This checklist is a starting point and may need to be adapted to the specific context of the program.
The review process should involve stakeholders from diverse backgrounds and perspectives.
The results of the review should be used to inform program improvement efforts.

SUMMARY

Fayetteville's urban forest consists of all trees throughout the City on both public and private property. The trees and the overall urban forest are vital resources that provide numerous ecological, economic, and social benefits. However, invasive plant species pose a significant threat to the health and sustainability of this valuable asset. To ensure the long-term health of the urban forest, it is critical for Fayetteville to regularly review and update its programs for managing invasive plant species. By conducting the program review and applying the recommendations provided in this Report the City of Fayetteville will be position to:

Address evolving threats: Invasive species are constantly adapting and evolving, requiring frequent reassessment of management strategies. New invasive species may emerge, and existing species may develop resistance to current control methods. Updating the program allows for incorporating new knowledge and implementing more effective approaches.

Adapt to changing environmental conditions: Climate change and other environmental factors can significantly impact the distribution and abundance of invasive species. By reviewing and updating the program, Fayetteville can ensure it is adaptable and capable of responding to these changing conditions.

Optimize resource allocation: Limited resources must be used efficiently and effectively. A review process can identify areas for improvement in resource allocation and ensure that program efforts are focused on achieving the most significant impact.

Improve program effectiveness: Regular evaluation and feedback are crucial for identifying program weaknesses and areas for improvement. This information can be used to refine existing strategies, develop new interventions, and ultimately enhance the program's overall effectiveness.

Maintain public support: An effective invasive species management program relies on public awareness and support. By demonstrating commitment to continuous improvement and transparency, the program can build trust and encourage broader community engagement.

Ensure a sustainable future: Invasive plant species can have devastating consequences for the health and diversity of the urban forest. By proactively managing these threats, Fayetteville can ensure the long-term sustainability of this valuable ecosystem and safeguard its ecological, economic, and social benefits for future generations.

Regularly reviewing and updating Fayetteville's invasive plant management program is crucial for maintaining a healthy and resilient urban forest. This proactive approach will require ongoing commitment and collaboration, but it will ultimately contribute to a more sustainable and vibrant City for all residents.

RESOURCES

- Arkansas Native Plant Society: anps.org/category/native-plants/Missouri Department of Conservation mdc.mo.gov/trees-plants/problem-plant-control
- Arkansas One-Call. Damage prevention information, local contacts and rules for safe digging in Arkansas: Dial 811 or 1 (800) 482-8998
- Arkansas State Plant Board (phone: 501-225-1598): aad.arkansas.gov/arkansas-state-plant-board
- City of Fayetteville Code of Ordinances, Ordinance #5820 https://library.municode.com/ar/Fayetteville/ordinances/code_of_ordinances?nodeId=749989
- City of Fayetteville Invasive Plants and Native Alternatives: www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives
- Invasive Plant Atlas: invasiveplantatlas.org
- MP44, "Recommended Chemicals for Weed and Brush Control," University of Arkansas Division of Agriculture, Research and Extension, Arkansas 2021. See MP44 online at www.uaex.edu
- National Invasive Species Information Center: invasivespeciesinfo.gov
- University of Arkansas Division of Agriculture Cooperative Extension (phone: 501-671-2000): uaex.edu/yard-garden/in-the-garden/native-plants
- University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List: www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants
- Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide

ATTACHMENT A: ORDINANCE #5820

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5820

File Number: 2015-0496

AMEND CHAPTER 177 LANDSCAPE REGULATONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

WHEREAS, on May 5, 2015, the City Council passed Resolution 101-15 requesting that City staff examine the need and propriety of submitting a proposed ordinance that would regulate or prohibit the sale or use of certain invasive plant species in Fayetteville; and

WHEREAS, City staff assembled a team of thirteen diverse stakeholders who identified eighteen invasive plant species that warrant restrictions based on the economic and environmental harm that they cause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (B)(12) as follows: "Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (C)(8) as follows: "Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.02(B) by replacing "Tree and Landscape Advisory Committee" with "Urban Forestry Advisory Board."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.03 **Landscape Plan Requirements** by adding the words "Combined Plan" to the beginning subsection (C)(5) and by adding a new subsection (C)(7)(h) as follows: "Plants listed in Section 177.09: **Invasive Plant Species** shall not be installed in developments requiring a landscape plan review."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby adds a new Section 177.09 Invasive Plant Species as set forth in Exhibit "A" attached hereto and made a part hereof.

PASSED and APPROVED on 11/3/2015

Approved:

_____
Lioneld Jordan, Mayor

Attest:

_____
Sondra E. Smith, City Clerk Treasurer

Exhibit A

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinensis, Wisteria floribunda

Bamboo
Pyllostachys Spp.

Bigleaf Periwinkle
Vinca major

Callary/Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
*Hedera helix*Heavenly Bamboo
*Nandina domestica**

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silktree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Sericea Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

*Cultivars that do not produce flowers or fruit are not considered invasive.

PLAN-IT GEO, LLC

FAYETTEVILLE, ARKANSAS



URBAN TREE CANOPY ASSESSMENT PROJECT 2012

5790 YUKON STREET
ARVADA, CO 80002

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Fayetteville, Arkansas

Urban Tree Canopy Assessment

November 2012

Prepared By

Funding assistance was provided by a grant from the Arkansas Forestry Commission Urban & Community Forestry Program through the USDA Forest Service. Special thanks to the U.S. Forest Service Urban Forestry South-Centers for Urban & Interface Forestry team for their assistance.

Prepared For

The Arkansas Forestry Commission-Urban & Community Forestry Program,
Urban Forestry South-Centers for Urban & Interface Forestry,
and the City of Fayetteville

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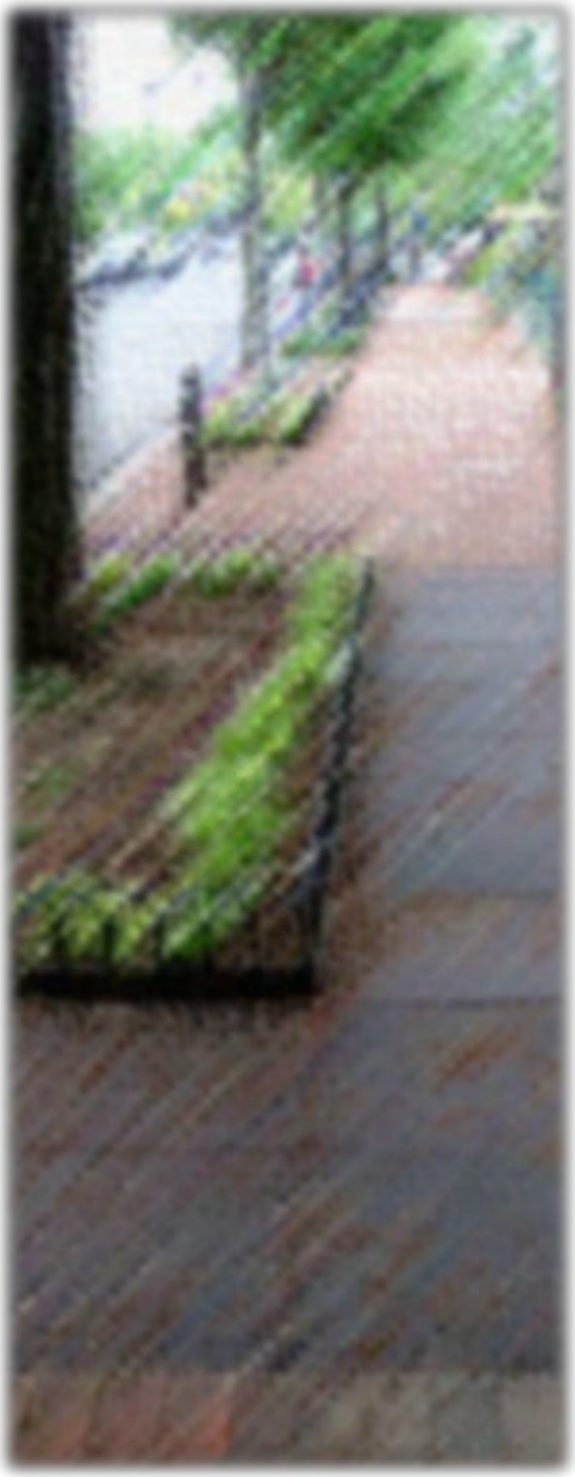
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FAYETTEVILLE, ARKANSAS
URBAN TREE CANOPY ASSESSMENT 2012

EXECUTIVE SUMMARY

This Urban Tree Canopy (UTC) assessment provides a benchmark of Fayetteville's current tree cover. The study delivers essential data layers, maps and tools to enhance urban forest management, policy and decision-making, and planning. Additionally, by calculating some of the services and benefits the tree canopy provides, City staff and elected officials have information that places a value on trees and forests in their community in order to promote sound environmental and land use plans and policies.

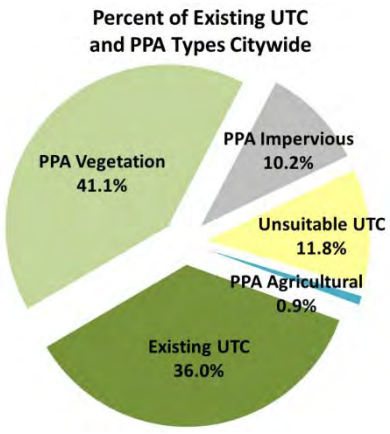


Geographic information systems (GIS), Land Use / Land Cover data, and high-resolution summer imagery provide the basis for this assessment. The data and technologies were used to assess Existing UTC and Possible Planting Areas (PPA) for assessment boundaries with different planning scales and intents. These included Fayetteville's city boundary, 6 land use types at the parcel-level, 2010 census blocks, riparian corridors by watershed boundary, and street rights-of-way.

This report presents results for current land cover and UTC distribution, compares canopy cover to 2002 conditions, estimates tree canopy benefits through multiple scenarios, and offers an evaluation, custom maps and tools, and recommendations for setting and achieving UTC goals.

URBAN TREE CANOPY IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437 acres) defined by the city limits of the City of Fayetteville, in Washington County, Arkansas. Based on a land area (after excluding water) of 34,586 acres, the City of Fayetteville has 12,441 acres (36%) of existing tree canopy, 17,757 acres (51%) of possible planting area, and 4,388 acres (13%) that is likely unsuitable for tree planting.



Riparian buffer analysis reveals there is 60% tree cover along Fayetteville's streams and rivers. Canopy cover within land use categories ranged from 18% (Commercial) to 45% (Agriculture) while the street rights-of-way average 13% cover. Residential properties average 41% UTC with 6 available planting sites per acre.

ECOSYSTEM SERVICES

Trees and forests in communities provide many "ecosystem services", or direct and indirect economic and environmental benefits such as removing air pollutants, storing and sequestering carbon, mitigating stormwater runoff, conserving energy through shade and wind block, improving public health, and providing wildlife habitat. Fayetteville's tree canopy currently provides an estimated $3.5M in air quality services each year and $64M in total stormwater management. Additionally, 50,000 planting sites were mapped near residential buildings where energy conservation

and associated carbon emissions reductions could be maximized. The impact on ecosystem services from increasing and decreasing canopy cover is presented in this report.

URBAN FOREST MANAGEMENT SCENARIOS

Management scenarios are presented and discussed involving further mapping, analysis and evaluation of Fayetteville's urban forest.

- **Comparison of canopy cover and benefits (2002 – 2012)** – urban forests are dynamic and constantly changing. Three (3) methods were used to assess gains and losses in tree canopy.
- **Target areas to plant trees** – an analysis of potential tree planting sites focused on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Other attributes were added to this GIS layer for additional prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – at 36% UTC, Fayetteville is 4% (~1,400 ac) below the national recommendation of 40%. Scenarios to reach 40% and an evaluation on the City's tree preservation ordinance are presented.
- **Management of the urban forest on city owned properties** – gains and losses in tree canopy on city properties is evaluated for future management purposes.

RECOMMENDATIONS AND SUMMARY

Understanding how and where trees are concentrated and distributed across Fayetteville is essential for maintaining a healthy and sustainable urban forest. This study provides the most up-to-date analysis to foster this overarching goal.

Fayetteville currently has 36% tree cover with 52% of the City classified as possible planting space. A comparison and trends assessment indicates canopy cover has decreased from around 37% to 36% (approximately 750-acre net loss) from 2002 to present. Forest regeneration and new tree planting are helping to offset only some of the losses from new development. Broad recommendations offer suggestions on using the results of this assessment as well as ways to create, expand, or strengthen urban forestry practices in the City.

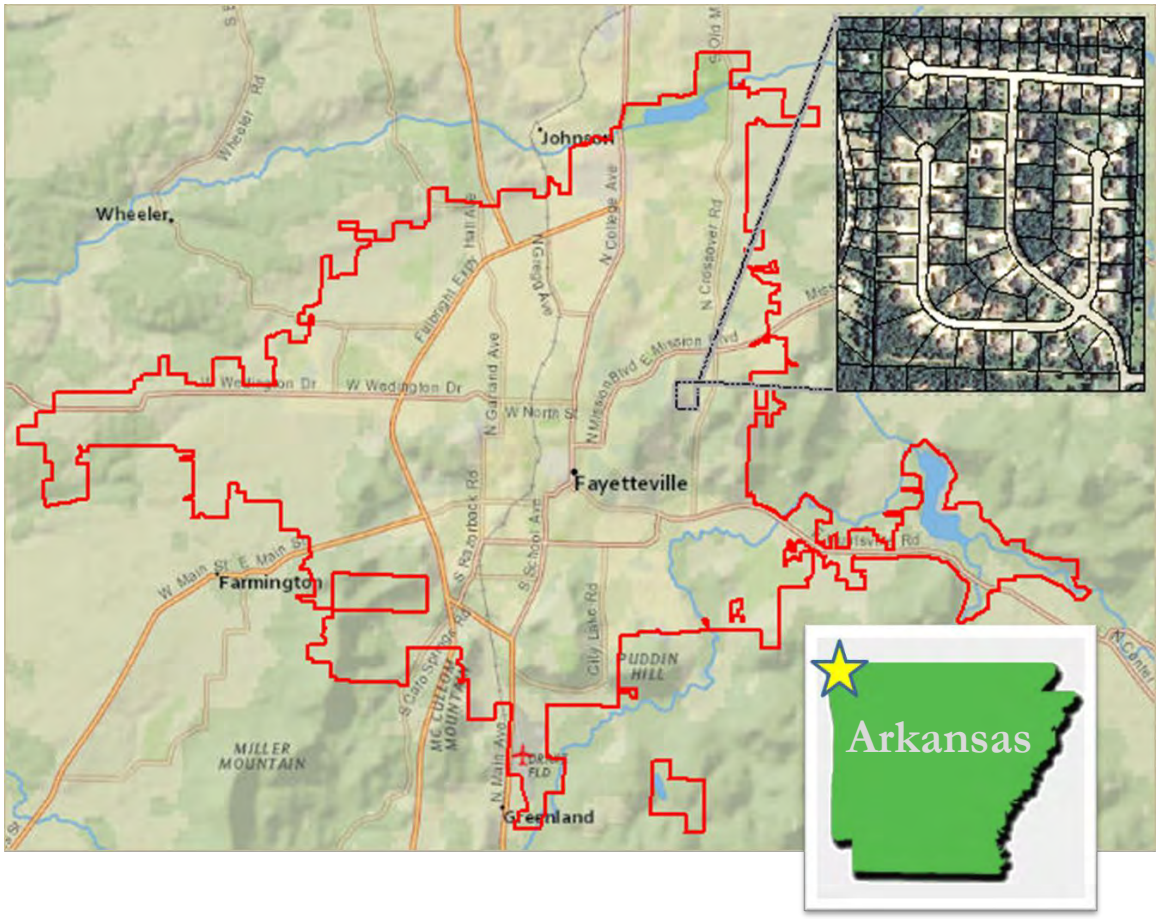
As development and economic progress continue, communities and public officials place a value on their tree cover when drafting and revising policies that affect trees. Fayetteville's leaders, business community, and citizens shape their urban forest in tree planting and protection ordinances, and should use the results from this study to reevaluate whether changes in the City's landscape the past 10 years is acceptable for their health, the environment, and the local economy and community.



Tree canopy cools impervious surfaces on hot sunny days therefore reducing the effects of radiant heat escaping back into the atmosphere (Downing, 2011).

INTRODUCTION

Trees provide many economic, social, and environmental benefits that form the basis of livability in urban municipalities. Therefore, it is important for urban development to work closely with urban forest health protection and management goals in order to maintain community livability. Geographic distribution of land use plays a critical role in maintaining a uniform urban forest. Each category of land use has unique management objectives and regulatory constraints.



This Urban Tree Canopy Assessment (UTC) in Fayetteville represents an opportunity to better understand baseline conditions of tree canopy, the distribution of existing canopy vs. potential tree canopy, and development of tools to incorporate urban forest benefits during policy and planning processes. It involves the use of high-resolution multispectral imagery, GIS, and remote sensing technologies, training and development of custom tools, ecosystem benefits modeling, and reporting to characterize existing and potential UTC. The products and outcomes of this study will support developing and monitoring of UTC goals, provide detailed data for management plans and ordinances, and foster greater understanding of UTC benefits.

This analysis of urban tree canopy aims to reveal and provide a better understanding of the benefits of the City of Fayetteville's green infrastructure, expanding upon previous studies by the Fayetteville Natural Heritage Association (FNHA). This study looks at the urban forest's relation to air quality, stormwater control, and carbon sequestration and storage. With funding in part provided by the USDA Forest Service (USDA FS), the Arkansas Forestry Commission Urban & Community Forestry (AFC) program contracted with Plan-It Geo, LLC to map Fayetteville's urban tree canopy

(UTC). This assessment examines the area and percent cover for existing tree canopy, possible planting area (in vegetated grass areas and paved impervious areas), and areas unsuitable for planting (buildings, roads, water, agricultural fields, etc.). These metrics were calculated for six (6) assessment boundaries: (1) Fayetteville City boundary, (2) land use, (3) census blocks, (4) riparian corridors, (5) street rights-of-way, and (6) parcels (see Table 1 on the following page).

The assessment was accomplished by using newly generated land cover data and assessment boundaries provided by City GIS. The land cover classification includes the following eight (8) classes for the City: (1) tree canopy, (2) other low-lying vegetation, (3) bare soil/dry vegetation, (4) water, (5) buildings, (6) roads, (7) agriculture, and (8) other impervious surfaces (parking lots, driveways, etc.). See Figure 1.

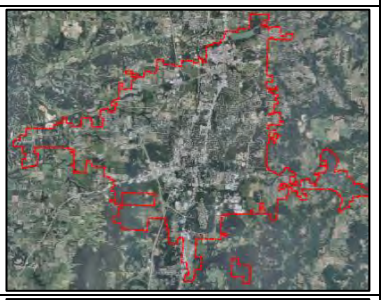
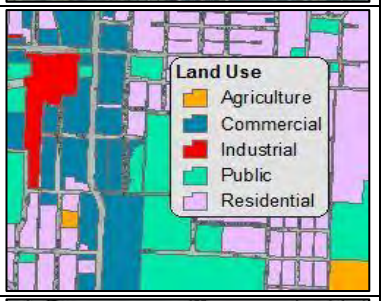
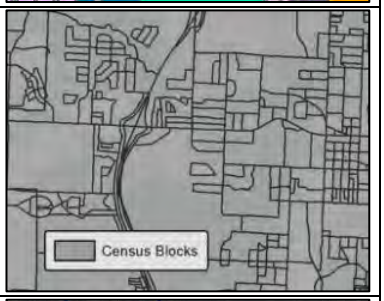
Specific objectives of this assessment were to:

- Map and assess eight (8) land cover classes across Fayetteville.
- Map and quantify existing urban tree canopy and possible planting areas for the City and five other finer scale assessment boundaries.
- Estimate Urban Forest Ecosystem Services, including air pollution removal capacity, carbon storage and sequestration, and stormwater management, broken out by the City, residential land uses, and watersheds.
- Create a series of Urban Forest Management Scenarios describing how UTC has changed over time and what current vs. future projected tree benefits and tree canopy could look like. This involved developing a GIS layer for prioritized potential planting locations, a plug 'n play Canopy Calculator tool, and an evaluation of the City's tree preservation ordinance.
- Provide training to City staff, volunteer organizations, state agency officials, and others in a workshop demonstrating how to use the data and tools and conduct ecosystem services analysis. In addition, presenting the results to the Fayetteville City Council.

The Fayetteville Urban Tree Canopy assessment provides data and tools to develop local and regional urban forestry goals, policies, outreach, and management plans to sustain and enhance the existing urban forest. In addition to this report, Plan-It Geo, LLC has also provided GIS data layers and Excel spreadsheets to accompany reported results. Only a fraction of the information available from this assessment is provided in the report. Fayetteville and other partners are encouraged to conduct additional analyses to answer specific questions related to local planning policies and concerns.



Table 1. List and description of UTC assessment boundaries for this study.

Assessment Boundary	# of Types or Features	Description	Map
City Boundary	1	City of Fayetteville	
Land Use	6	Land Use Categories Used: Agriculture Commercial Industrial Public Land Residential Public Right-of-Way	
Census Blocks	1,894	2010 U.S. Census data provides demographic data at the tract, block group, and block level. The most detailed 'block' level was used for this project.	
Riparian Corridors	69	Buffered streams and rivers, segmented by watershed boundary into finer-scale reaches to provide a better planning scale for this assessment.	
Street Rights-of-Way	903	The public rights-of-way (ROW) along streets.	
Parcels	28,768	Tax lots from the county assessors property database.	

MAJOR FINDINGS

Based on Fayetteville's analysis of aerial imagery, Land Use / Land Cover, ecosystem services, and potential tree planting sites, the following represents the major findings from this study.

- ***Fayetteville has 36% urban tree canopy cover based on 2010 imagery.***
- ***Canopy trends indicate a loss of possibly 1.5% UTC since 2002.***
- ***Residential lots cover 31% of Fayetteville with an average tree cover of 41% citywide. This represents 1/3 of the City's total tree canopy.***
- ***19% of the City's tree canopy is on publically owned properties.***
- ***The current urban forest removes nearly 1.3M pounds of air pollutants from the air annually, valued at $3.5M per year.***
- ***This equates to 1.1 billion pounds of stored carbon with an annual carbon sequestration rate of 8.4M pounds of CO2 taken up by the tree canopy.***
- ***Stormwater Savings***
    - ***At 36% UTC, Fayetteville's tree canopy is valued at an estimated $64 million based on avoided stormwater facility construction costs.***
    - ***If canopy declines, at 30.0% canopy cover, it is valued at $44M.***
    - ***At 40% UTC with 4% of new canopy growth from regeneration (natural forested areas), it is valued at $65M***
    - ***At 45% UTC with the new canopy growing over streets and parking lots, the tree canopy would be valued at $85M.***
- ***Natural forest regeneration plays a large role in UTC gains in Fayetteville. Examples are provided in the Canopy Change section of this report.***
- ***There are 50,000 potential tree planting locations near residential buildings. If trees are planted to maximize cooling in summer, energy conservation as trees reach maturity would be significant.***

METHODOLOGY

The following section describes the data and methods used for land cover classification and the terminology for defining and assessing the urban tree canopy (UTC) and potential planting areas (PPA). Brief methods for the comparison of tree canopy cover from 2002 to 2010 are included in the Results section further below.

DATA INPUTS, IMAGERY AND LAND COVER CLASSIFICATION

Numerous GIS data layers from the City and County were used in the process of mapping land cover classes and in the UTC assessment process. Examples include streets, buildings, water bodies, streams, parcels, land use, publicly owned properties, watersheds, and GIS layers from Fayetteville Natural Heritage Association's Green Infrastructure Plan. One-meter resolution imagery from summer 2010 (National Agricultural Imagery Program – NAIP) was used as the basis for this UTC Assessment. The final land cover classification data includes eight (8) classes: (1) **tree canopy**, (2) **grass / open space**, (3) **bare soil/dry vegetation**, (4) **water**, (5) **buildings**, (6) **roads**, (7) **agriculture**, and (8) **other paved surfaces** (parking lots, driveways) shown in Figure 1 below.

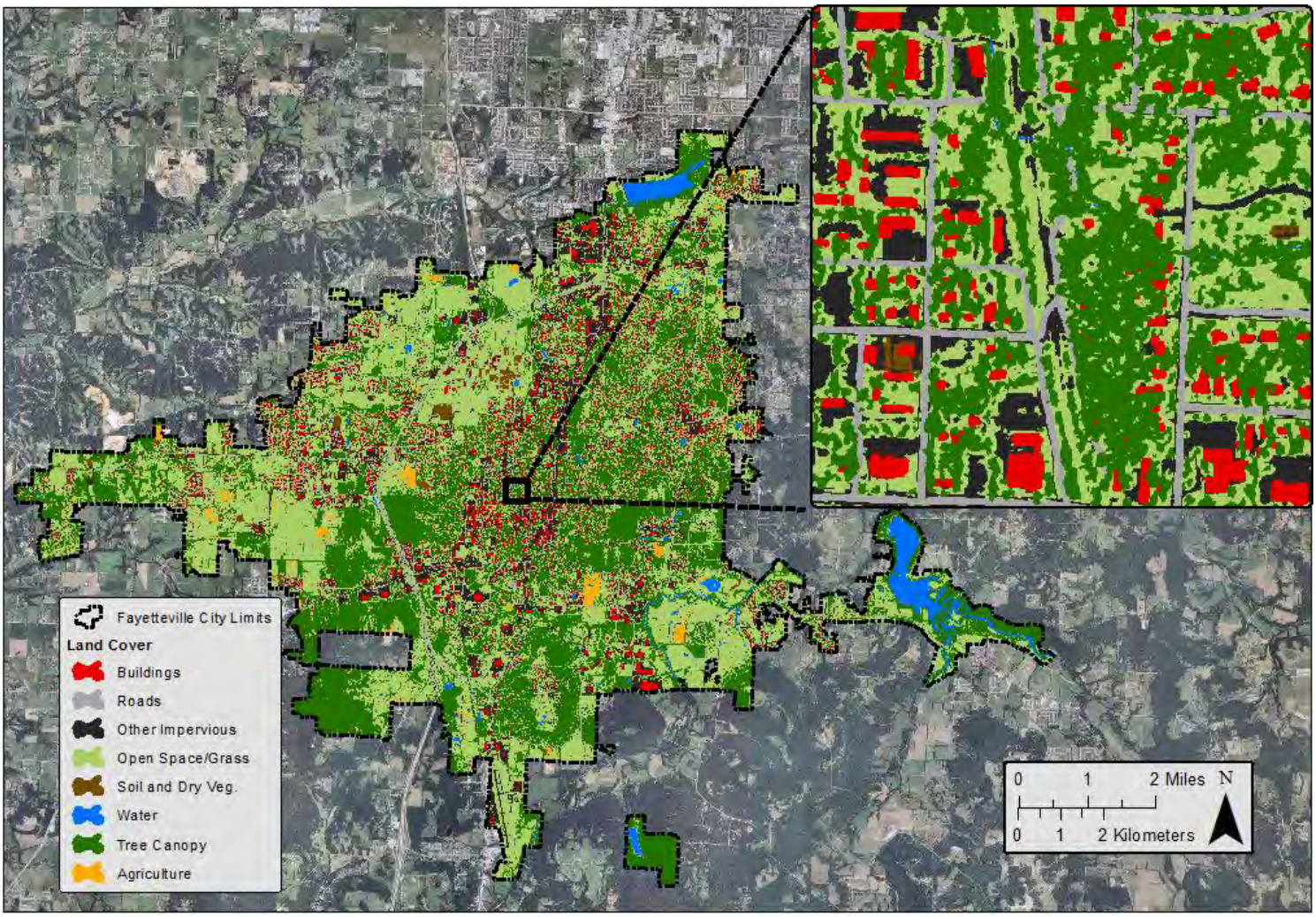


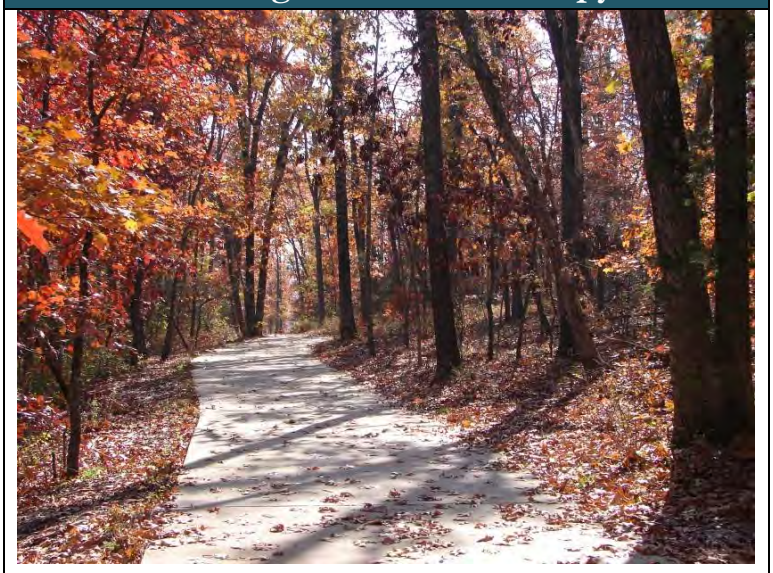
Figure 1. Land cover with 8 classifications as an overview and an inset map.

TERMINOLOGY

The UTC types assessed in this study are defined and described below. The area and percent of each was reported for six assessment boundaries. More details are provided throughout the report.

- ***Existing forest canopy*** is comprised of all forests and individual trees mapped from the 2010 summer NAIP imagery. For the purposes of this study, water was excluded from the total study area when calculating percent UTC. Excluding water from the study area (35,437 acres) creates total land area (34,586 acres) which was used to create all UTC metrics.
- ***Possible planting area (PPA)*** is defined as the total land area where no tree canopy cover currently exists and it is biophysically possible to plant trees. In this analysis, mainly grass and open space constitute "PPA – Vegetation" while impervious surfaces such as parking lots makeup "PPA – Impervious". These are combined to report Total PPA. This does not equal to potential canopy but rather the space on-the-ground that is available for tree planting opportunities.
- ***Unsuitable UTC***, for this study, was the combination of bare soil, dry vegetation, roads, buildings, agricultural land use, and water. Soil and dry vegetation are considered unsuitable given they comprise baseball infields, industrial lots, and vegetation that is lacking completely or unmaintained. Some areas mapped as Unsuitable UTC could become PPA through natural and human processes over time. Agricultural lands from the county land use data were sub-categorized as a PPA type but are generally considered as Unsuitable UTC.

Existing Urban Tree Canopy



Possible Planting Areas – Streets & Yards



Possible Planting Areas – Impervious



RESULTS

Detailed land cover and UTC assessment results are presented below. Land cover results are presented first, followed by results for each assessment boundary with specific tables, maps and graphics for Existing UTC, Possible Planting Areas, and Unsuitable UTC.

LAND COVER IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437.4 acres) defined by the city limits of Fayetteville. The two predominate land cover types for the study area are green vegetation (grass and open space) at 41% (14,518 acres) and secondly tree canopy at 12,441 acres as shown in Figure 2. "Other impervious", consisting of parking lots, driveways, patios, and other paved surfaces, is third comprising of 10% of Fayetteville or 3,539 acres. The next four land cover classes including roads, buildings, water, soil and dry vegetation each individually fall under 10% for land cover and as a whole comprise of 14% of Fayetteville's land cover.

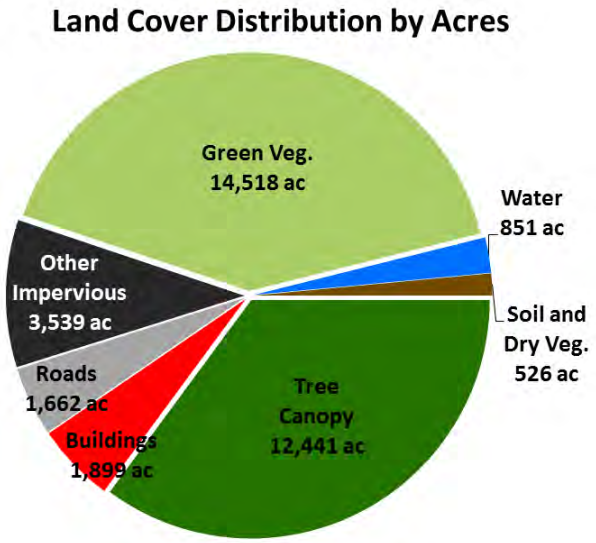


Figure 2. Distribution of land cover in Fayetteville.

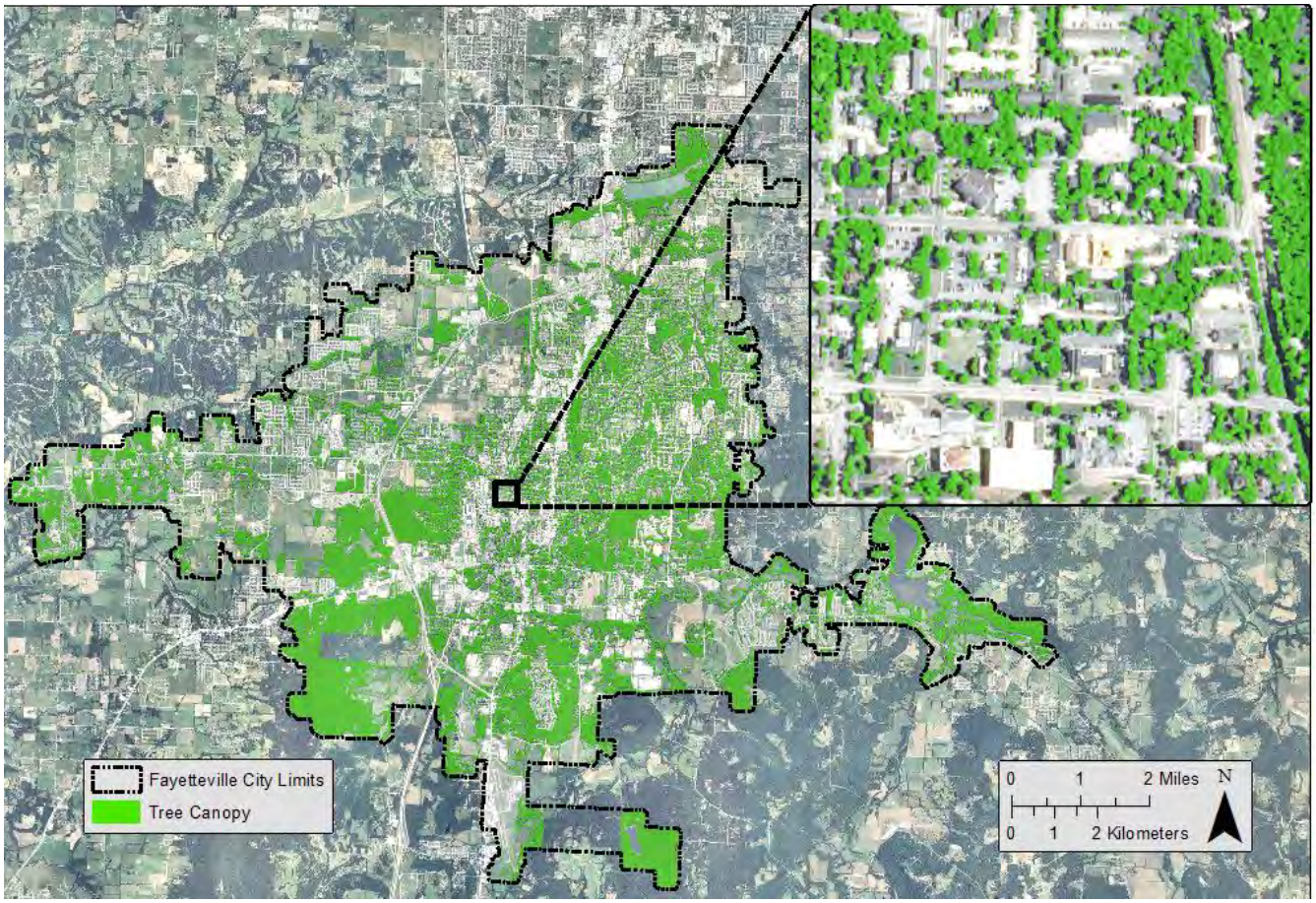


Figure 3. Tree canopy classification overview and inset map.

TREE CANOPY IN FAYETTEVILLE

As seen in Table 2 and Figure 4, Fayetteville's current UTC covers 12,441 acres or 36% of the total land area. In addition to tree canopy, total possible planting area (PPA) in Fayetteville is equivalent to 18,057 acres or 52% of the total land area. The remaining 4,088 acres (11.8%) of land area is considered unsuitable for planting additional trees.

Table 2. Metrics for Fayetteville showing UTC and PPA in acres and percent.

	Total Acres	Land Area (acres)	2010 UTC (acres)	2010 UTC %
City of Fayetteville	35,437	34,586	12,441	36.0%

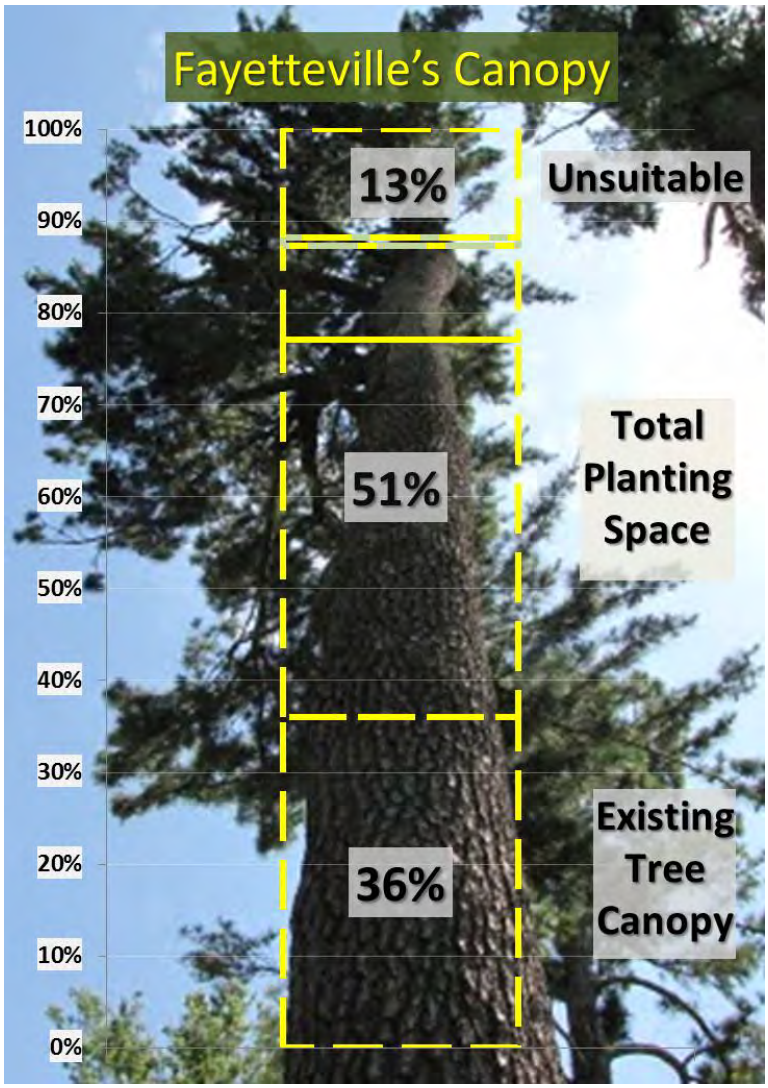


Figure 4. Percent distribution of UTC and PPA for the City of Fayetteville.

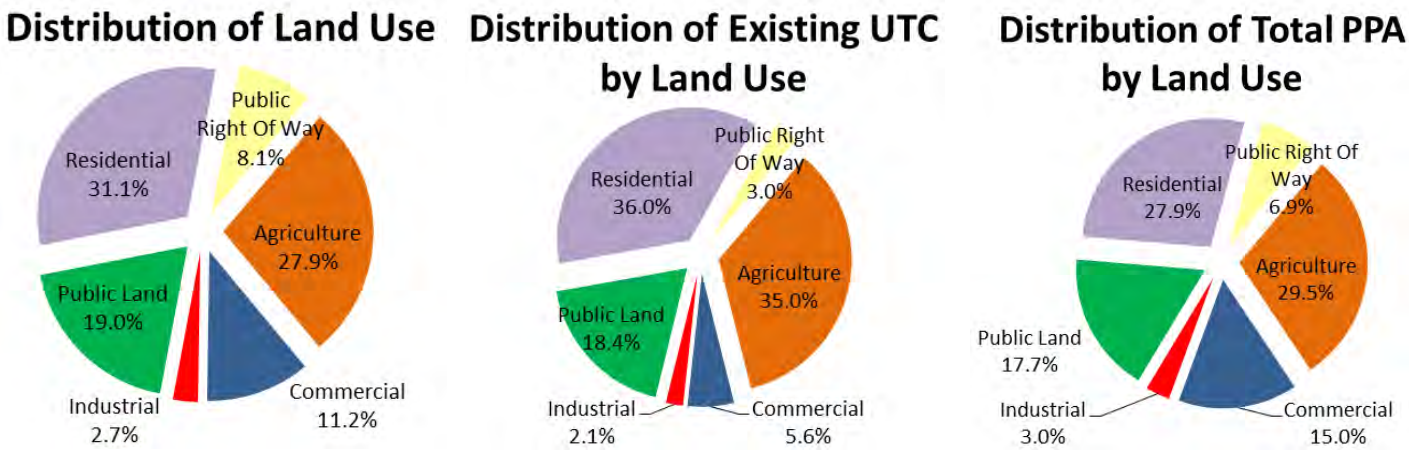
TREE CANOPY BY LAND USE AND PARCELS

Various policies, regulations, ordinances, and city codes influence tree canopy in Fayetteville. To provide data that advances urban forest management, six (6) broad land use categories were assessed for tree canopy and possible planting areas. Parcels from the county tax assessor's database were provided which included broad land use categories. Public lands were derived from parcels with 'exempt' status and the Public Rights-of-Way occur outside of all parcel boundaries. This was the finest scale assessment boundary and included 28,768 records. Results can be queried and symbolized using GIS to drill down and identify specific planting opportunities in subdivisions, land use types, or neighborhoods. Table 3 provides complete results for UTC and PPA land use metrics.

Table 3. UTC and PPA Results for 6 Broad Land Use Categories.

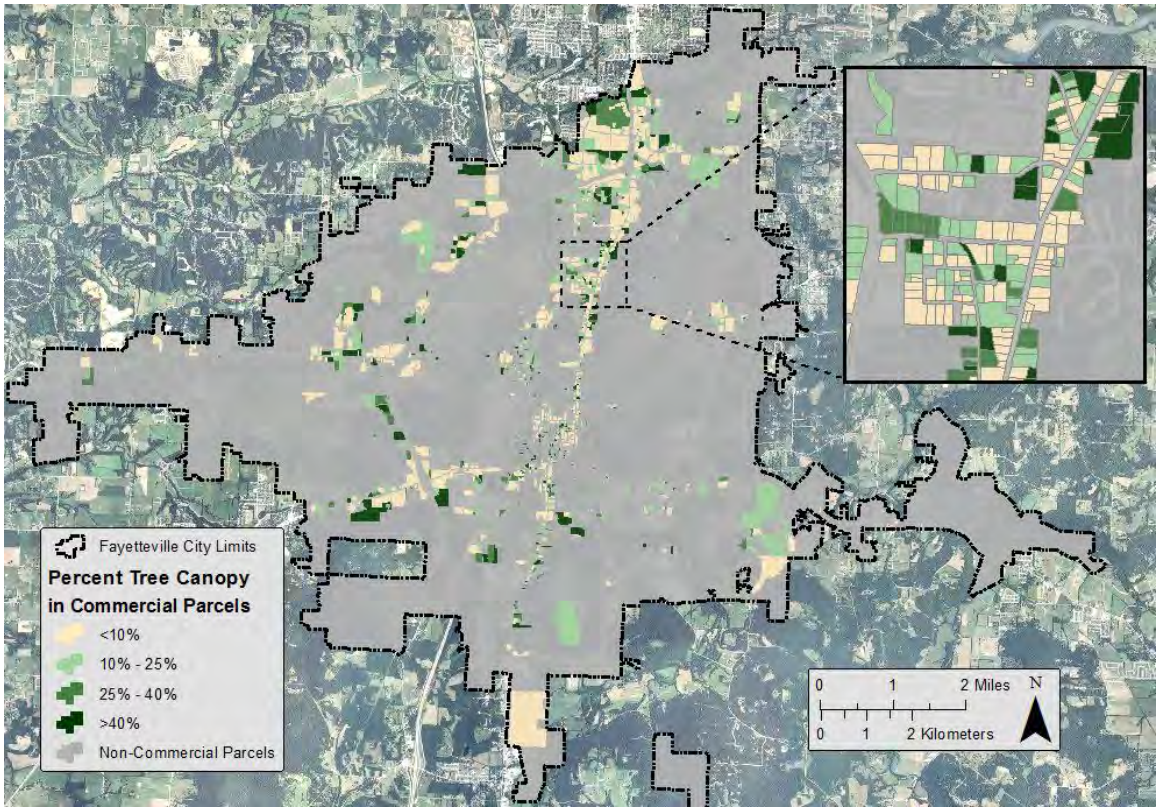
	Land Use Category	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	Existing UTC %	Distribution of UTC by Land Use	Total Possible Planting (acres)	Total Possible Planting %	Distribution of Total PPA by Land Use
City of Fayetteville	Agriculture	9,880	9,757	27.9%	4,353	44.6%	35.0%	5,329	54.6%	29.5%
	Commercial	3,985	3,943	11.2%	702	17.8%	5.6%	2,705	68.6%	15.0%
	Industrial	957	949	2.7%	258	27.2%	2.1%	549	57.9%	3.0%
	Public Land	6,731	6,106	19.0%	2,285	37.4%	18.4%	3,190	52.2%	17.7%
	Residential	11,017	10,968	31.1%	4,475	40.8%	36.0%	5,038	45.9%	27.9%
	Public Right Of Way	2,867	2,863	8.1%	368	12.9%	3.0%	1,247	43.6%	6.9%
	TOTALS	**35,437**	**34,586**	**100.0%**	**12,441**	**36.0%**	**100.0%**	**18,058**	**52.2%**	**100.0%**

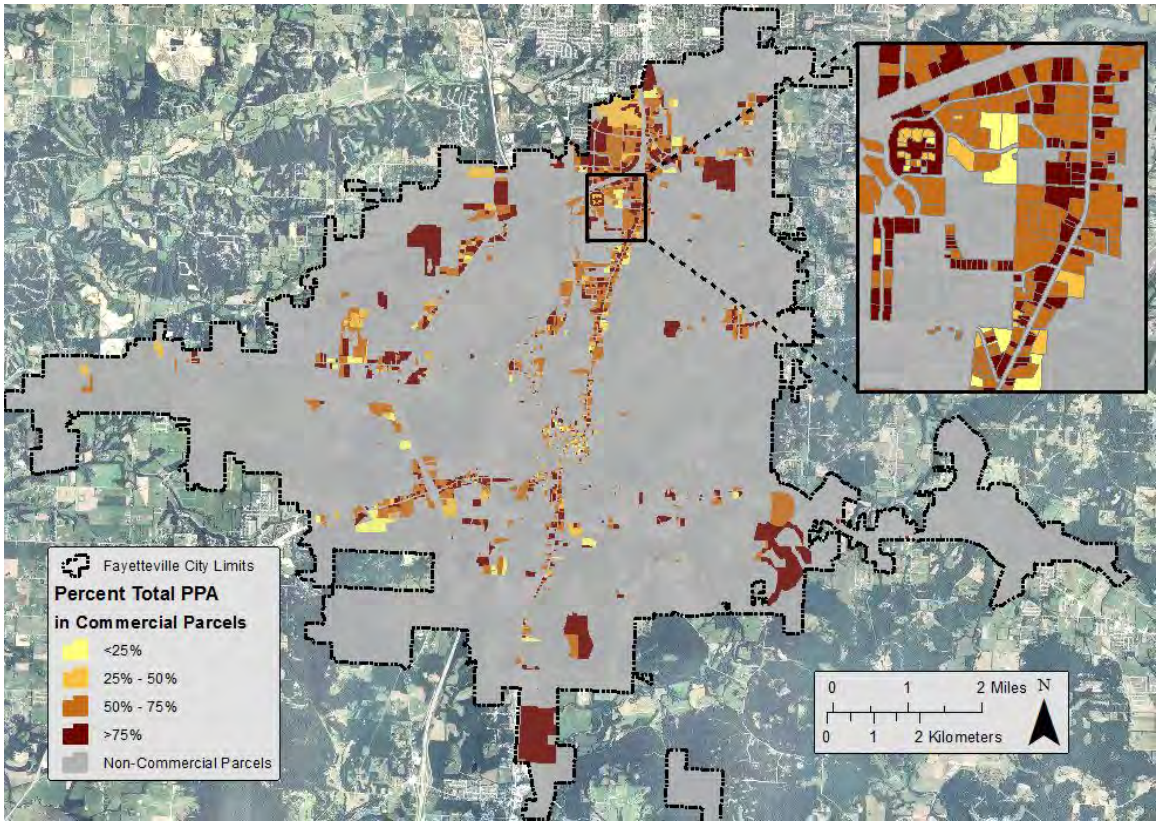
As an example, Commercial properties makeup 11% of the City, have 18% average tree canopy cover which represents almost 6% of UTC citywide, have 69% possible planting area largely from turf grass areas and parking lots, which constitutes 15% of all the PPA citywide.



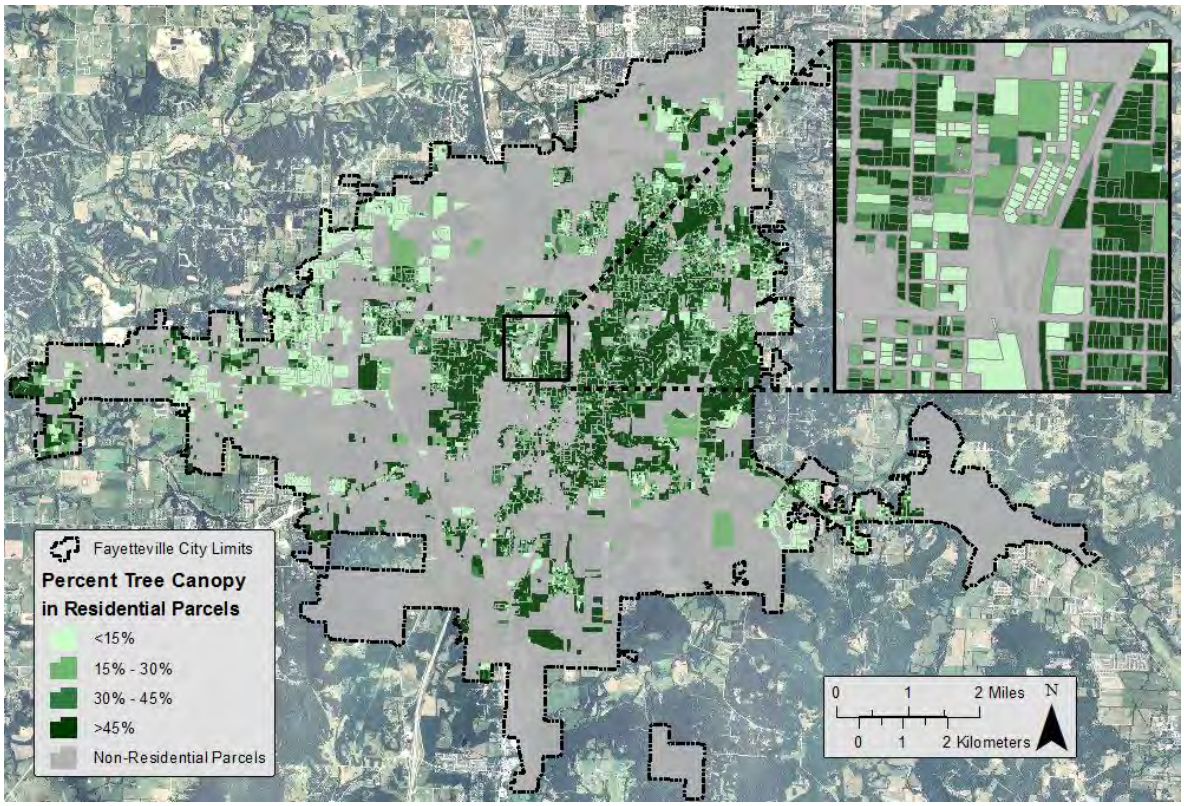
Figures 5-7. The Distribution of Land Use, UTC by Land Use, and PPA by Land Use.

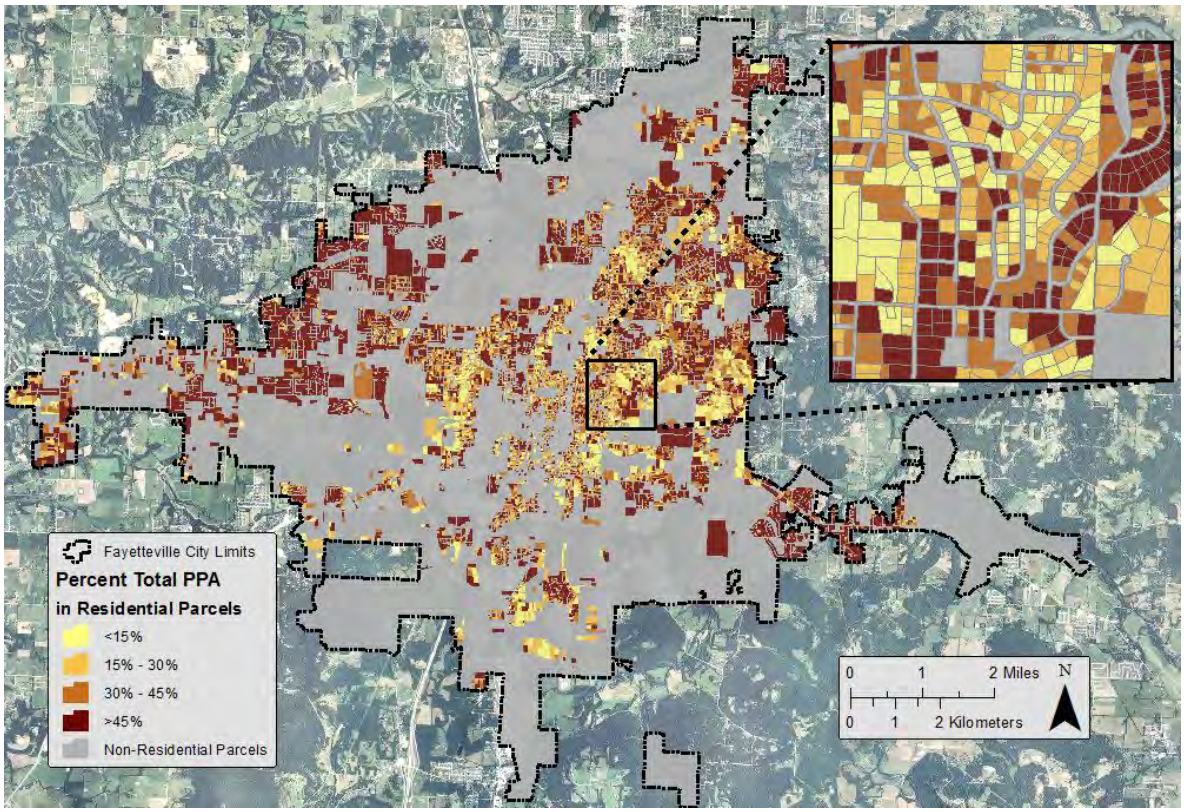
Maps in Figures 8-13 on the following pages illustrate how the land use and parcels data can be used together with UTC and PPA metrics to target specific properties for tree planting as well as monitoring the effectiveness of ordinances. Maps are shown for commercial, residential, and public properties by the percent of Existing UTC and Total Possible Planting Areas.



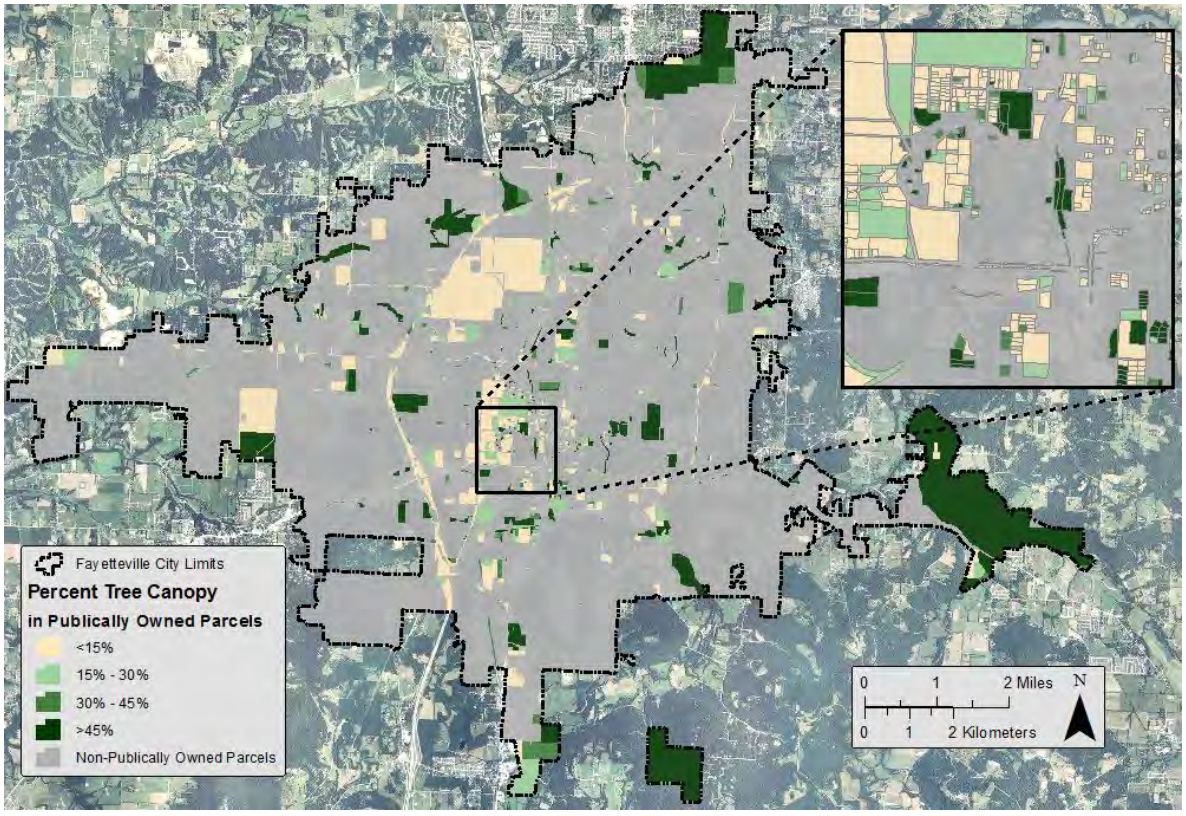


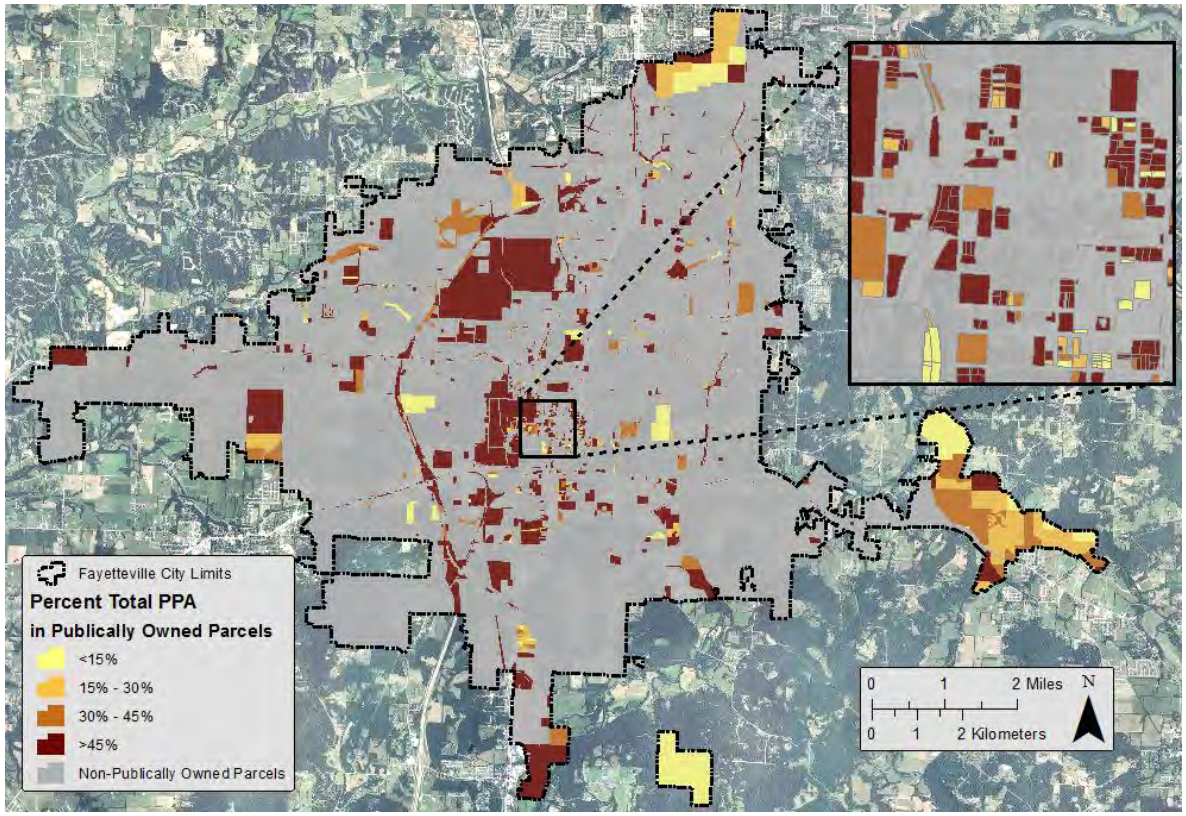
Figures 8-9. Existing UTC and Total PPA Percentages for Commercial Properties.





Figures 10-11. Residential parcels color-coded by Percent Existing UTC and Total PPA.





Figures 12-13. Publicly owned parcels color-coded by Percent Existing UTC and Total PPA.

TREE CANOPY IN THE STREET RIGHTS-OF-WAY

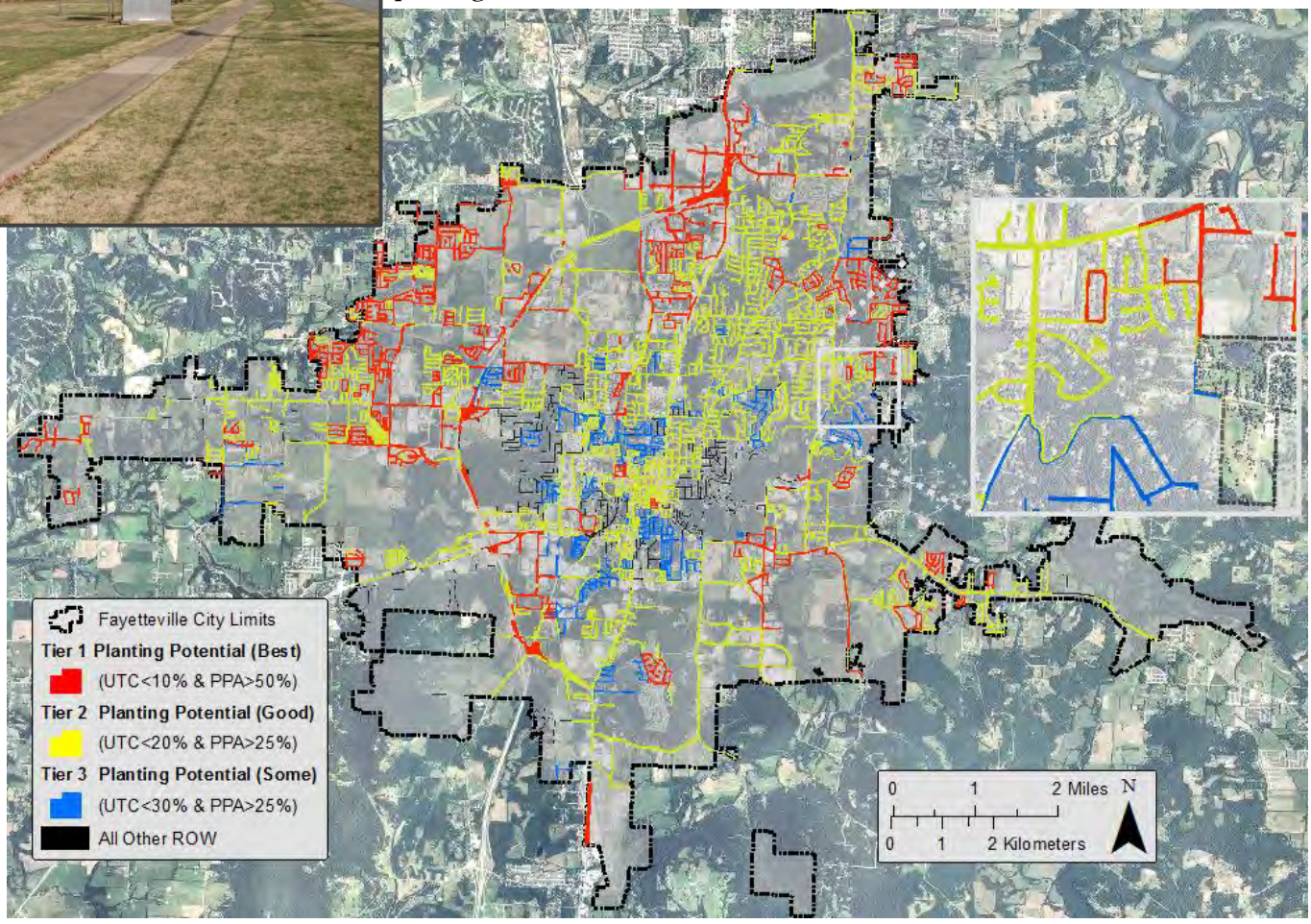
The City of Fayetteville's urban forestry program plants, manages, and maintains trees in the street rights-of-way (ROW). This is where the City has the most direct influence on tree canopy aside from tree preservation or other private property ordinances. Key findings in Fayetteville's ROW are:

- ROW total land area is equal to 2,863 acres, or 8% of the total city land area.
- Existing UTC in the ROW is 368 acres or 13% average cover. This represents 3% of all UTC citywide.
- PPA – Vegetation totals 611 acres or 21% of the ROW and PPA – Impervious totals 636 acres or 22% of the ROW.
- There are an estimated 15,000 potential planting sites in the ROW, or 5 per acre. If 25% of these sites were planted, grew to 30' tree crown spreads, this would generate 61 acres of new tree canopy. 61 acres is 4% of the acreage required to reach 40% citywide UTC.

Other UTC and PPA results for the ROW can be seen in Table 3 and Figures 5-7 in the Tree Canopy by Land Use section.



Figure 14. Potential planting area in the Street ROW. The GIS queries in the map legend show 3 colors based on ranges of Existing UTC and Total PPA. As an example, streets colored red have less than 10% UTC and greater than 50% total planting area.



TREE CANOPY BY CENSUS BLOCKS

The 2010 U.S. Census data provides social and demographic information at a variety of scales, specifically in GIS format from large to small as census tracts, block groups, and individual blocks. In Fayetteville, 1,894 census blocks were assessed for UTC and planting areas.

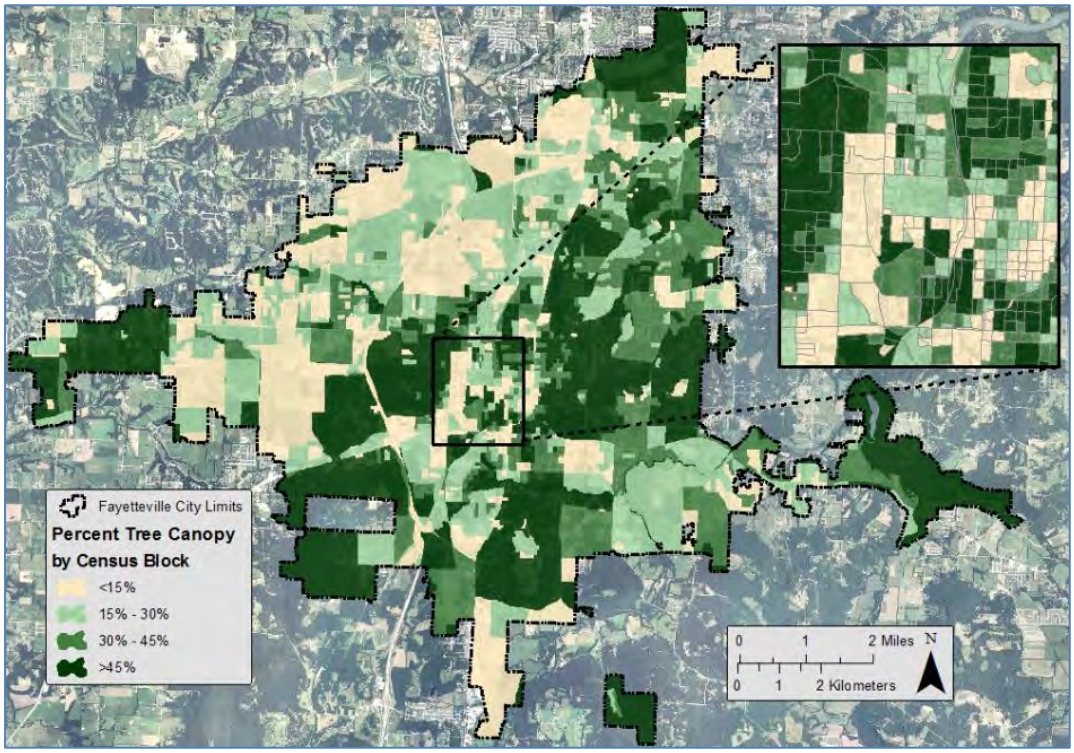


Figure 15.

Census blocks (socio-demographic units) color-coded by Percent UTC. Darker areas have more tree cover than lighter colored areas.

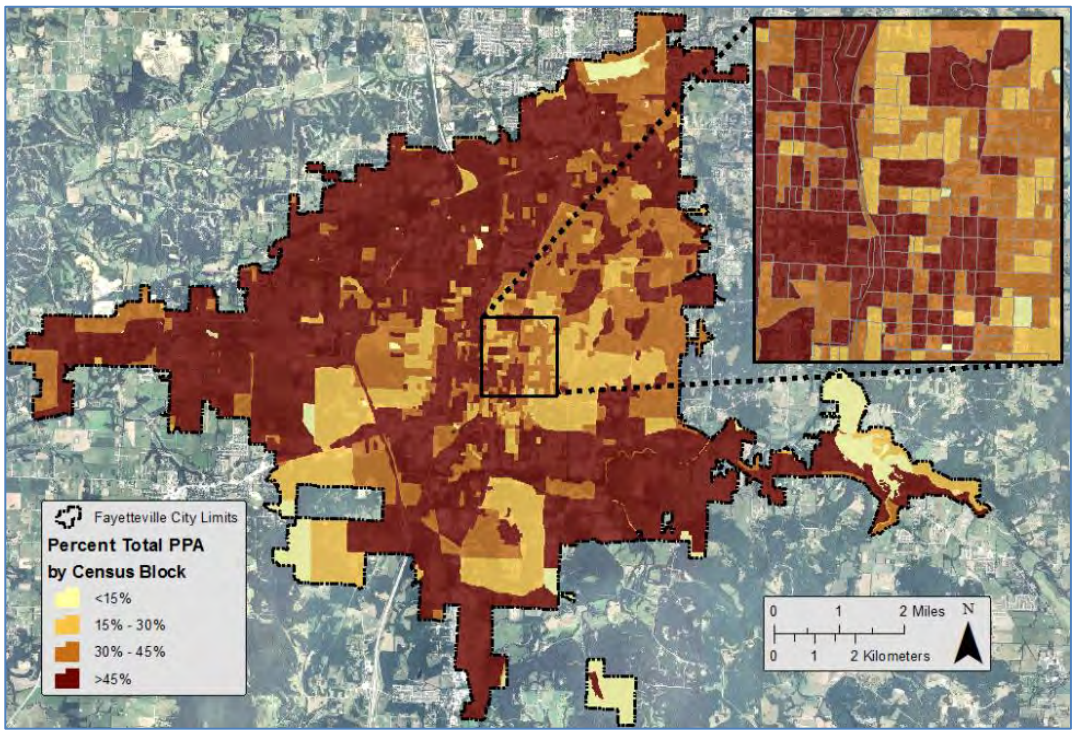
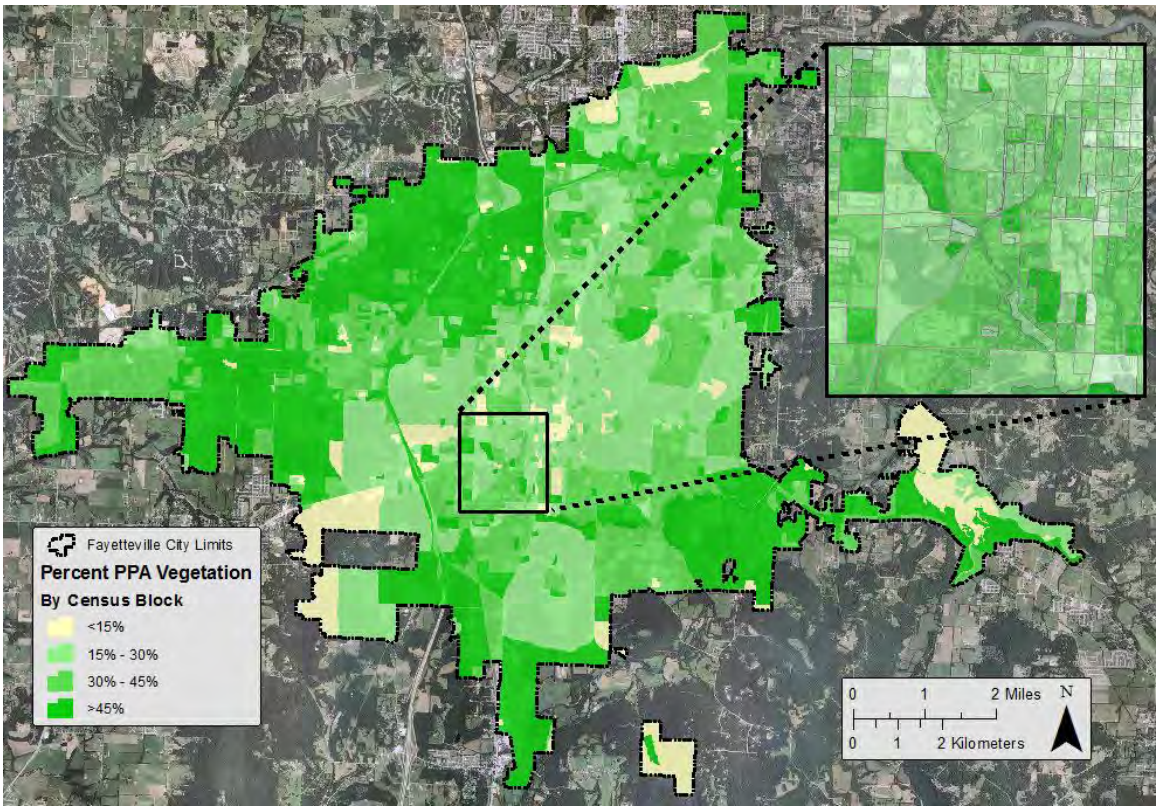


Figure 16.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space as well as suitable paved (impervious) areas.

Figure 17.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space. Agricultural land use areas were excluded from percentages.



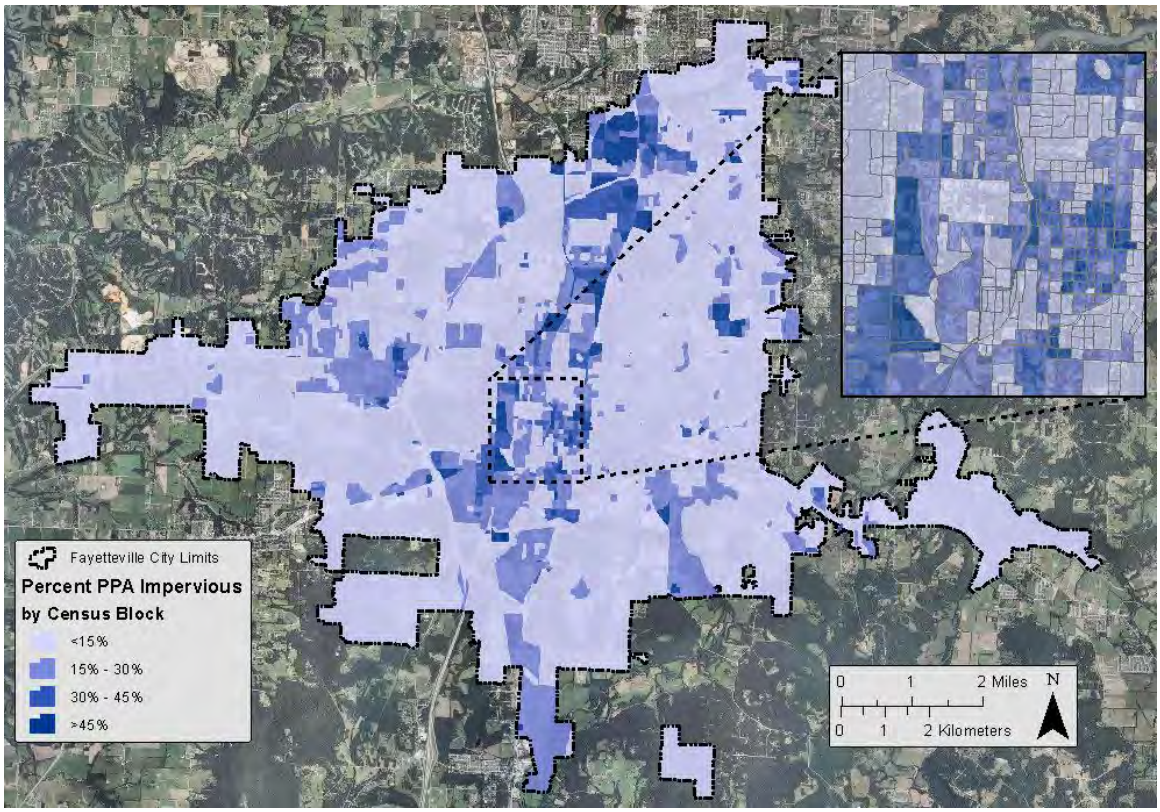


Figure 18.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from suitable paved (impervious) areas such as parking lots, driveways, etc.

TREE CANOPY BY RIPARIAN CORRIDORS

Fayetteville's streams and rivers, or riparian corridors, provide many ecosystem services such as erosion and sediment control, stream temperature regulation, and wildlife habitat. Conservation buffers along riparian areas are a best management practice where development is often restricted and natural vegetation is encouraged to maintain natural processes. In this study, to provide assessment results at a useful scale, Fayetteville's riparian areas were split along watershed boundaries and then segmented manually into smaller stream reaches. This resulted in 69 riparian corridor "segments" which were buffered by 100 feet and analyzed for UTC and PPA. Key findings included:

- 49 (of 69) riparian corridors segments have greater than 50% existing canopy cover.
- 14 have greater than 50% potential planting area (grass and open space).
- Three watersheds with the largest amount of riparian area for tree planting are:
    - Hamestring Creek (78 acres of PPA; 1,559 potential planting sites)
    - Mud Creek-Clear Creek (92 acres of PPA; 3,037 potential planting sites)
    - Town Branch-West Fork White River (122 acres of PPA; 3,729 planting sites)

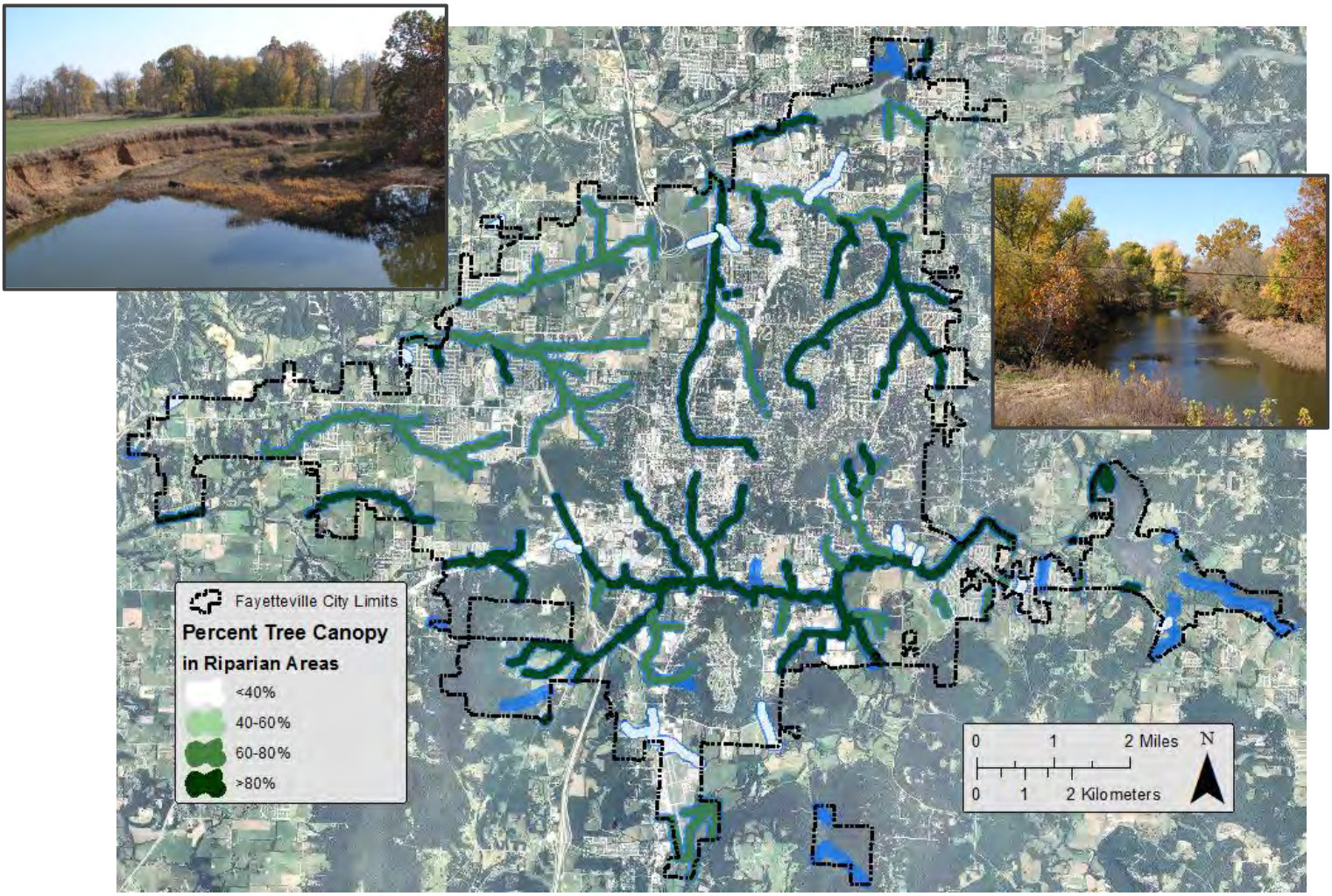


Figure 19. Riparian buffer segments color-coded by percent Existing UTC.

ECOSYSTEM SERVICES



Forest benefits are referred to as "ecosystem services", and describe ways in which urban forests contribute to improving quality of life. We tend to take for granted the direct and indirect benefits trees provide because they are not assigned a dollar value.

Examples include:

- Providing habitat and protecting biodiversity
- Decreasing stormwater utility costs, erosion, and flooding
- Reducing urban heat island effect and cooling costs
- Improving property values, tax revenues, recreation opportunities, and public health and well being
- Absorbing carbon dioxide annually through carbon sequestration and through carbon storage
- Improving air quality, water quality and groundwater recharge

CITYgreen software was used to estimate the benefits of Fayetteville's existing urban tree canopy and scenarios with decreased and increased canopy cover. CITYgreen, a GIS software developed by American Forests using research from the U.S. Forest Service and Natural Resources Conservation Service (NRCS), was used to calculate current and potential benefits related to carbon storage (cumulative amount of carbon stored in trees over time), carbon sequestration (the rate that carbon is captured), air pollution removal by trees annually, stormwater benefit of urban forests.

CITYgreen Parameters Used:

1.) Reference City for Air Quality: Tulsa was chosen as the closest, most representative city for the U.S. Forest Service reference city for air pollutant removal capacity of the urban forest.

2.) Soils: from the choices of Hydrologic Soil Group (HSG) A, B, C or D, soil type "C" was chosen as most representative. C type soils allow for less infiltration (clay) and are more restrictive soil type than B (loam).

3.) Construction cost per cubic foot (cu. ft.): $3/cu. ft. was used as a conservative average for stormwater facility construction cost.

4.) Replacement Land Cover Type: when tree canopy is "replaced" in the CITYgreen model, the replacement land cover chosen was Open Space - Grass/Scattered Trees: Grass cover 50% - 75%. This is more conservative than replacing the tree canopy with commercial or residential development which has a much higher curve number (CN).

Table 4. Summary of Benefits from Current and Future Projected Scenarios of UTC in Fayetteville.

City of Fayetteville "Tree Canopy & Environmental Benefit Scenarios"

Benefit Type			SCENARIOS				
	UTC-%	Citywide 36%	Decline to 30%	Increase #1 to 40%	Increase #2a to 45%	Increase #2b to 45%	Residential 41%
Air Quality	*Annual $ Benefit*	$3.5 million	$3.0 million	$4.0 million	$4.5 million	$5.0 million	$1.3 million
	Lbs. Removed/Year	1.3 million	1.1 million	1.4 million	1.6 million	1.8 million	461,000
Carbon Storage & Sequestration	*Total CO2 stored*	1.1 billion	915 million	1.2 billion	1.4 billion	1.5 billion	391 million
	Annual Rate Stored	8.4 million	7.1 million	9.5 million	10.7 million	11.9 million	3.0 million
Stormwater Savings	*Total $ Benefit*	$64.1 million	$43.9 million	$65.5 million *	$67.1 million *	$84.9 million **	$22.2 million
	Total Gallons Benefit . . .	21.4 million	14.6 million	21.9 million	22.4 million	28.3 million	7.4 million

* For Scenarios "Increase #1 and #2a", new projected tree canopy was assumed to be forests (natural regeneration), not individual yard trees.
** For the Scenario "Increase #2b", new projected tree canopy was assumed to overhang impervious surfaces, resulting in a larger $ value.

Plan-It Geo then used i-Tree Design, a free web-based tool developed by the U.S. Forest Service, to estimate benefits such as energy conservation from a common tree. A red oak tree was modeled at 8" diameter at breast height (dbh) and then projected 25 years out (20" dbh). See Figure 20.



Figure 20. Output from i-Tree Design software showing that a young red oak tree (8" dbh) provides $18 in annual energy savings if planted on the west side of a residential home. If the tree grows for 25 years, it would be expected to reach 20" dbh and provide nearly $48 in annual energy savings. With 50,000 potential planting locations near residential homes in Fayetteville, planting one-quarter (1/4) of these could provide roughly $600,000 in energy savings annually when those trees reach maturity.

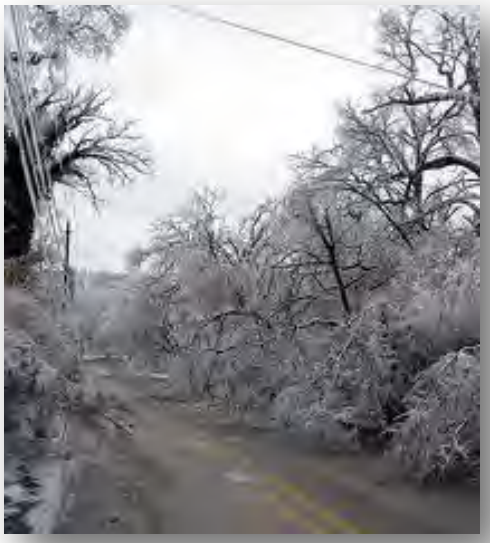
URBAN FOREST MANAGEMENT SCENARIOS

Using the land cover data and UTC assessment results, further analysis provides a presentation of different management scenarios introduced below. GIS data models and interpretation were utilized to produce these scenarios. Sample maps or tables are presented for each scenario and provided as additional data along with this report.

- **Comparison of canopy cover and benefits (2002 – 2012)** – multiple data layers and methods were used to assess gains or losses in tree canopy over the roughly ten-year time period. Table 4 in the Ecosystem Services section illustrates scenarios that quantify decreases and increases in benefits as canopy cover changes.
- **Target areas to plant trees** – potential tree planting sites were modeled citywide using the land cover data and GIS analysis. Attributes were created focusing on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Multiple other attributes were added to the GIS planting points for prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – this entails an analysis of Fayetteville's current canopy coverage in comparison to the national recommendation of 40% and recommendations on the effectiveness of the tree preservation ordinance.
- **Management of the urban forest on city owned properties** – tree canopy is evaluated for gains or losses for future management purposes.

2002 – 2012 COMPARISON

Fayetteville's urban forests are constantly changing over time resulting from natural and man-made processes, including tree growth and planting, and mortality and development. Monitoring forest change provides important information about the effectiveness of forest policy, community action, and natural processes impacting the urban forest. Today, urban forest managers have access to a variety of tools designed to evaluate forest cover at different spatial scales. This assessment uses three different approaches to evaluate forest change that has occurred since 2002. While no single available approach provides precise quantitative measurements of forest change, the combined methods elucidate several important trends.



Agents of change: heavy winds, flooding, and ice storms such as the 2009 storm illustrated on the right can cause heavy damage and natural loss to forest canopy.

Canopy Comparison Methods

Canopy cover between the two time periods was compared using three methods presented here.

1. i-Tree Canopy Method:
    - A point-based statistical analysis was conducted using the *i-Tree Canopy* tool to compare canopy cover across Fayetteville based on current and 2002 high resolution Google Maps imagery. This method has been used to evaluate canopy cover in 20 cities across the country (Nowak and Greenfield, 2012).

- Tree canopy was assessed for each time period at 770 randomly distributed points.
- Results: 37% (13,147 acres) and 35.3% (12,509 acres) of the City was forest cover in 2002 and 2010 respectively (based on total area), for a net loss of 1.7% (640 acres).

2. GIS Land Cover Comparison Method:

   - Two previous land cover assessments mapped canopy cover in Fayetteville in 2001 and 2002 from satellite imagery. Although the assessments provided the best available data at the time, the overall accuracy of the final land cover products were below standards required for direct comparison with this assessment. Therefore, a manual GIS-based review and editing approach was conducted to provide an initial level of quality control in a comparison between the 2002 canopy data at 39% and the 2010 UTC results at 36%.
   - Forests greater than one-quarter acre from each time period was overlaid to identify significant areas of change. Areas were validated in this GIS-based approach by visually comparing with imagery from each time period and correcting obvious errors.
   - Results illustrate total forest canopy gains of 502 acres and losses of 1,249 acres, for a net loss of 747 acres (2%). See Figure 21.

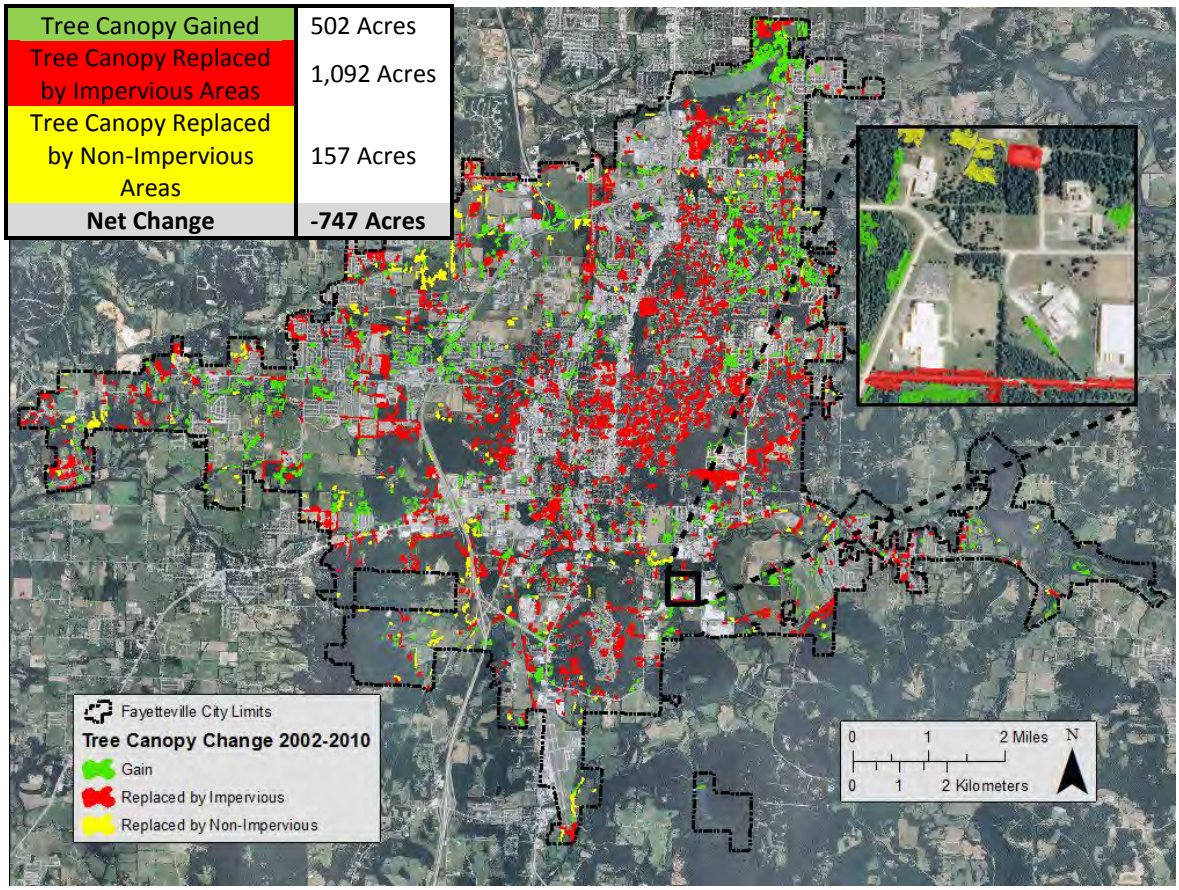


Figure 21. Comparing forests using GIS analysis to show significant gain and loss areas.

3. Growth of Trees from New Residential Development

- Canopy growth from newly planted trees was estimated by digitizing individual tree crowns from current imagery and comparing canopy area to the expected canopy size at the time of planting (2002).
- COF identified 22 new developments where tree plantings were known to occur around 2002. Within the new developments canopies from 250 randomly selected trees were digitized to measure current canopy areas in square feet. The estimated starting point of 40 square feet was subtracted from current canopy to estimate growth since planting.



Figure 22. Individual tree crowns added about 23 acres per 1,000 newly planted trees between since 2002.

- Results for 250 sampled trees on residential properties:
    - Total canopy area in 2011: 66,801 sq.ft. (estimated at 10,000 sq.ft. in 2002 as the starting point)
    - Total canopy growth = 56,081 sq.ft. (1.29 acres)
    - Average annual tree growth = 224 sq.ft. per tree
- Residential canopy cover averages 41% citywide while it averages around 6 or 7% in the 22 subdivisions assessed in this task, implying newly planted trees are not yet compensating for the loss of trees removed during development.

When extrapolated out forty (40) years, the sampled 250 trees are expected to comprise about 5.7 acres of canopy, or 0.02% of Fayetteville's total area. Using this assumption, planting 1,000 trees each year for 40 years would yield about 23 acres of forest canopy annually. With an expected survival to maturity rate of about 70%, accumulated over 40 years a total of 13,000 acres of new tree canopy would be added.

We estimate that around 60 medium sized mature trees are equivalent to one acre of forest canopy. Given mortality rates in the region, the City and residents should expect to plant around 80 trees to produce one acre of mature tree canopy in the future.

Canopy Change and Interpretation

Assessing urban tree canopy change presents many technical challenges given differences in image quality, availability, classification methods, and level of QA/QC. Data and computing capabilities are constantly making higher levels of accuracy and precision in land cover mapping possible. Comparisons with Fayetteville's 2001 and 2002 classifications were challenged given the satellite imagery used as the input image for the 2001 assessment was unavailable and noticeable errors of under- and overestimation were visible. The fact that two independent methods (i-Tree and land cover data) used to assess canopy change yielded similar values provides confidence in both the stated canopy percent values for each time period and the methods used to present a trend in cover.

Table 5. Canopy comparison analysis results from three (3) methods.

Analysis Method	Canopy Change Percent	Change Description
i-Tree Canopy	1.7% Loss Citywide	City-wide statistical estimate comparing 2002 and 2011 tree canopy.
GIS Overlay	2% Loss Citywide	GIS analysis of gains and losses since 2002 in forest areas greater than ¼-acre.
Tree Growth in Developments	0.1% Growth per 1,000 trees planted	Canopy growth over 8 years reflects the challenge of reforestation compared with losses to development.
Overall Trend	1.5% Loss	Overall, canopy cover is in decline.

Recommendations for Comparing Canopy Change Over Time

Based on the comparisons done within the scope of this project, the following recommendations are offered for conducting reliable UTC comparisons over time:

- Use the same city boundary given they change over time due to annexations
- Because UTC percent is calculated based on land area which excludes water, ensure that the area of water is the same and/or accurate in both time periods.
- Use similar image resolution and quality and LiDAR (Light Detection & Ranging) when possible.
- Conduct time-intensive Quality Assurance / Quality Control (QA/QC) for quality comparisons.
    - Accuracy of each time period should be 95% or greater to ensure losses are demonstrating actual canopy change.
    - Early forest regeneration is difficult to map with remote sensing and can be subjective with manual processing. Canopy mapping with sufficient detail to map individual trees will aid in mapping early canopy growth over time.
- Canopy Change analysis within i-Tree Canopy version-5.0 can be effective, but is still subjective to the analyst's preference. Use multiple interpretations to arrive at confident values.
- A process known as "object fate analysis" can be conducted to assess change in land cover across time periods, though initial research shows this is a time-intensive and expense method.

Figure 23. Examples of tree canopy increases from natural regeneration and street/yard planting.

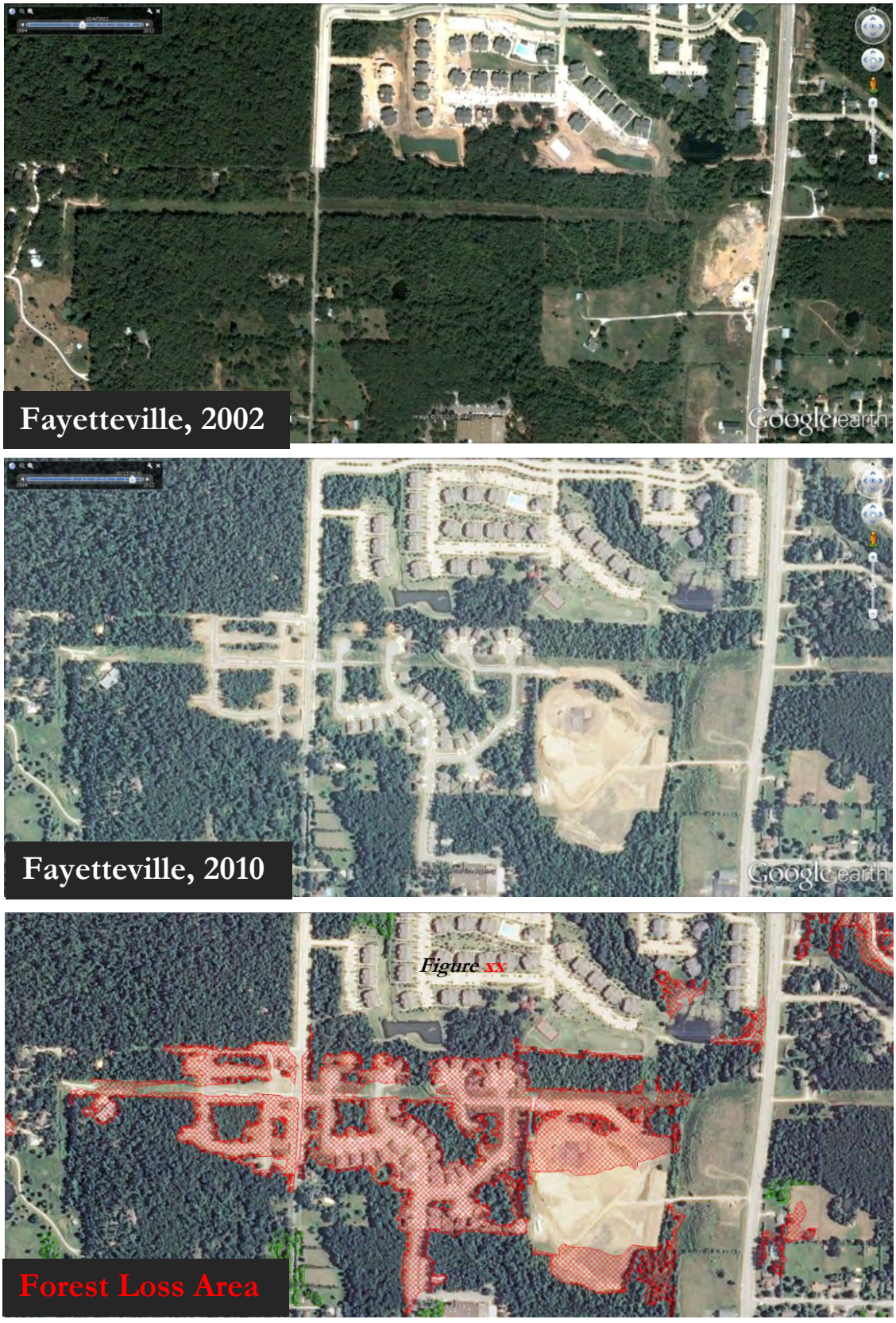








Figure 24. Examples of tree cover loss during development (mapping result shown at bottom).



TARGETING AREAS TO PLANT TREES

The land cover, land use, UTC, and other data were inputs to a sophisticated GIS model to automate the mapping of potential tree planting sites. The resulting GIS points will assist the City in targeting areas to plant trees, evaluating the effectiveness of tree preservation ordinances, and goal setting.

Available planting sites exist where there is a lack of trees and adequate planting area exists in grass and herbaceous cover. To get a more realistic estimate of where trees could be practically planted, exclusions and constraints were applied in the model (see Table 6). After removing these areas from grass and open space in the land cover data, the remaining spaces were converted into potential planting site points.

Table 6. List and description of the main rules used to map potential tree planting locations.

GIS Layer(s)	Rule Applied	Reason
Tree Canopy	Buffered by 10 feet	To allow for spacing and growth of existing trees
Buildings	Buffered by 5 feet	To avoid tree and building conflicts
Agricultural Land Use	Buffered by 15 feet	To allow for farming and related uses

The City should ground-truth (field-verify) the points over time to exclude points that are invalid due to conflicts such as safety, utilities/power lines, and small trees not seen in the 2010 canopy mapping.

The model resulted in roughly 190,000 sites, so prioritizing them is crucial. To prioritize sites, new attributes were added to the GIS planting sites layer. For example, land use types from parcels were spatially joined (overlaid) to each site. For proximity to urban heat islands and wildlife habitat corridors (as well as other high value areas), similar overlays and distances assumptions were used. Sites that meet each criterion can now be queried, symbolized, and counted. The list in Table 7 below shows the types, their count, the criteria used, and then calculates the impact on citywide UTC if 25% or 50% were planted. Maps on the following pages and Appendix offer many examples.

Table 7. List of attributes added to each potential planting site (GIS point database) for prioritization and possible impact on UTC goals.

Planting Site Attribute	Total # of Planting Sites	General Criteria Used	Additional UTC Acres from Planting:		% of Additional UTC Acres Needed to Reach 40% UTC Goal:	
			25% of Planting Sites	50% of Planting Sites	25% of Planting Sites	50% of Planting Sites
City Owned	6,447	On City Owned Property	26	52	2%	4%
School	1,100	On School Parcel	4	9	0%	1%
Wildlife Habitat	47,181	Within 50 ft of Large Forests	191	383	14%	27%
Along Riparian Corridor	18,360	Within 100 ft of Riparian Corridor	74	149	5%	11%
Energy Conservation	69,153	Within 50 ft of Building	281	561	20%	40%
Park	7,898	On Park Parcel	32	64	2%	5%
Urban Heat Island	37,131	Within 50 ft of Large Impervious Area	151	301	11%	22%
Trail	29,033	Within 100 ft of Trail	118	236	8%	17%
Near Park	20,065	Within 1/8 mi of Park	81	163	6%	12%
Front Yard	45,461	Within 25 ft of Rights of Way	184	369	13%	26%
Near School	1,557	Within 1/8 mi of School	6	13	0%	1%
Air Quality	5,691	Within 50 ft of Highways/Arterials	23	46	2%	3%

* Numbers reflect planting sites in "Developed" areas with the exception of Riparian sites which include all
* Projections based on trees with an average 30' crown spread (15' radius)

Urban Heat Island Effect – *refers to developed areas that are hotter than surrounding rural areas due to the abundance of man-made materials there which absorb the sun's energy much more than trees or other plants, and in turn warm the air around them* (Center for Environmental Studies, Brown University, "Trees and the Urban Heat Island Effect", 2010). Tree shade lowers ambient air temperatures which limits the formation of ozone and smog. Trees also absorb ozone which reduces air pollutant concentrations.

The EPA reports that tree shading can reduce surface temperatures 20–45ºF in the summer.

Only 4% of Fayetteville's urban tree canopy overhangs impervious surfaces.

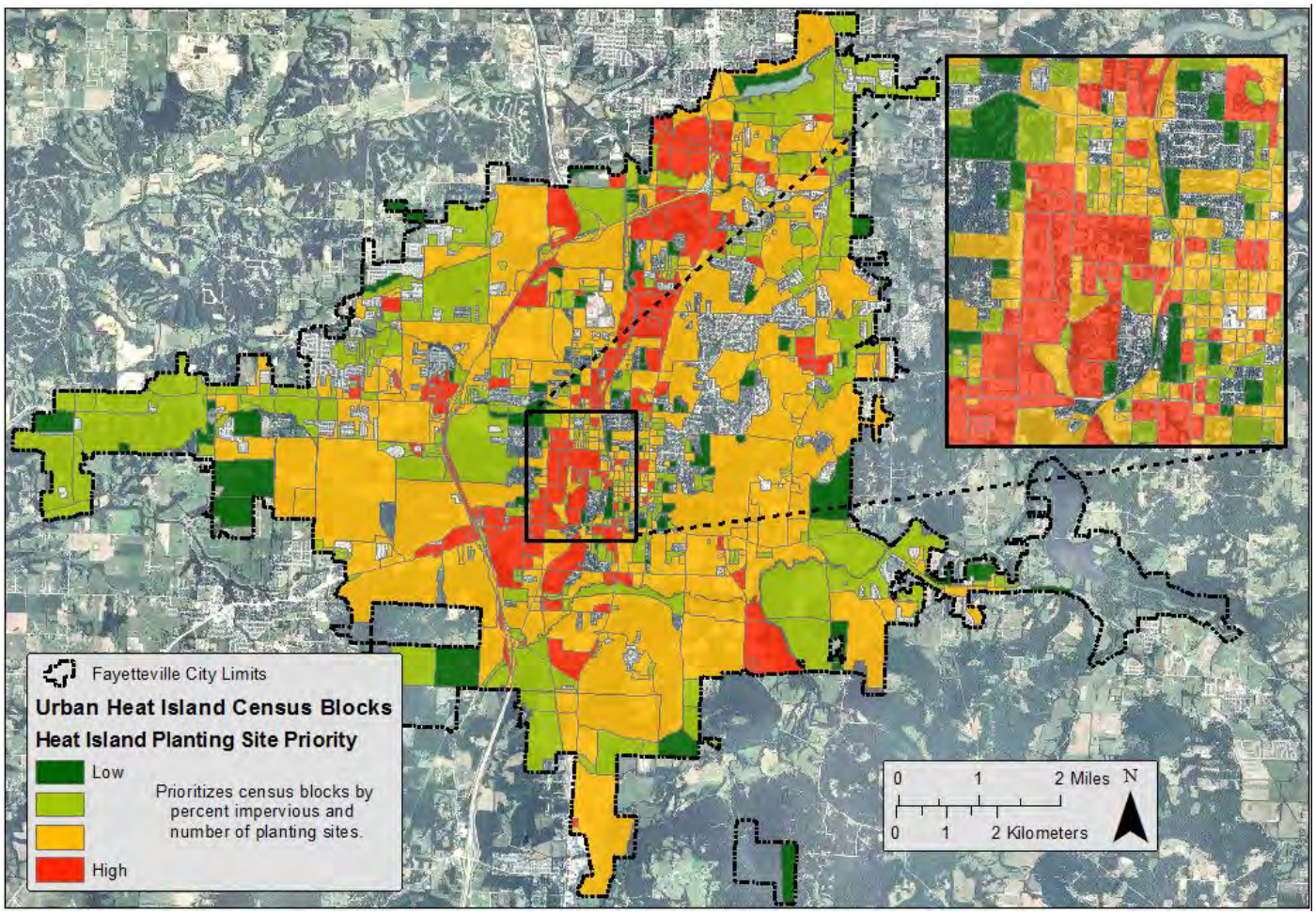


Figure 25. Census blocks with the largest contiguous impervious surface area and highest number of potential planting sites.

Wildlife Habitat – urban forests provide essential habitat for wildlife and provide opportunities for the community to experience nature in the city. The GIS planting site points were modeled with ecological and corridor data from the Fayetteville Natural Heritage Association (FNHA), land use, and large contiguous forested areas. Figures 26-29 illustrates querying planting locations near habitat.

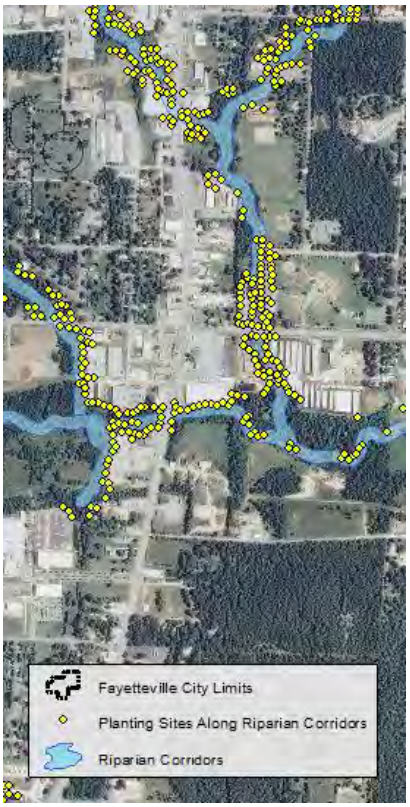


Figure 26. Potential tree planting sites along riparian corridors for improving water quality and decreasing storm water runoff.

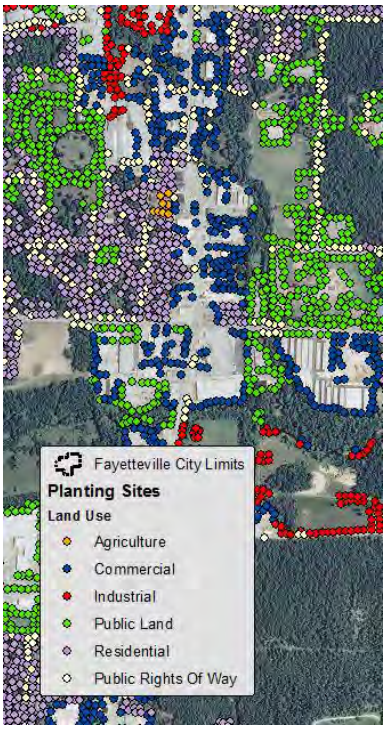


Figure 27. Potential Planting Areas by Land Use.

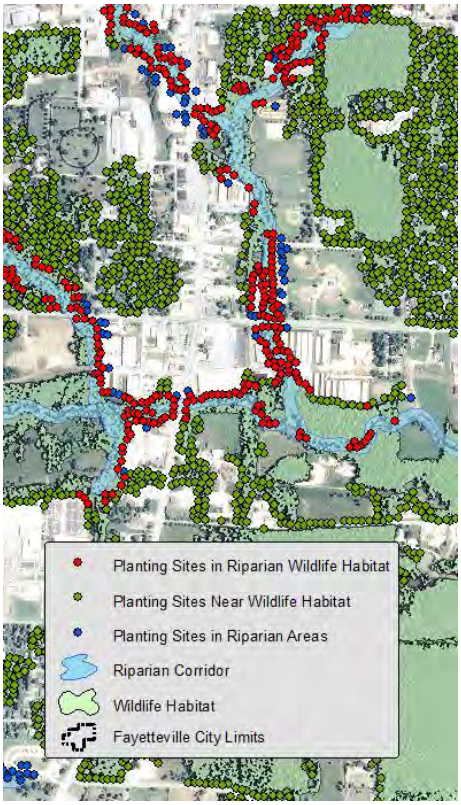


Figure 28. Potential tree planting sites in Fayetteville Natural Heritage Association (FNHA) core areas provide another potential for increased wildlife habitat.



Figure 29. Potential tree planting sites along riparian corridors and near forested lands provide a higher quality wildlife habitat and often provide important wildlife corridors.

TREE CANOPY COVER GOALS AND POLICY

One objectives of this study is to compare canopy coverage to the national recommendation of 40%. At 36% UTC, bridging the 4% gap (1,383 acres) can be accomplished in a number of ways. Here are 2 very different scenarios showing what it might take:

- Using Plan-It Geo's Canopy Calculator tool (Figure 30 below), 40% UTC can be achieved by increasing Commercial properties from 18% to 20% and Residential lots from 41% to 50%.
- Natural forest regeneration is a driver of canopy gains based on results from this study and a cost-effective path. With an estimated 500 acres of forest gain in 10 years (not considering losses), a similar trend could in theory help the City reach 40% UTC in 30 years, but would require a cessation of forest loss during development.

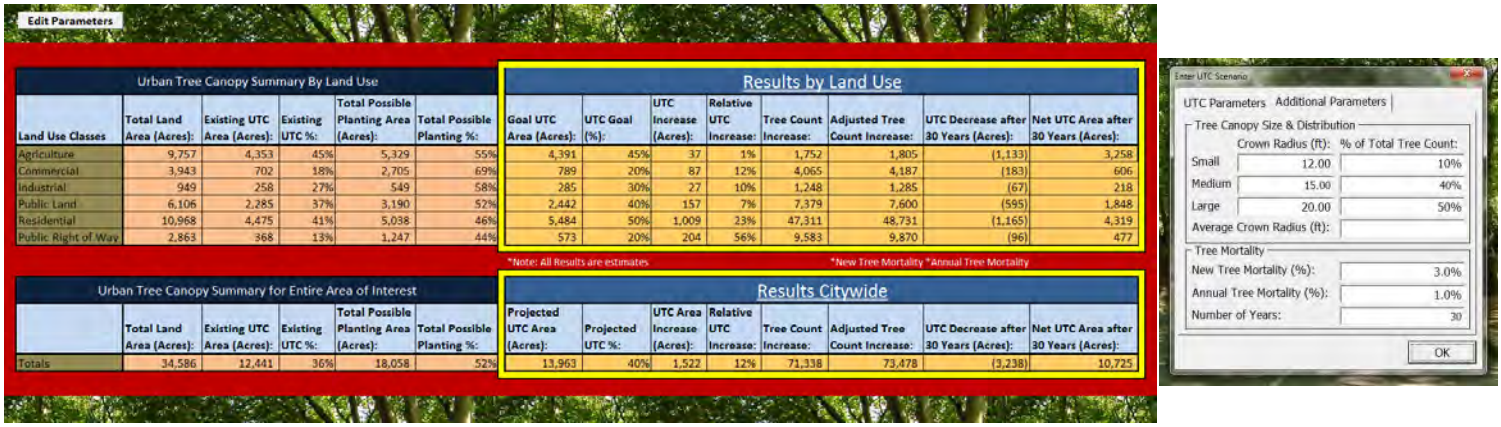


Figure 30. Plan-It Geo's Urban Tree Canopy Calculator tool used to set future goals in Fayetteville.

Another objective is to provide an evaluation of the effectiveness of Fayetteville's tree preservation ordinance followed by recommendations if the ordinance is not working.

The Tree Preservation and Protection Chapter under Fayetteville's Unified Development Code provides a framework for maintaining urban forest quality while the City grows and develops. As the Chapter objectives state, trees provide a variety of benefits that contribute Fayetteville's natural beauty and livability for its residents, including temperature and climate regulation, air and noise pollution reduction, storm water, flood, and erosion mitigation, provision of wildlife habitat, energy conservation, and property value enhancement. The Chapter aims to promote these benefits through the preservation of on-site trees during development, using on-site mitigation strategies when preservation in not possible, off-site preservation, off-site forestation projects, or financial contributions to a tree escrow account.

How can UTC assessment be used to measure successes resulting from the ordinance?

Measuring the incremental success of tree preservation and protection is important for meeting stated goals into the future. Of the many tools available to urban forest managers, this UTC assessment provides a snapshot of city-wide forest canopy extent as seen from above, and its requisition meets the goal of conducting an assessment by end of 2012. The following results can be used to evaluate the relative success of the Tree Preservation and Protection Chapter:

- **Overall forest canopy percent change** across Fayetteville: 37% in 2002 to 36% in 2010.
- **Riparian areas canopy cover** averages 61%, well above the citywide forest cover of 36%.

- **Urban Heat Islands: Canopy percent** averages 22% among census blocks with large impervious areas, and just 9% in high priority areas mapped in this study.
- **Rights of Way: Canopy percent** averages 13% with only 4% of the total tree canopy overhanging impervious surfaces across the City.

Additional Tasks to Measure Preservation and Protection Success

Additional analysis steps can be conducted to measure Preservation and Protection success that were outside the scope of this analysis but could be implemented internally by COF staff:

- **Using this Assessment Data.** Use the new data to evaluate whether recent developments have met preservation requirements (e.g. Minimum Canopy Requirements).
- **Conduct Periodic UTC Assessments.** As the Chapter recommends, periodic assessments can evaluate ordinance progress. Consider using NAIP or i-Tree Canopy (Google Maps and Google Earth) during intermediate years to track development-specific progress.
- **Assess Hillside / Hillslope Overlay Districts** for canopy change over time.
- **Hedonic Pricing models** can be used to assess canopy's contribution to property values.
- **Track Registry Tree growth** of individual registry trees to ensure longevity and protection.

Other forestry tools for measuring preservation success

Today's urban forest managers have access to host of tools which can enhance the effectiveness of management strategies. Many tools are inexpensive or free and can be used to target specific goals and locations.

- **Tree Inventories** provide the greatest level of detail regarding individual tree conditions. Requiring developers to conduct a post-development tree inventory could be a cost-effective way to initiate Fayetteville's citywide inventory.
- **i-Tree Eco** provides the best available science to value benefits received from urban trees.
- **Localized Ecological Studies** can be used to assess impacts from specific development and mitigation strategies by directly measuring impacts before and after implementation.
- **Developer Workshops** hosted by Fayetteville's urban forestry staff to promote best management practices (BMPs) and specific development strategies (such as ordinance requirements or recommendations like cluster development).

MANAGEMENT

The City currently owns and maintains 543 properties that include civic buildings, parks & open space, trails, and more. UTC and PPA metrics were calculated for each property and joined to the land use data layer at the parcel-level. This way queries and custom maps of these properties can be created along with other information. Results were summarized for all city owned properties and the results can be seen in Table 7.

Table 7. Tree canopy and planting potential metrics summarized for all City Owned Properties.

	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	UTC %	Distribution of % Total UTC	PPA Vegetation (acres)	PPA Vegetation %	PPA Impervious (acres)	PPA Impervious %	Total # of Planting Sites	Planting Sites per Acre
City Owned Properties	4,763	4,136	11.7%	2,355	56.9%	18.9%	1,491	36.0%	195	4.7%	6,447	1.56

Using the results from the analysis steps described above, gains and losses of tree canopy was estimated for city owned properties (see Figure 31 below). This resulted in a loss of tree canopy for 54 acres or 1.3% of City Owned Properties. This information should be used as a general trend and not an exact measure of UTC change.

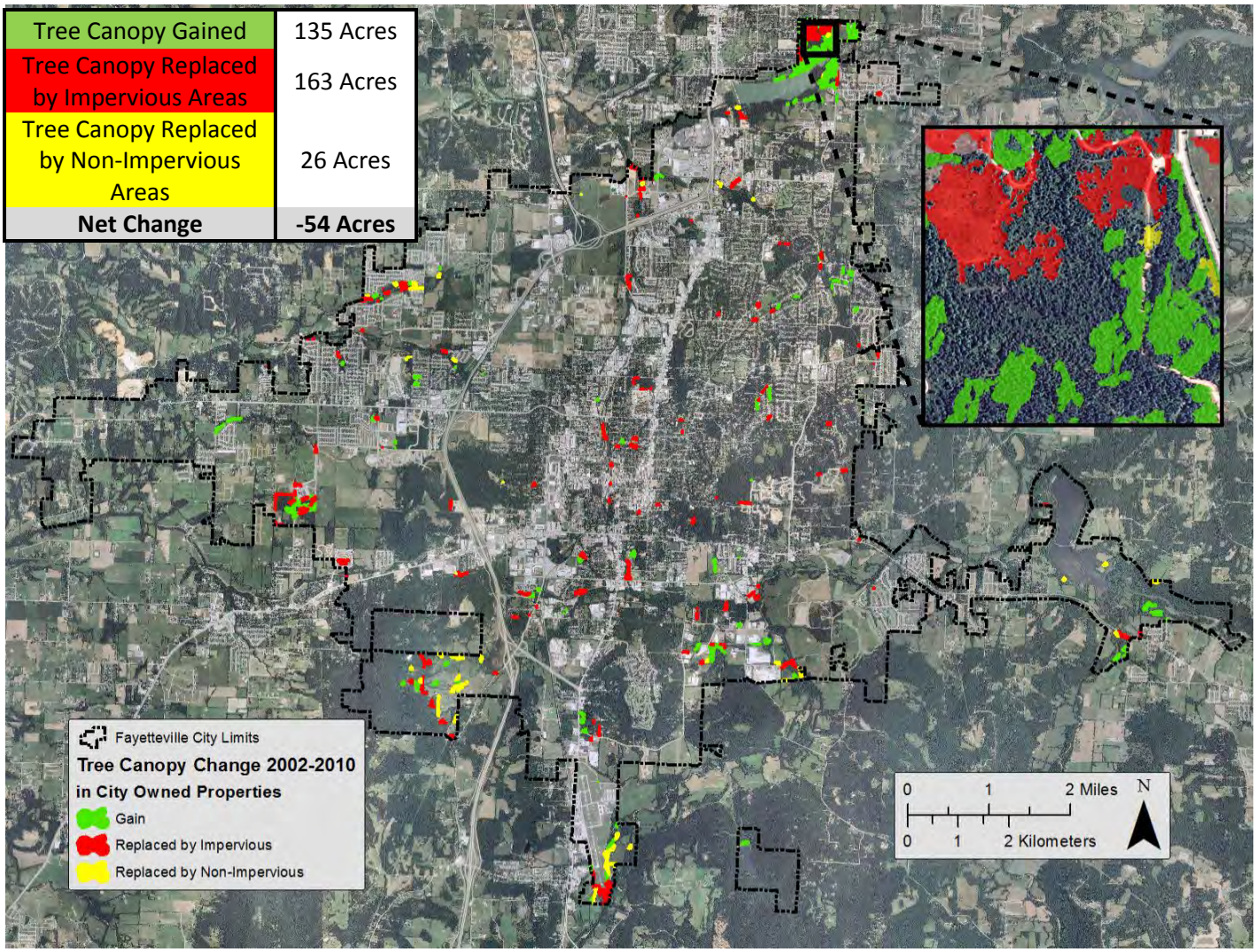


Figure 31. Canopy change for City Owned Properties from 2002-2010.

RECOMMENDATIONS

Based on this assessment, the following general recommendations are offered for using the data and for managing, maintaining, and monitoring a healthy, sustainable, robust working urban forest.

1. **Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:**
   - People are part of the urban forest. Use this report as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
   - Solicit feedback from community partners for the refinement of tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
   - Develop best management practices (BMPs) such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.
2. **Monitor, adapt, and enforce existing tree Preservation and Protection ordinances**.
   - Streamline tree-related policies and identify if codes are working against local goals.
   - Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
   - Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, and stormwater and resource managers.
3. **Develop a regional urban tree canopy assessment report in Arkansas.** Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.
4. **Assess tree canopy every 8-10 years** to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as i-Tree Canopy can be used in between comprehensive GIS-based assessments.
5. **Disseminate the land cover and UTC assessment data from this project broadly**. While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.
6. **Foster academic partnerships.** Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.
7. **Explore all potential partnerships to achieve urban forest goals**: public/private including corporate and academic sponsors, council representatives, environmental quality and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.
8. **Promote hardy, climate-adapted, and long-lived tree species** that are appropriate for Fayetteville's environment to insure investments in trees achieve maximum benefits.
9. **Target areas for tree planting using the assessment data.**
   - Use results to justify targeted public tree plantings in the public rights-of-way and greater private planting in commercial landscaping.
   - Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS webmap as social assessment tools available to residents and businesses.

10. **Create a central repository for monitoring tree planting and tree removals** on public and private property, possibly using a web-based application that is open to the public.
11. **Ensure consistency in future UTC assessments** by using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.
12. **Create or update an existing targeted education and outreach campaign using the ecosystem benefits values.** Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.
13. **Work urban forestry goals and design specifications into other environmental planning initiatives** such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.
14. **Assess forest stands at risk from development** by overlaying zoning or future land use data and developable slope %. Quantify and locate areas at risk that if developed would impact overall citywide canopy cover goals as the economy improves and development follows.
15. **Promote cost-effective professional development in urban forestry.** eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared specifically toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, city officials and public works employees. eLearn Urban Forestry provides free access to learning modules, with a link to the Continuing Forestry Education (CFE) group, where for a small maintenance fee you can get ISA or SAF credit. Visit elearn.sref.info/ for more details.
16. **Provide an environment for natural forest regeneration.** This study shows that grass, herbaceous, and shrub/briar land cover types are naturally regenerating into forests, contributing to the City's overall tree canopy and ecosystem services.



SUMMARY

Urban forests are dynamic resources that are constantly changing through natural and human processes. Managing urban forests effectively requires an understanding of where trees are presently, where they can be planted equitably to maximize benefits, and where physical restrictions may prevent their growth.

This assessment provides COF will their first high-resolution UTC data set and citywide estimate of 36% tree cover. While agriculture and residential land uses have similar average tree cover (45% and 41% respectively) and they makeup similar proportions of the total tree canopy (35% and 36% respectively), residential areas provide 28% of the total possible planting area citywide and are most realistic for canopy gains that benefit the community most. These results indicate that one of the most cost-effective means to advancing urban forestry in the city may be education and outreach on the benefits of urban tree canopy.

Based on assessing land cover across several broad land use types, tree planting that focuses on vegetation land cover, such as grassy areas, and impervious land cover, such as parking lots, which are concentrated on public lands and residential land use types will have the greatest impact for increasing Fayetteville's urban tree canopy. As population density and impervious cover increases, the necessity of planting trees will also increase.

Regeneration, be it natural or by strategically planting seedlings and saplings, is important to the success and future of Fayetteville's urban tree canopy. This study shows that natural regeneration is occurring and adding to canopy cover, but invasive species control and forest management is needed.

It is import to sustain the health, environmental, and social benefits received from urban forests by consideration of tree maintenance and forest preservation during development through utilizing a specific urban forest management plan and furthermore the setting of goals. These plans should be dynamic in order to adjust with continuous forest change.

On future periodic assessments, techniques for monitoring gains and losses need to be consistent and include strict quality control / quality assurance methods to reliably track change over time. Additional technology tools are becoming available such as open source wiki-style mobile and web-mapping applications to engage the public in tracking and caring for trees.



Balancing new development with the protection and conservation of environmental values related to forest cover such as wetland habitat, air quality, and climate adaptation related to carbon storage and energy conservation will be an ongoing work item. The economic benefits of urban tree canopy alone are incentives to continue in this direction.

APPENDIX

Additional details on Fayetteville's 2012 urban tree canopy assessment are provided including supporting information on urban tree benefits, land cover classification methodology and accuracy, addition tree planting site maps, and literature citations.

URBAN TREE BENEFITS

The benefits of urban trees include environmental, economic, and social values. These "ecosystem services" are direct or indirect benefits provided by urban forests and individual trees that are often dismissed or underrepresented when valuing infrastructure because they don't readily have an associated dollar value. Types of tree benefits are listed and briefly described below. While none alone are a "silver bullet", when combined, trees and the urban forest are an impressive part of the solution for sustainability during urban planning and community development.

Environmental "Services" of Urban Trees:

- Air Quality – trees absorb, trap, offset and hold air pollutants such as particulate matter, ozone, sulfur dioxide, carbon monoxide, and CO^2.
- Greenhouse Gases (GHGs) and Carbon – trees store and sequester carbon through photosynthesis as well as offset carbon emissions at the plant due to energy conservation.
- Water Quality and Stormwater Runoff Mitigation – trees infiltrate, evapotranspire, and intercept stormwater while also increasing soil permeability and ground water recharge.
- Erosion control – tree roots hold soil together along stream banks and steep slopes, stabilizing soils and reducing sedimentation issues in water bodies.
- Urban heat island effect – trees cool the air directly through shade and indirectly through transpiration, reducing day and nighttime temperatures in cities.
- Increased wildlife habitat – Trees create local ecosystems that provide habitat and food for birds and animals, increasing biodiversity in urban areas.

Economic "Services" of Urban Trees:

- Property value – numerous studies across the country show that residential homes with healthy trees add property value (up to 15%).
- Energy conservation – trees lower energy demand through summer shade and winter wind block, additionally offsetting carbon emissions at the power plant.
- Economic Development – trees attract businesses, tourists, and increase shopping.
- Stormwater facilities – trees and forests reduce the need for or size of costly gray infrastructure.
- Pavement – tree shade increases pavement life through temperature regulation (40-60% in some studies).

Social "Services" of Urban Trees:

- Public health – trees help reduce asthma rates and other respiratory illnesses.
- Safe walking environments – trees reduce traffic speeds and soften harsh urban landscapes.
- Crime and domestic violence – urban forests help build stronger communities. Nature and trees provide settings in which relationships grow stronger and violence is reduced.
- Connection to nature – trees increase our connection to nature.
- Noise pollution – Trees reduce noise pollution by acting as a buffer and absorbing up to 50% of urban noise (U.S. Department of Energy study).

LAND COVER CLASSIFICATION METHODS & ACCURACY

Introduction to Image Classification and Accuracy

The goal of image classification for the City of Fayetteville (COF) was to convert a landscape comprised of complex uses and cover types into target categories that are meaningful for the management of the City's urban forests. The object-based classification approach used in this analysis provides the ability to segment landscape features at a fine scale with a high level of precision, based on the 1 meter horizontal resolution of the input imagery. Classification accuracy assessment describes how well the classification is able to translate the complex landscape into target land cover classes.

Five target land cover classes (1. Tree Canopy, 2. Impervious Surface, 3. Green Vegetation and Agriculture, 4. Soil and Dry Vegetation, or 5. Water) were and three impervious sub-classes were initially mapped (for a total of eight classes) for the COF using four-band National Agricultural Inventory Program (NAIP) aerial photography from 2010. A single color infra-red image was mosaicked from multiple Geotiff image tiles purchased from USDA NAIP headquarters in Utah. Feature Analyst software (FA) was used to segment the COF mosaic into desired land cover classes. Additional vector layer inputs were used to further segment classification categories.

Target land cover classes were selected because they segment the landscape into categories that are useful for urban forest management. Tree canopy describes the current forest cover as seen from above, but is only part of Urban Tree Canopy (UTC) assessment. Subcategories of impervious surfaces segment areas where it may be impossible to plant trees (such as roads and buildings) and areas where trees offset many of the negative impacts of impervious materials (such as parking lots and sidewalks). Areas comprised of green vegetation are important for UTC assessment since they represent the easiest transition to additional forest cover through tree planting. In this assessment, all agricultural areas were classified in the vegetation category and later differentiated from other green vegetation using the agricultural land use data provided by the COF. Soil and dry vegetation is excluded from possible planting areas since these areas represent either current development, or areas where live vegetation is not supported. For this classification, water was directly digitized in combination with input data provided by the COF.

Accuracy Assessment

Accuracy assessments serve two main purposes; Accuracy assessments provide information to map producers about what methods are working and where improvements need to be made for creating the best possible product from available resources. Accuracy assessments also provide information to map users who need to understand how closely the intended classification categories represent the true classes observed on the ground.

Procedure

More than 100 sample points were randomly distributed across the study area and assigned a random numeric value. Sorting from lowest random value to highest, at each sample point, a 3x3 pixel (9 m2) reference sample unit was digitized onto the NAIP imagery and assigned one of the five target land cover classes. The procedure was repeated until an at least 100 pixels were sampled from the three dominant land cover classes (Tree Canopy, Impervious Surfaces, and Green Vegetation). Sample units were then intersected with the classified map to compare with the reference samples, as presented in the sample error matrix below.

Interpretation

Statistical relationships between the reference pixels (representing the true conditions on the ground) and the intersecting classified pixels are used to understand how closely the entire classified map represents the COF landscape. The sample error matrix represents the intersection of reference pixels manually identified by a human observer (columns) and classification category of pixels in the classified image (rows). The white boxes along the diagonals of the matrix represent agreement between the two pixel maps. Off-diagonal values represent the number pixels manually referenced to the column class that were classified as another category in the classification image. Overall accuracy is computed by dividing the total number of correct pixels by the total number of pixels reported in the matrix (238+165+220+72+66 = 761 / 819 = 93%), and the matrix can be used to calculate per class accuracy percentages. For example, 260 pixels were manually digitized in the reference map as Tree Canopy, but only 238 of those pixels were classified as Tree Canopy in the classification map, with 22 pixels misclassified as Green Vegetation. This relationship is called the "Producer's Accuracy" and is calculated by dividing the agreement pixel total (diagonal) by the reference pixel total (column total). Therefore, the Producer's Accuracy for Tree Canopy is calculated as: (238 / 260 = 0.92), meaning that we can expect that 92% of all tree canopy in the COF were classified as Tree Canopy in the classification map. Conversely, the "User's Accuracy" is calculated by dividing the number agreement pixel total by the total number of classified pixels in the row category. For example, 241 classification pixels intersecting reference pixels were classified as Tree Canopy, but three pixels were identified as Green Vegetation in the reference map. Therefore, the User's Accuracy for Tree Canopy is calculated as: (238 /241 = 0.99), meaning that pixels classified as Tree Canopy the classification were actual tree canopy in the COF.

It is important to recognize the Producer's and User's accuracy percent values are based on a sample of the true ground cover, represented by the reference pixels. As with any statistical relationship we can compute the level of confidence with which the classified map values represent the reference map of the COF. Confidence intervals are used to report the lower limit and upper limit of the expected percent values of each classification category. In the matrix above, the 95% confidence interval describes the range of values we would expect to observe 95 out of 100 times given a randomly distributed selection of reference pixels. For example, if the accuracy assessment was repeated 100 times, we expect that tree canopy accuracy would fall between 88% and 95% for Producer's and 97% and 100% for User's accuracy for at least 95 of the 100 samples.

Relating Accuracy to the Classification Map

Accuracy assessments provide important information regarding how well the landscape was classified into target land cover classes, but what do Producer's and User's accuracies mean for interpreting land cover results? It should be noted that for both the classification map and the error matrix, land cover classes are interrelated, meaning that if a pixel is incorrectly omitted from one category, it is also incorrectly committed to another category. For example, 22 pixels in the sample error matrix were erroneously omitted from the Tree Canopy class and erroneously committed to the Green Vegetation class. The classification map reports 36.5% of the COF is covered with Tree Canopy. The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, we are 99% confident that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.5% probably underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). Figure 32 below uses work by Pontius and Millones

(2011) to illustrate the total map area of each classification category where there is agreement between the reference and classification map (blue), where classification categories contained committed (pink) and omitted (green) pixels. The figure below uses concepts defined as Quantity and Allocation disagreement to estimate true land cover percent values based on statistical results.

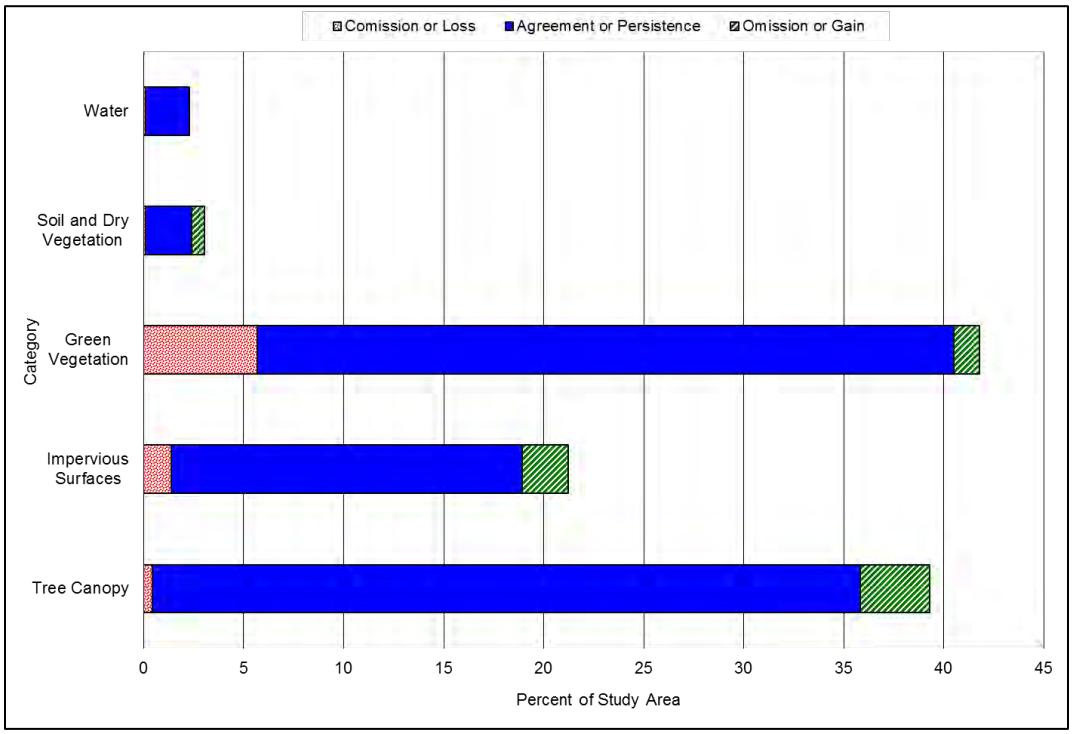


Figure 32. Land Cover Accuracy Assessment per land cover class

Land Cover Classes

A total of eight land cover classes were mapped for Fayetteville including four impervious sub-classes classified using some of the City's GIS resources.

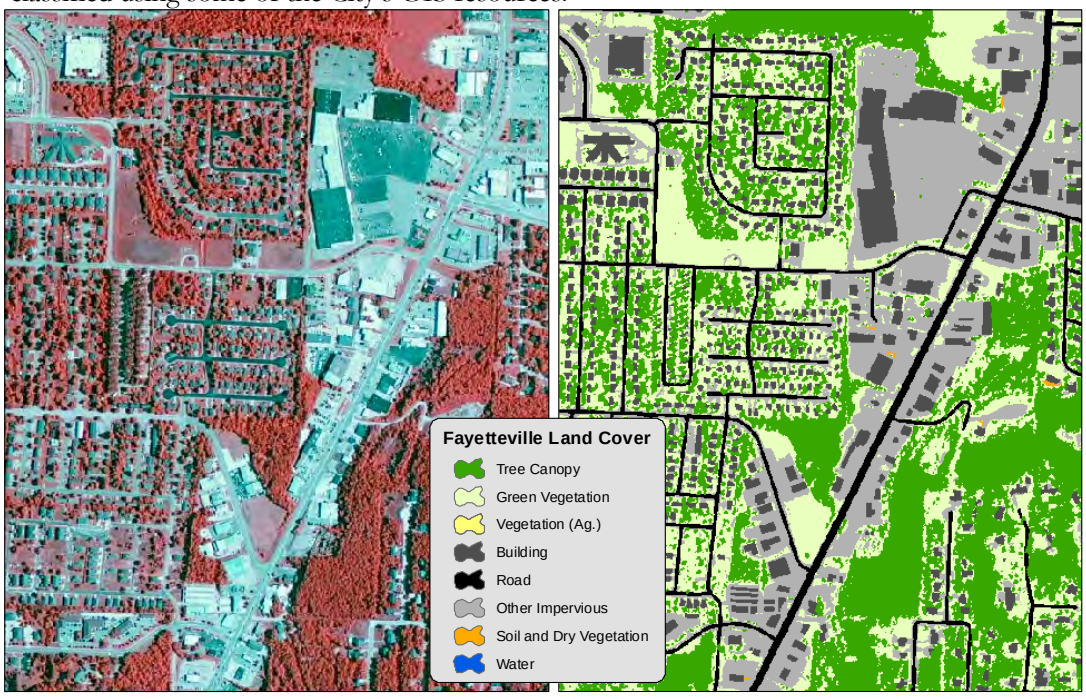


Figure 33. An additional example of the land cover mapping data in Fayetteville.

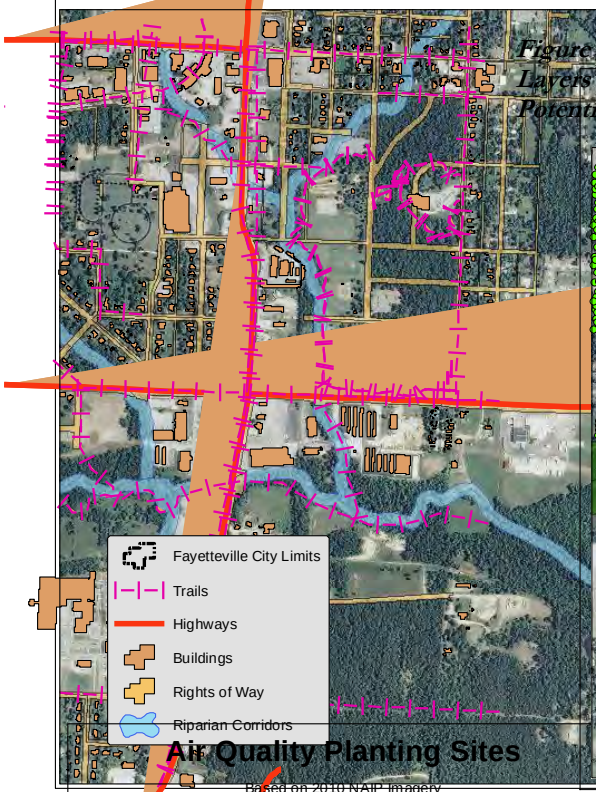


Figure 34. Reference GIS Layers used to Prioritize Potential Planting Sites.

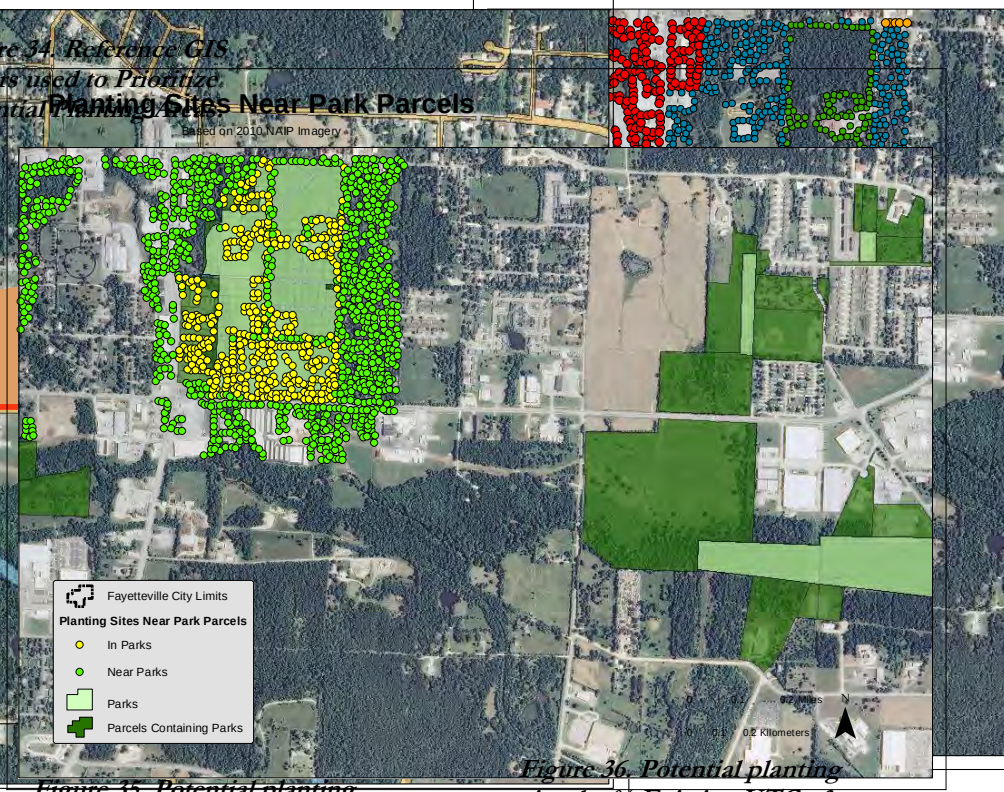


Figure 35. Potential planting sites in and nearby parks.

Figure 36. Potential planting sites by % Existing UTC of underlying census block.

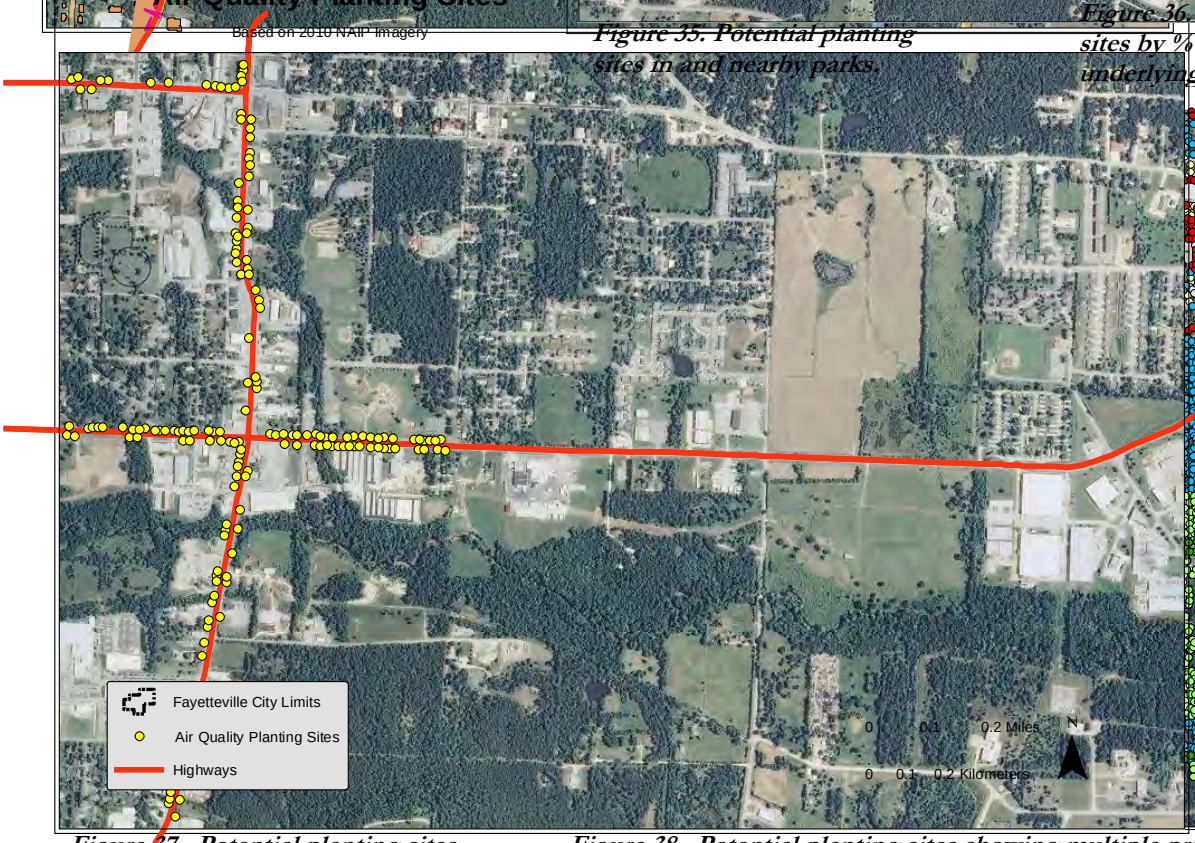


Figure 37. Potential planting sites along major arterials and highways to maximize air quality benefits.

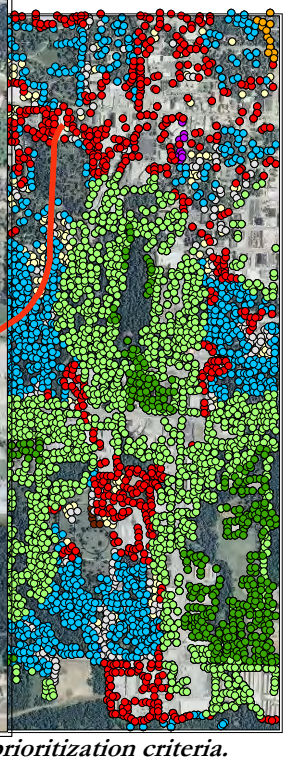


Figure 38. Potential planting sites showing multiple prioritization criteria.

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Downing, Adam, 2011. Ecology, *Air: What's a Tree Got to Do with It?* http://www.ecology.com/2011/09/13/air-tree/. Accessed November 2, 2012.

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The City of Fayetteville, Arkansas, *Urban Forestry*. urbanforestry.accessfayetteville.org/. Accessed November 2, 2012.

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-585

Urban Corridor's lack of protection for adjoining single-family zoned districts

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING A NEW (H) PROTECTIONS FOR SINGLE-FAMILY ZONED DISTRICTS TO PROVIDE THE SAME PROTECTIONS FOR ADJOINING SINGLE FAMILY RESIDENTIAL DISTRICTS AS CURRENTLY REQUIRED FOR URBAN THOROUGHFARE AND ALL MULTI-FAMILY DISTRICTS

WHEREAS, to protect single-family residences adjoining multi-family, commercial, industrial, institutional and office districts, the City Council enacted additional setbacks for portions of buildings taller than two stories facing such residences; and

WHEREAS, these single-family homes protective regulations were omitted from the new **Urban Corridor** zoning district which would now authorize an eight-story tall wall for an apartment building or its parking deck to be constructed only fifteen feet from a single-family residential lot; and

WHEREAS, residents along North College Avenue (including the Washington-Willow Historic District and Wilson Park neighborhood) and along Nelson Hacket Boulevard and South School Avenue deserve the same buffer and protection from eight-story apartment or office buildings that residents adjoining all six of our multi-family districts, Urban Thoroughfare, Residential-Office, Neighborhood Commercial, Thoroughfare Commercial, Industrial and Institutional zoning districts now enjoy.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 161.36 Urban Corridor by enacting subsection (H) as follows:

"(H) *Protections for Single-Family Zoned Districts.*
If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories."

Civic Clerk Item No.: 2024-

AGENDA REQUEST FORM

FOR: Council Meeting of October 1, 2024

FROM: Council Member Teresa Turk

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 161.36 **URBAN CORRIDOR** BY ENACTING A NEW (H) *PROTECTIONS FOR SINGLE-FAMILY ZONED DISTRICTS* TO PROVIDE THE SAME PROTECTIONS FOR ADJOINING SINGLE FAMILY RESIDENTIAL DISTRICTS AS CURRENTLY REQUIRED FOR URBAN THOROUGHFARE AND ALL MULTI-FAMILY DISTRICTS

APPROVED FOR AGENDA:

Approved by email
Teresa Turk
City Council Member

9-26-24
Date

Kit Williams
City Attorney
Approved as to form

September 26, 2024
Date

Williams, Kit

From: Turk, Teresa
Sent: Thursday, September 26, 2024 11:04 AM
To: Barnes, Stacy
Cc: Williams, Kit
Subject: Re: Urban Corridor's lack of protection for adjoining single-family zoned districts

Thank you all for your assistance in drafting this ordinance. I approve of the ordinance.

Teresa

From: Barnes, Stacy <sbarnes@fayetteville-ar.gov>
Sent: Wednesday, September 25, 2024 1:03 PM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Urban Corridor's lack of protection for adjoining single-family zoned districts

Please see attached memo from Kit.

Stacy Barnes
City Attorney Paralegal
City of Fayetteville, Arkansas
113 W Mountain St., Suite 302
Fayetteville, AR 72701
T 479.575.8313 |
Website | Facebook | Twitter | Instagram | YouTube



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton,** Chief of Staff
Jonathan Curth, Development Services Director

FROM: **Kit Williams,** City Attorney

DATE: **September 26, 2024**

RE: Urban Corridor's lack of protection for adjoining single-family zoned districts

Pursuant to Council Member Teresa Turk's request after the Agenda Session, I drafted an ordinance that would bring the Urban Corridor zoning district into compliance with all six multi-family zoning districts as well as Urban Thoroughfare, Residential Office, Neighborhood Commercial (C-1), Thoroughfare Commercial (C-2), Heavy Commercial and Light Industrial (I-1), General Industrial and Institutional zoning districts, in relation to adjoining single-family zoning districts.

At 8 stories tall, the newly proposed **Urban Corridor** zoning district allows taller buildings than every other zoning district except for **Downtown Core** which is a relatively small area of the Square including the Graduate Hotel. There were many neighborhood concerns about privacy when the City Council was considering regulations authorizing accessory dwelling units. These privacy concerns caused the City Council to enact these limitations for accessory dwelling units:

"A two (2) story accessory dwelling unit shall limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the

privacy of the neighboring side or rear yard shall be minimized." § 164.19 (C)(2).

Planning's new proposals are obviously meant to encourage building taller apartment complexes than previously allowed as of right. Some of these eight story apartment buildings with their parking decks will likely adjoin residential neighborhoods. It makes sense to provide these single family residents with at least the same protection that they would have if the apartment complex would be built in an Urban Thoroughfare or any multi-family zoning district. Therefore, Council Member Teresa Turk has suggested that the same language found in over ten other zoning district to provide some light, air and visual protection to adjoining single family residents now also be enacted into the new Section 161.36 **Urban Corridor** as follows:

> "(H) *Protections for Single-Family Zoned Districts*
> If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories."

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 161.36 **URBAN CORRIDOR** BY ENACTING A NEW (H) *PROTECTIONS FOR SINGLE-FAMILY ZONED DISTRICTS* TO PROVIDE THE SAME PROTECTIONS FOR ADJOINING SINGLE FAMILY RESIDENTIAL DISTRICTS AS CURRENTLY REQUIRED FOR URBAN THOROUGHFARE AND ALL MULTI-FAMILY DISTRICTS

WHEREAS, to protect single-family residences adjoining multi-family, commercial, industrial, institutional and office districts, the City Council enacted additional setbacks for portions of buildings taller than two stories facing such residences; and

WHEREAS, these single-family homes protective regulations were omitted from the new **Urban Corridor** zoning district which would now authorize an eight-story tall wall for an apartment building or its parking deck to be constructed only fifteen feet from a single-family residential lot; and

WHEREAS, residents along North College Avenue (including the Washington-Willow Historic District and Wilson Park neighborhood) and along Nelson Hacket Boulevard and South School Avenue deserve the same buffer and protection from eight-story apartment or office buildings that residents adjoining all six of our multi-family districts, Urban Thoroughfare, Residential-Office, Neighborhood Commercial, Thoroughfare Commercial, Industrial and Institutional zoning districts now enjoy.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 161.36 Urban Corridor by enacting subsection (H) as follows:

> "(H) *Protections for Single-Family Zoned Districts.*
> If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories."

PASSED and **APPROVED** this 1st day of October, 2024.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **KARA PAXTON**, City Clerk/Treasurer

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Susan Norton**, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: **Kit Williams**, City Attorney

DATE: **October 3, 2024**

RE: **Proposed Ordinance To Enact *Protections for Single-Family Zoned Districts* into Urban Corridor**

I request that the City Council amend the proposed Ordinance I drafted for Council Member Turk by removing the parenthetical reference to "(including the Washington-Willow Historic District and Wilson Park neighborhood)." That parenthetic remark is incorrect due to any incorrect previous belief that the proposed rezonings included all of the old Highway 71B. I now realize that the proposed rezonings will not be applied from North Street to 15th Street along South School Avenue. Therefore, the rezonings will have no impact on the Washington-Willow Historic District nor Wilson Park neighborhood. Accordingly, the parenthetical language in the third Whereas clause should be removed by amendment by the City Council. I apologize for my mistake.

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-614

AN ORDINANCE TO AMEND § 161.36

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE FOR URBAN CORRIDOR IN SECTION (B) (2)

WHEREAS, Use Unit 38 Mini-storage units should be added to the allowed *Conditional Uses* section of **Urban Corridor** to allow mini-storage units to be constructed where appropriate and under such protective conditions deemed necessary by the Planning Commission to protect the purposes of **Urban Corridor** and be compatible with nearby properties and uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 161.36 **Urban Corridor** (B)(2) *Conditional Uses* by enacting Use Unit 38 into that subsection.

Civic Clerk Item No.: 2024-_____

AGENDA REQUEST FORM

FOR: Council Meeting of October 15, 2024

FROM: Council Member Scott Berna

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 161.36 **URBAN CORRIDOR** BY ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE FOR **URBAN CORRIDOR** IN SECTION (B) (2)

APPROVED FOR AGENDA:

Approved via email
Scott Berna
City Council Member

10/2/24
Date

Kit Williams
City Attorney
Approved as to form

October 2, 2024
Date

Barnes, Stacy

From: Berna, Scott
Sent: Wednesday, October 2, 2024 3:56 PM
To: Barnes, Stacy
Subject: Re: Ordinance

approved

From: Barnes, Stacy <sbarnes@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 3:45 PM
To: Berna, Scott <scott.berna@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Ordinance

Please see the attached agenda request form and proposed ordinance. If this meets your approval, let me know and I will get it on the agenda.

Stacy Barnes
City Attorney Paralegal
City of Fayetteville, Arkansas
113 W Mountain St., Suite 302
Fayetteville, AR 72701
T 479.575.8313 |
Website | Facebook | Twitter | Instagram | YouTube



CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-579

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Jared Rabren, Airport Director

SUBJECT: **Revised T-Hangar Lease & Rate Increase**

RECOMMENDATION:
The Aviation Division recommends the approval of a revised T-Hangar lease format which includes updated terms and conditions, a 15% one-time rate increase and the adoption of a yearly 3% inflation adjustment beginning in 2026.

BACKGROUND:
Drake Field operates 81 T-Hangars which are designed to store single and twin-engine personal aircraft. The current lease format has not substantially changed since its adoption in 2006. T-Hangar leases are the only lease format on the field that do not include an automatic inflation adjustment. Airport staff completed a hangar rate study earlier this year and determined the current rates were below market average. Rental rates were last adjusted in 2018.

DISCUSSION:
In agreement with the recommendation of the Airport Board, staff proposes a one-time increase of 15% for all T-hangar leases, effective January 1, 2025, and the adoption of a 3% per year inflation adjustment beginning January 1, 2026. Additionally, staff recommends the adoption of the revised lease agreement which fixes formatting issues, removes outdated references, updates phraseology to current FAA standards, condenses and clarifies late fees and termination deadlines - as requested by the Airport Board - and adds terms regarding negligent operation of hangar doors and equipment. Additional requests made by the Airport Board that are not included in this item are changes to term length and language regarding common or shared facilities.

BUDGET/STAFF IMPACT:
This will provide approximately $28,000 in additional revenue.

ATTACHMENTS: SRF (#3), Revised T-Hangar Lease Agreement Sample Draft PDF (#4), Revised T-Hangar Lease Agreement - End Rent Escalation In 2029 (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-579

Revised T-Hangar Lease & Rate Increase

A RESOLUTION TO APPROVE A REVISED T-HANGAR LEASE FORMAT UPDATING TERMS AND CONDITIONS, INCREASING RENT FOR 2025 BY 15%, AND ADOPTING A YEARLY 3% INFLATION ADJUSTMENT BEGINNING IN 2026, AND TO AUTHORIZE MAYOR JORDAN TO SIGN THE T-HANGAR LEASES

WHEREAS, Drake Field operates 81 T-Hangars which are designed to store single and twin-engine personal aircraft; and

WHEREAS, the current lease format has not substantially changed since its adoption in 2006; and

WHEREAS, T-Hangar leases are the only lease format on the field that do not include an automatic inflation adjustment and rental rates were last adjusted in 2018; and

WHEREAS, airport staff completed a hangar rate study earlier this year and determined the current rates were below market average.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a revised T-Hangar lease format updating terms and conditions, a 15% one-time rate increase, and the adoption of a yearly 3% inflation adjustment beginning in 2026, and further authorizes Mayor Jordan to execute the T-Hangar leases.

City of Fayetteville Staff Review Form

2024-579

Item ID

10/15/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jared Rabren	9/24/2024	AIRPORT SERVICES (760)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

The Aviation Division recommends the approval of a revised T-Hangar lease format which includes updated terms and conditions, a 15% one-time rate increase and the adoption of a yearly 3% inflation adjustment beginning 2026.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

HANGAR RENTAL AGREEMENT
Fayetteville Executive Airport, Drake Field
Lease Application and Accounting Information Form

Full Legal Name of Tenant: _____

Authorized Representative(s) and Title(s) if Tenant is not an individual:

Physical Address:

Mailing Address (if different):

Current Status of Corporation:
(Provide Copy of Certificate of Good Standing or other documentation)

Business and/or Services to Be Provided:

Phone/Work: --
Phone/Home: - -
Emergency Contact Name:
Social Security or Tax I.D No.

Phone/Cell: - -
Email:
Emerg Phone: - -
Date of Birth:

.

Aircraft Number: N

Aircraft Make/Model/Year: N/A

Aircraft Color Scheme: N/A

Aircraft Type: N/A

Person conducting the business and/or providing the service if different from above:
Name: Phone: - - E-mail:

:

Hours of Operation:

Total Number of Employees:

I, _____, agree to provide the Airport with changes to current address, telephone, aircraft, and insurance information.

Admin Use Only:

Hangar Number: Effective Date: Monthly Rental: $

Hangar Type:

SAMPLE

LEASE AGREEMENT

The City of Fayetteville ("City") hereby leases to _____,("Lessee"), on a monthly basis, a hangar for the above described aircraft on the following terms and conditions. This month-to-month lease is intended for aeronautical use. It is not intended to be used for maintenance on any aircraft other than the above-described aircraft, storage of hazardous materials, or storage of non-aeronautical materials.

1. AIRPORT RULES AND ACCESS:

   A. Lessee shall abide by "The Minimum Standards for Fayetteville Executive Airport, Drake Field", City of Fayetteville codes and ordinances, county, state, federal Statutes, Federal Aviation Regulations, and environmental laws.
   B. Hazardous activities such as, but not limited to, smoking, welding, use of spark producing devices (i.e. grinders), painting, doping, open fuel lines or the application of hazardous substances are expressly prohibited.
   C. Lessee shall keep the aircraft storage space clean and free of grease, oil, paper and other debris. All flammables must be stored in a metal container with a tight fitting lid with sump capability at minimum or any other approved containment device. Combustible liquids such as lube oil may be stored in small quantities. (See Airport's Minimum Standards). No additional label is necessary if company label already indicates flammable liquid or type liquid contained. Flammable storage (other than inside the aircraft fuel storage tank) is limited to a maximum of 10 gallons in each Hangar unit. The premises covered by this Agreement shall not be used for the storage of explosive substances or items.
   D. Aircraft shall be removed from a hangar for any activity involving fueling or defueling.
   E. The City and its designated agents may enter hangars at any time for inspection. Only locks provided by the City may be used on hangar doors.
   F. Flying Clubs shall provide copies of the flying club bylaws, current insurance documents, and current membership roster to be submitted annually to the Airport Administration Office.

2. RENT:

   A. Monthly hangar rent for 2025 appears in the table below. Rent shall increase by 3% on January 1 each year. Rent is invoiced in advance and shall be due on the first day of each month. Lessee further agrees to pay upon demand any excise or other tax on the leasehold interest.

Hangar Type	**2025**
Single	$205
Multi	$250
Modified S	$280
Modified L	$375

   B. The non-payment of rent may be grounds for termination of this Agreement. Lessee will also be subject to a late fee of 10% per month for any delinquent rental payment. Delinquent accounts may be sent to a collection agency in accordance with City of Fayetteville's collection/termination policies after 90 days.

SAMPLE

3. STRUCTURAL MODIFICATIONS:

   A. No structural or electrical modifications, painting, or alterations will be made to the storage space without the prior written approval of the Airport Director.
   B. Lessee shall not attach any hoisting, winching or holding mechanism to any part of the storage space, or pass any such mechanism over the beams or braces thereof.

4. ELECTRICAL APPLIANCES:

   A. Limited electrical appliances are allowed in a hangar including portable fans, televisions, refrigerators, radios, dehumidifiers, engine heaters, powered tow bars, battery trickle chargers, and small air compressors. Prohibited appliances include, but are not limited to, air conditioners, electric heaters, hot plates, heat lamps, and stoves. Any appliance not having an explosion-proof motor which generates a glow, flame, or spark must be elevated at least eighteen (18) inches above the floor. No appliances, except refrigerators, dehumidifiers, battery trickle chargers and engine heaters, may remain connected to any electrical receptacle when the hangar is not occupied.
   B. Lessee shall not overload electrical circuits. Hangar electrical circuits are designed for 20 amps.

5. MOTOR VEHICLES:

   A. Vehicles shall be driven on the airport only by a licensed driver in accordance with policy established in the Airport's Minimum Standards. Lessee shall maintain currency of registration as well as limits of liability and property damage insurance, as mandated by the State of Arkansas, on its vehicle. Lessee will exercise all controls and restraints necessary as to its employees, agents, and invitees so as to comply with this Agreement.
   B. Lessee shall complete an Access Agreement prior to being issued a security badge. Lessee is responsible for guests and shall not allow guests to drive unescorted anywhere inside the Aircraft Operations Area (AOA).
   C. Vehicles must be located so as not to block aircraft access route between any hangars, as per the Airport's Minimum Standards. Vehicles will be parked in accordance with signage and pavement markings unless directed otherwise by the City.

6. ENGINE OPERATION: No aircraft engine shall be operated inside a hangar or in a negligent manner so that the propeller or exhaust blast may cause injury to persons or damage to property.

7. PROPERTY DAMAGE/PERSONAL INJURY: Aircraft and other personal property are stored at Lessee's sole risk. Any insurance protecting Lessee agrees to hold the City harmless from any and all liability by reason of the storage or maintenance of said aircraft upon the Fayetteville Executive Airport, Drake Field, or from injury or damage caused to any persons or property by reason of the operations of said aircraft. Insurance requirement shall be in accordance with the Airport's Minimum Standards and a current Certificate of Insurance shall be on file at the Airport Administration Office. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

8. AIRCRAFT MAINTENANCE: Maintenance repair work that requires open flame, use of spark producing devices (i.e. grinders), welding, or the use of flammable liquids is not permitted in any Aircraft Storage Hangar. Opening fuel cells and fuel lines is not permitted in any storage hangar.

SAMPLE

9. NO COMMERCIAL ACTIVITY: No commercial or revenue-producing activities shall be conducted or permitted from any aircraft storage space without written approval of the Airport Director.

10. NO ASSIGNMENT: The aircraft storage space designated above is rented on a month-to-month basis for aircraft storage only. Such space may not be sublet, assigned or otherwise transferred without the prior written approval of the Airport Director. Only the aircraft identified in this Agreement may be stored in this hangar unless prior written notice is provided to the Airport Director. Tenant shall notify City when ownership of the authorized aircraft changes.

11. FITNESS FOR USE: The T-hangar buildings are non-insulated, unheated, non-air-conditioned metal buildings with bi-fold electric doors.

    The bi-fold doors are heavy and pose a crush hazard. Lessee is advised to remain clear when the door is in transit. Lessee shall not allow the door to open or close unsupervised. Lessee is advised to remain within reach of door controls while the door is in transit and stop the door immediately upon abnormal operation or failure. Lessee shall not attach or allow to be attached to the door any additional weight, nor use the door as a hoist.

    Tenant shall be financially responsible for all repairs as a result of operating the doors unsupervised or in a negligent manner.

    Each T-hangar bay is supplied with lighting and electrical service as part of the lease. The electric doors are on separate circuits. The power available is limited and service is shared among the tenants of each building.

    The buildings can be expected to protect the contents from the elements but should not be considered completely weather tight. Driving rain may enter the buildings under the walls or through cracks along the door jams, under roll up doors or along roll up door seals. In the past, ground water has seeped into the buildings through the floor during unusually wet conditions. It is recommended that tenants not store perishables directly on the floor but rather place stored items on pallets or shelves that keep items off the floor.

12. TERMINATION:

    A. This Agreement shall be deemed a "month-to-month" tenancy and may be terminated by either party upon giving thirty (30) days notice to the other in writing, prior to the end of any such rental period.
    B. This Agreement may be terminated by the City upon ten (10) days written notice for any violation of the terms or conditions of this Agreement.
    C. If Lessee fails to make any payment due hereunder within ten (10) days of the date on which such payment is due, the City of Fayetteville may, at its option, terminate this agreement and take possession of such of Lessee 's personal property as is reasonably necessary to secure payment of the amount due and unpaid.

13. NOTICE: Any Notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following address for the City, or for the tenant, the

SAMPLE

last known address or copy thereof may be posted upon the entryway door of the above mentioned hangar.

CITY OF FAYETTEVILLE
Airport Administration Office
4500 S. School Ave., Suite F
Fayetteville, AR 72701
Phone: 479-718-7642

14. REMOVAL OF ITEMS UPON EXPIRATION OR TERMINATION. Upon expiration or other termination of this lease, Lessee 's rights to use of the demised premises shall cease, and Lessee shall vacate the premises within ten (10) days.

    All fixtures, improvements, equipment, and other property brought, installed, erected or placed by Lessee on the demised premises shall be deemed to be personal property and shall remain the property of Lessee. Lessee shall have the right at any time during the term of this agreement, to remove any or all of such property from the Airport, subject, however, to Lessee 's obligations to repair all damages, if any, resulting from such removal. Any and all property not removed by Lessee prior to the expiration of this lease shall thereupon become the property of the City of Fayetteville and title thereto shall thereupon vest in the City of Fayetteville.

15. All covenants, conditions and provisions in this agreement shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

Lessee: I have received a copy of "The Minimum Standards for the Fayetteville Municipal Airport Drake Field" _____ (initial)

_____ _____
Signature of Individual or Authorized Agent Title Date

_____
Printed Name

APPROVED: **THE CITY OF FAYETTEVILLE:**

_____ _____
Airport Director Date Lioneld Jordan, Mayor Date

ATTEST:

_____
Kara Paxton, City Clerk-Treasurer

SAMPLE

Attachment "A" to Hangar Rental Agreement
For Execution by Partners in Aircraft

I agree to be bound by the terms and conditions of the hangar Rental Agreement

Effective _____(day/month/year) for Hangar # _____

Lessee Name:_____

Partner #1: _____

Address _____

_____

Signature: _____

Partner #2: _____

Address _____

_____

Signature: _____

Partner #3: _____

Address _____

_____

Signature: _____

Partner #4 _____

Address _____

_____

Signature: _____

SAMPLE

Received From Blake Pennington 12/29/2024 10:47AM

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Jared Rabren**, Airport Director

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **October 29, 2024**

RE: **Revisions to T-Hangar Lease Agreement**

City staff met with the Airport Board on October 17, 2024, to discuss the issues that had been raised about the T-hangar leases. At the end of that meeting, staff indicated a willingness to change the lease agreement to end the automatic 3% raises after 2029. The new recommended rent escalation language is: "**Rent shall increase by 3% on January 1 each year through 2029 at which time the City will determine if further rent increases are necessary.**" Staff does not recommend any other changes to the lease agreement.

Therefore, attached is the new proposed draft T-Hangar lease agreement for your consideration. If the City Council approves the new language, please amend the resolution to incorporate the new lease agreement.

HANGAR RENTAL AGREEMENT
Fayetteville Executive Airport, Drake Field
Lease Application and Accounting Information Form

Full Legal Name of Tenant: _____

Authorized Representative(s) and Title(s) if Tenant is not an individual:

Physical Address:

Mailing Address (if different):

Current Status of Corporation:
(Provide Copy of Certificate of Good Standing or other documentation)

Business and/or Services to Be Provided:

Phone/Work: --
Phone/Home: - -
Emergency Contact Name:
Social Security or Tax I.D No.

Phone/Cell: - -
Email:
Emerg Phone: - -
Date of Birth:

.

Aircraft Number: N

Aircraft Make/Model/Year: N/A

Aircraft Color Scheme: N/A

Aircraft Type: N/A

Person conducting the business and/or providing the service if different from above:
Name: Phone: - - E-mail:

:

Hours of Operation:

Total Number of Employees:

I, _____, agree to provide the Airport with changes to current address, telephone, aircraft, and insurance information.

Admin Use Only:

Hangar Number: Effective Date: Monthly Rental: $

Hangar Type:

SAMPLE

LEASE AGREEMENT

The City of Fayetteville ("City") hereby leases to _____,("Lessee"), on a monthly basis, a hangar for the above described aircraft on the following terms and conditions. This month-to-month lease is intended for aeronautical use. It is not intended to be used for maintenance on any aircraft other than the above-described aircraft, storage of hazardous materials, or storage of non-aeronautical materials.

1. AIRPORT RULES AND ACCESS:

   A. Lessee shall abide by "The Minimum Standards for Fayetteville Executive Airport, Drake Field", City of Fayetteville codes and ordinances, county, state, federal Statutes, Federal Aviation Regulations, and environmental laws.
   B. Hazardous activities such as, but not limited to, smoking, welding, use of spark producing devices (i.e. grinders), painting, doping, open fuel lines or the application of hazardous substances are expressly prohibited.
   C. Lessee shall keep the aircraft storage space clean and free of grease, oil, paper and other debris. All flammables must be stored in a metal container with a tight fitting lid with sump capability at minimum or any other approved containment device. Combustible liquids such as lube oil may be stored in small quantities. (See Airport's Minimum Standards). No additional label is necessary if company label already indicates flammable liquid or type liquid contained. Flammable storage (other than inside the aircraft fuel storage tank) is limited to a maximum of 10 gallons in each Hangar unit. The premises covered by this Agreement shall not be used for the storage of explosive substances or items.
   D. Aircraft shall be removed from a hangar for any activity involving fueling or defueling.
   E. The City and its designated agents may enter hangars at any time for inspection. Only locks provided by the City may be used on hangar doors.
   F. Flying Clubs shall provide copies of the flying club bylaws, current insurance documents, and current membership roster to be submitted annually to the Airport Administration Office.

2. RENT:

   A. Monthly hangar rent for 2025 appears in the table below. Rent shall increase by 3% on January 1 each year through 2029 at which time the City will determine if further rent increases are necessary. Rent is invoiced in advance and shall be due on the first day of each month. Lessee further agrees to pay upon demand any excise or other tax on the leasehold interest.

Hangar Type	**2025**
Single	$205
Multi	$250
Modified S	$280
Modified L	$375

   B. The non-payment of rent may be grounds for termination of this Agreement. Lessee will also be subject to a late fee of 10% per month for any delinquent rental payment. Delinquent accounts may be sent to a collection agency in accordance with City of Fayetteville's collection/termination policies after 90 days.

SAMPLE

3. STRUCTURAL MODIFICATIONS:

   A. No structural or electrical modifications, painting, or alterations will be made to the storage space without the prior written approval of the Airport Director.
   B. Lessee shall not attach any hoisting, winching or holding mechanism to any part of the storage space, or pass any such mechanism over the beams or braces thereof.

4. ELECTRICAL APPLIANCES:

   A. Limited electrical appliances are allowed in a hangar including portable fans, televisions, refrigerators, radios, dehumidifiers, engine heaters, powered tow bars, battery trickle chargers, and small air compressors. Prohibited appliances include, but are not limited to, air conditioners, electric heaters, hot plates, heat lamps, and stoves. Any appliance not having an explosion-proof motor which generates a glow, flame, or spark must be elevated at least eighteen (18) inches above the floor. No appliances, except refrigerators, dehumidifiers, battery trickle chargers and engine heaters, may remain connected to any electrical receptacle when the hangar is not occupied.
   B. Lessee shall not overload electrical circuits. Hangar electrical circuits are designed for 20 amps.

5. MOTOR VEHICLES:

   A. Vehicles shall be driven on the airport only by a licensed driver in accordance with policy established in the Airport's Minimum Standards. Lessee shall maintain currency of registration as well as limits of liability and property damage insurance, as mandated by the State of Arkansas, on its vehicle. Lessee will exercise all controls and restraints necessary as to its employees, agents, and invitees so as to comply with this Agreement.
   B. Lessee shall complete an Access Agreement prior to being issued a security badge. Lessee is responsible for guests and shall not allow guests to drive unescorted anywhere inside the Aircraft Operations Area (AOA).
   C. Vehicles must be located so as not to block aircraft access route between any hangars, as per the Airport's Minimum Standards. Vehicles will be parked in accordance with signage and pavement markings unless directed otherwise by the City.

6. ENGINE OPERATION: No aircraft engine shall be operated inside a hangar or in a negligent manner so that the propeller or exhaust blast may cause injury to persons or damage to property.

7. PROPERTY DAMAGE/PERSONAL INJURY: Aircraft and other personal property are stored at Lessee's sole risk. Any insurance protecting Lessee agrees to hold the City harmless from any and all liability by reason of the storage or maintenance of said aircraft upon the Fayetteville Executive Airport, Drake Field, or from injury or damage caused to any persons or property by reason of the operations of said aircraft. Insurance requirement shall be in accordance with the Airport's Minimum Standards and a current Certificate of Insurance shall be on file at the Airport Administration Office. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

8. AIRCRAFT MAINTENANCE: Maintenance repair work that requires open flame, use of spark producing devices (i.e. grinders), welding, or the use of flammable liquids is not permitted in any Aircraft Storage Hangar. Opening fuel cells and fuel lines is not permitted in any storage hangar.

SAMPLE

9. NO COMMERCIAL ACTIVITY: No commercial or revenue-producing activities shall be conducted or permitted from any aircraft storage space without written approval of the Airport Director.

10. NO ASSIGNMENT: The aircraft storage space designated above is rented on a month-to-month basis for aircraft storage only. Such space may not be sublet, assigned or otherwise transferred without the prior written approval of the Airport Director. Only the aircraft identified in this Agreement may be stored in this hangar unless prior written notice is provided to the Airport Director. Tenant shall notify City when ownership of the authorized aircraft changes.

11. FITNESS FOR USE: The T-hangar buildings are non-insulated, unheated, non-air-conditioned metal buildings with bi-fold electric doors.

    The bi-fold doors are heavy and pose a crush hazard. Lessee is advised to remain clear when the door is in transit. Lessee shall not allow the door to open or close unsupervised. Lessee is advised to remain within reach of door controls while the door is in transit and stop the door immediately upon abnormal operation or failure. Lessee shall not attach or allow to be attached to the door any additional weight, nor use the door as a hoist.

    Tenant shall be financially responsible for all repairs as a result of operating the doors unsupervised or in a negligent manner.

    Each T-hangar bay is supplied with lighting and electrical service as part of the lease. The electric doors are on separate circuits. The power available is limited and service is shared among the tenants of each building.

    The buildings can be expected to protect the contents from the elements but should not be considered completely weather tight. Driving rain may enter the buildings under the walls or through cracks along the door jams, under roll up doors or along roll up door seals. In the past, ground water has seeped into the buildings through the floor during unusually wet conditions. It is recommended that tenants not store perishables directly on the floor but rather place stored items on pallets or shelves that keep items off the floor.

12. TERMINATION:

    A. This Agreement shall be deemed a "month-to-month" tenancy and may be terminated by either party upon giving thirty (30) days notice to the other in writing, prior to the end of any such rental period.
    B. This Agreement may be terminated by the City upon ten (10) days written notice for any violation of the terms or conditions of this Agreement.
    C. If Lessee fails to make any payment due hereunder within ten (10) days of the date on which such payment is due, the City of Fayetteville may, at its option, terminate this agreement and take possession of such of Lessee 's personal property as is reasonably necessary to secure payment of the amount due and unpaid.

13. NOTICE: Any Notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following address for the City, or for the tenant, the

SAMPLE

last known address or copy thereof may be posted upon the entryway door of the above mentioned hangar.

CITY OF FAYETTEVILLE
Airport Administration Office
4500 S. School Ave., Suite F
Fayetteville, AR 72701
Phone: 479-718-7642

14. REMOVAL OF ITEMS UPON EXPIRATION OR TERMINATION. Upon expiration or other termination of this lease, Lessee 's rights to use of the demised premises shall cease, and Lessee shall vacate the premises within ten (10) days.

    All fixtures, improvements, equipment, and other property brought, installed, erected or placed by Lessee on the demised premises shall be deemed to be personal property and shall remain the property of Lessee. Lessee shall have the right at any time during the term of this agreement, to remove any or all of such property from the Airport, subject, however, to Lessee 's obligations to repair all damages, if any, resulting from such removal. Any and all property not removed by Lessee prior to the expiration of this lease shall thereupon become the property of the City of Fayetteville and title thereto shall thereupon vest in the City of Fayetteville.

15. All covenants, conditions and provisions in this agreement shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

Lessee: I have received a copy of "The Minimum Standards for the Fayetteville Municipal Airport Drake Field" _____ (initial)

_____ _____
Signature of Individual or Authorized Agent Title Date

_____
Printed Name

APPROVED: **THE CITY OF FAYETTEVILLE:**

_____ _____
Airport Director Date Lioneld Jordan, Mayor Date

ATTEST:

_____
Kara Paxton, City Clerk-Treasurer

SAMPLE

Attachment "A" to Hangar Rental Agreement
For Execution by Partners in Aircraft

I agree to be bound by the terms and conditions of the hangar Rental Agreement

Effective _____(day/month/year) for Hangar # _____

Lessee Name:_____

Partner #1: _____

Address _____

_____

Signature: _____

Partner #2: _____

Address _____

_____

Signature: _____

Partner #3: _____

Address _____

_____

Signature: _____

Partner #4 _____

Address _____

_____

Signature: _____

SAMPLE

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-589

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Kit Williams, City Attorney

FROM: D'Andre Jones, Ward 1, Position 2

SUBJECT: **A RESOLUTION APPROVING A CONTRACT WITH FIRST REPAIR, INC.**

RECOMMENDATION:
A contract with First Repair, Inc. of Evanston, Illinois to train Fayetteville leaders how to repair harm done to African Americans

BACKGROUND:
In 2020, the City Council declared racism a "public health emergency" and committed to "allocate funding, staff, and additional resources to actively engage in racial equity to name, reverse, and repair the harm done to African Americans in this City." The City of Fayetteville is requested to contract with First Repair Inc. of Evanston, Illinois to train leaders to repair the harm done to African Americans in Fayetteville. First Repair is a national nonprofit that helps local leaders pass policies that repair harm done to African Americans. First Repair is led by Robin Rue Simmons, who is willing to waive fees for training of leaders in Fayetteville, which shall include:

1. bringing leaders from city government, the University of Arkansas, and community organizations together for virtual training by Simmons and staff in the second quarter of 2025;
2. bringing Simmons and staff to Fayetteville for a live training of leaders in the third quarter of 2025; and
3. sending leaders to Evanston for live training by Simmons and staff in the fourth quarter of 2025.

DISCUSSION:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS: Jones Request (#3), Jones Email Request (#4), Jones Email Approval (#5), Proposed Change in Resolution for First Repair, Inc. (#6), 10/24/24 Agenda Request Form w/ Legislation Text and Correspondence (#7)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-589

A RESOLUTION APPROVING A CONTRACT WITH FIRST REPAIR, INC.

RESOLUTION APPROVING A CONTRACT WITH FIRST REPAIR, INC. OF EVANSTON, ILLINOIS TO TRAIN FAYETTEVILLE LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE

WHEREAS, in 2020, the City Council declared racism a "public health emergency" and committed to "allocate funding, staff, and additional resources to actively engage in racial equity to name, reverse, and repair the harm done to African Americans in this City;" and

WHEREAS, the City of Fayetteville is requested to contract with First Repair Inc. of Evanston, Illinois to train leaders to repair the harm done to African Americans in Fayetteville; and

WHEREAS, First Repair is a national nonprofit that helps local leaders pass policies that repair harm done to African Americans; and

WHEREAS, First Repair is led by Robin Rue Simmons, who is willing to waive fees for training of leaders in Fayetteville, which shall include:

1. bringing leaders from city government, the University of Arkansas, and community organizations together for virtual training by Simmons and staff in the second quarter of 2025;
2. bringing Simmons and staff to Fayetteville for a live training of leaders in the third quarter of 2025; and
3. sending leaders to Evanston for live training by Simmons and staff in the fourth quarter of 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby requests that Mayor Jordan will contract with First Repair, Inc. of Evanston, Illinois to train Fayetteville leaders how to repair harm done to African Americans as described above in the Whereas clauses.

Civic Clerk Item No.: 2024- 589

AGENDA REQUEST FORM

FOR: Council Meeting of October 15, 2024

FROM: Council Member D'Andre Jones

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION APPROVING A CONTRACT WITH FIRST REPAIR, INC. OF EVANSTON, ILLINOIS TO TRAIN FAYETTEVILLE LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE

APPROVED FOR AGENDA:

Approved via email — 9/27/24

D'Andre Jones
City Council Member

Date

9-27-24

Kit Williams
City Attorney
Approved as to form

Date

Williams, Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Thursday, September 26, 2024 4:15 PM
To: Williams, Kit; Pennington, Blake; Paxton, Kara
Subject: Resolution to Train Leaders to Repair Harm Done To African Americans in Fayetteville

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subject: Resolution to Train Leaders to Repair Harm Done To African Americans in Fayetteville

For the October 15th Council meeting

Resolution to Train Leaders to Repair Harm Done to African Americans in Fayetteville
1) Whereas in 2020, the city of Fayetteville declared racism a "public health emergency," and committed to "allocate funding, staff, and additional resources to actively engage in racial equity to name, reverse, and repair the harm done to African Americans in this City,"1
2) The city of Fayetteville is requested to contract with First Repair of Evanston IL to train leaders to repair the harm done to African Americans in Fayetteville.
3) First Repair is a national nonprofit that helps local leaders pass policies that repair harm done to African Americans.2 First Repair is led by Robin Rue Simmons, who is willing to waive fees for training of leaders in Fayetteville, which shall include:
a) Bringing leaders from (a) city government, (b) the University of Arkansas, and (c) community organizations together for virtual training by Simmons and staff in the second quarter of 2025
b) Bringing Simmons and staff to Fayetteville for a live training of leaders in the third quarter of 2025
c) Sending leaders to Evanston for live training by Simmons and staff in the fourth quarter of 2025

Sponsored by Councilmember D'Andre Jones
Co-sponsored by Council member Sarah Moore

Lowell Taylor
Dustin McGowan

From: D"Andre Jones
To: Williams, Kit
Cc: Barnes, Stacy
Subject: Re: Resolution to Train Leaders to Repair Harm Done To African Americans in Fayetteville
Date: Friday, September 27, 2024 1:58:30 PM

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes it is good
Sent from my iPhone

> On Sep 27, 2024, at 1:52 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:
>
> D'Andre,
>
> We need to hear from you soon if you wish to get this on the October 15th agenda. Please confirm that this resolution is okay or let us know what needs to be changed, deleted or added.
>
> Kit
>
> ---
>
> **From:** Williams, Kit
> **Sent:** Friday, September 27, 2024 8:52 AM
> **To:** D'Andre Jones <dre91732000@gmail.com>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
> **Subject:** RE: Resolution to Train Leaders to Repair Harm Done To African Americans in Fayetteville
>
> D'Andre,
>
> Attached is a Resolution that mirrors your wording that you provided to me in the below email. Please review it and let me know if any changes need to be done. If this resolution is what you want to present to the City Council, then email me back your approval.
>
> Kit
>
> ---
>
> **From:** D'Andre Jones <dre91732000@gmail.com>
> **Sent:** Thursday, September 26, 2024 4:15 PM
> **To:** Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
> **Subject:** Resolution to Train Leaders to Repair Harm Done To African Americans in

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subject: Resolution to Train Leaders to Repair Harm Done To African Americans in Fayetteville

For the October 15th Council meeting
Resolution to Train Leaders to Repair Harm Done to African Americans in Fayetteville
1) Whereas in 2020, the city of Fayetteville declared racism a "public health emergency," and
committed to "allocate funding, staff, and additional resources to actively engage in racial
equity to name, reverse, and repair the harm done to African Americans in this
City,"1
2) The city of Fayetteville is requested to contract with First Repair of Evanston IL to train
leaders to repair the harm done to African Americans in Fayetteville.
3) First Repair is a national nonprofit that helps local leaders pass policies that repair harm
done to African Americans.2 First Repair is led by Robin Rue Simmons, who is willing to
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community organizations together for virtual training by Simmons and staff in the
second quarter of 2025
b) Bringing Simmons and staff to Fayetteville for a live training of leaders in the third
quarter of 2025
c) Sending leaders to Evanston for live training by Simmons and staff in the fourth quarter
of 2025

Sponsored by Councilmember D'Andre Jones
Co-sponsored by Council member Sarah Moore

Lowell Taylor
Dustin McGowan

<scan.pdf>

Received By: Kara Paxton 10/15/2024 8:25 AM

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Susan Norton**, Chief of Staff
Paul Becker, Chief Financial Officer

FROM: **Kit Williams**, City Attorney

DATE: **October 14, 2024**

RE: **Proposed change in Resolution for First Repair, Inc.**

Council Member D'Andre Jones has decided to propose a change to his original Resolution approving a contract with First Repair, Inc. of Evanston, Illinois to a Resolution **Expressing an Intention** to enter into a contract. This was necessary because there is no existing contract that the City Council could approve. This new version of the Resolution also includes the intention "to appropriate up to $6,000.00 for travel expenses for Fayetteville officials or employees to attend training in Evanston, Illinois.

I believe that Council Member D'Andre Jones may move to amend his original Resolution to the version attached to this memo at the City Council meeting.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING AN INTENTION TO ENTER INTO A CONTRACT WITH FIRST REPAIR, INC. OF EVANSTON, ILLINOIS TO TRAIN FAYETTEVILLE LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE

WHEREAS, in 2020, the City Council declared racism a "public health emergency" and committed to "allocate funding, staff, and additional resources to actively engage in racial equity to name, reverse, and repair the harm done to African Americans in this City;" and

WHEREAS, the City of Fayetteville is intending to contract with First Repair Inc. of Evanston, Illinois to train leaders to repair the harm done to African Americans in Fayetteville; and

WHEREAS, First Repair is a national nonprofit that helps local leaders pass policies that repair harm done to African Americans; and

WHEREAS, First Repair is led by Robin Rue Simmons, who is willing to waive fees for training of leaders in Fayetteville, which shall include:

(a) bringing leaders from city government, the University of Arkansas, and community organizations together for virtual training by Simmons and staff in the second quarter of 2025;
(b) bringing Simmons and staff to Fayetteville for a live training of leaders in the third quarter of 2025; and
(c) sending leaders to Evanston, Illinois for live training by Simmons and staff in the fourth quarter of 2025.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intention to enter into a contract with First Repair, Inc. of Evanston, Illinois to train Fayetteville leaders how to repair harm done to African Americans as described above in the Whereas clauses and to appropriate up to $6,000.00 for travel expenses for Fayetteville officials or employees to attend training in Evanston, Illinois.

PASSED and **APPROVED** this 15th day of October, 2024.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **KARA PAXTON**, City Clerk/Treasurer

RECEIVED
OCT 24 2024
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Received From Stacy Barnes 10/24/2024 12:05PM

Civic Clerk Item No.: 2024-_____

AGENDA REQUEST FORM

FOR: Council Meeting of November 7, 2024

FROM: Council Member D'Andre Jones and Sarah Moore

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION COMMITTING TO TRAIN LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE

APPROVED FOR AGENDA:

Approved per Oct 24 email (Attached) — October 24, 2024

D'Andre Jones
City Council Member

_____ — _____

Sarah Moore
City Council Member

_____ — October 18, 2024

Kit Williams
City Attorney
Approved as to form

Williams, Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Thursday, October 24, 2024 8:50 AM
To: Williams, Kit
Cc: Moore, Sarah; Norton, Susan; Paxton, Kara; Pennington, Blake
Subject: Re: Amended Resolution to be Discussed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kit I approve this.
Sent from my iPhone

On Oct 24, 2024, at 8:28 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,

I am forwarding the email that I sent you last Friday with the Agenda Request form and the Resolution for your final approval. I did not receive your reply to approve the new Resolution. We closely followed the wording of the proposed resolution by Mr. Taylor that you sent to me. We merely put this proposed third Resolution into proper form. You need to formally approve it by signing the Agenda Request form or by indicating your approval in a return email to me.

Sarah,

I thought you wanted to cosponsor this Resolution so I included you on the Agenda Request form and sent it as well as the resolution to you last Friday. If you do not want to be a cosponsor, then you do not need to sign the Agenda Request form nor officially report your approval of the proposed Resolution. It can be entered for City Council consideration with only D'Andre's approval and later motion to amend (at the City Council meeting) from the first proposed Resolution.

If either of you have any questions about this, please call or email me.

Kit

From: Williams, Kit
Sent: Friday, October 18, 2024 12:30 PM
To: D'Andre Jones <dre91732000@gmail.com>
Cc: Paxton, Kara <kapaxton@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Amended Resolution to be Discussed

D'Andre and Sarah,

Attached please find the Resolution written by Lowell Taylor and to be sponsored by both of you (if I am correct). Please read this third proposed Resolution carefully to ensure you agree with all of its wording (taken almost verbatim from Lowell's proposal). If you are in full and complete agreement

with this proposed Resolution, please sign and return the Agenda Request form to us. You can also signify your approval by an email returned to us.

I do not think this should be entered onto Civic Clerk until you have moved to amend the Resolution currently on the Agenda. If you have questions, please let me know.

Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Friday, October 18, 2024 10:38 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Cc: Paxton, Kara <kapaxton@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Re: Amended Resolution to be Discussed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes
Sent from my iPhone

On Oct 18, 2024, at 10:22 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre and Sarah,

Do want my office to copy the proposed Resolution (below) from Lowell Taylor to replace your first and second proposed resolutions on this subject?

Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Friday, October 18, 2024 9:33 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Cc: Lowell Taylor <Jlowelltaylor@gmail.com>
Subject: Fwd: Amended Resolution to be Discussed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

From: Lowell Taylor <jlowelltaylor@gmail.com>
Date: October 17, 2024 at 5:09:03 PM CDT
To: "Jones, D'Andre" <dandre.jones@fayetteville-ar.gov>
Subject: Re: Amended Resolution to be Discussed

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi D'Andre,

Amendment to the resolution itself is below to be discussed this evening.

A RESOLUTION COMMITTING TO TRAIN LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE.

1. WHEREAS, in 2020 the City Council of the City of Fayetteville, Arkansas passed a resolution admitting that racism is a public health emergency and committing to repair harm done to African Americans in Fayetteville by writing a racial equity plan,
2. WHEREAS, in 2024 a racial equity plan has not been written,
3. WHEREAS, First Repair of Evanston, Illinois is a national non-profit training local leaders to repair harm done to African Americans by writing racial equity plans,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

1. That the City of Fayetteville, Arkansas hereby commits to send two leaders from city government (council and / or staff) to First Repair trainings in 2025, where they will learn, with other local leaders, how to write a racial equity plan,
2. That the City of Fayetteville, Arkansas hereby commits to send two leaders from city government (council and / or staff) to three First Repair trainings in 2025:
    a. Half-day virtual training in June,
    b. One-day live training in Fayetteville in September, and
    c. Three-day live training in Evanston in December, 2025,
3. And that the City of Fayetteville, Arkansas hereby commits to pay for travel of two leaders from city government (council and / or staff) from Fayetteville to Evanston in December, 2025 with council and / or staff travel budgets.

Thanks!

On Thu, Oct 17, 2024 at 5:07 AM Lowell Taylor <jlowelltaylor@gmail.com> wrote:

> Hi D'Andre,

Can we schedule time to talk? I am free 8-12 and 1-4pm cst tomorrow.

Thanks!

On Wed, Oct 16, 2024 at 6:46 AM Lowell Taylor <jlowelltaylor@gmail.com> wrote:

> Hi D'Andre,
>
> I will call you to discuss yesterday's mtg and the attached draft.
>
> Thanks!
>
> --
> Lowell Taylor
> 479-287-5216
> jlowelltaylor@gmail.com

--
Lowell Taylor
479-287-5216
jlowelltaylor@gmail.com

--
Lowell Taylor
479-287-5216
jlowelltaylor@gmail.com

<scan.pdf>

RESOLUTION NO. _____

A RESOLUTION COMMITTING TO TRAIN LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE

WHEREAS, in 2020, the City Council of the City of Fayetteville, Arkansas passed a resolution admitting that racism is a public health emergency and committing to repair harm done to African Americans in Fayetteville by writing a racial equity plan; and

WHEREAS, in 2024 a racial equity plan has not been written; and

WHEREAS, First Repair of Evanston, Illinois is a national non-profit training local leaders to repair harm done to African Americans by writing racial equity plans; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby commits to send two leaders from city government (council and/or staff) to First Repair trainings in 2025, where they will learn, with other local leaders, how to write a racial equity plan.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby commits to send two leaders from city government (council and/or staff) to three First Repair trainings in 2025:

a. Half-day virtual training in June;
b. One-day live training in Fayetteville in September; and
c. Three-day live training in Evanston in December 2025.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby commits to pay for travel of two leaders from city government (council and/or staff) from Fayetteville to Evanston in December 2025 with council and/or staff travel budgets.

PASSED and **APPROVED** this 7th day of November, 2024.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
KARA PAXTON, City Clerk/Treasurer

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-616

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Donna Wonsower, Planner

SUBJECT: **APPEAL: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523): Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 138-unit multi-family residential development and associated parking.**

RECOMMENDATION:
City Staff and Planning Commission recommend approval of the large-scale development request as described and shown in the attached Exhibits 'A' and 'B', and described in the attached Planning Commission staff report.

BACKGROUND:
The subject area contains one 1.28-acre parcel which is bound by W. South St. to the north, S. Nelson Hackett Blvd. to the west, W. 4th St. to the south, and S. Block Ave. to the east. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (ORD 4930). The parcel was previously developed with four residential structures, each of which contained four residential dwelling units. These fourplexes were demolished in 2022 and the site is currently undeveloped. The property is within the Downtown Master Plan area and 71B Corridor Plan.

Request: The applicant requests large scale development approval to develop the subject property with two multifamily structures totaling 138 residential units.

Public Comment: Staff has received substantial comments on this proposal, with the majority expressing opposition. Several members of the public have provided both multiple written and verbal comments. Six people spoke at Subdivision Committee and 18 spoke at the August 12 Planning Commission meeting. Including written comments received before and after the August 12 Planning Commission meeting, staff has received 53 written comments from 37 unique individuals. Comments opposed to the development generally cited include increased traffic danger and congestion, insufficient or dangerous parking, conflicts with the existing neighborhood character, a high number of children and walkers, inadequate existing infrastructure, opposition to small "efficiency" units, and incompatible density. Comments in support have cited the need for more affordable housing in the city, previous multifamily use of the property, a thoughtful approach and transition, good design, and high-quality materials.

*Findings: S*taff finds the proposed large-scale development is not likely to adversely affect the public interest.

The proposed multi-family structures are of a type and scale that is compatible with the surrounding neighborhoods, with the larger structure fronting Nelson Hackett Blvd. and transitioning to a smaller building of only two stories adjacent to the surrounding neighborhood. Street improvements, including sidewalk construction and curb widening, are proposed along S. Nelson Hackett Boulevard., W. South Street, S. Block Avenue, and W. 4th Street. On average, each street is shown to be widened by approximately the width of a parallel parking space, meaning that any proposed parallel parking would occur outside of the existing street curb. Memos have been provided from Solid Waste and the Fire Marshall's office indicating no concerns with street access as designed. Further, the police have requested proposed parking on Nelson Hackett be well-lit for public safety but have otherwise indicated that they do not see substantial issues arising from the proposed development. Additionally, a traffic assessment was completed, and Engineering staff have determined that the anticipated impact of the development is not sufficient to warrant a full traffic study.

While there has been substantial public comment regarding the proposed density of the project, staff notes that the underlying DG, Downtown General zoning district does not have a prescribed density limit. The applicant voluntarily reduced their total unit count during the entitlement process; however, staff cannot require reductions of the unit count beyond what is permitted by right or controlled by other development standards. Further, staff analyzed several downtown multifamily developments, and found that the proposal is less intense than many of these when considering density by bedrooms per acre rather than unit count. As parking requirements apply based on bedroom count, staff found this metric provided a more direct comparison since other apartment complexes in the area feature multi-bedroom units. The proposed Urban Lofts project has a bedroom count of 108 bedroom per acre and is parked 99% on site or on the immediately abutting streets, which is permitted with the approval of the Zoning and Development Administrator. In comparison, the Atmosphere Apartments have 188 bedrooms per acre with 85% of these bedrooms parked. The Cardinal Apartments have 174 bedrooms per acre with 88% of units provided parking. Academy at Frisco Apartments and Gather Dickson both park 100% of units when accounting for only their residential component, but also have bedroom densities of more than double the proposed density at Urban Lofts.

Four variances have been requested, with staff finding these to be appropriate and representing relatively minor impacts, including for access management and dumpster location. Given the property's unique condition of four street frontages, these variances would likely be necessary of any development. No variances have been requested for parking counts, as the proposal is within all parking allowances permitted by-right including the ability to utilize substituted bicycle racks and motorcycle spaces within the required parking total. While staff notes that one variance applies to parking located within a build-to-zone, the applicant has not taken their full, potential reduction allowed based on proximity to multiple transit stops. While removing these spaces could eliminate the need for this variance, it could also increase potential overflow off-site. Staff recommends approval of all requested variances.

DISCUSSION:

At the August 12 Planning Commission meeting, the Planning Commission voted to deny the overall project, citing traffic safety concerns. Extensive public comment was also provided, which is summarized in the report. After a request to reconsider by the applicant, the Commission voted to do so on August 26 and tabled the item to the September 23 Planning Commission meeting to provide time for the applicant to re-notify the surrounding properties. In the intervening weeks, updated plans were provided which reduced the total number of units from 163 to 138, removed two variance requests, addressed inconsistencies in tree mitigation calculations, and updated parking calculations. A bike wash and work stand was also added at the northwest pedestrian entry near the proposed bike racks. The request for reconsideration also includes a commitment to reserve 15% of the units for those within a designated AMI and well as multiple steps intended to encourage car-free renters.

At the September 23 Planning Commission meeting, the Planning Commission voted 8-1-0 to approve the

revised plans. Commissioner Werner motioned to approve with a second from Commissioner Castin. Commissioners voting in favor of the development cited steps the developer has taken to address concerns, stringent standards for project denials, proposed safety improvements, the by-right nature of parking allowances, proposal by the applicant to purchase parking permits in the adjacent downtown parking garage for potential overflow, reasonable variance requests, proximity to transit, thoughtful design, high-quality materials, and the need for additional housing options including smaller rental units. Several commissioners mentioned the possibility of a parking district in the surrounding neighborhoods but noted that doing so would be a separate process that would require City Council approval. Commissioner Payne voted against the proposal, citing potential traffic hazards. Twenty-nine individuals spoke at this meeting, with 10 in support and 19 opposed. Comments in support generally cited the need for single-bedroom apartments in Fayetteville, recent street improvements along Nelson Hackett, proximity to downtown, the housing crisis, and city goals for infill and housing along the 71B corridor. Comments opposed generally cited concerns with traffic, parking, pedestrian safety, desire for less housing, and the presence of the depressed courtyards along Nelson Hackett.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: Appeal Letter with Council Member Sponsors (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6), Council Appeal Memo - City Attorney (#7)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-616

APPEAL: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523): Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 138-unit multi-family residential development and associated parking.

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER D'ANDRE JONES AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2024-0011

WHEREAS, on September 23, 2024, the Planning Commission voted to approve the large scale development application LSD-2024-0011; and

WHEREAS, City Council Member D'Andre Jones timely appealed this approval by his email to City Clerk Treasurer Kara Paxton on October 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that large scale development application LSD-2024-0011 submitted by Development Consultants Inc. for property located Southeast of South Nelson Hackett Boulevard is denied pursuant to § 166.02(C)(2)(a)(iv) because the proposed development would create or compound a dangerous traffic condition.

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 9:50 AM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: FW: Request to appeal

Kara,
Reading this entire list of emails below, I conclude that Council Member D'Andre Jones has properly appealed the Planning Commission's decision to approve the Large Scale Development on the corner of Nelson Hackett boulevard and South Street on behalf of resident Louise Gamache upon my forwarding of this email to you. Council Member Jones properly referenced the proper code listing approval/rejection criteria for an LSD and his concern about traffic safety.
Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Tuesday, October 1, 2024 7:34 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Alan@drainagedoctornwa.com; esyule@yahoo.com
Subject: Re: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kit I an appealing the planning commission's decision referencing Section 166.02 (C)(2)(a) The proposed development could pose dangerous traffic issues and impact the neighborhoods quality of life. I have included Alan Ostner and Louise Gamache of the neighborhood in this email.
Sent from my iPhone

On Oct 1, 2024, at 9:44 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,
Teresa was also asking about appealing this decision. Please see below what is required and the code sections which are attached.
Kit

From: Williams, Kit
Sent: Tuesday, October 1, 2024 9:04 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Request to appeal

Teresa,
You may appeal this decision for a resident by emailing your appeal for the resident to the City Clerk's Office. The appeal must be accomplished by next Monday (ten business days from the Planning Commission's decision). You need to reference Section 166.02 (C)(2)(a) and discuss a possible violation of subsection (iv) "The proposed development would create or compound a dangerous traffic condition." I have attached copies of the relevant Code sections for your information. If you have further questions, please call me.
Kit

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Monday, September 30, 2024 8:05 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Fwd: Request to appeal

What is required to sponsor this appeal on behalf of this resident? What is the deadline to appeal this decision?

Thanks in advance,
Teresa
Sent from my iPhone

Begin forwarded message:

> **From:** Esyule <esyule@yahoo.com>
> **Date:** September 30, 2024 at 8:02:53 PM CDT
> **To:** "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>
> **Subject: Request to appeal**

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

> **From:** Esyule <esyule@yahoo.com
>
> **Subject: Lot at 4th St and South St, bordering on Nelson Hackett Blvd, plans and approval Sept. 23rd LSD-2024-0011**
>
> Dear Teresa: As a property owner and resident in Ward One on the south side, I am appalled by the approval to build on over 130 unit apartment complex with a parking lot to hold 72 cars on this lot which is just over an acre, on a hill off a busy road as well as building in parallel parking on Nelson Hackett Blvd. The residents and nearby residents spoke eloquently against this and I concur. It is a devastating money grab which will harm the existing neighborhood, pose dangerous traffic issues, congest a fragile historic area and harm the essential nature of this city. I ask that you appeal this decision on LSD-2024-0011 by the City Planning Board to allow the build yo proceed. If I and other concerned citizens of Fayetteville need to do more to stop this build, please let me know. Thank you.
>
> Louise Gamache
> 311 East Huntsville Rd
> 479-601-4519
> esyule@yahoo.com

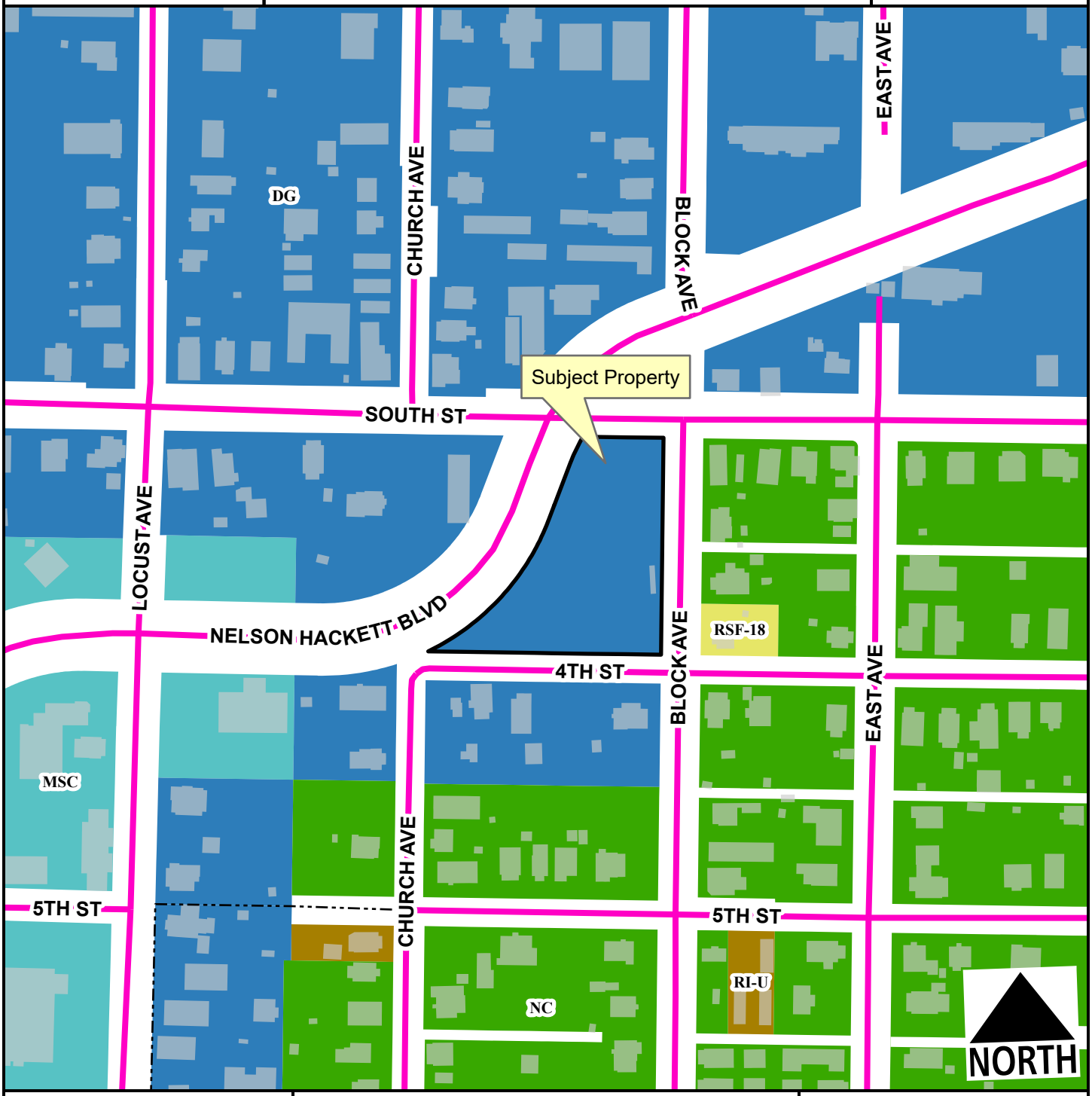
Sent from my iPhone

LSD-2024-0011

Close Up View

S. NELSON HACKETT BLVD & W. 4TH ST

Exhibit 'A'
LSD-2024-0011



Urban Center
Planning Area
Fayetteville City Limits
Design Overlay District

Feet
0 75 150 300 450 600
1:2,400

RSF-18
RI-U
Main Street Center
Downtown General
Neighborhood Conservation

Exhibit 'B'
LSD-2024-0011

SITE DESCRIPTION

PART OF LOTS 4 AND 5, AND ALL OF LOTS 6 AND 7, BLOCK 17, AND PART OF LOTS 1, 2 AND 3, AND ALL OF LOTS 4, 5, 6 AND 7, BLOCK 18, JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION, BEING ALL OF SAID LOTS IN BLOCKS LYING SOUTH AND EAST OF ARCHIBALD YELL DRIVE (US HIGHWAY NO. 71) SITUATED IN ETH CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. ABD A 14' ALLEY, ORDIANNCE 1322, BK 581, PG 154.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: September 23, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523):** Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 163-unit multi-family residential development and associated parking.

RECOMMENDATION:
Staff recommends approval of **LSD-2024-0011** with conditions.

RECOMMENDED MOTION:
*"I move to approve **LSD-2024-0011,** determining**"***

- *In favor of variance to §166.11(A), Conformance to Plans and Regulations;*
- *In favor of variance to §166.05(F), Access Management;*
- *In favor of variance to §166.21(E)(1), Dumpster Location;*
- *In favor of variance to §172.04(C)(4): Parking Lot Location Standards;*
- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements, and*
- *In favor of all other conditions as recommended by staff."*

AUGUST 12, 2024 PLANNING COMMISSION MEETING:
At the August 12 Planning Commission meeting, the Planning Commission voted to deny the overall project, citing traffic safety concerns. Extensive public comment was also provided, which is summarized in the report. After a request to reconsider by the applicant, the Commission voted to reconsider the item on August 26 and tabled the item to the September 23 Planning Commission meeting to provide time for the applicant to renotify the surrounding properties. In the intervening weeks, updated plans were provided which reduced the total number of units from 163 to 138, removed two variance requests, addressed inconsistencies in tree mitigation calculations, and updated parking calculations. A bike wash and work stand was also added at the northwest pedestrian entry near the proposed bike racks. The request for reconsideration also includes a commitment to reserve 15% of the units for those within a designated AMI and well as multiple steps intended to encourage car-free renters.

BACKGROUND:
The subject area contains one 1.28-acre parcel which is bound by W. South St. to the north, S. Nelson Hackett Blvd. to the west, W. 4th St. to the south, and S. Block Ave. to the east. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (ORD 4930). The parcel was previously developed with four residential structures, each of

which contained four residential dwelling units. These fourplexes were demolished in 2022 and the site is currently undeveloped. The property is within the Downtown Master Plan area and 71B Corridor Plan. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Retail, Mixed-Density Residential	DG, Downtown General
South	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation RSF-18, Residential Single Family, 18 Units per Acre
West	Single-family Residential	DG, Downtown General

Proposal: The applicant requests large scale development approval to develop the subject property with two multifamily structures totaling 138 residential units. Four variances have been requested with this project.

Variance #1: §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.
S. Nelson Hackett Blvd. is an Urban Center Street, which typically requires two ten-foot drive lanes, two eight-foot parking lanes, two four-foot furniture zones and an eight-foot sidewalk on each side of the street. The applicant has proposed a street section in line with administratively approvable design elements, with the exception of a proposed ten-foot slip lane between the drive lanes and parallel parking.

a. *Staff recommendation: Staff recommends in favor of the variance. The stated intent of the slip lane is to provide additional area for vehicles utilizing on-street parking to safely maneuver while entering or existing the parallel parking spots. Given the curve and slope of S. Nelson Hackett Blvd., staff finds that this slip lane will serve the public benefit by improving safety. Fayetteville Police recommend that the proposed parallel parking along Nelson Hackett shall be well-lit, and staff recommends a modified curb shall be installed between the travel and buffer lanes, and the buffer lane shall be constructed out of stamped colored concrete (similar to roundabout truck aprons) to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and colored concrete may be submitted to Engineering for approval with the grading permit.*
Should the Planning Commission choose to specify an exact stamp pattern and concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Variance #2 §166.08(F): Access Management. Per ordinance, properties that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The proposal includes one driveway onto S. Block Ave. and one driveway onto W. 4th St. approximately mid-block.

Staff recommendation: Staff recommends in favor of the variance with no added conditions. The ordinance is intended to promote safety by reducing the number of driveways onto higher classification streets. All adjacent streets are designated as Urban Centers with S. Nelson Hackett as the highest traffic street. Per the applicant's letter, two entries are required to meet the fire code and that both entries could not be located on S. Block Ave. while still meeting separation

requirements. Given this, staff finds driveways on two separate streets to be necessary.

Variance #3 §166.21(E)(1): Dumpster Location. Per the Downtown Design Overlay District regulations, dumpsters may only be located within the rear yard of a parcel. The dumpster is currently proposed along the southern property line adjacent to E. 4th St.

Staff recommendation: Staff recommends in favor of the variance. The parcel is bounded on all sides by a public street, meaning that there are effectively no rear yards in which an exterior dumpster could be placed. However, staff finds that the intent of the ordinance is still being met. S. Nelson Hackett Blvd. and W. South St. are functioning as the principal facades, with an additional building located at the corner of E. 4th St. and S. Block Ave. Staff finds that the proposed location is largely screened by adjacent buildings to the east and west and that impact is likely to be minimal. Staff recommends a condition that the dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.

Variance #4 §172.04(C)(4): Parking Lot Location Standards. In urban zoning districts, a drive-thru lane, parking lot drive aisle, or parking spaces are not permitted to be located in the front yard directly between a building and the Master Street Plan right-of-way. The proposal includes a parking lot with access from S. Block Ave. and E. 4th St., with portions located between the building and ROW.

Staff recommendation: Staff recommends in favor of the variance. As noted in the applicant's request letter, the parcel has frontage on four sides meaning that there are effectively no rear or side setbacks. The parking is not visible from either E. Nelson Hackett Blvd. or W. South St., the two principal facades. A large portion of the parking lot is also screened from both S. Block Ave. and E. 4th St. by the second residential building. Staff finds that the parking within the build-to-zone is meeting screening requirements of §172.04(C)(1) and that fully locating all parking behind a building façade is not practical given the site's shape and topography changes.

Right-of-Way to be Dedicated: The subject property currently has street frontage along S. Nelson Hackett Blvd., W. South St., S. Block Ave., and W. 4th St., all of which are designated as Urban Center Streets with typical right-of-way dedication of 30.5 feet from centerline. Per a right-of-way determination by the Zoning and Development Administrator, forty-six feet of dedication shall be required for S. Nelson Hackett Blvd. The remaining three streets were each determined to require 26.5 feet of right-of-way from the centerline.

Street Improvements: All adjacent streets are Urban Center. The Zoning and Development Administrator completed a right-of-way determination on July 2, 2024, for several alternative design elements that may be administratively approved. These requirements are described below.

- S. Nelson Hackett Blvd: The applicant proposes for the existing turn lane and ten-foot drive to remain. A portion of the road is proposed to be widened to accommodate a ten-foot slip lane and eight-foot parallel parking lane with 0.5-foot curb. A four-foot furniture zone and eight-foot sidewalk are proposed following the curb. As the ten-foot slip lane is not an administratively approvable item, a variance to §166.11(A), Conformance to Plans and Regulations has been requested with this application.

- W. South St., S. Block Ave., and W. 4th St.: The remaining three streets are proposed to include a 10-foor drive lane, 8-foot parallel parking lane with bump-outs, 0.5-foot curb, and eight-foot sidewalk including three-foot deep urban tree wells. The typical furniture zone requirement was permitted to be administratively removed along these streets.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards with the exception of the above variance request. Memos have been provided from Solid Waste and the Fire Marshall's office indicating no concerns with access as designed. Further, the police have requested proposed parking on Nelson Hackett be well-lit for public safety but have otherwise indicated that they do not see substantial issues arising from the proposed development.

Design Standards: Staff finds the proposed development is substantially in compliance with §166.21 Downtown Design Overlay District, §166.22 Parking Garages, §166.23 Urban Residential Design Standards, and 172.04 Parking Lot Design Standards except where variances are specifically requested above. Final plans will be reviewed with grading and building permits.

Parking Design and Number of Spaces: Reductions in proposed parking counts as described in §172.05(A)(2) are by-right per ordinance and are not subject to discretionary approval. Based on proximity to multiple transit stops, the proposed development is within the area where a 15% reduction of the required number of spaces may be taken, which would reduce the total number of required vehicle spaces from 138 (one per bedroom) to 117. The applicant does not propose to utilize this full reduction. Rather, they propose to shift a total of 9 spaces from full vehicle spaces to motorcycle/ scooter spots, and an additional 12 from vehicle to bicycle racks. Accounting for motorcycle/scooter spaces and bicycle racks required in other sections of the code, a total of 137 total bicycle or vehicle spaces are proposed with the development. This total is only one space fewer than the number of bedrooms proposed

As noted above, the proposal is within allowances permitted by right which are not subject to discretionary approval. However, staff further analyzed similar large multifamily apartments and their density and parking structures in order to provide a comparison given extensive public concern. Based on this analysis, staff finds that the proposal not only meets required parking minimums, but also exceeds the typical parking of other large apartment complexes.

Development	Bedroom Count per Acre	Percent Parked (Vehicle, Motorcycle / Scooter, and Bike Racks)
Urban Lofts at Nelson Hackett	108	99% (86% auto)
Atmosphere Apartments	188	85% (60% auto)
Cardinal Apartments	174	88% (81% auto)
Academy at Frisco Apartments (When Considering Residential Only, Project also includes 8,000 sf of commercial)	227	103% (93% auto)
Gather Dickson	256	103% (59% Auto spaces)

The applicant's request to reconsider the proposal also includes multiple steps the applicant intends to utilize to encourage car-free renting, including providing a discount on rent for those who do not require a parking spot, stating in the leases that tenants are expected to utilize on-site parking rather than the surrounding neighborhoods, and providing a designated drop-off zone on nelson Hackett for rideshare pick-up and drop-off.

Water and Sewer System: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development, and to install a new sanitary sewer main in E 4th St to provide sanitary sewer service to the development.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 7, 2022. The Parks and Recreation Advisory Board recommended fee-in-lieu of parkland dedication. Final park fees shall be determined and paid prior to the issuance of any building permits. Based on current information, fees for 138 new multifamily residential units minus the previous 16 multifamily units previously located on site would result in a fee of $116,144.

Tree Preservation:
Canopy minimum requirement: 10.0%
Existing Canopy: 48.0%
Preserved canopy: 5.0%
Mitigation required: 56 two-inch caliper trees

While a large number of trees are proposed to be removed, staff finds that most of these would be heavily impacted by any street improvements which comply with the master street plan or required construction of any buildings within the build-to-zone. Tree preservation is proposed in the southwest corner of the property that will also serve as a communal outdoor space. 43 on-site mitigation trees and 10 off-site mitigation trees are proposed. Green facades and green roofs are also proposed on the site, which may take the place of an additional 3 mitigation trees.

Public Comment: Staff has received substantial comments on this proposal, with the majority expressing opposition. Several members of the public have provided both multiple written and verbal comments. Six people spoke at Subdivision Committee and 18 spoke at the August 12 Planning Commission meeting. Including written comments received before and after the August 12 Planning Commission meeting, staff has received 53 written comments from 37 unique individuals. Comments opposed to the development generally cited include increased traffic danger and congestion, insufficient or dangerous parking, conflicts with the existing neighborhood character, a high number of children and walkers, inadequate existing infrastructure, opposition to small “efficiency” units, and incompatible density. Comments in support have cited the need for more affordable housing in the city, previous multifamily use of the property, a thoughtful approach and transition, good design, and high-quality materials.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0011** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of the requested variance with the following conditions:*
    a. Proposed parallel parking along Nelson Hackett shall be well-lit.
    b. Modified curb shall be installed between the travel and buffer lanes, and the buffer lane shall be constructed out of stamped colored concrete (similar to roundabout truck aprons) to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and colored concrete may be submitted to Engineering for approval with the grading permit. Should the Planning Commission choose to specify an exact stamp pattern and

concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Subdivision Committee recommended in favor.

2. **Planning Commission determination of variance to §166.08(F): Access Management.** *Staff recommends approval of the requested variance with no added conditions.*

   Subdivision Committee recommended in favor.

3. **Planning Commission determination of variance §166.21(E)(1): Dumpster Location.** *Staff recommends approval of the requested variance with the following conditions:*
   a. *The dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.*

   Subdivision Committee recommended in favor.

4. **Planning Commission determination of variance to §172.04(C)(4): Parking Lot Location Standards.** *Staff recommends approval of the requested variance with no added conditions:*

   Subdivision Committee recommended in favor.

5. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the following amounts.:*
   a. Forty-six feet (46') of right-of-way dedication for N. Nelson Hackett Blvd from street centerline.
   b. Twenty-six and a half feet (26.5') of right-of-way dedication for E. South St. from street centerline.
   c. Twenty-six and a half feet (26.5') of right-of-way dedication for S. Block Ave. from street centerline.
   d. Twenty-six and a half feet (26.5') of right-of-way dedication for W. 4th St. from street centerline.

   Subdivision Committee recommended in favor.

6. **Planning Commission determination of street improvements.** *Staff recommends street improvements as described below:*
   a. S. Nelson Hackett Blvd: 5.5-foot left turn lane (half), 10-foot drive lane, 10-foot alternative slip lane, 8-foot parallel parking lane, 0.5-foot curb, 4-foot furniture zone, and 8-foot sidewalk
   b. W. South St., S. Block Ave., and W. 4th St.: 10-foot drive lane, 8-foot parallel parking lane, 0.5-foot curb, 0-foot furniture zone, and 8-foot sidewalk

   Subdivision Committee recommended in favor.

7. Parks fees shall be determined and paid prior to building permit issuance. Based on current information, fees for 138 new multifamily residential units would be required in the amount of $139,944.

8. Remaining comments from Planning shall be addressed, including:
    a. Extend screening wall around parking's east side within 4th St. build-to-zone.

9. Conditions of approval from Engineering, Fire, and Urban Forestry are included in the official conditions of approval, attached hereto;
    a. Address remaining plan comments
    b. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
    c. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.
    d. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.

Standard Conditions of Approval:

10. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;

11. Technical Plat Review and Subdivision Committee comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;

13. Large scale development approval shall be valid for one year;

14. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

15. Prior to the issuance of a building permit, the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include any tree preservation areas and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    e. Project Disk with all final revisions; and
    f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all

improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: ☒ **Approved** ❒ **Tabled** ❒ **Denied**

Meeting Date: **September 23, 2024**

Motion: WERNER

Second: CASTIN

Vote: 8-1-0 (PAYNE OPPOSED)

"I move to approve LSD-2024-0011, determining"
•In favor of variance to §166.11(A), Conformance to Plans and Regulations;
•In favor of variance to §166.05(F), Access Management;
•In favor of variance to §166.21(E)(1), Dumpster Location;
•In favor of variance to §172.04(C)(4): Parking Lot Location Standards;
•In favor of recommended right-of-way dedication,
•In favor of recommended street improvements, and
•In favor of all other conditions as recommended by staff."

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Staff Memos
  - Legal Memo
  - Engineering Memo
  - Urban Forestry Memo
  - Parks Memo
  - Parking District Process
  - Solid Waste Comments
  - Fire Marshal Comments
  - Police Comments
  - Curb Widening Exhibit
- Applicant Exhibits
  - Reconsideration Request Letter
  - Variance Request Letter
  - Traffic Study
  - Renderings
  - Architectural Elevations
  - Site Plans
- Public Comments
- One Mile Map
- Close-Up Map
- Current Land Use Map

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Planning Commission**

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **September 19, 2024**

RE: **Approval/Denial of LSDs/PPLs and Variances**

I sent a memo in July (attached) about the approval/denial criteria for large scale developments and preliminary plats. It did not get into how variances might play a role in the consideration of a development so I wanted to provide that context.

Variances must be considered based on the standards set forth in § 156.03, which governs development, parking and loading variances:

> If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are **shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property**, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development or parking and loading regulations.

At next Monday's meeting you are reconsidering the Urban Lofts at Nelson Hackett project. The applicant now requests four variances instead of six:

1. Variance # 1 – Slip Lane: With this variance, the Planning Commission is not considering the parallel parking proposed for the project. You are considering only the slip lane between the driving lane and the parking spaces. If you do not grant the variance, the project would still be authorized by the UDC to construct parallel parking but it would be immediately adjacent to the driving lane. Whether the slip lane variance

is approved or not, the parking itself should be considered within the standard for approval/denial of a large scale development.

2. Variance #2 – Access Management: With respect to the access management variance, our office has consistently opined that a property owner has a constitutional right to access any street abutting its property. Here the applicant is requesting a second point of access to a public street which should be granted.
3. Variance #3 – Dumpster Location: I think any developer of this property could establish a hardship since there is no "rear yard" in which to place a dumpster; however, the Planning Commission certainly has the authority to approve conditions that ensure the intent of the requirement is met, including placement and screening.
4. Variance #4 – Parking Lot Location Standards: The project proposes to extend the parking lot into the build-to-zone because the applicant wishes to provide more parking for residents. The Planning Commission could potentially consider this a self-imposed hardship; however, if this variance is not granted, I understand the applicant could revise its parking plan by simply removing those spaces from the plan. This would remove the build-to-zone encroachment and nullify the need for a variance but could also lead to more off-site parking.

Just because a project requires variances doesn't mean it should be denied. The UDC provides for variances because it recognizes that certain project sites may present challenges others do not. As stated above, those challenges can include, but are not limited to, financial, environmental, or regulatory hardships. However, even if some variances are denied, it does not mean the entire project can be denied.

Conclusion

If the Planning Commission intends to deny a variance, you should clearly state why it did not meet the standards set forth in Chapter 156.

If the Planning Commission intends to deny a preliminary plat or large scale development, you should clearly state which of the six reasons set forth in § 166.02(C)(2)(a) led to the denial. As stated in the July memo, "if a proposed Large Scale Development or Preliminary Plat meets the minimum standards of the Unified Development Code, it must be approved even if every Commissioner believes it is a terrible development unanimously opposed by the neighbors."

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Planning Commissioners**

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **July 8, 2024**

RE: **Approval/Rejection of Large Scale Developments/Preliminary Plats**

The Planning Commission can be faced with strong neighborhood opposition to a Large Scale Development (LSD) or Preliminary Plat with compelling arguments that the proposal is incompatible with the existing neighborhood, too dense, likely to devalue adjoining homes, etc. These types of arguments may not be considered when determining whether to approve or reject a Preliminary Plat or LSD. **The Planning Commission must follow the dictates of the Unified Development Code (enacted by the City Council).**

The Arkansas Supreme Court has clearly held:

> **"When a subdivision ordinance specifies minimum standards to which a preliminary plat must conform, it is arbitrary as a matter of law to deny approval of a plat that meets those standards."** Richardson v. City of Little Rock Planning Commission, 295 Ark. 189, 747 S.W. 2d 116, 117 (1988).

The City Council has enacted those minimum standards in the Unified Development Code. When it comes to denial of a large scale development or preliminary plat, you may only consider the six factors set forth in § 166.02(C)(2)(a):

> (a) Reasons For Denial. The Subdivision Committee or Planning Commission may refuse to approve a large scale development, preliminary plat or concurrent plat for any of the following reasons:
>
> (i) The plat or development plan is not submitted in accordance with the requirements of this chapter.

(ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.

(iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

(iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

(v) City water and sewer is not readily available to the property within the large scale development, preliminary plat, or concurrent plat and the developer has made no provision for extending such service to the development.

(vi) The developer refused to comply with ordinance requirements or conditions of approval for on-site and off-site improvements.

Any objection or reason to deny a Large Scale Development or Preliminary Plat must be included within those six stated reasons to be valid. If a proposed Large Scale Development or Preliminary Plat meets the minimum standards of the Unified Development Code, **it must be approved even if every Commissioner believes it is a terrible development unanimously opposed by the neighbors**.

Although the City Council has clear authority to amend the UDC and change the factors that could be considered beyond the six currently enacted by the City Council, until such an amendment occurs you **must** obey the current Code of Ordinances.

"A city simply cannot pass procedural ordinances they expect to be followed by their residents and then conveniently ignore them themselves. **A legislative body must substantially comply with its own procedural policies.**" Potocki v. City of Fort Smith, 279 Ark. 19, 648 S.W. 2d 462, (1983). (emphasis added)

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: September 17, 2024

SUBJECT: **Planning Commission Engineering Comments for LSD-2024-0011 Urban Lofts at Nelson Hackett**

Water: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development.

Sewer: The applicant is proposing to install a new sanitary sewer main in W 4th St to provide sanitary sewer service to the development.

Streets: The applicant is proposing to widen S Nelson Hackett Blvd, W South St, S Block Ave, and W 4th St along the project's frontage to provide on-street parking. The applicant has also requested two City Engineer determinations. The first request is to install a portion of a retaining wall within right-of-way at the south end of the sidewalk improvements along S Nelson Hackett Blvd. The second request is for on-street parking spaces to encroach within sight triangles on W South St, S Block Ave, and W 4th St. Both requests as shown on the exhibits included with the request dated July 3, 2024, have been approved by the City Engineer.

On-street parallel parking along S Nelson Hackett Blvd will include a buffer lane between the travel and parking lanes to allow vehicles to safely exit and re-enter traffic. Staff recommends a condition be added that a modified curb be installed between the travel and buffer lanes, and for the buffer lane to be constructed out of stamped colored concrete, similar to roundabout truck aprons, to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and concrete color may be submitted to Engineering for approval with the grading permit. Should the Planning Commission choose to specify an exact stamp pattern and concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Drainage: This development is required to meet the 4 Minimum Standards for water quality, channel protection, overbank flood protection, and extreme flood protection of the Drainage Criteria Manual. The drainage report is still being reviewed for compliance with these requirements.

Plan Comments:

1. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
2. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.

3. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.
4. Address comments on plans and drainage report.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
    - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
    - Sanitary Sewer pipe sizing, profiles, or utility conflicts
    - Waterline fittings, callouts, or utility conflicts
    - Street profiles
    - Fine grading/spot elevations

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: September 23, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

1. General Landscape Plan Checklist	Yes	No	N/A
a. Irrigation (notes either automatic or hose bib 100' o.c.) *UDC Chapter 177.03C7g, 177.04B3a*	X		
b. Species of plant material identified *UDC Chapter 177.03C7d,e*	X		
c. Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) *UDC Chapter 177.03C7b,c*	X		
d. Soil amendments notes include that soil is amended and sod removed *UDC Chapter 177.03C6b*	X		
e. Mulch notes indicate organic mulching around trees and within landscape beds *UDC Chapter 177.03C6c,d*	X		
f. LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer *UDC Chapter 177.03B*	X		
g. Planting bed contained by edging *UDC Chapter 177.03C6f*	X		
h. Planting details according to Fayetteville's Landscape Manual *UDC Chapter 177.03C6g*	X		
i. Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. *UDC Chapter 177.05 A2g*			X

2. Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*			X
b. Wheel Stops/Curbs *UDC Chapter 177.04B1*	Yes		

c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			**X**
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*	**X**		
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*			**X**
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
c.	Screening of parking lot from adjacent residential properties.	**X**		

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*			**X**
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*	**X**		
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*	**X**		
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5. Landscape Requirement Totals	Amount
Mitigation Trees	**56 required,**
	43 On-site
	10 Off-site
	3 Green Façade
Parking Lot Trees	**10 Required,**
	10 provided
Street Trees.	**35 required,**
	35 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**0**
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**0**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**0**

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**7/17/24**	**8/01/24**	**8/12/2024**
			9/23/2024
Approved			
Tabled	**5/15/24**		
	6/13/24		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Urban Forestry recommends the project be approved by Planning Commission. Address items above marked "No" and all Redlines provided.
2. Off-site mitigation plan was not included with the resubmittal. Please add back in to packet.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: September 23, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester		X	
Site Analysis Map Submitted (if justification is needed)	X		
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X

2. Tree Preservation Calculations

Tree Preservation Calculations Square Feet		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	55,186	100%
*Zoning Designation * Select Below with drop down arrow*		
Downtown General	5,519	10%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	5,519	10.0%
Existing Tree Canopy * Minus Right of Way and Easements	26,500	48.0%
Tree Canopy Preserved	2,752	5.0%
Tree Canopy Removed *On Site	23,748	43.0%
Tree Canopy Removed *Off Site	9,508	
Tree Canopy Removed Total	33,256	60.3%
Removed Below Minimum	**2,767**	
Mitigation Requirements	**12,275**	

3. Mitigation Requirements	Canopy below requirement	Number of 2” caliper trees to be planted
High Priority	12,275	56
Low Priority		
Total Mitigation Trees Required	**12,275**	**56**

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	**X**		
Off-Site Mitigation	**X**		
Tree Escrow (See Conditions of Approval)			**X**

5. Tree Preservation Plan Checklist *UDC Chapter 167.04H1and 167.04L1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	**Yes**		
b. Property Boundary	**Yes**		
c. Natural Features (100ft beyond limits of disturbance)	**Yes**		
d. Existing Topography and Proposed Grading	**Yes**		
e. Soil Types	**Yes**		
f. Significant Trees	**Yes**		
g. Groupings of Trees	**N/A**		
h. Table Inventory List (species, size, health, priority)	**Yes**		
i. All Existing and Proposed Utilities	**Yes**		
j. All Existing and Proposed Utility Easements and ROW’s	**Yes**		
k. All Streams (with approximate center line)	**N/A**		
l. Floodplains and floodways	**N/A**		
m. Existing Street, Sidewalk or Bike Path ROW	**Yes**		
n. Submitted Site Analysis Plan (if required)	**Yes**		
o. Shows ALL Proposed Site Improvements	**Yes**		
p. Delineates trees/canopy to be preserved and removed	**Yes**		
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**Yes**		
Tree Protection Methods			
a. Tree Protection Fencing	**Yes**		
b. Limits of Root Pruning	**Yes**		
c. Traffic flow on work site	**Yes**		
d. Location of material storage	**No**		
e. Location of concrete wash out	**Yes**		
f. Location of construction entrance/exit	**Yes**		

6. Site Analysis Report (if required) *UDC Chapter 167.04H4*	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy	**X**		
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	**X**		

7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**7/16/24**	**8/01/24**	**8/12/24** **9/23/24**
Approved			
Tabled	**5/15/24**		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.

CITY OF FAYETTEVILLE ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: September 9, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

****

PRAB Meeting Date:	March 7, 2022
Project Title:	Urban Lofts at Nelson Hackett
Project Number:	LSD-2024-0011
Project Location:	NW of S Block Ave and W 4th St
Plat Page:	523
Park Quadrant:	SE
Billing Name & Address:	Osment Investments LLC, 204 SE 6th St, STE 102 Bentonville, AR 72712

☐ **Land Dedication** ☒ **Fee-in-Lieu** ☐ **Combination**

FEE-IN-LIEU

Single Family:	____	units	x	$1,089	per unit =	$ 0	
Multi Family:	122	units	x	$952	per unit =	$116,144	

TOTAL Fees
$116,144

SUMMARY:

- Project proposes **0** SF units and **138** MF units.
- The project will be charged for **122** MF units since there were **16** MF units previously on site.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
  - Approved by the City's Land Agent in the Engineering Division.
  - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

Wonsower, Donna

From: Clay, Justin
Sent: Friday, August 9, 2024 8:13 AM
To: Masters, Jessica
Cc: Wonsower, Donna; Curth, Jonathan; Brown, Chris
Subject: Re: Planning Commission - Monday, August 12 - Establishing Neighborhood Parking District

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jessie,

Thanks for passing this along. There's no process per se. City Council approval is required to establish or alter any paid parking boundaries and the area in question would require a new district to be established, the regulations of which would ultimately be determined/approved by City Council.

The only neighborhood district that has been established (Wilson Park area) was a result of a Council Member bringing it forward followed by several months of meetings with neighbors and Council members to fine-tune the details.

There is no turn-key approach. We (or someone) based on input from the neighbors would have to determine:

1. who is eligible to receive parking permits and how many per residence;
2. what is the cost for residential permits;
3. what will the parking rates be for non-permit holders;
4. are residents of the new development eligible for permits, and if not, why not; and
5. what additional staff resources are necessary to administer and enforce the program

If we do go down this road my recommendation would be to make any of the regulated parking "mixed-use" meaning anyone can park there with either a residential permit or by paying a parking rate. Experience has shown that making certain on-street spaces exclusive for residential permit-holders only has resulted in low utilization.

Lastly, is there a tool to require a parking impact study for this type of development? If it is perceived that the development is going to create a parking problem are there other tools or variance denials that can be used to mitigate?

Sorry, I know that's a bit of rambling, but those are my initial thoughts – I'm not sure if any of it's helpful but please let me know what additional info or clarification I can provide.

Thanks,

Justin Clay
Parking Manager
Parking Management Division
City of Fayetteville, Arkansas
jclay@fayetteville-ar.gov
T 479.575.8277
Website | Facebook | Twitter | Instagram | YouTube

Wonsower, Donna

From: Bekemeier, Brandon
Sent: Friday, September 6, 2024 4:08 PM
To: Wonsower, Donna; Cook, Andrew
Subject: Re: LSD-2024-0011 Solid Waste Access

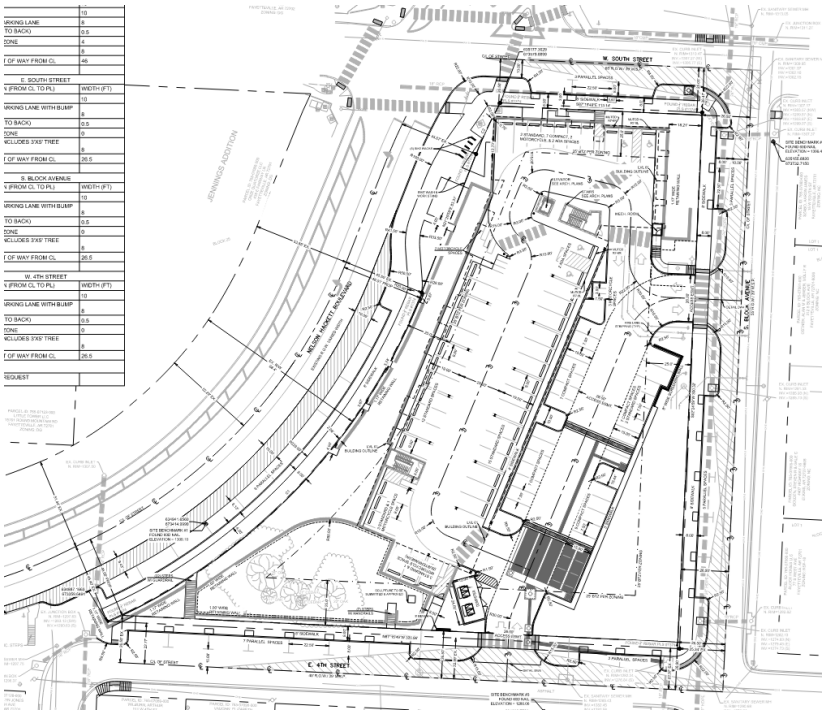
Drew and I sat down and reviewed these plans a week or two ago. We currently serviced the area with the same style truck that will be used for this development and don't see any concerns on our part. We do not feel there will be any issues with access for solid waste.

Get Outlook for iOS

From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Friday, September 6, 2024 4:03:34 PM
To: Bekemeier, Brandon <bbekemeier@fayetteville-ar.gov>; Cook, Andrew <acook@fayetteville-ar.gov>
Subject: LSD-2024-0011 Solid Waste Access

Good Afternoon,

There was a great deal of concern at the previous Planning Commission meeting regarding LSD-2024-0011 on Nelson Hackett, specifically in regards to potential impacts to fire, police, and solid waste services and whether these services will still be able to access the property and surrounding neighborhood with the proposed on-street parking. I know you have been working with the applicant extensively, and wanted to confirm if Solid Waste has any concerns about getting around this area from the proposal.



Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

09/10/2024

From: Captain Jason Hood

To: Donna Wonsower

Title: Urban Lofts
Project: LSD-2024-0011

Subject: Fire Apparatus Access Roads

Donna,

The Fire Marshal's Office has reviewed the Large-Scale Development (LSD) plans for the Urban Lofts. The site is located at the corner of Nelson Hackett BLVD and West South Street. After our review we have found the project meets and exceeds the minimum requirements for Fire Apparatus Access Roads set forth by the Arkansas Fire Prevention Code (AFPC) 2021 edition.

Regards,

Captain Jason Hood
Fayetteville Fire Marshal's Office

Wonsower, Donna

From: Dawson, Greg
Sent: Monday, September 16, 2024 3:51 PM
To: Wonsower, Donna
Subject: RE: LSD-2024-0011 Access Concerns

Donna,
Thank you, and yes this is accurate. The 10 feet of slip lane eases our worries of vehicles traveling into the parking area. Having additional lighting will also be beneficial.
Greg

From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Monday, September 16, 2024 9:39 AM
To: Dawson, Greg <gdawson@fayetteville-ar.gov>
Subject: RE: LSD-2024-0011 Access Concerns

Good Morning,

I am working up the Planning Commission report for this project over the next few days and wanted to confirm that I am representing police comments accurately. Coul you pleas confirm the below:

- No issues with access to the apartments themselves
- Only major concern for the proposed development is the proposed on-street parking along W. Nelson Hackett Blvd., though this concern was lessened after determining that the proposed slip lane is 10 feet in width. Police recommend that this area is well-lit to ensure that anyone utilizing this area is fully visible.

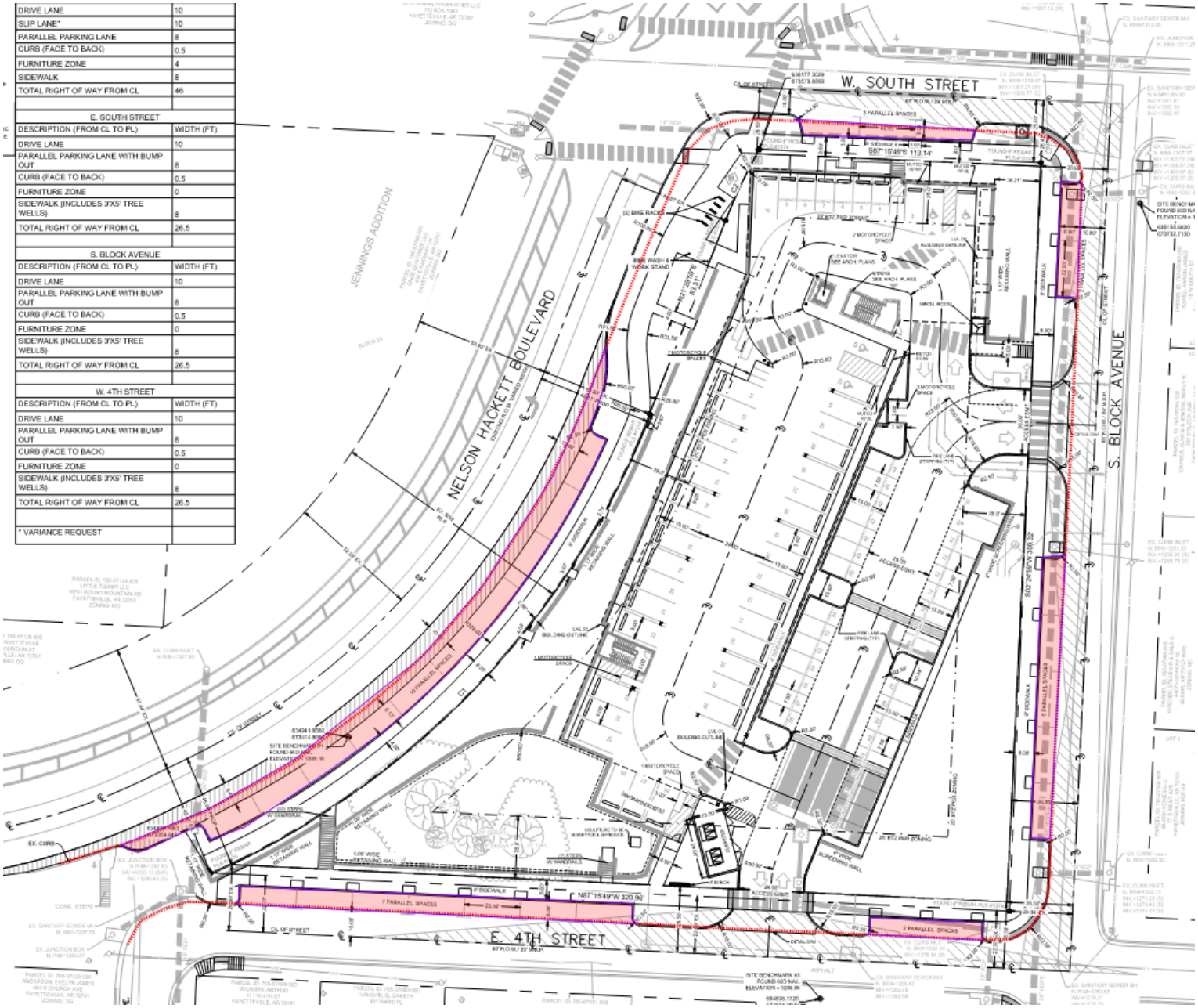
Let me know if I've misstated anything. Thank you!

Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

The Fayetteville Planning department is currently short-staffed. Please allow a minimum of 3-5 days for staff review and response to emails.

STAFF EXHIBIT:
CURB WIDENING

DRIVE LANE	10
SLIP LANE*	10
PARALLEL PARKING LANE	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	4
SIDEWALK	8
TOTAL RIGHT OF WAY FROM CL	46
E. SOUTH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
S. BLOCK AVENUE	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
W. 4TH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
* VARIANCE REQUEST	



Proposed Widening

URBANLOFT Co.

August 22, 2024

Mr. Chairman,

We respectfully request that the Planning Commission reconsider our application for a Large Scale Development. We listened carefully to comments from commissioners and members of the public at the previous meeting, and are keen to present a few significant changes to the application in light of what we heard:

1. **A unit reduction of** nearly 20%, **from 163 total to 138 total.** It's important to point out that we are proposing more affordable 1-bed units. If we were instead proposing more expensive 2-bed units, the total units would be 69, or if we had chosen to follow the student housing model that is common in Fayetteville with 4-bed units, we would only have 35 units. Not only are our units more affordable, they're also more flexible, being appropriate for a wide variety of renters including young professionals, divorcées, retirees, and seasonal occupants (such as healthcare providers). In fact, we have seen that these customer segments are common in similar developments completed by this team, including in other college towns.
2. **A commitment to reserve up to 15 percent of the units for individuals making no more than a designated amount of AMI.** This commitment, which is unprecedented in terms of market-rate developments in this area as far as we're aware, is possible because providing housing for this segment of the population has been a goal of ours from day one. We feel strongly enough about this to put it in writing and invite you to make it a condition of approval. We are still working through these details and look forward to the opportunity to present these to the commission.
3. **A commitment to fully managed parking that encourages car-free renters**. A careful survey of our existing properties has revealed that on-site parking utilization hovers around 65% in our walkable developments, with many of our renters choosing other modes of transportation. Even though our project fully meets the city's requirements for parking, we will further encourage use of alternative transportation by:
    1. Providing a discount on monthly rent for renters who do not require a parking spot.
    2. Clearly stating in our lease agreements that renters should not plan to use on-street parking in the area as an alternative to our on-site accommodations.
    3. Providing a designated drop-off zone for ride sharing to be located on Nelson Hackett (away from neighborhood streets).

While none of these compromises are required by code, we are eager to offer them as a show of good faith in support of our earnest hope to be good neighbors. We have also made every effort to reduce or

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Jonesboro, AR 72401
870.240.8008
https://www.theurbanloftco.com/

URBANLOFT Co.

eliminate variances from this project; what we are left with is a short list of items where conflicting codes and / or site constraints have created hardships that are unavoidable. We thank City Staff for their favorable recommendations with regard to these variances and the project as a whole. We also did not note any specific objections to these variances from Planning Commissioners.

For years, City leadership has pointed out that creating infill housing in downtown and along 71B is critical to meeting Fayetteville's housing needs now and in the future. Indeed, this property has been zoned for this kind of development for well over a decade. Commission's consideration of this development comes amid a push by the city to rezone much of 71B for similar development patterns – an effort that is supported by a great deal of citizen input. We ask you to please consider re-hearing this project, which we believe will be a catalyst for the revitalization of the 71B corridor and instrumental in bringing more workforce housing units to Fayetteville.

Should the commission agree to re-hear the application, we would like to further request that the item be tabled to the next meeting to allow us sufficient time to notify members of the public.

Sincerely,

Andrew Berner
Managing Partner

215 Union St, STE 400
Jonesboro, AR 72401
870.240.8008
https://www.theurbanloftco.com/

16 September 2024

City of Fayetteville
Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

LSD Number: 2024-0011
DCI Job Number: 2023-196
Project Name: Urban Lofts at Nelson Hackett
Owner: The Dallas Collection, LLC
215 Union St. STE 400
Jonesboro, AR 72401

Project Narrative:
The Urban Lofts at Nelson Hacket Multi-Family development is located at 309 S Block Ave, Parcel 765-07087-000, and consists of approximately 1.25 acres. This parcel fronts four streets, Nelson Hackett for approximately 376', W. South Street for approximately 113', S Block Ave for approximately 300', and E 4th Street for approximately 321'. The project is a multifamily development consisting of 138 micro-loft units contained in two buildings: a four-story structure with basement level parking and a three-story structure.

Variance Request:
On behalf of the owner, DCI is requesting variances to the following sections of the Unified Development Code.

1. Variance to UDC Section 166.08.F. Code requires properties fronted by more than one public street to place access off the lowest functional classification or volume of traffic. Fire Code requires buildings in excess of 3 stories or 30' to have two separate approved entries. As this site is fronted by streets on all four sides with Downtown General classification, the lowest volume streets were chosen for the fire access. Additionally, the Access Management Standards (UDC 166.08.F) require curb cut separations of 100' for Neighborhood Links (the closest street section to Downtown General) from all intersections and other curb cuts. It is not possible to achieve two curb cuts on S. Block Street that would both be 100' from an intersection and one another as S. Block Street has a total distance of 327 linear feet fronting this property. Similarly, E. 4th Street is only 320 linear feet in frontage, which would not allow for two entries that meet the above criteria. Therefore, the site requires the two fire apparatus entries to be located on separate streets.
2. Variance to UDC Section 166.11, Conformance to Plans and Regulations, for Van Buren Ave. Code requires the development to conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Master Street Plan. The Master Street Plan requires Nelson Hackett BLVD to provide an 8' parallel parking lane adjacent to the traveled way. DCI is

requesting a variance to the Master Street Plan on the owner's behalf to allow the construction of a slip lane, providing additional room for northbound traffic on Nelson Hackett to decelerate and safely maneuver into the parallel parking spaces. Requiring strict adherence to the Master Street Plan would require users to access their vehicles immediately adjacent to the traveled way of Nelson Hackett, which had an average daily traffic of 1,000 vehicles per day in 2023 (latest data).

3. Variance to UDC Section 166.21.E.1. Code requires trash dumpsters to be in the rear yard of a development that is located within the Downtown Design Overlay District. As this site is fronted by streets on all four sides, no "rear" yard exists. The dumpster location has been placed such that it is on the "rear" side of the primary building, hidden from view of Nelson Hackett and W South Street, which are considered the primary streets for this development.
4. Variance to UDC Section 172.04.C.4. Code requires all parking lots in urban zones to be located behind or on the side of a building. DCI is requesting a variance for portions of the parking lot adjacent to Block Ave. With this property being surrounded by streets and designed to be an intense, dense urban project, all usable space not being utilized for buildings or required green space is being utilized for parking. Portions of the parking lot are located behind the "front" of the building fronting Nelson, but are visible from Block Ave. Requiring all parking to be behind a building would require more building space or the removal of parking below allowable limits.

Thank you for your consideration and we look forward to working with the City moving forward.

Sincerely,



Chase Henrichs, P.E.
ChaseH@DCIUS.PRO
479.444.7880
Development Consultants

MEMORANDUM

August 23, 2024

TO: Development Consultants Inc.

FROM: Nathan Becknell, P.E., PTOE, PTP

SUBJECT: Nelson Hackett Multi-Family
Traffic Impact Review

LOCATION: Nelson Hackett Boulevard - 4th Street to South Street
Fayetteville, Arkansas

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13621
NATHAN LEE BECKNELL

INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained by Development Consultants Inc. (DCI) to conduct a traffic impact review on the proposed Nelson Hackett Multi-Family development. The proposed development is located east of Nelson Hackett Boulevard from 4th Street to South Street in Fayetteville, Arkansas as shown in **Figure 1** in the attachments.

The proposed multi-family development would include two mid-rise buildings with 138 dwelling units as shown in **Figure 2** in the attachments. Access to the development is proposed via drives at both 4th Street and Block Avenue. Additional access is proposed via on-street parking on the east curb line of Nelson Hackett Boulevard, the south curb line of South Street, the west curb line of Block Avenue, and the north curb line of 4th Street. Nelson Hackett Boulevard is a three-lane, with side-path, generally north/south "downtown/urban street" with a posted speed limit of 35 mph and has an approximate average daily traffic (ADT) of 19,000 vehicles per day (vpd). 4th Street, South Street, and Block Avenue are two-lane "downtown/urban streets" with an unposted speed limit of 20 mph. Historical ADT data and master street plan section information is included in the attachments.

SITE GENERATED TRAFFIC

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. The latest edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers, was used to determine the amount of traffic the development is expected to generate. The report is a nationally accepted reference which provides trip rates for determining the traffic expected to be generated by different land use types.

Available information was utilized regarding the anticipated land use to determine the site generated traffic. The *Multifamily Housing (Mid-Rise)* with 4-10 floors land use category was selected as the most applicable to determine the trip generation of the proposed development. The resulting traffic volumes projected to be generated by the proposed development once completed are indicated in **Table 1**.

TABLE 1

Projected Site Generated Trips

Building Type (Land Use)	ITE Land Use Code	Approximate Gross Floor Area or Other	Average Weekday Vehicle Trips			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Trips (vph)		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Trips (vph)	
			Per Day	Per Peak Hour of Adjacent Street Traffic: One Hour Between 7am & 9am	Per Peak Hour of Adjacent Street Traffic: One Hour Between 4pm & 6pm								
			(vpd)	(vph)	(vph)	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Trip Rate*		(Dwelling Units)	4.43	0.36	0.39								
Multifamily Housing (Mid-Rise)	221	138	612	49	54	23%	77%	11	38	61%	39%	33	21

* Trip Rates from "TRIP GENERATION MANUAL", 11th Ed., Institute of Transportation Engineers.

The proposed development would be expected to generate 612 vehicle trips per day with 49 trips occurring during the a.m. peak hour and 54 trips occurring during the p.m. peak hour. The City of Fayetteville minimum street standards are silent for study threshold requirements for the downtown/urban street section. Typically, a full traffic impact analysis is recommended for any development along a residential link which generates 100 or more vehicle trips during a peak hour or a regional link which generates 200 or more vehicle trips during a peak hour. It is assumed 4th Street, South Street, and Block Avenue behave similar to residential links and Nelson Hackett Boulevard behaves similar to a regional link for study requirement purposes. The proposed development would be expected to generate less than the minimum recommendation for all neighboring streets, therefore, a full traffic impact analysis was not conducted.

PARKING

The proposed site plan includes a combination of on-site parking and on-street parking to satisfy the minimum vehicle parking demands of the development. The City of Fayetteville master street plan classifies Nelson Hackett Boulevard as a “downtown/urban street,” which is a section allowing for more access and non-vehicular considerations. The roadway has recently transitioned from a more vehicular service section to partially implement the latest city master street plan section. Recent modifications include reallocation of lanes from four primary vehicle lanes to three with the addition of exclusive bicycle facilities. The “downtown/urban street” section desires on-street parking along Nelson Hackett Boulevard that does not currently exist. The following information is a summary of considerations for safety and function with on-street parking at the south/east curb line of Nelson Hackett Boulevard along the site.

Literature Summary

NACTO *Urban Street Design Guide*

Design Controls – Design Speed – "On-street parking narrows the street and slows traffic by creating friction for moving vehicles."

AASHTO *Policy on Geometric Design of Highways and Streets* (*Green Book*)

2.5.1 – "The principal advantages of controlling access are the preservation of improvement of service and the reduction of crash frequency and severity."

2.5.5 and Figures 2-7/2-8 - The inclusion of a two-way left-turn lane compared with an undivided section has a reduced crash rate for all rates of access management.

3.2.1 – "The designer should provide sight distance of sufficient length that drivers can control the operation of their vehicles to avoid striking an unexpected object in the traveled way."

4.20 – "On-street parking generally decreases through-traffic capacity, impedes traffic flow, and increases crash potential… However, within urban areas… located on arterial highway routes, on-street parking should be considered in order to accommodate existing and developing land uses. Often, adequate off-street parking facilities are not available. Therefore, the designer should consider on-street parking so that the proposed street or highway improvements will be compatible with the land use."

4.20 – "When a proposed roadway improvement is to include on-street parking, parallel parking should be considered. Under certain circumstances, (front-in/back-out) angle parking is an allowable form of street parking."

4.20 – "Where diagonal parking exists or is planned, consideration may be given to back-in/head-out diagonal parking because of the improved visibility for the driver to see vehicular and bicycle traffic when existing the parking space. In addition, back-in/head-out diagonal parking is usually a simpler maneuver than parallel parking."

7.3.3.7 – "Where parking is needed to contribute to an urban context or where adequate off-street parking facilities are not available or practical, parallel or angle parking may be considered on lower-speed arterials as long as the capacity provided by the through lanes for motor vehicles and bicycles is considered. However, parking is highly undesirable on higher speed roadways (50 mph and above) and generally not used on facilities in the 40- to 45 mph range."

AASHTO *Highway Safety Manual*

12.7.1/13.11.2.1 – Crash Modification Factor (CMF) for On-Street Parking – CMF for three-lane with turn lane 1.465 for parallel parking and 3.428 for front-in/back-out angle parking. The base condition being an absence of on-street parking. A value over one indicates an anticipated increase in crashes. Note: The CMF clearinghouse provided similar results and did not include CMF data for back-in/head-out diagonal parking.

FHWA *Highway Performance Monitoring System Field Manual*

Signalized Intersection Approach Capacity Adjustment for Parking for one lane in group and 6 parking maneuvers per hour (two-way streets with parking on one side) is 0.87. This value indicates slight reduction in capacity due to parking near a signalized approach.

FHWA *Road Diet Informational Guide*

3.3.5 – "The FHWA advises that roadways with ADT of 20,000 vpd or less may be good candidates for a Road Diet…"

Stopping Sight Distance

To determine stopping sight distance as recommended by the AASHTO *Policy on Geometric Design of Highways and Streets* (*Green Book)*, 24-hour volumes and speeds were collected during a typical mid-week day with mild weather and while school was in session in February 2024 on Nelson Hackett Boulevard between 4th Street and South Street. Based on the traffic data collected, the Nelson Hackett Boulevard ADT is 16,000 vpd (Note: ARDOT 2022 ADT measured at 19,000 vpd) and the 85th percentile speed is 38.1 mph for northbound traffic and 39.0 mph for southbound traffic. Detailed printouts of all the traffic count data are included in the appendix.

For speeds of 38.1 mph and an uphill grade of 5.5% the *Green Book* recommends a stopping sight distance of 262-feet. The proposed parking along the south/east curb of Nelson Hackett Boulevard should be checked for adequate vehicle stopping sight distance to enhance safety.

SUMMARY

The proposed Nelson Hackett Multi-Family development would be expected to generate 54 additional trips during the typical weekday peak hour periods. The traffic generated by the proposed development would have negligible effects on the surrounding intersections and roadways during the weekday peak periods. Based on these factors, no additional traffic related issues are anticipated as a result of the proposed development.

The City of Fayetteville "downtown/urban street" master street plan section desires on-street parking along Nelson Hackett Boulevard that does not currently exist. The existing vehicle speeds and volumes present on the corridor are less than the common thresholds for safety and capacity as found in literature by NACTO, AASHTO, and FHWA. On-street parking would be considered typically compatible with the proposed land use and urban context. Back-in/head-out diagonal parking would be considered an acceptable alternative to parallel parking. A minimum stopping sight distance of 262-feet shall be provided for northbound traffic.

Additionally, for "downtown/urban street" sections surrounding the development that behave similar to residential links, the City of Fayetteville master street plan desires a street section as shown in the proposed site plan and recommended by traffic safety literature. The proposed development does not create or compound a dangerous traffic condition on the existing low-volume streets surrounding the development and is in keeping with the requirements and ideals of the City of Fayetteville master street plan.

ATTACHMENTS



FIGURE 1. Project Location Map
Nelson Hackett Multi-Family
Fayetteville, Arkansas

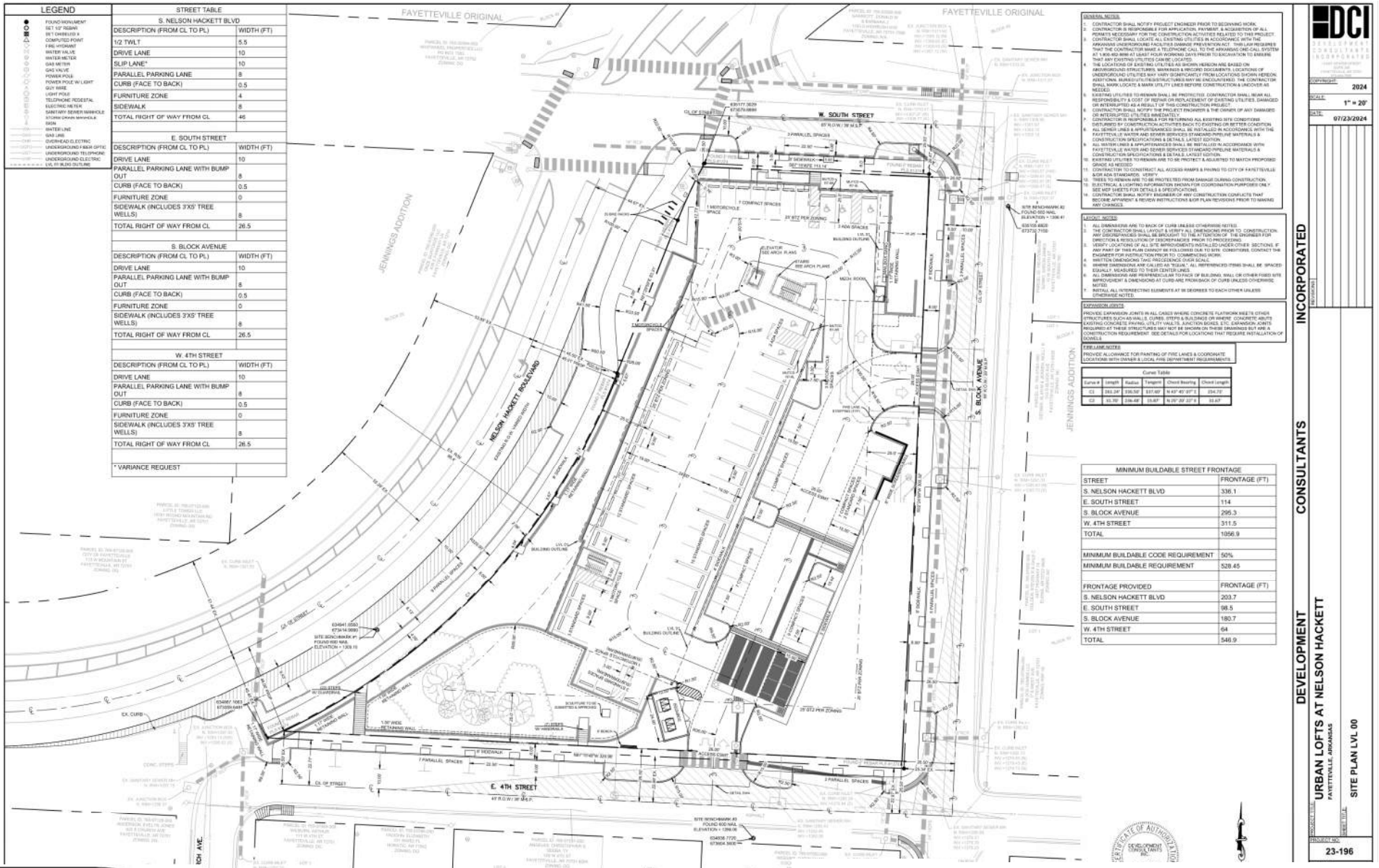
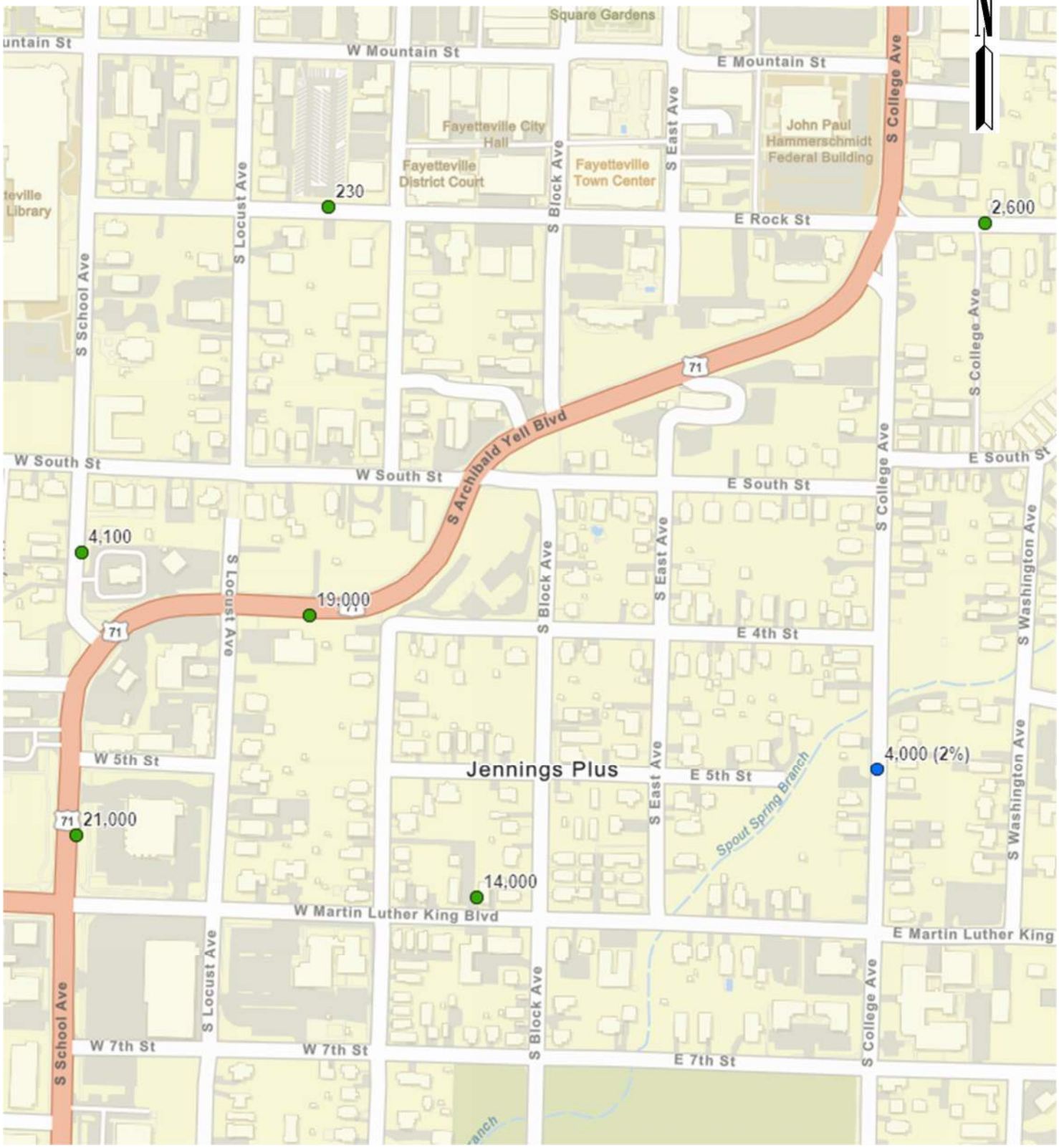


FIGURE 2. Site Plan

Nelson Hackett Multi-Family



2022 ADT—Nelson Hackett Blvd

Fayetteville, Arkansas

Downtown/Urban Street

Design Service Volume: Varies - Desired Operating Speed: 20-25 mph

The downtown (or urban) street section is intended to be used in Fayetteville's downtown core. Wide sidewalks, with separated furnishing/tree zones will be the standard. On-street parking is desirable and low-speed design should be encouraged to allow for maximum pedestrian comfort and utilization. Sight-lines at intersections should be protected from obstructions. Ideally, bicycles should be able to intermix with traffic safely and on-street protected bike facilities considered where traffic volumes or speeds exceed thresholds for all ages and abilities. Storm drainage infrastructure should have adequate depth or be offset to avoid conflicts with street tree plantings. Low-Impact Development (LID) features in green spaces are recommended best practices to incorporate alternative stormwater treatment techniques.

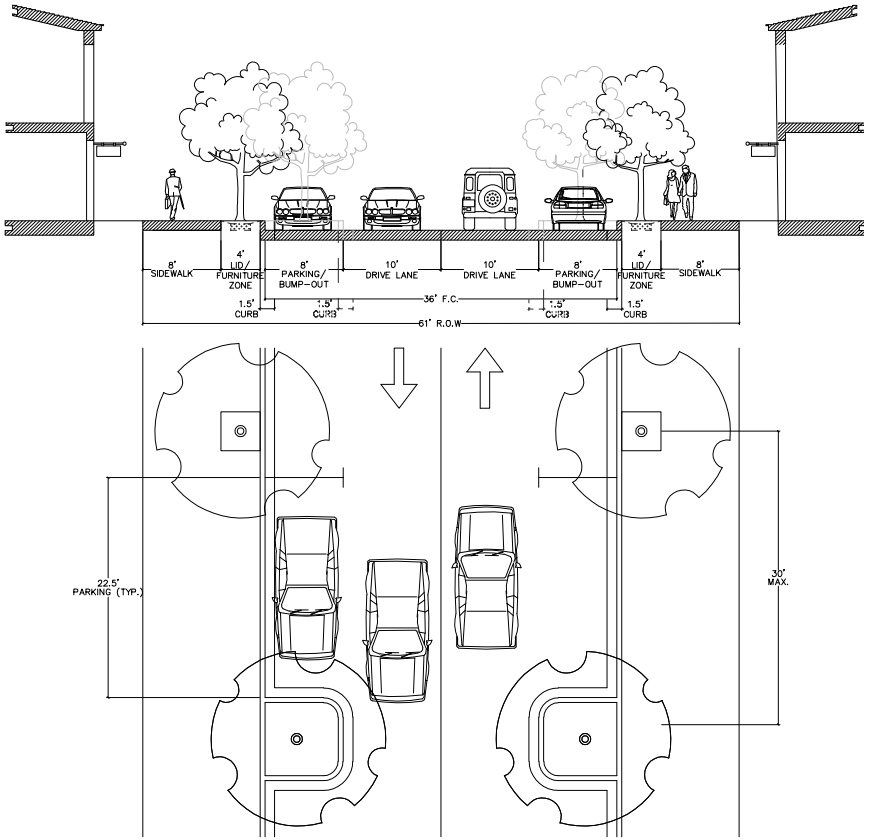


Figure 12.10 - Downtown/Urban Street

As determined by city staff, additional roadway elements may be required and include:

- An additional 2-ft frontage zone where buildings abut right-of-way. This may be accomplished with setbacks or additional right-of-way.
- If known or planned transit route, increase lane widths to 11-ft.

Alternative design elements may be approved administratively and include:

- Removal of the 8-ft parking lane or lanes to reduce the right-of-way by 16-ft will be considered when adequate parking is provided elsewhere.
- Sidewalk widths may be reduced to a minimum of 6-ft.
- Furniture zone may be reduced to 3-ft when determined appropriate by the Zoning and Develoment Administrator.
- Where bump-outs are used, the 4-ft furniture zone may be removed. Street trees may be planted behind sidewalk to meet requirements.
- Angled parking may be used with an additional amount of right-of-way as determined by the Zoning and Development Administrator. (79-ft Right-of-Way)

Example section (left) with parking on both sides.

Minimum Right-of-Way: 39-feet
Maximum Right-of-Way: 63-feet

	A	B	C	D	E	F	G	H
1				***The Traffic Group, Inc.***				
2				*(800) 583-8411*				
3				www.trafficgroup.com				
4								
5								
6				**Station Name: 2024-0155**				
7				**Site ID:110000000155**				
8				**Station Num:000000101481**				
9				**Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.**				
10				**County: Washington**				
11				**Start Date/Time:02-01-2024 00:00**				
12				**End Date/Time:02-01-2024 23:59**				
13								
14		**Mean Speed**	**Standard Deviation**	**Total Vehicles**	**Sample Size**	**15th Percentile**	**50th Percentile**	**85th Percentile**
15	**Lane 1 (North)**	33.56 MPH	4.05	7750	7750	30.08 MPH	33.41 MPH	38.13 MPH
16	**Lane 2 (South)**	34.51 MPH	4.08	8272	8272	30.66 MPH	34.55 MPH	38.95 MPH
17								

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1				Station Name: 2024-0155														
2				Site ID:110000000155														
3				Station Num:000000101481														
4				Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.														
5				County: Washington														
6				Start Date/Time:02-01-2024 00:00														
7				End Date/Time:02-01-2024 23:59														
8																		
9		20 MPH	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH	55 MPH	60 MPH	65 MPH	70 MPH	75 MPH	80 MPH	85 MPH	> 85 MPH	All Speeds	Mean Speed
10	00:00	0	1	1	4	3	0	0	0	0	0	0	0	0	0	0	9	32.50
11	00:15	0	0	1	1	3	1	0	0	0	0	0	0	0	0	0	6	35.83
12	00:30	0	0	0	4	1	0	1	0	0	0	0	0	0	0	0	6	35.83
13	00:45	1	1	1	0	2	0	0	0	0	0	0	0	0	0	0	5	27.00
14	01:00	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	4	36.25
15	01:15	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	35.00
16	01:30	0	0	2	2	3	0	0	0	0	0	0	0	0	0	0	7	33.21
17	01:45	0	0	2	6	1	1	0	0	0	0	0	0	0	0	0	10	33.00
18	02:00	0	0	5	1	7	0	0	0	0	0	0	0	0	0	0	13	33.27
19	02:15	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
20	02:30	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
21	02:45	0	0	0	3	2	0	0	0	0	0	0	0	0	0	0	5	34.50
22	03:00	0	0	1	3	1	1	0	0	0	0	0	0	0	0	0	6	34.17
23	03:15	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	4	31.25
24	03:30	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	37.50
25	03:45	0	0	2	3	0	0	0	0	0	0	0	0	0	0	0	5	30.50
26	04:00	0	1	3	5	5	2	0	0	0	0	0	0	0	0	0	16	33.75
27	04:15	0	0	1	6	3	1	0	0	0	0	0	0	0	0	0	11	34.32
28	04:30	0	0	0	4	2	0	1	0	0	0	0	0	0	0	0	7	36.07
29	04:45	0	0	3	4	1	2	0	0	0	0	0	0	0	0	0	10	33.50
30	05:00	0	0	0	7	3	0	0	0	0	0	0	0	0	0	0	10	34.00
31	05:15	0	0	2	3	3	0	0	0	0	0	0	0	0	0	0	8	33.13
32	05:30	0	0	5	7	6	1	0	0	0	0	0	0	0	0	0	19	33.29
33	05:45	0	1	4	10	7	3	1	0	0	0	0	0	0	0	0	26	34.42
34	06:00	0	1	0	18	11	2	0	0	0	0	0	0	0	0	0	32	34.53
35	06:15	0	0	5	19	17	2	0	0	0	0	0	0	0	0	0	43	34.36
36	06:30	0	2	8	35	27	4	0	0	0	0	0	0	0	0	0	76	34.01
37	06:45	0	4	6	29	30	4	0	0	0	0	0	0	0	0	0	73	34.14
38	07:00	0	0	4	32	47	2	0	0	0	0	0	0	0	0	0	85	35.26
39	07:15	1	1	15	72	43	3	0	0	0	0	0	0	0	0	0	135	33.52
40	07:30	0	3	21	85	39	3	0	0	0	0	0	0	0	0	0	151	33.10
41	07:45	0	0	31	79	50	5	0	0	0	0	0	0	0	0	0	165	33.38
42	08:00	1	0	12	73	49	7	0	0	0	0	0	0	0	0	0	142	34.14
43	08:15	0	0	16	92	46	6	0	0	0	0	0	0	0	0	0	160	33.81
44	08:30	0	5	19	59	23	8	1	0	0	0	0	0	0	0	0	115	33.07
45	08:45	2	6	19	70	44	5	0	0	0	0	0	0	0	0	0	146	32.98
46	09:00	1	0	4	52	27	4	0	0	0	0	0	0	0	0	0	88	34.01
47	09:15	0	0	13	48	34	5	0	0	0	0	0	0	0	0	0	100	34.05
48	09:30	1	1	18	55	26	8	0	0	0	0	0	0	0	0	0	109	33.30
49	09:45	0	1	30	67	25	5	0	0	0	0	0	0	0	0	0	128	32.62
50	10:00	1	1	9	64	32	9	1	0	0	0	0	0	0	0	0	117	34.10
51	10:15	2	8	9	59	34	2	0	0	0	0	0	0	0	0	0	114	32.68
52	10:30	0	3	29	58	31	2	2	0	0	0	0	0	0	0	0	125	32.74
53	10:45	0	4	11	69	33	13	0	0	0	0	0	0	0	0	0	130	34.04
54	11:00	0	1	14	74	55	5	0	0	0	0	0	0	0	0	0	149	34.14
55	11:15	0	7	13	77	29	3	0	0	0	0	0	0	0	0	0	129	32.81
56	11:30	0	2	8	54	46	6	1	0	0	0	0	0	0	0	0	117	34.59
57	11:45	0	1	22	73	42	4	0	0	0	0	0	0	0	0	0	142	33.42
58	12:00	0	2	14	73	44	2	1	1	0	0	0	0	0	0	0	137	33.85
59	12:15	0	2	14	79	44	6	0	0	0	0	0	0	0	0	0	145	33.81
60	12:30	0	2	13	66	52	8	0	0	0	0	0	0	0	0	0	141	34.31
61	12:45	0	0	20	76	51	4	1	0	0	0	0	0	0	0	0	152	33.88
62	13:00	1	2	17	72	51	5	0	1	0	0	0	0	0	0	0	149	33.83
63	13:15	0	2	27	59	27	8	0	0	0	0	0	0	0	0	0	123	32.99
64	13:30	0	2	13	72	45	3	0	0	0	0	0	0	0	0	0	135	33.76
65	13:45	0	1	29	65	52	5	0	0	0	0	0	0	0	0	0	152	33.52
66	14:00	0	2	19	91	34	6	0	0	0	0	0	0	0	0	0	152	33.26
67	14:15	0	0	21	73	26	1	0	0	0	0	0	0	0	0	0	121	32.79
68	14:30	0	1	22	60	48	6	0	0	0	0	0	0	0	0	0	137	33.81
69	14:45	1	3	10	65	41	5	0	0	0	0	0	0	0	0	0	125	33.72
70	15:00	0	2	16	82	55	2	0	0	0	0	0	0	0	0	0	157	33.74
71	15:15	0	3	13	77	36	1	1	0	0	0	0	0	0	0	0	131	33.34
72	15:30	2	2	16	96	42	6	0	1	0	0	0	0	0	0	0	165	33.38
73	15:45	0	0	10	99	57	9	1	0	0	0	0	0	0	0	0	176	34.43
74	16:00	1	2	18	74	40	6	0	0	0	0	0	0	0	0	0	141	33.40
75	16:15	0	0	7	75	45	9	0	0	0	0	0	0	0	0	0	136	34.56
76	16:30	0	1	16	90	30	8	1	0	0	0	0	0	0	0	0	146	33.56
77	16:45	0	0	15	71	44	5	0	0	0	0	0	0	0	0	0	135	33.94
78	17:00	1	0	14	77	43	8	0	0	0	0	0	0	0	0	0	143	33.92
79	17:15	0	1	23	84	33	6	0	0	0	0	0	0	0	0	0	147	33.18
80	17:30	0	1	23	84	33	5	0	0	0	0	0	0	0	0	0	146	33.12
81	17:45	0	0	37	58	21	2	0	0	0	0	0	0	0	0	0	118	31.99
82	18:00	1	8	12	60	27	4	0	1	0	0	0	0	0	0	0	113	32.79
83	18:15	0	5	20	55	31	2	0	0	0	0	0	0	0	0	0	113	32.72
84	18:30	0	3	11	62	35	3	0	0	0	0	0	0	0	0	0	114	33.55
85	18:45	0	0	8	55	33	1	0	0	0	0	0	0	0	0	0	97	33.89
86	19:00	0	0	13	55	20	1	0	0	0	0	0	0	0	0	0	89	33.01
87	19:15	0	0	11	44	16	3	0	0	0	0	0	0	0	0	0	74	33.24
88	19:30	0	0	11	45	15	4	0	0	0	0	0	0	0	0	0	75	33.30
89	19:45	0	1	20	54	11	1	0	0	0	0	0	0	0	0	0	87	31.98
90	20:00	0	0	10	39	27	1	0	0	0	0	0	0	0	0	0	77	33.73
91	20:15	2	0	3	30	23	3	1	0	0	0	0	0	0	0	0	62	34.11
92	20:30	0	0	7	40	15	2	0	0	0	0	0	0	0	0	0	64	33.44
93	20:45	0	0	1	24	9	0	0	0	0	0	0	0	0	0	0	34	33.68
94	21:00	0	1	6	27	16	0	0	0	0	0	0	0	0	0	0	50	33.30
95	21:15	0	0	7	20	13	2	1	0	0	0	0	0	0	0	0	43	34.01
96	21:30	0	1	11	17	6	1	0	0	0	0	0	0	0	0	0	36	31.81
97	21:45	0	0	4	22	15	1	0	0	0	0	0	0	0	0	0	42	34.05
98	22:00	0	0	4	22	15	0	0	0	0	0	0	0	0	0	0	41	33.84
99	22:15	0	0	2	16	11	2	0	0	0	0	0	0	0	0	0	31	34.60
100	22:30	0	0	1	12	5	1	1	0	0	0	0	0	0	0	0	20	34.75
101	22:45	0	1	2	17	2	1	1	0	0	0	0	0	0	0	0	24	33.13
102	23:00	0	1	2	15	14	1	0	0	0	0	0	0	0	0	0	33	34.32
103	23:15	0	0	5	14	8	2	0	0	0	0	0	0	0	0	0	29	33.71
104	23:30	0	0	4	4	4	1	0	0	0	0	0	0	0	0	0	13	33.27
105	23:45	0	0	2	8	4	0	0	0	0	0	0	0	0	0	0	14	33.21
106																		
107	Total	19	107	974	4070	2267	292	17	4	0	0	0	0	0	0	0	7750	
108	Percentag	0.25%	1.38%	12.57%	52.52%	29.25%	3.77%	0.22%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1				Station Name: 2024-0155_SB														
2				Site ID:510000000155														
3				Station Num:000000101425														
4				Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.														
5				County: Washington														
6				Start Date/Time:02-01-2024 00:00														
7				End Date/Time:02-01-2024 23:59														
8																		
9		20 MPH	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH	55 MPH	60 MPH	65 MPH	70 MPH	75 MPH	80 MPH	85 MPH	> 85 MPH	All Speeds	Mean Speed
10	00:00	0	0	0	7	5	2	0	0	0	0	0	0	0	0	0	14	35.71
11	00:15	0	0	1	2	4	0	0	0	0	0	0	0	0	0	0	7	34.64
12	00:30	0	0	1	3	5	2	0	0	0	0	0	0	0	0	0	11	36.14
13	00:45	0	0	0	2	3	2	0	0	0	0	0	0	0	0	0	7	37.50
14	01:00	0	0	1	3	5	1	0	0	0	0	0	0	0	0	0	10	35.50
15	01:15	0	0	2	6	3	2	0	0	0	0	0	0	0	0	0	13	34.42
16	01:30	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	35.00
17	01:45	0	0	2	2	2	0	0	0	0	0	0	0	0	0	0	6	32.50
18	02:00	0	0	0	1	2	2	0	0	0	0	0	0	0	0	0	5	38.50
19	02:15	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	4	35.00
20	02:30	0	0	1	6	1	0	0	0	0	0	0	0	0	0	0	8	32.50
21	02:45	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	30.00
22	03:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	32.50
23	03:15	0	0	0	2	1	1	0	0	0	0	0	0	0	0	0	4	36.25
24	03:30	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3	30.83
25	03:45	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	30.00
26	04:00	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
27	04:15	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	32.50
28	04:30	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	4	35.00
29	04:45	0	0	0	4	3	1	0	0	0	0	0	0	0	0	0	8	35.63
30	05:00	0	0	0	5	4	1	0	0	0	0	0	0	0	0	0	10	35.50
31	05:15	0	0	1	4	6	2	0	0	0	0	0	0	0	0	0	13	35.96
32	05:30	0	0	0	5	13	3	0	0	0	0	0	0	0	0	0	21	37.02
33	05:45	0	0	1	12	6	4	0	0	0	0	0	0	0	0	0	23	35.33
34	06:00	0	0	1	6	11	7	0	0	0	0	0	0	0	0	0	25	37.30
35	06:15	0	0	0	12	18	3	1	0	0	0	0	0	0	0	0	34	36.47
36	06:30	0	0	2	5	9	5	2	0	0	0	0	0	0	0	0	23	37.50
37	06:45	0	0	3	16	17	9	0	0	0	0	0	0	0	0	0	45	36.06
38	07:00	0	0	9	12	31	7	0	0	0	0	0	0	0	0	0	59	35.55
39	07:15	0	0	1	36	31	6	0	0	0	0	0	0	0	0	0	74	35.34
40	07:30	0	0	11	23	44	5	0	0	0	0	0	0	0	0	0	83	35.09
41	07:45	0	0	8	63	54	6	0	1	0	0	0	0	0	0	0	132	34.85
42	08:00	0	10	27	83	58	5	0	1	0	0	0	0	0	0	0	184	33.18
43	08:15	0	0	6	37	43	16	0	0	0	0	0	0	0	0	0	102	35.88
44	08:30	0	0	6	50	37	3	1	0	0	0	0	0	0	0	0	97	34.56
45	08:45	0	1	11	49	37	8	0	0	0	0	0	0	0	0	0	106	34.39
46	09:00	0	1	7	42	30	6	0	0	0	0	0	0	0	0	0	86	34.42
47	09:15	0	0	8	45	37	7	0	0	0	0	0	0	0	0	0	97	34.72
48	09:30	1	2	12	48	30	4	2	0	0	0	0	0	0	0	0	99	33.69
49	09:45	0	0	1	29	54	8	0	0	0	0	0	0	0	0	0	92	36.25
50	10:00	0	0	4	40	60	10	1	0	0	0	0	0	0	0	0	115	35.93
51	10:15	0	0	5	40	47	6	1	0	0	0	0	0	0	0	0	99	35.38
52	10:30	0	2	11	56	37	12	0	0	0	0	0	0	0	0	0	118	34.45
53	10:45	1	0	9	44	47	7	1	0	0	0	0	0	0	0	0	109	34.82
54	11:00	0	0	3	47	65	11	3	0	0	0	0	0	0	0	0	129	36.10
55	11:15	0	0	4	44	64	8	1	0	0	0	0	0	0	0	0	121	35.76
56	11:30	0	0	3	64	57	8	1	0	0	0	0	0	0	0	0	133	35.24
57	11:45	0	1	11	84	44	8	0	0	0	0	0	0	0	0	0	148	34.09
58	12:00	0	0	15	70	52	8	1	0	0	0	0	0	0	0	0	146	34.42
59	12:15	0	1	17	63	54	13	0	0	0	0	0	0	0	0	0	148	34.56
60	12:30	0	1	12	81	44	9	2	0	0	0	0	0	0	0	0	149	34.31
61	12:45	0	0	9	63	72	12	0	0	0	0	0	0	0	0	0	156	35.29
62	13:00	0	0	7	56	74	9	0	0	0	0	0	0	0	0	0	146	35.41
63	13:15	0	0	13	77	47	3	0	0	0	0	0	0	0	0	0	140	33.93
64	13:30	0	0	5	79	55	8	0	0	0	0	0	0	0	0	0	147	34.74
65	13:45	0	0	2	42	65	9	0	0	0	0	0	0	0	0	0	118	35.93
66	14:00	0	0	1	62	55	13	1	0	0	0	0	0	0	0	0	132	35.64
67	14:15	0	1	20	91	71	11	0	0	0	0	0	0	0	0	0	194	34.33
68	14:30	1	3	4	75	67	5	0	0	0	0	0	0	0	0	0	155	34.52
69	14:45	0	2	20	70	55	9	0	0	0	0	0	0	0	0	0	156	34.07
70	15:00	0	0	9	68	80	15	0	0	0	0	0	0	0	0	0	172	35.44
71	15:15	0	0	18	65	66	11	1	0	0	0	0	0	0	0	0	161	34.77
72	15:30	0	0	5	68	89	13	0	0	0	0	0	0	0	0	0	175	35.64
73	15:45	0	0	2	70	83	12	0	0	0	0	0	0	0	0	0	167	35.64
74	16:00	1	1	3	67	94	7	0	0	0	0	0	0	0	0	0	173	35.35
75	16:15	0	0	1	72	75	5	0	0	0	0	0	0	0	0	0	153	35.25
76	16:30	7	1	16	107	91	7	1	1	0	0	0	0	0	0	0	231	33.85
77	16:45	0	1	19	80	76	5	1	0	0	0	0	0	0	0	0	182	34.37
78	17:00	3	3	14	132	49	7	1	0	0	0	0	0	0	0	0	209	33.28
79	17:15	0	2	41	71	53	5	1	0	0	0	0	0	0	0	0	173	33.11
80	17:30	2	6	36	75	58	6	0	0	0	0	0	0	0	0	0	183	32.86
81	17:45	0	4	35	74	48	0	0	0	0	0	0	0	0	0	0	161	32.66
82	18:00	0	0	20	62	56	8	0	0	0	0	0	0	0	0	0	146	34.28
83	18:15	0	3	22	67	32	6	0	0	0	0	0	0	0	0	0	130	33.12
84	18:30	0	3	11	89	30	0	0	0	0	0	0	0	0	0	0	133	32.99
85	18:45	1	1	10	47	40	7	0	0	0	0	0	0	0	0	0	106	34.27
86	19:00	0	3	14	61	31	2	1	0	0	0	0	0	0	0	0	112	33.30
87	19:15	0	0	4	59	37	8	0	0	0	0	0	0	0	0	0	108	34.77
88	19:30	0	0	13	37	44	3	0	0	0	0	0	0	0	0	0	97	34.41
89	19:45	0	0	11	59	21	4	0	1	0	0	0	0	0	0	0	96	33.65
90	20:00	0	0	6	57	27	5	3	0	0	0	0	0	0	0	0	98	34.54
91	20:15	0	0	15	47	23	6	0	0	0	0	0	0	0	0	0	91	33.60
92	20:30	0	0	7	29	34	12	1	0	0	0	0	0	0	0	0	83	35.75
93	20:45	1	0	9	44	33	6	1	0	0	0	0	0	0	0	0	94	34.34
94	21:00	0	0	10	42	25	5	0	0	0	0	0	0	0	0	0	82	34.02
95	21:15	0	0	4	40	23	7	1	1	0	0	0	0	0	0	0	76	35.13
96	21:30	0	0	5	25	30	5	1	0	0	0	0	0	0	0	0	66	35.38
97	21:45	0	0	5	18	41	7	0	0	0	0	0	0	0	0	0	71	36.02
98	22:00	0	0	6	17	27	6	0	0	0	0	0	0	0	0	0	56	35.45
99	22:15	0	0	1	21	16	10	0	1	0	0	0	0	0	0	0	49	36.48
100	22:30	0	0	1	18	28	4	0	0	1	0	0	0	0	0	0	52	36.35
101	22:45	0	2	0	8	8	3	1	0	0	0	0	0	0	0	0	22	35.45
102	23:00	0	0	0	12	10	2	0	0	0	0	0	0	0	0	0	24	35.42
103	23:15	0	0	2	10	11	2	1	0	0	0	0	0	0	0	0	26	35.58
104	23:30	0	0	0	9	6	2	1	0	0	0	0	0	0	0	0	18	36.11
105	23:45	0	0	0	10	6	2	0	0	0	0	0	0	0	0	0	18	35.28
106																		
107	Total	18	55	676	3718	3242	522	34	6	1	0	0	0	0	0	0	8272	
108	Percentag	0.22%	0.66%	8.17%	44.95%	39.19%	6.31%	0.41%	0.07%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	

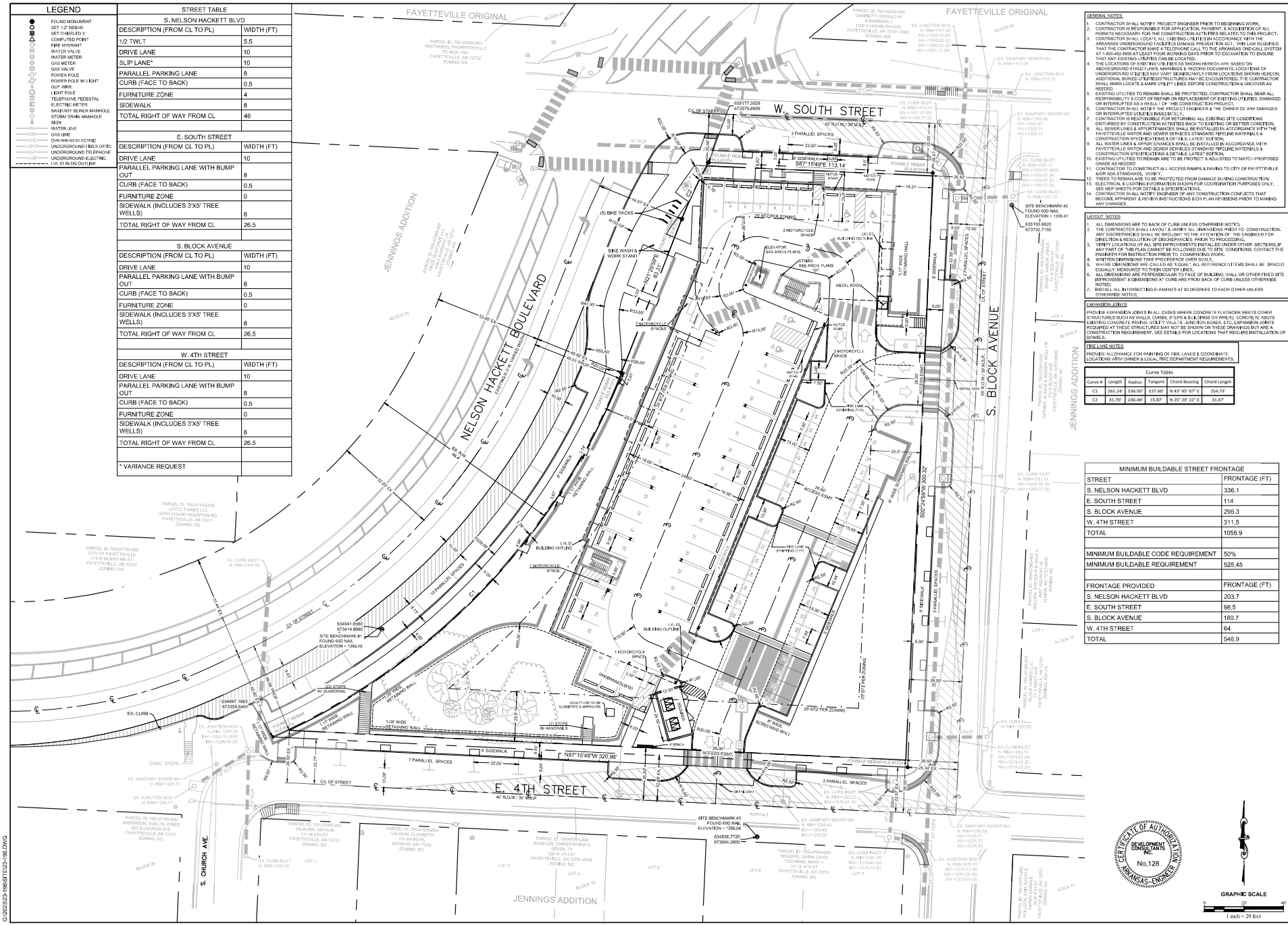
arch+craft design, pllc

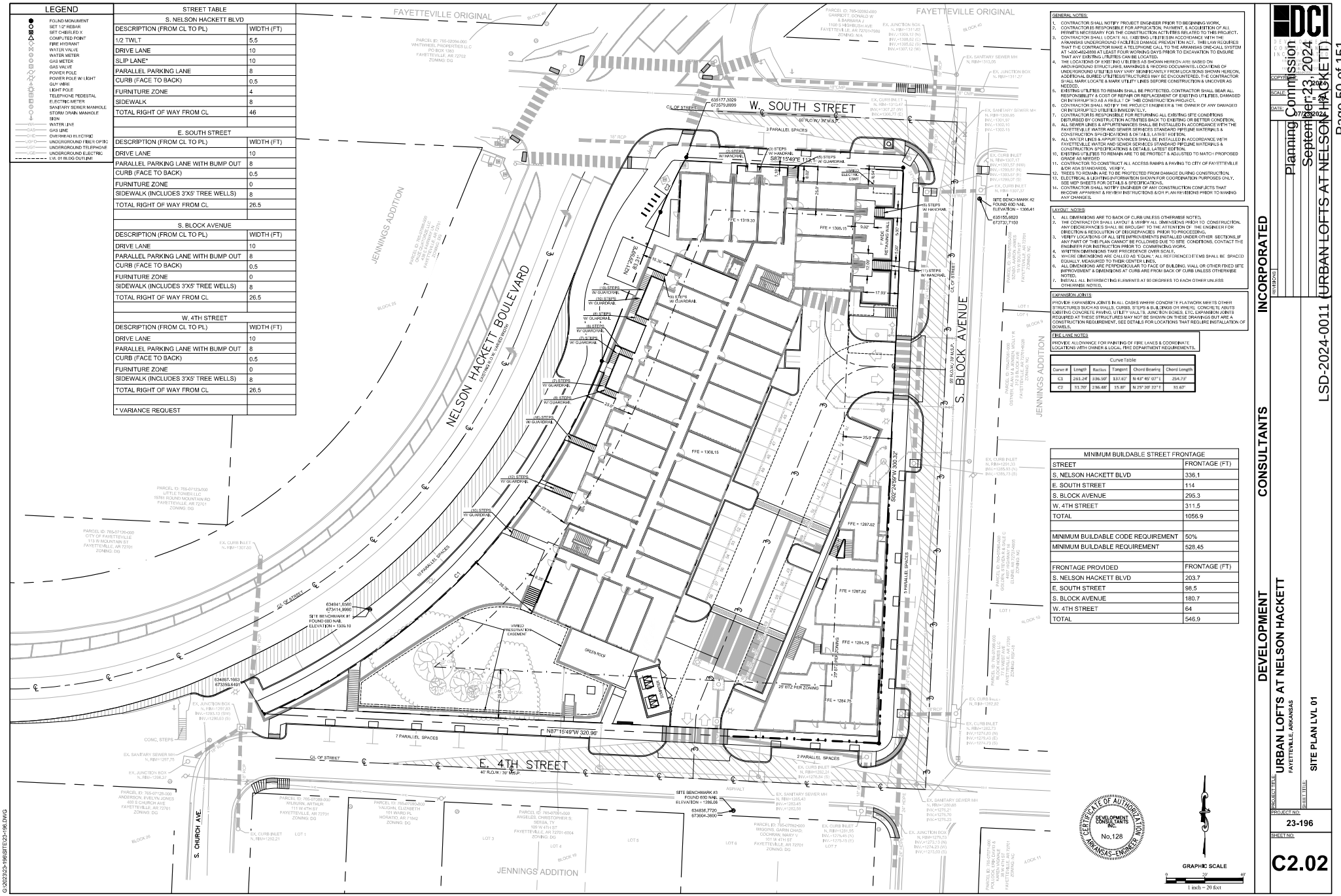
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arch+craft design, pllc

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LEGEND
FOUND MONUMENT
SET 1/2" REBAR
SET CHISELED X
COMPUTED POINT
FIRE HYDRANT
WATER VALVE
WATER METER
GAS METER
GAS VALVE
POWER POLE
POWER POLE W/ LIGHT
GUY WIRE
LIGHT POLE
TELEPHONE PEDESTAL
ELECTRIC METER
SANITARY SEWER MANHOLE
STORM DRAIN MANHOLE
SIGN
WATER LINE
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND FIBER OPTIC
UNDERGROUND TELEPHONE
UNDERGROUND ELECTRIC
LVL 01 BLDG OUTLINE
FAYETTEVILLE ORIGINAL
JENNINGS ADDITION
NELSON HACKETT BOULEVARD
S. BLOCK AVENUE
S. CHURCH AVE.
W. SOUTH STREET
E. 4TH STREET
635177.3029
673579.8899
634941.6360
673414.9660
SITE BENCHMARK #1
FOUND 60D NAIL
ELEVATION = 1306.10
634887.1663
673359.6491
SITE BENCHMARK #2
FOUND 60D NAIL
ELEVATION = 1306.41
635155.6620
673732.7150
SITE BENCHMARK #3
FOUND 60D NAIL
ELEVATION = 1286.26
634836.7720
673604.3600
3 PARALLEL SPACES
7 PARALLEL SPACES
2 PARALLEL SPACES
17 PARALLEL SPACES
(5) BIKE RACKS
BIKE WASH & WORK STAND
2 MOTORCYCLE SPACES
1 MOTORCYCLE SPACE
3 MOTORCYCLE SPACE
ELEVATOR SEE ARCH. PLANS
STAIRS SEE ARCH. PLANS
MECH. ROOM
ELEV. RETAINING WALL
8' SIDEWALK
8' WIDE SCREENING WALL
1.00' WIDE RETAINING WALL
(2) STEPS W/ GUARDRAIL
(7) STEPS W/ HANDRAILS
SCULPTURE TO BE SUBMITTED & APPROVED
9' BENCH
ACCESS EASEMENT
FIRE LANE STRIPING (TYP.)
25' BTZ PER ZONING
S87°15'49"E 113.14'
N87°15'49"W 320.98'
S02°24'59"W 300.32'
N02°29'09"E 85.31'
LVL 01 BUILDING OUTLINE
EX. CURB
CONC. STEPS
EX. SANITARY SEWER MH
EX. JUNCTION BOX
EX. CURB INLET
EX. INLET
PROP. CURB INLET
PROP. SANITARY SEWER MH
PROP. JUNCTION BOX
PROP. CURB INLET
PROP.



STREET TABLE	
S. NELSON HACKETT BLVD	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
1/2 TWLT	5.5
DRIVE LANE	10
SLIP LANE*	10
PARALLEL PARKING LANE	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	4
SIDEWALK	8
TOTAL RIGHT OF WAY FROM CL	46
E. SOUTH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
S. BLOCK AVENUE	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
W. 4TH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
* VARIANCE REQUEST	

GENERAL NOTES:

1. CONTRACTOR SHALL NOTIFY PROJECT ENGINEER PRIOR TO BEGINNING WORK.
2. CONTRACTOR IS RESPONSIBLE FOR APPLICATION, PAYMENT, & ACQUISITION OF ALL PERMITS NECESSARY FOR THE CONSTRUCTION ACTIVITIES RELATED TO THIS PROJECT.
3. CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES IN ACCORDANCE WITH THE ARKANSAS UNDERGROUND FACILITIES DAMAGE PREVENTION ACT. THIS LAW REQUIRES THAT THE CONTRACTOR MAKE A TELEPHONE CALL TO THE ARKANSAS ONE-CALL SYSTEM AT 1-(800)-482-8998 AT LEAST FOUR WORKING DAYS PRIOR TO EXCAVATION TO ENSURE THAT ANY EXISTING UTILITIES CAN BE LOCATED.
4. THE LOCATIONS OF EXISTING UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES, MARKINGS & RECORD DOCUMENTS. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY SIGNIFICANTLY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. THE CONTRACTOR SHALL MARK LOCATE & MARK UTILITY LINES BEFORE CONSTRUCTION & UNCOVER AS NEEDED.
5. EXISTING UTILITIES TO REMAIN SHALL BE PROTECTED. CONTRACTOR SHALL BEAR ALL RESPONSIBILITY & COST OF REPAIR OR REPLACEMENT OF EXISTING UTILITIES DAMAGED OR INTERRUPTED AS A RESULT OF THIS CONSTRUCTION PROJECT.
6. CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER & THE OWNER OF ANY DAMAGED OR INTERRUPTED UTILITIES IMMEDIATELY.
7. CONTRACTOR IS RESPONSIBLE FOR RETURNING ALL EXISTING SITE CONDITIONS DISTURBED BY CONSTRUCTION ACTIVITIES BACK TO EXISTING OR BETTER CONDITION.
8. ALL SEWER LINES & APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH THE FAYETTEVILLE WATER AND SEWER SERVICES STANDARD PIPELINE MATERIALS & CONSTRUCTION SPECIFICATIONS & DETAILS, LATEST EDITION.
9. ALL WATER LINES & APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH FAYETTEVILLE WATER AND SEWER SERVICES STANDARD PIPELINE MATERIALS & CONSTRUCTION SPECIFICATIONS & DETAILS, LATEST EDITION.
10. EXISTING UTILITIES TO REMAIN ARE TO BE PROTECT & ADJUSTED TO MATCH PROPOSED GRADE AS NEEDED
11. CONTRACTOR TO CONSTRUCT ALL ACCESS RAMPS & PAVING TO CITY OF FAYETTEVILLE &/OR ADA STANDARDS, VERIFY.
12. TREES TO REMAIN ARE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
13. ELECTRICAL & LIGHTING INFORMATION SHOWN FOR COORDINATION PURPOSES ONLY. SEE MEP SHEETS FOR DETAILS & SPECIFICATIONS.
14. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY CONSTRUCTION CONFLICTS THAT BECOME APPARENT & REVIEW INSTRUCTIONS &/OR PLAN REVISIONS PRIOR TO MAKING ANY CHANGES.

LAYOUT NOTES:

1. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL LAYOUT & VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR DIRECTION & RESOLUTION OF DISCREPANCIES PRIOR TO PROCEEDING.
3. VERIFY LOCATIONS OF ALL SITE IMPROVEMENTS INSTALLED UNDER OTHER SECTIONS, IF ANY PART OF THIS PLAN CANNOT BE FOLLOWED DUE TO SITE CONDITIONS, CONTACT THE ENGINEER FOR INSTRUCTION PRIOR TO COMMENCING WORK.
4. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.
5. WHERE DIMENSIONS ARE CALLED AS 'EQUAL' ALL REFERENCED ITEMS SHALL BE SPACED EQUALLY, MEASURED TO THEIR CENTER LINES.
6. ALL DIMENSIONS ARE PERPENDICULAR TO FACE OF BUILDING, WALL OR OTHER FIXED SITE IMPROVEMENT & DIMENSIONS AT CURB ARE FROM BACK OF CURB UNLESS OTHERWISE NOTED.
7. INSTALL ALL INTERSECTING ELEMENTS AT 90 DEGREES TO EACH OTHER UNLESS OTHERWISE NOTED.

EXPANSION JOINTS

PROVIDE EXPANSION JOINTS IN ALL CASES WHERE CONCRETE FLATWORK MEETS OTHER STRUCTURES SUCH AS WALLS, CURBS, STEPS & BUILDINGS OR WHERE CONCRETE ABUTS EXISTING CONCRETE PAVING, UTILITY VAULTS, JUNCTION BOXES, ETC. EXPANSION JOINTS REQUIRED AT THESE STRUCTURES MAY NOT BE SHOWN ON THESE DRAWINGS BUT ARE A CONSTRUCTION REQUIREMENT. SEE DETAILS FOR LOCATIONS THAT REQUIRE INSTALLATION OF DOWELS.

FIRE LANE NOTES

PROVIDE ALLOWANCE FOR PAINTING OF FIRE LANES & COORDINATE LOCATIONS WITH OWNER & LOCAL FIRE DEPARTMENT REQUIREMENTS.

Curve Table					
Curve #	Length	Radius	Tangent	Chord Bearing	Chord Length
C1	261.24'	336.50'	137.62'	N 43° 45' 07" E	254.73'
C2	51.70'	236.48'	15.87'	N 25° 20' 22" E	51.60'

MINIMUM BUILDABLE STREET FRONTAGE	
STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	336.1
E. SOUTH STREET	114
S. BLOCK AVENUE	295.3
W. 4TH STREET	311.5
TOTAL	1056.9
MINIMUM BUILDABLE CODE REQUIREMENT	50%
MINIMUM BUILDABLE REQUIREMENT	528.45
FRONTAGE PROVIDED	FRONTAGE (FT)
S. NELSON HACKETT BLVD	203.7
E. SOUTH STREET	98.5
S. BLOCK AVENUE	180.7
W. 4TH STREET	64
TOTAL	546.9

CERTIFICATE OF AUTHORITY
DEVELOPMENT CONSULTANTS INC.
No.128
ARKANSAS ENGINEER

DEVELOPMENT CONSULTANTS INCORPORATED

Planning Commission September 23, 2024

COPYRIGHT: 2024

SCALE: 1" = 20'

DATE: 07/26/2024

REVISIONS

PROJECT TITLE: URBAN LOFTS AT NELSON HACKETT
FAYETTEVILLE, ARKANSAS

SHEET TITLE: SITE PLAN LVL 01

PROJECT NO: 23-196

SHEET NO: C2.02

LSD-2024-0011 URBAN LOFTS AT NELSON HACKETT)

Page 50 of 151

G:\2023\23-196\SITE\23-196.DWG

G:\2023\23-196\SITE\23-196.DWG

(XX) - MATCH EXISTING
TF - TOP OF FOUNDATION
TS - TOP STEP
BF - BOTTOM FOOTING
BS - BOTTOM STEP
TW - TOP OF WALL
BW - BOTTOM WALL

GENERAL DEMOLITION NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE THOROUGH KNOWLEDGE OF THE ALL ITEMS SHOWN IN REGULAR PRINT OR LABELED ARE TO BE REMOVED.
2. ALL ITEMS SHOWN IN BOLD PRINT OR LABELED ARE TO REMAIN.
3. DEMOLITION PLAN SHOWS SOME, BUT NOT ALL, OF THE ITEMS TO BE REMOVED. CONTRACTOR SHALL REVIEW ENTIRE SITE AND INCLUDE ALL ITEMS NECESSARY FOR CONSTRUCTION OF THE PROJECT.
4. ITEMS NOT SHOWN TO BE REMOVED OR THEIR PLANT INVEST, THE PRODUCT LIMITS & BY ALL JURISDICTIONAL AUTHORITIES HAVING JURISDICTION.
5. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
6. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
7. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
8. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
9. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
10. CONTRACTOR SHALL REVIEW RECORD DRAWINGS FOR EXISTING BUILDING & BUILDINGS BEING SHOWN TO BE REMOVED SHALL BE STORED & REUSED PER THESE PLANS OR AS DIRECTED BY OWNER.

GENERAL NOTES:

1. ALL WORK SHALL COMPLY WITH THE LATEST EDITION OF THE CITY OF FAYETTEVILLE, ARKANSAS CONSTRUCTION STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR EXCAVATION, SHORING, & EXCAVATION OF ALL TRENCHES UNDERGROUND UTILITIES SHALL BE LOCATED AND STAKED PRIOR TO THE BEGINNING OF CONSTRUCTION. CONTRACTOR SHALL CONTACT ALL UTILITIES IN ACCORDANCE WITH THE ARKANSAS ONE-CALL SYSTEM AT 1-800-482-8998 AT LEAST FOUR WORKING DAYS PRIOR TO EXCAVATION TO ENSURE THE LOCATIONS OF EXISTING UTILITIES AS SHOWN HEREON ARE SHOWN ON
3. ALL UNDERGROUND UTILITIES MAY VARY. SHORT CUTS FROM LOCATIONS SHOWN HEREON. CONTRACTOR SHALL MARK LOCATE & MARK CITY OF FAYETTEVILLE UTILITIES BEFORE CONSTRUCTION & EXCAVATION AS
4. EXISTING UTILITIES TO REMAIN SHALL BE PROTECTED. CONTRACTOR SHALL REPAIR ALL DAMAGED UTILITIES AT NO EXPENSE TO THE OWNER OR CITY.
5. CONTRACTOR SHALL NOTIFY ENGINEER & THE OWNER OF ANY DAMAGED OR INTERRUPTED UTILITIES IMMEDIATELY.
6. CONTRACTOR SHALL NOTIFY ENGINEER & THE OWNER OF ANY DAMAGED OR INTERRUPTED UTILITIES IMMEDIATELY.
7. DISTURBED CONCRETE, ASPHALT PAVEMENT, SIDEWALKS, CURB & GUTTER, ETC. DAMAGED DURING CONSTRUCTION ACTIVITIES SHALL BE REPLACED WITH EQUAL OR BETTER CONDITION.
8. ALL SEPTIC LINES & APPURTENANCES SHALL BE ENGINEERED AND CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION STANDARDS & SPECIFICATIONS.
9. CONTRACTOR SHALL COORDINATE ALL WORK WITH THE CITY OF FAYETTEVILLE WATER AND SEWER SERVICES STANDARD PRACTICE MANUAL & SPECIFICATIONS.
10. EXISTING UTILITIES TO REMAIN ARE TO BE PROTECT & ADJUSTED TO MATCH PROPOSED GRADES AS NECESSARY.
11. CONTRACTOR TO CONSTRUCT ALL ACCESS RAMPS & PAVING TO CITY OF FAYETTEVILLE STANDARDS & SPECIFICATIONS.
12. TREES TO REMAIN ARE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
13. SEE SHEET C5.01 FOR LANDSCAPE PLANS. COORDINATE AS NECESSARY.
14. RECORD APPARENT & VISIBLE PROPERTY CORNERS PRIOR TO MAKING ANY CHANGES.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ARKANSAS.
REGISTERED PROFESSIONAL ENGINEER
No. 128

DEVELOPMENT	CONSULTANTS	INCORPORATED

PROJECT TITLE:
URBAN LOFTS AT NELSON HACKETT
FAYETTEVILLE, ARKANSAS

SHEET TITLE:
GRADING & DRAINAGE LVL 00

PROJECT NO: 23-196

SHEET NO: **C3.01**

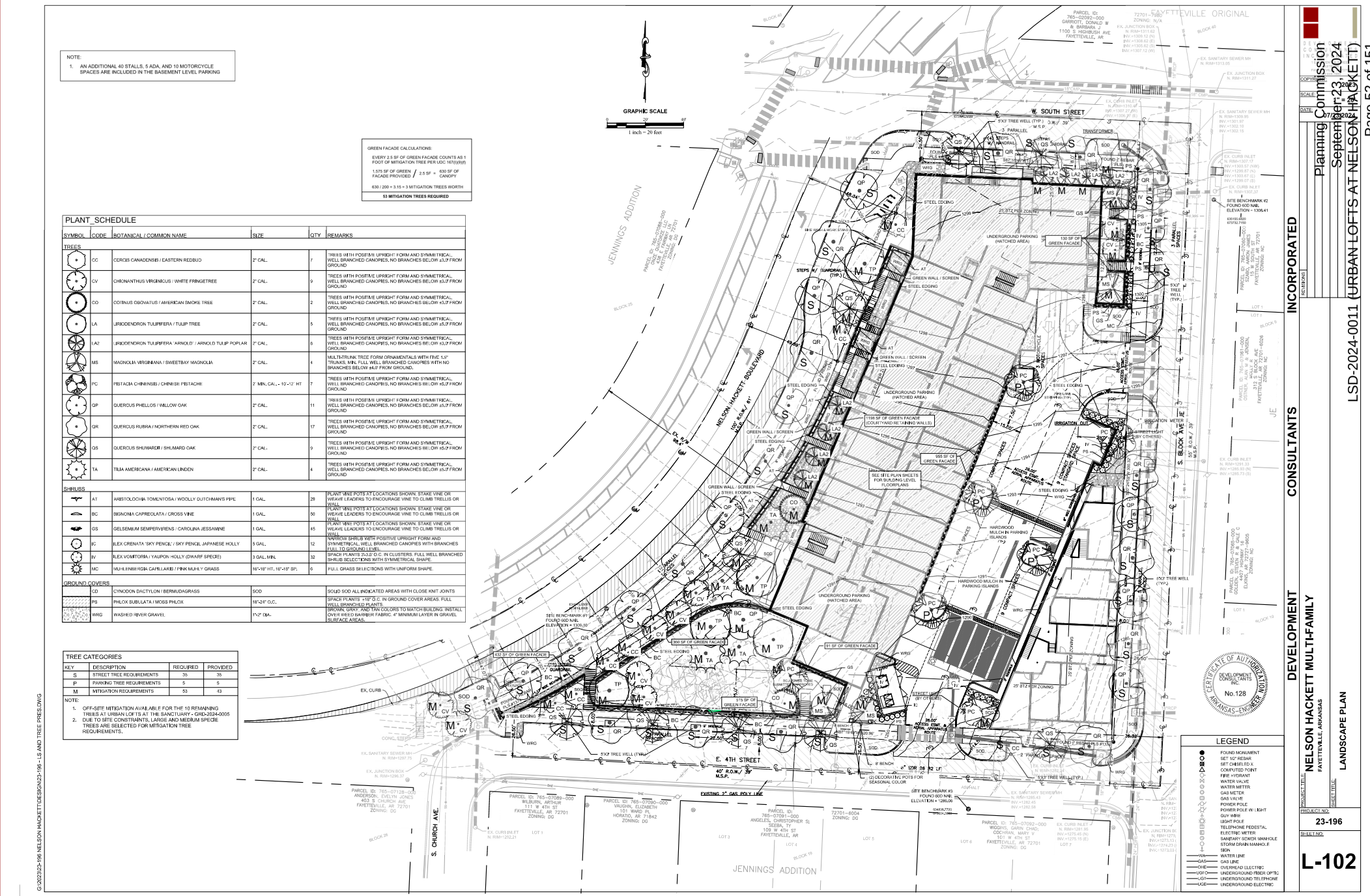
REVISIONS

DATE: 07/26/2024

SCALE: 1" = 20'

DRAWN BY: CHECKED BY:

DCI



DEVELOPMENT CONSULTANTS INCORPORATED

Planning Commission September 23, 2024

DATE: 07/26/2024

SCALE: 1"=20'

COPYRIGHT

REVISIONS

PROJECT TITLE: NELSON HACKETT MULTI-FAMILY
FAYETTEVILLE, ARKANSAS

SHEET TITLE: LANDSCAPE PLAN

PROJECT NO: 23-196

SHEET NO: L-102

LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

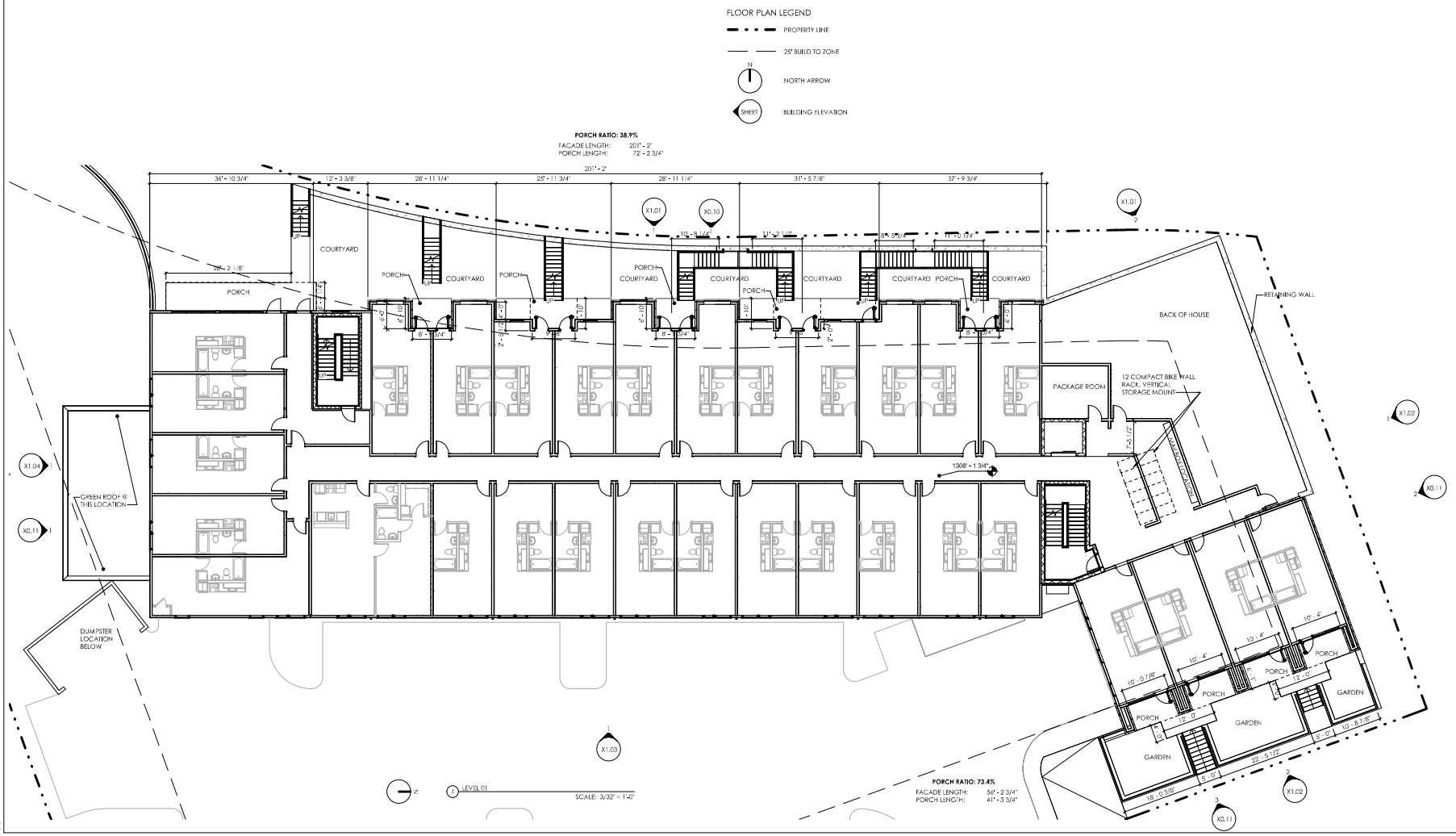
Page 52 of 151

G:\2023\23-196 NELSON HACKETT\DESIGN\23-196 - LS AND TREE PRES.DWG

No.	Description	Date

arch+craft design group
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
FIRST FLOOR PLAN

A1.11

9/3/2024 11:39:31 AM

No.	Description	Date

arch+craft design studio
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION

FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
SECOND FLOOR PLAN

A1.12

9/3/2024 8:34:44 AM

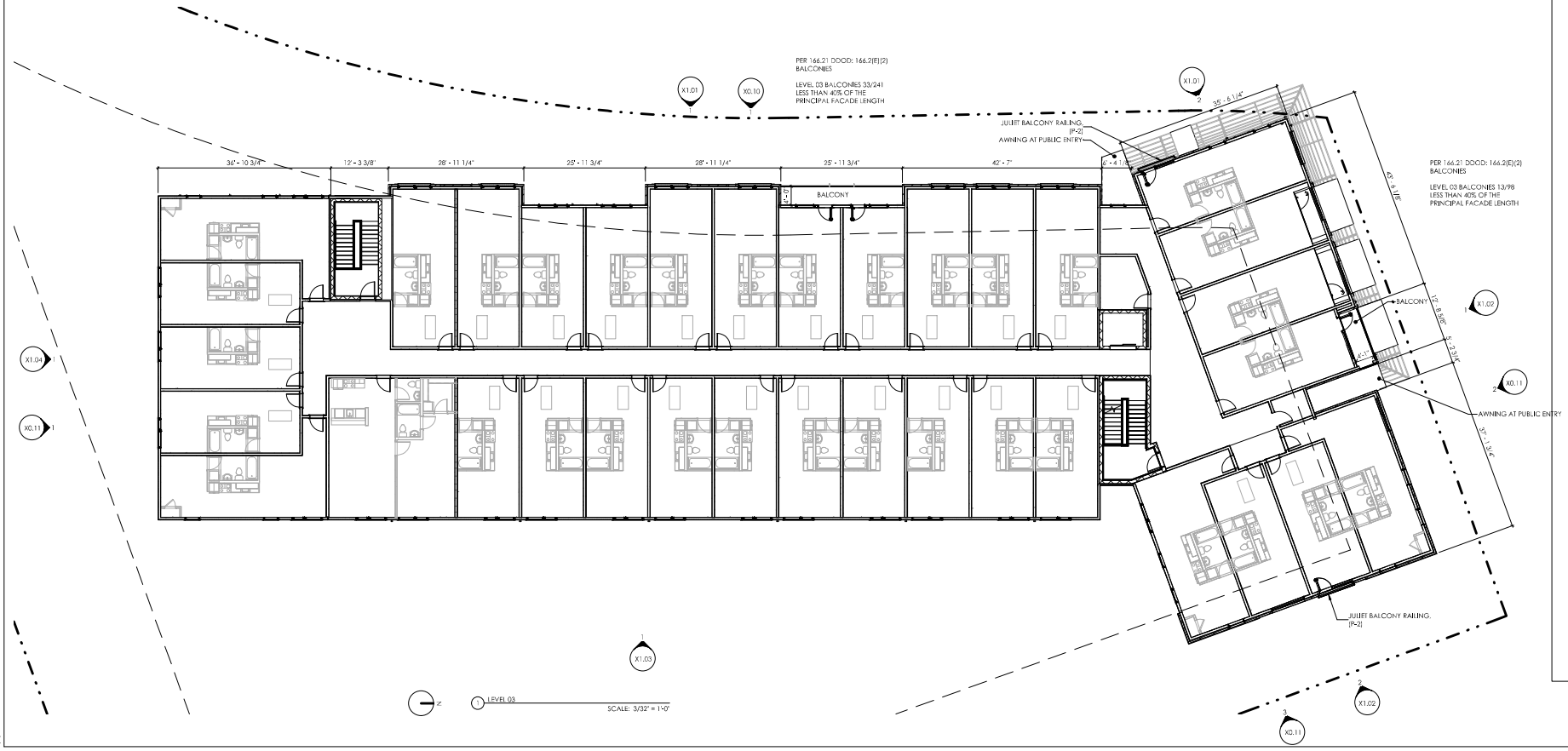
No.	Description	Date

arch+craft architecture
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION

FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
THIRD FLOOR PLAN

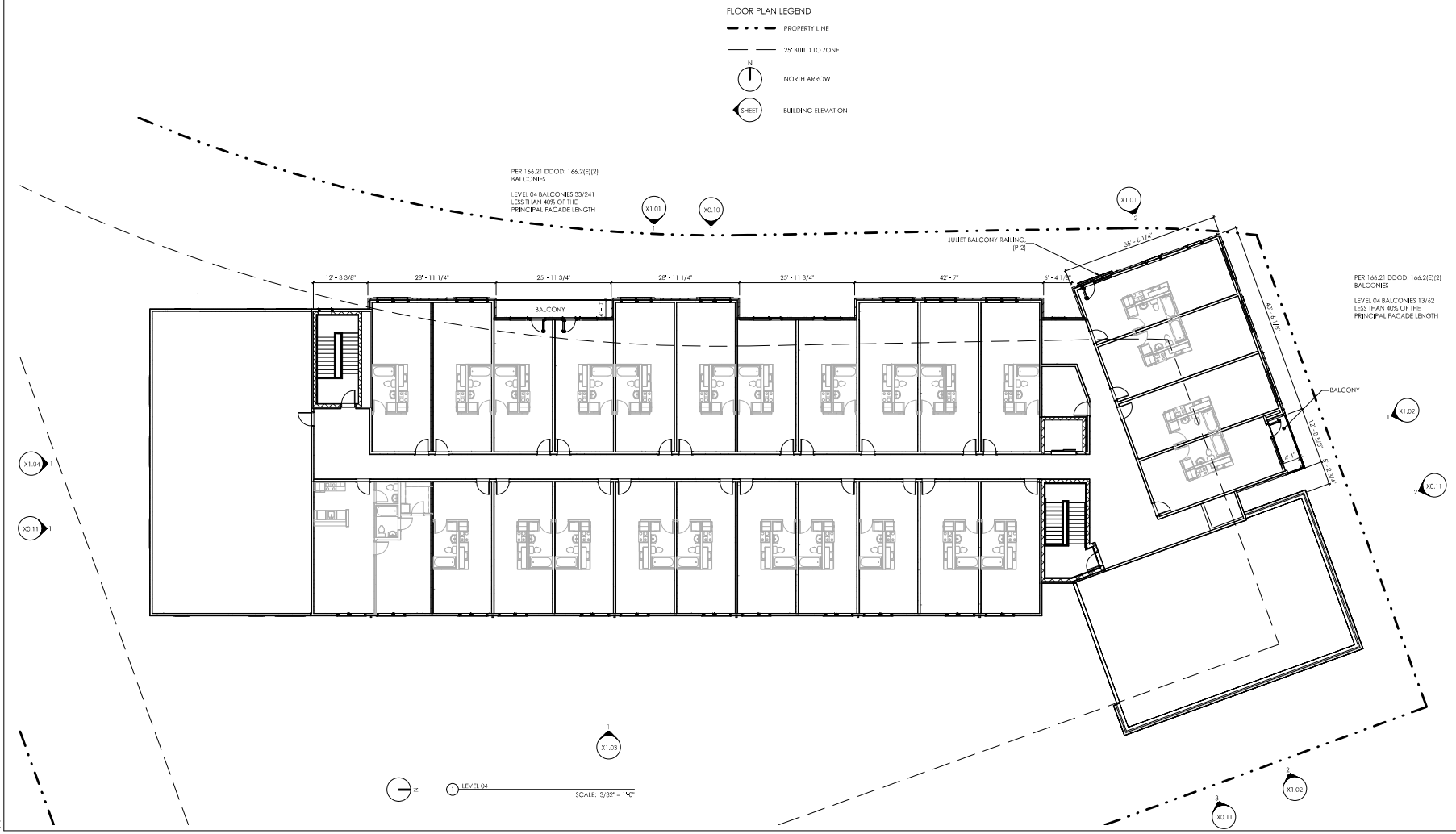
A1.13

9/3/2024 8:53:49 AM

No.	Description	Date

arch+craft architecture
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
FOURTH FLOOR PLAN

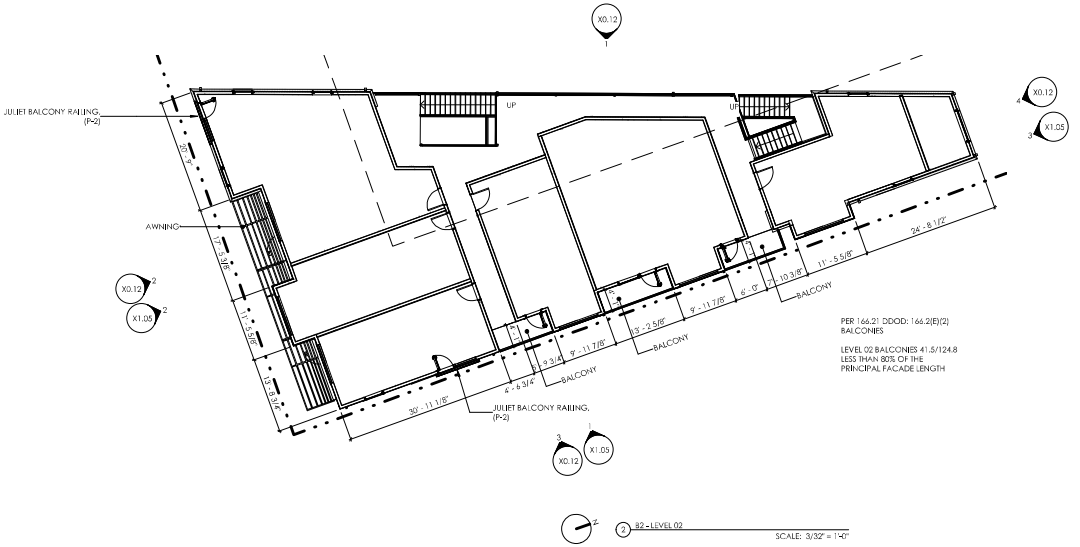
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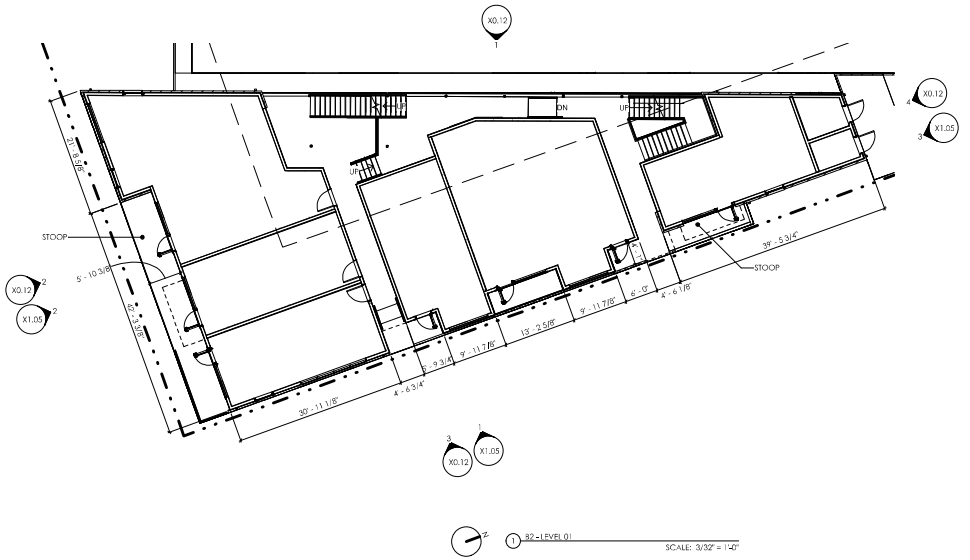
arch+craft design group
1617 COLLEGE AVE, SUITE B
FAYETTEVILLE, AR 72703
870.215.3024

NOT FOR CONSTRUCTION



FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION

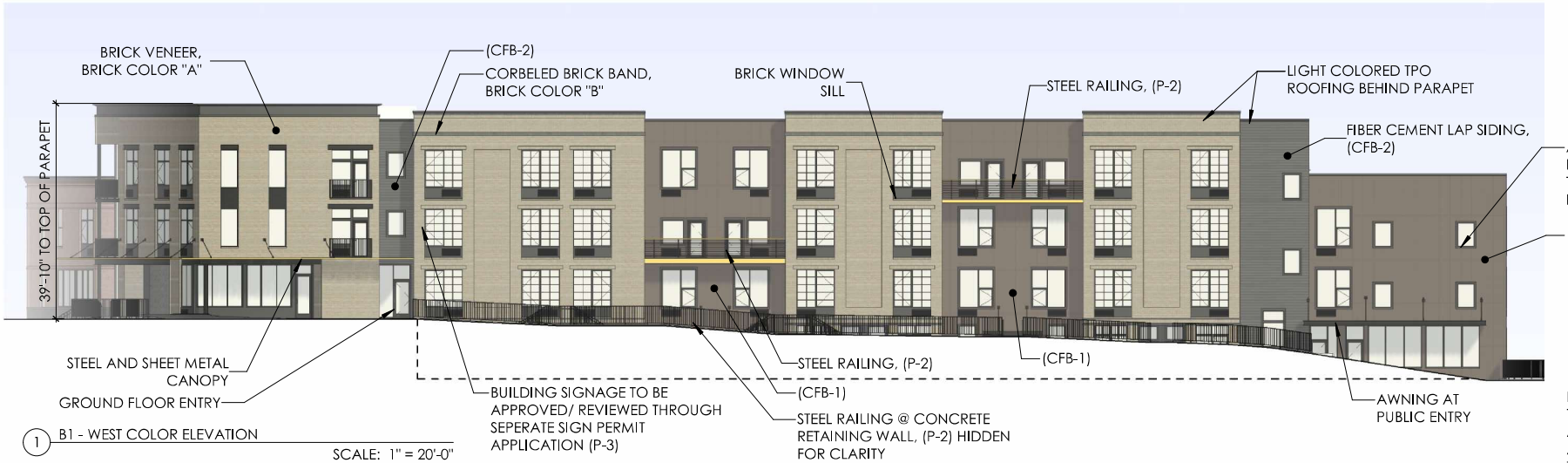


URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
B2 - FLOOR PLANS

A1.21

9/3/2024 8:53:05 AM



1 B1 - WEST COLOR ELEVATION

SCALE: 1" = 20'-0"

NOTE:
THESE TWO ELEVATIONS ARE THE SAME ELEVATION ALONG NELSON HACKETT. THE TOP ELEVATION ON THIS SHEET SHOWS THE ELEVATION AT STREET/ SIDEWALK LEVEL.
THE BOTTOM ELEVATION ON THIS SHEET SHOWS THE ELEVATION AT THE COURTYARD LEVEL.



2 B1 - WEST SUPPLIMENTAL ELEVATION

SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

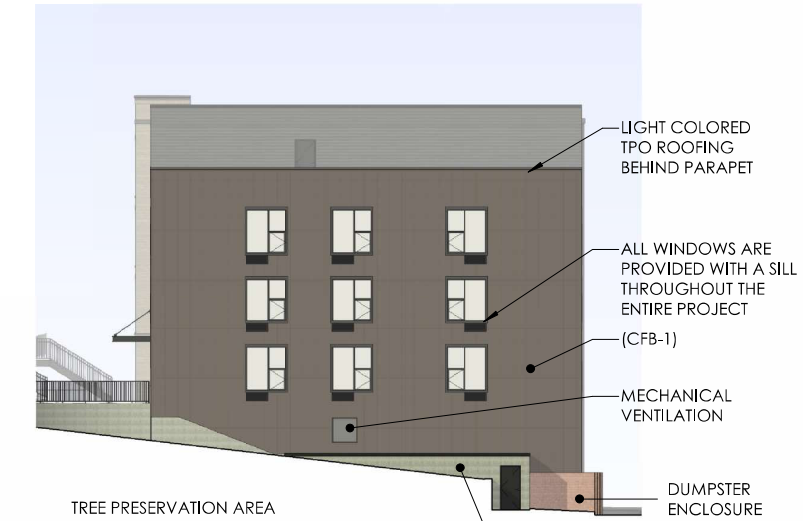
09.03.2024

COLOR ELEVATIONS

X0.10

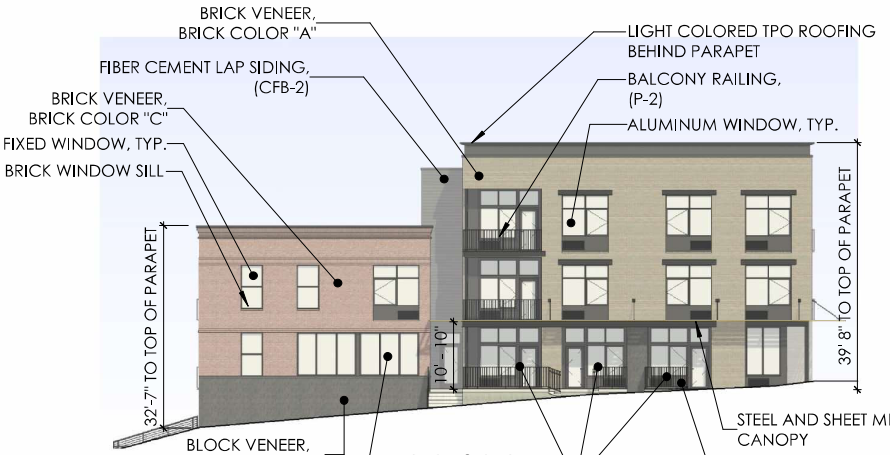
URBAN LOFTS @ NELSON HACKETT

Planning Commission
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)
Page 58 of 151



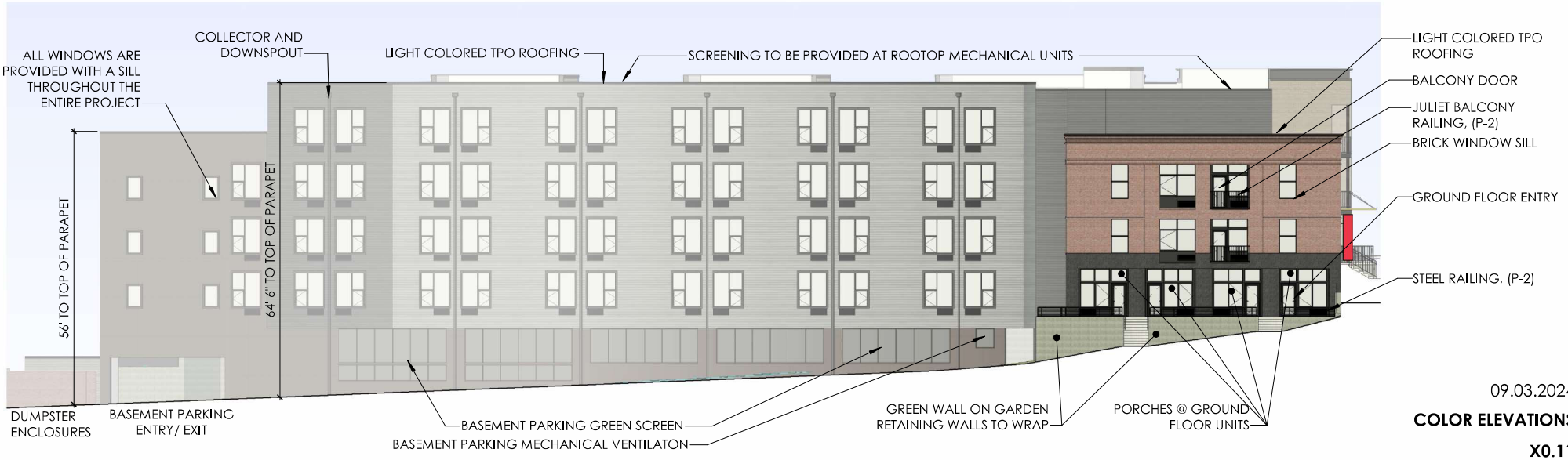
1 B1 - SOUTH COLOR ELEVATION

SCALE: 1" = 20'-0"



2 B1 - NORTH COLOR ELEVATION

SCALE: 1" = 20'-0"



3 B1 - EAST COLOR ELEVATION

SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

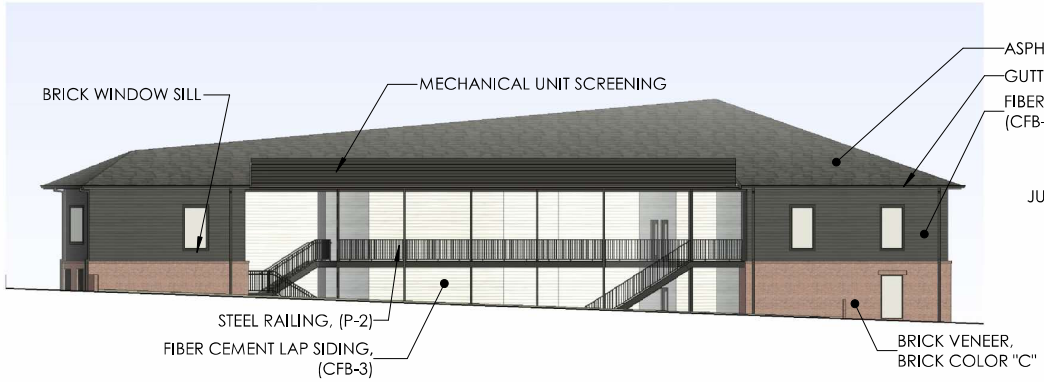
09.03.2024

COLOR ELEVATIONS

X0.11

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plc
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)



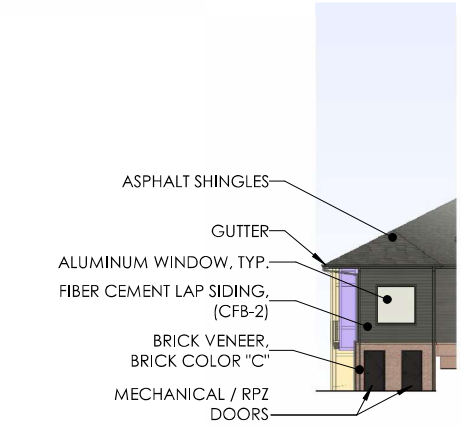
1 B2 - WEST COLOR ELEVATION
SCALE: 1" = 20'-0"



2 B2 - SOUTH COLOR ELEVATION
SCALE: 1" = 20'-0"



3 B2 - EAST COLOR ELEVATION
SCALE: 1" = 20'-0"



4 B2 - NORTH COLOR ELEVATION
SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

09.03.2024

COLOR ELEVATIONS

X0.12

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plic
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)



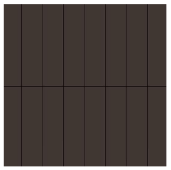
B-1
BRICK
DOVE GRAY, BRICK TYPE "A"
BANDING, HEADER, SILL



B-2
BRICK
SLATE GRAY, BRICK TYPE "B"
BANDING, HEADER, SILL



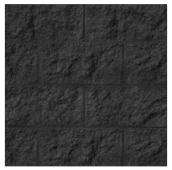
B-3
BRICK
VILLAGE, BRICK TYPE "C"
BANDING, HEADER, SILL



CFB-1
FIBER CEMENT PANEL
VERTICAL PATTERN
PANEL COLOR - PA944



C-1
CAST-IN-PLACE
CONCRETE STEPS



B-4
BLOCK
SPLIT-FACE CMU



CFB-2
FIBER CEMENT LAP SIDING



GREEN SCREEN
@ SELECTED CONCRETE
RETAINING WALLS



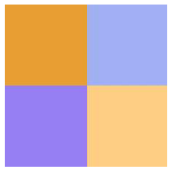
AS-1
ASPHALT SHINGLE ROOFING
SLATE GRAY



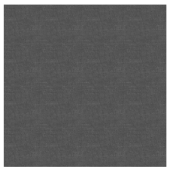
CFB-3
FIBER CEMENT LAP SIDING



P-2
METAL RAILINGS AND TRIM
MISC. METALS
ALUMINUM WINDOWS
SHERWIN WILLIAMS
IRON ORE SW7069



P-4
ACCENT COLORS



CFB-4
FIBER CEMENT PANEL w/ TRIM
SOLID GRAY



P-3
ACCENT COLOR 01
SHERWIN WILLIAMS
NUGGET SW6697



CFB-5
FIBER CEMENT LAP SIDING
LIGHT GRAY

TPO -1
LIGHT COLORED TPO

09.03.2024

BUILDING MATERIALS

X2.00

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plic
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

Wonsower, Donna

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Monday, September 16, 2024 3:20 PM
To: Wonsower, Donna
Subject: Re: Urban Lofts

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the review Donna. I'm amazed the giant pit in the ground next to the soon-to-be point of pride for Fayetteville Nelson Hackett meets downtown design standards. Seems like a real design drawback to me, promoting folks to feel uneasy and making pedestrians not want to go near it and all the fire-rated safety stairs they are putting there.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

On Mon, Sep 16, 2024 at 3:02 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

> Alan,
>
> Based on a review of the plans, several units were combined to make larger units (16 -> 8) and one floor of the southeast building was removed entirely. Updated renderings are still in progress and I anticipate receiving those prior to agenda session on Thursday.
>
> Best Regards,
>
> **Donna Wonsower, AICP**
>
> Planner, Development Services

Wonsower, Donna

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Wednesday, September 18, 2024 12:23 PM
To: Alan Ostner; Wonsower, Donna
Subject: Vote against Urban Lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville Planning Commissioners,
I am writing today to request you **vote against the Urban Lofts proposal** LSD 2024-011 as it is currently being presented. There are many traffic dangers to this project as well as a long list of exceptions to Fayetteville's own development codes. It's way too much of a good thing.

1) National Highway data Bureau of Transportation Statistics shows 6 vehicle trips per day is the average for NWA from a residence. Even with the reduced project size to 138, this equals an average of 828 added vehicle trips per day from this project on our historic, narrow streets! Our streets are already crowded, with lots of kids, elderly walking pets, visitors trying to park, cars attempting to not block each other's mailboxes & trash cans on pickup day, etc. Common sense tells us **this is compounding a dangerous traffic situation** and is grounds for voting no.

2) What's with the **pit in the ground along Nelson Hackett** for this project? I'm stunned this pit meets the thorough, careful Downtown Fayetteville Design code. Huge efforts are going into making Nelson Hackett more prominent and safer with the recent Road Diet (reducing from 4 lanes to 3), and the awesome stoplight at South street intersection, and future trees and nice sidewalks planned. Now a pit in the ground along this project frontage? Folks will feel nervous and uncertain walking along there not sure of what's going on down there. Completely opposite of the beautiful streetscape with street-level shops we have all seen drawn up by the city vision over the last 20 years. This pit is a poor addition to the neighborhood and Nelson Hackett Drive. It pulls the neighborhood and the town down instead of bringing us up.

3) The mountain matters. This project is well-suited for a flat site, clearly seen by the pit needed to make the steep lot "flat" for the buildings. This **project does not respond or adapt to the steep site** at all, only creates more problems attempting to fight the mountain they are choosing to develop on. The long list of variances, which do not require approval, are proof that they are attempting to put too much on this site. Many other projects would fit nicely here at a lower 60 units per acre density: condos, townhomes, triplexes. These would still provide the much-needed increase in housing.

4) The **lack of 100 parking spots** for the project will be an enormous problem and traffic danger to this fragile neighborhood. Many of us don't have driveways and park on the street even today! We will be swamped with folks constantly looking for on-street parking. This isn't Boston or NYC. It's truly fantasy-land to think folks will rent the Urban Loft units without having a car.

5) Where is the buffer zoning? The DG zoning for Urban Lofts at 106 units per acre is massive! The established neighborhood is zoned NC at 10 units per acre. Good planning places a buffer between intensive uses and residential uses. Keep the Urban Lofts project to 40-60 units and it will all work safely.

We can all have it both ways, with multi-family and keeping the neighborhood intact. **Since there's no buffer zoning this project needs to be the buffer.** Ask the developer to lower the scale of Urban Lofts to prevent a traffic disaster.

6) This project is **killing the goose that laid the golden egg!** This neighborhood is experiencing a complete revival, thanks in part to the City's vision with the 2008 Walker Plan. That plan gave us the Neighborhood Conservation zoning and was the rocket that got us all headed in the right direction. Many folks are using gentle density, one property at a time, to revive this area. It's working! The Urban Lofts project will run out the folks who have worked hard to make this place special. Vote against this project to keep the success going.

Thanks for your time and efforts on this important city board.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

Wonsower, Donna

From: Cynthia King <cmeking1966@gmail.com>
Sent: Sunday, August 11, 2024 9:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project #LSD-2024-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission:
We have resided in South Fayetteville, one block from LSD-2024-0011, for the last 24 years and have serious concerns regarding the project.

Over the years, we have witnessed bottlenecks created by cars parked on both sides of the streets which, on more than one occasion, have caused great difficulty for residents, garbage- and firetrucks and emergency personnel trying to reach their destinations. We are a neighborhood with active families who have small children who often play on or near these streets. The addition of at least 163 new residents with their vehicles increases the likelihood of cases of traffic endangerment in an area zoned as Neighborhood Conservation.

We are looking to the Planning Commission to support desirable development in our neighborhood and throughout the city, aligned with the values of livability, walkability, and a focus on arts, culture, and entertainment, as the Fayetteville Master Plan outlines. The scale and design of the proposed apartment complex make it unsuitable for this location. And while we understand the need for more housing in our growing city, the safety of Fayetteville's citizens and their right to a high quality of life should not be sacrificed.

Sincerely,
Cindy King and Jared Pebworth

Wonsower, Donna

From: Erik Pollock <epolloc@gmail.com>
Sent: Wednesday, September 18, 2024 1:37 PM
To: Wonsower, Donna
Subject: Fwd: 4th and block development

Follow Up Flag: Follow up
Flag Status: Flagged

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---------- Forwarded message ---------
From: **Erik Pollock** <epolloc@gmail.com>
Date: Sun, Sep 15, 2024 at 4:00 PM
Subject: 4th and block development
To: <brad.payne@fayetteville-ar.gov>

Dear Sir,
There is a large high density development planned for the corner of 4th and Block streets. The proposal would be for 140-170 units. While there is hope to develop the site, the neighborhood lacks the infrastructure to safely accommodate such a development.
The lack of parking by the proposed development will cause a significant spill over into the surrounding community. Parking which is already stressed by current infill. The community has become a near model for Fayetteville. On my block alone, 2 houses have been razed and 5 houses have been built; proving that the infill policies are working.
However, the addition of 150 units with only 50% parking will radically change that. The current dog, child and person walkable neighborhood will likely be transformed into a commuter zone with a hellscape of parking.

The developer has asked for several variances. Firstly, the parking spot count includes spaces that already exist. The proposed parking on 4th and block are used regularly and would not be "invented" by the proposed development. Second, the proposed development is not within 1/4 mile of any public transportation. Yes if I could fly to the bus stop; it is, but if I could fly why do I need a bus? Thirdly, the suggestion that providing a bike or scooter parking is in any way a substitute for car parking is incorrect. Arkansas motor vehicle registrations per licensed driver is ~1.5
In short, this is the wrong development in the wrong place. I urge you to reject the proposal for safety, community development and civic pride

Erik Pollock
38 w 4th st

Wonsower, Donna

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, September 18, 2024 10:36 AM
To: Wonsower, Donna
Subject: Urban Loft Project

Follow Up Flag: Follow up
Flag Status: Flagged

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Donna,

My wife Louise and I live at 11 West South street, about 100 yards from the proposed Urban Lofts project. We have lived in our home for 40 years. We remain very concerned about the size of the project. On the street parking and pedestrian safety remain big concerns for us. There is a lot of pedestrian traffic on our street , bikes, parents walking with young children and people just strolling. Many of the homes in our wonderful little neighborhood have no driveways,(like our home), and on the street parking is our only choice. A development this size will severely tax these older small streets.

I am also concerned about the strain on the old infrastructure in this part of town. The city has repaired leaks in the water/ sewer mains on West South at least 3 times in the past year or so. We are not against development of this property. It's just the size of the proposal. It just doesn't fit. Thank you very much for your time and service to Fayetteville and your consideration of our concerns,

Franklin Evarts and Dr. Louise Rozier

Wonsower, Donna

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 1, 2024 8:29 AM
To: Wonsower, Donna
Subject: FW: Multi Family Development at 309 S. Block Ave. LSD-2024-011

Importance: High

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Wednesday, July 31, 2024 11:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Multi Family Development at 309 S. Block Ave. LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission and Subdivision Board Members,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of this many units, 162, on this small of a lot, 1.24 acres, is crazy for our family oriented neighborhood. With the possibility of 2 tenants to a unit, this development could add an additional 324 cars to our small neighborhood streets because the entrance to these units is through our neighborhood. Also, we do not feel there is enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. This will most definitely overflow to the neighboring streets.
Our neighborhood is full of families with small children and very active residents, enjoying strolling and playing in their front yards and street. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are about half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA not in a South Fayetteville neighborhood of single-family homes and families. You may also

find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

This proposal does not meet the Unified Development Code Chapter 161.28(E) Setbacks. 25' Build To Zone (BTZ). It encroaches on 3 of the 4 sides. The 25' setback is the requirement that the building's street facing facade must be located at a set distance from the property line.

I urge the Commission to reject this proposal due to the fact:

1) the application does not comply with the zoning and development requirements of the Unified Development Code including:
   a) setback requirements, density of the buildable area, required parking and compounding a dangerous traffic condition.

The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant due to the high traffic volume and nature of the traffic pattern.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.

Sincerely,
Schuyler and Kelley Schwarting
324 S. East Ave.
Fayetteville, AR 72701
schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 1:54 PM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

Follow Up Flag: Follow up
Flag Status: Flagged

Yours

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Thursday, August 8, 2024 1:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

URBAN LOFTS at NELSON HACKETT

309 South Block Ave. Fayetteville, AR. Project # LSD-2024-0011

Dear Donna Wonsower, AICP,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of 163 units on 1.24 acres, which is very dense at 131 units/acre, is crazy for our family-oriented neighborhood. These are not lofts but micro-units. With the possibility of 2 tenants to a unit, this development could add an additional 326 cars to our small neighborhood streets because the entrance to these micro units is through our neighborhood. The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant because of the high traffic volume and nature of the traffic pattern.
Due to the work on Nelson Hackett and E. Rock St, where there are now no turns from the south or going south, all residents living on Rock St, Mill Ave, S. Willow Ave, S Walker Rd, S Barton Ave wanting to travel to or from the Southwest now must traverse through this neighborhood on South St. right next to this proposed

development. Also, just down the street at 439 S. Church a new zoning was approved to add 12 more units. Hopefully they will have driveways and their own parking.

Also, there is not enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. With 163 units and the potential for 326 residents and only 104 car spots. WOW! In fact, out of the 104 car spots, there are only 63 that are standard sized parking spots, 34 standard sized parking spots on site and 28 left on the street. That is not very many for 163 units if statistics are accurate.
SUV's, overwhelmingly, are the #1 car type sold in the United States. 2 of 3 vehicles sold last year were SUV's. These types of vehicles will not fit in a compact space. This will most definitely overflow to the neighboring streets. At the South Yard Lofts down the street on S School Ave, they all have assigned parking spaces.

Our neighborhood is full of families with small children and very active residents, who enjoy daily strolls and playing in their front yards and streets. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are almost half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA, not in a South Fayetteville neighborhood of single-family homes and families. You may also find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.
The site is going from 16 units and 48% tree canopy to 163 units and 5% tree canopy. You should not justify the removal of this many large trees (50) by saying the development would have killed the trees anyway. (5) over 30", (12) 20-29", (19) 10-19", (13)5-10".
Previous impervious cover for this site was 19% and they are proposing 79% impervious cover which will lead to increased storm run-off and taxing of our storm inlets. The storm inlets have a tendency to fill with leaves and debris with some inlets growing vegetation and small trees out of them. Having more cars on the street will reduce the efficiency of the street sweeper who tries to maintain our streets and drainage issues.

I urge the Commission to reject this proposal due to the fact:

1) It does not meet the Downtown Master Plan Strategies 3, 4, 5 or 6.
2) The plans do not reflect the correct number of parking spots.
    a) On Block Ave, it shows 3 on street parallel spots where there are only 2.
    b) The plans show 39 Compact Spaces where there are only 37 spaces.
3) This site is not eligible for parking space reductions of 40 spaces because:
    a) They are further than 0.25 miles from the bus stop. They are 0.3 miles uphill with a 100' elevation ascent. Over an 11-minute walk on a small sidewalk for a bus that stops there once per hour. 24 spaces should not be reduced and should be added back.
    b) Increased bicycle racks inside the apartments does not qualify for a reduction of 16 parking spaces.
4) It would create and increase traffic danger and congestion due to its increased density.
5) It would alter the population density and thereby undesirably increase the load on public services including water and sewer services on our old lines. We are already having to adjust our water usage along Huntsville Rd due to the City experiencing increased demand resulting in reduced or no water pressure for some customers. An ordinance was just approved that includes a 6 month moratorium on new water service connections.

6) the application does not comply with the development requirements of the Unified Development Code including:
   a) density of the buildable area, required parking and
   b) compounding a dangerous traffic condition.

Once the units are decreased to match the parking availability, we request:

1) if the AC units are on the roof, I urge the Commission to request siding to block these units.
2) Only have the construction equipment access off of Nelson Hackett and South St.
3) The variance requested in UDC Chapter 166.21(E)(1). Dumpsters, we request approval with conditions 1) that this dumpster only gets serviced during normal wake periods meeting the Quiet Hours ordinance and 2) that the dumpster is sized appropriately to only be serviced once per week.
4) Upgrade the old water line in the neighborhood that has broken over 10 times in the past couple of years and is currently leaking.
5) Repair the sink holes where the leaks have occurred.
6) Off-site tree mitigation, plant all of the tree caliper inches on this site with larger diameter trees.
7) The ability to have more reviews and comments from our neighborhood.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.
We are in favor of some form of SMART development on this site but not without enough parking.

Sincerely,
Schuyler and Kelley Schwarting
324 S. East Ave.
Fayetteville, AR 72701
schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 2:24 PM
To: Wonsower, Donna
Subject: FW: 309 South Block Avenue LSD-2024-011

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Kelley Schwarting <adorned@me.com>
Sent: Thursday, August 8, 2024 1:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Mayor <Mayor@fayetteville-ar.gov>
Subject: 309 South Block Avenue LSD-2024-011

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City Of Fayetteville
Donna Wonsower
planning@fayetteville-ar.gov

First let me say, myself and many of the neighbors were excited to have a new development on this property. We were told it would be 3 - 4 story multi family, 60-80 units with a wine bar and retail on the street level. A beautiful entry to the neighborhood.

This was perfectly in line with the City's Downtown Master plan and a vision for healthy, happy living. More housing where people could live comfortably and work inner city.

We assumed they would be nice units and the residents would have amenities like a pool, weight room and common areas to congregate.

I've surveyed young professionals in our area about living in micro units with no amenities and it was a resounding NO, a cuss word with NO and it sounds like a prison. This is just a few of their comments, all were negative.

Lets call it what it is, STUDENT HOUSING. Dormitory micro sized units 300-400 sqft no private bedrooms. 163 units and only 106 car spaces. Leaving 57+ (57 units without spaces on site PLUS guest) cars to fill the neighborhood driving around looking for street parking. Crowding our already busy streets, as many neighbors park on the street hindering assessable roads for Fire, Ambulances, Trash pick up, mailboxes and street and gutter cleaning.

It will be dangerous for the many kids we have who play in the streets.

It's not the infill Fayetteville desperately needs. It's student housing without the support of the University of Arkansas for busy traffic times like move in and move out, parent weekends, football games, etc.

The developer is trying to maximize his dollar without taking into consideration the surrounding landowners of single family homes. We are are being adversely affected.

I ask the City to have the developer reduce the number of units and at a minimum match parking spaces to units/bedrooms.

I ask that the address of the property be changed to Nelson Hackett so all deliveries, Ubers drivers, Veorides, pick up/drop offs, waiting areas be done at the front of the property instead of through the neighborhood.

I ask the City do a traffic / parking study to the immediate 5 streets for the overflow parking and guest.

I ask the City to change the immediate 5 streets (Block, South, East, 4th and 5th) to no parking on one side for emergency vehicle access, mail delivery and trash pick up.

I ask the City to notify all residents of street cleaning days so cars can be moved so our drainage areas stay clear.

I ask the City to give all single family housing Resident Reserve Parking like was implemented in the Wilson Neighborhood, prior to street parking becoming a problem.

I also ask the City evaluate our failing infrastructure, water lines and sewer for needed upgrades on all streets before allowing a huge development that will further tax our system.

We understand we live on the edge of downtown of a thriving city. We welcome thoughtful infill and development for residents. We hope the City will hear our concerns so we can grow Fayetteville in a positive way.

Kelley Schwarting
324 S East Ave

Wonsower, Donna

From: Planning Shared
Sent: Tuesday, September 17, 2024 4:15 PM
To: Wonsower, Donna
Subject: FW: 309 S Block LSD 2024-011

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
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CITY OF FAYETTEVILLE ARKANSAS

From: Kelley Schwarting <adorned@me.com>
Sent: Tuesday, September 17, 2024 4:03 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Fwd: 309 S Block LSD 2024-011

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Donna,

At the last Planning meeting regarding this project we discussed how we love our unique neighborhood. We are wonderfully located on the cusp of Downtown General and The Walker Park Neighborhood.

Our residents include homeowners and renters. Our residents are local artist who paint murals in town, teachers at Fayetteville Public Schools, Professors at the University, retired people, ballet dancers, Healthcare workers from Washington Regional and University students who have moved away from the campus lifestyle to continue their education while having a family and start their careers in Fayetteville. We also have so many KIDS. Kids of all ages, who play together on our streets.

This group of out of state developers does not see our neighborhood as a cohesive friendly place to live and work in Fayetteville.

Builder Jetton Berner, founder of University Lofts was quoted in TalkBuisness.net article titled the 'Wild, Wild West' of Northwest Arkansas stating "University Lofts is something we're really excited about right now." "We took the idea from the city of Detroit Revolution." "We believe students are looking for their own micro space units."

His mission statement is to develop all inclusive housing options in college towns. Student Housing.

One of the partners was interviewed in the Arkansas Business journal and he touted how this is a brilliant business model targeted at students.

We are not Detroit. Detroit has a vast and free mass transit system.

We are not the Wild Wild West! We are beautiful thriving town and a growing University Campus.

It is concerning how they recently rebranded University Lofts into Urban Lofts. It is concerning how they have left the property and neighborhood sidewalks in disarray after tearing down the 16 units that were originally on the site. It is concerning that the true owners are not listed on the Rezoning application.

University housing does not help with “affordable housing.” It artificially inflates housing cost.

There is plenty of open undeveloped land that the university owns, that is already on or close to the transit route to build more student housing, we should not look to a private developers to solve that problem.

Several articles over the past month have stated the University intends to build more student housing. They have identified and approved areas **North** of campus. Areas where they can easily expand the Razorback transit, areas where they can offer students on campus amenities, parking and food services.

The Fay Jones School is working on and exploring how to build affordable housing. Let’s use the University to our advantage instead of adversely affecting our neighborhood to solve the student housing problem. See Affordable Housing pdf attached.

On Sept. 12, 2024 listed on Zillow Fayetteville has 477 rentals available ranging from $600-3500 per month and 381 houses for sale ranging from $139k-4.7m. We do not have a housing crisis. We have an affordability problem.

This student apartment building is not the infill Fayetteville desperately needs. It’s student housing without the support of the University of Arkansas and University Police for busy traffic times like move in and move out, parent weekends, football games, parking violations, etc.

The developer is trying to maximize his dollar without taking into consideration the surrounding landowners of single family homes. **We are are being adversely affected.**

Please consider this property as part of our single family neighborhood. More density is expected but not to the detriment of our established neighborhood. It does not fit into the Downtown Master Plan nor the Walker Park Neighborhood plan. See attached Diversity of Housing pdf from the Walker Park Plan. This plan envisions owner occupied attached housing as a buffer between the commercial corridors and nodes and the predominately single-family nature of the interior of the neighborhood.

I ask if this project is approved as I asked before:

I ask the City do a traffic / parking study to the immediate 5 streets for the overflow parking and guest.

I ask the City to change the immediate 5 streets (Block, South, East, 4th and 5th) to no parking on one side for emergency vehicle access, mail delivery and trash pick up.

I ask the City to notify all residents of street cleaning days so cars can be moved so our drainage areas stay clear.

I ask the City to give all single family housing “Resident Reserve Parking” like was implemented in the Wilson Neighborhood, prior to street parking becoming a problem.

I ask the City to police the area for parking violations so the residents don’t have to be burdened by complaining to authorities.

I also ask the City evaluate our failing infrastructure, water lines and sewer for needed upgrades on all streets before allowing a huge development that will further tax our system.

In addition, with the increase in traffic I ask the city to provide safe school bus shelters within our neighborhood.

Thank you for not approving this project the first time.

Once again, thank you for your time.

Kelley Schwarting

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, September 18, 2024 8:23 AM
To: Wonsower, Donna
Subject: FW: Urban University Lofts LSD2024011

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Tuesday, September 17, 2024 7:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Urban University Lofts LSD2024011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower,

I live 1 block from this proposed Urban Lofts project and OBJECT to the size and density of it. The proposed 138 units on this small of a lot equates to 115 units per acre where all of the other lots in this great family oriented neighborhood are only 4 - 10 units/ acre.
With the possibility of 2 tenants to a unit, and potential of visiting friends and family, this development could add an additional 276 cars to our small neighborhood streets because the only entrances to this project is through our neighborhood.
We do not feel there is enough parking on this small lot to accommodate this many units. This will most definitely overflow to the neighboring streets.
There are only 36 Standard sized parking spots and 37 compact (non SUV)spaces. The rest are either ADA, motorcycle or On-Street spaces in which they would be taking the spaces in the street that are already being used by the existing homes in the neighborhood. By using the on-street

parking to try and satisfy the parking requirements, it would create a mad scramble for the existing homes to park close to their homes.
Our neighborhood is full of families with small children and very active residents, enjoying strolling and playing in their front yards and street. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are about half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA not in a South Fayetteville neighborhood of single-family homes and families. You may also find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

I urge the Commission to reject this proposal again due to the fact:

1) the application does not comply with the Downtown Master Plan:

Master Plan Strategy #3 - create smart parking sustainable and efficient that enhances since of place.

Master Plan Strategy #4 - Develop smart rules that outperform current zoning & attract Desirable Development.

Master Plan Strategy #5 - create a series of interconnected special places.

Master Plan Strategy #6 - develop the experience-based economy of the downtown by expanding the focus on arts, culture and entertainment.

2) Does not meet the goals of the Walker Park Neighborhood Master Plan. We are already adding 1-4 units of infill to some empty lots but 111 units/acre is way too dense into our neighborhood. It would be different if it was only accessed from Nelson Hackett like what is being zoned up on N. College but this is only accessible through our neighborhood.

3) the site is not eligible for a parking discount due to the fact that it is greater than the required distance from a bus stop to qualify and over a 100’ elevation rise and only picks up once per hour.

4) it is not eligible for a parking space discount for adding bike racks inside the units. Also, bike racks are not allowed in the halls or under the stairs.

5) density of the buildable area, not enough required parking and compounding a dangerous traffic condition.

6) this neighborhood already has issues with our old leaking water mains and by adding so many units will only exasperate the water lines and adding to more leaks.

7) the site is removing a number of heritage trees (50) going from 48% tree canopy covered to 5%. You should not justify this massive removal by saying the development would have killed them anyway.

8) on-street parking on South St. is too close to the curve on the intersection of Nelson Hackett. Also, parking on Nelson Hackett at a dangerous curve is a site line issue.

9) the developers cover letter states that the current owners will benefit and no other landowners will be affected. This is not true. We will be adversely affected.

10) previous impervious cover was 19% and they are planning 79%. With the added street parking proposed, the streets will not be able to be adequately cleaned of leaves and debris which will cause more flooding potential.

11) with the change to Nelson Hackett and Rock St intersection, we now see more traffic traversing through the neighborhood and this will only make it worse.

The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant due to the high traffic volume and nature of the traffic pattern.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors.

Please vote NO to this development.

Sincerely,
S. Schwarting
324 S. East Ave

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:12 PM
To: Wonsower, Donna
Subject: FW: Project at the corner of Block and South St.

Follow Up Flag: Follow up
Flag Status: Flagged

LSD-2024-0011

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Joann Southern <joannsouthern40@icloud.com>
Sent: Thursday, August 8, 2024 3:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project at the corner of Block and South St.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not want 163 units on block Street. The traffic is bad enough already without 163 more people and their vehicles! I'm 84 years old and have lived here most of my life. This is not the Fayetteville I grew up with.
Thank you
Joann Southern


Walk this way

NWA Democrat-Gazette/J.T. WAMPLER
Joann Southern of Fayetteville walks her dog, Annie, on Tuesday at Walker Park. Southern walks Annie every day at the park in south Fayetteville.

Wonsower, Donna

From: Alison Taylor <a.n.taylor838@gmail.com>
Sent: Wednesday, September 18, 2024 4:56 PM
To: Wonsower, Donna
Subject: Urban lofts project

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Planning Commission Members,

I am a current resident of south Fayetteville living on South street. I'm writing out of concern for the proposed project to build hundreds of micro unit apartments at the end of our street. This project would not only increase traffic and street congestion on our already overcrowded neighborhood street, but would also make the neighborhood unsafe for pedestrians and children. There is already limited space due to few driveways and garages in our neighborhood forcing residents to utilize street parking and no where near the needed spots to account for the 100 extra cars trying to find parking on our streets because of inadequate parking by the developer. I fear for the safety of all the children playing outside with the increased traffic. What I love about this neighborhood is the walkability and connectedness we have as neighbors. Every day our kids are riding bikes and walking to the creek without fear of being hit by a car. This neighborhood was not designed to handle this much traffic and I plead you to consider the consequences of this large development in a small quaint neighborhood. I'm all for affordable housing, but not at the cost of creating a traffic and safety hazard for a very functional and thriving neighborhood.

Thanks for your time and consideration,

Alison Taylor
7 W South St

Wonsower, Donna

From: Courtney Thomas <clthomas07@gmail.com>
Sent: Wednesday, September 18, 2024 5:00 PM
To: Wonsower, Donna
Subject: comment on Urban Lofts development

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Donna,

My name is Courtney Thomas, and I live at 48 E. South Street in Fayetteville. I'm reaching out regarding the proposed Urban Lofts development at South x Nelson Hackett.

In short, I love living in this neighborhood for a number of reasons:
- its walkability to downtown Fayetteville (cafes, restaurants, etc) and open spaces (like Walker Park)
- There is a diversity of age ranges/life stages in our neighborhood -- older couples, younger couples, families, young professionals, etc. I know many of my neighbors and have positive relationships with them.
- The streets are relatively quiet, and I enjoy frequent walks through the neighborhood and feel safe doing so. I observe kids and families frequently riding bikes, playing basketball, and otherwise playing and enjoying time outside in the neighborhood. Plenty of folks walk their dogs and spend time riding bikes and walking in the neighborhood.

This neighborhood shines as a walkable, family-oriented neighborhood, and I would love to see it develop in a way that maintains this character as a place where folks who want to invest in the community and contribute to the character want to live. I have serious doubts that the currently proposed Urban Lofts development aligns with this character.

I also have serious traffic safety concerns caused by 100 or so cars that will have nowhere to park except on our old, narrow streets that were not designed for this. I also have concerns about traffic safety problems caused by an additional 800 or more vehicle trips per day throughout our neighborhood.

Thank you for your time.

Best,
Courtney

Courtney Thomas

Wonsower, Donna

From: Jan Townsley <jan.townsley@gmail.com>
Sent: Wednesday, September 18, 2024 1:42 PM
To: Wonsower, Donna
Subject: Urban Loft

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing to share my thoughts on the Urban Loft project being proposed between Nelson Hacket and the South Square neighborhood.

I'd like to thank the Planning Commission for denying the variances requested by the Urban Loft project and would like to reiterate a couple of the reasons why this is the wrong location for this development project. It all comes down to parking. If you haven't already, please take the opportunity to drive or take a walk through the adjacent neighborhood. The streets are narrow. Parking is already a challenge with driveways, mailboxes, and trash pick-up requirements. Urban Loft should not be permitted to rely on the neighborhood streets for their substantial overflow parking needs. It will cause a very significant problem that won't have any good solutions going forward. Public transportation, as it currently exists, shouldn't be counted on to take the place of a car. This continues to be either the wrong project or the wrong-size project for this piece of land.

This parcel can be developed without creating an unimaginable parking problem and this needs to remain a requirement. Thanks so much for your forward thinking on this project.

Appreciatively,

Jan Townsley
301 S. West Ave.

Wonsower, Donna

From: R Vendetti <rvendetti@hotmail.com>
Sent: Wednesday, September 18, 2024 3:10 PM
To: Wonsower, Donna
Subject: South St Apartments

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

As a resident of east South Street I wanted to express my concern over the number of units planned at the end of the street and the impact that this apartment complex will have on **(i) traffic, (ii) parking and (iii) street safety for our children, not stated in order of importance**. East South Street, when I moved here, had no children, but now, on this small street of 14 homes, has six kids under the age of 10...at times we have had 14 children living here! The increased volume of cars resulting from this development must be addressed in terms of street safety for the children and residents.

While traffic flow/volume is a concern, so is parking.

At present, the College and South Street intersection of east South Street receives upwards of *eight* overflow vehicles nightly just from residents and their visitors in just *two of the* small homes that are closest to the College and east South intersection. Although those homes were built with driveways, the private parking did not accurately account for the number of actual inhabitants, overnight guests, or out of town visitors. This overflow at the end of this small street results from just 2 single family "small homes". I cannot imagine what 150+ apartment unit will do to the street parking situation on these narrow roads already experiencing limited parking on evenings when there are Razorback games or finals. Additionally, we have small business on our street that receives up to 10 vehicles during hours of operation. Not to mention the occasional overflow from game days and Crisis Brewing.

The City likely has made assumptions about what percentage of no-vehicle households would occupy the apartment building at the end of east South Street, but based on observation alone, it is clear that students in off-campus housing, and non-student renters, have cars and quite honestly need them because there is no easy access to public transportation.

Neighbors discuss "parking is as if we live in Chicago or Brooklyn" yet we don't, we moved into a small residential street in a college town, we invested in this street and have often been overlooked (where were our street lights and where are our speed bumps?). We endured detour traffic and fast speeds down our narrow street without consideration of residential safety. No speed bumps were put down, cars raced to the end of the street, and the traffic noice and congestion was notable. Noting the small and narrow streets, how can the City accommodate a 150+- unit building with only ~75% parking spaces, when real-life in Fayetteville informs us that we will likely have, at least, an average of 300+ vehicles seeking parking between 2-car

residents and their visitors. *Permit a housing complex, clearly Fayetteville is growing, but then require that the complex accommodates for real life parking scenarios to include the fact that so many of these apartments, in spite of their size, will house more than 1 individual and will be more than 1 car households with family and friends visiting.*

Also, sincerely and seriously sit back and imagine 150 cars trying to find parking on your neighborhood street and honestly indicate if that causes undue and unfair stress. (And be sure to note as you imagine this, that our neighborhood is small and cramped, not nearly as expansive as some of the newer neighborhoods.) In recent years, the trend for "tiny homes" has hit our neighborhood and we have seen that just that little shift has impacted quality of life in the neighborhood. Imagining even 20 more cars on east South Street is stressful for me -I imagine a chaotic street zipping with cars, needing to be ever vigilant with opening car doors, and crossing the streets, and delays up and down the street because the street is too narrow to accommodate parked cars and vehicles traveling in both directions, walking a few blocks with groceries and children just to get from the place where we could park our car to the house. We also have elderly persons on the street - are they expected to walk blocks to their home because they couldn't find parking on the street near their home? The idea of building apartments and not accommodating for parking seems irresponsible and is beckoning an unsafe and chaotic environment in our small neighborhood. I also expect that it will impact our resale value as we become known as the neighborhood without convenient parking. It just seems as if the Planning Commission is not making the best decision for those of us who have made our homes here and need to maintain our homes here.

All of the above addresses concerns over parking, but there are also concerns over noise pollution, traffic flow, air pollution that 800 +/- one way drives up and down the street will have on our safety, health and quality of life.

Another concern, of course, is providing for the safety of our children and residents – not only in terms of traffic safety, but also the increased safety that growing our small street population **sixfold,** from 25 to 150+ people, will require!

Respectfully,
R Vendetti
Resident of E South Street

Wonsower, Donna

From: Wonsower, Donna
Sent: Friday, September 13, 2024 1:20 PM
To: Tony
Subject: RE: Urban Lofts Project

Good Evening,

The planning commission has only voted to reconsider the proposal at this point. The project was tabled at the August 26 Planning Commission in order to provide time for the applicant to re-notify the public for the September 23 Planning Commission meeting. I have reviewed the new notifications and have confirmed that the applicant has met all public notification requirements for the new meeting, The commissioners will re-discuss the proposal and any changes at that September 23 meeting.

I will save your email and ensure that it is included in the packet for their consideration at that meeting.

Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

The Fayetteville Planning department is currently short-staffed. Please allow a minimum of 3-5 days for staff review and response to emails.

From: Tony <twappel@gmail.com>
Sent: Friday, September 13, 2024 12:58 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Urban Lofts Project

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September 13, 2024

Dear Donna,

This email pertains to LSD 2024-11, the proposed Urban Lofts housing project at the intersection of Nelson Hackett Boulevard, Block Avenue, 4th Street, and South Street being re-visited by the Fayetteville Planning Commission. I continue to oppose this project as it now stands.

1. I understand this topic was brought up again in a previous planning commission meeting and many commissioners had a change of heart. Why weren't the neighbors advised of this meeting? There are most likely rules that allow this, but I believe that when something of this magnitude is discussed, the affected neighbors should be notified of such a meeting!

2. I understand that the developer provided the Planning Commission with slick marketing material showcasing their projects in Jonesboro, Conway and Russellville. They appear to be nice communities. However, after looking at street views online, none of the existing complexes appear to adjoin established neighborhoods. They appear to be communities in and of themselves.

3. I understand the developer has reduced the number of proposed units. However, this reduction will not address the serious parking inadequacies and will not eliminate the very dangerous parking and traffic problems on nearby streets. During the first planning commission meeting, one of the commissioners said she would not support this project until Fayetteville established a parking management program. Has one been enacted since the last meeting? If not, why the sudden change of heart?

4. I have lived on South Street since 1997 and have witnessed the awesome re-birth of this neighborhood! With this re-birth, there has become more and more traffic. I have considered installing a functional driveway on my property so that I could park my car off of the street. Unfortunately, when there were cars parked on the street, it was EXTREMELY DANGEROUS for me to pull onto the street because the parked cars blocked my view of oncoming traffic. Having even more cars parked on South Street because Urban Lofts will not provide adequate parking for its tenants will make this situation even more dangerous.

5. I do not oppose apartments at this location, as Fayette Village was a neighbor for many years and parking was never a problem. Yes Fayetteville could use more housing, BUT a project of this magnitude at this location is not the right fit.

6. Please suggest that the developer reduce the size of their project so that the number of units matches the number of ON-SITE parking spaces.

Thank you!

Tony Wappel
11 E South Street

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 9:14 AM
To: Wonsower, Donna
Subject: FW: LSD 2023-011 Project at 309 S Block

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Tony <twappel@gmail.com>
Sent: Thursday, August 8, 2024 9:09 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD 2023-011 Project at 309 S Block

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Donna Wonsower
Fayetteville Planning Department

Good Morning Donna,

I hope this email finds you well.

This email pertains to the proposed large micro unit housing project proposed for the corner of Nelson Hackett Boulevard and South Street. I am opposed to the plan as it now stands.

There will be way too much traffic and too many parked cars on South Street. I have lived on South Street since 1997. As this street has many restored older homes that do not have driveways, we have had to park on the street. On at least 2 occasions since 1997, my car has been hit by oncoming traffic. I have tried parking off the street in an area of my yard that could be developed into a driveway, but when cars are parked on the street (most of the time even now), I cannot see oncoming traffic until I am off of my driveway space and in the street. This is an EXTREMELY DANGEROUS situation in which I feel like I could be hit anytime I pulled into the street. Having even more parked cars on South Street will make situations like this even more dangerous.

Also, since I have lived here, there have been 2 neighbors who have had heart attacks. One neighbor died and because of too many cars parked on the street, I could not get to my house for nearly an hour; the fire truck, ambulance, police, and coroner vehicles were blocking access, as they were parked in the middle of the street.

All of the excess cars that will have to park on an already busy South Street because there is no room at the nearby apartment complex parking lot will make it even more difficult for emergency vehicles to go down South Street.

One other concern related to excess traffic is that we have many more children living on the street.Too many cars parked on the street will obscure the view of these children.

There are many other issues with this proposed project, including very old water lines (that continue to break and flood our yards and houses) that will not support this project.

I do not oppose an apartment complex, as Fayette Village was our neighbor for many years and parking was never a problem. Yes, Fayetteville could use more housing, BUT a project of this magnitude at this location will prove to be a big mistake.

Please consider suggesting that the developer reduce the size of their project so that the number of units matches the number of ON-SITE parking spots.

Thank you.

Tony Wappel
11 E South Street

Sent from my iPhone

Wonsower, Donna

From: SALLY WATSON <sallymariewatson@gmail.com>
Sent: Wednesday, September 18, 2024 2:05 PM
To: Cabe, Matthew; Payne, Brad; marymcgetrick@fayetteville-ar.gov; Madden, Mary; Werner, Nick; Brink, Andrew; Gulley, Fred; Garlock, Jimm; Castin, Nick
Cc: Wonsower, Donna
Subject: Proposed Urban Lofts 72701

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Planning Commission Members,

My name is Sally Watson and I live at 37 E South St, Fayetteville AR 72701. I moved to Fayetteville in 2016 and bought an old home in this cute neighborhood. Children play together all the time on these blocks, just like when I was a kid. We walk our dogs twice a day around the neighborhood and many others do the same.

There is a developer trying to put in a complex that will simply have too many people for the size of these roads. There will not even be a dedicated onsite parking space for each unit. That's insane, there will be at least one car per unit without a doubt. Myself and others in our neighborhood have legitimate concerns about the safety of this development plan.

1-Chaos and traffic safety problems caused by 100 or so cars that will have nowhere to park except on our old, narrow streets that were not designed for this level of traffic. Already it is difficult for city service vehicles and delivery vehicles to squeeze by if there are cars parked on both sides of our street. And my street is the widest in the neighborhood! Some streets you can only park on one side and that is very limited as you cannot block mailboxes or driveways.

2-Chaos and traffic safety problems caused by an additional 800 or more vehicle trips per day throughout our neighborhood. Like I stated above this is a very well lived neighborhood. Children play, people walk everyday. If we have 800 plus more trips through this neighborhood we will without a doubt put children at risk, cause delays in essential services, and congest tiny streets that cannot handle that level of traffic. It will without a doubt create a serious safety hazard.

Please take the concerns of myself and my nieghbors into account when considering this development. This neighborhood can handle modest infill, but the proposed level is insane. Whatever ends up being built needs to have at a minimum one on site parking spot per unit. Minimum. Our streets will still be filled with visitors and second cars for the units. But they can't build a giant complex without providing enough in site parking for the residents. I appreciate your time and attention.

Sincerely,
Sally Watson

Wonsower, Donna

From: Bruce Welsh <bwelsh01@gmail.com>
Sent: Thursday, August 8, 2024 12:23 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S. Block Avenue LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower:

I'm writing out of concern that the construction project at 309 S. Block Avenue will negatively impact emergency fire and ambulance services, trash/recycling pick-up, mail delivery, street cleaning/repair, water and sewer infrastructure, existing resident street parking, traffic flow, and overall traffic safety in the south Fayetteville neighborhood near the project. The project, for many reasons, appears to fall short of meeting the criteria of Fayetteville's Downtown Master Plan.

I expect to see the above-stated concerns addressed in detail by the City Planning Commission at the upcoming Monday meeting. Thank you.
Sincerely,
Bruce L. Welsh, DDS
50 East 5th Street
Fayetteville, AR 72701

Wonsower, Donna

From: Bruce Welsh <bwelsh01@gmail.com>
Sent: Wednesday, September 18, 2024 1:33 PM
To: Wonsower, Donna
Subject: Urban Lofts

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower:
I'm writing in regard to the Urban Lofts project in south Fayetteville.The developers want to build 163 very small studio apartments, but only provide about 60 on-site parking spaces. I'm concerned that the apartment complex will create at least two very serious traffic and safety hazards.

1- At least 100 cars will have no place to park except on already crowded narrow neighborhood streets.
2-There will be at least 800 additional vehicle trips per day (Federal transportation data) on these older, narrow streets that were never designed for that much traffic.

The apartments will have no vehicle access to Nelson Hackett, only to Block Avenue and Fourth Street, and both streets are old and narrow. The additional traffic flow will adversely impact traffic safety in this residential family-oriented neighborhood.

If 800 more vehicle trips per day are added to these already overcrowded streets, children, pets, pedestrians, bicyclists, and, of course, automobiles will all be in increased danger.

Through the Walker Park Neighborhood Master Plan, adopted in 2008, the city has been nurturing and protecting our neighborhood for at least 16 years now.
As they had hoped, our neighborhood has blossomed into a very desirable place to live.

Gentle density and the organic approach in the Walker Plan have allowed individual properties to develop over time, promoting the overall success of housing in our town. *All this success could be lost with the Urban Lofts project on this site in this neighborhood*.

I hope the commission will consider the negative impact of this project on the safety and health of one of Fayetteville's most desirable neighborhoods.

Sincerely,
Bruce L. Welsh, DDS
50 E. Fifth St.
Fayetteville, AR 72701

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave / LSD-2024-011 Project Meeting

LSD-2024-0011

From: Richard Berquist <berquist@mac.com>
Sent: Thursday, August 8, 2024 6:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Gina Berquist <ginaberquist@mac.com>; Marriah Berquist <marriahcorrinne08@gmail.com>
Subject: 309 S Block Ave / LSD-2024-011 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planner Donna Wonsower ... this communication is in regard to the 163 unit Large Scale Development at 309 S Block, awaiting approval by the Planning Commission.

I was unable to attend the first meeting of the City Council about this project but I most definitely wish my comments to be heard.

We have owned the property at 33 E 4th Street since 1982. We are two blocks away from the development, on a street most certainly will become a thoroughfare to the 163 units. Our family has lived in that house since then and still does. My wife's parents retired their in the early nineties and have since passed on. My wife and I lived there with our first daughter. My wife's disabled brother lived there until his passing. Currently, our daughter and 3 young grandchildren live there. Their ages are 12, 8 and 6 years old.

This place has been a true neighborhood for my family and our many neighbors. This neighborhood includes a very diverse group of people of all ages; professionals, working class , students and retired citizens of Fayetteville, i.e., educators, artists, musicians, dance and martial art instructors, bankers, city employees, craftsman and tradesman, University of Arkansas staff etc.

We believe that this Large Scale Development , as described in the plans, in our neighborhood will not be an improvement or enhancement in any way. Quite the contrary, we believe it will introduce many unnecessary problems. The FIRST and PRIMARY problem my family has with this project is TRAFFIC SAFETY. The likelihood of an enormous increase in traffic puts my three granddaughters and their many friends at great risk. With 300-400 sq ft units, this 163 unit dormitory-like housing will most likely attract student tenants and their friends and acquaintances without benefit of University oversight.

The increase in traffic will be very threatening to the children in this neighborhood. They are accustomed and habituated to living with, traveling thru, playing in and accommodating a neighborhood with far fewer cars than will arrive with the construction of this 163 unit development... by a factor of at least 4. And the addition, to this neighborhood, of so many new young drivers will add another dimension of risk as well.

Also, Emergency, Fire and Ambulance services will be impacted gravely, as will other services like Trash Pick-up, Street Cleaning and Mail Delivery. And much additional street parking will be required to accommodate a doubling or tripling of street side parking. Then consider the increase in toilet / sewer services on a very old City Sewer system. That would be a tripling or more of sewer capacity. ...

In summary, I can not think of single benefit this dormitory-like project will bring to this neighborhood. But it is very clear to me and my other neighbors that GREAT TRAFFIC RISK will arrive in our neighborhood with the arrival of this 163 micro efficiency Large Scale Development.

Thank you for your consideration. I hope to see you on Monday.

Richard and Gina Berquist

Wonsower, Donna

From: Richard Berquist <berquist@mac.com>
Sent: Wednesday, September 18, 2024 2:12 PM
To: Wonsower, Donna
Subject: 309 S Block Ave / LSD-2024-011 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members … this communication is in regard to the Large Scale Development proposal at 309 S Block Street which we are ABSOLUTELY OPPOSED to.

We have owned the property at 33 E 4th Street since 1982. We are two blocks away from the proposed development, on one of three streets that most certainly will become thoroughfares to this project. Our family has lived in that house since then and still does. My wife's parents retired their in the early nineties and have since passed on. My wife and I lived there with our first daughter. My wife's disabled brother lived there until his passing. Currently, our daughter and 3 young grandchildren live there. Their ages are now 13, 8 and 6 years old.

This 'South of the Square' part of the City has been a true neighborhood for my family and our many neighbors. This neighborhood includes a very diverse group of people; educators, artists, musicians, child care professionals, bankers, city employees, craftsman and tradesman, University of Arkansas staff etc.

We believe that this Large Scale Development in our neighborhood will NOT be an improvement or enhancement in any way whatsoever and will make NO CONTRIBUTION to the quality of life we enjoy. Quite the contrary, we believe it will introduce many unnecessary and dangerous problems. The FIRST and FORMOST problem my family has with this project is

TRAFFIC SAFETY. The likelihood of an ENORMOUS INCREASE IN TRAFFIC puts my three granddaughters and their many friends at great risk. This dormitory-like housing will certainly attract student tenants and their friends and acquaintances without benefit of University oversight. There are currently about 30 elementary age children and younger who reside here who have no familiarity with the kind of traffic this project most certainly will produce in their neighborhood. This will be absolutely overwhelming and dangerous to these children.

They are accustomed and habituated to living with, traveling thru, playing in and accommodating a neighborhood with far fewer cars than will arrive with the construction of this 163 bed development... by a factor of at least 8. And the addition, to this neighborhood, of so many new YOUNG COLLEGE AGE DRIVERS will add another dimension of risk as well.

Also, Emergency, Fire and Ambulance services will be impacted gravely, as will other services like Trash Pick-up, Street Cleaning and Mail Delivery as flood of street side parking occurs. Then consider the increase in toilet / sewer services on a very old City Sewer system. That would be a tripling or more of sewer capacity for this vintage neighborhood.

In summary, I can not think of single benefit this dormitory-like project will bring to this neighborhood. But it is very clear to me and my other neighbors that GREAT TRAFFIC RISK will arrive in our neighborhood with the arrival of this 163 bed Large Scale Development.

Thank you for your consideration in this matter. I hope to see you on Monday, Sept 23.

Richard and Gina Berquist

Wonsower, Donna

From: Bayard Blain <bayardguitars@gmail.com>
Sent: Wednesday, September 18, 2024 2:46 PM
To: Wonsower, Donna
Subject: Urban lofts development

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello planning commision members. My name is Bayard Blain, resident of 19 East 4th street Fayetteville, since 2011. I have 3 children who have growm up here and we've watched a rough neighborhood become a great place for kids and families. This development poses serious concerns with safety and parking and congestion in our neighborhood. The lack of proposed nessessary parking would compromise everything our neighborhood is valued for. 4th street is already problematic in that it's narrower than East and south streets so people have learned we only park on one side or emergency vehicles and mail trucks can't come on through, imagine adding a 100 cars trying to find parking as well. The proposed 800 vehicle trips a day don't factor in cars going in circles looking for parking and creating further problems. We know some kind of development will happen, but everyone in the neighborhood is against this, that I know of, except one person with financial ties. We who live here would like see a development that incorporates obvious parking needs for residents and doesn't try to maximize their profit margin by compromising the safety and flow of our neighborhood. This project would be a parasite on our neighborhood, taking everything like location and safety and downtown accessibility to later charge accordingly for that, while expecting the neighborhood to absorb their development excess. This project takes from us here and gives us back nothing. Lets please not let Fayetteville development be ruled by greedy parties looking to profit off the good name of our town.
Thanks
Bayard Blain
Owner operator of Bayard Guitars
19 E4th st
Fayetteville AR
72701
4792005074

I am expressing my concern with the development plans for the Urban Lofts apartment complex. While I did not submit comment the first time this issue went before the Planning Commission, I am moved to share my thoughts after hearing the developers will be allowed to have their proposal reconsidered. **I oppose this development and ask the Commission to again vote down the proposal.**

It is my opinion that this development, while scraping by the letter of the law via multiple variances, poses a threat to the neighborhood due to the traffic/parking problems generated by the extreme density and inadequate vehicular accommodation. We have already expressed a target of ~50 units (using the current single-bedroom model) is welcomed by the neighborhood, and could fully accommodate all parking.

Background

I am a resident at 24 E 5th St., along with my wife and 3-month-old child. My wife has lived in this neighborhood on-and-off since birth and has had such a pleasant experience that we chose to raise our family here. We know of at least once family with young children on (literally) every single street and know this because we walk the entirety, including past this development property, each week. It is highly likely we will run across at least a half dozen others walking on any given day – we feel safe walking our families day and night and are a connected community.

Existing Parking/Traffic Issues

There are *already* negative parking and traffic concerns that affect us daily.

- High speed traffic cuts across E/W South St, as those outside the neighborhood cut through. There is already spillover parking on E. South St from new developments on S. College Ave (see attachment 1). These small homes *have* parking (just as the Urban Lofts will, to a degree), but the residents instead choose to park in our neighborhood out of convenience.
- Periodic events at Crisis Brewing Co. results in parking on both sides of the street, covering the entire extent of South St, much of 4th St, and both Block Ave and East Ave all the way to 5th St.

Street Width and Concerns Regarding Emergency/Delivery Vehicles

Neighbors have expressed concern over emergency and delivery vehicles being restricted by parking. If the Urban Lofts cannot fully accommodate all vehicles, these concerns are likely to be recurring reality.

Today, I parked on W 4th St/S Block St and took a picture of my vehicle parked across another. A UPS driver was unable to pull his vehicle between, so got out to ask me to move. But what if I wasn't there? What if it was an ambulance or fire truck?

The street is 20 feet in width. I measured the two vehicles at 75" in width. This left only 90" between the vehicles- too small for large vehicles to pass between! (See attachments 2-4).

(For reference, the approximate widths of large vehicles that would be unable to traverse:

- Ambulance: 98" (common Braun Type I & III on Ford chassis)
- Fire Truck: range from 96"-120"
- UPS box truck: 95.5")

Developer's Letter

The developer has submitted a letter to the Commission stating three "compromises as a show of good faith in support of our earnest hope to be good neighbors." I feel their points lack merit and are intended only as an empty gesture that attempts to placate Commissioner and resident concerns:

- The developer claims "it's important to point out that we are proposing more affordable 1-bed units." However, their single-bedroom units at their Jonesboro and Russellville complexes range from ~$1,250 - $1,900 a month. Do you consider that "affordable?" There are numerous entire *houses* in the neighborhood with lower rents.
    - They make a point on flexibility of their 1-bed vs 2- and 4- bed unit types, but this is a **red herring**, distracting from the concerns stated by neighbors.
- Point 3 claims "a commitment to fully manage parking that encourages car-free renters," but provides no details. "Compromises" include:
    - "Providing a discount on monthly rent for renters who do not require a parking spot."
        i. Reality: This only encourages people to street park, instead of pay for garage use.
        ii. Indeed, savvy renters can simply get a discount on rent by claiming to not require a spot, and simply park on our streets for free, without enforcement.
    - "Clearly stating in our lease agreements that renters should not plan to use on-street parking in the area as an alternative to our on-site accommodations."

    i. Reality: They will ask renters to make a “scout’s honor” promise, which is entirely unenforceable.
- There is no accounting for Guest parking. I have not heard this mentioned, but it can be presumed any of the ~~163~~ 138 residents’ guests will street park.

The developer concludes *“we would like to further request that the item be tabled to the next meeting to allow us sufficient time to notify members of the public.”* As a member of the public and this neighborhood, I can definitively state I have *not* been notified by the developers of their request to re-hear the application, nor of this public meeting, counter to their claim of offering these “in good faith.”

In Conclusion:

We are a young family that currently rent and hope to buy a home but cannot yet afford it. Due to high prices in Fayetteville, we *support* infill, including in our neighborhood! It is already happening, with townhomes on small lots already replacing single family homes on larger lots. We are *not* opposed to a larger development on the lot in question, but feel the density is far too high and brings a host of problems.

As stated in the first meeting, reducing the development to a target density of ~50 units (assuming the same single-bedroom model) is our goal.

Sincerely,

Johnie M Cagle











Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, August 7, 2024 2:53 PM
To: Roselyn Cicerone
Cc: Horton, Andrew; Boyd, Melissa
Subject: RE: Parking Examples (LSD-2024-0011)

Good Afternoon,

I recommend reaching out to engineering and/or the fire marshal's office for any questions specific to fire access or street turning (copied here). Both have reviewed the request for compliance with street standards and fire access and would be better equipped to discuss how the proposed development may impact adjacent streets. What I can say is that the development appears to be meeting ordinances and that, if approved, the plans will also go through a more detailed review by all departments with grading permit.

Best Regards,
Donna Wonsower, AICP
Planner, Development Services

479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

From: Roselyn Cicerone <ciceroner@gmail.com>
Sent: Wednesday, August 7, 2024 2:47 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: Parking Examples

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

None of these examples are as extreme as what you're proposing for this project. None of them are relying on narrow neighborhood streets for overflow. Your proposed fix for the streets doesn't actually add parking. As it is, it's questionab;e as to whether a fire truck could get through these streets without wiping out a parked car.

On Tue, Aug 6, 2024 at 5:17 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

Please see below for some examples of other large multi-family developments. Please note that parking counts for multifamily dwellings are calculated by bedrooms, not the number of units. I have used that metric below for a more direct comparison. The proposed development on Nelson Hackett has 163 bedrooms on 1.3 acres, or roughly 125 bedrooms per acre.

Examples

- Atmosphere Apartments
  - 640 bedrooms on 3.41 acres (~188 bedrooms per acre)
  - 382 vehicle spaces + 42 motorcycle + 120 bike racks
- Cardinal Apartments
  - 480 bedrooms on 2.75 acres (~174 bedrooms per acre)
  - 391 parking spaces + 33 motorcycle spaces + 100 bike racks
- The Academy at Frisco Apartments
  - 673 Bedrooms on 2.96 acres (~227 bedrooms per acre)
  - 625 vehicle spaces + 72 motorcycle/scooter
  - Plus 8,800 square feet of commercial space

Each of these examples includes a parking garage, as does the proposed developmetn on Nelson Hackett. Please feel free to contact me with any questions.

Best Regards,

Donna Wonsower, AICP

Planner, Development Services

AICP CERTIFIED

479-575-8358

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

Wonsower, Donna

From: Katherine Cloud <katherinecloud@gmail.com>
Sent: Wednesday, September 18, 2024 4:14 PM
To: Wonsower, Donna
Subject: Regarding Urban Lofts on Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

My name is Katherine Cloud and I live at 62 E. 5th St.

I have lived in this neighborhood since 2014. The best part of this neighborhood is that it is a safe neighborhood.

While I am in favor of increased housing and new builds in this neighborhood, I am extremely concerned about the proposed plans for the apartment complex in our neighborhood.

While I have a number of concerns, the most important is safety.

The streets in our neighborhood are narrow and can handle very few additional vehicles parking on the street. The streets are so narrow that only once side of the street can be used for parking. In the rare case that cars are parked on both sides it is dangerous for drivers and especially delivery and service vehicles to get through. The street parking is further limited by the driveways. If a car parks on the opposite side of the street from a driveway, the driveway is effectively blocked, as there is not enough space for the homeowner to back out of their driveway with someone parked across from the driveway. Additionally, space must be left between the corner stop signs and the cars parked, or it creates hazardous blind spots at the intersection, which can cause a traffic jam or accidents with only a few cars. The reason we are making it work now is that we know our neighbors and are considerate of these issues. There is very little space available for additional cars to park on the street due to the factors mentioned above. The proposal is about 100 parking spaces short. There are no places for these additional cars to park.

Additionally, this is a quiet residential neighborhood. The additional traffic of so many new vehicles including the residents and their visitors and guests will effectively make our narrow streets into busy thoroughfares. With the blind spots, and the street parking, service vehicles, and delivery trucks, this many additional cars will create safety issues.

While I support growth and new housing in this area, in this neighborhood, the scale of the project is poorly planned, with far too many units and a serious lack of parking.

Variances can and should be granted for reasonable requests. However these requested variances are not reasonable nor necessary. There are a number of reasonable plans that could be proposed for this property without the need for so many variances, without creating safety issues. There is no valid reason to grant these variances when the developers could simply propose a plan that fits within current city ordinances.

Please consider the safety of this historic neighborhood and vote against these variances.

Sincerely,

Katherine Cloud

Wonsower, Donna

From: Matthew B. Day <matthewd@uark.edu>
Sent: Wednesday, September 18, 2024 4:39 PM
To: Wonsower, Donna
Subject: Urban Lofts project on Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

Hi, I am Matthew Day. I live in the house that my wife and I own on South Block Avenue just north of MLK. I am writing because I am concerned about the planned Urban Lofts project at the corner where Nelson Hackett, South street, and Block Avenue come together. The parking and traffic on the street is already problematic and the planned development would make it worse. Often people park on both sides of the street, and visibility is not good, and there isn't enough room for two-way traffic. The planned development would make this worse. I commute by bicycle and on foot, and increased traffic on Block Ave would make this more dangerous (I was already in a back brace for three months this year due to an accident while commuting in the neighborhood). The sidewalks are overgrown and unreliable, so people often walk in the street here, and increased traffic would certainly result in injuries. I haven't heard about any plans from the city to improve the streets or sidewalks in this neighborhood, and if this development goes forward as is, this will be an urgent need. Don't allow these developers to dump a huge load of traffic and parking on a street system that can barely handle the current load.

Best regards,

Matt Day

(p.s. Hi Donna! I hope you are doing well.)

--
Matthew Day
Associate Professor
Department of Mathematical Sciences
University of Arkansas

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 8:33 AM
To: Wonsower, Donna
Subject: FW: Large scale apartment project on South Block street. LSD 2024-001.

Concerning LSD-2024-0011?

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods

change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: darlene graf <grafhouse7@gmail.com>
Sent: Thursday, September 12, 2024 6:31 PM
To: Wonsower, Donna
Subject: Re: Nelson Hackett micro efficiency lofts

Follow Up Flag: Follow up
Flag Status: Flagged

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My main concern about this project is it's "non-consolidated" housing--meaning each separate unit (of 163) has a separate impact on parking and traffic. As a neighbor right up the street on South, I don't think the logistics of this fare well. Very short sighted.

Sincerely,
Darlene Graf
7 E. South St., 72701

On Thu, Aug 8, 2024 at 9:32 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

> Good Morning,
>
> I have saved your email to the project folder and will ensure that it is included in the Planning Commission packet for the commissioners' review.
>
> Best Regards,
>
> **Donna Wonsower, AICP**
>
> Planner, Development Services
>
> AICP CERTIFIED
>
> 479-575-8358

Wonsower, Donna

From: darlene graf <grafhouse7@gmail.com>
Sent: Wednesday, August 7, 2024 11:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Nelson Hackett micro efficiency lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am writing in regards to this proposed project that borders Nelson Hackett, Block, 4th, and South St.

I live on South Street. I am concerned about the size of this project and the influx of traffic thereof and lack of consideration for adequate parking.

Where will that many residents (163 apartments) park their cars? The proposed plan for parking is minimal leaving the residents of these streets having to navigate the overspill of apartment parking. This will also affect the swift movement of emergency vehicles when needed and trash pick-up, postal delivery: cars blocking every available curb space.

I am also concerned about infrastructure: mainly water. Will the city be proactive in replacing the old pipes with newer ones that could sustain the stress of that much more added use?
The pipes in front of my house have broken twice in the last two years, flooding my crawlspace.

The size of this project, without measured thought into the logistics of parking and traffic safety, is very short sighted. This needs to be addressed or this addition will be detrimental to the function/saftey of our neighborhood.

Sincerely, Darlene Graf (7 E. South St.)

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:58 PM
To: Wonsower, Donna
Subject: FW: Property LSD-2024-011/Donna Wonsower

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Deborah Griffin <marigoldpgtc@gmail.com>
Sent: Thursday, August 8, 2024 4:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property LSD-2024-011/Donna Wonsower

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Fayetteville Arkansas Planning Commission Members

I am writing in reference to a proposed development (LSD 2024-011) in my neighborhood, located one block from my home. I am **strongly opposed** to this! This development offers only monetary gain for the property owner. It in no way fits into our neighborhood. 163 micro units, 106 parking spaces (not all for cars) in NO way fulfills the need for housing. It only services the University's students and does not benefit our neighborhood. In fact, it adversely affects our neighborhood and does not meet the Downtown Master Plan's objectives. This neighborhood is old…the infrastructure is old. We have narrow streets and when cars are parked on both sides of the street (which this development would necessitate) emergency vehicles, fire trucks and ambulances cannot pass, putting us all at risk. Our neighborhood has older people and children, lots pets….the increased traffic would pose a danger to us all! With all those cars parked in our streets, the residents would lose space for visitors, or an extra vehicle, and mail service, trash and recycling pick up, street cleaning would be next to impossible.

Our neighborhood needs homes for residents not just for students. I do not understand why the trend in development favors only students. There is a loss of quality, beauty and neighborliness in the

development trends in this town. The housing of University students is the University's issue if they are not going to cap enrollment each year. Please don't let this trend to provide student housing ruin our city. Older people who want to be in town and downsize and young families who have jobs here, and people with lower income levels have no where to go because the current building trends do not provide appropriate housing for them! The infrastructure needs to be updated and addressed to meet the city's increasing population....a population that does not just consist of students. Our city is greatly impacted by the increasing number of cars on our streets.

We do have rental houses in our neighborhood that are rented by students and they benefit by having a neighborhood where we know each other if only to wave because we recognize each other. It fosters good will and a positive quality of life for all. The proposed development would diminish our quality of life. There has already been a code change of a property to RI-U just a block or so from this proposed development. That is going to change things dramatically....we DO NOT NEED this 163 unit "dormitory" with no parking to further ruin our neighborhood. I ask you to please consider the people of this neighborhood. Please do not allow this development!

Thank you.

Sincerely,

Deborah Griffin, M.Ed., L.P.C.

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: comments re: 309 S Block Avenue proposed project

LSD-2024-0011

From: Gwyn Hill <gahill7777@gmail.com>
Sent: Thursday, August 8, 2024 7:42 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: comments re: 309 S Block Avenue proposed project

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning committee,

I am a Fayetteville resident living near the proposed building at 309 S Block Ave and I am very concerned about the project. The proposal shows that there are 162 units but only 106 parking spaces, which means there aren't even enough spaces for all the people who live there, let alone any visitors they might have. I live only a block away, at 108 W 5th St., and my house doesn't have a driveway, so I have to rely on street parking. If residents from this new building don't have enough spaces for their cars in their parking lot, they will park in the street and I may not have a place to park my car in front of my own home if I get home late in the evening. The streets are also very narrow and I am worried about traffic safety and the safety of the neighborhood children. My next door neighbors both have kids who skateboard and play ball in the street because they are used to very little street traffic, and they aren't used to having so many cars around. Our street currently has very few cars that drive by and these kids have gotten used to being able to play in the street. I am worried that they will still go out there to play even with increased traffic because they have been able to do so for their whole lives and it's habit for them, but they won't be as safe anymore. There are also several places with lots of shrub overgrowth that grows right up to the edge of the street and creates blind corners and the increase in traffic with so many new residents will make these blind corners much more dangerous. This project should be scaled back so that there is room for more parking on site and there are at least as many parking spaces as there are units, if not more, to account for visitors to the building. This will also lead to less overflow parking and traffic into the neighboring streets.

Thank you for taking time to listen to my concerns!

Warmly,
Gwyn Hill
108 W 5th St.

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, August 12, 2024 3:23 PM
To: Wonsower, Donna
Subject: FW: LSD 2024-011 Public Comment In Support

LSD-2024-0011. Can you please respond and file away in the project records?

Thank you!

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----
From: Casey Hoffman <cmbrewe@gmail.com>
Sent: Monday, August 12, 2024 3:18 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: LSD 2024-011 Public Comment In Support

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I'm a resident at 3 E 4th Street and am in favor of LSD 2024-011 scheduled for the Planning Commission meeting today, 8/12/24.

Our city is in desperate need for more non single-family housing types, especially within walking distance to services and goods. This site is an excellent location for multi-family housing as it is close to downtown and other civic resources such as the Fayetteville Public Library and Razorback Greenway trail system.

The number of units and parking ratio is not a concern for me. The surrounding streets have a lot of on-street parking already available and it would be encouraging to see more of the on-street parking utilized. It's become apparent that when cars are parked along the narrow streets of 4th and East, traffic speeds go down and the street is safer for kids to play (and they do!).

If during a declared housing crisis, we can't put apartments directly on highway 71B, inside of the downtown masterplan, where exactly can we put them?

I look forward to welcoming more neighbors to the Jennings Plus neighborhood, Casey Brewer Hoffman

Wonsower, Donna

From: ron@fayettevilledoordoctor.com
Sent: Tuesday, September 17, 2024 4:12 PM
To: Wonsower, Donna
Subject: Urban Lofts project on Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower,

As concerned residents of the South Square neighborhood we are asking you to require the developer to dramatically scale back the Urban Lofts project on Nelson Hackett!

The developers sent a letter saying that they have made changes to the project, **but please don't allow yourself to be fooled.**

None of the things mentioned in the letter will do anything to fix the multiple traffic safety issues that the project will create.

The developers say that they have reduced the number of units from 163 to 138, but a look at the recently resubmitted plans clearly shows that they have just combined some units together, but the number of bedrooms has only been reduced by a very few (8). Therefore, **the number of cars the residents will bring to the apartments are still almost the same.**

The recently resubmitted plans unfortunately show **no increase in on-site parking**. This means that there will still be at least **100 cars that will have nowhere to park** except on the narrow, older streets that already have cars parking on them. Current residents often have trouble finding parking that's not blocking driveways, trash carts, recycle bins, mailboxes, etc.

There will still be 155 bedrooms, but only about 60 on-site parking spaces!

Furthermore, there will still be at least **800 additional vehicle trips per day** (Federal transportation data) on these narrow, older streets that were never designed for that much traffic.

In their letter the developers say that they will commit some of their units to low-income residents. **This is meaningless and unenforceable.** At the 8/26 Planning Commission meeting the City Attorney clearly stated that this is illegal; she said that Arkansas state law will prevent this from being enforced.

In the letter the developers also say that they have a plan to manage parking. Except for the designated ride sharing drop-off zone, the other points are **also meaningless and unenforceable.**

Everyone in our neighborhood is very concerned about how this project is being forced upon us.

The project site is zoned Downtown General, but because of the site's steep slope and the curve on Nelson Hackett the apartments will face and adversely interact with the fragile neighborhood instead of facing the primary street as is best practice in Downtown General projects.

A careful look at the plans shows that **there is a 12' to 6' deep and 24' to 8' wide pit right next to the sidewalk** that is next to Nelson Hackett. **This is not only a dangerous traffic hazard but it's also ugly!** Moreover, this **excessively deep and wide pit** works against the city's future plans to make Nelson Hackett attractive, safe, and inviting.

The apartments will have no access to Nelson Hackett- only to Block Avenue and Fourth street, and both streets are old and narrow. And all the Urban Loft's residents on-street cars and traffic mean that residents, delivery vehicles, fire trucks, and ambulances will have difficulty getting through the streets which will further compound the traffic hazard.

It's just common sense that if you overpack the streets with parked cars and then add 800 more vehicle trips per day to these overcrowded streets children, pets, pedestrians, bicyclists, and of course car drivers will all be in danger.

Also, the South Square neighborhood is already doing its share to help with Fayetteville's housing shortage. As an older house is removed, it's being replaced with two, three, or four new houses (which puts additional parking and traffic pressure on the old, narrow streets.

The Urban Lofts apartments density will be much more than 100 units per acre and will be right next to our neighborhood that is almost exclusively no more than 10 units per acre. There is no buffer zone (as is best practice).

Most of the Urban Lofts residents will not stay there for very long. These apartments will be like an extended stay hotel and/or a student dormitory. **All the units are furnished and nearly all are hotel room size.**

The project needs to be dramatically scaled back to less than 60 units. This would allow a minimum of at least one full size on-site parking space for each bedroom of each unit.

The Urban Loft Company is a chain, they already have four similar complexes. Two in Jonesboro, one in Russellville, and one in Conway. **All four of their existing complexes are in settings completely different than the one that they have chosen in Fayetteville. They are all on flat land, all have plenty of room for all their residents to park on-site, and all are in nearly empty areas.**

Look at theurbanloftco.com to see what the developers want to force into our neighborhood. Check out Google Maps and look at where each project is and what is **(and isn't!)** around it. Google Street View will give an even better look.

The city has been nurturing and protecting our neighborhood for at least 16 years now (Walker Park Neighborhood Master Plan, adopted in 2008). **As they had hoped, our neighborhood has blossomed into a very desirable place to live!** Gentle density and an organic approach in the Walker Plan have allowed individual properties to develop over time promoting the overall success of housing in our town. **All this success will be lost with the Urban Lofts project on this site in this neighborhood.** We've got a lot to lose if these out-of-town developers are allowed to take advantage of us and force their project into our fragile neighborhood.

My wife and I have lived in and owned property in the South Square neighborhood for 30 years. Our daughter, son-in-law, and our granddaughter live in a house that we own at 24 E. Fifth Street. We have many friends in that neighborhood that have a lot invested there.

Please stand with the neighborhood and require the developer to dramatically scale back the Urban Lofts project on Nelson Hackett!

I would be glad to provide more information or answer any questions that you have. I really appreciate you taking the time to read this and would welcome an opportunity to speak or text with you. **I'd really like to meet you at the project site and show you why this special neighborhood deserves your support!**

Sincerely,
Ron Hollinghead
479-236-0842

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 5:27 PM
To: Wonsower, Donna
Subject: FW: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

LSD-2024-0011

From: ron@fayettevilledoordoctor.com <ron@fayettevilledoordoctor.com>
Sent: Thursday, August 8, 2024 4:59 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,
My name is Ron Hollingshead and I'm writing on behalf of my daughter, son-in-law, and their infant daughter who live in the house that we own at 24 E. Fifth Street. I'm also speaking on behalf of the many neighbors who are also concerned about this project.

Before it's too late, please take another (and much more careful look) at the plans for the Urban Lofts project on Nelson Hackett Boulevard before this Monday's Planning Commission meeting.

Be sure to consider the harmful effects that a project of this size will have on the surrounding fragile neighborhood.

The Fayetteville Planning Department, including Donna Wonsower, who is the planner for this project, needs to ask more questions and reconsider the approval of this LSD.

We request that for several safety and health reasons **the development needs to be scaled back or modified so that there is at least 1 on-site full-size parking space for each bedroom of each unit**. (This can't include compact parking spaces, motorcycle parking spaces, on street parking spaces, nor waivers for bicycle parking/racks, or for bus stops that are more than a quarter mile away)

Please look again at the plans- they contain many problems with parking.

Everyone who lives in that neighborhood knows this development would be a terrible mistake. We all agree that the city needs more affordable housing, but let's not sacrifice a functioning, cohesive, desirable, and affordable neighborhood in the process.

In its current form this project is certain to create serious ongoing safety, traffic, and health issues. The city and its residents will be forced to deal with these problems over and over.

<u>This is because the project is at least 100 parking spaces short of what it needs.</u>

The housing lots and streets in this old neighborhood were never designed for that much on street parking.

There isn't any way that the neighborhood can accommodate an additional 100 or more cars parking on the street.

It's already not easy to find on street parking in the neighborhood. This is because residents are already using a lot of the on-street parking spots, and there are so many driveways and other curb cuts that there aren't many additional on street spots left.

We ask that both the city staff and the Planning Commissioners put the project on hold until the neighborhood's concerns can be investigated and addressed.

We also ask that both the city staff and the Planning Commission go visit the neighborhood and see where these additional 100 plus vehicles parking on the street can fit without causing these problems:
***Safety- too many vehicles (especially newer pickups and SUV's) parked on both sides of narrow streets will make it impossible for our large fire trucks to get where they need to go.**
***Safety- ambulances may not be able to get where they need to go**
***Safety-driveways may often be blocked which prevents people from leaving home and may also contribute to accidents**
***Safety- streets clogged with cars will contribute to pedestrian, bicycle, and pet accidents**
***Safety-how will streets be cleaned?**
***Health-is the existing water and sewer infrastructure up to this new load?**
***Health- How will the garbage truck be able to reach its carts if most of them are blocked by parked cars?**
***Health- Collecting recycled materials will be much more difficult**
Also- mail carriers won't be able to reach the mailboxes

My wife, Martha and I have lived in and owned property in this neighborhood for 30 years now. My two children grew up there and now my baby granddaughter is growing up there. We've watched it change and improve into an affordable place where people are happy and eager to live.
Let's not risk ruining it with a development that isn't appropriate. I remember that many years ago one of the developers of this project got his start in that very neighborhood by building nice and appropriate housing there. That housing was helpful in getting this neighborhood onto the right path.
We're grateful for what he did then and are hoping that he can see that if this project is modified properly everyone can benefit.

Thanks for taking the time to consider this,
Ron Hollingshead
479-236-0842

Wonsower, Donna

From: Sandy Hubbard <sandyhub111@gmail.com>
Sent: Sunday, August 11, 2024 5:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project number LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The Fayetteville Planning Committee:

I'm a fan of Fayetteville, including South Fayetteville... aka "Tin Cup" ... A special and unique area.

As a longtime homeowner, as well as a Graduate of the UofA, along with my three sons, I would request you vote against Project number LSD-2024-011. I go there often, and have several friends living and owning property in South Fayetteville.

Project number LSD-2024-011

is ill advised and inappropriate for this quiet and established neighborhood for those living there. Consider the impact on the infrastructure, traffic, parking and so much more...

The developer is trying to maximize his dollar without taking into consideration the huge change this will bring to surrounding landowners of single family homes in this quiet neighborhood.

Please reconsider where this type of housing for students should be built. **This project, placed in this neighborhood, is unfair and a bad idea.**

There are always solutions to be found.

Thank you for your time...

Sandra Hubbard

Sent from my iPhone
Sandra Hubbard
1923 N. Woodland Avenue
Fayetteville, AR 72703

UTube Channel... sandra hubbard
www.sandrahubbard.Utube.com
www.thelostyear.com

Wonsower, Donna

From: Jack, Ted
Sent: Monday, July 15, 2024 3:00 PM
To: Masters, Jessica
Cc: Boyd, Melissa; Wonsower, Donna
Subject: RE: Objection!

Follow Up Flag: Follow up
Flag Status: Completed

Ok. Note there is also a lot of vertical change.
Ted

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:53 PM
To: Jack, Ted <tjack@fayetteville-ar.gov>
Cc: Boyd, Melissa <mboyd@fayetteville-ar.gov>; Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: Objection!

Ted,

Thank you for the input! I have copied Donna Wonsower and Melissa Boyd who are reviewing this project. I know there have been conversations regarding site lines at this location with respect to parallel parking. At the end of the day, if it is meeting Engineering standards, it is likely approvable.

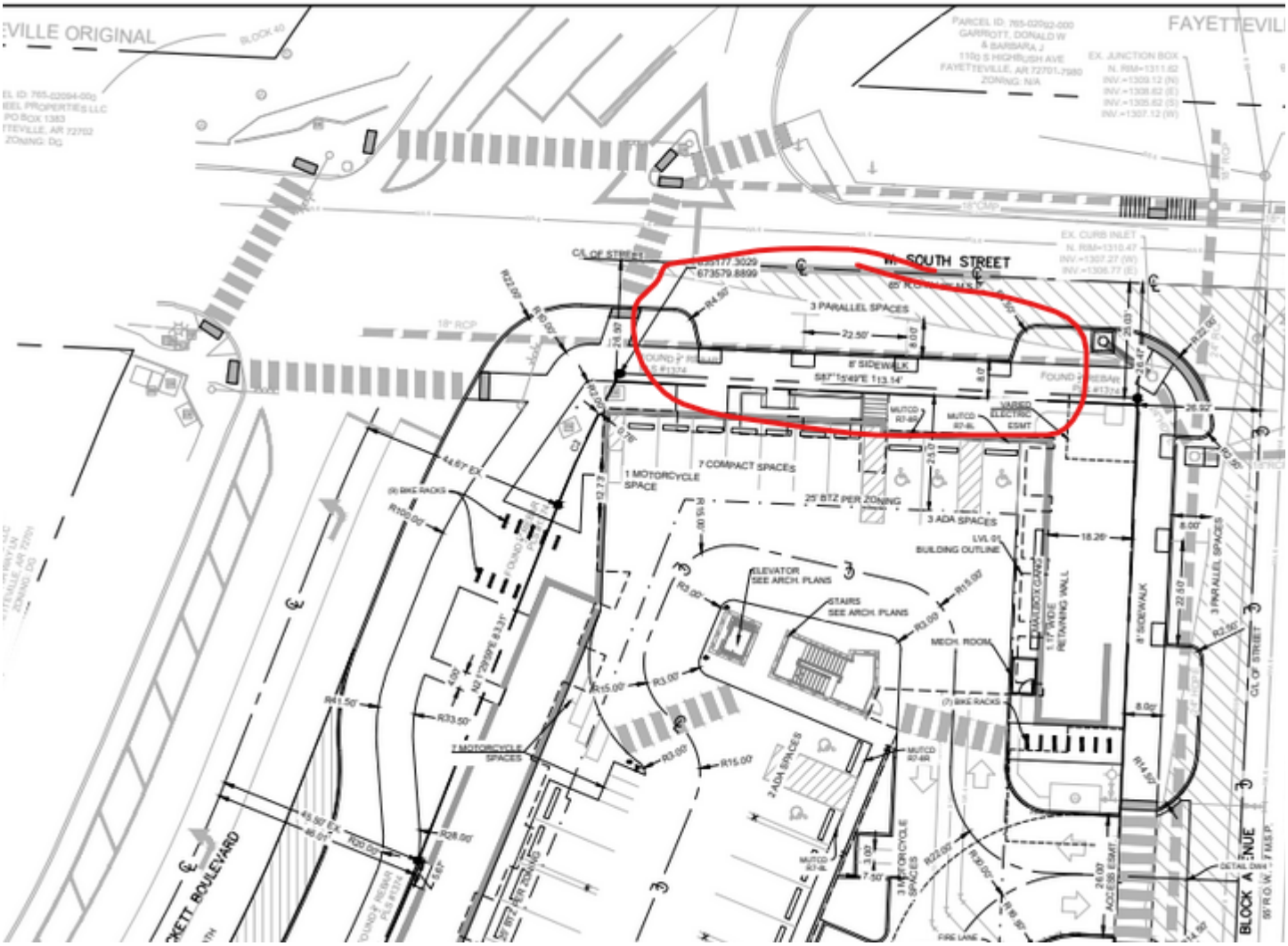
Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube



From: Jack, Ted <tjack@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:51 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Objection!

Hi Jessie,
I was looking at the site plan for the lofts at Nelson Hacket. I go through that intersection frequently and think it is a bad idea to put the three parallel parking spaces where I indicate below. There is a lot going on at that intersection with drivers having to pay attention. Someone trying to park and then getting out of the car seems dangerous for all parties.
Thanks,
Ted


W. SOUTH STREET
3 PARALLEL SPACES
8' SIDEWALK
7 COMPACT SPACES
1 MOTORCYCLE SPACE
25' BTZ PER ZONING
3 ADA SPACES
LVL 01 BUILDING OUTLINE
ELEVATOR SEE ARCH. PLANS
STAIRS SEE ARCH. PLANS
MECH. ROOM
1.17' RISE RETAINING WALL
(6) BIKE RACKS
(7) BIKE RACKS
7 MOTORCYCLE SPACES
2 ADA SPACES
3 MOTORCYCLE SPACES
3 PARALLEL SPACES
8' SIDEWALK
BLOCK AVENUE
NELSON HACKETT BOULEVARD
FAYETTEVILLE ORIGINAL

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 1:14 PM
To: Wonsower, Donna
Subject: FW: University Lofts. Opposition to the planned development on Nelson Hackett and Block stre

LSD-2024-0011

From: Molly R. Jensen <MJensen@walton.uark.edu>
Sent: Friday, August 9, 2024 12:10 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: University Lofts. Opposition to the planned development on Nelson Hackett and Block stre

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello planning commission

My name is Molly Jensen. I live at 312 S. Block Ave. directly across from the planned development named "University lofts." I am a long term resident of Fayetteville. In over 35 years I have always lived within walking distance of downtown.

I am writing today to let you know that I am an opposition to this development. There are huge traffic, safety, and health safety concerns that are not being addressed in the current plans and variances and approvals.

1-There are not enough parking spaces for every "loft" to have its own parking spot. Every apartment complex that I have viewed within a mile radius of this one has a single parking spot assigned for every bedroom. If you were to walk the neighborhood you would we have maybe 60 offstreet parking spots 20 to 30 of which are filled by current residence. That leaves approximately 30 spots for residence of the new development. This lack of parking will cause residents to have to cross Nelson Hackett Mlk and or college Street all of which have no on street parking. We are a very heavy neighborhood and this is an incredible safety issue. We don't have any stop signs nor speed bumps

2- according to the cities own plan, as you create wide sidewalks and bump outs you will cut that parking in half. I do not believe that anyone has taken this into account in the approvals.

3- what plans has the city taken to address the lack of infrastructure? How will trash and recycling be picked up with so much street parking. How will mail be delivered. I'm not sure anyone has walked through the neighborhood and noticed that block Street has no less than 10 patches where the Watermain breaks on a regular basis.

With 160+ tiny units you were going to literally quadruple the draw on the water and sewage in this neighborhood.

4. I am extremely concerned and would like to know or see the marketing research that was done concerning who the resident will be. This is clearly focused on college students or more importantly transient. Fayetteville residence I am truly disappointed in the short sightedness of staff and planning commission putting such an inappropriately dense housing, touching a fantastic and special neighbor .

5 - I think the neighborhood needs to have resident reserved parking.

I am not opposed to appropriate development, but I have yet to speak to anyone in the profession of planning architecture and housing that thinks 160 tiny unit efficiency apartment units would be appropriate for this location.

I urge Planning commission to table this and ask for a more appropriate development to be put forth for this downtown area.

Regards
M

Molly Jensen

Associate Professor

Marketing Department Sam M. Walton College of Business

University of Arkansas

575-5503

mjensen@uark.edu

Wonsower, Donna

From: Molly R. Jensen <MJensen@walton.uark.edu>
Sent: Wednesday, September 18, 2024 2:23 PM
To: Wonsower, Donna
Subject: Urban Lofts and South Square neighborhood development issues

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members:

My name is Molly Jensen, I live at 312 S Block. I have owned this property for 24 years and have lived here for 20 years following renovation. This neighborhood is very special. We bought our house so we could send our kids to Jefferson elementary school. When we bought our house and moved in with our 4-year-old son there were no other children in the neighborhood. Within just a few years there were several dozen children. Our neighborhood is so sought after as it is, I receive daily requests to purchase my house. Many days, like yesterday, I got two offers in the mail. We have all worked hard to maintain our houses and we are all very proud of our little hamlet. Our little neighborhood is so special and safe.

This will radically change if the Urban Lofts is approved. How will it change:

- Traffic safety and chaos. As one of the first neighborhoods built after the original town plat, our streets are very narrow and many of the properties here are so narrow they do not have driveways. Adding cars for over 100 apartments that will be dumped into our neighborhood would be irresponsible and cause many safety issues for the children in our neighborhood.
- Traffic safety issues are caused by all the cars that are not given appropriate parking within the complex. With over 100 apartments we are looking at up to 200 extra cars in the old neighborhood. This increased traffic will cause Health and Safety issues. How will our sewers handle the increase? Our water has failed at least twice this year already. how will our trash be picked up? How will emergency vehicles get through our streets?
- Traffic Safety - our little roads are not built for the number of cars traveling through our neighborhood each day. As a downtown general development, the apartment traffic should flow INTO DOWNTOWN GENERAL zoned areas. Not into our neighborhood conservation zoned neighborhood.
- Traffic safety and personal safety of new potential residents: There are easily 40 cars parked on our streets at night from current residents. As a consequence, Urban Loft residents (and current residents) will have to cross Highway 62, Nelson Hackett or College to find a parking spot outside our neighborhood increasing the chances of pedestrian/car accidents as well as personal safety concerns.

I am opposed to the current Urban Lofts design because it is INAPPROPRIATE for this site. Look at the other 4 projects this company has built - they are all on flat land WITH parking for all residents on site. This Fayetteville site calls for an appropriate project, something that would encourage neighborhood growth and interaction. One project will not solve our housing crisis, and our

neighborhood should not pay the price for Fayetteville trying to do so. Let's find a project that will enhance the neighborhood, increase everyone's property values, make the developers some money and be proud of their project.

With all the legal vicariances, they are trying to pour 10 gallons of sand into a 5-gallon bucket. An appropriate project would not require so much need to bend/break our current building standards. Please build on this site, just build something appropriate.

Regards,
M

Molly Jensen
Associate Professor
Marketing Department Sam M. Walton College of Business
University of Arkansas
575-5503
mjensen@uark.edu

Wonsower, Donna

From: cjmemphis@juno.com
Sent: Wednesday, September 18, 2024 3:16 PM
To: Wonsower, Donna
Subject: Fw: Urban Lofts at Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

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Ms. Wonsower -

Please find below an email I sent to the Planning Commission and the two Ward 1 council members yesterday.

Thank you!
Carole Jones

---------- Forwarded Message ----------

Dear Planning Commissioners:

I am writing to you regarding the proposed Urban Lofts at Nelson Hackett. I am a Ward 1 Fayetteville resident. I have lived in Ward 1 since 1998. I am opposed to the proposed development for the following reasons:

The density seems too dense for the surrounding area.

The expected traffic from the proposed density seems as if it would overwhelm the surrounding streets and neighborhood. It also seems as though there would be some potential safety concerns since the proposed project is located along the curve at Nelson Hackett Blvd. Has a traffic study been performed?

The site is rather steep, making drainage and runoff a concern.

The existing water and sewer infrastructure may not be adequate.

The proposed on-site parking is of particular concern. I feel as though the idea of less parking is a good concept; however, continuing to allow residential developments to utilize off-site parking is a bad idea. This is still Arkansas, and almost everybody has a car! Our public transportation system is unsafe and unreliable. The last time I rode the bus, I had a very unsettling experience. I ride a bicycle for at least 50% of the trips I make, which is far more than most people I know. Yet I still own a car and must use a car for many trips. I believe that less parking for most commercial developments makes sense. I just do not like the idea of existing, single-family neighborhoods having to subsidize and accommodate dense residential housing.

I realize there is a housing shortage in Fayetteville. I am not opposed to new development or dense development or infill. I just feel as though this is not an appropriate location for this type of development. Less density at this site may make more sense.

Thank you for your consideration of my concerns.

Best,
Carole Jones, PE
2203 S Emma Ave
Fayetteville 72701

September 18, 2024

Dear Planning Commission Members:

I am writing in regard to LSD-2024-0011 (Urban Lofts). My husband, Jared Pebworth, and I have lived at 105 W Fifth Street just shy of 25 years. We have raised two children there (and are still raising one), and we enjoy our yard where we have kicked the soccer ball, grown countless gardens, picked a few apples and pears from our trees, and listened to the catbirds.

Yet what has been a small, quiet neighborhood, largely for working- and middle-class families, finds itself in danger of being completely altered due to the proposed LSD-2024-0011. Our streets are narrow, some homes lack driveways, and over the years, we have witnessed several occasions where emergency and utility vehicles have not been able to pass, because cars were parked on both sides of the road. When we first moved to our home, there were very few children nearby. Now we can count close to two dozen within a couple of blocks. They ride bikes and scooters, play soccer and street hockey, walk their dogs. Some are just learning to walk in their yards and on the sidewalks.

The Urban Lofts project, even with its small reduction in units, would cause chaos and traffic safety problems, endangering residents and their children. Many of us chose this area in the first place for the increasingly rare experience of quiet roads, kind neighbors, walkability, and, in some places, a tree canopy. The hundred or so extra cars owned and driven by the revolving population of renters at Urban Lofts will flood our already crowded streets, causing up to an additional 800 or more vehicle trips per day. Our neighborhood is not the place for this type of large-scale development. Though there may indeed be areas of 71B that could benefit from "revitalization," as Urban Lofts states in its letter of August 22, 2024 to the Planning Commission, our neighborhood is the very definition of vital. We work, we raise families, we take care of our homes and our neighbors, we pay our water and gas bills, along with our property taxes. We **live** here.

Though additional "workforce units," again from said letter, may be a legitimate concern, a development of that design and scale is not appropriate for the proposed site. Many neighbors and supporters attended and spoke at the last meeting where this project was discussed at length and the Planning Commission unanimously voted the project down 7-0. In that moment, all of you agreed to protect the integrity of one of Fayetteville's oldest and most authentic neighborhoods. If you allow this development to be built among our homes, you will negatively impact our immediate environment and our quality of life. And our neighborhood will never be the same again.

Sincerely,

Cindy King and Jared Pebworth

Wonsower, Donna

From: Curth, Jonathan
Sent: Monday, September 16, 2024 9:11 AM
To: Wonsower, Donna
Subject: FW: Developers from Jonesboro

Donna,

Please see the below regarding LSD-2024-0011 and include it in the packet for next week's PC as appropriate.

Thanks,

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

Website l Facebook l Twitter l Youtube

From: Marian Kunetka <mk923514@icloud.com>
Sent: Sunday, September 15, 2024 6:57 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Developers from Jonesboro

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please help save a Walker Park neighborhood with single family homes

Shared with Public

Developers from Jonesboro purchased an acre of land south of south st and east of Hackett road, location just north of MLK blvd. They want to build 167 apartments and only have parking for 100 cars, This is an old neighborhood with mostly old single family homes. We went to the last planning commission meeting, 35 residents testified regarding the narrow streets. Residents are concerned about heavy traffic which would happen with 67 cars parked on the narrow streets. There are many families living there with small children. The planning commission voted the project down. The developers have appealed their decision and will bring the project once again to the commission. I spoke with Fire Marshall Jeremy Ashley re what is required by the fire department for these small streets. Fire apparatus access roads cannot be less than 20 ft, exclusive of shoulders and curbs.
Marshal Ashley has seen the proposed plans and informed the developer that they would have to widen South st and 4th street in order for permission to on street parking. This would create hazards for the streets. The residents would accept the apartment complex but only if there is adequate parking on there grounds. I have not contacted water and sewer people as yet, which I intend to do. Any assistance you would be able to offer would be greatly appreciated, Marian Kunetka, 706 south College ave, Fay 72701 - phone 847-644-6510 (kunetka@uark.edu.

Wonsower, Donna

From: Marian E. Kunetka <kunetka@uark.edu>
Sent: Wednesday, September 18, 2024 1:13 PM
To: Wonsower, Donna
Subject: Loft Apartments / south of South st & east of Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

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I write regarding the Jonesboro developer who wants to build 167 loft apartments on property south of South street and east of Nelson Hackett blvd in the Walker Park neighborhood. He only plans to provide 100 parking places for this development and is requesting a code variance to allow on street parking for the remainder of the vehicles. I would imagine that there will be more than one resident per loft, which would add to the number of cars associated with this development.
This is an old established neighborhood, the majority of the homes are single family dwellings with many young children who play outside during good weather. On street parking for this many cars and trucks would be dangerous to to the current neighbors. This would not be required if the developer would provide adequate parking on the site. This could be accomplished by lowering the number of apartments to equal the parking spaces provided.
Please consider voting for established citizens and require on site parking.

Marian Kunetka
706 south college ave
fayetteville, AR 72701
847-644-6510

Wonsower, Donna

From: Rebecca LaTourette <berekki@gmail.com>
Sent: Monday, August 12, 2024 10:06 AM
To: Wonsower, Donna
Subject: Urban Lofts at Nelson Hackett LSD 2024-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Donna and planning staff,

I'm writing to express a few concerns and observations about this proposed project.
I have long been aware of which parcels are zoned DG and expected that large scale development would happen there. It is my hope that the planning commission be realistic about the actual traffic and parking impact that this development will have.
I manage rental property in this neighborhood and know that all but one of my tenants drive to work, school and grocery shopping. They walk for recreation. Similar developments in the area have resulted in an increased burden on neighborhood street parking. When the parking rent is seperate from the unit rent, some residents opt to save money by parking on the street.There is insufficient bus service to this area to ease the car burden.
The infrastructure for utilities is insufficient. Particularly stormwater runoff and sanitary sewer.
Parking on Nelson Hackett potentially creates a traffic hazard.
This neighborhood has many properties zoned NC but it seems they are easily converted to higher density. This creates insecurity and unpredictable growth patterns.
The other minor thing I noticed in the plans is that a parcel that I own across Nelson Hackett is incorrectly identified as being fully owned by the city of Fayetteville. They only own a tiny portion of that parcel #765-07125-000 which of course would be ideal for more parking or road expansion in the future.

Best regards,
Rebecca LaTourette
479-445-7294

Wonsower, Donna

From: Corey Lamb <corey.n.lamb@gmail.com>
Sent: Wednesday, September 18, 2024 5:30 PM
To: Wonsower, Donna

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

I have heard a lot about the new development at the intersection of South & Nelson Hackett. It is very nearby my home at 7 E 5th St. I have mixed feelings about what I know. It seems to me there is to be 160 units with only 60 parking spaces. I hope this to not be true. I am very happy to support development in downtown and want to see a thriving city, but I do not like the parking disparity. I believe there needs to be a greater requirement on the builder to provide adaquete parking for this new development either by lowering the number of units or increasing the amount of parking. I think exploring a basement parking garage that could house 200+ cars would make the most sense if the development wants to maintain 160 units. I personally would also love to see retail/commercial property on the ground level to give us restaurants, bars, coffee shops, and similar businesses to help us grow and give value back to the community and neighborhood I live in.

I hope these thoughts reach you in time.

Corey Lamb - He/Him
501.802.0727
corey.n.lamb@gmail.com

Wonsower, Donna

From: Rebecca LaTourette <berekki@gmail.com>
Sent: Wednesday, September 18, 2024 3:32 PM
To: Wonsower, Donna
Subject: LSD -2024-0011, Nelson Hackett and E South St

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Donna and planning staff,

I'm contacting you to express my continuing concerns about the size of the proposed development and the inevitable huge increase in traffic, parking issues and pressure on insufficient infrastructure in the neighborhood. I own multiple lots, also zoned DG on the opposite side of Nelson Hackett Blvd. The trend that I am observing is increasing density without realistic planning for the cars and infrastructure in these areas. It also seems quite unfair to the folks on that side of the boulevard who bought into the concept of neighborhood conservation only to see many properties rezoned for infill which compounds the problems since everyone has at least one car.
Additionally, I ask that you consider the high probability of other denser uses of surrounding properties on the East side of Nelson Hackett. There are multiple properties zoned DG or for infill. Will they be turned down in the future because the area can't handle anymore density? Will you make Nelson Hackett 4 or 5 lanes to handle the traffic? Who pays for the new, wider streets, water and sewer upgrades for an entire neighborhood?
The increased traffic is the biggest concern. Most folks have at least one car and they like to drive.
As much as I would love to see my tenants walk to work, the store and school, they do not. It will take significant investment in public transportation to make some of the areas we have designated for high density have less vehicle impact on the historic old core of Fayetteville. It will also have to be economically painful to jump in a car to drive 3 to 5 blocks.
I will continue to watch as this town explodes with development. It's sad to think that the eventual economically best use of my property may be a giant, unattractive parking garage.

Best regards,
Rebecca LaTourette
479-445-7294

Wonsower, Donna

From: Ed Levi <edlevibees@gmail.com>
Sent: Wednesday, September 18, 2024 1:50 PM
To: Wonsower, Donna
Subject: Letter to planning commissioners against the Urban Loft variance

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

This is in relation to the proposed plan of the **Urban Loft Company** for their housing project at the corner of Nelson Hackett and South Street in the Walker Park area.

Although I understand there is a need for an increased supply of more residential possibilities in Fayetteville, what Urban Loft is considering will do more damage than good. As a nearby resident, I find that what they are proposing is totally contrary to the benefit of the immediate area and the city as a whole for several reasons.

But, first of all, I must say that all requested variances presented to your commission should be studied and looked at with fine tooth combs. Plans and ordinances were put in place because they were thought to be in accordance with the desires of the people to make Fayetteville the wonderful city it is. Asking for exceptions is exactly what Variances are asking; to change the earlier plans or ordinances that were deemed to be appropriate. Therefore, variances should be seen as inappropriate except in very special circumstances.

In this particular situation, there are several reasons to object to this proposal beside the fact that only marginal adjustments have been offered after the first and unanimous refusal. Here are just a couple that should be enough to decline this request for a variance:

1) The lack of the parking places for an additional 100 vehicles is going to more than become troublesome for the neighborhood and surrounding neighborhoods as well as for the proposed new residents. There's a reason for the ordinance that requires a ratio for parking places per bedrooms.

2) The proposed construction will necessitate the destruction of some beautiful trees that should be protected. Fayetteville loves its trees and cutting any big ones does more than adding to the heat sink cities have become. Trees do more than add shade and beauty but they also sequester carbon dioxide. Cutting them not only stops them from absorbing carbon dioxide but it causes them to release the CO2 they've absorbed. The regulations to replace old, stately trees with young ones will not make up the difference for decades. Clearly this is not the time to be adding to climate change.

I respectfully request that you vote to deny this request for a variance.

Ed Levi, resident of downtown Fayetteville

Sent from my iPhone

Wonsower, Donna

From: Shawn Morris <shdmorris@gmail.com>
Sent: Thursday, August 8, 2024 7:48 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-011 Project Concern

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

My name is Shawn Morris, I live at 114 W 5th Street, Fayetteville, AR 72701. I'm reaching out to voice my concerns about the 309 S Block Ave LSD-2024-011 Project.

I love Fayetteville and my neighborhood and I'm excited to see all the new construction that is happening in the region. I believe we need to build more houses in greater density to keep up with demand and keep prices affordable. However, the decisions we make to achieve this need to be smart and thoughtful. The proposed project off of Nelson Hackett is neither.

The builders are trying to fit too many units on too small of a lot leading to my concerns about parking, traffic, and trash. Fayetteville is still a car-dependent city and that is not changing any time soon which means every resident will have a car and that will spill onto multiple streets in the neighborhood. Additionally, our neighborhood already has a rat/mouse problem and the amount of waste that would be generated on the plot will exacerbate the issue.

I would welcome a project that is downsized, but as it stands today it is too many units and will have a negative impact on the neighborhood. I'm excited to attend the planning commission meeting on this topic on 8/12.

Thanks

Shawn Morris

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 12:57 PM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave LSD-2024-001 Project Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Also for you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----
From: Karen Mueller <karen@karenmueller.net>
Sent: Thursday, August 8, 2024 12:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-001 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing about the project planned at Block Street/Nelson Hackett/4th Street.

I live at 321 S. East Ave, one block west of Block Street. I bought my house almost 10 years ago. I'm a retired nurse and plan to live here until I die.

My neighborhood is a diverse, family-friendly place. I walk my dog at least 2 times a day and know many of the neighbors. People are frequently out and about walking dogs, jogging or walking. And there are a number of young children who play in the streets. There are two basketball hoops up and the children use them a lot.

I love this neighborhood and am horrified with the plan and how it will change the lives of everyone who lives here. I've spoken to many of the neighbors and none of them are in favor of this plan.

The number of units is shocking, knowing that traffic already is a big problem in our neighborhood. Cars racing up my street and Block Street frequently is very scary! I have to be careful with my dog, even though she is on a leash. And of course there are cats in the neighborhood that are at risk of being hit or run over.

Parking is also a problem. Some residents don't even have a driveway and need to park on the street. When Crisis Brewery has an event, every street is crowded and neighbors sometimes have no place to park. Adding 163 units (and people and probably cars) doesn't make sense!

I understand that there are only 106 total car parking spaces and overflow would be on our already busy streets. It sometimes is already a problem going down some streets where cars are parked on both sides. We have to think of safety - what if an ambulance needs to get through? And it will be harder for trash pickup and street cleaning.

Another problem is we have frequent water line breaks because of old pipes. Some of my neighbors have had flooding because of this. Right now there is a patch at the intersection of S. East Ave and 4th St. The patch has sunk, creating a fairly large hole that everyone has to drive around.

Because the planned units are so small, the population will probably be students or temporary people looking for something more appropriate and the turnover will be constant. I believe the units will degrade over time and this will affect or property values. Why not build fewer luxury apartments or small homes where folks will want to STAY and become part of our wonderful neighborhood? Or build fewer decent-sized apartments with retail underneath such as a coffee house, a wine bar, etc. that neighbors would enjoy going to?

Of course they will take down most of the old trees (we will miss that shade). I don't understand why this is not a priority when we are worried about climate change and everything that goes along with diverse nature.

All in all, I hope the planning folks take a better look at this and do what they would want in their OWN neighborhoods, which is a change in plan with fewer, larger apartments or small houses.

Thank you,
Karen Mueller

Wonsower, Donna

From: Karen Mueller <karen@karenmueller.net>
Sent: Wednesday, September 18, 2024 6:24 AM
To: Wonsower, Donna
Subject: Urban Lofts at Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

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My name is Karen Mueller, and I'm writing to express my deep concerns (horror actually) about the proposed plan at South Street, Block Street and Nelson Hackett.

I live at 321 S. East Avenue, one block east of Block Avenue. I've lived in our neighborhood almost 10 years and it's the best neighborhood I've ever lived in. I'm 76 years old, a retired nurse, and plan to live in my house until I die.

The neighborhood is very diverse with folks of all ages. I know many of the neighbors because I usually walk my dog twice a day which enables me to meet and greet folks. I'm also a gardener so am outside frequently and can chat with folks who are walking by. We have many young children who play in the streets which is a joy.

I am very disturbed by the plan to build 163 units on the street behind me. That means **AT LEAST 163** more people on that **ONE BLOCK** behind me. It would entirely change the character and health of our neighborhood.

Traffic safety is already an issue. Cars frequently race up my street which is dangerous to people and pets.

Our streets are narrow and sometimes hard to get through. When Crisis Brewery has special events, cars fill the neighborhood, and some folks are unable to park in front of their homes during these events. Some residents don't even have a driveway.

Another problem is water pipe breaks which happen frequently. Some people have suffered flooding. I imagine with 163 more people, the water and sewer systems would be overloaded.

The loss of most of the trees on that block will devastate the park-like atmosphere and contribute to climate change.

I suggest that you please take a short 20-minute walk through the neighborhood and then imagine what it would be like for you if you lived here, with what is proposed.

I would rather have a reasonable number of homes or luxury apartments (perhaps above a coffee shop or wine bar or small store) with a bit of nature, places where people would want to stay instead of moving on.

I'm afraid that the proposed plan would devastate our wonderful neighborhood!

Thank you,

Karen Mueller

Wonsower, Donna

From: Phoebe Ostner <postner54@gmail.com>
Sent: Wednesday, September 18, 2024 2:21 PM
To: Wonsower, Donna

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning commission members,

My name is Phoebe Ostner and I live at 312 S. Block, directly across the street from the proposed apartment complex. I was raised in this neighborhood and deeply cherish its unique, homely, sense of place. The reason south Fayetteville is important is that it preserves the essence of old-town Fayetteville. It is not particularly affluent or picture perfect, but it is walkable, neighborly, quiet, and community oriented. I believe we are an example of what makes people want to move to Fayetteville in the first place. We must preserve our hometown in this way.

Being a part of the downtown, we are not equipped to host a hundred or more cars from these apartments that are left to park on our old, narrow streets. Similarly, the traffic associated with housing of this proposed magnitude (800+ vehicle trips daily) poses safety concerns for everyone in the neighborhood, especially our young children who feel safe in our streets as they are now.

Please consider my perspective and
thank you for your time.

Phoebe Ostner

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 1:20 PM
To: Wonsower, Donna
Subject: FW: Urban Lofts on Nelson Hackett, LSD 2024-011

LSD-2024-0011

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Friday, August 9, 2024 1:18 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Alan Ostner <alan@drainagedoctornwa.com>
Cc: Mayor <Mayor@fayetteville-ar.gov>; Bob Stafford <robert.s@bluestarbiz.com>
Subject: Urban Lofts on Nelson Hackett, LSD 2024-011

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Hello Planning Commissioners and Staff,
I am writing to voice disagreement over the proposed Urban Lofts, LSD 2024-011. I live nearby at 312 South Block. The traffic danger of putting 162 units on 1.3 acres is severe in this location. That comes to 124 units per acre! The neighborhood is functioning great at 10 units per acre, well double the 4 units per acre in the sprawl-prone suburbs. These are small, narrow, neighborhood streets that cannot handle that type of traffic. We currently have small children, elderly, pet walkers, and even folks from other neighborhoods safely and happily walking these streets. This is a neighborhood experiencing a rebirth of sorts. This scale of development will hamper and cause a detrimental effect to our quality of life and degrade the neighborhood. 162 units estimating 20% significant others or roommates (a common attribute anywhere) could equal 200 neighbors. Even with the Planning Staff's hopes and dreams of only 80% of them bringing cars, that comes to 160 vehicles trying to drive, park, go places, all the things we do. There will be around 80 parking spaces provided which means over 100 folks will be fanning out all over the surrounding city blocks to park on our already crowded streets. This neighborhood should be held up as a symbol of success! Not punished for being located close to a major roadway! My wife and I are more than happy to welcome a neighboring complex that might be 40 units per acre, 50, or even 60 units per acre. Do many other neighbors show up to the Planning Commission welcoming that density? I doubt it. This is a density of 124 units per acre!

Please: use your discretion as granted to you by the Ark. State Legislature on any Large Scale Development: vote to table this proposal out of traffic danger. Request that the development team come up with a compromise: a lower density proposal that will add to the neighborhood, not take away from it.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster

Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

Wonsower, Donna

From: Planning Shared
Sent: Friday, September 20, 2024 11:06 AM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 - Urban Lofts at Nelson Hackett
Attachments: Resized_20220628_084206.jpeg

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Scott Hill <razorbackscott@gmail.com>
Sent: Friday, September 20, 2024 10:49 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 - Urban Lofts at Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to express my support for the modified plans submitted for the Urban Lofts at Nelson Hackett.

The city just created a new zoning category called Urban Corridor which will allow up to 8 stories of development along College Avenue and other side streets if those properties are re-zoned accordingly.

This project is very small and respectful of the neighborhood by comparison, with the maximum height being 4 stories, and stepping down to 2 stories across the street from single family homes. There is no such consideration currently being given to single family homes in the new UC zoning proposed for much of 71B.

The project also shows good design, high-quality materials being used, and will serve as a bridge between South Fayetteville and downtown.

Finally, the property had been used as multi-family for the prior 50 years. My oldest brother and his wife lived there in the mid 1990s while they were attending graduate school, and the apartments were in bad

Wonsower, Donna

From: Kevin Beasley <kbeasley@hmailnwa.com>
Sent: Monday, September 23, 2024 3:03 PM
To: Agenda Item Comment
Subject: Urban Lofts at Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am very much in favor of the project "Urban Lofts at Nelson Hackett".

I know the city has a valued interest in the re-vitalization efforts for the future, this project is vital within this corridor. This will be one of the first major projects for the re-vitalization efforts and one that is designed well for the future and its location!

Kevin Beasley
Chief Financial Officer
Trade Mark Homes
1st Star Construction
1st Star Realty
1st Star Exteriors
Cell: 479-841-4371
Email: kbeasley@hmailnwa.com



From: Thomas Brown <dog13gregg@aol.com>
Sent: Monday, September 23, 2024 7:25 AM
To: Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Subject: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners

Please approve LSD-2024-0011, determining:

- In favor of variance to §166.11(A), Conformance to Plans and Regulations.
- In favor of variance to §166.05(F), Access Management.
- In favor of variance to §166.21(E)(1), Dumpster Location.
- In favor of variance to §172.04(C)(4): Parking Lot Location Standards.
- In favor of recommended right-of-way dedication.
- In favor of recommended street improvements.
- In favor of all other conditions as recommended by staff.

This project is located within the Historic Downtown Grid and the 71B Corridor. The proposed project density of 127 Units per acre is appropriate for this Corridor location in the Core of our Downtown Tier 1 Center. The design of this Multi-family Project is architecturally dramatic, with it's tallest architectural elements oriented on the Corridor and facing the Downtown Square. More importantly, the Project is sensitively stepped down in height where it faces the existing residential neighborhood.

The Project will also help introduce more needed resident population within the Downtown and the Nelson Hackett Section of the Corridor. This section of the Corridor has recently received some public artwork and will see other future pedestrian-friendly enhancements.

Parking may become a challenge for the adjacent neighborhood, just like it has been for many other neighborhoods in the Downtown. Where these parking challenges have been addressed, the establishment and enforcement of a Parking District has turned out to be one of the important approaches to be used.

Finally, the development of this proposed project can represent a critical first effort to insure that, if the City can successfully attract it's growing residential population within the Growth Concept Map's 40 Tier Centers and three Urban Corridors, it will be able to accommodate it's projected 2040 Population. All in

a way that will help enhance the City's Transit Readiness, Housing Affordability, protection of ecologically valuable features within the City's Enduring Green Network and the preservation of existing neighborhoods located outside of the Cores of the Tier Centers and Urban Corridors.

Thomas Brown

Wonsower, Donna

From: Gwyn Hill <gahill7777@gmail.com>
Sent: Friday, September 20, 2024 5:04 PM
To: Wonsower, Donna
Subject: Comments re: The Urban Lofts apartment complex at Nelson Hackett and South Street intersection

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Donna Wonsower,

I am a Fayetteville resident living near the proposed building at Nelson Hackett and South Street and I am very concerned about the project. The proposal shows that there are 162 units but only 106 parking spaces, which means there aren't even enough spaces for all the people who live there, let alone any visitors they might have. I live only a block away, at 108 W 5th St., and my house doesn't have a driveway, so I have to rely on street parking. If residents from this new building don't have enough spaces for their cars in their parking lot, they will park in the street and I may not have a place to park my car in front of my own home if I get home late in the evening.

The streets are also very narrow and I am worried about traffic safety and the safety of the neighborhood children. My next door neighbors both have kids who skateboard and play ball in the street because they are used to very little street traffic, and they aren't used to having so much traffic. There are also several places with lots of shrub overgrowth that grows right up to the edge of the street and creates blind corners and the increase in traffic with so many new residents will make these blind corners much more dangerous. This development will compound an already dangerous traffic problem, as there are many areas where the narrow streets and cars parked on both sides of the road create problems. Just yesterday someone parked in front of my mailbox and the mailman couldn't deliver my mail.

I urge you to reject the building as it is currently proposed. This project should be scaled back so that there is room for more parking on site and there are at least as many parking spaces as there are units, if not more, to account for visitors to the building. Our streets cannot safely handle the 100 + cars that will not have designated parking spaces.

Thank you for taking time to listen to my concerns!

Warmly,
Gwyn Hill
108 W 5th St.

Wonsower, Donna

From: Casey Hoffman <cmbrewe@gmail.com>
Sent: Friday, September 20, 2024 5:13 PM
To: Wonsower, Donna
Subject: LSD 2024-0011 Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I live in the Jenning's Plus neighborhood and am in favor of LSD #2024-0011.

I am constantly reminded how lucky I am to live and work in this neighborhood. Lots of people don't get that privilege but you're not likely to hear their voices.

I'm writing this email for the future neighbors who don't get a loud enough say on the matter.

One of the many things that makes this neighborhood great is the carless lifestyle it offers. Being only 4 blocks south of the Fayetteville Square provides access to services, including the Fayetteville Public Library, the Razorback Greenway, the Mill District, AND our beloved neighborhood pub – Crisis Brewing. Proximity to these neighborhood services not only reduces vehicle miles traveled for safer streets, but also strengthens our community engagement.

This project's site is a textbook example of infill. The project's use unit perfectly aligns with the 71B's rezoning mission to provide Fayetteville residents with more housing in our downtown areas. The project's density is at an appropriate scale for the edges it serves and provides a diverse housing option we need.

Please consider voting in favor for more neighbors in Fayetteville without more sprawl, Casey B. Hoffman

Wonsower, Donna

From: Planning Shared
Sent: Monday, September 23, 2024 1:37 PM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: KTK <kathykisida@gmail.com>
Sent: Monday, September 23, 2024 1:36 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to oppose LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT), as it still is going to be a problem with parking for residents on the side streets that have nowhere else to park except off-street parking. The streets surrounding the proposed development are narrow and are already a problem for residents. I live in S Fayetteville and often visit my friends on Block. It's already hard to find a safe parking spot, meaning the streets are narrow.
I think there are lots of other options the developer should think about. I know they reduced the units, but it is still too large for this spot considering the surrounding neighborhood and the problems with parking on Nelson Hackett expansion of a cut in for parking. Let's not ruin the newly designed Nelson Hackett RD.
Please do not approve this development.

Kathy Kisida

Wonsower, Donna

From: Planning Shared
Sent: Monday, September 23, 2024 10:59 AM
To: Wonsower, Donna
Subject: FW: Support for Nelson Hackett Project

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: SMITH, KEATON W. <keaton.smith@firsthorizon.com>
Sent: Monday, September 23, 2024 10:55 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for Nelson Hackett Project

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PC members and staff,

I live at 88 E 4th St, in the neighborhood of the proposed project on Nelson Hackett. I am in support of the project as proposed.

I appreciate the developer's efforts to structure their leases to encourage car-free living by charging more for units with a parking space, and would encourage the Planning Commission through their Long-Range Planning Committee to develop a standardized process for creating and enforcing a neighborhood parking district. This would provide the neighborhood a tool to utilize if the developer's parking projections and strategies do not result in a desirable outcome for the neighborhood.

Keaton Smith
Vice President
479-878-6381 office | 479-879-7922 cell
3430 W Wedington Dr
Fayetteville, AR 72704

CANDACE HOGGATT
Assistant
479-878-6431 office candace.hoggatt@firsthorizon.com



Award-winning service

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Wonsower, Donna

From: Harrison, Gretchen
Sent: Monday, September 23, 2024 4:59 PM
To: Wonsower, Donna
Subject: Fw: PLEASE VOTE NO on Nelson Hackett LSD

See below for more comment on LSD-2024-0011. Not sure if you've received this one yet, so forwarding it just in case.

Thank you Donna for all of your hard work on this project!

Gretchen Harrison
Senior Planner
City of Fayetteville, Arkansas
(479) 575-8263
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Sent: Monday, September 23, 2024 4:57 PM
To: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Subject: Fw: PLEASE VOTE NO on Nelson Hackett LSD

Robert B. Stafford
Fayetteville City Council
Ward 1, Position 1
479.879.6802

From: Stafford, Bob
Sent: Monday, September 23, 2024 4:53 PM
To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: PLEASE VOTE NO on Nelson Hackett LSD

Dear Planning Commissioners,

You've done it once, you can do it again. Vote no on this misguided project. If you know me, you know I'm all for density and infill as we go from being a town into being a city. But this project is trying to put 10 gallons in a 5 gallon bucket.

A block or two to the South and I would have no issues, but it doesn't take a traffic engineer or an expensive study to see that the scale of this project and it's limited access directly onto Nelson Hackett will overwhelm the surrounding small neighborhood streets, both with parking and traffic.

I understand you are under a lot of pressure to approve this, but please understand that this is YOUR decision and the idea that you must approve variances, or that it's on you to prove the traffic issue just seems wrong to me. If we are forced to hand out variances then why have them, what's the point. If someone can just say you must give me a variance then why are we even here? Why vote at all? It should be on the applicant to prove that this won't cause an issue not the other way around. And if it is required that we do a traffic study, then well, let's do one. Let's do this right. Let's not be cowed and pressured into decisions we know are not in the best interest of the city.

Thanks for all the hard work you do. These growing pains and related decisions are never easy. But sometimes the hardest decisions are the best ones.

Thanks and see you on the other side, Bob Stafford

Robert B. Stafford
Fayetteville City Council
Ward 1, Position 1
479.879.6802

shape then. I've attached a picture I took last year of the condition of the property as I drove through. I took this picture to send to my brother to show him what happened to where he used to live.

If this were proposed in my neighborhood, I would support it whole-heartedly and encourage my neighbors to do the same. Four stories with a step-down to two stories is a thoughtful way to address infill along 71 B where it is located near existing neighborhoods.

Thank you,



166.21 - Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

The Pit at Urban Lofts is not quality design nor usable space

(B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

(1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.

(2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or

Executive Summary

Why a plan?

Towns are created step by step by many people. It is only possible to coordinate public and private effort in a great townmaking enterprise with some idea of *what the whole is meant to become* as it evolves. Fayetteville will build upon the proud legacy of its founders, and grow a more beautiful, more sustainable Downtown, with this plan.

The purpose of this document is to focus resources on things that will really make a difference. The Downtown Master Plan crystallizes the desires of Fayetteville's citizenry into buildable, functional visions, and provides do-able instructions for government and private investors. Intensive public involvement was used to create this blueprint for Downtown's next distinguished century.

Balance, above all, is the theme

The many authors of this plan have struggled to find equilibrium between equally important goals. They have demanded a balancing between predictability and flexibility in regulations. They have insisted on balancing automotive mobility and convenience with pedestrian comfort and achieving the desired urban image for the heart of the community. They sought a balance between preservation of the historic character and a spirit of new-ness, and allowed no trade-off between productive real estate and environmental sensibility. With this plan Fayetteville can have all these.

Building on History

Fayetteville has a great downtown to start with. The goal of this plan is to show how to add to what's been accomplished with new generations of timely upgrades. This is not a handbook for the slash-and-burn, slum-clearance / urban renewal plan of the kind that disassembled central cities a generation ago; this one's about *putting the traditional city back together.*

Basic Principles

Six fundamental strategies are established by the plan.

First, a *superbly walkable environment* should be produced and showcased as Downtown's hallmark. Second, it must be made a priority to get more people, including households of moderate and upper income, *living Downtown.* Third, Fayetteville needs to get *smart about parking*, so the need can be efficiently and sustainably met but the sense of place is enhanced, not weakened, in the process. Fourth, *smart rules* that outperform the existing zoning should be put in place to attract and secure a caliber of development worthy of Downtown. Fifth, an interconnected series of *special places* should be nurtured and celebrated as Downtown's signature public spaces and best addresses. Sixth, Fayetteville must recognize in all its actions that this part of the City has an *experience-based economy*, and thus continue to expand the focus on arts, culture and entertainment experiences as Downtown's drawing card.

Teamwork & Patience

The vision is compelling, but no one developer, group of elected officials, or agency can pull it off alone. This plan is assembled around the idea that *many coordinated actions* (large and small) by the City government, businesses, developers, neighbors, the University, and cultural organizations will gradually grow the Downtown the citizens want.

April 30, 2004

The plan looks both short term and long term. While the Illustrative Master Plan focuses on the long-term vision for the future of Downtown as a whole, and foretells a series of changes and initiatives that will be decades in the making, there are specific sites identified in the plan that are prime locations for initial projects in the very near future. Examples of projects & initiatives in the plan meant to be undertaken soon or in our generation are the infill of vacant and underutilized sites on Dickson Street, Block Avenue and West Avenue, enabled by a first generation of community parking facilities; redevelopment of the Mountain Inn property; creation of a sizable Downtown Park; and a "road diet" narrowing the bloated College Avenue / Archibald Yell Boulevard corridor into a tree-lined grand avenue. Longer term prospects in the plan include the framing of that 71-B corridor with substantial redevelopment of blighted properties along the reclaimed avenue; redevelopment of the Fayetteville City Hospital and Hillcrest Towers parcels; and completion of more shared parking facilities timed to match private infill development.

Implementation

The plan includes an interlocking series of implementation measures. There is an entire chapter devoted exclusively to implementation. In addition, throughout the key chapters there are green boxes entitled "Getting There" that provide detailed action steps at the end of each major section.

The primary official implementation steps are to:

A. Adopt a new set of land development regulations, a form-based code for the Downtown district, replacing the existing zoning.
B. Establish a tax-increment financing mechanism that will be used, among other things, to produce shared parking and enable public-private redevelopment partnerships.
C. Transform DDEP into a Business Improvement District.
D. Undertake a series of improvements to improve walkability and viability for business and housing, including returning certain key streets to two-way traffic.
E. Catalyze a shift from individual, inefficient surface parking lots to shared parking, parking structures, and to foster a park-once environment.

Stay the Course

Diligence and persistence in implementing this plan will reward Fayetteville with an inspiring Downtown scene, an ever higher quality of life, and continued economic prosperity.

Victor Dover, Principal-in-Charge
Margaret Marshall, Senior Project Director

Dover, Kohl & Partners, Town Planning
April 30, 2004

FAYETTEVILLE DOWNTOWN MASTER PLAN



Stage 3:
Buildings are built on both sides of the street, forming an urban relationship and transforming College Avenue into a spatially defined "urban room."

CAFE CONNECTION: SIDEWALK TOUCHING BUILDINGS



Stage 4:
The supermarket is improved by constructing a multi-story, mixed-use neighborhood grocery prototype. This picture depicts a traffic signal located at the intersection of College Avenue and Lafayette Street.



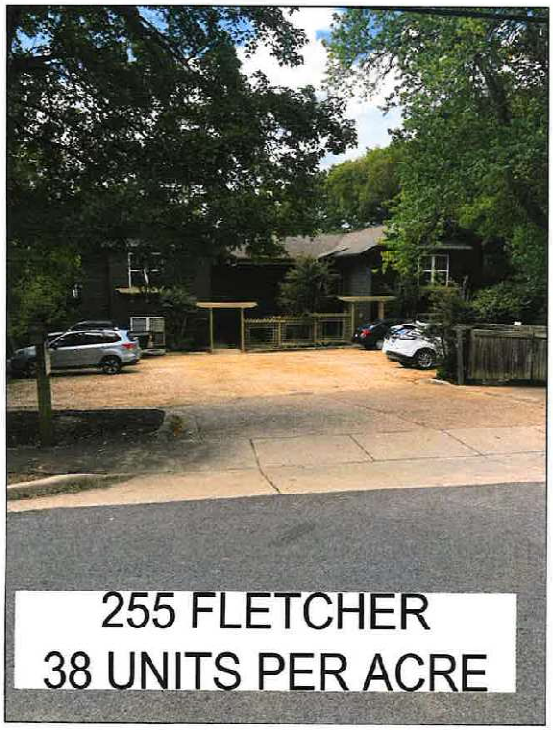
Stage 4 Alternative:
A roundabout, replacing the traffic signal, is introduced to tame traffic. The roundabout serves as a reminder that you have arrived in town and need to drive more slowly. A highly visible feature, such as public art, should be placed in the center of the roundabout and should be lit at night.

THERE IS NO PIT ALONG THE SIDEWALK IN THE FAYETTEVILLE MASTER PLAN; ONLY COMMERCE AND HOMES ADJACENT TO THE SIDEWALK

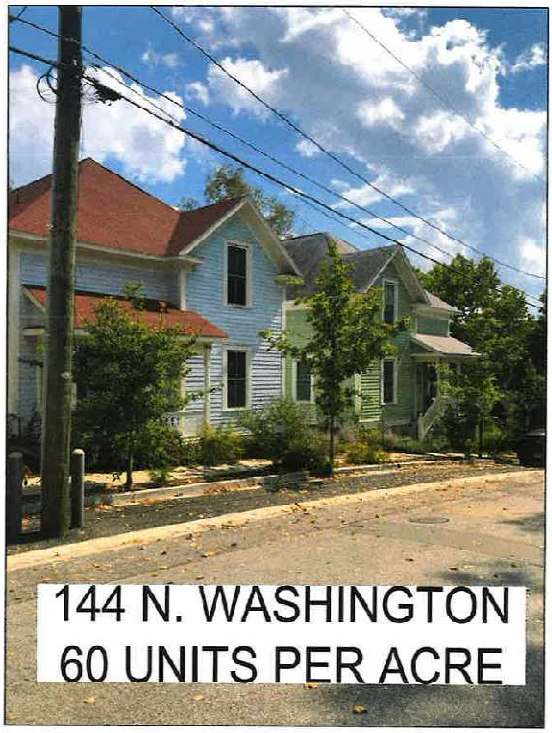


THE PIT MUST QUIT

WHY NOT THIS?



255 FLETCHER
38 UNITS PER ACRE



144 N. WASHINGTON
60 UNITS PER ACRE

EXAMPLES OF NEARBY MISSING MIDDLE HOUSING
DESIGNED FOR SITE- MINIMIZES EXPENSE
ALL PARKING ON-SITE: NO TRAFFIC DANGER
ADDS TO NEIGHBORHOOD VALUE



734 S. LOCUST
75 UNITS PER ACRE



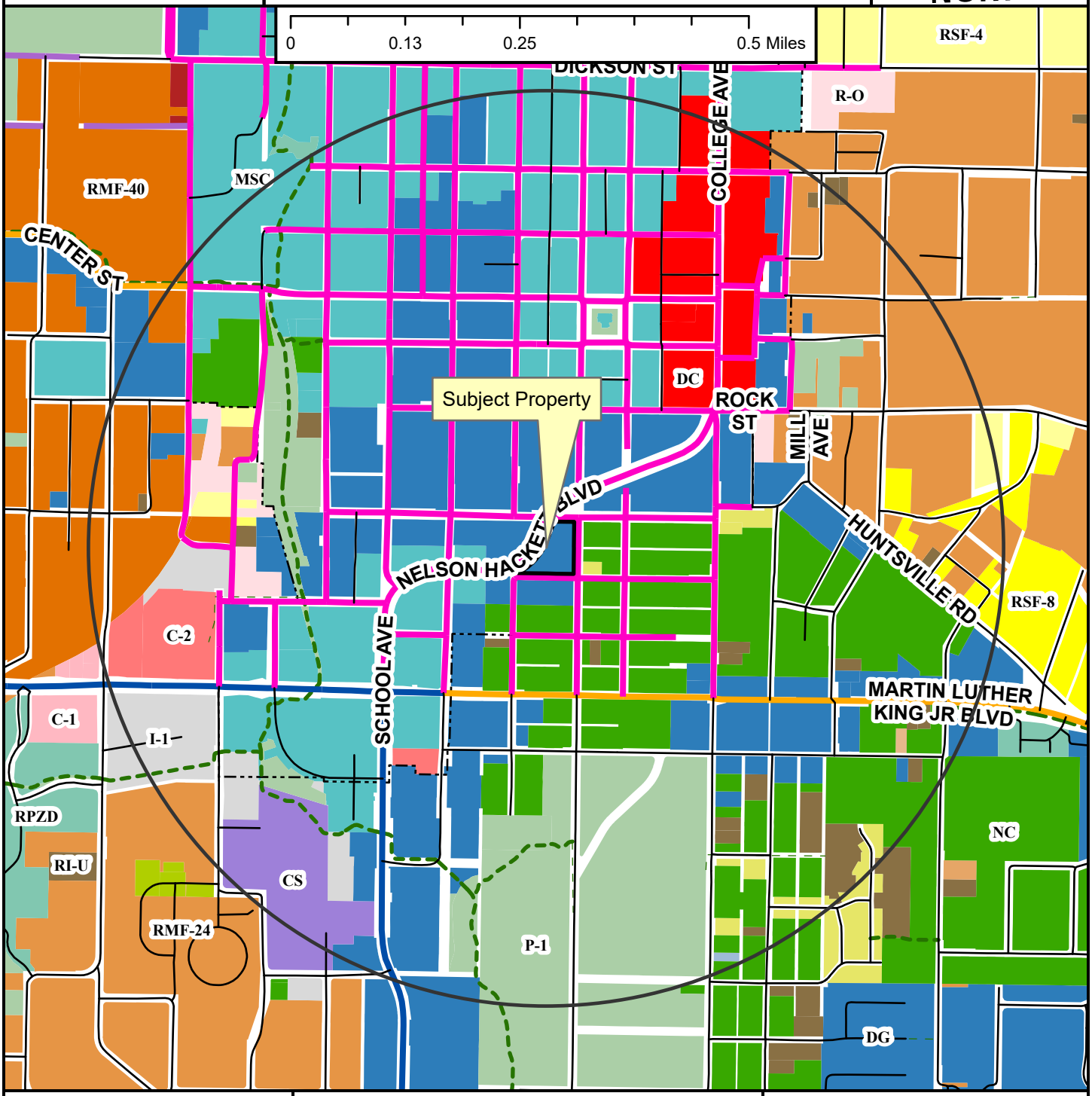
769 S. WASHINGTON
30 UNITS PER ACRE

LSD-2024-0011

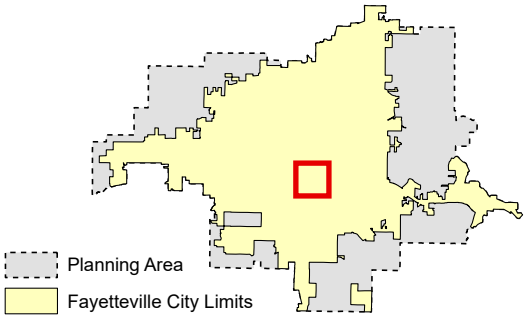
One Mile View

S. NELSON HACKETT BLVD & W. 4TH ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

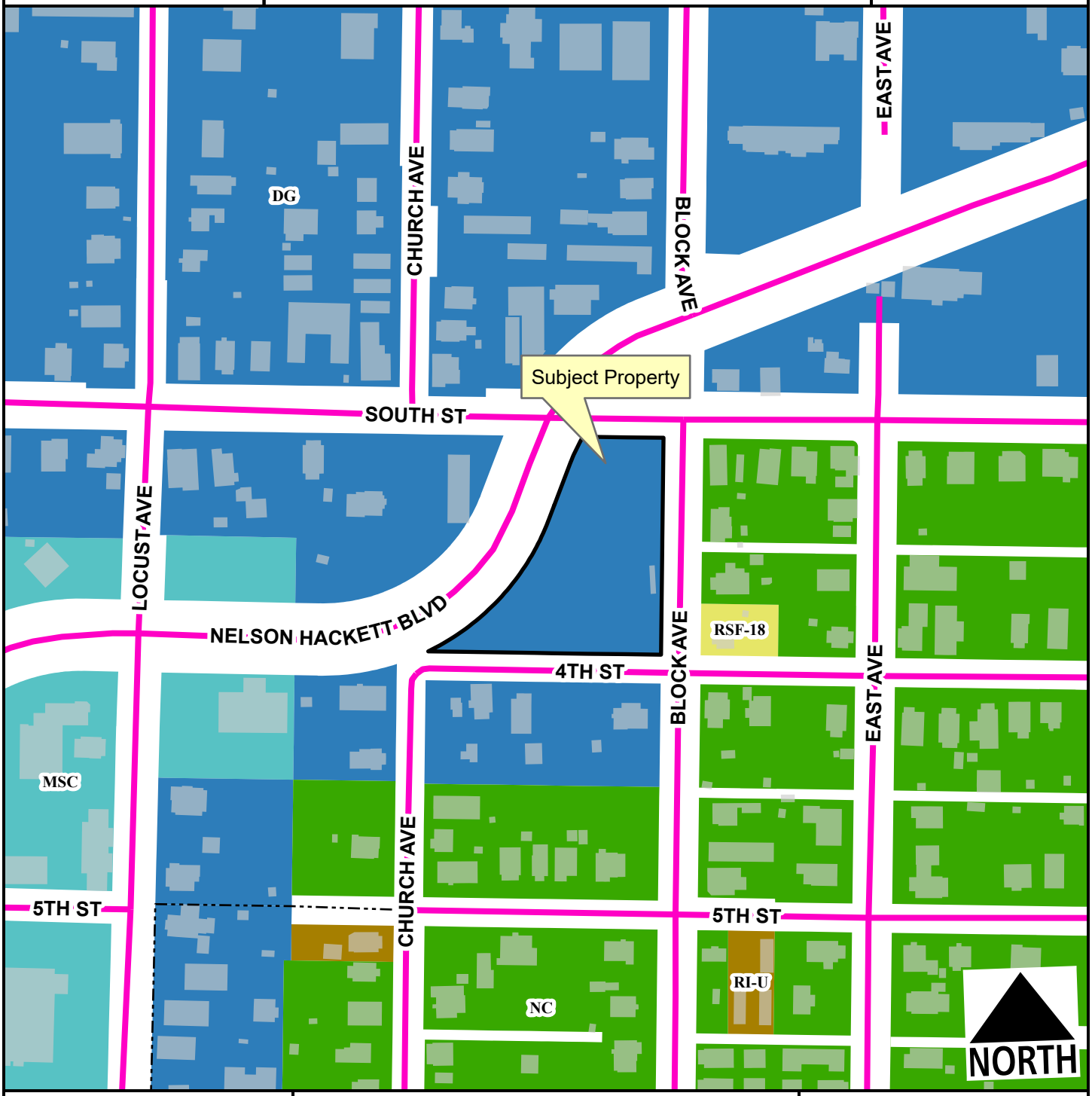
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

LSD-2024-0011

Close Up View

S. NELSON HACKETT BLVD & W. 4TH ST



Urban Center
Planning Area
Fayetteville City Limits
Design Overlay District

Feet
0 75 150 300 450 600
1:2,400

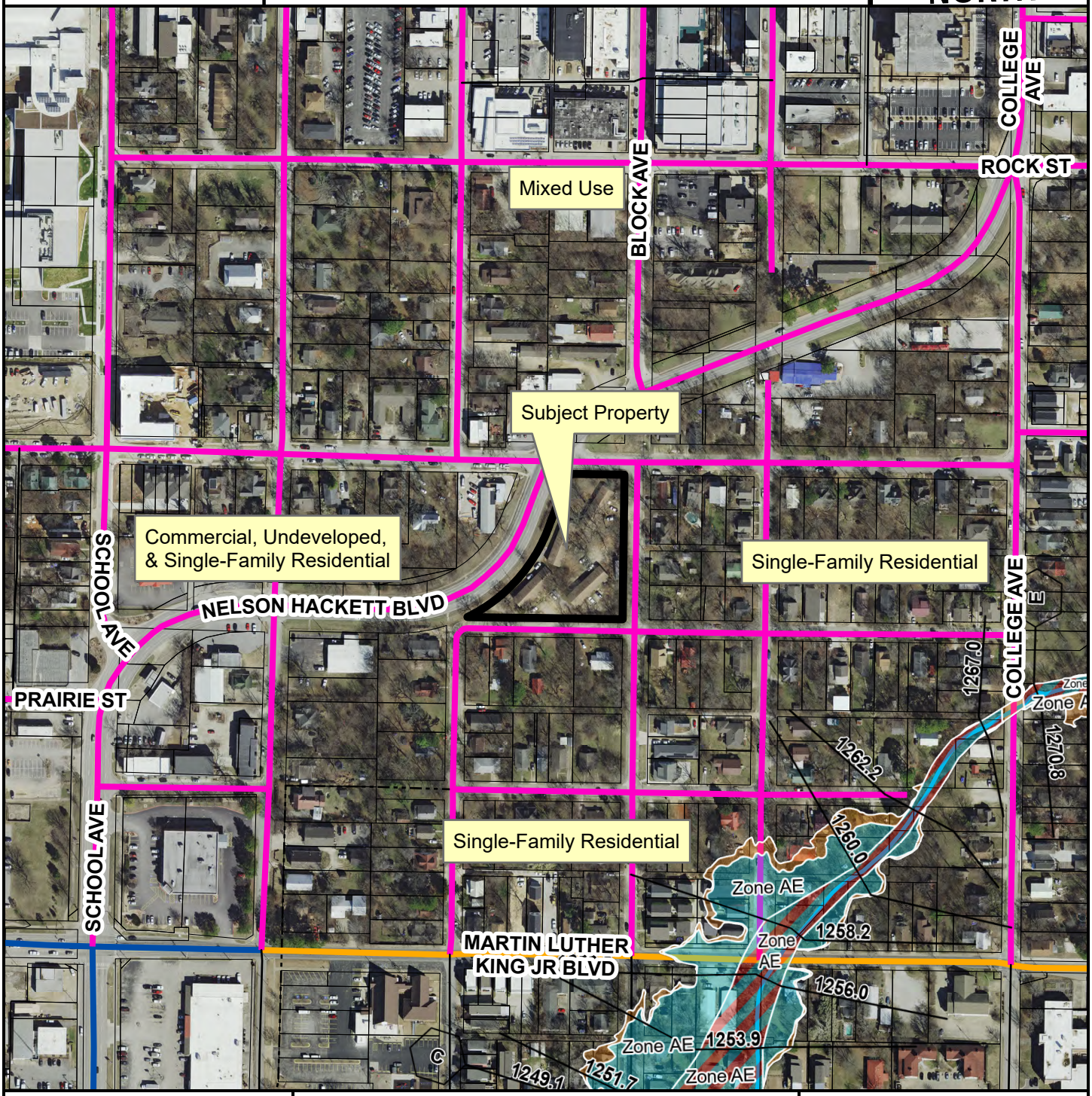
RSF-18
RI-U
Main Street Center
Downtown General
Neighborhood Conservation

LSD-2024-0011

Current Land Use

S. NELSON HACKETT BLVD & W. 4TH ST

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Susan Norton,** Chief of Staff
Jonathan Curth, Development Services Director

FROM: **Kit Williams,** City Attorney

DATE: **October 3, 2024**

RE: **Council appeal of Planning Commission's Approval of Large-Scale Development on the corner of Nelson Hacket and South Street**

Three City Council Members have informed City Clerk Kara Paxton and my office that they wish to appeal the Planning Commission's approval of a proposed apartment complex (a Large-Scale Development) along Nelson Hacket Boulevard, South Street, and two other city streets. Only a single Council Member is necessary for such an appeal on behalf of a resident. Since D'Andre Jones was first to expressly agree to sponsor such appeal, he became the official sponsor. However, the attached email shows that both Council Member Turk and Council Member Stafford wish to be co-sponsors of this appeal. City Council sponsors of an appeal to the City Council are not legally required to vote in favor of the appeal at the City Council meeting.

The Planning Department will now need to prepare the record of the approval of this project at the Planning Commission and submit this information into Civic Clerk for the City Council's information. This appeal will most likely be heard at the November 7, 2024 City Council meeting.

Williams, Kit

From: Stafford, Bob
Sent: Wednesday, October 2, 2024 4:35 PM
To: Turk, Teresa; Williams, Kit; Paxton, Kara
Cc: Shelton, Jackson; D'Andre Jones
Subject: Re: Request to appeal

I will also like to co-sponsor

Thanks, Bob

Get Outlook for iOS

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 4:33 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: Re: Request to appeal

Kara,
I would like to co-sponsor the appeal.

Teresa

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 9:49 AM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: FW: Request to appeal

Kara,

Reading this entire list of emails below, I conclude that Council Member D'Andre Jones has properly appealed the Planning Commission's decision to approve the Large Scale Development on the corner of Nelson Hackett boulevard and South Street on behalf of resident Louise Gamache upon my forwarding of this email to you. Council Member Jones properly referenced the proper code listing approval/rejection criteria for an LSD and his concern about traffic safety.

Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Tuesday, October 1, 2024 7:34 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Alan@drainagedoctornwa.com; esyule@yahoo.com
Subject: Re: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kit I an appealing the planning commission's decision referencing Section 166.02 (C)(2)(a) The proposed development could pose dangerous traffic issues and impact the neighborhoods quality of life. I have included Alan Ostner and Louise Gamache of the neighborhood in this email.
Sent from my iPhone

On Oct 1, 2024, at 9:44 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,

Teresa was also asking about appealing this decision. Please see below what is required and the code sections which are attached.

Kit

From: Williams, Kit
Sent: Tuesday, October 1, 2024 9:04 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Request to appeal

Teresa,

You may appeal this decision for a resident by emailing your appeal for the resident to the City Clerk's Office. The appeal must be accomplished by next Monday (ten business days from the Planning Commission's decision). You need to reference Section 166.02 (C)(2)(a) and discuss a possible violation of subsection (iv) "The proposed development would create or compound a dangerous traffic condition." I have attached copies of the relevant Code sections for your information. If you have further questions, please call me.

Kit

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Monday, September 30, 2024 8:05 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Fwd: Request to appeal

What is required to sponsor this appeal on behalf of this resident? What is the deadline to appeal this decision?

Thanks in advance,
Teresa
Sent from my iPhone

Begin forwarded message:

From: Esyule <esyule@yahoo.com>
Date: September 30, 2024 at 8:02:53 PM CDT
To: "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>
Subject: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Esyule <esyule@yahoo.com

Subject: Lot at 4th St and South St, bordering on Nelson Hackett Blvd, plans and approval Sept. 23rd LSD-2024-0011

Dear Teresa: As a property owner and resident in Ward One on the south side, I am appalled by the approval to build on over 130 unit apartment complex with a parking lot to hold 72 cars on this lot which is just over an acre, on a hill off a busy road as well as building in parallel parking on Nelson Hackett Blvd. The residents and nearby residents spoke eloquently against this and I concur. It is a devastating money grab which will harm the existing neighborhood, pose dangerous traffic issues, congest a fragile historic area and harm the essential nature of this city. I ask that you appeal this decision on LSD-2024-0011 by the City Planning Board to allow the build yo proceed. If I and other concerned citizens of Fayetteville need to do more to stop this build, please let me know. Thank you.

Louise Gamache
311 East Huntsville Rd
479-601-4519
esyule@yahoo.com

Sent from my iPhone

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-634

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Tim Nyander, Utilities Director

SUBJECT: **RFQ 24-05 Inframark, LLC - 2025 Operations, Maintenance, and Management Services Agreement**

RECOMMENDATION:
Staff recommends the approval of an Operations, Maintenance, and Management Services Agreement between the City of Fayetteville, Arkansas and Inframark, LLC in the amount of $8,450,000.00 for services in 2025, pursuant to RFQ 24-05.

BACKGROUND:
When the original Noland Wastewater Treatment Plant (WWTP) upgrade was completed in 1987, the City contracted with OMI (now CH2M Hill/Jacobs) for wastewater treatment services. In December 2009, the Fayetteville City Council passed Resolution No. 265-09 which approved a proposed five-year contract subject to and contingent upon yearly budget approval by the City of Fayetteville, with two successive five-year options to renew. 2024 is the final year of the entire contract period, and it is time to formally select a contractor for the next 5 years.

DISCUSSION:
In the first quarter of 2024, a Request for Qualifications (No. RFQ-05) was advertised by the City of Fayetteville. This solicitation produced three potential management entities, Inframark, Inc., Jacobs Engineering Group Inc, and Veolia Water North America. A Selection Committee was formed, and presentations and Interviews were conducted on May 30, 2024. The Selection Committee unanimously selected Inframark as the City's wastewater treatment contractor, beginning on January 1, 2025.

The scope of services provided by Inframark will include: (1) operate and maintain the Noland and West Side wastewater treatment facilities; (2) operate and maintain approximately 38 wastewater lift stations; (3) administer the City's NPDES discharge, air, stormwater, and other permits; (4) manage the City's biosolids disposal program; (5) manage the City's industrial pretreatment program; (6) support the SCADA (supervisory control and data acquisition system) network that monitor water and wastewater facilities; and (7) pursue operation economies, efficiencies, and permit compliance.

This Agreement shall commence on January 1, 2025 ("Commencement Date") and shall remain in full force and effect for 5 years from the Commencement Date ("Initial Term") unless terminated earlier under Section 5 below. The Initial Term will be followed by the first five (5) year renewal option term from January 1, 2030 to December 31, 2034 unless either party provides written notice of its intent to not exercise this renewal option term at least one hundred eighty (180) days prior to the expiration of the Initial Term. The first five (5) year renewal option term will be followed by the second five (5) year option which commences on January 1, 2035

and ends on December 31, 2039, unless either party provides written notice of its intent to not exercise this second renewal option term at least one hundred eighty (180) days prior to the expiration of the first five (5) year renewal option term. Annual amendments for scope, budget and appendices shall be agreed upon by all parties for each calendar year and shall be effective on the first day of the calendar year. Any amendments shall be subject to and contingent upon annual budget approval by the City of Fayetteville.
Approval of this Amendment is Contingent on the City Council's approval of the 2025 City Budget.

BUDGET/STAFF IMPACT:
Funds are available in the overall Utilities budget.

ATTACHMENTS: SRF (#3), Agreement (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-634

RFQ 24-05 Inframark, LLC - 2025 Operations, Maintenance, and Management Services Agreement

A RESOLUTION TO AWARD RFQ #24-05 AND AUTHORIZE A FIVE YEAR CONTRACT WITH INFRAMARK, LLC. FOR WASTEWATER TREATMENT OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES THROUGH DECEMBER 31, 2029, AND TO APPROVE PAYMENT IN THE AMOUNT OF $8,450,000.00 FOR SERVICES PROVIDED IN 2025

WHEREAS, 2024 is the final year of the contract with the City's current wastewater treatment operator and the City issued a request for qualifications for wastewater treatment operations, maintenance, and managements services beginning in 2025; and

WHEREAS, the City received responses from three potential management entities and the Selection Committee unanimously selected Inframark; and

WHEREAS, the scope of services provided by Inframark will include: (1) operate and maintain the Noland and West Side wastewater treatment facilities; (2) operate and maintain approximately 38 wastewater lift stations; (3) administer the City's NPDES discharge, air, stormwater, and other permits; (4) manage the City's biosolids disposal program; (5) manage the City's industrial pretreatment program; (6) support the SCADA (supervisory control and data acquisition system) network that monitor water and wastewater facilities; and (7) pursue operation economies, efficiencies, and permit compliance; and

WHEREAS, the contract provides for a five year term at a cost of $8,450,000.00 in 2025 with annual amendments to be approved by the City Council for the cost and scope of services, and further provides an option to extend the contract up to two additional five year terms.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards RFQ #24-05 and authorizes Mayor Jordan to sign a five year contract with Inframark, LLC for wastewater treatment operations, maintenance and management services through December 31, 2029, and further approves payment in the amount of $8,450,000.00 for services provided in 2025.

City of Fayetteville Staff Review Form

2024-634

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander	10/9/2024	WASTEWATER TREATMENT (730)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends the approval of an Operations, Maintenance, and Management Services Agreement between the City of Fayetteville, Arkansas and Inframark, LLC in the amount of $8,450,000.00 for services in 2025, pursuant to RFQ 24-05.

Budget Impact:

5400.730.XXXX-5328.00	Water and Sewer
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	8,476,469.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	8,476,469.00
Does item have a direct cost?	Yes	Item Cost	$	8,450,000.00
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	26,469.00

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments: RFQ 24-05

AGREEMENT
For
OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
INFRAMARK, LLC.

THIS AGREEMENT (hereinafter "the Agreement") and associated appendices are made this ____ day of 2024, between:

1) **CITY OF FAYETTEVILLE, ARKANSAS**, acting by and through its Mayor, with its principal place of business at 113 West Mountain Street, Fayetteville, AR 72701 (hereinafter "City of Fayetteville"); and

2) **INFRAMARK, LLC**, a Texas limited liability company with its principal place of business at 2002 West Grand Parkway North, Suite 100, Katy, Texas 77449 (hereinafter "Inframark").

The City of Fayetteville requires professional operation, maintenance, and management for wastewater treatment facilities and systems owned by the City of Fayetteville. Therefore, City of Fayetteville and Inframark mutually agree that Inframark shall serve as such.

The City of Fayetteville and Inframark agree the following Appendices are hereby included with this Agreement:

- Appendix A - List of Appendices
- Appendix B - Definitions
- Appendix C - Scope of Services
- Appendix D - Compensation for Services
- Appendix E - Location of Project
- Appendix F - Environmental Permits and Project Characteristics
- Appendix G- Industrial Waste Discharges and Monitoring Program
- Appendix H- Vehicle and Mobile Equipment Description (Rolling Stock)
- Appendix I - Base Fee Adjustment

SECTION 1: AUTHORIZATION OF SERVICES

1.1 Definitions of words or phrases used in this Agreement are contained in Appendix B.

1.2 All grounds, facilities, equipment, and vehicles now owned by City of Fayetteville or acquired by City of Fayetteville shall remain the property of City of Fayetteville.

1.3 This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arkansas and venue shall be in Washington County, Arkansas.

1.4 This Agreement shall be binding upon the successors and assigns of each of the parties.

1.5 All notices shall be in writing and transmitted by certified mail to:

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Attn: Utilities Director

Inframark, LLC
2002 West Grand Parkway North, Suite 100
Katy, Texas 77449
Attn: Legal Department

1.6 Changes, modifications, or amendments in scope, price or fees to this Contract shall not be allowed without a formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

1.7 This Agreement, including Appendices, is the entire Agreement of the parties. This Agreement may be modified only by written agreement signed by both parties. Wherever used, the terms "Inframark" and "City of Fayetteville" shall include the respective officers, agents, directors, elected or appointed officials, and employees.

1.8 The Utilities Director or his/her designee is the City of Fayetteville's project representative with respect to the services performed under this Agreement. He/she shall have complete authority to transmit instructions, receive information, interpret and define City of Fayetteville policies and decisions with respect to materials, equipment, elements, and systems to be used at the Project, and other matters pertinent to the services covered by this Agreement. All sub-consultants and sub-contractors shall adhere to conditions listed in this Agreement.

SECTION 2: SCOPE OF SERVICES – INFRAMARK

2.1 Perform professional services in connection with the Project as hereinafter stated.

2.2 Operate and maintain all facilities over a 24-hour per day, 7-day per week period, under full service contract operations and maintenance. Operations may be performed with on-site staff and/or remote monitoring/on-call services for all or portions of this time; provided, however, Inframark shall have staff available to be on-site as is necessary within thirty (30) minutes.

2.3 The detailed Scope of Services provided to be furnished by Inframark is included in Appendix C attached hereto and made part of this Agreement.

SECTION 3: SCOPE OF SERVICES – CITY OF FAYETTEVILLE

3.1 Provide full information as to the City of Fayetteville's requirements for the Project in writing.

3.2 The detailed Scope of Services to be furnished by the City of Fayetteville is included in Appendix C attached hereto and made part of this Agreement.

SECTION 4: ACCOUNTING, REPORTING & COMPENSATION

4.1 The City acknowledges that Inframark is utilizing an accrual basis method of accounting and reporting.

4.2 The detailed Compensation for Services to be furnished by City of Fayetteville during the Project is included in Appendix D attached hereto and made part of this Agreement.

4.3 Inframark and City of Fayetteville agree that Inframark will provide a monthly report containing the following:

4.3.1 Plant operations
4.3.2 Elkins BOD loadings
4.3.3 Rebateable account expenses
4.3.4 Any other information requested by the City

SECTION 5: PAYMENT OF COMPENSATION

5.1 Invoices shall be submitted in accordance with Appendix D.

5.2 All other compensation to Inframark is due upon receipt of Inframark's invoice and payable within thirty (30) calendar days, however, payment within 30 calendar days is not guaranteed.

SECTION 6: INDEMNITY, LIABILITY, AND INSURANCE

6.1 During the course of performance of these services, each party will maintain insurance coverages as follows:

6.1.1 Inframark shall maintain:

6.1.1.1 Statutory workers' compensation for all Inframark's employees at the Project as required by the State of Arkansas.

6.1.1.2 Comprehensive general liability insurance in an amount not less than $5,000,000.00 combined single limits for bodily injury and/or property damage; Inframark may meet this amount through a combination of general liability and excess policies.

6.1.1.3 Business Automobile Insurance providing One Million Dollars ($1,000,000) combined single limits covering claims for injuries to members of the public and/or damages to property of others arising from the use of Inframark owned or leased motor vehicles, including onsite and offsite operations.

6.1.1.4 Professional Liability Insurance in the amount of One Million Dollars ($1,000,000) in the aggregate.

6.1.1.5 Cybersecurity Insurance in the amount of One Million Dollars ($1,000,000) per occurrence.

6.1.2 City of Fayetteville shall maintain:

6.1.2.1 Property damage insurance for all property including vehicles and equipment owned by City of Fayetteville and operated by Inframark under this Agreement.

6.1.2.2 Automobile liability insurance for all vehicles and equipment owned by City of Fayetteville and operated by Inframark under this Agreement. The City of Fayetteville is covered by a plan with the Arkansas Municipal League.

6.2 Inframark shall indemnify City of Fayetteville for liability from third party claims for damages, injury, or loss which may arise from Inframark's negligent operations or intentional acts under this Agreement, to the proportion of such negligence or intentional act attributed to the damages, injury, or loss, whether such negligent operation or intention act by Inframark or by a subcontractor of Inframark.

6.3 Inframark shall be liable for those fines and civil penalties, which may be imposed by a regulatory agency for violations of the effluent quality requirements specified in the City of Fayetteville's NPDES discharge permits, that are a result of Inframark's negligent operation. City of Fayetteville will assist Inframark to contest any such fines in administrative proceedings and/or in court prior to any payment by Inframark. Inframark shall pay the costs of contesting any such fines. The parties acknowledge that a Change in Law may affect compliance with Inframark's obligations hereunder or impose more stringent requirements relating to equipment or processes than those established at the time of executing this Agreement. In the event that a Change in Law occurs, Inframark shall not be responsible for compliance therewith or for any fines, penalties, or other damage of whatever kind as long as the effluent is in compliance with previous permit standards. Inframark shall provide the City of Fayetteville with notice of any such Change in Law as soon as reasonably possible after learning on the Change in Law and its effect on compliance with Inframark's obligations hereunder or more stringent requirements relating to equipment or processes.

6.4 The City of Fayetteville agrees that Inframark is not responsible for any claims, losses, damages, liabilities, or costs arising out of or caused by City of Fayetteville's negligent or intentional acts, which resulted in the presence, discharge, release or escape of hazardous substances(s) that damaged third parties.

6.5 Nothing contained herein shall constitute a waiver of any statutory, legal or equitable defenses the City of Fayetteville may have as a municipality, including but not limited to tort immunity under State statue.

6.6 City of Fayetteville and Inframark waive all rights against each other and their officers, directors, agents, or employees for damages covered by property insurance during and after the completion of Inframark's services. If the services result in a construction phase, a provision similar to this shall be incorporated into all construction contracts entered into by the City of Fayetteville, and all construction contractors shall be required to provide waivers of subrogation in favor of the City of Fayetteville and Inframark for damage or liability covered by any of Inframark's construction insurance policy.

6.7 In no event shall either party be liable to the other party for punitive, special, indirect or consequential damages, whether such liability arises in breach of contract or warranty, tort including negligence, strict or statutory liability, or any other cause of action.

6.8 In the event that claims(s) raised by City of Fayetteville against Inframark on account of this Agreement, or on account of the Services performed hereunder including claims by City of Fayetteville for indemnification hereunder, is/are covered under Inframark's insurance policies required of Inframark hereunder, Inframark shall not be responsible to City of Fayetteville for any loss, damage or liability beyond the amounts contractually required hereunder and actually paid pursuant to the limits and conditions of such insurance policies. With respect to any causes of action and/or claims raised against Inframark by City of Fayetteville that are not covered by the insurance

policies required hereunder, including claims by City of Fayetteville for indemnification, Inframark's liability to City of Fayetteville shall not exceed an aggregate amount equal to twice the Base Fee paid to Inframark by City of Fayetteville in the year in which such cause of action and/or claim is raised

6.9 Inframark shall not be liable for any liabilities, losses, damages, expenses, fines, or penalties incurred by the City of Fayetteville or any third party as a result of a data security breach or other cyber security breach to the Facilities or the Client's computer systems, operating systems, and all other technological or information systems related to the Facilities and Services provided hereunder, except to the extent such liability, loss, damage, expense, fine, or penalty is the direct result of Inframark's willful or negligent acts or omissions.

SECTION 7: TERM AND TERMINATION

7.1 This Agreement shall commence on January 1, 2025 ("Commencement Date") and shall remain in full force and effect for 5 years from the Commencement Date ("Initial Term") unless terminated earlier under Section 5 below. The Initial Term will be followed by the first five (5) year renewal option term from January 1, 2030 to December 31, 2034 unless either party provides written notice of its intent to not exercise this renewal option term at least one hundred eighty (180) days prior to the expiration of the Initial Term. The first five (5) year renewal option term will be followed by the second five (5) year option which commences on January 1, 2035 and ends on December 31, 2039, unless either party provides written notice of its intent to not exercise this second renewal option term at least one hundred eighty (180) days prior to the expiration of the first five (5) year renewal option term. Annual amendments for scope, budget and appendices shall be agreed upon by all parties for each calendar year and shall be effective on the first day of the calendar year. Any amendments shall be subject to and contingent upon annual budget approval by the City of Fayetteville.

7.2 Either party may terminate this Agreement for a material breach of the Agreement by the other party after giving written notice of breach and allowing the other party thirty (30) calendar days to correct the breach. Neither party shall terminate this Agreement without giving the other party thirty (30) calendar days' written notice of intent to terminate after failure of the other party to correct the breach within thirty (30) calendar days.

7.3 Inframark will exercise reasonable skill, care, and diligence in the performance of Inframark's services and will carry out its responsibilities in accordance with customarily accepted operating practices. City of Fayetteville will promptly report to Inframark any defects or suspected defects in Inframark's services of which City of Fayetteville becomes aware, so that Inframark can take measures to minimize the consequences of such a defect.

7.4 Upon notice of termination by City of Fayetteville, Inframark shall assist City of Fayetteville in resuming operation of the Project. The City of Fayetteville reserves the right to unilaterally extend the contract of the same terms and conditions, for a period not to exceed six (6) months from the date of termination. The term of this period shall be determined within the termination notice. Inframark will cooperate in good faith to effectuate a smooth and harmonious transition from Inframark to the City of Fayetteville or any successor contractor. If additional cost is incurred by Inframark at request of City of Fayetteville, City of Fayetteville shall pay Inframark such cost in accordance with Paragraph 5.2.

SECTION 8: SPECIAL CONDITIONS

8.1 Audit: Access to Records

8.1.1 Inframark shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices. Inframark shall also maintain the financial information and data used by Inframark in the preparation of support of the price submission required for any negotiated agreement or change order and send to City of Fayetteville a copy of the price summary submitted. Inframark will provide information within 30 calendar days of the City's request. City of Fayetteville, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. Inframark will provide proper facilities for such access and inspection.

8.1.2 Records under Paragraph 8. 1. 1 above, shall be maintained and made available for a period of five (5) calendar years or as otherwise required under Ark. Code Ann. § 14-59-114 and Ark. Code Ann. § 14-237-112). In addition, those records which relate to any dispute between the parties related to the Project or any other claim or cause of action related to this Agreement or performance hereunder, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.1.3 All records and supporting documentation kept by Inframark with respect to this Agreement (including without limitation all agreements, contracts, subcontracts, invoices, materials, etc.) shall be kept according to generally recognized accounting principles and made available for examination, audit or inspection purposes at any time upon request. Inframark will submit or assist with submission of any annual or other reports that may be required by any applicable law, rule, regulation, code, or ordinance of the City and any other county, state, or federal agency or entity associated with or otherwise implicated by this Agreement. If any litigation, claim, negotiation, audit monitoring, inspection, or other action has been started before the expiration of the foregoing required record retention period, Inframark shall retain the records require hereunder until completion of the action and resolution of all issues which arise from it, or the end of the required period, whichever is later.

8.2 Covenant Against Contingent Fees

8.2.1 Inframark warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by Inframark for the purpose of securing business. For breach or violation of this warranty, City of Fayetteville shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.3 Gratuities

8.3.1 If City of Fayetteville finds after a notice and hearing that Inframark or any of Inframark's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts, or otherwise) to any official, employee, or agent of City of Fayetteville, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, City of Fayetteville may, by written notice to Inframark terminate this Agreement. City of Fayetteville may also pursue other rights and remedies that the law or this Agreement provides However, the existence of the facts on which City of Fayetteville bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.3.2 In the event this Agreement is terminated as provided in Paragraph 8.3.1, City of Fayetteville may pursue the same remedies against Inframark as it could pursue in the event of a breach of the

Agreement by Inframark, in addition to any other damages to which it may be entitled by law.

8.4 Entire Agreement

8.4.1 This agreement, including Appendices listed in Appendix A, represent the entire Agreement between Inframark and City of Fayetteville relative to Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event City of Fayetteville issues to Inframark a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by Inframark, shall be considered as a document for the City of Fayetteville's internal management of its operations.

8.5 Arkansas Freedom of Information Act

8.5.1 City of Fayetteville contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City of Fayetteville contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the City of Fayetteville, Inframark will do everything reasonably possible to provide the documents to the City of Fayetteville in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying cost pursuant to the FOIA maybe assessed for this compliance.

8.6 In the event that activities by City of Fayetteville's employee groups or unions cause a disruption in Inframark's ability to perform at the Project, City of Fayetteville, with Inframark's assistance or Inframark, at its own option, may seek appropriate injunctive court orders. During any such disruption, Inframark shall operate the facilities on a best-efforts basis until any such disruptions cease.

8.7 Neither party shall be liable for its failure to perform its obligations under this Agreement if performance is made impractical, abnormally difficult, or abnormally costly, due to any unforeseen occurrence beyond its reasonable control. The party invoking this Force Majeure clause shall notify the other party immediately by verbal communication and in writing by certified mail of the nature and extent of the contingency within ten (10) working days after its occurrence.

8.8 Offers of Employment

8.8.1 Neither party shall, without the written agreement of the other party, offer employment to each other's supervisory employees exempt from FSLA overtime requirements during the term of this Agreement.

8.8.2 Neither party shall, without the written agreement of the other party, offer employment to each other's hourly employees during the term of this Agreement.

8.9 The City of Fayetteville and Inframark shall make every effort to procure equipment, materials, and services for the best value.

8.10 Revenue Generation

8.10.1 Inframark shall provide support to the City of Fayetteville in the development and implementation of certain activities associated with revenue generation opportunities for the City of Fayetteville. Initially, these opportunities may include, but are not limited to:

8.10.1.1 The sale of hay from the farm site, or leasing of the fields to a third party.

8.10.1.2 Processing and disposal of biosolids and water treatment residuals (WTR) for outside entities.

8.10.1.3 Marketing and sale of dried biosolids

8.11 Key Personnel

8.11.1 The Inframark personnel specified below (the "Key Personnel") are considered to be essential to the successful performance of the work under this Agreement. Prior to reassigning any of the Key Personnel to other projects, Inframark shall notify the City of Fayetteville reasonably in advance and shall submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the Project.

8.11.2 If one or more of the Key Personnel is reassigned and unavailable for work under this Agreement for a continuous period exceeding 30 work days, or is expected to devote less than _____% of percentage of effort or number of hours identified below, Inframark shall immediately notify the City of Fayetteville and shall, subject to the written approval of the City, which approval shall not be unreasonably withheld, conditioned, or delayed, promptly replace the personnel with personnel of at least substantially equal ability and qualifications. No diversion or reassignment of key personnel to another Inframark project shall be made by Inframark without the written consent of the City of Fayetteville, which consent shall not be unreasonably withheld, conditioned, or delayed.

[Section 8.11.2 shall be amended to address the percentage of effort within 90 days of the effective date of this Agreement]

8.11.3 Each request for approval of substitutions must be in writing and contain a detailed explanation of the circumstances necessitating the proposed substitutions. The request must also contain a complete resume for the proposed substitute and other information requested or needed by the City of Fayetteville to evaluate the proposed substitution. The City of Fayetteville shall evaluate Inframark's request in good faith and promptly notify Inframark of its decision in writing. Any required approval or consent of the City of Fayetteville under this Section shall not be unreasonably withheld, conditioned, or delayed.

8.11.4 If the City of Fayetteville determines in good faith that suitable and timely replacement of Key Personnel who have been reassigned is not reasonably forthcoming, the Agreement may be terminated by the City of Fayetteville for default pursuant to Section 7.2; provided however, prior to such termination, the City of Fayetteville must provide Inframark to opportunity to provide a suitable replacement to the Key Personnel that was reassigned within the cure period set forth in Section 7.2.

8.11.5 If the City of Fayetteville determines in good faith that as reassignment of Key Personnel results in a reduction of productive effort that is so substantial as to be a material breach, the Agreement may be terminated by the City of Fayetteville for default pursuant to Section 7.2; provided however, prior to such termination, the City of Fayetteville must provide Inframark to opportunity to cure said material breach within the cure period set forth in Section 7.2.

8.11.6 If Inframark does not provide an acceptable replacement for the reassigned Key Personnel for a period of 30 work days after a reassignment, the Base Fee may be equitably adjusted downward to compensate the City of Fayetteville for any resultant vacancy in the Key Personnel.

8.11.7 This Section shall not apply if Inframark Key Personnel voluntarily leave their employment at Inframark, are terminated for cause or violation of Inframark's policies, or have an absence due to a medical or other health condition.

8.11.8 List of Key Personnel:

[Section 8.11.8 shall be amended to identify key personnel or positions within 90 days of the effective date of this Agreement]

SECTION 9: DISPUTE RESOLUTION

9.1 The procedures for this paragraph shall apply to any and all disputes between the City of Fayetteville and Inframark which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of City of Fayetteville or Inframark in the performance of this Agreement, and disputes concerning payment.

9.2 Exhaustion of Remedies Required: If timely notice is given under Paragraph 9.2.1, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraph 9.2.1 and 9.2.2 have been complied with.

9.2.1 Notice of Dispute

9.2.1.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with written notice;

9.2.1.2 For disputes arising after making final payment, City of Fayetteville shall give Inframark written notice at the address listed in paragraph 1.5 within thirty (30) calendar days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested. This paragraph shall not be construed to alter any limitation period set forth by Arkansas law.

9.2.2 Negotiation

9.2.2.1 Within seven calendar days of receipt of the notice, the Project Managers for City of Fayetteville and Inframark shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President or his/her designee of Inframark and the Mayor of City of Fayetteville or his/her designee. These officers shall meet at the Project Site or such other location as is agreed upon within thirty (30) calendar days of the written request to resolve the dispute.

9.2.3 Mediation

9.2.3.1 If the dispute cannot be resolved through negotiations under Section 9.2.2, the parties may mediate their dispute before a mediator acceptable to both parties. If they cannot agree, they shall ask the

Director of the Federal Mediation and Conciliation Service to nominate a mediator. The parties shall bear their own costs of the mediation but the parties shall share equally the costs of the mediator and the mediation facilities.

9.3 Controlling Law

9.3.1 This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

9.4 Venue for Legal Actions

9.4.1 Any controversy, claim, counter-claim, or dispute between the parties to this Agreement involving the construction or application of any of the terms, covenants or conditions of this agreement that is not resolved through negotiation or subsequent optional mediation shall be decided in a court of competent jurisdiction in Washington County, Arkansas.

SECTION 10. ASSIGNMENT

10.1 Neither party will have the power to or will assign any of the duties or rights or any claim arising out of or related to this Agreement without the prior written consent of the other party. Any unauthorized assignment is void and unenforceable. These conditions and the entire Agreement are binding on and inures to the benefit of the parties and their respective permitted successors, and assigns.

IN WITNESS WHEREOF, City of Fayetteville, Arkansas by and through its Mayor, and Inframark, by its authorized officer have made and executed this Agreement as of the day and year first above written.

INFRAMARK, LLC

By: _____ 9/26/24
Andrew Appleton Date
President, Operations and Maintenance

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor Date

ATTEST:

By: _____
Kara Paxton, City Clerk – Treasurer

Appendices to Operations, Maintenance, and Management Services Agreement Between City of Fayetteville, AR and Inframark, LLC

Appendix A

LIST OF APPENDICES

Appendix A - List of Appendices

Appendix B - Definitions

Appendix C - Scope of Services

Appendix D - Compensation for Services

Appendix E - Location of Project

Appendix F - Environmental Permits and Project Characteristics

Appendix G- Industrial Waste Discharges and Monitoring Program

Appendix H - Vehicle and Mobile Equipment Description (Rolling Stock)

Appendix I - Base Fee Adjustment

Appendix B

DEFINITIONS

B.1 "Adequate Nutrients" means plant influent nitrogen, phosphorus and iron contents proportional to BODs in the ratio of five (5) parts nitrogen, one (1) part phosphorus, and one half (0.5) part iron for each one hundred (100) parts BODs.

B.2 "Base Fee" means all costs within the scope of the contract, on an annual basis, including direct costs, labor, utilities (other than electricity and natural gas), and other allocated costs.

B.3 "Biologically Toxic Substances" means any substance or combination of substances contained in the plant influent in sufficiently high concentrations so as to interfere with the biological processes necessary for the removal of the organic and chemical constituents of the wastewater required to meet the discharge requirements of City of Fayetteville's NPDES permit. Biologically toxic substances include but are not limited to heavy metals, phenols, cyanides, pesticides, and herbicides.

B.4 "Capital Expenditures" means any expenditures for (1) the purchase of new equipment or facility items that cost more than Ten Thousand Dollars ($10,000); or (2) major repairs which significantly extend equipment or facility service life and cost more than Ten Thousand Dollars ($10,000).

B.5 "Change in Law" means the occurrence of any of the events listed in (i) through (iv) below, which results or can reasonably be expected to result in (a) the need to make a Capital Improvement at or to the Facilities in order for the Inframark to operate the Facilities in accordance with this Agreement and applicable law; or (b) an increase to the cost of managing, operating, or maintaining the Facilities in accordance with this Agreement and applicable law; or (c) a material and adverse effect on the scope of Inframark's liabilities or obligations under this Agreement: 1) There is passed or promulgated any federal, state, or other local law, statute, ordinance, rule or regulation different from those existing on the date this Agreement is executed by Inframark; or 2)There is passed or promulgated any amendment to, or change in any federal, state, or other local law, statute, ordinance, rule, or regulation (including any applicable sales tax regulation) following the date of this Agreement; or 3) Following the execution of this Agreement, there comes into existence an order or judgment of any federal, state, or local court, administrative agency or other governmental body containing interpretations of any applicable law relating to the operation or maintenance of the Facilities or the health and safety of Inframark's employees that is inconsistent with generally accepted interpretations in effect on the date this Agreement is executed; or 4) After the execution of this Agreement, any change occurs which affects the issuance or renewal, or causes a suspension, termination, interruption, revocation, denial, or failure of renewal of any official permit, license or necessary approval by the USEPA, the Occupational Safety and Health Administration, or any similar state agency.

B.6 "Cost" means the total of all costs determined on an accrual basis in accordance with generally accepted accounting principles including but not limited to direct labor, insurance, labor overhead, chemicals, materials, supplies, utilities (if applicable, other than electricity and natural gas), equipment, maintenance, repair, and outside services

B.7 "Cost Center" is defined as each columned category of the cost detail, presented in Appendix D, which describes the separate functions and locations to which costs may be charged for accounting, reporting or billing purposes.

B.8 "Electrical Evaluation" will be limited to amperage draws, winding resistance measurements,

thermographic evaluations, and current and voltage imbalance

B.9 "Emergency Situation" is hereby defined as an emergency affecting the safety of persons or property, or regulatory compliance where Inframark shall act to prevent threatened damage, injury or loss.

B.10 "Firm Fixed Price" refers to the annual operations and maintenance fee, not including the Rebateable items designated in Appendix D.

B.11 "Fixed Asset" means any tangible property that has a value of Five Thousand Dollars ($5,000) or more and is depreciable. This excludes the repair/replacement parts that are components of a greater fixed asset.

B.12 "Integrated Vegetation Management (IVM)" means employing environmentally-sound, cost-effective control methods within grounds, permitted spaces, and related rights-of-way within or immediately adjacent to WRRF's that support environmental stewardship through healthy ecosystems by providing measurable results - such as greater natural species densities or diversity. Adverse environmental and cultural impacts are achieved primarily through control of invasive species while also enhancing such ecosystem services that build climate resiliency and enhance community health. IVM strategies strive to manage vegetation and the environment by balancing the benefits of: cost, control, environmental quality, public health, and regulatory compliance.

B.13 "Load Shedding" is defined as the deliberate shutdown of electric power being provided by the grid and generating on-site power for the treatment facilities and Lift Station No. 7, generally to reduce demand strains from the grid on the capacity of the system.

B.14 "Maintenance" means the cost of those routine and/or repetitive activities required by the equipment or facility manufacturer during the warranty period or as recommended by Inframark after the warranty period has expired to maximize the service life of the equipment, vehicles, and facilities as listed in Appendix E.

B.15 "Natural Capital" (or "Blue-green infrastructure") means a set of locally distinct, recognizable natural assets functioning together as living infrastructures to provide ecosystem service outputs including but not limited to habitat, water assimilation, erosion control, carbon dioxide absorption, soil health, streambank stability, visual amenity, biodiversity, recreation, temperature regulation and oxygen. BGI's are planned and strategically managed for a primary function, for example stormwater control, but also support many other environmental, economic and community [or social] benefits.

B.16 "Operational Technology" (OT) encompasses information technology (IT) support, components and software in an industrial control system (ICS) environment. OT, as a practice, relates to the access and control of physical assets, which differs from IT because it relates to the access and control of data.

B.17 "Out of Scope" services will include "Capital Expenditures" (definition B.4 of this Appendix), added or modified regulatory requirements (that are not contained in the applicable permits), changes to improve efficiency and/or generate income, or other services not described in the contract or expressly assumed by Inframark hereunder.

B.18 "Project" means all equipment, vehicles, grounds and facilities described in Appendix E.

B.19 "Rebateables" mean costs incurred by Inframark to respond to an Emergency Situation or any cost categories designated in Appendix D that are not included in the Firm Fixed Price and have estimated values included in the monthly invoice and are reconciled on a frequency included in Appendix D, but at a minimum of once per quarter.

B.20 "Repairs" means the cost of those non-routine/non-repetitive activities required for operational continuity, safety, and performance generally due to failure or to avert a failure of the equipment, sewer, vehicle, or facility or some component thereof; cost less than ten thousand dollars ($10,000); and are not included in definition B.4 of this Appendix.

B.21 "Reliability Centered Maintenance" means a process used to determine what must be done to ensure the physical assets continue to do what its users want in its present operating context.

Appendix C

SCOPE OF SERVICES

C.1 SCOPE OF SERVICES - Inframark

C.1.1 Perform professional services in connection with the Project as hereinafter stated.

C.1.2 Operate and maintain all facilities over a 24-hour per day, 7-day per week period, under full-service contract operations and maintenance. Operations may be performed with on-site staff and/or remote monitoring/on-call services for all or portions of this time.

C.1.3 Within the design capacity and capability of the Project, manage, operate, and maintain the Project so that effluent discharged from the Project meets the requirements of all applicable City NPDES permits as specified in Appendix F. Maintain compliance with other existing environmental permits as described in Appendix F.

C.1.4 Operate and maintain the present Industrial Pretreatment program including all monitoring, inspections, sampling, testing, reporting, and record keeping as described in Appendix G. Results of all industrial sampling and testing shall be made available to City of Fayetteville as requested.

C.1.5 Provide all Maintenance for the Project. Document as required to continue existing maintenance program and to provide City of Fayetteville requested reporting, including but not limited to updated preventative maintenance schedules. City of Fayetteville shall have full access to preventative maintenance records.

C.1.6 Pay all costs incurred within the scope of normal Project operations as defined in this Agreement.

C.1.7 Staff the Project with at least the minimum number of licensed operators as required by the Arkansas Department of Environmental Quality (ADEQ).

C.1.8 Prepare all NPDES permits and other pertinent regulatory reports, letters, or other correspondence, and submit these to of Fayetteville for signature and approval. Transmittal to appropriate agencies shall be done by City or Inframark following City authorization of each report, letter, and/or correspondence. The electronic reporting via NetDMR shall be performed by Inframark and then reviewed and submitted by the City. Any fines levied because of late reports as a result of Inframark failure to complete and allow sufficient time for City of Fayetteville's signature and transmittal shall be paid by Inframark. Submittal to the City of Fayetteville no later than 5 business days prior to the reporting period due date shall be considered timely.

C.1.9 Provide for proper disposal of screening, scum, grit, and biosolids in compliance with permit and regulatory requirements. Should regulations and/or disposal/application options significantly change, projected costs will be revised by mutual agreement.

C.1.10 Be responsible for all laboratory testing and sampling presently required by the NPDES permits, stormwater permits, "no discharge" permits, and other related requirements or permits.

C.1.11 Maintain an inventory of vehicles and equipment (rolling stock), to be identified and referenced as Appendix H, being used for the Project and provide to the City upon request.

C.1.12 Provide twenty-four (24) hour per day access to Project for City of Fayetteville's personnel. Visits

may be made at any time by any of City of Fayetteville's employees so designated by City of Fayetteville's representative. Keys, key fobs, or other access equipment for Project shall be provided to City of Fayetteville by Inframark. All visitors to the Project, including City of Fayetteville employees, shall comply with Inframark's operating and safety procedures. If Inframark makes any upgrades or changes to such access equipment, Inframark shall be responsible for the cost thereof.

C.1.13 Provide for the maintenance of existing City of Fayetteville rolling stock such as dump trucks, tractors, and trailers that are necessary for the operations and maintenance of the facilities.

C.1.14 Provide training for Inframark personnel in areas of regulatory requirements, operation, maintenance, safety, supervisory skills, laboratory, cybersecurity and sustainable practices. Continue the current project safety program with updates as necessary. Cybersecurity training for all Inframark personnel shall occur at least quarterly.

C.1.15 Provide and coordinate shared use of computerized maintenance, process control, and laboratory management systems to maintain documentation, accountability and transparency to allow City of Fayetteville to see if the equipment is being maintained appropriately.

C.1.16 Comply with the requirements of City of Fayetteville regarding affirmative action provisions for minority hiring.

C.1.17 Assist City of Fayetteville in preparation of annual operating budgets, by providing a full accounting of Rebateable items and any other pass-through costs and actual and estimated Base Fee amounts. City of Fayetteville shall be allowed to conduct or have conducted audits of all available accounting records related to the direct contract operations of this Agreement at times to be determined by City of Fayetteville.

C.1.18 Manage and comply with all manufacturers' warranties on equipment purchased for the project and assist the City of Fayetteville in enforcing existing equipment warranties and guarantees. After the expiration of the warranty, Inframark shall perform maintenance at a level adequate for the efficient, long-term reliability of the equipment and facilities. Inframark will provide City of Fayetteville with full documentation that preventative maintenance is being performed on all City of Fayetteville equipment in accordance with Inframark's best practices and standards. Maintenance program shall include documentation of corrective and preventive maintenance and a spare parts inventory to be consistent with the "Reliability Centered Maintenance" model.

C.1.19 Provide for Repairs as described in Appendix B.16. Inframark shall notify the City of Fayetteville of all Repairs between $2,500.00 and $4,999.00 before incurring such costs and performing such Repair when reasonably possible. Any individual Repair expenditure with a cost in excess of $5,000.00 shall be subject to the City of Fayetteville's prior approval; if the City of Fayetteville does not approve such a Repair, Inframark will not be liable for any loss, damage or liability arising from or related to the City of Fayetteville's failure to approve such Repair, including any loss, damage, or liability for (a) failure of the Project, (b) failure to comply with Applicable Law, (c) failure to meet the requirements of this Agreement or (d) claims for indemnification.

C.1.20 Maintain the SCADA system located at the addresses listed in Appendix E. Upgrades, modifications, and/or additions to the SCADA system shall adhere to industry standards and best practices such as: NIST, NEC, ISA, IEC, IEEE.

C.1.21 Inframark shall provide the following as related to the SCADA system:

C.1.21.1 Ongoing updates and upgrades of the software and hardware to ensure operational continuity in accordance with the definitions of maintenance and Capital Expenditures as agreed upon by the City of Fayetteville and Inframark.

C.1.21.2 Inframark shall be responsible for evaluating and applying hardware firmware and software security patches released from vendor within the next maintenance window in accordance with industry standard practices. Evaluation shall include, but not be limited to reviewing vendor release notes, installing and testing upgrades on lab equipment or a limited subset of active equipment. Hardware firmware and software patches, which do not adversely affect plant control, shall be applied at the next maintenance window. Hardware firmware and software security patches, which adversely affect plant control, shall be applied in Inframark's sole discretion; however, Inframark shall provide the City of Fayetteville prior notice of such patches when reasonably possible. Critical security patches for firewalls and edge devices shall be applied within thirty days of release from vendor.

C.1.21.3 Inframark is responsible for maintaining the SCADA environments including but not limited to: (1) SCADA Wireless and Telemetry equipment, (2) Programmable Logical Controllers and Remote Terminal Units (PLCs/RTUs) and (3) all communications media between sites and ISP connectivity, (4) SCADA software, (5) SCADA servers, and (6) SCADA network equipment. Inframark shall be responsible for ensuring the SCADA wireless equipment does not conflict with or interfere with other wireless networks.

C.1.21.4 SCADA components shall be protected by UPS uninterrupted power supply to prevent loss of connectivity during brief power loss.

C.1.21.5 SCADA diagrams shall be kept current and any as-built drawings shall be incorporated into a change management document and network diagram. Updates regarding SCADA diagrams shall be provided to the City of Fayetteville as requested. SCADA updates shall include but not be limited to: issues, equipment replacements, improvements, etc.

C.1.21.6 SCADA equipment shall be installed in environmentally appropriate cabinets and properly secured.

C.1.21.7 SCADA modifications shall follow the SCADA network design plan as approved and modified by Inframark and the City of Fayetteville.

C.1.22 Inframark shall operate and maintain the operational technology (OT) components of the industrial control system (ICS) in its current state.

C.1.22.1 OT encompasses the following components of the ICS:

C.1.22.1.1 Networks switches, routers, firewalls, media converters, communications equipment

C.1.22.1.2 Computers - Physical servers, virtual servers, windows server operating systems, workstations, and thin clients

C.1.22.1.3 Backups, antivirus, network time servers, disaster recovery, network monitoring, remote access, and cybersecurity.

C.1.22.2 Inframark shall operate and maintain the OT environment based on accepted industry standards, guidelines, and best practices. Age of the ICS and component limitations may inhibit Inframark's ability to apply all guidelines and best practices to the system. Inframark shall put forth best effort

to adhere to guidelines given the limitations of the existing system.

C.1.22.3 The following ICS networking standards, guidelines and industry best practices shall be used as a basis for operation and maintenance of the OT environment: NIST Framework for Improving Critical Infrastructure Cybersecurity and NIST SP-800-83 "Guide to Industrial Control Systems Security", at a minimum, Revision 2.

C.1.22.4 There shall be a clear delineation (physically and logically) between the ICS and all other networks. Inframark shall be responsible for the operation and maintenance of the OT components that exist within the ICS and in the de- militarized zone between the ICS and other networks. Inframark operations and maintenance of the OT environment shall be limited to:

C.1.22.4.1 ICS/OT Networks - Physical components and logical configurations

C.1.22.4.2 ICS/OT Server Infrastructure - Physical servers and virtual servers

C.1.22.4.3 ICS/OT Software - Active Directory, anti-virus, backups, remote access solutions, management solutions, HMI, PLC programming software, configuration management and domain registrations.

C.1.22.5 Any expansion of operational technology (OT) components of the industrial control system (ICS) system performed by Inframark shall be compensated with a formal contract amendment agreed to by both parties in advance of such expansion

C.1.22.6 Inframark shall develop a change management program to help control the lifecycle of strategic, tactical, and operations changes to the OT environment. The goal of change management is to control risk and minimize disruption to associated OT services. The plan will manage baseline hardware, software, and firmware, and any changes to the ICS system. The plan shall include the City of Fayetteville's IT personnel in the change control process for informational purposes.

C.1.23 Inframark and the City of Fayetteville shall partner to ensure ICS/OT cybersecurity is maintained for their respectively owned infrastructure.

C.1.24 Annual review between Inframark and City of Fayetteville shall be conducted to review past 12-18 months of progress, issues, replaced equipment, and projected improvements expected over the next calendar year and to be included in the annual budget. Project listing should contain location, description of CIP item, progress and estimated costs. Listing provided shall be established and presented by priority and should include sourcing method determined after City discussion (City bid, cooperative purchase, etc.).

C.1.25 Verify the capacity and efficiency of each sewer lift station once per calendar year and provide results to the City within thirty (30) calendar days of verification.

C.1.26 Provide recommendations for Capital Improvements Program (CIP) with a schedule for improvements and expenditures as requested by the City of Fayetteville. On an annual basis, a five (5) year schedule will be presented for all capital improvements and ten (10) year projections will be made for major improvements. These recommendations will be based on asset/process criticality, the model of risk = likelihood x consequence of failure and requirements determined from facility operations. and review of the City of Fayetteville's Wastewater Facility Plan. However, these recommendations do not include detailed engineering studies. In addition, Inframark will prepare the required forms and documentation required during budget and capital improvements budget preparation time each year. Except for the improvements requiring an engineering study, the following will be included for each project:

- Improvement needed
- Justification of improvements
- Estimated cost of improvements
- Any projected increase or decrease in O&M costs created by the CIP, if applicable
- Proposed expenditure schedule
- Proposed capital recovery schedule, if applicable
- Sustainable upgrades to equipment should be disclosed upon providing recommendations for replacement along with the expected cost for upgrading to a more sustainable piece of equipment.

C.1.27 Any services requested by the City of Fayetteville which are not part of the Scope of Services shall be executed by formal written agreement with fees and cost subject to negotiation.

C.1.28 At the direction of the City of Fayetteville, Inframark is authorized to act in emergency situations outside this Scope of Services, at Inframark's discretion. Outside services, services by Inframark personnel not assigned to this project, or excessive overtime hours incurred by assigned personnel which exceed the regulatory labor laws related to emergency services are not included in the compensation set forth in this Agreement. Inframark will notify City of Fayetteville as soon as reasonably possible and any Inframark's costs for the emergency work shall be considered Rebatable items.

C.1.29 Provide City of Fayetteville with oral and written reports as requested.

C.1.30 Operate and maintain all existing wastewater lift station facilities including buildings, grounds, backup power generators and certain other appurtenances within the site fenced area. However, maintenance of inlet and outlet pipe works shall terminate at the wall of lift station.

C.1.31 Conduct annual electrical evaluations of electrical units of 25 horsepower or more which operate at supply voltages of 480V or less to ground.

C.1.32 Inframark will comply with present federal, state, and local laws in performing their obligations under the terms of this Agreement. Inframark and City of Fayetteville will work cooperatively regarding the application and impact of Changes in Law, including the potential cost impact on the scope of work, and mutually revise this Agreement as applicable. The parties acknowledge that a Change in Law may affect compliance with Inframark's obligations hereunder or impose more stringent requirements relating to equipment or processes than those established at the time of executing this Agreement. In the event that a Change in Law occurs, Inframark shall not be responsible for compliance therewith or for any fines, penalties, or other damage of whatever kind unless specifically agreed to in writing.

C.1.33 Coordinate and schedule the use of training rooms at both wastewater treatment facilities.

C.1.34 Conduct community outreach and education activities including cooperative efforts with the University of Arkansas as appropriate.

C.1.35 Maintain the industrial surcharge program and provide for monitoring and control of septage deliveries, as provided for in the City of Fayetteville's Code of Ordinances, Discharge and Pretreatment Regulations.

C.1.36 Operate and maintain the ongoing nutrient removal efforts at the City of Fayetteville's Biosolids Management Site, including managing, harvesting, and marketing the hay produced on the site. Biosolids Management Site maintenance shall also include compliance with the current "no discharge" permit. Operate and maintain the biosolids drying operation. Coordinate the marketing

and/or disposal of the dried biosolids produced from the drying operations as directed by the City of Fayetteville

C.1.37 Perform weekly, monthly, and semi-annual inspections for the City of Fayetteville's generators within the Project; Inframark shall perform any Repairs for such generators unless such Repairs required specialized skills or equipment or specialized licensing or certification; if such a Repair requires specialized skills or equipment or specialized licensing or certification, Inframark shall notify the City of Fayetteville as soon as reasonably possible and the City of Fayetteville shall be responsible for performing such Repairs. Inframark shall also perform recommended servicing for the City of Fayetteville's generators within the Project, whether it is calendar based or run time based, which includes but not limited to, changing of oil, oil filters, air filters, fuel filters, spark plugs, belts, hoses and batteries. Inframark shall also perform weekly, monthly, and semi-annual specialty inspections for the City of Fayetteville's five (5) generators located at LS 44, LS 07, LS 12, Noland and West Side plants; Inframark shall notify the City of Fayetteville as soon as reasonably possible of any repairs or other services necessary for such generators and the City of Fayetteville shall be responsible for performing such repairs and services.

C.1.38 Coordinate with Power Secure to maximize load shedding opportunities to reduce electrical costs for the City.

C.1.39 Coordinate the application of alum sludge from Beaver Water District.

C.1.40 Check the condition of and replace the odor canisters (as listed in Appendix E) that are part of the air release valves in the collection system, as needed. The mechanical condition of these valves will be maintained by the Fayetteville Water and Sewer Operations Division.

C.1.41 Provide IVM services for the City's blue-green infrastructures and related natural asset spaces as approved and directed by the City to ensure the site continues to meet ecological performance standards. These services include execution of seasonal, site-specific strategies that include recommended herbicide applications, site maintenance & monitoring, monthly reporting, prescribed bum site preparations, land management best management practices (BMP) to adjacent City's blue-green infrastructures and related natural asset spaces associated with the WRRF' s. Certain excluded services related to the Woolsey Wet Prairie include permit compliance over-sight, permit reporting and prescribed burn scheduling and execution.

C.1.42 Provide additional IVM, site monitoring and property maintenance activities as approved and directed by the City for environmentally sensitive sites associated with the WRRFs and the White River streambank restoration sites.

C.1.43 Provide incidental small-scale support as approved and directed by the City of Fayetteville to various not-for-profit groups on issues important to the City of Fayetteville.

C.1.44 Explore, innovate, and develop solutions to support sustainability by reviewing the impact of climate changes, resource re-use and recycling, water resource management; energy source management and environmental protection and enhancement aligned with City of Fayetteville and Inframark corporate sustainability goals.

C.1.45 All applicable taxes for property and equipment owned by Inframark shall be borne by Inframark.

C.1.46 Provide all licenses for vehicles owned by Inframark and used in connection with the Project.

C.1.47 Inframark shall facilitate an annual contract fee discussion with the City of Fayetteville to

collaborate changes in costs for the next contract renewal.

C.1.48 Inframark shall provide a monthly listing of all items or equipment purchased to enable the City of Fayetteville to evaluate its applicability as a fixed asset to be recorded on the City's books.

C.1.49 Inframark shall provide annual sample collection, analytical services, and sampling result reporting for the City's NPDES General Industrial Stormwater Permit No. ARR000210.

C.2 SCOPE OF SERVICES-CITY OF FAYETTEVILLE

C.2.1 Provide for all approved Capital Expenditures, as defined in Appendix B; if the City of Fayetteville does not approve and make a Capital Expenditures recommended by Inframark, Inframark will not be liable for any loss, damage or liability arising from or related to such rejection of or refusal to implement the recommended Capital Expenditure, including any loss, damage, or liability for (a) failure of the Project, (b) failure to comply with Applicable Law, (c) failure to meet the requirements of this Agreement or (d) claims for indemnification hereunder.

C.2.2 Maintain all existing and necessary Project warranties, guarantees, easements, permits, and licenses that have been granted to City of Fayetteville.

C.2.3 Pay all applicable taxes or franchise fees associated with the Project.

C.2.4 May provide Inframark, within a reasonable time after request, any piece of City of Fayetteville's heavy equipment, subject to availability and department director approval, so that Inframark may fulfill its obligations under this Agreement in the most cost-effective manner.

C.2.5 Provide all licenses for vehicles owned by the City of Fayetteville and used in connection with the Project.

C.2.6 Provide for Inframark's use all vehicles and equipment presently in use at the Project, including the vehicles described in Appendix H.

C.2.7 Pay for all Project related utilities and electricity, natural gas, and water for all facilities.

C.2.8 Pay for all gasoline, diesel, and propane for backup power generators and all rolling stock provided by City of Fayetteville.

C.2.9 Pay for all regulatory fees.

C.2.10 Responsible for all billing and collection activities related to the industrial pretreatment program **(IPP)** charges, septic hauler fee, hay sales, water treatment residual fees, and fertilizer sales.

C.2.11 Be responsible for all duties and discharge all responsibilities and obligations not expressly assumed by Inframark under of this Agreement.

Appendix D

COMPENSATION FOR SERVICES

D. 1 Inframark estimates the Base Fee for services, on an annual basis, under this Agreement for 2025 shall be **$8,450,000.00 (Eight million four hundred and fifty thousand dollars).** Details of the Base Fee are listed in D.3. Thereafter, the Base Fee shall be negotiated each year. Should City of Fayetteville and Inframark fail to agree, the Base Fee will be determined by the application of the Base Fee adjustment formula shown in Appendix I. Upon each contract year renegotiation, Inframark shall continue to invoice City of Fayetteville at the previous amount until the new contract year price is established. Upon written notice, agreement between the parties as to the new contract year Base Fee, Inframark shall issue an invoice retroactively adjusting the previous Base Fee amount. Inframark will communicate to the City of Fayetteville of any funding issues by documentation in monthly reports. Inframark will provide prompt notice to the City of Fayetteville of any potential budget impact. Inframark shall provide any proposed amendments by September 15 of each year.

D.2 Inframark will invoice and reconcile budgets in accordance with the following schedules:

D.2.1 Inframark will invoice a month in advance for the Base Fee in 12 monthly equal installments payable at the start of the month in which services are rendered.

D.2.2 Rebateable costs will be reconciled quarterly and the City of Fayetteville will either be invoiced when the annual Rebateable limit is reached or refunded the difference at the end of each calendar year.

D.2.3 Inframark will invoice all Out of Scope items in accordance with the approved schedule, scope and budget agreed upon by Inframark and City of Fayetteville. Out of Scope services shall be approved separately by the parties in a separate agreement.

D.3 The Base Fee will consist of a Firm Fixed Price of $6,450,000.00 plus Rebateable costs agreed upon by Inframark and City of Fayetteville.

D.3.1 The annual Rebateable limit for Chemicals is set at $450,000.00

D.3.2 The annual Rebateable limit for Repairs and Maintenance is set at $1,550,000.00

Appendix E

LOCATION OF PROJECT

E. 1 Inframark agrees to provide the services necessary for the management, operation and maintenance of the following:

E.1.1 All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Noland Water Resource Recovery Facility located at:

1400 North Fox Hunter
Road Fayetteville,
Arkansas 72701

E.1.2 All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's West Side Water Resource Recovery Facility located at:

15 South Broyles
Avenue Fayetteville,
Arkansas 72704

E.1.3 All equipment, grounds, and facilities now existing within the present fenced boundaries of wastewater lift stations described as follows:

SCADA NODE	LOCATION	Generator	Site Maintenance Only
WW1	978 E Zion Rd (Lowe's - Zion PS)	YES	
WW2	3500 E Mission Blvd (Timbercrest PS)	YES	
WW4	691 W Poplar St (Poplar PS - ABANDONED)		YES
WW5	3896 N Gregg Ave *(Gregg* Ave PS)	YES	
WW6	3021 N Old Wire Rd (Old Wire PS)	NO	
WW7	2065 N Sunshine Rd (Hamestring PS)	YES	
WW8	729 W North Street (North Street PS -ABANDONED)		YES
WW9	1236 N Porter Rd (Porter Rd PS-ABANDONED)		YES
WW12	571 N Double Springs Road (Farmington West PS)	YES	
WW13	878 S Dead Horse Mountain Rd (Stonebridge PS)	YES	
WW14	1820 S Armstrong Ave (Industrial Park PS)	YES	
WW16	518 W Ernest Lancaster Dr (Airport North PS)	YES	
WW18	210 N Sandy (Greenland PS)	YES	
WW19	5716 E Norman Murphy Rd (Mally Wagnon PS)	YES	
WW22	630 N Double Springs Rd (Owl Creek PS)	YES	
WW24	265 W Ernest Lancaster Dr (Airport East PS)	YES	
WW25	551 W Aster Ave (Willow West PS - Farmington)	YES	
WW27	1031 River Meadows Dr (Stonebridge Meadow Phase I PS)	YES	

SCADA NODE	LOCATION	Generator	Site Maintenance Only
WW28	1603 Plantation Ave (Heritage Village PS)	YES	
WW29	390 N Cato Springs Rd (Bohannan PS - Greenland)	YES	
WW32	478 N Durango Place (Silverthorne PS)	YES	
WW33	4644 N Crossover Rd (Stonewood PS - Copper Creek)	YES	
WW34	4572 S School Ave (Airport South PS)	YES	
WW35	3083 W MLK Blvd (Lowe's - 6th St PS)	YES	
WW36	1642 N Willowbrook Dr (Skyler Place PS)	YES	
WW37	3848 W Edgewater Dr (Clabber Creek PS - ABANDONED)		YES
WW38	3710 E Zion Rd (Copper Creek Phase II PS)	YES	
WW39	2392 N Kenswick Ave (Crofton Manner PS)	YES	
WW40	1811 S Cherry Hills Dr (Stone Bridge Meadow Phase II PS)	YES	
WW41	1608 S Springlake Dr (Crescent Lake PS)	YES	
WW44	6061 Dot Tipton Rd (Legacy Pointe Phase 4 PS)	YES	
WW45	4451 N Waterside Ct (Timberlake Office Park PS)	YES	
WW46	3788 E Spyglass Hill Dr (Stonebridge Meadows Phase V PS)	YES	
WW47	3601 E Albright Rd (Embry Acres PS)	YES	
WW48	2435 S Dead Horse Mountain Rd (McDonald PS)	YES	
WW49	3393 E Goff Farm Rd (Meadows PS)	YES	
WW52	485 N Broyles Ave (Broyles Ave PS)	YES	
WW53	1396 Zion Rd (Office Park PS)	YES	
WW55	461 N. Tacoma St. (Farmington Heights)	YES	
WW56	6111 South Hwy 71 (West Fork PS)	YES	
WW57	270 S Broyles Ave (Broyles South PS)	YES	
WW58	1618 N Dawes St (Woodridge PS)	YES	
WW59	279 Idaho Ave. (Wagon Wheel PS)	YES	
WW60?	Cadence Ridge (ETA?)		

E.1.4 All equipment, grounds, and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Biosolids Management Site located east of the Noland Water Resource Recovery Facility across the White River.

E.1.5 All equipment, grounds, and facilities associated with or being used to complete routine operation and maintenance activities for the City of Fayetteville's Mitigated Wetlands Site now existing within the present property boundaries located north of the West Side Water Resource Recovery Facility and other mitigation / environmentally protected areas as mutually agreed to by both parties.

E.1.6 The potable water SCADA system, including cellular, fiber communications, and other services related to the operation of the system, at the following locations:

SCADA NODE	LOCATION	DESCRIPTION
WI	215 W 24th St (South Mountain)	Pump Station
W2	844 N Crossover Rd (Hyland Park)	Pump Station
W4	1016 E Ash St	Pump Station
W5	707 E Rogers Dr	Pump Station and 2 Ground Storage Tanks
W6	456 E Baxter Ln	Ground Storage Tank (2 each)
W8	133 N Sang Ave	Pump Station and Elevated Storage Tank
W9	1170 E South Skyline Dr	Elevated Storage Tank (Mt. Sequoyah)
WI0	1044 E Township Rd	Elevated Storage Tank
WII	3280 W Judge Cummins Rd	Ground Storage Tank (2 ea) (Kessler Mountain)
WI2	7001 E Mission (Highway 45 Valve	Pressure-Reducing Valve Station)
W13	1589 Fire Tower Road (Goshen)	Pump Station and Ground Storage Tank
WI4	17301 Lake Sequoyah Rd (Round Mtn)	Pump Station
W15	14360 Round Mt Comm Church Rd	Stand Pipe County Rd #55 (Round Mountain)
WI6	22032 Fire Tower Rd County Rd 4343	Stand Pipe (Benson Mountain)
W17	3265 N Gulley Rd	Elevated Storage Tank (2 each)
W18	3788 N Gulley Rd	Pump Station
WI9	3370 S Coach Rd	Pump Station
W20	2098 Woodcliff Rd (Springdale)	Surge Tank
W21	2210 N Old Wire Rd	Valve
W22	2800 N Old Missouri Rd	Flow Meter
W23	3385 N Par Ct	Valve
W24	3023 E Joyce Blvd	Valve
W25	2567 E Robinson (Springdale)	Pressure Sustaining Valves
W27	17385 Blue Springs Rd (Goshen)	Pump Station
W28	17970 Lake Sequoyah Rd	Pump Station
W29	Beaver Water District	SCADA Interface
W30	1195 N. Canterbury Rd (Canterbury Tank)	Elevated Storage Tank
W31	2903 E. Flagstone Cir (Stone Mountain)	Pump Station
W32	Blue Springs Road	Valve & Flowmeter
W33	Casey Lane	Pump Station
TBD	Additional Blue Springs Road (Future 2024?)	Valve & Flowmeter
	3302 W Dinsmore Trail	Millsap Tower
MTROB	12141 Ed Edwards Rd	Mt. Robinson Tower Site

E.1.7 Provision and maintenance of Remote Terminal Units (RTU) at the following sites located in the City of Elkins, Arkansas:

SCADA NODE	LOCATION	DESCRIPTION
EWWI	7500 E. Huntsville Road	Wastewater Lift Station
EWI	1800 S. Van Hoose Drive	Ground Storage Potable Water Tank

E.1.8 Maintenance of the odor control system in the collection system associated with the following lift stations:

LOCATION	# OF CANISTERS
LS #6 - 3021 N Old Wire Rd (Old Wire)	5
LS #7 - 2065 N Sunshine Rd (Hamestring)	7
LS #12 - 571 N Double Springs Road (Farmington West)	8
LS #22 - 630 N Double Springs Rd (Owl Creek)	3
LS #52 - 485 N Broyles Ave (Broyles Ave)	2
LS#19 - 5716 E Norman Murphy Rd (Mally Wagnon)	2

Appendix F

ENVIRONMENTAL PERMITS AND PROJECT CHARACTERISTICS

F.1 Inframark will operate Project so that effluent will meet the requirement of NPDES permit No.AR0020010 and AR0050288. Inframark shall be responsible for meeting the effluent quality requirements of City of Fayetteville's NPDES current permits unless one or more of the following occurs:

- The Project influent does not contain Adequate Nutrients to support operation of Project biological processes;
- The Project influent contains Biologically Toxic Substances which cannot be removed by the existing process and facilities; or
- There is an any unforeseen occurrence beyond Inframark's reasonable control that prevents Inframark from meeting said effluent quality requirements.

The influent flow, influent BODs, and/or suspended solids exceeds the Project design parameters which are:

	Noland WRRF		West Side WRRF	
	Annual Average	Maximum Monthly Average	Annual Average	Maximum Monthly Average
Flow (MGD)	12.6	18.8	10.0	17.8
BOD (lbs/d)	29,666	44,264	14,595	18,853
TSS (lbs/d)	23,198	34,613	14,595	18,853

F.2 In the event any one of the Project influent characteristics, suspended solids, BODs, or flow, exceeds the parameters listed above, Inframark shall make every reasonable effort to return to compliance as soon as possible, including the use of available equalization storage to prevent non-compliant discharge. Inframark shall return the plant effluent to the characteristics required by the NPDES permit in accordance with the following schedule after Project influent characteristics return to within design parameters.

Characteristics Exceeding Listed Parameters By	Recovery Period Maximum
10% or Less	5 days
> 10% but< 20%	10 days
20% and Above	30 days

Notwithstanding the above schedule if the failure to meet effluent quality limitations is caused by the presence of Biologically Toxic Substances or the lack of Adequate Nutrients in the influent, or there is an any unforeseen occurrence beyond Inframark's reasonable control that prevents Inframark from meeting said effluent quality requirements, then Inframark will have a thirty (30) day recovery period after the influent is free from said substances or contains Adequate Nutrients.

F.3 Inframark shall not be responsible for fines or legal action as a result of discharge violations within the period that influent exceeds design parameters, does not contain Adequate Nutrients, contains Biologically Toxic Substances (that exceed process inhibiting levels or creates concentrations exceeding application or discharge limitations), and the subsequent recovery period.

F.4 The estimate Costs for services under this Agreement are based upon the following Project influent characteristics:

Annual Average	Noland WRRF	West Side WRRF
Flow (MGD)	5.4	8.8
CBOD (lbs.ld)	13,461	11,194
TSS (lbs.ld)	8,643	13,387

The above influent characteristics are the actual twelve (12) months average June through May prior to the date services are first provided under this Agreement. Any change of 10 percent (10%) or more in any of these characteristics, based upon a twelve (12) month average, may constitute a change in scope.

F.5 The current applicable environmental permits are as follows:

Permit	AFINNo.	Permit No.	Expiration Date
NPDES- Noland (renewal pending- application submitted June 2022)	72-00781	AR0020010	12131/2022
NPDES - West Side (renewal pending - at request of ADEQ the application was resubmitted in August 2022)	72-01033	AR0050288	11/3012010
No Discharge Permit - Biosolids Management Site	72-00829	4748-WR-4	12131/2025
Air - Hamestring	72-01873	2179-A	*NIA*
Air - West Side	72-01033	2178-A	*NIA*
Air Noland	72-00781	2327-A-REG315	Registration Only
Stormwater No Exposure Certification (NEC) - Noland	72-00781	ARR00C377	*613012024*
Stormwater No Exposure Certification (NEC) - West Side	72-01033	ARR000390	*613012024*

Appendix G

INDUSTRIAL WASTE DISCHARGES AND MONITORING PROGRAM

G. 1 Inframark shall: Administer the Industrial Pretreatment Program in accordance with 40 CFR 403. Administration shall include:

G.1.1 Maintain the industrial waste sampling and analysis program for pretreatment and surcharge, as described in G.3. This shall include an annual evaluation of the program and notification to the City of Fayetteville of changes in Federal and State pretreatment standards that may affect the Program.

G.1.2 Conduct a survey of the industrial user base one time every three (3) years to identify new, or significant, industrial users in Fayetteville and in cities with which Fayetteville has inter-jurisdictional agreements for waste treatment. Update, as required the list of current Significant Industrial Users (SIU's) according to the definition of SIU in 40 CFR 403 or the definition in the approved pretreatment program, whichever is more stringent.

G.1.3 Monitor the compliance status of the current Significant Industrial Users (SIU's) through sampling, analysis, inspection, and record reviews. Each SIU shall be sampled and inspected at the frequency established in 40 CFR 403 or the City of Fayetteville's approved implementation manual, whichever is more stringent. Recommend appropriate enforcement action to City of Fayetteville.

G.1.4 Maintain the laboratory analysis program for each SIU. Results of all industrial sampling and testing shall be reported to the City of Fayetteville as required, in a timely manner

G.1.5 Implement the approved industrial permitting system. Prepare SIU permits for issuance or renewal within 90 days of the expiration date or within 180 days after the industry has been determined to be a SIU.

G.1.6 Receive, review and act upon reports and notification from industrial users.

G.1.7 Notify the City of Fayetteville as soon as is practical but no later than three (3) business days, verbally and followed by written confirmation, whenever an industry is suspected of violating, or has violated the City of Fayetteville's industrial waste and/or sewer ordinances. Prepare notice of violations and other enforcement documentation for City of Fayetteville signature in accordance with the Enforcement Response Plan in the State approved Industrial Pretreatment Program.

G.1.8 Track, determine, and publish industrial users in significant noncompliance.

G.1.9 Draft new, revised, and renewal industrial waste discharge permits for the SIU's for City of Fayetteville signature.

G.1.10 Assist City of Fayetteville with review and revision of the sewer use ordinances, the pretreatment program, and inter-jurisdictional agreements. Local limits evaluation, if requested, may be provided as an out of scope service. The costs of such evaluation will be determined and negotiated at the time of the request. Advise the City of Fayetteville of changes in federal and State Pretreatment Standards and regulations and how the changes affect the local program. Request approval from the City of Fayetteville and the Approval

Authority prior to implementing significant changes to the approved Program in accordance with 40 CFR 401.19 (C).Prepare for the City of Fayetteville's signature the Industrial Pretreatment annual report for submittal.

G.1.11 Maintain all industrial monitoring records for at least five (5) years.

G.1.12 Maintain open communication with the SIU's.

G.2 Significant costs due to new or changed Federal, State or local regulations shall cause a discussion of change in contract scope.

G.3 Industrial Waste Dischargers and Monitoring Program in City of Fayetteville, AR:

Industry	Parameters Analyzed
ConAgra Foods Packaged Foods, LLC (Conagra) 1100 W, 15th Street Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease, arsenic, cadmium, chromium, copper, cyanide, mercury, lead, nickel, silver and zinc.
Custom Powder Coating Services, Inc. 1629 W. Farmington St. Fayetteville, AR 72701	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, arsenic, mercury and total toxic organics per 40 CFR433.11 (e).
Elkhart Products Corporation 3265 Highway 71 South Fayetteville, AR 72701	Chromium, copper, lead, nickel, zinc, arsenic, cadmium, cyanide, mercury, silver, oil & grease and total toxic organics per 40 CFR 468.02 (r).
Hiland Dairy Company 301 E. 15th Street Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease, arsenic, cadmium, chromium, copper, cyanide, mercury, lead, nickel, silver and zinc.
Marshalltown Company 2200 Industrial Drive Fayetteville, AR 72701	Cadmium, chromium, copper, lead, nickel, silver, zinc, arsenic, mercury, cyanide and total toxic organics per 40 CFR433.ll (e).
Tyson Mexican Original, Inc. 2615 S. School Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease, arsenic, cadmium, chromium, copper, cyanide, mercury, lead, nickel, silver and zinc.
Ecotech Consumer Products 1901 East Boric Drive Fayetteville, AR 72701	TSS, arsenic, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, mercury.
Wolfspeed, Inc. 535 West Research Center Boulevard Fayetteville, AR 72701	Arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, silver, zinc, total toxic organic per 40 CFR 469.12.

Appendix H

VEHICLE AND MOBILE EQUIPMENT DESCRIPTION (ROLLING STOCK)

Unit#	Unit Description	Location	Year
325U2	Ford F350 Super Duty, Reg. Cab	Biosolids Management Site	2000
376	Ford F550 Super Duty/Crane, Crew Cab	Paul R. Noland	2012
382	Ford F550 Super Duty/Crane, Crew Cab	West Side	2015
387	Ford F-350, Flatbed	Paul R Noland	2016
388	Ford F-350, Flatbed	Biosolids Management Site	2016
696	Caterpillar 420E Backhoe	Paul R Noland	2012
751U	Sterling LT9500 Semi Tractor	Biosolids Management Site	2006
766	Kenworth T800 Semi Tractor	Biosolids Management Site	2011
768	Kenworth T470 (Spreader)	Biosolids Management Site	2012
770	Kenworth T800 Semi Tractor	Biosolids Management Site	2013
771	Kenworth T800 Semi Tractor	Biosolids Management Site	2013
786	Kenworth T800 Semi Tractor	Biosolids Management Site	2018
818	Caterpillar P5000LP Forklift	West Side	2008
910	Trailer	Paul R Noland	1987
927	Parker 24' Gooseneck Trailer	Biosolids Management Site	1991
966	P.J. Trailer, 18FT	Biosolids Management Site	1996
969	LO-Boy 25T-36FT Trailer	Biosolids Management Site	1996
1274	Chevrolet Equinox	West Side	2014
2156	Chevy Colorado, 4X4	Paul R Noland	2012
5002	John Deere 6615 4X4 Tractor	Biosolids Management Site	2007
5012	Ford/NH 4X4 T6030 Loader Tractor	Biosolids Management Site	2009
5022	Case Maxxum 125 4X4 Loader Tractor	Biosolids Management Site	2011
5024	R&R 35' Manure/Litter Conveyor	Biosolids Management Site	2011
5025	R&R 35' Manure/Litter Conveyor	Biosolids Management Site	2011
5057	Ford/NH Workmaster 55 4X4 Tractor	Biosolids Management Site	2015
5058	Ford/NH T6.155 4X4 Loader Tractor	Biosolids Management Site	2015
5059	John Deere 615D 4X4 Loader Tractor	Biosolids Management Site	2015
5070	Meyer Spreader	Biosolids Management Site	2016
5086	NH Protedd 3417	Biosolids Management Site	2018
5087	Wylie LCS Trailer Sprayer	Biosolids Management Site	2018
5095	New Holland Speed Rower (swather)	Biosolids Management Site	2019
5096	John Deer 630 MOCO	Biosolids Management Site	2019
5105	Bulk Material Handling 35' litter conveyor	Biosolids Management Site	2020
6037	Bobcat 5770 Skid steer	Biosolids Management Site	2020
911lU	Clement Star-Lite Trailer (Replaced)	Biosolids Management Site	2009

9124	Thompson 6" Diesel Power Pump/Trailer	Paul R Noland	2009
9142	Aulick 42' Belted Trailer	Biosolids Management Site	2011
9165	Clement Star-lite Trailer (Replaced)	Biosolids Management Site	2013
9166	Clement Star-lite Trailer	Biosolids Management Site	2013
9193	Clement Starlite End Dump Trailer	Biosolids Management Site	2015
9223	Godwin 6" Portable Pump	Biosolids Management Site	2016
9227	Clement Starlite End Dump Trailer	Biosolids Management Site	2016
9239	Genie S-45 Man Lift	Biosolids Management Site	2017
9241	Clement Starlite End Dump Trailer	Biosolids Management Site	2017
9250	Unicarriers 50 Forklift	Paul R Noland	2017
	Parkson Electronic Mole - Billy/Trick	Biosolids Management Site	2011
	Parkson Electronic Mole - Cricket	Biosolids Management Site	2011
	Parkson Electronic Mole - Goofy	Biosolids Management Site	2011
	Parkson Electronic Mole - Jurgens	Biosolids Management Site	2011
	Parkson Electronic Mole - Tiny Tim	Biosolids Management Site	2011
	Parkson Electronic Mole - Loenneke	Biosolids Management Site	2011
	Parkson Electronic Mole – Billy	Biosolids Management Site	2011
	Portable Generator for Lift stations	Paul R Noland	2005
9280	Clement Star-Lite End Dump Trailer	Biosolids Management Site	2021
9283	Clement Star-Lite End Dump Trailer	Biosolids Management Site	2021
5124	New Holland Rake	Biosolids Management Site	2022
9308	Anderson RBM 2000	Biosolids Management Site	2022
144U	Chevy Silverado	Paul R Noland	2011
373U	Ford F550	Paul R Noland	2021

Appendix I

BASE FEE

I.1 The Base Fee adjustment formula is as follows:

$$ABF = BF \times AF$$

Where:

ABF	Adjusted Base Fee
BF	Base Fee specified in Appendix D
AF	Adjustment Factor as determined by the formula:

$$AF = 1 + CPI$$

CPI	The twelve month percent change (from July of the prior year to July of the current year) in the Consumer Price Index as published by U.S. Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report Series Id: CUUR0000SEHG01

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-641

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU:

FROM: Mike Reynolds, Police Chief

SUBJECT: **Police Department Policies**

RECOMMENDATION:
Staff recommends the Fayetteville City Council approve a resolution adopting amendments to Fayetteville Police Department policies 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited, 1.2.4 Domestic Abuse, 1.3.1 Use of Force, 22.3 Secondary Employment, 26.1.1 Disciplinary Matters & Awards Procedures, 41.2.11 Use of Department Vehicles, 41.2.8 Vehicular Pursuit, 41.2.17 Canines, 44.1.1 Juvenile Operations, 46.2.1 Emergency Response Team, 48.1.1 Next of Kin Notification, and 84.1.1 Property Management; Acquired and In-Custody.

BACKGROUND:
The Fayetteville Police Department (FPD) is in the process of reviewing and updating policies to ensure they align with current accreditation standards and best practices. These policies provide employees with the necessary tools and guidance to make informed decisions in complex situations, reducing the pressure to rely solely on personal judgment in uncertain situations. FPD policies help promote accountability, which helps build trust and transparency between our agency and the community.

DISCUSSION:
Fayetteville Police Policy 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited is an existing policy that contains changes to meet updated training practices and updated state statutes. Fayetteville Police Policy 1.2.4 Domestic Abuse is an existing policy that contains changes to meet updated practices and state statutes. Fayetteville Police Policy 1.3.1 Use of Force is an existing policy that contains changes to meet changes in department practices. Fayetteville Police Policy 22.3 Secondary Employment is an existing policy that contains changes to meet updated insurance policy requirements and department practices. Fayetteville Police Policy 26.1.1 Disciplinary Matters & Awards Procedures is an existing policy that contains changes to meet updated department practices and structure. Fayetteville Police Policy 41.2.8 Vehicular Pursuit is an existing policy that contains changes to meet updated department structure. Fayetteville Police Policy 41.2.11 Use of Department Vehicles is an existing policy that contains changes to meet updated department practices. Fayetteville Police Policy 41.2.17 is an existing policy that contains changes to meet updated department practices and protocols. Fayetteville Police Policy 44.1.1 Juvenile Operations is an existing policy that contains changes to meet updated department practices and protocols. Fayetteville Police Policy 46.2.1 Emergency Response Team is an existing policy that contains changes to meet updated department structure, practices and protocols. Fayetteville Police Policy 48.1.1 Next of Kin Notifications is an existing policy containing changes to meet updated department practices. Fayetteville Police Policy 84.1.1 Property Management; Acquired & In-Custody is an existing policy containing changes to meet updated department practices.

These policies are attached to the agenda packet, and all changes to these existing policies have been highlighted for review.

BUDGET/STAFF IMPACT:
These policies will not have any impact on budget or staff at this time.

ATTACHMENTS: SRF (#3), 1.2.3 Unlawful or Improper Bias Based Profiling Prohibited (#4), 1.2.4 Domestic Abuse (#5), 1.3.1 Use of Force (#6), 22.3 Secondary Employment (#7), 26.1.1 Disciplinary Matters & Award Procedures (#8), 41.2.8 Vehicular Pursuit (#9), 41.2.11 Use of Department Vehicles (#10), 41.2.17 Canines (#11), 44.1.1 Juvenile Operations (#12), 46.2.1 Emergency Response Team (#13), 48.1.1 Next of Kin Notificiations (#14), 84.1.1 Property Management; Acquired & In-Custody (#15), City Council Agenda Memo (#16)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-641

Police Department Policies

A RESOLUTION TO APPROVE AMENDMENTS TO FAYETTEVILLE POLICE DEPARTMENT POLICIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves amendments to Fayetteville Police Department policies 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited; 1.2.4 Domestic Abuse; 1.3.1 Use of Force; 22.3 Secondary Employment; 26.1.1 Disciplinary Matters & Awards Procedures; 41.2.17 Canines; 44.1.1 Juvenile Operations, 46.2.1 Emergency Response Team; 48.1.1 Next of Kin Notification; and 84.1.1 Property Management, Acquired and In-Custody.

City of Fayetteville Staff Review Form

2024-641

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mike Reynolds	10/15/2024	POLICE (200)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends the Fayetteville City Council approve a resolution adopting amendments to Fayetteville Police Department policies 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited, 1.2.4 Domestic Abuse, 1.3.1 Use of Force, 22.3 Secondary Employment, 26.1.1 Disciplinary Matters & Awards Procedures, 41.2.11 Use of Department Vehicles, 41.2.8 Vehicular Pursuit, 41.2.17 Canines, 44.1.1 Juvenile Operations, 46.2.1 Emergency Response Team, 48.1.1 Next of Kin Notification, and 84.1.1 Property Management; Acquired and In-Custody.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.3 Unlawful or Improper Bias Based Profiling/Policing Prohibited	**Effective Date:** ~~November 17, 2020~~
Reference: ~~Arkansas Act 1207 of 2003~~ACA 12-12-1401, ACA 12-12-1403, ACA 12-12-1404, 52.1.1, 26.1.1	Version: ~~5~~ 6
CALEA: 1.2.9	No. Pages: 3

I. PURPOSE

The purpose of this policy is to prohibit the act of unlawful and improper bias based ~~profiling~~ policing and to reaffirm the department policy to perform all duties impartially, without favor or affection or ill will and to treat all citizens equally with courtesy, consideration and dignity. Unlawful or improper ~~B~~bias based ~~profiling~~ policing is the selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group including but not limited to, race, ethnic background, national origin, gender, gender identity/expression, sexual orientation~~/identity~~, religion, economic status, age, cultural group, immigration status, disability, housing status, occupation, language fluency, or any other identifiable characteristics or identifiable groups, is prohibited in all traffic contacts, field contacts, and in asset seizure and forfeiture efforts [CALEA 1.2.9 a.].

II. DISCUSSION

This policy recognizes ~~Arkansas Act 1207 of 2003~~ Arkansas Code Annotated 12-12-1403 to prohibit racial profiling and further establishes a directive to prohibit the use of ~~race, ethnicity, national origin, or religion~~ race, ethnic background, national origin, gender, gender identity/expression, sexual orientation, religion, economic status, age, cultural group, immigration status, disability, housing status, occupation, language fluency, or any other identifiable characteristics or identifiable groups in deciding which persons should be subject to traffic stops, stops and frisks, questioning, searches and seizures, and other law enforcement activities.

III. POLICY

All officers of the Fayetteville Police Department are directed to adhere to the guidelines contained within this policy ~~pertaining to~~ prohibiting unlawful or improper bias based ~~profiling~~ policing and "racial profiling" as defined by ~~Arkansas Act 1207 of 2003.~~Arkansas Code Annotated 12-12-1401 [CALEA 1.2.9 a.].

A. Definitions

Bias Based Policing - The selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, gender identity/expression, sexual orientation~~/identity~~, religion, economic status, age, cultural group, immigration status, disability, housing status, occupation, language fluency, or any other identifiable characteristics or identifiable groups.

Racial Profiling – A law enforcement action ~~based~~ relying to any degree on race, ethnicity, national origin or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity.

Reasonable Suspicion – A standard based on facts or circumstances which alone do not give rise to probable cause to arrest, but which do give rise to a suspicion that has some relevant basis and is not pure conjecture.

B. Prohibitions

Officers are prohibited from relying on race, ethnic background, national origin, gender, gender identity/expression, sexual orientation/~~identity~~, religion, economic status, age, cultural group, immigration status, disability, housing status, occupation, language fluency, or any other identifiable characteristics or identifiable groups, to any degree, in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of police practices following the initial routine investigatory activity [CALEA 1.2.9 a.]. Officers shall have reasonable suspicion or probable cause in compliance with the United States Constitution and Arkansas Rules of Criminal Procedures prior to stopping a pedestrian or motor vehicle, or engaging in detentions, searches, arrests, or other investigatory activities.

IV. PROCEDURES

A. Officers shall professionally and courteously identify themselves by full name (first and last name) and department, state the reason for the stop, and when possible, provide written identification.

~~B.~~ Newly hired ~~O~~officers shall receive a basic training course prior to assignment on racial and cultural sensitivity. ~~and annual training in operating procedures that prohibit unlawful or improper bias policing.~~ Newly hired ~~N~~non-sworn personnel assigned duties that require interaction with the public in an official capacity shall receive a basic training course on racial and cultural sensitivity within sixty (60) days of assignment. ~~Annual training shall emphasize the prohibition against unlawful or improper bias based profiling and racial profiling and will include profiling related training to include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support~~ [CALEA 1.2.9 b.]~~. The course of instruction shall stress understanding and respect for racial, ethnic, national, religious, and cultural~~

~~differences and development of effective and appropriate methods of carrying out law enforcement duties. Officers will also complete foreign language training with an emphasis in Spanish, when possible, in accordance with state law.~~

C. Annual training for all employees shall emphasize the prohibition against unlawful or improper bias based profiling and racial profiling and will include profiling related training to include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support [CALEA 1.2.9 b.]. The course of instruction shall stress understanding and respect for racial, ethnic, national, religious, and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties. Officers will also complete foreign language training ~~with an emphasis in Spanish~~, when possible, ~~in accordance with state law~~ to ensure adequate communication with residents of our community (ACA 12-12-1404).

D. Officers shall adhere to departmental policy regarding the use of mobile video/audio systems (General Order #22) and body-worn cameras (FPD policy 41.3.8).

E. Supervisors are responsible for ensuring that all personnel read and understand the policies and procedures prohibiting unlawful or improper bias based ~~profiling~~ policing and racial profiling.

1. Supervisors will routinely monitor ~~officers'~~ employees' ~~daily~~ activity/interactions ~~reports~~ and encourage officers to report violations of this policy to determine whether any officer is engaged in a pattern of racial profiling or bias policing.
2. Supervisors will not retaliate against an officer or officers who report acts of unlawful or improper bias based ~~profiling~~ policing or racial profiling.
3. Supervisors receiving a complaint of this nature will conduct a cursory investigation and forward any findings to the Chief of Police. If merited, the complaint will be forwarded to the Office of Professional Standards for further investigation.

F. Internal or external complaints or allegations of racial profiling or unlawful or improper bias policing shall be assigned to the department's Office of Professional Standards for an investigation. Appropriate corrective action will be taken if a complaint is sustained. Corrective action may involve supervisor coaching, supervisor counseling, written record of oral ~~reprimand~~ warning, written reprimand, suspension, or ~~dismissal~~ termination as specifically covered by Policy 26.1.1 [CALEA 1.2.9 c.].

G. The supervisor of the Office of Professional Standards shall complete an annual administrative review of agency practices including citizen concerns. The review should take into account traffic contacts, field contacts, asset seizure and forfeiture efforts, the department's training, internal or external complaints and the corrective measures taken if any complaints are sustained [CALEA 1.2.9 c.].

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.4 Domestic ~~Violence~~ Abuse	**Effective Date:** ~~November 19, 2013~~
Reference: 42.1.1, ACA 5-26-302, ACA 9-15-302, ACA 12-12-108, ACA 16-81-106, ACA 16-81-113, ACA 16-90-1107	Version: ~~3~~ 4
CALEA: 42.1.4 NT, 55.1.1 NT	No. Pages: ~~4~~ 6

I. PURPOSE

To establish clear policy and procedural directives for officers responding to domestic violence calls.

II. POLICY

It is the policy of this department to treat all acts of domestic violence as criminal conduct. Therefore, an officer's objective(s) in responding to domestic violence calls shall be to protect victims from further violence, enforce state laws against violators, and arrest offenders where applicable.

A. Arresting Domestic Violence Offenders

An officer has the authority to make an arrest with or without a warrant for domestic abuse as provided in Rule 4.1 (a)(iv) of the Arkansas Rules of Criminal Procedures.

1. A law enforcement officer may arrest a person without a warrant if the officer has reasonable cause to believe that such person has committed acts which constitute domestic abuse as defined by law against a family or household member and which occurred within twelve (12) hours preceding the arrest.
2. An officer may arrest a person without a warrant for other offenses as defined by law against a family or household member that do NOT involve injury and which occur within four (4) hours preceding arrest. ~~to include arrests for Harassment, Harassing Communications, Trespassing, Assault, or Terroristic Threatening.~~
3. Although officers shall exercise discretion in responding to domestic violence calls, arrest shall be the preferred action in cases involving physical violence and/or domestic battering as stated in Ark. Code Ann. 16-81-113.

III. DEFINITIONS

A. Domestic ~~Violence~~ Abuse – ACA 16-81-113 generally defines Domestic ~~violence~~ abuse ~~is generally defined~~ as the infliction of physical harm, bodily injury or assault, or the fear of imminent physical harm, bodily injury or assault, ~~by one~~ between family or household members ~~on another.~~, or, any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this state.

~~B. Wife or Spouse Abuse - Wife or spouse abuse is usually defined as acts of violence or recurring assaults between sexual partners, married and unmarried, who are living together or who previously lived together.~~

~~C. The Domestic Abuse Act of 1995 – The Domestic Abuse Act of 1995 amended the statutes formerly titled "Wife Battering." They are now entitled, "Domestic Battering" and they include family and household members in the class of persons protected.~~

D. Family or Household Member (F/HM) - The "family or household member" relationship must be proven in any Domestic ~~Battering~~ Abuse crime. Ark. Code Ann. 5-26-302 defines "family or household member" as including:

1. Spouses or former spouses;
2. Parents and children;
3. Persons related by blood within the fourth degree of consanguinity;
4. Persons who presently or in the past have resided or cohabited together;
5. Any child residing in the household;
6. Persons who have or have had a child in common, and;
7. Persons who are presently or in the past have been in a dating relationship together.

~~E. Physical Abuse – The act of striking, threatening, harassing or interfering with the personal liberty of any family or household member by any other family or household member, but excluding reasonable discipline of a minor child by a parent or guardian of such a minor child.~~

IV. ASSOCIATED OFFENSES

Although not exclusively limited to domestic abuse situations, these four crimes are frequently associated with domestic abuse and often involve family or household members:

A. Stalking;
B. Terroristic Threatening
C. Harassment, and;
D. Harassing Communications.

V. PROCEDURES

1. Patrol Responsibilities – When possible, priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach with the appropriate backup. Officers should obtain all available information from the dispatcher before arriving at the scene.

2. Officers shall conduct a thorough investigation of the domestic ~~violence~~ abuse incident and include the following evidence when available (FPD 42.1.1):

    a. Incident report including documentation of injuries of the victim(s);
    b. Evidentiary articles that substantiate the incident;
    c. Physical evidence of the crime scene itself;
    d. Medical reports, if applicable;
    e. Photographs of visible injuries on the victim;

f. Photographs of the crime scene ~~and diagram of the crime scene, and~~;
g. Diagram of the crime scene, if needed to support other evidence; ~~when other means such as photographs or body-worn camera recordings are insufficient or unavailable~~;
h. Audio/video recordings (9-1-1, MVR, BWC, etc.)~~.~~;
i. Lethality Assessment Form; and
j. Laura's Card.

3. Lethality Assessment Form – The officer primarily responsible for interviewing a victim of domestic violence shall assess the potential for danger by asking a series of questions provided on a Lethality Assessment Form. The Lethality Assessment Form shall be completed with the following information from the victim (ACA 12-12-108):

a. Whether the offender ever used a weapon against the victim of threatened the victim with a weapon;
b. Whether the offender threatened to kill the victim or victim's children;
c. Whether the victim believes the offender will try to kill him or her;
d. Whether the offender ever tried to choke the victim;
e. Whether the offender is violently or constantly jealous;
f. Whether the offender controls most of the victim's daily activities;
g. The victim's current living situation and if he or she has recently left or separated from the offender after living together or being married;
h. The victim's employment status;
i. Whether the offender has ever attempted suicide to the best of the victim's knowledge;
j. Whether the victim has a child that the offender believes is not the offender's biological child;
k. Whether the offender follows, spies on, or leaves threatening messages for the victim, and;
l. Any other pertinent information, including any other conditions or circumstances that concern the victim regarding his or her safety.

4. Laura's Card – Officers shall promptly give the victim, and if applicable, the victim's family a preprinted document to be known as "Laura's card" that clearly states the following (ACA 16-90-1107)[CALEA 55.1.1 a., d., e. NT]:

a. An explanation of the victim's rights under this subchapter; and
b. Information concerning the availability of:
    1) Assistance to victims, including medical, housing, counseling, financial, social, legal, and emergency services;
    2) Compensation for victims under the Arkansas Crime Victims Reparations Act, ACA 16-90-701, and the name, street, address, and telephone number of the agency to contact;
    3) Protection of the victim, including protective court orders;
    4) Access by the victim and the defendant to public records related to the case; and
c. The officer's badge number and contact information.

5. Information Provided to Victims – As soon as possible, the victim, as relevant, shall be provided with following (ACA 16-90-1107):

a. Information as to the suspect's identity, unless inconsistent with law enforcement purposes;
b. Information as to whether the suspect has been taken into custody, has escaped, or has been released, and any conditions imposed on the release when such information has been made know to anyone at the agency;
c. The file number of the case and the name, office address, and office telephone number of the officer assigned to the case; and
d. The prosecuting attorney's name, office address, and office phone number.

6. ~~The Decision to~~ Arrest for Domestic Abuse - Officers shall affect an arrest, based on probable cause and supported by the statements of the victim or witness, of abusers in domestic situations in the following circumstances:

a. Where a felony has been committed;
b. Where the officer is aware of a past history of assaults committed by the abuser and there is probable cause to believe another assault has occurred;
c. Where a physical assault has occurred and there is evidence of either alcohol or drug abuse;
d. Where any weapon was used to inflict the injury, or was used to intimidate or threaten the victim;
e. Where an assault has occurred and, if the officer takes no action, there is strong likelihood that further violence or injury might result;
f. In cases where the conditions of a protective order have been violated;
g. Offenses committed in the presence of the officer, or;
h. Where there are valid warrants on file.

7. Preliminary and Follow Up Domestic Abuse Investigations [CALEA 42.1.4 NT]:

a. Officers shall investigate incidents involving domestic abuse thoroughly and attempt to locate and interview the abuser;
b. If the abuser is unable to be found and probable cause exists for his/her arrest, officers shall coordinate the issuance of a detailed be on the lookout (BOLO) which includes:
    (1) The wanted suspect's identifying information;
    (2) Specific charges;
    (3) If a suspect is wanted on misdemeanor charges, the time the probable cause for his/her arrest expires;
c. Officers shall notify their supervisor when the investigation proceeds beyond their scheduled shift and may require the assistance of other squads or specialized divisions;
d. Officers shall complete the preliminary arrest report and leave it in an area readily available for other officers;
e. Officers shall complete all reports related to the incident prior to the end of their shift; and
f. If the abuser is not located or the probable cause for arrest expires, officers shall:
    (1) Prepare a case file and
    (2) Submit a warrant request to the appropriate prosecutor's office.

VI. NO CONTACT ORDERS AND ORDERS OF PROTECTION

1. Protective Orders - Orders of Protection are generally issued by the court when domestic violence has occurred. There are ~~three~~ five types of court orders typically used to protect victims of domestic abuse:

    a. Orders of Protection
    ~~b. Mutual Restraining Orders~~ Mutual Orders of Protection
    c. No Contact conditions of release
    d. No Contact Orders
    e. Extended Post-Conviction No Contact Order

2. Enforcement of Arkansas Orders - Orders of Protection issued in any Arkansas court shall be enforced by law enforcement wherever a violation occurs. An Arkansas order is valid throughout the state, regardless of which court issued the order.

3. Enforcement of Out of State Orders – Orders of Protection issued by courts located outside of Arkansas will be enforced in Arkansas, provided the form of the order meets the "full faith and credit" requirements; Ark. Code Ann. 9-15-302 requires the issuing court must have had valid jurisdiction, the respondent must have had reasonable notice and opportunity for a hearing, and evidence of this is found on the face of the order.

4. Violations of Orders of Protection - When orders of protection are violated, the enforcement procedures differ according to the type of order and the issuing court.

    a. Violation of an order of protection is a separate criminal offense charged when an order of protection issued by a circuit court or other court with competent jurisdiction ~~(issued by the chancery court)~~ is violated. Under this statute, a law enforcement officer can make a warrantless arrest if the officer has probable cause to believe a person (ACA 5-53-134):
        (1) Is the subject of an order of protection, and;
        (2) Has been served notice pursuant to the Arkansas Rules of Civil Procedure of a temporary order of protection or an order of protection; and
        (3) Has violated the terms of the order, even if the officer did not witness the violation. (NOTE: An officer exercising due care and acting in good faith in making an arrest for domestic abuse has immunity from civil liability.)
    b. ACIC Requirements – The Arkansas Crime Information Center maintains a registry of all orders of protection and temporary orders of protection issued by a state court, or registered in the state.

5. Violations of No Contact Orders – When no contact orders are violated, the enforcement procedures differ according to the type of order and the issuing court.

    a. Violation of no contact conditions of release and/or no contact orders is a separate offense charged by the issuing court when the no contact order is violated. This order is typically issued as a bond requirement. If this type of no contact order is violated, the investigating officer shall;
        (1) Complete preliminary and incident reports and forward to the appropriate prosecutors office once the report(s) is approved;
        (2) If the violation occurs during regular business hours, notify the appropriate prosecutor's office by phone;

(3) If the violation occurs outside of regular business hours, notify the appropriate prosecutor's office by email. A list of the prosecutors preferred contacts will be posted in the squad room and in the Policies and Procedures Manual in the Agency Common drive;

a. Officers shall provide the prosecutor's office with the incident number with details of the alleged violation, the victim's contact information, and the suspect's name and contact information if available in order to start the bond revocation.

(4) Refer the victim to the appropriate prosecutor's office for additional assistance.

6. Violation of a post-conviction no contact order is a separate criminal offense. These orders are entered into NCIC. If a post-conviction no contact order is violated, the investigating officer shall (ACA 5-4-106):

a. Verify the order is valid in NCIC;
b. Arrest the offender, with our without a warrant, if the officer has probable cause to believe the offender knowingly violated the order; and
c. Complete preliminary and incident reports.

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	**Effective Date:** ~~August 16, 2021~~
Reference: 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 31, 32	Version: ~~10~~
CALEA: 1.2.10, 4.1.1, 4.1.2, 4.1.3, 4.1.5, 4.1.6, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.2.1, 41.3.8, 4.1.6, 4.1.7	No. Pages: ~~9~~ 10

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department (FPD) policy regarding the use of force, including deadly force, less lethal force and defensive tactics.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his/her own. [CALEA 4.1.2]

III. DEFINITIONS

Deadly Force – Deadly force is that force which may cause death or grave injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable belief is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – Serious physical injury is bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in a long-term loss or impairment of the functioning of any bodily member or organ.

Chokehold – A chokehold is a technique that restricts a person's ability to breathe by applying pressure to the windpipe.

Stranglehold – A stranglehold is a technique that temporarily restricts blood flow to the brain, which may cause a person to go unconscious.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances [CALEA 4.1.1]. Officers will receive in-service training on the department's use of force policy and the use of deadly force on an annual basis [CALEA 4.3.3, 4.1.2]. Officers of the Fayetteville Police Department shall only carry firearms, less-lethal weapons, and ammunition issued to them, or approved, by the Fayetteville Police Department while on duty. While working off duty assignments that have potential for police action, officers shall only carry firearms, less-lethal weapons and ammunition issued to them, or approved, by the Fayetteville Police Department [CALEA 4.3.1 a., b.].

Employees of the Fayetteville Police Department (both sworn and non-sworn) have an obligation to protect the public and other employees. It shall be the duty of every employee present at any scene where physical force is being applied to either stop or attempt to stop anyone when force is being inappropriately applied or is no longer required. Employees shall report all instances where intervention was attempted or required to their supervisor. When encountering unreasonable actions of anyone that could result in injury, death or violations of constitutional or civil rights, intervention must be immediate [CALEA 1.2.10].

Employees have a responsibility to take appropriate action if they become aware of any violation of departmental policy, state, federal law or Fayetteville city ordinance. If an employee's actions are criminal, unconstitutional, or inappropriate or will harm the reputation of the Fayetteville Police Department or law enforcement as a whole, it is imperative the employee attempt to stop the act from occurring and report the matter to their supervisor immediately [CALEA 1.2.10].

A. Use of Deadly Force

1. An officer may use deadly force to protect him/her or others if he/she has reasonable belief of immediate threat of death or serious physical injury [CALEA 4.1.2].
2. The use of deadly force shall be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion a crime, no matter how serious, was committed or the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense or defense of another person. [CALEA 4.1.1]

6. Officers shall identify themselves as law enforcement officers and give a verbal warning of their intent to use deadly force in situations where it is reasonable and/or appropriate. Officers shall consider their physical environment, distance, and/or other situational circumstances in determining if a verbal warning is reasonable. [CALEA 4.1.2].
7. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass."
8. An officer may use deadly force to affect the capture or prevent the escape if the officer reasonably believes the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe the suspect poses a significant threat of death or serious physical injury to the officer or others.
9. Officers shall not use any type of chokehold or stranglehold, except when deadly force is justified, and as the ultimate measure of self-defense or defense of another person [CALEA 4.1.6].
10. In order to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of deadly force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community, employees whose actions or use of force in an official capacity results in death or serious physical injury shall be placed on mandatory leave with pay pending an Administrative Review of the circumstances by the Office of Professional Standards. This shall include all employees, is not limited to shootings, and will include incidents such as fatal or serious physical injury motor vehicle collisions involving employees [CALEA 4.2.3].
11. The killing of an animal is justified by the following conditions:
    a. For self-defense, to prevent injury to an officer or another, or when the animal is so badly injured that humanity requires its relief from further suffering.
    b. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.
    c. A Use of Force Report and memorandum to the officer's direct supervisor shall be completed when an animal is killed for the self-defense of officers or safety of others.
    d. A seriously wounded or injured animal may be euthanized upon approval from a supervisor, and only a Use of Force Report is required.
    e. The Central Dispatch Center will notify Animal Control when an officer euthanizes a seriously wounded or injured deer, and Animal Control will retrieve the deceased animal.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of FPD policy 1.3.1 and will be instructed in this policy [CALEA 4.3.4]. Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in

FPD policy 1.3.4, and in accordance with guidelines established in this policy and the applicable general orders. [CALEA 4.3.4]

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices should not compromise their safety.

C. De-escalation of Force [CALEA 4.1.1]

De-escalation tactics and techniques are those actions undertaken by an officer(s) to avoid physical confrontations, unless immediately necessary to protect someone or to stop dangerous behavior, while minimizing the need to use force during an incident when the totality of the circumstances and time permit. De-escalation tactics and techniques are employed to increase the likelihood of voluntary compliance and cooperation.

1. When time and circumstances reasonably permit, an officer(s) shall consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:
   a. Medical conditions,
   b. Mental impairment,
   c. Developmental disability,
   d. Language barrier,
   e. Drug interaction, or
   f. Behavioral crisis.
2. An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution. An officer is not expected to engage in force de-escalation measures that could jeopardize the safety of the community or of any employee.
3. Officers need only select a level of force that is within the range of "objectively reasonable" options. Officers must rely on training, experience and an assessment of the situation to decide an appropriate level of force to be applied. Reasonable and sound judgement will dictate the force option to be employed.
4. Officers may either escalate or de-escalate the use of force as the situation progresses or as circumstances change. When a subject is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.
5. Officers are required to provide appropriate medical aid as quickly as reasonably possible following any law enforcement action in which injuries have been sustained. This includes notifying the Central Dispatch Center (CDC) to alert Central Emergency Medical Services (CEMS) and the Fayetteville Fire Department when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious [CALEA 4.1.5].

D. Firearms

1. All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 4.3.4].
2. Qualification with the issued primary handgun is an essential job function of a Fayetteville police officer. Failure to qualify may result in disciplinary action, up to and including termination of employment. Additionally, failure to qualify with any other department-approved firearms would prohibit that officer from being allowed to carry that particular firearm [CALEA 4.3.2]. An Arkansas Commission on Law Enforcement Standards and Training (CLEST) certified weapons instructor shall conduct training and qualification [CALEA 4.3.3 a.].
    a. Officers shall qualify with the issued primary handgun four times each year, at least one of which will meet a CLEST approved Standard Qualification Course of Fire for one target [CALEA 4.3.3 b. and 4.1.2].
    b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police.
    c. Officers certified on the department approved secondary handgun, shotgun or rifle shall qualify annually on a CLEST approved course [CALEA 4.3.3 b.].
    d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the Training Division. The records will be maintained for the duration of an employee's employment, plus five years. [CALEA 4.3.3 b.].
        (1) An officer who fails to qualify with his/her issued handgun(s), shotgun, or rifle after two consecutive attempts shall be referred for remedial training by a certified firearms instructor.
        (2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the event the officer is still unable to qualify at the conclusion of the extra training session.
            a) Upon notification an officer has failed to qualify with their issued primary handgun, the supervisor shall immediately relieve the unqualified officer of the issued primary handgun. The officer will be placed on restricted duty as determined by the Chief of Police or his/her designee. The unqualified officer will be directed to report to the Training Division the next working day for additional remedial training. The officer's authority to carry the primary handgun shall remain revoked until such time as the officer qualifies or the determination is made the officer is not responding to further training [CALEA 4.3.3 c.].
            b) If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
            c) Any officer who fails to qualify with their issued primary handgun and receives remedial training more than once during a calendar year shall be subject to disciplinary action.
            d) Upon notification an officer has failed to qualify with a secondary handgun, shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. The Training Division shall schedule all additional remedial training and qualifications with department shotguns and rifles. It shall be the responsibility of the officer to schedule additional remedial training and qualifications with secondary handguns.

e. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
f. Any officer returning to duty after an absence exceeding three months shall report to the Training Division for refresher training and a CLEST approved qualification prior to being permitted to return to full duty.

E. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearms unless circumstances cause the officer to believe it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
F. Warning shots are strictly prohibited. [CALEA 4.1.3].
G. It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed firearm while off-duty. Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
   1. Officers are not required to carry a firearm while off-duty but may do so at their option.
   2. Officers exercising the option to carry a firearm while off-duty are authorized to carry their issued primary and/or secondary handgun(s).
   3. Authorization for officers to carry a firearm while off-duty shall be subject to the following conditions:
      a. Officers will be required to have in their possession the department-issued badge and official identification card.
      b. Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
      c. Officers who choose to carry a firearm other than one issued by the police department shall qualify to demonstrate proficiency in the use of that firearm with the Training Division on an annual basis at their own expense.
H. Department-Issued Weapons and Ammunition: Reference may be made to FPD policy 41.3.5 for specifications of department-issued weapons and ammunition.
   1. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 4.3.1 c., d., e.].
      a. The Training Division will maintain weapons inspections reports.
      b. Firearms determined to be unsafe or irreparable by certified weapons instructors or armorers shall immediately be removed from service with a report indicating such status [CALEA 4.3.1 d.].
      c. For weapons in need of repair, a certified armorer will make the decision to repair the weapon or to send the weapon to the factory's certified repair center [CALEA 4.3.1 d.].
      d. All weapon modifications and accessories such as sights, extended slide stops, tactical magazine release buttons, extended magazines and magazine extensions, flared magazine wells, aiming systems, suppressors, etc. must be approved by the chief of police.
         (1) Department certified armorers are the only employees authorized to make repairs or modifications to department-owned firearms and weapons.

(2) Armorers must hold a current certification for the specific firearm or weapon before making any modifications or repairs.

e. The Training Division will maintain a record on all weapons in service to include inspection date(s) and maintenance [CALEA 4.3.1 1.3.9 e.].

2. Officer Responsibility for Department-Issued Firearm [CALEA 4.3.1 f.]:
   a. Officers must take reasonable and adequate care of any firearm issued to them.
   b. Officers shall be responsible for reporting damaged or unsafe firearms to the on-duty supervisor who will ensure unsafe firearms are removed from service and the certified armorer is notified. Officers shall complete a memorandum documenting the damaged or unsafe firearm to his/her immediate supervisor to be forwarded through the chain of command, as well as to the certified armorer [CALEA 4.3.1 d.].
   c. In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
   d. In the event a department-issued firearm is lost or stolen, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the lost or stolen firearm and ensure it is entered into ACIC/NCIC.

I. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his/her official capacity (except for training purposes such as range qualifications) or in the event of an accidental discharge, the officer shall comply with the following:
   1. The officer who fired the weapon shall notify the shift supervisor as soon as practical after the firing has taken place.
   2. The supervisor shall make a preliminary investigation each time an officer under his/her command fires a weapon.
   3. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 4.2.1 a.].
   4. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the procedures in FPD policy 1.3.6 shall be followed immediately.
   5. If the facts of the incident support a conclusion the shot was the result of negligence, the officer shall be required to undergo firearms certification training and may be subject to disciplinary action up to and including termination.

J. The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 4.3.2]:
   1. Each officer will be assigned and issued a primary handgun that will be either the Glock model 35 .40 caliber semi-automatic handgun or the Glock model 23 .40 caliber semi-automatic handgun [CALEA 4.3.1 a.]:
      a. Officers must meet the qualification standards for their issued handgun as previously stated in this policy [CALEA 4.3.3 b.].

   2. Officers who have completed the Field Training Officer Program are authorized to carry an issued Glock model ~~27~~ 43 ~~.40~~ 9mm ~~caliber~~ semi-automatic handgun as a secondary weapon [CALEA 4.3.1 a.].
      a. Officers will be given an opportunity to request a secondary weapon annually.

b. Officers who request a secondary weapon must successfully complete training and qualification requirements.
c. Officers who have an assigned secondary weapon are required to carry it while on-duty.
   (1) Officers are not required to carry secondary weapons while attending training classes.
   (2) ERT members will be exempted from this requirement during training and deployments.
   ~~(3) Fayetteville Police Department DTF officers will be exempted from this requirement during plain clothes operations.~~
d. Officers issued this weapon will qualify annually on an approved qualification course [CALEA 4.3.3 b.].
e. Secondary weapons will only be carried in a department approved holster.
f. Officers may elect to discontinue carrying a secondary weapon at any time and should immediately turn in the secondary weapon and holster to the Firearms Division.
   (1) Once a secondary weapon is relinquished, the officer is no longer authorized to carry a secondary weapon.

~~3. Fayetteville Police Department DTF officers shall carry the Glock 23 .40 caliber semi-automatic handgun as their primary weapon during raid operations and when serving arrest and search warrants [General Order 31].~~
~~a. Fayetteville Police Department O~~officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Glock model 27 ~~43~~ .40 ~~9mm~~ caliber semi-automatic handgun [CALEA 4.3.1 a.].
~~b. Fayetteville Police Department DTF officers are authorized to carry the Glock 43 9mm semi-automatic handgun as their primary weapon when conducting the following operations [General Order 31]:~~
~~(1) Surveillance~~
~~(2) Undercover operations~~
~~(3) Decoy operations~~
~~c. Fayetteville Police Department~~ DTF officers issued this handgun will qualify annually on an approved qualification course [CALEA 4.3.3 b.].

~~4. Officers are authorized to carry an issued Glock model 27 43 .40 9mm caliber semi-automatic handgun as a secondary weapon [CALEA 4.3.1 a.].~~
~~a. Officers will be given an opportunity to request a secondary weapon annually. These requests will be included in budget requests, and if funding is approved, the secondary weapon will be issued the following year after the officer successfully completes training and qualification requirements.~~
~~(1) Only officers who have completed the Field Training Program will be authorized to carry a secondary weapon.~~
~~b. Officers who have an assigned secondary weapon are required to carry it while on-duty.~~
~~(4) Officers are not required to carry secondary weapons while attending training classes.~~
~~(5) ERT members will be exempted from this requirement during training and deployments.~~

~~(6) Fayetteville Police Department DTF officers will be exempted from this requirement during plain clothes operations.~~

~~c. Officers issued this weapon will qualify annually on an approved qualification course [CALEA 4.3.3 b.].~~

~~d. Secondary weapons will only be carried in a department approved holster.~~

~~e. Officers may elect to discontinue carrying a secondary weapon at any time and should immediately turn in the secondary weapon and holster to the Firearms Division.~~

~~(2) Once a secondary weapon is relinquished, the officer is no longer authorized to carry a secondary weapon.~~

5. Officers are authorized to carry an AR ~~15 type (16-inch barrel)~~ platform rifle capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be ~~either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top~~ equipped with an ~~reflex~~ optic and/or sight systems approved by the Chief of Police. ~~and co-witness flip-up iron sights~~ [CALEA 4.3.1 a.]:
   a. Officers selected to carry the AR ~~15~~ platform rifle must successfully complete a patrol rifle certification course approved by CLEST [CALEA 4.3.3 b.].
   b. Officers certified on the AR ~~15~~ platform rifle must pass a CLEST approved patrol rifle qualification course using both types of sights annually [CALEA 4.3.3 b.].
6. Officers are authorized to carry the Remington 11-87 gas operated semi-automatic 12-gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12-gauge pump action shotgun using approved specialized ammunition may be deployed as determined by the ERT Team Commander [CALEA 4.3.1 a.]:
   a. Shotguns will be authorized for ERT members and for sworn officers.
   b. Officers selected to carry a shotgun must successfully complete a shotgun certification course approved by CLEST [CALEA 4.3.3 b.].
   c. Officers certified on the shotgun must pass a CLEST approved shotgun qualification course annually [CALEA 4.3.3 b.].
7. The Emergency Response Team (ERT) members are authorized to carry the FN SCAR 16 CQC rifle equipped with an ~~reflex~~ optic and/or sight systems ~~sight~~ approved by the Chief of Police ~~and co-witness flip-up iron sights~~ [CALEA 4.3.1 a.]:
   a. The FN SCAR 16 CQC rifle will be authorized for use by the ERT members, and the rifle shall also be carried by the ERT members while on duty.
   b. ERT members must have successfully completed an approved patrol rifle certification course approved by CLEST.
   c. ERT members must have successfully completed a select-fire rifle operator's certification course approved by CLEST [CALEA 4.3.3 b.].
   d. ERT members must pass a CLEST approved select-fire rifle qualification course using both sights annually [CALEA 4.3.3 b.]
8. Precision rifles will be ~~either the Remington model 700 LTR bolt action .308 caliber or~~ the Larue PredatOBR semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 4.3.1 a.]:
   a. Precision rifles will be authorized for selected ERT members.
   b. Precision rifle operators must successfully complete a Sniper certification course approved by CLEST [CALEA 4.3.3 b.].
   c. Precision rifle operators must pass a CLEST approved precision rifle qualification course annually [CALEA 4.3.3 b.].

K. Requirements to Carry Firearms While on Duty
   1. All department issued handguns must be carried in department approved holsters.
      a. All department approved holsters will be recorded on the Authorized Uniform and Equipment List.
      b. The Chief of Police can grant exceptions to this requirement.
   2. Officers who are qualified and authorized to carry a department rifle and/or shotgun shall carry one of these firearms while working on a patrol shift in a marked vehicle. ERT members that are assigned a FN SCAR 16 CQC rifle must carry the rifle while on patrol duty.
   3. A rifle and/or a shotgun in a marked vehicle shall be carried in an approved locking mechanism.
   4. Officers shall document which rifle or shotgun was carried by completing the logbook that is located in the arsenal and noting it on their vehicle inspection form. Officers working special assignments, secondary employment, or officers working in non-uniform assignments are exempt from the requirement to carry a rifle or shotgun while on-duty.

L. Storage of Department Firearms
   1. Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 4.3.1 f.].
   2. Department rifles and shotguns shall be locked and stored in department approved arsenals, safes, or locked containers when not in use [CALEA 4.3.1 f.].
   3. The ERT rifles shall not be stored in a vehicle while the officer is off-duty except when traveling to and from work [CALEA 4.3.1 f.].
   4. Other specialized firearms used by the ERT shall be stored in the ERT arsenal [CALEA 4.3.1 f.].

M. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 4.2.1].
   1. All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his/her supervisor before the end of his/her shift. If an officer uses force while off duty, a use of Force Report must be completed as soon as possible. These situations require supervisor notification as soon as practical and the completion of a Use of Force Report (Exception: training, range activity, and other lawful and safe target practice) [CALEA 4.2.1 a, b, c, d.]:
      a. An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured;
      b. An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject;
      c. An officer exercising police authority physically removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position;
      d. An officer exercising police authority uses force during or after which a subject loses consciousness;

e. An officer uses any intermediate weapon or less lethal weapon against a person;
   (1) An officer who uses an intermediate or less lethal weapon to subdue an aggressive animal will only complete an Animal Force Report.
f. An officer points a firearm or a conducted energy weapon (CEW) at anyone;
g. An officer performs an "Arc Display" to gain control of a suspect or crowd; or
h. Whenever there is an allegation that a police canine has bitten or otherwise injured an individual. Canine training scenarios are exempted from this reporting requirement.
i. An officer exercising police authority discharges a firearm, regardless of duty status, during ~~in~~ a deadly force encounter. ~~and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 4.2.1 a.]~~;
   (2) An officer who discharges his firearm must also complete a Firearms Discharge Report.

~~j. An officer points a firearm or a conducted energy weapon (CEW) at anyone;~~
~~k. An officer performs an "Arc Display" to gain control of a suspect or crowd; or~~
~~l. Whenever there is an allegation that a police canine has bitten or otherwise injured an individual. Canine training scenarios are exempted from this reporting requirement.~~

2. Officers shall photograph and document any injury, or reported injury, on the Use of Force Report.
3. Use of Force Reports will be reviewed by the employee's supervisor to determine if the use of force was compliant with department policies and general orders. The supervisor will then submit the report to the department's administration [CALEA 4.2.2, 41.3.8]:
   a. A supervisor will conduct a documented review of camera captured data in the following circumstances:
      (1) Uses of Force that involve the use of less lethal weapons; or
      (2) Weaponless uses of force which result in a subject receiving medical treatment.
   b. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 4.2.2].
   c. The designated head of OPS will conduct an annual analysis of all Use of Force Reports to the Chief of Police that includes:
      a. Date and time of incidents;
      b. Types of encounters resulting in use of force;
      c. Trends or patterns related to race, age, and gender of subjects involved;
      d. Trends or patterns resulting in injury to any person including employees; and
      e. Impact of findings on activities, policies, and practices, equipment and training. [CALEA 4.2.4 e.].

POLICIES, PROCEDURES, AND RULES

Subject: 22.3 Secondary Employment	**Effective Date:** ~~July 18, 2023~~
Reference: Arkansas Statute 12-9-102	Version: ~~7~~ 8
CALEA: 22.2.4, 22.2.5	No. Pages: 5

I. Purpose

To establish guidelines for secondary employment by members of the Fayetteville Police Department (FPD).

II. Policy

It is the policy of the FPD to allow agency personnel to engage in approved secondary employment opportunities within the guidelines of this policy [CALEA 22.2.4 NT].

III. Definitions

A. Extra-Duty Employment: secondary employment wherein the actual or potential use of law enforcement powers **is** anticipated.
B. Off-Duty Employment: secondary employment wherein the actual or potential use of law enforcement powers **is not** anticipated.

IV. Departmental Limitations

A. Employees may not engage in employment that is a threat to the status and dignity of law enforcement as a professional occupation. Employment representing such a threat includes, but is not limited to [CALEA 22.2.4 NT]:

1. Employment at establishments that promote obscenity or pornography as defined by the Arkansas Criminal Code.
2. Any employment where the dispensing or consumption of alcoholic beverages is the primary function of the business. This prohibition does not include approval obtained by the Chief of Police for working special events where alcoholic beverage permits have been granted.
3. Any employment where gambling occurs as the main source of activity. ~~(~~This prohibition does not include civic fund-raising events where the proceeds are used to support legitimate charities or other nonprofit agencies~~)~~.
4. Any employment where the employer is involved in a labor or civil rights dispute.

5. Any employment with individuals or companies of questionable business interest where there could be a decrease in trust and confidence from the public.
6. Any employment whereby the nature of such employment would interfere with the performance of official duties, jeopardize in any manner the impartial position of the department or create a liability concern that might involve the employee violating any procedure, ordinance or law.
7. Any employment that might present potential conflicts of interest for employees between the departmental duties and their duties for a secondary employer.
8. Any employment that creates a decrease in trust and confidence from the public.

B. To be eligible for secondary employment, employees must be in good standing with the department. The employee's history of past performance shall be taken into consideration by the Chief of Police when determining eligibility.

C. Employees must have completed the Field Training Program before being eligible to work extra-duty employment.

D. Employees absent from duty, due to sickness, may not engage in secondary employment during the hours in which they were regularly scheduled to work.

E. Employees on light duty status, extended sick leave (more than three consecutive days), worker's compensation, FMLA, administrative leave or suspension are not authorized to work any **extra-duty employment** without the written consent of the Chief of Police.

F. Employees will not engage in any secondary employment that might affect the objectivity and independence of their judgment or conduct in performing their official duties and responsibilities.

G. Work hours for all secondary employment must be scheduled in a way that does not conflict nor interfere with the employee's official performance of duty. Special consideration will not be given to scheduling of the employee's duty hours to accommodate secondary employment.

H. All employees of the department engaged in secondary employment are subject to call out in case of emergency and will be expected to leave any other employment in such situations.

I. Employees will not report to duty physically or mentally exhausted to the point where their performance is affected because of any secondary employment.

J. **Extra-duty** employment is limited to within the corporate limits of the City of Fayetteville. **Off-duty** employment may be authorized outside the city limits.

V. Guidelines

A. All employees must complete an annual review of FPD Policy 22.3 (Secondary Employment) and sign off on the requirements and expectations for participating in secondary employment.

B. ~~For all secondary employment assignments for sworn employees that are scheduled through the Special Operations Division, the Chief of Police or his/her designee will approve the assignment in writing before it is posted or filled. Sworn employees will not have to complete a *Request for Approval Of Secondary Employment Outside Department* form for assignments scheduled through the Special Operations Division.~~

C. The City of Fayetteville's insurance provider, the Arkansas Municipal League (AML) Defense Program, will not cover officers in suits or claims while working secondary employment (not on the city's payroll) unless the following conditions are met:

1. Written permission to engage in the secondary duty assignment must be approved by the Chief of Police or his/her designee.
2. The officer must comply with all city and departmental policies, state and federal laws, and remain under the exclusive managerial control of the city.
3. Written evidence must be provided that the incident in question was investigated by the city, the officer was acting under the color of law, and the officer was cleared of any misconduct, policy violations, and criminal wrongdoing.

D. To meet the requirements of the AML Defense Program, the following criteria must be completed on all secondary employment (not on the city's payroll) assignments or requests for sworn employees:

1. ~~The following criteria must be completed on all secondary employment assignments or requests for sworn employees. that are not scheduled through the Special Operations Division.~~
2. A *Request for Approval Of Secondary Employment Outside Department* form must be completed in the Laserfiche software, and sworn employees must sign the form, indicating they understand the expectation for the assignment.
3. The *Request for Approval of Secondary Employment Outside Department* form shall also contain the significant aspects of the secondary employment job the employee is seeking [CALEA 22.2.5 e.].
4. The *Request for Approval Of Secondary Employment Outside Department* form will automatically be routed via Laserfiche to the Chief of Police or his/her designee [CALEA 22.2.5 a.].
5. Within 72 hours, the sworn employee will receive an email through the Laserfiche software approving or denying the secondary employment request.
6. The Chief of Police, or his/her designee, will have final approval or disapproval authority for the requests of secondary employment.
7. Sworn employees are not authorized to work secondary employment assignments until the Chief of Police or his/her designee approves the secondary employment request, so sworn employees are strongly encouraged to submit these requests as early as possible.

8. On-going secondary employment requests must be resubmitted at the beginning of each calendar year.
9. A copy of all secondary employment forms will be routed in the Laserfiche software to the administrative assistant in the Administration Division for record retention. Records for secondary employment assignments shall be kept for a period of five years. [CALEA 22.2.5 d.]

E. Non-sworn employees are required to submit an Outside Employment Request form through their chain of command to the Chief of Police or his/her designee and the City Attorney, in compliance with City of Fayetteville Policy and Procedure HR-15.

1. A *Request for Approval of Secondary Employment Outside Department* form must be completed in the Laserfiche software, and non-sworn employees must sign the form, indicating they understand the expectation for the assignment.
2. The *Request for Approval of Secondary Employment Outside Department* form shall also contain the significant aspects of the secondary employment job the employee is seeking.
3. The *Request for Approval of Secondary Employment Outside Department* form will automatically be routed via Laserfiche through the employee's chain of command to the Chief of Police or his/her designee and the City Attorney.
4. The Chief of Police, or his/her designee, will have final approval or disapproval authority for non-sworn employee requests of secondary employment. [CALEA 22.2.5 c.].
5. Non-sworn employees are not authorized to work secondary employment assignments until the Chief of Police or his/her designee approves the Outside Employment Request.
6. On-going secondary employment assignments for non-sworn employees must be resubmitted at the beginning of each year.
7. The Dispatch Manager shall keep copies of all Outside Employment forms for the Central Dispatch Center employees. The administrative assistant in the Administration Division will keep the Outside Employment forms for all other non-sworn employees of the department. Records for secondary employment assignments for non-sworn employees shall be kept for a period of five years [CALEA 22.2.5 d.].

F. Once granted, approval for secondary employment can be revoked or annual renewal denied when, in the judgment of the employee's chain of command, the secondary employment becomes incompatible with departmental employment or adversely affects the employee's job performance or efficiency [CALEA 22.2.5 c.].

VI. Accountability

A. All employees engaged in **extra-duty** employment, uniformed or plain clothes, shall abide by the Policies, Procedures and Rules of the Fayetteville Police Department [CALEA 22.2.5 b.].

B. Officers wearing his/her uniform off-duty are a representative of the department. As such, the member shall avoid non-police related job duties that would tend to detract from the professional image of the Fayetteville Police Department.

Officers must conduct themselves at all times in a manner consistent with public respect for the uniform of the department [CALEA 22.2.5 b.].

C. Arrests made while engaging in secondary employment, will be turned over to the on-duty patrol shift for transport. The extra-duty or off-duty officer shall complete all necessary and required reports detailing the facts of the case.

D. All sworn personnel working secondary employment are required to take enforcement action, within the jurisdiction of the department, in an emergency. Under no circumstances shall an officer refuse a request due to being "off-duty" [CALEA 22.2.5 b.].

E. All sworn personnel who are working an approved secondary employment job and engage in the duties of a law enforcement officer, as defined by Arkansas Statute 12-9-102, shall be considered "on-duty" and shall be compensated by the City of Fayetteville.

F. The secondary employer will not be allowed to compensate sworn personnel for any time the employee was paid by the City of Fayetteville. It is the responsibility of the sworn employee to reconcile their work time through the City's timekeeping software and their secondary employer.

POLICIES, PROCEDURES, AND RULES

Subject: 26.1.1 Disciplinary Matters & Award Procedures	**Effective Date:** ~~November 19, 2020~~
Reference: 52.1.1, 1.3.1, 41.1.1, 26.1.2	Version: ~~5~~ 6
CALEA: 1.2.10, 22.4.1, 26.1.4, 26.2.4, 26.1.3 26.1.5 NT, 26.1.8 NT, 26.1.6 NT, and 26.1.2 NT	No. Pages: ~~9~~ 10

I. PURPOSE

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are inter-dependent, and a weakness in any one is damaging to effective discipline. Many standards bearings on a disciplinary system are included in other chapters relating to selection, training, and direction. Therefore, the purpose of this directive is to focus on the accountability component of a disciplinary system [CALEA 26.1.4 ~~a.~~].

II. DISCUSSION

It shall be the policy of the Fayetteville Police Department to follow and abide by the disciplinary policies and procedures in effect and addressed in the rules and regulations of the Civil Service Commission of the City of Fayetteville. An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor in what way the work is deficient and what must be done if work performance is to be judged satisfactory [CALEA 26.1.5 (NT)]. An employee who is suspended or ~~dismissed~~ terminated for unsatisfactory performance of duties should normally have received three warnings:

Supervisor Counseling - an oral warning from the employee's supervisor. The supervisor must record the dates of the discussions with the employee, the performance deficiencies discussed, and the corrective actions required. [CALEA 26.1.5 (NT) 26.1.4 b.]. The supervisor shall maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8 (NT)].

Written Record of an Oral Warning- an oral warning with a follow-up letter to the employee that sets forth the points covered in their discussion. The Chief of Police shall have authorized a written record of an oral warning. The supervisor shall keep a record of a written record of an oral warning. The supervisor should maintain this record for the duration of the employee's performance evaluation period [CALEA 26.1.8 (NT)].

Written Reprimand - a written warning from the Chief of Police (or in the Chief of Police's absence, ~~by~~ the Deputy Chief of Police) serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid further disciplinary action up to and including ~~dismissal~~ termination. A written reprimand shall be placed in the employee's personnel file [CALEA 26.1.8 (NT)].

An employee who is suspended without pay or ~~dismissed~~ terminated for unsatisfactory performance of duties or violations of policy shall receive a letter from the Chief of Police (or in the Chief of Police's absence, ~~by~~ the Deputy Chief of Police) outlining the noted performance deficiencies or policy violations and effective date of suspension or ~~dismissal~~ termination. A copy of this letter shall be placed in the employee's personnel record [CALEA 26.1.4 c. and 26.1.8 (NT)].

A sworn employee so discharged, reduced in rank, or suspended for twenty-four hours or more shall have the right, within ten calendar days from the date of such written notice, to request a trial through the Civil Service Commission. Sworn employees should reference the Civil Service Rules and Regulations for procedures to request a trial [CALEA 26.1.6 (NT)].

Any sworn employee can request a grievance hearing to review a suspension of less than twenty-four hours by submitting a written explanation to the Civil Service Commission within ten calendar days of receiving such disciplinary action stating why such discipline was unwarranted or otherwise improper. Sworn employees should reference the Civil Service Rules and Regulations for procedures to request a grievance hearing [CALEA 22.4.1 a., b., c.].

The Administrative Services Captain should maintain departmental employees' administrative files. It should contain any letters of commendation or appreciation, administrative letters and replies, results of sustained punitive disciplinary action (written reprimand, suspension, demotion, and termination), as well as other pertinent information. Information in this file will be maintained indefinitely. All official personnel files are maintained by the City of Fayetteville's Human Resources ~~Division~~ Department [CALEA 26.1.8 (NT)].

It is suggested immediate supervisors maintain an employee performance/counseling file for each person under their supervision. This file might contain oral warnings during the current evaluation period, letters of job-related counseling sessions, copies of correspondence between the employee and supervisor, complementary correspondence, and other similar information regarding the performance of the employee. ~~It is suggested t~~This material must be kept in a secured location by the immediate supervisor. This information should be purged after one year and after being noted on the employee's performance evaluation [CALEA 26.1.8 (NT)].

Nothing in this policy shall prohibit the Chief of Police from exercising all authority granted under Civil Service Commission Rules and the Arkansas Code.

A. Compliance with Department Directives

Supervisors are expected to set a proper example to their subordinates in the matter of due respect and regard for the policies, procedures, and rules in all matters pertaining to proper discipline.

1. The primary function of a supervisor is to maintain the day-to-day activities of police operations. Compliance with department directives is an integral part of those operations. Supervisors are authorized to take action when department directives are not being followed [CALEA 26.1.5 (NT)]:
   a. A supervisor may elect to coach an employee whose performance has been found to be deficient [CALEA 26.1.4. b.].
   b. A supervisor, after approval from his or her division captain, may refer an employee to the Training Division or designated supervisor to correct deficient performance [CALEA 26.1.4 a.].

c. A supervisor may document deficient performance and refer it to the Chief of Police in the form of an official complaint.
d. In cases of a major infraction of policy or department directive, a supervisor may relieve an employee of duties, with pay, and refer the matter to the Chief of Police [CALEA 26.1.4 c.].

2. In case(s) of alleged unjust treatment in violation of these policies, procedures, and rules, any employee may make a complaint against a supervisor. When any employee suspects a violation of these policies, procedures, and rules has occurred, they are to notify the Chief of Police for investigation and may request results of the findings. Reporting a suspected violation confidentially is not a violation of the policies, procedures, and rules.

B. Infractions Sufficient for Termination from the Department

1. The following acts, infractions, or violations of the policies, procedures, and rules ~~shall~~ may be deemed sufficient cause for ~~separation~~ termination from the department. This list is not exhaustive, and other actions may also lead to termination.
   a. Violate any federal, state or local law.
   b. Unbecoming Conduct.
   c. Negligence.
   d. ~~Willful disobedience of lawful orders~~ Willful failure to obey any lawful and reasonable direction given by a superior having authority to give such direction.
   e. ~~Disrespect or insolence toward a superior officer or supervisor~~ Being disrespectful or discourteous in manner, action, or attitude toward superiors, fellow employees, or private citizens while on duty.
   f. Being under the influence at any level of intoxicants, or illegal drugs, including abuse of prescription drugs while on duty.
   g. Absence without leave - Absence without leave is defined as any time a department member is scheduled for work and fails to report for duty without first notifying a supervisor prior to the start of the scheduled shift.
   h. Incompetence - May be demonstrated by:
      (1) Failing to meet performance standards or essential job duties/requirements, with or without reasonable accommodation;
      (2) Demonstrating insufficient skills or knowledge necessary to perform duties despite training or opportunity to improve; or
      (3) Failure to improve performance after adequate training.
   i. Driving any machine or apparatus of the department carelessly or maliciously, in such a manner as to collide with, cause personal injury, damage a vehicle or other property, or any other wanton or malicious conduct, which causes injury or damage to a citizen or property.
   j. Neglect or refusal to pay just debts.
   k. Agitating or creating dissension in the department or attempting in any manner to cause ill feeling against any member of the department.
   l. Making any false or unwarranted report, either publicly or otherwise, about a member of this department.
   m. Dishonesty at any time when representing this department.
   n. Lack of Candor when questioned by a department supervisor or during any Office of Professional Standards investigation.

o. Failure to Intervene-Employees have a duty to prevent or stop misconduct by another employee when it is appropriate and reasonable to do so [CALEA 1.2.10].
p. Duty to Report-Employees have a duty to report any misconduct which they become aware of and shall notify a supervisor as soon as possible [CALEA 1.2.10].

C. Accountability and Responsibility

1. All employees when reporting for duty shall be completely attired in the regulation uniform or dress attire as prescribed by the Chief of Police (FPD Policy 41.3.5 Grooming and Uniform Requirements). Failure to do so may subject the member to disciplinary action.

2. It shall be the policy of the Fayetteville Police Department that all personnel maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Personnel shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by, but not limited to:
   a. Lack of Knowledge: Insufficient understanding of the application of laws and ordinances required to be enforced.
   b. Inability to Perform Tasks: Unwillingness or inability to perform assigned tasks.
   c. Failure to take Appropriate Action: Inadequate response to crimes, disorders, or other conditions deserving police attention.
   d. Negligence: Inadequate performance of duties or inattention which resulted in damage or harm to individuals, property, or the public.
   e. Absence without leave: Being absent from duty without proper authorization.
   f. Repeated Infractions: A documented history of repeated infractions of policies, procedures, rules, directives, or general orders of the department.

D. Professional Conduct

Employees should be governed by ordinary rules of good behavior observed by law-abiding and self-respecting citizens.

1. Conduct toward fellow employees:
   a. Employees shall conduct themselves in a manner that fosters cooperation among members of this department, showing courtesy, consideration, and dignity in their interactions with one another.
   b. Employees shall not use language or engage in acts that demean, harass, bully, or intimidate others. (See FPD 26.1.2 Harassment and Discrimination in the Workplace)
   c. Employees shall not engage in physical altercations between themselves under any circumstances.

d. The use of obscene, immoral, profane or disrespectful language or attempts to cause undue or unfavorable reflection(s) upon any member of the department will not be tolerated.

e. Employees shall not use any idle, indiscreet, disrespectful or discriminatory remark(s) or rudeness or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of this agency while at work [CALEA 26.1.3].

2. Conduct toward the public:
   a. Employees shall treat individuals with courtesy, consideration, and dignity.
   b. Employees shall not employ an overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.
   c. Employees shall not use any idle, indiscreet, disrespectful or discriminatory remark(s) or rudeness or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of the ~~opposite sex~~ public while at work.

3. Unbecoming Conduct: Employees will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Unprofessional conduct and irresponsibility will include that which brings the department into direct disrepute, publicly or amongst its employees, or reflects direct discredit upon the employee, or impairs the operation or efficiency of the department or employee.

   ~~Employees shall not, whether on duty or off duty, whether acting in an official capacity or not, engage in conduct involving dishonesty, fraud, deceit, misrepresentation, misappropriation, or theft.~~

   Misrepresentation by an employee of his/her identity, occupation, status or involvement in illegal activity when such misrepresentation is authorized by a supervisor and done in furtherance of and pursuant to an authorized law enforcement operation shall not be deemed a violation of this directive.

E. Relationships in the Workplace

a. All supervisors are strictly prohibited from dating any employee they supervise and/or who is within their chain of command.
b. Co-workers who do not manage and/or supervise each other may continue in the dating relationship but must inform their direct supervisor and the Chief of Police of the relationship. The Chief of Police may consult with the Director of Human Resources if there is any concern regarding the existence of the relationship.
c. Employees who fail to inform their supervisor and the Chief of Police of their dating and/or physical relationship will be subject to disciplinary action up to and including termination.

D. Use of Alcohol & Drugs

1. No employee shall possess or consume alcoholic beverages while on duty or at the police department. Possession is authorized when directly related to a case or as an evidence item.

2. Employees are prohibited from reporting to work with a blood alcohol content (BAC) level higher than .000.
3. Employees are prohibited from using or possessing illegal drugs. Possession is authorized when directly related to a case or as an evidence item.
4. No employee shall be absent or sick from scheduled duty due to the use of alcoholic beverages, illegal drugs, or abuse of prescription drugs.
5. Failure to submit to a supervisor ordered blood or alcohol test shall result in a disciplinary action up to and including termination.
6. When deemed operationally necessary, officers in undercover assignments may consume alcoholic beverages and/or simulate the use of drugs. In doing so, officers shall submit a memo to their supervisor documenting the consumption of alcohol or simulation of the use of drugs.

E. Abuse of Authority

1. No officer shall receive or collect any fine or fines for parking tickets, other traffic violations, or any other offenses whatsoever. Members shall courteously advise citizens that all fines are payable at the Fayetteville District Court.
2. No employee shall directly or indirectly, except by permission of the Chief of Police, sell tickets, solicit any money, circulate any petitions, subscriptions, or allow the use of the department's name for any fair, exhibition, benefit, or similar project. In deciding whether to grant such permission, the Chief of Police shall not discriminate against any officer of the department. Such permission may be granted if the activity will not adversely affect the administration or management of the department or decrease the trust or confidence of the public.
3. Employees shall not create a conflict of interest by taking, soliciting, retaining, receiving or extorting any fees, property, rewards, gifts, compensation, or thing of value or free service in any form from any person, firm, or corporation for any services rendered in the conduct or performance of the duties as a police officer. However, the police department does recognize there are occasions when members of the public want to make a kind gesture toward a member of the department and expects nothing in return. Employees may not accept gifts, money, discounts, or favors, other than those of nominal value. "Nominal Value" means items with a value less than $100.00. The acceptance of any currency or prepaid stored value money card of any value must be approved by the Chief of Police or his or her designee.
4. It shall be the policy of the Fayetteville Police Department that its employee shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing firm, bail bondsman, mortician, etc.).

F. Use of Force

1. Refer to FPD Policy 1.3.1 (Use of Force).

G. Proper Care & Maintenance of Equipment

1. Employees shall not loan any department equipment or tools, except on permission of the Chief of Police or other supervisor.
2. The reporting procedures for damaged, lost or stolen department issued equipment:
   a. Each employee is responsible for maintaining and keeping track of his or her department issued equipment.
   b. Damaged, lost or stolen equipment shall be reported to the employee's immediate supervisor in a memorandum. The document shall be forwarded through the employee's chain of command to the Chief of Police.
   c. The ~~Administrative~~ Office of Professional Standards/Development Lieutenant will track damaged, lost, or stolen department issued equipment.
   d. A case report may be required if the lost or stolen item is law enforcement sensitive or could create a security risk.

H. **Employee Awards/Commendations** [CALEA 26.1.2 (NT)]

1. Commendation procedures shall be made available to the community through the Public Information Officer/Community-Oriented Policing ~~Division~~ Unit and disseminated to all employees annually [CALEA 26.2.4].

2. It shall be the policy of this department to recognize heroic actions, meritorious service and significant achievements under the provisions of this policy. Facilitation of awards will be made through the Awards Committee. The Awards Committee will be comprised of departmental Captains, as permanent members, and departmental employees as appointed by the Chief of Police. Nominations to the Awards Committee will be received by way of the departmental award application form. The Awards Committee will review all applications and make recommendations to the Chief of Police who has final authority on awards. Awards will be presented at a time designated by the Chief of Police.

3. Classification of Awards

   a. Chief's Award of Valor: Nominated by the Chief of Police, awarded for an act of extraordinary bravery or heroism by an employee who has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty.
   b. Exceptional Duty Award: Nominated by departmental supervisors, awarded for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
   c. Life Saving Award: Nominated by any employee of the department, awarded for a successful effort in saving a human life which involved exceptional courage or performance.

d. Unit Meritorious Performance Award: Nominated by any employee, awarded to any individual or unit (sworn or civilian) who has exhibited exceptional professional skill and conduct during a coordinated action.
e. Fayetteville Police Department Commendation: Nominated by any employee, awarded to any employee for an outstanding act or achievement, which brings great credit to the department and involves performance above and beyond that required by the individual's basic assignment.
f. Community Service Award: Nominated by any employee, awarded to any employee for involvement both on and off duty in youth activities, work with non-profit organizations, working with the police department on special projects or other activities for the public good.
g. Outstanding Citizen Award: Nominated by any employee, awarded to a citizen/member of the community who helps the department in apprehension of criminals or any other significant manner.
h. Police Blue Star Award: Nominated by the Awards Committee, awarded to any sworn employee who has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those incidents resulting from attack by an assailant, personal combat or the performance of an act of valor.
i. Police Blue Shield Award: Nominated by the Awards Committee, awarded to any sworn employee who, as a result of accidental cause, has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those cases resulting from an accident.
j. Letters of Commendation: A letter of commendation may be written by the Chief of Police to any employee for job performance that might not meet the criteria for the above listed awards, but merits recognition nonetheless. Any person may recommend an employee of this department receive a letter of commendation by submitting a memorandum to the Chief of Police. A letter of commendation may be given:
   (1) To commend an employee for completing a job task in an exemplary manner.
   (2) To commend an employee for submitting a recommendation which directly contributes to increased department productivity or efficiency.
   (3) For any other reason deemed appropriate by the Chief of Police.
k. Certificate of Recognition: Nominated by departmental supervisors, this award is presented to one officer on each patrol shift, recognizing the highest level of over-all performance on his/her given shift. These officers have excelled above the normal course of daily duties.
l. Dispatcher Distinguished Service Award: Nominated by departmental supervisors, this award is presented to any dispatcher for exceptional performance, which, in the opinion of the supervisor, is deserving of recognition.
m. Special Commendation: Nominated by any employee, an award presented to any sworn or civilian member who through his or her efforts has made a significant impact on public safety or crime prevention.

n. Police Officer of the Year (Patrol Officer): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:
   (1) Considerations for this award:
      (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?
      (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
      (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
      (d) To what extent has the officer demonstrated excellence in a particular policing role or task?

o. Police Officer of the Year (Specialized Division): Nominated by any employee, this officer must have shown him or herself to have exceeded the duty requirements of his/her position, exemplified the values of professionalism and dedication, demonstrated a distinct pattern of community service, and proven his/her personal dedication to serve and protect the community. This award is presented to any police officer who has performed outstanding service as a police officer, over and above what is required as part of that officer's normal duties and functions:
   (1) Considerations for this award:
      (a) To what extent has the officer positively influenced the public's perception or confidence in the police department?
      (b) To what extent has the officer been involved in acts of compassion, humanity or support for individuals?
      (c) To what extent has the officer demonstrated exceptional devotion to a particular police activity or duty?
      (d) To what extent has the officer demonstrated excellence in a particular policing role or task?

p. Civilian Employee of the Year: Nominated by any employee, this award is presented to any civilian employee for recognizing performance for extra duties beyond those normally assigned:
   (1) Considerations for this award:
      (a) Performing other roles when the department is short-staffed; developing new work methods that reduce waste or stretch resources;
      (b) Making creative suggestions that save the department time/money; provides services to others that are beyond the assigned responsibilities;
      (c) Documented consistently outstanding job performance and completing duties in an outstanding manner, setting an example of achievement for others to follow;

(d) Demonstrated leadership in performing duties that resulted in improved productivity of the unit, including customer focus, promoting teamwork, and commitment to achieving excellence;
(e) Demonstrates significant contributions to the community or charitable volunteer organizations; exemplifies the Fayetteville Police Department values of, "Honor, Respect, Professionalism, and Integrity."

q. Dispatcher of the Year: Nominated by any employee, this dispatcher has shown to have exceeded requirements of the position, exemplified the values of professionalism and dedication, and demonstrated excellent customer service to the community. This award is presented to any dispatcher who has performed outstanding service, over and above what is required as part of the dispatcher's normal duties and functions:
(1) Considerations for this award:
(a) To what extent has the dispatcher positively influenced the public's perception or confidence in the police department?
(b) This dispatcher has demonstrated the knowledge to get the job done, and the drive to produce the best work possible. This recipient is recognized for consistently going the extra mile in serving the public, officers and other co-workers.
(c) This dispatcher demonstrates resourcefulness and enthusiasm in accomplishing the work necessary to perform this job. The recipient has shown excellence in their quality of service, and work ethic.
(d) This dispatcher shows a remarkable ability to deal with challenging situations and critical incidents.
(e) This dispatcher has demonstrated leadership in performance of duties and promotes teamwork and commitment to excellence.

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.8 Vehicular Pursuit	**Effective Date:** ~~March 28, 2023~~
Reference:	Version: ~~7~~ 8
CALEA: 41.2.2, 41.2.3	No. Pages: ~~7~~ 8

I. PURPOSE

The purpose of this policy is to state the guidelines to be followed during vehicular pursuits. (Note: In instances where there is no Field Supervisor on-duty, the wording "Shift Supervisor" applies throughout this policy.)

II. POLICY

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of this department to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the department to assist officers in the safe performance of their duties. To effect these obligations, it shall be the policy of the department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

The professional, well-trained, and well-disciplined officer is aware that the decision to terminate a pursuit is determined under those circumstances in which the most intelligent and professional course of action would probably result in saving the life of a citizen or fellow officer. Any officer's or supervisor's decision not to pursue or to terminate a pursuit will not be used or considered in discipline [CALEA 41.2.2 i.].

III. DEFINITIONS

A. Vehicular Pursuit: For the purposes of this policy, pursuit is defined as an active attempt by an officer operating a city vehicle while attempting to apprehend the occupant(s) of another moving vehicle, when the driver of a fleeing vehicle is aware of the attempt and is resisting apprehension by increasing his or her speed or disobeying traffic laws.

1. Following a vehicle that is being operated legally, but ignoring the law enforcement officer's attempt to stop them, does not constitute a pursuit.
2. Sworn employees shall be given a reasonable amount of time in order to catch up to a vehicle in a safe and prudent manner to conduct a traffic stop, make a determination if the violator is going to stop and assess if a vehicle pursuit is warranted.

B. Supervisor/Field Supervisor: For the purposes of this policy, Supervisor/Field Supervisor excludes the rank of Corporal.
C. Termination of Pursuit: a pursuit is considered terminated when an employee deactivates all the patrol vehicle's emergency equipment, notifies or acknowledges to the Central Dispatch Center of the termination of the pursuit and starts obeying all traffic laws.

IV. PROCEDURES

A. Initiation of Pursuit [CALEA 41.2.2 a.]

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit only when **ALL** of the following criteria are met:
   a. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large;
   b. When an officer reasonably believes the fleeing suspect has committed a serious felony. For the purposes of this policy, a serious felony shall be restricted to the following offenses: Murder, Robbery, Burglary, Kidnapping, Rape, Aggravated Assault, Battery 1st Degree, Battery 2nd Degree, Felony Domestic Cases, and any other felony offense which involves the use or threat of physical force or violence against another person. Facts gathered after initiation of a pursuit will not be considered part of the justification to initiate a pursuit CALEA 41.2.2 b.];
      1) Supervisors can give authorization to pursue for other criteria if there is immediate or potential danger to the public should the suspect remain at large [CALEA 41.2.2 b.].
   c. The suspect operating the vehicle refused to stop at the direction of the officer;
   d. The officer's unit is not occupied by a prisoner, suspect, complainant, witness, civilian observer, or any person not a law enforcement officer; and
   e. The officer intending to pursue is equipped with a marked patrol unit. Exceptions to this will only occur with supervisory approval and should be limited to special circumstances.

2. The pursuing officer shall have considered and come to the conclusion that the following factors would not increase the danger to the lives of the public, officers, or suspects involved in or affected by the pursuit:
   a. The performance capabilities of the pursuit vehicle;
   b. The condition of the road surface upon which the pursuit is being conducted;
   c. The amount of vehicular and pedestrian traffic in the area;
   d. Weather conditions; and
   e. The officer's own driving skills and knowledge of the roadway. (The officer should know his or her driving abilities and limitations and should not exceed them.)

B. Pursuit Officer Responsibilities [CALEA 41.2.2 c.]

1. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway by using signal 27 or simply stating he or she is in a vehicle

pursuit. The officer shall provide communications personnel with the following information within a reasonable amount of time from the onset of the pursuit:

a. Unit identification;
b. Location, approximate speed and direction of travel of the fleeing vehicle;
c. Description and license plate number, if known, of the fleeing vehicle;
d. Number of occupants in the fleeing vehicle and descriptions, where possible;
e. Reasons supporting the decision to pursue, and;
f. Updates to location and direction of travel as the pursuit continues.

2. Failure to provide this information in a timely manner to communications personnel may result in an immediate decision by a field supervisor assigned to monitor the pursuit to order its termination.

3. The primary pursuit unit shall reduce the level of pursuit to that of support, backup, or other assignments as directed by a supervisor when another vehicle has been assigned primary pursuit responsibility.

4. The secondary pursuit unit, when available, shall notify communications center personnel of his or her status in the pursuit and may take over primary communication responsibilities of the pursuit [CALEA 43.1.1 d.].

5. Any primary or backup unit sustaining damage or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit. A unit shall terminate pursuit at any time it appears that a defect has developed in the police vehicle, which would in any way affect the safe operation of that vehicle, including loss of any emergency equipment.

C. Communications Center Responsibilities [CALEA 41.2.2 f.]

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit.

2. Communications personnel shall carry out the following activities and responsibilities during the pursuit within a reasonable amount of time:
   a. Receive and record all incoming information on the pursuit and the pursued vehicle;
   b. Control all radio communications and clear the radio channels of all non-emergency calls;
   c. Obtain criminal record and vehicle checks of the suspects when information is available;
   d. Coordinate and dispatch backup assistance under the direction of the field supervisor; and
   e. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

D. Field Supervisor Responsibilities during Vehicular Pursuit [CALEA 41.2.2 g.]

1. Upon notification that a vehicular pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.

2. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. The field supervisor shall permit a pursuit to continue only if all criteria required to initiate the pursuit continues to be met.

3. The field supervisor shall order the termination of a pursuit for any of the following circumstances:
   a. Anytime the supervisor concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect;
   b. When the suspect's identity is established to the point where later apprehension may be accomplished and when there is no immediate threat to public safety;
   c. When officers lose all radio communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
   d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
   e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
   f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
   g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
   h. For any other reason a supervisor deems necessary.

4. In controlling the pursuit incident, the field supervisor shall be responsible for coordination of the pursuit as follows [CALEA 41.2.2 d.]:
   a. Directing pursuit vehicles into or out of the pursuit;
   b. Re-designation of primary, support, or other backup vehicle responsibilities;
   c. Approval or disapproval, and coordination of pursuit tactics; and
   d. Approval or disapproval to leave jurisdiction to continue pursuit.

5. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of [CALEA 41.2.2 d.]:
   a. The nature of the offense for which pursuit was initiated;
   b. The number of suspects and any known propensity for violence;
   c. The number of officers in the pursuit vehicles;
   d. Any damage or injuries to the assigned primary or backup vehicles or officers;
   e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
   f. Any other clear and articulated facts that would warrant the increased hazards caused by numerous pursuit vehicles.

E. Traffic Regulations during Pursuit

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit [CALEA 41.2.2 e.].

2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.

3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted and is reasonably necessary to gain control of the suspect.

F. Pursuit Tactics

1. Unless expressly authorized by a field supervisor, a pursuit will involve no more than three units to include the primary unit, a back-up unit, and a supervisor [CALEA 41.2.2 d.]. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets. However, officers are permitted to attempt to terminate the pursuit with deployment of a department approved tire deflation device [CALEA 41.2.3 a.].

2. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle, unless “Deadly Force” is justified [CALEA 41.2.3 a.].

3. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.

4. Boxing in a suspect's vehicle or heading off a suspect's moving vehicle is unauthorized [CALEA 41.2.3 a.].

5. Roadblocks are unauthorized [CALEA 41.2.3 a.].

6. K-9 units and motorcycles are prohibited from initiating, engaging in and/or following vehicle pursuits unless authorized by a supervisor [CALEA 41.2.2 e.].

G. Termination of Pursuit [CALEA 41.2.2 h.]

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public and the officers and suspects engaged in pursuit. The pursuing officer, the field supervisor, or any higher-ranking supervisor to the field supervisor may terminate the pursuit.

2. The pursuit shall be immediately terminated in any of the following circumstances:
   a. When the officer concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the suspect;

b. If the suspect's identity or probable identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers;
c. When officers lose all communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
h. For any other reason a supervisor deems necessary.

3. The pursuing officer shall relay suspect information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

H. Inter-jurisdictional Pursuits [CALEA 41.2.2 j.]

1. Pursuits Originated by Fayetteville Police Department
   a. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the state line.
   b. Regarding our pursuits entering other jurisdictions, our units will maintain their pursuit positions in their efforts to bring the pursuit to conclusion.
   c. Pursuit into a bordering state shall conform to the department's inter-jurisdictional pursuit agreement, if existent, and state law.

2. Pursuits Originated by Other Agencies
   a. Since it is almost impossible to know all circumstances surrounding another agency’s decision to pursue, or the charges pending against the pursued driver in the short period of time we are notified of the pursuit, Fayetteville Police units will assume a backup role in pursuits conducted through our jurisdiction by other law enforcement agencies.
   b. Pursuits by other agencies through our jurisdiction terminate for Fayetteville Police Officers at the city limits, unless specifically authorized by a supervisor to proceed outside of our jurisdiction.
   c. If another agency specifically requests our assistance in their pursuit, the dispatcher will attempt to get all of the known information and charges pending against the driver.
   d. Once the field supervisor is informed of the specific charges by communications, an immediate decision shall be made by the field supervisor on the continuation of the pursuit by Fayetteville Police units outside our jurisdiction. In any event, as other jurisdictions join the pursuit to assist the originating agency, Fayetteville Police units shall cease their participation.

I. Reporting Procedures

1. Documented training for newly hired sworn employees on the FPD's pursuit policy [CALEA 41.2.2 m.]
2. Officers involved in a pursuit or involved in the deployment of a tire deflation device are required to complete a report.
3. The field supervisor shall prepare a comprehensive review of the pursuit and forward through the chain of command to the Deputy Chief for review [CALEA 41.2.2 k.] [CALEA 41.2.3 e.].
4. The ~~Administrative~~ Office of Professional Standards/Development Lieutenant will be responsible for maintaining pursuit records and for retaining records according to the retention schedule. The ~~Administrative~~ Office of Professional Standards/Development Lieutenant is responsible for conducting a documented annual analysis of pursuit reports [CALEA 41.2.2 l.].
5. The ~~Administrative~~ Office of Professional Standards/Development Lieutenant will be responsible for conducting an annual review of pursuit policies and reporting procedures [CALEA 41.2.2 n.].

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.11 Use of Department Vehicles	**Effective Date:** ~~December 20, 2022~~
Reference: 41.2.8, 41.2.13	Version: ~~6~~ 7
CALEA: 41.3.1, 41.3.2, 53.1.1	No. Pages: 4 5

I. Purpose

The purpose of this policy is to establish guidelines for the use and operation of vehicles owned, leased or operated by the Fayetteville Police Department (FPD).

II. Policy

All employees of this department shall operate department vehicles in a legal, safe and courteous manner. Employees shall not abuse or misuse department vehicles and equipment. Employees are responsible for the care and maintenance of vehicles in their control. Employees shall make proper use of vehicle safety equipment while operating department owned or authorized vehicles.

III. Procedures

A. Vehicle Safety/ Maintenance Inspection - Patrol vehicles shall be inspected on a daily basis by the officer assigned to the vehicle [CALEA 53.1.1 NT].

1. Deficiencies shall be noted and brought to the attention of a supervisor to make a determination as to whether the vehicle should be removed from service until repaired.
2. Repair requests will be completed through the vehicle maintenance request process.
3. The inspection will be documented through the vehicle inspection process.

B. Vehicle Equipment

1. Patrol vehicles will be conspicuously marked and outfitted with the following specifications [CALEA 41.3.1 NT]:

    a. Exterior mounted operational emergency lights;
    b. Siren;
    c. Agency's name in reflective materials;
    d. Unit number; and
    e. Reflective striping on sides.

2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed [CALEA 41.3.2].

    a. The department will assign a primary and secondary supervisor to monitor equipment needs and deficiencies through the use of inspections and the daily vehicle inspection process. Assigned supervisors will be listed on the Duty Assignment Roster.

b. Vehicles will be inspected daily by officers for equipment assigned to the unit. Officers are required daily to report any vehicle deficiencies or deficient items in writing to their shift supervisor.
c. Those supervisors assigned as primary on the Duty Assignment Roster for unit supplies/unit inspections will oversee an annual inspection of vehicles and vehicle equipment and report the results through memorandum to the Patrol Captain.
d. Items reported as being deficient will be replenished by a shift supervisor through the Quartermaster System.

3. Equipment for patrol vehicles to maintain operational readiness includes but is not limited to [CALEA 41.3.2]:
   a. Fire extinguisher;
   b. Tire deflation device;
   c. Spare tire;
   d. 50 ft. measuring tape and rolling tape measure;
   e. Blanket;
   f. Crime scene tape;
   g. Paper towels and bags;
   h. Personal protective equipment – gloves, masks, shoe covers, tyvex suit;
   i. Radar unit and tuning forks;
   j. VL removal tool;
   k. Prisoner leg straps/belly chain;
   l. First Aid Kit;
   m. Disinfectant;
   n. Automated External Defibrillator;
   o. Ballistic helmet / Body armor;
   p. Air purifying respirator mask;
   q. Portable breath test (PBT);
   r. Glow sticks;
   s. Cardiopulmonary resuscitation (CPR) mask; and
   t. Traffic cones.

4. Supervisor patrol vehicles will contain a door entry breaching kit. [CALEA 41.3.2]:

C. Take Home Units: Officers will be assigned either a marked or unmarked vehicle for use according to the responsibilities of the officer's position and the needs of the department (i.e. canine units, drug task force officers, etc.).

1. To serve as a crime deterrent, take home units that are marked will be parked in the officer's driveway or an openly prominent location at the officer's residence.
2. The assignment of a take home unit is a privilege, not a right, and can be revoked at any time. Assignment of a take home unit is determined by the Chief of Police or his/her designee.
3. No alcoholic beverages are to be consumed in department vehicles, nor are they to be driven after the officer has been consuming alcoholic beverages.
4. While off duty, officers shall not take law enforcement action to address a minor violation.
5. While off duty, officers in marked take home units shall:
   a. Carry their credentials and service weapon;
   b. Dress in such a manner as to not discredit the department should they have to perform in a professional capacity; and
   c. Be prepared to assist in traffic control on motor vehicle collisions until assigned

officers arrive.

6. Use of take home vehicles is limited to commuting to and from work, court, training, and other approved functions or other de minimis use.

D. Command vehicles are assigned to the Deputy Chief of Police and Captains whose responsibilities are critical to the operational efficiency of the police department, and the use of command vehicles is determined by the Chief of Police. The Deputy Chief of Police and captains must be able to communicate with the department at all times and are subject to immediate response when needed. Command vehicles may be marked or unmarked as determined by the Chief of Police.

E. Special Purpose Vehicles [CALEA 41.1.3 NT]

1. Motorcycles, bicycles, the ERT ~~Transport~~ vehicles, and any other non-conventional vehicles shall be considered special-purpose vehicles of the Fayetteville Police Department and shall be treated accordingly.
2. The above mentioned special-purpose vehicles shall only be operated by authorized and assigned personnel that have completed or are undergoing required training as determined by the Fayetteville Police Department. In the event of a life threatening situation, sworn personnel not typically authorized may make use of a special-purpose vehicle.
3. The supervisor assigned over the unit of primary use of each special-purpose vehicle shall be responsible for required maintenance and for the determination and upkeep of required equipment to be kept in or on the vehicle.

F. Vehicle Operation

1. Employees shall operate department vehicles in a careful and prudent manner. Unsafe, negligent or reckless driving is prohibited. Traffic laws and department policies shall be followed unless emergency circumstances warrant otherwise.
2. Department vehicles will be kept clean and serviceable at all times (i.e. washed, vacuumed, fueled, etc.).
3. Seatbelt usage: refer to 41.2.13
4. When parked and/or unattended, department vehicles, when practical, shall be properly secured by:
   a. Locking the doors;
   b. Ensuring the windows are up; and
   c. Ensuring any firearm in the vehicle is locked/secured.
5. Due to the nature of law enforcement work, officers are allowed to eat and/or drink in department vehicles; however, the vehicles must be kept clean of debris and trash by the end of the shift.
6. Passengers will generally be limited to police officers, city employees or other governmental officials. Exceptions to this rule include detainees, persons needing assistance, persons authorized in a ride along, persons assisting the officer or other persons with approval of a supervisor. However, limited transportation of others is permissible, such as the transportation of an immediate family member to school or work or other incidental transportation needs. Employees cannot engage in police activity when family members are being transported in a department vehicle.
7. Formal ~~citizen~~ ride-along ~~passengers~~ participants in patrol vehicles must be authorized by written approval of the Chief or his/her designees. Authorization and protocol for a formal ~~citizen~~ ride-along ~~program~~ are as follows:
   a. An “Indemnify, Defend and Hold Harmless” agreement must be signed by the ~~citizen~~

ride-along participant ~~wishing to participate in a ride along~~.

b. Sworn supervisors acting as the Chief's designee must sign the form to complete the requirement of written approval.
c. The supervisor shall route the completed form to the administrative secretary by the end of their shift. The form shall be filed and stored in Police Administration.
d. ~~The citizen~~ Ride-along participants shall only be permitted to ride with personnel approved by a supervisor.
e. ~~The citizen~~ Ride-along participants shall be at least eighteen years of age prior to approval.
f. Ride-along participants shall be Fayetteville Police Department applicants, interns, City employees, or elected officials. The Chief of Police or his/her designee may grant exceptions for individuals not meeting the ride-along criteria under special circumstances or when deemed appropriate.
g. All Ride-along participants shall be returned to the police department at the completion of the Ride-along assignment or at any time requested by the participant.
h. Tape recorders or cameras are not permitted unless prior approval has been obtained by the Chief of Police or his/her designee.
i. Participants shall not be permitted to carry a weapon while participating in the program.
j. Ride-Along participants shall not participate in any police activity unless specifically directed by the officer.
k. Ride-Along participants shall not leave the patrol car at any time without first obtaining permission from the officer.
l. Ride-Along participants shall not converse with prisoners, suspects or witnesses, or other parties contacted on police business.
m. ~~The~~ Ride-along ~~citizen~~ participants shall remain in the patrol unit unless the officer directs the ~~citizen~~ participant that it is safe to exit the unit. The ~~citizen~~ participant shall not exit the vehicle on any "high risk" calls to which they may be assigned. This includes family violence calls unless no elements of risk are present nor are expected and only a reporting procedure is necessary.
n. Under no circumstances will a ~~citizen~~ participant be present in a patrol vehicle involved in any aspect of a pursuit.

8. Employees are prohibited from taking department vehicles outside the city limits of Fayetteville. Exceptions to this rule include:
   a. Following up on an investigation, with supervisor approval;
   b. Police pursuit (Further reference can be made to 41.2.8, Pursuit policy);
   c. Completing an assignment, with supervisor approval;
   d. Picking up supplies;
   e. Going to court;
   f. Take home units authorized by the Chief of Police or her/her designee; and
   g. Attending meetings, training, etc.

9. Department vehicles may only be used for secondary employment when it is for a pressing public need, and not solely to benefit the private employer. Request to use police vehicles for secondary employment must be approved by the Chief or Deputy Chief of Police prior to any such use.
   a. Before approving the use of department vehicles, the following factors will be considered:
      1) The threat or perceived threat of violence at the location or in the area;
      2) The deterrent to crime;
      3) The crime rate at the location or in the area;
      4) The call volume at the location or in the area;

5) Criminal activity, such as drug activity, public intoxication, disorderly conduct, and assaults at the location or in the area; and
6) The availability of vehicles.

b. Take home vehicles can be driven to department approved extra jobs requiring the performance of law enforcement duties.
   1) Assigned vehicles will not be used to patrol private property. The vehicle will be parked at a suitable location while security/protective services are being performed.

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.17 Canines	**Effective Date:** ~~**October 20, 2021**~~
Reference: 41.2.8; 84.1.1	Version: ~~3~~ 4
CALEA: 41.1.5	No. Pages: ~~8~~ 9

I. PURPOSE

The purpose of this directive is to establish procedures and provide guidelines for the management and use of police canines in field operations.

II. POLICY

Because of a superior sense of smell, hearing and the ability for a canine to be used to protect officers and our citizens, the trained law enforcement canine is a valuable asset to a police agency. However, utilization of canines requires adherence to procedures, which properly control their use of force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

III. Procedures

A. Canine Unit Utilization [CALEA 41.1.5 a.]

1. A Canine Team is defined as an officer handler and an assigned police canine. Canine teams are available on a twenty-four-hour basis for incidents such as, but not limited to:

    a. Conducting building searches for offenders;
    b. Assisting in the arrest or to prevent the escape of offenders;
    c. Protecting officers or others from death or serious bodily injury;
    d. Area searches to locate suspects or lost/missing persons;
    e. Detection of hidden instruments or evidence of a crime;
    f. Establishing probable cause for use in obtaining search warrants;
    g. Assisting with the execution of a search warrant to locate evidence or provide perimeter; containment of a building during the service of a warrant; or
    h. Community relations and/or policing demonstrations.

2. The scenarios listed below will be considered appropriate scenarios for Canine Teams response:

    a. All burglary in progress calls;
    b. Felony crimes or misdemeanor crimes of violence where the suspect has fled on foot;

c. Alarm calls;
d. Prowler calls;
e. Calls where the presence of a canine may deter an attack on police officers; and
f. Narcotic calls if necessary

Canine Teams should not however be used to respond to minor complaints. Types of responses not on this list must have the approval of a supervisor.

3. Police canines will only be used for criminal apprehensions when there is reason to believe the officer may encounter resistance from the suspect, or to locate a suspect attempting to elude capture.

4. Police canine teams are prohibited from initiating, engaging in and/or following vehicle pursuits unless authorized by a supervisor. Refer to Fayetteville Police Policy 41.2.8 (Vehicular Pursuit).

5. Canine handlers are responsible for determining whether a situation justifies canine use and the appropriate tactical measures that should be taken.

6. Other than on routine traffic stops, patrol officers or detectives shall request canine team assistance through the patrol supervisor on duty.

7. The canine is the responsibility of the handler and will not be permitted to roam at will.

B. Canine Use of Force [CALEA 41.1.5 i.]

1. The use of specially trained police canines for law enforcement responsibilities in the apprehension of suspects constitutes a real or implied use of force. Canine teams may only use that degree of force that reasonably appears necessary to apprehend or secure a suspect as governed by the department's use of force policy. When a canine is deployed for the purpose of apprehension, the handler shall:

   a. Provide a verbal warning to the suspect when reasonable.
      (1) The handler is not required to give the verbal warning if he/she reasonably believes the warning will create undue risk to public or officer safety.

2. In all instances where a canine is deployed, the incident shall be documented. Whenever a canine bites an individual, whether or not in the line of duty, the handler shall:

   a. Notify an on-duty supervisor who will, if possible, respond to the scene.
   b. Obtain medical treatment for the person at an authorized medical facility; medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury. Such medical treatment can be denied by the bite victim but only after having been taken to an authorized medical facility.
   c. Take color photographs of the affected area if possible, prior to medical treatment.
   d. Complete a canine activity report and a Use of Force Report whenever there has been an allegation that a canine has bitten or otherwise injured an individual. The reports must detail the circumstances surrounding the incident, the identity of the individual involved

and any witnesses and the extent of injuries, if any. The original report shall be filed in accordance with Fayetteville Police Policy ~~1.2.3~~ 1.3.1 (Use of Force).

e. A diagram shall be used to show the location of injuries or alleged injuries to the individual.

C. Building Searches

1. Departmental canines can be used for locating suspects in buildings or related structures where officers would be confronted with unnecessary risk. The following procedures shall be used, if possible, to conduct searches:

   a. The patrol personnel will secure the building perimeter.
   b. When a canine building search is anticipated, a preliminary search by officers should not be conducted, as this may interfere with the canine's ability to discriminate scents.
   c. An additional officer should be assigned to provide assistance and cover for safety of the canine team during the building search. The assisting officer should take caution to not interfere with the search and keep other officers informed as to the status of the search.

2. The on-scene supervisor or officers shall also take the following steps in preparation for the canine search:

   a. All tenants, workers or others from the facility should be evacuated.
   b. If possible, request that all air conditioning, heating or other air-blowing systems be shut off so there will be no interference with the canine's scenting ability.
   c. Upon entrance to the building, all exits should be secured, and communications limited.
   d. The canine should be unleashed during a building search unless there is an imminent risk of injury to innocent persons within the facility.
   e. The canine should not be used to search facilities that contain substances potentially harmful to the animal without due caution.
   f. Before commencing the search, the handler or other appropriate personnel shall, in English and Spanish, when possible, loudly announce the statement that there are police officers on the premises and a trained police canine will be released if the individual does not surrender. A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated frequently.
   g. When apprehending suspects in these or related circumstances, canines shall be commanded to disengage as soon as the suspect is subdued or readily complies with officer directions.
   h. The Aarrestee(s) shall not be transported in the same vehicle with the police canine unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

D. Crowd Control

1. Canine teams may be used for crowd control upon approval of the Shift Supervisor to protect life or property during a riot or other major unauthorized gathering that cannot be controlled by other means. In these situations, canines shall:

   a. Be placed on a short leash at all times to protect an individual from serious injury; and

b. Not initiate any offensive action, unless to guard against substantial property damage, imminent loss of life or serious bodily injury.

E. Drug Detection:

Use of police canines in a drug detection capacity is authorized in the following situations and conditions as allowed by law:

1. The canine supervisor or his designee shall maintain records that document the use and the proficiency of individual canines in drug detection [CALEA 41.1.5 i.]. This documentation shall be readily available to canine officers and others who may need it when seeking warrants.

2. Random exploratory sniffing of luggage, packages or other inanimate objects may be conducted in public facilities such as airports, train stations, bus stations, as authorized by a supervisor:

    a. Exploratory sniffing in these facilities shall be confined solely to those areas open to the general public and, whenever possible, with advance knowledge and consent of the appropriate facility manager.
    b. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.

3. Canine sniffs conducted in areas restricted to the public, such as baggage staging areas may be conducted with proper notification and approval from the appropriate facility representative.

4. Officers may detain specific checked luggage or related items for the purposes of requesting a canine sniff if reasonable suspicion exists.

5. The use of canines in public schools is permitted when:

    a. The school's principal or designated authority requests or approves the use of the canines.
    b. The search is limited to inanimate objects in public areas and the exterior of student lockers unless reasonable suspicion exists to gain admission to lockers and related areas.

6. Sniffs of the exterior of residences, either individual dwellings or the common areas of multiple unit dwellings, must comply with state and federal law.

7. Canines may be used to sniff motor vehicles when:

    a. Reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics; or
    b. During a vehicle stop, the canine is used to sniff the vehicle's exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary.
    c. All attempts should be made to discourage the canine from entering the vehicle unless an indication is made to the presence of narcotics.

8. An exception to these search procedures exists when the canine is utilized during execution of search warrants.

F. Tracking

Police canines are available to track missing persons or suspects, or to locate evidence that the officer has reason to believe has been abandoned or hidden in a specified open area. Such searches are subject to the following conditions and limitations:

1. When officers are pursuing a suspect and contact with the suspect is lost, the officer, prior to summoning a canine shall:

    a. Stop and pinpoint the location where the suspect was last seen, and
    b. Avoid vehicle or foot movement in the area where the suspect or subject was last seen.

2. An additional officer should be assigned to provide assistance and cover for safety of the canine team during the track. The assisting officer should take caution to not interfere with the track and keep other officers informed as to the status of the track.

3. Canines used for tracking persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.

4. Canine teams should not be used to locate small children unless there is a reasonable suspicion of foul play or a belief that serious bodily harm or death will occur if the child is not located immediately. Where the use of a canine is deemed necessary, the risks of injury to the child shall be explained to the parents or next of kin.

5. On scene personnel shall:

    a. Secure the perimeter of the area to be searched, and
    b. Secure the integrity of the area to be searched by keeping all persons out of the area.

G. Request from another agency

1. Request for the assistance of a canine unit from other police agencies shall be directed to the supervisor on duty. If the supervisor dispatches a canine team outside the city limits, a supervisor will accompany the team and the Patrol Captain shall be notified.

2. The requesting police agency shall provide as much of the following information as possible:

    a. Type of incident and circumstances,
    b. Time and location of the incident,
    c. Weather and ground conditions,
    d. Type of area and terrain,
    e. Any prior search by personnel or other canine unit,
    f. Knowledge of available witnesses,
    g. Pending Charges, and
    h. Information of any violence or weapons.

3. The police agency requesting canine assistance shall be responsible for securing and protecting the area or item to be searched until the arrival of the canine unit.

4. The canine handler will decide the type of search to be conducted and shall be the only person to direct the actions of the canine when on an assignment.

5. The canine handler will complete an incident report after providing the requested assistance and forward a Canine Activity Report, or any other required reports, to the supervisor to be reviewed and compiled for statistical purposes [CALEA 41.1.5 i.].

H. Financial Responsibility

1. The Fayetteville Police Department (FPD) will assume certain financial responsibilities involving the care and use of canines such as, but not limited to:

   a. Necessary medical expenses,
   b. Grooming items and other supplies including food,
   c. Licensing and or national, regional or local costs associated with certifications,
   d. Necessary handling and training as well as equipment,
   e. Other material needed to facilitate the operation of the canine unit,
   f. Training of the handler and canine as needed,
   g. Necessary insurance coverage for the canines and handlers, and
   h. Boarding expenses if needed.

I. Canine Kennel / Equipment [CALEA 41.1.5 h.]

1. The kennel will be constructed at the City of Fayetteville's expense. It will be built to department specifications.

2. The canine handler must have at a minimum the following facilities at their residence to house the canine:

   a. A fenced yard at least eight feet by sixteen with a six-foot tall fence in good condition that will prevent escape including a locking gate, and
   b. The facilities must be inspected and approved by the canine supervisor prior to housing the canine.
   c. Only the Chief of Police and/or his/her designee may authorize deviation from the above requirements. Authorization must be in writing.

3. Only department-owned, or department-approved equipment shall be used in handling and care for the police canine. Equipment will be requisitioned and purchased through approved department procedures. The handler shall maintain, in operational readiness, all necessary equipment required to properly control and/or handle the canine at all times. These items shall be in the handler's possession or stored inside the police vehicle whenever the canine is in service.

J. Ownership

1. The FPD will furnish the canine and will retain ownership of the animal.

2. A canine handler may apply to take possession of a canine when:
   a. The canine is retired from duty or relieved due to injury.
   b. The handler is transferred, promoted or retires, and a decision is made not to retrain the canine with another handler as determined by the Chief of Police.

3. These exceptions release the FPD from further financial responsibility and/or liability for the canine.

K. ~~Canine team certification, qualifications and training~~ Canine Selection, Team Certification, Qualification, and Training [CALEA 41.1.5 b., c.]

1. Canine selection shall be determined by the credibility of the source and the health, temperament, and workability of the canine. The selection process shall include [CALEA 41.1.5. b.]:

   a. The Chief of Police or his/her designee shall select the kennel and training facility.
   b. The Chief of Police or his/her designee shall inform the kennel of the canine requirements, such as but not limited to:
      1) The canine's purpose;
      2) The desired temperament; and
      3) The canine's drive and workability.
   c. Once the kennel is able to provide canines within the selected parameters, the selected canine handler, the appointed supervisor who primarily oversees this unit, and a member of administration shall travel to the kennel to evaluate and purchase the canine best suited for the department.

2. The canine team must successfully complete a national canine certification course prior to being deployed.

   a. The canine will be trained with a success rate consistent with certification requirements of the certifying association in all types of drug and patrol search techniques and under various weather conditions and times of day. Emphasis should be placed on the search of vehicles and buildings for the detection of cocaine, methamphetamine and heroin. Proof will be provided that the canine handler and canine are certified by a national certifying agency.
   b. The canine will be required to re-certify annually and must meet the required standards set by a national certifying agency or as determined by the Chief of Police [CALEA 41.1.5 e].
   c. Training aids issued to the canine handlers will be in accordance to the guidelines outlined in Fayetteville Police Policy 84.1.1 (Property Management; Acquired and In-Custody). Training Aids are the responsibility of the canine handler while checked out to that handler. [CALEA 41.1.5 f.]

      1) During each training scenario, each training aid will be numbered, and its placement documented in the handlers' training notes. At the conclusion of the

training scenario, an inventory of all training aids will be made to ensure all aids are properly recovered.

2) Training aids will be stored in the canine handler's police department locker in an approved locked case when not in use.
3) The handler may carry the training aids only while on duty.
4) The handler will immediately report any damage or loss of the training aid to the on-duty supervisor.
5) The on-duty supervisor will immediately notify the canine supervisor and the Patrol Captain.
6) The Patrol Captain will cause a complaint to be filed with the Office of Professional Standards.

d. Canine teams are allotted five (5) paid hours per week to conduct training. A training log shall be completed for each training session [CALEA 41.1.5 d., f.]

3. Applications for the police canine program are open to all sworn personnel of the police department who meet the following qualifications [CALEA 41.1.5 c]:

a. Have at least one year of uniform patrol experience with satisfactory work performance;
b. Possess a willingness to commit themselves to the unit for a minimum of a 3 years;
c. Possess willingness (together with family members) to care for and house the canine at the officer's residence with a secure outdoor area for the canine that conforms to department requirements;
d. Possess a strong desire to work with canines and willingness to care for and train the animal; and
e. Possess the ability to pass the departmental physical fitness and agility tests.

4. All departmental canines must meet established departmental certification requirements.

5. New canine handlers must complete the prescribed canine training course and successfully meet all course requirements.

6. Canine handlers are required to demonstrate acquired abilities to the canine supervisor on a periodic basis as requested.

L. Canine use and care [CALEA 41.1.4 g.]

1. Police canines shall not be used for breeding or participation in shows or field trials.

2. Police canines may be used in demonstrations and exhibitions as required by the department in the official capacity of a canine team.

3. Canine handlers are personally responsible for the daily care and feeding of the canine to include:
a. Maintenance and cleaning of the kennel and yard area where the canine is housed;
b. Provision of food, water and general diet maintenance as prescribed by an authorized veterinarian;
c. Grooming as required by weather, working conditions or other factors;
d. Daily exercise; and
e. General medical attention and maintenance of health care records.

4. Canine handlers are allotted five (5) paid hours per week for the care of their dog.

5. ~~Where~~ If the handler is unable to perform these and related duties due to illness, injury or leave:

a. The canine supervisor shall assign a canine handler or department employee to ensure the canine is properly cared for.

~~b. Another canine handler or department employee may be assigned to temporarily care for the canine. or~~

~~c. A member of the handler's family may care for the canine if approved by the canine division supervisor.~~

d. In the event the canine needs to be boarded, the canine shall be boarded at a facility approved by the Chief of Police and/or his designee.

6. Handlers shall not allow members of the public to engage or pet the police canine.

POLICIES, PROCEDURES, AND RULES

Subject: 44.1.1 Juvenile Operations	**Effective Date:** ~~October 11, 2021~~
Reference: 44.2.4	Version: ~~6~~ 7
CALEA:44.1.1, 44.2.2, 44.2.1, 1.2.5, 41.2.6, 44.2.3, 61.1.2	No. Pages: 7

I. PURPOSE

The purpose of this directive is to establish policies concerning the department's juvenile programs and the processing of juvenile offenders and victims [CALEA 44.1.1]. Officers of the Fayetteville Police Department (FPD) must recognize that juveniles may not understand their rights, formal police procedures, and may need parental guidance to make some decisions. When encountering a juvenile in any law enforcement capacity, it is of the utmost importance for officers to have patience and understanding of the juvenile's limited knowledge, to consider a juvenile's intelligence, educational background, their understanding of the circumstance, mental capacity and other factors that include nervousness, physical condition, injuries and trauma.

II. DEFINITIONS

A. Custodial interrogation refers to express questioning, normally associated with detention, arrest and custody that an officer should know are reasonably likely to elicit an incriminating response. Officers shall have a parent or guardian present and Miranda warning shall be read prior to a custodial interrogation.
B. Non-custodial interview is a voluntary encounter with an officer to obtain statements from complainants, witnesses, victims and suspects. For the purpose of this policy, a parent or guardian does not have to be present during a non-custodial interview of a juvenile.

III. POLICY

A. ORGANIZATION AND ADMINISTRATION - The Fayetteville Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and victimization.

1. The Fayetteville Police Department shall maintain an investigative division with specializations associated with juvenile matters, this division will fall under the command of the Criminal Investigation Division (CID).

2. The responsibility of juvenile operations and delinquency prevention efforts is to be shared by all agency personnel and not just limited to the responsibility of CID. In particular, all patrol officers should familiarize themselves in proper handling of juvenile problems, both criminal and non-criminal.

3. The Fayetteville Police Department will strive to maintain a working relationship with other elements of the juvenile justice system, namely the Washington County Juvenile Court and the Washington County Prosecutor's Office.

4. Additional resources for juvenile operations are the school resource officers in the Special Operations Division (reference can be made to FPD 44.2.4).

B. OPERATIONS

1. Encountering Abuse and Neglect:

    a. Any time an officer encounters a juvenile who has been exposed to neglect or abuse, the officer shall report the neglect and or abuse to the Arkansas State Police Hot Line. Contacting the local Department of Human Services (DHS) office or a local DHS employee does not fulfill the obligation of reporting to the hot line.

2. Taking Juvenile Into Custody - When encountering juveniles, personnel of the Fayetteville Police Department shall ensure the constitutional rights of juveniles are protected in all types of situations [CALEA 44.2.2 c.]. Personnel will follow the following procedures for taking a juvenile into custody. Protecting a juvenile in immediate danger is of the utmost importance. A juvenile may be taken into custody without a warrant for the following:

    a. Pursuant to an order of the court under Arkansas Code § 9-27-301 (Act 273 of 1989); or
    b. By a law enforcement officer without a warrant under circumstances as set forth in Arkansas Rules of Criminal Procedure 4.1 (also see Policy 1.2.1); or
    c. By a law enforcement officer or by a duly authorized representative of the DHS if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his/her surroundings or from illness or injury and if parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and obtain an order of the court prior to taking the juvenile into custody. Evidence that the juvenile has already been harmed should be another factor in determining custody [CALEA 44.2.2 b.].
    d. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b.].
    e. When taking a juvenile into custody for protection, the officer is required to report the protective custody situation to the Arkansas State Police Hotline. The officer must arrange for the transfer of custody to the DHS during the hotline call and may also need to coordinate with additional correspondence with the DHS [CALEA 44.2.2 b., d.].
    f. When a juvenile is taken into custody, the officer should always attempt to make contact with the parent(s) or legal guardian and advise them of the situation [CALEA 44.2.2 e.].

3. Alternatives to Arrests of Juveniles for Delinquent Acts – When encountering juvenile offenders, officers shall use the least coercive among reasonable alternatives. Officers making contact with a juvenile who has committed a delinquent act which does not involve a victim, (such as loitering, etc.) or an act whose victim does not wish to press charges may use alternatives to arrest [CALEA 44.2.1 a.].

    a. For minor violations that do not include a victim, officers have the discretion to make an outright release with no further enforcement action [CALEA 44.2.1 a.].
    b. Alternatives to arrest include: verbal warning, referral to a school resource officer or other juvenile services options, conference with the juvenile's parent(s) or guardian, report and referral to Washington County Prosecutor's Office Juvenile Division, or report and referral to Washington County Juvenile Court [CALEA 44.2.1 d.].
    c. If alternatives to arrest are employed or referral to another agency for service or diversion is made, it is not necessary to contact any officials with the juvenile court system [CALEA 44.2.1 c.].

4. When encountering juveniles, officers shall determine if a juvenile has engaged in a non-criminal misbehavior status offense. If the offense is non-criminal, officers should employ one of the following non-arrest options [CALEA 44.2.2 a.]:

    a. Advice to the juvenile on the situation;
    b. Verbal warning;
    c. Determination to make a later referral to a school resource officer or juvenile court; or
    d. A conference with the juvenile's parent or guardian.

5. Investigation of Juvenile Non-Custodial Interview [CALEA 44.2.3]

    a. An officer can conduct a non-custodial interview with a juvenile if the officer does not have probable cause to believe the juvenile committed the criminal offense, he/she is being questioned about, and the juvenile is not being detained.
    b. Non-custodial interviews may include, but are not limited to:
        1) victim interviews,
        2) witness interviews, and
        3) field interviews.
    c. If the officer develops probable cause a juvenile committed a crime, the officer shall follow the protocol for Investigation of Juvenile Offender – Custodial Interrogation in section 9 of this policy (Arkansas Code Annotated 9-27-317).
    d. Officers shall consider the juvenile's limited knowledge, intelligence, educational background, their understanding of the circumstance, mental capacity, age, or other factors or influences experienced by the juvenile in all non-custodial interviews.

6. Detention of a Juvenile

a. Officers do not need to notify the parent or guardian of a juvenile if he/she is being detained and being warned or ticketed at the scene of a traffic collision or a traffic stop. If the juvenile is arrested, officers shall follow the protocol for taking a juvenile into custody.
b. Whenever a law enforcement officer has reasonable cause to believe that any juvenile found at or near the scene of a felony is a potential witness to a criminal offense, he/she may stop that juvenile. The detention shall in all cases be reasonable and shall not exceed fifteen minutes (Arkansas Rules of Criminal Procedure 3.5) In these instances, the officer shall do the following:
    1) Identify yourself as an officer;
    2) Explain the reason for the stop;
    3) Request the juvenile's name and address; and
    4) Request information regarding the offense;
c. A law enforcement officer lawfully present in any place may, in the performance of his/her duties, stop and detain any juvenile who he/she reasonably suspects is committing, has committed, or is about to commit a felony, or a misdemeanor involving danger of forcible injury to persons or of appropriation of or damage to property, if such action is reasonably necessary either to obtain or verify the identification of the juvenile or to determine the lawfulness of his conduct. An officer acting under this rule may require the juvenile to remain in or near such place in the officer's presence for a period of not more than fifteen (15) minutes or for such time as is reasonable under the circumstances. At the end of such period the juvenile detained shall be released without further restraint or arrested and charged with an offense (Arkansas Rules of Criminal Procedure 3.1 and Arkansas Code Annotated 9-27-317).

7. Taking a Juvenile into Custody - With or Without a Warrant

a. ~~No juvenile shall be incarcerated in the Washington County Jail. An exception to this is afforded to prosecutors under state law, when charging juveniles as adults [CALEA 44.2.2 c.].~~ Juveniles that have committed status offenses (e.g. runaways, truancy, underage drinking, minor in possession of alcohol or tobacco, etc.), are non-offenders (e.g. did not commit a status offense, are dependent and neglected, and/or are in need of mental health services), and/or were arrested on a warrant where the original offense was a status offense shall not be locked inside FPD interview rooms. In these circumstances, officers shall:
    1) Place the juvenile in the Patrol Division Conference Room, which does not have a lockable door and does not have security video cameras.
    2) Employees shall bring the juvenile to the conference room through the secured portion of the building or parking lot, and shall avoid using the sally port and processing area to eliminate the possibility of contacting an adult offender.
    3) Juveniles in the conference room shall be under constant supervision.

4) Officers are not required to complete the Juvenile Interview Logbook when juveniles are placed in the conference room.

b. Juveniles may be locked inside interview rooms when they have committed a delinquent offense (e.g. burglary, breaking or enter, homicide, etc.) or when the juvenile has committed a status offense and a valid court order directs the juvenile to be held in secure detention.

c. Any time a juvenile is locked inside an FPD interview room, the information about the juvenile and the details about the detention must be recorded in the Juvenile Interview Logbook.

d. Juveniles must be processed and released by orders of the appropriate authority (e.g. juvenile intake, prosecutor, warrant, or judge) within six hours.
1) The six-hour window begins when the juvenile is arrested and placed inside a police vehicle for transport.
2) The "process" time is the totality of time it takes to transport, interview, and complete paperwork for the juvenile and/or the arrest. The time does not stop until the juvenile is transferred to another facility or released to a parent/guardian.

e. While a juvenile is in FPD custody, he/she must be separated from adult offenders by sight and sound, and must remain under continuous supervision.

f. The officer should always attempt to make contact with the parent(s) or legal guardian of any juvenile taken into custody and advise them of the situation [CALEA 44.2.2 e.].

g. When a juvenile is arrested and taken into custody the officer should contact the juvenile intake officer of the Washington County Juvenile Court to discuss terms and conditions of release or detention. Officers will follow the direction of the juvenile intake officer of the Washington County Juvenile Court who will decide if the juvenile is to be released to a parent/guardian or is to be taken to the Washington County Juvenile Detention Center. If the intake officer directs the juvenile to the detention center, the officer will take the juvenile to the detention center without delay, unless the juvenile is in need of emergency medical treatment. If the juvenile is in need of emergency medical treatment, officers will follow FPD 71.1.1. At that point, the juvenile's medical care will receive priority. The intake officer of Washington County Juvenile Court should be notified of the juvenile's condition and assist in determining how the juvenile is to remain in custody during medical treatment or make additional release determinations [CALEA 44.2.2 d.].

h. Juvenile requirements are set forth in Arkansas 9-27-320, and requires when a juvenile is arrested for any offense that if committed by an adult would constitute a Class Y, Class A or Class B felony, the juvenile shall be photographed and fingerprinted by the law enforcement agency. These processes will commonly be completed during booking at the Washington County Detention Center [CALEA 1.2.5].

i. No juvenile shall be incarcerated in the Washington County Jail. An exception to this is afforded to prosecutors under state law, when charging juveniles as adults [CALEA 44.2.2 c.].

j. An alternative to taking a juvenile into custody is release of the juvenile through the use of a uniform traffic ticket/citation or an Arkansas Criminal Citation [CALEA 44.2.1 b.]. If the juvenile is to be released on a traffic violation that would go through Fayetteville District Court, it is not necessary

to obtain the authorization of the Washington County Juvenile Court Intake Officer. However, if the juvenile is to be released on a criminal violation that would go through Washington County Juvenile Court, the intake officer should be contacted [CALEA 61.1.2 a.b.].

k. Traffic Offenses - If a juvenile is taken into custody for a warrant on a traffic offense from another jurisdiction, the jurisdiction which issued the warrant should immediately be contacted to determine conditions for release. If the juvenile cannot be immediately released, the juvenile detention center should be contacted [CALEA 44.2.2 d., 61.1.2 a.b.].

l. ~~Juveniles that have committed status offenses (e.g. runaways, truancy, underage drinking, minor in possession of alcohol or tobacco, etc.), are non-offenders (e.g. did not commit a status offense, are dependent and neglected, and/or are in need of mental health services), and/or were arrested on a warrant where the original offense was a status offense shall not be locked inside FPD interview rooms. In these circumstances, officers shall:~~

    ~~5) Place the juvenile in the Patrol Division Conference Room, which does not have a lockable door and does not have security video cameras.~~

    ~~6) Employees shall bring the juvenile to the conference room through the secured portion of the building or parking lot, and shall avoid using the sally port and processing area to eliminate the possibility of contacting an adult offender.~~

    ~~7) Juveniles in the conference room shall be under constant supervision.~~

    ~~8) Officers are not required to complete the Juvenile Interview Logbook when juveniles are placed in the conference room.~~

8. Taking a Juvenile into Custody - Protective Reasons

    a. An officer may take into custody any "Dependent-neglected juvenile". "Dependent-neglected juvenile" means any juvenile who as a result of abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness is at substantial risk of serious harm. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law under Title 12-12-516. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b., 41.2.6].

    b. Any officer taking a juvenile into custody as a "Dependent-neglected juvenile" should immediately contact the Washington County Department of Human Services. Custody of the juvenile will then be transferred to the Washington County Department of Human Services.

    c. Any officer shall take possession of a child who is thirty days old or younger if the child is left with or voluntarily delivered to the Fayetteville Police Department by the child's parent(s) who does not express an intent to return for the child. The law enforcement officer shall take the child into protective custody for seventy-two hours under the Arkansas Child Maltreatment Act. The law enforcement officer shall immediately notify the Division of Children and Family Services of the Department of Human Services.

9. Investigation of Juvenile Offender- Custodial Interrogation [CALEA 44.2.3]

a. Officers of the Fayetteville Police Department must understand that just like adults, juveniles must be afforded certain constitutional rights in respect to Miranda rights. When a juvenile is taken into custody for a delinquent act or criminal offense, a juvenile may invoke his or her right to speak to a parent or guardian in addition to standard Miranda. An officer shall not question a juvenile who has been taken into custody for a delinquent act or criminal offense if the juvenile indicates in any manner that he or she does not wish to be questioned [CALEA 44.2.3 a.].
b. During a custodial interrogation, the juvenile's parent or guardian must be present in the building; the parent or guardian must be aware the juvenile waived his/her rights; the parent or guardian must have had the chance to speak with the juvenile about the waiver and the parent or guardian shall sign the waiver before an investigator questions a juvenile in custody. Officers should ensure that both the juvenile and the parent or guardian understand the consequences of the waiver or right to counsel. The juvenile and the parent or guardian must be informed of the alleged delinquent act (Arkansas Code Annotated 9-27-366) [CALEA 44.2.3 b.].
c. When questioning a juvenile in custody for a delinquent act or criminal offense, officers shall provide the juvenile his/her rights using the Juvenile Waiver of Right to Counsel form and answer any questions that may ensure the juvenile understands his/her rights. Officers should refer to Arkansas Statute 9-27-317 that governs Questioning of a Juvenile. If the juvenile wishes to consult counsel before submitting to any questioning, an officer shall not question a juvenile unless counsel is provided and present [CALEA 44.2.3 a.].
d. No waiver of the right to counsel shall be accepted in any case in which the parent, guardian, or custodian has filed a petition against the juvenile, initiated the filing of a petition against the juvenile, or requested the removal of the juvenile from the home.
e. The duration of the custodial interrogation, officers or detectives conduct will be reasonable in length. Officers and detectives must understand that the voluntariness of the juvenile's statement will be judged by the totality of the circumstances which may involve a review of several factors: Officers should take into consideration the age, intelligence, educational background, psychological state of the juvenile, mental capacity, including whether the defendant is nervous, physical condition and if an officer with training in youth matters is available or present. Officers should consider the juvenile's prior experience in the criminal system, whether the juvenile is suffering from any injury or pain at the time the statement is given, the time of day, any length of confinement, and whether the juvenile is tired and is desirous of sleep.
f. During the custodial interrogation, the juvenile should not normally be handcuffed unless they are a danger to themselves or others. Juveniles should not be threatened with bodily harm or made promises of leniency for cooperation.
g. During custodial interrogation of the juvenile at the Fayetteville Police Department, officers shall not enter the interview room with their firearms but may retain possession of other less-lethal weapons. Firearms shall be locked in departmental provided lock boxes. During the custodial interrogation, there

shall be no more than one suspect and two investigators in the interview room. An exception to this rule is that suspects are afforded legal representation, or accompanied by a parent, guardian, or other representative.

h. Officers/detectives conducting custodial interrogations should ensure that the juvenile is afforded adequate access to restrooms, water, and breaks.
i. Officers/detectives should ensure the juvenile is familiar with English prior to conducting the custodial interrogation. If the juvenile is not familiar with English and speaks another language, officers/detectives should make arrangements for an interpreter or arrange for an officer to conduct the interrogation in the juvenile's language.
j. Juveniles who are in the custody of the Department of Human Services, including the Division of Youth Services of the DHS, must be represented by their attorney ad litem before they can be questioned by police.

POLICIES, PROCEDURES, AND RULES

Subject: 46.2.1 Emergency Response Team	**Effective Date:** ~~November 5, 2020~~
Reference:	Version: ~~2~~ 3
CALEA: 33.6.2; 46.2.1 NT; 46.2.2 NT; 46.2.3 NT	No. Pages: 5

I. PURPOSE

To establish policies relating to the organization, administration and operation of the Emergency Response Team (E.R.T.). The primary responsibility of the E.R.T. will be the resolution of difficult police situations through the use of special skills and tactics.

II. POLICY

A. Organization and Administration

The number of E.R.T. members will be decided by the Chief of Police. The Chief of Police shall appoint the following:

1. A unit commander (Sergeant or Lieutenant) and;
2. A team leader(s);
3. All team members.

The remaining team assignments will be made within the team with the approval of the Chief of Police. The E.R.T. will be under the supervision of ~~a~~ the Operations Support Captain as designated by the Chief of Police [CALEA 46.2.1 d. NT].

The Fayetteville Police Department will supply its Emergency Response Team members with the equipment deemed necessary to complete the training and assignments of the team [CALEA 46.2.3 NT].

B. Personnel Selection [CALEA 46.2.2 NT]

Recognizing the nature of Emergency Response Team operations requires disciplined, physically fit, experienced, calm, capable and well-trained professionals, team selection will be conducted through a fair, non-discriminatory process that measures the factors deemed to be important to the performance of the team. [CALEA 46.2.2 NT]

When opening(s) on the Emergency Response Team occur, tests/tryouts will be conducted to determine, from among the eligible applicants, who will be appointed to the team.

1. Applicant requirements: An applicant for the Emergency Response Team must meet the following criteria:

a. Be a full time, sworn member of the department;
b. Have at least 12 months of uniform field experience;
c. Be recommended for the Emergency Response Team by a supervisor; and
d. Past disciplinary actions will be taken into consideration.

2. Applicant Testing: The selection process will consist of the following:

~~a.~~ Physical Conditioning Test: Each applicant must successfully pass a conditioning test approved by the Chief of Police. ~~consisting of the Fayetteville Police Department physical fitness standards for the Emergency Response Team. This standard is set at 20% above required departmental standards plus seven (7) pull-ups.~~

b. Firearms Test: Each applicant must successfully pass the Arkansas Law Enforcement Standards and Training (ALETA) Standard Qualification Course of Fire for one target. Marksmanship standards for handgun qualification set for the team is 90%. In addition, the applicants will be put through a minimum of one (1) combat-style shoot course administered by a certified firearms instructor.

c. Written recommendation: Each applicant must receive a written letter of recommendation from his supervisor. This letter will be forwarded to the Chief of Police.

d. Oral Interview: Each applicant will be asked to participate in an oral interview in which a series of pre-developed questions will be asked. The Chief of Police or his designee will assign the interview panel.

e. Once testing is completed, the interview panel will compile the results with a recommendation to the Chief of Police. Applicants will be appointed to the E.R.T. at the discretion of the Chief of Police with a probationary status period of one (1) year.

~~f. The Emergency Response Team utilizes alternate probationary team members to cover shortages or loss due to attrition. Alternate Probationary team members undergo the same applicant and testing process as listed above. The Chief of Police appoints chooses alternates probationary members who Alternates train with the ERT during scheduled training periods. but They are not subject to ERT call outs at the discretion of the team commander or leader unless specifically needed. In addition, alternate team members should be given specialized training outside regularly scheduled ERT training.~~

3. Probationary ERT Members

a. The Emergency Response Team utilizes probationary team members to cover shortages or losses due to attrition. Probationary team members undergo the same applicant and testing process as listed above. The Chief of Police appoints probationary members who train with the ERT during scheduled training periods. They are subject to ERT call-outs at the discretion of the team commander or leader. In addition, probationary team members should be given specialized training outside regularly scheduled ERT training.

~~Once testing is completed, the interview panel will compile the results with a recommendation to the Chief of Police. Applicants will be appointed to the E.R.T. at the discretion of the Chief of Police with a probationary status period of one (1) year.~~

4. Removal from Team

a. The Chief of Police, upon the consensus of the team leadership, may remove any member

in the best interests of the team.~~Once selected for an opening on the E.R.T., an applicant is placed on probationary status for a period of one (1) year~~.

1) All E.R.T. members must maintain their level of individual and team skills. Failure to maintain skill levels and/or stay physically fit is grounds for removal from the team.

~~The Chief of Police, upon the consensus of the team leadership, may remove any member in the best interests of the team.~~

a) Failure to maintain minimum physical fitness and/or skill levels will be dealt with by immediate remedial instruction and re-testing.
b) Failure to reach minimum levels during re-testing will result in the team member being placed in a non-deployable status for a period of up to thirty (30) days, during which the team member will be required to bring skill levels back up to minimum. The team member will be placed back in deployable status as soon as the minimum standards are reached.
c) Failure to obtain minimum skill level standards within the thirty (30) day period ~~Failure to do so~~ will result in removal from the team.
d) If skill level or physical fitness failure is due to the existence of a valid injury, the team member will begin a rehabilitative process and excused from ERT duties. Once released from medical care, the team member shall pass the skill level or physical fitness test.

b. A team member may request to be voluntarily withdrawn from assignment to the E.R.T. at any time. The team member must submit a letter of resignation to the Chief of Police, who may grant or deny the request after a review of the circumstances.

C. Duties and Responsibilities

1. Team Commander: The team commander is directly responsible for the following areas [CALEA 46.2.1 d. NT]:

a. Direct supervision of the team members;
b. Training;
c. Maintaining an inventory of all team equipment, which includes assignment to individual team members or storage location [CALEA 46.2.3 NT];
d. Maintaining training and call-out files for the team [CALEA 33.6.2];
e. Reporting all training and equipment needs to the ~~designated~~ Operations Support Captain supervising the Emergency Response Team.

2. Team Leader: In the absence of the Team Commander, the team leader assumes responsibility for the Team Commander's duties [CALEA 46.2.1 d. NT].

3. Team Members: Team members are required to comply with the following [CALEA 33.6.2]:

a. Maintain minimum physical fitness conditioning requirements as established by the Chief of Police;
b. Maintain familiarity with all equipment used by the E.R.T.;

c. Maintain minimum marksmanship standards set for the team.
d. Must be available for call-outs by having their paging device with them at all times; (*** Exception** - When members are sick or on scheduled leave)
e. The timely response and completion of all tasks, as well as, demonstration of high standards of performance;
f. Attend all scheduled training operations unless excused by the Team Commander or Team Leader prior to the assigned training date.
g. Maintain all assigned equipment in good condition;
h. Wear approved and appropriate E.R.T. attire on all call-outs and training days;
i. Use departmentally issued or authorized E.R.T. equipment;
j. Familiarization with basic first aid. (A first aid kit will be maintained and kept with the team during call-outs and training exercises).

D. Training [CALEA 33.6.2]

1. The Emergency Response Team shall train at least one day per month as set forth by the team commander and team leader.

2. The counter sniper/observer team shall have a training day of at least one day per month aside from the team-training day.

3. The team leadership will delineate the individual, squad and team level skills required for the team to successfully conduct operations. Those skills will create the basis for specific training exercises of the E.R.T. Training exercises will be created by the team leadership. Joint training exercises between the Emergency Operations Team and the Crisis Negotiation Team should be conducted periodically. Any training exercise shall be documented to include the type of training, date, attendance and scores, if applicable. [CALEA 33.6.2]

4. Due to the required physical fitness standards for E.R.T. members, they are allotted two (2) hours per week while on duty for physical fitness training. It is the responsibility of the team members to schedule their physical fitness training time with their immediate supervisor. Fitness training hours must be used during the current work period and cannot be carried over to the next work period. The fitness training hours must be used during the scheduled workday. No overtime or compensatory time can be accrued as a result of the use of the fitness training hours.

5. Chemical Agents/Distraction Devices: Chemical agents and distraction devices require proper training for effective use and shall be used only upon authorization of the team leader or team commander by personnel trained in their use.

E. Call-Out Notification/Deployment:

1. In the event of an incident in which the Emergency Response Team might be activated, initial responding patrol officers have an integral role of support. [CALEA 46.2.1 a. NT]
   a. Patrol officers should contain/secure the scene of an event to the extent possible.
   b. Officers should locate and interview witnesses if possible.
   c. Officers should attempt to secure information as to the lay out of the scene of the incident.
   d. Officers should relay any intelligence information regarding the incident to be forwarded to the E.R.T. team leadership [CALEA 46.2.1 e. NT].

2. Any Fayetteville Police Department supervisor may request assistance from the E.R.T. However, a Fayetteville Police Department Captain or personnel of higher rank must authorize all Emergency Response Team call-outs [CALEA 46.2.1 c. NT].

3. In a situation where an outside agency requests the assistance of the E.R.T., a Captain or personnel of higher rank from that agency must make the request. Once the request is received, a Fayetteville Police Department Captain or personnel of higher rank must authorize the Emergency Response Team call-out [CALEA 46.2.1 c. NT].

4. Following authorization for a call-out, the supervisor requesting E.R.T. assistance shall notify the Team Commander or Team Leader of the situation. It is the responsibility of the Team Commander/Leader to see that all team members are contacted and advised of the call-out.

5. In the event of situation requiring immediate activation of the E.R.T., team members can be activated by using the "all-page" function of the CAD Paging System ~~pagers~~.

6. Emergency Response Team members are not to be used in their capacity as tactical officers while on normal patrol duty except under the direct supervision of the team commander or team leader.

7. In the event a team member has consumed any alcoholic beverage or taken prescribed medication it shall be the responsibility of that member to notify either the Team Commander or the Team Leader of their incapacitation. Team members shall not be under the influence of intoxicants or drugs while on duty.

G. Pre-Raid Briefing:

1. Team members will assemble in a pre-determined location for a briefing of the assignment in question. A member of Central Dispatch and a patrol shift supervisor will be included in the briefing. [CALEA 46.2.1 e. NT]

2. The Team Leader will be responsible for seeing that the following topics are covered during the briefing process:

a. A pre-raid survey (drive-by) of the location in question will be made if time permits and the drive-by will not compromise the mission.
b. The Team Leader will make team assignments and determine what equipment is necessary for the situation.
c. A team member(s) will be assigned the task of completing a pre-raid form, a post-raid diagram of the target location and a post-raid report regarding the E.R.T.'s activities.
d. Other emergency operation teams, i.e. Emergency Medical Services (E.M.S.) or Crisis Negotiation Team (C.N.T.), will be put on stand-by in a location near the target location immediately prior to the mission, when possible. [CALEA 46.2.1 e. NT]

POLICIES, PROCEDURES, AND RULES

Subject: 48.1.1 Next of Kin Notifications~~/Assistance Services~~	**Effective Date:** ~~July 30, 2020~~
Reference: FPD G.O. 21	Version: ~~2~~ 3
CALEA: ~~22.1.5,~~ 55.2.6	No. Pages: 2

I. Purpose

The purpose of this policy is to provide officers with direction in next-of-kin notifications of deceased, seriously injured, or seriously ill persons [CALEA 55.2.6 NT].

II. Policy

It is the policy of the Fayetteville Police Department (FPD) that death, serious injury, or serious illness notifications be carried out promptly, in person, whenever practicable, and in a considerate, professional manner. Accordingly, the release of information to the media regarding the identities of victims will only be made by those persons delegated with the authority to do so and will be delayed until it can be confirmed that the proper notifications have been made.

III. Procedure

A. The following will govern notification of next-of-kin of deceased, seriously injured, or seriously ill persons within the city limits of Fayetteville~~, seriously injured, or seriously ill persons~~ [CALEA 55.2.6 NT]:

1. In cases where next-of-kin reside in the city limits of Fayetteville, prompt notification should be made by Fayetteville officers.
2. Notifications should be done in person at the residence when applicable in a professional manner. Officers ~~should~~ shall conduct themselves in a manner that reflects compassion and dignity.
3. Notifications should be made in a comfortable setting. Adults should be encouraged to sit prior to the notification. Officers shall allow family members to notify small children.
4. When possible, assistance may be obtained from the clergy, close friend, or department chaplain.
5. Officers shall be cognizant of the following possibilities when delivering a notification:
   a. The next-of-kin or other family member(s) may become distressed and/or despondent as a result of the notification, and require medical assistance.
   b. Officer safety issues may arise as a result of a family member becoming angry and/or violent during the notification process.

6. Officers shall use clear language when making a death notification. Officers shall use the term "dead" or "has died" and avoid the use of euphemisms such as "passed on," "succumbed," or "expired."
7. Officers shall not disclose information that could jeopardize any ongoing investigation(s).
8. Officers shall be supportive and understanding to the needs of family members. Officers shall initiate the proper contact of additional family members, friends, or members of the clergy to ensure the next-of-kin is left in stable, capable care.

B. The following will govern notification of next-of-kin of deceased, seriously injured, or seriously ill persons outside of the city limits of Fayetteville [CALEA 55.2.6 NT]:

1. In an active Fayetteville police case where the next-of-kin is out of area, officers ~~should~~ shall contact the corresponding law enforcement agency and request the notification to be made by their department.
2. The request shall include all the information necessary to make the notification as well as the name and contact information of the FPD officer or detective requesting the notification.
3. On duty supervisors may authorize local, out of jurisdiction, notifications when appropriate.
   a. The notification shall be made in accordance with Section A, above.

C. The following will govern notification requests from other agencies [CALEA 55.2.6 NT]:

1. The Fayetteville Police Department will maintain a willingness to provide next-of-kin notification requests from other departments in a prompt manner.
2. The Central Dispatch Center (CDC) shall be responsible for obtaining all necessary information to make the notification, including:
   a. The name of the deceased, seriously injured, or seriously ill person; and
   b. Contact information for the requesting agency's point of contact.
3. The CDC shall notify an on-duty supervisor any time a request for a death notification is received,
4. The assigned officer shall be responsible for contacting the requesting agency and obtaining the pertinent details to be relayed to the next-of-kin.
5. The notification shall be made in accordance with Section A, above,
   a. In the event the officer is unable to locate the subject of the notification, the officer should make reasonable attempts for a later notification. Central Dispatch Center ~~should~~ shall notify the requesting agency ~~if~~ whether or not a notification was successful ~~or not~~.

~~Line of Duty Illness or Injury Notification~~

D. ~~The following will govern next-of-kin notification for employment-related illness or injury [CALEA 22.1.5].the notification of next-of-kin and assistance provided to family regarding line of duty deceased, seriously injured or seriously ill members of the police department [CALEA 22.1.5]:~~

1. The Chief of Police or his/her designee shall be notified through the chain of command when a member of the department becomes seriously ill or injured while in the performance of work-related duties.
2. The Chief of Police shall designate a member of the department's administration to either make the next-of-kin notification; or
3. Designate another sworn member of the department to make the notification.
4. Depending on the circumstances and location of the member's next-of-kin, notification may be made in person or over the phone.
5. In most cases, notification shall be made in person by a member of the department's administration with assistance of the department's chaplain. Depending on the situation, a member of the department's administration may assign or allow another sworn member of the department to make the notification or accompany during the notification (FPD G.O. 21).
6. To the extent possible, the department shall utilize all resources available in providing assistance and support to the employee's family at the hospital, during funeral and/or criminal proceedings.
7. The department will keep in touch with the employee's and his/her family in order to be aware of the family's needs.
8. Counseling and assistance with applicable benefits, legal and financial matters shall be made available to the employee and his/her employee's family members when necessary.

Line of Duty Death Notification

E. The following will govern next-of-kin notification for employment-related death [CALEA 22.1.5].

1. The Chief of Police or his/her designee shall be notified through the chain of command when a member of the department dies while in the performance of work-related duties.
2. In most cases, notification shall be made in person by a member of the department's administration with assistance of the department's chaplain. Depending on the situation, a member of the department's administration may assign or allow another sworn member of the department to make the notification or accompany during the notification (FPD G.O. 21).
3. Fayetteville Police Department Administration should review resources related to line of duty deaths periodically to ensure contact numbers and support information remains up-to-date.
4. It will be the employees' responsibility to update their beneficiary form through the City of Fayetteville Human Resources Division in compliance with A.C.A. 21-5-708.

F. The following will govern the notification of next-of-kin of deceased, seriously injured, or seriously ill persons [CALEA 55.2.6]:

6. In cases where next-of-kin reside in the city limits of Fayetteville, prompt notification should be made by Fayetteville officers.
7. Notifications should be done in person at the residence when applicable in a professional manner. Officers should conduct themselves in a manner that reflects compassion and dignity.

8. When possible, assistance may be obtained from the clergy, close friend, or department chaplain.
9. The Fayetteville Police Department will maintain a willingness to provide next-of-kin notification requests from other departments in a prompt manner.
    b. In the event the officer is unable to locate the subject of the notification, the officer should make reasonable attempts for a later notification. Central Dispatch Center should notify the requesting agency if the notification was successful or not.
10. In an active Fayetteville Police case, where the next-of-kin is out of area, officers should contact the corresponding law enforcement agency and request the notification to be made by their department. On duty supervisors may authorize local out of jurisdiction notifications when appropriate.

Counseling and Assistance

G. The following will govern counseling and assistance provided to Fayetteville Police Department personnel and/or their families due to employment related illness, injury, or death [CALEA 22.15].

1. To the extent possible, the department shall utilize all resources available in providing assistance and support to the employee's family at the hospital, during funeral and/or criminal proceedings.
2. The department will keep in touch with the employee's and his/her family in order to be aware of the family's needs.
3. Counseling and assistance with applicable benefits, legal and financial matters shall be made available to the employee and his/her employee's family members when necessary.
4. Fayetteville Police Department Administration should review resources related to line of duty deaths periodically to ensure contact numbers and support information remains up-to-date.
5. It will be the employees' responsibility to update their beneficiary form through the City of Fayetteville Human Resources Division in compliance with A.C.A. 21-5-708.

POLICIES, PROCEDURES, AND RULES

Subject: 84.1.1 Property Management; Acquired & In-Custody	**Effective Date:** ~~August 24, 2023~~
Reference: FPD 83.1, General Order #07 Evidence Disposition Forms	Version: ~~6~~ 7
CALEA: 84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.6, 84.1.7 (NT), 84.1.8 (NT)	No. Pages: 11

I. PURPOSE

The purpose of this directive is to establish a property management system for property acquired by and in the custody of the Fayetteville Police Department (FPD).

II. DEFINITIONS

A. Found Property is defined as all recovered items without a known owner, or recovered property where an owner has been identified, but has not been contacted. If found property is not claimed within a period of six months, it will be disposed of through a court order. [CALEA 84.1.7 NT]

B. Safekeeping is defined as all recovered property with a known owner, and the owner is aware the property is located at the Fayetteville Police Department. If safekeeping property is not claimed within a period of six months, it will be disposed of through a court order.

C. Evidentiary Property is defined as all property seized in connection or related to a crime or investigation.

III. POLICY

The FPD will establish and maintain a property management system that will ensure continuity and consistency in the control and accountability of all evidence, lost and found property, and seized property, as well as all items retained for safekeeping or investigations in its custody.

This policy sets forth strict measures for the handling, security, and disposition of all such property in department custody.

A. Accessibility to Secured Evidence Storage Facilities [CALEA 84.1.1. h.]

1. Access to secured evidence storage facilities shall be limited to Property and Evidence Division personnel.

a. The Chief of Police and Deputy Chief of Police have joint access to the secured evidence storage facilities. One shall have possession of the two-factor access control code, and the other shall have possession of the key to the deadbolt. Both the Chief of Police and the Deputy Chief of Police must be present to gain access to the secured facilities.
b. Employees can gain access to the secured evidence storage facilities when accompanied by Property and Evidence Division personnel, and the employee must sign the Property Room Access Log.

2. The destruction item storage area shall be secured by a dual locking system and will only be accessed when two (2) authorized personnel are present. The destruction item storage area requires two-factor authorization for access control by both authorized employees and a key to the dead bolt.

B. Control of Property

1. Control: The Property and Evidence Division shall maintain exclusive control and accountability of all found, recovered, and seized property, items kept for safekeeping, and evidentiary property.
   a. In no event will employees store found, safekeeping or evidentiary property in their personal lockers or desks.
   b. All employees coming in possession of found, recovered, and or seized property, items for safekeeping, or evidentiary property shall record such property by completing a Property and Evidence Submission Form or receipt form before going off duty [CALEA 84.1.1 a., c.]. In addition, if the property is not returned to the owner, all employees shall deliver the property to Property and Evidence Division personnel as defined within this policy before going off duty [CALEA 84.1.1 b.]. When taking property other than contraband from a person, employees must complete a receipt. When collecting evidentiary property, employees are required to complete an incident report in all cases.
      (1) An exception to this policy is when evidence is being processed prior to submission to the evidence room. The evidence shall be documented by a Property and Evidence Submission Form and routed to the Property and Evidence Division. With supervisor approval, evidence can be processed for investigative purposes in the secured lab in the Criminal Investigation Division (CID).
   c. The department recognizes exceptional circumstances may be present during which property might not be submitted to the Property and Evidence Division before an employee goes off duty. In such circumstances, in order to preserve the proper chain of custody, the employee shall notify their supervisor, who will ensure another employee maintains the property in question until such time it can be presented to Property and Evidence Division [CALEA 84.1.1 b.].
   d. Mailing evidence: On rare occasions, it becomes necessary for an employee to mail property and/or evidence directly to a forensic laboratory and/or to another source. When that occurs, the employee shall adhere to the following procedure:
      (1) A supervisor must authorize the direct mailing of property/evidence.

(2) The employee shall complete a Property and Evidence Submission Form and submit it to Property and Evidence Division personnel.
(3) The employee shall properly package and seal the property/evidence before taking the property/evidence to a postal facility.
(4) The employee shall mail the property/evidence by certified mail, with a return receipt requested. The employee shall complete a US Postal Service PS Form 3811 (green Domestic Return Receipt card) and ensure the Article Number from the associated PS Form 3800 (white and green Certified Mail Receipt) is recorded on the card. The employee shall write his/her name and badge/employee number, as well as the corresponding case number, on the card.
(5) The employee shall complete the Certified Mail Receipt and ensure the postal employee date stamps the receipt for the associated case file.
(6) When the signed Domestic Return Receipt card is returned to the police department, the employee shall secure the card with the associated case file or evidence submission sheet. [CALEA 83.3.2]

2. Submission of Evidence: FPD personnel, with regard to all evidence, lost and found property, seized property, and items retained for safekeeping or investigations will follow these guidelines [CALEA 84.1.1 d.]:
   a. Properly package each item;
   b. Each item of evidence should be placed in its own appropriate container;
      (1) When it becomes necessary for Property and Evidence Division personnel to repackage, or consolidate multiple items of evidence into one package, a new seal shall be applied and initialed.
   c. Items with blood and/or other bodily fluids shall be air dried to prevent cross contamination before being properly packaged;
   d. Certain types of items require additional security measures while stored in evidence. For that reason, the following items shall be packaged separately [CALEA 84.1.1 e.]:
      (1) Narcotics/drugs;
      (2) Firearms;
      (3) Money; and
      (4) Jewelry.
   e. Narcotic and dangerous drug evidence (capsules, pills, etc.) shall be counted or weighed by the submitting employee. The substance will then be sealed in a tamper-proof protective packaging and initialed by the employee on the seal. All drug evidence handled by the Fourth Judicial District Drug Task Force and FPD employees that needs a drug analysis shall have a Property and Evidence Submission Form completed prior to submission to the forensics laboratory. This form must be submitted to Property and Evidence Division personnel for entry into the record management system.
   f. Money: Any time money is inventoried or seized, it should be counted in front of the person(s) from whom it is being taken, and the "two person" rule shall apply. In other words, a minimum of two employees will count the money and sign both the receipt and the tally sheet. The money shall be packaged separately from other evidence items. The amount and denomination of the currency shall be recorded on a tally sheet. The tally sheet shall be completed prior to removing it from the point of seizure unless

there are articulable circumstances which make it practical to complete the tally sheet at another location. The tally sheet shall then be attached to a Property/Evidence Submission Form.

g. Non-evidentiary perishable items, such as dairy products, fresh produce, meat, etc. shall not be submitted to the Property and Evidence Division. Officers shall consult with the property owner for alternative arrangements for the property, but if that is not possible, officers shall photograph and dispose of the property. Officers shall document any disposed of non-evidentiary perishable items in a police report.
h. Properly label/identify each item on a Fayetteville Police Department Property and Evidence Submission Form;
i. If submission occurs at a time when Property and Evidence Division personnel are not present, employees will secure the evidence in an evidence locker [CALEA 84.1.3]:
   (1) Over-sized property shall be secured in the department's large property/evidence lockers.
   (2) If submission of biological and deoxyribonucleic acid (DNA) related evidence requires refrigeration, employees will secure the evidence in the refrigerated evidence locker [CALEA 84.1.3].
j. In the event that Property and Evidence Division personnel are not present, and all of the above listed secure areas are in use, or items are too large for the secure areas, personnel are required to contact the on-call Property and Evidence Division employee. Personnel must wait for authorized Property and Evidence Division personnel to respond and secure the property. An exception to this is in arranging for another employee to take chain of custody by notification of a supervisor as previously stated in this policy.

3. Accountability: The utilization of property logs, property and evidence submission forms, inventories and other documents, shall ensure all records provide an up-to-date and correct accountability of found, recovered, items held for investigation, safekeeping and evidentiary property. The following information shall be either placed on a Fayetteville Police Department Property and Evidence Submission Form or recorded in the system by way of a receipt form or incident report for each item of evidence [CALEA 84.1.5]:
   a. Location of property within the department;
   b. Date and time property was received and subsequently released;
   c. Description, type and amount of property on hand;
   d. Chain of custody from the time property was received until final disposition shall be maintained by a Property and Evidence Submission Form, receipt form or incident report. There may be circumstances in which an item of property is not turned over to Property and Evidence Division personnel. These circumstances shall be documented in the incident report and the proper receipt form, for example:
      (1) Items returned immediately at the scene of collection;
      (2) Items sent to the forensics laboratory before it was entered as evidence (Property and Evidence Submission Form required); and
      (3) Items going to the Criminal Investigation Division and returned to owner.
   e. The date and results of all inspections, inventories, and audits of record.

f. On certain occasions, it may be necessary for someone other than Property and Evidence Division personnel to transport items back from the Arkansas State Crime Lab. On these occasions, the following protocols shall be followed:
    (1) The items along with the Arkansas State Crime Lab Evidence Return Transaction Receipt, should be delivered to Property and Evidence Division personnel.
    (2) Property and Evidence Division personnel will verify all items are present and will update the records management system.
    (3) In the event it is not possible to deliver those items directly to Property and Evidence Division personnel (items going directly to court etc.), the person transporting shall:
        a. Make the Property and Evidence Division personnel aware of the items being picked up, and their current location; and
        b. Provide Property and Evidence Division personnel with a copy of the Arkansas State Crime Lab Evidence Return Transaction Receipt; and
        c. Provide Property and Evidence Division personnel with receipt or documentation for any items not returned.
    (4) Property and Evidence Division personnel will update the chain of custody and storage location information in the records management system.

4. Property and Evidence Division Manager for Found, Recovered and Evidentiary Property: The Property and Evidence Division manager shall be designated as the property custodian, and he/she shall be held accountable for all property accepted by and stored in the department's property storage areas.

5. Receipt of Package Deliveries: Property and Evidence Division personnel are responsible for receiving all deliveries from forensic laboratories. An entry shall be made in the evidence tracking system indicating the receipt of the number of received packages.

6. Inspection and Right of Refusal: Property and Evidence Division personnel will inspect submissions to ensure items are properly packaged and submitted and have the right to refuse acceptance of any item submitted improperly. Property and Evidence Division personnel will notify the appropriate supervisor and make arrangements for the submitting officer to make the necessary corrections.

C. Appointment of New Property and Evidence Division Manager - In the event a new Property and Evidence Division manager is appointed, a joint inventory with the new manager, a designee of the Chief of Police and the outgoing property manager, when possible and appropriate, shall be held to ensure proper documentation and accountability [CALEA 84.1.6 b.].

1. The purpose of such an inventory shall be to guarantee the continuity of custody and ensure the system's integrity and property accountability.

2. The incoming Property and Evidence Division manager shall ensure all records are up-to-date and properly annotated.

3. All discrepancies shall be documented prior to the transfer of property accountability to the incoming Property and Evidence Division manager.

D. Inspection and Inventory –

1. The Chief of Police shall require the Property and Evidence Division manager to conduct a semi-annual inspection of recovered and evidentiary property to ensure adherence to procedure [CALEA 84.1.6 a.]. This inspection shall verify the following:
   a. Department orders and directives concerning property management are being followed;
   b. Property is stored in such a manner as to protect it from damage and deterioration;
   c. Proper accountability procedures are being maintained; and
   d. Property having no further evidentiary value is being disposed of promptly.

2. The Chief of Police shall require an annual inventory of all property and evidence held by the police department. This inventory will be conducted by the Chief of Police or a designee not routinely or directly connected with control of the Property and Evidence Division [CALEA 84.1.6 c.]. This inventory may be conducted with the assistance of Property and Evidence Division personnel.

~~3. The Criminal Investigation Division Captain shall complete a monthly review of access to the off-site evidence storage facility by comparing the alarm system activity log to the facility access logbook.~~

4. Unannounced inspections of the property storage areas are conducted when the Chief of Police so directs, at least once a year [CALEA 84.1.6 d.]:
   a. The Chief of Police shall appoint an individual and a time period to conduct spot inspections.
   b. Property accountability and security procedures shall receive primary attention during spot inspections.
   c. The majority of the spot inspection shall consist of a random comparison of records with actual property items, and shall include at least one item from the following categories:

      1) Items considered "high risk" (firearms, jewelry, cash, and narcotics);
      2) Items stored in off-site locations;
      3) Items destroyed or marked for destruction;
      4) Documentation of items currently located at the Arkansas State Crime Lab;
      5) Documentation of items sold at public auction; and,
      6) Documentation of items released to owner.

5. The Property and Evidence Division manager shall conduct an inventory whenever a change in Property and Evidence Division personnel occurs.

6. All personnel assigned to the Property and Evidence Division will be subject to quarterly random drug screening, as well as voice stress testing, polygraph testing, and/or drug screening for cause.

E. Disposition of Found, Recovered, Seized, Safekeeping and Evidentiary Property [CALEA 84.1.1 g.]

1. Employees should attempt to identify the owners of found property and attempts shall be made to return found and recovered stolen property to its rightful owner(s) [CALEA 84.1.1 f.]. Attempts to contact the owners of found and safekeeping property prior to destruction will be documented by Property and Evidence Division personnel.

2. Evidentiary property may be returned to the owner prior to the court case with written permission from the prosecutor, lead investigator, or judge.

3. Recovered or evidentiary property returned should be photographed when possible. This photograph should include the person receiving the item, or the item with a valid driver's license or government issued identification of the person receiving the item.

4. If the property in question cannot be returned to the owner, the Property and Evidence Division manager will obtain a court order to have property converted to departmental use, sold at auction or destroyed. [CALEA 84.1.7 NT]

5. The disposition of all property acquired through civil action or asset forfeiture shall be managed pursuant to legal authority [CALEA 84.1.8 NT].

6. Evidentiary property may be checked out to employees for court purposes. A record of chain of custody will be maintained by the Property and Evidence Division manager. Employees are required to maintain the proper chain of custody with the evidence, return it to the Property and Evidence Division after court, and provide the Property and Evidence Division manager with written correspondence to account for any items taken by the court as exhibits [CALEA 84.1.1 g.].

7. Evidentiary property may be checked out to employees for purposes of examination. A record of chain of custody will be maintained by the Property and Evidence Division manager. Employees are required to maintain the proper chain of custody with the evidence and return it to the Property and Evidence Division after examination. Employees may temporarily lock property in approved lockers/cabinets within the secured lab in the Criminal Investigation Division but must maintain sole control of the respective key [CALEA 84.1.1 g.].

F. Property / Evidence Disposition Forms

1. Employees will receive an Evidence Review Notification email on items seized for evidentiary purposes and for found and safekeeping property.

2. Employees are required to research and update the disposition of the property and evidence within twenty-one (21) days.

3. Employees will utilize the Standard Operating Procedure (SOP) ~~Washington County Circuit Clerk and Probate Court's website~~ outlined in General Order #07 (Evidence Disposition Forms) to check the disposition of the case if the item is seized in connection with a case assigned to the Washington County Circuit Courts.

4. Employees will utilize Virtual Justice software to gain access to the Fayetteville District Court's computer system to check the disposition of the case if the item is seized in connection with a case assigned to the Fayetteville District Court.

G. Incineration Disposal Procedures

1. Items scheduled for final disposal by incineration will be stored in the destruction items storage area.
2. The Property and Evidence Division Manager will obtain a court order for disposal of those items.
3. Items will remain active in the records management system until final disposal scan.
4. Upon final disposal scan, the items for incineration will be consolidated into large containers, sealed, and initialed.
5. If the sealed and initialed containers cannot be immediately transported to the incineration facility, the Property and Evidence Division Manager shall secure the containers inside of the destruction items storage area until transportation to the incineration facility.
6. Final disposition scan shall be conducted no more than one (1) day prior to transport.
7. Items for incineration shall be transported by at least two (2) FPD employees authorized by the Chief of Police or his/her designee.

H. Evidence Not to Be Destroyed:

1. Felony evidence listed below shall not be disposed of:
   a. Homicide (solved or unsolved), unless there is an order from the court that is signed by the judge authorizing the disposal of evidence;
   b. When a suspect is incarcerated, and an appeal is possible;
   c. When there is no suspect, and the statute of limitations has not yet run;
   d. When the evidence is part of a suspected serial crime; or
   e. When directed to retain the evidence by a department supervisor, prosecutor, or court order.

2. Misdemeanor evidence listed below shall not be disposed of:
   a. Property that has not yet been held past the 30-day appeal period after the final disposition has been entered; or

b. The statute of limitations has not yet run.

I. Training Aids [CALEA 84.1.4] - Narcotic detection training for police canines is vital to ensure the success of the canine program. The following procedures will be adhered to in order to ensure strict and correct accountability of narcotic training aids.

1. Each canine handler or trainer will check out narcotic training aids from the Property and Evidence Division as needed. The Property and Evidence Division manager will maintain records of these transactions as detailed below:

2. Training aids shall be packaged and prepared by Property and Evidence Division personnel in the following manner:
   a. The substance will be weighed and contained in a double heat-sealed plastic package;
   b. The package will contain a clearly visible label identifying the substance, its weight, the date and time of packaging and the signature of the Property and Evidence manager and witness; and
   c. The label will have a specific training aid number unique to each training aid package.

3. Property and Evidence Division personnel will issue narcotics for use as canine training aids.
   a. Property and Evidence Division personnel will use seized narcotics that have been adjudicated by the court and will obtain a court order for the conversion of the seized narcotics for the department use as a canine training aid; or
   b. The narcotics will be obtained through the Drug Enforcement Administration.

4. The narcotic training aids should be removed from use in training and replaced as needed.

5. A logbook will be created by the Property and Evidence Division manager and will be utilized to maintain a record of the training aid packages:
   a. It shall be the canine handler or trainer's responsibility to provide narcotic training aids for inspection to Property and Evidence Division personnel at least once every 30 days. Each package will be detailed in the logbook indicating the substance, training aid number and handler to whom the item is checked out.
   b. Each package logged out to the canine handler or trainer will be checked against the logbook entry and for any apparent tampering or damage.
   c. Property and Evidence Division personnel will sign and note the date and time of the inspection for each entry in the logbook.
   d. Property and Evidence Division personnel will fully inspect the training aid packages to ensure their integrity. If any questions arise in reference to this inspection, the training aids will be logged into evidence and the canine supervisor will be notified.
   e. If Property and Evidence Division personnel suspect the training aids to have been tampered with or if they are missing, the patrol captain will be notified immediately and will cause a complaint to be filed with the Office of Professional Standards.

f. If the packaging appears to have minor damage but the integrity is intact, Property and Evidence Division personnel will repackage the training aid and notify the patrol captain.

J. Issuance of Controlled Substances for Investigative Purposes [CALEA 84.1.4] – There exists occasions where the Fayetteville Police Department Property and Evidence Division is called upon to issue controlled substances to officers for investigative purposes. The following procedures will be adhered to in order to ensure strict and correct accountability.

1. Prior to the request of issuance of controlled substances, the requesting parties are to have reviewed and processed adjudicated cases in order to locate suitable controlled substances:
   a. A court order shall be obtained authorizing the conversion for investigative purposes.
   b. The court order must be presented to Property and Evidence Division personnel.

2. Property and Evidence Division personnel will abide by the following upon issuance of controlled substances:
   a. Property and Evidence Division personnel must review and accept the governing court order.
   b. Property and Evidence Division personnel will release controlled substances to requesting officers by way of a receipt and must detail types of substances, number of packages, and their weights and/or quantity and specific pill count.
   c. Property and Evidence Division personnel will oversee and govern any required repackaging of the original evidence.
   d. Property and Evidence Division personnel must complete a chain of possession in the department's computer operating system under the original entry and make notation in documents detailing the information on the receipt.
   e. Property and Evidence Division personnel will place a copy of the respective court order and receipt with the original submission form.

3. Property and Evidence Division personnel will abide by the following upon return of controlled substances when investigative purposes are completed:
   a. Property and Evidence Division personnel will inspect the returned controlled substances by sight, weight, and count and conduct a comparison to issuance records.
   b. Property and Evidence Division personnel will report any discrepancies involving issuance and returned items to their supervising captain.
   c. Property and Evidence Division personnel will make notation of returned items under the original entry documenting case information.
   d. Property and Evidence Division personnel will enter controlled substances into corresponding new case numbers created by the investigations for future tracking purposes.

K. Storage of Property, Found, Recovered, Seized, Safekeeping, Investigations and Evidentiary Property [CALEA 84.1.1 e.]

1. Storage: All property stored by the department shall be held in designated secure areas [CALEA 84.1.2]. Items of in-custody property that, by their very nature, require extra security shall be stored in separate and locked locations within the evidence room, i.e. narcotic and dangerous drugs, firearms, money and distinguishably expensive jewelry [CALEA 84.1.1 e.].

2. Currency for Deposit: The Property and Evidence Division manager or his/her designee has the authority to deposit currency. The original package of currency must be opened and the amount verified with a tally sheet initialed by two members of Property and Evidence. A member of the Property and Evidence Division shall take the tally sheet and currency to the City of Fayetteville Business Office for deposit and receipt. The receipt and ledger must be maintained by Property and Evidence Division personnel [CALEA 84.1.1 e.].

3. Access: Access to all recovered and evidentiary property storage areas will be strictly limited to authorized personnel to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the department [CALEA 84.1.2].

4. Perishable Items: All perishable items of evidence, such as blood or urine specimens, shall be stored in a secure refrigerator in the evidence room whenever possible so their properties will be as unchanged as possible before they are examined in a laboratory or presented in court.

5. Vehicles or Other Large Items: All vehicles or other large items seized as evidence in drug investigations or other felony crimes shall have a Property and Evidence Submission Form completed and turned in to Property and Evidence Division personnel. Property and Evidence Division personnel will arrange to have the vehicle or other large items secured in the department authorized ~~off~~on-site facility.

6. The lieutenant in the Criminal Investigation Division is required to conduct an annual audit of all untested sexual assault collection kits and any associated evidence stored at the police department. The lieutenant shall report the information to the Arkansas State Crime Laboratory before December 31 of each year.

7. The FPD will not store explosives or incendiary devices in the Property and Evidence Division. Officers must contact their supervisor in incidents where explosive material or incendiary device(s) are located. Refer to FPD 47.1.13 (Bomb Threats and Explosive Devices [CALEA 84.1.2].

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 29, 2024

TO: Mayor and City Council

FROM: Mike Reynolds, Chief of Police

DATE: October 15, 2024

SUBJECT: **Police Department Policies**

RECOMMENDATION:

Staff recommends the Fayetteville City Council approve a resolution adopting amendments to Fayetteville Police Department policies 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited, 1.2.4 Domestic Abuse, 1.3.1 Use of Force, 22.3 Secondary Employment, 26.1.1 Disciplinary Matters & Awards Procedures, 41.2.11 Use of Department Vehicles, 41.2.8 Vehicular Pursuit, 41.2.17 Canines, 44.1.1 Juvenile Operations, 46.2.1 Emergency Response Team, 48.1.1 Next of Kin Notification, and 84.1.1 Property Management; Acquired and In-Custody.

BACKGROUND:

The Fayetteville Police Department (FPD) is in the process of reviewing and updating policies to ensure they align with current accreditation standards and best practices. These policies provide employees with the necessary tools and guidance to make informed decisions in complex situations, reducing the pressure to rely solely on personal judgment in uncertain situations. FPD policies help promote accountability, which helps build trust and transparency between our agency and the community.

DISCUSSION:

Fayetteville Police Policy 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited is an existing policy that contains changes to meet updated training practices and updated state statutes. Fayetteville Police Policy 1.2.4 Domestic Abuse is an existing policy that contains changes to meet updated practices and state statutes. Fayetteville Police Policy 1.3.1 Use of Force is an existing policy that contains changes to meet changes in department practices. Fayetteville Police Policy 22.3 Secondary Employment is an existing policy that contains changes to meet updated insurance policy requirements and department practices. Fayetteville Police Policy 26.1.1 Disciplinary Matters & Awards Procedures is an existing policy that contains changes to meet updated department practices and structure. Fayetteville Police Policy 41.2.8 Vehicular Pursuit is an existing policy that contains changes to meet updated department structure. Fayetteville Police Policy 41.2.11 Use of Department Vehicles is an existing policy that contains changes to meet updated department practices. Fayetteville Police

Policy 41.2.17 is an existing policy that contains changes to meet updated department practices and protocols. Fayetteville Police Policy 44.1.1 Juvenile Operations is an existing policy that contains changes to meet updated department practices and protocols. Fayetteville Police Policy 46.2.1 Emergency Response Team is an existing policy that contains changes to meet updated department structure, practices and protocols. Fayetteville Police Policy 48.1.1 Next of Kin Notifications is an existing policy containing changes to meet updated department practices. Fayetteville Police Policy 84.1.1 Property Management; Acquired & In-Custody is an existing policy containing changes to meet updated department practices.

These policies are attached to the agenda packet, and all changes to these existing policies have been highlighted for review.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff at this time.

Attachments:

SRF 2024-641
Fayetteville Police Policy 1.2.3 Unlawful and Improper Bias-Based Profiling/Policing Prohibited
Fayetteville Police Policy 1.2.4 Domestic Abuse
Fayetteville Police Policy 1.3.1 Use of Force
Fayetteville Police Policy 22.3 Secondary Employment
Fayetteville Police Policy 26.1.1 Disciplinary Matters & Awards Procedures
Fayetteville Police Policy 41.2.8 Vehicular Pursuit
Fayetteville Police Policy 41.2.11 Use of Department Vehicles
Fayetteville Police Policy 41.2.17 Canines
Fayetteville Police Policy 44.1.1 Juvenile Operations
Fayetteville Police Policy 46.2.1 Emergency Response Team
Fayetteville Police Policy 48.1.1 Next of Kin Notifications
Fayetteville Police Policy 84.1.1 Property Management; Acquired & In-Custody

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-659

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361): Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. in WARD 4. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in west Fayetteville, at the intersection of W. Starry Night View and N. Rupple Road. The property contains 1.04 acres which is currently zoned RSF-1, Residential; Single-Family, 1 Unit per Acre. It is currently developed with a 1,900-square-foot house constructed in 1989.

Request: The request is to rezone the subject property from RSF-1, Residential Single-Family, One Unit per Acre, to RI-U, Residential Intermediate-Urban.

Public Comment: To date, staff has received several inquiries and three public comments on the proposal. They cited concerns about increased traffic, impacts on property value, and compatibility with Oakbrooke's covenants and architectural standards.

Land Use Compatibility: Staff finds the proposed rezoning from RSF-1 to RI-U to be compatible with the surrounding area. The intent of the RI-U zoning district is to encourage development of attached and detached dwellings to provide a range of housing types and meet the demands for walkable urban living. The subject property is adjacent to single-family properties to the west and south and undeveloped property to the north. Properties to the north and west are zoned RPZD (Oakbrooke Subdivision), and the property to the south is zoned RSF-1. While the immediate vicinity is currently developed with single-family dwellings, a rezoning to RI-U could allow for higher density residential development consisting of single- to four-family dwellings, which staff finds to be compatible with the adjacency to Rupple Road and the near proximity of services and varied other land uses. Rezoning to RI-U would reduce the bulk and area requirements from 150-feet-wide lots with a 35,720-square-foot minimum area, to 18-foot-wide lots with no minimum area. Essential City services are available to the site, and other public amenities are located nearby. Given the size of the site, proximity to public services and amenities, and the availability of public right-of-way, staff finds the proposed rezoning to be appropriate.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans. The proposed zoning complements the property's Future Land Use Map designation as Residential Neighborhood area since it would support a variety of housing types of appropriate scale and context. A rezoning to RI-U would meet several goals of City Plan 2040 by encouraging appropriate infill development (Goals 1, 2, and 6). The property is also within a Tier 2 Center, located at the intersection of N. Rupple Rd. and W. Mount Comfort Rd., approximately 0.33 miles to the north. A rezoning to RI-U is appropriate as it would align with the Tier 2 center designation by providing a mix of residential dwelling types.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Water Main (eight-inch line, W. Starry Night View; 12-inch line N. Rupple Rd.)
- Near Sewer Main (85 feet west along W. Starry Night View)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Rupple Side Path Trail)
- Near Razorback Bus Stop (The Links)

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioners Werner and Gulley made the motion and second respectively. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. Public comment was offered at the meeting expressing concerns about traffic, property values, and compatibility.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-659

RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361): Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. in WARD 4. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-49 FOR APPROXIMATELY 1.04 ACRES LOCATED AT 1893 NORTH RUPPLE ROAD IN WARD 4 FROM RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-1, Residential Single-Family, One Unit per Acre to RI-U, Residential Intermediate-Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-659

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361): Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. in WARD 4. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
#		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

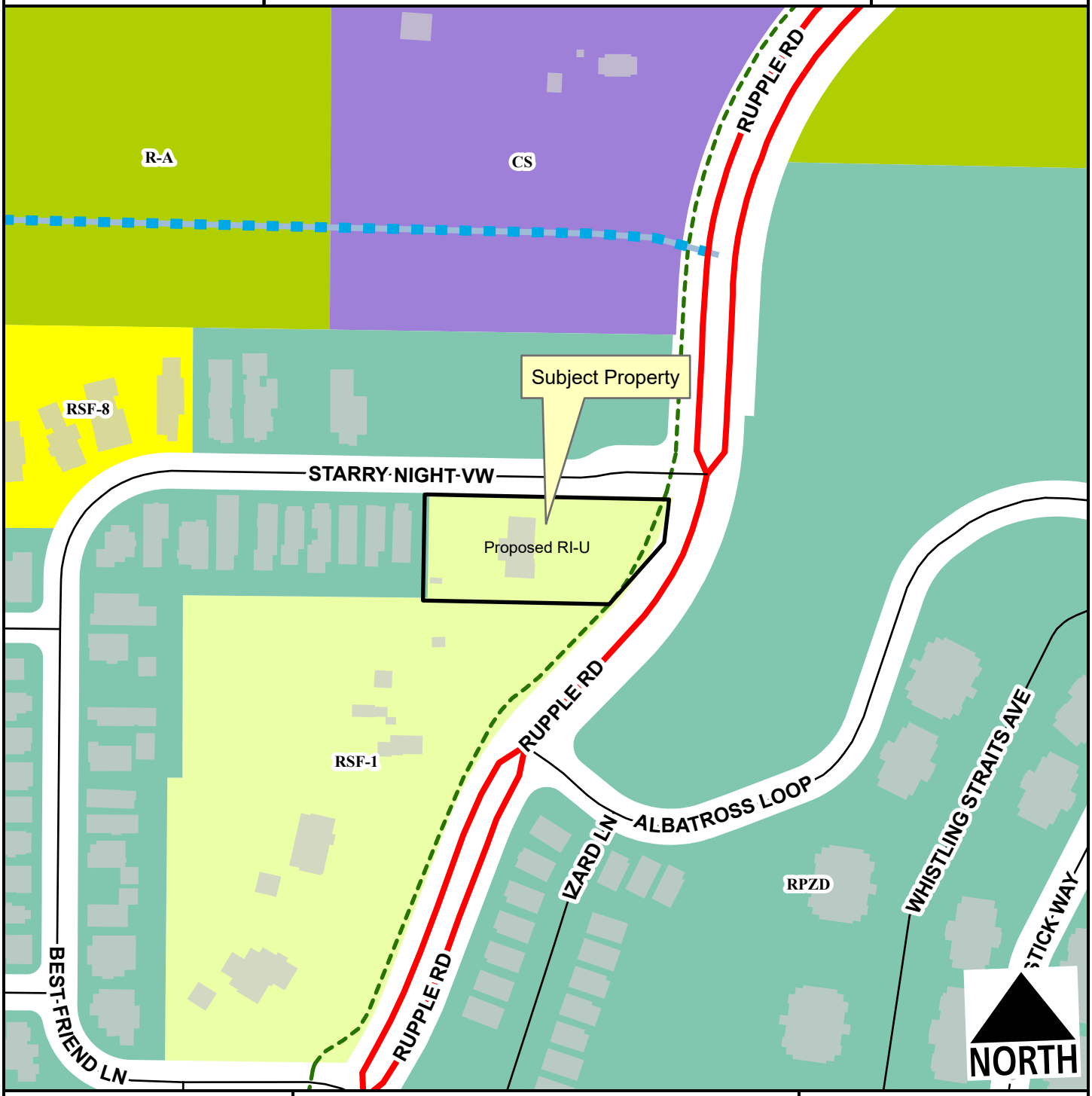
Comments:

RZN-2024-0049

Close Up View

1893 N. RUPPLE RD

Exhibit 'A'
RZN-2024-0049



- Regional Link
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	1.0
RPZD	0.0	0.0
RSF-1	1.0	0.0

Total 1.0 ac

Exhibit 'B' RZN-2024-0049

1893 N Rupple Rd Fayetteville, AR 72704

Washington County Parcel #: 765-24069-000

Current Zoning: RSF-1

Proposed new Zoning: RI-U

Legal Description:

Annexed to Fayetteville Ord. #4588 PT S/2 SE 1.049 AC FURTHER DESCRIBED FROM 2012-18099 AS: A part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 1, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as beginning at a point 127.0 feet East and 703.0 feet North of the Southwest Corner of the SE1/4 of the SE1/4; thence North 146.5 feet; thence East 354.57 feet; thence South 05' 30' West 8.04 feet; thence West 16.5 feet; thence South 05' 30' West 52.0 feet; thence South 40' 30' West 113 feet; thence West 258.06 feet to the point of beginning, containing 1.052 acres, more or less. LESS & EXCEPT FROM 2022-18021: A part of the Southeast half (SE1/4) of the Southeast Quarter (SE1/4) of Section One (1), Township Sixteen North (T16N), Range Thirty-One West (R31W), 5th Principle Meridian, Washington County, Arkansas and being more particularly described as follows: Beginning at the intersection of the northerly boundary of Instrument No. 2012-00018099 and the westerly right-of-way North Rupple Road; thence South 08°29'25" West a distance of 8.05 feet to a point; thence North 87°00'35" West a distance of 16.31 feet to a point; thence North 08°18'28" East a distance of 8.04 feet to a point; thence South 87°03'05" East a distance of 16.34 feet to the point of beginning, containing 131 square feet more or less.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024 updated w/ meeting results

SUBJECT: **RZN-2024-0049: Rezoning (1893 N. RUPPLE RD/CONRAD, 361):** Submitted by CLINT PENZO for property located at 1893 N. RUPPLE RD. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNITS PER ACRE and contains approximately 1.04 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0049** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0049** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville, at the intersection of W. Starry Night View and N. Rupple Road. The property contains 1.04 acres which is currently zoned R-A, Residential-Agricultural. It is currently developed with a 1,900-square-foot house constructed in 1989. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	PZD (Oakbrooke Ph. 3)
South	Single-Family Residential	RSF-1, Residential Single-Family – One Unit per Acre
East	Golf Course	PZD (Links)
West	Single-Family Residential	PZD (Oakbrooke Ph. 3)

Request: The request is to rezone the subject property from RSF-1, Residential Single-Family, One Unit per Acre, to RI-U, Residential Intermediate-Urban.

Public Comment: To date, staff has received several inquiries and three public comments on the proposal. They cited concerns about increased traffic, impacts on property value, and compatibility with Oakbrooke's covenants and architectural standards.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The parcel associated with the subject property is a corner lot with frontage along W. Starry Night View and N. Rupple Road. W. Starry Night View is a partially improved Residential Link Street with asphalt paving, curb and gutter, and

sidewalks There is not sidewalk present on this property's frontage. N. Rupple Rd. is a partially improved Regional Link Street with asphalt paving, no curb and gutter along the property's frontage, and a trail. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water line runs east/west along W. Starry Night View. A 12-water line runs north/south along N. Rupple Rd.

Sewer: Sanitary sewer is not present along this property's frontage. A sanitary sewer main extension would be required for new development. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1500 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no hydric soils or protected streams are present on site. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:
The proposed zoning district of RI-U, Residential Intermediate-Urban requires **15% minimum canopy preservation.** The current zoning district of RSF-1, Residential Single-Family, One Unit per Acre requires **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6** for this site with a weighted score of **6.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)

- Near Water Main (eight-inch line, W. Starry Night View; 12-inch line N. Rupple Rd.)
- Near Sewer Main (85 feet west along W. Starry Night View)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Rupple Side Path Trail)
- Near Razorback Bus Stop (The Links)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds the proposed rezoning from RSF-1 to RI-U to be compatible with the surrounding area. The intent of the RI-U zoning district is to encourage development of attached and detached dwellings to provide a range of housing types and meet the demands for walkable urban living. The subject property is adjacent to single-family properties to the west and south and undeveloped property to the north. Properties to the north and west are zoned RPZD (Oakbrooke), and the property to the south is zoned RSF-1. While the immediate vicinity is currently developed with single-family dwellings, a rezoning to RI-U could allow for higher density residential development consisting of single- to four-family dwellings. The property itself is located on a corner with frontage on a Regional Link Street (N. Rupple Rd.). Rezoning to RI-U would reduce the bulk and area requirements from 150-feet-wide lots with a 35,720-square-foot minimum area, to 18-foot-wide lots with no minimum area. Essential City services are available to the site, and other public amenities are located nearby. Given the size of the site, proximity to public services and amenities, and the availability of public right-of-way, staff finds the proposed rezoning to be appropriate.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans. The proposed zoning complements the property's Future Land Use Map designation as Residential Neighborhood area since it would support a variety of housing types of appropriate scale and context. A rezoning to RI-U would meet several goals of City Plan 2040 by encouraging appropriate infill development (Goals 1, 2, and 6). The property is also within a Tier 2 Center, located at the intersection of N. Rupple Rd. and W. Mount Comfort Rd., approximately 0.33 miles to the north. A rezoning to RI-U is appropriate as it would align with the Tier 2 center designation by providing a mix of residential dwelling types.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that rezoning the subject property from RSF-1 to RI-U is justified since the RSF-1 zoning is no longer compatible with the surrounding land uses. Staff also finds the rezoning to RI-U to be better aligned with existing zoning and development patterns in the area and consistent with the city's future land use plans.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from RSF-1 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for development that is greater in density and intensity than the existing RSF-1 zoning. Nevertheless, staff finds that the proposed rezoning is not likely to create or appreciably increase traffic danger or congestion at this location. The property has frontage along a partially improved Residential Link Street and Regional Link Street, and any street improvements required in the area would be determined at the time of development review.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets and water. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1500 linear feet downstream of this property, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0049 to City Council with a recommendation of approval

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Werner			
Second: Gulley			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.05 District RSF-1, Residential Single-Family - One (1) Unit Per Acre
  - §161.12 District RI-U, Residential Intermediate – Urban
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.05 District RSF-1, Residential Single-Family - One (1) Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(D) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density.*

Units per acre	1

(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

Building Height Maximum	3 stories

(I) *Building Area.* None.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

Request Letter

1893 N Rupple Rd Fayetteville, AR 72704

Washington County Parcel #: 765-24069-000

Current Zoning: RSF-1

Proposed new Zoning: RI-U

I would like to rezone my property at 1893 N Rupple Rd in Fayetteville to RI-U. This zoning will allow the parcel to be developed in a manner comparable to the existing homes on Starry Night. The minimum lot dimensions will allow flexibility to work around the existing home and its potential conversion to rear entry. It is our plan to construct row homes with rear entry garages accessed by extending the existing alley. The homes constructed will be architecturally similar to the adjoining subdivision. With RI-U zoning nearby and with the zoning density of the adjoining subdivision on Starry Night, we feel the rezone aligns with surrounding land use and will enhance the appeal of the area. Thank you for your consideration.



Erin Conrad

Cole, Kylee

From: Planning Shared
Sent: Thursday, October 10, 2024 1:14 PM
To: Cole, Kylee
Subject: FW: RZN 2024 0049

For you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Castin, Nick <nick.castin@fayetteville-ar.gov>
Sent: Thursday, October 10, 2024 12:45 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Fw: RZN 2024 0049

FYI

Nick Castin

Planning Commissioner

City of Fayetteville, Arkansas

CITY OF FAYETTEVILLE ARKANSAS

From: Ginny Masullo <masullo.ginny1@gmail.com>
Sent: Wednesday, October 9, 2024 4:35 PM
To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>
Subject: RZN 2024 0049

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am the adjacent neighbor to the proposed re zoning RZN 2024 0049, l have lived on Rupple since 1989 when Rupple Road was pretty much country and not in the city limits I have seen lots of changes none of which I objected to except for a proposed small airport many years ago. Most recently I welcomed the trail running in front of our home with open arms.

When I looked into this rezoning request by speaking with Kylee at Planning, I thoughtI I would like to be supportive of this type of zoning in the name of longer range planning for our growing city.

However, It's a big jump from single family on that one acre to RIU which appears to allow 18 ft lots and uncapped density. .

I think RSF 4 is more appropriate given the adjacent neighborhood and the concerns below.

Since essentially a small town the size of Eureka in the form of Lindsey apartments is on the East side of Rupple and because Rupple is a corridor, traffic especially at peak times can back up easily to and beyond Starry Night.

Some of the neighbors in Oakbrooke have some legitimate concerns such as the S curve between Best Friend and Starry Night, and the potential danger of adding curb cuts on that section of Rupple. I share their concerns. It would be good to know officially how many accidents happened there in the last 5 years.
Can you ask for that information? I know I have seen numerous wrecks there.

Your work is appreciated,
Ginny Masullo
1837 Rupple Road Fayetteville.

Cole, Kylee

From: Planning Shared
Sent: Thursday, October 10, 2024 1:15 PM
To: Cole, Kylee
Subject: FW: Proposed rezoning request for the lot on the corner of Rupple and Starry Night View, located at the head of our neighborhood.

Also rzn-49

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Castin, Nick <nick.castin@fayetteville-ar.gov>
Sent: Thursday, October 10, 2024 12:45 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Fw: Proposed rezoning request for the lot on the corner of Rupple and Starry Night View, located at the head of our neighborhood.

FYI

Nick Castin

Planning Commissioner

City of Fayetteville, Arkansas

CITY OF FAYETTEVILLE ARKANSAS

From: Joe Vitiritto <VITIJ@pamt.com>
Sent: Wednesday, October 9, 2024 4:27 PM
To: Werner, Nick <nick.werner@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>

Subject: RE: Proposed rezoning request for the lot on the corner of Rupple and Starry Night View, located at the head of our neighborhood.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commission Members,

My name is Joe Vitiritto, my wife and I live at 4054 W. Starry Night View in Fayetteville, in the Oakbrooke Neighborhood.

I am writing this email to voice my concerns about the proposed rezoning of the property on the Corner of Rupple and Starry Night View. This property is 1.4 acres and is currently zone residential and they are requesting to change the zoning to RI-U.

My biggest concern is with the current traffic on Rupple and it already being dangerous enough through the s-curve in that area to come in and out of our development, I believe it is a bad idea from a safety standpoint to rezone and put more traffic turning onto Rupple. Plus taking down the mature trees on that property and building multiple residential buildings in that area is going to present challenges to property values in our neighborhood and the surrounding area.

We bought the house in that development 4 years ago because of convenience to all that Fayetteville has to offer, artistic house styles and proximity to work. This potential rezoning plus additional rezoning in the neighborhood that was already approved is challenging all our initial thoughts on the neighborhood.

We would appreciate your help in not allowing this rezoning to happen.

Thank you,
Joe Vitiritto
CEO and President
PAM Transport

'This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error please notify the system manager. Please note that any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this e-mail and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this e-mail.'

Dear City Planning Representative,

We are residents of Oakbrooke neighborhood. We write to express our concerns about the proposed rezoning at 1893 N. Rupple Rd, Fayetteville, AR 72704. This property is at the corner of Rupple Road and Starry Night View.

In 2023, we built our forever home on Starry Night View. We chose this neighborhood because of the vision the builder has for the neighborhood. Further, we invested in Oakbrooke because we value the peace and quiet the neighborhood provides, the sense of community it affords, and the architectural aesthetic and build quality of the homes. Finally, as would be expected from any property owner, we seek to protect our home's value as it represents a significant portion of our estate.

There is already excessive traffic in our neighborhood from our own homeowners and from folks in adjacent neighborhoods who use our streets as through streets, often driving at dangerous speeds. We are concerned that the proposed zoning, if built out to its legal limit, would increase traffic making the already problematic corner more congested, increasing the likelihood of traffic accidents at this corner and in our neighborhood. We are also concerned that any development would seek access from Starry Night, something we would be absolutely opposed to.

While not technically part of Oakbrooke, the property in question is situated such that any development will directly affect the value of the properties in our neighborhood as well as the quality of life, for better or worse. The property may not be legally part of the neighborhood, but it certainly is geographically. We believe that any zoning applied to this property should be in keeping with the covenants and architectural quality of Oakbrooke.

Thank you for taking the time to consider our input. We appreciate your time and service.

Respectfully,
Gretchen and Steve Wilkes

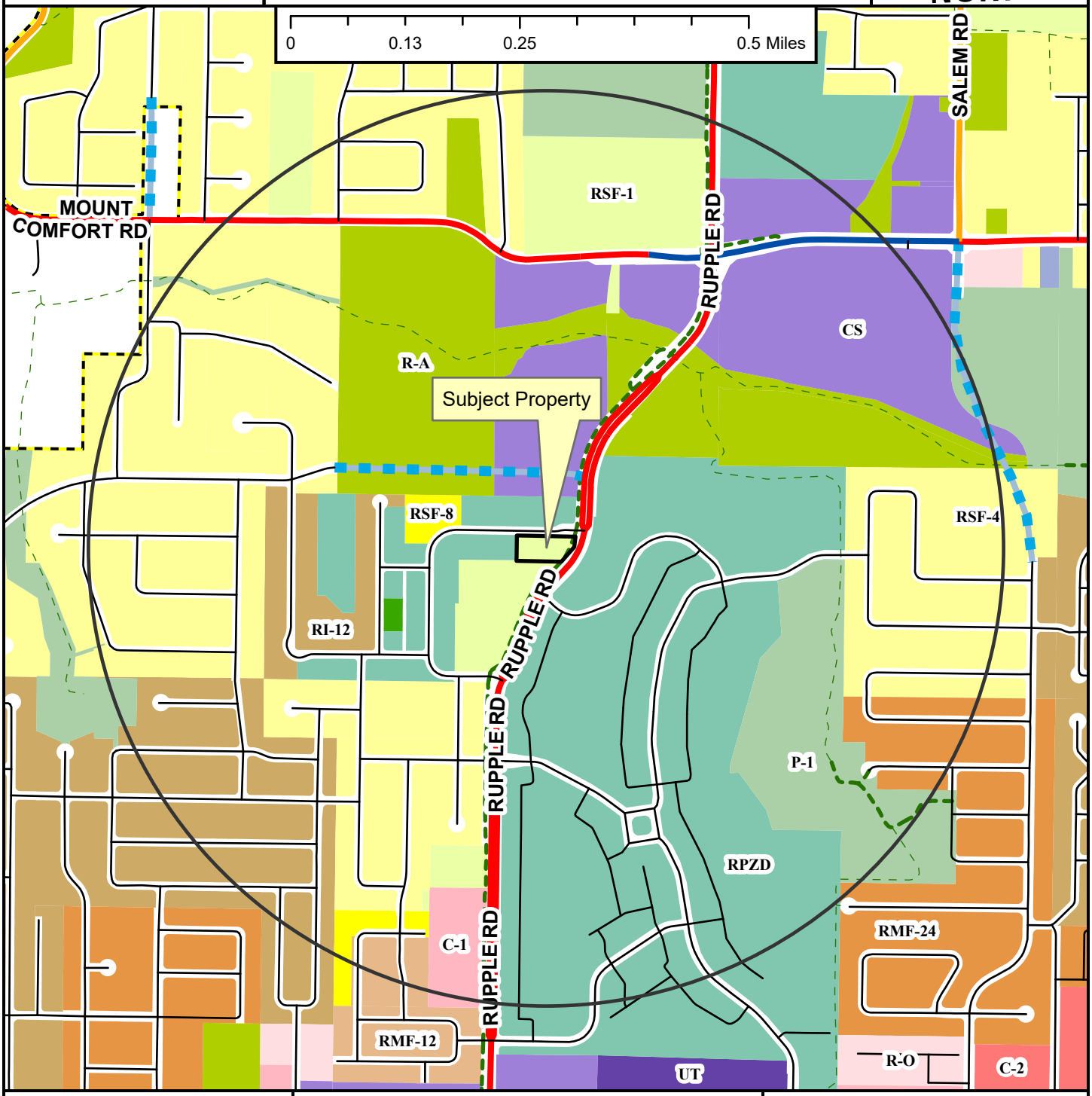
Gretchen Wilkes
Steve Wilkes

RZN-2024-0049

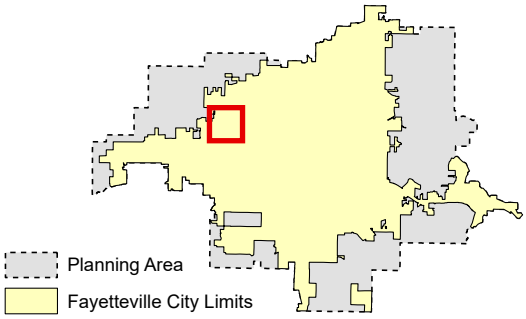
One Mile View

1893 N. RUPPLE RD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

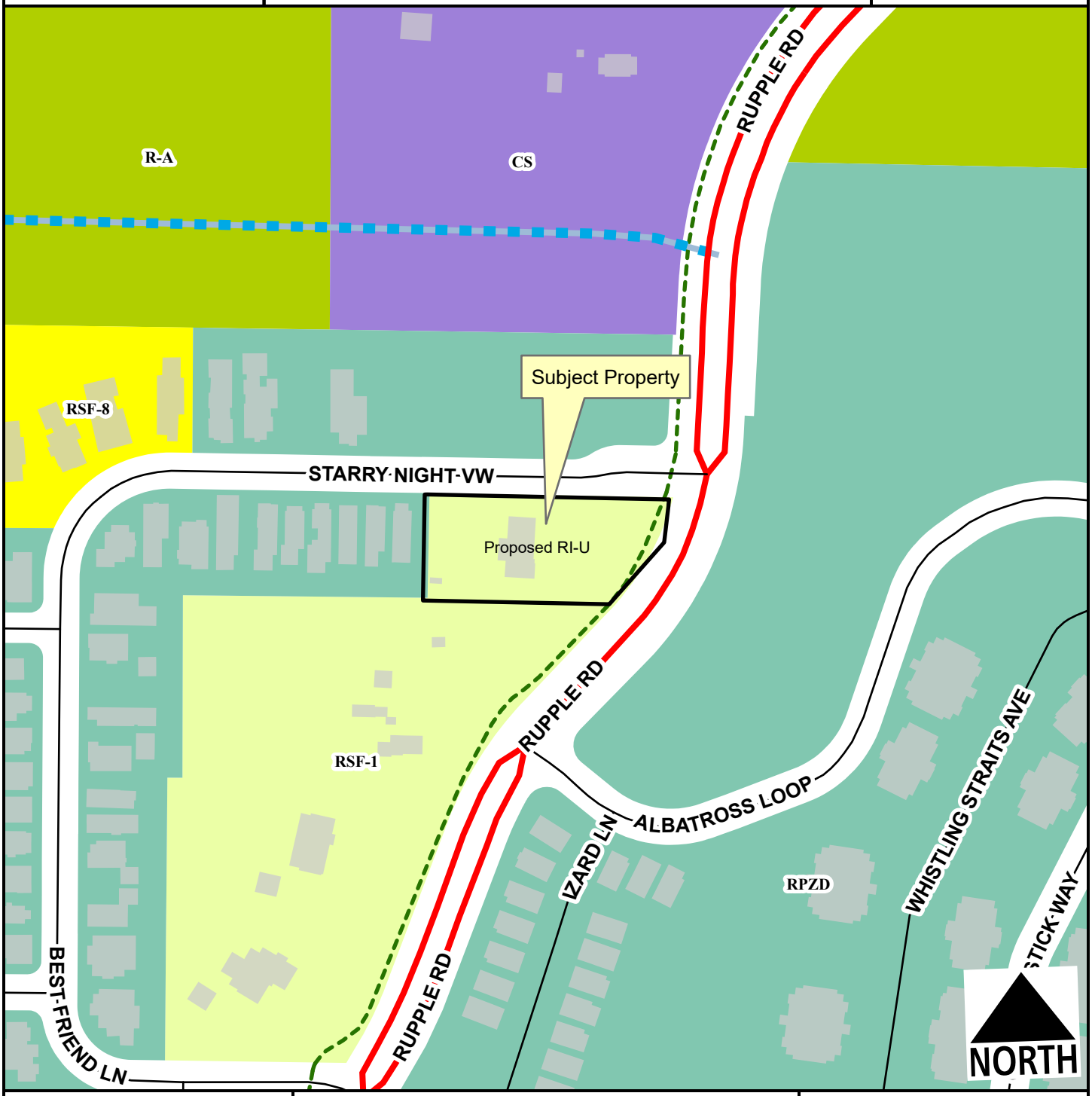
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2024-0049

Close Up View

1893 N. RUPPLE RD



- Regional Link
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	1.0
RPZD	0.0	0.0
RSF-1	1.0	0.0

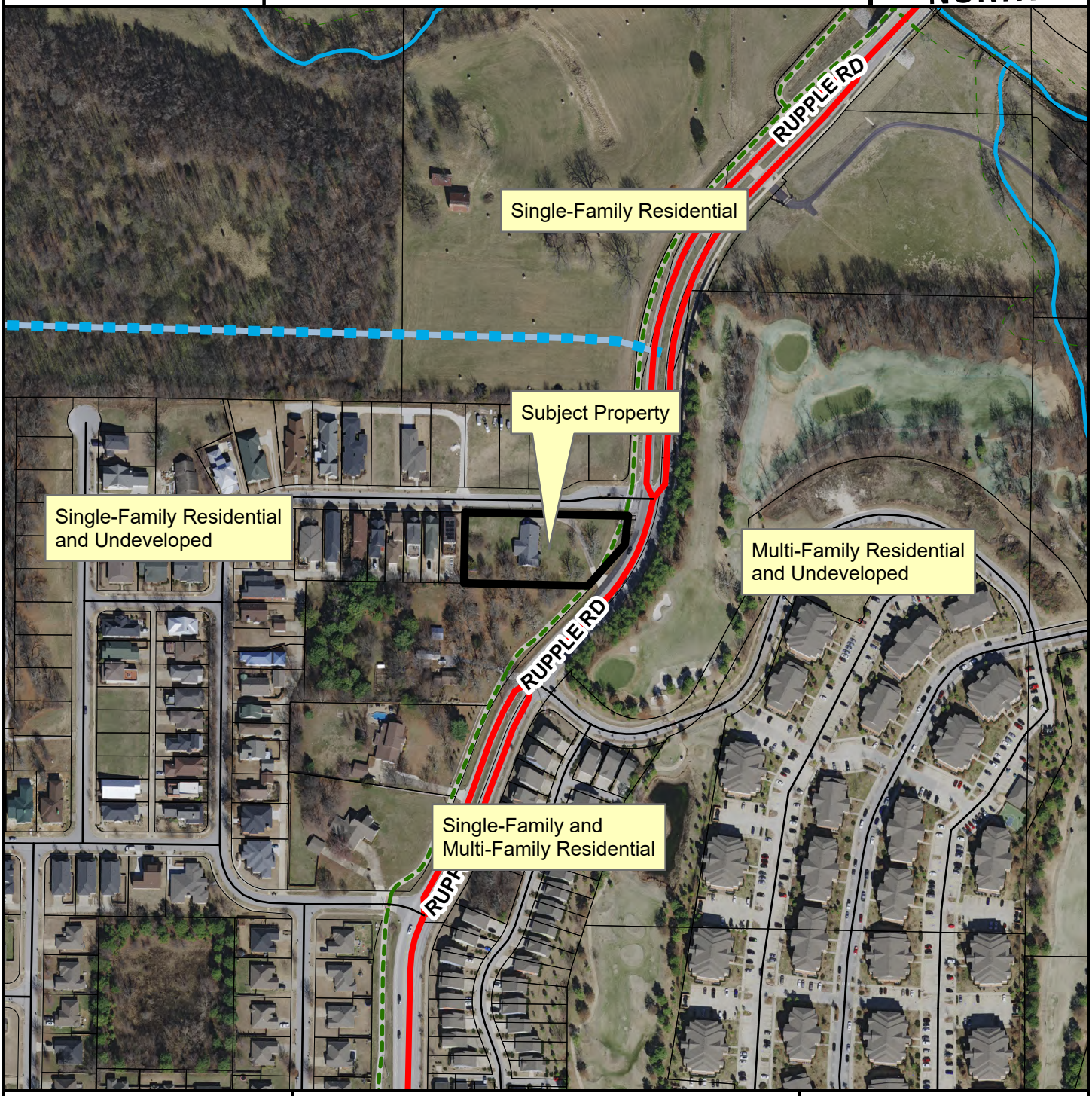
Total 1.0 ac

RZN-2024-0049

Current Land Use

1893 N. RUPPLE RD

NORTH



- Regional Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

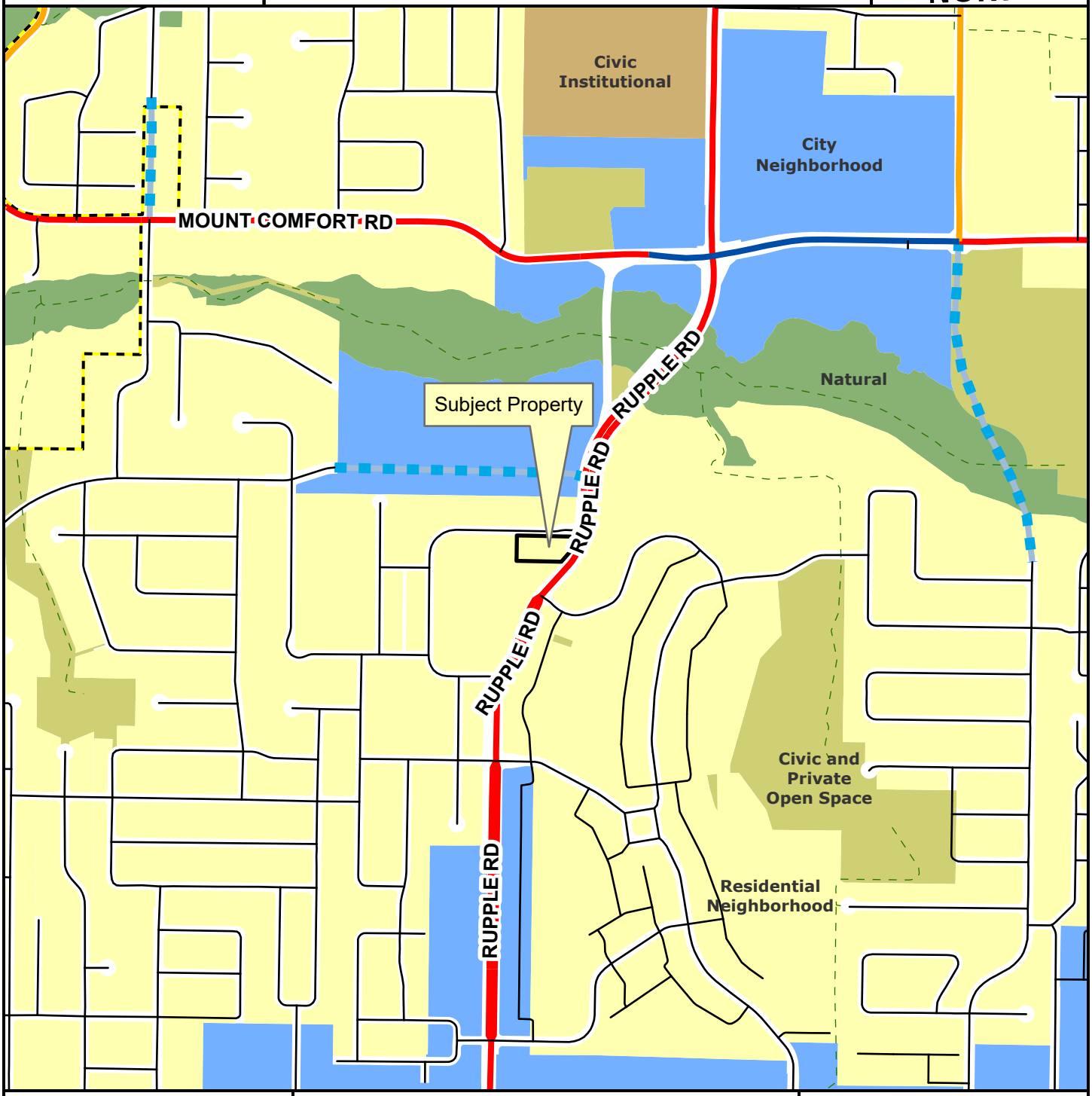
- 100-Year Floodplain
- Floodway

RZN-2024-0049

Future Land Use

1893 N. RUPPLE RD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-650

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **VAC-2024-0022: Vacation (EAST OF 111, 123, AND 135 S. PADDOCK LOOP/TREETOPS, 526): Submitted by HALL ESTILL for property located east of 111, 123, AND 135 S. PADDOCK LOOP in WARD 1. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.49 acres. The request is to vacate 0.02 acres of a utility easement.**

RECOMMENDATION:
Staff recommends approval of **VAC-2024-0022** as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense; and
2. Existing gas line to be relocated within utility easement boundaries at property owner/developer's expense.

BACKGROUND:
The subject property is in east Fayetteville, south of Mount Sequoyah Woods. The eastern portions of the site are characterized by steep slopes down to S. Paddock Loop. The property received its current zoning designation of RSF-8, Residential Single-Family, Eight Units Per Acre, on November 5, 2020 with the passage of Ordinance 5676 by City Council. Residential building permits for three single-family dwellings were issued in 2023. During inspection, it was revealed that the homes were constructed within portions of the existing easement.

Request: The applicant proposes to vacate a portion of a utility easement (0.02 acres) on the property that was dedicated in 2011. The vacation of this easement is required to remove the current encroachment by buildings at 111 and 123 S. Paddock Loop, and continue moving forward with construction of a new home at 135 S. Paddock Loop which was permitted in November 2023.

DISCUSSION:
City of Fayetteville staff recommends in favor of the requested easement vacation. The applicant submitted all the necessary approvals without objections, but with the conditions as outlined above.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Cover Letter (#6), Petition to Vacate (#7), Easement Exhibit (#8)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-650

VAC-2024-0022: Vacation (EAST OF 111, 123, AND 135 S. PADDOCK LOOP/TREETOPS, 526): Submitted by HALL ESTILL for property located east of 111, 123, AND 135 S. PADDOCK LOOP in WARD 1. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.49 acres. The request is to vacate 0.02 acres of a utility easement.

AN ORDINANCE TO APPROVE VAC-24-22 FOR PROPERTY LOCATED EAST OF 111, 123, AND 135 SOUTH PADDOCK LOOP IN WARD 1 TO VACATE A 0.02 ACRE PORTION OF GENERAL UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of general utility easement is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of general utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any damage to or relocation of any existing facilities will be at the property owner/developer's expense; and
2. The existing gas line shall be relocated within utility easement boundaries at property owner/developer's expense.

City of Fayetteville Staff Review Form

2024-650

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT SERVICES (620)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2024-0022: Vacation (EAST OF 111, 123, AND 135 S. PADDOCK LOOP/TREETOPS, 526): Submitted by HALL ESTILL for property located east of 111, 123, AND 135 S. PADDOCK LOOP in WARD 1. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.49 acres. The request is to vacate 0.02 acres of a utility easement.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

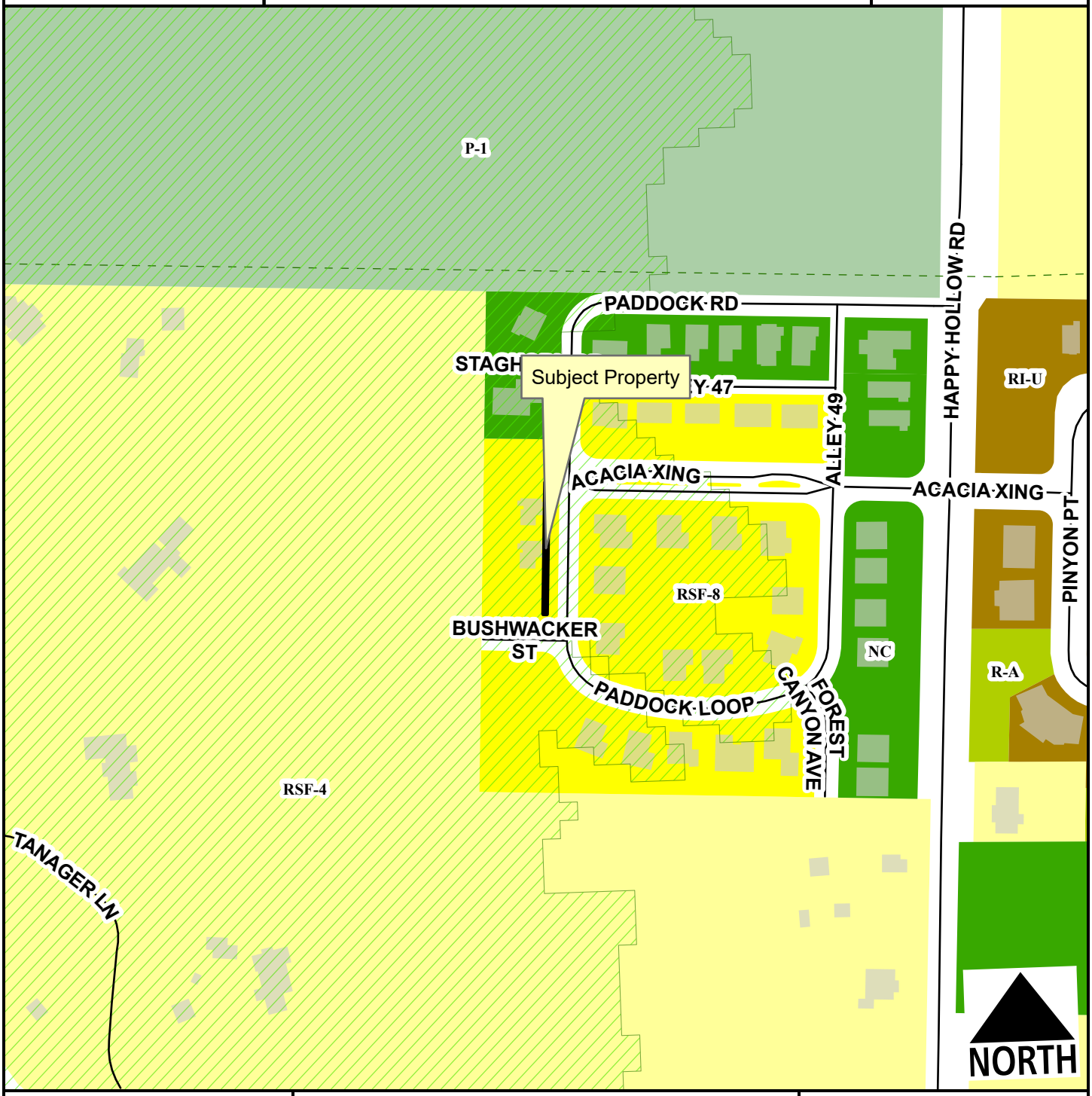
Comments:

VAC-2024-0022

Close Up View

111 S. PADDOCK LOOP

Exhibit 'A'
VAC-2024-0022



- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RSF-8
- RI-U
- Neighborhood Conservation
- P-1

Exhibit 'B'
VAC-2024-0022

Treetops Subdivision Fayetteville Easement Area to be Removed

Part of Lots 10, 11 & 12, Concurrent Plat, Treetops Subdivision, A Replat and Renaming of The Paddock Lane Subdivision, Fayetteville, Washington County, Arkansas, being filed for record June 22, 2015 as Document 016305570002. Being more particularly described as follows:

Commencing at the northeast corner of said Lot 10, Thence along the north line of said Lot 10, N86º45'46"W, 15.feet to the Point of Beginning; Thence leaving said north line, S02º44'44"W, 182.04 feet; Thence N86º45'56"W, 5.00 feet; Thence N02º44'44"E, 182.04 feet to said north line of Lot 10; Thence along said north line, S86º45'56"E, 5.00 feet to the Point of Beginning. Containing 0.021 acres, or 910.2 square feet more or less. Said described area being the west 5 feet of the 20 foot Utility and Drainage Easement crossing said Lots 10, 11 and 12, running parallel to South Paddock Loop, as shown on said Concurrent Plat.

HALL ESTILL
ATTORNEYS AT LAW

Robert K. Rhoads
75 N. East Ave., Suite 500
Fayetteville, AR 72701-5388
Direct Dial: (479) 973-5202
rrhoads@hallestill.com

September 27, 2024

VIA PORTAL

Fayetteville Planning Department
Fayetteville Planning Commission
Fayetteville City Counsel

RE: Petition to Partially Vacate Utilities Easement
111, 123, 135 South Paddock Loop

To Whom It May Concern,

Please find enclosed the Petition to Partially Vacate the City's utility easement as mentioned in the reference line of this letter. Please note that the Petition that is attached describes the scope nature and the intent of the request. If there are many questions, I stand ready to answer them.

Very truly yours,

/s/ Robert K. Rhoads

Robert K. Rhoads

CC: Client

RKR:yn
20557567.1:014802.00001

PETITION TO PARTIALLY VACATE A general utility **Easement Located at** 111, 123, 135 South Paddock Loop, **City of Fayetteville, Arkansas**

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

The undersigned, Robert K. Rhoads, with the Law Firm of Hall Estill, representing the owners, Treetops Development, LLC., of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying at 111, 123, 135 South Paddock, City of Fayetteville, Arkansas, petition to vacate an easement which is described as follows:

SEE EXHIBIT "A"

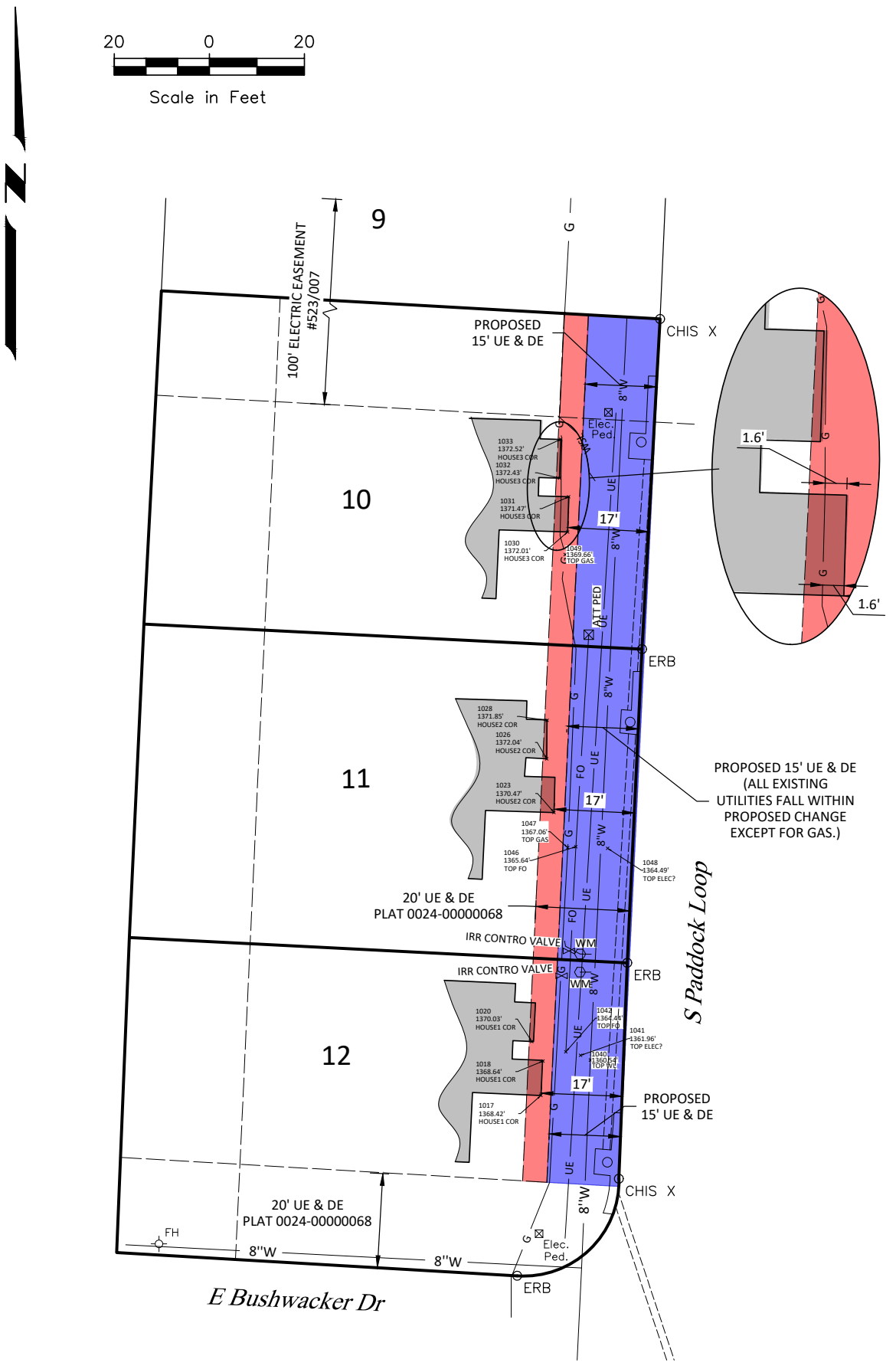
The owners have built their homes on the three lots as shown in Exhibit "B" partially in the City's utility easement due to a mistake in placing preconstruction pins. This mistake was not known by the owners until after the buildings were finished. The petitioners have gained consents from all of the private utilities and with this petition would ask that the city utility divisions, also consent to this as well, therefore, we copy this petition to Aaron Watkins, Drew Cook, and Terry Gulley, to make this request.

Owners believe if the city partially abandons and vacates this utility easement, there still is sufficient room in the easement for the purposes of the utilities and the City.

WHEREFORE, the undersigned respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said lots.

Dated this 27, day of Sept., 2024.

Robert K. Rhoads, On Behalf of Treetops Development, LLC.



K:\Work Orders\13742 - Tree Tops Fayetteville, Lots 10-12\Drafting\7-25-23Easement Issue 080124\070124 Treetops Fayetteville Esmt Exhibit.dwg, 8/29/2024 1:39:53 PM, betsy, 1:1, Copyright by Mickle Griffin, LLC

070124 Treetops Fayetteville Esmt Exhibit.dwg

DRAWN BY:	DW/BB
APPV. BY:	JH
H. SCALE:	1"=20'
V. SCALE:	
DATE:	AUGUST 2024
JOB NO:	13742
SHEET	1 OF 1

EASEMENT EXHIBIT

TREETOPS, LOTS 10-12

FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

MICKLE GRIFFIN
ENGINEERS - SURVEYORS
3434 Country Club Ave. (479) 649-8484
P.O. Box 8130 Fax: (479) 649-8486
Fort Smith, Arkansas info@micklegriffin.com

DATE	REVISION	BY

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-660

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Donna Wonsower, Planner

SUBJECT: **VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484): Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST in WARD 2. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of street right-of-way.**

RECOMMENDATION:
Staff and Planning Commission recommend approval of **VAC-2024-0018** as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense; and
2. An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the attached Exhibit C.

BACKGROUND:
The subject property is in central Fayetteville, approximately 400 feet east of the intersection of W. Lafayette St. and N. West Ave. The property is zoned DG and encompasses lots 1 and 2 of the County Court replat (8 parcels per the Washington County Assessor). The entire property is located within the Downtown Master Plan Area and is the site of University Baptist Church.

Request: The applicant proposes to vacate 0.34 acres of right-of-way platted with the County Court replat.

DISCUSSION:
City of Fayetteville staff recommends in favor of the requested right-of-way vacation. All documents have been received with no objections or issues identified. Staff find that while this right-of-way technically serves 8 separate properties, all are owned by University Baptist Church and it is a "paper alley" (dedicated, but never developed) Multiple buildings, including the main University Baptist Church structure, have since been constructed which encroach in to the right-of-way.

At the October 14, 2024 Planning Commission meeting, this item was unanimously forwarded to City Council with a recommendation of approval as part of the consent agenda. No public comment was provided either prior to or during the public meeting.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Exhibit C - Alley Vacation and New Dedication (#6), Staff Report (#7), Petition to Vacate (#8)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-660

VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484): Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST in WARD 2. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of street right-of-way.

AN ORDINANCE TO APPROVE VAC-24-18 FOR PROPERTY LOCATED AT 314 WEST LAFAYETTE STREET IN WARD 2 TO VACATE 0.34 ACRES OF STREET RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of street right-of-way is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of street right-of-way as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense; and
2. An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the Exhibit C attached to the Planning Department's memo.

City of Fayetteville Staff Review Form

2024-660
Legistar File ID

3/19/2024
City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	3/1/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484): Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST in WARD 2. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of street right-of-way.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	$ -
		Funds Obligated	$ -
		Current Balance	$ -
Does item have a cost?	No	Item Cost	$ -
Budget Adjustment Attached?	No	Budget Adjustment	$ -
		Remaining Budget	$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

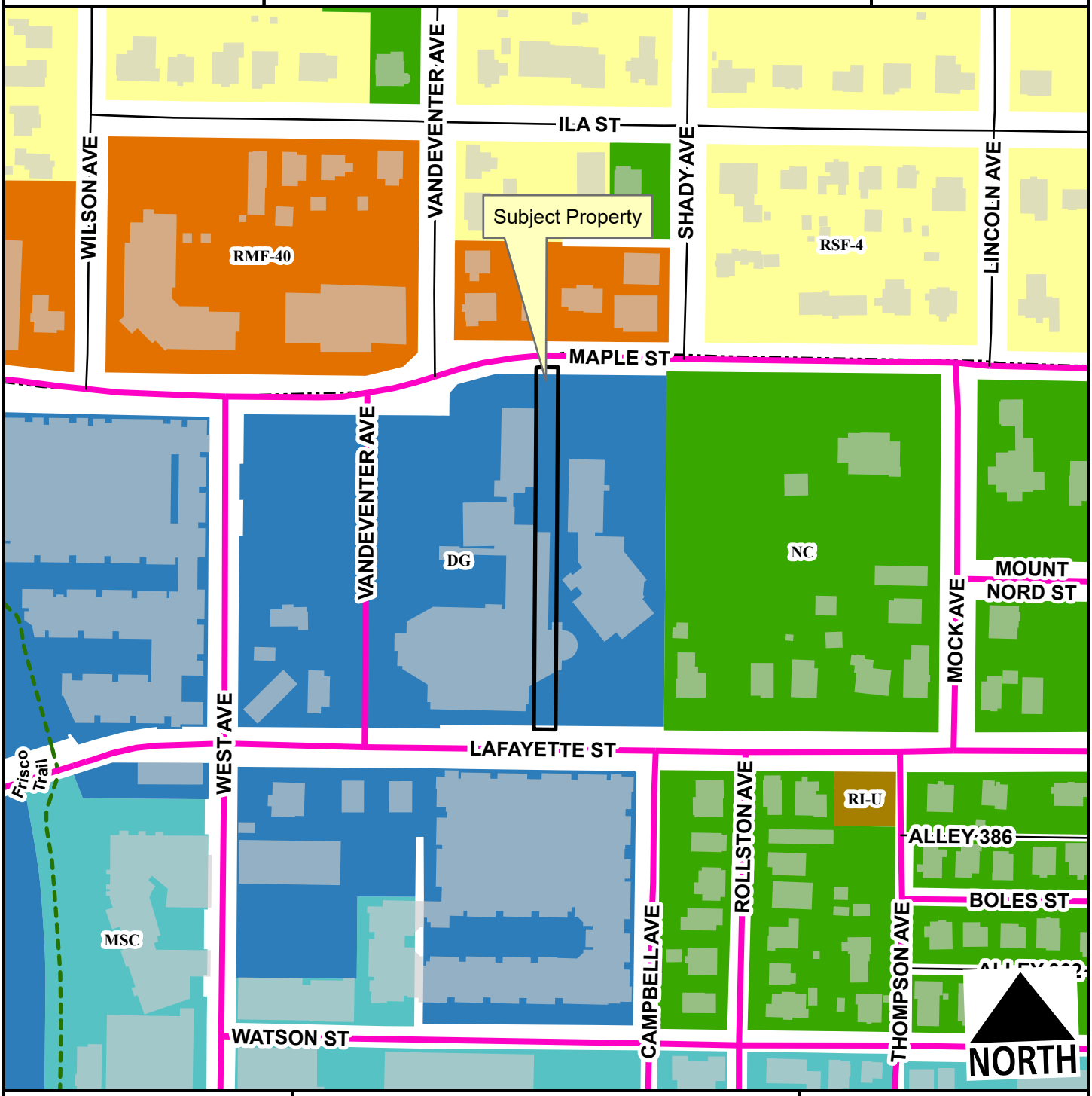
Comments:

VAC-2024-0018

Close Up View

314 W. LAFAYETTE ST

VAC-2024-0018
EXHIBIT 'A'



- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

Feet

0 75 150 300 450 600

1:2,400

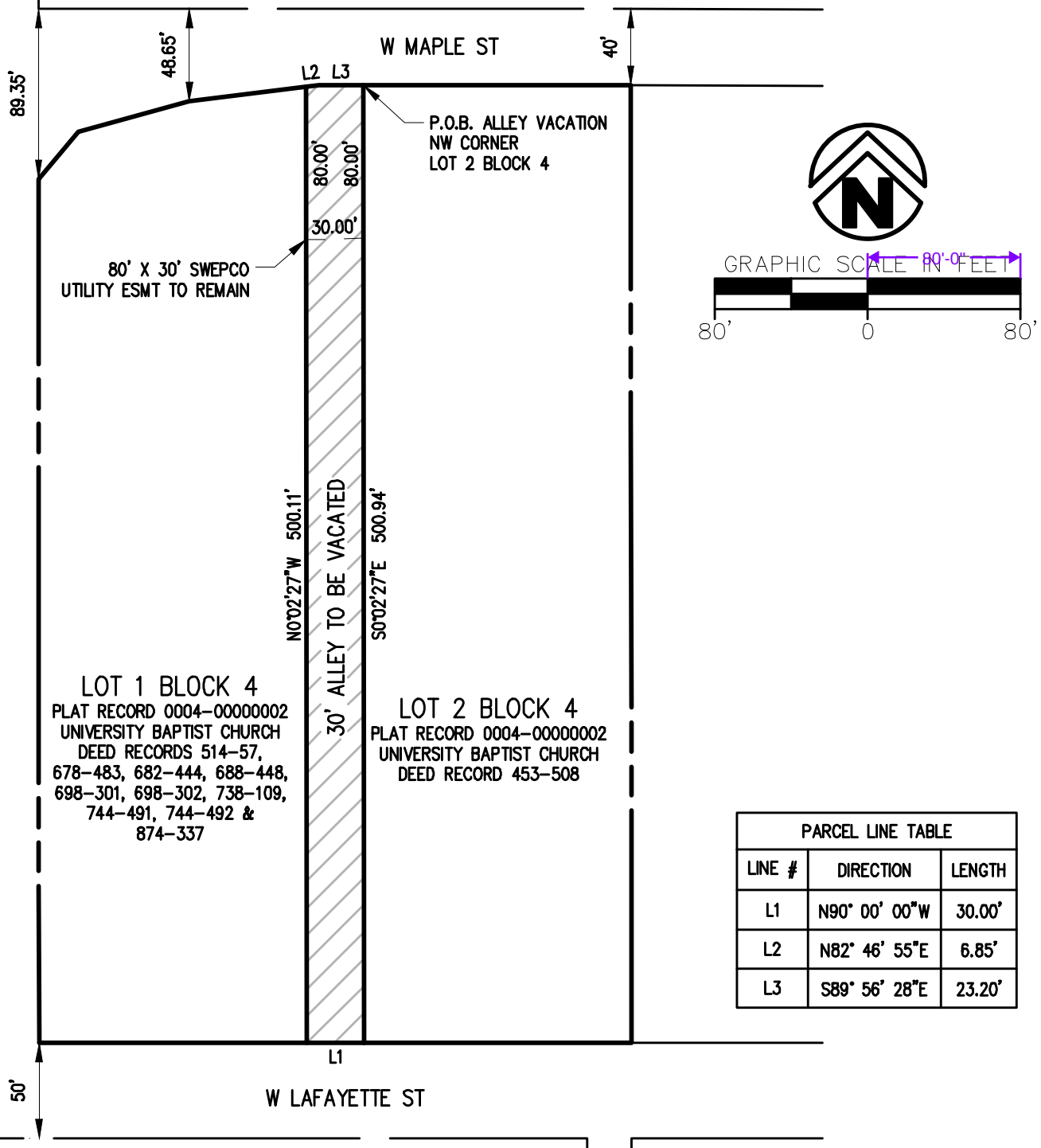
- RSF-4
- RI-U
- RMF-40
- Main Street Center
- Downtown General
- Neighborhood Conservation

VAC-2024-0018
EXHIBIT 'B'

A 30 FOOT WIDE ALLEY BETWEEN LOT 1 AND LOT 2 OF BLOCK 4 OF COUNTY COURT ADDITION AS PER PLAT RECORD 0004-00000002 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2;
THENCE ALONG THE WEST LINE THEREOF S00°02'27"E 500.94 FEET TO THE NORTH RIGHT-OF-WAY OF WEST LAFAYETTE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N90°00'00"W 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE EAST LINE THEREOF N00°02'27"W 500.11 FEET TO THE SOUTH RIGHT-OF-WAY OF WEST MAPLE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N82°46'55"E 6.85 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S89°56'28"E 23.20 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES, MORE OR LESS.

EXHIBIT C



PARCEL LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N90° 00' 00"W	30.00'
L2	N82° 46' 55"E	6.85'
L3	S89° 56' 28"E	23.20'

Reviewed by:
Donna Wonsower, Planner
Development Services
APPROVED

NOTE:
THIS ALLEY VACATION EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE ALLEY VACATION DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

PROJECT NO.:	
24301601	
DRAWN BY:	DATE: 08/13/2024
SHEET: 1 OF 1	CHECKED:

300 N College Ave., Suite 317
Fayetteville, Arkansas 72703
Crafton Tull
479.636.4838 t
www.craftontull.com

© 2024 Crafton, Tull & Associates, Inc.

DRAWING: G:\24301601_UBCVAC\INFRASTRUCTURE\SURVEY\DWG\VAC EXHIBIT.DWG
LAYOUT: ---, LAST SAVED: SJ636, 9/13/2024 12:20:24 PM
LAST PLOTTED BY: SEAN JOHNSON, 9/13/2024 12:21:12 PM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **VAC-2024-0018: Vacation (314 W. LAFAYETTE ST/UNIVERSITY BAPTIST CHURCH, 484):** Submitted by CRAFTON TULL for property located at 314 W. LAFAYETTE ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 4.75 acres. The request is to vacate 0.34 acres of street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2024-0018** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:
*"I move to forward **VAC-2024-0018** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:
The subject property is in central Fayetteville, approximately 400 feet west of the intersection of W. Lafayette St. and N. West Ave. The property is zoned DG and encompasses lots 1 and 2 of the County Court replat (8 parcels per the Washington County Assessor). The entire property is located within the Downtown Master Plan Area. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multifamily Residential	DG, Downtown General
East	Single-Family Residential	DG, Downtown General
West	Mixed-Density Residential	DG, Downtown General

Proposal: The applicant proposes to vacate 0.34 acres of right-of-way that was platted with the County Court replat. The right-of-way is a paper alley which was never developed and has since been constructed as part of the church facility, including multiple buildings which encroach into the right-of-way.

DISCUSSION:
City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff with no objections or issues identified. Staff finds that

while the right-of-way in question technically serves 8 lots that are still legal lots of record since they do not appear to have been formally combined through a property line adjustment, all parcels are owned by University Baptists Church.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

Utility	Response
Cox Communications	Any damage or relocation of existing facilities will be at the property owner/developer's expense
AEP/SWEPCO	An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the attached exhibit.
Black Hills Energy AR	No objections and no comment.
AT&T	Any damage or relocation of existing facilities will be at the property owner/developer's expense
Ozarks Electric	No objections and no comment.
City of Fayetteville	**Response**
Water/Sewer	No objections and no comment.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

Public Comment: Staff have not received any public comment regarding this request.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0018** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

2. An 80' x 30' utility easement shall be dedicated over the northernmost portion of the right-of-way to be vacated as shown on the attached exhibit.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion: CASTIN	ON CONSENT AGENDA		
Second: GULLEY	MOTION TO FORWARD TO THE CITY COUNCIL WITH A RECOMMENDATION, WITH CONDITIONS AS RECOMMENDED BY STAFF		
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2024

City of Fayetteville
Planning Commission & City Council
125 W. Mountain Street
Fayetteville, AR 72701

RE: University Baptist Church – Alley Vacation
CTA Job No. 24301601

To whom it may concern,

This submittal is for the vacation of a Alley within the University Baptist Church development area. This site is located at 333 W Maple Street. One of the existing structures falls within the existing Alley. We are requesting the Alley be vacated according to the attached exhibit.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Sean Johnson
Survey Project Manager

PETITION TO VACATE an Alley located between parcels 765-04331-000 & 765-04334-100 of Lots 1 & 2 of Block 4 of County Court Addition, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the alley hereinafter sought to be abandoned and vacated, lying between parcels 765-04331-000 & 765-04334-100 of Lots 1 & 2 of Block 4 of County Court Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley which is described in the attached Exhibit.

A 30 FOOT WIDE ALLEY BETWEEN LOT 1 AND LOT 2 OF BLOCK 4 OF COUNTY COURT ADDITION AS PER PLAT RECORD 0004-00000002 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2;
THENCE ALONG THE WEST LINE THEREOF S00°02'27"E 500.94 FEET TO THE NORTH RIGHT-OF-WAY OF WEST LAFAYETTE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N90°00'00"W 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE EAST LINE THEREOF N00°02'27"W 500.11 FEET TO THE SOUTH RIGHT-OF-WAY OF WEST MAPLE STREET;
THENCE ALONG SAID RIGHT-OF-WAY N82°46'55"E 6.85 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S89°56'28"E 23.20 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES, MORE OR LESS.
SUBJECT TO: 80’ X 30’ SWEPCO UTILITY EASEMENT TO REMAIN.

The abutting real estate affected by said abandonment of the alley are parcels 765-04331-000, 765-04334-100, 765-04333-000, 765-04329-000, 765-04332-000, 765-04334-000, 765-04335-000 & 765-04330-000, City of Fayetteville, used by the public for a period of many years, and the public interest and welfare would not be adversely affected by the abandonment of the portion of the described alley.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further request that the described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the alley of the public for the use of said alley.

Dated this 14 day of August, 2024.

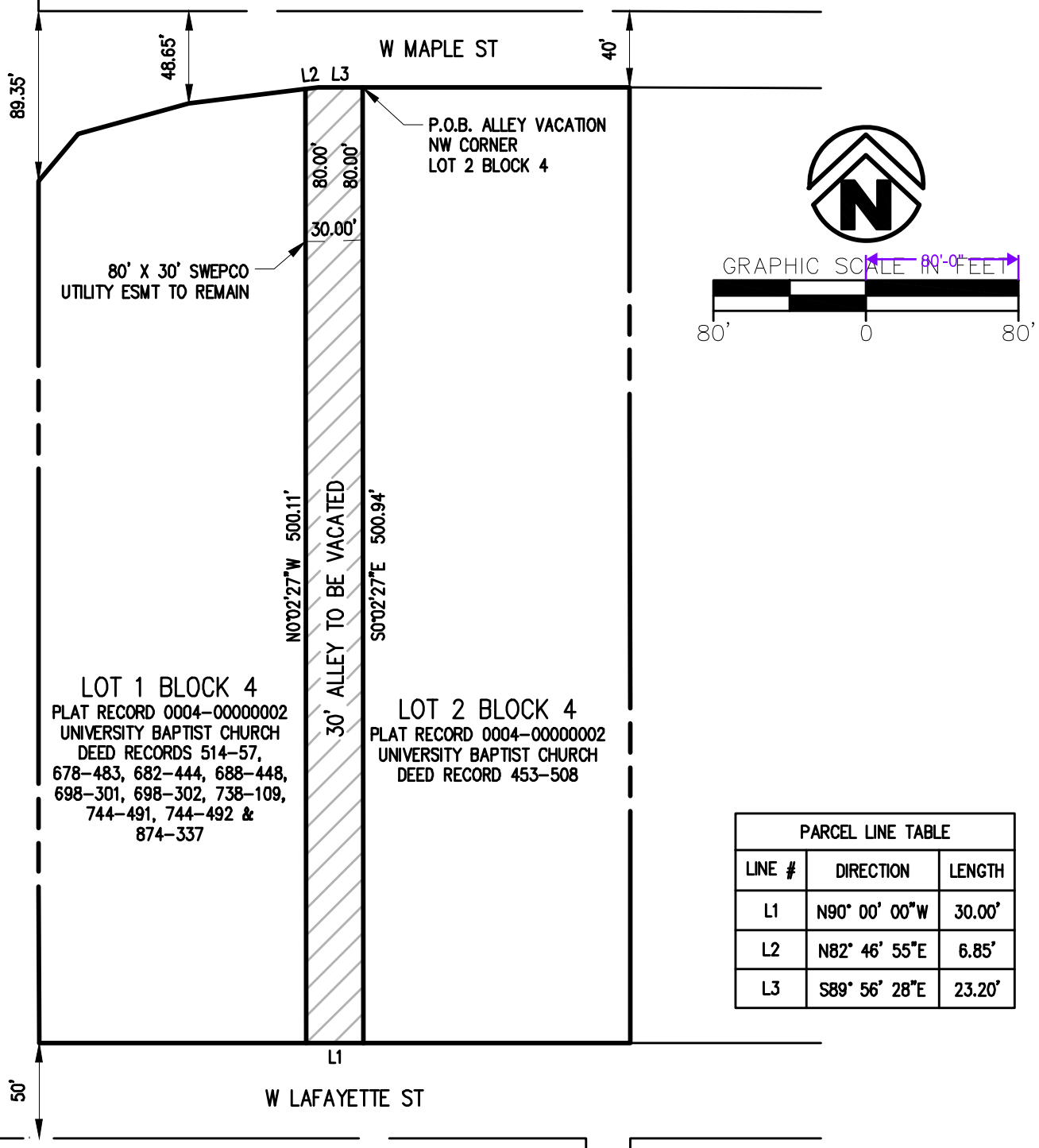
Stephen Martin, Associate Pastor

Printed Name



Signature

EXHIBIT



PARCEL LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N90° 00' 00"W	30.00'
L2	N82° 46' 55"E	6.85'
L3	S89° 56' 28"E	23.20'

NOTE:
THIS ALLEY VACATION EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE ALLEY VACATION DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

PROJECT NO.:	
24301601	
DRAWN BY:	DATE: 08/13/2024
SHEET: 1 OF 1	CHECKED:

300 N College Ave., Suite 317
Fayetteville, Arkansas 72703
Crafton Tull
479.636.4838 t
www.craftontull.com

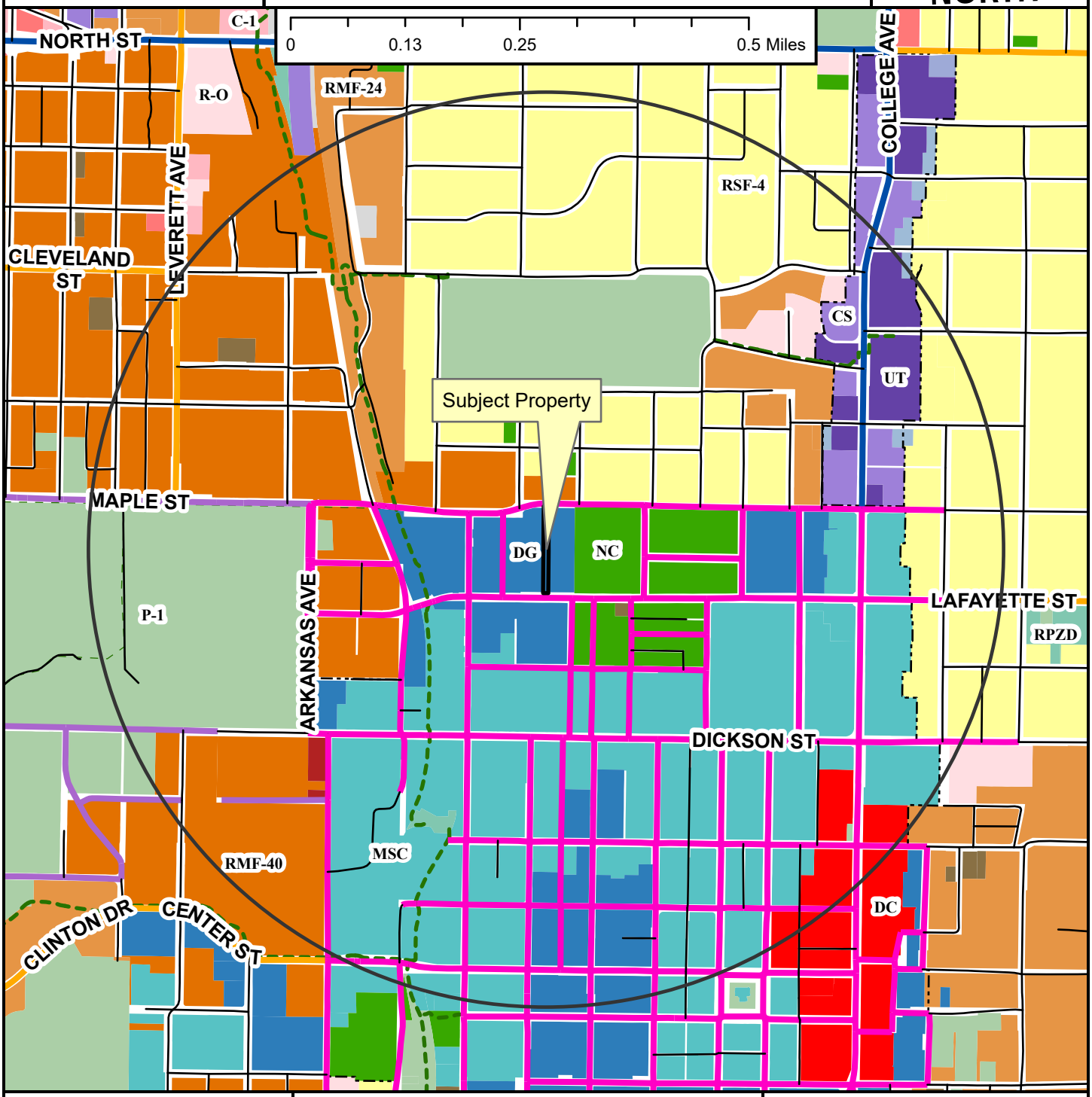
Planning Commission
October 14, 2024

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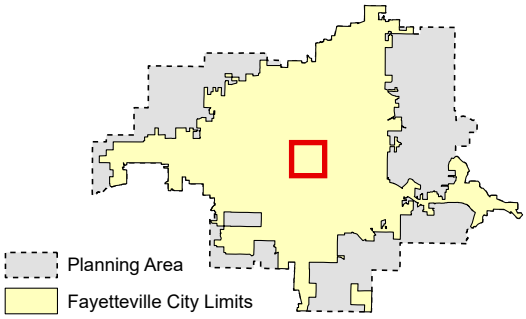
VAC-2024-0018

One Mile View

314 W. LAFAYETTE ST



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

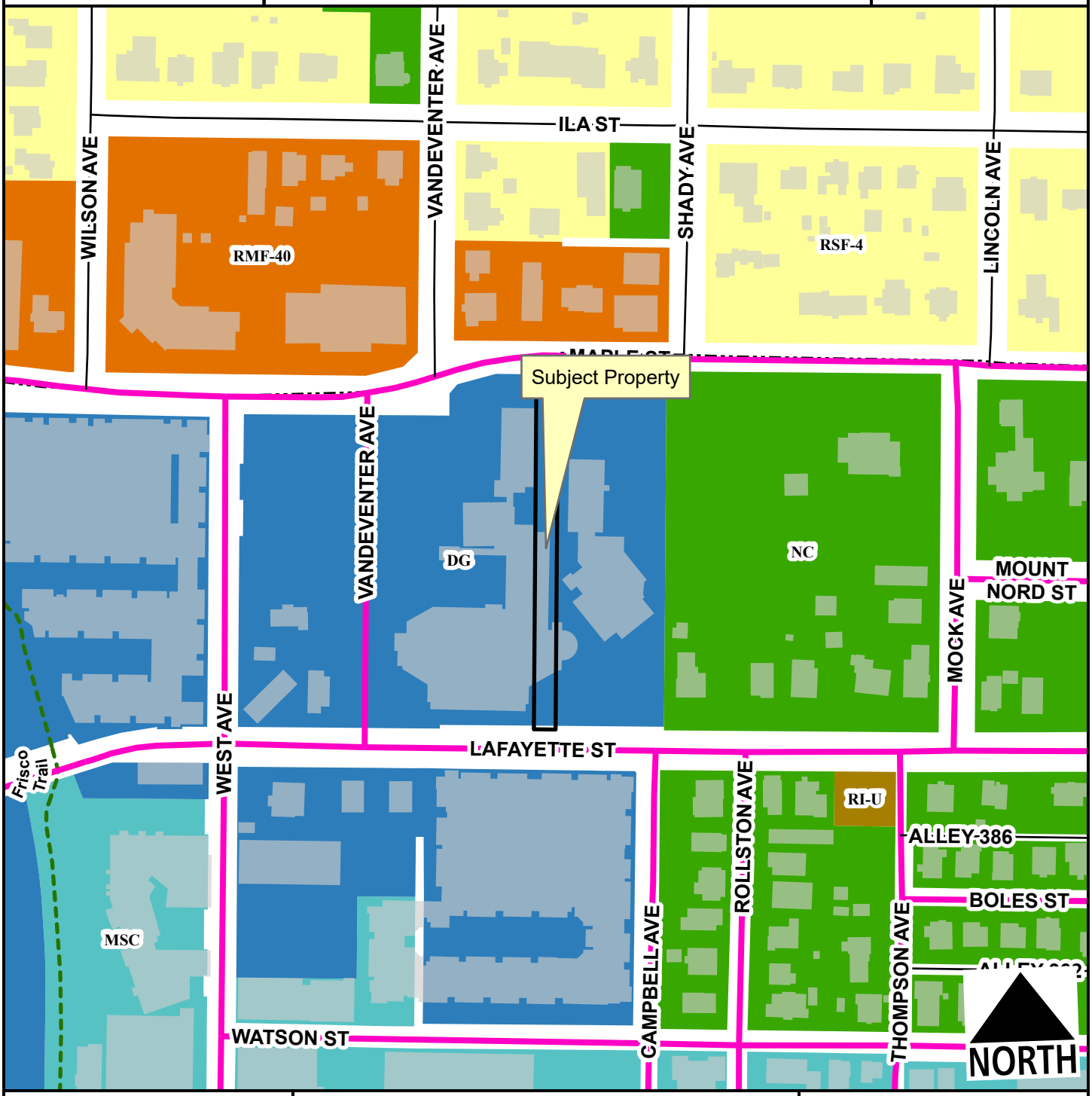
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAC-2024-0018

Close Up View

314 W. LAFAYETTE ST



- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

Feet

0 75 150 300 450 600

1:2,400

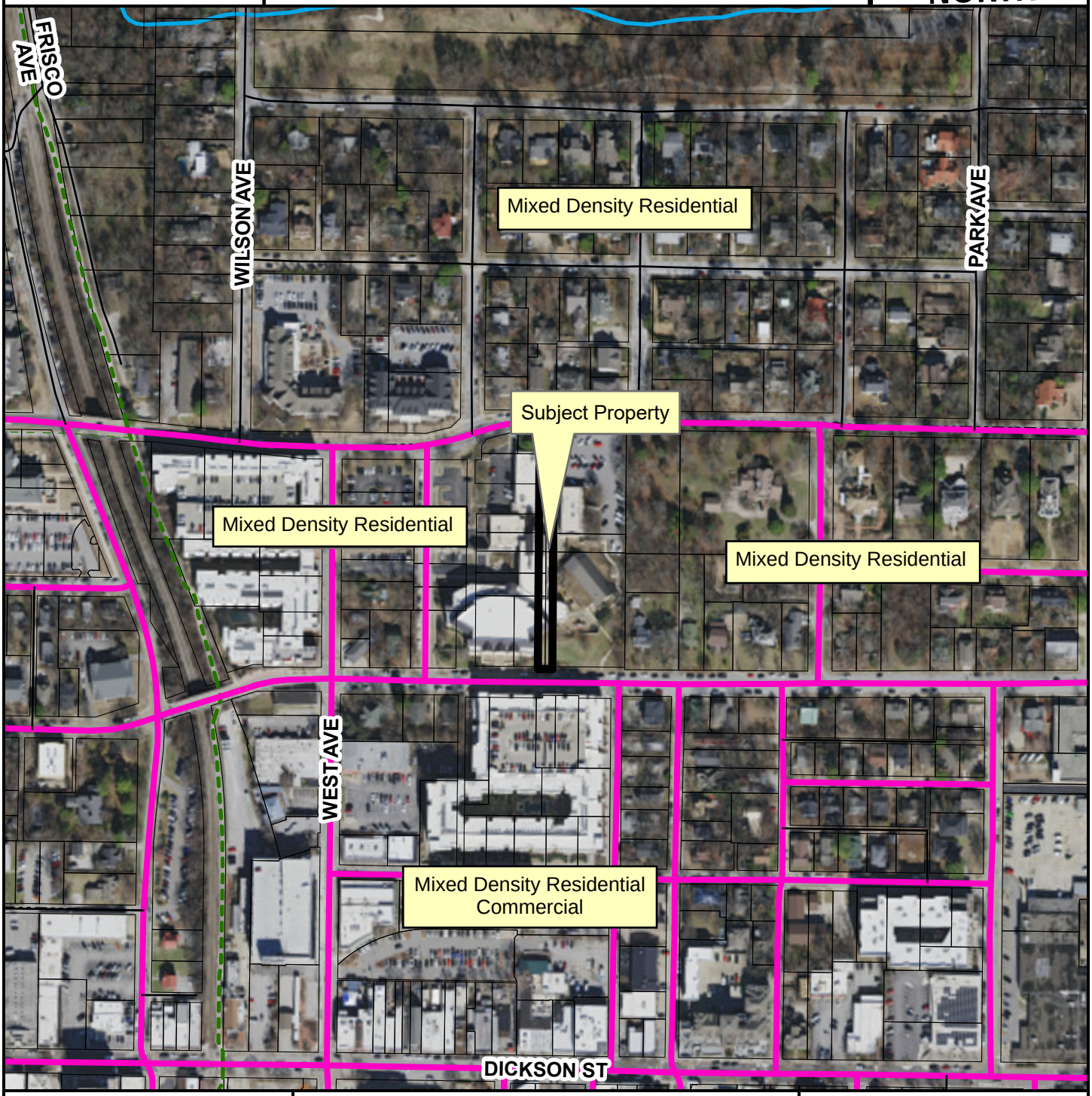
- RSF-4
- RI-U
- RMF-40
- Main Street Center
- Downtown General
- Neighborhood Conservation

VAC-2024-0018

Current Land Use

314 W. LAFAYETTE ST

NORTH



- Urban Center
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

PETITION TO VACATE an Alley located between parcels 765-04331-000 & 765-04334-100 of Lots 1 & 2 of Block 4 of County Court Addition, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

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The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further request that the described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the alley of the public for the use of said alley.

Dated this _____ day of _____, 20_____.

_____

Printed Name

_____

Signature

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-661

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Donna Wonsower, Planner

SUBJECT: **VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located at THE WEST END OF W. TREADWELL ST in WARD 2. The request is to vacate 0.22 acres of street right-of-way**

RECOMMENDATION:
Staff and Planning Commission recommend approval of **VAC-2024-0020** as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. Water line and existing meters must remain in service to existing customers until such time as the associated buildings are demolished. Full access must be maintained for operation of the lines until that time;
3. Existing sewer manhole within proposed vacation area and connecting downstream sewer main shall be properly abandoned, unless applicant can demonstrate that upcoming development will certainly be tying into this line in the near future;
4. Drainage in right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal; and
5. An easement plat shall be recorded dedicating utility easements required by Cox, SWEPCO, Black Hills Energy or other utility companies prior to building permit approval.

BACKGROUND:
The subject property is in central Fayetteville directly east of Fayetteville High School's Bulldog Stadium. As right-of-way, the property does not currently have a designated zoning district and is not part of any overlay district. It is bordered by six parcels per the Washington County Assessor, two of which are owned by Fayetteville Public Schools (FPS).

Request: The applicant proposes to vacate 0.22 acres of right-of-way that was platted with the Duncan's addition. The right-of-way is currently a roughly 200-foot-long street stub-out which dead-ends into the Fayetteville High School Bulldog Stadium.

DISCUSSION:
City of Fayetteville staff recommends in favor of the requested right-of-way vacation. All required consent documents from adjacent property owners and franchise utilities have been received by City staff, with no objections or issues identified. Additionally, the FPS facilities to the west, where future street connection could occur, are unlikely to be removed or redeveloped in a manner that necessitates or would benefit from extension of Treadwell. As a result, staff finds that the public's interest is not compromised by vacating this

0.22 acre portion of street right-of-way.

At the October 14, 2024 Planning Commission meeting, this item was unanimously forwarded to City Council with a recommendation of approval as part of the consent agenda by a vote of 9-0-0. No public comment was provided either prior to or during the public meeting.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-661

VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located at THE WEST END OF W. TREADWELL ST in WARD 2. The request is to vacate 0.22 acres of street right-of-way

AN ORDINANCE TO APPROVE VAC-24-20 FOR PROPERTY LOCATED AT THE WEST END OF WEST TREADWELL STREET IN WARD 2 TO VACATE 0.22 ACRES OF STREET RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of street right-of-way is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of street right-of-way as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any damage to or relocation of existing facilities will be at the property owner/developer's expense;
2. Water line and existing meters must remain in service to existing customers and full access must be maintained for operation of the lines until such time as the associated buildings are demolished;
3. The existing sewer manhole within the proposed vacation area and the connecting downstream sewer main shall be properly abandoned, unless applicant can demonstrate to the Utilities Department that upcoming development will certainly be tying into this line in the near future;
4. Drainage in the right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal; and
5. An easement plat shall be recorded dedicating utility easements required by Cox, SWEPCO,

Black Hills Energy or other utility companies prior to building permit approval.

City of Fayetteville Staff Review Form

2024-661

Legistar File ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located at THE WEST END OF W. TREADWELL ST in WARD 2. The request is to vacate 0.22 acres of street right-of-way.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost	$	-
Budget Adjustment Attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

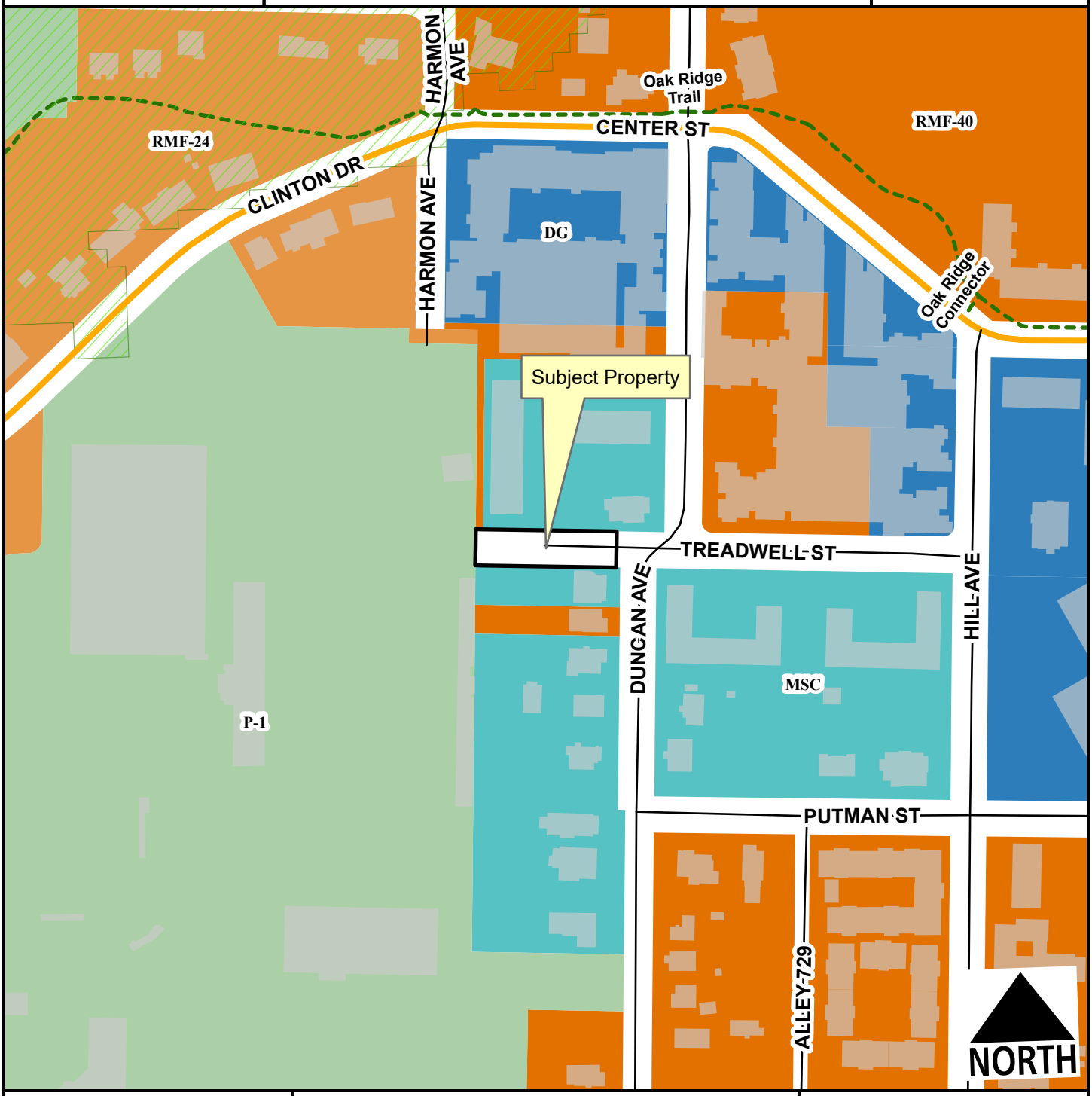
Comments:

VAC-2024-0020

Close Up View

W. TREADWELL ST

VAC-2024-0020
EXHIBIT 'A'



- Neighborhood Link
- Institutional Master Plan
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

- RMF-24
- RMF-40
- Main Street Center
- Downtown General
- P-1

VAC-2024-0020 EXHIBIT 'B'

RIGHT OF WAY VACATION :

A PART OF THE NORTHWEST QUARTER OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 7 OF I. W. DUNCAN'S ADDITION AS SHOWN IN PLAT BOOK 4, PAGE 192, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N87°07'15"W 66.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING THENCE S02°52'45"W 50.00 FEET TO THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF THE SAID WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY WEST TREADWELL STREET RIGHT OF WAY N87°07'15"W 195.00 FEET; THENCE N02°52'45"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'15"E 195.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.22 ACRES, OR 9,750 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner

MEETING DATE: October 14, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **VAC-2024-0020: Vacation (WEST END OF W. TREADWELL ST/MODUS STUDIO, 522):** Submitted by MODUS STUDIO for property located at THE WEST END OF W. TREADWELL ST. The request is to vacate 0.22 acres of street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2024-0020** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:
*"I move to forward **VAC-2024-0020** to City Council with a recommendation of approval and with conditions as outlined by staff."*

BACKGROUND:
The subject property is in central Fayetteville directly east of Fayetteville High School's Bulldog Stadium. The property does not currently have a designated zoning district and is not part of any overlay district. It is bordered by six parcels per the Washington County Assessor, two of which are owned by the school district. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential	RMF-40, Residential Multi-Family, 40 Units per Acre MSC, Main Street Center
South	Single-Family Residential	MSC, Main Street Center
East	Mixed-Density Residential	MSC, Main Street Center
West	Fayetteville High School	P-1, Institutional

Proposal: The applicant proposes to vacate 0.22 acres of right-of-way that was platted with the Duncan's addition. The right-of-way is currently a roughly 200-foot-long street stub out which dead-ends into the Fayetteville High School Bulldog Stadium.

DISCUSSION:
City of Fayetteville staff recommends the requested right-of-way vacation is forwarded to the City Council with a recommendation of approval since all required documents have been provided. Staff finds that while the right-of-way in question abuts six parcels, the County assessor would have to finalize how the right-of-way would get redistributed to the adjacent property.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses.

Utility	Response
Cox Communications	Cox lines shall be relocated at the applicant's expense.
AEP/SWEPCO	SWEPCO to request easements at a later date.
Black Hills Energy AR	A 15-foot utility easement centered over the existing gas line shall remain.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.

City of Fayetteville	Response
Water/Sewer	Water line and existing meters must remain in service to existing customers until such time the associated buildings are demolished. Full access must be maintained for operation of the lines until that time. Off-site downstream sewer should be removed off-site and properly abandoned to most upstream service from the high school, unless applicant can demonstrate that upcoming development will certainly be tying into this line in the near future.
Solid Waste & Recycling	No objections and no comments.
Transportation	Drainage in right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal.

Public Comment: Staff have not received any public comment regarding this request.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0020** to City Council with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

2. Water line and existing meters must remain in service to existing customers until such time as the associated buildings are demolished. Full access must be maintained for operation of the lines until that time;

3. Existing sewer manhole within proposed vacation area and connecting downstream sewer main shall be properly abandoned, unless applicant can demonstrate that upcoming development will certainly be tying into this line in the near future;

4. Drainage in right-of-way shall be revised/designed to avoid damage to downstream properties prior to removal; and

5. An easement plat shall be recorded dedicating utility easements required by Cox, SWEPCO, Black Hills Energy or other utility companies prior to building permit approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** ❒ **Denied**
Motion: CASTIN	ON CONSENT AGENDA	
Second: GULLEY	MOTION TO FORWARD TO THE CITY COUNCIL WITH A RECOMMENDATION, WITH CONDITIONS AS RECOMMENDED BY STAFF	
Vote: 9-0-0		

BUDGET/STAFF IMPACT:
None

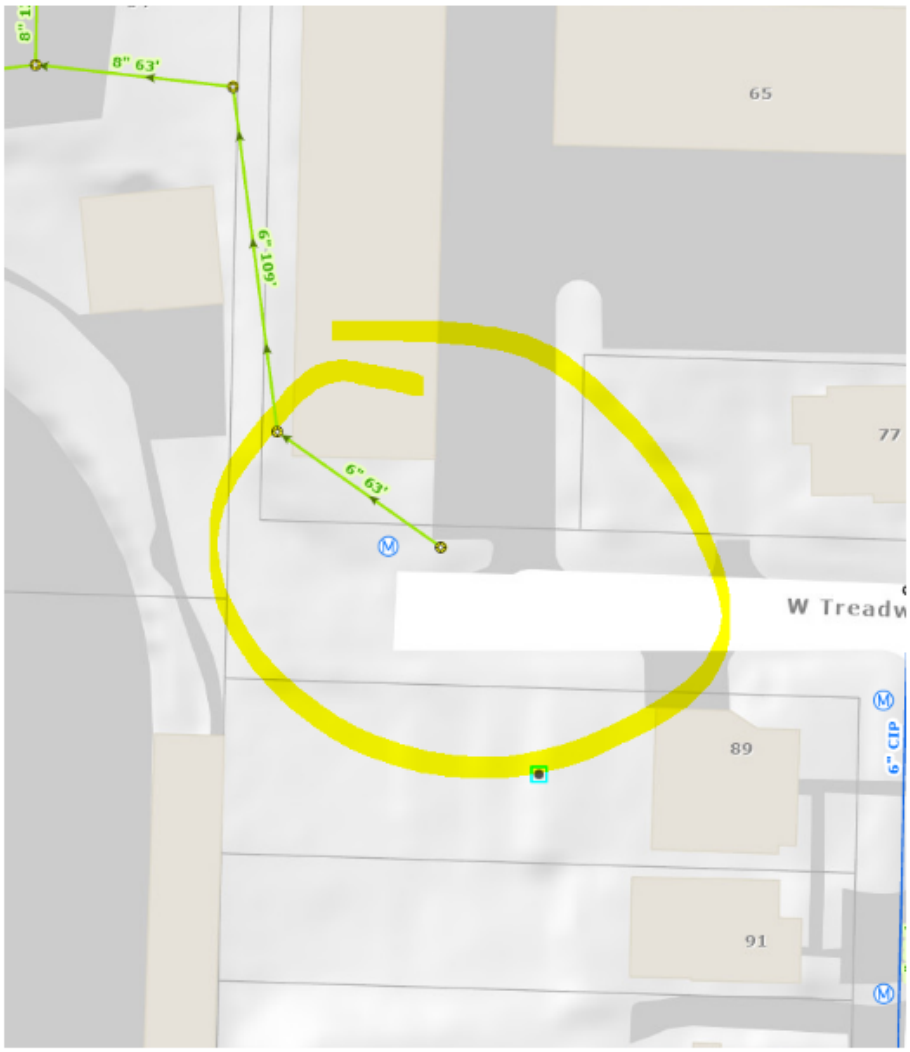
Attachments:

- Staff Exhibit: Sewer Clarification
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

Wonsower, Donna

From: Watkins, Aaron
Sent: Friday, October 11, 2024 8:44 AM
To: Wonsower, Donna
Cc: Harrison, Gretchen
Subject: RE: VAC-2024-0020 Conditions of Approval?
Attachments: 04 - site survey.pdf; 01 - ROW vacation request letter_v1.pdf; 06 - petition to vacate.pdf; 08 - utility company sign off.pdf

Donna,
Thanks for sending those!
On the west end of Treadwell there is a sewer manhole that would be included in this vacation. We want to be sure it is properly abandoned without compromising any remaining sewer services. Pleae see the map below:
Just let me know if you need more information.



Aaron Watkins
Water & Sewer Operations Manager
City of Fayetteville, Arkansas
479-575-8203
jwatkins@fayetteville-ar.gov

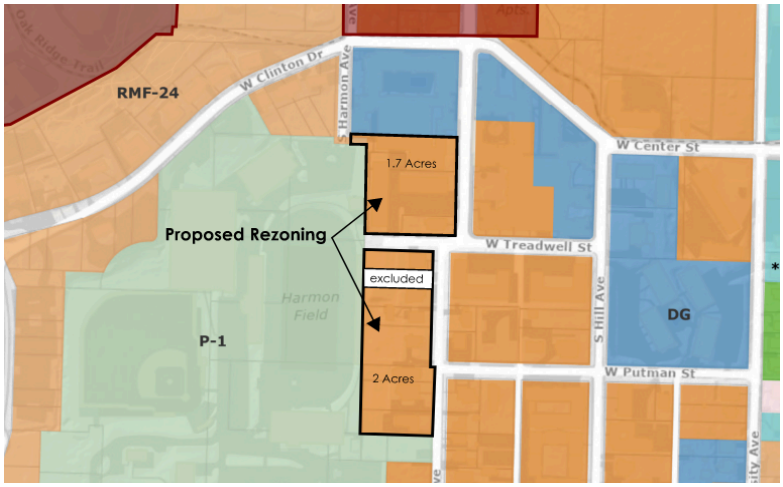
ROW Vacation Request Letter

September 4, 2024

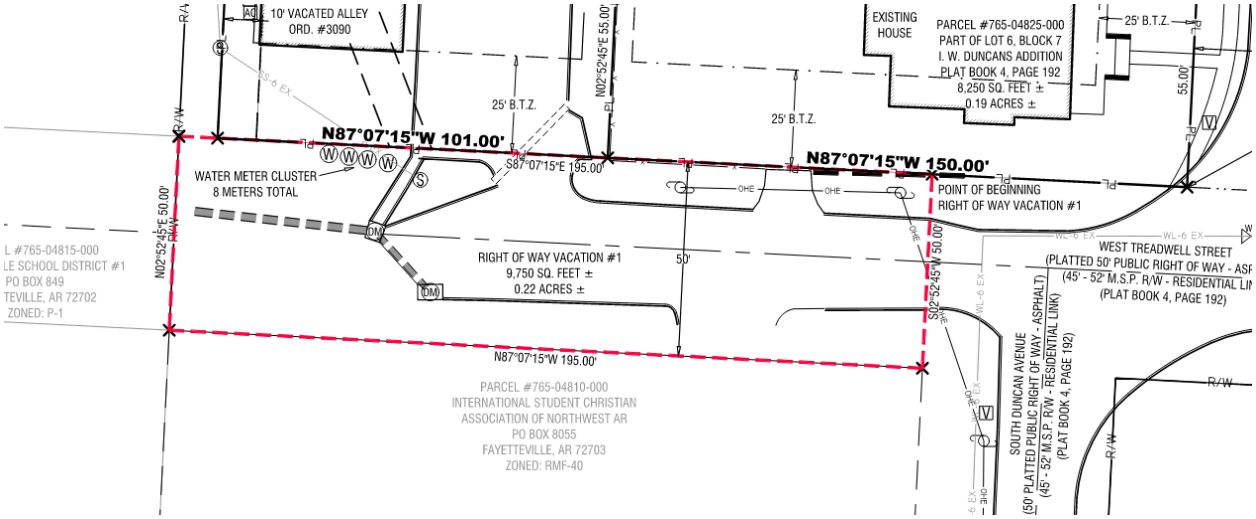
City of Fayetteville Development Services
125 West Mountain Street
Fayetteville, AR 72701

RE: W. Treadwell (East of Duncan Avenue)

We recently completed a rezoning process on the parcels indicated below to transition to Main Street Center.



We are now requesting the vacation of the existing Street ROW that is the portion of W. Treadwell Street that bisects the newly rezoned properties. Please see attached Site Survey exhibit.

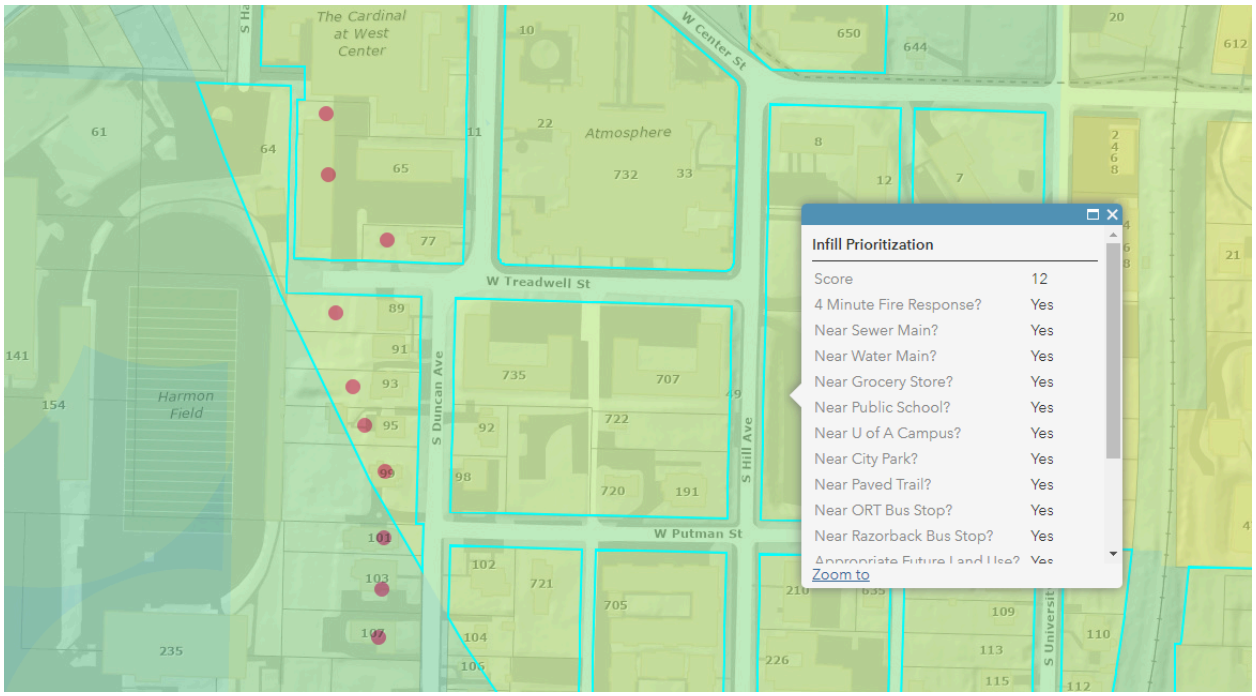


The purpose of this vacation is to both enhance the developable potential of the property and relieve the city of unneeded infrastructure to maintain. The portion of ROW being discussed holds no intrinsic value for the city and can be redeveloped as a cohesive part of an urban project that meets all goals for infill and City Plan 20240 goals.

The justification for this vacation can be characterized through the following lens:

Infill Assessment.

The ROW is located entirely with an Infill Priority score of 12.



Reinforcing the City Plan 2040 Goals.

The ROW vacation would support many of the City Plan 2040 Goals and Objectives:

1. Goal 1 – We will make appropriate infill and revitalization our highest priority.
   This site is an exemplar of appropriate infill, located directly adjacent to public schools and the University of Arkansas.
   a. Goal 1 Objective: Recognize the benefits and cost savings of utility and road infrastructure that already exists in the core of the city.
      This infill location will fully meet the intent of this goal by improving upon existing infrastructure.
   b. Goal 1 Objective: Promote the densest development around logical future transit stops.
      This location will increase density appropriately near current transit locations and promote walkability across all of downtown Fayetteville.
   c. Goal 1 Objective: Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A.
      Positioned directly south of the U of A and a few blocks west of downtown Fayetteville, this site will directly contribute to the unique characteristics of the area for education and housing.
2. Goal 2 – We will discourage suburban sprawl.
   a. **This location is the opposite of suburban sprawl.**
3. Goal 3 – We will make compact, complete, and connected development the standard.

a. Goal 3 Objective: Require new growth that results in neighborhoods, districts and corridors that are compact, complete, and connected.
The proposed rezoning will allow this site to be more compatible with the neighborhood district directly north of the site and complete the Duncan Avenue corridor, which is a conduit directly into the U of A.

b. Goal 3 Objective: Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes and anticipate rail, street cars and other alternative transit modes.
This highly walkable area is located nearby existing transit routes and will further reinforce the critical importance of transit infrastructure for this neighborhood, focused on alternative forms of transportation.

4. Goal 4 - We will grow a livable transportation network.
   a. **The Growth Concept Map "reflects city-wide policies to create diverse, efficient, and well-connected communities that are affordable and rich in local employment, access to transportation, services and culture." (City Plan 2040 p13.)**
   This site is in a neighborhood sandwiched between a Tier 1 Center and a Special District with easy access to both high activity and transit corridors.

Conclusion.

The adjacent properties, recently rezoned, are intended to be developed as a higher density multifamily project focused on student housing adjacent to the University of Arkansas…exactly where much-needed housing should be located to lessen the overall burden on the city's land and infrastructure usage. Vacating this ROW will ensure compatible and proper site planning that is not arbitrarily bisected by this portion of road and outdated inaccessible ROW.

PETITION TO VACATE A PORTION OF W. TREADWELL STREET RIGHT-OF-WAY, SUCH PORTION OF WHICH IS LOCATED BETWEEN LOT 1, BLOCK 6 & LOTS 3, 4, 5, AND 6, BLOCK 7, OF I.W. DUNCAN'S ADDITION, CITY OF FAYETTEVILLE, AR.

TO: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting W. Treadwell Street hereinafter sought to be abandoned and vacated, lying between Block 6, Lots 1 & 7 and Block 7, Lots 3, 4, 5, 6, & 7 of I.W. Duncan's Addition, City of Fayetteville, AR, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

Legal Description:

A PART OF THE NORTHWEST QUARTER OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 7 OF I. W. DUNCAN'S ADDITION AS SHOWN IN PLAT BOOK 4, PAGE 192, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N87°07'15"W 66.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING THENCE S02°52'45"W 50.00 FEET TO THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF THE SAID WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY WEST TREADWELL STREET RIGHT OF WAY N87°07'15"W 195.00 FEET; THENCE N02°52'45"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'15"E 195.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.22 ACRES, OR 9,750 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

That the described section of West Treadwell Street to be abandoned has not been used by the public for a period of many years, except as an ingress/egress for the abutting real estate, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject to said utility and sewer easements, and that title to the said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as that particular land the owners be free from the easements of the public for the use of said street.

John Adam

John Adam
_____ 09/04/2024 10:20 AM

Dated this ____ day of _____, 2024.

International Student Christian Association of Northwest Arkansas, LLC (Kevin Smith, Officer)

Kevin Smith
_____ 09/04/2024 10:37 AM

Dated this ____ day of _____, 2024.

South Duncan Properties, LLC- (Vickie Bronson, Authorized Agent)

Vicki Bronson
_____ 09/04/2024 10:37 AM

Dated this ____ day of _____, 2024.

Fayetteville School District #1

Dr. John Mulford, Superintendent

_____

Dated this 17th day of Sept., 2024.

Electronically Signed using eSignOnline™ [Session ID : 78bfd7e3-3040-43ab-9e14-b67871e424d4]

NOTES:

1. PARCEL #765-04823-001; #765-04824-000; #765-04825-000

2. CURRENT ZONING: RMF-40

3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83

4. BOUNDARY BASED ON:
   I. WARRANTY DEED, FILE #93-17965
   II. WARRANTY DEED, FILE #2016-00030689
   III. WARRANTY DEED, FILE #2024-00019470
   IV. PROPERTY LINE ADJUSTMENT, PLAT FILE #2013-00011396
   V. EASEMENT PLAT FOR LOT 1, HARVEY HILL SUBDIVISION, PLAT FILE #0024-00000067

5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FEMA FIRM PANELS #05143C0208G & #05143C0216G, BOTH BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

ZONING & SETBACKS:

ZONED: RMF-40

SETBACKS:
FRONT: 25' BUILD-TO ZONE
SIDE: 8' (OTHER USES)
SIDE: 5' (SINGLE & TWO FAMILY)
REAR: 20' (OTHER USES)
REAR: 5' (SINGLE FAMILY)

PARCEL #765-04825-000:

A PART OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREADWELL RIGHT OF WAY N87°07'15"W 150.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N02°52'45"E 55.00 FEET; THENCE S87°07'15"E 150.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 55.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.19 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04824-000:

A PART OF LOT 3, ALL OF LOTS 4 AND 5, A PART OF LOT 6, AND A PORTION OF A VACATED ALLEY, ALL IN BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID BLOCK 7, AND RUNNING N02°52'45"E 55.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING THENCE N87°07'15"W 150.00 FEET; THENCE S02°52'45"W 55.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY N87°07'15"W 101.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N02°52'45"E 186.60 FEET; THENCE S86°46'29"E 251.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 130.08 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.88 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04823-001:

A PART OF LOTS 2, 3, AND PART OF A VACATED ALLEY, ALL IN BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID BLOCK 7, AND RUNNING N02°52'45"E 185.08 FEET AND N86°46'29"W 144.86 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE N86°46'29"W 106.14 FEET; THENCE N02°52'45"E 49.48 FEET; THENCE S86°54'46"E 106.41 FEET; THENCE S03°11'09"W 49.74 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.12 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

RIGHT OF WAY VACATION :

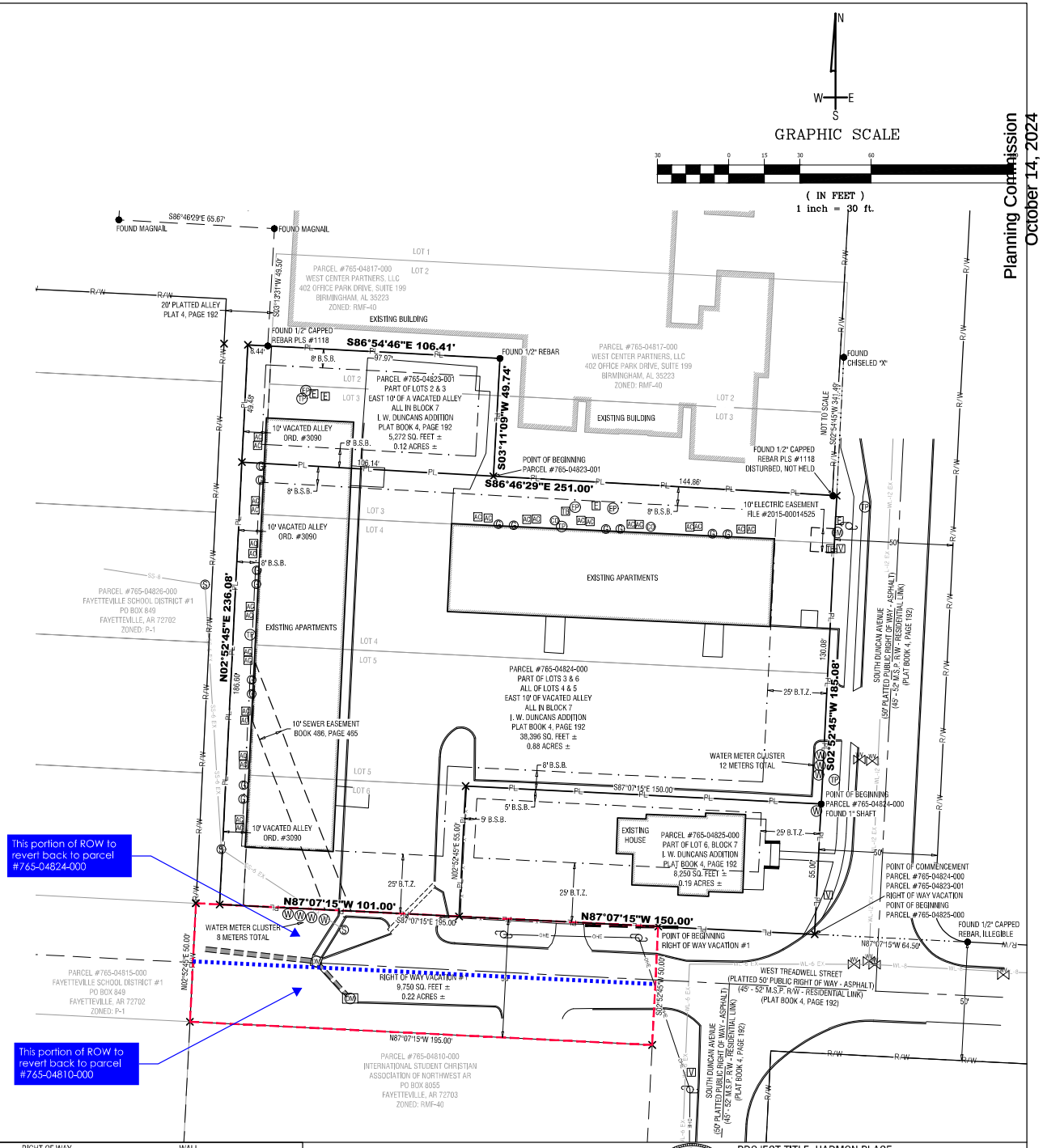
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SURVEYORS CERTIFICATION:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON.

DAVID L. JORGENSEN, ARLS #1118 — DATE

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — NO. 1118 — SIGNATURE — DAVID L. JORGENSEN



LEGEND

FOUND MONUMENT AS NOTED	SANITARY CLEAN OUT	TELEPHONE BOX
SET IRON PIN WITH CAP	STORM DRAIN MANHOLE	POWER POLE
CALCULATED POINT	ELECTRIC BOX	AC UNIT ON PAD
WATER METER	ELECTRIC METER PAD	GAS METER
WATER VALVE	ELECTRIC PEDESTAL	UTILITY VAULT
SEWER MANHOLE	TELEPHONE PEDESTAL	

PROPERTY LINE — RIGHT OF WAY — WALL
ADJOINING PROPERTY LINE — BUILDING SETBACK — EXISTING SEWER LINE
CENTERLINE OF ROAD — UTILITY EASEMENT — EXISTING DRAIN PIPE
FENCE LINE — EXISTING OVERHEAD ELECTRIC — EXISTING WATER LINE

JORGENSEN +ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

CERTIFICATE OF AUTHORIZATION — JORGENSEN & ASSOCIATES — No. 722 — ARKANSAS – ENGINEERING

PROJECT TITLE: HARMON PLACE
LOCATION: FAYETTEVILLE, AR
SHEET TITLE: RIGHT OF WAY VACATION

DRAWN BY: JH
SHEET SCALE: 1" = 30'
DATE: 8/29/2024
PROJECT FILE: Z:\Lots\2024088 - HARMON PLACE\DWG\2024-088 HARMON PLACE.dwg

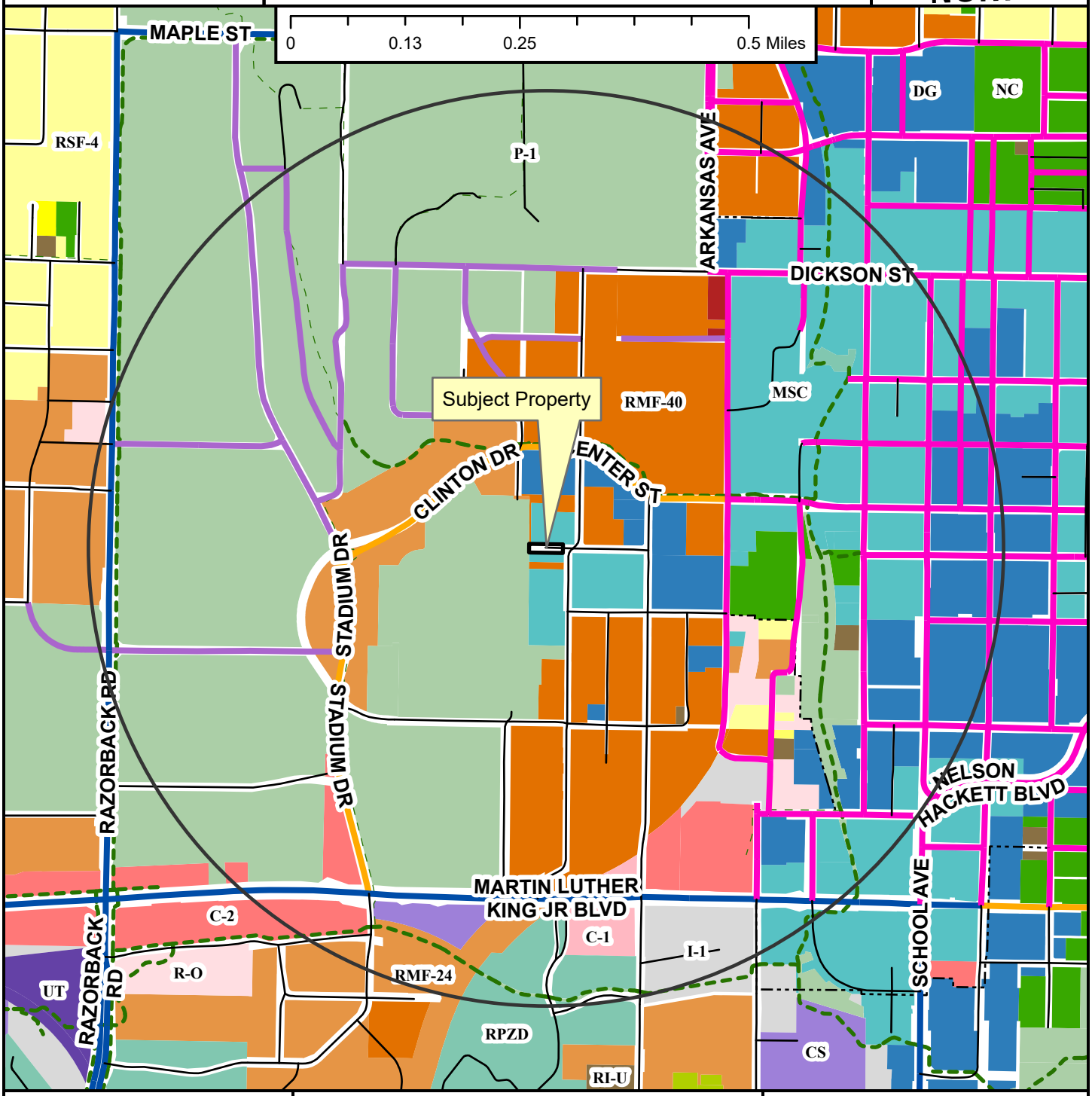
SHEET # 1

VAC-2024-0020

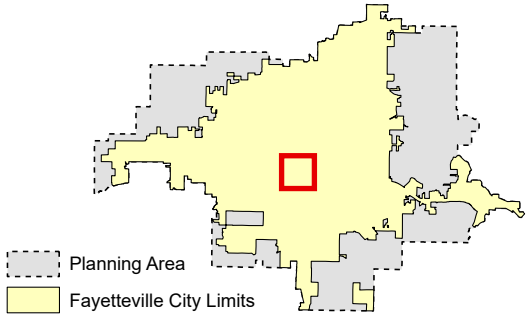
One Mile View

W. TREADWELL ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

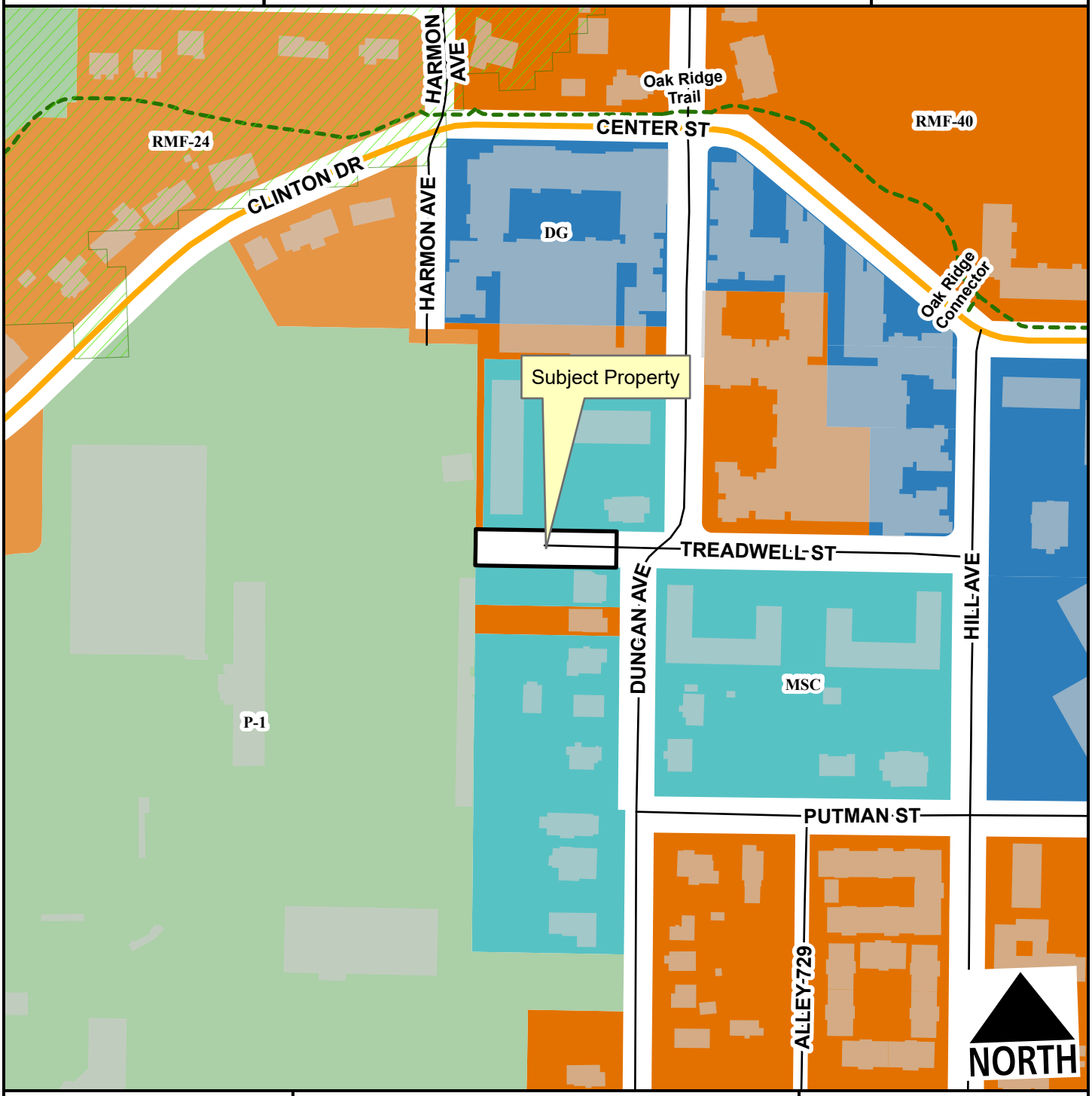
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAC-2024-0020

Close Up View

W. TREADWELL ST



- Neighborhood Link
- Institutional Master Plan
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

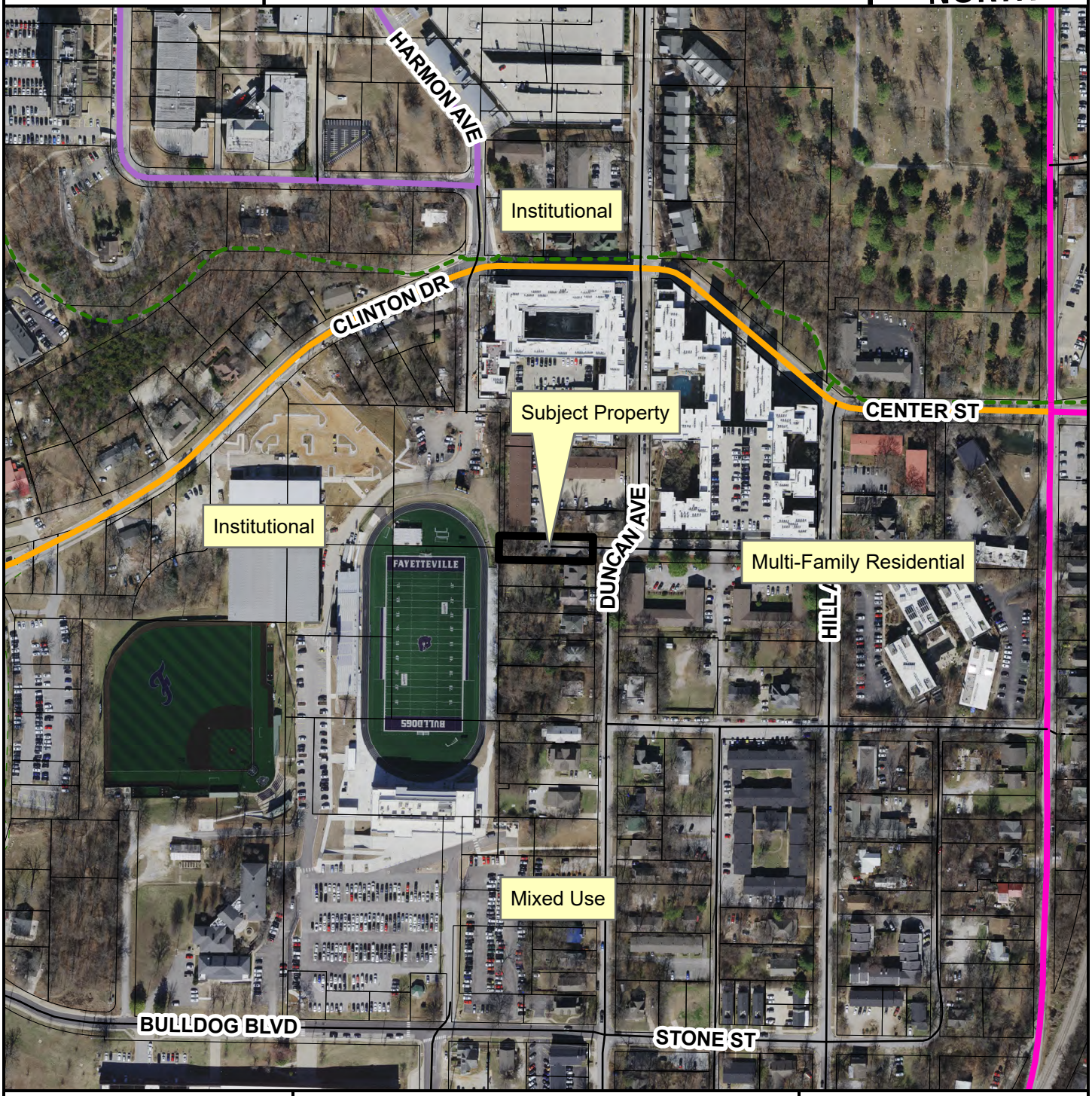
- RMF-24
- RMF-40
- Main Street Center
- Downtown General
- P-1

VAC-2024-0020

Current Land Use

W. TREADWELL ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-652

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **RZN-2024-0042: Rezoning (1055 N. POLLARD AVE./ADONA, 445): Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.84 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in central Fayetteville, just southwest of the intersection of N. College Avenue and W. North Street on the south side of W. North Street. The property contains one parcel totaling 0.84 acres which is developed with a single-family dwelling and zoned R-O, Residential-Office and NC, Neighborhood Conservation. No protected streams, hydric soils, or FEMA-designated floodplain are present on site.

Request: The request is to rezone the subject property from R-O, Residential Office and NC, Neighborhood Conservation to NS-G, Neighborhood Services - General.

Public Comment: Staff has not received public comment on this request.

Land Use Compatibility: Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the north edge of a residential subdivision just southwest of the intersection of N. College Avenue and W. North Street. The property has wide frontage along W. North Street and side access from N. Pollard Street. A rezoning to NS-G, Neighborhood Services – General, would allow more intense residential development in a transition zone between a subdivision that is developed with low-density single-family residences and commercial and institutional properties to the north and east of the neighborhood.

One potential advantage of NS-G zoning is that it has a 0- to 25-foot build-to zone, which would require development along the property's street frontage rather than being set back with a conventional building setback. The existing house on the property appears to encroach into the side setback associated with the R-O zoning district, although R-O does have an optional urban form setback under which the existing structure could be considered conforming. City code does allow existing nonconforming structures to continue to exist, and be repaired or expanded, without requiring a rezoning action.

Land Use Plan Analysis: Staff finds that a rezoning to NS-G would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and commercial uses within walkable urban development patterns. The property also has a medium infill score of 7-8 which indicates that it is a suitable location for moderate infill development in a transitional area.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **7-8**for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, located at 708 Garland Ave.)
- Near Sewer Main (12-inch main, W. North Street)
- Near Water Main (12-inch main, W. North Street)
- Near Public School (Washington Elementary)
- Near City Park (Wilson Park, Gregory Park)
- Near ORT Bus Stop (N. College & North (West) Stop ID 19629)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-652

RZN-2024-0042: Rezoning (1055 N. POLLARD AVE./ADONA, 445): Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.84 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-42 FOR APPROXIMATELY 0.84 ACRES LOCATED AT 1055 NORTH POLLARD AVENUE IN WARD 2 FROM R-O, RESIDENTIAL OFFICE AND NC, NEIGHBORHOOD CONSERVATION, TO NS-G, NEIGHBORHOOD SERVICES-GENERAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential Office and NC, Neighborhood Conservation, to NS-G, Neighborhood Services-General.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-652

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.84 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

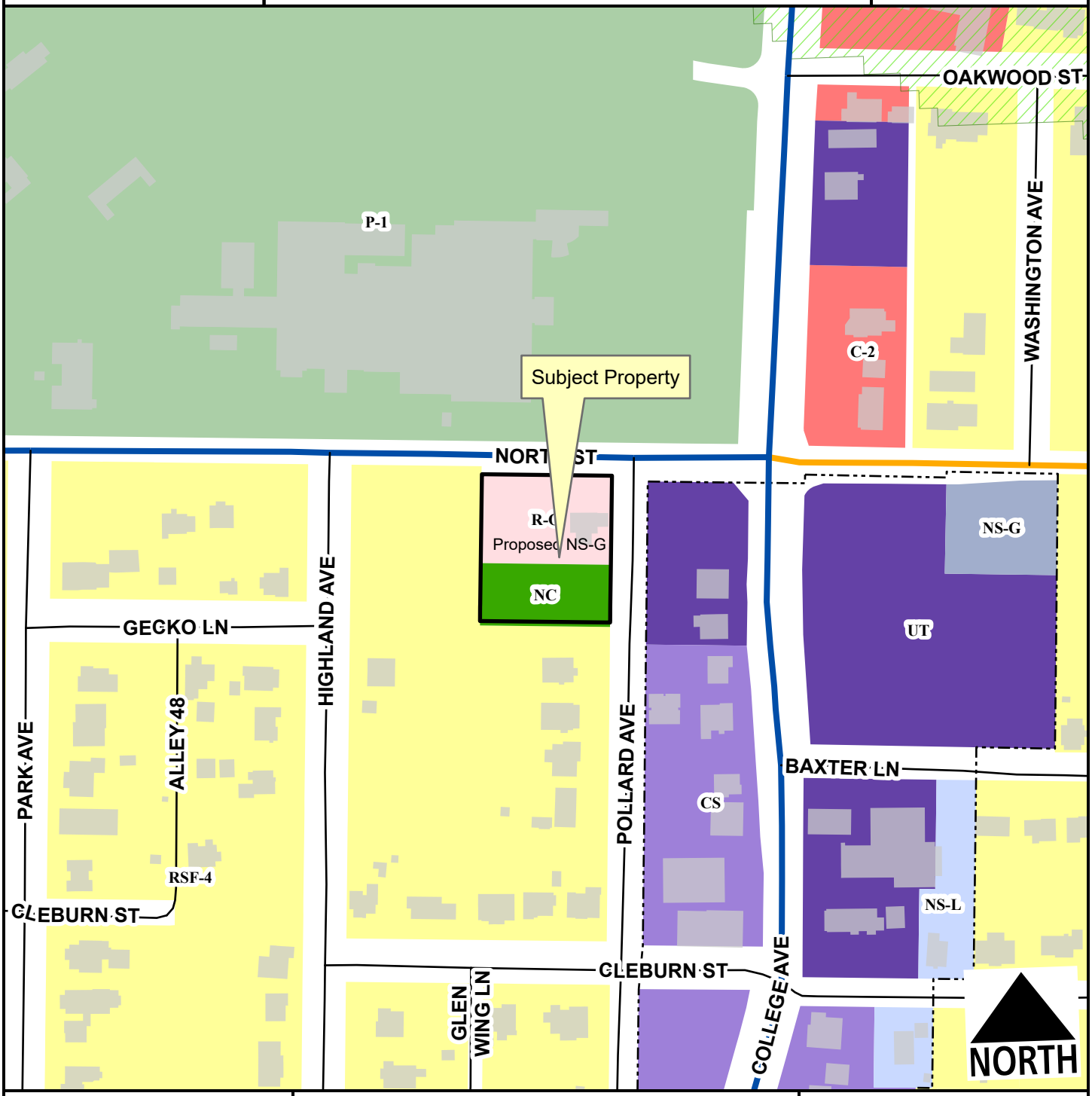
Comments:

RZN-2024-0042

Close Up View

1055 N. POLLARD AVE

Exhibit 'A'
RZN-2024-0042



- Neighborhood Link
- Regional Link - High Activity
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

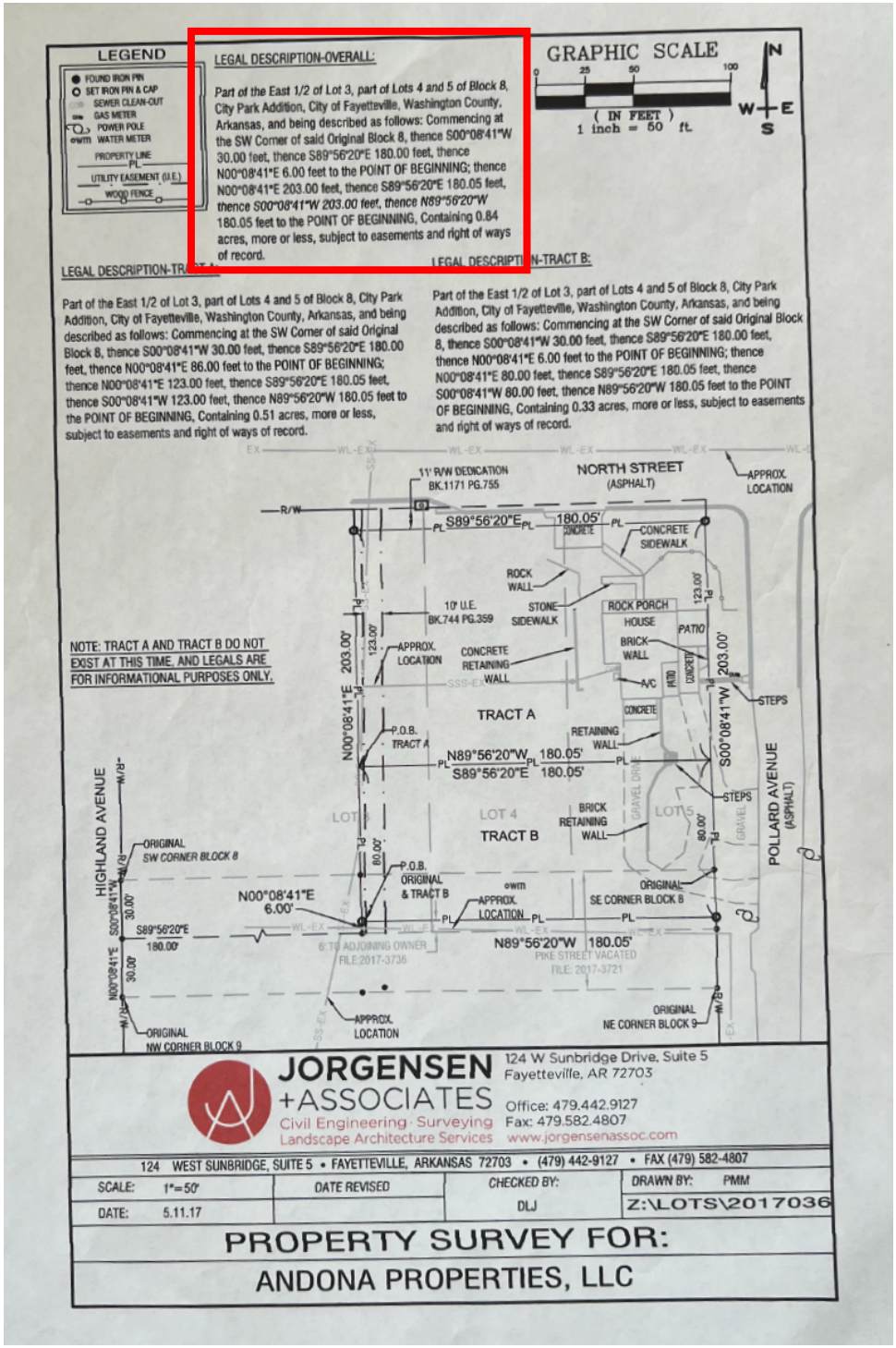
0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NC	0.3	0.0
NS-G	0.0	0.8
R-O	0.5	0.0
RSF-4	0.0	0.0

Total 0.8 ac

Exhibit 'B'
RZN-2024-0042



CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024 Updated w/ meeting results

SUBJECT: **RZN-2024-0042: Rezoning (1055 N. POLLARD AVE./ADONA, 445):** Submitted by ANDREA FOURNET for property located at 1055 N. POLLARD AVE. The property is zoned R-O, RESIDENTIAL OFFICE, and NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0042** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0042** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in central Fayetteville, just southwest of the intersection of N. College Avenue and W. North Street on the south side of W. North Street. The property contains one parcel totaling 0.90 acres which is developed with a single-family dwelling and zoned R-O, Residential-Office and NC, Neighborhood Conservation. No protected streams, hydric soils, or FEMA-designated floodplain are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Medical Campus	P-1, Institutional
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Commercial	CS, Community Services UT, Urban Thoroughfare

Request: The request is to rezone the subject property from R-O, Residential Office and NC, Neighborhood Conservation to NS-G, Neighborhood Services - General.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along North St and Pollard Ave. W. North Street is an improved Regional Link – High Activity Street partially improved with curb and gutter as well as sidewalk on portions. Pollard Ave is also partially improved along this section with curb, but no sidewalk. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 12" water main that runs along W North St and an existing 6" water main along the southern property line.

Sewer: Sanitary Sewer is available to the subject property. There is a 12" sewer main that runs along the western property line. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,500 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain and no protected streams or hydric soils are present on site.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Station 2, located at 708 Garland Ave., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3.5 minutes using existing streets. The anticipated response time would be approximately 5.7 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, NS-G, Neighborhood Services - General, requires **20% minimum canopy preservation**. The current zoning districts, R-O, Residential-Office and NC, Neighborhood Conservation, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **8-9** for this site with a weighted score of **10.5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, located at 708 Garland Ave.)
- Near Sewer Main (12-inch main, W. North Street)
- Near Water Main (12-inch main, W. North Street)
- Near Public School (Washington Elementary)
- Near City Park (Wilson Park, Gregory Park)
- Near Paved Trail (N. Woolsey Ave.)
- Near ORT Bus Stop (N. College & North (West) Stop ID 19629)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the north edge of a residential subdivision just southwest of the intersection of N. College Avenue and W. North Street. The property has wide frontage along W. North Street and side access from N. Pollard Street. A rezoning to NS-G, Neighborhood Services – General, would allow more intense residential development in a transition zone between a subdivision that is developed with low-density single-family residences and commercial and institutional properties to the north and east of the neighborhood.**

One potential advantage of NS-G zoning is that it has a 0- to 25-foot build-to zone, which would require development along the property's street frontage rather than being set back with a conventional building setback. The existing house on the property appears to encroach into the side setback associated with the R-O zoning district, although R-O does have an optional urban form setback under which the existing structure could be considered conforming. City code does allow existing nonconforming structures to continue to exist, and be repaired or expanded, without requiring a rezoning action.

Land Use Plan Analysis: **Staff finds that a rezoning to NS-G would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and commercial uses within walkable urban development patterns. The property also has a medium infill score of 8-9 which indicates that it is a suitable location for moderate infill development in a transitional area.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification for rezoning the property from R-O and NC to NS-G. Staff finds that the proposed rezoning is compatible**

with surrounding properties and consistent with the City's future land use plans.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from R-O and NC to NS-G has limited potential to increase vehicular traffic in the area when considering surrounding commercial and institutional uses. Between 2019 and 2023, six traffic crashes were reported adjacent to the property and around the intersection of W. North Street and N. Pollard St. to the east of the subject property. One of the crashes had a possible injury and five had no apparent injury.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from R-O and NC to NS-G has the potential to alter the population density since NS-G would allow for increased residential development compared to the NC zoning district, and some small-scale commercial development. However, a rezoning to NS-G would reduce a density allowance in the R-O portion of the property from 24 units per acre to 18 units per acre. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0042 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: October 14, 2024 ❒ **Tabled** ☒ **Forwarded** ❒ **Denied**

Motion: Castin w/ recommendation of approval

Second: Madden

Vote: 9-0-0

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.19 District R-O, Residential Office
  - §161.20 Neighborhood Conservation
  - §161.29 NS-G, Neighborhood Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet

Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses*.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density*.

Units per acre	24 or less

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum*.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is

	filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

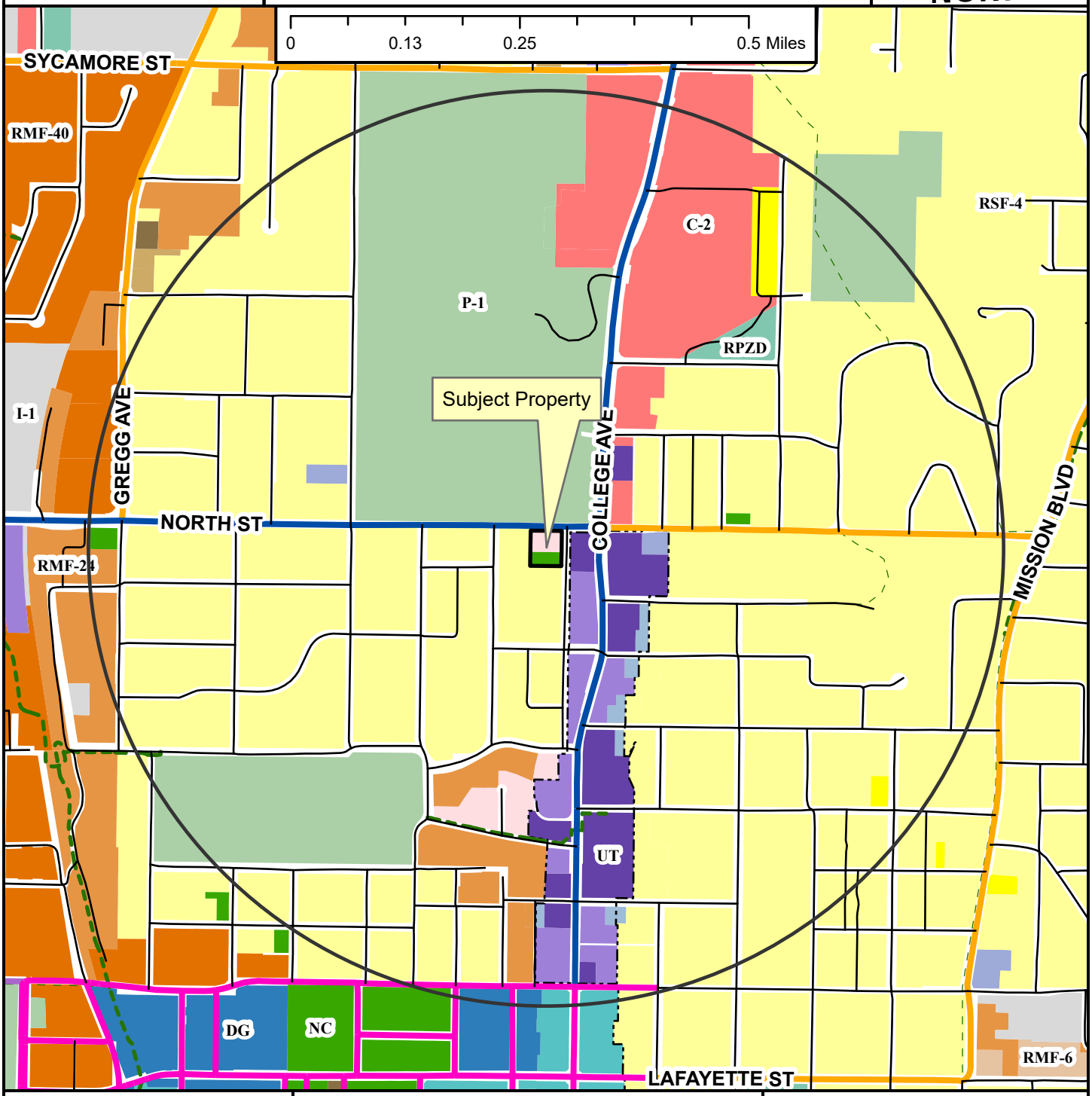
Building Height Maximum	3 stories

RZN-2024-0042

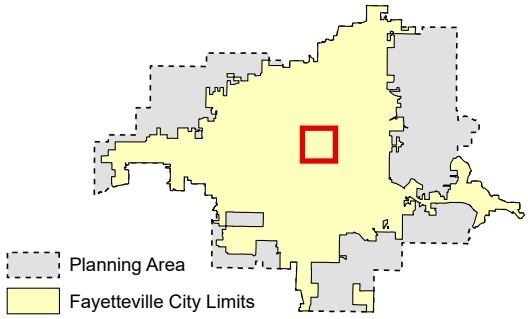
One Mile View

1055 N. POLLARD AVE

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

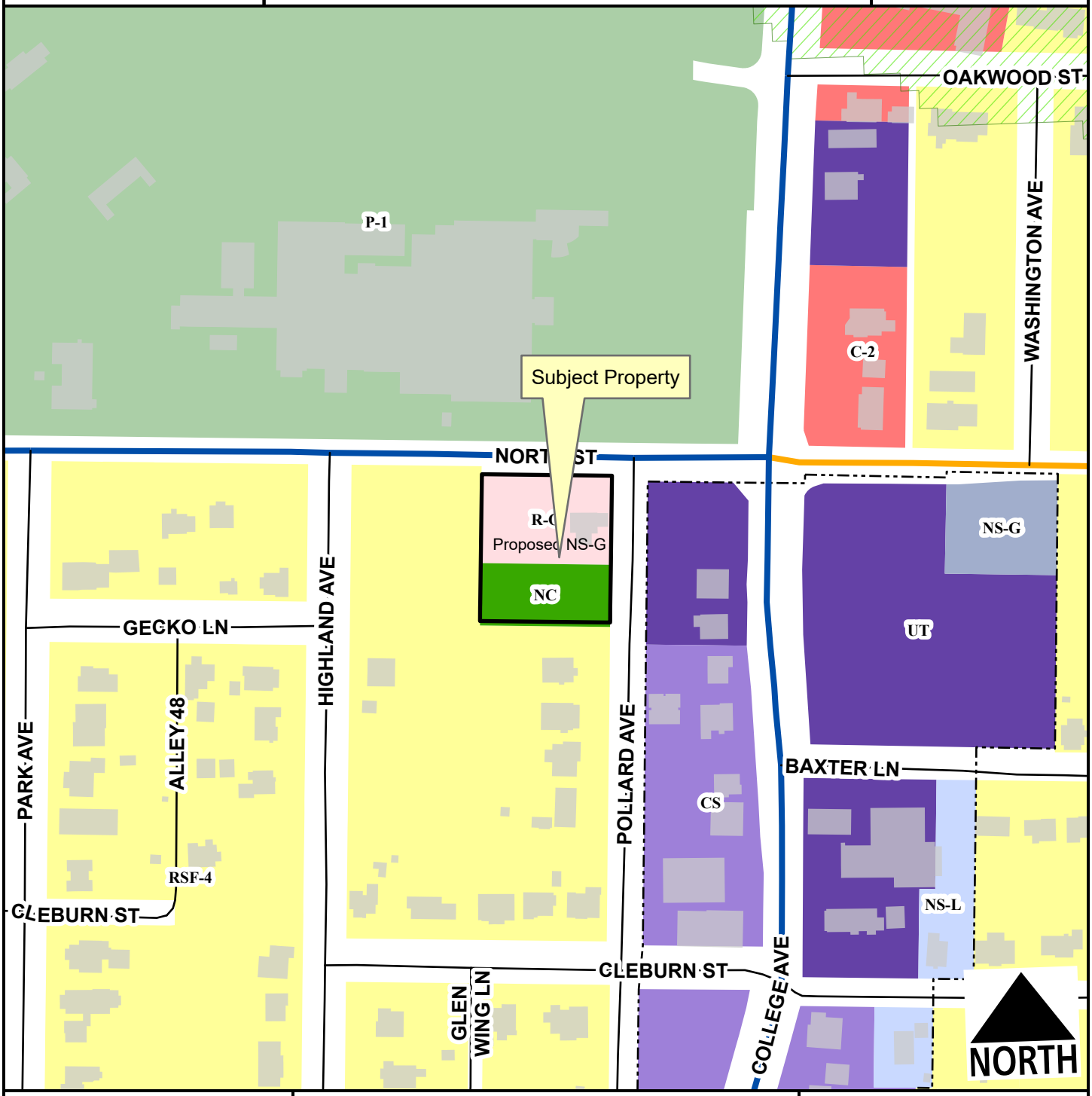
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0042

Close Up View

1055 N. POLLARD AVE



- Neighborhood Link
- Regional Link - High Activity
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NC	0.3	0.0
NS-G	0.0	0.8
R-O	0.5	0.0
RSF-4	0.0	0.0

Total 0.8 ac

RZN-2024-0042

Current Land Use

1055 N. POLLARD AVE

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

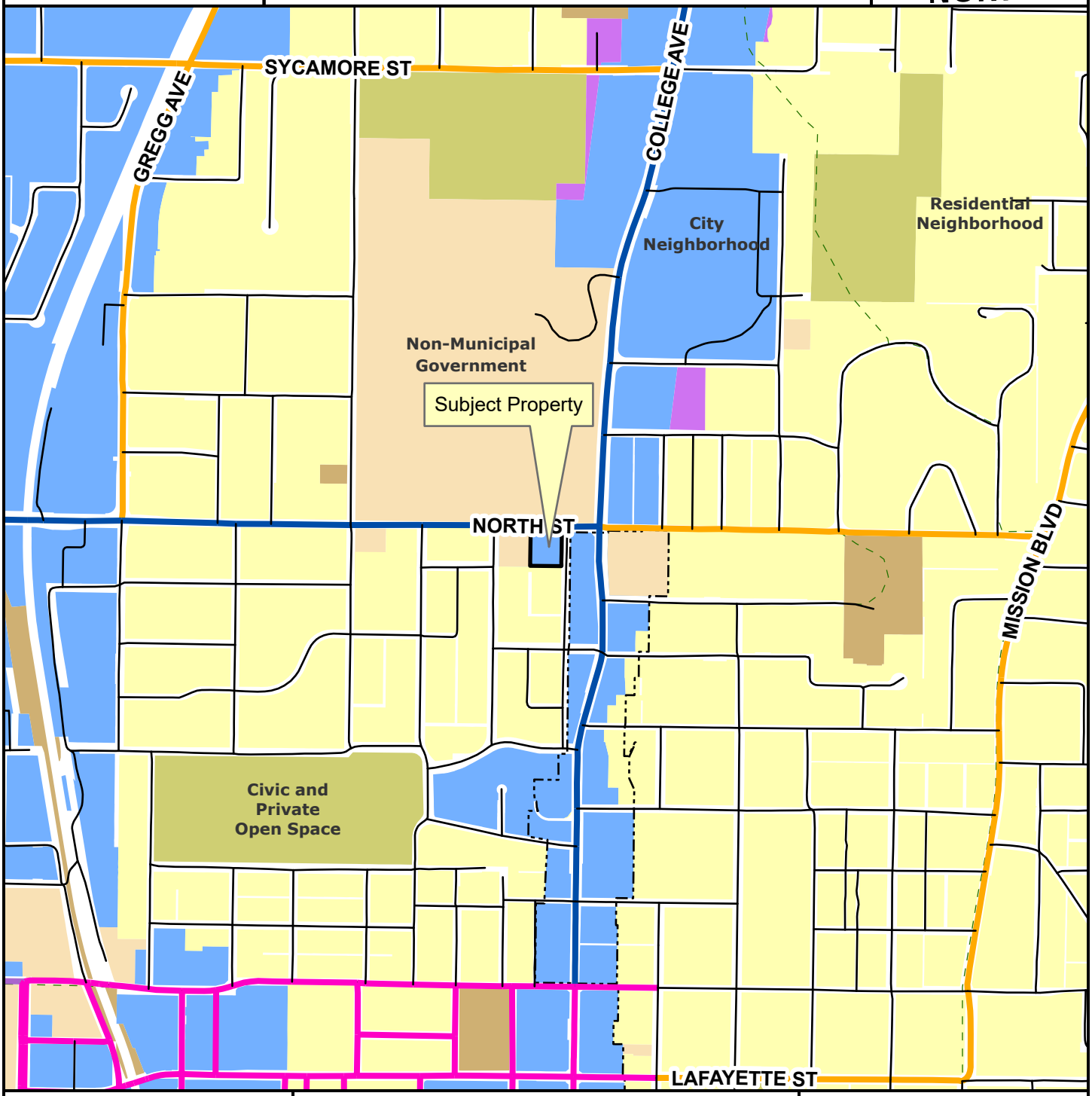
- 100-Year Floodplain
- Floodway

RZN-2024-0042

Future Land Use

1055 N. POLLARD AVE

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-654

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **RZN-2024-0043: Rezoning (1236 W. MT. COMFORT RD/SCHWARTING, 404): Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in central Fayetteville, approximately 0.13 miles west of the intersection of W. Mt. Comfort Rd. and N. Garland Ave. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and contains approximately 0.30 acres. It is currently developed with a single-family dwelling constructed in 1931.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate, Urban.

Public Comment: To date, staff has received one comment in opposition to the request, citing concerns about flooding, stormwater management, and increased traffic and parking issues.

Land Use Compatibility: Staff finds the proposed rezoning from RSF-4 to RI-U to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family and undeveloped properties to the north and east. To the south is the RMF-24-zoned Garden Park Apartments. A rezoning to RI-U would allow for a wider variety of residential uses than those permitted under the property's current zoning designation, including the by-right development of two-, three-, and four-family dwellings. This would provide a transition in intensity from the multi-family properties to the south into the less intense and dense single-family properties to the north. Staff finds the requested rezoning to be compatible with surrounding land uses.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as City Neighborhood area and location within a Tier 2 Center. Staff finds that a rezoning to RI-U would support those designations as both City Neighborhood Areas and Tier 2 Centers exist to provide a mix of residential uses of moderate density. The property has a moderately-high infill score, with access to trails, parks, public schools, and grocery stores and other infill

elements that make it appropriate for higher density infill development. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 1 (appropriate infill), 3 (compact, complete, and connected development), and 6 (opportunities for attainable housing).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 708 N. Garland Ave.)
- Near Sewer Main (8-inch line, W. Mount Comfort Rd.)
- Near Water Main (6-inch line, W. Mount Comfort Rd.)
- Near Grocery Store (Harps, 1189 N. Garland Ave.)
- Near Public School (Asbell Elementary School; Leverett Elementary School)
- Near UA Campus
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (W. Mount Comfort Rd. Side-Path Trail)
- Near Razorback Bus Stop (Garden Park)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a motion to forward the item to the City Council, recommending approval, was made by Commissioner Garlock and seconded by Commissioner Cabe. A vote of 8-0-0 followed. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-654

RZN-2024-0043: Rezoning (1236 W. MT. COMFORT RD/SCHWARTING, 404): Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-43 FOR APPROXIMATELY 0.30 ACRES LOCATED AT 1236 WEST MOUNT COMFORT ROAD IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single-Family, Four Units per Acre, to RI-U, Residential Intermediate-Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-654

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0043: Rezoning (1236 W. MT. COMFORT RD/SCHWARTING, 404): Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

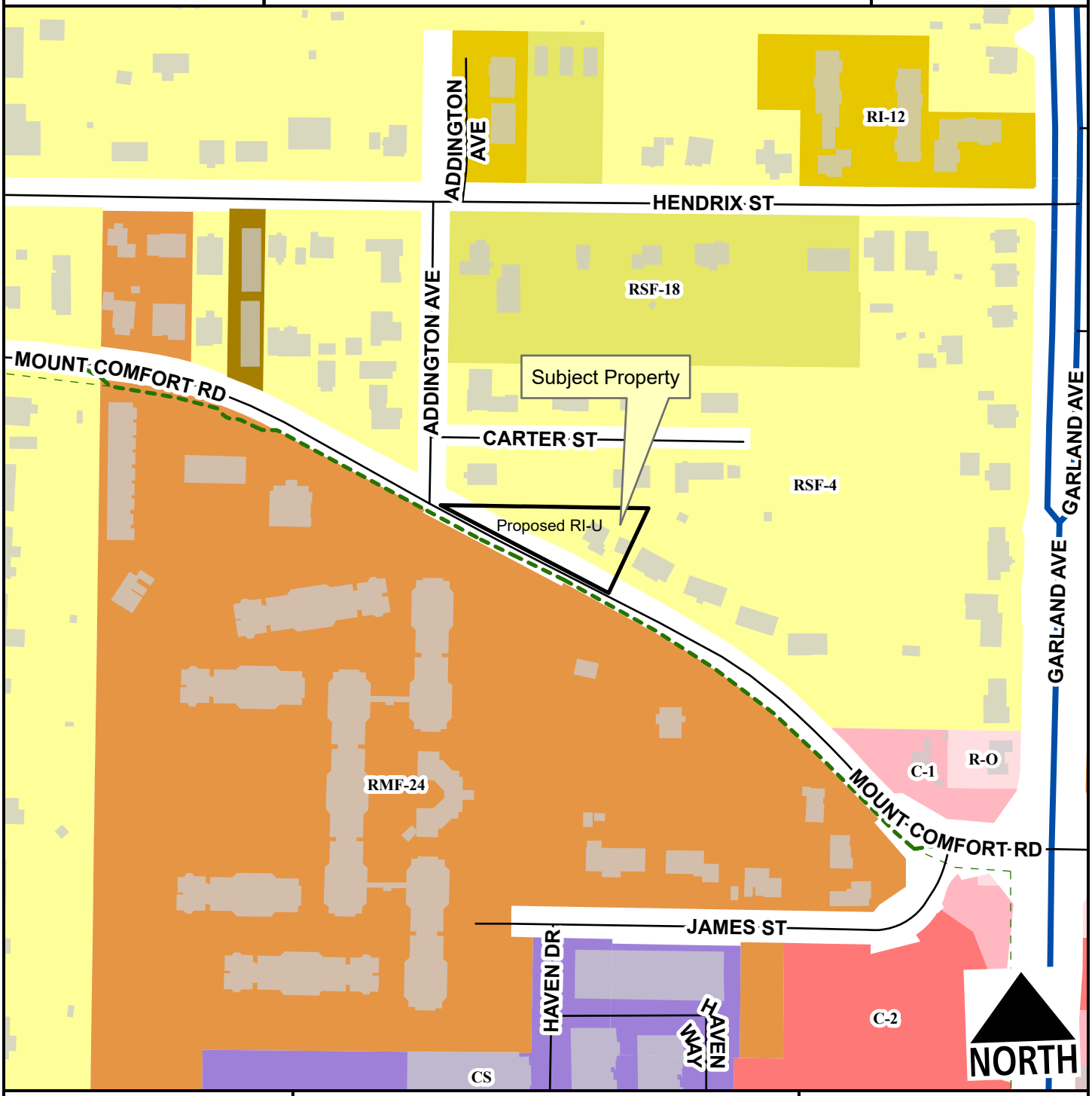
Comments:

RZN-2024-0043

Close Up View

1236 W. MOUNT COMFORT RD

Exhibit 'A'
RZN-2024-0043



- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.3
RSF-4	0.3	0.0

Total 0.3 ac

Exhibit 'B'
RZN-2024-0043

1236 W. Mount Comfort Legal Description

PT SE NE 0 .45 AC FURTHER DESCRIBED IN 2016-30712 AS: A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULALRY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNNG AT A POINT IN THE CENTER OF MT COMFORT ROAD WHICH IS 462 FEET EAST OF THE NORHTWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE EAST 288.1 FEET, THENCE SOUTH 24°19’ WEST 129.2 FEET TO THE CENTER OF MT. COMFORT ROAD, THENCE NORTH 63°16’ WEST 262.7 FEET, ALONG THE CENTER OF SAID ROAD TO THE POINT OF BEGINNING.

Parcel Number 765-13764-000

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024 updated w/ meeting results

SUBJECT: **RZN-2024-0043: Rezoning (1236 W. MT. COMFORT RD/SCHWARTING, 404):** Submitted by SCHUYLER SCHWARTING for property located at 1236 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0043** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0043** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in central Fayetteville, approximately 0.13 miles west of the intersection of W. Mt. Comfort Rd. and N. Garland Ave. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and contains approximately 0.30 acres. It is currently developed with a single-family dwelling constructed in 1931. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre
South	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential; Multi-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre; RMF-24, Residential Multi-Family, Twenty-Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate, Urban.

Public Comment: To date, staff has received one comment in opposition to the request. The cited concerns about flooding, stormwater management, and increased traffic.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along W. Mount Comfort Road, a partially improved Residential Link Street with asphalt paving, curb and gutter, and trail along the south side. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing eight-inch water line along the property's W. Mount Comfort Road frontage.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main along the property's W. Mount Comfort Road frontage. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 600 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 2, located at 708 N. Garland Ave. protects this site. The property is located approximately 0.6 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation.** The proposed zoning district of RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site with a weighted score of **12.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 708 N. Garland Ave.)
- Near Sewer Main (8-inch line, W. Mount Comfort Rd.)
- Near Water Main (6-inch line, W. Mount Comfort Rd.)
- Near Grocery Store (Harps, 1189 N. Garland Ave.)
- Near Public School (Asbell Elementary School; Leverett Elementary School)
- Near UA Campus
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (W. Mount Comfort Rd. Side-Path Trail)
- Near Razorback Bus Stop (Garden Park)
- Appropriate Future Land Use

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds the proposed rezoning from RSF-4 to RI-U to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family and undeveloped properties to the north and east. To the south is the RMF-24-zoned Garden Park Apartments. A rezoning to RI-U would allow for a wider variety of residential uses than those permitted under the property's current zoning designation, including the by-right development of two-, three-, and four-family dwellings. This would provide a transition in intensity from the multi-family properties to the south into the less intense and dense single-family properties to the north. Staff finds the requested rezoning to be compatible with surrounding land uses.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as City Neighborhood area and location within a Tier 2 Center. Staff finds that a rezoning to RI-U would support those designations as both City Neighborhood Areas and Tier 2 Centers exist to provide a mix of residential uses of moderate density. The property has a moderately-high infill score, with access to trails, parks, public schools, and grocery stores and other infill elements that make it appropriate for higher density infill development. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 1 (appropriate infill), 3 (compact, complete, and connected development), and 6 (opportunities for attainable housing).**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification to rezone the property from RSF-4 to RI-U since the rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from RSF-4 to RI-U does have the potential to slightly increase traffic danger and congestion due to an increase in density, however the size of the parcel will limit the density on the site. Access management will be reviewed at the time of development.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning has the potential to slightly alter the population density since it would allow for more intense residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0043 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Garlock			
Second: Cabe			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 RSF-4, Residential Single-Family, Four Units per Acre
  - §161.12 RI-U, Residential Intermediate - Urban
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet

Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley

A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

Cole, Kylee

From: Sandy Curtis <sandyzcurtis@yahoo.com>
Sent: Friday, October 11, 2024 9:30 AM
To: Cole, Kylee
Subject: I oppose re-zoning at 1236 W. Mount Comfort Road, agenda Oct. 14th

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I own the house at 1812 W. Carter which is very close to 1236 W. Mount Comfort Rd. I oppose this rezoning and Schuyler Schwarting's desire to build another house on the property. My opposition is based on 1) the increased susceptibility of flooding in the area - the more you cover the ground, the greater flooding and excess water will affect the surrounding properties; 2) we only have dirt culverts in our area which are easily overwhelmed; 3) driving is already difficult on Carter Street (which shares a boundary with this parcel) with only one car at a time able to drive on the street; 4) deterioration of enjoyment of the neighborhood - the more crowded it becomes, the less enjoyable our homes are; and finally parking, there is no street parking on Mount Comfort and no parking on Carter St.

If Schuyler Schwarting wants a bigger house, I suggest he build up.

Finally, I urge you to go to the property and walk the property and see the dirt culverts for the handling of rain water, see how narrow the streets are with no parking available, and recognize that neighborhoods need some green space in these conditions.

Thank you for your consideration.

Alexandra "Sandy" Curtis

CITY OF FAYETTEVILLE, ARKANSAS

REZONING REQUEST LETTER

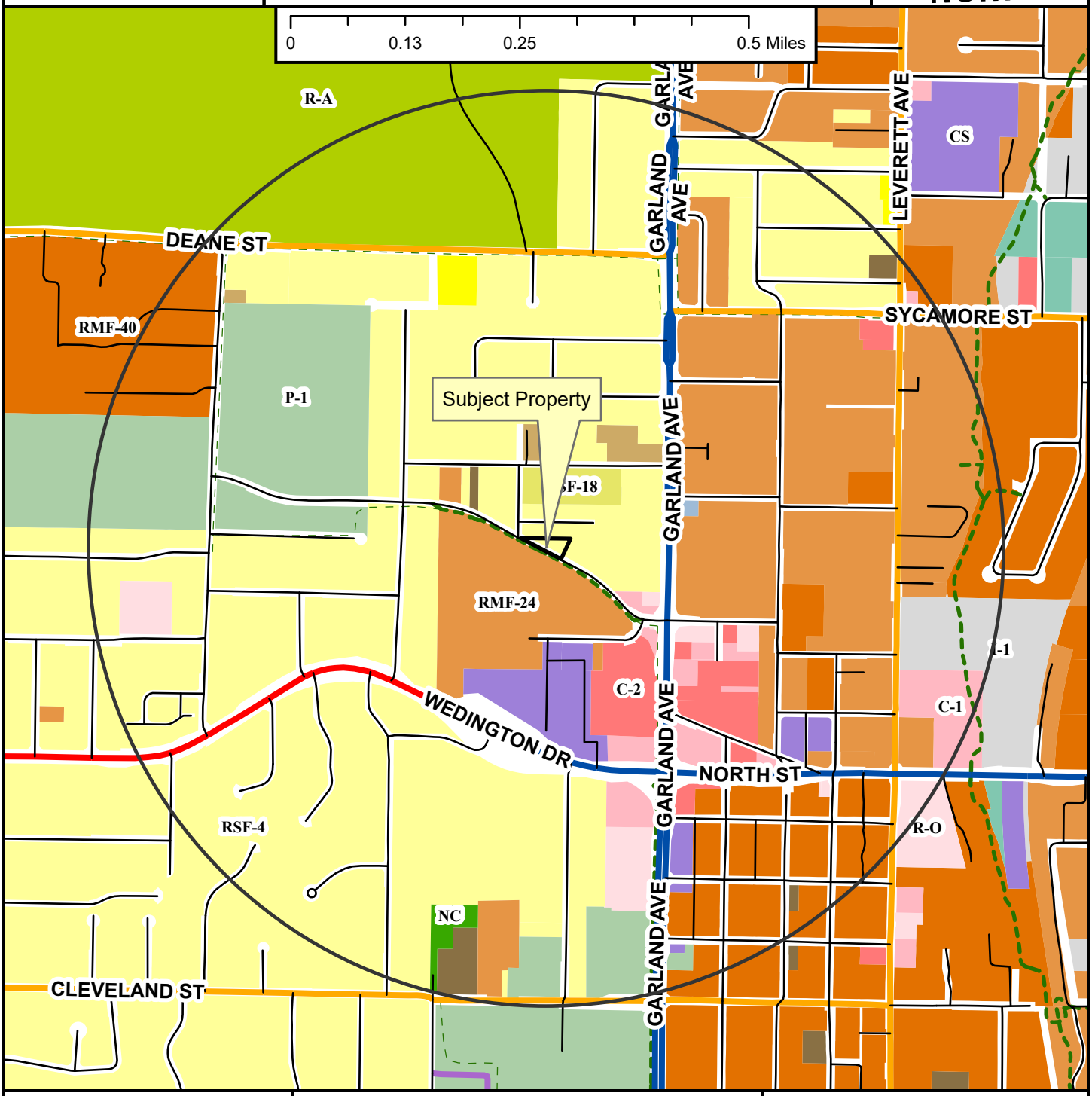
The rezoning of this property, at 1236 W. Mount Comfort Rd., from RSF-4 to RI-U is in line and compatible with the zoning of the surrounding properties. Across the street from this property is the Garden Park Apartments, The Locale Fayetteville Apartments, also a 4-unit apartment complex and a 9-unit Townhome complex all of which are zoned RMF-24 and one block away to the west is also zoned RI-U and to the north is zoned RSF-18. The proposed rezoning will not unreasonably adversely affect or conflict with the surrounding land uses because this lot will continue to be residential but opens up new possibilities. It is on a main thoroughfare that connects the neighborhood to Garland Dr. to the east or Weddington Dr. to the south. It is also right across the street from a Razorback Transit bus stop #33. This Razorback Transit system is capable of transporting throughout the City of Fayetteville.

The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, provide a range of housing types compatible in scale with single-family homes and encourages a diversity of housing types to meet demand for walkable urban living. I believe this change of zoning is compatible with this request and meets the description of the new zoning.

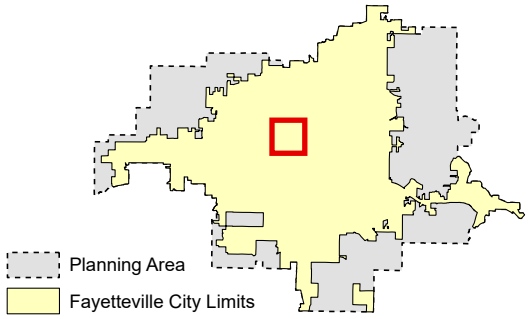
RZN-2024-0043

One Mile View

1236 W. MOUNT COMFORT RD



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

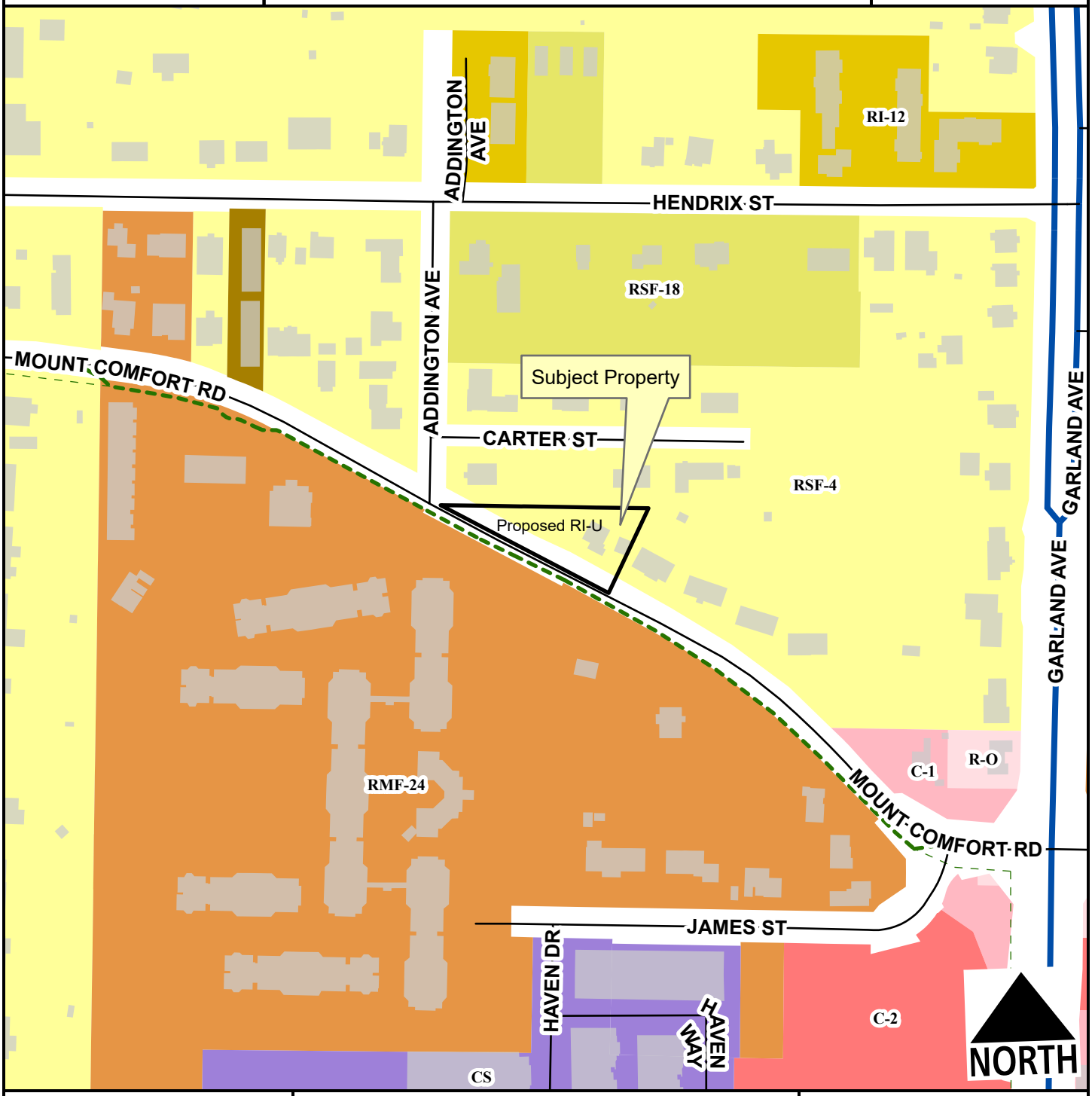
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0043

Close Up View

1236 W. MOUNT COMFORT RD



Regional Link - High Activity
Unclassified
Residential Link
Trail (Proposed)
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

Zone	Current	Proposed
RI-U	0.0	0.4
RSF-4	0.3	0.0

Total 0.4 ac

RZN-2024-0043

Current Land Use

1236 W. MOUNT COMFORT RD

NORTH



- Regional Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

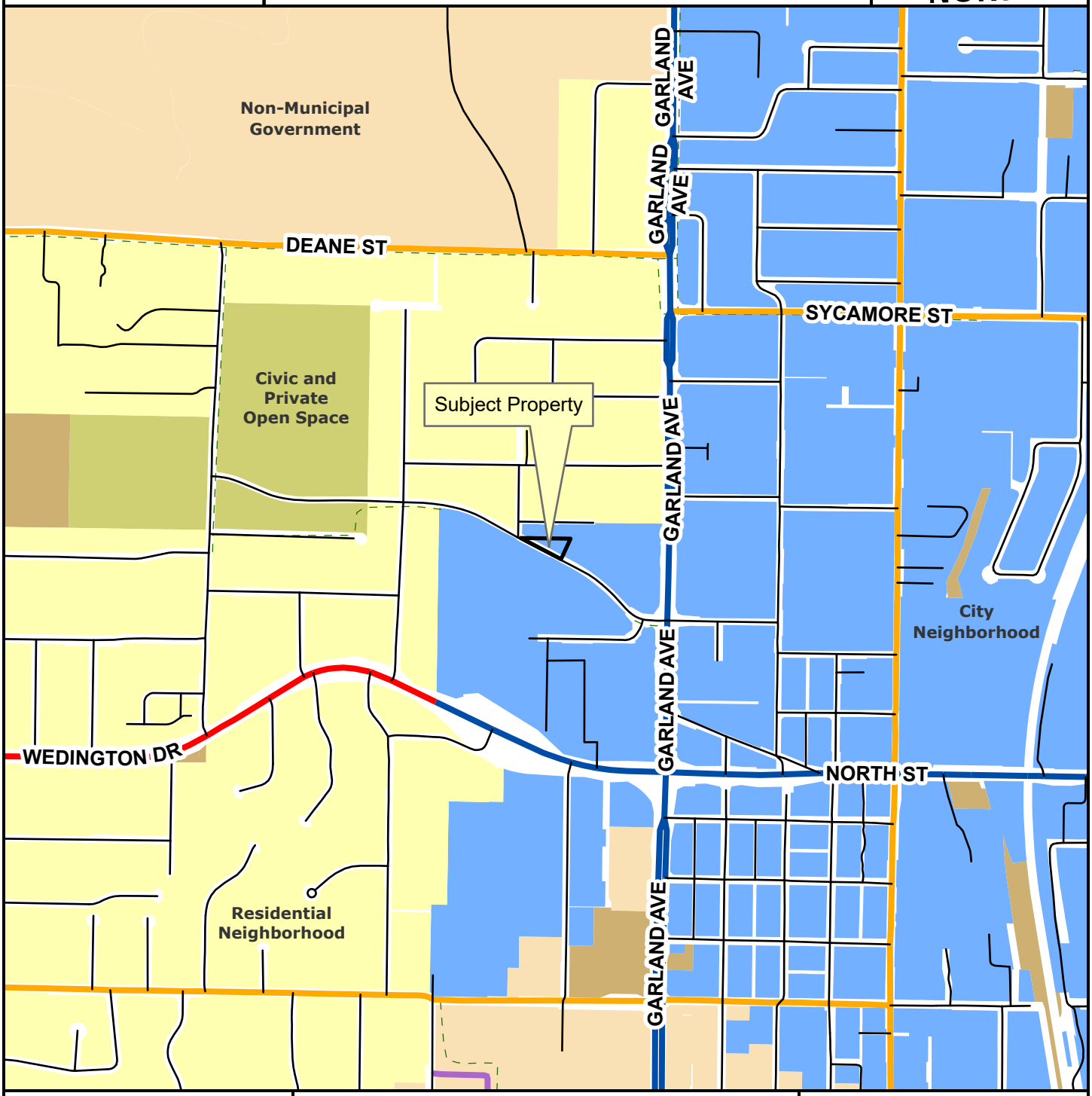
- 100-Year Floodplain
- Floodway

RZN-2024-0043

Future Land Use

1236 W. MOUNT COMFORT RD

NORTH



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-655

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **RZN-2024-0044: Rezoning (2001 W. 18TH ST./ARNOLD, 598): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in southwest Fayetteville, just east of Interstate 49 on the south side of W. 18th Street. The property contains one parcel totaling 0.90 acres which is developed with a single-family dwelling and accessory structure and zoned C-1, Neighborhood Commercial. Hydric soils are present, as well as protected streams, but no FEMA-designated floodplain is present on site. The property to the south was rezoned to RI-U, Residential Intermediate - Urban in 2022.

Request: The request is to rezone the subject property from C-1, Neighborhood Commercial to RI-U, Residential Intermediate - Urban.

Public Comment: Staff has not received public comment on this request.

Land Use Compatibility: Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the west edge of the Fayette Junction neighborhood, approximately one block from the Razorback Greenway to the east and one block from Interstate 49 to the west. A rezoning to RI-U, Residential Intermediate - Urban, would allow residential development in an area that includes a mix of single-family and small-scale multi-family uses as well as undeveloped areas. The property's current zoning, C-1, allows for development that staff finds to be inconsistent with current development patterns in that area given the prominence of residential uses, although commercial and mixed-use zoning exists to the north and west.

Land Use Plan Analysis: Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood. These areas are intended to support a wide variety of housing types and recognize existing subdivisions and development patterns that respond to features of the natural environment. The property also has a medium infill score of 6-7 which indicates that it is a suitable location for infill development, which the RI-U zoning

district would permit to a moderate extent.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **6-7** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, W. 18th Street)
- Near Water Main (12-inch main, W. 18th Street)
- Near U of A Campus
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (15th & Horizon ID 149452 & Indoor Track 149533)
- Within Master Plan Area (Fayette Junction Neighborhood)

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Werner made the motion and Commissioner Payne provided the second. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was made at the meeting.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-655

RZN-2024-0044: Rezoning (2001 W. 18TH ST./ARNOLD, 598): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-44 FOR APPROXIMATELY 0.90 ACRES LOCATED AT 2001 WEST 18th STREET IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from C-1, Neighborhood Commercial to RI-U, Residential Intermediate-Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-655

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0044: Rezoning (2001 W. 18TH ST./ARNOLD, 598): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

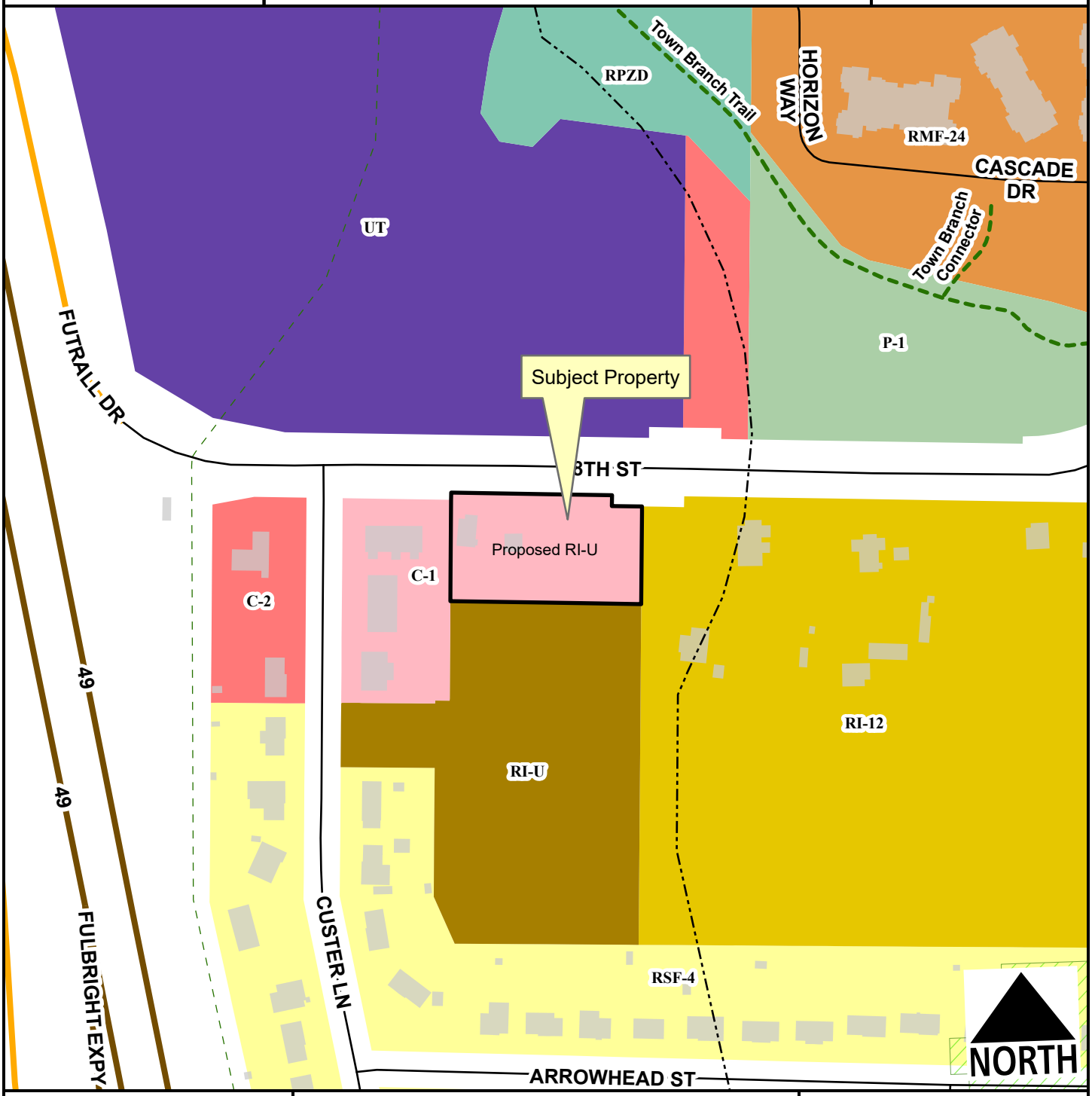
Comments:

RZN-2024-0044

Close Up View

2001 W. 18th St.

Exhibit 'A'
RZN-2024-0044



- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
C-1	0.9	0.0
RI-U	0.0	0.9

Total 0.9 ac

Exhibit 'B'
RZN-2024-0044

LEGAL DESCRIPTION

The North 150 feet of equal and uniform width off of Lots Numbered Eleven (11) and Twelve (12) Cornelius Subdivision, Fayetteville, Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024 Updated w/ meeting results

SUBJECT: **RZN-2024-0044: Rezoning (2001 W. 18TH ST./ARNOLD, 598):** Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2001 W. 18TH ST. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.90 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0044** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0044** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in southwest Fayetteville, just east of Interstate 49 on the south side of W. 18th Street. The property contains one parcel totaling 0.90 acres which is developed with a single-family dwelling and accessory structure and zoned C-1, Neighborhood Commercial. Hydric soils are present, as well as protected streams, but no FEMA-designated floodplain is present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Undeveloped	RI-U, Residential Intermediate - Urban
East	Single-Family Residential	RI-12, Residential Intermediate, Twelve (12) Units Per Acre
West	Multi-Family Residential	C-1, Neighborhood Commercial

Request: The request is to rezone the subject property from C-1, NEIGHBORHOOD COMMERCIAL to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along W. 18th Street. W. 18th Street is a partially improved Residential Link Street with asphalt paving and no curb or gutter. The property's frontage of W 18th St is unimproved. There is no curb and gutter or sidewalk present. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject property. There is a 12" water line along the property's frontage of W 18th St.

Sewer: Sanitary Sewer is available to the subject property. There is an 8" sanitary sewer line that runs through the southeast portion of the property. There are known sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system near this property. There are City projects that will improve the capacity of the system in this area.

Drainage: The subject property does lie within a FEMA-designated floodplain, and protected streams are identified on the east side of the property. Hydric soils are present on site.

A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time

would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**. The current zoning district, C-1, Neighborhood Commercial, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **7-8** for this site with a weighted score of **8** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, W. 18th Street)
- Near Water Main (12-inch main, W. 18th Street)
- Near U of A Campus
- Near City Park (Town Branch Trail)
- Near Paved Trail (Bike Lane on W. 18th Street)
- Near Razorback Bus Stop (15th & Horizon ID 149452 & Indoor Track 149533)
- Within Master Plan Area (Fayette Junction Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the west edge of the Fayette Junction neighborhood, approximately one block from the Razorback Greenway to the east and one block from Interstate 49 to the west. A rezoning to RI-U, Residential Intermediate - Urban, would allow residential development in an area that includes a mix of single-family and small-scale multi-family uses as well as undeveloped areas. The property's current zoning, C-1, allows for development that staff finds to be inconsistent with current development patterns in that area given the prominence of**

residential uses, although commercial and mixed-use zoning exists to the north and west.

Land Use Plan Analysis: **Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood. These areas are intended to support a wide variety of housing types and recognize existing subdivisions and development patterns that respond to features of the natural environment. The property also has a medium infill score of 7-8 which indicates that it is a suitable location for infill development.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification for rezoning the property from C-1 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from C-1 to RI-U has minimal potential to increase vehicular traffic in the area when considering that the property is less than one acre in size and is currently zoned for commercial uses. Between 2019 and 2023, seven traffic crashes were reported on W. 18th St. between the intersections of S. Beechwood Ave. to the east and W. Custer Ln. to the west of the subject property. Two of those crashes had suspected minor injury and five had no apparent injury.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from C-1 to RI-U has minimal potential to alter the population density given the size of the property and surrounding zoning and uses, although RI-U would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0044 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Werner			
Second: Payne			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.12 District RI-U, Residential Intermediate - Urban
  - §161.21 District C-1, Neighborhood Commercial
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

161.21 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 25	Offices, studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet
Rear	20 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

City of Fayetteville
Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Rezoning Parcel No. 765-04068-001 from C-1 to RI-U

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-04068-001, located at 2001 W. 18th St. The parcel is currently zoned C-1, Neighborhood Commercial. The applicant is requesting that it be rezoned to RI-U, Residential Intermediate–Twelve (12) Units Per Acre. This request is in line with many of the surrounding zoning districts. The Property to the South was recently rezoned to RI-U. Additionally, the three parcels adjacent to the East, as well as a parcel on S. Ashwood, were recently rezoned to RI-12.

This property is near both Interstate 49 (Freeway/Expressway) and Razorback Road (Regional Link) and in a prime location for a higher density development. This parcel is also part of the Fayette Junction Neighborhood Plan adopted in Spring of 2009, which shows this area as higher density single-family residential. The Property has a small creek running through it, and a rezoning to RI-U, as compared to RI-12, would allow flexibility for clustering of development away from water prone areas on the Property.

This rezoning would encourage infill and development of missing middle housing and would provide the opportunity to diversity housing stock in an area that is largely comprised of student-oriented multi-family and single family housing. It would further ast as a transitional zoning between the high density, multifamily developments located near the baseball stadium, and the lower density single family zoning to the South.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

WK:
pc:

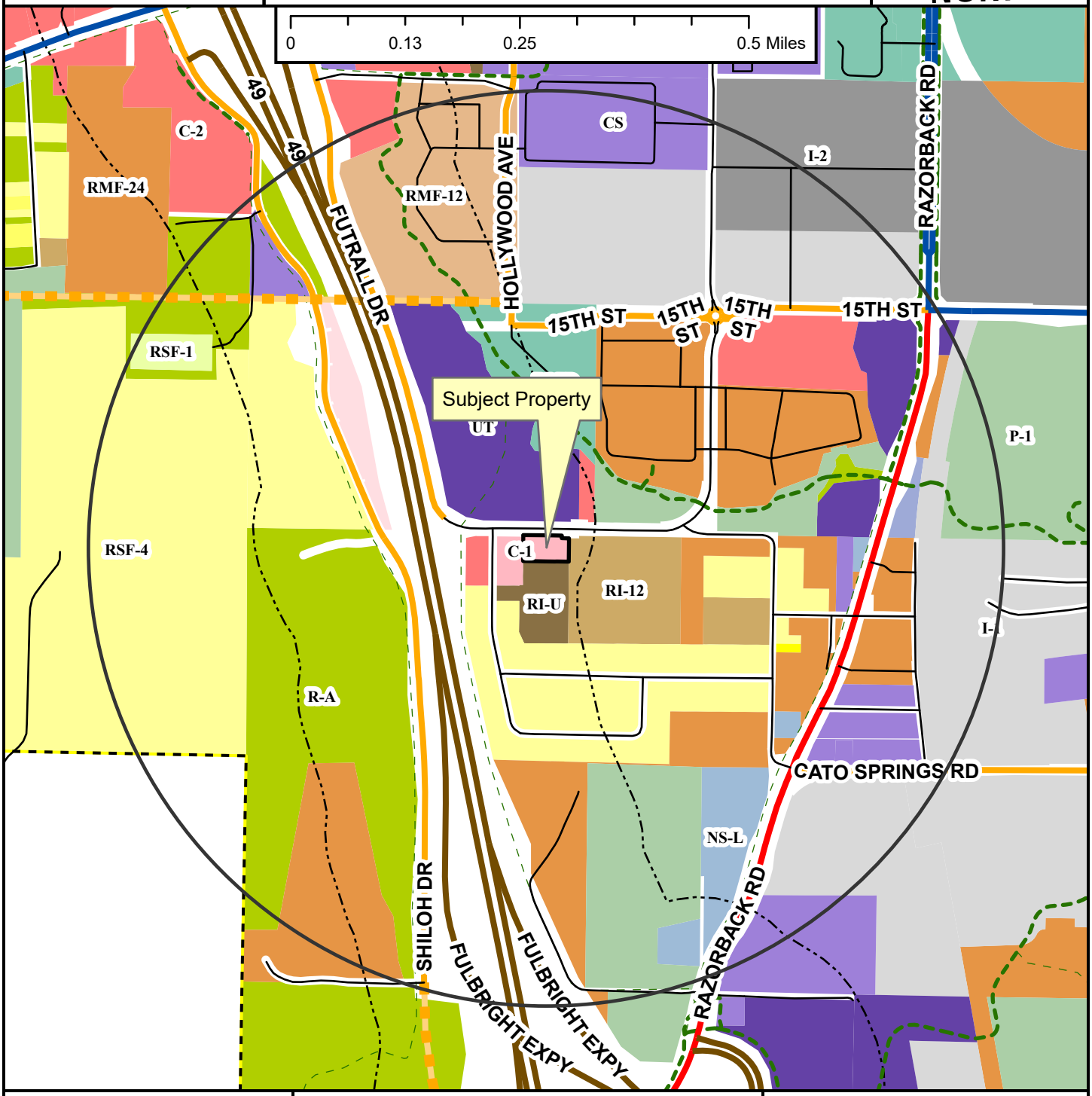
1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

RZN-2024-0044

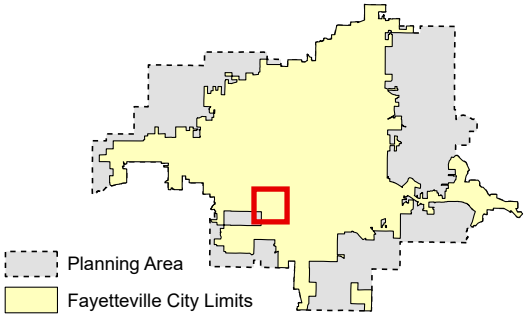
One Mile View

2001 W. 18th St.

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

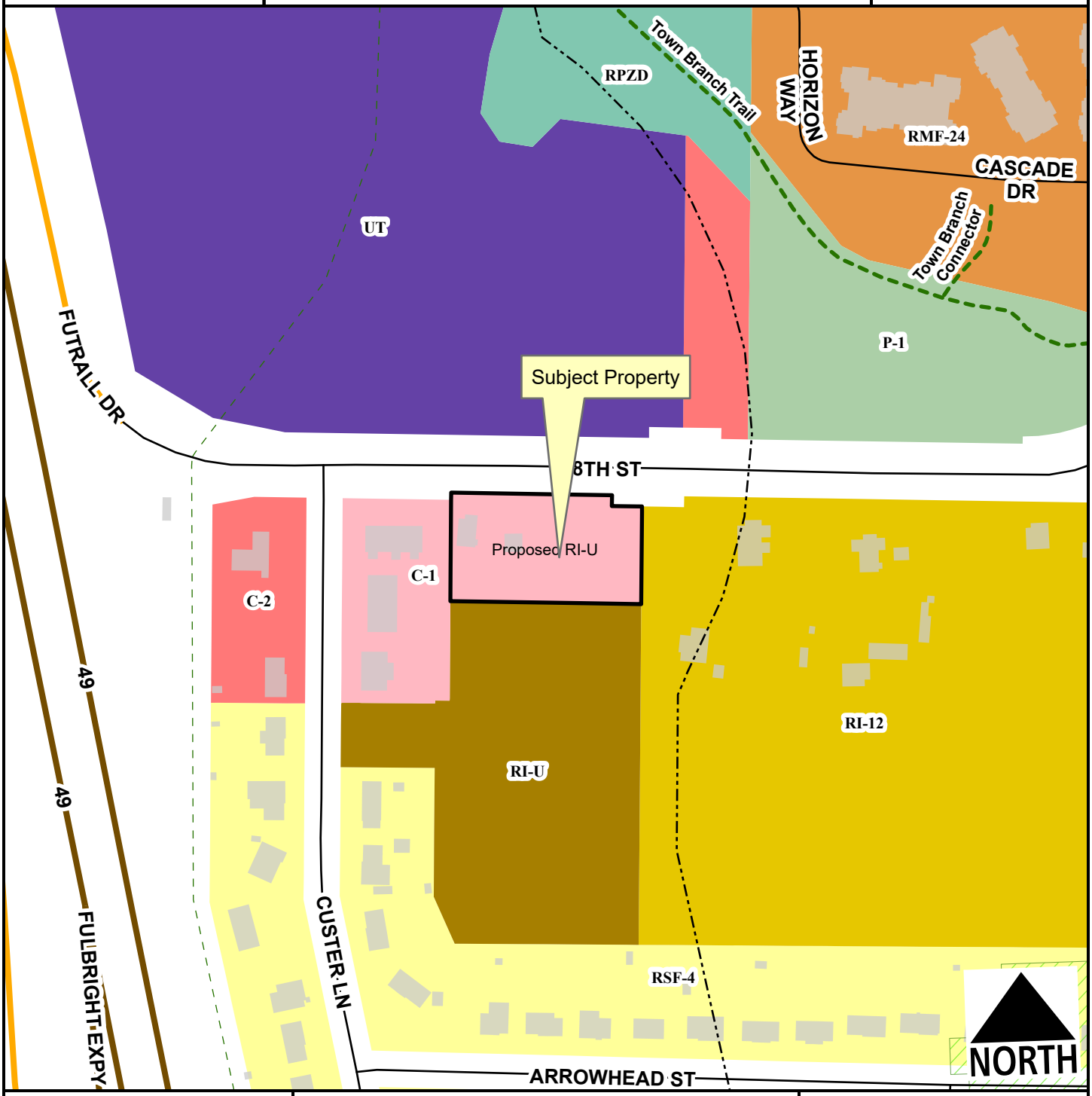
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0044

Close Up View

2001 W. 18th St.



- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
C-1	0.9	0.0
RI-U	0.0	0.9

Total 0.9 ac

RZN-2024-0044

Current Land Use

2001 W. 18th St.

NORTH



- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

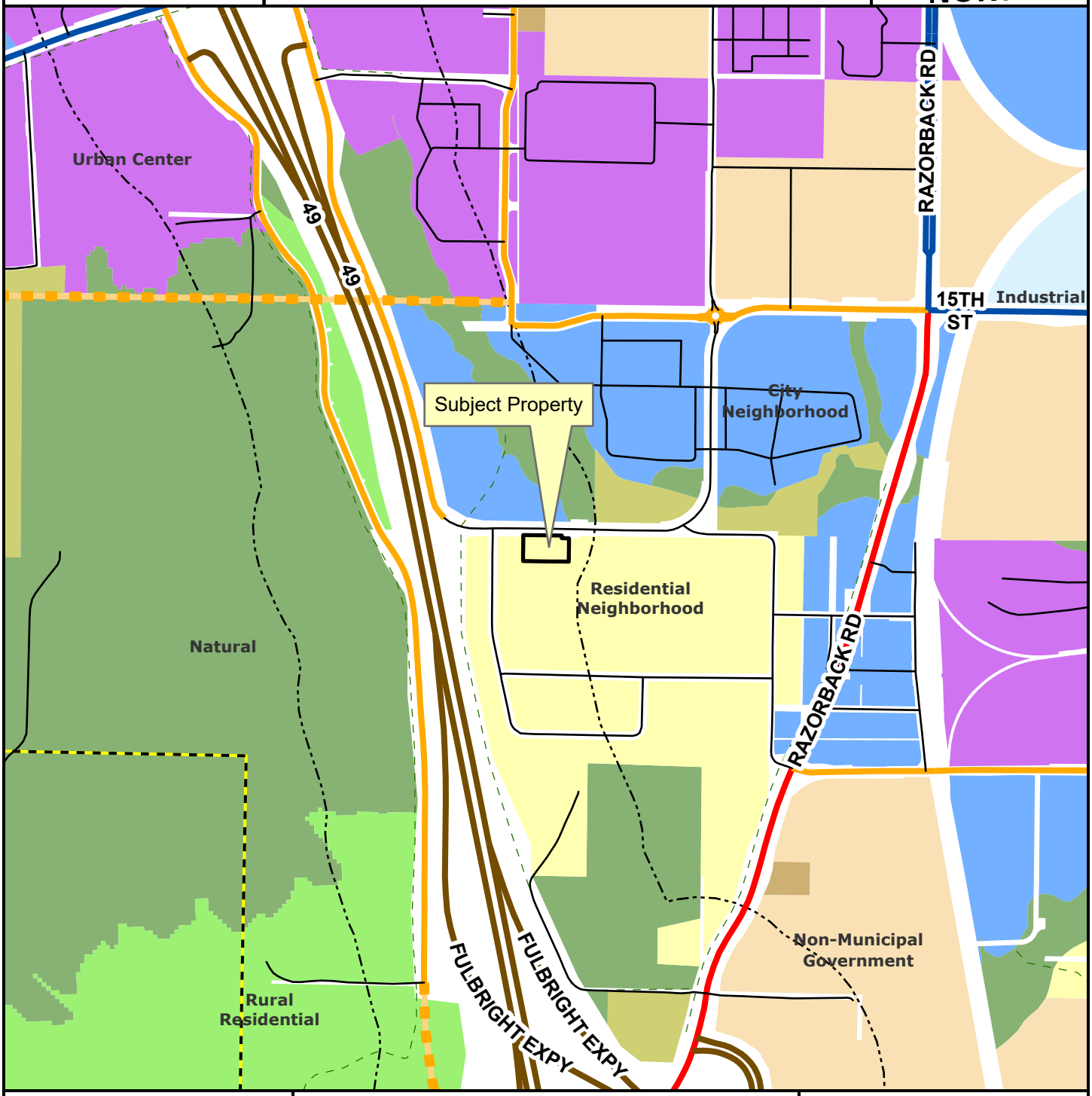
- 100-Year Floodplain
- Floodway

RZN-2024-0044

Future Land Use

2001 W. 18th St.

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-656

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **RZN-2024-0045: Rezoning (2286 W. STONE ST./KJJ, 520): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in west central Fayetteville, between the University of Arkansas (U of A) main campus and Interstate 49, on the north side of W. Stone Street, and directly north of the Ramay Junior High School campus. The property contains one parcel totaling 0.20 acres which is developed with a single-family dwelling and an accessory structure. The zoning designation of the property is RSF-4, Residential Single-Family, Four Units per Acre and no hillside-hilltop overlay areas, protected streams, hydric soils, or FEMA-designated floodplains are present on site.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban.

Public Comment: Staff has not received public comment on this request.

Land Use Compatibility: Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located in a residential area between the U of A campus and Interstate 49, directly north across W. Stone St from Ramay Junior High School. A rezoning to RI-U would allow more intense residential development consistent with surrounding single-family and multi-family residential properties. The property's current zoning, RSF-4, allows for a lower density of residential development that staff finds to be compatible with current development and zoning patterns in that area, but at a size less than one quarter of an acre is not sufficiently large to support the developing of housing on a quarter acre per lot density maximum.

Land Use Plan Analysis: Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and support infill development. Staff finds that a rezoning to RI-U would allow for increased development that would be in character with surrounding properties

and not adversely impact natural features as the property is already developed with a single-family home. The property also has a high infill score of 9 which indicates that it is a suitable location for infill development.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **9** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Public School (Ramay Junior High School)
- Near U of A Campus
- Near City Park (Centennial Park)
- Near Paved Trail (bike lanes on Old Farmington Road and S. Sang Ave.)
- Near Razorback Bus Stop (Markham Hill stop 149572)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Payne made the motion and Commission Brink provided the second. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was provided on the item.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-656

RZN-2024-0045: Rezoning (2286 W. STONE ST./KJJ, 520): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-45 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 2286 WEST STONE STREET IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate-Urban.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-656

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0045: Rezoning (2286 W. STONE ST./KJJ, 520): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

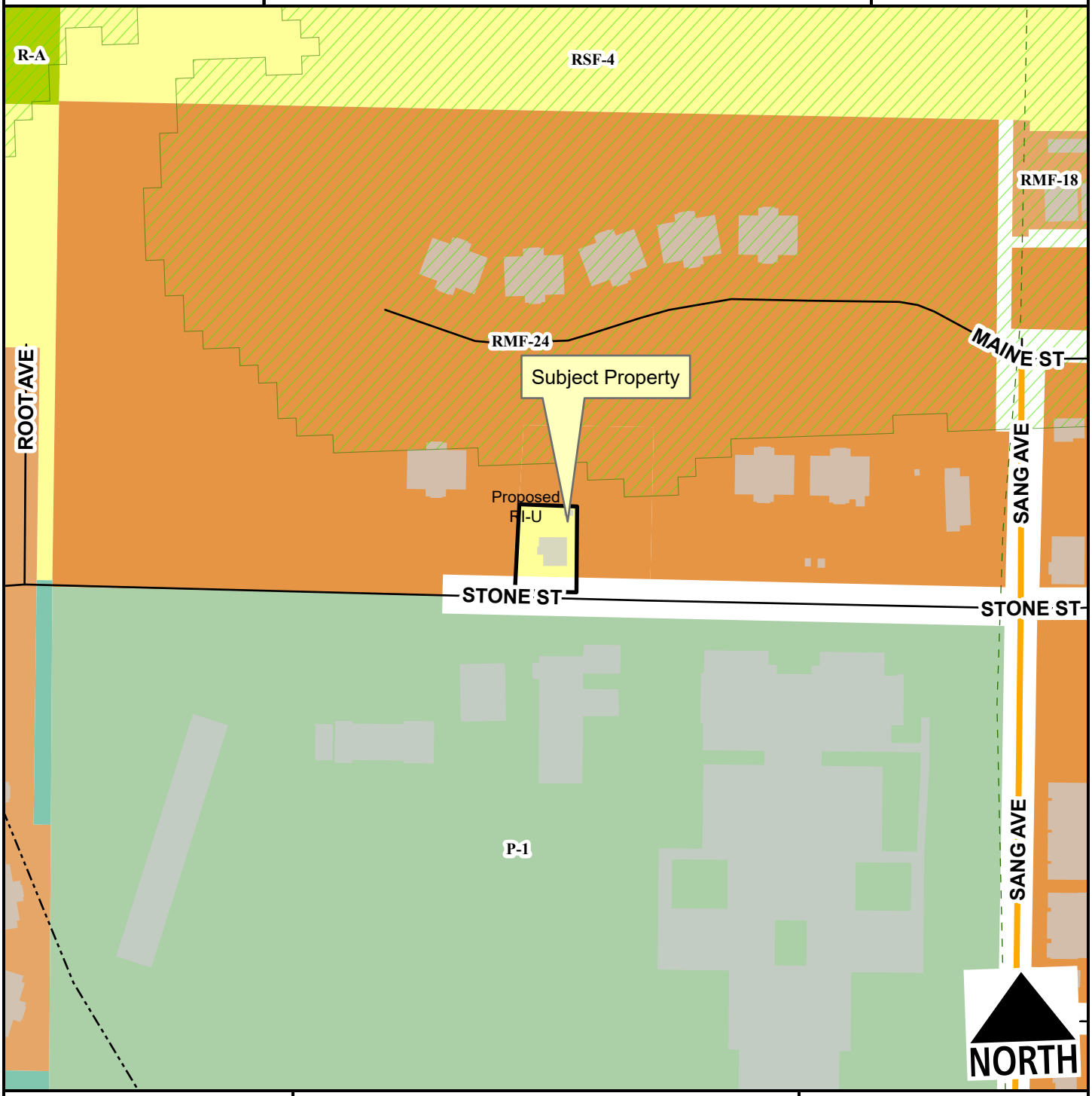
Comments:

RZN-2024-0045

Close Up View

2286 W. STONE ST

Exhibit 'A'
RZN-2024-0045



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.2
RMF-24	0.0	0.0
RSF-4	0.2	0.0

Total 0.2 ac

Exhibit 'B'
RZN-2024-0045

LEGAL DESCRIPTION

Part of the NW of the SW of Section 17, Township 16 North, Range 30 West, Washington County, Arkansas, and being more particularly described as follows, to-wit: Beginning at a point which is S89°52'E, 604.71 feet of the SW corner of said forty acre tract, and running thence along said forty line, S89°42"E 85.0 feet; thence N0°42"W to and along an existing fence, 118.6 feet; thence N88°53' West along an existing fence 79.76 feet; thence S01°49"W along an existing fence 120.0 feet to the point of beginning and containing 0.23 acres, more or less.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024 Updated w/ meeting results

SUBJECT: **RZN-2024-0045: Rezoning (2286 W. STONE ST./KJJ, 520):** Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 2286 W. STONE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0045** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0045** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in west central Fayetteville, between the University of Arkansas (U of A) main campus and Interstate 49 on the north side of W. Stone Street and directly north of the Ramay Junior High School campus. The property contains one parcel totaling 0.20 acres which is developed with a single-family dwelling and an accessory structure and zoned RSF-4, Residential Single-Family, Four Units per Acre. No protected streams, hydric soils, or FEMA-designated floodplains are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
South	Junior High School	P-1, Institutional
East	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre
West	Multi-Family Residential	RMF-24, Residential Multi-Family, Twenty-Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property's frontage along Stone St., which is a Residential Link street, is improved with curb and gutter and sidewalk at the back of curb. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an 8" water line that is present on the south side of Stone St, as well as a 2.25" water line near the center of Stone St.

Sewer: Sanitary Sewer is available to the subject property. There is a 6" sanitary sewer line that is present on along the north side of Stone St. There are known sewer capacity issues identified during wet weather in the City's 2021 Sewer Master Plan that appear in the system approximately 1,500 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain or the Hillside/Hilltop Overlay District, and no protected streams or hydric soils are present on site. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 0.5 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate - Urban, requires **15% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system

of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **9** for this site with a weighted score of **11** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Public School (Ramay Junior High School)
- Near U of A Campus
- Near City Park (Centennial Park)
- Near Paved Trail (bike lanes on Old Farmington Road and S. Sang Ave.)
- Near Razorback Bus Stop (Markham Hill stop 149572)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located in a residential area between the U of A campus and Interstate 49, directly north across W. Stone St from Ramay Junior High School. A rezoning to RI-U would allow more intense residential development consistent with surrounding residential properties with both single-family and multi-family housing. The property's current zoning, RSF-4, allows for a lower density of residential development that staff finds to be compatible with current development and zoning patterns in that area, but at a size less than one quarter of an acre is not sufficiently large to support the developing of housing on a quarter acre per lot density maximum.**

The subject property is noted as being in an area of minimal flood hazard and no creeks or streams are identified. The property is located outside of the Hillside/Hilltop Overlay District.

Land Use Plan Analysis: **Staff finds that a rezoning to RI-U would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing types, and support infill development. Staff finds that a rezoning to RI-U would allow for increased development that would be in character with surrounding properties and not adversely impact natural features as the property is already developed with a single-family home. The property also has a high infill score of 9 which indicates that it is a suitable location for infill development.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification for rezoning the property from RSF-4 to RI-U. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from RSF-4 to RI-U has low potential to increase vehicular traffic in the area when considering that RI-U would not allow commercial uses and although RI-U would allow more dense residential development and the existing RSF-4 zoning, surrounding properties allow a greater density of housing already and the subject property is less than a quarter acre in size. Between 2019 and 2023, no traffic crashes were reported adjacent to the property and three crashes, with no apparent injury, were reported on W. Stone Street.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from RSF-4 to RI-U has the potential to slightly increase the population density since RI-U would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0045 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		**Required**	**YES**
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Payne			
Second: Brink			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161.12 District RI-U, Residential Intermediate - Urban
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

City of Fayetteville
Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Rezoning Parcel No. 765-14588-000 from RSF-4 – Residential Single Family, Four (4) Units Per Acre to RI-U–Residential Intermediate–Urban

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-14588-000, located at 2286 Stone St., located near Ramay Junior High School.

The parcel is currently zoned RSF-4, Residential Single Family – 4 Units per Acre. The applicant is requesting that it be rezoned to RI-U, Residential Intermediate–Urban. This property is surrounded on three sides by property zoned RMF-24, Residential Multi-Family, Twenty-Four (24) Units per Acre. It is located across the street from Ramay Junior High School, which is zoned P-1–Institutional. In the surrounding area, there are a large number of multi-family buildings, as well as multiplexes and single family. Accordingly, a rezoning to RI-U would blend nicely with the surrounding development patterns.

Additionally, this rezoning would encourage infill, development of missing middle housing, and would provide the opportunity to diversity housing stock in the area. Additionally, the small size of the property warrants the need for the flexible lot widths allowed by RI-U. Finally, the property has access to both water and sewer, with existing lines for both being located on Stone St.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

WK:
pc:

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

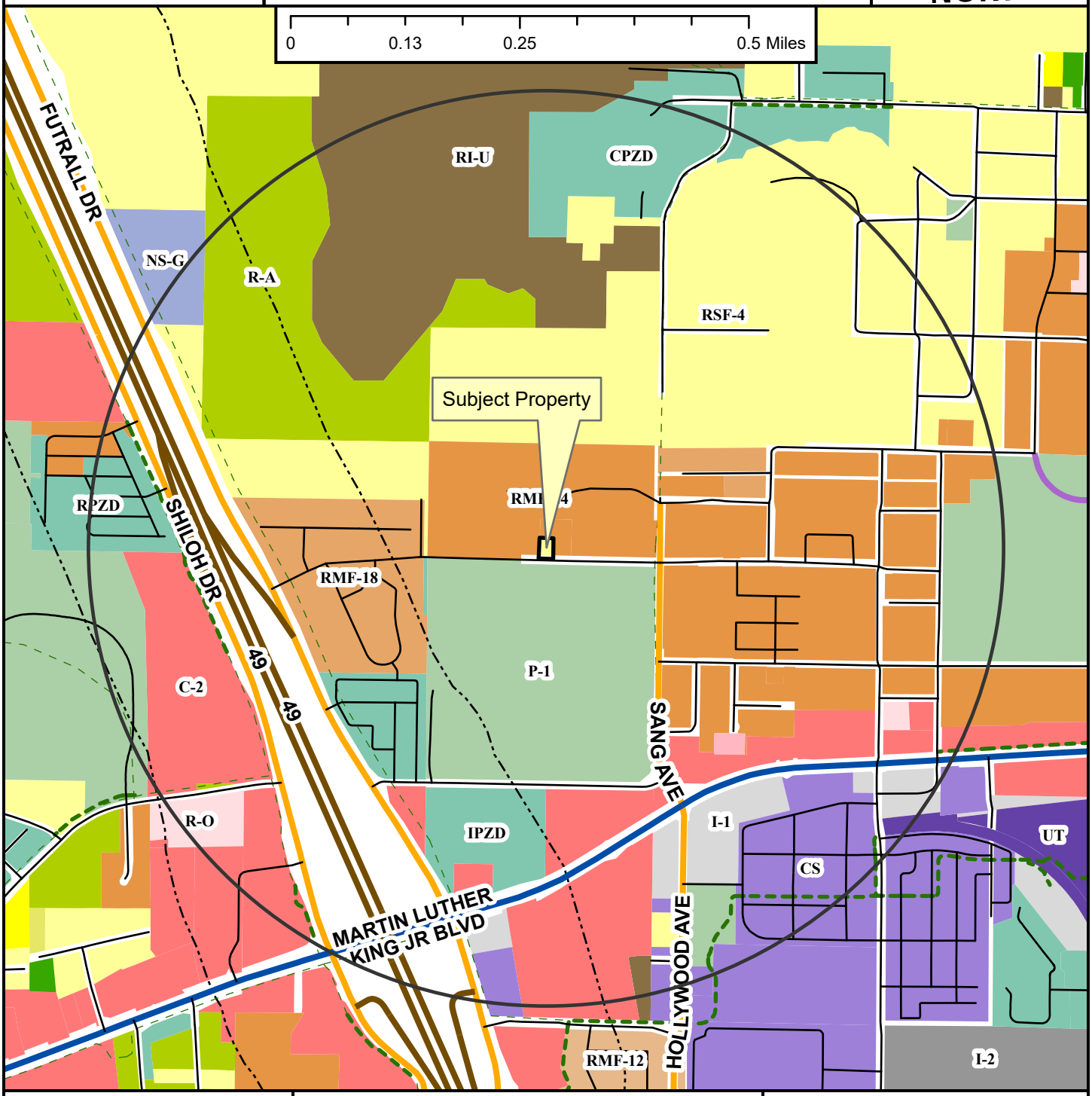
REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

RZN-2024-0045

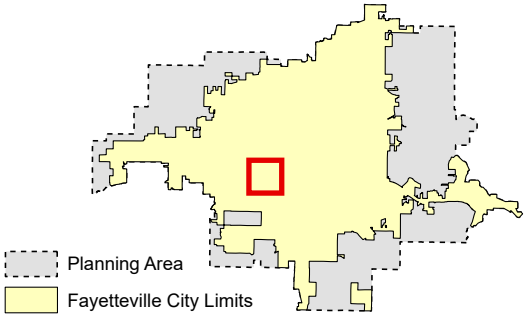
One Mile View

2286 W. STONE ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

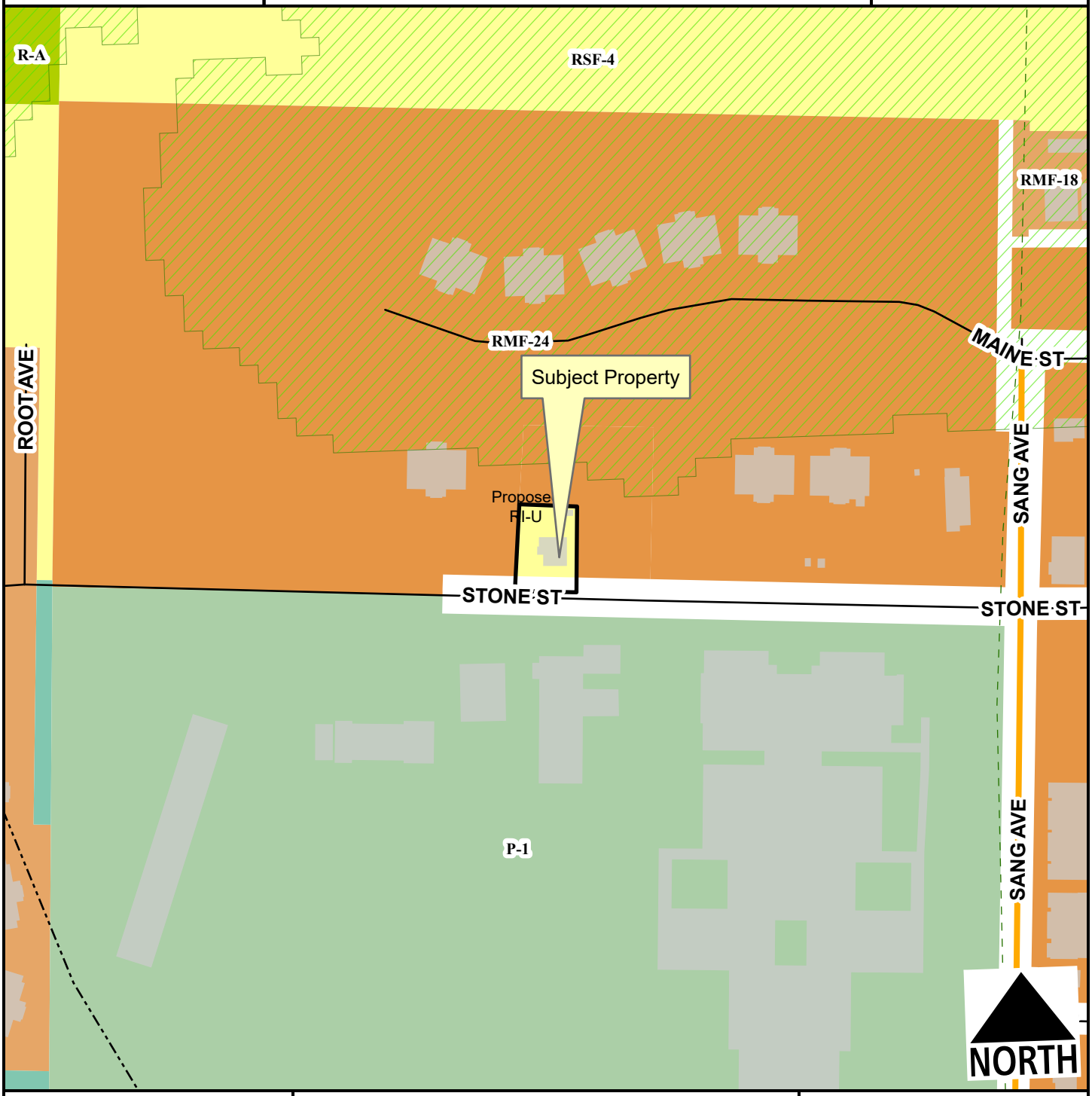
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0045

Close Up View

2286 W. STONE ST



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.2
RMF-24	0.0	0.0
RSF-4	0.2	0.0

Total 0.2 ac

RZN-2024-0045

Current Land Use

2286 W. STONE ST

NORTH



- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

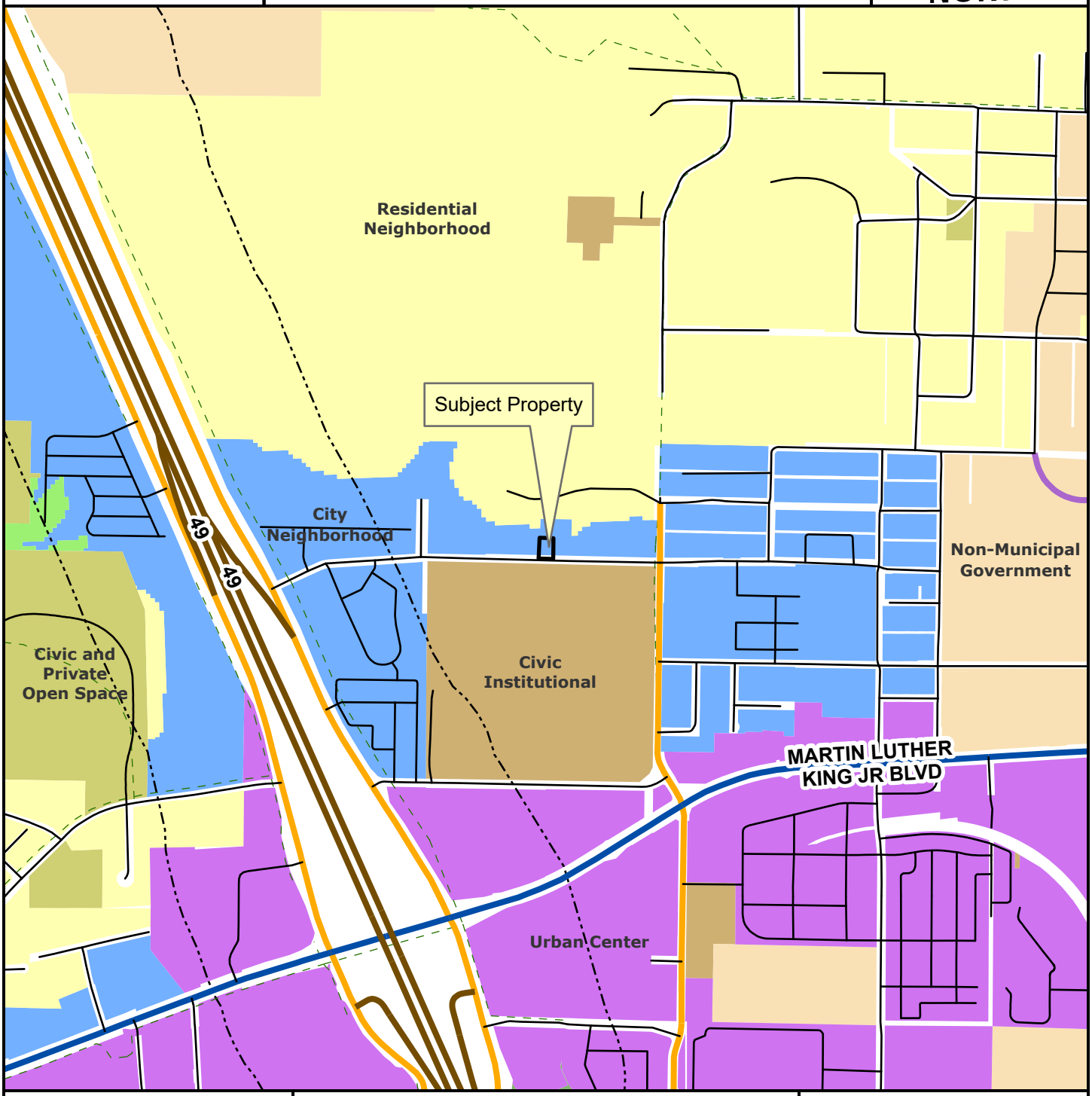
- 100-Year Floodplain
- Floodway

RZN-2024-0045

Future Land Use

2286 W. STONE ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-657

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **RZN-2024-0046: Rezoning (510 W. PRAIRIE ST./SCOTT, 523): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRE ST. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in Downtown Fayetteville, just north of the intersection of W. Prairie Street and S. Gregg Avenue. The property contains one parcel totaling 0.16 acres which is developed with a single-family dwelling and accessory structure and zoned R-O, Residential-Office. Hydric soils are present, but no protected streams or FEMA-designated floodplain are present on site.

Request: The request is to rezone the subject property from R-O, Residential-Office to DG, Downtown General.

Public Comment: Staff has not received public comment on this request.

Land Use Compatibility: Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the south edge of Downtown, approximately 100 feet from the Razorback Greenway and Lower Ramble. A rezoning to DG, Downtown General, would allow more intense residential development and commercial uses in an area that includes an existing mix of residential, commercial, and institutional uses. The property's current zoning, R-O, allows for development that staff finds to be inconsistent with current development and zoning patterns in that area given the relatively large lot width and minimum requirements of the R-O zoning district.

Land Use Plan Analysis: Staff finds that a rezoning to DG would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing and commercial types in walkable urban neighborhoods. The property also has a high infill score of 12 which indicates that it is a suitable location for infill development under a wider range of entitlements.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **12** for this site. The

following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market located at 660 W. Martin Luther King Jr. Blvd.)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Frisco Trail/Razorback Greenway)
- Near ORT Bus Stop (School & Archibald Yell Stop ID 32695, School & MLK Blvd. Stop ID 76256)
- Near Razorback Bus Stop (Hill & MLK Stop ID 149523 & 149524)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a motion made by Commissioner Payne and seconded by Commissioner Castin initiated a vote of 9-0-0 to forward the request to City Council, recommending approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was given.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-657

RZN-2024-0046: Rezoning (510 W. PRAIRIE ST./SCOTT, 523): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRE ST. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-46 FOR APPROXIMATELY 0.16 ACRES LOCATED AT 510 WEST PRAIRIE STREET IN WARD 2 FROM R-O, RESIDENTIAL-OFFICE TO DG, DOWNTOWN GENERAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential-Office to DG, Downtown General.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-657

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0046: Rezoning (510 W. PRAIRIE ST./SCOTT, 523): Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRE ST. in WARD 2. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

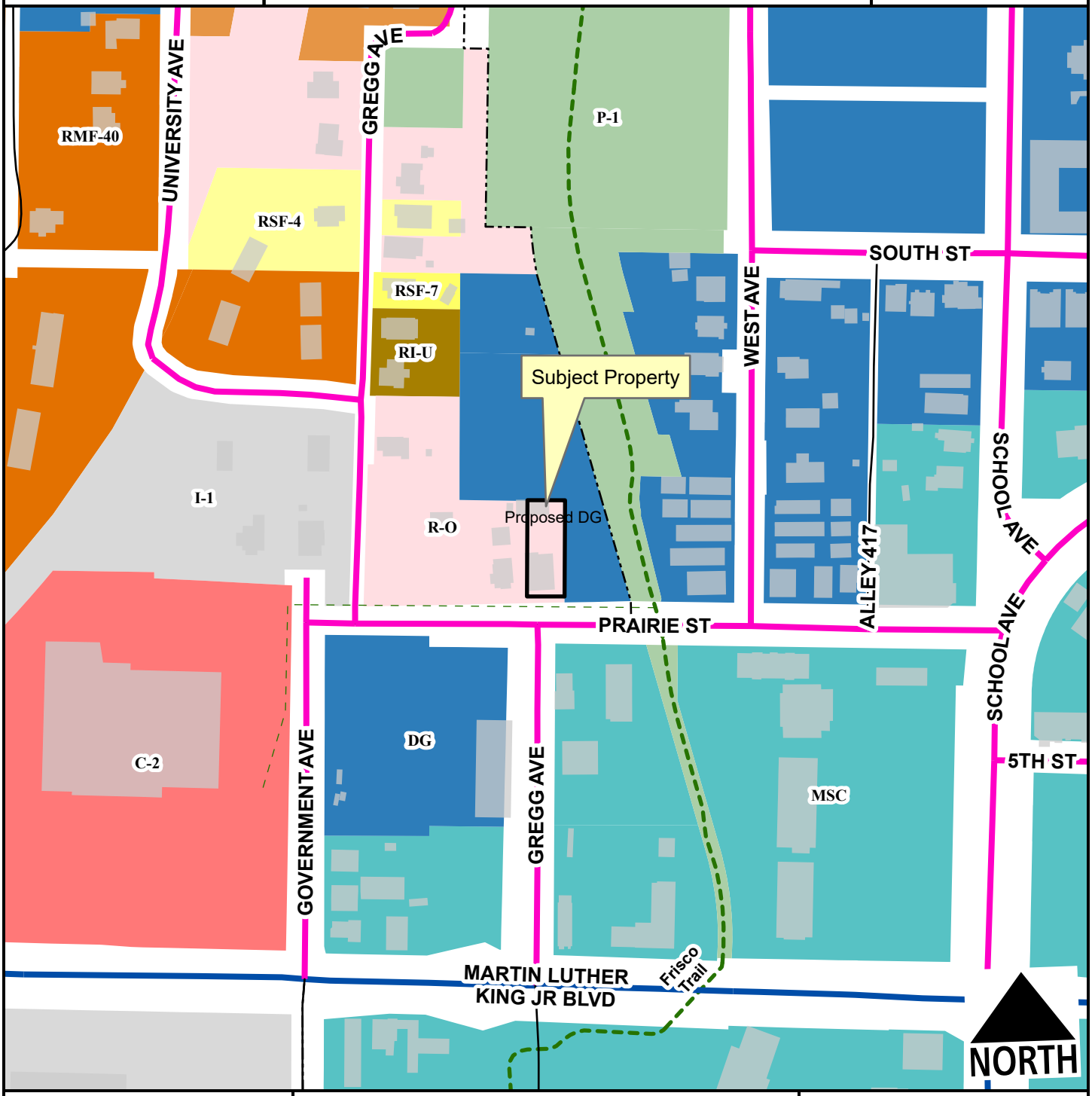
Comments:

RZN-2024-0046

Close Up View

510 W. Prairie St.

Exhibit 'A'
RZN-2024-0046



- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
DG	0.0	0.2
R-O	0.2	0.0

Total 0.2 ac

Exhibit 'B'
RZN-2024-0046

LEGAL DESCRIPTION

A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT FOUR (4) CHAINS AND SEVENTY-FIVE (75) LINKS SOUTH AND ONE HUNDRED FORTY-SIX (146) FEET EAST OF THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING, THENCE SOUTH 133 FEET, MORE OR LESS, TO THE NORTH LINE OF PRAIRIE AVENUE, THENCE SOUTH 79° WEST WITH SAID NORTH LINE OF PRAIRIE AVENUE FIFTY-TWO (52) FEET, MORE OR LESS, TO THE CENTER OF THE LANE, THENCE NORTH WITH THE CENTER OF SAID LANE ONE HUNDRED THIRTYTHREE (133) FEET; THENCE EAST FIFTY-TWO (52) FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, SITUATED IN THE CITY OF FAYETTEVILLE.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 14, 2024 Updated w/ meeting results

SUBJECT: **RZN-2024-0046: Rezoning (510 W. PRAIRIE ST./SCOTT, 523):** Submitted by WATKINS, BOYER, GRAY, & CURRY PLLC for property located at 510 W. PRAIRIE ST. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 0.16 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0046** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0046** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in Downtown Fayetteville, just north of the intersection of W. Prairie Street and S. Gregg Avenue on the north side of W. Prairie Street. The property contains one parcel totaling 0.16 acres which is developed with a single-family dwelling and accessory structure and zoned R-O, Residential-Office. Hydric soils are present, but no protected streams or FEMA-designated floodplain are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	DG, Downtown General
South	Commercial	DG, Downtown General and MSC, Main Street Center
East	Undeveloped/City Park	DG, Downtown General and P-1, Institutional
West	Single-Family Residential	R-O, Residential Office

Request: The request is to rezone the subject property from R-O, Residential-Office to DG, Downtown General.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along W. Prairie Street. W. Prairie Street is a partially improved Residential Link Street with asphalt paving and sidewalk along the north side but no curbs. The City is currently completing a project that will improve W. Prairie St. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. A 6" water line is present along the north side of W Prairie St.

Sewer: Sanitary Sewer is available to the subject area. An 8" sanitary sewer main is present along the south side of W Prairie St. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 130 linear feet downstream of this property.

Drainage: The subject property does not lie within a FEMA-designated floodplain and protected streams are identified on properties directly to the west of but not on the subject property. Hydric soils are present on site. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, DG, Downtown General, requires **10% minimum canopy preservation**. The current zoning district, R-O, Residential-Office, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **12** for this site with a weighted score of **17** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (6-inch main, W. Stone Street)
- Near Water Main (4-inch main, W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market located at 660 W. Martin Luther King Jr. Blvd.)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Frisco Trail/Razorback Greenway)
- Near ORT Bus Stop (School & Archibald Yell Stop ID 32695, School & MLK Blvd. Stop ID 76256)
- Near Razorback Bus Stop (Hill & MLK Stop ID 149523 & 149524)
- Appropriate Future Land Use (City Neighborhood)
- Sufficient Intersection Density

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located on the south edge of Downtown, approximately 100 feet from the Razorback Greenway and Lower Ramble. A rezoning to DG, Downtown General, would allow more intense residential development and commercial uses in an area that includes a mix of residential, commercial, and institutional uses. The property's current zoning, R-O, allows for development that staff finds to be**

inconsistent with current development and zoning patterns in that area given the relatively large lot width and minimum requirements of the R-O zoning district.

Land Use Plan Analysis: **Staff finds that a rezoning to DG would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing and commercial types in walkable urban neighborhoods. The property also has a high infill score of 12 which indicates that it is a suitable location for infill development.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification for rezoning the property from R-O to DG. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from R-O to DG has the potential to minimally increase vehicular traffic in the area when considering that the property is less than one fifth on an acre in size and many surrounding properties are already zoned DG. Between 2019 and 2023, no traffic crashes were reported adjacent to the property and four crashes, one with possible injury and three with no apparent injury, were reported on W. Prairie St. Six crashes with no apparent injury and one crash with a suspected minor injury were reported at the intersection of W. Prairie St. and S. Nelson Hackett Blvd. to the west of the subject property.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from R-O to DG has minimal potential to alter the population density given the size of the property and surrounding zoning and uses, although DG would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0046 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Payne			
Second: Castin			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.20 District R-O, Residential Office
  - §161.28 Downtown General
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses*.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density*.

Units per acre	24 or less

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum*.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet

Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 50% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 4, 2024

City of Fayetteville
Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Rezoning Parcel No. 765-12939-000 from RO–Residential Office to DG–Downtown General

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-12939-000, located at 510 W. Prarie St., from RO-Residential Office, to DG–Downtown General.

This property is surrounded on two sides by property zoned DG, and is adjacent to the West to RO-zoned properties. This property is located in the Mill District, which is currently undergoing transformation into a walkable neighborhood center, with developments and redevelopments such as the mixed used building to the East, denser single family housing to the East, Walmart Neighborhood Market, and the adaptive re-use of the farmer's co-op to the South. DG has a much greater potential to encourage development of a similar character to the aforementioned projects than would RO, which has potential to produce overuse of dated structures rather than redevelopment.

Additionally, this rezoning would encourage infill, development of missing middle housing, and would provide the opportunity to diversity housing stock in the area. This rezoning would act as a natural extension of the largely DG- and MSC-zoned properties to the East. Finally, the property has access to both water and sewer, with existing lines for both being located on Prarie St.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

WK:
pc:

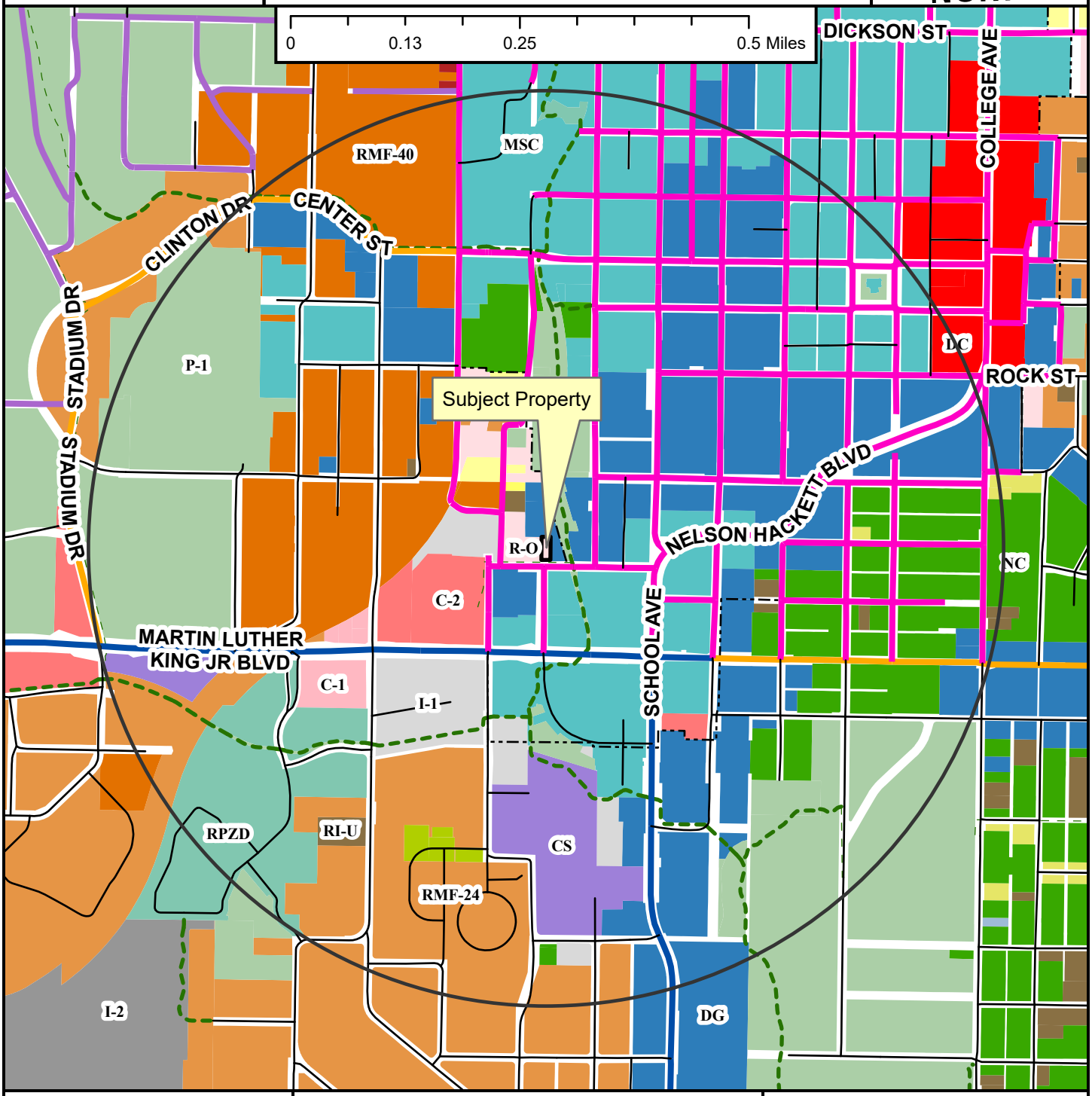
1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

RZN-2024-0046

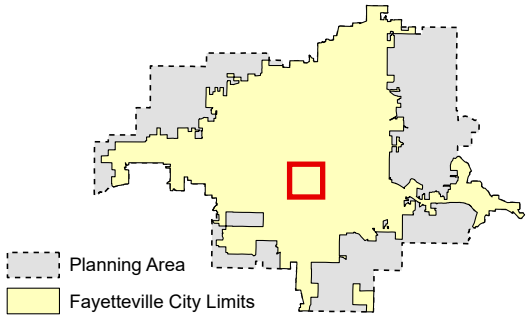
One Mile View

510 W. Prairie St.

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

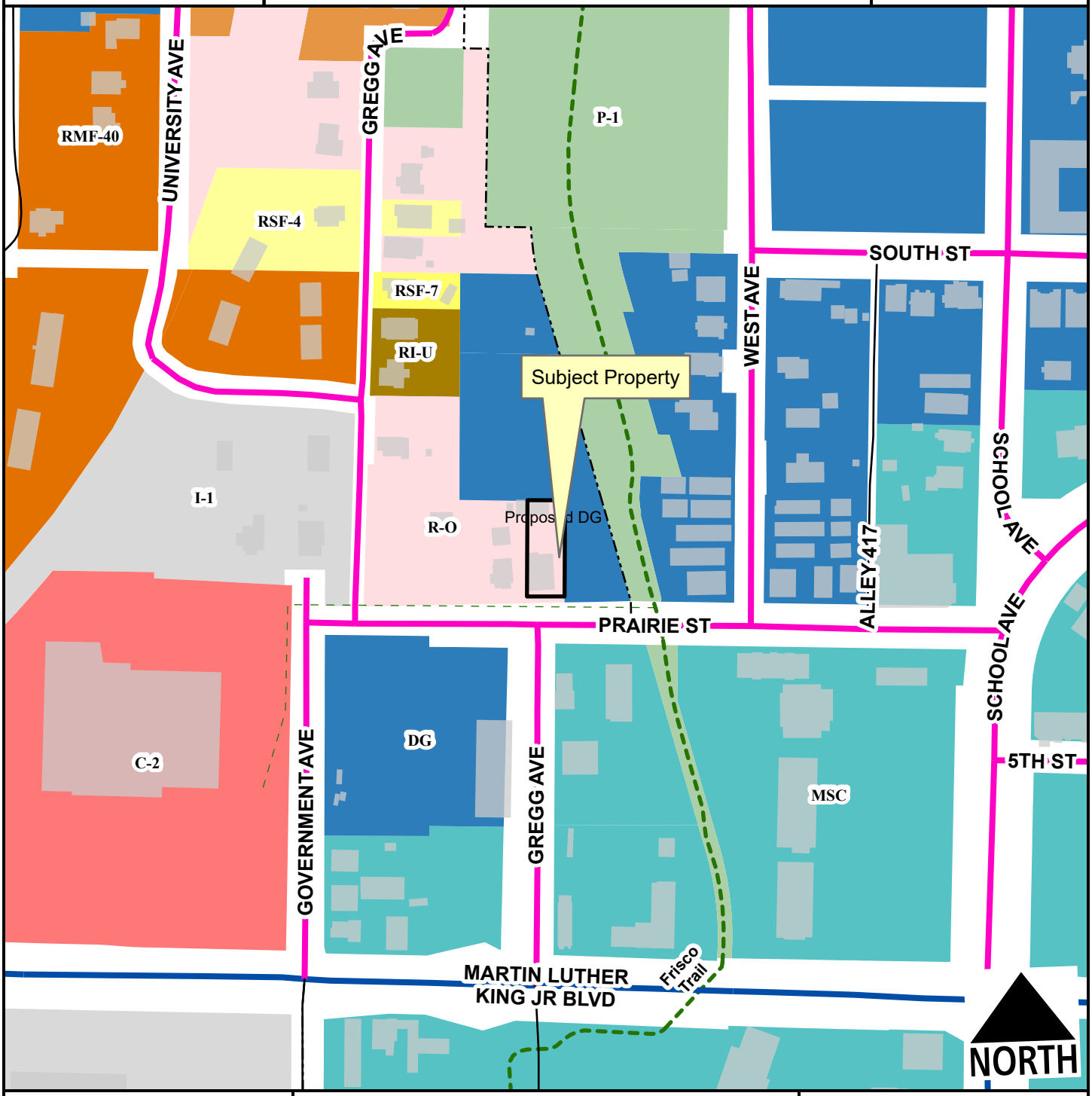
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0046

Close Up View

510 W. Prairie St.



- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
DG	0.0	0.2
R-O	0.2	0.0

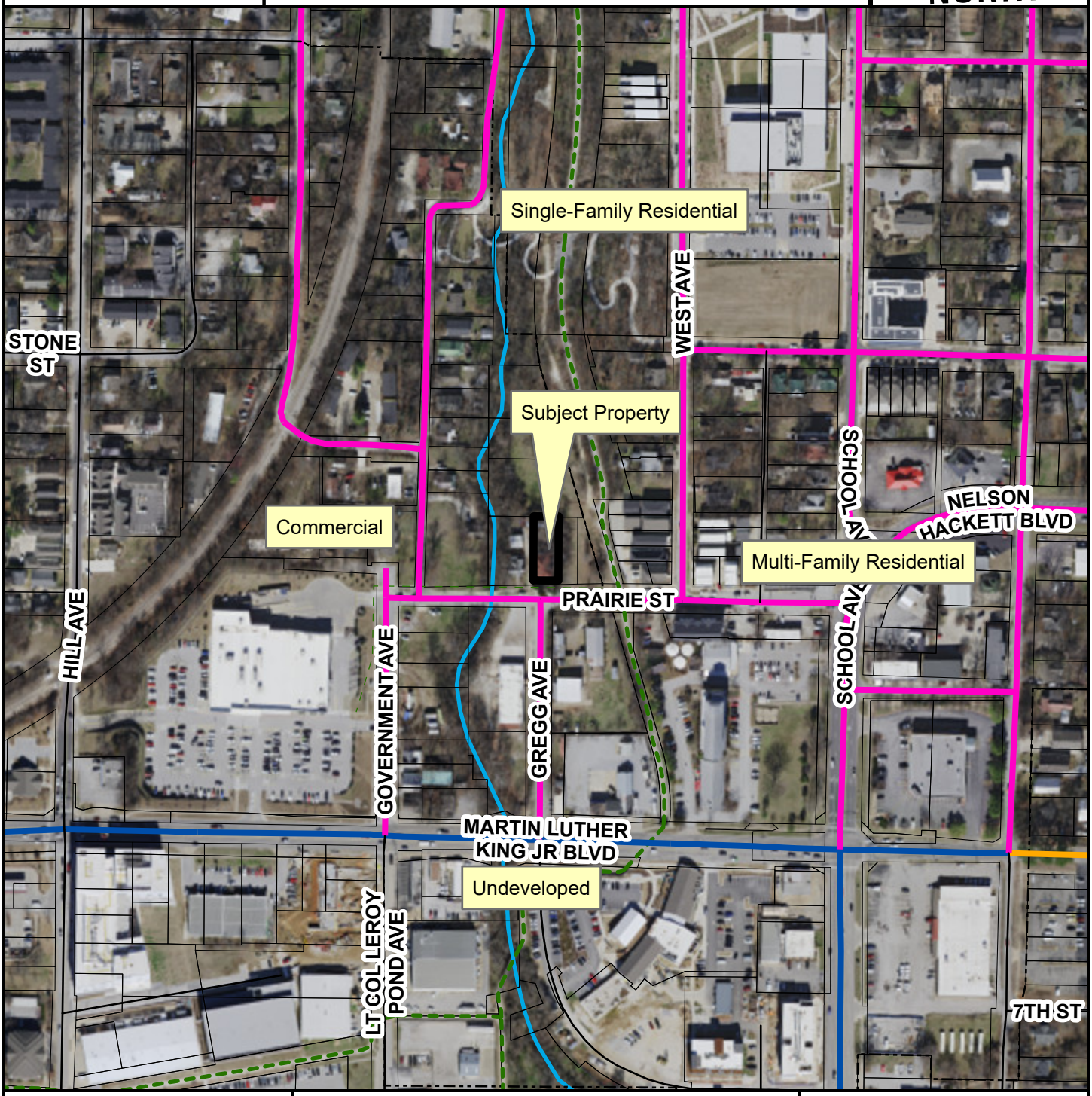
Total 0.2 ac

RZN-2024-0046

Current Land Use

510 W. Prairie St.

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

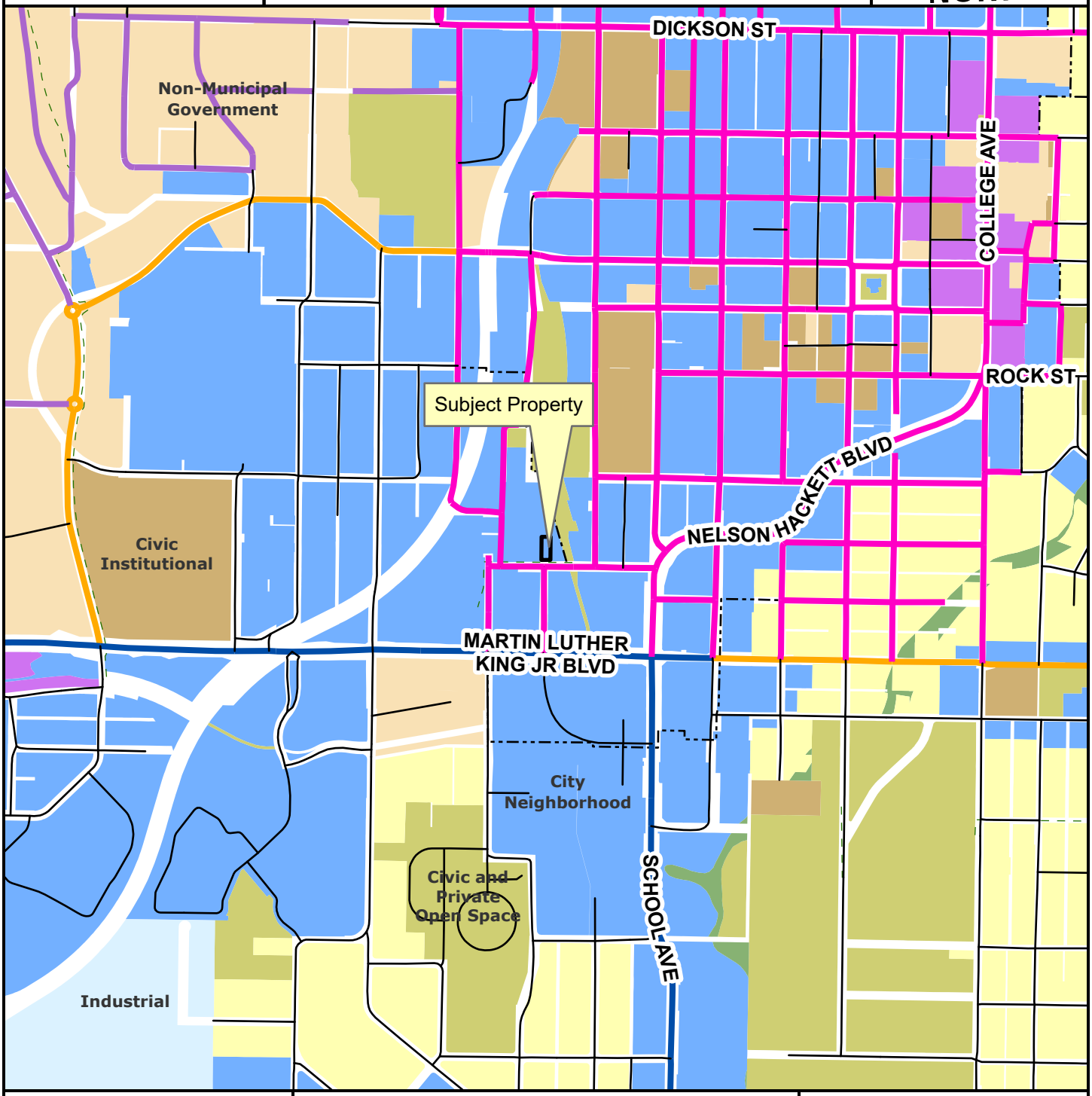
- 100-Year Floodplain
- Floodway

RZN-2024-0046

Future Land Use

510 W. Prairie St.

NORTH



Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Urban Center
Unclassified
Alley
Residential Link
Planning Area
Fayetteville City Limits
Trail (Proposed)
Design Overlay District

Feet

0 305 610 1,220 1,830 2,440

1:10,000

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-658

MEETING OF NOVEMBER 7, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400): Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. in WARD 4. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in west Fayetteville, approximately 300 feet north of the intersection of N. Meadowlands Drive and W. Wedington Drive. The property contains 1.40 acres which is currently zoned R-O, Residential Office, and is undeveloped, clear of vegetation, and flat.

Request: The request is to rezone the subject property from R-O, Residential Office to CS, Community Services.

Public Comment: To date, staff has not received any public comment on this item.

Land Use Compatibility: Staff finds this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-O, Residential Office, and that zoning district is designed primarily to provide an area for offices without limitation to the nature or size of the office. The subject property is surrounded by single-family residential areas to the north, two-family dwellings to the east, and undeveloped land to the south and west. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-O to CS would also allow for more dense development and smaller lot sizes. Where the R-O zoning district currently allows residential development at a density of 24 units per acre, the CS zoning district controls density through building form (e.g. height) and other development standards. Also, where R-O zoning allows for the creation of lots with a variable minimum width of 60 or 90 feet and a variable minimum area of 2,500 to 8,000, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without prescribed width or area. Staff finds that rezoning the subject property from R-O to CS would make zoning in the area more uniform and would be directly compatible with surrounding areas, including the CS-zoned property to the south.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate infill score of 8, and since it would allow for the creation of additional housing units.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Sewer Main (eight-inch main, N. Meadowlands Dr.; eight-inch main, southern property line)
- Near Water Main (eight-inch line, southwestern corner of property)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Wedington & Rupple Side Path Trails)
- Near Razorback Bus Stop (Rupple & Congressional, Walgreens)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Wedington Corridor Plan)

DISCUSSION:
At the October 14, 2024 Planning Commission meeting, a vote of 6-3-0 forwarded the request to City Council with a recommendation of approval. Commissioner Payne made the motion, which received a second from Commissioner Cabe. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. Commissioners opposed to the request pointed to concerns about a five-story building height maximum near single-family residential dwellings and a desire to see a mixed-use district with less intense commercial uses.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-658

RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400): Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. in WARD 4. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-48 FOR APPROXIMATELY 1.40 ACRES LOCATED ON NORTH MEADOWLANDS DRIVE IN WARD 4 FROM R-O, RESIDENTIAL-OFFICE TO CS, COMMUNITY SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-O, Residential-Office to CS, Community Services.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-658

Item ID

11/7/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	10/18/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400): Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. in WARD 4. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

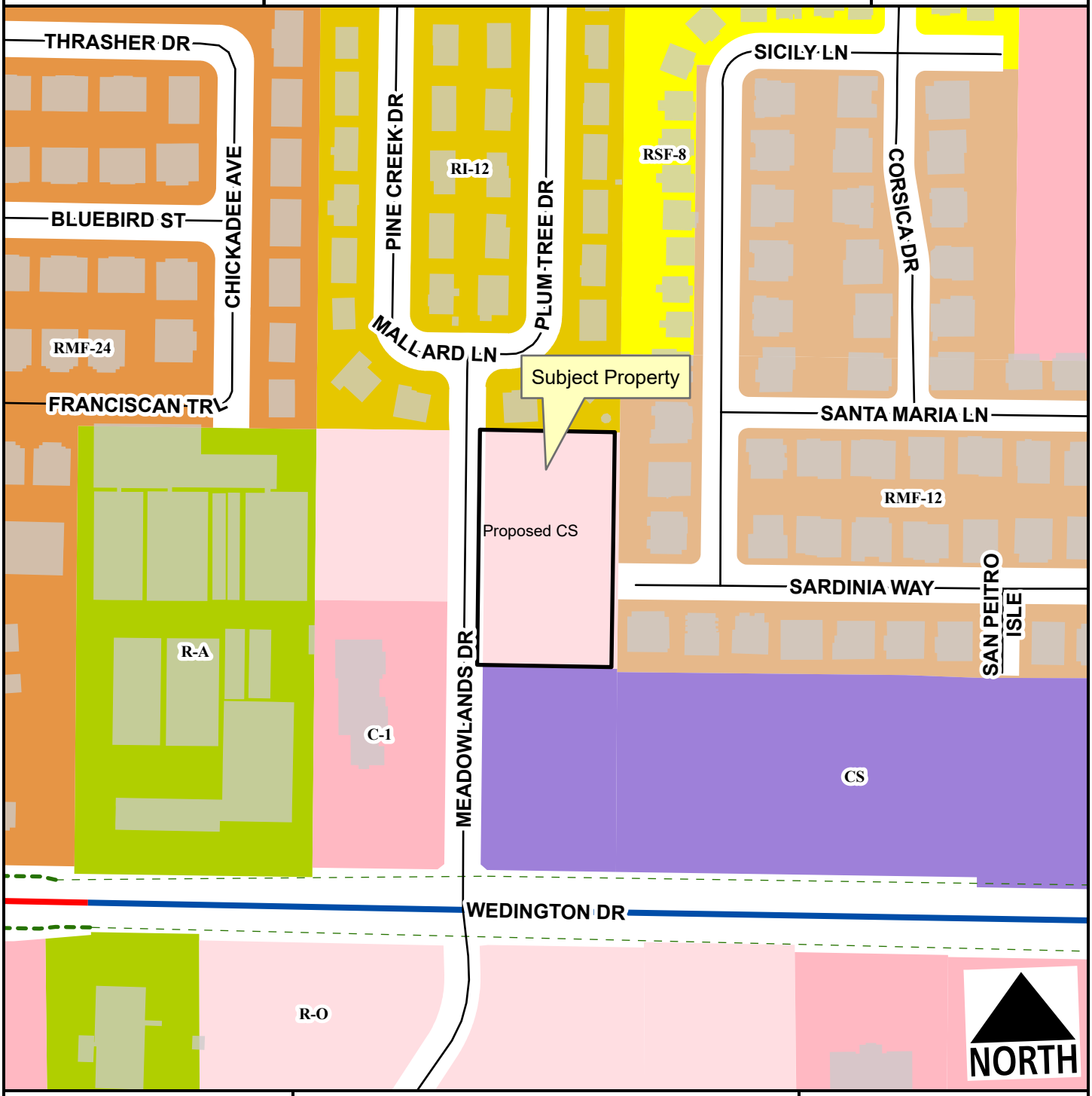
Comments:

RZN-2024-0048

Close Up View

N. MEADOWLANDS DR

Exhibit 'A'
RZN-2024-0048



- Regional Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.0	1.4
R-O	1.3	0.0
RI-12	0.0	0.0

Total 1.4 ac

GIS Approved
09/10/2024

Exhibit 'B'
RZN-2024-0048

LEGAL DESCRIPTION

TRACT B: A PART OF THE SW ¼ OF THE NE ¼ OF SECTION 12, T-16-N, R-31-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N 87°08'38" W, 894.00 FEET AND S 02°48'33" W, 660.63 FEET FROM THE NE CORNER OF THE SW ¼ OF THE NE ¼ OF SAID FORTY ACRE TRACT AND RUNNING THENCE S 02°48'33" W, 324.83 FEET TO A FOUND IRON PIN; THENCE N 87°00'42" W, 185.81 FEET TO A SET IRON PIN LOCATED IN THE EASTERN RIGHT-OF-WAY OF MEADOWLANDS DRIVE; THENCE ALONG SAID RIGHT-OF-WAY, N 02°39'53" E, 325.01 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY S 86°53'43" E, 186.63 FEET TO THE POINT OF BEGINNING, CONTAINING 1.39 ACRES, MORE OR LESS.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 14, 2024 updated w/ meeting results

SUBJECT: **RZN-2024-0048: Rezoning (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400):** Submitted by ODYSSEY ENGINEERING for property located on N. MEADOWLANDS DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0048** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0048** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville, approximately 300 feet north of the intersection of N. Meadowlands Drive and W. Wedington Drive. The property contains 1.40 acres which is currently zoned R-O, Residential Office, and is undeveloped, clear of vegetation, and flat. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RI-12, Residential-Intermediate, 12 Units per Acre
South	Undeveloped	CS, Community Services
East	Two-Family Residential	RMF-12, Residential Multi-Family – Twelve Units per Acre
West	Undeveloped & Office	R-O, Residential Office; C-1, Neighborhood Commercial

Request: The request is to rezone the subject property from R-O, Residential Office to CS, Community Services.

Public Comment: To date, staff has not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The parcel associated with the subject property has frontage along N. Meadowlands Dr., a partially improved Residential Link Street with asphalt paving, curb and gutter, and partial sidewalks. The parcel also has a stub out to the east connecting to W. Sardinia Way, a fully improved Residential Link Street with asphalt paving, curb and gutter, and sidewalks. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an eight-inch water line running north/south along Meadowlands Dr. There is also an eight-inch water line running east/west along the subject property's southern boundary.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer line and manhole is present near the property's southwestern corner. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1.25 miles downstream of this property. The subject property is in a sewer basin that drains to Lift Station 22 which is located at 630 Double Springs Rd. It does not have sufficient capacity during wet weather and causes surcharging in the gravity lines flowing to the lift station. This lift station is identified in the 2021 Master Plans for upgrades by 2030.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no hydric soils or protected streams are present on site. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation.** The current zoning district of R-O, Residential Office requires **20% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact, and connected neighborhoods and non-

residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Sewer Main (eight-inch main, N. Meadowlands Dr.; eight-inch main, southern property line)
- Near Water Main (eight-inch line, southwestern corner of property)
- Near City Park (Bryce Davis Park; Red Oak Park)
- Near Paved Trail (Wedington & Rupple Side Path Trails)
- Near Razorback Bus Stop (Rupple & Congressional, Walgreens)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Wedington Corridor Plan)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-O, Residential Office, and that zoning district is designed primarily to provide an area for offices without limitation to the nature or size of the office. The subject property is surrounded by single-family residential areas to the north, two-family dwellings to the east, and undeveloped land to the south and west. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-O to CS would also allow for more dense development and smaller lot sizes. Where the R-O zoning district currently allows residential development at a density of 24 units per acre, the CS zoning district has no stated density limitation. Also, where R-O zoning allows for the creation of lots with a variable minimum width of 60 or 90 feet and a variable minimum area of 2,500 to 8,000, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without limitation to width or area. Staff finds that rezoning the subject property from R-O to CS would make zoning in the area more uniform and would be directly compatible with surrounding areas, including the CS-zoned property to the south.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those**

designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate infill score of 8, and since it would allow for the creation of additional housing units.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that rezoning the subject property from R-O to CS is justified since the R-O district is designed primarily to provide an area for offices without limitation to the nature or size of the office. Staff also finds the rezoning to be aligned with existing zoning and development patterns in the area and consistent with the city's future land use plans.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from R-O to CS has the potential to increase traffic at this location when considering that CS would allow for development that is greater in density and intensity than the existing R-O zoning. Nevertheless, staff finds that the proposed rezoning is not likely to create or appreciably increase traffic danger or congestion at this location. The property has frontage along a partially improved Residential Link Street, N. Meadowlands Dr., and any street improvements required in the area would be determined at the time of development review.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets, water, and sewer, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0048 to City Council with a recommendation of approval

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 14, 2024	❒ **Tabled**	☒ **Forwarded** w/ recommendation of approval	❒ **Denied**
Motion: Payne			
Second: Cabe			
Vote: 6-3-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.20 District R-O, Residential Office
  - §161.22 Community Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses*.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density*.

Units per acre	24 or less

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum*.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet

Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

ODYSSEY ENGINEERING

July 16, 2024

Planning Department
City of Fayetteville
125 W Mountain St.
Fayetteville, AR 72701

RE: Meadowland Heights Rezoning

City of Fayetteville Planning Staff:

Odyssey engineering is requesting a Rezoning of behalf of our client Nazar Development LLC.

We request that this property be rezoning from R-O (residential Office) to CS (Community Services). There currently exists both public water and sewer infrastructure on site, so no public utility improvements will be needed.

There does not exist any hydric soils or floodplain areas on site, and there are no indicators of wetlands.

The future land use plan dictates this property as “City Neighborhood” and the property scored a 8 for infill.

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,



Jake Chavis
Project Engineer

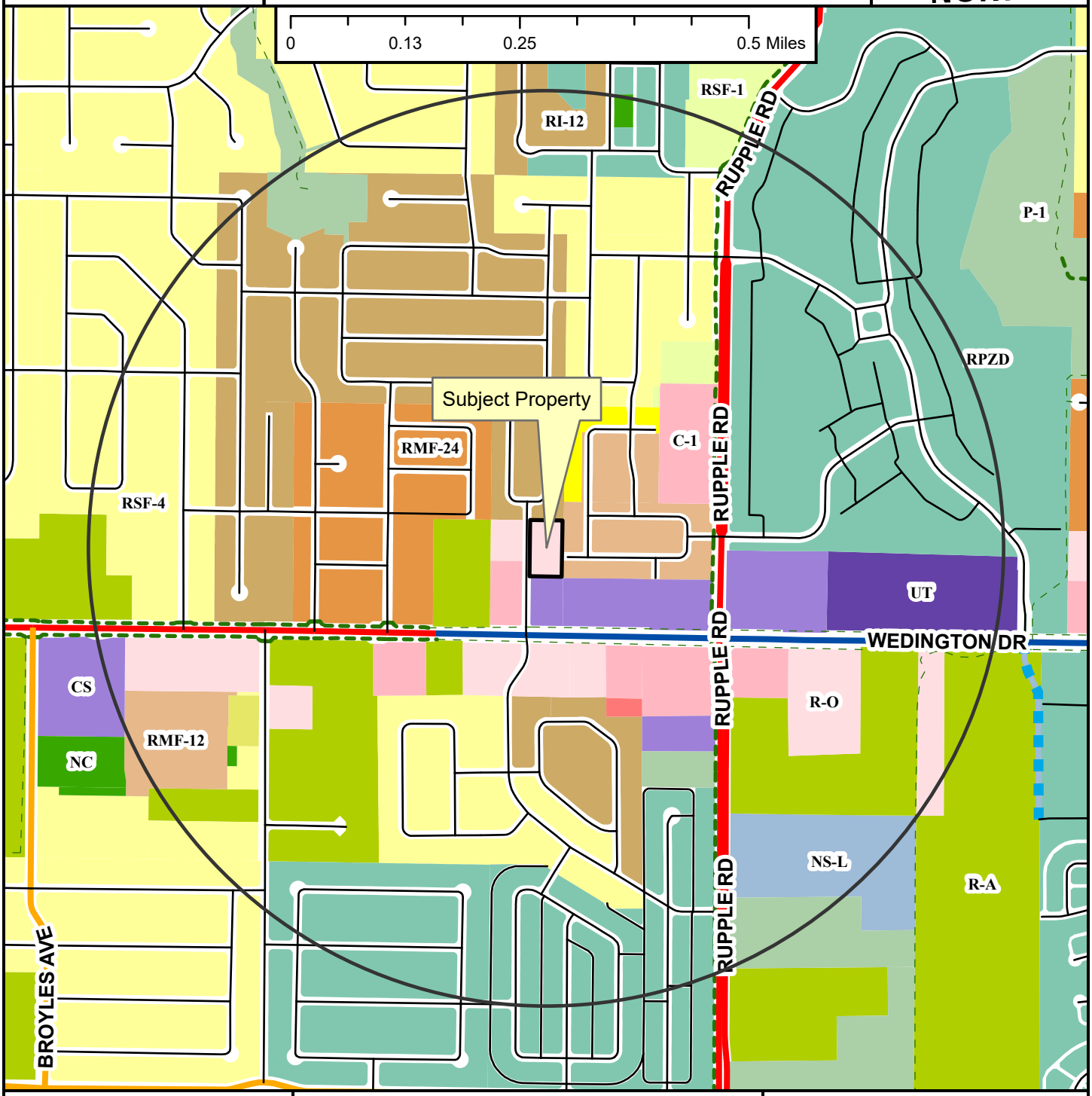
479.480.3330
facebook.com/odysseynwa
117 Parkwood St., Suite 101, Lowell, AR 72745

RZN-2024-0048

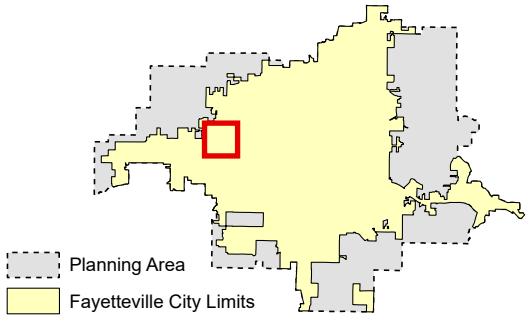
One Mile View

N. MEADOWLANDS DR

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

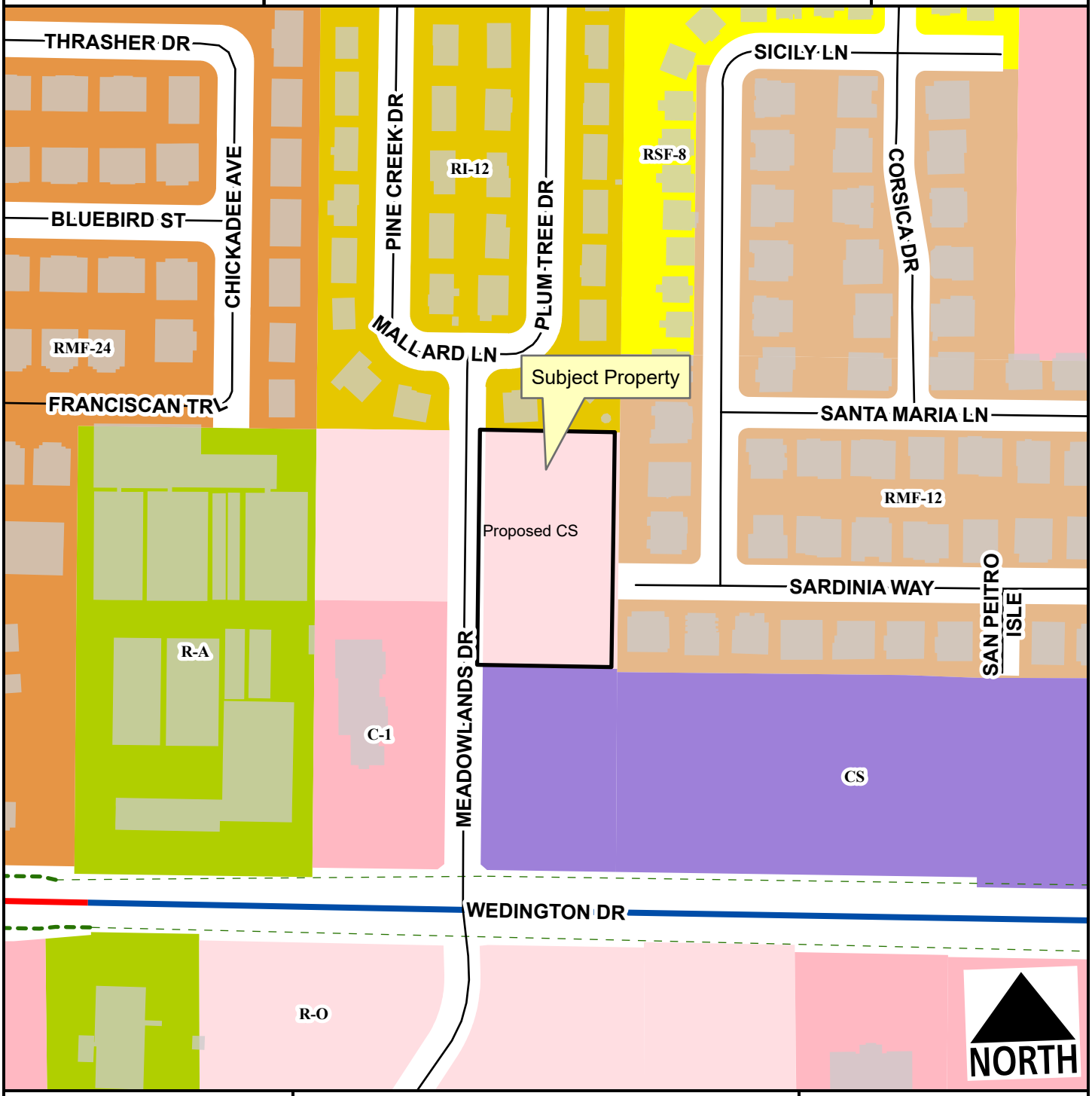
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2024-0048

Close Up View

N. MEADOWLANDS DR



- Regional Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.0	1.4
R-O	1.3	0.0
RI-12	0.0	0.0

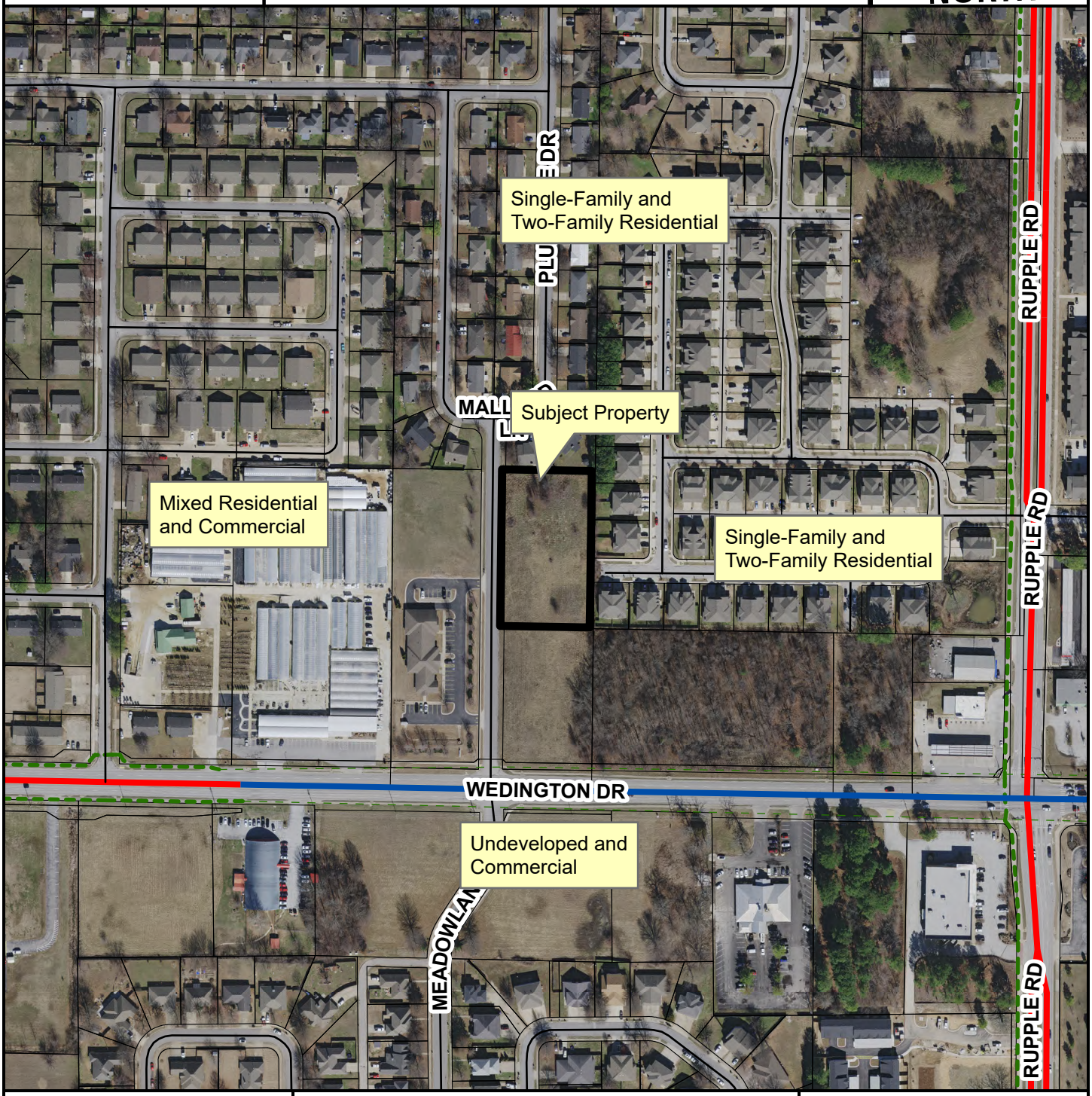
Total 1.4 ac

RZN-2024-0048

Current Land Use

N. MEADOWLANDS DR

NORTH



- Regional Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

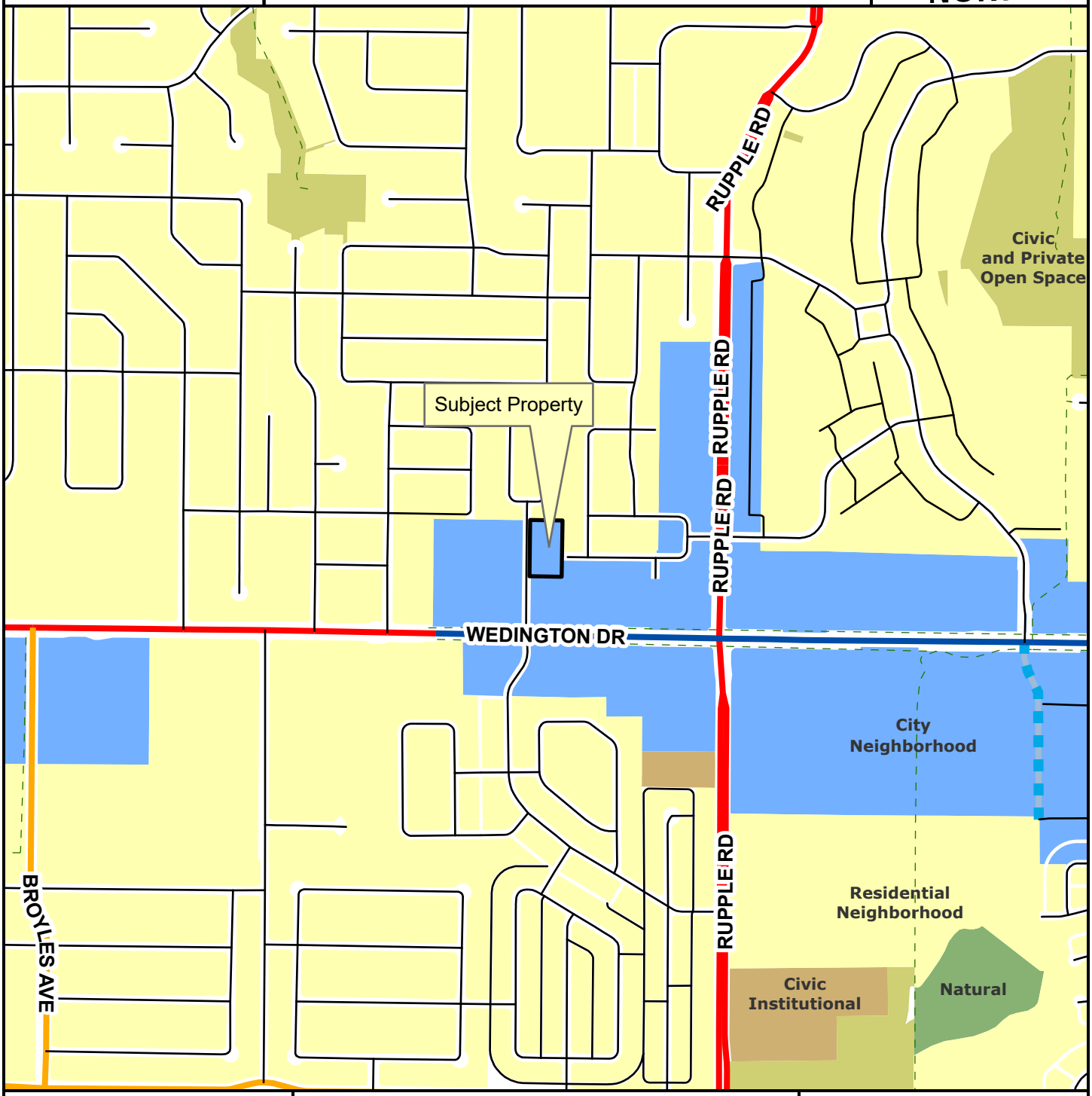
- 100-Year Floodplain
- Floodway

RZN-2024-0048

Future Land Use

N. MEADOWLANDS DR

NORTH



Regional Link
Neighborhood Link
Regional Link - High Activity
Unclassified
Alley
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits
Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

Urban Lofts at Nelson Hackett

LSD-2024-0011

November 4th, 2024 - 4:00 PM

Suggested Route:

-Approach from S. School/ MLK or N. College:
Turn east on to South Street from Nelson Hackett at traffic signal.

Turn right on Block Avenue



N

On-street parking is available along both S. Block Avenue and W. 4th Street

Tour starting point