

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, July 16, 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

MEETING INFORMATION:**1. WEBINAR ID: 813 1011 8305****PUBLIC REGISTRATION LINK:****[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER](https://us06web.zoom.us/join/91281310118305)
[/WN_IALBZPNRSWSNBQLJUCATYG](https://us06web.zoom.us/join/91281310118305)****AGENDA ITEM COMMENT - 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. RESULTS OF 2023 FINANCIAL STATEMENT AUDIT - PAUL BECKER****PROPOSED AGENDA ADDITIONS****A. CONSENT****A.1. APPROVAL OF THE JULY 2, 2024 CITY COUNCIL MEETING MINUTES****A.2. PARK LAND DEDICATION FEES (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$362,785.00 TO RECOGNIZE PARK LAND DEDICATION FEES FROM THE NORTHWEST AND SOUTHEAST QUADRANTS (2024-327)

A.3. POST OAK PRESERVATION SOLUTIONS, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$21,700.00 WITH POST OAK PRESERVATION SOLUTIONS, LLC. FOR A HISTORIC CONTEXT STATEMENT FOR THE SPOUT SPRING NEIGHBORHOOD, AND TO APPROVE A BUDGET ADJUSTMENT (2024-263)

A.4. WASHINGTON REGIONAL MEDICAL CENTER (COST SHARE AGREEMENT):

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH WASHINGTON REGIONAL MEDICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$730,000.00 FOR THE CONSTRUCTION OF THE RAILROAD CROSSING AT THE FUTRALL DRIVE AND GREGG AVENUE INTERSECTION, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND (2024-151)

A.5. CENTRAL ARKANSAS RECYCLING AND DISPOSAL SERVICES, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH CENTRAL ARKANSAS RECYCLING AND DISPOSAL SERVICES, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE (2024-261)

A.6. FEDERAL AVIATION ADMINISTRATION DESIGN GRANT (APPLICATION AUTHORIZATION):

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A FEDERAL AVIATION ADMINISTRATION DESIGN GRANT IN THE AMOUNT OF \$238,500.00 TO FUND 90% OF THE COSTS FOR DESIGN AND BIDDING OF THE PROPOSED TAXIWAY E EXTENSION PROJECT AT DRAKE FIELD; TO EXECUTE THE GRANT UPON RECEIPT OF A FEDERAL AVIATION ADMINISTRATION GRANT OFFER; TO EXECUTE TASK ORDER 08 IN THE AMOUNT OF \$257,000.00 WITH GARVER, LLC TO PROVIDE ENGINEERING DESIGN AND BIDDING SERVICES; AND TO APPROVE A BUDGET ADJUSTMENT (2024-292)

A.7. RUNWAY PAVEMENT AND LIGHTING REHABILITATION (FAA GRANT AND PROJECT CLOSEOUT):

A RESOLUTION TO RECOGNIZE A FEDERAL AVIATION ADMINISTRATION GRANT AMENDMENT IN THE AMOUNT OF \$332,300.00; TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT CLOSEOUT PAPERWORK; TO EXECUTE TASK ORDER 03 AMENDMENT 01 WITH GARVER LLC IN THE AMOUNT OF \$21,764.00 FOR ADDITIONAL CONSTRUCTION PHASE SERVICES RENDERED; TO APPLY FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS GRANT FOR REIMBURSEMENT OF 10% OF ADDITIONAL AIRPORT IMPROVEMENT PROGRAM-ELIGIBLE PROJECT COSTS NOT FUNDED BY THE GRANT AMENDMENT; AND TO APPROVE A BUDGET ADJUSTMENT (2024-301)

A.8. COMMUNITY RESOURCES DEPARTMENT (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,439.00 TO RECOGNIZE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME TO THE COMMUNITY RESOURCES DEPARTMENT (2024-307)

A.9. 2024 COMMUNITY DEVELOPMENT BLOCK GRANT (MAYOR'S SIGNATURE AUTHORITY):

A RESOLUTION TO APPROVE THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN (CDBG), TO AUTHORIZE MAYOR JORDAN TO EXECUTE THE CDBG AND HOME GRANT AGREEMENTS FOR 2024 WHEN RECEIVED IN THE TOTAL AMOUNT OF \$1,209,075.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-310)

B. UNFINISHED BUSINESS**B.1. SECTION 50.04 - DEPOSITING ON VACANT LOTS (AMENDMENT):**

AN ORDINANCE TO AMEND §50.04 DEPOSITING ON VACANT LOTS OF THE FAYETTEVILLE CODE TO INCLUDE A PROHIBITION ON DUMPING MULCH, COMPOST, FILL DIRT, AND BRUSH ON VACANT LOTS IN THE CITY (2024-1721)

AT THE FEBRUARY 20, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

AT THE APRIL 2, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE JULY 16, 2024 CITY COUNCIL MEETING.

B.2. REZONING-2024-0011: (PARK WEST PZD IN WARD 2):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR 39.41 ACRES IN THE PARK WEST PZD ON NORTH HIGHWAY 112 IN WARD 2 FROM PLANNED ZONING DISTRICT TO UT, URBAN THOROUGHFARE AND CS, COMMUNITY SERVICES (2024-147)

AT THE JUNE 4, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE FIRST READING.

AT THE JUNE 18, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE THIRD READING AND TABLED TO THE JULY 16, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS**C.1. SUNDAY ALCOHOL SALES (GENERAL ELECTION QUESTION):**

A RESOLUTION CALLING FOR AN ELECTION TO BE HELD DURING THE NEXT GENERAL ELECTION (NOVEMBER 5, 2024) ON THE QUESTION OF AUTHORIZING SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN FAYETTEVILLE, ARKANSAS (2024-225)

C.2. FAYETTEVILLE CLIMATE ACTION PLAN (ADOPTION):

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE CLIMATE ACTION PLAN (2024-330)

C.3. UNIFIED DEVELOPMENT CODE - CHAPTER 170 (AMENDMENT):

AN ORDINANCE TO AMEND § 170 STORMWATER MANAGEMENT AND DRAINAGE OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THE MAINTENANCE RESPONSIBILITIES FOR PRIVATE AND PUBLIC DRAINAGE SYSTEMS AS WELL AS PROVISIONS REGARDING ILLICIT DISCHARGES INTO THE DRAINAGE SYSTEM (2024-295)

C.4. UNIFIED DEVELOPMENT CODE - CHAPTERS 155, 166.23 (AMENDMENT):

AN ORDINANCE TO AMEND § 155 APPEALS AND § 166.23 URBAN RESIDENTIAL DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH APPEALS (2024-299)

C.5. UNIFIED DEVELOPMENT CODE - CHAPTERS 166.02, 167.04 (AMENDMENT):

AN ORDINANCE TO AMEND § 166.02 DEVELOPMENT REVIEW PROCESS AND § 167.04 TREE PRESERVATION AND PROTECTION OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH TREE PRESERVATION REQUIREMENTS (2024-328)

C.6. VACATION-2024-0009: (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484):

AN ORDINANCE TO APPROVE VAC-24-09 FOR PROPERTY LOCATED AT 241 WEST SPRING STREET IN WARD 2 TO VACATE A 0.017 ACRE PORTION OF STREET RIGHT-OF-WAY (2024-300)

C.7. REZONING-2024-0027: (1440 S. CURTIS AVE./BURT HANNA LLC, 565):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-27 FOR APPROXIMATELY 6.43 ACRES LOCATED AT 1440 SOUTH CURTIS AVENUE IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL TO UT, URBAN THOROUGHFARE (2024-294)

C.8. REZONING-2024-0026: (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-26 FOR APPROXIMATELY 1.87 ACRES LOCATED WEST OF 2910 NORTH OLD WIRE ROAD IN WARD 3 FROM NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE

FAMILY, EIGHTEEN UNITS PER ACRE (2024-297)

C.9. REZONING-2024-0028: (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-28 FOR APPROXIMATELY 3.7 ACRES LOCATED EAST OF HARMON FIELD ON SOUTH DUNCAN AVENUE IN WARD 2 FROM RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE TO MSC, MAIN STREET CENTER (2024-306)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

E. CITY COUNCIL TOUR

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, 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 for all members of the audience. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item being considered by the City Council. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. If public comment is allowed for an amendment, speakers will only be allowed to speak for three (3) minutes. The City Council may allow both a speaker additional time and an unsigned-up person to speak 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.

Interpreters or Telecommunications Devise 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.

All cell phones must be silenced and may not be used within the City Council Chambers.



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
FROM: Ted Jack, Park Planning Superintendent
SUBJECT: **Recognize Park Land Dedication Fees (PLD)**

RECOMMENDATION:

Recommend recognizing \$237,052.00 in Park Land Dedication fees (PLD) from the NW Quadrant and \$125,733.00 in PLD from the SE Quadrant and approving related budget adjustment.

BACKGROUND:

Fees received through the park land dedication ordinance are required to be spent in five years for park improvements or land acquisition in the quadrant where they were generated. Due to the inconsistency of timing and amount of funds received through the ordinance, fees are often used to supplement existing projects as they may not be significant enough to create a project of their own.

DISCUSSION:

Improvement projects are ongoing at Underwood and Bryce Davis Parks in the northwest quadrant and YRCC/Buddy Hayes in the southeast quadrant. These fees will be used to support the planning, design or construction of these projects. The Parks, Natural Resources and Cultural Affairs Advisory Board recommended recognizing these PLD funds at their June 3, 2024, meeting. Dedicating fees to these ongoing projects will ensure that spending meets the time requirements.

BUDGET/STAFF IMPACT:

This will allocate PLD funds of \$125,733.00 to YRCC/Buddy Hayes projects, \$100,000.00 to Bryce Davis, and \$137,052.00 to Underwood Park.

ATTACHMENTS: SRF (#3), BA (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-327

Recognize Park Land Dedication Fees (PLD)

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$362,785.00 TO RECOGNIZE PARK LAND DEDICATION FEES FROM THE NORTHWEST AND SOUTHEAST QUADRANTS

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 budget adjustment in the total amount of \$362,785.00 to recognize \$237,052.00 Park Land Dedication funds from the Northwest Quadrant for projects at Underwood and Bryce Davis Parks and \$125,733.00 from the Southeast Quadrant for projects at the Yvonne Richardson Community Center and Buddy Hayes Park.

City of Fayetteville Staff Review Form

2024-327

Item ID

7/16/2024

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

Ted Jack

6/26/2024

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Recommend recognizing \$237,052.00 in Park Land Dedication fees (PLD) from the NW Quadrant (\$100,000 - Bryce Davis & \$137,052 in Underwood Park) and \$125,733.00 in PLD from the SE Quadrant (YRCC/Buddy Hayes) and approving related budget adjustment.

Budget Impact:

2250.520.9256-5806.00

Parks Development

Account Number

Fund

13001.4000.1 / 46050.7540 / 46050.7580

Underwood Park / YRCC Enhancements / Bryce Davis

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 3,608,547.00

Expenses (Actual+Encum)

\$ 3,136,556.94

Available Budget

\$ 471,990.06

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 362,785.00

Remaining Budget

\$ 834,775.06

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	PARKS & RECREATION (520)	
	Requestor: Alan Bearden	

Recognize Park Land Dedication (PLD) funds from the Northwest Quadrant (\$100,000 for Bryce Davis and \$137,052 for Underwood Park) and from the Southeast Quadrant (\$125,733 for YRCC/Buddy Hayes).

	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-327
	Holly Black	
	6/27/2024 7:33 AM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



MEETING OF JULY 16, 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: **Approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of \$21,700, for a Historic Context Statement for the historic Spout Spring neighborhood.**

RECOMMENDATION:

Staff recommends approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of \$21,700, for a Historic Context Statement for the historic Spout Spring neighborhood.

BACKGROUND:

On March 19, 2024 the Fayetteville City Council approved a grant from the Arkansas Historic Preservation Program (AHPP) in the amount of \$40,000 for two historic preservation projects. The Council had previously approved a \$15,000 grant match for a total project budget of \$55,000. The grant funds from AHPP were divided into two specific amounts, \$30,000 for a Multiple Property Documentation Form (MPDF) and National Register of Historic Places nomination for the University Heights and Haskell Heights neighborhood, and \$10,000 for a Historic Context Statement for the Spout Spring neighborhood. Although the city's grant match may be allocated however the city deems best for the two projects, the initial project budgets were based on the approved grant match, with a total of \$40,000 budgeted for the University Heights/Haskell Heights project and \$15,000 budgeted for the Spout Spring project. Following a consultant selection process for both projects, the University Heights project has funds remaining and the Spout Spring project contract would require additional funds.

DISCUSSION:

The City of Fayetteville issued RFP 24-02 for a Historic Context Statement earlier this year and Post Oak Preservation Solutions, LLC was selected. The project contract and scope have been approved by AHPP per the grant requirements, and the City of Fayetteville is able to reallocate the matching grant funds as needed to fund the projects. With this option available, funds initially budgeted but now remaining for the University Heights/Haskell Heights MPDF project can be moved to fund the Spout Spring Historic Context Statement. The remaining amount of \$1,689 will come from the 2024 operating budget, which staff is requesting approval for from the City Council.

BUDGET/STAFF IMPACT:

The contract is in the amount of \$21,700. Long Range Planning staff is requesting a budget amendment to move funds from the 2024 operating budget to cover the additional funding needed for this project.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF (#3), BA (#4), Historic Context Statement Contract - Final (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-263

Approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of \$21,700, for a Historic Context Statement for the historic Spout Spring neighborhood.

A RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$21,700.00 WITH POST OAK PRESERVATION SOLUTIONS, LLC. FOR A HISTORIC CONTEXT STATEMENT FOR THE SPOUT SPRING NEIGHBORHOOD, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, on March 19, 2024 City Council approved a grant from the Arkansas Historic Preservation Program (AHPP) in the amount of \$40,000.00 for two historic preservation projects; and

WHEREAS, Post Oak Preservation Solutions, LLC was selected for the Spout Spring Historic Context Statement through RFP 24-02 and the project contract and scope have been approved by AHPP per the grant requirements.

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 professional services agreement in the amount of \$21,700.00 with Post Oak Preservation Solutions, LLC, pursuant to RFP 24-02, for a Historic Context Statement for the Spout Spring neighborhood.

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

2024-263

Item ID

7/16/2024

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

Britin Bostick

6/14/2024

LONG RANGE PLANNING (634)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of \$21,700, for a Historic Context Statement for the historic Spout Spring neighborhood and approval of a budget adjustment.

Budget Impact:

1010.090.660-5314.00

General Fund

Account Number

Fund

32207.2402

AR Historic Pres. Program (CLG Grant) -
Spout Spring Historic Context Statement

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 15,000.00

Expenses (Actual+Encum)

\$ -

Available Budget

\$ 15,000.00

Does item have a direct cost? Yes

Item Cost

\$ 21,700.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 6,700.00

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 99-24

Change Order Number:

Approval Date: 3/19/2024

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	LONG RANGE PLANNING (634)	
	Requestor: Britin Bostick	

Staff recommends approval of a professional services agreement with Post Oak Preservation Solutions, LLC in the amount of \$21,700, for a Historic Context Statement for the historic Spout Spring neighborhood and approval of a budget adjustment.

COUNCIL DATE:	7/16/2024
ITEM ID#:	2024-263
Holly Black	
6/24/2024 8:58 AM	
Budget Division	Date
TYPE:	D - (City Council)
JOURNAL #:	
GLDATE:	
CHKD/POSTED:	/

v.2024522



This contract executed this ____ day of _____, 2024, between the City of Fayetteville, Arkansas (**City**), of 113 W. Mountain, Fayetteville, AR 72701 and Post Oak Preservation Solutions LLC (**Post Oak**) of P.O. Box 12747, San Antonio, Texas, 78212, 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 preparation of a Historic Context Statement for the City of Fayetteville (the “Project”).
2. Contract Documents: The Contract documents which comprise the contract between the City of Fayetteville and **Post Oak** 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 24-02, Historic Context Statement
 - C. Appendix C: **Post Oak’s** RFP response
3. City’s Responsibilities:
 - A. The City shall make available to Post Oak all relevant information or data pertinent to the Project which is required by Post Oak to perform the Services. Post Oak 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 Post Oak or otherwise. Where such information or data originates either with the City or its consultants then Post Oak shall not be responsible to the City for the consequences of any error or omission contained therein.
 - B. When requested by Post Oak, the City may engage specialist consultants directly to perform items of work necessary to enable Post Oak to carry out the Services. Whether arranged by the City or Post Oak, 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 Post Oak.
 - C. The City shall give prompt consideration to all documentation related to the Project prepared by Post Oak and whenever prompt action is necessary shall inform Post Oak of City’s decisions in such reasonable time so as not to delay the schedule for providing the Services.
 - D. When applicable, the City shall arrange and make provision for Post Oak’s entry to the Project site as well as other public and private property as necessary for Post Oak to perform the Services. The City shall obtain any required approvals, licenses and permits from governmental or other authorities having jurisdiction over the Project so as not to delay Post Oak in the performance of the Services.
 - E. The City shall acknowledge the support of the National Park Service and the Arkansas Historic Preservation Program in the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund 7 grant funds. This acknowledgment shall be in the form of a statement as follows: “This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior and the Arkansas Historic Preservation Program, an agency of the

Division of Arkansas Heritage. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior or the Division of Arkansas Heritage.”

4. Post Oak’s Responsibilities:

- A. **Post Oak** shall furnish the necessary qualified personnel to provide the Services. **Post Oak** shall coordinate with the City and with the Arkansas Historic Preservation Program as necessary to ensure proper completion of the project. **Post Oak** 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, **Post Oak** 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 **Post Oak’s** performance. There are no other representations or warranties expressed or implied made by Post Oak. 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 **Post Oak** nor shall **Post Oak** warrant or guarantee economic, market or financial conditions, proforma projections, schedules for public agency approvals, or other factors beyond **Post Oak’s** reasonable control.
- B. **Post Oak** will ensure that all project work and work products meet all applicable Secretary of the Interior’s “Standards” including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.
- C. **Post Oak** will provide one full-color printed final clean copy of the Historic Context Statement and attachments and one digital copy of the Historic Context Statement and attachments created to the City and one full-color printed copies and one digital copy to AHPP.

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

6. Price: **Post Oak** shall perform the services included in this proposal for a flat fee of **\$21,700.00.**

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

8. Insurance: **Post Oak** 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 the RFP. Any work sublet; **Post Oak** shall require the subcontractor similarly to provide insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, **Post Oak** shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. Worker’s Compensation coverage shall be applicable with state law.

9. Payments:

- A. Payments will be made after approval and acceptance of monthly itemized invoices.
- B. Payments will be made **30 calendar days after acceptance of invoice** and City prefers electronic delivery of invoices.

10. Term: This Contract shall be effective for sixteen (16) months from the date approved by City Council but may be extended upon mutual written agreement of the Parties.

11. Travel Expenses: Travel expenses associated with performance of this work shall be considered for reimbursement subject to the following conditions:

- A. All travel expenses are pre-approved by the City
- B. All expenses are in accordance with the City's most recent travel policy
- C. Travel expenses are not excessive in nature
- D. Travel expenses are of the most economical means of travel available (such as: economy class airline tickets, small compact automobiles, shuttles when available, etc.)
- E. City approved per diem rates for meals
- F. Travel expenses are not reimbursable for consultants with an office located within 50 miles of 113 W. Mountain, Fayetteville, AR 72701.

12. Ownership of Documents:

- A. All documents provided by City are and remain the property of City. **Post Oak** may retain reproduced copies of drawings and copies of other documents.
- B. All documents and records, whether in physical or electronic format, prepared by **Post Oak** or its subconsultant as part of the Project shall become the property of City when **Post Oak** has been compensated for all services rendered; provided, however, that **Post Oak** shall have the unrestricted right to their use. The Arkansas Historic Preservation Program shall have access to all documents upon request.
- C. **Post Oak** shall retain its rights in its standard drawings 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 **Post Oak**.
- D. **Post Oak** 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.

13. Independent Contractor: **Post Oak** 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. **Post Oak** is responsible for its agents, methods and operations.

14. 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.

15. 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 copying costs pursuant to the FOIA may be assessed for this compliance.

16. Termination: This Contract may be terminated by the City of Fayetteville or **Post Oak** for any reason with 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 Post Oak for the Services performed through the date of termination within thirty (30) days of acceptance of a final invoice.
17. 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.
18. 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.
19. Contract Administration: The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. **Post Oak's** Principal or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract.
20. Professional Responsibility: **Post Oak** 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.
21. Permits & Licenses: **Post Oak** shall secure and maintain any and all permits and licenses required to complete this Contract.
22. Entire Agreement: These Contract documents constitute the entire agreement between the City of Fayetteville and **Post Oak** and may be modified only by a duly executed written instrument signed by the City of Fayetteville and **Post Oak**. 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 A 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 **Post Oak** for services actually rendered.

[This space left intentionally blank]

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

THIS AGREEMENT IS EFFECTIVE AS OF THIS _____ DAY OF _____, 2024.

POST OAK PRESERVATION SOLUTIONS LLC

CITY OF FAYETTEVILLE, ARKANSAS

By: Ellis Mumford-Russell
Signature

Digitally signed by Ellis Mumford-Russell
Date: 2024.06.17 14:28:21 -05'00'

By: _____
LIONELD JORDAN, Mayor

Ellis Mumford-Russell
Printed Name & Title

Date Signed: _____

Date Signed: 6/17/2024

ATTEST:

WITNESS:

KARA PAXTON, City Clerk Treasurer

Signature

Printed name

CONTRACT FOR PROFESSIONAL SERVICES
RFP 24-02, Historic Context Statement
APPENDIX A
Scope of Work & Fees

1. INTRODUCTION:

Post Oak Preservation Solutions LLC (Post Oak) shall provide services in preparing a Historic Context Statement for the Spout Spring neighborhood in the City of Fayetteville.

2. SCOPE OF WORK:

Post Oak shall perform the following:

- A. Identify and assess the Spout Spring neighborhood's history.
- B. Identify key themes and periods of history for the neighborhood.
- C. Establish clear neighborhood boundaries to assist with future surveys or policy proposals.
- D. Conduct research using primary and secondary sources, including resources at the Shiloh Museum, as available.
- E. Recommend a communications strategy to reach and engage stakeholders. Utilize available and existing resources and organizations focusing on the project neighborhoods.
- F. Identify, describe, and implement a comprehensive strategy and methodology for community involvement, including development of a key stakeholder list.
- G. Develop a list of historic ethnic and cultural influences or individuals associated with the Spout Spring neighborhood.
- H. Attend (virtually) a minimum of four (4) meetings with City staff to update staff on the development of the document.
- I. The results from items A-D, and H shall be compiled into a historic context report based on a City-approved outline. Post Oak shall address one (1) round of reviewed and consolidated comments by the City contact and revise the report to incorporate required revisions.
- J. Based on the results from items A-D Post Oak shall develop a list for inclusion in the report document or otherwise highlight properties noteworthy for their design.

3. PRICING:

- A. **Post Oak** shall perform the services included in this proposal for a flat fee of **\$21,700.00**.

- i. Post Oak shall strive to make decisions based on what is best for the City. As such, Post Oak's compensation is structured as a flat fee, with billing to be completed on a percent-complete basis. Each billing shall be completed at 40%, 80%, and 100% of project completion.
- ii. Additional services requested that fall outside the scope of this project shall be provided based on a mutually agreed schedule and price, utilizing the hourly fee schedule provided in Stantec's proposal.

4. TIMEFRAME & PROPOSED SCHEDULE:

A. Any adjustments to proposed schedule shall be coordinated through City staff:

July 16, 2024	Consultant under contract with City
July 31, 2024	Project coordination meeting with AHPP
August 2, 2024	AHPP deadline for Consultant to be under contract
August 8, 2024	Project Kickoff with Historic District Commission
August 15, 2024	Project Kickoff with Black Heritage Preservation Commission
August 28, 2024	First neighborhood meeting
September 2, 2024	AHPP deadline for project work to begin
October 2, 2024	Second neighborhood meeting
November 12, 2024	Draft Historic Context Statement Outline ready for review by City
November 22, 2024	Comments on outline returned to consultant
February 24, 2025	Draft of all project deliverables submitted to AHPP for review
April 19, 2025	Final draft of all project deliverables submitted to AHPP
June 1, 2025	Final invoice submitted to City by Consultant
August 31, 2025	Final report submitted to AHPP by City



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 24-02, Historic Context Statement

DEADLINE: Wednesday, May 1, 2024 before 2:00 PM, local time

SR. PURCHASING AGENT: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 04/07/2024

REQUEST FOR PROPOSAL
RFP 24-02, Historic Context Statement

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 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 24-02, Historic Context Statement

The City of Fayetteville, Arkansas, seeks proposals from qualified firms with experience in municipal, comprehensive, urban and land use planning, economic analysis, and citizen involvement/participation, to prepare a Historic Context Statement for the Spout Spring neighborhood in the City of Fayetteville. 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, May 1, 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 current registration with the Arkansas Secretary of State shall be valid at time of Proposal deadline.

Registration and good standing in the System for Award Management (SAM) will be required prior to contract execution.

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.

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.

This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior and the Arkansas Historic Preservation Program, an agency of the Division of Arkansas Heritage. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior or the Division of Arkansas Heritage.

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: 04/07/2024

This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.

Amount paid: \$XXX.XX

RFP 24-02, Historic Context Statement
Appendix B
City Issued RFP

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 1/2" 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 JURISDICTON:

- 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 Proposer shall provide a Certificate of Insurance of professional liability insurance in the amount of \$1 million US dollars, at minimum. Such Certificate of Insurance shall list the City as an additional insured and not be required unless firm is selected.

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 on 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 or 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 City of Fayetteville, Arkansas, hereinafter referred to as “the City”, is requesting proposals from qualified firms with experience in writing historic context statements, performing historic property surveys, and facilitating citizen involvement/participation to prepare a Historic Context Statement for the Spout Spring neighborhood in the City of Fayetteville, as described in the following Scope of Work. It is the intent of the City of Fayetteville to select a single firm or team to accomplish the services outlined in this Request for Proposals.

2. COMMUNITY & NEIGHBORHOOD BACKGROUND:

The City of Fayetteville, Arkansas is located across the Boston Range of the wider Ozark Plateau in Northwest Arkansas. It is the county seat of Washington County. The City is home to the University of Arkansas, which is located just outside the Downtown area. The City is more than 55 square miles in area with a population of 99,288 according to the 2022 American Community Survey estimations, making it the second largest city in Arkansas.

Fayetteville has a rich cultural history. The town was founded in 1828 on land that had previously been set aside for the western Cherokee Nation. Before the Cherokee, the land had been hunted by the Osage and Quapaw tribes. During the Civil War General Benjamin McCulloch ordered Confederate forces under his command to burn all the commercial buildings, military stores and vacant houses in Fayetteville. Very few structures survived or are preserved today; however, Fayetteville does have a wealth of historic structures from the late 19th century through mid-20th century, many representing vernacular materials and styles. Agricultural production was a significant part of the local economy from the post-Civil War era through WWII, and the University of Arkansas, established in 1871 as the first public university in Arkansas, has also been a significant contributor both to the local economy and to population growth.

On March 1, 1979 the Historic District Commission was created as a group of devoted local citizens concerned with improving and protecting the City’s unique historic and cultural resources. The Commission helps facilitate the identification, evaluation, preservation, restoration, protection, and enhancement of historical, cultural, and archaeological interests. The City of Fayetteville currently has 69 Historic Sites on the National Register and has an array of National Register Historic Districts and neighborhood associations with an eye on preservation. With the City’s first Heritage & Historic Preservation Plan adopted in summer 2023, the Commission is looking at projects to meet the plan goals, including the identification and protection of historic properties.

The Black Heritage Preservation Commission was established on September 7, 2021. The purpose of this Commission is to recognize, acknowledge, protect and preserve historical Black Structures and Cemeteries in honor of the vision, accomplishment, and perseverance of Fayetteville’s early Black families and individuals and the churches and other structures they built. Another Purpose of this Commission is the creation of Black Historical Markers to recognize the struggles and achievements of our Black citizens to promote diversity and equality for all Fayetteville residents and to oppose discrimination against any person in Fayetteville. In June 2023 the Commission celebrated the unveiling of a historical marker and street naming honoring Nelson Hackett, a man who was enslaved in Fayetteville in the 1840s.

The Spout Spring neighborhood is located directly east and southeast of Fayetteville's downtown. The approximate borders of the neighborhood are East Lafayette Street to the north, North Fletcher Avenue and South Wood Avenue to the east, 15th Street to the south, and North College Avenue to the west (see attached map). The neighborhood is comprised of approximately 1,200 parcels and currently has strong advocates to form a local historic district to preserve and commemorate the remnants of Black history. A historic context statement a necessary and valuable resource for this effort and other historic preservation efforts for the neighborhood. Spout Spring is an area with overlapping past, current, and future preservation work. Part of the area that is being proposed for the historic context statement is in the Washington-Willow National Register District (69 parcels), which was placed on the National Register of Historic Places in 1980. A petition for the formation of a local historic district is currently being distributed for signature. The proposed local historic district includes parcels within the Washington-Willow District and a majority of the parcels in the proposed context study area, for approximately 700 parcels in total. If the local historic district is created, this would constitute Fayetteville's first local historic district, aside from the City-owned White Hangar at Drake Field.

3. SCOPE OF WORK:

The purpose of this project is to prepare a framework for researching and documenting historic resources in a historically Black neighborhood of Fayetteville, Arkansas through the creation of a historic context statement. Because this will be the first time Fayetteville's historic Black community's major historic themes and places will have been documented through an official governmental initiative, the process of developing the context will be just as important as the ultimate written product. Public engagement focused on eliciting and receiving information from community members on places that matter to them (particularly places of social or cultural significance) will be necessary, as evidence of such places may have already been lost. The historic context statement represents an opportunity to formally capture important historic themes and development patterns in the Spout Spring neighborhood while identifying its historic resources and formatting the community's collective known histories into a concise document. This document would additionally serve to support city staff, city commissioners, and property owners in their efforts to identify and protect historic resources in these neighborhoods. The expected next steps following the completion of this project are to begin surveying resources and engaging residents in the process of establishing a local ordinance district while supporting the preparation of National Register nominations if eligible properties are identified. This project is also intended to help produce knowledge about development patterns, historical trends, and significant architectural features in the Spout Spring neighborhood. Without compiling the information needed to establish this historic context statement, individuals would be required to complete their own research and city staff and commissioners would not have a basis for future considerations for such historic neighborhoods. While the final scope of services will be negotiated with the selected consultant, the City's baseline expectations include the following:

- a. Identify and assess the Spout Spring neighborhood's history, including notable sites, persons, and events.
- b. Identify key themes and periods of history.
- c. Identify historic neighborhood extents to assist with future surveys or policy proposals.
- d. Conduct research using primary and secondary sources, including resources at the University of Arkansas Special Collections Library and the Shiloh Museum.

- e. Recommend a communications strategy to reach and engage stakeholders. Utilize available and existing resources and organizations focusing on the project neighborhoods.
- f. In collaboration with City staff, design collateral materials including web and digital resources in support of the project.
- g. Identify, describe, and implement a comprehensive strategy and methodology for community involvement.

4. QUALIFICATIONS:

Any consulting firm, consulting team, or other organization may respond. The identified project lead must meet the Secretary of the Interior's professional qualifications standards for performing work in the areas of 'History' or 'Architectural History'. These qualifications, which set specific minimum education and experience requirements, can be found online at: <https://www.nps.gov/articles/sec-standards-prof-quals.htm>. Respondents shall articulate in their proposal how the designated project lead meets these minimum qualifications.

5. TENTATIVE PROJECT TIMELINE:

July 16, 2024	Consultant under contract with City
July 31, 2024	Project coordination meeting with AHPP
August 2, 2024	AHPP deadline for Consultant to be under contract
August 8, 2024	Project Kickoff with Historic District Commission
August 15, 2024	Project Kickoff with Black Heritage Preservation Commission
August 28, 2024	First neighborhood meeting
September 2, 2024	AHPP deadline for project work to begin
October 2, 2024	Second neighborhood meeting
November 12, 2024	Draft Historic Context Statement Outline ready for review by City
November 22, 2024	Comments on outline returned to consultant
February 24, 2025	Draft of all project deliverables submitted to AHPP for review
April 19, 2025	Final draft of all project deliverables submitted to AHPP
June 1, 2025	Final invoice submitted to City by Consultant
August 31, 2025	Final report submitted to AHPP by City

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:

Part I – Letter of Interest: Provide a letter of interest signed by an authorized consultant representative. Provide the names, offices, email addresses, and phone numbers for all key Consultant staff proposed to be involved in the project. The Proposal shall identify in which office(s) the majority of the work will occur. Acknowledge all issued addenda.

Part II – Consultant/Staff Qualifications: The Proposal shall include a company profile outlining the company's history and philosophy. This section will also provide a brief biography of key individuals proposed to be assigned to the project with an emphasis on a designated Project Manager. The Project Manager should be the individual conducting the day-to-day activities on this project. Each individual's proposed position / responsibility shall be indicated. Special emphasis shall be provided to the individual's background, qualifications, and experience on related and/or similar projects. The team must meet the Professional Qualification Standards for Historic Preservation set by the Secretary of the Interior (Appendix F).

At least three (3) client references, including name, description of past working relationship, and current contact information shall be listed for each key individual proposed. Any applicable professional licenses or certifications shall be listed for each individual. All known sub-Consultants needed to complete the project (individual or firm) must be identified.

Part III – Management Approach: The Proposal shall include a discussion regarding the Consultant's intended management approach on this project, including coordination and monitoring of project schedule, cost, scope, communications, quality, resources and other management issues that the Consultant feels should be addressed.

Part IV – Related Project Experience: The Proposal shall include up to three (3) profiles of similar services in comparable organizations. Past projects must have been completed in the last ten (10) years and shall include: project name, project time frame, client name, and a detailed description that clearly justifies why the Consultant's past experience is applicable to this RFP. For each project, indicate which proposed key individuals worked on the project and describe the role/work they performed and their levels of involvement.

Part V – State and Federal Grant Guidelines: Each Consultant team must familiarize themselves with all grant requirements as required by the CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT and must meet the minimum standards outlined in the appendices listed below in all work product produced. Please note this grant is subject to all rules and regulations pursuant to the National Park Service Historic Preservation Fund Manual. See attachment:

Arkansas Historic Preservation Program Grant Agreement

- i. Appendix E: (Other Consultant Contracts and Products)
- ii. Appendix F: (The Secretary of the Interior's Historic Preservation Professional Qualification Standards)

Part VI – Detailed Draft and Scope of Services: This will form the basis of the Scope of Services to be included in the Contract and be given the most weight in evaluation and scoring of the Proposals. The Proposal shall include:

- i. Detailed description of the Consultant's proposed scope of services (including specific tasks and deliverables) to accomplish the Objectives specified in Section 3 of the RFP;
- ii. List any additional documents or resources necessary to complete the Work;

- iii. Describe your competitive advantage and value-added services and benefits that would be provided to the City. This could include any innovative approaches previously utilized to assist communities develop their similar historic context statements, and any unique challenges and how you overcame them;
- iv. Any optional, recommended services otherwise excluded from the Consultant's proposed Scope of Services but are considered by the Consultant to be valuable aspects in achieving the Objectives;
- v. A written summary identifying the types of information, data, and assistance needed from the City for a successful project;

Part VII – Project Schedule: The Consultant shall provide a project schedule, directly associated with the Consultant's proposed Scope of Services. All project timelines must meet the terms of grant agreement outlined in the CLG Program Grant Agreement (attached as Appendix A) and shown in Section 5. The City will submit quarterly reports to the AHPP detailing programmatic and fiscal progress of work on forms to be provided by AHPP.

The timeline must include the AHPP final deadline of August 01, 2025.

7. PRICE PROPOSAL:

Proposers shall provide a Flat 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. The Price Proposal will serve as a basis for scoring.

The Price Proposal will be scored as follows (1-page maximum):

(Lowest Proposal Price/ Proposal Price) x 15 Lowest Price will receive a score of 15

Example: Proposal Price A = \$25,000, Lowest Proposal Price = \$20,000 (\$20,000/\$25,000) x 15 = Score of 12 points

7. 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.

8. 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) 20% **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) 30% **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) 10% **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) 20% **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: Project Area Map
- b. Appendix B: CLG Program Grant Agreement

1. DISCLOSURE INFORMATION

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.

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:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

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.

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.

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: _____

Primary Contact: _____ Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

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

4. **DEBARMENT CERTIFICATION:**

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.

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.

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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TAX ID #: _____ AR. SECRETARY OF STATE FILING #: _____

PHONE: _____ FAX: _____

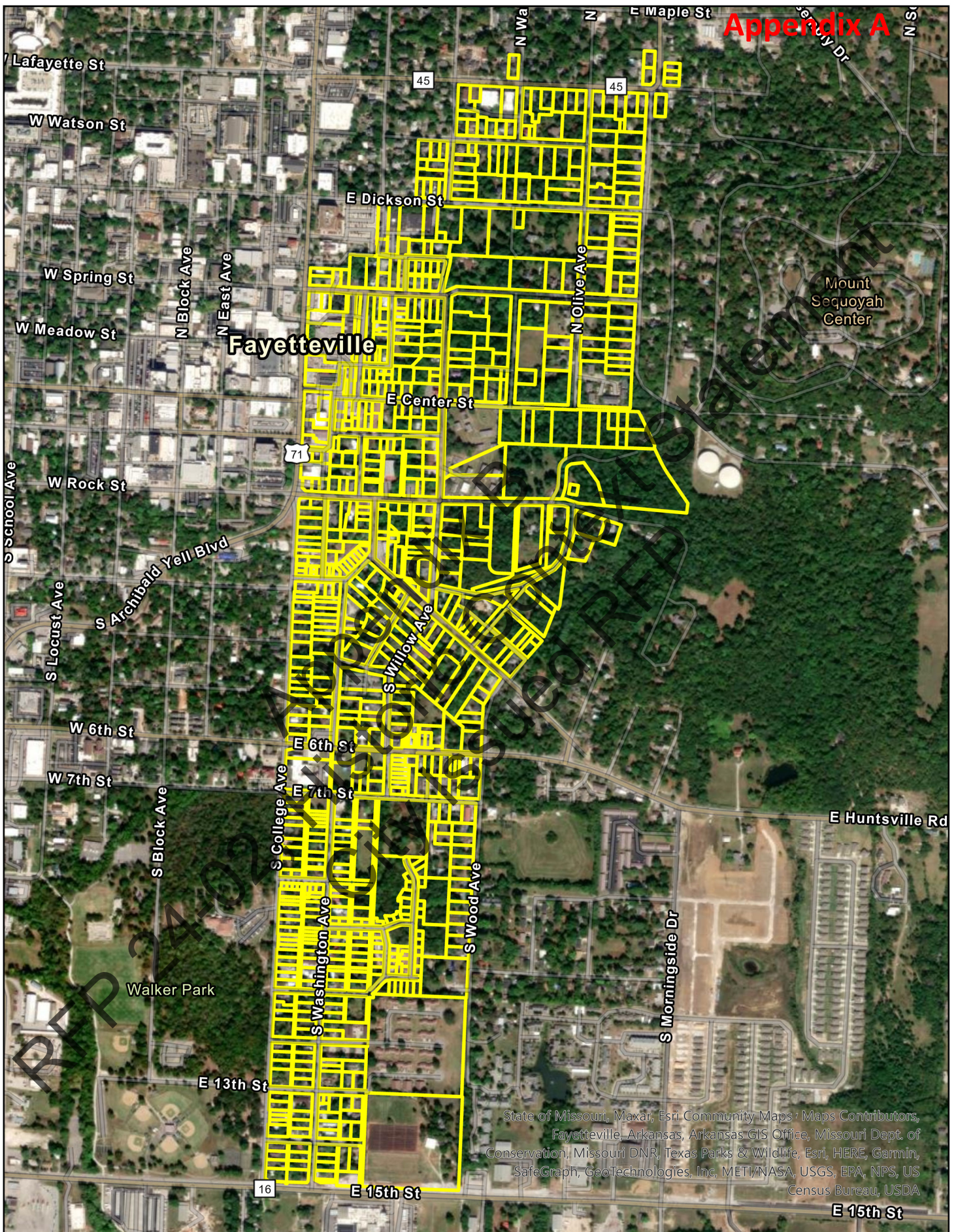
E-MAIL: _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____ DATE: _____

RFP 24-02, Historic Context Statement
City Issued RFP
Appendix B
END OF RFP DOCUMENT



CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT AGREEMENT
Grant Number 24-CLG-03

This agreement is entered into between the City of Fayetteville, Arkansas, hereinafter referred to as the City, and the Arkansas Historic Preservation Program, hereinafter referred to as AHPP. AHPP agrees to provide a grant in the amount of **\$40,000** for the purpose of funding consultants' services on the completion of an MPDF for the University-Haskell Heights neighborhood and the completion of a historic context statement for the Spout Spring neighborhood.

THIS GRANT IS FOR THE ACCOMPLISHMENT OF THE PURPOSE, OBJECTIVE AND SCOPE OF WORK HEREIN DEFINED.

I. SCOPE OF WORK

TASK A. The City will fund consultants' services for Phase II of the University-Haskell Heights MPDF documentation.
\$30,000 is designated for this activity.

TASK B. The City will fund consultants' services for the completion of a historic context for the Spout Spring neighborhood.
\$10,000 is designated for this activity.

II. TIME FRAME of AGREEMENT

This agreement will begin on March 15, 2024, and shall extend until September 30, 2025. No grant funds shall be expended by the City or its sub-grantees or assigns after September 30, 2025. No work on any grant task will be undertaken, continued, or carried out after September 30, 2025.

III. PAYMENTS

A. Payments of funds under this grant agreement will be made upon receipt of invoices requesting reimbursement of expenses paid by the City within the time frame of this agreement.

B. No invoice received after August 1, 2025, will be processed.

C. Payments under this grant agreement are conditioned on successful completion of the tasks described in the scope of work and submission of deliverables as described in section IV.

D. The grant award is conditioned on the use of the grant funds to accomplish the tasks described in the scope of work. Funds will only be disbursed to achieve the purposes described in the scope of work. The grantee retains no interest in grant funds for which an invoice has not been submitted to AHPP by August 1, 2025.

- E. The availability of funds under this grant award is dependent on the National Park Service's 2024-2025 Historic Preservation Fund award to the AHPP.

IV. MILESTONES

A. Multiple Property Documentation Form (Phase II)

1. The city will be under contract for consultants' services by August 2, 2024.
2. Work on the project will begin no later than September 2, 2024.
3. A first draft of all project deliverables will be submitted to AHPP by December 6, 2024.
4. A final draft of all project deliverables will be submitted to AHPP by January 3, 2025.

B. Spout Spring Historic Context Statement

1. The city will be under contract for consultant's services by August 2, 2024.
2. Work on the project will begin no later than September 2, 2024.
3. A first draft of all deliverables will be submitted to AHPP by February 24, 2025.
4. A final draft of all deliverables will be submitted to AHPP by April 19, 2025.

V. AHPP RESPONSIBILITIES

AHPP staff agrees to make periodic reviews of the project to assess practices and products. AHPP reserves the right to enforce the procedures as outlined in this contract. AHPP agrees to make available advice and counsel necessary to accomplish the objectives and to render compensation upon invoice within a reasonable timeframe.

VI. REPORTING REQUIREMENTS

- A. The City will submit quarterly reports detailing programmatic and fiscal progress of work on forms to be provided by AHPP on:

Period	Date Due
March-June, 2024	July 15, 2024
July-Sept, 2024	October 15, 2024
October-December, 2024	January 15, 2025
January-March, 2025	April 15, 2025
April-June, 2025	July 15, 2025
July-September, 2025	October 15, 2025
FINAL	October 31, 2025

- B. The report of April 15, 2025, will be accompanied by a timeline for completion of all tasks and spend down of project funds by the end of the grant term.
- C. If changes in the grant agreement - e.g.: scope of work, products, budgets, etc. - are required, then the City must submit a written request detailing proposed changes and wait for written approval from AHPP before proceeding.

- D. No funds will be disbursed if grant reporting is more than two weeks delinquent.
- E. Failure to submit grant reports within one month of the date required herein shall be grounds for cancellation of the grant at the discretion of AHPP.
- F. The City will submit a final project report detailing all completed projects and including copies of all publications as per the requirements of this agreement no later than October 31, 2025.
- G. The City will promptly notify AHPP if it will be unable to expend the awarded funds within the grant period.

VII. REQUIRED TRAINING

Disbursement of funds under this agreement is contingent on attendance by a designated representative of the City at a training session on grant administration requirements held by AHPP. This requirement may be waived at the discretion of AHPP if the City's grants administrator has attended a grant administration training session within the two years prior to the execution of this grant agreement.

VIII. COMPLIANCE

- A. All products and projects funded by grant funds must comply with the applicable Secretary of the Interior's "Standards." These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards. See Appendices A-E.
- B. PROJECT EXECUTION AND CONTRACT REQUIREMENTS: All projects, sub-grants and consulting contracts funded through this grant agreement must be carried out in accordance with the procedures and standards laid out in the applicable appendices to this agreement. All work products funded through this grant must meet the standards laid out in the applicable appendices to this agreement.
- C. EASEMENTS AND PRESERVATION AGREEMENTS: The City will donate to AHPP a conservation easement on any property being restored, rehabilitated, or repaired as a part of any project(s) funded in whole or in part by this grant utilizing ten thousand dollars (\$10,000) or more of funds awarded by AHPP. On such projects involving private properties, it will be the City's responsibility to secure this easement for donation to AHPP before any grant funds are released. The City will ensure that the owner(s) of property being restored, rehabilitated, or repaired as part

of any project utilizing at least one dollar (\$1) but less than ten thousand dollars (\$10,000) of Historic Preservation Fund monies awarded by AHPP enters into a five-year preservation agreement concerning that property with AHPP before grant funds are released. On such projects involving City property, the City and any other parties holding an ownership interest in such property must enter into a five-year preservation agreement with AHPP before funds will be released.

- D. All activities pursuant to this Agreement shall be in compliance with the requirements of Executive Order 11246, as amended; Title VI of the Civil Rights Act of 1964, as amended; (78 Stat. 252; 42 U.S.C. §§2000d *et seq.*); the Rehabilitation Act of 1973, as amended, (87 Stat. 394; 29 U.S.C. §794); the Age Discrimination Act of 1975 (89 Stat. 728; 42 U.S.C. §§6101 *et seq.*); the Americans with Disabilities Act (42 U.S.C. §12101); the Architectural Barriers Act (42 U.S.C. §§4151 *et seq.*); and with all other federal laws and regulations prohibiting discrimination on grounds of race, color, sexual orientation, national origin, disabilities, religion, age, or sex.
- A. In all hiring or employment made possible by or resulting from grant awards, the City (1) will not discriminate against any employee or applicant from employment because of race, color, religion, sex, age, or national origin, and (2) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. This requirement applies to, but is not limited to, the following: employment promotion, demotion, or transfer; recruitment or other recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The City and its sub-grantees will comply with all applicable statutes and Executive orders on equal employment opportunity and grant awards will be governed by the provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17.

IX. MANAGEMENT AND BUDGET GUIDELINES

- A. Certified Local Government grants are funded by the National Park Service Historic Preservation Funds Grants in Aid, CFDA number 15.904. All policies and procedures of the Department of the Interior, the National Park Service, and all other Federal regulations concerning expenditures of Federal funds must be followed by AHPP and all sub-grant recipients. All grant projects will be administered by AHPP and the City in accordance with the Historic Preservation Fund Grants Manual. The manual may be found online here: <https://www.nps.gov/subjects/historicpreservationfund/historic-preservation-fund-grant-manual.htm> The City must maintain efficient and effective accountability and control of all funds received and expended under a sub-grant from AHPP.
- B. Federal Award Identification Number, total award amount, award date, and a copy of the NPS grant agreement with AHPP will be provided to subgrantee with this signed grant agreement. This subgrant award may be subject to additional conditions as

required by the National Park Service.

- C. A City employee or paid contractor will be responsible for fulfilling all responsibilities assumed by the City under this grant agreement.
- D. The City will promptly disclose any conflict of interest to AHPP in accordance with 2 CFR §200.112.
- E. Indirect costs are not eligible for reimbursement under this award.
- F. The City will maintain all grant-related records at the City offices in accordance with its normal recordkeeping procedures.
- G. The City hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this federally assisted project. The following Federal regulations are incorporated by reference into this Agreement (full text can be found at <http://www.ecfr.gov>):

- 1) Administrative Requirements:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, in its entirety;
- 2) Determination of Allowable Costs:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart E; and
- 3) Audit Requirements:
2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F.
- 4) Code of Federal Regulations/Regulatory Requirements:
2 CFR 182 & 1401, "Government-wide Requirements for a Drug-Free Workplace";
2 CFR 180 & 1400, "Non-Procurement Debarment and Suspension", previously located at 43 CFR §42, "Government wide Debarment and Suspension (Non-Procurement)";
43 CFR Part 18, "New Restrictions on Lobbying";
2 CFR Part 175, "Trafficking Victims Protection Act of 2000";
FAR Clause 52.203-12, Paragraphs (a) and (b), Limitation on Payments to Influence Certain Federal Transactions; and

2 CFR Part 25, System for Award Management (www.SAM.gov).

- H. Cities that expend \$750,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. §§7501-7507) and 2 CFR Part 200, Subpart F.
- I. The City will comply with Federal competitive procurement requirements for professional services and subcontractors and will provide documentation of such compliance upon request.
- J. The City will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act.
- K. Upon completion of the project, the Secretary of the Interior, the Comptroller General of the United States, AHPP, and/or any of their duly authorized representatives shall have access for the purpose of financial or programmatic audit and examination any books, documents, papers and records of the City that are pertinent to the grant at all reasonable times during the period of retention provided in 2 CFR §200.334, for at least three (3) years or until all claims or audit findings have been resolved.
- L. The City will comply with the provisions of 18 U.S.C. §1913, Lobbying with Appropriated Moneys, as amended by Public Law 107-273, Nov. 2, 2002. "No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Members or official, at his request, or to Congress or such official, through the proper official channels, requests for legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31." In addition to the above, the related restrictions on the use of appropriated funds found in Div. F, §402 of the Omnibus Appropriations Act of 2008 (P.L. 110-161) also apply.
- M. The City will comply with all provisions of Executive Order 113858 "Strengthening Buy American Preferences for Infrastructure Projects" that may apply to the project

that is the subject of this award.

X. PUBLICATIONS, WORK PRODUCT AND PUBLIC INFORMATION

- A. An acknowledgment of National Park Service and the Arkansas Historic Preservation Program support must be made in connection with the publication of any material based on, or developed under, any activity supported by Historic Preservation Fund grant funds. This acknowledgment shall be in the form of a statement as follows:
"This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior and the Arkansas Historic Preservation Program, an agency of the Division of Arkansas Heritage. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of the Interior or the Division of Arkansas Heritage."
- B. Press releases, publications, and other public dissemination of information by the City concerning a project made possible by this grant shall acknowledge National Park Service, Department of the Interior, Arkansas Historic Preservation Program, and Division of Arkansas Heritage grant support.
- C. Posters, brochures, program literature, and publications will include the following statement: *This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street NW, Washington, D.C. 20240.*
- D. Drafts of all publications, reports, audio-visual material, and other material subject to distribution, publication, or display must be submitted to AHPP for approval prior to production, publication, public display or general distribution.
- E. Publications, reports, audio-visual material, and other material subject to distribution, publication, or display will be made accessible to the widest audience possible in accordance with Title II of the Americans with Disabilities Act (42 U.S.C. §§12132 *et seq.*). For more information, guidance is available from the Department of Justice, Civil Rights Division, Disability Rights Section.
- F. The City grants 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 as compiled or produced by the City, its

contractor, its employees or any individual or concern specifically employed or assigned to originate and prepare such material. Any data, analysis, methodology, or other information that formed the basis of the work product funded by this grant award shall be made available to the AHPP and the NPS on request. The City shall ensure that these rights are secured by any sub-award or sub-agreement funded under this grant award.

- G. All Geographic Information Systems data produced or collected as a part of this grant funded project must comply with the NPS Cultural Resource Spatial Data Transfer Standards. Please contact the AHPP for more information.

XI. DEVELOPMENT PROJECTS

- A. Any development project funded through this award must obtain appropriate permits from the City, including approval from the local Historic District Commission, if the project falls within a local ordinance district and the Commission has jurisdiction.
- B. Work funded by this grant award cannot be claimed under the Federal Historic Preservation Tax Incentives Program. City and any potential subgrantees should consult with their attorneys or financial advisors about tax or other consequences of this award or its conditions on project financing.
- C. Approvals of project work by AHPP for this grant project are independent of and may not be substituted for the review and approval of any project or matter under any other AHPP or National Park Service program.

XII. LIMITATION OF LIABILITY

AHPP assumes no responsibility with respect to accidents, illness or claims arising out of any work performed under a sub-grant supported project. The City is expected to take necessary steps to insure itself and its personnel and students and to comply with the applicable local, State, or Federal safety standards, including those issued pursuant to the National Occupational Safety and Health Act of 1970 (see 20 CFR Part 1910).

XIII. PROJECT CANCELLATION

Approved projects may be canceled for one or more of the following reasons:

- A. The City requests project cancellation.
- B. The City fails to pursue project work in a timely fashion or fails to adequately pursue project objectives in a manner likely to ensure completion of the grant project or substantial spend-down of the grant award within the grant term.
- C. Project work or project administration is found not to be in conformance with conditions as stated in the grant agreement and appendices.

XIV. AMENDMENTS

This agreement may be amended upon written request and approval by both parties.

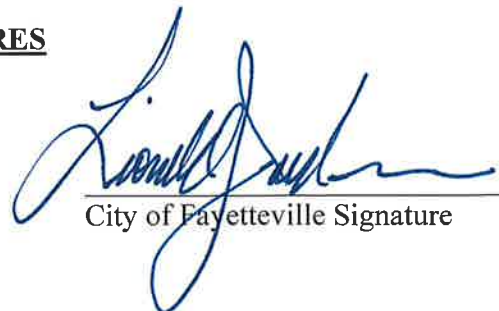
XV. APPENDICES

The following appendices are hereby incorporated into this agreement by this reference.

RFP 24-02, Historic Context Statement
Appendix B
City Issued RFP

SIGNATURES

Scott Kaufman



City of Fayetteville Signature

APPENDIX A: Historic Resources Survey and Documentation

The production of surveys of historic structures, sites, etc., funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for survey and documentation services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid solicitation for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and approval and will not publish such announcement or request until comments been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of historic sites survey work in the proposed area, proposed boundaries for the survey work, etc., prior to engaging a contractor for survey work funded under this agreement.
5. The City will ensure that the contractor responsible for survey and documentation services funded under this agreement meets the Secretary of the Interior's Professional Qualification Standards (see Appendix F) in History and/or Architectural History and/or, when applicable, Archaeology or Historic Landscape Architecture.

B. CONTRACTOR'S RESPONSIBILITIES

1. Prior to commencing any work under the contract, any contractor who has not attended a training on the required procedures for historic sites surveys taught by the AHPP National Register Survey staff within five (5) years prior to the survey initiation date must attend a training class on the procedures required for historic site survey. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of Arkansas

Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.

2. Prior to commencing any work under the contract, the Contractor, regardless of the date of his or her last training, must contact the AHPP National Register Survey staff to determine whether changes to required historic site survey procedures have changed since the contractor last attended a training. If the AHPP National Register Survey staff determines that the Contractor's attendance at an additional training class is advisable, the contractor must attend a training class on the procedures required for historic sites surveys prior to the initiation of any fieldwork under the contract.
3. The contractor must comply with the standards and procedures set forth in the AHPP Survey Manual in carrying out the contract work and in completion of the final product.
4. The contractor must design and complete the survey and produce a survey report in accordance with the National Park Service Historic Preservation Fund Grants Manual Chapter 6, Section H, 2a-e and 3b and/or d as applicable and the Secretary of the Interior's Standards for Identification for Intensive Surveys (see at Identification Guidelines (U.S. National Park Service) (nps.gov)). The survey report should, at minimum, contain the following elements:
 - Survey methodology
 - A brief historic context specific to the area surveyed
 - A brief overview of historic resource types within the area surveyed
 - Maps outlining the boundaries of the area surveyed
 - Tables listing addresses or other location information of properties surveyed, resource numbers supplied by AHPP, and data relevant to evaluation of National Register eligibility, such as date of construction, property condition and architectural integrity, vacant lots, etc.
 - Maps locating properties by resource number and address
 - Language collected on Arkansas Architectural Resources Forms should be provided with the survey report in an organized, sortable, searchable, digital format, such as a database, spreadsheet, GIS data, or similar data file.
5. The contractor must complete an Arkansas Architectural Resources Form and provide site plans for each resource in the field.
6. The contractor must provide, on the Arkansas Architectural Resources Form, information specific to the property for which the survey form is prepared

summarizing its history and any obvious changes to the building that appear to have occurred since its construction.

7. The contractor will take color digital photographs of each resource in the field. At the very minimum the photographs should show all facades of each building. In addition, representative streetscape photographs will be provided by the Contractor. These photographs will be submitted with the final survey product in both electronic and print form.
8. To ensure efficient production of a quality product and to reduce the burden of repeated reviews, in projects involving inventory and documentation of more than 30 properties, the contractor will provide drafts of at least 10 completed Arkansas Architectural Resources Forms to the AHPP National Register Survey staff for review prior to completion and submittal of all Arkansas Architectural Resources Forms. AHPP staff will review draft forms and return comments to the contractor within 14 business days of receipt of the draft forms.
9. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the historic site survey or form completion, including but not limited to archival research, and photographs, to AHPP on request.
10. The contractor 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.
11. The contractor must be able to adhere to set deadlines and provide initial and completed surveys by the dates set forth in contract documents.
12. The contractor will provide own transportation and equipment.
13. For resurvey work, a copy of the previous survey form must be attached to the new survey form for each property.
14. The contractor will provide one full-color copy and one digital copy of the final survey report and forms to the City and one full-color printed copy and two digital copies of the survey report and forms to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.
2. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
3. AHPP will provide resource numbers to the contractor as necessary for project completion.
4. AHPP will provide a one-day training class at the AHPP offices in Little Rock on the procedures required for historic site surveys. This class will train the contractor in the proper and thorough completion of Arkansas Architectural Resources Forms, photography requirements, mapping, and compilation of the finished product.
5. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX B: National Register of Historic Places Nominations

The production of nominations of historic structures, sites, etc., for listing on the National Register of Historic Places funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will contact the AHPP National Register staff to consult on the advisability of preparation and submission of National Register of Historic Places nominations prior to engaging a contractor for preparation of nominations funded under this agreement.
5. The City will ensure that the contractor responsible for survey and documentation services funded under this agreement meets the Secretary of the Interior's Professional Qualification Standards (see Appendix F) in History and/or Architectural History and/or, when applicable, Archaeology or Historic Landscape Architecture.

B. CONTRACTOR'S RESPONSIBILITIES

1. It is required that the contractor complete a National Register of Historic Places nomination form for the historic property or properties in compliance with all applicable AHPP or National Park Service standards and guidance for nomination form completion.

2. The contractor will take color digital photos of the historic property in the field. In the case of a proposed historic district, representative streetscape photos will be provided by the Contractor. All photographs submitted must meet the National Park Service standards in the "National Register Photo Policy Factsheet."
3. The contractor will label all photographs to be included with the completed National or Arkansas Register of Historic Places nomination according to the National Park Service instructions.
4. The contractor will also need to locate the property on a United States Geological Survey Map and provide UTM coordinates for the historic property or district.
5. The contractor will be responsible for on-site presentation of information sufficient to fully support a recommendation for or against listing of the proposed historic district or property to the AHPP State Review Board at the earliest meeting following completion and staff approval.
6. Any contractor who has not submitted an accepted National Register of Historic Places form in the last five (5) years must attend a training class on completing National or Arkansas Register of Historic Places nomination forms. This one-day class, at the offices of AHPP, will train the contractor in the proper and thorough completion of National Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
7. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing the nomination, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
8. The contractor 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.
9. The contractor must be able to comply with deadlines and provide initial and completed nominations by the dates set forth in the contract between the City and the Contractor.

10. The contractor will provide his or her own transportation and any equipment necessary to completion of the nomination forms and presentation to the Arkansas State Review Board.
11. The contractor must work outside in extreme temperatures and provide proper attire for the weather conditions.
12. The contractor will perform all services and provide all materials to be produced under the contract in consultation with AHPP.
13. The contractor will conduct meetings with AHPP as required to complete the project.
14. The contractor will provide one full-color printed final clean copy nomination and attachments, including digital photographs, and one digital copy of any nominations created to the City and three full-color printed copies of the final clean copy nomination and attachments, including digital photographs, and two digital copies of any nominations to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to any previously completed architectural resource forms in its possession for all buildings included in the contract for services.
2. AHPP will provide a one-day training class at the AHPP offices in Little Rock contractor on the proper and thorough completion of National Register of Historic Places nomination forms, photography requirements, mapping, and compilation of the finished product.
3. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX C: Design Guidelines and Preservation Plans

Preparation of design guidelines and/ or preservation plans funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement include duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will submit a draft copy of the design guidelines to AHPP for review, comments, and approval prior to printing, and will not give final approval to the product or proceed with final printing of the document until approval has been received by AHPP.
5. The City will ensure that any contractor engaged to prepare design guidelines funded under this agreement meets the Secretary of the Interior's Standards for Professional Qualifications (see Appendix F) as an Architectural Historian, a Historic Preservation Planner, or a Historic Preservationist with experience equivalent to one or both those professions. Any contractor engaged to prepare a preservation plan must be qualified as a Historic Preservation Planner or a Historic Preservationist with experience equivalent to a Preservation Planner.

B. CONTRACTOR'S RESPONSIBILITIES

1. The contractor will design and complete a preservation plan or plans, when applicable, in accordance with the Secretary of the Interior's Standards and Guidelines for Preservation Planning (see at Preservation Planning Standards (U.S. National Park Service) (nps.gov)).

2. The contractor will draft design guidelines, when applicable, that include, at minimum:
 - a. A summary of the City's ordinances, procedures, and bylaws relating to work regulated by the City's Historic District Commission;
 - b. Maps describing the boundaries of any local or National Register historic districts in which work is regulated under authority of the Arkansas Historic Districts Act, A.C.A. § 14-172-201, et seq., and local ordinance.
 - c. A list of addresses within such historic districts;
 - d. A history of the City as it provides historic context for any such local historic districts, National Register of Historic Places districts, or the City as a whole;
 - e. An overview of the architectural styles prevalent in the local historic districts within the period of significance as described in the most recent historic resources survey and/or nomination previously approved by the City's Historic District Commission;
 - f. The text of the Secretary of the Interior's Standards for Rehabilitation, as codified at 36 CFR 68.
 - g. Illustrated design guidance addressing appropriate rehabilitation of and additions to historic structures and sites and construction or development of appropriate infill structures and sites that addresses all historic architectural styles, periods, and methods of construction specific to the local districts.
3. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
4. The contractor 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.
5. The contractor must be able to comply with deadlines and provide initial and completed deliverables by the dates set forth in the contract between the City and the Contractor.
6. The contractor will provide one full-color printed final clean copy of the design guidelines and/or preservation plan and attachments and one digital copy of the design guidelines and/or preservation plan and attachments created to the City and one full-color printed copies and one digital copy to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
2. AHPP will provide access to any nominations or other background research or information relevant to the project as necessary for project completion.

RFP 24-02, Historic Context Statement
Appendix B
City Issued RFP

APPENDIX D: Rehabilitation Work to Historic Properties

Projects for rehabilitation work to historic properties funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review prior to execution of the contract, and will not execute the contract until approval has been received from AHPP. A copy of the final executed contract will be provided to AHPP.
4. Architects/Engineers/Contractors must have the requisite experience and training in historic preservation or relevant field to oversee investigation, design and project work, as determined in consultation with AHPP. See Appendix F.
5. The City will submit plans and specifications to AHPP for all proposed work that is part of any project funded by this grant that would make any material alteration in any feature of any property listed on or eligible for listing on the National Register of Historic Places, either individually or as a contributing feature in a district. The City will not begin any such work until approval has been granted by AHPP.
 - a. A site plan that has the north direction clearly marked
 - b. A city/county map with the site of the property clearly labeled
 - c. Set of plans and specifications for the project
 - d. Photographs (or digital images) of all exterior elevations of the building or site, with views identified and oriented and keyed to the site plan.

- e. Interior photographs of all major rooms and those involved in the project, labels, and keyed to a floor plan
 - f. Any additional information that will better enable a technical review of the project to be completed like historic photographs, historic structure reports, building studies, etc.
- 6. The City will ensure that the Contractor performs all work in compliance with the plans and specifications as approved by AHPP.
 - 7. All projects must comply with the Americans with Disabilities Act, the Architectural Barriers Act, and the Rehabilitation Act of 1973.
 - 8. All products and projects must comply with the applicable Secretary of the Interior's *Standards for Rehabilitation*. The *Standards* are:
 - 1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
 - 2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
 - 3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
 - 4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
 - 5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
 - 6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
 - 7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. CONTRACTOR'S RESPONSIBILITIES

1. The Contract will perform all work in compliance with the plans and specifications as approved by AHPP.
2. All products and projects must comply with the applicable Secretary of the Interior's *Standards for Rehabilitation*. The *Standards* are:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of preparing work product on any project funded through this grant agreement, including but not limited to property data, databases, archival research, and photographs, to AHPP on request.
4. The contractor 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.
5. The contractor must be able to comply with deadlines set forth in the contract between the City and the Contractor.

6. The contractor must erect a project sign acknowledging the assistance of the Department of the Interior, the National Park Service, the Department of Arkansas Heritage, and the AHPP at the project site. This sign will be provided by the AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide access to any previously completed architectural resource forms or architectural plans in its possession for all buildings included in the contract for services.
2. AHPP will review and approve or comment on all plans and specifications submitted by the City within 14 business days of submission of plans and specifications that allow for a clear and complete understanding of the scope and detail of the project.
3. AHPP will provide technical assistance to the contractor as necessary for project completion.

APPENDIX E: Other Consultant Contracts and Products

All other types of projects funded under this grant agreement will meet the following minimum standards, as applicable:

A. CITY'S RESPONSIBILITIES

1. The City will ensure that any request for proposals (RFP), request for qualifications (RFQ), or other bid solicitation and any contract for services funded under this agreement includes duties and tasks as described in this contract and appendix.
2. The City will submit a copy of any proposed RFQ, RFP, or other bid announcement for a project funded under this agreement to AHPP prior to publication of the announcement or request for review and will not publish such announcement or request until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed announcement or request has been received by AHPP. A copy of the final announcement or request and proof of its publication or transmission to qualified professional will be provided to AHPP.
3. The City will submit a copy of any proposed contract and the name and vita of the contractor selected for services funded under this agreement to AHPP for review, prior to execution of the contract, and will not execute the contract until approval has been received from AHPP or seven (7) business days have elapsed since the date on which the proposed contract has been received by AHPP. A copy of the final executed contract will be provided to AHPP.
4. The City will ensure that any contractor engaged for work funded under this agreement meets the applicable Secretary of the Interior's Historic Preservation Professional Qualification Standards (see Appendix F) as determined in consultation with AHPP.
5. The City will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification

Standards.

B. CONTRACTOR'S RESPONSIBILITIES

1. The contractor will ensure that all project work and work products meet all applicable Secretary of the Interior's "Standards" including: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.
2. The contractor will provide copies of any ancillary work product or information compiled or generated by the contractor in the course of carrying out the contract, including but not limited to archival research, and photographs, to AHPP on request.
3. The contractor 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.
4. The contractor must be able to adhere to set deadlines as set forth in contract documents.
5. The contractor will provide own transportation and equipment.
6. The contractor will provide one full-color copy and one digital copy of the work product, as applicable, to the City and one full-color printed copy and two digital copies of the work product, as applicable, to AHPP.

C. AHPP RESPONSIBILITIES

1. AHPP will provide Arkansas Architectural Resources Forms and Ancillary Structures Forms to the contractor as necessary for project completion.

2. AHPP will provide access to survey files and copies of previous survey work as necessary for project completion.
3. AHPP will provide resource numbers to the contractor as necessary for project completion.
4. AHPP will provide access to other AHPP files to the contractor as necessary for project completion.

AHPP will provide technical assistance to the contractor as necessary for project completion.

RFP 24-02, Historic Context Statement
Appendix B
City Issued RFP

Appendix F: The Secretary of the Interior's Historic Preservation Professional Qualification Standards

The *Secretary of the Interior's Professional Qualification Standards* were defined and officially adopted in 1983 (48 FR 44716, September 29) by the National Park Service, Department of the Interior, and the *Secretary of the Interior's Historic Preservation Professional Qualification Standards* were expanded and revised in 1997 (62 FR 33708, June 20) in response to amendments in the National Historic Preservation Act, but were not formally adopted for federal regulatory purposes. See <https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf> for more information.

The 1997 revisions update the professional qualification standards written in 1983 and add definitions for seven other historic preservation disciplines that appear in the National Historic Preservation Act.

The 1997 version also provides guidance on how to measure qualifying credentials that was lacking in the 1983 *Standards*. In the 1997 version, this information is provided in a standardized format that provides examples of the academic degrees, work and academic products, and professional activities that would qualify a professional in a particular discipline.

Because the 1997 Standards give the clearest description of the current understanding of what a qualified professional is in each of the disciplines described in the National Historic Preservation Act, AHPP uses them as guidance on judging the qualifications of contractors or consultants working on projects funded by AHPP's CLG grant agreements. It is important to note that these are not intended to be requirements for ALL consultants or contractors working on a project, lead as well as entry-level. However, each project must contain a person in a lead, responsible project role with the requisite expertise.

RFP 24-02, Historic Context Statement
Appendix B
City Issued RFP

RFP 24-02, Addendum 1



CITY OF
FAYETTEVILLE
ARKANSAS

Date: Monday, April 15, 2024

To: All Prospective Vendors

From: Amanda Beilfuss – 479.575.8220 – abeilfuss@fayetteville-ar.gov

RE: RFP 24-02, Historic Context Statement

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the RFP. **PROPOSERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID PORTAL/FORM.**

1. Questions – The following questions have been received and answered by the corresponding department:
 - a. Question: How many of the listed meetings are required to be held in person?
 - i. *Answer: None of the listed meetings are required to be in person. Project coordination and kickoff meetings can be held virtually. Neighborhood meetings shall be held in person but can be staffed by the City of Fayetteville staff, if needed. A virtual option may be available depending on meeting location.*
 - b. Question: For the Historic Context Statement, are formal survey forms required?
 - i. *Answer: No, no formal survey forms are required.*
2. Clarification – Proposer shall hold a current, valid registration with the Arkansas Secretary of State **OR** provide documentation that Proposer has applied for registration with the Arkansas Secretary of State before Proposal deadline.

RFP 24-02, Addendum 2



CITY OF
FAYETTEVILLE
ARKANSAS

Date: Friday, April 19, 2024

To: All Prospective Vendors

From: Amanda Beilfuss – 479.575.8220 – abeilfuss@fayetteville-ar.gov

RE: RFP 24-02, Historic Context Statement

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the RFP. **PROPOSERS SHOULD ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID PORTAL/FORM.**

1. Questions – The following question has been received and answered by the corresponding department:
 - a. Question: On page 14 of the RFP, top of the page, it states, "f. In collaboration with City staff, design collateral materials including web and digital resources in support of the project." Should we take this to mean that the selected firm will be designing all materials as well as producing the final products for distribution to the public? Or will the selected firm be contributing to the design process with the City, and the City will be producing the final products for distribution to the public?
 - i. Answer: The intention is for the awarded firm to design the content and provide the digital files and for the City to print and/or distribute the materials via web and social media. Awarded firm will not be asked to make web edits or post on behalf of the City.
2. Clarification – Proposer shall hold a current, valid registration with the Arkansas Secretary of State **OR** be able to provide proof of registration before recommendation of award to Fayetteville City Council.



CITY OF
FAYETTEVILLE
ARKANSAS

RFP 24-02 Addendum 2 Post Oak Preservation Solutions Supplier Response

Event Information

Number: RFP 24-02 Addendum 2
Title: Historic Context Statement
Type: Request for Proposal
Issue Date: 4/7/2024
Deadline: 5/1/2024 02:00 PM (CT)
Notes: The City of Fayetteville, Arkansas, seeks proposals from qualified firms with experience in municipal, comprehensive, urban and land use planning, economic analysis, and citizen involvement/participation, to prepare a Historic Context Statement for the Spout Spring neighborhood in the City of Fayetteville. 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: Amanda Beilfuss
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Post Oak Preservation Solutions Information

Contact: Ellis Mumford-Russell
Address: PO Box 12747
San Antonio, TX 78212
Phone: (832) 919-6433
Email: ellis@postoakpreservation.com
Web Address: postoakpreservation.com

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

Ellis Mumford-Russell

Signature

ellis@postoakpreservation.com

Email

Submitted at 4/30/2024 11:00:22 AM (CT)

Requested Attachments

RFP 24-02, Historic Context Statement

POPS_SpoutSpring_Proposal.pdf

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

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

30 April 2024

Amanda Beilfuss
Sr. Purchasing Agent
City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, AR 72701

Re: Response to RFP 24-02: Spout Spring Historic Context Statement

Dear Ms. Beilfuss,

Post Oak Preservation Solutions LLC (Post Oak) is excited to present our proposal for the development of a Historic Context Statement for Spout Spring in Fayetteville. With our extensive experience in historic preservation consulting encompassing diverse research and documentation projects, our accomplished and versatile team, and our meticulous project approach, we are confident in our ability to deliver a valuable, and user-friendly product that benefits both property owners and staff.

Please find below the names, offices, email addresses, and phone numbers for all key Consultant staff proposed to be involved in the project:

Austin Office Staff:

Ellis Mumford-Russell | 832.919.6433 | ellis@postoakpreservation.com

Rebecca Wallisch | 503.317.9379 | rebecca@postoakpreservation.com

El Paso Office Staff:

Megan Warley McDonald | 814.397.2359 | megan@postoakpreservation.com

Kansas City Office Staff:

Rachel Alison | 210.580.6329 | rachel@postoakpreservation.com

Post Oak Preservation Solutions is a women-owned, Texas-based historic preservation consulting firm led by Ellis Mumford-Russell. With a focus on historic tax credits, design standards, preservation and urban planning, historic resource surveys, and National Register of Historic Places Nominations, we operate nationwide with team members in Texas and Missouri. The majority of the work will occur in our Austin and El Paso offices. Our team includes experienced preservationists who have served in public and private sector historic preservation roles. We strive to deliver high-quality, customized solutions and tools that foster effective, community-driven preservation. Post Oak acknowledges the receipt of all addenda issued by the City of Fayetteville for RFP 24-02.

Thank you for considering our firm for this project. We are eager to discuss further details and are available at your convenience.

Sincerely,



Ellis Mumford-Russell
Partner

Proposal

City of Fayetteville, Arkansas

Spout Spring Historic Context Statement

April 2024



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RFP 24-02, Historic Context Statement
Post Oak's Proposal

I: EXECUTIVE SUMMARY



Post Oak Preservation Solutions LLC (Post Oak) is delighted to present our proposal for the creation of a Historic Context Statement for the Spout Spring neighborhood of Fayetteville, Arkansas.

With our extensive background in historic preservation, particularly in archival research, oral history, historic resource evaluations, and preparation of complex and intersectional contexts, our firm is well equipped to undertake this initiative. As the first historic context statement detailing the historic themes and significant places associated with Fayetteville's Black community, Post Oak recognizes the care and attention to detail required to adequately honor the contributions and achievements of Black Fayettevillians. We aim to provide a comprehensive historic context that will serve as the foundation for future preservation efforts of the City's remaining historic resources associated with Black history, and will guide and expand opportunities for interpreting this important aspect of Fayetteville's history to the broader public.

This project will serve as the first step in researching, documenting, and evaluating the historic significance of the Spout Spring neighborhood and identifying places within the community for further preservation efforts. Since many of the historically significant places associated with the City's Black community have been lost, Post Oak recognizes the urgency of soliciting information and oral histories from local community members who can provide invaluable knowledge about the neighborhood's development and evolution. We view the opportunity to draft the first historic context associated with Fayetteville's Black history with reverence and an understanding of the challenges involved in documenting places and communities that are underrepresented in the historic record. Public involvement is a crucial component in developing the historic narrative and identifying themes and places of significance to the community.

Post Oak has a proven track record of conducting thorough research, analyzing complex historical data, and synthesizing information into comprehensive historic contexts, including those associated with underrepresented communities. Additionally, we possess extensive knowledge of historic preservation practices, regulations, and guidelines. Our experience includes

successful collaborations with local, state, and federal preservation agencies, highlighting our commitment to preserving and protecting historic resources. Furthermore, our team has experience working with local communities to solicit place-specific information that can only be gleaned through outreach, including the Pleasant Street National Register Historic District Resurvey and William Decker Johnson Hall National Register nomination. Key personnel, including project manager Rebecca Wallisch and staff lead Megan Warley McDonald, will oversee the project's execution, ensuring timely deliverables and effective communication with all stakeholders.

Post Oak views oral history as an essential component in the preparation of a thorough and comprehensive history of the Spout Spring neighborhood. As a result, Post Oak proposes a phased approach to the preparation of the context to ensure a quality product worthy of the subject matter.

Our comprehensive services will encompass stakeholder engagement, primary and secondary research, data analysis to identify trends and themes, and the development of a Historic Context Statement that provides a detailed understanding of the Spout Spring neighborhood and its historical development. We will work closely with the City of Fayetteville, the Arkansas Historic Preservation Program (AHPP), and the Black Heritage Preservation Commission to ensure that the document meets project goals and exceeds expectations.

Post Oak is dedicated to providing high-quality services that align with our clients' needs, and those of the communities directly impacted. Our team is responsive, communicative, and committed to delivering on time and within budget. Given our experience, sensitivity, and unwavering commitment to high-quality work, we firmly believe that Post Oak Preservation Solutions LLC is the ideal choice for this project. It would be our honor to work with the City of Fayetteville on this important document that will shape the future in the Spout Spring neighborhood, as well as the broader preservation efforts of the City.

II: STAFF QUALIFICATIONS



POST OAK PRESERVATION SOLUTIONS

Post Oak Preservation Solutions (Post Oak) is comprised of founding partner Ellis Mumford-Russell and attorneys/advisors Pat Kennedy and Dub Sutherland of Kennedy Sutherland LLP. Our team joined forces in 2019 to create a full-service, woman-owned historic preservation consulting firm. By combining our varied expertise, interests, and experience, it is our goal to offer top-of-the-line service to our clients. Our blend of historical knowledge, legal expertise, preservation experience, architectural capability, involvement in urban planning, and industry know-how means that Post Oak Preservation Solutions can provide holistic support for historic preservation projects nationwide. Committed to equity and inclusion, Post Oak strives to tell the whole story in the historic narratives and contexts we prepare and also include a diverse array of stakeholders through public outreach. Our team collaborates to deliver an integrated approach to our clients' projects, ensuring their success. We work across the country and specialize in historic tax credits, design guidelines, National Register nominations, preservation planning, and historic resource surveys. Our team of experienced preservationists has worked in both public and private sector historic preservation and strives to bring our clients high-quality, customized products that create effective tools and solutions for preservation in their communities.

Our team is split between San Antonio, Texas; Austin, Texas; El Paso, Texas; and Kansas City, Missouri. We have one partner, five employees, and two advisors. All staff members meet or exceed the Secretary of the Interior's Professional Qualification Standards for Historic Preservation, as described by the National Park Service. Additionally, our lead architectural historian, Rebecca Wallisch, meets the GS00170-13 Historian qualifications.

In every project, we engage closely with clients to ensure timely and budget-conscious deliverables. Our team leverages a wealth of collective experience and expertise in Historic Preservation, Community Facilitation, Materials Conservation, Architectural History, Urban Design, and Graphic Communication to effectively support clients across diverse preservation projects.

Post Oak Preservation Solutions believes that historic preservation is crucial to our understanding of our place in the world. We strive to provide best-in-class historic preservation consulting in order to further this mission. Our collaborative approach results in a holistic plan for our clients' projects, ensuring their success. Our experienced team works with our clients to strategically find solutions that meet project goals.



At Post Oak, our team boasts extensive experience in historic preservation, with a strong emphasis on research projects and the development of historic context statements. We are proud to have a team of experts that includes historians, architects, and preservation specialists with a deep understanding of the history of the United States. Moreover, we have successfully worked on numerous projects that involved evaluating and documenting resources and neighborhoods associated with Black History. Our commitment to public engagement is evidenced by our track record of facilitating meaningful interactions with community members, stakeholders, and diverse interest groups. We prioritize inclusive approaches that empower local voices and ensure representation in the preservation process. We have a proven track record of conducting thorough historic resource surveys, archival research, analyzing complex historical data, and synthesizing information into comprehensive historic context documents. Additionally, we possess extensive knowledge of historic preservation practices, regulations, and guidelines.

CONTACT US:

Austin

Ellis Mumford-Russell
832.919.6433
ellis@postoakpreservation.com

San Antonio

Irene Allender
210.219.3648
irene@postoakpreservation.com

El Paso

Megan Warley McDonald
210.219.3648
megan@postoakpreservation.com

Kansas City

Alison Dunleavy
773.802.8253
alison@postoakpreservation.com

Key Personnel

Rebecca Wallisch, Senior Architectural Historian

PROJECT MANAGER

Rebecca completed her MS in Historic Preservation from the University of Texas at Austin. With over a decade of historic resource survey experience spanning Oregon, Oklahoma, Texas, and Arkansas, Rebecca excels in assessing and documenting cultural resources effectively. Prior to joining Post Oak, she spent ten years as a cultural resources consultant, primarily working on transportation-related projects for the Texas Department of Transportation, where she authored dozens of historic contexts for rural, urban, and suburban communities across Texas. Rebecca's expertise extends to large, multi-state projects, including road improvements, railroad-related projects, and energy-related projects, requiring government-to-government and consulting party consultation under Section 106 of the NHPA and NEPA. Throughout her career, Rebecca has completed in-depth archival research at repositories throughout Texas, New Mexico, Washington, Oregon, Arkansas and online and is adept at consolidating large amounts of information and distilling it into informative and intersectional narratives. She is well-acquainted with determining historic themes, areas of significance, associated property types, and registration requirements for MPDF submissions. Rebecca's passion for telling the complete story of our shared cultural heritage is reflected in her work, which includes over a dozen National Register of Historic Places nominations. Additionally, Rebecca recently presented a case study of her research techniques and the importance of saving often overlooked property types at the Texas Historical Commission's Real Places Conference in April 2024.

Rebecca's recent project management experience includes surveys, supporting context statements, and National Register of Historic Places Nominations in Hot Springs, Arkansas; Wimberley, Texas; Dripping Springs, Texas; Bridgeport, Texas; and Gatesville, Texas. National Register nominations authored by Rebecca include the Immaculate Heart of Mary Seminary, in Santa Fe, New Mexico; the Historic Buildings and Structures of the San Antonio Zoo MPDF in San Antonio, Texas; and the First Wichita National Bank in Wichita Falls, Texas. While not an exhaustive list, these projects highlight Rebecca's comprehensive understanding and expertise in historic preservation and cultural resource management investigations.

Megan Warley McDonald, Architectural Historian

STAFF LEAD

Megan holds a Master of Heritage Preservation (M.H.P.) and an M.A. in History from Georgia State University. She brings extensive expertise in Historic Preservation and Public History, with a particular focus on writing National Register of Historic Places nominations, historic context statements, and conducting oral history interviews. Throughout her career, Megan has honed her skills in coordinating preservation programs, providing technical assistance, and engaging with communities to ensure the preservation of their cultural heritage. Prior to joining Post Oak, Megan worked at the Florida State Historic Preservation Office, managing the Certified Local Government program and contributing to the National Register program, where she researched and authored National Register nominations, conducted initial fieldwork and research, and carried the nomination through the entire review process. Megan's proficiency in overseeing CLG applications, conducting training sessions for preservation commissions, and managing reporting processes showcases her ability to navigate complex regulatory frameworks and facilitate collaborative decision-making. Additionally, her experience in reviewing grant projects and conducting research for National Register nominations highlights her aptitude for assessing historic resources and integrating best practices into preservation regulations. Megan's background in Public History further enriches her ability to craft compelling narratives that advocate for the preservation of underrepresented communities' heritage. Her diverse skill set encompasses archival research, oral history, and historic preservation education, reflecting her dedication to preserving and sharing our collective history. Megan is passionate about creatively and adaptively reusing historic buildings and is committed to writing cohesive and meaningful historical narratives that underscore the significance of our cultural heritage.

Megan has served as staff lead on a number of recent Post Oak projects, including the Pleasant Street NRHD resurvey in Hot Springs, Arkansas; the William Decker Johnson Hall National Register nomination in Waco, Texas; and a survey and National Register Historic District nomination in Bridgeport, Texas. Additionally, Megan has written National Register

of Historic Places nominations, including the Hotel Limpia in Fort Davis, Texas; and the Sinclair Service Station in Weeki Wachee, Florida.

Ellis Mumford-Russell, Partner

STAFF SUPPORT

Ellis holds an M.S. in Historic Preservation, with an emphasis on preservation planning, from the University of Pennsylvania. With her expertise in historic preservation consulting, education, and project review, Ellis Mumford-Russell brings a wealth of knowledge and skills suited to various projects. From private consulting to project review at a State Historic Preservation Office, Ellis has honed a comprehensive skill set tailored to project complexities. Her proficiency in guiding projects through the historic tax credit process and implementing the Secretary of the Interior's Standards demonstrates her adeptness in navigating regulatory frameworks and achieving project objectives while maintaining a client-focused approach. Furthermore, Ellis's involvement in design guidelines and preservation planning efforts underscores her ability to contribute to the development of effective preservation strategies. As the managing partner at Post Oak Preservation Solutions, LLC, Ellis has exhibited leadership and strategic vision in shaping preservation initiatives. Overall, Ellis's track record of managing preservation projects successfully, coupled with her dedication to excellence and client satisfaction, positions her as a valuable asset to support various preservation objectives. Her blend of experience, expertise, and collaborative approach ensures her effectiveness in contributing to project success.

Ellis has coordinated with Rebecca in order to provide support for survey projects and National Register nominations in Wimberley, Texas; Dripping Springs, Texas; and Bridgeport, Texas.

Rachel Alison, Associate

STAFF SUPPORT

Rachel holds an M.S. in Historic Preservation from Roger Williams University. Rachel has worked in the private and nonprofit sectors of historic preservation and has professional experience on both the development and consulting sides of historic tax credit projects, as well as professional experience with archival research and nominating properties to the National Register of Historic Places. This breadth of experience makes her an effective communicator with all key players at every part of the rehabilitation process and allows her to successfully guide projects from inception to completion.

Rachel enjoys creative problem-solving and taking an individualized approach to each project. She is passionate about people-based preservation and believes in the power of historic preservation to bolster vibrant local communities and economies.

Rachel has coordinated with Rebecca in order to provide support for survey projects in Dripping Springs, Texas. Additionally, Rachel has written National Register of Historic Places nominations for Valdese Weavers Mill in Valdese, North Carolina and the Famous Barr Warehouse in St. Louis, Missouri.

References

Ben Barton

Facilities Manager, San Antonio Zoo

3903 N St Mary's Street, San Antonio, TX 78212

ben.barton@sazoo.org

PROJECT: Historic Buildings & Structures of the San Antonio Zoo National Register of Historic Places Multiple Property Documentation Form - San Antonio, Texas, 2022-2023

Lauren D. Adkins

Long Range/Historic Preservation Planner City of Hot Springs

133 Convention Boulevard, Hot Springs, AR 71901

LAdkins@cityhs.net

(501) 621-5520 - Desk

(501) 762-5173 - Mobile

PROJECT: Pleasant Street National Register Historic District Resurvey - Hot Springs, Arkansas, 2023-2024

Lane Murphy

2nd and Clay LLC

Lane_Murphy@baylor.edu

PROJECT: St. James United Methodist Church National Register of Historic Places Nomination - Waco, Texas, 2017-2019

Josette Ayres

Chair, Board of Directors, Quinn Campus Incorporated

1020 Elm Ave, Suite F, Waco, TX 76704

quinninc@qciwaco.com

(254) 717-1562

PROJECT: William Decker Johnson Hall National Register of Historic Places Nomination - Waco, Texas, 2023-2024

Carr S. Hornbuckle, AIA, LEED AP

Senior Associate, RVK Architecture

2002 N St Mary's Street, San Antonio, TX 78212

carr.hornbuckle@rvkarchitecture.com

(210) 394-8408

PROJECT: Dunbar School Home Economics Building Preservation Plan - San Marcos, Texas, 2022-2023

III: MANAGEMENT APPROACH



Post Oak is well-prepared to undertake the preparation of a historic context statement for Spout Springs. Our management approach includes thoughtful project staffing coordination, schedule management, cost control, communication strategies, quality assurance, resource allocation, and proactive issue resolution.

Project Staffing and Coordination

The project will be managed by Rebecca Wallisch, and it will be supported by Megan Warley McDonald as staff lead. Ellis Mumford-Russell and Rachel Alison will assist with data analysis and writing support. City of Fayetteville Staff will assist Post Oak as needed and review all work products.

Project staff are based in El Paso and Austin, Texas, and Kansas City, Missouri, and work virtually. Rebecca Wallisch and Megan Warley McDonald will serve as staff liaisons for site visits to Fayetteville. We are confident that our experienced team has the capacity to create a successful product within the budget and proposed schedule.

Rebecca Wallisch, as the project manager, will leverage years of expertise to provide strategic direction and oversee the project's overall execution. Megan Warley McDonald will support the project with her expertise in coordinating preservation programs and engaging stakeholders, contributing to effective project management. Ellis Mumford-Russell will offer valuable support in preservation consulting and planning, ensuring client-focused approaches are maintained throughout the project. Rachel Alison will provide essential contributions in crafting historic context statements and conducting archival research, facilitating effective communication and problem-solving.

Post Oak will establish clear communication channels and define roles and responsibilities during kickoff meetings to ensure effective collaboration among stakeholders. Regular coordination meetings will be scheduled to monitor progress, address challenges, and make necessary adjustments to the project plan. Effective communication is essential, and we will establish open channels with clients, project team members, regulatory authorities, and other stakeholders.

Organizational Capacity

Post Oak Preservation Solutions has been in business since 2019, with prior firms Ogee, LLC and Ann Benson McGlone, LLC having a combined experience of 15 years in historic preservation consulting. The firm has the capacity to meet the requirements of the RFP. The Company's mission is to provide Historic Preservation Consulting Services, including architecture, planning and urban design.

Post Oak recognizes the importance of adhering to project timelines to meet client expectations and regulatory deadlines. During this project the firm will provide dedicated resources committed to this project in order to meet all established deadlines and milestones. We will develop a detailed project schedule with defined milestones and deliverables. Our team will continuously monitor progress against the established schedule, identifying potential delays early and implementing corrective actions to mitigate risks and ensure timely completion of project phases.

Post Oak committed to delivering value to our clients by optimizing project costs without compromising on quality. Our team will develop a comprehensive budget that accounts for all project expenses, including personnel, materials, and any unforeseen contingencies. The firm has worked with many Cities in the past and has never asked to be paid more than the original contract. We have always completed our projects on time and within budget.

Commitment to Quality

Our team works collaboratively to consistently produce high quality deliverables for our clients. For this project, we will implement robust quality assurance processes to ensure that all deliverables meet the highest standards of accuracy, completeness, and compliance. Quality checkpoints will be established at key stages of the project to review work products, identify any deficiencies, and implement corrective actions as necessary.

Despite meticulous planning, unforeseen challenges may arise during the project lifecycle. Post Oak is committed to proactive issue identification and resolution. Our team will maintain a flexible and adaptive approach, promptly addressing any issues or concerns that may impact project progress or deliverables so that the quality of our work is not compromised. We will maintain open lines of communication with the project team to promptly address any concerns and reach resolutions that satisfy all stakeholders.

Resource Management

Effective resource management is essential for optimizing project outcomes. Post Oak will leverage our expertise and experience to allocate resources efficiently, including human resources, technology, and external services. While our proposed scope of services includes comprehensive research using primary and secondary sources, we acknowledge the potential need for formal transcription of oral histories, which can be accommodated for an additional fee. Furthermore, we offer the flexibility to include digital tasks as add-ons to meet evolving project needs and preferences.

State and Federal Grant Guidelines

Post Oak staff is familiar with the grant requirements in the Arkansas Historic Preservation Program (AHPP) Certified Local Government Program Grant Agreement, having recently completed a project funded in part by a CLG grant, administered by the AHPP, in 2024. All Post Oak staff members meet or exceed the Secretary of the Interior's Professional Qualification Standards for Historic Preservation, as described by the National Park Service. Additionally, Rebecca Wallisch and Megan Warley McDonald completed AHPP survey training in 2023.

In conclusion, Post Oak is well-prepared to undertake the preparation of a historic context statement for Spout Springs. Our comprehensive management approach encompasses thoughtful project staffing, schedule management, cost control, communication strategies, quality assurance, resource allocation, and proactive issue resolution. Leveraging our collective experience, we are confident in our ability to deliver a successful product within the budget and proposed schedule, ensuring regulatory compliance and meeting client expectations. Our commitment to quality, flexibility, and adherence to state and federal grant guidelines solidifies our position as a trusted partner for this project, dedicated to preserving the rich cultural heritage of Spout Springs for future generations.

IV: RELATED PROJECT EXPERIENCE

Our team has completed numerous National Register of Historic Places nominations, Determinations of Eligibility, and Historic Resources Surveys. Listed below are a selection of projects completed by Wallisch, Warley McDonald, Alison, and Mumford-Russell. Detailed examples follow on the subsequent pages.

NATIONAL REGISTER OF HISTORIC PLACES NOMINATIONS	LOCATION	STATUS
Historic Buildings and Structures of the San Antonio Zoo MPDF	San Antonio, TX	Listed 2024
American Trust / Holiday Inn Building	Wichita Falls, TX	Listed 2022
Bridgeport Historic District	Bridgeport, TX	Waiting to be sent to NPS
Bryan Federal Building	Bryan, TX	Listed 2023
Carr-Bartles Mill	Bartlesville, OK	Listed 2022
Casa de Dios	San Antonio, TX	Waiting to be sent to NPS
CB&Q Freight Depot	Atchison, KS	Listed 2023
City of Houston Fire Station #3	Houston, TX	Listed 2016
Cocoa Junior High School	Cocoa, FL	Listed 2019
Famous-Barr Warehouse	St Louis, MO	Listed 2023
First Wichita National Bank	Wichita Falls, TX	Listed 2023
Garland Bank and Trust Building	Garland, TX	Listed 2023
Garland Elementary	Little Rock, AR	Listed 2018
Georgetown Historic District	Sanford, FL	Listed 2020
Highway Park Cemetery	Lake Placid, FL	Listed 2020
Hugo & Schmeltzer Company Warehouse	San Antonio, TX	Listed 2024
Immaculate Heart of Mary Seminary	Santa Fe, NM	Listed 2024
Indiana Avenue Historic District	Wichita Falls, TX	Listed 2022
Interstate Bakeries Corporation Headquarters	Kansas City, MO	Listed 2015
Kansas City Star Building	Kansas City, MO	Listed 2019
Kilburn Mill	New Bedford, MA	in review @ SHPO
Longview National Bank	Longview, TX	Listed 2023
Miami Black Police Precinct and Courthouse	Miami, FL	Listed 2020
Montgomery County Hospital	Conroe, TX	Listed 2024
Mount Vernon Downtown Historic District	Mount Vernon, TX	Listed 2018
Plaza Towers	Kansas City, MO	Listed 2016
Roosevelt Hotel	San Angelo, TX	Listed 2018
Sinclair Service Station	Weeki Wachee, FL	Listed 2020
State Highway 16, Brazos River Bridge Segment	Palo Pinto County, TX	Listed 2015
St James United Methodist Church	Waco, TX	Listed 2018
Taylor High School Campus	Taylor, TX	Listed 2018
Travis School and Cafetorium	Abilene, TX	Listed 2023
Valdese Weavers Mill	Valdese, NC	Listed 2023
Weakley-Watson Building	Brownwood, TX	Listed 2020
Weeki Wachee Springs State Park	Weeki Wachee, FL	Listed 2020
William Decker Johnson Hall	Waco, TX	In review @ SHPO
Wimberley Downtown Square Historic District	Wimberley, TX	Waiting to be sent to NPS

HISTORIC RESOURCES SURVEYS	LOCATION	DATE
Bankhead Highway Statewide Survey	Statewide Texas	2013
Bridgeport Commercial Historic District	Bridgeport, TX	2023
East Rosedale Street from Miller Avenue to IH 820	Fort Worth, TX	2014
FM 1516 from FM 78 to FM 1976 Historic Resources Survey	Converse, TX	2014
FM 2977 from FM 762 to FM 361	Fort Bend County, TX	2021
FM 434 from FM 3400 to FM 2839	McLennan & Falls Counties, TX	2021
FM 516 From 1.7 miles west of County Road (CR) 157 to 0.05 mile south of CR 137	Ward County, TX	2021
FM 545 FM 2933 to BS-78D	Collin County, TX	2019
FM 973 from US Highway 290 to State Highway 130 HRSR	Travis County, TX	2019, 2021
FM 973 US 290 to SH 130 HRSR and Addendum	Travis County, TX	2019
Galveston Ferry Parking Garage, SH 87 at Galveston Ferry Landing	Galveston County, TX	2021
Gatesville Downtown Historic District	Gatesville, TX	2023
Government Hill neighborhood	San Antonio, TX	2019
I-10 Connect from Yandell Drive to Loop 375 (Cesar Chaves Border Highway)	El Paso, TX	2018
I-30 Greenville from FM 2624 to SH 34	Hunt County, TX	2022
I-35 from North of SE Inner Loop to South of RM 1431	Williamson County, TX	2020
Intensive Historic Research and Survey Report, Potential Slave/Freedmen's Cemetery, Kosse Mine Tracts 19 and 20	Robertson County, TX	2014
International Bridge Trade Corridor (IBTC) from SH 365 Tollway/FM 493 to IH 2	Hidalgo County, TX	2019
Mount Vernon Downtown Historic District	Mount Vernon, TX	2017
Off-system Truss Bridge Study	Statewide Texas	2018
Old Fitzhugh Road	Dripping Springs, TX	2024
On-system Truss Bridge Study	Statewide Texas	2017
Pleasant Street National Register Historic District	Hot Springs, AR	2023
Report for Historical Studies Survey, IH 35	Cooke County, TX & Love County, OK	2015
San Antonio Zoo	San Antonio, TX	2022
SH 288 Direct Connectors to the Texas Medical Center Area	Harris County, TX	2013
SH 71 at Ross Road and Kellam Road Intersections	Travis County, TX	2017
State Highway 63/Louisiana Highway 8 Bridge at Sabine River Feasibility Study and Historic Bridge Team Report	Newton County, TX & Vernon Parish, LA	2019
Texas-Oklahoma Passenger Rail Study Historic, Architectural, and Cultural Resources Technical Study and DEIS Chapter	Texas & Oklahoma	2014
Tobin Hill neighborhood	San Antonio, TX	2021
US 377 from Lipscomb Street to West Mayes Street	Brown County, TX	2018
US 59 from FM 2919 to FM 710	Jackson, Wharton, & Fort Bend Counties, TX	2015
US 59 from South of FM 2021 to North of Loop 287	Angelina County, TX	2018
US 82 West from 0.1 mile west of CR 3403 to 0.1 mile west of US 259	Bowie & Red River Counties, TX	2022
Westside Creeks Alazán Trail Project Non-archeological Standing Structures Survey	San Antonio, TX	2018
Wichita County Water Improvement District (WCWID) No. 2 Intensive Historic Resources Survey	Wichita County, TX	2019
Wimberley Downtown Square Historic District	Wimberley, TX	2022



Historic Buildings & Structures of the San Antonio Zoo National Register of Historic Places Multiple Property Documentation Form

SAN ANTONIO, TEXAS

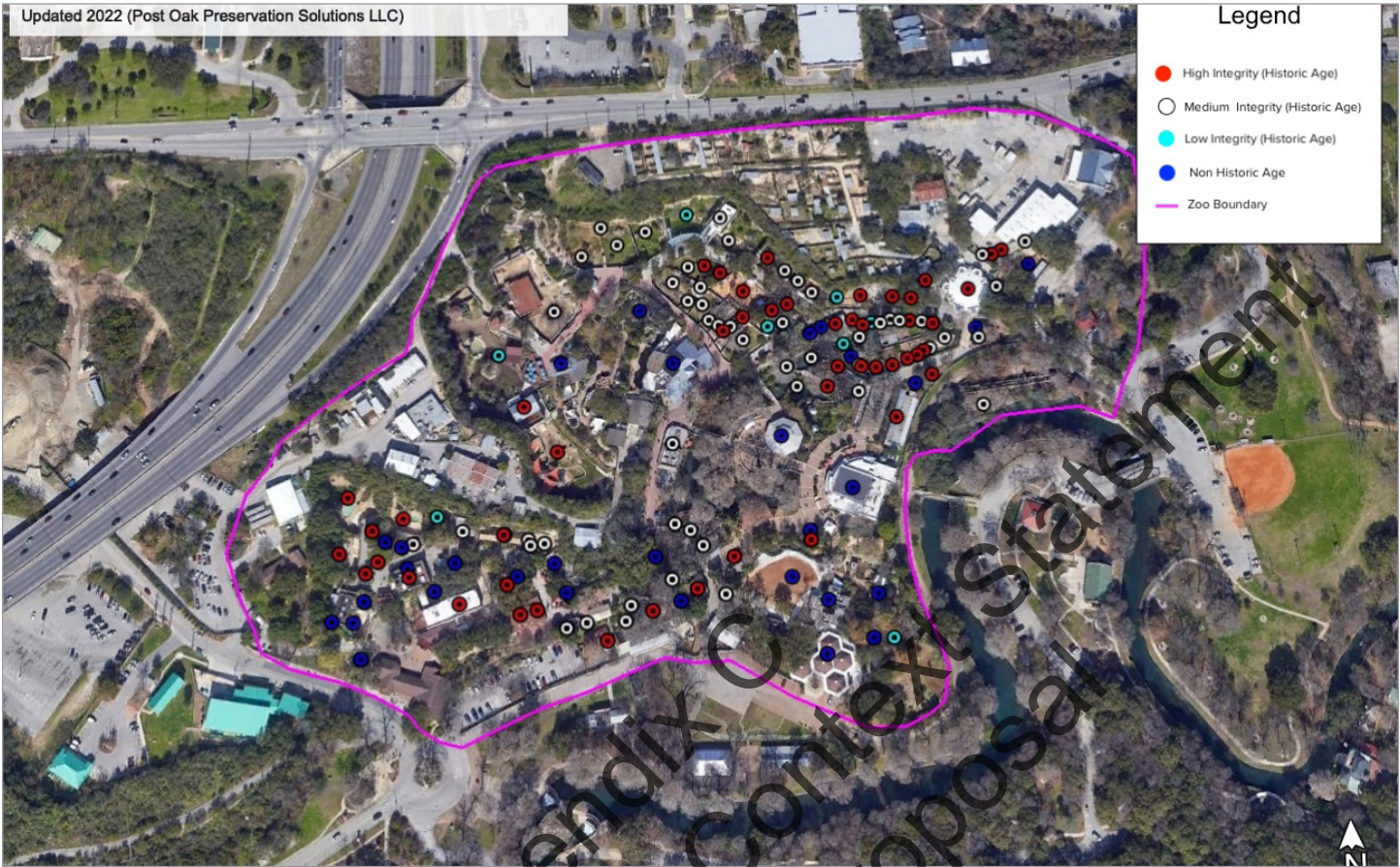
Post Oak was engaged by the San Antonio Zoological Society to complete documentation of historic buildings and structures within the Zoo to promote the preservation of historic resources while allowing the Zoo the flexibility to adapt to modern standards for animal keeping. Due to the changing knowledge of animal welfare, many of the historically significant animal enclosures and exhibits within the Zoo no longer meet the standards for adequate animal enclosures. Rebecca Wallisch coordinated with interested parties, including management at the San Antonio Zoo, the City of San Antonio, and the Texas Historical Commission, on the approach to nominating significant buildings and structures within the San Antonio Zoo. In collaboration with stakeholders, Post Oak determined that an MPDF would streamline the documentation and preservation of historic buildings and structures while accommodating the changing needs of the animals, visitors, and management at the Zoo. Ms. Wallisch then conducted on-site field investigations, on-line and archival research, and compiled the relevant source materials into historic contexts associated with the development of zoos in the U.S. in the twentieth century and the evolution of the San Antonio Zoo. Ms. Wallisch identified distinct property types and registration requirements to create a comprehensive yet streamlined approach for the Zoo to preserve and adapt their historic buildings and structures. In addition to the MPDF, Post Oak also submitted an individual listing for the Monkey House/Commissary building (seen in the images to the right) with the MPDF cover document. Both the MPDF and the Monkey House NR were listed in March 2024.

This project exemplifies Post Oak's proficiency in coordinating with stakeholders to nominate significant historic buildings and structures for preservation, an essential aspect of the RFP's objective to identify and protect historic resources in the Spout Spring neighborhood. Furthermore, the project underscores Post Oak's adeptness in developing streamlined documentation strategies, akin to the proposed historic context statement, emphasizing the firm's capability to meet the RFP's goal of creating a comprehensive yet accessible resource for historic preservation efforts.

CLIENT: San Antonio Zoological Society

SERVICES: Historic Resources Survey; Multiple Property Documentation Form; Individual National Register Nomination for select building

TIMEFRAME: Survey completed 2022; MPDF and NR listed March 2024



Above: Survey Map of the Zoo; Below: Images of the Zoo





Pleasant Street National Register Historic District Resurvey

HOT SPRINGS, ARKANSAS

Post Oak was contracted by the City of Hot Springs, Arkansas to complete a resurvey of the Pleasant Street National Register Historic District (2003). Located on the west side of Hot Springs, Arkansas, Pleasant Street is a primarily residential district with a small commercial section. The district is the most intact contiguous area in Hot Springs associated with the city’s Black community. The Pleasant Street Historic District was also previously surveyed in 2015, however, recent changes to the area, including the demolition of several historic buildings and structures, necessitated a re-survey of the district to identify the current strengths and needs of the district.

Rebecca Wallisch and Megan Warley McDonald completed a re-survey of all properties within the NRHP-listed district, provided updated AHPP survey forms, and compiled the data into an inventory table and Historic Resources Survey Report (HRSR). In order to deepen Post Oak’s understanding of the Pleasant Street neighborhood, oral histories were conducted by Ms. Wallisch and Ms. Warley McDonald. Post Oak also included recommendations for future work to strengthen the district and continue its longstanding significance to Hot Springs history. The results of the survey and HRSR recommended amending the National Register nomination, extending to the period of significance to 1974, expanding the historic context to incorporate the post-war significance of the district, including Civil Rights activities and significant Green Book sites, and reevaluation of resources previously deemed non-contributing due to age or physical integrity. Post Oak presented the results of the HRSR to the Hot Springs Historic District Commission.

This project demonstrates Post Oak’s expertise in conducting thorough surveys of historic districts, directly relevant to the goals outlined in the Spout Spring RFP. Led by Ms. Wallisch and Ms. Warley McDonald, the firm conducted a re-survey of the Pleasant Street National Register Historic District in Hot Springs, Arkansas, pinpointing its current strengths and needs. Post Oak’s work aligns with the Spout Spring RFP’s aim of crafting a historic context statement. Furthermore, Post Oak’s recommendations for enhancing the district and expanding its historical context underscore our commitment to bolstering preservation efforts, echoing the objectives of the Spout Spring RFP.

CLIENT: City of Hot Springs
SERVICES: Reconnaissance-Level Historic Resources Resurvey & Inventory Update; Survey Report/Historic Context
TIMEFRAME: Survey completed 2023; Survey Report Submitted to Arkansas Historic Preservation Program March 2024



William Decker Johnson Hall National Register of Historic Places Nomination

WACO, TEXAS

Post Oak was contracted by Quinn Campus, Inc., a nonprofit dedicated to preserving the history of the former Paul Quinn College campus in Waco and repurposing the site for community use, to complete a National Register nomination for William Decker Johnson Hall (Johnson Hall). Paul Quinn College is the oldest liberal arts focused Historically Black College and University (HBCU) in Texas, established in the 1870s. During the Reconstruction era, formerly enslaved and free Black citizens across the country made education and literacy their primary goal in the pursuit of freedom, self-determination, and empowerment, and Black Texans led the movement towards expanding opportunities for higher education in the state.

Johnson Hall was constructed on the campus in the 1920s during a period of the college's growth. Designed by celebrated Black architect William Sidney Pittman, the classically inspired, three-story, brick building housed a variety of functions over the years including the girls and boys dormitory, library, classrooms, chapel, dining room, and administration. Johnson Hall is a testament to the drive and perseverance of the Black community of Waco in their pursuit to expand access to higher education, and the building was nominated to the National Register of Historic Places under Criterion A for Education and Ethnic History (Black). Rebecca Wallisch completed a site visit, documented the building, conducted on-site archival and background research, and co-authored the National Register nomination of the building. Megan Warley McDonald conducted additional desktop and archival research and co-authored the nomination. Additionally, oral history interviews were conducted with former students and staff members to further enrich the nomination. The national register nomination for William Decker Johnson was approved by the Texas Historical Commission (THC) and is on the agenda for the May 2024 State Board of Review meeting (SBR).

Post Oak's nomination of William Decker Johnson Hall for the National Register illustrates our expertise in documenting historically significant properties associated with Black history. Led by Ms. Wallisch and Ms. McDonald, the site visits, archival research, oral history collection, and nomination co-authorship align with the goals of the RFP by demonstrating the firm's ability to craft historic context statements.

CLIENT: Quinn Campus Incorporated

SERVICES: National Register of Historic Places Nomination

TIMEFRAME: Nation Register nomination Submitted to THC September 2023; NR will be presented at the May 2024 SBR

V: SCOPE OF SERVICES



Post Oak brings a distinct competitive advantage to this project, founded on our extensive expertise in historic preservation, architectural history, and cultural resource management, as well as a focus on community engagement. Our team's collective experience spans a diverse range of projects, from individual property nominations to comprehensive historic context statements. We have spent years studying historic districts and sites, helping them envision futures in which they are preserved, restored, regenerated, revitalized or expanded. We have done this by engaging in meaningful dialogue with city staff, leaders, and community members; studying and analyzing sites and communities; thoroughly documenting resources; and preparing reports that are based on the specific character of the place. Our work is grounded in thorough archival research before embarking on careful analysis of the existing conditions in the context area.

One key aspect of our approach is our emphasis on meaningful stakeholder engagement. We understand the importance of involving the community in the preservation process, particularly in neighborhoods with rich cultural histories like Spout Spring. Through our past projects, we have implemented innovative strategies to facilitate citizen involvement and participation, ensuring that diverse voices are heard and valued throughout the process. This inclusive approach not only enriches the historic context statement but also fosters a sense of ownership and pride within the community.

Moreover, we have a proven ability to navigate unique challenges that may arise during the preservation process. For example, in a project similar to the one proposed for Spout Spring, we encountered challenges related to balancing preservation efforts with the evolving needs of modern communities. Through strategic planning and collaboration with stakeholders, we successfully addressed these challenges by developing flexible preservation strategies that honor the past while accommodating present-day realities.

In addition to our technical expertise, Post Oak offers value-added services and benefits that prioritize collaboration, transparency, and community engagement. We facilitate open communication channels with the City and other stakeholders, ensuring that their input is incorporated into every stage of the project. Our commitment to delivering tailored solutions and responsive support sets us apart, fostering strong partnerships built on trust and mutual respect.

Overall, Post Oak's competitive advantage lies in our ability to deliver comprehensive, high-quality services that not only meet the City's needs but also exceed expectations. By leveraging our expertise, innovative approaches, and collaborative ethos, we are poised to provide exceptional value and lasting benefits to the City of Fayetteville, preserving its rich heritage for future generations.

Scope of Services

Our proposed scope of services involves the development of a Historic Context Statement. Post Oak's work follows guidelines set by the National Park Service and the Arkansas Historic Preservation Program. Post Oak views oral history as an essential component in the preparation of a thorough and comprehensive history of the Spout Spring neighborhood. As a result, Post Oak proposes a phased approach to the preparation of the context to ensure a quality product worthy of the subject matter.

PHASE 1

TASK 1: Kick-Off & Coordination with Staff and Stakeholders

Ellis Mumford Russell, Rebecca Wallisch, Megan Warley McDonald

Target Completion: August 15, 2024

Post Oak Project Manager Rebecca Wallisch and founding partner Ellis Mumford-Russell will virtually meet with City of Fayetteville staff and other identified stakeholders, including the Black Heritage Preservation Commission and others identified by City Staff, to coordinate project scope, communication approach, and project schedule. Deliverables and project approach will be clearly outlined in a memo for staff records. Regular meetings with City staff may be scheduled through the project. Post Oak will request appropriate templates and guidelines from AHPP to ensure compliance throughout the project.

Post Oak proposes consolidating all proposed kickoff meetings into a single session to optimize efficiency and avoid redundancy. This approach will allow us to streamline discussions, maximize productivity and ensure that all stakeholders receive consistent and comprehensive information without unnecessary duplication. In consultation with stakeholders, Post Oak will determine the time/location for the first public neighborhood meeting, which Post Oak will attend virtually. During this meeting, Post Oak will outline the project approach, communication strategy, and next steps.

TASK 2: Preliminary Research; Community Outreach

Rebecca Wallisch, Megan Warley McDonald, Rachel Allison

Target Completion: September 16, 2024

Task 2A: Desktop Research and On-site Research Plan

To understand the context and development history of the Spout Springs neighborhood, we will examine archival materials, including but not limited to, the city directories, historic maps, newspapers (including African American publications), Green Book travel guides, aerial photography, and census data. Post Oak will also review materials at local repositories (including the University of Arkansas Special Collections Library and the Shiloh Museum), contact local historians, librarians, and archivists, and create a plan for on-site research.

Task 2B: Oral History Preparation

In consultation with project stakeholders, Post Oak will create a comprehensive strategy for community involvement, prepare a preliminary list of potential oral history interviewees, and reach out to them to coordinate oral history interviews.

Task 2C: Digital Content

In collaboration with City staff, Post Oak will assist in designing collateral materials including web and digital resources in support of the project. During this task, web content will be limited to text and images outlining the proposed project and notifying members of the public of upcoming on-site events, and soliciting public participation.

This baseline cost assumes that web content is limited to text and images. Interactive content, lesson plans, video, or other digital content may be negotiated as an add-on service.

Task 2D: First Public Meeting (Virtual)

Post Oak staff will host a virtual public meeting and prepare a PowerPoint presentation outlining the project, its goals, and solicit feedback from the public.

TASK 3: On-site Research, Oral History, Public Involvement

Rebecca Wallisch, Megan Warley McDonald

Target Completion: October 2, 2024

3A: On-site Research

Post Oak will conduct on-site research at local repositories based on the preliminary research plan outlined during Task 2.

3B: Oral History Interviews

Post Oak will coordinate with the City and the Black Heritage Preservation Commission to arrange for the completion of on-site oral history interviews (up to 4, additional interviews may be negotiated as add-on services). Post Oak will meet with interviewees that were identified during Task 2 for pre-arranged oral history interviews.

3C: Second Public Meeting

In collaboration with City staff and stakeholders, Post Oak will also conduct an in-person public meeting to solicit informal information from local residents, provide a project update, answer questions, receive input on the neighborhood's current challenges and needs, and solicit suggestions for ongoing preservation work to strengthen the neighborhood.

TASK 4: Oral History Transcription

Rebecca Wallisch, Megan Warley McDonald

Target Completion: November 22, 2024

This cost proposal includes up to **FOUR** formal oral history interviews, additional oral histories may be negotiated as add on services. Whether indexing or archival transcriptions are selected, Post Oak will provide audio files of all oral histories to the City. To ensure the long-term, archival preservation of any oral histories collected, Post Oak will submit the audio files to the Institute of Oral History at Baylor University in Waco, Texas (assuming permission from the interview subject). The Oral History Institute at Baylor is nationally respected in the field of oral history, and has made thousands of oral histories readily accessible to researchers through transcription and digital access. Oral history interviews donated to Baylor will be transcribed and made digitally available, a process that typically takes up to one year, although actual times may vary based on staff availability.

Option 1: Indexing (Recommended)

For the indexing fee, Post Oak will create an index that outlines the subject matter and significant themes covered in each oral history interview to help guide future researchers.

Option 2: Archival Transcription

If the City desires a formal transcript of oral histories in a shorter time frame than provided by Baylor's Institute of Oral History, Post Oak staff can produce oral history transcripts that meet oral history standards and best practices for an additional cost.

PHASE 2

TASK 5: Draft Historic Context to City, AHPP, BHPC

Rebecca Wallisch, Megan Warley McDonald

Target Completion: February 24, 2025

Post Oak will compile the data and research conducted on the Spout Spring neighborhood during Phase 1 of the project. Post Oak will consolidate the research and oral histories into a comprehensive Historic Context Statement during Phase 2 of the project. Post Oak will submit the first Draft Historic Context Statement to the City, AHPP, and the Black Heritage Preservation Commission (BHPC) for concurrent review. Post Oak proposes consolidating the City and AHPP reviews outlined separately in the RFP to streamline the process and avoid delays in project completion. Post Oak will schedule

a virtual meeting between the City, AHPP, and BHPC to discuss the Draft Historic Context Statement and stakeholder feedback.

TASK 6: Final Historic Context to City, AHPP, BHPC

Rebecca Wallisch, Megan Warley McDonald

Target Completion: April 19, 2025

Post Oak will edit the Draft Historic Context Statement based on feedback from the City, AHPP, and BHPC. Post Oak will submit the final draft historic context (in digital format) to all parties.

TASK 7: Final Invoice to City

Ellis Mumford-Russell

Target Completion: June 1, 2025

Post Oak will submit our final invoice to the City of Fayetteville by June 1, 2025.

Coordination with the City

For the successful completion of a Historic Context Statement, Post Oak will require the following types of information, data, and assistance from the City:

1. **Historic Documentation and Property Information:** Access to existing records, archives, and documentation related to the historic properties and neighborhoods, including any previous survey reports, historic context statements, and National Register nominations.
2. **Geographic and Spatial Data:** GIS data, maps, and other spatial information delineating the boundaries of the historic properties or districts, as well as their relationship to surrounding areas and neighborhoods.
3. **Stakeholder Engagement:** Facilitation of communication and collaboration with relevant stakeholders, including property owners, local preservation organizations, community members, and regulatory agencies.
4. **Feedback and Input:** Opportunities for feedback and input from the City and other stakeholders throughout the project lifecycle, including review meetings, presentations, and consultations to ensure alignment with project goals and objectives.

By providing comprehensive information, data, and assistance in these areas, the City can contribute significantly to the success and efficacy of the project, facilitating the accurate documentation and preservation of its historic resources.

VI: PROJECT SCHEDULE

MONTH:	August 2024	September 2024	October 2024	November 2024	December 2024	January 2025	February 2025	March 2025	April 2025	May 2025	June 2025
Task 1: Initial Planning Meeting											
Task 2: Desktop Research and On-site Research Plan											
Task 2: Oral History Preparation											
Task 2: Digital Content											
Task 2: First Public Meeting (Virtual)											
Task 3: On-site research at local repositories											
Task 3: Conduct up to four oral history interviews											
Task 3: 2nd Public Meeting (In-Person)											
Task 4: Oral History Indexing											
Task 5: Submit First Draft Historic Context Statement											
Task 5: Virtual meeting with stakeholders to discuss edits											
Task 6: Submit Final Draft Historic Context Statement											
Task 7: Submit Final Invoice											

PHASE 1

TASK 1. Project Kick-off

- A. Initial Planning Meeting with City Staff and Stakeholders

TASK 2. Preliminary Research Review: Identification of Community Contacts

- A. Desktop Research and On-site Research Plan
- B. Oral History Preparation
- C. Digital Content
- D. First Public Meeting (Virtual)

TASK 3. On-site Research, Oral History, Public Involvement

- A. On-site research at local repositories
- B. Conduct up to four oral history interviews
- C. 2nd Public Meeting (In-Person)

TASK 4. Oral History Indexing or Transcription

- A. Oral History Indexing

PHASE 2

TASK 5: Draft Historic Context to City, AHPP, BHPC

- A. Submit First Draft Historic Context Statement for concurrent review
- B. Arrange virtual meeting with stakeholders to discuss any competing/conflicting edits to First Draft reviews

TASK 6: Final Historic Context to City, AHPP, BHPC

- A. Submit Final Draft Historic Context Statement

TASK 7: AHPP Invoice Deadline

- A. Submit Final Invoice

VII: PROJECT BUDGET

Phase I

Task 1: Project Kickoff	\$ 800
Task 2A: Desktop Research and On-site Research Plan	\$ 1,200
Task 2B: Oral History Preparation	\$ 1,000
Task 2C: Digital Content	\$ 500
Task 2D: 1st Public Meeting	\$ 600
Task 3A: On-site Research	\$ 3,400
Task 3B: Oral History Interviews	\$ 2,000
Task 3C: 2nd Public Meeting	\$ 800
Task 4: Oral History Indexing (up to 4 interviews)	\$ 500
Travel/Materials Costs	\$ 2,600

Phase I Subtotal \$ **14,700**

Phase II

Task 5: Submission of Draft 1 Historic Context Statement	\$ 5,800
Task 6: Submission of Final Historic Context Statement	\$ 1,200
Task 7: Final invoicing	-----

Phase II Subtotal \$ **7,000**

Total Professional Fee (Phase I and II) \$ 21,700

Optional add-on: Archival Oral History Transcription by Post Oak Staff (up to 4 interviews)	\$ 1,800
• Additional Archival Transcription	\$ 450 per interview
Optional add-on: Additional Oral History Interviews	\$ 600 per interview

Appendices

Resumes, City Forms

RFP 24-02, Historic Context Statement
Appendix C
Post Oak's Proposal





REBECCA WALLISCH

SENIOR ARCHITECTURAL HISTORIAN

Rebecca has extensive experience performing windshield-, intensive- and reconnaissance-level historical, architectural, and cultural resource management investigations. This includes conducting fieldwork, research, and surveys; identifying and documenting cultural resources; and developing historic contexts, National Register of Historic Places nominations, and HABS/HAER-level documentation. Rebecca has conducted dozens of historic resources surveys in Arkansas, Oregon, Oklahoma, and throughout Texas in rural, urban, and suburban environments.

To Post Oak, Rebecca brings a passion for historical research and telling the whole story of our shared cultural heritage.

EDUCATION

University of Texas

Master of Science in Historic Preservation

Scripps College

Bachelor of Arts in European Studies with
a minor in History

PUBLICATIONS

Handbook of Texas

The Great Southwest Industrial Park,
Arlington, TX

Six Flags Over Texas (Revision Author),
Arlington, TX

PRESENTATIONS

Texas Real Places Preservation Conference

*Hidden Histories: The Importance of
Documenting and Preserving Overlooked
Properties, 2024*

rebecca@postoakpreservation.com

512.766.7042



PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions, LLC

Senior Architectural Historian

Austin, TX

2022-present

Blanton & Associates, Inc

Architectural Historian / Historian

Austin, TX

2012-2022

ENTRIX, Inc

Staff Historian / Cultural Resources Project Coordinator

Seattle, WA

2008-2010

SELECTED PROJECTS

Immaculate Heart of Mary Seminary, Santa Fe, New Mexico - NR/HTC

Wimberley Square National Register Historic District, Local Historic District,
Inaugural Preservation Ordinance, & Design Guidelines, Wimberley, Texas

Historic Buildings and Structures of the San Antonio Zoo MPDF, San
Antonio, Texas - NR/HTC

Pleasant Street National Register Historic District Resurvey, Hot Springs,
Arkansas - Historic Resources Survey

Casa De Dios, San Antonio, Texas - NR

Deep Eddy Cabaret, Austin, Texas - Local Landmark Application



MEGAN WARLEY MCDONALD

ARCHITECTURAL HISTORIAN

EDUCATION

Georgia State University

Master's Degree in Heritage Preservation
Master's Degree in U.S. History

Penn State University

Bachelor's Degree in Psychology,
Rehabilitation and Human Services

AWARDS

Department of the Army Civilian Service
Commendation Medal, 2022

Military Police Corps Regimental
Association (MPRA) Friend of the
Regiment Award, 2022

Immediate Impact Award: Florida
Secretary of State Sunshine Awards, 2018

megan@postoakpreservation.com

814.397.2359



Megan McDonald is a seasoned professional with extensive experience in both Historic Preservation and Public History. During her tenure at the Florida State Historic Preservation Office, she managed the Certified Local Government program and contributed to the National Register program. Megan provided comprehensive training to historic preservation commissions statewide, covering Design Review, Historic Resource Surveys, and National Register Criteria for Evaluation. Additionally, she researched and authored National Register nominations, overseeing the process from initial fieldwork to final review.

With a background in Public History, Megan's work in museums, archives, and oral history initiatives furthered her research skills and narrative abilities. Passionate about preserving the historic resources of underrepresented communities, Megan excels in crafting cohesive historical narratives and advocating for the adaptive reuse of historic buildings.

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions, LLC

Architectural Historian

El Paso, TX

2023-present

U.S. Army Military Police Corps

Regimental Museum

Museum Specialist

Fort Leonard Wood, MO

2020-2022

Florida Division of Historical Resources

Historic Preservationist

Tallahassee, FL

2018-2020

Georgia State University

Graduate Research Assistant

Atlanta, GA

2014-2017

SELECTED PROJECTS

Holland Hotel, Alpine, Texas - NR/HTC

Hotel Limpia, Fort Davis, Texas, - NR/HTC

Bridgeport Historic District, Bridgeport, Texas - NR

Pittsburgh Plate Glass Warehouse, Lubbock, Texas - NR

Etter Apartments, San Antonio, Texas (San Antonio Downtown and River Walk Historic District Boundary Increase) - NR/HTC

Pleasant Street National Register Historic District Resurvey, Hot Springs, Arkansas - Historic Resources Survey



EDUCATION

University of Pennsylvania

Master of Science in Historic Preservation

University of Iowa

Bachelor of Arts in Art & Art History

LEADERSHIP

Preservation Austin

Chair, Inherit Austin, 2015-2018

PUBLICATIONS

World Monuments Fund

The Walled City of Famagusta: A Compendium of Preservation Studies, 2008-2012

ellis@postoakpreservation.com

832.919.6433



ELLIS MUMFORD-RUSSELL

PARTNER

Ellis's professional experience includes private historic preservation consulting, preservation education, project review at a State Historic Preservation Office, and architectural salvage.

Ellis guides projects through the historic tax credit process and strategically implements the Secretary of the Interior's Standards. She employs a client-focused, collaborative approach to ensure that not only are the NPS reviewers happy, but the client meets their goals as well. Through attention to detail and creative problem-solving, Ellis has seen dozens of projects through to Part 3 certification.

In addition to wrangling historic tax credit projects, Ellis has her hands in design guidelines and other preservation planning efforts. She serves as the managing partner at Post Oak.

PROFESSIONAL EXPERIENCE

The University of Texas at Austin

Adjunct Faculty

Austin, TX
2024-present

Post Oak Preservation Solutions, LLC

Founding Partner

Austin, TX
2019-present

Ogee, LLC

Founding Partner

Austin, TX
2015-2019

Rosin Preservation

Historic Preservation Specialist

Kansas City, MO
2014-2015

New Jersey Historic Preservation Office

Historic Preservation Assistant

Trenton, NJ
2013-2014

River City Society for Historic Preservation

Research & Organizational Assistant

Mason City, IA
2010-2011

SELECTED PROJECTS

Billy Mitchell Village, San Antonio, Texas - NR/HTC

Immaculate Heart of Mary Seminary, Santa Fe, New Mexico - NR/HTC

Wimberley Square National Register Historic District, Local Historic District, Inaugural Preservation Ordinance, & Design Guidelines, Wimberley, Texas

Longview National Bank, Longview, Texas - NR/HTC

El Paso Natural Gas Company Building El Paso, Texas - HTC

Evans School, Denver, Colorado - HTC



RACHEL ALISON

ASSOCIATE

Rachel has worked in the private and nonprofit sectors of historic preservation and has professional experience on both the development and consulting sides of historic tax credit projects, as well as professional experience with archival research and nominating properties to the National Register of Historic Places. This breadth of experience makes her an effective communicator with all key players at every part of the rehabilitation process and allows her to successfully guide projects from inception to completion.

Rachel enjoys creative problem-solving and taking an individualized approach to each project. She is passionate about people-based preservation and believes in the power of historic preservation to bolster vibrant local communities and economies.

EDUCATION

Roger Williams University

Master of Science in Historic Preservation

Iowa State University

Bachelor of Arts in History

PRESENTATIONS

Rhode Island Statewide Historic Preservation Conference

Gender Bias in Historic Preservation: Representation in the National Register of Historic Places, 2019

Historic Resources in High-Risk Flood Zones: Practical Lessons from a Newport Case Study, 2018

PROFESSIONAL EXPERIENCE

Post Oak Preservation Solutions, LLC

Associate

Kansas City, MO

2022-present

Rosin Preservation

Historic Preservation Specialist

Kansas City, MO

2022

WHALE (Waterfront Historic Area League)

Project Manager

New Bedford, MA

2017-2022

SELECTED PROJECTS

Capitol Theater, New Bedford, Massachusetts - Federal and State HTC

Zeiterion Theater, New Bedford, Massachusetts - Federal and State HTC

Strand Theater, New Bedford, Massachusetts - State HTC

Valdese Weavers, Inc. Mill, Valdese, North Carolina - NRHP Listing

Denton Downtown Master Plan, Denton, Texas - Historic Preservation Plan

rachel@postoakpreservation.com

210.580.6329



1. DISCLOSURE INFORMATION

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.

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): _____
- _____
- _____

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.

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.

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: Post Oak Preservation Solutions, LLC

Primary Contact: Ellis Mumford-Russell Title of Primary Contact: Partner

Phone#1 (cell preferred): 832-919-6433

Phone#2: _____

E-Mail Address: ellis@postoakpreservation.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	Ellis Mumford-Russell <i>Ellis Mumford-Russell</i>	4/15/2024
2	Ellis Mumford-Russell <i>Ellis Mumford-Russell</i>	4/19/2024

4. DEBARMENT CERTIFICATION:

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.

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.

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.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME OF COMPANY: Post Oak Preservation Solutions, LLC

PHYSICAL ADDRESS: 2506 Little John Lane Austin, TX 78704

MAILING ADDRESS: PO Box 12747 San Antonio, TX 78212

TAX ID #: 84-2188317

AR. SECRETARY OF STATE FILING #: _____

PHONE: 832-919-6433 Type text here FAX: _____

E-MAIL: ellis@postoakpreservation.com

SIGNATURE: _____

PRINTED NAME: Ellis Mumford-Russell

TITLE: Partner DATE: 4/30/2024

RFP 24-02, Historic Context Statement
Appendix C
Post Oak's Proposal

END OF RFP DOCUMENT



MEETING OF JULY 16, 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: **Cost Share Agreement with Washington Regional Medical Center**

RECOMMENDATION:

Staff recommends approval of a cost share agreement with Washington Regional Medical Center for the construction of the railroad crossing at the Futrall Drive and Gregg Avenue intersection and approval of 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.

On December 5, 2023, the City Council approved a resolution committing \$730,000 to complete the work associated with this crossing.

DISCUSSION:

In 2021, Washington Regional Medical Center (WRMC) purchase 15 acres of property within the Drake Farms Development and is moving forward with their planned expansion. WRMC has secured a contractor and is preparing to begin preliminary work on the site. They have provided cost information from the contractor and have requested that the City enter into a cost share agreement for the \$730,000 that was committed in December of 2023. The Transportation Committee forwarded this item to the City Council with a recommendation for approval at the May 25, 2024 meeting.

BUDGET/STAFF IMPACT:

The proposed source for the funding is the 2019 Transportation Bond Funds.

ATTACHMENTS: SRF (#3), BA (#4), Cost Share Agreement (#4), Futrall and Gregg GMP (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-151

Cost Share Agreement with Washington Regional Medical Center

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH WASHINGTON REGIONAL MEDICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$730,000.00 FOR THE CONSTRUCTION OF THE RAILROAD CROSSING AT THE FUTRALL DRIVE AND GREGG AVENUE INTERSECTION, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND

WHEREAS, on December 15, 2020, Ordinance 6393 was adopted authorizing Mayor Jordan to sign an agreement with the Arkansas Missouri Railroad for the construction of a new railroad crossing at North Futrall Drive and North Gregg Avenue but included no funding for signalization or construction; and

WHEREAS, on December 5, 2023, the City Council approved Resolution 277-23 committing \$730,000.00 to complete the work associated with this crossing; and

WHEREAS, in 2021, Washington Regional purchased 15 acres of property within the Drake Farms Development and is moving forward with its planned expansion; and

WHEREAS, Washington Regional has agreed to construct the public crossing with reimbursement by the City in an amount not to exceed \$730,000.00.

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 Washington Regional Medical Services in an amount not to exceed \$730,000.00 for the construction of the railroad crossing at the Futrall Drive and Gregg Avenue intersection.

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

2024-151

Item ID

7/16/2024

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

Matt Casey

5/24/2024

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a cost share agreement with Washington Regional Medical Center for the construction of the railroad crossing at the Futrall Drive and Gregg Avenue intersection and approval of a budget adjustment.

Budget Impact:

4702.860.7220-5809.00

Street Project 2019/2022 Bonds

Account Number

Fund

46020.7220

Futrall/Gregg and Shiloh/Gregg RR Crossings

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,412,800.00

Expenses (Actual+Encum)

\$ 827,370.70

Available Budget

\$ 585,429.30

Does item have a direct cost? Yes

Item Cost

\$ 730,000.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 730,000.00

Remaining Budget

\$ 585,429.30

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 277-23

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	ENGINEERING (621) /Org2 Requestor: Matt Casey	

Staff recommends approval of a cost share agreement with Washington Regional Medical Center for the construction of the railroad crossing at the Futrell Drive and Gregg Avenue intersection and approval of a budget adjustment.

	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-151
	Holly Black	
	6/25/2024 1:18 PM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]

**CONTRACTUAL AGREEMENT FOR
COST SHARE OF STREET IMPROVEMENT COSTS**

This Agreement, made and entered into on this ____ day of _____ 2024, by and between the City of Fayetteville, Arkansas ("City") and Washington Regional Medical Services("WRMS"), an Arkansas non-profit corporation, witnesseth:

WHEREAS, WRMS owns approximately 15 acres of real property within the Drake Farms Development, a subdivision within the City of Fayetteville, Arkansas and is preparing for a planned development on that property which will require the extension of North Futrall Drive from North Gregg Street west across the Arkansas Missouri Railroad; and

WHEREAS, the City has required as a condition of its large-scale development that Washington Regional Medical Center construct certain street and sidewalk improvements from North Gregg Street extending west to the western edge of the Arkansas Missouri Railroad concrete grade crossing; and

WHEREAS, it will benefit the City to have this portion of the North Gregg Street and North Futrall Drive intersection and extension required improvements -constructed.

NOW, THEREFORE, the City of Fayetteville, Arkansas and WRMS agree as follows:

1. The City of Fayetteville, Arkansas agrees to:

- A. Reimburse WRMS for costs up to \$730,000.00 which represents the anticipated costs to complete erosion control, demolition, earthwork, storm drain, site utilities, site concrete, signage, striping, asphalt paving, concrete paving and traffic signal associated with extending the N Futrall Drive and North Gregg Street intersection west to the Arkansas Missouri Railroad tracks and other items necessary for construction.
- B. Payments due to WRMS shall be remitted within sixty (60) days after receipt of valid invoices and after City's inspection and acceptance of the completed work by the City of Fayetteville Engineering Division. City agrees to inspect the completed work within five (5) days of written notification of such completion by WRMS or its designee.

Invoices and written notice of completion shall be delivered to City by email to the following address: _____

2. WRMS agrees to:

- A. Provide the necessary and normal project management, inspection, and testing as necessary to complete the work shown on Exhibit "A", in accordance with the City of Fayetteville Minimum Street Standards, and City Standard Details,

both of which are available at <http://www.fayetteville-ar.gov/445/Engineering-Specs-Details>

- B. Provide a copy of the invoices from the Contractor upon completion and City approval of the improvements at the address stated above.
- C. Pay for the street improvements with a not to exceed reimbursement of \$730,000.00 of the cost by the City of Fayetteville.
3. It is further understood that the contract for construction is between WRMS and their Contractor, and that the City has no contractual obligation with either the Contractor or any agent for WRMS. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$730,000.00 for the associated street improvements. City acknowledges and agrees that WRMS has relied on City's agreement in moving forward with the development.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

Washington Regional Medical Services
3215 N. Northhills Blvd.
Fayetteville, AR 72703

CITY OF FAYETTEVILLE,
ARKANSAS

By: 
Birch Wright, Chief Operating Officer

By: 
LIONEL JORDAN, Mayor

ATTEST:

By: 
DIANNE BOTTOMS

ATTEST:

By: 
Kara Paxton, City Clerk

Washington Regional

N. Gregg Ave. & Futrell Dr Intersection
Improvements

COF PLANS: 3-7-2024

Description		4.23.2024	Notes
N Gregg & Futrell Intersection Improvements			
Erosion Control	3,348		Nabholz - Self Perform
Demolition	7,411		Nabholz - Self Perform
Earthwork	18,483		Nabholz - Self Perform
Storm Drain	15,596		Nabholz - Self Perform
Site Utilities (Water)	2,901		Nabholz - Self Perform
Site Concrete, Signage and Striping	94,578		Nabholz - Self Perform
Asphalt Paving	20,515		Subcontractor
Traffic Signal	504,175		Subcontractor
Subtotal	667,007		
Warranty	1,668		
Cost of Work	668,675		
Survey Control Points	-		*provided by Owner
Geotechnical Services	-		*provided by Owner
Design Fees	-		
QA/QC Testing Allowance	-		*carried by Owner
RR ROW Inspector Allowance	13,000		
RR Insurance Allowance	3,000		
Allowances	16,000		
P & P Bond	4,450		*updated P&P Bond Rate
Maintenance Bond - Public Infrastructure	328		CoF 2 Year for 25% of Public Infrastructure
Bonds	4,779		
Est/Construction Contingency	-		
Contractor Contingency	-		
General Liability	6,550		
SDI	6,559		
Insurance Totals	13,108		
General Conditions	10,000		
General Conditions	10,000		
Construction Manager Fee (5%)	35,628		
Contractors Fee	35,628		
Total	748,190		

Proposal Clarifications:

Drake Farms RR Crossing GMP Intersection



Nabholz Construction Corporation Civil

Rogers, AR

Contact: Joe Fifer
Phone: 501.993.8749
Email: joe.fifer@nabholz.com

Quote To: Washington Regional

Project Location: Futrall and Gregg
Fayetteville, AR
CEI/City of Fayetteville

Attention: Stephen Gilbert, ASHE
Phone: 479-443-7916
Email: sgilbert@wregional.com

Engineer:
Date of Plans:
Geotech:
Date of Report:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
	Futrall and Gregg Intersection				
	Erosion Control				
110	Straw Wattles	240.00	LF	9.28	2,227.20
120	Concrete Washout	1.00	EA	1,120.28	1,120.28
	Erosion Control Subtotal				3,347.48
	Demolition				
210	Sidewalk Demo	1,296.00	SF	1.67	2,164.32
215	Curb and Gutter Demo	130.00	LF	9.40	1,222.00
220	Saw Cut	180.00	LF	7.71	1,387.80
230	Return Signal Equipment to City	1.00	LS	1,240.87	1,240.87
235	Signal Foundation Demo	4.00	EA	349.04	1,396.16
	Demolition Subtotal				7,411.15
	Earthwork				
310	Cut to Fill	90.00	CY	32.82	2,953.80
320	Import Select Fill	283.00	CY	37.03	10,479.49
330	Fine Grade Structural Site	4,500.00	SF	0.43	1,935.00
335	Fine Grade Non-Structural Site	3,500.00	SF	0.38	1,330.00
350	Topsoil w/ Existing Material	70.00	CY	25.49	1,784.30
	Earthwork Subtotal				18,482.59
	Storm Drain				
405	18" RCP	94.00	LF	137.78	12,951.32
430	18" RCP FES	1.00	EA	1,180.84	1,180.84

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
435	18" RCP FES w/ Curtain Wall	1.00	EA	1,463.65	1,463.65
	Storm Drain Subtotal				15,595.81
	Water Line				
510	Raise Fire Hydrant	1.00	EA	1,803.80	1,803.80
515	Adjust Existing Utilities	1.00	LS	1,097.64	1,097.64
520	Encase 18" Waterline w/ Steel Cas (Not Included)	485.00	LF		
	Waterline Subtotal				2,901.44
	Paving				
710	Curb and Gutter	263.00	LF	32.14	8,452.82
715	Class 7 Base 6"	275.00	SY	11.68	3,212.00
720	Concrete Sidewalk	30.00	SY	92.56	2,776.80
725	HC Ramps	102.00	SF	25.71	2,622.42
730	Class 7 Base 4" Concrete	30.00	SY	9.29	278.70
740	Concrete Trail	185.00	SY	130.38	24,120.30
745	Concrete Slope Paving	40.00	SY	127.27	5,090.80
750	Concrete Turndown	15.00	LF	32.14	482.10
755	Class 7 Base 4" Concrete	225.00	SY	9.32	2,097.00
760	Striping / Signage	1.00	LS	32,137.84	32,137.84
780	Railroad Signal (by others)				
	Paving Subtotal				81,270.78
	Misc				
810	M.O.T	1.00	LS	11,378.12	11,378.12
820	Type 3 4' Barricades	3.00	EA	642.76	1,928.28
	Futrall and Gregg Intersection Subtotal				142,315.65
GRAND TOTAL					\$142,315.65

SUBCONTRACT PROPOSAL



APAC-Central, Inc.

755 E. Millsap Rd., P.O. Box 9208

Fayetteville, AR 72703

Contact: Shaun Long

Phone: 479-957-3269

Email: shaun.long@apac.com

Quote To: Nabholz Construction Services
3301 North 2nd Street
Rogers, AR 72756
Phone: 479-659-7868
Email: mike.frost@nabholz.com
Attn: Mike Frost

Job Name: Drake Farms RR Crossing Rev - Budget
Job Location:
Bid Date: 4/23/24

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
10	Mobilization	1.00	LS	5,000.00	5,000.00
12	Admin	1.00	LS		5,000.00
20	ACHM Surface Course (3")	684.00	SY	44.25	30,267.00
21	Futrall Drive W				30,267.00
30	ACHM Surface Course (2")	220.00	SY	44.00	9,680.00
40	ACHM Binder Course (3")	220.00	SY	49.25	10,835.00
41	Gregg and Futrall intersection				20,515.00
GRAND TOTAL					\$55,782.00

NOTES:

Terms and Conditions - Subcontract Quotation

For purposes of this quote - the term APAC will refer to APAC-Central, Inc., and the term Contractor will refer to the recipient of this quote.

The contractor shall provide/share a survey model to subcontractor, if available, to ensure construction accuracy.
APAC will not be liable for ANY elevation discrepancies due to the provided survey model.

The contractor shall provide access to onsite water to subcontractor, where construction activities require.

APAC will not quote the above items singularly, all items are to be considered as one quote for purposes of contracting with APAC.

Unless a lump sum price is to be paid for the foregoing work and is clearly so stated, it is understood and agreed that the quantities referred to above are estimates only and that payment shall be made at the stated unit prices for the actual quantities of work performed by APAC as determined upon completion of the work.

Contractor and/or Owner must meet APAC's credit conditions prior to APAC mobilizing on the project. If Contractor was required to provide performance and payment bonds to Owner, Contractor will provide copy of Payment bond to APAC as credit security.

APAC requires a minimum of two (2) weeks notice prior to mobilizing on the project. APAC will complete the quoted work on a mutually agreed schedule, and will not be liable for any liquidated damages resulting from conditions beyond APAC's control.



TLS GROUP, Inc.
dba TLS Construction Group

P.O. Box 14788
Oklahoma City, OK 73113
(405) 524-1341

To:	Nabholz Construction - Arkansas	Contact:	Mike Frost
Address:	3301 N. 2nd Street, PO Box 277 Rogers, AR 72756	Phone:	(479) 659-7807
		Fax:	(479) 621-8089
Project Name:	Nabholz, Gregg & Futrall, Intersection Improvements	Bid Number:	
Project Location:	N. Gregg Ave. & Futrall Drive, Fayetteville, AR	Bid Date:	3/22/2024

The following is a quotation for the above subject project.

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Section 01 - Base Bid					
01001	MOBILIZATION (UNIT BID AMOUNT MAY NOT EXCEED 5% OF SUBTOTAL)	1.00	LS	\$12,500.00	\$12,500.00
01002	SERVICE POINT ASSEMBLY (2 CIRCUITS)	1.00	EACH	\$5,510.00	\$5,510.00
01003	SYSTEM LOCAL CONTROLLER (8 PHASE) McCain ATCeX 2 NEMA TS-2/ TYPE 2	1.00	EACH	\$41,000.00	\$41,000.00
01004	VIDEO DETECTOR IP (CLR) (ITERIS VANTAGE VECTOR)	5.00	EACH	\$4,800.00	\$24,000.00
01005	ITERIS VANTAGE NEXT PROCESSOR (SHELF-MOUNT FORMAT)	2.00	EACH	\$52,850.00	\$105,700.00
01007	LOCAL RADIO UBIQUITI NANOSTATION NSM5 5.8 GHZ	1.00	EACH	\$865.00	\$865.00
01008	E-NET CABLE (EXTERIOR CAT 5)	950.00	LF	\$1.60	\$1,520.00
01009	NON-METALLIC CONDUIT (2")	50.00	LF	\$30.00	\$1,500.00
01010	NON-METALLIC CONDUIT (3")	650.00	LF	\$40.00	\$26,000.00
01011	GALVANIZED STEEL CONDUIT (2")	20.00	LF	\$57.50	\$1,150.00
01012	CONCRETE PULL BOX (TYPE 2 HD)	6.00	EACH	\$1,840.00	\$11,040.00
01013	CONCRETE PULL BOX (TYPE 3 HD)	2.00	EACH	\$2,230.00	\$4,460.00
01014	TRAFFIC SIGNAL CABLE (5C/14 A.W.G.)	1,200.00	LF	\$4.70	\$5,640.00
01015	TRAFFIC SIGNAL CABLE (5C/12 A.W.G.)	500.00	LF	\$5.00	\$2,500.00
01016	TRAFFIC SIGNAL CABLE (7C/14 A.W.G.)	300.00	LF	\$6.00	\$1,800.00
01017	TRAFFIC SIGNAL CABLE (20C/14 A.W.G.)	525.00	LF	\$10.00	\$5,250.00
01018	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/12 A.W.G.)	275.00	LF	\$1.20	\$330.00
01019	ELECTRICAL CONDUCTORS-IN-CONDUIT (2C/12 A.W.G.)	750.00	LF	\$2.00	\$1,500.00
01020	ELECTRICAL CONDUCTORS-IN-CONDUIT (2C/6 A.W.G.)	50.00	LF	\$5.60	\$280.00
01021	ELECTRICAL CONDUCTORS-IN-CONDUIT (1C/8 A.W.G.)	500.00	LF	\$1.80	\$900.00
01022	TRAFFIC SIGNAL HEAD (3-SECTION) (L.E.D.)	13.00	EACH	\$1,530.00	\$19,890.00
01023	TRAFFIC SIGNAL HEAD (4-SECTION) (L.E.D.)	3.00	EACH	\$1,820.00	\$5,460.00
01024	COUNTDOWN PEDESTRIAN SIGNAL HEAD (L.E.D.)	4.00	EACH	\$1,100.00	\$4,400.00
01025	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (24')	2.00	EACH	\$24,000.00	\$48,000.00
01026	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (26')	1.00	EACH	\$27,000.00	\$27,000.00
01027	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (36')	1.00	EACH	\$30,000.00	\$30,000.00
01028	TRAFFIC SIGNAL MAST ARM AND POLE WITH FOUNDATION (48')	1.00	EACH	\$36,000.00	\$36,000.00
01029	TRAFFIC SIGNAL PEDESTRIAN POLE WITH FOUNDATION (10')	3.00	EACH	\$4,500.00	\$13,500.00
01030	LUMINAIRE ASSEMBLY (FULL CUTOFF)	4.00	EACH	\$950.00	\$3,800.00
01031	VIDEO MONITOR W/ MOUSE (CLR)	1.00	EACH	\$1,450.00	\$1,450.00
01032	RIGHT TURN SIGNAL SIGN R10-10R	1.00	EACH	\$520.00	\$520.00
01033	"LEFT TURN YIELD ON FLASHING ARROW" R10-12M	1.00	EACH	\$520.00	\$520.00
01034	GUIDE SIGNS	4.00	EACH	\$800.00	\$3,200.00

Line #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
01035	LED BLANK OUT SIGN	2.00	EACH	\$5,750.00	\$11,500.00
01036	SELF CONTAINED BATTERY BACK UP (TESCO CONTROL MODULE 22-BBS)	1.00	EACH	\$17,100.00	\$17,100.00
01038	CENTRAL CONTROL UNIT (POLARA ICCU-S2: INTELLIGENT, SHELF MOUNT)	1.00	EACH	\$4,950.00	\$4,950.00
01037	PUSH BUTTON STATION (POLARA INS2: "INS" INAVIGATOR 2-WIRE)	4.00	EACH	\$1,360.00	\$5,440.00
01039	X-RPS RAILROAD PREEMPTION SYSTEM WITH 2-MODULE RACK & WIRING HARNESS	1.00	EACH	\$7,000.00	\$7,000.00
01040	REMOVAL OF TRAFFIC SIGNAL EQUIPMENT	1.00	LS	\$7,000.00	\$7,000.00
Total Price for above Section 01 - Base Bid Items:					\$500,175.00

Section 02 - Optional Items

02001	BOND (OPTIONAL)	1.00	LS	\$4,000.00	\$4,000.00
Total Price for above Section 02 - Optional Items Items:					\$4,000.00

Total Bid Price: **\$504,175.00**

Notes:

- **Prime Contractor to be responsible for any Railroad Insurance, Permits, Right of Entry Agreements, and Railroad Flagging.**
- **We exclude all conduit boring underneath the railroad and within railroad ROW.**
- **Rate of retainage to be the same as Owner holds on Prime Contractor.**
- All items and sections of this quotation are tied together and may not be selected individually without prior consent from TLS.
- Prime Contractor to be responsible for all Construction Traffic Control Signs and Devices for our Workzones.
- Prime Contractor to be responsible for Construction Staking and Elevations for our work.
- Prime Contractor to be responsible for GPS As-built Survey.
- This quotation does not include any removal or replacement of hardscape that may be required for the installation of our items.
- Prime Contractor to be responsible for any Construction Testing.
- We exclude restoration and repair of Right of Way damaged by our operations.
- Prime Contractor to provide safe and reasonable ingress and egress for our work areas.
- Prime Contractor to be responsible for the removal of existing foundations.
- Prime contractor responsible for removal of spoils from our excavations.
- We will provide insurance based on ArDOT Specifications.
- The above prices include all cost for Electrical Permits and Inspection Fees if required.
- Delivery for the major electrical equipment is 25 to 30 weeks after receipt of approved submittals.
- All work will be done in accordance with the Plans and Specifications.
- **Due to the volatility in the steel market, we will tie our base steel pricing to the Commodities Research Unit (CRU) index. Should the CRU pricing rise beyond the quoted base pricing term, we reserve the right to evaluate and re-quote as necessary.**
- **This quotation is firm for 30 days.**
- Contractor agrees to indemnify and hold harmless Subcontractor and its affiliated companies from and against any and all demands, claims, suits, causes of action, damages, losses, penalties, and/or expenses including attorney fees, arising out of or resulting from Contractor's performance or negligent actions in performing work outside the scope of this quote, or from Contractor's actions that cause delay which impedes Subcontractor's ability to perform the work within the scope of this quote.
- The terms and conditions of this quote supercede any and all prior agreements or understandings that may relate in any way to the work quoted.
- Our Arkansas Contractors License Number is 0429360824.

Payment Terms:

Terms for Payment are NET 30 days from date of our invoice.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: TLS DBA Authorized Signature: _____ Estimator: Lawson Miracle 405-423-0623 estimating@tlsokc.com
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MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Peter Nierengarten, Environmental Director
FROM: Daryl Brigman, Financial Analyst - RTC
SUBJECT: **A resolution to approve an agreement between the City of Fayetteville, Arkansas and Central Arkansas Recycling and Disposal Services (CARDS), LLC to haul and dispose of solid waste in the City of Fayetteville**

RECOMMENDATION:

Staff recommends City Council approval of a resolution with Central Arkansas Recycling and Disposal Services, LLC for the hauling and disposal of solid waste in the City of Fayetteville.

BACKGROUND:

City Code 50. 29 - Private Collectors; Contract with City Required No person, except a duly authorized agent or employee of the city, shall empty garbage or trash receptacles, or convey or transport garbage or trash on the streets or public thoroughfares of the city, without a written contract with the city. (Code 1965, § 10- 46; Ord. No. 1194, 4- 6- 59; Code 1991, § 50. 29)

In accordance with this City Code, Central Arkansas Recycling and Disposal Services, LLC has submitted a request for contract to haul solid waste within the city limits of Fayetteville.

There are currently 18 approved franchise haulers operating in the city of Fayetteville. Attached is a list of these haulers and the materials they are approved to haul.

DISCUSSION:

The hauling contract will permit Central Arkansas Recycling and Disposal Services, LLC to collect and haul Class 1 and Class 4 solid waste using open-top roll-off style containers with capacities of 12 cubic yards or greater, or roll-off style compactors with capacities of 12 cubic yards or greater. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville.

The agreement requires Central Arkansas Recycling and Disposal Services, LLC to pay a monthly fee to the City of Fayetteville of 10% of the gross revenue received for providing solid waste hauling services. The term of the agreement will be 2 years with automatic renewals for 2 additional 2- year terms. Staff proposes approval for Central Arkansas Recycling and Disposal Services, LLC to haul and dispose of solid waste within the City of Fayetteville per the terms of the attached agreement.

BUDGET/STAFF IMPACT:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

None

ATTACHMENTS: SRF (#3), 2024 Haul and Disposal Agreement - CARDS Full Package (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-261

A resolution to approve an agreement between the City of Fayetteville, Arkansas and Central Arkansas Recycling and Disposal Services (CARDS), LLC to haul and dispose of solid waste in the City of Fayetteville

A RESOLUTION TO APPROVE AN AGREEMENT WITH CENTRAL ARKANSAS RECYCLING AND DISPOSAL SERVICES, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE

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 an agreement with Central Arkansas Recycling and Disposal Services, LLC, a copy of which is attached to this Resolution, for the hauling and disposal of solid waste in the City of Fayetteville.

City of Fayetteville Staff Review Form

2024-261

Item ID

7/16/2024

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

Daryl Brigman

6/21/2024

RECYCLING/TRASH COLLECTION (750)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve an agreement between the City of Fayetteville, Arkansas and Central Arkansas Recycling and Disposal Services (CARDS), to haul and dispose of solid waste in the City of Fayetteville

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:

AGREEMENT TO HAUL AND DISPOSE OF SOLID WASTE IN THE CITY OF FAYETTEVILLE

This Agreement (the “Agreement”), is entered into on this _____ day of _____ 2024, between the **City of Fayetteville, Arkansas**, a municipal corporation (the “City”), and _____ (the “Hauler”), and shall be in full force and effect on the date first written above, City and Hauler agree as follows:

1. The term of this Agreement shall be for two (2) years, with automatic renewals for two (2) additional two (2) year terms, unless otherwise terminated pursuant to the terms hereof. Notice of non-renewal by either City or Hauler shall be given at least thirty days prior to the end of the current term.
2. Hauler agrees that from and after the original date of this Agreement, all customer service Agreements for facilities within the corporate limits of the City including University of Arkansas, but excluding residential areas, entered into before or after the effective date of this Agreement, or renewed shall have terms of no more than one (1) year and any subsequent extensions shall be for terms of no more than one (1) year. No customer service Agreement shall extend the terms of this Agreement.
3. Hauler agrees and understands that it may only collect and haul Class 1 and Class 4 Solid Waste and/or Recyclables using the type equipment commonly referred to as open-top roll-off style containers with capacities of twelve (12) cubic yards or greater, or roll-off style compactor containers with capacities of twelve (12) cubic yards or greater, containing waste generated from industrial, large commercial or construction/demolition activities, or which is classified as Special Waste, Hazardous Waste, grease or any other type Solid Waste which requires special handling or disposal. Hauler shall not collect any Class 1 or Class 4 material in other containers. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville. All hauled waste and/or recyclables shall be suitably enclosed or covered as to prevent roadside littering.
4. In consideration of the right to provide the hauling of solid waste and/or recyclables described in Item #3 above, Hauler agrees and understands that it shall be required to pay a monthly fee of: ten (10%) percent (the “Solid Waste Fee”) of the gross revenue received for providing solid waste hauling services and five (5%) percent (the “Recycling Fee”) of the gross revenue received for providing the hauling of recyclables or construction/demolition waste to a permitted construction and demolition waste sorting facility. Any construction/demolition waste that is not hauled to and accepted by a permitted construction and demolition waste sorting facility or any recyclables not accepted by a recycling facility or recycling broker shall be subject to the 10% Solid Waste Fee.
5. Hauler agrees and understands that it shall deliver all Class 1 waste to a properly licensed landfill facility and all Class 4 waste to a properly licensed landfill facility or a properly licensed construction and demolition waste sorting facility. Hauler shall pay all tip fees to the construction and demolition waste sorting facility operator, transfer station fees to the transfer station operator and all landfill fees to the landfill operator, as they may be established and amended, from time to time.
6. Hauler shall pay all fees due hereunder, along with submitting “Attachment A: Solid Waste Documentation”, or page 1 of Attachment A in conjunction with an agreed upon vendor generated

report, on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) Hauler's worksheet calculating the fees remitted; (ii) a list of payments received from customers within the City; (iii) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (iv) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (including those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."

7. Hauler shall pay all fees due hereunder, along with submitting "Attachment B: Recycling Documentation", on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) volumes of recycling collected, in tons, by commodity, with disposition by destination market, for all recycling; (ii) volumes of construction and demolition waste delivered to permitted construction and demolition waste sorting facility and percentage of material recovered. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, other customer information, and contracts with recyclers and processing mills ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."
8. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter. The audit may be conducted by City staff or by a third-party external auditor chosen by the City. If such audit reveals the Hauler should have paid at least 5% more than reported, the cost of the audit shall be paid by the Hauler to the City. During such audit, the City may review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). This information shall not be divulged to any third party (not including any third-party external auditor) by the City, its employees, officers, or elected officials without the express written consent of the Hauler, or as otherwise required by law. The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors." This information will be reviewed by City Staff.
9. The City will advise Hauler of any request for information which the City, at the City's sole discretion, determines to be non-disclosable or otherwise subject to an exemption from disclosure under the Arkansas Freedom of Information Act. If a court of competent jurisdiction determines

that said requested information is disclosable or otherwise is not exempt from disclosure under the Arkansas Freedom of Information Act, the City will comply with said finding and notify Hauler. Discovery requests made to the City during the course of any litigation, or any other subpoena or court order issued to the City for information or records related to Hauler and this Agreement, shall be promptly made known to Hauler.

10. Hauler agrees and understands that it shall submit to the City by June 30th on an annual basis: (i) a list of all commercial vehicles used to provide services in the City; (ii) proof of appropriate vehicle registration; (iii) and proof of the insurance required in the Agreement.
11. Hauler agrees and understands that it shall provide by June 30th on an annual basis: (i) a list of vehicle operators collecting and hauling waste in the City of Fayetteville; (ii) proof of their valid and appropriate commercial drivers' licenses; (iii) and the provision, maintenance, and implementation of a plan to ensure that the vehicle operators maintain their commercial driver's licenses in accordance with applicable federal and state laws.
12. Hauler agrees that it shall provide by June 30th on an annual basis copies of valid and current hauling and disposal permits from the Arkansas Department of Environmental Quality, the Solid Waste District with jurisdiction, and any local permitting agency.
13. Hauler agrees that it shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters related to providing solid waste collection services under this Agreement. Hauler agrees that all open-top roll-off style containers will be properly covered during transit on streets and highways within Fayetteville.
14. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.
15. If Hauler utilizes the City's transfer station, Hauler agrees and understands that it shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator. Hauler agrees that it shall comply with all practices, policies and procedures as established by the transfer station operator from time to time. Any tipping fee deposits required by the transfer station or landfill operators shall be refunded, less any unpaid tipping fees, when the Hauler ceases hauling activities governed by this Agreement.
16. This Agreement has been entered into freely and voluntarily by Hauler which agrees to abide by all of the terms and conditions as a matter of contractual obligation pursuant to applicable City ordinances. This is a contractual Agreement and is not intended to be part of or relate in any way to any license or ordinance created pursuant to A.C.A. §26-77-102.
17. Neither this Agreement, nor any rights or obligations hereunder may be assigned or transferred to any third part or affiliate.
18. For the purpose of this contract, the Point of Contact for the City of Fayetteville shall be the City's Environmental Director. The Point of Contact for the Hauler shall be Jason Fitzgerald. Communications pertaining to day-to-day aspects of this contract shall be through these individuals. Either party may change its designated Point of Contact upon ten (10) days prior written notice to the other party.

19. Hauler agrees to protect, indemnify, defend and save harmless the City, its officials, officers, employees, agents, subcontractors, representatives and assigns from any loss, claim, liability, penalty, fine, forfeiture, demand cause of action, suit and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), to the extent caused by (i) Hauler's breach of any term, condition, covenant or warranty contained in this Agreement, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station or a properly licensed landfill facility.
20. Insurance: Hauler shall maintain the following insurance coverage during the term of this Agreement:
- a) Hauler shall provide and maintain, during the term of this Agreement, comprehensive general liability insurance, to protect against all claims arising out of the performance of its services hereunder that result in bodily injury, death or property damage. The policy or policies shall contain a clause that the insurer will not cancel or decrease the insurance coverage without first giving the City sixty (60) days notice in writing.
 - b) Upon written request, Hauler shall furnish the City with evidence that the insurance required of it is in force.
 - c) City will be added as an additional insured on General Liability and Auto Liability policies.
 - d) The types of coverage and limits of liability of all insurance required herein shall be as follows:

COVERAGE	LIMITS OF LIABILITY
Worker's Compensation	Statutory
Employer's Liability	\$500,000
Bodily Injury Liability except Automobile	\$1,000,000 each occurrence
Property Damage Liability Except Automobile	\$1,000,000 each aggregate
Automobile Bodily Injury	\$1,000,000 each person
Comprehensive General Liability	\$1,000,000 each occurrence
Automobile Property Damage Liability	\$1,000,000 each occurrence
Excess Umbrella Liability	\$1,000,000 each occurrence

21. Termination:
- a) Except as otherwise provided herein, if Hauler breaches this Agreement or defaults in the performance of any of the requirement or conditions contained herein, and such breach continues for fifteen (15) days after the City has given the Hauler written notice of such breach or default, the City may: (i) terminate this Agreement no sooner than thirty (30) days after the date of written notice of such breach or default; (ii) cure the breach or default at the expense of the Hauler; and/or (iii) exercise any right or remedy to which it may be entitled by law.

- b) The City may terminate this Agreement upon written notice to the Hauler if the Hauler makes an assignment for the benefit of creditors, or files a voluntary petition in bankruptcy, receivership or insolvency, or files an answer in any involuntary proceeding of that nature admitting the material allegations of the petition, or if a proceeding in bankruptcy, receivership or insolvency shall be instituted and such proceeding is not dismissed within sixty (60) days.
- c) In the event that this Agreement is terminated for any reason, any amounts payable to the City by Hauler for services rendered for any reason whatsoever shall become immediately due and payable as of the date of such termination.

22. All notices required or permitted under this contract shall be submitted in writing to the other party of this contract by electronic mail, return receipt requested, and by U.S. Mail, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Environmental Director
113 West Mountain Street
Fayetteville, AR 72701

Attn: _____

23. Hauler agrees and understands that this Agreement and documents submitted to the City pursuant hereto are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville requesting such non-exempt documents, such non-exempt documents shall be provided in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (Ark. Code Ann. § 25-19-101 et seq.). Only legally authorized photocopying costs may be assessed for this compliance.
24. This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas. Capitalized terms herein shall have the same meaning as set forth in ADEQ Reg. No. 22.
25. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of either party's right to seek appropriate remedies for any other breaches by either party.
26. Each paragraph of the 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.
27. This contract constitutes the entire understanding of the parties and no Notification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City of Fayetteville and the Hauler.
28. Each of the undersigned warrants that he or she has the full right, power, and authority to execute this contract on behalf of the party indicated for the purposes herein contained.
29. To the extent a definition or a specific term is not provided herein but is nonetheless required by the context, it is the intention of the parties to incorporate herein the definitions contained in

applicable law and regulation in effect as the date hereof, except to the extent subsequent law or regulation shall expressly or implicitly mandate a revised definition.

30. The obligations of the parties to this Agreement, which by their nature would continue beyond the termination, cancellation or expiration of this Agreement, shall survive the termination (for any reason), cancellation or expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

CITY OF FAYETTEVILLE

By: _____
LIONELD JORDAN, Mayor

By:  _____
Jason Fitzgerald, Director of Government Affairs

ATTEST:

WITNESS:

By: _____
KARA PAXTON, City Clerk/Treasurer

By: _____

City of Fayetteville Franchise Haulers

Business	DBA	City	Contact	Address	Status	Expires	Activity	No
Central Arkansas Recycling & Disposal	CARDS	Little Rock, AR	Jason Fitzgerald	4208 Johnson Rd Springdale, AR 72762	Approved 7/17/18	7/17/2024	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	1
Marck Recycling		Rogers, AR	Kent Longley	715 Main Street Cassville, MO 65625	Approved 10/2/18	10/2/2024	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	3
Windstar Investments LLC	Thunder Struck	Rogers, AR	Gene Housley	PO Box 68 Lowell, AR 72745	Approved 10/2/18	10/2/2024	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	4
Eco Vista Waste Management	Waste Management	Tontitown, AR	George Wheatley	1041 Arbor Acres Ave. Springdale, AR 72762	Approved 9/17/19	9/17/2025	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	5
Hogeve Mfg. Co. Inc	Hogbox	Fayetteville Ar.	Lori Devecery	2900 South City Lake Road Fayetteville, AR 72701	Approved 9/17/19	9/17/2025	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	6
Allied Waste Services	Republic	Bella Vista, AR	Jennifer Fagan or Krystal Rhuems (Asst. Controller)	36 Bella Vista Way Bella Vista, AR 72714	Approved 12/3/19	12/3/2025	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	7
Ozark Dumpster Service, LLC		Springdale, AR	Brandon Hollenbeck	PO Box 895 Springdale, AR 72765	Approved 12/3/19	12/3/2025	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	8
Ozark Compost & Swap, LLC		Fayetteville, AR	Ricky Ludeman	5213 S. 60th Place Rogers, AR 72758	Approved 9/7/21	9/7/2027	Organic waste and recyclables hauling and composting within the city limits of Fayetteville.	2
Rubbish Removal and Roll-Off Rentals, LLC	Arkansas Waste Solutions	Winslow, AR	Brent Wells	10040 Devils Den Rd Winslow, AR 72959	Approved 9/7/21	9/7/2027	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	9
On Point Dumpster Rental NWA, LLC		Rogers, AR	Ryan Truesdale/Jeff Woodcock	8004 West Elsworth Street Rogers, AR 72758	Approved 7/19/22	7/19/2028	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	10
SPO Networks, Inc	SPO Recycling	Lowell, AR	Tom Smith/Moira MacLeod	715 Main Street Cassville, MO 65625	Approved 7/19/22	7/19/2028	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	11
EZest Solutionz LLC	Dumpster Dudez of Northwest Arkansas	Fayetteville, AR	Phil Ezell	9338 W Forest Hills Dr. Fayetteville, AR 72704	Approved 9/20/22	9/20/2028	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	12
Food Recycling Solutions, LLC		Rogers Ar.	Richard Ims	13935 Pyramid Drive Rogers, AR 72758	Approved 10/4/19	10/4/2028	Organic waste and recyclables hauling and composting within the city limits of Fayetteville.	13
Hamilton Alliance, Inc		Cicero, IN	Ana Farrah	PO Box 797 Cicero IN 46034	Approved 11/07/23	11/7/2029	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	14
Lakeshore Recycling Services	Inland Waste Solutions & Orion Waste Solutions	Bethel Heights, AR	Robert Heath	848 Highway 264 E Bethel Heights, AR 72764	Approved 11/07/23	11/7/2029	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	15
Outbound Waste LLC		Bentonville, AR	Kade Fields	1302 NE 10th St Bentonville, AR 72712	Approved 11/07/23	11/7/2029	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	16
Junk-IT LLC		Little Rock, AR	John Bunton	PO Box 17373 Little Rock, AR 72222	Approved 02/06/24	2/6/2030	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	17
Diamond Waste		Bentonville, AR	Brandon Ruff	705 S.W. Green World St. Bentonville, AR 72712	Approved 02/06/24	2/6/2030	Hauling and disposal of solid waste and recyclable material within the city limits of Fayetteville.	18



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Jared Rabren, Airport Director
SUBJECT: **FYV Taxiway E Extension Design –FAA AIP Grant and Garver Task Order 08**

RECOMMENDATION:

Airport requests to pursue a Federal Aviation Administration design grant to fund 90% of project costs for design and bidding of the proposed Taxiway E Extension project at Drake Field.

1. Submit an FAA Grant Application in the amount of \$238,500.00 (90% of Total Project Costs).
2. Execute the grant upon receipt of an FAA Grant Offer (anticipated Summer 2024).
3. Execute Task Order 08 for \$257,000.00 with Garver to provide engineering design and bidding services.
4. Approve and process a budget adjustment.

BACKGROUND:

There are currently over 80 aircraft based east on the east side of the airfield. The southernmost taxiway providing access to the east side of the airfield is currently Taxiway E, located 3,400 ft from the Runway 16 threshold. Under favorable conditions, most small- to medium sized aircraft arriving on Runway 16 can decelerate in time to safely maneuver onto Taxiway D. However; larger aircraft, and smaller aircraft under unfavorable conditions, are unable to decelerate prior to reaching Taxiway D and must exit the runway to the west. These aircraft must then cross the runway at either Taxiway D or Taxiway C to reach their intended destination.

This project will provide a new taxiway connector located 4,800 ft from the Runway 16 threshold. Analysis of aircraft performance data available from the FAA indicates increasing the available distance from 3,400 ft to 4,800 ft from the Runway 16 end will significantly reduce the number of aircraft having to cross the runway to access hangars on the east side of the airfield. Reducing runway crossings will improve airport safety by reducing the potential for runway incursions.

This project is included in the Airport's 5-year Capital Improvement Plan (CIP). The first phase of this project included completing an Environmental Assessment (EA). The EA was funded using a FY2023 FAA AIP Grant (Grant No. 3-05-0020-053-2023). A Finding of No Significant Impact (FONSI) and Record of Determination was issued by the FAA on June 12, 2024. The second phase of the project includes design and bidding, which is programmed for an FAA AIP grant in FY 2024. Construction will be funded under a future FAA grant programmed for FY 2026

DISCUSSION:

The Aviation Division is requesting permission to apply for an FAA AIP Grant in the amount of \$238,500.00, to execute the grant upon receipt of a Grant Offer, and to execute Task Order 08 with Garver, LLC in the amount of \$257,000.00 to provide project design and bidding services. The FAA AIP grant will cover 90% of project

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

costs. The Aviation Division will submit a grant application to the Arkansas Department of Aeronautics (ADA) for reimbursement of the remaining 10% of project costs at the conclusion of the design and bidding phase.

Below is a summary of the anticipated costs and funding breakdown for this grant.

Federal FY 2024 - Taxiway E Extension Design and Bidding

<i>Administration and Other Costs*:</i>	<i>\$8000.00</i>	FAA:	\$238,500.00
<i>Garver Task Order 08 (Design and Bidding):</i>	<i>\$257,000.00</i>	ADA:	\$26,500.00
TOTAL (Environmental Assessment):	\$265,000.00	City:	\$0.00
		TOTAL:	\$265,000.00

**Amount estimated at this time.*

BUDGET/STAFF IMPACT:

The Aviation Division may expend up to \$26,500 of its fund balance reserve. This amount includes the cash-flow to cover the ADA's 10% share of billed invoices until reimbursement at the end of the project.

ATTACHMENTS: SRF (#3), BA (#4), FYV Taxiway E Design Services - Grant Application Package - FINAL (Reduced) (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-292

FYV Taxiway E Extension Design –FAA AIP Grant and Garver Task Order 08

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A FEDERAL AVIATION ADMINISTRATION DESIGN GRANT IN THE AMOUNT OF \$238,500.00 TO FUND 90% OF THE COSTS FOR DESIGN AND BIDDING OF THE PROPOSED TAXIWAY E EXTENSION PROJECT AT DRAKE FIELD; TO EXECUTE THE GRANT UPON RECEIPT OF A FEDERAL AVIATION ADMINISTRATION GRANT OFFER; TO EXECUTE TASK ORDER 08 IN THE AMOUNT OF \$257,000.00 WITH GARVER, LLC TO PROVIDE ENGINEERING DESIGN AND BIDDING SERVICES; AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, there are currently over 80 aircraft based east on the east side of the airfield; and

WHEREAS, the southernmost taxiway providing access to the east side of the airfield is currently Taxiway E, located 3,400 feet from the Runway 16 threshold; and

WHEREAS, under favorable conditions, most small to medium sized aircraft arriving on Runway 16 can decelerate in time to safely maneuver onto Taxiway D, however, larger aircraft, and smaller aircraft under unfavorable conditions are unable to decelerate prior to reaching Taxiway D and must exit the runway to the west then cross the runway at either Taxiway D or Taxiway C to reach their intended destination; and

WHEREAS, this project will provide a new taxiway connector located 4,800 feet from the Runway 16 threshold; and

WHEREAS, analysis of aircraft performance data from the Federal Aviation Administration (FAA) indicated increasing the available distance from 3,400 feet to 4,800 feet from the Runway 16 end will significantly reduce the number of aircraft having to cross the runway to access hangars on the east side of the airfield; and

WHEREAS, reducing runway crossings will improve airport safety by reducing the potential for runway incursions.

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 submit an application for an FAA Design Grant in the amount of \$238,500.00 to fund 90% of project

costs for design and bidding of the proposed Taxiway E Extension Project at Drake Field.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to execute the grant upon receipt of an FAA grant offer.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to execute Task Order 08 with Garver, LLC in the amount of \$257,000.00 to provide engineering design and bidding services.

Section 4: 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

2024-292

Item ID

7/16/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jared Rabren

6/24/2024

AIRPORT SERVICES (760)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Airport requests to pursue a Federal Aviation Administration design grant to fund 90% of project costs for design and bidding of the proposed Taxiway E Extension project at Drake Field.

1. Submit an FAA Grant Application in the amount of \$238,500.00 (90% of Total Project Costs).
2. Execute the grant upon receipt of an FAA Grant Offer (anticipated Summer 2024).
3. Execute Task Order 08 for \$257,000.00 with Garver to provide engineering design and bidding services.
4. Approve and process a budget adjustment.

Budget Impact:

5550.760.3960-5314.00

5360102

Airport

Account Number

32305

3205.2024

Fund

Taxiway E Extension-Design

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? Yes

Item Cost

\$ 257,000.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 265,000.00

Remaining Budget

\$ 8,000.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	AIRPORT SERVICES (760) Requestor: Dee Simpson	

Airport asks for approval of a budget adjustment to recongize \$238,500 in Federal Aviation Grant funds, as well as to \$26,500 of its fund balance reserve. This amount includes the cash-flow to cover the ADA's 10% share of billed invoices until reimbursement at the end of the project

	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-292
	Holly Black	
	6/27/2024 3:33 PM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



**CITY OF
FAYETTEVILLE
ARKANSAS**

July 2, 2024

Federal Aviation Administration
Attn: Ms. Lauren Kennedy
10101 Hillwood Parkway
Fort Worth, TX 76177

Re: Fayetteville – Drake Field
Taxiway E Extension – Design
FAA Grant Application (3-05-0020-056-2024)

Dear Ms. Kennedy:

We are pleased to submit our application for a FY 2024 design grant for our Taxiway E Extension project. If you have any questions regarding the application, please feel free to contact me or Kyle Bennett with Garver.

Sincerely,

Jared Rabren
Airport Director
City of Fayetteville

Attachments: SF 424 Application
 FAA Form 5100-100
 Sponsor Certifications
 Record of Negotiations
 Engineering Contract
 Exhibit A – Airport Property Map

Application for Federal Assistance SF-424

*1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*2. Type of Application

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

07/02/2024

4. Applicant Identifier:

FYV

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Fayetteville

*b. Employer/Taxpayer Identification Number (EIN/TIN):

71-6018462

*c. UEI:

JNDMR71AKHT3

d. Address:

*Street 1: 4500 S School Avenue

Street 2:

*City: Fayetteville

County/Parish:

*State: AR

*Province:

*Country: USA: United States

*Zip / Postal Code 72701-8016

e. Organizational Unit:

Department Name:

Transportation

Division Name:

Aviation

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Jared

Middle Name:

*Last Name: Rabren

Suffix:

Title: Aviation Director

Organizational Affiliation:

City of Fayetteville Aviation Division, Drake Field, FYV

*Telephone Number: 479-718-7642

Fax Number: (479) 718-7646

*Email: jrabren@fayetteville-ar.gov

Application for Federal Assistance SF-424***9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Pick an applicant type

Type of Applicant 3: Select Applicant Type:

Pick an applicant type

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

N/A

*Title:

N/A

13. Competition Identification Number:

N/A

Title:

N/A

14. Areas Affected by Project (Cities, Counties, States, etc.):***15. Descriptive Title of Applicant's Project:**

Taxiway E Extension Design

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

*a. Applicant: AR-003

*b. Program/Project: AR-003

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 08/01/2024

*b. End Date: 06/30/2026

18. Estimated Funding (\$):

*a. Federal	\$ 238,500
*b. Applicant	\$ 0
*c. State	\$ 26,500
*d. Local	\$ 0
*e. Other	\$ 0
*f. Program Income	\$ 0
*g. TOTAL	\$ 265,000

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?**☐ Yes ☒ No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: Lioneld _____

Middle Name: _____

*Last Name: Jordan _____

Suffix: _____

*Title: Mayor, City of Fayetteville

*Telephone Number: 479-575-8330

Fax Number:

* Email: ljordan@fayetteville-ar.gov

*Signature of Authorized Representative:

*Date Signed:

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

Part II - SECTION A	
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.	
Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)?	☒ Yes ☐ No
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	☒ Yes ☐ No ☐ N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	☐ Yes ☒ No ☐ N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	☒ Yes ☐ No ☐ N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes.	
☐ The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? ☐ Yes ☐ No	
☐ The project is included in another Federal Assistance program. Its CFDA number is below.	
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals?	
☐ Yes ☒ No ☐ N/A	
If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply:	
☐ De Minimis rate of 10% as permitted by 2 CFR § 200.414.	
☐ Negotiated Rate equal to	% as approved by _____ (the Cognizant Agency) on _____ (Date) (2 CFR part 200, appendix VII).
<i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative 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 Sponsor, to any person for influencing or attempting to influence an officer or employee of an 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 Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, 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.

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Sponsor has adopted Drake Field Ordinance 2607, which regulates and restricts all land use activities in the vicinity of Fayetteville-Drake Field. Adopted January 20, 1980 and as amended.

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. Consistency with Local Plans – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

True

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

True

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

True

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

N/A

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

N/A

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

The sponsor holds all property as shown on the most recent update to the airport's master plan and the attached Exhibit A.

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL	
1. Assistance Listing Number:	20.106
2. Functional or Other Breakout:	3-05-0020-56-2024

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			\$ 8,000
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			257,000
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			\$ 265,000
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			265,000
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			\$ 265,000
19. Federal Share requested of Line 18			238,500
20. Grantee share			
21. Other shares			26,500
22. TOTAL PROJECT (Lines 19, 20 & 21)			\$ 265,000

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. Total	

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	
25. Other Shares	Amount
a. State	26,500
b. Other	
c. TOTAL - Other Shares	
26. TOTAL NON-FEDERAL FINANCING	

SECTION E – REMARKS (Attach sheets if additional space is required)
10% share of AIP eligible costs will be reimbursed by an Arkansas Department of Aeronautics grant.

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: Taxiway E Extension Design

AIRPORT: Fayetteville - Drake Field

1. Objective:

This phase of the project will be to complete design of an 1800 ft extension of Taxiway E to the south in line with Taxiway B. This design phase follows the Environmental Assessment phase completed under AIP Grant 3-05-0020-053-2023. A Finding of No Significant Impact (FONSI) and Record of Decision (ROD) was issued June 2024.

2. Benefits Anticipated:

The planned extension of Taxiway E will eliminate runway crossing at Taxiway C & D by aircraft wishing to access the east side of the airfield following a Runway 16 arrival. The overall project will improve safety at FYV by eliminating unnecessary runway crossings.

3. Approach: (See approved Scope of Work in Final Application)

Design and Bidding in FY 2024 with construction programmed for FY 2026.

4. Geographic Location:

4500 South School Ave, Fayetteville, AR 72701-8016

5. If Applicable, Provide Additional Information:

6. Sponsor's Representative: (include address & telephone number)

Mr. Jared Rabren, Airport Director
4500 South School Ave
Fayetteville, AR 72701

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: City of Fayetteville

Airport: Fayetteville - Drake Field

Project Number: 3-05-0020-056-2024

Description of Work: Taxiway E Extension Design

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

☒ Yes ☐ No ☐ N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The sponsor's policy of maintaining a drug-free workplace;
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

☒ Yes ☐ No ☐ N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

☒ Yes ☐ No ☐ N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

☒ Yes ☐ No ☐ N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

☒ Yes ☐ No ☐ N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

☒ Yes ☐ No ☐ N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

☒ Yes ☐ No ☐ N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location: Fayetteville - Drake Field

Address: 4500 South School Avenue, Fayetteville, AR 72701-8016

Location 2 (if applicable)

Name of Location:

Address:

Location 3 (if applicable)

Name of Location:

Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: City of Fayetteville

Name of Sponsor's Authorized Official: Honorable Lioneld Jordan

Title of Sponsor's Authorized Official: Mayor, City of Fayetteville

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor: City of Fayetteville

Airport: Fayetteville - Drake Field

Project Number: 3-05-0020-056-2024

Description of Work: Taxiway E Extension Design

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).
☒ Yes ☐ No ☐ N/A
2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).
☒ Yes ☐ No ☐ N/A
3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).
☒ Yes ☐ No ☐ N/A

4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).
- ☒ Yes ☐ No ☐ N/A
5. Sponsor has publicized or will publicize a RFQ that:
- a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
- b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).
- ☒ Yes ☐ No ☐ N/A
6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).
- ☒ Yes ☐ No ☐ N/A
7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR § 180.300).
- ☒ Yes ☐ No ☐ N/A
8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
- a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
- b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).
- ☒ Yes ☐ No ☐ N/A
9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).
- ☒ Yes ☐ No ☐ N/A
10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).
- ☐ Yes ☐ No ☒ N/A
11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR § 200.318(i)).
- ☒ Yes ☐ No ☐ N/A
12. Sponsor has incorporated or will incorporate mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)
- ☒ Yes ☐ No ☐ N/A

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

☒ Yes ☐ No ☐ N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

☒ Yes ☐ No ☐ N/A

Attach documentation clarifying any above item marked with “no” response.

Sponsor’s Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked “no” is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of , 2024 .

Name of Sponsor: City of Fayetteville

Name of Sponsor’s Authorized Official: Honorable Lioneld Jordan

Title of Sponsor’s Authorized Official: Mayor, City of Fayetteville

Signature of Sponsor’s Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor: City of Fayetteville

Airport: Fayetteville - Drake Field

Project Number: 3-05-0020-056-2024

Description of Work: Taxiway E Extension Design

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).
☒ Yes ☐ No ☐ N/A
2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).
☒ Yes ☐ No ☐ N/A

3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).
☒ Yes ☐ No ☐ N/A
4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).
☒ Yes ☐ No ☐ N/A
5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).
☒ Yes ☐ No ☐ N/A
6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).
☒ Yes ☐ No ☐ N/A
7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).
☒ Yes ☐ No ☐ N/A
8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).
☒ Yes ☐ No ☐ N/A
9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).
☒ Yes ☐ No ☐ N/A
10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).
☒ Yes ☐ No ☐ N/A
11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)
☐ Yes ☐ No ☒ N/A
12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:
- a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.
☒ Yes ☐ No ☐ N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

☐ Yes ☐ No ☒ N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

☐ Yes ☐ No ☒ N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

☒ Yes ☐ No ☐ N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

☒ Yes ☐ No ☐ N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: City of Fayetteville

Name of Sponsor's Authorized Official: Honorable Lioneld Jordan

Title of Sponsor's Authorized Official: Mayor, City of Fayetteville

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Certification and Disclosure Regarding Potential Conflicts of Interest

Airport Improvement Program Sponsor Certification

Sponsor: City of Fayetteville

Airport: Fayetteville - Drake Field

Project Number: 3-05-0020-056-2024

Description of Work: Taxiway E Extension Design

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

☒ Yes ☐ No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

☒ Yes ☐ No

3. The sponsor or sub-recipient certifies that it has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

☒ Yes ☐ No

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this day of , 2024 .

Name of Sponsor: City of Fayetteville

Name of Sponsor's Authorized Official: Honorable Lioneld Jordan

Title of Sponsor's Authorized Official: Mayor, City of Fayetteville

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

ENGINEERING SERVICES RECORD OF NEGOTIATION

Fayetteville – Drake Field
Taxiway E Extension Design
Anticipated A.I.P. Grant: 3-05-0020-056-2024

Engineering Contract

- On May 7, 2024, Jared Rabren, City of Fayetteville, requested a scope of services from Garver for design services for a “Taxiway E Extension Design” project.
- On May 14, 2024, Garver sent a scope of services for the “Taxiway E Extension Design” project to Jared Rabren to review.
- On May 15, 2024, Garver, on behalf of the Airport, submitted the scope to Lauren Kennedy, FAA for review.
- The sponsor utilized Parrish & Partners of Charlotte, North Carolina to perform an independent fee estimate (IFE). The IFE was completed on June 6, 2024. A copy of the IFE is attached to this document. The results of the IFE are as follows:

Taxiway E Extension Design IFE (Parrish & Partners) - \$234,963.00

- Garver submitted a contract to the sponsor on June 12, 2024. A copy of the contract submission is included in the grant application. Garver's total contract fee is as follows:

Taxiway E Extension Design (Garver) - \$257,000.00

- The submitted contract was within 10 percent of the IFE. The negotiations were conducted in good faith to ensure the fees are fair and reasonable.

PARRISH & PARTNERS

6701 CARMEL ROAD, SUITE 210 • CHARLOTTE, NC • 28226 | O: 980.819.0490 • F: 980.819.0491
PARRISHANDPARTNERS.COM

June 6, 2024

via e-mail

Jared M. Rabren, Airport Director
City of Fayetteville
4500 S. School Ave.
Fayetteville, AR 72701
jrabren@fayetteville-ar.gov

Re: Independent Fee Estimate (IFE)
Taxiway E Extension
Drake Field (FYV)

Dear Jared:

As requested, Parrish and Partners has prepared an Independent Fee Estimate (IFE) for the above referenced project using the following, previously provided scope documents and information:

1. Scope of Services – “Appendix A-08” – received via email on 05/30/2024
2. Fee Spreadsheet w/Work Task Descriptions – received via email on 05/30/2024
3. Project Exhibit C-08 – received via email on 05/30/2024

The results of our evaluation are summarized in the attached “IFE – FEE SUMMARY” page. We prepared estimated fees for each of the seven Service Elements listed in the Exhibit B-08 spreadsheet provided to us, which included scope elements and tasks referenced in the provided Scope of Services (SOS).

As seen in the summary, the total estimated fee for All As per the current guidelines, if a consultant’s proposed fee is within 10% of the independent fee estimate, that fee is typically considered fair and reasonable. Please keep in mind, some funding agencies may conduct a separate review of the proposed fees or have additional guidelines or requirements.

The following assumptions have been made in preparation of the IFE:

- General Assumptions
 - Activity/Task line items listed per provided documents, utilizing the provided fee spreadsheet
 - Direct and Reimbursable expenses were estimated based on previous fees from similar projects which has been found to be approximately 5% of the labor costs.
 - The provided spreadsheet included multiple labor classifications, described with letters and numbers. We are not aware of those designations, therefore our fee is based on seven labor classifications, as described in the header for each column, with exception of the survey task, where it was assumed all work would be done by the two-man survey crew.
 - Although the provided spreadsheet included input locations for Overhead, Profit, etc., the billing rates we included for evaluation are “fully loaded”. Therefore, the billing rates include overhead, profit, and fee.
 - Travel time for meetings was assumed to be 1 hour each direction, with 2 hours per meeting besides the bid opening, which will be 1 hour.
- Survey Assumptions
 - Parrish & Partners does not perform survey work and therefore estimated survey fee based on prior experience with subconsultants.
- Geotechnical Assumptions
 - Subconsultant fee was assumed based on prior experience with similar projects at approximately \$1,200 per boring.
- Preliminary Design Assumptions
 - No hours were assigned for the Create Existing Conditions Model task as it was stated that it is under the FYV AMP Scope
- Bidding Assumptions
 - It was assumed that there would be no more than two RFIs processed and two addended published.

We greatly appreciate the opportunity to provide continued service to Fayetteville Aviation. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Hillary Crawford". The signature is written in a cursive, flowing style.

Hillary Crawford, EIT

cc.: Jon McCalmont, PE

Enclosure: Workhour and Fee Summary (Exhibit B-08; IFE – Fee Summary) – 11 pages

Exhibit B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

IFE - FEE SUMMARY

prepared by: 
prepared on: 06/06/2024

*Prepared for use as an Independent Fee Estimate for evaluation
of reasonability of Consultant Fee.*

FEE SUMMARY

Service	Estimated Fees
Surveying Services	\$ 11,911.00
Geotechnical	\$ 13,991.00
Preliminary Design	\$ 116,993.00
Final Design	\$ 64,397.00
CLOMR Coordination	\$ 10,806.60
Bidding Services	\$ 12,526.50
Grant Closeout Services	\$ 4,338.60
Total All Services	\$ 234,963.00

Overhead	XXXX
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Profit	XXXX
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* Billing Rates included are inclusive of overhead, profit, etc.

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Surveying Services

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	S-5	S-4	2-Man Crew (Survey)
Labor Classification Name	Principal	Proj Manager	Sr. Engineer / Planner	Designer	Technician	Admin	
	\$260.00	\$200.00	\$180.00	\$150.00	\$100.00	\$81.00	\$150.00
	hr	hr	hr	hr	hr	hr	hr
1. Surveys - Topographic							
Coordination and Administration		4	2				
Review of Existing Control Points	Note: Work Task associated with Survey work, to be completed by subconsultant.						
Topographic Surveys							
Data Processing/DTM Preparation							
QC Review of Survey Data							
			2	2			
Subtotal - Surveys - Topographic	0	4	4	2	0	0	0

Hours	0	4	4	2	0	0	0
Salary Costs	\$0.00	\$800.00	\$720.00	\$300.00	\$0.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: **\$1,820.00**

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD: **\$0.00** * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Survey Supplies	\$0.00
Computer Modeling/Software Use	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$91.00** * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: **\$1,911.00**

SUBCONSULTANTS FEE (None): **\$10,000.00**

PROFESSIONAL FEE **\$0.00** * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: **\$11,911.00**

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Geotechnical

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
Labor Classification Name	Principal	Proj Manager	Sr. Engineer / Planner	Engineer	Designer	Technician	Admin
	\$260.00	\$200.00	\$180.00	\$160.00	\$150.00	\$100.00	\$81.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Coordinate with Geotechnical Subconsultant		2	2				
Develop Geotechnical Subconsultant Agreement		1	1				2
Geotechnical Report Review		2	4	4			
Coordination for Design Input		2	4				
Subtotal - Civil Engineering	0	7	11	4	0	0	2

Hours	0	7	11	4	0	0	2
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Salary Costs	\$0.00	\$1,400.00	\$1,980.00	\$640.00	\$0.00	\$0.00	\$162.00
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SUBTOTAL - SALARIES: \$4,182.00

ADMINISTRATIVE OVERHEAD: \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$209.10 * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: \$4,391.10

SUBCONSULTANTS FEE (Geotechnical Study): \$9,600.00

PROFESSIONAL FEE \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: \$13,991.10

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Preliminary Design

prepared by: 
prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
Labor Classification Name	Principal	Proj Manager	Sr. Engineer	Engineer	Designer	Technician	Admin
	\$260.00	\$200.00	\$180.00	\$160.00	\$150.00	\$100.00	\$81.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Kickoff Meeting		4	4				
Coordination with FAA		2	2	1			2
Coordination with Owner	1	4	4	2			
Record Document Review		1	2	2			
Site Visit (1)		4	4				
Develop Quality Control Plan	1	2	2				
Internal Weekly Progress Meetings (8)		8	8	8	8	8	
Establish Design Criteria and Parameters		1	2	2			
Develop Construction Safety and Phasing Plan		2	4	6	4		
Base Map Setup			1	2	2	4	
Develop Geometric Layout		1	1	2	4		
Develop Horizontal Alignments		1	2	2	4		
Develop Vertical Alignments		1	2	2	4		
Develop Assemblies		1	1	2	2		
Develop Corridor Model		1	2	2	4		
Develop Fleet Mix using available data (TFMSC, 5010, etc.)			2	4			
Drainage Basin Development		1	2	2	4		
Pre-Development Flow Calculations		1	2	2			
Drainage Structure Design Calculations		1	2	2			
Preliminary Plans							
Cover Sheet			1	1		2	
Sheet Index			1	1		2	
General Notes		1	1	2	4	2	
Project Layout Plan		2	1	4	4	2	
Survey Control Plan			1	1	2	2	
Construction Safety Plans		1	2	2	6	6	
Construction Safety Details		1	2	2	4	4	
Existing Conditions Plans			1	2	4	4	
Erosion Control Plans		1	2	2	4	6	
Erosion Control Details			1	1	2	2	
Demolition Plans		1	2	2	4	4	
Demolition Details			1	1	2	2	
Drainage Plans		1	2	4	4	6	
Drainage Details			1	1	2	2	
Typical Sections		1	1	2	4	4	
Paving Plans			1	2	2	4	
Paving Details			1	1	2	2	
Grading Plans		2	4	6	4	6	
Grading Details			1	1	2	2	
Pavement Marking Plans		1	2	2	4	6	
Pavement Marking Details			1	1	2	2	
Cross Sections		1	1	2	2	4	
Hydraulics - Floodplain Study							
Create Existing Conditions Model (under FYV AMP Scope)							
Create Proposed Conditions Model		1	2	4	4	6	

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Preliminary Design

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

Create Proposed Floodway Model		1	2	4	4	6	
Internal QA/QC		2	2	1			
Prepare Drainage Report			1	2	2		
Floodplain Mapping		1	1	2	2	4	
Environmental							
Permitting		1	2	2			
Develop SWPPP		2	4	4	6	8	
Develop Preliminary Construction Contract Documents		1	2	2	2		
Develop Preliminary Technical Specifications		1	1	2	4		
Develop Preliminary Supplemental Specifications		1	1	2	4		
Develop Preliminary Quantities		1	2	2	2	4	
Develop Preliminary Opinions of Probable Construction Costs		1	2	2	4	4	
Preliminary Engineer's Report		1	2	2	2		
Pavement Life Cycle Cost Analysis			1	1	2		
Internal Quality Control (QC) Review		2	2	1			
Incorporate QC Review Comments			1	1	2	4	
Incorporate Preliminary (Owner/FAA/State) Review Comments			1	1	2	4	
Prepare and Submit Permanent Airspace Study			1	2	2	4	
Subtotal - Civil Engineering	2	65	110	123	144	132	2
2. Electrical Engineering							
Review As-Built Drawings		1	2	2		2	
Electrical Calculations		1	4	4	4		
Lighting and Signage Layout		1	4	6	4	4	
Preliminary Engineer's Report		1		1	2	2	
Preliminary Plans							
Electrical Notes			1	1	2	2	
Lighting Removal Plans		1	1	2	4	6	
Lighting Removal Details			1	1	2	2	
Lighting Installation Plans		1	1	2	4	6	
Lighting Installation Details			1	1	2	2	
Develop Preliminary Technical Specifications		1	1	2	4		
Develop Preliminary Supplemental Specifications		1	1	4	4		
Develop Preliminary Quantities		1	2	2	4	4	
Develop Preliminary Opinions of Probable Construction Costs		1	2	2	4	4	
Internal Quality Control (QC) Review		2	2	2			
Incorporate QC Review Comments			1	2	2	4	
Incorporate Preliminary (Owner/FAA/State) Review Comments			1	2	2	4	
Subtotal - Electrical Engineering	0	12	25	36	44	42	0

Hours	2	77	135	159	188	174	2
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Salary Costs	\$520.00	\$15,400.00	\$24,300.00	\$25,440.00	\$28,200.00	\$17,400.00	\$162.00
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SUBTOTAL - SALARIES: **\$111,422.00**

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD:

\$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT

TAXIWAY E EXTENSION

Preliminary Design

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Travel Costs	\$0.00
SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$5,571.10 * 5% of Labor costs esteemed for Direct Expenses
SUBTOTAL:	\$116,993.10
SUBCONSULTANTS FEE (None):	\$0.00
PROFESSIONAL FEE	\$0.00 * Billing Rates included are inclusive of overhead, profit, etc.
TOTAL FEE:	\$116,993.10

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Final Design

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
Labor Classification Name	Principal \$260.00	Proj Manager \$200.00	Sr. Engineer / Planner \$180.00	Engineer \$160.00	Designer \$150.00	Technician \$100.00	Admin \$81.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Coordination with FAA		2	2	2			
Coordination with Owner		4	2	2			
CSPP Submission to FAA Through OEAAA		1	1		2		
Submit SWPPP to ADEQ		1	1		2		
Final Plans							
Sheet Index			1			2	
General Notes		1		1	2	2	
Project Layout Plan		1	1	1	2	2	
Survey Control Plan				1	2	2	
Construction Safety Plans		1	1	2	4	4	
Construction Safety Details		1	2	2	2	2	
Existing Conditions Plans			1	1	2	4	
Erosion Control Plans		2	2	2	2	4	
Erosion Control Details			1	1	2	2	
Demolition Plans		1	2	2	2	4	
Demolition Details			1	1	2	2	
Drainage Plans		1	2	2	2	4	
Drainage Details			1	1	2	2	
Typical Sections		1	1	1	2	2	
Paving Plans			1	1	2	2	
Paving Details			1	1	2	2	
Grading Plans		2	2	4	4	4	
Grading Details			1	1	2	2	
Pavement Marking Plans		1	2	2	4	4	
Pavement Marking Details			1	1	2	2	
Cross Sections			1	1	1	4	
Develop Final Construction Contract Documents		1	2	2	2	4	
Develop Final Technical Specifications		1	1	2	4		
Develop Final Supplemental Specifications		1	1	2	4		
Develop Final Quantities		1	2	2	2	4	
Develop Final Opinions of Probable Construction Costs		1	1	1	2	2	
Final Engineer's Report		1	2	2	2		
Internal Quality Control (QC) Review		4	4				
Incorporate QC Review Comments			1	1	2	4	
Incorporate Final (Owner/FAA/State) Review Comments		1	1	1	2	4	
Subtotal - Civil Engineering	0	31	46	46	69	76	0
2. Electrical Engineering							
Electrical Calculations		1	2	4	4		
Final Lighting and Signage Layout		2	2	2	2	4	
Final Engineer's Report		1	4	2	2	2	
Preliminary Plans							
Electrical Notes		1	2	1	2	2	
Lighting Removal Plans		1	1	2	2	4	
Lighting Removal Details			1	1	2	2	

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION

Final Design

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

Lighting Installation Plans		1	2	2	2	4	
Lighting Installation Details			1	1	2	2	
Develop Final Technical Specifications		1	1	2	4		
Develop Final Supplemental Specifications		1	1	4	4		
Develop Final Quantities		1	4	2	2	4	
Develop Final Opinions of Probable Construction Costs		1	1	1	2	2	
Internal Quality Control (QC) Review		4	4	2			
Incorporate QC Review Comments			1	2	2	4	
Incorporate Final (Owner/FAA/State) Review Comments		1	1	2	2	4	
Subtotal - Electrical Engineering	0	16	28	30	34	34	0

Hours	0	47	74	76	103	110	0
Salary Costs	\$0.00	\$9,400.00	\$13,320.00	\$12,160.00	\$15,450.00	\$11,000.00	\$0.00

SUBTOTAL - SALARIES: **\$61,330.00**

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD: **\$0.00** * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$3,066.50** * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: **\$64,396.50**

SUBCONSULTANTS FEE (None): **\$0.00**

PROFESSIONAL FEE **\$0.00** * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: **\$64,396.50**

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

CLOMR COORDINATION

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-5	E-3	E-2	E-1	D-2	D-1	AM-2
Labor Classification Name	Principal	Proj Manager	Sr. Engineer / Planner	Engineer	Designer	Technician	Admin
	\$260.00	\$200.00	\$180.00	\$160.00	\$150.00	\$100.00	\$81.00
	hr	hr	hr	hr	hr	hr	hr
1. CLOMR Coordination							
Letter of Map Revision for FEMA							
Prepare model for submittal		1	2	4	2	4	
Floodplain Mapping (Annotated FIRM)		1	1	2	4		
Report/Forms			1	2	4		
Notification Process							
ID Impacted Parcels		1	1	2	4		
Develop Address Database			1	2	4		
Prepare Draft Letter		1	1	2			
Mail Letters				1			2
Entity Approvals							
Respond to City of Fayetteville and Airport Comments		1	2	2			
Meetings(1) - By Phone Only		1	1		1		
Coordination with FEMA		4	2				
Subtotal - CLOMR Coordination	0	10	12	17	19	4	2

Hours	0	10	12	17	19	4	2
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Salary Costs	\$0.00	\$2,000.00	\$2,160.00	\$2,720.00	\$2,850.00	\$400.00	\$162.00
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SUBTOTAL - SALARIES: **\$10,292.00**

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD:**

\$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
CLOMR FEMA Review Fee	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$514.60** * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: **\$10,806.60**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$0.00** * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: **\$10,806.60**

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT TAXIWAY E EXTENSION

Bidding Services

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	D-2	D-1
Labor Classification Name	Principal	Proj Manager	Sr. Engineer / Planner	Engineer	Designer	Technician	Admin
	\$260.00	\$200.00	\$180.00	\$160.00	\$150.00	\$100.00	\$81.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Review and Respond to Request for Information (RFI)		2	2		4		
Draft and Distribute Addendums		1	2		2		
Prepare for Pre-Bid Meeting		1		2	2		
Attend Pre-Bid Meeting (on-site)		4		4			
Bid Opening (on-site)		3		3			
Prepare Bid Tabulation		1	1	2	4		
Draft and Submit FAA Grant Application		1	2	2			2
Assemble Grant Certifications		1	2	2			2
Award		2	2				2
Prepare Contract Documents		1	2				4
Prepare Issued for Construction Plans and Specifications		1	2	2	2		
Subtotal - Civil Engineering	0	18	15	17	14	0	10

Hours	0	18	15	17	14	0	10
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Salary Costs	\$0.00	\$3,600.00	\$2,700.00	\$2,720.00	\$2,100.00	\$0.00	\$810.00
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SUBTOTAL - SALARIES: \$11,930.00

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD: \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$596.50 * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: \$12,526.50

SUBCONSULTANTS FEE (None): \$0.00

PROFESSIONAL FEE \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: \$12,526.50

EXHIBIT B-08

FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION

Grant Closeout Services

prepared by:  PARRISH & PARTNERS

prepared on: 06/06/2024

Prepared for use as an Independent Fee Estimate for evaluation of reasonability of Consultant Fee.

Rates shown for each Labor Classification are inclusive of overhead, profit, etc.

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	D-2	D-1
Labor Classification Name	Principal	Proj Manager	Sr. Engineer / Planner	Engineer	Designer	Technician	Admin
	\$260.00	\$200.00	\$180.00	\$160.00	\$150.00	\$100.00	\$81.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Draft and Submit FAA Grant Closeout Documents	1	4	4				6
Draft and Submit ADA Grant Application	1	2	4				6
Subtotal - Civil Engineering	2	6	8	0	0	0	12

Hours	2	6	8	0	0	0	12
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Salary Costs	\$520.00	\$1,200.00	\$1,440.00	\$0.00	\$0.00	\$0.00	\$972.00
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SUBTOTAL - SALARIES: \$4,132.00

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD: \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$206.60 * 5% of Labor costs esteemed for Direct Expenses

SUBTOTAL: \$4,338.60

SUBCONSULTANTS FEE (None): \$0.00

PROFESSIONAL FEE \$0.00 * Billing Rates included are inclusive of overhead, profit, etc.

TOTAL FEE: \$4,338.60

APPENDIX A-08

TASK ORDER 08 FAYETTEVILLE – DRAKE FIELD AIRPORT TAXIWAY E EXTENSION DESIGN

This TASK ORDER is made as of _____, 2024 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as “CITY OF FAYETTEVILLE,” and GARVER, LLC, hereinafter referred to as “GARVER”, in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on November 17, 2020.

Under this Task Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Taxiway E Extension project.

Proposed improvements associated the Taxiway E Extension consist primarily of extending the existing Taxiway E to the south to connect to Taxiway B3. Total length of proposed new taxiway is approximately 1,800 linear ft.

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-08.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum basis.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Surveying Services	\$10,000	Lump Sum
Geotechnical	\$19,000	Lump Sum
Preliminary Design	\$143,700	Lump Sum
Final Design	\$40,000	Lump Sum
CLOMR Coordination	\$32,300	Lump Sum
Bidding Services	\$8,500	Lump Sum
Grant Closeout Services	\$3,500	Lump Sum
TOTAL FEE	\$257,000	

The CITY OF FAYETTEVILLE will pay GARVER the lump sum amount not to exceed \$257,000. For informational purposes, a breakdown of GARVER’s estimated costs is included in Exhibit B-08 with approximate current hourly rates for each employee classification.

Additional Services (Extra Work). For work not described or included in Section 1 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-08 for each classification of GARVER’s personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel.

SECTION 3 –EXHIBITS

3.1 The following Exhibits are attached to and made a part of this Agreement:

3.1.1 Exhibit A-08 Scope of Services

3.1.2 Exhibit B-08 Manhour Tables

3.1.3 Exhibit C-08 Project Exhibit

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  _____

ATTEST:

By: _____
City Clerk

Title: _____ Senior Project Manager



EXHIBIT A - 08 (SCOPE OF SERVICES)

Generally, the Scope of Services includes the following professional services for design and bidding of the Taxiway E Extension project at Fayetteville – Drake Field Airport. Improvements will primarily consist of extending Taxiway E to the south to connect to Runway 16-34 in line with existing Taxiway B3. Total length of proposed new taxiway construction is approximately 1,800 linear ft as shown in Exhibit C-08. Portions of the extension will extend through delineated wetlands and the 100-year floodplain. An Environmental Assessment has been completed for the project and an approved a Finding of No Significant Impact (FONSI) and Record of Decision was issued by the FAA on June 12, 2024. The following professional services are included in this Scope of Services.

- Surveying Services
- Geotechnical Services
- Floodplain/Drainage Study
- Design Services
 - 90% Preliminary Design
 - 100% Issued for Bid
- Bidding Services
- Grant (Design) Closeout Services

1. SURVEYING SERVICES

- 1.1. Design Surveys. Garver will provide field survey data from field work for designing the project, and this survey will be tied to the Owner's control network. Survey team members will either be escorted by Garver staff currently badged at the Airport or will complete badge training at the Airport prior to conducting survey.
- 1.2. Garver will conduct field surveys, utilizing radial topography methods, at intervals and for distances at and/or along the project site as appropriate for modeling the existing ground, including locations of pertinent features or improvements. Buildings and other structures, airfield pavements, streets, drainage features, airfield lights and signs, fences, trees over eight inches in diameter, visible utilities as well as those underground utilities marked by their owners and/or representatives, and any other pertinent topographic features that may be present at and/or along the project site, will be located. Control points will be established for use during construction.
- 1.3. Garver will assemble data obtained during the performance of the field surveys in an AutoCAD Civil3D base map drawing to be utilized for design of the project.

2. GEOTECHNICAL SERVICES

- 2.1. McClelland Consulting Engineers, as a subconsultant to Garver, will be responsible for obtaining, interpreting, and evaluating geotechnical data necessary for the design of this project. The following is a summary of the geotechnical services provided under this Scope of Services.
- 2.2. The geotechnical field investigation will consist of drilling eight (8) exploratory soil borings at approximate 200- to 250-ft intervals along the proposed taxiway alignment. Soil borings will typically extend to the lesser of 10-ft depth below existing grade or auger refusal depth. One (1) boring will be extended to the lesser of 20-ft depth below existing grade or auger refusal depth where the proposed alignment crosses and existing drainage feature. The scope of the



field investigation will also include excavating three (3) sample test pits to obtain bulk soil samples for laboratory testing. Garver will assist in coordinating with the local FAA technical operations group to mark any known FAA utilities prior to start of the field investigation.

- 2.3. A laboratory testing program will be conducted as part of the geotechnical study to determine pertinent engineering properties and characteristics of the on-site soils. The testing program will consist of a combination of soil moisture content, Atterberg limits, gradations, moisture-density relationship (Proctors), and California Bearing Ratio (CBR's).
- 2.4. The geotechnical subconsultant will use information obtained from the field investigation and laboratory testing program to develop engineering recommendations. The geotechnical engineering recommendations will be compiled into a final Geotechnical report that will be submitted as an appendix to the project Engineer's report.

3. FLOODPLAIN STUDY

- 3.1. Floodplain Study: Garver will perform a floodplain study on the portion of West Fork White River that flows in the vicinity of Drake Field. This reach will extend from downstream of State Highway 71 to the downstream limit of the mapped floodway (approximately 800 feet upstream of Highway 69). The purpose of the drainage study will be to evaluate the hydraulics of the proposed taxiway encroachment on the West Fork White River floodplain. Existing (Corrected Effective) conditions hydrologic and hydraulic analyses will be conducted for the Airport Master Plan (AMP) project. The updated 1D HEC-RAS model created for the AMP will be used to create a Proposed Conditions model of West Fork White River to include the proposed taxiway extension. A floodway analysis will also be performed using the Effective floodway boundary to determine impacts of the proposed taxiway extension on the Effective floodway. A drainage report will be provided detailing the findings of the analyses and conceptual recommendations for the taxiway extension.
- 3.2. CLOMR Coordination: Since the extension will encroach in the Effective floodplain for West Fork White River, effects to the 1% Annual Exceedance Probability (AEP) event are anticipated. If a CLOMR is required, a Conditional Letter of Map Revision (CLOMR) application will be submitted to FEMA by Garver on behalf of the airport. Tasks related to the CLOMR submittal, including proposed floodway boundary determination, MT-2 form completion, floodplain mapping, coordination with local floodplain administrators, coordination with FEMA, and notification of affected property owners, will be performed by Garver. The FEMA CLOMR review fee and mailing costs are included in the fee for this project. Garver H&H personnel will have up to one (1) meeting with the Owner.

4. DESIGN SERVICES

- 4.1. General: Garver will prepare detailed construction drawings, specifications, instructions to bidders, and general provisions and special provisions, all based on guides furnished to Garver by the Owner and FAA, or internally developed by Garver. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall conform to the standards of practice ordinarily used by members of Garver's profession practicing under similar conditions and shall be submitted to the FAA office from which approval must be obtained.
- 4.2. Owner / Agency Coordination: Garver's project manager and/or design team will coordinate with the Owner as necessary to coordinate design decisions, site visits, document procurement, or other design needs.



- 4.2.1. Reimbursable Agreement: Garver will assist with the development of a new FAA construction Reimbursable Agreement(s) (RA) for the FAA facilities construction work required by the applicable work within the project limits. The construction RA will require execution prior to bidding to coordinate FAA Resident Engineer (RE) services within the construction schedule.

4.3. Quality Control

- 4.3.1. Garver will develop a project specific quality control plan. The quality control plan will include the project background and scope, stakeholder contact information, project team and roles, design criteria, project schedule, and quality control procedures.
- 4.3.2. Garver will complete a quality control review prior to any design submission to Owner and/or FAA. QC reviews will be completed by a project manager. Weekly internal progress meetings will be held during all design phases to ensure adequate quality control throughout the design phases.

4.4. Environmental Coordination

- 4.4.1. Garver will develop a Stormwater Pollution Prevention Plan (SWPPP), including erosion control plans and details. Upon Owner review, the SWPPP and NOI shall be submitted to the ADEQ for review. Garver will incorporate comments from the review agency.
- 4.4.2. Garver will complete Section 404 Individual permitting, which includes preparation of a permit application package, design plan reviews, mitigation credit determinations, mitigation bank planning and coordination, and US Army Corps of Engineers (USACE) coordination. Section 401 Individual water quality certification and short-term activity authorization (STAA) will be coordinated with DEQ.

- 4.5. Airspace Analysis: Garver will prepare and submit the project to the FAA for permanent airspace clearance on the Obstruction Evaluation and Airport Airspace Analysis (OE/AAA) website and coordinate with FAA representatives.

4.6. Construction Safety and Phasing Plan

- 4.6.1. Garver will develop a construction safety and phasing plan (CSPP) for the project. During development of the CSPP, Garver will hold a meeting with Airport staff and other stakeholders at the Airport's request to obtain feedback regarding operations during each proposed phase of construction.
- 4.6.2. After receiving comments from the meeting, Garver will develop a preliminary CSPP for the Owner's review prior to submission to the FAA. After incorporating Owner comments, the CSPP will be submitted to FAA for review through the OE/AAA website.

4.7. Existing Conditions Review

- 4.7.1. Record Document Review: Garver will review record document data from the vicinity of the construction site to evaluate existing conditions. Record document data may include record drawings, record surveys, utility maps, GIS data, and previous design reports.



4.7.2. Site Visits: Garver's civil and electrical engineers will perform up to two (2) site visits to the project site to review existing conditions and evaluate survey and record document data.

4.8. Pavement Design: Garver will develop a fleet mix for the proposed project based on aircraft fleet data considering Traffic Flow Management System Counts (TFMSC) and fleet mix data from recent airport projects. Upon completion of the aircraft fleet mix, Garver will submit the fleet to the Owner for review. Upon approval by the Owner, Garver will use FAARFIELD and life cycle cost analysis methods to develop a recommendation for the most economical pavement design. Based on this analysis and discussions with the Owner, a pavement design for the project will be chosen. For concrete pavement design, Garver will design joint patterns and jointing details.

4.9. Geometric Design: Garver will provide geometric design in accordance with FAA AC 150/5300-13B or other local standards. Fayetteville – Drake Field's most recent Airport Layout Plan designates Runway 16-34 as an RDC of C-II-5000. The critical aircraft are shown as the Lear 35 and Falcon 20. The ALP does not designate a critical Taxiway Design Group.

FYV has historically supported substantial operations of business, charter, and military aircraft with more demanding characteristics than the critical aircraft designated on the ALP. Previous projects have facilitated the airport's ability to serve these aircraft by designating select "Large Aircraft Taxi Routes" designed to accommodate TDG 3 and TDG 4 aircraft specific to the FYV fleet. Similar criteria and design methodology are expected to be applied to the Taxiway E Extension.

The following design criteria are proposed for taxiway design:

- Airplane Design Group (ADG) – II
- Aircraft Approach Category (AAC) – C
- Taxiway Design Group (TDG) – 3

4.10. Modeling: Garver will develop preliminary vertical alignments based on the requirements of FAA AC 150/5300-13 (latest edition). Upon the completion of vertical alignments, assemblies will be developed based on the pavement design and corridors will be modeled for the Taxiway E alignment. Modeling will include all surface changes from centerline of corridor to tie into existing grade for the project site. At the completion of individual corridor developments, all corridors will be combined into a final grading surface. Modeling will be an iterative process to determine the most efficient design solution.

4.11. Grading and Drainage: Grading and drainage design shall be completed in accordance with FAA AC 150/5300-13 (Airport Design), FAA AC 150-5320-5 (Airport Drainage Design), and applicable local drainage codes.

4.12. Airfield Electrical

4.12.1. Airfield Lighting and Signage: Garver will provide electrical engineering services to design the new lighting improvements on the project including but not limited to taxiway edge lighting and guidance signage.

4.13. Utility Design and Coordination: As necessary, Garver will coordinate with the Airport and FAA to locate and protect any existing utilities or Navigational Aid cables.



Garver will furnish plans to all known utility owners potentially affected by the project at each stage of development. Garver will conduct coordination meetings among all known affected utility owners to enable them to coordinate efforts for any necessary utility relocations. Garver will include the surveyed locations of the observable and marked utilities in the construction plans. Garver will also include proposed and/or relocated utility information in the construction plans as provided by the utility companies.

4.14. Plan Set Development

The following matrix details the plan drawings to be included in each design submittal.

Plan Set	Design Phase	
	90% Preliminary	100% Issued for Bid
Cover Sheet	X	X
Sheet Index	X	X
General Notes	X	X
Project Layout Plan	X	X
Survey Control Plan	X	X
Construction Safety Plans	X	X
Construction Safety Details	X	X
Existing Conditions Plans	X	X
Erosion Control Plans	X	X
Erosion Control Details	X	X
Demolition Plans	X	X
Demolition Details	X	X
Drainage Plans	X	X
Drainage Details	X	X
Typical Sections	X	X
Paving Plans	X	X
Paving Details	X	X
Grading Plans	X	X
Grading Details	X	X
Pavement Marking Plans	X	X
Pavement Marking Details	X	X
Electrical Notes	X	X
Lighting Removal Plans	X	X
Lighting Installation Plans	X	X
Lighting Details	X	X
Cross Sections	X	X

4.15. Specifications and Contract Documents



- 4.15.1. Technical Specifications: Detailed specifications shall be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10H or other appropriate standards approved for use by the FAA. Additional supplementary specifications will be developed for project requirements not covered by FAA AC150/5370-10 or when state or local standards are approved by the FAA.
- 4.15.2. Construction Contract Documents: Garver will develop construction contract documents based on EJCDC standards. A specimen copy of the General Provisions and applicable prevailing wage rates will be obtained by Garver from the FAA and/or Department of Labor as appropriate for incorporation into the specifications for the proposed project. Final construction contract documents will be submitted to the Owner for final review and approval.
- 4.16. Engineer's Report: Garver will prepare an Engineer's Report to outline the project's design criteria and design considerations. The report will discuss design decisions of all major project parameters. A summary of the sections to be included in the Engineer's Report are shown below:
- Project Background
 - Existing Conditions
 - Site Survey
 - Geotechnical Investigation
 - Project Photographs
 - Applicable AIP Standards
 - Construction Safety and Phasing
 - Geometric Design
 - Pavement Design
 - Drainage Design
 - Airfield Lighting and Signage
 - Pavement Markings
 - Environmental Considerations
 - Utility Design
 - Miscellaneous Design Items
 - Modifications to AIP Standards
 - DBE Participation
 - Project Schedule
 - Engineer's Opinion of Probable Cost
- 4.17. Quantities and Engineer's Opinion of Probable Cost: Garver will develop detailed quantities in PDF format for use in construction cost estimating for each design phase. Quantities will be completed by pay item. Upon the completion of quantity development, Garver will review previous cost data and market conditions and complete an Engineer's Opinion of Probable Cost.
- 4.18. Design Services Submission and Meeting Summary: The following design submittal phases shall be included in the fee summary. A summary of each design phase and the associated review meetings is included below.
- 4.18.1. 90% Preliminary Design



4.18.1.1. Garver will develop 90% final design plans, specifications, and engineer's report and submit these to the Owner for review. It is anticipated that the Owner will review the design submission within two weeks.

4.18.1.2. At the completion of the Owner review period, Garver will meet with the Owner to review the 90% final design plans, specifications, and engineer's report and to receive Owner comments and direction.

4.19. 100% Issued for Bid (IFB): Garver will develop 100% IFB plans and specifications and submit these to the Owner for review. It is anticipated that the Owner will review the IFB submission within two weeks.

5. BIDDING SERVICES

5.1. Bidding. Garver will assist the Owner in advertising for and obtaining bids or negotiating proposals for one prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued and attend a pre-bid conference. The Owner will pay advertising costs outside of this contract.

5.2. Garver will issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. Garver will consult with and advise the Owner as to the acceptability of subcontractors, suppliers and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. Garver will consult with the Owner concerning the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents.

5.3. Garver will attend the bid opening, prepare a bid tabulation, and assist the Owner in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment, and services. Garver will assist the Owner in the execution of all contract documents and furnish a sufficient number of executed documents for the Owner, Contractor and FAA.

6. GRANT (DESIGN) CLOSEOUT SERVICES

6.1. Garver will assist the Owner in the submission of design grant closeout documents for the project. Garver will also assist the Owner in the development of a 10% reimbursement grant application from the Arkansas Division of Aeronautics. Closeout services associated with any other future grant(s) for project construction will be added through contract amendment.

7. CONSTRUCTION PHASE SERVICES

7.1. To be added through contract amendment.

8. MATERIALS TESTING SERVICES

8.1. To be added through contract amendment.

9. PROJECT DELIVERABLES

9.1. The following deliverables will be submitted to the parties identified below. Unless otherwise noted below, all deliverables shall be electronic.



- 90% Preliminary Design Plans and Specifications to the Owner and FAA.
- 100% Issued for Bid Plans, Specifications, and Report to the Owner and FAA.
- Other electronic files as requested.

10. ADDITIONAL SERVICES

10.1. The following items are not included under this agreement but will be considered as additional services to be added under Amendment if requested by the Owner.

- Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
- Deliverables beyond those listed herein.
- Design of any utility relocation.
- Engineering, architectural, or other professional services beyond those listed herein.
- Retaining walls or other significant structural design.
- Construction Administration Services, On-Site Construction Observation, and Construction Materials Testing.
- Services after construction, such as warranty follow-up, operations support, and Part 139 inspection support.

11. SCHEDULE

11.1. Garver shall begin work under this Agreement upon execution of this Agreement and shall complete the work within a mutually agreeable schedule with the Owner.

EXHIBIT B-08

**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION**

FEE SUMMARY

Service	Estimated Fees
Surveying Services	\$ 10,000.00
Geotechnical	\$ 19,000.00
Preliminary Design	\$143,700.00
Final Design	\$ 40,000.00
CLOMR Coordination	\$ 32,300.00
Bidding Services	\$ 8,500.00
Grant Closeout Services	\$ 3,500.00
Total All Services	\$ 257,000.00

EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Surveying Services**

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	S-5	S-4	2-Man Crew (Survey)
	hr	hr	hr	hr	hr	hr	hr
1. Surveys - Topographic							
Coordination and Administration		2		2			
Review of Existing Control Points				2			
Topographic Surveys							28
Data Processing/DTM Preparation						8	
QC Review of Survey Data					2		
Subtotal - Surveys - Topographic	0	2	0	4	2	8	28

Hours	0	2	0	4	2	8	28
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SUBTOTAL - SALARIES:	\$2,943.90
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LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD:	\$5,623.14
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DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$22.90
Survey Supplies	\$0.00
Computer Modeling/Software Use	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs	\$125.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$147.90
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SUBTOTAL:	\$8,714.94
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SUBCONSULTANTS FEE:	\$0.00
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PROFESSIONAL FEE	\$1,285.06
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TOTAL FEE:	\$10,000.00
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EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Geotechnical**

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Coordinate with Geotechnical Subconsultant	1		1				
Develop Geotechnical Subconsultant Agreement		2					
Geotechnical Report Review	1	2					
Coordination for Design Input	2						
Subtotal - Civil Engineering	4	4	1	0	0	0	0

Hours	4	4	1	0	0	0	0
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SUBTOTAL - SALARIES:	\$556.20
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ADMINISTRATIVE OVERHEAD:	\$1,062.40
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DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$18.61
Postage/Freight/Courier	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$18.61
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SUBTOTAL:	\$1,637.21
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SUBCONSULTANTS FEE (Geotechnical Study):	\$17,120.00
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PROFESSIONAL FEE	\$242.79
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TOTAL FEE:	\$19,000.00
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EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Preliminary Design**

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Kickoff Meeting	2	2		2			
Coordination with FAA	2	1					
Coordination with Owner	4						
Record Document Review		1		4			
Site Visit (1)		4		4			
Develop Quality Control Plan	2	1		4			
Internal Weekly Progress Meetings (8)	4	4		4			
Establish Design Criteria and Parameters		2		2			
Develop Construction Safety and Phasing Plan	1	1		8			
Base Map Setup				2			8
Develop Geometric Layout		2		4			8
Develop Horizontal Alignments	1	2		4			8
Develop Vertical Alignments	1	2		4			8
Develop Assemblies		1		4			8
Develop Corridor Model	2	1		6			8
Develop Fleet Mix using available data (TFMSC, 5010, etc.)		4		4			
Drainage Basin Development		2		6			
Pre-Development Flow Calculations		4		14			
Drainage Structure Design Calculations		2		8			
Preliminary Plans							
Cover Sheet		1		1			2
Sheet Index		1		1			2
General Notes		1		2			2
Project Layout Plan		1		2			8
Survey Control Plan		1		2			8
Construction Safety Plans		2		2			8
Construction Safety Details		1		2			4
Existing Conditions Plans		2		2			8
Erosion Control Plans		2		2			8
Erosion Control Details		2		2			8
Demolition Plans		2		2			8
Demolition Details		2		2			4
Drainage Plans		1		4			8
Drainage Details		1		2			4
Typical Sections		2		4			10
Paving Plans		2		4			10
Paving Details		2		4			8
Grading Plans		1		4			8
Grading Details		1		4			6
Pavement Marking Plans		2		4			8
Pavement Marking Details		1		4			8
Cross Sections		2		4			8

EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Preliminary Design**

Hydraulics - Floodplain Study							
<i>Create Existing Conditions Model (under FYV AMP Scope)</i>							
Create Proposed Conditions Model		8		30			
Create Proposed Floodway Model		8		16			
Internal QA/QC	2	4		6			
Prepare Drainage Report		4		8			
Floodplain Mapping		4		8			
Environmental							
<i>Site Visits (under EA Scope)</i>							
<i>Wetlands Delineation (under EA Scope)</i>							
<i>Prepare CATEX (under EA Scope)</i>							
Permitting	8	12					
Develop SWPPP	4	12					
Develop Preliminary Construction Contract Documents		4		6			
Develop Preliminary Technical Specifications		4		6			
Develop Preliminary Supplemental Specifications		2		6			
Develop Preliminary Quantities		2		6			
Develop Preliminary Opinions of Probable Construction Costs		2		8			
Preliminary Engineer's Report	4	12		8			
Pavement Life Cycle Cost Analysis		2		2			
Internal Quality Control (QC) Review	4	4		4			
Incorporate QC Review Comments		2		4			4
Incorporate Preliminary (Owner/FAA/State) Review Comments		2		2			4
Prepare and Submit Permanent Airspace Study		1		2			
Subtotal - Civil Engineering	41	166	0	290	0	0	204
2. Electrical Engineering							
Review As-Built Drawings	1		1	4			
Electrical Calculations			1	4			
Lighting and Signage Layout			2	30			
Preliminary Engineer's Report	2		1	4			
Preliminary Plans							
Electrical Notes			1	2		4	
Lighting Removal Plans			1	6		32	
Lighting Removal Details			2	2		4	
Lighting Installation Plans			2	6		32	
Lighting Installation Details			2	6		16	
Develop Preliminary Technical Specifications			2	6			
Develop Preliminary Supplemental Specifications			2	6			
Develop Preliminary Quantities				4			
Develop Preliminary Opinions of Probable Construction Costs			2	4			
Internal Quality Control (QC) Review	4		4				
Incorporate QC Review Comments	2		2	4		4	
Incorporate Preliminary (Owner/FAA/State) Review Comments	1		2	2		4	
Subtotal - Electrical Engineering	10	0	27	90	0	96	0

EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Preliminary Design**

Hours	51	166	27	380	0	96	204
SUBTOTAL - SALARIES:		\$42,830.92					
LABOR AND GENERAL							
ADMINISTRATIVE OVERHEAD:		\$81,811.34					
<u>DIRECT NON-LABOR EXPENSES</u>							
Document Printing/Reproduction/Assembly		\$61.40					
Postage/Freight/Courier		\$0.00					
Office Supplies/Equipment		\$0.00					
Computer Modeling/Software Use		\$200.00					
Travel Costs		\$100.00					
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		\$361.40					
SUBTOTAL:		\$125,003.66					
SUBCONSULTANTS FEE:		\$0.00					
PROFESSIONAL FEE		\$18,696.34					
TOTAL FEE:		\$143,700.00					

EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Final Design**

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	D-2	D-1	T-2
	hr	hr	hr	hr	hr	hr	hr
Subtotal -	0	0	0	0	0	0	0
1. Civil Engineering							
Coordination with FAA	2	1					
Coordination with Owner	3	2					
CSPP Submission to FAA Through OEAAA		1		1			
Submit SWPPP to ADEQ		1		2			
Final Plans							
Sheet Index				1			1
General Notes				1			1
Project Layout Plan				1			1
Survey Control Plan				1			1
Construction Safety Plans				2			4
Construction Safety Details				1			1
Existing Conditions Plans				2			2
Erosion Control Plans				2			2
Erosion Control Details				1			1
Demolition Plans				2			2
Demolition Details				1			1
Drainage Plans				2			2
Drainage Details				1			1
Typical Sections				2			6
Paving Plans				2			4
Paving Details				2			4
Grading Plans				2			4
Grading Details				2			2
Pavement Marking Plans				2			4
Pavement Marking Details				2			4
Cross Sections				2			4
Develop Final Construction Contract Documents		2		4			
Develop Final Technical Specifications		4		2			
Develop Final Supplemental Specifications		2		2			
Develop Final Quantities		1		2			
Develop Final Opinions of Probable Construction Costs		2		2			
Final Engineer's Report		4		6			
Internal Quality Control (QC) Review	2	4		8			4
Incorporate QC Review Comments		2		2			
Incorporate Final (Owner/FAA/State) Review Comments		2		2			
Subtotal - Civil Engineering	7	30	0	70	0	0	57

EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Final Design**

2. Electrical Engineering							
Electrical Calculations			2	2			
Final Lighting and Signage Layout			2	4			
Final Engineer's Report	1		1	2			
Preliminary Plans							
Electrical Notes				1		4	
Lighting Removal Plans			2	2		6	
Lighting Removal Details						6	
Lighting Installation Plans			2	4		10	
Lighting Installation Details			2	4		6	
Develop Final Technical Specifications			2	2			
Develop Final Supplemental Specifications			2	2			
Develop Final Quantities				2			
Develop Final Opinions of Probable Construction Costs			1	4			
Internal Quality Control (QC) Review	6		2				
Incorporate QC Review Comments			2	4			
Incorporate Final (Owner/FAA/State) Review Comments			2	4			
Subtotal - Electrical Engineering	7	0	22	37	0	32	0

Hours	14	30	22	107	0	32	57
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SUBTOTAL - SALARIES:	\$11,932.86
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LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:	\$22,792.96
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DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$65.31
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$65.31
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SUBTOTAL:	\$34,791.13
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SUBCONSULTANTS FEE:	\$0.00
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PROFESSIONAL FEE	\$5,208.87
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TOTAL FEE:	\$40,000.00
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EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****CLOMR COORDINATION**

WORK TASK DESCRIPTION	E-5	E-3	E-2	E-1	D-2	D-1	AM-2
	hr	hr	hr	hr	hr	hr	hr
1. CLOMR Coordination							
Letter of Map Revision for FEMA							
Prepare model for submittal		2		20			
Floodplain Mapping (Annotated FIRM)				12			
Report/Forms		8		12			
Notification Process							
ID Impacted Parcels				12			
Develop Address Database				4			
Prepare Draft Letter		2		4			
Mail Letters							6
Entity Approvals							
Respond to City of Fayetteville and Airport Comments		8		8			
Meetings(1) - By Phone Only		2		4			
Coordination with FEMA		30		24			
Subtotal - CLOMR Coordination	0	52	0	100	0	0	6

Hours	0	52	0	100	0	0	6
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SUBTOTAL - SALARIES:	\$7,620.08
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LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:	\$14,555.11
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DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	
Postage/Freight/Courier	\$98.53
Office Supplies/Equipment	\$0.00
CLOMR FEMA Review Fee	#####
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$6,798.53
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SUBTOTAL:	\$28,973.72
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SUBCONSULTANTS FEE:	\$0.00
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PROFESSIONAL FEE	\$3,326.28
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TOTAL FEE:	\$32,300.00
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EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Bidding Services**

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	D-2	D-1
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Review and Respond to Request for Information (RFI)		1	2				
Draft and Distribute Addendums		1		2			
Prepare for Pre-Bid Meeting		1		2			
Attend Pre-Bid Meeting (on-site)		2	2				
Bid Opening (on-site)		2	2				
Prepare Bid Tabulation			1	1		1	
Draft and Submit FAA Grant Application		1		8			
Assemble Grant Certifications				2			
Award		1	3				
Prepare Contract Documents		1	1			4	
Prepare Issued for Construction Plans and Specifications		1				4	
Subtotal - Civil Engineering	0	11	11	15	0	9	0

Hours	0	11	11	15	0	9	0
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SUBTOTAL - SALARIES:	\$2,531.59
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LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:	\$4,835.59
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DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$2.74
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Travel Costs	\$25.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$27.74
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SUBTOTAL:	\$7,394.92
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SUBCONSULTANTS FEE:	\$0.00
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PROFESSIONAL FEE	\$1,105.08
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TOTAL FEE:	\$8,500.00
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EXHIBIT B-08**FAYETTEVILLE-DRAKE FIELD AIRPORT
TAXIWAY E EXTENSION****Grant Closeout Services**

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	D-2	D-1
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Draft and Submit FAA Grant Closeout Documents		2	8				3
Draft and Submit ADA Grant Application		1	2				3
Subtotal - Civil Engineering	0	3	10	0	0	0	6

Hours	0	3	10	0	0	0	6
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SUBTOTAL - SALARIES:	\$1,028.88
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LABOR AND GENERAL ADMINISTRATIVE OVERHEAD:	\$1,965.26
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DIRECT NON-LABOR EXPENSES	
Document Printing/Reproduction/Assembly	\$56.73
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:	\$56.73
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SUBTOTAL:	\$3,050.87
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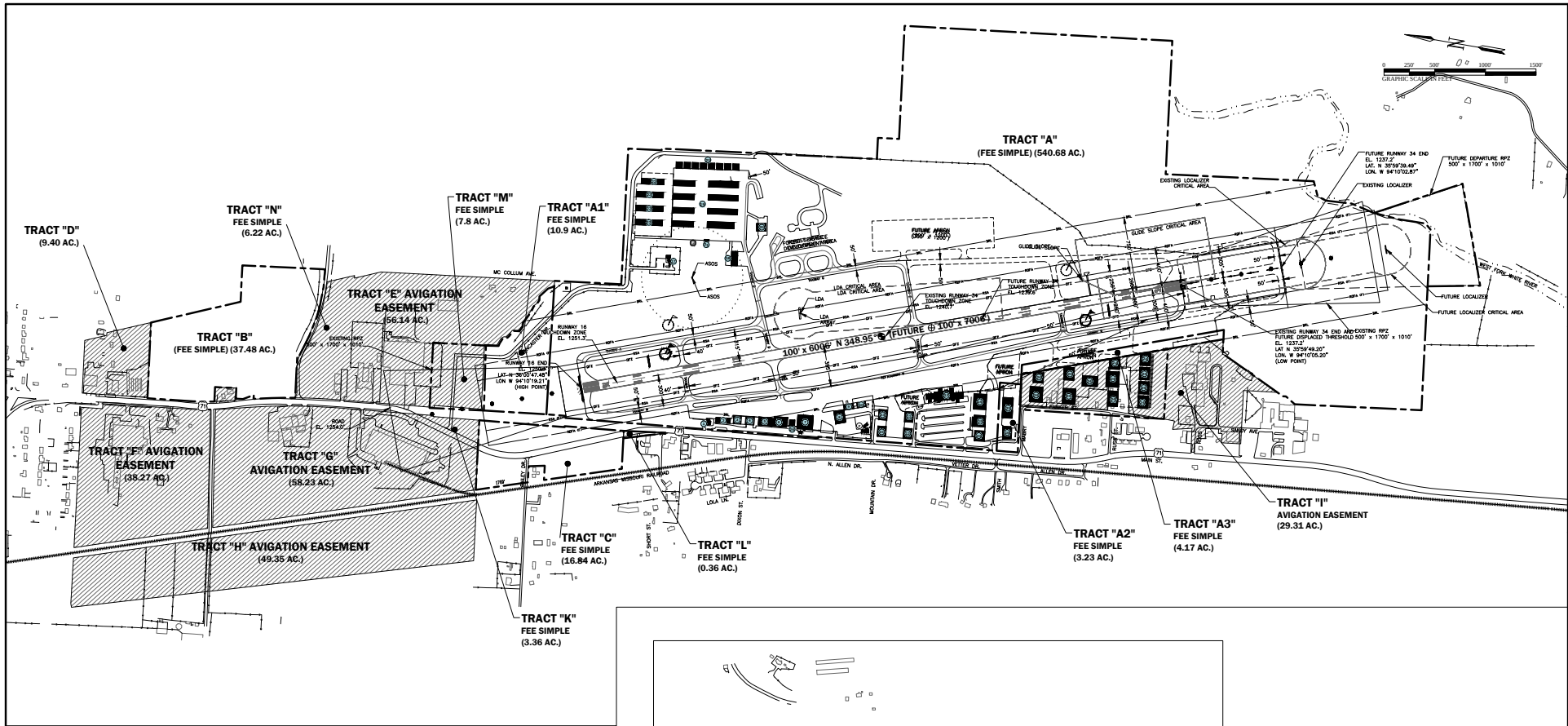
SUBCONSULTANTS FEE:	\$0.00
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PROFESSIONAL FEE	\$449.12
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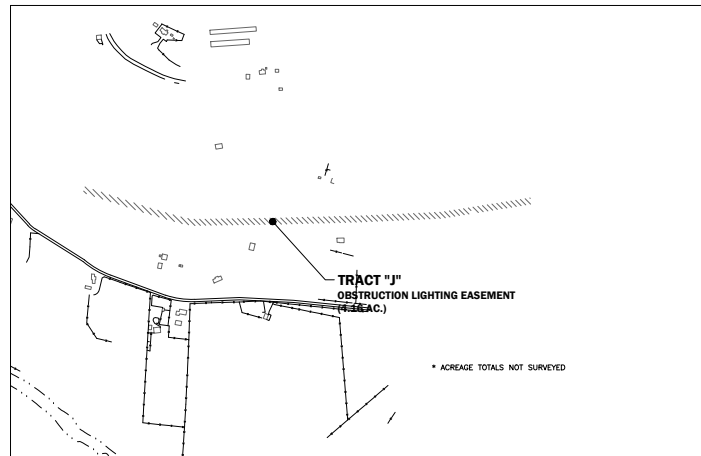
TOTAL FEE:	\$3,500.00
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2049 E. Joyce Blvd.
Suite 400
Fayetteville, AR 72703
(479) 527-9100



LAND PARCEL DATA				
TRACT	INTEREST	ACRES	DATE	FEDERAL GRANT NUMBER
A	FEE SIMPLE	522.32	1930	CITY OF FAYETTEVILLE GENERAL OBLIGATION BONDS
B	FEE SIMPLE	37.48	1990	AP 3-05-0020-11
C	FEE SIMPLE	16.84	1990	AP 3-05-0020-11
D	AVIGATION EASEMENT	9.40	1990	AP 3-05-0020-11
E	AVIGATION EASEMENT	56.14	1990	AP 3-05-0020-11
F	AVIGATION EASEMENT	38.27	1990	AP 3-05-0020-11
G	AVIGATION EASEMENT	58.23	1990	AP 3-05-0020-11
H	AVIGATION EASEMENT	49.35	1990	AP 3-05-0020-11
I	AVIGATION EASEMENT	29.31	1990	AP 3-05-0020-11
J	OBSTRUCTION LIGHTING EASEMENT	4.16	1990	AP 3-05-0020-11
A1	FEE SIMPLE	10.96	1982	AP 3-05-0020-02
A2	FEE SIMPLE	3.23	1985	AP 3-05-0020-07
A3	FEE SIMPLE	4.17	1995	AP 3-05-0020-15
K	FEE SIMPLE	3.36	2010	AP 3-05-0020-37
L	FEE SIMPLE	0.36	2009	AP 3-05-0020-37
M	FEE SIMPLE	7.8	2010	AP 3-05-0020-37
N	FEE SIMPLE	6.22	1993	AP 3-05-0020-15



AIRPORT DATA		
AIRPORT ELEVATION (AMSL) NOS 405 (NAVD 83)	EXISTING	FUTURE
AIRPORT REFERENCE POINT (NAD 83) NOS 405 (NAVD 83)	1251.3'	SAME
AIRPORT REFERENCE CODE	C-1	SAME
NPWS CATEGORY	GA	SAME
MEAN MAX. TEMPERATURE (HOTTEST MONTH)	89.3	SAME
TAXIWAY LIGHTING	MTL	SAME
TAXIWAY MARKING	CENTERLINE	SAME
AIRPORT & TERMINAL INLANDS	LEA/LOCALIZER	LEA/LOCALIZER

REVISIONS	
NO.	DESCRIPTION
1	GENERAL REVISION

REV.	DATE	DESCRIPTION

FAYETTEVILLE - DRAKE FIELD
FAYETTEVILLE, AR
AIRFIELD PROPERTY
MAP (EXHIBIT A)

JOB NO.: XXXX
DATE: OCT. 2018
DESIGNED BY:
DRAWN BY:

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALE ACCORDINGLY

DRAWING NUMBER



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Jared Rabren, Airport Director
SUBJECT: **FYV Runway Pavement and Lighting Rehabilitation – FAA Grant and Project Closeout**

RECOMMENDATION:

Staff requests approval for the Aviation Division to process a budget adjustment to recognize an FAA Grant Amendment in the amount of \$332,300.00, execute Federal Aviation Administration (FAA) grant closeout paperwork, execute Task Order 03 Amendment 01 with Garver LLC in the amount of \$21,764.00 for additional construction phase services rendered, and apply for an Arkansas Department of Aeronautics grant for reimbursement of 10% of additional AIP-eligible project costs not funded by the grant amendment and approval of a budget adjustment.

BACKGROUND:

Fayetteville-Drake field is served by a single asphalt runway (Runway 16-34) that was extended to its current length in 1966. The runway has seen multiple overlay rehabilitations since that time, with the last overlay completed in 1986. Since that time, the condition of the asphalt pavements has been maintained through a combination of crack sealing and rejuvenating seal coats. This routine maintenance has provided a pavement life far beyond the 20-year design life of the 1986 overlay project. However, the pavement condition has gradually deteriorated to a point that warrants more substantial rehabilitation. A recent pavement condition assessment of the runway completed by the Arkansas Department of Aeronautics noted that the runway pavement was approaching its "Critical PCI". The Critical PCI is the point at which the cost of rehabilitation increases exponentially with time. This project is intended to provide a pavement rehabilitation alternative that will bring the Runway 16-34 pavement back to a satisfactory condition and extend the useful life of the pavements for a minimum of 20 years.

The project will also include rehabilitation of various aspects of the existing airfield lighting and signage system to improve airport safety and efficiency. Runway edge light fixtures will be upgraded to LED and fixture spacing will be reviewed to confirm conformation to FAA standards. A recent FAA Part 139 inspection found erosion around the existing stake-mounted airfield signage fixtures. This will be addressed by installing new concrete sign foundations to provide a more reliable and maintainable signage system. Airfield signage will be upgraded to LED and naming conventions reviewed based on FAA guidance. A new standalone electrical vault will be constructed to house the airfield lighting power and control equipment. The current vault is located in an existing T-hangar and is not NEC compliant.

This project was originally programmed for Design in 2021 and Construction in 2022. However, in October 2020, the FAA notified the City of Fayetteville that additional federal funds were available in 2021 to complete the entire project (Design and Construction). To receive this additional funding, the FAA requested the City of Fayetteville change their project schedule to complete the competitive bidding process by Summer 2021. The

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Airport entered into an agreement with Garver, LLC to render design and bidding services for the project (Task Order 02). Construction bids were received on June 2, 2021. At the request of the FAA, a value engineering process was undertaken after bid opening to identify potential cost saving measures. The construction cost was subsequently negotiated with the low bidder based on the revised scope to bring the project within available funding limits. Ruts and depressions were identified within the runway safety area (RSA) during an FAA Part 139 inspection completed late Summer of 2021. Following the FAA's inspection, the City completed CCTV camera inspection of the existing storm drainage system. Major deficiencies were discovered within the aging drainage infrastructure, most of which date back to the 1960s and 1970s. These deficiencies were the cause of the RSA surface issues documented by FAA. Council approved Task Order 02 Amendment 01 with Garver, LLC for design of storm drain system repairs and Change Order 01 with Emery Sapp and Sons to add storm drain repair pay items to the construction contract.

DISCUSSION:

Construction of the Runway Pavement and Lighting Rehabilitation project was substantially complete October 2023. Documentation for a grant amendment was submitted for FAA review on April 8, 2024, and approved by the FAA on June 6, 2024. The approved grant amendment of \$332,300.00 funds 90 percent of additional AIP-eligible costs attributed to the additional drainage improvements. Pending Council approval, the Aviation Division will apply for an Arkansas Department of Aeronautics (ADA) matching grant to fund the remaining 10 percent once the FAA project closeout process is complete. Costs attributed to the City for this project total \$28,114.90, which represents the costs for non-FAA eligible Contractor insurance and the stormwater quality enhancements.

Below is a summary of final project costs and funding breakdown for the project.

Administration and Other Costs*	10,000.00		
Garver Task Order 02 (Design and Bidding)*:	325,350.00	FAA (AIP):	5,522,256.00
Garver Task Order 03 (Construction Phase Services)*:	234,664.89	FAA (ARPA)	613,584.00
Final Construction Contract Including Change Orders:	5,910,998.01	FAA Grant Amendment	332,300.00
Garver Task Order 03 Amendment 01:	30,400.00	ADA Grant	36,922.00
Garver Task Order 03 Amendment 01:	21,764.00	City	28,114.90
TOTAL:	\$6,533,176.90	TOTAL:	\$6,533,176.90

**Previously approved by the City Council.*

BUDGET/STAFF IMPACT:

By executing the closeout documents, the Aviation Division will be able to draw down the remaining balance of the FAA Grant and apply for an Arkansas Department of Aeronautics grant for the remaining 10 percent of eligible project costs (\$36,922.00).

ATTACHMENTS: SRF (#3), BA (#4), Runway Pavement and Lighting Rehab - Grant Closeout Package (Reduced Final) (#5)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-301

FYV Runway Pavement and Lighting Rehabilitation – FAA Grant and Project Closeout

A RESOLUTION TO RECOGNIZE A FEDERAL AVIATION ADMINISTRATION GRANT AMENDMENT IN THE AMOUNT OF \$332,300.00; TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT CLOSEOUT PAPERWORK; TO EXECUTE TASK ORDER 03 AMENDMENT 01 WITH GARVER LLC IN THE AMOUNT OF \$21,764.00 FOR ADDITIONAL CONSTRUCTION PHASE SERVICES RENDERED; TO APPLY FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS GRANT FOR REIMBURSEMENT OF 10% OF ADDITIONAL AIRPORT IMPROVEMENT PROGRAM-ELIGIBLE PROJECT COSTS NOT FUNDED BY THE GRANT AMENDMENT; AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, Fayetteville-Drake field is served by a single asphalt runway that was extended to its current length in 1966 which has seen multiple overlay rehabilitations, with the last overlay completed in 1986; and

WHEREAS, the condition of the asphalt pavements has been maintained through a combination of crack sealing and rejuvenating seal coats that has provided a pavement life far beyond the 20-year design life of the 1986 overlay project; and

WHEREAS, the pavement condition has gradually deteriorated to a point that warrants more substantial rehabilitation; and

WHEREAS, a recent pavement condition assessment of the runway completed by the Arkansas Department of Aeronautics noted that the runway pavement was approaching its “Critical PCI” where the cost of rehabilitation increases exponentially with time; and

WHEREAS, this project is intended to provide a pavement rehabilitation alternative that will bring the runway pavement back to a satisfactory condition and extend the useful life of the pavements for a minimum of 20 years; and

WHEREAS, the project will also include rehabilitation of various aspects of the existing airfield lighting and signage system to improve airport safety and efficiency; and

WHEREAS, the Airport entered into an agreement with Garver, LLC to render design and bidding services for the project; and

WHEREAS, City Council approved Task Order 02 Amendment 01 with Garver, LLC for design of storm drain system repairs and Change Order 01 with Emery Sapp and Sons to add storm drain repair

pay items to the constructions contract; and

WHEREAS, construction of the Runway Pavement and Lighting Rehabilitation project was substantially complete in October 2023; and

WHEREAS, documentation for a grant amendment was submitted for Federal Aviation Administration (FAA) review on April 8, 2024, and approved by the FAA on June 6, 2024;

WHEREAS, the approved grant amendment of \$332,300.00 funds 90% of additional Airport Improvement Program (AIP)-eligible costs attributed to the additional drainage improvements; and

WHEREAS, pending City Council approval, the Aviation Division will apply for an Arkansas Department of Aeronautics matching grant to fund the remaining 10 percent once the FAA project closeout process is complete; and

WHEREAS, costs attributed to the City for this project total \$28,114.90, which represents the costs for non-FAA eligible Contractor insurance and the stormwater quality enhancements.

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 grant amendment with the FAA in the amount of \$332,300.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to execute FAA closeout paperwork associated with this project.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to execute Task Order 03 Amendment 01 with Garver LLC in the amount of \$21,764.00 for additional construction phase services rendered.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to submit an application for an Arkansas Department of Aeronautics Grant for reimbursement of 10% of additional AIP-Eligible project costs not funded by the grant amendment.

Section 5: 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

2024-301

Item ID

7/16/2024

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

Jared Rabren

6/26/2024

AIRPORT SERVICES (760)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests approval for the Aviation Division to process a budget adjustment to recognize an FAA Grant Amendment in the amount of \$332,300.00, execute Federal Aviation Administration (FAA) grant closeout paperwork, execute Task Order 03 Amendment 01 with Garver LLC in the amount of \$21,764.00 for additional construction phase services rendered, and apply for an Arkansas Department of Aeronautics grant for reimbursement of 10% of additional AIP-eligible project costs not funded by the grant amendment and approval of a budget adjustment.

Budget Impact:

5550.760.3960-5801.00

Airport

Account Number

Fund

32101.2021

Runway Pavement & Lighting Rehab

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 6,749,426.33

Expenses (Actual+Encum)

\$ 6,743,291.95

Available Budget

\$ 6,134.38

Does item have a direct cost? Yes

Item Cost

\$ 21,764.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 21,764.00

Remaining Budget

\$ 6,134.38

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

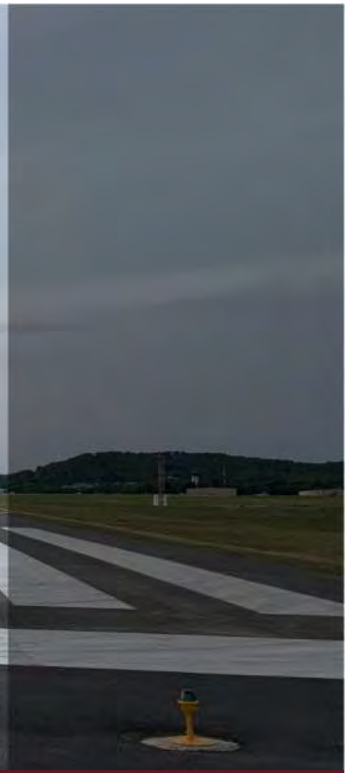
Comments:

Budget Year	Division	Adjustment Number
2024	AIRPORT SERVICES (760)	
	Requestor: Dee Simpson	

Staff requests approval for the Aviation Division to process a budget adjustment to recognize an FAA Grant Amendment in the amount of \$332,300.00

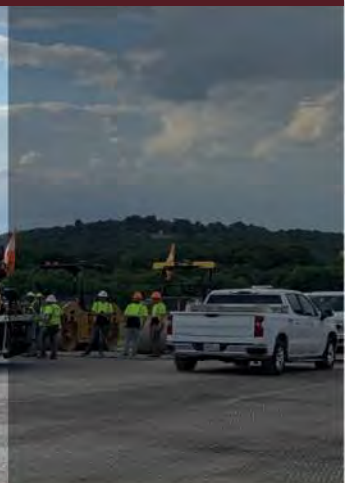
	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-301
	Kevin Springer	
	6/27/2024 3:18 PM	
	Budget Division	Date
	D - (City Council)	
	TYPE:	
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



Runway Pavement and Lighting Rehabilitation

Final Project Report
July 15, 2024



Prepared For:

Fayetteville – Drake Field (FYV)

AIP Grant No. 3-05-0020-050-2021





4300 South J.B. Hunt Drive
Suite 240
Rogers, AR 72758
TEL 479.257.9188
www.GarverUSA.com

July 15, 2024

Ms. Lauren Kennedy
Federal Aviation Administration
10101 Hillwood Parkway
Fort Worth, TX 76177

Re: Fayetteville – Drake Field (FYV)
Runway Pavement and Lighting Rehabilitation
AIP No. 3-05-0020-050-2021
Final Construction Report

Dear Ms. Kennedy:

Having completed construction for the above referenced project, this final construction report shall consist of the following:

1. Narrative of Work Accomplished
2. Summary of Key Milestones
3. Overview of Contract Time
4. Change Order Summary
5. Explanation of Overruns and Exclusions/Underruns
6. Summary of DBE Utilization and Labor Provisions
7. Buy American Provisions
8. Construction Material Testing and Acceptance
9. Final Inspection Report / Record of Completion
10. Project Photographs

In addition, please find attached the Final Invoice Summary, Final Project Budget (including change orders), Final Federal Financial Reports, Sponsor Certifications, Final Inspection Report and Punch List, Materials Testing Logs, and Weekly Construction Progress and Inspection Reports.

Narrative of Work Accomplished

Fayetteville-Drake field is served by a single asphalt runway (Runway 16-34) that was extended to its current length in 1966. The last major rehabilitation on the runway was an asphalt overlay placed in 1986. Routine maintenance had extended the pavement life far beyond the original 20-year design life of the overlay; however, the pavement conditions gradually deteriorated over time to a point that warranted more substantial rehabilitation. This project provided funding for rehabilitation of the Runway 16-34 and connector taxiway pavements through a combination of FAA Airport Improvement Program (AIP) and American Rescue Pan Act (ARPA) funds.

Pavement rehabilitation was completed by cold milling, crack repair, paving fabric installation, and a 2.5-inch-thick asphalt overlay. Minor transverse surface gradient deficiencies present along the runway were

corrected by a combination profile milling and asphalt leveling course. The runway pavement was grooved, and new markings were applied. Edge grading was performed at the conclusion of paving operations to correct runway shoulder transverse slope deficiencies.

The project also included rehabilitation of various aspects of the existing airfield electrical infrastructure to improve airport safety and efficiency. A new runway edge lighting system utilizing medium intensity LED runway edge lights was installed, including replacement of all associated conductors. Aging airfield signage was replaced and the FYV taxiway naming system updated to meet Engineering Brief 89 guidelines. A new standalone electrical vault and backup generator system were installed. The Airports previous vault, located at one end of a T-hangar, was non-NEC compliant and was decommissioned after the new vault was brought online.

Following design and bidding, and prior to start of construction, major deficiencies were identified in the existing storm drainage system after an FAA's Part 139 inspection noted surface irregularities within RSA. Repair options and funding needs were discussed with the Airport and FAA. Prior to the start of construction, storm drain repair items were added to the construction contract via Change Order 01. Storm drainage repairs performed included complete replacement of two storm drains crossing beneath Runway 16, replacement of fifteen storm drain boxes within the runway RSA, and installing pipe collars to repair several disjointed pipes. A stormwater treatment unit was also installed; however, this item was not AIP-eligible and was paid with local funds.

Construction of these improvements was completed in two primary phases. Phase 1 included all work performed outside of the runway safety area, primarily airfield signage replacement and vault installation. Phase 1 included various subphases to limit the extent of taxiway areas closed at a given time. Phase 2 included all work within the runway safety area. Phase 2 included a full 16-day runway closure period, followed by night closures for grooving, pavement marking, and restoration. The full runway closure period was coordinated with the airport to minimize interruptions and was completed within the allotted number of contract days. Night closures were completed between the hours of 2200 and 0600. Additional night closures beyond the allotted contract days were required as detailed in the Overview of Contract Time. Any impacts resulting from construction were minimized by effective communication between FVY staff, Garver, ATCT, the contractor, and airport tenants.

Summary of Milestones

- June 2, 2021 – Bids Received
- July 12, 2021 – Negotiated Bid Received
- September 21, 2021 – Construction Contract Date
- April 26, 2022 – Preconstruction Conference
- May 2, 2022 – Notice to Proceed
- May 9, 2022 – Start of Construction
- July 22, 2021 – Start of Phase 2 / Runway Closed
- August 8, 2022 – End Phase 2 / Runway Opened
- May 11, 2023 – Final Inspection
- June 8, 2023 – Punch List Issued
- October 27, 2023 – Construction Substantial Completion
- December 8, 2023 – Punch List Items Complete / Final Acceptance

Overview of Contract Time

As referenced above, the 85-calendar day contract time started on May 9, 2022 and was substantially complete on October 27, 2023, for a total of 537-calendar days. Ten (10) calendar days were granted via Change Order 01 for additional storm drainage repair work added to the contract, bringing the adjusted contract time to 95 calendar days.

Project completion was substantially delayed due to procurement of electrical components. Specifically, the new vault and generator could not be brought online, and existing vault decommissioned, until receipt of a transfer switch. Delivery of the transfer switch was delayed multiple times, with final delivery occurring in September 2023. Following completion of the runway closure in August 2022, only days worked were charged as contract days, with days not worked deemed suspended. A total of 307 suspended days of contract time were granted that were not included as part of a change order.

A total of 134 days contract days were assessed to the project, 39 beyond adjusted contract time. Of these 39 days, eight (8) were additional night closures for Phase 2B work items. Potential to assess liquidated damages was reviewed with the Owner. Liquidated damages were not assessed as the Owner did not incur additional costs as a result of the overrun in contract time.

Change Order Summary

Below is a summary of all change orders associated with this project. Copies of all change orders are attached to this report.

Change Order 01 – Net change of \$582,573.20

- Safety issues identified during post-bid FAA Part 139 inspection were determined to result from deficiencies in the existing storm drain system. As coordinated with the FAA, repair work needed to address safety issues within the runway safety area was added to this project. This change order adds pay items to complete storm drainage repairs including replacement of two runway crossings, replacement of deficient drainage structures, and repair of disjointed storm drainage pipes.
- Addition of Owner requested stormwater treatment unit (AquaSwirl AS-4). This storm water treatment unit will facilitate future hangar development by upgrading the storm drain system to comply with local codes for storm water management. This item is a non-AIP eligible item and is paid with local funds.

Change Order 02 – Net Change of (\$15,461.00)

- The primary haul route for the project accessed the site through Gate 3 and crossed the fuel farm road to reach the terminal apron. The fuel farm road was heavily damaged by construction traffic, necessitating reconstruction after runway paving operations were complete. The Contract included provisions for full depth repair of haul routes; however, subgrade conditions were worse than expected and required additional remediation to establish a stable working platform to construct the new pavement section. This change order adds pay items required to stabilize the subgrade including stone backfill and geogrid.
- Gate loops for Gate 3 were replaced during reconstruction of the fuel farm road.

- As-built quantities of haul road repair items were less than estimated contract quantities. Additional costs associated with subgrade stabilization and gate loop replacement were offset by reconciling estimated to as-built quantities for all haul road repair items.

Change Order 03 – Net change of (\$39.29)

- The typical section for pavement rehabilitation included a 1" uniform depth cold mill followed by a 2.5" thick ACHM overlay. Construction observation determined the milled surface remaining after the initial 1" mill was not suitable to receive new overlay. The poor surface conditions resulted from a previous variable thickness overlay which was poorly bonded to the underlying asphalt. Complete removal of the previous overlay was necessary to provide a suitable substrate to proceed with construction of the new overlay. Project design was modified to accommodate the additional milling depth, and revised plan sheets were issued to reflect revised milling limits and adjustments to final pavement grades.
- This change order adds a pay item for deeper uniform milling depth and adjusts contract quantities of original milling pay items to reflect as-built quantities.
- Costs associated with additional milling were offset by underrun in asphalt hot mix surface course. This change order partially reconciles estimated to as-built contract quantity as asphalt surface. Full reconciliation of asphalt surface underrun was completed as part of Change Order 04.

Change Order 04 – Net change of (\$221,566.34)

- Additional disjointed storm drainage pipes were found within the runway safety area while completing stormage drain repairs associated with Change Order 01. Excavation and backfill beyond that included within the scope of Change Order 01 was required to complete repairs at the additional locations. This change order adds a pay item for additional excavation and backfill.
- Final reconciliation of as-bid quantities to constructed quantities for the balance of the pay items.

Explanation of Overruns and Exclusions/Underruns

Project costs exceeded the project budget approved within the original grant due to the addition of the storm drainage system repairs to the scope to the project. Total costs associated with the storm drainage system repairs, including the AIP-eligible portion of Change Order 01 and additional engineering services total \$606,624.20. However, much of this additional cost was able to be offset by underruns in various other pay items during construction. Total AIP-eligible project costs exceeded the original grant amount by \$369,222.90.

A grant amendment has been coordinated with the FAA to fund 90 percent of additional project costs. The amended grant amount is \$6,468,140.00. The Sponsor plans to apply for an Arkansas Department of Aeronautics matching grant to fund the remaining 10 percent of additional costs at the conclusion of project closeout. A full breakdown of final project costs and funding details can be found in the final project budget.

The list below represents notable exclusions from the project and larger quantity underruns or overruns.

- **P-101-5.2 Joint and Crack Repair (1/2" or Greater)**
Actual number of asphalt cracks greater than 1/2" wide encountered after milling was less than estimated quantity. Complete removal of the previous overlay by deeper milling likely reduced the number of cracks that required pre-overlay repair.
- **P-401-8.1a Asphalt Hot Mix Surface Course**
The actual quantity of asphalt hot mix surface course underran estimated quantity by 12.0 percent. Underrun in quantity is attributed to contractor efficiency and effective quality control monitoring of lift thickness during placement. The underrun is slightly above quantity contingency included in the project estimates, and within expected range of acceptable thickness tolerances.
- **P-401-8.1c Asphalt Hot Mix Leveling Course, SS-220-5.1 Pavement Edge Grading and T-905-5.1 Topsoil (Furnished from Off the Site)**
As previously discussed, pavement grades were adjusted during construction to accommodate deeper milling depth. Final as-constructed grade was typically lower than original design grade by approximately 1". The lower final pavement grade resulted in a 76.9 percent reduction in leveling course, a 49.3 percent reduction in edge grading requirements, and a 55.3 percent reduction in topsoil for restoration.
- **T-901-5.1 Seeding and T-904-5.1 Sodding**
Substantially less disturbed areas occurred on the project because of the reduction in pavement edge grading activities. Seeding was able to be substituted for sodding in many locations, resulting in net cost savings. Final seeding quantity overran plan quantity by 279.3 percent while final sodding quantity underran plan quantity by 62 percent. A net cost benefit of \$57,649.60 was realized from the adjustments in site restoration.
- **D-701-5.2b 18" Reinforced Pipe Collar, D-701-5.2d 24" Reinforced Pipe Collar, and D-701-5.2f 42" Reinforced Pipe Collar**
Additional disjointed storm drainage pipes were found while completing storm drainage system repairs. The disjointed pipes allowed soil infiltration and resultant ground subsidence within the runway safety area.
- **P-620-5.1a Runway and Taxiway Marking (Reflective), P-620-5.1b Runway and Taxiway Marking (Non-Reflective), and P-101-5.3 Pavement Markings Removal**
Scope of marking activities was modified to include all markings within the movement area to address FAA Part 139 inspector concerns with the condition of existing markings uniformity adjacent to the project limits. All markings within the movement area but not within the original project scope were removed and remarked.

Summary of DBE Utilization and Labor Provisions

A specified DBE goal of 4.17% was set for this project. EnviroTrac Safety & Erosion, Inc. and Couch Excavating Co., Inc., were utilized on the project and are registered DBE contractors in the State of Arkansas. The following is a summary of final DBE utilization by the Contractor:

DBE Firm	Total Payment to Firm
Envirotrac Safety & Erosion, Inc.	\$57,647.38
Couch Excavating Co., Inc.	\$343,437.12
Total to DBE's	\$401,084.50
Total Percent of Construction	6.8%

As summarized above, DBE payment documentation provided by the Contractor shows payments totaling \$401,084.50 for the project which results in 6.8% of the final contract amount.

In accordance with the contract document's specified labor provisions, the contractor submitted adequate weekly certified payrolls for their employees and subcontractors.

Buy American Provisions

As part of the bidding process, the Contractor certified that 100% of the steel and manufactured products used in this project were manufactured in the United States. As part of the submittal process, Garver rejected any submittals that appeared to not comply with this statement.

Construction Material Testing and Acceptance

Construction material testing and acceptance was completed in alignment with the project specifications and the approved construction management program. No price adjustments due to unsatisfactory materials were required and no materials were accepted outside of the tolerance limits within the specifications.

Final Inspection Report / Record of Completion

In addition to the Sponsor Certification of Construction Project Final Acceptance, the Final Inspection Report and project punch list are attached to this document.

Pre-Construction Photographs

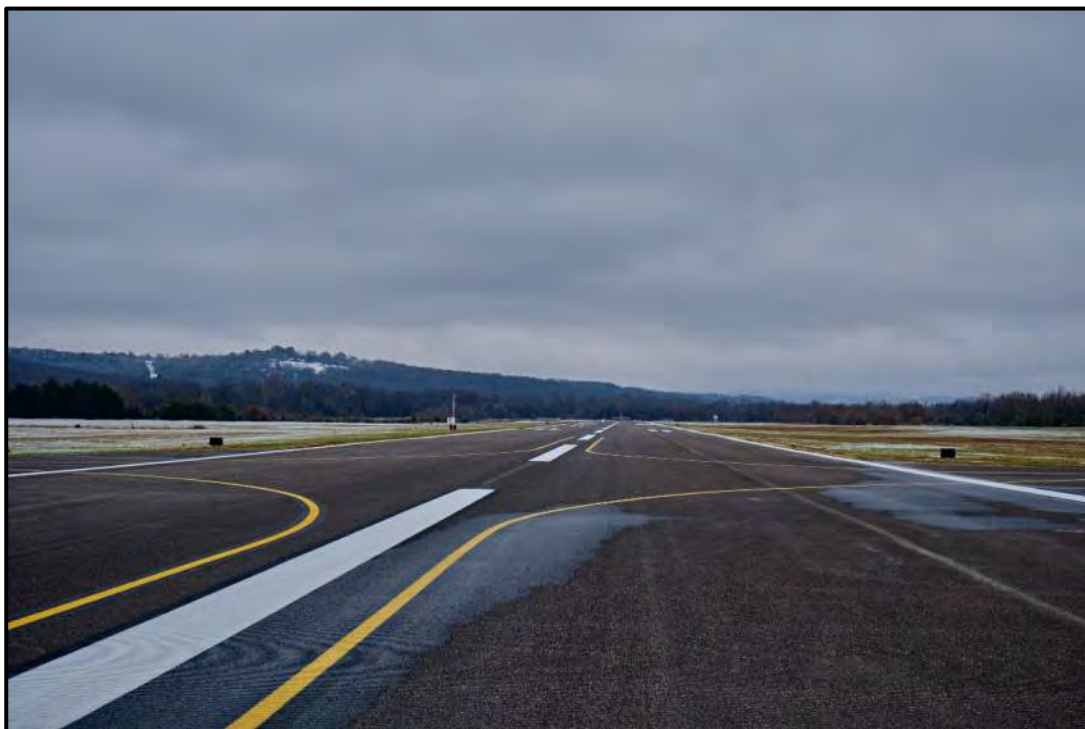








Post-Construction Photographs







We appreciate the opportunity to work with the FAA and the City of Fayetteville on this project. If you have any questions, comments, or require any supplemental material for your review, please feel free to call me.

Please call me if you have any questions.

Sincerely,

GARVER, LLC

A handwritten signature in blue ink, appearing to read 'Kyle Bennett'.

Kyle Bennett, P.E.
Project Manager

Attachments:

- Grant Amendment Package
- Final Invoice Summary
- Final Project Budget, including Change Orders
- SF 425 Federal Financial Reports
- SF 271 Outlay Report and Request for Reimbursement for Construction Programs
- Summary of DBE Utilization
- Sponsor Certification of Construction Project Final Acceptance
- Final Inspection Report and Punch List
- Construction Materials Testing Logs
- Construction Progress and Inspection Reports



U.S. Department
of Transportation
Federal Aviation
Administration

Arkansas/Oklahoma
Airports District Office
Southwest Region

FAA ASW-630
10101 Hillwood Pkwy
Fort Worth, TX 76177

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 W. Mountain St.,
Fayetteville, AR 72701

Dear Mayor Jordan:

Drake Field Airport
City of Fayetteville
AIP Grant No 3-05-0020-050-2021
UEI No JNDMR71AKHT3
Letter Amendment (Amendment No.1)

This is in response to your letter dated June 6, 2024, requesting an amendment to the Grant Agreement for the subject AIP project to: include the repair of storm drainage system components within the runway safety area and increase the maximum obligation of the United States as set forth in the Grant Agreement accepted by the Sponsor, on September 10, 2021. We concur that the repair of the storm drainage system was critical and incidental to the rehabilitate runway project and therefore are allowable costs under this grant. This letter, together with your letter, effects the amendment, as requested, and commits the Federal Aviation Administration, acting for and on behalf of the United States of America to increase the maximum obligation of the United States by \$332,300 (from \$6,135,840 to \$6,468,140) to cover the Federal share of the total actual eligible and allowable project costs.

Under the terms of the Grant Agreement, this document is incorporated into and constitutes Amendment No. 1 to the above referenced Grant Agreement. All other terms and conditions of the Grant Agreement remain in full force and effect.

Sincerely,

GLENN A
BOLES

Digitally signed by
GLENN A BOLES
Date: 2024.06.07
07:38:30 -05'00'

Glenn A. Boles, Manager
Arkansas/Oklahoma Airports
District Office



April 8, 2024

Federal Aviation Administration
Attn: Ms. Lauren Kennedy
10101 Hillwood Parkway
Fort Worth, TX 76177

Re: Fayetteville – Drake Field
FYV Runway Pavement and Lighting Rehabilitation
FAA Grant Amendment (3-05-0020-050-2021)

Dear Ms. Kennedy:

The FYV Runway Pavement and Lighting Rehabilitation Project will require an amendment to the grant budget due to additional scope added for repair of existing storm drainage system components within the runway safety area (RSA). Major deficiencies were identified in the existing storm drainage system between late Summer and early Fall of 2021 after the FAA's Part 139 inspector noted surface irregularities within RSA. Repair options and funding needs were discussed with the Airport and FAA in October and November of 2021. Correspondence with the FAA supported inclusion of storm drainage system repairs as incidental work within the Runway Pavement and Lighting Rehabilitation project, with additional funding needs to be provided through a grant amendment at the conclusion of the project.

Storm drain repair items were added to the construction contract via Change Order 01. Additional engineering services to complete design of the storm drain repairs were added to the project by contract amendment (Task Order 02 - Amendment 01). Additional construction phase services for additional work completed due to contract time added by Change Order 01 were added to the project by separate contract amendment (Task Order 03 – Amendment 01). The additional cost of the AIP eligible portion of Change Order 01 plus added design and construction phase services totals \$606,624.20; however, much of this cost was able to be offset by underruns in various other pay items during construction. A full breakdown of the final project budget is attached.

A summary of final project costs and revised funding plan is provided below.

Project Costs

Original AIP-Eligible Project Costs (Executed Grant Amount)	\$6,135,840.00
Final AIP-Eligible Project Costs	\$6,505,062.90
Total AIP-Eligible Cost Increase	\$369,222.90

Grant Amendment

Total Cost Increase (AIP Eligible)	\$369,222.90
Federal Aviation Administration AIP (90%)	\$332,300.00

Revised Funding Plan

Federal Aviation Administration AIP (Original Grant Funds)	\$5,522,256.00
Federal Aviation Administration ARPA (Original Grant Funds)	\$613,584.00
Federal Aviation Administration AIP (90% of Grant Amendment)	\$332,300.00
Arkansas Department of Aeronautics (10% of Grant Amendment)	\$36,922.00
City of Fayetteville (Remainder)	\$28,114.90

The current executed grant amount for this project is \$6,135,840.00. We request the FAA's consideration of a Grant Amendment to increase the amount of the grant to \$6,468,140.00 as indicated in the attached Final Project Budget and FAA Form 5100-100.



Please call me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jared Rabren", with a long horizontal flourish extending to the right.

Jared Rabren
Airport Director

Attachments: Final Project Budget
 FAA Form 5100-100 (Budget Sheet)
 Change Order 01
 Garver Task Order 02 Amendment 01
 Garver Task Order 03 Amendment 01
 Record of Negotiations

CITY OF FAYETTEVILLE
FYV RUNWAY PAVEMENT AND LIGHTING REHABILITATION
FINAL PROJECT BUDGET

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	FINAL QUANTITY	UNIT PRICE	EXTENDED AMOUNT
1	SS-120-3.1	Construction Safety and Security	LS	1.00	\$132,730.00	\$132,730.00
2	SS-220-5.1	Pavement Edge Grading	LF	8,405.00	\$4.35	\$36,561.75
3	SS-221-5.1	Paving Fabric	SY	77,859.00	\$3.00	\$233,577.00
4	SS-222-5.1	Haul Road Repair (Full Depth)	SY	652.00	\$107.00	\$69,764.00
5	SS-222-5.2	Haul Road Repair (2" Mill and Overlay)	SY	0.00	\$78.40	\$0.00
6	SS-300-5.1	Lockout/Tagout and Constant Current Regulator Calibration Procedures	LS	1.00	\$845.00	\$845.00
7	SS-300-5.2	Electrical Vault Modifications	LS	1.00	\$2,030.00	\$2,030.00
8	SS-300-5.3	Generator and Transfer Switch System, Installed	LS	1.00	\$118,650.00	\$118,650.00
9	SS-300-5.4	Existing ATCT Modifications, Installed	LS	1.00	\$3,100.00	\$3,100.00
10	SS-301-5.1	Existing Base Mounted Runway Edge Light, Removed	EA	73.00	\$57.00	\$4,161.00
11	SS-301-5.2	Existing Base Mounted Taxiway Edge Light, Removed and Stored with Base Demolished	EA	16.00	\$282.00	\$4,512.00
12	SS-301-5.3	Existing Stake Mounted Guidance Sign, Removed	EA	49.00	\$170.00	\$8,330.00
13	SS-301-5.4	Existing Base Mounted Guidance Sign, Removed	EA	5.00	\$565.00	\$2,825.00
14	SS-301-5.5	Existing Base Mounted Guidance Sign, Removed and Stored with Foundation Demolished	EA	1.00	\$565.00	\$565.00
15	SS-305-5.1	Directional Boring, 1-Way 2"C Polyethylene Conduit	LF	1,046.00	\$40.00	\$41,840.00
16	SS-305-5.2	Directional Boring, 2-Way 2"C Polyethylene Conduits	LF	445.00	\$51.00	\$22,695.00
17	SS-310-5.1	Temporary Airfield Lighting	LS	1.00	\$12,475.00	\$12,475.00
18	C-100-14.1	Contractor Quality Control Program (CQCP)	LS	1.00	\$85,600.00	\$85,600.00
19	C-102-5.1	Temporary Erosion Control	LS	1.00	\$17,500.00	\$17,500.00
20	C-105-6.1	Mobilization (Maximum 5% of Total Bid)	LS	1.00	\$260,000.00	\$260,000.00
21	P-101-5.1a	Asphalt Concrete Pavement Removal	SY	939.00	\$23.70	\$22,254.30
22	P-101-5.1b	Concrete Pavement Removal	SY	1,574.00	\$28.20	\$44,386.80
23	P-101-5.2	Joint and Crack Repair (1/2" or Greater)	LF	876.00	\$3.60	\$3,153.60
24	P-101-5.3	Pavement Markings Removal	SF	30,352.00	\$1.80	\$54,633.60
25	P-101-5.4a	Cold Milling (0-1")	SY	65,986.14	\$3.75	\$247,448.03
26	P-101-5.4b	Cold Milling (1"-3")	SY	9,906.50	\$7.80	\$77,270.70
27	P-152-4.1	Unclassified Excavation	CY	0.00	\$42.85	\$0.00
28	P-152-4.2	Unsuitable Excavation	CY	123.56	\$56.40	\$6,968.78
29	P-209-5.1	Crushed Aggregate Base Course (6" Thickness)	SY	0.00	\$16.00	\$0.00
30	P-209-5.2	Crushed Aggregate Base Course (0-4" Thickness)	SY	1,554.00	\$11.00	\$17,094.00
31	P-401-8.1a	Asphalt Hot Mix Surface Course	TN	11,844.93	\$152.00	\$1,800,429.36
32	P-401-8.1b	Asphalt Hot Mix Surface Course for Test Section	TN	250.00	\$341.00	\$85,250.00
33	P-401-8.1c	Asphalt Hot Mix Leveling Course	TN	138.88	\$177.00	\$24,581.76
34	P-403-8.1	Asphalt Hot Mix Base Course	TN	501.38	\$156.00	\$78,215.28
35	P-620-5.1a	Runway and Taxiway Marking (Reflective)	SF	104,386.00	\$0.82	\$85,596.52
36	P-620-5.1b	Runway and Taxiway Marking (Non-Reflective)	SF	39,557.00	\$0.79	\$31,250.03
37	P-620-5.1c	Runway and Taxiway Marking (Temporary)	SF	47,952.51	\$0.71	\$34,046.28
38	P-621-5.1	Grooving	SY	53,200.00	\$1.85	\$98,420.00
39	D-701-5.1	24" Reinforced Concrete Pipe (Class III)	LF	0.00	\$105.50	\$0.00
40	D-751-5.1	4' x 4' Airfield Grate Inlet	EA	0.00	\$12,972.00	\$0.00
41	T-901-5.1	Seeding	AC	8.38	\$2,250.00	\$18,855.00
42	T-904-5.1	Sodding	SY	10,295.00	\$4.20	\$43,239.00
43	T-905-5.1	Topsoil (Furnished from Off the Site)	CY	156.50	\$42.90	\$6,713.85
44	L-108-5.1	No. 8 AWG, 5kV, L-824, Type C Cable, Installed in Trench, Duct Bank or Conduit	LF	22,776.00	\$3.38	\$76,982.88



45	L-108-5.2	No. 6 AWG, Solid, Bare Copper Counterpoise Wire, Installed in Trench, Including Connections/Terminations	LF	15,861.00	\$3.95	\$62,650.95
46	L-108-5.3	Trenching for Direct-Buried Bare Counterpoise Wire, 8" Minimum Depth	LF	13,715.00	\$2.26	\$30,995.90
47	L-108-5.4	ATCT Remote L-821 Panel Communication Cable, Installed in Duct Bank or Conduit	LF	1,750.00	\$16.92	\$29,610.00
48	L-109-7.1	Construction of Prefabricated Concrete Vault Building and Foundation in Place	LS	1.00	\$135,360.00	\$135,360.00
49	L-109-7.2	Installation of Prefabricated Concrete Vault Building Equipment in Place	LS	1.00	\$169,200.00	\$169,200.00
50	L-110-5.1	Flowable Fill Encased Electrical Conduit, 1-Way 2"C	LF	300.00	\$39.50	\$11,850.00
51	L-110-5.2	Non-Encased Electrical Conduit, 1-Way 2"C	LF	14,459.00	\$7.35	\$106,273.65
52	L-110-5.3	Non-Encased Electrical Duct Bank, 4-Way 4"C	LF	55.00	\$84.60	\$4,653.00
53	L-115-5.1	Concrete Encased Electrical Junction Structure, L-867 Class 1, Size 16" Diameter by 24" Depth	EA	11.00	\$1,355.00	\$14,905.00
54	L-125-5.1	L-858(L), Size 1, Base Mounted, 1-Module Guidance Sign, Installed	EA	8.00	\$4,960.00	\$39,680.00
55	L-125-5.2	L-858(L), Size 1, Base Mounted, 2-Module Guidance Sign, Installed	EA	19.00	\$5,585.00	\$106,115.00
56	L-125-5.3	L-858(L), Size 1, Base Mounted, 3-Module Guidance Sign, Installed	EA	21.00	\$6,655.00	\$139,755.00
57	L-125-5.4	L-858(L), Size 5, Base Mounted, Runway Distance Remaining Sign, Installed	EA	5.00	\$7,165.00	\$35,825.00
58	L-125-5.5	Existing L-858(L) Guidance Sign, Reinstalled on New Base with New Panels	EA	1.00	\$7,670.00	\$7,670.00
59	L-125-5.6	L-861(L) Base Mounted Runway Edge Light, Installed	EA	56.00	\$1,695.00	\$94,920.00
60	L-125-5.7	L-861E(L) Base Mounted Runway Threshold Light, Installed in Asphalt Pavement	EA	16.00	\$2,820.00	\$45,120.00
61	L-125-5.8	L-861T(L) Base Mounted Taxiway Edge Light, Installed	EA	0.00	\$1,635.00	\$0.00
62	L-125-5.9	Existing Stored L-861T(L) Taxiway Edge Light, Installed on New Base	EA	24.00	\$1,355.00	\$32,520.00
63	SP-C-01a	Bonds	LS	1.00	\$64,500.00	\$64,500.00
64	SP-C-01b	Owner's Protective Insurance	LS	1.00	\$1.00	\$1.00
65	SS-140-5.1	Pavement Removal (Storm Drain Crossings)	SY	300.00	\$40.00	\$12,000.00
66	SS-140-5.2	Inlet/Junction Box Removal	SY	15.00	\$1,750.00	\$26,250.00
67	SS-140-5.3	Drainage Pipe Removal	LF	938.00	\$55.40	\$51,965.20
68	SS-223-5.1a	Storm Drain Crossing Repair-Taxiway Pavement	SY	0.00	\$173.00	\$0.00
69	SS-223-5.1b	Storm Drain Crossing Repair-Runway Pavement	SY	300.00	\$152.00	\$45,600.00
70	D-701-5.1a	15" Reinforced Concrete Pipe (Class IV)	LF	70.00	\$109.04	\$7,632.80
71	D-701-5.1b	18" Reinforced Concrete Pipe (Class IV)	LF	724.00	\$105.00	\$76,020.00
72	D-701-5.1c	21" Reinforced Concrete Pipe (Class IV)	LF	16.00	\$148.00	\$2,368.00
73	D-701-5.1d	24" Reinforced Concrete Pipe (Class IV)	LF	40.00	\$148.00	\$5,920.00
74	D-701-5.1e	36" Reinforced Concrete Pipe (Class IV)	LF	40.00	\$200.00	\$8,000.00
75	D-701-5.1f	42" Reinforced Concrete Pipe (Class IV)	LF	32.00	\$214.00	\$6,848.00
76	D-701-5.1g	23"x14" Reinforced Ellipical Pipe (Class IV)	LF	16.00	\$177.00	\$2,832.00
77	D-701-5.2a	15" Reinforced Pipe Collar	EA	2.00	\$800.00	\$1,600.00
78	D-751-5.2b	18" Reinforced Pipe Collar	EA	13.00	\$800.00	\$10,400.00
79	D-751-5.2c	21" Reinforced Pipe Collar	EA	2.00	\$800.00	\$1,600.00
80	D-751-5.2d	24" Reinforced Pipe Collar	EA	11.00	\$800.00	\$8,800.00
81	D-751-5.2e	36" Reinforced Pipe Collar	EA	4.00	\$1,200.00	\$4,800.00
82	D-751-5.2f	42" Reinforced Pipe Collar	EA	8.00	\$1,300.00	\$10,400.00
83	D-751-5.2g	23"x14" Elliptical to 18" Circular Reinforced Pipe Collar	EA	1.00	\$1,000.00	\$1,000.00
84	D-751-5.1a	4' x 4' Airfield Grate Inlet	EA	5.00	\$13,250.00	\$66,250.00
85	D-751-5.1b	4' x 4' Alternate Single Grate Inlet	EA	3.00	\$13,500.00	\$40,500.00
86	D-751-5.1c	5' x 3' Airfield Single Grate Inlet	EA	1.00	\$13,950.00	\$13,950.00
87	D-751-5.1d	5' x 5' Airfield Double Grate Inlet	EA	1.00	\$19,950.00	\$19,950.00
88	D-751-5.1e	7' x 3' Airfield Triple Grate Inlet	EA	2.00	\$25,500.00	\$51,000.00
89	D-751-5.1f	7' x 6' Airfield Triple Grate Inlet	EA	1.00	\$30,200.00	\$30,200.00
90	D-751-5.1g	3' x 3' Airfield Junction Box	EA	2.00	\$11,900.00	\$23,800.00
91	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	EA	1.00	\$28,113.00	\$28,113.00



92	CO2.01	ARDOT Section 207 Stone Backfill, Installed	CY	340.00	\$132.05	\$44,897.00
93	CO2.02	Geogrid Subgrade Stabilization	LS	1.00	\$1,750.00	\$1,750.00
94	CO2.03	Gate Loop Detectors, Installed	LS	1.00	\$1,000.00	\$1,000.00
95	CO3.01	Cold Milling (2" Uniform Depth)	SY	34546.89	\$7.40	\$255,646.99
96	CO4.01	Storm Drain Repair Excavation & Backfill	EA	15.00	\$250.00	\$3,750.00

TOTAL CONSTRUCTION COST **\$5,910,998.01**

ADMINISTRATION EXPENSES **\$10,000.00**

ARCHITECTURAL ENGINEERING BASIC FEES

Surveys	\$13,650.00
Geotechnical Services	\$40,950.00
Nondestructive Testing (NDT)	\$31,150.00
Pavement Condition Analysis	\$8,800.00
Preliminary Design - Runway Rehabilitation	\$82,000.00
Preliminary Design - Lighting Rehabilitation	\$54,900.00
Final Design - Runway Rehabilitation	\$52,700.00
Final Design - Lighting Rehabilitation	\$29,950.00
Bidding Services	\$11,250.00

TOTAL ARCHITECTURAL ENGINEERING BASIC FEES **\$325,350.00**

OTHER ARCHITECTURAL ENGINEERING FEES

Final Design Services - Storm Drain Repairs (Task Order 02 - Amendment 01)	\$30,400.00
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TOTAL OTHER ARCHITECTURAL ENGINEERING FEES **\$30,400.00**

PROJECT INSPECTION FEES

On-Site Construction Observation Services	\$123,000.00
Construction Administration Services	\$62,000.00
Closeout Services	\$10,000.00
Construction Materials Testing	\$39,664.89
Additional Construction Phase Services (Task Order 03 - Amendment 01)	\$21,764.00

TOTAL PROJECT INSPECTION FEES **\$256,428.89**

TOTAL PROJECT COST **\$6,533,176.90**

NON-AIP ELIGIBLE ITEMS

64	SP-C-01b	Owner's Protective Insurance	LS	1.00	\$1.00	\$1.00
91	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	EA	1.00	\$28,113.00	\$28,113.00

TOTAL NON-AIP ELIGIBLE ITEMS **\$28,114.00**

TOTAL PROJECT COST (AIP-ELIGIBLE) **\$6,505,062.90**

PROJECT FUNDING

Executed AIP Grant 3-05-0020-050-2021: \$6,135,840.00

Federal Aviation Administration AIP (90%)	\$5,522,256.00
Federal Aviation Administration ARPA (10%)	\$613,584.00

Grant Amendment

Federal Aviation Administration AIP Grant Amendment (90%)	\$332,300.00
Arkansas Department of Aeronautics (10%)	\$36,922.00
City of Fayetteville (Remainder)	\$28,114.90

TOTAL FUNDING **\$6,533,176.90**



PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL	
1. Assistance Listing Number:	20.106
2. Functional or Other Breakout:	3-05-0020-50-2021

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense	\$ 10,000	\$ 0	\$ 10,000
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees	325,350	0	325,350
5. Other Architectural engineering fees	0	30,400	30,400
6. Project inspection fees	235,000	21,429	256,429
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement	5,565,491	345,507	5,910,998
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)	\$ 6,135,841	\$ 397,336	\$ 6,533,177
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions (Section C, line 23 g.)	1	28,113	28,114
18. Subtotal (Lines 16 through 17)	\$ 6,135,840	\$ 369,223	\$ 6,505,063
19. Federal Share requested of Line 18	5,522,256	332,300	5,854,556
20. Grantee share	1	28,114	28,115
21. Other shares*	613,584	36,922	650,506
22. TOTAL PROJECT (Lines 19, 20 & 21)	\$ 6,135,841	\$ 397,336	\$ 6,533,177

*10% share of ORIGINAL AIP eligible costs will be reimbursed by funds authorized by the American Rescue Plan Act of 2021.

*10% share of ADDITIONAL AIP eligible costs will be reimbursed by an Arkansas Department of Aeronautics matching grant.

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. Total	

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	\$ 28,115
25. Other Shares	Amount
a. State	36,922
b. Other (American Rescue Plan Act)	613,584
c. TOTAL - Other Shares	\$ 650,506
26. TOTAL NON-FEDERAL FINANCING	\$ 678,621

SECTION E – REMARKS (Attach sheets if additional space is required)
10% share of ORIGINAL AIP eligible costs will be reimbursed by funds authorized by the American Rescue Plan Act of 2021. 10% share of ADDITIONAL AIP eligible costs will be reimbursed through an Arkansas Department of Aeronautics matching grant.

Construction Contract Change Order

Project:
FYV Runway Pavement and Lighting Rehabilitation
Fayetteville - Drake Field
Garver Job No. 21A13211

Change Order No. 1
Date Prepared: May 27, 2022
Prepared by: Kyle Bennett, Garver

Owner:
Drake Field Airport
4500 S. School Ave.
Fayetteville, AR 72701

Contractor:
Emery Sapp & Sons
5184 N. Oak Street
Springdale, AR 72764

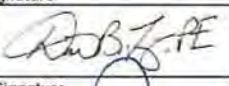
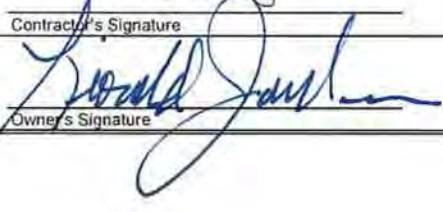
Description of Work Included in Contract

The project includes, but is not limited to, the rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, construction and installation of a new electrical vault and generator, and updates to the ATCT controls.

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

- A. This change order is for items associated with repairing safety issues and deficiencies arising from deterioration of the existing drainage infrastructure. These needs were identified during the airport's most recent Part 139 inspection and subsequent CCTV camera inspection of the storm drain system. Repairs will include complete replacement of two (2) storm drain crossings at Runway 16 and all existing drainage boxes and inlets within the Runway Safety Area (RSA), with the exception of the furthest south inlet.
- B. In order to provide additional stormwater quality enhancements for the Airport, the Airport will install a water treatment unit along an existing stormwater pipe. This system will provide stormwater treatment for stormwater runoff associated with hangars on the east side of the airfield. This item will not be eligible for AIP reimbursement.
- Attachments: RSA and Drainage Improvement Plan Sheets (Sheet 108 to 132), Revised Specification D-701 *Pipe for Storm Drains and Culverts*, Revised Specification D-751 *Manholes, Cath Basins, Inlets and Inspection Holes*, Specification SS-140 *Demolition and Disposal*, and Specification SS-223 *Storm Drain Crossing Repair*

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost
A.	SS-140-5.1	Pavement Removal (Storm Drain Crossings)	SY	0	-	250	\$40.00	\$0.00	\$10,000.00
A.	SS-140-5.2	Inlet/Junction Box Removal	EA	0	-	15	\$1,750.00	\$0.00	\$26,250.00
A.	SS-140-5.3	Drainage Pipe Removal	LF	0	-	1,017	\$55.40	\$0.00	\$56,341.80
A.	SS-223-5.1a	Storm Drain Crossing Repair - Taxiway Pavement	SY	0	-	0	\$173.00	\$0.00	\$0.00
A.	SS-223-5.1b	Storm Drain Crossing Repair - Runway Pavement	SY	0	-	250	\$152.00	\$0.00	\$38,000.00
A.	C-105-6.1	Mobilization	LS	1	\$230,000.00	1	\$260,000.00	\$230,000.00	\$260,000.00
A.	D-701-5.1a	15" Reinforced Concrete Pipe (Class IV)	LF	0	-	70	\$109.04	\$0.00	\$7,632.80
A.	D-701-5.1b	18" Reinforced Concrete Pipe (Class IV)	LF	0	-	778	\$105.00	\$0.00	\$81,690.00
A.	D-701-5.1c	21" Reinforced Concrete Pipe (Class IV)	LF	0	-	16	\$148.00	\$0.00	\$2,368.00
A.	D-701-5.1d	24" Reinforced Concrete Pipe (Class IV)	LF	0	-	56	\$148.00	\$0.00	\$8,288.00
A.	D-701-5.1e	36" Reinforced Concrete Pipe (Class IV)	LF	0	-	40	\$200.00	\$0.00	\$8,000.00
A.	D-701-5.1f	42" Reinforced Concrete Pipe (Class IV)	LF	0	-	32	\$214.00	\$0.00	\$6,848.00
A.	D-701-5.1g	23"x14" Reinforced Elliptical Pipe (Class IV)	LF	0	-	16	\$177.00	\$0.00	\$2,832.00
A.	D-701-5.2a	15" Reinforced Pipe Collar	EA	0	-	2	\$800.00	\$0.00	\$1,600.00
A.	D-701-5.2b	18" Reinforced Pipe Collar	EA	0	-	8	\$800.00	\$0.00	\$6,400.00
A.	D-701-5.2c	21" Reinforced Pipe Collar	EA	0	-	2	\$800.00	\$0.00	\$1,600.00
A.	D-701-5.2d	24" Reinforced Pipe Collar	EA	0	-	6	\$800.00	\$0.00	\$4,800.00
A.	D-701-5.2e	36" Reinforced Pipe Collar	EA	0	-	4	\$1,200.00	\$0.00	\$4,800.00
A.	D-701-5.2f	42" Reinforced Pipe Collar	EA	0	-	3	\$1,300.00	\$0.00	\$3,900.00
A.	D-701-5.2g	23"x14" to 18" Circular Reinforced Pipe Collar	EA	0	-	1	\$1,000.00	\$0.00	\$1,000.00
A.	D-751-5.1a	4' x 4' Airfield Single Grate Inlet	EA	0	-	5	\$13,250.00	\$0.00	\$66,250.00
A.	D-751-5.1b	4' x 4' Airfield Alternate Single Grate Inlet	EA	0	-	3	\$13,500.00	\$0.00	\$40,500.00
A.	D-751-5.1c	5' x 3' Airfield Single Grate Inlet	EA	0	-	1	\$13,950.00	\$0.00	\$13,950.00
A.	D-751-5.1d	5' x 5' Airfield Double Grate Inlet	EA	0	-	1	\$19,950.00	\$0.00	\$19,950.00
A.	D-751-5.1e	7' x 3' Airfield Triple Grate Inlet	EA	0	-	2	\$25,500.00	\$0.00	\$51,000.00

A.	D-751-5.1f	7' x 6' Airfield Triple Grate Inlet	EA	0	-	1	\$30,200.00	\$0.00	\$30,200.00
A.	D-751-5.1g	3' x 3' Airfield Junction Box	EA	0	-	2	\$11,900.00	\$0.00	\$23,800.00
A.	T-904-5.1	Sodding	SY	25,365	\$4.20	26,903	\$4.20	\$106,533.00	\$112,992.60
B.	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	LS	0	\$0.00	1	\$28,113.00	\$0.00	\$28,113.00
Summation of Cost								\$336,533.00	\$919,106.20
Net Cost for this Change Order								\$582,573.20	
Estimated Project Cost						Time Change			
Original Contract Amount						Original Contract Start Date		May 9, 2022	
This Change Order						Original Contract Time (calendar days)		85	
New Contract Amount						Additional Calendar Days granted by this Change Order		10	
						New Contract Time (calendar days)		95	
						Suspended Time		0	
						New Construction Completion Date		August 12, 2022	
THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS									
ISSUED FOR REASONS INDICATED ABOVE									
Engineer: Garver				Senior Project Manager		July 7, 2022			
		Engineer's Signature		Title		Date			
ACCEPTED BY CONTRACTOR									
				Asst. Vice-President		July 6, 2022			
		Contractor's Signature		Title		Date			
APPROVED BY OWNER									
				Mayor		07/13/22			
		Owner's Signature		Title		Date			

City of Fayetteville Staff Review Form

2022-0249

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Summer Fallen

3/16/2022

AIRPORT SERVICES (760)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff requests approval for the Aviation Division to execute Task Order 02 Amendment 01 in the amount of \$30,400 with Garver, LLC to complete additional design services for the Runway Pavement and Lighting Rehabilitation project at the Airport and approval of a budget adjustment. This will utilize previously approved project contingency of up to \$613,586.00 of its fund balance reserve.

Budget Impact:

5550.760.3960-5860.02

Airport

Account Number

Fund

32101.2021

Airport Runway Pavement & Lighting Rehab

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 228,800.00

Funds Obligated \$ 228,800.00

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 30,400.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 30,400.00

Remaining Budget \$ -

Purchase Order Number: 2021-00000666

Previous Ordinance or Resolution # 228-21

V20210527

Change Order Number:

Approval Date:

4-5-22

Original Contract Number: 2020-00000082

Comments:



TO: Lioneld Jordan, Mayor

THRU: Susan Norton, Chief of Staff
Staff/Contract Review Committee

FROM: Summer Fallen, Airport Director

DATE: March 16, 2022

SUBJECT: **FYV Runway Pavement and Lighting Rehabilitation – Design Services Task Order Amendment**

RECOMMENDATION:

Staff requests approval for the Aviation Division to execute Task Order 02 Amendment 01 in the amount of \$30,400 with Garver, LLC to complete additional design services for the Runway Pavement and Lighting Rehabilitation project at Fayetteville – Drake Field Airport and approval of a Budget Adjustment. The initial Task Order 02 authorized design services for mill and overlay of Runway 16-34, construction of a new electrical vault and generator, and improvements to the current airfield lighting and signage system. This task order amendment will authorize additional design services for repairs to the existing storm drainage system within the Runway Safety Area (RSA). Previously approved 10% project contingency will be utilized to fund the additional design services until such time as an FAA grant amendment is awarded.

BACKGROUND:

Fayetteville-Drake field is served by a single asphalt runway (Runway 16-34) that was extended to its current length in 1966. The runway has seen multiple overlay rehabilitations since that time, with the last overlay completed in 1986. Since that time, the condition of the asphalt pavements has been maintained through a combination of crack sealing and rejuvenating seal coats. This routine maintenance has provided a pavement life far beyond the 20-year design life of the 1986 overlay project. However, the pavement condition has gradually deteriorated to a point that warrants more substantial rehabilitation. A recent pavement condition assessment of the runway completed by the Arkansas Department of Aeronautics noted that the runway pavement was approaching its "Critical PCI". The Critical PCI is the point at which the cost of rehabilitation increases exponentially with time. This project is intended to provide a pavement rehabilitation alternative that will bring the Runway 16-34 pavement back to a satisfactory condition and extend the useful life of the pavements for a minimum of 20 years.

The project will also include rehabilitation of various aspects of the existing airfield lighting and signage system to improve airport safety and efficiency. Runway edge light fixtures will be upgraded to LED and fixture spacing will be reviewed to confirm conformation to FAA standards. A recent FAA Part 139 inspection found erosion around the existing stake-mounted airfield signage fixtures. This will be addressed by installing new concrete sign foundations to provide a more reliable and maintainable signage system. Airfield signage will be upgraded to LED and naming conventions reviewed based on FAA guidance. A new standalone electrical vault will be constructed to house the airfield lighting power and control equipment. The current vault is located in an existing T-hangar and is not NEC compliant.

This project was originally programmed for Design in 2021 and Construction in 2022. However, in October 2020, the FAA notified the City of Fayetteville that additional federal funds were available in 2021 to complete the entire project (Design and Construction). To receive this additional funding, the FAA requested the City of Fayetteville change their project schedule to complete the competitive bidding process by Summer 2021. The Airport entered into an agreement with Garver, LLC to render design and bidding services for the project (Task Order 02). Construction bids were

received on June 2, 2021. At the request of the FAA, a value engineering process was undertaken after bid opening to identify potential cost saving measures. The construction cost was subsequently negotiated with the low bidder based on the revised scope to bring the project within available funding limits.

Ruts and depressions were identified within the runway safety area (RSA) during the FAA's most recent Part 139 inspection completed late Summer of 2021. Following the FAA's inspection, the City completed CCTV camera inspection of the existing storm drainage system. Major deficiencies were discovered within the aging drainage infrastructure, most of which date back to the 1960s and 1970s. These deficiencies were the cause of the RSA surface issues documented by FAA. Pending approval, correction of these deficiencies will coincide with the upcoming runway closure in July/August 2022.

DISCUSSION:

The Airport Division is requesting approval from Council to execute a task order amendment with Garver, LLC to proceed with design services for improvement and repair of the existing storm drainage system.

Following completion of design, construction costs pertaining to the storm drainage system improvements/repairs will be negotiated with Emery Sapp and Sons and added via change order to the current Runway Pavement and Lighting Rehabilitation construction contract. Costs associated with this task order amendment and future construction change order will be funded using project contingency. At the conclusion of the project a grant amendment will be submitted to the FAA for reimbursement of both design and construction costs. This amendment has already been coordinated with FAA.

The FAA AIP grant program will cover 90% of the project costs of the amended work. The remaining 10% of project costs of the amended work will be funded through an Arkansas Division of Aeronautics matching grant. The FAA grant amendment and ADA grant will be submitted to reimburse costs associated design and construction of the additional drainage improvements. The only costs that will be attributed to the City for this project is \$1.44 which represents the costs for non-FAA eligible Contractor insurance.

Below is a summary of the anticipated costs and funding breakdown for the project.

Administration and Other Costs:	\$10,000.00		
Garver Task Order 02 (Design and Bidding)*:	\$325,350.00	FAA (AIP):	\$5,522,256.00
Garver Task Order 03 (Construction Phase Services)*:	\$235,000.00	FAA (ARPA):	\$613,584.00
Construction Contract (Emery Sapp and Sons)*:	\$5,565,491.44	FAA Grant Amendment:	\$540,360.00
Task Order 02 Amendment 01:	\$30,400.00	ADA Grant:	\$60,040.00
Drainage Improvements Change Order**:	\$570,000.00	City:	\$1.44
TOTAL:	\$6,736,241.44	TOTAL:	\$6,736,241.44

**Previously approved by the City Council.*

*** Estimated Cost*

BUDGET/STAFF IMPACT:

No budget or staff impacts. The Aviation Division will utilize previously approved project contingency of up to \$613,586.00 of its fund balance reserve. This amount includes 10% project contingency of the approved project budget and \$1.44 for ineligible project expenses (Owner Projective Insurance).

Attachments:

Staff Review Form

Staff Memo

Construction Administration Task Order Amendment (Garver, LLC)

BA

**TASK ORDER 02
FAYETTEVILLE – DRAKE FIELD AIRPORT
RUNWAY PAVEMENT AND LIGHTING REHABILITATION - DESIGN AND BIDDING**

**TASK ORDER 02 AMENDMENT NO. 01
ADDITIONAL DESIGN SERVICES – RSA and DRAINAGE IMPROVEMENTS**

This TASK ORDER 02 AMENDMENT 01, effective on the date last written below, shall amend the original task order between the CITY OF FAYETTEVILLE and GARVER, LLC dated December 15, 2020, referred to in the following paragraphs as the Original Task Order.

This TASK ORDER 02 AMENDMENT 01 adds professional services to the FYV Runway Pavement and Lighting Rehabilitation project at Fayetteville – Drake Field. Additional professional services include survey and design of Runway Safety Area (RSA) and drainage improvements added to the original project scope.

The Original Task Order is hereby modified as follows:

SECTION 1 - SCOPE OF SERVICES

GARVER will provide survey and design services for the RSA and Drainage Improvements as detailed in Exhibit A-02.1.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum basis.

The table below presents a summary of the fee amounts and fee types for this task order amendment.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Surveys – RSA and Drainage Improvements	\$8,600	Lump Sum
Final Design – RSA and Drainage Improvements	\$21,800	Lump Sum
TOTAL FEE	\$30,400	

The lump sum amount to be paid under this agreement is \$30,400. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-02.1 with approximate current hourly rates for each employee classification.

Additional Services (Extra Work). For work not described or included in Section 1 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-02.1 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel.

SECTION 3 – EXHIBITS

3.1 The following Exhibits are attached to and made a part of this Agreement:

3.1.1 Exhibit A-02.1 Scope of Services

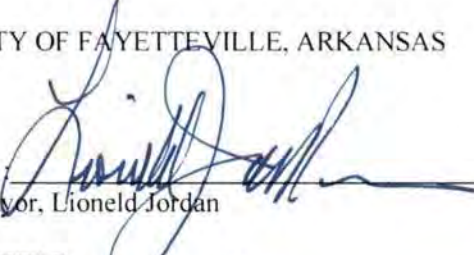
3.1.2 Exhibit B-02.1 Manhour Tables

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order Amendment, including attachments listed in SECTION 3 – EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order Amendment signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order Amendment shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By: 
Mayor, Lioneld Jordan

By: 

ATTEST:

By: 
City Clerk ~~Treasurer~~

Title: Senior Project Manager





**EXHIBIT A-02.1
SCOPE OF SERVICES**

**FAYETTEVILLE – DRAKE FIELD AIRPORT
RUNWAY PAVEMENT AND LIGHTING REHABILITATION
TASK ORDER 02 AMENDMENT 01 – RSA and DRAINAGE IMPROVEMENTS**

Generally, the Task Order 02 Amendment 01 Scope of Services includes additional survey and design services for RSA and Drainage Improvements to be performed in conjunction with the upcoming Runway Pavement and Lighting Rehabilitation project at Fayetteville – Drake Field. These improvements primarily consist of replacing aging components of the existing storm drainage system identified as safety concerns during the Federal Aviation Administration's most recent Part 139 inspection and subsequent CCTV camera inspections conducted by the City of Fayetteville. The following will be completed to facilitate this effort.

A.1 Field Investigations

A.1.1 Design Surveys

Garver will perform survey necessary to complete additional design work for the improvements to the existing storm drainage system. Garver will provide field survey data from field work for designing the project, and this survey will be tied to the Owner's control network. Garver will conduct field surveys, utilizing radial topography methods, at intervals and for distances at and/or along the project site as appropriate for modeling the existing ground, including locations of pertinent features or improvements. Buildings and other structures, airfield pavements, streets, drainage features, airfield lights and signs, fences, trees over eight inches in diameter, visible utilities as well as those underground utilities marked by their owners and/or representatives, and any other pertinent topographic features that may be present at and/or along the project site, will be located. Garver will coordinate with ATCT and Airport staff to complete surveys during daytime hours while the ATCT is open. It is estimated that a survey crew will be on-site for two days to complete the survey.

Garver will incorporate data obtained during the performance of the field surveys in the AutoCAD Civil3D base map drawing created for the project.

A.2 Design Services

A.2.1 General

Garver will prepare construction drawings and specifications for the RSA and Drainage Improvements. These documents will be submitted to the City and provided to the Contactor to develop a cost estimate for the additional work. Designs shall conform to the standards of practice ordinarily used by members of GARVER's profession practicing under similar conditions and shall be submitted to the FAA office from which approval must be obtained.

A.2.2 Owner / Agency Coordination

Garver's project manager and/or design team will coordinate with the City of Fayetteville as necessary to coordinate design decisions, site visits, document procurement, or other design needs.



A.2.3 Existing Conditions Review

A.2.3.1 *Record Document Review*

Garver will review record document data to evaluate existing conditions. Record document data may include record drawings, record surveys, utility maps, GIS data, and previous design reports.

A.2.3.2 *Site Visits*

Garver's civil engineers will perform up to two (2) site visits to the project site to review existing conditions and evaluate survey and record document data.

A.2.4 Plan Set Development

The following additional sheets are expected for the RSA and Drainage Improvements:

Plan Set	Design Phase
	Issued for Construction
Demolition Plans	X
Demolition Details	X
Drainage Plans	X
Drainage Profiles	X
Drainage Details	X

A.2.5 Specifications and Contract Documents

A.2.5.1 *Technical Specifications*

Technical specifications pertaining to the RSA and Drainage Improvements will be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10 (latest edition) or other appropriate standards approved for use by the FAA. Additional supplementary specifications will be developed for project requirements not covered by FAA AC150/5370-10 or when state or local standards are approved by the FAA.

A.2.6 Quantities and Engineer's Opinion of Probable Cost.

Garver will develop detailed quantities in PDF format for use in construction cost estimating. Quantities will be completed by pay item.

A.3 **Project Deliverables**

The following deliverables will be submitted to the parties identified below. Unless otherwise noted below, all deliverables shall be electronic.

1. Issued for Construction Plan Sheets, Specifications, and Quantities to the City of Fayetteville and Contractor.
2. Other electronic files as requested.



A.4 Schedule

Garver shall begin work under this Agreement within ten (10) days of execution of this Task Order and shall complete the work within a mutually agreeable schedule with the City of Fayetteville.

Exhibit B-02.1

FAYETTEVILLE - DRAKE FIELD AIRPORT
RSA & DRAINAGE IMPROVEMENTS

Surveys (Garver)

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	S-5	S-4	2-Man Crew (Survey)
	\$78.80	\$64.59	\$55.25	\$45.68	\$39.35	\$59.56	\$44.91	\$68.15
	hr	hr	hr	hr	hr	hr	hr	hr
1. Administration								
Prepare for Survey Scoping Meeting								
Attend Survey Scoping Meeting (#people, on-site/virtual)								
Develop Survey Field Work Exhibits				2				
Coordinate with Survey Crew			2			2		
Badging Coordination								
(Weekly/Bi-Weekly) Progress Meetings (#)								
Site Visit (# people, # trips)								
Subtotal - Administration	0	0	2	2	0	2	0	0
2. Surveys - Topographic								
Review of Existing Control Points				2				
Topographic Surveys								20
Data Processing/DTM Preparation							12	
Develop Survey Basemap and Existing Surface								
Survey Meshing with Base Maps								
QC Review of Survey Data		2		4				
Subtotal - Surveys - Topographic	0	2	0	6	0	0	12	20

Hours	0	2	2	8	0	2	12	20
Salary Costs	\$0.00	\$129.18	\$110.50	\$365.44	\$0.00	\$119.12	\$538.92	\$1,363.00

SUBTOTAL - SALARIES: \$2,626.16

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD:** \$4,818.74

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$0.00
Postage/Freight/Courier	\$0.00
Survey Supplies	\$0.00
Computer Modeling/Software Use	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs	\$38.36

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$38.36

SUBTOTAL: \$7,483.26

SUBCONSULTANTS FEE: \$0.00

PROFESSIONAL FEE \$1,116.74

TOTAL FEE: \$8,600.00

Exhibit B-02.1

FAYETTEVILLE - DRAKE FIELD AIRPORT
RSA & DRAINAGE IMPROVEMENTS

Final Design

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	P-1	D-1	T-1
	\$78.80	\$64.59	\$55.25	\$45.68	\$39.35	\$47.38	\$36.73	\$28.70
	hr	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering and Project Administration								
Coordination with City of Fayetteville		4	4					
Coordination with FAA		4	4					
Record Document Review		4	4		12			
Final Plans								
Demolition Plans			2		4			8
Demolition Details			2		4			8
Drainage Plans			4		8			12
Drainage Details			4		8			12
Utility Plans			1		2			2
Utility Details			1		2			2
Develop Final Technical Specifications		2	4					4
Develop Final Quantities			2					4
Develop Final Opinions of Probable Construction Cost:		2	4					4
Internal Quality Control (QC) Review		2	4					
Incorporate QC Review Comments								4
Subtotal - Civil Engineering and Project Administration	0	18	40	0	40	0	0	60
Subtotal - Electrical Engineering	0	0	0	0	0	0	0	0

Hours	0	18	40	0	40	0	0	60
Salary Costs	\$0.00	\$1,162.62	\$2,210.00	\$0.00	\$1,574.00	\$0.00	\$0.00	\$1,722.00

SUBTOTAL - SALARIES: \$6,668.62

LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD: \$12,236.25

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$59.40
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$59.40

SUBTOTAL: \$18,964.27

SUBCONSULTANTS FEE: \$0.00

PROFESSIONAL FEE \$2,835.73

TOTAL FEE: \$21,800.00

Budget Year 2022	Division /Org2 AIRPORT SERVICES (760) Requestor: Dee McCoy	Adjustment Number
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Staff request approval of a budget adjustment to use \$30,400.00 of the project contingency for Garver Task Order 02 Amendment 01.

<table border="0" style="width: 100%;"> <tr><td style="border-bottom: 1px solid black; width: 60%;">Division Head</td><td style="border-bottom: 1px solid black; width: 40%;">Date</td></tr> <tr><td style="border-bottom: 1px solid black;">Department Director</td><td style="border-bottom: 1px solid black;">Date</td></tr> <tr><td style="border-bottom: 1px solid black;">Chief Financial Officer</td><td style="border-bottom: 1px solid black;">Date</td></tr> <tr><td style="border-bottom: 1px solid black;">Chief of Staff</td><td style="border-bottom: 1px solid black;">Date</td></tr> </table>	Division Head	Date	Department Director	Date	Chief Financial Officer	Date	Chief of Staff	Date	REQUEST DATE: <u>3/18/2022</u> <i>Kevin Springer</i> 3/18/2022 5:56 PM <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; text-align: center;">Budget Director</td> <td style="width: 40%; text-align: center;">Date</td> </tr> </table> E - (Administrative) TYPE: _____ JOURNAL #: _____ GLDATE: _____ CHKD/POSTED: _____ / _____	Budget Director	Date
Division Head	Date										
Department Director	Date										
Chief Financial Officer	Date										
Chief of Staff	Date										
Budget Director	Date										

v.20220314

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**TASK ORDER 03
FAYETTEVILLE – DRAKE FIELD AIRPORT
RUNWAY PAVEMENT AND LIGHTING REHABILITATION**

**TASK ORDER 03 AMENDMENT NO. 01
ADDITIONAL CONSTRUCTION PHASE SERVICES**

This TASK ORDER 03 AMENDMENT 01, effective on the date last written below, shall amend the original task order between the CITY OF FAYETTEVILLE and GARVER, LLC dated September 21, 2021, referred to in the following paragraphs as the Original Task Order.

This TASK ORDER 03 AMENDMENT 01 adds additional construction phase services commensurate to extended construction contract time of 10 calendar days granted for the FYV Runway Pavement and Lighting Rehabilitation project at Fayetteville – Drake Field for the inclusion of additional drainage improvements requested by the FAA.

The Original Task Order is hereby modified as follows:

SECTION 1 - SCOPE OF SERVICES

GARVER will provide construction administration and construction observation services for an additional 10 days of contract time added to the project via Change Order 01.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum basis.

The table below presents a summary of the fee amounts and fee types for this task order amendment.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Additional Construction Phase Services	\$21,764	Lump Sum
TOTAL FEE	\$21,764	

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order Amendment shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order Amendment signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order Amendment shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By:  _____

ATTEST:

By: _____
City Clerk

Title: _____ Senior Project Manager

ENGINEERING SERVICES RECORD OF NEGOTIATION

Fayetteville – Drake Field
FYV Runway Pavement and Lighting Rehabilitation (Grant Amendment)
A.I.P. Grant: 3-05-0020-050-2021

Design Phase Task Order Amendment:

- On September 1, 2021, the airport requested a scope of services from Garver for a FYV Storm Drain Repair project to address safety concerns identified during FAA Part 139 inspection.
- On October 15, 2021, Garver sent a scope of services for a Storm Drain Repair project to the City of Fayetteville. The airport approved the scope of services and submitted the scope to Olufemi Adeoye, FAA for review.
- On January 11, 2022, Olufemi Adeoye, FAA acknowledged the scope of work and indicated work would be performed incidental to the upcoming FYV Runway Pavement and Lighting Rehabilitation project with funding to be pursued by grant amendment at project closeout.
- Garver submitted a contract amendment (Task Order 02 – Amendment 01) for the additional Storm Drain Repairs design services to the airport on March 16, 2022.
- Task Order 02 – Amendment 01 was submittal to the City Council for review and was approved on April 5, 2022. A copy of the contract amendment is included in the grant amendment package. Garver's total contract fee for additional design services is as follows:

Additional Design Services for Storm Drain Repairs - \$30,400.00

- The negotiations were conducted in good faith to ensure the fees are fair and reasonable.

Construction Phase Task Order Amendment:

- On July 13, 2022, City Council approved Change Order 01 authorizing an increase of ten (10) calendar days to contract time.
- On January 15, 2024, Garver submitted a proposed scope of services to the airport for additional construction phase services performed in connection with the contract time added via Change Order 01. The airport approved the proposed scope services. Fee for additional construction phase services was developed as follows:

Original [(CA Fee + Original CO Fee) / Original Contact Time] X Additional Contract Time

OR [(\$123,000.00+\$62,000.00) / 85 Days] X 10 Additional Days = \$21,764.00

Additional Construction Phase Services for Contract Time Added - \$21,764.00

- Garver submitted a contract amendment (Task Order 03 – Amendment 01) to the airport on February 2, 2024. A copy of the contract amendment submission is included in the grant amendment package. Executed contract amendment will be included within the final closeout package.
- The negotiations were conducted in good faith to ensure the fees are fair and reasonable.

GRANT RECIPIENT INFORMATION

Name: City of Fayetteville Title: Airport Director
 Organization: Fayetteville, Drake Field
 Address: 4500 S School Avenue, Suite F
 City/State: Fayetteville, AR Zip Code: 72701-8016

INVOICE SUMMARY

PROJECT INFORMATION

AIP Grant Number: 3-05-0020-050-2021 Airport (LOC ID): FVY
 Description: Runway Pavement and Lighting Rehabilitation

Fiscal Year Grant Was Executed 2021

Reimbursement (Reimb) #: 11 Final Payment: Yes Federal Share % (Original Grant): 100%

(1) Vendor/Class/Description	(2) Reimb. No.	(3) X Calc. Column	(4) Invoice Number	(5) Date of Invoice	(6) Invoice Amount	(7) Non-Eligible Costs	(8) AIP Eligible Costs Column	(9) AIP Sponsor Share Calc. Column	(10) AIP Fed Share Calc. Column	(11) REMARKS (OPTIONAL)
ADMINISTRATIVE EXPENSE	Input Total from Grant App		\$ 10,000.00		\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ 10,000.00	
Independent Fee Estimates, LLC (IFE - Design)	1		10721	1/21/21	\$ 2,480.00	\$ -	\$ 2,480.00	\$ -	\$ 2,480.00	
Parrish and Partners (IFE - Construction Services)	1		1	6/25/21	\$ 1,250.00	\$ -	\$ 1,250.00	\$ -	\$ 1,250.00	
Garver (CIP Development)	1		15041210-25	10/15/18	\$ 494.70	\$ -	\$ 494.70	\$ -	\$ 494.70	
Garver (CIP Development)	1		15041210-26	12/12/18	\$ 1,688.54	\$ -	\$ 1,688.54	\$ -	\$ 1,688.54	
Garver (CIP Development)	1		20A13210-1	1/21/21	\$ 653.80	\$ -	\$ 653.80	\$ -	\$ 653.80	
Garver (CIP Development)	11	X	20A13210-2	11/12/21	\$ 2,685.64	\$ -	\$ 2,685.64	\$ -	\$ 2,685.64	
Northwest Arkansas Democrat Gazette	11	X	21-48	5/10/21	\$ 747.32	\$ -	\$ 747.32	\$ -	\$ 747.32	
ARCHITECTURAL ENGINEERING BASIC FEES	Input Total from Grant App		\$ 325,350.00		\$ 325,350.00	\$ -	\$ 325,350.00	\$ -	\$ 325,350.00	
Garver	1		21A13211-1	2/12/21	\$ 51,152.50	\$ -	\$ 51,152.50	\$ -	\$ 51,152.50	
Garver	1		21A13211-2	3/5/21	\$ 104,480.00	\$ -	\$ 104,480.00	\$ -	\$ 104,480.00	
Garver	1		21A13211-3	4/20/21	\$ 63,357.50	\$ -	\$ 63,357.50	\$ -	\$ 63,357.50	
Garver	1		21A13211-4	5/21/21	\$ 74,385.00	\$ -	\$ 74,385.00	\$ -	\$ 74,385.00	
Garver	1		21A13211-5	6/2/21	\$ 11,640.00	\$ -	\$ 11,640.00	\$ -	\$ 11,640.00	
Garver	1		21A13211-6	7/28/21	\$ 15,835.00	\$ -	\$ 15,835.00	\$ -	\$ 15,835.00	
Garver	1		21A13211-7	9/7/21	\$ 2,250.00	\$ -	\$ 2,250.00	\$ -	\$ 2,250.00	
Garver	1		21A13211-8	10/26/21	\$ 2,250.00	\$ -	\$ 2,250.00	\$ -	\$ 2,250.00	
OTHER ARCHITECTURAL ENGINEERING FEES	Input Total from Grant App		\$ -		\$ 30,400.00	\$ -	\$ 30,400.00	\$ -	\$ 30,400.00	
Garver	3		21A13211A-4	3/22/22	\$ 19,500.00	\$ -	\$ 19,500.00	\$ -	\$ 19,500.00	
Garver	11	X	21A13211A-5	6/21/22	\$ 6,540.00	\$ -	\$ 6,540.00	\$ -	\$ 6,540.00	
Garver	4		21A13211A-6	5/17/22	\$ 3,270.00	\$ -	\$ 3,270.00	\$ -	\$ 3,270.00	
Garver	5		21A13211A-7	7/25/22	\$ 1,090.00	\$ -	\$ 1,090.00	\$ -	\$ 1,090.00	
PROJECT INSPECTION FEES	Input Total from Grant App		\$ 235,000.00		\$ 256,428.89	\$ -	\$ 256,428.89	\$ -	\$ 256,428.89	
Garver	1		21A13211A-1	12/10/21	\$ 6,200.00	\$ -	\$ 6,200.00	\$ -	\$ 6,200.00	
Garver	2		21A13211A-2	2/21/22	\$ 3,100.00	\$ -	\$ 3,100.00	\$ -	\$ 3,100.00	
Garver	2		21A13211A-3	3/22/22	\$ 6,200.00	\$ -	\$ 6,200.00	\$ -	\$ 6,200.00	
Garver	3		21A13211A-4	5/17/22	\$ 6,422.19	\$ -	\$ 6,422.19	\$ -	\$ 6,422.19	
Garver	11	X	21A13211A-5	6/21/22	\$ 8,241.12	\$ -	\$ 8,241.12	\$ -	\$ 8,241.12	
Garver	4		21A13211A-6	7/25/22	\$ 25,212.08	\$ -	\$ 25,212.08	\$ -	\$ 25,212.08	
Garver	5		21A13211A-7	8/11/22	\$ 74,747.53	\$ -	\$ 74,747.53	\$ -	\$ 74,747.53	
Garver	6		21A13211A-8	9/16/22	\$ 54,752.78	\$ -	\$ 54,752.78	\$ -	\$ 54,752.78	
Garver	7		21A1311A-9	10/24/22	\$ 34,627.38	\$ -	\$ 34,627.38	\$ -	\$ 34,627.38	
Garver	9		21A13211A-10	12/2/22	\$ 801.00	\$ -	\$ 801.00	\$ -	\$ 801.00	
Garver	11	X	21A13211A-11	2/2/24	\$ 10,260.81	\$ -	\$ 10,260.81	\$ -	\$ 10,260.81	
Garver	11	X	21A13211A-12	6/19/24	\$ 25,864.00	\$ -	\$ 25,864.00	\$ -	\$ 25,864.00	
CONSTRUCTION AND PROJECT IMPROVEMENT	Input Total from Grant App		\$ 5,565,491.00		\$ 5,910,998.01	\$ 28,114.00	\$ 5,882,884.01	\$ 36,922.29	\$ 5,845,961.72	
Emery Sapp & Sons	3		1	5/31/22	\$ 254,481.25	\$ 1.00	\$ 254,480.25	\$ -	\$ 254,480.25	
Emery Sapp & Sons	4		2	6/30/22	\$ 191,535.28	\$ -	\$ 191,535.28	\$ -	\$ 191,535.28	
Emery Sapp & Sons	5		3	7/31/22	\$ 1,977,704.28	\$ -	\$ 1,977,704.28	\$ -	\$ 1,977,704.28	
Emery Sapp & Sons	6		4	8/31/22	\$ 1,732,198.79	\$ -	\$ 1,732,198.79	\$ -	\$ 1,732,198.79	
Emery Sapp & Sons	7		5	9/30/22	\$ 203,365.44	\$ -	\$ 203,365.44	\$ -	\$ 203,365.44	
Emery Sapp & Sons	8		6	10/31/22	\$ 235,258.57	\$ -	\$ 235,258.57	\$ -	\$ 235,258.57	
Emery Sapp & Sons	9		7	11/30/22	\$ 163,711.12	\$ -	\$ 163,711.12	\$ -	\$ 163,711.12	
Emery Sapp & Sons	10		8	3/31/23	\$ 196,160.00	\$ -	\$ 196,160.00	\$ -	\$ 196,160.00	Partial Drawdown of Pay Estimate 8
Emery Sapp & Sons	11	X	8	3/31/23	\$ 243,166.32	\$ -	\$ 243,166.32	\$ -	\$ 243,166.32	Remainder of Pay Estimate 8
Emery Sapp & Sons	11	X	9	5/15/23	\$ 258,335.39	\$ -	\$ 258,335.39	\$ -	\$ 258,335.39	
Emery Sapp & Sons	11	X	10	10/27/23	\$ 85,858.67	\$ 28,113.00	\$ 57,745.67	\$ -	\$ 57,745.67	Amount Attributed to Original Grant
Emery Sapp & Sons	11	X	10	10/27/23	\$ 369,222.90	\$ -	\$ 369,222.90	\$ 36,922.29	\$ 332,300.61	Amount Attributed to Grant Amendment

Note: All totals automatically round down to the nearest dollar.

	6,533,176.90	\$ 28,114.00	\$ 6,505,062.90	\$ 36,922.29	\$ 6,135,840.00	613,587.00	CURRENT REIMB. EXE GRANT
						5,522,253.00	PREVIOUS REIMB.
TOTAL PROJECT						6,135,840.00	TOTAL FED REIMB. OF EXE GRANT (100%)
Input Non-Allowable Cost from Exe Grant App	\$ 1.00					6,135,840.00	Exe. Grant Amount
Non-Allowable Costs Excluded from Amendment	\$ 28,113.00					100.00%	Percentage Exe. Grant To Date
						369,222.90	GRANT OVERAGE (AIP ELIGIBLE)
						\$ 332,300.00	CURRENT FED REIMB. AMENDMENT (90%)
						\$ 6,468,140.00	TOTAL FED REIMB. OF AMENDED GRANT

Delphi-Invoice Summary Reconciliation (Only For Final Payment And One Time Minor Adjustment)

	Input Delphi PO Invoice Total	\$ 5,522,250.00
The adjusted amount is a suggestion the sponsor may accept. Sponsor can also choose another means to correct the reconciliation. Let the FAA know what method the		\$ 5,522,250.00
		\$ 6,468,140.00
		945,890.00

**CITY OF FAYETTEVILLE
FYV RUNWAY PAVEMENT AND LIGHTING REHABILITATION
FINAL PROJECT BUDGET**

ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	FINAL QUANTITY	UNIT PRICE	EXTENDED AMOUNT
1	SS-120-3.1	Construction Safety and Security	LS	1.00	\$132,730.00	\$132,730.00
2	SS-220-5.1	Pavement Edge Grading	LF	8,405.00	\$4.35	\$36,561.75
3	SS-221-5.1	Paving Fabric	SY	77,859.00	\$3.00	\$233,577.00
4	SS-222-5.1	Haul Road Repair (Full Depth)	SY	652.00	\$107.00	\$69,764.00
5	SS-222-5.2	Haul Road Repair (2" Mill and Overlay)	SY	0.00	\$78.40	\$0.00
6	SS-300-5.1	Lockout/Tagout and Constant Current Regulator Calibration Procedures	LS	1.00	\$845.00	\$845.00
7	SS-300-5.2	Electrical Vault Modifications	LS	1.00	\$2,030.00	\$2,030.00
8	SS-300-5.3	Generator and Transfer Switch System, Installed	LS	1.00	\$118,650.00	\$118,650.00
9	SS-300-5.4	Existing ATCT Modifications, Installed	LS	1.00	\$3,100.00	\$3,100.00
10	SS-301-5.1	Existing Base Mounted Runway Edge Light, Removed	EA	73.00	\$57.00	\$4,161.00
11	SS-301-5.2	Existing Base Mounted Taxiway Edge Light, Removed and Stored with Base Demolished	EA	16.00	\$282.00	\$4,512.00
12	SS-301-5.3	Existing Stake Mounted Guidance Sign, Removed	EA	49.00	\$170.00	\$8,330.00
13	SS-301-5.4	Existing Base Mounted Guidance Sign, Removed	EA	5.00	\$565.00	\$2,825.00
14	SS-301-5.5	Existing Base Mounted Guidance Sign, Removed and Stored with Foundation Demolished	EA	1.00	\$565.00	\$565.00
15	SS-305-5.1	Directional Boring, 1-Way 2"C Polyethylene Conduit	LF	1,046.00	\$40.00	\$41,840.00
16	SS-305-5.2	Directional Boring, 2-Way 2"C Polyethylene Conduits	LF	445.00	\$51.00	\$22,695.00
17	SS-310-5.1	Temporary Airfield Lighting	LS	1.00	\$12,475.00	\$12,475.00
18	C-100-14.1	Contractor Quality Control Program (CQCP)	LS	1.00	\$85,600.00	\$85,600.00
19	C-102-5.1	Temporary Erosion Control	LS	1.00	\$17,500.00	\$17,500.00
20	C-105-6.1	Mobilization (Maximum 5% of Total Bid)	LS	1.00	\$260,000.00	\$260,000.00
21	P-101-5.1a	Asphalt Concrete Pavement Removal	SY	939.00	\$23.70	\$22,254.30
22	P-101-5.1b	Concrete Pavement Removal	SY	1,574.00	\$28.20	\$44,386.80
23	P-101-5.2	Joint and Crack Repair (1/2" or Greater)	LF	876.00	\$3.60	\$3,153.60
24	P-101-5.3	Pavement Markings Removal	SF	30,352.00	\$1.80	\$54,633.60
25	P-101-5.4a	Cold Milling (0-1")	SY	65,986.14	\$3.75	\$247,448.03
26	P-101-5.4b	Cold Milling (1"-3")	SY	9,906.50	\$7.80	\$77,270.70
27	P-152-4.1	Unclassified Excavation	CY	0.00	\$42.85	\$0.00
28	P-152-4.2	Unsuitable Excavation	CY	123.56	\$56.40	\$6,968.78
29	P-209-5.1	Crushed Aggregate Base Course (6" Thickness)	SY	0.00	\$16.00	\$0.00
30	P-209-5.2	Crushed Aggregate Base Course (0-4" Thickness)	SY	1,554.00	\$11.00	\$17,094.00
31	P-401-8.1a	Asphalt Hot Mix Surface Course	TN	11,844.93	\$152.00	\$1,800,429.36
32	P-401-8.1b	Asphalt Hot Mix Surface Course for Test Section	TN	250.00	\$341.00	\$85,250.00
33	P-401-8.1c	Asphalt Hot Mix Leveling Course	TN	138.88	\$177.00	\$24,581.76
34	P-403-8.1	Asphalt Hot Mix Base Course	TN	501.38	\$156.00	\$78,215.28
35	P-620-5.1a	Runway and Taxiway Marking (Reflective)	SF	104,386.00	\$0.82	\$85,596.52
36	P-620-5.1b	Runway and Taxiway Marking (Non-Reflective)	SF	39,557.00	\$0.79	\$31,250.03
37	P-620-5.1c	Runway and Taxiway Marking (Temporary)	SF	47,952.51	\$0.71	\$34,046.28
38	P-621-5.1	Grooving	SY	53,200.00	\$1.85	\$98,420.00
39	D-701-5.1	24" Reinforced Concrete Pipe (Class III)	LF	0.00	\$105.50	\$0.00
40	D-751-5.1	4' x 4' Airfield Grate Inlet	EA	0.00	\$12,972.00	\$0.00
41	T-901-5.1	Seeding	AC	8.38	\$2,250.00	\$18,855.00
42	T-904-5.1	Sodding	SY	10,295.00	\$4.20	\$43,239.00
43	T-905-5.1	Topsoil (Furnished from Off the Site)	CY	156.50	\$42.90	\$6,713.85
44	L-108-5.1	No. 8 AWG, 5kV, L-824, Type C Cable, Installed in Trench, Duct Bank or Conduit	LF	22,776.00	\$3.38	\$76,982.88



45	L-108-5.2	No. 6 AWG, Solid, Bare Copper Counterpoise Wire, Installed in Trench, Including Connections/Terminations	LF	15,861.00	\$3.95	\$62,650.95
46	L-108-5.3	Trenching for Direct-Buried Bare Counterpoise Wire, 8" Minimum Depth	LF	13,715.00	\$2.26	\$30,995.90
47	L-108-5.4	ATCT Remote L-821 Panel Communication Cable, Installed in Duct Bank or Conduit	LF	1,750.00	\$16.92	\$29,610.00
48	L-109-7.1	Construction of Prefabricated Concrete Vault Building and Foundation in Place	LS	1.00	\$135,360.00	\$135,360.00
49	L-109-7.2	Installation of Prefabricated Concrete Vault Building Equipment in Place	LS	1.00	\$169,200.00	\$169,200.00
50	L-110-5.1	Flowable Fill Encased Electrical Conduit, 1-Way 2"C	LF	300.00	\$39.50	\$11,850.00
51	L-110-5.2	Non-Encased Electrical Conduit, 1-Way 2"C	LF	14,459.00	\$7.35	\$106,273.65
52	L-110-5.3	Non-Encased Electrical Duct Bank, 4-Way 4"C	LF	55.00	\$84.60	\$4,653.00
53	L-115-5.1	Concrete Encased Electrical Junction Structure, L-867 Class 1, Size 16" Diameter by 24" Depth	EA	11.00	\$1,355.00	\$14,905.00
54	L-125-5.1	L-858(L), Size 1, Base Mounted, 1-Module Guidance Sign, Installed	EA	8.00	\$4,960.00	\$39,680.00
55	L-125-5.2	L-858(L), Size 1, Base Mounted, 2-Module Guidance Sign, Installed	EA	19.00	\$5,585.00	\$106,115.00
56	L-125-5.3	L-858(L), Size 1, Base Mounted, 3-Module Guidance Sign, Installed	EA	21.00	\$6,655.00	\$139,755.00
57	L-125-5.4	L-858(L), Size 5, Base Mounted, Runway Distance Remaining Sign, Installed	EA	5.00	\$7,165.00	\$35,825.00
58	L-125-5.5	Existing L-858(L) Guidance Sign, Reinstalled on New Base with New Panels	EA	1.00	\$7,670.00	\$7,670.00
59	L-125-5.6	L-861(L) Base Mounted Runway Edge Light, Installed	EA	56.00	\$1,695.00	\$94,920.00
60	L-125-5.7	L-861E(L) Base Mounted Runway Threshold Light, Installed in Asphalt Pavement	EA	16.00	\$2,820.00	\$45,120.00
61	L-125-5.8	L-861T(L) Base Mounted Taxiway Edge Light, Installed	EA	0.00	\$1,635.00	\$0.00
62	L-125-5.9	Existing Stored L-861T(L) Taxiway Edge Light, Installed on New Base	EA	24.00	\$1,355.00	\$32,520.00
63	SP-C-01a	Bonds	LS	1.00	\$64,500.00	\$64,500.00
64	SP-C-01b	Owner's Protective Insurance	LS	1.00	\$1.00	\$1.00
65	SS-140-5.1	Pavement Removal (Storm Drain Crossings)	SY	300.00	\$40.00	\$12,000.00
66	SS-140-5.2	Inlet/Junction Box Removal	SY	15.00	\$1,750.00	\$26,250.00
67	SS-140-5.3	Drainage Pipe Removal	LF	938.00	\$55.40	\$51,965.20
68	SS-223-5.1a	Storm Drain Crossing Repair-Taxiway Pavement	SY	0.00	\$173.00	\$0.00
69	SS-223-5.1b	Storm Drain Crossing Repair-Runway Pavement	SY	300.00	\$152.00	\$45,600.00
70	D-701-5.1a	15" Reinforced Concrete Pipe (Class IV)	LF	70.00	\$109.04	\$7,632.80
71	D-701-5.1b	18" Reinforced Concrete Pipe (Class IV)	LF	724.00	\$105.00	\$76,020.00
72	D-701-5.1c	21" Reinforced Concrete Pipe (Class IV)	LF	16.00	\$148.00	\$2,368.00
73	D-701-5.1d	24" Reinforced Concrete Pipe (Class IV)	LF	40.00	\$148.00	\$5,920.00
74	D-701-5.1e	36" Reinforced Concrete Pipe (Class IV)	LF	40.00	\$200.00	\$8,000.00
75	D-701-5.1f	42" Reinforced Concrete Pipe (Class IV)	LF	32.00	\$214.00	\$6,848.00
76	D-701-5.1g	23"x14" Reinforced Ellipical Pipe (Class IV)	LF	16.00	\$177.00	\$2,832.00
77	D-701-5.2a	15" Reinforced Pipe Collar	EA	2.00	\$800.00	\$1,600.00
78	D-751-5.2b	18" Reinforced Pipe Collar	EA	13.00	\$800.00	\$10,400.00
79	D-751-5.2c	21" Reinforced Pipe Collar	EA	2.00	\$800.00	\$1,600.00
80	D-751-5.2d	24" Reinforced Pipe Collar	EA	11.00	\$800.00	\$8,800.00
81	D-751-5.2e	36" Reinforced Pipe Collar	EA	4.00	\$1,200.00	\$4,800.00
82	D-751-5.2f	42" Reinforced Pipe Collar	EA	8.00	\$1,300.00	\$10,400.00
83	D-751-5.2g	23"x14" Elliptical to 18" Circular Reinforced Pipe Collar	EA	1.00	\$1,000.00	\$1,000.00
84	D-751-5.1a	4' x 4' Airfield Grate Inlet	EA	5.00	\$13,250.00	\$66,250.00
85	D-751-5.1b	4' x 4' Alternate Single Grate Inlet	EA	3.00	\$13,500.00	\$40,500.00
86	D-751-5.1c	5' x 3' Airfield Single Grate Inlet	EA	1.00	\$13,950.00	\$13,950.00
87	D-751-5.1d	5' x 5' Airfield Double Grate Inlet	EA	1.00	\$19,950.00	\$19,950.00
88	D-751-5.1e	7' x 3' Airfield Triple Grate Inlet	EA	2.00	\$25,500.00	\$51,000.00
89	D-751-5.1f	7' x 6' Airfield Triple Grate Inlet	EA	1.00	\$30,200.00	\$30,200.00
90	D-751-5.1g	3' x 3' Airfield Junction Box	EA	2.00	\$11,900.00	\$23,800.00
91	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	EA	1.00	\$28,113.00	\$28,113.00



92	CO2.01	ARDOT Section 207 Stone Backfill, Installed	CY	340.00	\$132.05	\$44,897.00
93	CO2.02	Geogrid Subgrade Stabilization	LS	1.00	\$1,750.00	\$1,750.00
94	CO2.03	Gate Loop Detectors, Installed	LS	1.00	\$1,000.00	\$1,000.00
95	CO3.01	Cold Milling (2" Uniform Depth)	SY	34546.89	\$7.40	\$255,646.99
96	CO4.01	Storm Drain Repair Excavation & Backfill	EA	15.00	\$250.00	\$3,750.00

TOTAL CONSTRUCTION COST **\$5,910,998.01**

ADMINISTRATION EXPENSES **\$10,000.00**

ARCHITECTURAL ENGINEERING BASIC FEES

Surveys	\$13,650.00
Geotechnical Services	\$40,950.00
Nondestructive Testing (NDT)	\$31,150.00
Pavement Condition Analysis	\$8,800.00
Preliminary Design - Runway Rehabilitation	\$82,000.00
Preliminary Design - Lighting Rehabilitation	\$54,900.00
Final Design - Runway Rehabilitation	\$52,700.00
Final Design - Lighting Rehabilitation	\$29,950.00
Bidding Services	\$11,250.00

TOTAL ARCHITECTURAL ENGINEERING BASIC FEES **\$325,350.00**

OTHER ARCHITECTURAL ENGINEERING FEES

Final Design Services - Storm Drain Repairs (Task Order 02 - Amendment 01)	\$30,400.00
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TOTAL OTHER ARCHITECTURAL ENGINEERING FEES **\$30,400.00**

PROJECT INSPECTION FEES

On-Site Construction Observation Services	\$123,000.00
Construction Administration Services	\$62,000.00
Closeout Services	\$10,000.00
Construction Materials Testing	\$39,664.89
Additional Construction Phase Services (Task Order 03 - Amendment 01)	\$21,764.00

TOTAL PROJECT INSPECTION FEES **\$256,428.89**

TOTAL PROJECT COST **\$6,533,176.90**

NON-AIP ELIGIBLE ITEMS

64	SP-C-01b	Owner's Protective Insurance	LS	1.00	\$1.00	\$1.00
91	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	EA	1.00	\$28,113.00	\$28,113.00

TOTAL NON-AIP ELIGIBLE ITEMS **\$28,114.00**

TOTAL PROJECT COST (AIP-ELIGIBLE) **\$6,505,062.90**

PROJECT FUNDING

Executed AIP Grant 3-05-0020-050-2021: \$6,135,840.00

Federal Aviation Administration AIP (90%)	\$5,522,256.00
Federal Aviation Administration ARPA (10%)	\$613,584.00

Grant Amendment

Federal Aviation Administration AIP Grant Amendment (90%)	\$332,300.00
Arkansas Department of Aeronautics (10%)	\$36,922.00
City of Fayetteville (Remainder)	\$28,114.90

TOTAL FUNDING **\$6,533,176.90**



Construction Contract Change Order

Project:
FYV Runway Pavement and Lighting Rehabilitation
Fayetteville - Drake Field
Garver Job No. 21A13211

Change Order No. 1
Date Prepared: May 27, 2022
Prepared by: Kyle Bennett, Garver

Owner:
Drake Field Airport
4500 S. School Ave.
Fayetteville, AR 72701

Contractor:
Emery Sapp & Sons
5184 N. Oak Street
Springdale, AR 72764

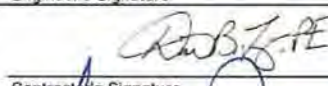
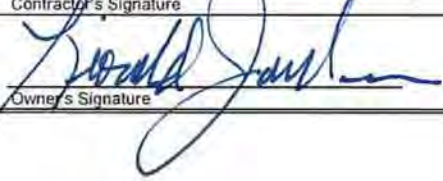
Description of Work Included in Contract

The project includes, but is not limited to, the rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, construction and installation of a new electrical vault and generator, and updates to the ATCT controls.

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

- A. This change order is for items associated with repairing safety issues and deficiencies arising from deterioration of the existing drainage infrastructure. These needs were identified during the airport's most recent Part 139 inspection and subsequent CCTV camera inspection of the storm drain system. Repairs will include complete replacement of two (2) storm drain crossings at Runway 16 and all existing drainage boxes and inlets within the Runway Safety Area (RSA), with the exception of the furthest south inlet.
- B. In order to provide additional stormwater quality enhancements for the Airport, the Airport will install a water treatment unit along an existing stormwater pipe. This system will provide stormwater treatment for stormwater runoff associated with hangars on the east side of the airfield. This item will not be eligible for AIP reimbursement.
- Attachments: RSA and Drainage Improvement Plan Sheets (Sheet 108 to 132), Revised Specification D-701 *Pipe for Storm Drains and Culverts*, Revised Specification D-751 *Manholes, Cath Basins, Inlets and Inspection Holes*, Specification SS-140 *Demolition and Disposal*, and Specification SS-223 *Storm Drain Crossing Repair*

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Estimated Quantity	Revised Unit Price	Original Estimated Cost	Revised Estimated Cost
A.	SS-140-5.1	Pavement Removal (Storm Drain Crossings)	SY	0	-	250	\$40.00	\$0.00	\$10,000.00
A.	SS-140-5.2	Inlet/Junction Box Removal	EA	0	-	15	\$1,750.00	\$0.00	\$26,250.00
A.	SS-140-5.3	Drainage Pipe Removal	LF	0	-	1,017	\$55.40	\$0.00	\$56,341.80
A.	SS-223-5.1a	Storm Drain Crossing Repair - Taxiway Pavement	SY	0	-	0	\$173.00	\$0.00	\$0.00
A.	SS-223-5.1b	Storm Drain Crossing Repair - Runway Pavement	SY	0	-	250	\$152.00	\$0.00	\$38,000.00
A.	C-105-6.1	Mobilization	LS	1	\$230,000.00	1	\$260,000.00	\$230,000.00	\$260,000.00
A.	D-701-5.1a	15" Reinforced Concrete Pipe (Class IV)	LF	0	-	70	\$109.04	\$0.00	\$7,632.80
A.	D-701-5.1b	18" Reinforced Concrete Pipe (Class IV)	LF	0	-	778	\$105.00	\$0.00	\$81,690.00
A.	D-701-5.1c	21" Reinforced Concrete Pipe (Class IV)	LF	0	-	16	\$148.00	\$0.00	\$2,368.00
A.	D-701-5.1d	24" Reinforced Concrete Pipe (Class IV)	LF	0	-	56	\$148.00	\$0.00	\$8,288.00
A.	D-701-5.1e	36" Reinforced Concrete Pipe (Class IV)	LF	0	-	40	\$200.00	\$0.00	\$8,000.00
A.	D-701-5.1f	42" Reinforced Concrete Pipe (Class IV)	LF	0	-	32	\$214.00	\$0.00	\$6,848.00
A.	D-701-5.1g	23"x14" Reinforced Elliptical Pipe (Class IV)	LF	0	-	16	\$177.00	\$0.00	\$2,832.00
A.	D-701-5.2a	15" Reinforced Pipe Collar	EA	0	-	2	\$800.00	\$0.00	\$1,600.00
A.	D-701-5.2b	18" Reinforced Pipe Collar	EA	0	-	8	\$800.00	\$0.00	\$6,400.00
A.	D-701-5.2c	21" Reinforced Pipe Collar	EA	0	-	2	\$800.00	\$0.00	\$1,600.00
A.	D-701-5.2d	24" Reinforced Pipe Collar	EA	0	-	6	\$800.00	\$0.00	\$4,800.00
A.	D-701-5.2e	36" Reinforced Pipe Collar	EA	0	-	4	\$1,200.00	\$0.00	\$4,800.00
A.	D-701-5.2f	42" Reinforced Pipe Collar	EA	0	-	3	\$1,300.00	\$0.00	\$3,900.00
A.	D-701-5.2g	23"x14" to 18" Circular Reinforced Pipe Collar	EA	0	-	1	\$1,000.00	\$0.00	\$1,000.00
A.	D-751-5.1a	4' x 4' Airfield Single Grate Inlet	EA	0	-	5	\$13,250.00	\$0.00	\$66,250.00
A.	D-751-5.1b	4' x 4' Airfield Alternate Single Grate Inlet	EA	0	-	3	\$13,500.00	\$0.00	\$40,500.00
A.	D-751-5.1c	5' x 3' Airfield Single Grate Inlet	EA	0	-	1	\$13,950.00	\$0.00	\$13,950.00
A.	D-751-5.1d	5' x 5' Airfield Double Grate Inlet	EA	0	-	1	\$19,950.00	\$0.00	\$19,950.00
A.	D-751-5.1e	7' x 3' Airfield Triple Grate Inlet	EA	0	-	2	\$25,500.00	\$0.00	\$51,000.00

A.	D-751-5.1f	7' x 6' Airfield Triple Grate Inlet	EA	0	-	1	\$30,200.00	\$0.00	\$30,200.00
A.	D-751-5.1g	3' x 3' Airfield Junction Box	EA	0	-	2	\$11,900.00	\$0.00	\$23,800.00
A.	T-904-5.1	Sodding	SY	25,365	\$4.20	26,903	\$4.20	\$106,533.00	\$112,992.60
B.	CO-01.1	AS-4 AquaSwirl Water Treatment Unit	LS	0	\$0.00	1	\$28,113.00	\$0.00	\$28,113.00
Summation of Cost								\$336,533.00	\$919,106.20
Net Cost for this Change Order								\$582,573.20	
Estimated Project Cost						Time Change			
Original Contract Amount						Original Contract Start Date			
\$5,565,491.44						May 9, 2022			
This Change Order						Original Contract Time (calendar days)			
\$582,573.20						85			
New Contract Amount						Additional Calendar Days granted by this Change Order			
\$6,148,064.64						10			
						New Contract Time (calendar days)			
						95			
						Suspended Time			
						0			
						New Construction Completion Date			
						August 12, 2022			
THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS									
ISSUED FOR REASONS INDICATED ABOVE									
Engineer: Garver									
				Senior Project Manager			July 7, 2022		
Engineer's Signature				Title			Date		
ACCEPTED BY CONTRACTOR									
				Asst. Vice-President			July 6, 2022		
Contractor's Signature				Title			Date		
APPROVED BY OWNER									
				Mayor			07/13/22		
Owner's Signature				Title			Date		

Construction Contract Change Order

Project: FYV Runway Pavement and Lighting Rehabilitation Fayetteville - Drake Field Garver Job No. 21A13211	Change Order No. 2 Date Prepared: March 16, 2023 Prepared by: Kyle A. Bennett, P.E.
Owner: Drake Field Airport 4500 S. School Ave. Fayetteville, AR 72701	Contractor: Emery Sapp & Sons 5184 N. Oak Street Springdale, AR 72764

Description of Work Included in Contract

The project includes, but is not limited to, the rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, construction and installation of a new electrical vault and generator, and updates to the ATCT controls.

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

Unforeseen Site Condition: The primary haul route for the project accessed the site through Gate 3 and crossed the fuel farm road to reach the terminal apron. Substantial damage occurred to the existing asphalt fuel farm road starting at Highway 71 and extending 282 linear feet to the east. The Contract includes provisions for full depth haul route repair, and reconstruction of the existing asphalt and base course will be paid under bid item SS-222-5.1 Haul Road Repair (Full Depth). The underlying subgrade was in very poor condition and requires remediation to establish a stable working platform to conduct reconstruction of the pavement section. Due to soft soil conditions and groundwater, subgrade remediation generally consists of undercutting unsuitable clay soils and backfilling with ARDOT Section 207 Stone Backfill. Due to the presence of numerous utility crossings near Highway 71, geogrid stabilization is utilized in lieu of stone backfill along 50 linear feet of the fuel farm road. This change order adds new bid item CO2.01 for ARDOT Section 207 Stone Backfill, Installed and CO2.02 for Geogrid Subgrade Stabilization, Installed.

B. Existing gate loop detectors at Gate 3 must be replaced in conjunction with repair of the fuel farm road. This change order adds new bid item CO2.03 for Gate Loop Detectors, Installed.

C. As-built quantity of Haul Road Repair (Full Depth) and Haul Road Repair (2" Mill and Overlay) were less than estimated contract quantities. This change adjusts the contract quantities of bid item SS-222.5.1 and SS222-5.2 to reflect the as-built quantities.

Attachments: None.

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	CO2.01	ARDOT Section 207 Stone Backfill, Installed	CY	0	\$0.00	340.00	\$132.05	\$0.00	\$44,897.00
A.	CO2.02	Geogrid Subgrade Stabilization, Installed	LS	0	\$0.00	1.00	\$1,750.00	\$0.00	\$1,750.00
B.	CO2.03	Gate Loop Detectors, Installed	LS	0	\$0.00	1.00	\$1,000.00	\$0.00	\$1,000.00
C.	SS-222.5.1	Haul Road Repair (Full Depth)	SY	1,000	\$107.00	652.00	\$107.00	\$107,000.00	\$69,764.00
C.	SS-222.5.2	Haul Road Repair (2" Mill and Overlay)	SY	330	\$78.40	0.00	\$78.40	\$25,872.00	\$0.00
Summation of Cost								\$132,872.00	\$117,411.00
Net Cost for this Change Order									(\$15,461.00)

Estimated Project Cost

	Estimated Project Cost
Original Contract Amount	\$5,565,491.44
Previously Approved Changes	\$582,573.20
This Change Order	(\$15,461.00)
New Contract Amount	\$6,132,603.64

Time Change

Contract Start Date	May 9, 2022
Original Contract Time (calendar days)	85
Previously Approved Changes (calendar days)	10
Additional Contract Time This Change Order (calendar days)	0
Suspended Time (calendar days)	
New Construction Completion Date	August 12, 2022

THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS

ISSUED FOR REASONS INDICATED ABOVE

Engineer: Garver

Engineer's Signature

Project Manager

Title

3-17-2023

Date

ACCEPTED BY CONTRACTOR

Contractor's Signature

David B. Fag, PE

Asst. Vice-President

Title

03-17-2023

Date

APPROVED BY OWNER

Owner's Signature

Mayor

Title

05/03/2023

Date

Construction Contract Change Order

Project: FYV Runway Pavement and Lighting Rehabilitation Fayetteville - Drake Field Garver Job No. 21A13211	Change Order No. 3 Date Prepared: May 8, 2023 Prepared by: Kyle A. Bennett, P.E.
Owner: Drake Field Airport 4500 S. School Ave. Fayetteville, AR 72701	Contractor: Emery Sapp & Sons 5184 N. Oak Street Springdale, AR 72764

Description of Work Included in Contract
 The project includes, but is not limited to, the rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, construction and installation of a new electrical vault and generator, and updates to the ATCT controls.

Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)

Unforeseen Site Condition: The typical section for runway and taxiway pavement rehabilitation includes a uniform 1" depth cold mill followed by a 2.5" thick ACHM overlay. Field observations determined the asphalt surface remaining after the planned 1" mill was not suitable to receive the planned overlay. The poor surface conditions were caused by a previous variable thickness overlay which was poorly bonded to the underlying asphalt. It was determined that complete removal of the previous overlay would be necessary to provide a stable substrate for placing the new overlay. Areas already milled at the time this determination was made will require an additional 1" uniform depth cold mill that will be paid under Bid Item P-101-5.4a (Cold Milling 0"-1"). Areas not yet milled at the time of this determination will require a single 2" uniform depth cold mill. This change adds new bid item CO2.01 for Cold Milling 2" Uniform Depth, and adjusts contract quantity of bid items P-101-5.4a and P-101-5.4b to reflect as-built quantities.

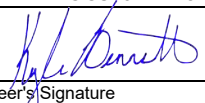
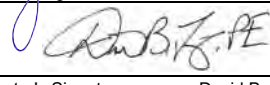
A. As-built quantity of Asphalt Hot Mix Surface Course is less than the estimated plan quantity. This change adjusts the contract quantity for Pay Item P-401-8.1a in an amount sufficient to offset cost of the Contract Change A. Bid Item P-401-8.1a will be fully reconciled to plan quantity as part of the final reconciliation change order at project closeout.

B. Attachments: None

Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	CO3.01	Cold Milling (2" Uniform Depth)	SY	0	\$0.00	34,546.89	\$7.40	\$0.00	\$255,646.99
A.	P-101-5.4a	Cold Milling (0-1")	SY	66,980	\$3.75	65,986.14	\$3.75	\$251,175.00	\$247,448.03
A.	P-101-5.4b	Cold Milling (1"-3")	SY	14,050	\$7.80	9,906.50	\$7.80	\$109,590.00	\$77,270.70
B.	P-401-8.1a	Asphalt Hot Mix Surface Course	TN	13,455	\$152.00	12,010.00	\$152.00	\$2,045,160.00	\$1,825,520.00
Summation of Cost								\$2,405,925.00	\$2,405,885.71
Net Cost for this Change Order									(\$39.29)

Estimated Project Cost		Time Change	
	Estimated Project Cost	Contract Start Date	May 9, 2022
Original Contract Amount	\$5,565,491.44	Original Contract Time (calendar days)	85
Previously Approved Changes	\$567,112.20	Previously Approved Changes (calendar days)	10
This Change Order	(\$39.29)	Additional Contract Time This Change Order (calendar days)	0
New Contract Amount	\$6,132,564.35	Suspended Time (calendar days)	
		New Construction Completion Date	August 12, 2022

THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS

ISSUED FOR REASONS INDICATED ABOVE Engineer: Garver	 _____ Engineer's Signature	Project Manager _____ Title	5-12-2023 _____ Date
ACCEPTED BY CONTRACTOR	 _____ Contractor's Signature David B. Tag, PE	Asst. Vice-President _____ Title	05-12-2023 _____ Date
APPROVED BY OWNER	_____ Owner's Signature	_____ Title	_____ Date

Construction Contract Change Order

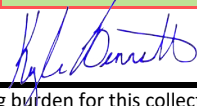
Project: FYV Runway Pavement and Lighting Rehabilitation Fayetteville - Drake Field Garver Job No. 21A13211					Change Order No. 4				
Owner: Drake Field Airport 4500 S. School Ave. Fayetteville, AR 72701					Date Prepared: January 5, 2024 Prepared by: Kyle A. Bennett, P.E.				
Description of Work Included in Contract The project includes, but is not limited to, the rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, construction and installation of a new electrical vault and generator, and updates to the ATCT controls.									
Changes and Reasons Ordered (List Individual Changes as: A, B, C, D, etc.)									
Additional damage to existing storm drain pipe network was found while completing repairs associated with Change Order 01. Reinforced concrete storm drain pipes have pulled apart at several locations within the RSA. The ground surface has subsided above the damaged pipes where soil and water are infiltrating into the storm drainage system, resulting in safety hazards within the RSA. The pipes will be repaired by installing pipe collars under the various pay items previously added by Change Order 01. This Change Order adds an additional pay item for the additional excavation and backfilling necessary to facilitate installation of the additional pipe collars.									
B. Final reconciliation of estimated quantities to as-built quantities.									
Attachments:									
Contract Changes	Bid Item No.	Bid Item Description	Unit of Measure	Original Contract Quantity	Contract Unit Price	Revised Contract Quantity	Revised Unit Price	Original Contract Cost	Revised Contract Cost
A.	CO4.01	Excavation and Backfill for Pipe Collar Repair	EA	0	\$0.00	15	\$250.00	\$0.00	\$3,750.00
B.	SS-220-5.1	Pavement Edge Grading	LF	16,570.00	\$4.35	8,405.00	\$4.35	\$72,079.50	\$36,561.75
B.	SS-221-5.1	Paving Fabric	SY	94,521.00	\$3.00	77,859.00	\$3.00	\$283,563.00	\$233,577.00
B.	SS-301-5.2	Existing Base Mounted Taxiway Edge Light, Removed and Stored with Base Demolished	EA	20.00	\$282.00	16.00	\$282.00	\$5,640.00	\$4,512.00
B.	SS-305-5.1	Directional Boring, 1-Way 2"C Polyethylene Conduit	LF	1,050.00	\$40.00	1,046.00	\$40.00	\$42,000.00	\$41,840.00
B.	SS-305-5.2	Directional Boring, 2-Way 2"C Polyethylene Conduits	LF	450.00	\$51.00	445.00	\$51.00	\$22,950.00	\$22,695.00
B.	P-101-5.1a	Asphalt Concrete Pavement Removal	SY	990.00	\$23.70	939.00	\$23.70	\$23,463.00	\$22,254.30
B.	P-101-5.1b	Concrete Pavement Removal	SY	1,730.00	\$28.20	1,574.00	\$28.20	\$48,786.00	\$44,386.80
B.	P-101-5.2	Joint and Crack Repair (1/2" or Greater)	LF	5,200.00	\$3.60	876.00	\$3.60	\$18,720.00	\$3,153.60
B.	P-101-5.3	Pavement Markings Removal	SF	5,060.00	\$1.80	30,352.00	\$1.80	\$9,108.00	\$54,633.60
B.	P-152-4.2	Unsuitable Excavation	CY	0.00	\$56.40	123.56	\$56.40	\$0.00	\$6,968.78
B.	P-209-5.2	Crushed Aggregate Base Course (0-4" Thickness)	SY	1,600.00	\$11.00	1,554.00	\$11.00	\$17,600.00	\$17,094.00
B.	P-401-8.1a	Asphalt Hot Mix Surface Course	TN	12,010.00	\$152.00	11,844.93	\$152.00	\$1,825,520.00	\$1,800,429.36
B.	P-401-8.1c	Asphalt Hot Mix Leveling Course	TN	600.00	\$177.00	138.88	\$177.00	\$106,200.00	\$24,581.76
B.	P-403-8.1	Asphalt Hot Mix Base Course	TN	415.00	\$156.00	501.38	\$156.00	\$64,740.00	\$78,215.28
B.	P-620-5.1a	Runway and Taxiway Marking (Reflective)	SF	96,940.00	\$0.82	#####	\$0.82	\$79,490.80	\$85,596.52
B.	P-620-5.1b	Runway and Taxiway Marking (Non-Reflective)	SF	25,640.00	\$0.79	39,557.00	\$0.79	\$20,255.60	\$31,250.03
B.	P-620-5.1c	Runway and Taxiway Marking (Temporary)	SF	53,566.00	\$0.71	47,952.51	\$0.71	\$38,031.86	\$34,046.28
B.	P-621-5.1	Grooving	SY	57,270.00	\$1.85	53,200.00	\$1.85	\$105,949.50	\$98,420.00
B.	T-901-5.1	Seeding	AC	3.00	\$2,250.00	8.38	\$2,250.00	\$6,750.00	\$18,855.00
B.	T-904-5.1	Sodding	SY	26,903.00	\$4.20	10,295.00	\$4.20	\$112,992.60	\$43,239.00
B.	T-905-5.1	Topsoil (Furnished from Off the Site)	CY	350.00	\$42.90	156.50	\$42.90	\$15,015.00	\$6,713.85
B.	L-108-5.1	No. 8 AWG, 5kV, L-824, Type C Cable, Installed in Trench, Duct Bank or Conduit	LF	22,190.00	\$3.38	22,776.00	\$3.38	\$75,002.20	\$76,982.88
B.	L-108-5.2	No. 6 AWG, Solid, Bare Copper Counterpoise Wire, Installed in Trench, Including Connections/Terminations	LF	17,690.00	\$3.95	15,861.00	\$3.95	\$69,875.50	\$62,650.95
B.	L-108-5.3	Trenching for Direct-Buried Bare Counterpoise Wire, 8" Minimum Depth	LF	13,798.00	\$2.26	13,715.00	\$2.26	\$31,183.48	\$30,995.90
B.	L-108-5.4	ATCT Remote L-821 Panel Communication Cable, Installed in Duct Bank or Conduit	LF	2,300.00	\$16.92	1,750.00	\$16.92	\$38,916.00	\$29,610.00
B.	L-110-5.2	Non-Encased Electrical Conduit, 1-Way 2"C	LF	15,540.00	\$7.35	14,459.00	\$7.35	\$114,219.00	\$106,273.65
B.	L-110-5.3	Non-Encased Electrical Duct Bank, 4-Way 4"C	LF	60.00	\$84.60	55.00	\$84.60	\$5,076.00	\$4,653.00
B.	L-125-5.9	Existing Stored L-861T(L) Taxiway Edge Light, Installed on New Base	EA	27.00	\$1,355.00	24.00	\$1,355.00	\$36,585.00	\$32,520.00

B.	SS-140-5.1	Pavement Removal (Storm Drain Crossings)	SY	250.00	\$40.00	300.00	\$40.00	\$10,000.00	\$12,000.00
B.	SS-140-5.3	Drainage Pipe Removal	LF	1,017.00	\$55.40	938.00	\$55.40	\$56,341.80	\$51,965.20
B.	SS-223-5.1b	Storm Drain Crossing Repair - Runway Pavement	SY	250.00	\$152.00	300.00	\$152.00	\$38,000.00	\$45,600.00
B.	D-701-5.1b	18" Reinforced Concrete Pipe (Class IV)	LF	778.00	\$105.00	724.00	\$105.00	\$81,690.00	\$76,020.00
B.	D-701-5.1d	24" Reinforced Concrete Pipe (Class IV)	LF	56.00	\$148.00	40.00	\$148.00	\$8,288.00	\$5,920.00
B.	D-701-5.2b	18" Reinforced Pipe Collar	EA	8.00	\$800.00	13.00	\$800.00	\$6,400.00	\$10,400.00
B.	D-701-5.2d	24" Reinforced Pipe Collar	EA	6.00	\$800.00	11.00	\$800.00	\$4,800.00	\$8,800.00
B.	D-701-5.2f	42" Reinforced Pipe Collar	EA	3.00	\$1,300.00	8.00	\$1,300.00	\$3,900.00	\$10,400.00
Summation of Cost								\$3,499,131.84	\$3,277,565.50
Net Cost for this Change Order									(\$221,566.34)
Estimated Project Cost					Time Change				
Estimated Project Cost					Contract Start Date				
Original Contract Amount					May 9, 2022				
Previously Approved Changes					Original Contract Time (calendar days)				
This Change Order					Previously Approved Changes (calendar days)				
New Contract Amount					Additional Contract Time This Change Order (calendar days)				
					Suspended Time (calendar days)				
					New Construction Completion Date				
					June 15, 2023				
THIS AGREEMENT IS SUBJECT TO ALL ORIGINAL CONTRACT PROVISIONS AND PREVIOUS CHANGE ORDERS									
ISSUED FOR REASONS INDICATED ABOVE									
Engineer: Garver			 _____ Engineer's Signature			Project Manager		2/13/24	
						Title		Date	
ACCEPTED BY CONTRACTOR									
			 _____ Contractor's Signature			Asst. Vice-President		2/13/2024	
						Title		Date	
APPROVED BY OWNER									
			_____ Owner's Signature			_____ Title		_____ Date	

1. Federal Agency and Organizational Element to Which Report is Submitted		2. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment)		
FAA/ACE-610		3-05-0020-050-2021		
3. Recipient Organization (Name and complete address including Zip code)				
Name: Fayetteville, Drake Field		Street1: 4500 S School Avenue, Suite F		City/State: Fayetteville, AR
Street2:				County: Washington County
Zip Code: 72701-8016		Province: N/A		Country: US:United States
4a. UEI Number		4b. EIN		5. Recipient Account Number or Identifying Number (To report multiple grants, use FFR Attachment)
JNDMR71AKHT3		71-6018462		
6. Report Type	7. Accounting Basis	8. PERIOD OF THIS REQUEST		9. Reporting Period End Date
Final	Cash	From: 10/1/2023 To: 9/30/2024		9/30/2024
10. Transactions (Use lines a-c for single or multiple grant reporting)				
Federal Cash (To report multiple grants, also use FFR attachment):				Cumulative (Round Down to Nearest Dollar)
a. Cash Receipts				\$ 6,468,140.00
b. Cash Disbursements (Calculated from the Invoice Summary based on Grant Period)				\$ 6,468,140.00
c. Cash on Hand (line a minus b)				\$ -
Federal Expenditures and Unobligated Balance: (Use lines d-o for single grant reporting)				
d. Total Federal funds authorized (Calculated from the Invoice Summary based on Grant Period)				\$ 6,468,140.00
e. Federal share of expenditures (Calculated from the Invoice Summary based on Grant Period)				\$ 6,468,140.00
f. Federal share of unliquidated obligations				\$ -
g. Total Federal share				\$ 6,468,140.00
h. Unobligated balance of Federal Funds (line g minus d)				\$ -
Recipient Share:				
i. Total recipient share				\$ 65,037.00
j. Recipient share of expenditures				\$ 65,037.00
k. Remaining recipient share to be provided (line i minus j)				\$ -
Program Income:				
l. Total Federal program income earned				\$ -
m. Program Income expended in accordance with the deduction alternative				\$ -
n. Program Income expended in accordance with the addition alternative				\$ -
o. Unexpended program income (line l minus line m or line n)				\$ -
11. Indirect Expense				
a. Type	b. Rate	c. From - To	d. Base	e. Amount Charged f. Federal Share
			\$ -	\$ -
			\$ -	\$ -
g. Totals			\$ -	\$ -
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation: N/A				
13. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, section 1001)				
Name: The Honorable Lioneld Jordan		Title: Mayor		
Phone: 479-575-8830		Email Address: mayor@fayetteville-ar.gov		
		Date Submitted:		
Signature:		14. Agency use only		
Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.				
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.				

OUTLAY REPORT AND REQUEST FOR
REIMBURSEMENT FOR CONSTRUCTION PROGRAMS

Approved Modified SF-271

1. Type of Request		Annual		2. Basis of Request		Cash	
3. Federal Agency and Organizational Element to Which Report is Submitted				4. Federal Grant or Other Identifying Number Assigned by Federal Agency (To report multiple grants, use FFR Attachment)			
FAA/ACE-610				3-05-0020-050-2021			
5. PARTIAL PAYMENT REQUEST		6. EIN		7. FINANCIAL AIN		8. PERIOD OF THIS REQUEST	
FINAL		71-6018462				2024 From: 10/1/2023 To: 9/30/2024	
9. Recipient Organization (Name and complete address including Zip code)							
Name: Fayetteville, Drake Field		Street1: 4500 S School Avenue, Suite F		City/State: Fayetteville, AR			
Street2:				County: Washington			
Zip Code: 72701-8016		Province: N/A		Country: US:United States			
10. PAYEE (Where check is to be sent if different than item 9)							
Name:		Street1:		City/State:			
Street2:				County:			
Zip Code:		Province: N/A		Country: US:United States			
11. STATUS OF FUNDS (Calculated Based On Time Period In Box 8)							
Classification (Cumulative Costs)	PROGRAMS [a]		FUNCTIONS [b]		ACTIVITIES [c]		TOTAL
	Previous Payments	Current Payments	Later Payments				
ADMINISTRATIVE EXPENSE	\$ 6,567.04	\$ 3,432.96	\$ -	\$ 10,000.00			
PRELIMINARY EXPENSES	\$ -	\$ -	\$ -	\$ -			
LAND, STRUCURES, RIGHT-OF-WAY	\$ -	\$ -	\$ -	\$ -			
ARCHITECTURAL ENGINEERING BASIC FEE	\$ 325,350.00	\$ -	\$ -	\$ 325,350.00			
OTHER ARCHITECTURAL ENGINEERING FE	\$ 23,860.00	\$ 6,540.00	\$ -	\$ 30,400.00			
PROJECT INSPECTION FEES	\$ 212,062.96	\$ 44,365.93	\$ -	\$ 256,428.89			
LAND DEVELOPMENT	\$ -	\$ -	\$ -	\$ -			
RELOCATION EXPENSES	\$ -	\$ -	\$ -	\$ -			
RELOCATION PAYMENTSTO IND.& BUSINE	\$ -	\$ -	\$ -	\$ -			
DEMOLITION AND REMOVAL	\$ -	\$ -	\$ -	\$ -			
CONSTRUCTION AND PROJECT IMPROVEM	\$ 4,954,413.73	\$ 891,547.99	\$ -	\$ 5,845,961.72			
EQUIPMENT	\$ -	\$ -	\$ -	\$ -			
MISCELLANEOUS	\$ -	\$ -	\$ -	\$ -			
n. Total to date (sum a thru m)	\$ 5,522,253.73	\$ 945,886.88	\$ -	\$ 6,468,140.61			
o. Deductions for program income	\$ -	\$ -	\$ -	\$ -			
p. Net to date (line n minus line o)	\$ 5,522,253.73	\$ 945,886.88	\$ -	\$ 6,468,140.61			
q. Federal share to date	\$ 5,522,253.73	\$ 945,886.88	\$ -	\$ 6,468,140.61			
r. Rehab. grants (100% reimb.)	\$ -	\$ -	\$ -	\$ -			
s. Total Federal share (sum q and r)	\$ 5,522,253.73	\$ 945,886.88	\$ -	\$ 6,468,140.00			
t. Federal payments prev. requested		\$ 5,522,250.00					
u. Amount requested for reimb.		\$ 945,890.00					
v. project's physical completion %	85.38%	14.62%		100.00%			
12. Certification: By signing this report, I certify that it is true, complete, and accurate to the best of my knowledge. I am aware that any false, fictitious, or fraudulent information may subject me to criminal, civil or administrative penalties. (U.S. Code, Title 18, section 1001)							
a. RECIPIENT							
Name: The Honorable Lioneld Jordan		Title: Mayor					
Phone: 479-575-8330		Email Address: mayor@fayetteville-ar.gov					
Signature: _____				Date Signed: _____			
b. REPRESENTATIVE CERTIFYING TO LINE 11V							
Name: Kyle Bennett, P.E.		Title: Project Manager					
Phone: 479-527-9100		Email Address: KABennett@GarverUSA.com					
Signature: 				Date Signed: 6/19/2024			
Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.							
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.							

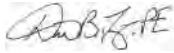
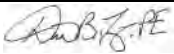
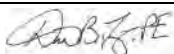
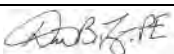
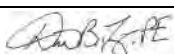
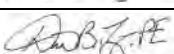
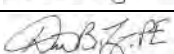
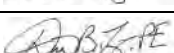
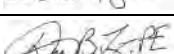
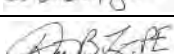
Tracking Payments to DBE Contractors	
Sponsor's Name:	City of Fayetteville
Airport Name:	FYV Drake Field Airport
City, State:	Fayetteville, AR
AIP Number:	3-05-0020-050-2021
Federal Fiscal Year:	2022
Total Contract \$'s:	\$5,565,491.44

(1) DBE Contractor (Name, Address, Phone #)	(2) Contract Amount Payable to DBE Contractor	(3) Date of Paid Invoice to DBE Contractor	(4) Amount Paid This Pay Request	(5) Total Paid to Date (Add together Pay Request Amounts paid to this DBE Contractor)
Couch Excavating Co., Inc. 13125 FR 2165, Cassville, MO 65625 417-847-3501	\$171,072.00	(PE 01) n/a	\$0.00	\$0.00
		(PE 02) n/a	\$0.00	\$0.00
		(PE 03) 9-9-2022	\$343,437.12	\$343,437.12
		(PE 04) n/a	\$0.00	\$343,437.12
		(PE 05) n/a	\$0.00	\$343,437.12
		(PE 06) n/a	\$0.00	\$343,437.12
		(PE 07) n/a	\$0.00	\$343,437.12
		(PE 08) n/a	\$0.00	\$343,437.12
		(PE 09) n/a	\$0.00	\$343,437.12
		(PE 10) n/a	\$0.00	\$343,437.12
		(PE 11)		
		(PE 12)		

(1) DBE Contractor (Name, Address, Phone #)	(2) Contract Amount Payable to DBE Contractor	(3) Date of Paid Invoice to DBE Contractor	(4) Amount Paid This Pay Request	(5) Total Paid to Date (Add together Pay Request Amounts paid to this DBE Contractor)
Envirotrac Safety & Erosion, Inc. PO Box 985 Danville, AR 72833 479-272-4961	\$109,396.37	(PE 01) n/a	\$0.00	\$0.00
		(PE 02) n/a	\$0.00	\$0.00
		(PE 03) 9-9-2022	\$1,940.68	\$1,940.68
		(PE 04) 10-7-2022	\$42,281.69	\$44,222.37
		(PE 05) 11-15-2022	\$298.57	\$44,520.94
		(PE 06) n/a	\$0.00	\$44,520.94
		(PE 07) n/a	\$0.00	\$44,520.94
		(PE 08) n/a	\$0.00	\$44,520.94
		(PE 09) 6-16-2023	\$13,126.44	\$57,647.38
		(PE 10) n/a	\$0.00	\$57,647.38
		(PE 11)		
		(PE 12)		

(1) DBE Contractor (Name, Address, Phone #)	(2) Contract Amount Payable to DBE Contractor	(3) Date of Paid Invoice to DBE Contractor	(4) Amount Paid This Pay Request	(5) Total Paid to Date (Add together Pay Request Amounts paid to this DBE Contractor)
		(PE 01)		
		(PE 02)		
		(PE 03)		
		(PE 04)		
		(PE 05)		
		(PE 06)		
		(PE 07)		
		(PE 08)		
		(PE 09)		
		(PE 10)		
		(PE 11)		
		(PE 12)		

Form Completed By: David Tag, PE	Title: Assistant Vice-President
Date: 06-06-2022	Telephone #: 479-844-5030

Date of Changes/ Update of Figures:	Signature of Person Updating Figures (Prime Contractor or Prime Contractor's Representative)	These Two Columns for Sponsor's Use Only	
		Date of Sponsor's Review	Signature of Sponsor's Representative
06/06/22			
07/07/22			
08/12/22			
09/08/22			
10/11/22			
11/04/22			
12/06/22			
05/01/23			
05/12/23			
01/17/24			

Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor: City of Fayetteville, Arkansas

Airport: Fayetteville - Drake Field (FYV)

Project Number: 3-05-0020-050-2021

Description of Work: FYV Runway Pavement and Lighting Rehabilitation

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgment and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).
☒ Yes ☐ No ☐ N/A
2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2).☒ Yes ☐ No ☐ N/A
3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).
☒ Yes ☐ No ☐ N/A

4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
☒ Yes ☐ No ☐ N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
☒ Yes ☐ No ☐ N/A
6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
 - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
 - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- ☒ Yes ☐ No ☐ N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
☒ Yes ☐ No ☐ N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
 - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
 - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
 - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- ☒ Yes ☐ No ☐ N/A
9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
 - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
 - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- ☒ Yes ☐ No ☐ N/A
10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
☒ Yes ☐ No ☐ N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

☐ Yes ☐ No ☒ N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

☒ Yes ☐ No ☐ N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

☒ Yes ☐ No ☐ N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor: City of Fayetteville, Arkansas

Name of Sponsor's Authorized Official: The Honorable Lioneld Jordan

Title of Sponsor's Authorized Official: Mayor

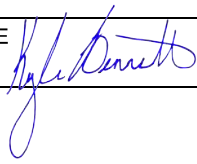
Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

June 28, 2005

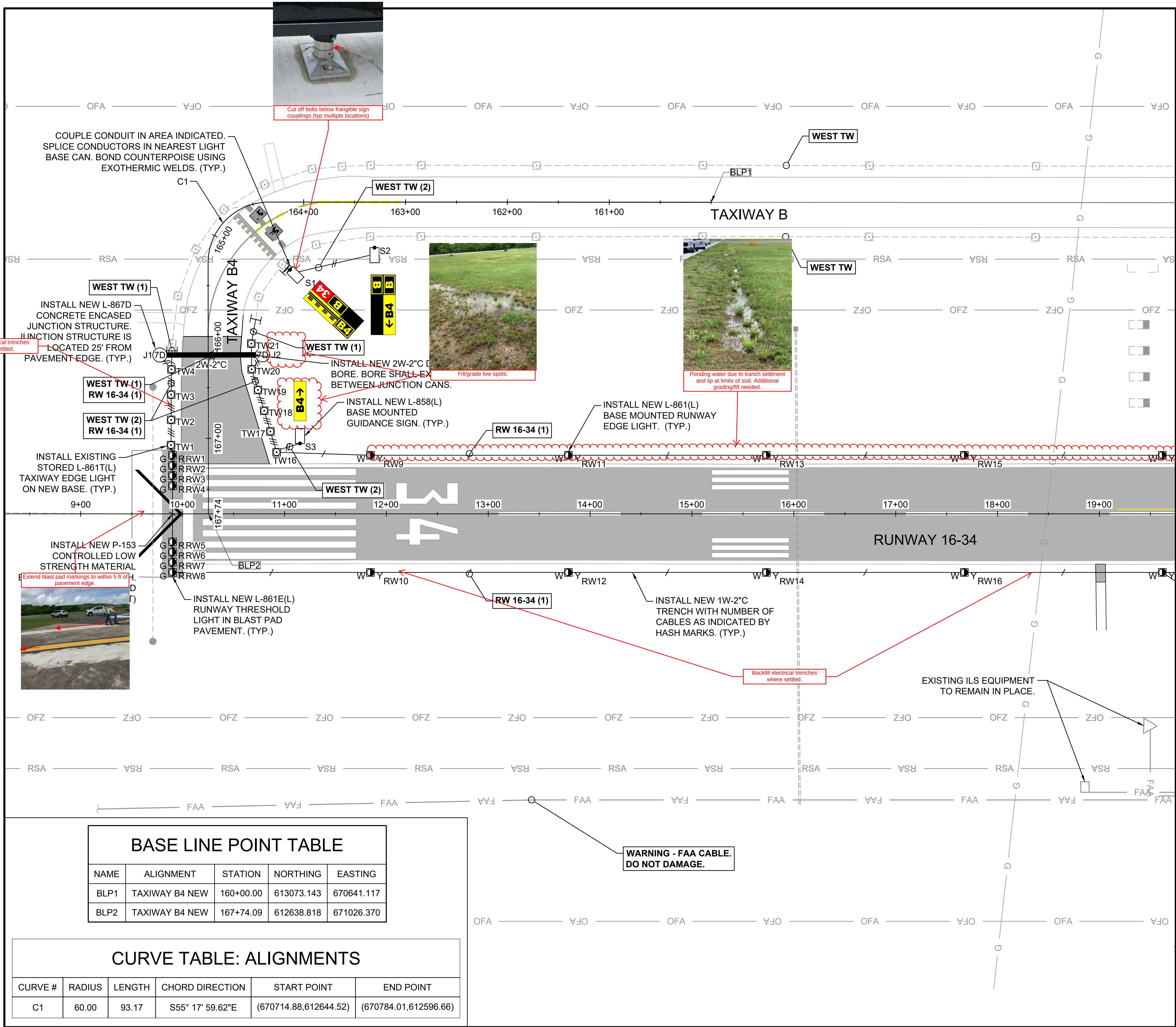
**Appendix 10. Final Inspection Report
(FAA Form 5110-17)**

Order 5100.38C

AIP FINAL INSPECTION REPORT		Reports Identification Symbol: AS 5100-4	
		PROJECT NO. AIP 3-05-0020-050-2021	
SPONSOR'S NAME City of Fayetteville		DATE COMPLETED 5/11/2023	DATE INSPECTED 5/11/2023
SPONSOR'S ADDRESS 4500 South School Avenue, Suite F Fayetteville, AR 72701		NUMBER OF CONTRACTS THIS PROJECT 1	
		FUNDS	
		FAAP / ADAP	OTHER
AIRPORT NAME Fayetteville - Drake Field		TOTAL BID	5,565,491.44
LOCATION Fayetteville, Arkansas		TOTAL AMOUNT CHANGE ORDERS	345,506.57
CONTRACTOR'S NAME Emery Sapp & Sons, Inc.		TENTATIVE TOTAL COST	5,910,998.01
1. DESCRIPTION OF WORK (Indicate portion of project description applicable to the contract inspected. Additional description may be given to define the scope of the contract and to indicate eligible work and ineligible work.) This project included rehabilitation of Runway 16-34 and connector taxiway pavement with a 2.5" asphalt overlay, reconstruction of airfield lighting and signage, and construction of a new electrical vault. The project also included runway grooving, new pavement marking of all movement areas, and minor RSA grading. Repair of storm drain infrastructure including replacement of two RCP storm drain crossings, replacement of storm drain structures, and repair of disjointed RCP pipes was added to the project via change order.			
2. QUALITY OF WORK ALL ELIGIBLE FAAP / ADAP WORK IS: ☒ SATISFACTORY ☐ UNSATISFACTORY (Explain in item 3)			
3. SUMMARY OF TEST RESULTS Describe any unusual construction or installation conditions. If unsatisfactory ineligible work which can adversely affect eligible work exists, explain in detail. If previous inspection reports indicate unsatisfactory work, give date of inspection and comment on conditions found at the time of this inspection. None Noted.			
4. COMMENTS See Attached Punchlist.			
5. NAMES AND TITLES OF PERSONS PRESENT DURING INSPECTION Kyle Bennett (Garver); Jared Rabren (FYV); David Tag (ESS); Shawn Shrum (ESS)			
DATE 12/8/2023	TITLE Project Engineer	SIGNATURE 	

FAA Form 5100-17 (7-70) SUPERSEDES FAA FORM 1627

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Last plotted by: Blair, Cade H. Plot Style: AECmonochrome.ctb Plot Scale: 1:1 Plot Date: 3/10/2022 3:04 PM Plotter used: DWG To PDF.pc3



GENERAL NOTES:

1. SEE SHEET EN-001 FOR LEGEND, CONSTRUCTION NOTES, CAUTION NOTES, ELECTRICAL SAFETY NOTES, AND DEMOLITION NOTES.
2. SEE THE EL-200 SERIES FOR LIGHTING INSTALLATION DETAILS.
3. EXISTING CIRCUIT ROUTING IS APPROXIMATE. IF ROUTING DIFFERS IN THE FIELD, COORDINATE WITH ENGINEER.
4. SIGN REFERENCE POINTS FOR SIGN INSTALLATION LOCATIONS ARE INDICATED BY A DOT.

MATCHLINE SHEET EL-102

BASE LINE POINT TABLE				
NAME	ALIGNMENT	STATION	NORTHING	EASTING
BLP1	TAXIWAY B4 NEW	160+00.00	613073.143	670641.117
BLP2	TAXIWAY B4 NEW	167+74.09	612638.818	671026.370

CURVE TABLE: ALIGNMENTS					
CURVE #	RADIUS	LENGTH	CHORD DIRECTION	START POINT	END POINT
C1	60.00	93.17	S55° 17' 59.62"E	(670714.88,612644.52)	(670784.01,612596.66)



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Garver, LLC
No. 766
Arkansas-Engineer

Jared Papp
No. 17431
Arkansas-Engineer

Digitally Signed: 03/18/2022

BY				
DESCRIPTION	ISSUED FOR CONSTRUCTION			
DATE	3/11/22			
REV.				

CITY OF
FAYETTEVILLE
ARKANSAS

DRAKE FIELD
AIRPORT
FAYETTEVILLE, ARKANSAS

RUNWAY PAVEMENT AND
LIGHTING REHABILITATION

ELECTRICAL
INSTALLATION PLAN I

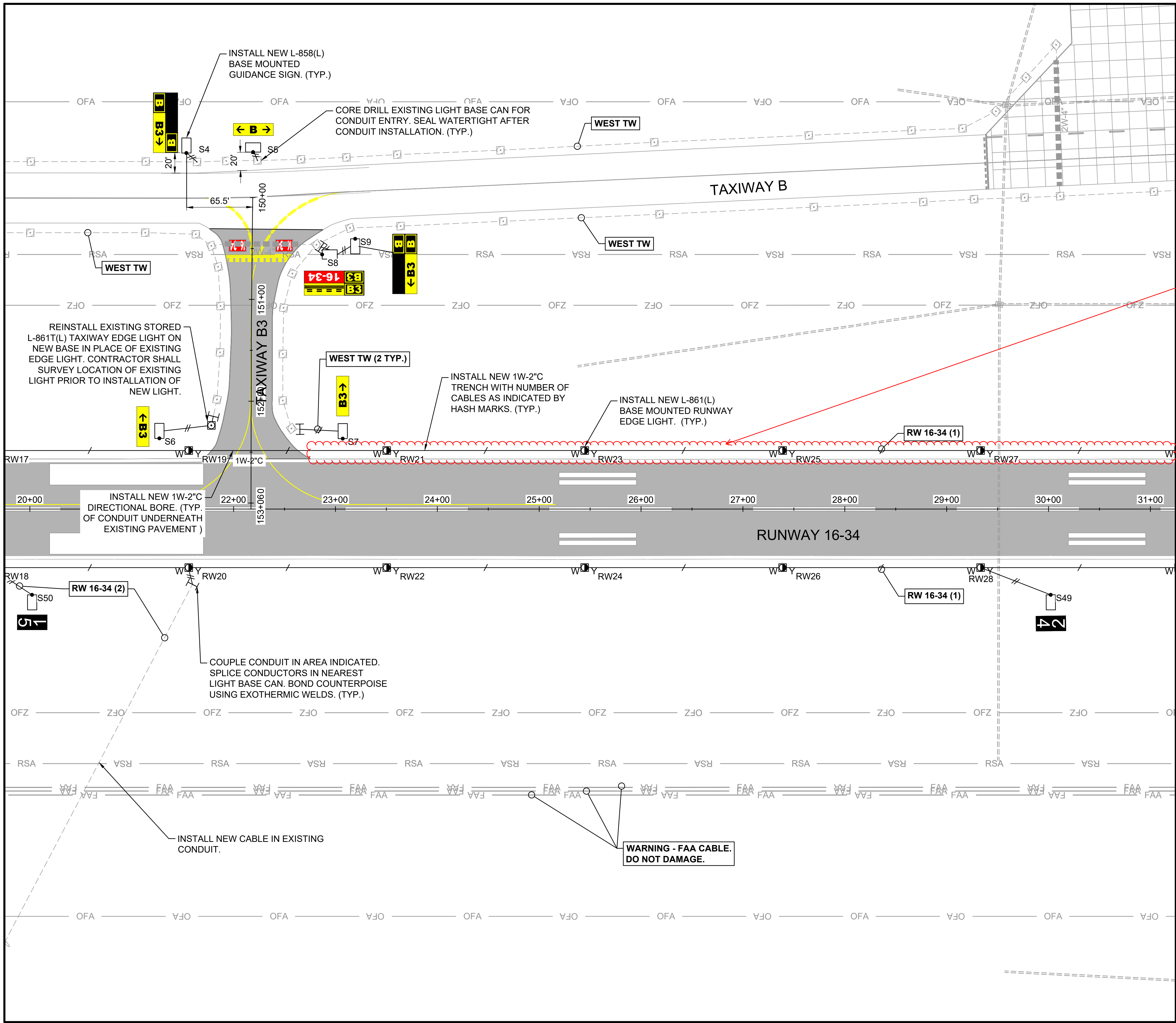
JOB NO.: 21A13211
DATE: MARCH 2022
DESIGNED BY: JLH
DRAWN BY: JLH

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ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
EL-101

SHEET
NUMBER **51**

MATCHLINE SHEET EL-101



GENERAL NOTES:

- SEE SHEET EL-101 FOR GENERAL NOTES

Water ponding where overexcavation completed for sod installation and where electrical trench has settled. Fill/grade to drain.



KEYMAP



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STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 17431
JARED PARR
Digitally Signed: 03/18/2022

REV.	DATE	DESCRIPTION	BY
1	3/11/22	ISSUED FOR CONSTRUCTION	

CITY OF FAYETTEVILLE ARKANSAS
DRAKE FIELD AIRPORT
FAYETTEVILLE, ARKANSAS
RUNWAY PAVEMENT AND LIGHTING REHABILITATION

ELECTRICAL
INSTALLATION PLAN II

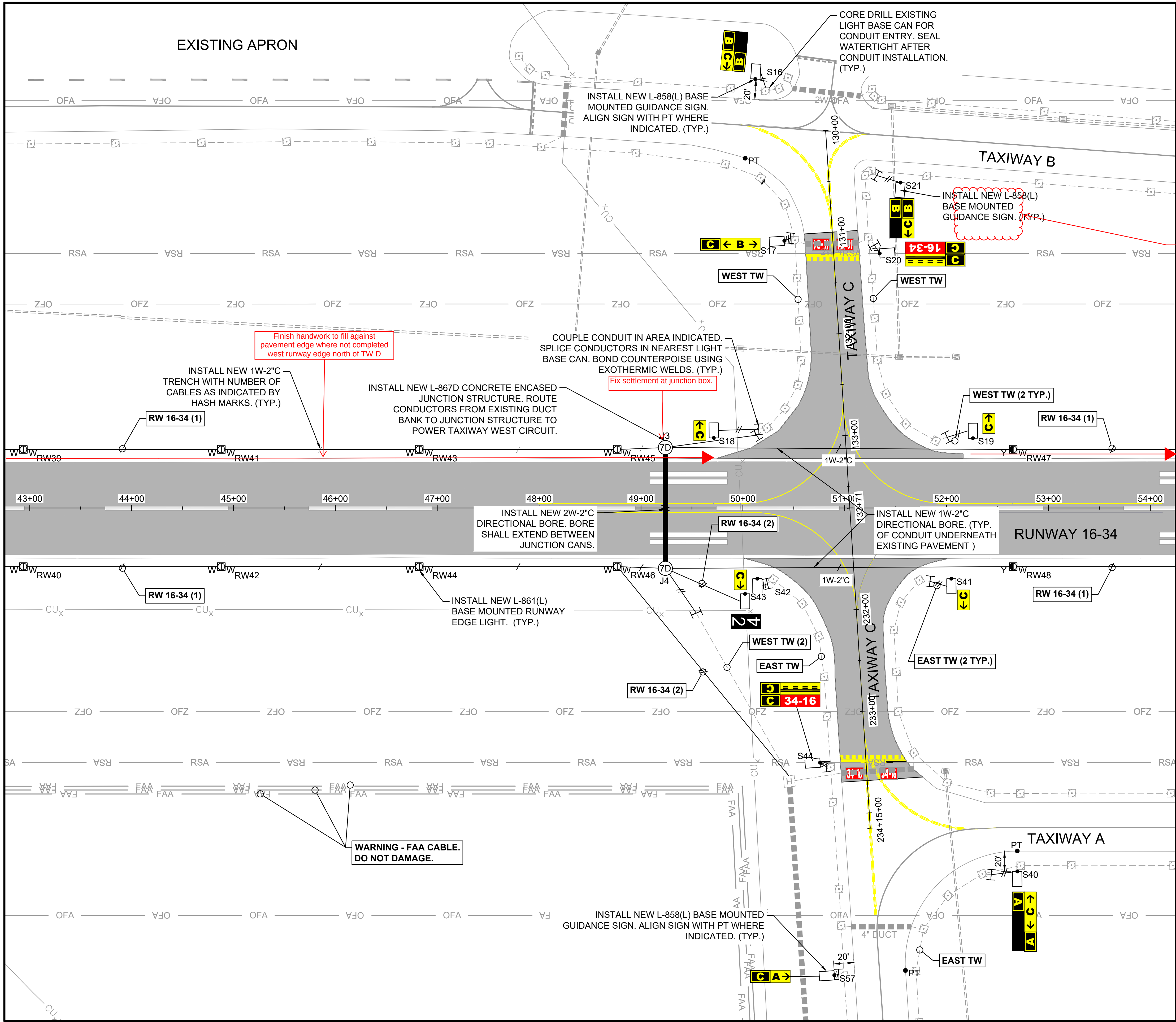
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DATE: MARCH 2022
DESIGNED BY: JLH
DRAWN BY: JLH

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SHEET NUMBER
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MATCHLINE SHEET EL-103



MATCHLINE SHEET EL-108

MATCHLINE SHEET EL-105

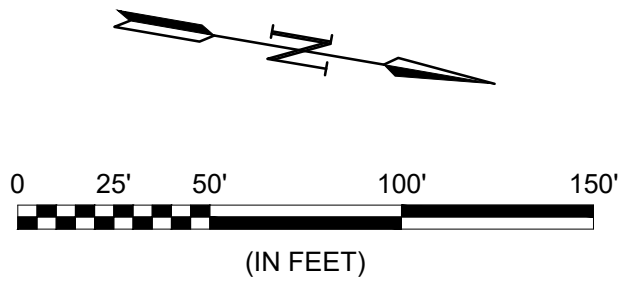
GENERAL NOTES:

1. SEE SHEET EL-101 FOR GENERAL NOTES

Standing water noted at this location. Testing for potential water leak discussed (by City).



KEYMAP



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Digitally Signed: 03/18/2022

REV.	DATE	DESCRIPTION	BY
	3/11/22	ISSUED FOR CONSTRUCTION	

CITY OF
FAYETTEVILLE
ARKANSAS
DRAKE FIELD
AIRPORT
FAYETTEVILLE, ARKANSAS
RUNWAY PAVEMENT AND
LIGHTING REHABILITATION

ELECTRICAL
INSTALLATION PLAN IV

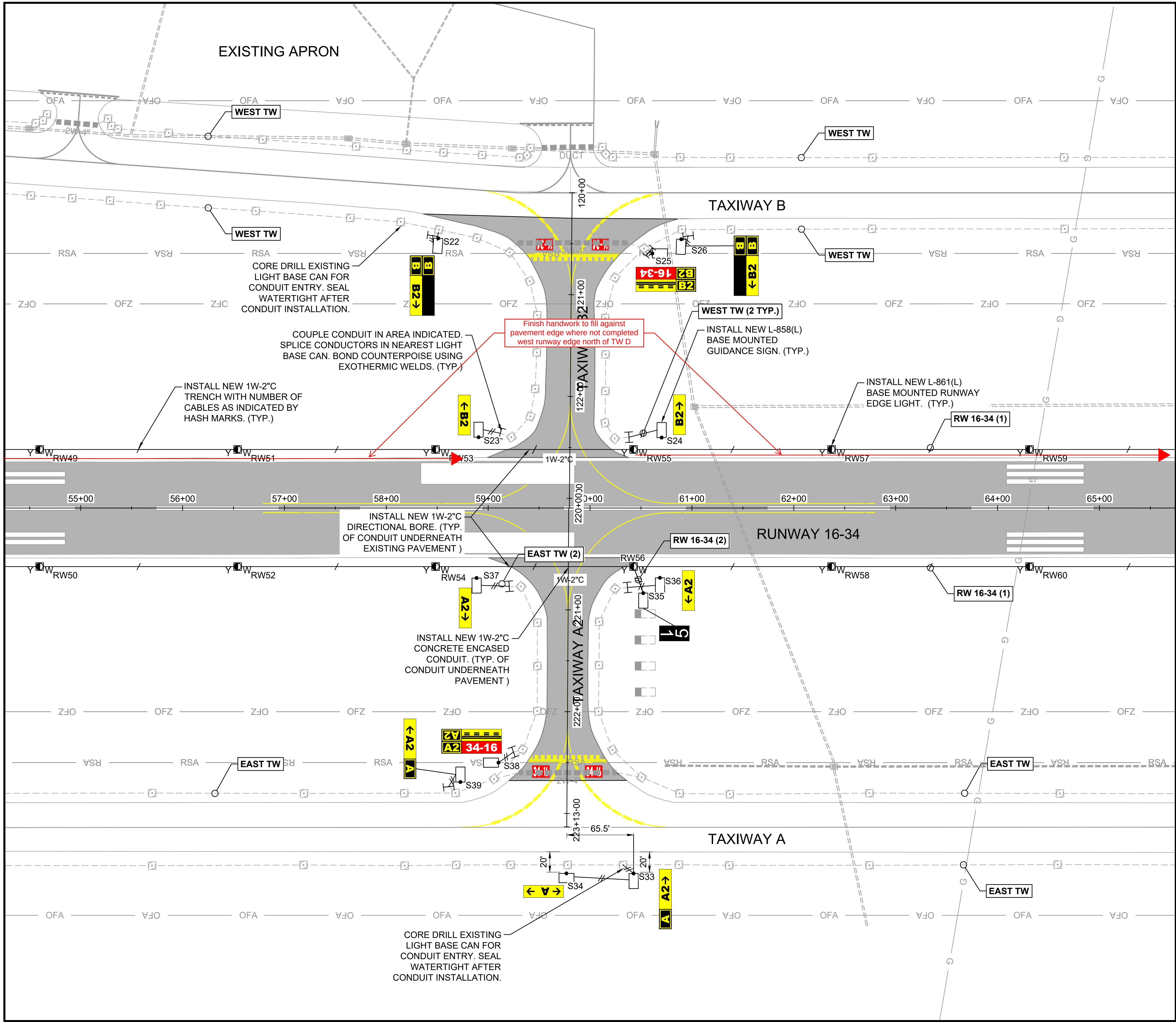
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DATE: MARCH 2022
DESIGNED BY: JLH
DRAWN BY: JLH

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DRAWING NUMBER
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MATCHLINE SHEET EL-104

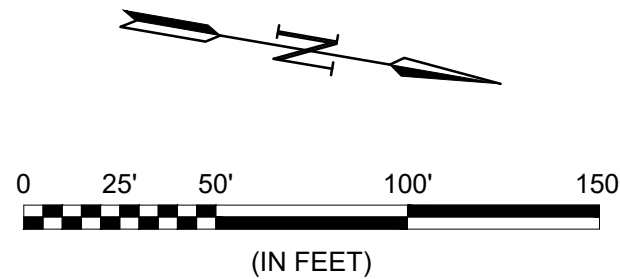


MATCHLINE SHEET EL-109

MATCHLINE SHEET EL-106

GENERAL NOTES:

- SEE SHEET EL-101 FOR GENERAL NOTES



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STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 17431
JARED PARR
Digitally Signed: 03/18/2022

REV.	DATE	DESCRIPTION	BY
	3/11/22	ISSUED FOR CONSTRUCTION	

CITY OF FAYETTEVILLE ARKANSAS

DRAKE FIELD AIRPORT
FAYETTEVILLE, ARKANSAS

RUNWAY PAVEMENT AND LIGHTING REHABILITATION

ELECTRICAL
INSTALLATION PLAN V

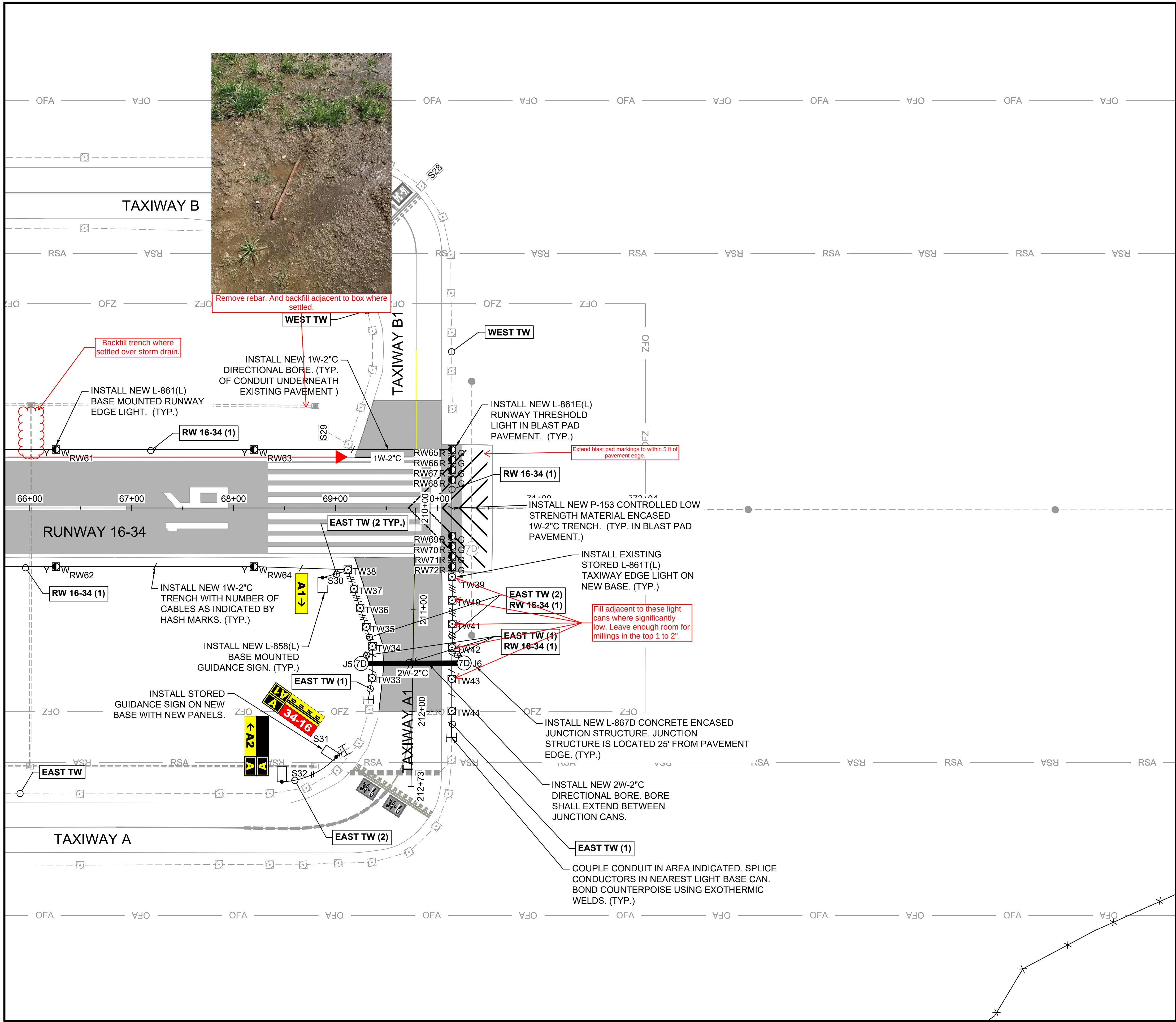
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MATCHLINE SHEET EL-105



Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation				AIP No: 3-05-0020-050-2021				Specification Number: P-401	
Testing Firm: McClelland Consulting Engineers				Engineer: Garver				Report Type: Asphalt (Surface)	
Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (□)	AIP Eligible (□)	Remarks (Action taken on Failed Tests)

CONTROL STRIP (Accepted)

6/22/2022	Air Voids	ASTM D 3203	Taxiway B South	Lot Ave = 3.8	2.5 to 4.5	P		Yes	
	Mat Density	ASTM D 2726	Taxiway B South	Lot Ave = 94.5	≥ 94.5	P		Yes	
	Joint Density	ASTM D 2726	Taxiway B South	Lot Ave = 92.7	≥ 92.5	P		Yes	
	VMA	Calculation	Taxiway B South	Lot Ave = 15.2	≥ 15.2	P		Yes	
	Gradation	ASTM D 5444	Taxiway B South	Per Sieve	Action Limits	P		Yes	
	AC Content	ASTM D 6307	Taxiway B South	Lot Ave = 5.2	4.95 to 5.85	P		Yes	

LOT 1 (Accepted / No Pay Adjustment)

7/28/2022	Air Voids	ASTM D 3203	Runway 16-34	Lot Ave = 4.0 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Runway 16-34	Lot Ave = 4.0 PWL = 100	PWL ≥ 90	P		Yes	
	Joint Density	ASTM D 2726	Runway 16-34	N/A	PWL ≥ 90	-		-	No joints within Lot 1
	Thickness		Runway 16-34	Lot Ave = 2.5	≥ 2.5	P		Yes	

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

Page 1 of 8

Construction Materials Testing Results Form									
Project: FYV Runway Pavement and Lighting Rehabilitation				AIP No: 3-05-0020-050-2021			Specification Number: P-401		
Testing Firm: McClelland Consulting Engineers				Engineer: Garver			Report Type: Asphalt (Surface)		
Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (☐)	AIP Eligible (☐)	Remarks (Action taken on Failed Tests)
LOT 2 (Accepted / No Pay Adjustment)									
8/1/2022	Air Voids	ASTM D 3203	Runway 16-34	Lot Ave = 4.0 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Runway 16-34	Lot Ave = 96.4 PWL = 100	PWL ≥ 90	P		Yes	
	Joint Density	ASTM D 2726	Runway 16-34	Lot Ave = 93.7 PWL = 100	PWL ≥ 90	P		Yes	
	Thickness		Runway 16-34	Lot Ave = 2.5	≥ 2.5	P		Yes	
LOT 3 (Accepted / No Pay Adjustment)									
8/2/2022	Air Voids	ASTM D 3203	Runway 16-34	Lot Ave = 4.1 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Runway 16-34	Lot Ave = 97.2 PWL = 100	PWL ≥ 90	P		Yes	
	Joint Density	ASTM D 2726	Runway 16-34	Lot Ave = 93.9 PWL = 100	PWL ≥ 90	P		Yes	
	Thickness		Runway 16-34	Lot Ave = 2.5	≥ 2.5	P		Yes	

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation				AIP No: 3-05-0020-050-2021				Specification Number: P-401	
Testing Firm: McClelland Consulting Engineers				Engineer: Garver				Report Type: Asphalt (Surface)	
Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (☐)	AIP Eligible (☐)	Remarks (Action taken on Failed Tests)

LOT 4 (Accepted / No Pay Adjustment)

8/3/2022	Air Voids	ASTM D 3203	Runway 16-34	Lot Ave = 4.1 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Runway 16-34	Lot Ave = 96.4 PWL = 100	PWL ≥ 90	P		Yes	
	Joint Density	ASTM D 2726	Runway 16-34	Lot Ave = 94.3 PWL = 100	PWL ≥ 90	P		Yes	
	Thickness		Runway 16-34	Lot Ave = 2.5	≥ 2.5	P		Yes	

LOT 5 (Accepted / No Pay Adjustment)

8/5/2022	Air Voids	ASTM D 3203	Taxiway Connectors	Lot Ave = 4.1 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Taxiway Connectors	Lot Ave = 95.7 PWL = 100	PWL ≥ 90	P		Yes	
	Joint Density	ASTM D 2726	Taxiway Connectors	N/A	PWL ≥ 90	-		-	No joints in Lot 5
	Thickness		Taxiway Connectors	Lot Ave = 2.6	≥ 2.5	P		Yes	

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

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Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation

AIP No: 3-05-0020-050-2021

Specification Number: P-401

Testing Firm: McClelland Consulting Engineers

Engineer: Garver

Report Type: Asphalt (Leveling)

Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (☐)	AIP Eligible (☐)	Remarks (Action taken on Failed Tests)
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LOT 1 (Accepted / No Pay Adjustment)

7/26/2022	Air Voids	ASTM D 3203	Runway 16-34	Lot Ave = 4.0 PWL = 100	PWL ≥ 90	P		Yes	
	Mat Density	ASTM D 2726	Runway 16-34	-	-	-		-	Not Required for Leveling
	Joint Density	ASTM D 2726	Runway 16-34	-	-	-		-	Not Required for Leveling
	Thickness		Runway 16-34	-	-	-		-	Not Required for Leveling

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

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Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation

AIP No: 3-05-0020-050-2021

Specification Number: P-403

Testing Firm: McClelland Consulting Engineers

Engineer: Garver

Report Type: Asphalt (Base)

Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (☐)	AIP Eligible (☐)	Remarks (Action taken on Failed Tests)
LOT 1 (Accepted / No Pay Adjustment)									
8/6/2022	Air Voids	ASTM D 3203	Taxiway E (Ex.)	Lot Ave = 4.0	$2 \geq AV \geq 5$	P		Yes	
	Mat Density	ASTM D 2726	Taxiway E (Ex.)	Lot Ave = 97.2	≥ 94.5	P		Yes	
	Joint Density	ASTM D 2726	Taxiway E (Ex.)	-	≥ 92.0	-		Yes	No joints at Taxiway E(Ex.)
	Thickness		Taxiway E (Ex.)	Lot Ave = 3.6	≥ 3.5	P		Yes	

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

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Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation

AIP No: 3-05-0020-050-2021

Specification Number: P-209

Testing Firm: McClelland Consulting Engineers

Engineer: Garver

Report Type: Aggregate Base

Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (□)	AIP Eligible (□)	Remarks (Action taken on Failed Tests)
7/25/2022	Density	ASTM D 1557	18" RCP Crossing STA 66+00 FBG	104.6%	≥ 100%	P		Yes	
	Density	ASTM D 1557	18" RCP Crossing STA 61+45 FBG	100.9%	≥ 100%	P		Yes	
8/2/2022	Density	ASTM D 1557	Taxiway E (Ex.)	101.1%	≥ 100%	P		Yes	
	Density	ASTM D 1557	Taxiway E (Ex.)	101.7%	≥ 100%	P		Yes	
	Density	ASTM D 1557	Taxiway E (Ex.)	101.9%	≥ 100%	P		Yes	

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

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Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation

AIP No: 3-05-0020-050-2021

Specification Number: D-701

Testing Firm: McClelland Consulting Engineers

Engineer: Garver

Report Type: Trench Backfill

Date	Test Name	Testing Method (ASTM No.)	Location	Test Result	Required Acceptance Level	Pass/ Fail	Retest (□)	AIP Eligible (□)	Remarks (Action taken on Failed Tests)
7/25/2022	Density	ASTM D 1557	18" RCP Crossing STA 66+00 18" BFBG	98.0%	≥ 95%	P		Yes	Aggregate used as backfill
	Density	ASTM D 1557	18" RCP Crossing STA 61+45 FBG 18" BFBG	97.1%	≥ 95%	P		Yes	Aggregate used as backfill

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

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Construction Materials Testing Results Form

Project: FYV Runway Pavement and Lighting Rehabilitation

AIP No: 3-05-0020-050-2021

Specification Number: P-610

Testing Firm: McClelland Consulting Engineers

Engineer: Garver

Report Type: Concrete

Date	Test Name	Testing Method (ASTM No.)	Location	Test Result (psi)	Required Acceptance Level	Pass/ Fail	Retest (☐)	AIP Eligible (☐)	Remarks (Action taken on Failed Tests)
5/16/2022	Compressive Strength	ASTM C31/C39	Precast Sign Bases Day 1 Production	5,910	≥ 4,000	P		Yes	Slump and Air Within Spec
5/17/2022	Compressive Strength	ASTM C31/C39	Precast Sign Bases Day 2 Production	6,700	≥ 4,000	P		Yes	Slump and Air Within Spec
5/18/2022	Compressive Strength	ASTM C31/C39	Precast Sign Bases Day 3 Production	6,620	≥ 4,000	P		Yes	Slump and Air Within Spec
5/19/2022	Compressive Strength	ASTM C31/C39	Precast Sign Bases Day 4 Production	7,130	≥ 4,000	P		Yes	Slump and Air Within Spec
5/20/2022	Compressive Strength	ASTM C31/C39	Precast Sign Bases Day 5 Production	6,590	≥ 4,000	P		Yes	Slump and Air Within Spec
6/7/2022	Compressive Strength	ASTM C31/C39	Vault Foundation	6,450	≥ 4,000	P		Yes	Slump and Air Within Spec
9/27/2022	Compressive Strength	ASTM C31/C39	Generator Pad	8,190	≥ 4,000	P		Yes	Slump and Air Within Spec
10/5/2022	Compressive Strength	ASTM C31/C39	Vault Sidewalk	6,290	≥ 4,000	P		Yes	Slump and Air Within Spec

CERTIFICATION: The above listed testing was completed in accordance with the Construction Materials Acceptance Sampling and Testing Plan and the applicable sections of the Technical Specifications.

Construction Observer

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 6/22/2022
Lot / Sublot: Control Strip / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 58.97

Tons To Date at Sample: 58.97

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.2	5.4	4.95 - 5.85
Air Voids (Va) %	3.8	3.5	2 - 5
VMA %	15.3	15.7	Minimum 15
SPGR (Max GMM)	2.443	2.430	
Average Gmb	2.349		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.8	1201.8	1199.7
Weight in Air, SSD	1206.8	1207.7	1204.9
Weight in Water	695.7	695.4	695.1
Water Displacement	511.1	512.3	509.8
Theo Specific Gravity	2.443	2.443	2.443
Bulk Specific Gravity	2.349	2.346	2.353
Change in Spec Gravity	0.094	0.097	0.090
Voids, Percent	3.84	3.98	3.68

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Tolerances
3/4" (19mm)	100	100	100 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	90	87	81 - 93
#4 (4.75mm)	66	62	56 - 68
#8 (2.36mm)	42	40	38 - 60
#16 (1.18mm)	29	28	26 - 48
#30 (.6mm)	20	18	18 - 38
#50 (.3mm)	13	11	8 - 14
#100 (.15mm)	8	8	6 - 18
#200 (75µm)	6.3	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2215.7
Wt. of Sample (Sub)	1308.8
Gmm	2.443

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 6/22/2022
Lot / Sublot: Control Strip / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 118.13

Tons To Date at Sample: 118.13

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.1	5.4	4.95 - 5.85
Air Voids (Va) %	3.9	3.5	2 - 5
VMA %	15.1	15.7	Minimum 15
SPGR (Max GMM)	2.448	2.43	
Average Gmb	2.353		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1192.4	1208	1199.6
Weight in Air, SSD	1198.6	1213.6	1206.8
Weight in Water	691.4	701.1	696.4
Water Displacement	507.2	512.5	510.4
Theo Specific Gravity	2.448	2.448	2.448
Bulk Specific Gravity	2.351	2.357	2.350
Change in Spec Gravity	0.097	0.091	0.098
Voids, Percent	3.96	3.71	3.99

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Tolerances
3/4" (19mm)	-	100	100 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	38 - 60
#16 (1.18mm)	-	28	26 - 48
#30 (.6mm)	-	18	18 - 38
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	6 - 18
#200 (75µm)	-	5.7	3.7 - 7.7

Contractor did not run a gradation on this sample.

Theoretical Specific Gravity	
Wt. of Sample (Air)	2202.2
Wt. of Sample (Sub)	1302.6
Gmm	2.448

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 6/22/2022
Lot / Sublot: Control Strip / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 177.32

Tons To Date at Sample: 177.32

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.2	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.1	15.7	Minimum 15
SPGR (Max GMM)	2.452	2.43	
Average Gmb	2.351		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1197.7	1199.7	1197.2
Weight in Air, SSD	1202.4	1205.4	1203.1
Weight in Water	692.7	695.2	694.1
Water Displacement	509.7	510.2	509
Theo Specific Gravity	2.452	2.452	2.452
Bulk Specific Gravity	2.350	2.351	2.352
Change in Spec Gravity	0.103	0.101	0.100
Voids, Percent	4.18	4.12	4.09

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Tolerances
3/4" (19mm)	100	100	100 - 100
1/2" (12.5mm)	96	98	92 - 100
3/8" (9.5mm)	84	87	81 - 93
#4 (4.75mm)	56	62	56 - 68
#8 (2.36mm)	35	40	38 - 60
#16 (1.18mm)	25	28	26 - 48
#30 (.6mm)	18	18	18 - 38
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	7	8	6 - 18
#200 (75µm)	5.5	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2199.6
Wt. of Sample (Sub)	1302.7
Gmm	2.452

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 6/24/2022
Lot / Sublot: Control Strip
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M-1-1	M-1-2	M-1-3		
DRY WEIGHT	3052.8	2751.0	2650.2		
SUBMERGED WEIGHT	1748.2	1566.8	1505.4		
SSD WEIGHT	3058.1	2757.3	2660.4		AVERAGE
SUBLOT Gmm	2.443	2.448	2.452		RESULTS
BULK SPECIFIC GRAVITY	2.331	2.311	2.295		2.312
DENSITY (lbs/ft ³)	145.4	144.2	143.2		144.3
COMPACTION (%)	95.4%	94.4%	93.6%		94.5%
ABSORPTION (%)	0.4%	0.5%	0.9%		0.6%
AVERAGE THICKNESS	3.255	2.998	2.875		3.043

JOINT CORE DATA

SAMPLE ID	J-1-1	J-1-2	J-1-3		
DRY WEIGHT	2381.6	2480.7	2519.7		
SUBMERGED WEIGHT	1349.4	1389.9	1423.5		
SSD WEIGHT	2393.4	2496.6	2531.7		AVERAGE
AVG. LOT Gmm	2.443	2.443	2.443		RESULTS
BULK SPECIFIC GRAVITY	2.281	2.242	2.274		2.265
DENSITY (lbs/ft ³)	142.3	139.9	141.9		141.4
COMPACTION (%)	93.4%	91.8%	93.1%		92.7%
ABSORPTION (%)	1.1%	1.4%	1.1%		1.2%
AVERAGE THICKNESS	2.625	2.675	2.690		2.663

FIELD CORE LOCATIONS

M-1-1	Control Strip Lane 1 (58.97 Tons)
M-1-2	Control Strip Lane 2 (118.13 Tons)
M-1-3	Control Strip Lane 4 (177.32 Tons)
J-1-1	Control Strip Centerline Joint (36 feet from south end)
J-1-2	Control Strip Centerline Joint (152 feet from south end)
J-1-3	Control Strip Centerline Joint (293 feet from south end)

TESTED BY:


Scott Schumacher - CTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 365.5

Date: 7/28/2022
Lot / Sublot: 1 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.456	2.430	
Average Gmb	2.356		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1197.4	1198.3	1195.5
Weight in Air, SSD	1198.5	1199.5	1197.9
Weight in Water	690.2	691.8	689.5
Water Displacement	508.3	507.7	508.4
Theo Specific Gravity	2.456	2.456	2.456
Bulk Specific Gravity	2.356	2.360	2.351
Change in Spec Gravity	0.100	0.095	0.104
Voids, Percent	4.07	3.89	4.24

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	58	62	56 - 68
#8 (2.36mm)	37	40	N/A
#16 (1.18mm)	29	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	12	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	6.7	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2207.7
Wt. of Sample (Sub)	1308.7
Gmm	2.456

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/28/2022
Lot / Sublot: 1 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 572

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.3	5.4	4.95 - 5.85
Air Voids (Va) %	4.2	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.456	2.430	
Average Gmb	2.353		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1195.1	1195.9	1197.1
Weight in Air, SSD	1196.5	1197.1	1198.6
Weight in Water	689.6	688.7	688.8
Water Displacement	506.9	508.4	509.8
Theo Specific Gravity	2.456	2.456	2.456
Bulk Specific Gravity	2.358	2.352	2.348
Change in Spec Gravity	0.098	0.104	0.108
Voids, Percent	4.00	4.22	4.38

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2201.4
Wt. of Sample (Sub)	1305
Gmm	2.456

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 1456

Date: 7/28/2022
Lot / Sublot: 1 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.458	2.430	
Average Gmb	2.358		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1196.2	1200.5	1200.0
Weight in Air, SSD	1197.7	1201.7	1201.6
Weight in Water	689.3	693.5	692.9
Water Displacement	508.4	508.2	508.7
Theo Specific Gravity	2.458	2.458	2.458
Bulk Specific Gravity	2.353	2.362	2.359
Change in Spec Gravity	0.106	0.096	0.099
Voids, Percent	4.29	3.91	4.04

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	59	62	56 - 68
#8 (2.36mm)	37	40	N/A
#16 (1.18mm)	30	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	12	11	8 - 14
#100 (.15mm)	9	8	N/A
#200 (75µm)	6.3	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2205.9
Wt. of Sample (Sub)	1308.6
Gmm	2.458

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/28/2022
Lot / Sublot: 1 / 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1681

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.3	5.4	4.95 - 5.85
Air Voids (Va) %	3.7	3.5	2 - 5
VMA %	14.9	15.7	14.5 Minimum
SPGR (Max GMM)	2.453	2.430	
Average Gmb	2.362		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1197.8	1198.6	1200.8
Weight in Air, SSD	1198.7	1200.2	1202.5
Weight in Water	695.4	690.9	692.4
Water Displacement	503.3	509.3	510.1
Theo Specific Gravity	2.453	2.453	2.453
Bulk Specific Gravity	2.380	2.353	2.354
Change in Spec Gravity	0.073	0.100	0.099
Voids, Percent	2.98	4.06	4.03

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2204.2
Wt. of Sample (Sub)	1305.6
Gmm	2.453

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/28/2022
Lot / Sublot: 1 / 5
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 2100

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.457	2.430	
Average Gmb	2.355		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1199.0	1201.0	1204.2
Weight in Air, SSD	1200.0	1202.3	1205.2
Weight in Water	690.2	691.8	695.3
Water Displacement	509.8	510.5	509.9
Theo Specific Gravity	2.457	2.457	2.457
Bulk Specific Gravity	2.352	2.353	2.362
Change in Spec Gravity	0.105	0.105	0.096
Voids, Percent	4.29	4.26	3.89

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2210.8
Wt. of Sample (Sub)	1311.1
Gmm	2.457

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 7/30/2022
Lot: 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 1-1	M 1-2	M 1-3	M 1-4	M 1-5	
DRY WEIGHT	2707.8	2397.8	2661.4	2569.2	2266.4	
SUBMERGED WEIGHT	1576.2	1391.3	1534.2	1493.0	1316.8	
SSD WEIGHT	2712.2	2406.1	2668.2	2572.4	2270.5	AVERAGE
SUBLOT Gmm	2.456	2.456	2.458	2.453	2.457	RESULTS
BULK SPECIFIC GRAVITY	2.384	2.363	2.347	2.380	2.376	2.370
DENSITY (lbs/ft ³)	148.7	147.4	146.4	148.5	148.3	147.9
COMPACTION (%)	97.1%	96.2%	95.5%	97.0%	96.7%	96.5%
ABSORPTION (%)	0.4%	0.8%	0.6%	0.3%	0.4%	0.5%
AVERAGE THICKNESS	2.525	2.507	2.674	2.510	2.502	2.544

JOINT CORE DATA

SAMPLE ID						
DRY WEIGHT						
SUBMERGED WEIGHT						
SSD WEIGHT						AVERAGE
AVG. LOT Gmm						RESULTS
BULK SPECIFIC GRAVITY						
DENSITY (lbs/ft ³)						
COMPACTION (%)						
ABSORPTION (%)						
AVERAGE THICKNESS						

FIELD CORE LOCATIONS

M 1-1	Station 14+00 ; 34' Right
M 1-2	Station 21+52 ; 44' Right
M 1-3	Station 48+38 ; 43' Right
M 1-4	Station 49+74 ; 29' Right
M 1-5	Station 63+36 ; 40 Right

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/1/2022
Lot / Sublot: 2 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 234

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.450	2.430	
Average Gmb	2.350		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.4	1204.0	1201.1
Weight in Air, SSD	1201.7	1205.8	1202.4
Weight in Water	690.7	692.2	692.7
Water Displacement	511	513.6	509.7
Theo Specific Gravity	2.450	2.450	2.450
Bulk Specific Gravity	2.349	2.344	2.356
Change in Spec Gravity	0.101	0.106	0.093
Voids, Percent	4.11	4.31	3.81

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	88	87	81 - 93
#4 (4.75mm)	63	62	56 - 68
#8 (2.36mm)	37	40	N/A
#16 (1.18mm)	30	28	23 - 33
#30 (.6mm)	16	18	N/A
#50 (.3mm)	12	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	6.4	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2031.1
Wt. of Sample (Sub)	1202
Gmm	2.450

TESTED BY:


Scott Schumacher - CTPP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 965

Date: 8/1/2022
Lot / Sublot: 2 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.448	2.430	
Average Gmb	2.349		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.2	1199.7	1199.4
Weight in Air, SSD	1201.6	1200.9	1201.2
Weight in Water	688.9	690.9	691.7
Water Displacement	512.7	510	509.5
Theo Specific Gravity	2.448	2.448	2.448
Bulk Specific Gravity	2.341	2.352	2.354
Change in Spec Gravity	0.107	0.096	0.094
Voids, Percent	4.38	3.92	3.85

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2199.5
Wt. of Sample (Sub)	1301.1
Gmm	2.448

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/1/2022
Lot / Sublot: 2 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1254.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.3	15.7	14.5 Minimum
SPGR (Max GMM)	2.451	2.430	
Average Gmb	2.353		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1201.5	1200.3	1200.8
Weight in Air, SSD	1202.4	1201.4	1202
Weight in Water	689.3	693.9	691.7
Water Displacement	513.1	507.5	510.3
Theo Specific Gravity	2.451	2.451	2.451
Bulk Specific Gravity	2.342	2.365	2.353
Change in Spec Gravity	0.109	0.086	0.098
Voids, Percent	4.45	3.49	3.98

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	62	62	56 - 68
#8 (2.36mm)	38	40	N/A
#16 (1.18mm)	28	28	23 - 33
#30 (.6mm)	18	18	N/A
#50 (.3mm)	13	11	8 - 14
#100 (.15mm)	10	8	N/A
#200 (75µm)	7.1	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2207.1
Wt. of Sample (Sub)	1306.5
Gmm	2.451

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/1/2022
Lot / Sublot: 2 / 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1823.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.3	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.6	15.7	14.5 Minimum
SPGR (Max GMM)	2.439	2.430	
Average Gmb	2.343		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1202.9	1201.5	1202.7
Weight in Air, SSD	1204.1	1202.6	1203.8
Weight in Water	690.1	689.5	691.1
Water Displacement	514	513.1	512.7
Theo Specific Gravity	2.439	2.439	2.439
Bulk Specific Gravity	2.340	2.342	2.346
Change in Spec Gravity	0.099	0.098	0.093
Voids, Percent	4.06	4.00	3.83

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2210.7
Wt. of Sample (Sub)	1304.4
Gmm	2.439

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/1/2022
Lot / Sublot: 2 / 5
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 2126.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.448	2.430	
Average Gmb	2.349		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.1	1201.1	1200
Weight in Air, SSD	1201.9	1202.9	1201.5
Weight in Water	691.7	691.8	689.7
Water Displacement	510.2	511.1	511.8
Theo Specific Gravity	2.448	2.448	2.448
Bulk Specific Gravity	2.352	2.350	2.345
Change in Spec Gravity	0.096	0.098	0.104
Voids, Percent	3.92	4.01	4.23

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2208.5
Wt. of Sample (Sub)	1306.4
Gmm	2.448

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot: Lot 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 2-1	M 2-2	M 2-3	M 2-4	M 2-5	
DRY WEIGHT	2234.0	2356.6	2882.7	2206.9	2391.3	
SUBMERGED WEIGHT	1288.7	1362.8	1648.7	1278.0	1388.3	
SSD WEIGHT	2236.8	2359.5	2885.6	2209.8	2394.0	AVERAGE
SUBLOT Gmm	2.450	2.448	2.451	2.439	2.448	RESULTS
BULK SPECIFIC GRAVITY	2.356	2.364	2.331	2.368	2.378	2.359
DENSITY (lbs/ft ³)	147.0	147.5	145.4	147.8	148.4	147.2
COMPACTION (%)	96.2%	96.6%	95.1%	97.1%	97.1%	96.4%
ABSORPTION (%)	0.3%	0.3%	0.2%	0.3%	0.3%	0.3%
AVERAGE THICKNESS	2.495	2.502	2.526	2.303	2.431	2.451

JOINT CORE DATA

SAMPLE ID	J 2-1	J 2-2	J 2-3	J 2-4	J 2-5	
DRY WEIGHT	2622.6	2655.0	2640.6	2345.2	1940.2	
SUBMERGED WEIGHT	1468.0	1511.8	1504.7	1324.6	1114.5	
SSD WEIGHT	2635.8	2665.2	2649.2	2352.0	1948.8	AVERAGE
LOT Gmm	2.447	2.447	2.447	2.447	2.447	RESULTS
BULK SPECIFIC GRAVITY	2.246	2.302	2.307	2.283	2.326	2.293
DENSITY (lbs/ft ³)	140.1	143.6	144.0	142.4	145.1	143.1
COMPACTION (%)	91.8%	94.1%	94.3%	93.3%	95.0%	93.7%
ABSORPTION (%)	1.1%	0.9%	0.8%	0.7%	1.0%	0.9%
AVERAGE THICKNESS	2.658	2.631	2.642	2.462	2.106	2.500

FIELD CORE LOCATIONS

M 2-1	Station 16+63; 19' Right
M 2-2	Station 35+58; 16' Right
M 2-3	Station 39+87; 15' Right
M 2-4	Station 57+31; 20' Right
M 2-5	Station 63+12; 6' Right
J 2-1	Station 16+57; 25' Right
J 2-2	Station 27+84; 25' Right
J 2-3	Station 40+79; 25' Right
J 2-4	Station 54+22; 25' Right
J 2-5	Station 67+92; 25' Right

TESTED BY:

APPROVED BY:



Scott Schumacher - CTT #3770
Laboratory Supervisor



Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/2/2022
Lot / Sublot: 3 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 293.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	3.8	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.448	2.430	
Average Gmb	2.356		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1195.0	1200.0	1204.1
Weight in Air, SSD	1196.8	1202	1205.7
Weight in Water	689.2	692.7	694.8
Water Displacement	507.6	509.3	510.9
Theo Specific Gravity	2.448	2.448	2.448
Bulk Specific Gravity	2.354	2.356	2.357
Change in Spec Gravity	0.094	0.092	0.092
Voids, Percent	3.85	3.77	3.74

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	61	62	56 - 68
#8 (2.36mm)	39	40	N/A
#16 (1.18mm)	26	28	23 - 33
#30 (.6mm)	16	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	5.7	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2212.1
Wt. of Sample (Sub)	1308.6
Gmm	2.448

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 612

Date: 8/2/2022
Lot / Sublot: 3 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.3	15.7	14.5 Minimum
SPGR (Max GMM)	2.452	2.430	
Average Gmb	2.352		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1201.7	1201.6	1201.5
Weight in Air, SSD	1202.9	1202.6	1203.0
Weight in Water	690.5	692.4	693.1
Water Displacement	512.4	510.2	509.9
Theo Specific Gravity	2.452	2.452	2.452
Bulk Specific Gravity	2.345	2.355	2.356
Change in Spec Gravity	0.107	0.097	0.096
Voids, Percent	4.35	3.95	3.90

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2206.3
Wt. of Sample (Sub)	1306.5
Gmm	2.452

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/2/2022
Lot / Sublot: 3 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1370.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.455	2.430	
Average Gmb	2.356		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1196.8	1193.7	1200.1
Weight in Air, SSD	1198.3	1195.9	1201.5
Weight in Water	689.8	688.8	693.1
Water Displacement	508.5	507.1	508.4
Theo Specific Gravity	2.455	2.455	2.455
Bulk Specific Gravity	2.354	2.354	2.361
Change in Spec Gravity	0.101	0.101	0.094
Voids, Percent	4.13	4.12	3.85

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	61	62	56 - 68
#8 (2.36mm)	39	40	N/A
#16 (1.18mm)	28	28	23 - 33
#30 (.6mm)	18	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	5.9	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2197.0
Wt. of Sample (Sub)	1302.1
Gmm	2.455

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/2/2022
Lot / Sublot: 3 / 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1766.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.453	2.430	
Average Gmb	2.352		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1192.5	1191.6	1195.9
Weight in Air, SSD	1193.8	1192.8	1197.8
Weight in Water	686.1	686.2	689.7
Water Displacement	507.7	506.6	508.1
Theo Specific Gravity	2.453	2.453	2.453
Bulk Specific Gravity	2.349	2.352	2.354
Change in Spec Gravity	0.104	0.101	0.099
Voids, Percent	4.24	4.10	4.04

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2205.8
Wt. of Sample (Sub)	1306.5
Gmm	2.453

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/2/2022
Lot / Sublot: 3 / 5
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 2081

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.4	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.458	2.430	
Average Gmb	2.351		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1204.8	1201.0	1199.5
Weight in Air, SSD	1206.2	1202.6	1200.9
Weight in Water	692.3	692.8	691.2
Water Displacement	513.9	509.8	509.7
Theo Specific Gravity	2.458	2.458	2.458
Bulk Specific Gravity	2.344	2.356	2.353
Change in Spec Gravity	0.114	0.103	0.105
Voids, Percent	4.63	4.17	4.27

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2204.9
Wt. of Sample (Sub)	1308.0
Gmm	2.458

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 8/4/2022
Lot: 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 3-1	M 3-2	M 3-3	M 3-4	M 3-5	
DRY WEIGHT	2684.6	2635.7	2850.2	2737.3	2400.2	
SUBMERGED WEIGHT	1557.4	1518.9	1660.7	1601.6	1407.9	
SSD WEIGHT	2688.9	2639.8	2853.9	2741.1	2404.0	AVERAGE
SUBLOT Gmm	2.448	2.452	2.455	2.453	2.458	RESULTS
BULK SPECIFIC GRAVITY	2.373	2.351	2.389	2.402	2.410	2.385
DENSITY (lbs/ft ³)	148.1	146.7	149.1	149.9	150.4	148.8
COMPACTION (%)	96.9%	95.9%	97.3%	97.9%	98.0%	97.2%
ABSORPTION (%)	0.4%	0.4%	0.3%	0.3%	0.4%	0.4%
AVERAGE THICKNESS	2.574	2.512	2.659	2.564	2.312	2.524

JOINT CORE DATA

SAMPLE ID	J 3-1	J 3-2	J 3-3	J 3-4	J 3-5	
DRY WEIGHT	2957.0	2748.0	2640.9	2785.0	2720.3	
SUBMERGED WEIGHT	1678.2	1541.3	1514.6	1580.6	1556.7	
SSD WEIGHT	2965.6	2758.9	2656.4	2793.0	2728.9	AVERAGE
LOT Gmm	2.447	2.447	2.447	2.447	2.447	RESULTS
BULK SPECIFIC GRAVITY	2.297	2.257	2.313	2.297	2.321	2.297
DENSITY (lbs/ft ³)	143.3	140.8	144.3	143.3	144.8	143.3
COMPACTION (%)	93.9%	92.2%	94.5%	93.9%	94.8%	93.9%
ABSORPTION (%)	0.7%	0.9%	1.4%	0.7%	0.7%	0.9%
AVERAGE THICKNESS	2.881	2.737	2.602	2.723	2.644	2.717

FIELD CORE LOCATIONS

M 3-1	Station 14+94; 4' Left
M 3-2	Station 26+84; 9' Left
M 3-3	Station 37+16; 21' Left
M 3-4	Station 45+94; 18' Left
M 3-5	Station 54+33; 20' Left
J 3-1	Station 17+80; Centerline
J 3-2	Station 24+26; Centerline
J 3-3	Station 44+57; Centerline
J 3-4	Station 46+94; Centerline
J 3-5	Station 66+70; Centerline

TESTED BY:



Scott Schumacher - CTP #3770
Laboratory Supervisor

APPROVED BY:



Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 4 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 243

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.455	2.430	
Average Gmb	2.354		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.8	1199.9	1199.0
Weight in Air, SSD	1202.3	1201.1	1200.7
Weight in Water	691.1	692.2	691.9
Water Displacement	511.2	508.9	508.8
Theo Specific Gravity	2.455	2.455	2.455
Bulk Specific Gravity	2.349	2.358	2.357
Change in Spec Gravity	0.106	0.097	0.098
Voids, Percent	4.30	3.94	3.99

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	96	98	92 - 100
3/8" (9.5mm)	83	87	81 - 93
#4 (4.75mm)	58	62	56 - 68
#8 (2.36mm)	44	40	N/A
#16 (1.18mm)	31	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	13	11	8 - 14
#100 (.15mm)	9	8	N/A
#200 (75µm)	6.7	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2213.0
Wt. of Sample (Sub)	1311.4
Gmm	2.455

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 578

Date: 8/3/2022
Lot / Sublot: 4 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.2	3.5	2 - 5
VMA %	15.3	15.7	14.5 Minimum
SPGR (Max GMM)	2.456	2.430	
Average Gmb	2.353		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.5	1199.1	1201.9
Weight in Air, SSD	1201.9	1200.3	1203.4
Weight in Water	689.9	691.7	693.7
Water Displacement	512.0	508.6	509.7
Theo Specific Gravity	2.456	2.456	2.456
Bulk Specific Gravity	2.345	2.358	2.358
Change in Spec Gravity	0.111	0.098	0.098
Voids, Percent	4.52	4.00	3.98

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2213.4
Wt. of Sample (Sub)	1312.1
Gmm	2.456

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 4 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1149

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.451	2.430	
Average Gmb	2.354		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1198.8	1200.9	1199.8
Weight in Air, SSD	1200.9	1201.9	1200.9
Weight in Water	691.7	690.8	692.3
Water Displacement	509.2	511.1	508.6
Theo Specific Gravity	2.451	2.451	2.451
Bulk Specific Gravity	2.354	2.350	2.359
Change in Spec Gravity	0.097	0.102	0.092
Voids, Percent	3.95	4.14	3.76

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	96	98	92 - 100
3/8" (9.5mm)	85	87	81 - 93
#4 (4.75mm)	60	62	56 - 68
#8 (2.36mm)	40	40	N/A
#16 (1.18mm)	27	28	23 - 33
#30 (.6mm)	18	18	N/A
#50 (.3mm)	10	11	8 - 14
#100 (.15mm)	7	8	N/A
#200 (75µm)	6.4	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2213.2
Wt. of Sample (Sub)	1310.3
Gmm	2.451

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 4 / 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 1629.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.6	15.7	14.5 Minimum
SPGR (Max GMM)	2.443	2.430	
Average Gmb	2.346		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1199.5	1196.7	1196.8
Weight in Air, SSD	1200.7	1198.1	1198.2
Weight in Water	691.1	687.7	686.9
Water Displacement	509.6	510.4	511.3
Theo Specific Gravity	2.443	2.443	2.443
Bulk Specific Gravity	2.354	2.345	2.341
Change in Spec Gravity	0.089	0.099	0.103
Voids, Percent	3.66	4.04	4.20

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2209.2
Wt. of Sample (Sub)	1305.0
Gmm	2.443

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 4 / 5
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 2059.5

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.4	3.5	2 - 5
VMA %	15.3	15.7	14.5 Minimum
SPGR (Max GMM)	2.463	2.430	
Average Gmb	2.354		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1198.7	1190.6	1195.9
Weight in Air, SSD	1200.1	1192.1	1198.3
Weight in Water	692.0	685.5	690.2
Water Displacement	508.1	506.6	508.1
Theo Specific Gravity	2.463	2.463	2.463
Bulk Specific Gravity	2.359	2.350	2.354
Change in Spec Gravity	0.104	0.113	0.110
Voids, Percent	4.22	4.59	4.45

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2213.9
Wt. of Sample (Sub)	1315.1
Gmm	2.463

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 8/5/2022
Lot: 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 4-1	M 4-2	M 4-3	M 4-4	M 4-5	
DRY WEIGHT	2874.3	2563.6	2290.4	2523.2	2629.2	
SUBMERGED WEIGHT	1671.4	1474.8	1331.6	1453.0	1520.8	
SSD WEIGHT	2877.3	2568.3	2293.8	2527.7	2633.0	AVERAGE
SUBLOT Gmm	2.455	2.456	2.451	2.443	2.463	RESULTS
BULK SPECIFIC GRAVITY	2.384	2.344	2.380	2.348	2.364	2.364
DENSITY (lbs/ft ³)	148.7	146.3	148.5	146.5	147.5	147.5
COMPACTION (%)	97.1%	95.5%	97.1%	96.1%	96.0%	96.3%
ABSORPTION (%)	0.2%	0.4%	0.4%	0.4%	0.3%	0.4%
AVERAGE THICKNESS	2.703	2.544	2.302	2.436	2.525	2.502

JOINT CORE DATA

SAMPLE ID	J 4-1	J 4-2	J 4-3	J 4-4	J 4-5	
DRY WEIGHT	2527.2	2577.7	2610.5	2430.2	2209.6	
SUBMERGED WEIGHT	1440.0	1465.1	1486.4	1393.9	1274.5	
SSD WEIGHT	2539.5	2589.3	2620.8	2438.5	2216.5	AVERAGE
LOT Gmm	2.453	2.453	2.453	2.453	2.453	RESULTS
BULK SPECIFIC GRAVITY	2.298	2.293	2.301	2.326	2.346	2.313
DENSITY (lbs/ft ³)	143.4	143.1	143.6	145.2	146.4	144.3
COMPACTION (%)	93.7%	93.5%	93.8%	94.8%	95.6%	94.3%
ABSORPTION (%)	1.1%	1.0%	0.9%	0.8%	0.7%	0.9%
AVERAGE THICKNESS	2.564	2.573	2.620	2.397	2.289	2.489

FIELD CORE LOCATIONS

M 4-1	Station 13+91; 41' Left
M 4-2	Station 19+44; 46' Left
M 4-3	Station 26+94; 28' Left
M 4-4	Station 48+36; 34' Left
M 4-5	Station 57+60; 43' Left
J 4-1	Station 18+90; 25' Left
J 4-2	Station 22+51; 25' Left
J 4-3	Station 40+39; 25' Left
J 4-4	Station 57+37; 25' Left
J 4-5	Station 67+30; 25' Left

TESTED BY:

APPROVED BY:



Scott Schumacher - CTPP #3770
Laboratory Supervisor



Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/5/2022
Lot / Sublot: 5 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 254

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.4	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.456	2.430	
Average Gmb	2.348		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1206.6	1207.5	1198.3
Weight in Air, SSD	1208.3	1208.6	1199.3
Weight in Water	692.2	695.6	689.7
Water Displacement	516.1	513.0	509.6
Theo Specific Gravity	2.456	2.456	2.456
Bulk Specific Gravity	2.338	2.354	2.351
Change in Spec Gravity	0.118	0.102	0.105
Voids, Percent	4.82	4.17	4.27

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	86	87	81 - 93
#4 (4.75mm)	60	62	56 - 68
#8 (2.36mm)	38	40	N/A
#16 (1.18mm)	26	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	10	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	5.9	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2212.6
Wt. of Sample (Sub)	1311.8
Gmm	2.456

TESTED BY:


Clifford Whittington - CTT #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/5/2022
Lot / Sublot: 5 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 459

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	3.8	3.5	2 - 5
VMA %	15.2	15.7	14.5 Minimum
SPGR (Max GMM)	2.450	2.430	
Average Gmb	2.357		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1199.4	1199.4	1198.3
Weight in Air, SSD	1200.7	1200.3	1199.6
Weight in Water	691.9	690.9	691.7
Water Displacement	508.8	509.4	507.9
Theo Specific Gravity	2.450	2.450	2.450
Bulk Specific Gravity	2.357	2.355	2.359
Change in Spec Gravity	0.092	0.095	0.090
Voids, Percent	3.77	3.88	3.69

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2204.4
Wt. of Sample (Sub)	1304.5
Gmm	2.450

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 792

Date: 8/5/2022
Lot / Sublot: 5 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.453	2.430	
Average Gmb	2.352		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1201.3	1203.5	1200.4
Weight in Air, SSD	1202.4	1205.1	1201.6
Weight in Water	692.1	693.8	690.2
Water Displacement	510.3	511.3	511.4
Theo Specific Gravity	2.453	2.453	2.453
Bulk Specific Gravity	2.354	2.354	2.347
Change in Spec Gravity	0.099	0.100	0.106
Voids, Percent	4.04	4.06	4.32

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	96	98	92 - 100
3/8" (9.5mm)	86	87	81 - 93
#4 (4.75mm)	62	62	56 - 68
#8 (2.36mm)	39	40	N/A
#16 (1.18mm)	27	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	10	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	5.4	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2211.9
Wt. of Sample (Sub)	1310.3
Gmm	2.453

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/5/2022
Lot / Sublot: 5 / 4
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 965

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.2	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.455	2.430	
Average Gmb	2.352		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.2	1197.7	1199.1
Weight in Air, SSD	1202.5	1199.2	1201.0
Weight in Water	691.9	689.4	691.9
Water Displacement	510.6	509.8	509.1
Theo Specific Gravity	2.455	2.455	2.455
Bulk Specific Gravity	2.351	2.349	2.355
Change in Spec Gravity	0.104	0.106	0.100
Voids, Percent	4.25	4.30	4.06

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2212.9
Wt. of Sample (Sub)	1311.5
Gmm	2.455

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 8/6/2022
Lot: 5
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 5-1	M 5-2	M 5-3	M 5-4	
DRY WEIGHT	2570.8	2360.5	2447.2	3160.5	
SUBMERGED WEIGHT	1488.8	1372.2	1399.8	1808.9	
SSD WEIGHT	2577.8	2366.7	2451.9	3165.2	AVERAGE
SUBLOT Gmm	2.456	2.450	2.453	2.455	RESULTS
BULK SPECIFIC GRAVITY	2.361	2.374	2.326	2.330	2.348
DENSITY (lbs/ft ³)	147.3	148.1	145.1	145.4	146.5
COMPACTION (%)	96.1%	96.9%	94.8%	94.9%	95.7%
ABSORPTION (%)	0.6%	0.6%	0.4%	0.3%	0.5%
AVERAGE THICKNESS	2.406	2.285	2.559	3.112	2.591

JOINT CORE DATA

SAMPLE ID					
DRY WEIGHT					
SUBMERGED WEIGHT					
SSD WEIGHT					AVERAGE
AVG. LOT Gmm					RESULTS
BULK SPECIFIC GRAVITY					
DENSITY (lbs/ft ³)					
COMPACTION (%)					
ABSORPTION (%)					
AVERAGE THICKNESS					

FIELD CORE LOCATIONS

M 5-1	Twy "E" West
M 5-2	Twy "E" West
M 5-3	Twy "B" South
M 5-4	Twy "E" East

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/26/2022
Lot / Sublot: 1 / 1
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 80

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.3	5.4	4.95 - 5.85
Air Voids (Va) %	3.8	3.5	2 - 5
VMA %	15.0	15.7	Minimum 15
SPGR (Max GMM)	2.453	2.430	
Average Gmb	2.360		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.4	1194.4	1196.7
Weight in Air, SSD	1202.5	1196.9	1198.4
Weight in Water	693.4	691.1	691.7
Water Displacement	509.1	505.8	506.7
Theo Specific Gravity	2.453	2.453	2.453
Bulk Specific Gravity	2.358	2.361	2.362
Change in Spec Gravity	0.095	0.091	0.091
Voids, Percent	3.87	3.73	3.71

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	63	62	56 - 68
#8 (2.36mm)	41	40	N/A
#16 (1.18mm)	29	28	23 - 33
#30 (.6mm)	18	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	6.0	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2202.9
Wt. of Sample (Sub)	1304.8
Gmm	2.453

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/26/2022
Lot / Sublot: 1 / 2
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 140

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.0	3.5	2 - 5
VMA %	15.2	15.7	Minimum 15
SPGR (Max GMM)	2.454	2.430	
Average Gmb	2.356		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1192.8	1198.7	1196.6
Weight in Air, SSD	1193.9	1199.8	1197.5
Weight in Water	687.3	691.3	689.9
Water Displacement	506.6	508.5	507.6
Theo Specific Gravity	2.454	2.454	2.454
Bulk Specific Gravity	2.355	2.357	2.357
Change in Spec Gravity	0.100	0.097	0.097
Voids, Percent	4.07	3.95	3.95

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2209.9
Wt. of Sample (Sub)	1309.5
Gmm	2.454

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 7/26/2022
Lot / Sublot: 1 / 3
Surface Design #: P-401 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 170

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.2	3.5	2 - 5
VMA %	15.2	15.7	Minimum 15
SPGR (Max GMM)	2.459	2.430	
Average Gmb	2.357		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1197.3	1197.3	1192.8
Weight in Air, SSD	1198.7	1198.3	1193.8
Weight in Water	690.7	690.9	686.9
Water Displacement	508	507.4	506.9
Theo Specific Gravity	2.459	2.459	2.459
Bulk Specific Gravity	2.357	2.360	2.353
Change in Spec Gravity	0.103	0.100	0.106
Voids, Percent	4.17	4.06	4.32

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	98	98	92 - 100
3/8" (9.5mm)	86	87	81 - 93
#4 (4.75mm)	62	62	56 - 68
#8 (2.36mm)	39	40	N/A
#16 (1.18mm)	27	28	23 - 33
#30 (.6mm)	17	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	5.9	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2206.9
Wt. of Sample (Sub)	1309.6
Gmm	2.459

TESTED BY:


Scott Schumacher - CTTP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 1 / 1
Surface Design #: P-403 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 80

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.5	15.7	14.5 Minimum
SPGR (Max GMM)	2.457	2.430	
Average Gmb	2.357		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1201.7	1204.2	1200.8
Weight in Air, SSD	1203.0	1205.9	1201.9
Weight in Water	693.0	695.9	692.0
Water Displacement	510.0	510.0	509.9
Theo Specific Gravity	2.457	2.457	2.457
Bulk Specific Gravity	2.356	2.361	2.355
Change in Spec Gravity	0.101	0.096	0.102
Voids, Percent	4.11	3.91	4.16

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	57	62	56 - 68
#8 (2.36mm)	37	40	N/A
#16 (1.18mm)	28	28	23 - 33
#30 (.6mm)	16	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	6.2	5.7	3.7 - 7.7

THEORETICAL SPECIFIC GRAVITY	
Wt. of Sample (Air)	2206.8
Wt. of Sample (Sub)	1308.7
Gmm	2.457

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab

Date: 8/3/2022
Lot / Sublot: 1 / 2
Surface Design #: P-403 (75 Blow)
Binder Design #: N/A

Tons Today at Sample: 184.62

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.4	5.4	4.95 - 5.85
Air Voids (Va) %	4.1	3.5	2 - 5
VMA %	15.4	15.7	14.5 Minimum
SPGR (Max GMM)	2.451	2.430	
Average Gmb	2.351		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1200.1	1195.7	1202.7
Weight in Air, SSD	1201.6	1196.9	1203.6
Weight in Water	690.0	689.3	692.0
Water Displacement	511.6	507.6	511.6
Theo Specific Gravity	2.451	2.451	2.451
Bulk Specific Gravity	2.346	2.356	2.351
Change in Spec Gravity	0.105	0.095	0.100
Voids, Percent	4.29	3.89	4.08

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	-	100	94 - 100
1/2" (12.5mm)	-	98	92 - 100
3/8" (9.5mm)	-	87	81 - 93
#4 (4.75mm)	-	62	56 - 68
#8 (2.36mm)	-	40	N/A
#16 (1.18mm)	-	28	23 - 33
#30 (.6mm)	-	18	N/A
#50 (.3mm)	-	11	8 - 14
#100 (.15mm)	-	8	N/A
#200 (75µm)	-	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2209.9
Wt. of Sample (Sub)	1308.2
Gmm	2.451

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT LABORATORY DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project Number: 22-3319
Project Name: FYV Runway Rehab
Tons Today at Sample: 222.68

Date: 8/3/2022
Lot / Sublot: 1 / 3
Surface Design #: P-403 (75 Blow)
Binder Design #: N/A

Test	Results	JMF	Tolerances
AC Content (Pb) %	5.5	5.4	4.95 - 5.85
Air Voids (Va) %	3.9	3.5	2 - 5
VMA %	15.3	15.7	14.5 Minimum
SPGR (Max GMM)	2.449	2.430	
Average Gmb	2.354		

VOID DETERMINATION			
Specimen Property	Mold 1	Mold 2	Mold 3
Weight in Air	1202.2	1198.7	1206.1
Weight in Air, SSD	1203.8	1199.9	1207.7
Weight in Water	693.0	691.1	695.0
Water Displacement	510.8	508.8	512.7
Theo Specific Gravity	2.449	2.449	2.449
Bulk Specific Gravity	2.354	2.356	2.352
Change in Spec Gravity	0.095	0.093	0.096
Voids, Percent	3.89	3.79	3.94

GRADATION ANALYSIS			
Sieve	% Passing	JMF	Action Limit
3/4" (19mm)	100	100	94 - 100
1/2" (12.5mm)	97	98	92 - 100
3/8" (9.5mm)	87	87	81 - 93
#4 (4.75mm)	58	62	56 - 68
#8 (2.36mm)	37	40	N/A
#16 (1.18mm)	28	28	23 - 33
#30 (.6mm)	16	18	N/A
#50 (.3mm)	11	11	8 - 14
#100 (.15mm)	8	8	N/A
#200 (75µm)	6.2	5.7	3.7 - 7.7

Theoretical Specific Gravity	
Wt. of Sample (Air)	2211.8
Wt. of Sample (Sub)	1308.6
Gmm	2.449

TESTED BY:


Clifford Whittington - CTTP #3853
Laboratory Technician

APPROVED BY:


Dustin Lawrence
Laboratory Manager

ASPHALT FIELD CORE DATA

Producer: Hutchens Construction
Plant Name: Sonora
Project #: 22-3319
Project Name: FYV Runway Rehab

Date: 8/6/2022
Lot: 1
Surface Design #: P-403 (75 Blow)
Binder Design #: N/A

MAT CORE DATA

SAMPLE ID	M 1-1	M 1-2	M 1-3		
DRY WEIGHT	4089.1	3381.6	3738.4		
SUBMERGED WEIGHT	2378.7	1973.8	2170.6		
SSD WEIGHT	4096.3	3387.2	3743.0		
SUBLOT Gmm	2.457	2.451	2.449		
BULK SPECIFIC GRAVITY	2.381	2.393	2.378		
DENSITY (lbs/ft ³)	148.6	149.3	148.4		
COMPACTION (%)	96.9%	97.6%	97.1%		
ABSORPTION (%)	0.4%	0.4%	0.3%		
AVERAGE THICKNESS	3.961	3.306	3.644		
					AVERAGE
					RESULTS
					2.384
					148.7
					97.2%
					0.4%
					3.637

JOINT CORE DATA

SAMPLE ID					
DRY WEIGHT					
SUBMERGED WEIGHT					
SSD WEIGHT					
AVG. LOT Gmm					
BULK SPECIFIC GRAVITY					
DENSITY (lbs/ft ³)					
COMPACTION (%)					
ABSORPTION (%)					
AVERAGE THICKNESS					
					AVERAGE
					RESULTS

FIELD CORE LOCATIONS

M 1-1	Twy "E" East - Bottom Lift
M 1-2	Twy "E" East - Top Lift
M 1-3	Twy "E" East - Top Lift

TESTED BY:


Scott Schumacher - CTPP #3770
Laboratory Supervisor

APPROVED BY:


Dustin Lawrence
Laboratory Manager

NUCLEAR DENSITY REPORT (ASTM D6938)

Project Name: Fayetteville - FYV Runway Rehab Report Number: 2 Date of Test: 7/25/2022
Project Location: Fayetteville, AR Report Date: 7/25/2022 Laboratory Technician: Scott Schumacher
Client: Garver MCE Project Number: 22-3319

AVAILABLE JOB PROCTOR CURVES

Proctor ID#	Proctor Type	Material Description	Sample Location	USCS	AASHTO	Atterberg Limits		Maximum Dry	Optimum
						PI	LL	Density (lb/ft³)	Moisture (%)
220622	D1557	Crushed Aggregate Base (P-209)	Hutchens Quarry	GW	N/A	NP	NP	137.5	6.3

NUCLEAR DENSITY TEST RESULTS

Test Number	Proctor ID#	Elevation	Test Depth (in)	Wet Density (lbs/ft³)	Field Moisture (%)	Dry Density (lbs/ft³)	In-Place Compaction (%)	Compaction Required (%)	Pass / Fail for Compaction Requirements
3	220622	FBG	8	151.4	5.3%	143.8	104.6%	100%	Pass
4	220622	FBG	8	145.8	5.1%	138.7	100.9%	100%	Pass

Test Number

TEST LOCATION

3	18" RCP Crossing - Sta. 66+00 ; 15' Left of Centerline
4	18" RCP Crossing - Sta. 61+45 ; 15' Left of Centerline

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMMENTS

NUCLEAR DENSITY REPORT (ASTM D6938)

Project Name: Fayetteville - FYV Runway Rehab Report Number: 3 Date of Test: 8/2/2022
Project Location: Fayetteville, AR Report Date: 8/2/2022 Laboratory Technician: Scott Schumacher
Client: Garver MCE Project Number: 22-3319

AVAILABLE JOB PROCTOR CURVES

Proctor ID#	Proctor Type	Material Description	Sample Location	USCS	AASHTO	Atterberg Limits		Maximum Dry	Optimum
						PI	LL	Density (lb/ft³)	Moisture (%)
220622	D1557	Crushed Aggregate Base (P-209)	Hutchens Quarry	GW	N/A	NP	NP	137.5	6.3

NUCLEAR DENSITY TEST RESULTS

Test Number	Proctor ID#	Elevation	Test Depth (in)	Wet Density (lbs/ft³)	Field Moisture (%)	Dry Density (lbs/ft³)	In-Place Compaction (%)	Compaction Required (%)	Pass / Fail for Compaction Requirements
5	220622	FBG	8	149.3	7.4%	139.1	101.1%	100%	Pass
6	220622	FBG	8	150.6	7.7%	139.9	101.7%	100%	Pass
7	220622	FBG	8	149.8	6.9%	140.2	101.9%	100%	Pass

Test Number

TEST LOCATION

5	Exisiting Echo Connector; 25' ROCL
6	Exisiting Echo Connector; 25' South of Runway Edge
7	Exisiting Echo Connector; 25' LOCL



Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMMENTS

NUCLEAR DENSITY REPORT (ASTM D6938)

Project Name: Fayetteville - FYV Runway Rehab Report Number: 1 Date of Test: 7/24/2022
Project Location: Fayetteville, AR Report Date: 7/25/2022 Laboratory Technician: Scott Schumacher
Client: Garver MCE Project Number: 22-3319

AVAILABLE JOB PROCTOR CURVES

Proctor ID#	Proctor Type	Material Description	Sample Location	USCS	AASHTO	Atterberg Limits		Maximum Dry	Optimum
						PI	LL	Density (lb/ft³)	Moisture (%)
220622	D1557	Crushed Aggregate Base (P-209)	Hutchens Quarry	GW	N/A	NP	NP	137.5	6.3

NUCLEAR DENSITY TEST RESULTS

Test Number	Proctor ID#	Elevation	Test Depth (in)	Wet Density (lbs/ft³)	Field Moisture (%)	Dry Density (lbs/ft³)	In-Place Compaction (%)	Compaction Required (%)	Pass / Fail for Compaction Requirements
1	220622	18" BFBG	6	142.2	6.5%	133.5	97.1%	95%	Pass
2	220622	18" BFBG	6	142.7	5.9%	134.7	98.0%	95%	Pass

Test Number

TEST LOCATION

1	18" RCP Crossing - Sta. 61+45 ; 6' Right of Centerline
2	18" RCP Crossing - Sta. 66+00 ; 9' Left of Centerline



Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMMENTS

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 1
Report Date: 6/13/2022
MCE Project Number: 22-3319

Sample Date: 5/16/2022
Sampled By: KG

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Sign Bases
Day 1

Concrete Supplier: APAC Arkhola
Ticket Number: 50966572
Truck Number: 172
Time Batched: 1:17 PM
Time Sampled: 1:58 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 4 (ASTM C143)
Air Content (%): 4.4 (ASTM C231)
Concrete Temperature (°F): 78 (ASTM C1064)
Ambient Temperature (°F): 77

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
1	SS	5/23/2022	7	Water Bath	4.01	8.08	12.63	57,564	4,560	114.0	5
2	IA	6/13/2022	28	Water Bath	4.00	7.99	12.57	76,238	6,070	151.8	2
3	IA	6/13/2022	28	Water Bath	4.01	8.06	12.63	70,701	5,600	140.0	5
4	IA	6/13/2022	28	Water Bath	4.01	7.99	12.63	76,722	6,070	151.8	3
5			SP								

REMARKS

High/Low Temperature: 82° F/61° F.
Air entrainment and WRA added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#):	1
Cylinder Weight (lbs):	8.59
Cylinder Unit Weight (lb/ft³):	145.5


Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 2
Report Date: 6/14/2022
MCE Project Number: 22-3319

Sample Date: 5/17/2022
Sampled By: KG

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Sign Bases
Day 2

Concrete Supplier: APAC Arkhola
Ticket Number: 50705038
Truck Number: 156
Time Batched: 11:43 AM
Time Sampled: 12:31 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 2 (ASTM C143)
Air Content (%): 5.0 (ASTM C231)
Concrete Temperature (°F): 76 (ASTM C1064)
Ambient Temperature (°F): 77

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
6	SS	5/24/2022	7	Water Bath	4.01	8.06	12.63	66,086	5,230	130.8	3
7	SS	6/14/2022	28	Water Bath	4.00	8.09	12.57	86,928	6,920	173.0	3
8	SS	6/14/2022	28	Water Bath	4.00	8.08	12.57	81,323	6,470	161.8	3
9	SS	6/14/2022	28	Water Bath	4.02	7.99	12.69	85,237	6,720	168.0	2
10			SP								

REMARKS

Air entrainment and WRA added to the mix at the plant.
15 gallons of water added after sampling.

LABORATORY UNIT WEIGHT

Cylinder Tested (#): 6
Cylinder Weight (lbs): 8.55
Cylinder Unit Weight (lb/ft³): 145.1

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 3
Report Date: 6/15/2022
MCE Project Number: 22-3319

Sample Date: 5/18/2022
Sampled By: KG

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Sign Bases
Day 3

Concrete Supplier: APAC Arkhola
Ticket Number: 50966624
Truck Number: 223
Time Batched: 1:28 PM
Time Sampled: 2:02 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 3 1/4 (ASTM C143)
Air Content (%): 4.4 (ASTM C231)
Concrete Temperature (°F): 82 (ASTM C1064)
Ambient Temperature (°F): 84

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
11	SS	5/25/2022	7	Water Bath	4.01	8.09	12.63	66,279	5,250	131.3	2
12	KG	6/15/2022	28	Water Bath	4.00	7.98	12.57	81,653	6,500	162.5	3
13	KG	6/15/2022	28	Water Bath	4.00	8.05	12.57	80,877	6,440	161.0	3
14	KG	6/15/2022	28	Water Bath	4.00	8.00	12.57	87,087	6,930	173.3	2
15			SP								

REMARKS

High/Low Temperature: 86° F/70° F.
Air entrainment and WRA added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#):	11
Cylinder Weight (lbs):	8.70
Cylinder Unit Weight (lb/ft³):	147.1

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 4
Report Date: 6/16/2022
MCE Project Number: 22-3319

Sample Date: 5/19/2022
Sampled By: KG

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Sign Bases
Day 4

Concrete Supplier: APAC Arkhola
Ticket Number: 50966646
Truck Number: 167
Time Batched: 1:24 PM
Time Sampled: 1:59 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 3 1/4 (ASTM C143)
Air Content (%): 4.2 (ASTM C231)
Concrete Temperature (°F): 80 (ASTM C1064)
Ambient Temperature (°F): 79

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
16	SS	5/26/2022	7	Water Bath	4.00	8.06	12.57	69,037	5,490	137.3	2
17	IA	6/16/2022	28	Water Bath	4.09	8.02	13.14	90,384	6,880	172.0	3
18	IA	6/16/2022	28	Water Bath	3.99	7.98	12.50	92,003	7,360	184.0	2
19	IA	6/16/2022	28	Water Bath	3.99	8.06	12.50	89,348	7,150	178.8	3
20			SP								

REMARKS

Air entrainment and WRA added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#): 16
Cylinder Weight (lbs): 8.67
Cylinder Unit Weight (lb/ft³): 147.9

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 5
Report Date: 6/17/2022
MCE Project Number: 22-3319

Sample Date: 5/20/2022
Sampled By: KG

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Sign Bases
Day 5

Concrete Supplier: APAC Arkhola
Ticket Number: 50966662
Truck Number: 156
Time Batched: 1:21 PM
Time Sampled: 1:55 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 3 1/4 (ASTM C143)
Air Content (%): 3.9 (ASTM C231)
Concrete Temperature (°F): 80 (ASTM C1064)
Ambient Temperature (°F): 85

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
21	KG	5/27/2022	7	Water Bath	4.00	8.03	12.57	59,669	4,750	118.8	3
22	CN	6/17/2022	28	Water Bath	3.98	8.02	12.44	80,888	6,500	162.5	3
23	CN	6/17/2022	28	Water Bath	3.97	8.00	12.38	82,621	6,670	166.8	2
24	CN	6/17/2022	28	Water Bath	3.97	8.03	12.38	81,633	6,590	164.8	3
25			SP								

REMARKS

High/Low Temperature: 88° F/81° F.
Air entrainment and WRA added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#):	21
Cylinder Weight (lbs):	8.55
Cylinder Unit Weight (lb/ft³):	146.4

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 6
Report Date: 7/5/2022
MCE Project Number: 22-3319

Sample Date: 6/7/2022
Sampled By: IA

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Vault Foundation

Concrete Supplier: APAC Arkhola
Ticket Number: 50705368
Truck Number: 223
Time Batched: 9:12 AM
Time Sampled: 10:15 AM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 3 1/4 (ASTM C143)
Air Content (%): 4.5 (ASTM C231)
Concrete Temperature (°F): 86 (ASTM C1064)
Ambient Temperature (°F): 76

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
26	SS	6/14/2022	7	Water Bath	3.99	8.05	12.50	66,216	5,300	132.5	2
27	IA	7/5/2022	28	Water Bath	3.99	8.09	12.50	82,530	6,600	165.0	1
28	IA	7/5/2022	28	Water Bath	4.00	8.08	12.57	78,195	6,220	155.5	3
29	IA	7/5/2022	28	Water Bath	4.00	8.04	12.57	81,893	6,520	163.0	1
30			SP								

REMARKS

High/Low Temperature: 83° F/68° F.
Air entrainment added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#): 26
Cylinder Weight (lbs): 8.49
Cylinder Unit Weight (lb/ft³): 145.8

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 7
Report Date: 10/25/2022
MCE Project Number: 22-3319

Sample Date: 9/27/2022
Sampled By: CN

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: North Side Generator Pad
Behind Electrical Building

Concrete Supplier: APAC Arkhola
Ticket Number: 50707584
Truck Number: 183
Time Batched: 12:21 PM
Time Sampled: 1:15 PM
Yards on Truck (yd³): 4
Cumulative Yardage (yd³): 4

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 1 1/2 (ASTM C143)
Air Content (%): 3.7 (ASTM C231)
Concrete Temperature (°F): 80 (ASTM C1064)
Ambient Temperature (°F): 79

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
31	SS	10/4/2022	7	Water Bath	4.00	8.03	12.57	81,300	6,470	161.8	3
32	JS	10/25/2022	28	Water Bath	4.00	8.07	12.57	106,083	8,440	211.0	3
33	JS	10/25/2022	28	Water Bath	4.03	8.09	12.76	104,536	8,200	205.0	3
34	JS	10/25/2022	28	Water Bath	4.00	8.07	12.57	99,658	7,930	198.3	3
35			SP								

REMARKS

10 gallons of water added after sampling.

LABORATORY UNIT WEIGHT

Cylinder Tested (#): 31
Cylinder Weight (lbs): 8.72
Cylinder Unit Weight (lb/ft³): 149.3

Steven J. Head, P.E.
Principal / Geotechnical Department Head

COMPRESSIVE STRENGTH OF CONCRETE CYLINDERS
(ASTM C31, C39, C172, C511, C617, C1231)

Project Name: Fayetteville - FYV Runway Rehab
Project Location: Fayetteville, AR
Client: Garver

Report Number: 8
Report Date: 11/2/2022
MCE Project Number: 22-3319

Sample Date: 10/5/2022
Sampled By: JS

FIELD TEST RESULTS (ASTM C31, C172)

Location of Pour: Runway Rehab Sidewalk

Concrete Supplier: APAC Arkhola
Ticket Number: 50707737
Truck Number: 172
Time Batched: 1:09 PM
Time Sampled: 2:00 PM
Yards on Truck (yd³): 10
Cumulative Yardage (yd³): 10

Class: 340F407501
Design Strength (psi): 4,000
Slump (in): 4 1/2 (ASTM C143)
Air Content (%): 6.0 (ASTM C231)
Concrete Temperature (°F): 80 (ASTM C1064)
Ambient Temperature (°F): 83

COMPRESSIVE STRENGTH TEST RESULTS

Cylinder Number	Laboratory Technician	Test Date	Age (Days)	Method of Curing	Measured Cylinder Diameter (in)	Measured Cylinder Height (in)	Area of Cylinder (in²)	Applied Load (lbs)	Compressive Strength (psi)	Percent of Design (%)	Type of Fracture
36	JS	10/12/2022	7	Water Bath	4.01	8.06	12.63	59,855	4,740	118.5	2
37	SS	11/2/2022	28	Water Bath	4.01	8.04	12.63	81,170	6,430	160.8	3
38	SS	11/2/2022	28	Water Bath	4.02	8.03	12.69	79,364	6,250	156.3	3
39	SS	11/2/2022	28	Water Bath	4.01	8.02	12.63	78,122	6,190	154.8	3
40			SP								

REMARKS

High/Low Temperature: 84° F/46° F.
Air entrainment and WRA added to the mix at the plant.

LABORATORY UNIT WEIGHT

Cylinder Tested (#):	36
Cylinder Weight (lbs):	8.54
Cylinder Unit Weight (lb/ft³):	145.0

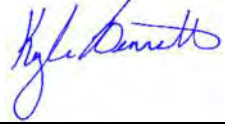
Steven J. Head, P.E.
Principal / Geotechnical Department Head

	Construction Progress and Inspection Report	Period Ending 05/15/22																
U.S. Department of Transportation Federal Aviation Administration	Airport Grant Program	Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 7	Last Working Day Charged (Date): 5/15/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny, dry with highs in the 80's.																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>0%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>0%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	0%	Generator Installation	0%	ATCT Controls	0%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
Vault Installation	0%																	
Generator Installation	0%																	
ATCT Controls	0%																	
Phase 1A Sign Replacement	0%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Electrical subcontractor (Broadway) mobilized to the site. Pre-cast sign base assemblies were prepared in the staging area including forms, reinforcing steel, light bases, and miscellaneous electrical components. Sign base assemblies were inspected and accepted. Concrete will be placed for the pre-cast sign bases next week.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Continue pre-cast sign base construction.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> None.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

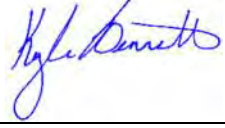
Date 5/15/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

	Construction Progress and Inspection Report	Period Ending 05/22/22																
U.S. Department of Transportation Federal Aviation Administration	Airport Grant Program	Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 14	Last Working Day Charged (Date): 5/22/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny, dry with highs in the 80's.																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i>																		
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Vault Installation</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Generator Installation</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">ATCT Controls</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Phase 1A Sign Replacement</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Phase 1B Sign Replacement</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Phase 1C Sign Replacement</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Phase 1D Sign Replacement</td> <td style="text-align: center;">0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	0%	Generator Installation	0%	ATCT Controls	0%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
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Generator Installation	0%																	
ATCT Controls	0%																	
Phase 1A Sign Replacement	0%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Electrical subcontractor (Broadway) finished all work associated with pre-cast sign base assemblies for sign replacements.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> QA and QC sampling performed in accordance with P-610. No out of tolerance tests.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Vault area including site preparation and foundation installation.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> None.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 5/22/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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 Construction Progress and Inspection Report		Period Ending 05/29/22																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 21	Last Working Day Charged (Date): 5/29/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Precipitation 5/24 (0.25"), 5/25 (1.0"), 5/26 (0.5") and 5/27 (0.1")																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td style="width: 70%;">Vault Installation</td> <td style="width: 30%;">0%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>0%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	0%	Generator Installation	0%	ATCT Controls	0%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
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Generator Installation	0%																	
ATCT Controls	0%																	
Phase 1A Sign Replacement	0%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Wet site conditions limited to coordination for upcoming vault site preparation.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Vault area including site preparation and foundation installation.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Contract time will be evaluated/adjusted for days Contractor unable to work in May.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 5/29/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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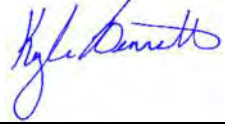
FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 U.S. Department of Transportation Federal Aviation Administration Construction Progress and Inspection Report Airport Grant Program		Period Ending 05/29/22 Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 18	Last Working Day Charged (Date): 6/05/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature (On earthwork jobs, include soil conditions.) Sunny with highs in the 70's mid 80's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases (Include items such as clearing, grading, drainage, base, surface, lighting, etc.) <table border="1" style="margin: 20px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>5%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>0%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	5%	Generator Installation	0%	ATCT Controls	0%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
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Generator Installation	0%																	
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Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Vault site preparation and coordination for trenching work for ATCT controls. Vault foundation excavation complete.																		
5a. Summary of Laboratory and Field Testing this Period (Note failing tests and any retests. Summarize out-of-tolerance.) None.																		
5b. Material (Identify material subject to pay reduction.) None.																		
6. Description of Anticipated Work by Contractor for Next Period Vault foundation concrete placement and trenching for ATCT controls.																		
7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.) Ten days of suspended time requested by Contractor for days where no work performed in May.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 6/05/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 Construction Progress and Inspection Report Airport Grant Program		Period Ending 06/12/22																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 25	Last Working Day Charged (Date): 6/12/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Precipitation 6/6 (0.39”), 6/9 (1.24”) and 6/10 (0.1”)																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>10%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>5%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	10%	Generator Installation	0%	ATCT Controls	5%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
Vault Installation	10%																	
Generator Installation	0%																	
ATCT Controls	5%																	
Phase 1A Sign Replacement	0%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Completed modifications/connections at existing manhole for future vault connections. Contractor began directional bore for communications line to the ATCT.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Complete directional bore to ATCT.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Contractor requested directional boring in lieu of trenching for connection from new vault to ATCT. Engineer approved this alternative at no additional cost to project.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 6/12/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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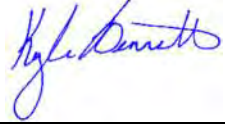
FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 Construction Progress and Inspection Report		Period Ending 06/19/22																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 32	Last Working Day Charged (Date): 6/19/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny and hot, highs in the upper 80's to mid 90's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>15%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>10%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	15%	Generator Installation	0%	ATCT Controls	10%	Phase 1A Sign Replacement	0%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
Vault Installation	15%																	
Generator Installation	0%																	
ATCT Controls	10%																	
Phase 1A Sign Replacement	0%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Directional bore completed for communications line to the ATCT. Meter coordinated with the utility for new vault site.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Phase 1a sign replacements and asphalt control strip.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i>																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 6/19/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 Construction Progress and Inspection Report		Period Ending 06/26/22																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 39	Last Working Day Charged (Date): 6/26/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny and hot, highs in the upper 80's to mid 90's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>15%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>10%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>100%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>0%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	15%	Generator Installation	0%	ATCT Controls	10%	Phase 1A Sign Replacement	100%	Phase 1B Sign Replacement	0%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	0%
Estimate of Work Completed to Date (Phase 1 Only)																		
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Generator Installation	0%																	
ATCT Controls	10%																	
Phase 1A Sign Replacement	100%																	
Phase 1B Sign Replacement	0%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	0%																	
4. Work Completed or In Progress this Period Phase 1a (TW Bravo south of the terminal apron) sign replacements complete. P-401 asphalt control strip installation complete.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> P-401 asphalt testing. Mat and core density results for the test strip will be available 6/27/22.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Phase 1d sign replacements scheduled early in the week with Phase 1b starting late in the week.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Revised plan and profile sheets issued to further refine areas requiring profile milling and leveling course.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 6/26/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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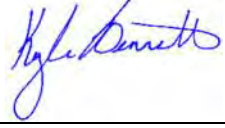
FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 U.S. Department of Transportation Federal Aviation Administration Construction Progress and Inspection Report Airport Grant Program		Period Ending 07/03/22 Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 46	Last Working Day Charged (Date): 7/03/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature (On earthwork jobs, include soil conditions.) Sunny and hot, highs in the upper 80's to mid 90's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases (Include items such as clearing, grading, drainage, base, surface, lighting, etc.) <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td style="width: 70%;">Vault Installation</td> <td style="width: 30%;">15%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>10%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>100%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>50%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>0%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>100%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	15%	Generator Installation	0%	ATCT Controls	10%	Phase 1A Sign Replacement	100%	Phase 1B Sign Replacement	50%	Phase 1C Sign Replacement	0%	Phase 1D Sign Replacement	100%
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Generator Installation	0%																	
ATCT Controls	10%																	
Phase 1A Sign Replacement	100%																	
Phase 1B Sign Replacement	50%																	
Phase 1C Sign Replacement	0%																	
Phase 1D Sign Replacement	100%																	
4. Work Completed or In Progress this Period Phase 1d sign replacements complete on TW Echo and TW Golf. Phase 1b sign replacements approximately halfway complete.																		
5a. Summary of Laboratory and Field Testing this Period (Note failing tests and any retests. Summarize out-of-tolerance.) P-401 asphalt test results received for control strip placement. Control strip approved.																		
5b. Material (Identify material subject to pay reduction.) None.																		
6. Description of Anticipated Work by Contractor for Next Period Finish Phase 1b sign replacements and begin Phase 1c sign replacements.																		
7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.) None.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 7/03/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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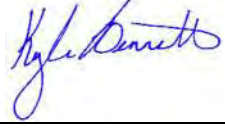
FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 Construction Progress and Inspection Report		Period Ending 07/10/22																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 47	Last Working Day Charged (Date): 7/10/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny and hot, highs in the upper 80's to mid 90's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i> <table border="1" style="margin: 10px auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td>Vault Installation</td> <td>15%</td> </tr> <tr> <td>Generator Installation</td> <td>0%</td> </tr> <tr> <td>ATCT Controls</td> <td>10%</td> </tr> <tr> <td>Phase 1A Sign Replacement</td> <td>100%</td> </tr> <tr> <td>Phase 1B Sign Replacement</td> <td>100%</td> </tr> <tr> <td>Phase 1C Sign Replacement</td> <td>100%</td> </tr> <tr> <td>Phase 1D Sign Replacement</td> <td>100%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	15%	Generator Installation	0%	ATCT Controls	10%	Phase 1A Sign Replacement	100%	Phase 1B Sign Replacement	100%	Phase 1C Sign Replacement	100%	Phase 1D Sign Replacement	100%
Estimate of Work Completed to Date (Phase 1 Only)																		
Vault Installation	15%																	
Generator Installation	0%																	
ATCT Controls	10%																	
Phase 1A Sign Replacement	100%																	
Phase 1B Sign Replacement	100%																	
Phase 1C Sign Replacement	100%																	
Phase 1D Sign Replacement	100%																	
4. Work Completed or In Progress this Period Phase 1b and Phase 1c sign replacements complete.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period Finalize all pre runway closure sign replacement activities. Resume work on ATCT controls.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Contract time suspended 6 days for days unable to work in June.																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 7/10/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

	Construction Progress and Inspection Report	Period Ending 07/17/22																
U.S. Department of Transportation Federal Aviation Administration	Airport Grant Program	Project Number 3-05-0020-050-2021																
Airport Name Fayetteville – Drake Field (FYV)																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																
1. Contract Time: 85 days	No. Days Charged to Date: 54	Last Working Day Charged (Date): 7/17/2022																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Sunny and hot, highs in the upper 80's to mid 90's																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i>																		
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Estimate of Work Completed to Date (Phase 1 Only)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Vault Installation</td> <td style="text-align: center;">15%</td> </tr> <tr> <td style="text-align: center;">Generator Installation</td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">ATCT Controls</td> <td style="text-align: center;">10%</td> </tr> <tr> <td style="text-align: center;">Phase 1A Sign Replacement</td> <td style="text-align: center;">100%</td> </tr> <tr> <td style="text-align: center;">Phase 1B Sign Replacement</td> <td style="text-align: center;">100%</td> </tr> <tr> <td style="text-align: center;">Phase 1C Sign Replacement</td> <td style="text-align: center;">100%</td> </tr> <tr> <td style="text-align: center;">Phase 1D Sign Replacement</td> <td style="text-align: center;">100%</td> </tr> </tbody> </table>			Estimate of Work Completed to Date (Phase 1 Only)		Vault Installation	15%	Generator Installation	0%	ATCT Controls	10%	Phase 1A Sign Replacement	100%	Phase 1B Sign Replacement	100%	Phase 1C Sign Replacement	100%	Phase 1D Sign Replacement	100%
Estimate of Work Completed to Date (Phase 1 Only)																		
Vault Installation	15%																	
Generator Installation	0%																	
ATCT Controls	10%																	
Phase 1A Sign Replacement	100%																	
Phase 1B Sign Replacement	100%																	
Phase 1C Sign Replacement	100%																	
Phase 1D Sign Replacement	100%																	
4. Work Completed or In Progress this Period Sign replacements completed outside of RSA at TW E west of Runway 16-34.																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> None.																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None.																		
6. Description of Anticipated Work by Contractor for Next Period The Contractor demobilized from the site June 13th. Work will resume at the time of the scheduled runway closure.																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i>																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																		

Date 7/17/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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Construction Progress and Inspection Report

**U.S. Department
of Transportation
Federal Aviation
Administration**

Airport Grant Program

Period Ending
07/17/22

Project Number
3-05-0020-050-2021

Airport Name
Fayetteville – Drake Field (FYV)

Project Description
Runway Pavement and Lighting Rehabilitation

Contractor's Name
Emery Sapp & Sons

1. Contract Time: **85 days** No. Days Charged to Date: **61** Last Working Day Charged (Date): **7/24/2022**

2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature
(On earthwork jobs, include soil conditions.)
Sunny and hot, highs in the upper 80's to mid 90's

3. Rough Estimate of Percent Completion to Date of Construction Phases (Include items such as clearing, grading, drainage, base, surface, lighting, etc.)

Estimate of Work Completed to Date (Phase 1)		Estimate of Work Completed to Date (Phase 2)	
Vault Installation	15%	Pavement Removal	0%
Generator Installation	0%	Milling	30%
ATCT Controls	10%	Crack Sealing & Paving Fabric	0%
Phase 1A Sign Replacement	100%	Runway & Taxiway Paving	0%
Phase 1B Sign Replacement	100%	Runway & Taxiway Edge Lights	10%
Phase 1C Sign Replacement	100%	Sign Replacement (in RSA)	10%
Phase 1D Sign Replacement	100%	Edge Grading & Restoration	0%

4. Work Completed or In Progress this Period
Runway 16-34 closed at 6:00PM Friday July 22nd. Contractor installed barricades and runway closure markers. Two existing storm drain crossings removed and reinstalled. Milling started on east half of runway.

5a. Summary of Laboratory and Field Testing this Period (Note failing tests and any retests. Summarize out-of-tolerance.)
Compaction of trench backfill and P209 base course complete at storm drain crossings.

5b. Material (Identify material subject to pay reduction.)
None.

6. Description of Anticipated Work by Contractor for Next Period
Milling, surface preparation, and runway paving. Electrical work on the west side of the runway to include runway edge light removal and replacement and sign removal and replacement.

7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)

SPONSOR'S INSPECTOR OR REPRESENTATIVE

Date 7/24/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION



Construction Progress and Inspection Report

U.S. Department
of Transportation
Federal Aviation
Administration

Airport Grant Program

Period Ending
07/31/22

Project Number
3-05-0020-050-2021

Airport Name
Fayetteville – Drake Field (FYV)

Project Description
Runway Pavement and Lighting Rehabilitation

Contractor's Name
Emery Sapp & Sons

1. Contract Time: **85 days** No. Days Charged to Date: **68** Last Working Day Charged (Date): **7/31/2022**

2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature
(On earthwork jobs, include soil conditions.)
Moderate to heavy rainfall on 7/29 (>1"), 7/30 (>0.5") and 7/31 (>2").

3. Rough Estimate of Percent Completion to Date of Construction Phases (Include items such as clearing, grading, drainage, base, surface, lighting, etc.)

Estimate of Work Completed to Date (Phase 1)		Estimate of Work Completed to Date (Phase 2a)	
Vault Installation	15%	Pavement Removal	50%
Generator Installation	0%	Milling	100%
ATCT Controls	10%	Crack Sealing & Paving Fabric	40%
Phase 1A Sign Replacement	100%	Runway & Taxiway Paving	20%
Phase 1B Sign Replacement	100%	Runway & Taxiway Edge Lights	35%
Phase 1C Sign Replacement	100%	Sign Replacement (in RSA)	35%
Phase 1D Sign Replacement	100%	Edge Grading & Restoration	0%

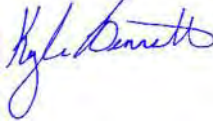
4. Work Completed or In Progress this Period
Milling completed for runway and taxiway connectors. Crack seal completed and paving fabric installed for east half of the runway. First two lanes of P-401 runway paving complete. Runway edge lights and sign replacements in progress along the west side of the runway.

5a. Summary of Laboratory and Field Testing this Period (Note failing tests and any retests. Summarize out-of-tolerance.)
P-401 asphalt testing completed for Lot 1 (first two paving lanes). Test results meet project specifications.

5b. Material (Identify material subject to pay reduction.)
None.

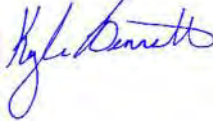
6. Description of Anticipated Work by Contractor for Next Period
Runway and taxiway paving. Electrical work to progress to the east side of the runway. Edge grading, restoration, and temporary pavement markings anticipated to start late next week.

7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)

SPONSOR'S INSPECTOR OR REPRESENTATIVE		
Date 7/31/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 

FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

 Construction Progress and Inspection Report		Period Ending 08/07/22																																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																																
Airport Grant Program																																		
Airport Name Fayetteville – Drake Field (FYV)																																		
Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
1. Contract Time: 85 days	No. Days Charged to Date: 75	Last Working Day Charged (Date): 8/07/2022																																
2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature <i>(On earthwork jobs, include soil conditions.)</i> Rainfall on 8/4 (>0.5).																																		
3. Rough Estimate of Percent Completion to Date of Construction Phases <i>(Include items such as clearing, grading, drainage, base, surface, lighting, etc.)</i>																																		
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4. Work Completed or In Progress this Period Electrical vault delivered and installed on foundation. Crack seal, paving fabric, and P-401 paving complete. Runway and taxiway edge lights complete excluding final connections. Temporary markings completed. Edge grading, sodding, and seeding underway.																																		
5a. Summary of Laboratory and Field Testing this Period <i>(Note failing tests and any retests. Summarize out-of-tolerance.)</i> P-401 asphalt testing completed for Lots 2 through 5. P-209 aggregate base tested for compaction where pavement reconstructed at Taxiway D and blast pads. All test results meet project specifications.																																		
5b. Material <i>(Identify material subject to pay reduction.)</i> None pending final profilograph and survey results.																																		
6. Description of Anticipated Work by Contractor for Next Period Finish edge grading and restoration and final electrical work on runway and taxiway edge lights. Project inspection/FOD walk followed by reopening of the runway.																																		
7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Rain days required one additional day of Contract time be added to Phase 2A. Additional day coordinated with the airport, tower, and FAA tech ops.																																		

SPONSOR'S INSPECTOR OR REPRESENTATIVE		
Date 8/7/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 

FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION



Construction Progress and Inspection Report

U.S. Department
of Transportation
Federal Aviation
Administration

Airport Grant Program

Period Ending
08/14/22

Project Number
3-05-0020-050-2021

Airport Name
Fayetteville – Drake Field (FYV)

Project Description
Runway Pavement and Lighting Rehabilitation

Contractor's Name
Emery Sapp & Sons

1. Contract Time: **85 days** No. Days Charged to Date: **76** Last Working Day Charged (Date): **8/08/2022**

2. Brief Weather Summary this Period, including Approximate Rainfall and Periods of Below Freezing Temperature
(On earthwork jobs, include soil conditions.)
No impacts to work schedule.

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Vault Installation	50%	Pavement Removal	100%
Generator Installation	0%	Milling	100%
ATCT Controls	10%	Crack Sealing & Paving Fabric	100%
Phase 1A Sign Replacement	100%	Runway & Taxiway Paving	100%
Phase 1B Sign Replacement	100%	Runway & Taxiway Edge Lights	100%
Phase 1C Sign Replacement	100%	Sign Replacement (in RSA)	100%
Phase 1D Sign Replacement	100%	Edge Grading & Restoration	100%

4. Work Completed or In Progress this Period
Runway and taxiway edge lights complete. Edge grading, sodding, and seeding complete. Runway reopened August 8th at 10:00PM CDT.

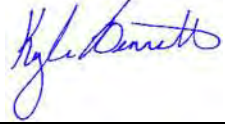
5a. Summary of Laboratory and Field Testing this Period (Note failing tests and any retests. Summarize out-of-tolerance.)
None.

5b. Material (Identify material subject to pay reduction.)

6. Description of Anticipated Work by Contractor for Next Period
None. Contract time suspended starting August 9th.

7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)

SPONSOR'S INSPECTOR OR REPRESENTATIVE

Date 8/14/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 
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Construction Progress and Inspection Report

U.S. Department
of Transportation
Federal Aviation
Administration

Airport Grant Program

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3-05-0020-050-2021

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Generator Installation	0%	Final Markings	0%
ATCT Controls	10%	Drainage Structure Replacement	0%
Phase 1A Sign Replacement	100%	Phase 2a Punch List Items	0%
Phase 1B Sign Replacement	100%		
Phase 1C Sign Replacement	100%		
Phase 1D Sign Replacement	100%		

4. Work Completed or In Progress this Period
None.

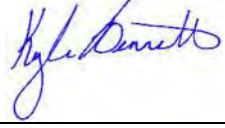
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None.

5b. Material (Identify material subject to pay reduction.)

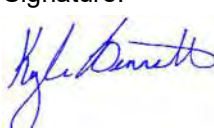
6. Description of Anticipated Work by Contractor for Next Period
Electrical subcontractor plans to work on vault equipment installation and complete preliminary work for ATCT lighting panel replacement.

7. Problem Areas/Other Comments (Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)

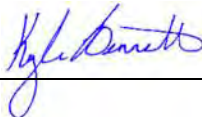
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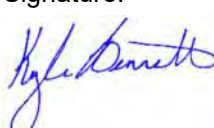
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FAA Form 5370-1 (7/21) SUPERCEDES PREVIOUS EDITION

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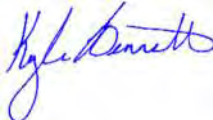
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Date 9/04/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

 Construction Progress and Inspection Report		Period Ending 12/10/23																																
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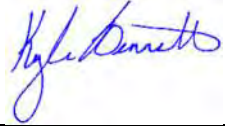
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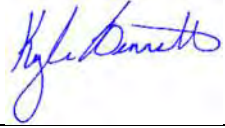
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Date 10/23/22	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

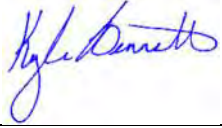
 Construction Progress and Inspection Report		Period Ending 10/30/22																																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																																
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Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
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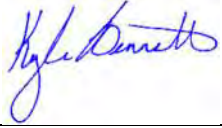
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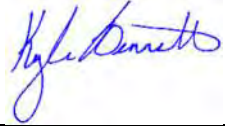
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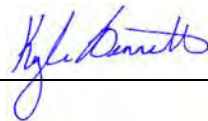
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Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
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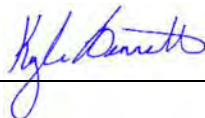
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Date 03/12/23	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

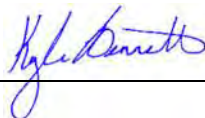
 Construction Progress and Inspection Report		Period Ending 03/19/23																																
U.S. Department of Transportation Federal Aviation Administration		Project Number 3-05-0020-050-2021																																
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Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
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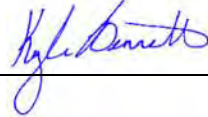
 Construction Progress and Inspection Report		Period Ending 03/26/23																																
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Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
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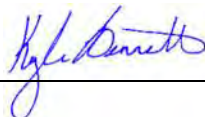
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Date 04/16/23	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

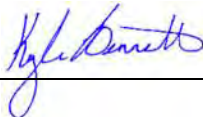
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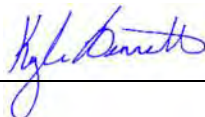
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Project Description Runway Pavement and Lighting Rehabilitation		Contractor's Name Emery Sapp & Sons																																
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7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Transfer switch needed to complete generator installation continues to be delayed/backordered. Electrical subcontractor is evaluating alternate switch configuration and alternate suppliers.																																		
SPONSOR'S INSPECTOR OR REPRESENTATIVE																																		
Date 08/06/23	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

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7. Problem Areas/Other Comments <i>(Include revisions to plans and specifications approved or denied, delays, difficulties, etc. and actions taken.)</i> Transfer switch delivery date third week of September.																																		
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Date 08/13/23	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

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Date 10/29/23	Typed or Printed Name and Title: Kyle Bennett Project Manager	Signature: 																																

Performance Report

Date Submitted: 10/15/2021

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 7/1/2021

Period End Date: 9/30/2021

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed	5/1/2022		
Airport Closure Phase Complete (Phase 2a)	8/8/2022		
Night Closure Phase Complete (Phase 2B)	10/1/2022		
Substantial Completion	11/1/2022		
Submit FAA Grant Closeout Documents	12/31/2022		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

Grant End Date: The end date of the grant period of performance; generally 1,460 days from the grant start date.

Grant Start Date: Date on which Sponsor executed the grant agreement.

Performance Goal: A target level of performance against which actual achievement can be compared (2 CFR § 200.76).

Period of Performance: Time during which the sponsor may incur new obligations to carry out project.

Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

Reporting Period: Intermediary timeframe that current report addresses.

Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

A sponsor must submit a Performance Report at least annually, but not more than quarterly, until the grant period of performance end date or upon completion of the non-construction project (2 CFR § 200.328). The FAA may require submittal of the Performance Report at a greater frequency (e.g. monthly) for a sponsors the FAA deem are at an elevated risk for non-compliance with grant terms and conditions (2 CFR §200.328 and § 200.338).

The sponsor must submit each Performance Report within 30 days of the end of the reporting period. Sponsors must not submit the Performance Reports in batches at the end of the project. If a significant development, such as a major schedule or project cost change, occurs between Performance Reports, the sponsor must notify the FAA Airport District Office ADO. The FAA ADO may require the Sponsor to submit an additional Performance Report to assure effective compliance with federal requirements.

Tracked accomplishments will vary per the type of project. The following examples list common milestones the FAA expects sponsors to monitor per specific project types. Sponsor may track additional milestones that measure project performance for their own benefit.

1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

Per FAA policy, the quarterly frequency for this report will generally provide adequate ADO monitoring for construction projects.

- The sponsor must submit FAA Form 5370-1 to the ADO for each fiscal quarter until the construction project is complete.
- The sponsor must submit each FAA Form 5370-1 within 30 days of the end of the quarter (not in batches or at the end of the project).
- The sponsor must include the certified percentage-of-completion information on FAA Form 5370-1. If not, the ADO must require the sponsor to resubmit the form with this information.
- If a major project or schedule change occurs between the reporting cycles, the sponsor must submit an out of cycle FAA Form 5370-1 to the ADO.

Performance Report

Date Submitted: 1/15/2022

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 10/1/2021

Period End Date: 12/31/2021

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed	5/1/2022		
Airport Closure Phase Complete (Phase 2a)	8/8/2022		
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Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

Grant End Date: The end date of the grant period of performance; generally 1,460 days from the grant start date.

Grant Start Date: Date on which Sponsor executed the grant agreement.

Performance Goal: A target level of performance against which actual achievement can be compared (2 CFR § 200.76).

Period of Performance: Time during which the sponsor may incur new obligations to carry out project.

Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

Reporting Period: Intermediary timeframe that current report addresses.

Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

A sponsor must submit a Performance Report at least annually, but not more than quarterly, until the grant period of performance end date or upon completion of the non-construction project (2 CFR § 200.328). The FAA may require submittal of the Performance Report at a greater frequency (e.g. monthly) for a sponsors the FAA deem are at an elevated risk for non-compliance with grant terms and conditions (2 CFR §200.328 and § 200.338).

The sponsor must submit each Performance Report within 30 days of the end of the reporting period. Sponsors must not submit the Performance Reports in batches at the end of the project. If a significant development, such as a major schedule or project cost change, occurs between Performance Reports, the sponsor must notify the FAA Airport District Office ADO. The FAA ADO may require the Sponsor to submit an additional Performance Report to assure effective compliance with federal requirements.

Tracked accomplishments will vary per the type of project. The following examples list common milestones the FAA expects sponsors to monitor per specific project types. Sponsor may track additional milestones that measure project performance for their own benefit.

1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

Per FAA policy, the quarterly frequency for this report will generally provide adequate ADO monitoring for construction projects.

- The sponsor must submit FAA Form 5370-1 to the ADO for each fiscal quarter until the construction project is complete.
- The sponsor must submit each FAA Form 5370-1 within 30 days of the end of the quarter (not in batches or at the end of the project).
- The sponsor must include the certified percentage-of-completion information on FAA Form 5370-1. If not, the ADO must require the sponsor to resubmit the form with this information.
- If a major project or schedule change occurs between the reporting cycles, the sponsor must submit an out of cycle FAA Form 5370-1 to the ADO.

Performance Report

Date Submitted: 4/15/2022

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 1/1/2022

Period End Date: 3/31/2022

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed	5/1/2022		
Airport Closure Phase Complete (Phase 2a)	8/8/2022		
Night Closure Phase Complete (Phase 2B)	10/1/2022		
Substantial Completion	11/1/2022		
Submit FAA Grant Closeout Documents	12/31/2022		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

Grant End Date: The end date of the grant period of performance; generally 1,460 days from the grant start date.

Grant Start Date: Date on which Sponsor executed the grant agreement.

Performance Goal: A target level of performance against which actual achievement can be compared (2 CFR § 200.76).

Period of Performance: Time during which the sponsor may incur new obligations to carry out project.

Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

Reporting Period: Intermediary timeframe that current report addresses.

Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

A sponsor must submit a Performance Report at least annually, but not more than quarterly, until the grant period of performance end date or upon completion of the non-construction project (2 CFR § 200.328). The FAA may require submittal of the Performance Report at a greater frequency (e.g. monthly) for a sponsors the FAA deem are at an elevated risk for non-compliance with grant terms and conditions (2 CFR §200.328 and § 200.338).

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Tracked accomplishments will vary per the type of project. The following examples list common milestones the FAA expects sponsors to monitor per specific project types. Sponsor may track additional milestones that measure project performance for their own benefit.

1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

Per FAA policy, the quarterly frequency for this report will generally provide adequate ADO monitoring for construction projects.

- The sponsor must submit FAA Form 5370-1 to the ADO for each fiscal quarter until the construction project is complete.
- The sponsor must submit each FAA Form 5370-1 within 30 days of the end of the quarter (not in batches or at the end of the project).
- The sponsor must include the certified percentage-of-completion information on FAA Form 5370-1. If not, the ADO must require the sponsor to resubmit the form with this information.
- If a major project or schedule change occurs between the reporting cycles, the sponsor must submit an out of cycle FAA Form 5370-1 to the ADO.

Performance Report

Date Submitted: 7/15/2022

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 4/1/2022

Period End Date: 6/30/2022

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)	8/8/2022		
Night Closure Phase Complete (Phase 2B)	10/1/2022		
Substantial Completion	11/1/2022		
Submit FAA Grant Closeout Documents	12/31/2022		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

Grant End Date: The end date of the grant period of performance; generally 1,460 days from the grant start date.

Grant Start Date: Date on which Sponsor executed the grant agreement.

Performance Goal: A target level of performance against which actual achievement can be compared (2 CFR § 200.76).

Period of Performance: Time during which the sponsor may incur new obligations to carry out project.

Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

Reporting Period: Intermediary timeframe that current report addresses.

Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

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1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

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Performance Report

Date Submitted: 10/15/2022

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 7/1/2022

Period End Date: 9/30/2022

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
Night Closure Phase Complete (Phase 2B)	10/1/2022		
Substantial Completion	11/1/2022		
Submit FAA Grant Closeout Documents	12/31/2022		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

Change order 01 issued to add storm water improvement and repairs within the runway RSA to project scope.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

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Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

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Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

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Tracked accomplishments will vary per the type of project. The following examples list common milestones the FAA expects sponsors to monitor per specific project types. Sponsor may track additional milestones that measure project performance for their own benefit.

1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

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- The sponsor must submit each FAA Form 5370-1 within 30 days of the end of the quarter (not in batches or at the end of the project).
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- If a major project or schedule change occurs between the reporting cycles, the sponsor must submit an out of cycle FAA Form 5370-1 to the ADO.

Performance Report

Date Submitted: 1/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 10/1/2022

Period End Date: 12/31/2022

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
Night Closure Phase Complete (Phase 2B)			11/10/2022
Substantial Completion	5/30/2023		
Submit FAA Grant Closeout Documents	7/31/2023		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

Electrical component (transfer switch) has been backordered with a reported delivery date in April 2023.

Storm drainage scope items and remaining marking and restoration work will be completed following a winter shut down period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
- ☐ Potential Impact (Check and identify below impacts to PFC, F&E or Owner-funded projects.)

Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

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Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

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1. Design Only Projects:

- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
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Construction Projects

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Performance Report

Date Submitted: 4/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 1/1/2023

Period End Date: 3/31/2023

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
Night Closure Phase Complete (Phase 2B)			11/10/2022
Substantial Completion	5/30/2023		
Submit FAA Grant Closeout Documents	7/31/2023		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

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Performance Report Terminology

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Performance Reporting Requirement

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- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
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4. Equipment (Non-construction)

- Solicit for bids
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Construction Projects

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- The sponsor must include the certified percentage-of-completion information on FAA Form 5370-1. If not, the ADO must require the sponsor to resubmit the form with this information.
- If a major project or schedule change occurs between the reporting cycles, the sponsor must submit an out of cycle FAA Form 5370-1 to the ADO.

Performance Report

Date Submitted: 7/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 4/1/2023

Period End Date: 6/30/2023

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
Night Closure Phase Complete (Phase 2B)			11/10/2022
Substantial Completion	10/31/2023		
Submit FAA Grant Closeout Documents	12/31/2023		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

Electrical component (transfer switch) delivery date delayed to September.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
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Performance Report Terminology

Baseline Schedule: Anticipated date for individual tasks the Sponsor establishes at the time of grant execution.

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Performance Goal: A target level of performance against which actual achievement can be compared (2 CFR § 200.76).

Period of Performance: Time during which the sponsor may incur new obligations to carry out project.

Potential Impact: The effect delays on this AIP project may have on other projects at the airport.

Reporting Period: Intermediary timeframe that current report addresses.

Revised Schedule: New date established for task as the result of schedule slippage.

Performance Reporting Requirement

Non-Construction Projects

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- Establishment of A/E contract
- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

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Performance Report

Date Submitted: 10/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 7/1/2023

Period End Date: 9/30/2023

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
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Submit FAA Grant Closeout Documents	12/31/2023		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

Electrical component (transfer switch) delivery date delayed to September.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

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- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
- Award of Contract
- Acceptance inspection
- Submit grant closeout documentation

Construction Projects

The FAA has determined that sponsor submittal of FAA Form 5370-1, Construction Progress and Inspection Report, satisfies the performance reporting requirement. FAA Form 5370-1 is discussed in more detail in the current version of Advisory Circular 150/5370-6, Construction Progress and Inspection Report – Airport Improvement Program (AIP). 2 CFR § 200.328 (49 CFR § 18.40) is not explicit on the frequency of performance reporting on construction projects. Per FAA policy, the sponsor must submit FAA Form 5370-1 to the ADO at least quarterly, however, the ADO has the option to require the sponsor submit these reports on a more frequent basis.

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Performance Report

Date Submitted: 1/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 10/1/2023

Period End Date: 12/31/2023

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
Night Closure Phase Complete (Phase 2B)			11/10/2022
Substantial Completion			10/27/2023
Submit FAA Grant Closeout Documents	2/28/2024		

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

Delayed receipt of final documentation from Contactor needed for closeout.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
- ☐ Potential Impact (Check and identify below impacts to other AIP funded projects.)

Impacts to Passenger Facility Charge (PFC), Facilities and Equipment (F&E) or Owner-Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to PFC, F&E, or Owner-funded projects.)
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Performance Reporting Requirement

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- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
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Performance Report

Date Submitted: 1/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 1/1/2024

Period End Date: 3/31/2024

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
Grant Agreement Executed			9/7/2021
Construction Notice to Proceed			5/9/2022
Airport Closure Phase Complete (Phase 2a)			8/9/2022
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Substantial Completion			10/27/2023
Submit FAA Grant Closeout Documents	2/28/2024	7/31/2024	

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

Coordination of grant amendment for cost overruns.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
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- Notice-To-Proceed to Architecture/Engineering (A/E) firm
- Final plans and specifications
- Submit Design Grant Closeout (SF-271, Invoices)

2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
- Review Documents Completed
- Final Signed Documents
- Submit Grant Closeout Documentation

4. Equipment (Non-construction)

- Solicit for bids
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Date Submitted: 1/15/2023

Grant Number: 3-05-0020-050-2021

Airport: Fayetteville - Drake Field (FYV)

Location: Fayetteville, Arkansas

Submitted by: Kyle Bennett, Garver

Reporting Period

Period Start Date: 4/1/2024

Period End Date: 6/30/2024

Grant Period of Performance

Grant Start Date: 9/7/2021

Grant End Date: 9/7/2025

Actual Accomplishments vs. Baseline Performance Goals

Task Item	Baseline Schedule	Revised Schedule	Completion Date
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Substantial Completion			10/27/2023
Submit FAA Grant Closeout Documents	2/28/2024	7/31/2024	

Explanation for Slippage of Goals

Provide explanation for tasks when baseline goals are not met. Provide revised schedule based on estimated impact of slippage for all subsequent task items.

No slippage this period.

Summary of Cost Overruns

Provide summary of additional costs, change orders, etc. for this period.

No cost overruns this period.

Impact to Other Airport Improvement Program (AIP) Funded Projects

(Check one)

- ☒ No Impact (Check only if there is no impact to other AIP funded projects.)
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2. Land Projects

- Complete property Closure
- Record grant with local Register of Deeds
- Submit Grant Closeout Documentation (including Exhibit A property map)

3. Planning Projects

- Establish planning consultant agreement
- Approval of Critical Design Aircraft/Forecast
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- Final Signed Documents
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MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Yolanda Fields, Comm. Resources Dir./Equity Off.
SUBJECT: **Approval of a Budget Adjustment for the Community Resources Department**

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize and budget 2023 CDBG Program Income totaling \$2,439.

BACKGROUND:

Community Resources would like to recognize program income from one lien payoff and the sale of CDBG purchased equipment on GovDeals.

DISCUSSION:

The Program Income (PI) being recognized consists of a housing rehabilitation lien payoff of \$1,095 for one property; 1846 W Lawson St. as well as \$1,344 for items sold on GovDeals. The total PI being recognized is \$2,439.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$2,439

ATTACHMENTS: SRF (#3), BA (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-307

Approval of a Budget Adjustment for the Community Resources Department

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,439.00 TO RECOGNIZE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME TO THE COMMUNITY RESOURCES DEPARTMENT

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 budget adjustment, a copy of which is attached to this Resolution, in the amount of \$2,439.00 to recognize 2023 Community Development Block Grant Program income to the Community Resources Department.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

City of Fayetteville Staff Review Form

2024-307

Item ID

7/16/2024

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

Yolanda Fields

6/26/2024

COMMUNITY RESOURCES (642)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a budget adjustment to recognize and budget 2023 CDBG program income totaling \$2,439.00.

Budget Impact:

2180.642.4940-5315.00

Community Development

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 250,563.00

Expenses (Actual+Encum)

\$ 36,537.02

Available Budget

\$ 214,025.98

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 2,439.00

Remaining Budget

\$ 216,464.98

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2024	COMMUNITY RESOURCES (642)	
	Requestor: Yolanda Fields	

Staff recommends approval of a budget adjustment to recognize and budget 2023 CDBG Program Income totaling \$2,439.00

	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-307
	Holly Black	
	6/27/2024 8:29 AM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

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MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
FROM: Yolanda Fields, Comm. Resources Dir./Equity Off.
SUBJECT: **Mayor's Signature Authority – 2024 CDBG & HOME and Budget Adjustment**

RECOMMENDATION:

Staff recommends approval of the Mayor's signature authority to execute the 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Agreements when issued by HUD. Staff also recommends approval of a budget adjustment to recognize the changes in funding.

BACKGROUND:

Fayetteville has been a CDBG Entitlement City since 1975. Fayetteville became a Participating Jurisdiction (PJ) and began receiving HOME funds in 2023. Funding is based on the HUD formula allocation process that takes into account such factors as population, percent of low/moderate income persons, and number of housing units. This formula allocation process awards CDBG and HOME funding to the City of Fayetteville. Each year, the Community Resources Department submits an Action Plan to the U.S. Department of Housing and Urban Development (HUD) outlining the proposed uses of CDBG and HOME funding. The Community Development and Assistance Programs (CDAP) Advisory Board voted at the September 27, 2023, meeting and recommended the following nonprofit subrecipients be included in the 2024 Action Plan: CASA of NWA, St James Missionary Baptist Church, and WelcomeHealth. If HUD approves the 2024 Action Plan, a CDBG Agreement and HOME Agreement will be issued by HUD. These agreements must be executed, returned to the HUD Field Office in Little Rock, and then sent to HUD in Washington D.C. for the release of funds.

DISCUSSION:

Grant amounts vary each year based upon the funding levels authorized by Congress through the annual federal budget process. The awards for 2024 are CDBG \$ \$795,284 and HOME \$413,791. The grant funding detail submitted to HUD in the 2024 Action Plan is as follows:

Community Development Block Grant (CDBG)

ADMINISTRATION	\$ 125,648
HOUSING	\$ 488,858
REDEVELOPMENT	\$ 95,778
PUBLIC SERVICES	\$ 85,000
CASA of NWA	\$ 10,000

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

St James Missionary Baptist Church	\$ 20,000	
WelcomeHealth	\$ 20,000	
SAFE Program	\$ 35,000	
CDBG Total		\$ 795,284

HOME Investment Partnership Program (HOME) **\$ 413,791**

GRAND TOTAL **\$ 1,209,075**

Approving the Mayor's authority to execute the 2024 CDBG and HOME Agreements when issued by HUD will reduce the waiting time for HUD to release the funds. This will allow for a faster start to both internal and external programs which assist low-and-moderate income residents in Fayetteville.

On November 21, 2023, City Council approved the 2024 budget including \$762,000 for CDBG and \$500,000 for HOME. The HUD CDBG award for 2024 is \$795,284, a funding increase of \$33,284. The HUD HOME award for 2024 is \$413,791, a funding decrease of \$86,209. Approval of the budget adjustment will recognize the changes.

BUDGET/STAFF IMPACT:

2024 CDBG budget increase of \$33,284; 2024 HOME budget decrease of \$86,209.

ATTACHMENTS: SRF (#3), BA (#4), GY2024 Action Plan (#5)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-310

Mayor's Signature Authority – 2024 CDBG & HOME and Budget Adjustment

A RESOLUTION TO APPROVE THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN (CDBG), TO AUTHORIZE MAYOR JORDAN TO EXECUTE THE CDBG AND HOME GRANT AGREEMENTS FOR 2024 WHEN RECEIVED IN THE TOTAL AMOUNT OF \$1,209,075.00, 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 approves the 2024 Community Development Block Grant Plan and authorizes Mayor Jordan to execute the 2024 Community Development Block Grant Agreement and HOME Investment Partnerships Program Agreement in the total amount of \$1,209,075.00 when received, as shown below:

Administration	\$125,648.00
Housing Program	\$488,858.00
Court Appointed Special Advocates of NWA	\$ 10,000.00
Welcome Health	\$ 20,000.00
Redevelopment Program	\$ 95,778.00
St. James Missionary Baptist Church	\$ 20,000.00
SAFE Program	\$ 35,000.00
Home Investments Partnership Program	\$413,791.00
Total	\$1,209,075.00

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

2024-310

Item ID

7/16/2024

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

Yolanda Fields

6/26/2024

COMMUNITY RESOURCES (642)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the Mayor's signature authority to execute the 2024 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Agreements when issued by HUD. Staff also recommends approval of a budget adjustment to recognize the changes in funding.

Budget Impact:

2180.642.4940-5315.00

2180.642.4920-5315.00

Community Development

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 1,000,563.00

Expenses (Actual+Encum)

\$ 36,537.02

Available Budget

\$ 964,025.98

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ (52,925.00)

Remaining Budget

\$ 911,100.98

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

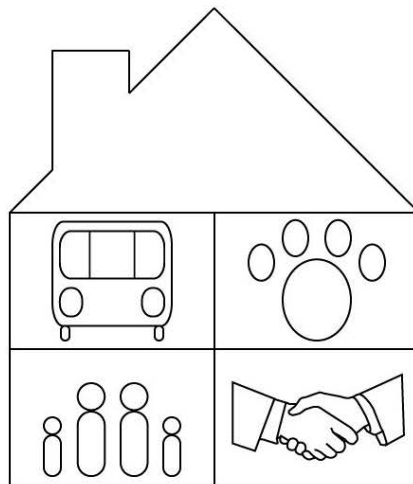
Budget Year	Division	Adjustment Number
2024	COMMUNITY RESOURCES (642)	
	Requestor: Yolanda Fields	

Staff recommends approval of a budget adjustment to recognize the changes in 2024 CDBG and HOME funding.

	COUNCIL DATE:	7/16/2024
	ITEM ID#:	2024-310
	Holly Black	
	6/27/2024 8:00 AM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
GLDATE:		
CHKD/POSTED:	/	
RESOLUTION/ORDINANCE		

v.2024624

City of Fayetteville



**CDBG
HOME**

Year 4 Action Plan (2024)

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Annual Action Plan (AAP) is one of the requirements for the City of Fayetteville to receive funds through the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for entitlement cities and for the HOME Investment Partnership Program (HOME).

This AAP was developed from the 2021-2025 Consolidated Plan (Con Plan) needs assessment for low- and moderate-income residents. While the needs identified in the Con Plan exceed the funding available to address all of them; the City of Fayetteville addresses the identified needs as fully as possible. The 2024 AAP will detail how the City of Fayetteville plans to address the identified needs during the current grant year.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The 2021-2025 ConPlan documents the needs assessment, market analysis, consultation with community stake holders, and past performance that were all utilized to develop the priority needs for the City of Fayetteville.

The priority needs for CDBG are housing, redevelopment, public services, and public facilities. Housing will focus on maintaining the affordable housing stock/preventing homelessness through rehabilitation and repair of LMI owner-occupied homes. Redevelopment provides code compliance assistance for LMI homeowners who are financially and/or physically unable to correct code violations. Public services and public facilities are funded through a competitive grant process with the Community Development and Assistance Programs (CDAP) Advisory Board recommending which projects will be included in the annual action plan if requests exceed available funding.

The priority needs for the HOME funds will be to expand the availability of affordable housing.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Each year, the City is required to submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD, reporting on the activities that were funded with CDBG and HOME, the amount spent, and the beneficiaries assisted. The City submits the required reports annually and HUD has accepted the reports each year. In addition to meeting HUD requirements, the CAPER provides the City with an opportunity to review past performance and utilize the information as a component of determining future needs.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The City of Fayetteville CDBG and HOME activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff and special purpose committees; input from community stakeholders is sought and integrated into designating action priorities. In addition, a Community Development Outreach Quarterly publication serves to inform the community of current and future program projects and services. The Outreach Quarterly is distributed electronically to those who sign up. We realize that even in our connected age not everyone has access to the internet; therefore, the Outreach Quarterly is also distributed in printed form to more than 50 locations throughout our community. The Outreach Quarterly also provides the community with program contact information so that community members can get more information as well as provide feedback/input. We host and participate in community events to both provide information about the programs we offer and to receive input from citizens regarding our programs and community needs.

A summary of the Action Plan and Budget were published, in conjunction with announcing the public comment period and a public hearing, in the Northwest Arkansas Democrat Gazette on May 19 and May 26, 2024. It was also published in the May 29th issue of La Prensa Libre (Spanish language weekly). Finally, the information was posted to the City's website at <https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG> throughout the public comment period. The public comment period ran from May 20, 2024 to June 18, 2024. A public hearing was held on June 5, 2024 at 5:30 pm. A draft of the Year 4 Action Plan was made available to the public on-line at <https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG>, in the Community Resources Office, and emailed by request throughout the public comment period.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

A public comment period for the GY2024 Action Plan was held from May 20, 2024 to June 18, 2024. A Public Hearing was held at 5:30 p.m. on Wednesday June 5, 2024. There were no public comment(s) received

6. Summary of comments or views not accepted and the reasons for not accepting them

There were no comments or views submitted that were not accepted.

7. Summary

The City of Fayetteville has completed the 2024 Action Plan according to HUD requirements. The funding decisions have been guided by the needs assessment, market analysis, census data, consultation and partnership with service providers, public input, and past performance data as detailed in the 2021-2025 Con Plan and the 2023 CAPER.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	FAYETTEVILLE	Community Resources Department
HOME Administrator	FAYETTEVILLE	Economic Vitality Department

Table 1 – Responsible Agencies

Narrative (optional)

The City of Fayetteville is the Lead Agency for the City of Fayetteville CDBG Entitlement and HOME funds. The Community Resources Department is the administrator of the CDBG funds, and the Economic Vitality Department is the administrator of HOME funds for the City of Fayetteville.

Consolidated Plan Public Contact Information

Yolanda Fields, CGFM Community Resources Director/Equity Officer can receive inquiries/comments regarding the Consolidated Plan. She can be reached by: Email - yfields@fayetteville-ar.gov, Phone - 479.575.8290, or Mail - City of Fayetteville, Community Resources Department, Attn: Yolanda Fields, 113 W Mountain St, Fayetteville AR 72701.

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Fayetteville strives to connect with all entities in our community; especially those that work with the LMI population. Community Resources recognizes that it takes input from throughout the community to identify community needs and determine areas where services can be enhanced. While the City currently uses a variety of methods to reach out to the community, such as the outreach quarterly, community events, outreach activities, participation in area boards/committees, etc.; we also continue to explore new ways of increasing participation with individuals, organizations, and businesses.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City of Fayetteville Community Resources Department uses a variety of methods/activities to enhance coordination.

Community Resources organizes community events throughout the year to both provide information about our programs and receive feedback from the community. One example is the annual CDBG in the Park event which brings together community members, local agencies and the City's CDBG programs. We encourage local service providers to participate in these events, as they are free of charge to them and thus an effective way to reach out to the community. Community Resources also participates in community events put on by other organizations. Community events serve multiple purposes including; enhancing coordination between agencies, getting information out to the community, and providing the community opportunities to ask questions and provide input on community needs.

All Community Resources staff and members of the Community Development and Assistance Programs (CDAP) Advisory Board work to engage with the community and raise awareness of our programs. We have recently designated a staff member as a Community Ambassador who, in addition to their other duties, seeks out opportunities weekly to attend events, meetings, etc. of local groups to provide information about our programs and share ways they can support our efforts.

Outreach presentations are another way to enhance coordination and Community Resources does presentations at a variety of organizations and is always looking for new locations to expand to. We do presentations to organization staff, clientele, or both; depending upon the needs of the organization. These presentations ensure that local organizations and/or the organization's clients know the resources that are offered through CDBG and provide an opportunity for organizations/individuals to share what their needs are.

The subrecipient grant process brings many of the local service providers to the table through the grant workshop and subsequent grant application process. Discussion at the grant workshop and the grant applications provide information on what the current needs of various providers in the community are. Technical assistance is provided throughout the year to current and potential subrecipients and is another method of finding out what the needs of the community are.

The HOME coordination efforts will be developed as part of program implementation.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Fayetteville is an active member of the Northwest Arkansas Continuum of Care (NWA CoC). We attend CoC board meetings, membership meetings, and participate with the other members in local efforts address the needs of the homeless and potential homeless in our community and Northwest Arkansas as a whole. We participate in the CoC led annual Point In Time and Homeless Inventory counts. The NWA CoC is the lead agency for the NWA application for HUD Continuum of Care funds which the City of Fayetteville receives for the Hearth Program. The Hearth Program provides Permanent Supportive Housing to the homeless and chronically homeless in Fayetteville. We also consult with the CoC and member agencies, whenever requested, to address specific community needs. Community Resources staff participate in the weekly CoC Case Conferencing meetings and monthly Coordinated Entry meetings.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Fayetteville provides input to the NWA Continuum of Care (CoC) at the CoC meetings. We attend board meetings, membership meetings, and participate in subcommittees where decisions are made regarding the development and implementation of performance standards, policies and procedures, and other areas related to addressing the needs of homeless persons in NWA. We also participate in the development of the NWA CoC strategic plan.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Arts Live Theatre
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Arts Live Theatre (ALT) through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and involvement in community activities/events.
2	Agency/Group/Organization	Arkansas Dept. of Health - Office of Minority Health
	Agency/Group/Organization Type	Health Agency Other government - State
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Diversity, Equity, and Inclusion
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with AR Dept. of Health - Office of Minority Health through community work groups.
3	Agency/Group/Organization	Big Brothers Big Sisters of Northwest Arkansas, Inc.
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with BBBS of NWA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
4	Agency/Group/Organization	CASA of Northwest Arkansas
	Agency/Group/Organization Type	Services-Children Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with CASA of Northwest Arkansas through their participation in the Subrecipient Grant process and through involvement in community activities/events.
5	Agency/Group/Organization	Central United Methodist Church
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Central United Methodist Church (Genesis Church) through their participation in the NWA CoC, NWA CoC Case Conferencing, Subrecipient Grant process and through involvement in community activities/events.

6	Agency/Group/Organization	Community Clinic NWA
	Agency/Group/Organization Type	Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Community Clinic NWA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
7	Agency/Group/Organization	Credit Counseling of Arkansas, Inc
	Agency/Group/Organization Type	Services - Housing Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Housing & Credit Counseling Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with CCOA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
8	Agency/Group/Organization	Donald W Reynolds Boys & Girls Club of Fayetteville
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Boys & Girls Club through their participation in the Subrecipient Grant process and through involvement in community activities/events.
9	Agency/Group/Organization	Elizabeth Richardson Center
	Agency/Group/Organization Type	Services-Children Services-Persons with Disabilities Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Elizabeth Richardson Center (ERC) through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and involvement in community activities/events.
10	Agency/Group/Organization	EngageNWA
	Agency/Group/Organization Type	Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Diversity, Equity, and Inclusion
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the EngageNWA through participation in meetings and their diversity, equity, and inclusion work.

11	Agency/Group/Organization	Economic Opportunity Agency of Washington County (EOAWC)
	Agency/Group/Organization Type	Services-Children Services-Education Community Action Agency - LIHEAP
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with EOA through their participation in the CDBG Public Facility Lease Program (Ellen Smith Head Start), the Subrecipient Grant process and involvement in community activities/events.
12	Agency/Group/Organization	Fayetteville Fire Department
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Fire Department is active in the community and a source of information regarding community needs.
13	Agency/Group/Organization	Fayetteville Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homelessness Needs - Veterans

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the Fayetteville Housing Authority through the consulting/sharing of their 5-year annual plans; as well as, their participation in the NWA CoC, the Subrecipient Grant process and involvement in community activities/events.
14	Agency/Group/Organization	Fayetteville Planning Division
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Planning Division is involved with the community and a source of information regarding community needs.
15	Agency/Group/Organization	Fayetteville Police Department
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Police Department is active in the community and a source of information regarding community needs. Fayetteville PD has also created a Crisis Intervention Response Team (CIRT) that utilizes Social Services Advocates and non-uniform police to respond to those facing crisis in the community and connect them with community resources. The CIRT has collaborated with our department and are an additional source of information regarding community needs.
16	Agency/Group/Organization	Fayetteville Senior Activity and Wellness Center
	Agency/Group/Organization Type	Services-Elderly Persons

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Senior Activity & Wellness Center through their participation in the Subrecipient Grant process and through involvement in community activities/events.
17	Agency/Group/Organization	Fayetteville Veterans Affairs
	Agency/Group/Organization Type	Other government - Federal
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the VA through participation in the NWA Continuum of Care and through involvement in community activities/events.
18	Agency/Group/Organization	Habitat for Humanity of Washington County
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Habitat for Humanity through their participation in the Subrecipient Grant process and through involvement in community activities/events.

19	Agency/Group/Organization	Hark at Excellerate Foundation
	Agency/Group/Organization Type	Services - Housing Services-homeless Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Hark through partnership, involvement with housing and homelessness, participation in the NWA CoC, and through involvement in community activities/events.
20	Agency/Group/Organization	Havenwood Transitional Housing Facility
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Havenwood through participation in the NWA Continuum of Care, NWA CoC case conferencing/coordinated entry meetings, and through involvement in community activities/events

21	Agency/Group/Organization	LifeSource International
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with LifeSource through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and through involvement in community activities/events.
22	Agency/Group/Organization	Magdalene Serenity House
	Agency/Group/Organization Type	Services - Housing Services - Trauma, Additions, & incarceration
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Magdalene Serenity House through their participation in the Subrecipient Grant process and through involvement in community activities/events.
23	Agency/Group/Organization	NWA Continuum of Care
	Agency/Group/Organization Type	Regional organization

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The NWA Continuum of Care (CoC) is consulted through participation as a member of the group, having a seat on the board, partnerships & interactions with other member agencies and through involvement in community activities/events.
24	Agency/Group/Organization	OneCommunity
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with OneCommunity through their participation in the Subrecipient Grant process and through involvement in community activities/events.
25	Agency/Group/Organization	Ozark Guidance
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Ozark Guidance through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
26	Agency/Group/Organization	Peace at Home Family Shelter
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Peace at Home through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
27	Agency/Group/Organization	St James Baptist Church
	Agency/Group/Organization Type	Services - Food Insecurity
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with St. James Missionary Baptist Church through their participation in the Subrecipient Grant process and through involvement in community activities/events.

28	Agency/Group/Organization	The Salvation Army-Fayetteville
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with The Salvation Army through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
29	Agency/Group/Organization	Seeds that Feed
	Agency/Group/Organization Type	Services - Food Insecurity
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Seeds that Feed through their participation in the Subrecipient Grant process and through involvement in community activities/events.
30	Agency/Group/Organization	7hills Homeless Center
	Agency/Group/Organization Type	Services - Housing Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with 7hills Homeless Center through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
31	Agency/Group/Organization	Sources
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Sources for Independent Living through their eligibility to participate in the Subrecipient Grant process and through involvement in community activities/events.
32	Agency/Group/Organization	UAMS NW Regional Campus
	Agency/Group/Organization Type	Health Agency
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with UAMS through their participation in the Subrecipient Grant process and through involvement in community activities/events.
33	Agency/Group/Organization	Washington County Health Unit - Fayetteville
	Agency/Group/Organization Type	Services-Persons with HIV/AIDS Services-Health Health Agency Other government - State
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the Washington County Health Unit as needed and through involvement in community activities/events.
34	Agency/Group/Organization	Welcome Health
	Agency/Group/Organization Type	Services-Health Services-Education Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with WelcomeHealth through their participation in the Subrecipient Grant process and through involvement in community activities/events.
35	Agency/Group/Organization	Yvonne Richardson Community Center - YRCC
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with YRCC through their participation in the Subrecipient Grant process and through involvement in community activities/events.

Identify any Agency Types not consulted and provide rationale for not consulting

There are no agency types, that we are aware of, in our community that were not consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	NWA Continuum of Care	The City of Fayetteville Community Resources Department takes needs identified by the NWA CoC into account as part of the development of the Consolidated Plan.
Fayetteville Housing Authority Plan	Fayetteville Housing Authority	The goal overlap can vary from year to year. The City of Fayetteville receives a copy of the FHA plan annually to ensure consistency with the City's Consolidated Plan.

Table 3 – Other local / regional / federal planning efforts

Annual Action Plan
2024

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Narrative (optional)

We work with all departments/divisions of the City; however, there are three that work closely with us in regard to the Consolidated Plan. The Fayetteville Police Department, Fayetteville Fire Department and the Planning Division are three city areas that are out in the community and interacting with citizens on a regular basis allowing them to see and hear needs of the community. The information that they provide is taken into account when developing the Consolidated Plan.

At the state level we work closely with our HUD Little Rock Field Office. We utilize the expertise and technical assistance available as needed. The good relationship we have with the Field Office led to the City taking on the Fayetteville SNAPS grants in 2016 when a local non-profit determined that they were no longer able to do so. We are using CDBG as match for the SNAPS funds that are being utilized to provide housing to homeless and chronically homeless in Fayetteville.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Fayetteville CDBG activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, city staff, and special purpose committees; input from community stakeholders is sought and integrated into designating action priorities. In addition, a Community Development Outreach Quarterly publication serves to inform the community of current and future program projects and services. The Outreach Quarterly is emailed to those who sign up and is available on the City website. We realize that, even in our connected age, not everyone has access to the internet; therefore, the Outreach Quarterly is also distributed in printed form to more than 50 locations in our community. The Outreach Quarterly provides the community with program contact information so they can provide feedback/input. We implement and participate in community events to both provide information about the programs we offer and to receive input from citizens about our programs and community needs.

A summary of the Action Plan and Budget was published in conjunction with, announcing the public comment period and a public hearing for the Consolidated Plan, in the Northwest Arkansas Democrat Gazette on May 19, 2024 and May 26, 2024. It was also published in the May 29th and June 12th issues of the weekly publication La Prensa Libre (Spanish language newspaper). It was also announced on City social media. Finally, the information was posted to the City's website at <http://www.fayetteville-ar.gov> throughout the public comment period. The public comment period ran from May 20, 2024 to June 18, 2024. A public hearing was held on June 5, 2024 at 5:30 pm. A draft of the Year 4 Action Plan was made available to the public on the City website and by request throughout the public comment period.

Community Resources reviews our citizen participation process regularly and seeks opportunities to expand community access and increase citizen participation.

Organizations in the community seeking funding assistance receive technical support throughout the Subrecipient Grant Process. This begins in August with a mandatory grant workshop for all entities seeking funding for the upcoming year. The grant workshop provides all organizations that want to submit an application with a walk through of the grant application and an opportunity to ask questions and provide input. Those applicants included in the Action Plan receive technical support throughout the grant year to answer any questions and provide support/assistance throughout the entire time they are receiving CDBG funds. Technical assistance is also offered September - July to potential

applicants that want to learn more about the subrecipient grant program. Technical assistance is not offered in August during the grant application process timeframe.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-English Speaking - Specify other language: Spanish (La Prensa Libre weekly paper) Non-targeted/broad community	There isn't a method to track how many people see the ads.	Comments received are summarized in the public hearing section below.	There were no comments provided that were not accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Internet Outreach	Non-targeted/broad community	We utilize the City of Fayetteville website, social media, and the Community Resources Department Facebook page (Ranger's Pantry Pet Food Bank) to announce public comment periods and public hearing dates. We also utilize the City of Fayetteville website to post copies of the current Action Plan and CAPER making them accessible to the community for review and comment.	Comments received are summarized in the public hearing section below.	There were no comments provided that were not accepted.	https://www.fayetteville-ar.gov/ and https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	A public hearing was held on Wednesday June 5, 2024 at 5:30 pm. The hearing was attended by 4 people. We have tried a variety of means to increase participation and continue to explore new ways to generate interest. The City has excellent response/attendance at our community events and continues working toward better response to our public hearings.	There were no comments received by the deadline on the Year 4 Action Plan. The comment period summary is in the attachments.	There were no comments provided that were not accepted.	

4	Outreach Quarterly (newsletter)	Minorities Non-targeted/broad community Residents of Public and Assisted Housing Homeless, Senior Citizens	The Community Resources Outreach Quarterly includes information on any upcoming activities, including the Consolidated Plan, Action Plan, and CAPER public comment periods. There is no method of tracking how many people provide responses due to the Outreach Quarterly. The 50+ locations where print copies of the newsletter are distributed reach segments of the population that may not have easy access to the internet or the local paper.	Comments received are summarized in the public hearing section above.	There were no comments provided that were not accepted.	
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Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Fayetteville recognizes that there are fluctuations in the annual allocation of CDBG funds and in the amount of program income taken in annually. We prepared our initial (estimated) annual budget with the knowledge that there would be adjustments made when notification of the actual allocation is received. The information below is based in the actual 2024 annual allocation.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	795,284	0	0	795,284	734,600	Actual funding for 2024 (Year 4) is shown on the Annual Allocation line. The Remainder of the Con Plan, Year 5 (2025), estimate is based on the 2024 (Year 4) actual allocation amount.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	413,791	0	0	413,791	611,493	HOME funding was not received until Year 3 (2023) of the current ConPlan. The Expected Amount Available Remainder of ConPlan (Year 5) is an estimated amount based on the Year 4 actual amount.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The CDBG program does not have a match requirement. There are times when subrecipients are able to utilize their CDBG award to leverage additional funding into their programs. The Hearth Program Case Managers are funded through CDBG which is used as match for the SNAPS grants that provide housing assistance to the formerly homeless.

HOME is in the developmental stage for Fayetteville and does not require ongoing match. The City did provide the funding to meet the HOME year one threshold requirement. As the Fayetteville HOME program evolves there may be instances when CHDOs are able to utilize their HOME funding allocation to leverage additional funding into their project.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Fayetteville has four properties that were purchased with CDBG funds and are utilized in our CDBG Public Facility Lease Program. When one of the four buildings become available they are offered through a competitive application process to local non-profits that benefit exclusively or primarily LMI residents of Fayetteville. Applicants must show that their utilization of the property fits within HUD Guidelines and will benefit the LMI population. Upon being awarded a CDBG Public Facility Lease the non-profit signs an agreement leasing the property for \$1/year with the understanding that they are responsible for utilities, insurance, and routine maintenance/upkeep on the property.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Administration and Planning	2021	2025	Administration and Planning		Administration and Planning	CDBG: \$125,648	
2	Housing	2021	2025	Affordable Housing		Housing	CDBG: \$488,858	Homeowner Housing Rehabilitated: 10 Household Housing Unit
3	Redevelopment	2021	2025	Affordable Housing		Redevelopment	CDBG: \$95,778	Housing Code Enforcement/Foreclosed Property Care: 5 Household Housing Unit
4	Public Services	2021	2025	Homeless Non-Homeless Special Needs Non-Housing Community Development		Public Services	CDBG: \$85,000	Public service activities other than Low/Moderate Income Housing Benefit: 412 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Public Facilities	2021	2025	Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development		Public Facilities	CDBG: \$0	
6	Affordable Housing	2023	2025	Affordable Housing		Affordable Housing	HOME: \$413,791	Homeowner Housing Added: 3 Household Housing Unit

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Administration and Planning
	Goal Description	Administration and Planning funds are used for a portion of the salary and benefits of the Community Resources Director, administrative staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. CDBG funds allocated - \$125,648. Location: 100 W Rock Street Suite 160, Fayetteville, Arkansas 72701.

2	Goal Name	Housing
	Goal Description	The Housing Program provides housing rehabilitation and repairs to low and moderate income persons in owner-occupied housing. The rehabilitation services are offered up to \$30,000 on a single property. The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices and/or replace principal fixtures and components. CDBG funds allocated - \$488,858 which includes salary and program delivery costs for management and oversight of all housing programs; including the Hearth Program case managers. Ten households to be served with rehabilitation/repair of owner-occupied homes. Location: Citywide, when there is a waiting list applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include: very low income, elderly, disabled, single-parent household, and lead-based paint hazards in home.
3	Goal Name	Redevelopment
	Goal Description	Program activities conducted throughout Fayetteville, include code compliance, clearance and demolition, and when funds are available land acquisition for attainable housing. Five households to be served. CDBG funds allocated - \$95,778 which includes salary and program delivery costs for management and oversight of all goal related activities. Location: Throughout the City of Fayetteville.
4	Goal Name	Public Services
	Goal Description	Providing public services to LMI residents through internal programming and the Subrecipient Grant Program for non-profits providing services to Fayetteville residents. In the 2024 (Year 4) Action Plan there will be one (1) internal project and three (3) external subrecipients funded for a total of \$85,000. The internal project is the SAFE Program - \$35,000 and the subrecipients in 2024 (Year 4) are: CASA of NWA - \$10,000; St. James Missionary Baptist Church - \$20,000; and WelcomeHealth - \$20,000. Public services allocations were made taking the funding cap into consideration.

5	Goal Name	Public Facilities
	Goal Description	Public facility projects assist with renovation and development of facilities utilized by local non-profit organizations to provide services to LMI Fayetteville residents. The GY2024 (Year 44) plan does not have any public facility projects at this time.
6	Goal Name	Affordable Housing
	Goal Description	Expand the availability of affordable housing through two possible strategies, the construction of new affordable housing with CHDOs and/or utilizing HOME funding to partner with CHDOs on existing projects to expand affordable housing. Three households to be served. HOME funds allocated - \$413,791. Location: Citywide

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Fayetteville Priority Needs and the Subrecipient Grant Process determined the internal and subrecipient projects to be included in the Annual Action Plan for GY2024 (Year 4). The projects listed below are the City of Fayetteville and Subrecipient projects that will be undertaken in GY2023.

Projects

#	Project Name
1	Administration and Planning 2024
2	Housing Program 2024
3	Redevelopment Program 2024
4	SAFE Program PS 2024
5	CASA of NWA PS 2024
6	St. James Missionary Baptist Church PS 2024
7	WelcomeHealth PS 2024
8	Affordable Housing 2024

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

AP-38 Project Summary
Project Summary Information

1	Project Name	Administration and Planning 2024
	Target Area	
	Goals Supported	Administration and Planning
	Needs Addressed	Administration and Planning
	Funding	CDBG: \$125,648
	Description	Administration and Planning funds are used for a portion of the salary and benefits of the Community Resources Director, administrative staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	Funding for administration and planning costs of the grant are allowed for CDBG. CDBG rules do not require that beneficiaries be reported for administration and planning activities; therefore, there is not a goal outcome indicator selected.
	Location Description	Administration and planning activities occur at the Community Resources office located at 100 W Rock Street Suite 160, Fayetteville AR 72701.
2	Planned Activities	Administration and planning activities necessary to provide program oversight, implementation, and planning.
	Project Name	Housing Program 2024
	Target Area	
	Goals Supported	Housing
	Needs Addressed	Housing
	Funding	CDBG: \$488,858
	Description	The Housing Program does rehabilitation and repair to bring low- and moderate- income owner occupied residences in Fayetteville up to city code, increase energy efficiency, and address lead-based paint issues.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	We estimate that 10 housing rehabilitation/repair projects will be completed on LMI owner-occupied homes.

	Location Description	Citywide, when there is a waiting list, applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include: very low income, elderly, disabled, single-parent household, and lead-based paint hazards in the home.
	Planned Activities	The Housing Program will provide housing rehabilitation/repair to qualified applicants. The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices, and/or replace principal fixtures and components.
3	Project Name	Redevelopment Program 2024
	Target Area	
	Goals Supported	Redevelopment
	Needs Addressed	Redevelopment
	Funding	CDBG: \$95,778
	Description	Code compliance assistance provided to low- and moderate- income owner-occupied properties in the City of Fayetteville.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	We estimate providing redevelopment to 5 LMI owner-occupied households.
	Location Description	Citywide
	Planned Activities	The Redevelopment Program will provide code compliance assistance to qualified applicants. The program provides labor, project management, and other associated costs to bring a property into compliance with City codes.
4	Project Name	SAFE Program PS 2024
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$35,000

	Description	The SAFE (Shelter Assistance From Extreme Weather) Program will provide sheltering services for the Fayetteville unsheltered community during times of extreme weather. The SAFE Program is implemented in collaboration with local homeless service providers.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	We estimate the SAFE Program will assist 100 unsheltered individuals in Fayetteville during periods of extreme weather.
	Location Description	Services will be provided in Southeast Fayetteville where local homeless service providers are located.
	Planned Activities	The SAFE Program will provide extra emergency sheltering for people who are homeless during periods of weather that threaten the health and safety of homeless individuals and families in our community when there is not sufficient emergency sheltering capacity. The program is designed to fund time-limited, temporary sheltering. It will not provide funding for sheltering outside of weather related emergencies.
5	Project Name	CASA of NWA PS 2024
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$10,000
	Description	The CASA (Court Appointed Special Advocates) of Northwest Arkansas program will be provided with a portion of the costs to provide advocacy to foster children in Fayetteville. Children in this program have experienced potentially life-threatening abuse or neglect which led to removal from the home and placement into foster care.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	CASA of NWA projects serving 25 foster children in Fayetteville.
	Location Description	Citywide; the child is visited at the foster home they have been placed in. Foster homes are located throughout the community.

	Planned Activities	Each child will be visited in their foster home at least once per month. In addition, each child will receive 5-10 hours of advocacy each month to ensure the child is safe, happy, and receiving the appropriate medical, psychological, and educational services. This advocacy also reduces the number of placements (and subsequent trauma) a foster child experiences prior to finding a permanent home.
6	Project Name	St. James Missionary Baptist Church PS 2024
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$20,000
	Description	St. James Missionary Baptist Church will be provided with funding to support their efforts to address food insecurity in Fayetteville
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	St. James Missionary Baptists projects serving 200 Fayetteville beneficiaries.
	Location Description	St. James Missionary Baptist Church operates their food pantry out of the Squire Jehagen Outreach Center located at 115 S Willow Avenue, Fayetteville AR.
	Planned Activities	St. James Missionary Baptist Church will address food insecurity by allowing individuals access to healthy, nutritious, and culturally appropriate food utilizing an order ahead platform.
7	Project Name	WelcomeHealth PS 2024
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$20,000
	Description	WelcomeHealth will provide access to free medical and dental care to uninsured or underinsured low-income families.
	Target Date	12/31/2024

	Estimate the number and type of families that will benefit from the proposed activities	WelcomeHealth estimates that 87 LMI uninsured or underinsured individuals will be assisted.
	Location Description	Medical and dental care will be provided at WelcomeHealth located at 1100 N Woolsey Avenue, Fayetteville AR.
	Planned Activities	WelcomeHealth will provide access to free medical and dental care to uninsured or underinsured low-income families in Fayetteville. Medical services will include (but not be limited to) primary care, health promotion, disease prevention, patient education, mental health counseling and some specialty care. Dental care will include dental exams, x-rays, fillings or extractions, dental hygiene cleanings and education, fluoride treatments and sealants.
8	Project Name	Affordable Housing 2024
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$413,791
	Description	Expand the availability of affordable housing through two possible strategies, the construction of new affordable housing with CHDOs and/or utilizing HOME funding to partner with CHDOs on existing projects to expand affordable housing.
	Target Date	12/31/2024
	Estimate the number and type of families that will benefit from the proposed activities	We estimate three LMI households will be served.
	Location Description	Citywide - actual location(s) tbd.
	Planned Activities	Expand the availability of affordable housing through two possible strategies, the construction of new affordable housing with CHDOs and/or utilizing HOME funding to partner with CHDOs on existing projects to expand affordable housing. Specific activities will be identified as this new program is developed.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Funding for all projects is citywide as the LMI population of Fayetteville can be found throughout the city.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Fayetteville feels that it is important to reach as much of the LMI population as possible through the projects funded with CDBG funds. Allocations to projects that are available to all LMI residents meet this goal.

The basis for allocating investments geographically utilizing HOME funds will be determined as the program is developed.

Discussion

There have been projects in the past that have targeted specific areas of the community and could be again in the future. The current needs of the community are best met by the projects included in the Action Plan and they are available to LMI residents throughout the City.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

As detailed in the Con Plan maintaining the affordable housing stock/preventing homelessness is a priority for the City of Fayetteville. This is accomplished through housing rehabilitation/repair to LMI owner-occupied homes. Emphasis is placed on bringing homes into compliance with State and City Codes, improving energy efficiency, alleviating deferred maintenance conditions, providing safety devices, and when needed addressing lead-based paint issues.

The addition of HOME funds in 2023 will expand the City's efforts to address affordable housing as the HOME program is developed and implemented.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	13
Special-Needs	0
Total	13

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	3
Rehab of Existing Units	10
Acquisition of Existing Units	0
Total	13

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The one-year goal for households (10) to be provided through CDBG housing rehabilitation/repair was determined by the ConPlan and looking at prior years' project numbers.

We anticipate supporting 3 households with HOME funds through the production of new units working with a CHDO. However, since this is a new program the possibility exists that the support type could change as the actual program is developed.

AP-60 Public Housing – 91.220(h)

Introduction

The Fayetteville Housing Authority is the public housing provider in Fayetteville. The Fayetteville Housing Authority has the following programs: Public Housing, Project Based Rental Assistance, Housing Choice Vouchers (Section 8), and HUD/VASH.

Actions planned during the next year to address the needs to public housing

The City of Fayetteville Annual Plan does not have actions specific to public housing in GY2024. The actions planned by the Fayetteville Housing Authority are delineated in the Public Housing sections of the ConPlan.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The City of Fayetteville CDBG is not directly involved with these activities; however, through consultation with the Fayetteville Housing Authority and access to their 5-year plan we are aware of activities designed to increase resident involvement. Hillcrest Tower (elderly and disabled) has an active Resident Council that meets regularly. CDBG staff does periodic presentations to this council to provide information about programs we provide and to give residents an opportunity to share information/thoughts/needs with us. The two family complexes (Willow Heights and Lewis Plaza) have implemented neighborhood watch programs in cooperation with the Fayetteville Police Department which will increase resident involvement in keeping their complexes safe. The FHA 5-year plan indicates they have a goal to implement homeownership programs.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Fayetteville Housing Authority is not designated as troubled.

Discussion

The Fayetteville Housing Authority is an important component of meeting the housing needs of Fayetteville. The City of Fayetteville will continue to support and work with the Fayetteville Housing Authority, including FHA having the option to apply for assistance through the competitive Subrecipient Grant Application process.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Fayetteville recognizes the need for homeless and other special needs activities in our community. Participation in the NWA Continuum of Care, consultation/partnership with local service providers, and hosting/participating in community events keep us apprised of the needs in our community. The Subrecipient Grant Program and the provision of staff for the Hearth Program are the primary ways the City addresses homeless and other special needs activities with CDBG funds.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City's active participation in the NWA Continuum of Care (membership, board, committees, coordinated entry, and case conferencing) and ongoing consultation/partnership with local service providers is our primary method of reaching out to homeless persons and assessing their needs. Hosting and participating in community events is another method utilized to reach the homeless. For example, our annual CDBG in the Park event is widely attended by homeless persons, who in addition to receiving lunch, have an opportunity to learn more about our programs and programs offered by other organizations/agencies in our community. When Fayetteville Animal Services offers vaccination/microchip clinics for the homeless, Community Resources staff attends to provide information about Ranger's Pantry Pet Food Bank. The Yvonne Richardson Community Center has begun a program of providing meals and information to the homeless in Walker Park. Community Resources has a presence at these events quarterly to provide information about our programs. These community events and activities also provide homeless persons the opportunity to share with us what their needs are.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Subrecipient Grant Program which provides funds for public services and public facilities has been the primary method that the City has to address emergency and transitional housing needs in our community using CDBG funds.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were

recently homeless from becoming homeless again

The Subrecipient Grant Program which provides funds for public services and public facilities is one method that the City has to help homeless persons. In the 2024 Action Plan the internal SAFE Program will provide assistance to the unsheltered community during periods of extreme (heat or cold) weather. The City of Fayetteville will, during the period of this action plan, help homeless persons make the transition to permanent supportive housing through the provision of CDBG funded staff to provide oversight and case management for the City of Fayetteville Hearth Program. In addition, the City partners with local service providers and participates in the NWA Continuum of Care to address the issues homeless persons face.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The Subrecipient Grant Program, which provides funds for public services and public facilities, is the method that the City has to help low-income individuals and families receive assistance from other agencies. This action plan includes funding for programming that will address LMI youth needs in our community. The youth centered program will be offered by CASA of NWA (advocacy for abused and neglected children). Uninsured and underinsured individuals will be able to receive medical/dental services from WelcomeHealth. St. James Baptist Church will assist LMI individuals and families experiencing food insecurity by providing food. In addition, the City partners with local service providers and participates in the NWA Continuum of Care to address the issues those at risk of homelessness face.

Discussion

The City of Fayetteville through the processes described throughout the ConPlan strives to identify and provide support for those in our community who need it most. Funding levels do not allow all of the organizations/agencies that address homeless and special needs activities to receive support in a given year, we utilize the assessment tools available to us to determine the best projects to implement annually.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

In February of 2016 an Analysis of Impediments to Fair Housing Choice (AI) was completed by J-Quad Planning Group, LLC for the City of Fayetteville. A public policy review was a component of the AI. The AI determined that the City of Fayetteville's land development codes and zoning regulations address affordable housing and offer the provision of making allowances through the code to allow the construction of a variety of types of housing including single family and multifamily housing. Regulations allow unrelated persons to reside in a single-family structure and have adequate provisions for group homes and special needs populations.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The AI did not identify any public policy barriers to affordable housing.

Discussion:

Community Resources is cognizant of the importance of being aware of and responding to any proposed public policy changes that could create a barrier to affordable housing.

AP-85 Other Actions – 91.220(k)

Introduction:

The areas listed below are explored in greater detail in other sections of the Con Plan, this section broadly describes the actions planned to address the various areas.

Actions planned to address obstacles to meeting underserved needs

The City of Fayetteville will continue to consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community, identify obstacles to meeting underserved needs and provide assistance in addressing them.

Actions planned to foster and maintain affordable housing

Maintaining the affordable housing stock is a priority for the City of Fayetteville. This is accomplished through housing rehabilitation/repair to LMI owner-occupied homes. Emphasis is placed on bringing homes into compliance with State and City Codes, improving energy efficiency, alleviating deferred maintenance conditions, providing safety devices, and when needed addressing lead-based paint issues.

The City's development of a plan for the HOME funds received in 2023 will further the City's efforts to foster affordable housing.

Actions planned to reduce lead-based paint hazards

All housing rehabilitation/repair projects the City does adhere to HUD's lead-based paint regulations. Lead-based paint testing is done as required, determined by the age of the home and type/cost of work being performed. When lead-based paint is found lead-based paint hazards are remediated as appropriate according to the LBP regulations. In all rehabilitation projects, lead safe work practices are used at all times when lead is present.

Actions planned to reduce the number of poverty-level families

The City of Fayetteville partners with local agencies and participates in the NWA Continuum of Care in local efforts to develop goals, programs and policies for reducing the number of poverty-level families.

The City of Fayetteville allocates CDBG funds to activities that assist poverty level families in Fayetteville. Specific activities are identified in each year's Action Plan. Examples of activities we have funded that assist poverty level families include the City's transportation program for elderly/disabled LMI individuals and public service activities that support abused children, medical/dental needs, and food

insecurity.

Actions planned to develop institutional structure

The Community Resources Department (CR) of the City of Fayetteville oversees the CDBG programming for our community. CR administers the internal housing, redevelopment, transportation, and SAFE programs that are funded through CDBG. CR also administers and monitors the CDBG funds allocated to public services and public facilities in our community. We ensure that internal and external programs follow HUD guidelines and benefit the LMI population.

The City has not identified any gaps in the institutional delivery system.

The City of Fayetteville will continue to consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community and provide assistance in addressing them. The Subrecipient Grant Program will remain the primary way that we will provide assistance to organizations/agencies in the community that benefit LMI Fayetteville residents.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Fayetteville will continue to partner and consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community and provide assistance in addressing them.

Discussion:

The City recognizes the importance of collaboration/partnership as well as combining the information available from others in our community with the information we have internally to develop actions that will benefit Fayetteville.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Fayetteville will not use other forms of investment beyond those identified in Section

92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Overarching Recapture Requirements

Recapture Restrictions

Should a HOME Program beneficiary fail to adhere to all applicable affordability requirements, the City of Fayetteville will use the following recapture provisions to ensure the intent of the activity is accomplished or that the un-forgiven portion of the HOME funds are recaptured and used for other activities in the community which are eligible under the HOME program.

Recapture Option

A. Recapture that portion of HOME Program funding that is unforgiven by the elapsed affordability period or recapture the maximum net proceeds from sale of property (whether recapture is affected through foreclosure or no foreclosure action).

Recapture that portion of HOME Program funding that is unforgiven by the elapsed affordability period or recapture the original HOME Program funding invested into a project as outlined within the projects respective HOME Program Funding Project Agreement developed by the City Attorney's office.

B. Net proceeds recovered will be used to:

- Reimburse the HOME Program (Approved Activity) for the outstanding balance of HOME funds not repaid or forgiven during the applicable affordability at the time of recapture.

- Reimburse the HOME Program (Administration) for "holding costs" or other costs associated with the recapture action (legal fees, insurance, taxes, realtor fees, appraisal, etc.) If net proceeds recaptured are less than the outstanding balance of HOME funds invested in the property (for all approved activities and holding costs incurred), the loss will be absorbed by the HOME Program and all HOME Program requirements would be considered to have been satisfied. If net proceeds recaptured are greater than the outstanding balance of HOME funds invested in the property (for all approved activities and holding costs incurred), the balance of net proceeds would be distributed to the homeowner (or his/her estate). If the recapture of proceeds is effectuated through a completed foreclosure action, and the property is legally owned by City of Fayetteville,

the balance of net proceeds recaptured will inure to the City of Fayetteville.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Duration of Affordability Restrictions

The housing being constructed, purchased, or rehabilitated will qualify as affordable housing pursuant according to the requirements of 24 CFR 92.254, for the “Affordability Period” and after the completion of the project, covenants and restrictions in the deed restriction would terminate without any further action required by the owner or the City.

Homeownership assistance HOME amount per-unit	Minimum period of affordability in years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Termination of Affordability Restrictions

The affordability restrictions will terminate due to foreclosure or a transfer of the property in lieu of a foreclosure; however, if the owner obtains an ownership interest in the property before the foreclosure or deed in lieu of foreclosure, during the original affordability period, the affordability restrictions shall be reviewed.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG. The City does not intend to use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds. In addition, the funds will not be used to refinance multifamily loans made or insured by any federal program. The City is aware that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with

special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

The City is not currently planning any HOME TBRA activity.

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

The City is not currently planning any HOME TBRA activity.

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

N/A

The City strives to meet all program specific requirements as detailed in the enabling legislation and program guidelines. City staff work with subgrantees to ensure that these requirements are met and oversees internal operations towards the same goal.

Attachments

Citizen Participation Comments

Page 2 of 2



Account #: NW1510957

Company: CITY OF FVILLE-PRE PAY ACCT

113 W Mountain

Fayetteville, AR 72701

Ad number #: 404813

PO #:

Matter of: GY 2024 Action Plan

AFFIDAVIT • STATE OF ARKANSAS

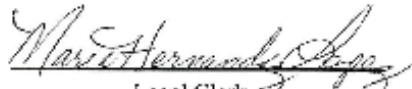
I, Maria Hernandez-Lopez, do solemnly swear that I am the Legal Clerk of the NWA Democrat Gazette, a daily newspaper printed and published in WASHINGTON/BENTON county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of:

GY 2024 Action Plan

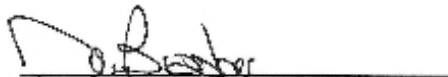
Pending in the court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County, that said newspaper had been regularly printed and published in said county, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

And that there is due or has been paid the NWA Democrat Gazette for publication the sum of \$659.40.
(Includes \$0.00 Affidavit Charge).

NWA Democrat Gazette 05/19/24, 05/26/24


Legal Clerk

State of ARKANSAS, County of Sebastian
Subscribed and sworn to before me on this 29th day of May.


NOTARY PUBLIC



LEGAL NOTICES

LEGAL NOTICES

LEGAL NOTICES



**CITY OF
FAYETTEVILLE
ARIZONA
PUBLIC NOTICE**
Notice of Public Hearing

The City of Fayetteville is holding a public hearing on the proposed FY2024 Budget. The hearing will be held on Tuesday, May 14, 2024, at 7:00 PM, at the City of Fayetteville, 1000 N. McDowell Road, Suite 100, Fayetteville, Arizona 85301. The purpose of the hearing is to allow the public to provide input on the proposed budget. The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201. The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201. The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201.

Summary of Proposed Budget:

Operating Budget	\$1,100,000
Capital Budget	\$200,000
Debt Service	\$100,000
Reserve Fund	\$50,000
Contingency	\$50,000
Total	\$1,500,000

The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201. The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201. The City of Fayetteville is a public body and is subject to the provisions of the Arizona Open Meeting Law, A.R.S. § 36-201.



Account #: NW1510957
 Company: CITY OF FVILLIE-PRE PAY ACCT
 113 W Mountain
 Fayetteville, AR 72701
 Ad number #: 408483
 PO #:
 Matter of: GY 2024 Action Plan

AFFIDAVIT • STATE OF ARKANSAS

I, Maria Hernandez-Lopez, do solemnly swear that I am the Legal Clerk of the **La Prensa Libre**, a daily newspaper printed and published in WASHINGTON county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of:

GY 2024 Action Plan

Pending in the court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County, that said newspaper had been regularly printed and published in said county, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

And that there is due or has been paid the **La Prensa Libre** for publication the sum of \$120.00. (Includes \$0.00 Affidavit Charge).

NWA La Prensa Libre 06/12/24

Maria Hernandez-Lopez
 Legal Clerk

State of ARKANSAS, County of Sebastian

Subscribed and sworn to before me on this 12th day of June

D. Eraser
 NOTARY PUBLIC





**LA
PRENSA
LIBRE**

CLASIFICADOS

• Lunes: De lunes a viernes de las 8:00 am a las 5:00 pm.
• Teléfono: 806-596-5066

• Periodicidad: De lunes a viernes desde las 8:00 am hasta las 5:00 pm.
• Fecha Límite al publicar: a las 12:00 p.m.

classifieds@laprensallibre.com

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Full-Time, Bilingual Skills a plus

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DISCOUNT
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**DAVIDSON'S TREE
SERVICE**
Removal, Topping, Trimming
479-041-9388

CDBG & HOME GY2024 Action Plan - Public Comment Hearing
June 5, 2024

[illegible]

GY2024 (Year 4) Action Plan Public Comment

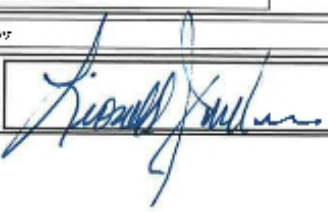
A public comment period for the GY2024 Action Plan was held from May 20, 2024 to June 18, 2024. A Public Hearing was held at 5:30 p.m. on Wednesday June 5, 2024. There were no public comments received by the deadline.

Grantee SF-424's and Certification(s)

OMB Number: 4910-0007
Expiration Date: 11/30/2025

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Pre-application ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☒ New ☐ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):
* 3. Date Received: 	4. Applicant Identifier: 2-10-NC-00-0001	
5a. Federal Entity Identifier: 		5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Fayetteville		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 11-5010150		* c. UEI: 0470000000000
d. Address:		
* Street1: 112 W Mountain St		
Street2:		
* City: Fayetteville		
County/Parish:		
* State: AR: ARKANSAS		
Province:		
* Country: USA: UNITED STATES		
* Zip (Postal Code): 72701-6033		
e. Organizational Unit:		
Department Name: Community Resources		Division Name: Community Development
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	* First Name: Yolanda	
Middle Name:		
* Last Name: Fields		
Suffix:		
Title: Community Resources Director/Equality Officer		
Organizational Affiliation: 		
* Telephone Number: 479-575-6260		Fax Number:
* Email: gr1a10a@fayetteville-ar.gov		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: City or Township Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other (specify): 	
* 10. Name of Federal Agency: Department of Housing and Urban Development	
11. Catalog of Federal Domestic Assistance Number: 14.210	
CFDA Title: Community Development Block Grants/Entitlement Grants	
* 12. Funding Opportunity Number: 	
* Title: 	
13. Competition Identification Number: 	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment	
* 15. Descriptive Title of Applicant's Project: Community Development Block Grants/Entitlement Grants	
Attach supporting documents as specified in agency instructions. Add Attachments Delete Attachments View Attachments	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: AR-003	* b. Program/Project: AR-003
Attach an additional list of Program/Project Congressional Districts if needed. Add Attachment Delete Attachment View Attachment	
17. Proposed Project:	
* a. Start Date: 01/01/2024	* b. End Date: 12/31/2025
18. Estimated Funding (\$):	
* a. Federal	795,264.00
* a. Applicant:	
* c. State	
* d. Local	
* e. Other:	
* f. Program Income	
* g. TOTAL	795,264.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process? ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on 06/21/2024 ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review. ☐ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.) ☐ Yes ☒ No If "Yes", provide explanation and attach Add Attachment Delete Attachment View Attachment	
21. By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001) ☒ ** I AGREE ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	* First Name: Lionel
Middle Name:	
* Last Name: Jordan	
Suffix:	
* Title: Mayor	
* Telephone Number: 479-575-8311	Fax Number:
* Email: mayor@nyota-eville-st.com	
* Signature of Authorized Representative: 	* Date Signed: 6-21-24

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
- Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
- Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Previous Edition Uszblc

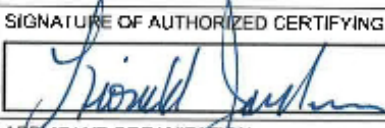
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Standard Form 121D (Rev. 7-87)
Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11736; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11888; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of

Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

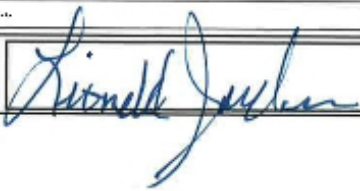
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470); EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§489a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 108(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Mayor
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Fayetteville	6-21-24

SF-424D (Rev. 7-97) Back

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application * 2. Type of Application: ☒ New ☐ Continuation ☐ Revision * If Revision, select appropriate letter(s): * Other (Specify): 		
* 3. Date Received:		4. Applicant Identifier:
5a. Federal Entity Identifier:		5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Fayetteville		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 21-5019150		* c. UEI: 842020MR00007
d. Address:		
* Street1: 113 W Mountain St. Street2: * City: Fayetteville County/Parish: * State: AR: ARKANSAS Province: * Country: USA: UNITED STATES * Zip / Postal Code: 72701-6233		
e. Organizational Unit:		
Department Name: Community Resources		Division Name: Community Development
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	* First Name: Arelene	
Middle Name:		
* Last Name: Fields		
Suffix:		
Title: Community Resources Director/Equity Officer		
Organizational Affiliation:		
* Telephone Number: 479-575-6250		Fax Number:
* Email: gfr@fayetteville-ar.gov		

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: City or Township Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other (specify): 	
* 10. Name of Federal Agency: Department of Housing and Urban Development	
11. Catalog of Federal Domestic Assistance Number: 14.209	
CFDA Title: EWS Investment Partnership Program	
* 12. Funding Opportunity Number: 	
* Title: 	
13. Competition Identification Number: 	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment	
* 15. Descriptive Title of Applicant's Project: EWS Investment Partnership Program	
Attach supporting documents as specified in agency instructions. Add Attachments Delete Attachments View Attachments	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: AR-001	* b. Program/Project: AR-001
Attach an additional list of Program/Project Congressional Districts if needed. Add Attachment Delete Attachment View Attachment	
17. Proposed Project:	
* a. Start Date: 01/01/2021	* b. End Date: 12/31/2024
18. Estimated Funding (\$):	
* a. Federal	653,051.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	413,791.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process? ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on 06/21/2024 ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review. ☐ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.) ☐ Yes ☒ No If "Yes", provide explanation and attach: Add Attachment Delete Attachment View Attachment	
21. "By signing this application, I certify (1) to the statements contained in the list of certifications" and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances" and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001) ☒ ** I AGREE ** The list of certifications and assurances, or an internal site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	* First Name: Lionel
Middle Name:	
* Last Name: Jordan	
Suffix:	
* Title: Mayor	
* Telephone Number: 479-575-8311	Fax Number:
* Email: mayor@jay@baville-ar.gov	
* Signature of Authorized Representative: 	* Date Signed: 6-21-24

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

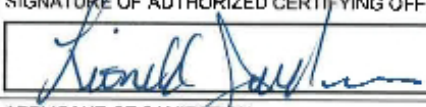
1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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Prescribed by OMB Circular A-102

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
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15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Mayor
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Fayetteville, LA	6-21-24

SF-424D (Rev. 7-97) Back

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

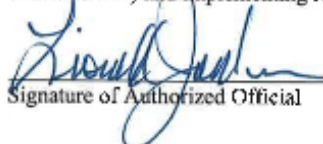
Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, 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, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.


Signature of Authorized Official

6-21-24
Date

Mayor
Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds – It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. **Overall Benefit.** The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2024 _____ [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force – It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.


Signature of Authorized Official

6-21-24
Date

Mayor
Title

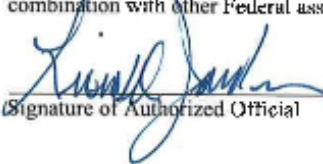
Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;



Signature of Authorized Official

6-21-24

Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

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.



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU:
FROM: Blake Pennington, Assistant City Attorney
SUBJECT: Amend § 50.04 Depositing on Vacant Lots - Council Member Turk

RECOMMENDATION:

Council Member Turk is sponsoring an ordinance to amend Section 50.04 to include a prohibition on dumping mulch, compost, fill dirt, and brush on vacant lots.

BACKGROUND:

DISCUSSION:

BUDGET/STAFF IMPACT:

ATTACHMENTS: Ord - Amend 50.04 Depositing on Vacant Lots - Councilmember Turk Approved 2.7.24 (#3), Depositing on Vacant Lots Amendment - Raven Lane Exhibit (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1721

Amend § 50.04 Depositing on Vacant Lots - Council Member Turk

AN ORDINANCE TO AMEND §50.04 DEPOSITING ON VACANT LOTS OF THE FAYETTEVILLE CODE TO INCLUDE A PROHIBITION ON DUMPING MULCH, COMPOST, FILL DIRT, AND BRUSH ON VACANT LOTS IN THE CITY

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 repeals § 50.04 **Depositing on Vacant Lots** of the Fayetteville Code and enacts a replacement § 50.04 as follows:

“50.04 Depositing on Vacant Lots

It shall be unlawful for any person to dump, throw or otherwise deposit any mulch, compost, fill dirt, brush, garbage or trash or accumulations of the same on any vacant lot in the city.”

AGENDA REQUEST FORM

FOR: Council Meeting of February 20, 2024

FROM: Council Member Teresa Turk

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 50.04 **DEPOSITING ON VACANT LOTS**
OF THE FAYETTEVILLE CODE TO INCLUDE A PROHIBITION ON
DUMPING MULCH, COMPOST, FILL DIRT, AND BRUSH ON VACANT
LOTS IN THE CITY

APPROVED FOR AGENDA:

Approved by email

2/7/24

**City Council Member
Teresa Turk**

Blake Pennington

2/7/24

**Sr. Assistant City Attorney
Blake Pennington**
Approved as to form

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 50.04 **DEPOSITING ON VACANT LOTS** OF THE FAYETTEVILLE CODE TO INCLUDE A PROHIBITION ON DUMPING MULCH, COMPOST, FILL DIRT, AND BRUSH ON VACANT LOTS IN THE CITY

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 repeals § 50.04 **Depositing on Vacant Lots** of the Fayetteville Code and enacts a replacement § 50.04 as follows:

“50.04 Depositing on Vacant Lots

It shall be unlawful for any person to dump, throw or otherwise deposit any mulch, compost, fill dirt, brush, garbage or trash or accumulations of the same on any vacant lot in the city.”

PASSED and **APPROVED** this 20th day of February, 2024.

APPROVED:

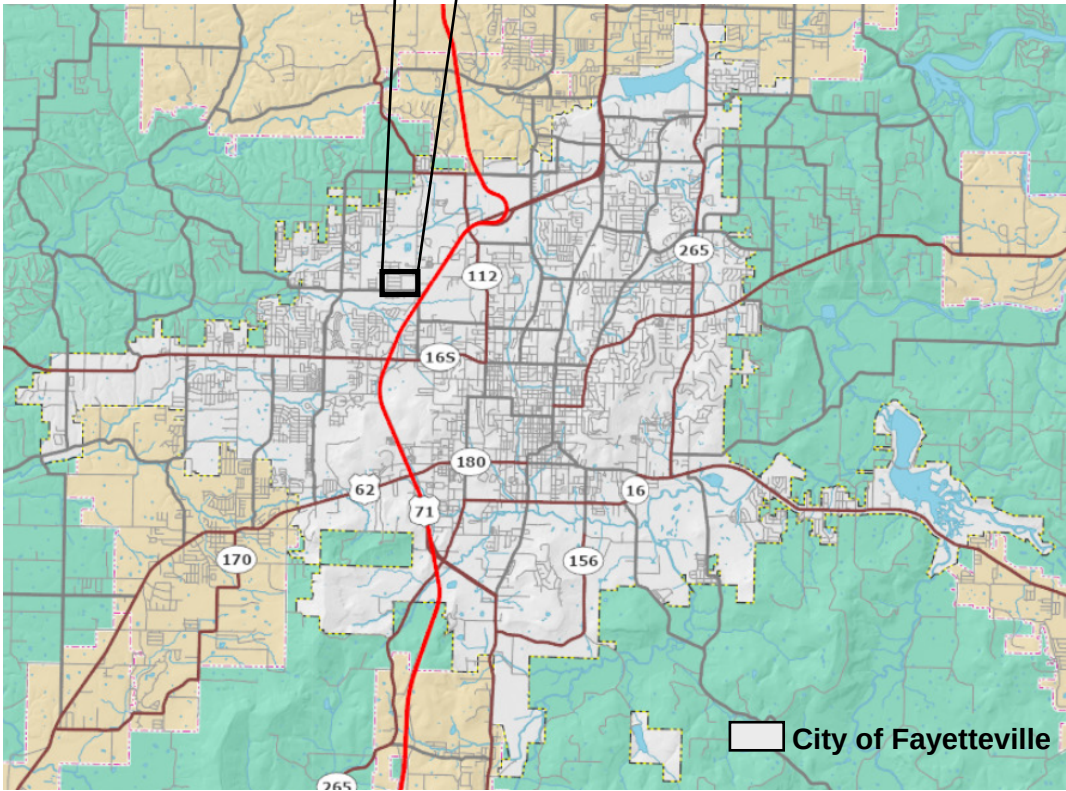
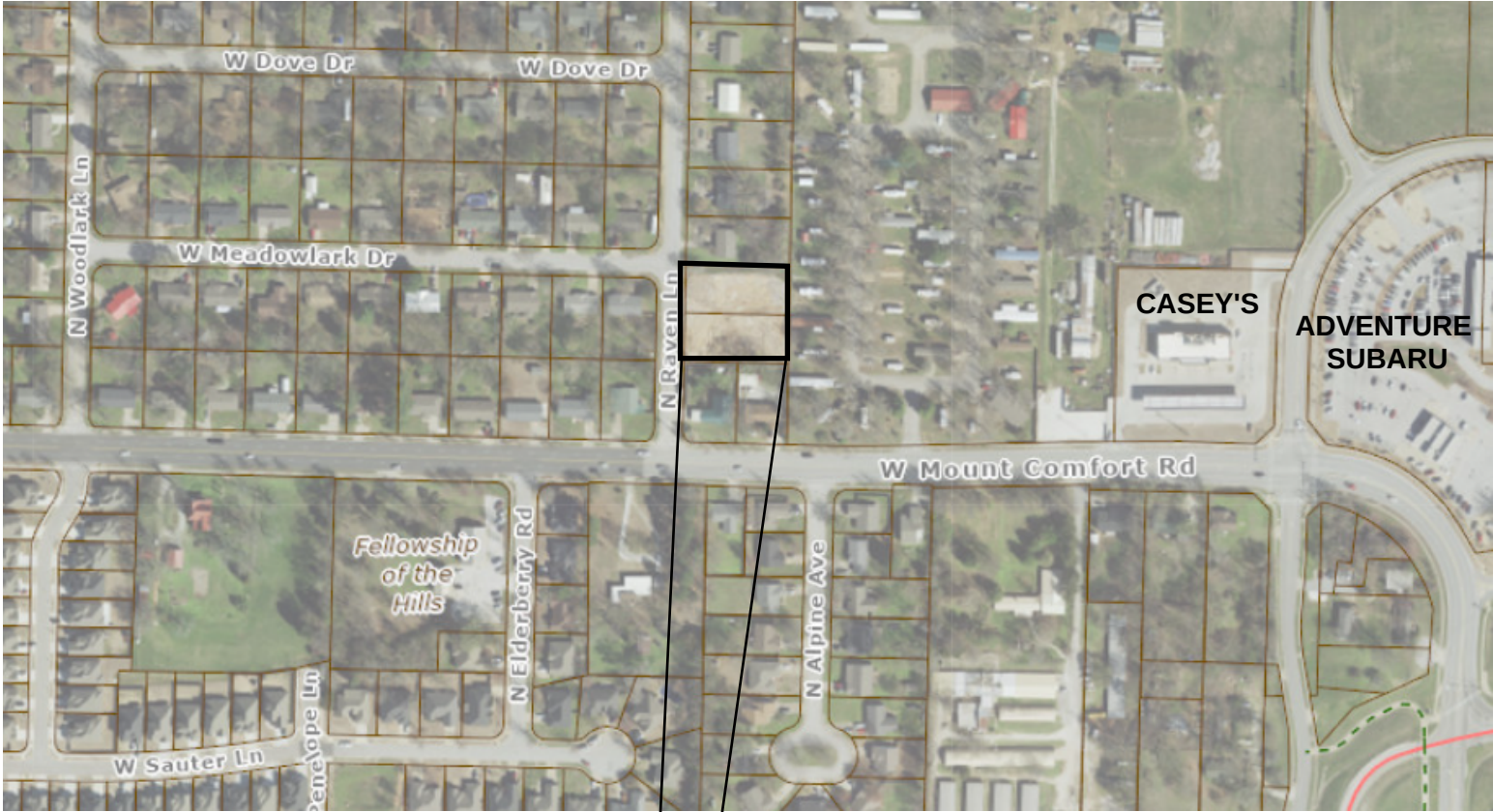
ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

Section 50.04 - Depositing on Vacant Lots

Property Exhibit - N. Raven Lane
(North of 2680 W. Mount Comfort Rd.)





Resident-Provided Site Photos (Non-Date Specific)



Staff Investigation Photos September & October 2023



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU:
FROM: Kit Williams, City Attorney
SUBJECT: Ordinance to rezone 39.41 acres in the expired Park West PZD

RECOMMENDATION:

BACKGROUND:

On May 7, 2024, the City Council considered an ordinance to rezone various expired PZDs in Wards 1, 2, and 4. The item was held on the first reading. At the City Council's request, the City Attorney's office prepared an amended ordinance that removed the Park West and Springwoods PZDs which were to be considered by the Environmental Action Committee. On May 21, the City Council approved the revised ordinance rezoning only the Cliffside PZD, Westbrook Village Phase 2, and Paddock Road Subdivision.

DISCUSSION:

The City Attorney's Office has prepared a new ordinance rezoning the Park West PZD for the City Council's consideration.

BUDGET/STAFF IMPACT:

n/a

ATTACHMENTS: Ex A Park West (#3), Ex B Park West (#4), Agenda Request - Park West PZD (#5), Environmental Action Committee Statement (#6), City Attorney Memo - Expired PZD's (#7), Climate Resilience Map (#8)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-147

Ordinance to rezone 39.41 acres in the expired Park West PZD

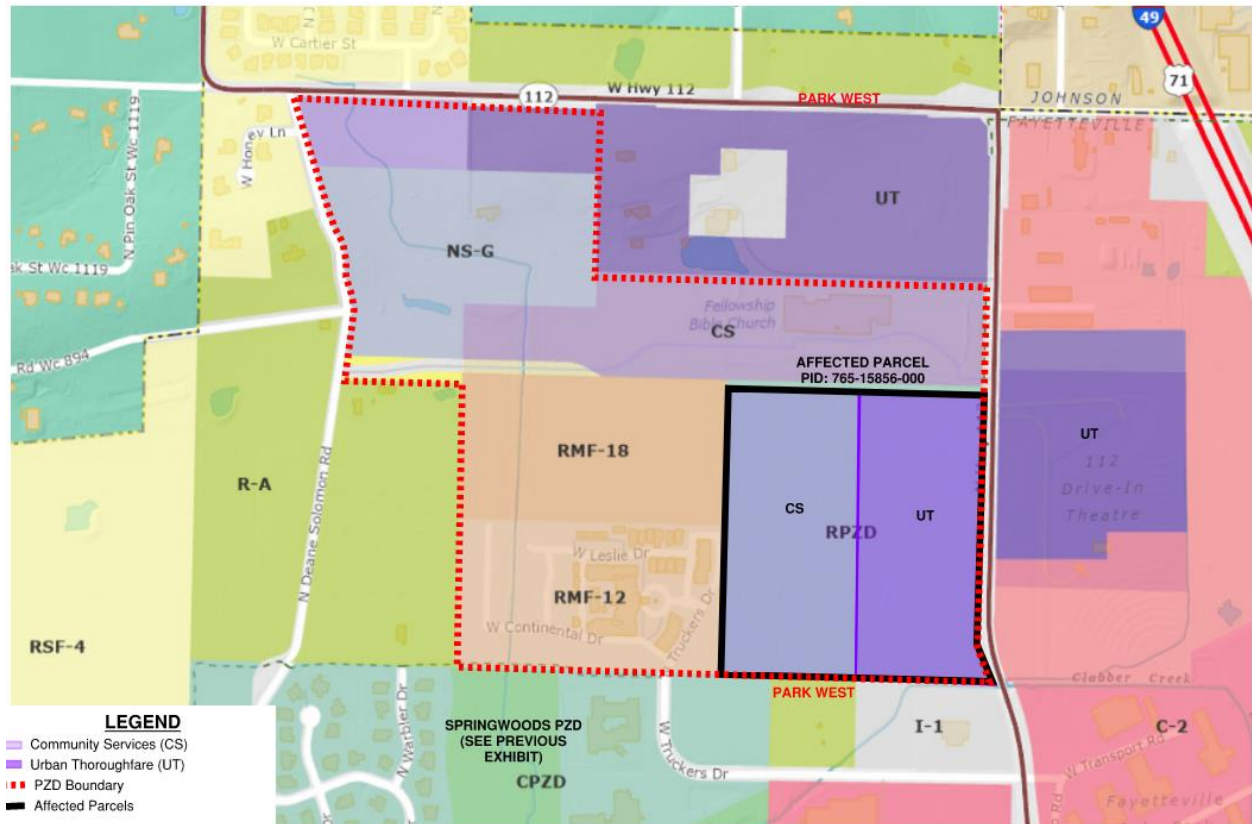
AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR 39.41 ACRES IN THE PARK WEST PZD ON NORTH HIGHWAY 112 IN WARD 2 FROM PLANNED ZONING DISTRICT TO UT, URBAN THOROUGHFARE AND CS, COMMUNITY SERVICES

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 Planned Zoning District to UT, Urban Thoroughfare (23.7 acres) and CS, Community Services (15.71 acres)

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.

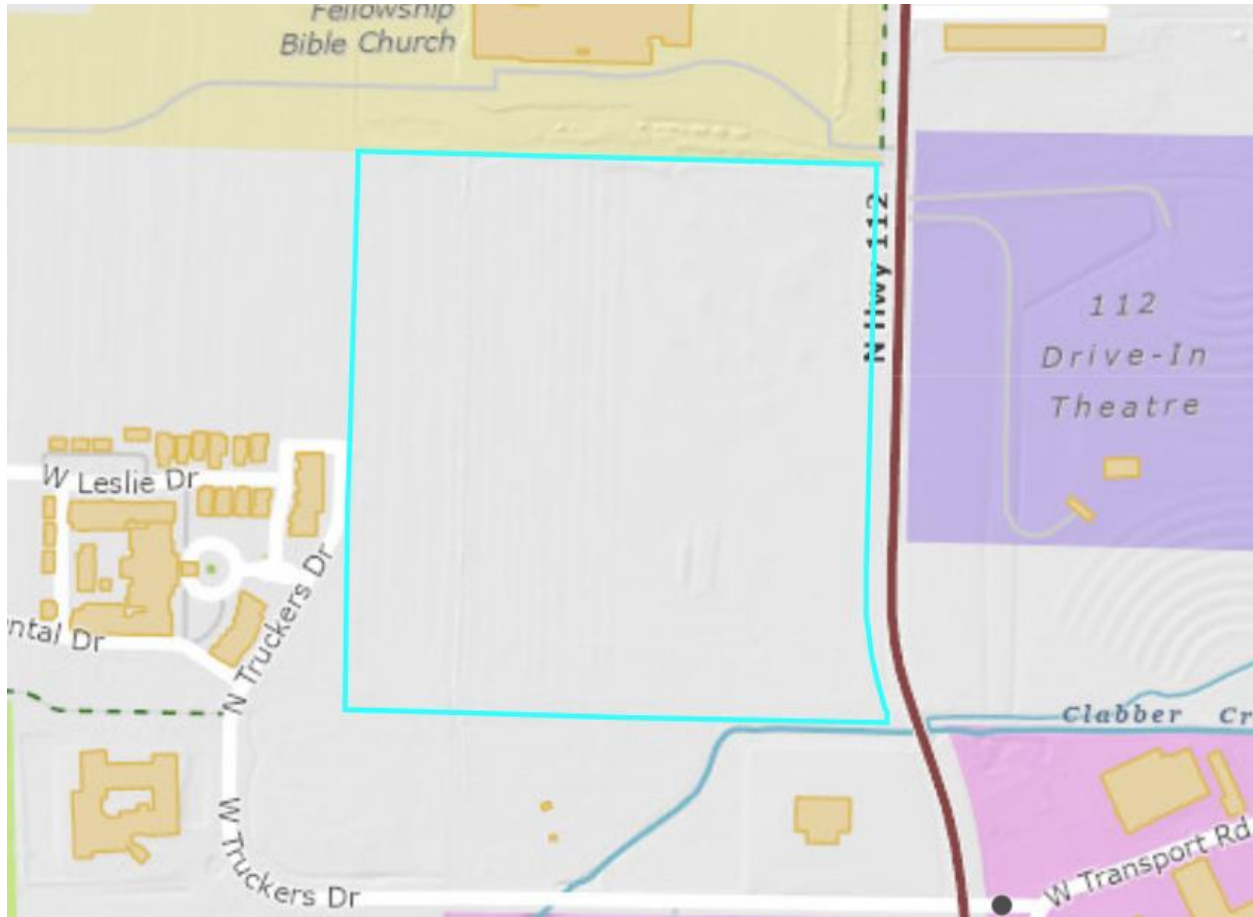
EXHIBIT A



PARK WEST

EXHIBIT B

RZN-2024-0011 LEGAL DESCRIPTIONS



Parent Tract: (Assessor's Page)

SW SE & SE SW 39.43 FURTHER DESCRIBED FROM 2017-7010 AS: PART OF THE WEST HALF OF THE SOUTHEAST QUARTER, ALL IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 28 BEING A FOUND COTTON PICKER SPINDLE IN ASPHALT ROADWAY; THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE SW 1/4, S02°34'52"W A DISTANCE OF 1283.11 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WEST LINE, S87°19'58"E A DISTANCE OF 1315.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE S87°19'58"E A DISTANCE OF 1266.91 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 112 THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING EIGHT (8) CALLS, S02°43'18"W A DISTANCE OF 978.38 FEET TO A POINT; THENCE S02°02'26"W A DISTANCE OF 63.14 FEET TO A POINT; THENCE S00°11'50"W A DISTANCE OF 51.97 FEET TO A POINT; THENCE S03°04'07"E A DISTANCE OF 40.08 FEET TO A POINT; THENCE S07°04'04"E A DISTANCE OF 55.68 FEET TO A POINT; THENCE S11°50'44"E A DISTANCE OF 58.74 FEET TO A POINT; THENCE S15°34'53"E A DISTANCE OF 71.32 FEET TO A POINT; THENCE S18°13'53"E A DISTANCE OF 15.95 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, S02°32'54"W A DISTANCE OF 26.08 FEET TO A FOUND 3 INCH ALUMINUM CAP AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID SW 1/4 OF THE SE 1/4, N87°08'52"W A DISTANCE OF 1322.12 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439", BEING THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE LEAVING SAID SOUTH LINE, N02°32'22"E A DISTANCE OF 1349.51 FEET TO THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 39.43 ACRES (1,717,256 SQUARE FEET), MORE OR LESS RECORDS OF WASHINGTON COUNTY, ARKANSAS.

EXHIBIT B

Westerly portion Tract 1 PLA 2017-3176 (Proposed CS Zoning)

A portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Thirty (30) West, Fifth Principal Meridian, Washington County, Arkansas being more particularly described as follows:

Commencing at the Southeast corner of said Forty (40) acre tract;
thence North 87°08'52" West 819.76 feet to the Point of Beginning;
thence North 87°09'40" West 504.68 feet to a point;
thence North 02°32'22" East 1349.51 feet to a point;
thence South 87°19'58" East 508.97 feet to a point;
thence South 02°43'18" West 1351.02 feet to the point of beginning,
having an area of 15.710 acres, more or less.

Easterly portion Tract 1 PLA 2017-3176 (Proposed UT)

A portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Thirty (30) West, Fifth Principal Meridian, Washington County, Arkansas being more particularly described as follows:

Beginning at the Southeast corner of said Forty (40) acre tract;
thence North 87°08'52" West 819.76 feet to a point;
thence North 02°43'18" East 1351.02 feet to a point;
thence South 87°19'58" East 757.94 feet to a point;
thence South 02°43'18" West 978.38 feet to a point;
thence South 02°02'26" West 63.14 feet to a point;
thence South 00°11'50" West 51.97 feet to a point;
thence South 03°04'07" East 40.08 feet to a point;
thence South 07°04'04" East 55.68 feet to a point;
thence South 11°50'44" East 58.74 feet to a point;
thence South 15°34'53" East 71.32 feet to a point;
thence South 18°13'53" East 15.95 feet to a point;
thence South 02°32'54" East 26.08 feet to the point of beginning,
having an area of 23.704 acres, more or less.

AGENDA REQUEST FORM

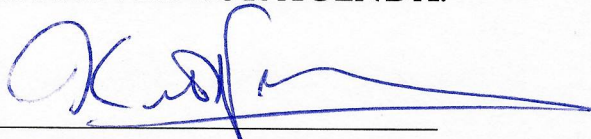
FOR: Council Meeting of June 4, 2024

FROM: City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR 39.41 ACRES IN THE PARK WEST PZD ON NORTH HIGHWAY 112 IN WARD 2 FROM PLANNED ZONING DISTRICT TO UT, URBAN THOROUGHFARE AND CS, COMMUNITY SERVICES

APPROVED FOR AGENDA:



City Attorney Kit Williams

May 23, 2024
Date

Environmental Action Committee Statement

Agenda items C3 and C4 for the June 4th City Council Meeting

The City of Fayetteville's Environmental Action Committee (EAC) is aware that the City Council will be voting to re-establish zoning in 2 areas, Park West and Spring Woods, from their current un-zoned status to a combination of UT (Urban Thoroughfare) and CS (Community Services) for the former, and UT exclusively for the latter. This would allow for the densest and most varied possible development in the city. Given the environmental significance of these two parcels to the City's ongoing effort for climate resiliency as well as the importance of protecting Wilson Springs, we respectfully recommend and encourage that you instead consider rezoning Spring Woods and Park West to RA (Residential Agriculture) rather than UT (Urban Thoroughfare) for the following reasons.

The EAC has worked diligently for some time evaluating development of the Climate Action Plan (CAP), and the Climate Resilience Mapping Tool which was developed as an outcome of crafting the CAP itself. This document and associated software tool have succeeded in the goal of objectively describing parcels of land in the city in relation to how much (or little) they can support the long-term resiliency to withstand predicted changes in the climate. The Climate Resilience Map is a groundbreaking scientific tool to assist in making decisions for our rapidly growing city. City staff and Olsson engineering have done an excellent job of creating this tool which can help all involved to make better informed decisions associated with future development. It is now possible to look at any parcel of land in the city to reference it's ranking on this interactive mapping tool from least to most impactful on climate resiliency from development.

Given what we have learned from the Climate Resiliency Map scoring data, the EAC would advocate for a reconsideration in zoning of the two parcels in question. The Park West and Springwoods parcels have identifiable ecosystem services and ecological resilience attributes that make them valuable for consideration and protection. We would like to draw your attention to the fact that only a comparatively small number of parcels in the city exhibit such a significant score. Significant scores indicate parcels are ecologically significant and should be protected due to the ecosystem services they provide. The ecosystem services that the 2 un-zoned areas support include, but are not limited to, (1) supporting the health of Wilson Springs and Clabber Creek and their associated ecosystems and (2) absorption and remediation of rainwater. This is critical as climate change continues to contribute to greater and more frequent flooding events. Even as the city moves toward adoption of a new tax for storm-water services, the Council needs to be ever vigilant that future zoning changes and development will not exacerbate flooding issues within the city.

While neither the Climate Action Plan or the Climate Resilience Mapping Tool have been discussed or adopted by the City Council at this time, both are coming forward for consideration later this summer. The goal, of course, is to keep Fayetteville as healthy and livable by evaluating data gathered through numerous methods, and organizing that data to ensure well informed solutions are always available to planners and policy makers.

The EAC is cognizant of the fact that high density urban thoroughfares are important to the long-term health of a city. As such, we will soon be taking a detailed look into the proposed College Avenue changes for one. At first glance, we noticed that most of the parcels in that area score very low on the Climate Resiliency Map. This suggests College Avenue corridor might be an example of a more appropriate site for high density development rather than endorsing the highest density zoning on particularly ecologically valuable parcels which could send a negative signal to our residents as to the future of environmental protection in our vibrant, fast-growing city.

Jeff Pummill
Environmental Action Committee Chair



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**
City Council

CC: **Susan Norton**, Chief of Staff
Jonathan Curth, Development Services Director
Jesse Masters, Planning Director

FROM: **Kit Williams**, City Attorney

DATE: **June 10, 2024**

RE: Rezoning Expired Planned Zoning Districts

I was asked during the last City Council Meeting whether the City could be facing financial danger if it failed to rezone the two proposed rezonings of the expired Planned Zoning Districts that were recommended by Planning Staff and the Planning Commission, but not yet decided by the City Council. I did caution the City Council that if it refused to accept the recommendations of both Planning Staff and the Planning Commission to rezone these parcels to a comparable zoning district as these parcels enjoyed in their PZDs, the city could face serious problems. However, I do not think that I was a clear enough about my concerns as I should have been when discussing possible litigation over the millions of dollars of development and land values the City would be facing.

The major legal problem would be in refusing to approve the zoning rights expressly approved by the Fayetteville City Council when these Planned Zoning Districts were enacted by ordinance. Those zoning rights provide explicit development rights for projects meeting the zoning criteria agreed to and enacted into the Planned Zoning District ordinance.

The head of the Planning Department has been explicitly empowered by the *Unified Development Code* to administer and interpret most of the *UDC* including the Zoning and Development Chapters. I believe this is good policy as Planning deals with zoning and development issues all day every day. Initially after the development portion of the old PZDs expired through inaction, Planning still allowed some projects that matched the zoning requirements of the PZDs to be developed. I believe that this was a good and even necessary decision. More recently, Planning has sought to require

a new zoning district be enacted by the City Council for new development within the undeveloped portion of expired PZDs. As long as the City Council follows the Planning Department's recommendations for the two expired Planned Zoning Districts now being considered, no protected property rights will have been adversely effected. Rezoning this property into established zoning districts will make both their development and future uses clearer and easier to administer for both the owners and staff.

Is it safe for the Fayetteville City Council to refuse to agree to rezone these portions of old PZDs as recommended by Planning Staff and the Planning Commission? I must expressly and unequivocally say: "No."

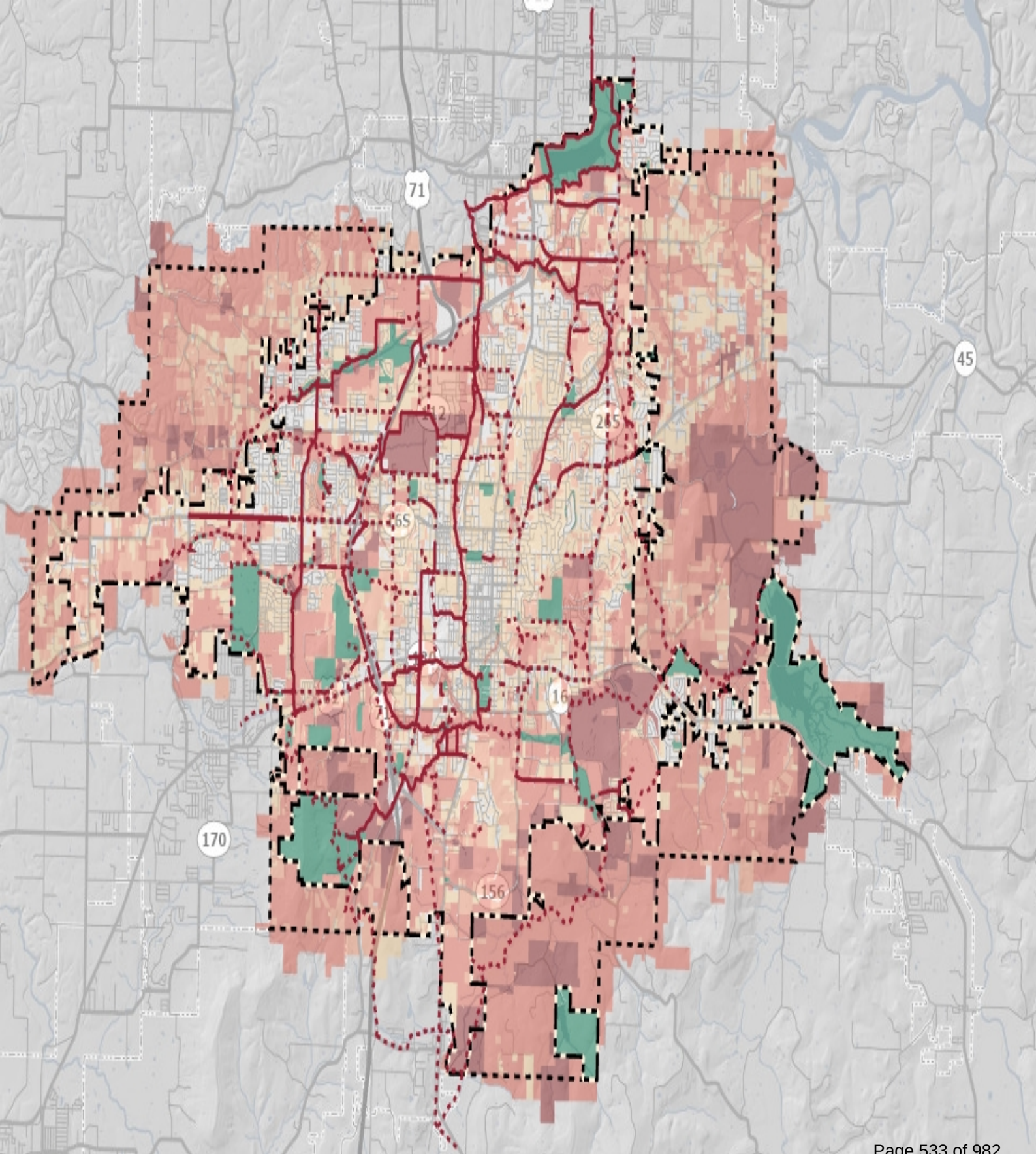
From the very beginning of Zoning in Arkansas in the 1940s or 50s, state law has referred to the **Zoning ordinance**, A.S.A. 1947 Section 19-2829 (which is now A.C.A. Section 14-56-416). As you know, ordinances are required for permanent regulations or decisions as compared to resolutions which are for one time approvals, purchases, approving most contracts, stating the intention of the Council, etc. Zoning ordinances are generally considered permanent and in force until specifically repealed or amended by the City Council.

Indeed, the statutory provision used by the Council for every one of its rezonings is A.C.A. Section 14-56-423 which requires an approved individual amendment to change or discontinue an existing zoning ordinance by majority vote of the Fayetteville City Council. "After adoption of . . . ordinances . . . , no ... discontinuance of the . . . ordinances...may be made except...by a majority vote of the city council." It thus does not appear that a zoning ordinance may be discontinued in its effect due only to passage of time.

CONCLUSION

The Fayetteville City Council's action to pass the rezoning ordinances as recommended by both the Planning Staff and Planning Commission is certainly the correct legal decision in this case. Such action by the City Council will ensure that the City of Fayetteville will face no legal liability that could occur if these proposed rezonings are not enacted.

The current Planned Zoning District code section enacted by the Council into the UDC many years ago is a proper zoning district that, like every other zoning district, will remain in force and effect unless and until the Council passes a rezoning ordinance. Therefore, more recent PZDs do not pose the issues of the earlier PZDs that combined both zoning and development rights in a single ordinance.





MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Kit Williams, City Attorney
FROM: Kit Williams, City Attorney
SUBJECT: **Calling Election for Sunday Sales of Alcoholic Beverages for Off-Premise Consumption.**

RECOMMENDATION:

Staff recommends that the City Council confirm City Clerk/Treasurer Kara Paxton's verification of sufficiency of the citizens' petition to call an election for the next General Election to authorize Sunday sales of alcoholic beverages for off-premises consumption in Fayetteville.

BACKGROUND:

A proposed local option election to authorize Sunday sales of alcoholic beverages for off-premises consumption in Fayetteville, Arkansas was initiated by citizen petition. Fayetteville City Clerk/Treasurer Kara Paxton has verified 4,276 Fayetteville qualified electors' signatures on proper petitions were filed with the City Clerk which is over the required 15% of the qualified electors who cast a vote in Fayetteville for the Office of Governor in the last general election to successfully call the election. Fayetteville City Clerk/Treasurer Kara Paxton is authorized to file her verification of sufficient Fayetteville electors' signatures on proper petitions filed in her office to call this election with the Washington County Clerk. Fayetteville City Clerk/Treasurer Kara Paxton is requested to also file a certified copy of this Resolution Calling For An Election To Be Held During The Next General Election (November 5, 2024) On the Question of Authorizing Sunday Sales Of Alcoholic Beverages for Off-Premises Consumption In Fayetteville, Arkansas, with the Washington County Clerk. The City of Fayetteville requests that the Washington County Quorum Court order that this election be called and included within the next General Election pursuant to A.C.A. § 3-3-210 (b) and A.C.A. § 3-9-206 (b).

DISCUSSION:

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Sunday Sales Memo (#3), City Clerk - Signed Letter Certifying Signatures (#4)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-225

Calling Election for Sunday Sales of Alcoholic Beverages for Off-Premise Consumption.

A RESOLUTION CALLING FOR AN ELECTION TO BE HELD DURING THE NEXT GENERAL ELECTION (NOVEMBER 5, 2024) ON THE QUESTION OF AUTHORIZING SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN FAYETTEVILLE, ARKANSAS

WHEREAS, a proposed local option election to authorize Sunday sales of alcoholic beverages for off-premises consumption in Fayetteville, Arkansas was initiated by citizen petition; and

WHEREAS, Fayetteville City Clerk/Treasurer Kara Paxton has verified 4,276 Fayetteville qualified electors' signatures on proper petitions were filed with the City Clerk which is over the required 15% of the qualified electors who cast a vote in Fayetteville for the Office of Governor in the last general election to successfully call the election; and

WHEREAS, Fayetteville City Clerk/Treasurer Kara Paxton is authorized to file her verification of sufficient Fayetteville electors' signatures on proper petitions filed in her office to call this election with the Washington County Clerk; and

WHEREAS, Fayetteville City Clerk/Treasurer Kara Paxton is requested to also file a certified copy of this Resolution Calling For An Election To Be Held During The Next General Election (November 5, 2024) On the Question of Authorizing Sunday Sales Of Alcoholic Beverages for Off-Premises Consumption In Fayetteville, Arkansas, with the Washington County Clerk; and

WHEREAS, the City of Fayetteville requests that the Washington County Quorum Court order that this election be called and included within the next General Election pursuant to A.C.A. § 3-3-210 (b) and A.C.A. § 3-9-206 (b).

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 confirms City Clerk/Treasurer Kara Paxton's verification of sufficiency of the citizens' petition to call an election for the next General Election to authorize Sunday sales of alcoholic beverages for off-premises consumption in Fayetteville.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby calls that an election on the question of authorizing Sunday sales of alcoholic beverages for off-premises consumption in

Fayetteville be included within the General Election of November 5, 2024.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that in accordance with A.C.A. § 7-11-204, § 3-3-210 (b) and § 3-9-206 the ballot for this election ballot shall be printed substantially as follows:

“FOR THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN
FAYETTEVILLE, ARKASAS, AS AUTHORIZED BY LAW.

AGAINST THE OFF-PREMISES SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN
FAYETTEVILLE, ARKANSAS, AS AUTHORIZED BY LAW.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby determines that the ballot title shall be: Whether or not to Authorize the Sale of Alcoholic Beverages for Off-Premises Consumption on Sundays between the hours of 10:00 a.m. and 12:00 midnight within the City of Fayetteville, Arkansas.



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**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Susan Norton**, Chief of Staff
Paul Becker, Chief Financial Officer

FROM: **Kit Williams**, City Attorney

DATE: **June 12, 2024**

RE: Calling Election for Sunday Sales of Alcoholic Beverages for Off-Premise Consumption

The registered voters of the City of Fayetteville have called by petition for an election to decide whether or not alcoholic beverages for off-premises consumption may be sold in Fayetteville during Sundays. Elections in surrounding cities such as Springdale and Greenland have authorized such Sunday sales.

City Clerk/Treasurer Kara Paxton and her staff have examined thousands of signatures on petitions calling for this Sunday sales election. She and her staff have determined that the petitions for this election contain at least 4,216 valid signatures of qualified Fayetteville electors which exceeds the required 15% of qualified electors who cast a vote in Fayetteville for the Office of Governor in the last general election. Her certification which will be provided to the Washington County Clerk will be included in this Agenda item.

Now that the citizens' petition for election has been certified by City Clerk/Treasurer Kara Paxton, the City Council has the duty to pass the Resolution calling for the election which will also be submitted to the Washington County Clerk. This election will be part of the General Election of November 5, 2024 and included on the ballot.

If anyone has any questions, please contact me prior to the City Council Meeting if possible.

Office of the City Clerk Treasurer

Kara Paxton – City Clerk Treasurer
Jackson Shelton – Senior Deputy City Clerk



Phone: 479.575.8323
cityclerk@fayetteville-ar.gov

113 W. Mountain Street, Suite 308
Fayetteville, Arkansas 72701

Becky Lewallen
Washington County Clerk
280 N. College Ave. Ste. 300
Fayetteville, AR 72701

June 24, 2024

RE: Citizens' Petition to Call Election to Authorize the Sale of Alcoholic Beverages For Off-Premises Consumption on Sunday within the City Limits of Fayetteville, Arkansas Between The Hours Of 10:00 a.m. and 12:00 a.m. midnight

Dear Becky Lewallen,

Attached is a true copy of the petition that was circulated to obtain Fayetteville electors' signatures to place the Sunday sales of alcoholic beverages for off-premises consumption in Fayetteville on the General Election ballot. These filled out petitions were filed in my office and examined by myself and my staff to verify the signatures of qualified Fayetteville electors. I hereby certify that the petitions filed in my office contain at least 4,296 valid signatures of qualified Fayetteville electors which exceeds 15% of qualified electors who cast a vote in Fayetteville for the Office of Governor in the last general election in which the office appeared on the ballot.

A handwritten signature in blue ink that reads "Kara Paxton".

Kara Paxton, MMC, CAMC
Fayetteville City Clerk Treasurer

ACKNOWLEDGMENT

State of Arkansas
County of Washington

On this the 24th of June, 2024, before me, a Notary Public, personally appeared Fayetteville City Clerk Treasurer Kara Paxton, known to me to be the person whose name is signed above to certify the sufficiency of the Fayetteville electors' petition for the election to authorize the sale of alcoholic beverages for off-premises consumption on Sundays in Fayetteville.

In witness whereof I hereunto set my hand and official seal.

SEAL



A handwritten signature in blue ink that reads "Courtney Spohn".

Notary Public

My Commission Expires: 11-08-2032



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Peter Nierengarten, Environmental Director
FROM: Leif Olson, Sustainability Planner
SUBJECT: **Climate Action Plan**

RECOMMENDATION:

Staff recommends approval of a resolution adopting the Climate Action Plan developed by City staff and Olsson Engineering with stakeholder and public input.

BACKGROUND:

In 2018, the City Council adopted the Energy Action Plan which focused on steps that the City could take to reduce the amount of greenhouse gas emissions (GHG) that are generated throughout the community. Since then, the City has made significant energy and efficiency improvements, including the 10MW solar arrays at the two wastewater treatment plants, expanded active transportation infrastructure, and the development of a food waste composting program.

In November 2021, the Fayetteville City Council passed Resolution 288-21 requesting the addition of an Ecosystem Services Plan to the City's existing Energy Action Plan to develop a comprehensive Climate Action Plan. This new Climate Action Plan (CAP) would be comprised of the GHG mitigation goals, strategies and actions from the Energy Action Plan and a new section comprised of climate change adaptation goals, strategies, and actions to grow a more resilient community as extreme weather events become more increasingly severe and frequent.

The City's sustainability team worked with project consultant Olsson to develop a Public Engagement Plan at the beginning of the project to direct public and stakeholder engagement activities. The Public Engagement Plan was continually updated throughout the project as the schedule and project activities were adjusted to meet the project goals. At the project launch, the project team convened a stakeholder committee made up of environmental, industry and sustainability professionals from area nonprofits, environmental and conservation advocacy groups, local utilities and city advisory boards. The committee's purpose was to assist with goal setting and provide ongoing project feedback. In February 2023, representatives from the city and the consultant team facilitated an initial virtual stakeholder meeting to educate and connect stakeholders and to gather input on goals and strategies.

In the spring of 2023, the team conducted public outreach on some possible draft goals and strategies. A suite of educational display boards was created for both in-person and online use that provided background information on emission reduction strategies and nature-based solutions for climate change adaptation. The city hosted four public input events. Attendees conversed with staff about the development of the CAP and provided input on strategies and actions that the city could take. Survey

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

access was provided on mobile tablets, and printed cards with the survey webpage and links were handed out for attendees to access the survey at home. In total, the Climate Action Plan project received 367 survey responses and staff estimated that 100 people were reached in person.

Following stakeholder and community input, staff along with the consultant Olsson began developing the framework of the plan and preliminary goals, strategies, and actions. City staff then met with various City Departments and Divisions to talk through goal-setting and identifying actions that will advance community GHG reductions and climate change adaptation strategies.

DISCUSSION:

This Climate Action Plan is a framework for both mitigating GHG emissions and adapting to a changing climate and extreme weather events. This plan provides a road map for informed decision-making on policy and program initiatives that achieve realistic science-based carbon reduction and long-term resilience goals, strategies and action. Ultimately, this plan is designed to guide and energize actions around the City's efforts to be a resource and energy efficient community.

This plan is set up on a two-part strategy and solution structure. The first strategy is Emission Reduction which sets ambitious mitigation targets, including an overarching goal of net-zero emissions by 2050. Setting a net-zero goal aligns Fayetteville with international targets that aim to balance greenhouse gas (GHG) production with atmospheric removals. To be on track to be net-zero by 2050, the community will need to decrease our cumulative GHG emissions by 37 percent by 2030. The Emissions Reduction strategies are focused on four sectors: Energy, Transportation, Waste, and Water.

The second strategy is Nature-Based Solutions to improve the natural ecosystems that buffer the impacts of severe weather. Nature-Based Solutions include identifying the ecosystem services that natural landscapes provide, such as stormwater absorption or tree canopy to reduce heat island impacts. Additionally, the Nature-Based Solutions sectors such as ecosystem resilience and carbon sequestration are identified to better understand and guide policy, programs and projects that will provide long-term community resilience. And finally, all these sector strategies and solutions are viewed through an equity lens that is focused on ensuring equal access to mitigation and adaptation opportunities in identified low-income and disadvantaged communities.

One of the outcomes of the Climate Action Plan is the creation of a climate resilience mapping tool that was developed to understand the climate resilience value of each parcel of land in the City. Each parcel is assigned a climate resilience score based on the features and characteristics present that provide nature-based solutions to climate change such as wetlands, tree canopy, streams, unique habitats, carbon sequestration sinks, floodplains, etc. The Climate Resilience Map is public-facing and intended for a wide range of uses. This tool will be helpful for guiding the development of policies, programs, and projects to help the community to mitigate GHG emissions and adapt to a changing climate.

The Climate Resilience Map is located on the Sustainability Department's website here: <https://www.fayetteville-ar.gov/4260/Climate-Action-Plan>

Approval of the Climate Action Plan will establish the framework for sustainable actions over the coming decade that will help to make the community more resilient in the face of global climate change.

BUDGET/STAFF IMPACT:

None

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF (#3), Climate Action Plan - 3 Page Summary (#4), Fayetteville Climate Action Plan - Final (#5), Resolution 288-21 (#6), Climate Action Plan - EAC Letter of Support (#7)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-330

Climate Action Plan

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE CLIMATE ACTION PLAN

WHEREAS, in 2018, the City Council adopted the Energy Action Plan which focused on steps that the City could take to reduce the amount of greenhouse gas emissions (GHG) that are generated throughout the community and, since that time, the City has made significant energy and efficiency improvements, including the 10MW solar arrays at the two wastewater treatment plants, expanded active transportation infrastructure, and the development of food waste composting program; and

WHEREAS, in November 2021, the City Council passed Resolution 288-21 requesting the addition of an Ecosystem Services Plan to the City's existing Energy Action Plan to develop a comprehensive Climate Action Plan comprised of the GHG mitigation goals, strategies and actions from the Energy Action Plan and a new section comprised of climate change adaptation goals, strategies, and actions to grow a more resilient community as extreme weather events become more increasingly severe and frequent; and

WHEREAS, the City's sustainability team worked with project consultant Olsson to develop a Public Engagement Plan at the beginning of the project to direct public and stakeholder engagement activities; and

WHEREAS, following stakeholder and community input, City staff met with various City Departments and Divisions to talk through goal-setting and identifying actions that will advance community GHG reductions and climate change adaptation strategies; and

WHEREAS, this Climate Action Plan is a framework for both mitigating GHG emissions and adapting to a changing climate and extreme weather events and provides a road map for informed decision-making on policy and program initiatives that achieve realistic science-based carbon reduction and long term resilience goals, strategies and action; and

WHEREAS, the first strategy of the Plan is Emission Reduction which sets ambitious mitigation targets, including an overarching goal of net zero emissions by 2050, which aligns Fayetteville with international targets that aim to balance GHG production with atmospheric removals; and

WHEREAS, the second strategy of the Plan is Nature Based Solutions to improve the natural ecosystems that buffer the impacts of severe weather which includes identifying the ecosystem services that natural landscapes provide, such as stormwater absorption or tree canopy to reduce heat island impacts; and

WHEREAS, all of these sector strategies and solutions are viewed through an equity lens that is focused on ensuring equal access to mitigation and adaptation opportunities in identified low income and disadvantaged communities; and

WHEREAS, approval of the Climate Action Plan will establish the framework for sustainable actions over the coming decade that will help to make the community more resilient in the face of global climate change.

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 Climate Action Plan, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-330

Item ID

7/16/2024

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

Leif Olson

6/27/2024

SUSTAINABILITY/RESILIENCE (631)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a resolution adopting the Climate Action Plan developed by City staff and Olsson Engineering with stakeholder and public input.

Budget Impact:

Account Number

Fund

Climate Action Plan

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 # Res. 288-21

Change Order Number:

Approval Date:

Original Contract Number:

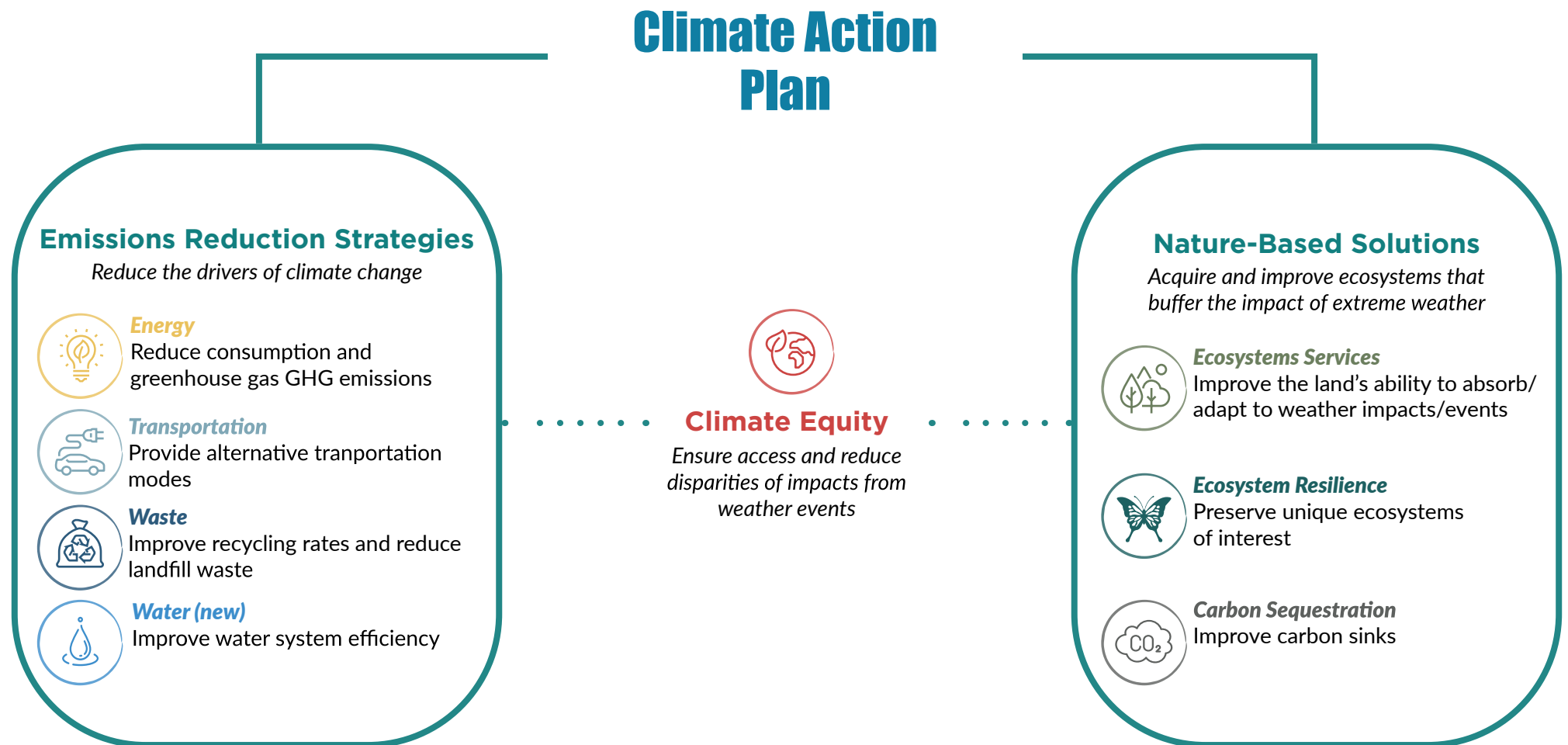
Comments:

Climate Action Plan

Background: The world is facing a climate crisis. Locally, climate change is most visibly manifesting itself through increasingly frequent extreme weather events. How we address this crisis will impact current and future generations' economic prospects and quality of life.

In 2018, Fayetteville joined the global community of cities developing comprehensive climate strategy by developing our Energy Action Plan, which established goals and actions to mitigate emissions within the City's jurisdiction.

In 2024, the City expanded the vision of the plan by developing and adopting nature-based solutions goals, strategies and actions that build community resilience to mitigate the most negative impacts from climate change.



Framework: The Fayetteville Climate Action Plan is designed to guide the community to implement actionable policies, programs and projects to help mitigate and reduce the amount of greenhouse gas (GHG) emissions in the community, and to develop and implement adaptation strategies to shape a more resilient community in the face of a changing climate.

The Climate Action Plan is grounded through science-based targets designed to reach net-zero carbon emissions by 2050.

Setting a net-zero goal aligns Fayetteville with international targets that aim to balance greenhouse gas production with atmospheric removals.



1. Achieve 100% clean energy usage for City of Fayetteville government operations by 2030.
2. Achieve communitywide 100% clean energy usage by 2050.
3. Reduce community per capita greenhouse gas (GHG) emissions year over year (YOY).



1. Reduce community per capita transportation emissions by 10% by 2030.
2. Create an equitable and sustainable multimodal transportation system for all ages and abilities.
3. Transition City's fleet to 10% alternative fuel by 2030, and reduce fleet emissions YOY.



1. Achieve a 40% waste diversion rate.
2. Increase commercial and residential recycling program participation rates YOY.
3. Reduce per capita waste to the landfill by 5% by 2030.



1. Prepare, plan and develop community response strategies and contingencies for extreme weather events, such as heatwaves, droughts and floods.
2. Reduce per capita water consumption by 5% by 2030.
3. Identify and prioritize the repair and installation of water system infrastructure to alleviate water leakage and accommodate growing systems demands.



1. Prepare, plan and develop community response strategies and contingencies for extreme weather events.
2. Identify lands within the City's planning area that provide highest ecosystem services for resilience to extreme weather events.
3. Preserve lands within the City's planning area that provide high ecosystem services for resilience to extreme weather events.
4. Restore and improve ecosystem services provided by existing preserved natural areas.
5. Reduce climate change threats to public infrastructure and private property.



1. Identify lands with high levels of biodiversity and ecosystem resilience.
2. Preserve lands with high levels of biodiversity and ecosystem resilience.
3. Restore and enhance City owned or managed lands with high levels of biodiversity and ecosystem resilience.
4. Support ongoing ecological education and outreach efforts by local expert organizations.



1. Measure and track carbon sequestration in the City's tree canopy and natural environment.
2. Increase carbon sequestration into the City's soils, plants and trees' biomass.
3. Preserve and enhance existing carbon sinks, such as wetlands, prairies and forests.



1. Identify, prioritize and mitigate climate change impacts on underserved or vulnerable neighborhoods and populations.
2. Provide access to useful public spaces in proximity to low-income or disadvantaged populations.
3. Build a complete and connected active transportation network within a 10-minute walk of every resident by 2030.

Nature-Based Solutions: Nature-based solutions can serve both a mitigation and adaptation role to both reduce and stabilize GHG levels in the atmosphere (mitigation) and adapt to the climate change that is already underway because of existing GHGs (adaptation).

Nature-based solutions for mitigation include:

- measures that decrease GHG emissions from deforestation, soil disturbance, and land use
- measures that sequester and store carbon dioxide from the atmosphere.
- protecting high-value urban ecosystems from degradation,
- restoring urban ecosystems that have already been degraded, and sustainably managing urban natural areas such as city parks or rights-of-way.

Climate Equity connects the two areas and helps identify the impact disparities climate change will have on vulnerable populations in Fayetteville.

Goals, Strategies and Actions: The project team developed goals, strategies and actions for both the emission reductions and nature-based solutions sections of the plan. This culminated in a hierarchy of 27 goals, with 53 underlying strategies and 80 actions toward reaching an overarching goal of net-zero emissions by 2050. To be on track to be net zero by 2050, the community will need to decrease our cumulative GHG emissions by 37 percent by 2030.

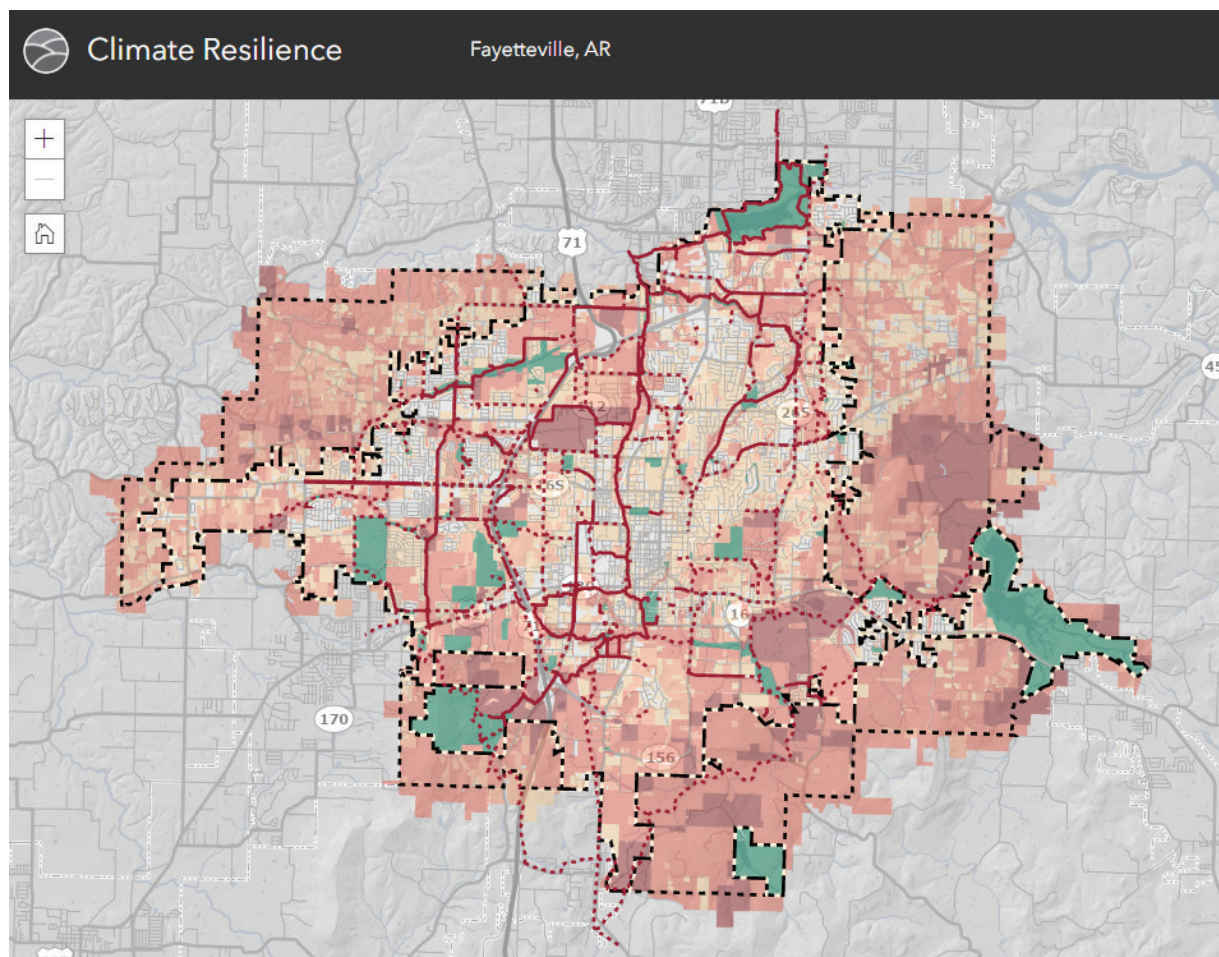
Climate Resilience Map: A climate resilience mapping tool was developed to help measure and understand the climate resilience value of each parcel of land in the city.

Each parcel is assigned a climate resilience score which was derived by identifying features and characteristics that provide nature-based solutions to climate change, such as:

Wetlands	Unique Habitats
Streams	Carbon Sequestration Sinks
Tree canopy	Prairie Remnants

The Climate Resilience Map is public-facing and intended for a wide range of uses and users. This tool will be helpful for guiding the development of policies, programs and projects.

Climate Resilience Map can be accessed at:
<https://maps.fayetteville-ar.gov/sustainability/climateresilience>



Fayetteville, Arkansas



**CITY OF
FAYETTEVILLE
ARKANSAS**

FAYETTEVILLE CLIMATE ACTION PLAN

JUNE 2024

olsson®

Acknowledgments

City of Fayetteville Departments and Divisions:

Sustainability and Resilience Department
Geographic Information System Division
Utilities Department
Public Works Department
Parks, Natural Resources and Cultural Affairs Department
Communications Department
Development Services Department
Engineering Division
Transportation Division
Fleet Operations Division
Park Operations Division
Urban Forestry Division
Community Resources Department
Recycling and Trash Division

Stakeholder Group Consisting of City Boards, Community-Environmental-Non-Profit Organizations:

Citizen Representative	Beaver Watershed Alliance
City Council	Illinois River Watershed Partnership
Environmental Action Committee	Northwest Arkansas Regional Planning Commission
Parks and Recreation Advisory Board	Northwest Arkansas Land Trust
Active Transportation Committee	Watershed Conservation Resource Center
Urban Forestry Advisory Board	Arkansas Natural Heritage Commission
Fayetteville Community Development and Assistance Programs Advisory Board	Fayetteville Black Heritage Preservation Commission
Fayetteville Natural Heritage Association	



Fayetteville Climate Action Plan

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1.0 Introduction

Fayetteville is facing a climate crisis. Extreme weather events and constrained resources directly affect our residents, especially those who live in low-income and disadvantaged neighborhoods. How we address this crisis will affect current and future generations' abilities to thrive and exist. To meet the magnitude of this crisis, we are joining the global community of cities developing a comprehensive climate strategy. Building off Fayetteville's 2018 Energy Action Plan, this Climate Action Plan (CAP) sets ambitious mitigation targets, including an overarching goal of net-zero emissions by 2050. Setting a net-zero goal aligns Fayetteville with international targets that aim to balance greenhouse gas (GHG) production with atmospheric removals. To be on track to be net zero by 2050, the community will need to decrease our cumulative GHG emissions by 37 percent by 2030.

In addition to ambitious mitigation targets, the CAP also introduces nature-based climate adaptation goals that recognize climate change is already having a significant impact on our daily lives. This CAP is the city's framework and policy commitment to mitigate GHG emissions and to use nature-based solutions to enhance ecosystem services and adaptive resilience.



Framework

This plan reflects the latest science and aligns with international standards for measuring GHG emissions. Goals, strategies, and actions are grounded through science-based targets designed to reach net-zero carbon emissions by 2050. Science-based targets are a way for organizations to define emissions reduction targets by focusing on the quantity of emissions that need to be reduced to meet the targets set out in the Paris Climate Agreement, limiting global warming to 1.5 Celsius (C). Net-zero is a key part of the Paris Climate Agreement, defined as a condition in which human-caused residual GHG emissions are balanced by human-led removals over a specific period and within specified boundaries.¹

This five-year plan update also broadens the scope of influence beyond carbon emissions through the addition of a Nature-Based Solutions Chapter that addresses carbon sequestration and climate change adaptation strategies to improve resilience to extreme weather. A focus on resilient natural ecosystems as components of the city's gray and green infrastructure is a necessary addition considering the progression of climate change. Climate models show an increasingly shorter opportunity to keep global surface temperatures from rising 1.5 C. Meanwhile, extreme weather events are already affecting cities and communities. Mitigating the drivers of climate change is still critical, but we must also begin adapting to the impacts of climate change now.

Intentionally, this CAP aligns with other city master plans and is meant to complement and reinforce the sustainability and resilience-oriented goals, strategies, and actions identified in the City Plan 2040, the Fayetteville Mobility Plan, the Parks Master Plan, the Recycling and Trash Master Plan, the Urban Forestry Master Plan, and the Active Transportation Plan.



CITY PLAN 2040
FAYETTEVILLE, ARKANSAS



FAYETTEVILLE MOBILITY



2.0 Feeling the Impacts of Climate Change

In the coming decades, Arkansas will become warmer and experience more severe floods and droughts.² As the region's climate changes, heavier rainfall events are expected to lead to more stormwater runoff and flash flooding.³ Though storm events are expected to become more intense, climate change is also expected to produce fewer rainfall events overall, which will lead to more regional droughts and a resulting drop in surface water and groundwater recharge.⁴ Extreme heat will also exacerbate the effects of drought on the region's water supply. Heat causes an increase in the evapotranspiration rate and decreases water availability.^{5, 6} In addition to environmental impacts, these climate change effects will negatively affect Fayetteville's economy and the quality of life of many city residents.^{7, 8}

Global Climate Change Data Trends

The National Oceanic and Atmospheric Administration (NOAA) monitors global climate data and has provided the following global data trends:

- Global temperatures rose about 1° C from 1901 to 2020.⁹
- The amount of carbon dioxide in the atmosphere has risen by 25 percent since 1958 and by about 40 percent since the Industrial Revolution.¹⁰
- Sea-level rise has accelerated from 1.7 millimeters (mm)/year throughout most of the twentieth century to 3.2 mm/year since 1993.^{11 12}

2.1 Economic Impacts

Fayetteville is also susceptible to economic impacts from the effects of climate change, including flooding, drought, and extreme heat. These impacts will be magnified for vulnerable populations.

- **Infrastructure Costs:** The city may face escalating costs related to the maintenance and repair of infrastructure. Extreme weather events, such as floods and storms, can damage roads, bridges, and other critical infrastructure, requiring substantial financial resources for rehabilitation.
- **Insurance Premiums:** The increased frequency and severity of climate-related events can lead to higher insurance premiums for both the city and its residents. This places an additional financial burden on the local government and property owners.
- **Agricultural Impacts:** If the local agricultural sector is affected by changing climate conditions, it can affect food production and supply chains. This situation may lead to increased food prices, affecting both businesses and consumers in Fayetteville.
- **Public Health Expenditures:** Climate change can influence public health, leading to increased incidents of heat-related illnesses, the spread of diseases, and higher health care costs. The city may need to invest more in health care infrastructure and services to address these emerging challenges.
- **Tourism and Recreation:** If local natural attractions, parks, or recreational areas are adversely affected by climate change, it could affect tourism and outdoor activities. A decline in tourism may have a ripple effect on the local economy, affecting businesses in the hospitality and service sectors.
- **Property Values:** Climate-related risks, such as increased flood susceptibility, can influence property values. This may lead to potential financial losses for property owners and affect the overall tax base of the city.
- **Energy Costs and Demands:** Changes in climate patterns may influence energy consumption and costs. Higher temperatures could lead to increased demand for cooling, affecting energy infrastructure and expenses for both residents and businesses.

Addressing these economic impacts requires strategic planning, investment in resilient infrastructure, the development of adaptive policies, and creating public awareness through on-going public education efforts. Fayetteville will need to collaborate with stakeholders, implement sustainable practices, and engage the public to prioritize climate resilience to safeguard the city's economic stability in face of ongoing climate change.





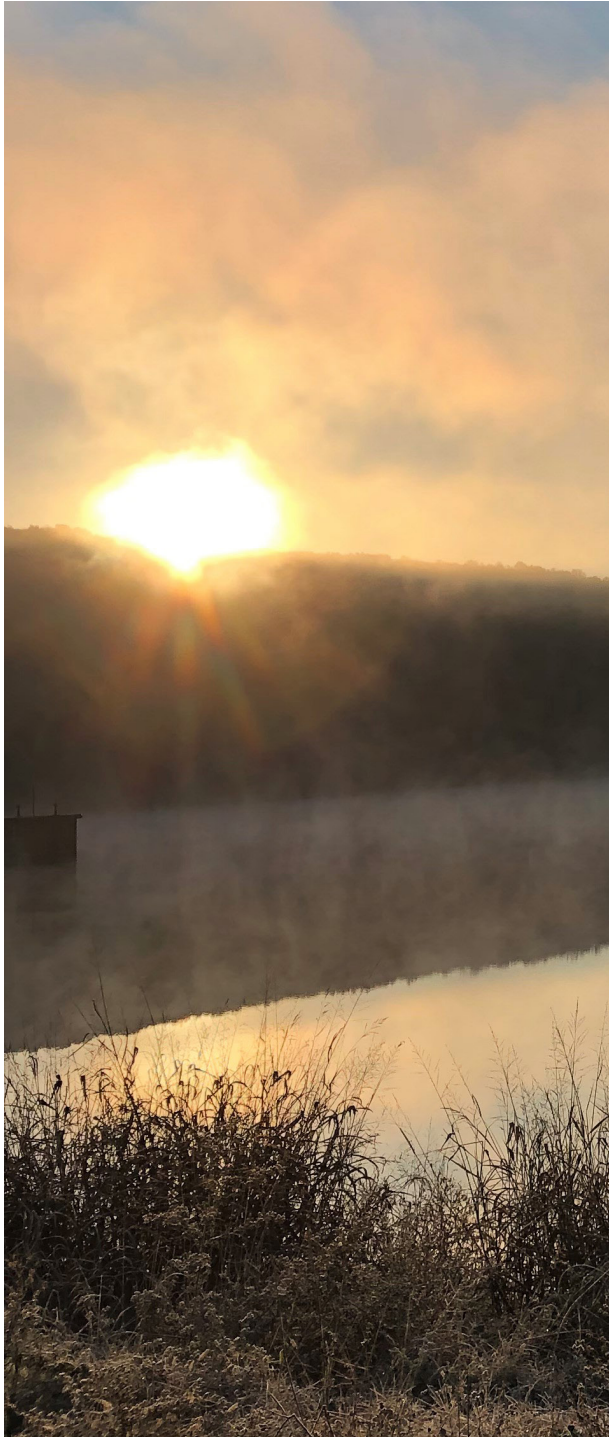
2.2 Social Impacts

Climate change poses profound and far-reaching social impacts, affecting communities globally. One of the most significant threats is the exacerbation of existing inequalities. Vulnerable populations, including low-income communities, senior citizens, indigenous groups, marginalized individuals often bear the brunt of climate-related disasters and disruptions.

Extreme weather events, such as hurricanes, floods, and droughts, can displace entire communities, leading to forced migration and heightened competition for resources. This scenario not only strains social cohesion, but also amplifies the risk of conflict and displacement. Inadequate infrastructure and limited access to resources exacerbate the vulnerability of marginalized groups, leaving them disproportionately affected by the consequences of climate change.

Health is a major social concern as rising temperatures contribute to the spread of infectious diseases, increase the frequency of heat-related illnesses, and compromise access to clean water and sanitation. Vulnerable populations face heightened risks of malnutrition, waterborne diseases, and vector-borne illnesses.

Addressing the social impacts of climate change necessitates a comprehensive and inclusive approach. Adaptation and mitigation strategies must prioritize vulnerable communities, assuring equitable access to resources, health care, and opportunities for sustainable livelihoods. Additionally, fostering community resilience, enhancing education and awareness, and promoting regional and international cooperation are crucial components in building a more socially resilient world in the face of climate challenges.



2.3 Environmental Impacts

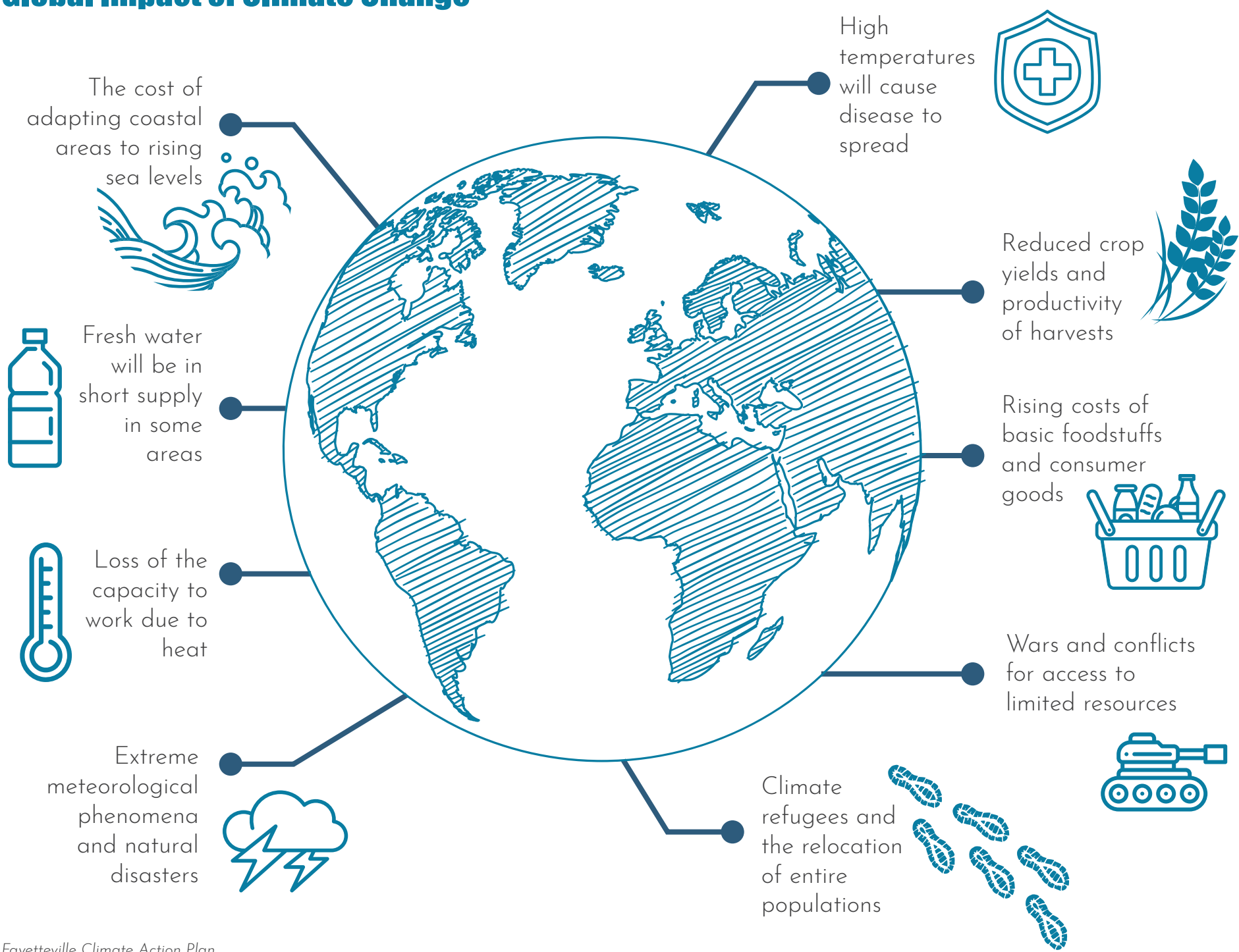
Intense rainfall and increased runoff will affect Fayetteville's environment, causing issues like flash floods, landslides, and harm to riparian areas because of stream bank erosion.^{13, 8} This circumstance poses a threat to wildlife by disrupting habitats and migration routes. Additionally, lakes and water bodies will suffer from sedimentation and nutrient loading, negatively affecting water quality and aquatic ecosystems.^{14, 8, 7}

Conversely, prolonged droughts will also affect Fayetteville's ecosystems. Groundwater levels will drop, leading to the drying up of streams and negatively affecting aquatic life. This situation can particularly harm federally listed threatened and endangered species like the Ozark cavefish (*Amblyopsis rosae*) and Benton County cave crayfish (*Cambarus aculabrum*). Wildlife may face challenges in accessing water because of climate change effects on Beaver Lake and wetlands, which will affect habitat quality for species like amphibians.

A drier landscape will affect vegetation, leading to changes in species composition and exacerbating the urban heat island effect. Extreme heat and drought raise the risk of wildfires, threatening vegetation and increasing the likelihood of landslides during heavy rain events. Aquatic ecosystems will suffer from reduced stream flows, altered hydrology, and warmer water temperatures, affecting aquatic organisms. Fragmented ecosystems hinder the natural migrations of species in response to temperature changes.

Terrestrial ecosystems will witness decreased biodiversity because of the stress on trees and vegetation. Urban development disrupts heat-induced migration patterns, and extreme summer heat negatively affects urban trees, promotes the spread of invasive species, and increases pest outbreaks, affecting biodiversity and hindering ecological resilience to climate change effects in Fayetteville.

Global Impact of Climate Change



3.0 Mitigation and Adaptation

3.1 What is the difference between mitigation and adaptation?

Climate Change Mitigation and Adaptation: Climate change is a global issue felt most acutely at the local level through extreme weather events. Cities play a leading role in developing strategies to limit those effects through GHG reduction and carbon sequestration. What is becoming abundantly clear, however, is that as human GHG production continues to increase, cities must also be prepared to respond and adapt to the effects of climate change. Fayetteville's response thus involves a two-pronged approach for achieving net-zero emissions communitywide. This approach is realized through the following.

- **Mitigation** - Reducing the flow of heat-trapping GHG into the atmosphere and enhancing the carbon sinks, such as forests and soils, that sequester these gases. The goal of mitigation is to stop the accumulation of GHG levels to allow ecosystems to adapt naturally to climate change.
- **Adaptation** - Adjusting to actual or expected future climate to reduce harmful impacts of climate change and extreme weather such as flooding and heat waves. The goal of adaptation is to reduce or manage the risks to climate change impacts.

The CAP addresses both mitigation and adaptation through emission reduction measures and nature-based solutions. These two strategies overlap, and many actions in the CAP address both mitigation and adaptation simultaneously across sectors.

3.2 What are emission reduction strategies?

One way to mitigate climate change is by reducing GHG emissions. Emission reduction strategies are targeted at decoupling GHG emissions from energy production and economic activity. The CAP addresses mitigation through four key high-emission sectors: energy, transportation, waste, and water. Activities like renewable energy generation, electric vehicle use, energy efficiency improvements, public transit, urban form enhancements, waste reduction and recycling, water use reduction, and infrastructure improvements all play a role in reducing emissions and mitigating the effects of climate change.



MITIGATION

actions to reduce emissions that cause climate change



Energy Efficiency



Renewable Energy



Sustainable Transportation

Education & Outreach



Urban Forests

Water Conservation



New Energy Systems



ADAPTATION

actions to manage the risks of climate change

Infrastructure Upgrades



Disaster Management & Business Continuity



Flood Protection



3.3 What are Nature-Based Solutions?

The International Union for Conservation of Nature (IUCN) defines nature-based solutions as actions that “protect, sustainably manage, and restore natural and modified ecosystems [to] address societal challenges effectively and adaptively, simultaneously benefiting people and nature.”¹⁵ Nature-based solutions can serve both a mitigation and adaptation role. The IUCN recommends that nature-based solutions be used to both reduce and stabilize GHG levels in the atmosphere (mitigation) and adapt to the climate change that is already underway because of existing GHGs (adaptation).

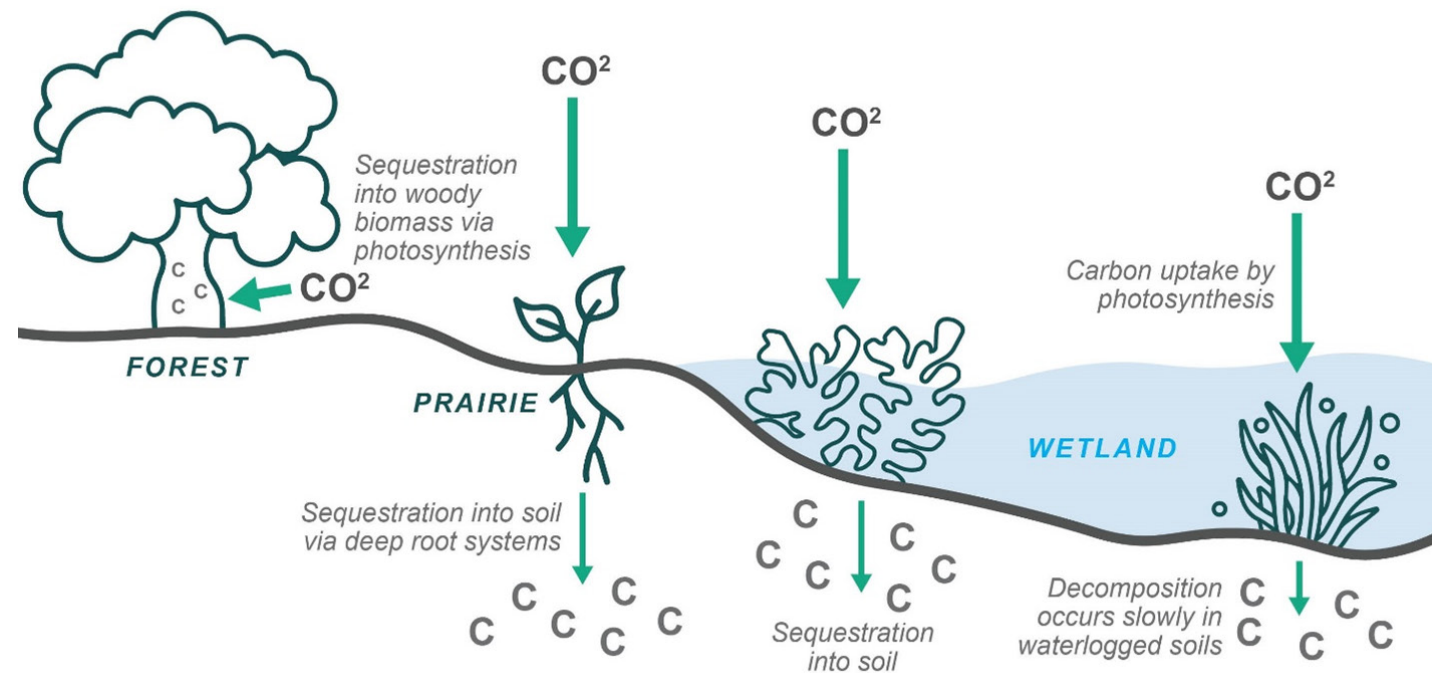
Nature-based solutions for mitigation include (1) measures that decrease GHG emissions from deforestation, soil disturbance, and land use; and (2) measures that sequester and store carbon dioxide from the atmosphere. Actions can include protecting high-value urban ecosystems from degradation, restoring urban ecosystems that have already been degraded, and sustainably managing urban natural areas such as city parks or rights-of-way. Mitigation strategies are essential to rapidly cutting GHG emissions and removing carbon dioxide from the atmosphere to avoid the worst consequences of climate change.

Nature-based solutions for adaptation focus on benefits that humans derive from biodiversity and ecosystem services. These benefits can be used to manage risk from climate change impacts. Healthy ecosystems provide ecosystem services that contribute to climate change adaptation.

Conservation measures and ecosystem restoration reduce the vulnerability of people and the environment to climate change. These measures can be implemented alone or with engineered approaches (such as low-impact development principles or reservoir construction).

What is Carbon Sequestration?

“Carbon sequestration” refers to the processes by which carbon dioxide is removed from the atmosphere and held in liquid or solid form. A carbon sink is anything that sequesters and stores more carbon from the atmosphere than it releases. It is estimated that nature-based solutions can account for up to 37 percent of the climate mitigation needed to keep average global temperatures from increasing 2 C by 2030 (IPBES, 2019),¹⁶ and 20 percent of the carbon sequestration needed to keep average global temperatures from increasing 2 C by 2050.¹⁷



3.4 Benefits of Nature-Based Solutions

In its most recent report, the Intergovernmental Panel on Climate Change demonstrated that nature-based solutions are among the top five most effective strategies for mitigating carbon emissions by 2030.¹⁸ A joint report by the International Federation of Red Cross and Red Crescent Societies and the World Wide Fund for Nature found that nature-based solutions could reduce the intensity of climate and weather-related hazards by 26 percent.¹⁹

The natural resources found in Fayetteville that provide nature-based solutions for adaptation and mitigation are discussed below.

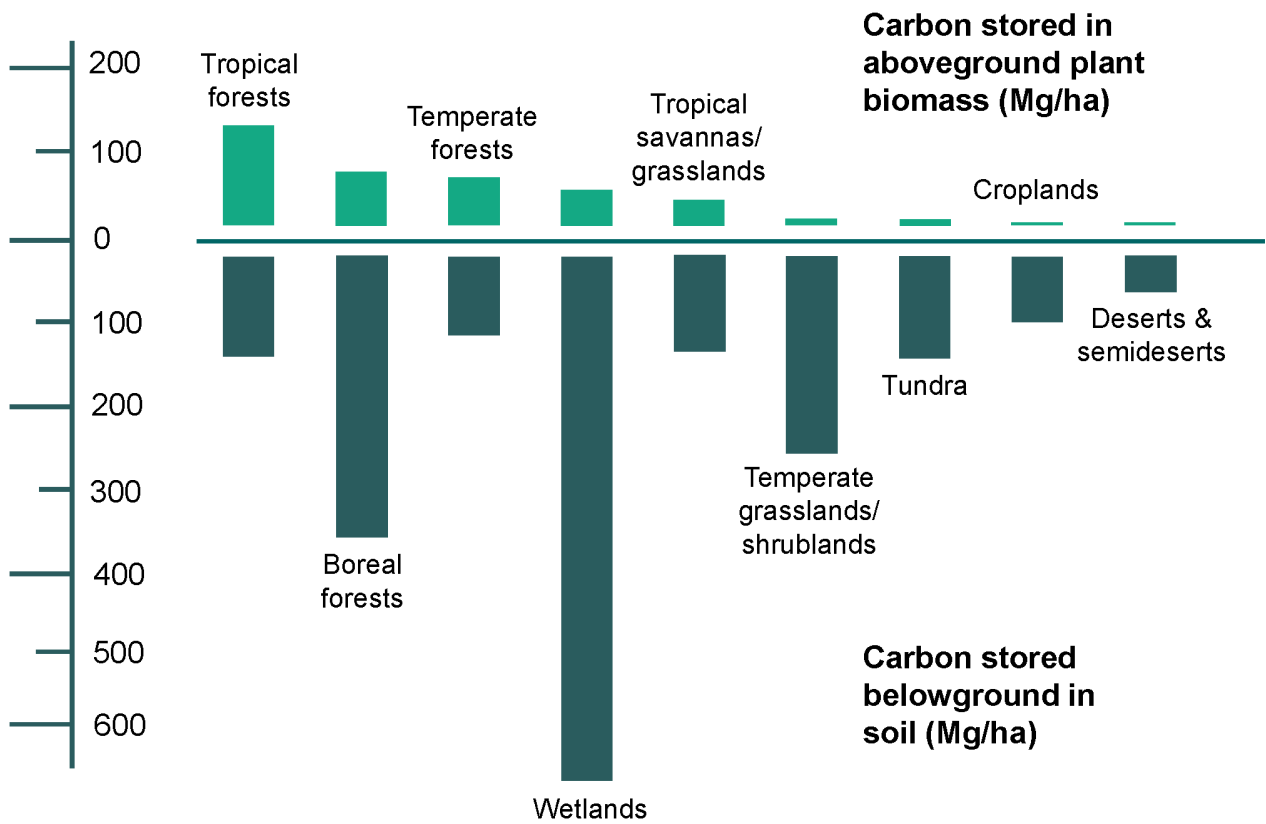
What are Ecosystem Services?

“Ecosystem services” refers to benefits that the natural environment and healthy ecosystems provide to humans and can include flood control and extreme heat mitigation.

What is Ecosystem Resilience?

Ecosystem resilience refers to the ability of an ecosystem to absorb various disturbances or environmental stressors and to reorganize itself to maintain its critical functions. Healthy and resilient ecosystems provide better ecosystem services than less-resilient ecosystems. According to researchers, ecosystems are more resilient to climate change when they are high in biodiversity, high in topographic diversity, and are interconnected in the landscape.

Aboveground and Belowground Carbon Storage of Different Biomes²⁰

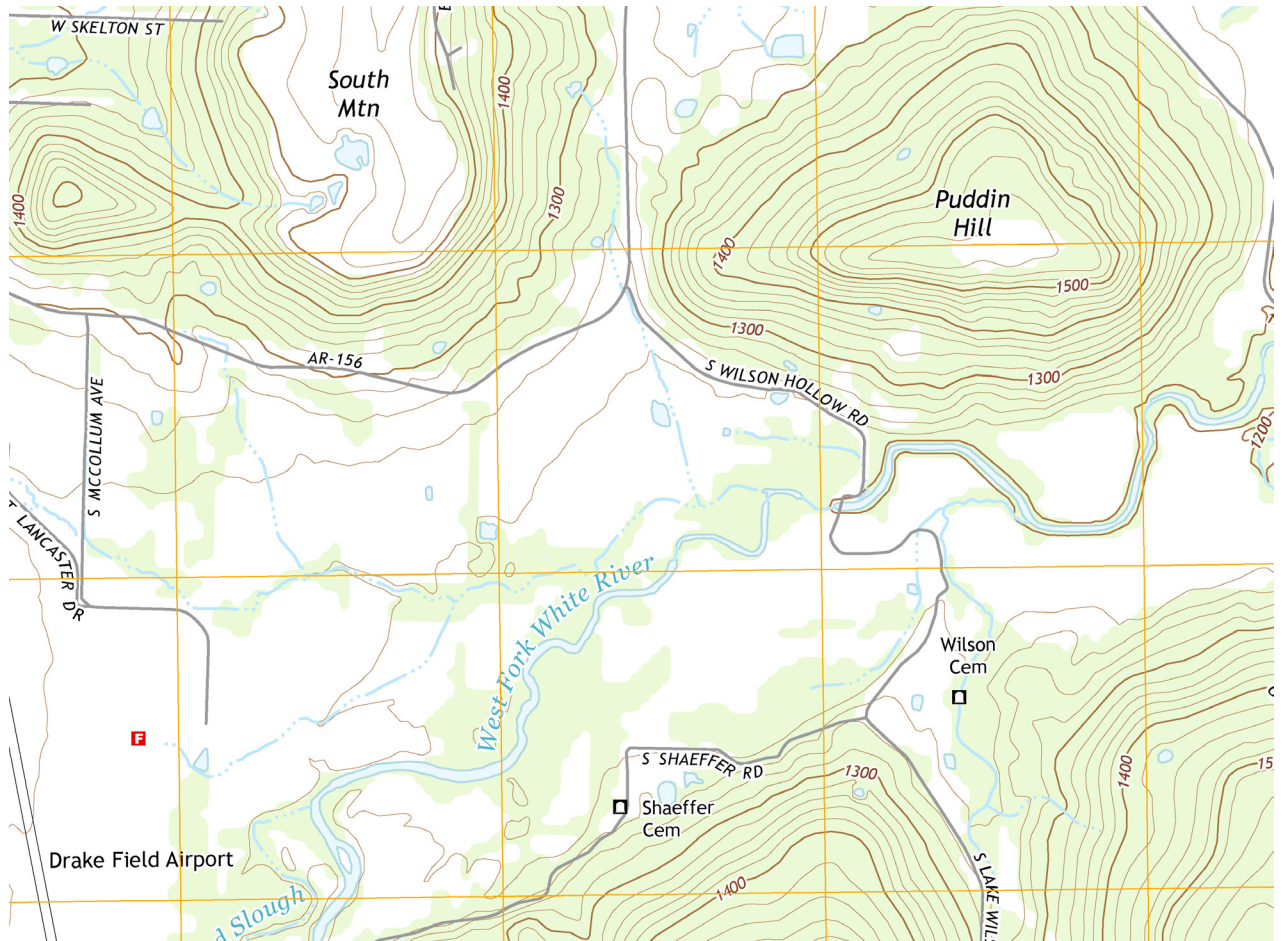


Biodiversity

Biodiversity is the measure of all the distinct kinds of life in an area. The greater the number of different species of plants, animals, fungi, etc. found in an area, the more biodiverse it is. Each of these species and organisms work together to form an ecosystem, which acts like an intricate web to maintain balance and support life. The greater an ecosystem's biodiversity, the better able it is to handle environmental stressors such as those expected from climate change. In a highly biodiverse ecosystem, if one or a few species are affected by an environmental stressor, such as extreme heat, there are likely to be other species that will be available to fill their niche in the ecosystem until that ecosystem is able to recover from the stressor.

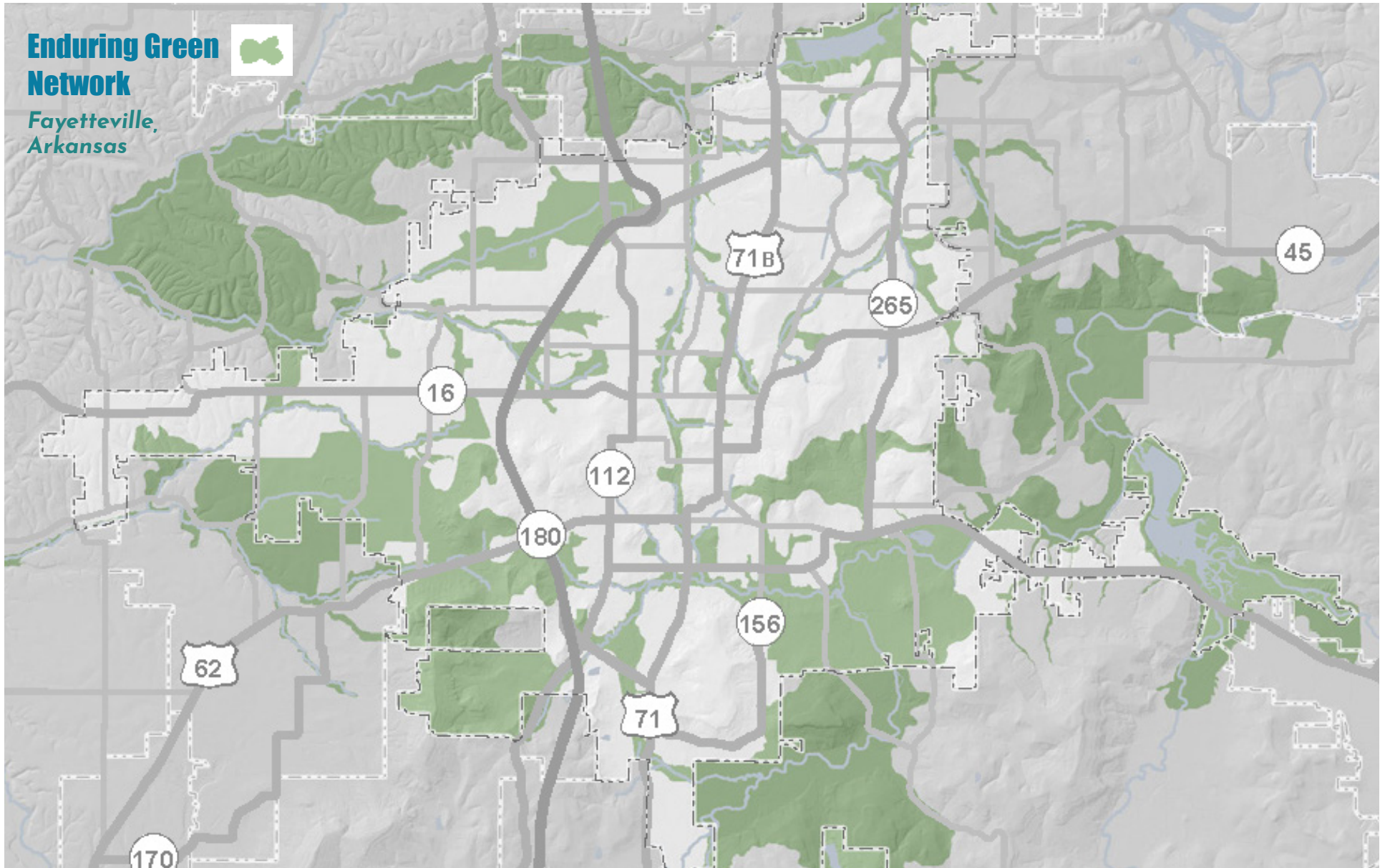
Topographic Diversity

Topographic diversity refers to the varying degrees of elevation in an area. The more hills, mountains, valleys, and lowlands there are, the greater that area's topographic diversity. Topographic diversity provides connected microclimates that create options for species as they adapt to the effects of climate change. The more topographically diverse an area is, the more options a species has to find the resources it needs to complete its life cycle.



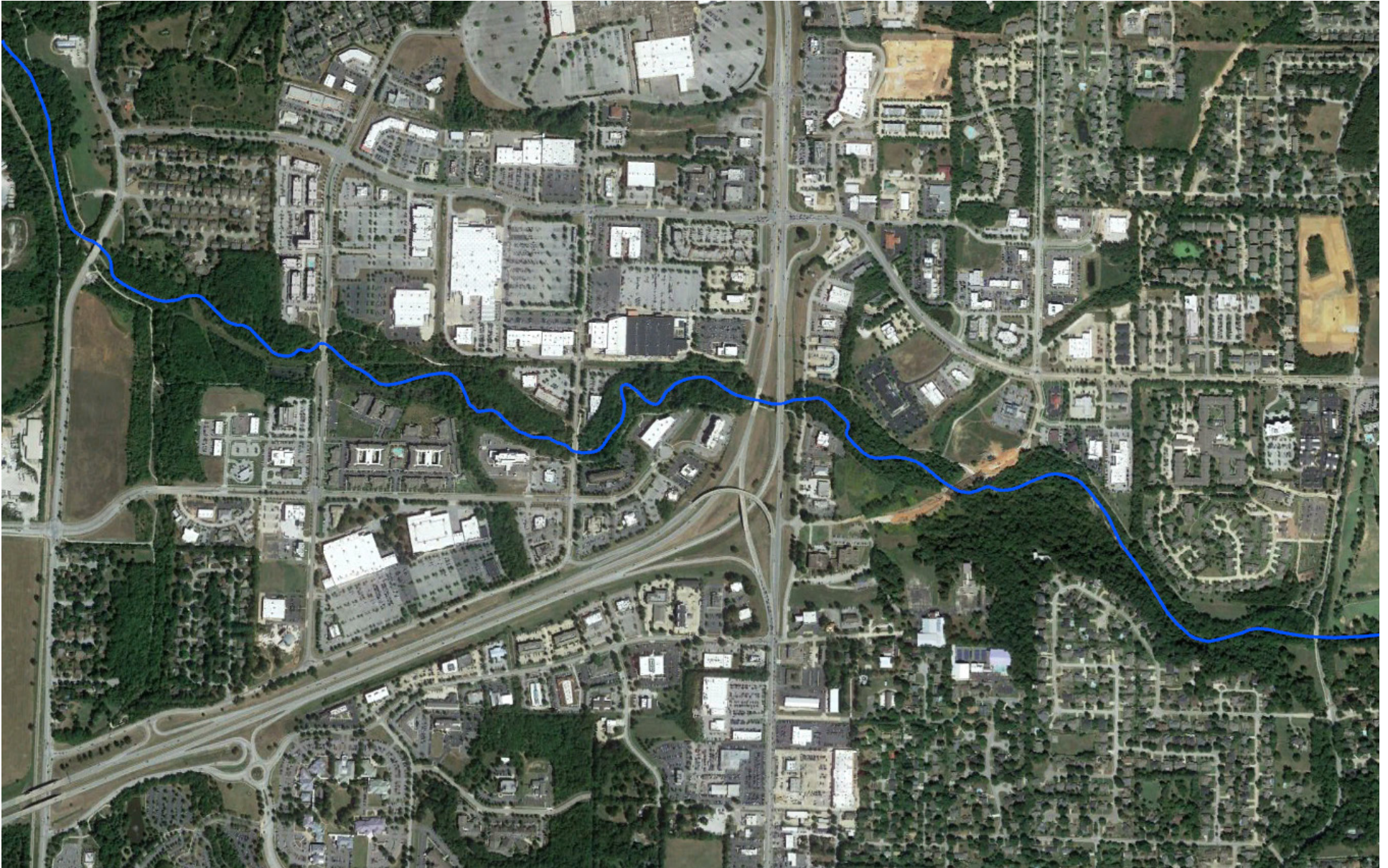
Habitat Connectivity

Habitat connectivity is the degree of connection between the various natural environments on a landscape. Habitat connectivity allows species to move across sites as they adjust to the effects of climate change which is essential for maintaining regional biodiversity and ecosystem resilience so that plant and animal populations can take advantage of microclimate options without their movements being restricted by human development.^{21, 22}



Riparian Areas

Riparian areas are those on the landscape along the edges of lakes and streams. Riparian areas provide ecosystem services such as flood control and pollutant filtration, and they also help reduce streambank erosion. Tree canopy in riparian areas provides shade that can help reduce water temperatures that can be beneficial for aquatic life. Riparian areas can also serve as wildlife corridors, connecting different biodiversity hotspots in a region.



Wetlands

Wetlands are areas inundated or saturated by surface or groundwater at a frequency and duration that supports vegetation adapted to these conditions. Wetlands provide unique habitat to species dependent on these landscape features to complete all or part of their life cycles. They are often biodiversity hotspots that contribute to ecological resilience of the landscape.

Wetlands act as natural sponges by capturing and slowing down the flow of surface water and then gradually releasing it after peak flood flows have passed. This capability helps to reduce the frequency and intensity of floods by absorbing and storing significant amounts of stormwater, which reduces property damage and erosion downstream. Trees, root mats, and other wetland vegetation also slow the speed of flood waters and distribute these waters more slowly over the floodplain. This combined water storage and braking action lowers flood heights and reduces erosion. The cumulative presence of wetlands in a watershed can reduce flood flows during intense storm events. Wetlands also store water on the landscape, mitigating the effects of drought. The longer water sits in a wetland, the more time it has to infiltrate the soil and to recharge groundwater supplies. Groundwater helps to keep streams flowing, which can help mitigate the effects of droughts on aquatic species.

Wetlands play a role in reducing the amount of carbon in the atmosphere by acting as a “carbon sink.” As carbon is removed from the atmosphere through the photosynthetic activity of a plant, it is first stored in the plant’s biomass and then stored in wetland soil after the plants complete their life cycle. Because of the low levels of oxygen in the saturated soils of wetlands, organic matter decomposes very slowly, and it accumulates faster than it decomposes, building up over time.



Lakes and Ponds

Ponds and reservoirs capture and store stormwater, reducing the frequency and intensity of floods, and thereby reducing property damage and erosion downstream. The cumulative presence of lakes and ponds in a watershed can reduce flood flows during big storm events. Lakes and ponds store water on the landscape, preventing it from leaving our region as stormwater runoff or from flowing away. These lakes and ponds provide alternative water supplies for humans and wildlife during dry periods. Lakes and ponds also help recharge groundwater supplies, which also helps to keep streams flowing during dry periods.

Like wetlands, decomposition in the soils of lakes and ponds happens very slowly because of the low oxygen levels. As living organisms complete their life cycles, some of the organic matter that once composed their living tissues sinks to the bottom of the lake or pond, where it accumulates in a similar process to how organic matter accumulates in the soils of wetlands.





Prairies

Prairies are ecosystems composed mostly of grasses and wildflowers with little to no woody species such as trees and shrubs present. Prairies are often biodiversity hotspots and provide habitat for many different species of wildlife. Prairie plants remove carbon from the atmosphere through photosynthesis and store it in their root systems. The root systems of many perennial prairie plants grow very deep into the soil. When the prairie plant completes its life cycle, most of this carbon remains in the soil after the roots decompose.

Forests

Forest trees store the carbon they remove from the atmosphere during photosynthesis in both their aboveground and belowground biomasses. Trees that grow larger and that are longer lived can sequester and store more carbon than smaller short-lived trees can. However, the carbon in the tree's aboveground biomass is only stored for as long as the tree is alive, after which most of it is returned to the atmosphere as the tree decomposes.



Urban Tree Canopy

Tree canopy provides shade that helps reduce ground surface temperatures, making it less expensive to cool our homes and reducing heat-related illnesses.



4.0 Planning Process

4.1 Background

The city council originally adopted an Energy Action Plan (EAP) by resolution No. 25-18 in 2018. The 2018 plan was primarily focused on goals and strategies to identify, measure, and act to reduce GHG emissions produced by city government operations and the broader community. The plan identified four areas of emphasis: energy, buildings, transportation, and waste and was broad in its approach. Some goals, strategies, and actions out of the city's control have had varying levels of success, while many of the actions identified as under direct city control have been completed or are in progress. Notable actions that have been completed include the following:

- The completion of 10 megawatts of solar power and associated battery storage at the city's two wastewater treatment plants increased the city's clean energy percentage from 16 percent to 72 percent and significantly advanced the EAP goal of 100 percent clean energy for government operations by 2030.
- Ongoing energy efficiency upgrades to city government facilities will result in 27 percent energy use reductions.
- Fayetteville became a SolSmart designated solar-ready community by permitting commercial and residential solar energy as a use by right in all zoning districts and streamlining the permitting process to incentivize solar energy installations.

To view a comprehensive list of actions, refer to **Appendix A**.



4.2 Public Engagement

The CAP was informed by the community. The city's sustainability team worked with project consultant Olsson to develop a Public Engagement Plan at the beginning of the project to direct public and stakeholder engagement activities. The Public Engagement Plan was continually updated throughout the project as schedules and project activities were adjusted to meet the project goals. The Public Engagement Plan broke the engagement process into two steps: (1) project launch and goals, and (2) project strategies. To inform the project's goals, strategies, and actions, the project team engaged stakeholders with subject matter expertise and conducted public outreach.

At the project launch, the project team convened a stakeholder committee made up of environmental and sustainability professionals from area nonprofits, environmental and conservation advocacy groups, and city advisory boards. The committee's purpose was to assist with goal setting and provide ongoing project feedback. In February 2023, representatives from the city and the consultant team facilitated an initial virtual stakeholder meeting to educate and connect stakeholders and to gather input on goals and strategies. After an overview presentation of the project, the stakeholder group was divided into breakout rooms on eight different topics: energy, waste, water, transportation, ecosystem services, ecological resilience, carbon sequestration, and climate justice. Breakout rooms reported out priorities identified by their groups. The project team used these priorities to draft goals and strategies for each topic area.

In the spring of 2023, the team conducted public outreach on the draft goals and strategies. A suite of educational display boards was created for both in-person and online use that provided background information on emission reduction strategies and nature-based solutions for climate change adaptation. The city hosted four public input events at the following places: (1) the Saturday Farmers Market, (2) Fayetteville Public Library, (3) Earth Day celebrations at the Marion Orton Recycling Center, and (4) Bryce Davis Park. Attendees conversed with staff about the development of the CAP and provided input on strategies and actions that the city could take. Survey access was provided on mobile tablets, and printed cards with the survey webpage and links were handed out for attendees to access the survey at home. In total, the CAP received 367 survey responses and staff estimated that 100 people were reached in person. Considering the comprehensive and technical aspects of climate change mitigation and adaptation efforts, the project team was pleased with the public input response.

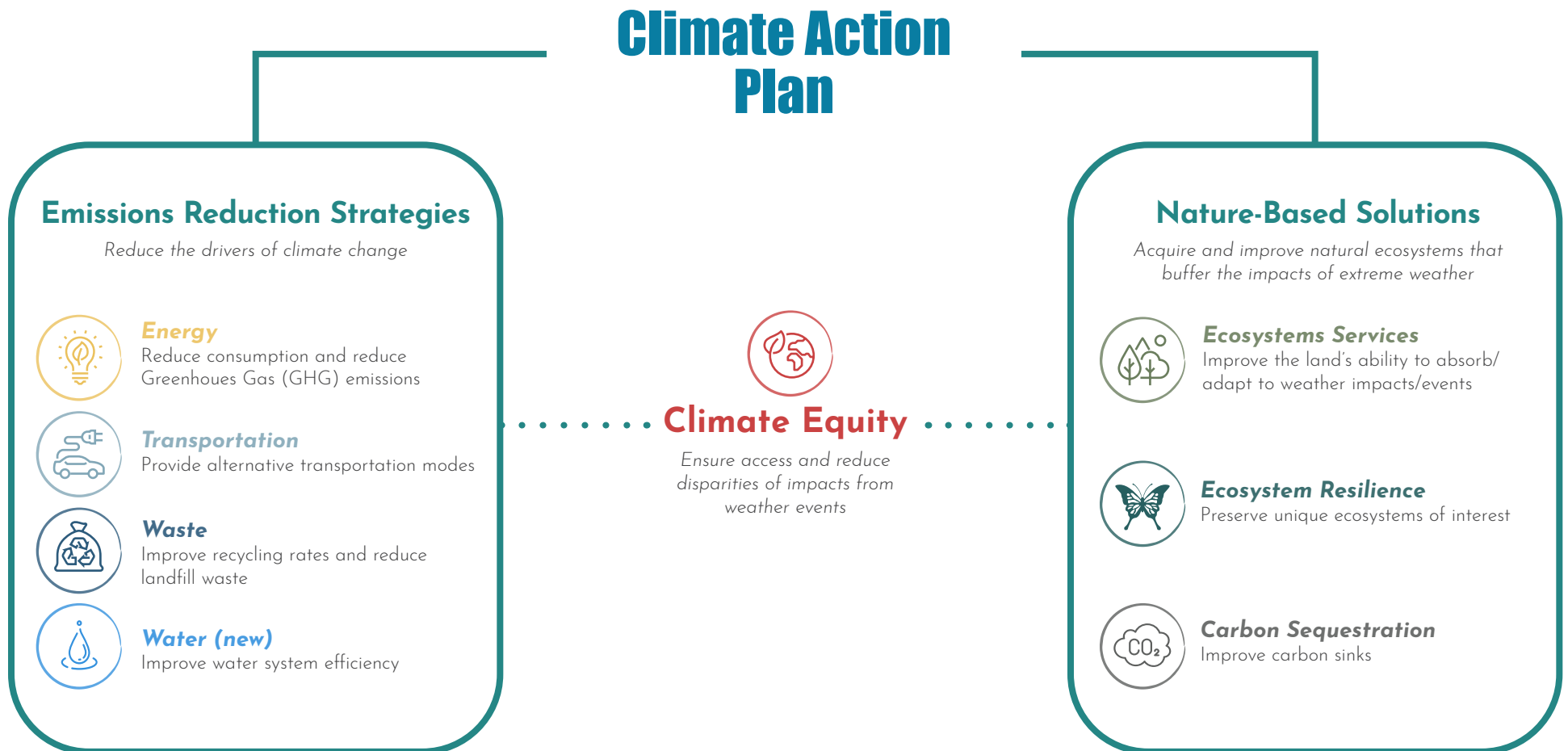
A second stakeholder meeting was held in August 2023 to review the public input received, review and prioritize goals and strategies, and gather feedback before the draft and final CAP was prepared in the fall of 2023.

Stakeholder Committee

1. *Citizen Representative*
2. *City Council*
3. *Environmental Action Committee*
4. *Parks and Recreation Advisory Board*
5. *Active Transportation Committee*
6. *Urban Forestry Advisory Board*
7. *Fayetteville Community Development and Assistance Programs Advisory Board*
8. *Fayetteville Natural Heritage Association*
9. *Beaver Watershed Alliance*
10. *Illinois River Watershed Partnership*
11. *Northwest Arkansas Regional Planning Commission*
12. *Northwest Arkansas Land Trust*
13. *Watershed Conservation Resource Center*
14. *Arkansas Natural Heritage Commission*
15. *Fayetteville Black Heritage Preservation Commission*

4.3 What is a climate action plan?

A climate action plan is a strategic framework for both mitigating GHG emissions and adapting to a changing climate and extreme weather events. Climate action plans provide the road map for informed decision-making on policy and program initiatives that achieve realistic science-based carbon reduction and long-term resilience goals, strategies, and actions. Climate action plans include inventories of existing emissions, reduction strategies and targets, and prioritized actions.





5.0 Emissions Reduction Goals

Stakeholder groups, community members, and City staff developed the following goals across four key sectors: energy, transportation, waste, and water. Over the last five years, our community has seen progress in energy efficiency and renewable energy, while transportation and natural gas usage remain primary contributors to city-wide emissions. As we complete major city government actions, we will shift resources to address these primary and other community-level contributors. In addition to concrete targets and the overarching net-zero by 2050 goal, we have added strategies and goals that capture year-over-year and per capita trends. This shift in approach will make it easier to compare the City of Fayetteville's progress to other communities. A more in-depth discussion of each goal and its related strategies is available below.



ENERGY

1. Achieve 100% clean energy usage for City of Fayetteville government operations by 2030.
2. Achieve community-wide 100% clean energy usage by 2050.
3. Reduce community per capita greenhouse gas (GHG) emissions year over year.



TRANSPORTATION

1. Reduce community per capita transportation emissions by 10% by 2030.
2. Create an equitable and sustainable multimodal transportation system for all ages and abilities.
3. Transition City's fleet to 10% alternative fuel vehicles by the year 2030 and reduce fleet emissions year over year.



WASTE

1. Achieve a 40% waste diversion rate.
2. Increase commercial and residential recycling program participation rates year over year.
3. Reduce per capita waste to the landfill by 5% by 2030.



WATER

1. Prepare, plan, and develop community response strategies and contingencies for extreme weather events such as heatwaves, droughts, and floods.
2. Reduce per capita water consumption by 5% by 2030.
3. Identify and prioritize the repair and installation of water system infrastructure to alleviate water leakage and accommodate growing system demands.



ENERGY

Fayetteville's energy goals follow the framework set out in the 2016 Paris Climate Agreement. To keep the City aligned with the most up-to-date national and international targets, our goals are moving to include a science-based, net-zero target as our organizing philosophy. We are continuing to use the most up-to-date emissions factors in monitoring community progress.

GOAL #1: Achieve 100% clean energy usage for City of Fayetteville government operations by 2030.

The City of Fayetteville is committed to providing a roadmap for broader clean energy usage community wide. Increased energy efficiency, renewable energy, and electric retrofits will help the City lead by example. The strategies and action items below address the City's government operation targets for 2030 and beyond.

KEY ACTION: Install ground and structure mounted solar to offset electricity usage for City government operations.

STRATEGIES

Partner with utilities to achieve 100% renewable energy for the community's energy supply.

Reduce natural gas usage and transition to electric furnaces and appliances to improve efficiency and reduce GHG emissions.

ACTIONS

Install ground and structure mounted solar to offset electricity usage for City government operations.

Develop community-scale solar and alternative energy systems.

Explore the efficacy of purchasing carbon offsets to advance net-zero emissions.

Retrofit existing City government facilities to make them more energy efficient.

Advocate for the expansion of energy efficiency programs at the State and utility scale.

Transition City government facilities from gas furnaces to heat pumps.

GOAL #2: Achieve community-wide 100% clean energy usage by 2050.

The City of Fayetteville is committed to working with state and regional stakeholders and utility companies to work towards developing and implementing programs that help residents make their homes and businesses more energy efficient.

KEY ACTION: Advocate for the expansion of energy efficiency programs at the State and utility scale.

STRATEGIES	ACTIONS
Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods. Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs. Advocate for the expansion of energy efficiency programs at the State and utility scale.
Partner with utilities to achieve 100% renewable energy for the community's energy supply.	Develop community-scale solar and alternative energy systems. Explore the development of local renewable gas capture through waste processing technologies.
Improve residential and commercial energy efficiency throughout the community.	Advocate for the expansion of energy efficiency programs at the State and utility scale.

GOAL #3: Reduce community per capita greenhouse gas (GHG) emissions year over year.

Achieving city-wide energy goals will require partnerships and the participation of the entire community. Many of the key players and stakeholders necessary to achieve community level emission reductions are outside the City of Fayetteville's jurisdiction. As a result, the strategies and actions listed below are targeted towards working with utilities and other partners. Our region is well-positioned for increased solar and wind development, which is becoming more cost competitive and accessible year after year. Capturing these opportunities will be critical to achieving the City's community-wide goals.

KEY ACTION: Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.

STRATEGIES	ACTIONS
Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	Advocate for the expansion of energy efficiency programs at the State and utility scale. Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.
Partner with utilities to achieve 100% renewable energy for the community's energy supply.	Develop community-scale solar and alternative energy systems. Explore the development of local renewable gas capture through waste processing technologies.
Improve residential and commercial energy efficiency throughout the community.	Design and construct new City Government facilities that are energy efficient. Advocate for the expansion of energy efficiency programs at the State and utility scale.



TRANSPORTATION

Vehicle emissions are the second-largest contribution to city-wide greenhouse gas emissions. In Fayetteville, our daily per capita vehicle miles traveled (VMT) has remained steady at 24.5 miles between 2018 and 2023. Transportation remains a challenging sector for emissions reduction, involving individual behavior changes, infrastructure decisions, local economic strength, and other factors. The following goals emphasize year-over-year change and actions within City control to promote overall success in this sector.

GOAL #1: Reduce community per capita transportation emissions by 10% by 2030.

Evaluating community transportation emissions on a per capita level will allow the City to better evaluate progress as our population continues to grow. We can also better compare our emissions to other similarly situated communities. Key strategies within the City's control will include continued investment in active transportation, micro-mobility, electric vehicle, and public transit infrastructure.

KEY ACTION: Initiate a City-led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.

STRATEGIES	ACTIONS
Deploy publicly available alternative fuel infrastructure (<i>EV charging stations</i>)	Install publicly accessible Electric Vehicle (EV) charging stations.
Support development of an on-going and sustainable funding source to support regional transit operations.	Support local and regional transit through City funding of transit.
Support and encourage the expansion of alternative and active transportation options	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
	Support local and regional transit through City funding of transit.
	Install publicly accessible Electric Vehicle (EV) charging stations.
	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
	Expand opportunities to advance micro-mobility and active transportation through the development of safe and convenient infrastructure and amenities. (e.g., E-bikes, scooters, bicycle storage, etc.).
Support the creation and implementation of robust and efficient public transportation systems.	Develop an e-bike incentive program to offset costs for low-income e-bike purchases.
	Initiate a City led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.
	Support local and regional transit through City funding of transit.
Utilize funding support opportunities to develop and expand the community's electric vehicle charging stations.	Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.).
	Install publicly accessible Electric Vehicle (EV) charging stations.

GOAL #2: Create an equitable and sustainable multimodal transportation system for all ages and abilities.

Common transportation modes include vehicles, buses, bicycles, and pedestrians. Multimodal transportation systems invest in infrastructure for all these modes and more, increasing public transit and active transportation while removing additional vehicles from the street system. This can reduce congestion, pollution, and overall transportation sector emissions. Strategies targeting this goal include investment in local public and active transportation systems, as well as public transit at the regional level.

KEY ACTION: Support local and regional transit through City funding of transit.

STRATEGIES	ACTIONS
Support development of an on-going and sustainable funding source to support regional transit operations.	Support local and regional transit through City funding of transit.
Support and encourage the expansion of alternative and active transportation options	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
	Support local and regional transit through City funding of transit.
	Install publicly accessible Electric Vehicle (EV) charging stations.
	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
	Expand opportunities to advance micro-mobility and active transportation through the development of safe and convenient infrastructure and amenities (e.g., E-bikes, scooters, bicycle storage, etc.).
Support the creation and implementation of robust and efficient public transportation systems.	Develop an e-bike incentive program to offset costs for low-income e-bike purchases.
	Initiate a City led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.
	Support local and regional transit through City funding of transit.
	Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.).

GOAL# 3: Transition City’s fleet to 10% alternative fuel vehicles by the year 2030 and reduce fleet emissions year over year.

The city government fleet includes vehicles used for maintenance, fire and police, and day-to-day operations. Currently, the city fleet is the second largest source of city government greenhouse gas emissions. Transitioning the city fleet to electric and hybrid vehicles will significantly reduce the city’s carbon footprint and annual fuel costs.

KEY ACTION: Transition City fleet vehicles to fuel efficient hybrid, electric vehicles, and other alternative fuel vehicles.

STRATEGIES	ACTIONS
Increase the percentage of fuel efficient and alternative fuel vehicles in City fleet to reduce GHG emissions.	Develop a comprehensive City fleet transition plan and timeline.
	Transition City fleet vehicles to fuel efficient hybrid, electric vehicles, and other alternative fuel vehicles.
	Transition maintenance equipment to low emissions technology



WASTE

The anaerobic decay of waste in landfills emits greenhouse gases. To reduce the amount of waste sent to landfills, the Recycling and Trash Collection Division manages municipal recycling and compost programs for City customers. While upstream reduction of waste at an individual and commercial level are important steps to achieving a reduced waste stream, the following goals and strategies target actions within the City's control.

GOAL #1: Achieve a 40% waste diversion rate.

Increased capture of recyclable and compostable material is vital to achieving the City's waste reduction goals. Individual households and businesses play a role through actively participating in city programs. A significant portion of the City's waste stream is also generated through construction and demolition activities (C&D), which provide a new opportunity for waste diversion on a larger scale. The below strategies will help achieve all three of the City's waste goals.

KEY ACTION: Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.

STRATEGIES	ACTIONS
Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	Develop and implement a subscription based residential curb-side food waste collection program.
Utilize capture rate data to design and target effective recycling programs and practices.	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.
	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Develop and implement a subscription based residential curb-side food waste collection program.
Increase community participation rates through the development of new or expanded programs.	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Continue to incrementally increase the number of food waste drop-off locations.
	Develop and implement a subscription based residential curb-side food waste collection program.
	Grow the City's food waste collection and drop-off program to increase the amount of City generated compost.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

Develop public-private partnerships to increase materials collected or reach new customers.	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
Advocate for, and participate in, regional solutions to reduce waste, and increase recycling, and grow demand for regional circular economies.	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.
	Develop and implement Environmental Purchasing Policy directive for City operations.

GOAL #2: Increase commercial and residential recycling program participation rates year over year.

The Recycling and Trash Division work continuously on developing recycling outreach programs and testing new or alternative ways to increase recycling and trash diversion rates among residents and businesses. Some examples include the increasing number of food waste drop-off locations and staff's testing of various recycling programs that can serve many residents living in large apartment complexes. The City's pay-as-you-throw trash program is also designed to incentivize recycling through rate structure design - the less trash you generate the less you pay. This allows customers to utilize smaller and less expensive trash carts by recycling more of their everyday waste. The rate structure for the pay-as-you-throw service needs to be periodically adjusted to ensure that this incentive is effective.

KEY ACTION: Review and amend the current trash and recycling rate structures to incentivize waste diversion and ensure equitable trash and recycling services are provided.

STRATEGIES	ACTIONS
Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	Develop and implement a subscription based residential curb-side food waste collection program.
Utilize capture rate data to design and target effective recycling programs and practices.	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.
	Develop and implement a subscription based residential curb-side food waste collection program.
	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Continue to incrementally increase the number of food waste drop-off locations.
Increase community participation rates through the development of new or expanded programs.	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Develop public-private partnerships to increase materials collected or reach new customers. (Food Waste P-U)	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

GOAL #3: Reduce per capita waste to the landfill by 5% by 2030..

The Recycling and Trash Division records the amount of trash generated for the landfill and the amount and types of materials recycled. In 2023 the City recycled 6,172 tons of material, composted 10,489 tons of organics, and disposed of 77,250 tons of trash to the landfill. Given the size and processing limitations of the existing recycling and transfer station facilities the expansion of new or existing recycling programs is severely limited. Additionally, the City's rapidly increasing population is also straining existing processing capabilities. The City has developed expansion plans for the existing facilities and as these improvements are implemented the City's processing capabilities will allow for increased diversion of recyclable materials that currently end up in the landfill.

KEY ACTION: Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.

STRATEGIES	ACTIONS
Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	Develop and implement a subscription based residential curb-side food waste collection program.
Utilize capture rate data to design and target effective recycling programs and practices.	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.
	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Develop and implement a subscription based residential curb-side food waste collection program.
Increase community participation rates through the development of new or expanded programs.	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Continue to incrementally increase the number of food waste drop-off locations.
	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Develop public-private partnerships to increase materials collected or reach new customers. (Food Waste P-U)	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
	Develop and implement a subscription based residential curb-side food waste collection program.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
Advocate for, and participate in, regional solutions to reduce waste, and increase recycling, and grow demand for regional circular economies.	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.
	Develop and implement Environmental Purchasing Policy directive for City operations.



Water is a new sector of focus for the City’s climate mitigation strategy. The water-energy nexus is the nearly inextricable linkage between water and energy. Every step of the municipal water cycle—producing, moving, treating, and heating water, then collecting and treating wastewater—consumes energy. In recognition of this energy-water relationship, the City is seeking to address how extreme weather, water consumption, and infrastructure all play a role in climate mitigation and adaptation.

GOAL 1: Prepare, plan, and develop community response strategies and contingencies for extreme weather events such as heatwaves, droughts, and floods.

The changing climate increases the likelihood of extreme weather, many of which impact water availability and consumption. Normal fluctuations in weather also impact water use. For example, Fayetteville has higher demand for water during summer months when temperatures are higher, which will only be exacerbated as summer temperatures rise. The following strategies and actions address and plan for these realities.

KEY ACTION: Create a water education position to do community outreach on water conservation.

STRATEGIES	ACTIONS
Work with regional partners and the Beaver Water District on water conservation and watershed protection policies, programs, and projects.	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
	Create a water education position to do community outreach on water conservation.
Work with community partners and residents to reduce summer irrigation demand. (water education position)	Adopt water utility rate adjustments that encourage water conservation.
	Explore the adoption of water conservation plumbing regulations for new development.

GOAL #2: Reduce per capita water consumption by 5% by 2030.

Reduction in consumption will require changes in individual and commercial behaviors. The City can supplement, and support changed behaviors through regulation, education, and infrastructure improvements. By measuring this goal on a per capita and year over year basis, we can ensure continual progress as our community grows.

KEY ACTION: Adopt water utility rate adjustments that encourage water conservation.

STRATEGIES	ACTIONS
Work with regional partners and the Beaver Water District on water conservation and watershed protection policies, programs, and projects.	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
	Create a water education position to do community outreach on water conservation.
Work with community partners and residents to reduce summer irrigation demand.	Work with community partners and residents to reduce summer irrigation demand. (water education position)
	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (water education position)
	Explore the adoption of water conservation plumbing regulations for new development.
Improve resource and energy efficiency of water/ wastewater pumping and treatment.	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)
	Adopt water utility rate adjustments that encourage water conservation.
	Support the creation of a stormwater utility.
	Incrementally retrofit water infrastructure with smart technologies.

GOAL #3: Identify and prioritize the repair and installation of water system infrastructure to alleviate water leakage and accommodate growing system demands.

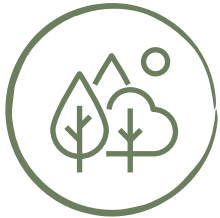
As Fayetteville’s community continues to grow, the City must ensure that our water infrastructure is able to serve both the existing and incoming population. Increased system efficiencies can reduce overall water consumption by preventing unnecessary water loss, as well as overall energy demand.

KEY ACTION: Incrementally retrofit water infrastructure with smart technologies.

STRATEGIES	ACTIONS
Improve resource and energy efficiency of water/ wastewater pumping and treatment.	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)
	Incrementally retrofit water infrastructure with smart technologies.

6.0 Nature-Based Solutions Goals

Stakeholder groups, community members, City staff and Olsson developed the following goals across four sectors: ecosystem services, ecosystem resilience, and carbon sequestration & storage. These goals will guide the City's efforts to adapt to extreme weather events while mitigating carbon emissions through Nature-Based Solutions using natural infrastructure in the City's planning area. A more in-depth discussion of each goal and its related strategies is available below.



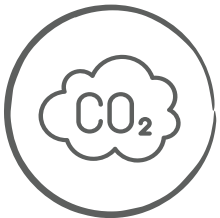
ECOSYSTEM SERVICES

1. Prepare, plan, and develop strategies and contingencies for extreme weather events.
 2. Identify lands within the City's planning area that provide highest ecosystem services for resilience to extreme weather events.
 3. Preserve lands within the City's planning area that provide high ecosystem services for resilience to extreme weather events.
 4. Restore and improve ecosystem services provided by existing preserved natural areas.
 5. Reduce climate change threats to public infrastructure and private property.
-



ECOSYSTEM RESILIENCE

1. Identify lands with high levels of biodiversity and ecosystem resilience.
 2. Preserve lands with high levels of biodiversity and ecosystem resilience.
 3. Restore and enhance City-owned or managed lands with high levels of biodiversity and ecosystem resilience.
 4. Support on-going ecological education and outreach efforts by local expert organizations.
-



CARBON SEQUESTRATION

1. Measure and track carbon sequestration in the City's tree canopy and natural environment.
2. Increase carbon sequestration into the City's soils, plants, and tree's biomass.
3. Preserve and enhance existing carbon sinks such as wetlands, prairies, and forests.



ECOSYSTEM SERVICES

Nature-based solutions that utilize ecosystem services provided by lands in the City's planning area will help the City adapt to the impacts from extreme weather events such as flooding, drought, and extreme heat. The following goals and strategies emphasize actions within City control to identify and improve lands within the City's planning area that provide ecosystem services such as flood and erosion control, surface water retention, groundwater recharge, and shade.

GOAL #1: Prepare, plan, and develop strategies and contingencies for extreme weather events.

The City will take a pro-active approach to extreme weather events, including but not limited to educating the residents of Fayetteville on ways in which they can help reduce impacts from these events.

KEY ACTION: Update response measures in Fayetteville emergency management plan to account for more frequent and extreme

weather events (heat, drought, flood, winter storms).

STRATEGIES	ACTIONS
Develop a Climate Resiliency Plan that focuses on emergency preparedness, communication and outreach during extreme weather events.	Update response measures in Fayetteville emergency management plan to account for more frequent and extreme weather events (heat, drought, flood, winter storms).
Reduce the impacts of drought on the regional water system through water conservation efforts.	Create a water education position to do community outreach on water conservation.
	Work with community partners and residents to reduce summer irrigation demand.

GOAL #2: Identify lands within the City's planning area that provide the highest ecosystem services for resilience to extreme weather events.

For the City to be most effective when implementing nature-based solutions for ecological adaptation, lands which provide the highest ecosystem services for adaptation to extreme weather events must first be identified to understand how these efforts should be prioritized. This includes lands with riparian buffers, wetlands, ponds/reservoirs, tree canopy, and/or little to no impervious surfaces.

KEY ACTION: Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats.

STRATEGIES	ACTIONS
Develop additional parks planning and development tools to help preserve open space and repurpose existing city properties that provide access to nature and deliver environmental services.	Create a city-wide tool to track environmental assets and ecosystem services.
	Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats.

GOAL #3: Preserve lands within the City’s planning area that provide high ecosystem services for resilience to extreme weather events.

Lands identified as having high ecosystem services value for adaptation to extreme weather events should be prioritized for preservation and conservation efforts. Preserved lands can also serve additional purposes, such as locations for city parks, trails, or outdoor recreation.

KEY ACTION: Explore bond potential for land acquisition and conservation.

STRATEGIES	ACTIONS
Update the Enduring Green Network Map to more closely align with probable acquisition and preservation pathways and concentrate priorities on achievable conservation goals.	Update and refine the Enduring Green Network spatial layers and explore additional regulatory protections to ensure the development of a complete and connected network of useful public open space.
Develop a strategy to increase the permanent preservation of lands.	Conduct a development impact fee study for parkland dedication.
	Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.
	Explore bond potential for land acquisition and conservation.
Develop zoning and development regulations to help conserve open space.	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
	Develop an environmental or conservation zoning district for inclusion in the City’s Enduring Green Network.
Protect and enhance of the water quality of Fayetteville’s streams, lakes, and wetlands.	Restore urban streambanks to reduce erosion and improve water quality.
	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
	Repurpose areas susceptible to repetitive flooding to park/conservation areas with ecosystem benefits.
Balance open space land preservation efforts by supporting increased density and development within the core of the City with consideration to linked growth concepts.	Develop an environmental or conservation zoning district for inclusion in the City’s Enduring Green Network.

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.

KEY ACTION: Create a dedicated natural resources team within parks maintenance to focus on natural areas.

STRATEGIES	ACTIONS
Develop targets and implement a tree planting program aligned with the canopy goal.	Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program.
Protect and enhance of the water quality of Fayetteville’s streams, lakes, and wetlands.	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
	Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.
	Restore urban streambanks to reduce erosion and improve water quality.
	Partner with conservation agencies and non-profits to support watershed resource conservation.
Identify, map, and prioritize streambank erosion locations for restoration.	Restore urban streambanks to reduce erosion and improve water quality.
Measure, track, and improve water quality in Fayetteville watersheds.	Create a city-wide tool to track environmental assets and ecosystem services.
Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.

GOAL #5: Reduce climate change threats to public infrastructure and private property.

The reduction of threats by climate change to public infrastructure and private property can be accomplished in part by implementing nature-based solutions that reduce flooding, erosion, extreme heat.

KEY ACTION: Update response measures in the Fayetteville Emergency Management Plan to account for more frequent and extreme weather events (heat, drought, flood, winter storms).

STRATEGIES	ACTIONS
Develop a Climate Resiliency Plan that focuses on emergency preparedness, communication, and outreach during extreme weather events.	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
	Create a water education position to do community outreach on water conservation.
	Record, track and map areas of reoccurring flooding and extreme heat.
Mitigate the impacts of extreme heat to the residents and ecosystems of Fayetteville.	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
	Explore the use of new technology to reduce urban heat island impacts produced by paved surfaces.
	Identify and designate resilience hubs/cooling centers in the Emergency Management/Climate Resiliency Plan.
	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
	Update response measures in the Fayetteville Emergency management Plan to account for more frequent and extreme weather events (Heat, drought, flood, winter storms).
Review and implement recommended changes to tree ordinances.	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.
Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	Support the creation of a stormwater utility.
Repurpose areas susceptible to repetitive flooding to park/conservation areas with ecosystem benefits.	Identify opportunities to “rewild” parks that contribute to ecosystem resilience.
	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
	Explore bond potential for land acquisition and conservation.



ECOSYSTEM RESILIENCE

Nature-based solution that enhance the ecological resilience of lands within the City's planning area to the impacts of climate change will improve the ability of these lands to provide ecosystem services that help the City to adapt to the impacts from extreme weather events such as flooding, drought, and extreme heat. The following goals and strategies emphasize actions within City control to improve the resilience of lands within the City's planning area to environmental stressors associated with climate change.

GOAL #1: Identify lands with high levels of biodiversity and ecosystem resilience.

Biodiversity and topographic diversity improve an ecosystem's resilience to impacts from climate change. For the City to be most effective when implementing nature-based solutions for ecological adaptation, lands which provide the highest ecosystem resilience to extreme weather events must first be identified to understand how these efforts should be prioritized. This includes lands with high biodiversity, topographic diversity, species of conservation concern, and/or unique habitats.

KEY ACTION: Create a city-wide tool to track environmental assets and ecosystem services.

STRATEGIES	ACTIONS
Quantify the ecosystem services of the city's urban forest.	Create a city-wide tool to track environmental assets and ecosystem services.
	Identify opportunities to "rewild" parks that contribute to ecosystem resilience.
Update the Enduring Green Network Map to more closely align with probable acquisition and preservation pathways and concentrate priorities on achievable conservation goals.	Utilize the spatial data provided in the Nature-Based solutions parcel score and map layers to update the Enduring Green Network map.
Measure, track, and improve water quality in Fayetteville watersheds.	Create a city-wide tool to track environmental assets and ecosystem services.

GOAL #2: Preserve lands with high levels of biodiversity and ecosystem resilience.

Lands identified as having high ecological resilience value for adaptation to extreme weather events should be prioritized for preservation and conservation efforts. Preserved lands can also serve additional purposes, such as locations for city parks, trails, or outdoor recreation.

KEY ACTION: Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.

STRATEGIES	ACTIONS
Develop additional planning and development tools to help preserve open space and repurpose existing city properties that provide access to nature and deliver environmental services.	Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats.
	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
	Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.
Develop a strategy to increase the permanent preservation of lands.	Utilize the spatial data provided in the Nature-Based solutions parcel score and map layers to update the Enduring Green Network map.
	Develop a Conservation Development Overlay District map that identifies appropriate locations for conservation subdivision development.
	Create environmental or conservation zoning district regulations that can be utilized by property owners to set aside land for open space or conservation.
	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
	Develop an environmental or conservation zoning district for inclusion in the City's Enduring Green Network.
	Conduct a development impact fee study for parkland dedication.
Strengthen partnerships with existing natural resource groups to supplement the City's limited capacity for natural resource projects and encourage local stewardship.	Acquire at least 100 acres of land with very high value for climate resilience by 2040.
	Partner with conservation agencies and non-profits to support watershed resource conservation.
Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.
Develop zoning and development regulations to help conserve open space.	Develop a Conservation Development Overlay District map that identifies appropriate locations for conservation subdivision development.
	Create environmental or conservation zoning district regulations that can be utilized by property owners to set aside land for open space or conservation.
	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
Protect and enhance the water quality of Fayetteville's streams, lakes, and wetlands.	Implement priority actions identified in the Lake Fayetteville Water Quality Study.
	Restore urban streambanks to reduce erosion and improve water quality.

GOAL #3: Restore and enhance City-owned or managed lands with high levels of biodiversity and ecosystem resilience.

Biodiversity is essential for healthy ecosystems and improves the ability of an ecosystem to adapt to environmental stressors and adapt to climate change. The greater the species-richness of an ecosystem, the more species are available to fill ecological niches when other species that once filled that niche are wiped out.

KEY ACTION: Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.

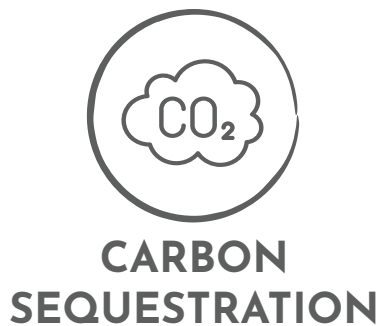
STRATEGIES	ACTIONS
Continue to seek grant funding and the use of volunteers to remove invasive plants and replace with native plants in public open spaces.	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.
Partner with conservation agencies and non-profits to develop strategies to preserve known species of conservation concern identified on City owned and/or managed property.	Identify opportunities to “rewild” parks that contribute to ecosystem resilience. Create a dedicated natural resources team within parks maintenance to focus on natural areas. Participate in the National Wildlife Federation’s Mayor’s Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	Implement priority actions identified in the Lake Fayetteville Water Quality Study Restore urban streambanks to reduce erosion and improve water quality. Partner with conservation agencies and non-profits to support watershed resource conservation.
Utilize plant species with characteristics that provide optimal ecological benefit on City owned and/or managed properties.	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. Participate in the National Wildlife Federation’s Mayor’s Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands. Host native milkweed and pollinator plant giveaway events to promote pollinator friendly habitat.

GOAL #4: Support on-going ecological education and outreach efforts by local expert organizations.

Environmental education is key to build public awareness and support of the initiatives implemented by the City, as well as helping residents of Fayetteville understand how they can reduce their own impacts and improve the ecosystem services and ecological resilience where they live.

KEY ACTION: Partner with conservation agencies and non-profits to support watershed resource conservation.

STRATEGIES	ACTIONS
Partner with conservation agencies and non-profits to develop strategies to preserve known species of conservation concern identified on City owned and/or managed property.	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
	Participate in the National Wildlife Federation’s Mayor’s Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	Restore urban streambanks to reduce erosion and improve water quality.
	Partner with conservation agencies and non-profits to support watershed resource conservation.
Utilize plant species with characteristics that provide optimal ecological benefit on City owned and/or managed properties.	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.
	Participate in the National Wildlife Federation’s Mayor’s Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
	Host native milkweed and pollinator plant giveaway events to promote pollinator friendly habitat.



Nature-based solutions that preserve existing carbon stocks and improve carbon sequestration on lands within the City’s planning area will help the City to mitigate carbon emissions from land development and other sources. The following goals and strategies emphasize actions within City control to preserve existing carbon stocks and increase carbon sequestration of lands within the City’s planning area.

GOAL #1: Measure and track carbon sequestration in the City’s tree canopy and natural environment.

Measuring the quantity of existing carbon stocks in the City’s urban tree canopy, prairies, and wetlands and tracking changes to these carbon stocks is essential for understanding the ability of lands within the City to contribute to the mitigation carbon emissions originating from deforestation, soil disturbance, and technological sources.

KEY ACTION: Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover.

STRATEGIES	ACTIONS
Quantify the ecosystem services of the city’s urban forest.	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.

Strategies to increase carbon sequestration on lands within the City planning area can also provide additional benefits that improve ecological resilience and provide ecosystem services.

KEY ACTION: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.

STRATEGIES	ACTIONS
Identify best management practices to increase carbon sequestration on city-owned lands.	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
Identify, promote, and utilize native tree and plant species with characteristics that enable them to provide optimal carbon sequestration into their biomass.	Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way. 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.
Encourage the continued growth and expansion of organics capture and composting programs to build and support local soil health and carbon sequestration.	Grow the City’s food waste collection and drop-off program to increase the amount of City generated compost.

GOAL #3: Preserve and enhance existing carbon sinks such as wetlands, prairies, and forests.

In general, reducing emissions by preventing the loss or degradation of natural ecosystems is more cost-effective and immediate than restoring carbon to damaged ecosystems. However, reforestation of degraded ecosystems can include a range of practices. While natural regeneration is a more cost-effective approach than planting²³ and leads to more resilient and biodiverse forests,²⁴ planting can result in more rapid absorption of CO2 over the first twenty years.²⁵

“Reforestation” as defined by the Intergovernmental Panel on Climate Change (IPCC) is carried out on lands which have been forested at some point in the previous 50 years, while “afforestation” involves creating a forest on other non-forested lands.²⁶ While afforestation of natural grasslands, wetlands, or savannas can contribute to climate change mitigation, it is often harmful to biodiversity²⁷ and is therefore not seen as a nature-based solution.²⁸

KEY ACTION: Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.

STRATEGIES	ACTIONS
Include carbon sequestration as a consideration for land conservation and acquisition.	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.

Generally, tree species that provides optimal carbon sequestration and storage have more than one of the following characteristics:

- Tree species that are naturally long-lived will store carbon for a longer period,
- Tree species that produce large quantities of woody biomass can store more carbon than species that provide less woody biomass,
- Tree species that have a fast growth-rate will sequester more carbon in a shorter amount of time than slow-growing species,
- Tree species with large crowns and/or large leaf sizes provide optimal photosynthetic activity and removal of carbon from the atmosphere.

Herbaceous species that provide optimal carbon sequestration and storage have both of the following characteristics:

- Species with dense, deep fibrous root systems sequester a greater amount of carbon into the soil due to having higher root biomass than species with other types of root systems and can store carbon deeper into the soil than species with shorter root systems.
- Long-lived perennial species sequester carbon into the soil for a longer period than short-lived species such as annuals, biennials, and short-lived perennials.

7.0 Climate Equity Goals

Equity considerations include measures that align with both the Emissions Reduction and Nature-Based Solutions sections. Emission reduction strategies include clean energy procurement for the community, home weatherization programs, and equitable recycling services for all residents. Nature-Based Solutions for climate equity are focused on access to meaningful open space, mitigating property loss and resident displacement due to flooding events and providing shade to combat the effects of urban heat islands.

Stakeholder groups, community members, City staff and Olsson developed the following goals for climate equity. These goals will guide the City's efforts to ensure that all people share the benefits of climate mitigation and adaptation strategies. A more in-depth discussion of each goal and its related strategies is available below.



**CLIMATE
EQUITY**

1. Identify, prioritize, and mitigate climate change impacts on underserved or vulnerable neighborhoods and populations.
2. Provide access to useful public open space in proximity to low-income or disadvantaged populations.
3. Build a complete and connected active transportation network withing a 10-minute walk of every resident by 2030.



The Climate Resilience Map developed with this Climate Action Plan will be used to help guide the decision-making process around policies, projects and programs that will create equitable outcomes to the social impacts of climate change for all Fayetteville residents. Strategies such as documenting, mapping, and mitigating the impacts of re-occurring flood loss in low-income or disadvantaged neighborhoods create stronger and more resilient communities. Similarly, tree planting programs directed at low-income and disadvantaged communities will help reduce urban heat and improve human health outcomes.

GOAL #1: Identify, prioritize, and mitigate climate change impacts on underserved or vulnerable neighborhoods and populations.

As the City considers which nature-based solutions to implement, lands which provide ecosystem services that mitigate impacts of extreme weather events on underserved or vulnerable populations must first be identified in order to understand how these efforts should be prioritized to ensure climate equity.

KEY ACTION: Coordinate with Urban Forestry to continue implementing tree planting initiatives in low-income/disadvantaged neighborhoods to mitigate the impacts of extreme heat.

STRATEGIES	ACTIONS
Develop mapping tools to better understand the spatial proximity of low-income/disadvantaged neighborhoods to public open space and trail corridors.	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
Formalize and integrate climate justice and equity considerations into planning processes.	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).
Include climate action initiatives and infrastructure improvements in low-income/disadvantaged neighborhoods to mitigate the impact of extreme weather events such as heat, drought and floods brought on by climate change.	Record, track and map areas of reoccurring flooding and extreme heat.
Support community housing policies, programs and initiatives that provide housing assistance and support services for low-income and disadvantaged families and individuals displaced by extreme weather events.	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	Coordinate with Urban Forestry to continue implementing tree planting initiatives in low-income/disadvantaged neighborhoods to mitigate the impacts of extreme heat.
	Incrementally acquire land and construct stormwater infrastructure improvements to reduce flooding especially in low-income neighborhoods.
	Support the creation of a stormwater utility.
	Record, track and map areas of reoccurring flooding and extreme heat.
	Develop mitigation, acquisition, or relocation measures to minimize flooding loss and displacement of low-income or disadvantaged groups or individuals.
	Advocate for the expansion of energy efficiency programs at the State and utility scale.
	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.

GOAL #2: Provide access to useful public open space in proximity to low-income or disadvantaged populations.

Useful public open space can provide locations for residents to seek refuge from extreme heat, or provide ecosystem services, such as flood control, that benefit low-income or disadvantaged populations.

KEY ACTION: Coordinate with the Parks Master Plan to continue to incrementally acquire parkland and trail corridors in areas with low accessibility or proximity to public open space.

STRATEGIES	ACTIONS
Develop mapping tools to better understand the spatial proximity of low-income/disadvantaged neighborhoods to public open space and trail corridors.	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
Include climate action initiatives and infrastructure improvements in low-income/disadvantaged neighborhoods to mitigate the impact of extreme weather events such as heat, drought and floods brought on by climate change.	Coordinate with the Parks Master Plan to continue to incrementally acquire parkland and trail corridors in areas with low accessibility or proximity to public open space. Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

GOAL #3: Build a complete and connected active transportation network withing a 10-minute walk of every resident by 2030.

An active transportation network includes infrastructure for bicycles and pedestrians, which provides safe, equitable mobility for those with limited access to vehicles, while simultaneously improving health, reducing traffic congestion, air pollution, and overall transportation sector emissions.

KEY ACTION: Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

STRATEGIES	ACTIONS
Support compact, complete and connected land use development patterns that encourage multi-modal transportation options and reduce automobile dependency.	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City. Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success. Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).
Support and encourage the expansion of alternative and active transportation options	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City. Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users Support local and regional transit through City funding of transit. Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success. Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.). Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

8.0 Planning Tools

8.1 Climate Resilience Map

Background

With feedback from the public survey, stakeholders, and the city's Environmental Action Committee, the project team and city geographic information system (GIS) staff developed a mapping tool to understand the climate resilience value of each parcel in the city's planning area. Each parcel is assigned a climate resilience score, which is a composite of three subscores related to the features and characteristics of that parcel that provide nature-based solutions to climate change. The climate resilience score is ranked as follows:

1. Ecosystem Services Subscore (*adaptation*)
2. Ecosystem Resilience Subscore (*adaptation*)
3. Carbon Sequestration and Storage Subscore (*mitigation*)

For the subscores related to adaptation, equal weight is given to both Ecosystem Services and to Ecosystem Resilience; eight indicators were analyzed for each of the two categories. The tool also identifies locations for potential projects to improve climate adaptation, such as parcels with identified streambank erosion risks, impaired streams, floodways, or potential sites where the construction of ponds for surface water retention and groundwater recharge may be considered at some point in the future.

For the mitigation subscore, four indicators of the carbon sequestration and storage value of a parcel were used to identify high-value natural carbon stocks for potential preservation.

Some parcels have multiple indicators. This is intentional, because these features on the landscape provide multiple benefits for climate resilience. For example, wetlands and riparian areas can each provide flood control, wildlife habitat, and carbon sequestration while also improving water quality. Similarly, tree canopy can reduce urban heat while also indicating the presence of high-quality riparian areas and forested carbon stocks. Additional details on the background and logic used for the Climate Resilience Map can be found on the Climate Action Plan webpage.

Recommended Uses

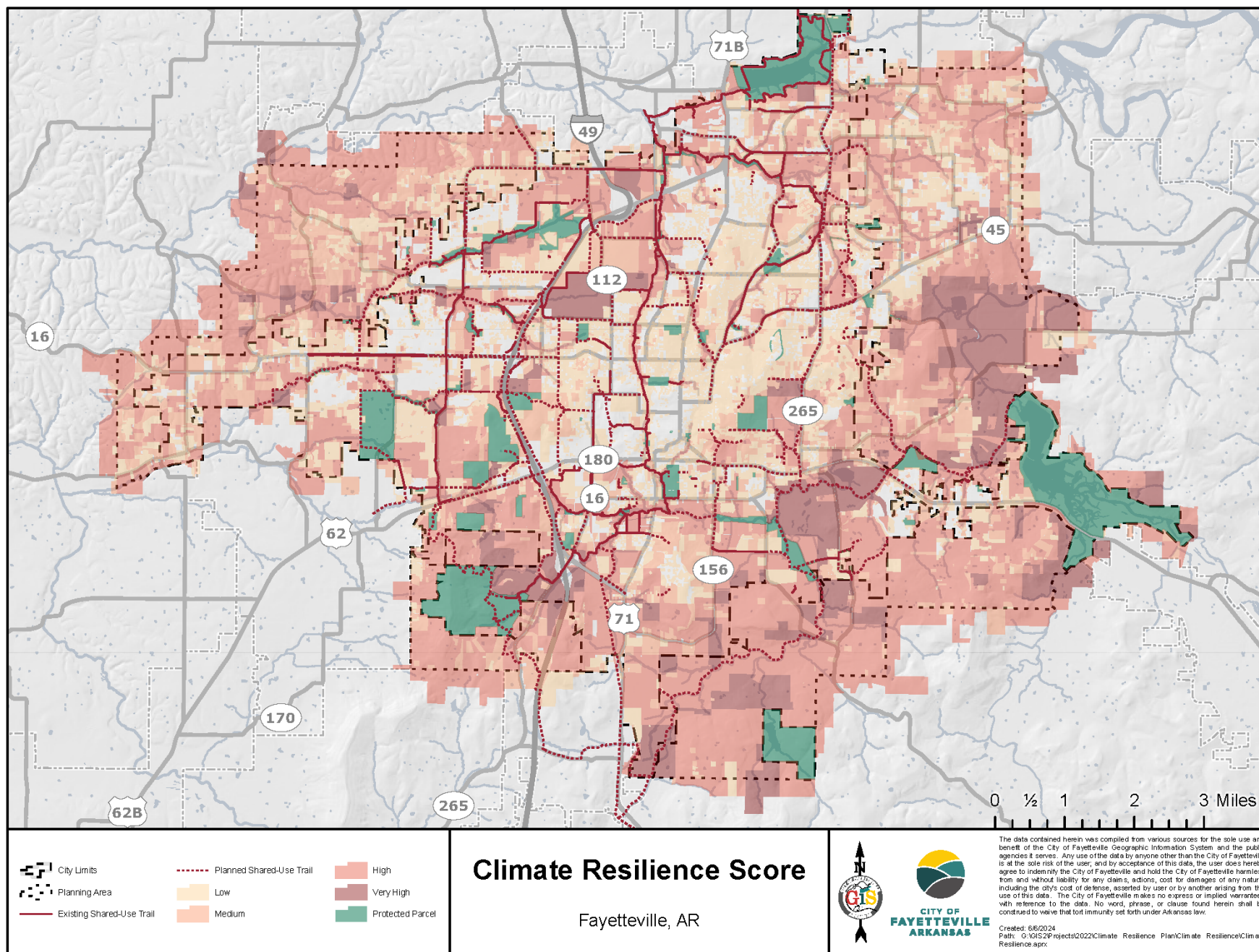
The Climate Resilience Map is public-facing and intended for a wide range of uses and users, including the following:

- Helping appointed or elected officials gain a fuller understanding of any impacts their decisions may or may not have on the natural resources within the city's planning area.
- Allowing city staff to objectively quantify and compare different parcels as policies, ordinances, and city master plans are developed or updated.
- Helping city staff and community advocacy organizations assess the benefits a particular natural resource may have to underserved or disadvantaged communities or identify where improvements to natural resources are needed to assure the equitable distribution of benefits from nature-based solutions to underserved or disadvantaged communities.
- Informing environmental organizations and nonprofits as they work to improve, restore, or preserve natural areas within the city.
- Helping private landowners or land managers understand the ecological value of land they own or manage and what improvements to advance climate resilience may be needed.
- Helping residents to better understand their natural environment and engage with city initiatives.

A Dynamic, Living Tool

The Climate Resilience Map lays a foundation that can be improved and built on over time. Additional layers can be added as more data becomes available or as additional parcels are improved or preserved. City staff members may become aware of additional details about certain parcels through ground-truthing efforts or from local and regional experts in natural resources, and the Climate Resilience Map should be updated to include this additional data to improve the accuracy and level of detail captured by the tool.

Finally, additional components may also be added to allow the tool to be implemented across a greater sphere within the region by linking this tool with other GIS tools or by using the Climate Resilience Score as a component to inform additional geospatial analyses conducted by the city or by regional organizations.



8.2 Prioritization Tool

The project team compiled the data, comments, and aspirations gathered during the community and stakeholder input to develop goals, strategies, and actions for both the emission reductions and nature-based solutions sections of the plan. This culminated in a hierarchy of 27 goals, with 53 underlying strategies and 80 actions. The 80 actions were further refined by analyzing and scoring their efficacy and feasibility based on the following factors: necessary funding, feasibility, revenue potential, climate equity potential, GHG emissions reductions, resilience impact potential, city control, and community support. A score was then assigned to the action for each prioritization factor. A final relative priority score was assigned by summing the scores from each of the efficacy and feasibility factors. The prioritization tool and factor definitions are found in **Appendix C** of this document. Below is a list of the highest priority actions for each category in this plan.

SECTOR	ACTION ID	CAP ACTION
 ENERGY	E.A-3	Install ground and structure mounted solar to offset electricity usage for City government operations.
	E.A-6	Develop community-scale solar and alternative energy systems.
 TRANSPORTATION	T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
	T.A-3	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
	T.A-4	Support local and regional transit through City funding of transit.
	T.A-7	Transition City fleet vehicles to fuel efficient hybrid, electric vehicles, and other alternative fuel vehicles.
 WASTE	W.A-2	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
	W.A-4	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.

SECTOR**ACTION ID****CAP ACTION****WATER**

Wtr.A-5

Adopt water utility rate adjustments that encourage water conservation.

Wtr.A-6

Support the creation of a stormwater utility.

Wtr.A-8

Incrementally retrofit water infrastructure with smart technologies.

EcoSrv.A-1

Update and refine the Enduring Green Network spatial layers and explore additional regulatory protections to ensure the development of a complete and connected network of useful public open space.

EcoSrv.A-3

Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats. (Resilient Natural Systems)

EcoSrv.A-4

Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands. (Parks Master Plan) (Conservation Plan)

EcoSrv.A-5

Develop an environmental or conservation zoning district for inclusion in the City's Enduring Green Network.

EcoSrv.A-6

Conduct a development impact fee study for parkland dedication.

EcoSrv.A-9

Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.

**ECOSYSTEM
SERVICES**

SECTOR**ACTION ID****CAP ACTION****ECOSYSTEM SERVICES***(Continued)*

EcoSrv.A-10

Restore urban streambanks to reduce erosion and improve water quality.

EcoSrv.A-12

Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program.

EcoSrv.A-13

Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.

EcoSrv.A-14

Explore bond potential for land acquisition and conservation.

EcoSrv.A-15

Update response measures in Fayetteville emergency management plan to account for more frequent and extreme weather events (Heat, drought, flood, winter storms).

**ECOSYSTEM RESILIENCE**

EcoRes.A-5

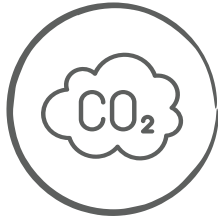
Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.

EcoRes.A-7

Update tree lists that prioritize native and climate-resilient tree species.

EcoRes.A-11

Acquire at least 100 acres of land with very high value for climate resilience by 2040.

SECTOR**ACTION ID****CAP ACTION****CARBON
SEQUESTRATION**

CrbSq.A-2

Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.

CrbSq.A-3

Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.

CrbSq.A-6

Acquire lands with high carbon sequestration value.

**CLIMATE
EQUITY**

Eqty.A-2

Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.

Eqty.A-3

Coordinate with Urban Forestry to continue implementing tree planting initiatives in low-income/ disadvantaged neighborhoods to mitigate the impacts of extreme heat.

Eqty.A-4

Incrementally acquire land and construct stormwater infrastructure improvements to reduce flooding especially in low-income neighborhoods.

Eqty.A-5

Coordinate with the Parks Master Plan to continue to incrementally acquire parkland and trail corridors in areas with low accessibility or proximity to public open space.

Eqty.A-6

Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

Eqty.A-7

Develop mitigation, acquisition, or relocation measures to minimize flooding loss and displacement of low-income or disadvantaged groups or individuals.

Endnotes

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Appendices

Appendix A

Energy Action Plan Progress

Appendix B

Sector Goals, Strategies, & Actions

Appendix C

Action Prioritization Tool

Appendix D

Greenhouse Gas Inventory

Appendix E

*Native Plant Species for
Climate Resilience*

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Appendix A

Energy Action Plan Progress



Buildings

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Partner with utility providers to create an education and outreach campaign to connect homeowners and renters to existing energy efficient programs provided by utility companies.	Ongoing	Sustainability, Community Resources, Communications, Non-profits	High
Publish local government energy benchmarking reports and maintain a web-based interface to provide local government energy data to the public.	Ongoing	Sustainability, IT	Low
Require that public infrastructure and facility managers consider energy and water consumption implications for new or upgraded infrastructure investments.	Ongoing	Facilities, Water & Sewer, Transportation	Medium
Create a program to connect low-income renters and homeowners with utility-sponsored programs to reduce their energy costs.	Ongoing	Sustainability, Community Resources, Communications, Non-profits, Utilities	Medium
Identify high energy use City facilities and develop an energy efficiency and renewable energy innovation agenda to realize long-term savings and demonstrate the financial impact of energy improvements.	Complete	Facilities, Water & Sewer, Sustainability	Medium
Encourage green roofs on new and existing buildings and consider the feasibility of incentivizing green roofs through a mechanism like a storm water utility fee.	Complete	Development Services	Medium
Encourage heat island mitigation features to help lower utility costs for residents and businesses.	Ongoing	Urban Forestry, Sustainability	Medium
Encourage local utility providers to offer energy commissioning programs.	Ongoing	Sustainability, Utility Companies	Medium
Evaluate the feasibility of creating incentives to encourage the new construction of energy efficient buildings.	Ongoing	Development Services, Economic Development, Sustainability	High
Promote the use of cooling and light-colored roofing materials and coatings for both new and existing building stock.	Ongoing	Development Services, Urban Forestry	Medium

Energy

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Procure clean energy from utilities or other generators when feasible.	Ongoing	Sustainability	High
Assess if regulatory restrictions or undue burden exists for the development of residential and small businesses renewable energy installations.	Ongoing	Building Safety, Sustainability, IT	Medium
Create a policy to ensure that the local government's energy supplies increasingly come from renewable sources and/or enter into direct purchase agreement with utility companies for clean energy sources.	Complete	Sustainability, Purchasing	High
Earn recognition as a Solar-Ready community.	Complete	Building Safety, Sustainability, IT	Medium
Encourage the development of residential and small business renewable energy sources using the existing net-metering program.	Ongoing	Sustainability	Medium
Explore incentives to support the development of renewable energy.	Ongoing	Sustainability, Finance	Medium



Open Space

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Conduct an assessment to determine heat island mitigation feature distribution across the City to identify locations with disproportionate heat island effects.	Ongoing	GIS, Urban Forestry	Low
Conduct an assessment to discover if there is a park or natural space within a 10-minute walk of all residents.	Complete	Parks and Recreation, Sustainability, GIS	Low
Encourage tree planting, green roofs, and other energy-saving techniques across the City through education, outreach, and tree giveaways.	Ongoing	Urban Forestry	Low
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.	Ongoing	Urban Forestry, Sustainability, Facilities	Medium
Target areas in need of additional tree canopy by creating a tree canopy map layer.	Complete	Urban Forestry, GIS	Low



Transportation

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Continue to implement the City's complete streets policy and street cross-sections for all street projects.	Ongoing	Planning, Transportation, Engineering	High
Install public use electric vehicle fueling stations on city owned properties and encourage public-use alternative charging stations at publicly accessible locations across the City.	Ongoing	Sustainability, Fleet, Facilities Management	Medium
Partner with private businesses to ensure that more electric vehicle charging stations become available at workplaces, residential developments, and other frequently visited locations. Install public alternative fueling stations on City-owned properties.	Ongoing	Sustainability, Fleet, Facilities Management	Medium
Establish a community-wide bike-share program.	Complete	University, Sustainability	Medium



Waste

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Develop a new education and community outreach plan to announce the city's commitment to waste diversion and to build community buy-in for new initiatives.	Complete	Recycling and Trash, Communications	Medium
Modify City development codes to require new commercial, institutional, and multi-family developments to provide adequate space and access for recycling and organics recovery.	Complete	Recycling and Trash, Planning	Medium
Develop a technical assistance program to inform businesses, institutions, and multi-family complexes of the City's waste diversion commitment and help them prepare for new recycling initiatives.	Ongoing	Recycling and Trash, Communications	Low
Explore options for curbside recycling at small multi-family complexes or complexes that make curbside collection feasible	Ongoing	Recycling and Trash	Medium
Develop a detailed plan and schedule to initiate a voluntary organics recovery program focused initially on large food waste generators like schools, grocery stores, and institutions.	Complete	Recycling and Trash, Communications	High
Require private haulers of food waste to enter into franchise agreements with the City so that these quantities can be reported for the City's diversion rate.	Complete	Recycling and Trash, Legal	Low



Cross-Sector

ACTION ITEM	PROGRESS	PRIMARY STAKEHOLDERS	GHG IMPACT
Work with the University of Arkansas Office of Sustainability to collaboratively complete a regional resilience assessment and publish a report of findings.	Complete	Sustainability, University	Low
Consider amending the 'Purpose and Duties of the Environmental Action Committee' to include consideration of climate mitigation and adaptation strategies.	Complete	Environmental Action Committee	Low
Consider amending the 'Purpose and Duties of the Environmental Action Committee' to include policy recommendations regarding energy efficiency efforts and clean energy purchasing decisions.	Complete	Environmental Action Committee	Low
Investigate the feasibility of a stormwater utility fee to improve green stormwater infrastructure.	Ongoing	Engineering, Legal, Finance	Medium
Integrate Fayetteville's sustainability brand and energy action goals into future marketing and outreach efforts for business and talent retention.	Ongoing	Communications, Economic Vitality, Sustainability	Medium
Reinvigorate the support for and momentum around Fayetteville Resolution no. 164-13 to support a national revenue-neutral carbon fee and dividend program.	Ongoing	Sustainability	High

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Appendix B

Sector Goals, Strategies, & Actions

ENERGY



STRATEGY
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STRATEGIES

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GOAL #1: Achieve 100% clean energy usage for City of Fayetteville government operations by 2030.

E.S-2	Partner with utilities to achieve 100% renewable energy for the community's energy supply.	E.A-3	Install ground and structure mounted solar to offset electricity usage for City government operations.
		E.A-6	Develop community-scale solar and alternative energy systems.
		E.A-10	Explore the efficacy of purchasing carbon offsets to advance net-zero emissions.
E.S-4	Reduce natural gas usage and transition to electric furnaces and appliances to improve efficiency and reduce GHG emissions.	E.A-1	Retrofit existing City government facilities to make them more energy efficient.
		E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.
		E.A-9	Transition City government facilities from gas furnaces to heat pumps.

GOAL #2: Achieve community-wide 100% clean energy usage by 2050.

E.S-1	Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods. Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	E.A-5	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.
		E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.
E.S-2	Partner with utilities to achieve 100% renewable energy for the community's energy supply.	E.A-6	Develop community-scale solar and alternative energy systems.
		E.A-7	Explore the development of local renewable gas capture through waste processing technologies.
E.S-3	Improve residential and commercial energy efficiency throughout the community.	E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.

GOAL #3: Reduce community per capita greenhouse gas (GHG) emissions year over year.

E.S-1	Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.
		E.A-5	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.
E.S-2	Partner with utilities to achieve 100% renewable energy for the community's energy supply.	E.A-6	Develop community-scale solar and alternative energy systems.
		E.A-7	Explore the development of local renewable gas capture through waste processing technologies.
E.S-3	Improve residential and commercial energy efficiency throughout the community.	E.A-2	Design and construct new City Government facilities that are energy efficient.
		E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.

TRANSPORTATION



STRATEGY
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GOAL #1: Reduce community per capita transportation emissions by 10% by 2030.

T.S-1	Deploy publicly available alternative fuel infrastructure (EV charging stations).	T.A-5	Install publicly accessible Electric Vehicle (EV) charging stations.
T.S-3	Support development of an on-going and sustainable funding source to support regional transit operations.	T.A-4	Support local and regional transit through City funding of transit.
T.S-4	Support and encourage the expansion of alternative and active transportation options.	T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
		T.A-3	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
		T.A-4	Support local and regional transit through City funding of transit.
		T.A-5	Install publicly accessible Electric Vehicle (EV) charging stations.
		T.A-8	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
		T.A-9	Expand opportunities to advance micro-mobility and active transportation through the development of safe and convenient infrastructure and amenities (e.g., E-bikes, scooters, bicycle storage, etc.).
T.S-5	Support the creation and implementation of robust and efficient public transportation systems.	T.A-10	Develop an e-bike incentive program to offset costs for low-income e-bike purchases.
		T.A-1	Initiate a City led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.
		T.A-4	Support local and regional transit through City funding of transit.
T.S-9	Utilize funding support opportunities to develop and expand the community's electric vehicle charging stations.	T.A-9	Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.).
		T.A-5	Install publicly accessible Electric Vehicle (EV) charging stations.

GOAL #2: Create an equitable and sustainable multimodal transportation system for all ages and abilities.

T.S-3	Support development of an on-going and sustainable funding source to support regional transit operations.	T.A-4	Support local and regional transit through City funding of transit.
T.S-4	Support and encourage the expansion of alternative and active transportation options.	T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
		T.A-3	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
		T.A-4	Support local and regional transit through City funding of transit.
		T.A-5	Install publicly accessible Electric Vehicle (EV) charging stations.
		T.A-8	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
		T.A-9	Expand opportunities to advance micro-mobility and active transportation through the development of safe and convenient infrastructure and amenities (e.g., E-bikes, scooters, bicycle storage, etc.).
T.S-5	Support the creation and implementation of robust and efficient public transportation systems.	T.A-10	Develop an e-bike incentive program to offset costs for low-income e-bike purchases.
		T.A-1	Initiate a City led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.
		T.A-4	Support local and regional transit through City funding of transit.
		T.A-9	Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.).

GOAL #3: Transition City's fleet to 10% alternative fuel vehicles by the year 2030 and reduce fleet emissions year over year.

T.S-2	Increase the percentage of fuel efficient and alternative fuel vehicles in City fleet to reduce GHG emissions.	T.A-6	Develop a comprehensive City fleet transition plan and timeline.
		T.A-7	Transition City fleet vehicles to fuel efficient hybrid, electric vehicles, and other alternative fuel vehicles.
		E.A-8	Transition maintenance equipment to low emissions technology

WASTE



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GOAL #1: Achieve a 40% waste diversion rate.

W.S-1	Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
W.S-2	Utilize capture rate data to design and target effective recycling programs and practices.	W.A-4	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.
		W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
W.S-3	Increase community participation rates through the development of new or expanded programs.	W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-6	Continue to incrementally increase the number of food waste drop-off locations.
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-4	Develop public-private partnerships to increase materials collected or reach new customers.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

W.S-5	Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials.	W.A-2	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
		W.A-3	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
		W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-6	Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	W.A-1	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
		W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-7	Advocate for, and participate in, regional solutions to reduce waste, and increase recycling, and grow demand for regional circular economies.	W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
		W.A-11	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.
		W.A-12	Develop and implement Environmental Purchasing Policy directive for City operations.

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GOAL #2: Increase commercial and residential recycling program participation rates year over year.

W.S-1	Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
W.S-2	Utilize capture rate data to design and target effective recycling programs and practices.	W.A-4	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-6	Continue to incrementally increase the number of food waste drop-off locations.
W.S-3	Increase community participation rates through the development of new or expanded programs.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-4	Develop public-private partnerships to increase materials collected or reach new customers. (Food Waste P-U)	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

W.S-5	Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials	W.A-2	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
		W.A-3	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-6	Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	W.A-1	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
		W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-7	Advocate for, and participate in, regional solutions to reduce waste, and increase recycling, and grow demand for regional circular economies.	W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
		W.A-11	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.

WASTE [CONTINUED]



STRATEGY
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GOAL #3: Reduce per capita waste to the landfill by 5% by 2030.

W.S-1	Engage residents through recycling education and outreach to increase recycling participation and waste diversion rates.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
W.S-2	Utilize capture rate data to design and target effective recycling programs and practices.	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
W.S-3	Increase community participation rates through the development of new or expanded programs.	W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-6	Continue to incrementally increase the number of food waste drop-off locations.
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-4	Develop public-private partnerships to increase materials collected or reach new customers. (Food Waste P-U)	W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.

W.S-5	Expand recycling collection and processing capacity to meet growing demand and increased volume of collected materials	W.A-2	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.
		W.A-3	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.
		W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-6	Work with partners and processors to develop a regional construction and demolition (C&D) processing facility.	W.A-1	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.
		W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
W.S-7	Advocate for, and participate in, regional solutions to reduce waste, and increase recycling, and grow demand for regional circular economies.	W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community
		W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.
		W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.
		W.A-11	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.
		W.A-12	Develop and implement Environmental Purchasing Policy directive for City operations.

WATER



STRATEGY
IDENTIFIER

STRATEGIES

ACTION
IDENTIFIER

ACTIONS

GOAL #1: Prepare, plan, and develop community response strategies and contingencies for extreme weather events such as heatwaves, droughts, and floods.

Wtr.S-1	Work with regional partners and the Beaver Water District on water conservation and watershed protection policies, programs, and projects.	Wtr.A-1	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
		Wtr.A-2	Create a water education position to do community outreach on water conservation.
Wtr.S-2	Work with community partners and residents to reduce summer irrigation demand. (water education position)	Wtr.A-5	Adopt water utility rate adjustments that encourage water conservation.
		Wtr.A-7	Explore the adoption of water conservation plumbing regulations for new development.

GOAL #2: Reduce per capita water consumption by 5% by 2030.

Wtr.S-1	Work with regional partners and the Beaver Water District on water conservation and watershed protection policies, programs, and projects.	Wtr.A-1	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
		Wtr.A-2	Create a water education position to do community outreach on water conservation.
		Wtr.A-3	Work with community partners and residents to reduce summer irrigation demand. (water education position)
Wtr.S-2	Work with community partners and residents to reduce summer irrigation demand. (water education position)	Wtr.A-4	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)
		Wtr.A-7	Explore the adoption of water conservation plumbing regulations for new development.

Wtr.S-3	Improve resource and energy efficiency of water/wastewater pumping and treatment.	Wtr.A-4	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)
		Wtr.A-5	Adopt water utility rate adjustments that encourage water conservation.
		Wtr.A-6	Support the creation of a stormwater utility.
		Wtr.A-8	Incrementally retrofit water infrastructure with smart technologies.

GOAL #3: Identify and prioritize the repair and installation of water system infrastructure to alleviate water leakage and accommodate growing system demands.

Wtr.S-3	Improve resource and energy efficiency of water/wastewater pumping and treatment.	Wtr.A-4	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)
		Wtr.A-8	Incrementally retrofit water infrastructure with smart technologies.

ECOSYSTEM SERVICES



STRATEGY
IDENTIFIER

STRATEGIES

ACTION
IDENTIFIER

ACTIONS

GOAL #1: Prepare, plan, and develop strategies and contingencies for extreme weather events.

EcoSrv.S-4	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communication and outreach during extreme weather events.	EcoSrv.A-15	Update response measures in Fayetteville emergency management plan to account for more frequent and extreme weather events (Heat, drought, flood, winter storms).
		Wtr.A-2	Create a water education position to do community outreach on water conservation.
EcoSrv.S-10	Reduce the impacts of drought on the regional water system through water conservation efforts.	Wtr.A-3	Work with community partners and residents to reduce summer irrigation demand. (water education position)

GOAL #2: Identify lands within the City's planning area that provide highest ecosystem services for resilience to extreme weather events.

EcoSrv.S-1	Develop additional parks planning and development tools to help preserve open space and repurpose existing city properties that provide access to nature and deliver environmental services.	EcoSrv.A-2	Create a city-wide tool to track environmental assets and ecosystem services.
		EcoSrv.A-3	Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats.

GOAL #3: Preserve lands within the City’s planning area that provide high ecosystem services for resilience to extreme weather events.

EcoRes.S-2	Update the Enduring Green Network Map to more closely align with probable acquisition and preservation pathways and concentrate priorities on achievable conservation goals.	EcoSrv.A-1	Update and refine the Enduring Green Network spatial layers and explore additional regulatory protections to ensure the development of a complete and connected network of useful public open space.
		EcoSrv.A-6	Conduct a development impact fee study for parkland dedication.
EcoSrv.S-2	Develop a strategy to increase the permanent preservation of lands.	EcoSrv.A-13	Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.
		EcoSrv.A-14	Explore bond potential for land acquisition and conservation.
EcoRes.S-6	Develop zoning and development regulations to help conserve open space.	EcoSrv.A-4	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
		EcoSrv.A-5	Develop an environmental or conservation zoning district for inclusion in the City’s Enduring Green Network.
EcoSrv.S-9	Protect and enhance of the water quality of Fayetteville’s streams, lakes, and wetlands.	EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.
		EcoSrv.A-11	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
EcoSrv.S-13	Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	EcoSrv.A-4	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
		EcoRes.S-8	Repurpose areas susceptible to repetitive flooding to park/conservation areas with ecosystem benefits.
EcoSrv.S-14	Balance open space land preservation efforts by supporting increased density and development within the core of the City with consideration to linked growth concepts.	EcoSrv.A-5	Develop an environmental or conservation zoning district for inclusion in the City’s Enduring Green Network.

ECOSYSTEM SERVICES [CONTINUED]



STRATEGY
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STRATEGIES

ACTION
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ACTIONS

GOAL #4: Restore and improve ecosystem services provided by existing preserved natural areas.

EcoSrv.S-7	Develop targets and implement a tree planting program aligned with the canopy goal.	EcoSrv.A-12	Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program.
		EcoSrv.A-7	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
EcoSrv.S-9	Protect and enhance of the water quality of Fayetteville's streams, lakes, and wetlands.	EcoSrv.A-9	Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.
		EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.
		EcoSrv.A-16	Partner with conservation agencies and non-profits to support watershed resource conservation.
EcoSrv.S-11	Identify, map, and prioritize streambank erosion locations for restoration.	EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.
EcoSrv.S-12	Measure, track, and improve water quality in Fayetteville watersheds.	EcoSrv.A-2	Create a city-wide tool to track environmental assets and ecosystem services.
EcoSrv.S-13	Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	EcoRes.A-11	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.

GOAL #5: Reduce climate change threats to public infrastructure and private property.

EcoSrv.S-4	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communication, and outreach during extreme weather events.	Wtr.A-1	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.
		Wtr.A-2	Create a water education position to do community outreach on water conservation.
		Eqty.A-1	Record, track and map areas of reoccurring flooding and extreme heat.
EcoSrv.S-5	Mitigate the impacts of extreme heat to the residents and ecosystems of Fayetteville.	CrbSq.A-2	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
		T.S-7	Explore the use of new technology to reduce urban heat island impacts produced by paved surfaces.
		Eqty.A-9	Identify and designate resilience hubs/cooling centers in the Emergency Management/Climate Resiliency Plan.
		EcoRes.A-11	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
EcoSrv.S-8	Review and implement recommended changes to tree ordinances.	EcoSrv.A-15	Update response measures in the Fayetteville Emergency management Plan to account for more frequent and extreme weather events (Heat, drought, flood, winter storms).
		CrbSq.A-2	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
		EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.
		EcoRes.A-7	Update tree lists that prioritize native and climate-resilient tree species.
EcoSrv.S-13	Adopt a Stormwater utility to fund infrastructure and land acquisition investments.	Wtr.A-6	Support the creation of a stormwater utility.
EcoRes.S-8	Repurpose areas susceptible to repetitive flooding to park/conservation areas with ecosystem benefits.	EcoRes.A-4	Identify opportunities to “rewild” parks that contribute to ecosystem resilience.
		EcoRes.A-11	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.
		EcoSrv.A-14	Explore bond potential for land acquisition and conservation.

ECOSYSTEM RESILIENCE



STRATEGY
IDENTIFIER

STRATEGIES

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IDENTIFIER

ACTIONS

GOAL #1: Identify lands with high levels of biodiversity and ecosystem resilience.

EcoRes.S-1	Quantify the ecosystem services of the city's urban forest.	EcoSrv.A-2	Create a city-wide tool to track environmental assets and ecosystem services.
		EcoRes.A-4	Identify opportunities to "rewild" parks that contribute to ecosystem resilience.
EcoRes.S-2	Update the Enduring Green Network Map to more closely align with probable acquisition and preservation pathways and concentrate priorities on achievable conservation goals.	EcoRes.A-1	Utilize the spatial data provided in the Nature-Based solutions parcel score and map layers to update the Enduring Green Network map.
EcoSrv.S-12	Measure, track, and improve water quality in Fayetteville watersheds.	EcoSrv.A-2	Create a city-wide tool to track environmental assets and ecosystem services.

GOAL #2: Preserve lands with high levels of biodiversity and ecosystem resilience.

EcoSrv.S-1	Develop additional planning and development tools to help preserve open space and repurpose existing city properties that provide access to nature and deliver environmental services.	EcoSrv.A-3	Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats.
		EcoSrv.A-7	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
		EcoSrv.A-9	Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.

EcoSrv.S-2	Develop a strategy to increase the permanent preservation of lands.	EcoRes.A-1	Utilize the spatial data provided in the Nature-Based solutions parcel score and map layers to update the Enduring Green Network map.
		EcoRes.A-2	Develop a Conservation Development Overlay District map that identifies appropriate locations for conservation subdivision development.
		EcoRes.A-3	Create environmental or conservation zoning district regulations that can be utilized by property owners to set aside land for open space or conservation.
		EcoSrv.A-4	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
		EcoSrv.A-5	Develop an environmental or conservation zoning district for inclusion in the City's Enduring Green Network.
		EcoSrv.A-6	Conduct a development impact fee study for parkland dedication.
		EcoRes.A-11	Acquire at least 100 acres of land with very high value for climate resilience by 2040.
EcoSrv.S-3	Strengthen partnerships with existing natural resource groups to supplement the City's limited capacity for natural resource projects and encourage local stewardship.	EcoSrv.A-16	Partner with conservation agencies and non-profits to support watershed resource conservation.
EcoRes.S-5	Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	EcoSrv.A-13	Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.
EcoRes.S-6	Develop zoning and development regulations to help conserve open space.	EcoRes.A-2	Develop a Conservation Development Overlay District map that identifies appropriate locations for conservation subdivision development.
		EcoRes.A-3	Create environmental or conservation zoning district regulations that can be utilized by property owners to set aside land for open space or conservation.
		EcoSrv.A-4	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands.
EcoSrv.S-9	Protect and enhance the water quality of Fayetteville's streams, lakes, and wetlands.	EcoRes.A-10	Implement priority actions identified in the Lake Fayetteville Water Quality Study.
		EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.

ECOSYSTEM RESILIENCE (CONTINUED)



STRATEGY
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ACTION
IDENTIFIER

ACTIONS

GOAL #3: Restore and enhance City-owned or managed lands with high levels of biodiversity and ecosystem resilience.

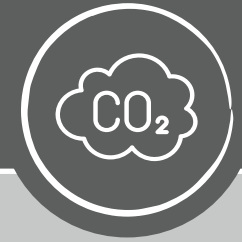
EcoRes.S-3	Continue to seek grant funding and the use of volunteers to remove invasive plants and replace with native plants in public open spaces.	EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.
EcoRes.S-4	Partner with conservation agencies and non-profits to develop strategies to preserve known species of conservation concern identified on City owned and/or managed property.	EcoRes.A-4	Identify opportunities to "rewild" parks that contribute to ecosystem resilience.
		EcoSrv.A-7	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
		EcoRes.A-8	Participate in the National Wildlife Federation's Mayor's Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
EcoRes.S-5	Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	EcoRes.A-10	Implement priority actions identified in the Lake Fayetteville Water Quality Study
		EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.
		EcoSrv.A-16	Partner with conservation agencies and non-profits to support watershed resource conservation.

EcoRes.S-7	Utilize plant species with characteristics that provide optimal ecological benefit on City owned and/or managed properties.	EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.
		EcoRes.A-6	Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.
		EcoRes.A-7	Update tree lists that prioritize native and climate-resilient tree species.
		EcoRes.A-8	Participate in the National Wildlife Federation's Mayor's Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
		EcoRes.A-9	Host native milkweed and pollinator plant giveaway events to promote pollinator friendly habitat.

GOAL #4: Support on-going ecological education and outreach efforts by local expert organizations.

EcoRes.S-4	Partner with conservation agencies and non-profits to develop strategies to preserve known species of conservation concern identified on City owned and/or managed property.	EcoSrv.A-7	Create a dedicated natural resources team within parks maintenance to focus on natural areas.
		EcoRes.A-8	Participate in the National Wildlife Federation's Mayor's Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
EcoRes.S-5	Support land trusts, watershed alliances and other non-profit organizations in their endeavors to protect, enhance, and acquire ecologically valuable open spaces and riparian corridors.	EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.
		EcoSrv.A-16	Partner with conservation agencies and non-profits to support watershed resource conservation.
EcoRes.S-7	Utilize plant species with characteristics that provide optimal ecological benefit on City owned and/or managed properties.	EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.
		EcoRes.A-6	Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.
		EcoRes.A-8	Participate in the National Wildlife Federation's Mayor's Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.
		EcoRes.A-9	Host native milkweed and pollinator plant giveaway events to promote pollinator friendly habitat.

CARBON SEQUESTRATION



STRATEGY
IDENTIFIER

STRATEGIES

ACTION
IDENTIFIER

ACTIONS

GOAL #1: Measure and track carbon sequestration in the City's tree canopy and natural environment.

EcoRes.S-1	Quantify the ecosystem services of the city's urban forest.	CrbSq.A-1	Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover.
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GOAL #2: Increase carbon sequestration into the City's soils, plants, and tree's biomass.

CrbSq.S-1	Identify best management practices to increase carbon sequestration on city-owned lands.	CrbSq.A-2	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
		CrbSq.A-3	Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.
CrbSq.S-2	Identify, promote, and utilize native tree and plant species with characteristics that enable them to provide optimal carbon sequestration into their biomass.	CrbSq.A-3	Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.
		CrbSq.A-4	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.
CrbSq.S-3	Encourage the continued growth and expansion of organics capture and composting programs to build and support local soil health and carbon sequestration.	CrbSq.A-5	Grow the City's food waste collection and drop-off program to increase the amount of City generated compost.

GOAL #3: Preserve and enhance existing carbon sinks such as wetlands, prairies, and forests.

CrbSq.S-4	Include carbon sequestration as a consideration for land conservation and acquisition.	CrbSq.A-2	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.
		CrbSq.A-3	Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.
		CrbSq.A-4	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.
		CrbSq.A-6	Acquire lands with high carbon sequestration value.

CLIMATE EQUITY



STRATEGY
IDENTIFIER

STRATEGIES

ACTION
IDENTIFIER

ACTIONS

GOAL #1: Identify, prioritize, and mitigate climate change impacts on underserved or vulnerable neighborhoods and populations.

Eqty.S-1	Develop mapping tools to better understand the spatial proximity of low-income/disadvantaged neighborhoods to public open space and trail corridors.	Eqty.A-2	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
		Eqty.A-6	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).
Eqty.S-2	Formalize and integrate climate justice and equity considerations into planning processes.	Eqty.A-1	Record, track and map areas of reoccurring flooding and extreme heat.
		Eqty.A-2	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
Eqty.S-3	Include climate action initiatives and infrastructure improvements in low-income/disadvantaged neighborhoods to mitigate the impact of extreme weather events such as heat, drought and floods brought on by climate change.	Eqty.A-3	Coordinate with Urban Forestry to continue implementing tree planting initiatives in low-income/disadvantaged neighborhoods to mitigate the impacts of extreme heat.
		Eqty.A-4	Incrementally acquire land and construct stormwater infrastructure improvements to reduce flooding especially in low-income neighborhoods.
		Wtr.A-6	Support the creation of a stormwater utility.
Eqty.S-4	Support community housing policies, programs and initiatives that provide housing assistance and support services for low-income and disadvantaged families and individuals displaced by extreme weather events.	Eqty.A-1	Record, track and map areas of reoccurring flooding and extreme heat.
		Eqty.A-7	Develop mitigation, acquisition, or relocation measures to minimize flooding loss and displacement of low-income or disadvantaged groups or individuals.
E.S-1	Pursue grants and other funding opportunities to develop energy efficiency programs and projects for low-income households and neighborhoods.	E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.
		E.A-5	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.

GOAL #2: Provide access to useful public open space in proximity to low-income or disadvantaged populations.

Eqty.S-1	Develop mapping tools to better understand the spatial proximity of low-income/disadvantaged neighborhoods to public open space and trail corridors.	Eqty.A-2	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.
Eqty.S-3	Include climate action initiatives and infrastructure improvements in low-income/disadvantaged neighborhoods to mitigate the impact of extreme weather events such as heat, drought and floods brought on by climate change.	Eqty.A-5	Coordinate with the Parks Master Plan to continue to incrementally acquire parkland and trail corridors in areas with low accessibility or proximity to public open space.
		Eqty.A-6	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

GOAL #3: Build a complete and connected active transportation network withing a 10-minute walk of every resident by 2030.

T.S-8	Support compact, complete and connected land use development patterns that encourage multi-modal transportation options and reduce automobile dependency.	T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
		T.A-8	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
		Eqty.A-6	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).
T.S-4	Support and encourage the expansion of alternative and active transportation options	T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.
		T.A-3	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users
		T.A-4	Support local and regional transit through City funding of transit.
		T.A-8	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.
		T.A-9	Expand opportunities to advance micro-mobility (e.g., electric bikes, scooters, etc.).
		Eqty.A-6	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).

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Appendix C

Action Prioritization Tool





Action Prioritization Tool

The 80 actions in the Climate Action Plan were scored on the following factors: necessary funding, feasibility, revenue potential, climate equity potential, GHG emissions reductions, resilience impact potential, city control, and community support. A score was then assigned to the action for each prioritization factor. A final relative priority score was assigned by summing the scores from each of the efficacy and feasibility factors.

Factors

- **Funding Needed** – Will the action need funding to implement? Factor is scored with a yes/no.
- **Feasibility** – What is the political viability of the action, is their staff capacity to complete the action, what are the anticipated costs or potential funding sources for the project? Factor is scored 1-Low; 3-Medium; 5-High.
- **Revenue Potential** – Will the action create a revenue stream that can support further action? Factor is scored 0 - No; 1 - Yes
- **Climate Equity Potential** – Will the project center equitable distribution of services to city residents? Factor is scored by: 1 - N/C; 3 - Low; 5 - High.
- **GHG Emissions Reduction Potential** – How much will the action reduce GHG emissions within the city operations or the community at large? Factor is scored by: 1 - No/Low Reduction (less than 1%); 3 - Medium Reduction (1% to 10%); 5 - High Reduction (10%+). This factor is counted twice in the Emissions Reduction sectors of energy, transportation, waste, and water.
- **Resilience Impact Potential** – How will this action improve the City's resilience to extreme weather impacts? Factor is counted twice in the Nature-Based Solutions sectors of equity, ecosystem services, ecosystem resilience, and carbon sequestration.
- **City Control** – Does the city have jurisdiction to implement this action or is it outside of local government control?
- **Community Support** – What is the level of community support for this action. Community support was based on the survey conducted as part of development of the Climate Action Plan. Factor is scored by: 1 - Controversial; 3 - Neutral/Divided; 5 - Supportive
- **Relative Priority Score** – This score is the aggregate score based on each factor listed above. This score helps prioritize actions within sectors.



ENERGY

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
E.A-1	Retrofit existing City government facilities to make them more energy efficient.	Yes	4	0	0	2	1	5	5	19
E.A-2	Design and construct new City Government facilities that are energy efficient.	Yes	4	0	0	1	1	5	5	17
E.A-3	Install ground and structure mounted solar to offset electricity usage for City government operations.	Yes	4	0	0	3	2	5	5	22
E.A-4	Advocate for the expansion of energy efficiency programs at the State and utility scale.	No	2	0	3	2	1	0	5	15
E.A-5	Develop clean and renewable energy sources targeted at low-income households and neighborhoods through partnerships, grants, and utility rebate programs.	Yes	3	0	5	1	2	2	5	19



ENERGY

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
E.A-6	Develop community-scale solar and alternative energy systems.	Yes	2	0	4	3	2	2	4	20
E.A-7	Explore the development of local renewable gas capture through waste processing technologies.	Yes	2	0	1	2	2	5	3	17
E.A-8	Transition Maintenance Equipment to low emissions technology	Yes	3	0	1	1	1	5	3	15
E.A-9	Transition City government facilities from gas furnaces to heat pumps.	Yes	3	0	0	2	1	5	3	16
E.A-10	Explore the efficacy of purchasing carbon offsets to advance net-zero emissions.	No	2	0	0	1	0	5	1	10



TRANSPORTATION

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
			1 - LOW 3 - MEDIUM 5 - HIGH	0 - NO 1 - YES	1 - N/C 3 - LOW 5 - HIGH	1 - NO/LOW REDUCTION (less than 1%) 3 - MEDIUM REDUCTION (1% to 10%) 5 - HIGH REDUCTION (10%+)	1 - LOW 3 - MEDIUM 5 - HIGH	1 - LOW 3 - MEDIUM 5 - HIGH	1 - CONTROVERSIAL 3 - NEUTRAL/DIVIDED 5 - SUPPORTIVE	SUM OF ALL SCORES, WITH GHG WEIGHTED BY 2
T.A-1	Initiate a City led rezoning of the 71B-College Ave. corridor to set the stage for thoughtful urban redevelopment.	No	3	0	0	1	1	5	4	15
T.A-2	Evaluate and prioritize sidewalks, trails and bike lanes to ensure active transportation infrastructure is distributed equitably across the City.	No	4	0	5	3	3	5	5	28
T.A-3	Install safe and accessible bus stops and shelters to make transit comfortable, safe and attractive for users	Yes	5	0	4	1	2	5	4	22
T.A-4	Support local and regional transit through City funding of transit.	Yes	4	0	5	2	3	2	4	22
T.A-5	Install publicly accessible Electric Vehicle (EV) charging stations.	Yes	5	1	3	1	1	3	3	18
T.A-6	Develop a comprehensive City fleet transition plan and timeline.	No	4	0	1	1	1	5	4	17



TRANSPORTATION

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
T.A-7	Transition City fleet vehicles to fuel efficient hybrid, electric vehicles, and other alternative fuel vehicles.	Yes	4	0	1	3	1	5	5	22
T.A-8	Gather, track, and evaluate active transportation and micro-mobility user numbers and trends and measure success.	No	4	0	1	1	1	5	3	16
T.A-9	Expand opportunities to advance micro-mobility and active transportation through the development of safe and convenient infrastructure and amenities. (e.g., E-bikes, scooters, bicycle storage, etc.).	No	4	1	3	1	1	5	3	19
T.A-10	Develop an e-bike incentive program to offset costs for low-income e-bike purchases.	Yes	4	0	4	1	1	3	3	17



WASTE

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
W.A-1	Establish options for alternative waste disposal and measurable criteria for evaluating emissions impact.	No	5	0	0	0	0	5	3	13
W.A-2	Implement the Recycling Processing Facility improvements project to increase materials collection, processing, and storage capacity.	Yes	3	0	1	2	2	5	3	18
W.A-3	Mitigate the environmental degradation of adjacent City-owned lands to develop an expanded compost facility to increase collection and processing capacity.	Yes	4	0	1	1	1	5	4	17
W.A-4	Review and amend the current trash and recycling rate structures to incentivize recycling and ensure equitable trash and recycling services are provided.	No	5	0	3	1	1	5	4	20
W.A-5	Continue to develop, test, and implement new recycling collection methods and containers to serve the community.	Yes	4	1	3	1	1	3	5	19
W.A-6	Increase the number of food waste drop-off locations.	Yes	4	0	1	1	1	5	3	16



WASTE

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
W.A-7	Develop and implement a subscription based residential curb-side food waste collection program.	Yes	4	1	1	1	1	3	4	16
W.A-8	Develop a permanent hazardous household waste and consumer electronics drop-off facility.	Yes	3	0	1	1	1	3	4	14
W.A-9	Incorporate construction and demolition (C&D) recycling requirements on City-led projects once a regional C&D facility comes online.	No	3	0	3	3	1	1	4	18
W.A-10	Develop and implement C&D recycling regulations for all construction and demolition projects city-wide after a regional C&D facility is established.	No	3	0	1	1	1	5	3	15
W.A-11	Work with regional partners and cities to plan for the eventual closing of the regional EcoVista landfill.	No	5	0	1	1	1	1	3	13
W.A-12	Develop and implement Environmental Purchasing Policy directive for City operations.	No	5	0	0	1	0	5	5	17



WATER

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
Wtr.A-1	Develop a Climate Resiliency Plan that focuses on emergency preparedness, communications, and outreach for water conservation during extreme weather events.	Yes	4	0	1	1	2	5	3	17
Wtr.A-2	Create a water education position to do community outreach on water conservation.	Yes	4	0	1	1	1	5	5	18
Wtr.A-3	Work with community partners and residents to reduce summer irrigation demand. (water education position)	Yes	4	0	3	1	2	3	3	17
Wtr.A-4	Continue to work on efforts to reduce stormwater infiltration into the wastewater treatment system. (educator position)	Yes	5	0	1	1	1	5	3	17



WATER

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
Wtr.A-5	Adopt water utility rate adjustments that encourage water conservation.	No	4	1	3	1	3	5	3	21
Wtr.A-6	Support the creation of a stormwater utility.	Yes	4	0	5	1	4	5	5	25
Wtr.A-7	Explore the adoption of water conservation plumbing regulations for new development.	No	2	0	1	1	1	4	5	15
Wtr.A-8	Incrementally retrofit water infrastructure with smart technologies.	Yes	5	0	1	1	3	5	5	21



ECOSYSTEM SERVICES

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
EcoSrv.A-1	Update and refine the Enduring Green Network spatial layers and explore additional regulatory protections to ensure the development of a complete and connected network of useful public open space.	No	5	0	3	1	3	5	4	24
EcoSrv.A-2	Create a city-wide tool to track environmental assets and ecosystem services.	Yes	3	0	3	2	3	4	3	21
EcoSrv.A-3	Support Parks efforts to develop a conservation plan to identify and preserve unique ecosystems and habitats. (Resilient Natural Systems)	Yes	3	0	1	1	4	5	4	22
EcoSrv.A-4	Review development code regulations related to open space and amend as necessary to spur acquisition and preservation of natural lands. (Parks Master Plan) (Conservation Plan)	No	4	1	3	1	3	5	4	24
EcoSrv.A-5	Develop an environmental or conservation zoning district for inclusion in the City's Enduring Green Network.	No	4	0	3	1	3	5	4	23
EcoSrv.A-6	Conduct a development impact fee study for parkland dedication.	Yes	3	1	2	1	3	4	3	20



ECOSYSTEM SERVICES

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
			1 - LOW 3 - MEDIUM 5 - HIGH	0 - NO 1 - YES	1 - N/C 3 - LOW 5 - HIGH	1 - NO/LOW REDUCTION (less than 1%) 3 - MEDIUM REDUCTION (1% to 10%) 5 - HIGH REDUCTION (10%+)	1 - LOW 3 - MEDIUM 5 - HIGH	1 - LOW 3 - MEDIUM 5 - HIGH	1 - CONTROVERSIAL 3 - NEUTRAL/DIVIDED 5 - SUPPORTIVE	SUM OF ALL SCORES, WITH GHG WEIGHTED BY 2
EcoSrv.A-7	Create a dedicated natural resources team within parks maintenance to focus on natural areas.	Yes	2	0	2	2	3	4	4	20
EcoSrv.A-8	Plant drought resistant native vegetation on City owned and managed properties.	Yes	5	0	1	1	1	5	5	19
EcoSrv.A-9	Identify new open space maintenance programs and technologies to address climate issues and resiliency needs.	Yes	2	0	2	3	3	4	3	20
EcoSrv.A-10	Restore urban streambanks to reduce erosion and improve water quality.	Yes	4	0	4	1	5	5	4	28
EcoSrv.A-11	Promote stormwater infiltration of soil on the landscape by reducing impervious surfaces.	Yes	4	0	4	2	5	4	3	27
EcoSrv.A-12	Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program.	Yes	3	0	3	4	3	4	4	24
EcoSrv.A-13	Develop a multi-year program with support from additional conservation organizations to allocate funding for land acquisition.	Yes	3	0	3	3	4	3	3	23



ECOSYSTEM SERVICES

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
EcoSrv.A-14	Explore bond potential for land acquisition and conservation.	Yes	3	0	3	3	4	4	2	23
EcoSrv.A-15	Update response measures in Fayetteville emergency management plan to account for more frequent and extreme weather events (Heat, drought, flood, winter storms).	No	2	0	5	1	4	4	3	23
EcoSrv.A-16	Partner with conservation agencies and non-profits to support watershed resource conservation.	Yes	3	0	2	1	4	3	3	20



ECOSYSTEM RESILIENCE

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
EcoRes.A-1	Utilize the spatial data provided in the Nature-Based solutions parcel score and map layers to update the Enduring Green Network map.	No	5	0	1	1	1	5	4	18
EcoRes.A-2	Develop a Conservation Development Overlay District map that identifies appropriate locations for conservation subdivision development.	No	3	0	1	1	1	5	3	15
EcoRes.A-3	Create environmental or conservation zoning district regulations that can be utilized by property owners to set aside land for open space or conservation.	No	2	0	1	1	2	5	3	16
EcoRes.A-4	Identify opportunities to "rewild" parks that contribute to ecosystem resilience.	Yes	3	0	2	2	2	3	3	17
EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.	Yes	5	0	3	1	2	5	3	21
EcoRes.A-6	Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.	Yes	5	0	2	1	1	5	5	20



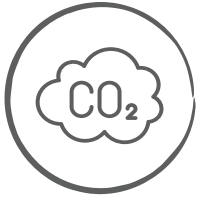
ECOSYSTEM RESILIENCE

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
EcoRes.A-4	Identify opportunities to "rewild" parks that contribute to ecosystem resilience.	Yes	3	0	2	2	2	3	3	17
EcoRes.A-5	Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way.	Yes	5	0	3	1	2	5	3	21
EcoRes.A-6	Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.	Yes	5	0	2	1	1	5	5	20
EcoRes.A-7	Update tree lists that prioritize native and climate-resilient tree species.	No	4	0	3	3	5	5	4	29



ECOSYSTEM RESILIENCE

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
EcoRes.A-8	Participate in the National Wildlife Federation's Mayor's Monarch Pledge and continue to support the creation of monarch waystations and habitats on City-owned lands.	Yes	5	0	1	1	3	5	5	23
EcoRes.A-9	Host native milkweed and pollinator plant giveaway events to promote pollinator friendly habitat.	Yes	5	0	1	1	3	5	5	23
EcoRes.A-10	Implement a plan for Lake Fayetteville to improve water quality.	Yes	3	0	3	1	2	4	3	18
EcoRes.A-11	Acquire at least 100 acres of land with very high value for climate resilience by 2040.	Yes	5	0	3	1	4	5	5	27



CARBON SEQUESTRATION

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
CrbSq.A-1	Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover.	No	5	0	1	1	1	5	3	17
CrbSq.A-2	Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment.	No	4	0	1	1	3	5	3	20
CrbSq.A-3	Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way.	Yes	3	0	1	1	1	5	3	15
CrbSq.A-4	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.	Yes	3	0	1	1	1	5	3	15
CrbSq.A-5	Grow the City's food waste collection and drop-off program to increase the amount of City generated compost.	Yes	5	1	1	1	1	5	4	19
CrbSq.A-6	Acquire lands with high carbon sequestration value.	Yes	3	0	1	1	3	5	3	19



CLIMATE EQUITY

ACTION ID	CAP ACTION	FUNDING NEEDED	1 - LOW 3 - MEDIUM 5 - HIGH	0 - NO 1 - YES	1 - N/C 3 - LOW 5 - HIGH	1 - NO/LOW REDUCTION (less than 1%) 3 - MEDIUM REDUCTION (1% to 10%) 5 - HIGH REDUCTION (10%+)	1 - LOW 3 - MEDIUM 5 - HIGH	1 - LOW 3 - MEDIUM 5 - HIGH	1 - CONTROVERSIAL 3 - NEUTRAL/DIVIDED 5 - SUPPORTIVE	SUM OF ALL SCORES, WITH GHG WEIGHTED BY 2
			FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
Eqty.A-1	Record, track and map areas of reoccurring flooding and extreme heat.	No	3	0	3	1	3	5	3	21
Eqty.A-2	Develop a public-facing Nature-Based solutions parcel score and map that identifies and spatially represents proximity and accessibility to public open space.	No	5	0	3	1	3	5	5	25
Eqty.A-3	Coordinate with Urban Forestry to continue implementing tree planting initiatives in low-income/disadvantaged neighborhoods to mitigate the impacts of extreme heat.	Yes	5	0	5	1	3	5	5	27
Eqty.A-4	Incrementally acquire land and construct stormwater infrastructure improvements to reduce flooding especially in low-income neighborhoods.	Yes	3	0	5	1	5	5	5	29



CLIMATE EQUITY

ACTION ID	CAP ACTION	FUNDING NEEDED	FEASIBILITY	REVENUE POTENTIAL	CLIMATE EQUITY POTENTIAL	GHG EMISSIONS REDUCTION POTENTIAL (2 FOR EMS)	RESILIENCE IMPACT POTENTIAL (2 FOR NBS)	CITY CONTROL	COMMUNITY SUPPORT	RELATIVE PRIORITY SCORE
			1 - LOW 3 - MEDIUM 5 - HIGH	0 - NO 1 - YES	1 - N/C 3 - LOW 5 - HIGH	1 - NO/LOW REDUCTION (less than 1%) 3 - MEDIUM REDUCTION (1% to 10%) 5 - HIGH REDUCTION (10%+)	1 - LOW 3 - MEDIUM 5 - HIGH	1 - LOW 3 - MEDIUM 5 - HIGH	1 - CONTROVERSIAL 3 - NEUTRAL/DIVIDED 5 - SUPPORTIVE	SUM OF ALL SCORES, WITH GHG WEIGHTED BY 2
Eqty.A-5	Coordinate with the Parks Master Plan to continue to incrementally acquire parkland and trail corridors in areas with low accessibility or proximity to public open space.	Yes	5	0	5	1	3	5	5	27
Eqty.A-6	Construct or retrofit transportation infrastructure to meet the access standards in the Americans with Disabilities Act (ADA).	Yes	3	0	5	1	3	5	5	25
Eqty.A-7	Develop mitigation, acquisition, or relocation measures to minimize flooding loss and displacement of low-income or disadvantaged groups or individuals.	Yes	4	0	5	1	5	5	5	30
Eqty.A-8	Identify and designate resilience hubs/cooling centers in Climate Resiliency Plan	Yes	3	0	4	1	4	3	3	22

Appendix D

Greenhouse Gas Inventory

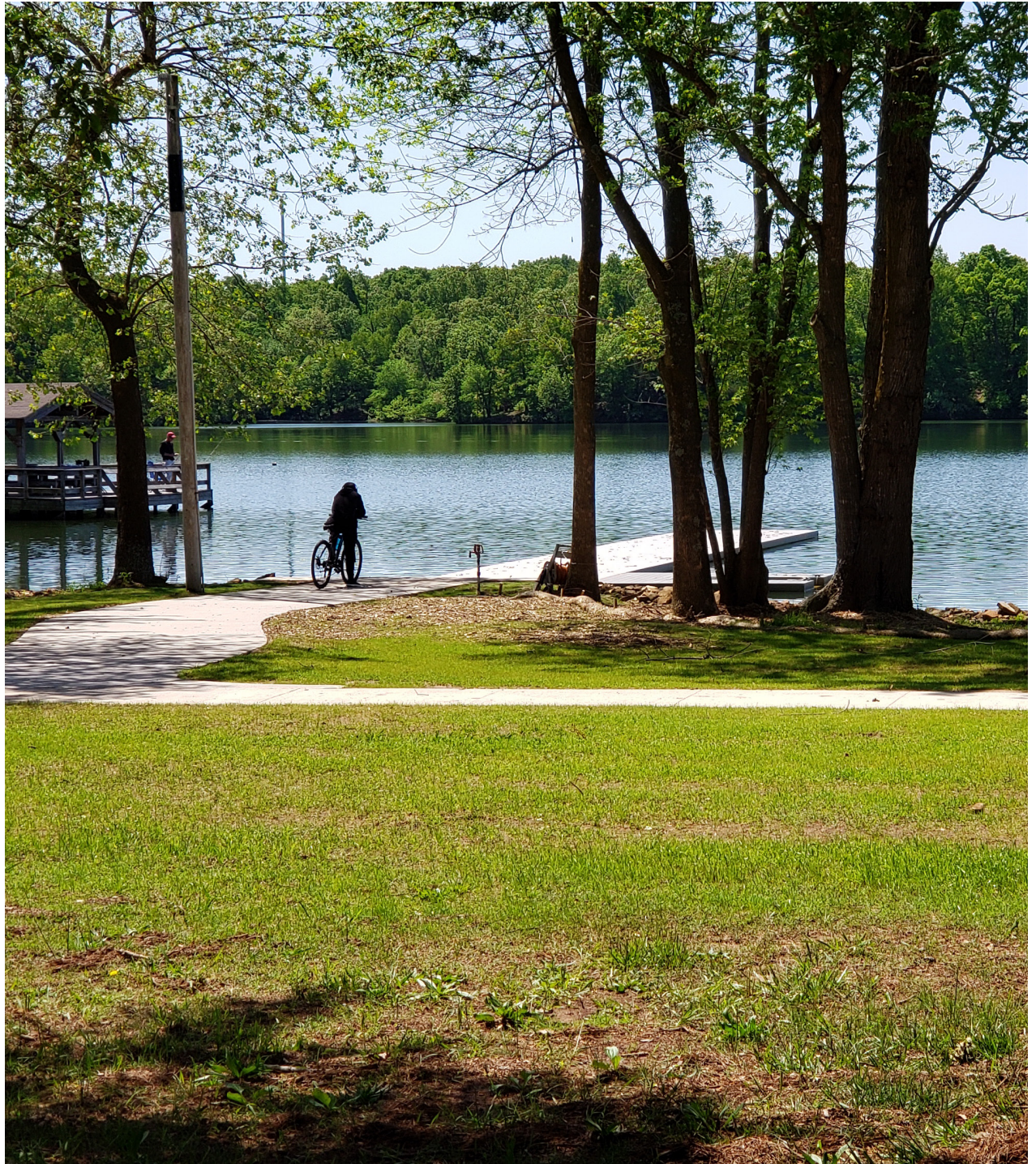


Greenhouse Gas Inventory

Since 2018 the City of Fayetteville has been completing an annual greenhouse gas inventory based on U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. This inventory was created using Microsoft Excel and imported emission factors from outside sources like the Environmental Protection Agency. Two inventories were created- City of Fayetteville which covers government operations and a community-wide inventory which covers activities within the City boundaries.

In 2023 the City of Fayetteville began using ClearPath, an online software platform for completing greenhouse gas inventories, forecasts, climate action plans, and monitoring at the community-wide or government-operations scales. This tool auto calculates many emission factors and automatically updates the global warming potential of different gases to reflect the latest science. Reporting categories were rearranged based on sector rather than fuel type and AFOLU and Process & Fugitive Emissions were added.

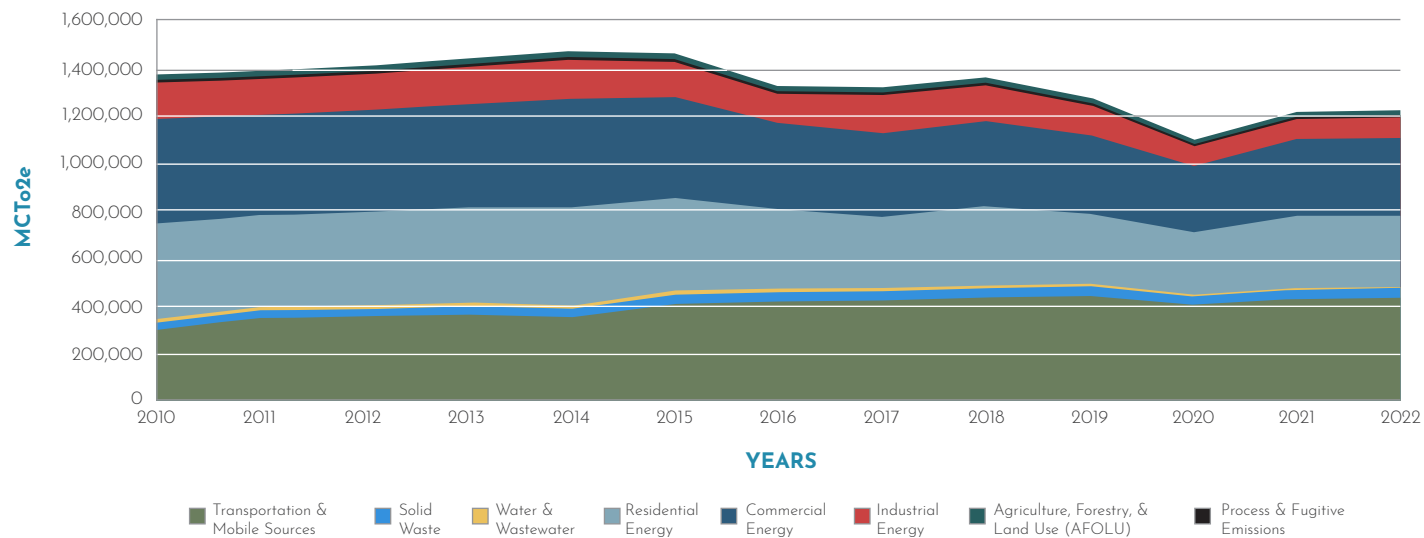
AFOLU stands for Agriculture, Forestry, and Other Land Use. This is a way of calculating carbon emissions and removals from changes to the tree canopy using ICLEI's LEARN tool.



Community GHG Emissions ^{*all in MTCO₂e}

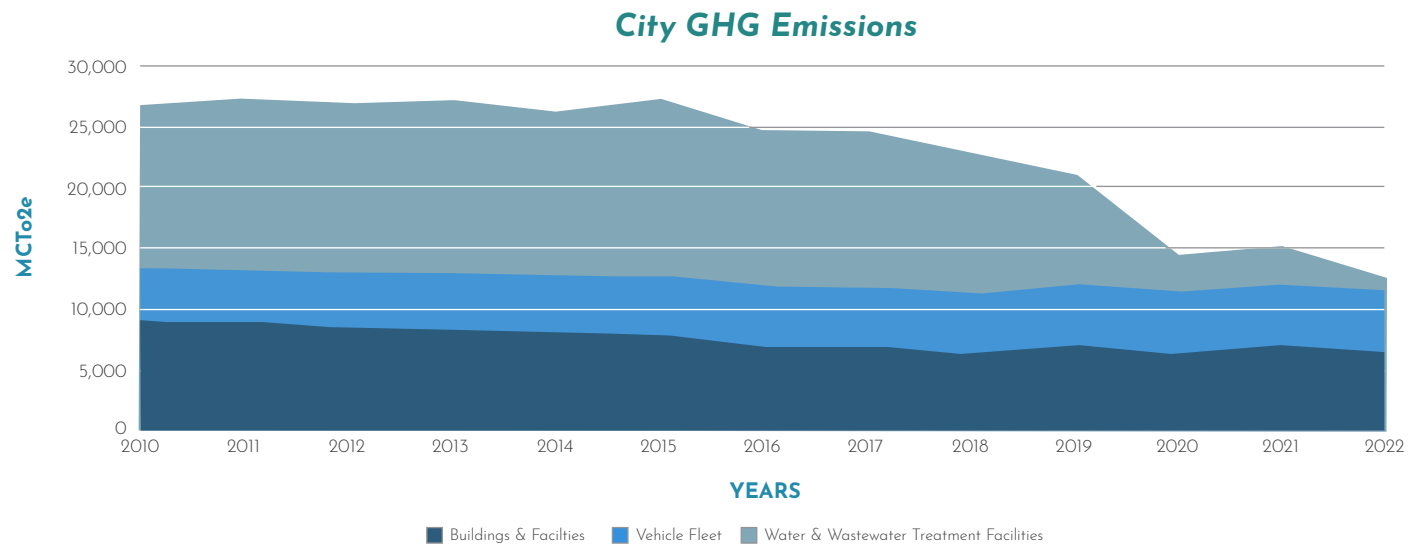
YEAR	TRANSPORTATION & MOBILE SOURCES	SOLID WASTE	WATER & WASTEWATER	RESIDENTIAL ENERGY	COMMERCIAL ENERGY	INDUSTRIAL ENERGY	AGRICULTURE, FORESTRY, & LAND USE (AFOLU)	PROCESS & FUGITIVE EMISSIONS	TOTAL MTCO ₂ E	MTCO ₂ PER CAPITA	POPULATION
2010	300,710	29,627	13,517	404,306	440,023	189,891	-23,794	7,037	1,361,317	18.40	73,970
2011	350,836	30,803	14,071	388,921	423,279	182,665	-23,794	7,037	1,373,818	18.18	75,586
2012	357,936	30,998	13,575	393,298	428,043	184,721	-23,794	7,037	1,391,814	18.07	77,003
2013	367,921	33,914	14,171	401,637	437,118	188,637	-23,794	7,037	1,426,641	18.07	78,929
2014	354,945	32,948	13,681	419,005	456,021	196,795	-23,794	7,037	1,456,638	18.02	80,822
2015	412,371	38,410	14,435	390,387	424,874	183,354	-23,794	7,037	1,447,073	17.47	82,830
2016	422,280	39,714	12,920	333,892	363,389	156,820	-23,794	7,037	1,312,257	15.65	83,826
2017	425,093	38,925	12,768	298,431	355,879	189,612	-23,794	7,037	1,303,951	15.12	86,247
2018	436,427	39,526	11,434	335,081	357,894	180,349	-23,794	7,037	1,343,954	15.33	87,669
2019	444,948	41,352	9,061	294,868	330,527	154,000	-23,794	7,037	1,257,999	13.76	91,400
2020	405,057	38,464	3,048	267,664	278,482	108,940	-23,794	7,037	1,084,898	11.69	92,842
2021	432,185	39,280	3,967	307,207	320,162	115,556	-23,794	7,037	1,201,600	12.79	93,949
2022	438,716	40,206	1,044	302,052	326,725	111,858	-23,794	7,037	1,203,844	12.42	96,904

Community GHG Emissions



City GHG Emissions ^{*all in MTCO₂e}

YEAR	BUILDINGS & FACILITIES	VEHICLE FLEET	WATER & WASTEWATER TREATMENT FACILITIES	TOTAL MTCO ₂ e
2010	8,754	4,415	13,517	26,686
2011	8,865	4,342	14,071	27,278
2012	8,263	4,698	13,912	26,873
2013	8,284	4,691	14,171	27,146
2014	8,194	4,349	13,681	26,224
2015	7,850	4,900	14,435	27,185
2016	6,913	4,942	12,920	24,775
2017	6,778	4,988	12,768	24,534
2018	6,035	5,122	11,434	22,591
2019	6,865	5,163	9,061	21,089
2020	6,104	5,162	3,048	14,314
2021	6,817	5,252	3,014	15,083
2022	6,132	5,276	1,044	12,452





Appendix E

Native Plant Species for Climate Resilience

Woody Species Native to Northwest Arkansas for Riparian Buffers:

- *Acer rubrum* (red maple)
- *Acer negundo* (box elder)
- *Alnus serrulata* (smooth alder)
- *Betula nigra* (river birch)
- *Celtis laevigata* (sugarberry)
- *Cephalanthus occidentalis* (buttonbush)
- *Liquidambar styraciflua* (sweetgum)
- *Platanus occidentalis* (American sycamore)
- *Populus deltoides* (eastern cottonwood)
- *Quercus phellos* (willow oak)
- *Salix nigra* (black willow)
- *Ulmus americana* (American elm)

Herbaceous Species Native to Northwest Arkansas for Riparian Buffers:

- *Bouteloua curtipendula* (side oats grama)
- *Carex vulpinoidea* (fox sedge)
- *Chasmanthium latifolium* (river oats)
- *Dichanthelium clandestinum* (deer tongue grass)
- *Elymus canadensis* (Canada wild rye)
- *Elymus hystrix* (bottlebrush grass)
- *Lobelia siphilitica* (great blue lobelia)
- *Panicum virgatum* (switchgrass)
- *Tripsacum dactyloides* (eastern gamagrass)

Tree Species Native to Northwest Arkansas That Improve Stormwater Quality by Degrading Contaminants:

- *Betula nigra* (river birch)
- *Populus deltoides* (eastern cottonwood)
- *Quercus phellos* (willow oak)
- *Salix nigra* (black willow)

Herbaceous Species Native to Northwest Arkansas That Improve Stormwater Quality by Degrading Contaminants:

- *Andropogon gerardii* (big bluestem)
- *Elymus canadensis* (Canada wild rye)
- *Elymus hystrix* (bottlebrush grass)
- *Juncus effusus* (common rush)
- *Panicum virgatum* (switchgrass)
- *Schizachyrium scoparium* (little bluestem)
- *Sorghastrum nutans* (Indiangrass)
- *Tripsacum dactyloides* (eastern gamagrass)

Herbaceous Species Native to Northwest Arkansas That Improve Biodiversity:

- *Achillea millefolium* (yarrow)
- *Andropogon gerardii* (big bluestem)
- *Asclepias purpurascens* (purple milkweed)
- *Asclepias quadrifolia* (four-leaved milkweed)
- *Asclepias viridiflora* (green comet milkweed)
- *Asclepias viridis* (green milkweed)
- *Asclepias syriaca* (common milkweed)
- *Asclepias tuberosa* (butterfly milkweed)
- *Echinacea pallida* (pale purple coneflower)
- *Echinacea purpurea* (purple coneflower)
- *Liatris aspera* (rough blazing star)
- *Liatris hirsuta* (hairy gayfeather)
- *Liatris pycnostachya* (prairie blazing star)
- *Monarda bradburiana* (short beebalm)
- *Monarda fistulosa* (wild bergamot)
- *Monarda punctata* (spotted beebalm)
- *Panicum virgatum* (switchgrass)
- *Phlox pilosa* (downy phlox)
- *Rudbeckia hirta* (black-eyed Susan)
- *Rudbeckia triloba* (brown-eyed Susan)
- *Schizachyrium scoparium* (little bluestem)
- *Sorghastrum nutans* (Indiangrass)
- *Vernonia baldwinii* (Baldwin's ironweed)
- *Vernonia gigantea* (giant ironweed)
- *Vernonia missurica* (Missouri ironweed)
- *Viola pedata* (bird's foot violet)

Woody Species Native to Northwest Arkansas That Improve Biodiversity:

- *Acer rubrum* (red maple)
- *Acer saccharinum* (silver maple)
- *Acer saccharum* (sugar maple)
- *Acer negundo* (box elder)
- *Alnus serrulata* (smooth alder)
- *Asimina triloba* (pawpaw)
- *Betula nigra* (river birch)
- *Callicarpa americana* (American beautyberry)
- *Carya cordiformis* (bitternut hickory)
- *Carya illinoensis* (pecan)
- *Carya ovata* (shagbark hickory)
- *Pinus echinata* (short-leaf pine)
- *Populus deltoides* (eastern cottonwood)
- *Prunus mexicana* (Mexican plum)
- *Prunus serotina* (black cherry)
- *Quercus alba* (white oak)
- *Quercus phellos* (willow oak)
- *Quercus rubra* (northern red oak)
- *Quercus falcata* (southern red oak)
- *Quercus velutina* (black oak)
- *Quercus muehlenbergii* (Chinquapin oak)
- *Salix nigra* (black willow)
- *Ulmus alata* (winged elm)
- *Ulmus americana* (American elm)
- *Ulmus rubra* (slippery elm)
- *Vaccinium arboreum* (farkleberry)
- *Vaccinium pallidum* (hillside blueberry)
- *Vaccinium stamineum* (deerberry)

Trees Species Native to Arkansas that Provide Optimal Carbon Sequestration & Storage:

- *Liriodendron tulipifera* (tulip poplar)
- *Nyssa sylvatica* (black gum)
- *Pinus echinata* (shortleaf pine)
- *Quercus rubra* (red oak)
- *Quercus alba* (white oak)
- *Taxodium distichum* (bald cypress)

Herbaceous Species Native to Northwest Arkansas that Provide Optimal Carbon Sequestration & Storage:

- *Andropogon gerardii* (big bluestem)
- *Baptisia alba* (white wild indigo)
- *Bouteloua curtipendula* (sideoats gramma)
- *Liatris pycnostachya* (prairie blazing star)
- *Panicum virgatum* (switchgrass)
- *Schizachyrium scoparium* (little bluestem)
- *Silphium laciniatum* (compass plant)
- *Silphium integrifolium* (rosinweed)
- *Solidago missouriensis* (Missouri goldenrod)
- *Sorghastrum nutans* (Indiangrass)
- *Spartina pectinata* (prairie cordgrass)
- *Symphyotrichum ericoides* (white heath aster)

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CITY OF
FAYETTEVILLE
ARKANSAS





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

Resolution: 288-21

File Number: 2021-0871

**NATURAL ENVIRONMENT, ECOSYSTEMS, AND CLIMATE RESILIENCE CHAPTER
IN AN EXISTING OR FUTURE CITY PLAN:**

A RESOLUTION TO REQUEST THAT MAYOR JORDAN DIRECT THE CITY STAFF OR CONTRACT FOR SERVICES TO DRAFT A NATURAL ENVIRONMENT, ECOSYSTEMS, AND CLIMATE RESILIENCE CHAPTER IN AN EXISTING OR FUTURE CITY PLAN THAT WILL INFORM FUTURE POLICIES, PROGRAMS AND ACTIONS THAT IMPACT ENVIRONMENTAL AND ECOSYSTEM ISSUES, TO ASSESS AND EXPAND THE FOOTPRINT OF LANDS OF HIGH ECOLOGICAL VALUE, TO PROVIDE FUNDING IF NEEDED TO DRAFT THE PLAN, AND TO CREATE A PERMANENT CAPITAL IMPROVEMENT PROJECT BUDGET FOR THE PURCHASE OF LANDS WITH HIGH ENVIRONMENTAL OR ECOLOGICAL VALUE

WHEREAS, climate change is rapidly accelerating and altering historically predictable rainfall and temperatures in our environment; and

WHEREAS, cities, counties and countries must begin the process of planning and responding to climate change by implementing new policies and tracking key environmental parameters; and

WHEREAS, a network of preserved green spaces will help provide climate resilience by buffering climate change impacts such as flooding from more intense rainfall events and heat stress and associated heat island impacts from severe heat waves and droughts; and

WHEREAS, a network of these future and preserved properties would help to mitigate greenhouse gas emissions, increase carbon sequestration, protect sensitive areas prone to flooding, improve water quality, mitigate stream bank erosion and restore and expand natural habitats; and

WHEREAS, Fayetteville's City Plan 2040 endorses the creation and preservation of an Enduring

Green Network and natural resources or green spaces for our city, to identify and preserve high-value open spaces and create a network of greenspaces and greenways throughout the city; and

WHEREAS, for many years, the City of Fayetteville with a variety of partners has continued to make significant progress in protecting important preserved woodlands and waterways (e.g.: (1) Mount Sequoyah Woods; (2) Brooks-Hummel Nature Preserve; (3) Kessler Mountain Regional Park; (4) Centennial Park on Millsap Mountain; (5) Fay Jones Woodland; and (6) a portion of Markham Hill; (7) Underwood Park; (8) Clabber Creek; (9) West Fork of the White River; and prairie, wetlands and other natural areas (e.g. : (1) Wilson Springs, (2) Woolsey Wet Prairie, (3) World Peace Prairie, (4) Westside Prairie and (5) the Wetlands at Deadhorse Mountain; and

WHEREAS, more study is needed in order to update the inventory of assets in areas of the city with identifiable ecological, environmental, and agricultural values that would provide human and biological greenway linkages between major open space anchors including; significant forests, riparian corridors, parks, trails, and land identified as having high ecological value; and

WHEREAS, the city of Fayetteville is a member of the NWA Regional Planning Commission and has developed an NWA Open Space Plan for the region that can be used to inform Fayetteville's plan development process; and

WHEREAS, a natural environment, ecosystems, and climate resilience chapter in an existing or future plan can help coordinate future efforts to protect other urban forests and preserve undeveloped areas which could serve as wildlife corridors and pedestrian paths between preserved woodlands, prairies, streams, historical and cultural resources, wetlands, sensitive habitats, and other natural areas; and

WHEREAS, the city of Kirkland, WA and numerous peer cities have created similar plans that can serve as models for developing a chapter with quantifiable goals, implementation actions, and assessment and tracking tools; and

WHEREAS, a sustainability decision making matrix could be used to better guide the city of Fayetteville in development, growth, and conservation in natural resource areas and greenspaces and can be used to identify criteria to assess existing public lands and associated ecosystems and determine appropriate land preservation policies and best management practices.

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

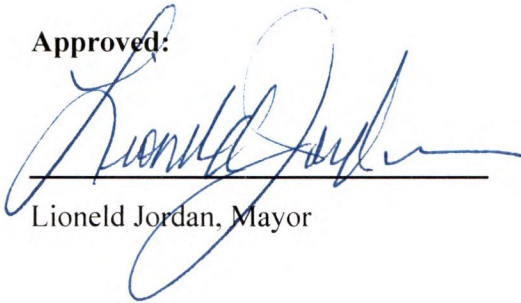
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby requests that Mayor Jordan direct appropriate staff or contract for services to draft a natural environment, ecosystems, and climate resilience chapter for an existing or future integrated sustainability plan that will inform future policies, programs and actions that impact environmental issues, to assess and expand the footprint of lands of high ecological value that will create the conditions for a resilient, equitable, and thriving economy that also provides environmental benefits, such as flood mitigation, habitat conservation, and carbon sequestration, and to analyze environmental justice considerations (low income or minority population's vulnerability to climate change) when reviewing, prioritizing and implementing land conservation and preservation measures.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests that Mayor Jordan allocate \$100,000 to help fund and augment, if needed, the drafting of a natural environment, ecosystem and climate resilience chapter for an existing or future integrated sustainability plan.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby requests that Mayor Jordan request that a permanent capital improvement project budget line be created and a minimum annual amount of \$100,000 be allocated to purchase land, fund conservation easements or for other expenditures that would be used to fulfill the mission of the city of Fayetteville's natural environment, ecosystems, and climate resilience chapter in an existing or new plan.

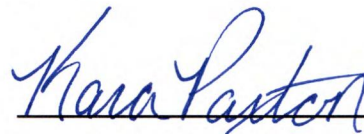
PASSED and APPROVED on 11/16/2021

Approved:

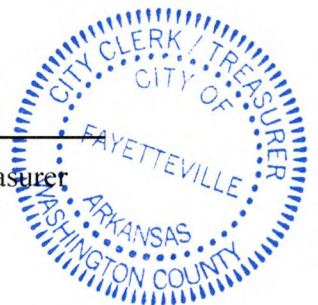


Lioneld Jordan, Mayor

Attest:



Kara Paxton, City Clerk Treasurer



Environmental Action Committee
Letter of Support
Climate Action Plan (CAP), and the Climate Resilience Mapping Tool

The Environmental Action Committee (EAC) would like to enthusiastically encourage the City of Fayetteville to adopt and implement the Climate Action Plan and the Climate Resilience Mapping Tool being presented tonight for discussion.

The EAC has worked diligently for some time evaluating and providing feedback for both the Climate Action Plan (CAP) and the associated Climate Resilience Mapping Tool. This Climate Action Plan is designed to be the framework to guide and energize actions around the City's efforts to be a resource and energy efficient community. This plan sets ambitious mitigation targets, including an overarching goal of net-zero emissions by 2050. Setting a net-zero goal aligns Fayetteville with international targets that aim to balance greenhouse gas (GHG) production with atmospheric removals. To be on track to be net zero by 2050, the community will need to decrease our cumulative GHG emissions by 37 percent by 2030.

The Climate Resilience Mapping Tool was developed to understand and objectively describe parcels of land in the city in relation to how much (or little) they can support the city's long-term resiliency necessary to withstand predicted changes in the climate. When paired with the CAP, the Climate Resilience Map is a scientific tool to assist in making decisions for our rapidly growing city. City staff and Olsson Engineering have done an excellent job of creating this tool which can help all involved to make better informed decisions associated with future development. It is now possible to look at any parcel of land in the city to reference its ranking on this interactive mapping tool from least to most impactful on climate resiliency.

The map is designed to establish an aggregate score based on 24 unique parameters divided into 4 major categories or classifications to establish a "score" for each parcel in the city. Higher scores indicate ecologically valuable parcels that warrant protection due to the ecosystem benefits and services they provide. While not all fields currently possess values, we recognize that this is an ongoing process, and additional fields will be populated as the information becomes available. As this effort is new and innovative, we fully expect that over time some parameters may fall away while new ones may be added. Such evolution is reasonable and to be expected to make the process more accurate, effective, and efficient over time.

We are now fully immersed in a data driven world. Even the most mundane decisions rely on volumes of relevant and associated data that has been processed by computers using the latest machine learning and artificial intelligence algorithms to reveal insights and trends unavailable to us just a few years ago. Today, information such as sensor and imaging data are vital to essentially every decision made in modern society. Given what we have learned from the two items being presented for discussion tonight, the EAC would recommend that these complementary components become policy and that they be referenced as applicable going forward.

Jeff Pummill – EAC Chair
Margaret Britain
Stacey Buff
Thomas Deere
Joseph Donahue

Glenda Patterson – EAC Vice Chair
Grimsley Graham
Alexander Mauroner
Vicki Spencer
Tod Yeslow

Teresa Turk – City Council Liason



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council
THRU: Chris Brown, Public Works Director
FROM: Alan Pugh, Staff Engineer
SUBJECT: **Approval of the revisions to Chapter 170 of the Unified Development Code (UDC) clarifying the maintenance responsibility of private and public drainage systems as well as illicit discharges into the drainage system**

RECOMMENDATION:

Staff recommends approval of the revisions to Chapter 170 of the Unified Development Code (UDC) clarifying the maintenance responsibility of private and public drainage systems as well as illicit discharges into the drainage system.

BACKGROUND:

Historically, the Unified Development Code (UDC) has defined public drainage systems as those systems within the public right-of-way or public drainage easement. Public systems are to be owned and maintained by the City of Fayetteville. All drainage systems outside of these areas are considered to be private drainage according to the UDC and the maintenance responsibility would fall to the owner of the property.

DISCUSSION:

While no revisions to these definitions are proposed, staff and the City Attorney discovered potential ambiguity in the code regarding the maintenance responsibilities of these different systems. Specifically, section 170.06 of the current UDC could be interpreted to apply only to those systems that have been dedicated to the City due to the dedication clause under 170.06(A), Dedication. While staff does not feel this is the intent of the ordinance based on the enforcement mechanisms included, it is best to remove these potential interpretations to avoid future questions regarding maintenance responsibility. It will also make clear the City's ability to enforce those maintenance requirements. Working with the City Attorney's office, this section has been partially re-written to clearly define the maintenance responsibilities of each system and the City's enforcement action should a property owner fail to maintain their system.

Additional revisions included moving many of the provisions of 170.08 into 170.09 as they dealt with illicit (illegal) discharges into the drainage system, not just private drainage system maintenance. This again makes clear the City's regulations regarding illicit discharges as well as the enforcement mechanism associated with these discharges. The Planning Commission voted 8-0 to send the revisions to the City Council with a recommendation of approval.

BUDGET/STAFF IMPACT:

No impact to the budget is associated with this item.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

ATTACHMENTS: SRF (#3), Chapter 170 Stormwater Management And Drainage (Current) (#4), Chapter 170 Stormwater Management And Drainage (Strikethrough) (#5), Chapter 170 Stormwater Management And Drainage (Clean) (#6)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-295

Approval of the revisions to Chapter 170 of the Unified Development Code (UDC) clarifying the maintenance responsibility of private and public drainage systems as well as illicit discharges into the drainage system

AN ORDINANCE TO AMEND § 170 STORMWATER MANAGEMENT AND DRAINAGE OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THE MAINTENANCE RESPONSIBILITIES FOR PRIVATE AND PUBLIC DRAINAGE SYSTEMS AS WELL AS PROVISIONS REGARDING ILLICIT DISCHARGES INTO THE DRAINAGE SYSTEM

WHEREAS, the Unified Development Code (UDC) has historically defined public drainage systems as those systems within the public right-of-way or public drainage easement; and

WHEREAS, public systems are to be owned and maintained by the City of Fayetteville and all drainage systems outside these areas are considered to be private drainage according to the UDC and the maintenance responsibility would fall to the owner of the property; and

WHEREAS, staff and the City Attorney discovered potential ambiguity in the UDC regarding the maintenance responsibilities for these different systems and recommend changes to clearly define those responsibilities.

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 repeals § 170.02 Adoption of Drainage Criteria Manual and Best Management Practices and enacts the following replacement language:

"The City Council hereby adopts by reference the Drainage Criteria Manual and requirements identifying Best Management Practices for any private activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals subsections (A) and (B) of § 170.06 Maintenance Responsibility and enacts the following replacement language:

“(A) Public and Private Drainage Systems. Those stormwater management systems within a public right-of-way or public drainage easement as of July 31, 2024 or later accepted by the City shall be

considered public drainage systems. The City is authorized to work to maintain the proper function of these facilities through maintenance as necessary except for detention/retention facilities, green stormwater facilities approved as a portion of the development and any exceptions noted in 170.09 which will remain the responsibility of the property owner. Any public drainage easement dedicated subsequent to August 1, 2024 must be dedicated to the city by plat or separate instrument and accepted by the City Engineer or designee before being considered a part of the public drainage system. All other systems shall be considered private systems and will be the responsibility of the owner of the property on which the systems are located.

(B) Maintenance of Stormwater Systems and Structures.

(1) Private Systems: Unless otherwise stated in 170.06(A), the owner of the property on which private stormwater systems and structures have been installed shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, culverts, dams, structures, vegetation, erosion and sedimentation controls, and other protective devices to their proper working condition. Proper working condition is defined as the condition in which the system or portion of the system was operating or designed to operate when originally installed.

(2) All Systems: Whether public or private, the owner of the property on which the stormwater system is located shall clear open channels of excessive vegetation, trash, debris, and other obstacles obstructing flow to the extent deemed feasible by the City Engineer or designee.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals and reserves § 170.08 Private Drainage Systems.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby repeals subsection (B) of § 170.09 Illicit Discharge Detection and Elimination and enacts a replacement (B) as follows:

“(B) Prohibition of Illegal Discharges and Illicit Connections.

(1) Illegal discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.

(2) Illicit connections are prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(4) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not

limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(5) **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.

(6) **Maintenance of Equipment.** Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

(7) **Materials Storage.** In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(8) **Pesticides, Herbicides and Fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(9) **Minimization of Irrigation Runoff.** Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.”

City of Fayetteville Staff Review Form

2024-295

Item ID

7/16/2024

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

Chris Brown

6/25/2024

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the revisions to Chapter 170 of the Unified Development Code (UDC) clarifying the maintenance responsibility of private and public drainage systems as well as illicit discharges into the drainage system

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:

CHAPTER 170: STORMWATER MANAGEMENT AND DRAINAGE¹

170.01 Intent

- (A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:
- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
 - (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
 - (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
 - (4) Promoting the development of stormwater facilities that are aesthetically desirable.
- (B) *Findings of Fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:
- (1) *Impervious Surfaces/Runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
 - (2) *Collection and Conveyance of Stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
 - (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity.
 - (4) *Future Problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.
 - (5) *Limited Jurisdiction.* As a non-traditional, or regulated, MS4, the University of Arkansas' Fayetteville campus is permitted by ADEQ to administer its own stormwater management program upstream and physically inter connected to the city's MS4.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.02 Adoption of Drainage Criteria Manual

- (A) The City Council hereby adopts by reference the Drainage Control Manual with the exception that its Chapter 1, Minimum Stormwater Standards and Submittal Requirements, Section 1.1 General list of "Exceptions

¹Ord. No. 6446 , §13(Exh. H), adopted June 15, 2021, repealed the former Ch. 170, §§ 170.01—170.11, and enacted a new Ch. 170 as set out herein. The former Ch. 170 pertained to stormwater management, drainage and erosion control and derived from Code 1991, §§ 163.03—163.10; Ord. No. 3895, adopted June 20, 1995; Ord. No. 4100, §2 (Ex. A), adopted June 16, 1998; Ord. No. 4314, adopted May 15, 2001; Ord. No. 4855, adopted April 18, 2006; Ord. No. 4920, adopted Sept. 5, 2006; Ord. No. 5336, adopted Aug. 3, 2010; Ord. No. 5431, adopted Aug. 16, 2011; and Ord. No. 5702, adopted Aug. 5, 2014.

when no drainage permit is required are as follows:" which are all deleted and replaced with a reference to §170.03(C) and (E).

- (B) The Drainage Control Manual may be amended from time to time by the City Engineer who shall promptly inform the City Council of the amendments. All technical procedures and design standards contained in the Drainage Control Manual shall have the same force and effect as if printed word for word in this chapter except that no provision may directly conflict with the chapter's Code sections.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.03 Permits Required

- (A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the city, except as specified in §170.03(C) and §170.03(E) below.
- (B) *Permit Application.* Any application for a drainage permit shall be submitted to the City Engineer using appropriate forms as provided by the city for review, processing, and approval. The drainage permit application shall be submitted as part of the application for a grading permit, if such grading permit is required by §169.03. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1.4, Drainage Report Template and Checklist. The City Engineer shall make the final determination regarding detention.
- (1) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation (separate from the Physical Alteration of Land fee).
- (2) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance may be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
- (C) *Project not Requiring Detention.* Any project that requires a drainage permit that does not require detention must submit documentation to this effect to the City Engineer. After review and approval of the City Engineer, a grading permit may be issued prior to issuance of the drainage permit.
- (D) Any grading permit and/or drainage permit issued shall be subject to the following:
- (1) *Insufficient or Incomplete Drainage Permit Application.* If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.
- (2) *Deadline for the Revised Application or Insufficient or Incomplete Revisions.* If a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness a stop work order for all grading on the project shall be issued by the City Engineer. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant

- has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.
- (3) *Stabilization and Revegetation After Stop Work Order.* If a stop work order is issued pursuant to §170.03(C)(2), the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in the *Drainage Criteria Manual*.
 - (4) *Termination of Stop Work Order.* Any stop work order issued pursuant to §170.03(C)(2) shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.
- (E) *Exceptions Where No Drainage Permit is Required.* Drainage Permits are not required for the following activities unless the project is otherwise covered under the U.D.C. or occurs upstream of a known public flooding problem which is when the city knows that serious flooding involving repeated flood damage to residences, buildings or infrastructure in an area has occurred and will likely recur without remedial measures:
- (1) New developments, redevelopments or additions that create less or equal to 10,000 square feet of new impervious area. See Section 170.09 for building permit submittal requirements.
 - (2) *Lots That Are Part of a Larger Development.* One (1) project built on an individual lot that is part of a larger development that has received an approved drainage control permit when the proposed project is in compliance with this overall subdivision drainage control permit. The Engineering Division may require development projects upstream of a known public flooding problem to also follow current best practices and current drainage regulations and also participate with the City in cost-share projects to reduce the known public flooding problem.
 - (3) *Existing Non-Residential.* Existing nonresidential structure where the additional impervious area is less than 10,000 square feet. See §170.09 for building permit submittal requirements.
 - (4) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.
 - (5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.
 - (6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards when determined to be necessary by the City Engineer.
- (F) *Compliance with Chapter Provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the provisions of Chapter 169, Physical Alteration of Land.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.04 Off-Site Stormwater Management Improvements

- (A) *Off-Site Improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:
- (1) *Developer's Expense.* Building the off-site improvements at their own expense;

- (2) *Detention*. Providing detention so as to match downstream capacities; or
- (3) *Delay Project*. Delaying the project until the city is able, or willing, to share in the off-site costs.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.05 Performance Criteria

- (A) *Drainage Criteria Manual*. The technical procedures and design standards contained in the *Drainage Criteria Manual*, adopted by §170.02 of this chapter and as may be amended from time to time by the City Engineer, shall be used to determine compliance with the performance criteria established by this chapter.
- (B) *Performance Criteria*. Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site. Supporting technical detail can be found in the Section 2.1 of the *Drainage Criteria Manual* (DCM):
 - (1) *Minimum Standard #1 — Water Quality*. Reduce the average annual post-development total suspended solids (TSS) loadings from increased impervious areas either by TSS Reduction Method or the Runoff Reduction Method (RRM).
 - (2) *Minimum Standard #2 — Channel Protection*. Provide extended detention to reduce flows and protect downstream channels from erosive velocities and unstable conditions. Post-development flows shall not exceed the predevelopment flows.
 - (3) *Minimum Standard #3 — Overbank Flood Protection*. Provide peak discharge control of the storm events noted in the DCM such that the post-development peak rate does not exceed the predevelopment rate.
 - (4) *Minimum Standard #4 — Extreme Flood Protection*. Provide peak discharge control such that the post-development peak rate does not exceed the predevelopment rate.
 - (5) *Better Site Design and Green Stormwater Practices*, as described in the *Drainage Criteria Manual*, to attenuate lesser storms and more closely mimic predevelopment hydrology are encouraged.
 - (6) *Direct Discharge*. Direct discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc., and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.
 - (7) *Erosion and Channel Stability*. All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.06 Maintenance Responsibility

- (A) *Dedication.* Those stormwater management systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be accompanied by a drainage easement, dedicated by plat or separate instrument and accepted by the City Engineer.
- (B) *Maintain Stormwater Systems and Structures.* The owner of the property on which stormwater systems and structures have been installed shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.
- (C) *Right-of-Entry for Inspection.* The owner shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.
- (D) *Failure to Maintain.* If a responsible person fails or refuses to meet the maintenance requirements the city may give written notice requesting corrective action. If the conditions described in the failure to maintain notice are not corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.
 - (1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:
 - (a) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in circuit court; or
 - (b) The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one (1) insertion per week for four (4) consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus 10% penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less 3% thereof, when so collected shall be paid to the city by the county tax collector.
 - (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.
- (E) *Removal and Modification of Stormwater Systems and Structures.* Stormwater systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine whether the stormwater system or structure does not function as a part of the stormwater management system. The

applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.07 Preliminary Plat, Lot Requirements

- (A) *Preliminary Plats.* Preliminary Plats shall include a master drainage plan for each lot related to the proposed infrastructure and adjacent lots.
- (B) *Preliminary Plats for Residential Subdivisions.* Preliminary Plats for residential subdivisions shall provide drainage information meeting the Arkansas Fire Prevention Code for building safety regulations for positive drainage of each lot.
 - (1) The applicant shall prepare a master grading plan to be followed during individual lot development to convey runoff to a public drainage easement or right-of-way.
 - (2) Right-of-way, utility easements and drainage easements shall be graded and shaped in accordance with the master build out grading plan during preliminary plat construction.
- (C) *Rear Lot Drainage Easements.* Rear lot drainage easements for nonstructural grassed swales shall not overlap utility easements with above ground structures, i.e., electric transformers, gas meters, communication junctions, etc.
- (D) *Final Plat.* The final plat shall include the approved master drainage plan to be filed as a supplemental document. The scale shall be legible and approved by the City Engineer.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.08 Private Drainage Systems

- (A) *Private Drainage Systems.*
 - (1) *Private Drainage System Maintenance.* A private drainage system includes groundwater, drainage pipes or channels, and any flowing or standing water not within a right-of-way or drainage easement. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
 - (2) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
 - (3) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.
 - (4) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

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- (5) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
 - (6) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
 - (7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel or obstructing flow.
 - (B) *Authorization to Adopt and Impose Best Management Practices.* The city may adopt and impose a *Drainage Criteria Manual* and requirements identifying Best Management Practices for any private activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.09 Illicit Discharge Detection and Elimination

- (A) *Purpose.*
 - (1) The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Fayetteville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
 - (2) It establishes methods for controlling the introduction of pollutants into its municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
 - (3) The University of Arkansas, Fayetteville campus is a separate small MS4 NPDES permit holder and responsible for Illicit Discharge Detection and Elimination (IDDE) within its service area.
- (B) *Prohibition of Illegal Discharges and Illicit Connections.*
 - (1) Illegal discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.
 - (2) Illicit connections are prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.
- (C) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter provided that ADEQ has not determined and notified the city in writing that these sources are substantial contributors of pollutants:
 - (1) Uncontaminated waterline flushing;

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- (2) Landscape irrigation;
 - (3) Rising ground waters;
 - (4) Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
 - (5) Uncontaminated pumped ground water;
 - (6) Discharges from potable water sources;
 - (7) Uncontaminated foundation drains;
 - (8) Uncontaminated air conditioning condensate;
 - (9) Irrigation water;
 - (10) Springs;
 - (11) Water from crawl space pumps;
 - (12) Uncontaminated footing drains;
 - (13) Lawn watering;
 - (14) Individual residential car washing;
 - (15) Flows from riparian habitats and wetlands;
 - (16) Dechlorinated swimming pool discharges;
 - (17) Uncontaminated street wash water;
 - (18) Discharges or flows from emergency firefighting activities; and
 - (19) Unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), as defined in Part 6.35 of this permit, provided the discharges comply with all applicable municipal or county ordinances enacted or pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.
- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. Failure to address an illicit discharge will result in enforcement action per Chapter 153.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.10—170.99 Reserved

CHAPTER 170: STORMWATER MANAGEMENT AND DRAINAGE¹

170.01 Intent

- (A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:
- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
 - (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
 - (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
 - (4) Promoting the development of stormwater facilities that are aesthetically desirable.
- (B) *Findings of Fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:
- (1) *Impervious Surfaces/Runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
 - (2) *Collection and Conveyance of Stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
 - (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity.
 - (4) *Future Problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.
 - (5) *Limited Jurisdiction.* As a non-traditional, or regulated, MS4, the University of Arkansas' Fayetteville campus is permitted by ADEQ to administer its own stormwater management program upstream and physically inter connected to the city's MS4.

~~(Ord.)~~ (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.02 Adoption of Drainage Criteria Manual and Best Management Practices

~~(A) The City Council hereby adopts by reference the Drainage Control Criteria Manual with the exception that its Chapter 1, Minimum Stormwater Standards and Submittal Requirements, Section 1.1 General list of "Exceptions when no drainage permit is required are as follows:" which are all deleted and replaced with a~~

¹Ord. No. 6446 , §13(Exh. H), adopted June 15, 2021, repealed the former Ch. 170, §§ 170.01—170.11, and enacted a new Ch. 170 as set out herein. The former Ch. 170 pertained to stormwater management, drainage and erosion control and derived from Code 1991, §§ 163.03—163.10; Ord. No. 3895, adopted June 20, 1995; Ord. No. 4100, §2 (Ex. A), adopted June 16, 1998; Ord. No. 4314, adopted May 15, 2001; Ord. No. 4855, adopted April 18, 2006; Ord. No. 4920, adopted Sept. 5, 2006; Ord. No. 5336, adopted Aug. 3, 2010; Ord. No. 5431, adopted Aug. 16, 2011; and Ord. No. 5702, adopted Aug. 5, 2014.

~~reference to §170.03(C) and (E).~~ and requirements identifying Best Management Practices for any private activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. ~~Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.~~

~~(B) The Drainage Control Manual may be amended from time to time by the City Engineer who shall promptly inform the City Council of the amendments. All technical procedures and design standards contained in the Drainage Control Manual shall have the same force and effect as if printed word for word in this chapter except that no provision may directly conflict with the chapter's Code sections.~~

~~Best Management Practices may be amended by the City Engineer as needed to prevent pollutants from entering the public drainage system.~~

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.03 Permits Required

- (A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the city, except as specified in §170.03(C) and §170.03(E) below.
- (B) *Permit Application.* Any application for a drainage permit shall be submitted to the City Engineer using appropriate forms as provided by the city for review, processing, and approval. The drainage permit application shall be submitted as part of the application for a grading permit, if such grading permit is required by §169.03. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1.4, Drainage Report Template and Checklist. The City Engineer shall make the final determination regarding detention.
- (1) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation (separate from the Physical Alteration of Land fee).
- (2) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance may be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
- (C) *Project not Requiring Detention.* Any project that requires a drainage permit that does not require detention must submit documentation to this effect to the City Engineer. After review and approval of the City Engineer, a grading permit may be issued prior to issuance of the drainage permit.
- (D) Any grading permit and/or drainage permit issued shall be subject to the following:
- (1) *Insufficient or Incomplete Drainage Permit Application.* If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.
- (2) *Deadline for the Revised Application or Insufficient or Incomplete Revisions.* If a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or

- incompleteness a stop work order for all grading on the project shall be issued by the City Engineer. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.
- (3) *Stabilization and Revegetation After Stop Work Order.* If a stop work order is issued pursuant to §170.03(C)(2), the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in the *Drainage Criteria Manual*.
- (4) *Termination of Stop Work Order.* Any stop work order issued pursuant to §170.03(C)(2) shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.
- (E) *Exceptions Where No Drainage Permit is Required.* Drainage Permits are not required for the following activities unless the project is otherwise covered under the U.D.C. or occurs upstream of a known public flooding problem which is when the city knows that serious flooding involving repeated flood damage to residences, buildings or infrastructure in an area has occurred and will likely recur without remedial measures:
- (1) New developments, redevelopments or additions that create less or equal to 10,000 square feet of new impervious area. See Section 170.09 for building permit submittal requirements.
- (2) *Lots That Are Part of a Larger Development.* One (1) project built on an individual lot that is part of a larger development that has received an approved drainage control permit when the proposed project is in compliance with this overall subdivision drainage control permit. The Engineering Division may require development projects upstream of a known public flooding problem to also follow current best practices and current drainage regulations and also participate with the City in cost-share projects to reduce the known public flooding problem.
- (3) *Existing Non-Residential.* Existing nonresidential structure where the additional impervious area is less than 10,000 square feet. See §170.09 for building permit submittal requirements.
- (4) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.
- (5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.
- (6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards when determined to be necessary by the City Engineer.
- (F) *Compliance with Chapter Provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the provisions of Chapter 169, Physical Alteration of Land.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.04 Off-Site Stormwater Management Improvements

- (A) *Off-Site Improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then

cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:

- (1) *Developer's Expense.* Building the off-site improvements at their own expense;
- (2) *Detention.* Providing detention so as to match downstream capacities; or
- (3) *Delay Project.* Delaying the project until the city is able, or willing, to share in the off-site costs.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.05 Performance Criteria

- (A) *Drainage Criteria Manual.* The technical procedures and design standards contained in the *Drainage Criteria Manual*, adopted by §170.02 of this chapter and as may be amended from time to time by the City Engineer, shall be used to determine compliance with the performance criteria established by this chapter.
- (B) *Performance Criteria.* Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site. Supporting technical detail can be found in the Section 2.1 of the *Drainage Criteria Manual* (DCM):
 - (1) *Minimum Standard #1 — Water Quality.* Reduce the average annual post-development total suspended solids (TSS) loadings from increased impervious areas either by TSS Reduction Method or the Runoff Reduction Method (RRM).
 - (2) *Minimum Standard #2 — Channel Protection.* Provide extended detention to reduce flows and protect downstream channels from erosive velocities and unstable conditions. Post-development flows shall not exceed the predevelopment flows.
 - (3) *Minimum Standard #3 — Overbank Flood Protection.* Provide peak discharge control of the storm events noted in the DCM such that the post-development peak rate does not exceed the predevelopment rate.
 - (4) *Minimum Standard #4 — Extreme Flood Protection.* Provide peak discharge control such that the post-development peak rate does not exceed the predevelopment rate.
 - (5) *Better Site Design and Green Stormwater Practices,* as described in the *Drainage Criteria Manual*, to attenuate lesser storms and more closely mimic predevelopment hydrology are encouraged.
 - (6) *Direct Discharge.* Direct discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc., and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.
 - (7) *Erosion and Channel Stability.* All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.06 Maintenance Responsibility

- (A) ~~—Dedication~~Public and Private Drainage Systems. Those stormwater management systems ~~approved in compliance with this chapter within a public right-of-way or public drainage easement as of July 31, 2024 or later accepted by the City that will function as a part of the stormwater management conveyance system~~ shall be ~~dedicated to the city and be considered a public drainage systems.~~ The City is authorized to work to maintain the proper function of these facilities through maintenance as necessary except for detention/retention facilities, green stormwater facilities approved as a portion of the development and any exceptions noted in 170.09 which will remain the responsibility of the property owner. Any public drainage easement dedicated subsequent to August 1, 2024 must be dedicated to the city by plat or separate instrument and accepted by the City Engineer or designee before being considered a part of the public drainage system. All other systems shall be considered private systems and will be the responsibility of the property owner of the property on which the systems are located. All areas and/or structures to be dedicated to the city must be accompanied by a drainage easement, dedicated by plat or separate instrument and accepted by the City Engineer.
- (B) ~~Maintain~~Maintenance of Stormwater Systems and Structures.
- (1) Private Systems: Unless otherwise stated in 170.06(A), the owner of the property on which private stormwater systems and structures have been installed shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, culverts, dams, and structures, vegetation, erosion and sedimentation controls, and other protective devices to their proper working condition. Proper working condition is defined as the condition in which the system or portion of the system was operating or designed to operate when originally installed.
- ~~(1)(2)~~ All Systems: Whether public or private, the owner of the property on which the stormwater system is located shall clear open channels of excessive vegetation, trash, debris, and other obstacles obstructing flow to the extent deemed feasible by the City Engineer or designee.
- (C) *Right-of-Entry for Inspection.* The owner shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.
- (D) *Failure to Maintain.* If a responsible person fails or refuses to meet the maintenance requirements the city may give written notice requesting corrective action. If the conditions described in the failure to maintain notice are not corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.
- (1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:
- The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in circuit court; or
 - The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one (1) insertion per week for four (4) consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus 10%

penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less 3% thereof, when so collected shall be paid to the city by the county tax collector.

- (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.
- (E) *Removal and Modification of Stormwater Systems and Structures.* Stormwater systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine whether the stormwater system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.07 Preliminary Plat, Lot Requirements

- (A) *Preliminary Plats.* Preliminary Plats shall include a master drainage plan for each lot related to the proposed infrastructure and adjacent lots.
- (B) *Preliminary Plats for Residential Subdivisions.* Preliminary Plats for residential subdivisions shall provide drainage information meeting the Arkansas Fire Prevention Code for building safety regulations for positive drainage of each lot.
- (1) The applicant shall prepare a master grading plan to be followed during individual lot development to convey runoff to a public drainage easement or right-of-way.
- (2) Right-of-way, utility easements and drainage easements shall be graded and shaped in accordance with the master build out grading plan during preliminary plat construction.
- (C) *Rear Lot Drainage Easements.* Rear lot drainage easements for nonstructural grassed swales shall not overlap utility easements with above ground structures, i.e., electric transformers, gas meters, communication junctions, etc.
- (D) *Final Plat.* The final plat shall include the approved master drainage plan to be filed as a supplemental document. The scale shall be legible and approved by the City Engineer.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.08 ~~Private Drainage Systems~~Reserved

~~(A) Private Drainage Systems.~~

~~(1) Private Drainage System Maintenance. A private drainage system includes groundwater, drainage pipes or channels, and any flowing or standing water not within a right of way or drainage easement. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.~~

- ~~(2) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.~~
- ~~(3) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.~~
- ~~(4) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.~~
- ~~(5) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.~~
- ~~(6) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.~~
- ~~(7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel or obstructing flow.~~
- ~~(B) *Authorization to Adopt and Impose Best Management Practices.* The city may adopt and impose a *Drainage Criteria Manual* and requirements identifying Best Management Practices for any private activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.~~
- ~~(Ord. No. 6446, §13(Exh. H), 6-15-21)~~

170.09 Illicit Discharge Detection and Elimination

(A) Purpose.

- (1) ~~(1)~~ — The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Fayetteville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- (2) ~~(2)~~ — It establishes methods for controlling the introduction of pollutants into its municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- (3) ~~(3)~~ — The University of Arkansas, Fayetteville campus is a separate small MS4 NPDES permit holder and responsible for Illicit Discharge Detection and Elimination (IDDE) within its service area.

(B) Prohibition of Illegal Discharges and Illicit Connections.

- (1) ~~(1)~~ — Illegal discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.

(2) ~~(2)~~—Illicit connections are prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) ~~(3)~~—No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(4) *Private Drainage System Maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(5) ~~(3)~~—*Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.

(6) ~~(4)~~—*Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

(7) ~~(5)~~—*Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(8) ~~(6)~~—*Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(9) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

~~(7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel or obstructing flow.~~

(C) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter provided that ADEQ has not determined and notified the city in writing that these sources are substantial contributors of pollutants:

- (1) Uncontaminated waterline flushing;
- (2) Landscape irrigation;
- (3) Rising ground waters;
- (4) Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
- (5) Uncontaminated pumped ground water;

- (6) Discharges from potable water sources;
 - (7) Uncontaminated foundation drains;
 - (8) Uncontaminated air conditioning condensate;
 - (9) Irrigation water;
 - (10) Springs;
 - (11) Water from crawl space pumps;
 - (12) Uncontaminated footing drains;
 - (13) Lawn watering;
 - (14) Individual residential car washing;
 - (15) Flows from riparian habitats and wetlands;
 - (16) Dechlorinated swimming pool discharges;
 - (17) Uncontaminated street wash water;
 - (18) Discharges or flows from emergency firefighting activities; and
 - (19) Unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), as defined in Part 6.35 of this permit, provided the discharges comply with all applicable municipal or county ordinances enacted or pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.
- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. Failure to address an illicit discharge will result in enforcement action per Chapter 153.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.10—170.99 Reserved

CHAPTER 170: STORMWATER MANAGEMENT AND DRAINAGE¹

170.01 Intent

- (A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:
- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
 - (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
 - (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
 - (4) Promoting the development of stormwater facilities that are aesthetically desirable.
- (B) *Findings of Fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:
- (1) *Impervious Surfaces/Runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
 - (2) *Collection and Conveyance of Stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
 - (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity.
 - (4) *Future Problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.
 - (5) *Limited Jurisdiction.* As a non-traditional, or regulated, MS4, the University of Arkansas' Fayetteville campus is permitted by ADEQ to administer its own stormwater management program upstream and physically inter connected to the city's MS4.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.02 Adoption of Drainage Criteria Manual and Best Management Practices

The City Council hereby adopts by reference the Drainage Criteria Manual and requirements identifying Best Management Practices for any private activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such

¹Ord. No. 6446 , §13(Exh. H), adopted June 15, 2021, repealed the former Ch. 170, §§ 170.01—170.11, and enacted a new Ch. 170 as set out herein. The former Ch. 170 pertained to stormwater management, drainage and erosion control and derived from Code 1991, §§ 163.03—163.10; Ord. No. 3895, adopted June 20, 1995; Ord. No. 4100, §2 (Ex. A), adopted June 16, 1998; Ord. No. 4314, adopted May 15, 2001; Ord. No. 4855, adopted April 18, 2006; Ord. No. 4920, adopted Sept. 5, 2006; Ord. No. 5336, adopted Aug. 3, 2010; Ord. No. 5431, adopted Aug. 16, 2011; and Ord. No. 5702, adopted Aug. 5, 2014.

activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.03 Permits Required

- (A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the city, except as specified in §170.03(C) and §170.03(E) below.
- (B) *Permit Application.* Any application for a drainage permit shall be submitted to the City Engineer using appropriate forms as provided by the city for review, processing, and approval. The drainage permit application shall be submitted as part of the application for a grading permit, if such grading permit is required by §169.03. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1.4, Drainage Report Template and Checklist. The City Engineer shall make the final determination regarding detention.
 - (1) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation (separate from the Physical Alteration of Land fee).
 - (2) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance may be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
- (C) *Project not Requiring Detention.* Any project that requires a drainage permit that does not require detention must submit documentation to this effect to the City Engineer. After review and approval of the City Engineer, a grading permit may be issued prior to issuance of the drainage permit.
- (D) Any grading permit and/or drainage permit issued shall be subject to the following:
 - (1) *Insufficient or Incomplete Drainage Permit Application.* If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.
 - (2) *Deadline for the Revised Application or Insufficient or Incomplete Revisions.* If a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness a stop work order for all grading on the project shall be issued by the City Engineer. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

- (3) *Stabilization and Revegetation After Stop Work Order.* If a stop work order is issued pursuant to §170.03(C)(2), the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in the *Drainage Criteria Manual*.
 - (4) *Termination of Stop Work Order.* Any stop work order issued pursuant to §170.03(C)(2) shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.
- (E) *Exceptions Where No Drainage Permit is Required.* Drainage Permits are not required for the following activities unless the project is otherwise covered under the U.D.C. or occurs upstream of a known public flooding problem which is when the city knows that serious flooding involving repeated flood damage to residences, buildings or infrastructure in an area has occurred and will likely recur without remedial measures:
- (1) New developments, redevelopments or additions that create less or equal to 10,000 square feet of new impervious area. See Section 170.09 for building permit submittal requirements.
 - (2) *Lots That Are Part of a Larger Development.* One (1) project built on an individual lot that is part of a larger development that has received an approved drainage control permit when the proposed project is in compliance with this overall subdivision drainage control permit. The Engineering Division may require development projects upstream of a known public flooding problem to also follow current best practices and current drainage regulations and also participate with the City in cost-share projects to reduce the known public flooding problem.
 - (3) *Existing Non-Residential.* Existing nonresidential structure where the additional impervious area is less than 10,000 square feet. See §170.09 for building permit submittal requirements.
 - (4) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.
 - (5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.
 - (6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards when determined to be necessary by the City Engineer.
- (F) *Compliance with Chapter Provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the provisions of Chapter 169, Physical Alteration of Land.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.04 Off-Site Stormwater Management Improvements

- (A) *Off-Site Improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:
- (1) *Developer's Expense.* Building the off-site improvements at their own expense;
 - (2) *Detention.* Providing detention so as to match downstream capacities; or
 - (3) *Delay Project.* Delaying the project until the city is able, or willing, to share in the off-site costs.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.05 Performance Criteria

- (A) *Drainage Criteria Manual*. The technical procedures and design standards contained in the *Drainage Criteria Manual*, adopted by §170.02 of this chapter and as may be amended from time to time by the City Engineer, shall be used to determine compliance with the performance criteria established by this chapter.
- (B) *Performance Criteria*. Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site. Supporting technical detail can be found in the Section 2.1 of the *Drainage Criteria Manual* (DCM):
 - (1) *Minimum Standard #1 — Water Quality*. Reduce the average annual post-development total suspended solids (TSS) loadings from increased impervious areas either by TSS Reduction Method or the Runoff Reduction Method (RRM).
 - (2) *Minimum Standard #2 — Channel Protection*. Provide extended detention to reduce flows and protect downstream channels from erosive velocities and unstable conditions. Post-development flows shall not exceed the predevelopment flows.
 - (3) *Minimum Standard #3 — Overbank Flood Protection*. Provide peak discharge control of the storm events noted in the DCM such that the post-development peak rate does not exceed the predevelopment rate.
 - (4) *Minimum Standard #4 — Extreme Flood Protection*. Provide peak discharge control such that the post-development peak rate does not exceed the predevelopment rate.
 - (5) *Better Site Design and Green Stormwater Practices*, as described in the *Drainage Criteria Manual*, to attenuate lesser storms and more closely mimic predevelopment hydrology are encouraged.
 - (6) *Direct Discharge*. Direct discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc., and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.
 - (7) *Erosion and Channel Stability*. All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.06 Maintenance Responsibility

- (A) *Public and Private Drainage Systems*. Those stormwater management systems within a public right-of-way or public drainage easement as of July 31, 2024 or later accepted by the City shall be considered public drainage systems. The City is authorized to work to maintain the proper function of these facilities through maintenance as necessary except for detention/retention facilities, green stormwater facilities approved as a

portion of the development and any exceptions noted in 170.09 which will remain the responsibility of the property owner. Any public drainage easement dedicated subsequent to August 1, 2024 must be dedicated to the city by plat or separate instrument and accepted by the City Engineer or designee before being considered a part of the public drainage system. All other systems shall be considered private systems and will be the responsibility of the owner of the property on which the systems are located.

(B) *Maintenance of Stormwater Systems and Structures.*

- (1) Private Systems: Unless otherwise stated in 170.06(A), the owner of the property on which private stormwater systems and structures have been installed shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, culverts, dams, structures, vegetation, erosion and sedimentation controls, and other protective devices to their proper working condition. Proper working condition is defined as the condition in which the system or portion of the system was operating or designed to operate when originally installed.
- (2) All Systems: Whether public or private, the owner of the property on which the stormwater system is located shall clear open channels of excessive vegetation, trash, debris, and other obstacles obstructing flow to the extent deemed feasible by the City Engineer or designee.

(C) *Right-of-Entry for Inspection.* The owner shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.

(D) *Failure to Maintain.* If a responsible person fails or refuses to meet the maintenance requirements the city may give written notice requesting corrective action. If the conditions described in the failure to maintain notice are not corrected within ten (10) days after such notice is given, the Mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:

- (a) The lien may be enforced at any time within eighteen (18) months after work has been done, by an action in circuit court; or
- (b) The amount of the lien herein provided may be determined at a hearing before the City Council held after thirty (30) days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one (1) insertion per week for four (4) consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus 10% penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less 3% thereof, when so collected shall be paid to the city by the county tax collector.
- (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the

defendant by registered letter addressed to his last known place of residence if same can be found.

- (E) *Removal and Modification of Stormwater Systems and Structures.* Stormwater systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine whether the stormwater system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.07 Preliminary Plat, Lot Requirements

- (A) *Preliminary Plats.* Preliminary Plats shall include a master drainage plan for each lot related to the proposed infrastructure and adjacent lots.
- (B) *Preliminary Plats for Residential Subdivisions.* Preliminary Plats for residential subdivisions shall provide drainage information meeting the Arkansas Fire Prevention Code for building safety regulations for positive drainage of each lot.
- (1) The applicant shall prepare a master grading plan to be followed during individual lot development to convey runoff to a public drainage easement or right-of-way.
 - (2) Right-of-way, utility easements and drainage easements shall be graded and shaped in accordance with the master build out grading plan during preliminary plat construction.
- (C) *Rear Lot Drainage Easements.* Rear lot drainage easements for nonstructural grassed swales shall not overlap utility easements with above ground structures, i.e., electric transformers, gas meters, communication junctions, etc.
- (D) *Final Plat.* The final plat shall include the approved master drainage plan to be filed as a supplemental document. The scale shall be legible and approved by the City Engineer.

(Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.08 Reserved

170.09 Illicit Discharge Detection and Elimination

- (A) *Purpose.*
- (1) The purpose of this section is to provide for the health, safety, and general welfare of the citizens of Fayetteville through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
 - (2) It establishes methods for controlling the introduction of pollutants into its municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
 - (3) The University of Arkansas, Fayetteville campus is a separate small MS4 NPDES permit holder and responsible for Illicit Discharge Detection and Elimination (IDDE) within its service area.
- (B) *Prohibition of Illegal Discharges and Illicit Connections.*

-
- (1) Illegal discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.
 - (2) Illicit connections are prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.
 - (4) *Private Drainage System Maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
 - (5) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.
 - (6) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
 - (7) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
 - (8) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
 - (9) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
- (C) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter provided that ADEQ has not determined and notified the city in writing that these sources are substantial contributors of pollutants:
- (1) Uncontaminated waterline flushing;
 - (2) Landscape irrigation;
 - (3) Rising ground waters;
 - (4) Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.);
 - (5) Uncontaminated pumped ground water;

- (6) Discharges from potable water sources;
 - (7) Uncontaminated foundation drains;
 - (8) Uncontaminated air conditioning condensate;
 - (9) Irrigation water;
 - (10) Springs;
 - (11) Water from crawl space pumps;
 - (12) Uncontaminated footing drains;
 - (13) Lawn watering;
 - (14) Individual residential car washing;
 - (15) Flows from riparian habitats and wetlands;
 - (16) Dechlorinated swimming pool discharges;
 - (17) Uncontaminated street wash water;
 - (18) Discharges or flows from emergency firefighting activities; and
 - (19) Unless otherwise permitted or regulated by ADEQ, discharges of gray water from municipal splash pads (also known as spray ponds or spray grounds), as defined in Part 6.35 of this permit, provided the discharges comply with all applicable municipal or county ordinances enacted or pursuant to law. Discharges from recirculating systems shall be de-chlorinated prior to discharge.
- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. Failure to address an illicit discharge will result in enforcement action per Chapter 153.
- (Ord. No. 6446 , §13(Exh. H), 6-15-21)

170.10—170.99 Reserved



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **Administrative Item (Amend UDC Chapters 155, Appeals, 166.23, Urban Residential Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 155 and 166.23. The proposed code changes would modify development requirements associated with appeals. (Originally heard with ADM-2024-0028)**

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code amending §155, Appeals, and 166.23, Urban Residential Design Standards

BACKGROUND:

In 2021, major ordinance changes were approved by City Council to revamp drainage and development standards, with a secondary goal of incentivizing infill. The changes that were approved required new green stormwater practices on a sliding scale of added impervious surface, and decoupled certain requirements from a question of use and tied those requirements instead to the overall impact to stormwater. This introduced three new levels of development threshold and shifted the requirement of a large-scale development plan or a site improvement plan to be triggered only after the addition of 10,000 sq. ft. of added, new impervious surface.

In the intervening period since 2021, staff audited the outcomes of these changes, and identified four main areas that require revision and clarification. Those areas for study, and their current status, are listed below.

- **Parkland Dedication**
 - Certain project types were no longer subject to parkland dedication, even though the impact of added units is significant. Proposed ordinance changes were already evaluated, reviewed, and approved by City Council on May 21, 2024.
- **Project Classification**
 - Projects adding less than 10,000 sq. ft. still often require a coordinated, cross-divisional round of review/comment leading to delays unforeseen issues at permitting. These changes are still pending Planning Commission review and approval, though staff anticipates they will be heard by the Planning Commission on July 22, 2024. A separate item will be brought forth with these changes.
- **Application of Tree Preservation standards**
 - Certain projects are no longer subject to tree preservation requirements. Staff and the Planning

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Commission are recommending changes to this ordinance which will also be heard at the July 16 City Council meeting.

- **Timeliness of Variances and Appeals**

- Variances are only permitted to be appealed with an overall project, rather than piecemeal. This becomes an issue when certain development types are no longer subject to large-scale development or site improvement plan. Staff and the Planning Commission are recommending changes to this ordinance with this item, and they are described below.

DISCUSSION:

Timeliness of Variances and Appeals

The City Attorney's office recommends changes to the appeals section of code. Variances, as currently written in this portion, can only be appealed with the overall project, such as an SIP, LSIP, or LSD. As certain projects no longer require these preliminary project approvals before permitting, variances can only be appealed once a permit is issued. Staff is recommending that variances can be appealed independently from an overall project, in those instances where an SIP, LSIP, or LSD, or other preliminary development entitlement approval is not required. Additionally, staff proposes language clarifying the interpreting authority for several associated sections of ordinance.

At the June 24, 2024 Planning Commission meeting, Commissioners voted 7-1-0 to forward the proposed ordinance changes to the City Council with a recommendation of approval. Commissioner Garlock made the motion, which was seconded by Commissioner Cabe; Commissioner Brink voted in opposition, though other items were also being considered, and was not necessarily opposed to the changes to the appeals section of code. Commissioners asked for clarification on the appeals changes. The questions centered on concerns about the overall appeal process and how timelines for development would be affected, and questions about how a citizens' standing may be evaluated with the added requirement for an appellant to report how they were adversely affected by a decision. The Senior Assistant City Attorney confirmed that the appeals process was not changing with these amendments, but that the language would allow variances for projects that were not required to receive approval through the entitlement process to be appealed in a timely manner, rather than waiting for an associated grading or building permit.

One member of the public spoke at the meeting with concerns about the effects of proposed changes on infill with regards to the proposed development thresholds (which were not under consideration at the June 24 meeting), and concerns that requiring an abbreviated tree preservation plan for projects between 1200 and 6000 sq. ft. of impervious surface would lead to project delays and disincentivize infill. The member of the public wanted escrow to be considered as the primary option for those projects. No public comment was offered on the proposed changes to appeals.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Strikethrough Changes (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-299

Administrative Item (Amend UDC Chapters 155, Appeals, 166.23, Urban Residential Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 155 and 166.23. The proposed code changes would modify development requirements associated with appeals. (Originally heard with ADM-2024-0028)

AN ORDINANCE TO AMEND § 155 APPEALS AND § 166.23 URBAN RESIDENTIAL DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH APPEALS

WHEREAS, in 2021, major ordinance changes were approved by City Council to revamp drainage and development standards, with a secondary goal of incentivizing infill; and

WHEREAS, staff audited the outcomes of these changes, and identified four main areas that require revision and clarification: Parkland Dedication, Project Classification, Application of Tree Preservation standards, and Timeliness of Variances and Appeals.

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 repeals § 155.02 **Form/Time/Place** (A) and enacts a new § 155.02 (A) as follows:

“Form. All appeals shall be submitted in writing referencing the applicable UDC sections(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.02 **Form/Time/Place** (C)(3) and enacts a new § 155.02 (C)(3) as follows:

“Building Safety Division Director. Appeals made to the Construction Board of Adjustment and Appeals shall be filed with the Building Safety Division Director.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.04 **Council Member Appeal On Behalf of Resident** and enacts a new § 155.04 as follows:

“A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests

(large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.05 **Appeals to City Council Conditions of Approval/Variances, etc.** (A)(2) and enacts a new § 155.05 (A)(2) as follows:

“Conditions of Approval/Variances, etc. An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (A)(2) and enacts a new § 155.06 (A)(2) as follows:

“The Zoning and Development Administrator’s decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (B)(1) and enacts a new § 155.06 (B)(1) as follows:

“Zoning and Development Administrator. An interpretation or decision regarding zoning matters.”

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (C)(1) and enacts a new § 155.06 (C)(1) as follows:

“Zoning and Development Administrator’s Required Dedications and Improvements.”

Section 8: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (C)(2) and enacts a new § 155.06 (C)(2) as follows:

“Administrative Approvals and Interpretations by Zoning and Development Administrator.”

Section 9: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (C)(2)(a) and enacts a new § 155.06 (C)(2)(a) as follows:

“A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision.”

Section 10: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06 **Appeals From Staff Interpretations And Actions** (C)(4) and enacts a new § 155.06 (C)(4) as follows:

“Zoning and Development Administrator’s Interpretation or Decision of Other Development Matters. An interpretation or decision of the Zoning and Development Administrator regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.”

Section 11: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.23 **Urban Residential Design Standards** (D)(2)(iv)(g) and enacts a new § 166.23 (D)(2)(iv)(g) as follows:

“Other architectural feature approved by the Zoning and Development Administrator that meets the intent of the Code.”

City of Fayetteville Staff Review Form

2024-299

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Administrative Item (Amend UDC Chapters 155, Appeals, 166.23, Urban Residential Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 155 and 166.23. The proposed code changes would modify development requirements associated with appeals. (Originally heard with ADM-2024-0028).

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:

CHAPTER 155: APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the Construction Board of Adjustment and Appeals , [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342 , §1, 8-4-20)

155.05 Appeals From Planning Commission Decisions

(A) Appeals to City Council

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
 - (e) Development (large scale development, large and small site improvement plans);
 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342 , §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) Appeals to City Council.

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

(B) Appeals to the Board of Adjustment. The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

- (1) *Zoning and Development Administrator.* An interpretation or decision regarding zoning matters.

-
- (2) *Building Safety Officer—Airport Zone.* Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission.*
- (1) *Zoning and Development Administrator's Required Dedications and Improvements.*
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
 - (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
 - (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator.*
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
 - (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
 - (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 Chapter 166 of the Fayetteville Unified Development Code.
 - (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 or preliminary plat and the developer has made no provision for extending such service to the development.
 - (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
 - (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.
-

- (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
 - (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
 - (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
 - (4) *Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.* An interpretation or decision of the Zoning and Development Administrator regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
 - (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
 - (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.
- (Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93, Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.
- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.

- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the Zoning and Development Administrator that meets the intent of the Code.

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)

CHAPTER 155: APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the ~~Construction Board of Adjustment and Appeals Board of Adjustment~~, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342 , §1, 8-4-20)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
 - (e) Development (large scale development, large and small site improvement plans);
 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variations, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342 , §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) *Appeals to City Council.*

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The ~~Development Review Manager's~~Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

- (B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

-
- (1) ~~Development Review Manager—Zoning~~Zoning and Development Administrator. An interpretation or decision regarding zoning matters.
- (2) *Building Safety Officer—Airport Zone*. Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission*.
- (1) ~~Development Review Manager's~~Zoning and Development Administrator's *Required Dedications and Improvements*.
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
- (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
- (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by* ~~Development Review Manager~~Zoning and Development Administrator.
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the ~~Development Review Manager~~Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
- (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
- (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 Chapter 166 of the Fayetteville Unified Development Code.
- (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 or preliminary plat and the developer has made no provision for extending such service to the development.

- (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
- (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.
- (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
- (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
- (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
- (4) ~~*Development Review Manager's Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.*~~ An interpretation or decision of the ~~Development Review Manager Zoning and Development Administrator~~ regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
- (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
- (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.

(Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93, Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.

- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.
- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.23 Urban Residential Design Standards**(A) Purposes.**

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) Site Development Standards. The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the ~~Development Review Manager~~ Zoning and Development Administrator that meets the intent of the Code.

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
City of Fayetteville Long Range Planning Committee

MEETING DATE: June 24, 2024 **Updated with results from 6/24/2024 PC Meeting**

SUBJECT: **ADM-2024-0028: Administrative Item (Amend UDC Chapters 155, Appeals, 166.02, Development Review Process, 166.23, Urban Residential Design Standards, 167.04 Tree Preservation and Protection):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 155, 166.02, 166.23, and 167.04. The proposed code changes would modify development requirements associated with appeals, architectural design standards, and tree preservation requirements.

RECOMMENDATION:

Staff recommend forwarding **ADM-2024-0028** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **ADM-2024-0028** to the City Council with a recommendation of approval."*

BACKGROUND:

In 2021, major ordinance changes were approved by City Council to revamp drainage and development standards, with a secondary goal of incentivizing infill. The changes that were approved required new green stormwater practices on a sliding scale of added impervious surface, and decoupled certain requirements from a question of use and tied those requirements instead to the overall impact to stormwater. This introduced three new levels of development threshold and shifted the requirement of a large-scale development plan or a site improvement plan to be triggered only after the addition of 10,000 sq. ft. of added, new impervious surface. In the intervening period since 2021, staff audited the outcomes of these changes, and identified several areas that require revision and clarification.

- Parkland Dedication
 - Certain project types were no longer subject to parkland dedication, even though the impact of added units is significant.
- Project Classification
 - Projects adding less than 10,000 sq. ft. still often require a coordinated, cross-divisional round of review/comment leading to delays unforeseen issues at permitting.
- Application of Tree Preservation standards
 - Certain projects are no longer subject to tree preservation requirements.
- Timeliness of Variances and Appeals
 - Variances are only permitted to be appealed with an overall project, rather than piecemeal. This becomes an issue when certain development types are no longer subject to large-scale development or site improvement plan.

Recognizing immediate financial implications, staff proposed changes to the parkland dedication ordinance already, which were forwarded by the Planning Commission to the City Council. Those changes were approved by the City Council on May 21, 2024. At the May 13, 2024 Planning Commission, additional proposed changes to the remaining sections were brought forward by staff for the Commission's consideration, where they were tabled indefinitely with a vote of 5-2-0 in order to keep working on the item and understand the full context of the changes. Staff brought the items back to the Long-Range Planning Committee on May 23, 2024. At that meeting, the Long-Range Planning Committee agreed to bring forward proposed changes to the appeals section, the application of tree preservation standards, and text changes in the Urban Residential Design standards, which are presented for consideration here. Since the items have been separated out, staff is bringing forward a new item with just those pieces for the Commission's consideration.

DISCUSSION:

To address tree preservation concerns, staff and the Long-Range Planning Committee propose requiring an abbreviated tree preservation plan to projects adding between 1,200 and 6,000 sq. ft. of impervious surface. Urban Forestry staff have found that larger, multi-unit structures on smaller infill sites are no longer required to perform any tree preservation, mitigation, or even escrow, even if the impact to the canopy is significant. To help alleviate concerns about requiring additional tree preservation to smaller sites, staff also recommends an option for projects within this threshold to be evaluated for a tree escrow contribution.

The City Attorney's office also recommends changes to the appeals section of code. Variances, as currently written in the appeals portion of code, can only be appealed with the overall project, such as an SIP, LSIP, or LSD. As certain projects no longer require these preliminary project approvals before permitting, variances can only be appealed once a permit is issued. Staff is recommending that variances can be appealed independently from an overall project, in those instances where an SIP, LSIP, or LSD, or other preliminary development entitlement approval is not required.

Public Comment: Staff distributed the larger ordinance changes to key stakeholders within the development community. Feedback was received in relation to vested interest of projects that may already be in the pipeline, and feedback was received in relation to parkland dedication requirements. The City Attorney's office confirmed that vested interest in this or is any ordinance change happens at the time of an approved or issued permit. One Planning Commissioner suggested that the threshold could be shifted to the overall size of a structure rather than the amount of impervious surface. No additional written comment was offered, or alternative code changes suggested at this time. Public comment was also provided at the May 13, 2024 Planning Commission. Members of the public who spoke were more concerned about the proposed changes to the impervious surface thresholds, which are not under consideration at this time. No additional public comment has been received by staff.

RECOMMENDATION: Staff recommend forwarding ADM-2024-0028 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>June 24, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Garlock		with a recommendation of approval.	
Second: Cabe			
Vote: 7-1-0 (Commissioner Brink opposed)			

BUDGET/STAFF IMPACT:

None

Attachments:

- **Proposed Ordinance (Clean):**
 - UDC §155, Appeals
 - UDC §166.02, Development Review Process
 - UDC §166.23, Urban Residential Design Standards
 - UDC §167.04, Tree Preservation and Protection
- **Proposed Ordinance (Strikethrough):**
 - UDC §155, Appeals
 - UDC §166.02, Development Review Process
 - UDC §166.23, Urban Residential Design Standards
 - UDC §167.04, Tree Preservation and Protection

CHAPTER 155: APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the Construction Board of Adjustment and Appeals , [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

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155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
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 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342 , §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) *Appeals to City Council.*

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

(B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

- (1) *Zoning and Development Administrator.* An interpretation or decision regarding zoning matters.

- (2) *Building Safety Officer—Airport Zone.* Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission.*
- (1) *Zoning and Development Administrator's Required Dedications and Improvements.*
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
 - (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
 - (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator.*
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
 - (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
 - (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 Chapter 166 of the Fayetteville Unified Development Code.
 - (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 or preliminary plat and the developer has made no provision for extending such service to the development.
 - (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
 - (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.

- (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
 - (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
 - (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
 - (4) *Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.* An interpretation or decision of the Zoning and Development Administrator regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
 - (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
 - (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.
- (Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93; Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.
- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.

- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

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- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
 - (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
 - (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.
 - (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
 - (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

- (2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

- (1) Before a building permit is issued the developer shall:
 - (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
 - (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
 - (c) Comply with all applicable zoning and development codes.
 - (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.
- (2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. - Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the Zoning and Development Administrator that meets the intent of the Code.

(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 1,200square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

- (b) The percentage below the percent minimum canopy requirement they represent; and
- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
 - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
 - (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
 - (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits creating between 1,201 – 6000 square feet of impervious surface under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - (b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (d) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

- (ii) Shall not revert to the general fund for ongoing operations.
 - (e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
 - (f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
 - (h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (i) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing

the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21)

CHAPTER 155: APPEALS**155.01 Circuit Court**

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the ~~Construction Board of Adjustment and Appeals Board of Adjustment~~, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342 , §1, 8-4-20)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
 - (e) Development (large scale development, large and small site improvement plans);
 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variations, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342 , §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) *Appeals to City Council.*

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The ~~Development Review Manager's~~Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

- (B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

- (1) ~~Development Review Manager—Zoning~~Zoning and Development Administrator. An interpretation or decision regarding zoning matters.
- (2) *Building Safety Officer—Airport Zone*. Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission*.
- (1) ~~Development Review Manager's~~Zoning and Development Administrator's *Required Dedications and Improvements*.
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
- (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
- (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by* ~~Development Review Manager~~Zoning and Development Administrator.
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the ~~Development Review Manager~~Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
- (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
- (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 Chapter 166 of the Fayetteville Unified Development Code.
- (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 or preliminary plat and the developer has made no provision for extending such service to the development.

- (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
 - (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.
 - (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
 - (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
 - (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
 - (4) ~~*Development Review Manager's Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.*~~ An interpretation or decision of the ~~Development Review Manager Zoning and Development Administrator~~ regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
 - (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
 - (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.
- (Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93; Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.

- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.
- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

-
- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
- (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
- (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.
- (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
- (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

- (2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

- (1) Before a building permit is issued the developer shall:
 - (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
 - (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
 - (c) Comply with all applicable zoning and development codes.
 - (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.
- (2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the ~~Development Review Manager~~ Zoning and Development Administrator that meets the intent of the Code.

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than ~~6,000~~ 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, ~~or~~ large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct ~~6,000~~ 1,200-square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between ~~6,001~~ 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

- (b) The percentage below the percent minimum canopy requirement they represent; and
- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
 - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
 - (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
 - (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - ~~(ba)~~ Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - ~~(cb)~~ Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - ~~(de)~~ Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

- (ii) Shall not revert to the general fund for ongoing operations.
- (~~ed~~) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (~~fe~~) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
- (~~gf~~) Refunds shall be paid to ~~the applicant who made the original contribution~~ the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (~~hg~~) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
- (~~ih~~) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (~~ii~~) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large ~~scale~~ site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large ~~scale and small~~ site improvements, commercial

final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824 , §3, 11-17-15; Ord. No. 5945 , §17, 1-17-17; Ord. No. 5986 , §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442 , §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446 , §9(Exh. D), 6-15-21)



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **Administrative Item (Amend UDC Chapters 166.02, Development Review Process, 167.04 Tree Preservation and Protection): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 166.02 and 167.04. The proposed code changes would modify development requirements associated with tree preservation requirements. (Originally heard with ADM-2024-0028).**

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code amending §166.02, Development Review Process and 167.04 Tree Preservation and Protection.

BACKGROUND:

In 2021, major ordinance changes were approved by City Council to revamp drainage and development standards, with a secondary goal of incentivizing infill. The changes that were approved required new green stormwater practices on a sliding scale of added impervious surface, and decoupled certain requirements from a question of use and tied those requirements instead to the overall impact to stormwater. This introduced three new levels of development threshold and shifted the requirement of a large-scale development plan or a site improvement plan to be triggered only after the addition of 10,000 sq. ft. of added, new impervious surface.

In the intervening period since 2021, staff audited the outcomes of these changes, and identified four main areas that require revision and clarification. Those areas for study, and their current status, are listed below.

- **Parkland Dedication**
 - Certain project types were no longer subject to parkland dedication, even though the impact of added units is significant. Proposed ordinance changes were already evaluated, reviewed, and approved by City Council on May 21, 2024.
- **Project Classification**
 - Projects adding less than 10,000 sq. ft. still often require a coordinated, cross-divisional round of review/comment leading to delays unforeseen issues at permitting. These changes are still pending Planning Commission review and approval, though staff anticipates they will be heard by the Planning Commission on July 22, 2024. A separate item will be brought forth with these changes.
- **Application of Tree Preservation standards**
 - Certain projects are no longer subject to tree preservation requirements. Staff and the Planning

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Commission are recommending changes to this ordinance with this item, and they are described below.

- **Timeliness of Variances and Appeals**

- Variances are only permitted to be appealed with an overall project, rather than piecemeal. This becomes an issue when certain development types are no longer subject to large-scale development or site improvement plan. Staff and the Planning Commission are recommending changes to this ordinance which will be heard at the July 16 City Council meeting.

DISCUSSION:

Application of Tree Preservation standards:

To address tree preservation concerns, staff, the Long-Range Planning Committee, and the Planning Commission propose requiring an abbreviated tree preservation plan to projects adding between 1,200 and 6,000 sq. ft. of impervious surface. Urban Forestry staff have found that larger, multi-unit structures on smaller infill sites are no longer required to perform any tree preservation, mitigation, or even escrow, even if the impact to the canopy is significant. To help alleviate concerns about requiring additional tree preservation to smaller sites, staff also recommends an option for projects within this threshold to be evaluated for a tree escrow contribution.

At the June 24, 2024 Planning Commission meeting, Commissioners voted 7-1-0 to forward the proposed ordinance changes to the City Council with a recommendation of approval. Commissioner Garlock made the motion, which was seconded by Commissioner Cabe; Commissioner Brink voted in opposition. Commissioners considered how to balance any potentially negative effects of adding tree preservation requirements to smaller infill projects, ultimately finding that the language offered to consider escrow for smaller projects was acceptable. When asked, Urban Forestry and Planning staff clarified that the proposed tree preservation changes were meant to protect the integrity of the scaled approach to tree preservation in the City (with a priority for preservation, mitigation, and finally escrow), but offer payment into escrow for trees that could not be preserved as an option for earlier consideration for those smaller projects.

One member of the public spoke at the meeting with concerns about the effects of proposed changes on infill with regards to the proposed development thresholds (which were not under consideration at the June 24 meeting), and concerns that requiring an abbreviated tree preservation plan for projects between 1,200 and 6,000 sq. ft. of impervious surface would lead to project delays and disincentivize infill. The member of the public wanted escrow to be considered as the primary option for those projects.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Proposed Ordinance – Exhibit “A” (#4), Proposed Ordinance Amendment in Strikeout/Highlight (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-328

Administrative Item (Amend UDC Chapters 166.02, Development Review Process, 167.04 Tree Preservation and Protection): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 166.02 and 167.04. The proposed code changes would modify development requirements associated with tree preservation requirements. (Originally heard with ADM-2024-0028).

AN ORDINANCE TO AMEND § 166.02 DEVELOPMENT REVIEW PROCESS AND § 167.04 TREE PRESERVATION AND PROTECTION OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH TREE PRESERVATION REQUIREMENTS

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 repeals § 166.02 **Development Review Process** (E)(2) Level 2 and enacts a new § 166.02 (A) as follows:

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures
Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O&M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. - Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf	Same as Level 2.	- Same as Level 2. - As needed GSP measures from

of IA	Step 3 to further reduce runoff referred to as extended detention • Abbreviated Tree Preservation Plan
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Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 167.04 **Tree Preservation And Protection During Development** (A)(11) and enacts a new § 167.04 (A)(11) as follows:

“Building Permits. Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in § 167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 167.04 **Tree Preservation And Protection During Development** (A)(12)(a) and enacts a new § 167.04 (A)(12)(a) as follows:

“Persona seeking to construct 1,200 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 167.04 **Tree Preservation And Protection During Development** (H)(3) and enacts a new § 167.04 (H)(3) as follows:

“Abbreviated Tree Preservation Plan. Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.”

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 167.04 **Tree**

Preservation And Protection During Development (J)(4) and enacts a new § 167.04 (J)(4) as follows:

“(a) Developments proposed as building permits under Level 2 as outlined in § 166.02 (E)(2) are eligible for contribution to the tree escrow account as an option.

(b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.

(c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.

(d) Money contributed under this section:

(i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

(ii) Shall not revert to the general fund for ongoing operations.

(e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.

(f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.

(g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.

(i) The refund shall be made on a pro rata basis and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.

(j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 167.04 **Tree Preservation And Protection During Development (L)(1)** and enacts a new § 167.04 (L)(1) as follows:

“Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the

minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.”

City of Fayetteville Staff Review Form

2024-328

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Administrative Item (Amend UDC Chapters 166.02, Development Review Process, 167.04 Tree Preservation and Protection): Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 166.02 and 167.04. The proposed code changes would modify development requirements associated with tree preservation requirements. (Originally heard with ADM-2024-0028).

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:

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

-
- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
 - (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
 - (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.
 - (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
 - (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

(2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

(1) Before a building permit is issued the developer shall:

- (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
- (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
- (c) Comply with all applicable zoning and development codes.
- (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.

(2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. - Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 1,200square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area.* In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

-
- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

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- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

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- (b) The percentage below the percent minimum canopy requirement they represent; and
 - (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

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- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
- (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

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- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits creating between 1,201 – 6000 square feet of impervious surface under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - (b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (d) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

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- (ii) Shall not revert to the general fund for ongoing operations.
 - (e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
 - (f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
 - (h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (i) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing

the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824 , §3, 11-17-15; Ord. No. 5945 , §17, 1-17-17; Ord. No. 5986 , §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442 , §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446 , §9(Exh. D), 6-15-21)

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

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- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
 - (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
 - (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.
 - (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
 - (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

(2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

(1) Before a building permit is issued the developer shall:

- (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
- (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
- (c) Comply with all applicable zoning and development codes.
- (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.

(2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than ~~6,000~~ 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, ~~or~~ large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct ~~6,000~~ 1,200-square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area.* In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

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- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

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- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

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- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between ~~6,001~~ 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

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- (b) The percentage below the percent minimum canopy requirement they represent; and
 - (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
- (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
- (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

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- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
 - (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
 - (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

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- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - (ba) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (cb) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (de) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

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- (ii) Shall not revert to the general fund for ongoing operations.
- (ed) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (fe) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
- (gf) Refunds shall be paid to ~~the applicant who made the original contribution~~ the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
- (hg) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
- (ih) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (ii) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
- (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
- (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
- (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large ~~scale~~ site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large ~~scale~~ and small site improvements, commercial

final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824 , §3, 11-17-15; Ord. No. 5945 , §17, 1-17-17; Ord. No. 5986 , §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442 , §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446 , §9(Exh. D), 6-15-21)



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
City of Fayetteville Long Range Planning Committee

MEETING DATE: June 24, 2024 **Updated with results from 6/24/2024 PC Meeting**

SUBJECT: **ADM-2024-0028: Administrative Item (Amend UDC Chapters 155, Appeals, 166.02, Development Review Process, 166.23, Urban Residential Design Standards, 167.04 Tree Preservation and Protection):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 155, 166.02, 166.23, and 167.04. The proposed code changes would modify development requirements associated with appeals, architectural design standards, and tree preservation requirements.

RECOMMENDATION:

Staff recommend forwarding **ADM-2024-0028** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **ADM-2024-0028** to the City Council with a recommendation of approval."*

BACKGROUND:

In 2021, major ordinance changes were approved by City Council to revamp drainage and development standards, with a secondary goal of incentivizing infill. The changes that were approved required new green stormwater practices on a sliding scale of added impervious surface, and decoupled certain requirements from a question of use and tied those requirements instead to the overall impact to stormwater. This introduced three new levels of development threshold and shifted the requirement of a large-scale development plan or a site improvement plan to be triggered only after the addition of 10,000 sq. ft. of added, new impervious surface. In the intervening period since 2021, staff audited the outcomes of these changes, and identified several areas that require revision and clarification.

- **Parkland Dedication**
 - Certain project types were no longer subject to parkland dedication, even though the impact of added units is significant.
- **Project Classification**
 - Projects adding less than 10,000 sq. ft. still often require a coordinated, cross-divisional round of review/comment leading to delays unforeseen issues at permitting.
- **Application of Tree Preservation standards**
 - Certain projects are no longer subject to tree preservation requirements.
- **Timeliness of Variances and Appeals**
 - Variances are only permitted to be appealed with an overall project, rather than piecemeal. This becomes an issue when certain development types are no longer subject to large-scale development or site improvement plan.

Recognizing immediate financial implications, staff proposed changes to the parkland dedication ordinance already, which were forwarded by the Planning Commission to the City Council. Those changes were approved by the City Council on May 21, 2024. At the May 13, 2024 Planning Commission, additional proposed changes to the remaining sections were brought forward by staff for the Commission's consideration, where they were tabled indefinitely with a vote of 5-2-0 in order to keep working on the item and understand the full context of the changes. Staff brought the items back to the Long-Range Planning Committee on May 23, 2024. At that meeting, the Long-Range Planning Committee agreed to bring forward proposed changes to the appeals section, the application of tree preservation standards, and text changes in the Urban Residential Design standards, which are presented for consideration here. Since the items have been separated out, staff is bringing forward a new item with just those pieces for the Commission's consideration.

DISCUSSION:

To address tree preservation concerns, staff and the Long-Range Planning Committee propose requiring an abbreviated tree preservation plan to projects adding between 1,200 and 6,000 sq. ft. of impervious surface. Urban Forestry staff have found that larger, multi-unit structures on smaller infill sites are no longer required to perform any tree preservation, mitigation, or even escrow, even if the impact to the canopy is significant. To help alleviate concerns about requiring additional tree preservation to smaller sites, staff also recommends an option for projects within this threshold to be evaluated for a tree escrow contribution.

The City Attorney's office also recommends changes to the appeals section of code. Variances, as currently written in the appeals portion of code, can only be appealed with the overall project, such as an SIP, LSIP, or LSD. As certain projects no longer require these preliminary project approvals before permitting, variances can only be appealed once a permit is issued. Staff is recommending that variances can be appealed independently from an overall project, in those instances where an SIP, LSIP, or LSD, or other preliminary development entitlement approval is not required.

Public Comment: Staff distributed the larger ordinance changes to key stakeholders within the development community. Feedback was received in relation to vested interest of projects that may already be in the pipeline, and feedback was received in relation to parkland dedication requirements. The City Attorney's office confirmed that vested interest in this or is any ordinance change happens at the time of an approved or issued permit. One Planning Commissioner suggested that the threshold could be shifted to the overall size of a structure rather than the amount of impervious surface. No additional written comment was offered, or alternative code changes suggested at this time. Public comment was also provided at the May 13, 2024 Planning Commission. Members of the public who spoke were more concerned about the proposed changes to the impervious surface thresholds, which are not under consideration at this time. No additional public comment has been received by staff.

RECOMMENDATION: Staff recommend forwarding ADM-2024-0028 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 24, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion:	Garlock with a recommendation of approval.		
Second:	Cabe		
Vote:	7-1-0 (Commissioner Brink opposed)		

BUDGET/STAFF IMPACT:

None

Attachments:

- **Proposed Ordinance (Clean):**
 - UDC §155, Appeals
 - UDC §166.02, Development Review Process
 - UDC §166.23, Urban Residential Design Standards
 - UDC §167.04, Tree Preservation and Protection
- **Proposed Ordinance (Strikethrough):**
 - UDC §155, Appeals
 - UDC §166.02, Development Review Process
 - UDC §166.23, Urban Residential Design Standards
 - UDC §167.04, Tree Preservation and Protection

CHAPTER 155: APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the Construction Board of Adjustment and Appeals , [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342 , §1, 8-4-20)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council*

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
 - (e) Development (large scale development, large and small site improvement plans);
 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342 , §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) *Appeals to City Council.*

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

(B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

- (1) *Zoning and Development Administrator.* An interpretation or decision regarding zoning matters.

- (2) *Building Safety Officer—Airport Zone.* Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission.*
- (1) *Zoning and Development Administrator's Required Dedications and Improvements.*
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
- (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
- (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by Zoning and Development Administrator.*
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
- (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
- (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 Chapter 166 of the Fayetteville Unified Development Code.
- (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 or preliminary plat and the developer has made no provision for extending such service to the development.
- (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
- (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.

- (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
 - (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
 - (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
 - (4) *Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.* An interpretation or decision of the Zoning and Development Administrator regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
 - (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
 - (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.
- (Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93; Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.
- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.

- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

-
- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
 - (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
 - (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.
 - (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
 - (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

- (2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

- (1) Before a building permit is issued the developer shall:
 - (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
 - (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
 - (c) Comply with all applicable zoning and development codes.
 - (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.
- (2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. - Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the Zoning and Development Administrator that meets the intent of the Code.

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct 1,200square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

- (b) The percentage below the percent minimum canopy requirement they represent; and
- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
 - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
 - (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
 - (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits creating between 1,201 – 6000 square feet of impervious surface under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - (b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - (c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - (d) Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

- (ii) Shall not revert to the general fund for ongoing operations.
 - (e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
 - (f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
 - (h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (i) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing

the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21)

CHAPTER 155: APPEALS**155.01 Circuit Court**

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

- (A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.
- (B) *Time.*
 - (1) *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - (2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.
- (C) *Place.* Appeals shall be filed with the following:
 - (1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.
 - (2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.
 - (3) *Building Safety Division Director.* Appeals made to the ~~Construction Board of Adjustment and Appeals Board of Adjustment~~, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Council Member Appeal On Behalf Of Resident

A Council Member may bring an appeal on behalf of any resident of the city of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans). Variances, compliance with applicable design standards, tree preservation plans and conditions of approval for any development shall be appealed as part of the approval or denial of a development proposal. Variances, compliance with applicable design standards, tree preservation

plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 6342, §1, 8-4-20)

155.05 Appeals From Planning Commission Decisions

(A) Appeals to City Council

- (1) Owners of record of the property being considered may appeal a decision by the Planning Commission to deny the following requests in accordance with the procedure set forth in §155.02:
 - (a) Annexation;
 - (b) Rezoning;
 - (c) Required dedication and improvements of §155.06(C);
 - (d) Subdivision (plats, lot splits, lot line adjustments);
 - (e) Development (large scale development, large and small site improvement plans);
 - (f) Vacations of street right-of-way.
- (2) *Conditions of Approval/Variances, etc.* An owner of record may appeal the conditions of approval determined by the Planning Commission and any adverse decision by the Planning Commission concerning applicable design standards, tree preservation requirements, streamside protection requirements and variance requests as part of the conditions of an approved development request or the denial of such development request. Variations, compliance with applicable design standards, tree preservation plans and conditions of approval for any development not requiring approval by the Planning Commission or administrative approval by the Planning Division may be appealed independently.
- (3) *Conditional Use Request.* Three Council Members may in unison appeal a decision of the Planning Commission approving or denying a conditional use request.

(Code 1965, §13A-40, App. C., Art. II, Art. V., §B; Ord. No. 1509, 8-8-66; Ord. No. 1750, 7-6-70; Code 1991, §§156.017, 159.12, 159.54(F)(1), (2), 159.66; Ord. No. 3781, §1, 4-19-94; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01; Ord. No. 6342, §2, 8-4-20)

155.06 Appeals From Staff Interpretations And Actions

(A) Appeals to City Council.

- (1) The City Engineer's decision to issue a violation notice or stop work order may be appealed to the City Council by an owner of record of the property in question or a council member on behalf of a resident of the city.
- (2) The ~~Development Review Manager's~~Zoning and Development Administrator's decision to deny a vacation of any public easement (whether constructed or not) or portion thereof may be appealed by the owner of record of the property.

- (B) *Appeals to the Board of Adjustment.* The following interpretations and decisions may be appealed by an owner of record of the property in question or a council member on behalf of a resident of the city to the Board of Adjustment:

- (1) ~~Development Review Manager—Zoning~~Zoning and Development Administrator. An interpretation or decision regarding zoning matters.
- (2) *Building Safety Officer—Airport Zone*. Any person aggrieved, or any taxpayer affected by any decision of the Building Safety Officer, made in the administration of Airport Zone, Chapter 165.
- (C) *Appeals to the Planning Commission*.
- (1) ~~Development Review Manager's~~Zoning and Development Administrator's *Required Dedications and Improvements*.
- (a) An owner or developer who is aggrieved by the requirements of the Unified Development Code for land, right-of-way or easement dedications, construction of on-site or off-site improvements, or payments in lieu of any dedication or improvement, which are in excess of the "rough proportionality" of the impact of the development upon the city's infrastructure or services may appeal such requirement to the Planning Commission as a part of the submission of the preliminary plat, large scale development, subdivision, building permit, lot split, grading permit, floodplain development permit, or otherwise within ten (10) days of notification of such development requirements. The appeal must be presented to the Planning Division in writing and state the grounds, or reasons for the appeal.
- (b) The Planning Commission shall determine after public hearing whether the required dedications, improvements, and fees meet the "rough proportionality" of the impact of the development on city infrastructure and services. If the requirements are in excess of the "rough proportionality," the Planning Commission is empowered to modify or reduce such requirements to achieve "rough proportionality."
- (c) Any potential reduction of impact fees must be approved by the City Council.
- (2) *Administrative Approvals and Interpretations by* ~~Development Review Manager~~Zoning and Development Administrator.
- (a) A resident of the city or an owner/developer who is aggrieved by a decision of the ~~Development Review Manager~~Zoning and Development Administrator regarding development matters that are approved administratively (as required by Chapter 166.02(C)) may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The appeal shall be limited to the applicable approval or denial criteria as follows:
- (i) The development plan is not submitted in accordance with the requirements of Chapter 166 of the Fayetteville Unified Development Code.
- (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 Chapter 166 of the Fayetteville Unified Development Code.
- (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 or preliminary plat and the developer has made no provision for extending such service to the development.

- (vi) The developer refused to comply with UDC Ch. 166 pertaining to required on-site and off-site improvements.
 - (b) The appellant must include in the letter of appeal the specific code section with which the development application does not comply.
 - (c) The Planning Commission shall determine after public hearing whether the interpretation or discretionary decision should be upheld or modified in part or in whole.
 - (d) Any staff recommendation to approve or deny some or all of a requested street right-of-way vacation shall be considered by the Planning commission with recommendations to the City Council.
 - (3) *City Engineer and Flood Plain Administrator.*
 - (a) *Development Matters.* An interpretation or decision of the City Engineer or Floodplain Administrator regarding development matters, including grading, drainage, water and sanitary sewer systems, and storm drainage systems.
 - (b) *Floodplain Regulations.* The decision of the Floodplain Administrator, provided that the Planning Commission shall hear and decide an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of Chapter 168.
 - (c) *Streamside Protection Zones.* An interpretation or decision of the City Engineer concerning the regulated uses, structures and activities, streamside boundary location or land use exemptions.
 - (4) ~~*Development Review Manager's Zoning and Development Administrator's Interpretation or Decision of Other Development Matters.*~~ An interpretation or decision of the ~~Development Review Manager Zoning and Development Administrator~~ regarding development matters including subdivisions, large scale developments, parking and loading, outdoor lighting, compliance with applicable design standards, or any other development matters.
 - (5) *Urban Forester—Landscape and Tree Preservation and Protection requirements.* Decisions of the Urban Forester related to landscape and tree preservation and protection requirements.
 - (D) *Appeals to the Construction Board of Adjustment and Appeals.* When the administrative authority under Chapter 173 shall disapprove an application, or the applicant is aggrieved by the interpretation of the administrative authority, the applicant may appeal the decision to the Construction Board of Adjustment and Appeals.
- (Code 1965, §17B-11.2(d), (e), App. A., Art. 10(6), 19(2), App. B, §III, App. C., Art. 10(6), 19(2), App. B, §III, App. C., Art. V, §A; Ord. No. 1747, 6-29-70; Ord. No. 1750, 7-6-70; Ord. No. 2109, 6-375; Ord. No. 2252, 7-6-76; Ord. No. 2538, 7-3-79; Ord. No. 2585, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-14-88; Code 1991, §§150.03, 158.67(B), 158.68(A), (B), 159.65, 160.048, 160.172, 160.176(A), (B), 161.11, 162.03(B), (C), 163.10(D); Ord. No. 3551, 6-4-91; Ord. No. 3587, §1, 1-7-92; Ord. No. 3699, §3, 4-20-93; Ord. No. 3716, §2, 6-15-93; Ord. No. 3806, §1, 6-28-94; Ord. No. 3895, §1, 6-20-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3925, §7, 10-3-95; Ord. No. 3963, §9, 4-16-96; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4368, §2, 2-5-02; Ord. No. 4377, §§1, 2, 3-5-02; Ord. No. 4652, 12-07-04; Ord. No. 5206, 12-16-08; Ord. No. 5296, 12-15-09; Ord. 5390, 3-1-11; Ord. No. 6343, §1(Exh. A), 8-4-20; Ord. No. 6446, §5, 6-15-21)

155.07 Appeals To The Housing Board—Mobile Homes And Mobile Home Parks

- (A) *Permit Denied.* Any person whose application for a permit under Chapter 175 has been denied may request and shall be granted a hearing on the matter before the Housing Board.

- (B) *Permit Suspended.* Any person whose permit has been suspended, or who has received notice from the enforcement officer that his permit will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and be granted a hearing on the matter before the Housing Board.
- (C) *Petition Deadline.* When no petition for hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten (10) days.

(Code 1965, §17B11.2(e); Ord. No. 2109, 6-3-75; Ord. No. 2583, 12-4-79; Ord. No. 3152, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3153, 11-19-85; Ord. No. 3340, 3-15-88; Code 1991, §158.67; Ord. No. 4100, §2 (Exh. A), 6-16-98)

(Code 1965, §§13A-40, 13A-43; Ord. No. 1509, 8-8-66; Code 1991, §§156.017, 156.029; Ord. No. 4100, §2 (Exh. A), 6-16-98; Ord. No. 4652, 12-07-04).

155.08 Appeals From The Construction Board Of Adjustments And Appeals

If the Construction Board of Adjustments and Appeals refuses to extend a building permit pursuant to §173.02 (B)(8) or to issue a new building permit for property for which a building permit has expired pursuant to §173.02 (B)(8), the owner may appeal to the City Council.

(Ord. No. 5019, 5-15-07)

155.09—155.99 Reserved

166.02 Development Review Process

(A) *Application Submittal*

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) *Public Meetings.* Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical Plat Review Committee: Lot split, small site improvement plans, large site improvement plans, large scale development, planned zoning district, preliminary plat, final plat, and concurrent plat. After the Technical Plat Review Committee meeting staff may administratively approve lot splits, final plats, small site improvement plans, and large site improvement plans after review for compliance with all applicable codes subject to UDC 166.02(C).
- (2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large scale development, planned zoning district with development, preliminary plat, and concurrent plat. From these applications, the Subdivision Committee may approve only large scale developments. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Subdivision Committee.
- (3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission. Preliminary plat, concurrent plat, and planned zoning district with development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A planned zoning district cannot be approved by the Planning Commission, but may be forwarded to City Council. Large scale development applications that are subject to administrative approval shall not be required to be reviewed by the Planning Commission.

(C) *Approval and Denial Criteria*

- (1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property line adjustment, lot split, final plat, small site improvement plan, and large site improvement plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.
 - (a) *Reasons for Denial.* The Planning Division may refuse administrative approval based on the following criteria:
 - (i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: Lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.
 - (ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.
 - (iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a small or large site improvement plan for any of the following reasons:

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- (a) The development plan is not submitted in accordance with the requirements of this chapter.
 - (b) The proposed development would violate a city ordinance, a state statute, or a federal statute.
 - (c) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
 - (d) 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 factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
 - (e) City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.
 - (f) The developer refused to comply with ordinance requirements or condition of approval for on-site and off-site improvements.
- (2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large scale development, preliminary plat and concurrent plat.
- (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.
- (D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.
- (1) *Property Line Adjustment, Lot Split, Building Permit, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final

approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

- (2) *Preliminary Plat, Large Scale Development and Small or Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the city to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits.*

- (1) Before a building permit is issued the developer shall:
 - (a) Dedication of Right-of-Way. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
 - (b) Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Division.
 - (c) Comply with all applicable zoning and development codes.
 - (d) In addition, for small site improvement plans, large site improvement plans and large scale developments, the developer shall:
 - (i) Obtain approval from the appropriate governing body.
 - (ii) On and Off-Site Improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
 - (iii) Complete applicable conditions of approval.
- (2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures

Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201— 6,000 sf of IA	- Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. - GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas. Abbreviated Tree Preservation Plan
Level 3	6,001— 10,000 sf of IA	Same as Level 2.	- Same as Level 2. - As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention - Abbreviated Tree Preservation Plan

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a large-scale development, large site improvement plan, or small site improvement plan shall be issued, and no final plat or concurrent plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to city specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences;
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines;
 - (e) The location and size of all stormwater features with associated drainage easements demarcated, where applicable; and
 - (f) The location and quantity of existing and new impervious area on the property.
- (3) The development has been inspected and approved by all applicable city divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061, §2, 4-17-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6539, §5(Exh. A), 3-1-22)

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*
 - (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The

entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
 - (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain Link.* Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) *Height of Fences in Front of Buildings.* Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) *Architectural Design Standards.*
 - (1) *Intent.* The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development.*

(a) *Building Form and Design.*

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;
 - (d) Dormers;
 - (e) Porticos;
 - (f) Turrets; or
 - (g) Other architectural feature approved by the ~~Development Review Manager~~ Zoning and Development Administrator that meets the intent of the Code.

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20; Ord. No. 6508 , §1, 11-16-21; Ord. No. 6658 , §10, 5-2-23)

167.04 Tree Preservation And Protection During Development

- (A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:
- (1) *Large Scale Developments.*
 - (2) *Large Site Improvement Plan.*
 - (3) *Small Site Improvement Plan.*
 - (4) *Preliminary Plat.*
 - (5) *Final Plat.*
 - (6) *Concurrent Plat.*
 - (7) *Planned Zoning Districts.*
 - (8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process.
 - (9) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.
 - (10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.
 - (11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than ~~6,000~~ 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, ~~or~~ large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
 - (12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.
 - (a) Persons seeking to construct ~~6,000~~ 1,200-square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.
 - (b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.
- (B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:
- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
 - (2) Whether the design incorporates the required tree preservation priorities.

- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the Unified Development Code, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note**—The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

- (C) *Canopy Area*. In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1 Minimum Canopy Requirements	
ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%

RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning 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%.

(D) *Prior Tree Removal.*

- (1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree Preservation Priorities.*

- (1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

- (2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.
- (3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.
- (F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*
- (1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.
- (2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.
- (a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.
- (b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.
- (3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

- (4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.
- (G) *Initial Review.*
- (1) *Meeting with the Urban Forester.* It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.
- (2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.
- (H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).
- (1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:
- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

- (j) Any other factors that may impact the design of the site.
- (2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.
- (3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between ~~6,001~~ 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.
- (4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.
- (6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.
- (7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.
- (i) *Request for On-Site Mitigation.*
- (1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:
- (a) The number of trees requested for removal;

- (b) The percentage below the percent minimum canopy requirement they represent; and
- (c) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
 - (a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.
 - (b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.
- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.
- (6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.
- (7) *Placement of Trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:
 - (a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).
 - (b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
 - (i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.
 - (ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

- (iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.
- (9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*
 - (a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.
 - (b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.
 - (c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.
 - (d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.
 - (e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.
 - (f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.
 - (g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.
 - (i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
 - (ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.

- (iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

- (1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
- (2) *Off-Site Preservation.* The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.
- (3) *Off-Site Forestation.*
 - (a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.
 - (b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.
- (4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.
 - (a) Developments proposed as building permits under Level 2 as outlined in §166.02(E)(2) are eligible for contribution to the tree escrow account as an option.
 - ~~(ba)~~ Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.
 - ~~(cb)~~ Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.
 - ~~(de)~~ Money contributed under this section:
 - (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

- (ii) Shall not revert to the general fund for ongoing operations.
 - (ed) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
 - (fe) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.
 - (gf) Refunds shall be paid to ~~the applicant who made the original contribution~~ the present owner of the property that was the subject of new development and against which the fee was assessed and collected.
 - (hg) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.
 - (ih) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
 - (ii) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.
- (K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
 - (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
 - (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
 - (4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*
- (1) Large scale developments, large ~~scale~~ site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large ~~scale~~ and small site improvements, commercial

final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

- (2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21)



MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **VAC-2024-0009: Vacation (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484): Submitted by MBL PLANNING for property located 241 W. SPRING ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.08 acres. The request is to vacate 0.017 acres of street right-of-way.**

RECOMMENDATION:

Staff and Planning Commission recommend approval of VAC-2024-0009 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. A 15-foot utility easement is dedicated for existing powerlines along the property's southern boundary;
3. Existing water service on the west side of the property is removed and appropriately disconnected at the tap at the property owner/developer's expense.

BACKGROUND:

The subject property is in downtown Fayetteville on the southeast corner of W. Spring Street and N. Locust Avenue. The property is zoned MSC, Main Street Center, contains approximately 1.08 acres, and was previously developed with an approximately 10,000 sq. ft commercial structure that was destroyed in a fire in December of 2022; an additional 3,800 sq. ft. commercial structure still stands on the property. In January 2024, a conditional use permit was approved to use the property as a temporary off-site parking lot while redevelopment plans were evaluated by the property owner. That conditional use permit will expire in January 2025. Development-related variances associated with a proposed multi-family structure on the site were considered and approved by the Planning Commission on Monday, June 24, 2024 (VAR-2024-0026).

Request: The applicant proposes to vacate a 5-foot-wide portion of street right-of-way adjacent to the west side of the subject property which totals approximately 0.017 acres. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

Staff and the Planning Commission support the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 761-square-feet along the property's western border at a maximum width of 5 feet. Staff finds the removal of the right-of-way is not likely to impact the existing service of the associated streets, nor will it negatively affect the existing downtown gridded street network. Any necessary street improvements

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

will be fully determined at the time of the development proposal and would be required to be accommodated within the remaining right-of-way not affected by this vacation.

At the June 24, 2024 Planning Commission meeting, Commissioners voted unanimously to forward the item to the City Council with a recommendation of approval. Commissioners offered little comment, finding themselves in agreement with staff's recommendations. Commissioner Werner made the motion, and Commissioner McGetrick seconded. No public comment was offered on this item at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-300

VAC-2024-0009: Vacation (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484): Submitted by MBL PLANNING for property located 241 W. SPRING ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.08 acres. The request is to vacate 0.017 acres of street right-of-way.

AN ORDINANCE TO APPROVE VAC-24-09 FOR PROPERTY LOCATED AT 241 WEST SPRING STREET IN WARD 2 TO VACATE A 0.017 ACRE PORTION 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 any existing facilities will be at the property owner/developer's expense;
2. A 15-foot utility easement shall be dedicated for existing powerlines along the property's southern boundary; and
3. Existing water service on the west side of the property shall be removed and appropriately disconnected at the tap at the property owner/developer's expense.

City of Fayetteville Staff Review Form

2024-300

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT SERVICES (620)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2024-0009: Vacation (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484): Submitted by MBL PLANNING for property located 241 W. SPRING ST. in WARD 2. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.08 acres. The request is to vacate 0.017 acres of street right-of-way.

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:

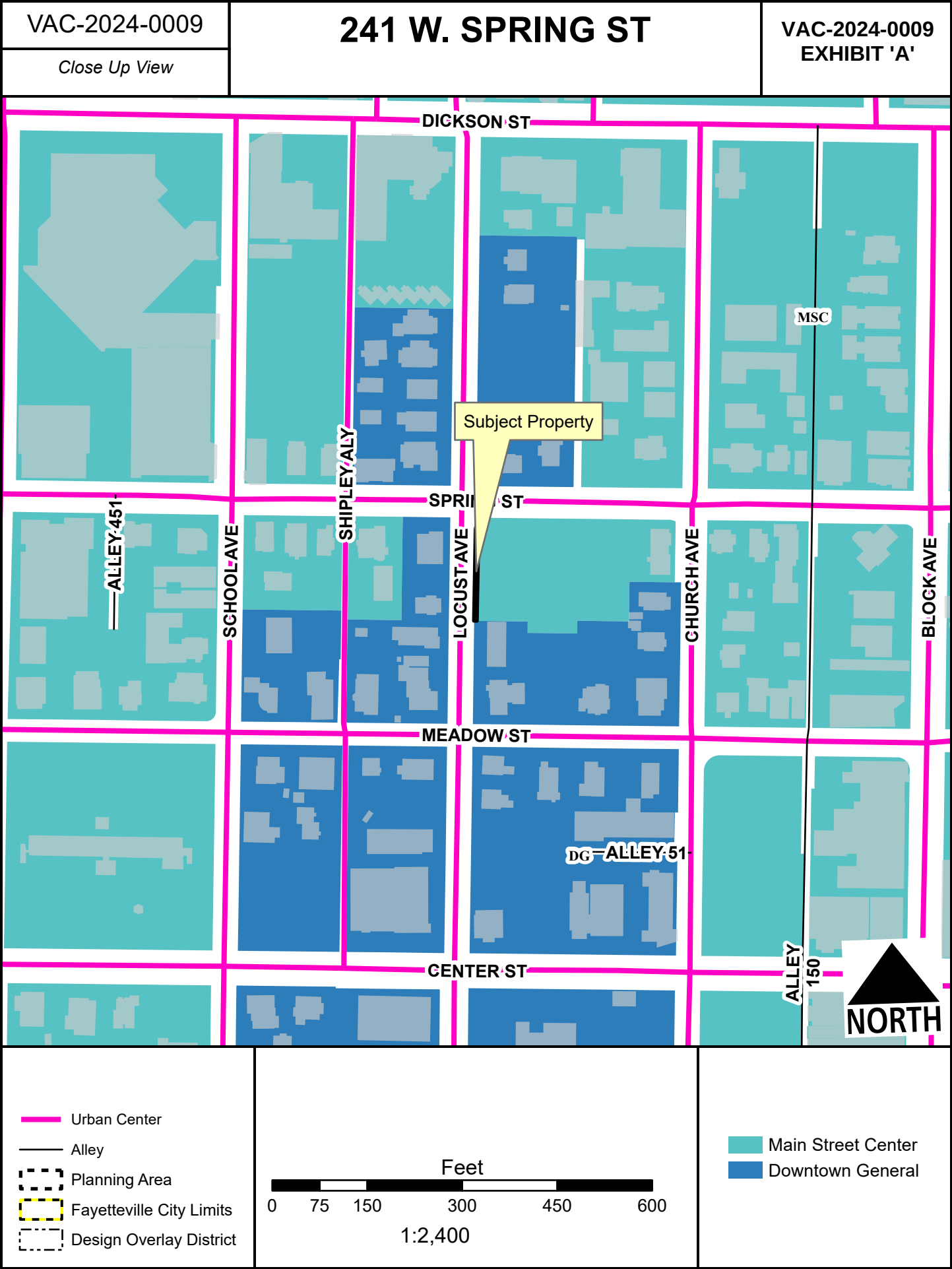
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



A PORTION OF LAND BEING PART OF LOT 4, BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 11;

THENCE ALONG THE WEST LINE OF SAID BLOCK 11 AND THE EAST RIGHT-OF-WAY LINE OF LOCUST AVENUE SOUTH $02^{\circ}58'15''$ WEST, 19.84 FEET TO A FOUND CHISELED X FOR THE POINT OF BEGINNING;

THENCE DEPARTING FROM THE WEST LINE OF SAID BLOCK 11 AND SAID EAST RIGHT-OF-WAY LINE AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SPRING STREET, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND ARC LENGTH OF 14.47 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH $23^{\circ}38'57''$ EAST, 14.16 FEET TO A FOUND CHISELED X;

THENCE DEPARTING FROM SAID SOUTH RIGHT-OF-WAY LINE SOUTH $02^{\circ}58'15''$ WEST, 156.32 FEET;

THENCE NORTH $87^{\circ}14'31''$ WEST, 5.00 FEET TO A POINT LOCATED ON THE WEST LINE OF SAID BLOCK 11 AND SAID EAST RIGHT-OF-WAY LINE OF LOCUST AVENUE;

THENCE ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE NORTH $02^{\circ}58'15''$ EAST 143.09 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.017 ACRES(761 SQ. FT.), MORE OR LESS.





TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: June 24, 2024 **Updated with results from June 24, 2024 PC Meeting**

SUBJECT: **VAC-2024-0009: Vacation (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484):** Submitted by MBL PLANNING for property located 241 W. SPRING ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.08 acres. The request is to vacate 0.017 acres of street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2024-0009** to City Council with a recommendation of approval and with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0009** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is in downtown Fayetteville on the southeast corner of W. Spring Street and N. Locust Avenue. The property is zoned MSC, Main Street Center, contains approximately 1.08 acres, and was previously developed with an approximately 10,000 sq. ft commercial structure that was destroyed in a fire in December of 2022; an additional 3,800 sq. ft. commercial structure still stands on the property. In January 2024, a conditional use permit was approved to use the property as a temporary off-site parking lot while redevelopment plans were evaluated by the property owner. That conditional use permit will expire in January 2025. Development-related variances associated with a proposed multi-family structure on the site are also being considered in a separate item (VAR-2024-0026). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	DG, Downtown General; MSC, Main Street Center
South	Commercial/Mixed-Density Residential	DG, Downtown General
East	Mixed-Density Residential	MSC, Main Street Center
West	Commercial/Mixed-Density Residential	DG, Downtown General

Proposal: The applicant proposes to vacate a 5-foot-wide portion of street right-of-way adjacent to the west side of the subject property which totals approximately 0.017 acres. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

Staff supports the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 761-square-feet along the property's western border at a maximum width of 5 feet. Staff finds the removal of the right-of-way is not likely to impact the existing service of the associated

streets, nor will it negatively affect the existing downtown gridded street network. Any necessary street improvements will be fully determined at the time of the development proposal and would be required to be accommodated within the remaining right-of-way not affected by this vacation.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. One adjacent property owner to the south also acknowledged receipt of the request with no comments and no objections.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of existing facilities will be at the applicant's expense.
AEP/SWEPCO	No objections, provided that a 15-foot utility easement is dedicated for existing powerlines along the property's southern boundary.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections, provided existing water service on the west side of the property is removed and appropriately disconnected at the tap. All expenses shall be the owner's responsibility.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

Public Comment: Staff received one comment from a member of the public issuing no objections to the request. Written comment is attached to this report.

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0009** 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. A 15-foot utility easement is dedicated for existing powerlines along the property's southern boundary;
3. Existing water service on the west side of the property is removed and appropriately disconnected at the tap at the property owner/developer's expense.

PLANNING COMMISSION ACTION: Required YES**Date: June 24, 2024**☐ Tabled☒ Forwarded☐ Denied**Motion: Werner****with a recommendation of approval.****Second: McGetrick****Vote: 8-0-0****BUDGET/STAFF IMPACT:**

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map



City Administration Building
Attn: Fayetteville Planning Commission & City Council
113 West Mountain Street
Fayetteville, AR 72701

RE: Petition to vacate a former street & utility easement (now considered right-of-way) located in part of Lot 4, Block 11 of the Original Town of Fayetteville, City of Fayetteville, Arkansas

Along with our application, please consider the following description of the scope, nature, and intent of our petition request.

1. The scope of this request includes a 5' wide right-of-way, formerly a street and utility easement, located along the western side of Lot 4, Block 11 of the Original Town of Fayetteville. The filing number for this easement is Book 2014, Page 32187.
2. The location of this portion of right-of-way is preventing the highest and best use of the lot in which the former easement/current right-of-way is located. Removal of this right-of-way will in no way negatively impact the public, nor will it cause nuisance of any type in the public realm.
3. The intent of this request is to vacate said portion of right-of-way to allow for complete and orderly use of Lot 4, Block 11 of the Original Town of Fayetteville.

This request to vacate the 5' wide right-of-way located on a part of Lot 4, Block 11 of the Original Town of Fayetteville may be seen as appropriate and in alignment with goals and values of the Fayetteville Planning Commission and City Council.

Sincerely,

Lindsay Hackett

Lindsay Hackett, AICP
Project Manager
MBL Planning

PETITION TO VACATE

PETITION TO VACATE A street EASEMENT LOCATED IN (PART OF LOT 4, BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE), CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in (LOT 4, BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A PORTION OF LAND BEING PART OF LOT 4, BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID BLOCK 11;

THENCE ALONG THE WEST LINE OF SAID BLOCK 11 AND THE EAST RIGHT-OF-WAY LINE OF LOCUST AVENUE SOUTH 02°58'15" WEST, 19.84 FEET TO A FOUND CHISELED X FOR THE POINT OF BEGINNING;

THENCE DEPARTING FROM THE WEST LINE OF SAID BLOCK 11 AND SAID EAST RIGHT-OF-WAY LINE AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SPRING STREET, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND ARC LENGTH OF 14.47 FEET WITH A CHORD BEARING AND DISTANCE OF NORTH 23°38'57" EAST, 14.16 FEET TO A FOUND CHISELED X;

THENCE DEPARTING FROM SAID SOUTH RIGHT-OF-WAY LINE SOUTH 02°58'15" WEST, 156.32 FEET;

THENCE NORTH 87°14'31" WEST, 5.00 FEET TO A POINT LOCATED ON THE WEST LINE OF SAID BLOCK 11 AND SAID EAST RIGHT-OF-WAY LINE OF LOCUST AVENUE;

THENCE ALONG SAID WEST LINE AND SAID EAST RIGHT-OF-WAY LINE NORTH 02°58'15" EAST 143.09 FEET TO THE POINT OF BEGINNING, AND CONTAINING 0.017 ACRES (761 SQ. FT.), MORE OR LESS.

That the abutting real estate affected by said abandonment of the street easement are LOT 4, BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described easement.

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 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 alley.

Dated this 4th day of June, 2024.

Beverly Block

Printed Name

Beverly Block

Signature

BOUNDARY TOPOGRAPHIC SURVEY

LOCATED IN: SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST
241 WEST SPRING STREET, WASHINGTON COUNTY, FAYETTEVILLE, ARKANSAS 72701

TITLE DESCRIPTION

FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NUMBER 23-2183-1 WITH AN EFFECTIVE DATE OF FEBRUARY 21, 2024 AT 7:00 AM.

THE LAND IS DESCRIBED AS FOLLOWS:

LOTS 3, 4, AND A PART OF LOTS 1 AND 2, AND A PART OF LOT 6, ALL IN BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: BEGINNING AT THE SW CORNER OF SAID LOT 7 AND RUNNING THENCE NORTH 86.45 FEET; THENCE S07°40'E 107.84 FEET; THENCE WEST 83.3 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: A PART OF THE NORTH 95 FEET OF LOTS 1 AND 2 IN BLOCK 11 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH AND EAST PROPERTY LINES OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH ALONG SAID EAST PROPERTY LINE A DISTANCE OF 50 FEET TO A POINT; THENCE S07°40'E 107.84 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT: PART OF LOT 4 IN BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH AND WEST PROPERTY LINES OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH ALONG SAID WEST PROPERTY LINE A DISTANCE OF 50 FEET TO A POINT; THENCE S07°40'E 107.84 FEET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPT: (1) OF THE ORIGINAL PLAT OF THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5 (6); THENCE SOUTH 88 DEGREES 45' 30 SECONDS WEST 182.90 FEET TO THE NORTH LINE OF SAID LOT 5 (6); THENCE NORTH 89 DEGREES 27' MINUTES 58 SECONDS EAST 78.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 (6); THENCE SOUTH 88 DEGREES 45' 30 SECONDS WEST 182.90 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS, EXCEPT 18 FEET OF EQUAL, AND UNIFORM WIDTH OFF THE NORTH SIDE THEREOF.

THE ABOVE DESCRIBED PROPERTY BEING SUBJECT TO THE FOLLOWING ADDITIONAL STREET EASEMENTS: EASEMENT NO. 1 FIVE FEET OF EQUAL AND UNIFORM WIDTH OFF THE WEST SIDE OF THE ABOVE DESCRIBED PROPERTY; EASEMENT NO. 2 TEN FEET OF EQUAL AND UNIFORM WIDTH OFF THE EAST SIDE OF THE ABOVE DESCRIBED PROPERTY

LAND AREA

80,274 ± SQUARE FEET
1.84 ± ACRES

FLOOD ZONE INFORMATION

BY GRAPHIC FLOODING ONLY. NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY 01020204 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

RECORD DESCRIPTION

WARRANTY DEED BOOK 2014 AT PAGE 32182.

LOTS 3, 4, AND A PART OF LOTS 1 AND 2, AND A PART OF LOT 6, ALL IN BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID BLOCK 11; THENCE N 89°27'58" E 324.77 FEET WITH THE SOUTH LINE OF SPRING STREET TO THE NW CORNER OF SAID BLOCK 11; THENCE SOUTH 88.50 FEET WITH THE WEST LINE OF CHURCH AVENUE; THENCE S 89°27'58" E 107.84 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: A PART OF THE NORTH 95 FEET OF LOTS 1 AND 2 IN BLOCK 11 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH AND EAST PROPERTY LINES OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH ALONG SAID EAST PROPERTY LINE A DISTANCE OF 20 FEET TO A POINT; THENCE S07°40'E 107.84 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT: PART OF LOT 4 IN BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH AND WEST PROPERTY LINES OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH ALONG SAID WEST PROPERTY LINE A DISTANCE OF 20 FEET TO A POINT; THENCE S07°40'E 107.84 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY BEING SUBJECT TO THE FOLLOWING ADDITIONAL STREET EASEMENTS: EASEMENT NO. 1 FIVE FEET OF EQUAL AND UNIFORM WIDTH OFF THE WEST SIDE OF THE ABOVE DESCRIBED PROPERTY; EASEMENT NO. 2 TEN FEET OF EQUAL AND UNIFORM WIDTH OFF THE EAST SIDE OF THE ABOVE DESCRIBED PROPERTY.

EIGHTEEN FEET OF EQUAL AND UNIFORM WIDTH OFF OF THE NORTH END OF THE FOLLOWING DESCRIBED PROPERTY: A PART OF LOT 7 AND A PART OF LOT 7 OF BLOCK 11 OF THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT: BEGINNING AT THE SW CORNER OF SAID LOT 7 AND RUNNING THENCE NORTH 86.45 FEET; THENCE S07°40'E 107.84 FEET; THENCE WEST 83.3 FEET TO THE POINT OF BEGINNING.

UTILITY INFORMATION

THE UTILITIES SHOWN ON THIS DRAWING HEREON HAVE BEEN LOCATED BY FIELD MEASUREMENTS UTILITY MAP DRAWINGS, AND ARKANSAS BLDG UTILITY LOCATE REQUESTS. FIELD MEASUREMENTS UTILITY MAP DRAWINGS, AND ARKANSAS BLDG UTILITY LOCATE REQUESTS, ARE NOT A GUARANTEE OF THE LOCATION OF THE UTILITIES SHOWN ON THIS DRAWING. THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ANY AND ALL UTILITIES PRIOR TO CONSTRUCTION, TICKET NUMBER: 240131-0781

COMPANY: CITY OF FAYETTEVILLE
AT&T
CITY OF FAYETTEVILLE
SWP&CO, FAYETTEVILLE
COX COMMUNICATIONS
LOU A FAYETTEVILLE
FAYETTEVILLE
BITTER COMMUNICATIONS
EXTENET SYSTEMS, LLC
QZARKSCO
QZARKSCO
WINDSTREAM ENTERPRISE

MISCELLANEOUS NOTES

STATE RECORDING NUMBER: 300-18A-SM-0-16-1207-2-1808

COMPLETED FIELD WORK:

JANUARY 17, 2024

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED IN DEED BOOK 2014 AT PAGE 32182.

BASIS OF BEARING:

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE 14083.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. UNLESS OTHERWISE NOTED, MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREON. THE SURVEYOR MAKES NO WARRANTY, EITHER WRITTEN OR IMPLIED, AS TO THE SUBJECT PROPERTY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THE TERM "CERTIFY" OR "CERTIFICATION" AND "CORRECT" AS NOTED HEREON AND AS IT PERTAINS TO LAND SURVEYING SERVICES AS SHOWN ON THIS DOCUMENT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREON. THE SURVEYOR MAKES NO WARRANTY, EITHER WRITTEN OR IMPLIED, AS TO THE SUBJECT PROPERTY, EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

ELEVATIONS ESTABLISHED WITH GPS OBSERVATIONS UTILIZING THE CITY OF FAYETTEVILLE NETWORK WITH ORIGINATING BENCHMARK MTN 1.1 VERTICAL DATUM (NAVD83) IN US SURVEY FEET.

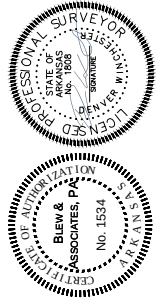
BENCHMARK ID: MTN 1.1

PUBLISHED ELEVATION: 1338.28'

MONUMENT DESCRIPTION: 2" ALUMINUM DISC "PS 1514 2017"

WATERLINES ARE APPROXIMATELY SHOWN HEREON PER THE CITY OF FAYETTEVILLE ARKANSAS GIS.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
ON THIS 30TH DAY OF MAY, 2024.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL, AND NOT IN BLUE INK, IT SHOULD BE ASSURED THAT THE SIGNATURE IS A COPY OF THE ORIGINAL. THE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

Surveying
Engineering
Mapping

BLEW & ASSOCIATES, P.A.
3825 N. SHELBY DRIVE, FAYETTEVILLE, AR 72703
OFFICE: 479-456-4566 FAX: 479-582-1883
SURVEY@BLEWINC.COM
WWW.BLEWINC.COM

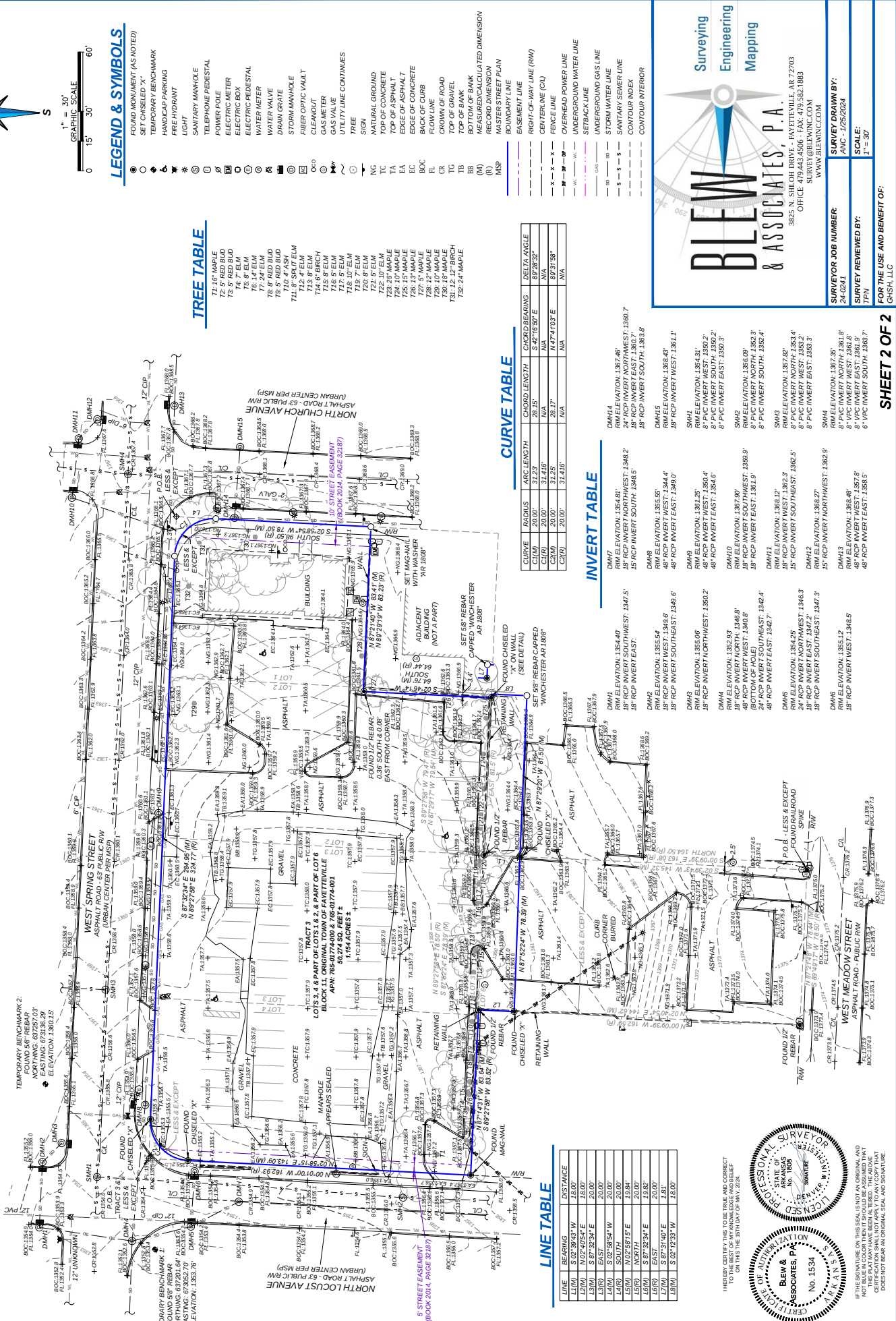
SURVEYOR JOB NUMBER:
24-0241

SURVEY REVIEWED BY:
JPN

FOR THE USE AND BENEFIT OF:
GSH, LLC

BOUNDARY TOPOGRAPHIC SURVEY

LOCATED IN: SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST
241 WEST SPRING STREET, WASHINGTON COUNTY, FAYETTEVILLE, ARKANSAS 72701



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- TEMPORARY BENCHMARK
- HAND-COLORED PARKING
- FREE HYDRANT
- LIGHT
- SANITARY MANHOLE
- TELEPHONE PEDESTAL
- POWER POLE
- ELECTRIC METER
- ELECTRIC BOX
- ELECTRIC PEDESTAL
- WATER METER
- WATER VALVE
- DRAIN GATE
- STORM MANHOLE
- FIBER OPTIC VAULT
- CLEANOUT
- GAS VALVE
- UTILITY LINE CONTINUES
- TREE
- SIGN
- NATURAL GROUND
- TOP OF CONCRETE
- TOP OF ASPHALT
- EDGE OF ASPHALT
- BACK OF CURB
- FLOW LINE
- CROWN OF ROAD
- TOP OF GRAVEL
- TOP OF BANK
- BOTTOM OF BANK
- MEASURED CALCULATED DIMENSION
- RECORD DIMENSION
- EXISTING PLAN
- MSD
- EASEMENT LINE
- RIGHT-OF-WAY LINE (RW)
- CENTLINE (CL)
- PERCELINE (PL)
- UNDERGROUND POWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- STORM WATER LINE
- SANITARY SEWER LINE
- CONTOUR INDEX
- CONTOUR INDEX

TREE TABLE

Tree	Species	DBH	Height	Notes
1	Maple	12.5"	15'	
2	Red Bud	12.5"	15'	
3	Red Bud	12.5"	15'	
4	Red Bud	12.5"	15'	
5	Red Bud	12.5"	15'	
6	Red Bud	12.5"	15'	
7	Red Bud	12.5"	15'	
8	Red Bud	12.5"	15'	
9	Red Bud	12.5"	15'	
10	Red Bud	12.5"	15'	
11	Red Bud	12.5"	15'	
12	Red Bud	12.5"	15'	
13	Red Bud	12.5"	15'	
14	Red Bud	12.5"	15'	
15	Red Bud	12.5"	15'	
16	Red Bud	12.5"	15'	
17	Red Bud	12.5"	15'	
18	Red Bud	12.5"	15'	
19	Red Bud	12.5"	15'	
20	Red Bud	12.5"	15'	
21	Red Bud	12.5"	15'	
22	Red Bud	12.5"	15'	
23	Red Bud	12.5"	15'	
24	Red Bud	12.5"	15'	
25	Red Bud	12.5"	15'	
26	Red Bud	12.5"	15'	
27	Red Bud	12.5"	15'	
28	Red Bud	12.5"	15'	
29	Red Bud	12.5"	15'	
30	Red Bud	12.5"	15'	
31	Red Bud	12.5"	15'	
32	Red Bud	12.5"	15'	
33	Red Bud	12.5"	15'	
34	Red Bud	12.5"	15'	
35	Red Bud	12.5"	15'	
36	Red Bud	12.5"	15'	
37	Red Bud	12.5"	15'	
38	Red Bud	12.5"	15'	
39	Red Bud	12.5"	15'	
40	Red Bud	12.5"	15'	
41	Red Bud	12.5"	15'	
42	Red Bud	12.5"	15'	
43	Red Bud	12.5"	15'	
44	Red Bud	12.5"	15'	
45	Red Bud	12.5"	15'	
46	Red Bud	12.5"	15'	
47	Red Bud	12.5"	15'	
48	Red Bud	12.5"	15'	
49	Red Bud	12.5"	15'	
50	Red Bud	12.5"	15'	
51	Red Bud	12.5"	15'	
52	Red Bud	12.5"	15'	
53	Red Bud	12.5"	15'	
54	Red Bud	12.5"	15'	
55	Red Bud	12.5"	15'	
56	Red Bud	12.5"	15'	
57	Red Bud	12.5"	15'	
58	Red Bud	12.5"	15'	
59	Red Bud	12.5"	15'	
60	Red Bud	12.5"	15'	
61	Red Bud	12.5"	15'	
62	Red Bud	12.5"	15'	
63	Red Bud	12.5"	15'	
64	Red Bud	12.5"	15'	
65	Red Bud	12.5"	15'	
66	Red Bud	12.5"	15'	
67	Red Bud	12.5"	15'	
68	Red Bud	12.5"	15'	
69	Red Bud	12.5"	15'	
70	Red Bud	12.5"	15'	
71	Red Bud	12.5"	15'	
72	Red Bud	12.5"	15'	
73	Red Bud	12.5"	15'	
74	Red Bud	12.5"	15'	
75	Red Bud	12.5"	15'	
76	Red Bud	12.5"	15'	
77	Red Bud	12.5"	15'	
78	Red Bud	12.5"	15'	
79	Red Bud	12.5"	15'	
80	Red Bud	12.5"	15'	
81	Red Bud	12.5"	15'	
82	Red Bud	12.5"	15'	
83	Red Bud	12.5"	15'	
84	Red Bud	12.5"	15'	
85	Red Bud	12.5"	15'	
86	Red Bud	12.5"	15'	
87	Red Bud	12.5"	15'	
88	Red Bud	12.5"	15'	
89	Red Bud	12.5"	15'	
90	Red Bud	12.5"	15'	
91	Red Bud	12.5"	15'	
92	Red Bud	12.5"	15'	
93	Red Bud	12.5"	15'	
94	Red Bud	12.5"	15'	
95	Red Bud	12.5"	15'	
96	Red Bud	12.5"	15'	
97	Red Bud	12.5"	15'	
98	Red Bud	12.5"	15'	
99	Red Bud	12.5"	15'	
100	Red Bud	12.5"	15'	

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	DELTA ANGLE
C1M1	20.00'	31.23'	S 42°16'50" E	89°29'32"
C1D1	20.00'	31.23'	N 47°43'08" E	89°29'32"
C1D2	20.00'	31.23'	N 47°43'08" E	89°29'32"
C1D3	20.00'	31.23'	N 47°43'08" E	89°29'32"

INVERT TABLE

Curve	Radius	Chord Length	Chord Bearing	Delta Angle
DMH1	1361.4'	1361.4'	S 42°16'50" E	89°29'32"
DMH2	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH3	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH4	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH5	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH6	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH7	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH8	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH9	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH10	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH11	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH12	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH13	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH14	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH15	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH16	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH17	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH18	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH19	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH20	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH21	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH22	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH23	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH24	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH25	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH26	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH27	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH28	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH29	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH30	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH31	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH32	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH33	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH34	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH35	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH36	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH37	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH38	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH39	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH40	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH41	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH42	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH43	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH44	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH45	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH46	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH47	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH48	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH49	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH50	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH51	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH52	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH53	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH54	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH55	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH56	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH57	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH58	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH59	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH60	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH61	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH62	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH63	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH64	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH65	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH66	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH67	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH68	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH69	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH70	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH71	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH72	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH73	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH74	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH75	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH76	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH77	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH78	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH79	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH80	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH81	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH82	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH83	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH84	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH85	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH86	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH87	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH88	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH89	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH90	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH91	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH92	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH93	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH94	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH95	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH96	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH97	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH98	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH99	1361.4'	1361.4'	N 47°43'08" E	89°29'32"
DMH100	1361.4'	1361.4'	N 47°43'08" E	89°29'32"

LINE TABLE

LINE	BEARING	DISTANCE
L1(M)	S 02°39'43" W	18.00'
L2(M)	S 02°39'43" E	18.00'
L3(M)	S 87°32'34" E	20.00'
L3(R)	EAST	20.00'
L4(M)	S 02°38'54" W	20.00'
L5(M)	SOUTH	20.00'
L5(R)	N 02°58'15" E	19.84'
L5(R)	NORTH	20.00'
L6(M)	S 87°32'34" E	19.82'
L6(R)	EAST	20.00'
L7(M)	S 87°31'40" E	1.81'
L8(M)	S 02°12'33" W	18.00'

VAC-2024-0009
Compiled Public Comment

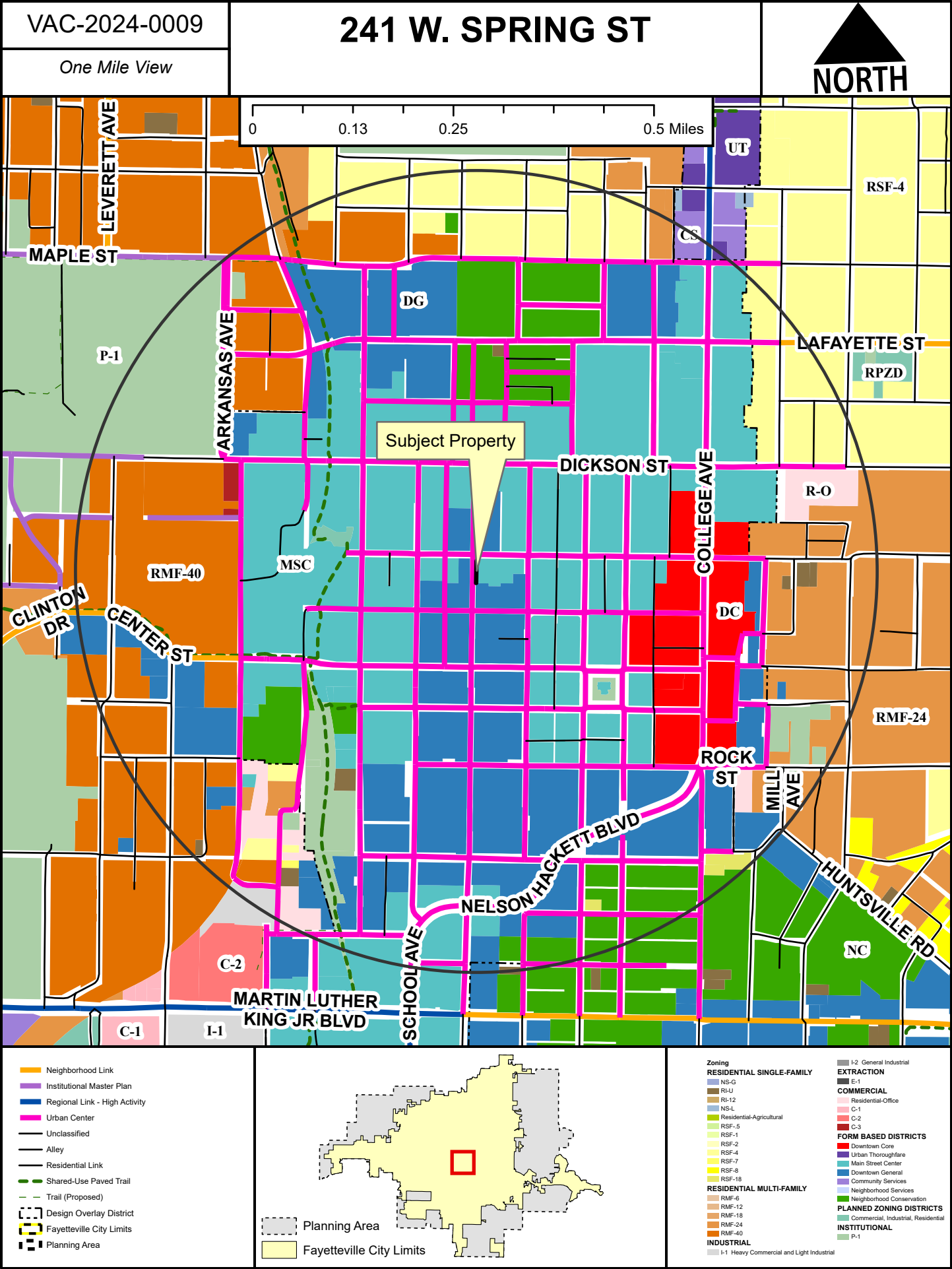
From: Neal Pendergraft <zippy@33st.com>
Sent: Tuesday, June 11, 2024 12:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: MBL Planning

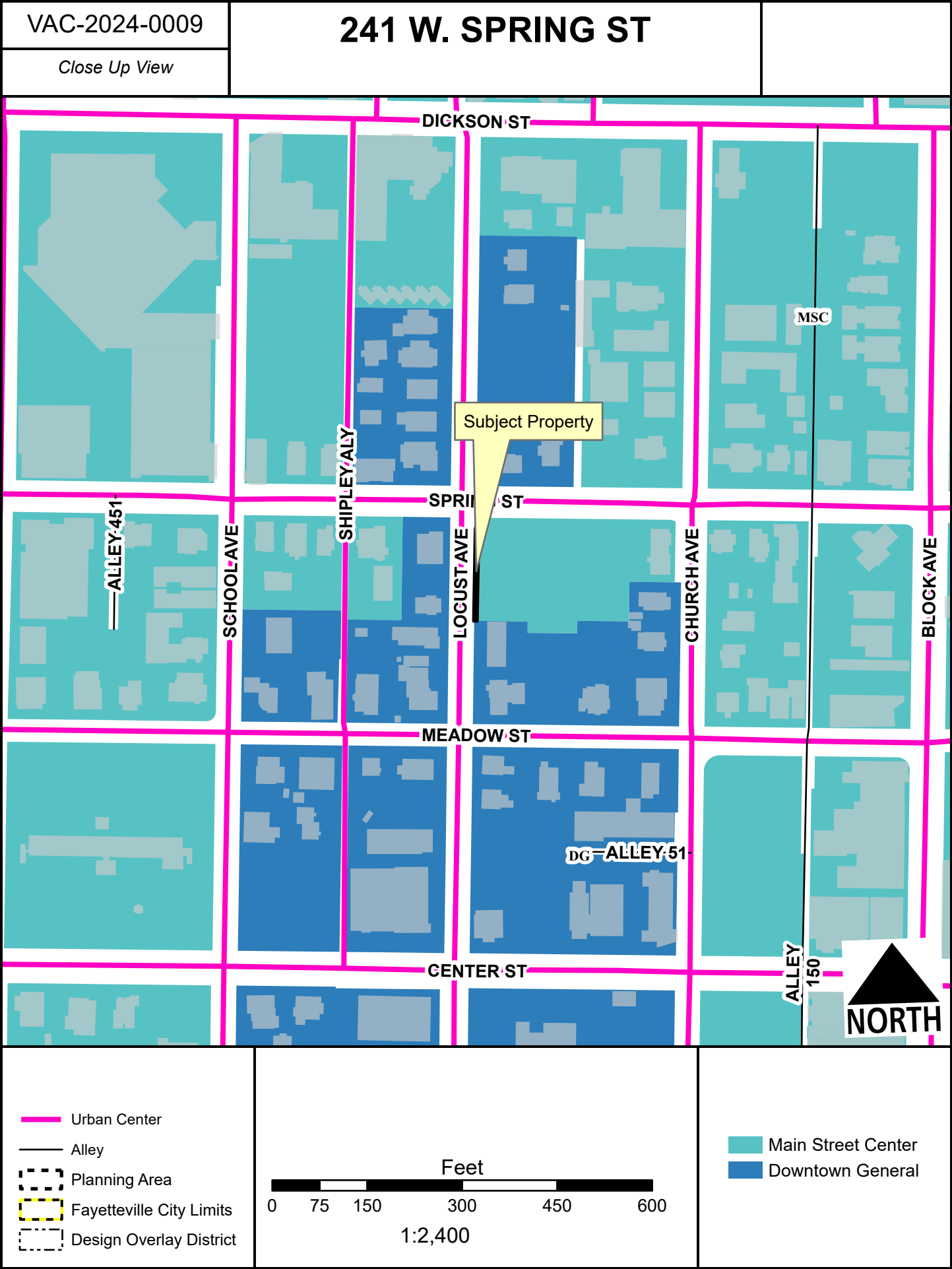
CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

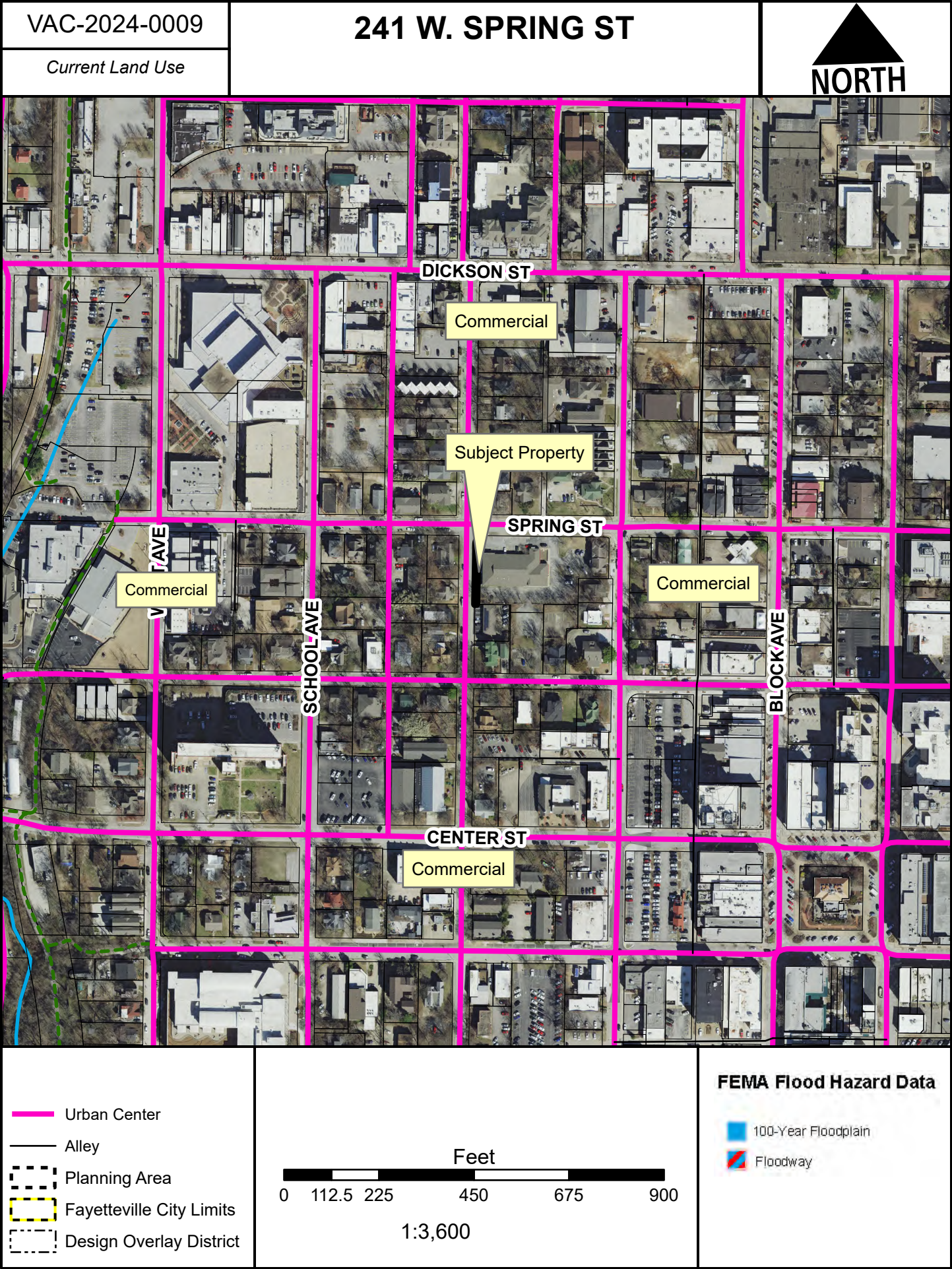
We have no objections to either the proposed variance or proposal to vacate ROW. Neal R. Pendergraft, Manager Thirty Third Street, LLC.

--

Neal R. Pendergraft
Drake Farms, LLC
2828 Mansfield Street, Ste. 205
P.O. Box 4245
Fayetteville, AR 72702
Telephone: 479-443-3301
Cell: 479-601-4945









MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

SUBJECT: **RZN-2024-0027: Rezoning (1440 S. CURTIS AVE./BURT HANNA LLC, 565): Submitted by MOSES TUCKER PARTNERS for property located at 1440 S. CURTIS AVE. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.43 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.**

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 at the northeast corner of 15th Street and Curtis Avenue. The property contains one parcel totaling approximately 6.43 acres which is undeveloped and zoned C-1, Neighborhood Commercial.

Request: The request is to rezone the subject property from C-1, Neighborhood Commercial, to UT, Urban Thoroughfare.

Public Comment: Staff has not received any public comment regarding this request.

Land Use Compatibility: Staff finds the requested rezoning to be compatible with surrounding land uses. The property is located along a portion of 15th Street which is maintained by the Arkansas Department of Transportation and classified as a Regional High-Activity Link Street in the City's 2040 Master Street Plan. The property is surrounded by the industrial park to the south and east, residential and commercial uses to the north, and a gas station to the west. Its current zoning, C-1, Neighborhood Commercial, is designed to provide convenience goods and services for persons living in surrounding residential areas. While it provides an urban form setback option, development in C-1 zoning typically follows a more traditional auto-oriented setback requirement with parking in front of structures. A rezoning to UT, Urban Thoroughfare, would require urban form setbacks and encourage commercial and mixed use development. Urban Thoroughfare would allow residential uses and a wider variety of nonresidential uses, including cultural and recreational facilities, transportation trades and services, hotels, and liquor stores, by right. A rezoning from C-1 to UT would also increase the maximum building height on the property from five stories to seven stories.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood Area. Those

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

areas are intended to support the widest spectrum of nonresidential and residential uses, and staff finds that a rezoning to UT would support that designation. A rezoning from C-1 to UT could also support Goals 1 and 2 of City Plan 2040, encouraging infill and discouraging sprawl, by allowing for dense mixed-use development along a major thoroughfare in an area that has access to existing city services.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score range of 4-6 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, located at 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12-inch main, Curtis Avenue)
- Near Water Main (12-inch main, 15th Street)
- Near City Park (Doc Mashburn Park)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

At the June 24, 2024 Planning Commission meeting, a vote of 8-0-0 forwarded this request to City Council with a recommendation of approval. Commissioner McGetrick made the motion and Commissioner Cabe seconded it. Commissioners offered little comment on the item and found the applicant's request to be supportable. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-294

RZN-2024-0027: Rezoning (1440 S. CURTIS AVE./BURT HANNA LLC, 565): Submitted by MOSES TUCKER PARTNERS for property located at 1440 S. CURTIS AVE. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.43 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-27 FOR APPROXIMATELY 6.43 ACRES LOCATED AT 1440 SOUTH CURTIS AVENUE IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL TO UT, URBAN THOROUGHFARE

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 UT, Urban Thoroughfare.

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

2024-294

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0027: Rezoning (1440 S. CURTIS AVE./BURT HANNA LLC, 565): Submitted by MOSES TUCKER PARTNERS for property located at 1440 S. CURTIS AVE. in WARD 1. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.43 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

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:

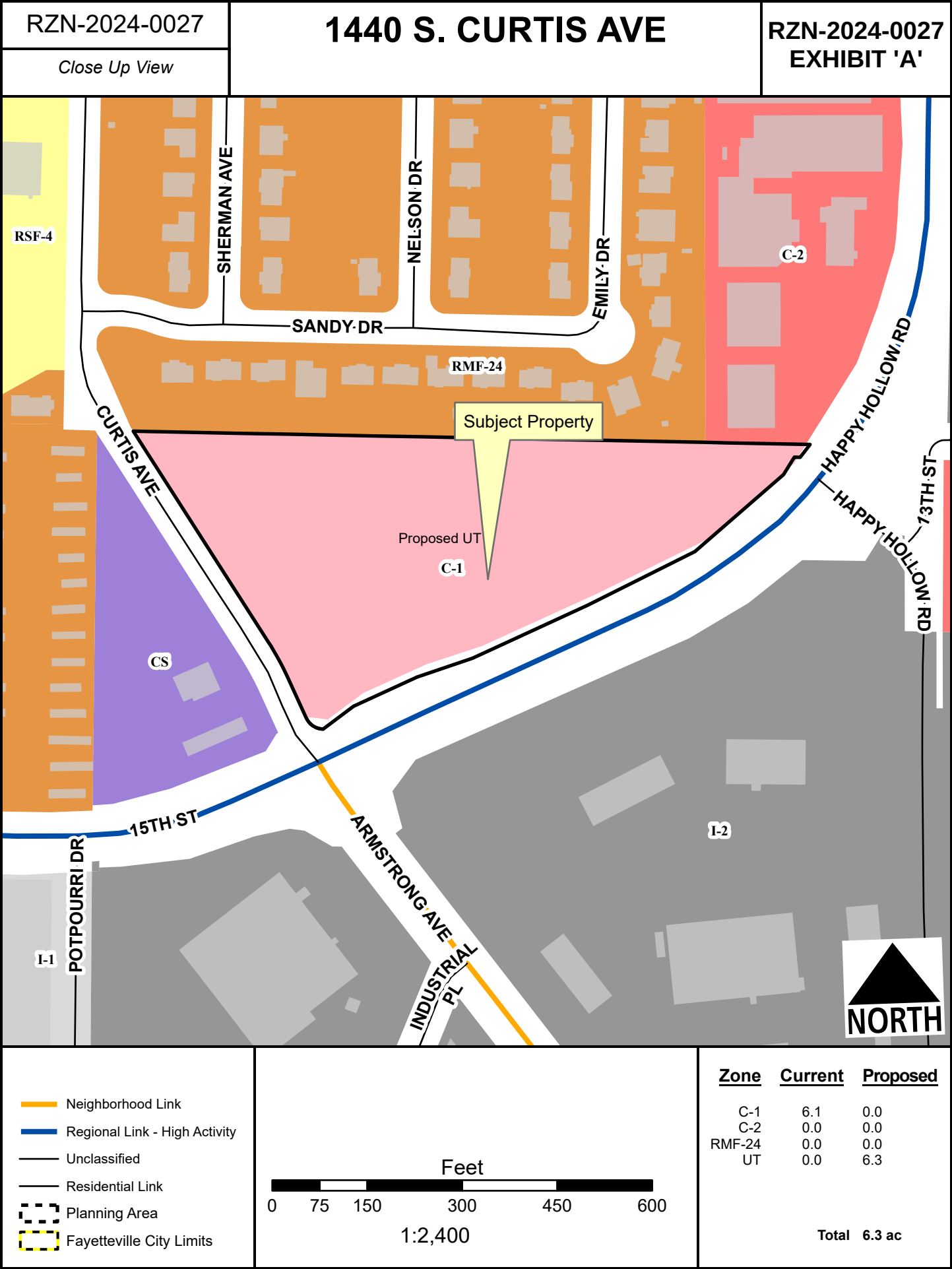
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Lot One (1) of the final replat of Fayetteville Industrial Park to the City of Fayetteville, Arkansas, as per plat recorded in Subdivision Plat Book 14-26 of the records of the Circuit Clerk, Washington County, Arkansas, containing 6.43 acres, more or less and subject to the rights of way and easements of record.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 24, 2024 (updated with results)

SUBJECT: **RZN-2024-0027: Rezoning (1440 S. CURTIS AVE./BURT HANNA LLC, 565):** Submitted by MOSES TUCKER PARTNERS for property located at 1440 S. CURTIS AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 6.43 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0027** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0027** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located at the northeast corner of 15th Street and Curtis Avenue. The property contains one parcel totaling approximately 6.43 acres which is undeveloped and zoned C-1, Neighborhood Commercial. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	C-2, Thoroughfare Commercial RMF-24, Residential Multi-Family, 24 Units per Acre
South	Industrial	I-2, General Industrial
East	Industrial	C-2, Thoroughfare Commercial I-2, General Industrial
West	Gas Station	CS, Community Services

Request: The request is to rezone the subject property from C-1, Neighborhood Commercial, to UT, Urban Thoroughfare.

Public Comment: Staff has not received any public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Curtis Avenue and 15th Street. Curtis Avenue is a partially improved Residential Link Street with asphalt paving, curb and gutter, and sidewalk along the west side of the street. 15th Street is a fully

improved Regional High-Activity 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. An existing 12-inch water main is present at the southeast corner of Curtis Avenue.

Sewer: Sanitary sewer is available to the subject property. An existing 12-inch sewer main is present on the east side of 15th Street.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams are present. Hydric soils are present though which are known indicators 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 are 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 at the time of development submittal. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately one 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, UT, Urban Thoroughfare, 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 **City Neighborhood Area**.

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 range of 4-6 for this site with a weighted score of 7 at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, located at 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12-inch main, Curtis Avenue)
- Near Water Main (12-inch main, 15th Street)
- Near City Park (Doc Mashburn Park)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood Area)

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 requested rezoning to be compatible with surrounding land uses. The property is located along a portion of 15th Street which is maintained by the Arkansas Department of Transportation and classified as a Regional High-Activity Link Street in the City's 2040 Master Street Plan. The property is surrounded by the industrial park to the south and east, residential and commercial uses to the north, and a gas station to the west. Its current zoning, C-1, Neighborhood Commercial, is designed to provide convenience goods and services for persons living in surrounding residential areas. While it provides an urban form setback option, development in C-1 zoning typically follows a more traditional auto-oriented setback requirement with parking in front of structures. A rezoning to UT, Urban Thoroughfare, would require urban form setbacks and encourage commercial and mixed use development. Urban Thoroughfare would allow residential uses and a wider variety of nonresidential uses, including cultural and recreational facilities, transportation trades and services, hotels, and liquor stores, by right. A rezoning from C-1 to UT would also increase the maximum building height on the property from five stories to seven stories.*

***Land Use Plan Analysis:** Staff finds the applicant's request to be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood Area. Those areas are intended to support the widest spectrum of nonresidential and residential uses, and staff finds that a rezoning to UT would support that designation. A rezoning from C-1 to UT could also support Goals 1 and 2 of City Plan 2040, encouraging infill and discouraging sprawl, by allowing for dense mixed-use development along a major thoroughfare in an area that has access to existing city services.*

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 UT since the proposed rezoning would be consistent with the property's future land use designation as City Neighborhood Area and support 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 C-1 to UT has the potential to increase vehicular traffic in the area when considering that UT would allow for more dense residential development. However, staff finds that the property's proximity to nonresidential uses and bus routes may help reduce the number of vehicle trips generated by future development and limit impacts on vehicular traffic congestion and danger.

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 UT has the potential to alter the population density since UT 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-2024-0027 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 24, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: McGetrick		with a recommendation of approval	
Second: Cabe			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.21 District C-1, Neighborhood Commercial
 - §161.24 Urban Thoroughfare
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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
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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.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 4, 5, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §4, 1-18-22)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None

Non-residential	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/7 stories*
-------------------------	----------------------

* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) 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 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) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

May 9, 2024

City of Fayetteville
Planning and Zoning Department
113 West Mountain Street
Fayetteville, AR 72701

RE: Rezoning Application for 1440 S Curtis Ave. Fayetteville, AR 72701

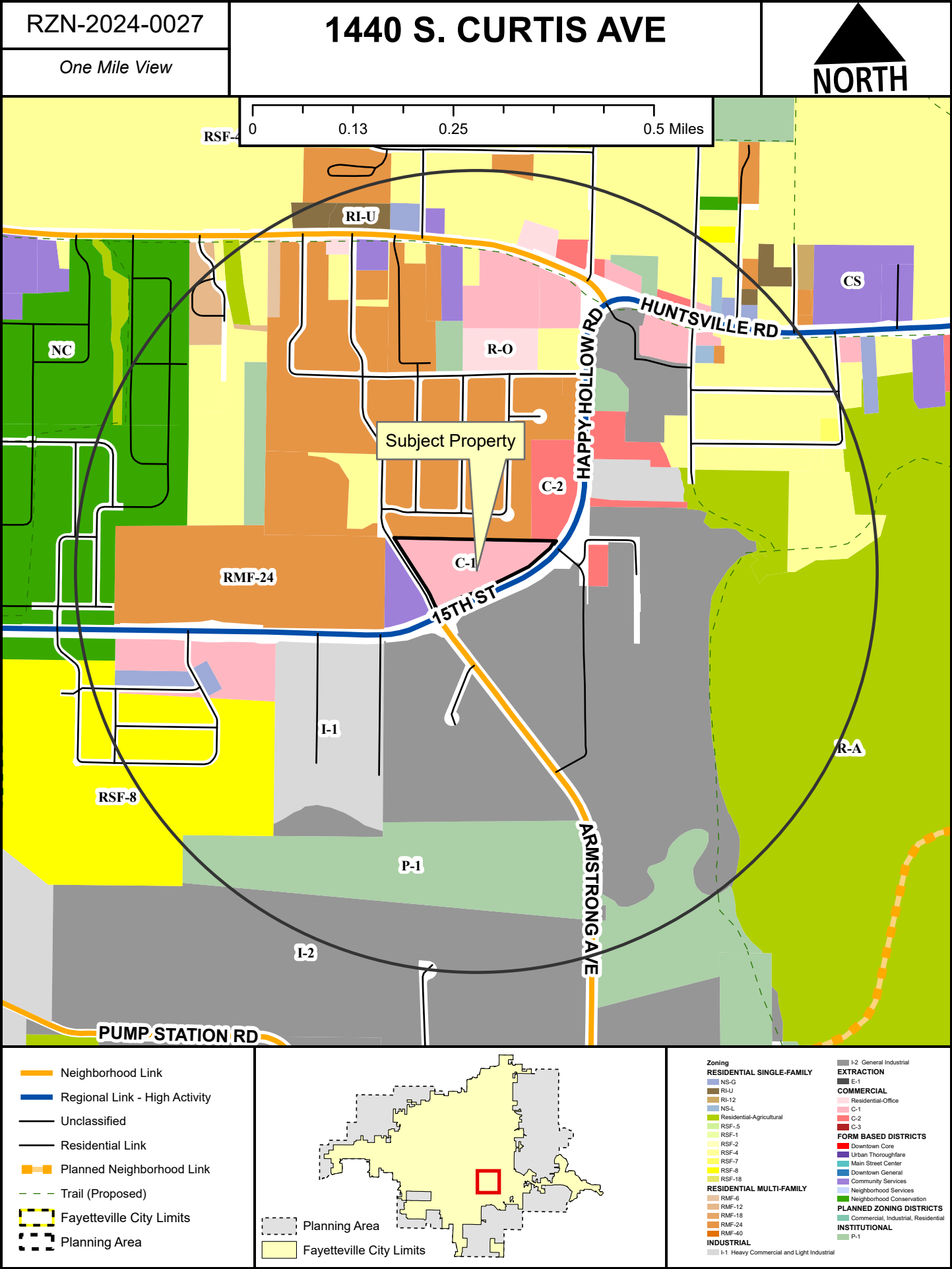
To whom it may concern,

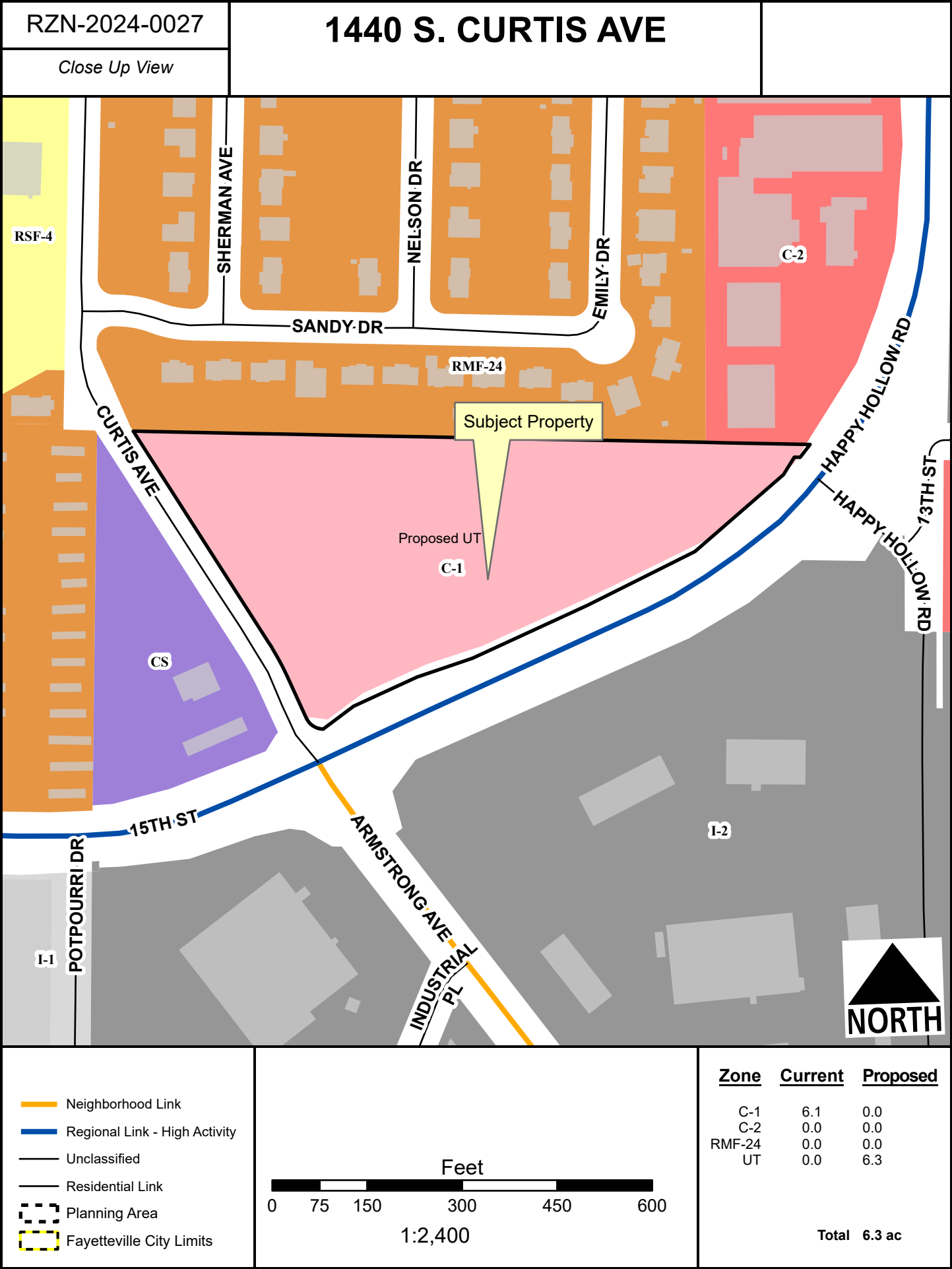
I am writing this letter as part of the rezoning application for 1440 S Curtis Avenue in Fayetteville, Arkansas 72701. The property is currently zoned C-2 and I am requesting the city change the zoning classification to Urban Throughfare (UT). The proposed zoning is compatible with existing land uses, particularly to the northeast, west and south of the property. The adjacent zonings in those directions allow for commercial, mixed-use and industrial uses. This property would make for a great site to provide goods and services for the existing and future people living in that area, who don't seem to currently have many options. The Future Land Use map shows this property as "City Neighborhood" with the other adjacent properties shown as Industrial and Civic Institutional. I feel that changing the zoning classification will conform to the surrounding zoning and use plans and should not adversely affect or conflict with surrounding properties.

I appreciate your assistance.

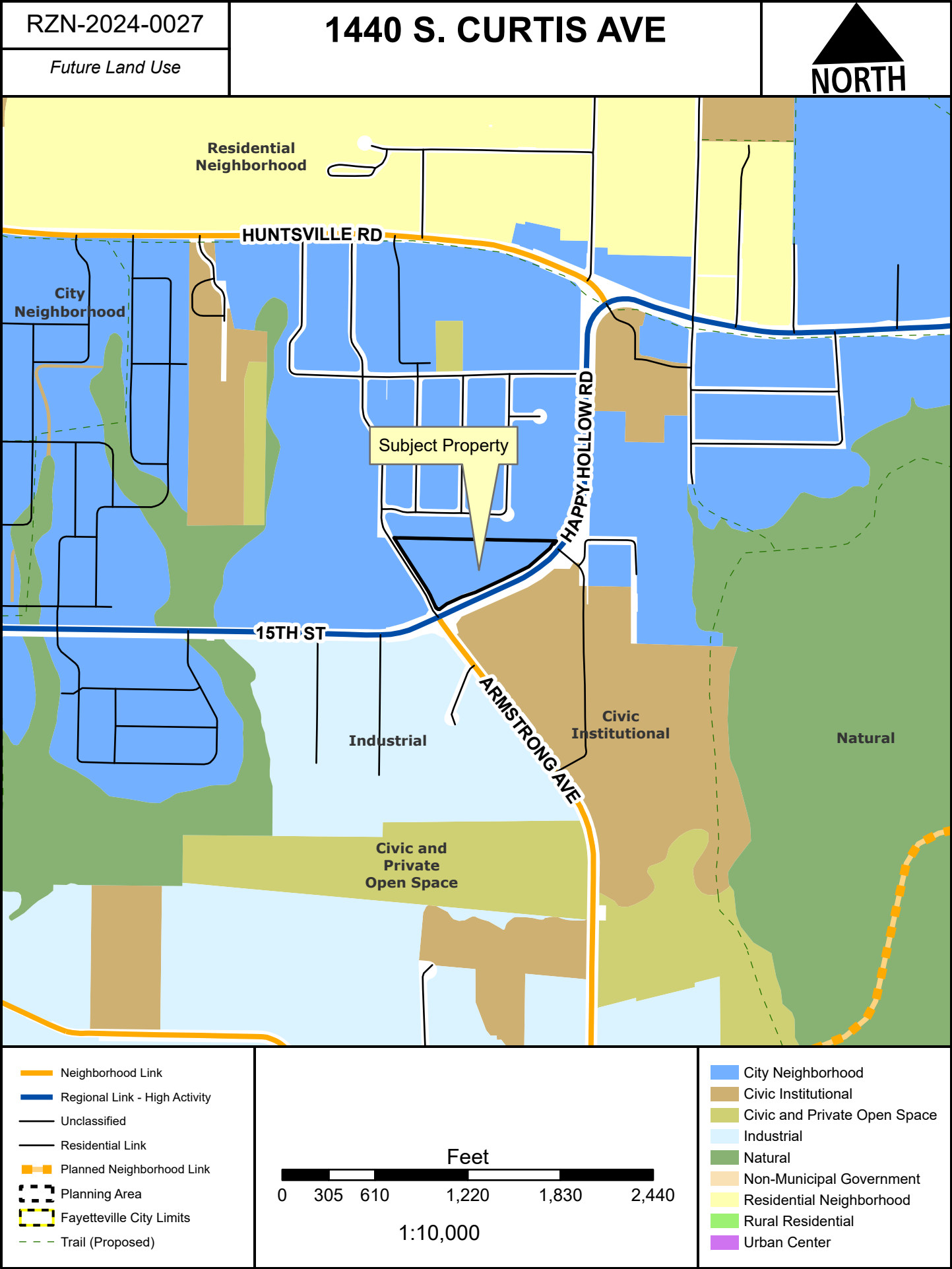
Sincerely,

Payne Phillips











MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2024-0026: Rezoning (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254): Submitted by JORGENSEN AND ASSOCIATES for property located WEST OF 2910 N. OLD WIRE RD in WARD 3. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.87 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE.**

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 east Fayetteville, roughly 700 feet west of the intersection of N Crossover Rd. and N Old Wire Rd. The overall property was rezoned to NC, Neighborhood Conservation and R-A, Residential Agricultural on April 18, 2023 (RZN-2023-0004). The current request only applies to a 1.87-acre portion adjacent to N. Old Wire Rd. A preliminary plat was approved by the Planning Commission on July 10, 2023 (PPL-2023-0003) and an associated grading permit was issued on January 18, 2024. Associated infrastructure is currently under construction.

Request: The request is to rezone 1.87 acres from NC, Neighborhood Conservation to RSF-18, Residential Single-Family, Eighteen Units per Acre.

Public Comment: During the initial rezoning request in 2023, staff received one comment in favor and thirteen (13) comments opposed to the request, citing traffic, environmental concerns, impacts on home values and neighborhood character, and insufficient existing infrastructure. Prior to the Planning Commission, staff received a general inquiry but no comments specifically in favor or opposed to the new request.

Land Use Compatibility: On the balance of considerations, staff finds the request to be compatible with the surrounding context. Neighboring properties are a variety of sizes, uses, and densities (though with large areas of RSF-4, Residential Single-Family, Four Units per Acre) and generally follow a cul-de-sac development pattern. When the overall property was rezoned in 2023, the applicant downzoned 5.75 acres from RSF-4 to R-A, Residential Agricultural to limit development potential in environmentally sensitive areas. This downzone was paired with higher density in the remainder of the site. Staff notes that further increasing development intensity further along N. Old Wire Rd. is likely to have minimal impact on surrounding low density

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Fayetteville, AR 72701

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neighborhoods given the large area of transitional NC, Neighborhood Conservation remaining.

The existing and proposed zoning districts both include an urban form build-to-zone of 0–25 feet. Rezoning from NC to RSF-18 will decrease the minimum lot size for single and two-family uses from 4,000 sf to variable widths based on uses (1,250 square feet for townhouses and 2,500 square feet for one- and two-family dwellings). The minimum lot width would also be reduced from 40 feet to 30 feet. Both districts include a three-story height limit. Since the subject property contains roughly 1.87 acres of NC, a maximum of eighteen (18) units are permitted under current entitlements where the proposed zoning would increase the density cap to thirty-three (33) units. That said, any future development would be subject to, and limited by, minimum parking requirements, tree preservation, drainage, and access management standards. While the area could benefit from a mixed-use district such as NS-L, Neighborhood Services Limited given the lack of commercial services in the area, staff notes that the narrow width of the rezoning request may not lend itself to commercial development and that additional residential density could support future commercial uses in the area.

Land Use Plan Analysis: Staff finds the proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning from NC to RSF-18 serves to contribute towards City Plan 2040 Goals #1 – Appropriate Infill, Goal #2 – We will discourage suburban sprawl, Goal #4 – Growing a Livable Transportation Network, and Goal #6 – Create Opportunities for Attainable Housing. The site scores relatively low on the Infill Scoring Matrix (see below). The existing and proposed zoning districts have identical uses by right and similar conditional uses. The Future Land Use Map designates this portion of the site as a “Residential Neighborhood Area” – a designation which supports a wide variety of housing types of appropriate scale and context, including single-family, duplexes, rowhouses, multifamily and accessory dwelling units. The existing NC zoning would create a transition area between the denser development adjacent to N. Old Wire Rd. and larger lots further away from the corridor, and the creation of smaller lots could encourage smaller, more affordable residential units.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a score range of **4-6** for this site. The following elements of the matrix contribute to the score:

1. Adequate Fire Response (Station #5, 2979 N Old Wire Rd.)
2. Near Sewer Main (8” sewer main, N Old Wire Rd.)
3. Near Water Main (6” water main, N Old Wire Rd.)
4. Near Public School (Butterfield Trail Elementary School)
5. Near City Park (Gulley Park)
6. Near Paved Trail (Niokaska Creek Trail)

DISCUSSION:

At the June 24, 2024 Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Werner motioned and Commissioner McGetrick seconded. The commissioners in favor of the request cited a modest increase in density and the fact that any revised plans will require additional staff review. Commissioner Garlock voted against the rezoning, citing the area’s low infill score and traffic concerns. Six members of the public stated opposition to the request during the meeting, citing concerns about increased impervious surface, current drainage problems in the area, increased traffic on a narrow road, impact to public schools, environmental impacts and inconsistencies with the number of proposed lots.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

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113 W. Mountain Street
Fayetteville, AR 72701

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City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-297

RZN-2024-0026: Rezoning (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254): Submitted by JORGENSEN AND ASSOCIATES for property located WEST OF 2910 N. OLD WIRE RD in WARD 3. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.87 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-26 FOR APPROXIMATELY 1.87 ACRES LOCATED WEST OF 2910 NORTH OLD WIRE ROAD IN WARD 3 FROM NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE

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 NC, Neighborhood Conservation to RSF-18, Residential Single Family, Eighteen Units Per Acre.

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

2024-297

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0026: Rezoning (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254): Submitted by JORGENSEN AND ASSOCIATES for property located WEST OF 2910 N. OLD WIRE RD in WARD 3. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.87 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE.

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:

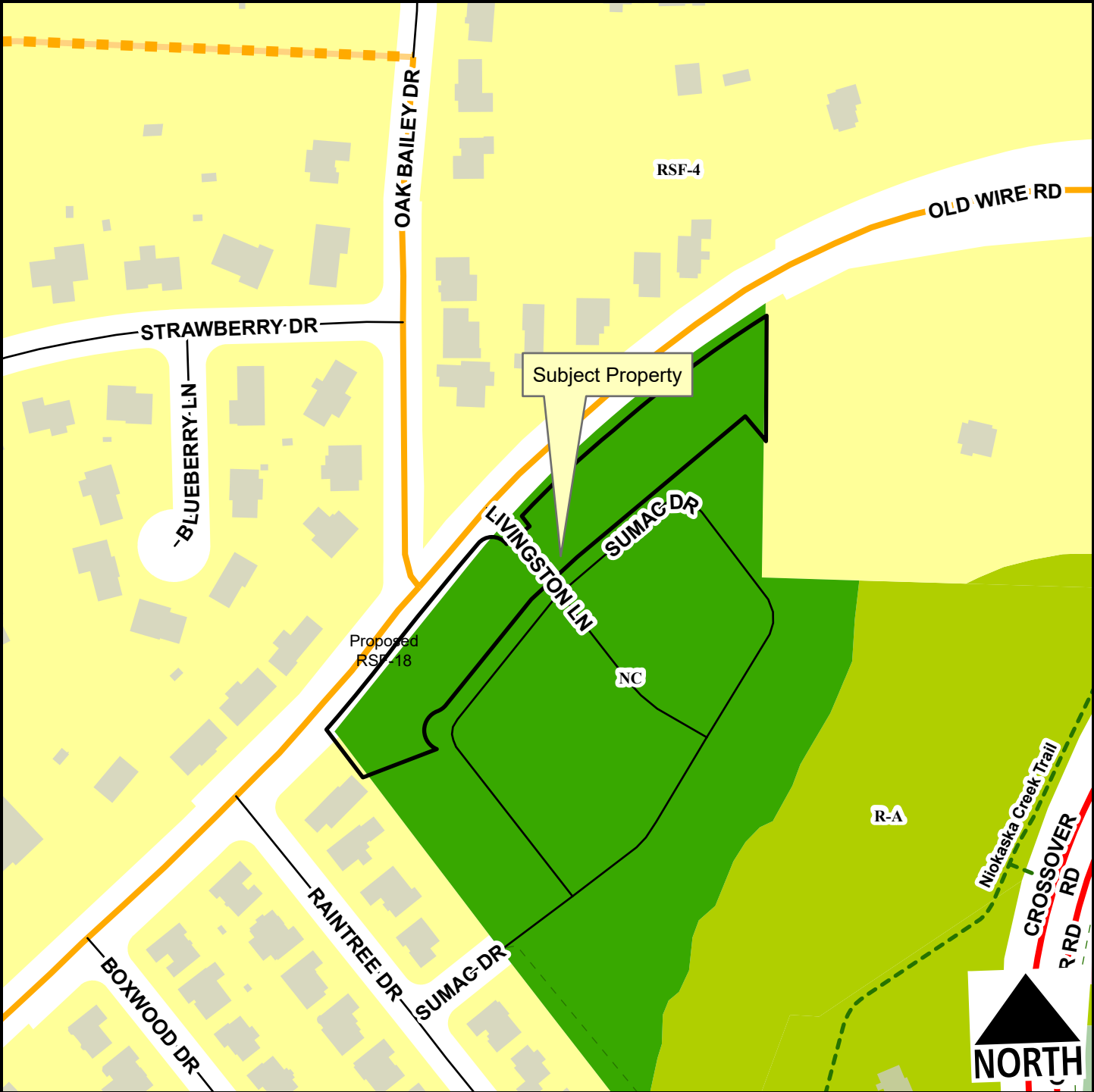
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



Regional Link

Neighborhood Link

Residential Link

Planned Neighborhood Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

0

75

150

300

450

600

Feet

1:2,400

Zone	Current	Proposed
NC	1.8	0.0
RSF-18	0.0	1.9
RSF-4	0.0	0.0

Total 1.9 ac

RZN-2024-0026
EXHIBIT 'B'

LEGAL DESCRIPTION:

A part of the SE1/4 of the NE1/4 of Section 36, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of the Fractional SW1/4 of the NW1/4 of Section 31, T17N, R29W, thence S02°14'17"W 97.12 feet, thence S02°15'04"W 62.17 feet to the POINT OF BEGINNING; thence S02°15'04"W 172.50 feet, thence N37°55'46"W 44.41 feet, thence S52°04'14"W 301.30 feet, thence S49°17'22"W 85.53 feet, thence S40°56'22"W 186.90 feet, thence along a curve to the right 14.76 feet, said curve having a radius of 28.00 feet and a chord bearing and distance of S56°02'37"W 14.59 feet, thence along a reverse curve to the left 66.77 feet, said curve having a radius of 28.00 feet and a chord bearing and distance of S02°49'43"W 52.04 feet, thence S71°02'29"W 108.84 feet, thence N35°17'41"W 82.63 feet, thence along a non tangent curve to the left 156.20 feet, said curve having a radius of 2,080.39 feet and a chord bearing and distance of N41°01'12"E 156.16 feet, thence along a non tangent curve to the right 174.08 feet, said curve having a radius of 4,898.91 feet and a chord bearing and distance of N41°20'57"E 174.07 feet, thence along a compound curve to the right 44.51 feet, said curve having a radius of 25.00 feet and a chord bearing and distance of S86°37'36"E 38.86 feet, thence N54°22'47"E 40.00 feet, thence N35°37'13"W 17.64 feet, thence along a non tangent curve to the right 173.24 feet, said curve having a radius of 1,303.48 feet and a chord bearing and distance of N48°53'03"E 173.11 feet, thence along a non tangent curve to the right 254.73 feet, said curve having a radius of 1,637.23 feet and a chord bearing and distance of N55°02'19"E 254.47 feet, thence along a non tangent curve to the right 8.01 feet, said curve having a radius of 498.67 feet and a chord bearing and distance of N59°27'12"E 8.01 feet to the POINT OF BEGINNING: Containing 1.87 acres more or less subject to easements and right of way of record.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 24, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2024-0026: Rezoning (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254):** Submitted by JORGENSEN AND ASSOCIATES for property located WEST OF 2910 N. OLD WIRE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.87 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0026** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2024-0026** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is located in east Fayetteville, roughly 700 feet west of the intersection of N Crossover Rd. and N Old Wire Rd. While the overall property was rezoned from RSF-4, Residential Single-Family, Four Units per Acre to a split zoning of NC, Neighborhood Conservation on the western half and R-A, Residential Agricultural over the eastern half on April 18, 2023 (RZN-2023-0004), the current request only applies to a 1.87-acre portion adjacent to N. Old Wire Rd. A preliminary plat was approved by Planning Commission on July 10, 2023 (PPL-2023-0003) and an associated grading permit was issued on January 18, 2024. The infrastructure for this project, including water, sewer, and interior roads is currently under construction. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential (Under Construction)	NC, Neighborhood Conservation
East	Single-Family Residential (Under Construction)	NC, Neighborhood Conservation
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone 1.87 acres from NC, Neighborhood Conservation to RSF-18, Residential Single-Family, Eighteen Units per Acre.

Public Comment: Two members of the public offered comment in opposition of the item during the initial rezoning request in 2023, citing potential increase in traffic, environmental concerns, negative impact to home values and neighborhood character, and lacking existing infrastructure including schools. Since then, staff has received a general inquiry concerning the updated request but no comments specifically in favor or opposed.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along N. Old Wire Rd., a partially improved neighborhood link with asphalt paving and open. Any street or drainage improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available. An existing 8-inch water main is present on the southeast side of the subject property.

Sewer: Sanitary sewer is available. An existing 12-inch sewer main is present on the subject property and an existing 6-inch sewer main is present on the north side of N. Old Wire Rd.

Fire: Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 0.3 miles 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 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 expressed no concerns with this request.

Drainage: No portion of the property lies within the Hillside-Hilltop Overlay District. The subject area does not include FEMA floodplain, streamside protection, or hydric soils.

Tree Preservation:

The proposed zoning district of RSF-18, Residential Single-Family, Eighteen Units per Acre requires **20% minimum canopy preservation**. The current zoning district of 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 a **Residential Neighborhood** and **Natural Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. 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, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features

of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of 4-6 for this site, with a weighted score of 6. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #5, 2979 N Old Wire Rd.)
- Near Sewer Main (8" sewer main, N Old Wire Rd.)
- Near Water Main (6" water main, N Old Wire Rd.)
- Near Public School (Butterfield Trail Elementary School)
- Near City Park (Gulley Park)
- Near Paved Trail (Niokaska Creek Trail)

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:*** On the balance of considerations, staff finds the request to be compatible with the surrounding context. Residential uses and densities located near the subject property vary substantially, though with large areas of RSF-4, Residential Single-Family, Four Units per Acre. Neighboring properties are of a variety of sizes but generally follow a cul-de-sac development pattern. When the overall property was rezoned in 2023, the applicant downzoned 5.75 acres from RSF-4 to R-A, Residential Agricultural to limit development potential in an area with both FEMA floodplain and streamside protection zones. This downzoning was paired with higher density in the remainder of the site, allowing the site to increase density while minimizing negative impact within sensitive ecological areas. Staff notes that further increasing development intensity further along N. Old Wire Rd. is likely to have minimal impact on surrounding low density neighborhoods a sizeable portion of the proposed rezoning area will still have NC, Neighborhood Conservation as a transitional area.

The existing and proposed zoning districts both include an urban form build-to-zone of 0-25 feet. When compared to NC, rezoning to RSF-18 will decrease the minimum lot size for single and two-family uses from 4,000 sf to variable widths based on uses (1,250 square feet for townhouses and 2,500 square feet for one- and two-family dwellings). Minimum lot widths would also be reduced from 40 feet to 30 feet. Both NC and RSF-18 include a three-story height limit. Since the subject property contains roughly 1.87 acres of NC, a maximum of eighteen (18) units are permitted under current entitlements, where the proposed rezoning to RSF-18 would increase the density cap to thirty-three (33) units. That said, any future development would be subject to, and limited by, minimum parking requirements, tree preservation, drainage, and access management standards. While the area could benefit from a mixed-use district such as NS-L, Neighborhood Services Limited given the lack of commercial services in the area, staff notes that the narrow width of the rezoning request may not lend itself to commercial development

and that additional residential density could support future commercial uses in the area.

Land Use Plan Analysis: Staff finds the proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning from NC to RSF-18 serves to contribute towards City Plan 2040 Goals #1 – Appropriate Infill, Goal #2 – We will discourage suburban sprawl, Goal #4 – Growing a Livable Transportation Network, and Goal #6 – Create Opportunities for Attainable Housing. The site scores relatively low on the Infill Scoring Matrix due to water/sewer access, public parks and trails, and the proximity of fire station #5 and Butterfield Trail Elementary School. The existing and proposed zoning districts have identical uses by right and similar conditional uses. The Future Land Use Map designates this portion of the site as “Residential Neighborhood Area” – a designation which supports support a wide variety of housing types of appropriate scale and context including single-family, duplexes, rowhouses, multifamily and accessory dwelling units. The existing NC zoning would create a transition area between the denser development adjacent to N. Old Wire Rd. and larger lots further away from the corridor, and the creation of smaller lots could encourage smaller residential units which could be more affordable.

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 to RSF-18 is justified. Because rezoning will better support infill redevelopment of the property, staff finds the proposed zoning to be consistent with the City’s future land use goals and therefore needed at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning to RSF-18 has an associated potential to increase traffic at this location. RSF-18 permits development at 18 units per acre where it is currently limited to 10 units per acre. Staff finds potential to increase the number of residential units above what is currently allowed by right subject to constraints such as steep slopes, tree preservation requirements, and other design requirements. Staff finds the increase in density is unlikely to result in increased traffic danger or congestion, particularly given the small size and narrow width of the requested rezoning area. The subject property has access to N. Old Wire Rd., an improved Neighborhood Link and future development would be required to meet the City’s applicable access management and parking standards.

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 to RSF-18 may increase the load on public services, but the impact is not expected to be detrimental. The size of the property and access to existing water and sewer infrastructure means future development

will likely avoid the need for costly extensions to services. 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 approval of RZN-2024-0026.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>June 24, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: WERNER	FORWARDED TO CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL		
Second: MCGETRICK			
Vote: 7-1-0 (GARLOCK OPPOSED, MADDEN ABSENT)			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.29 NC, Neighborhood Conservation
 - §161.10 RSF-18, Residential Single-Family, Eighteen (18) Units per Acre
- Applicant Request Letter
- Site Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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
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(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
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(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15>; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6211 , §1, 8-6-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

Units per acre	Eighteen (18) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25	5 feet on both sides	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is	5 feet

ft. from the front property line.		filed**. The remaining side setback(s) shall be 10 feet.	
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* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations.*

Building Height Maximum	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 for two-family dwellings.

(Ord. No. 5800, §2(Exh. B), 10-6-15; Ord. No. 5824, §2, 11-17-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710, §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.



June 4, 2024

City of Fayetteville
Development Services
113 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning at 2910 N Old Wire Road (Livingston Subdivision)

Dear City Staff;

On Behalf of the Owner and their representatives, we are submitting a rezoning request for property located along 2910 N Old Wire, Fayetteville, AR 72703.

- A. The current owner of this site is as follows: J&M Capital Ventures (Parcel Numbers 765-16047-000, 765-13287-000. 765-16043-000.
- B. Currently this property is zoned NC
- C. This property is surrounded by RSF-4 on the north and west, a portion of P-1 to the south and north, and section of R-O to the east.
- D. Existing adequate water and sewer are already at this site.
- E. We feel the requested rezoning is in line with the goals of the City Plan 2040 where the future land use calls for a portion of Residential Neighborhood and Natural.

Statement of Compatibility:

This request to rezone a portion of the NC to RSF-18 along Old Wire Road, will create a transitional zoning boundary that will allow for a more diverse type of housing within this neighborhood and help in addressing some of the housing issues within the City. Within reasonable proximity, our firm recently requested a rezoning of a portion of the property south of Butterfield Elementary (known as Stage Station) to RSF-18. The City Council passed this request and thus set a precedence for similar development patterns that serve to promote and protect the neighborhood character. This being said, we believe that this rezoning is compatible with the current surrounding uses.



LEGEND

PROPERTY LINE

PROJECT DETAILS

PROJECT TITLE:
 LIVINGSTON
 REZONING

PROJECT LOCATION:
 FAYETTEVILLE, AR

REVISIONS

DATE: 5.7.24
 DRAWN BY: BEJ
 PROJECT #2022-148
 FILE PATH: Z:\SUB\2022\148
 SHEET SIZE: 22" x 34"

SHEET TITLE

REZONING EXHIBIT

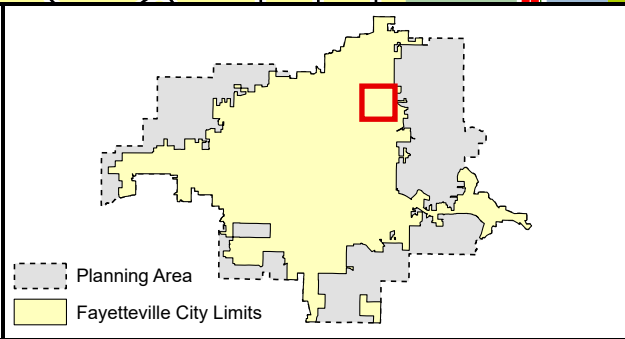
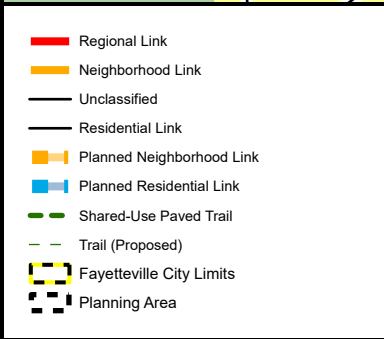
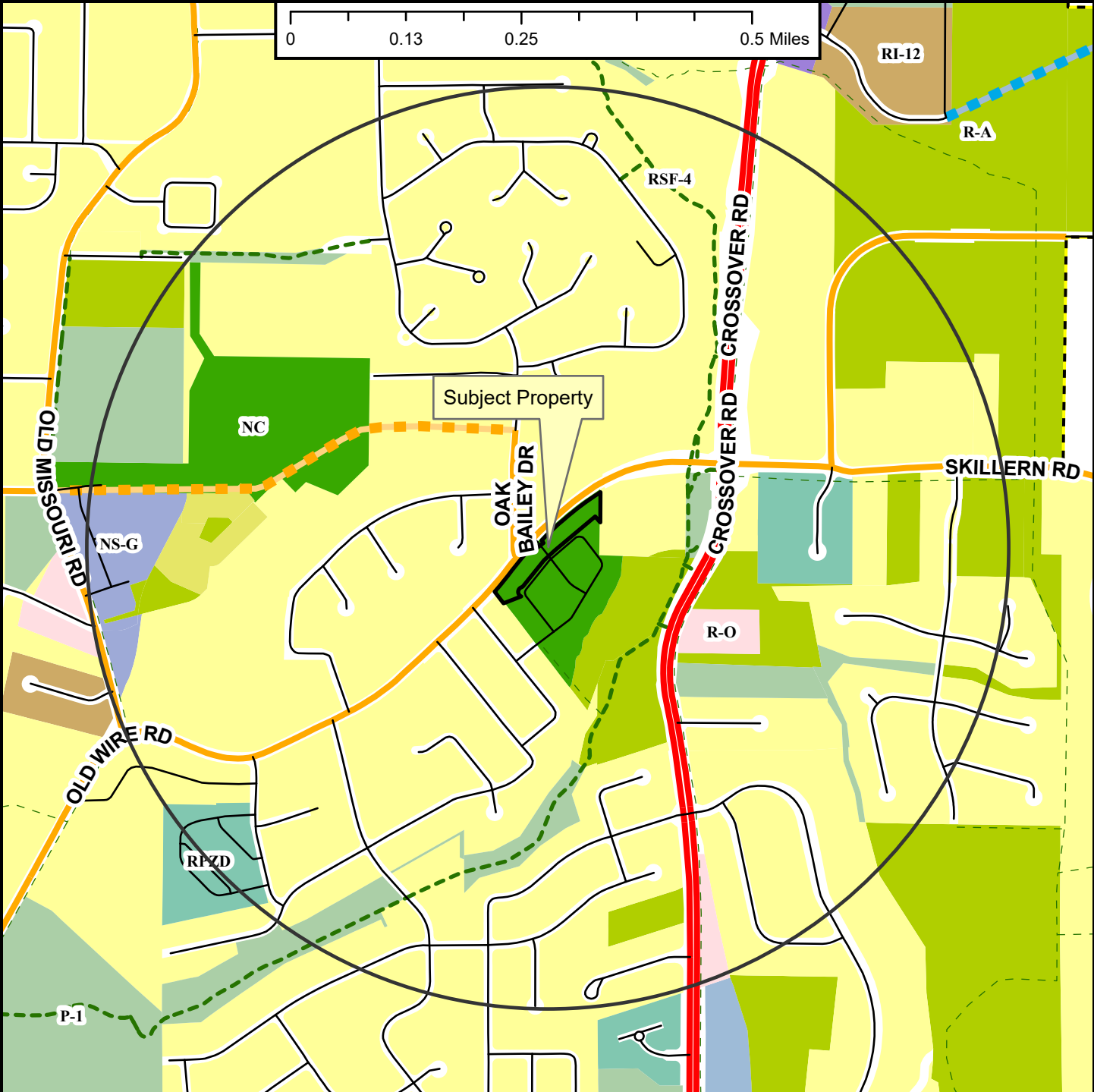
SHEET NUMBER

1

RZN-2024-0026
<i>One Mile View</i>

One Mile View

**WEST OF 2916 N. OLD WIRE
RD**



Zoning

RESIDENTIAL SINGLE-FAMILY

- NS-G
- RI-U
- RI-U2
- 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

EXTRACTION

- I-2 General Industrial
- E-1

COMMERCIAL

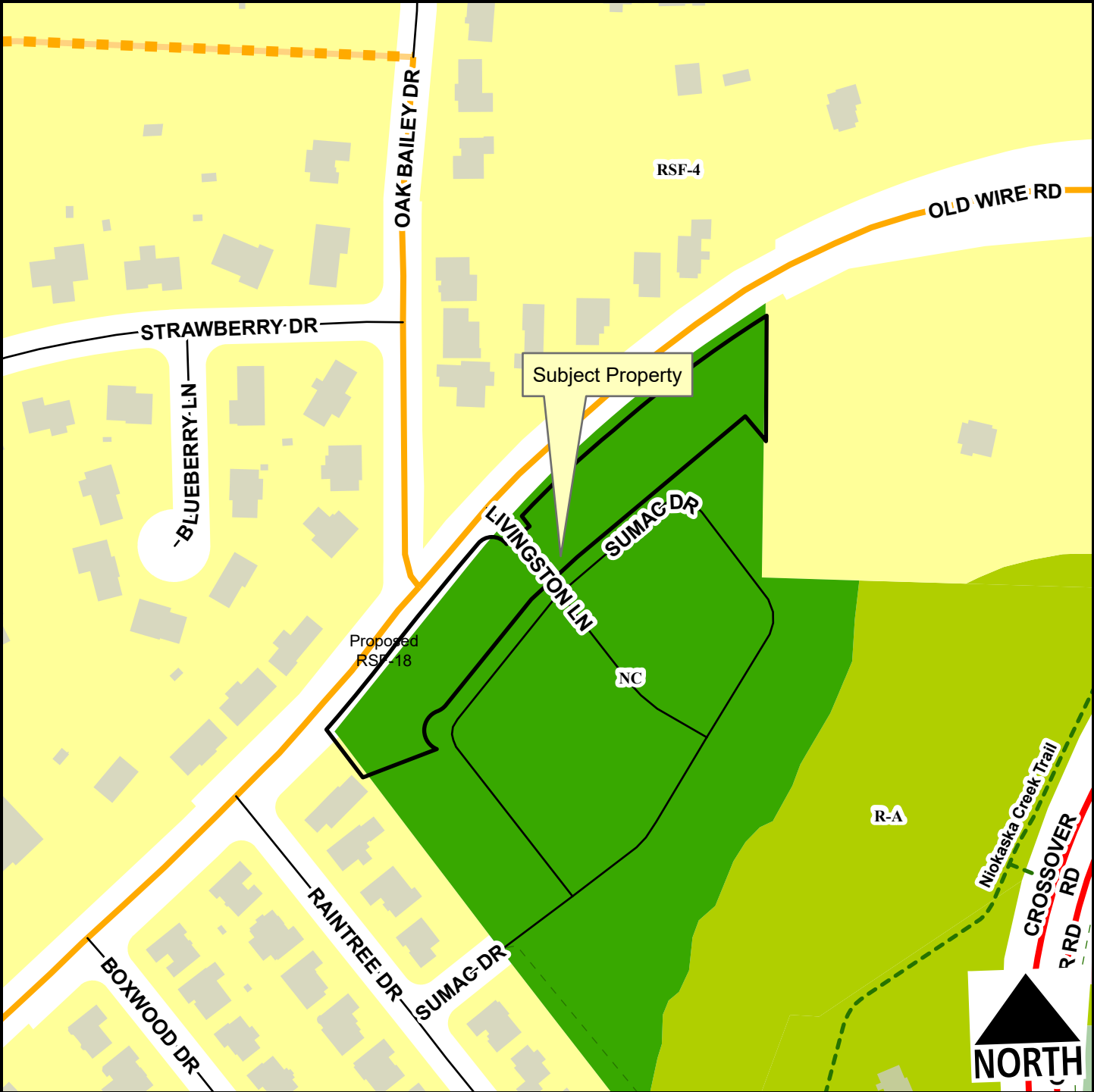
- Residential-Office
 - C-1
 - C-2
 - C-3

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



Regional Link

Neighborhood Link

Residential Link

Planned Neighborhood Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

0

75

150

300

450

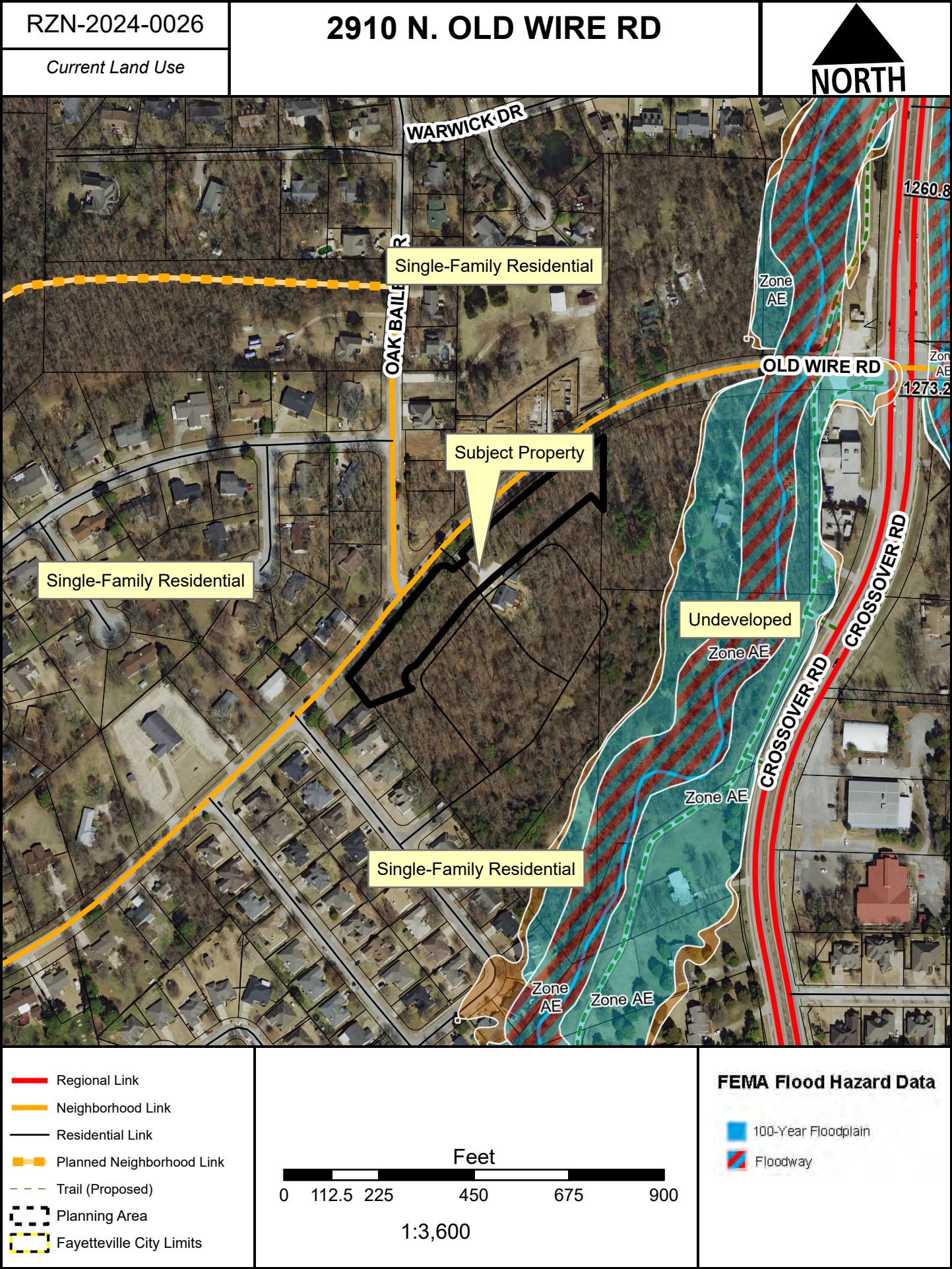
600

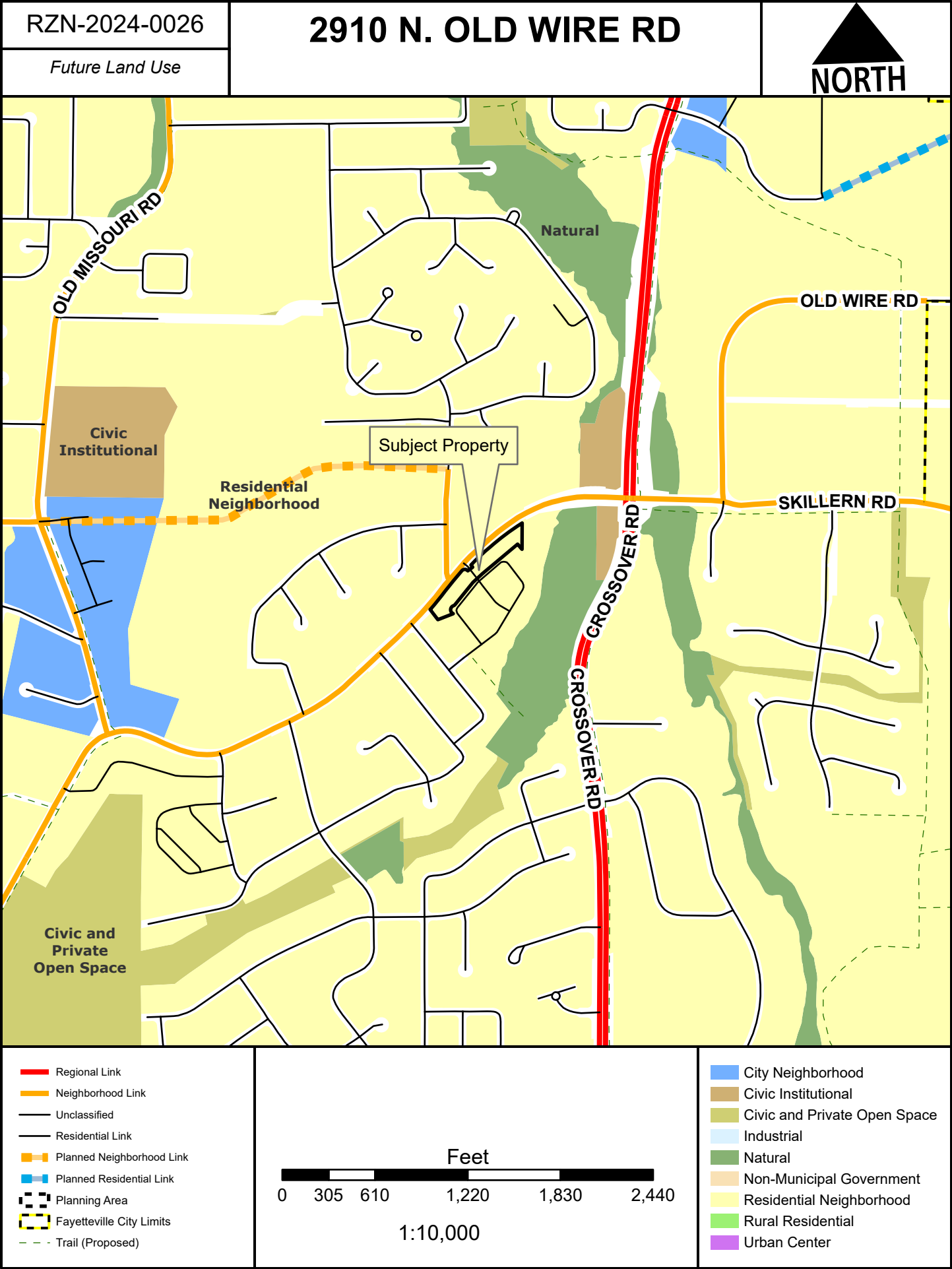
Feet

1:2,400

Zone	Current	Proposed
NC	1.8	0.0
RSF-18	0.0	1.9
RSF-4	0.0	0.0

Total 1.9 ac







MEETING OF JULY 16, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2024-0028: Rezoning (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located EAST OF HARMON FIELD ON S. DUNCAN AVE in WARD 2. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 3.7 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.**

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 area is in central Fayetteville directly east of Harmon Field and 600 feet northeast of the Fayetteville High School building. The subject area includes ten parcels along S. Duncan Ave. containing a total of 3.7 acres split between two areas (1 acre and 2.7 acres) which have been developed with a range of uses from single-, two-, three- and four-family dwellings and larger apartment buildings. The existing structures were built between 1926 -1986. Additional details on each parcel is included in a staff attachment. The subject area is currently zoned RMF-40, Residential Multifamily, 40 Units per Acre and does not fall within any overlay districts or Master Plan areas.

Request: The request is to rezone the property from RMF-40, Residential Multifamily, 40 Units per Acre to MSC, Main Street Center, subject to a bill of assurance.

Public Comment: One member of the public requested additional information regarding the project and associated public hearing. An additional commenter sent multiple emails discussing both this rezoning and the rezoning across the street (RZN-2024-0018) and their potential impacts to the existing neighborhood fabric and residents, potential removal of affordable housing, environmental concerns, and concern about the developer trying to acquire properties for this rezoning. Further comment was made at the Planning Commission hearing, which is summarized below.

Land Use Compatibility: On the balance of considerations, staff finds the request to be compatible with the surrounding context. The property is primarily surrounded by either large apartment structures or the Fayetteville High School campus, with mixed-density residential located to the east. The parcels within the subject area are currently developed with primarily single-family dwellings. Staff notes that since there is a gap in the proposed rezoning area occupied by an existing single-family dwelling, any development adjacent to this

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Fayetteville, AR 72701

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parcel would be subject to the additional setbacks of UDC 164.11(C) Home Protection Requirements.

Based on a review of addresses, there are a total of 42 residential dwelling units currently within the subject area. The existing RMF-40 district would permit a maximum of 148 dwelling units on the overall 3.7-acre subject area with a maximum building height of 5 stories, while the proposed MSC district has no density limitations with a maximum building height of 7 stories when located greater than 15 feet from the right-of-way. Staff finds that the existing buildings are between 38-98 years old with an average age of 71.5 years old. No completed permits aside from one electrical permit for the replacement of meter packs were found for the subject area that indicate renovations since completion. No buildings within the subject area are listed in either the Federal or Arkansas Register of Historic Places, and the subject area is not within a city historic district. An analysis of each parcel's current development is included in a staff exhibit.

The subject area is bound by RMF-40 to both the north and east, which permits multifamily developments and building heights of up to 5 stories. The Cardinal Apartments to the north and the Atmosphere Apartments to the east are both constructed at 5 stories including a parking garage. Harmon Field, a major sports venue for Fayetteville Schools, is located to the west and the school intends to construct a parking lot extension directly south of the subject area. Additionally, a full city block adjacent to the property to the east was successfully rezoned to MSC with a bill of assurances at the June 18 City Council agenda. This area will likely be developed with a large mixed-use student housing complex. Other structures in direct proximity to the proposed rezoning area include a three-family dwelling and single-family residence south of the intersection of W. Putnam St. and S. Duncan Ave. Staff finds that the greater height permitted by MSC is not likely to negatively affect the surroundings given abutting multi-story apartments and the large school complex, particularly as any development would be limited to 5 stories when within 0'-15' of the front property line.

While rezoning from RMF-40 to MSC will remove the current density limitation of 40 units per acre, staff finds that the request is not likely to create development that is incompatible with the surroundings given that the other city requirements such as parking lot design standards and ratios, tree preservation, and drainage. A bill of assurances has been provided with the rezone to limit potentially incompatible uses, including Use Unit 17: Transportation Trades and Services, Use Unit 34: Liquor Stores, and Use Unit 45: Small Scale Production. Staff finds that rezoning to a mixed-use district would create the possibility of compatible development and that additional commercial uses could also serve the high density of existing residents within the immediate proximity as well as students and faculty of the adjacent high school.

Land Use Plan Analysis: On the balance of considerations, staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Given the walkable location of the request and potential for mixed-use development, staff finds the request to be consistent with the following City Plan 2040 Goals: Goal 1: We will make appropriate infill and revitalization our highest priority; Goal 2: We will discourage suburban sprawl; Goal 3: We will make compact, complete, and connected development the standard; Goal 4: We will grow a livable transportation network.

Staff finds the rezoning both positively and negatively contributes to Goal 6: We will create opportunities for affordable housing. The Fayetteville Housing Assessment completed by City staff in October 2023 discusses the preservation of affordable housing and notes that "new supply should be carefully balanced with preserving existing affordable housing – housing that can be in prime areas for redevelopment due to growing land values compared to the declining value of aging structures." While staff acknowledges that any redevelopment of the subject area and associated demolitions could remove naturally occurring affordable housing units within the subject area, staff also acknowledges that the property owners are legally able to redevelop the subject area with greater density by right under the existing Residential Multifamily, 40 Units per Acre (RMF-40) zoning district and that any redevelopment which includes only uses permitted by right is not subject to discretionary approval by either the Planning Commission or City Council provided that all applicable city ordinances and development standards are met. Further, cities in Arkansas are prohibited from enacting rent control

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ordinances per Arkansas Statute.

The area is designated as a City Neighborhood Area, which recommends that commercial uses would have a residential component and vary in size, variety and intensity. The subject area is directly east of the Fayetteville High School campus and approximately 600 feet southeast of the University of Arkansas campus, which is designated as a special district by the 2040 growth map and described as “portions of the city that are historically or currently intended for more intensive commerce.” The closest Tier Centers are located just over half a mile east at the historic downtown square (Tier 1) and approximately half a mile southeast at the intersection of W. Martin Luther King Jr. Blvd. and S. Nelson Hackett Blvd (Tier 3).

The infill score for this parcel is very high, with a score between 11 and 12, indicating the property could likely support a wide range of uses and additional density, particularly given the close proximity of both the Fayetteville High School and University of Arkansas campus. Staff also finds that allowing additional residential in close proximity to major traffic drivers and within close proximity to both ORT and Razorback transit stops could allow for residents to use alternative transportation options such as walking, biking, or utilizing transit to these institutions, helping to mitigate or reduce potential traffic impacts. Given that denying the rezoning request would not necessarily prevent redevelopment of the property by the new owners, staff finds that approval of the rezoning to MSC may lead to results that are more compatible with city goals than could be met under the existing zoning by allowing a greater number of additional residential units to be constructed while providing potential for a mix of commercial and residential uses.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a ranging score of **11-12** for this site. The following elements of the matrix contribute to the score:

1. 4 Minute Fire Response (Station #1, 303 W. Center St.)
2. Near Sewer Main (6” Sewer Main, S. Duncan Ave.)
3. Near Water Main (12” Water Main, S. Duncan Ave.)
4. Near Grocery Store (Walmart Neighborhood Market)
5. Near Public School (Fayetteville High School)
6. Near U of A Campus
7. Near City Park (Lower Ramble)
8. Near Paved Trail (Oakridge Trail, Razorback Greenway)
9. Near ORT Bus Stop (Hillcrest Towers)
10. Near Razorback Transit Bus Stop (S. Hill Ave)
11. Appropriate Future Land Use
12. Sufficient Intersection Density

DISCUSSION:

At the June 24, 2024 Planning Commission meeting, a vote of 6-2-0 forwarded the request to City Council with a recommendation of approval. Commissioner Cabe motioned, and Commissioner Castin seconded. The commissioners in favor of the request cited the ability of the parcels to be redeveloped under existing zoning, potential for mixed-use development in a walkable area, the high infill score, and the proposed bill of assurances. Staff confirmed that consent of owner forms for the rezoning have been provided for all subject parcels and clarified the regulations of the home protection ordinance which would apply if development were adjacent to single-family homes in the MSC district. The applicant team explained that the request is primarily due to the allowance for mixing of uses and that MSC would allow flexibility in the design of the project given steepness of the site and existing tree canopy. Commissioner McGetrick noted that there is no guarantee these properties will remain as is given the willingness of the current owners to upzone their properties, that development is extremely likely here, and that any associated (re)development of the parcels would likely increase housing costs. Commissioners Payne and Cabe noted their agreement with Commissioner McGetrick. Commissioner Cabe further noted the Planning Commission’s limited ability to make policy

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determinations, stating this is the role of the City Council. Commissioner Garlock and Werner voted against the rezoning, citing the removal of existing affordable housing and concerns about potential building heights on a steep site.

Two members of the public stated opposition to the request during the meeting, citing eviction of current residents, removal of affordable housing for expensive apartments, narrow streets without striped crossings, increased traffic adjacent to Fayetteville High School, increased noise, and potential impacts to existing trees and habitat. One member of the public spoke in favor of the request, stating that housing in close proximity to the university and other services such as grocery stores and trails is critical for students and is especially important for international students who do not have vehicles.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Exhibit C (#6), Planning Commission Staff Report (#7), Bill of Assurance (#8), Revised Bill of Assurance - 071624

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113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-306

RZN-2024-0028: Rezoning (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located EAST OF HARMON FIELD ON S. DUNCAN AVE in WARD 2. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 3.7 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-28 FOR APPROXIMATELY 3.7 ACRES LOCATED EAST OF HARMON FIELD ON SOUTH DUNCAN AVENUE IN WARD 2 FROM RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE TO MSC, MAIN STREET CENTER

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 RMF-40, Residential Multifamily, 40 Units Per Acre to MSC, Main Street Center.

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

2024-306

Item ID

7/16/2024

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

Jonathan Curth

6/28/2024

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2024-0028: Rezoning (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522): Submitted by MODUS STUDIO for property located EAST OF HARMON FIELD ON S. DUNCAN AVE in WARD 2. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 3.7 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

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:

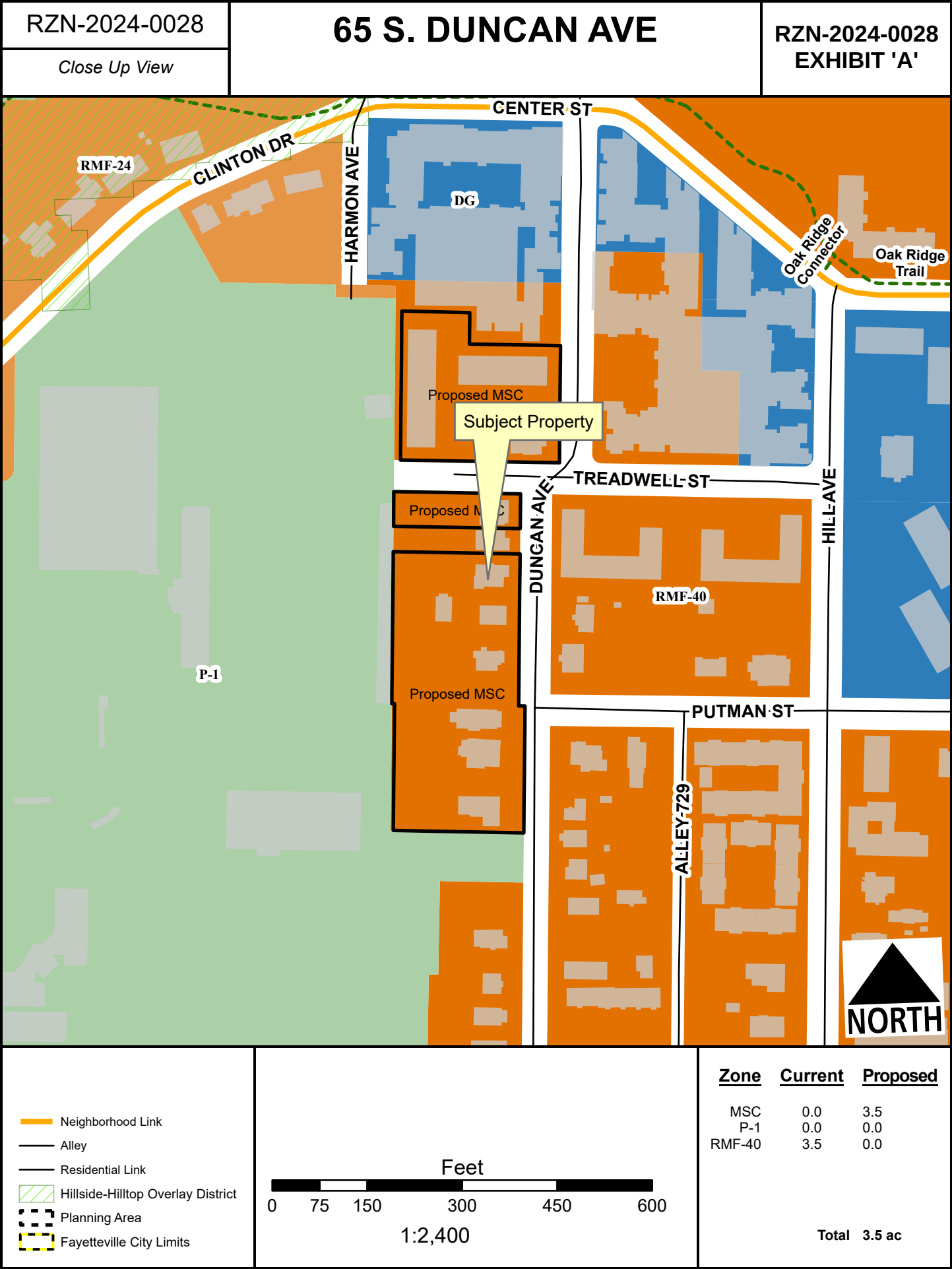
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



RZN-2024-0028
EXHIBIT 'B'

The West 117.0 feet of the South 14.5 feet of Lot Two (2), and the West 117.0 feet of the North 35 feet of Lot Three (3), and the South 20 feet of Lot Three (3), and all of Lots Four (4), Five (5), and Six (6) in Block Seven (7), in I.W. Duncan's Addition to the City of Fayetteville, Washington County, Arkansas,

And

Lot One (1) and the South 15 feet of Lot Two (2), and all of Lots Three (3), Four (4), Five (5) and Six (6), in Block Six (6) in I. W. Duncan's Addition to the City of Fayetteville, Washington County, Arkansas

and

A part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, and being described as follows, to-wit: Beginning at a point that is 660 feet (40 Rods) South of the Northeast corner of said forty-acre tract; said point being in Duncan Street in the City of Fayetteville; thence with said Street, South 45 feet; thence leaving said street, West 215.4 feet (Deed Call 220 feet) to a fence; thence North 45 feet along said fence; thence East 215.4 feet (Deed Call 220 feet) to the Point of Beginning.

and

A part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 16 North, Range Thirty (30) West, Washington County, Arkansas, described as follows: Beginning at a point which is 705 feet South of the Northeast corner of said forty-acre tract; thence South 85 feet; thence West 220 feet; thence North 85 feet; thence East 220 feet to the Point of Beginning.

and

A part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, described as follows: Beginning at a point which is 800 feet South of the Northeast corner of said forty-acre tract; and running thence South 60 feet; thence West 220 feet; thence North 60 feet; thence East 220 feet to the Point of Beginning.

and

A part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, and being more particularly described as follows: Beginning at a point which is 800 feet South of the Northeast corner of said forty-acre tract; and running thence West 200 feet; thence North 10 feet; thence East 200 feet; thence South 10 feet to the point of the beginning.

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In support of its application for a zoning reclassification, the owner, developer, or buyer of this Property, (hereinafter "Petitioner") South Duncan, LLC, hereby voluntarily offers this Bill of Assurance to the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce the terms of this Bill of Assurance in the Circuit Court of Washington County, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will rely upon the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that the Property subject to the rezoning request shall be restricted as follows IF Petitioner's rezoning and large-scale development applications are approved and as a part of the approval process of the Fayetteville City Council:

1. The following uses shall not be permitted:
 - a. Unit 17, Transportation trades and services;
 - b. Unit 34, Liquor stores; and
 - c. Unit 45, Small scale production.
2. A Bill of Assurance containing the above restricted uses shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning and large-scale development application are approved and shall be noted on any Final Plat or Large Scale Development Plan of the Property. The Bill of Assurance will provide that the use restrictions will run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council.

IN WITNESS WHEREOF the undersigned Petitioner executes this document.

6/27/24
Date

4375 N. Vantage Drive Fayetteville, AR
Address

By: Vicki Bronson
Its: Authorized Agent

Vicki Bronson Agent
Signature

Notary Oath

STATE OF ARKANSAS }

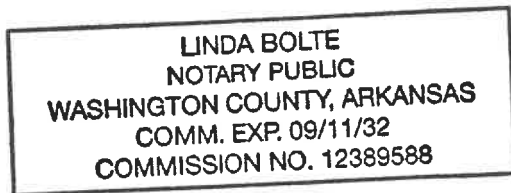
COUNTY OF WASHINGTON }

And now on this the 24 day of June, 2024, Vicki Bronson as authorized agent of South Duncan, LLC appeared before me, a Notary Public in and for said county and state, and after being placed upon her oath swore or affirmed that she did sign her name to the within and foregoing document in her capacity as authorized agent of South Duncan, LLC.

Linda Bolte
NOTARY PUBLIC

My Commission Expires:

9-11-32





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 24, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2024-0028: Rezoning (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522):** Submitted by MODUS STUDIO for property located EAST OF HARMON FIELD ON S. DUNCAN AVE. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE and contains approximately 3.7 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

RECOMMENDATION:

Staff recommends **RZN-2024-0028** be forwarded to the City Council with a recommendation for approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0028** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject area is in central Fayetteville directly east of Harmon Field and 600 feet northeast of the Fayetteville High School building. The subject area contains ten parcels along S. Duncan Ave. containing a total of 3.7 acres split between two areas (1 acre and 2.7 acres) which have been developed with a range of uses from single-, two-, three-and four-family dwellings and larger apartment buildings. The existing structures were built between 1926 -1986. Additional details on each parcel is included in a staff attachment. The subject area is currently zoned RMF-40, Residential Multifamily, 40 Units per Acre and does not fall within any overlay districts or Master Plan areas. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Multifamily–	RMF-40, Residential Multifamily, 40 Units per Acre DG, Downtown General
South	Fayetteville High School Campus (Parking Lot / Driveway)	P-1, Institutional
East	Mixed-Density Residential	RMF-40, Residential Multifamily, 40 Units per Acre (Pending MSC, Main Street Center)
West	Harmon Field	P-1, Institutional

Request: The request is to rezone the property from RMF-40, Residential Multifamily, 40 Units per Acre to MSC, Main Street Center.

Public Comment: Staff has received multiple public comments. One member of the public

requested additional information regarding the project and associated public hearing. An additional commenter sent an email discussing both this rezoning and the rezoning across the street (RZN-2024-0018) and their potential impacts to the existing neighborhood fabric and residents, potential removal of affordable housing, environmental concerns, and concern about the developer trying to acquire properties for this rezoning.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

- Streets:** The subject area has frontage along S. Duncan Ave., a fully improved residential link street with asphalt paving, curb and gutter, and sidewalks. The subject area also has frontage along W. Treadwell St., a partially improved residential link street with asphalt and curb and gutter. Any street or drainage 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 12-inch water main is present on the west side of S. Duncan Ave.
- Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the west side of the subject property.
- 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 1, located at 303 W. Center St., 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 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department expressed no concerns with this request.
- Drainage:** No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Additionally, no hydric soils are present.
- Tree Preservation:** The proposed zoning district of MSC, Main Street Center requires **10% minimum canopy preservation**. The current zoning district of RMF-40, Residential Multifamily, 40 Units per Acre 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 ranging score of 11-12 for this site, with a weighted score of 17. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #1, 303 W. Center St.)
- Near Sewer Main (6" Sewer Main, S. Duncan Ave.)
- Near Water Main (12" Water Main, S. Duncan Ave.)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Oakridge Trail, Razorback Greenway)
- Near ORT Bus Stop (Hillcrest Towers)
- Near Razorback Transit Bus Stop (S. Hill Ave)
- Appropriate Future Land Use
- 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:*** On the balance of considerations, staff finds the request to be compatible with the surrounding context. The property is primarily surrounded by either large apartment structures or the Fayetteville High School campus, with mixed-density residential located to the east. The parcels within the subject area are currently developed with primarily single-family dwellings. Staff notes that since there is a gap in the proposed rezoning area occupied by an existing single-family dwelling, any development adjacent to this parcel would be subject to the additional setbacks of UDC 164.11(C) Home Protection Requirements.

Based on a review of addresses, there are a total of 42 residential dwelling units currently within the subject area. The existing RMF-40 district would permit a maximum of 148 dwelling units on the overall 3.7-acre subject area with a maximum building height of 5 stories, while the proposed MSC district has no density limitations with a maximum building height of 7 stories when located greater than 15 feet from the right-of-way. Staff finds that the existing buildings are between 38-98 years old with an average age of 71.5 years old. No completed permits aside from one electrical permit for the replacement of meter packs were found for the subject area that indicate renovations since completion. No buildings within the subject area are listed in either the Federal or Arkansas Register of Historic Places, and the subject area is not within a city historic district. An analysis of each parcel's current development is included in a staff exhibit.

The subject area is bound by RMF-40 to both the north and east, which permits multifamily developments and building heights of up to 5 stories. The Cardinal Apartments to the north and the Atmosphere Apartments to the east are both constructed at 5 stories including a parking garage. Harmon

Field, a major sports venue for Fayetteville Schools, is located to the west and the school intends to construct a parking lot extension directly south of the subject area. Additionally, a full city block adjacent to the property to the east was successfully rezoned to MSC with a bill of assurances at the June 18 City Council agenda. This area will likely be developed with a large mixed-use student housing complex. Other structures in direct proximity to the proposed rezoning area include a three-family dwelling and single-family residence south of the intersection of W. Putnam St. and S. Duncan Ave. Staff finds that the greater height permitted by MSC is not likely to negatively affect the surroundings given abutting multi-story apartments and the large school complex, particularly as any development would be limited to 5 stories when within 0'-15' of the front property line.

While rezoning from RMF-40 to MSC will remove the current density limitation of 40 units per acre, staff finds that the request is not likely to create development that is incompatible with the surroundings given that the other city requirements such as parking lot design standards and ratios, tree preservation, and drainage. A bill of assurances has been provided with the rezone to limit potentially incompatible uses, including Use Unit 17: Transportation Trades and Services, Use Unit 34: Liquor Stores, and Use Unit 45: Small Scale Production. Staff finds that rezoning to a mixed-use district would create the possibility of compatible development and that additional commercial uses could also serve the high density of existing residents within the immediate proximity as well as students and faculty of the adjacent high school.

Land Use Plan Analysis: On the balance of considerations, staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Given the walkable location of the request and potential for mixed-use development, staff finds the request to be consistent with the following City Plan 2040 Goals: Goal 1: We will make appropriate infill and revitalization our highest priority; Goal 2: We will discourage suburban sprawl; Goal 3: We will make compact, complete, and connected development the standard; Goal 4: We will grow a livable transportation network.

Staff finds the rezoning both positively and negatively contributes to Goal 6: We will create opportunities for affordable housing. The Fayetteville Housing Assessment completed by City staff in October 2023 discusses the preservation of affordable housing and notes that “new supply should be carefully balanced with preserving existing affordable housing – housing that can be in prime areas for redevelopment due to growing land values compared to the declining value of aging structures.” While staff acknowledges that any redevelopment of the subject area and associated demolitions could remove naturally occurring affordable housing units within the subject area, staff also acknowledges that the property owners are legally able to redevelop the subject area with greater density by right under the existing Residential Multifamily, 40 Units per Acre (RMF-40) zoning district and that any redevelopment which includes only uses permitted by right is not subject to discretionary approval by either the Planning Commission or City Council provided that all applicable city ordinances and

development standards are met. Further, cities in Arkansas are prohibited from enacting rent control ordinances per Arkansas Statute.

The area is designated as a City Neighborhood Area, which recommends that commercial uses would have a residential component and vary in size, variety and intensity. The subject area is directly east of the Fayetteville High School campus and approximately 600 feet southeast of the University of Arkansas campus, which is designated as a special district by the 2040 growth map and described as “portions of the city that are historically or currently intended for more intensive commerce.” The closest Tier Centers are located just over half a mile east at the historic downtown square (Tier 1) and approximately half a mile southeast at the intersection of W. Martin Luther King Jr. Blvd. and S. Nelson Hackett Blvd (Tier 3).

The infill score for this parcel is very high, with a weighted score of 17, indicating the property could likely support a wide range of uses and additional density, particularly given the close proximity of both the Fayetteville High School and University of Arkansas campus. Staff also finds that allowing additional residential in close proximity to major traffic drivers and within close proximity to both ORT and Razorback transit stops could allow for residents to use alternative transportation options such as walking, biking, or utilizing transit to these institutions, helping to mitigate or reduce potential traffic impacts. Given that denying the rezoning request would not necessarily prevent redevelopment of the property by the new owners, staff finds that approval of the rezoning to MSC may lead to results that are more compatible with city goals than could be met under the existing zoning by allowing a greater number of additional residential units to be constructed while providing potential for a mix of commercial and residential uses.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: On the balance, staff finds the proposed zoning is justified and necessary at this time. While any redevelopment of these parcels could negatively impact existing affordable housing stock, staff notes that the property owners could legally redevelop the parcels with new multifamily dwellings by right under the existing zoning district. The proposed zoning of MSC could permit a mixed-use development with higher density allowances in an area with a weighted infill score of 17 where only residential uses are currently permitted by right under RMF-40.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: A rezoning from RMF-40 to MSC has the potential to increase traffic at this location when considering that MSC would allow for more dense development than the existing zoning which has a stated density limitation. The lots under consideration have direct access to a public street and staff finds that given the property’s location near a transit route close to the university and the Fayetteville High School campus, many trips have the capacity to be completed through alternative transportation such as walking,

biking, or transit. Any necessary street improvements and potential traffic impacts would be determined 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 alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains. 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-2024-0028 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>June 24, 2024</u>	☐ Tabled	☒ Forwarded	☐ Denied		
Motion: CABE	FORWARDED TO CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL				
Second: CASTIN					
Vote: 6-2-0 (WERNER & GARLOCK OPPOSED, MADDEN ABSENT)					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
 - §161.27 Main Street/Center
- Applicant Request Letter
- Proposed Bill of Assurance
- Staff Exhibit
 - Current Development
 - Fayetteville Housing Assessment Excerpts
 - Proximity to Tier Center Exhibit
 - Traffic Accidents Exhibits
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(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 26	Multi-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 CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 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.* The area occupied by all buildings shall not exceed 50% 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.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 8, 9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6658 , §7(Exh. F), 5-2-23)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial 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 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
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 (all unit types)	18 feet
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(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*. 75% of lot width.

(G) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

**STAFF EXHIBIT
CURRENT DEVELOPMENT**

Individual Property Findings

65 S. Duncan Avenue (PID: 765-04823-001 & PID 765-04824-000)

- Current Owner: Pryor Properties LLC
- Two-story multifamily apartments (28 units) constructed in 1986 per Washington County Assessor (38 years old).
- Electrical Permit issues 9/23/2020 to replace four gang meter packs

77 S. Duncan Avenue (PID 765-04825-000)

- Current Owner: John E. Adam
- Single-family dwelling constructed in 1928 per Washington County Assessor (96 years old).

89 S. Duncan Avenue (PID 765-04810-000)

- Current Owner: Internation Student Christian
- Two-family dwelling constructed in 1926 per Washington County Assessor (98 years old).

93 S. Duncan Avenue (PID 765-04812-000)

- Current Owner" Lynch Family Trust:
- Three-family dwelling constructed in 1936 per Washington County Assessor (88 years old).

95 S. Duncan Ave (PID 765-04813-000)

- Current Owner: Well-Placed Inc.
- Single-family dwelling constructed in 1926 per Washington County Assessor (98 years old).
- One expired electrical permit (2019) and one voided mechanical permit.

99 S. Duncan Avenue (PID 765-04814-000)

- Current Owner: Samuel O. Donelson, Edward Mick, and Elizabeth S. Mick):
- Single-family dwelling constructed in 1926 per Washington County Assessor (98 years old).

101 S. Duncan Avenue (PID 765-14436-000)

- Current Owner: Edward Mick & Elizabeth S. Mick
- Single-family dwelling constructed in 1931 per Washington County Assessor (93 years old).

103 & 107 S. Duncan Avenue (PID 765-14441-000 and 765-14440-000)

- Current Owner: DFP LLC
- Four-family dwelling constructed in 1936 per Washington County Assessor. Single-family dwelling constructed in 1956 per Washington County Assessor (68 years old).

Statistics:

Total Existing Structures: Ten (10)

Total Existing Residential Units: Forty-two (42)

Average Age of Structures: 71.5 years



Policy Options for the Future

This assessment does not propose that the solution to housing affordability is to rezone the entirety of Fayetteville to RMF-24 zoning. Similarly, zoning is not the only solution to high and growing housing costs. Policy choices can, however, focus on adding housing density in strategic places to take advantage of existing infrastructure in high intensity areas that don't currently allow for housing. When combined with existing services, infrastructure, and amenities, these housing units can provide a number of benefits, including reducing vehicle trips. Fayetteville's City Plan 2040, the comprehensive plan adopted in 2020, includes several options for additional housing density in core areas that are already high intensity and offer close access to services.

Staff in the City of Fayetteville's Long Range Planning and Sustainability divisions worked with University of Arkansas graduate students in the Master of Public Administration program in the spring semester of 2023 to analyze three scenarios for single-family housing. The students produced a report at the end of the semester that aimed to identify the most effective zoning policy to increase single family residential density in Fayetteville. The three scenarios explored were a baseline analysis of maintaining the zoning status quo; rezoning all residential single-family zones to the RSF-8 zoning district; and allowing duplex, triplex, and fourplex construction by right in all current single-family zoning districts. Based on their analysis, the students recommended the third option, writing, "Increased housing diversity has the greatest net social benefit for Fayetteville. In addition to having the greatest potential for increased housing supply, this policy is the most efficient and equitable. Overall, creating the option for multifamily unit construction by right provides the strongest policy for Fayetteville's future growth." Although the report focused on single-family zoning, the lessons learned and the main point — that creating the option for multi-unit housing by right is the strongest policy for Fayetteville's future growth — align with the planning work and master plan documents/corridor planning that Fayetteville has been engaged in for the last several years.

Prior to the onset of the COVID-19 pandemic the City of Fayetteville was engaged in writing and implementing two key plans that set a priority for both housing and a high-quality urban environment. City Plan 2040 was adopted only months prior to the pandemic-related closure of city offices and the quick adjustment to online meetings and engagement. Several plan implementation steps were paused for about two years while community health and safety were prioritized, and the city is now moving forward again to engage with the community to address the challenges that arose just prior to and during the pandemic that are the impetus to bring the implementation actions from these adopted plans back into the spotlight.

Long Range Plan Implementation

Fayetteville's City Plan 2040 was written to support the city's six goals:

1. **We Will Make Appropriate Infill and Revitalization Our Highest Priority.**
2. **We Will Discourage Suburban Sprawl.**
3. **We Will Make Compact, Complete, and Connected Development the Standard.**
4. **We Will Grow A Livable Transportation Network.**
5. **We Will Assemble An Enduring Green Network.**
6. **We Will Create Opportunities for Attainable Housing.**

All six goals have short-term, long-term, and ongoing "benchmarks," or action items to implement the adopted plan. Page 47 of the plan lists the short-term benchmarks, or action items meant to be accomplished between 2019 and 2025. Although plan implementation has been somewhat delayed by the COVID-19 pandemic, 8 of the 25 short-term benchmarks are not yet underway but are directly related to the city's role in responding to population growth and increasing housing supply, and that the Fayetteville City Council could consider prioritizing (City Plan 2040 associated goals and current status listed in parentheses):

- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2040. (Goal 1 & 2; ongoing with streamlined permitting and new software)

- Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. (Goal 1, 2, & 3; ready to begin with 71B rezoning)
- Evaluate development thresholds based on quantitative metrics such as building form, not building type, and the encouragement of missing middle housing. (Goal 1, 2, 3, and 6; ongoing)
- Evaluate conditional use permit vs. use-by-right for appropriate infill. (Goal 1; ongoing)
- Identify gaps in affordability throughout the city and set numerical targets for housing that is affordable to a variety of households, including workforce, supportive, low income, families with children, and senior housing. (Goal 1, 3, 4, & 6; initiated with this analysis)
- Promote long-term affordability by targeting the use of public funds for the lowest income households, including those who are homeless, at risk of homelessness, or who have other special needs. (Goal 6; ongoing with federal HOME and American Rescue Plan Act funds)
- Examine potential regulatory barriers and policies that impede the provision of household affordability, including: infrastructure costs, the costs and benefits of development ordinances on housing development, and how the City's fees and requirements impact the cost of living for households in Fayetteville. (Goal 1 & 6; development fee study underway)
- Identify opportunities for the creation of affordable housing on publicly-owned land and develop partnerships with developers to provide flexible, affordable work space and housing. (Goal 6; initial discussions and review of potential projects underway)

Long-term benchmarks (more than five years from plan adoption) that are directly related to housing but not yet underway are:

- Evaluate the development and implementation of a tiered impact fee system. (Goals 1 & 2; not yet begun)
- Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4; ongoing with speed limit review and traffic calming procedures in residential neighborhoods)
- Create a complete neighborhood or street corridor plan every other year utilizing a charrette process and analyze water and sewer capacity to identify opportunities or limitations for development. (Goal 1, 4, & 6; not yet begun)

Ongoing benchmarks should also be highlighted here given the pause in plan implementation, as some may need to be prioritized for action:

- Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. Recommendations should generally align with the Growth Concept Map. (Goal 4)
- Support development and redevelopment opportunities along the existing rail line. (Goal 4)
- Support and implement the goals, strategies and actions of the transformational 71B Corridor plan. (Goal 1, 2, & 4)
- Implement and utilize the Growth Concept Map to strategically incentivize the development of Tier-1, Tier-2, and Tier-3 commercial and mixed-use nodes along major corridors and as neighborhood centers. (Goal 1, 2, 3, 4, 5, & 6)
- Support the creation of a "real-time" database of available affordable housing units, services, resources, and incentives to strengthen the process of connecting qualified buyers and renters with affordable housing to comprehensively lower monthly household expenses. (Goal 6)
- Promote long-term affordability by developing new goals, targets, and strategies to promote the distribution of affordable housing in all parts of the city, including incentives for affordable housing in new developments and for the preservation of existing rental units. (Goal 6)

The remaining benchmarks do not have to be approached separately, but could instead be pulled together in a complete approach to developing housing solutions, particularly in areas of the city that have been identified as best able to support dense housing along major corridors and in places that support a mix of

housing and commercial development, such as Fayetteville’s downtown area. As an example of the potential for a cohesive approach to plan implementation, three of the items listed in the ongoing benchmarks are closely tied together and could be approached as a single project. Supporting zoning proposals around major transportation corridors, supporting and implementing the goals, strategies and actions of the 71B Corridor Plan, and implementing and utilizing the Growth Concept Map on pages 13–16 of the plan document could all come together with a city-initiated project to rezone property along the 71B corridor (College Avenue, Nelson Hackett Boulevard, and South School Avenue) to allow for housing on properties that have extensive existing infrastructure, are located along a major transportation corridor that is already scheduled for additional investment to support development and alternative transportation, and that have limited proximity to existing residential neighborhoods. Additionally, there are multiple tier centers along this route that could be incorporated as part of the implementation of the growth concept map, furthering plan implementation in the same project.

Preserve Existing Affordable Housing

Table 3 on page 20 of this assessment showed current average monthly rents for new apartments, with average rent for a two bedroom apartment just over \$1,400 per month. Table 4 on the same page showed that affordable housing costs for the median household income in Fayetteville should not exceed \$1,325 per month, which includes utilities and insurance costs. Current rents for newly constructed housing units are above affordable costs for at least half of Fayetteville households, and building new housing units does not provide a successful solution if the new units are at the cost of losing existing affordable housing.

In 2019 the City of San Antonio, Texas, engaged the firm PlaceEconomics to assess the risks to older and existing affordable housing stock as the city experienced rapid population growth and redevelopment. The results of this assessment, published as the report *Opportunity at Risk*,¹³ were a caution against the assumption that newly constructed housing is the best way to achieve affordable housing goals. Some of the context of the 2019 report presented in the Executive Summary would be familiar to Fayetteville today:

- One in three San Antonio households is spending more than 30 percent of their income on housing and nearly half of all renters meet this “cost burdened” threshold.
- Over the last decade, while median household income increased 1.9% per year, housing prices increased at 4.7% per year.
- While San Antonio is experiencing greater than national average growth in jobs and housing, most of the new homes are large and expensive, and much of the job growth is in lower wage jobs.
- The existing pre-1960 housing stock is providing largely unsubsidized and unprotected affordable housing.
- Single family, renter-occupied structures in fair and poor condition are the most at-risk of demolition.

The main takeaway of the report is clear and succinct: “A city cannot build itself out of a housing crisis — the retention of existing housing stock is critical.” Additionally, the report claimed three demonstrable premises:

1. One cannot build new and rent or sell cheap without subsidy.
2. Almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever.
3. Existing affordable housing programs — as useful and successful as they may be — must be realigned to address older housing stock.

The conclusion provided a caution to other rapidly growing cities facing housing affordability challenges:

¹³ Report available at sanantonio.gov/Portals/0/Files/HistoricPreservation/CurrentProjects/AffordableHousing/OpportunityAtRisk-Report.pdf

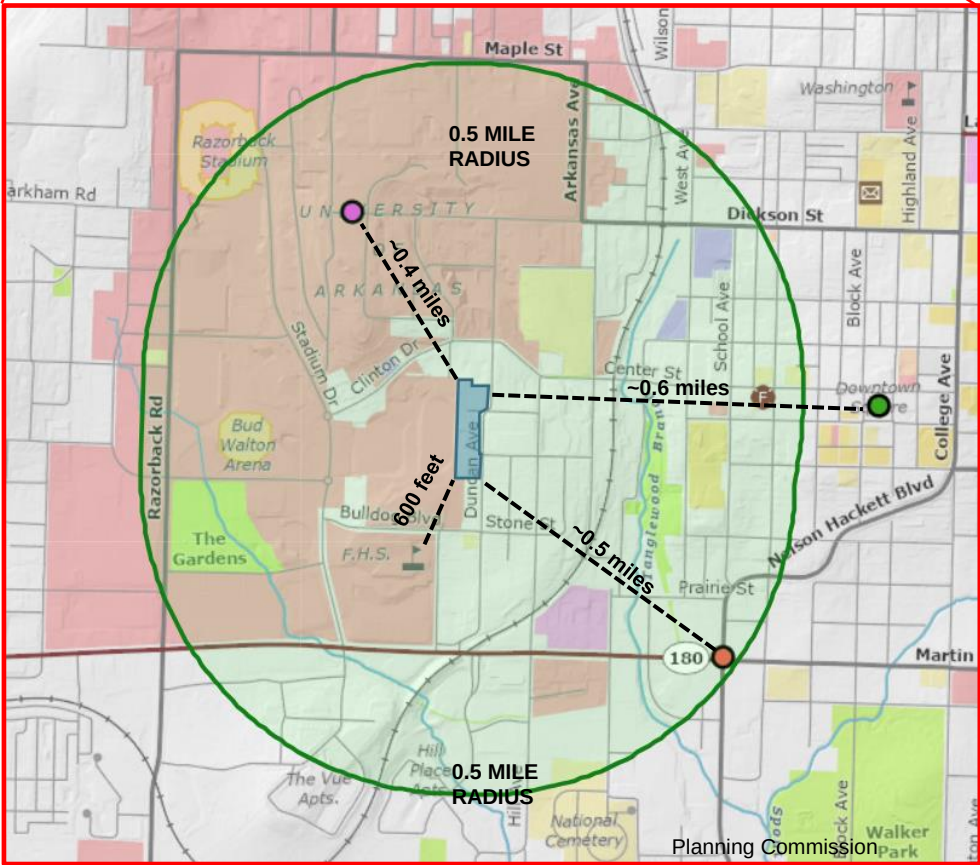
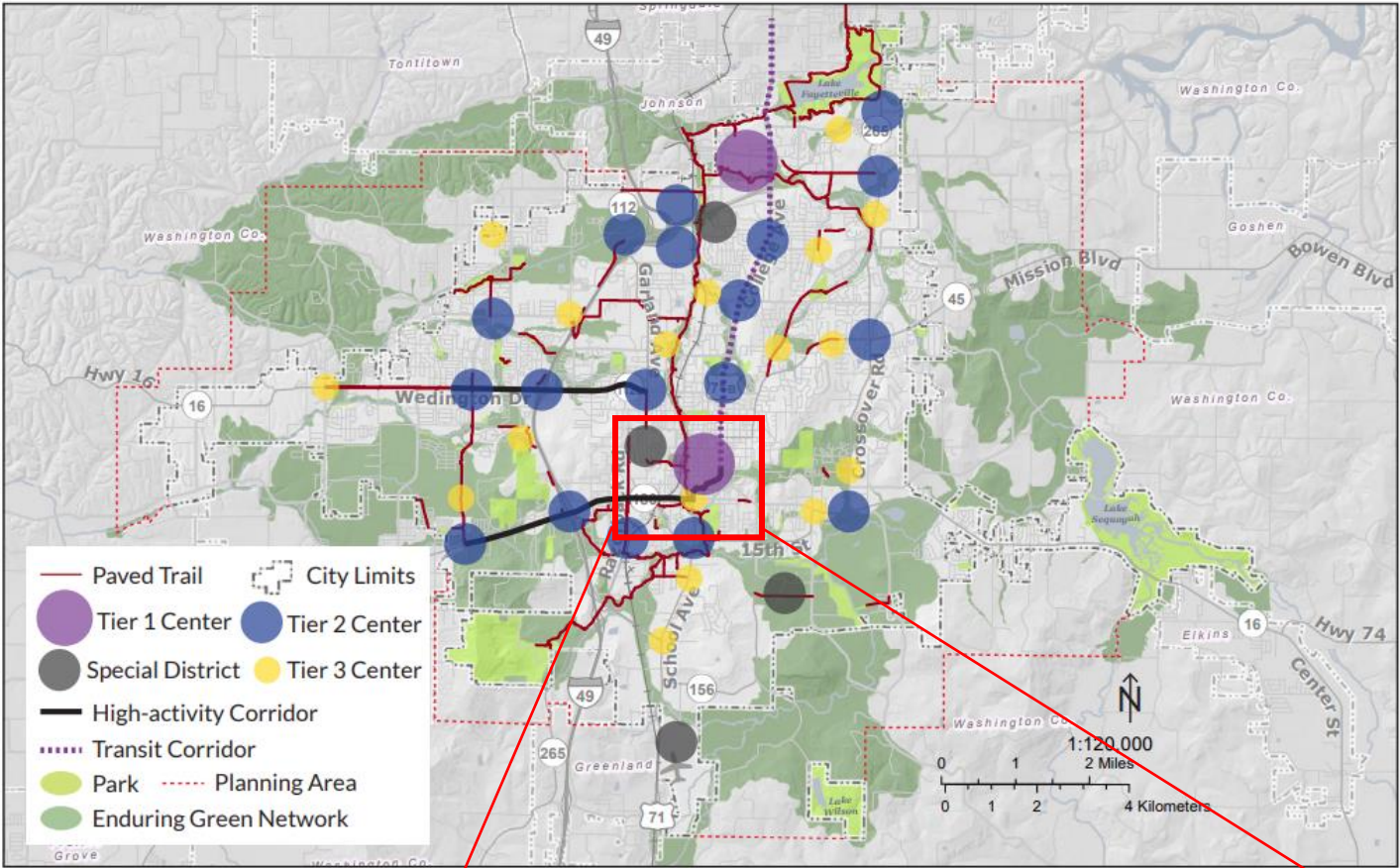
“Until the City of San Antonio can put new programs and policies into place, to reach the goal that the “average San Antonio family can afford to buy a home,” the data illustrates that San Antonio is systematically razing housing that is affordable and building housing that is not.” As Fayetteville looks to add housing units to supply, it is worth noting that new supply should be carefully balanced with preserving existing affordable housing — housing that can be in areas prime for redevelopment due to growing land values compared to declining value of aging structures.

Programs that provide assistance to low income households to help residents stay in their homes are a key part of preserving existing affordable housing. The City of Fayetteville’s Community Resources Department completed home repair and rehabilitation projects for eighteen housing units and thirty-two residents in 2022 with funding from federal Community Development Block Grants (CDBG). The CDBG Program supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.¹⁴ The 2022 housing program projects in Fayetteville included roof repair, replacement and installation of heating and cooling equipment, repairs of holes in floors, new plumbing fixtures, new flooring, new windows, and plumbing repairs.

As of this assessment in 2023, the Community Resources Department has supported thirteen projects and eighteen residents with repair work that has included drywall repair, new roofs, new windows, new plumbing fixtures, basement remediation, and new plumbing fixtures. Total project costs for 2023 currently total \$118,365 with an average project cost of \$9,105. Participation in the CDBG program and accessing federal home repair funds will continue to be an important tool for preserving affordable housing for residents and keeping families in their homes.

¹⁴ hudexchange.info/programs/cdbg/

STAFF EXHIBIT: PROXIMITY TO TIER CENTERS (CITY PLAN 2040)



STAFF EXHIBIT: ENERGY ACTION PLAN EXCERPTS
STAFF EXHIBIT: TRAFFIC ACCIDENTS



Wonsower, Donna

From: Planning Shared
Sent: Tuesday, June 11, 2024 2:00 PM
To: Wonsower, Donna
Subject: FW: Treadwell/Hill/Duncan rezone & rzn2024-0028

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Kathryn Cook <kat.a.cook3@gmail.com>
Sent: Tuesday, June 11, 2024 1:44 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Planning Shared <planning@fayetteville-ar.gov>
Subject: Treadwell/Hill/Duncan rezone & rzn2024-0028

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 afternoon,

I'm still asking you vote "No" on this rezone. I understand the UofA needs more student housing but they need to put a cap back on their acceptance until they get caught up or they need to at least, build some student housing themselves, on their campus. They have plenty of parking lots they can make into parking decks with forms above. They have not built any new housing themselves since this mess started.

The City 2040 plan discusses pockets of neighborhood rezone to save certain neighborhoods, this should fall directly in that category. It's such a true neighborhood. It's all about the correct zoning for this area, and a seven story "Marshall" type building is not what needs to be here. When did we start letting developers run the city zoning and decide to turn our city into a faceless, overpriced metropolis?

It's so expensive to build that we can't build cheap enough to create new housing that's this affordable - we have to depend on the existing housing for that. Once it's gone, it's gone.

There is also one person, who owns one lot, across the street from us on Duncan and he is trying to also rezone that entire side of the neighborhood. He's posturing to the city, and the neighbors like he owns

more than he does and has agreed to more than he actually has. He is twisting some neighbor's arms into selling because he's fronting like he's definitely putting a huge seven story development across the street (between Duncan and the High School football field. One landlord in the rezone told me he has no plans to sell, another owner is on some sort of Estate ownership so nothing can be done or purchased until he passed away (and if he magically was forced to move, it'd kill him like other elderly friends I've had), and one lot is even excluded.

If both of these rezoned go through, the entire top of this hill will be stripped, not only of the housing but of the community, ALL OF THE TREES, the birds, foxes, racoons, opossum, deer, etc, the public green space, not to mention all of the transformers and infrastructure updates they would need to deal with all of the water runoff since 90% of the existing green space/previous surface (which is a lot) would be gone.

The attached photo is of the other rezoned, the yellow lot is the only lot he owns.

Please stop all of this madness and vote no, please don't let these developers come in here and lie and scare people into selling their homes for greed. It's all purely about money and it shouldn't be.

Thank you for your time,

Kathryn Cook

Wonsower, Donna

From: Planning Shared
Sent: Monday, June 24, 2024 4:19 PM
To: Wonsower, Donna
Subject: FW: RZN-2024-0028
Attachments: PXL_20240624_153431668.jpg; PXL_20240624_153524589.jpg; PXL_20240624_153447904.jpg; PXL_20240606_150902674.jpg; PXL_20240621_022411716.jpg; PXL_20240621_142912313.jpg

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Kathryn Cook <kat.a.cook3@gmail.com>
Sent: Monday, June 24, 2024 2:21 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Subject: RZN-2024-0028

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 afternoon.

Please, I am begging you to not send this to City Council. Please vote 'No'. Any rezone here should be to protect the neighborhood and the habits and ecosystems. I have attached pictures.

Also, many neighbors have said they don't plan to sell and others are only selling because this developer has been posturing like he owns more than the one lot he owns, and has been essentially making them feel like they have no choice but to sell. This type of thing has been forcing out people who have lived here for 50 years. Not to mention, one person has a Life Estate so they can't do anything until he dies but they've said they want him out. This is what we're doing?

Our city has the opportunity to save this area. The ecosystem alone. Many of us want to request and habitat study. We have owls, deer, groundhogs, foxes, cats, birds - owls, Mississippi Kite, Eagle, etc. so many homes. How will the removal and destruction of the area be addressed? Will they be rehomed or ran into the streets? If you look at a current Google maps image that shows the actual trees, you'll see 50% of these lots are covered in beautiful, untouched nature that deserves to be preserved.

Not to mention the steep grade down to the high school football field. How will this affect that drainage and will it be seven stories on the street edge or the high school edge? Depending, the building could be an echo monstrosity on the football field side.

The UofA has yet to build its own fair share of housing. They have plenty of parking lots that can be turned into three story parking decks (triples parking) with student housing above.

Please reconsider and thank you for your time and consideration.

-Kathryn Cook



Wonsower, Donna

From: Wonsower, Donna
Sent: Thursday, June 6, 2024 8:21 AM
To: hoghouse104@gmail.com
Cc: Curth, Jonathan
Subject: RE: FW: RZN-2024-0018; Request to Table
Attachments: 03 - rezoning request letter_v1.pdf; 04 - bill of assurance_v2.pdf

Good Morning,

See attached for the request letter and proposed bill of assurances for RZN-2024-0028. This item is scheduled to be heard at the June 24 Planning Commission meeting, and I will save your email for inclusion in the Planning Commission packet. Please let me know if you have any further comments you would like to see included.

Please note that the "Approved" stamp on the drawings is only an indication that the document is ready to be heard at the commission and is not an indication of overall project approval.

Best Regards,
Donna Wonsower, AICP Candidate (she/her)
Planner, Development Services

479-575-8358

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Sent: Thursday, June 6, 2024 8:09 AM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: FW: FW: RZN-2024-0018; Request to Table

Donna,

During the back-and-forth keeping the public apprised about the Treadwell zoning's tabling at this week's Council, I received the request below for information about the rezoning west of Duncan. It appears you are considering this one as well, right? If so, please accommodate the request below for information on RZN-2024-0028.

Thanks in advance,

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

From: Scott and Jasmine 104 Duncan <hoghouse104@gmail.com>
Sent: Wednesday, June 5, 2024 6:08 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Re: FW: RZN-2024-0018; Request to Table

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.

Thank you, Jonathan! Do you mind sending me the information about the rezoning request for RZN-2024-0028 when it's available? It looks like this is a similar request for MSG. I don't see how the infrastructure in this area could handle this large of an increase in density. We'll be submitting comments in objection for this one too.

Jasmine Nile

On Wed, Jun 5, 2024 at 8:29 AM Curth, Jonathan <jcurth@fayetteville-ar.gov> wrote:

Certainly, and to confirm, the item was indeed tabled to the next Council meeting on June 18th.

Thanks,

Jonathan Curth, AICP

Development Services Director

Development Services Department

City of Fayetteville, Arkansas

jcurth@fayetteville-ar.gov

479.575.8308

From: Scott and Jasmine 104 Duncan <hoghouse104@gmail.com>
Sent: Tuesday, June 4, 2024 4:05 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: Re: FW: RZN-2024-0018; Request to Table

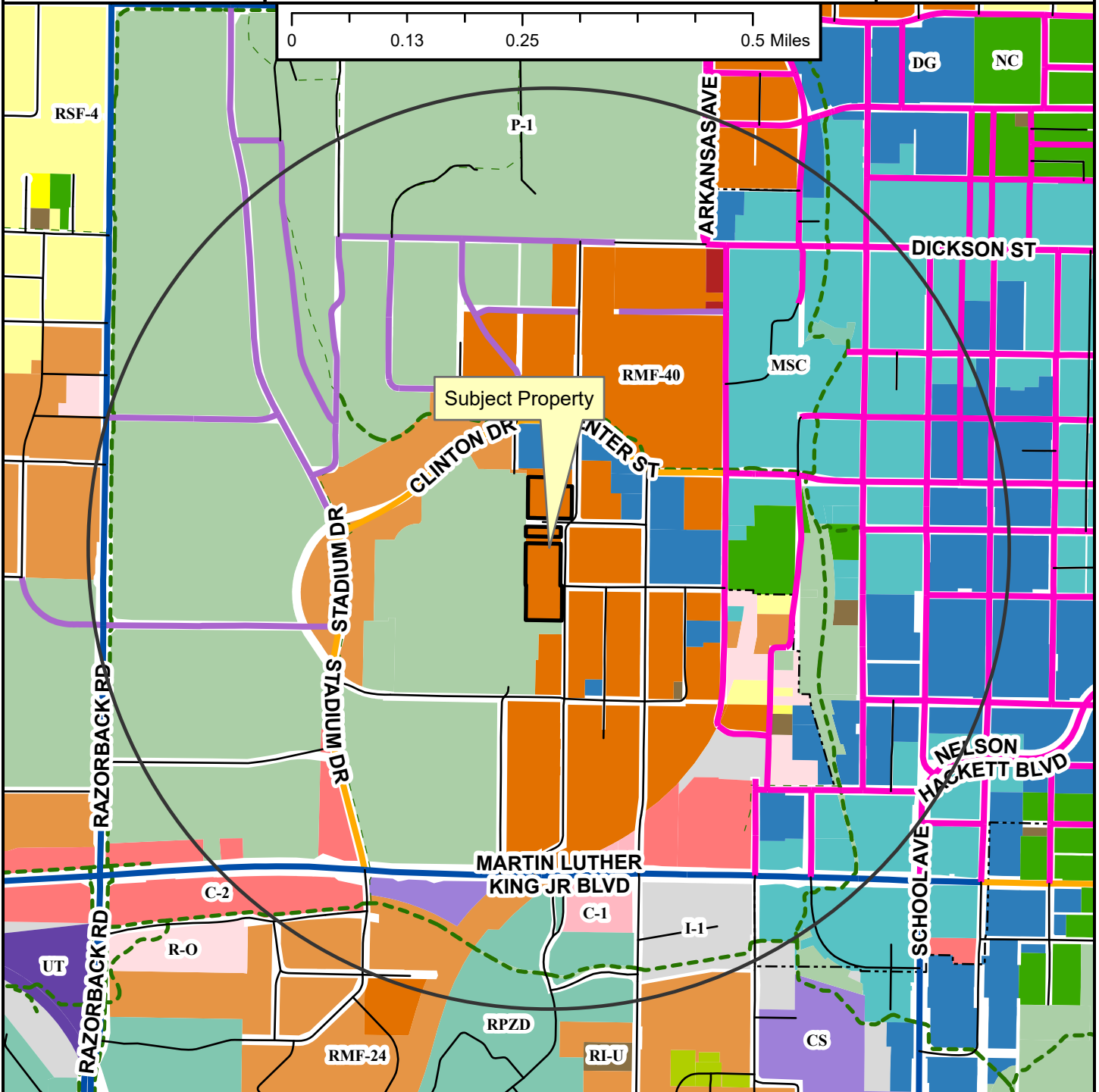
RZN-2024-0028

65 S. DUNCAN AVE

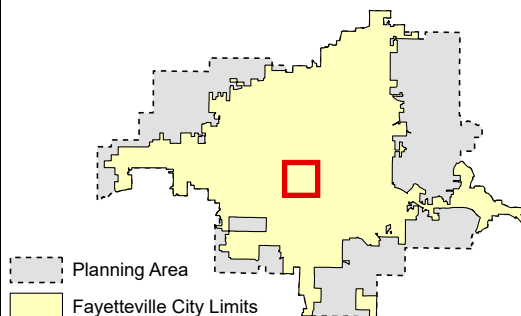
One Mile View



0 0.13 0.25 0.5 Miles



- 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



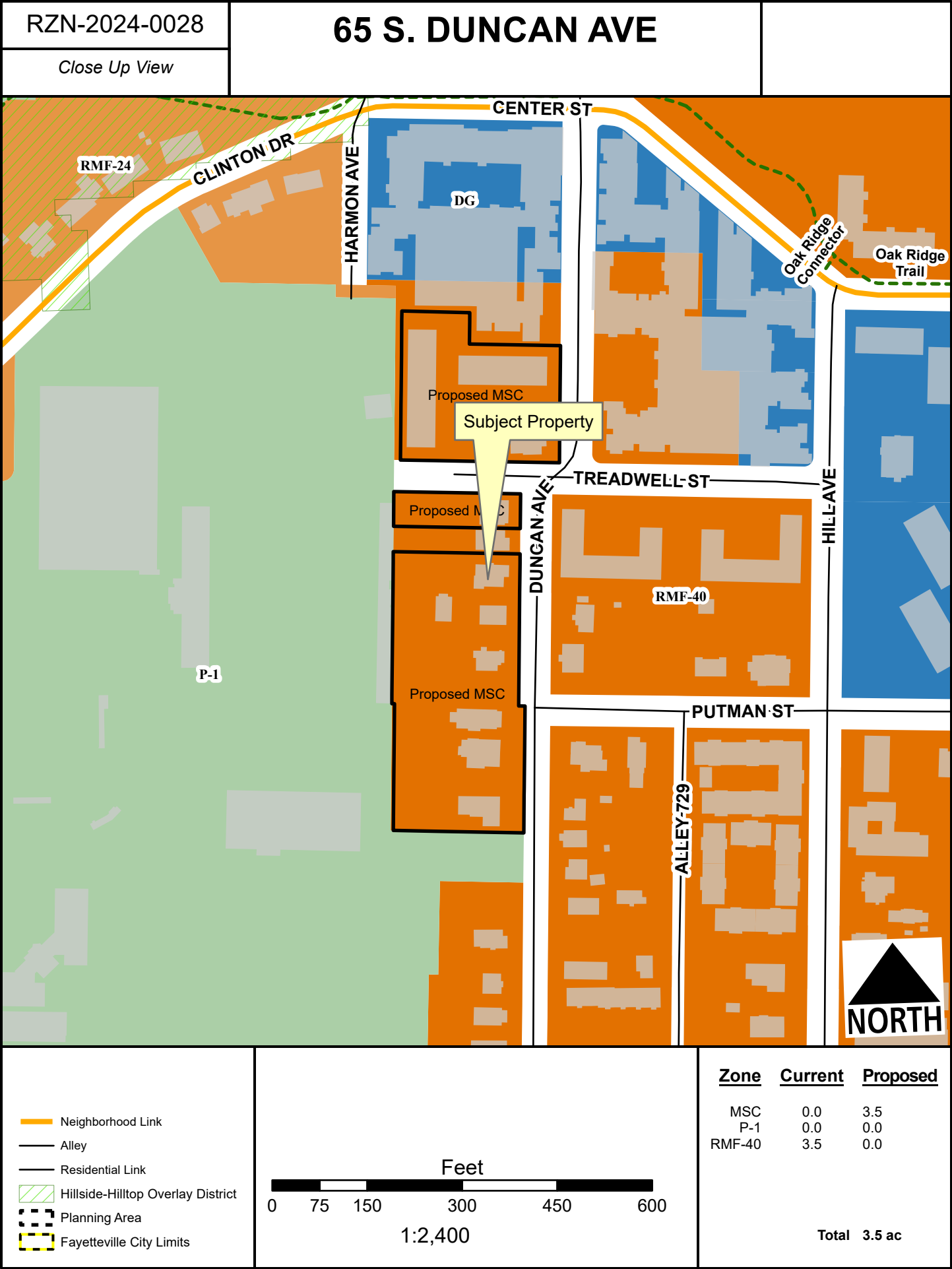
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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
 - P-1

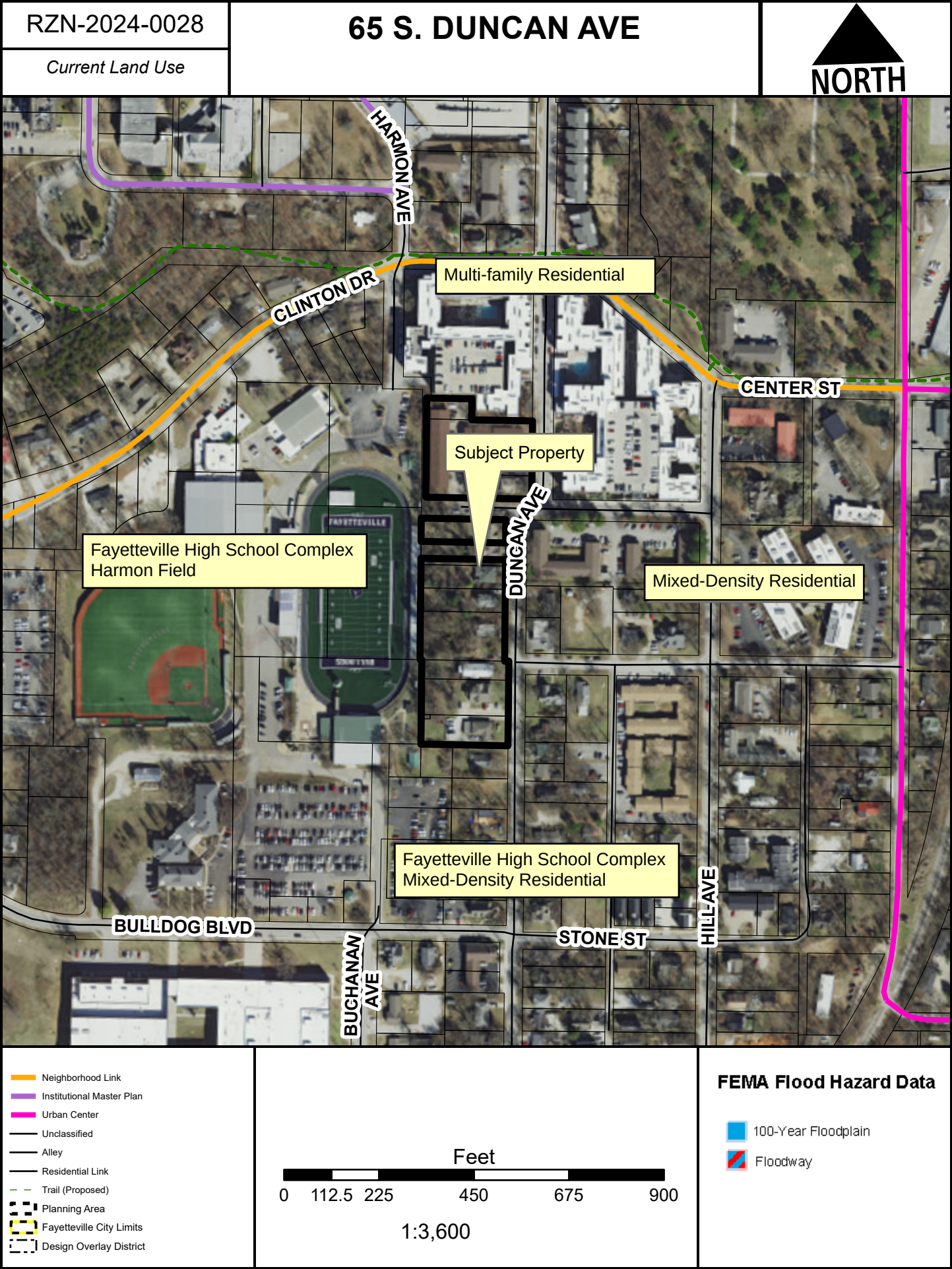
Planning Commission

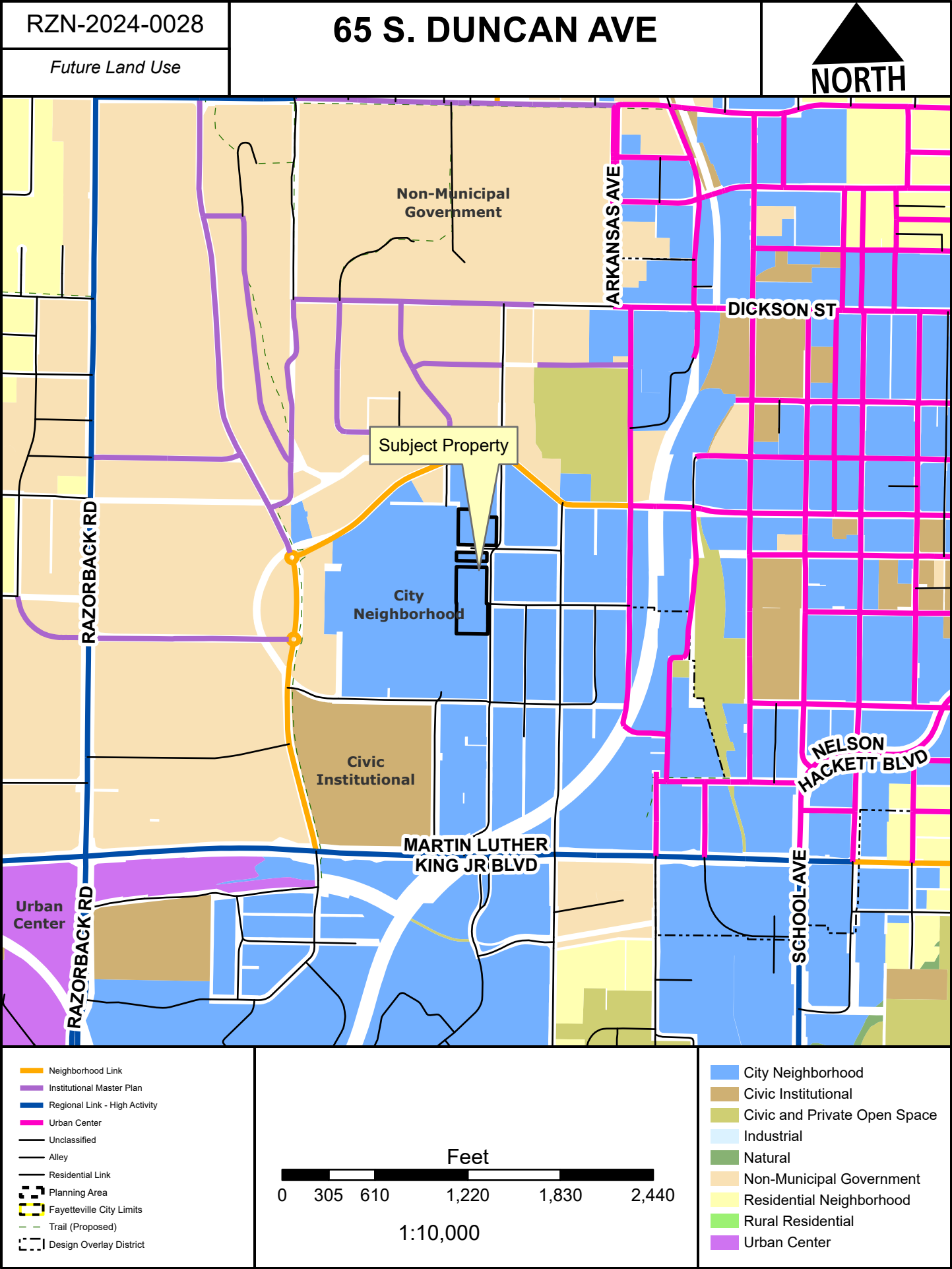
June 24, 2024

RZN-2024-0028 (MODUS STUDIO) 972 of 982

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PUBLIC COMMENTS RECEIVED AFTER PACKET FINALIZED

From: Green, Jana <Jana.Green@adtalem.com>

Sent: Wednesday, June 26, 2024 3:47 PM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: RZN-2024-0028 (EAST OF HARMON FIELD ON S. DUNCAN AVE)

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,

I'm trying to find out more about the rezoning of my apartment building on S. Duncan Ave. I missed the hearing because I had the wrong date, sent to me by the attorney's office. **RZN-2024-0028 (EAST OF HARMON FIELD ON S. DUNCAN AVE)**

I need to know how long it will be before they plan on tearing down the property. I also want to note that these apartments and the ones across the street on Treadwell are some of the LAST affordable rentals in Fayetteville, I'm not sure where you expect people with lower incomes to live, but it clearly isn't in this town or the surrounding area. There has been a housing crisis declared, but there has been no indication that anything will be done except to proceed to exclude those with lower incomes and fewer options. It's very unfortunate given that Fayetteville was once an incredibly inclusive community.

Please send any information you can on the timeline so I can act accordingly and inform my neighbors. Thank you.

Regards,

Jana D. Green | Representative II, Global Transcript Evaluation Team | Institutional Support Services

E jana.green@adtalem.com

500 W Monroe St. | Chicago, IL 60661 | adtalem.com

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GLOBAL EDUCATION

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In support of its application for a zoning reclassification, the owner, developer, or buyer of this Property, (hereinafter "Petitioner") South Duncan, LLC, hereby voluntarily offers this Bill of Assurance to the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce the terms of this Bill of Assurance in the Circuit Court of Washington County, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will rely upon the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that the Property subject to the rezoning request shall be restricted as follows IF Petitioner's rezoning and large-scale development applications are approved and as a part of the approval process of the Fayetteville City Council:

1. The following uses shall not be permitted:
 - a. Unit 17, Transportation trades and services;
 - b. Unit 34, Liquor stores; and
 - c. Unit 45, Small scale production.
2. A Bill of Assurance containing the above restricted uses shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning and large-scale development application are approved and shall be noted on any Final Plat or Large Scale Development Plan of the Property. The Bill of Assurance will provide that the use restrictions will run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council.

IN WITNESS WHEREOF the undersigned Petitioner executes this document.

6/27/24
Date

4375 N. Vantage Drive Fayetteville, AR
Address

By: Vicki Bronson
Its: Authorized Agent

Vicki Bronson Agent
Signature

Notary Oath

STATE OF ARKANSAS }

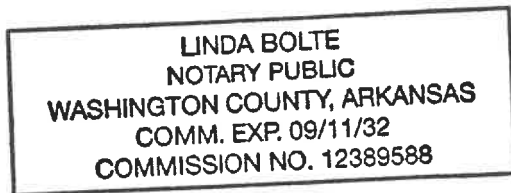
COUNTY OF WASHINGTON }

And now on this the 24 day of June, 2024, Vicki Bronson as authorized agent of South Duncan, LLC appeared before me, a Notary Public in and for said county and state, and after being placed upon her oath swore or affirmed that she did sign her name to the within and foregoing document in her capacity as authorized agent of South Duncan, LLC.

Linda Bolte
NOTARY PUBLIC

My Commission Expires:

9-11-32



BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of my request for a zoning reclassification of MSC, Main Street Center for the following property: see legal description on Exhibit A attached, I, as the authorized agent for the owner or buyer of this property, Vicki Bronson (hereinafter called "Petitioner") hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's requested rezoning is approved by the Fayetteville City Council:

Specific activities that will not be allowed upon Petitioner's property include:

Unit 17, transportation trade services

Unit 34, liquor stores

Unit 45, small scale production

Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office as part of the rezoning ordinance. After Petitioner's rezoning is effective, the Bill of Assurance shall be noted on any Final Plat, Large Scale Development, or other development approval which includes some or all of Petitioner's property affected by the rezoning.

IN WITNESS WHEREOF and in agreement with all the terms and conditions

stated above, I, Vicki Bronson, as the authorized agent of Petitioner voluntarily offer all such assurances and sign my name below.

Vicki Bronson
Printed Name of Authorized Agent

Authorized Agent
Position or Title of Authorized Agent

Vicki Bronson
Signature

7/16/24
Date

NOTARY OATH

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

On this, the 16th day of July 2024, before me, the undersigned notary, personally appeared Vicki Bronson, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon their oath, swore or affirmed that they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the Bill of Assurance in an attempt to have their property rezoned as requested.

Cristi Lyn Maxwell
NOTARY PUBLIC

My Commission Expires:
11-8-33



EXHIBIT A
Legal Description

The West 117.0 feet of the South 14.5 feet of Lot Two (2) and the West 117.0 feet of the North 35 feet of Lot Three (3) Block Seven (7), I. W. Duncan's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

and

Twenty (20) feet of equal and uniform width off the South side of Lot Numbered Three (3), all of Lots Four (4) and Five (5) and all Lot Numbered Six (6), except one hundred fifty (150) feet of equal and uniform width off the East end of Lot Six (6), all in Block Seven (7) in I. W. Duncan's Addition to the City of Fayetteville, Arkansas.

and

One hundred fifty (150) feet of equal width off the East end of Lot Numbered Six (6) in Block Numbered Seven (7) in I. W. Duncan's Addition to the City of Fayetteville, as designated upon the recorded plat of said Addition.

and

Lot 1, Block 6, I. W. Duncan's Addition to the City of Fayetteville, Arkansas, as shown on plat of record in Plat Book 4 at Page 192, plat records of Washington County, Arkansas.

and

The North forty (40) feet of Lot Numbered Two (2) in Block Numbered Six (6) of I. W. Duncan's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

and

15 feet of equal and uniform width off the South side of Lot Numbered 2 and 45 feet of equal and uniform width off the North side of Lot Numbered 3 in Block Numbered 6 of I. W. Duncan's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

and

Ten (10) feet of equal and uniform width off the South side of Lot Numbered Three (3) and all of Lot Numbered Four (4) in Block Numbered Six (6) in I. W. Duncan's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

and

Lots Numbered Five (5) and Six (6) in Block Numbered (6) in I. W. Duncan's Addition to the City of Fayetteville, as shown and designated upon the recorded plat of said Addition, EXCEPT a strip of equal and uniform width of fifteen (15) feet off the South side of said Lot Six (6).

and

A part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 16 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, and being described as follows, to-wit: Beginning at a point that is 660 feet (40 Rods) South of the NE corner of said forty acre tract; said point being in Duncan Street in the City of Fayetteville; thence with said Street, South 45 feet; thence leaving said street, West 215.4 feet (Deed Call 220 feet) to a fence; thence North 45 along said fence; thence East 215.4 feet (Deed Call 220 feet) to the Point of Beginning, containing 0.22 acres, more or less. Subject to that portion that lies in Duncan Street on the East.

and

A part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 16, Township 16 North, Range Thirty (30) West, Washington County, Arkansas, described as follows: Beginning at a point which is 705 feet South of the Northeast corner of said forty-acre tract, thence South 85 feet; thence West 220 feet; thence North 85 feet; thence East 220 feet to the point of beginning.

and

A part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, described as follows: Beginning at a point which is 800 feet South of the NE corner of said 40-acre tract; and running thence South 60 feet; thence West 220 feet; thence North 60 feet; thence East 220 feet to the point of beginning.

and

a part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 16 North, Range 30 West, of the Fifth Principal Meridian, and being more particularly described as follows: Beginning at a point which is 800 feet South of the NE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 16 North, Range 30 West, and running thence West 200 feet; thence North 10 feet; thence East 200 feet; thence South 10 feet to the point of the beginning.