

Stormwater/Water Diversion: Pinnacle Valley Residents File Pulaski County, Arkansas, Circuit Court Action Addressing Residential Development



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The Pinnacle Mountain Community Coalition and a number of Pulaski County residents (collectively, “Coalition”) filed a Complaint in Pulaski County, Arkansas, Circuit Court on September 26th against a developer (Rick Ferguson), a Pulaski County Improvement District, and a number of limited liability companies alleging certain claims related to a certain residential development. See Case No. 60CV-22-_____.

Pulaski County, Arkansas, is also named as a defendant.

The Coalition describes its members as landowners located in the Pinnacle Mountain area of western Pulaski County in the community of Roland, Arkansas.

Mr. Ferguson is described in the Complaint as a developer of real estate in Pulaski County who undertakes such activities through various limited liability companies. The Complaint further describes the limited liability companies and Ferguson as having:

... developed, are in the process of developing, or plan to develop several residential subdivisions located in the Pinnacle Mountain area of western Pulaski County, Arkansas, on land owned by Ferguson or one of the abovenamed LLCs.

Specifically cited is a subdivision stated to be currently in the early stage of development denominated Paradise Valley Subdivision.

The Complaint describes the Coalition’s perspective in the section titled “Nature of Complaint” on topics such as:

- Topography of the Pinnacle Mountain area
- Alleged impact of stormwater runoff from subdivision development diversion of stormwater whose natural drainage would have been to Lake Maumelle
- Drinking water well operation by the Maumelle Water Corporation
- Proposed construction of a wastewater treatment plant

The Complaint puts forth four claims:

- Public nuisance
- Private nuisance
- Diversion of water onto property of plaintiffs

- Negligence

The Complaint also contains a count denominated:

The Approval of the Preliminary Plat of Paradise Valley Subdivision by the Pulaski County Planning Board is Void

It is alleged for reasons described in the Complaint that the approval by Pulaski County of the relevant residential subdivision is void because of violation of certain provisions of the Pulaski County Subdivision and Development Code.

The Complaint requests:

- Injunction ordering:
- Work on the Paradise Valley Subdivision cease and desist
- Obtain a study and analysis by a reputable firm (approved by the Court) with expertise in hydrology of surface waters
- Obtain recommendations regarding measures that should be taken to reduce or minimize the flow of stormwater discharge from the referenced property to the area in which Coalition properties are located
- Upon receipt of such study/analysis and recommendations, the Court conduct a hearing on any other proposals on the subject from credible sources ordering that the referenced plan be implemented for reduction or minimization of stormwater discharge
- Setting aside and voiding approval by the Pulaski County Planning Board of the preliminary subdivision plat for Paradise Valley Subdivision

A copy of the Complaint can be downloaded [here](#).