

MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS
February 14, 2019
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a. Minor Subdivision Replat Lot 19 Tony Mountain Subdivision

Approved

Fayetteville Planning Area

b. Woodland Estates Subdivision (formerly known as Gray Residential)

Approved

CONDITIONAL USE PERMIT HEARING

Fayetteville Planning Area

c. Fayetteville Solar Field CUP

Approved

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

d. Fayetteville Solar Field Pre-LSD

Approved

CONDITIONAL USE PERMIT HEARING

Farmington Planning Area

e. Elevate Elite Training Academy CUP

Approved

LAND DEVELOPMENT HEARING

Farmington Planning Area

f. Elevate Elite Training Academy Pre-LSD

Approved

CONDITIONAL USE PERMIT HEARING

County

g. Heritage Farms HI CUP

Denied

LAND DEVELOPMENT HEARING

County

h. Heritage Farms HI Pre-LSD

Not Heard

1. ROLL CALL: *Roll call was taken. Members present include Walter Jennings, Joel Kelsey, Robert Daugherty, Philip Humbard and Neil Helm. Randy Laney was not present.*

2. APPROVAL OF MINUTES: *Walter Jennings made a motion to approve the minutes of January 10, 2019 and the Special Meeting minutes of January 14, 2019 with corrections. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Walter Jennings made a motion to approve the agenda as presented. Philip Humbard seconded. All board members present were in favor of approving. Motion passed.*

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Minor Subdivision Replat Lot 19 Tony Mountain Subdivision

Preliminary and Final Replat Approval Requests

Owners: Moldenhauer Real Estate INC Location: Section 24, Township 15, Range 31

Engineer: Blew & Associates

Location Address: 10001 & 10010 Smokey WC 2070

Approximately: +/- 15.60 acres / 2 lots Proposed Land Use: Single Family Residential

Coordinates: Latitude: 35.77559529, Longitude: -94.12306047

Project #: 2019-010

Planner: Rick Barry email: rbarry@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat Approval of Minor Subdivision Replat Lot 19 Tony Mountain Subdivision. The request is to divide a 14.97 acre parcel and create tracts of 11.83 acres and 3.14 acres.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is not located within a Planning Area; it is located solely within the County's unincorporated area.

QUORUM COURT DISTRICT: District 14, Ann Harbison.

FIRE SERVICE AREA: **West Fork Rural-** No comments were received from Boston Mountain Rural Fire Department, and Tyler McCartney, Washington County Fire Marshal, does not typically review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: **Water-** Washington Water Authority **Electric-** Ozarks Electric **Natural Gas-** N/A

Telephone- Windstream Communications **Cable-** N/A

BACKGROUND/ PROJECT SYNOPSIS:

The property owner is Tim Moldenhauer of Moldenhauer Real Estate, Inc. The engineer is Guthrie Clingenpeel of Blew & Associates, Inc. The applicants are requesting a division of a 14.97 acres parcel into tracts of 11.83 and 3.14 acres, respectively. Since both of these parcels are platted in the Tony Mountain Subdivision, any alteration to the property must process as a Minor Subdivision Replat. There are several structures on the properties at this time.

The acreage for the original parcel and proposed tracts are as follows:

- Lot 19: 3.95 acres (5 existing structures: 2 homes, 2 sheds, 1 barn)
 - Tract 1: 11.83 acres (1 home, 1 barn)
 - Tract 2: 3.14 acres (1 home, 2 sheds)

TECHNICAL CONCERNS:

Utility Comments

Ozarks Electric Comments

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

- There must be a 30 foot utility easement along the existing overhead line.

Washington Water Authority Comments

- A water main extension will be required if any additional water service is requested beyond what is currently served at the end of Smokey Lane

SITE VISIT:

A site visit was conducted by planning staff on February 4, 2019. No issues were noted at that time. Please see attached picture of road access.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

At this time, there have been no comments received from the neighbors.

Staff will update the Planning Board at the meeting if any comments are received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues			✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Minor Subdivision Replat approval of Minor Subdivision Replat Lot 19 Tony Mountain Subdivision with the following conditions:

Septic Conditions:

- If any additional septic systems are desired, the septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
- Existing septic systems shall be inspected by a Designated Representative of the Arkansas Department of Health before plats are signed.

Utility Conditions:

Ozarks Electric Comments

- Any damage or relocation of existing facilities will be at owner's expense.
- Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
- All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
- Please contact Ozarks Electric if you have any questions.

5. There must be a 30 foot utility easement along the existing overhead line.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Washington Water Authority Comments

1. A water main extension will be required if any additional water service is requested beyond what is currently served at the end of Smokey Lane

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Standard Conditions:

1. Pay neighbor notification mailing fees \$28.49 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 1/31/2019).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
6. Have all signature blocks signed on 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. *The Circuit Clerk is not accepting plats over 18" x 24" in size.*

Washington County Planner, Rick Barry, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

Joel Kelsey made a motion to approve the Minor Subdivision Replat Lot 19 Tony Mountain Subdivision subject to staff recommendations. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.

Fayetteville Planning Area

b. Woodland Estates Subdivision (formerly known as Gray Residential)

Preliminary Subdivision Request

Applicant: Firebird Limited Partnership

Location: Section 19, Township 16, Range 32

Engineer: Rick McGraw

Location Address: Howard Nickell WC 1116

Approximately: +/- 16.16 acres / 2 lots

Proposed Land Use: Single Family Residential

Coordinates: Latitude: 36.11935489, Longitude: -94.20230408

Project #: 2018-359

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Subdivision Approval for the replat of Lots 1 and 2 of the Woodlands Subdivision. The request is to create 13 total lots from two existing lots.

CURRENT ZONING: This project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within the City of Fayetteville Planning Area.

QUORUM COURT DISTRICT: District 1, Tom Lundstrum

FIRE SERVICE AREA: Wheeler Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Fayetteville Electric- Ozarks Electric
Natural Gas- Black Hills Corp Telephone- ATT Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Woodland Estates Subdivision is requesting a preliminary subdivision/replat approval to allow 13 residential lots on two parcels that are approximately 16.16 acres combined.

This project is located in the City of Fayetteville’s Planning Area. It has not received Preliminary Subdivision Approval from the City of Fayetteville. If this project is approved by the Washington County Planning Board, it must be reviewed by the City of Fayetteville.

Lot	Size/Acreage	Lot	Size/Acreage
1	1.009	8	1.091
2	1.102	9	1.116
3	1.125	10	1.086
4	1.006	11	1.066
5	1.236	12	1.126
6	1.066	13	1.143
7	1.084		

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Fire Marshal

The Washington County Fire Marshal has the following comments:

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
 - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The proposed project has a fire-flow that can be met by tanker support and hydrant combination from the local Fire Department. The property shall not be split any further without the established water supply being upgraded being capable of meeting fire flow requirements as per the Arkansas Fire Prevention Code approved by the Washington County Fire Marshal.
 - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
 - i. Exceptions:
 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.

3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
 - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
 3. There are not more than two Group R-3 or Group U occupancies.
4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
 - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
 - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
 - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring

shall be permanent and without a disconnecting switch other than required for overcurrent protection.

5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
 - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
6. Turn around on side street needed. 225' roughly.
7. Fire lane no parking on whole road both sides. Every 100'. Not just around fire hydrants.

Sewer/Septic

To date, Planning has not received a soil analysis for the thirteen lots from the applicant.

However, before final approval may be given, the soil analysis for each lot must be conducted.

The applicant must submit final septic design and permits to the Arkansas Department of Health.

Electric/Phone/Gas

Any damage or relocation of utilities will be at the expense of the owner/applicant.

Water

Washington Water Authority had no comment.

Any damage or relocation of utilities will be at the expense of the owner/applicant.

Addressing

Lots that are over one-half acre in size will need to be addressed after the home location is known.

Environmental

There is no stormwater permit required by Washington County at this time; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Road

Any work done in the County road right of way requires a permit from the road department.

SITE VISIT:

A site visit was conducted by planning staff on May 29, 2018. Staff has no concerns.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

Currently, there are no comments from neighbors.

Staff will update the Planning Board at the meeting if any comments are received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues			N/A
Planning Issues/Engineering Issues			✓
Road Issues			✓
Fire Code Issues			✓
Utility Issues			✓
Health Department Issues	✓		
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff recommends Preliminary Subdivision approval of Woodland Estates Subdivision Replat of Lots 1 and 2 of the Woodlands Subdivision with the following conditions:

Fire Marshal

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
 - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The proposed project has a fire-flow that can be met by tanker support and hydrant combination from the local Fire Department. The property shall not be split any further without the established water supply being upgraded being capable of meeting fire flow requirements as per the Arkansas Fire Prevention Code approved by the Washington County Fire Marshal.
 - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
 - b. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
 - i. Exceptions:
 1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet.
 2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.
3. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.

- a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
 - 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
 - 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
 - 3. There are not more than two Group R-3 or Group U occupancies.
- 4. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
 - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
 - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - ii. In each room used for sleeping purposes.
 - 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
 - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
 - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
 - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
- 5. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address

numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

- b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
6. Turn around on side street needed. 225' roughly.
7. Fire lane no parking on whole road both sides. Every 100'. Not just around fire hydrants.

Sewer/Septic

1. Soil analysis has yet to be conducted for each of the lots. Soil analysis must be conducted and found suitable for a standard septic system before construction may be given.
2. There shall be no deviation from the plans and specifications unless revised plans and specifications have been submitted for review and written consent given.
3. The individual onsite wastewater system for each lot must be located in the area specified on the submitted plat of the proposed subdivision as indicated by the soil pit location. Changes made to the location of the wastewater system will require further review and approval by the Arkansas Dept. of Health.
4. The areas of the proposed primary and secondary disposal fields must be protected during the construction of all structures, roads and the placement of service lines so as not to disturb the natural properties of the soils.
5. The final acceptance of each lot depends upon submission of an APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL PERMIT to the local Health Unit. Home construction should not be started on any lot until a permit for construction has been issued for an INDIVIDUAL SEWAGE DISPOSAL SYSTEM by the local Environmental Health Specialist.
6. Further subdivision or re-platting of any lot or lots will require the submission of soil information, plans and specifications for those lots before approval will be given for development..

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Electric/Phone/Gas/Water

1. Any relocation or damage of existing facilities will be at developer's expense. Any extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. If off-site easements are required, they must be obtained by the developer and provided to each utility before construction may occur.
3. All conduits for road crossings and specific widths of the utility easements must be shown on the final plats.
4. All utility easements must be cleared of all trees, brush, dirt piles, buildings, and debris so the easement is accessible with equipment. If the easement is not cleared, the developer may be subject to extra charges by the utility provider.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. Washington County will not maintain sidewalks or streetlights.
4. Washington County will not maintain common areas or park areas.
5. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.

7. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.
8. Have all signature blocks signed on 7 or more Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Senior Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

Joel Kelsey, Board Member, inquired, "The comments under one where they talk about the lots and so forth, ya'll found nothing to support that evidence?"

Sita Nanthavong, Senior Planner, replied, "No, we didn't. In fact, what we found was a replat done many, many years later further subdividing into even smaller lots. I didn't include that but we didn't see anything specifically that said that these lots shall remain 3 acres or above."

Joel Kelsey stated, "Okay."

No Public Comment

Public Comment Closed

Walter Jennings made a motion to approve the Woodland Estates Subdivision (formerly known as Gray Residential) subject to staff recommendations. Philip Humbarnd seconded. All board members present were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARING

Fayetteville Planning Area

c. Fayetteville Solar Field CUP

Conditional Use Permit Request

Applicant: Today's Power Inc.

Location: Section 09, Township 16, Range 29

Engineer: Today's Power Inc.

Location Address: Wyman Road

Approximately: +/- 48.95 acres / 3 parcels

Proposed Land Use: Solar Field

Coordinates: Latitude: 36.081145855, Longitude: -94.06698290

Project #: 2019-007

Planner: Rick Barry email: rbarry@co.washington.ar.us

REQUEST: Conditional Use Permit approval to allow the construction of a solar power facility on a 48.95 acres portion of three parcels of land equaling 158.62 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within Fayetteville planning area. The City submitted no comments.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Round Mountain Rural Fire Dept

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Water **Electric-**Ozarks Electric **Natural Gas-** N/A
Telephone- AT&T **Cable-** Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The owner of the property is the City of Fayetteville, while the company pursuing this permitting is Today's Power, led by Vice President of Operations Matt Irving and Engineer Keaghan Economon. This property is located in the Fayetteville Planning Area off of East Wyman Road WC-48 (see attachments).

This CUP request is to allow for Today's Power to construct a solar power facility, which, under a tri-lateral agreement with the City of Fayetteville and Ozarks Electric, will store and supply power to the City of Fayetteville. The proposed Fayetteville Solar Field will occupy 48.95 acres of three parcels (001-10379-000, 001-10380-000, and 001-10381-000) equaling 158.62 acres (see attachments).

TECHNICAL CONCERNS:

Fire Issues:

At this time the applicants and the Washington County Fire Marshal are discussing a list of requirements that will be required in order for this proposal to receive Fire Marshal approval. When this information is finalized, Planning Staff will update you at the meeting, and update the Conditions of Approval accordingly.

Septic:

Nothing has been received from ADH at this time. If anything is received in the future, the applicant will be required to come into full compliance.

Utilities:

Ozarks Electric Comments

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. There must be a 30 foot utility easement along the existing overhead line.

Roads/Sight Visibility/Parking:

At this time, there have been no comments or concerns provided by the Washington County Road Department.

Drainage:

At this time, the applicants and the county engineer are discussing the need for a detention pond in order to address the runoff from the solar panels. If a detention pond is required, Planning Staff will update you at the meeting, and update the Conditions of Approval accordingly.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

City of Fayetteville Concerns:

No concerns or requirements have been received by the City of Fayetteville as of the time of this staff report. If any are received, Planning Staff will update you at the meeting, and update the Conditions of Approval accordingly.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The uses in the surrounding area are a blending of residential and agricultural.

While the proposed project is not residential, staff feels that the applicant's request is compatible with the surrounding uses with conditions. The reasoning for this determination is that the business will have minimal impact on the surrounding area. Upon completion of the construction of the Fayetteville Solar Field, the impact on traffic will be mostly limited to the four (4) Today's Power employees with access to the facility. Given the location of the proposed site, there will not be any undesirable lighting, odor, sound, or impacts deemed negative to surrounding homeowners.

County's Land Use Plan (written document):

Staff feels that the traffic and nature of this proposed use will be "industrial".

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

4. Industrial

Per the Fire Marshal, this proposal should be listed as Industrial, specifically Factory Industrial, by way of the State Fire Code F-1: Moderate-hazard occupancy, which includes electric power-generating facilities.

Staff feels that this project meets the goal of the County's Land Use Plan. This is due to its low impact and there being no indication that it will cause interruption of the otherwise residential and agricultural nature of this area. Staff believes that the proposed CUP will not have a negative impact on the surrounding properties or endanger the public health, safety, morals, comfort, or general welfare as all appropriate utilities and infrastructure will be installed and inspected before final approval.

The City of Fayetteville submitted no comments.

SITE VISIT:

A site visit was conducted by planning staff on January 24, 2019. Please see attached pictures of road access (see attachments).

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

To this date there have been no neighbor responses regarding this project.

Staff will update the Planning Board at the meeting if any comments are received.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Fayetteville Solar Field Conditional Use Permit with the following conditions:

Fire Conditions:

Applicants will be required to complete fire safety measures to the Fire Marshal's approval. The list of requirements is being constructed at this time, but Planning Staff will provide updated information at the time of the Planning Board meeting, as well as update the Conditions of Approval accordingly.

Septic:

1. Full compliance with ADH regulations is required.

Drainage:

1. In the event that it is determined by the county engineer that a detention pond is required to address runoff concerns, this will be included with the Conditions of Approval accordingly.

Environmental Concerns:

1. At this time, no storm water permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Environmental Conditions:

1. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Utility Conditions:

Ozarks Electric Comments

1. Any damage or relocation of existing facilities will be at owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. There must be a 30 foot utility easement along the existing overhead line.

Standard Conditions:

1. Pay neighbor notification mailing fees \$47.08 within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 1/31/2019).
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

Washington County Planner, Rick Barry, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

*Joel Kelsey made a motion to approve the **Fayetteville Solar Field CUP** subject to staff recommendations. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.*

LAND DEVELOPMENT HEARING

Fayetteville Planning Area

d. Fayetteville Solar Field Pre-LSD

Preliminary Large Scale Development Request

Applicant: Today's Power INC

Location: Section 09, Township 16, Range 29

Engineer: Today's Power INC

Location Address: Wyman Road

Approximately: +/- 48.95 acres / 3 parcels

Proposed Land Use: Solar Field

Coordinates: Latitude: 36.081145855, Longitude: -94.06698290

Project #: 2019-008

Planner: Rick Barry email: rbarry@co.washington.ar.us

Addressing

The new buildings must be addressed. Please contact the Department of Emergency Management.

Environmental

1. There is no stormwater permit required by Washington County at this time; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Road Department

Any work done in the County road right of way requires a permit from the road department.

SITE VISIT:

A site visit was conducted by planning staff on January 24, 2019. Please see attached pictures of road access (see attachments). No concerns were noted.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.

Currently, there have not been any neighbor comments received regarding this project.

Staff will update the Planning Board at the meeting if any comments are received.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues		✓	✓
Planning Issues/Engineering Issues		✓	
Road Issues		✓	
Fire Code Issues		✓	
Utility Issues		✓	✓
Health Department Issues		✓	✓
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information		✓	
Existing Conditions			✓
Proposed Improvements		✓	
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff recommends approval for the Fayetteville Solar Field Preliminary Large Scale with the following conditions:

Fire Marshal Conditions:

Applicants will be required to complete fire safety measures to the Fire Marshal’s approval. The list of requirements is being constructed at this time, but Planning Staff will provide updated information at the time of the Planning Board meeting, as well as update the Conditions of Approval accordingly.

Utility Conditions:

Ozarks Electric Conditions

1. Any damage or relocation of existing facilities will be at owner’s expense.

2. Any power line extension that has to be built to this property will be at the owner's expense. The cost will be determined after the owner makes application for electric service and the line has been designed.
3. All off site easements that are needed for Ozarks to extend electrical service to this property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions.
Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com
5. There must be a 30 foot utility easement along the existing overhead line.

Drainage Conditions:

1. At this time, the applicants and the county engineer are discussing the need for a detention pond in order to address the runoff from the solar panels. If a detention pond is required, Planning Staff will update you at the meeting, and update the Conditions of Approval accordingly.

Planning Department Conditions:

1. Applicant must supply the names of adjacent land developments and ownership of adjacent property.
2. Building setback lines as fixed by the county, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines.
3. Certification issued by the County Tax Collector to the effect there are no delinquent taxes payable at the time of the LSD Plan approval.
4. Add note to plan: Any further splitting, use or land development not considered with this approval must come before the Planning Board for a separate approval.
5. Add note to plan: Review of these plans is limited to general compliance with Washington County codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements, even if error, omissions or any inadequacies are discovered after plan approval. The County's requirement shall govern over any conflicts with the plans or specifications. Any conditions determined in the field that require changes shall be subject to further review and corrective action to be paid for by the developer.

Addressing Conditions:

1. The new buildings must be addressed.

Environmental Conditions:

1. There is no stormwater permit required by Washington County at this time; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Road Department Conditions:

1. At this time, there have been no comments or concerns provided by the Washington County Road Department.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Have all signature blocks signed on a minimum of 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. Please contact the Circuit Clerk for acceptable plat size.

Washington County Planner, Rick Barry, presented the staff report with updates for the Board Members.

Joel Kelsey asked, "I'm assuming by just looking at that those are just plain metal buildings?"

Rick Barry, County Planner, answered, "Yes."

Joel Kelsey inquired, "Is there any architectural requirement, as far as the County is concerned on something like that? I know it is a solar field, but I am just asking."

Nathan Crouch, Planning Director, replied, "These are a little more complicated than just metal buildings out there. They're housing the battery units that all of the 5 megawatts the solar field are feeding into. I know the Fire Marshal reviewed the literature on those battery buildings last night to the tune of 350 page manual. Then he gave us these comments about 11 o'clock last night. He has gone through the specifics of the battery buildings and approved according to the Arkansas State Fire Code."

Joel Kelsey continued, "So you are telling me there is no architectural requirement?"

Nathan Crouch responded, "As far as in the County code, no sir."

Joel Kelsey stated, "Okay."

Public Comment

Gary King, Member of the public, addressed the Board, "My concern is that I couldn't really see what was going on right here so I didn't know if there is a plan for a detention area in case of catastrophic failure to keep it from going to the ground water. Is there a plan for that? Has ADEQ signed off on this? Because this is hazardous material we are talking about. In case something happens. That is my concern. I just wanted to bring that up. I didn't see any plans for that."

Rick Barry replied, "May I call the engineers to discuss the detention for the applicant?"

Matt Irving, Today's Power Engineer, answered, "We don't anticipate any potential release. The batteries are self-contained. There is no need to contain any hazardous material from the batteries. I did hear the talk about ADEQ. We are disturbing less than 5 acres worth of ground. Our intention is to leave the site as natural as possible. We will get a general permit through ADEQ and we will submit our drawings for our storm water prevention."

Jeremiah Estes, Member of the public, addressed the Board, "I would just like to know what type of batteries they are if they don't consider them potentially hazardous like the other gentleman suggested in terms of failure. If the building or this facility were to catch fire or be struck by a tornado or anything like that, I mean, lithium ion in my understanding is very hazardous. We have to recycle the foam batteries and they say they are hazardous waste."

Matt Irving responded, "It is hard for me to address a potential national disaster, but I can tell you that the building will be supplied with an FM 200 fire suppression system. Which will, we believe, contain any type of fire issue from the batteries."

Gary King inquired, "Just to be clear there is no containment plan?"

Matt Irving replied, "There is a fire suppression plan."

Gary King requested, "Right which is bad for the ground water also. That is my main concern ADEQ should be asked about this. If they sign off on it they are the ones that govern all of our stuff right now. I would like for ADEQ to have a little input if that is possible."

Walter Jennings, Planning Board Member, asked, "Nathan, can you clarify ADEQ's role in this?"

Nathan Crouch answered, "ADEQ has a separate list of requirements that is not in our County code. Becoming compliant with ADEQ will be up to the applicant. As far as the detention we have run this proposal through our County contracted Engineer and no detention was required."

Walter Jennings continued, "And the Fire Marshal added his conditions as well?"

Nathan Crouch affirmed, "Absolutely."

Public Comment Closed

Joel Kelsey made a motion to approve the Fayetteville Solar Field Pre-LSD with staff recommendations. Walter Jennings seconded. All board members present were in favor of tabling. Motion passed.

CONDITIONAL USE PERMIT HEARING

Farmington Planning Area

e. Elevate Elite Training Academy CUP

Conditional Use Permit Request

Applicant: Manuel & Clarice Whitmore

Location: Section 33, Township 16, Range 31

Engineer: Bates & Associates

Location Address: Bethel Blacktop WC 62

Approximately: +/- 25.31 acres / 1 lot

Proposed Land Use: Recreational Facility

Coordinates: Latitude: 36.02803042, Longitude: -94.28343481

Project #: 2018-379

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: Manuel and Clarice Whitmore are requesting **Conditional Use Permit** approval to construct and operate an indoor gym for youth age baseball and basketball team training and tournaments in an area where agricultural and single family uses are allowed by right.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre)

PLANNING AREA: City of Farmington

QUORUM COURT DISTRICT: District 7, Sam Duncan

FIRE SERVICE AREA: Prairie Grove Rural

SCHOOL DISTRICT: Farmington

INFRASTRUCTURE: **Water-** Washington Water Authority

Electric- Ozarks Electric

Natural

Gas- Black Hills Corp

Telephone- Prairie Grove Telephone

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

This project was tabled at the Planning Board on January 10, 2019 by the Planning Board to allow the applicant more time to assess the viability of additional parking.

Manuel and Clarice Whitmore of Elevate Elite Training Academy are seeking Conditional Use Permit and Preliminary Large Scale Development approval to construct and operate an indoor gym for youth age baseball and basketball team training and tournaments.

The training hours will be Monday through Thursday from 3pm to the last scheduled practice at 9pm.

The tournaments will occur during the summer months of June, July and August twice a month on Saturdays and Sundays. The last scheduled game will be at 9pm.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is in the Farmington Planning Area. To date, the City of Farmington has yet to submit comments regarding this project.

The project parcel (001-12506-002) is approximately 25 acres (more or less) in size. On October 19, 2018 the City of Farmington approved a tract split of 2.00 acres (more or less) on the east side for this project. This split was/has not/yet to be processed by Washington County.

The applicant will also purchase an additional 0.25 acres to increase the amount of parking spaces to a total of 61. An additional 40 off-site parking spaces will be located at 12292 W Hwy 62 in Farmington. Jim Ayers will allow the applicant to utilize the parking lot of his business, Ayers Drywall, during tournament weekends. This location is a less than a mile from the proposed gym location. This brings the total amount of parking spaces during tournaments to 101.

There will be two buildings constructed.

Building 1

- 11,970 square feet
- Utilized for tournaments and training when necessary
- Will contain 2 regulation sized courts with vending and concession area
- Will contain restrooms

Building 2

- 2,400 square feet
- Utilized for training, storage, and office areas
- No courts will be inside

The applicant is not proposing to have pole lighting, but rather wall packs.

There will be signage located on the north wall of the proposed building 1. The applicant is not proposing a freestanding sign at this time.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Washington Water Authority services this parcel and had the following comments:

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen, the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.
2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to be approved by WWA before submittal to Arkansas department of health

The Washington County Fire Marshal had the following concerns/comments:

1. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740
2. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
3. Vehicle impact protection must meet AFC section 312
4. Panic hardware on exit doors.
5. Callout for fire hydrants
6. Lever style door opener on office door and any interior door should it not be push open

Health Department Issues:

A Direct Representative of the Arkansas Department of Health performed a soil analysis on October 11, 2018. The soil was determined to be adequate for a standard type individual sewage disposal system. A septic design and permitting will still need to be approved by the Arkansas Department of Health.

Electric/Phone:

Ozarks Electric is the provider for this parcel. They had the following comments:

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

Prairie Grove Telephone provides phone service for this area. They did not submit comments.

Roads/Sight Visibility/Ingress-Egress/Parking:

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on Bethel Blacktop WC 62 is very adequate.

Please contact the Washington County Road Department and comply with all permitting and regulations concerning constructing in the Right-Of-Way.

Drainage:

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

1. No additional comments.
2. The drainage report will need to be updated to include the additional parking places for review.

Environmental Concerns:

No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Signage/Lighting/Screening Concerns:

Signage:

No signage is allowed within Washington County's road right-of-way (ROW).

Lighting:

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately (see attached diagram).

Screening:

There is moderate natural vegetation along the entire boundary of the proposed project.

Sheriff's Office Concerns:

Washington County Sheriff's Office had no comments on this project.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily residential/agricultural. Across the proposed driveway is an electrical substation. Within a one mile-radius, there are other commercial uses, though, those properties are along W. Hwy 62.

County's Land Use Plan (written document):

According to the County's Land Use Plan:

Section III. Physical Development

2. LIGHT COMMERCIAL

Continuing with the primary goal of retaining the rural characteristics of Washington County, light commercial uses should be allowed if:

- a. Not incompatible with adjacent residential and agricultural uses; or by conditions placed on such to mitigate its impact. Together with community facilities and compatible residential uses, this use typically serves as a buffer between general commercial and strictly residential uses.

Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. An indoor gym that hosts practices and games for youth aged children a few times a week and primarily on weekends should not impact Bethel Blacktop, which is already heavily trafficked. All parking will be onsite and not in the street or the County Right of Way.

The visitors to the indoor gym will be primarily indoors.

There exists natural vegetation to aid with visual mitigation of the proposed project site.

Site Visit:

A site visit was conducted by Planning Staff on 01/03/2019. Staff did notice anything of concern.

Neighbor Comments and Concerns:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal.

Staff mailed a total of twenty six (26) certified notifications on December 27, 2018. Staff has received one comment in favor of the project for that mailing.

Since then, Staff has received a total of 21 comments total. These comments were received from the neighbors within the 300 foot buffer area and beyond. Eight of these were in opposition. The concerns were regarding traffic, the unattractiveness of the buildings, the location wasn't appropriate for such a project, there weren't enough restrooms provided.

The comments in favor stated that yes, affordable training facilities were needed in the area. The youth could use leadership skills and benefit from the outreach Mr. and Mrs. Whitmore would be able to help provide.

On February 8, 2019, Planning Staff received a petition that contains 90 signatures. All of these signatures were in opposition of the project. The petition has been attached for your review along with any and all the comments to date.

Planning Staff will update the Board of any more comments.

STAFF RECOMMENDATION: Staff withholds recommendation of the project. To date, Staff has yet to receive comments from the City of Farmington. They state that they will send comments concerning the project during the week of the Planning Board Meeting on February 14, 2019. Staff will make a recommendation to approve, deny, or table the project at the Planning Board meeting.

Water/Plumbing/Fire Issues:

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen, the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.
2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to be approved by WWA before submittal to Arkansas department of health

Washington County Fire Marshal Conditions:

1. Please ensure that there is no parking by the second fire hydrant (the hydrant farthest from Bethel Blacktop).
2. If the buildings will be all metal (no wood studs or wood membrane), then the occupancy type will be a Type 2B.

3. The street entry must be 26 feet.
4. Turn radii on all turns must be 38 feet.
5. Please finish out the sidewalks.
6. Please contact the Fire Chief for the City of Farmington for placement of the Knox Box.
7. The kitchen is stated to be a warming kitchen only.
8. The fire extinguishers and alarms will need to be inspected annually.
9. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740
10. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
11. Vehicle impact protection must meet AFC section 312
12. Panic hardware on exit doors.
13. Callout for fire hydrants
14. Lever style door opener on office door and any interior door should it not be push open

Health Department Conditions:

1. Please submit septic design and permit to the Arkansas Department of Health for approval.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. No additional signage is allowed to be placed.
5. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
6. All outdoor storage and dumpster must be screened with opaque material (gates must be opaque too).

Addressing Conditions:

1. The applicant must apply for 911 addresses to be assigned if needed.

Utility Conditions:

Ozarks Electric:

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

Planning Conditions:

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

Additional and Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office).
2. Pay engineering any fees. This total will be calculated for this project once all invoices are received.

3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. **This CUP must be ratified by the Quorum Court.**
5. **It is the applicant's responsibility to contact the Planning Office when inspections are needed.**
6. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Washington County Senior Planner, Sita Nanthavong, presented the staff report with updates for the Board Members.

Tina Ford, Project Manager from Bates & Associates, addressed the Board, "I would just like to reiterate what we said the last time. We did expand the parking area in the south. The alternate area was rotated to run east and west. I confirmed it with the septic designer and she stated that 'that would work'. The lateral lines would have to be shorter and it would be more. Therefore, that field would be wider but, it would still work that way. We would like to not encroach on that with our parking until during tournament time to see if it is not needed. If it is not needed we would like to save as much as that as possible undisturbed."

Joel Kelsey responded, "I have no issue with what you are trying to do. My concern is that road and even though you are adding those amount of parking spaces, you are a mile away to the overflow. Looking at it I think there are going to be a lot of people that aren't going to worry about parking a mile away on the overflow and catching a bus to come there. It is going to create a traffic incident that I think is going be unwarranted out there."

Tina Ford pointed out, "We have available the amount that you had said 70. We have secured additional to have extra on top of the 70."

Joel Kelsey stated, "I understand that. My main concern is still going to be the traffic. If you are successful and I hope that if it passes I hope it is but, I think the traffic issue is going to be a problem. Even with the overflow a mile away."

Public Comment

Pete Winters, Neighbor on Bethel Blacktop, addressed the Board, "I would just ask that you listen to my personal experience with this type of business. I used to live in Springdale next to All Star Sports Arena. I will be honest that is one of the reasons that I moved out to where I live now. The traffic was atrocious. The parking was atrocious. The people parked on the grass, double parked in the road. There were fire truck issues trying to get in there. The other thing is I just would like to say the business that I am speaking of was on church property and it was in town. There were a lot of things that went on in that parking lot that shouldn't have gone on. I am just concerned with it being out in the County and the Washington County Sheriff's Office having all of the things that they've got to deal with. I don't know that the response is going to be there so I will just say traffic and the loitering are all I would like to bring up."

Gary King, Neighbor within a mile and a half of project, addressed the Board, "I have two children that have gone through the sports programs. There is just not going to be enough room for what they are wanting to do. Based on my experience in taking my kids to sporting events. I fear that the subdivision across the street will be calling for tow trucks constantly because of people parking in front of their yards blocking traffic and emergency service. I am against this. Thank you."

Brandy Samuels, Neighbor approximately one mile from site, addressed the Board, "Unfortunately, I didn't know we were going to have computers here. I know she gave ya'll a map of all of our opposition, but if you would like to see a better map I have created one. These are all of the names that are in the petition. In regards to the opposition and support I did a little research and obviously most of the ones on

our petition are from our area. Their support letters come from Texas, Centerton, Springdale, Fayetteville, and one from Prairie Grove. One from the basketball coach at Farmington although he tells us he wouldn't even want it in his neighborhood. And from the owner of the land who is going to make a profit from this. With regard to the parking, again we have a disagreement in statement. When we asked Jim Aires about parking they listed 40 in their petition he told us 'yeah 6 or 7 additional cars'. That is a big difference. Also, what if they miss the shuttle? Teenagers are not known for making good decisions. What happens when they start walking down Bethel Blacktop? People don't necessarily do the speed limit through there. I've had people go 80 in front of my house. It is a very dangerous situation. With regard to the road, I believe she mentioned it that Farmington has it listed as a minor arterial. On the application they said arterial which I believe they meant major. If you ask Washington County that is their first response but when you ask them how the road is actually built 'it is only a minor arterial it cannot handle the amount that a major arterial road can handle' that came from Jeff Crowder at the Road Department. If you look at the County Road conditions you have excellent, good, fair, critical and lost. I am not even really sure what that means, but the stretch of HWY between 62 and Little Elm is listed at fair. If we start adding a lot more traffic on our road how long before it becomes critical? Obviously not lost. With regard to Farmington having it as commercial in their current land use, I will agree with that. I have that map. However, if you ask Farmington for their future land use, it is no longer considered commercial, it is back to residential. Needless to say I don't believe this is a good location for the gym. I am not opposed to a gym of this type. Our kids need somewhere to hang out but, let's do it somewhere more appropriate. On HWY 62 somewhere in the city, somewhere that makes sense. They are not going to have any, I mean they are going to have a little bit of traffic but, not the majority that they need to continue a business like this. I have taken it at my liberty to find them a perfect spot on HWY 62 in Prairie Grove. There are better locations for this facility. I just ask that you deny it. Thank you."

Martha Devault, 12580 Jimmy Devault, addressed the Board, "Have you all every been to Bethel Grove? It's a very rural setting. It is pastoral in nature. Mainly I just don't think this belongs out there. How would the farmers get up and down the road with their hay equipment if these people are parked in the road? I don't think it belongs. There is a fairly large residential area just across the road, Bethel Oaks, I am sure you are familiar with it. That is my concern. It is out of character for what is there. It doesn't match, it doesn't fit. It is beautiful out there and I know these people have a good idea but, maybe they can find a better place for their idea. Thank you very much."

Shawn Johnson, Current property owner of the project, addressed the Board, "That was a long three minutes a while ago, so I will try not to take that long. If you've been out there you know that right across the street there is a substation which would be considered commercial. We have had lots of offers on the property to sell it for numerous other projects. We have rejected all of those. This seems to be a very good project, something that would give back to the community. Especially for children, kids, Jr High. They've clearly done all their homework. They've met all the requirements. Obviously we are for the project. We support it. Otherwise we wouldn't consider selling the property to them. The parking situation they had enough parking to start with. To the extreme they have added to accommodate the extreme. There are 23 more acres if they needed to purchase more property to handle the abundant extreme. With that in consideration I ask that you pass this. Thank you."

Justin Lee, Neighbor, addressed the Board "First of all I would like to state that I do support this. On top of that to counter what people are saying here you are comparing a 130,000 sq. ft. facility in Springdale to an 11,000 sq. ft. in Farmington. There is no comparison there. These gyms are going to have two courts. Two courts are not going to hold 75 people. The baseball facility to the side it's batting cages. How many people are you going to put in batting cages? The traffic on Bethel Blacktop, everything is moving out that way from Farmington and Prairie Grove. I live in Prairie Grove. I know we are growing. You are putting people out there your roads are going to get congested either way. I don't think you can compare there. As far as the cultural fit AAO basketball facility is in an apartment complex. It is right by the Washington County Fair Grounds. There is no parking there. We are there every weekend. There is none. People are parking in the apartment complex. We've been to basketball facilities in South Arkansas that are way out in the country, way off the beaten path. They are built that way because they

can accommodate people where the city doesn't charge them hundreds of thousands of dollars. There is not as much profit as you may think. In my opinion approve this accept it and lets do something good for the youth."

Ellis Patterson, 13042 Bethel Blacktop Road, addressed the Board, "It's going to hinder me. I moved there about five years ago to get out of the city limits to have my privacy. I am almost 70 years old and my wife also. We don't want the congestion of people driving up and down the road. We already have a lot of it because people cut through there to go to Lincoln. That road is really pretty narrow. That is one of my main concerns. We talked about parking space. They need twice as many parking space to take care of what they are going to do. There are going to be people on top of people coming to watch it; brothers, sisters and family. Where are they going to park when it overflows? Out on the street? They are not going to park on my street. They are not going to park in my driveway and mines is direct close to the entrance. That is one of my main concerns. I know a lot of people that has lived there a lot longer than me and they feel the same way about it. He was talking about the farmers they can barely get up there by their selves when they are pulling a big tractor. That's how narrow that road is. I don't think they are going to have enough bathroom space for when a lot of people comes. So where are those people going to go? When there is not enough bathroom space and they start backing up outside to go to the bathroom? There are all kinds of concerns that people are not looking at. I think down the line somewhere if this goes through there is going to be another complex of something right beside it. It will just take away from the neighborhood. That is the thing, I didn't want to live in another neighborhood. I moved here from Texas. I was born and raised in Stillwell. I moved back here form Texas, I lived down there 40 years. I lived in a community where it was a lot of houses. I said I didn't want to live like that no more. My mom and dad owned a farm in Stillwell and I wanted to at least get outside the city limits. I own 2 and a half acres of land. I can move around a little bit and not be jammed up. That's one of my main concerns. Thank you for listening."

Diane Burton, neighbor directly across the project, addressed the Board, "I only have two concerns and it is traffic and security for the kids in the complex. I respectfully request that you deny it. Thank you."

Billy Carter, 13086 Bethel Blacktop Road, addressed the Board, "When I pull out of my drive way I will be looking at it. We have a lot of concerns, me and my neighbors. One is we moved out there because it was rural. The road is too narrow there are people that ride bikes up through there now. There are people that walk up through there now and it's a danger when they do that. We do not want our neighborhood commercialized. I consider myself part of the Farmington community. Farmington has a commercial area on the 62 corridor. They have one other commercial area which is in Southwinds. It was built and developed for that. It connects to the 62 corridor. We are really passionate about this. My neighbors and I do not want our neighborhood changed. If they want to build a house and a shop we are all in. If they want to build this on the HWY 62 corridor we will all be there supporting them. I want to challenge what Mr. Lee from Prairie Grove said about there being plenty of parking. I have been going to ball games all my life. Within the last month I was up at AAO on a Wednesday night they were using four courts. AAO has approximately 200 parking spaces and they were parking over in the apartments and up in the over flow on the fairgrounds property. They have nowhere near enough parking. It is just going to be a danger to our community. I hope you guys will vote to oppose this. Thank you very much."

Tim Boudrey, Neighbor right next door to project, addressed the Board, "My greatest concerns have already been stated as far as parking in the streets. Manuel came to my house and told me about the project. I hadn't received the letter yet and I told him the same thing I will tell you. I am not opposed to the kids. I've got one son that is a personal trainer and another son that does hitting and pitching lessons. I love it, I love the idea. I just want to make sure that the numbers count is correct because if the numbers of the parking are off, are the numbers on the septic off? If they are off I am the one that is going to smell it. The other thing is I strongly would urge you to put a privacy fence where the headlights aren't shining in my bedroom at night after dark when the cars are coming and going. If you look at that map I am the house with the circle drive right beside their parking lot. I am in the building business I am a developer. I understand that people buy land and people have rights with their land. I just want everything to be done

above board and correctly so that we don't have problems down the road. Thank you."

Quan Carr, Youth sports coach, addressed the Board, "I have been coaching youth sports for the last 20 years. First off I think everybody should understand this is no Boys and Girls Club that they are trying to build. This is people taking things a little more serious with providing a future for their kids. As a coach I know my job is not to worry about x's and o's but to try to make young men and women the best I can for their future. I understand all of these people not wanting change, but I've got bad news for them change is coming whether you like it or not. You can have a youth facility built there or pretty soon Walmart is going to jump in there. Somebody is going to take that property. Somebody is going to build something there eventually. I don't think people are understanding the opportunities it provides for the town. Personally I live in Fayetteville. I agree with some of these people and some of their experiences when they say AAO and they talk about Springdale, but what I want them to know is that is one reason this place is trying to be built. To change all of that; to change people's experience. To make people happy; to make people enjoy coming to these types of events because you heard people say these other place have kind of a bad reputation. They are trying to change that. Some of these complaints I hear those are just things you are going to deal with young adults. That is why this place needs to be built, to teach them better so that they are not sitting in somebodies yard smoking marijuana or trying to steal their car. That is all we are trying to do is provide a better future for the kids when it boils down to it. I hope that town understands that or these people. I respect they don't want change, but at the same time this is about the kids, our future. Thank you."

Doug Wilkes, 4/10th of a mile from intersection on Bethel Blacktop and Little Elm, addressed the Board, "I have personal experience with this situation. I am a California transplant. I lived in my home for 46 years in Orange which was a small community. A very pleasant community. I loved my house up to the minute I sold it, but the reason I sold it and moved out was because tennis courts, basketball courts and handball courts 4/10th of a mile from where I lived. Our neighborhood became the parking lot. This facility had more parking spaces than these gentleman are proposing. The streets were clogged even though the hours were similar to what these guys are 10 o'clock on the weekends. Well 10 o'clock even though the lights were turned out there were parties going on out there. Constant litter, public urinating on land around there. It just destroyed the neighborhood. That was my reason for getting out of that area. I would highly suggest to deny this permit. It is not in the right area. Echoing some of the other people's sentiment, out on the main highway, away from residential/agricultural area, no problem. You still will have problems, but not to where it will affect the residential community that we live in right now. I thank you for your time."

Terry Mullin, 13082 Bethel Blacktop Road, addressed the Board, "I want to address the construction of the road. I know what is under it. I have been lucky enough to have been at the same company for over 41 years. I have overlaid that twice. The first time it was chip and seal on dirt, which most county roads are. The second time in the early 80s we paved an inch in a half over it. Then in the 90's it got another inch and a half. I don't think that that road can handle the additional traffic that this thing could possibly put on it. The road has never been widened, it is still the same width. I know for sure because I moved there after we paved the last time and that is all that is on the road way. It is not constructed to handle a lot of additional traffic. Thank you."

Brandy Samuels added, "I did a Freedom of Information request on the Washington County Sheriff's Office and what my results found is that every single accident that happened with in the last five years happened at the intersection of Little Elm and Bethel Blacktop Road. Right by where the proposed facility is. So what happens when a tournament is going and there is another wreck at that intersection and the emergency personnel can't get to them. That is all. Thank you."

Clarice Whitmore, Applicant for project, addressed the Board, "I want to address some of the comments. The first one is the comment made just now about the corner of Little Elm and Bethel Blacktop before I forget. This property is proposed to be on the farthest side from the Bethel Blacktop and Little Elm intersection. It will be away from that area. We do not anticipate that we will be driving traffic in that

direction. We believe it will be in the opposite direction. The comments around All Star Sports Arena and the loitering and lack of parking that is a 130,000 sq. ft. building. Our building 10% of that. That building also has six restrooms for the women and I don't know how many for the men. We have two in the women and two in the men. Our building is 10% of that size yet we have 30% of the available restrooms that they have there. I don't think there will be a concern in terms of the septic. We have had the septic built for max occupancy. It is not built for the everyday use, it is proposed to be built for the tournament use. We will be monitoring our parking lot with surveillance cameras. My husband has a security company and we will make sure that there is no loitering in the parking lot. One of the replies that we got was related to the carpooling that we talk about will happen with this facility. There is a misunderstanding that teenagers will be carpooling. That is not the case. We anticipate that parents will be bringing their children to the tournaments or to the practices. That is where the carpooling comes in. As it relates to the shuttling, it will be done very systematically. First of all there will be somebody at the door to accept the admission prices and give directions and there will also be a manager on site at all times. There will be notification placed at the front door that if you don't have a parking space you pull up to the front. You let one of employees know and then we have a bus that will be there at all times to go get someone. There is not a concern of shuttling not being available. There won't be kids walking down the street because of a lack of a shuttle. This is not an impulse business. Which means that we don't anticipate people coming off the street to just come in and get trained. They will be coming there specifically to be trained. My husband and I have two boys who are in competitive basketball and we go all over the place to go to the gyms and such. We are not concerned exactly where it is except for the compatibility concerns of the neighbors. We will have two basketball courts. At most there will be ten kids per court at one time, during tournament season. That is twenty kids and twenty parents, just say that everybody brings their own car which we don't believe will happen and then the next team who is up comes that is another twenty kids. We are talking forty people we are talking twenty something spaces now. Then we have got the overflow. In terms of the number of parking spaces that Airs says is available. You saw a picture of the parking lot. I think there is a lot more than six or eight parking spaces. As it relates to AAO and being there for a tournament. I was there a couple weekends ago I counted the parking spaces. There are sixty-four and there are five courts. As it relates to the lighting, I understand the adjacent property owners concern about those cars pulling into the parking lot and that light shining right into his house. We can very likely consider something to try to keep that from happening, because we do want to be good neighbors. What I will tell you is that the lights that are on the building intended to light the parking lot are pack lighting. It is specifically designed for there to be no trespass so there won't be any light pollution as it relates to the pack lights on the building. Thank you."

Donna Carter, 13086 Bethel Blacktop Road, addressed the Board, "Personally I am all for a facility my children grew up in these facilities. Two of my daughters played AAU basketball and went to college on full scholarships. We are all about athletics. My main concern is really two things Martha mentioned it, but the cosmetic area and I don't know how many of you have driven out through Bethel Blacktop but, it is a beautiful area through down there. Mr. Boudrey, didn't mention it, but he has a very beautiful home that will be built right next to this facility and I am talking a million dollar home. There are beautiful homes all the way down through there so my point with that is that although I am all for a facility there is a place for this type of facility. In an area that has beautiful homes already, a beautiful neighborhood across the street. It just doesn't seem the right fit. As far as the shuttling I think there could be some of that could occur, but in the neighborhood that is across from us there are a lot of young little bodies over there and if they are fortunate enough to get to play on a team that gets to be in some of these tournaments I guarantee you they are going to be running their little bodies across the street. No one is going to be shuttling there if they live that close. There are no sidewalks. I'd love to say that people always drove the speed limit, it doesn't happen. I would just say if we could also look at what it is like down through there the beautiful homes that are there. If you start with one commercial property I feel like it will continue to go down that road. Thank you very much."

Lyndell Johnson, Son of property owner for project, addressed the Board, "I am a commercial contractor I am for it. I hope that you noticed a lot of these people that have talked tonight are outside of the 300 ft. distance. If that was filled with houses, how many cars and people are we talking about there, because it

is fixing to happen right across the road? They have already sold off every bit of that for homes. I don't think there are going to be any more. We used to take our daughter to traveling ball, playing basketball. Some of the problems that they are talking about I don't recall any of that. It is a good thing for the kids. It gets them off the street and gives them hope. I think it would be a really good thing right there in that area. They have meet all of the requirements, they followed the rules, and I am asking you to pass it."

Stacy Bell, 13074 Bethel Blacktop Road, addressed the Board, "I go along with what everybody else says about the area. Also, behind this area there is a shooting range. We hear them all the time. I don't think that is very safe. I am not against the kids having an area like this. It just doesn't belong where they are trying to put it. We moved into the country for a reason. I don't want to look out my front door and see a parking lot full of cars and metal buildings. I want to see homes. I just don't think it is appropriate for what they are trying to do. The shooting range is concerning to me as well. Thank you."

Teresa Kirk, Member of the public, addressed the Board, "Okay, so I am a little confused. If the children are our future and we are worried about our kids getting into any type of trouble, then why are we not wanting to have a facility where they can go and practice? If you did the research on kids that go to AAU and things like that you would see that they do better in school than those that don't. I am just confused because at the end of the day like the man said before somebody is going to build something over there so I don't understand why we just don't do something to help the kids. We are talking about parking and we are talking about trailers and tractors and stuff. I don't know if you guys remember, but a long time ago when Kohl's was getting ready to get built and how the man tied himself to a tree. Well Kohl's got built anyway right? So these are things that are going to happen it's just part of life. At the end of the day I have a god daughter that plays on a basketball team and she needs somewhere to practice so that she can grow up and she can develop and she can go to college and get a scholarship playing basketball. They get these kinds of skills there. Thank you."

Karla Long, 12492 Shetland Road, addressed the Board, "I am a school teacher and school counselor in Farmington for about 20 years. I have at least 10 families that live in the housing addition that is right across from there. My mother lives in that housing addition as well. My kids I teach at a K-3 school. We have a lot of little bitty kids over there. I went to a funeral of one of my students just within the month. I don't want to go to another funeral of one of my kids because the traffic is so bad in that area. Especially with people who are not familiar with the area. If you have been down the road you know that Highway 62 turns only to the right on County 62. There are still flowers on that intersection where someone was driving and didn't realize there is a stoplight there. With it being a three way instead of a four way a lot of people that are not familiar with that area do not realize that that road turns off. That light when I drive to work every morning very often the red light gets stuck. It is supposed to have a sensor on it but when the weather is bad it doesn't. I have called the police at least five or six times to ask them to come check on it. When it gets stuck the cars just go on red when they find a spot. It is a very unsafe intersection. I can't feel good not saying something about that because I am concerned about my students and their families that are driving that road. If we have a lot of people coming that are not familiar with the area on that intersection. Thank you for listening."

Travis Carole, 13439 Bethel Blacktop Road, addressed the Board, "I own a good part of the pasture land just to the north of this property across Little Elm. The only question, and it's really a question. Kind of a statement, but then really a question. Bethel Blacktop has a serious drainage problem during rain storms. Has it been evaluated and what would happen to the run off from that property?"

Kurt Williams, 13048 Little Elm Road, addressed the Board, "One of my concerns I am talking about the infrastructure out there. Once this building goes in are the tax payers going to get stuck with putting a turning lane in or a traffic light? That is one of my main concerns. Thank you."

Mark Bridges, Neighbor 300 ft. from project, addressed the Board, "Of course parking and all that stuff has been talked about. Traffic has been talked about as well. I moved here close to my home August 24th. My back yard is a field and I brag the fact that I am not going to have people back there. I am always

going to have a nice view, which is great. I've got phenomenal neighbors and behind them is another field which is our septic tank. Talking about parking I am actually scared people are going to be parking on my septic tank. I like the neighborhood and I moved there because it is beautiful and it is a residential area. I am a former college athlete. I am hoping my kids will go to college for some sports as well. One of them is a great basketball player. We play basketball every Tuesday night. I am not griping about where I park. I find a place to park, it's not a problem. I am a baseball player and I coach baseball at facilities just like this. Great facilities. I don't want to live in a commercial area. I want to live in a residential area with neighbors that I know, and not a metal building. I don't want to have a metal building in my backyard that I have to look at. I have parties with my youth group. They come over and we watch movies in the backyard. It is pretty dark right now, if we have a building with a bunch of lights I am afraid that I am not going to be able to do that because it's not going to be dark enough to do a movie. The building is not that big, we are talking about the parking and they have expanded the parking. I also don't want to live next to a parking lot. The field is full of grass and it's beautiful. That's my two cents. I appreciate it."

Tina Ford responded, "With regards to the drainage there is a detention pond that was designed handle the over flow and to account for the 100 year storm."

Public Comments Closed

Walter Jennings stated, "With the addition of the parking I am more comfortable with the parking issue. I do think the neighbor to the east has a valid concern with the headlights from the parking lot hitting his house. I think it would be reasonable to have another condition of a privacy fence maybe 4 ft. tall on the east side of the parking lot to shield headlights from the neighbor's house."

Joel Kelsey inquired, "Do you have a parking agreement with Aires to be able to park on that property with a set number of parking spaces?"

Tina Ford replied, "We have an agreement with Aires and it is notarized where he signed it. Also the property owner Mr. Johnson spoke and stated that he will make available any additional parking that will be needed should we see that that need comes up."

Walter Jennings made a motion to approve the **Elevate Elite Training Academy CUP** with the conditions as presented and with a four foot privacy fence to shield headlights along the east side of the parking lot. Neil Helm seconded. Joel Kelsey opposed. Walter Jennings, Neil Helm, Philip Humbard and Robert Daugherty were all in favor. Motion passed.

LAND DEVELOPMENT HEARING

Farmington Planning Area

f. Elevate Elite Training Academy Pre-LSD

Preliminary Large Scale Development Request

Applicant: Manuel & Clarice Whitmore

Location: Section 33, Township 16, Range 31

Engineer: Bates & Associates

Location Address: Bethel Blacktop WC 62

Approximately: +/- 25.31 acres / 1 lot

Proposed Land Use: Recreational Facility

Coordinates: Latitude: 36.02803042, Longitude: -94.28343481

Project #: 2018-380

Planner: Sita Nanthavong email: snanthavong@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary Large Scale Development approval for the construction of two buildings to be used as an indoor gym for youth age baseball and basketball training and tournaments.

CURRENT ZONING: This project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

PLANNING AREA: This project is located within the City of Farmington Planning Area.

QUORUM COURT DISTRICT: 7, Sam Duncan

FIRE SERVICE AREA: Prairie Grove Rural

SCHOOL DISTRICT: Farmington

<u>INFRASTRUCTURE:</u>	Water- Washington Water Authority	Electric- Ozarks Electric	
	Natural Gas- Black Hills Corp	Telephone- AT&T	Cable- Cox

BACKGROUND/ PROJECT SYNOPSIS:

This project was tabled at the Planning Board on January 10, 2019 by the Planning Board to allow the applicant more time to assess the viability of additional parking.

Manuel and Clarice Whitmore of Elevate Elite Training Academy are seeking Conditional Use Permit and Preliminary Large Scale Development approval to construct and operate an indoor gym for youth age baseball and basketball team training and tournaments.

The training hours will be Monday through Thursday from 3pm to the last scheduled practice at 9pm.

The tournaments will occur during the summer months of June, July and August twice a month on Saturdays and Sundays. The last scheduled game will be at 9pm.

The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

The project parcel is in the Farmington Planning Area. To date, the City of Farmington has yet to submit comments regarding this project.

The project parcel (001-12506-002) is approximately 25 acres (more or less) in size. On October 19, 2018 the City of Farmington approved a tract split of 2.00 acres (more or less) on the east side for this project. This split was/has not/yet to be processed by Washington County.

The applicant will also purchase an additional 0.25 acres to increase the amount of parking spaces to a total of 61. An additional 40 off-site parking spaces will be located at 12292 W Hwy 62 in Farmington. Jim Ayers will allow the applicant to utilize the parking lot of his business, Ayers Drywall, during tournament weekends. This location is a less than a mile from the proposed gym location. This brings the total amount of parking spaces during tournaments to 101.

There will be two buildings constructed.

<u>Building 1</u>	<u>Building 2</u>
11,970 square feet	2,400 square feet
Utilized for tournaments and training when necessary	Utilized for training, storage, and office areas
Will contain 2 regulation sized courts with vending and concession area	No courts will be inside
Will contain restrooms	

The applicant is not proposing to have pole lighting, but rather wall packs.

There will be signage located on the north wall of the proposed building 1. The applicant is not proposing a freestanding sign at this time.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Water/Plumbing/Fire Issues:

Washington Water Authority services this parcel and had the following comments:

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen,

the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.

2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to approved by WWA before submittal to Arkansas department of health

The Washington County Fire Marshal had the following concerns/comments:

1. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740
2. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
3. Vehicle impact protection must meet AFC section 312
4. Panic hardware on exit doors.
5. Callout for fire hydrants
6. Lever style door opener on office door and any interior door should it not be push open

Health Department Issues:

A Direct Representative of the Arkansas Department of Health performed a soil analysis on October 11, 2018. The soil was determined to be adequate for a standard type individual sewage disposal system. A septic design and permitting will still need to be approved by the Arkansas Department of Health.

Electric/Phone:

Ozarks Electric is the provider for this parcel. They had the following comments:

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

Prairie Grove Telephone provides phone service for this area. They did not submit comments.

Roads/Sight Visibility/Ingress-Egress/Parking:

The Washington County Road Department did not submit comments.

The site distance at the proposed entrance on Bethel Blacktop WC 62 is very adequate.

Please contact the Washington County Road Department and comply with all permitting and regulations concerning constructing in the Right-Of-Way.

Drainage:

The Washington County Contracted Engineer, Zach Moore, has reviewed this project and had the following comments/concerns:

3. No additional comments.
4. The drainage report will need to be updated to include the additional parking places for review.

Environmental Concerns:

No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Signage/Lighting/Screening Concerns:

Signage:

No signage is allowed within Washington County's road right-of-way (ROW).

Lighting:

All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately (see attached diagram).

Screening:

There is moderate natural vegetation along the entire boundary of the proposed project.

Sheriff's Office Concerns:

Washington County Sheriff's Office had no comments on this project.

SITE VISIT:

A site visit was conducted by planning staff on January 3, 2019. No concerns were noted.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal.

Staff mailed a total of twenty six (26) certified notifications on December 27, 2018. Staff has received one comment in favor of the project for that mailing.

Since then, Staff has received a total of 21 comments total. These comments were received from the neighbors within the 300 foot buffer area and beyond. Eight of these were in opposition. The concerns were regarding traffic, the unattractiveness of the buildings, the location wasn't appropriate for such a project, there weren't enough restrooms provided.

The comments in favor stated that yes, affordable training facilities were needed in the area. The youth could use leadership skills and benefit from the outreach Mr. and Mrs. Whitmore would be able to help provide.

On January 31, 2019, Staff mailed courtesy notifications stating that the project would once again be heard at the February 14, 2019 Planning Board Meeting.

Planning Staff will update the Board of any more comments.

CHECKLIST:

*Please note that if an item is marked inadequate, staff will usually recommend tabling or denial of a project.

Important Information Checklist			
	Inadequate	Acceptable	Complete
City/Planning Area Issues		✓	
Planning Issues/Engineering Issues		✓	
Road Issues		✓	
Fire Code Issues		✓	
Utility Issues		✓	
Health Department Issues		✓	
Other Important Issues			
General Plat Checklist			
	Inadequate	Acceptable	Complete
General Information			✓
Existing Conditions			✓
Proposed Improvements			✓
Info to supplement plat			✓

STAFF RECOMMENDATION: Staff withholds recommendation of the project. To date, Staff has yet to receive comments from the City of Farmington. They state that they will send comments concerning the project during the week of the Planning Board Meeting on February 14, 2019. Staff will make a recommendation to approve, deny, or table the project at the Planning Board meeting.

Water/Plumbing/Fire Issues:

1. Northern FH assembly should be relocated ~20' north and within the eastern greenspace island, or the 8" water main lead shall be encased under the parking area. If the latter option is chosen, the FH assembly and 8" water main lead will need to be within a 20' u/e where it extends beyond the existing 60' easement.
2. Connect the water meter to the 6" water main lead just west of the proposed tee (to reduce water quality issue in the fire line) located in the western part of the project.
3. The steel steeve shall be 24" if a field weld application is to be implemented in lieu of the prior water main relocation alternate (see WWA comments 12.17.18). Encasement shall be 40' in total length.
4. Please provide standard details associated with water infrastructure construction.
5. Plumbing plans will need to be submitted to WWA and ADH for approval before installation
6. Construction plans will need to be approved by WWA before submittal to Arkansas department of health

Washington County Fire Marshal Conditions:

1. Please ensure that there is no parking by the second fire hydrant (the hydrant farthest from Bethel Blacktop).
2. If the buildings will be all metal (no wood studs or wood membrane), then the occupancy type will be a Type 2B.
3. The street entry must be 26 feet.
4. Turn radii on all turns must be 38 feet.
5. Please finish out the sidewalks.
6. Please contact the Fire Chief for the City of Farmington for placement of the Knox Box.
7. The kitchen is stated to be a warming kitchen only.
8. The fire extinguishers and alarms will need to be inspected annually.
9. Page 1 address for Fire Marshal – 1155 W. Clydesdale Drive Fayetteville, AR 72701 (479) 444-5740
10. Add fire lane no parking signs at back of parking lot and take out last 3 parking spots
11. Vehicle impact protection must meet AFC section 312
12. Panic hardware on exit doors.
13. Callout for fire hydrants
14. Lever style door opener on office door and any interior door should it not be push open

Health Department Conditions:

1. Please submit septic design and permit to the Arkansas Department of Health for approval.

Roads/Sight Visibility/Ingress-Egress/Parking Conditions:

1. Any work done in the County right-of-way will require a permit from the Washington County Road Department prior to construction.

Environmental Conditions:

1. No stormwater permit is required by Washington County at this time; however, applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality. www.adeq.state.ar.us

Signage/Lighting/Screening Conditions:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
3. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed.
4. No additional signage is allowed to be placed.
5. All outdoor lighting must be shielded from neighboring properties, and any lighting must be indirect and not cause disturbance to drivers or neighbors. Additionally all security lighting must be shielded appropriately.
6. All outdoor storage and dumpster must be screened with opaque material (gates must be opaque too).

Addressing Conditions:

1. The applicant must apply for 911 addresses to be assigned if needed.

Utility Conditions:

Ozarks Electric:

1. The applicant has met all requirements on easements needed along the existing line.
2. Please contact 479-521-2900 when ready for power.
3. Any damage or relocation of existing facilities will be at the owner's expense.

Planning Conditions:

1. Any further expansion or other use not described here must come before the Planning Office and/or the Planning Board.

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Have all signature blocks signed on a minimum of 7 Final Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. Please contact the Circuit Clerk for acceptable plat size.

Washington County Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

Joel Kelsey stated, "I would just like to state the architectural thing again. I think if it is going to happen I would highly consider like a wainscot around that instead of just a metal building out there in the middle of a neighborhood. That might appease a few people as to the look of it. My thoughts."

Robert Daugherty, Planning Board Vice-Chair, added, "I think anything you could do to make it pleasant for the public would really help us and help you. We would highly suggest that, if you could."

No Public Comment

Public Comment Closed

Walter Jennings made a motion to approve the Elevate Elite Training Academy Pre-LSD with staff recommendations. Neil Helm seconded. All board members present were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARING

County

g. Heritage Farms HI CUP

High Impact Conditional Use Permit Request

Applicant: Heritage Farms NWA

Location: Section 18, Township 16, Range 31

Engineer: Melvin Milholland

Location Address: Greenburrow Road, between 14731 & 14829

Approximately: +/- 45.7 acres / 2 parcels

Proposed Land Use: Commercial Dirt Pit

Coordinates: Latitude: 36.07071449, Longitude: -94.31732630

Project #: 2018-341

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

REQUEST: Conditional Use Permit approval for Heritage Farms NWA to use parcel # 001-11943-000 for open cut red dirt mining operations, and to use parcel # 001-11940-001 for the dirt pit haul road.

CURRENT ZONING: Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre).

PLANNING AREA: This property is not located within a planning area, it is located solely within Washington County's jurisdiction.

FUTURE LAND USE: No Future Land Use has been designated at this location.

QUORUM COURT DISTRICT: District 7, JP Sam Duncan
Rural VFD

SCHOOL DISTRICT: Farmington

FIRE SERVICE AREA: Wedington

INFRASTRUCTURE: **Water-** Washington Water Authority
Gas- N/A

Telephone- AT&T

Electric- Ozarks Electric

Natural

Cable- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is requesting Conditional Use Permit approval for Heritage Farms to transition existing agricultural/residential zoned property to open cut red dirt/clay/gravel extraction operations. The property is owned by Heritage Farms NWA. Construction of the haul road has already begun.

This operation proposes the construction of a haul road and red dirt pit operations- extraction of red dirt, clay, and creek gravel. The proposed haul road from Greenburrow Road will connect to the proposed open cut mining area. The proposed mining area is split up into four phases, with progression from one phase to the next based on market demand.

The phases are as follows:

Phase 1- 6.16 acres

Phase 2- 6.06 acres

Phase 3- 3.8 acres

Phase 4- 3.1 acres

Total area to be mined- 19.12 acres

The proposed hours of operation are 7:30am – 5:00pm, Monday – Friday, with 3 to 5 employees, and approximately 75 trucks/day in the spring & summer months.
(Please see applicant's Letter of Explanation)

TECHNICAL CONCERNS:

The Conditional Use Permit is subjective in nature. Its intent is to assess the proposed development's compatibility with the existing uses in the surrounding area.

The Conditional Use Permit criteria for approval are as follows (**with Planning Staff comments in bold text**):

Sec. 11-200. –Criteria for allowance of conditional uses.

- a) The Board shall hear and decide requests for a conditional use and may authorize such if it finds:
 1. That a written application has been filed with the Planning Office and the appropriate fee has been paid. **Application is on file and fee has been paid.**
 2. That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail. **Planning Staff notified neighbors within ½ mile of the subject property, by certified mail, within 30 days of the hearing date.**
 3. That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted. **The exiting conditions, coupled with the proposed conditions of approval regarding utilities, roads, and drainage, will ensure adequate infrastructure is in place for this development.**
 4. That the proposed use is compatible with the surrounding area. **There are other red dirt pits and a quarry in the area within a few miles. However Planning Staff has received a substantial number of public comments in opposition to this proposal based on several criteria including (but not limited to) safety, noise, dust, traffic, property values, wildlife, water quality, and stormwater runoff. Many residents of this neighborhood feel this proposed use is not compatible with the surrounding area. However, the applicant feels this proposed use is compatible with**

the area based on Fayetteville's growth toward the west, and the demand for red dirt as a building material.

5. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. **The neighbors have made the argument that this proposed use will be detrimental to their public health, safety, comfort, and general welfare.**
 6. That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area. **With the applicant's estimated 75 trucks/day (in & out), many neighbors have commented in opposition to this proposed use, believing it will substantially diminish their ability to enjoy their property, as well as impair property values in the area. At the time of this Staff Report, 39 public comment forms have been submitted citing diminished property values as a concern. Neither the applicant nor the neighbors have submitted any quantitative data on property value fluctuations related to open cut red dirt mines.**
 7. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone. **Public comments have been submitted citing fear of decreased property values, which may deter future development in the surrounding area.**
- b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesated, then the Board has the power to impose said conditions which shall be specifically set forth.

Fire Issues:

1. Turning radii at the entry point is 38'.
2. Knox Box or Knox lock is needed to open the gate and the office.
3. Approved fire apparatus turnaround area – needs to be shown on the plan.
4. 75,000 lb (H-20) compaction on the road up to the office.
5. Must have address at the road and on the building where it is easy for emergency responders to identify.
6. Maximum grade of the fire lane shall not exceed 10%, as per Arkansas state fire code.

Septic:

1. No comment unless they are doing a building (with a restroom).

The applicant is not proposing a restroom at this time, so the Health Department's comments have been addressed.

Utilities

Electric/Gas/Cable/Phone:

No water, gas, or cable utilities are proposed.

There will be electricity and phone service in the scale office. No comments/requirements were submitted by Ozarks Electric or AT&T.

Washington Water Authority

Although no water service is proposed with this application, Washington Water Authority provided the following comments/requirements for the November 13th Technical Review meeting:

1. Property is served from a 4" water main located running along Greenburrow Rd., WC-662. The current application states that water service is not being requested as part of the LSD; if this changes in the future, please submit a Request for Water Service Form (www.washingtonwater.org).
2. The nearest Fire Hydrant to the project site is located at the intersection of Greenburrow Rd., WC-662 and HWY 16, or approximately 0.7 miles to the NW of the project site. Flow rate at this hydrant is 325 gpm @ 20 psi.
3. Due to the heavy equipment traffic generated by this LSD, the existing water main running under the proposed access drive should be encased with a steel encasement.

The plans show 60 feet of 8-inch steel encasement running beneath the haul road where it connects to Greenburrow Road. Washington Water Authority's requirement is addressed.

Roads/Sight Distance/Ingress-Egress/Parking:

The Washington County Road Department submitted the following comments/requirements for the November 13th Technical Review meeting:

1. Pave the county road (Greenburrow Rd., WC-662) from the haul road entrance south to Elkhorn springs Rd.

Paving the road is a condition of approval. However, laying asphalt is not practical during the cold time of the year. So, if this proposed development is approved, paving of the road may have to wait until a warmer time of the year.

Sight distance was provided by the Road Department and was determined with GPS points.

Sight distance to the north (left hand turn out of the haul road) is 431.54 ft.

Sight distance to the south (right hand turn out of the haul road) is 421.71 ft.

Sight distance is adequate.

The on-site employees will park their vehicles in the area near the scale office, which is at a lower elevation than Greenburrow Rd. The parking area will not be visible from the public road.

Drainage:

The Washington County Contracted Engineer has reviewed each set of plans and each Stormwater Drainage Report. Based on the review of the latest submittal the County Contracted Engineer still has the following questions:

1. What is happening that the length of flow is increasing 270 ft from Pre- to Post?
2. Is it possible to add a table with flows leaving the pond after “detained” with associated water surface elevations? Ultimately, need to verify that 1 vertical foot of freeboard is provided between the 100 year maximum water surface elevation and the top of berm.
3. Is 1167.0 the maximum water surface elevation that occurs in the pond at the 100 year event?

These questions, and any additional questions that arise, must be adequately addressed/answered by the applicant’s engineer. This is a condition of approval.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Signage/Lighting/Screening Concerns:

Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Arkansas Department of Environmental Quality (ADEQ):

ADEQ comments/requirements were received on November 26th, nearly 2 weeks after the Technical Review meeting. The comments/requirements are as follows:

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. However, **this facility is near an ecologically sensitive spring (Elkhorn Springs) and a section of the Illinois River that is designated as an Ecologically Sensitive Water and impaired by chlorides and sulfates. Please note that additional BMPs may be required to be protective of these waters, or the Department may require coverage**

under an individual permit. The application forms for the Industrial General Permit are found at the links below:
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf

Full compliance with ADEQ's permitting requirements is a condition of approval.

Access Easement crossing the subject property

Concerns were raised by the neighbors to the south regarding the access easement used to access their property. The applicant has constructed the haul road across the private road (access easement), creating a condition that to travel north-to-south along the easement a vehicle will have to cross over the haul road, which is built up to a higher elevation.

Planning Staff has mapped the easement and found that the location of the access road was properly described in the legal description. The easement document appears to have been properly recorded with the Circuit Clerk's office.

Although it is not in the Washington County Land Development Code, Planning Staff urges the property owners to come to an amicable, mutually favorable agreement. Otherwise, the issue will be a civil matter between property owners and should be settled in court.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are single family residential and agricultural, with very little Light Commercial, as well as at least 3 other quarries/red dirt pits (the closest is under reclamation in accordance with ADEQ's requirements, meaning it's lifespan as an active quarry is over).

The subject property doesn't have any permanent structures at this time.

Staff feels that the applicant's request is compatible with the surrounding property densities, since this application doesn't propose to split the property any smaller.

County's Land Use Plan (written document):

According to the County's Land Use Plan,

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

4. INDUSTRIAL

The chief goals for industrial development are:

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities; **This proposed site, although not adjacent to a major thoroughfare, is 1.8 miles from a major thoroughfare. If approved, that entire distance will be paved.**
- b. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; **Heritage Farms NWA, the owner of this property, owns in excess of 200 acres at this location. The tax revenue generated by this proposed development will benefit the county and its residents. However, any future development other than Agricultural or Single Family Residential at a density of 1 residential unit/acre must receive Conditional Use Permit approval and ratification by the Washington County Quorum Court, so no expansion of this development (if approved) will be allowed without amending the CUP & HI-LSD permits. Single-**

family residential and/or Agricultural uses are allowed by right in the county zoning code.

- c. Provide for ample utilities and services to support industrial development. **The current proposal doesn't require provision of additional utilities. Each proposed industrial development must go through Washington County's planning process, must be approved by the Planning Board, and ratified by the Washington County Quorum Court.**

Future Land Use Plan

Washington County's Future Land Use Plan shows no designation for this area.

SITE VISIT:

A site visit has been conducted by planning staff. Sight distance from the haul road location appears to be adequate.

NEIGHBOR COMMENTS/CONCERNS:

In accordance with High-Impact Large Scale Development regulations all neighbors within one-half mile of the boundary of this property were notified by certified mail of this proposed project. The notification letters were mailed out 30-days before the Planning Board meeting. The address list Staff uses to mail public notices is generated by our in-house database system, which sources information from the Assessor's parcel data. The initial list was 96 addresses.

Then, any additional comments received from addresses outside the 0.5 mile notification buffer, or from additional people living at the same address, are added to the list. Planning Staff has received 137 public comments, all in opposition to this proposed dirt pit.

Opposed comments cite safety, noise, dust, traffic, property values, wildlife, water quality, and stormwater runoff as the main concerns, but many other concerns are included as well.

The attached Neighbor Comment Map shows 1/4, 1/2, and 1 mile radius around the subject property. All of the properties that touch or are inside the 1/2 mile radius are automatically added to the notification list. Opposed public comments were received from all of the properties shaded in red. Planning Staff didn't receive any public comment forms from the properties shaded in blue. Additionally, the properties shown with orange stripes are the other quarry/mining operations in the vicinity; some are active, some are inactive.

Public comment forms, as well as the applicant's letters to the neighbors, were all emailed to the Planning Board members on February 6, 2019.

Staff will update the Planning Board at the meeting if any additional comments are received.

(See attached neighbor comment map)

STAFF RECOMMENDATION:

Due to the High-Impact nature of this proposed use, in addition to the lack of quantifiable data to inform the process of assessing compatibility, **Staff withholds a recommendation for the proposed Heritage Farms Conditional Use Permit.** Staff urges the Planning Board to listen to the opposition from the members of the community claiming the proposed use is not compatible based on the perceived impact this dirt pit may force upon them. And listen to the applicant's claim that the proposed use is compatible based on the need for red dirt as a building material due to Fayetteville's growth.

Once both sides of the issue have addressed the board, weigh the two sides to determine for yourselves if the proposal has met the compatibility requirements.

Fire Conditions:

1. All entrance drives and fire lanes (including turnaround area) must be paved, or constructed of base material compacted to support 75,000 lbs in all weather conditions.
2. Maximum turning radii is 38' at the entry point and all areas within the fire lane.
3. A Knox Box or Knox lock is needed to open the gate and the office.
4. Approved fire apparatus turnaround area – needs to be shown on the plan.
5. 75,000 lb (H-20) compaction is required on any fire lane areas if they are not paved.

6. Must have address at the road and on the building where it is easy for emergency responders to identify.
7. Maximum grade of the fire lane shall not exceed 10%.

Sewer/Septic/Decentralized Sewer Conditions:

1. If a septic system is desired in the future the applicant must comply with the regulations set forth by the Arkansas Department of Health.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).

Road Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
2. Greenburrow Road must be paved, from the haul road south to Elkhorn Springs Road.

Drainage Conditions:

1. All comments/questions/requirements by the County Contracted Engineer must be addressed.
2. The County Contracted Engineer had comments/questions/requirements after reviewing each set of plans. Additional questions/comments/requirements may be forthcoming as the Engineer reviews subsequent submittals.

Environmental Conditions:

2. At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Arkansas Department of Environmental Quality (ADEQ)

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:
https://www.adeg.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf
https://www.adeg.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf
https://www.adeg.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. However, this facility is near an ecologically sensitive spring (Elkhorn Springs) and a section of the Illinois River that is designated as an Ecologically Sensitive Water and impaired by chlorides and sulfates. Please note that additional BMPs may be required to be protective of these waters, or the Department may require coverage under an individual permit. The application forms for the Industrial General Permit are found at the links below:
https://www.adeg.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf
https://www.adeg.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf
3. Full compliance with ADEQ is required.

General Utility Conditions:

6. Any damage or relocation of utilities will be at the expense of the owner/applicant.

Washington Water Authority:

1. Water main crossing under the haul road must be sleeved in steel encasement.
2. The applicant has designed a field welded encasement for the water main/access road crossing. Add note "All field welds must be conducted under the supervision of a WWA representative" to sheet C-6. Once the main is exposed, if the existing water main alignment is not conducive for a field welded encasement based on horizontal or vertical deflection, the main will need to be rerouted in a similar fashion at the owner's expense.

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Arkansas Department of Environmental Quality Conditions:

1. As this site is greater than 5 acres, they will need to obtain a Construction Stormwater Permit prior to beginning construction. The forms are found at the links below:
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_noi.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_swppp_template_large_site.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/construction/arr150000_inspection_form.pdf
2. Once the construction is complete, the mine will require a discharge permit for the stormwater. The mine may be eligible for coverage under the Stormwater Industrial General Permit. The application forms for the Industrial General Permit are found at the links below:
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_notice_of_intent.pdf
https://www.adeq.state.ar.us/water/permits/npdes/stormwater/pdfs/industrial/arr000000_2014_igp_permit_swppp_template.pdf

Planning Conditions:

1. A water truck shall be onsite whenever the pit is in operation. Water will be applied to the pit area and the haul road as needed for dust abatement. (as per note in the plans)
2. No blasting is allowed.
3. Hours of operation will be limited to 7:30am to 5:00pm, Monday through Friday, with Saturdays by appointment only.
4. Fire extinguishers must be located in the scale office and on all pieces of heavy equipment located onsite.
5. Final slope of the fire lane shall be determined by the project engineer, in situ, at Final LSD. The maximum grade shall not exceed 10.0%.
6. Commercial mining operations may not begin before the haul road and Greenburrow road are paved.
7. Greenburrow road shall be paved from the haul road south to Elkhorn Springs road.
8. The paving of Greenburrow road will be done to the county road standard.
9. Full compliance with all applicable federal, state, and local laws is required.
10. All stormwater drainage concerns raised by the County Contracted Engineer must be adequately addressed, then reviewed and approved by the County Contracted Engineer.
11. The on-site employees will park their vehicles in the area near the scale office, which is at a lower elevation than Greenburrow Rd. The parking area will not be visible from the public road.

Standard Conditions:

1. Pay engineering fees (not calculated yet) within 30 days of project hearing. Any extension must be approved by the Planning Office.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. This CUP must be ratified by the Quorum Court before commercial operations may begin.
4. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project requires additional review (High Impact Large Scale Development), and therefore, the applicant must receive High Impact Preliminary Large Scale Development approval within 12 months of this CUP project's ratification, otherwise the Conditional Use approval is null and void.

Washington County Planning Director, Nathan Crouch, presented the staff report for the Board Members.

Melvin Milholland, Engineer for the project, addressed the Board, "I know we are talking about compatibility at this point. I have looked at it from an aerial stand point and the land that the twenty something acres that he proposes to do the quarry on is not compatible with the homes of the people who are against it. It is not compatible to being a home, its timber, it is just a steep hill down there. A lot of it is so steep that you can't drive a tractor up and down it, you gotta get the dozer. It is not compatible now. The planner has covered the noise barriers which we designed and they constructed partly. Dust and red hill side pits will be down in the bottom way below the elevation of the road where the houses are. The developer says he will pave with asphalt all the way down through that pit from the public road to county standards. An asphalt road, base 100 so it won't be any dust amount to anything coming up to the top with him when he drives down a county road, if that is a dirt road, if it's a paved road probably less. As far as noise the only part that would be noisy would be when he comes up out of the bottom with a load of material to go onto the public road. We got those barriers on those sides as required by the county. It would be rocks on the inside to break up the sound direction it goes. I am trying to bring about the compatibility of the property that he would be taking the material out of. As the planner stated this will have to be approved by state regulation, inspected by them and approved by them as it is dug out. I heard some statement that this is a strip mine. This is not a strip mine. If you went along I-40 towards Clarksville between Ozark and Clarksville when they first put I-40 in you saw strip mines on the side of the highway. Where they left the coal out and the excess material piled up. I lived in north Oklahoma one time and they did the same thing. The federal government has tried to stop this type of thing. This material will be dug out, hauled out, and the land will be recovered. To be more compatible than it is right now. It has to have grass growing on it. Also the slopes instead of having to be 30% or 20% is going to be more like 3 to 1 slopes. After the hilltops are moved down the water will run slower which will help the natural streambeds. The developer says that it will be about 10 years to move material. The recovery requirements require grass growing and that will slow the water from running down the hills. Right now at about 30% down to a lot less. Compatibility is going to be much more compatible in the end than it is right now. Not only to the neighborhood, but also to the natural waterways. It will be a lot better for them. The end result is that it is not a strip mine. It is highly regulated. Whenever they mining you have to catch the water running off the pit, let it settle out and test it real often. To make sure it is not discharged in to the streams over regulation. It will be controlled by the state agencies and the county also has people out there doing it. Again it's not a strip mine it is going to be a real nice pasture and have a road into it. Also a possibility that if somebody was wanting to build a house they can get into it and get out of it. As far as the design of it as some of you know it is all designed by anyone like myself. I have no financial interest in it other than just a project for myself, my company. Everything has to be done according to code. It has to be designed right, approved and as always be inspected during the process and after the process. If you have any questions I will be happy to answer."

Philip Humbar, Planning Board Member, inquired, "The bottom of that pit is it going to go any deeper than what it is down there?"

Melvin Milholland replied, "Well no, you've got natural stream bed on the one side where that easement goes through and it goes up pretty steep to a point then back down the other side. It will be cut off and leveled and brought down. It will have a 3 to 1 slope and maybe even a little less than that in some places, but it will be fully vegetated."

Walter Jennings clarified, "You said a 3 to 1 slope. Will there be a vertical surface at the property line or how do you get a 3 to 1 slope if it is steeper than a 3 to 1 now?"

Melvin Milholland replied, "On the plans that is shown there is a 50 ft. set back from the property line then from that point 3 to 1 down to the grade that you are going to excavate to. When I say 3 to 1 part of it on the adjoining boundary you have to go out a certain set back distance by regulation. Than it is 3 to 1 down to where you are going to be cutting to where you stop and finish it. Then from there on it will be a lot less than 3 to 1. Anything damaged will be vegetated and restored."

Public Comment

Bobby Morris, Applicant for the project, addressed the Board, "It is a great day. I just became a grandfather for the 11th time so we will start there. I do want to thank everybody for coming out. I think we are all entitled to our opinions. I just want to say we have complied with everything Washington County Planning Department with Nathan and Tyler the Fire Marshal. That is the reason for this 10% grade which has been quite a task to get this thing worked out. I do appreciate the question about the angle of the slope. Our slope will be as you go. I think where a lot of people get into trouble is that they are not planning for reclamation. We are ahead of the game there and we are just getting started. One other side note is that ADEQ issued our permit to construct our road. We met all of their requirements. I am not sure how ADEQ and the ARMY Corps of Engineers are in the project but you will notice that Mr. Mattock's drive is accessed into his property. I was just notified that it is in a restricted tributary so that is not supposed to be driven on or disturbed in any way. We will have to work out something so he doesn't step on any land mines in this process as many as we have stepped on. I do appreciate you time very much and by the way it was a boy."

Marty Matlock, Neighbor just south of project, addressed the Board, "I am the owner of Nokose Farm a commercial blackberry and apiary farm. We produce blackberries and honey for local and commercial markets. We are in the early stages of developing that property. WE are going to be brief we are going to try to keep all of our comments to under 3 minutes because you are tired and we are tired, but we are passionately opposed to this project. It violates all four of the criteria that you've been reminded of today. It is incompatible with our use. Mr. Morris and Mr. Milholland have stated that this is a 10 year project. For the next ten years we will have as many as 150 truck trips a day to truck every four minutes up and down the road. For the next ten years we will have that disruption. For the next ten years I won't be able to operate my farm. That is an incompatibility for me. You will hear stories of other incompatibilities from our colleges and our neighbors as well. Safety, we have to climb a hill. You saw the grate distance that they have to put in in order to get over the haul road. We are happy to work with Mr. Morris to find an alternative ingress and egress. We have been trying for six months. Since we found out about this. Unsuccessfully. Right now we are stuck climbing the hill on both sides and we are locked out. It is an unsafe situation. Those trucks take about 200 ft. to stop depending on the traffic, grade and conditions of the road if they are operating at 40 mph. You saw from the photos earlier the condition of the road that they will be traveling. We have school buses on that road. We have direct traffic driveways that are coming and going. That is a concern. Property values and the enjoyment of land are clearly disrupted. No one wants to live next to this thing. Maybe in twenty years it will look great, but for the next ten years we are stuck. What happens in the next twenty years? Finally, we want to develop a farm, which is the right we have as property owners in Washington County. When we bought that property that is our property right and we cannot do it because of this proposed activity. It violates that 4th criteria clearly. Just to summarize you've got four criteria and it violates all four. Conditional uses are not rights they are privileges granted by the land owners in the area and by you as representatives of us. The law says we have a very specific zoned activities agricultural and residential in this area. That is what we bought and that is our property right. When a corporation makes money and they will make money over the next ten years, a lot of it, at the expense of others. That's not progress. That is not development that's exploitation. We would like not to be exploited. Thank you."

Alan Lankford, Neighbor on Greenburrow Road, addressed the Board, "My parents and I bought 35 acres 28 years ago. My mom now lives on the land. Our land meets this property at a corner post. I have three kids and they all want to build and live out there as well. I took a recording of what it sounds like to live at my house now. I know the production of the mine has not truly begun yet but for the last year there is the heavy equipment, bulldozers scraping rock. I just did it with my iPhone walking outside and you can hear the scale of it with birds in the background so you can actually hear what the magnitude is. At the end of this if any of you are on the fence I'd love for you to listen to what it sounds like. It would be much greater than that once they are filling 75 dump trucks a day plus all the traffic going up and down the road. The road that we live on is already really dangerous. I know they showed a picture of the road as the dump trucks exit. It is safe for the dump truck drivers so the neighbors who live there aren't going

to run up and hit them, but as you continue down the road there are many places where only one car can pass. Within 100 yards of where the exit is for this dirt farm it is winding. You cannot see around the corner only one car can pass. At the end of it is where my drive way is and that is where they would reach maximum speed. It is also an established Farmington school bus stop. Little kids get off and if they are going around a blind corner and can't see there is no way a dump truck is going to be able to stop for a school bus. If they pave the road the dump trucks are going much faster than they would right now with it just being a dirt road. The other thing I am really concerned about is that there are a lot of people out there that live on wells. Specifically I have well water, my mom is well water as well. I have lived at my house for about two or three years when someone built a house behind us dug a well and it tapped into mine and I immediately had no water. I had to spend thousands of dollars to put in a holding tank just so I would have water to be able to flush the toilet and then go wash my hands. The work that they are going to be doing there eventually there will be jack hammering. There will be blasting there will be other stuff because it's not probably just red dirt. It is limestone and everything else. WE haven't had any time to study to see how it would impact everybody's wells. People in that community have livestock. They depend upon that. I know in there rebuttal letter they said that nothing they are doing currently should disturb wells. I think those words were chosen real carefully because there will be stuff that could cause not only a lack of water but contamination of water. Ever since they began working on their property there has been a huge ecological shift. They have essentially clear cut close to 200 acres. That is what it looks like from all the aerial footages. I have lived there for 26 years and I have never had a raccoon problem. Never even had a raccoon and in the last 18 months I have had to kill and trap dozens of raccoons. The justice of the Peace came to my house because now there are buzzards that were on that property and I have 20 buzzards that roost in my front yard every day. I have twice as many deer as I used to have. Everything has drastically changed. I think all of us moved into the country for a reason. We moved out there and sacrificed pizza delivery and high speed internet and all of the things that you enjoy in town. We moved there so we can enjoy peace and quiet. I hope to retire in about ten years and I would love to be able to work in my front yard and sit out on the porch read a book without hearing bulldozers, backhoes, dump trucks and a beeping sound all day long. That is what you hear on this recording and again the production of everything hasn't even started yet. I really appreciate ya'll taking the time to listen to all of us voice our concerns."

James Harris, Neighbor on Greenburrow Road, addressed the Board, "I am here also to speak for Rick Faustian who is a fireman in the Springdale Fire Department that lives just barely north of the pit. He is on duty so I am his proxy. The following words are Rick's words 'I have lived on Greenburrow Road for eight years now. My home is very close to Greenburrow entrance to the proposed dirt mine. Tonight I would like to share my personal story with you. Which also speaks to the CUP criteria four, five and six. I work full time as a fire fighter and paramedic. I work part time in law enforcement. On my days off I am usually on call as a volunteer firefighter. When I bought the property on Greenburrow Road I did so because I needed a quiet place to relax and recover from busy shifts at work. Those shifts are 24 hours sometimes 48 hours long. Firefighters do get to sleep while they are there on occasion, but you never know when or for how long. When I do sleep at the station I found that I never sleep deeply. I never really feel rested the next morning. That's why I bought land and a home in a quite part of the county where I can rest and recuperate on my days off. There are many scientific studies out there that analyze the negative effects of erratic sleep patterns associated with fire service shift work. I don't want to bore you with too many details. I will just say that interrupted sleep especially over the length of a twenty or thirty year career has been linked to increased rates of cancer, cardiovascular disease, diabetes and obesity. It also contributes to the increased risk of behavioral health concerns such as anxiety, depression and post-traumatic stress symptoms. Sometimes I need a rest during the day because I hadn't been able to get to sleep that night. That is already impossible with the current amount of noise and vibration emanating from the proposed site. Any further development will only make matters worse and that is just one of the reasons that I am against this.' I think it is safe to say that any and all of us. The last thing we would want is a fireman or a paramedic when you are in need and he is not rested, he is not well from the effects of this pit that might be upon him. My ancestors purchased this property in 1911 with history back to 1869. We have been there for a very, very long time. I take a lot of pride in that history and I work to preserve it as best I can. My wife and I regularly ride horseback on Greenburrow Road all the way up to Draper

Road. It is a beautiful ride. Usually during those rides I have very little traffic met at all. Definitely not 75 or 150 dump trucks. That would just be a disaster. Greenburrow is a beautiful peaceful rural area that we all call home surrounding area included. It is my hope that you will let it remain a beautiful, peaceful, quiet, rural area and not taken over by dump trucks on a road that will be incredibly unsafe. Thank you for your time.”

Mary Beth Lyons, Member of the public, addressed the Board, “I have been a tax payer living among the residents that you serve for over 35 years. I would like to speak also to the criteria four, five and six. Compatibility not to endanger public health, safety and comfort. It will not be injurious to the health, to the use of enjoyment of surrounding property or diminish property values. I assert it already has. We had enjoyed the rural quality of life with peaceful green habitat around us. However, for the last four years we’ve endured the dust, noise, and danger of fast moving, large earth equipment, logging trucks and dump trucks going up and down the road. Seeing the century trees taken out. Over the last four years it has really been thousands of trees and dirt already being taken out. We cannot enjoy the peaceful and clean environment for which we invested. In fact during Thanksgiving when my granddaughters were here, my daughter and granddaughters were outside in the garden and the girls had to run inside to avoid smoke dust and heavy dump truck traffic. It broke my heart when my daughter turned to me and said ‘Well I guess we won’t be moving back here’. We expressed concerns four years ago to the County officials and they contacted the Attorney at that point because they did not have a CUP. There was also not an ADEQ permit that had been requested so they didn’t know about anything that was going on. The continued clear cutting of 200 plus acres in preparation for this proposed high impact large scale dirt mine has degraded our rights to enjoy our own property in terms of health and safety. We invested here because it is zoned for residential and agricultural use, as others have said. The noise, dust, traffic and smoke has already eroded property values not just for the land we live on but also for our investment. The two parcels of property that we bought that are adjacent to ours. Also for two of our neighbors who have property for sale and investors have backed away from that. Furthermore the proposal is not compatible with the overall protection of agricultural and rural areas and water resources plan developed by more than fifty of our community leaders and professionals which values balance and the use of resources, smart growth and environmental community preservation. Destroying the green corridor just outside of Fayetteville city limits with noisy, unsafe road and air quality conditions is not consistent with current zoning. I want to thank you and the planning staff for going over all the checklists, but now I think we have a bigger picture to consider and that is larger issues of health safety and quality of life in rural residential areas. It is at stake and it has already impacted our neighborhood. Deliberate indifference to our concerns violates the fundamental principles of democracy. Thank you.”

Caroline Cox, 15038 Greenburrow Road, addressed the Board, “Our community is unique by its mixture of residential and agricultural property. The agricultural sites make the residential sites more attractive and vice versa. The mix of property use which complies with the existing zoning of agricultural and residential one acre minimum is what makes our area a destination place. The proximity to the Illinois River and other tributaries that feed it are a priceless part of our areas charm. We agree with Judge Wood when he introduces Washington County as a place of choice. A destination place where people grow their families and plant their farms. We support him when he speaks as Washington County as a county preferred for and conducive to positive growth. With its natural beauty we further agree that our area is spectacular. We believe in our community and support said positive growth. We are invested in that very thing. 15 years ago when we were in search for investment land as a place to build our home we selected our location carefully. We selected Greenburrow Road in Washington County because of its beauty, its proximity to Fayetteville and Interstate 49. We are 6 and a half miles away from the Bypass. Our property serves as our home site and financial investment. Our neighborhood already supports the positive growth that Judge Wood speaks to. In addition to our many neighbors whose property ownership goes back for generations. We have many examples of neighbors who have purchased homes or land to build new homes over the past few years. New home construction is currently under way at the north and south end of Greenburrow Road. Within the last year several new homes have been constructed on Elk Horn Springs Road within a half mile of the Greenburrow intersection. In our case, and our neighbors, the value of our investment is secured by our lands existing zoning. We strongly oppose to the business

model that plops down an industrial site in the middle of a neighborhood that is currently supporting positive growth. At best the proposed pit is short sided in its support for the growth of the county. We ask for the consideration that the applicant knowingly purchased the land for the proposed dirt pit site in a zoned agricultural/residential area. To now apply for a change in zoning to introduce a commercial site is impactful for those of us in the area who are abiding by the permitted zoning. We ask that the Planning Board recognize the injurious nature of the proposed dirt pit. It will diminish our property value and impede the normal development and improvement of the area as called out in CUP criteria six and seven. We can say with certainty that if a dirt pit like the one proposed in the applicants CUP had existed within the same proximity we would not have purchased land. You do not pay a premium for agricultural/residential land in the county to be co-located with an industrial mining site. Thank you for your consideration and your service to the county.”

Danes Lanka, Neighbor on Elk Horn Springs Road, addressed the Board, “We bought the old pool place 29 years ago. It is where we raised our children. Our children now bring their children out to play in the county and to play in the year round spring that runs through our property. Like James my wife and I also have enjoyed horseback rides down Elk Horn Springs down Greenburrow Road and all the way down to Draper Road. Washington County ordinance section 11-200 defines factors boards consider when reviewing conditional use permit applications. It must be noted that section 11-200(a) states that the Board may authorize a CUP only if it finds those factors are met. This is a high standard requiring affirmative findings that the conditions not just one or more, but all are met. Greenburrow Road as you heard is quite narrow and steep in places with blind corners. Plus there is a bus stop at the bottom that you heard about at Ellen’s home. I hate to be a failist but a fast moving heavily loaded dump truck going down a steep gravel road or worse a snow ice covered road is a situation parents shouldn’t have risk. These situations show the road is not adequate and safety issues exist. Meaning factors three and five of the CUP are not met. This evening we heard personal stories about noise already being generated by the early work going on at the proposed sit and it is already affecting some of the quality of some of my neighbor’s lives. Some of us work at night and can’t sleep during the day because of the noise. For others the air quality, dust and truck traffic have them enjoying the outdoors. We also heard that a neighbor’s easement was not being honored. How are we to believe that property rights will be respected? These situations shows factors four, six and seven not met. We heard concerns about well and quality of water that have already been impacted by other wells being drilled. There is no telling how a pit will affect the short and long term water supply. Some of our neighbors depending on that water to meet their family and farming needs. People who bought expensive land near the proposed site would not have bought had the zoning been put in place at the time for an industrial dirt pit. Our comfort safety and general welfare is certainly being impacted showing factor five of the CUP is already not being met. It is hard to believe any new improvements could remedy the situation. Frankly, this area is filled with folks who take pride and care to persevering natural beauty and water resources of the area. That an industrial dirt pit would be considered compatible with the area is beyond the imagination of myself and my neighbors. Factor four compatibility in the CUP will never be met in our view. Most if not all of us moved out for the peace, quiet and tranquility of living in the area. Now we are here to try to preserve those attributes. 150 to 200 dump truck trips up and down the road each day is not conducive to peace, quiet, tranquility and we can add safety to that list. None of us feel like the owners of the property of the proposed project would have respect for the environment or our property. To the contrary they have already shown that they have no respect for my neighbor’s property. What permanent damage would be done to the ground water springs and the Illinois River with the same disrespect? These situations show that factor five, six and seven of the CUP are not met. We strongly ask that you not grant the conditional use permit to Heritage Farms for an industrial dirt pit. Thank you for your time.”

Melissa Lee, Representative for Dinah Dickerson a neighbor on Greenburrow Road, addressed the Board, “She asked me to speak today because of my professional background. I am a licensed attorney, a licensed real estate agent and I generally consult and sell real estate in Northwest Arkansas. We enjoyed about 12 million in volume last year. With about 25% of that being commercial and land. I am here to speak primarily on the conditional use permits criteria number four, six and seven. Specifically number four while as an attorney I appreciate Mr. Mulholland’s argument that the future of this development may

be compatible. Your standard is the current use. I do not feel that this dirt pit is in any way compatible with the surrounding area for a number of reasons that have mostly already been identified tonight. The number six criteria which is that the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted nor, in particular, substantially diminish and impair property values within the surrounding area. I help a lot of people buy and sell property. I have never had one person tell me I want property near a development like this. Unless they want some really cheap property. This will do nothing but negatively impact property values in the area, and not just a little bit. These people have said they go to the county for a reason. They pay a premium for agricultural/residential land so that they can get away from this stuff. As we continue to grow in Northwest Arkansas you need places for people to develop more residential areas. Whether it's rural residential and agricultural which is what the current uses are here. To put a high impact large scale development in the middle of this area is personally cannot fathom it. From a legal or just as someone who loves rural property and sells a lot of it. I can't even picture this. On number seven that the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone. I would envision that the development of this property to be more residential, more agriculture, more like the small farms and the apiaries. I sat in front of a Fayetteville Planning Commission Board on some property that I have under contract on Wedington. They wanted to do a self-storage in Fayetteville and they would not approve a self-storage that is not even a couple of miles from where this is. Self-storage is low impact that is light commercial. What you are considering here is a high impact and you are not even that far outside of the Fayetteville city limits. I appreciate your time and in my professional opinion, in particular with the development and with the property values, there's no way that this development meets the criteria for your conditional use permit. Thank you."

Angela Henson, Daughter of a neighbor on Draper Road, addressed the Board, "This property on Draper Road my mother owns. It is going to be my inheritance. When I talked to Nathan he told me that this permit was an indefinite permit. It is high impact. I talked to ADEQ they told me that he had not gotten a permit. Mr. Morris has not gotten a permit, but yet there is already dirt work being done. He is moving his dump trucks up and down Draper Road. Nowhere in here does it say anything about Draper Road being protected. It is so narrow, so narrow people can get into major accidents on that road. There have been. From where my mom lives we can hear the dump trucks coming up and down. We can hear them moving dirt. We don't want this approved. We do not want it approved. Thank you."

Bobby Morris addressed the Board, "The ADEQ permit is posted. If you go on the ADEQ website in Little Rock you can see all of the permits are in place. They are for the construction and all of that. In regard to all of my dump trucks running up and down the road I own one dump truck. I had topsoil and dirt brought in because I can't harvest my own dirt to fill in a gully so I can use it."

Jeremiah Estes, Neighbor on HWY 16 west between Greenburrow and Elk Horn Springs, addressed the Board "I just wanted the Board to get clarification. Someone is saying that there wasn't a permit from ADEQ and Mr. Morris clearly says that he does have a permit. I would like to know when the permit issued versus when the work was done. Obviously all of this work has been done and we are sitting here now discussing whether or not this should happen. Is that standard procedure for these sort of operations in the county because I don't know, but it would be nice for the Board to know before they make a decision about when the permit was granted if he does have it and when the work was begun."

Lou Sharp, Member of the public, addressed the Board, "I was on the Quorum Court and Planning Commission website today and I couldn't find evidence of a permit from ADEQ. I also read in the reports that this in the Illinois River watershed area. The Illinois River is part of the scenic river program in Oklahoma. I am looking at an ADEQ report right now and this is from November. I am sure ya'll have seen it. My question is how is all this stuff going on if there is not permits. It says it right here in this report it says 'construction activities must cease until such time as permit coverage is obtained and storm water best management practices are implemented.' We had a family farm. We had clear creek running through it. You can't go dig gravel out of that creek. I don't understand how we are in a rural area. A

beautiful area of Northwest Arkansas and now we are mining next to the Illinois River when it is an environmentally protected area. You even have endangered species in there. Those are just my concerns. I am not sure how all of this works, but I could not find any evidence of a permit from ADEQ and it clearly says they need to cease operations. Thank you.”

Vann Brahana, Professor of Geology, addressed the Board, “I am a retired professor of Geology at the University. I am also a registered professional Geologist with the State of Arkansas. My registration number is 1884. I would like to speak about the geology. I will not talk about the practical impacts to the overall environment which can be tremendously severe in this area. I would like to talk about the geology, the rock itself that underlies this area is a combination of layers of chert or flint rock and limestone interbedded the layers can be very thin. Its good building material, but it is not unique to this location. There are many other locations, a huge number of locations over the area where the Boone Formation and the lower unit is a pure limestone. This limestone has caves developed in it. Very open, very easy to transmit water that gets into the ground from rain. The amount of filtration that goes on in a region like this which is called a karst region is essentially it doesn't filter the water at all. The concerns about water. The concerns about water quality and the Illinois River, the basins, the wells, the springs, Elk Horn Springs is a major spring that lies close to the property, these are very, very serious concerns and I have heard no inclusion of studies that have been done. Within the caves that exist in the area there are endangered species Indiana Grey Bats and these are a serious concern because they talk about what the impact is for the overall environment, the overall location. With that in mind I synthesize the final component and I taught a class in Environmental Justice prior to being retired and I've seen a lot of people that come in from a different area, they don't necessarily live in the area, and these people who live there are generally concerned and truly caring. They truly monitor how they treat the property itself. My overall evaluation of what the property is, and how vulnerable it is because it is karst. It is very, very critical and I would include my request that you seriously not allow this proposal to go forward. Thank you very much.”

Don Bortragger, Neighbor owns land on Draper Road, addressed the Board, “Those of us here that are from Draper Road are jealous of the folks on Greenburrow. For the way that road has been maintained and refurbished and so forth. Interesting what Mr. Morris said. I have personally followed two dump trucks out on Draper Road from his property in the last week. I grew up in eastern Kentucky in coal mining country when strip mining was the norm in the sixties and seventies. What was going on over the hill out of sight was catastrophic. He is saying it is not going to be like that. I will take his word for it, for now. What happened to the roads was a whole different kettle of fish. The roads were absolutely destroyed by constant dump truck traffic. If the City of Fayetteville is okay with what is going on, coming in on Highway 16 I'd be surprised. If he blacktops Greenburrow from the duty road there going out to Elk Horn Springs it will be just a short matter time until that blacktop is destroyed. The pot holes we experienced in coal mining country were big enough to hide a good coon dog. When those roads got resurfaced a lot of coon dogs didn't get out of the way fast enough and got killed. That is just kind of a humorous bit, but we were used to going 15 miles an hour on a county road because the pot holes were so big it'd destroy your suspension otherwise. My main concern here is if this goes through the road of Elk Horn Springs and Highway 16 going both directions are going to be seriously compromised by dump truck traffic.”

Dana Taylor, Neighbor on Draper Road, addressed the Board, “I am here with my husband Shelton I am also representing my mother and father-in-law. We all live on Draper Road. As the previous gentleman said I think we have kinda been a little bit neglected in this whole thing. There is a north entrance to this area that they have used constantly. The logging trucks have come in and out of it. The dump trucks have come in and out of it. A day or so after we started putting up our signs of protest on January 31st they were coming in and out all day long. Early that morning they were using their engine brakes, which we are not even used to hearing. My husband bought this property 38 years ago when he was 19 years old. This is a dream piece of property for him and like everybody else, out there for a reason. We love this place. We have been truly devastated by what has already happened. The trees are gone. We live north of this property and the wind blows noticeably more now. When it's dry and hot all the dust comes up from

that direction. I know they are talking about berms for Greenburrow. I don't see any consideration for us other than the fact that there weren't supposed to be any trucks on our road to begin with. There obviously are. This gentleman has proven that he doesn't care for rules. With the permits and what not and the trucks. With all this pollution we are going to be forced inside our homes. We have a small farm, very small. We've got goats, chickens and a garden that we would like to eat out of. We grow organic food. We would like to try to eek out a small profit with it if we could. I don't believe that this man's profit should take precedence over ours. We really don't have anywhere else to go. This is our home. The property values are going to bottom out even if we try to sell. It wouldn't even be worth the effort. I would like for you all to say no to this permit. Thank you."

Jeremiah Estes stated, "I will add my voice to the choir, but I won't repeat what everybody else has said about the impact on the local area there. I would like the Board to consider the additional dump truck traffic added onto Highway 16 into Fayetteville. Just this morning there was a dump truck being towed off the intersection near Interstate 49 by McKnight Towing where two trucks had collided there. If you will review the thing that Mr. Crouch there put up with the existing dirt pits that are in the area. There is the Stevens Dirt Pit, the old Les Rogers Pit that still has trucks coming in and out and dumping on it. Terminella has a new pit that has just come in just east of Elk Horn Springs. The new road they put on that comes out on Harmon. The trucks are going to be coming in and out of there. If they put this pit in on Greenburrow and they do divert the trucks down to Elk Horn Springs as planned the only way for the trucks to get into Fayetteville or anywhere that is going to be developed from there is going to be to either come down Elk Horn Springs or go down Gooseberry. If they go that way that road is just insanely traitorous. I couldn't imagine a trucking company sending truck after truck down that road. Where Elk Horn Springs meets Highway 16 that is a steep hill that comes right down there into a blind corner and that is where the school bus comes up and turns around right by my house up there. There are dump trucks coming up there now. There is also a gas station right there at that intersection. There are numerous accidents. Next to the gas station right there is the rural fire department where the fire trucks come out where they have their pancake breakfast. The truck traffic now is very high. I moved from Highway 16 east eight years to Highway 16 west where I am now. There were hardly any dump trucks out on Highway 16 east because there aren't all these pits out there. There are a number of them right there on west 16. If you add another 50 plus trucks a day both ways coming into I49. What's going to happen? We had a planning proposal to redevelop the intersection of I49 and Wedington. That is going to come around again and it is going to happen within the next ten years. Where are all these trucks going to go? Are they going to be diverted down to MLK? Are you going to ship them all the way up to Mt. Comfort? You are going to have how many dirt pits and how many trucks colliding and running into each other out there? Thanks."

Nancy Shook, Neighbor on Goosecreek Road, addressed the Board, "I want to start by reading a statement from the website of one of Mr. Morris' companies 'another core value of the company is significance. Our desire is to bless those around us with what we have been blessed with because at the end of the day our legacy is determined by the positive or negative impact we have on the lives we touch.' Mr. Morris certainly did not consider the negative impact this strip mine would have on his neighbors. These have already been pointed out to the Board. At a time when there is a huge concern for the environment and sustainability how can Washington County known for its green beauty allow such a development? Do you want this next to your home? No I don't think so. My husband and I attended the Tech Meeting of strip mine. Mr. Gales stated that Mr. Morris was to widen and pave Greenburrow Road. I heard Mr. Morris say to his engineer that he wanted the county to pay for half the cost. Why should Washington County tax payers pay anything for a project for his own personal gain? The maps for this project state quarry, creek gravel and red dirt. Mr. Crouch has stated that it would only be red dirt. I do not want any permit to be granted, but if one is it must have iron clad words very specific that no one can misunderstand exactly what this permit is for. At the time we moved the Illinois River Valley forty years ago we had a dirt road and there were four houses. The Illinois River was pristine with mussels and brown bass. Now that the river is polluted the mussels and brown bass have disappeared. We have had two 100 year floods in the last ten years. This is not that far from the Illinois River. I want to know how these 100 year floods are going to affect this. We are not against progress but progress must not harm the

majority of the people. 100% of the returned papers are against this proposal. I was very shocked last night to see what was on KNWA TV when they featured this. You as a group should go out and personally look at what he has done to destroy the land out there. It is unbelievable. Mr. Morris here is a suggestion for your land. Develop a high end exclusive housing development there are breathtaking views from the top of the hills. Build custom homes that cattle bend the valley. If you can build a road Mr. Morris up to the tops of these hills than you can build roads for vehicle to go up to houses. Thank you very much.”

Angela Gooding, Neighbor on Draper Road, addressed the Board, “I personally myself have about been hit by some of the dump trucks coming out off Draper Road. I have almost been late getting to the bus stop for my daughter to get on the bus in the mornings. There are some days that my daughter walks home from the bus stop to my house. My concern is that these dump truck drivers are going way to fast down this road. They are going to hit a kid. There are several kids out there that when the weather is nice and warm they ride their bicycles. We have elderly down there that they don’t drive that fast. Everybody knows its fine. Their reflexes aren’t that fast. These dump trucks cannot stop as fast as a car can. They are going to take somebodys life. He stated he has one dump truck. I personally have seen Elk, Brown and another company on the sides of these dump trucks that have been coming up and down Draper Road. There was a camouflage one that come down today. There’ve steadily been three or four different companies coming in and out of Draper Road hauling dirt out and hauling dirt in. Thank you.”

Barney Newbie, Neighbor on Draper Road, addressed the Board, “A lot of places on Draper Road where it comes off of 16 are 11 ft. wide. A dump truck or an 18 wheeler log truck is 102 inches wide. There are two blind corners within a quarter of a mile that you cannot see around. A lot of folks down there are my age. If we need an emergency vehicle, and ambulance or a fire truck, they can’t get to us if there are dump trucks and 18 wheeler log trucks coming up Draper Road. Draper Road has been used consistently for the last three months with 18 wheeler loads of logs and dump trucks. On the 31st of January there were 75 loads of dump trucks went up Draper Road. They was consistent 18 wheeler log trucks using Draper Road. I personally have operated 18 wheelers and heavy equipment for over 30 years. I’ve got pretty good knowledge of such equipment I have over four million safe driving miles. I can sit on my patio see these trucks come in and these trucks exit Draper Road. The 18 wheeler log trucks will come up Draper Road go west on 16 and then go through Savoy. Does that not make you wonder why these trucks use that route if they legal? The roads through Savoy and Draper Road is not designed to handle 80,000 lbs loads. Same way with your dump trucks. I think I am a pretty good judge of character when I see a dump truck pulling a heavy load blowing black smoke. I know it does not meet Arkansas emission standards. I plan to retire in July. I have worked hard all of my life. I plan to sit on my patio which faces Draper Road every morning and drink a cup of coffee and watch the birds I feed and look at the roses I planted. I can’t do that today because my car, my patio tables and my house is covered with dirt. As far as noise pollution I don’t have to be on the patio I can sit inside my house and hear the rocks fall in the dump trucks as they are loaded and hear the clanging and the banging when they discharge their load. I am a pretty good judge of noise pollution as well as air pollution. I understand that this company would like to make a profit there is nothing wrong with that but when making a profit destroys the property value of a whole neighborhood I think that is wrong. Thank you for your time.”

Don Draper, Neighbor south west of the project, addressed the Board, “I am concerned that if this goes through that it will eventually make it to my area. I’ve got an active bat colony on my property. I am concerned about the environmental part of it. I was talking to my brother a second ago he said that he can’t land apply fertilizer because we have the Illinois River that runs through our property. Will Oklahoma be having problems from the run off going into the Illinois River? I have a question. One of the big ones are when they reclaim the land when they are done with it what happens if they sell their property? Does the new land owner have to reclaim it? Is there anything in there that states that the new property owners would have to reclaim the land?”

Robert Daugherty responded, “I think that would be covered by ADEQ. That is not within the Boards purview. I think ADEQ will make sure it gets done.”

Anita Montgomery, Neighbor on Draper Road, addressed the Board, "I know there has been a lot of talk about safety and health, but I have a unique situation that I feel like needs to be brought up. We have a son who has special needs. We moved out into the country just like everybody else to get away from some of the distractions of city life. This would greatly cause additional health concerns for our son who is 34 years old and still lives at home. Loud noises and other things that catch him off guard can trigger epileptic seizures. With the noise level and stuff that is being produced that is a concern. Additional dust different things like that can also cause additional health concerns. In addition to property values everything that everyone else talked about again shouldn't be at our expense. He is able to make a profit and that we moved out there knowing the property was zoned a certain way and it is unfair to the majority of us to have to not be able to live the life we envisioned when we built a house out there. Thank you."

Andrea Jenkins, JP for District 10, addressed the Board, "I come to you tonight as a resident in Farmington and a school bus driver. I personally asked the Farmington driver who drives through these roads on Greenburrow her take. I just wanted to share with you some of the things she had to say 'The main issue I have had is two near misses with pickups associated with the Dirt Farm who fly around the curbs on that narrow road. One almost hit me a couple weeks ago. Dump trucks also go to fast. So far I've only met two of them. The road is getting pretty bad right where they are going in and out. There isn't much space to meet a dump truck also one of the men driving a green pick up almost hit the bus head on just before Cooper Sharps house (that is a student of hers). My yellows were on and he gave me a finger salute and kept his truck stopped on the road angled behind the bus. A few weeks ago they had a back hoe and another large piece of equipment, two pickups and a dump truck all parked along both sides of the road while the back hoe was working. Tight squeeze for a bus.' That's just the perspective as a bus driver. As a bus driver the safety of my students is absolutely of upmost importance. I drive a couple narrow roads on my route. She gave me permission to share that with you tonight and I wanted to be sure to do that. Thank you."

Terry Spivey, Neighbor in closest proximity to the project, addressed the Board, "You've heard so many things that are really substantial concerns as us as a community. I would just like to point out a couple of things from my personal thing. It is a lot about health, spiritual healing and being in the country. This land that I own has been in my family, like some of the other families here for centuries like 1847, 1910. A lot of these properties have been inherited from families that have generations of people who have been living there and raising their children. That is what my plan is and to be able to give this property to my child. With that being said some of the concerns that I have personally is that I have a daughter who is hearing impaired. Those sound barriers I promise you they do not do anything for that. What I hear is amplified twenty times for her. She suffers from depression, anxiety and this has greatly affected my child. That alone I feel like should be enough to say no. this should not be in my neighborhood. Mr. Morris here has said he is going to be a good neighbor, but he doesn't know any of us. I know a lot of my neighbors. My concerns are my health for my child. What this is doing for me. Sleeping Rick my neighbor he is the firefighter. Both of us have the same thing with sleeping. I can sleep in my bed but there is no way you cannot hear this noise from these trucks no way at all. The bus stops in front of my house I have witnessed the trucks coming. If you have a bus coming this way and a truck coming this way I promise you that road is not wide enough for both of those. It is not wide enough for my little ole car and the bus. I always stop, pull over and let the bus go through. These truck are not doing that. Yesterday I left the Gooding's property just chatting with them a little bit. Truck coming toward me. That was interesting because I didn't know they were supposed to be working. The next truck that come if I hadn't stopped we would have had a collision and had to call the cops. This is serious. This isn't us not wanting Arkansas to grow. I am all for growth, but I want to be able to sit in my yard with my family. I want to be able to have a conversation on my front porch with my daughter and her be able to hear me and not be hiding in her room because the noise is too much for her. I heard Mr. Morris say also in a meeting that if this was him he would oppose it to. As neighbors we are opposing highly. I hope you are listening to us and taking in all of our concerns. They are real we appreciate you siding with us and denying this permit which I would also like to state. One of my big things is this hasn't even been granted this work is done. It's already prepared for a dirt pit. How does that happen without obtaining first the permits to do it? That is what I

don't understand. Thank you for your time."

Mac Childs, Neighbor on Greenburrow Road, addressed the Board, "I've been out there nearly five years coming this Thanksgiving. Years ago I lost a beautiful wife and I decided because I could find no satisfaction after the loss of my wife I would do full time what I had done part time for a long time. I worked with the homeless full time. No pay. I lived on pennies. A generous businessman let me stay in the back of an abandoned store building. I had utilities. It was a great time in my life, but a little over eight years ago I became a single dad. I am an educated and well-read man. I rejoined the regular work force. I had no savings. I had to spend it all taking care of other people. I am not bragging on me it was what God lead me to do. I looked at 61 properties on which to raise my daughter. I looked at every one of them. I researched carefully. I looked for the prettiest accessible place anywhere near west Fayetteville that I could possibly afford. My little house sits in middle of nearly three acres and it's got beautiful trees, deer, turkey, bobcats and coyotes. It has been pretty neat. When I first moved into that house the man who was supposed to help me pour the footing just plain didn't show up. A neighbor who had worked a 70 hour week as a school teacher and dad came over and helped me pour the footing. He wouldn't take a dime. I had money budgeted to pay somebody, but he wouldn't take a dime. I could tell you stories for the rest of the night about neighbors, who during that time, have taken care of me in so many different ways. Being a single dad and a small business man when my truck breaks down, you know what I am in deep trouble. I've had people just pop up and offer. People who have less than I do and I don't have much. They have offered me rides. They have offered me help. They have held my hand through the hard times. They have helped me work on my house. I live in a community full of people like that. Like I have never seen before and I have lived in some awfully nice communities of different income levels, different problems, and different triumphs. I have only had one bad neighbor since I have been out there. One. I've only had one bad experience. I don't know if anybody out here can guess who I am talking about. My daughter is eight. She is homeschooled. I could ask her right now and I know that she could answer the question. I could ask each and every one of ya'll and every one of you would know it because your Grandma or your Mama taught you when you were little. The most fundamental rule of our society is called what? It is called the Golden Rule. The Golden Rule says 'Do unto others as you would have them do unto you.' Mr. Milholland is a very accomplished engineer, but I come from a different background of expertise. I grew up on a farm. My Granddad was the inaugural member of the Arkansas Agricultural Hall of Fame. He was known far and wide all over the south as the premier soil man of the south. His name was Orville Childs. Check it out. I am not shooting you any bull. I am not bragging on Granddaddy and what he did. It doesn't really reflect on me. I grew up at his right hand. I grew up watching what he did. I went to countless soil conservation meetings. If anybody told you that they are going to raise cows after they've destroyed the soil that person is talking through their hat. My granddad would get a belly chuckle of what we have been informed about this. If anybody would tell you that there is a possibility of that road being compatible for school buses and trucks. I got a picture yesterday of little Kylie standing beside my regular size pickup with her dog. Just about 2 ft. on either side of her yet my regular size pickup is touching the other side of the road. I could tell you stories for the rest of the evening about neighbors who have been adversely affected. We've said maybe what he is doing wouldn't really harm wells, but Terry who doesn't really sleep anymore because she has the misery of living next to that opening to the mine that isn't really even open yet. Terry had a well that worked well for years as soon as they started the construction of those giant barriers. Which it looks like he is supposed to applying for a permit to do that part of the work. I mean just this is dogs eye view, but when he started building those barriers her well stopped working. Nolan Akers isn't here tonight, but Nolan is a farmer with quite a few beautiful animals on the other end of the place. Nolan had a spring fed pond that had served his family farm well for years. I won't look at him because I am disgusted with the man, but he drilled a well right across the property line from that spring fed pond and the next morning that pond had six inches of water in the bottom when it had been full to the top for generations. It has been said that you can look at a man and see how he treats the land and that is the window into how he treats other people. If you can find one person in this room who would tell you 'Yeah I live next to this dirt pit that he started without a permit and he has treated me great.' I want to shake that persons hand because they are as rare as a unicorn. I would love to talk to you all night but I won't. We said the most basic rule of our society is more important than any you all have written on paper. I mean the Judge back there he's got a Master's

Degree in Christian Education. Think about that. He knows what I am saying better than I do. He would tell you hey that is down to Matthew 7:12 that is the words of Jesus 'Treat people the way you would want to be treated'. If anybody can leave here tonight believing that Mr. Morris has treated people the way he wants to be treated, he laughed when Terry had said it in the meeting that he said what he said. He said it on National Public Radio. If someone was to try to put one of these next to my property I'd probably fight it too. Now is that a good neighbor? Everybody sitting here listening to me. They know better than that and they know it really well. If a bus load of school children is wiped out so this man can add to his millions our values in Washington County have gone down the toilet, my friends. I love my county. I love Fayetteville. I appreciate the time that you all have put into this. Nathan over here has worked so hard and he is caught between a rock and a hard place. There is a reason a lot of people doesn't want to be involved in the decision that the four of ya'll have to make tonight. I am praying for you. God bless you. Goodnight."

Public Comment Closed

Walter Jennings moved, "I feel that this project is not compatible with the surrounding use. Due to its high impact nature I think it is going to adversely affect property values and hinder the use and enjoyment of the surrounding properties. For those reasons I move that we deny Heritage Farms HI CUP."

Philip Humbar seconded.

Neil Helm, Planning Board Member, stated, "My primary concern is that a lot of the action and reaction is primarily been toward the proponent rather than toward these actual conditions and the situation itself. I am concerned that to deny all of this creates a precedent that would be a real problem for us in the future. My perception of it is that this is primarily a personal problem rather than a factual problem."

*Walter Jennings made a motion to deny the **Heritage Farms HI CUP** subject to staff recommendations. Philip Humbar seconded. Joel Kelsey recused himself. Roll call was requested. Randy Laney was not present. Walter Jennings, Philip Humbar, Robert Daugherty and Neil Helm were all in favor of denial. Motion passed.*

LAND DEVELOPMENT HEARING

County

h. Heritage Farms HI Pre-LSD

High Impact Preliminary Large Scale Development Request

Applicant: Heritage Farms NWA

Location: Section 18, Township 16, Range 31

Engineer: Melvin Milholland

Location Address: Greenburrow Road, between 14731 & 14829

Approximately: +/- 45.7 acres / 2 parcels

Proposed Land Use: Commercial Dirt Pit

Coordinates: Latitude: 36.07071449, Longitude: -94.3132630

Project #: 2018-342

Planner: Nathan Crouch email: ncrouch@co.washington.ar.us

Heritage Farms HI Pre-LSD was not heard due to the Heritage Farms HI CUP being denied.

5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - March 28, 2019
 - May 2, 2019

6. Old Business

7. Adjourn

Walter Jennings moved to adjourn. Joel Kelsey seconded. All Board members present were in favor of approving. Motion passed.

Planning Board adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman