

**MINUTES
WASHINGTON COUNTY PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENTS**

August 22, 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. Patton Minor Subdivision

Approved

County

b. Minor Subdivision Replat Lots 1B-1, 1B-2 & 1-B3 Sims Minor Subdivision

Approved

Fayetteville Planning Area

c. Old Wire Services & Recreational Facilities Preliminary LSD

Approved

CONDITIONAL USE PERMIT HEARINGS

County

d. CGC RV Park CUP

Approved

County

e. Wedington Mine HI-CUP

Approved

County

f. Munyon Road Wireless Facility CUP

Tabled

1. ROLL CALL: *Roll call was taken. Members present include Randy Laney, Walter Jennings, Robert Daugherty, Jay Percy, Philip Humbar, Joel Kelsey and Neil Helm. All board members were present.*

2. APPROVAL OF MINUTES: *Philip Humbar made a motion to approve the minutes of July 11, 2019. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Joel Kelsey made a motion to approve the agenda as written. Philip Humbar seconded. All board members present were in favor of approving. Motion passed.*

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Patton Minor Subdivision

Preliminary and Final Land Development Requests

Location: Section 35, Township 15, Range 30

Owners: Robert & Danalee Wise

Applicants: Atlas Surveying

Location Address: 12744 Patton WC 1159

Approximately: +/- 8.32 acres / 2 lots

Coordinates: Latitude: 35.93238633, Longitude: -94.13677161

Project #: 2019-170

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision approval for Patton Minor Subdivision. The request is to split one 8.32 acre tract of land into two tracts of 4.16 acres.

CURRENT ZONING: This 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 jurisdiction.

QUORUM COURT DISTRICT: District 14, Ann Harbison **FIRE SERVICE AREA:** West Fork Rural

SCHOOL DISTRICT: Greenland

INFRASTRUCTURE: Water- Washington Water Authority Electric- Ozarks Electric
Natural Gas- None Telephone- Windstream Communications Cable- None

BACKGROUND/ PROJECT SYNOPSIS:

Atlas Professional Land Surveying, on behalf of Robert Wise is seeking Minor Subdivision approval to divide one 8.32 acre parcel into two 4.16 acre tracts.

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 not in any city planning area.

Parent Lot (parcel #001-07461-000): 8.32 acres
Proposed Tract A: 4.16 acres, no existing structures
Proposed Tract B: 4.16 acres, no existing structures

TECHNICAL CONCERNS:

Sewer/Septic

Applicant has not provided documentation of soil work completed by a designated representative from the Arkansas Department of Health. However, Atlas Professional Land Surveying has stated that the soil work has been ordered.

Utilities

Electric is provided by Ozarks Electric:

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 the 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

Water is provided by Washington Water Authority:

The 2" watermain serving these properties run along the west side of Patton Road. If public service is desired for "Tract B", a Request for Water Service will need to be filed with the WWA office.

SITE VISIT:

A site visit was conducted by planning staff on July 30, 2019. 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 and Final Plat Minor Subdivision approval of Patton Minor Subdivision with the following conditions:

Sewer/Septic

Applicant must provide documentation of soil work completed by a designated representative from the Arkansas Department of Health.

Utilities

Ozarks Electric:

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 the 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

Washington Water Authority:

The 2" watermain serving these properties run along the west side of Patton Road. If public service is desired for "Tract B", a Request for Water Service will need to be filed with the WWA office.

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. The Circuit Clerk is not accepting plats over 18" x 24" in size.

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

No Public Comment

Public Comment Closed

Neil Helm made a motion to approve the **Patton Minor Subdivision** subject to staff recommendations. Joel Kelsey seconded. All board members were in favor of approving. Motion passed.

County

b. Minor Subdivision Replat Lots 1B-1, 1B-2 & 1B-3 Sims Minor Subdivision

Preliminary and Final Land Development Requests

Location: Section 32, Township 16, Range 31

Owner: Sims Family Trust

Applicants: A Million Miracles Surveying

Location Address: 13511 Bethel Blacktop WC 62

Approximately: +/- 18.24 acres / 3 lots

Coordinates: Latitude: 36.02710992, Longitude: -94.29298779

Project #: 2019-176

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat approval for Minor Subdivision Replat Lots 1B-1, 1B-2 & 1B-3 Sims Minor Subdivision. The request is to split one 18.24 acre parcel of land into three tracts of 9.83 acres, 1.10 acres, and 7.31 acres.

CURRENT ZONING: This 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 jurisdiction.

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- Source Gas Telephone- Prairie Grove Telephone Cable- Cox

BACKGROUND/ PROJECT SYNOPSIS:

A Million Miracles Surveying, PLLC, on behalf of Tom Sims, is requesting Minor Subdivision Replat approval to create three parcels from an 18.24 acre subdivision lot. This project is located solely within Washington County's jurisdiction.

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

Parent Lot (parcel #454-00001-002): 18.24 acres

Proposed Tract 1B-1: 9.83 acres, no existing structures

Proposed Tract 1B-2: 1.10 acres, no existing structures

Proposed Tract 1B-3: 7.31 acres, includes several existing structures, includes a house, two sheds and a shop

TECHNICAL CONCERNS:

Sewer/Septic

Applicant has not provided documentation of soil work completed by a designated representative from the Arkansas Department of Health.

Utilities

Electric is provided by Ozarks Electric:

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 the 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. 30ft. Ozark Electric U.E. along Existing 3 Phase line on North side of property.
6. 15ft. Ozark Electric U.E. along Existing Underground line to house.

Water is provided by Washington Water Authority:

The 2" watermain serving this area runs along the south side of Jack McClure Road. If public water service is desired for each of the proposed lots, a main upgrade will be necessary. Please have an engineer working on your behalf contact this office should you wish to pursue extending a water main to this property.

Fire Marshal

The Washington County Fire Marshal's Office recommends approval of the project as is, contingent that:

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you may do so but you must submit the overall square footage to the Fire Marshal for review prior to construction.
 - 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 from the local Fire Department. The property shall not be split any further without an established water supply 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.

SITE VISIT:

A site visit was conducted by planning staff on July 18, 2019. 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 has been one neighbor response and it was in favor of the proposal.

Staff will update the Planning Board at the meeting if any further 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 Plat Minor Subdivision approval of Minor Subdivision Replat Lots 1B-1, 1B-2 & 1B-3 Sims Minor Subdivision with the following conditions:

Sewer/Septic

Applicant must provide documentation of soil work completed by a designated representative from the Arkansas Department of Health.

Utilities

Ozarks Electric:

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 the 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.
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6. 15ft. Ozark Electric U.E. along Existing Underground line to house.

Washington Water Authority:

The 2” watermain serving this area runs along the south side of Jack McClure Road. If public water service is desired for each of the proposed lots, a main upgrade will be necessary. Please have an engineer working on your behalf contact this office should you wish to pursue extending a water main to this property.

Fire Marshal

The Washington County Fire Marshal’s Office recommends approval of the project as is, contingent that:

1. Any New structures on the property shall not exceed 3600 square feet in size. Should you want larger structures you may do so but you must submit the overall square footage to the Fire Marshal for review prior to construction.

- 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 from the local Fire Department. The property shall not be split any further without an established water supply 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.
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 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.

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. 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.

Randy Laney, Planning Board Chairman, inquired, "Yes, I understood you say you were still waiting on the sewer. Is that when we would accept that?"

Rick Barry replied, "Yes sir."

Walter Jennings, Planning Board Member, asked, "The black parcel are they contiguous? Or do they touch the corner?"

Rick Barry, answered, "Yes, based upon how narrow that little connection is there it is hard to really display it as best as I could. This was the best way that I could display the edges of the proposed tracts."

No Public Comment

Public Comment Closed

Joel Kelsey made a motion to approve the Minor Subdivision Replat Lots 1B-1, 1B-2 & 1B-3 Sims Minor Subdivision subject to staff recommendations. Philip Humbard seconded. All board members present were in favor of approving. Motion passed.

Fayetteville Planning Area

c. Old Wire Services & Recreational Facilities Preliminary LSD

Preliminary Large Scale Development Request

Location: Section 30, Township 17, Range 29

Owners: Patrick J. Tobin Revocable Trust

Applicant: Bates & Associates, Inc.

Location Address: Old Wire Rd. WC 87

Approximately +/- 19.4 acres / 1 lot

Coordinates: Latitude: 36.12103716, Longitude: -94.10753190

Project #: 2017- 235

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

REQUEST: Old Wire Service & Recreational Facilities is requesting **Preliminary Large Scale Development** approval to allow the construction of service and recreational facilities buildings on a property that is approximately 19.42 acres in size and is currently zoned for Agricultural and Single Family Residential Uses.

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

PLANNING AREA: City of Fayetteville Planning

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen VFD

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Fayetteville Water

Electric- Ozarks Electric

Natural Gas- Black Hills

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

Old Wire Service and Recreational Facilities is requesting Preliminary Large Scale Development approval to allow the construction of service and recreational facilities buildings on a property that is approximately 19.42 acres in size and is currently zoned for Agricultural and Single Family Residential Uses.

The Conditional Use Permit for this project was granted on July 22, 2019.

There will be a total of 10 buildings:

6 buildings at 5,000 sq ft

2 buildings at 3,600 sq ft

2 buildings at 2,500 sq ft

All buildings will have associated grading and parking lots.

Please see the applicant's Letter of Explanation for more detail.

TECHNICAL CONCERNS:

Water:

Fayetteville Water services this area. Corey Granderson, Staff Engineer for the City of Fayetteville, commented that the revisions of the submitted project plans dated 11/02/2017 are acceptable in concept: a proposed looped waterline system connecting to the Rid-A-Pest property. After Washington County approval, the applicant must submit plans and utility permit application to the City of Fayetteville Engineering Division for Permit Review.

Fire:

The Washington County Fire Marshal has reviewed the proposal. Tanker Support will be employed when responding to fire emergencies at this location by Goshen, Nob Hill, and the City of Fayetteville. The nearest fire hydrant is approximately west of the proposed site entrance.

The County Fire Marshal requested that:

1. Each building must be within 250 feet of a fire hydrant. The applicant has shown this on the site plan.
2. The water line must be 8 inches in order to support the hydrants. The applicant has shown this on the site plan.
3. If electrical lines are overhead, they will have to be set high enough to allow adequate clearance for fire/emergency vehicles.
4. The entrance to the project site must have a 38 foot turning radius. Gravel must be compacted to 75,000 pounds and certified by the project engineer. A compaction statement by the engineer is required for Final LSD.
5. The applicant proposes a hammerhead turn around to be used by fire/rescue vehicles. The hammerhead must be designated as a fire lane.
6. Fire Lane signs are required along the fire lane- not in the parking areas, but include them in the bottleneck areas.
7. The Fire Marshall has not yet required a Knox Box, but may in the pre-construction phase of the Large Scale Development.
8. Some buildings show exit lights and some do not. All exit doors must have appropriate lighted signs.
9. Panic bars should be installed on the doors.
10. The Fire Marshall must inspect each building prior to occupancy.
11. All fire lanes must be labeled. Buildings and parking must be ADA compliant. A statement at Final LSD will be required that states all buildings are in compliance with the Arkansas State Fire Code, and ADA regulations.

Septic:

This project proposes to utilize one septic system for each building.

Soil analysis has been conducted and submitted to the Health Department.

This project will require further permitting through the Arkansas Department of Health.

Electric/Gas/Cable/Phone:

This project is serviced by Ozarks Electric, AT&T, Black Hills, and Cox Communications. Generally, any relocation of existing facilities will be at the developer's expense.

Ozarks Electric states that there must be a 30ft utility easement along overhead lines and 15ft utility easements along underground lines.

Roads/Traffic Impact/Parking/Sight Visibility/:

This project accesses off WC 87, North Old Wire Road.

Planning Staff have performed a site visit and it appears that the site distance is adequate.

No signage or parking is allowed within Washington County's road right-of-way (ROW). Currently, none is shown on the plans.

The Road Department requires a minimum 30 foot ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).

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

Drainage:

A Drainage Report was submitted. The Washington County Contracted Engineer, Zach Moore, has reviewed this report and has submitted comments to the applicant's engineers.

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:

No signage is allowed within Washington County's road right-of-way (ROW). As this is a semirural area in transition, staff recommends the signage be approximately 24 sq. ft. in size and not directly lit. A sketch of the proposed sign must be submitted to Washington County Planning for approval prior to the sign being placed. No additional signage is allowed, and if the applicant chooses to use lighting for the sign, it must be indirectly lit.

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).

Each building will have its own dumpster. The plans indicate that each dumpster will be screened including the gate and the dumpster enclosure material must match the building material.

City of Fayetteville Concerns:

The City of Fayetteville has submitted comments. The City of Fayetteville expressed concerns with compatibility the project would have with their existing land use plan. Also, they do not think the project, as proposed, would be compatible with surrounding land uses due to increased traffic, light, noise, storm water runoff, pollutants in the Mud Creek watershed, and adverse changes to the environmental character of the area.

NEIGHBOR COMMENTS/CONCERNS:

Multiple neighbor comment notifications have been mailed since this project was first proposed.

Please know that many of these comments were in opposition to the Conditional Use Permit request. The CUP was granted on July 22, 2019.

On August 8, 2019, a total of 12 notifications were mailed in regards to the Preliminary Large Scale Development request. To date, only one has been received in opposition of the project. This has been included in this report.

Staff will update the Planning Board at the meeting should there be further comments 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* of the proposed Old Wire Service & Recreational Facilities Preliminary Large Scale Development with the following conditions:

Water/Plumbing/Fire Conditions:

1. A looped connection must be provided per specifications.
2. The water system design will be subject to the City of Fayetteville’s latest design criteria.
3. Each building must be within 250 feet of a hydrant per Arkansas State Fire Code.
4. The water line needs to be 8 inches.
5. Overhead electrical lines must be high enough to allow clearance for fire/emergency vehicles.
6. Project site entrance must have a 38 foot turning radius.
7. Gravel must be compacted to 75,000 pounds in all weather conditions and certified by an engineer.
8. A hammerhead turn around must be provided for fire/emergency vehicles.
9. The hammerhead turn around must be designated as a fire lane.
10. All fire lanes must be labeled and marked in paved areas. Fire lanes must have signs in graveled areas.
11. Buildings, restrooms, and parking must be ADA compliant.
12. A statement at Final LSD will be required stating all buildings are in compliance with Arkansas State Fire Code and ADA regulations.
13. A life/safety plan must be submitted and approved by the Fire Marshal once occupancy per building is known and building plans are available.

Health Department Conditions:

1. Soil work has been completed and a copy has been submitted for this project.
2. Full permit design has not been submitted to the Department of Health. Once occupancy is known, permits will be sent to the Department of Health.
3. The septic system must receive full approval from the Department of Health before installation can begin.
4. No parking (including overflow parking) is allowed on any portion of septic systems including the alternate areas.
5. Physical barriers must be placed around the entire septic areas to prevent damage from vehicles or other disturbance. The barriers must be placed such that driving between them is not possible.
6. Project must be in compliance with the regulations of the Arkansas Department of Health.

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

1. Site distance is adequate.
2. No signage or parking is allowed within Washington County's road right-of-way (ROW), and none is shown on the submitted plans.
3. The Road Department requires a minimum 30' ROW to be dedicated on the applicant's side of the road (if applicant owns both sides, both sides must be dedicated).
4. Generally, any work (i.e. clearing, grading, driveway install) 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.

Drainage Conditions:

1. All comments and concerns from the County Contracted Engineer must be addressed and found satisfactory before final approval may be given.

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. 911 addresses must be shown on the Final Plat at Final LSD.

Utility Conditions:

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

Additional and Standard Conditions:

1. Pay engineering fees. This total will be calculated at the Final LSD phase for this project once all invoices are received.
2. A statement from the applicant, owner, architect or engineer must be submitted prior to the building being occupied that says the building, parking, access, and restrooms are in compliance with all ADA regulations.
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. 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.
6. Final Large Scale Development approval will be required prior to occupation of this proposed office building.

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

Joel Kelsey, Planning Board Member, stated, "Sita, explain the building on the west side of the property."

Sita Nanthavong responded, "Back in February of 2018 Mr. Tobin and his representatives proposed to build an office building there. He was planning on occupying the property. There is nothing in our code that says you can't build a building. So he went ahead and built his building and associate parking with it. It is there now. Before he can conduct official business from it he will have to come through for a Conditional Use Permit on that particular building."

Joel Kelsey inquired, "There are plans to finish it?"

Sita Nanthavong replied, "Yes."

Randy Laney summarized, "As she recited we have heard this for the Conditional Use Permit which means you can do something other than have a house or agricultural. This board turned it down. It was appealed to the Quorum Court. The Quorum Court affirmed our decision. It was appealed again. Then the Quorum Court overturned our decision. There is really not a discussion about can it be used for this purpose. The discussion tonight if I am restating this properly is that if anybody has concerns about the particular layout or how it's arranged on the property or other considerations, but not so much can it be used for this, because that has already been decided."

No Public Comment

Public Comment Closed

Walter Jennings made a motion to approve the Old Wire Services & Recreational Facilities Preliminary LSD subject to staff recommendations. Jay Percy seconded. Robert Daugherty recused himself. Joel Kelsey opposed. Motion passed.

CONDITIONAL USE PERMIT HEARINGS

County

d. CGC RV Park CUP

Conditional Use Permit Request

Location: Section 27, Township 18, Range 29

Applicant: Hana Chefke

Location Address: 22451 E. Monitor Road

Approximately: +/- 8.51 acres /1 parcel

Proposed Land Use: RV Park

Coordinates: Latitude: 36.20661895, Longitude: -94.06372453

Project #: 2019-104

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

REQUEST: Hana B. Chefke is requesting **Conditional Use Permit** approval to develop and operate an RV Park in an area where agricultural and single family uses are allowed by right. Any other land use type requires conditional use permit approval and ratification.

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

PLANNING AREA: None

QUORUM COURT DISTRICT: District 5, Patrick Deakins

FIRE SERVICE AREA: Nob Hill Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Springdale Water

Electric- Ozarks Electric

Natural

Gas- None

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

This project came before the Board on June 6, 2019 and July 11, 2019.

During the June 6, 2019 meeting, Board member Joel Kelsey recused himself from voting. Board member Neil Helm made a motion to approve the project with Board member Jay Percy seconding. Roll call was then made: Board members Neil Helm, Jay Percy, and Robert Daugherty were for approval while Board member Philip Humbard was against. The motion failed to pass.

In accordance with Washington County Code Sec 11-206 (b): Before said thirty-day period has expired, upon concurrence of the Planning Director and the Planning Board Chairman, any decision made by the Board shall be reconsidered by the Board, in which event the thirty-day period to appeal shall be tolled and will begin anew once the Board has reconsidered its decision.

Washington County Planning Director Nathan Crouch and Planning Board Chairman Randy Laney both concurred to allow the applicant to bring the project before the next Planning Board meeting.

The project came before the Board again on July 11, 2019. Board member Joel Kelsey recused himself from a vote. Board member Philip Humbard was against the project. Board member Walter Jennings made a motion to table the project until there are enough members present to have a decisive vote at the August 22, 2019 meeting.

Hana B. Chefke is seeking Conditional Use Permit approval to construct and operate an RV Park.

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

The project parcel is not in any city planning area.

The project parcel (001-18443-001) is approximately 8.51 acres (more or less) in size.

The RV Park proposes to allow up to a maximum of 50 RVs according to the preliminary site plan. This amount is an approximate and may change once the applicant applies for Preliminary Large Scale Development.

The applicant plans on building in phases. The first phase will include up to 10 RV stalls. The second phase will include up to 10 RV stalls. The third phase will contain the remainder of the stalls. There is no formal phasing scheduling. The phasing is dependent upon clientele and the applicant's ability to invest in future phases.

The residents will park their vehicles in front of their RVs and off any publicly utilized road.

There will be outdoor lighting; one per every three RV stalls.

The length of stay for each RV will be limited to 6 month long contracts. Extensions will be provided on an as-needed basis.

There will be a building utilized as an office. The general office hours will be between 6:00am to 8:00pm. The dimensions of the building is currently unknown and will be provided during the Large Scale review.

The RV Park "Quiet Hours" will be from 10:00pm to 8:00am.

The applicant hopes to have a park-like settings with a small playground and various grill locations throughout the RV Park.

The applicant may also allow RV storage and a small campground in the future.

The applicant will utilize trees and/or shrubs around the 8.51 acres and throughout the RV Park to assist with visual mitigation for the neighbors and to allow privacy for the RV Park patrons. The applicant will place a small sign at the entrances of the RV Park outside of the County Right of Way.

If the Conditional Use Permit request is approved, the applicant will return with a Preliminary Large Scale Development request. All building plans and site plans will be required at the Large Scale Development review.

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Utilities:

Ozarks Electric is the provider for this parcel and had the following concerns/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 the 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

AT&T provides phone service for this area. They did not submit comments/concerns.

Springdale Water provides water for this area. They did not submit comments/concerns.

Fire Issues:

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

1. Please make sure there is enough water supply for fire hydrants in the RV Park. Springdale GIS shows there is an 8" water main on the other side of E Monitor Road. Please verify this with Springdale and provide the location of the nearest fire hydrant and what the fire flow is.
2. All other issues will be addressed during the Large Scale.

Health Department Issues:

1. The soil analysis has been conducted and found favorable for a septic system.
2. Final permitting and design of the septic system will be permitted through the Arkansas Department of Health.

Road Issues:

The Washington County Road Department had the following concerns/comments:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County right of way at any time.

Site Visibility:

1. Sight distance must meet minimum County standards at the LSD stage.

Drainage:

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

1. There are no comments for the CUP portion. However, at the LSD state, a drainage report that analyzes pre-development and post development peak flows discharge from the site will be required. If it is determined that peak flows have been increased enough to potentially cause issues downstream, then a detention pond will be required.

Environmental Concerns:

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:

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

2. The sign is limited to 24 square feet in size with an approximate height of no more than 8 feet. The sign must not be lit from within, but can utilize “up” lighting.

Lighting:

1. 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:

Washington County Planning has the following concerns/comments:

1. Landscaping barriers such as trees, shrubs, and/or fencing must be installed around the RV Park area.
 - a. A planting plan schematic (drawing showing types of vegetation and spacing) must be approved by the Planning Department prior to the installation of the vegetation.
2. If any additional screening area is necessary, staff reserves the right to make this a requirement in the LSD portion. Care shall be taken to leave much of the wooded area intact (this is also in line with the applicant’s vision of creating a secluded environment for guests of this proposed RV Park).
3. If there is to be a dumpster, the fencing and gate around it must be opaque material. A gate is required for the dumpster area.

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. There is an existing rock quarry approximately a mile southeast of the proposed project’s property boundary. The nearest residence that is from the project parcel is approximately 75 feet away.

A total of four parcels touch the boundary of the proposed project’s parcel. All of these parcels are vacant except for two. There is an existing residence to the northeast and an existing residence to the southwest.

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 the requested use will be low impact, and that the proposed conditions regarding screening will help to mitigate the concerns expressed by the neighbors.**

This proposed land use type is not considered agricultural or residential by use. However, Staff feels that with enough visual mitigation and the lack of longer term rentals of RV stalls the project can be compatible with the area.

There is a lot of existing vegetation that surrounds almost all of the property, especially from the road on the northeast side. To the south, a somewhat dense tree line exists. Staff feels that if the applicant were to construct either privacy fencing in conjunction with planting large shrubs or trees to assist with privacy for both the neighbor on the west and the applicant’s clients, the project would be a good fit for the area. The property is approximately a mile and a half (1.5 miles) from the City of Springdale to the west.

Site Visit:

A site visit was conducted by Planning Staff on 05/21/2019.

The site is located 1.5 miles east from the City of Springdale. It resides within the County, outside of the Planning Area.

The site is located off East Monitor Road WC 91. East Monitor Road WC 91 is maintained by the Washington County Road Department.

The property is surrounded by other parcels that are heavily agricultural and residential by nature. There is an existing tree line that extends nearly around the entire parcel. To the southeast about a mile away is the Hunt Rogers rock quarry.

There are two residences on adjoining properties.

The site distances from each entry seems very adequate.

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 seven (7) certified notifications on May 23, 2019. The only comment received from this mailing was from the property owner.

Staff mailed a total of seven (7) courtesy notifications on June 20, 2019 stating that this project would be heard before the Board once again.

At the July 11, 2019 Planning Board Meeting, a petition against the project was submitted. This petition includes signatures from both Washington and Benton County residences. A copy of this petition has been included with this report.

Staff mailed a total of seven (7) courtesy notifications on August 1, 2019 stating that this project would be heard before the Board once again.

Planning Staff will update the Board should any further comments be received.

STAFF RECOMMENDATION: Staff recommends approval of this project with the following condition:

Utilities Conditions:

Springdale Water:

1. Any water concerns the applicant has should be directed to the Springdale Water Authority.

Ozarks Electric:

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 the 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

AT&T:

1. Please contact AT&T should future telephone issues arise.

Fire Conditions:

The Washington County Fire Marshal:

1. Please make sure there is enough water supply for fire hydrants in the RV Park. Springdale GIS shows there is an 8" water main on the other side of E Monitor Road. Please verify this with Springdale and provide the location of the nearest fire hydrant and what the fire flow is.
2. All other issues will be addressed during the Large Scale.

Health Department Conditions:

1. The soil analysis was found favorable for a septic system.
2. A detailed report and design will be completed at Preliminary LSD and any adjustments necessary will be made to accommodate the system. The size of this system requires review from the Arkansas Department of Health Engineering Division.

Drainage:

1. There are no comments for the CUP portion. However, at the LSD state, a drainage report that analyzes pre-development and post development peak flows discharge from the site will be required. If it is determined that peak flows have been increased enough to potentially cause issues downstream, then a detention pond will be required.

Roads:

The Washington County Road Department:

1. Any work in the County Right of Way will require a permit. Please contact the Road Department.
2. There is to be no parking in the Washington County roadway or right of way at any time.

Site Visibility:

1. Sight distance must meet minimum County standards at the LSD portion.

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:

1. No signage is allowed within Washington County's road right-of-way (ROW).
2. The sign is limited to 24 square feet in signage with an approximate height of no more than 8 feet. The sign must not be lit from within, but can utilize "up" lighting.

Lighting:

1. 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:

1. Landscaping barriers such as trees, shrubs, and/or fencing must be installed around the RV Park area.
 - a. A planting plan schematic (drawing showing types of vegetation and spacing) must be approved by the Planning Department prior to the installation of the vegetation.
2. If any additional screening area is necessary, staff reserves the right to make this a requirement in the LSD portion. Care shall be taken to leave much of the wooded area intact (this is also in line with the applicant's vision of creating a secluded environment for guests of this proposed RV Park).
3. If there is to be a dumpster, the fencing and gate around it must be opaque material. A gate is required for the dumpster area.

Addressing Conditions:

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

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). This total will be calculated for this project once all invoices are received.
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.

Public Comment

James Hilton, 22541 E. Monitor Road, addressed the Board, "I'll tell you straight up I will be concerned about the noise. I will be concerned about my kids. I was looking at the plans there and where the green and blue is located there is a land dispute. My lawyer is Ken Osborn and I will fight for my land. That's all I can tell you right now except that I am more concerned about kids that this is going to involve because kids are the future right here. It is not us, the kids are. That is all I am going to say because I have already been told by a committee person up here 'I am fighting a losing battle'."

Mark Gordon, 22454 E. Monitor Road, addressed the Board, "I am going to keep this brief. I'll just read off some of the notes that I think have relevance to this particular hearing. I hope that everybody here has an open mind and considers what is being discussed. Again, I think there was some conversation around the valuation of property within close proximity of parks. In discussion and counsel with a real estate agent there is a 5-7% reduction. The neighbors and I have invested our hard earned money into a somewhat peaceful area to enjoy. This is going to create disruption, have an impact on the equity and value of homes, the traffic pattern, currently there are approximately 70 heavy construction trucks daily that drive down that narrow road. I know she mentioned that someone could have called the city about that heavy traffic and do a study on that. I don't know that anybody here has complained about that. They understand that there are quarries on both sides. It is the additional traffic that brings a larger piece of equipment into that area and down that road. It is two lanes, it is weedy there is already disruption on that road. It's going to accelerate the deterioration of that. Let's ask that there be a study done on Monitor and Luper Road about the capacity ability with all the additional traffic that you are considering. That land was zoned for residential or agricultural as it was stated. Again we bought that property and have continued to invest and improve in that with that zoning in mind. We have children frequently come to visit and welcome the peace that the area provides. With the exception of course that heavy traffic comes by our street every day. I think that same sentiment has been expressed by a group that has been here on two different occasions this will be the third. That RV Park is going to bring, relative to the shrubbery that she showed and talked about, it is going to bring noise, lights, and it is also going to bring a transient population that has less of a concern about our community. We talk about people that work at the quarry that are going to be there for a short period of time. They are not as concerned about the community. Those folks that come in RV's are not going to be as concerned about the community. This is especially true we may have folks that are looking at pitching tents. She mentioned that, but that is something that is going to be available. We've already got an RV Park down the road at Hickory that has tents and there's a lot of homeless people that live down there. I think this will exacerbate that and we will see some of that same activity in this small 8 acre property. There are some special needs children that live next to the proposed site. They are going to be susceptible to the transient group of temporary workers, travelers and very likely homeless with the tents that come to that site. I have a neighbor that can talk about her experience with RV Park just down the road that she had. Really

when you think about this in the broader picture of the business need. There's 5 RV Parks within 15 miles of this requested site. One is only a couple of miles away. There's another one being built with extensive amenities. There's four that sit on the lake with a playground, hiking, fishing, boating, swimming, water, electrical hook up and a marina nearby. Additionally there is even another large RV Park that is being considered in close proximity. That is going to be done most likely before this will be completed. I've got some pictures my wife took of those RV Parks that are on that lake. You compare that surrounding to what that is versus the 8 acres that this proposal is on. All due respect to the neighbor. The picture shows a lot of equipment in disrepair. There's broken down items on that property. The house is uninhabitable and there's a lot of garbage strewn around. That is not something that someone who is bringing a \$300,000 RV is going to want to look at. I think that is something that really creates a thought around the value of this and necessity of it. No matter how many gardens or flowers you put on the ground it won't compete with those parks that offer those amenities. She talked about 50 RV stalls all this landscaping that is taking place. It is 8 acres. It is going to be difficult to put all that on there. Then you talk about a playground or an RV storage unit. I think that there has been a lot of uncertainty around the build on this. The first time I saw this it was drawn in pencil. She herself has mentioned that this thing is conditional upon what kind of clientele they get. What if they don't get any clientele? Then what are we looking at? A partially done RV Park. We look at something that has mounds of dirt or potential disrupted land. Those are the concerns that are brought to me and that I am bringing them to you. There's a lot of emotion right now with this potential park with the neighbors, the Sheriffs have been out there several times in the last couple of weeks to calm and work through the property line disagreements. The area has already been impacted. We would hope that you openly consider what points have been made here tonight. There was another comment about a petition that was brought up and there was 70 names on it. Then she talked about Benton County. I live directly across the street. You saw the picture, the black fence is mine. Looking at that, part of my property is in Washington County, part of it is in Benton County. With that being said, those people that put their name on that petition, they are neighbors. They maybe in a different county but it doesn't make a difference that they are still neighbors and they are still a part of that community. I respectfully request that you consider this and deny the conditional request."

Roger Vickers, 3341 Luper Road, addressed the Board, "I will keep it brief. I think he summarized everything really well. The concern is that there is a lot of RV parks. There is really nothing there to draw people in other than a low level housing type thing. It's our fear. You have people that don't have houses and they don't really respect the property and neighbors like they should. We think it will devalue the surrounding properties. Anybody that denies that RV's might do that consider how easy it is to find a city that won't allow you to park your RV in your own front driveway if you own a house. They are frowned upon in a lot of areas. I agree with the gentleman before me there is no way she is going to build this out to 50 RVs it is going to be tents and broke down. It is not a good place for an RV Park and it's just going to lower the property values. I told you I would keep it short. Thank you."

Joan Schafer, 22275 E. Monitor Road, addressed the Board, "I hope as Mark said that you have an open mind. I feel like it has already been discussed and settled and you're just waiting to cast your vote yes, but this is our lives we are talking about. If you put yourselves in our situation you would think twice about it. These are people. Last time there was a lot of discussion about the safety of the kids. It wasn't that the kids go out on the road and play. We are talking about the transient and you can't say these are going to be \$100 or \$200,000 motorhomes. If you are pitching tents they are not coming in a \$100,000 motorhome and you are not going to be able to discriminate against whatever they bring in. These people need to make their payments and they are going to take whoever is going to come in and rent to them. If they get in there and stay for a long term it is going to deteriorate our property values. For most of us this is our retirement home. This is something we want to live out for the rest of our lives. To bring this in and put it next to us is just wrong. There's too many other places. I would just hope you consider it. We never see anyone discussing it. You listen and you just say 'I pass, I pass'. I would think there would be some discussion on your part. We've said what we had to and you'll vote how you do. Again please consider our money that we have invested. Our lives that we have invested in this. It's just not a quick thing to say 'Yeah we will let these people come in here', because it affects all of us. That's our fear is that you are going to get the transients in there that you can't get out. Are they going to start robbing us or hanging

out at our house? There is a lot to consider. Like I said before you wouldn't want this as your next door neighbor. The lighting, the noise, the campfires and all that it is just not something to put right there. There's too many other places. Thank you."

Inis Bardella, 16235 Walnut Place Trace, addressed the Board, "I am a new resident actually to Washington County for less than a week. However, I have lived in more than ten other counties in the United States both rural and urban. This RV Park sounds like a really bad idea. When I listen to the people talking about it that live near it I think their concerns are legitimate. I don't think it adds value to the community. I don't think it adds value to the County. I think that there is more potential harm for it than there is good. I would also ask that you vote no to it. Thank you."

Public Comment Closed

Walter Jennings, Planning Board Member, suggested, "Well I wonder if it would allay some of the other board members concerns about the compatibility if we added screening along the road, along the front edge. If that would help as a requirement?"

Robert Daugherty, Planning Board Vice-Chairman, responded, "I think the screening would be a good idea. I agree with you. If we pass this lets try to add that condition."

Randy Laney stated, "You would see it on the Large Scale Development Plan how that was implemented. She should have notice of screening."

Walter Jennings made a motion to the **CGC RV Park CUP** subject to staff recommendations with the additional requirement of having screening along the road as well. Robert Daugherty seconded. Joel Kelsey recused. Philip Humbarnd opposed. Randy Laney, Walter Jennings, Robert Daugherty, Jay Percy and Neil Helm were in favor of approving. Motion passed.

County

e. Wedington Mine HI-CUP

High Intensity Conditional Use Permit Request

Location: Section 04, Township 16, Range 31

Applicant: Tom Terminella

Location Address: 15721 N Riches Rd WC 841

Approximately: +/- 60.8 acres / 3 parcels

Proposed Land Use: Commercial Mine

Coordinates: Latitude: 36.08917469, Longitude: -94.28551234

Project #: 2019-123

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

REQUEST: Conditional Use Permit approval for Wedington Mine to transition existing agricultural/residential property to open pit red dirt/clay/gravel extraction operations on a parcel of land that is 60.83 acres in size.

CURRENT ZONING: Project lies within the County's Zoned area. Agricultural and Single-Family Residential uses at a density of 1 unit per acre are allowed by right. Any other uses may be approved through the Conditional Use Permitting process.

PLANNING AREA: This project is not located in a city planning area. It is solely within Washington County's jurisdiction.

FUTURE LAND USE: Residential (Compatible to Surrounding Densities)

QUORUM COURT DISTRICT: District 7, Sam Duncan Rural FD

SCHOOL DISTRICT: Farmington

FIRE SERVICE AREA: Wedington

INFRASTRUCTURE: Water- Washington Water Authority
Gas- N/A Telephone- AT&T Cable- N/A

Electric-Ozarks Electric **Natural**

BACKGROUND/ PROJECT SYNOPSIS:

History of the proposed Rich Red Dirt mine and the issues it had that lead to its denial

In July, 2014, Conditional Use Permit approval was requested by Mark Rick to allow a commercial open-cut red dirt mine at this location. After being tabled multiple times the CUP request was denied at the November, 2014 meeting due to the following factors:

- Safety concerns regarding the proposed location of the haul road intersection with Harmon Road.
- Issues of compatibility
- The likelihood that this project will be injurious to the use and enjoyment of some of the other property in the surrounding area for the purposes already permitted, and substantially diminish and impair some property values within the surrounding area.

The current proposal

Now, Wedington Mine has purchased a portion of the property and is requesting Conditional Use Permit approval to allow a commercial open-cut red dirt mine on approximately 60.83 acres. This CUP request is not proposing any permanent structures or utility service at this time.

Access will be to the west from Harmon Road, near the Wedington Woods Subdivision entrance, with a proposed dump truck volume of 30-50 round trips daily (See applicant's Traffic Statement). Portions of the interior roads have been constructed and the connection to Harmon Road in Washington County's right-of-way is permitted and complete.

The applicant has received General Permit approval from the Arkansas Department of Environmental Quality to mine up to 20 acres. The applicant has provided a letter of credit for the required bonding to actively mine up to 4 acres at a time. It is the applicant's intent to mine only up to 4 acres at a time, with reclamation of the mined area at a rate such that no more than 4 acres will be actively active at once.

TECHNICAL CONCERNS:

Utilities

No structures or utilities are proposed for this development at this time.

Water/Plumbing:

Washington Water Authority has an 18-inch water main running along the east side of Harmon Road, beneath (perpendicular to) the applicant's access drive. WWA has stated that "due to the crucial function of this water main supplying the Washington Water North zone and the heavy equipment traffic generated by this CUP, the existing water main running under the proposed access drive will need a designed steel encasement."

However, WWA has stated they are willing to consider other options for protecting the water main. They will need the applicant to submit the preferred option to them to review.

Electric:

Ozarks Electric provided general technical comments:

1. Any damage or relocation of existing facilities will be at the owner's expense.
2. Any power line extension that has to be built to this property will be at the owner's expense.
3. All off site easements that are needed for Ozarks to extend electrical service to the 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.

Additional comments:

4. Ozark Electric has existing lines in the area. There is a 30ft. utility easement along all overhead lines.

Gas/Cable/Phone:

No comments/concerns at this time.

Fire Code

The Washington County Fire Marshal had no comment/concerns at this time as there are no structures proposed.

Septic:

No new septic systems are proposed.

Roads/Sight Visibility/Ingress-Egress/Parking:

Some interior roads have been constructed, and the paved access road entrance connection to Harmon Road, on Washington County right-of-way, is permitted and complete. The remainder of the haul road and interior roads remain private at this time.

Harmon Road (WC-31) is a thoroughfare that conveys north-south traffic west of, and parallel to, I-49.

This county road carries traffic of all types and sizes, including school busses, freight trucks, dump trucks and trash trucks of varying sizes and capacities, passenger vehicles and motorcycles, etc.

Traffic Study

The Road Department is conducting an ongoing traffic study along the length of Harmon Road as part of Washington County's Comprehensive 5-year Road Plan.

The first section of the study was conducted to determine the daily traffic volume along the section of Harmon Road between the entrance to Wedington Woods Subdivision (Dogwood Rd.) and the bottom of the hill to the south. The 7-day traffic study yielded traffic count data for each hour of the day, average daily traffic volume, vehicle type, and vehicle speed. (See attached Traffic Study report)

Some interesting data from the Traffic Study are as follows:

- Average Daily Traffic- 1487 vehicles
- 75% of vehicles travelling south (approaching the bottom of the hill) are at 30-40 MPH
- 62% of vehicles travelling north (down the hill) are at 40-50 MPH
- Traffic volume spikes from 3 – 7 PM
- Average of 62 vehicles per hour
- 70% of traffic is on weekdays, 30% on weekends

Next the Road Department will begin conducting similar traffic studies on all of the county roads that connect to Harmon Road in order to get those traffic volumes and make informed decisions regarding upgrades to the roadway.

In approximately 1 year the Road Department will conduct the traffic study again to determine the change in traffic volume and characteristics. At that time, the Road Department will have the data needed to determine if upgrades are necessary along Harmon Road.

Sight Distance/Speed Limit

5 years ago when Rich Red Dirt was proposed, the sight distance was measured from a proposed (approximate) location, and evaluated based on a 45 MPH speed limit which has a sight distance requirement of 500 ft for left hand turns and 430 ft for right hand turns. However, the County Road Department evaluated the characteristics of Harmon Road with respect to speed, curves, and slopes in the curves, and determined the speed limit should be posted at 35 MPH along the section between Hwy 16 and Gun Club Road. The sight distance requirement for 35 MPH speed zone is 390 ft for left hand turns and 335 ft for right hand turns.

Now that construction of the haul road is complete, the County Road Department calculated the sight distance in accordance with the requirements of AASHTO's "A Policy on Geometric Design of Highways and Streets", also known as "The Green Book". They determined the sight distance to be 440 ft to the left (south) and 836 ft to the right (north).

This sight distance meets the requirement. The measurement was taken prior to mowing/clearing the right-of-way. Once the Road Department clears the right-of-way the sight distance is expected to increase.

Drainage:

The Washington County Contracted Engineer made the following comments:

1. At the CUP stage, I do not have any comments on drainage. However, at the LSD stage, a drainage report will need to be provided analyzing pre- versus post flows discharging from the site.
2. Regarding traffic, 30 to 50 trucks daily is not going to be enough to warrant any signals. However, it should be taken into account the damage to Harmon Road over time that the trucks will cause. I will let the Road Dept. address that though.

Additional comments concerning the site plan and drainage report will be requested at the Preliminary High-Impact Large Scale Development stage.

Environmental Affairs 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). Stormwater runoff and erosion will be evaluated at the next stage of permitting, Preliminary High-Impact Large Scale Development.

Signage/Lighting/Screening Concerns:

If the applicant desires a business sign, it must be placed outside the county road right-of-way, no larger than 24 square feet, and must not be lit from within. Any proposed signage must be submitted to the Planning office for review and approval prior to installation.

All 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 (see attached diagram for examples).

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding land uses are predominantly single family residential and agricultural. However, there are a number of other dirt pits and a large quarry in the vicinity.

Staff feels that the applicant's request can be made compatible with the surrounding uses and residential densities with the conditions of approval listed below. (See attached Surrounding Uses map)

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:

Planning Staff's response to each item is shown in bold text.

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities;
The subject property is adjacent to and takes access from Harmon Road (WC-31).
- 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; and,
Within the vicinity there exist one active limestone quarry, three active red dirt mines, and two inactive red dirt mines. The infrastructure is available, or will be made available if this proposed red dirt mine is approved.
The Washington County zoning map doesn't designate areas in the county as suitable or unsuitable for industrial uses. However, as there are several mineral extraction operations in the vicinity Planning Staff feels the location for this proposal is suitable.
- c. Provide for ample utilities and services to support industrial development.
This proposal is not requesting any utilities, but there are overhead powerlines and an 18-inch water main adjacent to the subject property. If utility service is requested in the future there should be no problem providing it.

These goals can be achieved through the following operations:

- a. Adopt development regulations and standards to provide for quality development;
At this (CUP) stage land-use compatibility is being evaluated. If approved, the applicant must also receive High-Impact Large Scale Development approval, which is where the site design, stormwater, and technical specifics will be evaluated.
- b. Identify suitable land for reservation of future industrial growth;
As there are several mining/quarrying operations in the vicinity Planning Staff feels this location is suitable.
- c. Provide adequate services, utilities and accessibility;
Provided.
- d. Insulate industrial sites from other activities by location or buffers; and,
Buffering will be evaluated at the next stage off permitting.
- e. Require provision of ample off-street parking and loading space.
Not required for this proposal as parking and loading will be conducted on-site.

Future Land Use Plan

The County's Future Land Use Plan identifies the subject property as "Residential (Compatible to Surrounding Densities)".

When the Future Land Use Plan was developed there were already multiple dirt mines and a large quarry in the vicinity of the proposed mine. They were grandfathered into compliance.

It is Planning Staff's opinion that locating new dirt mines near other existing dirt mines makes the most sense with respect to compatibility.

SITE VISIT:

A site visit was conducted by planning staff on August 13, 2019. No issues were noted at that time

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within one-half mile of the boundary of this property were notified by certified mail of this proposed project.

As of 8-16-19, 30 comments have been received by Planning Staff all opposed to the proposal.

Additionally, on 8-16-19 a petition with 34 signatures was received, all opposed to the proposal. (See attached neighbor petition map)

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

Sec. 11-200 – Criteria for Allowance of Conditional Uses

Planning Staff's response to each item is shown in bold text.

- 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.

Filed & 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.

Notifications were mailed on 7-23-19, 30 days prior to the Planning Board meeting.

- (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.

If this CUP request is approved and ratified, the applicant will submit documentation for High-Impact Large Scale Development review. At that time the technical aspect of the proposal will be evaluated.

- (4) That the proposed use is compatible with the surrounding area.

This requested land use can be made compatible with the surrounding area with the proposed conditions of approval, and through the High-Impact Large Scale Development review process.

- (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.

A number of neighbors argue this proposed use will be detrimental to and endanger their public health, safety, comfort and general welfare. However, no objective data has been submitted for review.

- (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.

Similar to #5 above, no objective data has been submitted for review. There are multiple mines and a large quarry in the vicinity, and Staff is unaware of any litigation that has arisen due to compatibility issues with those operations.

- (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.

If this Conditional Use is granted, future development along Harmon Road may actually source building materials from this development.

- b) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Wedington Mine Conditional Use Permit with the following conditions:

Planning Conditions:

1. Applicant must satisfy the issue as to which acreage will be mined, within the overall 60.83 acre property.
2. Applicant must comply with all rules and regulations of the Arkansas Department of Environmental Quality (ADEQ).

Washington Water Authority Conditions:

1. The 18-inch water main beneath the access road must be protected.
2. At Large Scale Development stage, the applicant must provide engineered plans showing how the water main will be protected.

Fire Conditions:

1. No structures are proposed, so the County Fire Marshal has no comments or concerns at this time.

Sewer/Septic/Decentralized Sewer Conditions:

1. No new septic systems are proposed, so the Health Department has no comments or concerns at this time.

Roads/Sight Visibility/Ingress-Egress/Parking 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.

Drainage Conditions:

1. At the LSD stage, a drainage report will need to be provided analyzing pre- versus post flows discharging from the site.
2. Additional comments concerning the site plan and drainage report will be requested at the Preliminary Large Scale Development stage.

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:

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

Signage/Lighting/Screening Conditions:

1. Signage cannot be placed in the County Right-of-Way.
2. If a sign is desired, a sketch must be submitted to Planning Staff for review and approval. Any signage must be no larger than 24 sq ft, and must not be lit from within.
3. 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.

Standard Conditions:

1. Pay engineering fees within 30 days of project approval. Applicant will be billed once invoices are received.
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.
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 submit for Preliminary project review within 12 months of this CUP project's ratification.

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

Walter Jennings inquired, "Can you say again what information Garver is going to get back to you in a week? What are they going to tell us?"

Nathan Crouch replied, "The County Road Department conducted the study of the characteristics of Harmon Road. They have made the request to our County Contract Engineer to do an independent study to get a second opinion. There has been some controversy over the timing and everything, but we have been working on a five year County Road Plan for quite some time now. At least a year and a half. Harmon Road has been identified as a major arterial. There is a lot of study that goes along with that and a lot of study that goes on the front end to make a decision to widen a road to four lanes, smoothing out some corners and such."

Walter Jennings asked, "That study was something that was happening independent of this, or was that study done because of this application?"

Nathan Crouch answered, "I believe the study was done independent."

Philip Humbar, Planning Board Member, inquired, "Nathan, as an inter-step is there room for a side lane to be put at the entrance?"

Nathan Crouch replied, "That wasn't proposed and so it hasn't been reviewed."

Randy Laney asked for clarification, "Just for the public, we throw around the words quarry, mine and red dirt pit. What are we talking about?"

Nathan Crouch responded, "When I say quarry I am referring to typically a rock extraction process especially if there is blasting. Chief Gales could probably correct me if I am wrong on that. The red dirt mine would be an open cut where they are extracting red clay building material down to the bed rock. Not blasting."

Neil Helm, Planning Board Member, stated, "I have some concern about how you would monitor the recommendations that you have on the traffic patterns and such and such a time."

Nathan Crouch explained, "Yes sir. We typically don't monitor. We leave it up to the public to let us know and they do, but one of the conditions in there is that we put a sign on the haul road visible to the dump truck drivers as they are exiting, outlining those times of day and the prohibition of hauling dirt off the property during those times."

Public Comment

Jim Hendrix, Transportation Supervisor for Farmington Schools, addressed the Board, "I am a 31 year resident of Wedington Woods and I have used that entrance for 31 years. I have some questions that I haven't been able to find answers for. In the last week of July the speed limit was lowered from 45 to 35. When I called the County I was told 'It's because there's 1,500 cars a day there'. Is that going to be adopted county wide or is that just adopted for this area? In my job I get to drive a lot of County Roads. I get to see a lot of traffic. I have driven that road for 31 years and there is not a lot of traffic. My next question was where the 1,500 number came from? Why is that relevant? Because if you look at the county website all it says is 50 mph for paved roads and 35 mph for dirt roads. There is no number so I assume that is arbitrary. The last time this went around there was an issue between Mr. Riches Engineer and the County Contract Engineer. They were using different Green Book versions. So the County Contract Engineer went back and used his Green Book version. If you pull up the minutes from when that all happened Shawn Shrum and Juliette Ritchie were substantially against it. It stated three times in here 'There is no reason to change the speed limit from 45 to 35'. It also says "Option B Harmon Road is posted as 45 mph this speed limit will stand unless you can prove it is a higher speed than this section can handle. As per the AASHTO's policy on Geometric Design of Highways and Streets, Sixth Edition, also known as the Green Book. You must consider the horizontal and vertical curve only after you submit that information standards will the county consider differing the speed limit'. As I said, I drive all the county roads in our district, 36 square miles, and there are still roads that are two lane, same width, chip and seal that are 45 and 50 mph. The next question I tried to get an answer to is where that 1,500 vehicles came into play? Is that an arbitrary number? It's not in the Green Book chart, it's not on the county website that I could find anywhere so is that going to apply county wide? Are you going to start doing Habberton Road, Viney Grove Road, Goose Creek Road and all the ones that are still 45 and 50? I would like to know where the decision to lower the speed limit came from. Was it a committee? Was it the Road Superintendent? Was it a Judge? I couldn't get any of those answers from the County employee that I was speaking to. My favorite part, that was Option 8, this is the letter from, Clay Grote, which was the County Contract Engineer at the time this rodeo went around last time 'That road grades out to 58 mph'. You want to know why they are driving 60, it's because it grades out to 58 mph. He also says 'There is no reason to change the speed limit'. It also stated that 'To the north the site yields a design speed equal to the posted speed of 45 mph'. Even the County Contract Engineer at the time said there is no reason to change the speed limit. I have three buses that go through there every day. 60 plus children, two route buses and a special needs bus. When you sit in my chair, on my desk, I worry about those 65 kids. It's not if it is going to happen it's when its' going to happen. Then is who is liable? Is it going to be you guys for approving it? Is it the Quorum Court for approving it? Is it going to be the dump truck driver? Is it going to be the owner of the pit? Who is going to be liable if something happens? It's not an if, it's a when. I

can promise you that. I wouldn't be surprised if all of a sudden there's are little signs popping up on the other side of the road on private property that says '1-800-Car Wreck Call Me' or "On your side or by your side'. That's it for me."

Randy Laney stated, "I just want to make this clear, but this Board doesn't set speed limits."

Jim Hendrix went on, "Well, that is what I figured, it's got to be from the County, but I can't find out who from the County and how high up the food chain from the County. Every other county road except for this little section is still 45 and 50 mph for the same style of road. That is my question is why they lowered the speed limit when it is graded at 58 mph by the County Engineer? On this side of the isle it looks like that was done to improve sight distance. Speaking of sight distance, I know he said, 390 ft., well that was the discrepancy that Shawn Shrum and Juliette were using the chart for cars not for loaded dump trucks, not for single unit vehicles, they say. It takes 9.5 seconds for a single loaded vehicle to make a left hand turn on a 3% grade, which is what that is, apparently because he is an engineer, he is a lot smarter than me. When they used the single loaded truck chart in the Green Book of Geometric Design they said their sight distance was 446 ft. Well the sight distance at 35 mph is actually 488.78 ft. It is not 390. This is all in the minutes. It is all public record. I just wanted you to know. Have a great day."

Lloyd Miller, 16013 Cedar lane, addressed the Board, "You talk about the death that could happen. It did happen last night on Wedington Drive. Not far from this deal. Somebody coming down the hill and running into somebody, had killed somebody. This is what you are talking about. There is not enough room for trucks to pull out when they come down hill. This has been discussed many times. This was turned down previously because there was not enough room for this to happen. This is a safety hazard. I spoke against this project previously. Ice and snow can slow trucks and speed up cars when coming down hill. People in the area paid for this project that the trucks are going to deteriorate. The alternate road has been previously discussed as going out on Hamstring Road. This is a safety hazard. Somebody is going to get killed just exactly like what happened last night on Wedington Drive. We are not talking about what if we are talking about the things that can happen and did happen. Whoever approved this project is responsible for that death. Thank you very much. I appreciate your time and for letting me speak."

Jim Gallagher, 12279 Martin Road, addressed the Board, "For those of you who don't know who I am, I am an architect here in town. I do a national practice and I appear in front of Boards like this day in and day out. In 2010, I sat where you are sitting. Let's talk about your report. The first thing that is noteworthy about the report is the background dealing with the history of the project. If you look at the first page of the staff report about two-thirds of the way down it says 'The reason the project was turned down before was safety concerns regarding the proposed location of the haul road intersection with Harmon Road. Issues of compatibility and the likelihood that this project would be injurious to the use and enjoyment of some of the other properties in the surrounding area for the purpose already permitted and substantially diminish and impair the property values within the surrounding area'. You turned it down, most of you weren't here at that time. I understand that. This Board turned it down in July of '14 for those reasons. Those reasons still exist. Nothing has changed. Changing the sign post in front of this site did not make that corner any safer. I am retired from the Wedington Fire Department. If there was an accident there people are going to respond to that as a part time fire department. They are going to get there when they can. They are going to see what they can do to save some lives. This isn't the optimum situation. The applicant says they are going to have 30-50 round trips daily. That is a joke. If we used 7 a.m. - 5 p.m. for the hours. I understand your new conditions, but I calculated this earlier today before I knew about your new conditions, that's 10 hours. That means 5 trucks per hour. Come on, they can't even stay alive at that rate. They're not going to have 5 trucks per hour. They're going to have 15, 20 or 30 trucks per hour. At lease when Rogers Group came in here they were honest enough to tell you 'Yeah we are planning on 400 trucks a day'. I talked about it before, but I will briefly mention it, the travel speed on that road is already over 40 mph. That is what you need to consider. You don't set the speed limits and you don't enforce the speed limits. You need to understand it is going to happen. As you've heard twice before we are not talking about whether this will happen, we are talking about when it's going to happen

and how bad it's going to be. If they are going to do some more work on this road in a year let's let that happen then come back and talk about this project and see if it still makes sense. We are talking about the future land use here. The future land use plan is for residential, not for another quarry. They are talking about how the number of neighbors argued that this proposal will be detrimental. No objective data has been submitted. They also say they are unaware of any litigation that has arisen due to compatibility issues with this operation. The reason they are not aware is because of their absence of experience. They are all new people here. I haven't seen any of these people working here when I worked here. I know they are all new people, but some of you know that when Sweetser did their red dirt pit on Hamstring Road the neighbors fought that in court to a standstill. They got a settlement. Sweetser closed the property and sold the land to Rogers. It never operated again after the hearing in here because of countless days of litigation that your current staff knows nothing about because they weren't here. They showed you a map of a lot of quarries. Yes, they were all quarries at one time or another. Either due to the lack of research or the lack of thoroughness they have made this look like you are putting this in a whole neighborhood full of quarries. You are not. The first one out to the west 2.2 miles away. I wouldn't even call that the same vicinity. The one on the southwest is marked inactive. It's been closed for a long time. That doesn't make it a current use. The inactive dirt mine to the south east of this site 8/10th of a mile out is the one that closed. It hasn't had a truck in there in 5 years, but they put it up there as if it were a current use. It's closed. Number 4 off of Wedington the City of Fayetteville closed it. Why? They didn't have the permits and they weren't compatible with the uses and their truck traffic. Number 5 is Latrell Property they are going through their shut down right now trying to acquire their bonds and close that property out and put it in complete dormancy. The only thing they are doing now is filling in the holes they made. There is one active quarry. It's probably exceeded its boundaries, but I can't get any information on that. We have to leave that for a context on another day. I guessed about what is going on with that. I can't get answers. I know you've flown drones over it. I know you've done surveys, but for some reason the results are secret. We can't stand to have this happen again. We can't stand to have another death on that road. We can't stand to have another quarry open up just because there used to be quarries there. Thank you for the time. I appreciate your help. Please vote no, you have to."

Sherry Main, Representative for several homeowners on Riches Road, addressed the Board, "I am speaking tonight for the homeowners on Riches Road. As I understand according to the instructions on the website I get 10 minutes, which is a little extra time. I've got quite a bit to say. I have spent weeks researching, talking with ADEQ on the phone and putting together this packet for tonight's meeting. I hope you give it thought and discussion before you make this decision tonight to vote to approve this. I am representing the neighborhood on Riches Road. Most importantly among those neighbors are two adjacent neighbors that own property adjacent to this proposed Wedington Mine CUP. One of them is myself and my husband and the other is my brother and his wife, Charles and Sandy Gooding. They have property that joins this on the south side. They have four acres and they are right next to it. I join on the other side. I have 40 acres and Rogers Group is behind me on the east side. Rogers Group bought the property from Mark Rich on the north side. They have the 60 acres on the north side. I am enclosed inside the circle around mines and dirt pits. I have horses. I have animals. I have cows. I have a farm. I am residential/agri. I live there and I raise calves. I have horses and I ride. I am in the middle of this. I am not compatible with these things around me. I understand that we gotta get red dirt from somewhere and we are sitting on it. I get that, but like Mr. Gallagher was saying why in a cluster? Why should we get all of these things from one cluster area? Because there are other ones there? That's not fair to the people living there. To put all of this on them. You wouldn't want red dirt all around you having mining activity. If you were zoned residential and agri. You have to look at it both ways. Most of these mines are dormant or closed. You can't just say there's a cluster so let's put another one there just because there is one there. The first thing you will see on your packet of information is the sale bill when Mark Rich listed his property for auction. I am going back to give you a timeline history of this property. Mark Rich tried to mine it. He tried several times. I went to school with Mark. We were good friends until he started all of this. I tried to help him in many ways, but he wouldn't listen. He lost the farm. It sold at auction. I was at the auction. I wanted to bid on it because it joined my property. I wanted to get some more pasture for the cattle and the horses. At the auction we put up whatever you had to have to get an auction number. Tom Terminella was there as well as a lot of the neighbors. Benny Holtzclaw was there with Tom. I had that

bid on the first parcel of property. On Page 2 of your handout you will see that it is tract 1, 2, 3, 4 and 5 of that auction property. I believe it was tract 3 that I was interested in. It was the 23 acres of improved pasture land that was adjoining me. I had the bid on it, but then the bundling started. Rogers Group bought the 60 acres on the north side which was the red dirt pit that John David Lindsey had mined. Stripped all the red dirt off of and then filled bankruptcy. Now it is just a stripped red dirt mine that's an eye sore. It was never reclaimed. It's an eye sore. It's just sage brush and over growth. It is right next to my fence line. We mow the one side of it just to keep the sage brush and the over growth from coming over on us. Rogers Group bought that. They wanted it, I guess, possibly in the future to expand their quarry on around. The rest of the parcels were available. Tom Terminella wanted to do all the bundling and put it all in a package and buy it. I knew what his intent was. It was advertised on the sale bill. It had core holes drilled. It was prime for red dirt and limestone. I knew what his intent was to buy it and mine it for red dirt and then quarry it. I didn't want that to happen. I tried my best to outbid him, but I don't have a lot of money. I bid as far as I could go, but he outbid me and he got the property. After it closed he looked me in the face and pretty much told my husband and me that he would do what he wanted to do on his property. He was going to mine the property and get the red dirt on there and Benny Holtzclaw was with him. My husband is in the construction business. He knows who he is. We knew from the get go what his intent was. The next page you will see an email that I sent to Nathan on June 20th right after the auction sale which happened in May of last year. I emailed Nathan the Planning Director. I gave him a heads up that Wedington Mine, Tom Terminella, had purchased the property and what his intent was. Just to be watching for it. On September 27th there was a Planning Meeting that night and I sent an email to Nathan and also the Planning Board Members. The majority of you were Board Members then and got my email that night that Tom Terminella was carrying off dirt, stocking them up and making piles, had large equipment, moved in dozers, graders, track hoes, stunt grinder. He was disturbing more than one acre of ground. According to the rules on the Washington County website you are not supposed to be disturbing over an acre of ground on property for new improvement. I made you all aware of this and nothing was done. On October 9th you will see my next email. I am following up on the Wedington Mine. I emailed Nathan 'I am interested in what actions if any the County Planning Department has made against Tom Terminella. I own property adjacent to Wedington Mine. I would appreciate being informed on this matter'. October the 9th Nathan gets back to me 'Thanks for reaching out. Mr. Terminella is currently constructing a private road across his property. It is my understanding that soon he will be submitting plans to subdivide the property into five estate lots so no action has been taken. Once we receive subdivision plans we will review them as per our typical process. Including publishing the plans on our website and notifying neighbors within 300 ft. of the exterior property line'. I knew that was not correct. I thought well I'll give him the benefit of the doubt. Maybe he has changed his mind, but I knew he wasn't. He kept on and kept on. I've got pictures on my phone. He made trails all through there. You could tell it was going to be a mining operation. There was no way it was going to be five estate lots. Then he put in the heavy duty big road. Everybody saw the road to nowhere. Then I got with the JP at the time that was filling in for Rick Cochran, Alicia Deavens, we had to get a cease and desist order filed through the Quorum Court on him to stop the activity until he got proper permits. That was done on the next page that you will see on your packet on November 27th of 2018. It was signed by Brian Lester that was sent to Wedington Mine LLC 'To stop and desist all activities on the aforementioned property that are in violation of any county ordinance until you obtain the appropriate permits'. He is running rampant over there. I'm watching him. I'm trying to tell ya'll and nothing is being done. I have to get with the JP. We all get together. We try to get him to stop and follow the rules. The rules are there for everyone to follow. I follow the rules. I am sure the majority of ya'll follow the rules. He should follow the rules. Rules are there for a reason. For everyone to follow. That should say something right there. He is not a rule follower. Apparently. Going onto the next page of your packet you will see a general permit. This general permit is something I had never seen before. I've seen a lot of open cut mining permits. I've been going around with this for 15 years since Gary Combs started back in the early 2000's wanting to mine on Riches property. I've seen individual permits. This general permit came about in 2014. It's a new type of permit. That ADEQ set forth this new permit to simplify the method of getting a permit so they would not put an undue hardship on very small operators. A one man, one truck, one loader, single person operator. Also operators with very small jobs that are of a short term nature. In the five years these types of permits have been available the ADEQ Open Cut Mining Division have issued 28 throughout the whole

state of Arkansas. They've issued 28 since 2014. Two of them are under the general permit number that you see 002MNAG2 and those are Johnson Mine LLC 014 and Wedington Mine LLC permit number is 027. Those are for Tom Terminella. These types of permits were not intended for large scale developments and long term developments. I talked in great lengths on the phone to Jerry Neal he is the Assistant to the Associate Director, Jarred Swiffle, regarding this general permit at ADEQ. He told me the reason behind it was just to simplify and not put an undue hardship on small operators with small jobs that are very short term under that general permit. He was very surprised when I told him and shared with him all the information that I had. He didn't receive the same information as the Washington County Planning Office received. That is because as per the rules of the new simplified version for the permit you don't have to submit all that. There's less paperwork. You don't have to submit the in depth information like you do here for the Planning Board. They didn't know how many trucks he was going to be circling per day. That wasn't a requirement. The individual permit has much more stringent rules and requirements. That's why all of the red dirt pits that were in operation, have been in operation and are in operation in the surrounding area of where I live had or have an individual permit. None had a general permit. In fact there are no operating mines, quarries or surface mines in this area under a general permit besides this general permit. There are storm water permits, but no surface mining permits. This is the only one. In my strong opinion because all these surrounding red dirt pits that are permitted through ADEQ Open Cut Mining Division are operators or businesses with individual permits. To conform and be compatible with the surrounding area I propose this condition must be placed at the CUP level. To be ratified by the Quorum Court. It is the legislative branch with the authority to require an individual permit for uniformity purpose in this red dirt cluster area. Make them all alike. Rules and regulations. If one has to go by one rule they all have to go by the same rules. One can't be regulated under a general permit rule and the other have to go by individual permit rules. That is not fair. Especially one that you already seen not go by good management practices by not following rules in the beginning. We've already experienced that. We don't have a very good record starting. I am saying we need to look at this hard before we approve this. If you approve this with this type of permitting, ADEQ general permitting is allowed for this type of red dirt pit mine we are opening up a whole can of worms. We are going to be back here. In this same place many, many, many times. It is a simplified method. I can go get one. I am sitting on red dirt. If you can get it passed through the Quorum Court and through the CUP of the Planning Board you are set to go. You are hauling red dirt. If you pass this you are going to have a lot of operators out there getting one. That is something to think about. Once it's let loose it's not going to be easy to reign back in. You've got to set a standard in the beginning. The reason it got through at Johnson was because Washington County didn't have any control. It was through the City of Johnson. They approved it and got through them. He went back after he mined all that red dirt and wanted to put a quarry in. He wanted to do limestone. They shut him down. He didn't get to do his rock because of Zero Mountain. I am just giving you facts. I am not making this stuff up. You can go online and look at it. It's there. Go look at the minutes for the Johnson City Counsel. These are important points. I know safety, nuisance, traffic, values of your property, it is all important, but this is where it starts. If you don't have this you can't run. In closing there are copies of permits in the back of this for Johnson Mine. There is a copy of the permit for Wedington Mine. There is no storm water permit for Wedington Mine. One is required within 60 days of getting your permit. You are required to have it. He doesn't have it. He is already out of compliance with the general permit. He is not in compliance yet and he has his permit. He is not even following good management practices under this permit he has. Read the rules. I put the rules in here. Read them. He is not in compliance with what he has. Thank you."

Rick Crisman, 15607 Sumac Circle, addressed the Board, "I am a police officer. I have been an officer for over 22 years. I worked at Fayetteville for many, many years. Now I am the Chief of Police of a small town in Benton County, but I still live in Wedington Woods. I was kind of offended by what you said that it's a police problem. The speed is everybody's problem. The police enforce it. It is your problem, it's your problem and it's my problem. It's everybody's problem. It's a problem. That is called passing the buck when you do that. I've done traffic studies before. In the town in which I work at now. I did it when I was at the Fayetteville Police Department. I know the data that can be used that comes from that traffic study. There are two major state highways that run through the city that I currently work in. We are trying to get the speed limits lowered. We have to go through the state to do so. I know they use the 85th

percentile of the speed that was out there. I noticed that was not on the map. What was the 85th percentile of the speed on that road? Completely left off. That is how the state determines the speed limits. I don't know if it was a coincidence, but it definitely looked that way. When they do a traffic study after they lower the speed limit. That's going to construe the data. The point of doing a traffic study is to determine what the right speed is. You leave it alone. You do the study. Then you make your decision. You've just altered that study. I don't think that study is worth the paper it's written on. Also they say they are going to run these dirt trucks between these certain hours and avoid certain hours. What's the penalty if they do? The police can't do anything. It will happen. Is there a need for red dirt in Northwest Arkansas? Absolutely, there is. They are building houses everywhere. They need red dirt. It's not against them. It's just the fact that these trucks are going to pull out onto this road and start to go towards Wedington. That is a very steep hill. That truck is going to go about 2 mph up that hill. It's an incline and dirt is going to fall out onto the road. They can say 'Well, we cover them'. There is a state law that mandates they cover them. Why is there a state law that does that? Because people don't do it. I see it all the time. There are several motorcyclists that drive this road, if there is loose gravel on that hill it's going to be bad. It is going to be really bad. I've been to fatality accidents. I've worked a lot of accidents in my career. It's not fun to see that stuff. You guys don't have to see that stuff. They don't have to see that. I do. I am not going to see it at that part, but I am just telling you. A lot of these things need to be considered. The fact that they changed that speed limit. It just doesn't look good. Also I didn't look at the dates of when the traffic study was done, correct me if I am wrong, did they do that before school started? Wow, that is going to mess the data up too. I don't drive up that hill in the summer time. I go north on Harmon. I pull out right there on Dogwood. During the school time I take my kids to school so I turn south. That data is skewed. They need to redo it. I wish they'd raise the speed limit up, but of course we can't figure out who did that. I will leave it at that. You guys got a lot of decisions. I would not want to be in your shoes. You guys got a tough decision to make. Thank you."

Randy Laney summarized, "Let's see if we can get some comment on some other areas. I've heard traffic. I've heard speed. I've heard number of trucks. I've heard compatible uses. I've heard permitting. I've heard traffic study. I've heard enforcement of restrictions and I've heard dirt on the road. If we want to cover some other areas that would be helpful."

Public Comment Closed for a 5 minute biological break

Public Comment continued

Dana Cooper, 16621 Harmon Road, addressed the Board, "I've been to a few of these meetings and most of the conversations have focused around the intersection at Dogwood. I'm probably about a mile from that. In the 33 years that I have lived there 18 of those I had children in school at Farmington. I drove the intersection during that time 6 to 8 times a day. I whole heartily agree with everything that has been said about that intersection. The point I'd like to make is that your decision to allow this effects all of Harmon Road not just that bulls eye area that you've drawn on a map. Harmon Road connects Wedington or Highway 16 to 412. That obviously makes it very appealing to a business to have access to Harmon Road, but it wasn't designed with that in mind. It's a curvy road, it has blind curves on it. Especially in the area where I live. I have personally experienced meeting dump trucks. It's so narrow they can't even get around on those curves to stay on their side of the road just with the amount of traffic that we have now. My driveway is one of those blind driveways where any traffic coming down the hill from the north cannot see when we pull out onto Harmon Road. That is my only access to the two homes that are on that property. I would like to be able to access my property any time of day, 24 hours a day, all week, not just certain times when I know there is less traffic assuming they follow the rules. I would like you to consider that it's not just that one area that is going to be affected, but it also puts more risk in several areas. I am not the only blind driveway. There are several, just north and just south of the Clear Creek intersection. It was a little distracting to the decision making process that it was mentioned something about Harmon becoming a four lane road. I think your decision has to be made on the condition of the road now. The day that Harmon becomes a four lane road if you want to reconsider this, go for it, but I do not see that happening really fast. Thank you."

Jim Greene, 13735 Redbud Drive, addressed the Board, "The gentleman before talked about the dump trucks barley making the entrance at the hill. I believe that it's going to be dump trucks from Highway 16 all the way to the entrance of this mine. People are going to start cutting through the residential area. It's going to happen because it will be a long wait to get onto 16. No one has mentioned the noise factor. The noise rumbles through those hills out there. When you hear a dump truck down shifting down a hill, it makes a rumbling noise like thunder coming. It's going to be the same thing going up that hill. It is going to echo through those hills. That is a beautiful area out there. I relocated here from Wisconsin two years ago and bought out there because it's such a beautiful area. A red dirt mine will leave a scar on the land that will never repair. Never. I hope you vote no on this. Thank you."

Bonnie Osmond, 13469 Dogwood Drive, addressed the Board, "The thing that has not been talked about and that is property values. I don't have good data. I am really impressed with all of the things that have been presented to you. I hope that you realize that we are all listening to that. I've talked with Mr. Crouch and he said to get some data to back this up. I've tried two different real estate people. They want to work with you if they are listing your property right then. Our property we are going to have to sell because my husband is unable to keep up what we've got. We are going to have to sell probably within a year. Our property value I know will not be what it is now, by a lot. That is really going to hurt us tremendously when it comes to relocating to my son's property. Please consider the property value as you consider all of the rest of these things. Thank you."

Helen Chase, 13563 Pin Oak Road, addressed the Board, "I would like to make a note for the future that with such a large project as this I don't think that ½ a mile radius is adequate. Certainly you can tell from all of these speakers that this is going to impact hundreds if not thousands more families. Then I think that I talked to your office and they said it was 150 letters that were sent out. We are a young couple we moved to Wedington Woods in our late 20's and bought a house there because we thought it was such a beautiful, calm, peaceful area. In the time that we have lived there which has been the last five years we've recommended this area to other young couples, other families, actual family members which is something that we and our neighbors will probably have to stop doing if this takes place. On top of that I am 7 months pregnant with our first child. In a few short years our daughter will join the children that are riding the buses that are going back and forth here. Although I think that those hours where they would technically not be allowed to operate. That takes a stab at the busy times, but a lot of rural buses are on the roads before 7 a.m. Elementary schools tend to get out at 2:30 pm so that doesn't even touch it. I believe that I would be so scared and so uncomfortable having my daughter either on a bus, waiting on a bus on Harmon, riding on a bus driven on Harmon or even being driven in a car by me on Harmon with more than 150 dump trucks a day going back and forth. I am assuming none of you live in this area. This won't personally effect you, but I hope that you will not put the financial gain of one person, or if you count maybe the dump truck drivers, potentially a very tiny handful of people over the safety and the lives of the thousands of people that live in this area. Thank you."

Dick Johnson, 13650 Pin Oak Road, addressed the Board, "I want to talk to you from a human level and not as an engineer, but just a person that has lived out there a long time. There is not any hate going on in what's going on here tonight. Not at all. We've always objected to one thing. If any of you walked out there yourself, if you lived out there, you could not pick a worst place in the world for a dump truck exit at the bottom of Harmon Hill. I've lived there 44 years and I know a lot about that hill. I've probably seen more than 100 wrecks out there. 99% of them have been on that hill. We had a hit and run right at that exit point, but I am not really concerned as much about that exit point. It's like what they would say about a snake. Two people walk into the woods, the second person is getting bit. When the hill starts you've got a 30 ft. ravine on one side, a ditch and an embankment on the other side and you've got no shoulders. There is literally no escape for the 2nd, 3rd or 4th car. To my expertise as a resident that has driven it every day for 44 years. When people follow me home and I say follow me home. I drive like you drive home. I didn't ever know what the speed limit was 45, 50, 60 or 80. I just drove home for 44 years. Never had an accident, but I am sure I am one of those 40 mph guys. You said there is no objective evidence that supports us. I would say that your traffic study is the best objective evidence we could have. There won't be a policeman sitting there making sure people go 30 mph. They are going to come down that hill at 40.

In that case, you said it satisfies the distance by lowering the speed limit 30 mph and by moving the exit 2 ft. are you kidding me? I want to make a point guys. There is a line. One side of that line is safe. As determined by the Green Book. The other side of that line is unsafe. 2 ft. Think about you and me, if I am driving a truck. If I am acting the way I act every day of my life. I am a law abiding citizen and I still don't abide by the law all the time when I am driving home. People are in a hurry to get to school. People are in a hurry to get to work. They are in a hurry to get home after a long day. There is no hate. We are worried about somebodies life. That is what we are worried about. We want you to take all that into consideration. It's a curious way that we've gotten here. When this first came up Mr. Terminella we were told by the County Judge's Office, the County Attorney's Office and by Mr. Crouch that this was a private property thing and he could do anything he wanted to do. I said what about the exit? I really don't care, none of us care, about the other. What about the exit? Because we've all experienced this 5 times before. We've talked about it. He says its personal property that's like a driveway. We were all told that by those three executive entities until the Board Meeting. How did we get to the Board Meeting we came to the Planning Meeting unannounced because we weren't on the agenda. Our representative got us on the agenda of the Board Meeting and that is what generated the cease and desist order. It is still all about the exit. There's runoff difficulties that makes all the water brown every time it rains. There's going to be litigation no matter what. I want to tell you guys lowering the speed limit, what does that do? Does that make it somebody's fault now that they killed themselves where it wasn't before? I don't think so. As human beings to human beings I want you to just see this for what it is. That is no place for industrial exit of any kind. It's just not. On the compatibility issue that is the other piece of objective data put up the picture that shows all of the dirt mines. There is a ridge that was formerly a timbered ridge before it was clear cut. That is a physical sound barrier between all of the residential area and the mining areas. If this is taken down so is the buffer for all of us. Right now that is a big concern. Of course it ends the lifetime of retirement for Don Elkins because it is literally in his backyard."

Danny Morrison, 16185 Sycamore Lane, addressed the Board, "I express the same concerns the others have about the traffic and safety. I also express some real concerns about the noise. I personally live out there and I work out of my house quite a bit. I know when Mr. Terminella was working on the top of that hill cleaning that up. I could hear the equipment running at my house. I am in this loop at the very edge of the half mile radius. I also have another major concern in this CUP that we have here it says that he is going to do the red dirt and creek gravel. That means we are going to be sorting material there which means there are going to be shakers and considerable noise and considerable dust. I just want to make that point. I want ya'll to think about it. Mr. Terminella says it's a red dirt mine but we are going to handle creek gravel. I am in the construction business. I am a plumber. I don't understand how you do a red dirt open mine pit and sell creek gravel out of it."

Jerry Webb, 16185 Sycamore Lane, addressed the Board, "I am his wife. I work at Les Rogers and we had a pit out there at Elkhorn Springs Road. It was not no 50 loads a day. Sometimes just our trucks would haul 150, 200 loads per day out of that pit. I logged a bunch of that. There was like 24,000 yards a month that come out of this Elkhorn Pit. I can send ya'll documentation of all the red dirt. It's not going just to be no 50 loads or 75 either."

Charles Thomas Reed, 16283 Sycamore Lane, addressed the Board, "I lived down in Southwest Little Rock and I bought out in the County and the City decided that they wanted to add it to the City so they managed to get all of the surrounding area in the City. We automatically were forced into the City. If I wanted in the City I would have bought in the City. Same situation out here. I been out here 30 years. If I would have wanted all that traffic and much going on I would have bought somewhere else. That's about all I got to say. Thank you."

Janice Ward, 16365 Hamstring Road, addressed the Board, "I've lived there for over 30 years. I've delivered babies and taught the next generation of nurses at Washington Regional before I retired there a year ago. I don't have any more objective data for you. When I was in front of this group a few years ago I brought in scientific support about the contamination of the water that would happen if that quarry was allowed to go forth in the location that it's in. I didn't bring that with me today. What I really want to do

is I want each one of you to consider what your value is? The profit of one or a few over the concerns and safety of our neighborhood. Everybody here has expressed concerns. Legitimate fears about the wellbeing, the safety, the ability to enjoy their property. When you go home tonight what did you value? You are going to wake up tomorrow morning and you're going to realize at some point, maybe not tomorrow morning, but some morning that every child that rides on this bus that is at risk is your child or your grandchild. Everybody lives downstream from the contamination that happens on that creek. Our neighborhood is your community. Did you place value on profit over your family and over your community? And that is all I ask you do; is look here. Don't let it happen on your watch. This is not the first time we have played this game. Don't let it happen now. Thank you."

Mike Dobbs, 15938 Harmon Road, addressed the Board, "I got that letter a couple weeks ago from Terminelly. He commented on how he has prevented runoff. Last year I sent a bunch of pictures in and the creek turns darker than chocolate milk every time it rains more than two inches. It takes about a day or so to clear up. I took some more pictures just a week or two ago and sent them in. He has already got a ravine where water has made its way. All that gravel is coming onto my property there. All the wash off. That is a different issue I guess is the run off. He is not doing a very good job there. I appreciate the officer that spoke earlier. I was a street cop for 34 years. I am not an office person, but I worked a lot of accidents. I am familiar with that hill. It is not a safe place for a big truck to pull out. I've spoken to that issue before. Thank you."

Michael T. Trace, 1605 Maple Circle, addressed the Board, "My big concern is that I've got three children. One of them just started Kindergarten the week before last. She's got an older sister by three years and an older brother again by three years. They all three ride bus 43 which is a great big cab over bus that goes up and down that hill every single day. That road is not wide enough for a bus of that size and a dump truck of that size to meet each other with any consistency safely. Every time I go to work down Wedington Road we go past where Hamstring Road comes into it. Right there on the side of it every single time I look at it there is a big pile of gravel just falling out of dump trucks. That is a straight stretch. Now picture putting one of those 40 ton dump trucks going up this hill which I hear is a 3% grade for the first hundred yards or so, but it is certainly not a 3 % grade once you make that first left turn. That gets to at least a 10% grade which is much steeper than the interstates. There is no way those trucks are going to keep their loads in the back, covered or not. They are going to be overloaded to the hilt just like every other dump truck is financially motivated to do. Red dirt when it gets wet turns into clay. That road, being a 10% plus grade with an S curve on it, there is no way after that there is not going to be accidents coming back down that hill after a light rain or even a medium size rain. There is not going to be anyone cleaning the big chunks of rocks off that road. People are going to have to dive into other lane to avoid. I would ask you to deny it for safety reasons. If not for my kids. If not for the kids of everybody else here. Just think about absolutely everybody else who is going to have to dodge these big chunks of rocks. Thank you."

Chester Lee Bevers, Neighbor of the proposed project, addressed the Board, "I drive Harmon Road about every day. He is right we do not have room for big buses and dump trucks. We got to think about the family and the children and everything else. There are times that I have met other cars coming over in my land to dodge a bicyclist. Now I am looking at head on traffic. I do mowing on the side and stuff. I wind up with my trailer off in the ditch trying to dodge head on traffic from bicycles out there. There ain't no shoulder. There ain't no place to go for safety. Take into consideration there is no shoulder. There are no errors of margin for safety out there for bicyclist. We spend \$300 for bicycle trails worldwide to go on these roads. They are not only curvy and steep with blind corners, but you don't know it until you wind up looking at head on traffic. Last think I want to do is see a bicyclists end up off in the ditch because of this situation. Being an old OTR driver I been down a lot of roads, but this ain't one designed for trucks. Not only are they going up the hill they are going all the way back the other direction towards Tontitown. They are working this road both ways. I want to thank you for your time."

Terry Davis Beaupre, 16035 Beechnut Lane, addressed the Board, "There has been a little bit of discussion about the timing of the change of the speed limit. I was in contact with Mr. Crouch a couple of

days ago asking him when and why that happened. Just to let ya'll know the profile of that road has not changed since 2015 when it was looked at the last time. When you look at speed limits for the profile of the road I don't understand why they were looked at again and decided that it need to be 10 mph slower. There is a letter that Nathan's office wrote dated July 17th of this year. It was regarding a Tech Review Meeting that was held July 23rd I think for this proposal. It was something that was sent out to the Health Department, the fire safety people, the drainage and all the utilities and stuff. I just want to read what Mr. Crouch wrote to the road people 'This proposed red dirt mine accesses off Harmon Road WC-31 previously a red dirt mine was proposed on this property at this location, but was denied in part due to failing to meet the site distance requirement from the haul road onto Harmon Road. Does the Road Department consider the speed limit on this section of Harmon Road adequate or should it be decreased to allow for more sight distance'. Thank you."

Shelly Buonaiuto, 13866 Pin Oak Road, addressed the Board, "Everyone has spoken so eloquently and well and I thank them. The one thing that has not been mentioned is the wildlife on this road and also the danger of the ice on this road. I slid down that hill and was pushed into a ditch on an icy day. It's completely unavoidable. It is also unavoidable when deer would just jump out in right in front of you. It happens really often on that road. Increasing traffic on that road. It would cause accidents. Also I am thinking about the deer. I don't like to see little fawns killed as my boyfriend saw recently. Someone just ran right into one. For the safety of the wildlife and the people driving that road I don't think the traffic should be increased. Thank you."

Judy Goad, 7170 W. Wedington Drive, addressed the Board, "I've lived in Wedington Woods for 10 years. I know what the noise and the roads are like. I've slid backwards down the hill going up straight across where they worked to open up. It's freighting. Right now I live on the corner of Hamstring and Wedington. During the week I love going outside and working on my yard, but if I go out there during the week I have to wear headphones during business hours because of the dump trucks. I can't have my windows open because of the dump trucks. Not only does it put dust out a lot in the house, but when you have allergies. I am just here to support them, because I know it is going to end up effecting Hamstring as well. That is all I've got. Thank you."

Sherry Main expressed concern, "I've just got a question to clarify for Nathan. It was regarding something that was presented earlier and I want to clarify. In one of these slides that he showed a new slide that wasn't on the website. It clarified the mining area of the 20 acres and then the 4 acres that was in the 20 that is going to be mined that is actually bonded and permitted. Nobody has that because it wasn't updated on the website."

Nathan Crouch replied, "It was received today."

Sherry Main asked, "Was the haul road included on that?"

Nathan Crouch answered, "No ma'am. It wasn't a site plan it was just an exhibit."

Sherry Main went on, "The haul road has to be included in the 4 acres that's permitted. It is in ya'lls packet. It is in the general permit mining rules. I just wanted to point that out. Another thing along the topographical map there is a tributary stream at 1229 corner that runs into Clear Creek and Illinois River so that is a concern for runoff."

Tom Terminella, applicant for the proposed project, addressed the Board, "Good Evening Mr. Chair and the Members of the Board. Thank you for your time and your service for our County. I don't know where to start. I am going to start on the rule breaking. I am going to try to address everything that was a concern. I've read every document that your Planning Director sent me. Every word of it. I've been in Fayetteville since 1970. 50 of my 53 years. I am a resident. I am a tax payer. I am a citizen. I live out in West Fayetteville. It's amazing to me, and its human nature, but it's amazing to me how much everybody knows about your project and your intent when they've never talked to you. I've had a bunch of people up

here this evening concerned residents and citizens of this County. I would be one too. I don't hold that against anybody. At the end of the day we bought half of this farm at auction. The other half of the farm was purchased by the Hunt Rogers Group which is the largest commercial rock crushing quarry in the County. The day of the auction there were several people there. They approached me and I said 'I'll tell you what. I've got some upcoming state work. You take half the farm because you have an interest. You have a big stake hold there. You have 20 of the 40 acres that adjoin it. I'll take the other half of the farm and we will just call it good at that'. A fella got on the phone and called his supervisors and he walked back over and he said 'Mr. Terminella I've called and that sounds like a great plan. We want to be a good neighbor and if you have an interest in the material we want you to have half the farm. We will have the other half and we'd appreciate it if you wouldn't bet on ours'. We bought the farm and there has never been a secret. The entity that acquired the farm was Wedington Mine LLC. There is no secret. There is no deception. We bought the farm for the minerals. Everybody in this room. Everybody in this County. Everybody in this state and everybody in the United States has what is called a 'bundle of rights' associated with real estate. Under your 'bundle of rights' you have the right to own it. You have the right to lease it. You have the right to sell it. You have surface and subsurface minerals. You have the right to drill a well. You have a water well, a gas well, an oil well, you have air rights and more importantly you have surface and subsurface mineral rights. When we bought the farm we bought it with the intent to mine. I am a miner. I am a lot of things but I like dirt. I've always liked dirt. I've been in the dirt business for now 32 years. My family owns a 90 acre mining operation in Washington County. It's called Johnson Mine. It sits just north of the Fayetteville border. It's actively 19 acres. It's expandable the ownership is up to 90 acres. We have mined two sections. One section with AHTD to build I-49. I hope everyone got here safely today and I hope they enjoyed their drive on I-49. I will remain respectful. Everybody has their opinion. They are very passionate about their thoughts and their ideas and that is fine. The bottom line is, I am in the mining business my operator has successfully mined for the last 45 years. They currently run my operation in Johnson. They currently run the overburden operation at APAC the Sharps Quarry on the north end of this County and the sound end of Benton County. Going back to playing by the rules. I called the Road Superintendent. I called the Director of Planning. I called the Chief of Staff at the time we were building the access road into the property. They indicated to me that I needed to have a bond, a permit with the County. We went down that day and applied for it. That was to tie it into County Road 31. Some weeks later I had the discussion and I had to acquire another permit to asphalt. I went down to the County and I believe the Planning Director will have records and receipts of that. For me to sit here patiently and hear from others saying we didn't do that and we broke the rules and this and that. It's just certainly not true. I am not going to sit here and allow others to imply and insinuate that I personally, and I am here representing myself. I have no lawyers or civil engineers or anybody. I am here to address the issues myself, but that business and misrepresentation, I have no place and no time for it. We've permitted the road. We built it to meet and exceed the County standard. It is set up to ultimately one day connect to Riches Road. There will be a road through the farm one day at that point where everything is brought to grade. I don't plan on leaving a pit. I am not running a quarry operation. I am not doing creek gravel. We are mining select fill for state, county, municipal and personal projects just like I've done for the last five years in Johnson. At the end of the day when we get done with the property it will be 4 to 1 slopes with a flat bottom and there will be a 60 ft. road at an appropriate grade from County Road 31 to Riches Road. Let me address the issue of things that I can't control. I can't control speed. I can't control sight line. I can't control maintenance for city, county, state collectors, roads, parkways; any of it. I don't particularly like to be behind a dump truck, school bus or for that matter the JB Hunt truck with the live haul on my way here. I don't know how many chickens were defecating on the side of my pick up down on MLK. It's just something that I didn't care to be behind, but I found myself behind it. Not my ideal. The point I am trying to make here is all trucks matter. School buses matter. I have been out there now for almost a year, if nobody realized we are about 3 1/2 miles away from Waste Management. All the container trucks and all the trucks for Oklahoma they play like its NASCAR on County Road 31. How come nobody is worried about those trucks? We got a landfill out there with endless truck traffic coming down that road. The point that I want to make is that I've asked the County to improve and cut back the right of way. Wedington is guilty from Wedington all the way to Siloam Springs. If anybody has driven that road lately the right of way, and I don't know if it is the amount of the rain this year or whatever, but you can't see around any turn. Well, that is not my responsibly to maintain those

roads. It is my responsibility as a businessman, a citizen and a resident to operate legally and to operate within the letter of the law. We have not had an incident in Johnson Mine in 4 years of operating. We have not had a single incident. We have not had anybody hurt. I personally wake up to the mine and go home from the mine daily. In the back of my truck right now there's some rocks. The rocks that have fallen off between the tires and they are on the side of the road. I don't know anybody else that even cares to do what I do. I am not going to sit here and let anyone classify me as this and that and whatever. The bottom line is we bought the farm to mine the minerals. The County Judge, the Chief of Staff and the Director of Planning asked me to come before this Board and file what is called a Conditional Use Permit to do so. Most folks don't realize that if you have an open cut mining permit, either form of it, and you have a state certified contractor, in this case Nabholz, operating. That state contractor can operate and mine material with an open cut mining permit with no CUP. I just moved 1.1 million yards of material to build the interstate. The state of Arkansas did not come to Washington County and get a CUP. They permitted their own site who allowed them to mine their own type bank yards and we built an interstate. I did it out of the respect for everybody here. I am here to play by the rules. I am here to operate safely. I am here to provide this county roughly a ½ mile of additional right of way built to a 60 ft. standard at the elevation that I choose once I'm done. To provide a way for that road to circulate north and south. The first thing that came up when I bought the place was 'Oh we will just use Riches Road'. Well there are 16 people on Riches Road. I am not going to 16 different people on Riches Road and asking them to move their fences and trees and this that and the other to meet a county standard. That's not my responsibility. We spend the money and the effort and the permitting and the time to construct the road that ties into County Road 31. We spent a great deal of time on it. I don't know how to address all of these concerns. If you are concerned about your children on the school bus, I take my daughters to school and I pick them up. That is all I can tell you. If you are that concerned about the roads and school buses. I can also validate and say Harmon Road has been handling landfill traffic, cross through traffic, feed trucks, live haul trucks, chicken trucks, turkey trucks, every kind of truck that you can imagine. To my knowledge there's nobody that has an issue with those types of vehicles. Everybody here tonight spoke as if every single load in the operation is going to automatically go south to Wedington. How do they know where my customers are? How do they know the material is not going to Springdale? Where 60% of our business is. I am here tonight to ask you to approve. I have a bundle of rights vested in the piece of property that we bought. We permitted a haul road. We are going to operate within the state and county regulations. I am going to be a good neighbor to everybody out there that is civil. The ones that aren't I can't control that, but I am not going to sit here and brow beat the people that have concern because anybody would have concern about their neighborhood and I respect that. You might ask about her property values. Well maybe we should go down to Clear Creek and ask them how their property values have been effected. I've been mining for four in a half years. There is another mining operation right next door to me, Les Rogers. There is a third mining operation in the APAC yard. Nobody to my knowledge has ever complained about any property values or talked about unsafe operators. That is the other thing, we are not open to the public. We are open to a select group of contractors. We choose who we load. We do it on our schedule and our time. If that driver or trucking provider doesn't have an assessment, he is illegal, he is not courteous; he doesn't drive. We don't tolerate unsafe behavior in and out of our operation because we can't take on the liability. Here again don't classify me as the Hunt Rogers Group Quarry. We are not quarrying stone. We are moving select fill for our own farms and our own real estate. I've offered the dirt and I am permitting the dirt for Wedington and MLK interchanges that are coming up with the state. I've offered the material to the Chief of Staff, to the State, to the County and to the municipalities to use. To logistically answer your questions why there are so many dirt mines out in the west part of town. Well, everything from Greenland to the Missouri line is where all the growth is going out west of 49. The material is needed where the evolution of growth is. That's why you see all of the activity west of the interstate because that's where the material is needed. All I can assure this Board, the county employees, the citizens and the residents of this county. I have been here a long time. I've had the same cell number for 30 years. I am welcome to give it to anybody tonight that wants to be civil and visit with me. I am not here to endanger your families or your children. I am not here to adversely affect your property values. I am certainly not here to engage in business practices for a monetary gain at the expense of everybody that lives in western Washington County. That being said I have no problem in participating and providing help and structural fill and even man hour and machines to improve Riches

Road. There are currently two people I don't know their names, but I've got a list at home that operate dump trucks that live on Riches Road. They leave and they come home every night and they have equipment, trailers and dump trucks. That is their lively hood. They operate out of Riches Road. I purposefully have not used Riches Road out of respect for my neighbors. It's an inadequate road section. Until the County, Planning, Road Department and the officials see to it that it needs to be improved to a county road standard where two vehicles can pass safely I am not going to use it, but I have the right to use it because I've paid my taxes, my vehicles are legal and I am going to drive down the road at 20 mph and be respectful. Mr. Laney if there are any issues with some of the questions I want to speak to each and every one of them because I don't want to leave here this evening with stuff being insinuated and me not having a proper response that is accurate for the record."

Randy Laney established that there had been a lot of information heard and asked the Board if they had any additional questions for the applicant. At that time the Board did not.

Tom Terminella continued, "All I can say from here going forward I have no problems using Riches Road. I have no problem improving Riches Road. I have no problem with the hours that just got adopted. If that is what it needs to be and you feel that will be helpful. That will be fine. I have no problem just entering from County Road 31 and exiting down Riches Road. Here again the authority to maintain clear and expand right of ways for the County and the state highways that doesn't fall under my responsibility. If the county can help me. This board and the Road Department improve those rights of ways and cut them back whether it's on Riches, 31 or any of the roads. I am all for it. I am supportive of it. I can assure you we have applied for the state permits and we obtained them. We applied for the tying into the road to the County. We obtained them. I don't make a practice of not operating within the framework of the rules. When someone says I am up here being a wildcatter and having no respect for the community in which I live in. I take issue with that. If anyone would like to visit with me civilly out at the site, on the phone, by email or in person. I am available. I am not here to ruin anybody's day. I am not here perceived or real to affect your property values or affect the safety of that road. We don't overload trucks. We don't put material on the roads. I can't speak for other operators and other operations. I would invite anybody that has a concern to come visit me on an active day in Johnson and they can see what's going on. They can see how we conduct. We run one excavator. We are not a dumpsite so we don't have tailgates hitting and cleaning loads out. We load material with a 345 Caterpillar with four scoops and we put it in a 16 yard truck. That truck driver pulls up, walks out cleans his rail and his tailgate and covers his load. That is our pit requirement. Beyond that I can't control what they do, but we certainly do not overload trucking vehicles to leave anything on the road because I feel that is a responsibility of being a reasonable operator. I wouldn't want it done in my neighborhood and I am not going to do it in someone else's neighborhood. I respectfully acknowledge everybody that has concerns, but I am not that guy. Whether this gets approved or denied and appealed and this that and the other, my farm is permitted. We've engaged the state contractors to build the interchanges and whoever wins the bid will be mining material out of Wedington to build those interchanges. It is the closest place to where the material is being needed. To my knowledge I am operating legally with the state and I have the vested right in my bundle of rights owning a piece of real estate to mine my material and sell it to a state contractor with an open cut mining permit. I also have the right to mine my own material and put it in my equipment and move it to other farms and pieces of property that I own without a CUP. A CUP kicks in when you are selling to third parties and the public, but when you are selling to the state contractor and you are using the material for yourself. As long as you have an open cut mining permit that gives you the right to mine your own material. That's when you have to comply with the County ordinance. When you are dealing with a third party and have a commercial enterprise. We plan to supply preferred contractors. We plan to provide state contractors. We plan to provide the material to the County if they need. That is what I am here to speak to. We are going to do it safely. If everybody feels so strongly about every load of material that's leaving my operation is going to go south, well you have a better understanding of my business plan than I do. It's not fair for anybody to sit here and speculate on that. The other thing that's not fair is for me to be held to a standard that I can't control. I cannot control sight line and maintenance of other people's property. I cannot control the width of Riches Road. I cannot control things outside of our land ownership. I am here to help and provide any assistance the county or the state achieving that, but those

are not my responsibilities. I respectfully ask you gentleman to approve my CUP and we can retake this up at the Quorum Court here in a month when it's ratified and I can address the Quorum Court members. I had a letter sent to me from the County Attorney. I had never attended any meeting. They sent the letter and to my knowledge once I called Mr. Lester he said 'Well it was mandated by the court, but I don't see where you are not in compliance because you have applied for permits to tie into the County road and you have a mining permit through the state'. That is all I can say about that because it was an after it was done deal. I am done with all that. If anybody here from the public or a resident in the area has issues or concerns I will be available after the meeting in the lobby or outside. I will be more than happy to talk to anybody civilly. If you have concerns that are relevant. Whether I consider it relevant or not. I want to visit with you. In the future if anything out of the framework of ordinary or unsatisfactory arises. I would expect somebody to call me. If it's something that I am involved in and somebody is operating in an unsafe manner I would appreciate a call from any member of this body and any member of the public. I am not here to adversely affect anybody's quite enjoyment, their property value or the safety of their families. I have a family too. Four children, two at the U of A and two at the New School and a wife that has a business right over here on the square. I am not here to adversely affect anybody's safety or their monetary value. With that being said I appreciate all the comments tonight. I read every single word of every opposition letter. I understand your feelings. I appreciate this Board. I appreciate the Chief of Staff and the Planning Department of this County has gone beyond the call of duty. They have gone and called, gone and gone, and gone and requested. I think I've provided everything up until noon today. Every single thing that they have asked for out of respect for Nathan and the Planning Department. I am going to continue to do that. If anybody wants to visit with me after the meeting I am available to anybody that wants to visit with me in the future. I've had the same cell phone number for 31 years. Please call me. I am never too busy not to meet with you. I will leave it at that. Thank you."

Della Elkins, 15566 Harmon road, addressed the Board, "Unless something has changed there is still not a clear sight up that hill from the exit down to the bottom of the hill. That was one of the reasons Mr. Rich could not get that through. That is all I have to say. Thank you."

Angela Carney, 988 N. Riches Road, addressed the Board, "I didn't intend on speaking and I would like to visit with Mr. Terminella afterwards. I just have a question. I know he wants to go off Harmon Road and that's what the vote is, but I am kind of feeling like once we get there and we get approved it's eventually going to go down Riches Road. I live there. I've grown up there. The Gooding's have always lived on that road. My daddy is one of the dump truck drivers that drive down that road. My cousin is another one. They both go out before the school bus goes down and they both come home before the school but comes on in the afternoon. Two versus 50 kind of concerns me. Especially with me expecting our first grandchild. I don't want him or her to be out in the front yard and 50 dump trucks are coming down the road. A lot of improvement would have to go to Riches Road, but I know the concern is now coming off of Harmon. I just feel us voting to say yes to this now is saying yes and then we are going to push it to eventually come down Riches Road. That is what concerns me."

Sherry Justus, 16039 Beechnut Lane, addressed the Board, "I didn't intend to speak either. I am usually just a listener. I am a grandmother. I am a widow. I've only lived out there for 10 years, but I intend to live there the rest of my life. It terrifies me to think about having to encounter all of those trucks. He spoke a lot about his rights, but what about our rights to live in a quiet neighborhood like we choose to do? I am just going to ask you to vote no. Our rights to live out there peacefully should matter too. It shouldn't trump his rights to earn a dollar. He has plenty of places to do that. I have one home."

Jim Hendrix stated, "The first thing is he spoke about his rights as if they are completely unfettered. They are not. We all have restrictions. One of the restrictions we have is that you cannot do commercial operations in the residential areas of Washington County without a Conditional Use Permit. I don't care who you are selling it to. The state does not have sovereign immunity here. In this criteria your mandate is that the Board shall hear and decide requests for conditional uses and they authorize such. If it finds and it has to find that there are adequate utilities, roads, drainage and other public services are available and adequate for the intended use. He just told you that Harmon Road is like NASCAR with trucks

everywhere. I am not going to re-enumerate them. You've heard the numbers before. He has already told you the road is inadequate. You wanted to know about property values. He claims they are never effected by this. I have two properties on the other side of Rogers Group. I appealed my property assessment several years ago. When I presented them these maps, like you are presenting as if they are a benefit, they gave me a 70% valuation instead of the 100 that I had. They took 30% off the top of it and said it's going to be permanent for 10 more years. After 10 years, if these quarries are still there we will extend it another 10. This county is losing money on property values. That is just mine. I don't know how many others are like that, but I know many of my neighbors are going to appeal it. No damage, both of those houses have wells. When all this quarrying started they had water wells. They are both gone. I've got numerous consultants from water well companies as well as civil engineers look at it. They say 'If you want you can go ahead and drill a deeper whole if you want, but you are going to be back her in two, three, five years. You are going to be without water again'. These quarries are taking all the water. They are down below the water table they are pumping the water back out to the creeks. It is out of the aquifers. We can't have it any more. They are going to tell you 'We don't do any damage'. Yeah, they do. If you are going to follow your mandate as required in the ordinances. You have to vote no. You have to. Thank you."

Sherry Main commented, "I know he said he is truthful and forthcoming. Why whenever he was asked what he was doing did he say he was building five residential lots? He told us just now his intentions in the beginning when he bought the property was to mine the property. When he was asked by Nathan, after Nathan got my emails, as to what is going on when he was tearing off the whole hillside before he built his road, he said he was building five residential lots. To avoid getting any permits or anything at that time he was building five residential lots, but his intent was to mine when he bought the property. I just wanted to point that out. He was following all the rules, but he does not have the storm water permit on file at ADEQ that he is required to have."

Randy Laney concluded, "I appreciate all of the feedback. I don't know what the Board is going to do, but I just want to tell you that these are by in large volunteers. They are up here trying to do their best to evaluate your concerns, the rights of property owners and the rights of everybody in the County. There has been some mention of profits motivating us or lack of concern for the community. I just want you to know that is not the case. These people wouldn't be up here if they weren't concerned about their community. I know I wouldn't be so just to reassure you that is what this is all about. It is a balancing act and that is the tough part."

Public Comment Closed

Walter Jennings stated, "I have concerns because of the compatibility."

Philip Humbarad suggested, "What if a side lane were installed? I am not sure it can even be done. It looks like there is about 200 ft. on his property."

Walter Jennings responded, "I don't think so. What is getting me is that it's an established residential area. This is a high intensity use. I am just not sure that a side lane would mitigate that. Maybe. Slightly."

Philip Humbarad explained, "I don't see it like a rock quarry or something, but there is going to be a lot of material taken out of there, obviously."

Walter Jennings made a motion to deny the **Wedington Mine HI-CUP** due to it being incompatible with the surrounding area. Robert Daugherty seconded. Joel Kelsey recused. Roll call was made. Randy Laney, Jay Percy and Neil Helm were opposed. Philip Humbarad, Walter Jennings and Robert Daughter were in favor of approving the motion. The motion failed.

Neil Helm made a motion to approve the **Wedington Mine HI-CUP** subject to staff recommendations. Jay Percy seconded. There was further discussion amongst the Board Members and it was suggested

that making it a condition to install a side lane would mitigate some concern. The Chief of Staff maintained that it would be followed through and reviewed by the County Road Department to be addressed at the Large Scale Development hearing.

Neil Helm amended his motion to approve the Wedington Mine HI-CUP subject to staff recommendations with the condition for the applicant to install a side lane. Joel Kelsey recused. Roll Call was made. Walter Jennings was opposed. Randy Laney, Philip Humbar, Robert Daugherty, Jay Percy and Neil Helm were in favor of approving the motion. Motion passed.

County

f. Munyon Road Wireless Facility CUP **(tabled at the request of the applicant)**

Communication Tower Conditional Use Permit Request

Location: Section 27, Township 14, Range 33

Owner: Richard E. & Tammy M. Hale Family Trust

Applicant: Branch Communications

Location Address: 16711 W. Munyon Road

Approximately: +/- 105.53 acres /1 lot

Proposed Land Use: Communication Tower

Coordinates: Latitude: 35.86830763, Longitude: -94.47323960

Project #: 2019-136

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

Joel Kelsey made a motion to approve the agenda as written. Philip Humbar seconded. All board members present were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - September 26, 2019
 - November 7, 2019

6. Old Business

7. Adjourn

Robert Daugherty moved to adjourn. Walter Jennings seconded. All Board members 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