

MINUTES
WASHINGTON COUNTY PLANNING BOARD
November 7, 2019
5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARING

County

a. Minor Subdivision Replat Lots 21A & 21B Wheeler Heights

Approved

CONDITIONAL USE PERMIT HEARINGS

County

b. Blackburn Community Covenant Church CUP

Approved

Fayetteville Planning Area

c. Genesis Countertops & Accessories CUP

Approved

County

d. Ozark Sanctuary Cemetery CUP

Approved

1. ROLL CALL: *Roll call was taken. Members present include Walter Jennings, Robert Daugherty, Philip Humbar, Joel Kelsey, Jay Pearcy and Neil Helm. Randy Laney was not present.*
2. APPROVAL OF MINUTES: *Joel Kelsey made a motion to approve the minutes of September 26, 2019. Walter Jennings seconded. All board members present were in favor of approving. Motion passed.*
3. APPROVAL OF THE AGENDA: *Walter Jennings made a motion to approve the agenda as written. Joel Kelsey seconded. All board members present were in favor of approving. Motion passed.*
4. NEW BUSINESS

LAND DEVELOPMENT HEARING

County

a. Minor Subdivision Replat Lots 21A & 21B Wheeler Heights

Preliminary and Final Land Development Requests

Location: Section 28, Township 17, Range 31

Owner: Rebecca Sloan

Applicants: Satterfield Land Surveyors

Location Address: 13212 Wheeler Heights Rd. WC 861

Approximately: +/- 2.56 acres / 2 lots

Coordinates: Latitude: 36.11897427, Longitude: -94.28410815

Project #: 2019-331

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

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Replat approval for Minor Subdivision Replat Lots 21A & 21B Wheeler Heights Subdivision. The request is to split one 2.59 acre parcel of land into two tracts of 1.59 acres, and 2.00 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:** Wheeler Rural

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water- Washington Water Authority Electric- Ozarks Electric
Natural Gas- Black Hills Telephone- ATT Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The applicant, Rebecca and Joseph Sloan, are seeking a minor subdivision / replat approval to split an existing subdivision lot into two smaller lots. 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 a planning area. The project parcel (568-03394-003) is approximately 2.59 acres (more or less) in size and is owned by the applicant. The project location is on the north side of Wheeler Heights Road WC 861.

The applicant proposes the following:

Current configuration	Proposed Configuration
568-03394-003 – 2.59 acres	Lot 21 Lot 21A – 1.59 acres w/metal building Lot 21B – 1.00 w/manufactured home

Please see the attached documents for more detailed information.

TECHNICAL CONCERNS:

Sewer/Septic

The existing septic systems were inspected in September 2019. They were found to be functional and in good working order.

Utilities

Electric is provided by Ozarks Electric:

1. Comments and concerns were not received.

Water is provided by Washington Water Authority:

1. These properties are served from 4" water main on the south side of the current access drive. If public water service is desired for the additional property, please file a Request for Water Service with the WWA office.

Fire Marshal

The Washington County Fire Marshal has reviewed this project and did not have any concerns.

SITE VISIT:

A site visit was conducted by planning staff on October 14, 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.

To date, only one comment has been received in favor of the project.

Staff will update the Planning Board at the meeting should further comments be 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 approval of this project with the following conditions:

Sewer/Septic

1. Should any future concerns or issues arise in regards to septic, please direct those inquiries and concerns to the 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:

1. These properties are served from 4" water main on the south side of the current access drive. If public water service is desired for the additional property, please file a Request for Water Service with the WWA office.

Fire Marshal

1. Please contact the Fire Marshal with any questions concerning fire protection and safety.

Road Department:

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.

Planning:

1. All corrections made to the Plat must be finalized before approval is given.

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 further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. 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 Senior Planner, Sita Nanthavong, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

*Joel Kelsey made a motion to approve the **Minor Subdivision Replat Lots 21A & 21B Wheeler Heights** subject to staff recommendations. Walter Jennings seconded. All present Board Members were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARINGS

County

b. Blackburn Community Covenant Church CUP

Conditional Use Permit Request

Location: Section 08, Township 13, Range 30

Applicant: Blew & Associates

Location Address: 10418 E. Devils Den Rd.

Approximately: +/- 41.09 acres / 1 parcel

Coordinates: Latitude: 35.81872833, Longitude: -94.20864365

Project #: 2019-342

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

REQUEST: Blackburn Community Covenant Church is requesting **Conditional Use Permit** approval to develop and operate a church 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 14, Ann Harbison Rural **FIRE SERVICE AREA:** Boston Mountain
SCHOOL DISTRICT: Greenland

<u>INFRASTRUCTURE:</u>	Water- Washington Water Authority	Electric- Ozarks Electric	Natural
Gas- None	Telephone- Century Tel	Cable- None	

BACKGROUND/PROJECT SYNOPSIS:

The applicant, Blackburn Community Covenant Church Inc, is seeking Conditional Use Permit approval to utilize a parcel for a church and community gathering purposes. 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 a planning area. The project parcel (001-00688-000) is approximately 41 acres (more or less) in size and is owned by the applicant. The project location is on the north side of E Devil's Den Road AR 74 and is approximately less than a mile away from Interstate Highway 49. The applicant intends to utilize approximately one (1) acre of the 41 acre parcel as a church and its grounds. The church building will be approximately 7,200 square feet. The parking lot will consist of 23 spaces. There will be 2 accessible spaces. The church will utilize septic. The lateral fields, primary and alternate, will be protected by

landscaping barriers such as large rocks/boulders. If the Conditional Use Permit request is approved, the applicant will not return with a Large Scale Development request.

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

Washington Water Authority is the provider for this parcel and had the following concerns/comments:

1. Please file a Request for Water Service with the WWA office for further criteria and pricing for the meter relocation shown on the Civil Plans. The Request for Water Service can be found on the WWA website (www.washingtonwater.org).
2. A 6" water main runs parallel to the north side of HWY 74 and will be under a portion of the access drive/parking lot. Please show the water main on the plans. The portion of the water main under the proposed drive will need a corresponding engineered encasement/relocation.

Century Tel provides phone service for this area. They did not submit comments/concerns.

Fire Issues:

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

1. Entrance shall be compacted to 75,000lbs with an engineer statement. D102.1
2. Fire Barrier must be inspected prior to covering up by Washington County Fire Marshal. Must go to deck with fire caulk. The Fire Barrier shall be marked as such in attic areas. 703.1.3.1
3. The Fire Rated doors shall be on a closer system connected to the alarm system. 703.2.2
4. Fire alarm plans shall be submitted for review and the system tested and approved prior to occupying the building.
5. Fire Lane No Parking signs must be installed along the east side of the parking and at the front (southside) of the building D103.6

Health Department Issues:

1. A septic permit was submitted and approved by the Arkansas Department of Health.
2. Final permitting and design of the septic system will also 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 or signs in the Washington County right of way at any time.

Site Visibility:

1. Sight distance was found adequate during a site visit on 10/28/2019.

Drainage:

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

1. The County contracted engineer has reviewed the drainage study for this project. His comments and concerns are still being addressed by the applicant.
2. All drainage concerns must be found satisfactory by the County contracted engineer before final approval will be given.

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. Dumpster areas must be fenced and gated with opaque material.

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. The nearest residence that is from the project parcel is approximately 88 feet away to the south.

A total of three parcels touch the boundary of the proposed project's parcel along the northern side of East Devil's Den Road. All of these parcels are vacant except for two. The parcel directly to the west has a small structure that looks to be a shed. The property adjoining the northern boundary has a residence on it that is approximately 1000 feet away from the project parcel's boundary.

Across East Devil's Den Road there is a small church, and two residences.

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 and lighting will help to mitigate the concerns that may be expressed by neighbors.**

This proposed land use type is not considered agricultural or residential by use. However, Staff feels that with enough visual mitigation such as some landscaping and screening of the trash area, the impact of project will be very minimal. Across the street sits an old church. The use of a gathering space is already in existence in this area. There is a lot of existing vegetation that surrounds almost all of the property except the road front. The applicant will only clear one acre of land to be utilized as the church and its grounds. The vegetation along the northern and other borders will remain the same to allow a buffer. The property is approximately one (1) mile away from Interstate 49.

Site Visit:

A site visit was conducted by Planning Staff on 10/28/2019. The site is located 1 mile west of Interstate 49 within the small community of Blackburn. It resides within the County and is outside of the Planning Area. The site is located north of East Devil's Den Road. East Devil's Den Road is maintained by the Arkansas Department of Transportation. The property is surrounded by other parcels that are heavily agricultural with some residential uses. There is an existing tree line that extends nearly around the entire parcel. Directly across the street is a small church and two residences, though, one of those residences is tucked away some distance from the road. There are two residences on adjoining properties. The site distances from the 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 thirteen (13) certified notifications on October 24, 2019. To date, Staff has not received any comments in favor or against the project.

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

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

Utilities Conditions:

Washington Water:

1. Please file a Request for Water Service with the WWA office for further criteria and pricing for the meter relocation shown on the Civil Plans. The Request for Water Service can be found on the WWA website (www.washingtonwater.org).
2. A 6" water main runs parallel to the north side of HWY 74 and will be under a portion of the access drive/parking lot. Please show the water main on the plans. The portion of the water main under the proposed drive will need a corresponding engineered encasement/relocation.

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

Century Tel:

1. Please contact Century Tel should future telephone issues arise.

Fire Conditions:

The Washington County Fire Marshal:

1. Entrance shall be compacted to 75,000lbs with an engineer statement. D102.1
2. Fire Barrier must be inspected prior to covering up by Washington County Fire Marshal. Must go to deck with fire caulk. The Fire Barrier shall be marked as such in attic areas. 703.1.3.1
3. The Fire Rated doors shall be on a closer system connected to the alarm system. 703.2.2
4. Fire alarm plans shall be submitted for review and the system tested and approved prior to occupying the building.
5. Fire Lane No Parking signs must be installed along the east side of the parking and at the front (southside) of the building D103.6

Health Department Conditions:

1. Please contact the Health Department for future concerns and questions in regards to the septic system.

Drainage:

1. The County contracted engineer has reviewed the drainage study for this project. His comments and concerns are still being addressed by the applicant.
2. All drainage concerns must be found satisfactory by the County contracted engineer before final approval will be given.

Roads:

The Washington County Road Department:

1. East Devils Den Road is maintained by the Arkansas Department of Transportation. Permits and approval to connect to the road must be directed at the ArDot.

Site Visibility:

1. Sight distance is adequate. Please contact the ArDot to verify that their site distance is adequate and can be met.

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. Please contact ArDot for their requirements and restrictions in regards to sign placement and size.

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. If the applicant plans on utilizing a dumpster, the fencing and gate around it must be opaque material. A gate will be required for the dumpster area if there is one.

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 for the Board Members.

No Public Comment

Public Comment Closed

*Walter Jennings made a motion to approve the **Blackburn Community Covenant Church CUP** subject to staff recommendations. Joel Kelsey seconded. All present Board Members were in favor of approving.*

Motion passed.

County

c. Genesis Countertops & Accessories CUP

Conditional Use Permit Request

Location: Section 22, Township 17, Range 29

Applicants: Fredi Valle and Frank Basquez

Location Address: 18231 Habberton WC 89

Approximately: +/- 3.02 acres / 1 parcel

Coordinates: Latitude: 36.13031800, Longitude: -94.06060763

Project #: 2019-217

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

REQUEST: The Valle Family is requesting **Conditional Use Permit** approval to develop and operate a granite countertop and accessory facility 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: Goshen

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Nob Hill Rural

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Fayetteville

Electric- Ozarks Electric

Natural Gas- Black Hills Corp

Telephone- AT&T

Cable- Cox Communications

BACKGROUND/PROJECT SYNOPSIS:

The Valle Family is seeking Conditional Use Permit approval to operate a granite countertop shop. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is in the Goshen planning area. The project parcel (001-15309-001) is approximately 5.17 acres (more or less) in size and is owned by the applicant. The project location is on the west side of Habberton Rd WC 89 and north of Guy Terry Rd WC 92. The applicant has just purchased this property and hope to operate a granite countertop shop on it. The applicant plus a small workforce of 4-8 employees total will cut and polish granite slabs for kitchen and bathroom countertops. The hours of operation will be Monday through Friday from 8:00am to 5:00pm. Saturday hours will be by appointment only between the hours of 9:00am to 1:00pm. The applicant is proposing three (3) signs at already existing sign locations. The existing building which the applicant will operate out of is approximately 10,000 square feet in size. The project is not proposing any new development or roadways. The building itself will be outfitted to host the business and is less than an acre in size. A large scale development will not be required.

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

The City of Fayetteville is the provider for this parcel. They did not submit comments/concerns.

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

Fire Issues:

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

1. Exit signs and egress lighting on all exit doors. 1006.1
2. Knox box keyed to Nob Hill by front door 506.1
3. 911 address marked 505.1
4. Lever Door Knobs or panic hardware 1008.1.9.2

Health Department Issues:

1. There were no comments from the Health Department. The existing septic system is more than adequate for the parcel's proposed use.

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 or signs in the Washington County right of way at any time.

Site Visibility:

1. Sight distance was found adequate during a site visit on 10/14/2019.

Drainage:

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

1. The County contracted engineer has reviewed project. The applicant is not proposing any new any construction. There weren't any drainage concerns.

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.adeg.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.
3. The applicant will place signs in the locations that were approved for signage with the project prior to this.

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. Dumpster areas must be fenced and gated with opaque material.

Sheriff's Office Concerns:

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

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are primarily residential/agricultural. Across the street is a facility that hosts a brewery and restaurant. Less than a mile away is an event center. A total of three (3) parcels share a boundary with the project parcel. The property directly to the south is owned by the Valle family. The property to the north contains a residence. The parcel on the west is vacant.

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:

- b. 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 and lighting will help to mitigate the concerns that may be expressed by neighbors.**

This proposed land use type is not considered agricultural or residential by use. However, Staff feels that with enough visual mitigation such as some landscaping and screening of the trash area, the impact of project will be very minimal. Across the street is a brewery and dining establishment. Less than a mile away is a wedding/venue facility. The limited customer base will not impede or add to the regular flow of traffic. The noise generated by the proposal will also be minimal due to the sound being muffled by the building walls and the surrounding vegetation. The property is located on a corner so there are no adjoining parcels on the south and eastern boundary.

Site Visit:

A site visit was conducted by Planning Staff on 10/28/2019 and did not note anything of concern.

Neighbor Comments and Concerns:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this project proposal. Staff mailed a total of sixteen (16) certified notifications on October 24, 2019. To date, Staff has not received any comments in favor or against the project.

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:

Water:

1. Please contact the City of Fayetteville for more information.

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. Exit signs and egress lighting on all exit doors. 1006.1
2. Knox box keyed to Nob Hill by front door 506.1
3. 911 address marked 505.1
4. Lever Door Knobs or panic hardware 1008.1.9.2

Health Department Conditions:

1. Please contact the Arkansas Department of Health for any questions or concerns in the regards to the current septic system or for information/permitting for a new septic system.

Drainage:

1. There are no comments for this project. If the applicant wishes to develop further or construct a new building, a drainage study may be requested.

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 is adequate for this project.
2. The applicant should strive to maintain site visibility by regularly trimming back brush and trees.

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. Dumpster areas must be fenced and gated with opaque material.

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.

Joel Kelsey, Planning Board Member, inquired, "I know you said that they were going to have a wet saw to cut down on the dust. Do they have anything in place for dust control or ventilation?"

Sita Nanthavong replied, "The applicant is here and they can explain it a little bit more than I can just

because they have more experience with the industry.”

Philip Humbar, Planning Board Member, asked, “Is there any estimate of the noise in decibels on this?”

Sita Nanthavong answered, “There is not. I personally have not heard it, but this morning I did watch some YouTube videos and the various one that I heard were actually not very noisy. Not like a traditional wood saw with the high pitched screeching and buzzing. It seemed very minimal to me.”

Philip Humbar suggested, “Maybe the applicant can cover that.”

Sita Nanthavong responded, “Yes.”

Frank Basquez, applicant on the project, addressed the Board, “We have a big dust collector that we are installing in there that will be right in the middle of where we are working. Everything that we operate is with water. There is water directly on the blade. There is no dust. Absolutely no dust that comes off other than the water spray. We will have a water recirculation. We will be reusing the same water. We have a water filter. It goes through and comes out. When it comes out it’s as good as drinking water.”

Joel Kelsey inquired, “So you will be able to operate dust wise whether you’ve got the doors are open or closed?”

Frank Basquez replied, “Yes sir.”

Philip Humbar asked, “Can you address the noise?”

Frank Basquez answered, “I don’t remember the decibels, but it is within the range that is allowed.”

Philip Humbar questioned, “Can you converse between people while it’s running?”

Frank Basquez affirmed, “Yes sir, you can.”

Public Comment

Don Kephart, President of the Bridal Wood Estates Association, addressed the Board, “We’ve lived in Bridal Wood, my family and I, for five or six years. A quick word about Bridal Wood we have 50 lots about two acres each. 41 families living in Bridal Wood. Honestly we only learned of this issue at 3 o’clock this afternoon, but my email and texts have been blowing up from people. You know how it goes, word travels fast. I just wanted to express our concerns. I appreciate the opportunity to do that. Bridal Wood is just South West of the intersection of Haberton and Guy Terry. I would say our closest homes to this facility are about 2/10th of a mile. We can check that with Google Maps, but somewhere in that range. We have very, very strong concerns about a number of things. First of all, obviously granite is heavy. Raw material slabs will be coming in by truck, no doubt. If you look at the aerial view of the building you will note that that parking lot and the driveways in and out are gravel at best. It is a very dirty, dusty environment. Just trucks driving in are going to stir up a lot of dust. Whatever noise comes from the process. I am very familiar with water jet cutting. I am an engineer. I operated manufacturing facilities my whole career. We had many water jet facilities. I was with ITT industries, and a company called EnPro out of Charlotte, North Carolina. I am very familiar with the process. I love manufacturing businesses and I hope that there is a better location for this one. I’d love to see the business grow and flourish. One of the process wastes that comes from water jet cutting and it captured underneath the table of the water jet machine is sludge. It is the dust, the particulate matter that comes from the granite, the cut, mixed with the water. Certainly the water and the sludge can be separated, but trust me the sludge has got to go somewhere. It might go into drums. Eventually, it’s going to have to be taken away. Here come some more trucks. We are concerned about all this truck traffic. Also about the noise associated

with that, maybe not process noise. I am not sure, but we just see a lot of potential noise. The dust that I mentioned from the parking, and the roads in and out of that facility. Whatever process dust might exist. There is a mention of dust collectors. I am very familiar with them, but at some point you have to blow down those dust collectors to free up dust collector bags from the dust. Again, you've got dust to deal with. The problem with this dust is that granite generally is at least 70% silica. When silica becomes airborne it can lead to Silicosis. It's a health and safety issue. OSHA is all over Silicosis. In my email I included a link to information from the US Federal Government about Silicosis. Silica is a carcinogen, it leads to lung cancer. All of this. I love manufacturing. We just don't want this in our backyard. I'm sure you hear that all the time being members of the Planning Commission. We are concerned about the health and safety factors in the area. Also, the effect. The negative impact that we are concerned this could have on our property values. Again 41 families, I represent a large body of concern on that issue. I didn't hear any discussion about the health and safety issues of silica. I would ask you to please either vote no for this conditional use permit or at least postpone it so that the health and safety issues can be discussed and considered. And that we can perhaps more properly express our very strong objections to this being right across the street from all these homes. Those are the comments I wanted to offer. Thank you very much for the opportunity to speak to you."

Donna Stahl, neighbor directly across the street on Guy Terry Road, addressed the Board, "This property is a rental property. It currently houses a couple with a young child. They are concerned about the health issue. Our house sits above the rental. I don't know that the health issue would be that much for us seeing as though we are up on a hill. The noise issue is dramatic. We live not too far from his subdivision. Right down the street is the winery. They are probably a half a mile. We can hear the talking and laughing from the winery if we are sitting outside on our deck. Same thing with the brewery which is directly across the street from this property. The sound comes up, and we have enough sound already. We don't really want anymore. I know most people work. We don't, we are home all day. The renter is home all day except for her husband. She is outside. In the summer time and the spring time you'll see them out in that yard playing all the time. Their concern is not only the noise, but the health issue. We are a little concerned about the trucks. The big trucks coming in with raw material. The dust and noise. Our biggest concerns are health and noise. Our property values. We are in the process of looking at our rental and our house and getting some estimates about maybe selling it at some point. I am concerned that having that commercial business there may be detrimental to that. I am not sure. Anyway, that is what I've got to say. Thank you so much."

Brad Henry, Property owner in the Rolling Stones Subdivision, addressed the Board, "We actually planned on starting construction of a new home next week, about 600 yards from this proposed site. I noticed the housing demographics and density on the map. I think is probably just a little bit behind the curve because that is probably one of the more dynamic areas in the County over the last few months. There has been a lot of real estate transactions, a lot of new home sites, and a lot of new work up and down Habberton for housing. I think the area used to be a lot of chicken barns and farms have now been subdivided. My specific concern on this issue is the noise. It's possible that the noise abatement maybe sufficient to make this a quiet operation. I have no personal experience with it. I don't know anything about it. I would like to have that investigated to see just what the decibel level of this activity is. The location of it is kind of a natural amphitheater facing towards the east towards the White River. The bigger concern is the potential contamination with the silica dust from the operation. The contaminate procedures may be very adequate and contain the dust and pollutant from that. Again I don't know I don't have personal experience with that. I do have problems with family members with severe respiratory illnesses; asbestosis and silicone exposure. Once the stuff does get in the environment it tends to drift a good distance. What distance, I don't know. I think that has to be evaluated. Is there a health concern that has not been identified at this point? And find out if it is real or not. Also, the parking lot of this facility is approximately 200 yards from the White River wetlands there. The water will drain directly out of the parking lot into the creek. Less than 200 yards later it's in the estuary. If they can do abatement and control all the ignitions and hazards, I think it is incumbent upon us to look into that. To blindly put it there I think is a potential issue. Asbestos causes problems, and this is not asbestos, but silica is being recognized as a very serious respiratory health issue. Thank you."

Michael Cross, Property owner in the Rolling Stones Subdivision, addressed the Board, “I want to talk about the medical part of this. I am sure a lot of you already know what silicosis is and what silica is. Silica is a break down product. The dioxide product of silicon and oxygen. When the crystalline morphs and in pure forms of quartz, opal, and sand respectively. I have a morbidity and mortality weekly report from the Centers of Disease Control this is September of 2019. I also have a hazard alert from the Occupational Safety and Health Administration also known as OSHA. Also the National Institute for Occupational Safety and Health, NIOSH. They have identified exposure to silica as a health hazard to workers involving manufacturing, finishing and insulation. What they are proposing is stone fabrication. While it is a good industry. I was in a place Tuesday and went into the actual facility. There is dust everywhere. It is loud, hard to breath. It immediately caused a lot of health issues even with me wearing a very thick mask. I think it’s in a poor location for our communities. Next door to the Beaver Watershed District. We don’t want anything contaminating our water much less, the air. Silicosis is an incurable occupational lung disease. Incurable. Okay. You inhale this stuff it damages your lungs and it is irreversible. It is caused by inhaling particles of risible crystalline silica. It triggers inflammation, fibrosis in the lungs, progressive; irreversible. It’s also associated with lung infections, notably tuberculosis. It weakens the lungs so bad. It has been known to cause lung cancer, emphysema, and auto-immune disease, and on, and on, and on. It happens in a lot of the workers. It can happen to workers who cut polish or grind stone materials and can be exposed to the silica dust. This report is in regards to 18 critical. Some have died that were in the California, Colorado, Texas and Washington. This is not a good location for this business. It is community. It is agricultural. I see nothing that this needs to be near our water supply system. Thank you for allowing me to speak.”

Harvey Smith, Developer of the Rolling Stone Subdivision, addressed the Board, “I developed that Rolling Stone Estate development. It sits on the lake. It’s real quiet. All the people bought lots, and it just went like that because it’s such a great location. It is so tranquil out there. I have big concerns with property value. Mainly the health risk. I’ve got the first lot in there so I am right across the street. Right now as Dr. Cross pointed out, I believe it was him, said that ‘it’s like a natural amphitheater’. Where I would like to have a deck, during my retirement period, I can hear the brewery. I can hear their conversations. It’s just so amplified. I don’t mind hearing people laughing and talking, but if I hear a saw going all day long, I am going to lose it. I don’t care how muffled it is. If you hear a saw and it is going on all the time it’s worse than having a neighbor with a barking dog. Silica is a drifting particle. I don’t care how much they filter it. There’s going to be some that will get out and it doesn’t take much to mess with your health. That is all I got to say.”

Public Comment Closed

Joel Kelsey inquired, “When a project is brought forth like this and the individual departments are notified, is the Health Department one of them? And is this the only comment they sent back in reference to this particular business?”

Nathan Crouch replied, “Yes sir.”

Robert Daugherty, Planning Board Vice-Chair, asked, “Wasn’t this building a lawn and garden facility?”

Nathan Crouch answered, “Yes it was, and it was also a bottling operation for Saddlebach.”

Philip Humbarth questioned, “Is there any state or federal permit that they have to obtain to do this process?”

Nathan Crouch clarified, “Not terribly sure sir. That’d be between them, the state, and the federal agency.”

Frank Basquez, addressed the Board, “No sir, there is no permit required. I hear their concerns of Silicosis and the noise, the dust from parking lot, all that. We will be generating less than any other businesses around there. There’s probably at the most four cars for us. If we have deliveries, they might be once a week, twice a week, at the most. The dust from that parking lot is going to be there whether we are there or not. No matter who is there they are going to generate the same dust or more. Silicosis, he was talking about granite being silica. Granite has no silica in it. It is quartz, feldspar, and mica. There is no silica in granite at all. The silicosis that would be mostly for the employees. The dust that gets out is going to be very minimal. I don’t think it is going to reach any of the neighbors. The noise, they hear people talking outside from the brewery. That is because they are outside on the deck. They hear people from the event center. They are all outside. We are inside. The building is very well insulated. The water, we are recirculating the same water. We are not running it down anywhere. The water from the runoff on the road. That is nothing we can control.”

Philip Humbard inquired, “There was talk about the waste product. How do you dispose of your waste?”

Frank Basquez replied, “It goes in a dumpster, and then to the landfill.”

Joel Kelsey asked, “He is not required even in the county to have an EPA Permit or OSHA Guideline Permit with that operation?”

Nathan Crouch answered, “We have our process sir, and we have completed our process. Going through the Health Department is the big one, being signed off on by the Fire Marshal for the fire code is another big one, but we don’t have any EPA guidelines in the County Code so we haven’t reached out.

Joel Kelsey continued, “So the only permit he is required to get is a business permit?”

Nathan Crouch responded, “Yes sir, and a Conditional Use Permit. Adding to that if you were to be non-compliant with the EPA that would be between him and the EPA.”

Frank Basquez added, “We are not the only business in Arkansas where EPA would be concerned right now.”

Neil Helm made a motion to approve the Genesis Countertops & Accessories CUP subject to staff recommendations. Jay Percy seconded. Roll Call was made. Philip Humbard, Walter Jennings, Robert Daugherty, Jay Percy and Neil Helm were all in favor. Joel Kelsey was opposed. Motion passed.

County

d. Ozark Sanctuary Cemetery CUP

Conditional Use Permit Request

Location: Section 05, Township 17, Range 28

Applicant: Jane-Ellen Ross

Location Address: NW corner at the end of Honeysuckle Rd.

Approximately: +/- 38.76 acres / 1 parcel

Coordinates: Latitude: 36.016590400, Longitude: -93.98048212

Project #: 2019-338

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

REQUEST: Conditional Use Permit approval to allow green burial cemetery use on a parcel of land that is 38.7 acres in size.

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

PLANNING AREA: This project solely within Washington County’s jurisdiction.

FUTURE LAND USE: According to the Future Land Use Plan there is no future land use designation at this location.

QUORUM COURT DISTRICT: District 5, Patrick Deakins
Fire Dept. **SCHOOL DISTRICT:** Springdale

FIRE SERVICE AREA: Nob Hill Rural

INFRASTRUCTURE: Water- Springdale Water
N/A **Telephone-** AT&T **Cable-** N/A

Electric-Ozarks Electric

Natural Gas-

BACKGROUND/ PROJECT SYNOPSIS:

Mike and Jane-Ellen Ross are requesting Conditional Use Permit approval for cemetery land use on parcel 001-13677-000, at the north end of Honeysuckle Rd (WC-1068). There is an existing cemetery at the north end of Honeysuckle Rd., on a property adjacent to this subject property. This proposed cemetery will be a “conservation earth burial cemetery” that will have the appearance of an upland meadow, with no upright monuments or headstones. The property is under a conservation easement with the Northwest Arkansas Land Trust as a native plant and wildlife sanctuary. The cemetery area is proposed to be approximately 9.2 acres. The Arkansas Department of Health requires site plan review and approval for cemetery use. The applicant is requesting Washington County Conditional Use Permit approval contingent upon receiving Health Department approval. If Washington County approves this CUP, the applicant will then submit site plans to the Health Department. Due to the existing cemetery at the entrance to the subject property, this proposed cemetery could be considered an extension of the existing cemetery grounds with a high level of compatibility with the surrounding land use types.

(Please see the attached letter and information from the applicant.)

TECHNICAL CONCERNS:

Water/Plumbing Issues:

There are no structures proposed at this time, and water service is not requested so Springdale Water provided no comments.

Fire Marshal:

The Washington County Fire Marshal provided the following comment:

1. Should there ever be a building built on site you shall abide by all Arkansas Fire Prevention Codes and obtain approval from the Washington County Fire Marshal.

Health Department:

There are no structures with restrooms or water service requested at this time, so the Arkansas Department of Health doesn't have any requirements regarding sewer/septic. However, the Health Department does require cemetery site plan review by their Engineering Section. If this CUP is approved and ratified, the applicant will then submit site plans and the required information to the Health Department for cemetery review and approval.

Washington County Coroner:

The Washington County Coroner's concerns were regarding disease from the deceased being carried by stormwater to Beaver Lake and contaminating Northwest Arkansas's drinking water source. However, the Coroner stated that if the Arkansas Department of Health approved this CUP request then he would have no more concerns.

Electric/Gas/Cable/Phone:

No utility services are being requested at this time.

Ozarks Electric provided the following typical 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

Roads/Sight Visibility/Ingress-Egress/Parking:

This project accesses E Hwy 412 by way of Honeysuckle Rd (WC-1068), then to Groth Rd (WC-377), and then either W. Vanzant Rd (WC-97) or Hardwood Rd (WC-381). Honeysuckle Rd is the nearest county road, and no new roads are proposed.

Drainage:

Stormwater from the western meadow will flow into one or both of the two draws between the meadow and the creek approximately ¼ mile to the north.

The County Contract Engineer made the following comments: "There appears to be minimal impervious area added and in addition the site drains to the lake fairly quickly. Therefore, I am not concerned about any minimal increase in peak flow that could occur. Also, it doesn't appear that the road is being built up with fill that would block the runoff from continuing the south to north flow pattern. However, if the road does not closely follow the existing terrain as currently planned and would block flow, then potentially a pipe would need to be sized and placed under the proposed road. At this time I have not been provided any information to lead me to believe this would be necessary."

Environmental Concerns:

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

Signage/Lighting/Screening Concerns:

No signage, lighting, or screening are proposed at this time. Due to the very rural nature of the site Staff feels none are needed at this time.

ADEQ Concerns:

Planning Staff is awaiting ADEQ's review and comments. Full compliance with ADEQ is required.

COMPATIBILITY CONCERNS:

Surrounding Uses:

The surrounding uses are single family residential and agricultural.

There is an historic cemetery at the entrance to the subject property, with poultry houses and cow fields within view of the proposed cemetery site. Based on this, coupled with the fact there is no future land use type designated at this location, Staff feels that the applicant's request is compatible with the surrounding uses.

County's Land Use Plan (written document):

In the County's Plan for Land Use and Development, under Physical Development – Land Use Considerations, the land use types listed are Residential, Light Commercial, General Commercial, Industrial, and Agricultural. There are no cemetery land uses listed.

However, in the Summary of Major Considerations there are six items listed. Below are those six major considerations listed, with Planning Staff's **response to the considerations shown in bold text.**

SECTION II. SUMMARY OF MAJOR CONSIDERATIONS

In an effort to attain the type of development desired by county leaders and citizens alike, the following matters should be considered.

1. Retain the agricultural nature and rural residential character of the county through proper development regulations; while at the same time recognizing the need for industrial land uses, principally where adequate utilities, roads, and other infrastructure exists or will exist. This will allow the industrial and commercial uses and rural residential lands that choose to locate in the county, as well as help to insure that incompatibility with agricultural, residential, and other uses, is minimized.
The agricultural nature of this property will be maintained through the conservation easement the owners have established with the Northwest Arkansas Land Trust.
2. Commercial development, though necessary, must be weighed according to its impact on agricultural and residential area.

This CUP request is proposing a cemetery next door to another cemetery, with no proposed structures. No impact to agricultural or residential areas is expected.

3. The protection and preservation of agricultural lands through the proper use of regulatory mechanisms is critical to retain the rural nature of the county.

The land this cemetery is proposing to occupy is currently protected by a deeded Conservation Easement so that no land development may occur on the property in perpetuity.

4. Ensure protection of the county's natural environment, floodplains, watersheds, and natural resources and features.

The existing stormwater drainage path directs stormwater approximately 1,000-1,500 ft to the creek to the north, 0.5 to 0.7 miles to the west to Beaver Lake.

5. Adequate Roads and other infrastructure should be considered in the development process. Existing county roads lead to the adjacent cemetery property. However, if the applicant wishes to take access across the Joyce Cemetery property, they must secure an access easement across the existing cemetery property, and permission to use the existing cemetery parking area.

6. Ensure that all county plans are consistent to the extent possible with state plans and other related regional, county, and municipal plans in order to avoid inconvenience and economic waste, and to assure a coordinated and harmonious development of the county, region, and state.

Compliance with all local and State agencies is required as a condition of approval of this Conditional Use Permit request.

Future Land Use Plan

There is no future land use designation for this portion of the County.

SITE VISIT:

A site visit was conducted by planning staff on October 29, 2019. No issues were noted at that time.

NEIGHBOR COMMENTS/CONCERNS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No public comments have been received as of the writing of this Staff Report.

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

STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Ozark Sanctuary Cemetery Conditional Use Permit with the following conditions:

Fire Marshal Conditions:

1. Should there ever be a building built on site you shall abide by all Arkansas Fire Prevention Codes and obtain approval from the Washington County Fire Marshal.

Health Department Conditions:

1. The Arkansas Department of Health doesn't have any requirements regarding sewer/septic.
2. The Health Department does require (Cemetery) site plan review by their Engineering Section.
3. If this CUP is approved and ratified, the applicant will then submit site plans and the required information to the Health Department for their review and approval.
4. Full compliance with the Arkansas Department of Health is required.

ADEQ Conditions:

1. Full compliance with the Arkansas Department of Environmental Quality is required.

Washington County Coroner Conditions:

1. This cemetery must be approved by the Arkansas Department of Health.

Ozarks Electric Conditions:

No utility services are being requested at this time, however Ozarks Electric provided the following requirements:

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

Roads/Ingress-Egress/Parking Conditions:

1. If the applicant proposes to access the proposed cemetery through the Joyce Cemetery parking area, an access easement across the Joyce Cemetery property must be secured and submitted to the Planning office for the record.
2. If the applicant proposed to park vehicles in the existing Joyce Cemetery parking area, permission to use the Joyce Cemetery's parking area must be secured and submitted to the Planning office for the record.
3. No parking is allowed along the county road right-of-way.

Drainage:

1. If the road does not closely follow the existing terrain as currently planned and would block flow, then potentially, a pipe would need to be sized and placed under the proposed road.

Signage/Lighting/Screening Conditions:

1. If a sign or lighting is desired in the future, a plan must be submitted to Washington County Planning Staff for review and approval prior to installation.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$35.04) within 30 days of the project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 10/29/19).
2. Pay engineering fees within 30 days of project hearing. Itemized invoice will be emailed to applicant once all invoices are received from the County Contracted Engineer. Any extension must be approved by the Planning Office.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. This CUP must be ratified by the Quorum Court.
6. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
 - o This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

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

Neil Helm, Planning Board Member, inquired, "You mentioned that the conservation easement was approved. Is that correct?"

Nathan Crouch replied, "The Northwest Arkansas Land Trust along with Beaver Water District and it could be other organizations as well, have all gone together and established the conservation easement, all in support of this project."

Joel Kelsey asked, "We are still waiting on the Health Department?"

Nathan Crouch answered, "Indeed. At our Technical Review phase of project review, it was made very clear to the applicants what the Health Department was going to require in form of submittal to them for

their review. Including one perk test per acre, which would be about 10 perk test over 9.2 acres. I am not sure how much a perk test cost, but multiplied by 10 plus the engineered site plans that would have to go along with that. They are looking for a little assurance that the County would be on board before they submit to the State. The recommendation is of recommended approval contingent upon Health Department approval.”

Joel Kelsey questioned, “If the Health Department doesn’t approve it, then it doesn’t go forward?”

Nathan Crouch responded, “Correct.”

Mike Ross, Applicant and owner of property, addressed the Board, “To address the land trust conservation easement. We signed off on the conservation easement with the Northwest Arkansas Land Trust in July as completed. During the development of that we did inform them from the beginning that we would like to include a portion of that conservation easement to enable a green burial cemetery. They were agreeable to that and developed the regulations of the easement to allow that within there. Hopefully that addresses that a little more. In the development from the start, also Beaver Water District, when they were looking at the conservation easement knew that there was going to be a potential green burial site in there and also gave their input which resulted in minor changes in what the Aland Trust also wanted to have in there. Understanding this is probably a rather unique request for a Conditional Use Permit we do have a little bit of background information about green burial. Vickie Kelley is with the Natural State Burial Association, and has been studying this for years. This is the first opportunity we’ve had in the State to actually put into practice this unique opportunity that we currently do not have in the state as a cemetery.”

Vickie Kelley, Representative for the Applicants, addressed the Board, “It’s going to get fun now. We are getting down to the dirt. This one is hard to read, but it is an example of what’s different between a conventional modern funeral industry-type of burial. What Mike and Jane-Ellen have proposed for how burial will happen on their property; the main things that are going to fly in your face and sound really weird are shallow graves, no embalming, biodegradable containers and no vaults or grave runners of any kind. There are questions that come up. People don’t know what to do with this. Just the facts. It’s legal. Arkansas laws tells us 18 inches of cover from the nose of the corpse to the top of the grave. That’s how the law is written. That is an effective odor barrier at that depth. We have no known incidents of graves being disturbed in any of the cemeteries that operate this way. There are some in the United States but, not in the Natural State, yet. The reason it has to be shallow is that is where the bugs are. That’s where the worms, the bacteria, the beetles, you know the microbes. The purpose here is to decay. The purpose of this type of burial is to decay versus being embalmed, and put in a steel, hard wood, high dollar casket inside a concrete vault where you just kind of putrefy. It is a little bit different process, but we want to be dirt. Earth to earth. The concern we also hear is water contamination. You need to know that embalming, caskets and vaults are not required by law, and they do nothing to protect water quality. That is across the board. That concrete vault is to keep the grave from sinking so that the cemeteries are easier to maintain. It is determined by the American Health Organization, Pan-American Health Organization that the decaying process is not a pathogen. It’s a natural process. The Ozark Sanctuary Cemetery will operate in full compliance with all the regulations and requirements that are set forth by the Arkansas Department of Health and the Department of Environmental Quality. We are aware. When I say we, I like to call myself the educator and the informer, but I have often been called the instigator. I am not the property owner, and I am not the applicant. I am the one that has talked about it, and encouraged people to look at this as an option. When we talk about a natural cemetery there is an organization nationwide that has taken on the task of certifying. They certify it at three different levels. The first level looks like a cemetery. This one is out in Tennessee. It’s a hybrid cemetery. That means it’s just a portion of an existing conventional cemetery that they have set aside where they allow the no embalming, the biodegradable container, the shallow grave, the no vault, but it looks like a cemetery. You can still put up a headstone. You can still take out those artificial flowers on Decoration Day. The second type is called a natural cemetery. Again no chemicals, biodegradable containers, shallow grave, no vault, but also no pesticides, no herbicides, no invasive plants or species, and no upright monuments. These look more like

a park, like you would go out and take a stroll at the park. It's a different look and it's more environmentally friendly. Now what Mike and Jane- Ellen Ross have set their land up to be is a conservation cemetery. It does all that the other two do, but here there are no markers. GPS coordinates. We are taking the oldest most ancient type of burial and we are giving you a way to type in your coordinates on your computer and go visit grandmas grave from your desk. We will find it, and we will always know where it is. There is solid record keeping. The property is dedicated to a land trust and a conservation easement. It is maintained as wilderness. It is meant to look like the woods. Jane- Ellen has a vision in her mind of a woodland, meadow grassland with wild flowers. That's significant because there are only seven conservation cemeteries in all of the United States. There are 23 natural cemeteries and 42 hybrid cemeteries. These have all been given the accreditation from the Green Burial Council. My organization, the one that has been the cheerleader for Mike and Jane- Ellen, and what they are trying to get accomplished here, we also want you to know that we support working with the industry. We want the industry to understand exactly what we are doing and how their businesses can participate. We want them to come meet our criteria and tell their customers if you want this green burial option we know where to go. We want to work with the industry. We want to see Ozark Sanctuary Cemetery to be the first of its kind in the state of Arkansas. We will put us on the map. How does that sound? Northwest Arkansas is on the map guys. Top 10 Best Places to Live. How many times did we see that headline go by? One of the nation's Top 100 in Growth of the Metropolitan Area. That means there's a lot of people coming here. 31.7 a day, really 32 people a day. We are only losing less than 10 a day, are dying. We are telling you once they hear what we've got going they are going to understand this is also the best place to die, or at least to be buried. We have to plan ahead. With that kind of development. With that kind of influx of population let's do some forward thinking here. The one on the left, that's a Jewish cemetery in Brooklyn, NY. That was started before the Civil War. The other one is a Veterans Cemetery. Our Veterans Cemetery just expanded. They added about 2,300 more graves, but that is not going to handle all of us. What we want to make sure is available is our name on this list. That's what green space looks like in Northwest Arkansas. We are making land sacred by putting bodies in it. It will never be developed and it will always be beautiful. The natural state deserves a natural cemetery. This information was put together by Arkansas State Burial Association. Thank you for listening."

Public Comment

Annie Lattel, Member of the Public, addressed the Board, "I live here in Fayetteville. I would like to speak in support of having this option, because I personally would like to be buried in green burial cemetery. I think it is good for land use, for the environment, for not taking up for land and for cemetery space. We can leave it open, because as the bodies decompose, new bodies can be buried in the same places which is not how it works in our regular cemeteries. I would just hope that you would support this and allow them feel encouraged to go on to the State Health Department to pursue that. I think it is wise for them not to spend that money until they know that you would support it, as long as the State Health supports it. Thank you for your consideration."

Noel Neighbor, Member of the Public, addressed the Board, "I am from the Prairie Grove area. I would like speak in regard to two things. One is that choice is a good thing. I realize lots of people don't like this idea. They would rather be in a traditional cemetery, that's their choice. For those of us who would be in a natural cemetery we should be able to have that choice. I am a potential user of that cemetery. I would be there if it is needed at the time of my death. The second thing is that I personally know Jane- Ellen and Mike. I know they are both detail-oriented people, very responsible, any management that has to be taken care of, when this passes, will be taken care of properly. There will be no problem with that. That is all I have to say on that."

Patrick Deakins, Justice of the Peace for District 5, addressed the Board, "I appreciate the gravity and the responsibility you have on this board, or not. A couple of things, I've received a lot of calls with comments concerned of this. That is why I am here, to represent my district. It looks like we are kind of in a chicken versus the egg type thing here with the Arkansas Heath Department approving this. What I would implore you to do is I would like to see that come back and approved before you guys approve this

Conditional Use Permit. That's what I would like to see. Assuming this ever comes up to the Quorum Court level. Due to the fact that there might be some additional comments or requirements that the Health Department has. I would like for you guys to monitor that. I want you to remember that you are the closest governing body in this permitting process to the citizens of Washington County. It might be important for you to review that and see what else they come back with. Also, it kind of concerns me that we have stated that there is no other cemeteries like this in the state of Arkansas. While I am not against change or innovation, I would think that we would want to give the Arkansas Health Department enough time to fully consider this and give back any requirements. Finally, I have to finish with this. While I appreciate the excitement of the applicant, I think for the most part when I talk to people out in District 5, they are looking not to be put on the map. What I am also asking you to do is not make Washington County the experiment here for something new in Arkansas. Make sure this is vetted out. Make sure we can get behind it. I appreciate you guys. Thank you very much."

Kathy Leonard, Member of the Public, addressed the Board, "I am a science based person. I think nature cleans everything. I mean we all die. Let's say I have a virus, the earth, the microorganisms and the sun can clear that. We are all living in the same planet. I can't get behind any fear with something this natural. I would request that you not make a judgement from a fear based position. I mean how many dogs have I got buried on my property. There has never been a problem with that. Our human bodies are a part of nature. We shouldn't be that afraid of it. Thank you."

Annette Cornelison, Co-President, Secretary, Management of Joyce Cemetery, addressed the Board, "I did not get notification of any of this. Granted, it's there by our cemetery, where I was born and raised. My understanding when they first approached me is that it had to be connected in some way to an existing cemetery. That is what was brought to my attention. I disagreed. I said we weren't interested. I am not the cheerleader that they have. I do have a cheerleading squad behind me. I don't want to be put on the map for that. I don't want our area to be put on the map. Yes, we are The Natural State, but being the first natural cemetery in the State of Arkansas concerns me. To me, that alone is an issue. While everything is going green this is something I have a hard time agreeing with being close to our cemetery. I think it hurts our cemetery. Yes it is an old cemetery. Lots of family. We maintain it. We take care of it. It is not good for our cemetery's reputation. It is not good for our community. Thank you."

Gary Ussery, Other Director of the Joyce Cemetery, addressed the Board, "I have a few issues on the matter. When you only bury someone 18 inches deep. I have a photo, I live a half a mile from there, of a black bear on my camera photo. He comes up on this. He digs it up. Or a coyote. Or a dog. He takes one of those body parts to the neighbor's yard. Now we've got the Deputy Sheriff involved. Is this a murder victim? Or this a body from this cemetery? These pictures that they are showing you. This property does not look this way. It is a thistle farm, if you know what thistle is. They are not going to maintain nothing. We work hard to maintain ours. For hundreds of years we've come a long way in burial. Now we are going to do a 180 and go back to where we started to where we just dig a hole and put somebody in it. I don't see that where it is going to help our community. My great grandparents are buried in this cemetery, my grandparents, and my sister. They would all be a no on this deal. This is a community cemetery for the people in the community and the families in the community. Nor for anyone that wants to come be buried there. We will allow that through proper channels. We require a vault. Simply because if we go back to dig another grave they are all marked, if you hit that vault, which I have talked to two gravediggers today that wouldn't touch this with a 10 ft pole. I will tell you what one of them said to me, it's a landfill for bodies. Those pictures they are showing you, that property doesn't look that way. There's 10 or 12 donkeys that run loose on it. That is what is going to maintain these graves. I don't see where this is feasible for my community that I live in. These 14 people that you have a yes on, I don't think they live around this. I think they are people from outside. The people that I have talked to today which I was just made aware of it this morning are all a no. They were more than 14. They didn't even know that this was going on. They all live in District 5. I live as the crow flies, less than a half a mile away. I maintain the cemetery. My grandfather maintained the cemetery. We did the best we could, we still do, to keep it the way it's supposed to be. That's why we require vaults, proper burials that is your choice, if you want to be green buried, and that's fine. I don't have a problem with that. You can be

cremated. That's fine too. But, the people in our community choose to be buried a different way. On this side of the fence you have to have a vault, on this side of the fence, literally, you can just dig a hole and put them in it. I don't see where that's justifiable for everybody. This has been tried in Elkins. This has been tried in Wedington, the way I understand it. They have all been shot down. Why would we move forward with something that is totally, I am sorry, but off the wall? Thank you gentleman."

Marcella Terry, Member of the Public, addressed the Board, "I am not originally from Northwest Arkansas. I moved here two years ago, for my health. I was diagnosed with a very serious illness. I came here, found a wonderful doctor here and fell in love with the area. What I love about this place is that it is so natural. I lived in Indiana. The environment was terrible there. I had terrible health problems there. I came here and being in this area is so much better for my health with all of the trees and the nature and everything that's here. I am extremely sensitive to chemicals. I also love being in the woods. I love hiking. I was not able to hike when I came here because I was in a wheel chair. This is my home now. I do live here. Being buried in a place where my body can decompose as it is meant to by God, in this environment, is exactly what I want. I understand that this is the way that things have been done for a long time, with the vaults and the embalming and all of that, but it's not the way that I would choose for my body to be respected and cared for when I am gone. I just want to add something else. I do have a Master of Science Degree. In the 1980's and 1990's I was involved with social psychology research regarding HIV and AIDS. I have worked as a biomedical consultant. I've worked in a wellness institute. I am very familiar with viruses and bacteria. Especially the one that everybody has been so concerned about in the past and the fear about very serious viruses and those things. There is no concern about that. When the body dies the viruses are going to die. They will be destroyed by the microbes. Many viruses are destroyed when they hit air. You put them into the dirt in an anaerobic environment where they have no exposure to air, but they will be broken down by the other microbes and by the natural processes that go on in this type of cemetery. I wanted to weight in and give you my feelings on it. Hopefully, I will live a long time and enjoy this area on my two feet, but when that time comes I would definitely be someone who would be interested in this type of placement for my remains. Thank you."

Dolores Proubasta, Member of the Public, addressed the Board, "I understand that about 80 years ago the natural way to bury people was without embalming, without vaults. It was just dig a hole on the ground and put them there. I just don't see what the concerns are regarding the unsanitary conditions. Precisely here in the area that we are talking about, which is beautiful. I have been there. It's pristine. It's lovely. The burros are also lovely. They are not going to be there on the cemetery, by the way. We are surrounded by industries that are accused of heavy, heavy pollution, and they are, we know unsanitary. What is a little plot of land with a few cadavers going to add to the mess that we probably have already? Nothing. This is absolutely a natural state. The way bodies are supposed to be disposed of. I am an enthusiastic customer of this would be cemetery. I hope that it is approved because otherwise you are taking my options away. I have the right to be buried, my final disposition of my body, the way I want to. It is not in a vault. It's not with chemicals in my body. It's not in a metal casket or anything like this. Just throw me in the ground, cover me up. That's it. It's natural. Thank you very much."

Crescent Dragonwagon, Member of the Public, addressed the Board, "I recognize that this is hard because there is both the scientific questions and the emotional and personal history questions. They come into conflict here. I want to speak to you primarily as two things. My name is Crescent Dragonwagon. I am a Fayetteville resident. Some of you might know that I am a cook book author. For some time it has seemed to me that in order to love cooking for other people you have to understand that life is inseparable from death. It's as if before we were born we signed some contract that while we were here on earth we would eat the bodies of plants and animals. Sustain ourselves through them and that after we died we would become food for other creatures down through the ages. In fact when we walk on earth, we are walking on the bodies of dead plants, and animals, and dinosaurs, and human beings. It seems to me, inextricable. Over the years my first thought was that cremation might be the way to go and your ashes can be scattered somewhere, but as I became more and more of an organic gardener and farmer, I am very careful about what I eat. I don't eat chemicals. Why would I want to be embalmed? Why would I have my blood drained and formaldehyde but in after death when I have avoided them so

carefully eating them my entire life. Over time I began to feel like I would like to be put in a Muslim sack with a drawstring on the top and planted in my vegetable garden and have tomatoes come up out of me. I realize this sounds repellent to some of you here. I don't mean to be disrespectful. I am just very close to food as a part of life and death as a part of life, as a cycle that goes on, and on, and on. I've been widowed twice. My second partner was cremated and his ashes, there was an apple tree planted in his honor. It was quite remarkable to me when I ate the first honey crisp apples that were from the tree that was planted on his ashes. I know going down the line this feel right to me. It makes sense to me. You've heard the scientific arguments. You've heard the emotional arguments. I believe that those who want to maintain their cemetery in a particular way and have done so for generations, and want concrete vaults or traditional burial, they should have that choice. So should others. I wanted to speak as a cookbook author. In the former place where I lived there was a family cemetery near me. I loved to walk up there. I found it very peaceful to be there. There were graves there from the Revolutionary War. I lived in Vermont for a while. It was near me. I also wanted to speak to, it was so often in these things we get crazy about who is and who isn't in the community. Yes, the people who live right there. It is in one sense very much their community. It is right in their backyard. They do deserve consideration, as do the people who own the property. Yet I tend to think that our community is larger than our immediate block. Our immediate area. For example when we consider water everyone lives down stream of somebody. I would encourage you to be respectful both of the literal physical community, and the larger community of those who want the choice, who want the right, who make the health criteria. I do think it's reasonable for them to get some kind of clearance from you before they expend the money to get the perk test, the 10-15 perk tests. All by adding just a slightly different look at this. I wish you wisdom in your decision here. I thank you for listening to me and everybody else."

Kathy Skaggs, Member of the Public, addressed the Board, "I really didn't come to talk, but since I am here. I am very much for the green burial prospect. I would like that for my own self. I want to leave as little impact on the ground in the earth as possible. This is it. Originally I wanted to be cremated, but this is now the way I would like to go. I have been on this property. I have walked all through this property down to the creek. It is beautiful. It is maintained. It's not a thistle patch. I can tell you that. Straight up. It is beautiful. It would be a wonderful place for this purpose. I look forward to it. I hope you can see your way to look at the information that has been placed before you. This proposal is not a competition. It is an alternative. I think we need more alternatives. Thanks."

Ralph Lamping, Member of the Public, addressed the Board, "My wife and I have been living on a piece of property for the past thirty years now. Out Lake Sequoia way. My wife mentioned them earlier, our pet burials that we've had over the years. I believe we've had four dogs, two cats die over the years. We've had to bury them on the property. We've had no problems with wild life or domestic animals digging up the carcasses. We maintain those little graves for our pets to remember them by. It is very pleasant. We have bears in the area. We have coyotes. Nothings ever destroyed any of them. I'd doubt if they ever dug as deep as 18 inches. It's a pleasant thing to be able to go off down into the wooded area and go visit a grave of somebody that you love who's past away. When I think of how I am so accustomed to being able to visit the graves of pet friends that have died. It is upsetting to think that that option may be denied to family members and friends who would like the same option of having a burial in such a fashion. To many of us a green burial is extremely important, and extremely desirable. It makes it possible for us to accept the death of our loved ones more just seeing how things are going back into nature. I just hope the board will take all these points into consideration. Thank you."

Christina Devlin, Member of the Public, addressed the Board, "I live in Fayetteville. I come to just share a personal story. My Mom died when I was three. My whole life I imagined and was told that when she died in the place of her grave there would be flowers that grew. When I had my kids I told them that too. That when you die you become the earth and something grows. It was only a few years ago when my Dad died that I realized that not only is that not true, but it is not an option in a lot of places. We are here tonight to just say that we would like for that to be an option and my kids love the idea of Mom being compost. It's what makes sense and feels like the right thing. Thanks."

Larry Bramall, Neighbor to the North of the proposed project, addressed the Board, "I do not know Mr. Ross. I am sure that he is a fine man and this is evidently have got to be a money issue or opportunity for income. I know everybody is saying its safe and animals are not going to dig stuff up. I don't believe that. We live in a farming community. We've seen it all of our life. We can bury a cow in compost two or three feet deep and the dogs and coyotes will still get into it. I don't believe that for a bit. If it is so safe why can't we just put it in these peoples backyard? I mean if they want to be compost, let them put them in their own backyard. All these people that are from Fayetteville and Prairie Grove and all these surrounding areas want to come to our neighborhood and be buried. If it is such a safe thing to do, put it in their own yard. I just don't agree with it, but that is all I got to say."

Debbie Dodd, Member of the Burkshed Community Cemetery Board, addressed the Board, "We plot our cemetery so we know what row and what space the individual wants. We treat the dead with respect. We make sure they are all in vaults and caskets, but that is to the family's desire, as well. My question that I want to ask, is this new land going to be plotted, to where they know where they have one burial at? Until a back hoe comes in to dig another hole, are they going to dig on top of that existing one? What are they going to do when they hit the bones? I know we are a natural state, but I think there are some issues with this. I feel like Gary, this is in our neighborhood. I live not too far from the proposed area. No, I am not going to be buried over in Joyce Cemetery, but it's in my neck of the woods. I am on another cemetery board and I don't want to have to deal with something like that. I want to be able to know where that person is buried at so when the back hoe comes in for the next burial. I don't have to worry about it chewing up an existing body. I could say more, but I don't think it'd be appropriate. Thank you."

Rae Dell Davis, Member of the Public, addressed the Board, "I currently live in Cliffy. Eventually I will be living somewhere about two hills over from the cemetery. I understand that it sounds like in the cemeteries that are similar, that it's been recorded that nothing has been dug up, but I don't want to find someone's foot, arm, leg brought into my yard. My dogs by now have probably brought up a whole cow, a piece at a time, because that's what animals do. He has even brought a car bumper into the yard. I do not want to find an arm or some body part in my yard, for my kids to find. My kids will be running around on those hills around that property. I would appreciate it to just stay where they are not going to be finding any other bones besides a cow bone or any other animal bone. I understand everybody has their right to choose how they want to be buried. I am completely fine with that, but I would ask that they respect the people in that area and it's not going to be putting endangerment around that. Also like I said just not finding stray body parts in my yard. Thank you."

Chris Martin, Neighbor on the south of the proposed project, addressed the Board, "My land actually borders the south of this all the way around. I could throw a rock and hit Joyce Cemetery from my back porch. My only concern is I've got two big ole dogs. They are finding dead animals and bringing them to my porch all the time. My kids watch the Walking Dead. I just don't want them to see it in real life. Is there a place for this cemetery in Arkansas? Maybe. Not in my backyard. They've got a 200 acre plot somewhere in the middle of nowhere. I don't know if this is the best place for it. That was really my only concern. That's all I got."

Mike Ross stated, "I just had two minor additions regarding the donkeys on our overall property the conservation easement it's self is 100 acres. The cemetery in question is about 9.2 acres. We divided it up into three pastures. The donkeys have always been on the pasture with the house. They have never been over into this other property. It's fenced separately. There is no plan or intent to have donkeys in that cemetery. No grazing animals of any kind for that matter. As far as procedurally this getting this Conditional Use Permit appears to be the first step there are. We looked at cemetery regulations. I got involved with this a year ago looking at the State of Arkansas statues and the Department of Health. It's a little confusing. Those had been amended just in the past couple of years. In researching it online sometimes you are finding the old regulations versus the new or amended regulations. There is quite a bit of overlap with the cemetery board and funeral regulations versus strictly burial regulations. Any approved cemetery in Arkansas has to be approved by the Department of Health. That is a step that has to be gone through. It is not over and done when the Conditional Use Permit is granted. It is very much

dependent on the approval of the Department of Health. They have a series of regulations that have been mentioned before. I do not remember 100%, but I think the recommended minimum depth by the Department of Health is 3 feet. Different states have different regulations obviously. When you research some of these things online you have to be careful about which state has what regulations for burial depths. Also I will point out that is a minimum recommendation burial depth. It can go deeper than that. Even if the Department of Health approves this, there is still approval required by the conservation of Northwest Arkansas Land Trust who manages the conservation easement. They will look at what's been done. I, as a land owner, am not personally going to run the cemetery. We will probably have a nonprofit group that comes up with a business plan to operate the cemetery and I won't sign off on that if I don't agree with it. That plan will also have to go before the Conservation Authority. We do have several steps involved. This is not the final step by any means. Thank you. That is all I have to add to the general discussion at this point."

Gary Ussery added, "Just to clear up a fact, in the State of Arkansas you do have the right to not be embalmed. We have several in our cemetery. If you are buried within 24 hours, you do not have to be embalmed. That is a personal choice. That is not something you are made to do. I just wanted ya'll to know that you do have that choice to not be embalmed. No chemicals you get put in a coffin in a vault and you are buried. That is an option. We are talking about chemicals and all that. We have several in our cemetery that are not embalmed. They were buried within 24 hours of their death. That is an Arkansas law."

Vickie Kelley stated, "I just wanted to mention that each cemetery is free to establish how they operate. There are cemeteries that require the vault. That's their requirement as a cemetery, but what we do is educate the public that it's not the law. You need an option of a cemetery that is operating differently. A lot of times when I do presentations and I give programs, the first thing someone will do is go call up a funeral home and say 'That woman said it, is that true?' and the answer will be 'Oh no you have to have a vault.', but they leave off 'in our cemetery'. I am fighting a lot of misinformation. When I talk about 18 inches, we are going down 4 foot to lay the grave. I was just telling you the law. The law reads 18 inches from the tip of the nose to the top of the grave, but the grave is deeper than that. The stipulations that we set, that we will devise for this cemetery will be extremely stringent. People will know ahead of time what they are coming into. There is also been discussion of the creation of a very ornate wrought iron heavy grate to be laid over the graves for about 3 months or so until the family feels confident. If the family wants to have that added assurance. We can do that. I just need to say that Poltergeist and The Walking Dead were not documentaries, you know. Respect to many of the people who have come before you tonight. Respect of their own loved ones, and their own bodies is very spiritual and they are following the scripture of dust to dust and they want to be earth and burial is sacred. There is nothing disrespectful about an ancient age old from millennia wagon trained pioneer settlers the way they buried their dead. We are just asking to have the choice. Thank you for listening for so long."

Public Comment Closed

Philip Humbard explained, "I am having a little problem in that the way I see it, we are either approving a cemetery, or we are not approving a cemetery. We have nothing to do with regulations on how people are buried, or not buried. That's all in the purview of the Arkansas Health Department and the State. We are either approving a cemetery, or we are not approving a cemetery. I hear a lot of emotions and stuff out here of how people are buried and all the things that go with it, but to me are we going to allow a cemetery in this location or are we not going to allow a cemetery in this location. That's my opinion."

*Joel Kelsey made a motion to approve the **Ozark Sanctuary Cemetery CUP** subject to staff recommendations with the caveat on the Health Department. Walter Jennings 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:
 - December 12, 2019
 - 2020 Meeting Schedule Discussion

6. Old Business

7. Adjourn

Walter Jennings moved to adjourn. Joel Kelsey 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