

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**January 23, 2020**  
5:00 pm, Quorum Court Room, New Court House  
280 N. College Ave.  
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

**LAND DEVELOPMENT HEARINGS**

County

**a. Serenity Shores Minor Subdivision**

**Approved**

Farmington Planning Area

**b. Silva Little Elm Preliminary Subdivision**

**Approved**

County

**c. Heritage Fellowship Church Final LSD**

**Approved**

**CONDITIONAL USE PERMIT HEARINGS**

County

**d. King's Ransom RV Park CUP**

**Approved**

County

**e. Hunt Rogers Springdale Quarry Expansion HI CUP**

**Tabled**

County

**f. Hunt Rogers Springdale Quarry Expansion HI Pre-LSD**

**Tabled**

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

2. APPROVAL OF MINUTES: *Joel Kelsey made a motion to approve the minutes of December 12, 2019. Philip Humbar seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

**LAND DEVELOPMENT HEARINGS**

County

**a. Serenity Shores Minor Subdivision**

*Preliminary and Final Land Development Requests*

*Location: Section 22, Township 17, Range 29*

*Applicants: Caster & Associates*

*Location Address: 18250 Habberton RD WC 89*

*Approximately: +/- 14.15 acres / 4 lots*

*Coordinates: Latitude: 36.13259477, Longitude: -94.05683877*

**Project #: 2019-299**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary and Final Minor Subdivision approval for Serenity Shores Minor Subdivision.

**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 15, Butch Pond    **FIRE SERVICE AREA:** Nob Hill Rural

**SCHOOL DISTRICT:** Springdale

**INFRASTRUCTURE:**                      **Water-** Fayetteville                      **Electric-** Ozarks Electric  
**Natural Gas-** Black Hills                      **Telephone-** AT&T                      **Cable-** Cox Communications

**BACKGROUND/ PROJECT SYNOPSIS:**

The applicant, Steve Rehbock, is seeking Minor Subdivision approval to allow two parcels of land to be split into four 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. Too many property divisions have been done on this property's parent parcel for this property division to qualify as an administrative tract split exemption. This division request must therefore process as a Minor Subdivision. The subject parcels are approximately 14.15 acres (more or less) in size and are owned by Steve Rehbock and his business entity, Saddlebock Brewing Inc. Parcel 001-15304-002 contains the Saddlebock Brewery. This parcel will not be split, but will undergo a lot line adjustment with parcel 001-15304-000. The original acreage for 001-15304-002 is approximately 2 acres. After the adjustment, it will be approximately 3 acres. This is represented on the survey at Tract 1, but will not be considered as part of the Minor Subdivision Request lot count.

Parcel 001-15304-000 and 001-15304-003 will contain the lot splits. The split parcel acreage will be:  
Tract 2 – 2.16 acres with septic easement from 001-15304-002  
Tract 3 – 2.29 acres vacant  
Tract 4 – 2.29 acres vacant  
Tract 5 – 4.38 acres vacant

Please see the attached documents for more detailed information.

**TECHNICAL CONCERNS:**

**Sewer/Septic**

A soil analysis has not been conducted. A soil analysis stating that the soil is suitable for septic will need to be provided before final approval may be given.

**Utilities**

*Electric is provided by Ozarks Electric:*

1. Any relocation or extension of the existing facilities that have to be built for this subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
4. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat.
5. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared the developer may be subject to extra charges from Ozarks for clearing the easement.
6. There is an Overhead line on the property with a 30ft. Ozark electric U.E.
7. Please contact Ozarks Electric when construction begins and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Phone service is provided by AT&T. They did not submit comments or concerns.

Gas is provided by Black Hills. They did not submit comments or concerns.

Water is provided by the City of Fayetteville. They did not submit comments or concerns.

**Addressing**

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

**Environmental**

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

**Road**

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

**Fire Marshal**

The Washington County Fire Marshal has reviewed the project and did not have any comments.

**SITE VISIT:**

A site visit was conducted by planning staff on January 14, 2020. Staff has no concerns.

**NEIGHBOR COMMENTS:**

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

Currently, there are no comments from neighbors.

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

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:** Staff recommends Preliminary and Final Minor Subdivision approval of Serenity Shores Minor Subdivision with the following conditions:

**Sewer/Septic**

1. Each lot will need an Individual Onsite Septic System Permit at the time of construction approved by the Arkansas Department of Health.
2. Please submit a copy of the soil analysis to the Planning Department. Final approval is contingent upon an analysis that depicts the soil as favorable for septic.

### **Utilities**

#### *Ozarks Electric:*

1. Any relocation or extension of the existing facilities that have to be built for this subdivision will be at full cost to the developer.
2. All lot corners must be marked with lot numbers clearly written on the stakes before construction will begin.
3. There will be extra charges to the Developer when extra time and materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
4. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat.
5. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared the developer may be subject to extra charges from Ozarks for clearing the easement.
6. There is an Overhead line on the property with a 30ft. Ozark electric U.E.
7. Please contact Ozarks Electric when construction begins and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

#### *City of Fayetteville Water:*

1. Please contact the City of Fayetteville Water Department for future water needs/concerns.

#### *AT&T:*

1. Please contact AT&T for telephone concerns.

#### *Black Hills:*

1. Please contact Black Hills for future gas needs/concerns.

### **Addressing**

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

### **Environmental**

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

### **Road**

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

### **Fire Marshal**

1. Please contact the Fire Marshal for questions or concerns regarding fire safety and access.

### **Standard Conditions:**

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
4. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
5. 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 Serenity Shores Minor Subdivision subject to staff recommendations. Walter Jennings seconded. All Board Members were in favor of approving. Motion passed.

Farmington Planning Area

**b. Silva Little Elm Preliminary Subdivision**

***Preliminary Subdivision Request***

Location: Section 32, Township 16, Range 31

Applicant: Bates & Associates

Location Address: Bethel Blacktop Road WC 62 and Little Elm Road

Approximately: +/- 37.57 acres / 7 lots

Coordinates: Latitude: 36.02722316, Longitude: -94.28845050

**Project #: 2019-303**

**Planner: Sita Nanthavong email: [snanthavong@co.washington.ar.us](mailto:snanthavong@co.washington.ar.us)**

**REQUEST:** The applicant is requesting Preliminary Subdivision Approval for the Silva Little Elm Subdivision. The request is to create 7 total lots from one existing lot.

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

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

**QUORUM COURT DISTRICT:** District 7, Sam Duncan      **FIRE SERVICE AREA:** Prairie Grove Rural

**SCHOOL DISTRICT:** Farmington

**INFRASTRUCTURE:** Water- Washington Water      Electric- Ozarks Electric  
Natural Gas- Black Hills Corp      Telephone- PG Telco      Cable- Cox Communications

**BACKGROUND/ PROJECT SYNOPSIS:**

The applicant, Mark Silva, is seeking Preliminary Subdivision approval to develop 12.36 acres of land into a total of 7 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 in the Farmington Planning Area. Its location is approximately less than a mile west from the City of Farmington. This proposal will have to process through the City of Farmington in addition to approval from the County. The parcel is located southwest of the intersection of Bethel Blacktop WC 62 and Little Elm WC 19. The entire parcel, 001-12416-000, is approximately 37 acres in size. It is owned by Silva Properties LLC. The applicant will develop only 12.36 acres of this parcel for the subdivision.

**Proposed Lots**

Lot 1 – 1.91 acres, residential

Lot 2 – 1.91 acres, residential

Lot 3 – 1.91 acres, residential

Lot 4 – 1.91 acres, residential

Lot 5 – 1.12 acres, residential

Lot 6 – 1.15 acres, unbuildable, to be used for retention

Lot 7 – 1.15 acres, residential

Please see the attached documents for more detailed information.

## TECHNICAL CONCERNS:

### Sewer/Septic

A soil analysis was conducted. The soil was found suitable for a standard septic system. Permits for septic systems on all lots should be submitted to the Arkansas Department of Health for inspection and approval.

### Utilities

*Electric is provided by Ozarks Electric:*

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision 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. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.
10. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

*Phone service* is provided by PG Telco. They did not have comments or concerns.

*Gas* is provided by Black Hills. They did not submit comments or concerns.

*Water* is provided by Washington Water Authority. They did not submit comments or concerns.

### Addressing

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

### Environmental

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

### Road

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

### Fire Marshal

1. Any New structures on the property shall not exceed 9,400 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.

- a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
- 2. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      - 1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
      - 2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
      - 3. There are not more than two Group R-3 or Group U occupancies.
- 3. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
  - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
    - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ii. In each room used for sleeping purposes.
      - 1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.
    - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
    - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
  - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.

4. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
  - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
5. Fire Hydrants needed throughout with correct spacing. For public water systems you shall follow Washington Water Authority requirements. Table C105.1
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.2 Types of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.
  - c. 501.3 Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
  - d. B105.1 One- and two-family dwellings. The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in table B105.1.
  - e. B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland Urban Interface Code. – According to the State Fire Marshal the water supply has to not exist to utilize this code.

**SITE VISIT:**

A site visit has not been conducted. Staff will update the Planning Board of the site visit at the Planning Board meeting.

**NEIGHBOR COMMENTS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. To date, Staff has received two comments in opposition of the project. One neighbor penned concerns about Jack McClure Road and how it should be paved, and how the proposed subdivision would drain towards their property. The other neighbor stated that Jack McClure Road is mostly one lane and the increase in traffic will cause problems. Staff will update the Planning Board at the meeting if other comments are received.



**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:** Staff recommends Preliminary Subdivision approval of the Silva Little Elm Subdivision with the following conditions:

**Sewer/Septic Conditions:**

1. Permits for septic systems on all lots should be submitted to the Arkansas Department of Health for inspection and approval.

**Utilities Conditions:**

*Ozarks Electric:*

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the subdivision will be at full cost to the developer.
2. All lot corners must be marked with stakes clearly identifying the lot number and all utility easement widths and road crossing requirements will be defined on the plat before Ozarks will begin construction.
3. All off site easements that are needed for Ozarks to extend electrical service to the subdivision 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. All conduits placed for the road crossings will be installed by the developer and must be 4 inch schedule 40 conduits at 48 inch in depth at final grade and marked with a post to identify the end of conduits. Conduits must extend past the edge of any obstructions so that they are accessible during construction. The number of conduits at the crossing will be determined by each utility provider that will be using the conduits at the road crossing. (Bare minimum of 5 Pipes)
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat. All conduits for road crossings and specific widths of U.E., Lot size, St. Light location and address to Lots must be shown on final plat before Ozarks Electric will sign the final plat.
6. Subdivisions will be built using Ozarks Electric Policy 45 (Developer is responsible for a percentage of the total cost of construction which is determined at the time the engineering design for electrical service) There will be extra charges to the Developer when extra time or materials are used for rock trenching, boring, select material bedding, shoring, dewatering, etc.
7. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
8. Developer must notify Staking Tech. if they are interested in Ozarks Street Lights or if they will be installing their own. If interested in Ozarks Street Light a picture will be provided if asked. Will need St. Light location on final plat. If developer decide to go with their own contact Cooperative representative below.
9. Please contact Ozarks Electric when construction begins on subdivision and again when construction is within three months of completion.
10. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

*PG Telco:*

1. Please contact PG Telco for concerns regarding telephone service.

*Black Hills:*

1. Please contact Black Hills for concerns regarding gas service.

*Washington Water Authority:*

1. Please contact Washington Water Authority regarding water service.

**Addressing Conditions:**

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

**Environmental Conditions**

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

**Road Conditions:**

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

**Fire Marshal Conditions:**

1. Any New structures on the property shall not exceed 9,400 square feet in size. Should you want larger structures you must submit the overall square footage to the Fire Marshal for review.
  - a. B105.1 One- and two-family dwellings. The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire-flow and flow duration for structures in excess of 3,600 square feet shall not be less than that specified in table B105.1.
2. The property shall not be split any further or in a way that would require an approved fire apparatus access road without approval by the Washington County Fire Marshal.
  - a. 503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
    - i. Exception: The fire code official is authorized to increase the dimensions of 150 feet where:
      1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2 or 903.1.3
      2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar condition, and an approved alternative means of fire protection is provided.
      3. There are not more than two Group R-3 or Group U occupancies.
3. There shall be interconnected smoke alarms that receive their primary power from the building wiring and have a secondary power source.
  - a. 907.2.11.2 Groups R-2, R-3, R-4, and I-1. Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4, and I-1 regardless of occupant load at all of the following locations:
    - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
    - ii. In each room used for sleeping purposes.
      1. Exception: Single or multiple station smoke alarm in group I-1 shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.

- iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than on full story below the upper level.
    - iv. 907.2.11.3 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling unit or sleeping unit in Group R or I-1 occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarm shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedroom over background noise levels with all intervening doors closed.
  - b. 907.2.11.4 Power source. In new construction, required smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery back-up shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than required for overcurrent protection.
- 4. New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
  - a. 505.1 New and Existing Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their backgrounds. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address numbers shall be maintained.
  - b. 505.2 Street or road signs. Streets and road shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.
- 5. Fire Hydrants needed throughout with correct spacing. For public water systems you shall follow Washington Water Authority requirements. Table C105.1
  - a. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
  - b. 507.2 Types of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.
  - c. 501.3 Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
  - d. B105.1 One- and two-family dwellings. The minimum fire flow and flow duration requirements for one and two family dwellings having a fire flow calculation area that does not exceed 3,600 square feet shall be 1,000 gallons per minute for 1 hour. Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet shall not be less than that specified in table B105.1.

- e. B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supplies do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland Urban Interface Code. – According to the State Fire Marshal the water supply has to not exist to utilize this code.

**Standard Conditions:**

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Pay Engineering Fees within 30 days of project hearing. Any extension must be approved by the Planning Office. This will be calculated once all invoices are received.
3. Washington County will not maintain sidewalks or streetlights.
4. Washington County will not maintain common areas or park areas.
5. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
6. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
7. Preliminary Plat approval is valid for 12 months from the date of approval by the Planning Board. Construction Plans must be approved and construction commenced prior to that time or you will be required to bring your project back through Preliminary Plat.
8. Washington County ordinance Sec 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State, or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
9. Have all signature blocks signed on 7 or more Plats - 2 for filing in the Circuit Clerk's office, 3 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

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

*Joel Kelsey, Planning Board Member, inquired, "This isn't the same place where the gym was going in?"*

*Sita Nanthavong replied, "Yes, this is further west."*

*Randy Laney, Planning Board Chairman, asked, "Do we have a drawing of the driveways and stuff? I was confused about that. So how are they going to be done again?"*

*Sita Nanthavong responded, "We don't. They can be done in any manner. They can use a circular, or horseshoe, or a turnaround, or a stub out. It is up to the property owners. They just can't back out into the county road."*

*Randy Laney clarified, "Okay so they are all going up front is what you are saying."*

*Sita Nanthavong affirmed, "Yes."*

*No Public Comment*

*Public Comment Closed*

*Robert Daugherty made a motion to approve the **Silva Little Elm Preliminary Subdivision** subject to staff recommendations. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

County

**c. Heritage Fellowship Church Final LSD**

***Final Large Scale Development Request***

Location: Section 06, Township 17, Range 28

Owners: Heritage Fellowship

Engineer: Crafton Tull

Location Address: E HWY 412 & Blue Springs Village WC 386

Approximately: +/- 12.13 acres / 1 parcel

Coordinates: Latitude: 35.86641538, Longitude: -94.43669547

**Project #: 2019-287**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST:** Heritage Fellowship Baptist Church is requesting Final Large Scale Development permit approval of the as-built site plans. The church, access road, and stormwater drainage structures are constructed and approved.

**CURRENT ZONING:** Project lies within the County's zoned area (Agriculture/Single-Family Residential 1 unit per acre), and is not in a city planning area. Project received Conditional Use Permit (CUP) approval on September 27, 2018 with conditions, and was ratified on October 18, 2018 (CUP # 2018-258).

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

**QUORUM COURT DISTRICT:** District 5, Patrick Deakins

**FIRE SERVICE AREA:** Nob Hill Rural

**SCHOOL DISTRICT:** Springdale

**Parcel #:** 001-13701-004

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

Electric- Ozarks Electric Natural Gas– N/A

**BACKGROUND/ PROJECT SYNOPSIS:**

Heritage Fellowship Baptist Church is requesting Final Large Scale **Development** approval of the site construction, access road, and stormwater drainage structures according to the plans approved at the Preliminary Large Scale Development stage of review. If this Final Large Scale Development request is approved the applicant will proceed with gathering approval signatures on the Final Plat.

**TECHNICAL CONCERNS:**

**Utility Issues:**

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

**Springdale Water:**

City of Springdale Water utility services this property. Water is available to the site. The property is outside the Springdale city limits, therefore, sewer is not provided. No technical comments were received from Springdale Water regarding this project. On January 10, 2020, Springdale Water Utilities wrote a letter stating their acceptance and continued maintenance of water improvements installed for this project.

**Fire Issues:**

According to Arkansas State Fire Code, the building must be within 250 feet of a hydrant. Therefore, an onsite hydrant is required. Additionally, a sprinkler system is required based on the total occupancy. The sprinkler system requires its own dedicated hydrant and FDC (fire department connection). This second hydrant must be within 100 feet of the building. Lighted exit signs, fire extinguishers, emergency lighting, and panic hardware on exit doors are required. The project must meet State Fire Code. The Fire Marshal will complete all inspections necessary for the final building, parking, and driveway inspections.

Septic/Health Department Issues:

A permit has been submitted to the Health Department.

Generally, the septic area must not be disturbed. The septic system must be approved by the Health Department, installed, and inspected by the Health Department prior to the building being occupied. No parking (including overflow) is allowed on any portion of the septic system or alternate area.

Roads:

The Washington County Road Department requires an apron to connect entrance drives to the County Road. The apron(s) must be paved (asphalt or concrete) and extend at least 20' from the edge-of-pavement. The entry apron is a condition of approval. Staff will field verify the location and dimensions of the apron upon final inspection. Any work to be completed in the County ROW must be permitted prior to beginning construction. Road Dept Staff field verified the entry apron is installed and adequate.

Drainage:

A Final Drainage Report and Plat were submitted for review. The Washington County Contracted Engineer has reviewed this submittal and found them to be adequate.

Environmental Concerns:

At this time, no stormwater permit is required by Washington County; however, the applicant must comply with all rules and regulation of the Arkansas Department of Environmental Quality (ADEQ). This project is not located within the MS4 area.

Signage/Lighting Concerns:

The applicant has requested a sign that is 6' x 6' (or smaller) with indirect lighting. The sign should not exceed 8' in height, and cannot be placed in the County Road right-of-way. Staff is not requiring that a sign be placed, only requiring conditions if a sign is placed. The applicant is clear on the sign requirements and will submit plans to the Planning Dept for review when they are ready to purchase and install the sign. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

**NEIGHBOR COMMENTS/CONCERNS:**

Neighbor notifications are not required for Final LSD. No neighbor comments have been received.

**CHECKLIST:**

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

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Heritage Fellowship Church Final Large Scale Development with the following conditions:

(Conditions from CUP/Pre-LSD approval)

Fire Conditions:

1. Fire code must be adequately addressed.
2. Washington County Fire Marshal will complete the final inspection of the site at the "Final LSD" phase of permitting.

Septic Conditions:

1. Septic system area must not be disturbed.
2. No parking is allowed on any portion of the septic system including the alternate area. (No overflow parking either).
3. The septic system must be approved by the Health Department, installed, and inspected by the Health Department prior to the building being occupied.

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

1. Any work to be completed in the County ROW must be permitted prior to beginning construction. Please call (479) 444-1610 for permit.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

1. Planning Staff must review and approve any proposed signage prior to placing in on the property.
2. Signage cannot be placed in the County Road right-of-way.
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately.

Utility Conditions:

Ozarks Electric:

General Comments:

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.
2. All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3 – 4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.
3. Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.
4. Developer to provide all trench and PVC conduits including PVC sweeps in accordance with Ozarks specifications. No metal conduit or metal sweeps are to be used.
5. Developer must provide Ozarks Electric with a Digital copy (AutoCAD) of the Final plat as well as a hard copy.
6. All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.
7. Please contact Ozarks Electric when construction begins on this project and again when construction is within three months of completion.

Call Wes Mahaffey at (479)263-2167 [wmahaffey@ozarksecc.com](mailto:wmahaffey@ozarksecc.com)

Planning Conditions:

General:

- 1.If a dumpster is desired, opaque screening for the dumpster enclosure (gate must also be opaque) is required.
- 2.Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
- 3.This Final LSD is subject to all conditions of CUP (2018-258), and Preliminary LSD (2018-259)
- 4.All Preliminary LSD conditions shall be adhered to and completed in the appropriate time period set out by ordinance.

Additional Conditions:

- 1.At Final LSD: Submit a statement, signed/stamped by Engineer, stating access from ADA parking spaces to the building is in compliance with ADA regulations, prior to building occupation.
- 2.At Final LSD: Submit a statement, signed/stamped by Engineer, stating the gravel in the fire lane is compacted to support 75,000 lbs in all weather conditions.
- 3.Fire code must be followed.
- 4.Rules and regulations of the Arkansas Department of Health must be followed.
- 5.Washington County ordinance, Sec. 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

**PRIOR PLANNING BOARD ACTION:**

Sep 27, 2018 CUP Approved

Oct 18, 2018 CUP Ratified

Sep 27, 2018 Preliminary LSD Approved

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

*No Public Comment*

*Public Comment Closed*

*Robert Daugherty made a motion to approve the **Heritage Fellowship Church Final LSD** subject to staff recommendations. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

**CONDITIONAL USE PERMIT HEARINGS**

County

**d. King's Ransom RV Park CUP**

***Conditional Use Permit***

Location: Section 31, Township 18, Range 28

Applicants: Engineering Services Inc.

Location Address: 20696 Shady Lane WC 1060

Approximately: +/- 127.15 acres / 4 parcels

Coordinates: Latitude: 36.1822221, Longitude: -94.00380685

**Project #'s: 2019-271**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST:** Conditional Use Permit approval to allow RV Park land use on 5 parcels of land totaling approximately 127 acres in size. The development proposes to develop approximately 20.7 acres.

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



**PLANNING AREA:** This project is not located within a city planning area. It is solely within Washington County's jurisdiction with respect to zoning.

**FUTURE LAND USE:** Future Land Use has not been designated at this location.

**PARCEL #s:** 001-18194-000, 001-18177-000, 001-13688-001, 001-13701-002, 001-18177-001

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

**FIRE SERVICE AREA:** Nob Hill VFD

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

**BACKGROUND/ PROJECT SYNOPSIS:**

The owner of the property and applicant for this CUP is Clinnton White. The property is located off Nob Hill Loop, WC# 389. This CUP request is to allow RV Park land use in an area zoned to allow Agricultural and/or Single Family Residential uses at a density of 1 residential unit/acre, by right, with all other proposed uses requiring Conditional Use Permit approval by the Planning Board, and ratification by the Quorum Court. The subject property has adequate frontage onto Nob Hill Loop. Current land use is agricultural. The applicant will submit the proposal to the Arkansas Department of Health for review if this CUP is approved. It is a condition of approval. This CUP request was tabled at Planning Staff's recommendation at the 12-12-2019 Planning Board meeting due to specific request from the Springdale Water Utility and Beaver Water District. Their opposition was based on number of RV spaces, density, size and number of septic fields, and lack of stormwater detention. The applicant has modified the site plan to address these concerns, and is now requesting CUP approval of the land use based on this modified site plan. The applicant has also included a 2<sup>nd</sup> emergency access road connecting to the back end of Blue Springs Village subdivision.

(Please see applicant's letter of explanation and site plans for more details).

**TECHNICAL CONCERNS:**

**Utilities**

**Water:**

Springdale water has a water main running parallel to Nob Hill Loop. Rick Pulvirenti, the C.O.O & Director of Engineering for Springdale Water Utilities, reviewed the preliminary plans and commented that "We will require a capacity analysis of the water system to determine if we are able to deliver the necessary potable water. Currently, in the summer months, the utility is having difficulty keeping water storage facilities fill during peak summer months." Satisfying Springdale Water's requirements is a condition of approval that will carry over to the Large Scale Development phase of County Planning review, if this CUP request is approved. Planning Staff requires the water capacity analysis to be submitted with the Preliminary Large Scale Development packet.

**Electric**

Ozarks Electric provided typical comments. They went on to request a 30 ft Utility Easement along the overhead power lines on the north side of the project. This 30 ft UE is a condition of approval.

**Fire Code:**

At Technical Review the Washington County Fire Marshal provided the following comments/requirements.

1. A minimum turning radii of 38 ft is required throughout the development.
2. Fire hydrants are required.
3. Maximum of 10% grade is allowed along access roads. Submit a slope profile at Large Scale Development review.
4. Based on the number of RV spaces, a 2<sup>nd</sup> entry/exit point is required.
5. Construction documents are required for all buildings at Large Scale Development review.

6. Water model analysis is required to show the flows on existing & proposed hydrants.
7. The project shall be built according to the Arkansas Fire Prevention Code with the Washington County Fire Marshal's Office reviewing for compliance prior to construction.
8. Ensure the easement for the 12" water line is still there and recorded.
9. We will need a couple weeks after the water model is given to Springdale Water for them to plug it into their modeling software and then for us to review it.

These requirements are conditions of approval.

Health Department:

The site plan proposes to utilize a septic system(s), and is required to receive approval by the Arkansas Department of Health. The applicant has not submitted this project for ADH's review yet, but will if this CUP request is approved.

Roads/Sight Visibility/Ingress-Egress/Parking:

The subject property has adequate frontage onto Nob Hill Loop, WC-389. Sight distance appears to be adequate in both directions, but it is a condition of approval that the sight distance requirement must be adequate on all access roads.

All proposed interior roads will be private.

Drainage:

The County Contracted Engineer had many questions & comments regarding stormwater management for this CUP request and has requested a stormwater Drainage Report. The applicant will submit a stormwater Drainage Report along with the Preliminary Large Scale Development packet, following CUP approval. The County Contracted Engineer has reviewed the latest submittal, without the stormwater Drainage Report and is comfortable enough with the proposal for Planning Staff to recommend approval to the Planning Board, contingent upon receiving, reviewing, and ultimately approving the water capacity analysis and Drainage Report at the Preliminary Large Scale Development stage of review. The CUP will not be fully approved until those submittals have been reviewed and fully approved.

Beaver Water District:

Beaver Water District (BWD) is opposed at this time to the granting of a Conditional Use Permit (CUP) in the manner requested for the King's Ransom RV Park. As noted in the BWD's letter to the Planning Board dated December 11, 2019, the requested CUP is inconsistent with the criteria for allowance of conditional uses in Chapter 11, Article 6, Sections 11-200(a)(5) and (7) of the Washington County Code of Ordinances and poses a threat to the water quality of Beaver Lake.

To the extent that the County Planning Office and the Planning Board support the requested CUP, BWD suggests consideration of the following:

1. There needs to be an alternate septic field that is sized to handle septic effluent at peak demand (as should be the primary field).
2. A proper drainage study should be completed prior to any approvals in order to ensure that the stormwater detention area is designed and sized so that pre-development and post-development runoff conditions are the same.
3. The proposed development is still a very high density. 111 RV spaces over roughly 20 acres is equivalent to 5.5 single family homes per acre. Fewer RV spaces or some form of less dense development should be considered.
4. Riparian areas should be permanently established for any drainages, ephemeral or non-ephemeral, flowing to Beaver Lake.
5. A permanent conservation easement should be established for critical areas to maintain a buffer between the development and the lake.

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).

Arkansas Department of Environmental Quality (ADEQ) concerns:

Jamal Solaimanian, from ADEQ, provided the following requirements:

1. Sites that disturb five (5) acres or more will need to complete a Notice of Intent (NOI) and SWPPP to submit to ADEQ – Office of Water Quality (OWQ) along with a \$200 initial permit fee.

2. The OWQ will review the NOI and SWPPP before issuing Notice of Coverage.
3. The NOC issued by the OWQ will need to be posted at the site.
4. The SWPPP for a large site will need to be available at the site.

These requirements are conditions of approval.

Signage/Lighting/Screening Concerns:

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

**COMPATIBILITY CONCERNS:**

Surrounding Land Uses:

The surrounding uses are single family residential and agricultural, as well as small businesses, a fire station, another RV park, and a church.

Staff feels that the applicant's request can be compatible with the surrounding density and land use types, with the conditions presented with this CUP.

County's Land Use Plan (written document):

According to the County's Land Use Plan this proposed land use is considered Light Commercial.

**SECTION III. PHYSICAL DEVELOPMENT**

**A. LAND USE CONSIDERATIONS**

**2. LIGHT COMMERCIAL**

- 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.

There are other small scale businesses in the immediate vicinity, as well as fire protection if this proposed RV Park requires it. It is Planning Staff's opinion that this proposed RV Park can be made compatible with the surrounding residential properties with the conditions of approval to help mitigate the perceived impact to the neighborhood. Additional compatibility measures will be explored, selected, and required at Large Scale Development review due to the "conceptual design" nature of the Conditional Use Permit site plan. Compatibility measures need to be implemented with respect to the proximity of this development and the home.

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 December 5, 2019. Planning Staff was not able to view the entire project area, but noted that slope percentages were high in some areas, but can be mitigated with retaining walls and earthwork. Due to this Staff is requiring a full grading plan for the subsequent Preliminary LSD submittal.

**NEIGHBOR COMMENTS/CONCERNS:**

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. Two comment forms and one comment over the phone have been submitted in opposition to this CUP request. Opposition was based on proximity and compatibility with the neighbors

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

**STAFF RECOMMENDATION:** Staff recommends *approval* of the proposed King's Ransom RV Park Conditional Use Permit with the following conditions:

General Utility Conditions:

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

Water

1. A capacity analysis of the water system is required to determine if Springdale Water is able to deliver the necessary potable water.
2. Development shall be in compliance with Springdale Water requirements before commercial operation begins.

Ozarks Electric:

1. A 30 ft Utility Easement is required along the overhead power lines on the north side of the project.

Fire Conditions:

1. Increase turning radius to a minimum of 38 ft throughout the development.
2. Fire hydrants are required.
3. Maximum of 10% grade is allowed along access roads. Submit a slope profile.
4. Based on the number of RV spaces, a 2<sup>nd</sup> entry/exit point is required.
5. Construction documents are required for all buildings.
6. Water model is required to show the flows on existing & proposed hydrants.
7. The project shall be built according to the Arkansas Fire Prevention Code with the Washington County Fire Marshal's Office reviewing for compliance prior to construction.
8. All access roads shall be built according to the Arkansas Fire Prevention Code with the Washington County Fire Marshal's Office reviewing for compliance prior to and after construction.

Health Department Conditions:

1. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to operation of the business.
2. No driving or parking is allowed on any portion of the septic system including the primary and alternate septic fields. (No overflow parking either).
3. Conditional Use Permit will not be fully approved until Arkansas Department of Health confirms their requirements have been met.

Roads/Sight Visibility Conditions:

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

Stormwater Drainage Conditions:

1. A full grading plan is required at the Preliminary Large Scale Development review phase.
2. A full Stormwater Drainage Report is required.
3. Stormwater Drainage Report must be reviewed and approved by the County Contracted Engineer prior to distributing the CUP approval letter.
4. All of the County Contracted Engineer's comments and concerns must be adequately addressed.

Environmental Conditions:

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

Signage/Lighting/Screening Conditions:

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

Arkansas Department of Environmental Quality Conditions:

1. Sites that disturb five (5) acres or more will need to complete a Notice of Intent (NOI) and SWPPP to submit to ADEQ – Office of Water Quality (OWQ) along with a \$200 initial permit fee.
2. The OWQ will review the NOI and SWPPP before issuing Notice of Coverage.
3. The NOC issued by the OWQ will need to be posted at the site.
4. The SWPPP for a large site will need to be available at the site.

Beaver Water District Conditions:

1. There needs to be an alternate septic field that is sized to handle septic effluent at peak demand (as should be the primary field).
2. A proper drainage study should be completed prior to any approvals in order to ensure that the stormwater detention area is designed and sized so that pre-development and post-development runoff conditions are the same.
3. The proposed development is still a very high density. 111 RV spaces over roughly 20 acres is equivalent to 5.5 single family homes per acre. Fewer RV spaces or some form of less dense development should be considered.
4. Riparian areas should be permanently established for any drainages, ephemeral or non-ephemeral, flowing to Beaver Lake.
5. A permanent conservation easement should be considered for critical areas to maintain a buffer between the development and the lake. Contact Beaver Water District and/or Northwest Arkansas Land Trust for discussion on riparian zone protection and conservation easements.

Planning Conditions:

1. Submit water capacity analysis with (preferably prior to) Preliminary LSD. Springdale Water and the WC Fire Marshal will potentially need a couple weeks to review it.
2. This Conditional Use Permit will not be fully approved until the water capacity analysis, stormwater drainage report, detention pond, and soil work have been reviewed and fully approved.
3. This Conditional Use Permit will not be fully approved until Arkansas Department of Health, and Arkansas Department of Environmental Quality have reviewed the project and provided their approvals.
4. All access & emergency access roads must be in compliance with Arkansas Fire Code or the Conditional Use Permit will not be fully approved.
5. Large Scale Development site plan should show consideration of the neighbors and strive to be compatible with their existing uses.
6. Based on Beaver Water District's

Standard Conditions:

1. Pay neighbor notification mailing fees within 30 days of project hearing. Fees will be calculated once all invoices have been received.
2. Pay engineering fees within 30 days of project hearing. Fees will be calculated once all invoices have been 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. Washington County ordinance, Sec. 11-75 (7): All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
7. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary Large Scale Development review within 12 months of this CUP project's ratification.

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

Joel Kelsey inquired, "Nathan, this states down here that there is 127 acres and they are wanting to stop at 135 on an acre. What was his original on an acreage per?"

Nathan Crouch replied, "I don't have the number right in front of me sir. It may be that that number didn't get changed in my presentation because through the review there was one parcel added. That way he could gain access down to that Blue Springs Village Subdivision entry point. It is 135 now. You are saying that it says 127?"

Joel Kelsey pointed out, "This on here says 127.15 and you are asking for 135 spots limited to an acre. There is not enough acreage there for that. That's why I was asking what his original per acre per RV spot was."

Nathan Crouch responded, "The 135 acre number came from Beaver Water District letter that I received this morning. I didn't go through and vet the numbers as closely as I went through and vetted the recommended conditions."

Joel Kelsey asked, "How many spots is he asking for currently?"

Nathan Crouch answered, "111 currently. That is what is on the table and they will come back with Large Scale Development next. If this is approved with 111 spaces, but Beaver Water District was asking that if in the future he asks to include more spaces that we cap it at 1 unit per acre for the entire development. Keeping in mind they are only developing in the neighborhood of 20 something acres not of the 135."

Joel Kelsey "These additional conditions are suggestions, right? Not requirements."

Nathan Crouch, "They are requirements, but the ones that are suggestions are written as such."

#### Public Comment

Lester Harp, Neighbor adjacent to the proposed project, addressed the Board, "We did not get a notice of hearing until after we hear was done. My question was on the buffer. Mr. White talked about a buffer. I've got livestock. I don't want anybody up on my property or feeding my animals. I know I can put signs up. Just like in Yellow Stone Park that say 'Don't pet the animals' or 'Don't get out of your car', but people get out anyway. That is my concern. I am not thrilled about having it. If it is a high end RV Park, and it stays a high end RV Park then that would be nothing I can do about that. I would be opposed to just a regular RV Park. I think that would downgrade the value of my property. What kind of buffer? Fence? You only had it on the west side and coming up the east side of my property. What about the south side of my property?"

Nathan Crouch replied, "Yes sir I choose the locations of the buffer due to the contours of the land and I didn't feel that it would be appropriate to build a privacy fence or even to plant a series of shrubs down in the bottom of the draw where the water is going to drain through. Additionally, I did want to include that buffer into the areas where I felt that it would most affect your residence. As well as your neighbors to the north. That diagram is what I came up with. However, this is only a Conditional Permit Phase where they are just asking for the permission. Then, if they get this permit approved, the next stage would be the Large Scale Development stage. Preliminary where they will really flesh out the design. There will be another hearing just like this and you will get neighbor notification. I apologize you didn't receive your letter, but at Preliminary Large Scale Development you'd be able to review the plans and make comment. We could definitely have a dialogue about that."

*Lester Harp explained, "My fence line runs down between that."*

*Nathan Crouch stated, "Indeed, I didn't include the yellow line down by the office because I didn't think that you could see it from your house, but I am being corrected now so we will definitely take a second look whenever Preliminary Large Scale Development comes through."*

*Lester Harp continued, "It's not a concern about seeing it from my house. It's a concern of somebody feeding my cow or trying to pet them or something. I don't want to be liable. Let me give you an instance. My dentist has got a subdivision that went around him. He's got real good fences around his. He says the neighbor kids climb over the fence and pet the animals. They go down to his pond. It doesn't matter that he's got signs they do it. I am just trying to prevent problems."*

*Michael Grigg, 20987 N. Lakeshore Drive, addressed the Board, "I am here to address the paved fire department access road that adjoins North Lakeshore Drive. As can be seen by reviewing the maps provided with the CUP the proposed paved fire department access road is aimed directly at my front door. I am extremely concerned about the surface water coming off the paved road. Especially during major down pours. Recently, I've experienced run off on my yard from the existing dirt road that leads up to the hill after was cleared and placed back into use. There is already an issue of surface water at this location. It has cost me a substantial amount of money. In 2005 my grandparents sold me their vacation home. My grandfather built this home with his own hands for my grandmother. Every morning he would kiss my grandmother and tell her he was headed to work on their love nest. This is what my family came to call what is now my home. It is one of the last things that I still have to remember my family by. When the home was built there was a trailer house directly across the street. Around 2007, this trailer house was removed house and new house was built. Watershed was not even considered when the house and driveway was built. Now the water comes down the driveway and flows directly across the cul-de-sac into my driveway and down to my front door. This drastically increased the amount of surface water that flows into my drive. With the increased influx of water, my foundation was damaged. My basement constantly flooded and it caused other damage to my property as well. One quarter of my foundation rose to over 4 feet from the corner in both directions, leaving my foundation cantilevered out of the ground. This now requires that my foundation be shored up installing jacks under it. Each jack costs \$5,000. My home requires 5 jacks for a total of \$25,000. To save family home from the water I had to install a series of retaining walls with drainage costing an excess of \$10,000. In addition I had to have a trench drain installed that borders the County Road. This drain is 1 foot wide and 2 feet deep and 100 foot long. You won't find another like this within 100 mile radius. This cost me another \$10,000. To assist with the problem I also paid \$1,200 to install new guttering and systems along with a new metal roof to help push the water away from my foundation. I have done everything that I can possibly do to protect my home from water damage. All these expenses came out of my own pocket. With all that said, this enormous trench drain does not contain all the water. Water still flows out of the drain on the west edge. Fortunately, water flows into the side drive that runs along the west of my home. This trench drain constantly fills with dirt, rock and debris that has to be dug out yearly. Each year I've had to hand shovel approximately 100 cubic feet of dirt, rock and debris out of this drain. That is what settles out of the drain and does not flow out of the drains down into the river. This is more than enough material to fill a bed of a full size pickup truck. I remind you that this has to be done yearly. All of this water comes from a single driveway that is approximately only 30 feet in length. The water leaves this driveway and goes across the County Road and then flows onto my property. This water has already eroded the cul-de-sac to the point that there is only a strip of pavement approximately 30 feet wide on each side of the road. The rest is dirt and rock. In addition the County Road Department has not paved, repaired or maintained the cul-de-sac since 2007. Except for an occasional sprinkling of gravel when it ices. All of that gravel gets washed directly into my drain as soon as the snow and ice melts and turns into surface water. The last few times that the County Road Department has paved the road they stopped resurfacing at my mailbox. I was told they did not do the cul-de-sac because the chip and seal would just wash into my drain and fill it up. The Washington County Road Department has known about this issue for over a decade and has done nothing to address it. Obviously there is already a problem with run off and erosion on the cul-de-sac which is evident just by looking at it. The cul-de-sac has just been left to wither and wash away. With the addition*

*of a new paved fire department access road directly beside the current offending driveway, my house and property do not even stand a chance of survival unless proper drainage and infrastructure is installed on North Lakeshore Drive to address the abundant amount of water that would be draining off the mountain side, the neighboring drive way, access road and county road. If this fire access road is installed, this will give 100s of feet of the water to accumulate and 100's of feet for it to pick up speed as it's running down the smooth surface of the access road. This will most definitely concentrate the water and discharge it upon another's landing greater volume and with greater force than what would exist under natural conditions. This water will be sent down a mountain and be forced directly at my property and aimed directly at my front door. Currently there are no ditches or culverts on this section of North Lakeshore Drive. For proper drainage the paved fire department access road will have to be installed at the bottom of the fire access road where it meets the cul-de-sac. In addition, ditches and culverts will also have to be installed on the south side of the cul-de-sac and rode on North Lakeshore Drive to allow water from the fire access road to disperse into the ravine where it can then flow into the lake. If proper drainage and infrastructure is not incorporated with additions to the paved fire department access road this, will be detrimental to my comfort, safety and general welfare. In addition this will substantially diminish and impair my property value. If the drainage is not properly addressed my family lake front home could be washed away with the access water. It could render my property useless and worthless. The CUP maps also states existing storm drainage to be upgraded if necessary. Within the last 10 years this side of North Lakeshore Drive has been washed away during downpours multiple times. The Road Department has added rocks each time to the side of the road to help shore it up. Each time the ground was washed away to the edge of asphalt leaving a 15 foot drop that goes straight down. If additional water is introduced into the ravine this could eventually lead to worse damage to the road which is our only way in and out of the cul-de-sac. The infrastructure of North Lakeshore Drive cannot support RV's because of low hanging tree limbs that overhang the road in extremely sharp corners. What measures will be taken to keep visitors and RV's from utilizing this second access road? The documents provided are adamant that it will be used by emergency vehicles rather than public use. No RV's or other vehicles associated with customers or the RV Park will be allowed to use this road. All RV Park visitors will be required to use primary access from Knob Hill Loop. What will keep individuals from not using the access road? The electronic gates at both ends of this road will be the only way to properly control the access to the road. To keep park visitors from utilizing it. With all this stated it is obvious that I contest the proposed paved fire department access road as it is pointed directly at my home at the end of North Lakeshore Drive. This is a residential neighborhood. It should not have any road that accesses a commercial development or operation for any reason. North Lakeshore drive is extremely windy, curvy and narrow. If emergency vehicles take this road then they have to pave it extremely slowly and easily. This is not the best route for the second access road. I propose a second alternative which can be seen in the maps provided. The paved fire access road can easily enter the property on Blue Springs Village road right next to where the Heritage Church is being installed and the other RV Park that has been approved. This will cost more than the proposed road and has to be about twice as long. However, it will allow for safer, easier and quicker access to the site. In addition this will allow for two entries and exits that can access the park all of the time and does not have to be limited to emergencies only. The second access point will be entering and exiting right next to the RV campground that is being developed in the Heritage Church. This will allow for both parks to utilize the same road frontage and will not impact the neighborhood except for the entry point at 412. If you look at the map I have marked an elevation level that stays completely constant for over half of the road that I proposed. My proposed access road will make it much easier to meet the grade requirements required by the Fire Marshall. The access that I am proposing will always keep all the traffic away from the neighborhood. The only house that the proposed access road will come near will be the house that sits on the development property. No other homes will be affected. I encourage everyone consider my proposed second entry. It will have much less of an impact on the existing neighborhood. Thank you for your time."*

*Ben Dinkins, 19037 Beartrap Road, addressed the Board, "I am glad that we've gone through and covered many of things that we have been worried about in the past. There are two things I must reiterate. We absolutely need to look at a cap on this property. Having this much acreage and only giving them the right to develop 20 of those 100 and some odd acres we must really look at that. The second I*



would like for you all to consider is if you look at some of the plans which will probably be hashed out in the LSD later on, a lot of the gradient the way that it is set up, the runoff is going to run directly towards the lake on over half of the RV spaces that are allotted unless there is a substantial drainage system incorporated into this. We must really look into something else then simply a detention pond and the way the septic is set up. Beyond that. The first point was allowing the capacity for 5.5 occupants per acre. If we go through that and allow this capacity it is going to set a precedence in the area that is much larger if we don't put the cap on the entire property versus just the amount of area that's being developed. That is all I have to say. Thank you."

*Public Comment Closed*

*Nathan Crouch stated, "The cap on the RV spaces did refer to the entire property. I am sure I wasn't clear enough on that, but that is what I meant. I spoke with the Assistant Superintendent Crowder with the Road Department today and he says that the last time the road was surfaced was 2012. Since it was assaulted in and slated to be chipped next it went to a 7 year rotation rather than 15. It should have been chipped again last year in 2019. However, with the Road Department schedule and everything, they just weren't able to get to it, but it is on their radar and it is on their list. They hope to be able to get to it soon. Hopefully this year, maybe next."*

*Walter Jennings, Planning Board Member, inquired, "Nathan, with the screening we will get another chance to look at the screening more focused at the next hearing?"*

*Nathan Crouch replied, "Yes sir, with the Large Scale. If this CUP is approved."*

*Randy Laney asked, "Under your additional conditions the riparian zones, normally we take into account water discharge just normally, water detention discharge?"*

*Nathan Crouch answered, "The riparian zones are in order to try to maintain what is already there on the big slope going down to the lake, but also in the channel, which is going to run between the detention pond and those drainage culverts that I showed pictures of. Just trying to maintain as much existing vegetation, and trying to keep them from removing it."*

*Robert Daugherty, Planning Board Co-Chairman, inquired, "The alternate route that the gentleman proposed that can be looked at during the next meeting also, can it not?"*

*Nathan Crouch replied, "Absolutely, sir. With the currently proposed second entry/exit the applicant is proposing that that be just for emergency access. That requirement came from the Arkansas fire code that whenever you have over a certain number of RV spaces you have to have a second means of entry and exit for emergency personnel, but the Arkansas Fire Code also dictates that 10 percent maximum grade is allowed and it maybe that an alternate location for that second exit/entry point is due."*

*Randy Laney stated, "Then you have gating and other things like he mentioned. Again, so tonight we are conceptually with things we are going to look at. When we get later plans that is what we are going to look at."*

*Robert Daugherty made a motion to table the **King's Ransom RV Park CUP** subject to staff recommendations. Joel Kelsey seconded. All Board Members were in favor of approving. Motion passed.*

County

**e. Hunt Rogers Springdale Quarry Expansion HI CUP**

***High Intensity Conditional Use Permit Request***

Location: Section 26, Township 18, Range 29

Applicants: Bates & Associates

Location Address: 21636 High Lonesome WC 4589

Approximately: +/- 244.5 acres / 5 parcels

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

**Project #: 2019-301**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

**REQUEST:** High-Impact Conditional Use Permit approval to allow expansion of an existing rock quarry. The existing area of the Hunt-Rogers Springdale Quarry is approximately 238.5 acres, and the proposed area is approximately 147 acres. This request is also proposing re-designation of 30.5 acres to the north from stockpiling to mining, an addition of 29 acres along N. Parsons road for stockpiling, and the addition of 34.5 acres to the south for spoil storage and eventually stockpiling area. This CUP application is requesting land-use approval. If this CUP request is approved the Hi-Impact Preliminary Large Scale Development request, which addresses the site plan and stormwater drainage, will follow it on the agenda.

**CURRENT ZONING:** Project lies within the County's Zoned area (Agriculture/Single-Family Residential 1 unit per acre). The existing quarry was granted CUP approval in 2012.

**PLANNING AREA:** N/A- Project is located solely within Washington County's jurisdiction.

**FUTURE LAND USE:** Low Density Residential (1-4 units/acre)

**PARCEL #s:** 001-18379-000, 001-18411-000, 001-18413-000, 001-18668-000, 001-18669-000

**QUORUM COURT DISTRICT:** District 5, Patrick Deakins  
VFD **SCHOOL DISTRICT:** Springdale

**FIRE SERVICE AREA:** Nob Hill Rural

**INFRASTRUCTURE:** Water- Springdale                      Electric-Ozarks                      Natural Gas- Black Hills  
Telephone- AT&T                      Cable- Cox

**BACKGROUND/ PROJECT SYNOPSIS:**

The Hunt-Rogers Quarry off Parsons Road, east of Springdale, is requesting Conditional Use Permit approval for the existing quarry to expand eastward into additional company-owned property. No new structures, public roads, or utility service are being requested with this CUP. The existing quarry received CUP approval in 2012. In 2006 when zoning ordinances were adopted by Washington County, roughly 3.5 acres of the subject (expansion) property was being used for quarrying operations. Then when the existing quarry received CUP approval in 2012 and the "CUP" zone was established on the county zoning map, approximately 11.5 acres of the subject (expansion) property was indicated as CUP as well.

**TECHNICAL CONCERNS:**

**Water/Fire Issues:**

This quarry expansion request is not proposing any new utility service or structures.

No comments were received by Springdale Water Utility or the Washington County Fire Marshal.

**Sewer/Septic:**

This quarry expansion request is not proposing any new structures. No water service is requested, and no sewer or septic is required.

No comments were received by the Arkansas Department of Health.

**Electric/Gas/Cable/Phone:**

This quarry expansion request is not proposing any additional utilities at this time.

No specific comments were received by any of the utility companies. However, Ozarks Electric provided general 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 develop 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:

This quarry expansion request is not requesting any new permanent public roads. All roads will be private and will shift locations as needed. Only authorized vehicles are permitted into the quarry area. As no new entry/exits are proposed, sight distance was not evaluated.

Drainage:

As stormwater collects in the quarry basin, it gets used for wetting conveyor belts, loaded trucks, etc. When the volume of water in the quarry basin becomes full it is treated and allowed to sit until the particulate matter can settle out. Once the treated water reaches the allowable levels it is pumped out of the quarry basin into the natural drainage area to the east. Then the water flows to the lake.

The Washington County Contract Engineer provided questions and requests for more detail. The applicant's engineer answered the questions and adequately addressed the request for more detail. The County Engineer has reviewed this quarry expansion request and is satisfied with the submittal.

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 new signage is proposed.

All outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately (see attached diagram for examples).

City of Springdale Concerns:

The subject property is not located in a city planning area, it is solely within Washington County's jurisdiction.

No comments were received by the City of Springdale.

Beaver Water District Concerns:

The quarry expansion area will be located in Beaver Water District's (BWD) Source Water Protection Zone and will have the potential to adversely impact the water quality of Beaver Lake. To the extent that the County Planning Office and the Planning Board support the requested CUP, BWD suggests consideration of the following:

1. Detention should be looked at again as a means to reduce stormwater runoff, especially during surface disturbance periods when the quarry is being developed. The overburden in this area likely has elevated soil nutrient concentrations. The initial clearing of this land and subsequent erosion of materials could result in transport of sediments and nutrients to the Lake.
2. The plans indicate that most drainage will be contained on-site within the quarry. These mines, however, will need to be pumped to reduce water levels for quarry operation. A water quality monitoring program should be conducted with oversight from the Arkansas Department of Energy and Environment, Division of Environmental Quality ("DEQ") to ensure that any drainage water pumped to the Lake and any stormwater runoff is free of contaminants.
3. In accordance with the Arkansas Forestry Commission, Streamside Management Zones should be maintained according to the Arkansas Forestry Commission Best Management Practices for Water Quality Protection.

Requirements include but are not limited to:

- a. Maintain Vegetation in Non-ephemeral Streams
  - i. Slopes <7% - 35 ft on each side of stream
  - ii. Slopes 7-20% - 50 ft on each side of stream
  - iii. Slopes > 20% - 80 ft on each side off stream
- b. Ephemeral Streams

- i. Maintain overstory vegetation with minimal channel disturbance.
4. A permanent conservation easement should be considered in critical areas in order to create a buffer between the quarry operations and the Lake.

#### COMPATIBILITY CONCERNS:

##### Surrounding Uses:

The surrounding uses are industrial, single family residential, and agricultural. The subject property (expansion area) is adjacent to the existing quarry property and has been owned by the applicant since before Washington County's zoning ordinances were adopted.

##### County's Land Use Plan (written document):

According to the County's Land Use Plan,

### **SECTION III. PHYSICAL DEVELOPMENT**

#### **A. LAND USE CONSIDERATIONS**

#### **4. INDUSTRIAL**

The chief goals for industrial development are:

- a. Provision of sites which are located adjacent to major thoroughfares or other adequate transportation facilities;  
The proposed quarry expansion area is located adjacent to the quarry, which is adjacent to the major thoroughfare.
- b. Allocate land in sufficient quantity, where infrastructure exists, or will exist, so that industrial growth can be accommodated to benefit both industry, and the county. This will ensure that industrial land is protected from encroachment by non-industrial uses; and,  
The expansion area is proposed on property the applicant already owns, directly adjacent to the existing quarry.
- c. Provide for ample utilities and services to support industrial development.  
Utilities are already in place.

##### Future Land Use Plan

Washington County's Future Land Use Plan shows this expansion area partially inside the "Heavy Industrial" land use type that is associated with the existing quarry, but mostly inside the "Low Density Residential (1-4 units per Acre)" land use type.

##### Washington County Zoning Ordinance – Criteria for allowance of Conditional Uses (Sec. 11-200)

- (a) The Board shall hear and decide requests for a conditional use and may authorize such if it finds:

##### Objective Criteria:

- (1) That a written application has been filed with the Planning Office and the appropriate fee has been paid.

Submitted and Paid.

- (2) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.

Planning Staff mailed neighbor notification packets out on 12-20-2019.

- (3) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.

All utilities, roads, and drainage are existing, and considered adequate.

##### Subjective Criteria:

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

The existing quarry received Conditional Use Permit approval in 2012, and was considered

compatible with the surrounding area at that time, with the conditions that were approved. This current quarry expansion request is to increase the area of that existing quarry. Since a quarry already exists at this location, Planning Staff feels compatibility has already been discussed and approved. However, many neighbors disagree with the compatibility of this CUP request, and are requesting denial.

(5) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The requested use is already established with the existing quarry. This CUP request is an extension of the existing quarry, on adjacent property that was owned by the applicant when zoning was established in 2006, that was partially being used for quarry operations at that time.

(6) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area. As this request is to expand an established quarry that received CUP approval in 2012, Planning Staff feels the expansion will not impact the other properties in the surrounding area any differently than the existing quarry.

(7) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone. The Conditional Use has already been established with the existing quarry, and Planning Staff feels the expansion will not impede normal and orderly development and improvement of the surrounding area any differently than the existing quarry has.

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

The Planning Board may impose additional conditions on this CUP request.

#### SITE VISIT:

A site visit was conducted by planning staff on January 8, 2020. No new entrance/exits are being proposed, so sight distance is not being reviewed.

#### NEIGHBOR COMMENTS/CONCERNS:

All neighbors within one-half mile of the boundary of this property were notified by certified mail of this proposed project. 202 notification letters were mailed out and 113 responses have been received by phone, mail, and email in opposition to this CUP request.

Opposition is based on many aspects of compatibility including, but not limited to:

- Road Safety
- Road Conditions
- Noise
- Property Values
- Dust covers everything in the area
- Ecology
- Water Quality
- Quality of Life
- Health

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

#### STAFF RECOMMENDATION:

With much opposition based on compatibility, and the fact this request is an expansion of an existing operation, Planning Staff withholds a recommendation for the Hunt-Rogers Springdale Quarry Expansion High-Impact Conditional Use Permit. However, if it is approved by the Planning Board, Staff puts forth the following conditions for consideration:

Drainage Conditions:

1. All operations must be in compliance with ADEQ's regulations.

Signage/Lighting/Screening Conditions:

1. New signage is not proposed at this time. At such a time new signage is desired a sketch of the sign must be presented to the Planning Dept for review and approval.
2. Signage cannot be placed in the County Right-of-Way.
3. Any outdoor lighting must be shielded from neighboring properties. Any lighting must be indirect and not cause disturbance to drivers or neighbors. All security lighting must be shielded appropriately. Please refer to the diagram in the staff report attachments.

Beaver Water District Conditions:

1. Detention should be looked at again as a means to reduce stormwater runoff, especially during surface disturbance periods when the quarry is being developed. The overburden in this area likely has elevated soil nutrient concentrations. The initial clearing of this land and subsequent erosion of materials could result in transport of sediments and nutrients to the Lake.
2. The plans indicate that most drainage will be contained on-site within the quarry. These mines, however, will need to be pumped to reduce water levels for quarry operation. A water quality monitoring program should be conducted with oversight from the Arkansas Department of Energy and Environment, Division of Environmental Quality ("DEQ") to ensure that any drainage water pumped to the Lake and any stormwater runoff is free of contaminants.
3. In accordance with the Arkansas Forestry Commission, Streamside Management Zones should be maintained according to the Arkansas Forestry Commission Best Management Practices for Water Quality Protection.

Requirements include but are not limited to:

- c. Maintain Vegetation in Non-ephemeral Streams
    - iv. Slopes <7% - 35 ft on each side of stream
    - v. Slopes 7-20% - 50 ft on each side of stream
    - vi. Slopes > 20% - 80 ft on each side off stream
  - d. Ephemeral Streams
    - ii. Maintain overstory vegetation with minimal channel disturbance.
4. A permanent conservation easement should be considered in critical areas in order to create a buffer between the quarry operations and the Lake. Contact Beaver Water District and Northwest Arkansas Land Trust for discussion regarding the details of establishing a conservation easement.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$884.76) within 30 days of project hearing. Any extension must be approved by the Planning Office (invoice was emailed to applicant on 1/18/2020).
2. Pay engineering fees within 30 days of project hearing. Any extension must be approved by the Planning Office. Invoice will be emailed to applicant 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.
  - o This project requires additional review (Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
7. All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.

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

*Public Comment*

*Kenneth Swift, 21660 Friendship View Drive, addressed the Board, "I am here with a group of concerned citizens, concerned residents that oppose this expansion. I am a licensed Real Estate Appraiser. I need to tell you that. I also need to tell you explicitly that I am not here in the capacity of an appraiser. That's not why I am here. I am here as a resident of Friendship View Drive, one of the influenced areas of this quarry expansion. That being said, I can't say a whole lot about value. That is because of multiple reasons. One being that I am not qualified. The other being I am not a disinterested third party. I got a dog in the hunt. I've got a house that I've spent multiple dollars on. A lot of our family investment is in that home. You can appreciate that. I know you can. One of the reasons I can't say anything about value is the fact that it requires to make a determination in regard to value especially in something as large and impactful as this, it requires extensive, extensive research. This research is to be done by a disinterested third party. Somebody who has no qualms, no issues with either side. No benefit from either side. A totally disinterested third party. It requires extensive research and relevant data acquisition. I know this from my appraiser field background. Again, I am here not as an appraiser. I am here as a resident. This information needs to be complied and verified by a qualified licensed certified valuation experts. The research involved in a project like this needs to be extensive to say whether or not it has no impact on my home. Whether it has detrimental impact or none what so ever. I am not claiming any impact. I am not claiming that. I am just saying that if it is going to be said that there is going to be no impact, then show us the documentation that proves that. There are reasons to show us the documentation that proves that. Obvious reasons. One of the major reasons is that we have people who are in the process of trying to sell their homes. They are already having to disclose that the quarry is potentially expanding. That issue has to be addressed today. Does that have an impact on value? That I can't tell you. We need to look at it deeper than what we have so far. I am pleased that I do see in the CUP and Nathan just read it, 'The Conditional Use will not be injurious to the use and the enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area'. Those are wonderful things to hear. Those are exactly what we are here for. Is that we be guaranteed this. That this is actually something that will be factual. However, it needs to be made by a qualified certified professional people disinterested third parties, and the data be revealed to the residents. You know why we need it for the residents? Why we need the data? We have homes with value, lots of our money invested in them. We actually have people trying to sell properties right now, having to make disclosures within their sales agreements, with realtors, right now. Do you think that may influence a potential buyer, when he sees on line 36 or 35 in the document that he has to disclose the fact that the quarry is expanding and doesn't really know what that impact might be? We have to make that decision ourselves, but for us as residents, somebody that works with real estate properties every day, we need data. We need somebody to tell us more than tell us, to show us. To prove to us that this is factual, number 6, that it's factual. Thank you."*

*Brett Ralston, 22042 Dogwood Circle, addressed the Board, "I am impacted through blasting, through dust quaffs, and through having to drive through the egress/ingress is only one way in, one way out for the folks that are behind me and people that aren't here today. They have to travel past to the north and to the south of the quarry. There is no other way in or out. I am here to represent the group. There's a few others that are going to be speaking as well. I have some specific points that I am going to bring up. The first one that I would like to talk about is a show of hands of the members that recused themselves. Are there any others that have an invested interest in this? No. Okay the other point I'd like to make before I get into this is that the notification radius from the epicenter of this quarry is just a half a mile as far as the legal notification that the County requires, but if you will look behind me give me a show of hands of everybody that lives outside of the half mile radius from the quarry. Give me a raise of hands if you are impacted outside of that half mile. We had a meeting at Sonora Baptist Church, about a week ago, at that particular juncture we had people that were coming in a mile and a half, 2 miles, 3 and 4 that expressed their concern because of having to use that ingress/egress past the Hunt Rogers Quarry. In addition to that they were concerned because of their houses and their property values. As well as shaking from the blasting being felt as far away as my house, that is a mile and a half, two miles away not just the half mile radius from the epicenter. I would suggest and submit that there is a need for the Hunt Rogers Quarry, and for the Planning Board to extend that notification and opportunity for additional people because they*

weren't even notified by this Planning Board. The name of this project, as you call it, a High Impact, it is also called High Intensive. High Intensive and High Impact. It certainly is intensive, and it certainly is impacting people in a great way. I appreciate the Planning Board doing a time line of how this Quarry came about. I would like to discuss that just a little bit. In 2003, the genesis of this quarry when it was Northwest Arkansas Quarry, they came before you with a plan for 160 acres, not 120. 160 acres, and after some discussion the ARMY Corps of Engineer became involved in 2003, and was concerned about a certain amount of acreage that was being requested in that 160 acres that they were going to mine, and stockpile, and quarry. It was decided at that time that they would exclude 40 acres of concern by the ARMY Corps of Engineer so that they could get through the system without them having to be interfered with. That is why they went to the original 120 acres to do all of their mining. To do all of their stock piling. To do all of their crushing. To do all of the business that they needed to do. It wasn't in 2012 that they just minorly encroached outside of that 120 acres. We can show that in 2003, the very year that the 120 acres was approved they misrepresented themselves to you. They went immediately outside of that 120 acres and they started stockpiling on an additional 100 acres. Then they started mining outside of their particular area, as well. This wasn't just some little minor 'Oh we just got a little mixed up and we went a little far to the east or the west'. Initially they were snubbing their nose at the 120 acres. From 2003, 2004, 5, 6, 7, 8, 9, 10, 11 and 12. They were way outside the boundaries by acres, and acres, and acres of stockpiling, and also mining. In 2012, when they came to you because they had an internal review, that was the point in time in which the Rogers Group and the Northwest Arkansas Quarry Group were huddling to discuss a possible merger that was coming up. I am sure that, the clients, when they found out that this was here they didn't want to do that merger. Until they found out that, that additional 100 and some acres that they were out of compliance for all those years was brought into compliance, hence the expansion in 2012. In order to facilitate that expansion we will get into the representations, and the misrepresentations. They represented themselves that the concerns of the citizens back in 2012 were the dust, the same conditions that are here today, would not only be elevated, but they would be remedied. They didn't say we won't increase. They were actually saying that they would be less because if you didn't allow that expansion back in 2012, they would have to mine all the time. Mining all the time would be detrimental to the community. They said if you allow the expansion that they would only mine, crush, and do the things that were detrimental to the extended area anywhere from 6 to 7 months. That was their representation. That was their promise. That was the reason you needed, this Planning Board, needed to vote on an approval of the expansion was to lessen the objections of the people. That was one misrepresentation because obviously they have been mining 12 months out of the year. They have been blasting 12 months out of the year. Not 6 as they told the Planning Board, and as they told the Quorum Court, and as they told the citizens. They didn't limit themselves. They misrepresented that. They increased that. They also said that because there wasn't going to be an increase and they would be limited to 6 to 7 months of mining and blasting, that this would greatly reduce the traffic. That there would be a better environment. That it would be fantastic, but it didn't. They increased their volume. They increased their sales. They talk about this letter that they brought around to the residents. This is from the Hunts Rogers Group. The Hunt Rogers Group went out and they knocked on doors and they brought a letter that is designed to somehow appease the people in the area. They promise 'Dear neighbor, the Hunt Rogers has been operating in the community for over a decade, actually 17 years.' They pride themselves in extracting, processing, and supplying quality construction aggregate to businesses and residences in the surrounding Washington County. 'We are planning for the future.' Here they state that their plans will bring in more tax revenues to the County. Is that true? I say it is. It will bring more tax revenues, but look at this. If they bring more tax revenues what does that mean? Simple economics. More sales, right? They can't bring more revenue unless there are more sales. How do they get more sales? More mining. More extracting. More crushing. They say there is not going to be anymore. It's going to be basically just the same, but if you look at their plan, imagine the mining aspect of it, what they are asking for is 5 times the existing the area in which they are currently mining and blasting, they are asking for 5 times the amount of where they are mining and blasting right now. That moves to the proximity of east towards Beaver Lake. North towards Beaver Lake and south towards Beaver Lake. People will be addressing a lot of those other concerns but their promises as they were in 2003 that they were only going to be within the 120 acres; misrepresentation. The representation that they were only going to mine 6 months to 7 months out of the year; a misrepresentation. These are misrepresentations as well, there is going to be no



damage to roads or increased traffic, there already is damage to the roads. Monitor, Mayo, Luper and Benton County it's like a war zone in there from the increased truck traffic. The road that goes up to Sonora Baptist Church, Sonora Road, Parsons Road it's terrible. It's horrible. It's torn up. The first one, no damage to the roads or increased traffic. How are they not going to increase traffic if they are increasing mining 5 fold? If they are going to increase tax revenues, which increase sales. Which means more trucks, more gravel, more hauling, more mining, more blasting. That's their goal. These efforts to placate us, you and the Quorum Court are misrepresentations as they were in 2003. As they were in 2012. No increase in blasting frequency. Well, they've already misrepresented that. They said they were only going to blast 6 to 7 months out of the year. I think they just blasted today. They are blasting 12 months out of the year. Their representations to us as a community, to you as a Planning Board, and to the Quorum Court has have been misrepresentations. We ask you to vote no."

Alexa McKay, 21815 Friendship View Drive, addressed the Board, "My husband and I own two lots in Hunts Lakeside Estates. We are on the west side of the neighborhood. Our back porch overlooks the entire expansion. My family and I would like to express our strong opposition to the proposed expansion of the Hunt Rogers Quarry. Like many of my neighbors, including my mother and father-in-law who live across the street we purchased our land in Hunt's Lakeside Estates to build our home. There were no previous homeowners to disclose to us how our lives and property would be impacted by living so close to a mining operation. We were shocked to learn, two days after Christmas that the proposed expansion would bring the quarry boundaries within 1/2 a mile of our backdoor. We never anticipated the quarry would expand to this degree. We are very concerned about how our lives and our property will be impacted living so close to a quarry and those operations. More concerning than the effect on our home is the effect the close proximity of quarrying would have on our family's health. Our daughter, Harper is almost two years old. I am currently pregnant with our second child. I worry about the amount of dust that is created by the quarry will effect the air quality, and consequently the health of my children. I'd like to bring to your attention some of the health research that is available on the dangers of excessive mining near residential areas. Quarry blasting, crushing operations and the like release particle matter and hazardous silica dust into the air. Additionally, our air quality is effected by the diesel exhaust of industrial equipment and trucks that are heavily utilized in quarry operations. Studies show that inhaling particulate matter, along with engine exhaust and chemical vapors, can induce negative health effects. These effects include symptoms like headaches, nausea, vertigo, shortness of breath, nasal congestion, and cough, respiratory diseases like asthma, sinusitis, bronchitis, pneumonia, and severe allergies and chronic disease like cardiovascular disease, hypertension and cancer. Silica dust particles created by rock quarries has also been proven to cause silicosis, a progressive incurable lung disease. Long term exposure to particulate matter is also strongly associated with heart disease, stroke, infertility and pregnancy complications. I stand before you as an expectant mother deeply concerned about the health of my unborn child, my daughter, and all the children who live in our neighborhood. In fact I would like to also touch on the fact that there is a danger of the amount of trucks on our roads that drive side by side with our school buses. Just this past Tuesday in east Arkansas, a school bus was involved in a multi car collision with a dump truck. The bus flipped and one child was air lifted. Looking at our area there are 7 schools within four miles of the quarry. Four elementary schools, one middle school, one charter school and one high school. There are 5,386 school aged children that live within four miles of the quarry. 3,251 ride buses, sharing roads with the dump trucks. I understand the dump trucks are not owned by the quarry, but to say that trucks are not their problem does not show being a good neighbor. If the quarry expands so close to my home, we would likely leave for the sake of our children's health and wellbeing. The dream home we built and the only home that our daughter has known would be lost. The growth of the Hunt Rogers Quarry would come at the expense of the life that we have built in Hunts Lakeside Estates. For the wellbeing of our community and our children we implore you to vote no on the proposed rezoning and expansion of the quarry. Thank you."

Alexandria Goth, 21732 Friendship View Drive, addressed the Board, "Myself and my family we currently own 3 acres and 3 lots on that street all of which would be facing the quarry across the road coming at us within 1/2 a mile. Today, I would like to address you and our communities concerns about environmental effects and the degradation that will likely occur if the Hunt Rogers Quarry is allowed to

expand. The current proposal allows the entire parcels to be rezoned for active quarrying. One of those maps that Mr. Crouch put up there showed a smaller area within those parcels that would be actively quarried. However, the quarry representative also said that they would not be encroaching on acreage within the protected zone around Beaver Lake. If you look at those maps and you realize that you are actually rezoning the entire parcel numbers that there is nothing stopping the quarry from moving past that boundary into what is the protected watershed of Beaver Lake. As a result, the drinking water of the entire region is being put at risk. I would like to quote to you from a letter that I previously entered into evidence earlier this week from a local Sustainability Specialist, Katie Turnbaugh. She states 'Our coarse topography allows affluence migration of surface to ground water. Surface water that does not make its way to the ground water table will carry sediment into our public waterways. Gravel fines are a known degrader of macro and vertebrate habitat. A reduction in macro and vertebrate populations reduces the food available for fish, amphibians, birds and other animals, this is gravely concerning. According to my conversations with the Arkansas Game and Fish Commission, the Longnose Darter, which is a species of fish, lives in Beaver Lake watershed and is currently considered an at risk species. As we speak this species in and of itself is under consideration to be placed on the national endangered species list. We are particularly concerned about the amount of pollution that would be coming into our drinking water source because the current quarry is already adversely effecting Friendship Cove.' Right now, it is very close to the quarrying area, but if this proposal was allowed to pass through the parcel number in particular that we are talking about would run alongside the Shore of Beaver Lake. And again, there is no guarantee that the quarry would actually stay within the perimeters. Just as Mr. Ralston pointed out, they have a previous history of doing so. In the recent past, one of our neighbors caught a catfish in Friendship Cove closer on the end to the quarry. When they pulled it out of the water, they found lime stone and silica sediment all over the catfish. They reported it to the Arkansas Department of Environmental Quality and it was investigated, but it is important to note that if we are talking about degradation of the environment for macro invertebrates, we are also seeing the effects for fish, amphibians, anything that is living in that water or is eating anything out of that water that includes larger mammals, ourselves included. Northwest Arkansas prides itself on being environmentally friendly and responsible. Cites in the area have invested thousands and thousands of dollars for miles and miles of bike trails. Our state is known as The Natural State. Would you feel comfortable putting our ecosystems and our drinking water for the entire region at risk? I surly hope that is not the case tonight. Thank you."

Brian McDuffy, Neighbor on Friendship View, addressed the Board, "Just to be honest here, I think it just escapes common sense that we are even here tonight. I don't have an engineering degree. I don't have the equipment to measure the sound of the blast and all those kinds of things, but I've got a little bit of common sense. There is just a lot of missing common sense here. Let me go back and frame this up from a neighborly prospective. A developer goes in and develops a subdivision. It's a pretty darn nice subdivision. The developer was so proud of it they put their name on it bold print on a stone wall in front of it and an apostrophe "s" possessive, "Hunt's". They sold us a dream. I went out and built a great house there. Lots of people sitting behind me built a home back there. Nobody said anything about a rock quarry. Here we are one day, we wake up and then the backyard of our subdivision, we've got a rock quarry and an asphalt plant. Who builds a subdivision and then puts a rock quarry in the backyard? Would you do that and then tell your Mom 'Hey Mom guess what I did today? I built a subdivision and I put a rock quarry in their backyard.' It just kind of escapes common sense. Who would build a rock quarry next to Northwest Arkansas principle source of fresh water? Who would do that? What makes that a wise decision? Who expands a rock quarry in the middle of four schools with buses traveling at all different directions on really curvy roads. By the way, the Northwest Arkansas roads are beautiful, but those dump trucks have a really had time on those curves staying in their own lane, and maybe the school buses do to. You heard some of the stats on the number of students, but the buses are competing every morning with those dump trucks and every afternoon. It's really fun when one of those dump trucks can't get up the hill and both pipes are dumping out black exhaust and there is a school bus full of kids following it up the hill. I just don't know who would think it that was a wise thing to do. Who would think it was wise to run rock crushers at 7, 8, 9, 10 o'clock at night? When the trucks feeding them are blaring their horns in and she is trying to put her kid to bed. Who does that? I don't understand it. It's just beyond my

*imagination. Who is the crafty person who said 'Hey lets send out this notice on Christmas Eve?' Who was home on Christmas Eve? The post office takes all back to their office and we've got to fight 3 days to find out what our Christmas present is from Hunt Rogers. If that wasn't crafty enough, how about doing it when there is 3 national holidays in between getting the letter and this hearing tonight. Do you know how difficult that made it on everybody to prepare for this tonight? It was no accident. You know it's not an accident. I am a pretty smart guy. You are pretty smart guys. Who are we dealing with here? Look I don't know where are the cracks in my foundation come and the broken windows that some people have. I don't know why the tiles are broken on my floor. I don't know why my retaining wall is cracked. My driveway is cracked, but it wasn't cracked before the blasting. I can't prove they did it, but I've just got a little common sense. We've talked to them. They've had some nice barbeques. When they bring in food, the food is pretty good for the barbeque. You should go if they do, but when we go there I don't want to say they lied, but the truth was kind of missing. They told us 'Hey we put the rock crushers in the wrong place so we are going to move them down here in the quarry and that will lower the noise.' They said they would do that. Problem is they don't do what they say, right? You've heard a lot of that already tonight. They said they'd stop pushing that slime out on the road. I don't know how they time it, but ya'll just time it perfect so I've got to drive through it every night. It's that wet slimy junk. Then as soon as I drive through it I've got that paste all down the side of my car. Its only six bucks to wash your car. Somehow it doesn't seem right to me. They told us that they wouldn't expand the quarry for at least 15 years. I guess that was dog years. I don't know. It's not the truth, right? They said they would plant trees all on the berm. All to me is all, a third to me is not all. I don't know how that gets to be all. Look, I know that it is very challenging for you to think about putting a stop to this. You've got rules you've got to follow. We all got rules we got to follow. I would just tell you it's never wrong to do the right thing. I have one ask. When you sit down and you talk about this and you go take action on this, I would like to you to just pause for one minute and think about how you would cast your vote if you lived in my house. If this rock quarry was expanding in your backyard, how would you vote? Doing the right thing is hard sometimes, but we ask you to do the right thing. I appreciate your time tonight. I appreciate all the people who came here tonight, especially the political figures that came here to hear both sides of the story. Thank you."*

*Jim Crouch, Attorney representing the Matthews family, addressed the Board, "They oppose as do these other citizens oppose this quarry. I think it's fitting that someone mentioned that this is entitled a High Impact CUP. It certainly is High Impact. It's effecting these neighbors back here and their houses, and their living conditions. I am particularly bothered by the notion that the Planning Office and I know that they do a good job and they mean well, but to say that this is compatible with the neighborhood just because it's already there. With that logic that quarry could be in their backyards quarrying hundreds of feet from them. That just doesn't make sense. If it is just because it was deemed compatible 12 years ago, or 7 years ago doesn't mean its compatible now. You've heard from these neighbors about how it is not compatible and about how rock crushers run all night long. I'll try not to plow the same ground that these other spokespeople have talked about. I wanted to point out a couple of things. Mr. Gabbard who is over all the Rogers Quarries in Arkansas was nice enough to meet with Mr. Matthews and I yesterday. I asked him 'Well how long will he be quarrying out there in this new expansion?' Which, by the way, it looks to me like its doubling the size of the quarry. That's not compatible. But he said 'Well we are going to start on the north part and then come down towards the lake. We are not going to quarry at the lake until 50 years from now.' How much sense does it make to pass something that allows somebody to blast, and crush rock, and to dig, and to make noise for 50 years? Things are going to change. That's the life of this quarry. We won't be around. These folks won't be around, but it is going to effect everybody out there. I know that you have a big packet. I FOIA'd the records from Nathan. There's a lot of records. I guess you have it probably, but there is one document that I found and I don't really know what it is for sure. It must be meaningful or it wouldn't be in the packet. It's called a Jurisdictional Water Assessment. It's from AST Environmental. It must be the way that they are justifying the environmental impact, at least in part, for this quarry. Well if you look at that they refer to something called an ephemeral tributary. I think that means one that is not well defined. It's not named. It flows into Friendship Creek. Friendship Creek flows into Beaver Lake. I think it's this Friendship Cove we have been hearing about. Well they've got pictures from 2015 in here to justify this jurisdictional water report. Things must've changed in the last 5 years, but they've got pictures that don't show what the real situation is out there. Also in your packet is a*

*comment from both Beaver Water District that opposes this, and from the Beaver Water Shed Alliance who says 'the scant information that we are given does not justify this'. I know that one of the justifications for this expansion is 'Well, we are growing. The area is growing. We need more aggregate. We need more rock.' I suppose that is true, but you can't lose sight of the fact that we wouldn't have grown if in the 60's, people with foresight hadn't built Beaver Lake. That's why we have grown. Let's not ruin it."*

*Bill Matthews, Neighbor on Butlerford Road, addressed the Board, "As Jim said my family has 225 acres adjacent to the Hunt property. We bought that in the early nineties from a good man names Willard Walker. One of the conversations I had with Willard is 'What about all this property around me?' He says 'We don't need water.' That is JB Hunt he will take good care of you. He will be a great neighbor. Well, sure enough in the early 2000's, he decides to build this quarry. Unfortunately, back then, there weren't a lot of restrictions. I am not going to rehash what everybody else has said, but it's had a dramatic impact on our family. On our farm. We drive through that mess every day. It's really disappointing to see what happened with the High Lonesome. It was one of the prettiest ranches in Northwest Arkansas. JB ruined it. I know the Hunt family has done a lot of stuff for Northwest Arkansas. They are a great family. They've supported our community, but let me tell you this could be the worst legacy for their family if this is allowed to continue to grow. I appreciate Mrs. Hunt being here, and listening to us. She didn't have to be here, but I hope she realizes if she sees all these people here tonight, that there's a lot of concerns out there. We are worried about what is going to happen with this quarry. I am hoping after what she sees and hears she'll put a stop to this madness. That is what it is. I served as Chairman of the Northwest Arkansas Regional Airport Authority in the nineties when the airport was built. Fortunately, the FAA made sure that we held ourselves accountable. We did the EIS Studies. We made sure that we did all the studies to make sure that the airport would not impact Osage Creek and the cave fish. You know the airport is like 2 miles from Osage Creek, but this quarry is less than a 1/2 mile from little Friendship Creek. There is no protections in place. If you look at the airport, there are retention ponds all around the airport because we have to collect all the run off from the airport. We are not collecting anything from this quarry. I am very, very concerned if you allow this to go. What is going to impact our lake over the next 50 years? As Jim said they presented a plan that is going to last 50 years. That's ludicrous. I know you guys got a tough job. I hope that you make the right decision for our community. Thank you."*

*Rebecca Thompson, Grandparents live at 17494 Pleasure Heights Road, addressed the Board, "I am actually here this afternoon to speak on their behalf. They are able to speak for themselves, but I took it upon myself to volunteer to that for them this afternoon because they really were just at a loss. They didn't really know what to do or how to approach this situation. I can tell you tonight that I am not qualified to perhaps approach it myself. I am hoping to speak to you guys today on this Board in a matter of ethos, really. I am studying to be a respiratory therapist. My grandfather has some severe conditions that he has to struggle with concerning, COPD, emphysema, things of that nature. As you've heard tonight, there are some relevant risks to our health by this quarry expanding. I think that is something that shouldn't be taken lightly. I think that every individual matters. If it was your family, I am sure that you would be very concerned if something were to cause them harm. My grandparents have lived there for 40 years. They are somebody that is very well vested in this due to that being the place where they call home. That's where they raised my mom. That's where me and my sister went. We have a lot of great memories there. The expansion would actually be going right into the front of my grandpa's yard. We are not somebody with 200 acres. We are not somebody who is going to get a broad overlook. This is actually going to be right in our front yard. That is not something that I would really imagine passing down to my children for their memories as well. I would just ask that you guys take all of those things into consideration. I hope that you are also oppositional to this as we are, and as many neighbors have come out tonight to express their opposition as well."*

*Ruthie Village, 17080 Mahogany, addressed the Board, "I am in there about the 1/2 mile zone. I want to talk about before this thing ever went in out there. I been out there better of 40 years. My neighbors up here at the rights been there longer than me. They were there when I got there. What I am saying is first*

*of all, I got this certified letter, but most of them didn't get one and we're within hollering distance. And another thing before this thing went in, it's just ungodly how much of a difference there is now. When they first started this thing, dump trucks was little dump trucks. One load. Now they are two maybe 3 or 4 in one load. That is why the road has got such big deep holes in them. They were on that beep, beep, beeping all night sometimes. You drive by there like they said the dust is everywhere. We've been getting a lot of rain. The rain settles it down, but it could never control that dust. A lot of people going up and down Butlerford Road has got bad breathing problems. I know it probably ain't all to go on with this. Another thing when they first started that thing over there; you'd pull up to a stop sign, there'd be one of those trucks in front of you. They jerk and beak your windshield or throw gravel all over you. Now they've come up with some type of veil or something. Sometimes they use them. Sometimes they don't. You still have to really watch them. I tell you something. When you go to the point where you begin to ruin the water, that is the last straw, or peoples breathing, that is the last straw. You just can't do that."*

*Kathy Janis, 21754 Friendship View Drive, addressed the Board, "Every night when I look for my sun going down, all I see is a huge light blaring at me and I can't see the sun going down anymore. We've got such beautiful sunsets in the area. I just want to read two things that I got from the Rogers Group. One is off their website in Environmental Management and Sustainability, 'Committed to be responsible stewards of the environment. As with safety standards Federal, State, and local environmental laws are just a starting point for the Rogers Group. We challenge ourselves to be industry leaders in dust, noise, water, and vibration control. Protecting the health and safety of our employees and our communities is of utmost importance. We are deeply committed to being responsible stewards of the environment and we aim to minimize our plants impact on the environment and nearby residential areas. Before establishing a new plant or site or expanding an existing site, Rogers Group Management works with local Planning Boards and agencies to conduct a thorough site evaluations and address environmental concerns. Research efforts may include geological surveys, archeology assessments, wetland studies, endangered species surveys, and other specialty reports. Rogers Groups actively seeks and places great value on the community input. By listening to our friends and neighbors, we are able to engage and partner with community leaders, local governments and charitable organizations to make a positive long lasting impact. We work closely with City Planners and public work officials and maintain an open dialogue with our neighbors, local officials and community leaders. Our areas management team respond to concerns voiced by the community as swiftly as possible.' That is from their environmental page. As well as the letter we received this letter in the postal service on Tuesday. The portion on the letter that I want to reiterate it says that 'There is no environmental impact.' If they did all of these studies leading up to and before looking at expanding please ask them for all the environmental research that they did before this went to you as they said that they do. The other thing is my husband and I, my children and my grandchildren, we fish Friendship View all the time. We are out there on our boat. The last 5 years, we've had to move from Friendship View out to the lake to catch our croppies, our bass, and our walleyes. It could just be the transition of the fish. I understand that. I don't do studies on it, but I know the fish isn't as good in Friendship View. We also have two water ways coming into the Friendship View Cove. If you look at that in the spring when the water is low, the grandkids love to go down there. The spring feeds in there and I don't want that spring to stop that is where we get our fresh water. Our current when the water is low on Beaver Lake. That is where our fresh water comes in for us on Friendship View. That is what drives the fish in there, to keep that. I know enough that when they blast tables move and that fresh water will stop. Thank you."*

*Bill Lloyd, 21693 Friendship View Drive, addressed the Planning Board, "I look forward to the day when the Planning Board is expanded to include women. Half the people you represent out here are women. I hope when you make your decision you take that into consideration. We all have our jobs. We all have our business and our associations with one another. Those are our livelihood, but they are not our lives. Our families including our children, and our grandchildren, our homes. Those are our lives. I've met with the Hunt Rogers people. I take them at their word. I don't think they intentionally mislead anyone. I think that circumstances happen that they have no control over. That is a problem. They can't be specific on what their plans are. They told me that they wouldn't move their operation below. Well okay either money or things happen that they couldn't do that. Well, but they should have or not say anything about it. They*

also said that they would move east for another 15 years, but here we are. They are wanting to move east. Currently, I am in the line of fire. Direct line of fire of the quarry. If the expansion happens it'll be at my backyard. I submit to you would any of you buy a house with a quarry in the backyard? If you would I have one for sell, but I doubt anyone of you are willing to buy a house with a piece of property that has a quarry in the backyard. Thank you."

Patricia Richardson, 17353 Pleasure Heights Road, addressed the Board, "I would like to say when the quarry first moved in, and I wasn't necessarily too concerned about it until the blasting started. Since then we have cracks in our walls. We have windows that are cracked. We have windows that are fogging and I don't have an advanced degree in those kinds of things to know if the blasting is the cause of those things, but I will say that I have called the quarry enough times and complained that they did actually send someone with a seismograph machine to my property before one of the blasts one time because they told me that they were allowed a certain amount of shaking in the ground and that as long as they are not over that limit then they are fine. They came out and set up their seismograph and did their blast and then they came and checked it and yes they were over the limit. At the time, they told me they couldn't do anything about that. I've called the quarry on so many occasions and I've told them 'I didn't really appreciate that blast you just did is was huge. It shook my dishes. It shook my cabinets and it scared me. I was minding my own business doing my own thing and that scared me.' That is the kind of life that I live. I teach school during the school year so I am home in the summers. They do blast 12 months of the year. I never have heard that they only would do it 6 months of the year. I've never experienced that. Then the dump trucks. I know we've discussed the roads, but I don't think it's been mentioned I would encourage you guys to drive out there and look at it yourselves. There are huge potholes. You have to figure out how to straddle the potholes to get to where you are going. Those are everywhere the dump trucks come to a stop so at the end of Mayo, at end of Sonora Road where it meets 412 and at the end of Luper where it meets 264 huge, huge potholes. I currently have my third crack in my windshield that we are going to go and repair. This particular repair wasn't because I was following a dump truck this particular one cam speeding by in the opposite direction and flung a rock up and hit my windshield. I have a picture of my daughter's car. She is going to replace her whole windshield that got cracked by a dump tuck just last week. These are the kinds of things we have to deal with every day. I meet a dump truck on the road every day. I am either behind one or they are coming in the opposite direction. Daily. It never stops. The expansion is going to come right behind my backyard. I am a runner. I run at 5 or so in the morning. Some of you have seen me. When you look at the quarry from where I am running it looks like high noon. That is what I am going to get to experience now. Not only from my front porch I can see it, but now it is going to be right in my front yard where I can see it. I hope that you guys would vote no for this expansion. I know we've heard from so many people it has had very negative impacts on all of us. I really would appreciate if you would take that into consideration. Thank you."

Jared Chandler, 21781 Friendship View Drive, addressed the Board, "Sitting here listening tonight, and I know we don't want to reiterate but, I am a managing Director of Central States Manufacturing in Lowell. I sat here and I listened to Brian McDuffy say 'It's never wrong to do the right thing.' He is absolutely right. We've listened tonight to proven misrepresentation of this project throughout. Lack of integrity. Manipulation of the data. Property valuation we know it is going to go down. We are kidding ourselves if we say it is not. It is going down. The roads are not safe. I have a 16 year old daughter that is just now driving. I've been ran off the road at least twice by a dump truck. Help me. Help me. We've got to get it under control you guys. What I would like to know is what was it approved for the amount of loads that come out of that facility because I go to work sometimes at 4:30 in the morning. I am passing a dump truck. Sometimes 6 and I am passing a dump truck. If I am late and I get out of my house at 7:10 it is horrible. To where a 15 minute drive is now a 30 minute drive. It is crazy out there. The roads. Keeping up with the roads. The potholes that you all have heard about tonight. It is embarrassing. It should be embarrassing to this team. It should be embarrassing that we approve something that we have no regulations to keep it in check. I get we've got to be good neighbors. I get there's got to be an industry. I get that we've got to have rock out in the industry. I am in construction industry. I get it, but we also have to be responsible. We have to do business with integrity. We have to keep our word when we say we are going to do something. I remember buying this land before JB Hunt passed. The negotiation back and

*forth. I was trying to Jew him down on the price of the land and boy he stuck in. There at the end he gave me 200 dollars off just to make me feel good. JB Hunt was a good man. I think looking at this right now. I think JB would look at this and say 'What are we doing here guys' He was an entrepreneur. I won't take any more time, but it is never, never, never, never wrong to do the right thing."*

*Dr. Angela Courage Malott, 18332 Ponderosa Drive, addressed the Board, "I agree with the statement made earlier about this shouldn't be all male Board. We cannot come home or leave home without passing the quarry and trucks. On multiple occasions I have had near miss accidents with trucks. Now we do understand that's not the quarries fault, but it is a result of the quarry, its expansion and the business that it does there. Expanding even further makes no sense at all. I do want to give you a more personal perspective than anything that has been said so far. I just want you to consider for a moment. My cousin was killed in an accident with a major truck carrying a major load. He was driving behind the truck on a steep hill. When the truck lost its load. It wasn't a rock truck. It wasn't in this neighborhood, but the likelihood of a major accident happening with one of our cars, my car full of my grandchildren increases every time we increase and approve expansion. What if it's not just a car? What if it's a school bus? Either because of a load being lost, accidents happen. It's reasonable to expect that or having to avoid some hazard in the road created by the trucks or the quarry. What is the value of the life of one car load or one bus load of children? I want you to consider that before you make your decision. Thank you."*

*Ruth Patrick, 22296 Butlerford Road, addressed the Board, "My daughter was pregnant with my grandson a year ago. She had to go on bedrest for unknown reasons, because her blood pressure which she didn't have blood pressure problems. Now I have a grandson that is also expecting a baby. He is staying with us. They are breathing in all this nice healthy air. When we step on our deck I go 'Ahhh ahh cough cough' I don't think that is healthy. I hope ya'll see the right thing to do."*

*Sarah Ricks, Neighbor to the south on WC Road 4589, addressed the Board, "I moved here in 2000. The quarry was not here at that time that I am aware of. It expanded in 2003, 2012, 2013. Never have I been notified of any expansion at my address. I am very close. I also received a letter. It is this letter. It has no letter head, address, no phone number, nor is it signed by anyone so that I would know who to contact. That, gentleman, is poor business handling in any corporation. I retired as a paralegal land specialist from Southwestern Energy a few years ago. As I look around this room, I see some seniors like me. I see some up and coming. You are charged with making correct decisions. This is one time you need to give it some clear thinking. This came in the mail last night. I had no time to do anything. It was in my mailbox. I had no time to do anything, but I would like to find out the answer to few things. I believe Mr. Kelsey you are the manager of the Rogers Group, is that correct?"*

*Joel Kelsey responded, "Ma'am, if you are going to address me with this after I have respectfully declined. You've mentioned my name so let me tell you, I am the Area Sales Manager and I respectfully decline to discuss this project because of a conflict of interest. That is all I am willing to say."*

*Sarah Ricks continued, "I thought you would say that. I just wanted it on record that you were and why you recused yourself. There is a possibility that there is due diligence going on right now at the quarry. I don't know if there is any purchase in sales agreement. I don't know if there is any planned merger. When I drove out by there the other day I noticed that they have expanded already. That is just a slap in the face for the Board. I have two front windows that have cracks. I have four windows that are going to have to be replaced. I have had two front windshields hit by rock by the dump tucks going too fast down the roads. You know there is not a sign out there that says what the speed limit should be. They blasted today at about 5 till 2. They blasted last Thursday when I was home at about 10 till 11. I worked with a gentleman called Mr. Sharlow at Southwestern Energy with Harold Carrell who was the President of Southwestern Energy. I worked as a land specialist. I am aware of what goes on corporately. I've sat on the Board of Directors. I have been there. What I am saying is this, to summarize what everyone has said here, and not go back to what they have done. This is one time this needs to be rejected. If you don't feel that you can reject it at this time, at least table it and give us time. My map with the new interstate 412 is going to across goes right through the quarry. I am not interested in having my taxes increased to where*

*we have to pay to fill up that quarry that they are blasting out. I would like to have something in writing from the State. Everyone is saying they got registered letters. I didn't get one. I don't have maps. I don't have anything that I can look at to even know what to do, and I hope that each of you have in your packet, maps. I hope you have environmental quality updated. I hope you have all of that. I know that this is a big, big charge that each of you have, but you know if you live a little bit in this world you learn to be responsible, because responsibility is what is right. You learn, gentleman, that there are others less fortunate than maybe all of you, but you learn that they are just as important for their view. I ask you to vote no. I would like to meet with the gentleman with the Rogers Group to ask a bunch of questions about what is going on out there. They didn't give me enough time. If the Planning Commission puts this in the paper. I certainly didn't see that you were going to discuss it tonight. I didn't see where you were going to discuss any of the others or we would have met before. I don't think that is right. I feel like probably atoms shift and his group feels today. They are up there just yacking their jaws off and getting over, but at the same time since I registered Republican I understand totally that we have the best economy that our President can give us. Let me tell you I am going to vote for him and every other Republican and I'm voting out all Democrats."*

*Brett Ralston, 22042 Dogwood Circle, addressed the Board, "I want you to remember when you are voting the misrepresentation since 2003, 2012 and even going into today with the status quo. I also want you to remember when you are voting, every complaint that you heard. Yes, that's about what is already going on and you can't do anything about that, but if you take every complaint that you've heard and you expand this you are voting to multiply those complaints times 5. We are not against the quarry as it exists now. We don't like it, but we are going to put up with it because we have to. We are asking you not to expand or exacerbate their complaints times 5. Not only to these people, but to an extended people as they expand east, north and south. Remember that as you vote. Thank you."*

*Tim Gorman, Vice President for Hunt Rogers, addressed the Board, "I am here tonight requesting approval of our expansion. With me, I have also brought some of our subject matter experts. I may have to call on them for some of the questions we may have in regards to blasting, environmental concerns or operations. To start things off the capacity of our operation and the plan is going to remain the same. The demand for our product is determined from our customers. When there are schools built. When there are homes built. That is the demand that requires the need of stone to be used on projects. Our goal as Hunt Rogers is to be a very responsive company. We've listened to the concerns here tonight. We are very receptive to those. We employ approximately 30 employees. Those employees have been operating five years injury free. We take very high pride in our safety program and the way we control our operations. We stay in compliance with ADEQ and the EPA. Some of the concerns we've heard tonight are related to this application have to do with dust, traffic, noise, blasting and the protection of Beaver Lake. I'll start off with the traffic aspect. The demand for our products is what causes dump trucks to be on the road. The further the rock is from where the project is needed actually increases the cost of that material to be delivered to the project. The further it is, the trucking cost goes up. We've talked about the schools bring in close proximity to this. We've talked about the subdivisions growth that's happened around here. The further that you move a rock quarry or the supply of this product to where the project is this requires more trucks on the road to get the demand to that product. As a result, if this quarry was not here and rock was coming from somewhere else it would require more trucks to be on the road. The closer that you can be to where the projects are that is where you get the least amount of trucks on the road. Really the next point I wanted to bring out is dust. The concerns related to that. We have recently installed a wheel wash system to help with the dust at the quarry and tracking out onto the road. We have work to do with that to continue to get where we have issues that some of the neighbors have addressed to make sure that we address that. As that is happening, we will look at doing things different to wash and keep our entrance to where we don't have that impact to the neighbors. We are continuously looking at ways to further reduce dust. One of the things that was talked about was the health of some of the people. Well, I talked about our employees and how valuable they are to us. Our employees are in that environment every single day. We are doing everything we can to address the dust issues. We continuously monitor it to make sure it is not impactful. They are the ones that are on the ground in the middle of it. We are on top of that to make sure that that impact is very minimal. We always want to keep levels of dust down*



especially for our neighbors. The protection of Beaver Lake and the environment. One of the things that was talked about was about how important Beaver Lake is to this area. It is very, very important as a water source. We've been operating at this location for many years. We utilize the water in this location to perform our operations for dust control to wash the product as we are making it. We have very few discharge events from the quarry. We need the water that is in this area that comes on our property. This past year has been a very, very wet year as we all know. We had, I think, two events where we discharged water. We sample that water along with ADEQ. We are very low in the readings of that water. Approximately 10% of our permitted levels. We are significant ways away from anything that we are being in violation of that water or a contamination according to the ADEQ water department. We have a very good track record with ADEQ as far as being in compliance with them. We've reached out to ADEQ and talked with them and looked at some of the issues that Mr. Crouch brought up related to that. We are in agreement with some of the requests that they have related to the discharge of that water with relation to a permanent conservation easement of 10 to 15 acres that we could put in to buffer us between the operation and the lake. Blasting. We've heard some discussions on blasting this evening. Blasting typically one to two times per week. It's dependent upon demand. We make the blast one to two times per week because we make them smaller to create less of an impact. We have a call list to help neighbors know before we have a blast. Anyone can be added to that. All they have to do is call and we can add those people to the list so they know when the blast is coming. We utilize the latest technology in blasting. A lot of technology is taking place in regard to that. We have experts that do the blasting for us. There is an extensive amount of training on that. We have self-imposed goals on our blasting that are half of the State level. It is a goal that we have of ourselves to remain half or less of what the state regulations are. That is something that we try and adhere to on all levels. If there is one that gets above that half of that level, we are looking at different ways to mine and do the blast to get back below that half level. An additional concern was related to noise. That is something that we are looking at addressing immediately. The backup alarms on our equipment. We've gone through and started to replace the backup alarms. That pinging sound that we all know is related to a backup alarm we've started to install white noise backup alarms. They don't echo through the holler. They meet the OSHA requirements for backup alarms, but the sound doesn't travel near the distance than a loud pinging high pitch backup alarm. That is something that we have done to help eliminate the backup alarm noise. Another condition that we are wanting to impose is to have the formation of a neighborhood committee where we will reach out quarterly or however frequently the neighbors would want to meet and address issues and concerns that are out there so we can find a way to work through them and come to resolution. Those are somethings that we are wanting to do and put in place. With that, I thank you for your time."

Randy Laney inquired, "I for one am a little confused on the capacity on the expansion plan, how many loads. I don't even know the proper way to ask it so I will try, say if there are 10 trucks leaving today will you expand this area where you close down the area that has been exhausted so your total capacity stays at 10 trucks, or is it going from 10 to 20 trucks while you continue to empty out the area you are already working on?"

Tim Gorman replied, "That is a good question. As we mine through those areas, those areas become storage areas for water. When we extract the limestone from that area there is nothing there. It's a void in the ground. Now that area is utilized to store the water so we have no discharge of water off of our property. As we continue to expand and move out, we only mine in an area at a time and work our way through that. Once we have mined through that, we go to the next area. That is how the mine planning and the progression of a mine works."

Randy Laney asked, "What is your current restriction you operate under ADEQ as to reclamation of previously mined property?"

Tim Gorman stated, "I will refer that to my Environmental person but we have a reclamation plan in place."

Van Medlock, Director of Environmental Services based out of Nashville, answered "When it comes to

*ADEQ, they do require a bond being placed. If we do not perform the reclamation as required per our plan, we forfeit that bond. With this expansion, we are not really expanding the quarry 5 times, we are adding about 200 acres to our footprint for reserves, because going through this process is an expensive proposition for a company. As we expand this quarry, we've got to be smart about how we do it, and when we do it, and do it in a compliant manner. That bond is based on \$2,000 per acre. As we finish different areas, we have to fill out a reclamation report and submit to ADEQ on an annual basis and state that this area is being removed and this area is now being mined. We have to report a total disturbed acreage every year."*

*Randy Laney inquired, "More specifically, what level are you supposed to bring the previously mined area to?"*

*Van Medlock replied, "Yes, basically they are looking for 70% coverage before they will release it from the bond and we can reduce our bond amount. 70% coverage means that the site that's been disturbed has to be revegetated to the extent that 70% of that has got vegetation on it. Basically that's a good number to minimize that amount of erosion that may occur. Tim was eluding to the fact that we've had minimal discharge from the site because our pit has been able to be expanded to the extent that we are able to contain most of our water. Most of our water is routed right back down into our pit so that it can be preserved, conserved and recycled. Really, the water leaving our site is water we are diverting around that is coming from adjacent property that we are diverting in ditches around our property down to Beaver Lake."*

*Randy Laney asked, "Are you aware of any open citations or disputes with ADEQ or EPA?"*

*Van Medlock answered, "No. As a matter of fact, since we've partnered with Hunt Rogers this site has not received any notices of violation with respect to air or water. With respect to the air permits, ADEQ, they've evaluated this type of industrial activity and they have deemed that general permits are adequate to cover the processes and operations such that we actually have an air permit that allows us to operate. It is based on 24 hours a day 7 days a week. They found that the emissions from that process, because basically our quarry only emits particulate matter, they found that those processes are easy to control. Our equipment is of the age that it falls under NSPS which is New Source Performance Standards meaning that our crushers have to meet a 15% opacity and that our conveyors and screens have to meet at 10% opacity standard."*

*Randy Laney continued, "Thank you. I don't think I have any more environmental questions. Let me get back to you Mr. Gorman if I can. On your expansion, we've heard testimony that it is going to go right up the water's edge can you reconcile that? Can we get a picture or anything to what's proposed?"*

*Tim Gorman responded, "Chairman, you can see here that this is the closest corner right here. I don't have an exact distance, but here is a line that shows that is 1,350 feet is that dimension from there to there. This is going to be not that distance but somewhere around 800 to 1,000 feet from the edge of that location. Keep in mind that that location as it is mined the water that is in there is going to come back into the quarry. It doesn't leave the site. It stays onsite."*

*Randy Laney inquired, "Do you have any open claims regarding health from neighbors? If you can comment on that, do you have any legal things going on with the neighbors?"*

*Tim Gorman replied, "No, we do not."*

*Randy Laney asked, "Somebody mentioned that you had already expanded it. Is that just a misunderstanding of where the boundaries are?"*

*Nathan Crouch answered, "If there have been any encroachments outside the 2012 approved bounds, then that hasn't been submitted to me."*

*Randy Laney questioned, "Are you aware of any?"*

*Tim Gorman responded, "No Chairman."*

*Robert Daugherty inquired, "As you close down part of it and you open up more are we looking at a lot of increased truck traffic? I know a lot of it is on demand, but you've got to be closing part of it and opening part of it."*

*Tim Gorman replied, "Yes the closing and opening doesn't generate any additional truck traffic. It is what it is, because it's generated from the demand of the product; as the schools are being built, as the roads are being built. The additional area is being open only is the location where the mining is taking place. With this expansion we don't now mine in two different locations or add more plant to process the material. We just have more area where we can feed the plant and process the material."*

*Philip Humbar asked, "Tim, how much more time, or volume, or years do you have left in the current foot print? 5-7."*

*Tim Gorman answered, "Depends on how our sales are, but somewhere around 5-7 years."*

*Randy Laney inquired, "Would that be at your current rate of extraction? Someone else restated what you had told them about 50 years. Do you want to comment on that at all about what this expansion would change that to?"*

*Tim Gorman replied, "Yes. A lot of it just depends on like I said the demand for the product. It depends on the recessions. It depends on how deep the over burden is and how the soil is, but it is approximately 40 to 50 years."*

*Robert Daugherty asked, "What are the current hours of operation now?"*

*Tim Gorman answered, "We have a lot of what we do is weather dependent. When we have the times that we operate late in the night and run through the night has to do with the significant weather event coming up. Weather is a big impact to our operation. When it gets freezing we use our water for our dust suppression. It starts sticking to belts and gets into our screens and into our crushers and creates a hazard for that. Those are the times that we would go through the night at times. We do not operate on Sunday. Sunday we have our locations closed. As far as actually shipping product usually if we are open on Saturdays, it's typically till noon unless there's a big project where someone needs to get a school opened before a weather event comes. Then we would try and stay open as long as they needed to try and get it done before dark or whatever. Typically its 6 o'clock to 6 or 7 o'clock at night is a typical day for us."*

*Robert Daugherty inquired, "What is the average been lately about how many times you've had to blast?"*

*Tim Gorman replied, "A typical time would be one to two times per week. Like I stated we try and do smaller blasts and it is a little more frequent when we smaller blasts because it has less of an impact so we can stay below our requirements through the State and our self-imposed requirements."*

*Neil Helm stated, "Listening to yourself and also to the crowd the thing that concerns me, and I don't question your hard skills, but your soft skills appear to be needing development. You are obviously not getting along with your neighbors in a way that is satisfactory to them. It creates additional pressure on people like ourselves to look at what's been done in the past, and what's being done now. Everyone realizes we've got to have more rock. We don't question your ADEQ and the things that you are doing in that matter, but if you don't get along with your neighbors, in the world that we live in today, it's hard."*

*Tim Gorman responded, "I will state that we talked about the open houses for the neighbors. We are where we want to be approachable with our neighbors. If they want to come and have a discussion with us, if there are neighbors that want to ride and look down and have us explain what we are doing we take them in, get in the pickup truck and we go look at them. We address the concerns that they have and that is what we will continue to do. Our mission statement and our goals that was brought up that was off our website that is what we do. That is our goal. If we have a misalignment with that, then that is what we will address and deal with that. I appreciate that these neighbors here have had those concerns and we will meet with those and we will get to where we are addressing those concerns."*

*Neil Helm explained, "It is kind of like in my situation where I live. I live on a farm. There's chicken houses on three sides of me. When they spread chicken litter, when the winds from the south hit and it's headed right towards my house that is not nice. I realize that it's not chicken litter, but you are in the same situation when you are spreading dust or you got pot holes in the road. I am sure you didn't cause them, but your customers did. You got to fix it. I don't know what to tell you."*

*Tim Gorman stated, "The potholes in the road, we don't really have oversight for the road. We can work with the Highway Department and address those. We pay a severance tax for every ton of rock that comes out it goes back into the road fund to help deal with that. It is an impact type thing. What that fund goes for, and where it is utilized I can't address that, but I do know for every ton that we extract out we pay a severance tax that goes to this county. We don't have jurisdiction to go out on the road. That is not something that we can actually go out on and fix potholes. We can partner with the County Highway Department and work it at doing a better job at that. Yes sir."*

*Randy Laney clarified, "I understand the remarks about women on the Board. We've had two, by the way and they just resigned in the last year. We are maled up right now, but it wasn't that way before. We have had projects in our backyard. One of the projects we voted on tonight was in my backyard. I just want to explain to people that it's not for me to decide what I would do if it was in my backyard. I am supposed to follow the law and that's what I am trying to do the best I can. I appreciate your perspective. I voted for a couple of bad projects that were real near my property, because I thought they had the legal right to do it. I would do the same here if I feel like they have cleared all the hurdles. My question is on the CUP which is what we are seeing tonight. Theoretically, can we make it compatible somehow through a Large Scale Development plan which would come further after this? Is that correct, Nathan?"*

*Nathan Crouch replied, "The Large Scale is next yes. If this one is approved."*

*Randy Laney detailed, "You are hearing a long list I think that Large Scale Development in the old days might not have included hours of operation, how many trucks, having you responsible for making sure they have covers. That is not your responsibility. I just think this day and time to make it operate in a way that is efficient for your neighborhood. We all need to know what we are getting into here if we do approve a CUP. I think the Large Scale Development would have a lot of limitations on dust and everything I just want to make sure everybody knows the journey we are on that if we pass the CUP saying we will entertain the thought that you can make this expansion compatible, but you would have to prove up, if you will, that you could make it compatible. That is a big hill to climb. I think it could be done if you are willing to commit to it. I just want to make sure that you know that process."*

*Tim Gorman affirmed, "Yes sir."*

*Robert Daugherty stated, "I would just like to say that I understand the emotion and passion of every person that has spoken here tonight. I have a quarry next to my farm. I understand all that. Like Neil said a while ago, going forward as we run our businesses we always have ways to improve them, and things that we need to work on. I appreciate your efforts to try to reach out to the neighbors, and to try to make it better as you go forward. I know it is a huge undertaking to do, but I encourage you to do that because I understand all of their concerns. We are all trying to have a product here to help maintain our*

*infrastructure and go forward as our economy grows. I would appreciate your efforts to do that.”*

*Tim Gorman responded, “Yes sir.”*

*Public Comment Closed*

*Philip Humbar commented, “One of the problems I have with voting on this to approve is the vast quantity of new ground that is available to them. I am wondering if they would consider doing this in a phased approach where they would have to come back in different periods of time. I would hate to go through this again. We are doubling or tripling the size of this if we approve it. I am not comfortable in doing that. I am just talking about the sheer area. The time and area are pretty well tied together. How many acres are you trying to expand, 120 acres? If you looked at it at 40 acres at a time or some fraction of the total. I am not comfortable approving something that is 50 years of time out there. Not that it untimely couldn't be done that way. Tonight to approve something for 50 years, I am a little nervous about that.”*

*Robert Daugherty added, “I would be more comfortable with it also if it was done in phases.”*

*Philip Humbar went on, “I am not talking about adding a whole lot at each phase. I am just saying 5 years of time or something that way we can go back and go through this process fairly regularly. I don't know if that works with their business plan. It would make me a lot more comfortable that way if something that has been going on that causes us all sorts of problems we can say, ‘Hey we are done, it's over.’ It gives them more accountability to it.”*

*Nathan Crouch stated, “We can add conditions. However the CUP that has been submitted reads one way so do all of the site plans. It is my opinion that we would have to go back though the cycle. I believe that would be the way that we would need to do it. Then have another meeting and invite the neighbors as well.”*

*Philip Humard added, “I would feel more comfortable if it were being proposed by the applicant then us dictating what it would be. I'd like to hear from the applicant.”*

*Tim Gorman stated, “What we would like to consider with Mr. Madlock mentioned, the involvement of bringing this forward. The extensive costs and resources that we have in this. Plus if you look at our business plan and the investment that we have in this in order to continue with this investment. The investment that we make in the plan and the operations we need to have a pretty long duration on this. We would be open to coming back with a report that would put in a 5 year report that would come back and say this is our stance and this is how we are operating and our compatibility with the neighbors.”*

*The Chairman addressed the public regarding the importance of having order in the court.*

*Neil Helm asked, “Can you come up with a proposal to mitigate the attitude no difference between yourself and your neighbors. There is a program where everybody can meet somewhere in the middle. If you've got a program right now it is not being enacted according to your neighbors. You are doing well with ADEQ you don't have a choice, and several other areas where they can shut you down. Do you see what I am saying?”*

*Tim Gorman answered, “Yes sir. One of the things that I would propose is to have a neighborhood committee where we meet and we can sit down and address concerns. Every one of them that is brought up and come to resolution with those. That is something we are committing to. Whether it's quarterly, monthly, whatever frequency that is need to address those and deal with every concern that our neighbors have.”*

*Neil Helm inquired, “Mr. Chairman, would it be appropriate then that we table this until we can hear*

back from them concerning some of these issues like steps and public relations.”

Randy Laney replied, “A motion is in order. If you feel like you need further information to table it, but you would have to make the motion. It would have to pass that we table it until you get additional information. We need to be pretty specific what the additional information is just so we cannot require ourselves and them to go back through all of this again. Brian, does that work for you to have something specific that we wanted to resolve?”

Neil Helm asked, “Does he have some suggestions on what he would like for it to say?”

Brian Lester advised, “No, I just think that if you are going to move to table it, you’ve got certain things you want them to go back and readdress, you need to let the applicant know exactly what it is so that when it comes back up at the next hearing that those exact issues can be addressed by the applicant.”

Randy Laney added, “Say everything would come back roses with the CUP. Then when we see the Large Scale Development Plan that is when specific things could be added so it could evolve.”

Philip Humard suggested, “I highly doubt that you are going to attack all 50 years of project at one time. It is going to be a phased project one way or the other. Maybe it could come back with a plan saying what the phases would be and what milestones you would be at that we could then look at it again and say ‘Did you do what you said you were going to do or not?’ Take the pulse of the area about the dust control. Are we handling noise control? I would suggest that the first one be in a couple years. I don’t want to push it out there 5 years or 10 years. I’d like to see it come back. We lose track of these things we need on a High Impact project. We need something that we could keep a short leash on. That is really what I would like to see. I don’t know if we can do that, but that is what I’d like to see.”

Tim Gorman replied, “We have a drawing that shows our proposed mine plan. It’s got ranges in it because there’s a lot of unknowns as you get in to the out years. Basically where we plan to start, and stop, and how we plan to progress those operations.”

Philip Humard asked, “Would you be receptive to us tabling it, and you coming back and explaining it, put some milestones on some papers?”

Tim Gorman answered, “What if I submitted this drawing that has our mine plan and the areas highlighted and the dates that show us how we plan to operate those areas.”

Philip Humard responded, “I don’t think I could support that.

Tim Gorman inquired, “So the request is to what?”

Philip Humard replied, “It’s to have something definite. This is the phase and we are not going to go past this line until we get approval for the next line that we are going to go to.”

Public Comment Closed

Robert Daugherty made a motion to table the **Hunt Rogers Springdale Quarry Expansion HI CUP** subject to give the applicant time to consider presenting this in phases so that we could have some kind of controls over. Also, I would like to have time for the applicant to mediate some of the publics concerns and address some of those issues by April 2, 2020 Meeting. Neil Helm seconded. Joel Kelsey and Walter Jennings recused themselves. All other Board Members were in favor of approving. Motion passed.

**LAND DEVELOPMENT HEARING**

County

**f. Hunt Rogers Springdale Quarry Expansion HI Pre-LSD**

*High Intensity Preliminary Large Scale Development Request*

Location: Section 26, Township 18, Range 29

Applicants: Bates & Associates

Location Address: 21636 High Lonesome WC 4589

Approximately: +/- 244.5 acres / 5 parcels

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

**Project #: 2019-302**

**Planner: Nathan Crouch email: [ncrouch@co.washington.ar.us](mailto:ncrouch@co.washington.ar.us)**

*Robert Daugherty made a motion to table the **Hunt Rogers Springdale Quarry Expansion HI CUP** subject to give the applicant time to consider presenting this in phases so that we could have some kind of controls over. Also, I would like to have time for the applicant to mediate some of the publics concerns and address some of those issues by April 2, 2020 Meeting. Neil Helm seconded. Joel Kelsey and Walter Jennings recused themselves. All other Board Members 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:
  - February 27, 2020
  - April 2, 2020

**6. Old Business**

**7. Adjourn**

*Robert Daugherty 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