

MINUTES
WASHINGTON COUNTY PLANNING BOARD
November 5th, 2020
5:00 pm, via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARINGS

County

a. Bobby Russell Residential CUP

Approved

County

b. Blue Springs RV Park CUP

Approved

County

c. Ozarks Solar Park CUP

Approved

LAND DEVELOPMENT HEARINGS

County

d. Romine Minor Subdivision

Approved

County

e. Minor Subdivision Replat Tract A Flynt Subdivision

Approved

County

f. Hardwood Preliminary Subdivision

Tabled

CONDITIONAL USE PERMIT HEARING

County

g. Hunt Rogers Quarry Expansion HI CUP

Approved

LAND DEVELOPMENT HEARING

County

h. Hunt Rogers Quarry Expansion HI Pre-LSD

Tabled

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

2. **APPROVAL OF MINUTES:** *Robert Daugherty made a motion to approve the minutes of October 5th, 2020 as written. Jay Percy seconded. All board members were in favor of approving. Motion passed.*

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

4. **NEW BUSINESS**

CONDITIONAL USE PERMIT HEARINGS

County

a. Bobby Russell Residential CUP

Residential Conditional Use Permit Request

Location: Section 13, Township 15, Range 33

Applicant: Bobby Russell

Location Address: 19795 Sparrow WC 3618

JP District: Willie Leming, District 13

Approximately: +/- 1.82 acres / 2 lots

Coordinates: Latitude: 35.98779071, Longitude: -94.43354916

Project #: 2020-239

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

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to add an additional dwelling unit on a parcel that is approximately 1.82 acres and zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Bobby R & Dianna Lynn Russell	Parcel Number:	001-09441-000
Site Location:	19795 Sparrow WC 3618	Planning Area:	None
Acreage:	1.82 acres +/- per County GIS map	QC District:	13, Willie Leming
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Lincoln
FIRM:	05143C0310F	Fire District:	Lincoln Rural
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	Black Hills
Cable:	None	Phone:	PG Telco
Water:	Lincoln Water		

BACKGROUND/SYNOPSIS

The applicant, Bobby Russell, is requesting residential conditional use permit approval to add a second residence on his property. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located west of S Jackson Highway WC 669 along Sparrow Rd WC 3618. The project parcel is approximately 1.82 acres and does not meet the zoning criteria for a second residence. Sec 11-191.1 (a) of the Washington County Code of Ordinances state that single-family residential uses shall have a tract or parcel size of no less than one (1) acre in size. The addition of the second residences makes the property non-compliant with current County zoning. The applicant states the second residence is for their grandson. The Arkansas Department of Health has already approved the septic permit and design. The City of Lincoln provides water to this location. The City has approved the plumbing permit for the new house. The second residence will not be placed in any building setback.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Agricultural	Ag/SF Res 1 unit/ac
West	Residential	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is heavy with agricultural uses. The property has an existing residence (the applicant's house) and a poultry house that is no longer used for farming purposes.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

A. LAND USE CONSIDERATIONS

1. RESIDENTIAL

To achieve these objectives, it is essential to:

- a. To provide for development of residential areas at appropriate densities.
The requested density for one (1) unit per 0.91 acres which is less than the current allowance of one (1) unit per acre per County zoning. There are other nearby properties with a similar density.
- b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;
Per current County zoning, any non-conforming use or size must be granted a conditional use permit. The applicant understands that this request must be approved by the Planning Board and receive Quorum Court approval.
- c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development;
The applicant has already applied for and been granted permits to connect to utilities for the second residence.
- d. Protect the character and integrity, and property values, of single-family, residential areas;
There are other properties in the area with multiple residences on a single parcel. An additional dwelling should not be detrimental to the character and integrity of the surrounding area, nor should an additional dwelling on this specific parcel be detrimental to the property values of the surrounding area.
- e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls;
The nature of this request is residential. There should not be inappropriate non-residential influences resulting from the addition of an extra residence on this parcel.
- f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,
The land use is residential. The applicant is requesting an additional residence for additional family. Utilities are available and permits have already been applied for and granted. An additional residence should not be detrimental to the local fire protection and safety providers.

- g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads.

Additional roads will not need to be constructed for this request. The second residence will utilize current roads for access. One or two additional vehicles should not hamper the flow of traffic or be ruinous to the current existing road conditions.

The subject area is located within a part of the county that is heavy in agricultural uses and has many residential structures. The applicant has ensured that utilities are available to the new residence. The residents of the additional dwelling will utilize current existing roadways for access.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

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

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application and tendered the appropriate fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
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.	Adequate utilities are available or will be made available at the applicant or property owner’s expense.
4 That the proposed use is compatible with the surrounding area.	The proposed density is for one (1) unit per 0.91 acres. Current County zoning states that there must one (1) acre available per each residential unit. One-tenth of an acre should not be detrimental to the surrounding area.
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 proposed use continues the agricultural/residential nature of the surrounding area and supports current County zoning in most categories except for density. The proposed density is 1/10 acre less than the required one (1) acre. This should not be detrimental to the public safety, morals, comfort or general welfare of the area.

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.	The surrounding area is mostly agricultural and residential by use and zoning. An additional residence continues the residential nature of the area and supports current zoning in most aspects except density. An additional residence should not impair property values within the surrounding area.
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 request is for an additional dwelling which is residential. The current zoning for the area is for agricultural/residential uses. The conditional use for a residential use should not hinder the orderly development and/or improvement of the surrounding area.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

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

From the Washington County Engineer

1. The Washington County engineer has reviewed this project and has no comments.

From the Washington County Fire Marshal

1. Is the existing, adjacent structure (barn/chicken house) going to be removed? *(The applicant has stated the barn/chicken house will not be removed)*
2. Ensure that the structure is equipped with hardwired/battery-back up smoke alarms.

From Washington County Environmental Affairs

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

From Washington County Department of Emergency Management

1. A physical 911 address may be required. Please complete the Address Application, if needed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feel the proposed secondary residence can be made compatible with county ordinances with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

1. Any damage or relocation of existing facilities will be at owner’s expense.
2. Any power line extension that has to be built to this property will be at the owner’s expense.

The cost will be determined after the owner makes application for electric service and the line has been designed.

3. All off site easements that are needed for Ozarks to extend electrical service to the property must be obtained by developer and easement documentation provided to Ozarks before work begins. On site easements must be shown on plat and recorded with the county.
4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. The City of Lincoln is unable to provide fire protection because the water line is too small.

Fire Safety Conditions

Fire Marshal

1. The structure should be equipped with hardwired/battery back-up smoke alarms.

Lincoln Rural Fire Department

1. The applicant should seek to confer with the Lincoln Rural Fire Department for any fire safety concerns or questions.

Sewer/Septic Conditions

1. The applicant must adhere to all Arkansas Department of Health regulations and requirements when installing the new septic system.

Environmental Conditions

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

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

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

No Public Comment

Public Comment Closed

Robert Daugherty made a motion to approve the **Bobby Russell Residential CUP** subject to staff recommendations. Randy Laney seconded. All Board Members present were in favor of approving. Motion passed.

County

b. Blue Springs RV Park CUP

Conditional Use Permit Request

Location: Section 06, Township 17, Range 28

Engineer: Blew & Associates

Location Address: 20540 Blue Springs Road WC 70

JP District: Patrick Deakins, District 5

Approximately: +/- 32.13 acres / 1 parcel

Coordinates: Latitude: 36.16998992, Longitude: -94.00358408

Project #: 2020-261

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

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to construct and operate an RV park on a parcel that is zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Capstone Builders, Inc	Parcel Number:	001-13720-003
Site Location:	20540 Blue Springs Rd WC 70	Planning Area:	None
Acreage:	31.91 acres +/- per survey	QC District:	5, Patrick Deakins
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Springdale
FIRM:	05143C0095F	Fire District:	Nob Hill Rural
Wetland:	No	Watershed:	Beaver Lake

UTILITIES

Electricity:	Ozark Electric	Gas:	Gas
Cable:	None	Phone:	AT&T
Water:	Springdale Water		

BACKGROUND/SYNOPSIS

The applicant, Capstone Builders, is requesting conditional use permit approval to construct and operate an RV park. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. This project was approved by the Planning Board on October 4, 2012 and ratified by the Quorum Court on October 12, 2012. The project was not contentious at the time and there were no appeals. The applicant was unable to complete their project within the approved time frame. The project parcel is not in a planning area. The proposal is located along Blue Springs Rd WC 70 which is just south of Hwy 412. The project parcel is approximately 31.91 acres. The project will be accessible from Blue Springs Road WC 70. The RV Park will be paved with asphalt. The proposal calls for a pool, dog kennels, and general office and other facilities. There are two septic areas. The first septic area will be approximately 0.25 acres in size and will service the office building, pool areas, and other facilities and potentially cross under a future access road. The second septic area is also 0.25 acres in size and will service the actual RVs. If the CUP request is granted, the applicant must proceed with large scale development permitting.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Agricultural	Ag/SF Res 1 unit/ac
West	Agricultural	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is mixed with agricultural and residential uses. The property is currently vacant. The western portion that borders the road is cleared off trees. The eastern, southern, and northeastern boundaries are wooded with trees.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

B. LAND USE CONSIDERATIONS

2. LIGHT COMMERCIAL

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

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

An RV park is not considered agricultural or residential by use. It is also not a major commercial entity such as a shopping complex nor does it fit into an industrial consideration. Staff has deemed it a light commercial use because the nature of the proposal is to rent RV stalls. Staff feels that with conditions, the proposed use can be made compatible with the surrounding residential uses. Natural buffer and visual mitigation exists with the wooded boundaries to the northeastern, eastern, and southern sides of the parcel. The applicant plans to develop within the area that was cleared for mining purposes on the western side of the property.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

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

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application and tendered the appropriate fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
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.	Adequate utilities are available or will be made available at the applicant or property owner's expense.
4 That the proposed use is compatible with the surrounding area.	The proposal can be made compatible with the surrounding area with conditions. The project property contains natural wooded boundaries which the applicant will leave intact. Quiet time will be strictly enforced. Pop-up campers and truck campers will not be allowed. Older RVs must undergo a visual inspection before being allowed to stay at the proposed RV park.
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 proposed use should not be detrimental to public health or general welfare. The proposed RV park will be maintained by contracted labor until the business is able to support its own full-time workers. A dense naturally wooded buffer exists around the perimeter of the project parcel. Quiet hours will be strictly enforced.
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.	The surrounding area is mostly agricultural and residential by use and zoning. The RV park will be properly maintained. Dense wooded areas surrounded the perimeter of the project parcel. The RV park will be self-contained. There will be little need for its clients to walk or travel outside the park for amenities such as laundry or light amusement. Its existence should not be injurious to the surrounding properties.
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 request should not impede with the normal and orderly development and improvement of the surrounding area. The main access will be Blue Springs Road where it intersects with Hwy 412.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the RV Park 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 RV Park 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 Lot must be shown on final plat before Ozarks Electric will sign the final plat.
6. 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 RV Park and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

From Washington County Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. Please contact the Fire Marshal for an acknowledgement form.

From Arkansas Department of Health

1. Septic system, soils information, and RV Park must go through ADH approval process before any permits are granted by ADH.

From the County Engineer

Please refer to the document labeled "From Garver Engineering 10.12.2020"

1. Provide site distance triangles showing adequate sight distance is provided.
2. Will a pipe be needed here?
3. Provide proposed grading at the LSD stage.
4. Provide drainage report at LSD stage. Any increases in peak flow will have to be mitigated by detention. The proximity to the lake will not negate this requirement as downstream erosion and sediment caused by increased flows is a concern of the Beaver Water Shed Alliance and Beaver Water District.

From Washington County Environmental Affairs

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

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feels that the proposed RV Park can be made compatible with county ordinances with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

1. Any relocation of existing facilities or extension of line that has to be built specifically to feed the RV Park 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 RV Park 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 Lot must be shown on final plat before Ozarks Electric will sign the final plat.
6. 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 RV Park and again when construction is within three months of completion. Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

Phone – AT&T

1. Please contact AT&T for telephone concerns and questions.

Water – City of Springdale

1. Please contact the City of Springdale for water concerns and questions.

Gas – Black Hills

1. Please contact Black Hills for natural gas concerns and questions.

Fire Safety Conditions

Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. Please contact the Fire Marshal for an acknowledgement form

Nob Hill Rural Fire Department

1. Please contact the Nob Hill Fire Department for fire safety concerns and questions.

Sewer/Septic Conditions

1. Septic system, soils information, and RV Park must go through ADH approval process before any permits are granted by ADH.

Drainage Conditions

1. A drainage report will be required during the large scale development portion of this project. The applicant should utilize the Drainage Report Checklist provided by the County Engineer.

Environmental Conditions

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

Road Conditions

1. A permit from the Washington County Road Department will be required prior to any work being completed in the right-of-way.
2. Any tile that may be needed must be sized by the Road Department.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size and 8 feet in height.
3. Signs shall not be directly lit.
4. Signs may not be placed in the County Right of Way.

Lighting Conditions

1. 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.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Care should be taken to leave as much of the wooded area intact to assist with visually secluding the RV park from neighboring properties.

Addressing Conditions

1. A physical 911 address may be required. Please complete the Address Application, if needed.

Planning Conditions

1. The Conditional Use Permit is specifically to allow an RV park only. Any future land uses not allowed by the current zoning must come before the Planning Board/Zoning Board for conditional use permit approval and ratified by the Quorum Court.

2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

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

Joel Kelsey, Planning Board Chairman, inquired, "Is this property currently zoned commercial?"

Sita Nanthavong replied, "The Blue Springs RV Park CUP currently has a CUP on it that is expired. The area is zoned Agricultural/Single-Family Residential, 1 unit/per acre."

Public Comment

Shannon Sherman, Neighbor residing at 20416 Blue Springs Road, addressed the Board, "I talked to some of the neighbors locally. First of all I'd like to say I've spoken to Mr. Ditch and I consider him a friend. He has been very transparent with this project from the first time I met him. In essence some of the concerns that I would have and the neighbors have brought to my attention is that the curve to the north of the site, it's kind of a small s-curve. It's an accurate statement from some that the traffic can be a little bit of a concern there when you meet gravel trucks etc. It was brought to my attention and it is a valid concern about the road. It may be a county issue not Mr. Ditch's issue. What I am stating is that there is another curve that kind of swings back toward the left and people will cross that yellow line quite frequently. That is something to consider, I would think as a commission. The other for me personally, Mr. Ditch has also been very open about the water that he has there from the City, but we are on a spring we're not even on a drilled well. I have a ravine that backs up to that property. I don't feel like he would purposely cause any issues as far as my drinking water, but right now I don't have any access to county water. My concern would be that we could rest assured that my drinking water would not be affected. I know some of the other neighbors are on well water, but those are two of the biggest concerns that have been brought to my attention. Thank you."

James McCarty, Attorney for Beaver Water Shed Alliance, addressed the Board, "Good Evening everyone. I appreciate you all for taking my comment. You have my letter there and I am thankful that you have brought that up to the attention of the Board. I just want to point out the sheer number of RV Parks going in this area. We negotiated with the King's Ransom Park for them to limit the density to the number of acres that they had which allowed them to maintain the current county density. We're essentially just asking to be consistent with this RV Park as well. You'll notice that it is on a very small lot and the final

proposed plan is upwards of 120 RV spots. We're concerned about the precedent that this continued development in the lake is setting. It's kind of really been realized by more and more RV Parks showing up to this area which contribute a pollutant load to the lake. Those are our concerns and again I just thank you for showing our letter and making those concerns aware to the Board."

Public Comment Closed

Cody Sexton, Engineer with Blew & Associates, addressed the Board, "We have some answers to a few of the questions that were brought up. One of the questions that was brought up was the distances of the other nearby as far as to the lake. I had that same thought this afternoon when we were looking at it. I don't have the other two the King's Ransom and the Pilgrims that are off further to the side. I did look at the topography and map out for exactly that purpose just to see if you dumped a cup of water on the ground here at our project how long does it take for it to run downhill and run through the woods and run through the vegetation before it does hit the lake. If we look over here at River's Edge it breaks in two directions and in one direction it's about 1,000 feet before it hits the water. In the other direction it's about 2,200 feet. River's Edge having been approved and everything. If we come back to our project and look at the same type of thing we are farther in every direction so 2,700 feet. We bridge down through this line so half of it breaks this way, the other side is a longer meandering pathway and that's 3,200 feet to the water. That was brought up and we had the answer so we just wanted to bring that up to give you guys an idea if a cup of water is thrown out on to the property that is how far it's got to go before it hits the lake. We're going through vegetation and green space and everything else like that. Also, there was some discussion on the wooded area on the property. It is the intent of the developer that for the most part all of the wooded area that is there now is going to stay where it is once everything is developed. The footprint of the units at the overall plan basically falls into place with what's already cleared. That was the plan to maintain as much vegetation as possible. Also it is part of the developer's plan that he has a 5 acre section up here on the North that he is going to maintain free and clear as a buffer against the residents that are to the North. Otherwise, important things to bring up that has been mentioned before this project has been approved with no issues and comments in the past. It's just a matter of the conditional use permit expiring before the project could get fully underway. Also, as we can see very similar projects have been approved and been constructed nearby in the area. We just had a few answers to some questions that have been brought up. I think that is all we've got at the moment."

Philip Humbard, Planning Board Member, inquired, "Do you have an area that you are proposing to put the septic in?"

Cody Sexton replied, "We do and we've had that assessed by the soil engineers on that. There is a general footprint. We have a main septic field in this area, and then we have a smaller independent one for the office area. Basically this green outline, and that one."

Philip Humbard asked, "What was the statues on those?"

Cody Sexton answered, "We've had an engineer do a soil survey and say it was suitable for what we were doing. We did all that before we even designed it. That was the first thing we did. We are going to design it then we did the full scale or large scale development plan."

Joel Kelsey inquired, "Could you tell me how far those are from the lake?"

Cody Sexton replied, "I sure can. Those both pretty much math up to the ends that I have here. That why I them. 2,700 to one, and 3,200 from the second."

Joel Kelsey stated, "My only concern would be that it's another RV Park and it's almost like we're saturating that area with them. We have three in close proximity."

Randy Laney made a motion to approve the **Blue Springs RV Park CUP** subject to limited conditions and review of the full Large Scale proposal. Robert Daugherty seconded. All Board Members present were in favor of approving. Motion passed.

County

c. Ozarks Solar Park CUP

Conditional Use Permit Request

Location: Section 20, Township 15, Range 32

Applicant: Today's Power

Location Address: 11147 S Wedington Blacktop WC 33

JP District: Willie Leming, District 13

Approximately: +/- 16.37 acres / 1 parcel

Coordinates: Latitude: 35.96663454, Longitude: -94.40024515

Project #: 2020-256

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

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to construct and operate a solar battery storage facility on a parcel that is zoned for agricultural/single family residential uses with a maximum of one (1) unit per acre.

SITE INFORMATION

Land Owner:	Freeman Poultry, Inc	Parcel Number:	001-08708-000
Site Location:	11147 S Wedington Blacktop WC 33	Planning Area:	Lincoln
Acreage:	16.54 acres +/- per survey	QC District:	13, Willie Leming
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Lincoln
FIRM:	05143C0310F	Fire District:	Lincoln Rural
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	Black Hills
Cable:	None	Phone:	PG Telco
Water	Lincoln Water		

BACKGROUND/SYNOPSIS

The applicant, Today's Power Inc (TPI), is requesting conditional use permit approval to operate a solar battery storage facility. 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 City of Lincoln Planning Area. The proposal is located west of S Wedington Blacktop WC 33. The project parcel is approximately 16.54 acres. Since the intended use is not agricultural or single family residential, the applicant must obtain a conditional use permit to allow its requested use. The solar field will be fenced with gated. There will be parking available but limited to TPI personnel for maintenance purposes. TPI estimates around four (4) employees accessing the site for maintenance, but will typically not have personnel present 24 hours a day. Aside from TPI employees and its scheduled visitors, there will be no customers visiting the site. The applicant intends to have a sign with the TPI logo and site details posted near the front gate. The solar field is expected to utilize the entire 16.5 acre parcel. There should be no audible noise emitted from the facility and should not produce trash or waste after its construction phase. The solar structures will not exceed 10 feet in height. The solar field facility will not have water or plumbing on site. Please see the attached documents for more detailed information.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural	Ag/SF Res 1 unit/ac
South	Agricultural	Ag/SF Res 1 unit/ac
East	Agricultural	Ag/SF Res 1 unit/ac
West	Agricultural	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has an agricultural use. It is in an area that is heavy with agricultural uses. The property is currently vacant. It has been used as pasture and a hayfield.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

C. LAND USE CONSIDERATIONS

4. INDUSTRIAL

- a. Adopt development regulations and standards to provide for quality development;

This project primarily is concerned with compatibility within the proposed area. The majority of regulations and standards for development will be mostly addressed during the large scale development portion.

- b. Identify suitable land for reservation of future industrial growth;

The nature of a solar battery storage facility is not dominantly industrial or commercial.

- c. Provide adequate services, utilities and accessibility;

Utilities are available at the expense of the developer.

- d. Insulate industrial sites from other activities by location or buffers; and,

The facility will be fenced and have a locked gate.

- e. Require provision of ample off-street parking and loading space.

There will be very little traffic to the site once construction is complete. The applicant will have minimal parking to support their staff for infrequent visits to the facility. The subject area is located within a part of the county that is heavy in agricultural uses and has many residential structures. The solar battery storage facility proposal is low impact and should not be detrimental to the surrounding agricultural and residential parcels.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is not a Future Land Use for the project parcel. The current zoning for the project parcel is Ag/SF Res 1 unit/ac. If the project is approved, the zoning will stay the same, but with a conditional use allowance.

Neighbor Comments and Concerns

Pursuant to Sec 11-204, Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, notifications were sent by certified letter to all adjoining property owners within 300 feet. To date, Staff has not received comments voicing opposition or favor of the project. Planning Staff will update the Board should any further comments be received.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

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

<i>Criteria</i>	<i>Staff Comments</i>
1 That a written application has been filed with the Planning Office and the appropriate fee has been paid.	The applicant has submitted a written application and tendered the appropriate fee.
2 That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.	Notifications of public hearing was sent via certified receipt. Staff has copies of the certified receipts as proof.
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.	Adequate utilities are available or will be made available at the applicant or property owner's expense.
4 That the proposed use is compatible with the surrounding area.	The proposal is low impact. The solar structures will not exceed 10 feet in height. Very little of the site will be disturbed. The facility is silent and cannot be heard from the road.
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 proposed use should not be detrimental to public health. The facility is silent from the road. The battery storage containers are monitored. There will be monthly visits by TPI staff to ensure the facility is functioning properly.
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.	The surrounding area is mostly agricultural and residential by use and zoning. The facility will be fenced and gated for safety. It is set upon a large parcel that is surrounded by agriculturally used parcels.
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 request should not impede with the normal and orderly development and improvement of the surrounding area. The nature of a solar power field is static with very few visitors. Once it's constructed, it remains still. Should development occur on surrounding parcels, the solar power facility should not hamper or hinder the other development's progression.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

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

4. Please contact Ozarks Electric if you have any questions. Wes Mahaffey At (479)263-2167 Or wmahaffey@ozarksecc.com

From the Lincoln Rural Fire Department

1. Today's Power Letter of Explanation gives a description of the project off Wyman road. Update letter to reflect how it will lay off Wedington Blacktop. *(The applicant has updated their letter)*
2. Please note in site drawings the location of the two energy storage containers and access road or roads. *(The applicant has shown this on an image)*

From the Washington County Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. I can meet with a representative to sign acknowledgement form.

From the County Engineer

Please refer to the document labeled "From Garver Engineering 10.12.2020"

1. What size are the buildings?
2. Does a storm culvert need to be installed to convey flow along the existing roadside ditch?
3. Will the grass be removed and replaced with gravel? Please describe the ground surface that the panels are installed on.
4. Note: a drainage report will be required at the LSD stage that compares the pre- versus post peak stormwater flows leaving the site.

From Washington County Environmental Affairs

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

From Washington County Department of Emergency Management

1. A physical 911 address may be required. Please complete the Address Application, if needed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feel the proposed solar battery storage facility can be made compatible with county ordinances with the following conditions:

Utility Conditions

Electricity – Ozarks Electric

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

Phone – PG Telco

1. Please contact PG Telco for telephone concerns and questions.

Water – City of Lincoln

1. Please contact the City of Lincoln for water concerns and questions.

Fire Safety Conditions

Fire Marshal

1. The architect/engineer will need to base the project off of the Arkansas Fire Prevention Code for the entire project. Please contact the Fire Marshal to have a representative to sign an acknowledgement form.

Lincoln Rural Fire Department

1. Today's Power Letter of Explanation gives a description of the project off Wyman road. Update letter to reflect how it will lay off Wedington Blacktop.
2. Please note in site drawings the location of the two energy storage containers and access road or roads.

Sewer/Septic Conditions

1. Please contact the Arkansas Department of Health should the need for septic arise in the future.

Drainage Conditions

1. A drainage report will be required at the large scale development portion of this project.

Environmental Conditions

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

Road Conditions

1. Please contact the Washington County Road Department for permitting.

Signage Conditions

1. All signs must be out of the right of ways.
2. Signs may not exceed 24 square feet in size.
3. Signs shall not be directly lit.

Lighting Conditions

1. 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.

Screening Conditions

1. All outdoor storage areas and dumpsters, to include the gate, shall be screened with opaque material of a uniform type.
2. Landscaping barriers such as trees, shrubs, and/or fencing may be required in the large scale development portion. A planting schematic must be approved by the Planning Department prior to the installation of the plant.

Planning Conditions

1. The Conditional Use Permit is specifically to allow a solar battery storage facility only. Any future land uses not allowed by the current zoning must come before the Planning Board/Zoning Board for conditional use permit approval and ratified by the Quorum Court.
2. The applicant must address all technical review comments as the project proceeds through to completion.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

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

Randy Laney, Planning Board Vice Chairman, inquired, "I think it's important when you are looking at solar to consider topography. I know we don't normally speak to that, but what is the elevation here? Is it top of the hill or bottom of the hill? Give me some idea of the topography."

Sita Nanthavong replied, "It is actually very flat at this particular spot."

Randy Laney continued, "How far until you're looking down on it? I was actually hoping it'd be on top of the hill instead of everybody looking down at it."

Sita Nanthavong responded, "You can see looking in this direction where the road goes up, if you are coming from the opposite direction towards where I was standing, once you get over that hill its flat. That hill is not very big. Again, it's very gradual going in the opposite direction. It looks like it's going uphill. I don't have any actual figures as to what the topography actually is."

Randy Laney commented, "I don't know that I am going to be insistent on deferring it until we find out, but I know that the company where I am the Board at, we do tons of solar everywhere and we are always challenged by topography. You can be two miles away and be blinded in your living room by the reflection of these because they work very well. It is important to consider. I suppose you could screen that, but I am a little uncomfortable not knowing how it lays. Bob, do you or Bill know what that is like out there?"

Robert Daugherty, Planning Board Member, answered, "Well, the best I remember it's fairly flat there and then on north it will drop down into a valley, but it's on past this place where it drops down into a valley. It's basically on top there with Lincoln. Of course Lincoln drops off in several different directions. It's basically on top and flat, but it's not going to drop off for a mile or two. Something like that."

Randy Laney specified, "I just had one other question, Sita, see that uses the work Ozark, but this has nothing to do with Ozarks Electric Co-op. This is just called Ozark it is a for profit thing that is called Ozark."

Sita Nanthavong confirmed, "Yes, they just called it Ozark. That is correct."

Public Comment

Matt Irving, Vice President at Todays Power, addressed the Board, “Thank you for taking my call. Thank you for considering this CUP. I just wanted to let you know I am here. I’m happy to answer any questions. We wanted to speak towards what one of the commissioners was asking about, glaring issues, we’ve not had a huge issue. I will say that this system is a tracker system so it doesn’t stay in one fixed position that would create a constant glare at any location. We are working with Ozarks Electric on this project. They will be part of the off taker for the storage portion of it.”

Steve Shepard, Neighbor at 11115 Wedington Blacktop Road, addressed the Board, “If you go back to that original map that house is 85 feet from this property. That is my house. I just received all this Thursday and I have retained a lawyer yesterday. He called me about 10 minutes to fly tonight and he is tied up in court so he couldn’t be here. I haven’t been contacted by anybody about what is going on with this or what they are doing. They are talking about my property value, my home value could go down as much as 20% with all this. It’s not only behind me, it’s beside me. I’m basically surrounded by this whole deal. On the map you could see where they are going to put the battery packs and the other stuff which is going to be right beside my house. The solar panels are all 16 points up in acres all behind me there. I’m supposed to give my lawyer a call when I get out of here. He wanted to know what is going on. He wants to start filing some kind of action because we have no idea what’s going on. I haven’t been contacted by any electric people or anybody. I am just kind of up in the air over this stuff. I don’t have any idea. I understand it’s something to do with the City of Lincoln. It’s going to provide the city halls or something with electricity. I don’t understand how the city can build out here in the county. I thought they had to do their own within their city limits. I’m not real sure. That’s why I had to get an attorney. Anyway, of all the places, I am the only home if you look on that map. There is nothing behind me, beside me or across the street from me. There is a barn up on the hill there. There’s two chicken houses beside me. Since this Coronavirus started I don’t know if that had something to do with it, but he hasn’t been running any chickens since roughly February. There was three chicken houses on the property behind me where these solar panels are going. He tore them down and buried them out there. I don’t know if anybody knows that or not. If you guys would just hold off a little bit until my lawyer finds out exactly what’s going on with all this and I find out. I’d really appreciate it. I kind of feel like it’s kind of rushing through this or whatever. I really don’t feel that’s right. I don’t know what’s going on. I appreciate your time. Thank you.”

Joel Kelsey suggested, “Nathan, could you please explain the procedural process on the mail outs?”

Nathan Crouch affirmed, “Yes sir, by ordinance our neighbor notifications go out two weeks prior to the Planning Board Meeting. Indeed, he says he received his Thursday. Well, tonight is Thursday so he’s had it for a week. That’s what our ordinance tells us that we have to do and that’s what we did. Additionally, there is a 30-day appeal period following this meeting if the CUP is approved. If the CUP is denied there is also a 30-day appeal period.”

Public Comment Closed

*Philip Humbar made a motion to approve the **Ozarks Solar Park CUP** subject to staff recommendations. Robert Daugherty seconded. All Board Members present were in favor of approving. Motion passed.*

LAND DEVELOPMENT HEARINGS

County

d. Romine Minor Subdivision

Preliminary and Final Land Development Requests

Location: Section 30, Township 14, Range 29

Applicant: Blew & Associates

Location Address: 16697 Brentwood Mountain WC 39

JP District: Ann Harbison, District 14

Approximately: +/- 2.42 acres / 2 lots

Coordinates: Latitude: 35.86033258, Longitude: -94.10831799

Project #: 2020-257

Planner: Nick Little email: nlittle@co.washington.ar.us

APPLICANT'S REQUEST

The applicant is requesting preliminary and final Minor Subdivision approval in order to split a 3.122-acre parcel into two smaller pieces: 2.058 acres and 1.064 acres.

SITE INFORMATION

Land Owner:	James Romine and Vickie Henson	Parcel Number:	001-02925-001
Site Location:	16697 Brentwood Mountain Rd WC39	Planning Area:	None
Acreage:	3.122 acres±	QC District:	14, Ann Harbison
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Greenland
FIRM:	05143C0550F	Fire District:	Boston Mountain Rural
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	Windstream Communications
Water:	Washington Water Authority		

BACKGROUND/SYNOPSIS

The applicant, James Romine, is requesting preliminary and final Minor Subdivision approval to split a 3.122-acre tract into two smaller pieces. The purpose of this split is to separate the applicant's residential lot (2.058 acres) from the eastern lot (1.064 acres). The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located on the northern side Brentwood Mountain Road WC39. There is one permanent residence located on the property at this time, as well as several sheds and pole barns.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

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

From Washington Water Authority

1. No Comments.

RECOMMENDATION & CONDITIONS

Staff recommends approval of this project with the following conditions:

Septic

1. Final approval is contingent upon Planning Staff’s reception of suitable septic inspection/soil work forms from a certified Designated Representative of the Arkansas Health Department.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant’s responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

Washington County Planner, Nick Little, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **Romine Minor Subdivision** subject to staff recommendations. Randy Laney seconded. All Board Members present were in favor of approving. Motion passed.*

County

e. Minor Subdivision Replat Tract A Flynt Subdivision

Preliminary and Final Land Development Requests

Location: Section 26, Township 16, Range 32

Applicant: Blew & Associates

Location Address: 12815 Viney Grove WC 37

JP District: Sam Duncan, District 7

Approximately: +/- 4.09 acres / 1 lot

Coordinates: Latitude: 36.03537157, Longitude: -94.33967962

Project #: 2020-260

Planner: Nick Little email: nlittle@co.washington.ar.us

APPLICANT’S REQUEST

The applicant is requesting preliminary and final Minor Subdivision Replat approval in order to split a 4.108-acre platted subdivision lot into two smaller pieces: 2.957 acres and 1.151 acres.

SITE INFORMATION

Land Owner:	Michael Pacheco	Parcel Number:	187-00001-000
Site Location:	12815 Viney Grove Road WC37	Planning Area:	None
Acreage:	4.108 acres±	QC District:	7, Sam Duncan
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Prairie Grove

FIRM: 05143C0190F
Wetland: No

Fire District: Prairie Grove Rural 105
Watershed: Illinois River Watershed

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	PG Telco
Water	Washington Water Authority		

BACKGROUND/SYNOPSIS

The applicant, Michael Pacheco, is requesting preliminary and final Minor Subdivision Replat Approval in order to split a platted 4.108 acre subdivision lot into 2 pieces: The north tract at 1.151 acres and the south tract at 2.957 acres. The purpose of this split is to deed the smaller northern tract to a family member. Typically, this would be done as a 'Family Split' administratively. However, due to the parent parcel being a part of a platted subdivision, Flynt Subdivision, we have to proceed with Minor Subdivision Replat protocol. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located on the western side of Viney Grove Road WC37. The northern tract will access Viney Grove from the north via an easement that runs through the property to the northeast. The southern tract will access Viney Grove via an easement that runs through the lot to the south. There is one permanent residence located on the property at this time, as well as an existing storage building. The proposed southern tract will contain the existing house.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From Ozarks Electric

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

From Washington Water Authority

These properties will be served 4" water main that runs parallel and to the east of Viney Grove Road.

- 1) The configuration currently shown in the Tract Split will "land lock" Tract 1 with respect to access to the WWA public water main. Future water to Tract 1 will be provided from the Southeast corner of Tract 2. Please make the East B.S.B. on tracts double as a U/E.
- 2) If Tract 1 desires water service, please fill out and submit a Request for Water Service found on the WWA website (www.washingtonwater.org) to the WWA office.

RECOMMENDATION & CONDITIONS

Staff recommends approval of this project with the following conditions:

Planning

1. Existing driveway easement that gives access to Tract 1 and Tract 2 will need to be listed as a utility and access easement in order to meet Planning Staff’s access requirements.

Septic

1. Final approval is contingent upon Planning Staff’s reception of suitable septic inspection/soil work forms from a certified Designated Representative of the Arkansas Health Department.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant’s responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

Washington County Planner, Nick Little, presented the staff report for the Board Members.

No Public Comment

Public Comment Closed

*Robert Daugherty made a motion to approve the **Minor Subdivision Replat Tract A Flynt Subdivision** subject to staff recommendations. Randy Laney seconded. All Board Members present were in favor of approving. Motion passed.*

County

f. Hardwood Preliminary Subdivision

Preliminary Land Development Request

Location: Section 04, Township 17, Range 28

Applicant: Engineering Services Inc.

Location Address: 20387 Hardwood WC 381

JP District: Patrick Deakins, District 5

Approximately: +/- 25.74 acres / 14 lots

Coordinates: Latitude: 36.17405081, Longitude: -93.96214865

Project #: 2020-263

Planner: Nick Little email: nlittle@co.washington.ar.us

APPLICANT’S REQUEST

The applicant is requesting preliminary subdivision approval to develop a 14-lot platted subdivision on a 20 acre parent parcel.

SITE INFORMATION

Land Owner:	Cedar Creek Homes, LLC	Parcel Number:	001-13642-008
Site Location:	20791 Hardwood Road WC381	Planning Area:	None
Acreage:	20 acres±	QC District:	5, Patrick Deakins

Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Springdale
FIRM:	05143C0125F	Fire District:	Nob Hill Rural 119
Wetland:	No	Watershed:	Beaver Lake Watershed

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water	Madison County Water		

BACKGROUND/SYNOPSIS

Cedar Creek Homes, LLC is requesting preliminary subdivision approval to develop a 14-lot platted subdivision off of Hardwood Road WC381, about a quarter-mile south of Highway 112 in the northeastern corner of Washington County. The size of the subdivision lots will range from 1.21 acres to 1.58 acres, all of which meet zoning criteria without requiring further permitting. A paved residential subdivision road will be built to give access to all 14 lots within the new development. The new road will utilize the chip seal method of paving and will be built to county standards, per the plans received by Planning Staff. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is not in a planning area. The proposal is located on the western side of Hardwood Road WC381. The proposed residential road that is to be built will access off of Hardwood Road as well. There are no permanent residential structures on the property. The land is vacant and has been cleared.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

From 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, re-sodding , 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.
 - Wes Mahaffey At (479)263-2167 or wmahaffey@ozarksecc.com

From Washington County Engineer

1. The main concern from the County Contracted Engineer was with the high level of drainage runoff to the south of the property and the lack of detention facilities. Upon resubmittal, the agent/engineer revised a hydrological error in their model that addressed the runoff to the south.
2. Another concern of our County Engineer was a natural drainage path on Lot 7 in the northwestern corner of the subdivision. The project engineer mitigated this issue by stating that a drainage easement will be dedicated in order to allow the natural drainage through that lot to not be impeded by the construction of a home/residential feature.
3. Our County Engineer also stated concern about the depth of the ditches that flank the proposed residential road. The ditches were not deep enough, initially, to allow for pipes/culverts that will run under the driveways of the individual lots. Since resubmittal, the ditches have been made deeper to allow for stormwater to flow better within the ditches in the subdivision.

A resubmittal packet including the responses to the County Contracted Engineer's comments, technical comments, the revised site plans and the revised drainage report has been sent to our County Engineer for a second round of commenting. The second set of comments haven't been received at the time of this Staff Report. Planning Staff will update the Board of any further comments or concerns the County Engineer has regarding this project at the time of the meeting.

RECOMMENDATION & CONDITIONS

Staff recommends approval of this project with the following conditions:

Septic

1. Approval will be contingent on the reception of acceptable soil work from a Designated Representative of the Arkansas Health Department for each lot in this development. There must be a primary and secondary septic field on each lot to meet Planning's septic requirement.

GPM Fire Flow

1. Final approval will be contingent on the reception of GPM Fire Flow calculations for this project. All fire flows must meet minimum State Fire Code standards.

Engineering

1. Applicant's site and drainage plans must meet the specifications that satisfy the Washington County Contracted Engineer before preliminary subdivision plats are approved.

Standard Conditions for All Projects

1. Pay neighbor notification mailing fees within 30 days of project approval. Any extension must be approved by the Planning Office (fees will be calculated once the info is available from the post office). This total will be calculated for this project once all invoices are received.
2. Pay any engineering fees. This total will be calculated for this project once all invoices are received.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. All CUPs must be ratified by the Quorum Court.
5. It is the applicant's responsibility to contact the Planning Office when inspections are needed.
6. Per 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 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.

Washington County Planner, Nick Little, presented the staff report for the Board Members.

Joel Kelsey inquired, "I am assuming that 96 is because that's one entry in order for the firetruck to turn around if anything happens? Is that why persons say 80?"

Nathan Crouch replied, "I imagine so. I think that is standard."

Nick Little added, "According to the State Fire Code."

Joel Kelsey asked, "Any response from the applicant in reference to why they wanted to reduce to 80?"

Nathan Crouch answered, "I hadn't heard any response from the applicant."

Jason Apple, Engineer at ESI, addressed the Board, "First, I'd like to address the cul-de-sac diameter. We have no issue modifying to the 96 required by fire. I received that comment today and we will get that updated with the final plan. The drainage easements, we received those comments yesterday from Zack. We'll make the drainage paths through the subdivision as needed and we will put those drainage easements in. We did not have a chance to get those back to staff for today's meeting, but they will be addressed to satisfy his concerns. I will try to answer any other questions."

Randy Laney inquired, "I may have misunderstood, but I thought he said that they were still insistent on on-site retention?"

Jason Apple replied, "We have a slight increase in the 100 year of 3 CFS and I believe we can mitigate that. Either with a very small detention area or just a slight adjustment. We do have acre, and acre and a quarter lots, and we can find a small area for a small detention area."

Public Comment

David Ratcliff, Neighbor in surrounding area, addressed the Board, "I think each of you received a letter that my wife and I sent last week. What I was trying to show is the letter that has signatures of the surrounding neighbors. Where the x is, is where the proposed development is and these are the Homesley's, Totty, Bowen, Sizemore's, this is my wife and I, the Dodd's and the Grant's. By the way, the Grants are with me and I am sure they'll want just a few minutes to speak as well. Each of these members that are outlined here are all significantly against this development and have signed that letter that I have sent to you all. I will just kind of give you my two cents and that is this really has several areas of concern. One certainly is the density. If you look at the homes as was mentioned these are 1 to 1.4 acre lots and 20 acres. There's 14 different lots that are being developed and that gives a home density of about 0.7 homes per acre. If you look at the surrounding area of approximately 700 acres the density is about 42 acres per home. The bottom line is this is significantly out of place with regards to the entire development and the entire area around it. Each of us have these homes and these properties because we wanted rural living. We did not want a high density development to be abutting where we live. You've mentioned other developments this evening that have a tree barrier. As you can see there is no tree barrier here. Each of us now which truly enjoy the style and lifestyle that we have we will now look out our front door and see 14 homes across the street. That's just from an aesthetic perspective. Beyond that you're proposing 14 septic systems within this area. Others may speak to this tonight that want to speak, but there is agricultural land around this that use fresh water springs that are in direct contact with this property. We've not seen any evidence that there's been any perk tests done on this property and we have significant concerns that e-fluent from 14 septic systems have the potential to contaminate the fresh water

supply in the area around this. I think that is pretty much the major issue. It was also mentioned that we would expect that our land values will be decreased because we have a 3,500 square foot home here the Suttons, I believe have a larger home than that. We all have property that surround us that we enjoy our space, our view and our neighbors. To now have 14 homes in such a high density with stone foam or stone's throw from our house will really just pretty much ruin the entire environment for us."

Tim Grant, Neighbor in surrounding area, addressed the Board, "We have the first home on the left and my wife and I Mary recently moved here from Nevada and we moved here for a reason. The density, and the confusion and the problems in Nevada that we thought we were going to put behind us. We move here and are here for a month and all of a sudden this pops up. I just can't appreciate someone taking this beautiful acreage and chopping it up into 14 parcels. My wife and I looked forward to the outdoors, the beautiful surrounds and the agricultural benefits that this property has for us, but if this project goes forward it is going to be a sore eye for a lot of people in that area. WE are totally against it."

Mary Grant, Neighbor in surrounding area, addressed the Board, "Like my husband said we're from Northern Nevada and this is devastating for us. We truly were hoping to get away from all of this. It is happening in our area back home. I am third generation Nevadan and I never, ever thought I'd see the day that I'd have to leave home, but California is swooping in and really taking advantage of it. It's very disappointing so when we got the phone call about this I have to tell you we were very disheartened by this. We loved the state and we loved the beauty of it and to have to tell all of our family and friends at home what's now happening here is very disappointing. I think a few of them had already been knowing and they said 'Oh my goodness! That is what you were running from.' And I am like 'Yeah. Well, here we go again!' We hope you really consider this and look at where we are coming from on this. Thank you for your time."

Nita Sutton, Neighbors directly south of the proposed project, addressed the Board, "We have several concerns about this proposed Subdivision. The first one is the drainage issues that was brought up earlier. We have a natural spring that's currently the only water source for our cattle. All the water for most of those 14 lots directly drain into that natural spring. If there's any issues with any of the 14 proposed septic systems that are going in or any toxic waste, or just anything that might drain that will go directly into our spring. We've engaged the Arkansas Game and Fish and the Washington County Health Department to help us understand the impact that is going to have on this spring. Again, this is currently the only water source for our cattle. The second concern that we have is that there is no natural barrier right now between the proposed Subdivision and our home. We would have 7 of those 14 backyards in direct view of our property. There is currently no privacy fence. This is a rural area. We don't have a natural tree line. We don't have anything. Again, we would have at least 7 of those houses with direct view of our backyard. Then, the third issue, which I think Mr. Ratcliff brought up, but this Subdivision is just not fitting for the area. Everybody out here is anywhere from 5-15 acres. Putting 14 houses on 20 acres is just not fitting. This would be right next to our 20 acre property. We are strongly opposed to this new development."

Debbie Dodd, Neighbor in surrounding area, addressed the Board, "I am not directly connected on this property, but as you can see on David Ratcliff's map I am one parcel east of this property that we are talking about. We enjoy our property. We choose to stay in the rural community. I grew up in town. I know what these houses are next to each other. I don't want to be that close to people. I have bought some land, but I don't want to have to buy property just to keep my elbow space like some of the other people in this region have done. We have a lot of wild life. We have a lot of deer go through. We enjoy it that's why David Ratcliff enjoys living out here. My thought is the water situation, just like Mrs. Sutton said, there's a spring-fed creek. I would like to see that the Beaver Lake Watershed be brought in to this to evaluate. Out in this area there are a lot of underground creeks. What would all these septic tanks do to that? The Green Cemetery has already been rejected because of this same issue. I have another question I'd like to ask Mr. Humbar is a part of this LLC that owns this land that is wanting to develop it. Will he relinquish his rights on this decision making?"

Joel Kelsey responded, “Yes ma’am, he understands the conflict of interest in whether or not to vote.”

Debbie Dodd continued, “Well, we were told when the land sold it was going to be into four 5 acre plots. We are fine with that. I don’t think the Suttons and the Grants would object to that or even David Ratcliff, but I am speaking for myself. Across the road from this proposed land is another 30 acres. It’s owned by an out of town person. He is wanting to develop it into three 10 acre plots. My concern is he’s going to increase his volume on that place and then we are going to have all the rift-raft over across the fence from us. We run cattle. I appreciate the time.”

Caroline Homesly, Neighbor 300 feet from proposed project, addressed the Board, “We have a hay field. We have cows. I don’t think we need that many houses there. This is a farming community. I’m concerned with the water. I have an underground well and we have a spring that feeds our cows and it’s going to run through our property. I agree with what everyone else has said. Thank you.”

Jason Apple responded, “I just want to note that we’ll follow all state code with respect to all septic approvals. We will follow all state guidelines with that respect.”

Public Comment Closed

Robert Daugherty made a motion to table the **Hardwood Preliminary Subdivision** subject to allow the applicant time to complete drainage and septic requirements/concerns. Randy Laney seconded. Philip Humbard recused himself. All Board Members present were in favor of approving. Motion passed.

CONDITIONAL USE PERMIT HEARING

Joel Kelsey stated, “Over the last few months there has been some meetings that have been held, both neighborhood and so forth. I know that there are some concerns by some people that are on for the next two items on the agenda. Before I pass over the reigns for these final two items on the agenda, I’ll pass these over to Commissioner Randy Laney. I do want to state on the record that, I myself, with my conflict of interest on these final two have not reached out or tried to influence any member on this Board one way or another for a particular vote. With that being said, Randy, I will pass it off to you.”

Randy Laney commented, “I want to thank those who have submitted prepared input. It was very helpful. I think we had a very lengthy full hearing that helped us outline it. It was deferred until we come up with some other answers.”

Robert Daugherty made a motion to suspend the rules to conduct a public meeting and have a 30/30 public comment forum and applicant rebuttal/summary, keeping the comments to 3 minute maximum per individual and 10 minute maximum for a group representative. Jay Percy seconded. All Board Members present were in favor of approving. Motion passed.

County

g. Hunt Rogers 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

JP District: Patrick Deakins, District 5

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-301

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

APPLICANT’S REQUEST

The applicant is requesting **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 150 acres. This CUP application is requesting **land-use approval**. If this CUP request is approved the High-Impact Preliminary Large Scale Development request, which addresses the **site plan and stormwater drainage**, will follow it on the agenda. The applicant's letter states the original submission has been revised by removing both the re-designation of 35 acres from stockpiling to mining north of our pit and the addition of 34.5 acres from to the south of our pit for spoil storage and eventual stockpiling. The plan now calls for the addition of approximately 150 acres of additional mining area to the north and east of our existing pit and roughly 29 acres of stockpiling room along N Parsons road.

The applicant has submitted the following supportive documentation, which is attached to this report:

1. Large Scale Development site plan
2. Stormwater Drainage Report
3. Jurisdictional Water Assessment (Dec. 2015)
4. Understanding Blast Vibration and Airblast, their Causes, and their Damage Potential
5. Quarry Operations and Property Values: Revisiting Old and Investigating New Empirical Evidence
6. Blast Array results- dated 4-8-2020 & 4-9-2020
7. Sound Study results- dated 4-8-2020 & 4-9-2020
8. Dust Monitor Report- dated 7-25-2020 to 9-25-2020
9. Dust Abatement Plan

SITE INFORMATION

Land Owner:	JB Hunt, LLC	Planning Area:	None
Site Location:	N. Parsons Rd (WC-91)	QC District:	5, Patrick Deakins
Acreage:	388.5	School District:	Springdale
Current Zoning:	CUP, 2012-136	Fire District:	Nob Hill Rural VFD
FIRM:	05143C0085F, 05143C0095F	Watershed:	Beaver Lake
Wetland:	No		
	001-18379-000, 001-18411-000, 001-18413-000, 001-18668-000		
Parcel Numbers:	001-18669-000, 001-18410-000 001-18412-000, 001-18452-000 001-18650-001		

UTILITIES

Electricity:	Ozark Electric	Gas:	Black Hills Corp.
Cable:	Cox	Phone:	AT&T
Water	Springdale Water		

BACKGROUND/SYNOPSIS

The Hunt-Rogers Quarry off Parsons Road, east of Springdale, is requesting 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. The Planning Board tabled the Conditional Use Permit at the January 23, 2020 Planning Board meeting, requesting the applicant resubmit a phased plan where the permitting would only extend 40 acres at a time, or for 5 years at a time, for example, rather than requesting an approval that could potentially extend the lifetime of the

quarry another 50 years. Additionally, the neighbors that spoke at the 1-23-2020 meeting requested a 3rd party compatibility assessment to address compatibility criteria #6, also that the rock crushers shut down at a reasonable time of day, and that the CUP shouldn't give blanket permission for 50+ years of quarrying activities. The CUP/HI-LSD submittal currently under review makes no mention of a phased approach. However, the applicant has formed a committee to address the concerns of the surrounding neighborhood and is holding a meeting Monday evening (11-2-2020) with the neighbors to address their concerns and attempt to soften the impact to the neighborhood as a whole.

Dust Abatement Plan

The applicant has submitted a Dust Abatement Plan. The following are the key elements in the plan.

- The rock crushing plant at this facility follows the same general operation procedures outlined in the air permit issued by ADEQ.
- A water truck is used to control emissions on the unpaved haul roads and are wetted as needed.
- A water truck is also used to wet down stockpiles that may have dried out resulting in excess emissions during loadout.
- Trucks departing the site are required to pass through a mechanical wheel wash that removes accumulated particulate matter from the tires of exiting trucks/visitors.
- Water sprayers are inspected and documented on a pre-shift inspection each day before the plant begins operation.
- Water sprayers are monitored throughout the day and adjusted according to aggregate moisture, wind speed, and wind direction.
- If a malfunction occurs or repairs are needed the plant is shut down and repairs are made to maintain compliance.
- The operation uses water captured and treated on site to supply water to the plant and the water truck to apply throughout the day to control emissions. Two large wells help to make up evaporation loss during the dryer seasons.
- Between the pre-shift and the day shift applications there are approximately 100,000 gallons of water being applied for emission suppression each day the plant is in operation. This schedule varies during periods of the year with higher amounts of precipitation.
- A self-contained wheel wash system has been installed to help pre-clean customer truck tires prior to leaving the quarry site.

COMPATIBILITY

Surrounding Land Use and Zoning

<i>Direction from Site</i>	<i>Land Use</i>	<i>Zoning</i>
North	Agricultural & Residential	Ag/SF Res 1 unit/ac
South	Agricultural & Residential	Ag/SF Res 1 unit/ac
East	Agricultural & Residential	Ag/SF Res 1 unit/ac
West	Agricultural & Residential	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/acre, but has an active Conditional Use Permit for quarrying operations. It is in an area that is heavy with agricultural uses, low density residential, and very little commercial.

Washington County Land Use Plan

According to the County's Land Use Plan:
SECTION III. PHYSICAL DEVELOPMENT

D. 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 existing 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. Many residential properties have been developed since the beginning of the existing quarry. Whether the quantity of land allocated for this purpose is sufficient is subjective and the neighbors argue it is inadequate.
- c. Provide for ample utilities and services to support industrial development.
Utilities are already in place.

The subject area is located within a part of the county that is heavy in agricultural uses.

Future Land Use / Zoning Designation

The parcel is not in a city planning area, but there is a Future Land Use designation for the project area. Washington County’s Future Land Use Plan shows this expansion area partially inside the “Heavy Industrial” land use zone that is associated with the existing quarry, but also inside the “Low Density Residential (1-4 units per acre)” land use zone. The current zoning for the project parcel is Ag/SF Res 1 unit/acre, but there is an existing, active CUP (2012-136) for quarrying on a portion of the subject property. This CUP is to expand the quarrying operation to several new parcels. If the project is approved, the zoning will stay the same, but the conditional use area will grow.

Neighbor Comments and Concerns

Pursuant to Sec 11-204(b), Sec 11-71 (2a), and Sec 11-101b of the Washington County Code of Ordinances, all neighbors within one-half mile of the boundary of this property were notified by certified mail of this CUP request. 202 notification letters were mailed out 30 days prior to the January 23, 2020 Planning Board meeting, the last time this project was heard. 113 responses in opposition (phone, mail, email) were received prior to that meeting. 225 notification letters were mailed out 30 days prior to the upcoming November 5, 2020 Planning Board meeting. 10 responses in opposition (phone, mail, email) have been received to date. Opposition is based on many aspects of compatibility including, but not limited to: Road Safety, Road Conditions, Volume of Dump Truck Traffic, Noise, Property Values, Dust, Ecology, Water Quality, Quality of Life, Health, Hours of Operation. Planning Staff will update the Board at the meeting on the total number of comments received, in favor and opposed.

Criteria for Conditional Uses

According to Sec 11-200(a) Criteria for allowance of conditional uses:

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

<i>Criteria</i>	<i>Staff Comments</i>
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	Planning Staff mailed neighbor notification packets out on October 6, 2020.

	section 11-204 has been notified by return receipt mail.	
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 by the relevant agencies.
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, compatibility has already been discussed and approved. However, many neighbors disagree with the compatibility of this CUP request, and are requesting denial based on many factors such as their location in relation to the quarry and the distance of separation will decrease if the quarry expands its footprint.
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 expansion 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 has.
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.	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 has.

SUMMARY OF AGENCY COMMENTS – TECHNICAL REVIEW

Ozarks Electric

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

Springdale Water

No comments.

AT&T

No comments.

Black Hills Corp

No comments.

County Contracted Engineer- regarding stormwater management

From the applicant's letter: "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 project 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.

County Engineer's Comments

1. Describe/ show the BMP's that will be implemented to control the erosion and sediment being released downstream.
2. Please provide information regarding sediment basins that stormwater will pass through before exiting the site. Volume of basin? Outlet structure of basin? Provide specifics and not vague generalities.

Project Engineer's response

1. There is zero runoff leaving the site. It is all contained in the quarry. Once or twice per year, after the particles have settled, they may pump some of the water out.
2. Also, they have a very detailed SWPPP plan. I have attached a couple things for your use including the storage volume of the sediment basin.

County Engineer's follow up response

1. This satisfies my previous comments as Mr. Bates stated there will not be any runoff leaving the site except with controlled pumping releases a couple times a year. Therefore I have no further comments.

Beaver Water District

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.

Fire Marshal

No comments.

Health Dept (sewer/septic)

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

No comments were received by the Arkansas Department of Health.

Roads/Sight Visibility/Ingress-Egress

This quarry expansion proposal 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.

Environmental Affairs

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

1. No new signage is proposed.
2. All 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 (see attached diagram for examples).

SITE VISIT

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

RECOMMENDATION & CONDITIONS

With much opposition based on compatibility, and the fact this request is an expansion of an existing operation, Planning Staff has presented the request and submittal documents, and recommends the Planning Board consider the following conditions of approval:

General Conditions:

1. Trucks departing the site are required to pass through a mechanical wheel wash that removes

- accumulated particulate matter from the tires of exiting trucks/visitors.
2. Final LSD Plan must include all items from the Large Scale Development Plan Checklist.

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.

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 (will be calculated once all invoices have been received) within 30 days of project hearing. Any extension must be approved by the Planning Office. Invoice will be emailed to applicant once all postal invoices are received.
2. Pay engineering fees within 30 days of project hearing. Any extension must be approved by the Plannin Office. Invoice will be emailed to applicant once all engineering invoices are received.
3. Any further splitting or land development not considered with this request must be reviewed by the Washington County Planning Board.
4. This CUP (approval or denial) 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.

- This project requires additional review (High-Impact Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
7. All plats/plans 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 for the Board Members.

Randy Laney stated, "I would remind, I don't know how many people are listening in to us right now, but again thank you for all your prepared input. I can speak only for myself, it was very informative and very helpful. I will open up for public comments from the public to speak to it. Again, if you are representing, I think we have a Justice of the Peace from the area that would be a good example of somebody who represents an area. I'll take that first. If you are representing a group you would have 10 minutes to speak of the 30 minutes allocated. I would ask you to raise your hands now. If you're not a representative of a group please don't raise your hand at this point. Raise it in just a minute. I will give you a chance to adjust to that to see how many of you are actually representing groups."

Andrew Effinger, Attorney for Hunt Rogers, inquired, "One question clarifying is the 'working with the county to fund a regular "patch and repair cycle" ...could somebody clarify what the expectation is on our side for that?"

Nathan Crouch replied, "I believe that came from the letter I received from Mrs. Hunt. I believe that would be negotiated between your group and our Road Department. I don't have a cost share or a percentage or anything like that. Nor am I recommending anything like that. I'm just saying that I believe that subject should be discussed with the Road Department."

Andrew Effinger affirmed, "Understood."

Public Comment

Colleen Gaston, Attorney representing the Beaver Water District, addressed the Board, "Thank you again and we also want to give our appreciation to Mrs. John L. Hunt and the folks who work with her at JB Hunt Ventures. Beaver Water District has been in communication with them recently about a potential conservation easement which is number 10 on the list of conditions that Nathan has presented. Before I go any further, I would like to check and see, did all the members of the Planning Board receive a letter from Beaver Water Districts Chief Executive Officer that was emailed to you this morning?"

Several Members of the Planning Board responded that they did receive the letter in question.

Colleen Gaston went on, "Alright, so I won't go into detail other than to say that we included two conditions in our letter as well and would like included in any approval. The first one is to include a specific condition that requires the granting to a qualified land trust of a conservation easement of a scope and with terms mutually agreeable to Beaver Water District, JB Hunt LLC and the land owner. We believe that that's basically what's covered by number 10. We also included a request that the Planning Board require that the boundaries be clarified. That, Nathan, is also picked up on in items 1 & 2. The only thing that I would add to that is, number one, not only do they need to be clarified, but we would appreciate if just for our understanding of what the proposal was and what is potentially going to be approved that it be limited to the approximately 150 acres of mining area and approximately 29 acres of stockpiling room that Nathan mentioned as being in the application. That those acreages and legal descriptions match. With that I will leave it to see if anyone has any questions that I might answer on behalf of Beaver Water District. Again, we thank you for your consideration."

Randy Laney responded, "Thank you very much."

James Crouch, Attorney representing the Matthews Family who own property adjacent to the Hunt property, addressed the Board, "I want to touch first on the last meeting. I think you'll recall that the, and Mr. Nathan Crouch mentioned that the original application was for 35 acres of mining and 34.4 acres of spoilage. I think it was agreed that the 35 acres of mining had a lifetime for the quarry of 50 years or so."

Nathan Crouch clarified, "I apologize for interrupting, but point of clarification it was 150 plus the 35 which was fragmented and detached from the overall 150 body. It was definitely 150 acres proposed to begin with."

James Crouch continued, "At any rate, as I understand it that and perhaps it's not changed that much, but as I understand the current application it's for 150 acres of quarrying. You recall that this was tabled because there was concern with the commission that 50 years is a long time. You wouldn't have any control over it. The applicant was asked to come back with an application that phased it in. To my knowledge they didn't do that. They came back with an application to quarry 150 acres which by my calculations is 4 and a third times bigger than the 35 acres they asked for before. Again, if I have it wrong I will stand corrected, but the point still stands that you would relinquish a lot of control for a quarry that could last many, many years. Vastly longer than 50 years. I suspect the strategy for that was to say well 'Let's ask for more and maybe we will get the 35 acres we asked for originally'. I'm shocked at this and I think that the commission should be shocked as well. I would also like to talk about the staff's recommendation or approval of this application they have deemed that it was not going to impact the surrounding area. Well, if it is bigger than it was before; it has to impact the area. That would be like saying well you've got a little mom and pop grocery store which people come and go to and buy groceries. Therefore, you should be able to put a super center on that property. That logic just doesn't hold. There is no question that it could impact, and will impact the rest of the neighborhood that is already existing there. I won't talk too much about environmental except that I don't know if your packets contain what I found on the website contain the opposition of the Beaver Watershed Alliance which opposed this as well. In fact, Beaver Water District opposed the original application. They deemed it was something that would dilute the lake. I'm not sure why they have changed that position. The other thing that I would mention is this, and I don't know if this is known to the commission or not, but Rogers Group has another quarry that is dormant on HWY 265. It's between this highway, HWY 71 Business and Hickory Creek. I would guess that as the crow flies it's probably 5 to 8 miles from this quarry. It's dormant. It's not being used. At least it wasn't when I met with a representative of Rogers back in January. They chose instead to expand this quarry. I just want you to keep that in mind when deciding whether this is appropriate for the community, and for the neighborhood. One last point, I do appreciate the fact that the staff has suggested additional conditions. I don't think that they are particularly strict and they could be tighten up a bit. I would also say this, and I wasn't aware of these additional conditions until just now, but my recollection is that the quarry application that was approved in 2012 also had conditional use restrictions. Really they haven't been followed. In particular as I recall there was supposed to be a berm maintained with vegetation on it with trees, and they are basically non-existent. I just think you can keep that in mind in deciding whether these people have been good neighbors and whether you should let them expand this as much as they want to. I would ask that you deny the CUP application. Thank you."

Brian McDuffie, Neighbor of proposed project, addressed the Board, "I would like to thank you. I appreciate you giving us a second opportunity to sort of share our thoughts and what we see going on. I will try to be quick and not cover anything I covered in the last meeting back in January. I would like to ask you if you would try and recollect the last 30 minutes of that board meeting. In that meeting during the last 30 minutes there was principally two topics, but about 90% of the discussion was within all the Board Members providing guidance, direction and coaching to the Hunt Rogers team about coming back with a time phased implementation. At least 20 minutes time was spent on that. So far I haven't seen anything on a time phased implementation. In fact, one of the Board Members said it should probably be in 2 year increments. That's the Board's words, not my words, but I just haven't seen anything there. And

really why is that? Are the Board's opinions and recommendations irrelevant? Is it just unimportant? Are they just indifferent? I guess my neighbors all ought to be curious to hear how that will affect, you're giving them specific guidance and how they're not following it will affect your approving of this project. Secondly, and I will try and be quick, this is pretty emotional for me, but ya'll really talked a lot about the soft skills of the Hunt Rogers team and asked them to put together a neighborhood committee. I was fortunate enough to be invited to be on that. I appreciate that, but I want to share probably the most bizarre experience that I can think of in my adult life. At the first meeting just a few weeks back every single committee member from the neighborhood showed up with a mask on. Without exception, we all walked in with a mask, most had glasses and eye covering. Not a single Hunt Rogers person, leader, manager, speaker had a mask on. They came in, comingled in the group, knowing that we all had masks on and still didn't have masks on. What should I think about how much somebody cares about me who wouldn't wear a mask? Or how should I think about somebody who can't listen to the Governor? I mean the Governor's instructions are pretty darn clear on handling Covid situations in public meetings. If they can't follow the Governor, are they going to follow you? I appreciate your time and you have a good evening."

Nanette Carpenter, Neighbor in nearby subdivision, addressed the Board, "Hi, good evening. Thank you for taking my call. We moved out here from Texas. We were looking for country living and we found this beautiful, quite area where we enjoy sitting in our patio listening to birds and watching the wildlife. We do hear the quarry right now. We hear blasts. Our house actually shakes when the blasts are done. There was a mention about notifying us when blasts are going to happen, but what exactly is that going to do? They notify us when they are going to blast and what are we going to do? There's nothing to prevent our house from shaking. That affects the quite. This quarry is not as close as its being suggested. I am really, really concerned about the amount of noise that we are going to have. The blasting we hear. The grinding of the rocks. I am also worried about the diminishing values of our home. I mean this quarry is going to be within half a mile, half a mile, from our home. You think about that. The noise. The traffic. We already have just a tremendous amount of trucks coming and going on this windy little road that we have. I can't even imagine adding that many more acres and that many more trucks on this very, very small little road. I just want to leave you with something to ponder. Put yourself in our shoes, do you really want to sit outside your patio and listen to the grinding, and the blasting of a quarry and look out your window and see just machines and our beautiful countryside being torn up? That's really what you guys are deciding on and that is going to be our view. There is no amount of barrier, or trees that you can plant and grow that will cover that noise and the pollution that it would create. I would just ask that you really, really reconsider that. Thank you for your time."

Patrick Deakins, Justice of the Peace for District 5, addressed the Board, "I think if you guys are like me, we go through these planning processes and we have to beg people to be good neighbors. I think that's the hope that we have to put into these situations. I think if we are honest with ourselves and we look back over the history of this Hunt Rogers quarry they have been very poor neighbors. That's the way I would classify it. The reality is that the quarry already impacts these numbers so broadly and so effectually, it can hardly even be minimized. Of course the expansion isn't only going to impact the neighbors more. I would say though that there is a process that started and I do appreciate that there are communication lines that have been opened up between the entity and the neighbors. The mine has even made some minimal improvements over the last few weeks and months. I would say that while those are minimal they've had seven years to do some of these minimal improvements to be good neighbors. I would like for us all to think about why they're doing that, and it's because they have to come and be a part of this process and answer to the neighbors and to the county leadership and plan out what they're going to do. I think this expansion and its size would put us outside of this process. We would lose this process that's been fostered for probably all of our lifetimes. We know from the quarry's own admission and their current footprint they have years of mining currently, without considering expansion they have on the table now. What I ask us to do is to continue to evaluate the phased planning and approval process, because it would continue to foster the mind coming to the neighbors and being a part of the process and being compliant with what's put before them. Also, I would like for the planning recommendations, I think that is a great start too, I would like for those to be more formalized. I'd like to see those put a little bit

more specifics on those. The conservation easement, I have not heard of before tonight, but that's a great idea and I'd like to see that be more formalized. I would like for us to continue to work on this. I am against this expansion as it lies now and its sheer size. I would appreciate all of you guys a service and I would request that you guys deny this. Let's look at a phased expansion approval process. Thank you very much."

Greg Gough, Neighbor of proposed project, addressed the Board, "I think there's been some great comments made so far. I would echo Patrick's recent comments plus Brian's comments, plus James Crouch's comments on a phased approach. What we left the meeting with last time was this expectation that a phased approach would be brought to you guys to consider. Unfortunately, that has not seen anything in reality like that. To speak very directly to impact on property. I am unique because I love this area and just built a \$650,000 house right next door to where I lived. I can tell you that the property that I sold, sold for about \$20-40,000 less than market price that would currently be expected. In regards to property devaluation they are absolutely even with where they are right now in this conversation going on my property has been adversely affected. I would expect that to continue going forward. I looked through all of the conditions that you had up on the screen earlier and one of them really struck me, which was number 8. If you go back to number 8 it says something about working with the community to decide what working hours would be for the quarry. I can tell you every single meeting that I've been to and I've attended, I believe every one of them, but every single one and the most current ones have said 'We're going to operate when the demand is there. We don't care.' That's unacceptable. I mean there should be some down time every single night. I mean people have children here that are trying to go to sleep and then you have all of this noise coming in. I would ask that you revisit that. All of those things that was mentioned earlier. I believe the last time this was approved those conditions were there and nobody ever followed up on them. There has to be some measurable accountability against all of those. The last thing I will end with is that green zone. We need to define what that is. We need to have a budget for planting trees on the green zone that buffers our property. I live on Friendship View Drive so that is very much a concern to me. I appreciate the time and I thank you for allowing me to speak."

Kathy Janis, Neighbor of proposed project, addressed the Board, "I just want to say that we've been asking the quarry for environmental information on it. They always say that they're doing it and then last week I asked him again and they said it's already at the ADEQ. I just ask that you see if it's updated within the last 6 months since they proposed the expansion to see what type of environment impact we're going to have just because the trees and dust that's coming over here and I know that they are within their air quality portion of it. They say their air quality is good. The last parting words are going to be of my granddaughter, my 6-year-old granddaughter, who says 'Nana why do you have powdered sugar on your leaves and your flowers?' Thank you for your time."

Alex Gough, Neighbor of proposed project, addressed the Board, "I would like to echo everybody else that has gone before me. Especially the part about having a phased expansion proposal which we have not seen. That has not been discussed in any of the community meetings we've had with the quarry either. I do have to say I appreciate the quarry stepping out and extending a bit of an olive branch and addressing our concerns more directly than they have in any time past. However, I feel as though some of this is more of an asking for permission very kindly and then it's going to continue going the route that it was before. Right, so they are on their best behavior right now. That's how I perceive that. One thing I want to discuss with ya'll is they showed us some statistics at our committee meeting that I am sure you guys have seen as well, one in particular that I was concerned about was the noise level study that they did. It showed that their noise level is significantly under the value where it needs to be by regulations. However, I asked them when the study was performed and that was in the spring when we had full foliage. I would like to see additional measures be taken place so that their recording and measurements will continue even when the foliage falls and it's in the middle of winter with cloud cover. You know different conditions like that so we can really get an accurate measure of exactly what is their impact throughout the year. Not just during the best conducive time periods for them to conduct a study. I would also like to mention during our committee meetings I also asked about quiet hours during the night. This is very important. They are running sometimes all night long. When I asked about that they said they

didn't work on Sundays, and so that we were expected to essentially deal with the noise and lights at night. There were no plans in the works for creating anything like that. I really would appreciate having that proposed expansion. As well as some firmed up language as to how exactly they are supposed to meet the demands or the concerns of the community of a mutually beneficial arrangement when the response thus far has been 'Business is business'. Thank you so much. I appreciate it."

Andrew Effinger, Assistant General Counsel at Rogers Group the managing member of Hunt Rogers Materials, addressed the Board, "The conditions on the clearing up of the legal descriptions, Nathan, I think you understand this after an explanation from Geoff Bates, but he had somehow described all of the parcels that were impacted in all and that somehow came up with a 500 acre number. Our legal description is on the second page of the plans and we will definitely get that cleaned up. I hope I can address all of the concerns. Some of the neighbors that just spoke have been to a bunch of the meeting that we've had. They've participated well. We've had a lot of participation from several people who didn't speak tonight. One thing that I would like to clarify as well is that I was at the in person meetings down there I presented in front of a crowd. I asked nicely at a distance of about 15 feet to take my mask off. I saw people with masks on, so I just wanted to rebut that contention that we were walking around the shop without masks on. With that said let me get started here. What I am going to walk through here real quick is a simple explanation of the existing site. Then I am going to do a short video tour. It's only 2 minutes long, please bear with me. It'll give you an idea of what goes on at our site so that we can talk about the distinct activities on the site once it's over. I am going to explain the expansion especially compare to our existing conditional use permit and the history behind that. We are going to talk about the impacts. You've got a report from your planning folks that is going to match up with that quite a bit. Then we are going to talk about the neighbor relations that we went through after leaving the last meeting with instructions to have some better relations with our neighbors. We agree that was an area we needed to strengthen. Then I am going to close with some of our commitments that are going to look a lot like some of the conditions and I think there may be a couple that aren't on there yet. With that said, you guys probably already read this in the report, the existing site opened up in 2003. It was opened up by, Johnnie Hunt, known as JB Hunt. It was operated under the name Northwest Arkansas Quarries. One piece of important history here is that after they began operating in 2003 zoning laws were passed to apply zoning to this area. When the Rogers Group started having conversations with Northwest Arkansas Quarries about creating a joint venture we needed to make sure that we were in compliance on this site. In 2012 the conditional use process that was gone through was an effort to get in compliance to clarify with the county the implications of the 2006 zoning ordinance that had changed the ball game in this neck of the woods. That's what the results of the 2012 conditional use permit were. There were several neighbors who thought that in 2012 we had requested the mine to last for 50 years back then. That is not what that effort was. That effort was simply to get in compliance with the current zoning laws. In 2013 it was incorporated into the Hunt-Rogers joint venture. Here is the short video I promised you earlier. It just kind of explaining in a visual format what goes on at our site...Plays video...I appreciate your patience. What you are looking at now here is an overlay of the 2012 conditional use permit that Nathan had talked about earlier before as well. You can see that because of the compliance effort that we had talked about there were limitations placed on where mining can occur, and where stockpiling can occur. Just so you know what you are looking at the underlying aerial photo here is from the 2012 era. You can see there was basically a line drawn around the existing pit. It was granted to the north and to the east outside of the original 120 acres, that was the quarry in 2003. This is that same slide with our additional areas added that we are requesting. One point of confusion and it came up by one of the neighbors here was our agreement in 2012 to create a berm. In the previous submittal in 2012, we had to build a berm along North Parsons up here on the area that was permitted for stockpile. That was done, and it was done timely. Where the traveling public gets confused is this area down here that we are now asking for, the 29 acres, that was not under the control of Northwest Arkansas Quarries at the time. It was not included in the 2012 conditional use permit. We had no rights to build a berm down there. They didn't own the property. The reason we are adding this 29 acres in is because the Hunts have purchased that property. We're including it our lease and we do intent to build a berm just like there is on the North to protect the line of site of the traveling public there. The new mining area that's been talked about, the 150 acres, is on the other side to the east and to the north of our existing pit. I want to talk a little bit about phasing.

You heard a lot about that in the comments just briefly before. There was also a lot of discussion about it back in January. We thought a lot about those comments. Even in the comments earlier what you heard is the issue of phasing, as we took it from the Board, was not about time as much as it was about control. What I am showing you here is a phased approach that is a rough phasing. That is what we would call a mine plan, numbers 1-5, is the order that we would intend to mine this property. We would first move to the north into phase one, then to the east into phase two, and then down into the south-east into three, four and five. One of the reasons that we are uncomfortable with a timed phase plan is that we're dealing with a natural deposit. An example we gave in the meeting we had last Monday with the neighborhood committee is, it's entirely possible that we move north into phase one and come through a portion of the deposit that isn't of good quality. We may need to move into the east into what is described as phase three here for some short time 2 months, 6 months, a year while we prepare phase one to get back into. We have to keep our options open, because like I said this is a natural deposit. Variations in the deposit may dictate a change in our plans. The only way we can really phase the conditional use permit would to simply be to come in here with a smaller conditional use permit and be ready to ask for permission at some future date. Rather than doing that what we are asking the Board to consider is designating this a mine. It's a long-term plan with the conditions that we've proposed and any other conditions that you guys can come up with to mitigate the impact to the community. Based on the fact that this is an existing quarry having a long-term commitment can allow us to make the financial investments we'd like to. To deal with some of the conditions that we're going to propose. It would help with the roadway conditions. That should help the counties to be able to make the investments over time to have the right road network here. Rather than, this site potentially being a short term site and for folks like us and competitors to be looking for other sites to start more quarries in the area. I would like to remind everyone that if there is a condition placed on this there's a condition, those conditions are applicable from the first minute of this conditional use approval. If the Board would like to have some kind of an annual review process or if Nathans folks would like to come up every so often and make sure we are still in compliance, we are completely open to that. Now, I want to spend a minute talking about the impacts as we see it of this incremental Conditional Use Permit. As Nathan noted, utilities and roads are unchanged, there's no additional demand. To be clear about this expansion area based on those maps we showed you the plant stays the same, the plant operates at the same rate, we sell to the same customers and the volume of trucks on the road is not different. This is just additional reserves that over the next decades will be mined through the same plant. One interesting impact that we like to point out is the drainage just as far as storm drainage is considered will be improved by this big hole in the ground. Our water is controlled by our ADEQ permit. We have a sump at the bottom of the pit. We test it monthly and we only discharge if the tests are good. The only issues we ever have with our water is if we let too much of our fine dust get in it gets a little basic and we have to dig the fines out, but we monitor it. When we do discharge its some of the cleanest water in the area. Again, from a compatibility stand point the processing, the stockpiling, the loadout and the ticketing remain unchanged. The second point I want to talk about, compatibility, is that we are going to buffer the expansion area along North Parsons Road and we are open to buffering to protect the views from the Friendship neighbor and the folks to the east of our facility. From a public health and safety perspective other than the blasting getting nearer certain properties there's not a material change on the effects on the general public. There will be no negative impact on water quality because as I mentioned before the discharges are monitored by ADEQ. The other thing I mentioned earlier is this kind of a long-term mine ought to assist the county with orderly development in the area. This will be a good source of material for the concrete plants, asphalt plants and the County Road Department in the area for the long-term. It should avoid other quarries having to open up in the nearby area or having to shift to a different location and potentially different road networks. I would like to talk a little bit about the neighbor relations piece of this presentation. We left the January meeting understanding that we needed to do a better job so before the pandemic set in we started a PR effort. We knocked on almost 300 doors and talked to almost 100 people face to face. We mailed a little packet clarifying the map. If you guys remember well the parcel map was a big source of confusion back in January. We mailed them a new map explaining where we were actually proposing to mine versus all of those parcels. Then we had a February open meeting where 24 people showed up. At some point after that open meeting we entered the post-Covid period. We shifted the knocking on doors and the face-to-face conversations to phone calls and emails. We reached out to 294 neighbors that way, and we had

about 85 phone and email conversations. In mid-October we had a socially distanced in-person open house at the quarry. We also had a Zoom open house. We had 8 people show up in-person and 7 people showed up on the Zoom meeting. Our take away from this is that the numbers were dwindling because we were answering people's questions. There has been some talk and I just want to clarify that we have begun a neighborhood committee. We are having regular meetings. There is some deeper conversations going on in there about the impacts, ways to mitigate the impacts, looking at some of our data, and talking to them frankly about what our plans are. We've had 3 meetings with them so far. There's been two members from the Hunt folks, two members with Rogers Group, and 12 neighbors on that committee. With all those meetings with the committee and with the open houses I would just like to summarize the concerns we've heard which are very similar to what you guys have heard tonight. The noise the vibrations of the blast, monitors of the blasts, and the blasting notifications, trucks being tarped, tracking dust out onto the road, and the habits of the truck drivers are all issues. On the operation side they bring up the noise, dust, lighting and the operating hours. Road conditions general are an issue, but we've worked with Washington County and Benton County to hopefully improve those, but that's kind of out of our direct control. Conditions related to compatibility are the water quality, you've heard that from the Beaver Water District and I think we have satisfied their concerns, the buffers and berms, the views you've heard some of that tonight. Obviously communication based on that first meeting, and yes people are obviously concerned about their property values. I think you should have seen a study I attached to the record, I don't know if you guys took the time to read it all, but it's a study based on property values around quarries. They actually used one of our Rogers Group quarries here in Tennessee. The economist applied all the different mathematical principles they could and they could not come to a conclusion that having a house close to a quarry impacts your property values. I am going to summarize this quickly and open it up to where you guys can ask me any specific questions. I've got a lot more slides in here. Essentially, I've got the slide deck that we presented to the neighbors here so if we need to get into details on any of these issues please just ask a question. I can switch to some visuals and some commentary to help with that. Here are our commitments from a blasting standpoint we have fixed seismographs monitoring in the east and to the north east. We keep track of every one of our blasts and we share those records with the neighborhood committee. We can add a monitor to anybody's yard. We have been doing that these last 10 months. We can add it to your yard upon request and we can watch the data with you. Again, quarterly the data will be shared with the committee. Anybody that wants to be on the blasting notifications can just reach out either to your committee member or to us. We've got an email that is outreach at RogersGroupinc.com. You send an email there letting us know you want to be on that blast notification system and we'll get you added. On the trucking side we've had two meetings with the truck drivers this summer letting them know that tarping the trucks and driving safely are expected and enforced. We've suspended some people. We've told some owners to get certain drivers off of our property. We are more than happy to do that. The reality on the ground is that those guys are third parties. They come in, and they buy the rock, and then they pull out of our gate. We are happy to help police it, and we are happy to get help from neighbors and any other traveling public. We're also committed to replacing our wheel wash system. Our wheel wash system isn't so bad that we're violating any rules, but it's just not doing as good of a job as we'd like it to, and not as a good as the neighbors would like it to. Here in 2021 we are going to be installing an upgraded wheel wash system. On the operations side I sent something to Nathan specifically about the limit to our hours of operation that we have committed to with the committee on Monday. We've been working back and forth with those guys. Some people prefer evening, some prefer the weekends. It's sort of a negotiated landing point that we proposed which is this: On Fridays we'll be closed at 5 o'clock, on Saturdays we will be shut down as far as running our plant goes, at noon, and we won't operate on Sundays. After 5 p.m. on Friday, noon on Saturday and all day Sunday there will be no operating the plant, there will be no blasting. The only thing that will go on during those periods if it's required by customer project is loading out trucks and delivering. I am sure you guys are aware from time to time there are jobs that have to be done on the weekend. If we have to load out some customers for those specific jobs we will, but we won't be open outside of those hours generally. On the road conditions side we heard from Washington County and Benton County that both counties are committed to maintaining the roads in the area. I really do think that knowing this quarry is here for the long term would help those quarries integrate some maintenance projects around the quarry into their plans. Finally here on compatibility we are fine with the 72 acre

conservation easement that the Beaver Water District presented to us. We are going to build that road buffer along the 29 acres. We are fine with our use of that 29 acres being conditioned on that buffer being built. We have proposed a ridge buffer to the east. Again, to shield the views to the east of the quarry. We're committed to have the ongoing neighborhood committee as Nathan mentioned in his comments. We are also committed through the Hunt folks to the neighbors. I think, Ken Sheehan, who's a representative of the Hunt folks would like to talk a little bit about that. He has had a lot of direct conversations with that group of neighbors that I have not."

Ken Sheehan, Attorney on behalf of Mrs. John L. Hunt, addressed the Board, "I made a presentation to two of the neighbors on Friendship. In addition to the 72 acres for the easement Mrs. Hunt has agreed as follows: That upon approval of the Hunt Rogers expansion request as proposed Mrs. Hunt has committed to the Friendship community and surrounding neighbors to incorporate the remaining acreage east of the expansion and adjoining Beaver Lake to be a preservation area to allow for additional measures of protection for the Beaver Lake watershed to ensure the community of future land use while allowing for aesthetically pleasing panoramic views. In addition Mrs. Hunt is willing to make the above a condition in the expansion. Mrs. Hunt agrees that all commitments offered by her will be completed and fully implemented prior to starting of any new mining in the requested Hunt Rogers Quarry expansion area. This agreement not only preserves the land in its present state, but ensures the surrounding community that the land will only be utilized for livestock and other natural utilization. Mrs. Hunt and her family are committing to this perpetual agreement to confirm that the property will not be used for building subdivisions or other structures for commercial uses other than domesticated livestock production. At the request of some of the community members Mrs. Hunt and her family are agreeable with respect to naming the preservation area for the benefit of the community. Mrs. Hunt and her family are agreeing that if any third party agreements are made with Beaver Water District or other affiliations associated with Beaver Water District it will not in any way affect or limit any amenities or access to the boat dock, the established park area located west and south of the low water bridge, the dirt road leading from the paved parking area to the Beaver Lake core boundary line and surrounding area. Finally, as an additional condition Hunt Rogers Material and Mrs. Hunt and her family have mutually agreed to a joint venture effort to promote vegetation efforts in the newly designed preservation area to plant a variety of evergreen and deciduous species of trees to create a vegetative barrier. The tree planting will be placed as best suitable for the community to provide aesthetically pleasing views for years to come. That is it. Thank you."

Randy Laney responded, "Thank you. Andrew did you have any including remarks?"

Andrew Effinger replied, "No, I just wanted to put it back to you guys on the Board to ask any questions that you might have. I do have detailed plans we can look at on any of these if you want to look at the conservation easement or the road buffers or anything along those lines. I can walk you through it in detail. I just didn't want to bore you with all of it in one big long stretch."

Public Comment Closed

Randy Laney continued, "Okay, well we will therefore begin a dialogue here with the Board and the proponents on what we are considering. Board Members if you have questions or comments as we proceed here?"

Robert Daugherty inquired, "One questions I have for you Nathan is if we want to make sure they're compliant annually, do you have adequate staff to ensure that once a year just to make sure that they are accountable?"

Nathan Crouch replied, "Well sure we can go out for an inspection, but you know it may be best for a third party or it may be best for us to have a very defined checklist of what we are going to be inspecting for. In my opinion we could act at the pleasure of the Board."

Robert Daugherty continued, "Okay and I think they said they'd agreed to buffer for the protection of the additional neighbors that were concerned. I think he stated that."

Andrew Effinger offered, "Would you like to see what we are proposing? I think it's an interesting thing to look at if you have interest in it. For those of you that aren't really familiar with the site, essentially, the mine area that we are mining right now is a ridgeline and there are some gullies between these ridgelines. We did an analysis to look from the Friendship View Drive to the west and take a look at what they can see once they brought it to our attention that they can see those ridgelines that are inside the mining plan. One thing that's really important to note is as we go into phase one to the north of our existing pit into phase two those are in the red areas. They cannot be seen at this point. The ballpark for those phases is 5-10 to 15 years each so we have plenty of time to create something over here to the east to shield these views of what we've modeled is a couple of lines of trees 20 foot tall over here to the east. If those are planted correctly on those ridgelines and at the right height and of the right species then the entire expansion area becomes red, and no one sees it. That is the goal. That's not a specific design that we want to be held to, but that's kind of the concept. We want to agree with those neighbors that we'll go over there and shield their view with something that looks natural so they don't see us up on those knobs."

Randy Laney asked, "I have questioned Nathan regarding how to proceed. Obviously, we could vote here in a minute. When we have a motion to whatever or however that goes. If we deny we know the appeal process is open, but if we approve how do we nail down with certainty these suggestions that they've made just now? I don't know how much time you've had to view and to make that gel with your list. What's a process that we could engage in to get clarification?"

Nathan Crouch answered, "We can take a few minutes and we can go through my list and we can go through Andrew's and we can compile one or I can get back with you next month just with a list for everyone to review. Not as in a hearing, but just as Other Business on the Agenda. Honestly, it'd be a few different ways we could do it."

Randy Laney stated, "Well, Mrs. Hunt's comments as well would need to be incorporated as presented by her attorney. I am sure we could come up with an idea to better articulate annual review. The first thought that comes to my mind is a third party engineer retained by the County and paid by the applicant to present that. I don't know if that should go through the Quorum Court or us. I just have a lot of thinking thought that and I don't know that I have an idea."

Nathan Crouch suggested, "We could approve contingent upon receiving or the Board voting in favor of the compiled list. We could compile it now or we could table it and bring it back with that list at the next Planning Board Meeting as Other Business."

Andrew Effinger added, "Nathan, has a list that was my articulation of these. I think he also has a list from Ken. I am sure those came in late for him to spend a whole lot of time thinking about them today. I do think the deadline of this meeting really was the only thing that kind of brought these issues to ahead with the neighbors to get to some of these agreements. I would like for us if we can get some kind of an approval subject to clarifying these that would be fantastic. A simple tabling might put a whole bunch of these agreements at risk just based on, as you witnessed Nathan, how this all kind of came together at the last minute. I don't want to open Pandora's Box back up by tabling it again. If that makes sense."

Nathan Crouch asked, "I've got the list right in front of me if you'd like me to put them on screen Mr. Chair?"

Randy Laney answered, "Yes, if we could let's take a look at that again. Thank you."

Nathan Crouch inquired, "On the left here I have the bullet points from, Mr. Sheehan, Mrs. Hunt's attorney. Then in this email here I have the email from you, Andrew, is this the entirety of the list or just

our conversation at that time?”

Andrew Effinger replied, “Yeah, that was the list. You see there the committee being established, the wheel wash, the berm along North Parsons, the hours of operation, which I have detailed there. One thing I failed to mention, we’ve replaced all of our traditional loud backup alarms that kind of pierce through the air at long distances with a white noise type backup alarm. We’re in agreement to make that a mandatory requirement so that we don’t go back to those loud beeping backup alarms.”

Randy Laney stated, “To your original list, Nathan, we’re running out of screen space here, but the list that you had attached, yeah that one...”

Andrew Effinger pointed out, “There’s a lot of redundancy there. There’s hours of operation, there’s lighting which was already a condition in 2012 the only one and I asked this question earlier is that you know we do pay a mineral severance tax that comes back to the County that we feel is supposed to be used to help with the tax around there. I’m not sure what was meant on this comment about funding. We’re fine to work with the County to work on a regular routine patch and repair cycle. I’m just not sure what Mrs. Hunts commitment was to fund. I don’t know if that’s what it was meant to read.”

Nathan Crouch responded, “I think if Mr. Sheehan can give me a word document of this or I can type it up in a few minutes. I was just trying to compile a list on a separate screen here. Unless you guys want to wait three or four minutes for me to type up all that.”

Randy Laney asked, “Has our council joined us? I know he was not going to be available. I don’t know if he’s dialed in yet or not. The County Attorney?”

Nathan Crouch answered, “Right, let me see if he is in the room. I don’t see him here.”

Randy Laney responded, “Okay, I know he had a conflict.”

Philip Humbarb added, “Mr. Chairman, I may have started a little of this when I started talking about a timed approach. I guess, really what I was trying to get to was what would be the alarm to the community that would send to us or to the quarry that ‘Hey, they are not satisfied’ and they want something changed? How are they going to hold their hand up to us and say ‘We want you to come.’ We’re talking about an annual thing now, which might suffice, but if there’s a problem I don’t people to have to wait a whole year. I am sure they would first go to the quarry and say ‘We’ve got problems’, but if that doesn’t satisfy them what is the mechanism to get the County’s control in it.”

Randy Laney stated, “It’s certainly a challenge. I’ve been on the Planning Board for 20 something years and we have been reactive to problems as you suggest because we don’t have the staff to do policing. We’ve been able to work those out. I know that is pretty vague so our answer is Philip, I don’t know of a better answer than that.”

Nathan Crouch detailed, “We’ve faced issues like that with other projects that had their CUP’s and it’s been made clear that we are a regulatory office not an enforcement office. We don’t go out and shut people down. It’s not what we are in the business of doing here in the Planning Office, but whenever applicants have their approvals in hand and they are operating their business whenever they are operating outside of the conditions that were approved then that becomes a civil matter between that applicant and those neighbors who are opposing the issue. The short-term remedy to get the ball rolling lately has tended to be that they could call the Sheriff’s Department and they could come out and take a note. Then they issue a court date for them to hash it out in front of a Judge.”

Philip Humbarb commented, “It might be something as simple as something that nobody has thought about. As you know the Hunt people haven’t addressed it to their satisfaction and they just want somebody to go to. Us as the County, will be the person they’d want to go to.”

Randy Laney asked for clarification, "Nathan, when you say go before a Judge is that Judge Wood, the County Judge or a court Judge?"

Nathan Crouch affirmed, "Circuit."

Andrew Effinger asked, "Might I make a recommendation to the Board?"

Randy Laney answered, "We are certainly open to ideas."

Andrew Effinger went on, "In some of the other situations we've had gotten into in some of the other states that we operate in, when we get to a point like this, we've had Boards designate an ombudsman whose name and phone number is published in the minutes of the Conditional Use Permit. Then the County can reach out directly to that person. The neighbors know to reach out directly to that person. Sometimes what we find with the neighbors is they just call the clerk working at the desk trying to get a truck off the scales, and it doesn't always get handled appropriately. That's just an idea."

Nathan Crouch noted, "Basically just a designated representative of the neighborhood for everyone to, you know, they would be the ones to carry the complaint around."

Andrew Effinger continued, "Yeah, and then you guys would have a single point to go to and so would the neighbors. That how it's worked in some areas for us."

Philip Humbar stated, "Well, it would be hard to go out and say 'Well, you are only going to work in this area for the next five years.' I can see how that's not really going to work, but the idea was that I want you to be accountable and maybe have to go through some process in some length of time to make sure that everybody is still comfortable with what's going on."

Randy Laney recounted, "In arenas where I've seen ombudsman work is the report that nobody wants right? I mean nobody wants the report given to the Quorum Court or the County Judge that these are the complaints that we've gotten this month and we followed up and the company's ignoring them. That is the shtick that gives you. Other experiences that I've had with a third party reporting site is that they are just some sort of hotline if you will and they look into matters, which is expensive, it's not free. Somebody would have to pay for that as well."

Philip Humbar explained, "That was the purpose of my comments earlier was to get some accountability to the public out there. Not so much accountability to the County, but to the people that actually live in the community."

Andrew Effinger detailed, "The committee that we've established and were committing to have meet is members of the community. I don't know that it is appropriate to have those people's names published for everybody else. We are going to be meeting with a small committee. We've got our people on it and people are welcome to come to those meetings. Somebody from the County could be a part of those meetings once a year or something. I don't know."

Neil Helm stated, "Mr. Chairman, I don't see any points that we have brought up that can be litigated because there's no real contract that's been made between the parties."

Randy Laney commented, "If we think we have the points covered sufficiently in there three separate lists, I can conceive us approving the CUP conditioned upon review of that synergized list at the next meeting. That will include an adequate reporting mechanism, an ombudsman, an annual review by an engineer, and or both. I am trying to figure out a directional approach here or we can vote to deny it or to table it. They can do any of those. Procedurally, Nathan, does that sound like something you could work with?"

Nathan Crouch responded, "It's something that I could work with."

Robert Daugherty made a motion to approve the **Hunt Rogers Quarry Expansion HI CUP** subject to staff consolidating a list, as well as a review of an ombudsman, and other reporting mechanisms to be heard at the December 10, 2020 Planning Board Meeting. Jay Percy seconded. Joel Kelsey recused himself. All Board Members present were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

County

h. Hunt Rogers 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

JP District: Patrick Deakins, District 5

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-302

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

Neil Helm made a motion to table the **Hunt Rogers Quarry Expansion HI Pre-LSD** subject to detailed list and completion of the CUP at the upcoming December 10, 2020. Robert Daugherty seconded. All Board Members present were in favor of approving. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department activities
- Reminder of upcoming regular Planning Board Meetings:
 - December 10th, 2020
 - January 14th, 2020

6. Old Business

7. Adjourn

Robert Daugherty moved to adjourn. Neil Helm 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: _____
Joel Kelsey, Planning Board Chairman