

MINUTES
WASHINGTON COUNTY ZONING BOARD OF ADJUSTMENTS
February 25th, 2021
5pm, Virtual Meeting via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

VARIANCE HEARINGS

County

a. Replat Lots 2, 3, 4 & 5 War Eagle Bend Variance (aka Fuller & Jamerson Variance) Approved

County

b. Replat Lots 9 & 10 Harmon Trails Estates Variance Approved

1. ROLL CALL: *Roll call was taken. Members present include Joel Kelsey, Jay Percy, Philip Humbar, Neil Helm, Lisa Miller, Loren Shackelford and Kiara Luers. All Board Members were present.*

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

3. NEW BUSINESS

Honorable County Judge Joseph Wood commenced the meeting with opening remarks welcoming recently appointed Planning Board Members, Lisa Miller, Loren Shackelford and Kiara Luers, as well as expressing his appreciation for the past Planning Board Members for their time and duties carried out to the Washington County Planning Commission.

VARIANCE HEARINGS

County

a. Replat Lots 2, 3, 4 & 5 War Eagle Bend Variance (aka Fuller & Jamerson Variance)

Variance Request for a waiver of the soil test requirement

Location: Section 19, Township 18, Range 28

Applicant: Bates & Associates

Location Address: 22794 Raymond WC 508

JP District: Patrick Deakins, District 5

Approximately: +/- 1.83 acres / 4 lots

Coordinates: Latitude: 36.21246967, Longitude: -94.00201483

Project #: 2020-344

Planner: Nick Little email: nlittle@washingtoncountyar.gov

REQUEST: The applicant is requesting a variance to waiver the soil test requirements because the lots already have existing septic systems No new buildings, improvements, or plumbing is to be on these lots. The reason for the replat is to split Lot 4 in half and will be used as a side yard only.

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

PLANNING AREA: n/a

QUORUM COURT DISTRICT: 5, Patrick Deakins

FIRE SERVICE AREA: Nob Hill Rural-119

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Springdale Water
Natural Gas- n/a Telephone- AT&T

Electric- Ozarks Electric
Cable- n/a

BACKGROUND/ PROJECT SYNOPSIS:

The applicants are requesting a board-approved variance to surpass the septic requirement, which is typical of Minor Subdivision Replat projects. The grounds for this variance are that both homes already have functioning septic systems and that there is no need to get a designated representative from the ADH to come out and inspect. Along with this variance, Planning Staff has required an administrative variance to address the detached deck that sits north of the existing home that sits on current Lot 5.

STAFF RECOMMENDATION: Staff recommends approval of this variance request.

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

No Public Comment

Public Comment Closed

*Philip Humbar made a motion to approve the **Replat Lots 2, 3, 4 & 5 War Eagle Bend Variance (aka Fuller & Jamerson Variance)** subject to staff recommendations. Lisa Miller seconded. All Board Members present were in favor of approving. Motion passed.*

County

b. Replat Lots 9 & 10 Harmon Trails Estates Variance

Variance Request for a waiver of the soil test requirement

Location: Section 21, Township 17, Range 31

Applicant: Bates & Associates

Location Address: 13523 Meadow Ridge WC 2871

JP District: Lance Johnson, District 1

Approximately: +/- 4.65 acres / 2 lots

Coordinates: Latitude: 36.13939870, Longitude: -94.29055884

Project #: 2021-049 Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

REQUEST: The applicant is requesting a variance to surpass the septic/soil analysis requirement because no new lots are being created.

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

PLANNING AREA: n/a

QUORUM COURT DISTRICT: 1, Lance Johnson

FIRE SERVICE AREA: Nob Hill Rural-119

SCHOOL DISTRICT: Springdale

INFRASTRUCTURE: Water- Washington Water Authority Electric- Ozarks Electric
Natural Gas- n/a Telephone- AT&T Cable- Cox Communications

BACKGROUND/ PROJECT SYNOPSIS:

The applicants are requesting a board-approved variance to surpass the septic/soil analysis requirement, which is typical of Minor Subdivision Replat projects. The grounds for this variance are that no new lots are being created there is no need to get a designated representative from the ADH to come out and inspect.

STAFF RECOMMENDATION: Staff recommends approval of this variance request.

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

No Public Comment

Public Comment Closed

*Neil Helm made a motion to approve the **Replat Lots 9 & 10 Harmon Trails Estates Variance** subject to staff recommendations. Kiara Luers seconded. All Board Members present were in favor of approving. Motion passed.*

4. Adjourn

Zoning Board of Adjustments adjourned.

Minutes submitted by: Juliana Mendoza

Approved by the Planning Board on:

_____ Date: _____
Joel Kelsey, Planning Board Chairman

MINUTES
WASHINGTON COUNTY PLANNING BOARD
February 25th, 2021

Immediately following the ZBA Meeting, Virtual Meeting via Zoom

DEVELOPMENT REVIEWED:

ACTION TAKEN:

CONDITIONAL USE PERMIT HEARING

Goshen Planning Area

a. Orthodox Farmhouse Brewery CUP

Tabled

LAND DEVELOPMENT HEARINGS

Goshen Planning Area

b. Orthodox Farmhouse Brewery Pre-LSD

Tabled

Fayetteville Planning Area

c. Whispering Meadows Pre-Sub

Approved

County

d. Replat Lots 9 & 10 Harmon Trails Estates

Approved

County

e. Replat Lot 4 Evans Addition Subdivision

Approved

County

f. Replat Lots 2, 3, 4 & 5 War Eagle Bend Subdivision

Approved

CONDITIONAL USE PERMIT HEARINGS

County

g. DS Refrigeration CUP

Approved

County

h. Hunt Rogers Quarry Expansion HI CUP

Approved

LAND DEVELOPMENT HEARING

County

i. Hunt Rogers Quarry Expansion HI Pre-LSD

Approved

1. ROLL CALL: *Roll call was taken. Joel Kelsey, Jay Percy, Philip Humbard, Neil Helm, Lisa Miller, Loren Shackelford and Kiara Luers. All Board Members were present.*

2. APPROVAL OF MINUTES: *Jay Percy made a motion to approve the minutes of January 14th, 2021 as written. Philip Humbard seconded. All board members were in favor of approving. Motion passed.*

3. APPROVAL OF THE AGENDA: *Loren Shackelford made a motion to approve the agenda as written. Lisa Miller seconded. All board members were in favor of approving. Motion passed.*

4. NEW BUSINESS

CONDITIONAL USE PERMIT HEARING

Goshen Planning Area

a. Orthodox Farmhouse Brewery CUP

Conditional Use Permit Request

Location: Section 20, Township 15, Range 32

Engineer: Bates & Associates

Location Address: 15656 Ball WC 330

JP District: Butch Pond, District 15

Approximately: +/- 3.53 acres / 1 parcel

Coordinates: Latitude: 36.08163292, Longitude: -93.97519867

Project #: 2021-015

Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to allow the development and operation of a brewery in an area that is zoned for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre.

SITE INFORMATION

Land Owner:	Jesse & Ashlyn Gagnon	Parcel Number:	001-09950-000
Site Location:	15656 Ball Rd WC 330	Planning Area:	Goshen
Acreage:	4.50 acres +/-	QC District:	15, Butch Pond
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Fayetteville
FIRM:	05143C0275F	Fire District:	Goshen
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	None	Phone:	AT&T
Water	Mt. Olive		

BACKGROUND/SYNOPSIS

The applicants, Jesse and Ashlyn Gagnon, are requesting conditional use permit and preliminary large scale development approval to allow the development and operation of a brewery. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcel is in the Goshen Planning Area. The subject parcel is located along Ball Rd WC 330. The subject parcel is approximately 4.50 acres. There is an existing house, building, and a barn. The applicants live on the property with their family. The second building will be added on-to and utilized for the brewery. The applicant proposes to install an entrance and driveway through the property to allow access to parking areas and the brewery building. The Brewery will operate only four (4) days a week; up to 30 hours. The applicants will be the primary employees and may hire an additional 1-3 employees within the first year. 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	Residential/Agricultural	Ag/SF Res 1 unit/ac
South	Residential/Agricultural	Ag/SF Res 1 unit/ac
East	Residential/Agricultural	Ag/SF Res 1 unit/ac
West	Residential/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 has a residence and some storage/shed buildings on it. There is currently one driveway that leads to the residence. Ball Road WC 330 is to the south of the residence. The applicant will install a new driveway towards the western side of the property.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

A. 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:

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.

The proposed Conditional Use Permit is to allow the applicant to develop and operate a brewery on a property that they also reside on. Staff feels that with the proposed conditions this project meets the goal of the County's Land Use Plan. A small brewery with a tap room should not hamper the current rural feel of the area, especially with set hours of operation.

Future Land Use / Zoning Designation

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 opposing or support 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.	A small brewery with a tap room opened to the public during set hours of the week isn't inherently compatible with the current surrounding uses. Staff feels that with the limited hours and small employee base, the brewery should be very low impact to the surrounding neighbors.
5 That the establishment, maintenance, or operation of the conditional use will not	The proposed brewery is in a quiet area. The proposed development, aside from the construction

<p>be detrimental to or endanger the public health, safety, morals, comfort or general welfare.</p>	<p>phase, should not be considered detrimental to the public health, safety, morals, comfort or general welfare. There will not be heavy equipment utilized on site after the construction phase. The brewery will also be reviewed by the Arkansas Department of Health should the applicant wish to have a dining establishment. Due to the nature of the proposal, the applicant will also have to seek approval by the Arkansas Alcoholic Beverage Control division.</p> <p>The parking areas to the proposed establishment are set towards the back (north) end of the property. There should not be any parking along the street or Right of Way.</p> <p>The applicant and their family live on the property. This allows for ease of access to the brewery should maintenance of equipment or landscaping be needed.</p>
<p>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.</p>	<p>The properties nearby are either wooded or cleared for pasture. The proposed establishment will not cause further removal of trees since the area is already cleared. There aren't residences along the shared property boundaries of the brewery. The applicant currently does not have a screening or landscaping plan/design. This is something that can easily be implemented.</p>
<p>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.</p>	<p>The conditional use request should not impede with the normal and orderly development and improvement of the surrounding area. Once the construction phase is complete, there should only be the applicants on site working at the establishment until the business grows and the applicant hires on additional staff. There will eventually be some visitors, but the amount of patrons should not overwhelm the area with traffic.</p>

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 all overhead Ozark Lines](#)

From the Arkansas Department of Health

With the proposal of food they need to revise the propose plan to incorporate the needed gallons per seat and they will need to include an aerobic biological generator. They also are a manufacturing plant, therefore the byproducts of their production waste must be separated from their domestic waste water. This is common practice in small farm bottlers. They need to contact Dan Smith to revise their permit and discuss what is needed for an Arkansas Department of Environmental Quality permit for wastewater discharge.

From the Washington County Sheriff's Office

1. Follow all Arkansas Alcoholic Beverage Control regulations and no amplified music.

From the Washington County Fire Marshal

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner, or their designee (Architect/Engineer)

From Washington County Road Department

1. There will need to be a permit for working within the road right of way during the construction of the entrance.

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 911 Addressing Dept. of Emergency Mgmt.

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

From the Washington County Engineer

1. LSD Site Details 03
 - a. Add note showing that grade does not exceed 2% in any direction within handicap spaces or loading area
2. Drainage Study – Project Description
 - a. 40'x60'? Where is the proposed 40x60 building? The plans show 18'x20' and 15'x6' additions to an existing building, no new structures.
 - b. There are three existing structures shown on the plans
 - c. Only 30 stalls shown on the plans
3. Drainage Study – Summary of Runoff
 - a. Peak flow calculations are also required for the 50 year storm
4. LSD Post Developed Drainage Map 02
 - a. Show proposed contours and check that proposed grading will not affect the time of concentration flow path
5. Drainage Study 25 Year
 - a. Peak flow calculations are also required for the 50 year storm
6. TC by TR55 Worksheet
 - a. Update once new time of concentration flow path has been update for post developed conditions.

From Washington County Planning

Please provide or update the following from the CUP checklist:

1. Soil analysis from a DR has not been received. Please submit this or a date of when the analysis is to be performed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP and Preliminary Large Scale Development submittal documents and feels that the proposed use can be made compatible 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
5. 30ft. U.E. along all overhead Ozark Lines

Phone – AT&T

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

Water – Mt. Olive

1. Please contact Mt. Olive Water for concerns and questions regarding water service.

Fire Safety Conditions

Fire Marshal

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner, or their designee (Architect/Engineer)

Goshen Rural Fire Department

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

Sewer/Septic Conditions

1. With the proposal of food they need to revise the proposed plan to incorporate the needed gallons per seat and they will need to include an aerobic biological generator. They also are a manufacturing plant, therefore the byproducts of their production waste must be separated from their domestic waste water. This is common practice in small farm bottlers. They need to contact Dan Smith to revise their permit and discuss what is needed for an Arkansas Department of Environmental Quality permit for wastewater discharge.
2. Permits from the Arkansas Department of Health must be obtained before the applicant can commence development of their project. It is the responsibility of the applicant to determine which types of permits will be needed for their proposal.

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

Drainage/Engineering Conditions

1. The County Engineer is currently still working with the applicant on drainage. All comments and concerns by the County Engineer must be addressed by the applicant.

2. The County Engineer must review the applicant's construction plans and any comments, concerns, or revisions must be addressed by the applicant before construction/development may begin.

Signage Conditions

1. 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 outside waste containers/areas must be screened from nearby neighbors utilizing uniform opaque screening materials.
2. The waste containment areas must also be gated.

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.

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 only to allow a brewery and taproom/eating establishment use. Any other use not specified by the CUP must come before the Planning Board for approval.
2. All Arkansas state regulations concerning Alcoholic Beverages and dining rooms must be met. It is up to the applicant to determine what types of permit/s is/are needed.

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 with updates for the Board Members.

Joel Kelsey inquired, "Sita, I've got a couple. If we were to pass this and it gets to the LSD, at what point do we get to see if there's going to be any changes to this property? As far as the barn, you know what everything is going to look like outside. I mean some kind of plan on what they're going to do and what it's going to look like? Or are they planning on just opening up and leaving it just like the picture showed?"

Sita Nanthavong replied, "The applicants are here and they can answer better than me."

Joel Kelsey asked, "Okay. I've got a couple more questions. Is the county fire code the same as in the city? I mean if that's only one entrance. I know in the city if you've only got that one entrance, you've got to have that sprinkled."

Sita Nanthavong answered, "If the city has adopted the State Fire code than it's the same. Before final approval can be given the Washington County Fire Marshal does have to approve the final plans. Mr. Curry which is our Fire Marshal would basically ensure that the state codes are in compliance."

Joel Kelsey went on, "Okay. Have they listed any hours of operation? Other than just four days, 30 hours?"

Sita Nanthavong responded, "No, they have not yet."

Joel Kelsey continued, "Anything with music?"

Sita Nanthavong replied, "They do plan on having some outdoor venues. Music will be acoustic, there will be no amplified music."

Joel Kelsey affirmed, "Okay. It's helpful for me and I am sure it is for everybody else if there's an opportunity for us to be able to see something that shows, if you are asking for the business what you are actually going to do. If you've got some kind of plan that shows you're going to improve it other than us to just look at the pictures that are on here and say we want a brewery and this is what we're going to do. If you will answer the music, your hours of operation that you're thinking that'd be great."

Jesse & Ashlyn Gagnon, applicants for the proposed project, addressed the Board, "We can talk through some of that for sure and we even have a broader picture of the vision, what the plan is. As far as pictures for what we plan to do we can definitely say we are not planning to open the doors to our business as it is looking right now. We've been in the process of working with a professional architect for the past 6 months. We have all of those professional drawings and renderings that are ready. If you need access to those by this meeting I will just step away and call our architect and see if we can just get those sent over immediately, but we have a plan in place for both improving the current structure and preliminary of what the grounds will look like. I can try to get that immediately, but if you don't need it immediately we can send it in at a different time as well. Those plans are well in place. We have those for sure. I'll let Jesse jump in. I can assure you our intention is not for it to look at all like the pictures. I don't want to dog on Sita's photography, but we'll definitely be doing a lot of improvements and revamping of the overall grounds as well as that building itself. As far as the hours of operation we are still wrestling with whether or not to be open on Sundays. Initially we are thinking Thursday through Saturday in the afternoon and evenings. Going into the weekend a little later into the night. Definitely not any sort of late night bar scene. Then eventually be good to open up on Wednesday's as well. We're still wrestling on Sundays. We are both church going people so it would have to be afternoons for us. As far as the music goes, we never planned on it being an outside venue. We feel like that might lead you guys to the wrong assessment of it. The Sheriff has stated that we cannot have any amplification so we're regulated to only having acoustic music. We picture a place where the community can get together. We learned there are some good banjo players around Goshen so that's more what we had in mind. Definitely no sort of amplified music venue of any sort. As far as the entrance, we have already obtained the permit necessary to put in the secondary entrance. We have the entrances in, the drive is not all the way in. That entrance

is already in the works. The plan is to have the two entrances. Again that's already under way. If you look to Sita's picture that looked past the county vehicle there is a tree line. There we have wanted to put in an entrance to the back of the property. It's past that tree line. I think Sita just actually happened to miss it. It's out of sight down there past that power line sign. We got a permit through the County to do a road connection. We haven't done any other construction because we don't know if it's going to be a driveway for our personal use or if it's going to be a business drive. The second entrance is coming."

Joel Kelsey inquired, "Okay. Nathan, question, since this is CUP. At what point in this process will we have the conditions that we would like. To be able to know the hours of operation, and whether or not if there is music involved, whether it's acoustic or not, the hours of operation that will allow that, and so forth. Is that something that we'll address now, or are we going to wait until the LSD? Will this just be a blanket CUP?"

Nathan Crouch replied, "Now. No. There are some items that we need to address. The hours of operation, restriction of amplified music. Whatever the Boards pleasure we can add those conditions to the CUP right now."

Ashlyn Gagnon asked, "Is it helpful for you for us to give an idea of the hours of operation? What does that look like to kind of settle in on that tonight?"

Joel Kelsey answered, "Well, I mean the hours of operation, whatever the Board is comfortable with. Once that's addressed tonight and added as a condition if we vote on that and approve, that's the hours that you'll have to abide by."

Ashlyn Gagnon responded, "Okay. That is helpful."

Joel Kelsey stated, "There are some generalness that I think we need in reference to the actual days in order for everybody on the Board to feel comfortable with what their either recommending or voting on."

Philip Humbarnd recalled, "Nathan, on a project similar to this we've had a layout plan showing restrooms and screened areas."

Nathan Crouch explained, "Yes sir, but being CUP this is all about land use right now and compatibility. Following this with the Large-scale Development that's when the detailed site plan will come in. We are not doing floor plans. This is a site plan large scale. It's not a building plan. We don't have building permits in the County. What we review is a site plan."

Philip Humbarnd asked, "It's basically a venue where people are going to go so we're going to have to have some sort of idea of where they are contained at, the parking, how they are going to get from the parking to the building, and all those issues aren't we?"

Nathan Crouch answered, "At this moment we are rewriting some of the planning code. Those requirements are not in the planning code right now."

Joel Kelsey stated, "If anyone disagrees with me please speak up, but I think the thing that I'm struggling with is there's not much here for us to go by. I think there needs to be some firm requests here as far as what they're actually wanting to do. That you know, 'Hey we're going to operate Wednesday through Saturday. We're thinking that we are going to run from five to nine.' I think those things need to be in here and addressed to where everybody on this Board, you know we've got three new members. I think they all need to be able to look at it and make a good sound decision on what we're looking at. In reference to Philip's response I think there needs to be something there to look at too. I understand the large scale I just don't want to approve a blanket CUP."

Nathan Crouch affirmed, "Agreed. As far as the business hours, music amplification and stuff like this

yes, we would normally add that into the CUP conditions of approval. This time I believe it didn't make it into the conditions, because it never made it to the applicant letter and the letter is what we use in order to put together all this."

Philip Humbarth asked, "Okay, do we need to table this until that happens, or what do we need to do?"

Ashlyn Gagnon suggested, "If we had been told or prepared to bring this information to this meeting we certainly would have that ready. I think Bates is here if they have anything to add, but if it is essential for this meeting to move forward, just so that you know where we are. We're stalled obviously in the moving forward of our business with investors on the line. Not on the line, but working through this process of kind of moving forward. If it's important that we can put forward some hours of operation and the days that we hope to be in place, even right now in this meeting, I think that we are prepared to do that rather than tabling or moving forward. If that is absolutely necessary. I have reached out to our architect just to see if he is available to send renderings immediately. But again, if that is helpful we are prepared."

Joel Kelsey inquired, "Philip, are you okay if all they've got are the hours of operation, are you okay going forward with that?"

Philip Humbarth replied, "Subject to large-scale review. I'm not opposed to look at what they are proposing and the improvements that they are going to do to the barn and so forth. I would imagine the county officials would want to know that too."

Joel Kelsey stated, "I am not opposed to what they are wanting to do. I am just a little lax that I think that there's some information missing here that I think we really need to have in front of us in order to move forward. If anybody else has got any other suggestions besides me, let me know please."

Philip Humbarth agreed, "I am not worried that if six of one, half a dozen the other. However they want to do it, but I think that we deserve to look at what they are proposing."

Jesse Gagnon inquired, "When you say look at you mean literally look at some of the drawings that we have as opposed to the basics."

Philip Humbarth detailed, "We have layout drawings showing dimensions, proposed entrances, proposed bathrooms, proposed fencing, screening and whatever else we may need to put into the requirements."

Ashlyn Gagnon replied, "We have all of those documents. They're all completed we just weren't told that was a part of this meeting. We apologize."

Philip Humbarth stated, "Nathan, I mean are we just approving the concept and we're going to look at this, where are we at?"

Nathan Crouch specified, "The CUP has to do with land use. It doesn't have to do with the stormwater drainage, the roads, and the utilities. It just has to do with basically the letter of intent and the land use."

Philip Humbarth established, "Okay. Well, I am out of line then."

Nathan Crouch stated, "Well, not necessarily sir, but you know when it comes down to it, I think that maybe we might have gotten a light letter of intent from the applicant. At the same time we can definitely work with them in order to get that beefed up, but I don't think we can do it right here and now."

Philip Humbarth agreed, "Oh no. There's no way."

Joel Kelsey commented, "Okay. Some of the stipulations and the conditions in reference of that. I don't want to sit here and haggle over those tonight. With them not having a general idea of what they want to

do. If you approve the CUP are you going to be able to come back later and say okay we will approve the large-scale based off of these hours and this and so forth or is that a part of the CUP?"

Nathan Crouch stated, "I believe that the compatibility and the land use would be the umbrella under which the hours of operation the amplified music would be played and the technical aspects of the site plan itself dimensions, acreage, locations, and parking; stuff like this would come under large-scale. The CUP would need to be approved before the large-scale was heard. I believe that the hours of operation and things like this having to do with the business plan."

Public Comment

Jeffrey Hickman, Member of the public, addressed the Board, "I've met Jesse and Ashlyn, very nice people. Jesse had initially told me he was a brewer by trade. That's great. I was not notified of this at all and I am a 300 foot neighbor to the property. I don't know why I was not notified, but my problem with this is that there are just so many questions that have not been answered. There is a huge capability for parking in the area where the intended driveway is for parking behind their home that second driveway that is where the intended parking lot is. The capability for parking in that area is pretty enormous as well as the space where that second barn is. Although pretty dilapidated that barn is very sizable and in the future could be turned into something pretty sizable. If it is already zoned business, then it is zoned business. It is surrounded on all sides by homes with families. Mine being one of them. We are talking about a business that sells alcohol as their primary business. I am sure with Jesse and Ashlyn there I am pretty certain what their clientele would be, but still a business that sells alcohol. I'd like them to know a lot more about it before I can make an informed decision. Would it create more Sheriff's Deputy presence? Would it slow down the dumpers that drive through and dump trash? You know, that kind of thing. What's their maximum occupancy? Will they ever ask for another variance to use that other barn out there? How will that space be laid out for maximum number of parking spaces being used? Those are the kinds of things that I am looking to learn. I haven't been able to learn that in the last two hours that I have been looking at grainy photos that I haven't been able to pick through since I just got the material and access to my computer. If there's food being served? I am concerned, how high end is it? You know? Is it going to be low end bar food, or is it going to be something where somebody is going to want to come as a destination? The truth is, is this something that increases my property value or drops it? Lastly, I will just tell you from a personal stand point I am a long time recovering alcoholic, and my son is a not too long recovering alcoholic. A little over a year now. God willing a little more. I don't know that I want a bar in walking distance of my home. I need some time to pray on that."

Joel Kelsey commented, "I appreciate those concerns Mr. Hickman. I appreciate you speaking."

Geoffrey Bates, Project Engineer from Bates and Associates for the proposed project, addressed the Board, "We turned in everything that was required. There's also a large-scale that's coming up next. It has all the grading, where everything is, the parking lot, how many cars can be there. The large-scale is right after the Conditional Use so all that information is on there. It sounds like the only thing that's holding this up is the hours of operation and what days of the week. That's why we ask the owners to join the meeting so they could tell us what days they are going to be open and how many hours during the week that they would be open. We can help answer any of the technical questions, but those things are up to the owner to tell us when they are going to be open, what the building is going to look like and what days day of the week they will be open."

Joel Kelsey stated, "I appreciate that Geoff. I think what I am looking for is a more definitive group of stuff, then for us to sit here and go through the whole process and sit here like 'I think it's this hours. I think it's they can serve food, they can't serve food.' You know I would like some generality to it when it's presented. I don't know how anybody else thinks. Philip, did that help you or anybody else on the board got concerns or thoughts?"

Kiara Luers inquired, "The only thought I have is I know you mentioned that the LSD is not based on

building LSD. If there's additional structures or if there's some sort outdoor structure made for music is that something that we at all get to review or is that just not something that will be reviewable?"

Nathan Crouch replied, "If something comes in with additional buildings basically it would have to be reflected in the stormwater drainage plan. Our county engineer would review that drainage plan. Then make recommendations to us. We would deliver those recommendations back to the applicant and present them to you. Hopefully, once those recommendations from our County Engineer come in on that drainage report the applicant and the project engineer would be able to address those comments and turn that around really quickly within our five-week review cycle. That way we can get all that back to you to have a nice vetted, reviewed project."

Nicholas Sammer, Resides at 1783 N Fox Hunter Road, addressed the Board, "I know Jesse and Ashlyn through the community. Jesse is very well respected in the brewing community and I know his vision is to really celebrate the culture and community of Washington County in particular the Goshen area. He really is a master as a craft brewer. His desire is to do things that are approachable, but very high quality. I know it will bring both economic value to the County. Also just cultural value and something that would bring the community together."

Elizabeth Mashie, Member of the public, addressed the Board, "I just want to piggyback on that and also just welcome Ashlyn and Jesse to the community. I want to talk about how much they really are focused on growing Goshen. I've talked to both of them and Ashlyn especially. As she is counseling us through starting a Farmer's Market as well. They really care about our community. I totally get that we need to follow up on the procedural pieces here and make sure that you all are satisfied that we're doing things the way that they need to be done out in Goshen and in the parts out around Goshen. My family and I own Mashie Farm. The farm just across the street from them. We did receive the letter and had a chance to talk to them about their plans and about their vision. I just want to encourage you to really think about what this means for our little city and how we can continue to push ourselves forward as really a destination."

Colene Gaston, Attorney for Beaver Water District, addressed the Board, "For those who that are new on the Planning Board, the Beaver Water District extracts water from Beaver Lake and treats it and provides it to the cities of Springdale, Fayetteville, Rogers and Bentonville. Those cities also then serve consecutive cities. I believe including Goshen from Fayetteville. I was just sitting back listening to the proposal and had previously spoken to the planning staff. They make an adjustment to the requirement about septic or sewer to make it clear that in this case where you have a brewer that is going to be producing I am guessing beer. That creates a large amount of waste water that is very high in what's called biological oxygen demand. It is a waste that needs to be treated. Typically that is required to be done separately from what is done in terms of the wastewater treatment for the sanitary waste. The bathrooms, the sinks and so forth. It's not clear to me exactly what the applicants have in mind for treating both the process waste from the brewery and also, from the bathrooms and sinks and so forth. I would encourage them to be working with the appropriate folks at the Department of Health and the Division of Environmental Quality. I believe this will definitely require a Department of Environmental Quality, well it's actually called now the Division of Environmental Quality, permit for the brewery waste. The questions that I would have for the site is: What type of treatment is planned? Is there enough land available to have some underground treatment? Either a septic or some other type of system. As most of you probably already know they have to have both a primary leachate field and an alternate field. The main thing is to make sure that they put in are sized appropriately for the volume of wastewater that's going to be produced. I have no idea, because I have no idea what the capacity is going to be or how much beer they intend to produce. The volume of wastewater depends also on how many days they're open, how many days they're producing. A lot of questions still out there. It sounds like these folks know what they're doing and are serious about doing it correctly, but I would say that there are still a lot of unknowns. If it's a possibility it would be good to have some answers."

Joel Kelsey stated, "I don't know that we are any further than we were earlier. To me with this I still

think there's a lot of questions that need to be put on a piece of paper. I go back to the one that I believe we had in West Fork and when they came before us there were all kinds of answers. The questions that we had and the answers that we need, they had all that in place. I just think that there is too much uncertainty. I don't know how the rest of the Board feels."

Philip Humbarad agreed, "I am with you Joel. I think we need to know some of these issues about what kind of volume we are talking about, how many people and the maximum capacity. The parking and stuff will come up in the large-scale, but we need to know a bit more about it."

Jesse Gagnon asked, "Would I have an opportunity to talk? Especially, if you guys are considering not voting on the CUP this go round?"

Joel Kelsey answered, "We don't have to vote on it tonight. Especially if one of the members decides that there's too much uncertainty there and decides to make a motion to table it. We can table for a month down the road to give you a chance to grab some of that uncertainty and put it together to where that when you present the next time that we have something to look at to say 'Yeah we'll take that as a condition."

Jesse Gagnon responded, "That makes perfect sense to me, Mr. Kelsey. If I could say a couple things to the Board real quickly. Our vision for this brewery is to be a place of connection. A place where the fabric of the community can come together. One that grows it. If Mr. Hickman's property is within 300 feet I don't know why he didn't get a letter. I'm sorry we have not been able to talk more about that. He is a good man. I understand all the questions you guys are having. We feel that we are unprepared for how this meeting would go and we apologize for that. It feels as if we've wasted your time by not giving you all the information. We do have an extensive vision for that piece of property and it is one of excellence that elevates the local community while also bringing it together. We are working with ADEQ. We already have a non-exposure certification. We've already reached out to the Beaver Water Shed Alliance. We are working with these organizations to actually come together with something better than the way it is. We are going through all these proper steps and that's why we do apologize for not having all this information to present to you right now. There was some misunderstandings on our part."

Joel Kelsey stated, "I appreciate those words."

Public Comment Closed

Loren Shackelford, Planning Board Member, communicated, "I wanted to state for the record that it's been mentioned this project is in the City of Goshen Planning Area. I just wanted to make the Board aware that I am currently the Chairman of the City of Goshen Planning Commission. I've served in that capacity for the last several years. I don't feel like there's any conflict with me hearing this as part of this Board, but I did want to make the Board aware that I was the acting Chairman of the Planning Commission of the City of Goshen."

Joel Kelsey responded, "Okay. Thanks Loren, we appreciate that. Thoughts from the Board?"

Lisa Miller, Planning Board Member, inquired, "You guys said that you had investors involved. You probably have a business plan already put together for these investors. If you are getting a loan there is some type of a business plan or should be out there somewhere. I think that would help clear up a lot of these questions. That would be a written plan. Do you have anything like that put together? I think we need to table this and we need to be more specific on the information we request."

Public Comment Closed

*Philip Humbarad made a motion to table the **Orthodox Farmhouse Brewery CUP** in order to provide the Board with additional information regarding the business plan until the upcoming Planning Board meeting set for April 1st, 2021. Lisa Miller seconded. All Board Members present were in favor of*

approving. Motion passed.

LAND DEVELOPMENT HEARINGS

Goshen Planning Area

b. Orthodox Farmhouse Brewery Pre-LSD

Preliminary Large Scale Development Request

Location: Section 20, Township 15, Range 32

Engineer: Bates & Associates

Location Address: 15656 Ball WC 330

JP District: Butch Pond, District 15

Approximately: +/- 3.53 acres / 1 parcel

Coordinates: Latitude: 36.08163292, Longitude: -93.97519867

Project #: 2021-016

Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

*Philip Humbarnd made a motion to table the **Orthodox Farmhouse Brewery CUP** in order to provide the Board with additional information regarding the business plan until the upcoming Planning Board meeting set for April 1st, 2021. Lisa Miller seconded. All Board Members present were in favor of approving. Motion passed.*

Fayetteville Planning Area

c. Whispering Meadows Pre-Sub

Preliminary Land Development Request

Location: Section 05, Township 16, Range 28

Applicant: Bates & Associates

Location Address: 471 S Harvey Dowell Road

JP District: Butch Pond, District 15

Approximately: +/- 70 acres / 8 lots

Coordinates: Latitude: 36.05591436, Longitude: - 94.08388037

Project #: 2021-017

Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting preliminary subdivision approval to allow the development of an eight (8) lot subdivision.

SITE INFORMATION

Land Owner:	JNB Group, LLC	Parcel Number:	001-10606-000, 001-10670-000
Site Location:	471 Harvey Dowell Road	Planning Area:	Fayetteville
Acreage:	72.44 acres +/- per	QC District:	15, Butch Pond
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Fayetteville
FIRM:	05143C0240F	Fire District:	Round Mountain
Wetland:	Yes, there is one pond	Watershed:	None

UTILITIES

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

BACKGROUND/SYNOPSIS

The applicant, John McGowan, with representation by Bates & Associates, Inc, is requesting to create an eight (8) lot subdivision on two parcels. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The subject parcels are in the Fayetteville Planning Area. The subject parcels are located along the western side of S. Harvey Dowell Road. The subject parcels are approximately 72.44 acres. There are two structures and a gravel driveway which will

be removed. Each proposed lot will be over an acre in size. The applicant will not need a conditional use permit.

Proposed Lot	Acreage
1	3.12
2	3.01
3	3.04
4	3.03
5	3.06
6	3.02
7	3.01
8	49.29

The proposed subdivision is within the City of Fayetteville’s Planning Area. The project must process through the City and receive approval before final approval from the County may be given. 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	Residential/Agricultural	Ag/SF Res 1 unit/ac
South	Residential/Agricultural	Ag/SF Res 1 unit/ac
East	Residential/Agricultural	Ag/SF Res 1 unit/ac
West	Residential/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. There are two residences and a gravel driveway on parcel 001-10606-000. The residences and the gravel driveway will be demolished/removed. The properties are primarily vacant and being utilized in an agricultural manner: there is livestock on the property. To the south of the subject properties is the river. Portions of the southern proposed lots are in the flood zone.

Future Land Use / Zoning Designation

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 in favor or in opposition of the project. Planning Staff will update the Board should any further comments be received.

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.

From City of Fayetteville Water

1. Overall drainage not reviewed by City of Fayetteville. Ditch profiles will be reviewed with construction level drawings.

However, please be advised if the City was reviewing drainage we would require adequate documentation showing that detaining the additional runoff would in fact result in an increase in the overall basin based on the timing of the coinciding peak flows.

2. R/W shown but letter calls for street to be private. Please clarify.
3. Dimension curb radii and cul-de-sac radius.
4. Size of main extension must be approved by Utilities director.
5. If street will be private, easement must extend on either side of the main.
6. 10' minimum easement required for water main.

From the Department of Health

1. This cannot be approved as platted with the health department. There is at least one proposed lot that does not meet the minimum soil requirements of Brief 13" Moderate 18" Long at 24" after adjustment.
2. The preliminary plat shows only one soil pit on each lot, there should be two soil pits per lot.

From the Washington County Fire Marshal

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner, or their designee (Architect/Engineer)

From Washington County Road Department

1. The Road Department does not have any concerns. There will however need to be a permit for working within the road right of way during the construction of the entrance.

From Washington County Environmental Affairs

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

From Washington County 911 Addressing Dept. of Emergency Mgmt.

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

From the Washington County Engineer

1. The County Engineer and the applicant's engineer are still working on the drainage. All drainage studies must be reviewed by the County Engineer.

From Washington County Planning

Please provide or update the following from the CUP checklist:

1. Soil analysis from a DR has not been received. Please submit this or a date of when the analysis is to be performed.

RECOMMENDATION & CONDITIONS

Staff has reviewed the submittal documents and recommends approval 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 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.

Phone – AT&T

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

Water – City of Fayetteville

1. Overall drainage not reviewed by City of Fayetteville. Ditch profiles will be reviewed with construction level drawings.

However, please be advised if the City was reviewing drainage we would require adequate documentation showing that detaining the additional runoff would in fact result in an increase in the overall basin based on the timing of the coinciding peak flows.

2. R/W shown but letter calls for street to be private. Please clarify.
3. Dimension curb radii and cul-de-sac radius.
4. Size of main extension must be approved by Utilities director.
5. If street will be private, easement must extend on either side of the main.
6. 10' minimum easement required for water main.

Fire Safety Conditions

Fire Marshal

1. The project will need to be constructed by the Arkansas Fire Prevention Code. Code research and adherence will be the responsibility of the owner, or their designee (Architect/Engineer).

2. Please contact the Washington County Fire Marshal for fire safety concerns and questions.

Round Mountain Fire Department

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

Sewer/Septic Conditions

1. The proposed subdivision will need review by the Arkansas Department of Health engineering department.

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

Drainage/Engineering Conditions

1. All concerns from the Washington County Engineer must be addressed before final approval of the preliminary subdivision may be given.
2. The Washington County Engineer must review and approve construction plans before the applicant may start to break ground for development.

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.

Addressing Conditions

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

Planning Department Conditions

1. This project is within the City of Fayetteville's Planning Area. Approval for the subdivision must be obtained from the City before the applicant can begin to break ground for development.

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.

Jake Davis, Representative from Bates & Associates and the project engineer for the proposed project, addressed the Board, "This project was approved unanimously by the City of Fayetteville Planning Commission on Monday. Then on Tuesday we updated and met all the engineers' comments on this and submitted back to the County on Tuesday."

Public Comment

Sherry Main, Member of the public, addressed the Board, "I just wanted to make sure I heard it correctly. The access road seems narrow to me. Did they say 20 foot roadway for the access road with a 30 foot easement? I was just wondering if that was going to be considered a public drive since it is my understanding that I've been told that Washington County requires a 50 foot easement for a road."

Nathan Crouch responded, "The dimension of the road is based on the number of homes that are accessing off of it. We've got one to four, five to ten and eleven and up. This would be dimension sized appropriately for the number of homes."

Sherry Main replied, "No, because that differs from what I have been told by the County Road Department Supervisor, Charles Ward. I had a similar question come up on Riches Road where I live. They wanted to split some property along the road. The criteria had to have 75 foot road frontage for each parcel. The roadway had to have a 50 foot easement which it does not, but Charles Ward said it did according to Arkansas Code. That was my only comment. I don't want to have somebody else get into it about a road issue. We have an existing road issue. Our road is very narrow and for some reason it seems to be dedicated as a 50 foot easement which it is not. It's a 30 foot easement, but it went through the City of Fayetteville. The City of Fayetteville did not approve it, but Charles Ward gave them a letter stating that Washington County did have a 50 foot easement and right-of-way. That was my only concern."

Jake Davis specified, "This is a private drive so it will be privately maintained. There won't be any right-of-way on this."

Public Comment Closed

Loren Shackelford inquired, "Is the intention of this project to stay in the County or do we anticipate the City of Fayetteville annexing this into the city limits once it's completed?"

Nathan Crouch replied, "I would say that we haven't gotten any indication on that. We honestly don't know when or where the City of Fayetteville is going to annex. We would treat this as a County Subdivision being that it's in the planning area though we always look for the city to provide their approval as well. Just in case down the road they want to do that."

Joel Kelsey asked, "For educational purposes if the City of Fayetteville Planning Commission has already reviewed this and approved this explain why it's in front of us again."

Nathan Crouch answered, "It's in our code."

John McGowan, Applicant for the proposed project, addressed the Board, "I just wanted to reiterate that it was going to be a private drive. Personally my intent would be that I hope to stay in the County as long

as we can. I love the privacy out there and full intentions of leaving everything beyond these eight lots untouched. Most importantly I am out to make friends in the area more than anything else. Sounds like the City of Fayetteville liked what we had to offer and I hope you do too. That's all I got. Thank you.”

Philip Humbar made a motion to approve the **Whispering Meadows Pre-Sub** subject to staff recommendations. Loren Shackelford seconded. All Board Members present were in favor of approving. Motion passed.

County

d. Replat Lots 9 & 10 Harmon Trails Estates

Preliminary and Final Land Development Requests

Location: Section 21, Township 17, Range 31

Applicant: Bates & Associates

Location Address: 13523 Meadow Ridge WC 2871

JP District: Lance Johnson, District 1

Approximately: +/- 4.65 acres / 2 lots

Coordinates: Latitude: 36.13939870, Longitude: -94.29055884

Project #: 2021-014 Planner: Sita Nanthavong email: snanthavong@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicants are requesting a replat of Lots 9 and 10 within the Harmon Trail Estates Subdivision to adjust the lot line between the two adjoining parcels. No new lots are being created.

SITE INFORMATION

Land Owner:	Kevin & Kristen King Justin & Kathryn Moore	Parcel Number:	223-00010-000 223-00009-000
Site Location:	13535 Meadow Ridge WC 2871 13523 Meadow Ridge WC 2871	Planning Area:	None
Acreage:	4.64 acres +/- total for both lots	QC District:	1, Lance Johnson
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Springdale
FIRM:	05143C0045F	Fire District:	Tontitown
Wetland:	No	Watershed:	None

UTILITIES

Electricity:	Ozark Electric	Gas:	None
Cable:	Cox Communications	Phone:	AT&T
Water	Washington Water Authority		

BACKGROUND/SYNOPSIS

The applicants, Kevin & Kristen King and Justin & Kathryn Moore, are requesting a replat of Lots 9 and 10 within the Harmon Trail Estates Subdivision to adjust the lot line between the two adjoining parcels. No new lots are being created. A variance is also being requested to waive the septic/soil analysis requirements. No new structures or improvements or plumbing are proposed. This request is only to adjust the lot line. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project parcels are not in a Planning Area. The subject parcels are located along Meadow Ridge WC 2871, which is along the western side of Harmon Rd WC 31. The applicants for Lot 9 will adjust so that Lot 10 will obtain more acreage.

Lot 9

Current – 1.86 acres

Proposed – 1.72 acres

Lot 10
Current – 2.78 acres
Proposed 2.92 acres

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	Residential/Agricultural	Ag/SF Res 1 unit/ac
South	Residential	Ag/SF Res 1 unit/ac
East	Residential	Ag/SF Res 1 unit/ac
West	Residential/Agricultural	Ag/SF Res 1 unit/ac

Existing Condition of Property

The subject property is zoned Ag/SF Res 1 unit/ac and has a residential use. It is in an area that is mixed with agricultural and residential uses. The properties each have a residence on them with associated outbuildings. Each parcel accesses Meadow Ridge WC 2871 from its own driveway. The residences are located on the western side of Meadow Ridge WC 2871.

Future Land Use / Zoning Designation

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 opposing or support the project. Planning Staff will update the Board should any further comments be received.

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 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.adeg.state.ar.us

From Washington County 911 Addressing Dept. of Emergency Mgmt.

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

RECOMMENDATION & CONDITIONS

Staff has reviewed the submittal documents and recommends approval of the project 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 – AT&T

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

Water – Washington Water Authority

1. Please contact WWA for concerns and questions regarding water service.

Fire Safety Conditions

Fire Marshal

1. Please contact the Fire Marshal for any fire safety concerns and questions.

Goshen Rural Fire Department

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

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

*Loren Shackelford made a motion to approve the **Replat Lots 9 & 10 Harmon Trails Estates** subject to staff recommendations. Lisa Miller seconded. All Board Members present were in favor of approving. Motion passed.*

County

e. Replat Lot 4 Evans Addition Subdivision

Preliminary and Final Land Development Requests

Location: Section 32, Township 16, Range 31

Applicant: A Million Miracles Surveying

Location Address: 13665 Bethel Blacktop WC 62

JP District: Sam Duncan, District 7

Approximately: +/- 2.13 acres / 2 lots

Coordinates: Latitude: 36.02792765, Longitude: - 94.29561609

Project #: 2020-348

Planner: Nick Little email: nlittle@washingtoncountvar.gov

APPLICANT'S REQUEST

The applicant is requesting minor subdivision replat approval in order to adjust the southern 0.76 acres of platted Lot 4 of Evans Addition Subdivision into an unplatted 2.81-acre vacant lot. A letter from the applicant states that there are no development plans, proposed utilities or proposed roads.

SITE INFORMATION

Land Owner:	Tom Sims; Lawrence and Lois Mann	Parcel Numbers:	180-10004-000; 001-12425-012
Site Location:	13665 Bethel Blacktop WC62	Planning Area:	N/A
Acreage:	4.92 acres	QC District:	7, Sam Duncan
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Farmington
FIRM:	05143C0195F	Fire District:	Prairie Grove Rural - 105
Wetland:	No	Watershed:	N/A

UTILITIES

Electricity:	Ozark Electric	Gas:	Black Hills Natural Gas
Cable:	Cox Communications	Phone:	PG Telco
Water:	Washington Water Authority		

BACKGROUND/SYNOPSIS

The applicant, Tom Sims, is requesting Minor Subdivision Replat approval in order to adjust the southern end of a platted subdivision lot into a larger vacant lot. The platted Lot 4 of Evans Addition, which is

2.11 acres, is relinquishing 0.76 acres to southeasterly adjacent lot, which currently sits at 2.81 acres and is unplatted and vacant. After the adjustment, if approved, the new configuration has parcel 180-10004-000 at 1.35 acres, while parcel 001-12425-012 will sit at 3.57 acres. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. The project is not located in a planning area. The proposal is located on the southern side of Bethel Blacktop WC62. The landlocked parcel 001-12425-012 has legal access via a 30' utility and access easement that runs to Bethel Blacktop and sits parallel to the driveway for the existing home at 13615 Bethel Blacktop WC62. Parcel 180-10004-000 contains an existing single-family home and a detached shop/garage. Parcel 001-12425-012 is vacant other than a small shed near the eastern property boundary. This project was initially considered for the January 14th, 2021 Planning Board Meeting, but was tabled until the February 25th, 2021 Meeting. The reasoning for this was that the applicant and agent requested to get a Board Variance in order to bypass the septic requirement for this project. They have since decided to comply with the standard septic requirement put in place by the Planning Department. Subsequently, Planning Staff has received acceptable perc test results and septic inspection results for both applicable lots.

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. Ozarks will need a 30ft. U.E. along existing overhead line

RECOMMENDATION & CONDITIONS

Staff recommends the following conditions of approval for this project:

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

Philip Humbar made a motion to approve the **Replat Lot 4 Evans Addition Subdivision** subject to staff recommendations. Loren Shackelford seconded. All Board Members present were in favor of approving. Motion passed.

County

f. Replat Lots 2, 3, 4 & 5 War Eagle Bend Subdivision

Preliminary and Final Land Development Requests

Location: Section 19, Township 18, Range 28

Applicant: Bates & Associates

Location Address: 22794 Raymond WC 508

JP District: Patrick Deakins, District 5

Approximately: +/- 1.83 acres / 4 lots

Coordinates: Latitude: 36.21246967, Longitude: -94.00201483

Project #: 2020-343

Planner: Nick Little email: nlittle@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting minor subdivision replat approval in order to combine four platted subdivision lots into two larger lots. The reason for this project, as stated by the applicants, is to give the owners of both of the existing homes on the project parcels more space and to ensure that no one could build on the vacant Lot 4 that sits in between the existing homes. The applicants are requesting a board-approved variance to surpass the septic requirement, which is typical of Minor Subdivision Replat projects. The grounds for this variance are that both homes already have functioning septic systems and that there is no need to get a designated representative from the ADH to come out and inspect. Along with that variance, Planning Staff has required an administrative variance to address the detached deck that sits north of the existing home that sits on current Lot 5.

SITE INFORMATION

Land Owner:	Brian & Mary Jamerson; Randall & Beth Fuller	Parcel Number:	524-02750-000 524-02751-000 524-02752-000 524-02753-000
Site Location:	22794 Raymond Street WC508; 22822 Raymond Street WC508	Planning Area:	N/A
Acreage:	1.83 acres	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 - 119
Wetland:	No	Watershed:	Beaver Water District

UTILITIES

Electricity:	Ozark Electric	Gas:	N/A
Cable:	N/A	Phone:	AT&T
Water	Springdale Water		

BACKGROUND/SYNOPSIS

The applicants, Brian & Mary Jamerson, are requesting Minor Subdivision Replat approval in order to adjust four platted subdivision lots, Lots 2, 3, 4 & 5 of Block 2 Second Revised War Eagle Bend, into 2 larger proposed lots. Currently, the four parent lots are all either 0.45 or 0.46 acres. The proposed lots

are both larger, with New Lot 2A being 1.14 acres and New Lot 5A being 0.69 acres. The zoning is for Agricultural and Single Family Residential uses with a maximum density of one (1) residential unit per acre. This zoning will apply to the newly created tracts. The project is not located in a planning area. The proposal is located on the eastern side of Raymond Street WC508. Both proposed lots contain existing single family homes. The applicants have requested two variances for this project: one administrative variance to address the deck that encroaches the north building setback line of New Lot 5A and one board-considered variance to bypass the septic requirement put into place by Planning Staff on Minor Subdivisions. Planning Staff has reached out to the Arkansas Health Department to see if we could even grant a variance to bypass the septic requirements. The Health Department didn't have any issues with the request and asked that Planning Staff check for visible malfunction or odor coming from the existing septic systems upon a standard site visit to the location. Upon Staff's site visit, there were no visible malfunctions or odors present for either septic system. Ultimately, the board will make a decision on whether or not the variance will be approved. This project was initially going to the Planning Board for consideration at the January 14th, 2021 meeting. Due to a lack of quorum of Planning Board Members to consider the approval of the variance associated with this project, both projects 2020-343 and 2020-344 will be considered at the February 25th, 2021 Planning Board Meeting.

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. Ozarks will need a 30ft. U.E. along existing overhead line

From Springdale Water

1. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
2. Field locate and verify the location of existing water and sanitary sewer facilities located on proposed Lots. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum of 10' is between the utility and easement line. Please show the existing 2-inch water main and its easement along Raymond Street.
3. Any water taps to be installed on existing facilities shall be installed by Springdale Water Utilities at the owner or developer's expense.
4. Please be advised that private water meter service lines cannot cross adjacent properties in order to access services or be located and running parallel within a public utility easement.

5. Water system capacity in this area is very limited whereby maximum meter sizing for new installations in this area has been limited to individual 5/8-inch meter sets per tract for new construction. A study is currently underway by the utility to determine availability of water services. Before any additional connections to the water system are allowed, the developer/engineer will be required to submit a detailed water system analysis for this proposed development showing the adequacy of the existing water system to support this type of development.
6. Springdale Water Utilities is requesting a 15-foot easement along the west ends of New Lot 2A and New Lot 5A.

RECOMMENDATION & CONDITIONS

Staff recommends the following conditions of approval for this project:

Septic Conditions

1. Final approval of this project will be contingent upon the Planning Board's approval of 2020-344 Fuller & Jamerson Variance, which was requested by the applicant in order to bypass the septic requirement that is typical for Minor Subdivision Replats. If the board denies the variance, the applicants will have to meet the standard septic requirements for the project.

Planning Conditions

1. Final approval of project 2020-343 is contingent upon Planning Staffs reception of an administrative variance application and fee to account for the building setback encroachment on the north side of New Lot 5A.

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 with updates for the Board Members.

No Public Comment

Public Comment Closed

*Jay Percy made a motion to approve the **Replat Lot 2, 3, 4 & 5 War Eagle Bend Subdivision** subject to staff recommendations. Kiara Luers seconded. All Board Members present were in favor of approving. Motion passed.*

CONDITIONAL USE PERMIT HEARINGS

County

g. DS Refrigeration CUP

Conditional Use Permit Request

Location: Section 19, Township 16, Range 33

Applicant: Don McCarthey

Location Address: 13715 N HWY 59

JP District: Willie Leming, District 13

Approximately: +/- 20.67 acres / 1 parcel

Coordinates: Latitude: 36.05746503, Longitude: -94.52163699

Project #: 2021-013

Planner: Nathan Crouch email: ncrouch@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting conditional use permit approval to operate a business selling and repairing refrigeration equipment, 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:	Don & Eileen McCarthey	Parcel Number:	001-13292-003
Site Location:	13715 N Hwy 59	Planning Area:	N/A
Acreage:	1 acre +/-	QC District:	13, Willie Leming
Current Zoning:	Agriculture/Single-Family Residential 1 unit per acre	School District:	Siloam Springs
FIRM:	05143CO150F	Fire District:	Cincinnati Rural
Wetland:	No	Watershed:	None

UTILITIES

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

BACKGROUND/SYNOPSIS

The applicants, Don & Eileen McCarthey, are requesting conditional use permit approval to operate a refrigeration sales and service business. 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 city planning area. The proposal is located at the northwest corner of N Hwy 59 and John Bolin Rd (WC-4805). There are no residential structures on the property at this time. It is currently used as a vacant agricultural field. The applicant would like to operate a refrigeration sales & service business on a 6 acre parcel that is to be split off the parent parcel. The proposed business will be housed in a 40x80 ft metal building, and occupy 1 acre up front along the road, with the applicant's home to be constructed on the 5 acres behind. Large Scale Development approval is not required, as long as the business remains confined to 1 acre or less. There will be water, electric, and septic connected to the building. Parking will be along the front of the building, facing Hwy 59.

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/ac and has an agricultural use. It is in an area that is heavy with agricultural uses. The property does not currently have any residences on it.

County's Land Use Plan

According to the County's Land Use Plan:

SECTION III. PHYSICAL DEVELOPMENT

B. LAND USE CONSIDERATIONS

1. 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.

The subject area is located within a part of the county that is heavy in agricultural uses. The applicant requests to utilize one acre in the southeast portion of the larger 6 acre parcel for their business.

Future Land Use / Zoning Designation

The parcel is not in a city planning area. There is no Future Land Use designated 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 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 the public hearing were sent via certified mail on February 11, 2021.
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 use is not inherently compatible with the surrounding area due to zoning and majority of land uses. But with conditions, the proposed use can be made more compatible.
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 is a refrigeration sales & service business. This use is not considered dangerous by nature though there may be an additional few vehicles on Hwy 59 visiting the business. With the typical business hours and type of business, staff feels this requested use will not be detrimental to the public.
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 by use and zoning. There seems to be industrial farming within the nearby area. A small refrigeration business should not interfere with the farming procedures. Staff feels this small refrigeration company will not impair property values.
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 proposed use will potentially bring additional vehicles onto Hwy 59. But this should not impede the normal and orderly development and improvement of the surrounding area. Should property owners wish to further develop their land or subdivide their parcel/s, the proposed refrigeration business should not be an impediment.

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. 3-phase power is not currently on site.

From the County Engineer

1. Speed limit of Hwy 59 is 55 mph through here and the minimum intersection sight distance would be 610 ft per the Washington County Code of Ordinances.
 - Applicant has modified the site plan such that the exit drive is on to John Bolin Rd, eliminating the sight distance requirement.
2. How was the size of the driveway culvert determined? 24-inch minimum pipe size, confirm with County Road Department.
 - Applicant understands the culvert diameter and length must be determined by ArDOT.

RECOMMENDATION & CONDITIONS

Staff has reviewed the CUP submittal documents and feel the proposed refrigeration sales & service business 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.

Road Conditions

1. A permit from the Arkansas Highway and Transportation Department (AHTD) is required prior to any work being completed in the right-of-way.

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.

Planning Conditions

1. The Conditional Use Permit is specifically to allow a refrigeration sales & service business only. The area the business occupies shall not exceed one acre in size without Large Scale Development approval. Any future land uses not allowed by the current zoning must come

before the Planning 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. This total will be calculated 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.
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 Planning Director, Nathan Crouch, presented the staff report with updates for the Board Members.

No Public Comment

Public Comment Closed

*Jay Percy made a motion to approve the **DS Refrigeration CUP** subject to staff recommendations. Philip Humbarnd seconded. All Board Members present were in favor of approving. Motion passed.*

Joel Kelsey relinquished the Chairman position to the Vice-Chairman, Philip Humbarnd, for the items h. Hunt Rogers Quarry Expansion HI CUP and i. Hunt Rogers Quarry Expansion HI Pre-LSD due to conflict of interest.

County

h. 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

JP District: Patrick Deakins, District 5

Approximately: +/- 244.5 acres / 5 parcels

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-301

Planner: Nathan Crouch email: ncrouch@washingtoncountyar.gov

APPLICANT'S REQUEST

The applicant is requesting **High-Impact Conditional Use Permit** approval to allow expansion of the 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. This CUP was

heard and tabled at the Jan 23, 2020 and the Nov 5, 2020 Planning Board meetings. It was tabled at the Nov 5, 2020 Planning Board meeting to allow additional time for the conditions of approval received from the Rogers Group, JB Hunt, LLC, Beaver Water District, and Washington County Planning to be combined into one list. This hearing is to review the CUP conditions of approval. 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 documents, which are 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 HI-CUP and HI-LSD submittals currently under review make no mention of a phased approach.

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

C. LAND USE CONSIDERATIONS

4. INDUSTRIAL

The chief goals for industrial development are:

- b. 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.
- c. 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.
- d. 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.

Update: Staff has received a number of additional comments in opposition to this CUP request, since the Nov 5, 2020 Planning Board meeting, and no comments in support. Attached at the end of this Staff Report is a report written by a neighbor to the east, Michael Butler, who asked for it to be included. Planning Staff has not verified the accuracy of the claims in Mr. Butler's report.

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 section 11-204 has been notified by return receipt mail.	Planning Staff mailed neighbor notification packets out on October 6, 2020.
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:

Beaver Water District- Conditions submitted for the Jan 23, 2020 Planning Board meeting

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.

Beaver Water District- Conditions submitted for the Dec 10, 2020 Planning Board meeting

1. The landowner, JB Hunt, LLC, shall grant to a qualified land trust a permanent conservation easement of a scope and with terms mutually agreeable to Beaver Water (BWD) and JB Hunt, LLC. The conservation easement shall include conditions that provide water quality protections for Beaver Lake. The conservation easement shall encompass, at a minimum, the lakeside area shown in BWD’s November 5, 2020, letter to the Washington County Planning Board and the areas for conservation shown on the map presented by the Washington County Planning Director at the November 5, 2020, meeting of the Planning Board.
2. The boundaries of the property to which the HI-CUP approval applies and the area boundaries for each of the sequential mining phases shall be correctly specified in a stand-alone legal description, all references to or representations of the boundaries in the applicant’s prior submissions (including maps and drawings) shall be corrected and dated, and the total area encompassed by the boundaries shall not exceed approximately one-hundred fifty (150) acres of mining area and approximately twenty-nine (29) acres of stockpiling room.

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

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 lighting must be shielded appropriately.

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 OF APPROVAL

Planning Staff has presented the request and submittal documents, and recommends the Planning Board consider the following conditions of approval:

*The below conditions of approval are shown in red font to call attention because they were not yet finalized at the Nov 5, 2020 Planning Board meeting.

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.

Springdale Water Utility Conditions:

1. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
2. Field locate and verify the location of existing water and sanitary sewer facilities located on proposed Lots. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum of 10' is between the utility and easement line. Please show the existing easement for the 8-inch water line running parallel along N. Parsons Road. Please show the existing easement for the 6-inch water

line running parallel along Ponderosa Drive. Please provide book and page numbers for any existing water and sewer easements.

3. Any water taps to be installed on existing facilities shall be installed by Springdale Water Utilities at the owner or developer's expense.
4. Please be advised that private water meter service lines cannot cross adjacent properties in order to access services or be located and running parallel within a public utility easement.

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.
5. The landowner, JB Hunt, LLC, shall grant to a qualified land trust a permanent conservation easement of a scope and with terms mutually agreeable to Beaver Water (BWD) and JB Hunt, LLC. The conservation easement shall include conditions that provide water quality protections for Beaver Lake. The conservation easement shall encompass, at a minimum, the lakeside area shown in BWD's November 5, 2020, letter to the Washington County Planning Board and the areas for conservation shown on the map presented by the Washington County Planning Director at the November 5, 2020, meeting of the Planning Board.
6. The boundaries of the property to which the HI-CUP approval applies and the area boundaries for each of the sequential mining phases shall be correctly specified in a stand-alone legal description, all references to or representations of the boundaries in the applicant's prior submissions (including maps and drawings) shall be corrected and dated, and the total area encompassed by the boundaries shall not exceed approximately one-hundred fifty (150) acres of mining area and approximately twenty-nine (29) acres of stockpiling room.

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 Planning 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.
 - o This project requires additional review (High-Impact Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project's ratification.
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.

Additional Conditions:

1. Include the legal description with bearings and distances of the existing permitted quarry site, the expansion area, and the combined overall quarry area to be permitted, on the site plan.
2. Plans must all reflect the same intent– boundaries and acreages shown on the site plan drawing and the legal descriptions shall all match, with no discrepancies.
3. Communicate with the public how to obtain blast notification emails prior to blasts, and provide public notification 24 hrs prior to each blast.
4. Implement an effective wheel washing system and require its use by all loaded trucks leaving the quarry.
5. Periodically re-evaluate noise levels and implement noise reducing measures.
6. Ensure dust levels remain within the criteria for the applicable regulations.
7. Shield and/or orientate all on-site lighting such that it does not cause a distraction to drivers or disturbance to the surrounding community.
8. Adjust hours of operation to a schedule that is mutually agreeable between the quarry and the surrounding community.
9. Work with the county to fund a regular “patch and repair cycle” on the surrounding roads.
10. Consult with Beaver Water District and Northwest Arkansas Land Trust and establish a conservation easement of an appropriate size between the quarry and expansion area, and Beaver Lake and Hunt’s Lakeside Estates Subdivision.
11. High Lonesome Road, WC-4589, must be completely vacated from the point it begins at Ponderosa Road, WC-584. Contact the Washington County Road Department for assistance.
12. Construct and maintain berms and evergreen vegetative screening sufficient to minimize the impact to the surrounding neighborhoods.
13. Neighborhood committee shall continue to meet over the lifetime of the quarry.

Conditions added by Mrs. Hunt

1. 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 a Preservation Area to allow for additional measures of protection for the Beaver Lake Watershed, to insure the community of future land use, while allowing for aesthetically pleasing panoramic views.
2. Mrs. Hunt and her family are willing to make the above a condition of the expansion. Mrs. Hunt agrees that all commitments offered by her, will be completed, and fully implemented, prior to the start of any new mining in the requested Hunt-Rogers quarry expansion area.
3. 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.
4. 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.

5. Mrs. Hunt and her family are agreeing if any third party agreements are made with Beaver Water District (BWD) or other affiliations associated with BWD, it will not in any way effect or limit any amenities or access to the boat dock; the established paved parking area located west and south of the low water bridge; the dirt road leading from the paved parking area to the Beaver Lake Corp Boundary Line; and surrounding area.
6. As an additional condition, Hunt-Rogers Materials and Mrs. Hunt and her family have mutually agreed in a joint effort to promote vegetation efforts in the newly designated 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. The newly designated Preservation Area will be continuously monitored and managed to be a viable asset to the community and Northwest Arkansas for years to come.

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

Andrew Effinger, Staff Attorney for Hunt Rogers, addressed the Board, "I believe I got through email a letter to each of you here in the last 48 or 72 hours. I hope you guys had time to digest that. I hope it wasn't too long. I wanted to help especially the new members understand the sequence of events leading up to today. Rather than start from scratch and present a big slide deck like I have a couple times before I thought after reading through that letter I could just take some questions here. This map, I'm sure there may be some questions about this map. I've got some presentation materials I've done before. I've got a video that just generally shows the site. What we do and who we are. I can do that again if you'd like, but I think it would be a better use of everybody's time if you just steer me in the direction of your concerns rather than spend 20 minutes going back through everything."

Kiara Luers inquired, "The purple area, the preservation area, says that it is preserved under certain conditions could we elaborate a little more on exactly what that means and what conditions can still be developed there?"

Andrew Effinger replied, "Sure, right now the Hunt folks have someone that uses that property to run cattle. The property will be restricted to essentially that use only. No further commercial or industrial development. Specifically, no mining. This part of the concession here was to assure the Friendship folks that this is the last request in the eastern direction. We will never be going any further east. The idea in the purple is that we will put a deed restriction on all activities other than what's going on there now. Part of it where those screen lines are shown, part of it it's going to be kind of let go back to nature so to speak. Nathan mentioned that those screens will protect them a little bit from the dust and the noise. The main issue that drove us to have that conversation about the screens was the line of sight. In that screened area you see with the dashed blue if you're sitting in your back porch on Friendship you can see that hillside. The goal here is to get those screens grown up to a height of about 20 feet over the next couple of decades while we mine in that direction so that when we do take that ridge line out that's visible they're seeing that attractive screened area in that natural environment rather than seeing us up on top of that hill."

Lisa Miller asked, "On that conservation easement in the preservation area, are those both in perpetuity and are they transferable to any new land owners in future?"

Andrew Effinger answered, "No, those'll be permanent restrictions that run with the land if I start with the conservation easement. It will actually be an agreement with the Northwest Arkansas Land Trust. I think we may even convey that property to them. I don't know the exact dotting of i's and crossing of t's, but they will have a process by which they monitor that and make sure that the conservation requirements are complied with. There will be a supervisory role they play there. With the preservation easement, our intention is to make that a recorded instrument that will run with the land. The beneficiaries of which will

be the property owners of the Friendship neighborhood. It will run with their land. If all the people in Friendship over time sell their houses and move on those new homeowners will still be the beneficiaries of this restriction on this property so yes it is in perpetuity.”

Lisa Miller replied, “Okay. On the preliminary screens is that the land scape screening or is that a screen, screen?”

Andrew Effinger responded, “That is the preliminary location of the tree lines that we’re going to plant. We did a study where we were able to 3d model and just kind of put a 20 foot tall barrier there. It showed that it did the appropriate screening. The plan is, and I think it states as much in the conditions, we are going to engage a landscape architect to look at the terrain there. Look at the views. Tell us where the best location is. Tell us what kind of trees to plant so that they’ll grow tall enough and be planted close enough such that over time they’ll do what we’re wanting them to do. This is just the general location it could be a little further to the east or the north. They could be one connected line instead of breaking where those do. That’s why we said preliminary there.”

Lisa Miller inquired, “Another question in regards to that. If I was reading your letter dated February 24th correctly where the trees died, you replanted, the next set died, are there any plans to get water to these trees that you’re going to plant or are we going to be looking at dead trees yet again?”

Andrew Effinger replied, “That is a great question. The problem with those trees as we understand from the experts is that we are planting small trees that have very little root strength on top of a berm that we built out of to be frank, not the best dirt in the world. We built that berm out of strippings from our mine. At the top of the peak of that berm I believe the term they used was a water reservoir, there’s not a sufficient water reservoir. As soon as it rains on that berm all the water in all of that soil drains down to the bottom of the berm. When we fixed those trees more recently here along Parsons Road we planted them about halfway, three quarters of the way down the berm, in front of the berm. The issue really is aesthetics with those. They don’t need to be on top of the berm to be taller; to shield from some tall structure behind the berm. We planted them further down the berm and instead of planting a 12 inch or 18 inch sapling we planted 5 to 6 inch trees so there is a big nice root ball in there, and they’re further down the berm so there’ll be a nice water reservoir. Even after a rain there should be substantial water there for them to grow. That’s how we did those. That is how we are going to do those along this proposed berm along Parsons Road. We are going to do the same thing along that berm. On those screening areas to the east those’ll be planted on the ground in good soil. They won’t be put on top of a big berm they’ll be planted in a spot that should have good soil. Again, we’re going to make sure, subject to some professional advice that we plant them to grow over time to be big enough. One of the edits to the conditions that Quorum Court Member Deakins was adamant about in our negotiations was that we added not just the obligation to plant this tree line, but to maintain it.”

Lisa Miller communicated, “If I understand correctly there are no plans for any type of irrigation on any of these trees. Is that correct?”

Andrew Effinger responded, “No, I don’t think we are irrigating any of these trees. No, but again the idea over there to the east is to just kind of let it go back to nature. I don’t think it should be needed underneath these areas.”

Philip Humbarb asked, “Item number 20 in the additional comments talking about ‘The applicant should not blast or operate its plants on Sunday, after 5 on Friday, or after 12 p.m. on Saturday’ is there a starting time or is that just an ending time?”

Andrew Effinger answered, “That’s a good point. I understand what you’re saying, but after 5 p.m. on Friday.”

Philip Humbarb clarified, “I mean is it from 8 until 5, 5 to 5, or is it from the previous day to 5 p.m.?”

Andrew Effinger replied, "The idea here is to give people peace of mind that we won't be running on Sundays. They'll have their Friday evenings. They'll have their Saturday evenings. You could say 5 a.m. to 5 p.m. on Friday. 5 a.m. to 5 p.m. on Saturday or something like that. I don't know off the top of my head how early these guys get up and start things up."

Philip Humbar stated, "I would think blasting wouldn't be in normal hours during the day. I don't know about operations."

Andrew Effinger detailed, "We blast a couple times a week. Something like that. These are the hours that we were comfortable having everything shut down except selling to our customers. If they have a job where they need to buy a little rock. This is the hours that we will have the plant shut down. Further restrictions on just the blasting portion. That's something we could talk about."

Lisa Miller asked, "With regards to your letter on page 5 impacts addressed by conditions item number one truck shall pass through the wheel wash system when leaving the site. Is there a wheel wash system in place now? Is it being used daily? How will you monitor? How will you require the usage? I believe all the truck drivers are independent contracts. How are they going to adhere and how are you going to monitor that?"

Andrew Effinger answered, "We are using a wheel wash system now. We have plans to upgrade our wheel wash system which has been part of our conversations with our neighbors. To try to get one in place that does a little better job. The enforcement does get a little difficult if there's a knucklehead that doesn't want to listen. To speak to enforcement generally. I think the best conversation here is to talk about the ombudsman that was added after our last conversation. One thing we learned from our neighbors is that from time to time something goes on they see a truck come out that makes a mess or they see somebody leaving without tarping, they call the scale house. The people that answer the phones are busy ticketing trucks and they don't get the kind of customer service they deserve. Maybe they don't feel like there is sufficient follow-up. The idea that we put forth that was generally well received in the last meeting was appointing an engineering firm from the local community that is well respected neighborhood committee will select an engineering firm in the local community that's well respected to serve as an ombudsman. They will be appointed we will jointly pick them. This neighborhood community that we have and ourselves. We'll select an engineering firm and that will be publicly available. We'll let these neighbors in the neighborhood committee share that with all the rest of the neighbors in the surrounding area. If they see something like that they'll have recourse to that person. That ombudsman will be funded by us. They'll be able to investigate these complaints and to the extent they find legitimate issues they will bring them to our attention and if necessary they'll bring it to Nathan's attention. We have no problem sitting down with a trucking company or an individual trucker and say 'Look we hear about you from the neighbors again your gone.' The problem is we just need to have that clear channel of communication so that when there is an issue and there is a complaint it gets somewhere put on a list and somebody's got that list to check off. We feel like in the big picture here we've got that."

Lisa Miller continued, "With regards to your same letter page 7 item 28 it says 'as this discussion shows Herm and Hana given generously to mitigate the unchanged impacts of the quarry already approved issues raised by the Planning Board or the community have been responded to in meaningful ways' I'm one of those landowners involved in the area that's going to be affected by this. I sent them a letter and I never received a response to my letter in any way, shape or form. Did you reach out to anybody that sent letters in with their concerns at all individually or as a corporate person?"

Andrew Effinger asked, "Letters received, you sent it to Rogers Group?"

Lisa Miller answered, "To the County. When the request went out if anyone had any concerns or questions to submit in writing what our concerns and questions were. I submitted a letter, but I never got a response back. Did you guys respond in any way, shape or form to any of these landowners that sent letters in such as mine?"

Andrew Effinger explained, "Rather than responding to the individual letters we took the list that Nathan had mailed the original mailing to back last January and our folks went out knocking on doors. This is back before the Covid situation happened. I think I mentioned in the letter there that we knocked on some 200 and some doors. We made a lot of calls and emails. I think between the January that went so frankly poorly and the November meeting our idea was to start over and get back with all of those individuals. I forget the numbers, Nathan, but there was a big pile. There was quite a few of them that just said shut down the quarry. We didn't take those and individually one at a time reply to them, but I would hope that somebody was there to knock on your door it sounds like maybe they missed you. I apologize for that."

Lisa Miller responded, "That's okay. Thank you."

Dewayne Gabbard, Representative at Hunt Rogers Group who is directly responsible over the mine site, addressed the Board, "I'd like to clarify one or two quick things. First of all Mr. Humbar's comments about the blasting and the time of day that can go on. Typically this is the way this goes down. The blasting company shows up after daylight somewhere around 7 or 8 o'clock in the morning. Then it takes them a few hours to load a shot so I don't know that we have ever pulled a shot before 10 o'clock in the morning. We have an absolute cutoff of about four o'clock in the afternoon. We will not pull a shot. We have a window that we shoot from. That's just a standard operating procedure we have it at each one of our locations. Then with Mrs. Miller's discussion about the wheel wash and now we police and enforce that use. Basically we installed this wheel wash I line with our scales. The trucks when they leave sit they are forced to drive across the wheel wash and then drive across the scales to leave the property. We are to Andrew's point going to upgrade that this year. It'll be a much more elaborate and very much more high-tech system than what we have now and that will also be placed in line so the trucks will be forced to cross that before they get onto our scales."

Public Comment

Greg Gough, Neighbor at 21694 Friendship View Drive, addressed the Board, "I just want to start with thanking everybody on the Planning Board and welcoming the new members. Thank you for this opportunity to speak about this very important issue to our subdivision and beyond. On the slide that you see in front of you there's two numbers. One a big 76 and that is those unique individual folks that have signed the petition to oppose the expansion of the quarry as currently presented. The other number you see is the number 50 and that is a reminder that the H-R Group is seeing a 50-year massive expansion. Also that many of us will not be here to see the end of this mining so it is a huge, huge expansion. I just wanted to take a second and give my personal history with the quarry. In 2003 we moved to Northwest Arkansas and we started looking for that spot that we thought would be idea. I can't tell you how many houses we looked at and how many lots and so forth, but we stumbled upon this location. We're just happy to find it. It's like a little gem out here. The lake is right at the end of the property the views are fantastic, it's still close to town. We decided to buy a lot and build and about half way through our build there was about 15 people out there standing in the field and they had a big pole stuck and looking at it. It wasn't long after that they started taking the red dirt off of it and the mine is what it is today. We did not have any disclosures when we purchased the lot that this would be happening. I am not here to debate that, but you know just setting up a pattern. In 2012 the quarry met with Planning Board. I am not really sure what went on there. I am not privy to that because I wasn't even notified of that meeting. I heard earlier tonight that this continues to be a problem of getting notification out on these significant issues to people that should be concerned about what's happening. Then finally in 2015 and 2016 we liked it so much that in 2015 we purchased another lot directly from Mrs. Hunt. There were no disclosures there nor had we expected any because we know the mines already there right. In 2016 it's hard for me to imagine that they wouldn't have had knowledge that they were going to expand, but we were not notified. That's our history with the quarry. This building on the fact that there's just not a lot of trust between the quarry and the neighborhoods. For the new members and especially to bring them into the loop on what's happened during these meetings in the past. The January 23, 2020 that was just described as not going well, actually a train wreck. I think the Planning Board was surprised because they sent out the notifications for this expansion right before Christmas. Merry Christmas. That did one thing. It really got

everybody motivated to get involved in this process and on the night of January 23rd we packed that place. Huge turnout and many of the folks that were there spoke about their opposition to it either with passion or facts and it gave the Board pause to think about 'What are we really doing here?' I pulled directly from the minutes so you can see that Mr. Humbar, he was questioning 'this is a vast amount of new ground that you're talking about and man its 50 years in the future. Can't we do this in a phased approach?' Then right after that Mr. Daugherty said 'I would become more comfortable with a phased approach' Then Mr. Humbar kind of resurfaced that again and teed it up a little better, but Tim Gorman was there and he said 'tell me what I need to do' That's when Mr. Humbar said 'It has to be something definite. This is in this phase. We're not going to go past this line until we get approval for the next' With the underlying conversation being that everybody that showed up there and spoke and wrote in was that the quarry was not a good neighbor. Hasn't been a good neighbor. They do whatever they want and there is just a lot of mistrust in what they've said and what they've actually done. I am not going to speak for Mr. Humbar he is here to speak about it for himself, but to me it seemed like he was taking those comments from us and internalizing them and voicing out to the Hunt Rogers Group what he would like to see done. He sent them at that meeting tabling it and a way to go do that. A little thing called Covid happened and disrupted everything including all these meetings. During the November 5th meeting the Hunt Rogers Group came back. They did not do what the Board had requested at all. They did not address it at all. They didn't present anything about it at all. In fact they came back with a mining area map. The previous map they showed had phasing lines on it. They removed all those and just asked for a massive planned graph for the entire area. That night they totally ignored what was asked of them. That wouldn't play good in my book, but that's up to you. We go back to the December 10th meeting where I started this presentation with 76 people being signed in the petition. By the time we had come to the Planning Board meeting 62 individual neighbors had signed this petition. The opposition is not dwindling, it's growing. We recommended as the neighbors that simply the Hunt Rogers Group follow the Board's desire with a phased approach. After all the public comments and everything closed the Board started deliberating and I could just see the struggle. You want to pass it, but you want to slow them down. You want to have a check in because there is still this massive mistrust with them. Eventually it was passed trying to limit the permit, but the attorney weighed in and said no guys you can't do that. They were sent away to go have more negotiations with the different parties and come back with more details. Fast forward to today I want to acknowledge a lot of progress has been made. I'm glad everybody stayed in the conversation. I want to let the Board know that we're not here to stop progress. We think we are being very reasonable with our requests. A couple of them that need to be revisited in our opinion is this hours of operation. In the notes of the last meeting which are correct because he did say this, but it is incorrect in what he said that the neighbors had agreed to these hours of operation. We absolutely did not agree to these hours of operation. We want that crusher shut down at 9 p.m. every single night. I know for you that have been on the Board there has been a couple people that have come on here and spoke. They've played what it sounds like to hear that crusher at night. It's horrific. You can't even hear the whipper wheels crying at night. If you are sitting on your porch, oh my gosh, you might as well go inside. Their position of having to run 24-7 is super convenient for them. It's just reinforcing the historical fact that the quarry is not a good neighbor. On that subject if I had a, no pun intended, rock band out there playing at 3 in the morning I know the cops will be out there shutting me down. These guys run with impunity. The number 26, the screened area. There's still a lack of details. I just have to ask that these be put in because we see that their words don't match their actions. In the revision I would request for number c is to add on and actually define what a mature tree is and a mature screen. During the last meeting it was a 4 inch diameter that I can go buy anywhere. It's not a 20 foot tree. Before that it was a 20 foot screen. It's just get the details in writing down on paper. Then the proposed revision for item d is to actually put the word prohibited from disturbing the mining area that's screen by the screen once it grows up. Our fear is that they're given approval even though they can't go mine there. They will go and do other things on that piece. We don't want to see them up on that hill. In closing I just want to add a little bit of perspective. Everybody knows what a football field looks like. Everybody can relate to that size. The quarry is currently 15.5 football fields away from our property. When this quarry is done it'll be 5 football fields away from our property. To us the solution is simple. Planning Board go ahead and approve phases 1 2 and 3. Let them go mine that. That is 33.5 years of active mining. God, that ought to be enough right? Then let's see how they actually perform. Year 2, if the screens good come back to the

Board. Ask for approval. Have that conversation. Have been a good steward? Have you been a good neighbor? Have you kept up with the neighborhood? Have you done everything that the condition said? Otherwise these guys are going to go run rampant with no checks and balances. Please just remember this is a 50 year plan. Keep that in the back of your mind. Thank you for your time. I appreciate it. It's a very important issue to us."

Mary & Gilbert Johnson, Members of the public, addressed the Board, "I do appreciate so much the work that Mr. Gough has put into this. He speaks very genuinely about the way we all feel. My only thing is I wish that you would not approve any expansion. We moved here with the same intent. We are retired. We wanted a quiet place. We were told a Hunt Lakeside Estate. Never was there any disclosure about an expansion. You can hear from my back door and from my bedroom you can hear the trucks, the conveyor the beep, beep, and beep of the machinery. Not every night, but so many nights. I just wish so much that we could be given the same deference that the animals in Northern Alaska get that all those pipelines and things might disturb their habitat. I know I am emotional about it, but this is where we live. This is where we live. Most of us that live around here are just average to low means. This is it for us. We won't be around here for those trees to grow up. I cannot believe that that's going to do anything to shut down the noise, the lights, the dust and all that. I know you are ready for me to be quiet, but I know my husband wants to add something. I would like to make a comment about the wheel washing process. They say they are going to upgrade it. Whatever. Its interesting people ask me 'Do you live on a dirt road?' and I'm like 'No, I just drive by a quarry every day.' It's just like living on a dirt road because when you are behinds someone you gotta roll your windows up because of the dust. The dust is everywhere. In our house, on our vehicles, in our lungs. It's everywhere. And I just wanted to say that we did have someone knock on our door to ask us about our thoughts. He was just a hireling I suppose. I don't know who he was. He could not answer a single question. He was completely disinterested in how we felt. He was just sent around. He had no knowledge whatsoever, a total lackey. We also did agree to have them put the seismic monitors in our yard. Which they did. Several times I called after large explosions which shook and rattled our house. One time my granddaughter was here during Covid during school and she started crying. It scared her so bad. I asked for some information about what those were and kind of what I found was that they put the monitors out there on days when they didn't do large blasting. Then I asked them to change the days. They did that and the large blasting didn't come on those days. I don't know maybe that was just coincidence, but I have no information about that is all. We still get blasts that'll shake the glasses and rattle the house. I humbly ask you to deny, deny, deny, deny all of this request. Oh, but thank you so much for your time and attention."

Bill Lloyd, Neighbor at 21693 Friendship View Drive, addressed the Board, "When I addressed this Board last year the first question I asked was why are there no women on the board so to Kiara and Lisa welcome and I thank you for serving. I see Joel laughing because he did address that they had some women that had rotated off, but I am glad to see that there are women on the board again. To my neighbor Greg what a great presentation. It pretty well spells it out on how things really are. To my neighbor, Mike Butler, who is my neighbor to the north along with Chris Godsey, we have met several times concerning the vegetative barrier. I'll go ahead and address some of the things that Greg said about that. We have a lot that we have agreed on concerning that. We need a little more time to come up with the details that barrier needs to be. The trees need to be the ones that grow at least 20 feet high. That barrier probably needs to be somewhere between 30 and 50 yards wide all the way down. It's the only way you're going to stop some of the sound, dust and the lights. It's very promising what Mrs. Hunt has done with the preservation area. Unfortunately, the history with the quarry and its neighbors during the current CUP and the proposed expansion has not been as promising. As Greg pointed out some of the issues, for three of the last four years we had to watch a growing mound of red dirt. It wasn't until the request for expansion and some pushback from the neighbors did that dirt mountain start to disappear. Same goes for the dust, the white powder at the exit or entrance of the quarry. When this all started and the request for an expansion they got a new water truck to help wash some of that down. But again that wasn't done until this started. Everybody wants to blame the Rogers Group for everything, but they shouldn't take all the blame. In my conversation with Chris Godsey he said that Washington County would only allow one certain type of tree to be planted to hide the quarry. If they planted the right kind of

trees those would have been plenty high by now that you probably wouldn't even see the quarry. The Planning Board, not the current members per say, but the Planning Board in the past failed to put in measures to enforce some of the restrictions on what the quarry should do or could do. Granted the Hunt Rogers Group should've been better neighbors and done some of this stuff on their own. They didn't do it. They did a terrible job with being a good neighbor with some of that stuff. That's the problem with this 50-year plan. If there are not measures in place to restrict some of these things from going bad who is to trust that we can do believe anything that the quarry is going to do. For neighbors there is no recourse. What you're voting on is permanent for us. The ones that own property out there. It is permanent. I guess you gotta ask yourself who are you beholding to. Are you beholding to the residents that live near the quarry? That you are going to vote without any enforceable restrictions on the quarry so that they don't continue to do business as usual. Or that the County doesn't have any restrictions or enforcement. Or are you beholding to the Rogers Group? Who can blame them if there are no measures to enforce any of the problems what's their incentive to do anything? In my opinion you really can't vote to approve this for 50 years. It makes no sense at all. It really needs to go back to the phases. Particularly stay with phase one, then you go to phase two. Give those trees and that vegetative barrier time to grow to its full potential before you even come close to phase four. Preferably before you even come close to phase three this. Thank you for your time. I look forward to seeing what ya'll decided to do."

William Mathews, Neighbor at 16195 Butlerford Road, addressed the Board, "My property does adjoin the Hunt property. My house is about a mile from the quarry as the crow flies. I agree with the folks that have talked about the noise from the rock crusher. I hear it at my house very clearly. I recently got a puppy for Christmas. I get to take the puppy out at four a.m. every morning. Last week was great because the quarry was shut down. It was a peaceful week, but now that it has started back up. I can hear the rock crusher clearly at my house a mile away. I could not imagine what it sounds like for those people right near the quarry. I would ask Mrs. Hunt if she was being a good neighbor. She has done so much for Northwest Arkansas, but in this situation of being a great neighbor I would ask her to tell the Rogers Group 'You know what we don't need to run that quarry after 9 o'clock at night. We can get our work done during the day. We gotta be good neighbors. We gotta show that we're going to be good neighbors.' When you look at the hours that it operates, hey I like the fact that they gave us Sunday and noon on Saturday, but the quarry doesn't need to operate any time after nine during the week. I think if you would hold them to that it would make our neighbors much, much happier. Thank you for listening. I do look forward to hearing how you handle this. Thank you. Bye."

James Crouch, Attorney representing Mathews Investment, addressed the Board, "I echo what the other speakers have said and hopefully not every meeting will be this long. I will try not to plow the same ground that's been plowed. I have been in on some of the meetings with the Hunt Group and the attorney and they have been very fruitful. I think it's fair to say that the conditions that they proposed are a vast improvement. I would just like to cover a couple of things. There's a reference in the conversation easement to a letter of intent. To my knowledge that hasn't been drafted. I think because of that there is some uncertainty about some of the conditions and how effective they will be until you know what the conditions are going to be. You can't really tell if they'll help or not. The same thing goes for the preservation area. You really need definition on the conditions of that. As to what's restricted and what the landscape plan will be there's reference to an architectural landscape plan. I agree that should be done, but it should be done now and it should be a part of the conditions. Finally, there needs to be some teeth in this. The ombudsman is certainly a start, but there needs to be a condition that if you don't comply with the conditions after you have a chance to cure what the ombudsman says you're doing wrong then you should be shut out. That's not in there. Just to give and I'll try to be brief but to give a little history I think that gives perspective on this whole operation and how it has effects the neighbors. I think Mr. Nathan Crouch alluded to the 2012 application. It is true that he quarry expanded in in 2012 with an application for a CUP. I want to read from the comments of the Planning Office that went into the approval of that CUP. This is a direct quote from their comments 'This project is in compliance with future land use plan for the area and while there are some negative aesthetic aspects to the stockpile areas Planning Staff feels that the positives the crushing and blasting portions of the operation only taking place 6 to 7 months per year as opposed to all year long outweighs the negative factor.' Somebody

presented to the Planning Office that whatever they approved would result in operations blasting and crushing 6 to 7 months a year. I think it is fair to say that the neighbors would tell you that they are operating all year long around the clock. I think that gives you perspective. And yet they want to move their quarry closer to the neighbors so all that to say is that it makes it so much more important to limit the hours of operation. Even though the limitations on the weekend are certainly important and certainly appreciated they really should be limited to not be able to run from 9 p.m. to 5 a.m. Thank you for your consideration.”

Alex Gough, Member of the public, addressed the Board, “Thank you guys so much for being here and putting up with all of our many, many comments. I like others second what has been said by the neighbors. I don’t want to go over the same thing again. There is something that I feel like has been overlooked time and time again through these meetings and that is the fact that there are so many children living, and coming and moving through this area on a daily basis. We all know that the quarry is within a half mile distance of dozens of neighborhoods and neighbors, but the safety of the children in the larger community as a whole needs to be taken into account. One if we have an expansion for the quarry we are going to have more trucks on the roads which means those trucks are going to be sharing the roads with all of our school buses full of children. That is twice a day that they are going to be going back and forth on roads that are not as well maintained and with and with drivers that really care about the speed limit or safely concerns because they’re trying to get their loads delivered. Additionally since I have been in the area which is over 15 years the east side of Springdale has grown rapidly. I am sure you all know this. It used to be a pretty rural area, but now it’s been fully populated. Since I have lived in the area there have been 7 new schools that have been built within a 3.25 mile radius from the quarry. That is 1 Jr High, 1 Charter school, 1 middle school and 4 Elementary schools. With the help of another neighbor, Susan Clark, who did fantastic research on this we discovered that there are well over 2800 children that are going to school within this area. You have a significant number of those children who are riding the school bus, who are riding with their families every day past all of these trucks. On top of the safety with sharing the road spaces there’s also a serious risk for adverse health effects that have been studied with young children. The studies that we’ve looked at and there are many of them have shown that there are detrimental effects for living and going to school in a limestone quarry area within a five mile radius of the quarry. Some of these effects can be hospitalizations, asthma, underdeveloped lungs. This is all because of that particulate matter that comes up in the air. It is generated by that crushing and the transport of the rocks themselves. I would like for you guys to think about the fact that there are 7 schools within a 3.25 mile radius. A smaller radius than the studies have looked at and shown these detrimental effects. That is 2,800 students that are being subjected to this on a daily basis. That is not accounting for all the young children who aren’t in school or the grandchildren that come to houses and go to the lake. All of these people are being affected. This is a neighborhood concern, but this is also a larger community concern. I would just like for you guys to take that in to account when you vote tonight. Thank you.”

Sherry Main, Resident at 15574 Riches Road, addressed the Board, “I live at the end of Ritches Road and I have a Rogers Group quarry right in my back pasture. Which is currently probably 3 football fields from the back of my house. I don’t have any screening. I don’t have anything. I just have a fence up and whatever the requirement is for a berm. Dewayne Gabbard spoke earlier. I know Dewayne, he is a good friend of mine. He is the aggregate manager. I think of all of the quarries in this area. If I have a problem I call Dewayne. He answers my call or calls me back within the same day. During the time I’ve lived here at the house I am currently in with the quarry behind me they do blast two times a week. I am on the blasting list. They give me a call the day before they’re going to blast. The day of the blast they call and give you a window of the time they’re going to blast. It’s been a year ago now that I requested them to put a seismograph in my backyard. I want to know if they are doing damage and they want to know if they are doing damage. Every blast they do there is a seismograph in my yard. The blasting company in a little white truck comes over and puts it out before every blast. Then comes and picks it up after the blast. These blasting’s from these seismograph they have to be turned in on a blasting report to the Department of Labor. Mike Rogers is required to keep these blasting records for three years. You can get those and you can see what the records are on the blasting, if they are within the limits, what the criteria of the

limits are, and if they maintain within those limits. When they blast it does shake my house, it rattles my windows. If they are doing damage the seismograph will tell me through the blasting reports over what is allotted by law that they can blast. I want to talk a little about enforcement too. Everybody's been mentioning about the ombudsman, and the engineering firm that's going to handle that for Hunt Rogers and they are going to pay them for it. I want to stress to everyone that the ombudsman is just going to be in place to forward the complaints from the neighbors to Hunt Rogers Group and to Washington County. Now whether any enforcement will be done my answer to that is no they are not in the business of enforcement. Hunt Rogers Group is not. Washington County is not. The Planning Department is not. The Judge, the attorney; they're not an enforcement. The only one in Washington County that is available to enforce is the Environmental Department. They can enforce, but they don't. I am speaking from experience. The only enforcement that you're going to get as neighbors surrounding this quarry is from ADEQ. Which is the Department of Environmental Quality. The inspections with them are complaint driven only. They are not going to come out and police the quarry unless someone calls in a complaint. You can go online to the ADEQ website and you can file a complaint. It's easy to do. I've filed lots of them. You can file complaints regarding dust issues, storm water runoff issues, air quality issues, and mining issues. If you have blasting issues you have to send them to the Department of Labor. All of this is online and its complaint driven. The ombudsman maybe someone in place to listen to the neighbors' concerns and take a list of the complaints. Those are not going to go anywhere they're not going to get any enforcement if they are doing something wrong you have to go to the force that can enforce. That keeps them within the marks that they are supposed to be. Everyone needs to be a good neighbor they don't need to go over the limits they're supposed to be going. They need to be monitored and they need to be policed. I agree with that. That's why we have ADEQ in place to do that. As far as Washington County that it's not their job. It's not Hunt Rogers job and it's not the ombudsman job. I want to allude a little bit on that on enforcement issues. The only way you are going to get that is through ADEQ and that is complaint driven. You have to initially make the complaint before they will act on it. I don't have a dog in the fight one way or another. I sympathize with the neighbors. I sympathize with Rogers Group. I know we have to get the dirt and the rock from somewhere. They get it from my backyard. I don't know what to say other than ADEQ is your best friend. They're a good neighbor. If you have something going on you don't like, you don't see, they're not compliant, file a complaint. That is all I got, thank you."

Colene Gaston, Staff Attorney for Beaver Water District, addressed the Board, "I think a clarification may be in order based on a comment that was made earlier in the meeting by the applicant for the Orthodox Farmhouse Brewery who said that he had spoken with Beaver Watershed Alliance. This is a common confusion, unfortunately. Beaver Watershed Alliance is a non-profit organization that carries out a variety of outreach type of activities separate from and entirely independent of Beaver Water District. Beaver Water District is your regional water treatment utility. On behalf of Beaver Water District I have been involved with the discussions on the conditions for the CUP. I would like to take this time to thank all those who have participated in that. I will get to one specific condition in a minute, but first I would like to respond to a few comments or questions earlier. Mrs. Miller asked about the conservation easement versus the preservation area. I will say that a conservation easement which is Mrs. Hunt has agreed to for the Lakeshore property, the approximately 72 acres, is by law a property easement in perpetuity. That is by state statute. What's been called the preservation area to the north of the Lakeshore conservation area is a little unclear what that's going to be. I have not seen the letter that Mr. Effinger's letter that he sent apparently on the 24th. I don't know if that talks about it a little bit more. To my understanding that's in perpetuity is actually a conservation easement. To answer Jim Crouch's question that the Northwest Arkansas Land Trust is working with Mrs. Hunt on a letter of intent regarding the conservation easement. While that could not be done by this meeting, I'm optimistic that the Land Trust and Mrs. Hunt will have an agreement on a letter of intent by the time that if this is approved by the Planning Board that it gets to the Quorum Court. Also, there are discussions ongoing or at least being started between the Northwest Arkansas Land Trust and some of the neighbors about the preservation area and whether that might be incorporated into the conservation easement or not. That's a possibility again, but Mrs. Hunt has previously stated in a letter to the Planning Board what would and would not be allowed in the preservation area and that letter was in quite detail. For those of you who are new to the Planning Board you may or may not have seen that. The reason that I raised my virtual

hand is that there appears to be a topographical error in proposed condition number 28 which has to do with the conservation easement on line 4 it starts out 'not effect or limit the amenities of or access to protections for Beaver Lake' I think what happened was the intended provision was supposed to be that the conservation easement shall include conditions that provide water quality protections for Beaver Lake."

Nathan Crouch responded, "Okay."

Colene Gaston inquired, "I would respectfully ask that correction be made. Does everyone understand what I am talking about or should I clarify?"

Nathan Crouch replied, "Please clarify."

Colene Gaston clarified, "Okay, the first sentence is not what it was originally sent, but it's acceptable. The next sentence should be the conservation easement shall include conditions that provide water quality protections for Beaver Lake. Then the final sentence remains. I think because this got cut and pasted somehow there seems to be a word missing in the first sentence as well. It says the landowner shall grant the property labeled conservation easement on the exhibit to the Northwest Arkansas Land Trust. I think it should say as a permanent so you just need to insert the word as before the word a. Then again, delete the second sentence and replace it with what I read."

Nathan Crouch affirmed, "Yes ma'am. We won't be changing this on the fly. We'll review the tape after the fact and make those changes."

Colene Gaston stated, "Does anyone have any questions about what I just said? If not then thank you all for your consideration on this and thanks to the Planning staff and the interested parties who worked on trying to come up with a good set of conditions for this CUP."

Andrew Effinger addressed the Board, "I would like to just bring your attention back to a certain paragraph in my letter on the last page. I outlined a little bit that we have really been trying over the last 13 months now to bring the neighborhood together. To bring the interested parties together and hash out an agreement. Several issues have been fairly contentious as you just heard from Colene. I think there is some interest of Beaver Water District to get as big a conservation easement as they want. There is some interest from the neighbors to have a preservation easement that doesn't include the Northwest Arkansas Land Trust. In some of those kinds of situations we're just trying to satisfy everyone. We don't really have a dog in the hunt to where those go. The same thing applies to the hours of operation. Early on we had our two different public meetings that lots of people attended. We've had two different meetings with our neighborhood committee. Certain people didn't want us running on the weekends. Certain people didn't want us to run at night. The conversation we had with them that apparently some people weren't there to hear was that especially in the winter months our dust suppression system requires water. One of the ways we deal with the water in our pit is we use it, pump it up to the plant and we have little spray bars at our transfer locations to keep the dust down. In the winter months when the temperature goes below freezing at night we try to keep running so the water keeps moving so that we can keep our dust suppression system going. When it's characterized to you as simply a convenience for us. It's not simply a convenience. It's a matter of running the plant the way the plant should run. The other thing to consider is along the lines of those hours of operation is the plant is not moving. There is nothing about this request that changes the plant. We currently have a Conditional Use Permit approved by the Quorum Court to run without any hour of operation limitations. We feel like we made a concession in that area. Even though we really had no obligation to, because we were making no delta impact on the community in that regard. We submitted in November these hours of operation. One thing that got left out of the history of some of these presentations is this Board approved this unanimously in November. Then after a unanimous approval I've sat in several Zoom meetings negotiating these conditions. We've talked about all kinds of things. Never once did we revisit the hours of operation. After our very last meeting, after everyone had stacked hands on everything, we received an email 3 hours after the meeting suggesting 9

p.m. Now 9 p.m. shows up and here today. There are people that have worked really hard to help us develop this proposal. Then there are other people who have worked really hard to keep taking everything we've given and keep coming up with the next reason you guys should shut us down. That is not why we are here. We simply want to have the exact same hours of operations less what we've given. We've also given up the rights to develop over 200 acres of land. We've put screening where we think screening will be effective. One other thing to remember here guys is this is a board level decision. You do not need to know the diameter of the trees that the screen will entail. The idea that some of the attorney's that were in these calls with me don't understand a conservation easement well enough to understand the idea that they need to see the letter of intent is laughable. We have an agreement here. We understand this especially at a board level. People have had open house opportunities to come visit us. We take new members onto this new neighborhood committee. One last thing about the trucks and the children we've been clear and I hope you guys took from the letter this is simply a geographical expansion that we will mine over decades. It will not cause any impact to the volume of trucks on the road. The volume of trucks on the road is dictated by the local sales based on local demand for our products. The local demand for our products is concrete, asphalt, bay stone things that go into building the roads, the schools and the homes that everyone in this neighborhood enjoys. It's no surprise to us that a whole lot of people end up living next to our quarries, because it's cheaper to build infrastructure near our quarries. It should surprise no one that there are a lot of schools and homes near our quarry. Also the 2,800 kids that have been affected by this quarry have been experiencing the affect that this quarry will continue to put out whatever it is for 17 years. We have employees at this site who have been working here since 2003. You guys saw the regulations that I laid out in the letter. We test for dust. We test for hearing. We can be held liable sanctioned by the federal government if our employees have a hearing lose over time. We just had a member of the public tell us that he can hear our plant a mile away we submitted the peak night time running is 50 decibels is a running refrigerator let alone a mile away. I'm not an expert, but I looked this up and did a little bit of the math. For someone to hear this plant a mile away we'd have to be doing something more akin to launching a space shuttle, than running an aggregate plant. We submitted in the application in November a noise study that showed that about three quarters of the way to Friendship the peak night time running noise levels were 50ish decibels. 50 decibels is a running refrigerator. That's the kind of noise that you can hear not even all the way to the Friendship neighborhood, let alone a mile away. What I suggest you guys is that we've had a lot of input from a lot of folks. We've spent 13 months on this. We've had give and take on everything that we can think we can do for folks. The Hunts have been, in my mind, incredibly generous. WE think we've got a deal here and we are ready for a vote. Thank you for your time."

Mark Janus, Neighbor at 21754 Friendship View Drive, addressed the Board, "I do want to reiterate what Mr. Gough presented. We purchased our home here in 2003. We were never notified of a quarry. We were never notified of any of the industrial applications that are being used on the land today. We were never notified in 2012 of the CUP that was presented and approved. We bought this as a forever home. We understand that industry and progress is important to the area. Our concern and the concern of many of our land owners is what is happening to what we thought would be our forever area. We just want it considered by the Board that if they were in our shoes and sitting in our place would they want something that got approved in 2003 without a notification, got approved again in 2012 without notification of us as land owners, and now is presented to come within a half mile of their home. Is that something that they as a homeowner would want? I thank you for our time."

Bill Lloyd commented, "I just want to make one more comment about what Andrew just said about the noise of the crusher. I don't want to call anybody a liar, but that's simply not true. If he wants to hear the crusher he is more than welcome to come to my house at any time. He will clearly hear how loud the crusher is and that's not a stinking refrigerator that he's going to be hearing. He knows better than that."

Public Comment Closed

Loren Shackelford inquired, "Obviously, I am new to this process it being my first meeting. I just had the question is it correct that this was approved on November 5th subject to consolidation of conditions. Is

that correct?”

Philip Humbarnd replied, “That is correct.”

Loren Shackelford responded, “So it’s back on the agenda in front of this Board tonight basically to review the consolidation of those conditions. Is that correct?”

Philip Humbarnd affirmed, “That’s the way I understand it. Yes sir.”

Kiara Luers asked, “I did have one additional question. Well was it approved on November 5th with the understanding that the consolidation of the conditions would include a phasing plan?”

Philip Humbarnd answered, “It did not have a phasing plan. Am I correct on that, Nathan?”

Nathan Crouch stated, “That is the way I understand it sir.”

Philip Humbarnd recounted, “We discussed it at length and the ombudsman common set came up. The concession of reducing the area from the total area that they originally requested to what they’re requesting now, had mitigated that to some point. In my mind.”

Public Comment Closed

Neil Helm made a motion to approve the **Hunt Rogers Quarry Expansion HI CUP** subject to staff recommendations as presented. Jay Percy seconded. Joel Kelsey and Lisa Miller both recused themselves. All other Board Members were in favor of approving. Motion passed.

LAND DEVELOPMENT HEARING

County

i. 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

JP District: Patrick Deakins, District 5

Approximately: +/- 244.5 acres / 5 parcels

Coordinates: Latitude: 36.20338390, Longitude: -94.04047415

Project #: 2019-302

Planner: Nathan Crouch email: ncrouch@washingtoncountvar.gov

APPLICANT’S REQUEST

The applicant is requesting **High-Impact Preliminary Large Scale Development Request** approval to allow expansion of the 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. This CUP was heard and tabled at the Jan 23, 2020 and the Nov 5, 2020 Planning Board meetings. It was tabled at the Nov 5, 2020 Planning Board meeting to allow additional time for the conditions of approval received from the Rogers Group, JB Hunt, LLC, Beaver Water District, and Washington County Planning to be combined into one list. This hearing is to review the Pre-LSD conditions of approval. The applicant’s letter states the original submission has been revised by removing booth 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 documents, which are 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 Pre-LSD. 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 HI-CUP and HI-LSD submittals currently under review make no mention of a phased approach.

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

5. INDUSTRIAL

The chief goals for industrial development are:

- e. 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.

- f. 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.**
- g. 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.

Update: Staff has received a number of additional comments in opposition to this CUP request, since the Nov 5, 2020 Planning Board meeting, and no comments in support. Attached at the end of this Staff Report is a report written by a neighbor to the east, Michael Butler, who asked for it to be included. Planning Staff has not verified the accuracy of the claims in Mr. Butler’s report.

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 section 11-204 has been notified by return receipt mail.	Planning Staff mailed neighbor notification packets out on October 6, 2020.

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:

Beaver Water District- Conditions submitted for the Jan 23, 2020 Planning Board meeting

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:
 - e. Maintain Vegetation in Non-ephemeral Streams
 - vii. Slopes <7% - 35 ft on each side of stream
 - viii. Slopes 7-20% - 50 ft on each side of stream
 - ix. Slopes > 20% - 80 ft on each side off stream
 - f. Ephemeral Streams
 - iii. Maintain overstory vegetation with minimal channel disturbance.
5. A permanent conservation easement should be considered in critical areas in order to create a buffer between the quarry operations and the Lake.

Beaver Water District- Conditions submitted for the Dec 10, 2020 Planning Board meeting

1. The landowner, JB Hunt, LLC, shall grant to a qualified land trust a permanent conservation easement of a scope and with terms mutually agreeable to Beaver Water (BWD) and JB Hunt, LLC. The conservation easement shall include conditions that provide water quality protections for Beaver Lake. The conservation easement shall encompass, at a minimum, the lakeside area shown in BWD’s November 5, 2020, letter to the Washington County Planning Board and the areas for conservation shown on the map presented by the Washington County Planning Director at the November 5, 2020, meeting of the Planning Board.
2. The boundaries of the property to which the HI-CUP approval applies and the area boundaries for each of the sequential mining phases shall be correctly specified in a stand-alone legal description, all references to or representations of the boundaries in the applicant’s prior submissions (including maps and drawings) shall be corrected and dated, and the total area encompassed by the boundaries shall not exceed approximately one-hundred fifty (150) acres of mining area and approximately twenty-nine (29) acres of stockpiling room.

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

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 lighting must be shielded appropriately.

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 OF APPROVAL

Planning Staff has presented the request and submittal documents, and recommends the Planning Board consider the following conditions of approval:

*The below conditions of approval are shown in red font to call attention because they were not yet finalized at the Nov 5, 2020 Planning Board meeting.

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.

Springdale Water Utility Conditions:

1. The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading, paving, lot line adjustments or other matters.
2. Field locate and verify the location of existing water and sanitary sewer facilities located on proposed Lots. Indicate the location of these facilities on the drawing and provide adequate easements, on-site and off-site, acceptable to the Springdale Water Utilities. Easements shall be established such that a minimum 10-foot space shall be provided between the utility and any permanent structure and easements shall be provided such that a minimum of 10' is between the utility and easement line. Please show the existing easement for the 8-inch water line running parallel along N. Parsons Road. Please show the existing easement for the 6-inch water line running parallel along Ponderosa Drive. Please provide book and page numbers for any existing water and sewer easements.
3. Any water taps to be installed on existing facilities shall be installed by Springdale Water Utilities at the owner or developer's expense.
4. Please be advised that private water meter service lines cannot cross adjacent properties in order to access services or be located and running parallel within a public utility easement.

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:

- g. Maintain Vegetation in Non-ephemeral Streams
 - x. Slopes <7% - 35 ft on each side of stream
 - xi. Slopes 7-20% - 50 ft on each side of stream
 - xii. Slopes > 20% - 80 ft on each side off stream
- h. Ephemeral Streams
 - iv. 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.
5. The landowner, JB Hunt, LLC, shall grant to a qualified land trust a permanent conservation easement of a scope and with terms mutually agreeable to Beaver Water (BWD) and JB Hunt, LLC. The conservation easement shall include conditions that provide water quality protections for Beaver Lake. The conservation easement shall encompass, at a minimum, the lakeside area shown in BWD’s November 5, 2020, letter to the Washington County Planning Board and the areas for conservation shown on the map presented by the Washington County Planning Director at the November 5, 2020, meeting of the Planning Board.
6. The boundaries of the property to which the HI-CUP approval applies and the area boundaries for each of the sequential mining phases shall be correctly specified in a stand-alone legal description, all references to or representations of the boundaries in the applicant’s prior submissions (including maps and drawings) shall be corrected and dated, and the total area encompassed by the boundaries shall not exceed approximately one-hundred fifty (150) acres of mining area and approximately twenty-nine (29) acres of stockpiling room.

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 Planning 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.
 - o This project requires additional review (High-Impact Large Scale Development), and therefore, the applicant must submit for Preliminary project review within 12 months of this CUP project’s ratification.
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.

Additional Conditions:

1. Include the legal description with bearings and distances of the existing permitted quarry site, the expansion area, and the combined overall quarry area to be permitted, on the site plan.
2. Plans must all reflect the same intent– boundaries and acreages shown on the site plan drawing and the legal descriptions shall all match, with no discrepancies.
3. Communicate with the public how to obtain blast notification emails prior to blasts, and provide public notification 24 hrs prior to each blast.
4. Implement an effective wheel washing system and require its use by all loaded trucks leaving the quarry.
5. Periodically re-evaluate noise levels and implement noise reducing measures.
6. Ensure dust levels remain within the criteria for the applicable regulations.
7. Shield and/or orientate all on-site lighting such that it does not cause a distraction to drivers or disturbance to the surrounding community.
8. Adjust hours of operation to a schedule that is mutually agreeable between the quarry and the surrounding community.
9. Work with the county to fund a regular “patch and repair cycle” on the surrounding roads.
10. Consult with Beaver Water District and Northwest Arkansas Land Trust and establish a conservation easement of an appropriate size between the quarry and expansion area, and Beaver Lake and Hunt’s Lakeside Estates Subdivision.
11. High Lonesome Road, WC-4589, must be completely vacated from the point it begins at Ponderosa Road, WC-584. Contact the Washington County Road Department for assistance.
12. Construct and maintain berms and evergreen vegetative screening sufficient to minimize the impact to the surrounding neighborhoods.
13. Neighborhood committee shall continue to meet over the lifetime of the quarry.

Conditions added by Mrs. Hunt

1. 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 a Preservation Area to allow for additional measures of protection for the Beaver Lake Watershed, to insure the community of future land use, while allowing for aesthetically pleasing panoramic views.
2. Mrs. Hunt and her family are willing to make the above a condition of the expansion. Mrs. Hunt agrees that all commitments offered by her, will be completed, and fully implemented, prior to the start of any new mining in the requested Hunt-Rogers quarry expansion area.
3. 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.
4. 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.
5. Mrs. Hunt and her family are agreeing if any third party agreements are made with Beaver Water District (BWD) or other affiliations associated with BWD, it will not in any way effect or limit any amenities or access to the boat dock; the established paved parking area located west and south of the low water bridge; the dirt road leading from the paved parking area to the Beaver Lake Corp Boundary Line; and surrounding area.

6. As an additional condition, Hunt-Rogers Materials and Mrs. Hunt and her family have mutually agreed in a joint effort to promote vegetation efforts in the newly designated 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. The newly designated Preservation Area will be continuously monitored and managed to be a viable asset to the community and Northwest Arkansas for years to come.

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

Public Comment

Patrick Deakins, Justice of the Peace for District 5, addressed the Board, "I wanted to thank everybody that's involved in this process. I know a lot of hard work has been involved. I do want to comment. It may be a moot point now, but to put out, and to assume that there was a CUP approved in November subject to what is kind of a technicality or a condition consolidation. I think is a pretty great leap in what the actual facts of that meeting were. I just want you guys to all realize that. I consider that a pretty big failure. I think we are pretty close in this process. I applaud the neighbors and the Hunt Rogers Group for working very diligently in this process to try to please everyone. It's a disappointment to the process that there at the end it's been approved off some sort of technicality from some sort of assumed action that was taken at the November meeting. I also want to welcome the new members of the Board and I would like to invite you guys to go back read the minutes and actually watch that video if you want to, to see what action was actually taken there. A lot of us had raised concerns about that after that meeting saying 'What actually happened' We never got any explanation and now for somebody to act like there was some action taken at that meeting I think is a pretty big disappointment, but I appreciate all of you guys service and thank you very much."

Andrew Effinger stated, "Again, I'll answer any questions like I did the last time, but I think everybody understands the scope of what we are dealing with here."

Colene Gaston added, "I am disappointed that the Planning Board chose not to revise condition number 28 in the CUP, because basically what's left is a provision that has a sentence that doesn't make any sense. I guess we will carry that comment forward to the Quorum Court. Also, I will say that I didn't make an attempt to address this with the Planning staff in advancement to the meeting. I am sorry that didn't happen. Again thank you all for your consideration. Thank you to Mrs. Hunt if she's on the line or her staff. Thank you for this opportunity to talk."

Public Comment Closed

Jay Percy made a motion to approve the Hunt Rogers Quarry Expansion HI Pre-LSD subject to staff recommendations. Loren Shackelford seconded. Joel Kelsey and Lisa Miller both recused themselves. All other Board Members were in favor of approving. Motion passed.

5. Old Business

6. Other Business

- Reminder of upcoming regular Planning Board Meetings:
 - April 1st, 2021
 - May 6th, 2021

7. Adjourn

Joel Kelsey moved to adjourn. Loren Shackelford 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