

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

Aug 07, 2014

5:00 pm, Quorum Court Room, New Court House
280 N. College Ave.
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

ACTION TAKEN:

LAND DEVELOPMENT HEARINGS

County

a: Old Mill Estates

Approved

County

b: Luther Minor Subdivision and Private Road Development

Approved

County

c: Long Minor Subdivision

Approved

County

**d: Owens Minor Subdivision
(Tabled at the Request of the Applicant)**

Tabled

Fayetteville Planning Area

e: Gulley Addition Final Subdivision

Approved

COMMUNICATION TOWER HEARING

Fayetteville Planning Area

**f: W. Wheeler Cell Tower
(Tabled at the Request of the Applicant)**

Tabled

CONDITONAL USE PERMIT HEARINGS

County

g: Rich Red Dirt CUP

Tabled

1. ROLL CALL:

Roll call was taken. Members present include Robert Daugherty, Daryl Yerton, Randy Laney, Cheryl West, Walter Jennings, Chuck Browning, and Kenley Haley.

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes of June 26, 2014. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

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

4. NEW BUSINESS

LAND DEVELOPMENT HEARINGS

County

a. Old Mill Estates

Minor Subdivision Approval Request

Location: Section 17, Township 16 North, Range 28 West

Applicant: Mike Parker

Location Address: near 14414 Old Mill Road

13.77 acres/ 4 Lots

Proposed Land Use: Single Family Residential

Coordinates: Longitude: -94.44125178" W Latitude 35.82521289" N

Project #: 2014-122 Planner: Courtney McNair e-mail at cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision Approval of Old Mill Estates Minor Subdivision. The request is to split a 13.77 acre parcel into 4 tracts.

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

PLANNING AREA: This project is not located within a Planning Area; it is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen-no comments were received from Goshen Fire Department, and Dennis Ledbetter, Washington County Fire Marshal, does not review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Elkins-Elkins submitted that they have no concerns with this project.

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

BACKGROUND/ PROJECT SYNOPSIS:

The owner of this property is Remington Place, Inc c/o Mike Parker. Alan Reid with Alan Reid & Associates is the surveyor. This parcel is currently vacant and wooded.

The property owner is requesting to divide an existing 13.77 acre parcel into four (4) tracts as follows:

- Tract 1: 3.16 acres
- Tract 2: 4.59 acres
- Tract 3: 3.01 acres
- Tract 4: 3.01 acres

The applicant is asking for several lots that are less than five (5) acres in size. Therefore, they are required to proceed through the Planning Board review process.

(See plat A-8)

The main issues with this project have involved soil and septic information, and easements for utilities.

TECHNICAL CONCERNS:

Sewer/Septic

Soil work for this property was completed by Corbitt Engineering. Several pits tested were not suitable. However, there is at least one (1) test pit per lot that is suitable. The applicant provided a letter of explanation and test pit information. **(see A-5-7)**

Electric/Phone/Gas

Ozarks Electric: Generally, any relocation of Ozarks Electric facilities is to be at the developer's expense.

- "Tracts 2, 3 and 4 do not have electric available and will require obtaining easements from neighboring properties. Easement acquisition will be up to the land owner to get verbal agreements from their neighbors then Ozarks will have the neighbors sign easement permission forms."
- Staff has spoken with Ozarks Electric and the applicant. All parties are aware that easements need to connect. The applicant is weighing his options and will make a decision. He can route through his property or ask neighbors for an easement. Staff will update the Board at the meeting.

AT&T Telephone: no comments received.

Water

Ray Eaton with Mount Olive Water (MOW) commented that MOW has adequate easements and lines in the area for the four proposed lots.

Addressing

There is currently no address assigned to this parcel. The tracts will be addressed once the home locations are known.

Environmental

No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations. www.adeq.state.ar.us

Roads

All proposed tracts have adequate access to County Roads. Tract 1 has access to WC 334, Richland View Road and WC 335, Old Mill Road. Tract 2 has access to WC 334. Tracts 3 and 4 have access to WC 335.

The Washington County Road department requires 30' of right of way (ROW) from the centerline of the road(s) to be dedicated (on the subject property only). This is shown on the plats.

Any driveway culverts that are necessary must be sized by the County Road Department. If the culverts are not installed by the County, a permit is required from the Road Department prior to installation.

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. No comments have been received at this time.

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

CHECKLIST:

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

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

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Plat Minor Subdivision approval of Old Mill Estates Minor Subdivision with the following conditions:

1. Label the width of WC 334, Richland View Road.
2. Ozarks Electric: Generally, any relocation of Ozarks electric facilities is to be at the developer's expense.
3. Ozarks Electric: Electric easements are required for Tracts 2, 3 and 4. This must be shown on the Final Plat. Easement acquisition will be up to the land owner. The applicant may get verbal agreements from their neighbors then Ozarks will have the neighbors sign easement permission forms if an easement from a neighbor is required.
4. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
5. No stormwater permit will be required by Washington County, at this time. Must comply with all ADEQ rules and regulations. www.adeq.state.ar.us
6. The Washington County Road department requires 30' of right of way (ROW) from the centerline of the road (s) to be dedicated (on the subject property only). This is shown on the plats.
7. Any driveway culverts that are necessary must be sized by the County Road Department. If the culverts are not installed by the County, a permit is required from the Road Department prior to installation.
8. Odd note about 2.48 acres (I think it was left on from an earlier version) located on the right side of the plat must be removed.

Standard Conditions:

1. Pay neighbor notification mailing fees (\$27.51) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was emailed to the applicant on 7/31/14).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.

6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Senior Planner, Courtney McNair, presented the staff report for the board members.

Public comments.

Marla Walker, neighbor to the east of the hay meadow, states that she's been there since 1984. Her main concern is what they are going to do with the water. "The Road Department doesn't understand how much water is coming from the wooded area, they're putting into it from the top of the hill. I've taken horses through there and quite frankly it's even hard to get a horse through; because there are just so many huge ditches in there. It's all from that water coming from that side. It happens at least once a year. Down at Old Mill, the bottom of where this properties' located is where this water comes out. It comes across the road quite often it and washes it out. My husband takes a tractor down there to fix it. That's a lot of water. If they're going to put a house down there, especially at those two bottom pieces, they're going to have to do something with that water. They're not going to want it in their front yard or their house. The only place they have to put it is onto my land which would destroy my hay meadow and I can no longer feed my animals. The one thing I'm asking for if nothing else that the Road Department comes in and does something else with the water. That's a very steep hill at the top of it. You can't tell from looking at the map but Richland View, the road that runs from the top, starts from that first red line and immediately starts going straight up hill. If you're riding an animal the animal is going to trot because it's a very steep hill. When you get to the top of the hill it almost levels out but you have a lot of water coming through there. The reason they're diverting it is because if the water gets on to Richland View it washes out that road. Somewhere in there the water has to have somewhere to go and I'm really concerned. They're going to have to do something with or else it is going to end up on my property and I'm no longer going to have a hay meadow. It's going to destroy it. It's going to swamp it. It has enough water to do that. If somebody's telling you that the water is not a problem they haven't been on the property the way I have. If they can do something about the water that'll take care of my main concern. But saying it's not a problem or ignoring it is not very helpful. It means they haven't gone and looked. Other concern is on the map where they're showing the van parked on one side. That road is not wide enough for two cars to pass. Fortunately we don't have too much traffic. What normally happens is someone has to back all the way up or you have to go into the ditch. If you have a truck you can normally go into the ditch. The problem is we've been getting quite a few accidents and they're getting more frequent lately. Because at the end of the straight away is a sharp curve. People can't see it until they get around the curve and there's nowhere for people to go. Right where the two bottom pieces are at the two little triangles (on the map) is where that straight away is. That's where we're seeing accidents and problems. Personally I'm hauling big trailers out of there quite often. If I come around the corner even doing 15 or 20 mph with my 30 ft trailer behind me; I'm not going to be able to stop for a car pulling out of the driveway. There's nowhere for them to go and nowhere for me to go. The ditch is quite deep. If you have a truck you'll be fine. If you have a car you can't go in. Those are my two concerns. At a minimum I hope someone takes a look at the water."

Frenchy Ladue, neighbor off of Old Mill road, states that he has same problem as Ms. Walker. "We travel the on Old Mill Road and we have to back up to the end of the road to let people come through. There have been several accidents. There have been several people ending up in ditches. I don't understand how that county road was assessed as being sufficient to support all new development. I can guarantee that people are going to be in the ditches. Do we call the county for the tow trucks? What are the covenants on the property? Are they putting mobile homes or mansions? Where is the drive way located at?"

Juliet Richey, Planning Board Director, replied, "that's not something we look at this time. We don't regulate types of structures and the location of driveways of individual lots."

Frenchy Ladue, asked, "how is anybody going to assess that is not going to impact the road? It takes up half the road to get a driveway through there. It seems kind of crazy. I just hope that the county will take a second look at the road. It's going to be hard to use the road with multiple dwellings along the road."

Katy Richman, Owner next to the project, states that she shares the same issues her neighbor expressed but slightly different. "When the Road Department made their assessment they found the roads sufficient. Maybe it was sufficient because they were unaware of several of the accidents that occurred on it. Those accidents may have been resolved internally between the neighbors. That doesn't mean there haven't been issues and significant vehicle damage. The majority of the problem comes from the road being too narrow and dangerous for the present population. Additional traffic will only heighten that issue. I also own cattle, and, horses, and travel the road frequently with hay trailers. I agree with my neighbors about meeting another vehicle on the road. The turns that they noted are very complicated. I'm not sure what we would do if we both have trailers. We all have been in the country. We all lived around farming our entire lives. I don't think I can back my trailer out of that. I am not really sure what to do. I just feel the additional traffic is going to heighten that problem. Also, I share Mrs. Walker's concern about the water run-off. I didn't note in my paperwork because I wasn't aware of the proposed solution for dealing with water. As Ms. Walker noted it floods into her pasture. Whenever they clear this area it will be worse. She also noted that it always washes out the road. When the water washes out the road, it goes directly into my property. I think you can see on the map where there's a chicken house and to the right of that there's a faint line where you can see where the water has already worn and eroded the land. If they clear this entire area and don't come up with a good drainage solution it's going to heighten the erosion. I'm concerned that it'll wash into my land and it'll become a bigger problem. I'll have trouble accessing that part of my farm if the ditch continues to grow. My family has owned the farm since 1990. We've always raised cattle. We intend to stay there. Not being able to access a part of our farm inhibits our livelihood, increases upkeep, and decrease accessibility. Those are my biggest concerns. I'm also concerned about the road. When they try to expand the road in the future, is it going to affect my fence line? The fence has been there for more than 20 years. When they continue to expand they'll cut into it more and more."

Mike Parker, owner of Remington Place Inc, states that this is a pretty simple minor subdivision. "We're keeping the tracts big because it's in the rural area. It's large enough to provide ground for private homes a side on each tract with a septic system. There's really going to be two homes on one of the roads and two homes on the other road. I have one party wanting to buy tract 3. As far as concern goes on drainage and driveway, they'll be buying their culvert to put their driveway in. Washington County will install it for them. That's usually the way that's done in the county. The surveyor Alan Reid is with me and pointed out that the drainage actually drains not to the east but to the southwest to the ditches that the Road Department thought was adequate. I'm not a drainage expert. I haven't seen problems there. We're just improving the area with 4 home sites. I think we meet all the requirements for the County and the state. The people are good people just like the neighbors here. Basically we're just improving undeveloped land into nice home sites:

Juliet Richey, wants to point out that part of the issue with the road is that there has not been any dedicated right of way in the past. "They are getting dedicated right of way on the development side, for both Old Mill and Richland; 30 ft from centerline."

Kenley Haley, Planning Board member, asked if the Road Dept plans to update this road in the future. "Where are we with this road?"

Donnie Coleman, Washington County Road Superintendent, replied that there's no plan for the road at this time. "We have them give us 30 ft right of way. On the water issue, I did go out on the property and examined it. The water is coming in from the road. There is a drainage that comes out of lot 2, lot 3, and a big percentage of it comes out to Old Mill road. For four lots you can't keep all the water from running into one spot."

Public Comments Closed.

Daryl Yerton made a motion to approve the **Old Mill Estates** subject to staff recommendations. Chuck Browning seconded. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Robert Daugherty, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Motion passed.

County

b. Luther Minor Subdivision and Private Road Development

Minor Subdivision and Private Road Development Approval Request

Location: Section 02, Township 16 North, Range 32 West

Applicant: Frank Luther

Location Address: 16055 Viney Grove Road, Fayetteville

11.85 acres/ 3 Lots

Proposed Land Use: Single Family Residential

Coordinates: Longitude: -94.35130521" W Latitude 36.09494845" N

Project #: 2014-121 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: The applicant is requesting Preliminary and Final Minor Subdivision and Private Road Development approval to allow the division of an 11.85 acre parcel into three tracts.

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

PLANNING AREA: This project is not located within a Planning Area; it is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 13, Ron Aman.

FIRE SERVICE AREA: Wedington-no comments were received from Wedington Fire Department, and Dennis Ledbetter, Washington County Fire Marshal, does not normally review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: Prairie Grove

INFRASTRUCTURE: **Water**– Washington Water Authority **Electric**- Ozarks Electric **Natural Gas**– no
Telephone- AT&T **Cable**- no

BACKGROUND/ PROJECT SYNOPSIS:

The property owner and applicant is Frank Luther. The surveyor is Alan Reid & Associates. The property is located west of Fayetteville off Viney Grove Road WC #37 **(B-11 through B-12)**.

The applicant is requesting to divide an 11.85 acre parcel into three tracts as follows:

- Tract A – 4.69 acres
- Tract B – 4.14 acres
- Tract C – 3.01 acres **(B-13)**

The property consists of mostly open pasture land with some wooded areas and a creek. There are no existing homes on the property **(B-17)**.

This proposed property division could not be processed administratively because it had too many previous property divisions that have been processed on the original parent parcel. A Minor Subdivision is therefore required in order to split this property's parcel.

This parcel has no road frontage, but there is a sixty foot wide access and utility easement that grants access from the parcel to Viney Grove Road WC #37 **(B-13)**. Because there is no road frontage, this project must also process as a Private Road Development.

This project contains three lots. Private Road Developments containing 5-10 lots are required to construct the road to Washington County Private Road Standards. As this development has fewer lots, the construction standards do not apply. However, all other Private Road Development Standards must be completed. See the Road section on **page B-2 & B-3** for further information about this.

The primary issue with this project is whether site distance turning north onto Viney Grove Road WC #37 meets Washington County code.

TECHNICAL CONCERNS:

Sewer/Septic

Soil work was submitted for all three tracts. The Designated Representative reported that Tract B might be unsuitable or require an alternative system. However, Melissa Wonnacott-Center of the Arkansas State Health Department, who reviews soil reports, reviewed it and reported to Staff that she does not foresee any problems. She said that the loading rate would be used and that the soil work was therefore approvable.

Electric/Phone/Gas

Any damage or relocation of existing facilities will be at owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner.

Water

Washington Water Authority reported that the applicant may need a water main extension in order to service all lots. They also require proof of the easement that runs across parcel 001-12650-009 to Viney Grove Road (**B-13**)

Addressing

There are no addresses assigned to this parcel at this time. Addresses will be assigned once home locations are known.

Environmental

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

Roads

There is concern about the left hand turn sight distance onto Viney Grove Road (**B- and B-**). Approval of this project will be contingent on this site distance being found to be sufficient according to Washington County code.

Some of the Private Road Standards from Section 11-90 of the Washington County code (**B-14-B-16**) will apply:

1. A development that utilizes, in whole or in part, a private road for access shall be referred to as a "private road development" or "PRD."
2. The plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS." **The surveyor added this note to the plat.**
3. In cases where the private road easement serves at least three (3) homes and is at least five hundred (500) feet in length (measured from the intersection of the County/Public Road ROW to the furthest existing or proposed residential structure) the following shall be applicable:

- a. The developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.
- b. The developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).
- c. New private road subdivisions must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Operations Office) prior to the final subdivision plat approval. The private road subdivision developer or applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Operations Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.
- d. All private road subdivisions shall be required to comply with Appendix A regarding sight distances when a private road intersects with a county or public road.
- e. Any gravel private road that intersects with a paved county or public road at such an incline such that the gravel will be washed or carried out onto the county or public road must be paved for a distance up to 30 feet. A lesser amount may be required depending on the gradient or condition of the drive.

SITE VISIT:

A site visit was conducted by planning staff on July 25, 2014. See attached pictures of road access and the current sight distances (**B- and B-.**) At the time of this Staff Report, Staff has concern about the left hand turn sight distance onto Viney Grove Road. The surveyor is being required to show that the sight distance is sufficient.

NEIGHBOR COMMENTS:

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

Three neighbors have contacted Staff with concerns about this project. One neighbor's complaint was that he wants to live in "the county" with "no neighbors".

Concerns voiced by other neighbors is that this property floods when the creek overflows to the Illinois River and they are concerned about the property being divided and sold to people who will presumably construct homes on the tracts.

Staff has looked at the FEMA floodplain maps for this parcel; FEMA does not categorize that this property is located within a floodplain. This does not mean that the property does not flood. However, even if this property was in a floodplain, this would not prevent someone from dividing their property or keep someone from constructing a home on the property. There are FEMA guidelines that regulate construction within floodplains.

Staff will update the Planning Board at the August 7th meeting if any additional comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

If the sight distance onto Viney Grove Road is found to be acceptable, Staff recommends Preliminary and Final Minor Subdivision Plat approval of Luther Minor Subdivision and Private Road Development with the following conditions:

Planning Conditions:

1. Some of the Private Road Standards will apply. See Washington County Code Sec. 11-90.
2. Follow and complete the attached Private Road instructions and 911 petition document.
3. Also include the warranty deed's Circuit Clerk filing number that legally created the 60 foot wide access and utility easement that grants access from this parcel to Viney Grove Road.

Utility Conditions/Health Department Conditions/Road Conditions:

1. Ozarks Electric: Any damage or relocation of existing facilities will be at owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner. Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions.
2. Washington Water Authority: May need water main extension to service all lots.
3. Washington Water Authority: Show proof of easement across Morrow property (001-12650-009).
4. Washington Water Authority will not process a water service request form for any of these proposed tracts nor will they be able to perform any plumbing inspections until a 911 address has been obtained from the Department of Emergency Management. Without a 911 address, Washington Water Authority cannot guarantee water service.
5. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of the residence(s).
6. If a culvert is going to be needed at Viney Grove Road WC #37, the culvert must be sized and its placement must be approved by the Washington County Road Department.
7. A development that utilizes, in whole or in part, a private road for access shall be referred to as a "private road development" or "PRD."

8. The plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS."
9. In cases where the private road easement serves at least three (3) homes and is at least five hundred (500) feet in length (measured from the intersection of the County/Public Road ROW to the furthest existing or proposed residential structure) the following shall be applicable:
 - a. The developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.
 - b. The developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).
 - c. New private road subdivisions must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Operations Office) prior to the final subdivision plat approval. The private road subdivision developer or applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Operations Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - d. All private road subdivisions shall be required to comply with Appendix A regarding sight distances when a private road intersects with a county or public road. Before Staff will sign the plats, Staff must be shown that the sight distance for horizontal left turn movements is sufficient according to Washington County code.
 - e. Any gravel private road that intersects with a paved county or public road at such an incline such that the gravel will be washed or carried out onto the county or public road must be paved for a distance up to 30 feet. A lesser amount may be required depending on the gradient or condition of the drive.
9. Private Road signage is required; it must be purchased through the Road Department. Please Call 479-444-1610.

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:

1. Pay neighbor notification mailing fees (\$15.72) within 30 days of project approval. Any extension must be approved by the Planning Office.
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that are over one-half acre in size will need to be addressed after the home location is known.

5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder for the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Planner, Sarah Geurtz, presented the staff report for the board members.

The following updates were presented as update to the project conditions: The private road instructions & 9-11 petition document needs to be completed. Also, before staff will sign the plats, staff must be shown that the sight distance for horizontal left turn movement is sufficient according to Washington County code. A condition was also added concerning WWA requiring 911 addresses before they process water requests and plumbing inspections.

Daryl Yerton, Planning Board member, asked if the easement was coming in from the east.

Sarah Geurtz, Washington County Planner, replied yes.

Alan Reid, Surveyor, stated that they agree with staff recommendations and will comply. They will be available to answer any questions from the board.

No Public Comments.

Kenley Haley, Planning Board member, asked about conditions 5. "If a culvert is to be installed on Viney Grove road, the culvert must be sized and placement must be approved by the Washington County Road department. I didn't think we did that. I thought we just said with the other one we didn't approve that."

Juliet Richey, Washington County Planning Director, replied that we can't tell people where their driveway can be along the front of their land. "If they decide where they want it to be we make sure the culvert is properly sized so that it can carry the water that's currently going through the ditch. And it's placed in the ditch properly. It's size placement, not the placement of where on the property."

Public Comments Closed.

*Robert Daugherty made a motion to approve the **Luther Minor Subdivision and Private Road Development** subject to staff recommendations. Kenley Haley seconded. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Robert Daugherty, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Motion passed.*

County

c. Long Minor Subdivision

Minor Subdivision Approval Request

Location: Section 31, Township 14 North, Range 30 West

Applicant: Gerald Long

Location Address: 10196 Landelius Road, Winslow

18.78 acres/ 4 lots

Proposed Land Use: Single Family Residential

Coordinates: Longitude: -94.21502806" W Latitude 35.85196073" N

Project #: 2014-123 Planner: Sarah Geurtz e-mail at sgeurtz@co.washington.ar.us

REQUEST: Long Minor Subdivision is requesting Preliminary and Final Minor Subdivision approval to divide an 18.78 acre parcel into four tracts.

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

PLANNING AREA: This project is not located within a Planning Area; it is located solely within the County's jurisdiction.

QUORUM COURT DISTRICT: District 14, Ann Harbison.

FIRE SERVICE AREA: **Boston Mountain**-no comments were received from the Boston Mountain Fire Department, and Dennis Ledbetter, Washington County Fire Marshal does not normally review Minor Subdivisions (4 lots or less).

SCHOOL DISTRICT: West Fork

INFRASTRUCTURE: **Water**– Washington Water Authority **Electric**- Ozarks Electric **Natural Gas**– N/A **Telephone**- Windstream Telephone **Cable**- N/A

BACKGROUND/ PROJECT SYNOPSIS:

The property owners are Aneta and Gerald Long. The survey company is Bates & Associates, Inc. Civil Engineering and Land Surveying. This property is located northwest of Winslow at the intersection of Bethlehem Road WC# 237 and Landelius Road WC# 4268. It is located solely within the County (**C-10 & C-11**).

The request is to divide parcel 001-03740-000 into four tracts as follows:

- Tract A: 5 acres
- Tract B: 5 acres
- Tract C: 3.36 acres
- Tract D: 5.42 acres (**C-12**)

The property is mostly open pasture land with some woods. Two existing homes are located on Tracts C and D.

This proposed property division could not be processed administratively due to too many previous property divisions that have been done on this property. A Minor Subdivision is therefore required in order to split this property's parcel.

In 2010 this parcel was proposed to be divided (project #2010-002) but at that time, Washington Water Authority was requiring a water main upgrade on Landelium Road before they would sign off on the plat. Due to that requirement, Mr. Long tabled the project and never completed the review process.

The applicant has now resubmitted with a slightly different plat configuration and Mr. Josh Moore with Washington Water Authority (WWA) says that, at this time, water taps are available from an eight inch water line running along Bethlehem Road. A water line upgrade along Landelius Road is no longer required for WWA to approve this tract split. Mr. Moore assured Planning Staff that tapping into the eight inch line would not affect water pressure for people living on Landelius Road.

The primary concerns with this project have involved access to Washington Water Authority's water lines for water taps, soil work, and septic certification paperwork.

TECHNICAL CONCERNS:

Sewer/Septic

Mr. Jimmy Richardson, a Designated Representative of the Arkansas Department of Health (ADH), recently conducted soil work on Tracts A and B. He also conducted septic inspections on the existing septic systems on Tracts C and D. Melissa Wonnacott-Center of ADH told Staff that she spoke with Mr. Richardson and while she has not signed off on the paperwork yet, she thinks everything is fine. Conditions on this project require that ADH signs off on the soil work and septic certification.

Electric/Phone/Gas

Ozarks Electric has existing power lines on this parcel crossing all four proposed tracts. All primary power lines have existing thirty foot easements. Staff is requiring these easements to be drawn on the plat.

Water

There is an eight inch water line located along Bethlehem Road. Mr. Josh Moore with Washington Water Authority (WWA) says that, at this time, water taps are available from this line. Mr. Moore assured Planning Staff that tapping into the eight inch line would not affect water pressure for people living on Landelius Road.

Addressing

The two existing homes have the addresses of 10196 and 10230 Landelius Road WC #4268.

Environmental

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

Road

The four tracts will all meet subdivision requirements of 75 feet or more of road frontage onto a public roadway. Tract A and B have road frontage onto the County-Maintained road Bethlehem Road WC #237; Tracts C and D have road frontage onto the Residential Drive Landelius Road WC #4268.

SITE VISIT:

A site visit was conducted by planning staff on July 29, 2014 (**C-13 & C-14**).

NEIGHBOR COMMENTS:

All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project. At the time of this staff report's writing, two neighbors have contacted Staff with concerns. However, the voiced concerns are not items that can be considered since Minor Subdivision approval requests are objective.

The concerns were: not wanting a subdivision at this location because this area is "county", not wanting a housing development on top of a mountain, and not wanting more mobile homes and more renters.

A neighbor also called with concerns regarding water pressure since back in 2010, Washington Water Authority was requiring a water line upgrade. Staff explained to the neighbor that Washington Water Authority is now okay with this property division since there is an eight inch line that can be tapped into along Bethlehem Road. WWA told staff that two additional taps into an existing eight inch water line would not cause water pressure issues on Landelius Road.

Staff will update the Planning Board at the August 7th meeting if any additional comments are received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

Staff recommends Preliminary and Final Minor Subdivision approval of Long Minor Subdivision with the following conditions:

Utility Conditions/Health Department Conditions:

1. Ozarks Electric: Any damage or relocation of existing facilities will be at owner's expense. Any extension of line that has to be built specifically to feed this property will be at full cost to the owner.
2. Ozarks Electric: Please contact Greg McGee at (479) 684-4634 or gmcgee@ozarksecc.com if you have any questions.
3. Ozarks Electric: Ozarks has existing power lines on all tracts; all primary power lines have existing 30 foot easements. Show these on the plat.
4. Soil work must be submitted for Tract B; the soil work must be found to be sufficient by the Arkansas Department of Health (ADH).
5. The septic system(s) must be approved by the Arkansas Health Department (ADH), installed, and then inspected by ADH prior to occupation of residence(s).
6. Washington Water Authority: Tracts C & D have water currently.
7. Washington Water Authority: Tracts A & B can be accessed to water from Bethlehem Road. Road crossings will be required. Property owner needs to fill out a tap request form for actual costs and requirements. Must have 911 addresses for these.
8. Washington Water Authority will not process a water service request form for any of these proposed tracts nor will they be able to perform any plumbing inspections until a 911 address has been obtained from the Department of Emergency Management. Without a 911 address, Washington Water Authority cannot guarantee water service.
9. If required by the corresponding utility, add the locations of the buried cable lines to the plat.

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:

1. Pay neighbor notification mailing fees (\$39.30) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 8/1/14). **Paid on 8.7.2014.**
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. If a culvert is needed for driveways on Bethlehem Road, they must be sized by the Road Department. If the Road Department does not install the culvert, a permit is required from the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. Lots that over one-half acre in size will need to be addressed after the home location is known.
5. All general plat checklist items must be corrected.
6. Once all plat corrections have been completed, submit corrected plat for review prior to obtaining signatures.
7. Have all signature blocks signed on 11 Final Plats - 2 for filing in the Circuit Clerk's office, 7 for the County Planning office, remainder ,kfor the developer. The Circuit Clerk is not accepting plats over 18" x 24" in size.

Washington County Planner, Sarah Geurtz, presented the staff report for the board members.

Updates to the Planning Board staff reports and updates to the project conditions: Sufficient soil work was submitted for Tract A. The existing septic systems for Tracts C & D were shown to be in good working order by the designated representative of the ADH. During staff's site visit, marked burial lines was observed. If required by the corresponding utility, their locations are required to be show on the plat. A condition was also added concerning WWA requiring 911 addresses before they process water requests and plumbing inspections

No Public comments.

Public Comments Closed.

*Cheryl West made a motion to approve the **Long Minor Subdivision** subject to staff recommendations. Walter Jennings seconded. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Robert Daugherty, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Motion passed.*

County

d. Owens Minor Subdivision (to be tabled at the request of the applicant)

Preliminary and Final Subdivision Approval Request

Location: Section 15, Township 15 North, Range 33 West

Owners: James Owens

Applicant: Blew & Associates / Scott Blackshers

Location Address: 21840 Summers Mountain Road

Approximately 39.83 acres and 4 lots/ Proposed Land Use: Residential/Agricultural

Coordinates: Longitude: -94.47585311"W, Latitude: 35.97590285"N

Project #: 2014-046 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

Fayetteville Planning Area

e. Gulley Addition Final Subdivision

Final Subdivision Approval Request

Location: Section 32, Township 17 North, Range 29 West

Owner/Applicant: JRJC, LLC/Jay McLelland

Location Address: no location address/adjacent to Sloan Estates

4.77 acres/ 4 lots

Proposed Land Use: Single Family Residential

Approximate Coordinates: Longitude: -94.088381 Latitude: 36.105795

Project #: 2014-029, Planner: Courtney McNair email cmcnair@co.washington.ar.us

REQUEST: The applicant is requesting Final Subdivision Approval of Gulley Addition to create a subdivision with 4 single family residential lots on 4.77 acres. The density is 1 residential unit per acre and therefore, this project is in compliance with Washington County zoning.

CURRENT ZONING: Project lies within the County Zoned area (Agricultural/Single-Family Residential 1 unit per acre). This proposal meets Washington County Zoning and does not require a Conditional Use Permit.

PLANNING AREA: This project is located within the City of Fayetteville's Planning Area. Fayetteville approved the Preliminary Plat on 6.10.2013. Washington County granted Preliminary Plat on August 1, 2013. These approval letters are included in your packet.

QUORUM COURT DISTRICT: District 15, Butch Pond

FIRE SERVICE AREA: Goshen Volunteer Fire Department (Fayetteville also responds)

SCHOOL DISTRICT: Fayetteville

INFRASTRUCTURE: Water– Fayetteville Water **Sanitary Sewer-** Septic
Electric- Ozarks Electric **Natural Gas–** SourceGas **Telephone-** AT&T **Cable-** Cox

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is Jay McLelland. The property owner is Catmax Trust, according to County records and the last filed deed information.

The applicant is requesting Final Subdivision Approval of Gulley Addition to create a subdivision with 4 single family residential lots on 4.77 acres.

In most cases, subdivisions with 4 lots or less can process administratively through the Washington County Planning Office. However, this project is required to construct a Public Road to service the proposed lots because the City of Fayetteville does not allow private roads within their planning area. Therefore, this project was required to proceed through the Subdivision process (Preliminary Subdivision, Construction Plan Review and Approval, and Final Subdivision).

Fayetteville reviewed and approved this project with conditions on June 10, 2013. Washington County approved the Preliminary Plat on August 1, 2013. They have completed Construction Plan Review and are currently constructing the road.

PRIOR to Final approval, this project must complete construction, have a Final Washington County Road inspection, and make any necessary corrections. The Road Maintenance Bond must be correct and approved. The water line must be inspected and approved by the City of Fayetteville.

At this time, the project is still under construction and a Final Inspection has not been scheduled. Staff will update the Planning Board at the meeting if this has been completed. If it has not, staff will recommend to TABLE until all road inspections are completed.

TECHNICAL CONCERNS:

Sewer & Public Utilities

A soil report for the individual septic systems for each lot has been performed by Reba Bailey. The soil pit locations and four (4) corners of the designed septic fields are shown on the plat. The Arkansas Department of Health reviewed and approved this project for subdivision plan review.

Electric/Phone/Gas

No additional utility comments were received. Generally any relocation or damage to existing facilities will be at the expense of the owner.

Water & Fire

City of Fayetteville Water: City of Fayetteville Water Utility services this property. All water main lines along the interior subdivision streets are currently in place and active. City of Fayetteville Water will review any extensions or upgrades to be made to the existing service. Standard City of Fayetteville specifications and details shall govern construction.

The Final Inspection by the City of Fayetteville is scheduled for the week of the August 7 Planning Board Meeting. The water line must pass inspection.

Fire: The Fire Marshal has reviewed the plans for the proposed layout. All of his concerns have been addressed.

Two fire hydrants are proposed.

GPM fire flow for the hydrant at the intersection of Gulley Road and Sagely Lane is 2500 GPM.

Addressing

As all lots are over a half acre in size, the addresses will be assigned once the home locations are known.

Environmental

No stormwater permit is required for the subdivision by Washington County at this time. Must comply with all ADEQ rules and regulations.

Roads

This project accesses off Palmilla Drive via a stub out constructed within the existing Sloan Estates Subdivision.

The new road is currently under construction. It must be completed and pass all inspections prior to Final Plat Approval. The maintenance bond must be submitted and approved. (see attached emails E-5-7)

Drainage

A full drainage report was submitted and reviewed, and approved.

NEIGHBOR COMMENTS:

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

No comments have been received.

CHECKLIST:

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

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

STAFF RECOMMENDATION:

IF ROAD CONSTRUCTION IS COMPLETE, ALL ROAD AND WATER LINE INSPECTIONS PASSED, AND THE ROAD MAINTENANCE BOND APPROVED (staff will update the Planning Board at the meeting)-Staff recommends Final Subdivision approval of Gulley Addition Final Plat with the following conditions:

Planning Conditions:

1. Must abide by all of the City of Fayetteville's conditions of approval.
2. Must abide by all of Washington County's Preliminary conditions of approval.
3. Pay neighbor notification and mailing fees from Preliminary SD-were never paid- (\$29.68) within 30 days of project approval. Any extension must be approved by the Planning Office. Invoice emailed to applicant on 7/25/13.
4. Only paid \$100.00 of the Final Plat fee, owe \$100.00 within 30 days of project approval. Any extension must be approved by the Planning Office.
5. Pay engineering fees (staff will calculate and send invoice) if any.

Environmental Conditions:

1. No stormwater permit is required for the subdivision by Washington County at this time. Must comply with all ADEQ rules and regulations.

Water and Fire Conditions:

1. Standard City of Fayetteville specifications and details shall govern construction.
2. All roads must be able to support 75,000lbs in all weather conditions.

Road and Drainage Conditions:

1. Complete construction; pass final inspections by Washington County Road Department prior to Road Department signing Final Plat.
2. Submit maintenance bond for review and approval Submitted. Minor corrections must be made before accepted by the Road Department.

Standard Conditions:

1. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. The Road Department may be reached at (479) 444-1610.
2. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
3. No lots may be sold until the Final Plats are signed by all entities and filed with the Circuit Clerk.

Washington County Senior Planner, Courtney McNair, presented the staff report for the board members.

No Public comments.

Public Comments Closed.

*Robert Daugherty a motion to approve the **Gulley Additional Final Subdivision** subject to staff recommendations. Walter Jennings seconded. Board Members Randy Laney, Walter Jennings, Daryl Yerton, Robert Daugherty, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Motion passed.*

COMMUNICATION TOWER HEARING

Fayetteville Planning Area

f. W. Wheeler Cell Tower (to be tabled at the request of the applicant)

Communications Tower Request

Location: Section 25, Township 17 North, Range 31 West

Owners: Seletha Bilderback

Applicant: WesTower Communications / John Beacham /SiteExcell/ Nathaniel Lewellen

Location Address: 3293 W. Weir Road

Approximately 26.97 acres/ Proposed Land Use: Cell Tower

Coordinates: Longitude: -94.24051151" W, Latitude: 36.11277845" N

Project #: 2014-091 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

CONDITONAL USE PERMIT HEARINGS

County

g. Rich Red Dirt CUP

Conditional Use Permit Approval Request

Location: Section 05, Township 16 North, Range 31 West

Applicant: Benny Holtzclaw

Location Address: 15792 Harmon Road

122.00 acres

Proposed Land Use: Open Pit Red Dirt/Clay/Gravel Extraction

Coordinates: Longitude: -94.28545281" W Latitude 36.08850625" N

Project #: 2014-124 Planner: Juliet Richey e-mail at jrichey@co.washington.ar.us

REQUEST: Conditional Use Permit Approval for Rich Red Dirt CUP to transition existing agricultural/residential property to open pit red dirt/clay/gravel extraction operations.

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

PLANNING AREA: This project is located solely within the County,

QUORUM COURT DISTRICT: District 7, Rick Cochran.

BACKGROUND/ PROJECT SYNOPSIS:

The applicant is requesting Conditional Permit approval for Rich Red Dirt Pit to transition existing agricultural/residential property to open pit red dirt/clay/gravel extraction operations. This property is owned by Mark Rich.

This operation proposes the construction of a haul road and red dirt pit operations- extraction of clay and gravel (This application does not include a request for quarrying of rock). The proposed haul road from Harmon Road will connect to a proposed open cut mining area (the mining area is proposed to be approximately 9.3 acres in size).

The entrance is proposed to be located near the existing home (owned by Mark Rich) at 15792 Harmon Road, Fayetteville, AR, 72704. Please see the attached letter from the applicant and concept site plans for further information (**pgs G9- G11**).

At this time Staff is not ready to make a recommendation on approval or denial of this project as Staff feels there are still some major issues to be addressed by the applicant in order for Staff to make such a recommendation. However, Staff feels that hearing and discussing this project on August 7 would be beneficial for all parties involved as the project is high impact and industrial in nature and many citizens have already submitted written oppositions to this development. It will be especially beneficial to move ahead with taking public comment at the August 7 meeting to assure that all possible concerns and issues are heard by the Planning Board, the applicant, and Planning Staff.

If a CUP for this project is approved, this project will be subject to all applicable Washington County Large Scale Development Regulations (see attached LSD regulations specific to this type of development. Other development regulations may also apply).

At CUP we are evaluating whether or not this proposed use is appropriate for this site (in the manner it is proposed) - or if it could be made appropriate/compatible with the addition of any conditions. As per our zoning ordinance, we must evaluate the proposed use using the below criteria:

- (a) *The Board shall hear and decide requests for a conditional use and may authorize such if it finds:*
- (1) *That a written application has been filed with the Planning Office and the appropriate fee has been paid.*
Received 7-2-14
 - (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. **Completed 7-7-14***
 - (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. **There are still questions of the applicant's ability to obtain the easements necessary to provide and maintain the sight visibility needed for safe left hand turns from the proposed location of the haul road at its intersection with Harmon Road. Discussed below.***

- (4) *That the proposed use is compatible with the surrounding area. **Staff has concerns in regard to compatibility due to portions of the proposed site being close to neighboring property lines and only relatively small buffer areas being proposed at this time. Discussed below.***
- (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 yet unresolved sight distance visibility in regard to left hand turns (onto Harmon Road from the site) could be a health/safety issue. Staff will not recommend approval of this CUP unless it is resolved. Discussed below.***
- (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. **There is much concern from neighboring property owners in regard to property values, quality of life, and other similar issues. Discussed below.***
- (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. **Discussed below.***

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

Primary Concerns and Issues:

1. Sight visibility and safety in regard to truck traffic and Harmon Road

Currently there are concerns by County Staff in regard to the sight visibility distance for left hand turns onto Harmon Road from the proposed Haul Road location. At this time there is only 430' of sight distance visibility available. The posted speed in this area (45 mph) requires a visibility of at least 500'.

To achieve this minimum visibility, it appears that clearing would be required on an adjacent property (owned by another property owner, Mr. Elkins). The project engineer will need to determine the perimeter of the area needed to be cleared to obtain the sight visibility needed. This area will need to be described and a formal easement drawn up that will need to be obtained from Mr. Elkins in the future. While the formal easement does not need to be signed unless CUP is approved, staff requires that it be drawn up and submitted to the Planning office along with a signed letter from Mr. Elkins referencing this proposed easement document, stating that he will agree to sign the easement if the CUP is approved.

This easement will need to be a permanent easement (or for as long as the Red Dirt Operation is in business or has been totally reclaimed) and a specific maintenance plan and timetable for keeping vegetation under control must be specified. This document should include the scope of the initial clearing and the methods and frequency of maintenance for the ongoing maintenance.

In addition, the applicant will also need to provide a plan to maintain portions of the vegetation within the presumed area of the R.O.W. This is also needed for the maintenance of sight visibility in this area (as there may be times when the sight distance visibility could be impaired and additional maintenance by the applicant may be required in times of fast growing vegetation).

It is critical that the County receive this detailed information to be able to assure that a safe sight distance can be maintained (once established) in the future.

Staff also had some concern regarding trucks backing up onto Harmon while waiting to turn into the site. The applicant has proposed to place the location of the gate to the site 100' back off of Harmon Road to mitigate this issue. In addition, the haul road will be required to be 40' in width which should also help mitigate any trucks backing up onto Harmon Road.

2. Concern regarding impact to Harmon Road and the possible need for Road Improvements to accommodate the proposed use.

A formal Traffic Study will be required at the Large Scale Development Stage (if a CUP is approved). The below information was given to the applicant at the County's technical review and they have agreed to the below terms.

A formal traffic study will be required at Preliminary LSD if a CUP is approved. The applicant would be required to pay for any needed improvements specified in the study as well as acquire any needed ROW. The traffic study should cover (but not be limited to) the following elements:

- a. Directional division of proposed truck traffic (north and south)
- b. Level of service
- c. Impact to the intersection of HWY 16
- d. Impact on and interactions with the existing Wedington Woods intersection (WC 2161, Dogwood) to the North
- e. Change in percentage of trucks vs. car traffic on Harmon

A pavement analysis (for Harmon Road) will be required once formal traffic loading has been determined.

Harmon Road belongs to City of Fayetteville for the first ¼ mile (from the intersection of HWY 16). Discussion of any improvements needed must be coordinated with the City for their portion at Preliminary LSD.

3. Concern regarding debris and tracking on Harmon Road- especially during inclement weather situations.

County Staff is concerned about this issue- especially due to the amount of traffic that currently travels Harmon Road. The applicant has specified that they will build a tire wash onsite (see the attached proposed plan on **pgs G9- G10**) to help mitigate this issue.

As per the Large Scale Development (LSD) regulations, the applicant must build a hard surface road 250' in depth (and 40' in width) into the site (from Harmon Road) The applicant has made several statements in their plan that they will not track and will shut down in inclement weather, however staff needs more details and a more fully defined policy/plan from the applicant to review in regard to safeguards against trucks tracking on Harmon.

4. Buffering from surrounding Properties in regard to noise, quality of life, property values, and incompatibility of uses.

Planning Staff has many concerns regarding the lack or minimal width of proposed buffers onsite- especially in the area of the proposed Haul Road. For the first 300' from Harmon, the haul road appears to be mere feet from the existing northern property line. While there are no structures on the adjoining property in this area, it is still very close to another property and will have an

abundance of daily truck traffic. The applicant has proposed the existing vegetation along the fence row be used for buffering, but staff feels this is an inadequate buffer and other options such as a wider buffer, planting of evergreen vegetation, or a berm should be explored.

While the mining site itself appears to primarily be tucked away from the sight of the general public, there are two adjacent property lines to the south and west that are owned by other parties. Staff did note that both of these areas contain a high amount of existing vegetation, so the planting of additional vegetation is not needed if existing vegetation is left undisturbed. However, Staff recommends that a 150' buffer be proposed between these properties and all parts of the operation. The addition of berms could also be beneficial. At present the applicant is proposing a 50' buffer from the southern property line.

5. Environmental Concerns

- **Concern regarding proximity to U of A site on Harmon.**
 - Planning Staff contacted the U of A regarding any possible environmental issues that could arise in regard to this dirt mining proposal's proximity to the U of A's land on Harmon Road (adjacent to the south of this site). As per staff's conversation with U of A Staff we understand that all radioactive materials that were on this site in the past have now been removed and the site has been cleaned up. The only restriction remaining on this site is a Deed Restriction stating that water well cannot be drilled on the University's property. This is not due to any radioactivity concerns, but due to a small amount of chemical contamination in the perched ground water on a location on this specific site. The University does not want someone drilling through the perched water and into the aquifer. This deed restriction and the concerns to the perched water are specific only to the U of A's parcel of land; not to any surrounding properties.

It was understood from this conversation that there should not be any concerns from the University, but Planning Staff is still awaiting written confirmation from the U of A staff regarding this matter.

Other environmental concerns brought up by property owners in the area:

- **Drainage**
- **Wildlife**
- **Possible Fuel tanks and containment**
- **Storm water**

Neighbor comments and proximity

As you will see from the lengthy document attached- there have been numerous comments on this project. Staff has attached the comments in a separate packet and has also created a map to show the proximity of the commenters to this CUP (**see pgs 12**) and a spreadsheet showing their general concerns and whether they were in opposition or in favor of this project (**see pgs 13-16**)

INFRASTRUCTURE: Water –Washington Water Authority.

Other Utilities - The lot is in the service area of Ozark Electric, AT &T Telephone, Arkansas Western Gas, and Cox Communications.

Washington County Planning Director, Juliet Richey, presented the staff report for the board members.

Public comments.

Michael Kelly, engineer for the project, stated, "I'm a registered professional engineer since 1995. I started my family and career in 1980 working for the Oklahoma transportation department. I consider myself a seasoned transportation engineer with 35 years of experience. I would like to go over the road systems with the audience. Our interstate system was funded by the federal dollar. In the event of a national defense emergency, we the public would be restricted from using those interstates. They would be taken over by the military and used to transfer troops and equipment from one end of the country to the other. I don't know about you but that would be an inconvenience for me. But I like my freedom and I like my nations so therefore I want to support that. Our state highway system exists to connect our inner cities from one city to another city, and also intersects the county road system that ties into the state road system. I wanted to point out that our interstate and our state highway system is very important in commerce and getting commodities to and from the market places. Now our county roads, what I refer to as farm to market roads, were originally created to get commodities from farms to the city to the market for trade. Most of them being trails that developed into dirt and gravel roads. In this day and age a lot of those have been paved. These roads are the grass roots of the county and are extremely important in getting commodities to the market, getting residents to their homes, and even for leisure; the motorcyclist, bicyclist, and sports car enthusiast. I want to talk about the owner of the property, Mr. Mark Rich. He owns a 120 acre farm that is mostly zoned agriculture and with a few acres zoned residential. Approximately 30 acres of Mr. Rich's land has been previously mined from a company that recently filed bankruptcy. The Arkansas Department of Environmental Quality, ADEQ is in the process of transferring that bond, cashing that bond in, and reclaiming those 30 acres. The bankrupt mining operation has established the highest and best use for Mr. Rich's property. However since the property is zoned agriculture, he has to analyze options to raise chickens, cows, hogs, and cattle, and to farm to be able to keep the property. The current soil condition and the terrain would be a hardship for most crop production. We come to this organization today to request a conditional use permit. We want to secure a conditional use permit to mine or remove red dirt from a 9.3 acre knoll located within Mr. Rich's farm boundary. We also want to request a variance for the 40 ft wide by 250 ft long paved surface for the entrance. We would also like to retain the proposed buffer from 50 ft from the land owner on the south side of the proposed mine location as opposed to the 150 ft. We would also like to remove the requirement for a full directional traffic impact analysis. The first request is to retain the highest and best use of the land Mr. Rich currently owns. We all want the most value for our property. The second request is for safety. As a division maintenance engineer we do not permit drives that are 40 ft wide without a full traffic detail analysis. That usually includes high traffic volumes. We would not request a traffic impact analysis unless the usage is going to be over 100 vehicles per hour. We're proposing 50 vehicles per day to use this facility. I feel like that's a little overboard. The widest drive we permit on a state highway is 36 ft. With a full traffic impact analysis, for a Wal-Mart or something like that is going to need signals, stop signs, and acceleration/deceleration lanes. We like to limit our drive to 24 ft width with an 8 ft gravel shoulder on it. The more access points you have and the wider the access points to a highway the more hazardous they are. That's why we limit drives and put in curbs and gutters. We limit access points on a highway to prevent accidents. Our third request is reducing the buffering to the south in the mining area from 150 ft to 50 ft. ADEQ requires a 50 ft buffer. That's why we have a 50 ft buffer in there. We will be required to get a permit from ADEQ. We will be required to put bonds up for reclamation. The property owner to the south of the mining operation is not opposing the project. In fact he is the only one for this project. The property owner to the west is more than 150 ft from the project. Our fourth request is for the traffic analysis, again was common sense. In my career I never requested to provide a full directional traffic impact analysis for a low volume access point. We usually provide full directional traffic impact analysis for large scale developments with high traffic volume that may impact accessing roads or highway. We're proposing an average 50 vehicles per day to use our facilities. We're prepared to take seven days count at the location to verify the daily traffic. We are willing to do a pediological survey and a pavement analysis on Harmon road. In conclusion, there is a minor issue with the site distance on the proposed access. There's currently 430 ft of sight distance. The county has requested 500 ft. We're 70 ft short. The owner has petitioned the county and reached an agreement with the adjunct property owner to clear and keep clear more than enough land to ensure the adequate sight distance. Mr. Kelly brought a picture to show the sight distance and handed it out the board members. We understand that there are conditions for the CUP approval and we're willing to work with Mrs. Richey to get those accomplished. I just think that we all just need to work together and share the road with Mr. Rich so he can get his commodities to the market."

Randy Laney, Planning Board Chairman, explained the CUP process. "More than likely we'll be holding a public meeting at the site in August. This is a conditional use permit hearing. Even if it's approved at this meeting there will be a large scale development plan hearing. The whole idea behind the steps is first to find out the use and then we can develop specific plans to talk about the specific issues. You may have questions tonight that really don't have answers yet. Try not to get frustrated by that. We want to hear your concerns. We'll have an onsite visit. Then we'll have another meeting that you can address further comments. We'll most likely vote at that later meeting. It'll probably be September before final the vote is made."

Public Comments Opened.

Ebenezer Bowls asked, If the board members have already made up their mind. "Is all this public comment for naught?"

Randy Laney asked "Mr. Bowls to come up to the podium and state his name for the public record."

Ebenezer Bowls, citizen of Washington County and registered voter, states, "My simple question was not to offend you, but simply to ask about when you said that in all likelihood we're going to have a meeting in August. I'm simply asking the board if they have already made up their mind before hearing public comments."

Randy Laney replied, "The rules of the state of Arkansas prohibit us from talking prior to meetings. We have all of our meetings in public. So I can't tell you how they're going to vote. But I can tell you that it's going to be recommended by me and others that we have an onsite visit later in August. We will not vote that meeting. We will be obtain what we see from the visit and hear all the reports. Then it'll be a vote in September."

Ebenezer Bowls asked Mr. Laney if this is a conditional use permit question. "Is the question before this group of justices concerning a conditional use permit?"

Randy Laney replied, "Yes sir."

Ebenezer Bowls replied, "That's just what I was simply addressing. That we have on the table tonight a conditional use permit question only. When you said in all likelihood that we're going to move to August that's why I asked you the question if you already made up your mind about the conditional use permit."

Randy Laney answered, "If we went to see the site we obviously haven't made up our mind."

Martha Ritchie, neighbor off Harmon Road, stated that she does not want to say any comments that are derogatory or disrespectful to anyone. "I will speak quickly so I do not go over my time limit."

"This letter is written in response to a notification dated July 3, 2014, that I received from the Washington County Planning Board/Zoning Board of Adjustments; and concerns Project Number 2014-114; Rich Red Dirt Pit CUP.

For reference and due to lack of definition in the CUP application, I loosely define "close proximity" as anything I can feel, smell, hear, see or taste, or anything that I am directly affected by in a negative or positive way by it's closeness.

I have lived on Harmon Road (old Walker Hill) for over 40 years and own Lots 101, 102 (with home) 103, and 104. My Lot 103, just down the hill a short distance from my residence, is across Harmon Road from the proposed haul road for this project. I have seen positive growth from one end (Hwy. 16 West) of Harmon Road to its intersection with Hwy. 412 on the other end. Wedington Woods Subdivision has been populated and used continually by residents enjoying small-acreage lots. For decades, we have experienced a peaceful, clean, and good quality of life.

Because of residential growth, including new housing down side roads and other newer subdivisions, Harmon Road now gets heavy daily vehicle use. Based on my random observances over 10-minute periods of time during the day on several days, it seems to me that traffic up and down the hill and in near proximity to the proposed haul road IS quite significant and safety issues are already a concern without the added burden of dump trucks. Even with adequate already-existing signage, there have been numerous non-weather-related accidents in past years. Some of the mishaps - mosly unreported - caused damage to our driveway, some vehicles landed in the ravine on the other side of the road - often taking the mailbox with them, and several at the bottom of the hill, ultimately ruining the fence on Lot 103. If stalled/turning, slow-moving dump trucks are allowed on this stretch of road, I believe we will see some serious and deadly crashes. I hope that when the planning board considers traffic/safety issues concerning this requested CUP, it will not become a minor talking point as it is, in my opinion, a major problem.

I am so very concerned about the noise that will come from the operation of machinery at the excavation site. The sound will carry and will be an all-day, constant nuisance that is contrary to the expectations of residents of the near-proximity Wedington Woods. If dump trucks are allowed the requested use of Harmon Road, the noise will interfere with the indoor use of my home and pretty much eliminate the outdoor enjoyment of my property I have experienced the past 40 years.

I also am worried about the amount of airborne dust from the site and, certainly believe that exhaust fumes from slow-moving dump trucks will linger in the air at my house. I spend a LOT of time outdoors and my house is close to Harmon Road and, as mentioned above, lots 101 (and 103) also border Harmon Road. Dust and exhaust fumes and oil/gas/deisel related fumes cause me to have headaches. When putting gas in my truck, I step back from it so I don't inhale the fumes. When I mow, weed-eat, use the leaf blower, clean house or am in any routine situation that involves excess dust, I wear a chemical dust mask. Failure to do so results in long-lasting allergic reactions. One expects to have to just deal with such issues in life, but this extra burden should not be caused because of a dangerous, unacceptable and long-term conditional use of Harmon Road.

ULTIMATELY, I AM VERY DISTRESSED ABOUT THE DEVALUATION OF MY PROPERTY. I believe that if this dirt pit is allowed to operate, specifically if it operates with a haul road off of Harmon Road, I will be targeted to suffer an undeserved/unnecessary financial loss. The four lots on which I live are enjoyed as a whole as they flow one into the other aesthetically with a combination of hills, plains, trees and clear land. Originally, two lots were purchased and the additional two were acquired later in order to create this effect and for reasons of privacy. Over the years, neighbors have commented about the beauty of this four-lot acreage, the seasonal creek, the landscaping, the hobby farming, etc. Photographers frequently request to do photo shoots at the barn on Lot 103. Weddings have taken place here as well as renewals of vows. I have reached a time in my life when I wish to once again bring my property back to full potential and fulfill some dreams/plans of my own. None of my plans can be successful if this haul road and dump trucks are permitted for use on the Harmon Road hill. Everything that I have invested (time & money) in my plans for my anticipated later-in-life years' property use will be threatened/diminished. The red dirt pit/dump trucks cannot co-exist in harmony on Harmon Road.

I would like to make some comments, ask a few questions, and request a response about some of the bulleted "Use Narratives" that were set forth in your notification to me.

What company will study the drainage and when will the results confirming that it is insignificant be available? Will there be more than one study and who will select the company to do the study? Will the study consider the now closed and fenced radioactive dump site just south of this property?

Will the same company do the erosion studies? Who will pay for these services? Will the company(ies) doing the studies represent the voters or private interest?

What about erosion from the proposed "haul road," to be constructed on a hill. If not paved, it will erode and drain onto Harmon Road and possibly on across to my Lot 103.

As stated above, the "proper signage, gates, lights" to protect the property will be a negative eyesore to the community of residential homeowners/commuters. We already have adequate signage for traffic going down the hill and more signage for hazardous travel will be equally offensive.

Hours of operation....early to late - all day, we will have to endure dump trucks on Harmon Road and when the dump truck traffic increases to 50 – we will have a truck every 12 minutes? Will the Washington County Road Department will do a traffic assessment and will a wear-and-tear on the pavement study be carried out before this permit request is fully considered, particularly taking into account the **LIKELY IMPACT ON THE PAVEMENT BECAUSE OF THE GRADIENT OF THE ROAD** on the stretch I refer to as "Walker Hill". Many, many years ago - back when there were very few residents in this area, we were active in getting initial asphalt spread on the existing dirt road. We are proud of Harmon Road and the condition it is now in and want it to stay that way.

Egress to Harmon Road will be kept clean? I don't believe that can be done. I do think that the red clay dirt/rocks will adhere to and become embedded in the tread of the large tires on the dump trucks and will fall off onto Harmon Rd at the foot of hill and all the way on up the hill That will be a safety concern, not to mention quite unsightly and rain will wash it directly onto my lower lot. Will this messy area that is not immediate egress also be clean and kempt? Who will supervise that project? What about the potential for rocks falling out of dump truck beds as they climb "Walker Hill."

A 50-ft. buffer to the south will do very little alleviate the offensive noise coming my way (West) caused by track hoe, track loader and bulldozer? I can hear the occasional/normal activity of the resident just to the east of my house and am certain that the constant noise from mining/loading trucks will also carry over to my house. Will any studies be done or remedies proposed?

How will monitoring be done to assure that no fuel, chemicals or hazardous materials be kept on the site? It is of less concern to me that these things could be kept on the site. What is of more concern is that excessive exhaust from trucks and use of equipment WILL likely be in the air we breathe.

Will there be an environmental impact on flora and fauna?

The "no blasting" statement is neither a comfort nor a silver lining. We are shook up enough already from an existing operation east of us and beyond the proposed red dirt site! I absolutely know that the current blasts from the quarry DO shake my house and I believe those blasts have caused some of the faults in the foundation/rock wall of my house and loss of water from the pond.

Because the applicant for this proposed CUP does own the proposed mining site, the significant acreage around it, and the rent house where the proposed haul road will be is a matter which does not need to be pointed out as far as "residential DEVELOPMENT close proximity" as that is not the matter being considered here. That is futuristic, unknown and at this time unpermitted? Without the applicant's definition of CLOSE PROXIMITY, I feel that what should have been stated is that **THE PROPOSED HAUL ROAD AND THE MULTITUDE OF DUMP TRUCKS ARE IN CLOSE PROXIMITY TO ALREADY EXISTING RESIDENTIAL AREAS.** If the dirt pit with heavy dump truck presence was pre-existing, most of us probably would not have invested in property here. I am certain that I would not have done so. NEW DEVELOPMENT has the opportunity to take into account any current status or use of existing property. It is unfair, threatening, and dangerous from a road use and environmental position to impose this CUP on the existing residents of this area.

Additionally, the TIME FRAME for the requested CUP was not specified in the correspondence I received. Is it a month, six months, a year, five years, ten years, or twenty?

Finally, I would like to add that this CUP application has put me in the prudent position of having to spend money against my will in order to retain an attorney(s) to act on my behalf to defend my health, safety and financial plans.

IN CLOSING, I would like to say - I simply don't believe that the stated vision (ideal) for the removal of the knoll is to flatten the land to do future farming, run a few cattle or build future residential areas. Farming CAN be done on a knoll (adapt the crop), cattle CAN graze efficiently on grassy knolls, and designs for

residential dwellings may, in fact, be preferred over plans for monotonous flat areas. Consider the desirability/adaptability of homes located in Wedington Woods and all up and down Harmon Road and see examples of that. We're in the OZARKS! More likely, the vision (reality) of a sole applicant for this CUP is merely significant financial gain....by selling off that gigantic mound of inconveniently located red dirt." This is the ambition of one person as opposed to the hopes, dreams, goals, and realistic/harmless-to-others visions of existing property owners.

These comments/questions are so very heartfelt and important. Based on response I have heard from voters/residents, I feel that the majority, if not all, property owners affected by this CUP application feel the same as I do. However, I can only speak for myself and the unjust harm that will come to me. I respectfully and sincerely submit this letter for your consideration. PLEASE do not grant this conditional use permit. Thank you."

Randy Laney asked "where Mr. Ritchie's property is located?"

Martha Ritchie replied, "My number is 28. My property joins the university at the top and it goes all the way to the foot of the hill".

Randy Laney asked if she is located to the south of the proposed access road.

Butch Pond, Justice of the Peace District 15, asked the board if they can show their hands in agreement or disagreement after each speaker. "I like to see a show of hands if everyone agrees with Mrs. Ritchie's comments."

Arthur Brown, Ecologist and professor for University of Arkansas, lives at 13523 Dogwood, number 31 on the map. It's the fifth house from Harmon road off Dogwood drive. "I've sent a letter to the board promptly after I got the letter from the planning office. I'm not speaking as a university professor. I'm speaking as a member of this neighborhood. I certainly agree with the Mrs. Ritchie's comments. One of the major issues in all this is the "hill". There's insufficient space for a dump truck to gain enough momentum to climb that hill easily. They're going to huff and puff trying to make up that hill, going slowly as they do so. It's going to aggravate drivers on Harmon road. Some of them are going try to climb that hill and unwittingly, stupidly perhaps, try to pass the dump truck. People are going to die if this CUP is approved. It's just a simple matter of fact. It's a very dangerous hill. There's curve involved at both end of it. It's very steep. It's going to slow traffic regardless but it's especially going to slow dump trucks. I'm an environmental biologist and ecologist. This knoll has a small stream on each side of it. Normally they're not flowing but they're flowing today. One of those streams, the one to the Westside has to be crossed by the haul road. There's a third stream that's not shown in the maps but its right beside where the haul road will exit on Harmon. Those streams will inevitably receive a lot of fine material from the run off. It will increase the turbidity and those streams will eventually exit out into the Illinois River system. The river system is already taking a beating. This will aggravate the situation. There are other aspects of environmental quality that will be challenged. But the water quality is the primary one. Financially we're all going to suffer loss of property value and some of us will definitely have to drive further to get to work. I won't go to the UoA using Harmon road because there are going to be 50 dump trucks a day on it, and I won't risk my life going up that hill. I'll go around through the subdivision to get to highway 16, which is a longer distance. It's the same route I use during ice storms. Thank you very much for considering our comments."

Randy Laney asked the public for a show of hands if they agree with Mr. Brown's comments.

Paul Osmon, neighbor off the first house on Dogwood drive, a professional engineer, and number 19 on the map, states the major value of my property is seclusion. "I am a retired razorback and I came back to Arkansas to retire. I got a \$50,000 deck on the back of my house that will be approximately unuseable if this project is approved. The value of my property will be cut at least by 30%-40%. Mr. Rich will become richer but I will become poorer. The only thing a poor man owns his is house and pension. That's my main objection. I don't understand why you can got out Hamstring road like everybody else does."

Randy Laney asked the public for a show of hands if they agree with Mr. Osmon's comments.

Sandra Harvey, neighbor off of Dogwood Drive in Wedington Woods, she states, "We were one of the first owners in Wedington woods. My main concern is safety. When you go down that hill and turn the curve, that's exactly where the dump trucks are going to be coming out of. I don't know how people are going to come down that curve and stop with a slow moving dump truck making a left hand turn. At least we can see them coming from Wedington Woods. If anybody lives out in that area, they know what I'm talking about. If you are not familiar with that, just take one Sunday afternoon drive. You'll see how quickly that you go down the hill and turn the curve, meeting a dump truck pulling out at 3 mph."

Jerome Casey, property owner directly south of the project, number 3 on the map, states, "I'm a former U.S. Army combat engineer and heavy equipment operator. I'm familiar with all the equipment used in this kind of work. I've owned this property for 20 plus years. I personally don't have any concerns about the project. I don't have any concern about the devaluation of my property. I think in the long range my value even increase. I just want to voice my opinion in that I don't have any concern about this kind of operation being done. The other red dirt operation in the neighborhood, Big Red Dirt is not that far away. I used to ride my horses in that wooded area that is adjunct to that operation. The property has changed hands and is now up for sale. I never heard or felt anything from the operation being done over there. As far as I am concerned I don't have the problem or opposition with the operation. I can't speak for anything on Harmon itself because I don't travel that road. My property opens up to Riches Road, Washington County 841. I'm not going to speak to the traffic concern. I'm not opposed to the project that borders my property."

Kenley Haley, Planning Board member, asked if Mr. Casey owns the property or lives on it. "There's a difference."

Jerome Casey, states that he did until recently. "My property is actually two pieces of property. The property that physically borders this property is surveyed as a separate piece of property. It's free and clear of any debris. My house is on a separate one acre piece of property that was surveyed separate when I built the house. I don't live in that house any longer. I have friends that live in there. My wife and I maintain two properties up until recently. We were able to consolidate our sales into one house. We now live in the house she owns. That's why up until recently I lived in that residence but I don't physically reside there now."

Randy Laney asked the public for a show of hands if they agree with Mr. Casey's views.

Roy Spencie, neighbor off Redbud drive, states "I'm an ex-state park ranger for the state of Florida. My main concern is traffic. No one has talked about the elevation of the hills mentioned. The hill that Mrs. Ritchie lives on is about 100 ft from the top to the bottom. Also there's an S curve in it. You can come in on the hill from a curve, go through a curve, and in the middle of it you'll come out down below there. If you add the dump trucks coming down through the hills it will be worse. At the bottom of the hill there's a creek with a culvert at the same location as the intersection coming out of the haul road. I'm concerned about that. North of that intersection is a little raise that has a curve on it. It's a blind spot. You're not at the intersection until you are right on top of it coming from the north. There are going to be more cars winding up in the creek at the end of the culvert than you can shake a stick at. The cars are coming through there at 35 mph. That's my main concern. I concur with Mrs. Ritchie's letter."

Randy Laney asked the public for a show of hands if they agree with Mr. Spencie's concerns.

Kendra Boyle, attorney for Mrs. Ritchie states, "I wanted to mention quickly that I've meet with a realtor about the property values and the potential for property devaluation. I would highly encourage the board do the same before they make their decision. What the realtor said was that anyone living within line of sight of Rich Red Dirt within their property. That has a view of the trucks traveling; see their property will be significantly devalued. Nobody's going to buy property that sits adjacent to the dirt pit. Essentially, Mrs. Ritchie won't be able to sell her property. From what I can tell that's a direct violation of the Board's regulations. Also, I wanted to know if the Board has kept up with the Smith communication LLC case the Prairie Grove cell tower. Is this the same type of situation here? The compatibility issue."

Randy Laney, asked George Butler, the County attorney if there was ever a final ruling on this Smith Communication case.

George Butler, Washington County Attorney, replied "No. It's being heard through the federal courts."

Randy Laney replied, "I'll let you talk with Mr. Butler on that matter. He can answer your question more articulately than I can."

Paige Smith, neighbor off Hickory Drive in Wedington Woods, number 33 on the map, stated that she didn't receive any letter notification about the project.

Randy Laney asked, "What's the rule about the letter notification."

Juliet Richey answered, "It is one half mile. I'll have to look and see. You may have been just right outside half mile."

Randy Laney, added that county law requires us to notify neighbors that are in a certain distance. You may have been outside that.

Paige Smith stated that Mrs. Ritchie spoke very eloquently in remarks. "I mirror a lot of what she said. I drive by her property going out of our home. I would implore you to have them do the traffic analysis. I understand that they don't want to. I think in all fairness to the citizens that live in Wedington Woods, it should be done. I'm not trying to be rude to them in anyway whatsoever. I also want to address that property values are going to go down. That's a huge concern. My husband lived there before I did. I've been there 15 years. That's where we plan to stay. Our kids have grown in that house. That's our home. This project would be a great intrusion. It's going to affect the wildlife. I'm concerned about property if we decided to leave. The other issue is safety. This is huge. The motorcycle and bicycle enthusiast ride on that road all the time. If there is a dump truck, the rock debris can harm them. Again I implore you to please have them do the traffic analysis."

Randy Laney asked the public for a show of hands if they agree with Ms. Smith's comments.

Mandy Wenger, neighbor off 13565 Red Bud Drive, number 22 on the map, states, "My husband and I live there with our 4 daughters. We moved out to the country to enjoy the land. I'm worried about the noise pollution, especially the air pollution. At any given time in our neighborhood you can see people walking, jogging, and riding their bicycles. Our neighborhood is full of hills. I don't want people to pedal up the hill breathing the exhaust. The air pollution is a big issue at the moment."

Randy Laney asked the public for a show of hands if they agree with Ms. Wenger's views.

Nancy Stokes, neighbor off Dogwood Drive 13126, number 11 on the map, stated, "Ms. Ritchie did an excellent job addressing a lot of our concerns. This just shows a small group of people. But there are 250 plus residents in this neighborhood. I've worked for the post office and retired in 2008. The neighborhood has grown to over 250 residential housing units in that area. Harmon road goes from Highway 16 to Highway 412. They used that road for sports bicycling. They ride the area for the beauty of it. There is deer, wildlife, water, and creeks. It's a beautiful place to live. I've put a letter of my concerns in to the board. But Ms. Ritchie covered every one of my concerns. The 70 ft line of sight distance that they lack. They cannot add any more highway to it there. They need to stay within that 500 ft rule. The angle of the road is really close. We have three school buses that travel that road every morning and night. There are too many kids on the school buses that have to travel that road. They have a line of travel that they have to maintain. They don't have an option of going out. What we will do is go out the other entrance if this project is approved. It will become a very unsafe area. Mr. Rich can access from Riches road or Hamstring road. He has two other means. He doesn't have to upset everything in our world. Most of the people there have lived in the neighborhood for 10 to 20 years. Please read all of these comments of the 36 letters that was issued 47 pages opposed this. The only person not opposed was Mr. Casey that lived in Prairie Grove that does not have to travel this road every day. I appreciate his statement. It's our home.

We're retired. We don't want to go the other way but we will do if it's a safety issue. We do travel this road during inclement weather because it's much flatter. This area you're talking about is going to have dump trucks try to stop at the bottom of the hill with kids getting out of the buses. I don't think so

Lloyd Miller, neighbor off of 16013 Cedar Lane, states "I'm speaking for Mr. Virgil Lewis, who was one of the original property owners of Wedington Woods. The lady will back me up on this. The original agreement with Mr. Lewis was the money for the original for Harmon road to pave it and that Harmon road would be maintained in the same condition as highway 16. That agreement is still valid and the people that live in that area still agree to it. In addition to that is the safety issue. There will be wrecks. In addition to that, I've already talked to the renters on the haul road, if you approve that he will move. The individual that owns the property will lose a renter. I've agreed with everything that the other people have said."

Randy Laney asked the public for a show of hands if they agree with Mr. Miller's views.

Michael Daub, neighbor from the east and west of number 34 on the map, basically the bottom of the hill., states, "We have 50 acres. We have two concerns. The first one is if we are entitled to a 150 ft of buffer from his easement to our fence line. That's going to push the line of sight back to 200 feet. When I moved out there 20 years ago my wife had been living there for 30 years and her father for 50 years. I have to stay in shape. I've been a police officer for 34 years. I was not a pencil pusher. I worked the streets in a police car. I still have nightmares from some of the accidents I worked. I already saw 5 car pileup at the bottom of Walker Hill. For these big trucks to pullout I don't care if they have a line of 1,000 ft. There will be people coming down the hill at 60 mph. Just coming home today this driver passed me after an S curve at the water tower doing 60-70 mph. Do you think he'll slow down to go down the hill? It scared me half to death. I can't tell you how many people have screamed bloody murder in their cars. They've got broken legs, lacerated livers, etc. I can't imagine you folks going home tonight knowing that if you approve this, someday some poor kid may end up slammed into a truck or taking a ditch to avoid that truck. God forbid if you hit a school bus."

Randy Laney asked the public for a show of hands if they agree with Mr. Miller's views.

Mary Crumley, neighbor off Hamstring road and property to the right of Ritchie's place, states, "It's the property that was owned by Lindsey. But I will tell you that I'm still fighting to get my property reclaimed. It has been 7 years. They lost the bond money. So who's claiming bond money? What's going to happen when we reclaim this? Finally, ADEQ has come up with it. Our contract they have not met. We have fields like this. It is supposed to be lovely field that we cut hay on. I have standing water which we cannot run our horses on because of the mosquitoes. When I look out I see Mr. Rich's land isn't reclaimed, no buffer, it's all Red Dirt. I see this Roger's Red dirt. There is no buffer around my property to protect it. When they reclaim our land, supposedly they left a ramp on my property. I was told by the ADEQ and Arkansas housing authority it is for future use. It is my property, who is going to come on my property for future use? There are many things involved in all this that people that do not understand. For 7 years, it has been a heartache and a battle. I am now with the lawyers battling to get my property reclaimed. ADEQ, who is responsible for keeping the bond money for Lindsey, let it lapse 2 years before they knew it. This is something to consider because that bond money is not always there. I can vouch for that. Before I went into this, I asked ADEQ numerous times about the bond money. 'It's always there', they claim. 'What happen if they go bankrupt? But we won't', they said. So 7 years later I still don't have a field to graze horses and to cut hay on. NRSC came out said I will never to be able to cut hay on this. They didn't put top soil back on here. There are a lot of issues here. You may not know about reclaiming land. Living on my road, I will mention that the trucks, they pull right out in front of you. I have called the sheriff's department; they know me by first name now. I call all the time. The trucks pull out. They are not covered. They drop rocks. It is really a big hazard. When you think about a busy road like Harmon it's going to be hectic for them. I mean they will automatically pull out right in front of you. Coming out of Roger's Group, there is a sign that says 'cover before you leave the premises'. They do not. They are supposed to have numbers on their trailers, but they don't. I would call in and I report when they pull out in front of me. A lot of times I have my grandchildren and it makes me biting mad when they pull out in front of me. For me, I have lived my life but my grandchildren have not. That is something to consider on Harmon road, is the kids. It is very dangerous on Hamstring road but thinks about Harmon road, which is traveled much more

than that. It does make me wonder why they can't go out on Hamstring. How are they planning on going out of Hamstring without an exit? Unless they plan to use the ramp that left by ADEQ. Just makes you wonder after sitting here tonight what is being proposed behind the scenes. If they don't pass will they come out behind hamstring and my ramp? I appreciate it. I wish the board would consider the issues. Right now they're blasting a lot because they're hauling out a lot of limestone. The Rogers Group are nice to deal with. But the truck drivers don't care. They're making their money going as fast they can with as much haul as they can. Please think about the bond money and the issues."

Randy Laney asked the public for a show of hands if they agree with Mr. Crumley's views.

Janas Ward, neighbor off Hamstring road, number 43 on the map, states "I'm a registered nurse who worked in Washington County for over 20 years and owned my home longer than that. I came prepared to speak about the environmental and safety issues but I'm not going to say those things because someone already has. I just want to ask the Board to please deny this conditional use permit. Don't take the wishes of one landowner of this area over the clear majority of homeowners who don't want to see the our peace, environment, and safety disturbed."

Bill Roberson, neighbor off Mimsoa and number 30 on the map, stated "In the winter when the leaves are off the trees, we have a perfect view of the hill. The gentleman that was an ex-police officer made a very good point. People will fly off this hill. Particularly the motorcyclist, they like to get up speed coming off that hill. When they hit the straight away they get up to 70 mph. The other issue is people who are following these dump trucks up the hill trying to get off highway 16. That is literally going to piss us off. There are stupid people out here. Honestly I am one of them. The situation is not going to be pretty if this development goes through. The likelihood of someone going to get hurt will increase. Land values will diminish. I've been a loan officer for 34 years in the county. Bob you know very well what will happen to the land values out here. Guys use some common sense in your decision. Thank you."

Randy Laney asked the public for a show of hands if they agree with Mr. Roberson's comments.

Susan Jones, neighbor off Dogwood circle, number 29 on the map, states "My main point is that Wedington Woods has two entrances and exits. This is one of the main entrances. That road is 10 ft from it. It's going to be like an industrial road in front of our entrance in our neighborhood. I do think it will devalue the property.

Mark May, neighbor off of Beechnut and Dogwood, state, "There are 250 residents in this neighborhood. Like Mrs. Jones bought up there are 2 main entrances in this neighborhood. Dogwood is one of them and highway 16 is the other. It's just dangerous. You guys can come out here and watch. All it takes is a little bit of rain on Harmon hill and Walker hill. The oil comes up on this highway. One car was lain up in Martha's field. Martha doesn't put up fences anymore. Why would you? It's just an accident waiting to happen. I raised 5 kids out there and you all know as well as I do how kids are. You can hammer into their heads, but they will drive fast. Some of us will come out of it, some of us don't. When those dump trucks try to come up that hill and some kid thinks he can get around him and another kid is coming from the north. It's just going to be an explosion. Come out and sit and look at the site. In the winter time it's a north facing hill. It's the last hill to thaw out. It stays shady in the winter time. I have no problem with the man making a living. He just has to find another way to get in there."

Randy Laney asked the public for a show of hands if they agree with Mr. May's comments.

William Winkelmann, 13428 Mimosas lane, states, "We own property about 100 yards north of the truck access. We're on the west side of the road. We lived there since 1990. We can testify the numerous accidents south of the truck access. I agree with everybody else's concerns. There are a large number of sport bikes that comes down that hill south of the truck access. There are going to be a lot of accidents for a lot of people. There will be noise pollution. I believe my property value is going downhill."

Randy Laney asked the public for a show of hands if they agree with Mr. Winkelmann's comments.

Don Austin, neighbor off Hamstring Creek Road, states, "I agree with everyone else's comments. I'm very lucky I live about 3/10th of a mile from the road. But most of the neighbors that live off Hamstring road are a stone's throw from the road. If you're talking about another 50 trucks a day going up and down that road that's about one every ten minutes. Those homes can't have their houses/windows open. Can you imagine what it is like not being able to get fresh air? I'm lucky. I live with dogs so my standard's are not that high. I live way back. I keep windows/houses nice and open. Some of these people have lived there for about 150 years. Hamstring is no prize. It's already quiet stressed. When you're making up your mind about this, remember the golden rule. Do you really want to live close to a road that gets this kind of dust?"

Sherry Main, neighbor east of the project, states, "I own the 40 acres at the end of Riches road. I have the Rock Quarry Rogers behind me and Mark's property to the north of me is just an empty big hole with the red dirt being removed as you can see from the red area. Where Riches road ends, my drive way turns to the right and his drive way turns to the left. We just kind of lived across the tree line. My only question with this is that the 9.38 acre knoll is removed. To remove the existing soil knoll and create a flatter plain conducive for agricultural, crops, cattle ranching, or residential development. My question is after the 9 acres is flattened. Is Mark Rich's plan to do agricultural, crops, and cattles or is it to advance the mine area into the other 120 acres farm that he has? The backside of his property has been mined. When Lindsey had leased that, they were going in and out of the back of the property that I own now. All that of that red dirt is gone. So on the west of the boundary that's all red dirt. So are we looking at something to last a year or two, to get that knoll looking nice, or something like Roger's group that throws rock up in my back pasture every time they blast? Long term what are we looking at. How long is it going to be there? How much is it going to expand? Those are some questions that have not been addressed in the narrative that they presented. The other concern that I have is this is not something new. When Gary Combs was going to lease the property from Mark Rich, he was going to do a red dirt pit off Mr. Rich's property. And he was going to access Harmon road at the time. Well, ADEQ denied his application back in Dec 23, 2003. They cited James Whitner as the enforcement agency administrator. The agency denied the company's request to use a 20 ft easement to access Harmon road from the side. Then in turn they came and wanted to use Riches road as the egress and ingress. That didn't sell well with me and twenty other neighbors that lived on Riches road. That all came to a close with Gary Combs pulling out of the lease with Mark Rich. This isn't the first time that ADEQ has heard of this situation. They want to get out on Harmon road. They denied it in 2003. The situation hasn't changed. The streams still run there. Mark still owns the rent house. The property is still going to come out at the bottom of the hill. That was the main concern for them too at that time. As far as ADEQ they do not have any application or anything on file for any surface mining permit. I talked with the commissioner. They did have a storm water industrial permit for the Rich Red Dirt pit that was submitted back in February with the hope of going through Roger's group on the back side. But Roger's Group denied their access, so they didn't submit anything else. So this permit was terminated on June 24, 2014. So as of right now ADEQ does not have anything on file or record for the Rich Red Dirt put. I understand the concern of the people that lived on Harmon Road. But I can see that the same situation still applying. ADEQ denied it in December 2003. And they have submitted a new claim looking at the same situation. Why would they say now we will okay it? The same situation still applies safety, road hazard, and steep roads. We have 3 existing red dirt pits on 16 west within a 5 mile radius: Elk Horn springs road, Les Rogers, and the Literal Red Dirt pit, and the big red dirt which Roger's Group has bought. But if it affects so many people why do we need another red dirt pit? Are the other dirt pits running out of red dirt? Why do we need more? That's my opinion. I have the notes for George Butler if he wants to look at it."

Randy Laney asked the public for a show of hands if they agree with Ms. Main's views.

Dick Johnson, neighbor off of 13650 Pen Oak road, the property next to the Harmon bridge, states, "I only have two points to make. The engineer for Riches Dirt pit made a comment that resonated with me. Harmon road was built as commerce road during the horse and buggy days. It wasn't planned. It was a way to get down into Clear Creek Valley. It's the best way to get down there. They went down Walker Hill across the best place they could cross on Clear Creek going up the other side. They didn't plan, go before any commission, or have any studies done. They just built the road. As time passed with the paving of the road we inherited a road that is a modern transportation road but it still an unplanned

highway with a crooked and steep hill. It's very dangerous. That's the point that's been made over and over again. It wasn't planned. Now we're before a planning committee to plan something. I'm going to talk about planes. A pilot will tell you very rarely that one problem is what causes a crash. Planes are built with so many redundant things to keep it backed up. It is usually at least two things that cause a crash. An engine fail that's okay they can land with one engine. Bad weather causes a crash. At one end of Harmon hill we have a steep hill with a sign that the county put there telling us it's a steep hill. That is one hazard. That was unplanned. Now we're before a planning commission with a request to plan second hazard at the bottom. We have a hazard at the top unplanned. We have an opportunity to plan another one at the bottom. I think all of us can see that we can't do that. We can't plan two hazards in close proximity to each other. We're planning for a crash. That's one point. The second point is if you look at the disturbances in the landscape. Every county in Arkansas has a place that has to be the toilet of an area. It gets torn up, abused, but progress demands we have material. I know you are faced with this all the time as the board. But there's a clear line of demarcation between the 250 families on one side of Wedington Woods and all the damagers on the side. Riches dirt pit will tear down a part of that demarcation. It is also going to breach the sovereign area of Wedington Woods. If the choice is tonight are indeed to approve, deny, tabled, or move forward with this, my request is to deny this at first opportunity. Thank you."

Rick Cochran, neighbor south of highway 16, Justice of the Peace District 7, asked about the 500 ft site limit that is required for the left turn. "What is the nature of that requirement for that?"

Juliet Richey replied that it's in the county code. "It's taken directly from the AASHTO Greenbook, which is the standard engineering manual for site visibility."

Rich Cochran asked, "Is it possible we would move forward with this without the 500 ft sight limit?"

Juliet Richey replied that staff would not recommend it.

Rock Cochran asked, about the zone on the left that is vegetated and leads up to the hill. "If the parties that own that land have agreed to clear it and given easements to do that. Would that be the county's requirement to it keep clear or would it be the landowner's requirement? How would that work?"

Juliet Richey answered, "What we're requesting is that it would be up to the landowners not the county but he would have to obtain an official legal easement from the gentlemen, and submit to the planning office the documentation of the easement, all the area he's going to clear, and how that would be done. He would have to submit a maintenance plan for keeping the vegetation in the area at bay so that sight visibility can be maintained. We would have our engineer and the road department looks over all those items to make sure that it is adequate."

Rick Cochran asked, "If the project is passed, what is the county's ability to enforce that? Do we shut down the CUP? How would we do that?"

George Butler, County Attorney, replied, "The Judge would ask them to clear vegetation. If they don't clear it they'll get fine. Then we'll shut down the operation. It's just too far ahead to tell".

Rick Cochran, replied that he's just thinking about the ramification for the people in the area applying for the permit that don't control the land. "They would get an easement. Then maintenance of that easement would fall on the hands of someone outside the CUP. That's a concern for me. I have traveled this road. I work for PAM transport. I would go right up that road and come through Tontitown and come out east. After a couple years of going on that road and people passing me on the double yellow, I took Double Springs road. It was little bit better. It's dangerous out there with no passing and people in a hurry passing on the double yellow. If we do have the onsite meeting Juliet can you notify the JPs so we can join you on that?"

Kenley Haley commented, "I need to make sure that I understand the parameters that we can consider for this development. There's been several things mentioned that I don't think we can consider this evening. But those parameters have been approved by the Quorum Court, correct?"

Juliet Richey replied, "Yes. They're part of our ordinance."

Kaine Garrett, neighbor off Dogwood drive, ex-lieutenant for the Washington County Sheriff's department, stated, "I agree with everyone's comment. I just want to reiterate the part about safety. There are 3-4 school buses that come out there. On top of the hill where the water tank is, there is a curve. There are two 's' curves and it's very dangerous. You'll have to really pay attention with cars when you're driving, or you'll run off the road. There have been a lot wrecks there. Trying to miss a dump truck is pretty dangerous. I want to reiterate what everybody has said about the safety conditions. With the hills at the bottom and the curves on top it's dangerous. I was a patrol man for 10 years. I worked a lot of accidents on Harmon road. The noise factor is going to be environmentally significant."

Ebenezer Bowls, stated, "That the proponents have put on the record that they need 500 ft and the advocate for the proponent said on the record tonight that they are 70 ft short. They do not need meet the requirements based on the evidence supported by the professional for a conditional use permit presented tonight. Until they can obtain the 70 ft required to meet to the CUP requirements, I ask the board to reconsider the likelihood forgone conclusion and vote against the CUP based on the evidence by the proponent's engineer. That they cannot satisfy the footage required for the CUP."

Mark Rich, project owner and property owner off of 1571 Riches Road, stated, "I'm a USDA inspector for the US government, in 2003 I ended Gary Comb's lease because I didn't like the way he treated the neighbors. Mr. Comb wanted to go out Riches Road. Back then it was a county road. I didn't like that. Most of you know what I went through with Lindsey. I cannot go out through Roger's group or out the other way. Mrs. Crumley sold a lot of red dirt herself. ADEQ is in the process of reclaiming it. They actually took about 7,200 yards of top soil off my place and put it on her place to start her reclamation. I don't drive a dump truck myself. I moved back here in 2000. I was born in Washington Regional in 1962. My parents became ill and moved back here from St. Louis. They have passed away. I didn't inherit this farm. My brothers and sisters did. I purchased their parts. Red dirt is under all these people's houses. It's under all the roads. I asked the county road commissioner what would happen if we didn't have red dirt. He said construction would cease. We're very lucky to have red dirt in this area. If we didn't have red dirt we would have to use all SB2, which is all gravel. Then Roger's Group will really be doing good because everything would have to be gravel or sub grade. I did not own a rent house in 2003. ADEQ's concern was with the nuclear site. What it was is some film and the 55 gallon barrels. It's the same film that they take x-rays with. I talked to Marion but I can't remember her last name. She's over all the chemical parts for the University of Arkansas. She showed me it was 1 in 50,000th percent; this was before they dug the barrels up. I walked a tractor over there and dug a hole on my side of the fence. More or less I'm doing my own monitoring to see if there's anything coming from the water. Riches Road; it's not considered. The only red dirt pit right now that has a permit for selling and has a monopoly on red dirt is Les Rogers. The city right now are getting all their red dirt out of Les Roger's pit. Washington County gets their red dirt off Wedington from Lenny Lindsey's pit. Lenny Lindsey is John Davis' brother. The county does not have to have a permit. It's for the good of the county. I would like a chance to have the county and city's business. Rather than Les Roger have a monopoly. I have been told that this area has really good quality red dirt. You can't find it anywhere. I'm very concerned about hurting anybody's property value in any way. I drove around Wedington Woods. The house in which I was born was in Wedington Woods. As I drove to Wedington Woods, I noticed that there is a business. The main entrance of Wedington Woods has a business right inside the gate. Don Johnson has this business. So I asked some people that I know that lives in Wedington Woods, they said yes, there's trucks hauling rocks in and out all the time. My mom has a saying, "just because someone did it doesn't mean you do it". But I will say this, the reason I have leased and made a deal with Benny Holtzclaw. Benny has been an evacuator for 30 years. I did my research. Everybody I talked to said he paid his bills and did what he said. If he said it he did it. I've been kicked in the teeth by Gary Combs. I've been kicked in the teeth by John David. In the lease with a clause from Judge Kim Smith stated that red dirt cannot be mined by anybody from the Lindsey family for miles from my property. About the site distance, Juliet said not to mess with clearing at this time. I've been

waiting for Juliet and Mr. Butler. Mr. Eklins is not here. He did not send in any letter. He gave me permission to clean that up. I didn't notice the vegetation until Cliff, my renter, told me that it has really grown up this year. I don't want to hurt anybody's property value. I can understand Mrs. Ritchie's concern. As the landowner, the Luttrell pit has no more dirt. There is no more dirt at the Sweetser's pit either. Les Rogers has the only logistic red dirt. You've have to able to get there and back within an hour. I read an article about the dirt pit in Morrow. It noted how cumbersome it is to drive through all these small towns. How it's better to have material closer. At that time the county was opening a pit in Elkins or somewhere. I would like to sell my dirt and take this knoll down to a flat level. This is where I want to build my house. I've talked with Elkins over the years about adding a lake to the rent house area. There are a lot of people that are involved in this business, good safe owner operators. Benny only uses owner operators. When you hire companies, the drivers don't care. I made the agreement and leased this to Benny. He's not a big conglomerate. He picks out only the best and he will be stricter than anybody can imagine. I go in at 4 am and get off at 1 pm. I can give my neighbors my cell phone number. If a driver causes a problem he won't work there anymore. The difference in owner operator vs. company drivers is they care. I'm not here to put Les down or anything. I just feel like no one person should have a monopoly. I would like a chance to sell red dirt. My plans are to level the knoll and build a house. Mr. Holtzclaw hired Mike Kelly, one of the best engineer from out state and has a lot of experience. I'm here to say that I'll do anything I can. The right of way and the sight distance, I'll keep clean. I'll fulfill any requirements I need to do."

Randy Laney asked Mr. Rich, "What's the estimated life span of the project?"

Mark Rich replied, "It's an estimated 3-5 years. That's a lot of projects in the works right now. That's growth for us. I understand these people's concerns. Mr. Daub, my neighbor, talked about seeing these terrible wrecks and stuff. Mr. Daub called me and he had his placed logged. They used that haul road out of my property with log trucks that climbed that hill. Log trucks are natural resources. They do not have to go over the scales. I just want for you to know that I will do everything in my power to make sure this is a very safe operation. And I'm sure that I got the right evacuator to do it."

Don Elkins, neighbor off Harmon road, states, "I'm the guy right in the middle of all this. This entire operation will affect me on 3 borders of my property. When we're talking about property devaluation, breathing, dust, and other things that come from these; these good folks that spoke before me have cause to be concerned of these issues, I even more so. I can attest to the fact that Walker Hill has a lot of people going in the ravine on my side of the fence. I've seen one lady who lost control and landed upside down in the ditch on Mrs. Ritchie's side of the road. I've pulled one vehicle out since it's been there so long that I became the legal owner. I do sympathize and understand the concerns of all these good people who have been natives of the land for all these years. They have the expectation to continue to live the peaceful lives that they lived out there. I want everyone to know that I consider Mark a very good friend. We have discussed this many years. As far as our relationship is concerned we've been good neighbors. We helped each other a little bit. There's nothing more in the world I'd like to see more than for Mark to have a very profitable operation in whatever endeavor he undertakes. However, I have great compassion for all the people who have manifested their complaints. I understand what their problems are. This in a way puts me between a rock and hard place. I can't please everyone. I do not want these folks going home tonight thinking that I have already committed to sign off an agreement to give easement for the benefit of the sight view for the trucks turning left. Although I did say to Mark that I have no objections to those brush being cut out there. But now I've learned a lot more than I knew before and I'm still not saying no to him. But I'm saying this; I have a lot of praying and soul searching to do before I can sign off on that. I will discuss this further with Mark or any of my neighbors that wants to talk to me about it."

Randy Laney, asked general ADEQ questions about drainage, erosion study, and general road questions.

Juliet Richey answered, "The way that we do those types of studies in regard to traffic studies, that's usually the traffic engineer hired by the applicant that does the study. These people are professionals; they have to sign and stamp them. Their license is on the line. We have to use them as a reliable study. We do have a contract county engineer to review the studies that are submitted to us. He would look at the traffic, drainage, and large scale development plan that were submitted. Yes, the initial studies are done by the engineer of the applicant. But we do have our own engineer to review those items. They're

also going to be required to get a mining permit, general storm water permit, and an industrial storm water permit. There could be 3 permits, but maybe more they have to get through ADEQ. ADEQ has their set of regulations which I have a copy. There are two sets of rules that ADEQ has that deal with open cut mining regulation 15 and open cut mining act to regulate that. ADEQ's going to look at a different set of things. It'll be independent of the board. What we do is when we get the LSD, we'll require information that they sent to ADEQ. Mrs. Main mentioned that they did not file anything with ADEQ. I do think it's a little mature for them to file anything yet. At this point, the ADEQ mining division is aware that the county has zoning. I talked semi-regularly with the different pits we have. They know to ask to if there's zoning improvements in Washington County."

Mark Kelly, engineer, states, "I would like to address some of the comments that the neighbors have. One of them was when I said that someone was in favor, I was heckled. Someone called me a liar. I would like to make sure you guys are aware that the property owner was here and spoke in approval for that project. Another thing is the storm water management. We will address that. Like Juliet said, we'll have to file a permit industrial storm water permit with ADEQ and with the county. I want to address the wrecks on the hill. There are warning signs going down that hill. You should not be traveling down that hill at 45 mph. The speed limit is posted at 35 mph and one is posted at 25 mph. It is located at the bottom of those hills. If someone were to have an accident in those areas they'll be probably written up for driving at an unsafe speed. The speed limit for that section is 45 mph. The CUP is conditional use it's temporary. It's not long term. We're looking at 3-5 years. We'll clean our site up and we'll be done. We don't have access to Hamstring road like Mark said. I've heard numerous reports on how dangerous Harmon road is. Yet the county has it speed limit at 45 mph. Maybe the county might want to reduce the speed limit along that section of road if it's that dangerous. It still doesn't help our site distance obviously. Especially since there's warning at the bottom of the hill. We shouldn't be held to the 500 ft site distance. We should be able to go to something less than that because of how dangerous of a road that is. Mrs. Crumley has established the current use of Mark's property. We're really not changing the use of it. It is currently a dirt pit. We want to continue to use it as such. I want to point out the stopping sight distance from the green book is only 425 ft. That is less than the 500 ft that is required for intersections site distance. So technically, that's including the 3 percentage downgrade coming down to where we want to intersect Harmon road, the actual yardage is 380 ft plus another 60 ft for the downgrade. We're within the 425 ft site distance required by the green book for a vehicle to safely stop after seeing anyone on our road. I just wanted to point those things out. Again, the road is probably unsafe and it probably needs to be less than 45 mph."

A Member of the public asked, "Why they don't have access to land across all the other dirt pits?"

Mark Rich answered, "John David bought Larry Stevens out, he leased 6 months before he filed for bankruptcy. He leased my red dirt off my place. It was going to leave a cliff on the Crumley. I had said to his manager to go to talk to the Crumley's. They received quite a bit of money to remove red dirt too. They mined red dirt off their property. At other sites like the one above the women's hospital, when business was booming, people would rent equipment under fictitious names, dig, and get out of here. The question is that there are 17 homes on Riches road. Juliet said I would have to pave and widen it from city all the way down. That would mean everybody moving their fences back from 30 ft from the center line. I know that there's an easement 30 ft from the center because my father purchased it in 1975. My dad, Sherry's dad, and Dr. Clayton went in on it. It is not feasible to use Riches road. Like I said before that is the only way I have to haul out material. When I bought the 12 acres it was joining the old farm. The original old farm was 108 acres. I bought 12 acres that had a 20 ft easement. That was not enough. So I bought the rent house too so it would give me plenty of room to go out. Like I said there are log trucks that came through the Daub's fence and use that road to log all of his property."

Mary Crumley stated, "I have a contradiction to what was just said. We did sell our property. I walked upon the hill one day. The Stephens have covered our property and all our fences. I filed with ADEQ and they fined them. Then they came to us and asked if we would sell that. Because that was the only way they would get the prime quality land. Yes, we sold it. We had a great contract written up. To get everything we wanted with the hill and the pasture. We did sell our property only after they put everything on top of us. I

had pictures of that. So they had to be fined. That's how that came about. I didn't make a huge amount of money but it was a little bit to help me buy my property."

Arthur Brown stated, "I heard one of the committee members mention there were certain things you can consider and certain things you wouldn't consider. Have we been hearing a song and dance here tonight listening to things that aren't going to be considered by the board?"

Randy Laney replied that they are in the county ordinances. Juliet Richey went over them in the beginning about what is legally considered. So there are things like pollution, which is regulated by the state. That's an example of something. But yes, they are articulated in county ordinances that authorized conditional use permit. We are obligated by law. Somebody said would we do the Good Samaritan 'do unto others'. We're not here to choose. We're here to try to follow the laws. Yes, there are restrictions to what can be considered."

Arthur Brown asked, "Is the safety hazard on the hill is something you can consider?"

Randy Laney replied, "Yes, utilities and roads are on the consideration list."

Ebenezer Bowls stated, "I'm very impressed with our democracy and by the service of the board members. We have a very specific issue here. This issue has been put on the table by the proponent. It's very specific for a conditional use permit. They do not meet this 500 ft requirement. I ask you, I beseech you to consider this as a sole reason, put on record to deny this conditional use permit until the proponent of this project can meet the requirement. They have not met it. They put it on the table. Please consider that point, because that is something you can consider, beyond our emotions, beyond all the things of safety. It's clear cut. They don't need the meet requirements for the conditional use Permit."

Public Comments Closed.

Robert Daugherty, Planning Board member, states, "I would like to make a motion to table this proposal until the next meeting. In between times, I would like to set a date to go out and visit this site. Personally I've been by it. I do have some concerns. I do want to visit and study it. I think in all fairness to everybody. We need to do our due diligence. I think we're like Mr. Elkins. We're in the middle of this. I want to make the best decision I can. I consider the public's comment. I'm very passionate towards those. I want to make the best decision I can. I make a motion to table."

Randy Laney asked, "When will the September meeting be?"

Juliet Richey replied, "September 4."

Randy Laney stated, "That meeting on site will be a public meeting. All the public is welcome to come. Do we have a date for the meeting?"

Juliet Richey replied, "We were talking about the August 26 possibly. That was the date that I thought could work for the most people."

Randy Laney asked "The board members if Aug 26 would work for them?"

Juliet Richey stated, "She can arrange for a separate meeting for board member Cheryl and take her out there individually."

Randy Laney stated, "The public meeting will be the Aug 26, what time?"

Juliet Richey replied, "Any time after 1:30 pm, Mr. Rich would be available."

Randy Laney asked, "How about later in the day so that if people wanted to come they have time. Like 4:00 pm?"

Juliet Richey stated, "We will also send out courtesy notifications stating the date and time to all the original neighbors that received notifications."

Randy Laney recapped, "We have a motion and a second to table the CUP and visit the site on Aug 26, 2014 at 4:00 pm."

Juliet Richey noted that the board needed to state the date and time at this meeting.

Randy Laney replied, "It'll be 4:00 pm on August 26, 2014."

Juliet Richey wanted to clarify if we should meet at the entrance to your driveway. "Not to the rent house but to your property off of Riches road. What is that address?"

Mark Rich replied, "Yes, it is 15721 Riches Road."

Daryl Yerton asked the Planning Board Chair if he can recuse himself from the project. Robert Daugherty made a motion to table the **Rich Red Dirt CUP** subject to staff recommendations Kenley Haley. Board Members Randy Laney, Walter Jennings, Robert Daugherty, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Daryl Yerton recused himself from voting. Motion passed.

5. Other Business

- Discussion of Current Development and Planning Department Activities.
- Election of Chair and Vice Chair. Cheryl West made a motion to vote Randy Laney as Chair and Robert Daugherty as Vice Chair Kenley Haley seconded. Board Members Walter Jennings, Daryl Yerton, Cheryl West, Chuck Brown, and Kenley Haley were in favor of approving. Motion passed
- Reminder of upcoming regular Planning Board meetings **September 4, 2014**, and **October 2, 2014**.
- Discussion of possible special meeting at Rich Red Dirt Project site (if desired).
- Update on East Prairie Grove Tower CUP (if any updates are available).
- Any other Planning Department or Planning Board business.

6. Old Business

7. Adjourn

Cheryl West moved to adjourn. Daryl Yerton seconded. Motion passed.
All Board members were in favor of approving.

Planning Board adjourned.

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

_____ Date: _____
Randy Laney, Planning Board Chairman