

Taylor S. Reamer

From: max poye <maxpoye@gmail.com>
Sent: Friday, December 14, 2018 1:10 PM
To: Planning Board Members
Subject: Cross hollow quarry

To whom it may concern: I just wanted to voice my support for the proposed quarry near cross hollow.
Thanks. Carl Poye

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Josh O'Neal
2327 s Matterhorn blvd
Rogers, AR 72758

Steve Mars
718 N Old Wire Road
Lowell, AR 72745

Chance Fears
1500 shook drive
Cave springs, AR 72718

Roger Clark
802 E Marietta Ct
Rogers, AR 72758

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Lisa Roark
601 Crystal St
Lowell, AR 72745

J. G. Foerster
2705 W. Margaret Street
Rogers, AR 72756

Scott Crenshaw
713 Emerald Street
Lowell, AR 72745

Scott Crenshaw
713 Emerald Street
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Kelley Wyatt
713 Emerald St
Lowell, AR 72745

Kevin Higgins
1109 Frisco Cemetery Road
Lowell, AR 72745

Chasity Mallory
400 Crystal St
Lowell, AR 72745

Teresa Pineda vega
514 crystal
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

floyd stout
1105 frisco cemetery rd.
Lowell, AR 72745

Suzanne Hinkle
613 N. Old Wire Road
Lowell, AR 82845

Michael Phillips
1408 Tudor St
Lowell, AR 72745

Michael Saldivar
800 grandy pl
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Ronald Chomiuk
10783 Gram B Circle
Lowell, AR 72745

Sheryl Chomiuk
10783 Gram B Circle
Lowell, AR 72745

Wes Wallace
4003 South Old Wire Rd
Rogers, AR 72758

TOMMY ELMORE
12780 FRISCO CEMETERY ROAD
lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Lem Stanford
13867 Saratoga dr
Rogers, AR 72758

Charissa Yerkes
316 Nelda ave
Lowell, AR 72845

Devin Sims
112 Larson ave
Lowell, AR 72745

Sarah Saldivar
800 Grandy Place
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Sarah Mars
718 N Old Wire Road
Lowell, AR 72745

Natalie Turner
805 Almoo St
Lowell, AR 72745

Jennifer Mounce
119 Cowans St.
Lowell, AR 72745

Jessica Paine
2703 S E St
Rogers, AR 72758

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

cathy Baird
405 Homewood Pl
Lowell, AR 72745

charlie baird
405 Homewood pl
Lowell, AR 72745

charlene phillips
14945 Jetter Rd
Siloam springs, AR 72761

Scott Davis
296 spring ln
Springdale, AR 72762

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Skyler McQuillan
120 N Brandon St
Lowell, AR 72745

Tammie McQuillan
120 N Brandon St
Lowell, AR 72745

Linda Mars
718 N Old Wire Road
Lowell, AR 72745

Kameron Fruchtl
706 topaz street
Lowell, AR

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Don Young
14963 Park Ridge Drive
Lowell, AR 72745

Jeanne Mellenthin
600 Crystal Street
Lowell, AR 72745

Jordan Shannon
2175 Tall Tree Lane
Springdale, AR 72762

Rick Funderburg
611 N Old Wire Rd
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Mary Funderburg
611 N Old Wire Rd
Lowell, AR 72745

Christy Gann
700 Topaz
Lowell, AR Lowell

Bianco Havens
502 Topaz st
Lowell, AR 72745

Sebastian Caballero
511 Crystal ST
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Maricela Caballero
511 Crystal St
Lowell, AR 72745

Scott Litzman
506 Topaz St
Lowell, AR 72745

Gabriela Rodriguez
615 Crystal St.
Lowell, AR 72744

Gabriela Rodriguez
615 Crystal St.
Lowell, AR 72744

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Elizabeth Brown
805 Irelan St
Lowell, AR 72745

Casey Kuth
603 Concord St
Lowell, AR 72745

Jimmy Wicker
701 Emerald st
Lowell, AR 72745

Katherine Stertz
509 Crystal Street
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Carly Figgins
507 Crystal St.
Lowell, AR 72745

Carolyn Stacy
601 Emerald st
Lowell, AR 72745

Ashtin Fruchtl
706 Topaz St
Lowell, AR 72745

Ivan Gonzalez
814 crystal st
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Heather Pratt
718 Topaz Steet
Lowell, AR 72745

Michael Sonnier
10140 BONNABEL RD
ROGERS, AR 72758

Carol Sonnier
10140 BONNABEL RD
ROGERS, AR 72758

Shea Newport
821 Pennington st
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Shea Powell
15657 Cow Face Rd
Lowell, AR 72745

Victoria Martinez
808 Pennington st
Lowell, AR 72745

Chris Moquett
101 sharp st
Lowell, AR 72745

Amy Britton
1 Jackson drive
Mcgehee, AR 71654

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Sarah Saldivar
800 Grandy Place
Lowell, AR 72745

Christy Lairamore
801 Grandy pl
Lowell, AR 72745

Charlie Lairamore
801 Grandy place
Lowell, AR 72745

Michael Saldivar
800 grandy pl
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Jean Devenny
414 E Asher Ct
Rogers, AR 72758

Anne Brunson
112 TODD PLACE
Lowell, AR 72745

Reta Graham
503 N. Old Wire Rd
Lowell, AR 72745

Mike Graham
503 N. Old Wire Rd
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

William Dorothy
517 N Old Wire Road
Lowell, AR 72745

Janet Dorothy
517 N Old Wire Road
Lowell, AR 72845

Leon Estes
403 Linwood Ave
Lowell, AR 72745

Lisa Mann
516 Del Cir
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Bailie Sonnentag
221 Peyton Street
Lowell, AR 72744

Renee Sanders
206 Quinlan Ave
Lowell, AR 72745

Josh Difani
209 McDaniel St
Lowell, AR 72745

Braden Duncan
700 Colley St
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Cory Simons
14869 Railroad Cut Road
Rogers, AR 72756

Lisette Moquett
101 Sharp st
Lowell, AR 72745

Michael Ebsen
109 Ford st
Lowell, AR 72745

Kevin Byram
217 Colville
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Candice Duncan
217 Colville
Lowell, AR 72745

Kendra Breedlove
PO Box 4
Garfield, AR 72732

Tyler Taake
114 Cowans St
Lowell, AR 72745

Josh Brinker
312 Edgehill Ave
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Vic Fountain
1421 FEAST PL
Rogers, AR 72758

Matthew Clark
21775 Chinquapin Rd
Springdale, AR 72764

Tracey Couch
4406 S 3rd Court
Rogers, AR 72758

Katie Gore
768 via perona road
springdale, AR 72762

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Angelle Rogers
2901 N 13TH ST
ROGERS, AR 72756-2320

Virginia Brooks
10457 Ervin McGarrah Rd
Lowell, AR 72745

Meghan Paxton
504 N Primrose Rd
Lowell, AR 72745

Madeline Jones
12590 Cross Hollow Road
Rogers, AR 72758

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Jade Edster
987 N Davis St
Pea Ridge, AR 72751

Jeff Glur
12789 Frisco Cemetery rd
Lowell, AR 72745

Patrice Glur
12789 Frisco Cemetery rd
Lowell, AR 72745

Floyd Estes
403 Linwood Ave
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Rebecca Cullum
11466 Elk Ln.
Neosho, AR 64850

Wade Mitchell
260 Bone In
Anderson, AR 64831

Amanda Mitchell
260 Bone Lane
Anderson, AR 64831

Karen Carson Carson
1110 W Callahan Dr
Rogers, AR 727586528

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Mysti Burton
6301 S 36th St
Rogers, AR 72758

Michael Sweeney
1013 N. Old Wite Road
Lowell, AR 72745

Melvin Dawson
12780 Rhoden Ln
Lowell, AR 72745

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12780 Rhoden Ln
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Garrett Jones
2369 Harris Dr.
Fayetteville, AR 72701

Matt Miller
1110 Honeysuckle St
Lowell, AR 72745

Marin Miller
1110 Honeysuckle St
Lowell, AR 72745

Angela Ferguson
809 Irelan St
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Steven Edster
987 n Davis st.
Pearidge, AR 72751

Dina Jeffries
301 Woodcreek Street
Lowell, AR 72845

Heather Miller
4405 S 3rd Court
Rogers, AR 72758

Cassie Ridenoure
1110 Frisco Cemetary Road
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Denise Wade
12126 Ervin McGarrah Rd
Lowell, AR 72745

Jeromy Weldon
901 Sienna Dr
Centerton, AR 72719

Joseph Harbaugh
6308 s 26th
Rogers, AR 72758

Jonathon Meier
1298 electric ave apt G105
Springdale, AR 72764

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Beth Lewis
13 pine street
Bella Vista, AR 72714

Vicente Galvez
2410 Seminole dr
Rogers, AR 72856

Galvez Vicente
2410 seminol dr
Rogers, AR 72756

Chris Carpenter
770s 40th st apt G104
Springdale, AR 72762

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Chris Carpenter
770s 40th st apt G104
Springdale, AR 72762

Antonette Sauerwein
513 Opal Ave
Lowell, AR 72745

Antonette Sauerwein
513 Opal Ave
Lowell, AR 72745

Derek Espolt
401 Shady Oak Circle
CAVE SPRINGS, AR 72718

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Jeanne Mellenthin
600 Crystal Street
Lowell, AR 72745

Duane Penner
15833 Royal Oaks Dr.
Lowell, AR 72745

Julie Walker
6221 S 28th Street
Rogers, AR 72758

Phillip Osburn
505 Del circle
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Lori Soar
Hunter St
Lowell, AR 72745

Andrea Fisher
309 East Southpointe Ave
Rogers, AR 72758

nathan fisher
309 E. Southpointe Ave.
Rogers, AR 72758

Jeremy Casebolt
515 Topaz st
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Alan Miner
10648 SYCAMORE RD
Lowell, AR 72745

Scott Linebaugh
10813 Gram B Circle
Lowell, AR 72745

Brian McFarland
1226 N. Old Wire Road
Lowell, AR 72745

Katheryn Fisher
309 E. Southpointe Avenue
Rogers, AR 72758

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Eric Schein
824 topaz street
Lowell, AR 72745

Tonya Schein
824 topaz street
Lowell, AR 72745

scott durma
10820 Coose Hollow Ln
Rogers, AR 72756

Danny Neil
615 Oakwood St.
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Danny Neil
615 Oakwood St.
Lowell, AR 72745

Vladimir Serrano
4328 Cornwall st
Springdale, AR 72762

Susan Henry
3763 s 1st
Rogers, AR 72758

Tammy Tedder
5826 Ervin McGarrah Road
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Tammy Tedder
5826 Ervin McGarran Road
Lowell, AR 72745

Larry Spann
4407 S 3rd Ct
Rogers, AR 72758

Jessica Serrano
4328 Cornwall Street
Springdale, AR 72762

Danny Neil
615 Oakwood St.
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Sami Decker
920 Frisco Cemetery Rd
Lowell, AR 72745

Cara Payton
820 Crystal St.
Lowell, AR 72745

Deborah Riegel
11391 Kelly Lane
Lowell, AR 72745

Deborah Riegel
11391 Kelly Lane
Lowell, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Gary Riegel
11391 Kelly Lane
Lowell, AR 72745

Sarah Vanston
6205 s 29th st
Rogers, AR 72758

Angela Nhu
709 Topaz St.
Lowell, AR 72745

CHRIS BROOKS
10457 ERVIN MCGARRAH RD
Lowell, AR 727458581

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Larry Arterberry
4402 S. 3rd Ct.
Rogers, AR 72758

Eric Crawley
15073 Cow Face rd
Lowell, AR 72745

Jack fountain
1421 FEAST PL
Rogers, AR 72758

Becky Arterberry
4402 S 3rd Ct
Rogers, AR 72758

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Jason Kanak
702 Emerald St.
Lowell, AR 72745

Vicente Santa Cruz
1206 N Old Wire Rd
Lowell, AR 72745

Regena Edster
1206 N Old Wire Rd
Lowell, AR 72745

Cullen Wharton
1868 E Wharton Road
LOWELL, AR 72745

We the undersigned oppose the rock quarry proposal at Cross Hollows. We urge the Planning Commission and Quorum Court to vote no on the quarry.

Roland Graham
3815 Silver Fox St.
Springdale, AR 72762

Steven Evans
516 Applewood Ave
Lowell, AR 72745

Cindy Mcfarland
1226 N Old Wire Rd
Lowell, AR 72745

Samantha Simons
14869 Railroad Cut Road
Rogers, AR 72757

Taylor S. Reamer

From: Brent Meyers
Sent: Thursday, December 6, 2018 7:40 AM
To: DAMON DONNELL
Cc: Taylor S. Reamer
Subject: Re: Covington Limestone Quarry - North Old Wire Road - Lowell, AR

Damon, I'm re-sending this email as the address to Taylor was incorrect in the initial email and my reply to you. I have corrected his address.

Brent Meyers
Justice of the Peace, District 14
Benton County, Arkansas
(479) 200-2820

From: Brent Meyers
Sent: Thursday, December 6, 2018 7:30 AM
To: TaylorReamer@BentonCountyAR.gov; DAMON DONNELL
Subject: Re: Covington Limestone Quarry - North Old Wire Road - Lowell, AR

Damon,

I was also at the meeting last night and was not surprised but disappointed by the boards decision not to allow public comments regarding the quarry. I assume, but not confident that the board will hear public comments at the December 19th board meeting, the chairman seemed overly concerned by the number of people in the audience who are opposed to the quarry and obviously want to be heard again.

You have requested that both Taylor and I vote no at the December 19th Planning Board meeting, unfortunately neither of us are on the Planning Board and therefore do not have a vote. We have the right as every Benton County Citizen does to voice our opinion and concerns as appropriate but do not have a vote on the decisions of the Planning Board.

Thank you for your comments and contacting me.

Brent Meyers
Justice of the Peace, District 14
Benton County, Arkansas
(479) 200-2820

From: DAMON DONNELL <rambunctious@cox.net>
Sent: Wednesday, December 5, 2018 10:00:51 PM
To: TaylorReamer@BentonCountyAR.gov
Cc: Brent Meyers
Subject: Covington Limestone Quarry - North Old Wire Road - Lowell, AR

Dear Honorable Brent Meyers and Taylor Reamer,

I attended the Benton County Planning Board meeting on 12/05/18 and was very disappointed that the board would not allow their constituents to be heard. This was a choice that these seven board members made collectively. The board

chose not to hear from the communities they represent even though that should be one of the most important parts of their work. As referenced on your website

“To that end, appointed boards and elected officials are charged with making decisions in the public interest (and only in the public interest). The U.S. Constitution and laws of Arkansas protect all individuals' property rights (including those of adjacent property owners). The Benton County Development ordinance, (O-98-53) adopted in 1998, helps guide decisions about where, how much and under what conditions changes in land use can occur in unincorporated Benton County.”

As a resident of Benton County, I am vehemently opposed to the proposed Limestone Quarry off of North Old Wire Road in Lowell, AR. If approved, I am convinced that this limestone quarry would have an extremely negative impact on property values, quality of water, wildlife, and the overall health of my family and community. As a result, I am asking that you LISTEN to your constituents voices and vote NO for the proposed Limestone Quarry off of North Old Wire Road in Lowell, AR at the December 19 Planning Board meeting.

Sincerely,

Damon Donnell

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Thursday, December 6, 2018 10:38 AM
To: Planning Board Members
Subject: 1425 N. Old Wire Rd. Lowell

At the Nov. 7th planning board meeting concerning the review of property use at 1425 N. Old Wire Rd. Lowell, there was discussion of Anchor Stone helping the county pave Old Wire Rd., or at least part of the road. Mr. Sorey stated that there was no plan to take people's property to widen Old Wire Rd along the 1 mile which is dirt. No one wants to give up their land for widening the Old Wire Rd., we have already lost land to building the expansion of Hwy 265.

This dirt road is narrow and has several areas of concern with the added heavy truck use. There is a set of s curves which are hazardous enough with the normal traffic. People come around these corners in the middle of the road and at a much faster rate of speed than is safe. Large trucks have to swing wide in these curves to get around them making travel on this corner much more dangerous. Cars can maneuver out of the way more easily when meeting one of the people who drive through this mile stretch of road as though they were the only person driving it; But a large truck does not maneuver as quickly. Quad axial trucks would compound exponentially the dangers that are presented by heavy dump trucks.

There are areas where trees are growing beside the road making it extremely narrow for a car to pass another car they meet, much less dump trucks passing one another.

As the road nears Frisco Cemetery Road, there are more blind curves with no shoulder and the ditch on the east side of the road is anywhere from 4 to 7 feet deep.

At the meeting on the 7th, it was estimated the truck traffic would be up to 50 trips one way when demand was high, and experience tells me it could easily be even higher. This road is not compatible with high density traffic, much less heavy dump truck traffic.

John and Sandra Edster

1111 N. Old Wire Rd. Lowell Ar.

Taylor S. Reamer

From: Larry Simrell <larry_simrell@yahoo.com>
Sent: Thursday, December 6, 2018 3:03 PM
To: Taylor S. Reamer
Cc: barrymoehring@bentoncountyar.gov; derrek.linn@bentoncountyar.gov
Subject: Rock Quarry

To whom it may concern,

I wish to voice my extreme concerns as to the proposed "Rock Quarry" at 1425 S. Old Wire Rd, Lowell, AR. I am VERY AGAINST this happening as it is just 1/4 of a mile from my residence. The noise and dust will greatly diminish the quality of life of the residents that live in this area. Also there is a small stream that flows directly into Beaver Lake right on that property. There are 3 public elementary schools that are in route to and from the location that would cause a hazardous condition to the children that attend there. Anyone driving on the dirt roads are in danger from the trucks as the roads are very narrow, steep, potholed and should not be open to commercial traffic. PLEASE DO NOT PERMIT THIS ROCK QUARRY TO BE ALLOWED IN THIS RESIDENTIAL AREA!

Best regards,
Larry Simrell
4310 S. Old Wire Rd,
Rogers AR 72758
479-254-8881

Colleen Simrell
4310 S. Old Wire Rd.
Rogers, AR 72758

To Derek Linn,

I am concerned about a limestone quarry that I do not want to go in at 1425 N. Old Wire Road, Lowell. This quarry will ruin my well, lower my property value, cause noise and air pollution. It will be dangerous for the schools. It will ruin the roads. It will have run off into Beaver Lake, which I still enjoy since I moved here in 1991. There is also a historical site there.

Please do not pass this.

Sincerely,
Colleen Simrell

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Monday, December 10, 2018 8:47 AM
To: Derek Linn; Tracy Backs; Rosemary Goines; Taylor S. Reamer; Barry Moehring
Subject: 1425 N. Old Wire Rd Use Review.

Can Mr. Covington be trusted?

Before the Consent Decree was filed in 2008 allowing Mr. Covington to open his red dirt mine at 1425 N. Old Wire Rd., Mr. Covington made several statements in public meetings concerning roads they would travel with dump trucks, the top speed of those trucks, improving the road condition and his future plans for the mine.

In the public meetings Mr. Covington stated that the planed route for the dump trucks would be to use Old Wire Rd. Some of the trucks did use Old Wire Rd exclusively, but many did not. Many of the trucks did leave the mine site onto Old Wire, but instead of continuing on Old Wire turned East onto Cross Hollows Rd. then traveling up Stony Point road to reentered Old Wire just South of Post Rd. Stony Point Rd. is even more narrow than Old Wire, crooked and has several blind corners as well as hidden driveways; Again creating dangerous conditions.

Mr. Covington stated that the dump trucks would not travel over 25 m.p.h. I do not own a radar gun, but it was oblivious these trucks were running faster than 25 m.p.h. Since most of the trucks has logos on the side that are affiliated with Mr. Covington, they should have been told to observe the 25 m.p.h. limit.

Mr. Covington also stated that the Old Wire Rd. would be better when he lift than it was when he came. I know he is still pulling dirt from the mine; But he has not made any improvements after 10 years of operation. It is true that the County has graded it more often, which seems to coincide with times that dump truck traffic increases, but that only lasts about one day.

When Mr. Covington was asked about his intent for the mine, he stated his intent was for red dirt only. When directly asked if he had future plans for quarrying at this site, Mr. Covington said no. At your October 17 th. Planning Board Meeting of this year, Mr. Sorey stated that a quarry was a natural dove-tail operation with dirt mining. Considering his occupation, and knowing that he did a core sample of the rock before he purchased the property (we spoke to the men drilling the sample while the property still belonged to the Biggs family just before Mr. Covington bought the land.), I believe this has been Mr. Covington's intent all along

The 2008 Consent Decree was for the original 30 or 35 acre red dirt mine only, but now the proposed quarry wants to incorporate the entire 135 acres.

Based on his past actions, I ask you, do you really believe you can trust what Mr. Covington promises? I say a resounding NO!

Respectfully, John and Sandra Edster.

Taylor S. Reamer

From: Linda <cowgirl9863@cox.net>
Sent: Tuesday, December 11, 2018 10:59 AM
To: Barry Moehring; Taylor S. Reamer; Tracy Backs; Brent Meyers; derek.linn@bentoncounty.gov; Joshua P. Bryant; Planning Board Members
Subject: NO LIMESTONE QUARRY Lowell

To Whom It May Concern,

I just received the Traffic Study and the Consent Decree. I must say I was overwhelmed with both of them. The N Old Wire Road is not suitable to Heavy Truck Traffic due to them driving to fast and they are always in the middle of the road, so whether you pave the road or NOT will not stop them from driving this way. The Dump Truck Driver's get paid per Load so that is what I've heard is the reason they are always driving fast. Beside that the rocks that fall out of their Trucks will be a hazard to the road and anyone that lives on the Old Wire Road. Have you ever see a rock fly through a windshield of a car?

On the Consent Decree, #2, it states that they will travel at 25 MPH, that's not how they drive and on this road it's way to fast for a Truck that weighs that much. #5, This has not happened, whether it's in December or in July. So I'm wondering why you would allow Overland Construction or Anchor Stone to continue to be active operations? #5 states they will provide a water truck and they haven't. I Pray that you all will listen to us people in Benton County. No we don't want this to happen to damage our homes, roads, our air that we breathe, our property value, and so much more.

Thank You,

Linda Mars

718 N Old Wire Rd

Lowell, AR 72745

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Tuesday, December 11, 2018 10:00 PM
To: Planning Board Members; Tracy Backs; Derek Linn; Taylor S. Reamer; Barry Moehring; Rosemary Goines
Subject: 1425 M. Old Wire Rd. Lowell

I have many concerns about a proposed limestone quarry operating at 1425 N. Old Wire Rd. Heavy truck traffic, crooked roads, dust, noise, runoff into Beaver Lake, possible loss of wells, and drop in property value to name a few. The one I would like to address that I haven't heard much discussion about is the possibility of Historical loss.

Several large springs in the Cross Hollows area drew in an abundance of game which in turn brought the Native American people to the area as well. The Hummell family farmed the property just East of 1425 N. Old Wire Rd. and found an abundance of arrow heads and a few spear points as they plowed the land in preparation for planting their crops.

Historians say there was a Civil War encampment on or near the property owned by Mr. Covington. I am not saying that there were barracks there, but an encampment of some sort did exist on this site. A friend of ours is a Civil War relic hunter. When the property in question was still in the hands of the Biggs family, he was given permission to relic hunt on the property and found some Union artifacts as well as mini balls and large caliber bullets.

According to material I have read concerning Cross Hollows and the Civil War, the story of the Battle of Pea Ridge could not be told without including Cross Hollows. This makes Cross Hollows a very significant historical site. One of the links I used is *Community and Conflict The Impact of the Civil War in the Ozarks*. <http://www.ozarkscivilwar.org/archives/339>. Cross Hollows is mentioned starting in paragraph 4 if you wish to research it for yourself.

My Husband's grandfather moved here about 1900 to work as a cooper making barrels for a limestone quarry that operated in Cross Hollows producing lime for agricultural purposes and other uses I'm sure. This type of quarrying was vertical in nature which created caves. The caves are home to bats and a large number of small creatures. It would be a shame to lose these reminders of our past as well as damage the eco-system that exists here.

This area is more than just another piece of property, it holds the secrets of our past. I feel that on the Historical value alone it is worth preserving as a green space rather than be gutted and left as an ugly scar on the community.

Thank You for Your time.

John and Sandra Edster

1111 N. Old Wire Rd

Lowell Ar.

Taylor S. Reamer

From: Morrison, James R. <jrmgsb1996@gmail.com>
Sent: Wednesday, December 12, 2018 11:03 AM
To: Planning Board Members
Subject: Covington Limestone Quarry Feedback

Dear Planning Board Members,

I read about the quarry proposal and understand that the topic was tabled until 12/19/18 pending additional information.

I have been a resident of NWA since 2011. This area has grown thanks to employers such as Walmart, JB Hunt, and Tyson. The idea of having a quarry in this developing area does not make a lot of sense. It does not fit with the direction of how this area is developing. In order to attract talent and growth, having a quarry is not the solution. A quarry is something that should be handled in the middle of the state, not near a growing, developing area such as NWA. I think it would be an eyesore to the area and not something that people would like in their backyard.

I would encourage the Planning Board to think about the vision for the county and what direction it should take when considering the quarry. NWA has a lot to offer its residents and the Board should consider how the quarry fits in the greater vision of NWA's future. You have a "best kept secret" in NWA for its residents and the quality of life it affords its residents. A quarry is something that is not in line with the area's vision.

Please deny the quarry and keep NWA as a vibrant, healthy beautiful destination for its residents and its visitors.

Thank you,

James Morrison
2415 McKinley Blvd
Rogers, AR
Tel: 479-936-6480

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Wednesday, December 12, 2018 1:27 PM
To: Planning Board Members; Tracy Backs; Derek Linn; Rosemary Goines; Taylor S. Reamer; Barry Moehring
Subject: 14225 N. Old Wire Rd.

As I search the purpose and job requirements of the Benton County Plan Board, it seems that all the e-mails I have sent to the Planning Board have addressed many concerns that you as a board member is supposed to consider when making decisions on location, compatibility, as well as the safety, health, prosperity and welfare of citizens of Benton County.

The location of 1425 N. Old Wire is not a good location for a rock quarry because the road can not safely accommodate the number and weight of 60 to 100 trips in or out of the proposed quarry. An issue brought up in the Nov. 7 meeting. It is also not compatible with the land use around the site. Even though there was a red dirt mine east of this site but it is now closed since the owner sold the property. There are no quarries in the near vicinity. The safety of the community would be lessened with heavy truck traffic, our health could be jeopardized with air pollution, water pollution and noise pollution all of which can cause health problems that can develop over time. The issue of prosperity protection can be taken as monitory or quality of life. Financially, most of the revenue generated by this proposed quarry will be going to Oklahoma, not Arkansas. The number of jobs created is minimal. Mr. Covington will use his trucks to the fullest extent possible and any of Anchor Stones trucks used will probably be driven by Oklahoma residents. Therefore you would not be protecting Benton County residents to the ordinance as described in section 1.4 .

According to ordinance outlined in section 1 also, the board is to protect areas of environmental concern. Included in that would be karst land, land with geological features that make the land unstable. Underground streams and underground caverns both of which exist in the area are included in this type of land that according to your ordinance needs to be protected. When seismologist set off the blasting powder that breaks the rock from the rock face vertical vibration is short lived, but the vibration that is horizontal in nature can travel 2 to 3 miles in the earth. This could cause collapse of underground caverns creating sink holes anywhere in that 2-3 mile radius, In pastures, under homes or even in the roads near-by.

Would you want a limestone quarry in your back yard? Would you want to live with the knowledge that your home could disappear into a sink hole the next time Anchor Stone blasted rock? Neither do the residents near 1425 N. Old Wire Rd.

The ordinances seem to clearly point to protecting the citizens of Benton County by voting against the use review at 1425 N. Old Wire Rd. Lowell.

Taylor S. Reamer

From: Roger Dallas <rogdallas@aol.com>
Sent: Wednesday, December 12, 2018 1:08 PM
To: Planning Board Members
Subject: Covington Quarry Lime Stone Harvest Plan

TO: Benton County Planning Board Members
FROM: Roger and Mary Dallas, residents of Lowell Arkansas

Re: Covington Quarry lime stone harvest plan

We are home owners located near the Cross Hollow Quarry, and we are opposed to the proposed Covington Quarry lime stone harvesting plan.

The issue is allowing a high impact land use in an area surrounded by single family homes, and growing communities (Lowell and Rogers). Mining limestone from this site in 1904 was probable very acceptable at the time, but mixing the two in 2019 and into 2044 is going to be very difficult. The issues are safety, pollution, and land values.

Regarding safety, 35-50 trucks a day making a left hand turn onto the new Old Wire Road will be a traffic hazard, will cause damage to Old Wire Road (Luper Road and 264 is a great example of the damage we can expect 2-3 miles from the quarry entrance), and will be a safety hazard to pedestrians and bicyclists. Quarry trucks are known to have debris fall from the box/bed, hence the "STAY BACK 200 FOOT" signage printed on the back of many trucks. How can a pedestrian or bicyclist enjoy the new sidewalks/bike lane on Old Wire Road with the risk of being struck by debris every time a quarry trucks passes? Also, Frisco Cemetery Road is narrow, with many sharp turns and blind corners. Allowing quarry trucks on the Frisco Cemetery Road or allowing quarry trucks to funnel onto Frisco Cemetery Road from the original, dirt Old Wire Road will cause damage to the road, create significant traffic, and become a safety hazard.

Regarding Pollution, depending on the scale of the operation, we can expect to live with air pollution (limestone dust, truck exhaust), noise pollution (rock crusher, trucks), and potential water pollution (runoff during periods of high rain). Reading the site plan review leaves surrounding land owners a great deal of uncertainty on how the County plans to control, monitor and prevent the operation from polluting the area? Once the mining is completed, what is the land reclamation plan to prevent future issues?

Regarding land values, single family homes are often the largest asset residents of Benton County have. Protecting the value of our home is critical, and although there are arguments on both sides regarding the impact a quarry of this size would have on nearby homes, I do know this. When selling a home, perception is everything, and when a potential home buyer is stuck behind quarry trucks, breathing limestone dust, and dogging potholes they are less likely to want to buy my home.

Consider this, what would your reaction be if this quarry was proposed in your back yard?

Thank you for your consideration.

Regards,

Roger and Mary Dallas
10350 Falcon Crest Drive
Lowell, AR 72745



Virus-free. www.avast.com

Taylor S. Reamer

From: Bernard Leonard <bleonard100@me.com>
Sent: Wednesday, December 12, 2018 9:25 PM
To: Planning Board Members
Cc: Pamela Leonard
Subject: Covington Limestone Quarry

Dear Planning Board Members:

We are residents of the South Mountain Estates Subdivision located in District 14 of Benton County. We have owned our property since 2004. Our subdivision is approximately 3.5 miles by road from the proposed Covington Limestone Quarry at 1425 North Old Wire Road in Lowell. As the crow flies, our subdivision is less than 2 miles from the proposed site. We are opposed to the opening of another limestone mine in our area. There is already one not far from us on Highway 264.

From what we understand there will be monthly blasting at the quarry. With the proximity to our subdivision, we are concerned about potential damage to foundations and slabs. There are subdivisions even closer than ours. What will the impact be to sewer lines, gas lines and other utilities? What will be the potential affect on groundwater, well water, and particularly Beaver Lake? We find it hard to believe they can control all of the water runoff from the property. What will the effect of blasting be on the new bridge built on the new Old Wire Road? We understand there was unexpected settling of the south bridge abutment that had to be repaired by jacking up the steel and roadway and adding additional concrete to the abutment to get the roadway back in place. We don't believe blasting can be good that close to the new bridge that's already had settling issues.

We are concerned about potential traffic on Frisco Cemetery Road. Will there be an entrance/exit to this rock quarry from Frisco Cemetery Road? There are already large dump trucks traveling to and from an existing dirt farm on Frisco Cemetery Road. The road is very narrow. You have to be very careful when passing these trucks on the sharp curves. This road is not designed for heavy truck use--certainly not in the 70,000 pound range. How long will it be before major road repair work will have to done? The quarry on Highway 264 proves this because it had to have a merging lane installed. Is Benton County going to foot the bill for this? It appears the trucks will be allowed to access the new highway at the old intersection of Old Wire Road and Frisco Cemetery Road. The weight of the full trucks and the turning motion on an incline will put significant pressure on the asphalt at this intersection. Having dealt with trucks and weights of this size on asphalt in my business career, I know there will be issues. Who will pay for the repairs?

What about the health issues? With the blasting, there will be chemicals, dust and rock debris thrown into the air. As close as we are, it will be in the air that we breathe and fall into our subdivision and potentially pollute Beaver Lake.

Last but certainly not least is the impact on our land values. Studies have shown that the closer you are the greater the decrease on land values. County appraisals in our subdivision are very high. Reduced values would certainly hurt us over time as property gets resold. It will also hurt the County long term with less revenue through property taxes..

The Sharp Quarry in Springdale is a great example of the problems I've described. Those adjoining property owners are living with these issues every day. Let's not make that mistake in Lowell. Is that what we want the Lowell area to look like?

As concerned voters in Benton County, we're asking for your help. Say no to this project. The impact beyond the property involved on the surrounding areas is too great to allow it. We are firm believers in the rights of property owners but, when those property owners propose actions that significantly affect surrounding property owners, you

have to draw the line. As our official representatives, we ask you to make the right call and oppose this project. You wouldn't want it near your house, we don't either.

Sincerely,
Bernard & Pam Leonard
10350 Cedar Pointe Drive
Lowell, AR 72745

Taylor S. Reamer

From: Roger Dallas <rjdallas48@gmail.com>
Sent: Wednesday, December 12, 2018 8:23 PM
To: Planning Board Members
Cc: nvdellest@yahoo.com; aschwartz23@cox.net; bleonard100@me.com; rogdallas@aol.com
Subject: Covington Quarry Proposal

> December 12, 2018

>

>

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> TO: Benton County Planning Board Members

> FROM: South Mountain Estates Property Owners Association, Neal Dellett (President), Roger Dallas (V. President), Bernie Schwartz (Secretary Treasure)

>

> Re: Covington Quarry lime stone harvest plan

>

> We represent the South Mountain Estates Property Owners Association, located in District 14 of Benton County, and near the proposed Covington Limestone Quarry proposal. We are opposed to the opening of another limestone mine in our area, and would appreciate your consideration regarding our issues.

>

> South Mountain Estates is a 20 lot, gated community with single family homes located just off Frisco Cemetery Road. Our concern is allowing high impact land/road use in an area surrounded by single family homes, and adjacent to the growing communities of Rogers and Lowell. Specifically, our issues are safety, pollution, and land values.

>

> We are concerned about potential traffic and the number of quarry trucks. Will there be an entrance/exit to this rock quarry from Frisco Cemetery Road or will the quarry have direct access to the new/paved Old Wire Road? Frisco Cemetery Road is narrow, with many sharp turns and blind corners. This road is not designed for heavy truck use-- certainly not in the 70,000 pound range. Allowing quarry trucks on the Frisco Cemetery Road or allowing quarry trucks to funnel onto Frisco Cemetery Road from the original, dirt Old Wire Road will cause damage to the road, create traffic, and become a safety hazard. Having forty to fifty trucks a day making a left hand turn onto the new Old Wire Road can also be a traffic hazard, and most certainly will cause damage to Old Wire Road. Suggesting the quarry only maintain 6000 feet of public road from their access point is questionable. Please consider Luper Road near the intersection of 264 as an example of the damage we can expect 2-3 miles from the quarry entrance.

>

> We are concerned about the health issues. Depending on the scale of the operation, can we expect to live with dust, rock debris, and blasting chemicals thrown into the air? In addition, can we expect to live with noise pollution (rock crusher, trucks), and potential water pollution (runoff during periods of high rain). Reading the site plan review leaves us with a great deal of uncertainty on how the County plans to control, monitor and prevent the operation from polluting the area? Once the mining is completed, what is the land reclamation plan to prevent future issues?

>

> Last but certainly not least is the impact on our land values. Studies have shown that the closer you are to mining operations the greater the decrease on land values. County appraisals in our subdivision are very high. Reduced values would certainly hurt us over time as home owners try to sell. With an operation this size, potential home buyers will not escape the traffic, noise, dust and broken roads on their way to view homes within South Mountain Estates.

>

> The Sharp Quarry in Springdale is a great example of the problems described. Those adjoining property owners are living with these issues every day. Would you want a quarry of this size in your back yard?

>
> As a concerned voter in Benton County, I'm asking for your help. Say no to this project
>
> Sincerely,
>
> South Mountain Estates Property Owners Association
>

Taylor S. Reamer

From: Roger Dallas <rjdallas48@gmail.com>
Sent: Wednesday, December 12, 2018 7:58 PM
To: Planning Board Members
Cc: nvdellest@yahoo.com; aschwartz23@cox.net; bleonard100@me.com
Subject: Covington Quarry Mining Proposal

December 12, 2018

TO: Benton County Planning Board Members
FROM: South Mountain Estates Property Owners Association, Neal Dellett (President), Roger Dallas (V. President, Bernie Schwartz (Secretary Treasure)

Re: Covington Quarry lime stone harvest plan

We represent the South Mountain Estates Property Owners Association, located in District 14 of Benton County, and near the proposed Covington Limestone Quarry proposal. We are opposed to the opening of another limestone mine in our area, and would appreciate your consideration regarding our issues.

South Mountain Estates is a 20 lot, gated community with single family homes located just off Frisco Cemetery Road. Our concern is allowing high impact land/road use in an area surrounded by single family homes, and adjacent to the growing communities of Rogers and Lowell. Specifically, our issues are safety, pollution, and land values.

We are concerned about potential traffic and the number of quarry trucks. Will there be an entrance/exit to this rock quarry from Frisco Cemetery Road or will the quarry have direct access to the new/paved Old Wire Road? Frisco Cemetery Road is narrow, with many sharp turns and blind corners. This road is not designed for heavy truck use-- certainly not in the 70,000 pound range. Allowing quarry trucks on the Frisco Cemetery Road or allowing quarry trucks to funnel onto Frisco Cemetery Road from the original, dirt Old Wire Road will cause damage to the road, create traffic, and become a safety hazard. Having forty to fifty trucks a day making a left hand turn onto the new Old Wire Road can also be a traffic hazard, and most certainly will cause damage to Old Wire Road. Suggesting the quarry only maintain 6000 feet of public road from their access point is questionable. Please consider Luper Road near the intersection of 264 as an example of the damage we can expect 2-3 miles from the quarry entrance.

We are concerned about the health issues. Depending on the scale of the operation, can we expect to live with dust, rock debris, and blasting chemicals thrown into the air? In addition, can we expect to live with noise pollution (rock crusher, trucks), and potential water pollution (runoff during periods of high rain). Reading the site plan review leaves us with a great deal of uncertainty on how the County plans to control, monitor and prevent the operation from polluting the area? Once the mining is completed, what is the land reclamation plan to prevent future issues?

Last but certainly not least is the impact on our land values. Studies have shown that the closer you are to mining operations the greater the decrease on land values. County appraisals in our subdivision are very high. Reduced values would certainly hurt us over time as home owners try to sell. With an operation this size, potential home buyers will not escape the traffic, noise, dust and broken roads on their way to view homes within South Mountain Estates.

The Sharp Quarry in Springdale is a great example of the problems described. Those adjoining property owners are living with these issues every day. Would you want a quarry of this size in your back yard?

As a concerned voter in Benton County, I'm asking for your help. Say no to this project

Sincerely,

South Mountain Estates Property Owners Association

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Thursday, December 13, 2018 12:00 PM
To: Planning Board Members; Barry Moehring; Derek Linn; Taylor S. Reamer; Tracy Backs; Rosemary Goines
Subject: 1425 N. Old Wire Rd. Lowell

Section 1 establishes "acceptable criteria for development consistent with the Benton County Land Use Guide as outlined below:

i. Retain the agricultural nature and rural residential character of the County while recognizing the need for industrial land uses, principally where adequate utilities, roads, and other infrastructure exists or will exist. This will allow for future industrial, commercial and rural residential land usage that will minimize incompatibility with agricultural, residential, and other interests: There are no Quarries that are operational in this area, there is no industrial operations in this area that are currently in operation other than Mr. Covington's red dirt mine. Utilities are electricity available only along Old Wire Rd. The road is narrow and rough and since Mr. Covington has done nothing to improve the roads, as he said he would, in the last 10 years, I would say that the infrastructure will not change in the near future.

A quarry would be incompatible with the type of land use in the area; residential with acreage and farm.

ii. Commercial development must be weighed according to its impact on agricultural and residential areas: Again a quarry would cause a massive impact on the community with very little positive impact for Benton County. There are at least three quarries with in a 15 - 20 min drive from Cross Hollows which causes the question to be raised, do we really need another lime stone quarry in this area? The answer is no.

iii. Ensure protection of the County's natural environment, floodplains, watershed, and natural resources and features: A stream runs through the property at 1425 N. Old Wire Rd. flowing from a spring to the west and runs East through the property. It goes underground on the property and resurfaces in a few places before emptying into Beaver Lake, thus a resource that needs protecting. Another stream enters the property on the Southeast side that does the same thing. another resource that needs to be protected.

iv. Adequate roads and other infrastructure should be considered in the development process.: Again, these are things that have been addressed in both e-mail and at the Dec. 5th meeting.

I hope you will remember the guide lines you are supposed to consider in voting on a plan and vote to protect the interest of people you represent over the request to allow the operation of a quarry that will cause damage to our community, our roads, our environment and the right to continue to live in an area free of the type of health and safety hazards a quarry presents..

John and Sandra Edster

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Friday, December 14, 2018 10:09 AM
To: Derek Linn; Tracy Backs; Rosemary Goines; Taylor S. Reamer; Barry Moehring
Subject: Use Review

As Planning Board Members you are supposed to follow certain guide lines when considering a use review. I have researched your ordinances and guide lines.

Planning Regulations: While Section 1.2 clearly states that "Single family and agricultural land use is granted as a right and all other land use shall be reviewed as conditional uses. Land use compatibility shall be one of the major criteria." Section 4 elaborates on the details of Land Use Compatibility. It emphasizes that "Development patterns must be consistent and compatible with existing development in the vicinity and the environment"; "Commercial and industrial developments are encouraged to cluster to minimize incompatible land-use. Commercial and industrial uses should locate where preexisting commercial and industrial uses have already been established, be located along major arterials or other roads or streets that have a commercial character, or have the services to support commercial uses"; and that "any industrial and commercial development(s) that could limit the viability of existing agricultural uses is/are discouraged". I don't believe much elaboration is necessary here. The proposed quarry location is clearly not in alignment with the regulations established to protect residential and agricultural areas such as those that surround the proposed quarry on all sides. "The Board shall carefully review each proposal to establish a new use in an area where such land use did not previously exist for appropriateness and compatibility.

All though it is true that a quarry existed on this property over 100 years ago there are no quarries in the area at this time. The scars of the quarries in the early 1900's and the quarry across Old Wire Rd. to the west which was operated in the 1960's (both of which have not been in operation for decades) have not totally healed even to this day. If you choose to allow the Use Review to happen at 1425 N. Old Wire Rd. there will be an even bigger scar on the landscape that will again be there for generations. (You might want to check into the reclaiming record of Anchor Stone.)

John and Sandra Edster.

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Friday, December 14, 2018 10:08 AM
To: Planning Board Members
Subject: Use Review

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John and Sandra Edster.

Taylor S. Reamer

From: Rosemary Goines
Sent: Friday, November 2, 2018 6:10 AM
To: Barry Moehring; Taylor S. Reamer
Subject: Fwd: review of property 1425 North Old Wire Road

FYI

Thanks, Rosemary

From: Sandra Edster <siedster@yahoo.com>
Sent: Thursday, November 1, 2018 10:18:08 PM
To: Rosemary Goines
Subject: review of property 1425 North Old Wire Road

To Whom it may Concern,

We would like to make known our concern with the proposed use review of the property at 1425 North Old Wire Road, Lowell. Since the property is located so close to the city limits of both Rogers and Lowell, and the States land use map had adjacent property listed as best use residential, a limestone quarry could have a negative impact on future growth in this area.

A limestone quarry will lower property value, meaning lower tax income to the city that might annex in the area. It can sink wells leaving a large area without water where no rural water is available.

There will be increased noise pollution from the operation and truck traffic. The operation will produce dust and the trucks will cause excessive dust on the dirt road.

The roads in the area are not suited for the high volume, heavy truck traffic that goes along with a limestone quarry. Increase in heavy truck traffic would also create dangerous conditions to anyone driving on the crooked, deeply pot holed, narrow roads. There are three school zones that are in route to the location making school traffic more hazardous.

It can cause an increased volume of dirt run off into an onsite stream and end up in Beaver Lake. Over all, the quality of life will be greatly damaged for both those who live in the area and anyone who drives on Old Wire Road.

In 2006 Dave Covington promised the Quorum Court that Old Wire Road would be in much better condition after when he finished with the red dirt mine but in reality it is the opposite. The roads are much rougher, pot holed and wash boarded now than they were before Mr. Covington came here. If hauling red dirt caused so much damage to the road, what will even heavier trucks filled with limestone do to them?

Taylor S. Reamer

From: Derek Linn
Sent: Friday, November 2, 2018 7:45 AM
To: Tracy Backs
Cc: Taylor S. Reamer
Subject: FW: Planning Board Public Hearing: re Cross Hollows subject Parcel ID 18-04070-001 request

Tracy,
If you would save this to the network for 18-252, we will want to PDF print for dashboard and Board binders.

dl

From: SCARLETT WILSON <as-wilson@msn.com>
Sent: Thursday, November 1, 2018 10:15 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Cc: SCARLETT WILSON <as-wilson@msn.com>; Lara Rosenblum <rosenblum.lara@slpschools.org>
Subject: Planning Board Public Hearing: re Cross Hollows subject Parcel ID 18-04070-001 request

Dear Benton County Judge and Benton County Planning Board

My name is Scarlett Biggs Wilson, a 74 year resident/owner of personal property at Cross Hollows, Parcel #18-04070-002, a historical site of the:

- 1) Trail of Tears involving the forced march of members of the Cherokee and Civilized Nations, my great grandmother Sarah Farrah as a very young child in that group that camped on Cross Hollows property before moving on to western part of Benton County or into Oklahoma;
 - 2) Butterfield Stagecoach traveled the Old Wire Road, stopping at Cross Hollows to change out the horses, accommodate passengers, before continuing on southward;
 - 3) during the Civil War Confederate Army quartered up to 14,000 troops in Cross Hollows prior to advancing Union Army --
- these 3 are honored on plaques situated on land that Lara (Wilson) Rosenblum and I donated to the Benton County Historical Society in 2007.

For 73 years (since 1944) my parents, Guy and Nell Biggs, both deceased, my brother Danny Joe Biggs. my daughter Lara, and I have tried to preserve and protect the land and its historical values. Numerous artifacts have been found.

Stories from these times, 1836 and forward, have been shared with the staff members at the University of Arkansas, the Historical Societies, historical buffs, those who re-enact/study history/love the area/write books and articles/desire to see the area preserved.

I am NOT in favor of disturbing the history/the historical images (the old post office-bank walls, the old brick furnace, the foundations of barracks, the memorabilia, the Cross Hollows hill and the Cross Hollows route (especially for the various tribes that were forced marched from their homes/lands in the Southeastern States to Oklahoma for the mere reasons of being "Indian" and other persons wanting their good farm-hunting lands).

The Arkansas State Highway Development Office determined that the proposed road expansion via the Old Wire Road from New Hope Road southward with a bridge across the Cross Hollows valley could NOT be accomplished due to their findings of endangered bats in the caves on the south hillside. Consideration of a plethora of wildlife is also due.

Beaver Lake is also fed by spring water from numerous springs in the Cross Hollows area; the creek about 25 yards south of the intersection of Old Wire Road with Cross Hollows-Dogwood is the courseway. Water resources, as well as the plant/water life supported, should be protected.

I am NOT in favor of destroying the Cross Hollows hill dirt rural road (Old Wire Road) by oversized/overloaded trucks-carriers. It's an important piece of History -- it's Historical!

I am NOT in favor of the Benton County Roads Department road-grader taking off more of my land without my permission, without consideration for the original center of the road, especially after the former head of said group "self-appropriated" 14 truck loads of dirt/rock/soil from my corner area at Cross Hollows, to move to his personal property.

In my humble opinion any taking of any part of my personal property, altering the value, disturbing the history, is tantamount to the forceful taking of the lands/farms/homes of my Cherokee ancestors.

I am NOT in favor of a rock quarry or rock crusher.

As a 77 year old, having lived in Cross Hollows for 74 years, owning original property to include 210 acres - the east-west Cross Hollows Road and the north-south Old Wire Road both went through this original personal property,

it is my prayer and hope that you will protect and preserve Cross Hollows as the current #1 land space in Arkansas with all of your being, considerations, plans and future planning.

Thank you.

Scarlett Wilson

c) 402-212-9168

From: SCARLETT WILSON [REDACTED]
Sent: Thursday, November 1, 2018 10:15 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Cc: SCARLETT WILSON [REDACTED] Lara Rosenblum [REDACTED]
Subject: Planning Board Public Hearing: re Cross Hollows subject Parcel ID 18-04070-001 request

Dear Benton County Judge and Benton County Planning Board

My name is Scarlett Biggs Wilson, a 74 year resident/owner of personal property at Cross Hollows, Parcel #18-04070-002, a historical site of the:

- 1) Trail of Tears involving the forced march of members of the Cherokee and Civilized Nations, my great grandmother Sarah Farrah as a very young child in that group that camped on Cross Hollows property before moving on to western part of Benton County or into Oklahoma;
- 2) Butterfield Stagecoach traveled the Old Wire Road, stopping at Cross Hollows to change out the horses, accommodate passengers, before continuing on southward;
- 3) during the Civil War Confederate Army quartered up to 14,000 troops in Cross Hollows prior to advancing Union Army --

these 3 are honored on plaques situated on land that Lara (Wilson) Rosenblum and I donated to the Benton County Historical Society in 2007.

For 73 years (since 1944) my parents, Guy and Nell Biggs, both deceased, my brother Danny Joe Biggs, my daughter Lara, and I have tried to preserve and protect the land and its historical values. Numerous artifacts have been found.

Stories from these times, 1836 and forward, have been shared with the staff members at the University of Arkansas, the Historical Societies, historical buffs, those who re-enact/study history/love the area/write books and articles/desire to see the area preserved.

I am NOT in favor of disturbing the history/the historical images (the old post office-bank walls, the old brick furnace, the foundations of barracks, the memorabilia, the Cross Hollows hill and the Cross Hollows route (especially for the various tribes that were forced marched from their homes/lands in the Southeastern States to Oklahoma for the mere reasons of being "Indian" and other persons wanting their good farm-hunting lands).

The Arkansas State Highway Development Office determined that the proposed road expansion via the Old Wire Road from New Hope Road southward with a bridge across the Cross Hollows valley could NOT be accomplished due to their findings of endangered bats in the caves on the south hillside. Consideration of a plethora of wildlife is also due.

Beaver Lake is also fed by spring water from numerous springs in the Cross Hollows area; the creek about 25 yards south of the intersection of Old Wire Road with Cross Hollows-Dogwood is the courseway. Water resources, as well as the plant/water life supported, should be protected.

I am NOT in favor of destroying the Cross Hollows hill dirt rural road (Old Wire Road) by oversized/overloaded trucks-carriers. It's an important piece of History -- it's Historical!

I am NOT in favor of the Benton County Roads Department road-grader taking off more of my land without my permission, without consideration for the original center of the road, especially after the former head of said group "self-appropriated" 14 truck loads of dirt/rock/soil from my corner area at Cross Hollows, to move to his personal property. In my humble opinion any taking of any part of my personal property, altering the value, disturbing the history, is tantamount to the forceful taking of the lands/farms/homes of my Cherokee ancestors.

I am NOT in favor of a rock quarry or rock crusher.

As a 77 year old, having lived in Cross Hollows for 74 years, owning original property to include 210 acres - the east-west Cross Hollows Road and the north-south Old Wire Road both went through this original personal property, it is my prayer and hope that you will protect and preserve Cross Hollows as the current #1 land space in Arkansas with all of your being, considerations, plans and future planning.

Thank you.
Scarlett Wilson



From: Sandra Edster <[REDACTED]>
Sent: Thursday, November 1, 2018 10:28 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Subject: review of property 1425 North Old Wire Road

To Whom it may Concern,

We would like to make known our concern with the proposed use review of the property at 1425 North Old Wire Road, Lowell. Since the property is located so close to the city limits of both Rogers and Lowell, and the States land use map had adjacent property listed as best use residential, a limestone quarry could have a negative impact on future growth in this area.

A limestone quarry will lower property value, meaning lower tax income to the city that might annex in the area. It can sink wells leaving a large area without water where no rural water is available.

There will be increased noise pollution from the operation and truck traffic. The operation will produce dust and the trucks will cause excessive dust on the dirt road.

The roads in the area are not suited for the high volume, heavy truck traffic that goes along with a limestone quarry. Increase in heavy truck traffic would also create dangerous conditions to anyone driving on the crooked, deeply pot holed, narrow roads. There are three school zones that are in route to the location making school traffic more hazardous.

It can cause an increased volume of dirt run off into an onsite stream and end up in Beaver Lake. Over all, the quality of life will be greatly damaged for both those who live in the area and anyone who drives on Old Wire Road.

In 2006 Dave Covington promised the Quorum Court that Old Wire Road would be in much better condition after when he finished with the red dirt mine but in reality it is the opposite. The roads are much rougher, pot holed and wash boarded now than they were before Mr. Covington came here. If hauling red dirt caused so much damage to the road, what will even heavier trucks filled with limestone do to them?

Sincerely
John and Sandra Edster,

From: CRAIG PERDUE [REDACTED]
Sent: Monday, November 5, 2018 8:06 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Subject: review of property 1425 North Old Wire Road

November 5, 2018

To whom it may concern:

We are writing to state our objection to the construction of a limestone quarry at 1425 North Old Wire Road. Our property is within the 500 feet requiring notice of this development, however, our address does not appear on the map .

There are numerous reasons why a limestone quarry should not be approved in this area.

To begin, several families, including ourselves, rely on a well to provide water for our homes. There is also a spring located on our property. Limestones quarries are known to alter existing wells and springs. Should we lose our water supply, where is the compensation?

In addition, the property values of homeowners who have resided in the area for long periods of time will be adversely affected. Property value is a large chunk of retirees' holdings and financial security. This quarry would always be one more rationale that buyers could use to barter for a lower value and selling price.

It is impossible to rationalize with common sense, putting a limestone quarry on property in such close proximity to the Lowell city limits and Beaver Lake with numerous surrounding long established private residences. Is this really what we could call compatible?

At some point, long term effects of the construction of this quarry must be considered. We must look beyond the immediate time frame and further down the road to what we are leaving for future generations in Benton County; the effects it will have on the environment, water and air quality, wildlife, nature, and a quality of life that is fast disappearing. We also need to respect the historical value of this area as noted by others.

We feel very thankful and blessed to live in such a beautiful, quiet, peaceful area of Benton County and would appreciate your thoughtful consideration in this decision. We are asking that you deny this request for a permit for a limestone quarry.

Despite the idea that the only change will be a rock crusher and blasting, I think we can agree there is a huge difference between a red dirt mine and a limestone quarry.

Thank You.

William B. and Shirley Carter
12826 Frisco Cemetery Rd.
Lowell, Arkansas

Taylor S. Reamer

To: Derek Linn
Subject: RE: Review of Property 1425 N Old Wire Rd

From: regena.edster <regena.edster@gmail.com>
Sent: Monday, November 5, 2018 9:20 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Subject: Review of Property 1425 N Old Wire Rd

Dear Sir /Madam,

We want to implore you to not allow a Lime Quarry to operate in the area of 1425 North Old Wire Road Lowell. We Believe this action would negatively affect the city of Lowell in many ways: 1) The surrounding property is listed as best residential use, which could decrease residential growth in the area reducing tax income 2) property values would decrease in the immediate area 3) roads used would cause traffic issues both for local residents and local school traffic in regard to additional heavy truck usage and increasingly poor road conditions.

As residents in the immediate area we are personally concerned with safety as we have young children, and increased traffic increases the risks of accidents and possible life or death situations both directly and indirectly. Also, air quality is a big concern as increased traffic increases already heavy dust on the road. This of course, is a long-term health concern. In addition, is concern that our water sources could be compromised. We feel that the drawbacks of a Lime Quarry far outweigh any positive aspects both for the town and as local residents. Please weigh the issues carefully and protect our City and Residential safety.

Sincerely,

Regena Edster and Vicente Santa Cuz

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: Tracy Backs
Sent: Tuesday, November 6, 2018 10:27 AM
To: Taylor S. Reamer
Subject: FW: Objection to Covington Quarry Site at 1425 N. Old Wire Road, Lowell

Another Quarry objection below. Will put on network and in binders.

tb

From: Derek Linn <Derek.Linn@bentoncountyar.gov>
Sent: Tuesday, November 6, 2018 10:12 AM
To: Tracy Backs <Tracy.Backes@bentoncountyar.gov>
Subject: FW: Objection to Covington Quarry Site at 1425 N. Old Wire Road, Lowell

From: Sherrie M <slm767800@gmail.com>
Sent: Tuesday, November 6, 2018 10:05 AM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>
Subject: Objection to Covington Quarry Site at 1425 N. Old Wire Road, Lowell

I am wanting to express my strong opposition to the proposed development of a limestone quarry at 1425 N. Old Wire Road in Lowell. Although this address is in a rural area it is surrounded by residential development on all sides with the potential for a lot more residential development around it in the future. If this quarry is permitted to go in, our property values will decrease and there could be many potential negative effects from the presence of a quarry in this area. The roads are already in bad shape and the increased traffic from all the trucks would further deteriorate our roads. There would also be a huge impact on noise and air quality due to the rock crushing and blasting that would be done. Many of the residents around the site depend on wells for their water and the blasting could be detrimental to the stability of the wells.

I am afraid the presence of a rock quarry at this address would present many more problems than the existing red dirt farm that is operating there now. We have already seen many negative effects from the red dirt farms operation even though we were promised that would not happen when that permit was approved. If the rock quarry is approved we will be faced with high noise levels, bad air quality, damaged wells and foundations from the blasting, and a huge impact on our roads and traffic safety due to the influx of much heavier trucks that will be in the area constantly. Every neighbor I have talked to has expressed strong opposition to this quarry being allowed. Please consider our concerns about the quiet, beautiful area that we call home when you make the decision on allowing this rock quarry to operate at this address. Thank you for your time.

Sherrie Moffitt
12762 Frisco Cemetery Road
Lowell

Taylor S. Reamer

From: Vic Fountain <vcfountain@gmail.com>
Sent: Wednesday, November 7, 2018 9:47 AM
To: Taylor S. Reamer
Subject: FW: Quarry on Old Wire Road

From: [Vic Fountain](#)
Sent: Wednesday, November 7, 2018 9:29 AM
To: jwfountain1988@gmail.com
Subject: Quarry

Mr. Reamer,

My family just found out about the proposed quarry at 1425 N Old Wire Road in Lowell.

What a tragedy this would be for a once-remote historic area such as Cross Hollow.

The locale is already being negatively impacted by the extension of highway 265 which will definitely leave a scar.

I don't know much about mining, but am fairly certain the use of explosives and limestone crushing machinery is not compatible with this landscape and the people living in it. Cross Hollow is an area of quiet residences and small farms.

Most if not all of our neighbors depend on wells for water. The potential for disruption of the water table and the infrastructure in place to access our only water source is too risky to contemplate. Especially for the benefit of one developer who apparently has no respect for this land or it's inhabitants.

Please do not allow the proposed limestone quarry.

Taylor S. Reamer

From: Dean Bitner <deanbitner@cox.net>
Sent: Wednesday, November 7, 2018 1:54 PM
To: Tracy Backs; Taylor S. Reamer
Subject: Proposed limestone quarry

Good afternoon everyone !

I am neither for or against the proposed quarry but I would like to know more about it. Unfortunately I have my own City of Lowell budget work session tonight and cannot attend.

I'd like to encourage a postponement of a yes or nay decision until your next regularly scheduled hearing date. This will give all parties ample time to educate themselves and make an informed argument for it against.

Thank you,
Dean Bitner
907 Jennifer Ln, Lowell

Typed by a middle aged guy with fat fingers and no spellcheck. Sent from my iPhone.

Taylor S. Reamer

From: Tracy Backs
Sent: Wednesday, November 7, 2018 2:02 PM
To: Taylor S. Reamer; Derek Linn
Subject: FW: Please defer the quarry vote!

From: Chaz Collins <chazccollins@gmail.com>
Sent: Wednesday, November 7, 2018 1:58 PM
To: Tracy Backs <Tracy.Back@bentoncountyar.gov>
Subject: Please defer the quarry vote!

Dear Members:

We are all learning about this upcoming vote tonight and it feels rushed. Please give the community a chance to learn more before you push something that we don't want to happen. We should hear from the company that wants to come in about their intentions. A one month deferral should be enough time to learn more.

Dust, blasting and lowered property values are just some of our concerns. What about our historical sites and drinking water? Too many questions and too few answers.

Please defer.

Sincerely,
C. Collins

Taylor S. Reamer

From: Jade Edster <celticvolsgirl@gmail.com>
Sent: Wednesday, November 7, 2018 2:15 PM
Subject: 1425 N. Old Wire Rd Property Permission Proposal - Limestone Quarry

To Whom it may Concern,

I need to make known our concern with the proposed use review of the property at 1425 North Old Wire Road in Lowell, AR. We are facing a review of it being granted permission to be a limestone rock quarry. This property is located extremely close to the city limits of both Rogers and Lowell, and the AR State's land use map has adjacent property listed as best use for residential. Allowing a limestone quarry could have a negative impact on any future growth in this area.

A limestone quarry:

- Lowers property value, which, in turn, lowers tax revenue for the city that annexes the area.
- Can cause wells to sink, leaving a large area without access to water, in an area where no city water is available (huge financial barriers in place here as well).
- Causes an increased volume of dirt run off into an onsite stream that will eventually end up in Beaver Lake. This will greatly damage the quality of life both for those who live in the area, and for anyone who uses Old Wire Road Rd.
- Will damage the cultural and historical sites located along Old Wire Road, seeing as a Civil War encampment happened on adjacent land.
- Increases noise pollution both from the operation of machinery, and the increased truck traffic. The machinery and traffic will both produce excess dust on the dirt road. The roads in this area are already not suited for the high volume, and heavy truck traffic that has been of issue since the dirt mine first started back in 2006. Increase in heavy truck traffic would also create dangerous conditions to anyone driving on the crooked, deeply pot holed, narrow roads. There are three school zones that are in route to the location making school traffic more hazardous.
- In 2006, Dave Covington promised the Quorum Court that Old Wire Road would be in much better condition after he finished with the red dirt mine. In reality, the roads are much rougher, pot holed and wash boarded, in far worse condition than before he began. If hauling red dirt has caused so much damage to the road, what will even heavier trucks, filled with limestone, do to them?

I sincerely hope you will take all of this, and much more, into consideration before damaging such a beautiful and vital part of NWA's history and growth. Thank you for your time!

Sincerely,
Steven and Jade Edster

Taylor S. Reamer

From: Derek Linn
Sent: Wednesday, November 7, 2018 3:18 PM
To: Tracy Backs
Cc: Taylor S. Reamer
Subject: FW: Limestone Quarry

FYI - this one included Rosemary Goines in the 'To' line. dl

-----Original Message-----

From: Precious Harris <precious0908@gmail.com>
Sent: Wednesday, November 7, 2018 2:54 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>; Rosemary Goines <Rosemary.Goines@bentoncountyar.gov>
Subject: Limestone Quarry

I'm sorry this is so late, but wanted you to please not let this happen. We live 1 mile south of the address where Covington wants to do this. If you allow him whom will be responsible for our homes being damaged and our property values to go way down. The blasting will more than likely shatter our windows and will damage our foundation. My Family has owned this land since 1967 and it makes no sense to have another quarry around here. There is one on hwy 264 and has damaged houses by it. Also there is one about 6 miles away from that one. So I am asking you to please not allow this to happen. A Limestone quarry will also be a hazard to the water (wells) and possibly Beaver Lake. I hope you ask yourself one question, Would you want your family living that close and have your home damaged? Please don't let this happen to what is left of our property.

I would be there tonight to speak, but I have a horse that is more than likely is gonna pass away.

Thank You,
Linda Mars
718 N Old Wire Rd
Lowell, Ar 72745
(479) 586-4911

Sent from my iPhone

Sent from my iPhone

From: Precious Harris <[REDACTED]>
Sent: Wednesday, November 7, 2018 2:54 PM
To: Derek Linn <Derek.Linn@bentoncountyar.gov>; Rosemary Goines
[REDACTED]
Subject: Limestone Quarry

I'm sorry this is so late, but wanted you to please not let this happen. We live 1 mile south of the address where Covington wants to do this. If you allow him whom will be responsible for our homes being damaged and our property values to go way down. The blasting will more than likely shatter our windows and will damage our foundation. My Family has owned this land since 1967 and it makes no sense to have another quarry around here. There is one on hwy 264 and has damaged houses by it. Also there is one about 6 miles away from that one. So I am asking you to please not allow this to happen. A Limestone quarry will also be a hazard to the water (wells) and possibly Beaver Lake. I hope you ask yourself one question, Would you want your family living that close and have your home damaged? Please don't let this happen to what is left of our property.
I would be there tonight to speak, but I have a horse that is more than likely is gonna pass away.

Thank You,
Linda Mars
718 N Old Wire Rd
Lowell, Ar 72745
[REDACTED]

Taylor S. Reamer

From: Tina Flippo <tina.flippo@gmail.com>
Sent: Wednesday, November 7, 2018 5:14 PM
To: Brent Meyers; Taylor S. Reamer; Derek Linn
Subject: Covington Quarry Site Plan #18-254, 1425 North Old Wirw Road, Lowell 18-04070-001

Dear Sirs,

I was notified via a certified letter last week that David Covington was changing the status of his Red Dirt Mine to a Limestone Quarry, a Heavy Industrial Mine.

Imagine my disappointment as a resident in this beautiful area that a limestone quarry was going into production just a few thousand feet from my home.

I was heartbroken in 2008 because of the County's submission to allow a red dirt mine to go in and destroy a portion of this historically recognized area. I had some solace knowing it was contained to a 30 acre area and would be limited to red dirt mining operations, per the statements made in the Consent Decree released by Benton County stating: "The Consent Decree shall not be interpreted to imply that Benton County has fewer concerns regarding the adverse impact of additional mining or development in the Cross Hollows on the cultural, historical and archaeological landscape of the Cross Hollows site."

I placed my faith in the words of the Benton County that they were not against progress, but realized that progress must have methods of constraints in place as not to oblivate the importance of our past and protect the wellbeing of our environment.

Fast forward to 2017. David Covington Trust had already been in talks with Anchor Stone Company for several months, if not years, preceding their formal lease agreement. Drawing up plans, conferring with equipment companies and even proceeding to get approval and licensing from state agencies in *defiance* of the Benton County's original intent of the twice previously denied red dirt pit decree.

By going ahead with getting all of his permits and leasing and fiscally obligating himself, he assumes the Benton County will simply approve his plan to move forward with this development.

Why do we need an additional gravel mine in northwest Arkansas? I can locate 4 operating gravel mines within a 15 minute drive radius of Old Wire Road. If you want to add another 10 minute drive, we can add 2 more gravel mines.

<https://www.adeg.state.ar.us/home/pdssql/pds.aspx>

Are we in such high demand or need of materials and additional gravel mine is warranted? I say no. That is NOT a legitimate answer. I say greed is the reason The David Covington Trust wishes to expand their 30 acre dirt mine to 130 acres of a gravel mining operation.

Historical, environmental, health, safety and property value destruction to the area.

Several residents in the area have well water as their only source of running water in their homes. The quarry activity could easily have detrimental results on the water table. Those well dependent residents could be faced with not only an inconvenience but tremendous expense to either drill a new well or have potable water delivered.

Speaking of water. The runoff from the gravel mine will collect in retaining ponds. Guess who's on the downhill slope if one of those retaining ponds fails? Me. And those retaining ponds, will they have mosquito abatement protocol in place? That looks like a pretty large stagnant puddle that would be prime breeding ground for mosquitos.

I would like to see something in the paperwork about retainment failure and offsite soil and water sampling on a regular basis in addition to the state and federal mandated regulations that call only for onsite testing.

Truck traffic. I can only say we have had many "close calls" with dump trucks entering and leaving Old Wire Road onto Frisco Cemetery Road cutting the "back way" either to job sites or to avoid the truck scales. I know not which, but I do know safety, basic traffic laws -such as stopping at stop signs and speeding- and common courtesy is not a primary concern. Along with the debris -large rocks and inches thick trails of red clay mud lead a path from the existing red dirt mine.

Have you driven by a gravel mine during operation? Please do so. The existing Sharps Quarry I have driven past thousands of time. And it is loud and noisy. And there are extremely bright lights that remain on overnight or at least late into the evening. Even with modern air pollution methods in place, dust (which is actually silica particulate released into the air during the mining process) will travel 1.5 kilometers in all directions. The surrounding area looks as though it is covered in volcanic ash all the time. The roads are coated with a gray sludge that becomes slick when it rains.

The noise the crushers emit is also quite loud. There is also a constant throng of diesel engine noise and conveyor belts rattling and the sound of pouring rock down metal feeders. How exactly are they going to stifle that noise?

I am concerned about breathing silica. I will be within the "dust zone". Silica inhalation causes silicosis. That is a fact:

<https://arlweb.msha.gov/REGS/complian/guides/hazcom/msds/LimestoneMSDS.pdf>

Here's an additional link to a community that has had a long operating mine just outside of their community.

<https://www.stuff.co.nz/environment/101278727/toxic-dust-monitoring-equipment-near-christchurch-quarries-tampered-with>

Am I to wear a respirator when I go outside my home? What about my dog? What about my elderly parents?

My family has roots to the Cross Hollows area. My Great Grandparents (Blackwells) and Grandmother lived in Cross Hollows. My parents live in the Cross Hollows and I live here.

I built a house in 2006 to be close to my parents as they aged and because it was so beautiful and rich with history, and well... my parents are some of the nicest people you will ever meet. And I couldn't think of a better place to live.

Flowing streams and wildlife surround my house. I have deer in my yard every day. My home is surrounded by the woods (the buffer I suppose that is supposed to magically prevent the transmittal of noise, light, vibration, and dust from said intended Quarry). Owls and cave bats reside close and are present nightly. How will the dust affect the already compromised bat population of Arkansas?

And now about the blasting. I have home that will be a few thousand feet from this mine. Someone is going to be detonating explosives a few thousand feet from my home. That is unnerving. It causes me great anxiety. What happens if something goes wrong? What is the long term effect of the constant vibrations from the operations of the mine and the explosions on my house, my windows, my foundation, my utility lines, my inground pool?

Could I move? Possibly. Will I get the full pre-gravel mining pit value of my land and property? Gentlemen, let's be very real. No, I won't. Neither will my parents who do NOT have additional income to supplement the loss of their property value if they want to move.

So as a result as the greed of one man, one Company. Several people will lose, by no fault of their own , their standard of living, their right of domestic tranquility.

They can stay and take chances with environmental pollutants in the water, air and land that will adversely affect their health (please google health effects of gravel mining) because their property values will have plummeted so low they are unable to move into a comparable home. 30% of their home's value-lost.

Would you live next door to an open gravel mine? Would you allow your children or grandchildren to live next to an open gravel mine?

Would you knowingly destroy a site on the National Historic Register? A site of cultural significance to the Native American Tribes ?

Do I think Covington/Anchor Stone will fulfill their obligations to mitigate measures to prevent environmental, noise and light pollution, no. I think if they are given approval, they will adhere to minimum standards set forth by State and Federal Regulations, renege on their promises of extraordinary measures to prevent effects on residents and say "but we are compliant with the state and federal requirements".

From the information gathered from numerous gravel sites around the world. Even with the best measures in place, pollution will happen, land values decrease and the only people who benefit are the owners and operators of the mine. Residents are simply hapless victims.

Our Choices:

- A. Stay and get sick
- B. Have our domestic tranquility disturbed
- C. Take on additional expense to maintain our homes due to the constant abuse our air conditioners, furnaces, windows, foundations, retaining walls, water sources will have?
- D. Move and take a significant loss to the value of our property.

Will we have recourse? A civil suit perhaps against the owners and operators of the mine. But how can this be avoided all together?

Benton County can uphold it's initial 2008 Consent Decree . Dirt mining only. Anything else is simply an abuse of the residents of Cross Hollows and Benton County Residents.

This is not how we want to see OUR Benton County progress. Again gentlemen, this is greed.

I wonder, will Benton County engage in a contract to receive future materials from this quarry in exchange for the mining approval?

Thank You for time and consideration of my concerns in this matter.

Tina Johnson Flippo

12824 Frisco Cemetery Road

Lowell, AR 72745

(479)841-9635

Hello,

As a Benton County property owner I feel that it is in the best interest of all county residents to NOT allow the Cross Hollow quarry to be approved. It appears to me that this is way to near to the expanding residential corridor that is happening in that area. The amount of dynamite (loud noise/danger) and transportation (large dump trucks) will create unnecessary problems.

Sincerely,

Charles Mulhearn
1724 South 43rd St
Rogers, Ar

Taylor S. Reamer

From: Tracy Backs
Sent: Friday, November 9, 2018 8:13 AM
To: Taylor S. Reamer; Derek Linn
Subject: FW: No to Cross Hollow Limestone Quarry

From: chucke52 <chucke52@att.net>
Sent: Thursday, November 8, 2018 9:31 PM
To: Tracy Backs <Tracy.Back@bentoncountyar.gov>
Subject: No to Cross Hollow Limestone Quarry

Hello,

As a Benton County property owner I feel that it is in the best interest of all county residents to NOT allow the Cross Hollow quarry to be approved. It appears to me that this is way to near to the expanding residential corridor that is happening in that area. The amount of dynamite (loud noise/danger) and transportation (large dump trucks) will create unnecessary problems.

Sincerely,

Charles Mulhearn
1724 South 43rd St
Rogers, Ar

Sent from my Verizon, Samsung Galaxy smartphone

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Monday, November 12, 2018 5:33 PM
To: Taylor S. Reamer; Barry Moehring; Brent Meyers
Subject: proposed limestone quarry

To Whom it may Concern,

We would like to make known our concern with the proposed use review of the property at 1425 North Old Wire Road, Lowell. Since the property is located so close to the city limits of both Rogers and Lowell, and the States land use map had adjacent property listed as best use residential, a limestone quarry could have a negative impact on future growth in this area.

A limestone quarry will lower property value, meaning lower tax income to the city that might annex in the area. It can sink wells leaving a large area without water where no rural water is available.

There will be increased noise pollution from the operation and truck traffic. The operation will produce dust and the trucks will cause excessive dust on the dirt road.

The roads in the area are not suited for the high volume, heavy truck traffic that goes along with a limestone quarry. Increase in heavy truck traffic would also create dangerous conditions to anyone driving on the crooked, deeply pot holed, narrow roads. There are three school zones that are in route to the location making school traffic more hazardous.

It can cause an increased volume of dirt run off into an onsite stream and end up in Beaver Lake. Over all, the quality of life will be greatly damaged for both those who live in the area and anyone who drives on Old Wire Road.

In 2006 Dave Covington promised the Quorum Court that Old Wire Road would be in much better condition after when he finished with the red dirt mine but in reality it is the opposite. The roads are much rougher, pot holed and wash boarded now than they were before Mr. Covington came here. If hauling red dirt caused so much damage to the road, what will even heavier trucks filled with limestone do to them?

○

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Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Tuesday, November 13, 2018 8:59 PM
To: Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn; andrea.dreves@bentoncountyar.gov
Subject: Review of property 1425 N Old Wire Rd Lowell

Dear Sir /Madam,

Please consider the significant issues at hand and deny the dirt mine to expand and change to a Lime Stone Quarry. There are so many issues that make it unsafe to those around it. Specifically we are very concerned with the additional heavy traffic that will be added to our roads and our area in general. Increases in heavy truck traffic, especially in school zones significantly increases the chances of a child or adult being hurt or killed. The roads themselves are already narrow, with barely enough space for two vehicles to pass in places, as well as windey without clear vision. The potholes currently have caused people to drive their vehicles into deep ditches as is. Please do not allow more risk to infiltrate our neighborhoods....even if the dirt section of the road was paved, it would not even begin to make this operation/expansion with increased traffic safe!

See below for general concerns :

We want to implore you to not allow a Lime Quarry to operate in the area of 1425 North Old Wire Road Lowell. We Believe this action would negatively affect the city of Lowell in many ways: 1) The surrounding property is listed as best residential use, which could decrease residential growth in the area reducing tax income 2) property values would decrease in the immediate area 3) roads used would cause traffic issues both for local residents and local school traffic in regard to additional heavy truck usage and increasingly poor road conditions.

As residents in the immediate area we are personally concerned with safety as we have young children, and increased traffic increases the risks of accidents and possible life or death situations both directly and indirectly. Also, air quality is a big concern as increased traffic increases already heavy dust on the road. This of course, is a long-term health concern. In addition, is concern that our water sources could be compromised. We feel that the drawbacks of a Lime Quarry far outweigh any positive aspects both for the town and as local residents. Please weigh the issues carefully and protect our City and Residential safety.

Sincerely,

Regena Edster and Vicente Santa Cuz

Taylor S. Reamer

From: Cindy McFarland <cac66cac@icloud.com>
Sent: Wednesday, November 14, 2018 8:27 AM
To: Richard Stone
Subject: Concern about Rock Quarry coming to Lowell

Follow Up Flag: FollowUp
Flag Status: Flagged

Good morning,

There is a proposed rock quarry to be set up on North Old Wire road in Lowell. I know this is outside the city limits but just barely. I live at 1226 N Old Wire - Lowell. My property is directly across the road from this proposed site.

What are the city's thoughts about this? You have a lot of Lowell citizens who are against this and are upset about it.

They plan to blast at least once a month and do rock crushing all the time.

We are worried about our quality of life, our wells and the additional dump truck traffic (at least 50 trucks a day- they say)- and the additional dust .

Looking for guidance please.

Thank you,

Cindy McFarland
1226 N Old Wire Rd
Lowell
479-790-3407

Sent from my iPhone

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Wednesday, November 14, 2018 6:28 PM
To: Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn; Barry Moehring
Subject: Review of property 1425 N Old Wire Rd Lowell

Whom It May Concern,

We ask that you deny Covington the extension of the dirt mine and turning it into a Lime Stone Quarry. The dirt-road portion is already extremely dusty due to regular and large sized traffic. It is a regular occurrence during the summer to have a cloud of dust from the road hanging in and over the area of Old Wire. Additional large trucks would increase this greatly. We know that even with the water truck wetting the dirt while trucks ran one year it was still quite dusty. If you research health effects from breathing dust you find....."exposure to airborne **dust** may: trigger allergic reactions and asthma attacks. cause serious **breathing**-related problems. ... Prolonged exposure to airborne **dust** can lead to chronic **breathing** and lung problems, and possibly heart" Health.vic.gov.

Another study cited "determine the effects of road dust on human health. A PubMed search was used to extract references that included the words "road dust" and "health" or "fugitive dust" and "health" in the title or abstract. A total of 46 references were extracted and selected for review after the primary screening of 949 articles. The respiratory system was found to be the most affected system in the human body. Lead, platinum-group elements (platinum, rhodium, and bohrium), aluminum, zinc, vanadium, and polycyclic aromatic hydrocarbons were the components of road dust that were most frequently referenced in the articles reviewed. Road dust was found to have harmful effects on the human body, especially on the respiratory system. To determine the complex mechanism of action of various components of road dust on the human body and the results thereof, the authors recommend a further meta-analysis and extensive risk-assessment research into the health impacts of dust exposure." www.ncbi.nlm.nih.gov

HealthyWA.wa.gov states "The type and size of a dust particle determines how toxic the dust is. However the possible harm the dust may cause to your health is mostly determined by the amount of dust present in the air and how long you have been exposed to it."

The research continues, but as you can see there are serious health repercussions in this area alone.....not even considering the other factors and issues at play. Please do not allow Covington to profit while those close to his money-making machine suffer.

Sincerely,
Regena Edster and Vicente Santa Cruz

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Thursday, November 15, 2018 9:42 AM
To: Taylor S. Reamer
Subject: 1425 N. Old Wire Rd proposed use change

We would like to voice our concern of the dust the proposed use review at 1425 N. Old Wire Rd. WILL create.

Everyone knows limestone quarries produce dust as a byproduct of the work being done there. The dust will be emitted into the air not just once a month as they blast the rock face, but on a daily basis as the rock is crushed into gravel.

As the rock is blasted and crushed, silica (which is a known carcinogen) will be released into the air. People and animals alike will be breathing in the silica. The silica that settles on the ground will be washed into springs that are used as drinking water by people in this areas, streams that run into Beaver Lake and over time into the water table polluting wells also.

This is of high concern to people in the area. Rural water is not available to a large area here. I am aware that Anchor Stone has offered drilling water wells to anyone who loses their well up to ¼ mile from the site, but if people that close are affected, those up to a mile away could also be affected.

Our well is about 60 feet deep and Anchor Stone intends to go 80 feet. That means our well could easily be endangered.

At the moment we all have good water to drink. Our wells are sweet water, not sulfur. Going deeper into the water table could end up bring in sulfur water.

We ask that you seriously consider what a limestone quarry could do to available water in this community.

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Thursday, November 15, 2018 11:03 PM
To: Taylor S. Reamer
Cc: Rosemary Goines; Tracy Backs; Brent Meyers; Derek Linn; Barry Moehring
Subject: Review of property 1425 N Old Wire Rd Lowell

To Whom It May Concern,

Please consider the following general information and refuse to allow Covington and his employees to expand and convert the property to a Limestone Quarry. The information following is basic but gives a brief look at a few of our concerns as people within vicinity of this potential quarry. I heard Covington promised wells within one-fourth of a mile of blasting.....but it is quite obvious that blasting effects go much farther!!

Environmental Hazards of Limestone Mining



Written by Carolyn Csanyi

Limestone deposits exist throughout the world. These alkaline, sedimentary rocks were laid down mostly as deposits on the beds of ancient seas. A valuable natural resource, limestone has many uses in construction, agriculture and industry. Limestone quarries can be above ground or underground, and can cover large areas. Environmental hazards from mining operations depend in part on the location, characteristics and extent of the mining operations.

[Ground Water](#)Limestone mining can affect ground water conditions. Limestone deposits often occur in association with karst, a topography where limestone slowly dissolves away underground. The deposits result in sinkholes, caves and areas of rock fractures that form underground drainage areas. When mining occurs in karst, disruption to natural aquifers, or flows of underground water, can result. Often, mining operations remove ground water to expose the quarrying site, which can lower the water table and change how water flows through the rock formations.

Surface Water

Streams and rivers can be altered when mines pump excess water from a limestone quarry into downstream natural channels. This increases the danger of flooding, and any pollutants or changes in water quality affects the surface water. In Germany, salty water pumped from limestone quarries into rivers has degraded the water quality, according to the International Mine Water Association. Upstream surface water features, such as marshes, ponds and wetlands, can lose volume as their waters drain into the mine and are pumped out.

Sinkholes

As water and rock are removed from mines, the support they give to underground features is gone. Sinkholes can develop, where the roofs of underground caverns are weakened or collapse. Collapse can be gradual or sudden. Although natural sinkholes develop over time, man-made ones predominate in mine areas. Sinkhole formation can cease after mine dewatering is stopped and the water table is allowed to return to normal levels.

Blasting and Construction

Limestone mines use two types of blasting. Small explosive charges set along drilled lines free blocks of stone to be removed for construction. Large charges reduce whole areas of limestone to rubble, which is removed for use as crushed stone. The noise, dust, and impact from explosions can result in noise pollution and dust. Underground forces from the blasts can cause sinkholes or change the drainage and water quality of underground aquifers. Construction equipment, such as large trucks, crushing machines and earth-moving equipment, also contribute to noise and dust.

References

- [Geological Survey: Limestone--A Crucial and Versatile Industrial Mineral Commodity](#)
- [U.S. Geological Survey: Potential Environmental Impacts of Quarrying Stone in Karst--A Literature Review](#)
- [Mine Water and the Environment:](#)

About the Author

[Carolyn Csanyi began writing in 1973, specializing in topics related to plants, insects and southwestern ecology. Her work has appeared in the "American Midland Naturalist" and Greenwood Press. Csanyi holds a Doctor of Philosophy in biology from the University of Wisconsin at Madison.](#)

[Sincerely,](#)

[Regena Edster and Vicente Santa Cruz](#)

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References

Photo Credits

- [Stockbyte/Stockbyte/Getty Images](#)

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Thursday, November 15, 2018 11:09 PM
To: Taylor S. Reamer
Cc: Rosemary Goines; Barry Moehring; Tracy Backs; Brent Meyers; Derek Linn
Subject: review of property 1425 N Old Wire Rd. Missing part of article sent in previous e-mail

Sorry.....in sending it appears the following part of the previous article was unreadable.....here it is again.....

Ground Water

Limestone mining can affect ground water conditions. Limestone deposits often occur in association with karst, a topography where limestone slowly dissolves away underground. The deposits result in sinkholes, caves and areas of rock fractures that form underground drainage areas. When mining occurs in karst, disruption to natural aquifers, or flows of underground water, can result. Often, mining operations remove ground water to expose the quarrying site, which can lower the water table and change how water flows through the rock formations.

Surface Water

Streams and rivers can be altered when mines pump excess water from a limestone quarry into downstream natural channels. This increases the danger of flooding, and any pollutants or changes in water quality affects the surface water. In Germany, salty water pumped from limestone quarries into rivers has degraded the water quality, according to the International Mine Water Association. Upstream surface water features, such as marshes, ponds and wetlands, can lose volume as their waters drain into the mine and are pumped out.

Regena and Vicente

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Friday, November 16, 2018 1:37 PM
To: Taylor S. Reamer
Subject: proposed review if use at 1425 N. Old Wire Rd.

I would like to address noise pollution that comes with limestone quarry operations.

The noise related to quarrying limestone and crushing it is an on-going annoyance. The noise is not limited to the monthly blasting which Anchor Stone proposes to supply rock, but the daily crushing of rock will be heard for a great distance.

At the Nov. 5th meeting a couple spoke about the PTSD her husband suffers after serving our country. The noise could be unbearable for him. You might think, why don't they just move. Sometimes it isn't just that easy. If the quarry is allowed to operate here their property value will drop making it harder to relocate. I don't know their circumstances, but this assault of noise will be like a slap in the face to this veteran.

There is also the impact on agriculture brought on by noise pollution. There are chicken houses just east of the proposed site. Sudden noises can cause chickens to pile up and smother. If the cycle of blasting comes at a time when the houses are full of large chickens that are not use to the sudden noise of the blast it could cause the whole house to pile up and smother before the owner can scatter them out. This would be a heavy loss for the farmer.

Sudden blasts can also scare livestock causing in drop of production of milk for the young ones, (or people if the milk is for human consumption) or cause the animals to hurt themselves. There is a hen laying operation about ½ mile away that could suffer from a drop in egg production during blasting cycles if they don't smother too. Not to mention the impact a quarry would have on wildlife.

Pets can also be adversely affected by the noise related with quarrying limestone.

I hope you will think about the adverse affects a quarry would have on this community.

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Friday, November 16, 2018 1:13 PM
To: Taylor S. Reamer
Cc: Barry Moehring; Rosemary Goines; Tracy Backs; Brent Meyers; Derek Linn
Subject: Review of property 1425 N Old Wire Rd Lowell

To Whom It May Concern,

Please vote against allowing the expansion of this property into a Limestone Quarry. We currently have three active Quarries in the immediate area, and we do not feel that with the multiple serious issues this additional one would cause a great number of people, that it is necessary or profitable (except to Covington) to add another. Would you please tell us the reasons you would/are considering approving this change? I am very much interested!

Thank You,

Regena Edster and Vicente Santa Cruz

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: SCARLETT WILSON <as-wilson@msn.com>
Sent: Sunday, November 18, 2018 5:56 PM
To: Barry Moehring
Cc: Rosemary Goines; Taylor S. Reamer; Jay W. Frasier; Jeremiah M. Thompson
Subject: Re: Planning Board Public Hearing: re Cross Hollows subject Parcel ID 18-04070-001 request

Dear Judge Moehring, Planning Board members, Rosemary, others involved:

Cross Hollows is a most Historical location, as I noted in my original post. One only needs to put Cross Hollows in computer search engine to read countless articles by Dr. Jerry Hillyard, University of Arkansas professor in Archeology Dept, or Dr. Carl Drexler, archeologist from Magnolia area and author of hundreds of findings, or Mike Evans, James Brandon, as well as scholars/research specialists representing Pea Ridge Battlefield, Prairie Grove Historical, the Arkansas Historical, Benton County Historical, etc.

In case you have not recovered the information from the Engineer-Planner from the Arkansas State Highway and Transportation Dept and the Environmental Director in Little Rock, I am contacting them to send the determination regarding the endangered bat(s) in the caves on stated property.

I appreciate the Beaver Lake Watershed group adding to the information I included regarding the water pollution that will occur if this is permitted. Beaver Lake, the springs, the creeks with underwater flow will be affected.

We rely on the springs for water supply as does the Northwest Arkansas community.

I am greatly concerned about the historic Cross Hollows hill, both its destruction by the designated 50 trucks per day for up to 25 years, as well as the ungodly proposal to pave it, further ruining the historic nature and value, as well as ultimately turn it over to the County for maintenance at taxpayer expense. The increase in traffic will be dangerous to those who have to drive the Old Wire Road, as well as a greater danger to the farmers who use this route to go to various fields to plant/harvest via their farm equipment.

Preservation of all things Trail of Tears, Butterfield Stagecoach, Civil War is most important -- Cross Hollows is rich in the history of all three. Historical artifacts continue to be found.

Thank you.

Scarlett Biggs Wilson
Cross Hollows landowner
c) 402-212-9168

From: Barry Moehring <Barry.Moehring@bentoncountyar.gov>
Sent: Friday, November 2, 2018 4:00 PM
To: SCARLETT WILSON
Cc: Rosemary Goines; Taylor S. Reamer; Jay W. Frasier; Jeremiah M. Thompson
Subject: Re: Planning Board Public Hearing: re Cross Hollows subject Parcel ID 18-04070-001 request

Dear Ms. Wilson,
Thank you for your email regarding the proposed quarry and other issues.
The quarry will be considered by the Benton County Planning Board which has jurisdiction over this decision. I've copied Taylor Reamer, our Director of Planning, to ensure that your comments are distributed to -- and considered by -- the Board members.
I've also copied Jay Frazier our Administrator over roads, regarding Old Wire Road.
We'll get back to you on this issue.
Thanks
Barry

Sent from my iPhone

On Nov 1, 2018, at 10:34 PM, SCARLETT WILSON <as-wilson@msn.com> wrote:

As I am committed to working all night for the Election Commission on Nov. 6/7, am unsure how I can travel to attend the Planning Board meeting at this time, thus sending my concerns, considerations, reasons to be against said rock quarry/crusher.

Thank you.

Scarlett

please read below

From: SCARLETT WILSON <as-wilson@msn.com>
Sent: Thursday, November 1, 2018 10:14 PM
To: derek.linn@bentoncountyar.gov

Dear Benton County Judge and Benton County Planning Board

My name is Scarlett Biggs Wilson, a 74 year resident/owner of personal property at Cross Hollows, Parcel #18-04070-002, a historical site of the:

- 1) Trail of Tears involving the forced march of members of the Cherokee and Civilized Nations, my great grandmother Sarah Farrah as a very young child in that group that camped on Cross Hollows property before moving on to western part of Benton County or into Oklahoma;
- 2) Butterfield Stagecoach traveled the Old Wire Road, stopping at Cross Hollows to change out the horses, accommodate passengers, before continuing on southward;
- 3) during the Civil War Confederate Army quartered up to 14,000 troops in Cross Hollows prior to advancing Union Army --

these 3 are honored on plaques situated on land that Lara (Wilson) Rosenblum and I donated to the Benton County Historical Society in 2007.

For 73 years (since 1944) my parents, Guy and Nell Biggs, both deceased, my brother Danny Joe Biggs, my daughter Lara, and I have tried to preserve and protect the land and its historical values. Numerous artifacts have been found.

Stories from these times, 1836 and forward, have been shared with the staff members at the University of Arkansas, the Historical Societies, historical buffs, those who re-enact/study history/love the area/write books and articles/desire to see the area preserved.

I am NOT in favor of disturbing the history/the historical images (the old post office-bank walls, the old brick furnace, the foundations of barracks, the memorabilia, the Cross Hollows hill and the Cross Hollows route (especially for the various tribes that were forced marched from their homes/lands in the Southeastern States to Oklahoma for the mere reasons of being "Indian" and other persons wanting their good farm-hunting lands).

The Arkansas State Highway Development Office determined that the proposed road expansion via the Old Wire Road from New Hope Road southward with a bridge across the Cross Hollows valley could NOT be accomplished due to their findings of endangered bats in the caves on the south hillside. Consideration of a plethora of wildlife is also due.

Beaver Lake is also fed by spring water from numerous springs in the Cross Hollows area; the creek about 25 yards south of the intersection of Old Wire Road with Cross Hollows-Dogwood is the courseway. Water resources, as well as the plant/water life supported, should be protected.

I am NOT in favor of destroying the Cross Hollows hill dirt rural road (Old Wire Road) by oversized/overloaded trucks-carriers. It's an important piece of History -- it's Historical!

I am NOT in favor of the Benton County Roads Department road-grader taking off more of my land without my permission, without consideration for the original center of the road, especially after the former head of said group "self-appropriated" 14 truck loads of dirt/rock/soil from my corner area at Cross Hollows, to move to his personal property. In my humble opinion any taking of any part of my personal property, altering the value, disturbing the history, is tantamount to the forceful taking of the lands/farms/homes of my Cherokee ancestors.

I am NOT in favor of a rock quarry or rock crusher.

As a 77 year old, having lived in Cross Hollows for 74 years, owning original property to include 210 acres - the east-west Cross Hollows Road and the north-south Old Wire Road both went through this original personal property, it is my prayer and hope that you will protect and preserve Cross Hollows as the current #1 land space in Arkansas with all of your being, considerations, plans and future planning.

Thank you.

Scarlett Wilson
c) 402-212-9168

Taylor S. Reamer

From: Doug Dorothy <dugchub@gmail.com>
Sent: Friday, November 16, 2018 9:05 PM
To: Taylor S. Reamer
Subject: 1425 N Old Wire Rd Lowell

Taylor

I own residences along Old Wire Rd, 517 N and 102 S Old Wire Rd Lowell. I would like to voice my opinion about the proposed limestone quarry at 1425 N Old Wire Rd. This is a bad idea putting this quarry so close to are drinking water source inlet on Beaver Lake. I would like to think the planning commission could immediately see how rain water run off has a short/direct run to the lake and would not have even considered this massive earth moving project. Please don't allow this to open up in our local growing area. Let's keep this area as it is or better yet, Maybe make some bike trails though this area connecting our Razorback Greenway to the lake so everybody that wants can travel through this area like many others did during the 1860s, going by train, to Monte Ne resort. This could be one of the best biking trails off the main Razorback Greenway. How cool it would be to able to go all the way to the Army Corps. of Engineers Monte Ne park. If an idea like this was presented to the Walton Foundation it would probably happen at no or little cost to Benton Country. Please don't let our history and landscape die in this area.

Thank you,

The Dorothy Family
517 North Old Wire Rd
Lowell AR 72745

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Monday, November 19, 2018 4:11 PM
To: Taylor S. Reamer
Subject: review of use at 1425 N. Old Wire Rd. Lowell

I have many concerns about the possible operation of a limestone quarry at 1425 N. Old Wire Road.

Our land lies just south of Mr. Covington's property. In the meeting on the 7th of Nov. the seismologist spoke of how the blasting on the rock would work. He also stated that some rock might occasionally not go the direction it is intended to go. This possibility is disturbing to us.

My husband has lived here all his life and remembers the blasting that was done in the 1960's. That blasting for limestone in the 1960's was not done on Mr. Covington's property. It was across Old Wire Road just west of his property on property addressed as 1000 N. Old Wire Rd. (I know the number of the address sounds as though it is further away, but that's what it is) . At that time it was not uncommon to find large chunk rock in the field from the blasting of the face rock, and on a few occasions large chunks of rock that were too heavy to pick up , with the blasting holes in them, were found on the property which belonged to his family.

We farm for our livelihood and have livestock in pastures adjacent to the property at 1425 N. Old Wire Rd. The possibility of rock falling from the sky and hurting an animal or person is a concern we have.

Taylor S. Reamer

From: Barry Moehring
Sent: Monday, November 19, 2018 5:38 PM
To: Sandra Edster
Cc: Taylor S. Reamer
Subject: Re: use review at 1425 N. Old Wire Rd. Lowell

Thank you Sandra.

I'll make sure this is added to the Planning Board's documents for consideration as they are the ones who grant or deny approval for these applications.

Thanks

Barry Moehring

Sent from my iPhone

On Nov 19, 2018, at 4:12 PM, Sandra Edster <siedster@yahoo.com> wrote:

I have many concerns about the possible operation of a limestone quarry at 1425 N. Old Wire Road.

Our land lies just south of Mr. Covington's property. In the meeting on the 7th of Nov. the seismologist spoke of how the blasting on the rock would work. He also stated that some rock might occasionally not go the direction it is intended to go. This possibility is disturbing to us.

My husband has lived here all his life and remembers the blasting that was done in the 1960's. That blasting for limestone in the 1960's was not done on Mr. Covington's property. It was across Old Wire Road just west of his property on property addressed as 1000 N. Old Wire Rd. (I know the number of the address sounds as though it is further away, but that's what it is) . At that time it was not uncommon to find large chunk rock in the field from the blasting of the face rock, and on a few occasions large chunks of rock that were too heavy to pick up , with the blasting holes in them, were found on the property which belonged to his family.

We farm for our livelihood and have livestock in pastures adjacent to the property at 1425 N. Old Wire Rd. The possibility of rock falling from the sky and hurting an animal or person is a concern we have.

Taylor S. Reamer

From: Barry Moehring
Sent: Tuesday, November 20, 2018 7:34 AM
To: Doug Dorothy
Cc: Taylor S. Reamer
Subject: Re: 1425 N Old Wire Rd Quarry

Thanks for your note Doug.

I've passed it along to the Planning Department Director who will ensure that it's in the record of information for the Benton County Planning Board.

The Planning Board makes the decision on the application, not the County Judge.

I do know, however, that they appreciate having input from members of the public.

Thanks and have a great thanksgiving!

Best

Barry

Sent from my iPhone

On Nov 19, 2018, at 9:14 PM, Doug Dorothy <dugchub@gmail.com> wrote:

Barry

We own residences along Old Wire Rd, 517 N and 102 S Old Wire Rd Lowell. We would like to voice our opinion about the proposed limestone quarry at 1425 N Old Wire Rd. This is a bad idea putting this quarry so close to are drinking water source inlet on Beaver Lake and the many water wells in this area. We would like to think you as our Couny Judge could immediately see how rainwater run off has a short/direct run to the lake from this area and you would not have even considered this massive earth moving project to possibly affect our Beaver Lake. Please don't allow this to open up in our local growing area. Maybe make some bike trails though this area connecting our Razorback Greenway to the lake so everybody that wants can travel through this area like many others did during the 1860s, going by train, to Monte Ne resort. This could be one of the best biking trails off the main Razorback Greenway. Please keep in mind all of us property owners along this new corridor are still feeling the effect of road construction for our North/South Eastern Corridor since it's start in 2015 and before. We all know that traffic on this corridor will greatly increase as soon as it opens up for all in NW Arkansas to use. Adding the heavily loaded truck traffic to the already know increase should be stopped before it gets started. As you know with the 412 bypass coming just 2 miles South of this area will only increase population and traffic. A quarry in this area, so close to schools and further needed potential residential area should not be allowed. This area 10 years from now will be quite different due the the new corridor almost in place.

Thank you for listening,
The Dorothy Family
517 N. Old Wire Rd
Lowell AR 72745

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Tuesday, November 20, 2018 9:25 AM
To: Taylor S. Reamer
Subject: review of use 1425 N. Old Wire Rd Lowell

We believe in a person being able to make a profit from their property. We earn a living from the land ourselves, We farm for our livelihood. The difference between our methods of making a profit from the land is that we must protect and nurture the earth to produce an end product. Mr. Covington wants to destroy the land to make his. The byproduct from our operation does not pose the threat to human health that a limestone quarry and everything that goes into running it does.

We do not begrudge Mr. Covington a profit from his investment. It is a matter of public record that Mr. Covington paid \$358,000 for the 135 acres making it just over \$2,650 per acre. The red dirt he has mined out of the property has paid him back for his initial investment. The property would sale at a good profit in today's market for development. There are many developments built on similar type property, the best known probably being Bella Vista. Others can be seen around Beaver Lake (Beaver Lake is about a mile from this site), South of Lake Atlanta, and around Rocky Branch to name a few. Many of these are higher end developments. Developing the property would fit into the surrounding area and fit the best use map the state had at a recent public hearing on hwy development.

The population density has become much heavier in the surrounding area of 1425 N. Old Wire Rd. since Mr. Covington purchased it in 2001, many more lives would be impacted by the type of operation Mr. Covington wants to establish here. I hope you will seriously consider the quality of life people in this area expected when they moved here, and what they will have if you allow this change of use to be approved.

John and Sandra Edster

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Wednesday, November 21, 2018 8:49 AM
To: Taylor S. Reamer
Subject: use review at 1425 N. Old Wire Rd. Lowell

Historical impact.

Several large springs in the Cross Hollows area drew in an abundance of game which in turn brought the Native American people to the area as well. The Hummell family farmed the property just East of 1425 N. Old Wire Rd. They found an abundance of arrow heads and a few spear points as they plowed the land in preparation for planting their crops.

Historians say there was a Civil War encampment on or near the property owned by Mr. Covington. I am not saying that there were barracks there, but an encampment of some sort did exist on this site. A friend of ours is a Civil War relic hunter. When the property in question was still in the hands of the Biggs family, he was given permission to relic hunt on the property and found some Union artifacts as well as mini balls and large caliber bullets.

Later the site was used as a lime quarry where they produced lime for agricultural purposes and other uses I'm sure. This type of quarrying was vertical in nature which created caves. The caves are home to bats and a large number of small creatures. It would be a shame to lose these reminders of our past as well as damage the eco-system that exist here.

This area is more than just another piece of property, it holds the secrets of our past.

I hope you will consider this area worth fighting for.

Sincerely

John and Sandra Edster

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Monday, November 26, 2018 9:20 AM
To: Taylor S. Reamer
Subject: Review of Use 1425 N. old Wire Rd. Lowell

As I drive Old Wire Road I wonder if a limestone quarry is allowed to operate in Cross Hollows and Anchor Stone paves the mile long dirt part of the road, who will determine the requirements for the base thickness and the asphalt that tops it. This concerns me because there is a great difference in quality of asphalt roads.

I have seen dirt roads that were paved fall apart in a years' time because the depth of base and top coat of asphalt were not enough to hold up to the weight of traffic in the area. We used to call that type of road "tar and feather" roads. Will Anchor Stone supply enough material or build a good thick based road, or will it be a "tar and feather" road?

The paved part of Old Wire between the Post Road and the top of Cross Hollow hill was completed shortly before Mr. Covington began operation of his dirt mine. It has a deep gravel base, yet by the time heavy dump trucks full of red dirt had traveled it for a few months, the north bound side of the road began to show slight ruts. The south bound lane, which is the in bound lane, was not rutted. This was caused with less weight and far fewer trucks than were estimated to run on a daily basis by Mr. Sorrel at the Nov. 7th meeting. Although an estimated number of trucks traveling to the quarry was as much as 50 one way trips a day, I'm sure if demand is higher than expected even more truck traffic will be added to this road.

There are cracks in the pavement as well, which will allow water to seep under the pavement. When winter causes freezing and thawing of water that has found its way under the pavement will break it down even more. Heavy trucks will accelerate the damage simply because of their weight.

Who will maintain the paved road? Because of the underlying rock of Old Wire Road, the pot holes will continue to be weak spots which eventually will lead to pot holes in the pavement. If this cost falls to the county it may prove to be a substantial expense. Not only will the county portion of Old Wire be affected by this proposed operation, but Rogers roads to the north and Lowell roads to the south will also require more maintenance due to damage caused by heavy truck traffic.

Sincerely : John and Sandra Edster

Derek Linn

From: Sandra Edster <siedster@yahoo.com>
Sent: Monday, November 26, 2018 9:17 AM
To: Derek Linn
Subject: review of use 1425 N. Old Wire Rd. Lowell

As I drive Old Wire Road I wonder if a limestone quarry is allowed to operate in Cross Hollows and Anchor Stone paves the mile long dirt part of the road, who will determine the requirements for the base thickness and the asphalt that tops it. This concerns me because there is a great difference in quality of asphalt roads.

I have seen dirt roads that were paved fall apart in a years' time because the depth of base and top coat of asphalt were not enough to hold up to the weight of traffic in the area. We used to call that type of road "tar and feather" roads. Will Anchor Stone supply enough material or build a good thick based road, or will it be a "tar and feather" road?

The paved part of Old Wire between the Post Road and the top of Cross Hollow hill was completed shortly before Mr. Covington began operation of his dirt mine. It has a deep gravel base, yet by the time heavy dump trucks full of red dirt had traveled it for a few months, the north bound side of the road began to show slight ruts. The south bound lane, which is the in bound lane, was not rutted. This was caused with less weight and far fewer trucks than were estimated to run on a daily basis by Mr. Sorrel at the Nov. 7th meeting. Although an estimated number of trucks traveling to the quarry was as much as 50 one way trips a day, I'm sure if demand is higher than expected even more truck traffic will be added to this road.

There are cracks in the pavement as well, which will allow water to seep under the pavement. When winter causes freezing and thawing of water that has found its way under the pavement will break it down even more. Heavy trucks will accelerate the damage simply because of their weight.

Who will maintain the paved road? Because of the underlying rock of Old Wire Road, the pot holes will continue to be weak spots which eventually will lead to pot holes in the pavement. If this cost falls to the county it may prove to be a substantial expense. Not only will the county portion of Old Wire be affected by this proposed operation, but Rogers roads to the north and Lowell roads to the south will also require more maintenance due to damage caused by heavy truck traffic.

Sincerely : John and Sandra Edster

Derek Linn

From: Jody Latour <latourjody@gmail.com>
Sent: Monday, November 26, 2018 4:23 PM
To: Derek Linn
Subject: Quarry proposal at 1425 N. Old Wire Road, Lowell, AR

Dear Mr. Linn:

Thank you for speaking with me today and the information you provided.

As I mentioned I have concerns about this proposal particularly as pertains to the blasting for the rock and the potential damage it could do to homeowners property such a foundation cracking, causing an earthquake, damage to vehicles from the trucks on the road dropping rock and small rocks coming out of the tires breaking windshields and chipping paint, damage to the roadways themselves due to the excess weight of the trucks. The chemicals and dust in the air that can affect breathing and cause allergies.

I personally feel that there are too many disadvantages to the residents of Lowell from the proposal and absolutely minimal advantage. As such I hope that the Board will vote no on this proposal.

Thank you for your time.

Respectfully submitted,

Georgia (Jody) Latour
415 Nelda Avenue
Lowell, AR 72745

Derek Linn

From: regena.edster <regena.edster@gmail.com>
Sent: Monday, November 26, 2018 8:31 PM
To: Taylor S. Reamer
Subject: Review of property 1425 N Old Wire Rd Lowell

To Whom It May Concern,

Please deny the proposition of expansion of the dirt mine and changing it into a limestone quarry. The property that is proposed is on the edge of the city of Lowell, and is on the agenda to be Annexed into Lowell. This land and the land in that area is suggeseted residential land/ bulding sites. NO ONE wants to expand to live by a Quarry! In addition to the noise, the dust that is not able to be contained is harmful to human health. See a few examples from reliable sources below. The CURRENT residents deserve your protection from this! Mr Covington is REQUESTING permission to perform harmful actions that will affect those who came BEFORE him! And, will prevent growth coming after him....also decreasing revenue for the local area.

Please Read:

"Toxic metals.....occurred from exposure to some minerals like sulphide minerals mostly arsenopyrite and pyrite in water and air of both abandoned and active mine areas. ..."

"Inhalation of pulverized limestone or limestone dust may cause irritation of the respiratory system resulting in coughing and/or sneezing. ... Irritation of the eyes, skin, and respiratory tract may occur if exposed to pulverized limestone or limestone dust."

OSHA reports " Inhaling 25 mg of calcium oxide can cause several undesirable respiratory side effects such as coughing, sneezing and shortness of breath. High concentrations of this lime derivative can produce a hole the nasal septum -- the bone tissue that separates the nostrils. In addition, this substance can irritate the upper respiratory tract, leading to reoccurring episodes of bronchitis. A buildup of fluids in the lungs, or pulmonary edema, and lung tissue inflammation can also result from inhaling calcium oxide particles"

OSHA also states "Crystalline silica, a basic component of soil, sand, granite and other minerals, exists in trace amounts in pulverized lime. According to a 2002 report by OSHA, approximately two million United States workers face serious risks from exposure to crystalline silica. In addition to its classification as a lung carcinogen, or cancer-causing substance, crystalline silica can cause a potentially debilitating or fatal lung disease called silicosis. Silica dust can create scar tissue in the lungs -- impeding oxygen intake and making breathing more difficult."

The dust and chemicals have the potential to cause many health issues. These may be experienced in the air, in runoff water, etc. Please vote against this Quarry and save local residents from various health issues and protect the area for future Residents.

Regena Edster and Vicente Santa Cruz

Sent from my T-Mobile 4G LTE Device

Derek Linn

From: Wetsell, Jamie <Jamie.Wetsell@tyson.com>
Sent: Tuesday, November 27, 2018 9:55 AM
To: Derek Linn
Subject: Rock Quarry Proposal

Good morning, Mr. Linn. My name is Jamie Wetsell and I live in the Cambridge Subdivision in Lowell Arkansas.

I would like to voice my strong disapproval of the proposed Rock Quarry at 1425 N. Old Wire Road. There is no guarantee that it will not lead to foundation damage, earthquakes, and air pollution – not to mention the added traffic/road damage from the trucks hauling rock. I do not want my family to live in fear of any of these things. We moved to Lowell when we were starting our family because it seemed like the perfect, quiet, SAFE town to raise our kids. This quarry doesn't seem to fit with these ideals. It definitely seems like the homeowners in this area would be getting the short end of the stick.

Respectfully,

Jamie Wetsell, Administrative Coordinator
Prepared Foods, Operations

Tyson Foods
2200 Don Tyson Parkway, Springdale, AR 72762
(desk) 479-290-7732 or (mobile) 479-283-3708
Jamie.Wetsell@tyson.com

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Derek Linn

From: kmyerkes <kmyerkes@yahoo.com>
Sent: Tuesday, November 27, 2018 9:29 AM
To: Derek Linn; jana.dellarosa@arkansashouse.org; KNWA NBC 51 and Fox 24
Cc: mrs.yerkes@yahoo.com
Subject: Lowell Rock Quarry

Good Morning!

I live in the Cambridge neighborhood in Lowell and have a big concern about the desired rock quarry. Specifically, I live at 316 Nelda.

Does this quarry have to be blasted a mile from my house?

What about the air quality for my 10 month old? For that matter everyone in the area?

Can you address the fault line that I am hearing about?

Are you trying to trigger an earthquake?

Are you gonna pay for earthquake

Insurance?

If you start blasting are you going to help my family buy another house and move out of Lowell?

I appreciate your answers. I'm planning on making the various meetings that will be taking place in Lowell.

Thank You,

Kevin Yerkes
Concerned Resident

Sent via the Samsung Galaxy, an AT&T 4G LTE smartphone

Derek Linn

From: Charissa Yerkes <mrs.yerkes@yahoo.com>
Sent: Tuesday, November 27, 2018 11:43 AM
To: kmyerkes; Derek Linn; jana.dellarosa@arkansashouse.org; KNWA NBC 51 and Fox 24
Subject: NO ROCK QUARRY!!!

Hello,

PLEASE DO NOT AGREE TO A ROCK QUARRY IN LOWELL! We are upset & angry at the thought of this. How are my children and toddler going to learn to ride a bike if the air quality outdoors is harmful? We do not want sediment in the air, or earthquakes from the blasting. Either help us sell our home or STOP this QUARRY!

Please go dig & blast on the East side of Beaver Lake, NOT the West side!! I beg you, please listen to our emails and concerns.

At least for our children's sake!!

Do we need earthquake insurance?

DO NOT PUT A ROCK QUARRY IN LOWELL!!!

Thanks,

Concerned resident & mama of Lowell

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, November 27, 2018, 9:28 AM, kmyerkes <kmyerkes@yahoo.com> wrote:

Good Morning!

I live in the Cambridge neighborhood in Lowell and have a big concern about the desired rock quarry. Specifically, I live at 316 Nelda.

Does this quarry have to be blasted a mile from my house?

What about the air quality for my 10 month old? For that matter everyone in the area?

Can you address the fault line that I am hearing about?

Are you trying to trigger an earthquake?

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Insurance?

If you start blasting are you going to help my family buy another house and move out of Lowell?

I appreciate your answers. I'm planning on making the various meetings that will be taking place in Lowell.

Thank You,

Kevin Yerkes

Concerned Resident

Sent via the Samsung Galaxy, an AT&T 4G LTE smartphone

Derek Linn

From: Ryan Wetsell <jryan1120@gmail.com>
Sent: Tuesday, November 27, 2018 12:44 PM
To: Derek Linn
Subject: Quarry concerns

Good afternoon Derek,

My name is Ryan Wetsell and I am contacting you today to express my deep concerns regarding the proposed rock quarry at Cross Hollows and 265. I recently became aware of this and as a resident of a Lowell neighborhood approximately 2 miles from the site, I believe this is far too close to be allowed and will be detrimental to the property values of the surrounding areas. Not to mention the overall effect on the quality of life in and around the area. I understand that a fault line has been identified somewhere in the area and blasting could result in earthquakes which could damage the surrounding homes and structures.

Thank you for your time,
Ryan

Sent from my iPhone

Derek Linn

From: Crye-Leike <liz.oxford@crye-leike.com>
Sent: Tuesday, November 27, 2018 1:35 PM
To: Derek Linn
Subject: Rock Quarry in Lowell

Hello, I am a Lowell resident that lives in Cambridge Subdivision! I want to express my concern about approving the 135 acre property to be able to extract and blast for rock extraction. I have a friend who lives a few miles from the Quarry off Wagon Wheel, they constantly feel the blasts! It literally shakes the whole house. My concern is for our homes foundations. Also the air quality with all the dust etc it puts in atmosphere! As a nurse and Realtor please take my stance as a home owner, business professional and Lowell resident I am against approving their permits for the Quarry!

Respectfully,

Liz Oxford
Crye-Leike Realtors
479-466-3720
Lizoxford76@gmail.com

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Tuesday, November 27, 2018 3:43 PM
To: Taylor S. Reamer
Subject: use review 1425 N. Old Wire Rd. Lowell

I would like to voice my concern about the use review under consideration at 1425 N. Old Wire Road, Lowell. All though I have many concerns, the one I wish to address is reclamation after a quarry is exhausted.

At the Nov. Planning Board Meeting, Mr. Sorrels spoke of quarries that have been converted in to lakes, resorts and golf courses. He did not say that the quarry operators had reclaimed the quarry to this state, nor if any of the sites left by Anchor Stone have been reclaimed to this level, or even if any quarry in Arkansas has been reclaimed to this extent, only that it is possible. I would like to know to what level Anchor Stone has reclaimed any of their spent quarries.

My concern has caused me to do some research on the matter of reclamation of exhausted quarries in Arkansas. According to the Ar. ADEQ handbook concerning reclamation of quarries and open pit operations, The operators of Quarries and open pit mines are required to have a plan of reclamation, a map of the intended work for reclamation and put up a bond to ensure completion of the planned reclamation. According to Mr. Sorrel, there is no plan or map for reclamation at this site. Nothing was said about a bond.

The handbook also stated that the quarry site is to be fenced with a minimum of 4 ft. and 4 strands of wire on steel posts or use high berms to keep the public from entering the site. Mr. Sorrel stated that there is no plan to fence the site but some berms will be used on the East side. I know a segment of the public will not pay attention to fences, but if a fence could prevent a child from wandering in to the site and being injured, isn't it worth the time and effort to build a fence.

According to the handbook, there are different requirements of reclamation depending on the planned use of the property after being reclaimed. I was surprised to find out that the minimum requirement for one of the approved reclamation was just soil to a depth of 6 inches over the rock. In this area, that would be about the same as doing nothing at all. No vegetation could be sustained long term in such a shallow soil.

So my question is, if Anchor Stone is allowed to operate a quarry at 1425 N. Old Wire Rd, in the years to come will they reclaim the exhausted portions of the land to a reasonable state, restore it to the minimum requirement, or even forfeit the bond and leave the quarry, gutted and empty, for the state to clean up? If that happens, will the bond posted cover the cost or will tax payers have to pay the balance?
John and Sandra Edster

I am including a link to the ADEQ Handbook if you are interested in looking into this matter for yourself.

https://www.adeq.state.ar.us/mining/pdfs/handbook_20140417.pdf

Taylor S. Reamer

From: Barry Moehring
Sent: Wednesday, November 28, 2018 7:54 AM
To: ralphculbert
Cc: Taylor S. Reamer
Subject: Re: Cross Hollow Rock Quarry

Thanks for your email.

I've passed it along to our Planning Department staff who will ensure that it is in the information packet for the Benton County Planning Board.

The Board is responsible for issuing or denying permits like this one.

Thanks,
Barry

Sent from my iPhone

On Nov 27, 2018, at 10:10 PM, ralphculbert <ralphculbert@gmail.com> wrote:

Nobody in Lowell wants this rock quarry. Look at the petitions being signed we don't want this

Sent from my Sprint Samsung Galaxy Note5.

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Tuesday, November 27, 2018 10:37 PM
To: Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn
Subject: Review of property 1425 N Old Wire Rd Lowell

To Whom It May Concern,

Please deny Covington permission to expand the 30 acre dirt mine into a 130 acre Limestone Quarry! The issues this change would present are numerous and staggering. Beaver Lake could be affected, Residents Wells and only water source could be ruined, foundations of homes cracked and worse, dust will increase and the health concerns that come with that WILL be significant, key pieces of our state history will be lost and destroyed, wildlife will have even less natural habitat, the noise increase will be tremendous and stressful, blasting may throw rock and debris into neighboring properties posing risk to people/animals/possessions, traffic risk will increase exponentially putting our most fragile members of society-our children at risk- both at local residences and in multiple school zones, etc, etc, etc.

As a member of a family who has worked the neighbouring land for three generations, I am greatly shocked and disappointed that you would even consider allowing a company to come in promoting destruction and chaos! This ONE persons financial gain is NOT worth the destruction of DAILY life to the many residents who currently live in the immediate area, or those who may be lured to close residences in the future. Current Residents' quality of life should be paramount. There are multiple limestone quarries in a 30 mile vicinity...it is NOT necessary in this location.

Your decision in this case is deeply personal. It is as if you are visiting my home and neighborhood; while there you encounter a robber and looter. Instead of defending us and our best interests you open the door and give this person free reign to trash, destroy, and take whatever benefits them. This is deeply degrading, demoralizing, deplorable, ignoble, and crushing. Please do the right thing.....keep Mr Covington from stealing and looting our land and our life.

Sincerely,
Regena Edster, Vicente Santa Cruz and Family

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: Kathy Saldivar <kathy.saldivar@yahoo.com>
Sent: Tuesday, November 27, 2018 9:26 PM
To: Derek Linn; Brent Meyers; Taylor S. Reamer; kdavila@knwa.com; KNWA NBC 51 and Fox 24
Subject: Fw: NO QUARRY IN CROSS HOLLOWSES!!!

Subject: NO QUARRY IN CROSS HOLLOWSES!!!

I received a letter Saturday from someone named Alfred Jones that spoke about a proposal that is going before the Benton County Planning Commission for a 135 acre rock quarry that has a final meeting for approval on December 5 at 6 P. M. in Bentonville at 102 NE A Street in Judge Green's Courtroom. It did not give the location of the quarry just that it was near our area. After doing some research, it is 2.1 miles from my house. The area of this proposed quarry is near a fault line.

If this proposal is allowed then the 30 acre lot that is mined for red dirt will be increased to 135 acres and will be blasted for rock. This will be done in five year increments of different types of rock over a period of 25 years. Who would be responsible if the blasting caused damage to our foundations, if could cause an earthquake? What about chemicals and rock dust in the air and damage from the trucks hauling on our roads?

Property values of surrounding neighborhoods could drop by as much as 30% or more depending on how close you are to the mining operation. We just had our roads repaired and the weight of the trucks (72,000 lbs.) will continue to cause damage to these new roads. Chemicals and dust and rock debris will be thrown into the air that we breathe which will also pollute Beaver Lake and nearby streams. It will also cause harm to natural springs, well water, the aquifer, the wetlands, pets, livestock, and wildlife, and can cause serious problems to our veterans who suffer from PTSD. This does not seem like this is a good deal for homeowners.

Please take the following questions into consideration before voting on this matter. Would you want your family, pets, and house exposed to these dangers? Could you live with the fact that the homeowners in the area will suffer if you vote to allow this quarry in our backyards? Would your husband or wife want this in their backyards affecting the health of your family? How would it affect you if the value of your home dropped by more than 30% overnight?

This affects not only humans and animals, but also our community. We fight hard to build a better life for our children. This quarry would defeat all of the hard work and love that we put into our community to make it a great place to live.

Sincerely,

Kathy Saldivar
800 Grandy Place
Lowell, AR 72745



Virus-free. www.avast.com

Taylor S. Reamer

From: Liz Estes <lestes@lowellarkansas.gov>
Sent: Wednesday, November 28, 2018 11:44 AM
To: Taylor S. Reamer
Subject: Cross Hollows - Limestone Mine

Taylor,

I am opposed to the use of the property in Benton County located in Cross Hollows with intentions of upgrading to a limestone mine due to the following reasons:

- 1) Loss of Historical significance of this area will be permanently extinct.
- 2) There are two other quarry properties within short distance to the new one being proposed which would make it three quarries within a 5-10 mile radius.
- 3) Health of the citizens living next door and all citizens in the City of Lowell due to limestone dust, blasting/shaking of the ground.
- 4) Wildlife in the area and on the perimeter will be adversely affected.
- 5) Wetlands, Beaver Lake and surrounding open green space land will be adversely affected.
- 6) Declining property values by up to 30% over time.
- 7) Increased truck traffic on Old Wire Road and other city streets in City of Lowell.

Thank you,

Liz Estes, Director
Lowell Historical Museum
www.facebook.com/lowellmuseum
www.lowellarhistory.org

Taylor S. Reamer

From: CHRISTY LAIRAMORE <clairamore@sbcglobal.net>
Sent: Wednesday, November 28, 2018 12:11 PM
To: Taylor S. Reamer
Subject: Limestone Mining Quarry

Dear Taylor Reamer,

As a resident of Benton County, I am coming to you to let you know my concerns about the Limestone Mining Quarry moving into our community.

I am very concerned about the impact this will have on our us.

- 1) The decrease in our property values.
- 2) They damage to the new road and current roads by the trucks weighting as much as 72,000 pounds. These roads are not designed for these heavy trucks.
- 3) The quality of our air we breath will be affected by the chemicals, dust, and rock debris thrown into the air.
- 4) The lakes, streams, springs, wells, and Beaver Lake will be polluted by all the chemicals and dust as well. Beaver Lake....where we all get our drinking water from!!! As well as the water treatment center close by.
- 5) Most importantly our health will be affected by the this. People with Asthma, PTSD, children, pets, livestock, and wildlife.
- 6) There are multiple schools in this area in the Rogers School District that will be dealing with the increased truck traffic. We need to think of the children's safety.

The negative impact of this quarry will have way more affects than the money that one man will make from this. I ask you to please vote NO on this disruptive business request.

Sincerely,

Christy Lairamore
801 Grandy Pl
Lowell, AR 72745

Taylor S. Reamer

From: Cindy McFarland <cindymcfarland3@gmail.com>
Sent: Wednesday, November 28, 2018 2:38 PM
To: Taylor S. Reamer
Subject: Proposed Quarry at Cross Hollows

Good Afternoon,

My name is Cindy McFarland and I live at 1226 N. Old Wire Road In Lowell, AR. There is a proposal in front of the Benton County Planning Commission to allow a Limestone Quarry to go in at the intersection of Old Wire Rd and Cross Hollows in Lowell. *This is directly across the road from my property.*

I am very concerned about this and am completely against it. My husband and I bought our house and property about 5 years ago with the thought that it would be our retirement home. We love the beauty and serenity of the area. Our 3 young grandsons love playing outside there.

My concerns are as follows:

- The Planning Commissions own report deemed this project to be Heavy Industrial which would be “Incompatible” with the surrounding residential and agriculture area. Anchor Stone and the Covington Group have stated that they would leave a 900 foot barrier on the West and South sides to make it more compatible. This WILL NOT make it more compatible! We may not be able to see the eyesore quarry but we will most certainly feel every blast and vibration; hear the constant rock crushing; see and breath in the dust from the crushing of rock and the increased traffic of the 50+ dump trucks added daily or over 30,000+ dump trucks a year!
- Our house as well as every neighbor in the area are on well water. We all share the concern about what the blasting will do to the structure of our wells. In addition, we are concerned about the quality of our water if this is allowed to happen. I have spoken with Beaver Lake Pump Service (they drilled and maintain my well). They had concern about not only the infrastructure of my well but also the possible contamination of arsenic that could leak into the ground water from the blasting.

What is our recourse against the quarry if something happens to our well? They say they will bond wells up to 1/4 mile. But how quickly will they work to get the issues fixed and producing water again? What about expenses we could incur having to live in a hotel because we don't have water? These are things they need to answer on record.

- Not only is the potential for arsenic contamination in the ground water, but there another health concern. Limestone dust from the constant rock crushing contains silica. Silica is a known carcinogen and when there is a prolonged exposure it has been known to cause lung cancer. They are planning to mine for a minimum of 25 years.
- Anchor Stone – the mining company, estimates that on average there will be at least 50 dump trucks a day added to our Old Wire Road. This will increase the dust on the roads and keep them in a constant state of pot holes and roughness. Anchor Stone has offered to pave Old Wire Road. We don't want this at the expense of having the quarry. It isn't as easy as just paving the road. There are several low water areas that flood across the road every time it rains. There would have to be drainage systems and small bridges to keep the pavement from washing out when we have a lot of rain. I don't think Anchor Stone intends to maintain the road or fix it if any issues like this occur.
- Our property values will decrease sharply. No one wants to buy a home near an active quarry. And no one wants to live near one either!
- There is historical significance to the area. There is a historical marker that used to be right by this property that was moved up the hill when this group won the battle to do a dirt mining operation on this site. The area was a Civil War Encampment as well as part of the Trail of Tears.

- The Little Monte Ne tributary runs right thru the Covington property. The possibility of water contamination to our springs and Beaver Lake is a major concern.
- When David Covington was finally approved to make this site a red dirt mine in 2006- 2008 – he agreed to improve the condition of Old Wire road – he did not uphold that agreement. Why do we think he will do anything to help this area now?

The local property owners are banding together to fight this. We showed up for the November 7th meeting. We will be there again on December 5th.

Please help us save our quality of life, our health and our futures.

Thank you for your time and consideration,

Taylor S. Reamer

From: cson@glorygracehome.com
Sent: Wednesday, November 28, 2018 3:28 PM
To: Joshua.Bryant@bentocountyar.gov; Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn; bentoncountyarhs@gmail.com
Subject: Cross Hollows quarry
Attachments: McNeil quarry.jpg; limestonemsds.pdf

To Judge Moehring, Planning Board and the Quorum Court members:

This subject is difficult for me. The limestone lands of Central Texas literally built me and several generations before me. To this day, I become homesick just seeing a house or fireplace built from limestone. Limestone, in all forms, is big business, and provides millions of jobs. But, there is a completely different side to this industry.

1. The sweetest water one could ever imagine drinking can be found in Williamson County and northern Travis County Texas. The Balcones fault area in Central Texas is famous for its limestone aquifers and pristine water. Tonkawa Indians called that area the Land of Good Water. BUT that natural filtration process is all under the ground.

Just as coal, when left underground, eventually produces the most precious gemstone known to mankind, its dust begins to erode the land, the air, the vegetation, and the internal organs of the people exposed to it when it is blasted and brought to the surface.

2. Quarrying limestone has the same effect. According to OSHA, (SEE ATTACHED DOCUMENTATION), the symptoms can develop decades later. Severe eye irritations, enlargement of the right chamber of the heart, lung silicosis, chronic pneumonia, inability to breathe normally, inability to swallow normally, even complete respiratory failure, and pulmonary tuberculosis. I know this to be true, as my dad currently suffers from each of those issues. My grandfathers and grandmothers did as well, and those very diseases were instrumental in their deaths.

My grandfathers and my dad worked at the lime quarry and kilns in McNeil Texas, and the neighboring lime plant, and we lived within 2 miles of the quarry. Generations of my family resided there.

3. Ten years ago when the County approved the red dirt mine, many of us opposed it because of the blasting and the mess. We live approximately 2 miles east of the mine, and for the past decade, with each new blast, our home's foundation cracked, and a new gap appeared between the ceiling and walls. Now, if this quarry is approved, we're facing this at least once a month as long as we continue to own our home.

The dust during the dry months was sometimes unbearable with the red dirt blasting. I do not welcome having to hose down my home, yard, car and street to control the lime dust every time the wind blows from the southwest. There is not enough water in Monte Ne to wash away the lime dust.

4. While I firmly believe in a property owner's right to use of his/her land, there is a fine line when it comes to the public welfare and history. The historical significance of Cross Hollows was largely ignored a decade ago when this mine was allowed, even to the point of the historical marker being moved for the owner's convenience.

The photo I'm attaching shows the difference in vegetation surrounding the lime quarry of which I spoke earlier. The entire region of Cross Hollows will turn grey and lifeless. What will that do to the historical area of Monte Ne? What will that do to one of the most magnificent bottomlands in this area?

5. The new Old Wire Road has taken several years to complete from 264 to First Street. How long will it survive the blasting, the increased heavy equipment and dump trucks before the County is looking to the taxpayers and the State for additional funds to repair that stretch of road?

Mr. Covington states that the quarry will greatly benefit this area. How? He has stated he's contracted the operations out to a company in Tulsa. I daresay when it comes to our health, our homes, our property values, our landscape, or our air quality, an out of state company has little to no skin in the game.

Those of us living in the Cross Hollows area sincerely hope that the County Planning Board and Quorum Court do.

Sincerely,
Carol Sonnier
10140 Bonnabel Rd
Rogers, AR 72758

Taylor S. Reamer

From: SCARLETT WILSON <as-wilson@msn.com>
Sent: Wednesday, November 28, 2018 3:37 PM
To: Barry Moehring
Cc: Rosemary Goines; Taylor S. Reamer; Jay W. Frasier; Jeremiah M. Thompson; Derek Linn; SCARLETT WILSON
Subject: Cross Hollows preservation....topic Wed 12-5 @ Benton County Court House

TO: Benton County Judge Barry Moehring and Planning Board Membership

I do NOT want the proposed rock quarry/rock crusher to be permitted on the on the Cross Hollows area property owned by David Covington, or on top of the red dirt mine he operates.

I do NOT want the Old Wire Road (north-south) or the Cross Hollows Road (East of intersection) or Dogwood Road (west of Cross Hollows intersection) paved or blacktopped and destroy the historical value and nature of the area, especially by the possible 50 loaded trucks per day for "X" number of years. This project also destroys the property values of all nearby or adjacent property owners, as well as the beauty of the area.

Benton County needs to put in place a remedy in saying "no" so that this issue cannot repeatedly come up.

Also, a landowner (Anderson) East of the red dirt mine is in process of selling his property and IMHO that prospective/contracted to buy entity should know this proposal for rock quarry 50 feet from property and chicken houses, in case this was not disclosed.

Please make decision to save the amazing history of Cross Hollows, to include the Old Wire Road hill and all other artifacts known and unknown.

Please feel free to contact me for any additional information or discuss concerns.

Thank you.

Scarlett Wilson -- landowner, Cross Hollows
c) 402-212-9168

Taylor S. Reamer

From: Casey Kuth <grammykuth@hotmail.com>
Sent: Wednesday, November 28, 2018 5:43 PM
To: Taylor S. Reamer
Subject: Cross Hollows Quarry

Mr. Reamer,

I live in Lowell.

Have you been to Cross Hollows? Do you know the history and beauty of it?

I was able to attend last months meeting and saw the room packed with residents/land owners opposing this project.

I am also against it for many reasons:

Impact on the Historic sites.

Impact on roads

Impact on water; natural springs, wells, Beaver Lake

Impact on residents; property values, noise, dust, increased traffic

I strongly oppose this massive project being proposed on my doorstep.

Please vote against the degradation of Cross Hollows.

Thank you for your time,
Casey Kuth

Taylor S. Reamer

From: Larry Arterberry <arterberrylarry@gmail.com>
Sent: Wednesday, November 28, 2018 5:58 PM
To: Taylor S. Reamer
Subject: PROPOSED CROSS HOLLOWES QUARRY

Dear Mr. Reamer,

As a resident of Benton County, I am against the opening of another limestone quarry in our community. There are many negative impacts this proposed mine will have on our cities and county. Among those inevitable adverse impacts are threats to: personal health, wildlife, environment/wetlands, Beaver Lake, increased county expense to repair and maintain roads dues to the additional heavily loaded truck traffic, etc. etc.

As a voter in this county I urge you to oppose and vote against this imminent threat to the quality of life we are fortunate enough to enjoy in Benton County.

Respectfully,

Larry Arterberry
[4402 S. 3rd Ct.](#)
[Rogers, AR 72758](#)

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Wednesday, November 28, 2018 10:05 PM
To: Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn; grant.hodges@arkansashouse.org; jana.dellarosa@arkansashouse.org
Subject: Review of property 1425 N Old Wire Rd Lowell/proposed Limestone Quarry

To Whom It May Concern,

Please adamantly refuse Covington the expansion and change to limestone quarrying he is requesting! It is absolutely not in the best interest of Benton County to add an additional Limestone Quarry. Here are what a few individuals who have lived close to a quarry report:

ADEQ website complaint to Mining on January 30, 2015. 'As of Jan 30 @ 11:40 am, there was the largest blast felt to date in our home. Usually they are an annoyance, but this one made us fear for the integrity of the house. If these continue like what we felt, there will be more damage to the house and property. Dust and dirt on the road is becoming a major problem around the entry off of Puppy Creek Road. It only seems to be cleaned at the end of the day. Chunks of rock and dirt are typical closer to the north drive. Another issue is dump trucks flying down the road and ignoring stop signs. They continually cross the center line with no regard for cars or anyone who lives in the area. Puppy Creek Road to the north has become hazardous with the continuous truck traffic."

Charles Huebner resident who lives next to Sharps Quarry states "Twice a week it's like having a small earthquake, you feel it the house shakes....Cracked walls, it's caused footing issues that I've had to have repaired. The truck traffic is considerable it creates problems for us, not just being able to get around but it has destroyed our roads over and over."

Kevin who lives by a limestone quarry notes, "It's not just the noise that's annoying, all the trucks are stirring up dust, which builds up on glass windows and cars. Cars get pretty white around here from the dust from the quarry because it settles everywhere,"

Amy Britton states "I was around them in salt lake. the environment surrounding the quarry will put air quality for the nearby neighboring community at risk. it's well known salt lake has some of the worst air quality in our country and I developed so many breathing problems I had to use a nebulizer. when I left the area my breathing was better. do not do this to these innocent people that were there before and endanger the children's health."

Another resident notes "Quarrying limestone has the same effect. According to OSHA, (SEE ATTACHED DOCUMENTATION), the symptoms can develop decades later. Severe eye irritations, enlargement of the right chamber of the heart, lung silicosis, chronic pneumonia, inability to breathe normally, inability to swallow normally, even complete respiratory failure, and pulmonary tuberculosis. I know this to be true, as my dad currently suffers from each of those issues. My grandfathers and grandmothers did as well, and those very diseases were instrumental in their deaths".

The descriptions continue, some more dramatic in damage than others. The point is...it is OBVIOUS that the proposed quarry will cause significant issues for residents even miles away from this quarry. AND, the immediate surrounding land is Residential or marked for Residential Use. NO QUESTION, this is the WRONG decision for this area of Benton County!!! Please stand up for us!!

Sincerely, Regena Edster, Vicente Santa Cruz and Family

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: brboohar <brboohar@yahoo.com>
Sent: Thursday, November 29, 2018 7:58 AM
To: Taylor S. Reamer
Subject: Fwd: Cross hollow rock quarry

Dear Taylor Reamer,

I live about 1/4 mile north of the property for the proposed rock quarry and I am not for the quarry going in. It is my understanding that there are endangered bats in the existing caves on the property. This is why the new highway did not come through cross hollow and got pushed over to tie into 1st ST. As a construction worker I am aware of how bad silica dust is and the strick stance osha has taken on this. We can not cut any kind of concrete, asphalt, or limestone without using water to help settle some of the dust bc of the harsh affects of silica dust. With a quarry and a crusher we will be living in a silica environment every day for next 30 years. The existing roads in no way will hold up to this kind of heavy traffic. Another concern is that the quarry wants to warranty water wells for 1/4 mile. My house is a 1/4 from the property line but not a 1/4 from the exact location of the quarry (putting the quarry to back of the property).

At the first meeting the quarry representatives said the people with the chicken house that are right beside them do not have a problem with the quarry going in. Then later I talked to Dave Covington myself and he said the people were ok with it because the property is already sold to someone else. Could this be that if the quarry is approved then Dave Covington is buying there property to expand the Quarry even more?

With the 50 trucks a day coming and going to the Quarry we would also have several other trucks coming and going because this property is still a dirt pit to this day which they use on a regular basis.

SINCERLY, BILLY BOOHER

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: brboohar <brboohar@yahoo.com>
Date: 11/28/18 9:16 PM (GMT-06:00)
To: Taylor.reamer@bentoncountyar.gov
Subject: Fwd: Cross hollow rock quarry

Sent from my Verizon, Samsung Galaxy smartphone

Taylor S. Reamer

From: Cerri Ford <cerriford@gmail.com>
Sent: Thursday, November 29, 2018 9:15 AM
To: Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn; Joshua P. Bryant; bentoncountyarhs@gmail.com; jana.dellarose@arkansashouse.org
Cc: Richard Ford
Subject: Cross Hollows Quarry

We are not able to attend the meeting next week so I am writing in response to the proposed quarry in Lowell.

We bought our home a year ago in large part due to the quiet, adult neighborhood with minimal traffic. This proposed quarry will be less than 1 mile as crow flies from our home and will destroy our peaceful neighborhood and our peace of mind as homeowners.

I grew up in Avoca less than one half mile from the quarry there and I am very aware of the consequences it brings.

Property damage is only part of it but who is responsible and how is it determined? Below are some of the issues I watched my family deal with as I grew up with zero assistance from the local quarry.

- Foundation
- Septic system including lateral lines
- Windows
- Insulation
- Guttering
- HVAC

This list for potential damage is real. Foundation and septic issues are common but there are others as well. The blasting literally shakes the windows in their casings and over time destroys the seals. It also shakes screws and connectors loose causing guttering and HVAC connections to be compromised. We have two skylights in our home and I can only imagine what damage they will sustain from blasting.

Property damage is only part of it. What about the noise and heavy truck traffic? Is this going to be a day shift operation only? What about weekends? I can assure you, you can hear the quarry operating heavy equipment. If they are open, it is not peaceful.

Lastly, and very important, what about property values? Who will compensate us for the depreciation of our home? If this quarry is allowed to operate, there is small chance of ever selling our home and even if we did find a buyer, it would most certainly be at a loss.

We strongly oppose this quarry and appeal to you as leaders, neighbors and homeowners to oppose it as well.

Respectfully,
Richard and Cerri Ford
1020 Jennifer Lane
Lowell, AR 72745

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Thursday, November 29, 2018 9:55 AM
To: Tracy Backs; Taylor S. Reamer
Subject: use review 1425 N. Old Wire Rd Lowell

I would like to share another concern we have about the use review of 1425 N. Old Wire Rd. Lowell.

If the review goes forward and a lime stone quarry is allowed to operate there, I understand that Anchor Stone intends to haul lime stone from this site West on Dogwood to Honey Suckle Lane in order to avoid running on Old Wire. Since the trucks would be turning west across traffic coming down Cross Hollows hill, another dangerous intersection will be created. People drive Old Wire much faster than the road is suited for, and it has been our experience that the dump truck drivers who hauled out of the red dirt mine in the past are far less than courteous. We were told the trucks would drive no faster than 25 miles pre hour. A few did observe the 25 mile per hour limit, but most didn't. They had no qualms about taking more than their half of the road even where there was enough room to pass in their own lane, in general they acted as though they owned the road and we were trespassing. If the drivers still drive as they did accidents are sure to happen.

Another problem with traveling this route is that Honey Suckle Lane is in the Lowell City Limits and is designated as a no truck road. I don't believe its construction is up to standards for heavy truck traffic. Therefore we are back to the trucks traveling Old Wire Rd. with schools, blind curves, narrow passage areas, dust, and speeding of both passenger vehicles and dump trucks.

The vote on this issue will decide whether or not there will be an increased risk to the lives of every person who travels Old Wire Rd

Respectfully, John and Sandra Edster

Taylor S. Reamer

From: Kevin Higgins <kevin@oriongl.com>
Sent: Thursday, November 29, 2018 10:15 AM
To: Barry Moehring; Rosemary Goines; Tracy Backs; Taylor S. Reamer; Brent Meyers; Derek Linn; Joshua P. Bryant; bentoncountyarhs@gmail.com; jana.dellarosa@arkansashouse.org
Subject: Cross Hollows Quarry Proposal - Letter of opposition
Attachments: PastedGraphic-2.tiff

To all addressed and whom it may concern,

I own a home at 1109 Frisco Cemetery Road. I have lived there for 28 years as well as I grew up in the Cross Hollows area. I'm disturbed to learn that this quarry is even being considered in an area with such historical significance. This proposed quarry will disrupt the lives of folks that are moving in and those of us that lovingly call this place home. We live here for a reason and the proposed quarry will simply destroy the life we have worked painstakingly to have. Our property values have kept up with averages and having this proposed quarry take place will impact that dramatically besides creating an environment that we desire not to live in. I urge each of you to vote against this quarry. It is simply too close to our homes that we have invested so much of our hard earned time and money into, and for which we pay taxes on.

Thank you for your time and we urge you to not allow this quarry in our beautiful area, and especially in this area with so much historical meaning.

Warmest regards,

Kevin L. Higgins
CEO and Founder

101 W. Mountain Street
Suite 200
Fayetteville, AR 72701
479.200.3503



**Matthews
Campbell
Rhoads
McClure &
Thompson P.A.**
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of counsel

¹ also admitted in Missouri
² also admitted in New York
³ also admitted in Oklahoma
⁴ also admitted in Texas

Email
drm@mcrmt.com

Website
www.mcrmt.com

November 29, 2018

Benton County Planning Board
c/o Benton County Planning Department
1204 SW 14th Street, Suite 6
Bentonville, AR 72712

Re: Cross Hollow Quarry/Covington Quarry Site Plan Review

Dear Chairman Homeyer and Members of the Planning Board:

My clients, Bill and Shirley Carter live at 12826 Frisco Cemetery Road in Lowell, Arkansas. Their property is within 750 feet of the property that is the subject of the Covington Quarry Site Plan Review. Unlike the Covingtons and the owners of Anchor Stone, the Carters actually live in the area. Their lives and the value of their home and land will be directly impacted by the decision you are being asked to make. They have appreciated the obvious concerns you have indicated with this proposal by your excellent questions and comments at the November 7, 2018 meeting. They have asked me to provide some additional information for your consideration before the matter is brought up again on December 5, 2018.

The Carters oppose the approval of the request to convert the red dirt mine into a limestone quarry. They had previously opposed the authorization for the use of the property as a red dirt mine and certainly appreciated the fact that the Planning Board and the Appeal Board denied the original application for the red dirt mine. As you are no doubt aware the public was not given the opportunity to provide input prior to the "Consent Decree" that was entered on June 10, 2008. They were very disappointed that the efforts of the neighbors and Benton County Planning Board to preserve the unique characteristics of Cross Hollow and the surrounding area were thwarted by the Consent Decree. Their fears that the use of the Covingtons' property would not be restricted to the terms of the 2008 Consent Decree have been realized. There is a significant difference between a red dirt mine and a limestone quarry. The impacts on the neighboring property are likewise significantly more harmful.

Some additional history behind the Consent Decree will be useful to your deliberations. After the Planning Board and Appeal Board denied the request for a permit to operate the red dirt mine in 2006, Overland Development Company, Inc. filed suit against Benton County challenging the denial. You have been previously provided a copy of the Complaint that was filed. As you can see the principal thrust of the Complaint was that the regulations, standards and

specifications for the subdivision, conveyance, development and improvement of unincorporated land were vague and not sufficiently defined and ascertainable to be understandable and thus were unenforceable. What you may not know is that Benton County vigorously defended that lawsuit, all the way to the Arkansas Supreme Court. The trial judge originally agreed with Overland Development and ruled that it was entitled to a permit. But Benton County appealed and on November 29, 2007 the Arkansas Supreme Court reversed that decision and remanded the case back to the Benton County Circuit Court for further proceedings. The Court discusses the fact that Jerry Hilliard, an archeologist who has conducted multiple archeological surveys of the Cross Hollow area, had offered his expert opinion "that the mine itself, the access roads, and the additional heavy equipment traffic that would necessarily occur as a result of this particular red dirt mine would adversely impact the cultural, historical and archeological landscape of the Cross Hollow site." I am providing you with a copy of that decision along with this letter.

After the Supreme Court ruling the litigation continued until it was "settled" by the entry of the Consent Decree. It is important for you to know that the public was not given notice of the settlement negotiations and no public hearing was held before the Consent Decree was presented to the presiding judge. The Consent Decree specifically incorporated the Stipulations of Overland Development, Inc. attached as "Exhibit C". I am providing you with a copy of "Exhibit C" along with this letter, because it was not presented as part of your packet of information. You will see that the very first paragraph of the stipulation promises to confine the red dirt mining to a 30 acre tract. Obviously removing the red dirt from 30 acres would limit the impact on the surrounding landowners to the time it would take to remove all the red dirt from the 30 acres. Ten years of red dirt mining has already occurred, and the vast majority of the red dirt has been removed. The environmental insult to the land is nearing its end. Yet now, despite the stipulation, the applicants seek to expand the area to be disturbed to 50 acres, over a period of 25 years, with a much more drastic alteration to the landscape and a restarting of the clock on dust, noise, truck traffic, damage to Old Wire Road, and more deterioration of the cultural, historical and archeological landscape of the Cross Hollow site.

Please do not be persuaded by glowing descriptions of golf courses being developed around a water feature during the reclamation process. The detrimental impact on the property values of the Carters and their neighbors will be current, certain and significantly greater than the harm already caused by the red dirt mine. The residential owners and farmers were there before the red dirt mine, and certainly

before the requested quarry. They have endured the effects of the red dirt mine that was permitted over their objections. Those effects are presumably nearing their end as the red dirt runs out. But who would want to buy residential property next to a limestone quarry that will operate for 25 years, or even longer? It would be foolish to believe that a commitment to restrict the quarrying operations to 50 acres will be kept. Once the quarry is operational nothing will prohibit the owners from seeking an expanded permit from a new Planning Board just as the red dirt mine "confined to 30 acres" has now evolved into a request for a quarry.

As I mentioned earlier the lawsuit challenged the enforceability of the regulations in effect at the time. Since that time the Quorum Court passed a new ordinance on October 24, 2014. The present application for a permit is governed by the new ordinance that does not suffer from any of the alleged deficiencies of the 2005 regulations.

The stated purpose of the ordinance under which you now function is to "guide and accomplish coordinated, efficient, and economic development in the county and seek to best promote the health, safety, convenience, prosperity and welfare of the people of the county". The number one purpose of the ordinance is to implement a development policy that will "retain the agricultural nature and rural residential character of the county while recognizing the need for industrial land uses, principally where adequate utilities, roads and other infrastructure exist or will exist". A limestone quarry does not retain the rural residential character of the areas surrounding the Covington property. Nor are the roads and other infrastructure adequate to accommodate 100 dump truck trips a day - 50 in and 50 out.

The new ordinance contains a very comprehensive set of goals and guidelines. As you know, you are required to weigh commercial development according to its impact on agricultural and residential areas. The ordinance intends to ensure protection of the county's natural environment, floodplains, watershed and natural resources. The ordinance requires you to consider adequate roads and other infrastructure in the development process. The aim of the ordinance is to retain the agricultural nature and rural character of the county while allowing for compatible residential, industrial and commercial development. The proposed quarry is not compatible with existing agricultural and rural residential uses. Indeed the Land Use Compatibility analysis confirms that this "Heavy Industrial" use is incompatible with adjacent properties. No amount of extraordinary buffering and screening will prevent the existence of a quarry from driving down the value of the surrounding rural residential properties.

The general goals of the ordinance begin with a requirement that you protect and provide for safe drinking water sources, including Beaver Lake. The letter you have previously received from Clell Ford with the Beaver Watershed Alliance calls specific attention to the potential harmful effects this limestone quarry could have on Beaver Lake. Arkansans are currently experiencing the harmful effects on the Buffalo River apparently caused by an ill-advised permit from the ADEQ for a hog farm within the watershed of the river. That permit was not renewed, but the damage was done. Although the ADEQ has granted a permit to Anchor Stone to operate a limestone quarry, it is up to the Benton County Planning Board to protect the water quality of Beaver Lake. It is respectfully suggested that you do not have sufficient information at this time to assure you that no harm to the lake will occur. This fact alone warrants denying the request for the permit.

Another major goal of the ordinance is to protect and conserve the value of land throughout Benton County and the value of buildings and improvements upon the land. The residential development goals of the ordinance are to ensure development of residential areas that provide a safe living environment, preserve the natural beauty and topography of Benton County and retains the agricultural character and rural nature of the county. As respects commercial and industrial development, the goals are to discourage the indiscriminate mixing of commercial development into residential and agricultural areas.

Any review of a proposed commercial or industrial site must begin with an adherence to the overall purpose and goals of the ordinance under which you operate. The desire for profits for one family and one out-of-state company should not take precedence over the "health, safety, convenience, prosperity and welfare of the people of the county." The Carters respectfully and firmly suggest that the proposed limestone quarry is not consistent with the goals and objectives of the ordinance intended to protect all of the citizens of Benton County. They join with all their other neighbors and friends who have either written public comments opposing the quarry, or expressed their opposition at the public hearing.

Sincerely,



David R. Matthews

DRM:trm
Enclosures

371 Ark. 559
Supreme Court of Arkansas.

BENTON COUNTY, Arkansas, Appellant,

v.

OVERLAND DEVELOPMENT
COMPANY, INC., Appellee.

No. 07-613.

|

Nov. 29, 2007.

Synopsis

Background: Company applied for a permit to operate a red-dirt mine on land in which it held a leasehold interest. The county planning board denied the application, and company appealed. The county appeal review board affirmed. Company appealed and moved for summary judgment. The Circuit Court, Benton County, Tom J. Keith, J., granted the motion. County appealed.

[Holding:] The Supreme Court, Robert L. Brown, J., held that a genuine issue of material fact as to whether there would be a significant archeological impact on Civil War site from red-dirt mining proposed by company precluded summary judgment.

Reversed and remanded.

West Headnotes (7)

[1] Judgment

🔑 Particular Cases

Genuine issue of material fact as to whether there would be a significant archeological impact on Civil War site from red-dirt mining proposed by company precluded summary judgment in proceeding on company's application for a permit to operate a red-dirt mine on land in which it held a leasehold interest.

Cases that cite this headnote

[2] Judgment

🔑 Absence of issue of fact

Summary judgment is to be granted by a trial court only when it is clear that there are no genuine issues of material fact to be litigated and the moving party is entitled to judgment as a matter of law.

3 Cases that cite this headnote

[3] Judgment

🔑 Presumptions and burden of proof

Once a moving party has established a *prima facie* entitlement to summary judgment, the opposing party must meet proof with proof and demonstrate the existence of a material issue of fact.

10 Cases that cite this headnote

[4] Appeal and Error

🔑 Summary Judgment

When reviewing a grant of summary judgment, the Supreme Court determines if summary judgment was appropriate based on whether the evidentiary items presented by the moving party in support of its motion leave a material fact unanswered.

8 Cases that cite this headnote

[5] Appeal and Error

🔑 Summary Judgment

When reviewing a grant of summary judgment, the Supreme Court views the evidence in a light most favorable to the party against whom the motion was filed, resolving all doubts and inferences against the moving party.

4 Cases that cite this headnote

[6] Appeal and Error

🔑 Pleadings and Evidence

Review of a grant of summary judgment is not limited to the pleadings, as the Supreme

Court also focuses on the affidavits and other documents filed by the parties.

Cases that cite this headnote

[7] **Judgment**

🔑 Existence or non-existence of fact issue

After reviewing undisputed facts, summary judgment should be denied if, under the evidence, reasonable men might reach different conclusions from those undisputed facts.

3 Cases that cite this headnote

Attorneys and Law Firms

****886** Davis, Wright, Clark, Butt and Carithers, PLC, by: William Jackson Butt, II, and Tisha M. Harrison, Fayetteville, AR, for appellant.

Penix and Taylor, by: James A. Penix, Jr., Springdale; Stephen L. Wood, Rogers, AR, for appellee.

Opinion

ROBERT L. BROWN, Justice.

***560** Appellant Benton County, Arkansas appeals the grant of summary judgment in favor of appellee Overland Development Company, Inc. (“Overland”), ***561** and the circuit court's ruling that there was no rational basis to deny Overland's permit application to operate a red-dirt mine. We reverse and remand.

Overland has a leasehold interest in certain land in Benton County which is in close proximity to the Cross Hollows cantonment. By all accounts, Cross Hollows is an important Civil War archeological site. On January 27, 2006, Overland submitted an application to the Benton County Planning Board, in which it requested permission to operate a red-dirt mine on the land. As part of the application process, Overland had an archeological study of the proposed mining site performed by Randall Guendling, an archeologist with Arkansas Archeological Survey. That study resulted in a report (“Guendling Report”), which was furnished to Overland. The Guendling Report found that the proposed mining

site had not been occupied during the Civil War but had been used for prehistoric hunting and gathering, late 19th or early 20th century logging, and 20th century hunting. The Guendling Report concluded that red-dirt mining in the area would have no impact on significant archeological material unless it was conducted in one area of the proposed site that was identified as having an old logging cabin (“Locus I”). Nonetheless, on August 16, 2006, the Benton County Planning Board denied Overland's permit application on the basis that the mining operation was not consistent and compatible with existing development and the environment.

Overland appealed this decision to the Benton County Appeal Review Board, which affirmed the Planning Board's decision on October 12, 2006. On November 13, 2006, Overland appealed the Review Board's decision to a Benton County Circuit ****887** Court as allowed by Arkansas Code Annotated § 14–17–211 (Repl.1998), which provides for de novo review by the circuit court.

On March 30, 2007, Overland moved for summary judgment and contended that: (1) Overland had complied with all state environmental regulations which, it argued, preempted any Benton County environmental regulations; (2) the proposed dirt mine was located in an area with several other dirt mines and therefore constituted “clustering” and was per se compatible with existing land use under Benton County regulations; (3) the Guendling Report demonstrated that no significant archeological materials would be disturbed by the mining; and (4) Benton County had failed to produce evidence that would demonstrate that red-dirt ***562** mining was not compatible with the preservation of historical and archeological pursuits. Appended to the motion for summary judgment were, among other things, the Guendling Report and the affidavit of David E. Covington (“Covington Affidavit”), the owner of the proposed mining site and the president of Overland, who averred that a dirt-mining operation on the site would decrease traffic on historic roads.

Benton County filed a reply to the motion for summary judgment, in which it asserted that: (1) the proposed mining operation had the potential to impact the existing environment significantly and (2) the fact that other mining operations existed in the same area did not make Overland's operation per se compatible. One of the exhibits appended to Benton County's

brief was the affidavit of Jerry Hilliard (“Hilliard Affidavit”), an archeologist also employed by the Arkansas Archeological Survey, who has conducted multiple archeological surveys in the Cross Hollows area. In the Hilliard Affidavit, Hilliard averred that it was his opinion “that the mine itself, the access roads, and the additional heavy equipment traffic that would necessarily occur as a result of this particular red-dirt mine would adversely impact the cultural, historical and archeological landscape of the Cross Hollow site.”¹ Also included among the exhibits were excerpts from the deposition of Michael Evans, an archeological assistant with the Arkansas Archeological Survey (“Evans Deposition”), which discussed the historical significance of the Cross Hollows site as a Civil War camp and as part of the Trail of Tears and suggested that the Guendling Report had not adequately investigated potential prehistoric deposits at the proposed mining site.

A hearing was held on the summary-judgment motion, after which the circuit court granted Overland’s motion. This ruling was memorialized in a May 18 judgment, which concluded that there was no genuine issue of material fact before the court and that there was no rational basis to deny Overland’s permit application. It is from this judgment that Benton County appeals.

[1] Benton County first points out that it is undisputed that Cross Hollows is the most significant non-battlefield Civil War site in Arkansas. The county argues that the conflicting opinions of Hilliard and Guendling, who are both archeologists employed by *563 the Arkansas Archeological Survey, demonstrate that there is a genuine issue of material fact as to whether the **888 proposed mining operation will have an impact on significant archeological artifacts at Cross Hollows. The statements in the Hilliard Affidavit, it is contended, are buttressed by Hilliard’s considerable expertise regarding the Cross Hollows area. In fact, Benton County points out, Hilliard’s surveys of the area are cited as a major source in the Guendling Report.

Benton County also emphasizes the Evans Deposition’s discussion of the potential impact of the proposed red-dirt mine. It argues that the Evans Deposition does not contain mere assertions but rather conclusions based on historical information. To the extent that Evans lacks academic credentials, Benton County argues that this goes only to the weight that should be given to his testimony, which is

not an issue to be considered during summary judgment. Benton County further underscores the fact that, although traffic on some historic roads may be decreased by the operation of a mine at the proposed site, the ingress/egress location for the new mine would be at the intersection of Old Wire Road and Cross Hollows Road, which is the very “Cross Hollows” that is the most significant non-battlefield Civil War site in Arkansas.

Benton County notes, finally, that, despite the fact that the Guendling Report contains the broad conclusion that mining on the site will not disturb any significant archeological material, the report also observes that a new archeological site that may contain some important deposits was uncovered during the survey of the proposed mine site. While Overland may assert that it will not mine in that part of the permit area, Benton County contends that there is nothing to prevent it from doing so if it chooses.

Overland, on the other hand, claims that Benton County has failed to provide evidence to rebut the findings of the Guendling Report. Despite performing a thorough sweep of the area, Overland argues, Guendling’s team failed to uncover any Civil War artifacts at the site. The company concedes that the Guendling Report uncovered one site, Locus I, that might contain important non-Civil War artifacts but argues that Overland has agreed not to disturb that site. Overland then points to the Covington Affidavit, which avers that the proposed mine will lead to decreased traffic on local historic roads.

Overland concludes by stating that the Hilliard Affidavit contains only speculation and opinion and is, therefore, insufficient to rebut, point for point, the information contained in the *564 Guendling Report and Covington Affidavit. Overland discounts the information contained in the Evans Deposition, noting that Evans gave only opinions, not facts, and has little academic background in archeology.

[2] [3] [4] [5] [6] [7] The standard of review used by this court in reviewing the grant of summary judgment is well established:

Summary judgment is to be granted by a trial court only when it is clear that there are no genuine issues of material fact to be litigated and the moving party is

entitled to judgment as a matter of law. Once a moving party has established a *prima facie* entitlement to summary judgment, the opposing party must meet proof with proof and demonstrate the existence of a material issue of fact. On appeal, we determine if summary judgment was appropriate based on whether the evidentiary items presented by the moving party in support of its motion leave a material fact unanswered. This court views the evidence in a light most favorable to the party ****889** against whom the motion was filed, resolving all doubts and inferences against the moving party. Our review is not limited to the pleadings, as we also focus on the affidavits and other documents filed by the parties. After reviewing undisputed facts, summary judgment should be denied if, under the evidence, reasonable men might reach different conclusions from those undisputed facts.

Heinemann v. Hallum 365 Ark. 600, 603–04, 232 S.W.3d 420, 422–23 (2006) (citations omitted) (quoting *Gonzales v. City of DeWitt*, 357 Ark. 10, 14–15, 159 S.W.3d 298, 301 (2004)). Speaking in the context of employment discrimination cases, this court has noted that an affidavit must contain “[m]ore than mere assertions or possibilities ... to defeat a motion for summary judgment.” *Mack v. Sutter*, 366 Ark. 1, 6, 233 S.W.3d 140, 145 (2006).

In the instant case, Overland supports its summary-judgment motion with the Guendling Report, which includes a detailed archeological survey of the proposed red-dirt mine site. The report concludes that the results of the survey were not consistent with any Civil War occupation of the site. The survey, however, did find evidence of prehistoric use of the land, and the report alludes to that fact. As to any Civil War or prehistoric artifacts, the report concludes that “[d]irt mine operation will not impact significant archeological material as survey and collection of the artifacts for curation have removed most of them.” Through ***565** the Guendling Report, Overland has made a *prima facie* case that no significant

Civil War or prehistoric artifacts *located at the site itself* will be disturbed by red-dirt mining. Benton County, however, has not provided its own survey of the mining site and, therefore, has not “met proof with proof” to demonstrate the existence of a material issue of fact on these precise points. *Heinemann*, 365 Ark. at 604, 232 S.W.3d at 423.

Nevertheless, Overland has failed to make a *prima facie* case that it is entitled to summary judgment regarding two issues: (1) whether the mining operation will disturb significant artifacts from a late 19th or turn-of-the-20th century logging endeavor located at Locus I and (2) whether the transportation of red dirt from the mining site will have any significant impact on Civil War sites located outside of the mining area surveyed for the Guendling Report, particularly in the Cross Hollows area. On the first issue, the Guendling Report, which Overland itself introduced as proof that there was no genuine issue of material fact, stated that the remains of a small cabin at Locus I, which appeared to have been associated with logging in the late 19th or early 20th century, had been found on the site and that the area surrounding the cabin “may contain some important deposits.” Although the report goes on to say that impact to this area “can easily be avoided by mining if it is confined to the west end of the ridge,” Overland does not even suggest that a permit granted by Benton County would confine mining operations at the red-mine site to the west end of the ridge. Because of the admission of the historic cabin at Locus I and potential for important “deposits” made in the Guendling Report, Overland has failed to establish that there is no genuine issue of material fact as to mining in the permit area.

The second issue has to do with the off-site impact of mining operations on Civil War artifacts in the Cross Hollows area. The Guendling Report focuses on the mining area itself and does not purport to ****890** address off-site impacts; nor is it clear that Guendling examined the potential impact of building roads across the Covington property to remove the mined dirt. Although the Covington Affidavit addresses off-site impacts in asserting that traffic on local historic roads will decrease due to the operation of the proposed mine, this assertion, even if accepted as true, does not compel the conclusion that no off-site impacts will result from the proposed mine. The Hilliard Affidavit offered by Benton County, on the other hand, states that the access roads and heavy

equipment *566 traffic that would occur as a result of the mining operations would have an adverse impact on the “cultural, historical and archeological landscape of the Cross Hollow[s] site.” Hilliard's acknowledged expertise and extensive surveys of the Cross Hollows site are undisputed and give his conclusions more weight than “mere assertions.” *Mack*, 366 Ark. at 6, 233 S.W.3d at 140. The affidavit of an expert, introduced in response to a motion for summary judgment, has been held by this court to demonstrate the existence of a material question of fact. *Four County (NW) Reg'l Mgmt. Dist. Bd. v. Sunray Servs., Inc.*, 334 Ark. 118, 132–33, 971 S.W.2d 255, 263 (1998). The Hilliard Affidavit does precisely that.

We conclude that a genuine issue of material fact does exist regarding whether there would be a significant archeological impact on the Cross Hollows area from the red-dirt mining proposed by Overland.

With regard to the second issue of whether Benton County had a “rational basis” for denying Overland's permit, it

is unclear to this court what the circuit court meant by the use of this term in its judgment. The circuit court never expressly found that Benton County's treatment of Overland violated the company's equal protection rights, which would then lead to a rational-basis analysis. *See, e.g., Johnson v. Sunray Servs., Inc.*, 306 Ark. 497, 508, 816 S.W.2d 582, 588 (1991). Though Benton County argues in its brief that there was a legitimate government interest, or rational basis, to treat Overland's red-dirt mine differently from other mines in the area, we decline to address this constitutional issue, because of our uncertainty about whether it was fully developed before the circuit court or ruled upon. *See Knowlton v. Ward*, 318 Ark. 867, 878–79, 889 S.W.2d 721, 728 (1994).

Reversed and remanded.

All Citations

371 Ark. 559, 268 S.W.3d 885

Footnotes

- 1 While the Guendling Report and the parties refer to the area as Cross Hollows, the Hilliard Affidavit refers to it as Cross Hollow.

OVERLAND DEVELOPMENT, INC.

PLAINTIFF

V.

NO. CV 2006-2202-1

BENTON COUNTY, ARKANSAS

DEFENDANT

STIPULATION BY PLAINTIFF
OVERLAND DEVELOPMENT, INC.

I, David E. Covington, as President of Overland Development, Inc. ("Overland"), stipulate to the Court that if the application for a large-scale development permit is approved by the Court that:

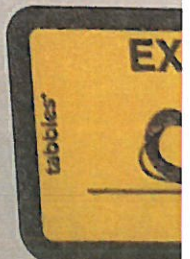
1. Overland will confine its red-dirt mining operations to the following described real estate:

The 30.00 acre tract shown on the plat recorded at instrument number 08-211 and more particularly described:

Starting at the NE corner of the SW 1/4 of the NE 1/4 of Section 31, Township 19 North, Range 29 West, then S 01° 46' 06" W 669.08 feet to the point of beginning; then N 87° 53' 26" W 992.00 feet; then S 01° 52' 07" W 1313.10 feet; then S 87° 29' 32" E 992.00 feet; then N 01° 58' 26" E 660.00 feet; then N 01° 46' 06" E 660.00 feet to the point of beginning.

2. Overland will not disturb Locus 1 or the "logging cabin site" as depicted on the plat recorded at instrument number 08-211 and more particularly described as:

Part of the SW 1/4 of the NE 1/4 of Section 31, Township 19 North, Range 29 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the SE corner of said SW 1/4 of the NE 1/4, then N 87° 17' 18" W 993.17 feet along the South line of said SW 1/4 of the NE 1/4, then N 1° 52' 07" E 170.95 feet, then N 88° 07' 53" W 91.51 feet to the point of beginning, then S 89° 57' 42" W 30.00 feet, then N 0° 27' 20" W 30.00 feet, then N 89° 57' 42" E



30.00 feet, then S 0° 26' 47" E 30.00 feet to the point of beginning.

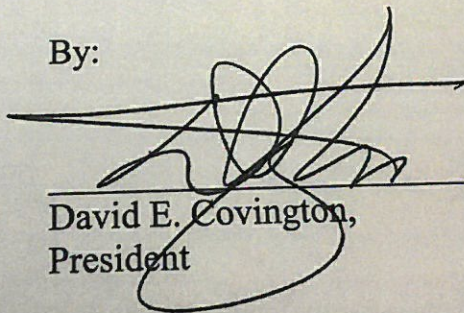
3. Overland will confine its hauling operations from the Red Dirt Mining Area to Old Wire Road along the 30' road easement as depicted on the plat recorded at instrument number 08-211 and more particularly described as:

Part of the SW 1/4 of the NE 1/4 and part of the SE 1/4 of the NW 1/4 of Section 31, Township 19 North, Range 29 West, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of said SE 1/4 of the NW 1/4, then along the west line of said SE 1/4 of the NW 1/4 N 01° 15' 08" E 895.52 feet to the point of beginning, said point being on the centerline of a 30-foot wide ingress, egress and utility easement, thence along said centerline as follows: N 85° 34' 50" E 120.62 feet, then N 52° 27' 21" E 146.91 feet, then N 58° 16' 39" E 169.70 feet, then N 68° 46' 50" E 72.19 feet, then N 60° 04' 30" E 110.54 feet, then N 80° 05' 03" E 113.56 feet, then N 87° 14' 34" E 123.13 feet, then S 60° 35' 21" E 59.22 feet, then S 28° 30' 26" E 52.66 feet, then S 5° 37' 14" E 121.55 feet, then S 18° 08' 26" E 166.35 feet, then S 20° 46' 02" E 144.86 feet, then S 9° 28' 06" E 124.06 feet, then S 20° 14' 04" E 115.35 feet; then S 36° 04' 45" E 108.07 feet, then S 69° 17' 00" E 75.15 feet, then N 72° 07' 39" E 61.88 feet, then N 64° 22' 18" E 79.02 feet, then N 76° 52' 25" E 58.52 feet, then S 83° 28' 45" E 99.93 feet, then S 67° 07' 20" E 82.54 feet, then S 53° 22' 36" E 155.04 feet to the end of the 30-foot wide easement.

OVERLAND DEVELOPMENT, INC.,
PLAINTIFF

By:



David E. Covington,
President

Taylor S. Reamer

From: Tracy Backs
Sent: Thursday, November 29, 2018 11:54 AM
To: Taylor S. Reamer
Cc: Derek Linn
Subject: FW: No quarry in Cross Hollow

-----Original Message-----

From: Laura Hamilton <lauralynnehamilton@yahoo.com>
Sent: Thursday, November 29, 2018 11:51 AM
To: Tracy Backs <Tracy.Back@bentoncountyar.gov>
Subject: No quarry in Cross Hollow

Greetings,

I am writing to ask that the permit for a quarry in Cross Hollow be denied.

I'm concerned not only about the noise pollution from the blasting, but the potential for the ground water to be polluted as well.

Thank you for your time.

Laura Hamilton
(479)330-1305

Taylor S. Reamer

From: Private Private <12762slm@gmail.com>
Sent: Thursday, November 29, 2018 3:09 PM
To: Taylor S. Reamer
Subject: Objections to Cross Hollows quarry in Lowell

I am writing this letter to state my strong opposition to the permitting of a limestone quarry at Cross Hollows in Lowell. I am asking that you please carefully consider your vote on this crucial matter that will affect many people and their properties for many years to come. The effects of this mining operation will not be reversible once it is permitted to operate. It can only be stopped now by your opposing vote.

The citizens of Lowell and Rogers whom you represent in the positions you hold implore you to put yourselves in our shoes. Please honestly consider how you would vote on this issue if it were going to be allowed in your back yard and you would be losing 30% of your property value and facing the consequences of the noise levels, poor air quality, torn up roads, heavy truck traffic and the safety issues involved, and damaged foundations and wells. Please consider the close proximity to multiple schools, Beaver Lake, and the surrounding historic value of this area. There are already multiple existing quarries in this area to sufficiently supply the building needs required.

When you vote on this issue, please weigh the legitimate concerns of all the residents that will be affected over the profits sought after by one company, who has already proven to not show concern for the area near its operations.

Sherrie Moffitt
12762 Frisco Cemetery Road
Lowell

Taylor S. Reamer

From: Sandra Edster <siedster@yahoo.com>
Sent: Friday, November 30, 2018 10:25 AM
To: Tracy Backs; Derek Linn; Taylor S. Reamer
Subject: use review 1425 N. Old Wire Rd. Lowell

Can Mr. Covington be trusted?

Before the Consent Decree was filed in 2008 allowing Mr. Covington to open his red dirt mine at 1425 N. Old Wire Rd., Mr. Covington made several statements in public meetings concerning roads they would travel with dump trucks, the top speed of those trucks, improving the road condition and his future plans for the mine.

In the public meetings Mr. Covington stated that the planed route for the dump trucks would be to use Old Wire Rd. Some of the trucks did use Old Wire Rd exclusively, but many did not. Many of the trucks did leave the mine site onto Old Wire, but instead of continuing on Old Wire turned East onto Cross Hollows Rd. then traveling up Stony Point road reentered Old Wire just South of Post Rd. Stony Point Rd. is even more narrow than Old Wire, crooked and has several blind corners as well as hidden driveways; Again creating dangerous conditions.

Mr. Covington stated that the dump trucks would not travel over 25 m.p.h. I do not own a radar gun, but it was oblivious these trucks were running faster than 25 m.p.h. Since most of the trucks has logos on the side that are affiliated with Mr. Covington, they should have been told to observe the 25 m.p.h. limit.

Mr. Covington also stated that the Old Wire Rd. would be better when he lift than it was when he came. I know he is still pulling dirt from the mine; But he has not made any improvements after 10 years of operation. It is true that the County has graded it more often, which seems to coincide with times that dump truck traffic increases, but that only lasts about one day.

When Mr. Covington was asked about his intent of the mine, he stated his intent was for red dirt only. When directly asked if he had future plans for quarrying at this site, Mr. Covington said no. At your October 17 th. Planning Board Meeting this year, Mr. Sorey stated that a quarry was a dove-tail operation with dirt mining. Considering his occupation, I believe this has been Mr. Covington's intent all along

The 2008 Consent Decree was for only the original 30 or 35 acre red dirt mine but now the proposed quarry wants to incorporate the entire 135 acres.

Based on his past action, I ask you, do you really believe you can trust what Mr. Covington promises? I say a resounding NO!

Respectfully, John and Sandra Edster.

Taylor S. Reamer

From: SCARLETT WILSON <as-wilson@msn.com>
Sent: Friday, November 30, 2018 10:21 AM
To: Barry Moehring; Taylor S. Reamer; Jay W. Frasier; Jeremiah M. Thompson; Derek Linn; Rosemary Goines
Cc: Hillary Hagan; Brboohar@yahoo.com; fudgeandfriends@gmail.com; SCARLETT WILSON; Lara Rosenblum; Clifford R. Wilson
Subject: Regarding the proposed Cross Hollow rock quarry: Q's needing A's

Sharing some things to consider and provide answers at the Planning Board meeting scheduled Dec. 5, 2018, at the Benton County Courthouse:

What is there warranty on the water wells?

Are they going to warranty them no matter what if one goes out?

If one goes dry, will they dig it deeper for that owner?

Will they replace the pump if it goes out or if parts of rocks, or anything, falls on top of the pump?

What if the water turns into sulfur water?

Does the 1/4 mile radius warranty go from property line or location of quarry because that could be used to not cover some adjacent or nearby owners?

Dave Covington owns an asphalt plant and sells tons of asphalt to his own business (decco) and to many other companies around here. An asphalt plant needs to be close to a quarry. His asphalt plant is off hwy 264 towards Hickory Creek on property that he leases from a rock quarry.

IF the rock quarry is passed, will Dave Covington move his asphalt plant to Cross Hollows to be close to this quarry?

Does this mean there would be a quarry, a crusher, a dirt pit, and an asphalt plant all on this property?

If so, 50 trucks a day just turned into 100's of trucks per day.

Endangered bats were found in the existing caves on the property 3 years ago which led to the new highway route south of New Hope Road via 1st St, connect further south on Old Wire Road.

The endangered bats are a Federal issue that affects State, county, local.

Will the water from the quarry with other used resources end up in Beaver Lake, or the Springs, causing impurities? Example: In construction water has to be used to control silica dust when cutting or anything else of limestone, concrete, or asphalt.

What are the ramifications of all of these matters on the surrounding landowners, their rights, their property values, and the cultural heritage of Cross Hollows historical area?

Will Dave Cunningham also re-locate his home to Cross Hollows area near proposed worksite, forfeiting the peacefulness of rural country life where he currently resides?

Thank you.

Scarlett Wilson

c) 402-212-9168

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Thursday, November 29, 2018 10:54 PM
To: Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn
Subject: Review of property 1425 N Old Wire Rd Lowell
Attachments: Screenshot_20181129-222637_Drive.jpg; Screenshot_20181129-222624_Drive.jpg; Screenshot_20181129-222618_Drive.jpg; Screenshot_20181129-222611_Drive.jpg

To Whom It May Concern,

During research I ran upon the letter attached. Please read. This letter is almost identicle to our situation. Our Family property is also adjacent to the location proposed for the Lime Quarry. The difference is thatour Third Generation Farm is still active and the only source of income for our family. Therefore water issues, blasting affect on farm animals, lime dust/chemicles, blasting direction and large rocks that will be thrown are even more of a concern....our life depends on the ability to sucessfully operate our farm. With this background I see that the mine expansion/change decision would go against Ordinance 1.4 to "seek to best promote the health, safety, convenience, prosperity, and welfare of the people of the county". Also see 1.4i and 1.4ii. 1.4iv, General Goals 1,2,4,5, General Goals A, B1,2, Goals C1, C3, D4. As the planning comission it is my understanding it is your job to uphold these ordinances.....that is NOT possible if you allow Covington his request. Please stand up for us and what is ethical and right. Please uphold the ordinances you are bound to. Thank You for your time.

Regena Edster, Vicente Santa Cruz and Family

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: Elizabeth Brown <keposey@gmail.com>
Sent: Friday, November 30, 2018 2:31 PM
To: Taylor S. Reamer
Subject: Quarry at Cross Hollows

Dear Director Reamer,

As residents of Benton County, we are writing to let you know that we are extremely concerned about the potential rock quarry at Cross Hollows. We bought our home 5 years ago and we have 3 children ages 2, 5, and 8. We live less than 2 miles from the site and after extensive research, we see no way this would benefit our community. Our roads, houses, and health will suffer because of this project. There are also potential damage to our water supply. This will destroy wonderful land that happens to be on the national registry for it's historical significance with the Trail of Tears and the Civil War. The negative impact that a limestone mine will have to the health of our family, the wildlife, the wetlands, the lake, and our property values causes us to write to you and plead that you vote no to this disruptive business venture. As voters in this county, we request that you consider this as a horrible idea for our community.

Sincerely,
Josh and Elizabeth Brown
805 Irelan St.
Lowell, AR

Taylor S. Reamer

From: Cambridge POA <cambridgepoa@gmail.com>
Sent: Sunday, December 2, 2018 8:14 PM
To: Planning Board Members; Barry Moehring; rosmay.goines@bentoncountyar.gov; Taylor S. Reamer; tracy.bracks@bentoncountyar.gov; Derek Linn; Joshua P. Bryant; mayor@rogers.gov; jana.dellarosa@arkansashouse.org; grant.hodges@arkansashouse.org; Melanie Houston; 800 Grandy (Saldivar III, Michael R); Tracy Backs; senator@cotton.senate.gov; kathy.saldivar@yahoo.com
Subject: Proposed Rock Quarry at Cross Hollows

To Whom It May Concern:

As a neighborhood of 149 lots, we would like to make our voice known that we do **NOT** want the proposed rock quarry at Cross Hollows be allowed to pass.

There are Historical Sites in this proposed area that would be affected. There are already 3 historical markers in the area where the proposed rock quarry would be. There is also a Confederate Spring on Old Wire Road which is in the process of receiving a Historical Marker. Old Wire Road has also been proposed to the National Register for Historic Places for the following reasons.

1. The Trail of Tears involved the forced march of members of the Cherokee and Civilized Nations which camped on the Cross Hollows property before moving on to the western part of Benton County and into Oklahoma.
2. The Butterfield Stagecoach traveled the Old Wire Road, stopping at Cross Hollows to change out the horses and accommodate passengers, before continuing on southward.
3. During the Civil War, the Confederate Army quartered up to 14,000 troops in Cross Hollows prior to advancing on the Union Army.

Paving and widening would remove the road's historical designation.

Some of the issues that we have as a neighborhood include the following:

1. The safety of our children. It is estimated that there will be 35-50+ sixteen-ton trucks making daily round trips along roads that run through the Rogers School Zones. The trucks would pass Old Wire Elementary, East Side Elementary, Russell Jones Elementary, Tillery Elementary, Rogers New Technology High School, Rogers Heritage High School, and Kirksey Middle School, not to mention other schools that are nearby, but not along the routes. Many families and busses will encounter the large trucks which have historically presented many safety issues (taking corners too quickly and on the wrong side of the road, throwing debris on the roads, speeding, etc.). Many families and children also walk along these roads to get to and from school, bus stops, and friends' houses.
2. The wear and tear on the roads. More taxpayer dollars will have to be used for repairs. Here is a neighbor's estimate regarding the large equipment: "When asked about road wear, Covington's lawyer stated the trucks are 16 ton. 35 to 50 trips IN (unloaded) and 35 to 50 trips OUT (loaded) per day.
HERE IS THE MATH: A 16-ton dump truck weighs 32,000 lbs unloaded. Assuming it has a bed capacity of 15-18 cubic yards x 2,800 lbs per cubic yard, that will be a weight of 74,000 to 82,400 lbs per loaded bed weight. Multiply that by 50 trucks OUT, plus the 50 trucks IN and you're looking at the roads having 3,600,000 to 4,100,000 lbs LOADED weight PLUS 1,600,000 lbs UNLOADED weight PER DAY. How long can the roads handle that?"

3. Disturbing the Peace. The proposed rock quarry, should it pass, would reduce the ability to enjoy our property. Property Owners have a right to the enjoyment of their property. The wildlife, especially those of the **endangered** bats in the nearby caves, would be disturbed. Being that the proposed quarry is 2.1 miles from our neighborhood, power outages, booming, explosion-like noises, and health issues from the limestone particles are huge concerns for us.

4. Earthquakes. Several fault lines cross the Northwest Arkansas area and have triggered recent tremors in Benton County. Quarry explosions can lead to additional tremors in the area which could cause damage to homes and businesses.

5. Health Issues. The respiratory effects, which can appear many years later is a big concern for all neighbors. These include emphysema, chronic pneumonia, and tuberculosis. ALL of which are listed on the Materials Data sheet from OSHA as issues that can occur from limestone particles. Chemicals and dust and rock debris will be thrown into the air that we breathe which will also pollute Beaver Lake and nearby streams. It will also cause harm to natural springs, well water, the aquifer, the wetlands, pets, livestock, and wildlife. It can also cause serious problems to our veterans who suffer from PTSD.

6. Property Values. Property values of surrounding neighborhoods could drop by as much as 30% or more depending on how close they are to the mining operations.

Please take the following questions into consideration before voting on this matter:

1. Would you want your family, pets, and home exposed to these dangers?
2. Could you live with the fact that the homeowners will suffer if you vote to allow this quarry in their backyards?
3. Would your husband or wife want this in their backyards affecting the health of your family?
4. How would it affect you if the value of your home dropped by more than 30% overnight?

This proposed rock quarry does not seem like a good idea for residents and homeowners near the cities of Lowell, Rogers, Springdale, Bethel Heights, and the rest of Northwest Arkansas. This affects not only humans and animals, but also our community. We fight hard to build a better life for our children. This quarry would defeat all of the hard work and love that we put into our community to make it a great place to live.

The Cambridge Place Subdivision of Lowell requests that the proposed rock quarry is NOT allowed in our area. Please vote on Wednesday, December 5, 2018 to shut this operation down.

--

Ray Saldivar, President
Cambridge Place POA
P.O. Box 705
Lowell, AR 72745

Taylor S. Reamer

From: D. Kapple <ddkapple@comcast.net>
Sent: Sunday, December 2, 2018 5:04 PM
To: Taylor S. Reamer
Subject: Proposed Rock Quarry east of Lowell

Dear Mr. Reamer,

We are residents of the South Mountain Estates Subdivision located in District 14 of Benton County. We have recently retired and moved to our dream home on Beaver Lake in June of this year. Our subdivision is approximately 3.5 miles by road from the proposed Covington Limestone Quarry at [1425 North Old Wire Road in Lowell](#). As the crow flies, our subdivision is less than 2 miles from the proposed site. When we moved to this area we were not aware of proposed quarry and may have chose another area on Beaver Lake had we known that it was being considered. We are vehemently opposed to the opening of another limestone mine in our area. There is already one not far from us on Highway 264.

From what we understand there will be monthly blasting at the quarry. With the proximity to our subdivision, we are concerned about potential damage to foundations and slabs. There are subdivisions even closer than ours. What will the impact be to sewer lines, gas lines and other utilities?

What will be the potential affect on groundwater, well water, and particularly Beaver Lake?

We are also very concerned about potential traffic on Frisco Cemetery Road. Will there be an entrance/exit to this rock quarry from Frisco Cemetery Road? There are already large dump trucks traveling to and from an existing dirt farm on Frisco Cemetery Road. The road is very narrow. You have to be very careful when passing these trucks on the sharp curves. This road is not designed for heavy truck use--certainly not in the 70,000 pound range. How long will it be before major road repair work will have to done? The quarry on Highway 264 proves this because it had to have a merging lane installed. Is Benton County going to foot the bill for this?

What about the health issues? With the blasting, there will be chemicals, dust and rock debris thrown into the air. As close as we are, it will be in the air that we breathe and fall into our subdivision and potentially pollute Beaver Lake.

Last but certainly not least is the impact on our land values. Studies have shown that the closer you are the greater the decrease on land values. County appraisals in our subdivision are very high. Reduced values would certainly hurt us over time as property gets resold. It will also hurt the County long term with less revenue.

The Sharp Quarry in Springdale is a great example of the problems I've described. Those adjoining property owners are living with these issues every day. Let's not make that mistake in Lowell. Is that what we want Lowell to look like?

As a concerned voter in Benton County, I'm asking for your help. Say no to this project. The impact beyond the property involved on the surrounding areas is too great to allow it. We are firm believers in the rights of property owners but, when those property owners propose actions that affect surrounding property owners, you have to draw the line. As our official representatives, we ask you to make the right call and oppose this project. You wouldn't want it near your house, we don't either.

Sincerely,

Dave and Darlene Kapple

Sent from my iPad

Taylor S. Reamer

From: Jody Latour <latourjody@gmail.com>
Sent: Sunday, December 2, 2018 4:56 PM
To: Brent Meyers
Cc: Taylor S. Reamer
Subject: Quarry proposal at 1425 N. Old Wire Road, Lowell, AR

Dear Mr. Meyers:

I am writing you to express my concern regarding. and state my opposition to, this proposed quarry.

Some of my concerns are the potential damage to property such as foundation cracks and who is going to be liable for paying for the repairs should this damage occur.

Will it be the operator of the quarry and if so will said operator be required to post a bond or a cash deposit sufficient to cover these costs for any or all of the homes currently constructed or will Benton County be responsible for paying for damages as they would have issued the permit?

Can we be assured that the dynamiting or whatever method used will not trigger an earthquake.

What procedures will be required to protect residents, particularly the elderly and children from the chemicals and or dust generated that can make breathing difficult and lead to lasting damage to the lungs.

What regulations will be put in place to require the trucks that will be transporting the rock/material generated by the quarry to be fully covered, have a place for the trucks to drive through to wash the tires of debris before they enter the roadways., etc. as damage to vehicles is costly from broken/cracked windshields, chipped paint and even tire damages.

Will Benton County reduce the real estate taxes for properties due to the expected devaluation of up to 30 % of the value of homes affected?

I believe the disadvantages to the residents of Lowell and surrounding area outweigh any benefits that could be realized from this quarry. Please vote no on this proposal.

Thank you for your time.

Respectfully submitted,

Georgia (Jody) Latour
415 Nelda Avenue
Lowell, AR 72745

Taylor S. Reamer

From: Bernard Leonard <bleonard100@me.com>
Sent: Saturday, December 1, 2018 2:48 PM
To: Taylor S. Reamer
Subject: Re: Covington Limestone Quarry

> Dear Mr. Reamer:

>

> We are residents of the South Mountain Estates Subdivision located in District 14 of Benton County. We have owned our property since 2004. Our subdivision is approximately 3.5 miles by road from the proposed Covington Limestone Quarry at 1425 North Old Wire Road in Lowell. As the crow flies, our subdivision is less than 2 miles from the proposed site. We are opposed to the opening of another limestone mine in our area. There is already one not far from us on Highway 264.

>

> From what we understand there will be monthly blasting at the quarry. With the proximity to our subdivision, we are concerned about potential damage to foundations and slabs. There are subdivisions even closer than ours. What will the impact be to sewer lines, gas lines and other utilities?

>

> What will be the potential affect on groundwater, well water, and particularly Beaver Lake?

>

> We are concerned about potential traffic on Frisco Cemetery Road. Will there be an entrance/exit to this rock quarry from Frisco Cemetery Road? There are already large dump trucks traveling to and from an existing dirt farm on Frisco Cemetery Road. The road is very narrow. You have to be very careful when passing these trucks on the sharp curves. This road is not designed for heavy truck use--certainly not in the 70,000 pound range. How long will it be before major road repair work will have to done? The quarry on Highway 264 proves this because it had to have a merging lane installed. Is Benton County going to foot the bill for this?

>

> What about the health issues? With the blasting, there will be chemicals, dust and rock debris thrown into the air. As close as we are, it will be in the air that we breathe and fall into our subdivision and potentially pollute Beaver Lake.

>

> Last but certainly not least is the impact on our land values. Studies have shown that the closer you are the greater the decrease on land values. County appraisals in our subdivision are very high. Reduced values would certainly hurt us over time as property gets resold. It will also hurt the County long term with less revenue.

>

> The Sharp Quarry in Springdale is a great example of the problems I've described. Those adjoining property owners are living with these issues every day. Let's not make that mistake in Lowell. Is that what we want Lowell to look like?

>

> As a concerned voters in Benton County, we're asking for your help. Say no to this project. The impact beyond the property involved on the surrounding areas is too great to allow it. We are firm believers in the rights of property owners but, when those property owners propose actions that affect surrounding property owners, you have to draw the line. As our official representatives, we ask you to make the right call and oppose this project. You wouldn't want it near your house, we don't either.

>

> Sincerely,

> Bernard and Pam Leonard

>

Taylor S. Reamer

From: Barry Moehring
Sent: Saturday, December 1, 2018 8:25 AM
To: Taylor S. Reamer; Rosemary Goines
Subject: Fwd: Cross Hollows Quarry

Sent from my iPhone

Begin forwarded message:

From: Elizabeth Brown <keposey@gmail.com>
Date: November 30, 2018 at 1:29:13 PM MST
To: barry.moehring@bentoncountyar.gov
Subject: Cross Hollows Quarry

Dear Judge Moehring,

As residents of Benton County, we are writing to let you know that we are extremely concerned about the potential rock quarry at Cross Hollows. We bought our home 5 years ago and we have 3 children ages 2, 5, and 8. We live less than 2 miles from the site and after extensive research, we see no way this would benefit our community. Our roads, houses, and health will suffer because of this project. There are also potential damage to our water supply. This will destroy wonderful land that happens to be on the national registry for it's historical significance with the Trail of Tears and the Civil War. The negative impact that a limestone mine will have to the health of our family, the wildlife, the wetlands, the lake, and our property values causes us to write to you and plead that you vote no to this disruptive business venture. As voters in this county, we request that you consider this as a horrible idea for our community.

Sincerely,
Josh and Elizabeth Brown
805 Irelan St.
Lowell, AR

Taylor S. Reamer

From: regena.edster <regena.edster@gmail.com>
Sent: Friday, November 30, 2018 9:19 PM
To: Barry Moehring; Rosemary Goines; Taylor S. Reamer; Tracy Backs; Brent Meyers; Derek Linn
Subject: Review of property 1425 N Old Wire Rd Lowell

Most of our e-mails have focused on how Covingtons proposed Limestone Quarry would affect Benton County/Lowell Residents. However, other neighboring town are affected also. Please consider how the Limestone Quarry would affect Rogers if allowed to proceede.

First consideration is safety issues. It is estimated that there will be 50 or more 16 ton trucks making daily round trips through roads going through multiple Rogers School Zones. The trucks would pass Old Wire Elementary, East Side Elementary, Russell Jones Elementary, Rogers New Technology Highschool, Kirksey Middle School, Tillery Elementary, and The Highschool. Multiple families and busses driving these roads daily will encounter the large trucks often on windey, narrow roads. Historically, the trucks have presented many safety issues such as going around corners too quickly on the wrong side of the road, speeding, etc. Additionally, many children walk these roads to get to and from school. That does not include accidents where little ones might dart off a playground or horse around with their friends on walks home and not pay attention, being unsafe on what would be heavily traveled roads. As you can see, these conditions are ripe for accidents.

Second is wear and tear on the roads, resulting in the use of more taxpayer dollars for repairs, etc. Here is a neighbors estimation regarding the large equipment "When asked about road wear, Covington's lawyer stated the trucks are 16 ton. 35 to 50 trips IN (unloaded) and 35 to 50 trips OUT (Loaded) per day.

HERE IS THE MATH: [16 ton dump truck weighs 32000 lbs.](#) unloaded. Assuming it is a a bed capacity of 15 to 18 cubic yards x 2800 lbs per cubic yard, that will be a weight of 74,000 to 82,400 lbs. per loaded bed weight. MULTIPLY that by 50 trucks OUT, Plus 50 trucks IN (unloaded) and you're looking at that little road plus even the new sections of Old Wire having 3,600,000 to 4,100,000 lbs LOADED weight PLUS 1,600,000 lbs. UNLOADED weight PER DAY. This is 5,200,000 to 5,700,000 lbs PER DAY of weight on the road. How long can the roads handle that?". I am sure the city of Rogers has much more pleasant things to spend their money on than road repair. In addition, I am sure the citizens have more pleasant things to look at and hear!

Added to the concerns of physical and financial safety is the truth that Anchor Stone (the company that most of the work is contracted through) is based out of Tulsa and therefore revenue for surrounding towns will be minimal if at all. Our conclusion is that allowing the Limestone Quarry only presents detriment to Rogers and the surrounding towns- nothing positive. Please stand with us and our Sister Cities- stop the expansion and Lime Quarry!!!

Sincerely,

Regena Edster, Vicente Santa Cruz and Family

Sent from my T-Mobile 4G LTE Device

Taylor S. Reamer

From: 95coachmen@cox.net
Sent: Monday, December 3, 2018 9:53 AM
To: Barry Moehring
Cc: Planning Board Members
Subject: Cross Hollows Quarry, arguments against

Your Honor,

I am Greg Marshall, a resident of Benton County. I write you out of concern that the proposed limestone quarry at Cross Hollows may cause me harm.

My home is like a great many homes in rural Benton County, in that we get our water from a spring on our property. This house and many like it exist purely due to the presence of a reliable spring. Our spring has always flowed. Even in drought years we get enough water to flush the toilets a couple times daily and take an "RV" shower. But our spring is affected by events surprisingly far away. When the Beaver Water District was excavating and drilling to build the new chlorination facility, our spring ran tan for several months (drilling mud?). What will happen when this rock quarry blasts through the impermeable stratum that contains our aquifer? Our spring may go dry! Springs that have flowed since time immemorial, springs that are noted as landmarks on ancient maps, will cease to flow. This is my personal concern.

Of course, other people may raise other issues, such as historical significance and compatibility with nearby residences. I think all these complaints have merit. I ask you to refer to the "Planning and Development Ordinance of Benton County, Arkansas". Section 1.2 of that Ordinance spells out the Jurisdiction and Authority of the Ordinance, and it specifically states "Land use compatibility shall be one of the major criteria". The proposed quarry is in the Lowell planning area and is shown on their map as "RLD", residential low density. It seems obvious to me that blasting, rock crushing and huge dumptrucks are not compatible with residential neighborhoods.

This same ordinance, the one that establishes the very existence of the Planning Board, goes on to state in section 1.4 that the Purpose and Intent of the Ordinance is to "...seek to best promote the health, safety, convenience, prosperity and welfare of the people of the county." It would be easy to name the ways that the proposed quarry will damage each and every one of those listed items, but I don't mean to waste your time. The direct conflict between the authorizing of the quarry and the legal duties of the Board is obvious. The members of the board must act in accordance with the law that empowers them.

A complete reading of section 1.4 of the Ordinance will reveal many other instances in which the law clearly guides the Board to the correct decision. Excerpts of import are "Areas of critical concern include... aquifers and aquifer recharge areas". The items labeled I, ii, iii, etc. are filled with language that seems written about this quarry. In particular, there is a clause that says "Ensure that all County plans are consistent... with... municipal plans... to insure harmonious development..." which brings us back to the Lowell planning map and the LDR zoning. This same Ordinance (sec 1.5) gives the City of Lowell the legal right to plan the development in the area of the quarry.

So it seems there are many legal justifications for the County to refuse to allow the rock quarry to open. And the possible reasons to approve it are all rife with risk of lawsuits and court battles due to obvious conflict with existing regulations. I hope the Planning Board will see the light and do the right thing, the legal thing; only trouble lies down the other path. Stop the Rock Quarry.

Gregory A Marshall
Beaver Lake, AR

Taylor S. Reamer

From: Lori Anderson <lori.anderson662@gmail.com>
Sent: Monday, December 3, 2018 10:33 AM
To: Taylor S. Reamer
Subject: Would you want to live next door to a mine?

If not, then please vote No on Wednesday.

Thank you.

Your voting constituent,

Lori Anderson

714 Dogwood Ave

Lowell, AR 72745

479-685-3252

Taylor S. Reamer

From: Nathan M <nathandmiles1718@gmail.com>
Sent: Monday, December 3, 2018 11:22 AM
To: Planning Board Members
Subject: PLEASE SAY NO TO ROCK QUARRY

Protect Lowell, Springdale, and Rogers roads and citizens by voting against the rock quarry development proposal in the Lowell area. We've seen the degradation that the quarry off Wagon Wheel Road has done to surrounding neighborhoods and roads.

Don't make the same mistake please!

Taylor S. Reamer

From: Chris Roberts <solarsys626@yahoo.com>
Sent: Monday, December 3, 2018 2:32 PM
To: Taylor S. Reamer
Subject: Cross Hollow Quarry

Dear Mr. Reamer

As a homeowner and resident of Lowell in Benton County I am seriously concerned about the discussion of the opening of the Cross Hollows Limestone Mine. I have a dear friend who lives quite close to the mine in Springdale and he has brought to my attention of the many negative consequences of living near one: the dynamite explosions that can damage homes as well as personal items on shelves and items hanging on walls. I also am concerned about the environmental impact of such a mine with not only land pollution but also air pollution with the dust and the fallout from this operation. The constant dump truck traffic poses a risk to our drivers, roads, and vehicles. Lastly, I am concerned about the impact this operation will have to the value the homes in our community.

As an active member and voter of our community. I urge you to consider these thoughts I have presented in this email and ask you to vote against allowing this disruptive operation to affect our community.

Sincerely,

Chris Roberts

Resident of Lowell, AR

Taylor S. Reamer

From: Colleen Simrell <simrellcolleen@gmail.com>
Sent: Monday, December 3, 2018 2:37 PM
To: Taylor S. Reamer
Subject: Against limestone quarry

I live up the road about one ten of a mile from Crossroads at 4310 S Old Wire Rd. I like living out here it is still quiet here. I don't want blasting which will mess up my well and not from blasting. The trucks are very noisy also. There are schools on this road which can be dangerous. Beaver Lake will get run off from this. There are historical sites there. This is not a good idea to put a limestone quarry in here. I have lived here since 1991. Thank you for listening. Colleen Simrell

Taylor S. Reamer

From: Geri McMahon <gerimcmahon@yahoo.com>
Sent: Tuesday, December 4, 2018 8:50 AM
To: Taylor S. Reamer
Subject: Cross Hollows Quarry

As residents of Benton County, just outside of Lowell city limits, we are vehemently opposed to the opening of the Cross Hollow mine off Old Wire Road. We are contacting you in order to try to convince those in charge to vote "no" to allow the excavation of limestone in our community.

We live on Beaver Lake and have many concerns regarding this venture. Not only will it negatively impact our property value, the effect on the environment could be profound. It will disrupt wildlife, increase traffic and could ultimately affect our well water. Our home is built into the side of one of the beautiful Ozark mountains. We are close enough to the proposed excavation site that explosions will be felt and could cause foundational shifts to our home.

We moved to Northwest Arkansas, and the Lowell area specifically, because of the beauty and serenity this area offers. Explosions from a limestone quarry nearby threatens our health, home and lifestyle.

As taxpayers and proud residents of this community, we feel it is our duty to voice our opposition in allowing this business venture to disrupt us and those around us. We plead that you encourage the planning commission to turn down the request to continue forward with the Cross Hollow mine project.

Sincerely,
Joe & Geri McMahan
10729 Anzac Dr
Lowell, AR 72745

Sent from my iPhone

Sent from my iPhone

Taylor S. Reamer

From: michael saldivar <saladbar007@yahoo.com>
Sent: Tuesday, December 4, 2018 10:31 AM
To: Taylor S. Reamer
Subject: Cross hollows

The following was sent out to city leaders, representatives, and the Benton County Planning Commission.

To Whom It May Concern:

As a neighborhood of 149 lots, we would like to make our voice known that we do NOT want the proposed rock quarry at Cross Hollows be allowed to pass.

There are Historical Sites in this proposed area that would be affected. There are already 3 historical markers in the area where the proposed rock quarry would be. There is also a Confederate Spring on Old Wire Road which is in the process of receiving a Historical Marker. Old Wire Road has also been proposed to the National Register for Historic Places for the following reasons.

1. The Trail of Tears involved the forced march of members of the Cherokee and Civilized Nations which camped on the Cross Hollows property before moving on to the western part of Benton County and into Oklahoma.
2. The Butterfield Stagecoach traveled the Old Wire Road, stopping at Cross Hollows to change out the horses and accommodate passengers, before continuing on southward.
3. During the Civil War, the Confederate Army quartered up to 14,000 troops in Cross Hollows prior to advancing on the Union Army.

Paving and widening would remove the road's historical designation.

Some of the issues that we have as a neighborhood include the following:

1. The safety of our children. It is estimated that there will be 35-50+ sixteen-ton trucks making daily round trips along roads that run through the Rogers School Zones. The trucks would pass Old Wire Elementary, East Side Elementary, Russell Jones Elementary, Tillery Elementary, Rogers New Technology High School, Rogers Heritage High School, and Kirksey Middle School, not to mention other schools that are nearby, but not along the routes. Many families and busses will encounter the large trucks which have historically presented many safety issues (taking corners too quickly and on the wrong side of the road, throwing debris on the roads, speeding, etc.). Many families and children also walk along these roads to get to and from school, bus stops, and friends' houses.
2. The wear and tear on the roads. More taxpayer dollars will have to be used for repairs. Here is a neighbor's estimate regarding the large equipment: "When asked about road wear, Covington's lawyer stated the trucks are 16 ton. 35 to 50 trips IN (unloaded) and 35 to 50 trips OUT (loaded) per day.

HERE IS THE MATH: A 16-ton dump truck weighs 32,000 lbs unloaded. Assuming it has a bed capacity of 15-18 cubic yards x 2,800 lbs per cubic yard, that will be a weight of 74,000 to 82,400 lbs per loaded bed weight. Multiply that by 50 trucks OUT, plus the 50 trucks IN and you're looking at the roads having 3,600,000 to 4,100,000 lbs LOADED weight PLUS 1,600,000 lbs UNLOADED weight PER DAY. How long can the roads handle that?"

3. Disturbing the Peace. The proposed rock quarry, should it pass, would reduce the ability to enjoy our property. Property Owners have a right to the enjoyment of their property. The wildlife, especially those of the endangered bats in the nearby caves, would be disturbed. Being that the proposed quarry is 2.1 miles from our neighborhood, power outages, booming, explosion-like noises, and health issues from the limestone particles are huge concerns for us.

4. Earthquakes. Several fault lines cross the Northwest Arkansas area and have triggered recent tremors in Benton County. Quarry explosions can lead to additional tremors in the area which could cause damage to homes and businesses.

5. Health Issues. The respiratory effects, which can appear many years later is a big concern for all neighbors. These include emphysema, chronic pneumonia, and tuberculosis. ALL of which are listed on the Materials Data sheet from OSHA as issues that can occur from limestone particles. Chemicals and dust and rock debris will be thrown into the air that we breathe which will also pollute Beaver Lake and nearby streams. It will also cause harm to natural springs, well water, the aquifer, the wetlands, pets, livestock, and wildlife. It can also cause serious problems to our veterans who suffer from PTSD.

6. Property Values. Property values of surrounding neighborhoods could drop by as much as 30% or more depending on how close they are to the mining operations.

Please take the following questions into consideration before voting on this matter:

1. Would you want your family, pets, and home exposed to these dangers?
2. Could you live with the fact that the homeowners will suffer if you vote to allow this quarry in their backyards?
3. Would your husband or wife want this in their backyards affecting the health of your family?
4. How would it affect you if the value of your home dropped by more than 30% overnight?

This proposed rock quarry does not seem like a good idea for residents and homeowners near the cities of Lowell, Rogers, Springdale, Bethel Heights, and the rest of Northwest Arkansas. This affects not only humans and animals, but also our community. We fight hard to build a better life for our children. This quarry would defeat all of the hard work and love that we put into our community to make it a great place to live.

The Cambridge Place Subdivision of Lowell requests that the proposed rock quarry is NOT allowed in our area. Please vote on Wednesday, December 5, 2018 to shut this operation down.

--

Ray Saldivar, President
Cambridge Place POA
P.O. Box 705
Lowell, AR 72745 [ent from Yahoo Mail on Android](#)

Taylor S. Reamer

From: cson@glorygracehome.com
Sent: Tuesday, December 4, 2018 1:15 PM
To: Planning Board Members; Barry Moehring; Taylor S. Reamer; Rosemary Goines; tracy.bracks@bentoncountyar.gov; Derek Linn; Brent Meyers; Joshua P. Bryant
Subject: Cross Hollows quarry proposal
Attachments: Silicosis - Pulmonary Disorders - Merck Manuals Professional Edition.pdf

To each Planning Board member, Judge Moehring, Justices of the Peace and to whom it may concern:

It is my understanding no public comment will be allowed at the December 5th Planning Board meeting. That is not only disappointing, it's frightening. The decision to allow no public input leaves those of us who stand to lose the most with the distinct impression our concerns, our presence, our childrens' safety, our homes, nor our health matter.

This quarry poses a real, valid and documented health risk. The CDC, the National Institute of Occupational Safety & Health, OSHA, as well as comprehensive information from Abigail Lara, M.D., clearly document the real and present danger of limestone dust. The particles are so small they cannot be seen with the naked eye. However, there is no cure for silicosis. The numerous respiratory and pulmonary diseases caused by limestone dust manifest themselves years, usually decades later. NO ONE is exempt. Not the quarry workers, not the neighbors, not the children of the neighboring homes.

I urge you to reconsider this quarry proposal, and at least give those of us who are most affected the chance to voice our concerns and ask our questions.

I have attached Dr. Lara's report, as it clearly shows through photos of lung x-rays, the potential damage we, as Benton County citizens living in the Cross Hollows area, are facing.

Thank you for your time,

Carol Sonnier

Taylor S. Reamer

From: Linda <cowgirl9863@cox.net>
Sent: Tuesday, December 4, 2018 1:32 PM
To: Barry Moehring; Taylor S. Reamer; Derek Linn; Tracybacks@bentoncountyar.gov
Subject: NO QUARRY

I want you to know that there are so many reasons why you all at the planning department need to STOP this Quarry from happening. There are so many people that have so many concerns and I'm right there with them. Our property values, our roads, our water, and our children. I've been here in Lowell since 1967, when we moved here, I remember as a child of riding bikes, horses, walking North on Old Wire Rd to Cross Hollows and to Monte Ne!!! But since 1998 there is no way I would let my kids nor could I even enjoy what I did as a child, due to the increase of traffic and no speed limit at all. My brother was run off the road by a dump truck on this road and the truck put him in the ditch right below our house (upside down in the ditch). How would you like to have them in your back yard?? How would you all feel to be scarced to drink your water from a well or to have your children breathe the dust afraid they will get a lung disease?? I could go on and on. I don't want a quarry in my front yard cause I know they will ruin this area just like the new road has...

Thank You,

Linda Mars

Taylor S. Reamer

From: Joe Cicirello <jrcicirello39@hotmail.com>
Sent: Tuesday, December 4, 2018 3:01 PM
To: Planning Board Members
Cc: Barry Moehring; Taylor S. Reamer; tracy.bracks@bentoncountyar.gov; Brent Meyers; Derek Linn; Joshua.byant@bentongcountyar.gov
Subject: Reasons Against Cross Hollow Quarry

Dear Benton County Planning Commission,

I write to you concerning the application by an out of state mining company, Anchor Stone Company of Tulsa, OK, to mine limestone in an area that is less than 1 mile, as the crow flies, from our home. As a resident of Benton County, AR and a citizen of the Natural State of Arkansas, I am very concerned about the future of our health and the health of the children and residents in the Lowell and southeastern part of Rogers area. As a COPD patient, with ample proof of the health issues associated with the dust produced from blasting, the daily rock crushing and the truck traffic hauling the limestone, I am questioning why you would even consider such a business. Furthermore, I am disturbed that our home's value will become diminished greatly due to the proximity of the proposed mining operation. As a resident of an area that is rich in beautiful streams, gorgeous wildlife and a rural area lifestyle, I feel that our quality of life will be negatively impacted due to an open mining operation such as this one proposed at Cross Hollows.

I am sure someone has pointed out the Planning and Development Ordinance of Benton County, Arkansas Section 1.2 and and 1.4 and how the Planning Commission is to take into account the Land Use Accountability and Purpose and Intent should be a major criteria in making decisions concerning this type of business enterprise in our county. I am sure you, as our County Planners, have considered the true adverse effect on our air quality, water quality and roadway qualities and are just going through the motions before rejecting this applications on the grounds that blasting, rock crushing and 30 ton trucks traveling our roadways are not compatible with neighborhoods in our communities.

As not to take up too much of your time, I will close with this finale thought. It seems there are many legal reasons why the Benton County Planning Commission are legally justified to refuse this application for a limestone mining operation in our county, yet I have not seen much in the way of legal justification as to the benefits why the Commission could allow such an operation.

If you would like to talk to me, my number is 817-455-4921. I have researched dozens of areas in the country that have provided extensive studies of the real impact on health, ecology and economics. I will be more than happy to share my findings so you can see how allowing this quarry to operate will actually cost the county money in the long run and not really help develop it for the good of the county.

Many Thanks,

Joe Cicirello
509 Evergreen Cir
Lowell, AR 72745

Taylor S. Reamer

From: Cindy Mcfarland <cindymcfarland3@gmail.com>
Sent: Tuesday, December 4, 2018 3:04 PM
To: Planning Board Members
Subject: Proposed Quarry at Cross Hollows

My name is Cindy Mcfarland and I live at 1226 N Old Wire Road in Lowell – which is directly across the street from this proposed quarry site.

Today I want to address the issue of Incompatibility. The Planning Boards' own report states that the proposed quarry is incompatible with the surrounding residential and agriculture of the area due to being classified as Heavy Industrial. Per the Planning Board Regulations section 6.7 – when a project is deemed incompatible or Red, that means the uses are generally regarded as incompatible. And unless unique circumstances or extraordinary mitigation measures are proposed the application should not be supported. We heard at the Nov. 7th meeting that they are proposing to have a 900- 1000-foot buffer of trees on the south and west side of their property and a small buffer or berm on the east side. These buffers are not extraordinary for this type of project and do very little to make this compatible to our beautiful serene historic environment. The buffer will only block this eyesore from our view. But the buffers do nothing to mitigate the noise pollution or the increased dump truck traffic on our small historic dirt road or the dust produced from the crushing of rock 6 days a week 8-12 hours a day or the vibrations and shock that our homes and property would endure from the blasting once a month or more as demand deems needed. I have found a report of the noise levels or quarries from the Health and Safety Executive titled Control of Noise in quarries. In it, it lists various quarry activities and the sound levels associated with them. For comparison, normal conversation is at 50 decibels – a car going 40 mph is at 70 decibels - drilling at quarries is 120 decibels – primary rock crushers are at 110 decibels. These are the noise levels we will be exposed to 6 days a week 8-12 hours a day.

In addition, there are already 2 other quarries with in less than 8 miles of the proposed site. That is a lot of blasting in a very small radius.

Please do not vote in favor of this proposal. Reasons for rejecting this project per section 6.8 - 10 are: incompatible development and protecting the public safety and health. Please help us preserve the health, beauty and history of this area.

Thank you,

Cindy McFarland

Taylor S. Reamer

From: Ken Fukumoto <ken.r.fukumoto@gmail.com>
Sent: Tuesday, December 4, 2018 3:50 PM
To: Taylor S. Reamer; Barry Moehring; Derek Linn; tracybacks@bentoncountyar.gov
Subject: Proposed Lime Stone Mining Plan on Old Wire Rd.

Dear Benton County Planning Officials,

I reside at 4304 S Old Wire Rd in Rogers, and I was recently made aware of the proposed lime stone mining operation just south of where I live at 1425 N Old Wire Rd in Lowell. I wanted to let you know that as of right now, I am strongly against approving this plan.

I have many concerns about this plan, but highest on the list is impact to those of us that live on the road and in the area. The road is already a dangerous dirt road that doesn't receive grading as often as it should, and in many locations it's difficult for two cars to pass opposing each other. An increase in heavy truck traffic would only cause the road conditions to degrade at an even faster rate.

I would also like to know what research has been done into the environmental impacts of this plan. I'm worried that the increase in noise and air pollution, as well as potential contamination of our local wildlife areas has not been sufficiently addressed. I am not willing to see my property decrease in value as the area expands around us due to a private mining operation being approved.

Unfortunately, I am out of town at the moment and will not be able to attend the planning board meeting tomorrow evening, but I hope you will take my thoughts on the matter as a local resident into consideration.

Sincerely,
Ken Fukumoto

--

Ken Fukumoto
B.S. Mechanical Engineering
(763) 250-1182
ken.r.fukumoto@gmail.com



Virus-free. www.avast.com

Dear Members of the Benton County Planning Commission:

I am writing to you to express my concerns regarding the proposed quarry in the Cross Hollows area of Lowell. Thank you for taking the time to review this letter and reflect upon the thoughts I will share here.

Before I begin, I'd like to emphasize that I am a firm believer in personal liberty and in an individual's right to use their property to their own preference, including for personal profit. However, I also believe that a person's civil liberties can only justify and protect his or her actions so long as they are not infringing upon the rights and liberties of others. This is a fine line, and sometimes difficult to distinguish, but it is my opinion that this proposed quarry clearly crosses this boundary- sacrificing the quality of life for many for the personal gain of a few.

As a Lowell resident and neighbor to the dirt mine and proposed quarry site, my concerns about this situation are both personal and communal- my worry is not only for how this quarry could potentially affect my own family and property, but also how it might impact the entire area. Because I realize that your responsibility lies not in appeasing the preference of the public, but in upholding the Benton County Planning and Development Regulations, I will use the goals, guidelines, and regulations outlined therein to frame my concerns.

Section 1.4 of the regulations states, "**The purpose of this Ordinance is to guide and accomplish coordinated, efficient, and economic development in the County and seek to best promote the health, safety, convenience, prosperity, and welfare of the people of the County.**" I fully support this mission and believe that I, along with other concerned individuals in the area, will demonstrate how the proposed quarry is in direct contradiction to upholding the ordinance and the purposes described above.

Section 1 goes on to say that the Ordinance will "**make recommendations, among other things, as to: i. The conservation of natural resources; ii. The protection of areas of environmental concerns**" and continues that "**Areas of critical environmental concern include, among other things, aquifers and aquifer recharge areas, soils poorly suited to development, floodplains, wetlands, prime agricultural and forestlands, the natural habitat of rare or endangered species, areas with unique ecosystems, or areas recommended for protection in the Arkansas Natural Areas Plan.**" The area of the proposed quarry exhibits several of the unique characteristics the Planning Commission has set forth to protect. A 2001 report conducted by the USGS discusses at great length specific environmental impacts of limestone quarrying in Karst areas. Karst is a specific type of fragile topography that sometimes occurs in conjunction with carbonate rocks such as limestone and is identifiable by the presence of other specific geological features, such as underground springs and caves. The Ozarks Plateau (which includes the Cross Hollows region and surrounding areas) has been identified as a Karst region, and anyone who is familiar with the Cross Hollows terrain can attest that it exhibits the characteristics of a Karst area. The USGS report identifies (and elaborates upon) many areas of concern for environmental disruption when limestone quarrying takes place in Karst areas,

including engineering impacts, cascading impacts (the cascading effect that can occur from one environmental change or disruption, causing a multitude of other environmental impacts as a chain-reaction, often over long periods of time), geomorphic impacts, blasting impacts, noise and dust impacts, effects on local habitats and biota, water quality disruption, water flow disruption, disruption and displacement of rare and endangered species which reside in underground Karst areas, and potential for sinkholes due to the unique topography in Karst areas creating higher susceptibility than other areas. I highly encourage you to take a few moments to review this analysis and consider whether the environmental risks of limestone mining in the specific type of geology of the Cross Hollows area warrants special consideration. The full USGS report can be found here: <https://pubs.usgs.gov/of/2001/ofr-01-0484/ofr-01-0484so.pdf>

Section 1 also establishes "**acceptable criteria for development consistent with the Benton County Land Use Guide as outlined below:**

i. Retain the agricultural nature and rural residential character of the County while recognizing the need for industrial land uses, principally where adequate utilities, roads, and other infrastructure exists or will exist. This will allow for future industrial, commercial and rural residential land usage that will minimize incompatibility with agricultural, residential, and other interests.

ii. Commercial development must be weighed according to its impact on agricultural and residential areas.

iii. Ensure protection of the County's natural environment, floodplains, watershed, and natural resources and features.

iv. Adequate roads and other infrastructure should be considered in the development process."

The current rural, residential, and agricultural nature of all areas surrounding the quarry do not provide adequate infrastructure for a heavy industrial application. Several of the surrounding roads are "no-truck routes", meaning that the majority of the truck traffic would be limited to a few specific areas, placing excessive traffic and wear-and-tear on rural residential roads, in addition to placing several local schools in the path of this excessive truck traffic. While the applicant has volunteered to pave a portion of the road that would be used most frequently as mitigation for this concern, this is not a solution that is welcomed by the residents of the rural residential areas surrounding the quarry. Speed and safety are already primary concerns for many of these citizens, and paving the road would encourage greater amounts of traffic to travel at higher speeds with less caution. The individuals residing in the areas surrounding the proposed quarry site have chosen their location due to the rural nature of the properties, the beautiful and unique topography of the area, the quality of the air and water, the abundance of wildlife that exists in the natural ecosystem, and the lack of commercial and industrial development. Many of the residents have been established in this area much longer than the

existing dirt mine, and fought to protect the area years ago when this process began with the permit for dirt excavation. Any so-called "improvements" which further disrupt the local environment, residents, and the rural nature of the area are not considered to be improvements at all by those who seek to enjoy the benefits of the natural environment. Our wish to preserve the idyllic setting of rural Benton County is aligned with the Planning Commission's own goals for development in agricultural and residential areas: **"Benton County seeks to protect and preserve, to the extent feasible and practicable, the agricultural and rural character of the County for successive generations to use and enjoy", "to protect residential areas from incompatible adjacent land uses," and "to ensure development of residential areas to achieve a safe living environment that aims to preserve the natural beauty and topography of Benton County and retains the agricultural character and rural nature of the County."**

The General Goals for the county established in the Planning Regulations include **"To protect and provide for safe drinking water sources, including Beaver Lake, for the public health, safety, and general welfare of Benton County, Arkansas."** and **"To provide for adequate light, air, privacy, to secure safety from fire, flood, and other hazard, and to prevent overcrowding of the land and excessive congestion of population."** Goals Regarding Infrastructure Including Transportation, Public Facilities and Services set forth a similar, but more detailed, objective: **"To prevent the pollution of air, water, and soil; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout Benton County in order to preserve the integrity, stability, and beauty of the community and the value of the land."**

Again, it becomes readily apparent that allowing the applicant to proceed with limestone mining in the Cross Hollows area would be in conflict with the Board's interest in protecting the general welfare of the residents and integrity of the land. Crystallized silica dust is an established by-product of limestone mining, and its risks to human health are well documented. When silica dust is inhaled, scarring and fibrotic nodules are formed around the trapped dust particles in the lung tissue. Silicosis is a progressive lung disease for which there is no known cure. Apart from creating difficulty breathing, silicosis leads to increased risk for tuberculosis, chronic bronchitis, kidney failure, lung cancer, and even death. The effects of breathing silica dust are often slow to present, showing up many years after the initial exposure. In addition to the air quality being significantly affected, there are many concerns about the potential effects to the water table in the entire Cross Hollows area and surrounding areas. Most of the residents in the area depend on well water, many of which are fed by underground springs which are very sensitive to even the smallest changes in the local geology, as is described in the USGS document referenced above. There are many opportunities for a major mining operation to disrupt the water supply to the surrounding areas- from wells shifting due to blasting to drainage of ground water in excavation activities, in addition to countless opportunities for contamination of both the local ground water table and Beaver Lake itself due to pollution from the excess truck traffic, heavy machinery, removal of large areas of vegetation, and silica and selenium by-products; just to name a few. The applicant's promise to service wells within 1/4 mile of the quarry site which

accrue damage as a direct result of quarry operations leaves many of us with more questions than answers: How will the land-owners and the applicant decide when the quarrying activities are to blame for damage to wells? How long will it take to repair or replace wells which fit the qualifications? What will families do for water in the meantime if and when their water supply is disrupted? What is the retribution for families outside of the 1/4 mile radius that might be affected by shifting of wells, changes to the water table, or alteration of the quality of the water? Who will monitor the quality and quantity of the water in the surrounding areas and what will the consequence be if and when it is affected? We pray that the Planning Commission will uphold the goals set forth in the Regulations to protect the quality of our air, water, and local environment.

The goals for Commercial and Industrial Development include: **"To discourage the indiscriminate mixing of commercial development into residential and agricultural areas and encourage development with adequate infrastructure provision,"** and **"to discourage commercial and industrial development from areas where inadequate or substandard infrastructure exists or where it is unreasonable to expect such infrastructure may be logically and efficiently extended."** As discussed above, the infrastructure of the surrounding residential and agricultural areas are inadequate for heavy industrial use and the necessary alterations to develop adequate infrastructure would be detrimental to the rural nature of the area and also to its residents. While I recognize that industrial development can be beneficial in the right setting and is a necessary component of growth, the targeted area for this particular project disregards all of the established guidelines set forth to protect the citizens of Benton County from this type of mixing of industrial and commercial development in a solely residential and agricultural rural area.

This brings me to the guidelines for Land Development Patterns, as described in Section 4 of the Planning Regulations. While Section 1.2 clearly states that **"Single family and agricultural land use is granted as a right and all other land use shall be reviewed as conditional uses. Land use compatibility shall be one of the major criteria,"** Section 4 elaborates on the details of Land Use Compatibility. It emphasizes that **"Development patterns must be consistent and compatible with existing development in the vicinity and the environment"; "Commercial and industrial developments are encouraged to cluster to minimize incompatible land-use. Commercial and industrial uses should locate where preexisting commercial and industrial uses have already been established, be located along major arterials or other roads or streets that have a commercial character, or have the services to support commercial uses";** and that **"any industrial and commercial development(s) that could limit the viability of existing agricultural uses is/are discouraged"**. I don't believe much elaboration is necessary here. The proposed quarry location is clearly not in alignment with the regulations established to protect residential and agricultural areas such as those that surround the quarry on all sides. **"The Board shall carefully review each proposal to establish a new use in an area where such land use did not previously exist for appropriateness and compatibility, i.e. coming to a nuisance. The Board should assess whether such proposed use may in itself reduce the value and viability of**

existing land use." We ask that you consider the potential land value reduction of up to 30% in the surrounding areas, in addition to the unavoidable nuisance that is bound to occur from such an operation occurring in our rural residential neighborhoods and agricultural areas.

Section 4 also establishes "**specific performance standards to ensure compatibility of adjacent land uses. [...] Potential off-site nuisances shall be mitigated or abated by appropriate means. The means of mitigation shall be presented in detail and submitted with the application for a permit. *The default standard for compatibility is that there are no off-site impacts exceeding pre-development conditions.* Some examples of potential nuisance may include but is not necessarily limited to the following.**

A. Noise: no proposed use may create levels of noise that is hazardous or disruptive to the peace and enjoyment of adjacent properties. Three specific factors determine the impact of noise: intensity, frequency, and duration.

Blasting on-site at the quarry is clearly a noise hazard which would be disruptive to the surrounding properties. In addition to blasting, the noise pollution created by heavy machinery crushing and grinding the mined material and the excessive heavy truck traffic necessary to move the materials all contribute to an overall disturbance of the peaceful nature of the rural area that the residents currently enjoy. Noise will also be disruptive to both local livestock and native wildlife, whose hearing is much more sensitive than ours, further impeding the agricultural and environmental integrity of the area.

B. Vibration: Excessive vibrations can disrupt daily community activities and over a prolonged period of time they can weaken or damage structures. Benton County may determine that perceptible vibrations at the property line constitute a nuisance. If vibrations are expected to be an impact from the proposed development or use, the Board may require a Vibration Study for the project.

Again, blasting activities at the quarry would certainly cause perceptible vibrations which will be felt in the surrounding areas and, as stated in the description above, can cause damage to structures over time. They can also cause significant damage to the fragile topography as was discussed earlier, causing sinkholes, disrupting the water table, and even causing earthquakes along fault lines. Other quarry activities may also cause unwanted vibrations in the surrounding homes, ecosystem, and agricultural areas. Although the applicant has proposed blasting to only occur once per month, he has also stated that this is subject to change based on demand, which leaves many of us concerned about how that number has potential to change without warning and how our homes and lives might be affected.

H. Dust and Other Particulates: No dust, particulates, or smoky billow should emanate from a subject property onto an adjacent property. Such air pollution is generally regulated at the federal or state level and, at minimum, uses that generate air pollutants are expected to meet these standards. Additional mitigation may be required locally based on specific established land uses adjacent and proximal to the proposed generating use.

As discussed previously, silica dust is a hazardous by-product of limestone mining, in addition to selenium dust, which can be detrimental to local wildlife. Again, other air pollution resulting from the quarry's activities, such as diesel exhaust from the frequent truck traffic and heavy machinery, are also a concern for the residents and for our environment.

Table 6.5- Land Use Compatibility Matrix- outlines appropriate mixes of land use for different areas.

Table 6.5 – Land Use Compatibility Matrix

A. Subject Property ↓	B. Adjacent Property ↓	Agricultural (0)	Low Density Residential (1)	Medium Density Residential (2)	High Density Residential (3)	Professional Office (4)	Government/Educational/Institutional (5)	Neighborhood Commercial (6)	General Commercial (7)	Regional Commercial/Light Industrial (8)	Heavy Commercial (9)	Utilities (10)	Heavy Industrial (11)
Agricultural (0)		☑											
Low or Med. Density Residential (1/2)		☑	☑										
High Density Residential (3)		☑	B	B	☑								
Professional Office (4)		☑	A	A	A	☑							
Government/Educational/Institutional (5)		☑	B/C	B/C	A	☑	☑						
Neighborhood Commercial (6)		A	B	A/B	A	☑	☑	☑					
General Commercial (7)		B	B/C	B	B	A	☑	☑	☑				
Regional Commercial/Light Industrial (8)		B	C	C	B/C	A	A	A	☑	☑			
Heavy Commercial (9)		C	☒	☒	C	B	A/B	A	☑	☑	☑		
Utilities (10)		B/C	☒	☒	B	A	☑	☑	☑	☑	☑	☑	
Heavy Industrial (11)		☒	☒	☒	☒	C	C	C	☑	☑	☑	☑	☑

As you can see, the Heavy Industrial nature of a quarry is marked RED when the surrounding areas are of agricultural or residential nature. The wording from the regulations states:

Incompatible or RED: This means that the uses are generally regarded as incompatible. Unless unique circumstances or extraordinary mitigation measures are proposed, the application should not be supported.

Level 3 – Incompatible/Deleterious: *When a proposed use is incompatible with adjacent land uses, the project should not be supported unless extraordinary measures can be taken to offset the impacts. Incompatibility may trigger a fundamental shift in predominant land uses in a previously stable area.*

The members of the Lowell/Rogers community are not aware of any unique circumstances which would warrant further merit in this situation. It is clear that there are no measures of mitigation, including buffering or tier-planting such as is outlined in Sections 6.6 and 6.7, that

could ensure that there are "***no off-site impacts exceeding pre-development condition***". While certain measures might be feasible for some specific industrial or commercial applications that would allow them co-exist with a neighboring residential or agricultural area, the extreme nature of the quarry's activities and potential for impact to environment, water, air, noise/vibrations, safety, topography, and the tax-paying citizens of Benton County who reside in the surrounding areas makes it an inarguably incompatible usage of the land.

Finally, the regulations determine that "**The Planning Board may deny the application because of noncompliance with items addressed in these regulations, incompatible development, protecting the public safety and health, or any violation of an existing state and/or county law, regulation, or ordinance.**" It is not only the right, but the responsibility, of the Planning Board to deny this application based on all of the clear contradictions to the Board's own goals and regulations which have been set forth to protect the county and its citizens.

Thank you for your time and consideration in this serious matter.

Sincerely,

Marin Miller

Taylor S. Reamer

From: Mark Brand <markbrand78@gmail.com>
Sent: Tuesday, December 4, 2018 8:56 PM
To: Planning Board Members; Barry Moehring; Rosemary Goines; Taylor S. Reamer; tracy.bracks@bentoncountyar.gov; Brent Meyers; Derek Linn; Joshua P. Bryant; Greg Hines; rstone@lowellarkansas.gov; kdavis@lowellarkansas.gov; melanie@lowellarkansas.gov; mbailey@lowellarkansas.gov; jdonahue@lowellarkansas.gov; myoung@lowellarkansas.gov; djones@lowellarkansas.gov; nbecknell@rogersar.gov; jmoore@rogersar.gov; BobBracy@bentoncountyar.gov; SheanCollyge@bentoncountyar.gov; RonHomeyer@bentoncountyar.gov; TerryMaienschein@bentoncountyar.gov; StephenTorrez@bentoncountyar.gov; AshleyTucker@bentoncountyar.gov; RickWilliams@bentoncountyar.gov
Cc: saladbar007@yahoo.com
Subject: VOTE NO to Cross Hollows Rock Quarry

To Whom It May Concern:

Almost four years ago my wife and I purchased our home located in the Cambridge Subdivision in Lowell Arkansas.

When we bought our home, we were excited to live in such a nice neighborhood easily accessible to everything in Northwest Arkansas including Rogers, where my wife works and Bentonville, where I work.

Since the time of our home purchase, we have been pleased to see our home's value increase along with the equity we have in it. Just a few months ago we were happy to learn that we had gained over thirty thousand dollars of equity in our home.

Shortly before Thanksgiving my wife and I learned that we were expecting our first child, this, of course, made us very happy and excited. We know that we live in a great community, inside of a safe subdivision with little worry about the dangers we know exist in our world today.

Unfortunately, these feelings of comfort have been shaken to their very core. Recently we were made aware of the proposed Cross Hollows Rock Quarry, increasing the site from 30 acres to 135 acres.

We have been keeping up with this story for the past several weeks becoming increasingly concerned for not only our future, our soon to be baby's future, but also the future of our neighbors and community.

We have learned that over the span of the next five years different types of rock will be blasted for on a monthly schedule. We believe that this Quarry and the blasting it will bring will only cause potential harm to our health, homes, and community. We are concerned about our home's foundation, the possibility of earthquakes, chemicals and rock dust released into the air, not only from blasting but also from the heavy trucks we will soon see plague are now quiet and peaceful roads. Our community's water source is also very close to this proposed quarry and we are worried about the potential risks of contamination to our drinking water.

So, what can we expect as citizens of Lowell and Benton county if this proposal were to go through?

What rewards and benefits would we gain from allowing this blasting site into our backyards?

Here is what I have learned so far: For idly sitting by and doing nothing, we could be rewarded with a 30% decrease in home value. We could see the quality of our roads quickly diminish due to the heavy fleet of dump trucks; we would see our tax dollars going to fix the very roads that we helped destroy.

What will Anchor Stone do for us while they destroy our beautiful community?

According to them, they will maintain a 6,000-foot portion of North Old Wire Road. Really? We would be willing to trade our community's safety, beauty and roads in trade for them to maintain ~1 mile of roadway!

This does not seem like a good idea for Lowell or Benton County!

Sincerely,

Mark & Marisa Brand

Concerned Citizens of Lowell Arkansas

Taylor S. Reamer

From: Devin Sims <devin@pinnacle-ev.com>
Sent: Tuesday, December 4, 2018 4:04 PM
To: Planning Board Members
Subject: Lowell Arkansas

I'm a citizen living in the city of Lowell and grew up near the cross hollows rock quarry. I am against the property being turned into a quarry , especially if it's going to lower my property value, cause health issues , and damage the new roads . I'm a tax payer in Benton County and don't feel it's fair to pay for damaged roads, so a person can own a quarry and profit from it while doing so .

Sent from my iPhone

Taylor S. Reamer

From: Neal Dellett <nvdellett@yahoo.com>
Sent: Wednesday, December 5, 2018 8:09 AM
To: Taylor S. Reamer
Subject: Covington Limestone Quarry Opposition

Taylor,

We are residents of the South Mountain Estates Subdivision located in District 14 of Benton County. We have owned our property since 2011 which is less than 2 miles from the proposed site. We are OPPOSED to opening the limestone mine in our area.

I lived close to a quarry in rural Kansas years ago and remember feeling the dynamite blast rock the house, the excessive dump truck traffic and the clouds of dust. Lowell is a great city with beautiful surrounding rural areas that don't need to be spoiled by this type of activity.

As a concerned voter in Benton County, I'm asking you to say NO to this project.

Sincerely,
Neal and Staci Dellett

Taylor S. Reamer

From: Angie Smith <angiedsmith@cox.net>
Sent: Wednesday, December 5, 2018 9:09 AM
To: Derek Linn; Barry Moehring; Taylor S. Reamer; Tracy Backs
Subject: Proposed Quarry

Ahead of tonight's meeting about the proposed limestone quarry on North Old Wire Road in Lowell, I want to raise a concern that may not have been previously discussed (such as the disruption of historical Civil War & Trail of Tears sites, possible contamination of wells & natural springs, lowering of property values, noise & air pollution caused by blasting and destruction of county roads with high volume of truck traffic.)

I am troubled by the fact that the quarry will not contribute anything —financially or otherwise — to our community. Our natural resources will be removed and taken to Oklahoma without generating revenue — tax revenue or otherwise— to our city, county or state. The only party in Arkansas to benefit is Mr. Dave Covington.

It should be an easy decision for you when dozens of citizens are opposed to the quarry for many reasons and only one person is in favor for only one reason: personal financial gain.

Respectfully,

Angie Smith
3211 S Old Wire Rd, Rogers

Taylor S. Reamer

From: Susan Henry <susanhenry1933@gmail.com>
Sent: Wednesday, December 5, 2018 10:22 AM
To: Taylor S. Reamer
Subject: Questionable road tolerance-

In researching possible consequences to Old Wire Road from traffic from transition from red dirt mining to limestone I have discovered startling statistics. Using the data provided in the publication, *Governing* by Zach Paton, I have calculated the estimated the road damage of just one loaded dump truck. This damage will be equal to that of 2,000 cars. When I calculated the estimated 50 trucks per day (information provided by the presenter at the last planning committee meeting), the end result is an astounding estimated damage of 100,000 cars PER DAY on Old Wire Road. Is Benton County financially prepared to maintain Old Wire Road so a company (interestingly located out of county AND out of state) can reap the benefits at Benton County taxpayers' expense? As one of those taxpayers, I say NO!

Respectfully,

Susan Henry

3763 S 1st St

Rogers AR. 72758

Sent from my iPhone