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Site Plan Review/Limestone Quarry: Appeal/Complaint for Declaratory Judgment Filed in Benton County, Arkansas, Circuit Court

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The Cross Hollows Preservation Association ("Cross Hollows") and several individuals filed a Notice of Appeal and Complaint for Declaratory Judgment ("Complaint") in the Circuit Court of Benton County, Arkansas, in regards to the development of a limestone quarry ("Quarry").

See Case No. 04cv-20-265.

Cross Hollows challenges the decision of the Benton County Board of Appeals to deny it:

... an appeal of the Benton County Planning Board's decision of December 18, 2019, approving a site plan review application with respect to the development of a limestone quarry at Benton County Parcel No. ...

The Complaint indicates that Cross Hollows had opposed a site plan review application submitted by two trusts and a company seeking authority to operate a quarry. Their opposition was stated to include a concern that the quarry's adding a rock crusher and dynamite blasting would affect the quality of life for Cross Hollows and its members.

The Benton County Planning Board is stated to have granted approval of the site plan review application. Cross Hollows is stated to have subsequently filed an appeal of the decision with the Benton County Board of Appeals. However, the Benton County Board of Appeals is stated to have denied Cross Hollows' appeal stating in part:

... the Board of Appeals is established to provide applicants the opportunity to appeal any administrative or Planning Board decision on matters pertaining to this Ordinance. ... Given the contents of the appeal documentation and the individuals you represent, the Board of Appeals is not an option for administrative appeal for the individuals you represent."

Cross Hollows argues that denial of its right to appeal violates the Equal Protection clauses of the United States Constitution and the Arkansas Constitution. It requests that the Benton County Ordinance be declared unconstitutional to the extent it provides a right of appeal to "applicants" but allegedly denies the right of appeal to other persons who have been, or claim to be, aggrieved by the decisions of the Benton County Planning Board.

A copy of the Complaint can be downloaded [here](#).