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Dirt Mine/Zoning Enforcement: Arkansas Circuit Court of Washington County Complaint Filed Alleging Non- Conforming Use

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Washington County, Arkansas filed a Complaint in the Circuit Court of Washington County on August 30th addressing an alleged zoning violation. See 72CV-24-3042.

The Complaint was filed against the following alleging that a dirt mine is operating in violation of Washington County zoning laws:

- Wedington Mine, LLC.
- Sailfish, LLC.
- Monica Terminella.
- Tom Terminella.

Wedington Mine, LLC and Sailfish, LLC are stated to be the owners of certain real property within Washington County, Arkansas ("Properties").

Washington County's Complaint states that it has the authority to regulate development within the County that is outside of the corporate limits of any cities. Further, it describes the enactment of ordinances by the Washington County Quorum Court which eventually expanded zoning to encompass all of the unincorporated areas of Washington County.

The Complaint states that since the enactment of the zoning regulations, that all uses of property within the unincorporated areas of Washington County other than agricultural or residential are considered non-conforming uses.

The previously described Properties are alleged to be currently used for a purpose other than agricultural or residential without a required permit (i.e., any party proposing to make use of property other than agricultural or residential is required to apply to the Washington County Planning Board for a conditional use permit).

The Properties are stated to be currently used for a commercial purpose – a dirt mine. A conditional use permit was stated to have been sought by one of the two Defendant individuals to allow the non-conforming use. This request is stated to have been denied by the Washington County Quorum Court.

Washington County asks that the Circuit Court enter a permanent mandatory injunction addressing the four Defendants to immediately cease its alleged non-conforming use of the Properties.

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

