

February 18, 2009  
NOTICE OF REGULAR MEETING AND PUBLIC HEARING MEETING OF THE  
BENTON COUNTY PLANNING BOARD

WHEN: February 18, 2009  
TIME: 5:30 p.m. The Benton County Planning Board will meet to receive Public Comments on any of the proposed projects on the agenda.  
PLACE: Benton County Administration Building, 215 East Central Avenue Quorum Courtroom, 3rd Floor (Suite 324), Bentonville, AR 72712

**MINUTES FOR REGULAR PUBLIC HEARING**

1. **Call to Order**

2. **Roll Call**

The following Benton County Planning Board members were present: Scott Borman, Mark Curtis, Caleb Henry, Bill Kneebone and Heath Ward.

The following Benton County Planning Office staff members were present: Ronette Bachert, Karen Stewart and Teresa Sidwell. Assistant Benton County Administrator Chris Glass was also present.

3. **Disposition of the Minutes of January 21, 2009 public hearing meeting as distributed.**

*Mr. Kneebone made a motion to accept the meeting minutes as distributed; Mr. Curtis seconded the motion.*

*Mr. Borman, Mr. Curtis, Mr. Henry, Mr. Kneebone and Mr. Ward all voted in favor of the motion; the motion was passed.*

4. **Reports of Planning Board members**

Mr. Ward commented that Ms. Pope is no longer with the County and wished her the best in her future endeavors.

5. **Public Comment**

There was no public comment; public comment was closed.

6. **New Business**

A. Wireless Communication Variance – **Honey Creek Wind Project** – 14661 Wet Prairie Rd., Gravette

The stipulation from the TAC meeting was:

- Provide proof of notification of adjacent property owners (within 300 feet of tower) to Staff

The project was represented by Aaron Weigel of TradeWind Energy, LLC.

*Mr. Borman made a motion to approve the variance from the cell tower regulations. Mr. Borman, Mr. Curtis, Mr. Henry, Mr. Kneebone and Mr. Ward all voted in favor of granting the variance; the motion was passed.*

Mrs. Stewart noted that it did not appear that all of the adjoining property owners had been notified of the proposed project. After some discussion of what constituted "adjoining" and "adjacent", the Board decided that the project could not be approved until all adjoining property owners are notified.

Mr. Weigel asked for clarification and how to expedite the process. Mr. Ward stated that the project would need to be put back on the agenda next month. Mr. Borman clarified the properties that were in question, stating that any property whose border touched the border of the property on which the project was proposed would need to be notified. It was agreed that Mrs. Stewart would email a list of the adjoining property owners to Mr. Weigel.

The Board discussed the stipulations from the TAC meeting in regards to property owners within 300 feet of the base of the tower as well as all adjoining property owners showing a common boundary with the property in question.

- Provide proof of notification of adjacent property owners to Staff

*The Board decided to table the project until the next scheduled Planning Board meeting.*

B. Wireless Communication Tower – **Strawberry Ridge Cell Tower** – 15115 Strawberry Ridge Rd., Sulphur Springs (a replat of the property has also been presented to Staff for approval)

- FAA determination of "No threat to aeronautical navigation" must be submitted to Staff
- Provide Staff with technical specifications of tower
- Applicant must submit County Road Department access approval to Staff
- Provide an erosion control permit from ADEQ if applicable
- Provide proof of notification of adjoining land owners to Staff

The project was represented by Jason Steele of Steele Communications, Incorporated.

Mrs. Stewart stated that Mr. Steele had met all stipulations for the project except for the requirement of providing an erosion control permit from ADEQ. Mr. Steele mentioned an email that Mrs. Stewart had sent. Mrs. Stewart stated that she had sent an email to Mr. Bailey at ADEQ on February 13<sup>th</sup> but had not received a

response. Mr. Borman and Mr. Henry discussed the requirement and neither thought that the applicant would require a permit.

Mrs. Stewart informed the Board of a letter received from Mr. James Kemp of the Benton County Stone Company asking that the Board approve Mr. Steele's project with the condition that Mr. Steele grants Mr. Kemp's requested variance from an Arkansas state statute. Mr. Steele indicated that he did not have any issues with signing the requested documentation. The Board discussed the matter and concluded that the requested variance had no bearing on the Planning Board's decision. Mr. Curtis asked if the letter was concerning blasting that might affect the project. Mr. Steele did not believe that blasting would have any effect on the tower since any mining would be over 500 feet away. Mr. Borman stated that the matter would have to be resolved between the State and Mr. Kemp.

- Provide a letter from ADEQ stating that an erosion control permit will not be necessary.

*Mr. Borman made a motion to approve the project pending receipt of a letter from ADEQ stating that an erosion control permit would not be necessary. Mr. Curtis seconded the motion.*

*The Board members voted unanimously to approve the project subject to stipulations being met.*

Mr. Glass mentioned to the Board that Lane Gurel and John Pate among others were potential candidates to fill vacant board positions. He indicated that interviews would be taking place in the near future.

## **8. Adjournment**

The meeting was adjourned at 5:50 p.m.