

**Benton County Planning Board  
Technical Advisory Committee Meeting Minutes  
March 5, 2008, 5:30 p.m.**

**Call to Order & Roll Call:** The following Benton County Planning Board members were present: Scott Borman, Mark Gray, Caleb Henry, Bill Kneebone, Adele Lucas, Tim Sorey, and Heath Ward. The following Benton County Planning Office staff members were present: Ashley Pope, Kathleen Davis and Karen Stewart.

**Announcements:**

Staff made no announcements.

**Other Business:**

1. Land Use Video Presentation

Ms. Pope presented the land use video to the Planning Board. She stated that it would be about 15 minutes and begin with some of the history of Benton County; she said that it would also state some of the benefits and drawbacks of zoning. The video contained interviews with a few of the Board members, as well. Ms. Pope added that the video is a work in progress.

After the video was shown, Ms. Lucas stated that she noticed that her last name was misspelled.

Ms. Pope asked if the Board wished to make any other comments or suggestions; Mr. Sorey stated that they would hold their comments until the end of the meeting.

Old Business:

1. Large Scale Development - **BWRPWA Chlorine Dioxide Feed Facility** -  
16675 Kostner Road, Rogers - Crist Engineering

Mr. Borman excused himself from the meeting.

Stewart Noland of Crist Engineering, 1405 North Pierce, Suite 301 in Little Rock, represented the large scale development.

Ms. Pope stated that this project had been before the Board in November of December of last year. She said that the applicant has submitted a revised site plan and is requesting a variance from the setback regulations; they have made attempts to rotate the building in order to comply with the setbacks, but are still only seven feet from the right-of-way. She stated that the applicant had not re-notified adjacent property owners; she recommended that this be done.

Mr. Sorey asked if this project had received any opposition at the last meeting; Ms. Pope stated that there had been no public comment.

Mr. Noland stated that they are requesting a waiver of the setback requirements; he had tried to move the building back from the right-of-way, but needed to take safety into consideration. He stated that 150-pound chlorine cylinders are delivered to the site and that it would be necessary for the building to be oriented as shown on the submitted drawing.

Mr. Sorey called for any comments or questions from the Board; there were none.

Ms. Pope stated that there were a few checklist items that had not yet been submitted, such as the fire department approval letter. Staff recommended approval contingent upon the applicant satisfying the checklist requirements.

- Submit a letter of acceptance from the responsible fire department
- Submit proof of re-notification of adjacent property owners

2. Large Scale Development - **BWRPWA Water Treatment Plant** - 15531 Woods Lodge Road, Rogers - Crist Engineering

Stewart Noland of Crist Engineering represented the large scale development.

Ms. Pope stated that the applicant had submitted a new site plan and only lacked a letter of acceptance from the responsible fire department. She stated that the notifications of adjacent property owners had been submitted and all of the requested items had been added to the site plans. Staff was satisfied with the application.

Mr. Noland stated that the applicant planned to submit this project to the Health Department in the next couple of weeks. Ms. Pope asked if the applicant has septic approval; Mr. Noland stated that they do - it was previously submitted.

Ms. Pope stated that the survey submitted did not show the proposed improvements; Mr. Noland responded that they had thought that the document would be crowded if they included the proposed improvements, so those were submitted on a separate document. Ms. Pope said that the Board generally requires the proposed improvements to be shown on the survey.

Mr. Noland stated that if had he known the Board would require the proposed improvement information be on the survey itself, he would have included it. The Board and Staff discussed the matter and decided that the information on the proposed improvements was okay as it was located on a separate sheet..

Mr. Henry asked if there had been any concerns regarding grading or drainage on this project. Ms. Pope said that a drainage study had not been submitted for this

project; Mr. Noland stated that the drainage study had been submitted after the last meeting. Mr. Henry recalled that a nearby residence and how it would be affected by grading had been discussed at the last meeting; Mr. Noland confirmed that and reiterated that he had submitted the drainage study after that meeting.

Mr. Ward said, "This had the topo and this had the new proposed on it; I think the intent was that we have some survey information here... I cannot recall if we needed it together or not, but I think if that's a requirement, then it's got to be met in some capacity."

Mr. Sorey stated that, "Traditionally, if we have a set of... large scale plans, your site plan and your grading plan might be separate... from the actual survey, and the boundary and all of that detail information, a lot of it's going to show through on the site plan, but the survey, a lot of times is, in and of itself, a single sheet... I guess the issue there is that the boundary that's related to us by this survey is in fact the boundary that shows up on your site plan. If that is the case, then they're probably married up correctly and ought to be able to be on separate sheets. I don't know with the aerial that you know for sure where that boundary line is." Mr. Noland stated that the boundary line was the same.

Mr. Ward asked what Staff would like to see; Ms. Pope indicated that she would like the proposed improvements included on the survey. Mr. Ward asked how difficult this would be for the applicant. Mr. Sorey stated that it was not a matter of difficulty and that he wanted to ensure that the Board was being consistent. He stated that if he hired Mr. Gray's company to do a survey for his company, the information would be on a separate sheet from the site plan. Ms. Lucas stated that the survey would show existing features and the site plan would show future improvements. Mr. Sorey concluded that by stating that the information could be on separate sheets, but should be labeled as "Sheet 1 of 2, Sheet 2 of 2," etc. Ms. Pope stated "If that's where we're going, then let's just leave it as it is." The Board concurred.

Mr. Noland asked about the fire letter; Ms. Pope explained that it is a letter from the local fire department stating that should there be a fire at the proposed location the applicant will receive fire protection from their department.

Mr. Ward asked which fire department would service the location; Mr. Noland stated that he had forgotten, but that it should be in the file.

Mr. Borman returned to the meeting.

3. Large Scale Development - **Environmental Cleanup** - 14411 Springtown Road, Siloam Springs - James Johnson

James Johnson, of 14411 Springtown Road (Siloam Springs), and Jorge Cruz, of 3705 Theresa Drive, (Warren, OK) represented the large scale development application.

Ms. Pope stated that the applicant had been given several conditions of approval and that his project had been tabled so that he could come back and further discuss the project with the Board.

Mr. Johnson stated that he had spoken with several fire departments and found that there is only one emergency response team (similar to his proposed business) in the area and they are attempting to get out of the business. He asked if the Board would allow him to open his office at the proposed site, but haul any contaminated materials to a site in West Siloam Springs, Oklahoma. He stated that they could begin operations, but then submit the drainage requirements to begin storing materials on site at a later date.

Mr. Sorey clarified that the applicant wished to begin operation the business from the proposed site, but haul contaminated materials to West Siloam until he receives the approval of the Board; Mr. Johnson agreed that that was true. Mr. Sorey asked what the extent of the operations on site would be; Mr. Johnson said that there would be a pickup and some equipment stored at the site, but no materials.

Mr. Sorey asked if Mr. Johnson understood that there exists the possibility that his business would not receive the approval of the Board; Mr. Johnson stated that he understood.

Mr. Henry asked Mr. Johnson to clarify that he planned on storing any vehicles or equipment at the site on Springtown Road; Mr. Johnson replied that he did, but that he would not store any soils onsite.

Mr. Henry expressed concern that contaminated materials could remain on the tires or bucket of earth-moving machinery and would then pollute the proposed site. Mr. Johnson stated that the equipment and vehicles could also be stored at the site in West Siloam Springs. Mr. Henry recommended that a detailed engineering study be done on the site to address the potential issues.

Mr. Cruz interjected that decontamination of equipment is done before leaving a site to avoid the possibility of chemicals combining. Mr. Henry asked if this was part of a written plan for the proposed business; Mr. Cruz stated that every site is different and each would have its own written plan. Mr. Sorey clarified that Mr. Henry was asking for a written plan for the operation of the proposed facility. Mr. Cruz agreed that it would be part of the written plan for the proposed business and added that he would like to find a place "in town" to establish the business. He stated that the fire departments in the area have acknowledged the need for their business; he stated that local fire departments recently used a company from Missouri when they required hazardous material clean-up.

Mr. Sorey stated that there is currently a sizeable barn on the property and asked if the applicant would use that barn to store equipment on the site; Mr. Johnson stated that if the Board allowed it, he would. Mr. Sorey stated that his concern would be if equipment was left out exposed to the weather. Mr. Cruz stated that

the haz-mat truck and an enclosed, goose-neck trailer would be the only equipment on the property.

Ms. Lucas asked what kind of flooring the barn had; Mr. Johnson answered that it was cement.

Mr. Borman stated that the project had been tabled and had many stipulations to be satisfied; he stated that he believed that allowing "some conditional use prior to that happening just opens the door for other things to happen and I'm not comfortable with that."

Mr. Sorey clarified that as long as the property is used for an office only, there would be no issue, but the property should not be used to store equipment or materials; he stated that he simply wanted to give the applicant clear feedback.

Mr. Ward concurred with both Mr. Sorey's and Mr. Borman's statements and added that if the applicant wanted to have a telephone and park a pickup on the property he would not be concerned, but stated that "we don't need to be storing excavation vehicles for the purpose of remediating contaminated soils up there until we know more about the property." He added that the sensitivity of the environment in the proposed location amplified any potential issues.

Ms. Lucas agreed with Mr. Ward, adding that the recharge zone in the area causes concerns. Mr. Kneebone's concern was who would monitor the location if the Board gave the applicant permission to run the office from the property to ensure that only the office was operating.

Ms. Pope said, "That's the obvious flag here... they had a lot of conditions of approval and then we kind of want to change things. Does this eventually evolve into what they originally wanted to do in the first place is the question. At what point do you stop? Obviously, the person has a right to make a living and have vehicles on their property. At what point does it become the business?"

Mr. Borman felt that approving part of the business would set a bad precedent. Mr. Sorey pointed out that the Board could not "keep them from using a phone." Ms. Pope interjected that the question was whether or not the applicant could store equipment on site. Mr. Cruz then agreed that the equipment would not be stored at this location, only a truck and a trailer would be stored at this site.

Mr. Johnson agreed that the equipment could be left elsewhere "if that's an issue;" Mr. Sorey stated that what he was hearing from the Board was that it is indeed an issue. He stated that until their large scale development plan is complete and approved by the Board having any of their equipment onsite is "not an option." Mr. Cruz stated his understanding and reaffirmed that only the one-ton truck and trailer would be kept on site.

Mr. Gray raised the question of why this project was brought before the Board if it only consists of the truck in which the applicant commutes and a telephone; Mr.

Sorey stated that the Board could not tell the applicant whether or not they could conduct a small home-based business from the property because there are too many other home-based businesses doing the same thing.

Ms. Pope stated that her understanding was that the applicant was bringing this matter before the Board that evening in order to gain approval to store the equipment on site before the large scale development was approved; she stated that the applicant had changed their aim during the course of the meeting, deciding that they would only store the truck and trailer at the site. She acknowledged that the Board had denied the request to store equipment onsite, but said "OK" to storing the truck and trailer. Mr. Ward interjected that he was "not saying OK to it. I'm just saying if the guy drives this thing home no more than I drive my vehicle home, then I don't know why they're coming here for permission to use it unless somebody's trying to open the door to something else."

Ms. Pope stated that that was not what the applicant had come before the Board for and reiterated that they had come seeking approval for storing their equipment at the proposed site; she stated that the Board had said, "No, so we're done."

Mr. Sorey concurred and stated that the applicant did not need to come to the public hearing in two weeks and reminded them not to operate the equipment from the site.

Mr. Gray asked for clarification on whether or not the applicant's original submittal was still tabled; Mr. Sorey confirmed that the applicant's original request was still tabled.

#### 4. Large Scale Development - **Piney Point Fire Station** - Pinetop Road, Rogers - Gene Priebe

Gene Priebe, of 8942 Rambo Road in Rogers, represented the large scale development application.

Ms. Pope reminded the Board that this is a volunteer fire department and that the applicant had previously requested a variance from the large scale development requirements, which was denied by the Board. She stated that the applicant had notified the adjacent property owners of the impending project and had received letters in support of it. She added that they had submitted a sketch and the required Health Department approval. She added that the requirements were consistent with what the Board had required of the Hickory Creek Fire Department.

Mr. Sorey stated that the Board would need to hear the public comment in two weeks.

## **New Business:**

1. Informal Plat – **Eva Meadows** - Nicodemus Church Road, Siloam Springs – James Surveying

There was no representation for the informal plat.

Ms. Pope stated the applicant only needs to submit a letter of approval from the local fire department, Health Department approval, and the fees to the Planning office.

Mr. Sorey asked the Board if they wished to review the project from a technical standpoint and give their comments to Staff despite Mr. James' absence. Staff recommended reviewing the project, since it is simply a four-lot subdivision; Mr. Borman pointed out that it was not a complicated project. The Board discussed it and decided to allow the project to remain on the agenda for the public hearing.

2. Final Plat – **Edgewater Subdivision** – Village Road, Rogers – Northstar Engineering

Jason Ingalls of Northstar Engineering represented the final plat application.

Ms. Pope stated that the applicant had received the approval of the City of Rogers Planning and utilities; the curb and gutter in the subdivision has been installed, but the asphalt has not yet been put in place. Ms. Lucas interjected that there are two vicinity maps on the site plan; Ms. Pope clarified that one is the FIRM map, the other is a vicinity map.

Mr. Sorey verified that the project had received City of Rogers' approval and was out in the County and had not been annexed; Mr. Ingalls answered all of these questions affirmatively. Mr. Borman verified that the project had Rogers water and utilities approval; Ms. Pope answered affirmatively.

Ms. Pope pointed out that the project had come before the Board as a preliminary plat; the only thing lacking was asphalt. She asked Mr. Ingalls if that had been done. Mr. Ingalls informed the Board that the asphalt would probably be done in the next week.

Mr. Sorey stated that in the past, the Board has required that the asphalt be completed, that test results be in, and that someone from the Planning office inspect the project; he stated that any missing items would have to be bonded.

Mr. Gray asked whether the drainage easement on the southwest corner of the property is a lake; Mr. Ingalls answered that it is a hollow, and added that the easement had been requested during the preliminary plat approval.

Mr. Gray also pointed out that the location of the proposed project on the small section map is off by ¼ mile. Mr. Ingalls stated that he would get it revised.

Discussion of the final plat application was concluded.

Donna (Mack) Martinez, of 15596 Roberts Loop in Garfield, asked to be recognized, stating that she had been advised that this was a public meeting and that she should address her situation with them at a public meeting. Ms. Lucas asked why Mrs. Martinez was not on the agenda; Mrs. Martinez stated, "Because Ms. Pope has decided to not put me on the agenda." Mr. Sorey recognized her, but admonished her to keep her comments brief.

Mrs. Martinez stated that she had received a letter from Ms. Pope "saying that she wants this done by the 26th. I came to the meeting on the 2nd and you wanted two reports from me. I haven't been able to hire anybody to do the reports because there's a conflict between what I want them to do and what she wants done." Mrs. Martinez stated that she had been in the hospital with her daughter, who has leukemia, from January the 23rd until the 28th and was quarantined until February 18th, which was why she missed the deadlines for the February meetings.

Mrs. Martinez stated that on February 11th, Ms. Davis called her to ask her whether or not she had "the reports;" she said that she informed Ms. Davis that "I wasn't able to hire the reports, but I had information for the Board and that I had made arrangements to be here on February the 20th and requested to be put on the agenda. I got here on February the 20th and, of course, Ms. Pope hadn't put me on the agenda and we had our scene and I left not knowing that I had the right to speak."

Mrs. Martinez stated that she had done everything that the previous Planning Director, Michelle Crain, had asked her to do and alleged that Staff did not have any of the records from 2006 and 2007 regarding her property in Garfield. She then asked if the Board wanted to see the information that she had with her.

Ms. Lucas asked if Mrs. Martinez had gotten the information that Ms. Pope had told her to get; Mrs. Martinez stated that she had not been able to get the information. Ms. Lucas stated that she had thought that Mrs. Martinez needed a time extension in order to get the necessary information. Mrs. Martinez stated that she was unable to hire anyone to provide the requested information because she does not want a surveyor to annotate everything that is on her property, only business-related items. She stated that the meeting minutes state that she only has to survey the one acre on which her business is located and that is all she wants to have surveyed. She alleged that Ms. Pope wants her entire property surveyed.

Ms. Pope stated that Mrs. Martinez was required by the Board to submit a large scale development for her mulching company. She added that a surveyor will not generally survey a property and not locate certain things on a survey.

Mr. Sorey stated that the one acre being used for the business needs to be tied to her property's overall boundary, but that the Board did not need a detailed survey of the entire Martinez property, only the one acre.

Ms. Pope stated that the Board would need to see the access to the property along with any items along the access; she pointed out that there are quite a few things and structures on the property on which the business is located.

Mr. Sorey stated that the surveyor has a responsibility to show the property detail on a survey; he said, "The limits of what has to be surveyed might go beyond your immediate operations, like Ashley said, access issues, other things that are related to people coming in and out of that property..." Mrs. Martinez interrupted, stating that "they don't" (come in and out of the property.)

Mr. Gray said that the surveyor must produce an accurate document that can be filed for record and he said a partial site would be inadequate.

Mr. Sorey asked if Mrs. Martinez had hired Ronald Ridout initially; Mrs. Martinez stated that she had spoken with him, but he told her that "he would do everything that Ms. Pope wanted," but Mrs. Martinez did not want anything that was not part of her business to be made public. She stated that part of her disagreement with Mr. Ridout was that he told her that "if you drive past this, it's got to be on this piece of paper..." She insisted that "nobody's driving past that but me," and that no one else entered or exited the property except for her.

Mr. Sorey stated that the Planning Board sometimes needed to look at things that go beyond an applicant's use of their property, because such usage can affect other part of the property and other property owners. He noted that the Planning Board also needs to consider possible future uses of property. He pointed out to Mrs. Martinez that the Board had been lenient in the requirements for her project, since they had the option of requiring all of the checklist items in the regulations, up to and including surveying her entire parcel with the topography and all of the structures on the property. He stated that he did not believe that Ms. Pope was requiring anything more stringent than what the Board would normally require.

He concluded the discussion by clarifying when Mrs. Martinez's time extension was valid. Ms. Pope stated that she had sent a letter to Mrs. Martinez informing her that the items needed to be submitted by the March 26th, 2008 submittal deadline. Mrs. Martinez stated that that would not be possible.

Mr. Sorey stated that if she was unable to complete the requirements by the deadline that she needed to request another extension, which Ms. Pope would present to the Board for approval. He stated that in the meantime, she had a business existing without the approval of the Benton County Planning Board. Mrs.

Martinez asked "What did Michelle (Crain) do?" Mr. Sorey stated that they were not discussing Ms. Crain, they were discussing the issue of a large scale development that Mrs. Martinez currently has in operation.

Mrs. Martinez asked, "Are we going to have to re-do everything on my properties every time we change chairs (indicating Ms. Pope)?" Mr. Sorey stated that if Staff did not have copies of the project from the previous administration he did not know what could have happened to them; he noted that Staff maintains files that predate the previous administration. He stated that Mrs. Martinez should have kept a copy of her submittal or she could check with her surveyor or whoever prepared her submittal.

Mr. Sorey reiterated that if she needed another time extension that she should apply for that with Staff; Mrs. Martinez stated that she would be in the hospital through the end of March.

The discussion of this subject was concluded.

The Board discussed the land use video presented at the beginning of the meeting. Mr. Sorey and Mr. Borman both commented on the British accent of the narrator; Ms. Pope stated that she felt it was "crisp", but noted that if the Board had any issues with it, the narration could be redone; she stated that the narrator was Benton County employee Pat Pullum from the IS Department.

Ms. Lucas stated that she liked the narration, but asked that the spelling of her name be corrected from Lucus to Lucas.

Mr. Sorey asked if anyone in the audience wished to comment on the video.

Lane Gurel commended Ms. Pope for "taking it on and getting it done," noting that he did not know if they were allowed to applaud at the end of the video presentation. Sue Elverston concurred.

Ms. Pope noted that the video was prepared without a budget. Mr. Kneebone and Ms. Lucas both stated that it was well-done. Ms. Lucas noted that dates were provided for everything else in the video except for the creation of Beaver Lake. Ms. Pope stated that this was a first draft.

Mr. Sorey stated that the narrator had to say "Benton County way too many times." Ms. Pope noted that Mrs. Stewart had made the same observation. Mr. Sorey suggested substituting "our county". Mr. Ward suggested noting the population of Benton County "pre-Lake and post-Lake," stating that those numbers would capture attention. Ms. Lucas stated that she enjoyed the Board member interviews, but felt that some of the history was "slow and monotone." Justice Kurt Moore suggested "before and after" aerial photographs, showing the development in the County. Ms. Pope stated that she had had the same thought

but the aerial photographs on file were not of good quality; she stated that she would research further.

Mr. Gurel suggested that at the conclusion of the video, it should be noted "what the process would look like going forward," and what citizens should do to get involved in the process.

Ms. Pope stated that the Focus Group meeting would be the next night and invited the Board to attend. She stated that this meeting would be to explain the process to the interested citizens and then set up a joint meeting of the Focus Group and the Zoning Committee.

### **Adjournment**

The meeting was adjourned at 6:42 p.m.