



**Benton County Planning Board  
Public Hearing  
Technical Advisory Committee Meeting**

November 21, 2012

6:00 PM

Benton County Administration Building  
215 East Central Avenue

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6 PM by Planning Board Chair Mark Curtis.

**Roll Call:** Chair Mark Curtis, John Pate, Vice-Chair Ashley Tucker, Starr Leyva and Jim Cole were present. Ken Knight was absent.

**Persons present in addition to the Board:** Benton County Administrator of General Services Elizabeth Bowen, Director of Planning and Environmental Services Christopher Ryan, Planning Division Manager Rinkey Singh, Planning Coordinator M.J. McGetrick, and Planning Assistant Brenda Kilby. In the audience were Kendall Moore, Randy Ritchey, Tom Smith, Mayor Bill Edwards, Donald R. Hezener, Dr. Delia Haak, and Thomas Sissom.

**Disposition of Minutes:** Mr. Tucker made a motion to accept the minutes of 11/07/12 as written. Mr. Cole seconded the motion. The motion passed, 5-0.

**General Public Comment:** Donald R. Hezener requested clarification about the Public Hearing process, and Mr. Curtis explained that the Public Hearing portion of each Planning Board meeting has a standing agenda item for General Public Comment. Public Comment specific to each project item on the Public Hearing agenda is also requested. There is no public comment at the Technical Advisory Committee portion of the meeting.

Delia Haak, Executive Director of the Illinois River Watershed Partnership, noted her concerns with the application being processed for the USA Metals facility. She has sent comments via e-mail to the Planning Board. Ms. Haak specifically pointed out that the property in question includes a drainage area that is the beginning of the storm water runoff flow into Sager Creek, which runs into Flint Creek and then into the Illinois River watershed. The applicant will need a high skill level to handle such materials as gasoline, diesel fuel oil, transmission fluids, power steering and brake fluids, gear oil, battery acids and mineral spirits. Ms. Haak noted that it will be extremely difficult, if not impossible, to keep all these materials from entering the storm water runoff that begins in the drainage area. Ms. Haak asked if there were any questions, and no questions were raised.

**Old Business:** None

**New Business:**

- A. **Moore Event Barn** – LSD # 12-212, JP District 13, 20662 Bruce Rutherford Road, Siloam Springs, AR. Represented by Kendall Moore.

**Discussion Summary:** Applicant Kendall Moore reported that the drainage study requested at TAC has been completed. The site plan has been updated with additional detail on the hard surface parking area.

**Staff Presentation:** Ms. Singh gave a project overview, pointing out that the project under consideration includes a ten acre parcel shown on the overall site plan. All parking requirements, including ADA, have been

met. Driveway access meets regulations, and no culverts are required. The culvert is required to be cleaned. She gave an update on the outstanding items identified at TAC meeting.

Although, initially, the applicant had requested a waiver from storm water management plan, he has provided a drainage study which shows minimal runoff. Staff has no concerns on this matter. The applicant has obtained Department of Health approval for sewage disposal, and has water and electrical permits from the City of Siloam Springs. One fire hydrant is available. The Benton County Fire Marshall and the Siloam Springs Fire Chief have confirmed that there are no further requirements. Staff suggested that the Planning Board may wish to consider the following: (1) All Standard Conditions apply (2) the applicant will coordinate any future use of electrically controlled gates with the Siloam Springs Fire Department and the Knox box will have authorization forms from the Siloam Springs Fire Department, (3) any future use of the well will be approved by the Health Department, and (4) all necessary permits will be obtained from the Siloam Springs Water and Electrical Departments. (5) The Health Department approval be issued for full occupancy (227 persons).

**Board Discussion:** During discussion, the applicant clarified that the drainage study was done by a registered professional engineer. The size of the septic system was discussed, and a concern was raised about the permit capacity (75 people) versus maximum building occupancy (225). There was no public comment on this project. Mr. Cole moved, seconded by Ms. Leyva, to approve LSD #12-212 with these stipulations: (1) the applicant obtains Health Department approval for maximum occupancy of 227 people, (2) the applicant coordinates security gating with the local Fire Department, (3) Standard Conditions and (4) All necessary permits and service agreements are obtained. Details of the stipulations are available in the Planner's Report. The Board voted 5-0 to approve the project with stated stipulations.

The Public Hearing was adjourned at 6:27 PM.

#### **TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 6:27 PM

**Old Business:** None

**New Business:**

- A. **GT Land Management LLC (USA Metals)** – LSD #12-219, 13670 S. HWY 59, Gentry, AR. Represented by Mr. Tom Smith, Chief Operating Officer of USA Metals and owner of GT Management.

Mr. Smith described the proposed large scale development as a collection site and transfer station for scrap metal recycling. His business is unique because customers are not required to drain fluids, mercury and batteries from scrap vehicles (or other scrap). His employees are trained and qualified to remove these materials, and the materials are resold when possible.

**Staff Presentation:**

Ms. Singh explained that the proposed site has a net area of 38 acres, which is located in an area of mixed agricultural and residential use and small scale commercial use, and, an institutional use is also located nearby. The current site has three buildings, with a vehicle scale between two of the buildings. A building permit was not obtained when the scale was installed. Staff reviewed a 2004 agreement between Benton County and the landowner which established five usage functions for the site. This document also noted that any site expansion would require an application for a large scale development permit. The applicant will need to submit evidence that the 2004 permit uses are still relevant and have been the usages since 2004. The applicant will also need to address the following issues;

- Land use compatibility (there have been complaints from nearby, long-established property owners)
- Parking area regulation compliance, including ADA requirements
- Screening provisions and compliance with Benton Co. Junkyard Ordinance O-2044-33

- Access driveways
- Stormwater Management plan
- Water quality, sewer and solid waste management plans
- Firefighting provisions

There are several key outstanding issues, including delinquent taxes, continuity of use, compatibility with the area, parking and screening, firefighting, solid waste disposal and environmental compliance. It is recommended that the applicant consider professional mediation with neighboring property owners.

Mr. Pate requested details of the fires which have been reported on site. Mr. Smith responded that he has had two brush fires on site that got out of hand. The applicant responded that his understanding of the 2004 agreement concerned not expanding the footprint. He confirmed that there is no intention to store sawdust, and grandfathering of the uses established in 2004 is not requested. The delinquent property taxes have been paid.

**Board Discussion:** The Board asked for clarification on materials storage, spill containment, safety provisions, screening, and operations noise. Mr. Smith stated that all of his fluids are drained into 55 gallon barrels which are stored on site. Mr. Smith stated that no reportable spills have happened on site and that his barrels sit on catch pans which help prevent spills. Mr. Pate asked for information on noise emanating from the crusher used at the other similar sites owned by Mr. Smith. Mr. Smith stated that the fan is the loudest thing on the crusher and the noise is similar to a car idling. Mr. Randy Ritchey, professional engineer, reported his certification of the site survey.

The Board asked about environmental compliance, and Mr. Smith indicated that ESGI, a consultant, provides that expertise. Mr. Smith stated that ESGI inspects all USA Metals sites and makes sure all ADEQ qualifications are met. All the employees of USA Metals are trained by ESGI in removing vehicle fluids. Mr. Smith stated that any spills on site are very small. Mr. Tucker requested clarification in regard to screening on site. He asked how screening currently exists on site and what proposals are in place for future screening. Mr. Smith stated that existing consists of a (6) six ft. fence but that he will increase the height of the fence. Ms. Leyva requested a site visit at the USA Metals Fayetteville location as she wanted to see an operational transfer station. She also requested that Mr. Smith detail the differences between the Lowell Site and the proposed site at Old Highway 59. Mr. Smith stated that the Lowell location has a shredder which operates on a 24 hour basis. No shredder will be located at the Old Highway 59 site. The Board asked if the applicant has ever been fined or found to be out of compliance with the laws, and the applicant indicated that the operations have not.

The Board also inquired about the applicant's other operations, and their proximity to residential neighborhoods. There were several questions about building size and other site plans. Mr. Tucker asked if hard surfacing or paving is proposed at the Old Highway 59 site. Mr. Smith responded that it was not. Ms. Leyva asked about the location of potential torch cutting operations on site. Mr. Smith stated that torch cutting would be done in a specified area near a barrel of water to prevent fires. Ms. Leyva asked if Health Department approval had been acquired. Mr. Smith indicated that he was in contact with the Health Department. He stated that the middle building was the only building that had plumbing and that the other buildings had water spigots. Mr. Tucker asked if all the buildings were enclosed. Mr. Smith indicated that all buildings are enclosed. Mr. Cole asked if ESGI had provided an Environmental Impact Statement for the Fayetteville location. Mr. Smith stated that it had not. Mr. Curtis asked the applicant about building the vehicle scale without a permit. Mr. Curtis asked if the scale was in use before permits were issued. Mr. Smith indicated that the scale was in use before inspection by the Benton County Building Inspector. The applicant apologized for not knowing the permit was required, and stated that the situation has been corrected. There

was discussion about dumping auto parts. Mr. Curtis indicated that the 2004 planning agreement prevented further dumping of car parts. The applicant stated he believes the operation is in compliance with the 2004 agreement. He stated that all of the metal debris seen on the 2009-2012 aerials was construction materials and not car parts. Mr. Smith stated that he believed he could not expand the facility but that he was allowed to store material on site in preparation for auction.

Mr. Curtis stated that he believes that the uses being completed on site are not allowed under the 2004 agreement. Mr. Curtis asked where water came from for the site. Mr. Smith stated that he is on Gentry water. Mr. Curtis asked if a fire hydrant was on site. Mr. Smith stated that a fire hydrant was not indicated on the site plan but did exist across the street from the proposed location.

The Board expressed concern about stormwater permitting being current. Mr. Curtis asked if a storm water permit existed for the site. Mr. Smith stated that there was a storm water permit through Energy Source, LLC but that permit was going to be canceled and a new one submitted for approval. Mr. Curtis asked when the Energy Source storm water permit went into effect. Mr. Smith stated that it the permit was never instituted on site. Mr. Curtis asked if any storm water permit was in effect for the site since 2004. Mr. Smith stated that there was not a stormwater permit in place since the time period at which Roll Off Services had used the site. Mr. Smith stated that he believed a permit had been issued for Roll Off Services in 2004. That permit was canceled in order to implement a stormwater permit for Energy Source LLC. Mr. Smith stated that he was unsure if an NOI had been filed with ADEQ for the proposed use. Mr. Curtis stated that he was concerned about the lack of a stormwater permit due to the location of the site in the Illinois River Watershed. Mr. Smith stated that he apologized that he was unprepared to answer any questions about which stormwater permit was in place when he opened his site. He stated he would clarify the date of filing of the NOI before the public hearing for USA Metals. Mr. Pate asked if an Environmental Impact Study may be submitted by an environmental consultant. Mr. Tucker stated that he wanted to know what the recognized environmental condition on site and how that might change in the future. Mr. Ryan stated that staff felt an outside; third party environmental consultant should be engaged at the expenses of the applicant. Mr. Smith stated he was willing to provide whatever materials the Board would like to see. Mr. Pate asked for clarification in regard to the third party consultant. Mr. Ryan stated that it was acceptable to retain an outside environmental consultant at the applicant's expense in order to verify the applicant's environmental reports.

Mr. Curtis stated that he felt it would be difficult to accomplish all the outstanding issues in a two week period. Mr. Smith would like to move forward to the Public Hearing. The applicant wants to cooperate, and believes he can answer these concerns. The Board agreed to move this project to a public hearing set for December 5, 2012.

The meeting adjourned at 7:50 PM.