



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

April 2, 2014

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Planning
Board
Approval:

4/16/14

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:01 PM by Planning Board Chairman Ashley Tucker.

Roll Call: Jim Cole, Starr Leyva, Ken Knight, Rick Williams, Ron Homeyer, Ashley Tucker.
Mark Curtis was absent.

Staff present: Administrator of General Services-John Sudduth, Planning Director Rinkey Singh, County Planner-Taylor Reamer, and Building Official-Glenn Tracy were present. Senior County Planner- Mike McConnell was absent.

Public Present: 3 members of the public: Chris Collins, Dale Fitzsimmons, and Dwayne Cabbard. (See attached sign in sheet for additional information).

Disposition of Minutes: Mr. Knight moved to approve the March 19, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Homeyer. The motion carried 6-0.

General Public Comment: None

Old Business:

- a. **Rogers Group Inc., Centerton Quarry, (#11-134), 15271 Burgin Valley Rd, Centerton, 18-11233-000. Represented by Chris Collins, 12381 Breezy Valley Rd., Prairie Grove, AR and Dwayne Cabbard, 2955 Madison Co. Rd. 7615, Huntsville, AR.**

Staff Report: Staff gave a report on the 2011 Centerton Quarry project including an update on the 15 stipulations that were included in the approved project proposal. The project had been previously approved by the Planning Board; the applicant is requesting a one year extension for this project. Staff outlined the 15 stipulations that were included on this project, noting where the applicant had deficiencies. Permitting renewals and permit expirations were discussed. ADEQ permit for water and air quality are to expire on June 30, 2014, applicant has submitted a renewed air quality permit to staff on March 31, 2014 and the water permit will be renewed before June 2014. There were also concern of the water lines crossing the subject land, agreements with the Benton/Washington Regional Public Water Authority have been established, and staff requests agreements from Centerton and Highfill Water Departments similar to the agreement with the Benton/Washington Regional Public Water Authority to be obtained by the applicant. Stipulations of this project have been reviewed by staff and all stipulations are on-going or have been satisfied by the applicant. Stipulation number 14 provides the option to file for an extension. ADEQ General Quarry Authorization permit has expired September 29, 2013, the applicant provided an updated General Quarry permit to staff on March 31, 2014. Notification to abutting property owners has been sent out by the applicant. Staff requires a Floodplain Development Permit that is not stated in the stipulations due to the location of the subject property. There is concern from the Arkansas Health Department about the availability of suitable

undisturbed land near the existing residential home on the property for the septic system. However, staff noted that the site plan identifies 6.9 acres of undisturbed land around the existing residential structure that will be sufficient.

Outstanding items:

- i. Submission of agreement letter with Centerton Water authority concerning the mitigation of blasting in the vicinity of Centerton water lines.
- ii. ADEQ water permit is required to be kept current at all times and that updated permits are submitted to planning staff within one month of receipt.

Board Considerations:

- i. Applicant to provide a timeline for satisfying the stipulation concerning public water service agreement from Centerton, Decatur, and Highfill utilities.
- ii. ADEQ permits are kept up to date and renewed permits are submitted to staff within one month of receipt.

Applicant Comments:

Mr. Collins stated that meetings with water providers will be held within 60 days of last Planning Board meeting held on March 19, 2014 to gain an agreement similar to the agreement with Benton/Washington Regional Public Water Authority.

Board Comments:

Mr. Tucker stated that at the time of the original approval there were two water authorities, now there is an additional water authority that an agreement will need to be made with.

Mr. Knight stated that approval from the water authorities must be in place, approval from the Planning Board should be contingent on the approval from the water authorities.

Mr. Tucker asked if the Board is asking for the approval for the blasting plan on site.

Mr. Knight stated that the water line owners (Highfill, Centerton, Decatur) running on the subject site need to approve the blasting plan prior to blasting.

Mr. Knight stated that the comments from the Arkansas Health Department need to be addressed, about the undisturbed land for the septic system. Staff confirmed that the 6.9 acres of undisturbed land around the existing residence is sufficient.

Mr. Tucker asked staff what additional permits are needed before quarry operations begin from Benton County.

Ms. Singh stated that Benton County requires a Floodplain Development Permit prior to land disturbance and Stipulation 2 the applicant must submit acceptance letter from Centerton water concerning the blasting plan.

Mr. Tucker asked the Board if attaching a timeline to Stipulation number 2 would satisfy the concern.

Mr. Collins stated that Rogers Group would meet with water authorities within 60 days of last Planning Board meeting March 31, 2014.

Mr. Knight asked if approval from the water authorities is not acquired, is the approval from the Planning Board void.

Mr. Collins stated that no land disturbance will occur until all outstanding items are satisfied.

Mr. Knight stated that the Board needs an acceptance letter before Planning Board approval.

Mr. Cole stated that the current wordage used in the stipulation does state acceptance from Centerton water department needs to be acquired prior to blasting.

Mr. Tucker asked if acceptance needs to be granted from Centerton before blasting to occur, based on the wordage used in the current stipulation number 2.

Mr. Cole stated that in the original approval, an acceptance letter from Centerton must be submitted prior to

blasting.

Ms. Leyva stated that the phrase 'prior to blasting' in stipulation number 2 would be the timeline imposed on the applicant. Acceptance letter must be submitted before commencement of blasting. Amending the stipulations to include all water lines on the property must be made to gain approval from the Board.

Mr. Tucker confirmed with the Board that amending stipulation number 2 to include acceptance from all water line owners on the property prior to commencement of blasting would be satisfactory for the Board.

Mr. Cole asked if the reclamation surety bond of 44,000 dollars was sufficient for this application.

Mr. Collins stated that ADEQ sets the amount needed for site reclamation and Rogers Group met that requirement.

Mr. Cabbard stated that state sets the bond amount based on location and surrounding land use.

Mr. Collins stated that information about site reclamation is an ADEQ matter.

Ms. Leyva asked if Rogers Group had a reclamation plan for this site.

Mr. Collins stated that ADEQ manages the site reclamation plans.

Ms. Leyva confirmed that ADEQ formulates a reclamation plan and Rogers Group will follow that reclamation plan set by ADEQ.

Ms. Singh confirmed that in staff files the surety bond amount is determined by the Arkansas Surface Coal Mining and Reclamation Act, and the applicant has filed in accordance with the act.

Public Comment:

Dale Fitzsimmons, 293 Stein St., Centerton, AR.

Mr. Fitzsimmons stated his concern about the amount of traffic that would be generated from the opening of this quarry. The infrastructure, including a new fire station and proposed high school, in the area has changed drastically since the original approval and the added dump truck traffic would be dangerous for citizens on Hwy 102.

Board Comments:

Mr. Tucker asked if the other mines in the vicinity of the proposed quarry were in the stage of winding down. Applicant noted that they have no knowledge of the other quarry operations near the site.

Mr. Tucker asked about the 'slow moving truck' signage to be installed on Hwy 102.

Ms. Singh stated that the County would be responsible for applying to AHTD to get the sign permit once the quarry opens.

Mr. Knight asked how the Board deals with the rapid growth of Northwest Arkansas in approving projects not knowing the impact in the future. Demographics have changed, how will traffic studies take this into consideration.

Mr. Cole asked about stipulation number 9, the AHTD traffic study that was submitted by the applicant and has not been approved.

Ms. Singh clarified that AHTD will not formally approve the study, only that there was an agreement between the County and the State and no further action is required by the applicant.

Mr. Tucker stated that the original approval of this quarry would, essentially, entitle the quarry to generate the traffic that is currently in question.

Mr. Tucker asked if there were any other considerations from the Board other than the increase in traffic.

Mr. Tucker asked if the approval 7 years ago would have changed how Centerton planned their traffic flow design for the city.

Ms. Leyva stated that Centerton Mayor had attended a meeting in the past concerning the quarry approval.

The city is aware of the quarry. The applicant is filing for an extension, the truck traffic will exist now or in one year from now, but the traffic will occur at some point. Precautions from all parties involved in the vicinity of the site; quarry, water line owners, City of Centerton should have taken measures to protect their own interests with respect to the quarry eventually opening.

Mr. Knight asked why the Board is considering an extension; this gives the applicant the option to file for extension over and over.

Mr. Tucker stated that the stipulations superseded the old ordinance and allowed the applicant to file for 2 extensions. If the applicant so chose, Rogers Group could reapply within 30 days for the opening of a quarry. How would that change the Board's or County's obligation to manage the traffic produced by this quarry, since the quarry is not directly connecting to the highway.

Ms. Leyva stated that all proper notification has been done by the applicant.

Ms. Singh confirmed that the applicant had followed all proper procedures for notification to abutting property owners.

Mr. Homeyer asked what the definition of 'getting started' was.

Mr. Tucker stated in Arkansas, installation of driveways, utilities, or grading on the property is considered 'started', as long as they do not stop for a period of more than six months.

Mr. Homeyer stated that the growth in the area was known, the truck traffic would have the same effect now or 7 years ago.

Ms. Leyva asked what the original approval date was.

Ms. Singh stated July 19, 2006 was the approval date.

Mr. Tucker stated that the stipulations need to be clearer on the standard conditions that exist now that did not exist then.

Ms. Singh stated the considerations for the Board, timeline for satisfying stipulation number 2 with public water utilities on the site for City of Highfill, Centerton, Decatur, and the Benton/Washington Regional Public Water Authority. Amending stipulation number 2 to include the new public utilities on site and attach a timeline 'prior to the commencement of blasting' to satisfy the stipulation.

Mr. Tucker stated that any further extension would require a new application and the proposal would be reheard by the Board, in accordance with stipulation number 14.

Vote to amend by-law concerning voice vote for procedural matters. Mr. Cole made a motion to amend by-law to allow voice vote on procedural matters. Ms. Leyva seconded the motion. The motion passed 6-0. Voice vote can now be used as a way of voting on procedural matters at any Planning Board meeting.

Vote to amend stipulation number 2 to include City of Centerton, Highfill, and Decatur water authorities; also to include a timeline for acceptance letters from these entities to be filed before the commencement of blasting at the quarry. Ms. Leyva made a motion to amend stipulation number 2. Mr. Williams seconded the motion. The motion carried 6-0.

Vote to approve the one year extension of the application with the amended stipulation number 2. Ms. Leyva made a motion to approve the one year time extension with amended stipulation number 2. Mr. Williams seconded the motion. The motion carried 6-0.

New Business: None

Public Hearing adjourned at 7:56pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:56pm

Old Business: None

New Business: None

Other Business: None

STAFF UPDATES:

a. Administrative Approvals:

i. Dozier Tract Split

- Tract split and lot combination that resulted in a 5.64 and 4.41 parcels.

ii. Jackson Tract Split

- Tract split that created 32.25 and 1.47 acre parcels.

b. Planning Regulation Update

Staff gave an update on the changes that are being considered in Chapter 6 list for site plan review in the new regulations. This matter will be reviewed at the Legislative Committee meeting.

DISCUSSION ITEMS: None

Administrative Review: None

Meeting Adjourned at 7:00pm

