



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

May 4, 2016  
6:00 p.m.

Benton County Administration Building  
215 East Central Avenue, Bentonville AR 72712

**Planning  
Board  
Approval:**

*Q/B*  
*5/19/16*

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 p.m. by Planning Board Chair, Mark Curtis.

**Roll Call:** Jim Cole, Sean Collyge, Mark Curtis, Ron Homeyer, Starr Leyva, Ashley Tucker and Rick Williams were present.

**Staff present:** John Sudduth - Administrator of General Services, Taylor Reamer - Planning Manager, Derek Linn – Senior County Planner and Tracy Backs – County Planner were present.

**Public Present:** There were four members of the public present.

**Disposition of Minutes: 04-06-2016**

Mr. Tucker moved to approve the April 6, 2016, Planning Board Meeting minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

**General Public Comment:** None

**Old Business:** None

**New Business – Items for Public Hearing:** None

**TECHNICAL ADVISORY COMMITTEE**

1. **Call to Order:** 6:15 p.m.
2. **Old Business / Ongoing Applications:** None
3. **New Business:**

- I. **Wild Wilderness Site Plan Review Amendment – #16-065  
20923 Safari Road, Gentry**

Applicant/Representative: Mr. Josh Wilmoth, 20923 Safari Road, Gentry, AR

Staff gave a presentation on the Wild Wilderness Site Plan Review Amendment, #16-065, 20923 Safari Road, Gentry

Comments/Questions from Applicant: Mr. Wilmouth inquired about the less than five acres ADEQ form and the need to have an approved Health Department septic permit revalidated.

Board Comment:

Mr. Tucker: For clarification, we don't need the Arkansas Health Department stamp on the septic permit for the hearing in two weeks. This is only needed before you apply for a building permit.

Mr. Curtis: Ms. Leyva can you clarify things please?

Ms. Leyva: A revalidation is for a septic permit that has NOT been installed. After a year, a permit is no longer valid. If the septic system is already installed, there would be no revalidation process.

Staff: What was approved in 2011, is different than what is requested now. We will ask for approval correspondence from the Health Department.

Ms. Leyva: If septic permit reflects what is installed, nothing more needs to be provided. If what has been installed is a larger septic system, the existing permit is not sufficient. Perhaps the complete permit was not provided to Staff. The back side of the permit is where the Health Department signs off for what was inspected and installed. The front side of the permit is where you get approval, install and checked. Applicant should provide an additional document to Staff that shows it was installed. Did Trey install the septic?

Applicant: Yes.

Mr. Curtis: Note that this project has already been approved with an enlarged restroom and an added pavilion. This proposal is inside property currently owned by the applicant.

Mr. Tucker: Can you describe the difference between the former approval and the current proposal?

Applicant: We have added a stall and sink to each side.

Mr. Tucker: So you are adding two water closets and two sinks? Need confirmation from the Health Department that the septic installation is sufficient for the four additions. This is an improvement over what was submitted before and is obviously needed.

**II. Reeves Heating & Cooling Site Plan Review - #16-066  
15875 Highway 62, Pea Ridge**

Representative: Mr. William (Bill) Platz, WR Consulting Engineers, Inc.,  
Bentonville

Applicant: Mr. Larry Steve Reeves

Comment from Mr. Platz: Application is for a 6,600 square foot service building (warehouse/office) for a heating and air business including 1,200 square feet for office and employees. The rest of the building is for storage of heating/cooling equipment.

Staff gave a presentation on Reeves Heating & Cooling Site Plan Review, #16-066, 15875 Highway 62, Pea Ridge

Comment from Mr. Platz:

Mr. Platz has three comments with this application: (1) 16 gravel parking spaces seems like an overkill; (2) site plan set back requirements; (3) fire hydrant (2" water line serving the area). Those are my only three rebuttals. I have no problems with everything else. We may need to ask for a variance.

Board Comment:

Mr. Tucker: Regarding the parking, since you have the room, it is easier to show the space and offset eight lines for parking. The drive has to support fire apparatus but the parking spaces do not have to be gravel. We would rather see that there is room for parking than go through the process of a variance.

We (the Board) haven't/hasn't varied buffering setbacks in the past. Do you (applicant) own the adjacent property?

Applicant: No, I do not.

Mr. Platz: Applicant purchased the adjacent property from the current property owner. This adjacent property will soon go commercial.

Mr. Tucker: That area is commercial, so from a clustering perspective, this is in a cluster of other commercial businesses.

Mr. Platz: I hate to set building 15-20 feet away for landscaping. May need to request a variance.

Mr. Tucker: We (the Board) have been firm on buffering in the past. It appears that the adjacent property already has some existing buffering. It does not look like it does. Maybe a little bit.

Mr. Curtis: What is between where you want to build and the next door residence?

Mr. Platz: Trees on the east side. The residence is further down south of the area.

Ms. Leyva: Some of the trees are on the subject property but some of the trees are on the neighbor's property.

Mr. Tucker: I think the concern is that we buffer commercial from residential...the site, the light, the noise. There is some existing buffering there. May need to "densify" buffering on commercial side.

Mr. Platz: I will take pictures (of existing buffering) and provide them for the next meeting. You can judge what you feel we should do.

Mr. Tucker: The fire hydrant issue is not our jurisdiction.

Ms. Leyva: No.

Mr. Curtis: Yes, we can't make a ruling on the fire hydrant. We have to follow what the fire marshal says. I would guess the fire marshal is aware that there is only a 2" line.

Staff: A fire hydrant is needed OR other water source. We have seen other water sources previously that would satisfy his requirements.

Mr. Tucker: Is that a knoll or a pond?

Mr. Curtis: Is there anything out there that would qualify that way?

Mr. Platz: No sir.

Mr. Tucker: We have seen surface tanks. We have seen above-ground tanks.

Ms. Leyva: Applicants have worked with the fire marshal to make sure they can satisfy whatever he is needing. I would definitely suggest getting a hold of him to work out a plan.

Comments from Staff:

Mr. Sudduth: Most generally we deal with Planning issues which is really the land use laws. When you talk about a 10' side yard or rear yard setback, you also need to entertain the idea of fire codes. Fire codes and building codes require certain setbacks to separate buildings for fire protection. You grant a variance for this one, you grant a variance for the neighbor. The next thing you

know you are even closer. The closer you get to a property line, the more fireproof the building needs to be. So look at that and entertain the idea of talking to an architect. If you move the building closer to the property line, what kind of protection do you need. There are laws to protect openings before you get building permits.

Mr. Tucker: Less than 20 feet you will rate doors and everything else.

John Sudduth: You need to be aware of that. The closer you get to the property line, the more fireproof your building needs to be.

Mr. Platz: We will look in to that.

Mr. Curtis: Yes, get with staff between now and the next public hearing so that we have more clarity on that issue.

**III. Jones Septic Waiver - #16-064  
12929 Pleasant Hill Road, Rogers**

Applicant/Representatives: Lloyd Jones, 12929 Pleasant Hill, Rogers  
Jacob Jones, son

Staff gave a presentation on Jones Septic Waiver, #16-064, 12929 Pleasant Hill Road, Rogers

Comment from Mr. Jones:

Applicant and son would like to erect a 1,500 square foot metal building on their farm land property. Mr. Jones sells vegetables at the Rogers Farmer's Market. Mr. Jones asked for approval to get this building started.

Board Comment:

Mr. Curtis: The code was put into place to try to prevent multiple septic systems on one lot. Once you know that and you make a decision that you don't want to separate the parcels, then it has to come to a waiver.

Mr. Tucker: What is the intent of building?

Applicant: It will be a residential shop (mostly residential).

Mr. Curtis: So it will have a bathroom, bedroom and kitchen?

Applicant: Yes.

Mr. Curtis: It might seem like a formality but it's something we need to keep track of because in the past, people just built things and put septic systems in. We are now discovering when they go to sell the property, the septic system is in someone else's lot. This is a way for us to keep track of that. Septic systems are very important to keep track of as you are aware of. Not something we can decide on tonight but we can and will decide two weeks from now.

Mr. Tucker: We did a project on 62 at the end of the road and it didn't "perc." Have you guys got a perc test?

Applicant: I actually have one scheduled for tomorrow and a septic design as well.

Mr. Tucker: We had one at the end of the road and they had a hard time getting the soil classification.

Ms. Leyva: Is that a pond we saw?

Applicant: It doesn't hold water.

Mr. Curtis: What kind of vegetables do you grow?

Applicant: Name it! We started a new market in Rogers this year that is fantastic. The City is doing great things. Come by and see us! I appreciate your consideration. Thank you for your time.

**IV. Howarth Septic Waiver - #16-062  
21531 Bozarth Cemetery Road, Gentry**

Applicant/Representative: Lyle Howarth, 21527 Bozarth Cemetery Road, Gentry (representing his mother, Mary Howarth)

Staff gave a presentation on Howarth Septic Waiver, #16-062, 21531 Bozarth Cemetery Road, Gentry

Comment from Mr. Howarth: I am simply asking for the waiver.

Board Comment:

Mr. Tucker: Do the lateral lines cross the existing field?

Applicant: We did have a surveyor come out and look at doing a survey. The lateral lines don't cross each other but they are so close it would be very difficult to cut and say this is a parcel and that's another parcel.

Mr. Tucker: The intent is that a family member lives in trailer.

Applicant: Yes, the deal was we bought this piece of property. Mom is getting old and she doesn't want to live in town any longer. We live rural. So we bought a place where we could all live. But she decided that it was too crowded in the house with the kids.

Mr. Curtis: So the trailer is hers?

Applicant: Yes. She went out and bought a trailer. I said, "Mom you can't just go buy a trailer, but she did."

Mr. Curtis: Again, the County is not trying to regulate the family life style. It's a planning issue for further down the road.

Applicant: I understand.

Mr. Curtis: We will see you in two weeks. Hopefully there will be less traffic.

**4. Other Business: None**

**5. Staff Updates:**

**I. Administrative Approvals:**

- a. Blazi Minor Subdivision, #16-040, Wildwood Way, Gravette
- b. Scott Minor Subdivision, #16-045, 16305 Coose Hollow Road, Rogers
- c. Taylor Minor Subdivision, #16-050, 19791 Bittersweet Drive, Rogers
- d. Howell Minor Subdivision, #16-051, 14025 Marino Road, Bentonville
- e. McClain Minor Subdivision, #16-053, 22457 West Highway 102, Decatur
- f. Kennedy/Rodinsky Lot Line Adjustment, #16-054, 17155 Deer Park Lane, Pea Ridge
- g. Cripps Minor Subdivision, #16-055, Cripps Road, Gentry
- h. McBride Minor Subdivision, #16-056, 12446 Springtown Road, Gentry
- i. Roberts Minor Subdivision, #16-057, 19304 Y City Road, Gentry
- j. Wilson Minor Subdivision, #16-059, 18463 Pepper Hills Dr., Siloam Springs

Mr. Curtis: It would seem to me that there is some building going on in the County!

Staff: People are rectifying their deeds. They may be having a title search done on their property and see property lines going through important pieces.

Mr. Tucker: I think it's a testament to the process being "more friendly." In the past, people would just move on and skip it.

Mr. Curtis: Ten years now, it will be interesting to see what happens to these pieces. When they are sold. When families split up. It's a long term process. I am quite curious to see the outcome or next process in parceling.

Ms. Leyva: I have a quick question about the septic waivers that we are seeing. That ordinance does not just apply to residential. It applies to everything.

Staff: It is in our general standards. That is correct.

Ms. Leyva: So why is the Gentry Safari not having to ask for a waiver? It just happened to be on our docket and brought it to my mind. We saw them before. Before....

Staff: Preexisting prior to February 2014.

Ms. Leyva: Exactly.

Mr. Curtis: Yes, that would be the only way out of that.

Ms. Leyva: But now they are amending. So they have to come up to current, right?

Mr. Curtis: I guess technically you are probably right.

Ms. Leyva: It's just going through my head.

Mr. Curtis: But the septic system is already there.

Ms. Leyva: We are approving the project. Just like the last house (trailer)...it's already in the ground.

Mr. Curtis: But it was in the ground before the rules were in place.

Ms. Leyva: I don't know when the other septic was approved.

Mr. Curtis: 2011

Ms. Leyva: No, the trailer. I am assuming it's newer.

Staff: The Howarth waiver (trailer) was placed without a formal building permit. That's when the original Health Department approval was granted.

Ms. Leyva: But when did it get installed? That's a piece of paper we don't have, right?

Mr. Curtis: Yes, we don't have that. We approved the Safari in 2011.

Ms. Leyva: It's just a question for a thought process.

Mr. Curtis: There's nothing wrong with a thought process.

Ms. Leyva: That's why I brought it up in discussion.

Staff: It looks like it was revalidated in February of 2016.

Ms. Leyva: Then they had not installed it until this year?

Staff: Correct. They can file for a waiver.

Mr. Curtis: Okay. Put a waiver on that for two weeks.

## **6. Discussion Items:**

### **Staff Comments:**

Mr. Sudduth: I want to take up a little of the Board's time on a topic that I feel is very important and relevant for everything we are doing in here plus other issues.

About 4-1/2 years ago when I came on board and about a year after that, I was in charge of the Planning Department. We did a little reorganization and called it the County Development. Under County Development I had three divisions: (1) Environmental; (2) Building Safety; (3) Planning.

Prior to me getting here, it was a bit like a silo. Everyone had their own little silo. Now we have a complete County Department that intertwines. And how that's really relevant and the way we've changed it is: in the past departments never checked with each other. Now we have a policy/procedure to where Planning signs off prior to going to Building Safety.

Last week we received a notification from the Arkansas National Resource Commission. It's what they called a Community Assistance visit. Once CAV now CAC. It's a detailed audit and it's very important to Benton County as a whole. If we don't qualify and were not allowed to be part of the FEMA process, all of the money regarding flood disaster would be jeopardized.

I served more than 18 years as a Flood Plain Manager for a municipality; so I knew the importance of it. Our current Director of Planning is a Certified Flood Plain Manager. I like to have a little cross training for the protection of the County. Recently Taylor Reamer took the training and passed the exam. This

exam is not easy to pass. Taylor passed it; and I am very proud of him. He's now a Certified Flood Plain Manager for the County.

I also required that the building inspectors on that side get more educated on why they need to have certification on everything prior to issuing a building permit. After the building permit is issued it creates more problems. They are also in the process of getting certified.

That all being said, I received the notice from the Arkansas National Resource Commission the other day. It talked about the findings of our little community assisted visit (audit). We came out very positive. This is a big deal. If we had not come out well, we could have been removed as a participant in the FEMA program. This is serious as far as receiving flood disaster monies to repair what we have.

I will share this letter with anyone who would like to see it. We came out very well within their detailed findings. We upgraded all our data programs. We are doing elevation certificates properly. We are in good standing as a County with FEMA and the Arkansas National Resource Commission. Good job Taylor!

Mr. Curtis: Thank you for that.

By the way, we are forming a working group about the septic tank waiver issue. You should have received an e-mail about some time to be spent on that. Please reply if you think you can spend some time on that. We understand that some of you do work for a living so we understand the constraints of that as well.

Congratulations, Taylor, for passing. Please hang around for a while. It is nice to see other new faces as well. See you all in two weeks.

**Meeting Adjourned:** 7:00 p.m.

**Next Meeting:** Wednesday, May 18, 2016