

**Benton County Planning Board**

Mark Curtis, Chair  
Starr Leyva, Vice Chair  
Jim Cole, Member  
Ashley Tucker, Member  
Rick Williams, Member  
Sean Collyge, Member  
Ron Homeyer, Member



**Benton County Development Department  
Planning Division**

905 NW 8<sup>th</sup> Street  
Bentonville, AR 72712  
Phone: (479) 464-6166  
Fax: (479) 464-6170  
E-mail: Derek.Linn@bentoncountyar.gov

---

## **WAIVER REVIEW PLANNER'S PUBLIC HEARING REPORT**

### **DeJarnatt Septic Waiver (Ch. 4, Sect. 6.8.iii)**

**14072 Yell Cemetery Road, Siloam Springs, 72761**

#### **EXECUTIVE SUMMARY**

On June 1, 2016 the applicant provided a waiver request for relief from the Sanitary Sewer System requirements.

Waiver request is from Section 4.6 number 8, subsection iii;

General Requirements of Division and Development of Land – Sanitary Sewer System:

1. Waiver from Chapter 4, Section 4.6, number 8 – Sanitary Sewer System, item iii: only one (1) septic system shall be allowed on any one parcel, tract, or dwelling unit.

The proposal is to place one (1) additional septic system on the subject parcel with the intent of constructing a new single family dwelling, to be served by the additional septic system. The applicant is requesting relief from the County Regulation that limits one septic system per division of land. The proposal does not comply with:

- Sect. 4.6.8.iii: only one (1) septic system shall be allowed on any one parcel, tract, or dwelling unit.

The specific waiver request is to allow a total of two (2) septic systems on the subject property.

**PROJECT INFORMATION**

**Owner:** James Hal DeJarnatt

**Applicant:** Kimberly DeJarnatt

**Address of subject property:** 14072 Yell Cemetery Road, Siloam Springs, 72761

**Parcel ID:** 18-10542-000

**Parcel Size:** 40.6 +/- acres total

**Current Land Use/Status:** Residential / Agriculture

**Proposed Land Use:** Residential / Agriculture

**Request for a Variance:** The applicant is requesting one (1) waiver for the property.

1. Waiver from Chapter 4, Section 4.6, number 8 – Sanitary Sewer System, item iii: only one (1) septic system shall be allowed on any one parcel, tract or dwelling unit. **The specific request is to allow one (1) additional septic system to serve a future, additional dwelling unit.**

**Attachments:** The following drawings and documents are attached:

1. Vicinity Graphic
2. Site Graphic
3. ADH Plan

---

**PLANNING ANALYSIS**

**Description of Property and Surrounding Area**

The subject property is located southeast of the historic Robinson community and east of the Illinois River—midway along Yell Cemetery Road, between the Robinson and Littrell Road intersection. The property contains approximately 40.6 acres, and the current land use is residential/agricultural. Surrounding land uses:

- North – agricultural;
- East – agricultural;
- South – residential/agricultural; and
- West – residential/agricultural.

According to Staff research, the property is not located in a FEMA Special Flood Hazard Area (SFHA) – i.e. the ‘100-year floodplain’, or within a County designated MS4 area.

**Background information:**

On June 1, 2016 the applicant submitted a waiver request. An inter-departmental review form was sent on June 27, 2016 to the following: Planning Division, Health Dept., Road Dept., Building Dept., Fire Marshal, Administrator of General Services, Administrator of Public Safety, GIS Mapping Manger, and Benton County E-911 Administration.

**TECHNICAL REVIEW OF SITE PLAN**

**Parcel Information**

The proposed project area consists of a 40.6+/- acres parcel. Per the currently available Assessor Parcel card, the subject lands contain a 1,040 sf residential improvement #1 with one (1) existing septic system that was permitted in 1995 by ADH.

Per the submitted application, the owner intends to construct a new four (4) bedroom single family home that would use a separate septic system. The proposed septic system has been designed and permitted by ADH as #20350688. The owner is requesting a waiver from the regulation limiting one septic system per division of land.

**Noticing Requirements**

On July 6, 2016 the applicant submitted USPS certified mail receipts showing that written notice was sent to surrounding property owners regarding the July 20 Public Hearing.

On July 6, 2016 the applicant submitted the required photographs verifying that the required public hearing notice signage along the property's frontage with Yell Cemetery Road has been conspicuously posted on site.

**Site Services - Drainage/ Stormwater Management Plan**

Required: Applicant is required to comply with ADEQ for Stormwater Management if located within the County's Unincorporated Urbanized MS4 area.

Comment: Not applicable. The property is not located in a designated MS4 area.

**Site Services - Sewerage Disposal**

Required: Regardless of development size, a state-approved septic disposal method is required of all commercial and industrial developments. All disposal system criteria must meet or exceed septic requirements as established by the Arkansas Department of Health in accordance with Act 402 of 1977 as amended.

Comment: The assigned ADH environmental health specialist has stated that ADH has no concern with the two (2) septic systems as proposed. Each have been permitted property by the State of Arkansas.

**Benton County Emergency 911 Administration**

Required: Prior to issuance of any additional building permits for the property, the applicant shall file for a new address with Benton County E-911 Administration.

Comment: Benton County E-911 Administration provided a “No Comment”.

**Benton County Fire Marshal**

At the time of report, Staff has not received a comment from the Benton County Fire Marshal.

**OUTSTANDING ITEMS:**

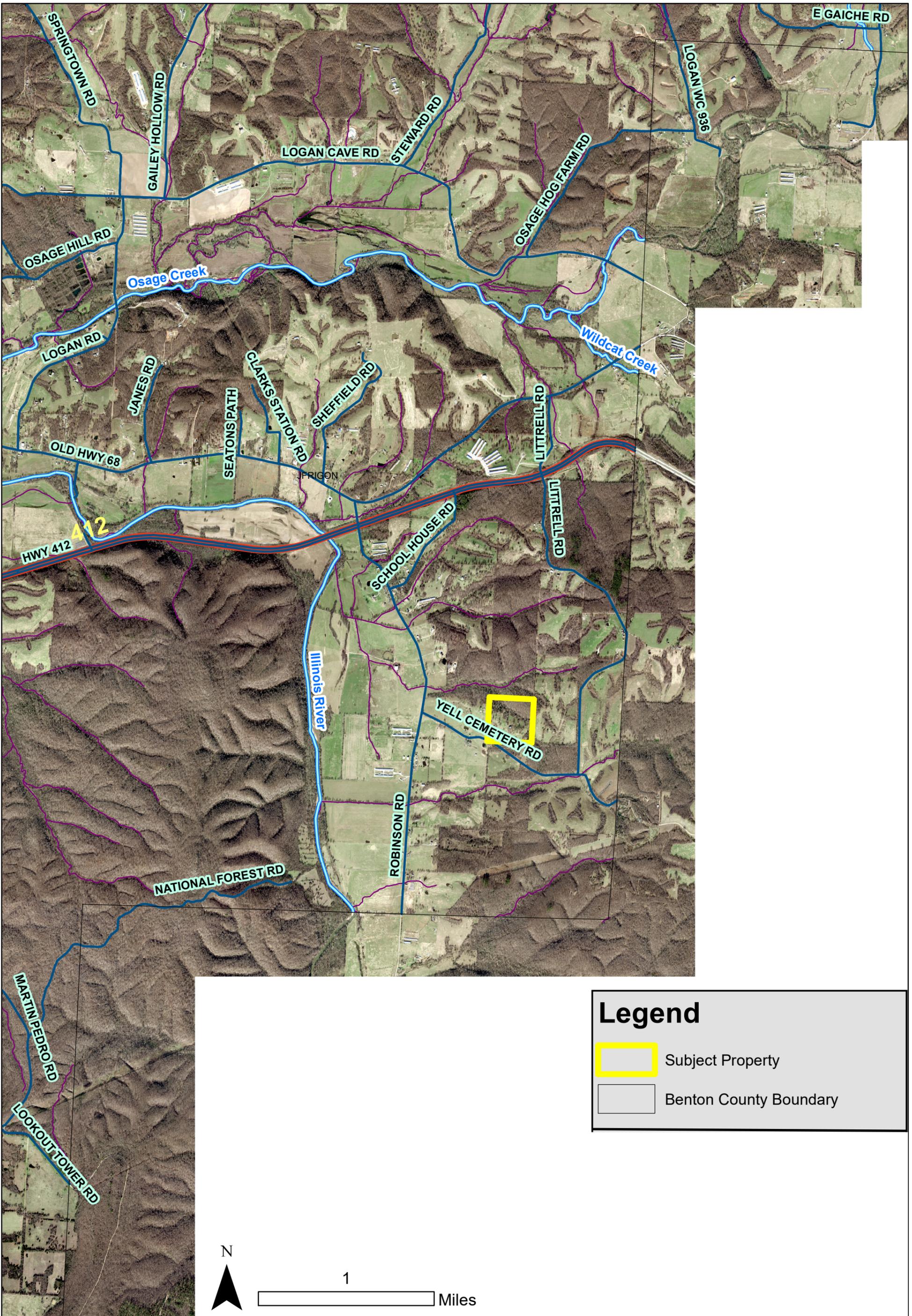
1. Public Noticing information provided on or before July 20<sup>th</sup>, 2016

**CONSIDERATION FOR THE BOARD**

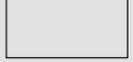
Decision on the DeJarnatt Waiver, #16-113. Approval of the waiver would permit a separate septic system for the proposed home—resulting in two (2) total septic systems on the property.

**Prepared by: Derek Linn, Senior County Planner**

**Reviewed by: Kevin M. Gambrill, AICP – Director of Planning  
Taylor Reamer, Planning Manager**

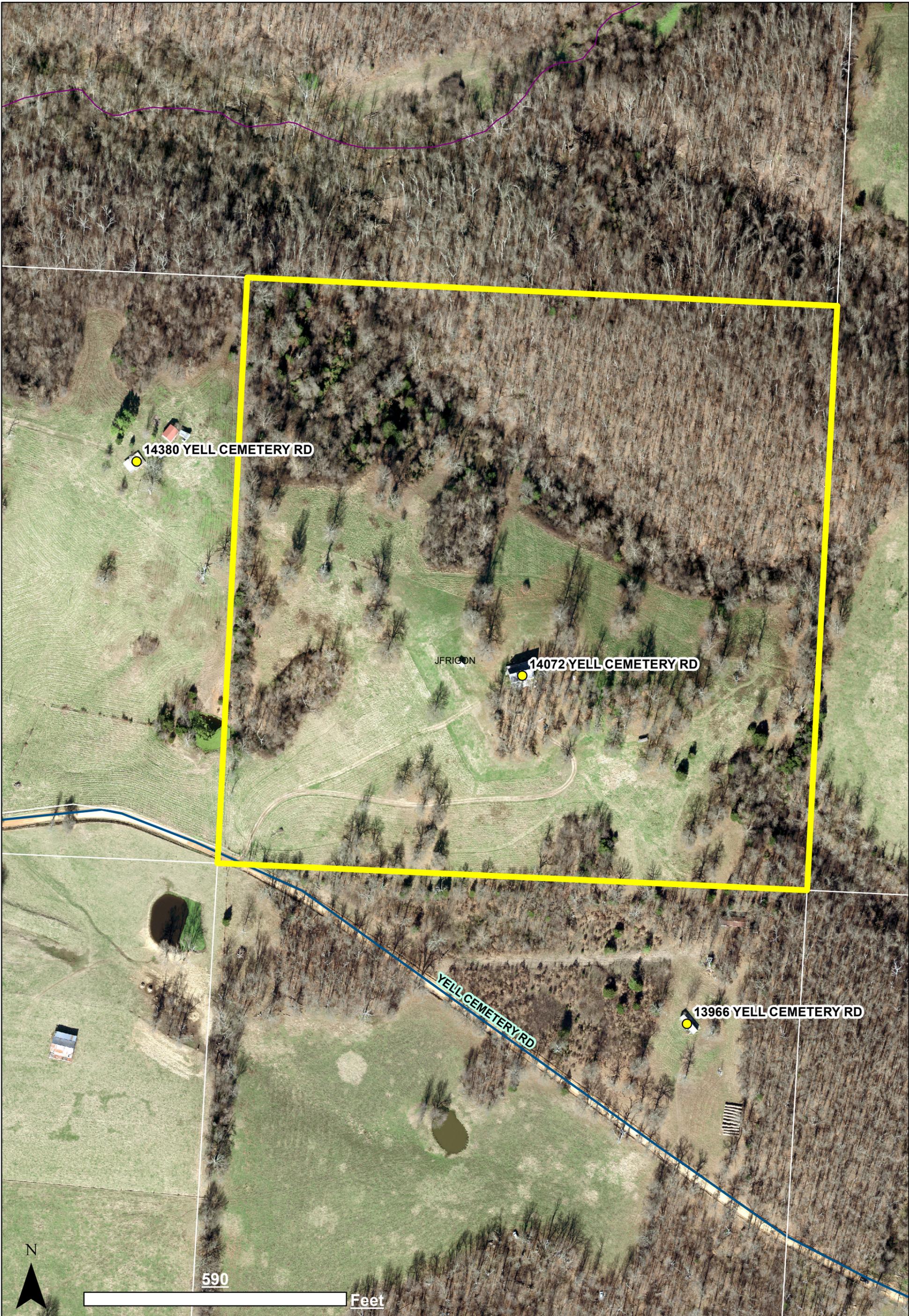


**Legend**

-  Subject Property
-  Benton County Boundary

N

1 Miles



14380 YELL CEMETERY RD

JFRICON

14072 YELL CEMETERY RD

YELL CEMETERY RD

13966 YELL CEMETERY RD

N

590

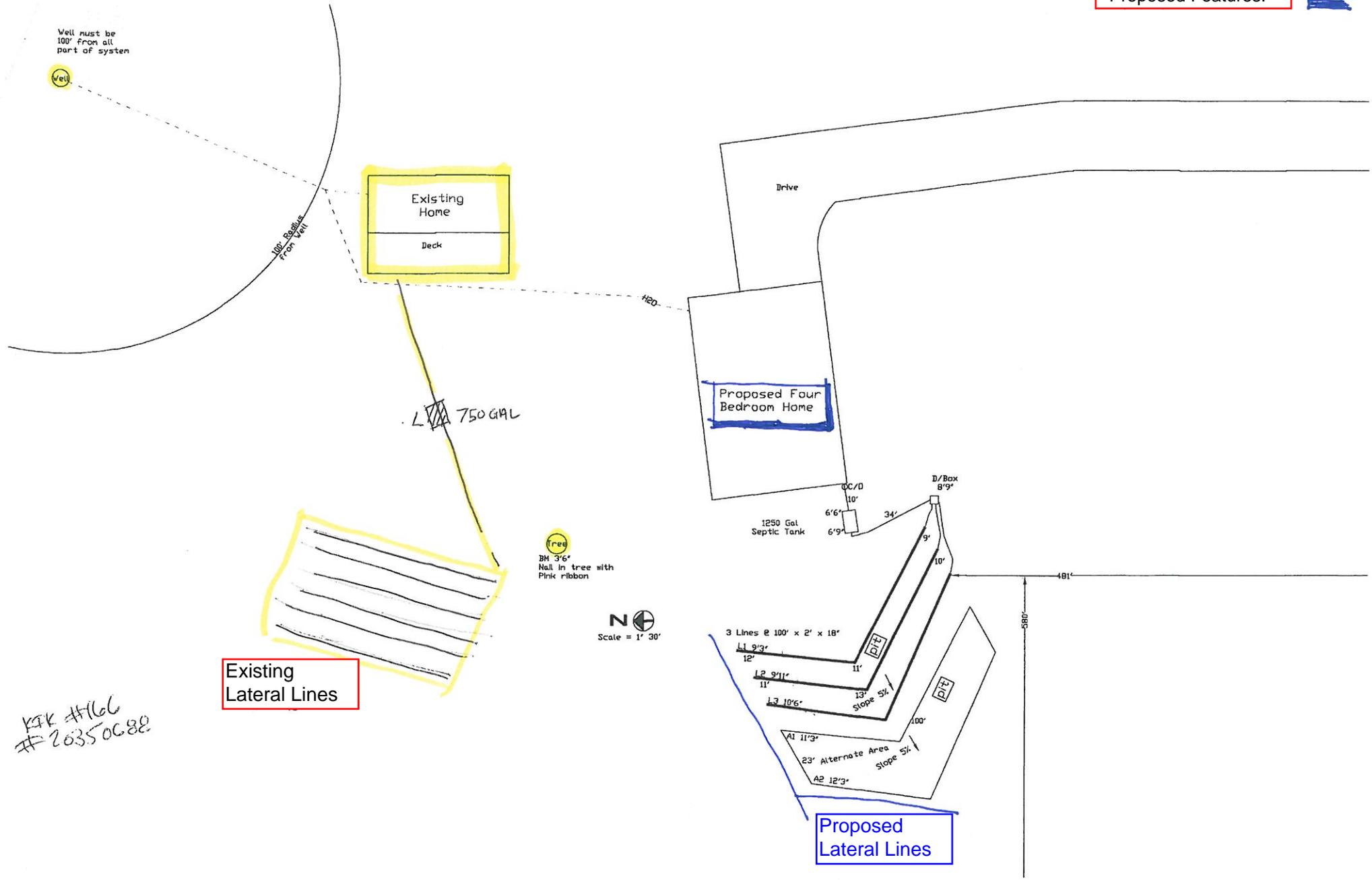
Feet

EXHIBIT INDICATING EXISTING & PROPOSED FEATURES

DeJarnatt: 14072 Yell Cemetery Road, Siloam Springs

LEGEND

- Existing Features:
- Proposed Features:



KFK #166  
# 2035 06 88

Existing Lateral Lines

Proposed Lateral Lines