

2023 AUG 18 AM 11:20

STEPH W. BELL
COUNTY CLERK
BENTON COUNTY, AR



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

August 2, 2023
6:00 p.m.

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

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 p.m. by the Planning Board Chair, Bob Bracy

Roll Call: Bob Bracy, Rachel Kitterman, Linda Lloyd, Theresa Neal, Terry Maienschein and Ashley Tucker were present.

Staff present: Madison Kienzle – Planning Director, Tracy Backs – Senior Planner and Sandra Garza – County Planner

Public Present: See sign in sheet

Disposition of Minutes: July 19, 2023

Mr. Maienschein motioned to approve the July 19, 2023, Planning Board Meeting minutes. The motion was seconded by Mr. Tucker.

Motion to approved: 6 – 0

General Public Comment: None

Old Business: None

New Business:

- I. **Stone RV Park Site Plan Review, case no. 23-195, 5633 Ervin McGarrah Rd, Lowell; 18-02823-004**

Representative: David Gilbert, 5714 Walden St, Lowell

Staff gave presentation, The subject application is for a seven (7) space RV Park, office, and sanitary station. The site is serviced by Springdale Water Utilities, Carroll Electric, and an onsite septic system.

Mr. Tucker asks if the Arkansas Department of Health has approved the septic for this site plan?

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JENNIFER WYLLIE
COUNTY CLERK
YELL COUNTY, AR

Mr. Gilbert states the project has been approved by ADH.

Ms. Lloyd asks why the ravine is very far away from where the development area is?

Mr. Gilbert states the detention pond is being placed in an existing ravine, so it's a natural place to put it, all the water runs that direction anyway.

Mr. Bracy states he has a letter showing the submittal to the Planning Board is not the same as what was submitted to ADH.

Mr. Gilbert states they had submitted a 50-page document to ADH, what is in front of them should be out of the plans that were submitted to ADH, if there are some minor discrepancies as far as a tank moving a few feet one way or the other but what is on the utility plan is and has been coordinated with the designer and is supposed to be what was submitted to ADH.

Ms. Lloyd states what the board has in front of them shows a different location for the turnaround, a different location for the dump station than what we have.

Mr. Gilbert states that to his knowledge the revisions were approved by the health department.

Ms. Lloyd asks if he has something that shows that.

Mr. Gilbert states he has a letter from the health department stating the plans are approved, I do not have a diagram showing a change from this layout to that layout.

Mr. Bracy asks if staff got a copy of the approval letter?

Mr. Gilbert states he has.

Ms. Lloyd asks if it has a diagram on it?

Mr. Gilbert states it does not.

Mr. Bracy asks about the buffering to the south.

Mr. Gilbert states low density residential does not require buffering.

Mrs. Kienzle states that the RV Park per our regulations classified as low density residential and does not require buffering.

Ms. Lloyd asks if there will be sufficient water supply for this development?

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LOWELL
COUNTY CLERK
OFFICE

Mr. Gilbert states, Springdale Water Utilities has designated, as indicated in the letter forwarded to Planning Staff stating that a single five eighths by three quarter inch water meter will be set on the site that has the capacity for 12 gallons a minute. Our peak demand is two gallons a minute.

Ms. Lloyd asks, 7 RVs all running at the same time, is two gallons a minute?

Mr. Gilbert states that according to the health department, it is.

Ms. Lloyd asks about the fire hydrant that was mentioned in the last meeting.

Mr. Gilbert states Mr. Yarno indicated that a fire hydrant is not required at this location, there is a present fire hydrant a few hundred feet down Ervin McGarrah Road to the north.

Dr. Neal asks about the rule change for wastewater at the health department? I'm looking at the website at the moment and do not see anything about a change.

Mr. Gilbert states that the change was passed when they got the approval letter, it came with a note saying, "Hey, we're changing the rule right now." We just got the email yesterday from the upper echelons of the health department and uh, this is the change that will be made is that sanitary stations will no longer be required for something of this type. They're very specific on what you have to meet, but we've met that.

Ms. Lloyd motions to open the Public Comment period for this project, Mr. Maienschein seconded the motion.

Motion to open to Public Comment: 6 – 0

Public Comment:

Diana Main, 5615 Ervin McGarrah Rd, Lowell

I turned in a petition and it now has 220 signatures and 88 comments to deny this project. Some of the things Mr. Gilbert stated in the last meeting were not correct and went unchallenged. Since we were not allowed to respond, I'd like to use my time to address those items as well as get some questions answered from the staff. Dr. Neil posed a question about the parking spaces and the manmade block area being in the setback, Mr. Gilbert said the block area shown in the parking space was grading in order to meet the slope requirements. He then says it's a very short retaining wall. A retaining wall is defined in the regulations as used to prevent erosion, grading a parking spot is something completely different. The only reason this matters is because there are only two exceptions to what's considered a structure, one of those being a retaining wall less than four foot. I'm not sure why

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JUDICIAL BELL
COUNTY CLERK
COUNTY, AR

Mr. Gilbert used that terminology because it is not a retaining wall to prevent erosion, it's to grade a parking spot, therefore has nothing to do with the less than four-foot rule. We have four questions; Has the applicant already requested and received a waiver for violating the setback rule? Would that fall in the parameters of undue hardship? If a waiver has not been required, what section of the ordinances says you are allowed to build graded manmade parking spaces with wheel stops in the setback. We are assuming the office will contain two bathrooms because the state of Arkansas for RV parks requires one flushing toilet and one sink for each sex, even for independent RVs. Mr. Gilbert also said it might have a washing machine, per section five of ADH rules, they can't have laundry without submitting a separate septic plan. The plans that Mr. Gilbert submitted show the fence running over our propane tank as well as over the edge of our carport.

Robert Pelke, 5467 Ervin McGarran Rd, Lowell

I'm here to express my opposition to the RV Park for several compelling reasons that directly affect the wellbeing of our families and the integrity of our neighborhood. Mr. Bracy's concerns about future tent campers addressed at the last meeting and the need to alter the entire plan for future developments are justified. The board must take into consideration the impact of new projects in this regard, for primitive tent camping, they mandated a service building with two bathrooms within 300 feet. However, the proposed service building for this project is 425 feet from the nearest area of the second flat. This means that an additional building with bathrooms would have to be added if the campsite is to comply with the state regulations in the future.

Dennis Main, 5615 Ervin McGarran Rd, Lowell

I have several concerns about the proposed RV park plans being shown on the north side of my home. Since the last meeting, Springdale Water has asked Mr. Gilbert to remove the fire hydrant and six-inch waterline due to a lack of water volume, which would put every home on Ervin McGarran at risk of losing water pressure.

April Pelkey, 5467 Ervin McGarran Rd, Lowell

As a concerned mother, homeowner and business owner I'd like to express my strong opposition to the opposed RV Park. It is alarming to see that a leach field is positioned less than 200 ft from livestock ponds and the adjacent property has lines running directly through a freshwater stream, I brought photos to show that the septic tank is less than 10-ft from the property line, this is a violation of the regulations and poses a significant risk to the health and safety of wildlife, livestock, plant life, and members of this community. I urge Benton County Planning Board to consider the gravity of the violations committed by the property owners. The risks posed to our water resources and the potential legal and health consequences. How can we trust the accuracy and integrity of the information presented by the applicant when such basic facts are overlooked?

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Lane Crider, 301 N Primrose Rd, Lowell

CEO at Beaver Water District and I represent the drinking water entity.

What the engineer previously mentioned about the health department regulations on sites and septic systems, I checked with my staff, there is a bit of miscommunication there. It has nothing to do with the number, it has to do with the sites, have access and are connected to both water and sewer, in this instance those 8 spots appear to be connected to both water and sewer. However, the idea of additional sites whether it's an RV without those connected abilities, whether it's a tent or whether it's a small camper, if they do not, then they're required to have a dump station.

The Planning Board discussed the proposal with the applicant, there is a number of outstanding items.

Mr. Tucker motions to table to August 16, 2023, seconded by Mr. Maienschein.

Motion to table to August 16, 2023: 6 – 0

II. Beck Variance, case no. 23-215, 14147 Ozark Dr, Garfield; 15-02225-000

Representative: Sunny Dudley, 2116 Zion Church Ave, Lowell

Staff gave presentation, the property owner is requesting a setback variance from the 50-foot rear setback requirement as follows: Proposed new dwelling to be 35.49' from the center of Dam Site Loop in lieu of the required 50' building setback. Note that the new dwelling will be 52.06' from the center of Ozark Drive at the front.

Public Comment: None

The Planning Board discussed the proposal with the applicant.

Dr. Neal motions to approve, seconded by Ms. Lloyd.

Motion to Approve: 6 – 0

III. CKJ Site Plan Review Major Amendment, case no. 23-222, 14012 Monica Dr, Gravette; 15-15991-000

Representative: Daniel Friedy, 9200 Suits US Dr, Bella Vista

Staff gave presentation, The current application is for a modification of the proposed parking layout at the front of the building. The original site plan details only two ADA compliant spaces in front of the building. The current proposal details eight parking spaces in front of the building inclusive of two ADA compliant spaces. Fewer parking spaces are provided in the large parking area, due to the average width of each space being increased from 9 feet to 11 feet. The large parking area is proposed to have 27 parking spaces in lieu of the originally proposed 34. Therefore, there is a net decrease of one onsite parking space with the current proposal.

In addition, the proposed building addition on the west side of the existing building will increase in size from the originally proposed 1,000 square feet to 1,250 square feet.

The Planning Board discussed the proposal with the applicant.

Public Comment:

Sawyer Contrell, 14197 Monica Dr, Gravette

This project was approved May 4th last year, even though it is the public-school bus stop owned by a child molester, I understand that there's a lot of things that go behind what you guys do. They're proposing 38 employees and they were approved for 15. The landscaping that was proposed still has not been completed.

Mr. Tucker motions to approve, seconded by Mr. Maienschein.

Motion to Approve: 6 – 0

IV. Envision Site Plan Review, case no. 23-223, 14492 Logan Cave Rd, Siloam Springs; 18-11134-000

Representative: Matt Loos, 5705 W Canopy Meadows Dr, Rogers

Staff gave presentation, the subject application is for a poultry litter digester facility. The site will consist of the digester, an oil separator, two litter sheds, and a gas/administration building.

The Planning Board discussed the proposal with the applicant.

Public Comment:

Roger Sweat, 3608 SW Carter Rd, Bentonville

Comments his family has owned this property for over 100-years, he would hate to see this beautiful land be torn up.

Eric Ingle, 14554 Logan Cave Rd, Siloam Springs

Comments he lives on the west side of the property adjacent to the proposal, states that this is not the location for this proposal, this property floods and not only there but floods over Logan Cave Rd, this proposal should nowhere near be around a water source.

Tony Coffee, 14450 Logan Cave Rd, Siloam Springs

Comments that his property always floods, his well is the closest to this proposal. When the roads flood, there is no way around to get to the properties. Emergency services are not going to be able to get to the site if something were to happen at this location.

Pat Perona, 15850 Sheffield Rd, Siloam Springs

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Comments she owns property to the south. What's the traffic look like with 15 dump trucks coming in with guts in them, is Benton County Road department going to improve the road? Who owns Envision? There's going to be blasting at this location are they going to replace my well if there is any damage?

Steve Davis, 15800 Logan Cave Rd, Siloam Springs

Comments he is a poultry veterinarian, in Benton County we have over 380 poultry farms, with all the influenza problems we have had for about 2 years we have to destroy any flock that becomes positive with influenza, one gram of chicken manure that might contain influenza provides enough virus to infect every flock breeder in this county. This is a great idea but it is not the location for it. Osage creek is about half a mile close to this location; we have to protect our water ways.

Kyle Unser, 15795 Logan Rd, Siloam Springs

Comments and echoes to everything that has been said already, I am an attorney at Kutak Rock and would like to speak more on the technical issues. This use has been misclassified, I have looked at the ordinance on general commercial, this is a heavy industrial classification for all that they are doing. Heavy Industrial and agricultural properties cannot sit side by side, per Benton County regulations. You cannot place hazardous materials near certain watersheds. As a matter of law, you cannot approve this where they are planning to place it.

Delia Haak, 20083 Dawn Hill East Rd, Gentry

Comments she represents District 17, where this property is located. I work closely with the watershed, I believe in the digester technology that is being proposed but this is not the right location for that, this is a very sensitive area. If you look at the Buffalo River watershed, three families of hog farmers, had put in a state-of-the-art technological system, and it was later deemed, it was an underground system too and it was not in the right location, I would hate to see that happen here.

Patrick Storms, 16263 Sheffield Rd, Siloam Springs

Comments he has been a farmer for 65 years, states he had a very large dairy farm and everything that came off the farm would flow down to the Illinois River, we then changed to just milking but due to not being in the right location we could not continue the business. The value of our property will go downhill once this digester goes in.

Brock Knoten, 32771 Wood Dr Afton, OK

Comments he echoes with what everyone has stated, what is going to happen to this location when it goes away?

Shane Slaton, 16242 Seatons Path, Siloam Springs

Comments he echoes with what everyone has stated, he moved here to the area because it is beautiful, back where we are from everyone has basements so we wouldn't have to worry about water seeping in, here in NWA hardly anyone has a

basement because you will have flooding problems, now how about the water that will seep in through the concrete walls, I hope you vote no.

Jim Eaststep, 14925 Osage Hog Farm Rd, Gentry
Comments he lives 3/4 of a mile from the location, I'd like to comment about the water table, there are 3 natural springs on this property, they can't even mow the property correctly because it remains wet.

Lane Crider, 301 N Primrose Rd, Lowell
Comments he is with the watershed district, I would like to support the idea of the digester technology.

Dr. Neal motions to table the project to September 20, 2023.

Motion to table to September 20, 2023: 6 – 0

TECHNICAL ADVISORY COMMITTEE

Call to Order

Old Business / Ongoing Applications: None

New Business:

- I. Henrich Variance, case no. 23-243, 14224 Dean Rd, Garfield; 18-00200-000**

Representative: Ryan Henrich, 14224 Dean Rd, Garfield

Staff gave presentation

The property owner is requesting a setback variance from the 50' from the center of Sunrise Cove Road. The proposed new barn to be 37' from the center of Sunrise Cove Road in lieu of the required 50' building setback. Note that this setback variance is for the new barn only (in yellow below), not for the new dwelling on the east side of the parcel which already meets setback requirements.

- II. Woolbright Major Replat & Waiver, case no. 23-244, 21730 Troon Ln, Siloam Springs; 15-01930-000**

Representative: Keith Truitt, PO Box 6328, Siloam Springs

Staff gave presentation

Applicant is proposing a major replat of the parcels listed above to create Lot 10-A & Lot 8-A. Tract 1 to be included into Lots 5, 8, 9 & 10, thereby expanding the boundary of the subdivision, requiring a Major Replat.

III. Snyder Estates Major Replat, case no. 23-245, Peterson Rd, Highfill; 18-11627-000

Representative: Tim Lemons & Memphis

Staff gave presentation

The preliminary plat for the Snyder Estates subdivision was approved by the Benton County Planning. The current application is to adjust the orientation of the proposed road.

IV. Ozarks Go Site Plan Review, case no. 23-247, 10511 Roberts Rd, Bentonville; 18-09322-000

Representative: Steven Karp, 3641 W Weddington Dr, Fayetteville

Staff gave presentation

The subject application is a fiber hut, generator, and splice vaults to improve internet reliability, speed, and access to OZARKSGO LLC customers and the surrounding area.

Discussion Items: None


Staff Updates - Administrative Approvals:

- I. Luedtke Property Line Adjustment, case no. 23-037, Ventris Rd, Garfield; 18-01481-000
- II. Qualls Minor Subdivision, case no. 23-205, 11489 Coose Hollow Ln, Rogers; 18-04870-014
- III. Oler Lot Combination, case no. 23-229, Spruce Dr, Rogers; 15-01039-000
- IV. Stanphill Lot Combination, case no. 23-231, Tenderfoot Ln, Garfield; 15-08758-000

Meeting Adjourned: 10:44 p.m.

Next Meeting: August 16, 2023

APPROVED THIS 16th DAY OF Aug, 2023.

ATTEST:

PLANNING DIRECTOR

APPROVED:

PLANNING BOARD CHAIR or
VICE CHAIR

FILED

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F. J. HANRELL
CO. CLERK
BERNARD COUNTY, AR

Digital voice recording may be made available upon written request to the Planning Department.