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2024 JAN -4 AM 11:12



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

December 20, 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, Ashley Tucker and Vernon Reams 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: December 6, 2023

Mr. Maienschein motioned to approve the December 6, 2023, Planning Board Meeting minutes. The motion was seconded by Mr. Tucker.

Motion to approved: 7 – 0

General Public Comment: None

Old Business:

- I. **Johnston Site Plan Review, case no. 23-364, 14780 & 14778 Bethlehem Rd, Gravette; 18-11193-007**

Representative: John Switzer and David Spots 3437 Iris Court, Boulder, Colorado

The subject application is for an unmanned battery energy storage facility. No access to water, septic or sewer, or solid waste disposal is proposed.

Ms. Lloyd motions to open to public comment, Mrs. Kitterman seconds the motion.

Motion to open to Public Comment: 7 – 0

Public Comment:

Gary Yarno, states he is not really prepared to answer a whole lot of questions but he does have a statement, he would like to let the public speak first.

Bill Edwards, Mayor of Centerton

I sent a message with my concerns I just wanted to reiterate them. I want to also recognize that I brought some of my staff here with me, I have my fire marshal, planning director and senior planner. Our planning staff has looked at this and I think they're going to address you at some point. You know, the fire department is the one that's going to have to handle this, I know that all the cities will come and help us but Centerton will be there first, my fire department tells me, the fire marshal might tell you something different. If we have batteries on fire there, these things burn, they really don't have a way to put them out. My major concern with this is you have some of these good folks that live 150 feet from this thing and another about 30 feet from the property line. All this smoke and whatever happens with batteries is going to affect them, we have some subdivisions within three quarters of a mile, there is a very large subdivision coming in and is under construction right now. I know that the internet service out there is probably not great. They're talking about this thing coming by remote control, I'm sure it's going to either go by internet or satellite and we all know having satellite out there, when it rains you lose signal, I'm afraid the same thing will happen here if they use satellite internet. My job as the mayor is I'm supposed to protect the public peace, safety and welfare and that's why I'm standing here in front of you today.

Lorene Burns, 13116 Seba Rd, Centerton

Planning Director for the City of Centerton, I have some questions, comments and definitely concerns. The application stated there were no hazardous chemicals, I feel like that was a misstatement, batteries do contain hazardous chemicals and if there is any faulty conditions, those toxic chemicals will be released and can cause problems with the air quality which will impact the adjacent property owners. There was a case that there was a battery fire and they had to shut down a local highway for 18 hours, residents had to shelter in place because it took 18 hours before there was no detection of the airborne contaminants, that's quite an impact in my opinion. The noise is another concern, I don't know what the decibel was reduced to with the revision to the design, I'd like to know that. The detention stated it was design to the ten years, but it has a capacity for double the capacity. The City of Centerton has design standards to the hundred year along with the MS4 compliance, with this being within a mile of city limits, it's not unlikely that it may someday be part of our city. So, I would like to request that their stormwater drainage comply with the city of Centerton Stormwater Manual. This is a relatively new industry, the long-term impact of these type of battery storage industry is not fully known, I would like for the board to look at the setbacks and I would ask those setbacks to protect the adjacent properties, be required.

Tim Whitaker, 14860 Bethlehem Rd

At the last meeting I was overwhelmed about the whole situation, if you google search these things you start seeing bad news and petitions where people are going through the same thing we're going through. So I did more research and came across a guy named Gabriel Shelton at Baker Risk Online, he refused to answer the would you live next to this question, but he said, I'll give you the details, what we know is it's a very new technology, they're catching on fire regularly. This is the big red flag for me that he told me though, battery companies right now are making it very difficult on their company and its why they're in business because they will not share information on failure rates, so they're trying

2024 JAN -4 AM 11: 12

to determine it in other ways. So, from a project perspective, I would ask you to not only deny this, but deny it with extreme prejudice because it's to be honest with you, it's kind of ridiculous that we'd even think about putting these next to us.

Diane Morrison Lloyd, Senior Planner for the City of Centerton

I have one more thing we wanted to add from Planning, especially now that they stated they're reducing their megawatts from 200 to 100, there is a concern that if this is allowed, they'll come back in the future to ask for that additional megawatt at the same location or a parcel next to it or nearby.

Susan Kohler, 14955 Shipe Rd

We are very close to this property; I think we could potentially border it but I'm not certain. I agree with everything that has already been said. I don't have a lot of information about studies and the technology, but I am concerned, I have animals on our property, we have horses and a lot of my neighbors also have some, we grow fruits and vegetables, they have other livestock. Our state is embracing recreation and we're benefiting from the ability for people in Bentonville and Centerton to want to come to our property to enjoy the beauty, be with nature be with our horses, ride etcetera. I just really would like you to please consider this a residential rural community. There are dozens of homes now built in our neighborhood at Spring Valley and Shipe.

Brian Thomas Ganey, 14924 Bethlehem Rd

We have three young kids, we moved to Benton County 15-years ago. We have been on Bethlehem Road for five years and we love the area we are in, our neighbors and all this. I did not receive the public hearing notification until after I got back from Spain, which was four or five days after the meeting had happened. We have some industrial things in our area, there's a dirt pit, there's a gravel pit, those folks are good neighbors and I saw the plant manager at the quarry today was actually delivering Christmas hams to the whole neighborhood. These are people that interact with you, really take a genuine interest in the wellbeing of our neighbors and neighborhood, that has just felt seriously lacking and this entire process. I've been hard pressed to find anybody in Benton County that's familiar with these types of facilities and it just seems like we'd be turning our neighborhood into a guinea pig to let this happen.

Cindy Norton, 14570 Bethlehem Rd.

My home is 30-feet from the back of the line of the property that this site is proposed on. We ask that SMT site be denied tonight and a moratorium be placed in to stop all best sites from planning and development in Benton County until further research and more efficient regulations can be set up. Section 4-53 of the regulations, they should not negatively impact existing residential development or such. Impact must be mitigated as per nuisance abatement provision, this is to protect the ability to live, grow, develop and to prosper for the residents of this county. With a development like this in the neighborhood, any development done to our property would be undermined by the low value this would bring to our area, even if they built a fence and plant trees and dampen the noise. We cannot get straight answers from SMT, leaving us doubtful.

Danny Norton, 14570 Bethlehem Rd.

These are lithium batters and you can't put it out with water, you just got to let it burn. I've done my research on these things and it is not good.

Julie May, 2224 Hoey Church Rd, Shelby, NC

I grew up at 14570 Bethlehem Rd with my parents, Danny and Cindy Norton, you've heard of the danger's multiple times. There have been questions asked about the basics of the sites and property values, but tonight I want to discuss community in the duties of the board enlisted in the Benton County Planning and Development Regulations, Section 4.2C requires that patterns of proposed new development must enhance or be consistent and compatible with existing development and the environment. The board's duty to what their citizens is to protect our rights and establish what will enhance Benton County. You should deny these projects until the industry has a chance to establish itself over time, and until regulations for future projects like this are fully considered tonight, we'll set the precedence for any company that wants to build a best site here.

Bonnie Nelson, 14498 Bethlehem Rd

My husband and I built this home 19-years ago, we live five acres away from this proposed site. I know that all you hear is complaints from the public, you probably get tired of them, if I were in your position, I would be tired of them too. I'm not concerned of the devaluation of the property I am concerned of the fire; the percentage of fire is shocking to me. I feel like it's too dangerous to put this kind of technology in a residential neighborhood, it's too dangerous to have it in Benton County.

Kevin Pilgrim, 14532 Bethlehem Rd

I looked at the new site plan and was kind of taken aback by a wood fence for an industry that know for uncontrollable fires. You don't put up a wood fence, you put up an earth burn or maybe a concrete type of fence wall.

Joseph Duran, 1134 Cathedral Lane

If I were to put any kind of a plant, I would make sure that the people around it is going to support it and want to be there. I have a bachelor's degree in communication and the whole point of me bringing that up is that you'd want to reach the people if you really care about them and want to have a good niche and everything. There's no way of stopping these types of fires, it will just burn. The fumes toxins, there needs to be severe documented disaster plans on how to operate when a disaster happens.

Brian Clark, 2224 Hoey Church Rd, Shelby, NC

I come out here to show some support for Danny and Cindy Norton, my in-laws, they've lived on this property for 31-years, they've been tax paying citizens. This will have tremendously negative impact on the value of their property, in the case of an emergency, sheltering n place just doesn't seem like a very safe option. Don't punish these people for being good citizens for the past three decades. In the case of an emergency, who pays their medical bills in case they have to inhale all kinds of toxic fumes and so on and so forth. Benton County should be known

for the next Bo Paul or anything like that.



Larry Phipps, Spring Valley Rd

I'm a retired anesthesiologist that moved down here to the natural state, which is kind of a joke when you're trying to put lithium batteries in. I don't know how many of you people have seen what happens to a person when they breath fumes from a battery or toxic fumes like that. I put hundreds of people on ventilators and had to intubate them, many of them didn't survive. Even those that survived, most of them are respiratory cripples for the rest of their life. Are these people going to put a bond in case people are injured to cover the cost of that? Are they going to put in medical testing to the neighbors around their facility to see if there's leakage? What's our real benefit?

Deandra and I live on Cathedral Ln in Gravette

There is a lot of people that live out there and are still on wells and groundwater that water their gardens with, feed their animals with, kids will play in it and you're talking about runoff and maybe some of that water gets processed by Centerton water facility, maybe they'll be able to get most of it but we know that even Centerton has had problems getting everything out of their water in the past and now you're talking about adding more toxins to that. Should there be a fire that burns out of control, how far is that from the forest, how many houses would we lose? Could this potentially set off a California style fire that ends up spreading and taking out multiple homes because the forest that's there. I beg you guys to not allow this to go through.

Paul Hagen Moham, Deputy Chief of Prevention for the Centerton Fire Department

Mr. Bracy comments that he had requested that the fire marshal and local fire marshal be addressed on this project, has that happened?

Mr. Moham, the first word was, our city engineer called me and said, hey do you know anything about this? And that was the day before the first meeting. We had a video conference call with the project owners and other area of fire marshals as well, Siloam, Bentonville, myself and county were all present. It was general information, no real discussion of safety protocols, plans. We were told that was going to be provided, I haven't really seen anything that I would justify as, this is what happens. This is who's coming, this is your contact, this is the provided information that we have. The more I research, the more this stuff scares me, I'm going to be completely honest with you. The immediate, if there is an incident, there's an immediate half mile circle of shelter in place and then another half mile outside of that to a full mile of evacuation until the situation is mitigated. Unfortunately, due to the technology, we and the fire service have not kept up, we do not have the technology or the resources at this time to put these fires out due to the fact that it is a chemical reaction, so they have to consume themselves, that's the only way.

Gary Yarno, Benton County Fire Marshal

People have provided some great information here tonight, as anticipated,

residents of Benton County are passionate about where they live, they demonstrated their love for it by showing up here tonight and doing their homework. Mr. Yarno provides information on the chemistry use which is lithium-ion technology and the way thermal runaway works. What he recommends tonight is more time for the local fire community, we need more, we need to be able to do more research, we need to be able to develop pre-incident planning for both facilities that are being applied for here in Benton County.

The Planning Board discussed the proposal with the applicant.

Mr. Reams motions to deny, Ms. Lloyd seconds the motion.

The board motions to deny due to incompatibility, public health and safety.

Motion to Deny: 5 – 1

II. Poole Site Plan Review, case no. 23-365, 20225 Chamber Springs Rd, Siloam Springs; 18-10610-002

Representative: John Switzer and David Spots 3437 Iris Court, Boulder, Colorado

The subject application is for an unmanned battery energy storage facility. No access to water, septic or sewer, or solid waste disposal is proposed.

Public Comment:

Craig Bacon, 18575 Hwy 16

Our property between our son-in-law's, our sons and our farm surround this property on three spaces. It very much does affect our family. I think Mary Edwards did a nice job this evening breaking up some of the points that I would bring up and I would give you some of those differences that you're asking for. We're serviced by Gallatin Volunteer Fire Department, if you don't know where that's at, it's north of 412, a considerable distance by gravel road. Much of it to the property in question to a volunteer fire department that absolutely doesn't understand the intricacies of fighting a fire like this. We have no internet service. Our internet providers call us an internet desert. Many solutions are all satellite based and on a stormy night all of the things that were previously mentioned are real, real opportunity. Most of the residents in our area are well-based, our livestock are watered from the wells, in many cases our neighbors depend on the well to be their drinking water as well. We have families and our families intend on raising their families on these family farms for many generations to come.

Jane Harmon, 20167 Chamber Springs Rd.

States she requested all documentation of this project, FOIA. We hope they will consider the following, emergency operations plan, tornado response. They need to revise their drainage plans, buffering. This site should remain agricultural in accordance with the planning board's own goals. Just because we are not a highly residential area like Centerton, does not mean that the people who live surrounding this project are any less important.

2024 JAN -4 AM 11: 12

Debbie Bacon, 18575 Hwy 16

We have farmland that is fence road to fence road with this property, we have grandchildren being raised on both sides of this property, I am a farmer, our son-in-law is a farmer, this is what he does. If this land becomes contaminated, the livestock become contaminated because of the pasture land or something in the environment, who's going to supply us with a job, who's going to pay for our business?

Anna Watkins, 20185 Chamber Springs Rd.

Represents her mother-in-law, Lisa Watkins who was unable to come tonight. One of the things talked about tonight was tornadoes, there have been three tornadoes within a mile from this proposed facility in the past 10-years, that is something that definitely needs to be addressed in this. I agree with the Bethlehem decision. I think that was the right thing to do for that area. I do believe it is the right thing to do for this area for a few different reasons. It is less than three miles from the Weddington Nation Forest, Washinton County. I think Washington County deserves to have a vote in this. There are two poultry facilities within the proximity as well and I want to know how they'd be able to evacuate that area with that large poultry division.

Cindy Norton, 14570 Bethlehem Rd

States she had contacted the National Forest but they didn't contact her until 2-days ago, they didn't have enough time to review this. Why do we have National Forest if we're going to allow something like this to contaminate our good forest.

Julie May 2224 Huey Church Rd, Shelby, NC

It has been brought up but not answered, but who is going to cover decommissioning costs, what happens during decommissioning, whenever that happens to a site like this.

Tim Whitaker, 14860 Bethlehem Rd

A few facilities like Tesla and these people have them under their own names, they've created LLCs for limited liabilities, and one of these things catches on fire, you know bankrupt the LLC and not the entire mothership.

Matthew Harmon, 20167 Chamber Springs Rd

I will agree with what everyone has stated, Mr. Bacon had stated we are an internet desert, being the closest property to this, I can absolutely agree, I work from home and we are an internet desert, so it's extremely difficult to get any sort of reliable internet service in this area. I don't understand why the electric companies haven't spoke to this project or the Johnston project.

The Planning Board discussed the proposal with the applicant.

Mr. Reams motions to deny, Dr. Neal seconded the motion.

Motion to Deny: 2 - 4

Motion fails

Mr. Tucker motions to approve, Mrs. Kitterman seconded the motion.

Motion to Approve: 4 – 2

New Business:

I. Simrell Site Plan Review, case no. 23-381, 9484 Simrell Dr, Garfield; 18-00575-000

Representative: Jody Simrell, 9484 Simrell Dr, Garfield

The subject site was approved to construct 18 cabins in 2003 by the Benton County Planning Board: 16 2-bedroom 24' x 32' cabins, and 1 1-bedroom 24' x 24' units. The site improvements were not made at that time. Per Appendix K – Standard Conditions of Site Plan Review, "The owner shall complete all the proposed work shown on the approved site plan within two (2) years from the date of endorsement of the Site Plan unless an extension of time is granted by the Planning Board."

The subject application is to construct 8 1-bedroom units, demonstrated on the plans as cabins 5A, 5B, 6A, 6B.

Public Comment:

Kimberly Sparks, 9492 Simrell Dr

I've been their neighbor for 30-years, I sent in an email, Ms. Sparks reads her email and states that cabin 1 has destroyed the privacy on her land, it seems like Jody always rents out cabin 1 first. I would like to request that the proposed cabins closest to my property are moved to a location that does not even further destroy the use and enjoyment of my land. In addition, please require several rows of very large evergreens to be planted along the entire north property line to help provide screening. There are water problems at the little river right on our property line, so I have like a permanent gully along the fence line, all the gravel from the road is pretty much on my property, that's why Jody has to replace it. I don't have to use a flashlight when I go outside, the lighting from the cabins lights up my full property.

Brian Armas, 4500 Cloer Rd, Pea Ridge

I don't live near the Simrell's but they were formerly my constituents. I'm not here to represent the Quorum Court at all, just to make that clear, but I was their JP, they have since been redistricted in 2020 and no longer my constituents but we still keep in touch and I would like to speak in favor of their site plan simply because this was something approved in 2003. I understand the regulations stipulate for projects to be completed within 2-years and they have not done that. I believe these are move on structures. I do think that there's contrast between the plans that you reviewed earlier from people that were from out of state and the Simrell's that do live here, it's a local business, using local assets of course, but also contributed right back into our economy here. So, I just ask that you approve their plan tonight.

The Planning Board discussed the proposal with the applicant.

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

Motion to Approve: 6 – 0

II. Vang Waiver, case no. 23-397, 23-397, 9711/9719 S AR 43 Hwy, Gentry; 18-16032-003

Representative: Yee Vang, 9713 S Hwy 43, Gentry

There are two family dwellings currently on this parcel, an existing house, and an existing mobile home. Property owner wishes to place a new mobile home on the parcel. These dwellings are and will be lived in by family members. An aerial view of structures on this property is on the next page. Proposed new mobile home, is highlighted in yellow. All other structures are barns, sheds, and a green house.

Public Comment: None

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

Motion to Approve: 6 – 0

III. Oldham Site Plan Review, case no. 23-398, 2601 Aspen Ln, Rogers; 15-07186-000

Applicant tabled the project to the January 3, 2024 meeting for extra time to accomplish some outstanding items.

Ms. Lloyd motions to table the project, seconded by Mr. Reams

Motion to Table to January 3, 2024: 6 – 0

IV. Watts Site Plan Review, case no. 23-400, 12538 Peach Orchard Rd, Bentonville; 18-09612-002

Representative: Barry R. Williams, 901 N 47th, suite 400 Rogers; Jason Eldredge, 1602 SW Wisteria, Bentonville; Nora Coler, 12580 Peach Orchard, Bentonville.

Quarry and borrow pit excavation. Site originally serviced I-49 bypass, the subject application is to allow the operators to continue using the site as a quarry and borrow pit for other projects in Northwest Arkansas.

Public Comment:

Grant Lidle, president of the POA of Windermere Woods Neighborhood, speaking for those who couldn't be here tonight, 1810 NW Autum, Bentonville
The neighborhood was established over 20 years ago, it's less than 50-yards from this proposed dump site, because it's never been approved for that use, this discussion should have occurred several years ago before the use of the property as a dump site commenced without a required public review process and

development permit. This is the first ever instance of the mandatory public notice and hearing on this topic. So, the request is not for a continuing lawful use. What happens so far has been unpermitted and unlawful. You can go to the site and it's still going on, the negative impact isn't theoretical. There are bulldozers, graders, storage sheds within yards of homes, 70 homes, tens of millions of dollars of people's investment in their homes. There was no expectation that something like this would go on right at our doorstep for history. The dirt work of the site began in connection with the adjacent bypass construction, which was tolerable and perhaps unavoidable as part of that project. It was part of a much larger disruption, but only for that limited time and a purpose tied to its location, but that has since evolved to simply using the property as a dump site without regard to suitability and impact on other property owners. The site is not compatible, the road is not safe. This is the first proper look at this issue and it should be considered with fresh eyes. The truck traffic, road debris, air and noise pollution and intrusion on the use and enjoyment of our neighbors is an offsite newton under your ordinance. The use is not compatible with adjacent land uses, the project should not be supported unless extraordinary measures can be taken to offset the impacts. There is no way to screen it or mitigate the noise, which is bad. Videos have been sent to the board, you can see and hear the noise that we have to live with every day. The road access is unsafe. Remember that a goal of this body is to protect and conserve the value of land and the value of buildings and improvements upon the land to minimize the conflicts among the uses of land and buildings. We ask you to reject this project for incompatibility nuisance and other reasons pursuant to section 6.8 B 10 of the ordinance. I would also ask that someone take a look at the impact on McKissick Creek which floods into Sugar Creek and part of the property is in a flood zone according to the FEMA maps.

Ramon Portilla, 3700 NW Woodbury Court

I invite you to drive Peach Orchard Rd, by this location. Since this likely unauthorized operation, was introduced, it has heightened safety risk within a hundred to one hundred fifty yards from both sides of the current entry to this site. It's frequent to see a line of trucks waiting for their turn to drive into dump trucks and debris blocking the flow of traffic coming already from an extremely dangerous curve that historically has been site for accidents. We, the residents of Windermere Woods Neighborhood, have had to put with this constant concern to our safety for years, as you already have seen since this thing started in 2019. This road is used by cyclist, we live in the first home, we see them struggling with problems with safety, physical safety and sometimes its even hard to breathe because of the dust. I'm hear too on behalf of a teenager that can't speak for himself, he's my son, Connor, an autistic kid. He has enjoyed playing in our backyard, we've lived there for about 17-years it used to be peaceful and soothing now he's very upset with noises, since all this work started four years ago. He can't stand loud noises, all the trucks dumping even on the weekends and off hours. He hears loud noises and he closes his ears and starts running as fast as he can to get inside. We moved to the area to be at peace and we're not so we ask you to please stop this.

Carrie Green, 3602 NW Woodbury Court

I'm going to speak about the pollution concerns, operations of a quarry require heavy equipment which Ramon talked about the trucks in and out, when the highway department was using it as a site, we saw men down by the creek

regularly doing soil samples. There was silt fence erected and everything to take care of the site. They were out there watering the dirt regularly and stuff to keep the dust pollution down. None of that goes on, there are no current silt fences. I did file complaints with the ADEQ today, sending pictures because I don't think it's being maintained in the way that they would agree with what needs to be done. As far as noise pollution, I sent some videos in for you to see for yourself. (plays the videos). We have called and asked them to get a less squeaky caterpillar. I use to have walks every morning with one of my neighbors', we can't do that anymore, I now have asthma and an inhaler. We washed our deck after the last pollen burst, we wash it monthly now to keep I brushed off, our windows are always dusty, we can't even open our windows to air out our house come spring and winter when the temperatures change. So, really between the noise, air and water, it's too close to our subdivision. It should be approved; it shouldn't go on. When they were building the bypass they stated once they were done they would return it to it's natural state and put cattle on it, that never happened, they continued with the quarry. On behalf of the neighborhood, myself and my family we just ask that you deny this.

Candy Friedman, 1707 NW Autum

I agree with what everyone has said, it's a beautiful neighborhood but I do want to tell you, if you haven't come to look at our holiday decorations, we're part of the great neighborhoods 2023 holiday decorating contest for Bentonville, we love Bentonville, we love Benton County, we have not been properly treated. When you buy a home, we didn't expect that zoning would change from agricultural to whatever this new one is, from the current zoning, when it just started, we didn't think anything of it, we thought they were building on the property. I don't think that the neighborhood would've ever been built there, this should not be permitted.

Drew Friedman, 1707 NW Autum

My wife is passionate about this project being denied and I might concur with everything that has been said with the additional standpoint of the risk to public safety is so great on Northbound Peach Orchard. If you know the terrain at all, that's a blind hill to our subdivision entrance on Northbound Peach Orchard. I've seen cars experience left turning dump trucks into that lot that are crawling. Drivers come down that blind hill at an excessive speed, I'm waiting for the day that a passenger vehicle impacts with these multi ton dump trucks that are not just dumping, but removing from this site, the public safety risk is huge. The entrance to the site is directly adjacent to the entrance to our subdivision. I respectfully request that you deny continued use of this project.

Shelly Slack, 1700 NW Windham Ave

I'd like to talk about two safety concerns, One, the large rocks and debris that the dump trucks literally spray all over the road, we spoke earlier about the cyclist, we live in Arkansas, we've all been behind the truck that when he spins his wheels a little piece of rock hits your windshield, we get cracked windshields, we're number two in the country. Just think about the folks who are riding their bikes or people who are out in the yard, you think of those rocks spinning and hitting someone who is literally just playing catch in their backyard. We have lived here for 2012, and we had never had rats, every once in a while, you see a field mouse, I get it, but rats, I don't know where they're coming from. I don't know what they're

bringing in from what they're dumping, but we have rats now. We live in, and I'm not trying to brag, but our houses are so expensive, but we live in houses that you should not have a rat problem. This is not only a health problem; I mean the diseases that they bring is ridiculous. Carrie found them in her backyard where her grandsons play. So once again, I ask that you guys deny this project for the health and safety of people on the road and our yards.

Stephanie Lidle, 1810 NW Autumn

I really think this needs to be tabled if you're thinking of voting yes, you need to go out and look at this, if you have not. It's concerning that they deleted our entire subdivision off of the arial view. They deleted the curve that theses trucks go around and stop and then pull in. Cars have hit rocks and have blown out the front of their cars. But my biggest concern is we're going to be the next Bella Vista burn pit, there's a pile of trees next to the bypass between Lowe's and the bypass piling up, they added more yesterday, this is coming from the Crystal Bridges expansion. It's not current stuff going on for 340, this is for someone's project that's local and their crap is being thrown in our backyard, if we start burning trees over there, you are going to be sued for medical, whatever, I mean it's just unbelievable. There is a creek that goes right there, there were cows there, there's cows down the way, wildlife that uses that. They've done nothing to protect any of that. We've had flooding on that road, every time there's huge rains, sometimes we can't go left or we can't go right out of our neighborhood depending on where the water's coming over the road. One time we were blocked in our neighborhood for the whole day. They've built this thing up like a mountain in front of our house, it's disgusting.

Jason Green, 1704 NW Mystic Ave

I concur with all that's been said so far, just want to add as well. As far as the noise goes, I think everybody has testified to that so far spoken to that so far has lived on the side of the neighborhood, I live a third of the way up the hill and have the same noise issues at my house. We only have one way in and one way out of our neighborhood, I really think this is a safety hazard and we live in Bentonville City Limits, in a residential neighborhood, I would ask that you deny this.

Claude Hawkins, 3503 NW Woodbury

I agree with everything that my neighbors have said, it's a complete safety hazard, especially driving in and out of the neighborhood. We live at the end of the cul-de-sac on Woodbury and my kids play out there every single afternoon, when the dump trucks go by, they're extremely loud. They go on through our neighborhood all day long, sometimes weekends, early in the morning and going late at night, it can be quite nuisance. So, like everyone else, just hope you deny this.

Catherine Bullock, 1702 NW Windham

In addition to what everyone's already said, which were all problems, I just want to ad a couple of other, one, I saw on the site plan that there was supposed to be some trees that were added to the area, those were never planted, I have never seen anything that looks like it shields that area. It's incompatible with the nature of the area. Please vote against this continued use, that's so awful.

The Planning Board discussed the proposal with the applicant.

Mr. Tucker motions to table to January 3, 2024, seconded by Dr. Neal.

Motion to Table to January 3, 2024: 5 – 1

TECHNICAL ADVISORY COMMITTEE

Call to Order

Old Business / Ongoing Applications: None

New Business:

- I. Trejo Site Plan Review & Variance, case no. 23-405 & 23-406, 2903 S Old Wire Rd, Rogers; 15-07197-000**

Representative: Swope Consulting

Subject application is for a window tinting shop, as well as a food truck with a 106' x 41' structure to serve as bathrooms and dining area.

The Planning Board discussed the proposal with the applicant.

- II. McCullough Variance, case no. 23-407, 9009 Larue Rd, Rogers; 18-00561-002**

Representative: Berry Williams 901 N 47th Street, Rogers; Don & Patricia McCullough, 9007 Larue Rd, Rogers

The property owner is requesting a setback variance from the 50' from the center of LaRue Road for a second dwelling on the property. The original structure that was there, an historic post office, was deemed not structurally sufficient to be remodeled, and was completely removed and placed temporarily elsewhere on the property. This proposed small structure will have its own lateral lines. The septic system for the small structure has been approved by the Arkansas Department of Health. The new structure is proposed to be built, to look of the period, 16' from the center of LaRue Road. The original structure was 11' from the center of LaRue Road. This small structure will be a one-bedroom dwelling with permanent provisions for living, sleeping, eating, cooking and sanitation. It will be used as a mother-in-law dwelling and possibly an Airbnb. There is also an existing home on this property with its own lateral lines.

The Planning Board discussed the proposal with the applicant.

- III. Wynn Site Plan Review, case no. 23-411, 10049 E AR 72 Hwy, Bentonville; 18-07344-000**

Representative: Addie Manzi, 7230 S Pleasant Ridge Dr, Fayetteville; Andrew Johnson, 11 Running Mead Cir, Bella Vista

Subject application is to fence in a 4.5-acre gravel lot for boat and RV storage. The existing metal building in the northwest corner will serve as a small office. There

will be one employee working part time in the office on an appointment basis. The gate to the fenced in area will be automated.

The Planning Board discussed the proposal with the applicant.

Discussion Item: None

Staff Updates - Administrative Approvals:

- I. Martin Minor Subdivision, case no. 22-234, 15153 Phelps Rd, Siloam Springs; 18-11111-000
- II. Mayo Minor Subdivision, case no. 23-257, E Monitor Rd, Springdale; 18-03019-000
- III. Warden Minor Subdivision, case no. 23-377, 10157 Kenneth Dr, Rogers; 18-05148-010
- IV. Tackett & House Minor Subdivision, case no. 23-394, Twin Coves Rd, Rogers; 18-00842-002
- V. Storms Minor Subdivision, case no. 23-395, Sheffield Rd, Siloam Springs; 18-10351-000
- VI. Sivley Minor Subdivision, case no. 23-403, Indian Creek Rd, Garfield; 18-00345-000

Meeting Adjourned: 1:15 am

Next Meeting: January 3, 2023

APPROVED THIS 3RD DAY OF JAN, ~~2023~~ 2024

ATTEST:

Cliff
PLANNING DIRECTOR

APPROVED:

R.H.Q. Buz
PLANNING BOARD CHAIR or
VICE CHAIR

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