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2021 MAY 24 PM 1:28



Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

May 5, 2021
6:00 p.m.

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

BETSY HARRELL
PROBATE CLERK
BENTON COUNTY, AR

Meeting Minutes

PUBLIC HEARING:

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

Roll Call: Bob Bracy, Sean Collyge, Theresa Neal, Terry Maienschein, Stephen Torrez, Bethany Rosenbaum, and Rick Williams were present.

Staff present: Taylor Reamer – Director of Planning, Madison Kienzle – Senior Planner, Sandra Garza – County Planner

Public Present: See sign in sheet

Disposition of Minutes: April 21, 2021

Mr. Williams motioned to approve the April 21, 2021, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 7 – 0

General Public Comment: None

Old Business: None

New Business:

- I. Decatur Sale Barn Church: Major Amendment Site Plan Review, case no. 21-080, 8944 S AR 59 HWY, Decatur, 15-07447-001

Representative: Ron Homeyer, 8944 S AR 59 HWY, Decatur, AR 72722

Staff gave presentation

Mr. Bracy asks if the building requires sprinklers, did main building get sprinklers?

Mr. Homeyer is not completely certain of that question, original building, he believes they built a fire wall and they may be doing the same for this building. They did install a fire hydrant out front.

Public comments: None

Mr. Williams motioned to approve; Mr. Maienschein seconded the motion.

Motion approved: 7-0

- ii. Natural State Glamping and RV Park Site Plan Review, case no. 21-098, Golden Acres Ln, Rogers, 18-00912-000

Representative: Gavin Smith, Golden Acres Ln, Rogers, AR 72756

Staff gave presentation

Dr. Rosenbaum asks if either Gavin or Kolby have had any consultation with Hobbs State Park

Mr. Hathaway contacted the super intendant and discussed the boundaries of the land, also let him know what all they were doing. The super intendant didn't have any questions.

Dr. Rosenbaum is requesting a letter of support from the super intendant of Hobbs State Park, she asks if the super intendant had any thoughts about any potential impact to their park.

Mr. Smith mentions the only condition that Hobbs has is for them not to create any established trails that connect to the border or straight into Hobbs as a pathway.

Dr. Rosenbaum asks where the fire hydrant is going to be.

Mr. Smith mentions it will be by platform #5, right by the ADA accessible, they are putting it in a centered location.

Dr. Rosenbaum asked if he consulted with the fire marshal about where the fire hydrant was going to be.

Mr. Smith replied that he let the fire marshal know the plans and he didn't mention anything so he believes everything is good.

Dr. Rosenbaum asks Mr. Reamer if there will be a final approval from the fire marshal.

Mr. Reamer replies that there will not be a building permit issued unless it meets the fire code, by the fire marshal.

Mr. Torrez asks how long is construction projected to take.

Mr. Smith mentions they will be doing everything by phases, they are planning to build at least 3 tree houses, and 4 glamping tents, possibly this year with amenities. Looking at Kolby's finances, he may be able to finalize everything by

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2021 MAY 24 PM 1:28

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this year. There is one crew that will be building the tree houses and tents and other subcontractors for the road work.

Mr. Torrez asks what kind of erosion control they are planning to take so there won't be any disturbance. How will they limit the debris from going into Hobbs and harming the natural habitat?

Mr. Smith states that in this case they are going to use wattles

Mr. Torrez lets Mr. Smith know that the ADEQ requires notification when destroying more than an acre of land.

Mr. Smith states that since it is 5 acres or more, they need to notify the state about it and they will be reviewed by the State of Arkansas ADEQ

Mr. Torrez asks about the construction entrance, where the clean stone is, if it is going to stay there, will they maintain it or bring back some more.

Mr. Smith states that they will have a consolidated gravel road, enough for all of the heavy trucks and equipment, using bstone on top of the dirt so that trucks don't sink in, so they will have that surface.

Mr. Torrez states that they want to prevent track out throughout the whole process, and wants to know the plan.

Mr. Smith explains that the basic components need to be built first, for example the water line, then the maintenance building, everything needed for the project to survive, public safety and utility standpoint. Tree houses and glamping platforms that would be built, which are wooden structures on posts, would be built first.

Mr. Torrez asks about the electrical, how will they light up the camp site, what are the photometrics. What are the hours that the lights would dim out just for safety?

Mr. Smith doesn't have any good answers on that, the photometric analysis he's familiar with in a parking lot to make sure you can walk everywhere, would be something they wouldn't want to do out there, so he doesn't have a complete answer. The bath house will be lit, so people can walk up to it at night, but other than that they don't have a plan yet.

Mr. Williams asks about the water supply, asks how long the fire lane is from the time you tap it till the hydrant.

Mr. Smith replies, 1,450 feet

Mr. Williams asks if it is an 8 inch
Mr. Smith replies, it is currently a 2 inch

Mr. Williams asks what the static residual is with the hydrant

Mr. Smith says you can't pull a static off an un-built waterline, the head; he believes is 36 psi, was the calculation of gravity and head loss, because it is going

downhill. He explains that the residual for firefighting situation should be 20 psi, and at 750, they can go with the head they already have.

Mr. Williams asks if Mr. Smith is calculating 750 to main-line

Mr. Smith replies and says that is the minimum requirements.

Mr. Williams asks, "What size are you tapping"

Mr. Smith states they are not tapping, what they are doing is a transia well at the top of the hill, then going down the hill with a waterline. This is like septic review, where you build the septic, off-site; they are far enough away to where they are not required to pick up the waterline on 303, and bring it all the way back, that is the reason why they are building a well.

Mr. Williams asks if there are two wells.

Mr. Smith replies, there is just one well at the top of the hill, the well goes into a series of 5-thousand-gallon tanks, for a total of 25 thousand gallons of water stored on-site.

Mr. Williams asks if they are going to run the domestic and the fire protection from the same well.

Mr. Smith explains it will be a transient well and it will have all the recording for ADH, like if you were to submit a water line. They are working with a well person and they will give approval to treat the water, report to them once a month and they will test it once a year. He has talked to someone at the Department of Health to the person who is in charge of all of that and has talked to them about the procedure

Mr. Williams asks, as a proposed hydrant, is that going to be a 2.5-inch valve

Mr. Smith states it will have to match the trucks Benton County has. He is still trying to figure out what the hydrant is going to look like. They can't build anything until the approval of the fire marshal.

Mr. Williams lets Mr. Smith know they do make a 2.5-inch valve for the hydrant.

Mr. Bracy asks if this property was bought specifically for this project, or was it previously owned.

Mr. Hathaway states the property was bought specifically for this purpose.

Mr. Bracy says it is pretty much land locked with the state park and private residence, he asks, if the access to the park is on Golden Acres Ln.

Mr. Hathaway states that is correct.

Mr. Bracy asks about the existing road going all the way around goes to the dumpster location, asks if that will still be an active part of the road or if it will be

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2021 MAY 24 PM 1:28

the new paved road being proposed.

Mr. Smith states it will be the new paved road that is being proposed. They are not going to use the existing road on the property boundary.

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BERTON COUNTY, AR**

Mr. Bracy asks if it will still be intact so the other property can get serviced on the north-east of the property line.

Mr. Smith states that Mr. Hathaway will be selling that portion of the road to the owner of the property for the concerns about the trash service driving through his front yard.

Mr. Bracy asks if the entrance will still be at the northern part of the property.

Mr. Smith says yes, there is a road that goes from Golden Acres Ln. down to the cell towers and from there they will take it across to the property.

Mr. Bracy states that he understands hunting is allowed at Hobbs State Park by permit only, mentions that Mr. Smith quoted there will be no hunting activities through the Glamping site, is that correct?

Mr. Smith says they don't have any plans or they haven't programmed anything to do with hunting. He says it would be legal for someone to stay at the site and walk over to Hobbs, says that those kinds of policies are above their heads. Also mentions they don't have any intentions for hunting.

Mr. Hathaway says that is not the purpose for their venture, it's more of a sanctuary place, a nice and quite environment to enjoy the outdoors.

Mr. Bracy asks if he understood correctly, in them not wanting any hunting trespassing through the property. Are they going to restrict hunting activities, put signs up, restricting weapons on their property?

Mr. Hathaway states they have not decided how they will handle that; he also states that the entrance to the park will be a key-code entrance only. When people reserve, they will get an access code. So, there shouldn't be anyone trying to access the property, that is uninvited and trying to hunt.

Mr. Bracy asks if they are going to allow, small ATV's or any smaller engine vehicles.

Mr. Hathaway states they do not have any type of pathways for smaller engine vehicles. This site will strictly be for glamping. There will be foot trails, so people can enjoy views of the property.

Mr. Bracy states that the kiosk, which is a non-man entrance, will require them to put up signs, restricting all the activities that will not be allowed, no motorized vehicles or weapons on site

Mr. Smith asks if there is a proposal that the board is going to make it conditional that they say no guns or ATVs on-site. He says he understands everyone's fears

but law enforcement is trained to take care of those situations, Hobbs has an entire law enforcement that works just for them.

Mr. Torrez lets Mr. Smith know there is law enforcement in the room and even they're raising their eyebrow when they're talking about this situation. They are just asking questions; they are not saying it is conditional. Everyone is trying to understand the safety, lighting and gun control.

Mr. Smith states he is not trying to have an attitude, they have a very unique approach for it to be a very family friendly recreation. They want to comply with everything the county requires and want everyone to feel safe when staying there as well as listen to the local residents and get feedback so that this place is an amenity for everyone and not a problem.

Mr. Collyge states that what they are doing is, trying to figure out if they are going to restrict or not so the questions can stop being asked and they can move on.

Mr. Hathaway mentions they haven't even thought about restrictions yet, as far as that goes, and he apologizes for not doing so. They are willing to do what they need to do on restrictions for it to be a safe place at their camp ground, so there also, won't be any of the hunting intentions. He wants to restrict the people from Hobbs State Park to go into the camp ground. They will put signage all throughout the camp ground on both sides, that there is no hunting of any kind, not just at the entrance.

Dr. Rosenbaum asks if pets will be allowed, will they be required to be on leashes or can they run around, it would be something to consider for when people want to bring their pets when glamping.

Mr. Hathaway replies that as a previous RV park owner, the entrance policy said all pets must be on leashes. He personally would like to enforce that because they can get lost if they are running around, there can also be kids around and can be a disturbance to where they say, no pets allowed.

Public comments:

Douglas Hinkles, 8324 Cox Ln, Rogers 72756
Comments he and other neighbors do not want the road paved or widened, that will just raise his property taxes.

Kenny Cox, 8131 Cox Ln, Rogers 72756
Comments about the access through their property, all the impact in the area and the pollution as well as the area being residential and not commercial.

Kathy Cox, 8131 Cox Ln, Rogers 72756
Comments about the access through their property, the pollution and noise there will be.

Dale Martyn, 8369 Campground Cir, Rogers
Comments about an RV extension in the future, how much will the road be able to handle, do they have more plans on constructing in the future because they have

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a lot of acreage, the area is just going to be over populated.

2021 MAY 24 PM 1:28

Mr. Smith comments there is no RV intentions

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Billy Helms, 8034 Rockwood Ln, Rogers

Comments that there are too many commercial businesses around, public safety issues because there is already too much boat traffic.

Jeffrey Legg, 19600 Golden Acres Ln, Rogers

Comments about hunting, that being his only concern.

Dr. Neal asks what the completion time is, when receiving all permits.

Mr. Hathaway replies, phase 1 would be Labor Day, which would be, water lines, septic and 3 tree houses and 4 glamping platforms.

Mr. Bracy asks about the cost to fix or replace or expand the road; would that be on the land owner's expense.

Mr. Reamer states that is correct.

Mr. Torrez asks if the applicant if they went to the land owners to buy part of the roadway or are they going to share.

Mr. Hathaway replies that he got with Mr. Legg and they have agreed on the furthest northern part of the property, there is a possibility with the other residents.

Mr. Torrez asks, "When you say that Jeff and you spoke about that, is Mr. Legg receiving any compensation from you to make that agreement."

Mr. Hathaway states he is not.

Mr. Bracy asks Mr. Reamer about the road construction, is it a dirt road.

Mr. Reamer replies, yes

Mr. Bracy asks about the maintenance of the road; will it be the land owners.

Mr. Reamer states that it is similar to every private road in the county.

Mr. Bracy asks if the land owners can petition for the road to be county maintained.

Dr. Rosenbaum states that if there are future plans like Mrs. Martyn said, they would have to go through the planning board and they would be notified.

Mr. Williams asks Mr. Reamer if this will require building permits.

Mr. Reamer replies, yes.

Mr. Williams asks how the emergency services will get through with a key access code.

Mr. Reamer replies that all emergency services will have a code to get in.

Mr. Bracy asks about the road and traffic count.

Mr. Smith estimates about 89 counts a day as a maximum.

Mr. Torrez asks if they are ready to motion or to table since there are things that need clarified.

Dr. Neal would like to motion to table until all of the points are satisfied

Mr. Torrez asks what points she is talking about.

Dr. Neal replies, completion time, phases, permitting, things that are standing.

Mr. Torrez states that he does not see the plans for the glamping tents, would like to see attachments for them.

Mr. Reamer states the board wants to see more architectural representation

Mr. Torrez replies there are questions about, photometrics, conditions and restrictions of the property, architectural components, road and sharing as well as maintenance of the road

Dr. Neal Motions to table, Mr. Collyge seconds to table.

Mr. Torrez asks the applicant if they will be ready by the 19th

Mr. Smith replies that they may be ready by the 19th, but if in case they aren't until when do they have to table it to June 2nd.

Mr. Reamer replies May 14th.

Motion to table: 7-0

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2021 MAY 24 PM 1:28

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TECHNICAL ADVISORY COMMITTEE

1. **Call to Order**
2. **Old Business / Ongoing Applications: None**
3. **New Business:**
 - I. **Callis Major Subdivision and Preliminary Plat Waiver, case no. 21-102, 14615 Fruitwood Rd, Bentonville, 18-12218-000**

Representative: Marcie and David Platz, PO Box 223 Bentonville, AR

Staff gave presentation
 - II. **Kniefel Variance, case no. 21-113, 16098 Serenity Pt Ln, Rogers, 15-12120-000**

Representative: Chad White, general contractor for the Kniefel Variance

Staff gave presentation

Mr. White explains the reason for the uniqueness of the slope of the driveway, is due to the 16-foot drop.

Mr. Torrez asks if the house is already built or if it is a proposal.

Mr. White replies the house is already under construction at the moment, explains that they did not know they needed a variance for the wall.

Mr. Torrez asks if Mr. White is the builder for the Kniefel family.

Mr. White replies, that is correct.

Mr. Torrez asks if there was any way of having the wall 5 feet away from the side property.

Mr. White explains that the only thing under construction is the house, the driveway is still needed and they have not built the retaining wall. The home itself, due to the slope on the property, if you are facing the lake, would be on the right side, the house slopes. To make the radius point for the driveway that was the best thing we can get due to the slope of the property.

Mr. Torrez asks if that is a swimming pool in the back yard

Mr. White replies, yes it will be, if we can figure out how to get it down there.

Mr. Torrez asks Mr. Reamer if the construction process is on pause for the time being.

Mr. Reamer states they cannot construct the retaining wall because the retaining wall is part of building permit, the building permit will not be issued until they comply with the setbacks or receive a variance. The home can continue construction, because it is compliant.

Mr. Torrez suggests maybe getting with an engineer to better show what the radius is for a 20–22-foot vehicle to see if that is the best that can be done

Mr. Bracy asks what is the property to the left, is that another retaining wall for that property

Mr. White explains that to the left there is a golf cart path that runs along the property line and then curves back to the left. It is a golf cart path to their boat dock. Explains that the retaining wall is about 100 feet away from their property and because of the slope you may not be able to see the top of the wall from the street.

Mr. Bracy asks how far the golf cart path is from the retaining wall

Mr. White replies, about 3 or 4 feet maybe more

Mr. Bracy asks if maybe around 5 feet total between the two items

Mr. White says, something close to that.

Mr. Torrez asks about trees; do they have any trees on their side where the roots would be disturbed by the retaining wall.

Mr. White states there are not any trees, since the golf cart path is there.

Mr. Maienschein asks if there has been any input from the neighbor, have you discussed with them what you are doing

Mr. White replies he has, the only comment made was the water, there is an alpha structure at the end of the cul-de-sac that dumps onto this property and the retaining wall would be going right through that. His concern is that the water would be dumping onto his property, their proposal is to run the water across the driveway taking it more to the northeast and it would continue on the same path that it is now.

III. BBB Septic, case no. 21-116, 13890 Game Farm Rd, Gravette, 18-16120-001

Representative: Jon Jouvenaux, 800 Elk Rd. Bentonville

Staff gave presentation

Mr. Bracy asks how far away they are from public water way as in streams,

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rivers or anything that goes into the Arkansas River.

2021 MAY 24 PM 1:28

Mr. Jouvenaux replies, nothing.

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Mr. Bracy states he is close to Oklahoma.

Mr. Jouvenaux replies yes, they are but when they dealt with the Arkansas Department of Health and the nutrient management plan, they are not in a shed area that goes anywhere, they are outside the Illinois River Water Shed and Beaver Lake Water Shed.

Mr. Maienschein asks Mr. Reamer if this could have been done on an agricultural permit to build that building.

Mr. Reamer replies it has to be permitted as commercial by state plumbing code. The occupancy will be given a commercial occupancy.

Mr. Jouvenaux explains the filtering process of the septic system

Mr. Bracy asked where they separate the solids

Mr. Jouvenaux replies, after they treat it, they are permitted to land apply up to 2 million gallons a year on the 80 acres. He then explains the process of land applying.

Mr. Bracy asks, if he has the whole septic system, why is he not adding in a toilet in the building.

Mr. Jouvenaux replies, he was thinking about adding one but if that was going to put him down as a commercial business then he wouldn't want to go through that whole process, they own a portable toilet and they already have one on the property, they will keep on using it.

Dr. Rosenbaum asks if they are just limited to land apply on their 80 acres.

Mr. Jouvenaux replies, yes, but since he had to send a letter to all the neighbors, the neighbors have asked for him to spray their property as well. They are hoping that they can do that, that requires other permitting. His neighbor has had cattle on his property for years, which he doesn't mind, they will just post some fencing so they do not get to where they land apply.

4. Other Business: None

5. Staff Updates - Administrative Approvals:

- I. Slaymaker Minor Sub, case no. 20-178, 10456 Red Bluff Rd, Garfield,

- 18-00256-003
- II. Herod Minor Sub, case no. 21-071, 17867 Bennie Robinson Rd, Siloam Springs, 18-12883-010
- III. Dunn Minor Sub, case no. 21-079, S Pleasant Valley Rd, Gentry, 18-11628-000
- IV. Ruiz Minor Sub, case no. 21-088, 8911 Mt Zion Rd, Decatur, 18-14277-001
- V. Taylor Minor Sub, case no. 21-089, 15078 Gann Ridge Rd, Garfield, 18-05437-000
- VI. Drum Minor Sub, case no. 21-095, Blackjack Rd, Garfield, 18-01663-000
- VII. Stamps Minor Sub, case no. 21-097, 17386 Martin Pedro Rd, Siloam Springs, 18-10520-000
- VIII. Byrnes Minor Sub, case no. 21-100, W Hwy 12, Gentry, 18-10774-000
- IX. Fitzgerald PLA, case no. 21-101, Lucas Ln, Pea Ridge, 18-07752-000
- X. Nye Minor Sub, case no. 21-103, 17229 White Oak Ridge Rd, Pea Ridge, 18-07741-000
- XI. Duffy Minor Sub, case no. 21-104, 10208 Summit Dr, Rogers, 15-06285-000
- XII. Chapman Lot Combination, case no. 21-105, Hopper Rd, Rogers, 15-10474-000

6. Discussion Item: None

Meeting Adjourned: 8:20 p.m.

Next Meeting: May 19, 2021

APPROVED THIS 19th DAY OF May, 2021.

ATTEST:

APPROVED:



 PLANNING DIRECTOR



 PLANNING BOARD CHAIR OR
 PLANNING BOARD VICE CHAIR