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

2019 JAN 14 PM 2: 25

BETSY HARRELL  
CO & PROBATE CLERK  
BENTON COUNTY, AR

December 5, 2018

6:00 p.m.

Division 1 Circuit Court  
Courtroom of Robin Green

Room 305

Old Courthouse

102 NE A Street

Bentonville, AR 72712

**Meeting Minutes**

**PUBLIC HEARING:**

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

**Roll Call:** Bob Bracy, Sean Collyge, Ron Homeyer, Terry Maienschein, Stephen Torrez, Ashley Tucker and Rick Williams were present.

**Staff present:** Taylor Reamer – Director of Planning, Derek Linn – Senior County Planner, Tracy Backs – County Planner

**Public Present:** 135 people signed the sign-in sheet.

**Disposition of Minutes:** November 21, 2018

Mr. Williams motioned to approve the November 21, 2018, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 7 – 0

**General Public Comment:** None

**Old Business:**

**I. Covington Quarry Group Site Plan Review, #18-252, 1425 North Old Wire Road, Lowell; 18-04070-001**

Mr. Homeyer: This was tabled at the last meeting (*November 7, 2018*). The Public Hearing portion was closed at that meeting; so, if we are going to renew public comments, we would have to have a motion and a vote by the Board tonight on that. The other option, obviously, is to not open it up until the next meeting and accept

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written comments in between the two. Is there a motion or any discussion from the Board on that particular public hearing portion?

Mr. Bracy: On discussion, do we have to NOT put off the meeting since it was put off last time? Do we NOT have to NOT table?

Mr. Homeyer: We are not obligated to table it tonight, no. They (*the applicant*) has requested that we table it.

Mr. Tucker: Personally, I would only want to hear new comments on new information presented. If we aren't going to hear new information tonight, I would rather postpone it until we are hearing new information. That way the public has the opportunity to comment on the new information.

Mr. Maienschein: The new information from Covington, right?

Mr. Reamer: Correct.

Mr. Homeyer: Yes, from the applicant.

Mr. Maienschein: Right. That makes sense.

Mr. Homeyer: To kind of clarify the point that Mr. Tucker just made, since the applicant has not provided the additional information that was requested by this Planning Board before this meeting, and I assume that even though they are here, they are not going to present any new information tonight, there is really no additional information to receive comments on. So, that's the point that we are looking at here. You can make comments tonight; but there may be additional information that would warrant more or new comments at the next meeting. So, that is what we are struggling with. You (*the audience*) are all here tonight. So, we are trying to decision whether there is any benefit to receiving comments tonight versus just waiting until we get that additional information and you have had an opportunity to review it. Then, we would take your comments at that time which would be two weeks from today, December 19, 2018. That is for the Board to decide. The public hearing portion has already been opened and closed; but this Board has to vote to reopen it. So, if we open it tonight, there is no guarantee that we would reopen it again in two weeks. Or, if we don't open it tonight, there is still no guarantee that we will or won't open an additional comment period at the next meeting as well. So, it is totally up to this Board. We have had the public hearing and a public comment period at the last Public Hearing (*November 7, 2018*). But if we want to proceed with the presentation by the Staff which has no new information and take additional comments which would potentially change once we

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get our new or additional information. I would welcome a motion. We will see if we can get a second and then vote on that. Or, we can just accept a motion to table it as they (*the applicant*) has requested and have the Public Hearing at the next meeting. It's up to the pleasure of the Board.

Mr. Bracy: Have we been told specifically that they (*the applicant*) has no new information to submit to us? Should we inquire into that and then decide if we need to open up for a public hearing?

Mr. Homeyer: Is the applicant present?

Representative: Tim Sorey, Sand Creek Engineering, 1610 NW 12<sup>th</sup> Street, Bentonville representing Anchor Stone.

Mr. Sorey: The reason we have asked to table until two weeks from now, is for the benefit of the County Judge and the Road Department. We received the traffic analysis of Old Wire Road. A draft of that was received late on Friday (*November 30, 2018*). We got a final into you (*Taylor Reamer*) on Monday (*December 3, 2018*). The Judge had expressed that he wasn't going to have enough time to get an answer and respond. I think he might have made a statement that it might be towards the end of the month (*December 2018*) before he could get an answer. I sent him an e-mail making sure he knew it was tabled. I don't want to put the Board or the County Road Department under any kind of pressure as far as evaluating that information. They need to have their time to do so so that we can basically answer your questions and what we are obligated to do with the County Judge and the Road Department.

Mr. Homeyer: Okay. Since we are not completely sure, can I have either by a show of hands or by standing, can I see all the people who are here tonight who are opposed to this project?

*Nearly the entire audience stood.*

Mr. Homeyer: Thank you. I appreciate that. We are going to go ahead and go through all the items that have been requested by this Board that the applicant is trying to present.

Staff gave a presentation on the Covington Quarry Group Site Plan Review, #18-252, 1425 North Old Wire Road, Lowell; 18-04070-001: outstanding items presented at the November 7, 2018, Planning Board meeting as well as additional items that were newly requested at the Planning Board meeting on December 7, 2018.

**OUTSTANDING ITEMS:**

1. *The site plans detail a 12,000-gallon fuel tank on site, the applicant shall submit the State Fire Marshal's approved permit for the above ground tank prior to quarry operation.*

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2. *Items requested by the Board at the November 7<sup>th</sup>, 2018 meeting:*
  - a. *Traffic Study completed by a professional consultant regarding heavy truck traffic route options and information relating to the quantity of truck trips produced by the quarry operation.*
    - *The applicant has submitted a traffic analysis, currently under review by County's Chief Engineer*
  - b. *Applicant to provide a bond for all private drinking water sources within one-quarter mile of the quarry.*
  - c. *Applicant to establish an agreement with Benton County for the improvement and maintenance of North Old Wire Road and the intersection of North Old Wire Road / Frisco Cemetery Road.*
  - d. *Project engineer to provide a minimum 100-ft. buffer area on the eastern property line in addition to an eight feet tall earthen berm and 3-teir planting schedule.*
  - e. *Property owner to agree to all items established in the June 10, 2008 Consent Decree under Circuit case CV 2006-2202-3.*
3. *The applicant/owner shall clarify the totality of operations and / or associated operations to take place on site in conjunction with the quarry.*
4. *The applicant shall provide written confirmation from State, Federal, or Tribal agencies regarding compliance with each agency's codes or regulations.*

Mr. Homeyer: Do you (*Mr. Sorey*) have any comment on any of those or do you just want to wait two weeks to comment?

Mr. Sorey: I can step down through that if you want to. One of the main things that we are waiting on is to finalize things with the Judge. The Judge was actually looking into that item #4 with regard to the ability to pave Old Wire Road. We have had some feedback but I am not sure if you (*Taylor Reamer*) have everything in writing that you may need. Judge Moehring was going to see if he could find anything on record on it.

I'll just go from bottom to top....

Item 3: I am assuming that we are talking about the red dirt operations that have been in progress. They will continue to be in progress as far as removing the red dirt from the site. As far as this application, that is the totality of what is being requested.

Item 2.a.: The traffic study, we talked about that.

Item 2.b.: Provide bonds for the private drinking water. The issue we have with the bonds is not providing them, it's the amount we are providing and what entity at the County would administer those bonds. So, whether it's bonds or a certification that ties the Quarry operations to being able to be shut down by the County if any wells are damaged. They don't remediate that. Again, Anchor Stone is happy to do

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whatever the requirement is; but we are going to have to fix a number for those bond amounts. And we need to understand who administers those bonds through the County. I don't know that there is an entity in place or department in place that can really do that.

Item 2.c.: Roads: Again, that is back to the traffic study.

Item 2.d.: Minimum 100' Buffer: We have added that buffer along the eastern property line in the gap in the trees. We added the design for the berm and the plantings. The revised plans were not submitted because of the request for tabling. That's already on the plans because I looked at that last week.

Item 2.e.: The property owner to agree to all items established on the Consent Decree. I don't think that ever goes away. I don't think that's an issue. They do agree to that.

Item 1: The 12,000-gallon fuel tank: That is in progress. That request has been made.

Mr. Bracy: I think this is important enough that if we are not going to get the information that we requested, so that we and the public understand those questions, the Board cannot make a decision. We should table this.

Mr. Tucker made a motion to table until December 19, 2018. Mr. Torrez seconded the motion.

Motion approved: 7 - 0

**New Business:** None

**TECHNICAL ADVISORY COMMITTEE**

1. **Call to Order:**

1. **Old Business / Ongoing Applications:** None

2. **New Business:** None

3. **Other Business:** None

4. **Staff Updates - Administrative Approvals:**

- I. Wright-Buffington Minor Subdivision, #18-287, 15138 Pleasant Ridge Road, Rogers; 18-03471-006
- II. Bowman Tract Split, #18-290, 6000 Lucas Road, Pea Ridge; 18-07738-002
- III. Douglas Tract Split, #18-291, Fishback Road, Gravette; 18-12242-004

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**5. Discussion Items:** None

Mr. Reamer: Staff just wanted to confirm that there would be a quorum here on January 2, 2019. Will we have four members here on January 2, 2019?

Board members responded that they would be present.

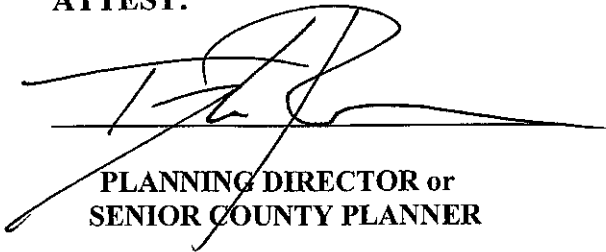
Mr. Reamer: I just wanted to make sure because we do have one new project going to TAC on December 19, 2018.

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

**Next Meeting:** Wednesday, December 19, 2018

APPROVED THIS 19<sup>th</sup> DAY OF December, 2018

**ATTEST:**

  
\_\_\_\_\_  
**PLANNING DIRECTOR or  
SENIOR COUNTY PLANNER**

**APPROVED:**

\_\_\_\_\_  
**PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR**

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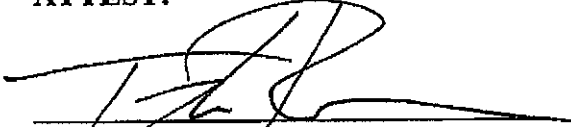
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SENIOR COUNTY PLANNER

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PLANNING BOARD CHAIR or  
PLANNING BOARD VICE CHAIR

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