

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.



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

December 6, 2017
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 p.m. by the Planning Board Chair, Bob Bracy.

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

Staff present: Kevin Gambrell – Director of Planning, Taylor Reamer – Planning Division Manager, Derek Linn – Senior County Planner, Tracy Backs – County Planner, Glenn Tracy – Building Official, Joshua Bryant – Planning Board JP Liaison and Michelle Rhoden – Assistant to the Administrator of General Services

Public Present: 68 people signed the sign-in sheet.

Disposition of Minutes: November 15, 2017

Mr. Tucker motioned to approve the November 15, 2017, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein. The motion carried 6 – 0.

General Public Comment: None

Old Business – None

New Business – Items for Public Hearing:

- I. Marquez Septic Waiver, #17-292, 22151/22157 Marion Lee Road, Gentry;
18-13776-005**

Representative: Jessica Marquez, 22151 Marion Lee Road, Gentry

Staff gave a presentation on the Marquez Septic Waiver, #17-292, 22151/22157
Marion Lee Road, Gentry; 18-13776-005

Mr. Bracy: Do you have anything to add to that?

Ms. Marquez: No sir.

Board Comments: None

Public Comments: None

Mr. Williams motioned for approval. Mr. Maienschein seconded the motion. Motion approved 6 -- 0.

II. Simmons Processing Plant, #17-296, and Simmons Processing Plant Parking Variance, #17-314, 9802 South AR Highway 59, Gentry; 15-07463-000, 18-14563-000, 18-11667-000

Representative: David Jackson, 603 North Dogwood Street, Siloam Springs

Staff gave a presentation on the Simmons Processing Plant, #17-296, 9802 South AR Highway 59, Gentry; 15-07463-000, 18-14563-000, 18-11667-000

Mr. Bracy: Do you have any additional information?

John Teeter, 1547 East Hope Street, Fayetteville, representing Simmons

I will be fielding any technical questions you might have and our project team is here behind us. I will direct your questions to the right expert. This is what we will be doing.

Mr. Tucker: Have you completed a traffic study yet?

Randy Tolbert, Peters and Associates, 5507 Ranch Drive, Little Rock

We are the traffic consultant to this development. We have completed all the analysis associated with the development. We are working on completing the text portion of the report right now. It will be completed this week. The analysis is all completed and we have the findings from that. I can go through it if you would like me to.

Mr. Tucker: Yes, if you would that would be great.

TENA O'BRIEN
CO. & PROBATE CLERK
SEWELL COUNTY, ARK

Mr. Tolbert: Okay. We did a 24-hour hourly bidirectional counts on Highway 59 at the site. We did them while school was in session. So, we have peak-time traffic for a typical week day. Simmons Foods provided us the expected shift changes as well as the number of employees on each shift and all the truck traffic associated on an hourly basis. We have added that to the counts that are occurring right now on Highway 59 and came up with several entering and exiting shift change peak hours. We have done analysis on all those hours. Passing service as well as turn lane guideline criteria. What we found on the service we systematically added what would it take to make everything operate at acceptable levels without impeding traffic much through traffic on Highway 59. We found that a northbound right turn is needed. The volumes meet the criteria guidelines that would warrant a right turn lane as well as a south bound left turn lane. Just to get those volumes off the roadway so that the through volumes could continue to flow north and south and not have to slow down too much.

We also ran traffic signal warrants. The peak hour warrant is met for one of the peak exiting times from the site. That would be a call on the highway department, obviously, if they want a signal there or not. We are going to recommend a south bound left turn lane, a north bound right turn lane and a signal if the highway department will allow it. That would create plenty of safety to that intersection as well as safety to anyone going through that intersection. Getting the trucks off the through lanes is a big concern of ours so they don't impede the traffic on Highway 59.

Mr. Tucker: What is the current level of service and the proposed level of service?

Mr. Tolbert: Obviously, there is no intersection there so there are not current levels of service.

Mr. Tucker: There's not one but it would be the next intersection north or south.

Mr. Tolbert: Without any turn lanes at the proposed driveway, we do have a level of service E. A through F are the grades that have to do with delay. That's why we started systematically adding lanes. It did take a signal and those additional lanes to make all the movements operate at C or better. The movements on Highway 59 are all B or better with both through volumes at an A during those peak times. Other times, it is likely going to operate at A because it doesn't have a lot of conflicting traffic. Also, the peak hours of the site with the shift changes are slightly different than the existing on-street peak hours 7 - 9 a.m. and 4 - 6 p.m. The conflicting peak hours will occur at a different time.

Mr. Bracy: In the south bound direction, would that require the State to put a through lane going around to turn since it's a two-lane road?

Mr. Tolbert: Yes, sir. It would require some taper north of where the left turn lane would occur. That would have to do with the speed out there. What we are finding on the analysis, we looked anywhere from two to three vehicle lengths. That may be one trucks or two or three cars. It would need to be a minimum of 100' plus any taper is what we are finding. It could be longer than that if needed. That's what we are finding on the length. In the analysis, we included the passenger car equivalent. The trucks count as multiple vehicles instead of just one vehicle. So, we include what is called a PCE in all the analysis in both the capacity of service as well as the traffic signal warrants analysis.

Mr. Bracy: Since that's a two-lane road at 55 mph, would the State require that within a certain distance that the speed be reduced at the intersection?

Mr. Tolbert: That would be something that we would like to pursue and try to get that reduced down to about 45 mph around there if the State would allow that to coincide with the additional lanes and the traffic signal. That is a pretty high speed coming up to a yellow traffic signal light or even red. We would want to reduce that speed if the highway department would allow us.

Mr. Tucker: If they don't allow it, would it justify an acceleration lane as an alternative?

Mr. Tolbert: That could be an option. A lot of times, the highway department wants to see volume on the road before they will allow a traffic signal. With such a big development and the known volume that will occur at this one, they may go ahead be okay with putting in the signal ahead of time to avoid any safety measures associated with not having a signal there. If the intersection were designed with those additional lanes, it would be much easier to add a signal to it since we wouldn't have to include those lanes at that time.

Mr. Bracy: Is the construction of this part of the project the liability of Simmons or is that all on the State?

Mr. Tolbert: That would be more of a legal question. The signal is something we would push pretty hard on the highway department for to allow that. Just because we do have the large trucks coming and going from there. Also, we don't want to put an unnecessary burden on Y City Road or Peterson. We don't need that additional unnecessary traffic conflict for people who are utilizing those roadways. We would have two multiple turns that they would conflict with from Highway 59 as well as the new access drive. We think with the amount of truck traffic and shift changes that the best location would be right on 59.

2017 DEC 22 PM 12: 1

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Bracy: With the properties being owned by one owner, this intersection is not an entrance to an industrial park. It's solely to the processing plant.

Mr. Tolbert: Yes, sir.

Mr. Torrez: Who would pay for the offsite improvements?

Mr. Jackson: The State offered to pay for the turning lanes and a stop light if justified by the traffic study.

Mr. Gambrill: Just to point out the outstanding items for conditions of approval if that were to be the conversation. Staff just wanted to make the Board aware that would you all want District 9 to weigh in on any traffic study prior to signing the Decision Letter? That's just something for consideration.

Mr. Tucker: Part of the reason why I was asking about that was that I am not incredibly comfortable issuing a decision without seeing a formal report. That's fairly unusual to ask for a report and vote on a project without seeing the report. That's my personal opinion. Obviously, there are more members of the Board than just me.

Mr. Bracy: I would be concerned that the State did not approve a function of that activity. I am not concerned that they don't put the traffic light up right away. My experience has been in other communities but they were in industrial parks. The traffic light wasn't put up when we increased the population of an industrial park by over 1,000 vehicles coming and going. I wouldn't be too concerned about the traffic light. I would be a little concerned if we approved something and the State or Simmons didn't provide turning lanes or those activities which would be part of our consideration of a safety factor.

Mr. Tolbert: Early on, we sent Steve Horn, the district engineer, a preliminary letter saying what we are looking at, what we are studying, etc. Before it is completed, we will send it to him. That district is pretty good about turning that review around to us and giving us any comments on it. So, he's aware that it is coming.

Mr. Bracy: Our concern is the public. We don't want Simmons to go out and be prolonged in doing a function, spending a lot of money and then have it drag out.

Mr. Jackson: The State did agree to put a turn lane from both directions as part of the project. This is part of the incentive for the project. They said that the traffic light, only, was contingent on traffic flow. So, the turning lanes are committed by the State.

Mr. Bracy: Okay. Thank you for the clarity.

Mr. Tucker: Regarding the water/sewer flow, could you talk about the water usage, sewer usage, capacity of the line, residual pressure, things like that. What is the plan for obtaining water? How much water will you use? Is there capacity to discharge it?

Mr. Jackson: I can speak a little bit on that. From a water usage standpoint, we plan to use somewhere around 12 to 13 million gallons a week. The water will be supplied by the City of Gentry. The City of Gentry will come off of their two-ton tap. Two-ton water towers are adjacent to our property. The City of Gentry will install a water tower on our property or adjacent to to service the new line feeding our facility. We will tie that line into their current system.

The sewer will be provided by the City of Decatur. We are working with the City of Decatur on a sewer line route that will handle the flow back to their sewer treatment system.

Mr. Tucker: Is there any intermunicipal agreement between the two...for one to provide sewer and the other to provide water?

Mr. Jackson: We had an agreement between each city and Simmons, a verbal agreement. It's been codified in writing for those municipalities to provide water and sewer. It's not in between because water is part of the Gentry Water District as allowed by the two-ton. The sewer was at our understanding and our discretion and what made the most sense to go to Decatur.

Mr. Bracy: On the water side, does the study require a booster pump on your site?

Mr. Jackson: I don't believe so with the new water tower that will be at elevation.

Mr. Bracy: Is the existing facility serviced by the same sewer treatment plant that this would service?

Mr. Jackson: The existing facility is serviced by Decatur. Hopefully, after this approval, Decatur will begin an upgrade to their sewer treatment plant that will then allow them the capacity to handle this additional flow and additional flow from the surrounding communities.

Mr. Bracy: If it's going to the same treatment plant, at some point would the overlapping reduce from the existing facility?

2017 DEC 22 PM 12:18

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Jackson: Yes sir. In fact, they should bring their new plant online about a year before we would tie in this plant.

Mr. Bracy: So, the design of this plant is for this type of effluent.

Mr. Jackson: Yes, sir. It is.

Mr. Tucker: Could you talk a little bit about the existing pressures? Should we expect to see a drop in the existing static pressure and the level of service to others on the two-ton loop? It really wasn't designed for this type of expansion. It was originally thought of as more of a rural water service. I understand that they are adding a tower. But, how does all of that impact through the system pressures?

Kevin Johnston, mayor, City of Gentry, 500 North Byers Avenue, Gentry

Mr. Johnston: We ran modeling through the engineering firm that Benton/Washington County utilizes, Crist Engineering. They ran the modeling of that and there were no concerns handling the flow that is being requested at this facility.

Mr. Bracy: Thank you, sir.

Public Comments: *(all on audio 1A)*

Bob Tharp, mayor, City of Decatur, 18239 Highway 102, Decatur (42:30)

Supportive of the Simmons Processing Plant Site Plan Review

Comments: Decatur waste water plant will handle the Simmons waste water; Simmons is a current customer of Decatur waste water for more than one Simmons facility; currently Decatur provides the water to the existing Simmons plant; Simmons is supportive of the Decatur Chamber of Commerce and the City of Decatur; Simmons presence in Decatur is a constant economic benefit to Decatur, northwest AR and to the State of Arkansas. Decatur is currently involved in a multi-million-dollar expansion plant to upgrade their wastewater plant. New plant will be substantial enough to take care of their customer base and this additional new Simmons plant. ADEQ and the AR Department of Health have given Decatur clear passage to move forward with this wastewater project. Funding from bonds is on hold pending the Planning Board decision.

Derek Knight, 18594 Y City Road, Decatur (45:25)

City of Decatur fire man and HAZMAT safety supervisor for the University of Arkansas

These views are personal only and do not reflect in any way the City of Decatur

*Comments: Discussion of hazardous chemicals and refrigerants used in poultry production; size of hydraulic lines that go through the plants; psi within the lines
Environmental law*

Emergency issues related to chemical spills seeping into the ground water.

Blue baby disorder

Not requesting a denial but better monitoring of chemical and hazardous waste

Dan Newsom, 10811 South Highway 59, Gentry (48:15)

Comments: concerned about property values; affect on his well drying up and contaminants; employees coming in (felons?); use of local engineers/architects to drive local economy; avian flu; future site of a protein plant (see SW City)

Teresa Lowry, 801 Cherry Avenue, Gentry (51:35)

Opposed to Simmons Plant Site Plan Review

Comments: limited facts in a short amount of time to make a decision; track record of Simmons in other cities; good jobs for locals who live in Gentry first; good work environments with good health/safety standards; companies that are environmentally, economically and socially good stewards in the community; not held town meetings, only Chamber meetings; traffic safety on Highway 59 and surrounding roads; dropping property values; future expansion of this facility; decision affects many for years to come

Darrell Darner, 19695 Floyd Moore Road, Gentry (56:36)

Comments: Poor road conditions to handle traffic; emergency access; environmental impact study

Jimmy Roberts, 10844 Highway 59, Gentry (58:05)

Comments: incomplete application, much is still missing/unknown; plant is incompatible with area residential; wastewater disposal system; traffic study incomplete; odors; dust; noise; air pollution. (Mr. Roberts handed Mr. Reamer some signed documents from citizens living near the proposed Simmons plant.)

David Bode, 18300 Y City Road, Gentry (1:00)

Comments: I concur with the people before me and their concerns. Harmful health events on humans who live near a chicken processing facility. Reduced property values. Decatur's poverty level. 82 percent of Decatur children qualify for free lunches. 1 in 5 in Gentry receive food stamps and government subsidy.

2017 DEC 22 PM 12:18

TERA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK.

John Caswell, 18797 Peterson Road, Gentry (1:06)

Comments: Concur with previous speakers. Contamination of ground water; wells going dry; ground water run off

Michael Scroggin, 18032 Littlejohn Road, Decatur (1:08)

Comments: Concur with other speakers opposing the Simmons facility. Incompatible heavy industrial with rural farmland setting.

John Faulkenberry, 309 S. Collins Avenue, Gentry (1:09)

Comments: Incompatible with rural residential area. Will take away any possibility of growth for Gentry. No one will build within miles of the Simmons plant. Generational facility. Obsolete in years to come (i.e. Kraft plant in Bentonville; current Simmons plant in Decatur).

Jeff Gravette, Superintendent of Decatur School District, 1498 Stadium Avenue, Decatur (1:11)

Comments: Schools are below capacity, can handle more students moving in. Simmons is the main employer for the families. Simmons has been a great corporate citizen. Simmons did reach out to the School Board. Appreciate Simmons helping with corporate donations for future growth.

Kim Wilkins, City Clerk, City of Decatur (1:13)

Comments: Concurs with Mr. Gravette. Is in favor of the Simmons plant. Simmons has done some great things for the City of Decatur. It would be devastation if they totally left Decatur.

Tammy Patton, address? Decatur (1:14)

Comments: Children do not send to Decatur schools. Current Simmons facility has affected Decatur schools and property values.

Jason Barrett, representing Gentry School Board, 201 South Giles Avenue, Gentry (1:15)

Comments: Drew attention to letter provided to the Planning Board in their binders in support of the Simmons processing facility. Classrooms and buildings are NOT at capacity. Has tried to be proactive with an aggressive building plan. Partnership of industry, education and community.

Public comment portion of the public hearing is closed.

Mr. Bracy: I think we have heard about eight or nine citizen concerns. Do you have any comment that you could offer to them at this time?

Mr. Jackson: Firstly, I appreciate the citizens coming today and their right to speak their concerns. We have tried to be very aggressive in contacting many of those who have spoken tonight. We have met with them both in our office and on the farm to walk through with them the proposed development, where it will sit and how it will fit within that property.

One of the concerns I heard was on ground water, well water. We have no plans to drill a well or consume any ground water off of this project. We are connecting to the two-ton water loop which pulls surface water from Beaver Lake. So, there will be no incremental draw on the ground water. As far as surface water and our stormwater detention plan, we do capture the first flush of the hard surface where there might be other contaminants from truck traffic. That water will flow into a detention pond that then will be pumped back to the EQ basin and then eventually flow to the City of Decatur for final treatment. Any runoff water from other hard surfaces off the front of the site will not be industrial and would flow into a stormwater detention pond as we have talked about in our plan.

As far as safety, the existing facility in the City of Decatur has operated there for many decades. Simmons has owned and operated that facility since 2008. While we do have cooling chemicals, such as ammonia that we use as part of that process, we went through a rigorous analysis to make sure that we are providing a safe operating environment and work environment for our people. We follow a rigorous PSM (property safety management) program to make sure that we are operating in a safe manner.

For a health standpoint and other concerns from proximity, I grew up in Siloam Springs. I have been a resident of Benton County for almost 50 years. I grew up in a house three-quarters of a mile from the processing plant that does (or did) similar activity until we closed it in 2009. I never noticed a processing plant three-quarters of a mile away while growing up in Siloam. I purchased my current house that is about a mile and a quarter from where that plant was. We did close that plant in 2009. A lot of things happened in 2009 from an economy standpoint.

From a traffic standpoint, we deliberately asked the State to have the egress on and off of Highway 59 and not off of the surrounding roads so that we would not impact the surrounding neighbors with traffic flow.

2017 DEC 22 PM 12:18

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

With the site, we have made some iterations to the site in listening to neighbors feedback and concerns. From the initial site, we have slid the plant back a bit. In doing so, it allowed us to reduce the amount of total area that we would have to move dirt. From Y City, there is a slope that comes up to the top elevation of that property. On the back side of that, we are going to do a cut and create the flat area. So, there will be a 20 some odd foot berm that will be to the side of our site between us and Y City Road. When you looked at that elevation from Y City, (*graphic shown previously on the screens*) you might have wondered why you saw so much grass and little building. It is because we are creating a flat spot in the middle of some rolling hills in the center of the property. That will allow the plant to basically, sit down in that area and have hard dirt/rock that will be on either side that will help shelter that building from the neighbors. In addition, we have trees that are proposed and will add additional trees as necessary. The total property that we purchased is 870 acres. It is 1.1 miles wide and 1.1 miles deep. We purposely selected a site that large so that we could position the plant as close as we could to the center to give us the largest space that we could as a buffer around from us to adjoining property owners. Taking into consideration that we are an industrial user of that site.

We are excited about this project as a company, not only to support the 80+ family farmers who grow for us and the 3,500 or so jobs that we have in Benton County that will help our organization. This project will allow us to build a facility that will significantly enhance the work environment for our employees. It allows us to build a new building and do it with new technology and new design that will greatly enhance the work environment of our folks. We have tried to incorporate in an aesthetic from the front and the sides of the building where it is pleasant to look at. We are trying to build a facility where our team members are proud to go to work and that they are proud to say, "yes, that is where I work." So, we are taking all those into consideration. I/we are trying to build a plant where my kids will go to work. I have a 17-year old son who wants to go to work for Simmons. We want to have a facility where our family members are proud to go to work.

We have changed our wages as part of this process. We added a \$2 per hour attendance bonus. So, our current team members are making \$16 - \$17 per hour which is significantly higher than the average in western Benton County. We are doing that to attract and/or retain a great quality work force and to help build a workforce over time that has the means to be constructive community members in Decatur, Gentry, Siloam Springs and the other surrounding communities. I believe I talked through at the last meeting, our workforce lives up and down the Highway 59 corridor and then over into the Rogers and Springdale area as well as over into Oklahoma. We have no reason to expect that that composition of the workforce will change materially. We will draw from a large area for a workforce. This site allows us to have a location that

doesn't adversely affect the 700 team members that currently work for Simmons in downtown Decatur. It allows us to continue to support the City of Decatur in funding their commitments that they have made on their capital improvements on their wastewater system. It does allow the surrounding communities, at their choice, to grow those communities with additional development and additional housing. I say their choice, because each community approves or doesn't approve developments within their community boundaries.

Mr. Bracy: The workforce population is a three or four-county area. Do you expect that to change or would it move the population?

Mr. Jackson: While we are not directing where individuals live, I have no reason to expect that the compilation of the workforce or where they live today will change materially. We have made a change in wages so that our team members have a better ability to move if they so choose. As they acquire the means to be able to move closer to their place of work, if they feel like that is the best for them and their family.

Mr. Bracy: How far is this plant from the existing plant?

Mr. Jackson: 2.2 miles.

Mr. Tucker: Sometimes we call these meetings Sunshine Meetings to shed light on everything. We talked about the State providing the funding and construction for the turn lanes. The infrastructure for Decatur has been funded through bonds. So, that's basically publicly funded. The expansion of the water and sewer lines from those facilities, is that also publicly funded?

Mr. Jackson: Yes, sir. They will be publicly funded and then the debt will be serviced through the rates that Simmons will pay for the services that are being provided.

Mr. Tucker: So, it's a long-term reimbursement through the industrial rate?

Mr. Jackson: Yes, sir.

Mr. Tucker: Are there any other things that are like that, that are pay as you go or pay over time that are being currently publicly funded that we are not aware of?

Mr. Jackson: There was a sum that the Arkansas Economic Development Commission did provide for utility improvements for the project. I need to get you the exact number. That will go to our municipal service providers to help alleviate some of that funding burden.

2017 DEC 22 PM 12: 18

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Tucker: Assuming you are moving out of the City of Decatur and won't be paying taxes to Decatur anymore, what kind of fiscal impact does that have on the community of Decatur?

Mr. Jackson: I don't know off of the top of my head the city taxes that we, as an organization, paid to Decatur. Mr. Mayor, would you have.....?

Mr. Bob Tharp: (*mayor of Decatur*) Obviously with the departure of Simmons to the Y City property, which is the Gentry school district, as Mr. Gravette has indicated earlier, that will have an impact. As far as the county taxes and city taxes, I don't know the exact volume but there will be a definite difference. I guess I really don't have the exact answer to you either.

Mr. Tucker: Is there any current plan to annex the property to the city of Decatur or the city of Gentry that you know of?

Mr. Tharp: Not that I know of. I have offered Simmons foods that opportunity; but as you all know, annexation is a process that requires a volunteer or a vote. At this point, we are not contiguous to this property. If I had volunteers come forward to be contiguous to the current city limits to this property, I believe my city council would be very interested in entertaining that thought.

Mr. Tucker: That would be 2.1 miles?

Mr. Tharp: Yes. Actually, it's 1.3 miles from my city limits to the Y City Road. So, we are close. We are just a distance away. Any other questions?

Mr. Tucker: No, thank you.

Mr. Jackson: The existing facility is at end of life and it needed significant improvement. We first attempting to acquire land adjacent to the existing site so that we could potentially do an expansion there. That land was not available. The existing land owners had zero interest in selling that land. That's where we began the process of saying we needed to move the facility. From there, it was to move it somewhere close or to move it even further. We settled on the best for western Benton County and our team members to move it to a site that was fairly close to the existing site.

Mr. Tucker: Regarding some of the studies on hypoxia or blue baby syndrome, could you talk about the potential for ammonia or nitrogen discharge into the existing ground water system?

Mr. Jackson: I am not a medical expert, so I will preface with that.

Mr. Tucker: Well, it's really an environment science question.

Mr. Jackson: Nor am I an environmental scientist. I do have 25 years in the poultry business and the industry. Most of that time was in processing plants. We rarely have any ammonia escape from the closed system. When we do, it is a reportable event. Those rarely happen. I will have to go back and look at the number of times; but I can't recall the last time that would have happened. As far as the processing facility, the ammonia system is a closed system. So, we do not discharge ammonia. Anhydrous ammonia does not leave our facility and escape into our environment.

As far as grow out housing, we are adding 212 grow out barns. A vast majority of those barns are being added by existing growers, existing family farmers who wanted to add one or two more houses/barns to their farm. From that standpoint, a vast majority of the expansion on the grow out side is happening in the existing agricultural environments where a farmer wanted to add another barn or two to their farm. There will be some new farms. Those happen every year anyway as people develop. We don't have a radius that says they must build within a mile of the facility. We operate through mills out of Fairland, Oklahoma and Decatur. We stretch east of Fayetteville, north and west of Fairland and south of Siloam Springs (about half way to Van Buren on 59). So, we have a large radius that we have the grow out area in. Interspersed in that are farmers for other poultry companies in this area. I can't tell you how many houses are going to be built exactly in that general vicinity because we are one of two poultry companies in Decatur today. And there are other poultry companies in Benton and Washington County that I am sure you are aware of.

Mr. Tucker: I promised to bring it up so I am going to do it...C and C Engineering in Laurel, Mississippi is the engineer. I have done business with them. Fine people. But, all the plans we have are certified in Texas. Registration numbers are in Texas. All the notes say Texas. I just want someone from the engineer to publicly confirm that they checked the plans. Because the plans we have in front of us do not appear to be looked at. As part of my job, if I did that, I wouldn't have a job. My boss wouldn't let me come back to a meeting if I put the wrong state and the wrong registration number on the plans. Could someone from the firm tell us that they looked at the plans?

Wiley Pickering, 714 Hillcrest Drive, Laurel, Mississippi

I am with Charles Clark Associates. I was involved throughout the process. I was not the engineer of record but I was involved. Our owner did check those plans. I was

thinking that we resubmitted, caught that and got it corrected. I apologize if that did not happen.

Mr. Bracy: I have had experience in all of the factories that I have built over the years, people in California, Illinois, Indiana and four plants in Arkansas but had Arkansas architects look at those plans and stamp them for submittal. Are you an architect of Arkansas?

Mr. Pickering: No. I am a civil engineer. I am not personally licensed in the state of Arkansas; but our owner, Ronnie Clark, and another associate, Jeff Graves, are both licensed engineers in the state of Arkansas. They did check the plans. That was caught. The notes from a previous project inadvertently got put on those drawings. We will get that corrected. I am thinking that already happened.

Mr. Tucker: Thank you.

Mr. Bracy: Did I understand correctly that the water supply is coming from Beaver Lake, not from a well?

Mr. Jackson: It's coming from the two-ton water system that pulls from Beaver Lake.

Mr. Bracy: So, it's the Beaver Lake District?

Mr. Bracy: And did I understand correctly that the wastewater treatment plant that is existing and is treating the existing facility, is the same plant that is going to service this new facility?

Mr. Jackson: There will be an upgraded plant that is, hopefully, under construction.

Mr. Bracy: And where will it discharge?

Mr. Tharp (mayor of Decatur): The wastewater plant will discharge into the same stream that it does today which is the Spavinaw, which is the Tulsa water shed. That's where it goes today. The wastewater plant is a really good question. With this upgrade, we will become the premier wastewater facility in Benton County and in the state of Arkansas. We are building a membrane plant. That membrane plant will be the first in wastewater. There will be several membrane plants in the state of Arkansas that do process drinking water. With this, for instance, state law is 1.0 phosphorus level per milliliter. We will be able to hit .1. So, we will be able to discharge water at a 3.4 to 3.6 mgd (*no growth detected*) which is combined from the city of Decatur residents and industries, the new Benton County Simmons food plant as well as the

city of Centerton. We will have enough capacity, initially, to take care of them for future growth. With a membrane system, it's all dollars and cents. By adding more membranes, we can bump that up into nearly 5 mgd a day. The city of Tulsa has been communicated with what we are going. The city of Tulsa is definitely in approval and support of this. We don't want to go back to 10 - 12 years ago when we had a lawsuit in Benton County. We have accomplished successfully treating water in Decatur. We are going to expand that and do a better job than we've ever done.

Mr. Bracy: A membrane plant is expandable. That technology does not exist in the existing facility. It will be added into the new facility.

Mr. Tharp: Yes. That is correct. In the existing facility, it's a SPR plant which is an acetylene plant. When you reach capacity, you've reached capacity. With a membrane plant, when you reach capacity, you just increase the amount of membranes and your plant continues to stay in state statute. Again, remember please, that this plant has been approved by ADEQ on November 22, (2017) and the Health Department. So, we are ready to move forward with the project. Obviously, it depends on your decision from this body.

There has been some discussion about flood water. If you are familiar with the city of Decatur, the plant was built 65 – 68 years ago right on the creek that goes through town. We have had no issues with "bad water." From time to time we do have floods. That stream goes past our wastewater plant full of discharge. When there are issues of flooding, it's for a few hours and then it dissipates.

Mr. Tucker: Are you proposing pretreatment prior to hitting the membranes?

Mr. Tharp: What will happen at the Simmons plant, as they do today, they have a system that they pretreat. The city of Decatur has an ordinance, 500 milligrams per liter, is the maximum. They don't get to that point. We may run 250, 260, 275 occasionally depending on their flow and what's going on in their plant. It could raise up but they haven't violated that. So, it would be pretreated at that standard because that is an ordinance. So, they will have to do that. And they are planning on doing that. So, they will pretreat and come in. Then the headworks of our plant will accept their load as it does today for the city of Centerton and the city of Gentry. From there, it will go through the process and end up into the membranes.

Mr. Tucker: Membrane systems tend to handle peaks and valleys very well. Are there going to be dramatic swings in discharge that you know of or is it just the daily, end-of-day cycle for cleaning would be your low and then your peak shows up later?

2017 DEC 22 PM 12:18

TENA O'BRIEN
CLERK OF PROBATE
BENTON COUNTY, ARK

Mr. Tharp: As I understand it. They run the processing plant. I don't understand it, they have three shifts: two processing and one cleaning. So, that is a continuation of what they are doing today, except they are going to be doing it on a larger scale. So, I don't see that that will happen. The thing that kills a wastewater plant, as you may all know, is floods. When you have floods, then that kills the wastewater plant. In today's system, SPR plant, when a flood comes, it's tough to control it. It's tough to get a handle on that and process that flood discharge. With membranes, because we have extra capacity built in, we believe that we will be able to handle those times when flood waters do happen. The city of Decatur has been very diligent the last three years. We have identified several sources of I and I (*infiltration and inflow*) and we have corrected those. We have made sure that all the drains are going to the wastewater plant. They are provided stormwater control. We have made sure that our system isn't being infiltrated with an influence of floodwater going to the plant. We control that plant and we've made a big difference in that. I know the city of Centerton continually does that on their side and continues to improve their process as far as flood control.

Mr. Bracy: A membrane plant does not like large discharges in 60-minute periods. If they have a third cycle that X percent of their effluent is in that off time, how are you going to retain the facility so that your hourly discharge is monitored?

Mr. Jackson: As part of the facility design, we have two large EQ basins. That's part of the pretreatment process. We flow through those basins and we flow out of that into the sewer systems. Some of the fluctuations that happens in the processing plant is independent of the flow to the city. In addition, if there is a storm and we get significant rain water, that flush goes to a basin. Then we will pump through the EQ basin and the meter back through the wastewater system over time.

Mr. Bracy: But, stormwater can't go into the membrane plant.

Mr. Jackson: The surface area from the working area in the back of the plant where we have heavy traffic, catches the first inch or so of rainfall. Except we divert that to a specific pond, retention area. Then that water will be pumped back to the EQ basin and that retention area will be emptied after the rain event. It's metered back through.

Mr. Tucker: Is the EQ covered?

Mr. Jackson: I am not sure. I will have to get back to you. I don't know. The current one that we have is not.

Mr. Tucker: Does it have any particular present odors all the time or is it just on

super-hot days?

Mr. Jackson: I will have to find out if we are going to cover that or not.

Mr. Williams: By what means/measures are you going to address emergency services support/protection/impact/ISO ratings, the entire burden that comes with something like this?

Mr. Johnston (mayor of Gentry): Our fire chief is in attendance also. Beginning January 1, we had an ISO of 4. I am not anticipating this facility to have a negative impact on that ISO rating. We have additional equipment and sufficient equipment to handle that. We also work with Benton County on a mutual aid system. So, anytime that there is an alarm fire, multiple jurisdictions will be notified as well. It won't be treated any differently than we do McKee Foods or the SWEPCO power plant or anything like that. We have additional equipment and sufficient equipment to handle that. The location and proximity to the two-ton and the sizing of the line could easily cover that, especially with the proximity to that. It's such a short distance. There shouldn't be any issues with that whatsoever. Also, the apparatus that we have. We have two aerial trucks which is rare for a department of our size. So, we should be ready to take that on. Hopefully, we never see that; but fortunately, we train for that.

Mr. Bracy: One of the things that can happen in an ammonia plant is an internal leakage. Is that any different than what you would expect to service presently?

Mr. Johnston: I believe Simmons has a HAZMAT response team. There is a person on-site that is trained. We also work with an inter-local agreement with other area fire departments to provide needed response.

Mr. Bracy: Regarding environmental concerns, if an ammonia leak stays internal, it doesn't get exhausted from the system?

Mr. Jackson: My experience with ammonia leaks are very few. There is piping on the interior and the exterior of the building. It would depend on where that leak might occur. We do have a HAZMAT program where we do train personnel with fully enclosed suits and breathing apparatus. So, they can appropriately respond to any issue we may have in our facility. We will do that in conjunction with emergency services.

Mr. Bracy: Confined spaces are where the greatest hazard is. If the leak is into the atmosphere, does the leak dissipate and dilute itself? In other words, what is the radius of affect?

2017 DEC 22 PM 12:19

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Jackson: It is a gas. As part of our study, we will look at prevailing winds and any impact as part of the emergency response to make sure we have proper response to any event that might occur at the facility.

Mr. Bracy: Thank you. Please understand our due diligent is to ask as many questions at this point, some of which the public has asked for clarity for the public and for us. There are two phases to this facility. Phase one, which is site work and phase two, to be voted on, which is actually the construction of the facility. From what I think I have heard and in concurrence with the Board, I don't know if I am comfortable enough to add enough answers to the construction portion at this point. With that being said, do you have any other comments?

Mr. Torrez: What kind of criminal background checks does your HR do as you onboard new employees as well as any third parties that might be working in the facility if that exists?

Mr. Jackson: We are an equal opportunity employer as any employer should be. We do not have a prohibition to any criminal offense because we do believe that some people deserve second chances. Our approach to recruiting and retaining a qualified staff is to pay a very competitive wage, create a great work environment and a healthy culture. We are using those three tools to help us attract/retain a workforce for this Benton County facility.

Mr. Torrez: Do you perform a criminal background check on all employees and third parties?

Mr. Jackson: We do ask on our questionnaire. We do not perform a criminal background check on every applicant, no.

Mr. Tucker: You've been great at reaching out to the community to hire and I really applaud you for that because of the poultry and pork production plants especially, reach out to third-world countries or wherever they can get people. What is your hiring strategy look like as far as trying to find new people to work at the plant?

Mr. Jackson: Again, we made a major shift for us in compensation to make the job more attractive and the roles more attractive. Working on this project allows us to enhance the working environment to make the working conditions more attractive. We work hard every day to create the right culture where individuals can come to work for us and have a great work environment with their peers. We are striving to hire from the local community. I think some of you may have gotten post-cards in the

mail from us. We did a several zip code mailers trying to communicate the changes that we made and what the opportunities are at Simmons.

Mr. Bracy: Thank you. So, it's up to the Board. Again, we have two separate line items to vote on. One can be approved without the other at this point but we can't do the second if we don't do the first. The first, if we do approve that, is at the expense of the owner. There were a number of questions that we asked in the beginning. My question also was would Simmons be able to answer those and present them at this meeting? I think they presented a number of them; but there are still some that I think were left to be done. Whatever we approve, it would have to be with conditions. With my comments, I open it up to the Board. On the first variance, the parking variance, #17-314, do we have a motion? If we don't have a motion on that variance, there would be no reason Taylor (*Reamer*) to have a motion on the second one because we can't pass or deny the second application without the first being approved. If it's the Board's position at this time not to be able to do that, could we table this for additional information?

Mr. Tucker: For me, there were a couple of items that are still outstanding. The landscape plan was only partially complete. The traffic study was not complete although we do have a good analysis or at least a verbal presentation. I think that there are also still some drainage issues. We really haven't talked about some of the questions about zoning or property values. Because Benton County does not have zoning, I have always said, everything is allowed and nothing is allowed at the same time. We are not voting in any case. It's an individual project. Right now, there are still some things that I would like to see on the plan, beginning with a landscape plan, fire hydrant locations shown, etc. We are voting on a parking variance but we haven't seen a parking table. We really haven't even talked about the peak increase in stormwater discharge. Unless we continue the discussion, I not in favor of voting tonight. I am kind of torn because I have a desire to move this forward; but I don't want to do it so fast that we gloss over something.

Mr. Bracy: Right, I concur completely. This is a big project. It's a big project for Benton County. To do due diligence to the population and the progress in this area, I would entertain that we table this matter requesting additional information on the questions that were asked and brought up at this particular meeting.

Mr. Tucker: I would make a motion that we continue the Hearing to hear more information on the three outstanding items that are on the plan. As far as the parking variance goes, we haven't heard an argument about what is unique about this site that would require a variance? We will have to hear that before we can make a reasonable

2017 DEC 22 PM 12:19

TENA O'BRIEN
CO. CLERK
BENTON COUNTY, ARK

decision. So, I move that we continue the hearing until we can discuss these items and have the same public discussion that we had on previous items.

Mr. Gambrill: Just for administrative clarity, to continue a public hearing doesn't necessarily mean a reiteration of public testimony. Yes or No?

Mr. Bracy: No.

Mr. Tucker: We would have to make a motion to open the Public Hearing.

Mr. Gambrill: So, this would appear under Public Hearing as a future agenda item but under old business.

Mr. Tucker: Under old business on the December 20, 2017, agenda. Continue it to December 20, 2017, and we can follow the rules of order for opening a public comment on those items.

Mr. Bracy: We have a motion to continue this.

Mr. Maienschein seconds the motion.

Motion approved: 5 - 0 - 1 (Mr. Homeyer abstained)

Mr. Tucker: Also in full disclosure, if we had had to vote tonight on the variance, and Mr. Homeyer had abstained, it would have required a unanimous vote.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:**
2. **Old Business / Ongoing Applications:** None
3. **New Business:**
 - I. **Easley Setback Variance, #17-293, 8654 Low Chaparral, Rogers; 18-03379-000**

Representative: Jeff Easley, 8654 Low Chaparral, Rogers

Staff gave a presentation on the Easley Setback Variance, #17-293, 8654 Low Chaparral, Rogers; 18-03379-000

Mr. Bracy: Any additional comments?

Mr. Tucker: Just tell us what you are doing.

Mr. Easley: We replaced an existing retaining wall that has probably been there for 30 years. It consisted of landscape timbers, used railroad ties and things like that. It needed to be replaced. There are four property owners that are affected by the easement access. We all share a dock together so we need access to get down to the dock. There is one neighbor that lives down below me; so, he needs access to get to his house as well as to the back of his property.

When I went to them in February of 2015, I said that we need to improve this wall. Why don't we make it so that we have better access easement? Plus, being a civil engineer myself, I was a little concerned about holding back the back pressure. Every year, I was having to rack all the stuff back up. I saw the bulging of the timbers. I am building our dream home out there so we wanted a good wall. I got approval from all the neighbors.

I am really here just apologetically to say that we didn't realize that replacing an existing retaining wall needed a variance. On May 20, 2015, I was here getting my approval on another variance. Had we realized that we need one for this, we would have done that and saved ourselves about \$600.

We know the planning regulations and I have been blessed with great contractors on this, Advanced Concrete. They have all worked in the County for decades. They understand the rules and regulations. I am an old Army engineering officer. I love to follow the rules. I was a little embarrassed that we missed this. I think my wall along with a couple of others have prompted some review of the regulations to make them a little clearer. It really wasn't clear. I have read the 278-page document I don't know how many times. I don't see it. There is a little technicality about the fact that a retaining wall was a structure. I just thought I would explain that. I hate that I have to do this and didn't do it earlier.

It is a well-engineered wall. We did submit engineered plans. It is actually needed and required for High Chaparral to actually exist and withstand the hillside there.

Mr. Homeyer: What is the maximum height of the wall?

Mr. Easley: It rises from about 4' up to about 9'. It's a 10" concrete reinforced wall. We used a cantilever design. So, it's not going anywhere. We added

2017 DEC 22 PM 12:19

TENA O'BRIEN
CO. & PROBATE CLERK
SENTRY COUNTY, ARK

about 2' of gravel on the backside with 6" drainage. All the things I wanted to accomplish the previous wall didn't have. I can sleep at night and not worry about our neighbors collapsing on to our property.

Mr. Bracy: Where does it drain?

Mr. Easley: It drains to the south and north side. Actually, we get very little drainage on there because High Chaparral has a pretty nice curve. That curve actually directs probably 98 percent of the water off of there. I very rarely have any water down the road immediately in front of my house. But, if we were to get a really high rain there, we have it set up to where it can run down the road that goes down to my neighbor's house and a culvert down there.

Our intention is once we complete this, all the neighbors plan to get together and improve the access down to our dock because it hasn't been worked on in about 20 years. This was kind of the first stage of getting all that ready.

II. Arce Site Plan Review, #17-309, 12905 Cloverdale Road, Rogers, 72756; 18-05110-000, 18-05114-000

Representative: Carlos Arce, 3407 Central Drive, Rogers

Staff gave a presentation on the Arce Site Plan Review, #17-309, 12905 Cloverdale Road, Rogers, 72756; 18-05110-000, 18-05114-000

Mr. Bracy: Do you have anything to add to that, sir?

Mr. Arce: No, not really.

Mr. Williams: Is this a salvage operation?

Mr. Arce: No. What I do is that I go to insurance auctions and buy wrecked cars. Then I put them back together and retail them at auctions.

Mr. Williams: Do the people adjacent to you do the same thing?

Mr. Homeyer: He (*Mr. Arce*) owns all four (*parcels*) there, Rick (*Mr. Williams*), that have cars on them.

Mr. Gambrell: The two parcels to the west are all under common ownership. Four parcels all under the Arce property.

Mr. Tucker: Do you operate on the north side of the rode too?

Mr. Arce: No. I rent from them. When I bought that property on the front, I started moving a lot of the cars that I have there. But, I crushed a lot of those because the scrap yard (TRG) is right behind me. When I am done pulling the motor out, I just crush it at TRG.

Mr. Tucker: This area has had this type of business ever since I was a little kid. The one across the street used to be one.

Mr. Arce: Yes, sir. Payless is down the road from me. Yes, if you guys let me do the building, that's where I am going to move from.

Mr. Bracy: I assume that will be a metal building?

Mr. Arce: It will be metal outside and wood on the front and inside. I built one in 2012.

Mr. Tucker: Is that the building in the middle?

Mr. Arce: No. It's the green (*roofed*) building that you see in the corner. I have some collectible cars in there that I store. I don't want to work in there. That's why I want to build my other building so I can start working out of there.

Mr. Tucker: Will it look just like that one?

Mr. Arce: Yes, sir. It will look just like it. That's a 40' x 40'.

Mr. Bracy: The building that is in the center there. Is that a residence?

Mr. Arce: No, that's a trailer house that has been there forever. When I bought the property, it was there.

Mr. Bracy: It's a trailer house?

Mr. Arce: Yes.

Mr. Bracy: Which is still a residence isn't it?

Mr. Arce: Yes. My friend lives in there.

2017 DEC 22 PM 12:19

TENA O'BRIEN
CO. & PROBATE CLERK
BENTON COUNTY, ARK

Mr. Gambrill: I have a question about the scope of review. As you said, Mr. Tucker, the uses that are out there are very similar to this and have been for far longer than my arrival into northwest Arkansas. In terms of the regulations and the expansion of use, requires Site Plan Review. So, the two parcels that are subject to today, are in my opinion related to the two that aren't necessarily in the TAC report. We only have two parcel ID's by virtue of deed; but, we have four parcels that are shown on your screen. Technically the report right now is only talking and speaking to two parcels to the east. Whereas the common ownership is all four. So, it gets back to scope of review, longevity of use and when those uses were established relative to the regulations.

Mr. Tucker: Does it all operate as one business?

Mr. Arce: No. On that middle building, we have a man who does body work. We have been there since 2010 or 2012 when I bought the property.

Mr. Bracy: So, it's one property with two different land uses?

Mr. Gambrill: There are four parcels there that are all under common ownership. But, as Mr. Arce has stated, the two that are subject to tonight have to do with storage and....

Mr. Arce: Yes, and fixing the cars that I take to the auction. Auto repair pretty much but it's for my own not for the public.

Mr. Gambrill: So, with those being identified what they are, the two parcels that are not subject to the report, but are related and under common ownership, what are the uses on those two parcels?

Mr. Arce: Body work. I scrapped a lot of those cars out already. There's not that many cars still there.

Mr. Homeyer: Since this picture was taken, you have removed and scrapped a lot of the cars?

Mr. Arce: Yes, sir. I took them down to TRG. That's what I basically do. When I am done with the car, if I can use the motor, I put it on a different car if I get one that has a bad motor. When I am done, I take (*the car*) down to the scrap yard.

Mr. Homeyer: So, you got rid of half of them, a third of them, two-thirds of them....?

Mr. Arce: Probably 100 cars.

Mr. Homeyer: That you removed from the site?

Mr. Arce: Yes, sir.

Mr. Homeyer: Wow. Good job!

4. Other Business: None

5. Staff Updates - Administrative Approvals:

1. Allen Minor Subdivision, #17-289, Big Springs Road, Gravette; 18-14822-000
2. WEN Investments Minor Subdivision, #17-294, 14639 and 14635 US 62, Avoca; 18-04272-000
3. Reading Trust Minor Subdivision, #17-300, 18221 Garmon Road, Siloam Springs; 18-13938-000
4. Prelle Minor Subdivision, #17-302, 24916 Hunters Road, Gravette; 18-16513-000
5. Bowie Minor Subdivision, #17-304, 12920 Ventris Road, Garfield; 18-01309-019

6. Discussion Items:

Mr. Gambrell: One thing that Staff wanted to make the Planning Board aware of that the Administrator of General Services has authorized Staff to prepare and post a draft of Staff's revisions to the Planning and Development regulations of Benton County. This will be scheduled as a new business item on December 20 TAC. We have already uploaded Staff's version of the redline edits to the regulations. If the Planning Board would like to get a jump on things in the next couple of weeks, we would be pleased to have you all look at them and digest them. If you have any questions for Staff, we would be glad to clarify. We have a version of the upload that has comments and qualifiers. This version is more for internal Staff; but, we would be pleased to help qualify anything you see in redline between now and the 20th.

This is uploaded to the Dashboard. This can be downloaded and printed at your leisure. This is something that Staff has worked on. We have vetted this. We actually sent this out to a number of area surveyors and engineers to look at. There is some language in here that just deals with some cleanup. There are some definition changes

2017 DEC 22 PM 12:19

TENA O'BRIEN
PROBATE CLERK
BENTON COUNTY, ARK

(tract and lot in particular). Any of you all that have been on this Planning Board through the last iteration, may have fond memories of some of those discussions.

Anyhow, this is for you to consider at the December 20th TAC under New Business. There will be a follow up to this obviously at the next Planning Board meeting after the calendar year at the Public Hearing. From that point, it would go on to potentially the legislative committee. That's to be determined. I believe one of the Justices will be conducting committee meetings at that level.

Meeting Adjourned: 9 p.m.

Next Meeting: Wednesday, December 20, 2017

APPROVED THIS 20th DAY OF December, 2017

ATTEST:

APPROVED:


PLANNING DIRECTOR or
PLANNING MANAGER


PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR

