

Benton County Planning Board

TAC Meeting Stipulations

April 7, 2010, 6:00 p.m.

The Planning Board was represented by Jim Cole, Mark Curtis, Lane Gurel, Bill Kneebone, Ken Knight and Heath Ward.

Staff was represented by Ronette Bachert, Teresa Sidwell and Karen Stewart.

New Business:

1. **JP District 09** – Variance from Commercial Fee – **Solid Rock Baptist Church** – 3501 S.W. Rainbow Farm Rd., Bentonville
 - Proof of written notification of adjoining property owners will be required.
 - Local emergency services must be notified and documentation provided to Staff.

2. **JP District 02** – Variance from Tract Split – **Ford/Wilkins** – Slide Off Ridge Road, Rogers
 - The applicant should ensure that each parcel will support a septic system, alternate field and a well before proceeding with proposed family tract split.
 - Written agreement for access and utility easements may be required by the Board.
 - The applicant was asked to look over the subdivision checklist to see if these requirements could be met instead of requesting a variance.

Variance from Tract Split – Ford/Wilkins withdrawn on 4/8/10.

3. **JP District 11**– Discussion - **Red Barn Wind Project** – 9305 Browning Rd., Decatur

The applicant was not present to represent the project. Mr. David Kampwerth of the U.S. Fish and Wildlife Service spoke regarding wind energy in Benton County; the main speaking points were as follows.

- Improper siting of wind turbines can adversely affect area wildlife.
- National Wind Advisory guidelines can be obtained at fws.gov.
- The reasons bats are attracted to wind turbines is unknown.
- A two-year survey of wildlife and potential effects on karst is recommended by the U.S. Fish and Wildlife Service.
- Bat echolocation detector (anabat) placed where the turbine would be located (120-480 foot elevation) is recommended.
- Radar on site, remote or manned, typically 2-3 months in spring and fall.
- A survey by a federally-permitted biologist may be required.
- The site may be monitored for potential violations of the Endangered Species Act.

- Migratory Bird Treaty Act may be enforced.
- The Fish and Wildlife Service recommends the development of a county ordinance regarding wind energy.
- Department of Energy wind and geothermal grants may be available.
- DeKalb County, Illinois, has dealt with wind energy and has planning ordinances that may be used for reference.

4. **JP District 02** – Discussion - **D & A Ro-Lynn Sales** - Hwy 94 East, Rogers

This project was on the agenda for discussion only. The Board recommended the following to Staff regarding this complaint.

- The Benton County salvage yard ordinance requires screening and gate on property.
- The Board instructed Staff to pursue the complaint from both Planning and Environmental sides.
- Grandfather clause does not include projects that have documented proof of expansion over time.

5. **JP District 01** – Preliminary Plat – **The Estates of Lakeway Phase II** - East High Meadows Road, Rogers

- Board may require applicant to post a performance bond.
- Board may seek the opinion of the Benton County Attorney regarding interpretation of Planning Regulations, Chapter IV, Section 25.
- Board may consider a variance from Planning Regulations, Chapter IV, Section 25 because the project is Phase II of the subdivision.
- The proposed lot line adjustment on lots 37 and 38 could be handled administratively by Staff.
- The Board may stipulate that project improvements are completed within 60 days or applicant will post a bond.

The meeting was adjourned at 8:20 pm.