

October 5, 2011
TECHNICAL ADVISORY COMMITTEE MEETING
OF THE
BENTON COUNTY PLANNING BOARD

MINUTES

Call to Order: Chairman Lane Gurel called the 10/5/2011 Technical Advisory Committee meeting of the Benton County Planning Board to order at 6:00pm.

Roll Call: Lane Gurel, Mark Curtis, Ken Knight, Cindy Jones, Starr Glenn, Jim Cole and Bob Pate were present. Staff was represented by Elizabeth Bowen, Benton County General Services Administrator, Christopher Ryan, Director of Planning & Environmental, Richard McKeegan, Sr. Planner and Donna Fallin, Board Secretary.

Mr. Gurel recognized the presence of JP King.

New Business:

1. **Chris's Dog Grooming and Boarding**—Large Scale Development- Project #11-133 -- JP District 01
Presented by Brandon Dunham (Owner) 14287 Pleasant Ridge Road: Bill Platz, W.R. Consulting-engineer.

***Staff Comments—R. McKeegan:** Project is to use an existing building, do renovations and additions to operate a dog grooming and boarding business. Property is owned by the developer's father whose house is approximately 1,000 feet from Pleasant Ridge Road. House has its own septic system.*

1. *Site already has water and sewer services. The separate building has its own separate septic system. Provide proof of submission to ADEQ for dog waste septic system.*
2. *Provide information regarding solid waste disposal services. Applicant has stated that solid waste is added to his father's waste and disposed accordingly.*
3. *Provide service acceptance letter from fire department which has jurisdiction in this area.*
4. *Provide verification that adjoining landowners have been notified of the public hearing on 10/ 19/2011.*
5. *Show adjacent landowners on drawings or on a separate document.*
6. *Setbacks from property exceed 100' from existing right-of-way of Pleasant Ridge Road.*
7. *Must submit plans and obtain a building permit for any future expansion as indicated on the plans.*
8. *Show noise buffer design features.*
10. *Show solid waste container location.*

- Mr. Dunham stated that the property in question was 30 acres that are 1800 feet deep. The residence sits in the middle of the lot. There is a second building that sits close to the road. There will be four (4) fenced dog pens behind the existing building.
- Mr. Gurel pointed out that dog waste has to be handled separately and that the applicant must contact ADEQ for a determination of whether or not they need additional waste systems for the dogs.
- Mr. McKeegan stated that there was no need for any kind of storm water or retention provisions. However, there are plans for a 26 X 30 building in the future if the business is successful. The proposed building is on the plan and the applicant is asking the Board to approve the future building as part of their project. When the new building is built, the applicants will need to get a building permit. There are 4 pens for the boarding of dogs and they plan to have 5 pens for grooming.
- Mr. Gurel pointed out that the map has 20 foot contours and the regulations call for 5 foot contours. Mr. Knight has been to the site and pointed out that it is very flat and the 20 foot contours would probably suffice. Mr. Gurel stated that the applicants might entertain asking for a variance to the 5 foot contour requirement.
- Mr. Gurel noted that the applicant was not building a new building, but expanding the current 12X20 into a 26X30.
- Mr. Gurel asked if the Board wanted to require mitigation for noise or odor.

- Mr. Curtis had family experience with boarding dogs and he said he would like to see the applicants mitigate the noise factor of barking dogs.
- Mr Gurel thought the noise would be a concern for the neighbors and that it might be appropriate to set a limit on number of dogs that can be boarded. If the business grows – the applicant can come back to the board to increase the number of dogs allowed.
- Mr. McKeehan related that applicant wanted to dispose of the dog solid waste with his regular household solid waste. Currently he does not have a waste service; he takes what waste he has to existing transfer stations.
- Ms. Glenn felt that applicants would need a solid waste disposal container.
- Applicant expressed desire to return to the Public Hearing meeting for approval and that he attended to contact ADEQ to determine what needs to be done with waste.
- Applicant estimated that he would have a maximum of 5 dogs Boarded at a time. The Board asked him to present a plan to mitigate the sound of 5 dogs.

2. **Beaver Water District Chlorine Dioxide Building**-- Large Scale Commercial Development-- Project #11-135 JP District-02: Presented by David Powers, McGoodwin, Williams, and Yates, Inc. at 302 East Millsap Fayetteville, Bill HagenBurger-plant engineer for Beaver Water District.

The proposal actually has three components, first is the chlorine dioxide building to be located on a 114 acre site of which 2 or 3 acres is the extent of development area. This site is located on Frisco Springs Road. The second component is modification to piping, valves and equipment located in the current plant on Primrose Road. The third component is a future ammonia building. However, this item is not part of the current application.

The application packet was missing a required letter from the Corps (US Army Corps of Engineers) which Mr. HagenBurger brought with him. The letter stated that it appeared that safeguards for containment of materials used in processing chlorine dioxide are incorporated into the facility's design to protect employees, the environment and Beaver Lake.

- Mr. McKeehan asked for a copy of the Corps letter for the file.
- Mr. Gurel asked what safety processes were in place to prevent chemical spills from the building at the water intake.
- Mr. HagenBurger replied that they have a concrete containment that holds 20% more volume than the largest tank.
- In addition, there are floats in a sump that will indicate a leak by triggering an alarm with cameras to enable them to remotely view and stop the leak. The water is mixed with the chemicals in the pipeline. The distance from the intake to the plant is due to the need for detention time for the chemical and water.
- Mr. Knight asked how chlorine gas would be transported how accidental escape of gas would be mitigated.
- Mr. Powers answered—there is a risk management plan approved by EPA in place should there be a major breach. There are breathing apparatus outfits for six (6) workers on site. The gas would come in chlorine cylinders; there are leak protectors with alarms. The storage facility for the cylinders is separated from the main facility and the building has large exhaust fans.
- Mr. Curtis asked about the impact on local traffic and was told there would be none. They are replacing the chlorine they now put in the water with the new chlorine dioxide per new regulations.
- Mr. Curtis asked if there would be any solid waste generated from this building. Mr. Powers said there would not.
- Mr. Powers stated that the building would not be occupied but remote cameras would allow viewing.
- Mr. McKeehan wanted to be sure that since the sump discharge line connects directly to the storm sewer pipe system that the sump pipe will be draining only raw water with no chemicals and the applicant verified this.
- Mr. Gurel asked if there was any backflow protection once the chemicals has been added to the water in the pipes.

- Mr. HagenBurger answered that they have check valves on all pumps—if the pumps stop pumping the check valves will shut and there is a surge tank that can hold the water.
- The Board had no more questions and the applicant was advised to return in two weeks for the Public Hearing meeting

3. **Rockwood Point Subdivision-Informal Plat-18-00867-000**, Project #11-136--JP District 02:

Presented by Derrick Thomas with Bates and Associates, 91 W. Colt Square Dr, Fayetteville, AR

- 4-lot subdivision where all lots are larger than 2 acres.

Staff Comments—R. McKeehan: Comments that were not addressed on revised plans submitted 9/28/11.

1. Indicate all Private Drive/Access Easements as a Utility Easement as well.
2. Submit plans to Benton County Health Unit for review/approval of project for septic systems.
3. Submit water line plans to ADH for approval.
4. If disturbance of the road and water line improvements creates over one acre of disturbance, submit SWPPP documents for permit from ADEQ. Submit copies of SWPPP to Planning office. Inspections should be carried out by County for land disturbance per SWPPP and County ordinances.
5. Portions of Private Road/Drive are about 25% slope. Provide details of road improvements for portions of road over 15% shall be surfaced with concrete per Ordinances. See below from Chapter IX-Streets, Street Specifications and General Subdivision Layout.

Grades: Street grade for subdivision streets should not exceed ten percent (10%). However, grades up to 15% may be approved for distances up to three hundred feet and concrete surfacing with curb and gutter and/or paved ditches may be required in such cases. A vertical curve of a radius to assure adequate forward visibility and designed for a minimum speed of 25 mph shall be used to connect stretches having different grades. On the approaches to intersections, there shall be a leveling off of the street at a grade generally not exceeding five percent (5%) for a distance of generally not less than fifty (50) feet from the nearest lane of the crossing street. The grade within the intersection should be as level as possible, consistent with drainage requirements.

Alignments: Street alignment should discourage sharp curves and the resulting traffic hazards, and permit proper inspection of streets. Paralleled streets (except frontage streets) with less than 126 feet between center lines shall be avoided.

6. Revised title of Sheet 03 to show Rockwood Point Subdivision, Benton County, AR in the title.

- Mr. Thomas stated that they were not planning to pave the roads; the roads were going to be gravel.
- Mr. Gurel asked if there would be sufficient dirt work to correct the steep grades per the Ordinance.
- Mr. Thomas stated the applicants would need a detailed topo done to accurately interpret the grade before he could answer.
- Mr. Gurel said the reason the ordinance limits grades to 10% - 15% grade is that fire services are provided by tanker trucks and they cannot get up a gravel road of 15%.
- Ms. Glenn asked if they had been through subdivision review with the State Health Department which is required. Even though the county does not require a subdivision review, the Board will require the applicants adhere to state requirements (septic and water).
- Mr. Thomas stated that perk tests had been completed and submitted with their informal plat application, but had not submitted them to the Health Department. He was under the impression the water and septic systems could be conditions for approval.
- Ms. Jones asked about the 1135 Flowage Easement contour line. The Corps has a Flowage Easement as well. There is a requirement to locate septic systems at least 100 feet from 1135. Mr. McKeehan stated he would like to get comments from the Health Department concerning the easement requirements.
- If there are recorded covenants, they must be documented at the signing of the plat.
- Brian Ferguson who lives at 25 Oxford Drive in Rogers, AR is an investor for this project stepped to the microphone and asked a question and answered the Board's concerns about the roads, Mr. Ferguson stated

that the road plan called for black top or concrete where grade is too steep. He *asked the Board if there* was time to get the Health Department requirements done in time for the Public Hearing in two weeks.

- Ms. Glenn stated that it would take approximately 20 days to complete the requirements.
- Mr. Gurel pointed out that the applicants could ask for approval with the stipulation that the Health Department requirements were met. Mr Ferguson asked for some time to decide if they will table until November and Mr. Gurel agreed.

4. Ada Aitken (Aitken Trust) Tract Split-18-00226-000, Project #11-132--JP District 01:
Presented by Ada Aitken, 703 NE A Street Bentonville, AR

Staff Comments—R. McKeehan:

1. Ms. Aitken submitted the above to split 20.04 acres into two parcels, 16.97 acres and 3.07 acres. Staff reviewed the history of tract splits from the original acreage of Parcel #18-00226-000. It was found that several splits had taken place starting in 1990 thru 2010. Parcels 18-00226-005 and 18-00227-002 were submitted and approved by B.C. Planning in 1996 and 2004.
2. Ms Aitken states that at least three of these splits were to nieces and a brother.
3. She desires to help Ms Jennifer Arndt, an adjacent owner, who cannot build on her property as she has a bald eagle's nest on it. Fish and Wildlife Commission does NOT allow building within 300' of the nest.
4. There have been three small cabins built in 2006-2007. No permits were issued by County for the construction. One septic system was permitted and built for a single three-bedroom house. Starr Glenn reports the design will be with different parameters for three one-bedroom cabins. Verify an approved septic system is (or will be) installed for all three cabins.
5. Applicant shall be required to pay the standard fees for **two** building permits for existing structures on her land which were NOT permitted. Inspection of structures should be completed by the Building Department and any deficiencies corrected immediately.
6. Show cabins' locations on 8 ½ X 11 separate sheet.

- Ms. Aitkin explained this tract split was in preparation for the possibly of selling 3 acres to her neighbor, Jennifer Arndt who can't build on her adjoining lot because of a bald eagle's nest located there.
- Mr. Gurel stated there were two issues. The first being that splitting a piece of property multiple times over a period of time can sometimes be a way for owners to avoid subdivision regulations. But this does not appear to be true in this case. The second issue is whether building permits were required on the existing structures, (three one bedroom cabins). If they were, this will have to be resolved before the tract split can be approved. The Planning and Building departments can help determine what action should be taken regarding this issue.
- Mr. McKeehan stated that the septic system had been approved for one (1) three bedroom house but they built three (3) one-bedroom cabins.
- Mr. Curtis asked if the property in question (tract split) was lakefront and was told it was not. The three cabins were built on lakefront property.
- Mr. Gurel stated that in the two weeks before the Public Hearing meeting the applicant should visit with the Building Department to determine if building permits should have been secured at the time the cabins were built and if they should have been, permits will need to be secured now. In addition, applicant will need to confirm that the existing septic system was permitted for the three existing structures or if something different was built and needs to be reviewed by the Health Department.
- Ms. Glenn stated that there is a multi-structure permit that is approved/reviewed through Little Rock, but the permit on file for this property is a permit for one structure with three bedrooms. There are different sizing requirements for multi-structure systems.

- Mr. Gurel summarized that the applicant must address the permits, both building and septic and the Board will have to take into consideration the fact that this is the fifth tract split on the property.
- Mr. Knight asked the Board if they will be dealing with approval of the tract split and/or a septic system that may not be adequate.
- Mr Gurel stated the choice of the board would be to deny the track split until the septic system is deemed adequate or to approve the tract split with the stipulation that the system is up to code.
- Ms. Aitkin stated that the plan, from the onset was to build three individual cabins and she was surprised that the septic permit was not written that way. She asked how she should proceed.
- Mr. McKeehan stated that he would help her connect with the Building Department.
- Board advised applicant to return in two weeks for the Public Hearing meeting.

5. Vincent Xavier – Request for RV Park, Project #11-124--JP District 11: Presented by Vincent Xavier, 8030 LaCroix Road, Decatur, AR.

Staff Comments—R. McKeehan:

1. Originally submitted as a request for waiver of Large Scale Development / RV Park requirements. Mr. Xavier rescinded this request. An RV Park submission with \$200.00 fee has been submitted.
2. Park is to be privately owned and will NOT have separate pads available for sale. Most pads will be used for occasional visitors to Pastor Xavier’s church functions located off- site.
3. Mr. Xavier and his consultant, Mr. Gary Davis, PE, will submit further detailed documents addressing all the items noted in the checklist by Tuesday, October 4. Staff will review the new documents.
4. Applicant will also submit written documents where he spoke to each adjacent property owner and had them sign a statement notifying them of the October 19, 2011 Public Hearing before the Planning Board.
5. Subject parcel (18-11300-090) is five acres. A county road dedicated easement is shown on the western 50’ of the parcel. Any underground utility extensions shall require a road cut bond and inspections for completion.
6. Building Inspection staff has worked with applicant regarding further details regarding the road cut bond. Bond has been paid, and County Road dept informed of the pending work.
7. Contact Highfill Water Dept for specifics on water service extension. One meter for all pads is planned.
8. Submit and receive approval from ADH for septic system planned to serve the nine pads.

- Mr Xavier stated that he did not have written documents showing that he had advised his adjacent neighbors about his proposed RV Park and the upcoming Public Hearing meeting... He said that he had met with each neighbor face-to-face and they had no issues with his RV Park.
- Mr. Gurel stated that the Board had to have verification that the property owners were notified and that the ordinance required they be notified 14 days prior to the Public Hearing and that was tonight. This could keep the project from been heard at the October Public Hearing. The issue is that after the Board made a decision regarding the RV Park, a neighbor could come forward and say they were never notified and they had concerns or comments that should be heard.
- Mr. Curtis suggested the RV Park would/could affect the neighbors and that it was important that they be notified and have an opportunity to respond.
- Mr. Xavier stated his congregation gets together three times a year and he wants to have a place they can stay during these times. He has visitors coming October 14-27 and he wanted them to be able to stay on the RV Pads. If the decision has to be delayed because of the 14 day deadline, could he get temporary electricity for 10/14-27?
- Mr. Knight – the pads have not been poured. The septic system has been approved and is in the ground. Have received approval for electric and water – just cut bond to cut across the road –

- Gary Davis, engineer for the project stepped up to the podium –Pastor Xavier did not know he would have to have a large scale business. RV Park is defined as more than 3 pads. They are not renting or selling spaces.
- Mr. Gurel stated they would go forward to the Public Hearing if the property owners could be notified and that can be verified. He was concerned that some construction has happened before the project has been approved and a permit has been pulled.
- Mr. Knight stated that the approval could not happen before Mr. Xavier’s company arrived on 10/14/11.
- Mr. Xavier asked if his visitors could park on the gravel pads without electricity for the October event.
- Mr. Gurel stated that the Board could not tell county residents who can come and visit.
- Mr. Gurel stated they would expect this project for the November Public Hearing.
- Because the pads are dirt work they need no permit.

6. Centerton Quarry, the Rogers Group-Re-Submission of Industrial Large Scale Development, JP District 11 15271 Burgin Valley Road, Gravette. Presented by Tim Gorman, VP Rogers Group, Inc.

Staff Comments—R. McKeehan: HISTORY

- A. Original application was submitted and approved with stipulations by Planning Board in July, 2006.
- B. Time extension was requested by Rogers Group for two years from the March, 2007 Planning Board meeting date. Extension was approved to begin work on the project by March, 2009.
- C. A second extension was requested on September, 2008, and approved by Planning Board at their October 15, 2008 meeting. The Stipulations included the following:
 - 1. Extension expires December 31, 2011.
 - 2. Any further extensions would be in the form of a new application.
 - 3. Applicant will confirm a new agreement with the Benton County Judge’s office.
 - 4. Applicant will confirm a new agreement with the Decatur School Board regarding hours of operation and coordination with school bus drivers.
 - 5. Revalidate any permits with the State of Arkansas that expire.
 - 6. A third extension was requested by Applicant by letter to Planning Staff dated July 18, 2011. Planning Board reviewed the request at the August 3, 2001 TAC meeting. It was determined the new application must be submitted per the Second Extension approval stipulation.

Staff Comments: PRESENT SUBMITTAL dated September 21, 2011

- 1. SUBMIT THE FINAL AGREEMENT INCLUDING BLASTING CRITERIA. No final determination of the “Blasting Criteria” to be finalized with Benton/Washington Regional Public Works Authority has been reached. Please complete the criteria and show approval of same with the Authority per the Agreement signed by the Authority and Tim Gorman, Rogers Group, dated December 14, 2006.
- 2. STIPULATION: The letter from Superintendent Larry Ben indicates the approval of the school to operation of trucks and busses at the same time on Bethlehem Road as long as the new 24’ wide asphalt pavement is in place. No trucks shall operate and leave the Quarry during school bus operation hours until Bethlehem Road is paved. Re-confirm agreement with Decatur Schools for coordination of bus schedules.
- 3. REQUEST FOR THREE YEAR EXTENSION HAS BEEN MADE BY APPLICANT. (See attached letter, page 3.) A VARIANCE WOULD BE REQUIRED. Number of years until pending approval expires is two years per ordinance.
- 4. NOT COMPLETED AT THIS TIME. Submit copies of the letter and verification of its receipt via certified mail to all adjacent property owners notifying them of the Planning Board Public Hearing set for October 19, 2011.
- 5. NO INFORMATION SUBMITTED. Will the office be served by water and a septic system? Please submit for septic system approval to Benton County Health Unit of ADH (phone 479-986-1300)

ENGINEERING COMMENTS FROM STAFF:

1. Submit grading of specific areas of Quarry site namely; road crossings over water main from one area to another, Sedimentation basins, road crossings over stream showing ramped areas.
2. Show Project Site survey information of its boundaries with bearings, distances, property corners, adjacent property owners names and parcel numbers. APPLICANT REQUESTS SURVEY BE COMPLETED IMMEDIATELY BEFORE START OF CONSTRUCTION. A WAIVER IS REQUIRED.
3. Indicate existing topo on said survey / site plan. SAME COMMENT AS #2 ABOVE.
4. Provide all finish grading requested above at minimum two foot contour intervals, one foot contours where more detail is required. GRADING OF AREA C IS INDICATED.
5. REQUEST BY APPLICANT TO DELAY SUBMISSION OF INFORMATION FOR #5 THRU #9 UNTIL THEY DECIDE TO START CONSTRUCTION. THIS WILL REQUIRE A WAIVER. Provide specific Off-site Plan for Bethlehem Road improvements. Show cross-section of road and shoulders with required ditch improvements. Show ditch flows and any existing, new or lengthened culverts along the road. Show detailed plan of three-lane portion of road next to Highway 102, taper and striping.
6. Indicate the relocation layout of Bethlehem Road and Burgin Valley Road as it ties into the quarry entrance. Letter-sized Site Layout Plan does not agree with the large Site Drainage & Layout Plan. Please revise large plan to agree with letter-sized plan.
7. Show the location of new signage at Highway 102 intersection per AHTD requirements.
8. Show the final layout of any revisions to the Bethlehem Church's parking lot ingress and egress after all road intersection modifications. Coordinate work to not conflict with normal meeting times of the church.
9. Denote the relocated roads as County maintained with 50' wide rights-of-way. Your property line will continue in the same location which will be on BOTH sides of the roads in this area.
10. Submit statement regarding your calculations to determine sizing of Sedimentation Basins. Will the basins be pumped discharge or be gravity drained? Please note and size the discharge pipe. SUBMITTED
11. Detail and size the pipe discharges at Outlets 001 and 002; and road crossing storm culvert size and inverts. SUBMITTED SIZES.
12. Show all required BMPs located at the outlets, road crossing and along construction boundaries. Submit phased construction showing BMPs at initial clearing, overburden removal and stockpiling, and any features which may remain as permanent erosion control measures. NOT COMPLETE.
13. Show a layout of site lights around the office and main entrance. Indicate site signage location. NOT SUBMITTED.
14. List the types of landscaping to be planted along the entrance drive and eastern perimeter. Are the green solid circles the plantings? Show symbol in legend and specify tree/shrub type and size. TYPES AND SIZES OF PLANTINGS UNDETERMINED.
15. The 100-year floodplain is not indicated on your drawings. Please add the Zone A floodplain per FIRM panels 05007C0210J and 05007C0230J dated September 28, 2007. The creek name on the FIRM maps is Pawpaw Creek. Our GIS map shows this as "South Prong Spavinaw Creek". Please use Pawpaw Creek in your documents. COMPLETED.
16. Complete the Floodplain Development Application attached to this email. A "No Rise Certificate" must be completed. All permanent structures, outlet pipes, grading and excavation within the existing floodplain must be identified. If the boundaries of the Zone A 100-year flood elevation are being modified, the new limits must be shown. All design plans and reports shall be completed by an Arkansas registered professional engineer. See attached from our web site. NO RISE CERTIFICATE REQUIRED to indicate NO RISE created due to construction within floodplain. Please submit.

- Tim Gorman, VP Rogers Group, Inc., Conway, AR—regarding item #5 in Engineering Comments—Mr. Gorman presented a letter from the County Judge specifying and agreeing to the plan for Bethlehem Road improvements. The right-of-way belongs to the County.
- Mr. McKeehan asked about specifics of the road designs. The applicants replied that the Road Department would be responsible for the design.

- Mr. McKeegan stated that he would get with the Road Department on the design because the road design should be complete before construction begins.
- Mr. Gurel noted the plans were not engineer or surveyor stamped and he was concerned the Board must require this be completed in order to move forward with the project.
- Mr. Pate suggested the Rogers Group get a registered civil engineer who could supply stamped drawings and design the road intersections.
- Mr. Knight pointed out that stamped plans had been requested at the last extension application in July.
- Mr. Curtis asked if the applicants had met with the Benton/Washington Water District.
- Applicant replied that they met with Mr. Boreman. They provided a letter for Mr. Boreman to take to his Board to get agreement.
- Mr. Gurel requested this project be resubmitted with stamped engineer plans. The adjacent property owners have already been notified of the opportunity to speak, so they will be allowed to speak in two weeks at the Public Hearing when the project is tabled. They may have to be re-notified with the new submittal.

Staff Update: Mr. McKeegan stated that he had scheduled a meeting with a planner/designer to discuss low impact design. Mark Curtis and Cindy Jones agreed to attend the meeting at 2:00 on Friday. They will discuss single family and clustered housing. The Press will be notified of the meeting.

Chris Ryan, Director of Planning and Environmental updated the Board on the progress of the search for the new Planning Coordinator. At the staff level, Dr. Ryan is putting together a Process/Procedure document for the Planning, Building and Environmental departments to help with cross training, standardization, clarity and applicant readiness. In addition, Staff is working on improving the documents the Board Members receive relating to the meetings.

Elizabeth Bowen advised the Board that the legislative committee will meet toward the end of the year and asked if the Board would like to present their matrix for delineating small, medium and large impact classifications for commercial/Industrial Large Scale Developments. Board members wishing to be on the matrix committee will meet at 9:00 am on October 20, 2011 to work on the plan.