



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

August 21, 2013

6:00 PM

Benton County Administration Building  
215 East Central Avenue

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 PM by Planning Board Chair Ashley Tucker.

**Roll Call:** Mark Curtis, Jim Cole, Starr Leyva, Ashley Tucker, Ken Knight, and Rick Williams were present. John Pate was absent.

**Staff present:** Administrator of General Services John Sudduth, Chief Building Inspector Glenn Tracy, Planning Division Manager Rinkey Singh, Planning Coordinator Amber Beale, and Planning Assistant Matt Benton were present.

**Public:** Seven (7) members of the public were present.

**Disposition of Minutes:** Mr. Knight moved to approve the August 7, 2013 Planning Board Meeting Minutes. The motion was seconded by Mr. Curtis. The motion carried 6-0.

**General Public Comment:** Robert Squires of 20213 East Shady Grove Road said he was concerned about potential disease problems related to the proposed Roberts Poultry and Small Animal Auction. His business is involved in the poultry industry and stores equipment adjacent to the auction. Mr. Tucker reminded Mr. Squires that he would be able to state all of his concerns during the Public Hearing.

**Old Business:** None

**New Business: A.) Roberts Poultry & Small Animal Auction, LSD 13-300**  
Represented by Johnny Roberts of 21642 Pinehurst Ct, Siloam Springs and Cynthia Fetner of 9999 El Camino Road, Rogers

**Comments from Staff:** Staff gave an updated presentation on the proposed poultry and small animal auction. Staff informed the Board that the applicant was requesting the following waivers:

- Waiver from submitting a detailed stormwater detention plan or study due to temporary nature of the application and the limited impervious surface proposed on-site.
- Waiver from engineered drawings due to the minor and temporary nature of the proposal.

Staff included the following stipulations to be considered by the Board in making their decision:

- The applicant shall fulfill all the Standard Stipulations;
- The applicant shall provide a firefighting service letter prior to the issuance of a decision letter;
- The applicant shall provide detailed information regarding the contracted poultry inspector prior to

the issuance of a decision letter;

- The applicant shall plant the required landscaped buffers along the north and west property lines with a fast-growing species spaced 8'-10' feet apart to buffer the auction area and associated parking from the residential unit on the north and west property lines;
- The proposed auction shall be restricted to daytime use only from 7:00 AM to 5:00 PM.

**Comments from the Applicant:** Mr. Roberts stated that all poultry entering the auction would be tested for disease if the producer is not a participant in the National Poultry Improvement Program (NPIP). He added that if a bird tested positive, the Arkansas Livestock and Poultry Division would destroy all birds from the farm of origin.

Ms. Fetner informed the Board that she is a NPIP State-Licensed Inspector, Flock and Hatchery Owner. She stated Mr. Roberts has a "pristine" method of processing birds entering the auction. She said that the NPIP program is strict on testing requirements for poultry. She added that the State requires all birds be tested and wing-banded. She said if anything came up positive, the birds would be immediately quarantined and the State would be notified. Sick birds would not be allowed to stay at the facility. She offered to perform the testing for Mr. Roberts if needed.

Ms. Fetner said a State Inspector informed her that Avian Influenza problems stem from commercial growing operations due to unfiltered water. She said water is not chlorinated or treated at commercial operations. She added that the NPIP protects commercial growers because it insures small growers will keep their flocks healthy.

**Questions/Comments from the Board:** Mr. Curtis asked Ms. Fetner if a bird tested positive for a disease what would the potential for passing the disease be if it had already entered the property. Ms. Fetner responded that the testing area is isolated and any sick birds will be removed immediately before entering the auction.

Mr. Curtis stated that disease contamination can be airborne and that disease can still be spread without direct contact among birds. Ms. Fetner responded that disease can be airborne, but that spreading is usually caused by contact with droppings and/or saliva. She added that airborne disease is everywhere in the area due to the commercial operations.

Mr. Tucker asked Ms. Fetner if she was under contract with Mr. Roberts to perform testing. Ms. Fetner stated that she was not under contract, but that she has offered to do the testing if needed. She added that Mr. Roberts would need a time and date to commence operations before a tester would be able to commit.

Mr. Tucker asked Ms. Fetner how sick birds are diagnosed. She replied that during her training she was instructed on how to diagnose disease. She added that she had been around poultry for ten (10) years.

Mr. Tucker stated that the Board would add as a stipulation that the State Veterinarian must be notified no less than 30 days prior to an auction. He added that the Board does not regulate health and wellness issues that are otherwise regulated by the State, but instead reviews proposals based on the County's planning regulations.

Mr. Tucker asked if similar auctions exist in the County. Ms. Fetner replied that a swap meet operates at the Flyin' RF on the second Saturday of the month. She did not know of any other auctions..

Mr. Roberts asked if the State must be notified before every auction. Mr. Tucker replied that as per the State Veterinarian notice could be given (no later than 30 days) for all dates in a given year.

Ms. Leyva asked if the birds would be quarantined or tested on the trucks that brought them to the auction. Mr. Roberts replied that the tester will bring pens to a separate area where incoming chickens could be tested away from the other birds.

Ms. Leyva asked if all birds entering the program will be in the NPIP program. Mr. Roberts responded that birds in the NPIP program would not be tested as they undergo regular tests. All birds not in the NPIP Program would be tested when brought to the auction.

**Public Comment:** Mr. Squires stated that he was concerned about the selling of chickens on the property. His business (which operates on an adjacent property) is also involved in the poultry industry. He is afraid sick chickens entering the auction could potentially contaminate his equipment. He noted that feather follicles or diseased birds may contaminate the people and/or equipment tracking disease off site.

Mr. Curtis asked Mr. Squires if he sold equipment to contracted chicken sellers. Mr. Squires replied that he cleans and disinfects poultry houses. Mr. Curtis asked if his equipment would be taken to chicken farms. Mr. Squires replied that it goes on-site to the farms. Mr. Curtis asked if his equipment would be cleaned before reaching the chicken house. Mr. Squires replied that he hopes it would be clean.

Mr. Squires noted that he did not see the need for a landscape buffer between his property and the proposed auction.

Mr. Squires asked if the use would be temporary. Mr. Tucker replied that the auction would occur 16 times a month, so it qualifies as a temporary use.

Mr. Cole stated that Mr. Squires could bring his concerns to the State Veterinarian.

Mr. Roberts stated that the auction would not start in the next few days. Ms. Leyva asked if it would begin in 2013. Mr. Roberts replied that he was not sure as auctions will not be held in the winter.

Ms. Leyva asked Mr. Roberts if any animals restricted by the Game and Fish would be sold. Mr. Roberts replied that no restricted wildlife would be sold.

Mr. Cole remarked that he would like to add as a stipulation that a quarantine area be identified on the site plan.

**Vote:** Mr. Knight made a motion to approve the applicant's requested waivers. His motion was seconded by Mr. Curtis. The motion passed 6-0.

Mr. Cole made a motion to approve the applicant's proposal with stipulations detailed by staff plus the additional stipulation for a quarantine area to the satisfaction of the State Veterinarian:

- The applicant shall fulfill all the Standard Stipulations;
- The applicant shall provide a firefighting service letter prior to the issuance of a decision letter;
- The applicant shall notify the State Veterinarian no less than 30 days prior to an auction;
- The applicant shall provide detailed information regarding the contracted poultry inspector prior to the issuance of a decision letter;
- The applicant shall plant the required landscaped buffers along the north and west property lines with a fast-growing species spaced 8'-10' feet apart to buffer the auction area and associated parking from the residential unit on the north and west property lines;
- The proposed auction shall be restricted to daytime use only from 7:00 AM to 5:00 PM.

- The applicant will identify and label a quarantine area approved by the State Veterinarian on the final site plan.

His motion was seconded by Mr. Knight. The motion passed 5-1, with Mr. Curtis voting against it.

**B.) Joe Fisher Variance Request, LSD 13-297**

Represented by Joe Fisher of 18502 Coppermine Road, Rogers

**Comments from Staff:** Staff noted that the applicant was requesting a variance of 20 feet from the required setback from Coppermine Road for a proposed 30' x 40' garage. Staff noted that the applicant had provided the following information to address stormwater concerns:

- The building will have a french drain with gravel to move the water around the building and into the yard;
- The garage will be back filled along the street side and will be pitched to the street;
- During excavation, rip rap and silt fences will be installed to prevent sediment and erosion concerns.

Staff noted that the Board may want to consider the following three (3) stipulations agreed to by the applicant as conditions for granting approval:

- Installation of a French drain with gravel or other similar device to move the water around the building and into the yard;
- Installation of rip rap and silt fences during excavation to prevent sediment and erosion concerns;
- Applicant to consider consolidating the two parcels or to create a private easement for the driveway.

**Comments from Applicant:** Mr. Fisher stated that the excavation contractor would use core-filled, water-proof walls for the foundation that would extend above the road level. The walls would be pitched away from the building and road, so a water-block would not be created. He added that two layers of drain tile would be installed, as well as gutters to remove runoff from the building surfaces.

Mr. Fisher stated he would consolidate the properties if his variance request is approved.

**Comments/Questions from the Board:** Mr. Tucker asked the applicant if fill material would be added between the proposed building and the road. Mr. Fisher replied that building would be a slab and core-filled block above the road level. He added that drain tile would be installed in the base. He stated stormwater would not flow onto the road.

Mr. Curtis asked Mr. Fisher how far away his property is from Beaver Lake. Mr. Fisher replied he is approximately 250' to 300' away from the lake. Mr. Curtis asked what is between the proposed building and the Corp Line. Mr. Fisher replied that the remainder of the land is unimproved and would remain grass.

**Public Comment:** None

**Vote:** Mr. Curtis made a motion to approve the applicant's variance request. His motion was seconded by Ms. Leyva. The motion passed 6-0.

Ms. Singh asked if the granting of the variance was with three (3) stipulations proposed by staff:

- Installation of a french drain with gravel or other similar device to move the water around the building and into the yard;

- Installation of rip rap and silt fences during excavation to prevent sediment and erosion concerns;
- Applicant to consider consolidating the two parcels or to create a private easement for the driveway.

Mr. Curtis amended his motion to include the stipulations and was seconded by Ms. Leyva. The amended motion passed 6-0.

**C.) Arrowhead Boat Sales, LSD 13-301**

Represented by Tim Sorey of Sandcreek Engineering (1620 NW 12<sup>th</sup> St, Bentonville)

**Comments from Staff:** The applicant proposed a new 50 foot driveway and expanded paved area for additional boat staging/maintenance adjacent to the current operation. The new driveway would be further south from the intersection of South Park Road and Highway 12. The driveway as it currently exists is gravel, but was never approved for a driveway or for parking.

Staff provided the background to the project. The original plan was approved in 2004 as the renovation of the Arrowhead Boat Sales Office. The area where the new development is proposed was left vacant at that time pursuant to the decision of the Planning Board due to concerns regarding safe sight lines. In early 2013, the applicant was sent a Notice of Violation for paving the subject property, installing a driveway, and using it for boat parking and staging.

Staff stated that the Board may consider the following stipulations in their decisions:

- The applicant shall agree to fulfill all the Standard Stipulations prior to undertaking any construction activity on-site;
- The applicant shall agree to obtain a stormwater permit from the Planning Department prior to any construction on-site;
- The applicant shall consolidate the parcels and provide the required documentation to the Planning Department;
- The applicant shall agree to remove the existing asphalt-paved access driveway and reinstate the grass to restrict access to South Park Road;
- The applicant shall agree to install a fast-growing species to buffer the boat staging and service areas from the residential unit to the south, as well as install shrubs with a height not to exceed one (1) meter tall along the frontage on Highway 12 and along the north side of the access to South Park Road.

**Comments from the Applicant:** Mr. Sorey stated that the fence along the southern edge of the property is not 40 feet off the property line. Ms. Beale replied that it was 40 feet away from the neighboring residential unit, not 40 feet off the property line.

Mr. Sorey said he was under the impression that the sight distance is a concern regarding shrubs along Highway 12. He stated he wasn't sure that landscaping along the highway would be a good idea. Mr. Curtis replied that he agreed with Mr. Sorey and that nothing else should be planted along the highway. Mr. Sorey requested that the stipulation be removed for safety reasons.

Mr. Sorey said removing the asphalt and reinstating the grass along the South Park road access would make it difficult for the applicant to get large boats on and off the property. He said there was no need for the planters if this access was removed. Ms. Leyva asked Mr. Sorey how much room large boats need to maneuver on and off the property. Mr. Sorey replied that he did not have a turning template to show the turning of large boats on the site plan. He added that the access could be removed, but doing so would eliminate the applicant's ability to service larger house boats.

Mr. Sorey stated the owners of the property prefer to use easements instead of consolidating the parcels.

**Questions/Comments from the Board:** Ms. Leyva stated that the septic permit was incomplete. She requested confirmation that the septic system is in place and where it is located. Mr. Sorey commented that he did not notice the location of the septic tank, but that he visually confirmed the location of the lateral lines. He added that he was not sure how to confirm the location of the entire system. Ms. Leyva replied that a number of businesses in the area could help the owners map out the septic system by performing a video of the septic system. Mr. Tucker asked if Ms. Leyva would like to see a stipulation that a complete septic permit be obtained for the business. Ms. Leyva replied that she would. She also noted that the applicant should dig a new pit in the proposed alternative field.

Mr. Knight stated he was concerned that applicant was sent a Notice of Violation in early 2013 and failed to respond in a timely manner. He said he did not appreciate the applicant attempting to avoid the County regulations and permitting process.

Ms. Singh addressed the concerns raised regarding the landscaping on-site. She noted that since the Technical Advisory Committee, staff had been contacted by applicants from past approvals and that they had been required to have landscaping along Highway 12. She noted the Planning Department recommended the landscaping along the highway in order to maintain consistency. She added that the location of boat storage along Highway 12 creates sight line concerns and needs to be addressed.

Ms. Singh stated that the proposed driveway width should be sufficient from looking at the provided turning templates. She said staff felt that the larger boats would be able to still use the access area even if it is reverted to grass. She added that the paving is only formalizing something done without proper approval. Mr. Sorey replied that he could revert the access back to grass.

Ms. Singh stated that staff required a similar approval to consolidate adjacent parcels and that the applicant's property had been acting as one site since 2004; therefore, staff suggested land consolidation. She further noted that the commercial use of the property would have no effect on the assessor's tax records. Mr. Sorey stated he would tell the applicant that the properties would need to be consolidated.

Mr. Sorey asked for a waiver from the landscaping requirements along Highway 12 for safety reasons.

Mr. Tucker stated he would like the pavement to be removed from the access and grass installed. He said he was concerned that the planters would eventually be removed and not replaced.

Mr. Tracey stated that the other access off South Park Road is not sufficient for large trucks to enter the property. He said that having to do so would cause damage to the asphalt on the road. He said he supported keeping the first access and planters for that reason.

Mr. Curtis stated he understood staff's concerns regarding consistency, but that in the case of the applicant's property, safety is a major concern. He said the problem is compounded due to the turn to go to Beaver Lake existing at the same location. He added that boats parked along Highway 12 have been a problem in the past as well.

Mr. Sorey stated that he could review sight lines with staff and establish a barrier preventing boats from being parked too close to Highway 12. He suggested landscape stones or wheel stops. Mr. Curtis suggested railroad ties. Ms. Singh stated that a 20' x 20' sight triangle is typically maintained on corner properties to minimize obstructions. She also suggested some sort of groundcover to maintain the landscaped buffer area and to prevent boats from being parked as they had been in the past.

Mr. Curtis stated he was concerned that the septic tank was being parked on and driven over.

Mr. Sorey asked if consolidation would affect the tax rate of the property. Mr. Tracey replied that the tax rate would not be affected.

Mr. Tucker asked if all the stipulations would remove the Notice of Violation. Ms. Singh replied that they would.

Mr. Knight asked how the Notice of Violation was initiated. Ms. Singh replied that staff received a complaint from a neighboring property.

**Public Comment:** None

**Vote:** Mr. Tucker reiterated the proposed stipulations as agreed upon by the Board:

- The Standard Conditions shall apply.
- The applicant shall apply for a stormwater permit prior to a construction permit being issued.
- The applicant shall provide proof of a complete septic permit.
- The applicant shall identify the septic system and establish an alternative field.
- The applicant shall provide proof of an easement or consolidate the parcels.
- The applicant shall remove the pavement on the existing access off South Park Road and reinstate the grass.
- The applicant shall provide adequate sight lines and install adequate ground cover no greater than one (1) foot tall.
- The applicant shall remove pavement from the setback along Highway 12, within the sight line.
- No boats will be parked within the visuals boundaries required to turn out South Park Road or the proposed access off South Park Road.
- The applicant shall dig a pit for the alternative field before construction commences.
- The applicant shall add a sign stating that parking will not be allowed on the grass.

Mr. Tucker moved to approve the project with the stipulations. His motion was seconded by Ms. Leyva. The motion passed 4-2, with Mr. Knight and Mr. Tucker voting against it.

#### **TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 7:54 PM

**Old Business:** None

**New Business:** None

**Staff Updates:** Staff discussed the next steps in Benton County Planning Regulation rewrite.

**Discussion Items:** Staff discussed the recent flooding that occurred in the County.

The meeting adjourned at 8:46 PM.