



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **September 22, 2020**  
Project: **Eco Vista Landfill**  
Planner: Courtney McNair, Garver

### AGENDA ITEM

## A

### REZONING REQUEST

#### 2210 Waste Management Drive

**Parcel #s:** 830-38355-001, 830-38354-000, 830-38358-000, 830-38365-000, 830-38366-000, 830-38364-000, 830-38378-000, 830-38398-000, 830-38397-000, 830-38395-000, 830-38396-000, 830-38391-000, 830-38390-000, 830-38399-000, 830-38392-000, 830-38394-000, 830-38400-000, 830-38400-200, 830-38400-100, 830-38403-000

**SUMMARY:** Request to rezone a piece of land that is 417.1 acres in size from **R-MH: Residential-Mobile Home, A: Agriculture, and R-1: Residential Single Family 1 unit per acre** to **EU-L: Exclusive Use-Landfill**

**CURRENT ZONING:** **R-MH: Residential-Mobile Home, A: Agriculture, and R-1: Residential Single Family 1 unit per acre**

**REQUESTED ZONING:** **EU-L: Exclusive Use-Landfill**

**FUTURE LAND USE CATEGORY:** **LE: Landfill Exclusive, AG: Agricultural, and OS: Open Space.**

**CITY WARD:** 3-Don Doudna

**INFRASTRUCTURE SERVICE AREAS** (not a guarantee of service availability):

**Water:** Washington Water Authority

**Electric:** Ozarks Electric

**Sewer/Septic:** Tontitown Sewer

**Phone:** AT&T

**Natural Gas:** Black Hills Energy

**Cable:** Cox Communications

#### PROJECT SYNOPSIS:

The owner/applicant for this project is Eco-Vista, LLC. The property is located at the south of Arbor Acres Ave. and at Waste Management Drive. There is an existing drive (Waste Management Drive), that connects to Arbor Acres Ave. No additional drives are proposed with this rezoning.

The applicant is requesting to change the zoning from R-MH: Residential-Mobile Home, A: Agriculture, and R-1: Residential Single Family 1 unit per acre to EU-L: Exclusive Use-Landfill in order to allow an expansion of the existing landfill use. The current landfill is operating as a "non-conforming use" due to changes over several years to the city zoning code. The current landfill is currently legally operating, but any requested expansion of this use requires a change in zoning.

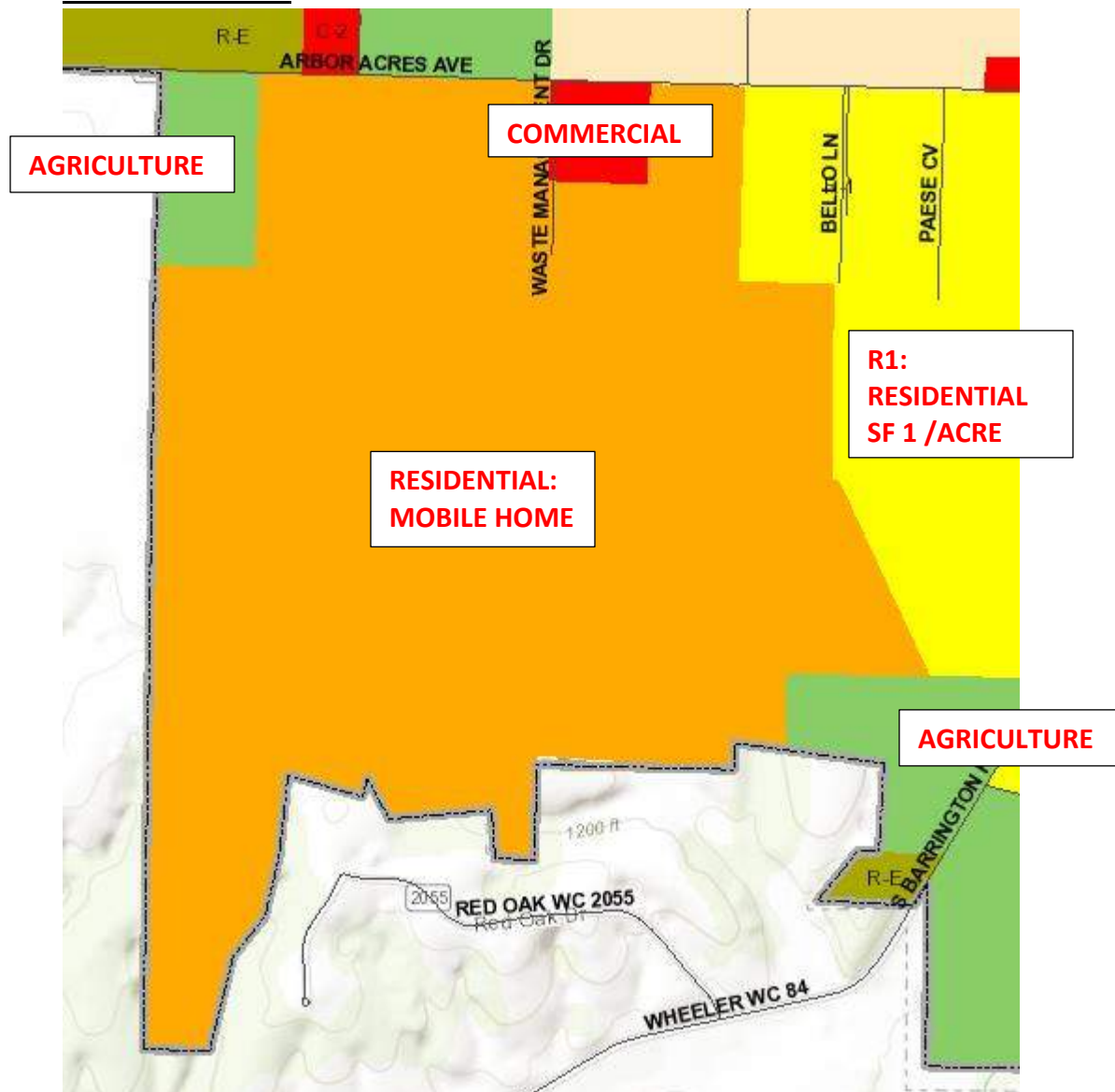
In the attached packet from the applicant, you will find the "Notice of Filing" and letter from the Arkansas Department of Environmental Quality (ADEQ) which explains the stage of approval that the proposed landfill expansions have through ADEQ.

Please review the applicant's "Narrative" for the history and proposal for the site. Staff does have one

point of clarification, the applicant states that the majority of the site is “properly zoned for a sanitary landfill”. This is not accurate. They are operating legally as a non-conforming use, but the site is not properly zoned. Prior to a code change completed in May 2017, “landfills” were an allowed use within R-MH, but that use by right was removed in the code update. A more appropriate zoning category, Exclusive Use-Landfill has now been created that takes into account the intensive nature of landfill uses and the impact they can have on the surrounding community. The newly created code has many additional regulations that can help make future landfill expansions more compatible with the neighboring properties.

This application is proposing to bring the areas actively in use, or to be used in the near future, into compliance with Tontitown Zoning.

**EXISTING ZONING:**



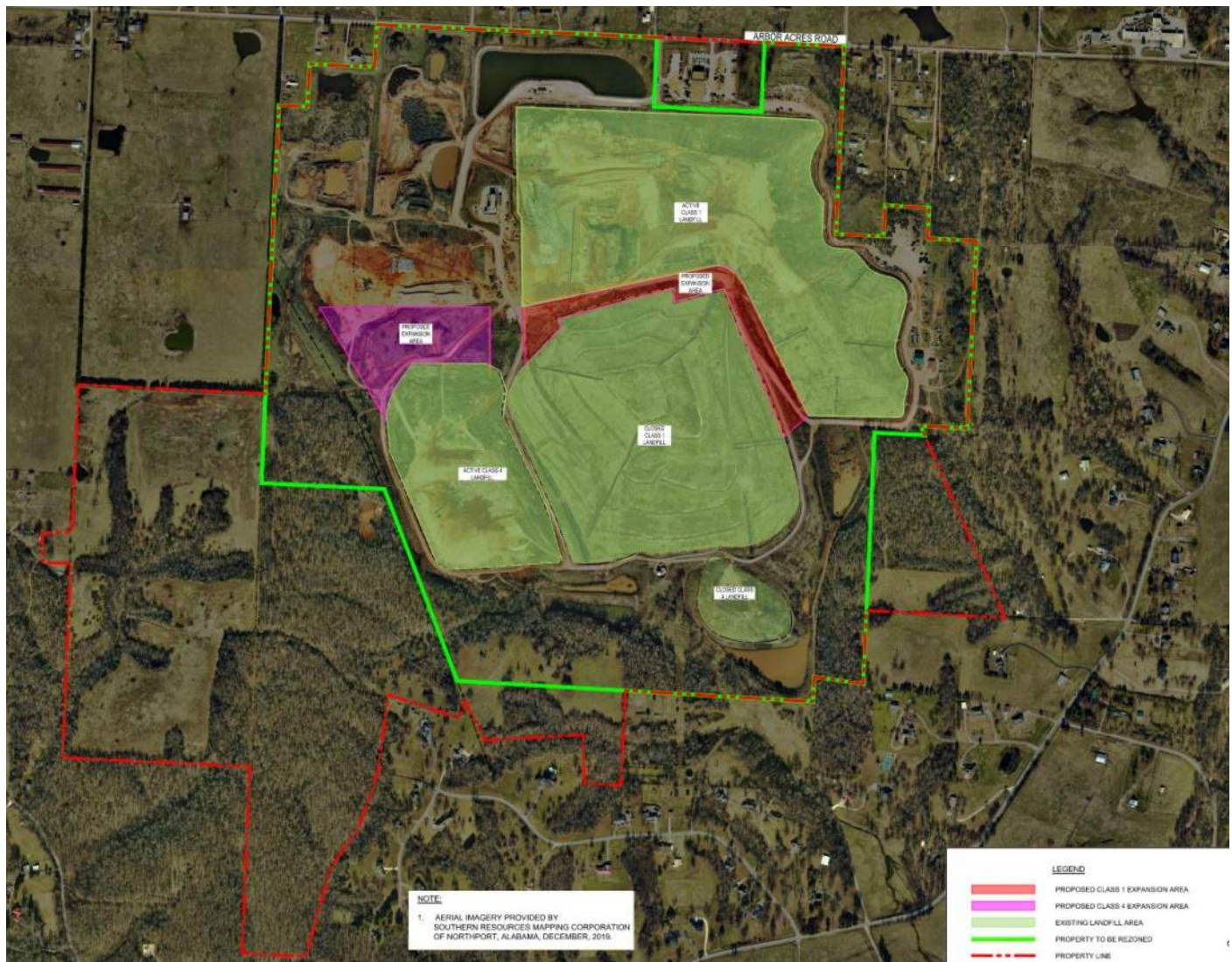
## **PROPOSED REZONING:**

The **red line** shows the boundaries of the Eco-Vista property, the **green line** is the area proposed to be rezoned.

The **green overlay** shows the active and closed landfill areas (not including ancillary uses, just the actual landfill area). The **purple overlay** and **red overlay** show the areas proposed for additional landfill area.

The **red overlay** represents the proposed Class 1 landfill expansion (household and commercial waste).

The **purple overlay** represents the proposed Class 4 landfill expansion (construction waste).



## **FUTURE LAND USE PLAN:**

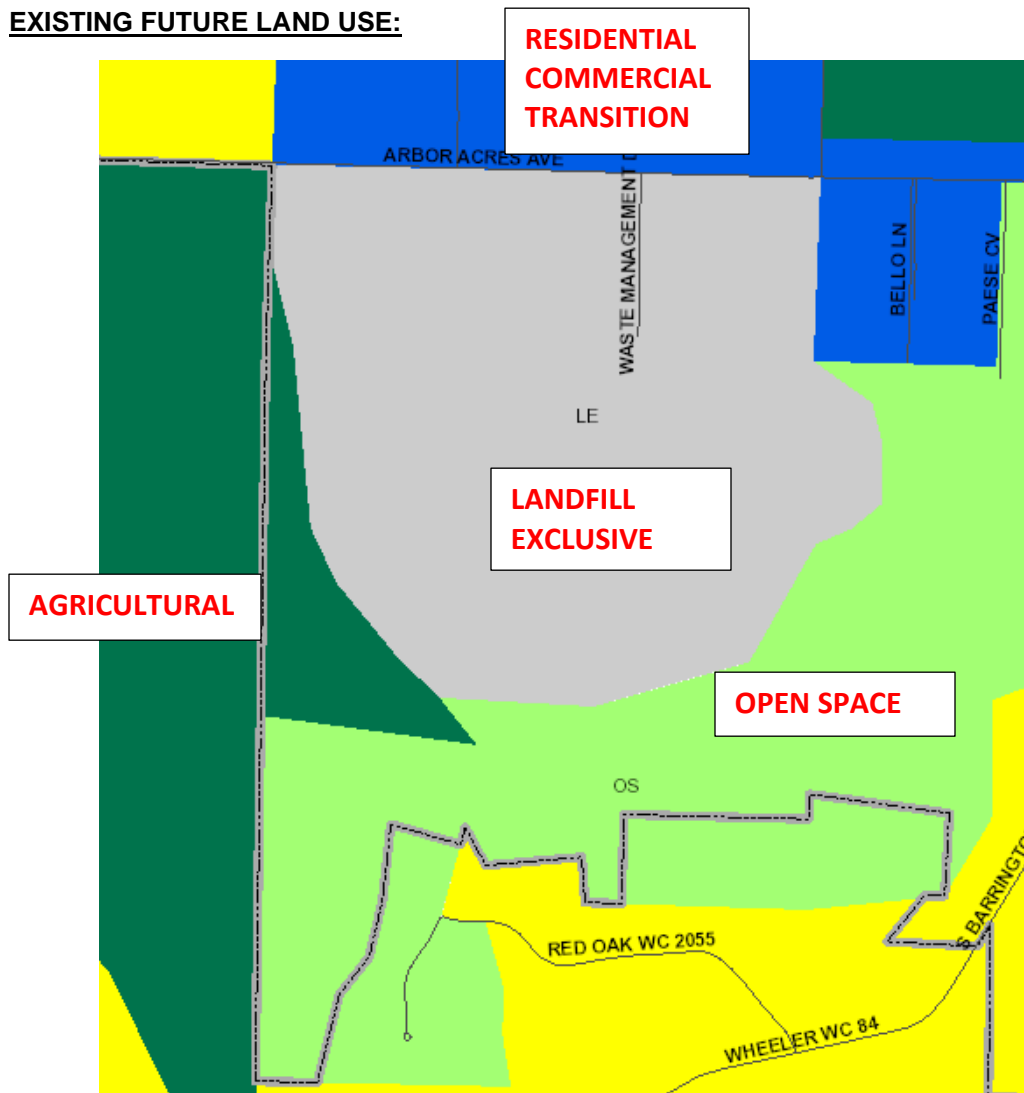
The Future Land Use Category shown in this area is for the **LE: Landfill Exclusive, AG: Agricultural, and OS: Open Space.**

*The Landfill Exclusive Use Category was created because the city recognized that the landfill was an existing use that serves as critical public infrastructure. It was understood that the landfill use would continue to exist in this area and may need to expand due to the growth in the area. **The majority of the property included in the rezoning request is within the LE category.***

*The purpose of the Agricultural Category is to preserve rural residential character and active agricultural uses.*

*Parks, recreation areas, floodways, wetlands, and environmentally sensitive lands are planned to be included in the Open Space Category. These uses should be within every zoning district within the City. Having an array of both public and private natural and recreation areas benefits the City's citizens, employers, and visitors immeasurably.*

## **EXISTING FUTURE LAND USE:**





**STAFF ANALYSIS:** The majority of this requested rezoning is aligned well with the Future Land Use map. Some of the peripheral edges are not strictly aligned, but staff does not believe the ancillary landfill uses proposed for these areas will be incompatible with the shown Future Land Use categories. Please see the “Current Landfill Uses” sketch.

**APPROVAL CRITERIA (applicable to all rezoning applications):**

*Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:*

*(1) Consistency of the proposal with the comprehensive plan.*

**STAFF ANALYSIS:** The majority of this requested rezoning is aligned well with the Future Land Use map which shows “Landfill Exclusive Use”. Some of the peripheral edges are not strictly aligned, but staff does not believe the ancillary landfill uses proposed for these areas will be incompatible with the shown Future Land Use categories. As shown on the Current Landfill Uses sketch, much of the area that is requested to be rezoned is actively being used already as landfill or ancillary uses.

*(2) Consistency of the proposal with the purpose of these regulations.*

“The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from blight and undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.”

**STAFF ANALYSIS:** The proposed rezoning will clarify the regulations that will apply to this area. Special zoning regulations were created to address the specialized nature of landfill uses.

Moving forward, having the property zoned correctly will mean there is less confusion, and more protections for surrounding properties as the zoning regulations are more intensive.

Only portions of the site that contain Closed Landfill Areas, Current Landfill Areas, Proposed Landfill Areas (within in the near future, and vetted by ADEQ), and areas that contain ancillary uses, are proposed to be rezoned with this proposed.

Rezoning is the first step in the approval process. Any portion of the site that will be used for actual landfill (and some ancillary uses) will also be required to proceed through the Large-Scale Development.

*(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.*

**STAFF ANALYSIS:** The requested use is for Exclusive Use Landfill zoning; surrounding properties are zoned for Agricultural and Residential Uses. The actual uses of the surrounding

properties vary from Single Family Residential to Landfill.

North-zoned AG, C2, RE

East-zoned R1

South-zoned R-MH, county zoning

West-zoned AG, county zoning

- (4) *Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.*

**STAFF ANALYSIS:** This property is not suitable for Residential Mobile Homes. There are very specific restrictions about what may be placed on property that has been used as a landfill. The areas around the edges that are zoned for AG have been disturbed but could potentially be reverted to agricultural use. The area zoned R1 already has the existing Maintenance Building and other uses located here. It is unlikely that this area would be suitable for single-family homes.

- (5) *Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.*

**STAFF ANALYSIS:** This proposed rezoning should not detrimentally affect nearby property. The area proposed for the Class 1 landfill expansion is located in between the closed Class 1 landfill and the current Class 1 landfill. The area proposed for the Class 4 landfill will be closer to the west than the current landfill area, but within an area that has already been disturbed. Additionally, with the new Exclusive Use Landfill zoning, more intensive regulations will be applied to this site.

- (6) *Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and*

**STAFF ANALYSIS:** This property is not vacant, and is currently being used as a landfill use, or uses ancillary to the landfill use.

- (7) *Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.*

**STAFF ANALYSIS:** Landfill uses are impactful to the community. However, these impacts are required to be fully reviewed with the new Exclusive Use Landfill code.

**APPROVAL CRITERIA (applicable to EU-L zoning):**

*The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:*

- (1) *Consistency of the application with the applicable zoning ordinances and Comprehensive Plan*

**STAFF ANALYSIS:** The application is for existing and future landfill and ancillary uses to be allowed. These uses are specific to the zoning the applicant is requesting, EU-L.

(2) *Consistency of the application with the purpose of these regulations.*

*Protection of the public health, safety, and welfare. In addition, the following standards shall be met:*

- i. Public health shall be protected by preventing water pollution, ground water contamination, excessive noise, odor or dust, leachate contamination, methane gas exposure, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.*
- ii. Public safety shall be ensured by requiring proper design of access roads to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.*
- iii. Public welfare shall be protected by providing a suitable location for the disposal of the solid wastes generated by the community.*

**STAFF ANALYSIS:** The applicant has provided a detailed narrative that describes the expected impact on traffic, drainage, the management of the leachate (waste material), gas and odors, litter management, hours of operation, and fire response procedures. The existing landfill serves the community by providing a safe waste disposal area. It has existed in this location since 1979 and must receive all required state and federal permits for expansion.

(3) *Compatibility of the application's proposed use with the zoning, existing uses and existing character of the surrounding area. The site is located so as to minimize incompatibility with the existing character of the surrounding area.*

- i. Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services*

**STAFF ANALYSIS:** Based on the location of the areas to be used as a landfill use, in between, and in an existing disturbed area, this expansion will be minimally impactful. The narrative letter explains in detail, the expected impacts and mitigation efforts.

#### **TECHNICAL INFORMATION:**

*Technical information will be addressed at the Large-Scale Development portion of review if this rezoning is approved.*

*Large Scale Development Requirements related to EU-L.*

*In addition to Large Scale Development Requirements found elsewhere in this code, the following shall be required with the Large-Scale Development application:*

- Detailed Traffic Study. Traffic Patterns and Roadway Provisions. At Large Scale Development, a traffic study shall be required when there will be an increase in traffic, a change in the traffic pattern, or in the case of an expansion, an extended time period in which traffic will impact public roads.*
- Operations Site Plan. At Large Scale Development the applicant shall submit an Operations Site Plan and statement.*
- Additional Large-Scale Development Site Plan details.*
- Conceptual Future Land Use Plan. The applicant shall address how closure and post-closure care will be provided and affirm that it will be in compliance with applicable Arkansas Regulations.*

**NEIGHBOR COMMENTS:** All neighboring properties within 1000 feet of the property boundary were notified by certified mail of this project. Staff has received six (6) “opposed” written comments, and the city planning office has reported receiving several “opposed” phone calls/in person walk-ins, regarding this project. There has been one (1) written comment with no objections.

Additionally, it has been brought to the city’s attention that there was a previous Chancery Court order in 1992 which includes a use restriction on the 81 1/4 acre parcel that prohibits “landfill business” and restrictive covenants that prohibit “noxious or offensive activity” on an 86 acre parcel. Later in 2000, there is a partial release of the restrictive covenants for 7.83 acres of the 86-acre parcel in order to allow the use of the (south) sediment pond. The actual proposed landfill use expansion does not affect these parcels, but these parcels are in part, a portion of the property that is proposed to be rezoned.

According to the City Attorney, he does “not see any provision in any of the documents or instruments that bind or pertain to the City of Tontitown. Obviously if somebody has such a document or argument, I will consider it. The City of Tontitown is not a party to the restrictive covenants and as such, cannot and does not enforce restrictive covenants or court orders that do not apply to us. The presence of restrictive covenants is not a factor or criteria for a rezoning determination and should not be considered by the Planning Board or the City Council. It is therefore up to private parties who have standing to enforce restrictive covenants or prior court orders”.

**All written comments received to date are attached.**

**STAFF RECOMMENDATION:** Based on the Future Land Use Plan, the availability of utilities and access, information provided in the narrative, and the location of the proposed landfill use staff recommends approval of the Eco Vista Rezoning Request to change the zoning from R-MH, A, and R-1 to EU-L.

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. Standards found in the Exclusive Use-Landfill code, shall apply to this project.
2. Prior to any of the property being used (or the use changing) for landfill or ancillary uses, the proper processes shall be required to be followed. Most uses will be required to proceed through the Large-Scale Development process. Any improvements to this site shall require additional review.
3. This project shall be in compliance with all local, state, and federal regulations.
4. This project shall develop generally as stated in the submitted narrative.
5. Prior to any portion of this site being used for sanitary landfill, all required permits from other agencies shall be approved.
6. This rezoning shall proceed to the City Council for approval.



## **EXCLUSIVE USE LANDFILL CODE:**

(Ord. 2017-05-635, passed 5-2-17) (not yet codified)

### **§ 153.xxx Exclusive Use-Landfill**

(A) **General Intent.** The purpose and objective of this zone is to place sanitary landfills in an exclusive use zone in order to establish site location and design standards which will:

1. Protect public health by preventing water pollution, rodent infestation, air pollution, or other health hazards and nuisance causing activities as would occur as a result of improper location, design or operation of a landfill.
2. Protect public safety by requiring proper design of access roads to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.
3. Promote public welfare by requiring adequate screening and setbacks in the design and location of a landfill, regular policing and maintenance of access roads and heavily traveled routes to the site, limiting nuisance causing activity, restricting hours of operation, and prudent review of subsequent uses allowed on the landfill site. All development shall be designed in such a way as to minimize negative impact on the surrounding area and to protect surrounding properties from incompatible development.
4. Protect public health and promote public welfare by providing a suitable location for the disposal of the solid wastes generated by the community and preserve the nature of the surrounding properties. Existing trees on a development site shall be retained where possible. Screening, natural barriers (such as steep slopes, bodies of water, and heavy vegetation), or other buffers may be required to give adequate separation between uses which are marginally compatible and shall also be provided for the beautification and enhancement of the property.

(B) **Applicability.** The requirements and performance standards as herein provided shall apply to all new sanitary landfills or new expansions of lawful sanitary landfills. Furthermore, all parties recognize that the Arkansas Department of Environmental Quality (ADEQ) or its successor agency is responsible for issuing permit(s) authorizing and regulating sanitary landfills pursuant to Arkansas Pollution Control and Ecology Commission, Regulation No. 22 or future successor agency rules, regulations, or laws. All parties recognize that the Arkansas legislature has promulgated statutes regulating solid waste facilities and establishing the Arkansas Pollution Control and Ecology Commission. Should conflicts exist between ADEQ regulations, Arkansas law, or City of Tontitown ordinances, the more stringent regulation shall be imposed to the extent that such regulation is not specifically prohibited or preempted by Federal or State regulations.

(C) **Principal Permitted Uses.** Sanitary Landfill and associated operational and maintenance facilities.

#### **(D) Accessory Uses.**

1. Transfer Station
2. Recycling Facility
3. Compost Facility
4. Household Hazardous Waste Facility
5. Agricultural Uses
6. Wildlife Refuge or Similar Public Purpose Use
7. Landfill Gas to Energy Facilities
8. Solar Energy Facilities
9. Landfill Maintenance Facilities
10. Waste Hauling Facilities and Associated Maintenance Facilities
11. Compressed Natural Gas (CNG) Facilities
12. Renewable Natural Gas Facilities

13. Waste Solidification Pit
14. Wastewater Treatment Facility
15. Truck or Wheel Washing Facility
16. Scale Facility
17. Soil borrow site (can be located within the 250 ft setback)

(E) **Standards of development.** These standards shall apply to all new landfill uses, new expansions of an existing landfill use, and accessory landfill uses.

1. Ownership control. The land in a Sanitary Landfill shall be owned, leased, or otherwise controlled by a person, firm, group of individuals, partnership, corporation, or trust, provided assurances are given through the procedures contained herein that the Landfill can be successfully operated and managed, and is properly permitted by the Arkansas Department of Environmental Quality (ADEQ).

2. Site and Structure Requirements.

a. *Minimum Lot Area.* There shall be no minimum lot area requirement, except that a site must be of sufficient size to accommodate the amount of waste estimated for deposit during the current life or the future permitted life of the landfill.

b. *Minimum Lot Width.* 100 Feet

c. *Setback Requirements.* The principal permitted use, including all activities related to operation of the principal permitted use, shall meet the following minimum setback requirements, unless adjacent to other property currently being used as sanitary landfill:

- |      |   |  |
|------|---|--|
| i.   | Front Yard Setback                                      | 100 Feet   |
| ii.  | Rear Yard Setback                                       | 100 Feet for nonresidential uses, 250 feet for residential uses (including residential and agricultural zoned properties). |
| iii. | Side Yard Setback                                       | 100 Feet for nonresidential uses, 250 feet for residential uses (including residential and agricultural zoned properties)  |
| iv.  | Maximum Building Height                                 | 45 Feet  |
| v.   | Maximum Structure Height to comply with ADEQ standards. |  |

d. *Accessory Uses, Buildings and/or Structures, or site modification beyond the approved boundaries of disturbance for the primary landfill use or existing approved expansion (includes, but is not limited to, parking lots, modification to detention ponds, etc.).* All accessory uses,

buildings and/or structures, or site modification beyond the approved boundaries of disturbance for the primary landfill use or existing approved expansion (includes, but is not limited to, parking lots, modification to detention ponds, etc.) except those as set forth in Subsection D (5) and D (6) herein, shall meet the same Large Scale Development site and structure requirements as principal permitted uses and shall be set out in the application, and shall require Large-Scale Development review and approval.

- e. *Access.* In order to protect the public health, safety, welfare, and the surrounding environment, public access shall be controlled to prevent unauthorized entry or vehicular traffic by using artificial barriers, natural barriers, or both, as appropriate. An adequate fence with a gate that can be locked must be provided at the entrance to the facility.
- f. *Litter Control.* Litter control provisions shall be maintained at all times. If daily or more frequent cover does not control on and off-site litter, other methods may be required, such as, but not limited to litter fences and litter crews. Litter screening fences will be provided near the landfill working face to prevent the spread of paper and other litter.
- g. *Screening.* Screening shall be provided so that the landfill is minimally visible to any residential or commercial structure, or from any public street. Screening can include a combination of fencing, vegetation, or other provisions which shall accomplish the same.
- h. *Sign and Directions.* Necessary identification and directional signs shall be provided. A sign shall be posted at the entrances to inform the public of the hours of operation, charges for disposal, and rules and regulations regarding disposal. All new signage shall comply with regulations found in Section 153.180. Modifications and additions to signage that are not considered regular maintenance shall conform to regulations found in section 153.180. Interior site signage shall be provided that directs users to the appropriate unloading area.
- i. *Lighting.* Lighting at the Landfill shall be provided in such a way so as to not interfere with roadway traffic, unnecessary spillover on to adjacent properties, and/or pollute the night sky, except that lighting for temporary projects, such as construction, maintenance, or emergencies, may temporarily spillover on to adjacent properties or inhibit the night sky. All lighting shall comply with regulations found in Section 152.150.
- j. *Excessive Noise.* No equipment that causes excessive noise (beeping, honking, banging, dumping, heavy engine sounds, or other) shall cause disturbance to residents of neighboring properties between the hours of 9:00 p.m. and 5:00 a.m. Monday-Saturday, except for emergencies may temporarily be allowed outside the above hours. No excessive noise shall be allowed on Sunday except for emergencies may temporarily be allowed outside the above hours.
- k. *Parking.* One (1) space per employee shall be required plus 1 space per 500 square feet of office space.
- l. *Buffer.* The landfill shall be adequately buffered on all sides between the footprint of the permitted or planned waste disposal area and the perimeter boundary of the property so as to offset fugitive dust, noise, vibration and visual impact to adjacent property. All screening and

buffering shall be completed on site. The buffer areas shall be landscaped and graded consistent with the approved site plan.

3. Large Scale Development Requirements. In addition to Large Scale Development Requirements found elsewhere in this code, the following shall be required with the Large-Scale Development application:

- a. *Traffic Study. Traffic Patterns and Roadway Provisions.* At Large Scale Development, a traffic study shall be required when there will be an increase in traffic, a change in the traffic pattern, or in the case of an expansion, an extended time period in which traffic will impact public roads.

The site should be easily reached by asphalt or concrete paved city or county trunk roads, state highways or federal interstates. All roads to the site should be of sufficient width and construction to safely handle the sizes of trucks that deliver waste to landfills when fully loaded during all weather conditions, excluding events of force majeure.

Problems such as narrow bridges, low underpasses, and steep grades on access routes must be avoided. The City may require the applicant to pay in whole or in part the cost to the City for providing roadway improvements necessary for the siting of a new landfill, or any new expansion of a landfill that extends the time period in which traffic will impact public roads. In addition, the following standards must be met:

- i. The traffic patterns to and from the site have been designed to minimize the impact on existing traffic flows.
- ii. Safe design of entrances and exits, with provision for right turn deceleration lanes, protected left turn lanes, acceleration lanes and, if needed, signalization of intersections.
- iii. The site should be accessible at all times. Several access routes are planned so that if one route is temporarily unusable, the site can still be reached.
- iv. The distance of driveway entrance or exit from any adjacent lot line should be at least one hundred twenty-five (125) feet. The landfill access drive shall be paved, no less than 250 feet, up to 500 feet, to be determined at plan review, from the public street.
- v. The on-site roads to the unloading area should be of all-weather construction and wide enough to permit two-way truck travel. Road grades should be designed for the largest fully loaded trucks to travel at a reasonable rate
- vi. Provide existing information regarding vehicle trips per day and provide an estimate of increase in vehicle trips per day by type of vehicle.
- vii. Current and anticipated daily traffic flows to the landfill by vehicle type.
- viii. Assessment of expected impact on the routes proposed by the landfill and recommendations for those routes.
- ix. The City of Tontitown shall have final jurisdiction regarding heavy truck traffic routes.

b. *Operations Site Plan.* At Large Scale Development the applicant shall submit an Operations Site Plan and statement. The plan and statement shall indicate the following:

- i. Proposed fill area(s).
- ii. Proposed borrow area(s).
- iii. Access Roads
- iv. On site drives
- v. Grading plan and cross-sections to identify landfill height.
- vi. Location and height of fencing and buffering
- vii. Existing and proposed structures on site.
- viii. Existing natural areas to be preserved.
- ix. Existing and proposed utilities.
- x. Conceptual timetable and sequence of phasing of landfill operations.
- xi. Management of stormwater and drainage devices.
- xii. Management of leachate.
- xiii. Management of landfill gas and odors.
- xiv. Planned hours of operation.
- xv. Management of litter and vector control.
- xvi. Management of vehicular mud tracking onto public streets.
- xvii. Facility management and its employees are properly trained in landfill operations and an emergency response program is provided.

c. *Large Scale Development Site Plan.* In addition to Large Scale Development Requirements found elsewhere in this code, the following shall be shown on the Large-Scale Development Plan:

- i. Large Scale Site Development plans prepared by a licensed professional engineer in the State of Arkansas.
- ii. Haul Routes to and from the Landfill site with load limits or other restrictions.
- iii. Existing and proposed zoning classification, use of property, number of employees per use (office staff/drivers/other)
- iv. Ownership and zoning of all adjoining properties. Applicant may obtain and rely upon property ownership information from the online property records published and maintained by the Washington County, Arkansas appraisal district.
- v. Zoning within one mile.
- vi. Residential Structures and other buildings within one mile with use indicated, if use is known. The best available resources shall be used to help determine use.
- vii. Existing and proposed property lines.
- viii. Existing and proposed rights-of-way, setbacks and buffer areas.
- ix. Watercourses, floodways, flood plains, and wetlands.
- x. Location of all existing and proposed structures. All structures shall be delineated in square feet, and dimensions between structures and between property lines and the structures shall be provided.
- xi. Existing and proposed structures shall be labeled as to their use.
- xii. Existing and proposed parking spaces. Notation of the number of spaces provided.
- xiii. Existing onsite roads shall be shown.

- xiv. Access to all public streets including radius of ingress/egress drives, and circulation patterns.
  - xv. Location and size of existing or proposed signs. All proposed signs will be permitted separately.
  - xvi. A screening plan for the site.
  - xvii. All dumpster areas, serving office or ancillary facilities, shall be screened.
  - xviii. Any other reasonable information deemed necessary by the Planning Official.
- d. *Drainage Plan and Report* that meets the standards set by the City of Tontitown by the adopted "Tontitown Drainage Criteria Standard" manual.
- e. *Conceptual Future Land Use Plan*. The written Landfill Future Land Use plan shall include the following:
- i. The applicant shall address how closure and post-closure care will be provided and affirm that it will be in compliance with applicable Arkansas Regulations.
  - ii. Future land uses shall comply with applicable City and State of Arkansas Regulations

(F) **Application for Landfill Siting and EU - Exclusive Use District Reclassification.** The applicant shall submit an application for zoning district reclassification and local site approval to the Planning Official based on the standard submittal schedule. A complete application includes the following:

1. A completed application form. The application must be on forms as provided by the City. The application form must be signed by the owner(s) of the property as such and, if applicable, the entity seeking the reclassification as applicant.
2. Fee. The fee established by the City Council to defray processing costs.
3. The filing deadline for inclusion on the Planning Commission agenda shall be the 1st Tuesday of the month prior to the Planning Commission meeting, which is held on the 4th Tuesday of the month.
4. Notice. In addition to Notice requirements for amendments to the zoning code, found in Section 153.283 (F), the following notification requirements shall apply:
  - a. The applicant shall present evidence to the zoning official, at least ten days prior to the required public hearing, that all property owners within 1000 feet of the boundaries of the subject property have been sent notification of the proposed use, and of the time, date, and place of the hearing. The notification shall include a vicinity map.
  - b. Applicant may obtain and rely upon property ownership information from the online property records published and maintained by the Washington County, Arkansas appraisal district in providing notice to such property owners. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified.



5. Warranty Deed showing the current ownership of the property is required.
6. Legal Description of area to be considered for rezoning and Address of parcel (s)
7. Boundary Survey by Land Surveyor registered to practice in the State of Arkansas.
8. Concept plan showing:
  - a. North arrow
  - b. Scale
  - c. Section lines and/or other legal boundaries.
  - d. Location of current and proposed landfill areas. No zoning for a landfill expansion shall be considered beyond the boundaries of a previously approved Geographic Site Approval from the appropriate Solid Waste Management District or controlling authority with jurisdiction to approve the expansions of landfills.
9. The City will require a Notice Filing for the Pre-Application and Application submitted to ADEQ for the new landfill or for expansion of an existing landfill, and any solid waste permit issued by the ADEQ for the site.
10. In addition, it is recommended that the applicant provide:
  - a. *Narrative.* A typed statement addressing each of the following:
    - i. State the current zoning designation and proposed zoning designation. An explanation of the proposed zoning change including current owner information.
    - ii. Reason (need) for the requested zoning change.
    - iii. Statement of how the property will relate to surrounding properties including:
      - how the use will be compatible with surrounding uses,
      - a traffic statement with expected impact,
      - a drainage statement with expected impact,
      - any anticipated signage to be added or modified,
      - overall appearance of the site.
    - iv. Statement regarding operations to include:
      - Conceptual timetable and sequence of phasing of landfill operations.
      - Management of stormwater and drainage devices.
      - Management of leachate.
      - Management of landfill gas and odors.
      - Planned hours of operation.
      - Management of litter.
      - Management of vehicular mud tracking onto public streets.

(G) **Approval criteria.** The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

1. Consistency of the application with the applicable zoning ordinances and Comprehensive Plan
2. Consistency of the application with the purpose of these regulations.
  - a. Protection of the public health, safety, and welfare. In addition, the following standards shall be met:
    - iv. Public health shall be protected by preventing water pollution, ground water contamination, excessive noise, odor or dust, leachate contamination, methane gas

exposure, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.

- v. Public safety shall be ensured by requiring proper design of access roads to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.
- vi. Public welfare shall be protected by providing a suitable location for the disposal of the solid wastes generated by the community.

3. Compatibility of the application's proposed use with the zoning, existing uses and existing character of the surrounding area. The site is located so as to minimize incompatibility with the existing character of the surrounding area.

- a. Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

(H) **Subsequent Zoning.** The Exclusive Use District (EU) designation replaces the previous zoning classification, and, upon completion of the sanitary landfill operation, no other use shall be permitted without a rezoning and map amendment as provided in this chapter.

- 1. Variance. Whenever strict application of the requirements or standards of this section would result in substantial hardship or injustice the applicant may seek a variance if appropriate through the procedures set forth in Chapter 153.262.



September 1, 2020

Ms. Renee Biby  
Planning Official  
City of Tontitown  
201 East Henri De Tonti  
Tontitown, Arkansas 72770

**Subject: Submittal of Rezoning Application Eco-Vista, LLC.**

Dear Ms. Biby,

Eco-Vista, LLC is pleased to submit this Rezoning Application for property it owns that is located within the City of Tontitown, Arkansas's ("City") jurisdiction. Eco-Vista, LLC is the owner of an existing Class 1 and Class 4 landfill facility within the City's jurisdiction. The majority of the 609 acres Eco-Vista, LLC owns are already properly zoned for a sanitary landfill under the City's former zoning code. Under the City's prior zoning code, properties zoned Residential-Mobile Home (R-MH) were approved for landfill and ancillary uses, such as a citizens' convenience/drop-off center, soil borrow operations, equipment maintenance, landfill gas-to-electric operations and other support operations. The City's current zoning code recognizes that properties, such as the Eco-Vista Landfill, that were a lawfully established use of land on the effective date of new zoning amendments are deemed to be a legal nonconforming use and may be continued. *See* Section 153.040. As such, Eco-Vista's land zoned R-MH and previously permitted for use by the appropriate state and local agencies as a sanitary landfill or for ancillary uses(s) is grandfathered and continues to be a legal nonconforming use.

On July 7, 2020, the City Council approved an Ordinance amending Chapter 153, the City zoning code, to provide zoning regulations for "all new sanitary landfills or **new expansions** of lawful sanitary landfills." Eco-Vista, LLC is submitting this Rezoning Application because it is seeking a new expansion of its lawful Class 1 and Class 4 existing landfills. The parcels that Eco-Vista, LLC's Rezoning Application applies to are those parcels not already permitted for landfill use by the Arkansas Department of Energy and Environment which will be included in Eco-Vista's new landfill expansion application.

However, for ease of reference and clarity going forward, Eco-Vista, LLC requests that all 417.1 acres, including those acres that are grandfathered and properly zoned R-MH, be rezoned as Exclusive Use-Landfill ("EU-L").

In accordance with the City's recently adopted Exclusive Use-Landfill Subsection (F), "the applicant shall submit an application for zoning district reclassification" to the Planning Official. Subsection F sets out the requirements for a complete application and those requirements are addressed in the narrative portion of the application.

This submittal letter addresses the City's criteria for approval set forth in subsection G of the newly adopted Exclusive Use – Landfill zoning ordinance as follows:

***Consistency of the application with the applicable zoning ordinances and Comprehensive Plan.***

The area required to be rezoned under the City's recently adopted EU-L designation is currently zoned either Agriculture or Single-Family Residential and is located within Eco-Vista, LLC's overall property boundary. Eco-Vista, LLC is preparing a permit modification application for submittal to the Arkansas Department of Energy and Environment, Division of Environmental Quality for a new expansion of the Class 1 and Class 4 landfill areas. In order to comply with the City's new Exclusive Use zoning regulation for landfills, the parcels of land within the proposed new expansion area need to be rezoned as Exclusive Use - Landfill.

***Consistency of the application with the purpose of the regulations.***

***a. Protection of the public health, safety, and welfare. In addition, the following standards shall be met:***

***i. Public health shall be protected by preventing water pollution, ground water contamination, excessive noise, odor or dust, leachate contamination, methane gas exposure, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design or operation of a landfill.***

The location, design and operation of the new landfill expansion area will be in accordance with Arkansas Pollution Control and Ecology Commission Regulation No. 22. Technical details, regarding the protection of public health, will be addressed in the future Large Scale Development application to be submitted for the City's review and approval.

***ii. Public safety shall be ensured by requiring proper design of access roads to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.***

General traffic access to the existing Eco-Vista landfill facility will continue to be restricted from Highway 412, to South Klenc Road, to Kelly Road, to Dowell Road, and to Arbor Acres Road.

***iii. Public welfare shall be protected by providing a suitable location for the disposal of the solid wastes generated by the community.***

Since the Eco-Vista, LLC facility is the only available Class 1 and Class 4 disposal capacity within Northwest Arkansas, the facility serves an important role in meeting existing and future waste disposal needs in a manner that is protective of public welfare. The site has housed a landfill since approximately 1979 and the land for the new expansion is contiguous to the current landfill facility and is a suitable location.

***Compatibility of the application's proposed use with the zoning, existing uses and character of the surrounding area. The site is located so as to minimize incompatibility with the existing character of the surrounding area.***

***a. Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.***

There is no anticipated impact on nearby property value as a result of granting the requested zoning change. There are no traffic pattern changes proposed. General traffic access to the current Class 1 and Class 4 landfill facility will continue to be restricted from Highway 412, to South Klenc Road, to Kelly Road, to Dowell Road, and to Arbor Acres Road. There are no proposed changes in traffic volumes, other than those arising out of business fluctuations. There are no changes proposed to the hours of use or operation of the facility. There are no planned changes to signage at the property. No new signs will be placed/built/constructed without approvals from the City. Technical information will be addressed in the future Large Scale Development application to be submitted for the City's review and approval.

Eco-Vista, LLC has always focused on its road frontage appearance. The facility maintains and will continue to maintain a white farm-style PVC fence along its northern boundary (outside the right-of-way). Between the Arbor Acres paved road and the fence, a mowed grass area will be maintained. The fence and grass area will be in all areas except those with steep terrain. The facility has maintained and will continue to maintain visual screening along Arbor Acres with trees and shrubbery.

Water and sewer are already available and both are connected to the existing landfill facility property. The existing waterline serving the property is a 4-inch watermain along the southside of Arbor Acres Road provided by the Washington Water Authority. The existing sewer line serving the property is a 12-inch PVC gravity sewer line leading to the South Pianalto Road sewer pump station. The project will have minimal impact on community facilities.

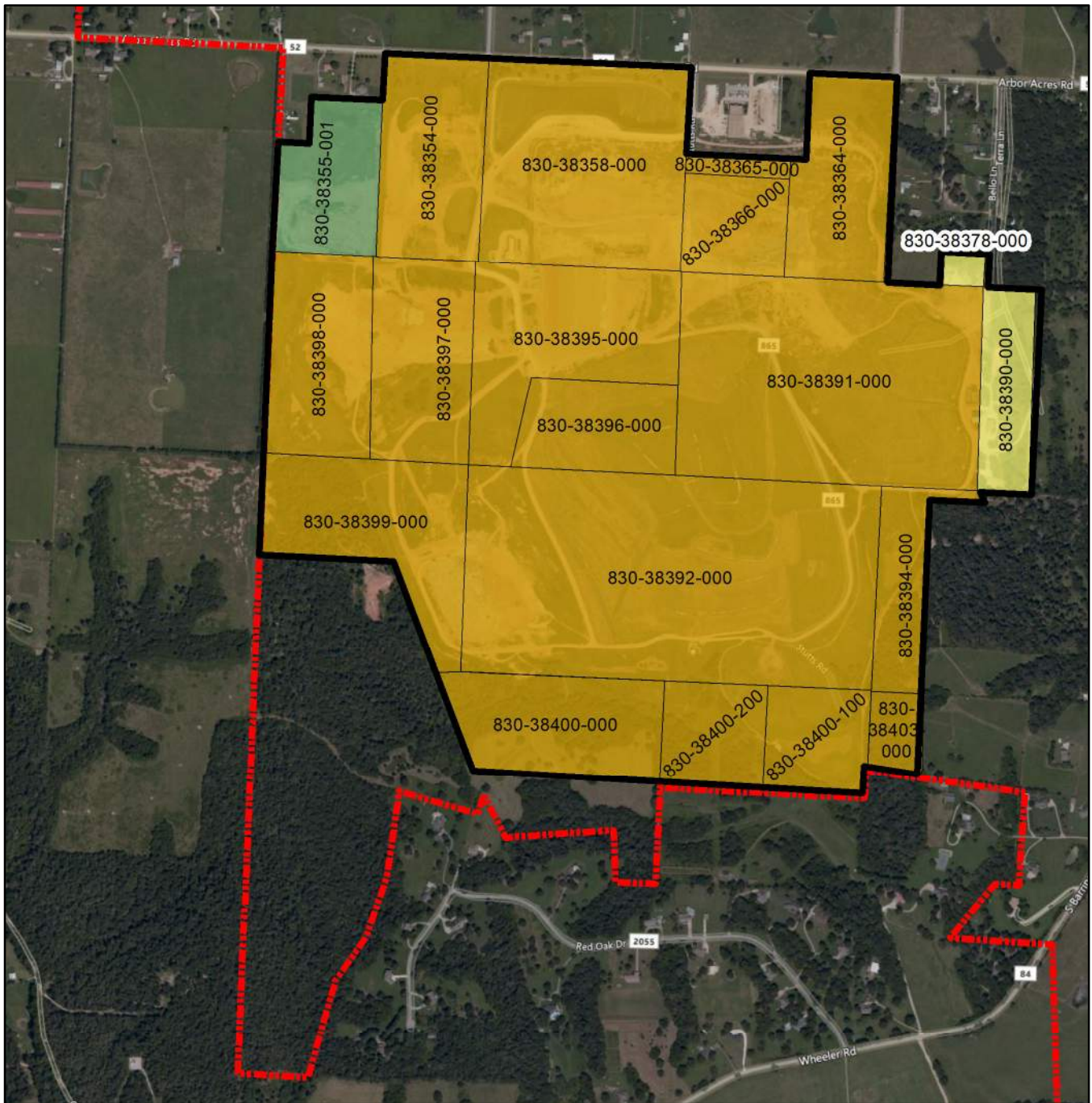
In sum, Eco-Vista, LLC's existing Class 1 and Class 4 landfill facility provides disposal services in a safe manner protective of human health and the environment. This application for a new expansion of the existing landfill facility is a suitable use and will continue to provide the Northwest Arkansas area with necessary disposal services.

Should you have any questions, please call me at 870-510-0174 or via email at bsmall@wm.com.

Sincerely,  
**Eco-Vista, LLC.**



Blake Small  
District Manager



## Current Zoning Map Eco-Vista, LLC.

### Legend



City of Tontitown Limits



Eco-Vista, LLC Property to be Rezoned

### Current Zoning



R-MH (Mobile Home)



R-1 (Residential)



A (Agriculture)

0 500 1,000  
Feet  
Scale: 1" = 1,000'

By:JWM

Date:August, 2020

Project No. 06820-0100-031

S:\projects\06820-0100-015\gis\doc\map\Zoning Map



## **LEGAL DESCRIPTION**

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## BOUNDARY DESCRIPTION: PROPOSED AREA FOR EXCLUSIVE USE

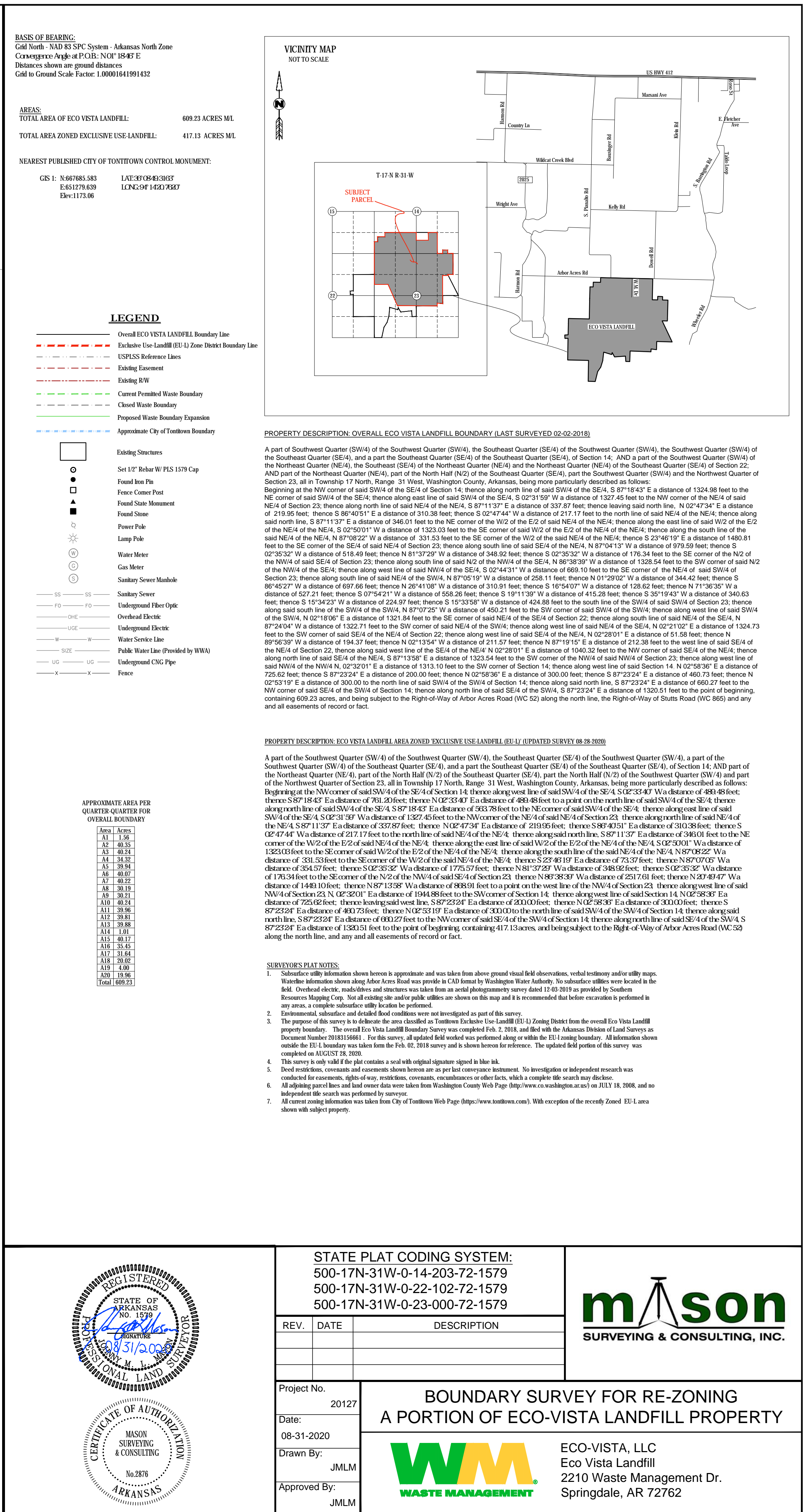
A part of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4), the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), a part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4), and a part the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4), of Section 14; AND part of the Northeast Quarter (NE/4), part of the North Half (N/2) of the Southeast Quarter (SE/4), part the North Half (N/2) of the Southwest Quarter (SW/4) and part of the Northwest Quarter of Section 23, all in Township 17 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows:

Beginning at the NW corner of said SW/4 of the SE/4 of Section 14; thence along west line of said SW/4 of the SE/4, S 02°33'40" W a distance of 489.48 feet; thence S 87°18'43" E a distance of 761.20 feet; thence N 02°33'40" E a distance of 489.48 feet to a point on the north line of said SW/4 of the SE/4; thence along north line of said SW/4 of the SE/4, S 87°18'43" E a distance of 563.78 feet to the NE corner of said SW/4 of the SE/4; thence along east line of said SW/4 of the SE/4, S 02°31'59" W a distance of 1327.45 feet to the NW corner of the NE/4 of said NE/4 of Section 23; thence along north line of said NE/4 of the NE/4, S 87°11'37" E a distance of 337.87 feet; thence N 02°47'34" E a distance of 219.95 feet; thence S 86°40'51" E a distance of 310.38 feet; thence S 02°47'44" W a distance of 217.17 feet to the north line of said NE/4 of the NE/4; thence along said north line, S 87°11'37" E a distance of 346.01 feet to the NE corner of the W/2 of the E/2 of said NE/4 of the NE/4; thence along the east line of said W/2 of the E/2 of the NE/4 of the NE/4, S 02°50'01" W a distance of 1323.03 feet to the SE corner of said W/2 of the E/2 of the NE/4 of the NE/4; thence along the south line of the said NE/4 of the NE/4, N 87°08'22" W a distance of 331.53 feet to the SE corner of the W/2 of the said NE/4 of the NE/4; thence S 23°46'19" E a distance of 73.37 feet; thence N 87°07'05" W a distance of 354.57 feet; thence S 02°35'32" W a distance of 1775.57 feet; thence N 81°37'29" W a distance of 348.92 feet; thence S 02°35'32" W a distance of 176.34 feet to the SE corner of the N/2 of the NW/4 of said SE/4 of Section 23; thence N 86°38'39" W a distance of 2517.61 feet; thence N 20°49'47" W a distance of 1449.10 feet; thence N 87°13'58" W a distance of 868.91 feet to a point on the west line of the NW/4 of Section 23; thence along west line of said NW/4 of Section 23, N, 02°32'01" E a distance of 1944.88 feet to the SW corner of Section 14; thence along west line of said Section 14, N 02°58'36" E a distance of 725.62 feet; thence leaving said west line, S 87°23'24" E a distance of 200.00 feet; thence N 02°58'36" E a distance of 300.00 feet; thence S 87°23'24" E a distance of 460.73 feet; thence N 02°53'19" E a distance of 300.00 to the north line of said SW/4 of the SW/4 of Section 14; thence along said north line, S 87°23'24" E a distance of 660.27 feet to the NW corner of said SE/4 of the SW/4 of Section 14; thence along north line of said SE/4 of the SW/4, S 87°23'24" E a distance of 1320.51 feet to the point of beginning, containing 417.13 acres, and being subject to the Right-of-Way of Arbor Acres Road (WC 52) along the north line, and any and all easements of record or fact.

# **BOUNDARY SURVEY**

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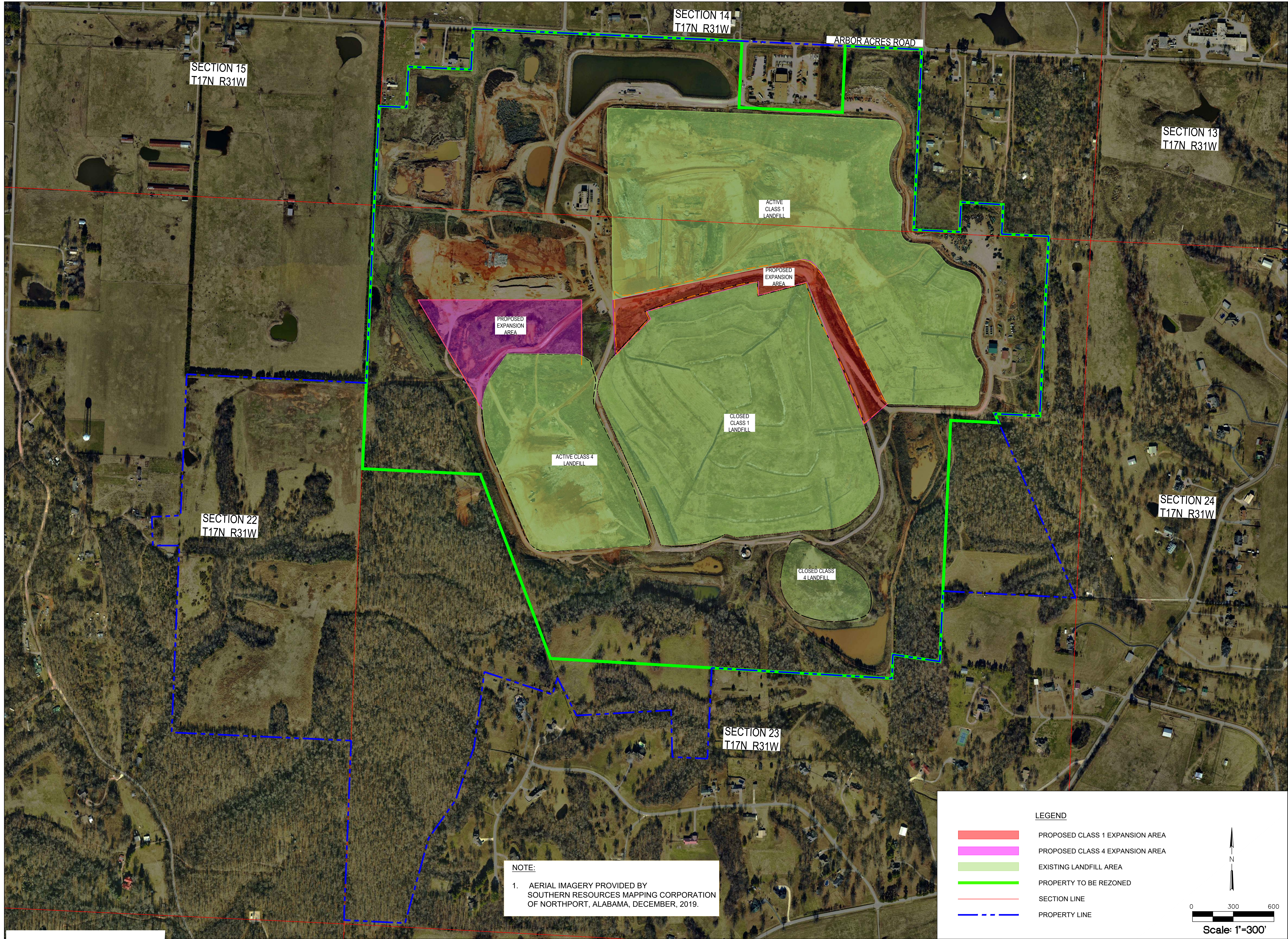




# **CONCEPT PLAN**

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REZONING APPLICATION  
ECO-VISTA, LLC.

SPRINGDALE, ARKANSAS

FIGURE 1 CONCEPT PLAN

DRAWN BY: JM	FILE NAME: FIGURE 1.DWG
APPROVED: MMV	PROJECT NO. 06820-0100-031
SCALE: 1" = 300'	DATE: 09/01/2020
SHEET NO.	1



## **NOTICE OF FILING**

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**Notice of Filing  
Eco-Vista Landfill**

The Pre-Applications for the proposed Class 1 and Class 4 expansions were submitted to the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) on July 6, 2018. The Pre-Applications were deemed administratively complete on August 8, 2018. Following the required public notice and preliminary site visit on September 5, 2018, the DEQ determined the proposed expansion areas for the Class 1 and Class 4 landfills suitable for further permit consideration on October 3, 2018. The DEQ approval letter is attached.

The Applications for the proposed Class 1 and Class 4 expansions are still in process. Once the applications are completed and submitted to the DEQ, the City of Tontitown will be notified of the filing of the applications.

## **DEQ Approval of Pre-Applications**



**A R K A N S A S**  
Department of Environmental Quality

October 3, 2018

Certified Mail 91 7199 9991 7030 4789 2002

Mr. David Conrad, Engineering Manager, Arkansas and North Mississippi  
Waste Management, LLC  
100 Two Pine Drive  
North Little Rock, AR 72117

**RE: Eco-Vista Class 1 Landfill**  
**ADEQ Transmittal of Preliminary Site Investigation Report**  
**Permit No: 0290-S1-R3      AFIN: 72-00144**  
**Document ID: 74649      Cross Reference: 74613**

Dear Mr. Conrad:

The Arkansas Department of Environmental Quality Office of Land Resources (ADEQ) conducted a preliminary site investigation at the proposed expansion area for the Class 1 and Class 4 landfill on September 5, 2018. Attached is a copy of the ADEQ's report.

Based on the results of the investigation, ADEQ has determined the proposed expansion area for the Class 1 and Class 4 is suitable for further permit consideration. ADEQ does have some site limitations and recommendations in the report that should be addressed. As the next step in the permitting process, the facility needs to submit a site characterization work plan for the Class 1 and Class 4 proposed expansion areas to address requirements of APC&EC Regulation No. 22 Chapter 11. Previous site characterization work done in the vicinity of the proposed expansion areas will be considered. Please submit the characterization work plan and preliminary response to items listed in the "Site Limitations and Recommendations" section within ninety (90) calendar days of receipt of this letter.

If you have any questions or comments, please contact me at (501) 682-0590 or by email at [cramer@adeq.state.ar.us](mailto:cramer@adeq.state.ar.us).

Sincerely,

Robert D. Cramer  
Geologist  
Groundwater Branch  
Office of Land Resources

cc: Jodi Reynolds-Coffelt, Waste Management  
Carl Simmons, Waste Management  
Paul Crawford, PE, PG FTN Associates, Ltd.

## **NARRATIVE**

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## **Rezoning Application – Narrative Eco-Vista Landfill**

Per the City of Tontitown Code of Ordinances, Chapter 153 Exclusive Use-Landfill, Section (F)(10) and the Tontitown Rezoning Application & Checklist, the following narrative is being submitted for review.

***i. State the current zoning designation and proposed zoning designation. An explanation of the proposed zoning change including current owner information.***

- Current Zoning - The majority of the 609 acres Eco-Vista, LLC owns are already properly zoned for a sanitary landfill under the City's former zoning code. Under the prior zoning code, properties zoned Residential-Mobile Home (R-MH) were approved for landfill and ancillary uses. Eco-Vista, LLC currently operates a properly permitted and zoned Class 1 and Class 4 landfill. With the City's adoption on July 7, 2020 of the ordinance amending Chapter 153, a new expansion of a lawful sanitary landfill must be zoned Exclusive Use- Landfill. Eco-Vista, LLC plans to pursue a new expansion and, as such, the areas currently zoned Agriculture (A) and Single-Family Residential (R-1) must be rezoned as Exclusive Use – Landfill. While the property designated R – MH and previously permitted as a landfill under the City's prior zoning code is grandfathered, WM requests – for ease of reference and clarity going forward – that all 417.1 acres be designated as Exclusive Use – Landfill.
- Proposed Zoning = Exclusive Use-Landfill (EU-L)
- Current Owner = Eco-Vista, LLC
- The Eco-Vista, LLC property is currently zoned with the following zoning districts: Residential-Mobile Home, Agriculture, and Single-Family Residential.

***ii. Reason (need) for requested zoning change.***

- The City's recently adopted Exclusive Use – Landfill zoning ordinance requires that all new expansions of existing lawful sanitary landfills be designated Exclusive Use – Landfill. Eco-Vista, LLC is preparing a permit modification application for submittal to the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) for a new expansion of the existing Class 1 and Class 4 landfill areas. In order to comply with the Exclusive Use – Landfill zoning regulation, the land that will be used for the new expansion area of the landfill needs to be rezoned to the City's Exclusive Use-Landfill zoning classification.

***iii. Statement of how the property will relate to surrounding properties including:***

***1. How the use will be compatible with surrounding uses.***

- The property will be used for a new expansion area of an existing Class 1 and Class 4 solid waste landfill and for ancillary uses. A landfill has been located on the property since approximately 1979 and remains a compatible use with surrounding uses.

**2. A traffic statement with expected impact.**

- There are no traffic pattern changes proposed. There are no proposed changes in traffic volumes, other than those arising out of business fluctuations.
- Prior to February 5, 2014, the Arbor Acres Road Right-of-Way (R/W) adjoining WM property was a total of 60-feet (30-feet on each side of the centerline). On February 5, 2014, WM granted an additional 6-feet of R/W on the southside of Arbor Acres Road to facilitate the City's plans for a 72-foot Arbor Acres R/W.
- General traffic access to the property will continue to be restricted from Highway 412, to South Klenc Road, to Kelly Road, to Dowell Road, and to Arbor Acres Road.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(a), a traffic study will be provided in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**3. A drainage statement with expected impact.**

- The current landfill has four existing stormwater ponds to control the stormwater runoff from the developed areas on the property. Eco-Vista, LLC is preparing a permit modification application for submittal to the DEQ for a proposed expansion of the landfill areas, and the stormwater runoff generated from the expansion areas will be addressed in the expansion application to the DEQ.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(d), a Drainage Plan and Report that meets the standards in the City's "Tontitown Drainage Criteria Standard" manual will be provided in the future Large Scale Development application. Eco-Vista, LLC will submit for the proposed expansion for the City's review and approval.

**4. Any anticipated signage to be added or modified.**

- There are no planned changes to signage at the property. No new signs will be placed/built/constructed without approvals from the City.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(2)(h), the landfill has existing signs informing the public of the hours of operation, charges for disposal and rules and regulations regarding disposal.

**5. Overall appearance of the site.**

- Eco-Vista, LLC has always focused on its road frontage appearance. The facility maintains and will continue to maintain a white farm-style PVC fence along its northern boundary (outside the right-of-way). Between the Arbor Acres paved road and the fence, a mowed grass area will be maintained. The fence and grass area will be in all areas except those with steep terrain. The facility has maintained and will continue to maintain visual screening along Arbor Acres with trees and shrubbery.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(2)(g), as feasible, screening will be provided so that the landfill is minimally visible to any residential or commercial structure, or from any public street. Screening will include a combination of fencing, vegetation or other provisions.

- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(c)(xvi) and (xvii), a screening plan for the site, dumpster areas, serving office and ancillary facilities, will be provided by Eco-Vista, LLC in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**iv. *Statement regarding operations to include:***

**1. *Conceptual timetable and sequence of phasing of landfill operations.***

- The proposed Class 1 landfill expansion is estimated to provide approximately 12 years of airspace and the proposed Class 4 landfill expansion is estimated to provide approximately 7 years of airspace. Phasing of the expansion areas will be prepared as part of the permit modification application to the DEQ for the proposed expansion of the landfill areas.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(x), a conceptual timetable and sequence of phasing of landfill operations will be provided by Eco-Vista, LLC in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**2. *Management of stormwater and drainage devices.***

- Stormwater at the current landfill facility is monitored as part of the existing Sanitary Landfill Runoff General Permit, ARG160045, and the existing Industrial Stormwater General Permit, ARR000231. The stormwater run-off is directed to onsite sedimentation basins.
- The surface of the active portion of the landfill areas will be graded to minimize surface water run-on or flow into or through the working face. Surface water will be managed during filling operations by constructing temporary diversion berms and ditches and by shaping of the waste. Grading, diking, terracing, diversion berms, ditches, silt fencing, silt traps, seasonal vegetation, and other best management practices for stormwater control will be utilized to control/prevent off-site sediment accumulation from Landfill operations.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xi), management of stormwater and drainage devices will be provided by Eco-Vista, LLC in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**3. *Management of leachate.***

- Leachate generated at the existing landfill facility is collected and either temporarily stored in on-site storage tanks and discharged offsite or directly discharged through a force main to a permitted wastewater treatment facility.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xii), Eco-Vista, LLC will describe its management of leachate in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**4. *Management of landfill gas and odors.***

- The application of cover (daily, intermediate, and final) and storage and disposal of leachate on a regular basis are used to reduce the potential for excessive unnecessary odors from landfill operations.
- Eco-Vista, LLC operates and maintains a landfill gas collection system to control odors that would otherwise be emitted into the atmosphere. Furthermore, the landfill gas is used as a renewable energy to power the onsite landfill gas-to-electricity plant. The plant generates 4.8 megawatts of power for the community. This is enough power to supply the needs of approximately 4,000 homes.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xiii), management of landfill gas and odors will be provided by Eco-Vista, LLC in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**5. *Planned hours of operation.***

- The current landfill facility is open 24-hours a day for waste acceptance but open to the public from 8 a.m. to 4 p.m., Monday through Friday and 8 a.m. until noon on Saturday. The facility is open for commercial, industrial and residential waste loads throughout the working day when landfill operations personnel are present. The operating schedule may be revised to meet service demands.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(2)(j), equipment that causes excessive noise will not cause disturbance to residents of neighboring properties between the hours of 9 p.m. and 5 a.m. Monday through Saturday or on Sunday, except for emergencies.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xiv), planned hours of operation will be provided in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**6. *Management of litter***

- The facility currently has a litter control program that is maintained at all times. Winds have the potential to blow municipal solid waste (e.g., plastic bags, paper, etc.). The litter control program includes daily waste covering and litter crews as needed. If the facility experiences a litter control problem, additional measures, such as litter fences, will be implemented as necessary.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(2)(f), litter control provisions will be maintained at all times. If daily or more frequent cover does not control on and off-site litter, other methods may be implemented, such as, litter fences and litter crews. Litter screening fences may be installed near the active landfill working face to prevent the spread of paper and other litter.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xv), management of litter and vector control will be provided by Eco-Vista, LLC in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**7. Management of vehicular mud tracking onto public streets.**

- Earlier in 2020, the existing Eco-Vista, LLC landfill facility installed a truck wash to minimize vehicular mud tracking onto public streets.
- As required by Chapter 153 Exclusive Use-Landfill, Section (E)(3)(b)(xvi), Eco-Vista, LLC will provide the way(s) in which it will manage vehicular mud tracking onto public streets in the future Large Scale Development application for the proposed expansion for the City's review and approval.

**8. Fire response procedures.**

- It should be noted that fires do occasionally occur at landfills. This can generally be traced back to a recently received load of trash. For example, sometimes customers fail to extinguish charcoal properly before throwing the charcoal into the trash. When events like this occur, site personnel will utilize the onsite heavy equipment (bulldozers, dump trucks, etc.) and water truck(s) to manage and extinguish the fire. Most importantly, soils will be hauled to the operating face which will then be used by the bulldozers to corral and smother the fire. Should the fire be too large to control quickly, site management staff will contact the fire department for back-up assistance. Once the fire is extinguished, staff will monitor the area to make sure no smoldering embers reignite.
- It should be noted the landfill site personnel cover the waste regularly with a minimum of 6 inches of soil cover. This cover mitigates not only fires, but also odors and blowing litter.
- Portable fire extinguishers are kept on all landfill operating equipment and at the facility office. Personnel shall be trained in the use of these extinguishers and should become familiar with their locations. The extinguishers shall be inspected annually and maintained in a ready condition.

**v. Availability of water and sewer (state size of lines). If direct water and/or sewer is not available, state how lines will be accessed and connected. This information is available from the Water Department at (479) 361-2996 or download from the City of Tontitown's G.I.S. site.**

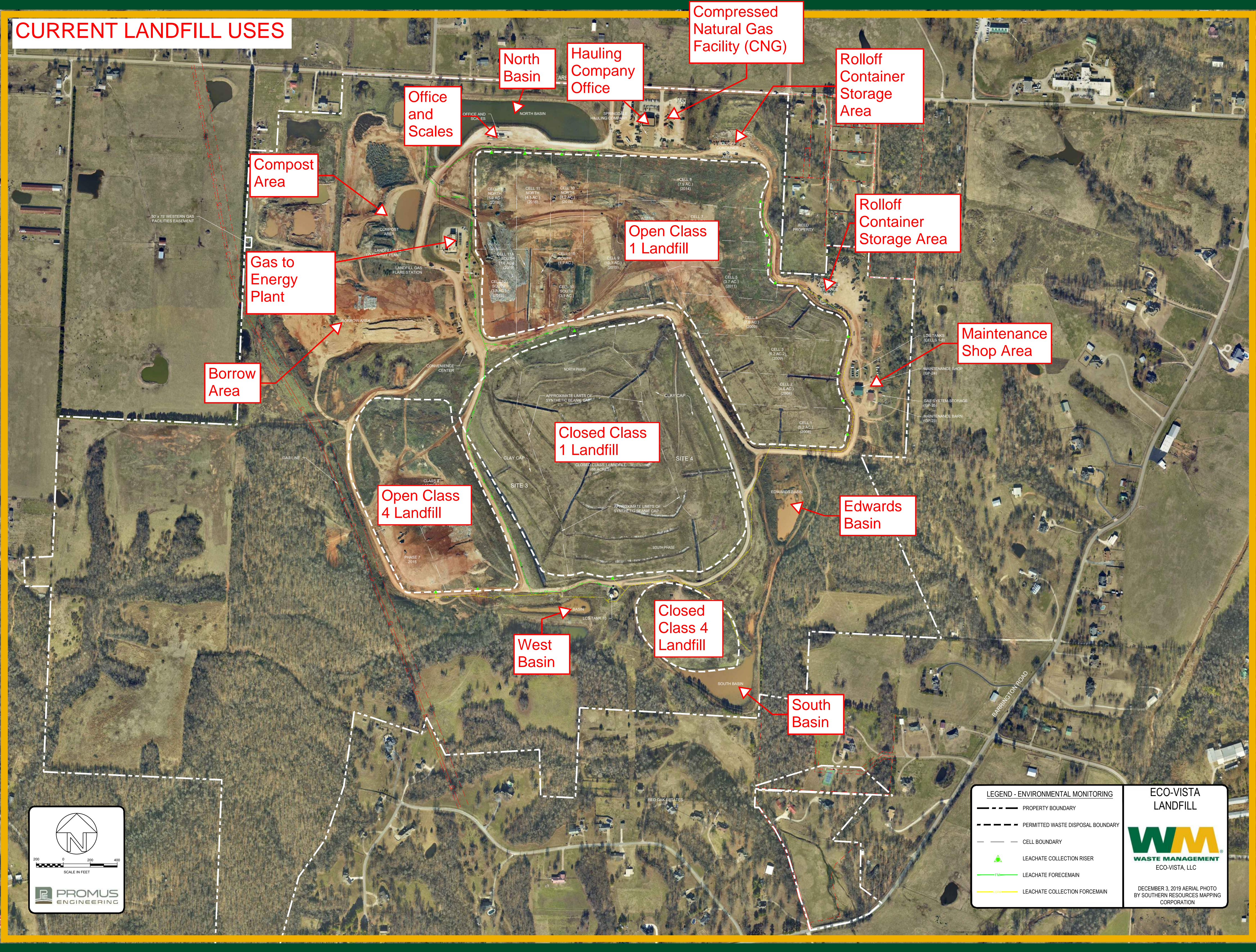
- Water and sewer lines are available and both are connected to the existing property and existing landfill facilities.
- The waterline serving the property is a 2-inch waterline, off of a 4-inch watermain along Arbor Acres Road (Washington Water Authority).
- The sewer line serving the property is a 12-inch PVC gravity sewer line leading to the South Pianalto Road sewer pump station.

**vi. Waiver of Rights and Remedies, also known as the Private Property Protection Act MUST be completed with legal description and signed by the property owner.**

- See Attached – Waiver of Rights and Remedies.



CURRENT LANDFILL USES



Office and Scales

North Basin

Hauling Company Office

Compressed Natural Gas Facility (CNG)

Rolloff Container Storage Area

Compost Area

Gas to Energy Plant

Borrow Area

Open Class 1 Landfill

Rolloff Container Storage Area

Maintenance Shop Area

Closed Class 1 Landfill

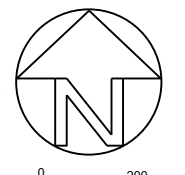
Open Class 4 Landfill

Edwards Basin

West Basin

Closed Class 4 Landfill

South Basin



200 0 200 400  
SCALE IN FEET

**PROMUS**  
ENGINEERING

**LEGEND - ENVIRONMENTAL MONITORING**

- PROPERTY BOUNDARY
- PERMITTED WASTE DISPOSAL BOUNDARY
- CELL BOUNDARY
- ▲ LEACHATE COLLECTION RISER
- LEACHATE FOREMAIN
- LEACHATE COLLECTION FOREMAIN

**ECO-VISTA LANDFILL**



**WASTE MANAGEMENT**  
ECO-VISTA, LLC

DECEMBER 3, 2019 AERIAL PHOTO  
BY SOUTHERN RESOURCES MAPPING CORPORATION



NEIGHBOR COMMENS RECIEVED

## Tannehill-McNair, Courtney E.

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**From:** Renee Biby <planning@tontitownar.gov>  
**Sent:** Wednesday, September 16, 2020 3:31 PM  
**To:** Tannehill-McNair, Courtney E.  
**Subject:** Fwd: Notice of intent to rezone Eco-Vista LLC

Sent from my iPhone

Begin forwarded message:

**From:** Daniel Justice <djustice@wificidr.net>  
**Date:** September 16, 2020 at 2:08:03 PM CDT  
**To:** Renee Biby <planning@tontitownar.gov>  
**Subject:** Notice of intent to rezone Eco-Vista LLC  
**Reply-To:** Daniel Justice <djustice@wificidr.net>

I have no objections to the proposed rezoning.

Thank you,

Daniel Justice  
633 Arbor Acres Ave.  
Springdale, AR 72762  
(479)770-3204

Sent with [ProtonMail](#) Secure Email.



## **Tannehill-McNair, Courtney E.**

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**From:** Renee Biby <[planning@tontitownar.gov](mailto:planning@tontitownar.gov)>  
**Sent:** Thursday, September 17, 2020 12:10 PM  
**To:** Tannehill-McNair, Courtney E.  
**Subject:** opposition

Bob Peiser, 756-1199, came in to voice his opposition to Waste Management Rezoning.

Thank you,

Renee Biby  
Planning Official

City of Tontitown  
235 East Henri De Tonti Blvd  
Springdale, AR 72762

479-361-2700 office  
479-435-8080 cell  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

## Tannehill-McNair, Courtney E.

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**From:** Renee Biby <planning@tontitownar.gov>  
**Sent:** Tuesday, September 15, 2020 8:49 AM  
**To:** Tannehill-McNair, Courtney E.  
**Subject:** FW: Eco- Vista Proposed Rezoning of The Tontitown Dump  
**Attachments:** Rezoning Response .pdf; REZONING RESPONSE.docx

Thank you,

Renee Biby  
Planning Official

City of Tontitown  
235 East Henri De Tonti Blvd  
Springdale, AR 72762

479-361-2700 office  
479-435-8080 cell  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

---

**From:** Mark Calcagni <calhog18@gmail.com>  
**Sent:** Monday, September 14, 2020 5:42 PM  
**To:** Renee Biby <planning@tontitownar.gov>  
**Subject:** Eco- Vista Proposed Rezoning of The Tontitown Dump

Dear Tontitown Planning Commission,

Please see the two attachments in opposition of the expansion due to:

- \*Health Reasons
- \*Safety
- \*Area has become Residential
- \*Deed/Covenant of Sale of property to the Landfill is being broken

Be safe/healthy.

Thank You

Sincerely,

Mark and Jacqui Calcagni



REZONING RESPONSE  
ECO-VISTA, LLC.

9/14/20

- ( ) I/we have no objections to the rezoning.  
(X) I/we object to the rezoning because:

PLEASE SEE Attached

Mark L. Calhoun  
Signature

Jaqui Calhoun  
Signature

calhog18@gmail.com  
OPTIONAL: email/phone number

479-236-8539

This form can be mailed to:  
City of Tontitown Planning Department,  
P.O. Box 305,  
Tontitown, AR 72770.

Or emailed to:  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

# REZONING RESPONSE - ECO-VISTA, LLC

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- Calcagni Land Holdings, LLC 12642 Arbor Acres Rd. Springdale , AR 72762

1. **HEALTH REASONS** - Several Neighbors close to the land fill have contracted cancer. Some have died . Many neighbors belief this is not coincidental. The smell has worsened with trash and methane smell.

Cattle - can no longer water my cattle with well water in fear of polluted ground water.

2. **Proposed Expansion Land** , I belief was sold to Eco-Vista with the intent NOT to be used for trash deposal. Now it is being proposed to allow dumping. Don't understand this?

3. **SAFETY REASONS** - Arbor Acres Road is highly traveled. Land fill traffic , big semi's/eighteen wheelers , dump trucks, and trash trucks travel at excessive speeds. My wife was almost hit by a dump truck on May 7th in front of our house as the dump truck passed a stopped Cox Cable Repairman on the shoulder of the road. I am very concerned with this as I mow the ditch along the road. Very scary.

Flat tires and broken windshields due to the road conditions on Arbor Acres. Debris with mud, rocks , nails are a common on our road. I have fixed two neighbors flats in my driveway in the last three months as they got flats after driving passing the dump.

4. **RESIDENTIAL AREA** - Ten to fifteen years ago it was in the country , but highly traveled now with many housing additions within 1.5 miles of the land fill:  
Red Oak Estates, Buckingham Estates, Legacy Estates, Meadow Ridge Addition, JJJ Estates, San Gennaro Estates, Southe Pointe Estates, and Hidden Valley Estates.

Property values have fallen due to growth of the land fill. I have personally lived at this location for 33 years and feel like we have endured the land fill long enough because of the above and a proposed expansion is objected by my family and several of our neighbors.

## Tannehill-McNair, Courtney E.

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**From:** Renee Biby <planning@tontitownar.gov>  
**Sent:** Tuesday, September 15, 2020 9:31 AM  
**To:** Russ Greene  
**Cc:** Tannehill-McNair, Courtney E.  
**Subject:** RE: Waste Management  
**Attachments:** 2020-07-892 An Ordinance Amending Chapter 153 Zoning Regulations of Tontitown Municipal Code in Order to Provide for Landfill Regulations for the City of Tontito

Mr. Greene,

Thank you for dropping off the packet of paperwork regarding Waste Management yesterday. I have forwarded that to Courtney McNair with Garver Engineering and to our City Attorney for review. In response to your question regarding hours of operation, I have attached the Ordinance for EU-L Exclusive Use, Landfill zoning that was approved in July, 2020. This is what the landfill is proposing to be rezoned to with their current application. This is the portion of that ordinance that appears to address hours of operation that would cause Excessive Noise

"j. Excessive Noise. No equipment that causes excessive noise (beeping, honking, banging, dumping, heavy engine sounds, or other) shall cause disturbance to residents of neighboring properties between the hours of 9:00 p.m. and 5:00 a.m. Monday-Saturday, except for emergencies may temporarily be allowed outside the above hours."

Please note that the landfill property is currently zoned R-MH, Residential Mobile Homes. The section of our code that would address the noise time frames currently required is shown below:

### § 91.01 LOUD NOISE PROHIBITED.

(A) It shall be unlawful for any person or persons to willfully make, continue, or cause to be made or continued, any loud and raucous noise. For purposes of this chapter, the term LOUD AND RAUCOUS NOISE shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the city limits of Tontitown while such persons are within a dwelling or place of business with the doors and windows closed.

(B) For the purpose of this chapter, the use of an amplification device, radio, television, phonograph, drum, musical instrument or similar device that produces, reproduces or amplifies sound shall be deemed a LOUD AND RAUCOUS NOISE, and to disturb the comfort, health and peace of a person of ordinary sensibilities, if the sound is produced between the hours of 9:00 p.m. and 7:00 a.m., and is plainly audible a distance of 150 feet or more from any boundary of the property upon which the source of the sound is located.

(1) PLAINLY AUDIBLE means any sound produced as set forth above which clearly can be heard from inside a dwelling or place of business with the doors and windows closed at a distance of 150 or more feet from any boundary of the property upon which the source of the sound is located. The measurement standard shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible, and bass reverberations are included.

(2) This provision shall not apply to athletic or school-related events, or the Tontitown Grape Festival.

(Ord. 182, passed 7-6-04; Am. Ord. 2007-08-297, passed 8-7-07; Am. Ord. 2008-06-312, passed 6-3-08) § 91.02 ACTS DEEMED PUBLIC NUISANCES.

The following acts, subject to any exceptions as set forth below, are declared to be public nuisances, and therefore, in violation of this chapter:

(A) Engine exhaust. The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises therefrom;

(B) Pile drivers, steam shovels, etc. The operation between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday, of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist, or other such appliance, the use of which is attended by loud and raucous noise;

(C) Blowers, fans, etc. The operation of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled, or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise;

(D) Horns, signaling devices, etc. The sounding of any horn, whistle, or other audible signaling device so as to create a loud and raucous noise;

(E) Radios, amplifiers, phonographs, etc. Using, operating, or permitting to be played, used, or operated, any radio, amplifier, musical instrument, phonograph, or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise;

(F) Soundtrucks. No amplifier or loudspeaker in, upon, or attached to a sound truck or other device for amplifying sound shall be operated or be permitted to operate within the city for the purpose of advertising or to attract the attention of the public;

(G) Yelling, shouting, etc. Yelling, shouting, whistling, or singing at any time or place so as to create a loud and raucous noise between the hours of 10:00 p.m. and 7:00 a.m. on any day;

(H) Animals, birds, etc. The keeping of any animal or bird which habitually causes a loud and raucous noise;

(I) Defect in vehicle or load. The use of any motor vehicle so out of repair, so loaded, or loaded in such a manner as to create loud grating, grinding, rattling, or other loud and raucous noise, or which is not equipped with a muffler in good working order and in constant operation so as to prevent loud and raucous noise;

(J) Building construction or repair. The erection, including excavating, demolition, alteration, or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Saturday, except in cases of urgent necessity in the interest of public health and safety, and then only with a permit from the City Code Enforcement Officer which permit may be granted for a period not to exceed three working days or less while the emergency continues, and which permit may be renewed for successive periods of three days or less while the emergency continues. If the City Code Enforcement Officer should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation or repair of any building, or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. on Monday through Saturday or on Sunday, he or she may grant permission for such work to be done within such hours or within a shorter time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work;

(K) Noises heard within schools, public buildings, churches, hospitals. The creation of any loud and raucous noise heard within any school, public building, church or hospital, or on the grounds thereof, while in use, which interferes with the workings of such institution, or which disturbs or annoys patients in the hospital;

(L) Noises to attract attention. The use of any drum or other instrument or device to create a loud and raucous noise;

(M) Jacob brakes. The creation or emission of engine exhaust noise through the use of Jacob brakes or other similar engine compression retarding devices so as to create a loud or raucous noise, except when such devices are used as a safety device only;

(N) Motor vehicle radios and sound devices. Using, operating, or permitting to be played, any radio, music player, or audio system in a motor vehicle which produces or reproduces sound in such a manner as to cause a loud and raucous noise which is plainly audible to persons other than the occupants of said vehicle.

(Ord. 182, passed 7-6-04)

#### § 91.03 EXCEPTIONS.

The term LOUD AND RAUCOUS NOISE and activities enumerated herein as public nuisances, do not include noise or sound generated by the following:

(A) Cries for emergency assistance and warning calls;

(B) Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles;

(C) The Tontitown Grape Festival, or any gatherings, parades, rides, exhibits, or other activities associated with such;

(D) Activities on or in municipal and school athletic facilities and on or in publicly owned property and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agent;

(E) Fire, burglar, or automobile alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises or automobile served by any such device to turn off or deactivate the alarm;

- (F) Religious worship activities conducted in a permanent structure, including but not limited to bells, organs, and signing;
- (G) Locomotives and other railroad equipment, and aircraft;
- (H) Fireworks displays within such hours and conditions as may be imposed by the issuance of the permit, or the discharging of fireworks as allowed by ordinances of the city.
- (I) Any "agricultural operation" or "farming operation" as defined by A.C. § 2-4-102.  
(Ord. 182, passed 7-6-04; Am. Ord. 2007-08-297, passed 8-7-07)

Thank you,

Renee Biby  
Planning Official

City of Tontitown  
235 East Henri De Tonti Blvd  
Springdale, AR 72762

479-361-2700 office  
479-435-8080 cell  
planning@tontitownar.gov

-----Original Message-----

From: Russ Greene <RussGreene@cox.net>  
Sent: Monday, September 14, 2020 2:29 PM  
To: Renee Biby <planning@tontitownar.gov>  
Subject: Waste Management

Rene,  
I spoke with you this morning about legal documents pertaining to land use by WM.  
The document is too big for me to email. Can I drop a copy off at your office?  
Russ Greene  
RussGreene@cox.net  
479-685-4265





REZONING RESPONSE  
ECO-VISTA, LLC.

( ) I/we have no objections to the rezoning.

(X) I/we object to the rezoning because:

*Restrictive covenants state that can not be used for  
landfill purposes.*

*This will damage the value of our homes*

Signature

Signature

OPTIONAL: email/phone number

This form can be mailed to:  
City of Tontitown Planning Department,  
P.O. Box 305,  
Tontitown, AR 72770.

Or emailed to:  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)



REZONING RESPONSE  
ECO-VISTA, LLC.

☒ I/we have no objections to the rezoning.  
☐ I/we object to the rezoning because:

*We have put up with the noise, smells & dust  
from the landfill for 50 years. When will it ever  
end. I've been up in middle of night - the smell  
was so strong I could hardly breathe.  
The trucks start with all of the noise at 4:30 am  
this gets old. I can think of no good things about it fud up!*

*Oran Griffin*  
Signature

*Hubert Griffin*  
Signature

*261-2318*  
OPTIONAL: email/phone number

This form can be mailed to:  
City of Tontitown Planning Department,  
P.O. Box 305,  
Tontitown, AR 72770.

Or emailed to:  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)

September 15 , 2020

Dear Neighbors

Please see the enclosed information concerning the expansion of the Landfill / Waste Management/Eco-Vista,LLC.

I am sending you this information so you are informed , you can learn more about the expansion, and/or get involved to express your concerns over expansion to the Tontitown Planning Commission..

The concerns are :

Our area has become more residential in the past years. Not a place for a landfill.

Traffic concerns with large vehicles coming and going in our area with excessive speeds.

Road conditions deteriorating - rough roads, nails, rocks, and dirt - vehicles stay dirty and flat tires occur.

Worsening Smell , could be a health concern as some have contracted cancer in our neighborhood (possible?)

Property Values Decreasing

Again , please use this information to be better informed and express your views . It may help to keep our neighborhood safe , clean , and more attractive to live in.

Thank You

Sincerely,

A Concerned Neighbor of Yours



REZONING RESPONSE  
ECO-VISTA, LLC.

- ( ) I/we have no objections to the rezoning.  
☒ I/we object to the rezoning because:

WE DONT WANT THE LANDFILL TO GET BIGGER  
WE DONT LIKE THE SMELL  
TOO MUCH TRUCK TRAFFIC NOW, DONT NEED MORE  
DONT GO OUT TO THE HIWAY ON KLENK AFTER RAIN  
YOUR VEHICLE WILL BE DIRTY RED  
WITH NEW APARTMENTS GONNA BE TRAFFIC PROBLEM

Jerry Pratt  
Signature

Evangeline Pratt  
Signature

479-306-8360

OPTIONAL: email/phone number

This form can be mailed to:  
City of Tontitown Planning Department,  
P.O. Box 305,  
Tontitown, AR 72770.

Or emailed to:  
[planning@tontitownar.gov](mailto:planning@tontitownar.gov)