



## CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **July 27, 2021**  
Project: **Eco Vista Landfill**  
Planner: Courtney McNair, Garver

### AGENDA ITEM

## 3

### PRELIMINARY LARGE SCALE DEVELOPMENT 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 approve a Preliminary Large-Scale Development for an expansion to the existing Waste Management landfill property. This property was rezoned to EU-L zoning in anticipation of this expansion, and to bring the existing into compliance in October 2020.

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

**CITY WARD:** 3-Don Doudna, Tim Burress

**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 Preliminary LSD.

This request to approve a Preliminary Large-Scale Development for an expansion to the existing Waste Management landfill property. This property was rezoned to Exclusive Use-Landfill (EU-L) zoning in anticipation of this expansion, and to bring the existing into compliance in October 2020.

The total property area of Eco Vista landfill is 609.23 acres, and 417.13 acres was zoned to EU-L. Associated landfill activities will be located within this area that was rezoned. This includes the expansion of the active Class 1 (household waste) and Class 4 (construction waste) landfill areas, soil borrow areas, detention/sedimentation basins, access drives, truck wash, grading for a future landfill gas facility (that will be reviewed when it is proposed to be constructed), and required buffering.

The proposed Class 1 expansion will include approximately ten (10) acres of land located in between the closed Class 1 landfill and the currently active Class 1 landfill area.

The proposed Class 4 expansion will be located to the north of the existing Class 4 landfill area. The Class 4 area is approximately 12.2 acres.

This expansion will add approximately twelve (12) years to the life of the landfill.

#### **TECHNICAL INFORMATION:**

##### **Utilities:**

**Water:** Washington Water Authority-There is an existing 4-inch and 6-inch water line along the south of Arbor Acres Ave. If street improvements are required along Arbor Acres Ave., WWA has stated they may require the developer to relocate the 4-inch water line that exists within the current street ROW. Any part of this line within the area of road to be improved may be required to be relocated.

The nearest hydrant is located at the intersection of Arbor Acres and Pianalto Road and has an approximate fire flow of 225 GPM.

**Electric:** Ozarks Electric- OECC required 30' utility easements for all existing power lines. These are shown on the LSD plans. Any additional coordination with OECC will be the developer's responsibility.

**Sewer:** This project has an existing connection to the City of Tontitown sewer system. The applicant states they have obtained necessary permits from Tontitown and Northwest Arkansas Conservation Authority (NACA). James Clark, Public Works Director provided a copy of the required Industrial Waste Discharge Permit. It is still in effect. New discharge limits are being discussed, and if approved, and new Industrial Waste Discharge Permit shall be required to be submitted. It was discussed that NACA will require pretreatment if the landfill use is extended, and Eco Vista will be responsible for constructing this pretreatment facility.

**Phone:** AT&T- No comments were received from ATT.

**Natural Gas:** Black Hills Energy- No comments were received from BHE.

**Cable:** Cox Communications- No comments were received from Cox.

It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.

**School District:** Springdale school district.

##### **Police:**

No comments were submitted.

##### **Fire:**

The nearest hydrant is located at the intersection of Arbor Acres and Pianalto Road and has an approximate fire flow of 225 GPM.

According to the Emergency Action Plan provided by the applicant:

##### ***"2.1 Fire Fighting Procedures***

*Daily spreading, compaction, and weekly cover of disposed solid waste shall be used as a means of fire prevention. In the event that a fire does occur, the Fire Department shall be contacted immediately. After notifying the fire department, the following procedures shall be followed as applicable:*

- *Cover the fire with soil or remove the fire and cover it with soil.*

- Use a fire extinguisher and/or water hose to combat fire; direct the discharge from the extinguisher at the base of the fire. Note: Never fight an electrical fire with water – use a carbon dioxide (CO2) or dry chemical extinguisher.
- Secure all electrical power to the facility at the main breaker, and station a guard at the gate to keep the access road clear for emergency vehicles.
- Remain on guard over the affected area after the fire is extinguished until the fire fighters arrive.
- If at any time the fire is out of control, immediately evacuate all personnel from the facility.

*Portable fire extinguishers shall be kept on all landfill operating equipment and at the landfill 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.”*

The Emergency Action Plan also details Hazardous Materials Procedures, Emergency Reporting, and provides Emergency Contact Numbers.

#### **Drainage:**

The applicant submitted a Drainage Report that has been reviewed by the City Engineer. The post-development conditions for this site consider all of the proposed site improvements even though they will be installed/utilized in phases. This was a request by staff to ensure that at maximum usage, the detention would be adequate.

Several existing Sediment Basins exist on site already. They are the North Basin, Edward's Basin, South Basin and West Basin. A Northwest Basin was added to the plans as the existing North Basin was unable to be expanded due to site and utility conflicts, to accommodate additional stormwater runoff. The South and West Basins will also be modified to increase capacity.

Detailed information is provided in the Drainage Report.

#### **Streets:**

This project has access on to Arbor Acres Ave. There is an existing entrance for the Hauling Company office, maintenance building, and compressed natural gas (CNG) station. The Hauling company property is not included in this LSD. The landfill also has one (1) existing entrance. No additional entrances are proposed at this time.

Site visibility appears to be adequate from the existing entrance location. All interior drives must meet the required compaction rating to support emergency vehicles.

**Staff has worked with Waste Management to come to an agreement for the ongoing maintenance of streets, as well as improvements to streets, sewer pretreatment, and landscape installation. The agreement will still need to be formalized, but the details are almost complete, with the city having some comments on latest draft was submitted for review.**

**Planning:**

All setbacks and required buffering are shown on the Preliminary LSD plans.

No additional signage is being proposed with this application, lighting that may be included with future buildings will be evaluated, and all Planning Checklist items have been addressed.

Eco Vista has added Vector Control to their Operations Plan as required.

The applicant has submitted a REVISED phasing plan that has been reviewed and approved by staff. This is a general timeline, and it is expected that some items may be delayed or be moved to an earlier timeframe. The applicant shall inform the city when changes are proposed to this phasing plan.

Improvements to Arbor Acres Ave. are proposed as well as a pretreatment facility for leachate discharge, and these improvements will need to be added to the timeline.

**After several discussions with neighbors, ALL landscaping will now be installed within 2022:**

**PHASING NOTES:****SITE IMPROVEMENTS TO BE COMPLETED IN 2021**

- PAVED EXISTING ENTRANCE ROAD (COMPLETED APRIL 2021)
- SUBMITTAL OF CLASS 1 AND CLASS 4 PERMIT MODIFICATION APPLICATIONS TO DEQ FOR EXPANSION (COMPLETED JULY 2021)
- INSTALLATION OF PERMANENT TRUCK WHEEL WASH ANTICIPATED IN AUGUST/SEPTEMBER 2021
- BORROW AREA EXCAVATION AND GRADING
- CONSTRUCTION OF HIGH-BTU LANDFILL GAS PLANT

**SITE IMPROVEMENTS TO BE COMPLETED IN 2022**

- INSTALLATION OF LANDSCAPE SCREENING PER CITY CODE
- BORROW AREA EXCAVATION AND GRADING

**SITE IMPROVEMENTS TO BE COMPLETED IN 2023**

- UPON ISSUANCE OF DEQ PERMIT MODIFICATION, CONSTRUCTION OF FIRST CELL OF CLASS 1 EXPANSION AREA
- UPON ISSUANCE OF DEQ PERMIT MODIFICATION, CONSTRUCTION OF CLASS 4 EXPANSION AREA
- UPON ISSUANCE OF DEQ PERMIT MODIFICATION, CONSTRUCTION OF STORMWATER IMPROVEMENTS FOR WEST BASIN AND SOUTH BASIN AND CONSTRUCTION OF NORTHWEST BASIN
- BORROW AREA EXCAVATION AND GRADING

**SITE IMPROVEMENTS TO BE COMPLETED IN 2024**

- UPON ISSUANCE OF DEQ PERMIT MODIFICATION, CONSTRUCTION OF SECOND CELL OF CLASS 1 EXPANSION AREA
- BORROW AREA EXCAVATION AND GRADING

**SITE IMPROVEMENTS TO BE COMPLETED IN 2025**

- BORROW AREA EXCAVATION AND GRADING

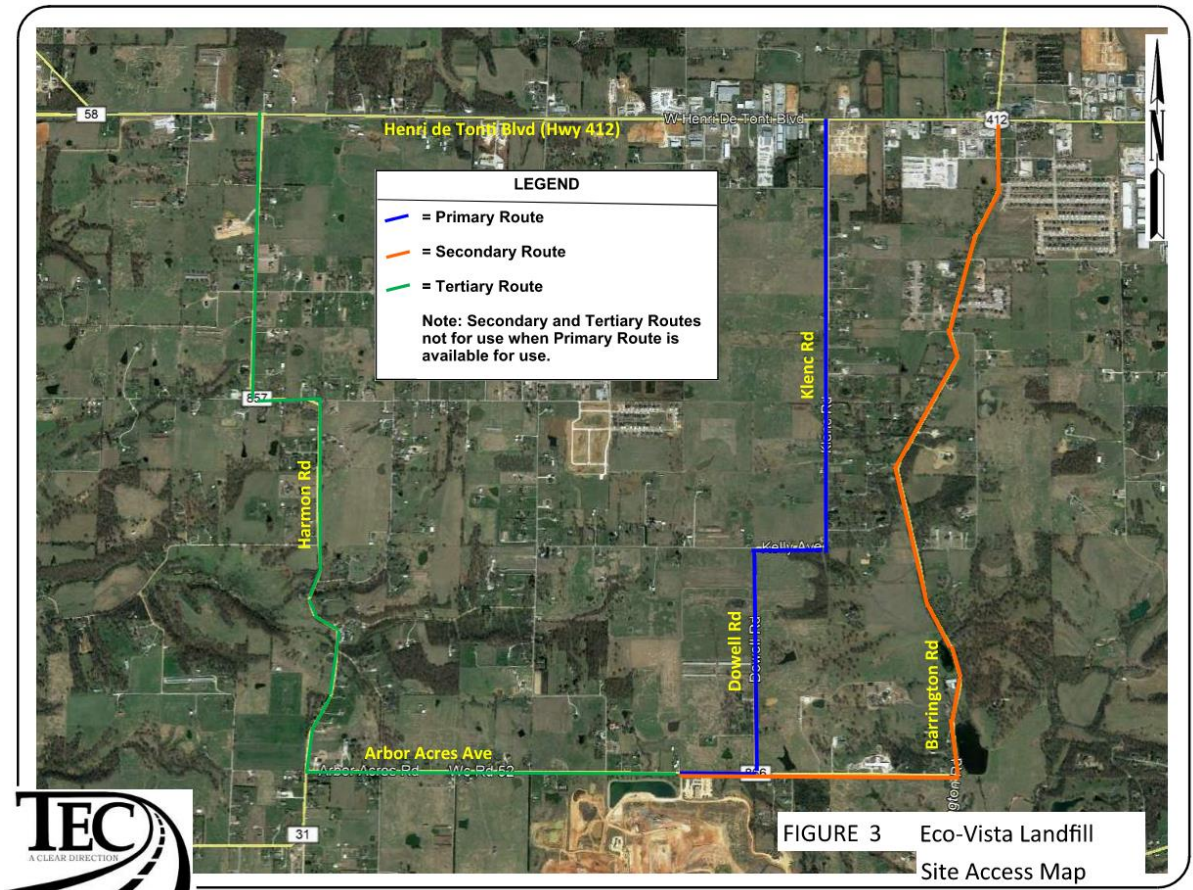
**SITE IMPROVEMENTS TO BE COMPLETED IN 2026**

- UPON ISSUANCE OF DEQ PERMIT MODIFICATION, CONSTRUCTION OF FINAL CELL OF CLASS 1 EXPANSION AREA
- BORROW AREA EXCAVATION AND GRADING

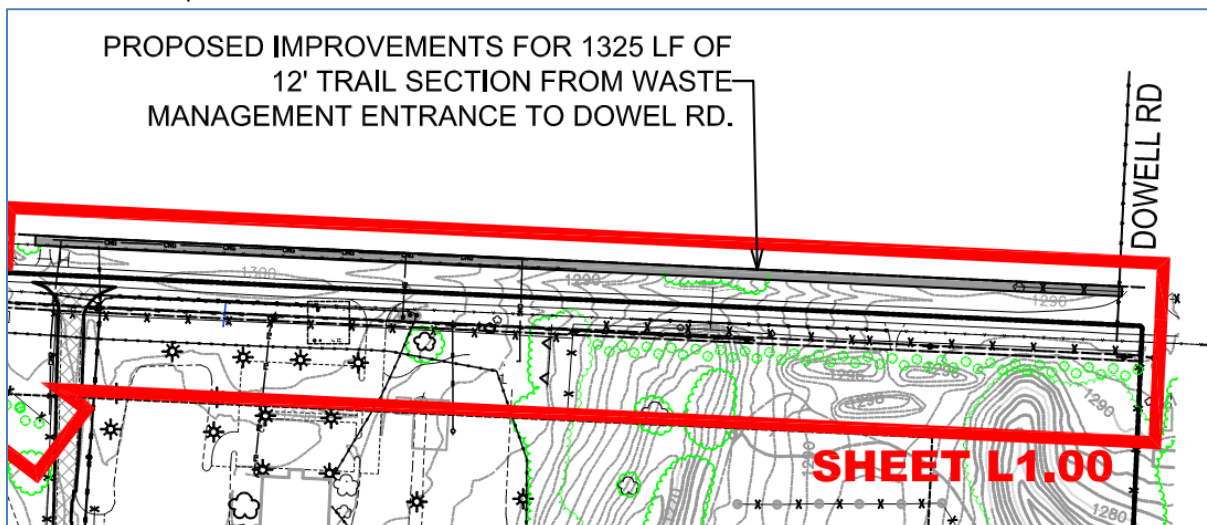
## SUMMARY OF AGREEMENT BETWEEN ECO VISTA AND THE CITY OF TONTITOWN:

Portions of the agreement are tied to ADEQ approvals, including:

1. Eco Vista will contribute \$100,000.00 every four (4) years, for a total of \$400,000.00, to the City of Tontitown for maintenance related to the Primary Waste Vehicle Route (see below):



2. Arbor Acres Ave. will be improved from the Eco Vista entrance to the intersection at Dowell Road, on both sides of the street to Collector Street Standards and provide a 12-foot trail along one side of the street. It is currently shown on the north side, but the city may request this be placed on the south side instead.





3. Eco Vista will contribute \$45,000.00 to the stoplight installation at Klenc Road. The City will pay for the right-turn lane as part of that project.
4. Eco Vista will construct on-site leachate treatment so the impact to the sewer system is lessened.

**Portions of the agreement will be implemented regardless of ADEQ approvals, including:**

1. All trees shall be installed per plan no later than December 31, 2022, with a minimum planted height of six (6) feet.
2. The tire wash will be constructed within 180 days of Large-Scale Development approval.
3. Areas between the required 250-foot setback and adjacent property lines, that were previously disturbed, will be graded so as to eliminate standing water, and seeded for cover. These areas will be mowed once a year.

**The city has some comments on the latest draft submitted for review. Additionally, as a point of clarification, this agreement is related only to the current expansion request, and any future expansions will be evaluated when they are proposed.**

**§ 153.086 Exclusive Use-Landfill**

**In addition to Large Scale Developments, Landfill uses must also comply with 153.086. This additional information can be found in the packet submitted by the applicant.**

*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*

#### **NEIGHBOR COMMENTS AND PETITION:**

Large Scale Development Plans do not require additional notice to be sent to neighbors. Neighbors within 1000 feet of the project site included with this plan were notified during the rezoning request.

Staff has received additional comments and had many conversations with neighbors throughout this process. In addition to a petition, staff has received one "unopposed" comment, and one "opposed"



comment.

The petition that was submitted to the city lists several concerns. Some of these are not within the scope of review by the City of Tontitown and will need to be reviewed by the proper agencies.

Staff will try to address concerns that are within the control of the City of Tontitown:

1. **The neighbors have asked for perimeter fencing.** This is not required by code and is impractical. Screening is required and can be accomplished with a combination of fencing and vegetation. Large portions of the Eco Vista site are wooded and screened from view without requiring a fence. Eco Vista is installing additional trees in areas which lack screening. Fencing or other barriers are required to prevent unauthorized vehicular entry, and Eco Vista already has a fence and gate in place at the entrance.
2. **The neighbors have asked for a buffer area.** A buffer area is being proposed. All vegetation will be installed by the end of 2022.
3. **The neighbors have asked that all buffer areas be maintained per city code.** Eco Vista will need to comply with Chapter 92 of Tontitown's Code of Ordinances.
4. **The neighbors have stated that there are areas of standing water not within the basins.** The City is requiring that areas within 250' of the property line that has been previously disturbed, be graded and reseeded.
5. **The neighbors state that the noise ordinance is being violated.** Eco Vista will need to comply with Chapter 153.086 of Tontitown's Code of Ordinances.
  - a. *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.*
6. **The neighbors have concerns about odor.** ADEQ monitors this.
7. **The neighbors would like the roads to be cleaned.** Eco Vista addresses this in their application and are required to install a wheel wash within 180 days of approval of the Large Scale Development.
8. **The neighbors want digging requirements to meet or exceed ADEQ requirements and mentions private covenants.** Staff believes that the ADEQ requirements listed are for landfill operations (actual areas of trash disposal), however, if this is incorrect, ADEQ would be the correct agency to monitor these requirements. All work associated with this project (grading, borrow areas, areas of landfill, buildings, etc.) will be 250 feet from property lines. The city has no authority over private covenants.
9. **The neighbors state that stormwater runoff has been seen leaving the property in multiple areas.** ADEQ monitors this.
10. **The neighbors state that the closed Class 1 landfill does not have a liner.** ADEQ monitors this.

11. **The neighbors request that additional wells and gas conversion stations be implemented.** This is out of the scope of what the city can require. This discussion would be best had with Eco Vista.
12. **The neighbors want road maintenance and repairs addressed.** Eco Vista and the City are in the process of finalizing the agreement to address street maintenance and improvements.
13. **The neighbors want the Class 4 portion of the landfill to be lined.** ADEQ monitors this.
14. **The neighbors are concerned about blowing trash.** Eco Vista has litter fencing installed, will be planting trees, and has stated that they will “deploy litter crews to collect litter that makes it beyond the perimeter fencing”.
15. **The neighbors want the implementation of recycling programs for the community.** This is something the City Council could discuss.
16. **The neighbors want a building or designated area for dumpsters in need of repair.** Eco Vista submitted a Conditional Use Permit to allow a repair shop for dumpsters to be placed near the existing business office.
17. **The neighbors want to set an expiration date for the landfill.** This expansion will provide approximately 12 additional years of use. Additional requests for expansion will be required.

**There are several additional environmental concerns that lie outside of the scope of the City of Tontitown. ADEQ monitors these items, such as, but not limited to:**

- Concerns about Boone Limestone and KARST topography.
- Ozark Cavefish
- Lining of landfill areas.
- Health regulations related to methane and other gasses.
- Regulation 22 of ADEQ

Additionally, the neighbors have provided tax receipts for property owned by Waste Management / Eco Vista in Madison County. They state that Eco Vista was asked if they have a “Plan B”, and Eco Vista responded that they do not have other property in the area. These tax receipts list “business personal” as the type, which seems to indicate it is not real estate. Regardless, simply owning property nearby cannot be assumed to be a “Plan B”.

It will not be Eco Vista that will need a back up plan if this landfill is closed, it will be the city and citizens who will be left to find alternatives.

**STAFF RECOMMENDATION:**

Items of concern listed at the last meeting have been worked through. The city has some additional comments on the latest draft agreement, but nothing that will significantly impact the development. Formalized agreements shall be required.

Staff is recommending **approval of the Eco Vista Landfill Expansion, with conditions:**

**CONDITIONS RECOMMENDED FOR APPROVAL:**

1. WWA has stated they may require the developer to relocate the 4-inch water line that exists within the current street ROW. It shall be the applicant's responsibility to relocate utilities that exist within the ROW.
2. Other utilities may require relocations if street improvements are required along Arbor Acres Ave. It shall be the applicant's responsibility to relocate utilities that exist within the ROW.
3. NACA will require pretreatment of the leachate discharge if the landfill use is extended, and Eco Vista will be responsible for constructing this pretreatment facility. The Phasing Plan shall be amended to reflect the required street improvements.
4. New discharge limits for wastewater are being discussed, and if approved, and new Industrial Waste Discharge Permit shall be required to be submitted.
5. It is the applicant's responsibility to coordinate any additional utility easements or connections as needed to service their property.
6. Required street improvements are required. The Phasing Plan shall be amended to reflect the required street improvements.
7. The agreement between Eco Vista and the City of Tontitown shall be formalized after all additional comments have been updated/agreed upon.
8. Any changes to the phasing plan or the site plan shall require review by Planning Staff. If Planning Staff determines that the changes to the phasing plan or site plan are significant, they shall refer the changes to the Planning Commission for review.
9. The phasing plan shall be generally followed as presented, with additions as noted by staff. If any item is to be delayed, Eco Vista shall provide documentation of the nature of the delay and provide a new estimated date of completion.
10. Vegetation shall be required to be warranted for a period of three (3) years from the time of installation and shall be replaced during the appropriate planting season.
11. All interior drives shall meet the required compaction rating to support emergency vehicles.
12. Street improvement plans shall be reviewed by the City Engineer prior to Construction Plan approval.
13. The applicant must apply for all required permits prior to construction.
14. Improvements not reviewed with this LSD plan shall require additional review. No additional improvements shall begin construction prior to plan approval.
15. This project shall generally conform to all plans and information submitted to the city. Any significant change from any information submitted may require additional review by the Planning Commission. This includes, but is not limited to, site and landscape plans, drainage information, agreements for maintenance of streets, improvements to streets, sewer treatment, operations plans, emergency action plans, and conceptual future land use plans.
16. This project shall adhere to all applicable City of Tontitown regulations.

THE ATTACHMENTS FOR THIS PROJECT ARE VERY LARGE. THEY CAN BE ACCESSED VIA [THIS LINK](#) or by going to this address:

[https://garverengineers-my.sharepoint.com/:f/g/personal/cetmcnair\\_garverusa\\_com/EtyyB-mLN9NNpwNyzO6Z8yUBTdS366YE9v2bNulk\\_ecc3g?e=SJUfZX](https://garverengineers-my.sharepoint.com/:f/g/personal/cetmcnair_garverusa_com/EtyyB-mLN9NNpwNyzO6Z8yUBTdS366YE9v2bNulk_ecc3g?e=SJUfZX)