



Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting

July 6, 2016
6:00 p.m.

Benton County Administration Building
215 East Central Avenue, Bentonville AR 72712

Planning
Board
Approval:

Handwritten:
CJB
7/21/16

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 p.m. by the Planning Board Chair, Mark Curtis.

Roll Call: Jim Cole, Sean Collyge, Mark Curtis, Ron Homeyer, Starr Leyva, Ashley Tucker and Rick Williams were present.

Staff present: John Sudduth – Administrator of General Services, Glenn Tracy – Building Official, Kevin Gambrell – Planning Director, Taylor Reamer - Planning Manager, Derek Linn – Senior County Planner and Tracy Backs – County Planner, were present.

Public Present: There were five members of the public present.

Disposition of Minutes: 06-15-2016

Ms. Leyva moved to approve the June 15, 2016, Planning Board Meeting minutes. The motion was seconded by Mr. Williams. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business – Items for Public Hearing:

I. Shankle Waiver, #16-091 & #16-093 through #16-104, Heagerty and Sears Road, Bentonville 18-09210-005 + 18-09212-000

Applicant: Ben Shankle, 6064 Yosemite Falls Cove, Springdale, AR 72762. Also attending were Jeff Barker, 513 Dodson Road, Apartment U4, Rogers, AR

Staff gave a presentation on the Shankle Waiver, #16-091 & #16-093 through #16-104, Heagerty and Sears Road, Bentonville 18-09210-005 + 18-09212-000

Comments from Mr. Shankle: I brought Mr. Barker along as the owner of Lot 3 in case there were any questions for him specifically. *Applicant presented a site plan of*

Lot 3 showing the placement of the proposed septic fields, and was shown on the electronic display screens.

This is a preliminary site plan showing the shop building and the main house. I sent that to Taylor (*Reamer*) so that you guys (*the Planning Board*) would have an idea of what that would look like.

Mr. Reamer: We have approved septic permits for each as well, received today.

Board Comments:

Mr. Tucker: I was trying to figure out how the septic and alternate fields for the house worked.

Mr. Reamer: You have the large, four-bedroom proposed home. At the bottom left-hand-corner you have the proposed shop with three bedrooms.

Mr. Tucker: This site is high at the southeast corner and falls to the northwest?

Mr. Shankle: Correct.

Public Comment: None

Mr. Shankle: *No further comments.*

Mr. Gambrill: I know that there was discussion at the last meeting regarding a multi-unit permit. I didn't know if the applicant had any questions or any comments from the septic designer about multi-unit permits.

Mr. Shankle: We did. I think our interpretation, and this just may be something to think about, but the interpretation of the ordinance, there seemed to be a lot of confusion with whether or not a multi-unit system would be allowed based on the verbiage stated in the ordinance. I am reading that as a layman, so I could be missing something; but I think our initial approach, by reading that and understanding it, it is clear that it says one unit per one lot. So that is the direction that we went. Starting over to try to do a multi-unit would have been costly and really set us back having our permits in place and the design already in process.

Mr. Gambrill: Your opinion is that it is partially the verbiage and the language therein that caused a little bit of uncertainty. Not just the cost.

Mr. Shankle. In my opinion, yes. I think it might be beneficial to have that as an option because someone reading it I had no idea until Starr (*Leyva*) mentioned it that that was even an option.

Mr. Gambrill: Okay. That's fine.

Mr. Curtis: Thank you for the comment; because we are getting together to work on that.

Mr. Shankle: Okay.

Ms. Leyva motioned to approve the Shankle waiver for Lot 3. Mr. Cole seconded the motion. The motion carried 7-0.

II. Allison Variance, #16-109, 13786 + 13816 Apache Trail, Garfield 15-03928-000 + 15-03929-000

Applicant: Chris Allison, Little Rock, AR

Staff gave a presentation on the Allison Variance, #16-109, 13786 + 13816 Apache Trail, Garfield 15-03928-000 + 15-03929-000

Comments from Mr. Allison: That you to Mr. (*Derek*) Linn for all his help in getting all this together. We've never done this before so it's been quite a learning process.

Board Comments:

Mr. Tucker: Are you going to retain both driveways or just combine them into one driveway?

Mr. Allison: We will combine them into one driveway. There is really only one driveway now between the two lots. It comes down and splits off to the two cabins so we will keep that one driveway.

Public Comment: None.

Mr. Cole motioned to approve the Allison variance. Mr. Williams seconded the motion. The motion carried 7-0.

III. Corner Post Cowboy Church Waiver, #16-112, 18200 Old Highway 68, Siloam Springs 18-10464-001

IV. Corner Post Cowboy Church Site Plan Review, #16-111, 18200 Old Highway 68, Siloam Springs 18-10464-001

Mr. Ron Homeyer recuses himself.

Applicant: Ron Homeyer, Civil Engineering, 701 South Mt. Olive, Siloam Springs, AR

Staff gave a presentation on the Corner Post Cowboy Church Waiver, #16-112, and the Corner Post Cowboy Church Site Plan Review, #16-111, 18200 Old Highway 68, Siloam Springs 18-10464-001

Comments from Mr. Homeyer: The church does not plan on having a free-standing sign. The only sign would be on the building itself. Not sure if this needs to be a note on the plan or if this is sufficient. As far as trash, they see no need for a dumpster at this point. They have a kitchen but it is only for coffee so they won't generate a lot of trash at this point. So, they are not planning to have a dumpster. They are still looking for someone who provides trash service in the area. As soon as they find that, and they get me that letter, I will get it up to you on the trash service as well as the electric. We are working on septic and water well approval at the same time. Loading zone...we've got a large area on both sides of the proposed arena that could be considered a loading zone...60 feet x 340 feet on one (*side*) and 60 feet x 270 feet on the other. I can label it up that way if I need to.

Board Comments:

Ms. Leyva: So as part of the approval, you are asking for future lighting that we don't know where it is going to be placed but it is going to be full cut off wherever it is going to be placed.

Mr. Homeyer: The long-range plan is to light the arena at some point. They have an even longer range plan of maybe putting a pavilion-type roof over it with open walls. Neither of those are being requested at this time because they just don't know when and where they might do that. They will ask for that later. The lighting, if it is installed, will be full cut off. They probably will have a security light wherever the electric service pole ends up. At this point, I don't know where it is going to be so I couldn't show it but that will be full cut off as well.

Ms. Leyva: Will there be lighting on the actual church? I didn't see any of that on the plans. So not on the front door at night? Nothing?

Mr. Homeyer: It will be under the porch probably but I don't know if they will leave that on all the time or not.

Ms. Leyva: I was thinking in the wintertime, it gets pretty dark early.

Mr. Homeyer: It gets dark early and it gets real dark out there.

Ms. Leyva: Yes. But I didn't see any lights on the plans.

Mr. Homeyer: I asked them specifically about lighting, whether they were going to put them on the building or anything like that. He was comfortable with just a security light on the meter pole at this point.

Ms. Leyva: Okay.

Mr. Tucker: This kind of fits somewhere between private recreation and agriculture. Both of those are in our general commercial section. So, as we talk about screening,

we are talking about--Do we screen a quasi-agricultural use that's a general commercial from an agricultural use that's non-commercial? It only makes a difference if there is light. Because for the most part, it's a horse arena. You are going to have horses. The neighbors could have horses that they ride in the same fashion. They have trailers in the same fashion; but with the arena, that makes things a little different. I am all for people being able to see institutional churches from the highway. I think being able to screen the lighting in the future from the neighbor may be the only part that landscaping plays in this. Would they be willing to install some type of taller pine that would block the lighting but not necessarily the view lower?

Mr. Homeyer: I think they would be agreeable to that. Do we want to do it now so it's mature when they do the lighting?

Mr. Tucker: I would say now so it's mature when they install the lighting.

Mr. Homeyer: I agree with that comment but I had to ask.

Mr. Tucker: As we found out recently, pines don't like to grow close together. Just screening the arena on the south and east side would go a long way toward doing something for the neighbors that prevents that long-term issue. You don't want to not be able to see a public amenity so to speak. I don't know how everybody else feels about the church but we generally don't screen churches.

Mr. Homeyer: So if we were to put in pines at 25 to 30 foot on center...

Mr. Tucker:30 to 35, whatever an arborist or landscape architect would recommend. What did we do at the warehouse? We wound up respacing those at the warehouse in Siloam.

Mr. Curtis: That was a lot closer. We wanted that blocked.

Mr. Homeyer: Yes, I meant to pull it out and look at it but I just ran out of time today.

Mr. Reamer: I believe I remember white pines especially were 30 to 35 feet spread is what I recall.

Mr. Homeyer: So basically a defined 30 to 35-foot center. They would be agreeable to that. Do we need to go the full depth of that east side because there is a pretty thick row of trees between them and the house to the east?

Mr. Tucker: Just the gap in the trees, about half way.

Mr. Homeyer: I know what you are talking about. On the east side about half way then?

Mr. Tucker: It's kind of wooded along the fence line but there is a gap that faces the residence.

Mr. Gambrell: At the last meeting, there was a comment about hours of operation. I believe it was from Ms. Leyva. I did not know if Ms. Leyva still had some concerns about this or if it was just a general inquiry.

Ms. Leyva: I was still waiting for an answer on that.

Mr. Homeyer: Without lighting, obviously, it is during day light hours. This is not something that will be occurring weekly or perhaps even monthly. There could be more activity in the summer rather than the fall and winter.

Ms. Leyva: So we are talking about approval for what without lights and what with lights? We've run into situations before where we weren't clear so we want to make sure that's clear. We are talking about two separate approvals. Essentially you are saying we are going to eventually do lights but right now we are not. We are talking about hours of operations without lights. If you are going to want to change it, then we need to hear what those hours are. Otherwise, it's going to be what it is without lights.

Mr. Gambrell: Something perceived as simple as lighting would be a major amendment. So they would have to come before the Board anyway if we didn't deal with it this evening.

Ms. Leyva: That's why we are trying to deal with the lighting tonight. Otherwise you will have to come back. It's up to you as the applicant.

Mr. Homeyer: I really don't know how late they go. I couldn't image it being after 10 p.m. but I really don't know. I can't get an answer for that tonight.

Ms. Leyva: Okay.

Public Comment:

Mr. Hal DeJarnatt, 14072 Yell Cemetery Road, Siloam Springs

Mr. DeJarnatt: We are actually here for ourselves but I have actually attended Corner Post Cowboy Church a time or two. As far as the current hours of operation, they are pretty much only there on Sunday mornings in between 9 and 10:30. And then it is my understanding that as far as the arena is concerned, it is going to be strictly daytime. But I know, some of the members of various local riding clubs have what they call a play day or play night. This would generally start at 6 or 7 in the evening and generally might run until 10 or 11. That would probably be as late as I would see something like that going.

I also have had some cattle partnerships with Rob Bomstad who actually owns the property on the west side (18-10465-000). I know he welcomes the church coming in to the property next to him. That's all I have to say.

Mr. Curtis: We appreciate your comments. Thank you, sir. I don't know if you want to put it in writing tonight but I think it would be helpful to have some kind of guidelines so that we know what we are okaying.

Mr. Homeyer: Sure. Based on his (*Mr. DeJarnatt's*) comment, we would request 11 p.m. with lighting and then obviously it's daylight hours without lighting.

Mr. Curtis: Okay. So can we add that, Mr. Reamer, to your notes?

Mr. Reamer: Certainly.

Mr. Tucker: We could possibly replace signage unless we wanted to see a note that said signage was on the building. Do you know if signage would be illuminated or just letters on the building?

Mr. Homeyer: I don't think they will be illuminated.

Mr. Tucker: So if there is no signage, we possibly could replace the revisions to include the hours of operation on the site plan.

Mr. Williams: Does the first waiver request go away?

Mr. Homeyer: If it doesn't go away, then I have to put screening in front of the church structure itself.

Mr. Curtis: So my understanding is that we are going to make it part of the approval that there are going to be some plantings.

Mr. Homeyer: I already got preapproval to agree to that, yes. On the arena.

Mr. Curtis: Okay. So we can approve the waiver and we will add it to the number two then. Everyone understand that?

Ms. Leyva: So we don't need a water provider because that is sort of the ADA approval that you are seeking for the well, correct?

Mr. Homeyer: Yes, there is no water provider within two or three miles. Correct.

Ms. Leyva: And solid waste is possibly not even a factor currently.

Mr. Homeyer: If they do need it, it will just be a bin, street-side pickup.

Ms. Leyva: Okay.

Ms. Leyva: And then hours of operation are until 11 o'clock with lighting and daylight hours without lighting. Is that what I am understanding? Every day of the week, correct?

Mr. Homeyer: Yes. At this point I would have to ask about every day of the week. I don't know if they would just do it weekends or if they would have a reason to do it during the week.

Ms. Leyva: Okay.

Mr. Gambrill: Does the Board want a formalized lighting plan? Or do they want any cross sections of lines of sight?

Mr. Tucker: We generally don't ask for that except on nuisance lighting. Without being able to see the type of fixture, the impact of the fixture, wattage, glare ratios, things like that it wouldn't be that helpful.

Mr. Curtis: Okay. Do we have the t's crossed and i's dotted here?

Mr. Tucker motioned to approve the Corner Post Cowboy Church Waiver from the buffering along the frontage of the church that required plantings around the arena. Mr. Williams seconded the motion.

Mr. Curtis: We have a motion and a second on the waiver with the caveat. Any more discussion on that?

Motion carried 7-0.

Mr. Williams motioned to approve the site plan with stipulations. Mr. Tucker seconded the motion.

Motion carried 7-0.

TECHNICAL ADVISORY COMMITTEE

1. **Call to Order:** 6:38 p.m.
2. **Old Business / Ongoing Applications:** None
3. **New Business:**
 - I. **DeJarnatt Waiver, #16-113, 14072 Yell Cemetery Road, Siloam Springs, 18-10542-000**

Applicant: Kimberly DeJarnatt, 14072 Yell Cemetery Road, Siloam Springs

Staff gave a presentation on the DeJarnatt Waiver, #16-113, 14072 Yell Cemetery Road, Siloam Springs, 18-10542-000

Comments from Ms. DeJarnatt: I think that pretty much says it. Basically, we are living in the garage apartment while we build our dream home. Hopefully we can have a septic system for it. Mom and Dad and three kids...it is getting a little tight there.

Comments from the Board:

Mr. Tucker: Is there any intent to sell off the apartment or use it for a rental or anything like that?

Ms. DeJarnatt: I am hoping, my children, as they go away to college will live next to me; because they don't want to live in my house probably. Elderly parents. But nothing. We would not consider selling it.

Mr. Homeyer: Are both of your houses going to be on the same well?

Ms. DeJarnatt: Yes sir.

Mr. Curtis: It's a formality type of thing but we appreciate you coming in. We are glad that you are upgrading. We will see you in two weeks.

Ms. DeJarnatt: Thank you so much!

2. Planning Board Elections

Mr. Curtis: There is one of item of new business that we need to mention. I will throw it out here. In two weeks at our next meeting, we will have an election. So we need to have some kind of idea about who wants to do what for the coming year. I warned you about this at the last meeting. Ms. Leyva can laugh about it because she is disappearing. I think this is as good a time as any to bring this up while the press is still here so they have some idea about what is going to happen in the future and staff will have some idea about what to plan for.

Mr. Tucker: (*directed to Mr. Curtis*) Is the first meeting in August your last meeting?

Mr. Curtis: Next meeting is my last meeting.

Mr. Tucker: Next meeting is your last meeting and the same for Ms. Leyva.

Ms. Leyva: Yes.

Mr. Curtis: The year goes from August 1 to July 31.

Mr. Tucker: Okay so will we have our two replacements seated?

Mr. Gambrill: The proposed scheduled right now is that our two Planning Board appointees would go before the committee of the whole on Tuesday (*July*) the 12th. They are actually meeting with staff on Monday, the 11th just to get acquainted with by-laws and general documentation. I am not going into the by-laws part of it so much. We are going into more on the Staff, Planning Board, code and things like that. They have to get out of committee so the most important meeting for those two individuals is the Committee of the Whole on the 12th. Provided everything runs smoothly, we would then go before the Quorum Court on the 28th which is prior to the first Planning Board meeting in August, which is August the 3rd. Hopefully if everything runs smoothly, those two individuals would be able to start serving at that first meeting in August.

Mr. Curtis: And we would expect nothing less from the Planning Department to plan those dates out.

Mr. Tucker: So there is actually three or is it four elections on the 28th?

Mr. Gambrill: There are two new Planning Board members that are new appointments and yourself being a reappointment.

Mr. Curtis: They will do all three at the same time.

Mr. Gambrill: At the Quorum Court meeting on the 28th, they don't have to be sworn in at that exact time. They can. The judge will be in attendance so he can swear them in at that time.

Mr. Tucker: It's always different every time.

Mr. Sudduth: So you know, we did try to do it much earlier, but I can't overfill the positions. I hate to kind of wait until the last week or the last day or whatever. We did try to get everything a little bit in order with the idea that they would be sworn in and take their duties August 1; but it doesn't work that way. So we have to run to the last Quorum Court meeting in July to get them approved. We were trying to get the jump on this. This is by ordinance.

Mr. Curtis: Regardless of that outcome, we still need to have our election in two weeks. So we need to have someone step up and say that they want to....

Ms. Leyva: I think what Ashley (*Tucker*) was trying to do was to get the two new members to make it president and vice-president somehow.

Mr. Gambrill: Let's let the proposed new appointees take their positions. Let's not scare them off quite right away. They may be very willing. You never know.

Mr. Curtis: So that being said, back to the original question. I am trying to move this along and not drag this out.

Mr. Tucker: The duties are still, attend the DRC meeting...

Mr. Gambrill: Planning Board members do not have to attend the DRC. That is not a mandate. I don't know if that is in your bylaws but that is not something that Staff requires. If they would like to attend, that's fine.

Mr. Curtis: No, it's voluntary, not a requirement. But it has been helpful on a number of occasions so that is something that we encourage for the chair or the vice chair.

Mr. Gambrill: ...and frequent attendance and not miss. I know that your by-laws do speak to attendance policies. This gets into one of our discussion items that speaks to just voting in general. We tend to see lots of variances. I might just jump ahead here. We have to get two-thirds of the actual membership, not just the members that attend. So you have to have five 'yes' votes on a board of seven to pass any variances in Benton County. So, attendance is key.

Mr. Curtis: But I think this Board has been pretty good and I commend you for that. It saved me a lot of grief too. Would somebody like to step up?

Mr. Gambrill: Yes, excellent.

Mr. Tucker: I'd be willing to do it. I've done it before.

Mr. Curtis: Okay, so Mr. Tucker is willing to do it. Do we have someone who would like to be the Vice?

Mr. Homeyer: As long as I don't have to come to the DRC, I can do that.

Mr. Curtis: Okay. We have some possible candidates. Thank you. I appreciate you stepping up and doing that.

4. Other Business: None

5. Staff Updates:

I. Administrative Approvals:

- A. Maris Minor Subdivision, #16-107, 23525 Lin Z Way, Gravette
- B. Halford Minor Subdivision, #16-116, 9552 Ruby Hall Road, Gentry
- C. Burke Minor Subdivision, #16-132, 12696 Miller Church Road, Bentonville

6. Discussion Items:

- I. Planning Board attendance in regard to voting on Variances/Waivers

Mr. Curtis: We have touched on this and it is a very important subject. Let's just make sure everybody is aware of it. We are going to have waivers and variances pretty much every meeting until..... I don't know when the 'until' is. But the staff is working on that. It is pretty important for your attendance. I would urge the remaining Board members to make sure the staff is aware if you are going to be gone as best you can. Mr. Gambrill, do you want to add anything to that?

Mr. Gambrill: Not to the first discussion item. That was simply brought up before. We know that it's in our regulations about the two-thirds rule for variances specifically. It's not written that way so much for waivers which is curious enough. But for variances, anything with bulk and area and spatial dimensionality for a case, you have to have five yes votes on a board of seven to pass it. That's just a point of order that Mr. Sudduth had brought up at a prior meeting.

II. Spring Valley Anglers Rod & Gun Club – Sport shooting range.

Mr. Gambrill: This is Spring Valley Anglers Rod & Gun Club sports shooting range. The reason that the discussion item is titled the way it is is because during our field review of the Maris Variance, which you all approved at the prior Planning Board meetings, we were looking to verify the shop building that was the subject of that variance. At the same time, we were doing our field inspections, like we would do with any other property. In the course of doing that, if Staff has other questions about land use considerations, they are obligated to make note of them. When we did our field review, we noticed that the larger piece of property, that Mr. Maris is hoping to acquire, has had a newly-established sports shooting clay throwers, clay pigeons, sporting clays..however you want to put it....on what my understanding is field 4. Field 4 is the large parcel to the south of the parcel that was shown for the split or variance. That parcel is bisected by West Mountain Road. On your screen you can see West Mountain Road running north south but cutting off the southeast third. That section is where newly-established clay throwers have been sited probably starting early this year based on aerial photos. However, the property owner has been leasing and has alleged that sporting clays have been involved with their on-going business operations for quite a while, at least before our current regs and even into our prior regs for planning. That does not necessarily constitute an expansion of use. Whereas Staff would say, that they are mobile clay throwers and they may have been used closer in to the lodge and the existing facility that was the subject for the variance.

Now a dozen or so of them have been moved, have established shooting stations and have done more than just move them. So it just begs the question from Staff, "*Is that considered an expansion?*" The use and operations of Rod and Gun Club have been going on since 2006. They have had building

permits issued. They have never been before the Planning Board but they are essentially a noncompliance, nonconforming use which can stay as is even if it does include the clays. However, again, if the clays are then mobile, and all those stations then move, and are put into a new area that may be safer, it may be a more ideal location. The applicant is here and he can speak to why things have been stationed where they are now versus rotations in the past with the lease. It still begs the question, "*Is that an expansion of use?*" That's the question that Staff has and that was the subject of the Notice of Violation letter that we had sent to the applicant and property owner on June 20th. Right now it sits as a complaint in the Planning Office that we want to resolve even if it means that we bring it to the Board for discussion.

Mr. Curtis: I guess I would be interested in the owner coming forward and giving us a little background in this.

Mr. Maris: Adam Maris, 23525 Lin Z Way, Gravette.

(Pointing to the screen) This is field 4 that Kevin (*Gambrill*) was mentioning. In the past, what I have done because of agricultural practices—haying and cattle grazing—I've had to rotate from field 1, field 2, field 3 and field 4.

Mr. Curtis: Rotate the shooting?

Mr. Maris: Yes, sir. Sporting clay stations are almost like 18 holes of golf. They are laid out like a course. Based on agricultural practices, depending on where cattle and haying are happening, was where I could have the stations. Kevin (*Gambrill*) is completely correct in that they are mobile. This field 4 is the most ideal location simply because it is the safest. We've got it to where we are able to shoot away from the road and away from the creek. This is one of the fields in the rotation over the past ten years. I just lease the property and did not own it so I could not control the cattle grazing and the haying because it was not my property. Now that I have the property under contract and am purchasing it, I would like to continue to utilize field 4 but make it a more permanent destination or location for the sporting clay stations. My side of it would be, I am not changing the use or altering it. I would have done that for the past ten years if the landowner would have allowed that or if I would have been the landowner. That is the ideal location in terms of safety, access is much easier and then away from the creek and the road.

Board Comments:

Ms. Leyva: So this business has been operating this way for ten years, fifteen years, ...?

Mr. Maris: 2006.

Ms. Leyva: 2006. With all of this land all the way it is with all the buildings? Or did it evolve somehow? I remember something about different buildings at different times.

Mr. Maris: Yes, the buildings have evolved over time. The business model of the club, the fishing, shooting and hunting, specifically on the highlighted property, have remained the same for the past ten years.

Ms. Leyva: So you have had a lease to shoot on this property for ten years.

Mr. Maris: Shoot, hunt and fish.

Ms. Leyva: Okay. You have been talking about the safety of field 4, but you have been operating on these let's say 'less safe' fields for ten years?

Mr. Maris: Yes, out of necessity.

Mr. Tucker: There is a statute in Arkansas and several other states that essentially protects the operation of shooting ranges built in a certain time frame. I don't remember what that statute is but I think it is called the Arkansas Shooting Range Protection Act or something like that.

Ms. Leyva: That is for things that are built. This is not a built one so will it still fall underneath that?

Mr. Tucker: I don't think it says anything about built. I think it talks about operation more than construction. You are only talking about clays, not a rifle range, a pistol range...

Mr. Maris: Yes, clays.

Ms. Leyva: Didn't we do a clay one? Did it pass through? I remember...

Mr. Curtis: They were building shooting stations. I was around for a sporting clay site too that was connected to a...

Ms. Leyva: Wasn't on like 72? I am trying to remember...

Mr. Curtis: Yes.

Mr. Tucker: Big Springs Shooting Range?...and there was another one like a week or two weeks later that was the same thing.

Mr. Reamer: Yes.

Mr. Curtis: And one was a sporting clays course.

Ms. Leyva: Yes, that is what I am trying to remember...a sporting clays course. I know we've had a couple of call them target ranges.

Mr. Curtis: They wanted to include a target range in the deal. Let us discuss this for a bit but if you want interject, please. If we accuse you of something we shouldn't accuse you of, please correct us, alright?

Mr. Tucker: Operating as a clay range to me does not expand the operation unless they add a five-stand house, skeet range, trap structures, etc. It suddenly becomes more permanent and more of it. If they have 12 stands, 15 stands, whichever you operate under and they've always had that, you are going to move some of those just by trying to make the game interesting. If it's a 12-stand range, and it stays a 12-stand range, I don't know if that's an expansion. It may actually be a contraction from a land use standpoint because it is consolidating in one area. There is good and bad in that.

Mr. Gambrill: Mr. Maris, how many throwers are on that field 4 at the moment?

Mr. Maris: 10 stations, 20 throwers because there are two throwers per station which is typical. It would be just like an 18-hole golf course. Very standard.

Mr. Gambrill: The ratio of throwers to stations is the same over time or have they increased over time?

Mr. Maris: The only thing we've done is that we have decreased or contracted. We had a five-stand located right here (*points to map*) that I have since eliminated because with putting everything up here, there really is not the need for this here. I think it is safer just to consolidate it right here.

Mr. Tucker: You are shooting in the valley?

Mr. Maris: That's right.

Ms. Leyva: Remind me again what all does the sporting facility do?...we fish, we clay shoot only and we hunt within game and fish requirements. You're not planning anything outside of that.

Mr. Maris: That's right.

Ms. Leyva: So no target range. Do you have a range to cite in your gun anywhere?

Mr. Maris: No, not currently. I personally don't deer hunt. Not on my property..... but I think some people will just find a place with back stop and cite in a rifle. We don't have anything like that currently and have not had that on this property.

Mr. Curtis: I am of the belief that you haven't really expanded anything either. I am happy that you are trying to make things safer. Without any other goings on, I would think that (*it's*) perfectly permissible under what you have done in the past. Can we get some agreement from the Board on that?

Ms. Leyva: I definitely want to know what that law specifically states.

Mr. Reamer: This is A.C.A. 14-54-1411 (b)(1) - Firearms and ammunition

Arkansas Code Annotated §§ 14-54-1411(b)(1) (regulating municipalities) and 14-16-504(b)(1) (regulating counties) provide:

A local unit of government shall not enact any ordinance or regulation pertaining to, or regulate in any other manner, the ownership, transfer, transportation, carrying, or possession of firearms, ammunition for firearms, or components of firearms, except as otherwise provided in state or federal law.

A county may also regulate the discharge of firearms at the request of the governing body of a suburban improvement district, per section 14-16-501, or a property owners' association, per section 14-16-502.

14-1-101. Sport shooting ranges and sports facilities.

In regard to the local regulation of shooting ranges, section 14-1-101 requires that when a local government enacts an ordinance affecting an existing sports shooting range in the jurisdiction, the range must be allowed to continue operation even if it does not comply with the new ordinance. In addition, a local government may not prohibit a shooting range that was in existence on or before August 12, 2005, from performing certain repairs, remodeling, expanding or enhancing its membership, facilities or activities.

Mr. Tucker: So that's the date, the hard bright line. That was the bright line that I was looking for. If it existed before August 12, 2005, you can't regulate expansion or remodel or repair. You can make requirements but you can't prohibit it.

Mr. Reamer: That is what is in our regs, yes. August 12, 2005.

Ms. Leyva: In my opinion, I need that hard date from Mr. Maris. He said ten years.

Mr. Maris: It wasn't before that date.

Mr. Curtis: He started in 2006. So it is after that date. So we have the capability of making some regulation. That's the bottom line.

Mr. Gambrill: Well we have existing regulations.

Mr. Curtis: And we have existing regulations. What the discussion is, because he is making this a permanent site, whether we need to have him come in front of us. The general gist is that, even if he is making this a permanent site, without any extra building.... If he was going to put up an observation stand and bleachers then he would have to come in front of us.

Mr. Tucker: Parking lots, restrooms...

Mr. Curtis: But to have the course there, with the flexibility of moving it, I don't see where...

Mr. Cole: He's just adding land to the existing course.

Mr. Curtis: He's not even adding land.

Mr. Maris: I am owning the land. I am adding ownership instead of leasing.

Mr. Cole: But you weren't using that as part of the course.

Mr. Maris: I was. Yes. It was part of the rotation and that was my desired area each time we rotated. Then again, I couldn't always use field 4 because of the cattle and the hay. If I could have, I would have just stuck with that and would have never moved the throwers over the past ten years.

Ms. Leyva: You could have been utilizing any land at any point in time. To me, where he had been using it, compared to where he's now going to own, makes no difference. So the fact that he is owning it, doesn't make the difference. The fact that he is making a more permanent set up with his business is what's different. How permanent the set-up is, until we see it all, we wouldn't know. Or Staff sees it all because they would see it before us. We have seen all sorts of things with gun ranges. Whatever it may be, clay shootings...we've seen them all. We've seen very permanent pavilions with restrooms. We've seen hay benches. We've seen everything. But knowing the permanency of this... Clay shooting takes place over how long? You are using the reference of golf courses. Golf courses have restrooms throughout the golf course and water stations. How are you going to get water out there? All those things, we don't know. And it's a part of his business that is underneath County Planning jurisdiction. And now we know for sure that his gun range part too, the clay shooting, we can look at too if we want to because it is after the timeframe that is set in law.

Mr. Curtis: Right. And I am saying that I am not of the mind to take a look at it. He's not proposing building any buildings or structures. The water stations are probably coolers that the guys bring out in their pick-up trucks. It's not of the size of a golf course in the sense of, you are not going to be out there for five hours going through the stations. A sporting clays match, if they

brought in lots of people, could take five hours but that means that there would be 100 shooters to take five hours. There would be a huge influx of shooters.

Mr. Maris: And we still would not have anything permanent if we did that. One of the reasons I wanted to have a chance to discuss this is that we are hosting a charity event for the Cystic Fibrosis Foundation the last weekend of September. It would actually be the last day of September, first day of October. So, there will be nothing permanent there. Nothing would change from today. I just want to get this complaint cleared up so that we can go ahead and proactively advertise the charity event without a cloud hanging over it. It's a fishing and shooting tournament. This is the sixth year in a row that we have done it.

Mr. Tucker: That was going to be my question. Is this the first year you have done that?

Mr. Maris: No.

Mr. Tucker: Is that always open to the public whereas day to day the range is only open to members or is this event only open to members as well?

Mr. Maris: No, the charity events that we do are open to the public. You have to pay whatever the charity is charging as a donation. So in that sense it is open to the public. Normal day-to-day operations are not open to the general public to come and shoot.

Mr. Tucker: So you are continuing to operate the way that you've operated over time.

Mr. Maris: Exactly.

Mr. Curtis: Would Staff like us to take a voice vote on this?

Mr. Gambrell: The question that Staff had is if you all wanted to do it as a vote, you all just want to have a discussion, however you want to conduct it... We just need to know how you would define expansion and would that include the placement of these new clays and throwers on field 4 relative to where they were in the past. That's what we want you to decide. You can mechanize that however you want.

Mr. Curtis: Okay. I propose that we do a voice vote. Basically put the proposal out. Do we consider this an expansion worthy of coming in front of the Board?

Mr. Cole: So for instance, I don't believe it should come back in front of the Board. I don't believe that it is an expansion.

Mr. Curtis: So then you would vote, No.

Mr. Cole: I vote No.

Mr. Curtis: Those that believe it should come in front of the Board, please signify by saying, Yes.

Ms. Leyva: It's Yes.

Mr. Curtis: Those that believe that it is not an expansion, and it doesn't need to come to the Board, please signify by saying Yes.

All remaining Board members signified by saying, Yes.

Mr. Curtis: Okay so it is 6 to 1.

Mr. Gambrill: Thank you.

Mr. Reamer: I propose one question. Just to clear up for the Board, for Staff, for the property owner, as a snapshot in time, have the property owner just provide a semi-detailed sketch of what it is place today, where it is, when it is used, it may be seasonal just so in the future, Staff and the Board can have a snapshot in 2016, this is what was in place. Is this an expansion in 2018, 2019, 2020..?

Mr. Curtis: I understand the reason to do that. The problem with that is is because the sporting clays course changes, he would be putting...

Mr. Maris: It could change, yes.

Mr. Reamer: There still will be a rotation but this field 4 is going to be a more permanent.

Mr. Maris: Yes, it will be permanent. We will just change the locations of the throwers.

Mr. Curtis: The angles that the guns are shooting will change. And would change even sometimes during the competition. The second day of the competition that would change so they wouldn't be shooting the exact same course over again. It's not like they are laying out a par 3 golf course. I guess what we would ask of you, Mr. Maris, to help Staff, is make a detailed sketch of that site and say that these are the possible positions that we would be shooting. Kind of what we do for somebody who can't find their septic tank. This is where the septic tank is supposed to be and the lateral lines could be someplace in regard. Could you do that for the Staff?

Mr. Maris: That's right. Yes, of course. Can I just get that to Kevin (Gambrill).

Mr. Curtis: Yes.

Mr. Collyge: My question on that though is nothing stops him from moving it all around to the different fields if he wants to now at any time.

Mr. Curtis: Right.

Ms. Leyva: Nothing stops him from pointing it to the single-family homes.

Mr. Collyge: His previous use lets him do anything he chooses to put it here at least semi-permanently. And then tomorrow he could change his mind and move it to anywhere he wants. He can provide the placement but I think it needs to be clear that it's not locking him in to one spot. I think that needs to be clarified for the future if he comes back again.

Mr. Curtis: Yes.

Mr. Homeyer: The only point I would like to bring out, he can move around. That is fine. But is he allowed to increase the number of throwers without becoming...

Mr. Curtis: If he increases the number of stations to accommodate more shooters, that in my mind, would be an expansion.

Mr. Homeyer: So part of our snapshot for today is the total number of throwers.

Mr. Curtis: Well, stations, yes.

Mr. Homeyer: I appreciate your perspective. But from my perspective, if he has five stations and two throwers now, if in the future he decides to add two or three to each of the stations, he has increased the number of throwers even though he has not increased the number of stations. Not that he would necessarily do that in this sport but...

Mr. Curtis: I am only a little bit familiar with sporting clays but he can't increase the number of throwers at each station because that changes the... Can you help me there?

Mr. Maris: Yes. It is like putting two holes on one hole of golf. You wouldn't do that.

Mr. Curtis: Yes, you can't do it.

Mr. Maris: I would just come back if I wanted to add more stations to my course. Take it from an 18-hole golf course to a 36-hole golf course. I would come back and ask for permission.

Ms. Leyva: So you have always had twelve throwers?

Mr. Maris: I have always had twenty throwers, ten stations. That's a certified course. Actually, I have had 24. Maybe I need to ask this question. I have decreased the number of throwers from 24 to 20 because I took away the five-stand in the last month. The area that it was in, in my opinion, wasn't the best area for it. Should I then keep the five-stand but just put it in an area better suited if I am going to get your approval now as opposed to asking in a year or two?

Mr. Leyva: I don't think it's approval. It's just notifying us what you have. We are not approving. That is what the Board just voted. We are not seeing your plans.

Mr. Gambrill: This is not a formal submission.

Mr. Tucker: To a certain extent all you are doing is responding to the complaint. Stating that it is an operation that is currently smaller than it was previously. I don't want to write it for you but you would have to formalize what you are doing is ongoing operation as it has been in the past.

Mr. Gambrill: We do that with home-based businesses now. Where there is a complaint and people suspect that there might be something more intense when there really isn't. We could do something similar. Just have you sign a simple letter. We could text describe it if there happens to be some kind of sketch.

Mr. Sudduth: The only thing I want to comment on is you really need to look at the stations. That's the relevant. The number of throwers, if I was in his position, I might want to put five throwers at one station. If I want to bounce them around on the ground...

Mr. Curtis: You can't do that.

Mr. Sudduth: Well I am just saying that you might have different throwers that do different things. You might have some of them that imitate the birds flying across and you may have some that roll on the ground like a rabbit. Because sometimes they will have those kind of competitions. The throwers themselves, however sophisticated they are and what they do is different than having a station where the people are going to be shooting at them. So you may have four or five different throwers that do different things. He may have different events so the throwers aren't really the most relevant. It is the station at which you are shooting at.

Mr. Maris: Right.

Mr. Sudduth: And then also the range of the shot guns. I don't want anybody to be confused with a shooting range where you've got high-powered weapons that can kill you a mile away. The best range for this and the type of load you are using is probably 50 yards at max. That's one thing about a shot

gun and sporting clays, I would say skeet but skeet has become endangered and that ages me a bit. Nobody says skeet anymore except Mr. Tucker. Anyway, I know the sporting clays are very popular. On television, I've seen them where they bounce them on the ground or they might have different events. You have to keep it exciting for the members otherwise you will get used to the same routine. So, I am more interested in the stations. As long as he doesn't go from however many stations and double or triple from that, that's where it becomes dangerous.

Mr. Curtis: So we are asking the project to give us a rough sketch of the number of stations and ask you to come back to us if you decide to increase.

Mr. Maris: Okay. Great. Thank you.

Mr. Sudduth: I have one more thing. I would like to bring it to your attention that out of 613 employees today, our Building Official, Mr. Glenn Tracy, was voted by the elected officials as employee of the third quarter. We are very proud of him but I wanted to share that with you.

Applause!

Mr. Curtis: And we appreciate his attendance at these meetings and his help that he has given us, especially me over the years.

Mr. Homeyer: Before you close, I will not be at the next meeting.

Mr. Curtis: You will be voted in in abstentia then.

Mr. Tucker: You can't oppose a nomination then.

Mr. Curtis: That's right. Thank you for your time.

Meeting Adjourned: 7:23 p.m.

Next Meeting: Wednesday, July 20, 2016