

TERM OF COMMISSION: April Session of the February Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Planning and Zoning Director Stan Shawver  
County Counselor John Patton  
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:02 p.m.

Commissioner Schnarre welcomed Boy Scout Troop 6, sponsored by the Knights of Columbus. Jim Schauwecker, William Schauwecker, John Keener, Jeff Kenner, and Eric Wilkerson, were present for the meeting.

**Subject: Proclamation for Crime Victims Rights Week**

Commissioner Schnarre moved to approve the following proclamation:

**WHEREAS**, crime and the threat of violence have profound and devastating effects on individuals, families and communities in America; and

**WHEREAS**, over 24 million people in the United States are touched by crime each year; and

**WHEREAS**, the threat and reality of terrorism have challenged *all* Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and

**WHEREAS**, crime in America results in significant physical, psychological, financial and spiritual effects on countless innocent victims; and

**WHEREAS**, crime victims in every state, U.S. territories and Federal jurisdictions have statutory rights to be kept informed of and involved in criminal and juvenile justice processes, and to be afforded protection, restitution and accountability from their offenders; and

**WHEREAS**, there are over 10,000 community and system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

**WHEREAS**, in 2003, the Office for Victims of Crime within the U.S. Department of Justice commemorates 20 years of providing leadership to ensure that crime victims are treated with dignity and compassion; and

**WHEREAS**, America as a nation continues to face threats to our personal and public safety, and continues to commit its collective energies to help our fellow citizens who are hurt by crime; **therefore, be it**

**RESOLVED**, that Boone County Commission proclaims the week of April 6 to 12, 2003 to be Boone County, Missouri Crime Victims' Week, and honors crime victims and those who serve them during this week and throughout the year; **and be it further**

**RESOLVED**, that we continue to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation dedicated to justice for all; **and be it further**

**RESOLVED**, that a suitably prepared copy of this proclamation be presented to the Boone County Commission on April 9, 2003.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 156-2003**

**Subject: Public Works – Second Reading and Approval of Durk Road Agreement with Callaway County**

Commissioner Schnarre stated Boone County is in the process of transferring this bridge to Callaway County for maintenance and to be placed in their inventory.

Commissioner Elkin moved to approve the Bridge Ownership and Maintenance Agreement for Durk Road Bridge between Boone County and Callaway County.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 157-2003**

**Subject: First Reading of Easements for Oakland Gravel Road, Brown School Road, Roger I. Wilson Memorial Drive Improvement Project**

Commissioner Miller stated this has been in the works for approximately three years. The Commission thought this had been taken care of but the Commission had never formalized the easement transfer. Drew Properties, LLC, who developed the Arcadia Subdivision, has agreed to bring Brown School Road across to meet the Oakland Gravel Road overpass. To do this, Roger I. Wilson Memorial Drive has to be realigned, Oakland Gravel Road has to be cut off, as it is known today, and there will be a cul-de-sac. This will be a major improvement to that part of the community. The County had small portions of right-of-way that were needed to meet the Missouri Department of Transportation (MoDOT) standards for the interchange.

There was no further discussion on this item.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

**Subject: Planning and Zoning**

**A. Second Reading and Approval of Budget Revision**

Commissioner Schnarre stated the Commission approved a new employee in the Planning and Building Inspections Department but failed to include funds for a computer, desk, and other items that are needed. This is a budget revision will allow for the purchase of those items and new computers for the Planners.

Commissioner Miller moved to approve the following budget revision:

<b>DEPARTMENT ACCOUNT AND TITLE</b>	<b>AMOUNT DECREASE</b>	<b>AMOUNT INCREASE</b>
1720-91400: Building Codes – Auto/Truck	\$3,500.00	
1720-92400: Building Codes – Replacement Auto	\$200.00	
1170-91301: Information Technology – New Computer Equipment		\$1,900.00
1170-92301: Information Technology – Replacement Computer Equipment		\$1,800.00

Said budget revision is for the purchase of computer equipment for the Planning and Building Inspections Department employees.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 158-2003**

**B. Approve Request by Larry and Beth Oetting for a permit for an Outdoor Recreational Facility (Corn Maze) on 10 acres, more or less, located at 6552 Hwy AB, Columbia**

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask

staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Commissioner Schnarre stated since the Green Valley requests were tabled at the March 4, 2003 meeting and public comment was taken at that time, there will not be a public comment period on those requests at this meeting.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

Stan Shawver stated this request is for a conditional use permit for a privately operated outdoor recreational facility. The property is zoned A-1 (Agriculture), as is all of the property to the east and south. Part of the west property line lies adjacent to the Highway 63 right-of-way. The Deer Park store is also on the west side and that property is zoned C-G (General Commercial). The applicant has proposed use of the land for a corn maze, and possibly for hayrides.

This site is located within the Columbia Public School District; however the proposed use will not have any impact on the school system. Electric service to this area is provided by Boone Electric Cooperative. Water service in the area is provided by Consolidated Public Water District No. 1. The use as proposed will not require changes to existing service lines in the area, nor will it result in a decrease of service availability to existing customers. The proposed uses are consistent with the surrounding land uses. The master plan designates this area as being suitable for agricultural purposes. The proposed use would not change that designation, as crops would still be harvested from the site. There have been no previous requests submitted on behalf of this site. Staff notified 17 property owners concerning this request. Staff sees the proposed use as being consistent with the surrounding area, and recommends approval with the following conditions provided that the Commission finds that the use complies with the approval tests for a conditional use permit:

- The facility may operate up to 1 ½ hours after sunset, and
- Chip and Seal the parking area and driveway following second season, if still active.

Concerning the second item, the Commission may want to consider not requiring this condition to be implemented provided the applicant provides written evidence of an agreement with the owners of the Deer Park Store, Midland Oil, allowing the use of their parking lot during operation of the maze.

Mr. Shawver stated the owner of the Deer Park Store has submitted a letter allowing the applicant to use the parking lot. This parking lot is gravel though. The Commission may still want to consider allowing the use of the corn maze for two years before any parking improvements are required.

As a conditional use permit the proposal must meet the following seven criteria from the zoning ordinance to be eligible for approval:

- A. The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- B. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- C. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- D. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.
- E. The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
- F. The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
- G. The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on March 20, 2003. There were seven Planning and Zoning Commissioners present at the meeting. A motion was made to approve the Conditional Use Permit with the staff recommended conditions and received unanimous vote for approval. This request comes forward to the Commission with a recommendation for approval.

Larry Oetting, 6552 Highway AB, Columbia, was present on behalf of this item.

Larry Oetting stated the maze will consist of 8 to 10 acres. Hayrides will be done for children's birthday parties, for example. The hours of operation will be between 2 p.m. and dusk or 4 p.m. and dusk a few days a week. There will not be any beverages or food sold at the maze, this will be Deer Park Store's portion of the deal.

Mr. Oetting stated he does have a letter from Midland Oil allowing for the use of the parking lot as long as they are insured by Mr. Oetting.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin asked if the chip and seal is required if the applicant uses the Deer Park Store's parking lot. Commissioner Schnarre stated that is correct and it will have to be chip sealed after the second season.

Commissioner Miller moved to approve the request by Larry and Beth Oetting for a permit for an Outdoor Recreational Facility (Corn Maze) on 10 acres, more or less, located at 6552 Highway AB, Columbia, with the following conditions:

- The facility may operate up to 1 ½ hours after sunset,
- Chip and Seal the parking area and driveway following the second season, if still active, unless applicant provides written evidence of an agreement with the owners of Deer Park Store allowing the use of their parking lot during operation of the maze, in which this parking area will be chip sealed also.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 159-2003**

**C. Approve Petition submitted by William and Patty Zschoche to vacate and re-plat Lot 7 Country Farms Subdivision**

Mr. Shawver stated the department received a petition to vacate and re-plat Lot 7 of Country Farms Subdivision by William and Patty Zschoche. The property is zoned R-S (Single Family Residential) and is 10 acres in size. Country Farms Subdivision is located just outside of the City limits of Columbia off Vawter School Road and Old Mill Creek Road. When this subdivision was platted, there was a provision that allowed for the lots to be split into as many as three lots no smaller than three acres.

Section 1.8.1.3 of the subdivision regulations require the County Commission to hold a public hearing in order to consider any petition to vacate and/or re-plat, taking into consideration character of the neighborhood; traffic conditions; circulation; the proper location and improvement of streets and roads within and adjacent to the subdivision; property values in the subdivision; public utilities; facilities and services and the re-plat will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

William Zschoche, 3501 Old Field Road, Columbia, was present on behalf of this item.

William Zschoche stated they are seeking to re-plat Lot 7 into 3 acre tracts.

Commissioner Miller asked how many lots in this subdivision have been vacated and re-platted. Mr. Shawver stated he believes at least 10 lots have been vacated and re-platted.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the petition submitted by William and Patty Zschoche to vacate and re-plat Lot 7 Country Farms Subdivision. The vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 160-2003**

**D. Approve Petition submitted by Bottomline Investments, Inc. to vacate and re-plat a portion of Tract G of Al-Don-Al Acres Subdivision**

Mr. Shawver stated the department received a petition to vacate and re-plat Tract G of Al-Don-Al Acres Subdivision by Bottomline Investments, Inc. This subdivision is located in Southern Boone County off Christian School Road. This subdivision was platted in the mid-1970's. The lots were originally 10 acre lots. Bottomline Investments is requesting Tract G be vacated so it can be re-platted and split into two lots.

Darryl Woods, President of Bottomline Investments, Inc., and Bryan Crump, General Contractor, were present on behalf of this item.

The applicants had no comments on the request.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the petition submitted by Bottomline

Investments, Inc to vacate and re-plat a portion of Tract G of Al-Don-Al Acres Subdivision. The vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 161-2003**

**E. Approve request C. T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc. to rezone from A-1/A-2 (Agriculture) to REC (Recreational) of 35 acres, more or less, located at 4200 Academy Rd., Hallsville (Tabled from March 4, 2003)**

**F. Approve a request C. T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc. for a rifle range on 35 acres located at 4200 Academy Rd., Hallsville (Tabled from March 4, 2003)**

Commissioner Miller moved to remove the following items from the table that were tabled at the March 4, 2003 Commission Meeting:

- Request by C.T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc. to rezone from A-1/A-2 (Agriculture to REC (Recreational) of 35 acres, more or less, located at 4200 Academy Rd., Hallsville, and
- Request by C. T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc. for a rifle range on 35 acres located at 4200 Academy Rd., Hallsville.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 162-2003**

Mr. Shawver stated there are two parts to this request, a rezoning request and a conditional use permit. This property is located at the intersection of Academy Road and Caldwell Road. The north part of the property is zoned A-1 (Agriculture) and the south part is zoned A-2. The adjoining properties are zoned A-1 and A-2. The applicants have requested that 35 acres be rezoned to REC (Recreation). They are also requesting a conditional use permit to allow construction and operation of a rifle range on the property. This site is located within the Hallsville R-4 School District. Boone Electric Cooperative provides electric service. Public Water District No. 4 provides water service in this area. The original zoning for this tract is A-1 and A-2. In 1984 a permit was issued for an outdoor recreational facility that included part of this tract. The use at that time was for an outdoor paintball game. That use was discontinued after a period of time. The master

plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified 16 property owners about this request.

At the February 20, 2003 Planning and Zoning Commission meeting, there was extensive public comment and discussion on these requests. The Planning and Zoning Commission made a motion to deny the rezoning request and this motion received 4 "Yes to Deny" votes, 2 "No to Deny" votes, and one Commissioner abstained from voting. A second motion was made to deny the Conditional Use Permit and this motion received unanimous support to deny. At the March 4, 2003 County Commission meeting, the Commission conducted a public hearing at that time and tabled the discussion on action. Since that time, Commissioner Elkin has held meetings with the neighborhood representatives and the Green Valley Board of Directors. A list of possible conditions was developed that were presented to the County Commission last week in a worksession with the Planning Director.

Commissioner Schnarre stated the Commission held public comment on these items at the March 4, 2003 meeting. The Commission is in a stage of discussion between the applicants and the Commission.

John Skaggs, Director of Range Operations for the Green Valley Rifle & Pistol Club, and Jerry Danuser, President of Green Valley Rifle & Pistol Club, were present on behalf of these requests.

Commissioner Elkin stated the origin of these conditions came from meeting with the neighborhood, listing their concerns. He later had a meeting with the Green Valley Board of Directors and Mr. Skaggs, to discuss the neighbors concerns and the Board of Directors replied, in writing, to the neighborhood concerns. The County Commission met, in conjunction with the Planning Director, to codify the conditions into something the Commission felt comfortable with, including some of the neighbors concerns and the response from the Board of Directors. He noted he had a conversation with Mr. Danuser and believes there are some concerns with the list of conditions.

Mr. Shawver read the following possible conditions:

- Club to provide at least two weeks written notice of an event to any interested party.
- Earthen berms to be constructed on all sides of the range.
- Berms to be at least 9' high.
- Berm at impact area to be at least 40' high.
- Evergreen trees (minimum 3' tall) to be planted at 15' intervals along top of all berms. Any tree that dies to be replaced during the next growing season.
- Operating hours from 9 a.m. to 6 p.m.; extended hours from 8 a.m. to 8 p.m. one day per week. Operating hours to be posted at the gate.
- Night firing classes to occur no more than twice per calendar year.

- Lighting to be restricted to dusk-to-dawn lighting necessary for the parking area.
- Shooting not permitted on any federal holiday.
- No more than two competition events per month.
- No automatic weapons.
- No more than 20 operating firing lanes (one “dummy” lane be allowed on each side of range).
- Class size for training limited to 60 participants.
- Warning signs to be posted along north and west edge of firing range and at the gate.
- No parking allowed on public right-of-way.
- Minimum 70 parking spaces and drive to have minimum chip seal surface.
- Applicant to provide 33’ half right-of-way along Caldwell Road the length of the property.
- Applicant to provide a “double coat” chip seal surface to the remaining unpaved portion of Academy Road and Caldwell Road as far as the north property line.
- Maintain record of clue use of adjoining ranges outside of 600 yard operating hours.
- Permit expires December 31, 2004.

Mr. Skaggs stated they agree with some of the conditions. They submitted a redesigned range map and have agreed to that redesign. There are a couple of items that he would like clarification on. The condition regarding the earthen berms to be constructed on all sides of the range, he asked if this includes behind the firing line. Commissioner Schnarre stated that is correct.

Mr. Skaggs stated this would make it difficult for people to get to the firing line if they had to climb an earthen berm. Commissioner Schnarre stated the Commission will allow for an opening.

Commissioner Elkin stated Commissioner Miller had a conversation with a sound engineer on this issue. Commissioner Miller stated she spoke with Harvey Shell, who is a sound engineer that is used world wide, and has done work with the County in the past. She contacted him to find a way to mitigate the sound because sound was a concern expressed by many people. In talking with Mr. Shell, she asked if having berm on three sides make less noise. Mr. Shell told her that it would not unless the three sides were around the shooter. From Mr. Shell’s perspective, to mitigate the noise, the berm has to be on three sides of the shooter and at least as tall as the shooter. If there are any openings coming in, they should be on the sides rather than around where the shooter is. Mr. Shell also suggested having a 2:1 slope would be the ideal for deflecting the most sound.

Mr. Skaggs stated the side berms do go past the firing line, the farthest point where someone would be shooting; they would in effect have that. Commissioner Schnarre stated to the south there will still be noise without the berm. He suggested to having an off-set berm. Mr. Skaggs stated they could do that.

Commissioner Elkin and Commissioner Miller agreed with the off-set or overlapping berms.

Mr. Skaggs asked if the notification of events was a request of some of the area residents. Commissioner Elkin stated that is correct. In previous conversations with Mr. Skaggs, he noted Green Valley does have mailing lists that go out to members and participants and to add an additional 10 people would not be a concern.

Mr. Skaggs asked if it would be the responsibility of the people who want to be notified to contact him. Commissioner Elkin stated that is correct.

Mr. Skaggs asked if the 9' berm on all sides was a result of the conversation Commissioner Miller had with the sound engineer. Commissioner Schnarre stated the berm would be on all sides and the height of the berm will be from the floor of the range.

Mr. Danuser asked if the sound engineer suggested the 9' berm and if there is a difference between the 8' and 9' berm. Commissioner Miller stated that is correct for the 9' berm, Mr. Danuser does not believe there is a difference between an 8' and a 9' berm.

Commissioner Schnarre noted on the design submitted by the applicants, there is a 12' berm on the east side. The Commission believed a 9' berm would be reasonable. The 9' berm will be completed as the berm height.

Mr. Danuser asked where this would be measured from. Commissioner Schnarre stated it would be measured from the floor of the range.

Mr. Skaggs stated the applicants had planned on and agree to the conditions of the 40' impact berm and the Evergreen trees.

Mr. Skaggs stated the proposed condition of the night firing classes occurring no more than twice per calendar year, would work for the club if it is necessary but law enforcement would be the only ones in these classes. It may be difficult to schedule all activities two times per year and the schedules of the law enforcement officers that need to take the classes.

The Commissioners received the following e-mail from Mr. Shawver from a conversation with Major O.J. Stone, Boone County Sheriff's Department:

“According to O.J. Stone, there is little value in long distance night shooting for law enforcement agencies. Their night training focuses on pistol and shotgun use with low light and back light conditions. ‘600 yards is a lot of dark,’ he thought that probably one night event a year would be sufficient.

“We stipulated 2 in the conditions we developed last week.”

Mr. Skaggs stated this is from one agency. Commissioner Schnarre stated there is still the 200 yard range and the Commission can only place conditions on the request for the 600 yard range.

Mr. Skaggs stated they would appreciate having more leeway with this condition but if not, then they can live with it.

Commissioner Elkin asked how many times is there actual night firing. Mr. Skaggs stated in 2002, there were 30 times on the existing property until 10 p.m. and of that 30, 28 were for law enforcement training.

Commissioner Elkin asked if these were for rifle or pistol training. Mr. Skaggs stated primarily it was for pistol but there was both rifle and pistol training.

Commissioner Schnarre stated the other range still meets the need. Commissioner Miller stated this is what Major Stone was saying also. Mr. Skaggs stated that is why they can live with it.

Mr. Skaggs stated the range will not have lighting like a football field. There are no plans at this time to have the dusk-to-dawn lighting.

Mr. Skaggs stated they agree with the condition of no shooting on federal holidays. Commissioner Elkin stated he believes the intent of the neighbors was to have no shooting on the entire weekend, for example, Labor Day weekend. The Commission could not agree with that suggestion but could allow for no shooting for just Labor Day, as an example.

Mr. Skaggs stated they agree with that condition.

Mr. Skaggs asked for clarification on the list of proposed conditions and the title of the list being "Green Valley Rifle and Pistol Club" and if these proposed conditions are only for the proposed range and not the existing range. Commissioner Schnarre stated the Commission only has authority for conditioning the proposed range. Commissioner Miller stated if the Commission had the authority, they would be discussing the whole facility.

Mr. Skaggs stated he wanted to clarify the condition about automatic weapons. He believes this condition is about fully automatic weapons, such as machine guns. They do not want to have these weapons. Some of the rifles that are used in competitions, such as the M1 Grand, is a semi-automatic weapon. He is requesting the Commission amend this condition to read no fully automatic weapons. They could accept that. They would intend to not allow fully automatic weapons anyway.

Mr. Skaggs stated the condition of no more than 20 operating firing lanes with one “dummy” lane allowed on each side was placed on the design that was submitted and they agree with that condition.

There is no objection to limiting the class size to 60 participants.

They agree with the condition of posting warning signs and they had planned to do so.

They did not intend to allow parking on public right-of-way; they have not permitted or encouraged that in the past.

Mr. Skaggs stated the condition of the applicant providing a 33’ half right-of-way along Caldwell Road the length of the property, could be a problem because Green Valley is currently renting the property. Green Valley could not pass title to the County for this right-of-way but they would agree to do so at time of their purchase.

Commissioner Miller asked if the Commission can require the owner, as part of the lease arrangement, to dedicate the right-of-way. John Patton stated if the renter has a lease hold interest he does not have the ability to convey the right-of-way. He asked if the property owner is the applicant or not.

Mr. Shawver stated the owner is the applicant. Mr. Patton stated he believes the Commission can require this as a condition.

Commissioner Elkin stated this is typical of any development that takes place. If this was a subdivision being developed, the Commission would be asking for the 33’ half right-of-way for that development. At some point in the County’s long range plan, there are plans to extend Caldwell Road to Highway 124. As these areas continue to develop, part of the County’s regulations is the requirement of donation of right-of-way. So when the County does, at some point in the future, improve the road, the Commission does not have to go back to the property owner and buy the right-of-way.

Commissioner Schnarre stated since the Trust is applying for this permit, the Trust will have to donate the right-of-way.

Mr. Skaggs stated he cannot speak for the Wilson Family Trust. A portion of that right-of-way has been given to the County in the original Academy Road project. He is unsure how much more the County needs. Commissioner Schnarre stated it will be whatever it takes to get to the north property line of the 35 acres on Caldwell Road.

Mr. Skaggs stated when the County did the Academy Road project, Green Valley donated the right-of-way. He asked if the Caldwell Road project will be done within the next four to five years. Commissioner Elkin stated he believes it will be several years.

Mr. Skaggs stated if the Commission will be inclined to do this, rather than demand the right-of-way now, when Green Valley buys the property it will allow for the donation of the right-of-way at that time. If that is put in as a condition, they would agree to that.

Commissioner Schnarre asked Mr. Skaggs if he believes there is a problem with the Wilson Family Trust. Mr. Skaggs stated there could possibly be a problem. He has mentioned this to the Trustee and he has seen the conditions.

Commissioner Schnarre asked if the problem is the donation of the right-of-way or from the next condition on the list of chip seal on Academy Road and Caldwell Road. Commissioner Miller asked if the property owner is worried about the whole length of the property. Mr. Skaggs stated the owner is worried about the donation part of the condition. The owner is the caretaker of the trust. Mr. Skaggs is not willing to speak on his behalf though but he believes in the interest of getting this resolved for all parties, this could be done in the future and he would be willing to guarantee that Green Valley will donate the right-of-way needed.

Commissioner Miller stated if Green Valley does not own the property when the project begins then it cannot be donated then and the Commission is back to the same place in asking the Trust to donate the right-of-way. She wants this kept as a condition.

Commissioner Elkin stated what is being asked for is standard County policy.

Mr. Skaggs stated this will be discussed with Mr. Wilson to see what the Trust will do.

Commissioner Elkin stated he is concerned that if this is waived for this request then every other person that develops in the future will want this waived. This would end up costing the County tens of thousands of dollars to buy right-of-way which should have been donated.

Mr. Skaggs asked for clarification of the maintaining record of club use of adjoining ranges outside of 600 yard operating hours condition. Commissioner Schnarre stated this is a proposed condition for the protection of Green Valley and the Commission. The Commission wants to have a record of what goes on at the 600 yard range since there are other ranges currently on the property. The current facility does not have any regulations. Since there will be noise from both ranges, this record will be able to show where noises are coming from if there is a complaint. This condition is at the request of the Commission.

Mr. Skaggs asked if the Commission will be asking for these records on a monthly basis. Commissioner Schnarre stated these records will be requested when a complaint has been filed.

Mr. Skaggs requested the Commission to reconsider the condition about posting the

operating hours at the gate. Green Valley has Range Rule and Operating Procedure Manuals that all members are given. The hours of operations are listed in this manual and are reinforced during their orientation. He is afraid if the hours of operation are posted at the gate then it could be informing potential trespassers of the time when no one will be at the facility to run them off. If Green Valley members have been notified, they know the members will not be at the facility but by posting the hours they are telling potential trespassers when no one will be at the facility.

Commissioner Elkin asked if the hours could be posted at the entrance to the range, near the off-set berms. Mr. Skaggs stated the hours could be posted at the firing line easily.

There were no objections by the Commissioners to posting the hours of operation elsewhere at the facility besides the main gate. They agreed to post the hours of operation at the firing line.

Mr. Danuser stated the height of the berms and for the berms to be on all sides will be very expensive. They will be cutting in between 4' to 5' on the westside. They had projected 8' on the eastside. They had projected it to be 14' to 16' above Caldwell Road with an 8' berm. He asked where the point for the height of the berm will be. Commissioner Schnarre stated the height of the berm will be from the floor of the range to the top of the berm so it will be measured from the inside and it will be on both sides. He explained how this will work for the range.

Mr. Danuser stated he believes the hours of operation should be 8:00 a.m. to 7:00 p.m. and the proposed hours are 9:00 a.m. to 6:00 p.m. He has a problem with the proposed hours because members of the club may not be able to utilize the facility after they get off work. He requested the hours be extended from 6:00 p.m. to 7:00 p.m. Commissioner Elkin asked if the proposed hours of operation would be sufficient for a competition event to begin at 9:00a.m. and be finished by 7:00 p.m. Mr. Skaggs stated this would be sufficient time. He believes the proposed extended hours of 8:00 a.m. to 8:00 p.m. could be given up if the hours were from 9:00 a.m. to 7:00 p.m.

He asked who would choose day for the extended hours of 8:00 a.m. to 8:00 p.m. Commissioner Schnarre stated this would be a choice made by Green Valley.

Commissioner Miller stated it would be for the same day always, they would not be able to change the day with extended hours from week to week.

Commissioner Schnarre asked if the applicant is requesting to have the hours of operation be 9:00 a.m. to 7:00 p.m. Mr. Danuser stated he would prefer to have 8:00 a.m. to 7:00 p.m. Commissioner Schnarre stated those hours would not be allowed.

Mr. Danuser requested the Commission extend the hours from 6:00 p.m. to 7:00 p.m. to give members time to get off work and be able to utilize the facility.

Commissioner Miller stated the Commission came up with the 9:00 a.m. to 6:00 p.m. from what the neighbors wanted, 10:00 a.m. to 5:00 p.m. and what the applicants wanted, 8:00 a.m. to 7:00 p.m. and split the difference.

Mr. Danuser stated he had concern with the proposed condition of restricting the lighting from dusk-to-dawn lighting for the parking area. They have never intended to light the parking area. He wanted to make sure the lighting being discussed was behind the target area, where targets and other equipment are stored.

Commissioner Schnarre asked Mr. Shawver if the applicant does not intend to have night operations, is there need to have a lighted parking lot. Mr. Shawver stated no.

Commissioner Elkin asked if the applicant is requesting dusk-to-dawn lights for the storage area. Mr. Danuser stated that is correct and keeping people from breaking into the facility.

Mr. Shawver stated the lighting provisions in the Zoning Regulations for parking lots are intended for facilities that have night operations and for security.

Commissioner Miller stated it is required lighting if there are night operations but since there will be no night operations the lighting would not be needed.

Commissioner Schnarre asked where the storage area would be. Mr. Danuser stated it would be located at the north end of the facility.

Commissioner Schnarre asked if it would be inside of the shooting range. Mr. Danuser stated that is correct.

Commissioner Miller stated there would be berm all the way around. Mr. Danuser stated the berm would be 40' tall and the lighting will be well below that.

Commissioner Schnarre asked how many lights would be needed. Mr. Skaggs stated maybe one 90 watt security light but would be more comfortable if there was a 90 watt light on each end of the target line.

There was no objection from the Commissioners on this request.

Commissioner Miller asked if it would be dark at 7:00 p.m. Commissioner Schnarre stated it depends on the season.

Commissioner Miller stated if in the fall and winter it is dark at 7:00 p.m. and this would make for night lighting requirement. If hours are given until 7:00 p.m., when it does get dark in the fall and winter, then they are back to the requirement of a lighted parking lot.

Mr. Skaggs stated since the range will not be lit, there will not be any use after dark during the winter.

Commissioner Elkin asked if there would be a rule of “cease fire at dusk”. Commissioner Schnarre stated dusk would override the operation time. Mr. Skaggs agreed with the Commissioners.

Mr. Danuser stated the condition of no more than two competition events per month will be difficult because Green Valley is a for-profit corporation. To limit the activities to two times per month is difficult. Commissioner Schnarre stated this does not limit the membership use of the facility; it is only for scheduled competition events.

Mr. Danuser stated the competitors are the people who are paying Green Valley to come shoot at the range. He asked if the Commission is saying there can only be competitions half of the month but he believes they are needed all month.

Commissioner Schnarre stated they are requesting to be allowed to have competitions every weekend. This condition came about in the Commission trying to find a medium between what Green Valley wants and what the neighbors want. They believe this is a medium.

Commissioner Elkin asked if there are competitions during the week. Mr. Danuser stated it is mostly weekend competitions. These competitions will be going on at the existing facility and there will be noise regardless. There would be a different set of people using the new facility. He does not believe there will be much difference in the noise because of the existing facility but to restrict the number of competitions per month, he does not believe it is worth while.

Commissioner Miller stated she would like to keep this as a conditions because they have the right to come back when there is Planned Recreational zoning and this condition will give the Commission some history of what is going on. She would rather start slow than go full out and then have to restrict it later.

Mr. Skaggs stated he agrees with Commissioner Miller.

Commissioner Schnarre stated the permit expires on December 31, 2004. The Commission made this condition with the intention of the applicant coming back for Planned Recreational zoning. The Commission hopes to have this zoning before December 31, 2004. Assuming the construction is done this year, the facility will not be in operation this year. This will give the Commission one full year to review the operations of that range. Also this condition is proposed because the same Commissioners will be in office.

Commissioner Miller stated December 31, 2004 is when hers and Commissioner Elkin's terms expire.

Commissioner Schnarre stated the applicants will have to come back before December 31, 2004 to present their application for Planned Recreational zoning.

Mr. Skaggs asked if there would be any objection if the applicants came back before December 31, 2004 if Planned Recreational zoning is enacted before that date. Commissioner Elkin stated they would prefer them coming back before that date.

Commissioner Schnarre stated this will allow the Commission to see the operation history of the new facility.

Mr. Skaggs stated they were originally told Planned Recreational zoning would be available within six to nine months. Commissioner Elkin stated it will be available then but the Commission had discussed placing such restrictions on this request that would require the applicants to come back and request Planned Recreational zoning.

Mr. Skaggs stated these conditions will be placed on them now and asked if their track record is good then some conditions may be relaxed. The Commission stated the conditions would be reviewed and may be relaxed.

Mr. Skaggs asked if there is a chance of having more restrictions imposed on them. Commissioner Miller stated there is a chance, it depends on how good of neighbors they are and how things work.

Mr. Skaggs asked if they would be rolling the dice. Mr. Danuser stated they would not be rolling the dice. He asked if there is anything that can be said today as to what the restrictions would be in the future. He is not going to spend that kind of money to have to come back to the Commission next year to find different circumstances or other conditions added.

Commissioner Schnarre stated from his stand point, if these conditions are followed, he will continue with these conditions and will the conditions will not be any more stringent than what they are now as long as the conditions are followed.

Mr. Danuser asked for clarification of the condition of the applicant to provide a "double coat" chip seal surface to the remaining unpaved portion of Academy Road and Caldwell Road as far as the north property line. Commissioner Schnarre stated this is to where the berm is.

Commissioner Miller stated this will be for the portion of the leased property line.

Mr. Skaggs stated this is approximately 700'. Commissioner Miller stated it would cost

an estimated \$11,000.

Commissioner Elkin stated the Boone County Public Works Department has given them estimates on the cost of the “double coat” chip seal. Commissioner Miller stated the applicants also have the estimates.

Mr. Skaggs stated he did receive a copy of the estimates. The copy that he had from the department had changed because they had eliminated the north gate and put all of it internal, the department had discussed the need to reducing the chip seal to the intersection of Academy Road and Caldwell Road, rather than further down to the north border of the 35 acres. That was the impression he received because there would be no traffic there.

Commissioner Elkin stated an additional memo was sent the day after the memo for the \$11,000 estimated cost with another estimated cost of \$6,000. He would not have a problem with the applicant doing a chip seal surface to their driveway but if they were to add a second driveway in the future, there should be a requirement to extend the chip seal because that is where traffic is going to be. In his opinion, if he were the Gun Club, as dusty as the roads get, he would do this.

Mr. Danuser stated they have lived with this for ten years. Commissioner Elkin stated in 10 years, when there are four subdivisions up the road, there may be a problem. As dusty as the roads get and if there are four subdivisions in 10 years, the targets may not be visible.

Commissioner Elkin stated he does not have a problem with the chip seal surface to the driveway but if there is ever another entrance put in he want the road chip sealed to the other entrance. Commissioner Miller and Commissioner Schnarre agreed to that.

Mr. Danuser stated he is concerned with the chip seal surface on the parking lot. He stated he is unsure why there is a minimum of 70 parking spaces as a proposed condition that need to be chip sealed. Commissioner Miller stated they submitted a plan that shows 70 parking spaces. If they plan on having events with 60 competitors, there will also be staff at the competitions; the 70 parking places will be needed.

Mr. Danuser stated he does not believe 70 parking spaces are needed no matter what the plan says. If there are 60 people shooting, there will not be 60 cars at an event.

Commissioner Schnarre asked how many people are at a competition. Mr. Danuser stated Green Valley has never held a 600 yard competition.

Mr. Skaggs stated if there are 40 people coming to a competition, there might be 30 to 35 cars. He believes 70 parking spaces will be more than sufficient. At competitions, the competitors provide their own staff.

Commissioner Miller stated even though the staff is provided but aren't those people that have to get to the range. Mr. Skaggs stated the competitors become the staff.

Commissioner Elkin stated the Commission made this condition as to what the plans described; both the original and revised plans had 70 parking spaces. This is a number that was provided by the applicants.

Mr. Danuser asked if the Commission would have a problem with fewer parking places.

Commissioner Miller asked what the minimum number of parking spaces be. Mr. Skaggs stated this is a problem Green Valley runs into a lot because people do not understand the business and activities of a shooting range. They have to explain and answer a lot of questions because of the lack of knowledge.

Commissioner Elkin stated it will be difficult for the Commission to determine the number of parking spaces that will be needed and this is something that as events grow, after a minimum number is set, if any additional parking is added those spaces will need to be chip sealed also.

Mr. Danuser stated he does not want to be held to 70 parking spaces. Commissioner Miller stated they are not held to 70, that is the minimum number and this was on their plans submitted.

Commissioner Schnarre stated with other Conditional Use Permits, the Commission has set a condition of the parking lot must be chip sealed. Mr. Shawver stated other Conditional Use Permits have had a specific number of parking spaces that are required to be chip sealed. He noted staff recommended a minimum of 20 parking spaces.

Commissioner Elkin asked for an explanation of the competitions. Mr. Skaggs stated a typical match attracts, on average, thirty to forty competitors. Before starting the match, the competitors are divided into four groups. The reason for this is each group has specific tasks. One group will shoot, one group scores, one group records the scores, and the last group prepares to compete. After the first group completes their shooting, the groups rotate so that every competitor competes under similar conditions. With this in mind, even if forty came to compete, only 10 at a time will be shooting.

Commissioner Elkin stated he does not want to get locked up with the parking space issue. He suggested minimum 30 parking spaces.

Commissioner Schnarre suggested minimum 40 parking spaces.

Commissioner Miller suggested minimum 50 parking spaces.

The Commissioners agreed to a minimum of 40 parking spaces.

Mr. Danuser stated he is not concerned with the size of the parking lot but is concerned with the chip seal. Commissioner Schnarre stated chip seal is a requirement.

Commissioner Miller stated it is a County ordinance.

Mr. Danuser asked for an explanation of this requirement. Commissioner Schnarre stated it is required for Recreational zoning.

Commissioner Miller noted chip seal is required for people who have horse arenas and stables. It is a requirement for anyone who comes before the Commission. This is not something that can be waived, it is a requirement.

Mr. Danuser stated with the additional dirt and the cost of chip seal, he does not believe two competitions per month will work. Commissioner Schnarre stated he would like to stay with two competitions per month until a full season is completed.

Commissioner Miller agreed with Commissioner Schnarre.

Commissioner Schnarre stated this will allow for Planned Recreational zoning to be available and the Commission can review this condition.

Commissioner Elkin asked if the time limit on this permit is ok. Mr. Danuser asked for an explanation of the expiration date of this permit.

Commissioner Schnarre stated this expiration date was set because all three Commissioners will still be in office. He noted these restrictions are the tightest, as long as these conditions are followed, that will be placed on this permit. There is a possibility of loosening these conditions. As long as these conditions are followed, he does not have a problem with them.

Commissioner Miller stated she agrees with the theory of this expiration date because she and Commissioner Elkin are still in a term.

Mr. Patton stated a provision can be made to have a review at the end of the time period or a submission of a new zoning application. The Commission can set these as minimum conditions this evening so they would not be reviewable at that time.

Commissioner Miller stated the applicant could be guaranteed these conditions would stay and could only be loosened not tightened. Mr. Patton stated the Commission can make a provision to allow for modification of the permit until that date for more liberalized conditions.

Commissioner Miller stated the Commission wants the applicants to come back and ask

for Planned Recreational zoning.

Commissioner Elkin stated the goal of the expiration date was to have the applicants come back for Planned Recreational zoning. They believed by giving the applicant one year to operate to see if these were acceptable conditions then this expiration date would be ok.

Commissioner Elkin stated at the last meeting, a comment was made about the majority of the competitions are going to be completed between 3:00 to 4:00 p.m. Mr. Skaggs stated this is the information that was given to them by people that compete in the competitions.

Mr. Danuser stated this would be for competitions that begin at 8:00 a.m.

Commissioner Miller stated if the competitions begin at 9:00 a.m. they would end around 5:00 p.m.

Commissioner Elkin asked if the Commission would be willing to consider reducing hours in the evenings and allowing an additional competition weekend. He believes the problem that the neighbors do not want to hear continuous competitive firing at 7:00 p.m. on a Saturday. Mr. Skaggs stated he would not like that either. The competitions would not be scheduled to cause this and the only thing that would cause this is if there was a weather delay, for example.

Commissioner Miller asked if a competition event is for a whole weekend. Mr. Skaggs stated competitions are generally Saturdays and Sundays.

Commissioner Miller stated she was open to Commissioner Elkin's suggestion if the competition was for only one day. She stated the neighbors have to have a weekend where there is no shooting. Mr. Skaggs stated he believes additional hours during the week of 9:00 a.m. to 7:00 p.m. and hours ending on the weekend at 6:00 p.m. He believes this will be sufficient and they would be happy to close the range at 6:00 p.m.

Commissioner Miller stated she wants to see what the berm does for the sound. Mr. Skaggs stated they have an interest in this also and there is an existing 10' berm. They placed a rifle on one side and a sound meter on the other and this effectively reduced the sound by 50%. He believes this was in the statement at the last meeting.

Commissioner Miller stated this shows that having the berm all the way around the shooter will reduce the noise. The berms for noise are around the shooter. The other berms are for safety.

Mr. Skaggs stated the shooters do move on the range and they would need to berm all sides.

Mr. Skaggs asked about the hours of 9:00 a.m. to 7:00 p.m. during the week and 8:00 a.m.

to 6:00 p.m. on the weekends. Commissioner Miller stated there will be no shooting at 8:00 a.m. on the weekends.

Commissioner Elkin asked if competition length on Sunday is the same as Saturdays. Mr. Skaggs stated they would be similar. The length of a competition is determined by the number of participants. To predict the number of participants and the length of a match is difficult to predict.

Commissioner Elkin stated he is comfortable with the hours as proposed hours from 9 a.m. to 6 p.m.; extended hours from 8 a.m. to 8 p.m. one day per week...

Commissioner Miller stated it was the suggestion of the applicant to move away from the 8:00 a.m. to 8:00 p.m. hours and have 9:00 a.m. to 7:00 p.m. She likes this because then there will not be an 8:00 a.m. on Saturday and Sunday.

Commissioner Elkin stated the way the proposed condition reads is "Operating hours from 9 a.m. to 6 p.m.; extended hours from 8 a.m. to 8 p.m. one day per week."

Commissioner Miller stated she prefers the 9:00 a.m. to 7:00 p.m. with no extended hours. She believes there is more value in not having shooting begin at 8:00 a.m.

Commissioner Schnarre stated he would like to have the hours end at 6:30 p.m. He understands why the applicants want the 7:00 p.m. during the week.

Commissioner Elkin asked if 9:00 a.m. to 7:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. weekend would work.

The Commission agreed on 9:00 a.m. to 7:00 p.m. operating hours for the whole week.

Commissioner Schnarre stated he would prefer to have two competitions per month until the applicants returned. Commissioner Elkin agreed with this suggestion.

Commissioner Schnarre asked Mr. Patton for a recommendation on wording for the maximum conditions for this permit. Mr. Patton stated the permit will not terminate on December 31, 2004 but the conditions can be modified up to that date.

Commissioner Miller asked if there could be wording to state these are the same conditions should Planned Recreational zoning come forward. These would be the most restrictive conditions. Mr. Patton stated the conditions will not be increased and the permit will not expire.

Commissioner Miller stated it is up to the applicants to bring this back to the Commission.

Mr. Patton suggested the Commission could make a condition that the permit will expire

unless the applicants come back to request Planned Recreational zoning if available under the same conditions and no more stringent conditions.

Commissioner Miller stated if an applicant violates any of the conditions of a Conditional Use Permit then the whole permit can be null and void. The applicants understand this and they want to make sure there will not be more conditions placed on a permit when they come back for Planned Recreational zoning.

Commissioner Schnarre stated these are the most restrictive conditions that will be placed on a permit under Planned Recreational zoning.

Mr. Skaggs asked if there is a possibility of the conditions being loosened based on the track record and performance. Commissioner Schnarre stated that is correct.

Commissioner Elkin stated there are no guarantees that the conditions will be loosened.

Mr. Skaggs asked when Planned Recreational zoning becomes available, would there be a possibility that this applicant will not be approved. Commissioner Miller stated this is why the date was chosen, to have the same Commissioners in office to hear the application.

Commissioner Miller stated it would have been easy for the Commission to not approve this. The Commission is trying to work with both the neighbors and the club to try to allow people to use the land but under mitigating circumstances. Mr. Skaggs stated he understands this and thanked Commissioner Elkin for his work on this issue.

Commissioner Schnarre stated the Commission will follow the conditions.

Mr. Danuser asked if they would follow the condition of two competitions per month. Commissioner Schnarre stated that is a condition that stands right now.

Mr. Danuser asked if there is a possibility of changing that condition right now. Commissioner Miller stated not at this time.

Mr. Danuser asked if there is a possibility of changing that condition at a later date. Commissioner Miller stated there is a possibility but the Commission wants a history of how the berm affects the sound.

Commissioner Schnarre stated the conditions will not be any more restrictive but it could be less.

Commissioner Miller stated she has heard comment from people that the current facility is in a hole and it muffles the sound. This piece of property is on a hill and they were concerned with the additional noise. This is why she contacted the Sound Engineer to

determine how to mitigate the sound. In discussions with the Engineer, she is comfortable that the berm will have a significant impact on mitigating the sound. She has to trust the Engineer because he is an expert. She wants the neighbors to feel comfortable that Green Valley has done everything they can to mitigate the sound.

Commissioner Schnarre asked if the condition about chip and seal on the road had been adjusted. Commissioner Miller stated the chip seal will be a certain amount past the driveway because they do not want it to end at the driveway.

Commissioner Elkin stated the Public Works Department has a standard of the number of feet chip seal has to be past a driveway. Commissioner Miller stated she cannot remember if it is 10' or 20'.

Commissioner Schnarre asked if the hours of operation will be 9:00 a.m. to 7:00 p.m. Commissioner Miller stated that is correct and those hours will be everyday.

Commissioner Schnarre asked if the hours of operation will be posted at the firing line. Commissioner Miller stated that is correct.

Commissioner Miller stated there will be a minimum of 40 parking spaces.

Commissioner Schnarre asked if there will be two dusk-to-dawn lights at the north end of the firing range. Commissioner Miller asked if that has to be a condition to allow those lights. Mr. Shawver stated this does not have to be a condition.

Commissioner Miller stated there will be a condition of no fully automatic weapons.

Commissioner Miller stated the applicant will provide a "double coat" chip seal surface to the remaining unpaved portion of Academy Road and Caldwell Road to 20' past the driveway. She stated this needs to be what the Public Works Department standard is. Commissioner Elkin stated he cannot remember what the footage is and asked Mr. Shawver if he knows what the standard is.

Mr. Shawver stated it needs to be past the entrance. Commissioner Miller stated the chip seal needs to be enough past the entrance so there is no cutting every time someone turns into the lot if it is right at the entrance.

Commissioner Miller stated she amended the condition to read 20' past the entrance until such time as a second entrance until such time as a second entrance is developed, then it will be required "double coat" chip seal past the second entrance.

Commissioner Elkin stated the chip seal should be to the second driveway should there ever be one.

Commissioner Miller amended the condition to have the permit expire December 31, 2004 unless the applicant returns for Planned Recreational zoning, if available, under conditions no more stringent than the existing permit.

The Commission cannot require the applicant to come back if Planned Recreational zoning is not available.

Mr. Shawver stated the Commission needs to decide on the slope of the berm. Commissioner Miller stated the slope will be 2:1.

Commissioner Schnarre stated this slope will be on the inside.

Commissioner Elkin asked if the applicant planned on mowing the berm because they will not be able to mow a 2:1 slope. Commissioner Miller stated the outside slope can be any slope.

Mr. Skaggs stated they would like to mow the inside because they would like to keep the facility nice inside and outside and this is why they suggested 3.5:1 slope.

Commissioner Elkin stated they will not be able to mow a 2:1 slope because it is very steep.

Commissioner Miller asked if they can get ground cover to grow that would not have to be mowed.

Commissioner Elkin stated he believes the applicant wants to have a nice, first class operation.

Commissioner Miller stated 3:1 slope is the most that should be approved.

Commissioner Elkin noted the County ditch standard is 3:1 slope and this can be mowed.

The Commissioners agreed to the 3:1 slope.

There was no further discussion on this item.

Commissioner Elkin moved to approve the request by C.T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc., to rezone from A-1/A-2 (Agriculture) to REC (Recreational) of 35 acres, more or less, located at 4200 Academy Road, Hallsville.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 163-2003**

Commissioner Miller moved to hereby approve the request by C.T. Wilson Family Trust on behalf of Green Valley Rifle and Pistol Club, Inc. for a rifle range on 35 acres, more or less, located at 4200 Academy Road, Hallsville, with the following conditions:

- Club to provide at least two weeks written notice of an event to any interested party.
- Earthen berms to be constructed on all sides of the range.
- Berms to be at least 9 feet high at a 3:1 slope.
- Berm at impact area to be at least 40 feet high.
- Evergreen trees (minimum 3' tall) to be planted at 15' intervals along top of all berms. Any tree that dies to be replaced during next growing season.
- Operating hours from 9:00 a.m. to 7:00 p.m. Operating hours to be posted at the firing line.
- Night firing classes to occur no more than twice per calendar year.
- Shooting not permitted on any federal holiday.
- No more than two competition events per month.
- No fully automatic weapons.
- No more than 20 operating firing lanes (one "dummy" lane allowed on each side of range).
- Class size for training limited to 60 participants.
- Warning signs to be posted along north and west edge of firing range and at the gate.
- No parking allowed on public right-of-way.
- Minimum 40 parking spaces and drive to have minimum chip and seal surface.
- Applicant to provide a 33' half right-of-way along Caldwell Road the length of the property.
- Applicant to provide a "double coat" chip seal surface to the remaining unpaved portion of Academy Road and Caldwell Road to 20 feet past the gate until such time as a second entrance is developed, then it will be required "double coat" chip seal.
- Maintain record of club use of adjoining ranges outside of 600 yard operating hours.
- Permit expires December 31, 2004 unless the applicant returns for Planned Recreational zoning, if available, under conditions no more stringent than the existing permit.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 164-2003**

**G. Receive and Accept the following plats:**

- i. Brandel. S11-T45N-R12W. William and Marian Brandel, owners
- ii. Meek Lumber. S10-T47N-R12W. Meek Lumber Yard, Inc., owner.
- iii. Deerfield Ridge, Re-Plat Lot 8. Fairway Meadows, Inc., owner.
- iv. Field Point. S14-T46N-R13W. Eugene Busted and Linda Hancik, owners.
- v. Di Dan. S21-T27N-R13W. Di Dan Properties, LLC, owner.
- vi. Lochhead. S14-T45N-R12W. Carol and Steve Lochhead and Phillip Andre Bess, owners.
- vii. Harper Road Estates. S11-T51N-R13W. Edward and Veronica Pollock, owners.
- viii. Al-Don-Al Acres Plat 2. S32-T46N-R12W. Bottomline Investments, Inc., owners.

Commissioner Elkin moved to receive and accept the following plats:

- Brandel.
- Meek Lumber.
- Deerfield Ridge, Re-Plat Lot 8.
- Field Point.
- Di Dan.
- Lochhead.
- Harper Road Estates.
- Al-Don-Al Acres Plat 2

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 165-2003**

**Subject: Authorize Use of Courthouse Grounds (Prayer Vigil for Troops)**

Commissioner Elkin moved to authorize the use of the Courthouse Grounds from 6:00 to 6:30 p.m. beginning April 3, 2003 and every Thursday thereafter until May 30, 2003 for a Prayer Vigil for the Troops.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 166-2003**

There was no public comment.

The meeting adjourned at 8:40 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Keith Schnarre  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner