

Planning & Zoning Commission

May 13, 2026

6:00 P.M.

Bull Shoals City Hall

Meeting was opened by Chairman Rick Anderson at 6:00 p.m. Pledge of Allegiance was recited by all.

Commissioners in Attendance. Scott Scholes, John Stauffer, Rick Anderson, Keith Hilburn, Merle Fawcett and Scott Galliard.

Approval of Minutes. Minutes from the April meeting were reviewed. Keith made a motion to approve the minutes, Scott S. seconded the motion. Motion was unanimously passed to approve the April minutes.

C2 Zone Language. Last month they discussed removing the single family language in the C2 codes. Does anyone want to make a motion to delete the language entirely?

Scott G. asked if the new tiny home information will be included in the C2 zone? They don't want to delete language that needs put back in later. Rick said they need to decide soon because tiny homes could also be considered residential. A discussion regarding tiny home regulations and how people build should be priority. C2 may need new language that includes tiny homes. They also need an entire section for tiny homes in the code book. The language of C2 talks about single family buildings. It's confusing because it refers to people being able to have a residence for a proprietor on the property of a C2 but then talks about single family residences.

Merle wanted to know if this is going to stop somebody from putting a residence there? Rick said absolutely not. We're just going to get rid of some language that's been confusing. I've had several people call me and complain and said they want to put a house on commercial property because you have single family language in the code, and that's not correct. Section 8 would just be completely eliminated.

John made a motion to delete the aforesaid language from C2, Merle seconded the motion. Motion carried with unanimous vote by all.

Comprehensive Plan. Rick asked everyone to please read and review their copies of the comprehensive plan so that it can be discussed next month. Rick's opinion was that the plan looks as good today as the day it was written in 2008. The only thing they might want to add is light industrial. At the last city council meeting it was stated the plan is outdated. Rick wanted to clarify that the Mayor misread the bottom section of the plan that states "the city is supposed to update their capital improvements plan every five years and then after that every year annually at their budget committee meeting". The city is not required to produce an entire updated comprehensive plan every five years,

Updating Our Codes. The Commission has accomplished changing language and codes whenever they come across them. Our code changes were passed by the city council at last month's meeting. However, it took six months to get them passed. We need to look at getting our codes digitized. Rick has a copy of the 2001 code book on a thumb drive. The problem is we need our 2007 book on a thumb drive as well. We need to ask the city council to help us with this. We cannot update or modify anything in the books until they're digitalized and on the computer. This is something very important that needs attention. We don't have the budget to consider doing this so either we get help from the city and we find an enthusiastic volunteer.

Councilman Mike Howell asked if we know how much it would cost to have someone digitize this for us? Rick said not yet. Mike asked if these codes were in a ringed binder? Or are they bound books? If they are binders it would make it easy to scan the pages through to a computer

Rick said the code books are in binders. We need equipment that is capable of doing that many pages and personal scanners don't quite have that capacity. Mike was almost certain that the city's scanner would be able to handle that. Rick will check with city hall to ask about the project. It will allow us to make the necessary changes and updates to the codes from now into the future. Mike asked if anyone reached out to Dave Higgins about the existence of the 2007 codes on a thumb drive or if there is a digital copy on his home computer. Rick believes Dave does not, since nobody knew the 2007 book existed until two months ago. John says he speaks to Dave often and will ask him about a possible digital copy of the 2007 book.

Also, because we have people who think all our codes may be outdated, Rick received an estimate from an expert who could check over and update our codes for us. This estimate is from the gentleman that originally put our codes together in 2001. The cost could be at \$20,000+ to have a company come in and update our codes for us. He will put this

estimate in our report for the councilmen at the next meeting. To complicate this approach, there are only two or three firms that do this kind of work on a major scale. Unfortunately, they're all near the Little Rock area. Travel time is going to be very expensive. If we do our meetings via zoom, that's an option.

It's time to get the ball rolling so we can continue to update our codes. There are only a few options to be considered: 1) If the city pays somebody to come do it for us, there's a hefty cost involved; 2) If the city allows us to continue doing updates, it will cost nothing. All we ask is the council make the process a little quicker by not tabling items that sit in council for six months; 3) If neither option above is satisfactory, you live with what we have and we all move on.

Signs. Those who attended the last city council meeting heard the Mayor talk about the sign ordinance. Rick explained that Planning & Zoning has nothing to do with the city's sign ordinance. If you look in our code book it says signs are to be put up in according to the city ordinance. He volunteered to help because it was part of cleaning up the town and getting rid of the old signs. Unfortunately, some other sign violations came to my attention so I pointed it out. Now the Mayor has put it in the city council's hands to do with it what they will. If any of you want to volunteer to help the city with signs ordinances, get ahold of the Mayor.

Enforcement. One of our violation procedures was stopped by the Mayor, who unilaterally decided he wasn't going to allow a citation to go out either. He surprised some commissioners and city council members with the news at a resort meeting he organized. For the record, several months ago Planning & Zoning decided to only give 15 day notices for all future violations. We sent our violation letter to Bel Arco with 15 days on it. When the 15 days came up, Rick went to the Chief to request out a citation. The Mayor intervened and said we can't do that because we gave everybody else 30 days. A second letter went out, referencing 30 days on it starting from the date of the first letter. When Rick went back to ask if the citation would be issued, the Mayor said no.

Right now Rick has a call into AML. We're looking into the legalities and clarification of what our position is. Do we have the right to enforce our own laws? Does the Mayor have control over Planning & Zoning, we thought that was the city council's role? As the Chairman of Planning & Zoning, AML can offer advice to Rick free of charge.

Elections: One year is over and it's time to decide who will be chair, co-chair, secretary, etc. Rick opened the floor up for discussion between the commissioners.

Keith started discussion with a poll for commissioners regarding the current chairman. How many commissioners think Rick tried to change their mind about a serious vote or tried to influence a decision? Is there anyone who thinks Rick has not done his best according to his knowledge and ability? All agreed Rick and Keith were both doing a great job.

Scott S. made a motion for all offices to remain the same for the next year, Scott G. seconded the motion that Rick Anderson, Chairman and Keith Hilburn, Co-Chairman be elected for another year. Motion passed unanimously.

Tiny Homes. Rick sent emails to everyone about tiny homes in Mountain Home. That city is allowing The Dells Corporation to put in tiny homes, or add more tiny homes to something they already had. These tiny homes are 600 square feet. They claim the price to build them was \$3,077.00 per unit. These homes could be problematic and may fall apart in five years. Is this what our city wants for our neighborhoods? Rick thinks we need to control tiny home regulations for our city's future.

Merle asked what kind of regulations are we talking about? And how can we enforce these regulations? Scott S. said he's been doing research on it and the state says it is up to individual cities and towns to decide for themselves what they're going to do with tiny homes.

Scott G. states there's also a law that says any of us can put one in our own back yard. Scott S. thinks those are companion homes and not necessarily the tiny homes. Rick believes Arkansas does have some laws on tiny homes. He referred to a handout called "Navigating Tiny Home Laws, A Guide to Your Tiny Home Adventure". Regulations are up to the cities, but they do have some guidelines in the handout.

Everyone should do some research and decide what we want to allow. For example, there are several different kinds of tiny homes. There are THOW's ("tiny homes on wheels"). With a tiny home on wheels you could make a travel park. All of a sudden they fall into a category of RV's. Do people want tiny homes on wheels? And what zone would we put them? There are also tiny homes on foundations. Do we want to allow the cheaper shed styles that Mountain Home is going to get? Or do we say they need to be built by building standards? We need to come up with something in our codes for this. This is a big thing.

Scott S. talked about the research he's done on tiny homes. The amount of square footage that is prevalent in different areas was 400 to 600 square feet not including the lot. He wants the homes built in accordance with the state building codes and specifications. Make it simple and include plumbing, electrical. It's just a smaller house. Tiny homes are basically that, they're tiny.

Keith wants to keep sheds out as options for tiny homes. Scott G. said we just need to pick a starting point and go from there. Where are we going to let them build them? Is R1 where they're going to be zoned? Is that the proper zoning for this? Rick says it could also be R3 if we allow several of them on a lot that would be multi family dwellings.

A few years ago Dave Higgins and Bonnie Sumner toured a tiny home development that was very nice: cute homes, gated yards, picket fences. Rick said he doesn't mind tiny homes coming here, he just doesn't want to see something that will fall apart in five years. We already have travel trailers that have aged out. People are leaving them behind and walking away. Scott G. said his first suggestion for the ordinance would be no mini homes on wheels.

Rick says we all need to work on looking at other cities to see what they're allowing, and read their rules and regulations. Someone mentioned Harrison has beautiful tiny home development. Keith said Harrison actually denied a recent builder's plan for tiny homes. He will try to find the reasoning behind their denial. It may help guide our decision making.

Scott S. asked if a developer comes to town, and purchases property for a tiny home development, are they going to be rented or purchased? What zones would they be placed in? Would it then be C2? Rick thinks R3. What if the developer sells each individual home to different people? Technically there are all kinds of ways to stretch this issue in different directions. Rick sees urgency for this. If someone did get a building permit today, our codes won't allow very many of them in one place. Our codes currently state they would have to follow our standard building codes. If someone gets a permit today, we have no control over what will happen to these developments. Starting last year calls increased with people asking about tiny home regulations in Bull Shoals. We do need to figure out how to stop storage sheds from becoming homes. Scott G thinks maybe minimum square footage will dictate that. Tiny homes will take priority during next meeting. According to the comprehensive plan we have to maximize the efficiency of the land that's left in Bull Shoals.

Russ Meinking. Russ was added to the agenda and had many questions. He asked Rick if he proposes making changes to the codes, does that require you to let the public have a say after you've discuss it? Then does it go before the council to vote on the changes? Rick answered yes. All changes have to have a public hearing. The reason it hasn't been brought up yet is they don't want to hold a public hearing just to say "is it okay if we delete just one section"? They wait for other changes to accumulate before holding a public meeting.

Russ asked about new square footage numbers that have not been put into the code book yet. Rick agreed that all the square footage information in our notes and in our codes are obsolete now. They need to be taken out. The problem is we can only do so much at a time. We all have other stuff that comes before us and we have not been able to get back to this. We're not interested in having three meetings a month to catch up on things. We are volunteers. We're working as best as we can to take care of things. I think we've done a great job of updating our codes and we're trying to move forward with it.

Russ is still confused about square footage issues because you "can't regulate that". Merle answered that actually, according to this "State of Arkansas Tiny Home Adventure Guide", we can regulate the structures. There's a difference between regular homes and tiny homes according to the guide.

Russ handed everyone a copy of some pages from the Planning & Zoning code books. He began questioning their enforcement authority. Why did Rick speak with the Chief of Police when the code book says the "legislative body" is the one who gives consent for enforcement? Did Rick consider Planning & Zoning a legislative body above and beyond the Chief of Police and the Mayor? Rick refers Russ to the front page of the handout Russ distributed, #3 gives Planning & Zoning the power to prepare and administer planning regulations.

Russ argues that it doesn't say "enforcement". Rick clarifies... "administer" means we "enforce" our codes. In our code book there is an enforcement section. According to the enforcement section we followed protocol. We decided a violation letter should go out, we brought it before the city council and when the violation came out it was the duty of the building official to deliver the violation letter and sign off on it. PZ did everything by the book. When Rick went to the police chief to send the citation, that was just a follow up on what had already gone through. Are you saying we did something wrong?

Russ insists the Mayor hired the building inspector so he answers to the Mayor. Once again Rick explains that the building “inspector” is hired and paid to be a building inspector. The building “official” is not paid and is appointed to Planning & Zoning to aid with enforcement. Russ still insists that the Mayor is still the building official’s boss. Rick said it’s because of this confusion that he’s going to check with AML to straighten out the chain of command and procedure. Everything in the state laws states that the commission answers to the city council (the legislative body) and that’s what we have done. We make our recommendations to the council. This is a commission, it’s not a committee and there’s a big difference. We have the authority to prepare and administer our codes.

Russ said the Mayor is the ultimate police officer in the city. Rick said that may be true, but there is language in the statutes that addresses Mayors interfering with Planning & Zoning outside of procedure. That’s why they’re checking into that with the AML. Keith said the interference is referred to in the codes as “tampering”.

Russ says the sole purpose of the commission is clear. You are supposed to advise and make recommendations to the city council regarding enforcement.

Rick asked Russ to read the codes again. It says if we do a rezone of a property and it affects the city streets, school systems, it is our job to inform these entities and these are the government and public bodies that they’re referring to as we need to inform them of what we’re doing. Fortunately, we haven’t had to do that. Otherwise, we answer to the council and send recommendations to the council.

Rick states that they have too many bosses here and that’s part of the problem. The mess we have today with our resorts is because we have a Mayor that says one thing, the commission that says another, and a couple councilmen that say another thing. Due to his position, people believe him and it overrules everything that we are doing. That’s the reason we have this mess today. We have too many bosses. We need to get this straightened out. We need to be willing to start the ball rolling and I will keep the council apprised of everything we’re doing. If we can’t get answers from AML, we will certainly be coming to the city council to help get the answers for us. We need to clarify this so there’s no more confusion moving into the future. We can’t move into the future if we can’t fix the present.

Russ started reading the pages from the zoning codes again and debating their definitions. Russ still did not understand who the legislative body is? Who is the executive body? Rick repeats again the legislative body is the city council and the executive body is the mayor.

Russ continues his interrogation over words. Keith presents a statute he has on his phone that clarifies what Rick is saying: Planning & Zoning answers to and gets authorization from the legislative body (city council) and not the executive branch (the mayor).

After more argument from Russ, Rick says the bottom line is that the Mayor is not part of the city council. He's the moderator at the meeting. Russ disagreed. Keith offers to send Russ the legislation that upholds their position.

Mike Howell interjects, explaining to everyone that the legislative body does refer to the city council and the enforcement clause states Planning & Zoning sends their recommendations to them for authorization. Scott G. said they need to start enforcement and uphold laws when necessary but they don't act on anything themselves. They need direction from the city council first. Scott G. said they tell them "this is what needs to be done" but Planning & Zoning are not doing this on our own. They haven't sent out anything that hasn't been approved by the city council first.

Russ disagreed and said multiple letters were sent. Scott G. corrected him. PZ has not sent any letters or done anything without the council being informed and they are well aware of all the details. This should include Russ himself who sits on the council. Scott G. says the commission has never ever bypassed the council on anything.

Commissioners Feedback. No comments were made by the commissioners.

Keith made a motion to adjourn. Scott G. seconded the motion. All were in favor and the meeting adjourned.

Respectfully submitted,
Peggy Anderson
Secretary, Pro Tempore