

TERM OF COMMISSION: May Session of the May Adjourned Term

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

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

The meeting was called to order at 7:00 p.m.

Commissioner Stamper stated during these meetings the Commission only hears land use issues but there will be an item that is not related to land use issues. He noted that during Planning and Zoning issues, 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.

Subject: Discussion – Recommendation for Evaluation Committee for Boone County Fairgrounds Development Proposal

Commissioner Stamper stated this issue has been brought back to the agenda to see if the Commission had any questions or concerns or desire to set a direction for this issue. It is presumed on the Commission's behalf that it is time to sit down the recommendations from the Evaluation Committee and to meet with representatives of the firm to discuss the issue. He believes a Commission worksession would be in order for discussion of this issue.

Commissioner Elkin stated he agreed with Commissioner Stamper. He noted a recommendation was made from the Evaluation Committee to Columbia Sports Ventures yesterday, May 28, 2002. He also believes a worksession is needed to possibly determine whether the Commission wants to move forward with the recommendation from the Evaluation Committee.

Commissioner Miller asked if the proposal included a possibility of managing the whole fairgrounds, the development of the fairgrounds in the future, or the coliseum. Commissioner Elkin stated the vendor told them they would be willing to discuss this issue.

Geoff Gunnell, 8989 Terrapin Hills, Columbia, commented on the proposals 5,000 stadium seats and wanted to know why only four restrooms were proposed that he read in a local newspaper.

There was no further comment on this issue.

Subject: Planning and Zoning

A. Petition on behalf of Broadway Business Park, Inc and Casey's Marketing Company to vacate and re-plat Tract 1 of El Chaparral Plat 7

Stan Shawver stated the department received a petition to vacate Tract 1 of El Chaparral Plat 7; this is a business area, where Casey's is also located at the front of El Chaparral Subdivision. Plat 7 was platted in 1978 and Casey's is a part of that Plat. To Mr. Shawver's understanding, Casey's is going to replace the building there and put a new facility in and would like additional room. Casey's entered into an agreement with Broadway Business Park to acquire some of their land. This would necessitate vacating the existing plat and re-platting the land. The department notified property owners within 500 feet, as required by the subdivision regulations. 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, taking into consideration character of the neighborhood, traffic conditions, circulation, location, improving the alignment of streets, property values, public utilities facilities and service and the general health, welfare, and safety of property owners.

JoAnn Dyar, Casey's General Stores representative, stated the current store was built in 1982. They are requesting this to move the building. This is an L-shaped piece of property; there is less than 50 feet on each side, and this will be a new brick building with new gas pumps. This will be a lot nicer than the previous building.

Commissioner Elkin moved to approve the petition on behalf of Broadway Business Park, Inc and Casey's Marketing Company to vacate and re-plat Tract 1 of El Chaparral Plat 7. The vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 249-2002**

Subject: Request by Linda Lenau and Robert Brown for an Outdoor Recreational Facility on 71.95 acres, located at 8825 W. Sarr Street, Columbia (Appeal from Planning and Zoning Recommendation)

Subject: Request by Linda Lenau and Robert Brown to rezone from A-1 (Agriculture) to C-GP (Planned Commercial) of 0.65 acres, more or less, and to approve a Review Plan for property located at 8825 W. Sarr Street, Columbia

Mr. Shawver requested these two items be heard at the same time. The Commission had no objection to this request.

Mr. Shawver stated this property is located just outside of Huntsdale, south of the intersection of Route O and Grocery Branch Road. The current and original zoning is A-1. Property to the north, east, and south is zoned A-1. Property owned by the proponent, which is adjacent to the proposed rezoning abuts property zoned A-2, R-S and C-N. The western boundary of the property is defined by the Missouri River. The proposal is for a privately operated outdoor recreational facility on 71.95 acres of property owned by the applicants. A rezoning of 26.5 acres of the property to Recreation (REC), for development of a public campground, was recommended for denial by the P&Z Commission in February of 2002 and an appeal of the denial was withdrawn before being heard by the County Commission. The property is located in the Columbia School District, The Boone County Fire Protection District, Consolidated Public Water Service District #1, and Boone Electric Service areas. The proposal includes a boat ramp and associated parking lot, 18 individual campsites set up for 2 tents per site, 2 campsites that have no specific number of tents indicated, 1 RV campsite limited to a campground host, 1 group campsite, 1 restroom structure, and 1 park style shelter house. The facility is limited to a maximum of 150 persons by the proposal. The documentation on the proposal indicates the bait house/camp-store is part of the facility proposed. Staff notes that the bait house/camp-store is related to the facility proposed here as a CUP, however, the bait house/camp-store cannot be part of the CUP for the outdoor recreational facility. A separate application has been filed to rezone the bait house/camp-store from A-1 to C-GP. A review plan for the C-GP request has also been submitted. The Master Plan designates the property as suitable for agriculture or rural residential land use. As a privately operated outdoor recreational facility the request might be considered consistent with the Master Plan. The property being considered for this CUP lies primarily within the Missouri River floodway and is completely within the 100-year floodplain of the Missouri River. That physical attribute of the property severely limits the potential uses on the property to those uses that do not require any type of permanent structure such as campgrounds, ball fields or other outdoor recreation facilities. Floodplain Development Permits and No-Rise Certificates will need to be obtained for all work contained in the proposal. Staff notified 37 property owners about this request. **As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.**

- 1. 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.***
- 2. 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.

3. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

4. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

5. 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.

6. 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.

7. 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.

Staff does note that the utility needs of this CUP are minimal. Boone Electric provides power in the area. Consolidated Public Water District Number 1 has water lines extended to Huntsdale capable of providing domestic service but not fire flow. There is no sewer service in the area; however the septic system for the campgrounds will have to be designed by a licensed engineer and approved by the Health Department to accommodate the needs of the campground facilities. The demand for public safety services will probably increase with more intensive use of the property. The demand will include law enforcement calls and calls for emergency medical services. Of particular concern is the location of the property within the floodway. The floodway is subject to hazardous conditions when flooding events occur. Such conditions could prove disastrous if a mechanism to notify and evacuate patrons is not in place. Lack of an effective notice and evacuation plan could lead to expensive and dangerous rescue operations. Access to the property will be by private drive extended approximately 800 feet across the 100-year floodplain from the Grocery Branch Road, Route O intersection. The private access drive will have to be improved to a minimum chip and seal surface. The property scored 20 points on the rating system.

Staff recommends approval with subject to the following 7 conditions:

1. That the CUP is limited to those facilities, areas, and uses shown on the graphic submitted with the request including: a boat ramp and associated parking lot, 18 individual campsites set up for 2 tents per site, 2 campsites that have no specific number of tents indicated, 1 RV campsite limited to a campground host, 1 group campsite, 1 restroom structure, and 1 park style shelter house. Any addition or

- expansion of any use shown on the graphic will be considered a significant change and require a new hearing on the proposed change as an additional CUP.
2. That the proposed 10-foot minimum of chip & seal surface roadway with 4-foot shoulders on each side is a requirement. Additionally, all parking and loading, unloading and other surfaces that are intended for use by vehicles, even temporarily, be a minimum of chip & seal surface.
 3. An effective notice and evacuation plan acceptable to the fire district and planning director be presented and approved as a requirement.
 4. That all lighting associated with the development be shielded and aimed inward and downward.
 5. That the parking areas in the boat ramp vicinity have a minimum width of 10-feet to accommodate large boat trailers.
 6. That Floodplain Development Permits and associated No-Rise Certificates be obtained for all work including grading and earthwork on the site.
 7. That the facility is limited to a maximum of 150 persons.

The Planning and Zoning Commission held a public hearing on this issue on May 16, 2002 and did not accept the staff recommendation on this request. A motion was made to deny the request and received seven “yes” votes. The applicants did appeal the denial in a timely fashion and is brought forward to the County Commission on appeal this evening.

Commissioner Stamper asked Mr. Shawver if this request went before the Planning and Zoning Commission with a staff recommendation and the Planning and Zoning Commission chose not to accept those recommendations and deny the request. Mr. Shawver stated that was correct.

Planned Development Rezoning Request and Review Plan:

The general location, service areas, and background from the immediately preceding CUP are the same for this rezoning request and review plan request. The specific area of the request is 0.65 acres of the parent parcel as shown on the submitted review plan. The proposal includes a bait house/camp-store with shower and restroom facilities and a parking area. A building permit for a “bait house” was issued on this property in 2001. The bait house is currently under construction. The bait house is related to the CUP application previously heard but cannot be part of the CUP. However, the applicant has stated that the bathrooms and showers built into the bait house are intended to serve the proposed campground. The primary focus of this request is to change the existing bait house into a bait house & camp-store, removing the limitations of a bait house alone. The rezoning would make it possible for the bait house & camp-store to sell items of use to the community of Huntsdale, trail users and others in the area as well as to campers if the preceding CUP was approved. The items are listed on the review plan. The size of the structure is limited to that shown on the plan. Additionally, any additions or changes to the

plan will require a revised review and revised final plan to be approved. The rezoning will not go into effect until a final development plan is approved including any conditions placed upon the review plan. There is a small C-N neighborhood commercial zoning district in Huntsdale near this proposal.

The Master Plan designates the property as suitable for agriculture or rural residential land use. The request is not consistent with the Master Plan, however, the plan does indicate that where commercial and industrial uses are proposed for consideration such requests should be planned requests. The Plan also identifies a sufficiency of resources test to as a means to judge the suitability of land proposed for rezoning. In applying the test it is necessary to look at the possible uses under the requested zoning, any physical constraints of the property that would limit the possible uses and finally, whether there are sufficient resources to support the potential uses of the property.

The property being considered for rezoning lies within the Missouri River 100-year floodplain. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

- The utility needs of the rezoning are minimal. Boone Electric provides power in the area. Consolidated Public Water District Number 1 has water lines extended to Huntsdale capable of providing domestic service but not fire flow. There is no sewer service in the area, however the septic system for the bait house was designed and approved by the Health Department to accommodate the needs of the campground facilities.
- The demand for public safety services will probably increase with more intensive use of the property over its previous agricultural nature; however, these should not be extensively dissimilar to the permitted bait house. The lack of water to provide fire flow is still an issue and a solution to provide adequate fire protection will need to be worked out with the fire district.
- Access to the property will be by private drive that will be extended approximately 800 feet across the 100-year floodplain from the Grocery Branch Road, Route O intersection to get to the boat ramp area. The private access drive and parking area will have to be improved to a minimum chip and seal surface as proposed on the plan.

The property scored 20 points on the rating system.

37 property owners were notified of this request

Staff recommends approval of the request subject to the following 6 conditions:

1. That it be recognized that the development is limited only to that which has been requested and shown on the review plan, any alteration in proposed use, additional structures, or additions to the structure shown is a major change and will require a revised review and revised final plan be submitted and approved after appropriate public hearings.
2. That a means of providing required fire flow be provided and be acceptable to both the fire district and director of planning.
3. That the location of any dumpster or refuse containment area be shown on the plan including a 6' wooden privacy type-screening fence.
4. That all lighting be shielded and directed inward and downward.
5. That all drive and parking areas are a minimum of chip & seal surface, with the further recognition that no gravel surfaces are allowed within the review plan area.
6. That the access drive between the review plan area and the MKT trail be a minimum of chip & seal surface.

The Planning and Zoning Commission held a public hearing on this issue on May 16, 2002. The Planning and Zoning Commission approved the recommendation with one additional condition. The additional condition is that the hours of operation of the store be restricted between 8:00 a.m. and 9:00 p.m.

Mr. Shawver noted that today he received a memorandum from Jeff Scott, acting Fire Marshall, regarding the bait shop/camp ground in Huntsdale. Mr. Scott informed Mr. Shawver in the memorandum that the square footage of the structure is approximately 800 square feet. The needed fire flow is below the residential minimum, which is 250 gallons per minute. Since there are no exposures and a hydrant is within 600 feet of the building, Mr. Scott will not require any additional water supply for the bait shop. Mr. Shawver stated Mr. Scott is comfortable that the fact that the building is separate stands alone; there is a hydrant in Huntsdale.

Commissioner Elkin asked in the staff report from the original appeal, the applicants increase from 26 to 71 acres for the campground, the applicant did this at the recommendation of the Planning Department and wanted to know if this was correct. Mr. Shawver stated he could not recall.

Robert and Taylor Brown, 4401 S Foxglove and 15 Blue Jay Way, respectively, and Tom Schneider, 11 N. 7th Street, were present on behalf of this item.

Tom Schneider requested that the applicants be sworn in. Commissioner Stamper noted the attorney for the applicants is reducing this to a minute process where the applicants' testimony is sworn and could be used as evidence in the future.

Shawna Victor, Deputy County Clerk, swore in Robert and Taylor Brown.

Robert Brown thanked the Commission for hearing these requests this evening. He did

not know how to approach this issue. When the applicants went through the last Planning Hearing, Mr. Ness made a motion to deny the request on the grounds that he did not believe the campground was needed. Mr. Brown did not believe that this was the only reason for denial. There is opposition from four families that live on the ridge. These are successful, wealthy, influential families and they have done a good job of propaganda. Much of what has been said has come back to him through rumors and does not know why there is any opposition to this request. He believes this is a good plan and would be great for Boone County. Possibly there is opposition due to the proximity to homes and the possible noise and nuisance from the campgrounds. Mr. Little's house is 2,000 feet from the campground and 2,800 feet from the boat ramp. Mr. Randall's house is over 3,000 campgrounds and almost 4,000 feet from the boat ramp.

When one moves from an urban area to a rural area, there is a concept that there will be a lot of peace and quiet. When one does move to a rural area, there are more noises and nuisance related things that one does not realize before they move. There are deer that come into people's yards, geese flying over honking, the railroad train across the river, barges on the river, boats on the river, people hunting a variety of wildlife, dogs barking, and people walking on the MKT trail. Many people's peace and quiet expectations are not met when they move to rural areas.

Mr. Brown stated in a brochure his goal was to appeal to those who wanted to live an active outdoor life in a rural community and love in nature and beauty, guiding principles, those who love camping. They assumed the people moving into the area would not be opposed to camping. This would be for tent camping. They are willing to restrict themselves to focus on an audience for camping are people on the MKT trail. This is a much needed facility in Boone County.

Mr. Brown discussed a rumor he has heard about the safety issue. Camping always involves a certain safety issue. From his personal experience, he was camping at a State camping facility and was evacuated during the middle of the night because of a flash flood. That will not happen in this campground because there is no flash flooding. Another personal experience was camping out in the Western U.S. and a fellow camper had his foot chewed off by a bear. This area is not subject to flash flooding. The flood stage at Boonville is 21'. The river is at 28' and they have still not flooded. None of the roads ever flood. There is always an access road into that area. He does not believe there are any abnormal safety issues with this campground more than another campground.

The river levels are accurately monitored at all times. They can control when the area should be evacuated. The sites are not directly on the river; they are on the levee above the river. There is one group campground, after consideration that is across the levee. This is could be a problem and he would not mind getting rid of this because of the chip and seal road that is a recommendation from staff. He would have to move farm equipment across to farm the bottom field. In order to place the two sites with no specific number of campers, they would get rid of that area and designate another area for group

camping. This would be sufficiently away from the river and would be a place for people who want to camp but do not want to be too close to the water.

Mr. Brown believes this is a good plan. It has been developed over the course of time. He met with the department staff over a year ago with a plan similar to the current plan. He stated the boat ramp had been approved by the Army Corps of Engineers and the Missouri Department of Natural Resources. At that time, he also wanted to put in a campground in the area and wanted to know how he could approach this. Staff told him that it was a complicated issue. They never required any kind of permit in Boone County for boat ramps because the majority is in A-1 (Agriculture) zoning. As for the campground, as long as there would not be any RV's or trailers and there are already tent campgrounds in Boone County along the trail that do not have any permits. Staff suggested that this plan be put under planned recreational use zoning but at that time this type of zoning was not available. Six months later, this type of zoning was still unavailable. Staff informed Mr. Brown that the Planning and Zoning Commission would not approve an area as big as he was planning for recreational use because of the numerous uses of the land.

Mr. Brown contacted Brush Surveying and the original plan was reduced in land size. This new size was taken before the Planning and Zoning Commission requesting this be rezoned recreational. The main problem was this plan causes the Commission to worry about the possible number of uses. They returned to work with Bill Florea, of the Planning department, and came up with this plan that is before the Commission this evening. They spoke with people who are opposed to this request and wanted to know how this plan could be changed to be acceptable to them. There was no reply. They tried to create buffers to the campground in case anyone thought this might be an eye sore.

Mr. Brown stated the Department of Natural Resources (DNR) needs a campground in Boone County. He has worked with DNR in building the bait house. The design was changed externally to make the bait house look like a railroad depot. DNR is looking for this type of campground in this area. It is needed because there are a lack of businesses to service the people who are on the trail. With this development, there will be a synergy of businesses along the trail in Hartsburg, Cooper's Landing, this development, and Rocheport. These businesses are not competing against each other but are working together to develop tourism in Boone County. Without campgrounds along the trail, Boone County cannot attract tourists from out-of-state that would be willing to bike or walk the entire length of the trail. The more facilities that are along the trail, the better the trail will be and the more accessible the trail will be. This campground is needed.

Mr. Brown stated he has heard a rumor that they will be holding fraternity parties at the campground. Their target market will be campers from the trail. They adopted DNR's regulations for campgrounds and quiet hours begin at 10:00 p.m. If it requires they go a step further and state no alcohol on the campgrounds, Mr. Brown does not have a problem with this. They do not want to have a party environment; they want to attract people from the trail. He believes Boone County needs this and DNR agrees that this is needed.

Tom Schneider stated when the applicant was first before the Planning and Zoning Commission, they had two objections. The first was that the Planning and Zoning Commission wanted something planned. What is being brought forward through the vehicle of a Conditional Use Permit is very much planned. What you see is what you get. If there are eighteen camping spaces that are shown on the plan, then that is all the applicant can develop or use without coming back through this process again. This is a very specific and governed proposal.

The second objection from the Planning and Zoning Commission is density. This was because the application was an open zoning application. This density, in terms of specific use, is much less than what was originally proposed to Planning and Zoning. The only usable area is what is shown on the plan. The proposal could be for 500 acres but the plan would still only have 18 camping spaces, a boat dock, and a bait house.

Mr. Schneider offered Exhibit 1, Planning Ordinances for Boone County, Missouri. This has been submitted for the Public Record. Exhibit 2 is the plan that is subject to the Conditional Use Permit, which he believes was prepared by Brush and Associates. This was submitted to the Public Record. This plan also includes landscaping, which was done by a professional landscaper, Diane Hunike.

Mr. Schneider had made corrections to the plan in red ink, moving the campground from the original plan and asked Mr. Brown if this was correct. Mr. Brown stated this was correct.

Mr. Schneider asked Mr. Brown if the reason that he is willing to move the group campground area, away from the river, is because of a concern expressed at the Planning and Zoning Commission meeting by, Commissioner Carl Frieling, about smaller children not understanding the dangers of the river, so a group campground area would be moved away from the river to less than concern. Mr. Brown stated that was correct.

Mr. Schneider asked Mr. Brown if he heard the conditions set forth in the staff report and if those conditions were acceptable to him. Mr. Brown stated that was correct.

Mr. Schneider stated at the last Planning and Zoning Commission meeting there was a lot of discussion about fraternity parties and drunk drivers getting on Route O. He asked Mr. Brown if he is willing to prohibit alcohol consumption in the campground area of the Conditional Use Permit application. Mr. Brown stated that was correct.

Mr. Schneider asked how the campgrounds would be monitored or policed. Mr. Brown stated it was their intention to have a Campground Host. He visited Finger Lakes State Park and their basic first line of defense against nuisances is to have an experienced Campground Host that they are hoping to draw from a pool of Campground Hosts used by DNR. These Campground Hosts are usually retired couples and they do not believe they

will have a problem finding Hosts because of the boat ramp and the possibility of fishing. The Campground Hosts usually sit at the campgrounds free of charge for a month or better. The Campground Hosts greet people and assess the possible problems. If they perceive there may be a problem, then they would call the Park Supervisor, which would be himself or his son, Taylor Brown. The Park Supervisor would go talk to the people creating a problem and let them know that if the problem persists then they will have to leave. Their target market is people using the trail. Problems could get out of control if the problem is not taken care of immediately.

There will be two handicap accessible sites that are not too close to the river but do have a river view. These would be close to a restroom, which Bill Marshall is engineering for them. This is in the flood plain but Mr. Marshall has assured them that it is feasible to put there. The time line is somewhat important. They are just finishing the bait house and the road. The boat ramp is completed except the parking lot or the road leading to the ramp. The campground is essentially not started because they are waiting to see what decision will be made by the County Commission.

Mr. Schneider asked if Mr. Brown has adopted some rules and regulations for the campground. Mr. Brown stated that was correct. They adopted the rules and regulations from DNR's campgrounds

Mr. Schneider asked Mr. Brown if he essentially adopted the DNR rules and regulations with a few modifications. Mr. Brown stated that was correct. Mr. Schneider asked if this was Exhibit 4. Mr. Brown stated that was correct. Mr. Schneider presented Exhibit 4 to the Public Record.

Commissioner Stamper asked Mr. Schneider to elaborate on the modifications to the DNR rules and regulations that Mr. Brown has adopted. Mr. Schneider stated there is an explanation in the caption and believes the modification has to do with RVs.

Mr. Schneider asked Mr. Brown where he lived. Mr. Brown stated he lives at 4001 South Foxglove. This property is located approximately 200 feet from the boundary of Huntsdale and Terrapin Hills Subdivision, which he developed.

Mr. Schneider asked Mr. Brown how close his house is to the proposed campgrounds. Mr. Brown stated from his house to the campground is approximately 2,400 feet. Mr. Schneider asked if it is less than one-half of a mile. Mr. Brown stated that was correct.

Mr. Schneider asked Mr. Brown if in addition to the Campground Host, Mr. Brown would also have ownership presence in proximity to the campground. Mr. Brown stated he has the best view of the bait house from his deck and is the only property owner in Terrapin Hills that has a view of the bait house. He can see part of the campgrounds.

Mr. Schneider stated there was some suggestion at the Planning and Zoning Commission

meeting that Mr. Brown did not have a permit to begin building the bait house and asked if he had a building permit. Mr. Brown stated he did have a building permit. The permit was obtained in March, 2001. The plans were drawn up by Brian Pape and essentially, there has been no change to the floor plan.

Mr. Schneider stated Mr. Brown had a rezoning application with respect to the bait house because the applicants want to do some things other than just a bait house, such as sell groceries. Mr. Brown stated that was correct.

Mr. Schneider asked Mr. Brown to tell the Commission what Exhibit 3 is. Mr. Brown stated Exhibit 3 is a picture taken from the proposed shelter area by the boat ramp that shows a view looking toward Huntsdale of the bait house and Terrapin Hills. The line drawn across represents the area of Terrapin Hills.

Mr. Schneider noted that someone has taken a pen and written Terrapin Hills and has drawn an outline of where Terrapin Hills is in relation to the shelter to the boat ramp. Mr. Brown stated that was correct.

Mr. Schneider asked what the distance is between Terrapin Hills and the boat ramp. Mr. Brown stated the closest distance to the nearest house is 2,800 feet.

Mr. Schneider offered and submitted Exhibit 3 to the Public Record.

Mr. Schneider stated that on one side of the campground and boat dock is the Missouri River and asked who owned the land adjacent to the proposed Conditional Use Permit area, to the east, west and south. Mr. Brown stated on the south is owned by John Williamson, to the east is Huntsdale, and Terry Wilson owns land a mile and one-quarter from the property. Across the river is the Overton Bottoms, which is Federal property.

Mr. Schneider asked if the surrounding land, other than the river, used for agricultural purposes. Mr. Brown stated that was correct.

Mr. Schneider noted that Mr. Williamson is in favor of this request. Mr. Brown stated that was correct and has been present at two previous meetings.

Mr. Schneider stated a petition had been submitted of people who are in favor of this request.

Mr. Schneider asked Mr. Brown if he developed Terrapin Hills. Mr. Brown stated that was correct.

Mr. Schneider asked how many lots are in Terrapin Hills. Mr. Brown stated he believes there were forty-eight original lots.

Mr. Schnieder asked Mr. Brown if he said he built a home and lived in Terrapin Hills. Mr. Brown stated that was correct.

Mr. Schneider asked Mr. Brown, in his opinion as a developer and land owner, if this Conditional Use Permit will not have an adverse effect on Terrapin Hills homes. Mr. Brown stated his opinion is the opposite and believes any recreational facility or enhancement of a recreational facility, like the Missouri River, will increase property values rather than decrease the values.

Mr. Schneider asked Mr. Brown if his wife was Linda Lenau and if she was a realtor. Mr. Brown stated that was correct. Mr. Schneider stated Ms. Lenau submitted a letter to the Planning and Zoning Commission, to the same effect. Mr. Brown stated that was correct. Mr. Schneider asked Mr. Brown if that letter was Exhibit 6. Mr. Brown stated that was correct.

Mr. Schneider submitted that letter from Linda Lenau for the Public Record.

Mr. Schneider submitted the petition of individuals in favor of this request as Exhibit 7 for the Public Record.

Commissioner Stamper noted all exhibits being submitted to the Public Record are available with the Deputy County Clerk during the hearing.

Mr. Schneider noted that there is a sparser crowd than at previous meetings and asked Mr. Brown if there were people in support of this request that are not present at the meeting this evening. Mr. Brown stated there was probably a few and at the last meeting there was approximately 33 people stand up to show support for this request. They received twenty-six letters of support. There were more petitions signed than what is available today. The petitions were given to Mr. Brown that evening and some how people thought some petitions were copies. He believes there were approximately 100 signatures.

Mr. Schneider asked Mr. Brown if he had any communication with the Missouri Department of Conservation regarding their policy concerning campgrounds. Mr. Brown stated yes that he spoke with Mr. Shannon Cave.

Mr. Schneider asked if the letter from Shannon Cave was Exhibit 5. Mr. Brown stated that was correct. Mr. Schneider asked if this was the response received from Mr. Cave. Mr. Brown stated that was correct. Mr. Schneider asked if this reflects that they prefer private sector campground development along the trail. Mr. Brown stated that was correct.

Mr. Schneider offered Exhibit 5 to the Public Record.

Mr. Schneider asked what the nearest public boat dock to this proposed boat dock. Mr.

Brown stated the nearest boat dock would probably be Providence Landing. Mr. Schneider asked approximately, how far away Providence Landing is from the proposed boat dock. Mr. Brown stated he believed it is approximately 10 miles.

Mr. Schneider asked what the closest campground available to the public on the MKT trail in Boone County. Walter Minch stated it is 12.5 miles in Easley.

Mr. Schneider asked if there were any public boat ramps or campgrounds in Cooper County close to the proposed boat dock and campground. Mr. Brown stated he believes there is a public boat ramp in Hartsburg that was built recently from the Missouri Department of Conservation and one close to Jefferson City. There is also the Wilton Boat Club. Mr. Schneider asked if these were further down the river than Easley. Mr. Brown stated that was correct.

Mr. Schneider asked Mr. Brown if he felt like western Boone County is in need of facilities such as this. Mr. Brown stated he strongly believes this is needed. There are a large number of boaters along Route O and in Huntsdale and it is very much needed.

Mr. Schneider stated the utilities are reflected on the plan and Mr. Brown has all the basic facilities necessary and comply with the Fire Department according to the letter read by Mr. Shawver. Mr. Brown stated that was correct.

Commissioner Stamper asked if there was anything else on behalf of the applicants of if there were any other questions for the applicants.

Commissioner Miller stated she did not see any tents on the plan for the two lots that are north of the Campground Host and wanted to know what these lots were going to be. Mr. Brown stated in discussions with Diane Hunike these were added on because she felt there was more need for camping away from the river. This was added because of the limitation of 150, they were not going to limit this to the group campground. It could possibly be one group site.

Commissioner Elkin asked why the original zoning application was changed from 26 acres to approximately 71 acres. Mr. Brown stated there is actually 155 acres that he owns in this area and this is divided into three different parcels of land. One of the parcels he owns is the 71 acres that is part of the proposal. When he originally went before the Planning and Zoning Commission for recreational zoning, he was informed that he could not zone 71 acres. After that, Mr. Brown had the land surveyed to cut the acreage to 26. This is the way the sections lines run.

Commissioner Elkin wanted to clarify if this was determined by the section line. Mr. Brown stated that was correct.

Commissioner Stamper asked if it was cheaper to have the proposal by existing section

line than to survey 26 acres. Mr. Brown stated it cost him \$800 to have the survey done. When he went to Planning and Zoning, they said for a Conditional Use Permit the number of acres did not matter because he is tied to this particular plan.

Commissioner Elkin asked if Mr. Brown already had the survey of the 26 acres. Mr. Brown stated that was correct. Mr. Schneider stated the survey line is a straight diagonal line where as the parcel line does have some curved lines to it.

Commissioner Elkin stated Mr. Brown is proposing to prohibit alcohol and how does he propose to enforce this. Mr. Brown stated there will be a sign posted for camping reading "No Alcoholic Beverages Allowed".

Commissioner Elkin asked if the Hosts see someone with an alcoholic beverage, they will tell them that alcohol is not allowed. Mr. Brown stated that was correct and if the alcohol becomes a problem then the Hosts will have to call Mr. Brown and he will have to tell the people to leave.

Commissioner Elkin stated Mr. Brown mentioned the pool of Campground Hosts and asked if there was a list from DNR that have people signed up looking for spots. Mr. Brown stated DNR keeps a list of those people. They should not have a problem finding anyone to Host given the beauty of the site and the access to the boat ramp.

Commissioner Elkin asked what would happen if they could not find anyone to be a Host. Mr. Brown stated he is sure that they would be able to find someone. There is a waiting list and has never been a possibility that they could not find someone. If there was a case where they could not find anyone, he would have his son be the Host.

Commissioner Stamper asked if this is a request for a Conditional Use Permit within Agricultural zoning. Mr. Shawver stated this was correct. Commissioner Stamper asked if this was a Conditional Use Permit for an Outdoor Recreational Facility but within the A-1 zoning district. Mr. Shawver stated this was correct. Commissioner Stamper stated there is a planned commercial component, which is the bait shop. Mr. Shawver stated this was correct.

Commissioner Stamper noted this is not recreational zoning but a conditional use within an agriculture district. He has had some people that were concerned about this issue contact him and suggest that the County did not have adequate controls within a recreational district. This is a weakness that has been identified by the County. This is a request that is not a recreational rezoning request but a Conditional Use Permit request within an agriculture.

Commissioner Stamper asked Mr. Shawver to clarify the limits that would exist on this land for river access without the camping or for use as a hunting site. He asked if there were any restrictions in the County's A-1 or A-2 zoning that would relate to this. Mr.

Shawver stated without the Conditional Use Permit, there are no hunting restrictions on any unincorporated land in Boone County. The County does restrict shooting ranges, rifle ranges, skeet ranges, and each of these have specific classifications under the zoning district regulations. The County does permit someone to have a private boat ramp for personal use but a public ramp has to be operated by a public entity, such as the ones owned by the Department of Conservation or have appropriate zoning or a Conditional Use Permit.

Commissioner Stamper asked Mr. Brown if he and his wife are the sole proprietor of this property. Mr. Brown stated that was correct. Commissioner Stamper asked if there are any additional partners that will be participating in this if it is approved. Mr. Brown stated that his son has a sweat equity in this request, he has essentially built the building on the land for no pay. If and when this is approved, they intend to make a Limited Liability Corporation in which Taylor Brown, Mr. Brown's son, would have a share of the LLC, reflecting the work he has put into this.

Commissioner Stamper opened a public hearing on a request by Linda Lenau and Robert Brown for an Outdoor Recreational Facility on 71.95 acres, located at 8825 W. Sarr Street, Columbia (Appeal from Planning and Zoning Recommendation) and a request by Linda Lenau and Robert Brown to rezone from A-1 (Agriculture) to C-GP (Planned Commercial) of 0.65 acres, more or less, and to approve a Review Plan for property located at 8825 W. Sarr Street, Columbia.

Stan Clay, 9250 Terrapin Hills, Columbia, stated the ordinance requires the Commission to find all seven criteria for a Conditional Use Permit in favor of the applicants before the Commission can grant an appeal. On the issue of the safety criteria, Mr. Clay stated emergency response times are not good in this area. The roads are black top, narrow, with no shoulders, and within the last two weeks, a Boone County Fire truck on Route O, within three-quarters of a mile of Huntsdale, ran off the road. There are issues dealing with fire. When there is a dry period, this area is a fire hazard. People burn their fields to remove undesirable growth in this area. The response time from the Fire Protection District or other emergency personnel would be inadequate in that area.

There is only one egress from the proposed site, which is across the MKT trail. Mr. Clay believes this is a safety issue also because of the fact that, at the first rezoning hearing, the applicants indicated having 100-150 boat trailers and 100-150 campers. Those vehicles will be going across the trail at that specific location and at this point, there is no protection for the pedestrian or bicycle traffic on the trail.

In addition, to that safety issue, the boat traffic on Route O, in his opinion, will be a big safety issue. If one comes onto Route O in the evening, sometimes in the mornings, and especially on the weekends, there is a lot of bicycle traffic on Route O and Route UU. There are currently problems with cement and garbage trucks on the road creating safety hazards for the bicyclists. If the Commission does approve this and allows for 100-150

fisherman on a daily basis plus additional campers, this will create a major safety hazard for all types of traffic on Route O.

Another issue on traffic congestion is the issue of parking. Mr. Clay stated at the first Planning and Zoning Commission meeting for the rezoning request, the applicants indicated that they would have a parking lot near the boat ramp for up to 150 vehicles, including trailers. The applicants are also proposing to have 100-150 at the campgrounds. If one looks at the applicants' plan, there is inadequate parking on the property. Mr. Clay believes the plan provides for approximately 10 spaces around the boat ramp and no parking spaces around the campgrounds except for spaces for the Camp Host and a RV. There is only one place for vehicles, considering only one-third of the people at the campground, to park is in Huntsdale, on Route O, Grocery Branch, or Sarr. There is no adequate parking on any of those roads for motor vehicles.

Mr. Clay noted the Commission should consider the criteria of enjoyment of other people of their property. Mr. Brown indicated earlier that the trains can be heard from across the river and people can be heard talking on the trail. Mr. Clay stated that one can, which is evidenced by an unauthorized party on the subject property approximately one year ago, where there were numerous vehicles, loud music, and was disruptive late at night, be disturbed by noise from the subject area. Even though the applicants indicate they can see the bait house from their property, the applicants did not know this party was going on until Mr. Clay called to inform them. The reason why Mr. Clay is bringing this issue forward is that sound is an issue. If there are 150 campers, group campsites, and alcohol can be restricted. Group sites will be conducive to having parties, especially since campus is now dry. Mr. Clay noted Mr. Brown stated earlier that there were rumors about Mr. Brown allowing beer or keg parties in the campsite area. Mr. Clay stated this was not a rumor because at the last Planning and Zoning Commission meeting, the subject was brought up by Geoff Gunnell and he was informed by Mr. Brown directly that there would be beer or keg parties at the campgrounds at least once a month and this was not Mr. Brown's problem. Mr. Clay did not hear this but Mr. Gunnell heard this and testified to this at the last hearing.

The scope of this project has gotten larger. The first request for rezoning was for fewer campsites, less acreage, and was a smaller project. The Planning and Zoning Commission saw a lot of problems with the request and Mr. Clay does not believe the problems are as simple as just two questions, as Mr. Schneider indicated earlier. The applicants have now come back with a bigger project. It is no longer a plan for eleven campsites but eighteen campsites and two group campsites.

Mr. Clay stated there is an issue about the property value criteria. He finds it ironic that Mr. Brown and Ms. Lenau argue that this development will increase property values for people in Terrapin Hills or surrounding areas when at the time they sold lots on the bluff, representations were made to many residents specifically that there would be no development of that subject land. Residents of the area were told that it would remain

farmland and would not be developed which in turn justified an increased price for lots on the bluff over other lots within the development. One of the brochures was quoted by Mr. Brown, indicates the attributes of the development and camping. It is true that the development was an area for other activities in the development. The same brochure and newspaper advertisements touted the developments panoramic view of the Missouri River and its secluded country style or country life. Mr. Clay believes it is incongruous to say that what the applicants want to do now will increase property values when they essentially said the opposite when the lots were sold. To Mr. Clay's understanding, from previous owners in the same area, that the applicants apparent plans for a campsite was something they had in mind two years ago before representations were made that nothing would be developed on the subject land.

Mr. Clay stated there is also concern about the health and general welfare of surrounding residents. It does not take a flood of the Missouri River to put the subject property in water. The recent rains put a substantial amount of that property under water, even including areas that this request does not cover. The general area probably still has standing water. The area does flood. It does not require the Missouri River to be at or above flood stage for this area to be under water.

Mr. Clay believes there is also an issue with pollution in the area. There is a septic field currently in the flood plain. The applicants have indicated they will put another septic field in for another restroom facility near the proposed boat ramp. Although the bait house is not in the flood plain, the septic fields are in the flood plain. He believes these are issues the Commission needs to be concerned about and what will happen when there is standing or running water in the field if there is a flood.

Mr. Clay stated he does not believe a public necessity has been shown. There are petitions with signatures, and from what he remembers from the first Planning and Zoning Commission hearing, most of the signatures on the petitions are non-Missouri and non-Boone County residents. In addition, there are indications that there are people that say Boone County needs campgrounds and DNR says we need campgrounds but they have not said this specific campground is needed. There is general indication that campgrounds maybe necessary or desirable but there is no representations being made at this meeting that he has heard that the letter that was submitted as an exhibit and to the Public Record, where it specifically says this particular project is needed.

Mr. Clay asked the Commissioners to keep in mind at the first Planning and Zoning Commission meeting, when there was a rezoning request and at the last meeting when this Conditional Use was presented, the vote was 7-0 to deny either of the requests. He believes the Commissioners need to be concerned with where this proposal may go. He does not believe the economics are present, there is competition from Cooper's Landing, where only \$5 is charged per campsite no matter how many people are at the campsite. Cooper's Landing does allow alcohol, which this proposed campsite will not be able to compete with because of the "no alcohol" restriction. The applicants will have to do

things to make this economically feasible. Mr. Clay does not know what these will have to be but he believes the scope will get bigger. There will be a need for more parking. There are specific issues the Commission needs to look at in terms of will the applicants be able to do what they represent they are going to do or can the applicants be trusted in what they say they will do.

Mr. Clay stated he does not like the “rich versus poor” issue. He does not like this characterization because it is not true. Also, there has been indications through e-mails from Mr. Brown to people in Terrapin Hills who oppose this request, they are becoming an insular enclave and a hostile community. This is not an enclave, there are legitimate issues and it is not a “rich versus poor” issue. Mr. Clay stated he and Mr. Brown get a long very well. Under the criteria for a Conditional Use Permit under the zoning ordinances, the Commission needs to find that all criteria are being met by the applicant and Mr. Clay does not see that all criteria are being met by the applicant.

Jeff Barrow, 1107 Coats Lane, Columbia, stated he is speaking as a member of the public that uses the Missouri River and MKT trail. He has been on the trail day and night, winter, summer, spring and fall, during high waters and low waters, and he is an avid canoeist. When one is on the Missouri River, it is a completely transforming experience. Boone County has an unrecognized treasure in the Missouri River. One of the reasons why the river is unrecognized is because very few people go on the river and one reason why people do not go out on the river is because there is limited access to the river. It is difficult to get on the river and be brave at some places to get off the river. One of the most magnificent reaches of the river is from Rocheport to Huntsdale, which is about a 4-5 hour trip by floating in a canoe and after that time, most are ready to get out of the canoe. When he saw the applicants building a boat ramp, he was very pleased because this is the location where he wants to get off the river after a half-day boat trip. When he saw the applicants wanted to build a store with bathrooms, a place to buy something to eat and drink, he was even more pleased and seeing the proposal for the campsites was even better. He believes this is exactly what is needed in Boone County.

Mr. Barrow stated along the river in the State of Missouri, to recognize the economic benefit that the trail and the river could create. When Mr. Barrow gets off the river in Huntsdale, there have been many times when he has been able to get on his bicycle and ride back on the trail to Rocheport to pick up his vehicle to go back to Huntsdale to pick up his boat. There is the advantage of a bike trip and a boat trip and he can imagine leading groups to Huntsdale, camping at the campground, then biking back to Rocheport. Mr. Barrow stated he is speaking as a user of the river and as someone who wants to get more people on the river, this is exactly what is needed. This location is the precise location for this proposal. Another half-day boat trip down the river one can be at Cooper’s Landing and an additional half-day will get to Hartsburg. This will lead to a series of half-day boat trips that could be strung together and this is the missing link to that string.

He noted the fact that the applicants are also coming forward with a request for planned zoning for a small tract and conditional use, it gives the community the proper oversight and what you see is what you get. Any changes will have to come forward the County Commission and other governing bodies for approval. This is the precedent that needs to be set for other communities that are recognizing the economic benefits of the trail and an ecotourism aspect from the river.

Mr. Barrow stated with all the recent rains, he had not realized the puddle in his backyard was a safety hazard and he would be taking care of this as soon as possible. The Missouri River can rise eight feet in one day but the rise is very slow and people would have plenty of notification for evacuation and everything in the campground would be portable. He urges the Commission to vote for this proposal.

Ron Newman, 9230 W. Terrapin Hills Rd., Columbia, stated he is in opposition to the proposed Conditional Use Permit. Regarding Criteria 1 for a Conditional Use Permit about public safety and he has concerns about the safety and general welfare of this proposed campground location. The first concern is fire. Discarded cigarettes, campfires and bonfires pose a serious hazard during the time that coincides with outdoor camping. He is concerned, since he has lived in this area for a couple of years, because the winds can pick up very rapidly out of the south and southwest. If there is a grass fire in this area, in a very short time the fire can spread across the fields, jump the trail, and could end up burning the woodlands close to his property. The closest Boone County Fire Station is at Midway, which is over six miles away. The threat of fire was so significant in previous hearings that a recommendation was made that a stand tower be in place near the proposed campground.

Mr. Newman's second concern about public safety is the emergency ambulance response. Response time ambulance service from the closest hospital in Columbia could be problematic for any serious injury. The concern for timely ambulance response is great enough in the minds of the developers, that they had proposed a location for a helicopter pad for medical evacuations. He asked how many campgrounds need to have a helicopter pad. Boone County's Sheriff coverage is another issue of concern. With the potential of having 150 camper plus boaters, this area could possibly require an increase in Sheriff's patrols and calls with response time fluctuating due to patrol car location.

Another concern of Mr. Newman's is severe storms. He asked who would be responsible for monitoring severe storms and notifying the campground of pending danger that could include high winds, lightening strikes, tornadoes, and potential flooding. He asked if there were plans for a siren in this area. Storms can arrive quickly and be quiet severe. The Companion Tree next to the Bur Oak was blown down in such a storm nearly two years ago. There was mention of requiring an evacuation plan. This evacuation plan would have to remove 150 campers, handicapped campers, groups, families with children, and other individuals and their vehicles in an orderly and timely manor. This can be an expensive and complicate effort. Where would these people go? When are they allowed

to return and who will make that determination?

Flooding is the next issue of concern for Mr. Newman. There has been a lot of conversation about the rise of the Missouri River. This is not the only problem. While flooding from the Missouri River is a distinct possibility during the spring and early summer, the real threat of flooding comes from heavy rainstorms. Mr. Newman submitted five pictures, taken from different views of the subject property on May 9, 2002. These photographs show the subject property and the flooding that occurred on the property. Mr. Newman noted that three weeks after those photographs were taken, there is still standing water in some of those locations. Some of the water has retreated but it has left decaying vegetation, stagnate water, and a lot of mud. Even with the culvert under the proposed road, the water has nowhere to go and is even shown on the plan design. Mr. Newman explained to the Commissioners, using the plan design, where the water would be.

Mr. Newman stated boating is a great recreational sport. He loves to boat and has been canoeing for many years. He is concerned that there is little to no water patrol on the Missouri River due to budget cuts. The State has announced the pending cut back in this area. There is no official monitor of permits, safety equipment, or rules and regulations on the Missouri River. The Army Corps of Engineers clearly warns boaters about the hazards regarding snags, floating debris, submerged sandbars, wingdikes, caving banks and high winds. One item that they are concerned about in the promotion of the boat ramp/campground is attracting novice boaters who have no prior experience on the Missouri River. Also, plans to provide boat rides raises the question of shuttles to the nearby sandbar and how litter and sanitation will be addressed. Mr. Newman noted that 9' boat trailers on Route O are hazardous due to the 17' width of the road. The condition of Route O is a concern since a Boone County Fire truck overturned on Saturday, May 4, 2002.

In conclusion, Mr. Newman stated for reasons previously stated, this location is not a desirable location for campground/boat ramp and respectfully requests the Conditional Use Permit for this property be denied.

Walter Minch, 8793 W. Sarr Street, Columbia, stated he is in support of this request. He believes this is needed in this area. He has lived in Huntsdale for over forty years. The discussion about Route O and UU and how bad the roads are now, these roads are in a lot better shape than when they were gravel roads. The boat ramp is needed. The store is needed. There have been many petitions of people in favor of this request. Mr. Minch stated he would like to see Mr. Brown get his wish.

Geoff Gunnell, 8989 Terrapin Hills Rd., stated he has boated on the Missouri River for over 30 years. He has supported issues like the Stephens Lake proposal and he is the kind of person that would be in favor of this type of proposal, he would be a member of that group. He liked the idea of the proposal Mr. Brown first had when it was seven campsites. From a boater's perspective on the river, this is a good place for a boat ramp

on the river. From the point of view of the boat ramp connecting to the ground transportation, there are problems.

Mr. Gunnell brought up the point that changed his mind about this proposal. A few weeks ago, he was operating a trailer on Route O. When he moved into this area, he had two trailers and both were 108" wide. He believes this is the maximum legal width and that there is a law about trailers of this width not being operated more than a specific number of miles from an interstate. However, these trailers have become ubiquitous and does not believe that this can be enforced. The extra width gives extra stability. One of his 108" trailers typical of those becoming more popular style for fish and ski boats. This boat has an 84" transom and this gives the boat more stability. Those boats are typically put on 108" wide trailers. When Mr. Gunnell began bringing his trailer down Route O, he discovered that he was going over the centerline too often and realized he would have a problem. Mr. Gunnell ended up getting a smaller boat and trailer.

Mr. Gunnell also had a 108" wide flat bed trailer. He also ended up trading this trailer for a 96" wide flat bed trailer. When he was operating this trailer on Route O a few weeks with an empty trailer, he was met with a tractor-trailer on a corner. He had to intentionally drop the two outside wheels off the edge of the pavement. The tractor-trailer did move over and Mr. Gunnell believes they both could have passed each other with no problems.

After this happened, he began thinking about how he had to trade his trailers in so Route O could be safer based on his experiences but it is something else to put a boat ramp in an area where there is going to be traffic that will not fit on the road. He measured Route O, which is 17' 4" across. Two 108" trailers cannot fit on the road. There has been a lot of testimony about the need for the boat ramp but Mr. Gunnell believes this is only a good place for the ramp if approximately 1.9 miles of Route O can be widened. Until this is done, he does not believe it is prudent to put the boat ramp into operation.

Mr. Gunnell noted there have been many that have testified about the demand for river access and they are correct. This proposal will essentially become the Columbia Municipal Boat Ramp. There will be many people trying to bring their lake boats, or wave runner trailers to the boat ramp. He does not believe the people of Huntsdale that have spoken in support for this realize what will happen to the river as a result. The rural community has kept the river out of the way and it is not discussed that much because they realize they are not ready, in the rural area, for that type of population incursion into that area. Additional steps need to be taken to get Columbia this type of recreational access. He does not believe Huntsdale is ready for this.

Mr. Gunnell supports the store and bait house. This would provide a place for people to get groceries and other goods.

Mr. Gunnell stated he has had several conversations with Mr. Brown and Ms. Lenau about the proposed campgrounds over the course of the past year. Three were telephone

conversations about one year ago and the subject of alcoholic parties was discussed. Mr. Brown and Ms. Lenau informed Mr. Gunnell that this is what they wanted to do. Mr. Gunnell was surprised and had expressed a concern that this might happen. He was not expecting Mr. Brown and Ms. Lenau to tell him that this is exactly what they intended to do.

Commissioner Stamper noted that the proposal has a prohibition on alcohol. Mr. Gunnell stated he was aware, as of this immediate meeting, that there is some intent stated by Mr. Brown to have some sort of prohibition against alcohol. He noted that this statement from Mr. Brown and Ms. Lenau was repeated. There were instances where Mr. Gunnell and Mr. Brown spoke and Mr. Brown refused to take responsibility for bringing alcohol to the campground; it was not Mr. Brown's problem, it was law enforcement's problem.

Commissioner Stamper requested Mr. Gunnell not to give third hand conversations and not to give reflection on conversations. He suggested Mr. Gunnell to discuss the alcohol issue and move on because philosophical discussions about this serve no purpose. He noted what is before the Commission is a restriction that would restrict the campground from alcohol.

Mr. Gunnell asked how firm this restriction is and to what extent is this restriction. Commissioner Stamper stated if this is violated, the applicants risk losing their Conditional Use Permit.

Mr. Gunnell asked if this restriction would involve signs. Commissioner Stamper stated the applicants would be in charge of the enforcement. If the applicants were found to be in failure of it, they would be in failure of the terms and conditions of the Conditional Use Permit.

Mr. Shawver stated this was not a staff condition. Commissioner Stamper stated this is a condition the applicants agreed to. Mr. Shawver stated this is not part of the Conditional Use Permit. Commissioner Stamper stated the applicants have agreed to this in adopting the State regulations and the applicants' restriction on alcohol is more stringent than State regulations.

Mr. Gunnell submitted the proposed permit restrictions for the Brown-Lenau camping area to the Public Record. To Mr. Gunnell's understanding there would be more than one sign, legible, and discourage the behavior. The justifications for this were basically the saving of lives, due to the inherent dangers at the site and on Route O. He hopes that all the restrictions including the "no firearms" and "no drugs" are acceptable to the Commission.

Mr. Gunnell also requests that "quiet time" be all the time. Park regulations indicate a specific amount of hours, usually at night. Because of the acoustics in this area, Mr. Gunnell sees no reason why quiet time should be all the time. There should not be of any necessity of anything over a normal conversational voice in that area. There is a provision

in DNR regulations that allows the hours of operation of generators. Mr. Gunnell believes this is totally out of character for this area. He does not believe there should be any generators. There are statements in the lighting and that lighting will take into consideration the demands of insurance, fire and police protection and maybe changed to meet those requirements. Mr. Gunnell does not like leaving this open-ended and believes what is adopted by the Commission via discussion and public safety, should be the permit and not left open for subsequent discussion. He believes the lighting should be directed downward and not toward the river, which would interfere with boat traffic.

Another concern that Mr. Gunnell has is that there are many items in this plan that are not completed, including the road. Commissioner Stamper requested Mr. Gunnell elaborate on this comment because this is just a plan and not a final construction document. Mr. Gunnell stated the applicants have a completion schedule and does know some of the projects go on for another year. He believes the road should be completed even before a temporary Conditional Use Permit is issued.

Mr. Gunnell is concerned with the standing water in the area. Standing water is going to be effected as the West Nile Virus moves toward this area of the country. There is going to be a growing health issue from the spread of disease involved with mosquito larvae in standing water areas. This is an additional health risk and makes that area look particularly bad to him for putting any type of camping area in.

Mr. Gunnell stated he was originally supportive of the whole proposal. Now he supports the store, the boat ramp only if Route O is widened, and does not believe this is a good area for the campground. There are too many bad things about it and is not a good place for the campground.

David Williams, 8816 W. Tuttle Ave., Huntsdale, stated he lives across the MKT trail from the bait shop. He does not have a problem with the location of the bait shop. He noted other comments about the concerns of Route O and UU. Route O and UU are hilly and curvy and he has less concern about meeting a truck pulling a trailer than he does about a deer jumping out in front of him. Mr. Williams stated he has no problem with the bait shop and noted he would probably not use the boat ramp or the campground. He does use the MKT trail and he does bike. He has looked on the map for other campgrounds along the trail and there is probably other people who do use the trail that would appreciate having a campground in Boone County.

John Williamson, 4903 S. Coats Ln., Columbia, stated his property is immediately across Grocery Branch from the Brown-Lenau property. This area is in the flood plain and flood way of the Missouri River. There is a levee around this and the standing water that is shown in the pictures Mr. Newman submitted to the Public Record is water that cannot get out. Some of this water may have backed into Grocery Branch. To his understanding, Mr. Brown was putting a pipe in, which was not completed and allowed some of the water into this area. This area of the flood plain and flood way is subject to standing water and this

problem is opposite to what hill farmers' experience, which is erosion. In the Missouri River Bottoms, there is the Eagle Bluff Conservation area, which is a recreated wetland; the City of Columbia has their sewage wetlands in the river bottoms. He is not worried about the West Nile Virus.

Flash Flooding is not a problem here, even on Grocery Branch. There are times when the creek does rise.

Mr. Williamson stated the roads in the area are State highways. The roads are narrow and crooked. He believes people need to complain to the Missouri Department of Transportation (MoDOT) and not the Boone County Commission about the roads. Traffic has increased in this area since Terrapin Hills subdivision has been built. There are big trucks on the roads, such as concrete trucks, there are usually construction projects going on in the area. He has seen a Boone Electric truck turned over, the Boone County Fire truck turned over and has seen dumptrucks turned over but Mr. Williamson does not believe this is a reason for this request to be denied.

Mr. Williamson stated the Army Corps of Engineers and DNR have both issued permits for the boat ramp. He believes it should be allowed to be used and believes it is nearly complete. The boat ramp would be an asset to this community.

Mr. Williamson urges the Commission to approve the rezoning request for the 0.65 acres for the convenience store to C-P zoning, urges the Commission to approve a Conditional Use Permit for the boat ramp. He does not believe any of the alcohol problems have anything to do with the boat ramp because there are rules against operating a boat and drinking. He believes the "no alcohol" policy is a good policy but does not believe there is a problem with someone sitting on the riverbank enjoying a drink. He knows the plans are not complete, this is a work in progress but believes the Commission should approve the request.

Brett Dufur, 204 Columbia St., Rocheport, read and submitted a letter in support of this request to the Public Record.

Kurt Shryeck and Dorthy Eberhart, 8791 W. Sarr St., stated they purchased their home in Huntsdale almost one year ago with an eye at this development because they believe it will improve the community that is there. He believes the boat ramp is an excellent idea and he would probably use it. He believes the Brown-Lenau property has been developed with an eye toward community service and appreciates the efforts they have put into this development to make it work for the community.

Mr. Shryeck stated he has seen cement trucks meet on the road and somehow they are able to pass each other without any problems. He does not believe this type of traffic on the road will be an issue. He also noted that bicyclists frequently use approximately the proposed area as a point of departure on to Route O to go home because there is nowhere

else to stop and camp. This proposal may keep more bikers on the trail because there is a place to stay. Bicyclists are like deer on Route O, plentiful, and people have to be very cautious. By keeping more bikers on the trail, which he believes this development will do will be better for the public safety in the area.

Ms. Eberhart stated she has raised a family of seven children and sees this development as a great opportunity for parents to take their children out and introduce them to the river and natural resources. She believes it would be a shame to deny parents that opportunity.

Marti Kardinal, 101 Gaw St., Rocheport, stated she believes that Rocheport would be happy to see the campground approved. Rocheport has had problems with people illegally camping around the town. Rocheport has not seen fit to allow camping because of the impact on the town. Seeing as how the people in Huntsdale are in favor of the request, she could not think of a better location for camping than in this area. Ms. Kardinal noted she has known Ms. Lenau for over 30 years and Ms. Lenau is a worker for the public interest. She cannot think of a better couple to do this type of development.

Ms. Kardinal stated she believes one reason why there are not as many people developing campgrounds in this area is because it is a seasonal market. However, this request would combine many different activities and make this development economically feasible.

Bonnie Baker, 3869 S. Felicity Ln., Columbia, stated she is a resident of Terrapin Hills and is representing several neighbors in the subdivision that are not on bluff lots. She noted she is not against camping but it would have never occurred to her to take her family camping in this particular area. One of her main concerns with this proposal is the restrooms. The camping areas are approximately one-quarter of a mile from the bait house. She does not see, particularly handicapped people, trying to get to those restrooms and this raises a sanitation concern. She believes there was a plan to add restrooms in 2003.

Mrs. Baker is also concerned with the alcohol restriction. She stated if anyone has been to the Big Tree, which is a popular drinking place, and she has picked up grocery bags full of beer cans and liquor bottles. This is an area that drinking will be done and she believes it will be difficult to police that restriction.

Mrs. Baker stated that her other concerns about this proposal are property values and quality of life. The property values, when she was looking to buy in the Terrapin Hills neighborhood, it was sold as country estates with breath taking views. Their covenant restricts any activity that would disturb this. It is not hard to imagine a camping facility of this magnitude, if let run down, could effect property values. She does not believe that being 2,500' from the Easley or Cooper's Landing areas has improved those neighboring values.

Regarding the quality of life issue, noise carries and noise pollution will be an issue. She

does not see talking as an issue but does think that generators and parties could be an issue. The light, if properly controlled, might not be an issue. Her family goes outside every night it is clear to look at the stars. Trash is a significant issue. This proposal calls for a private trash collection and disposal. This will be dependent on the RV host. Trash is already a problem in this area. To make this a responsibility of someone at the campground to dump the trash as needed, those campgrounds are far apart and believes it would take a lot of detail to keep the trash picked up.

Mrs. Baker believes, in general, camping and boating are okay but does not see this proposal as being the ideal site for either.

Pamela Newman, 9230 W. Terrapin Hills, Columbia, stated she is a life long resident of Boone County. She noted she is in opposition to this Conditional Use Permit request for all of the reasons that have been presented. She believes the enjoyment of her property and several of her neighbors will be affected by this proposal.

Tina Bozarth, of Ashland, stated she has camped in the area being discussed. This is a perfect place for a boat ramp and campground. She also camps without drinking alcohol. She believes an alternative campground that does not have alcohol would be a great asset to Boone County because a lot of families would prefer to camp at a place where there was no alcohol. The Missouri River is a rich and diverse natural resource and its value could be realized by more Boone County residents if there was more public access to the river for boating, camping, fishing, or picnicking. The Lewis and Clark Bicentennial is coming up in a couple of years. There will thousands of visitors from all over the world here to enjoy the heritage of the Missouri River and these visitors will need a place to stay and things to do. They will spend a lot of money here, which will benefit all Boone County residents.

Shirley Randall, 207 Rockingham Dr., Columbia, stated she and her husband are building a home in Terrapin Hills. She has concerns with the possible safety issue on Route O, which has been previously discussed. She supports those who are in opposition to this project. One of her concerns is the way the plans keep evolving and changing. She noted there have even been changes made since the Planning and Zoning Commission meeting and this meeting. Commissioner Miller stated that it is normal for plans to be changed between a Planning and Zoning Commission meeting and a County Commission meeting.

William Little, 9290 W. Terrapin Hills Rd., stated the requirements for a Conditional Use Permit are high and a number of standards have to be met. He believes a number of these requirements are in dispute. One particular requirement is that there is a necessity. Mr. Little does not believe this has been established for this proposal. There have been previous arguments made about the desirability and in those discussion, there has been a unanimous vote of the Planning and Zoning Commission found this proposal not to be desirable much less necessary. The standard has been raised. Mr. Little contends that the Conditional Use Permit be denied for a number of reason but particularly because there

has been no substantive argument for necessity. He recognizes the problem that the Commission faces to rezone after development rather than prior to development, but this is not an issue that seems to have the same level of concern as the Conditional Use Permit request.

Patty Orschlen, 8809 Sarr St., Columbia, stated she believes this development is very unique. This is something to be admired and desired. This development is desired. She would request the Commission vote to approve this and believes there are others who would agree with her. She believes if everyone one who supported this request could be at the meeting, they could come up with a plan with a goal that would make everyone happy. If the people who are in opposition to this request have a problem with the usage of the land, they should not oppose anyone else who wants to use the land, just because the people in opposition are not going to use it. She supports this request.

Leslie Clay, 9250 W. Terrapin Hills Rd., stated that the ultimate issue is credibility. Will the applicants do what they say they will do? She believes they will not. The applicants have a history of not being credible. With one of the applicants being a licensed realtor, she knows the importance of location, surroundings, and view are important. They had brochures and advertisements promising Missouri River views. There was a newspaper article, in which one of the applicants stated this area was for limited traffic and rural living and there were no spec homes to be built. The applicants allowed their son to build a spec home in the neighborhood. The price of bluff lots were higher and all of the bluff lot buyers were told that it would not be developed in any way and it would remain A-1 zoning because it is in a flood plain. The plans to rezone were not revealed to the bluff lot owners until all the bluff lots were sold. The applicants now claim this development would make the lots more valuable. If that is the case, then why didn't the applicants inform the buyers at the time of purchase? The applicants were not being honest with the buyers and one is willing to risk a real estate license for this.

Mrs. Clay noted there are inconsistent enforcement with covenants that the applicants have drafted. They have confused interpretation of those covenants with a complete waiver of those covenants. The applicants are the sole arbiters of the enforcement of the covenants and they waive them whenever they feel like according to their sole and unmediated discretion. This is not what they should be doing; they should be interpreting ambiguities. She is afraid that is what will happen with this proposal.

The applicants have built this bait house. She admits they did have a building permit but the bait house was built for purposes other than a bait house. The plumbing was such that it was for something other than a bait house. The applicants were not entirely honest with Planning and Zoning on their intent for use of the bait house. Planning and Zoning Commission recognized why there were outlets for soda machines. They have a letter from Bruce Beckett, a local attorney, telling the applicants could only use it to sell bait and related subjects. The applicants still pursued this trying to hope they were going to be selling something other than bait. When the applicants were pressed then they changed

this and requested a rezoning. Mrs. Clay does not have any objection to them selling groceries provided they do not sell alcohol. She believes if alcohol is sold, it will be sold to the campers as well as anyone else who would come to the store. The conditions for the bait house state that it should only be open from 8:00 a.m. to 9:00 p.m. but there was no objections to this condition from the Planning and Zoning Commission. Most people who buy bait buy it before 8:00 a.m. Apparently it appears that the applicants never intended to really make bait their main selling item from the beginning.

The applicants previously presented a plan to the Planning and Zoning Commission of having eleven campsites on 26 acres. When they were confronted with the economic impossibility of this, the applicants now claim more than that, with an additional group campground on 71 acres but they do not have a financial business plan to show that this will work. This will not work when competition with the prices charged at Cooper's Landing.

The applicants farm is about 150 acres and there has been no effort to make the additional farmland into productive farmland this year. Mrs. Clay believes that the entire 150 acres will be used as a campground. They were told by the applicants' attorney that this land cannot be used for anything else, yet they moved campground to that area that cannot be used for anything else. This can be used when it is not flooded and it does flood in the spring and fall.

Mrs. Clay stated that Mr. Brown claims the 7-0 vote by the Planning and Zoning Commission to deny the request is because it is not needed. Mrs. Clay states this is incorrect because in the Planning and Zoning Commission's discussion, one of the Commissioners said this would be a disaster. There were numerous safety problems that have been brought up at this meeting. The request was denied for a variety of reasons. Mr. Brown claims he does not know why there is opposition but he knows why because he has been at the meeting and listened to all testimony. Mr. Brown claims he has heard rumors of safety and fraternity parties. These were not rumors because the testimony was given in opening meetings during the Planning and Zoning meetings that there would be problems with this. Mr. Brown claims he will not compete with other campgrounds but Mrs. Clay believes Mr. Brown knows otherwise. This campground is only six miles from Rocheport and two miles from McBaine. Mrs. Clay stated that the applicants claim there will be a no alcohol policy but she believes they will want a liquor license for the bait shop. This will not be enforced very well.

Mrs. Clay stated that this plan has been changed from 26 to 71 acres and the explanation she received did not make sense to her, about the survey lines versus the parcel lines for the proposal. She believes it was changed to 71 acres because the applicants would be using all 71 acres for the campground. She also believes the 150 acres will be part of the campground whether the Commission approves it or not. Mr. Brown claims that there is a list that DNR keeps who will live in RVs and she has not seen the list. Also, in the original plan, there was no RVs and now there are. She cannot believe what Mr. Brown

says will be followed through. She is concerned about the safety aspects that others have given testimony to. She does not object to camping in the right place but the Planning and Zoning Commission said this would be a disaster for a location for this type of request.

There was no one else wishing to speak.

Commissioner Stamper closed the public hearing on this request.

Commissioner Stamper asked Mr. Schneider if he had any rebuttal or response. Mr. Schneider said no.

Commissioner Miller asked if there were parking spaces at each of the eighteen lots with the two tents for vehicle. Mr. Brown stated yes and this was a recommendation from Bill Florea of the Planning Department. Commissioner Miller asked if it was one parking space for each of the eighteen spots. Mr. Brown stated this was correct. Commissioner Miller asked how many parking spaces are at the boat ramp. Mr. Brown stated he could not recall off hand. Commissioner Miller asked if each red line on the plan was a parking space. Mr. Brown stated this was correct. Commissioner Miller stated she is trying to figure out how there would be 150 boat trailers in one area when there are only sixteen parking spaces and a possible sixteen more that is identified on the plan. Mr. Brown stated this would be typical with Missouri State Conservation guidelines. They typically have thirty-six spots all together.

Commissioner Miller asked where the helicopter pad is on the plan. Mr. Brown stated it would be located in a grassy area on the site. This would be for emergency purposes only. Shannon Cave suggested this at a meeting, especially for the Lewis and Clark reenactment so the Missouri Water Patrol would have a place in case of an accident.

Commissioner Miller asked how the backwater would be controlled from Grocery Branch. Mr. Brown stated there is not any. He submitted a packet, which Commissioner Miller stated she had read, with pictures that show the area. He stated they were in the process of building the road and the portion across the levee. They had put in a road but no culvert. Consequentially, all the water drained across the levee into the Missouri River. It created a dam, the pictures show the water that has been backed up, and there is no drainage from Grocery Branch.

Commissioner Miller stated she had heard testimony about the applicants having shuttle boat rides to and from the sand bar. She asked if this would be considered a commercial operation that would be prohibited in the campground if it were not part of the conditional use. Mr. Shawver stated he would not speculate as to what happens when a boat gets in the river. He noted it seems to be more of a commercial use. Commissioner Miller asked Mr. Shawver if the applicants could do this. Mr. Shawver stated the County does not regulate the river. The boat ramp is for public use and is regulated but boating excursions are not.

Commissioner Stamper asked if the applicants sold tickets to take people across the river if this would be a non-permitted use in this configuration. Mr. Shawver stated this would not be an outdoor recreational function. Commissioner Stamper asked Mr. Shawver if there was nothing to prohibit someone who brings their boat to this area and charges someone a fee to take them to the sand bar. Mr. Shawver stated this was correct.

Commissioner Elkin stated he has heard the term “generator” several times. There is power in this area and there would be no need for a generator and asked if this was correct. Mr. Brown stated this was correct.

Commissioner Stamper stated there has been testimony to having 150 people in the campsite and 160 people in the boat ramp and he was concerned about these numbers and wanted to know if the capacity is there. Commissioner Stamper stated the applicants agreed to some restrictions in the proposal that would have limited the number of people that could be on site but there seems to be a concern that more people could be at this area. Mr. Schneider stated the number of campsites is clear on the plan. With respect to parking at the boat ramp, there are a certain number of spaces allowed and there would be no additional space.

Commissioner Stamper asked Mr. Clay and Mr. Newman about the idea of a facility like this adopting State rules on camping and limits that are set out are more restrictive and if this gave either of them any degree of comfort at all with this proposal. Mr. Clay stated one concern is about the RV host that will be camping for free. It is assumed that there is a real possibility there will be a lack of supervision from the RV host and the residents. The DNR regulations work good for the park rangers but this will be a real problem for this site. Commissioner Stamper asked Mr. Clay that from his answer he is not comfortable with the adoption the regulations. Mr. Clay stated that was correct.

Mr. Newman stated he was not comfortable with this at all. He has found that supervising an area of that size with the large number of people by one to two individuals will be problematic. Also, there will be those who use the boat ramp and the only way to get to the boat ramp is across the field. During bad weather, there will be boat trailers and trucks driving through the campground site where people could be camping. He does not know how this will be monitored. Another issue that has not been brought up is about living in a RV in the field with no protection is going to be a hot place to live in July and August. He does not know if a retired couple will be able to monitor the number of people while they are sitting outside in the heat of the day.

Commissioner Stamper asked Mr. Shawver to explain the tolerance for a development of this type in the flood plain. Mr. Shawver stated County flood plain regulations restrict development in the flood way. Nothing is to take place in the flood way, specifically anything that would cause an increase in upstream flood elevations. In the flood way fringe area, there is a tolerance for development that allows one to build something that

will not increase flooding by more than one foot upstream. There are provisions that allow commercial type structures can be built, provided they are elevated or flood proof. Any type of development, even simple grading, requires a flood way development permit and an override certificate has to be filed. There are provisions for temporary and agriculture structures to be built in the flood way fringe area under variances granted by the Board of Adjustment with proper documentation and proof that it can be placed there and not cause any general harm. Generally, staff looks for uses that are not going to cause any flooding. Ideally, agriculture is a good use along the flood plain. Some of the most fertile lands in Boone County are in the flood plains. Recreational uses are typically permitted in a more urban setting adjacent to flood plains. He believes the City of Columbia has a number of trails along the flood plain. Typically, recreational uses oriented to water sports adjacent to them. In Kansas City, MO, there are baseball fields in the flood plain.

Commissioner Stamper asked Mr. Shawver what the effective date of a Conditional Use Permit can be and stated there has been some concerns that portions of this plan would be completed prior to the completion of the all the infrastructure. Mr. Shawver stated the Zoning Regulations provide that a Conditional Use Permit must be acted on within one year of the date of grant unless the Commission extends aspects of the permit. For example, an owner can say they would like to apply for a permit now but will not be able to get started for eighteen months and the Commission could say the applicant has eighteen months to get started. On the other hand, the Commission can say the applicant has six months to complete chip and seal paving, for example. There was a request last month when the Commission gave a one-year review and a review of wastewater facilities at that time. The Commission can establish certain sunsets or milestones to be recognized during the course of the Conditional Use Permit.

Commissioner Stamper asked Mr. Brown if he intends to allow or encourage the transport of individuals from the boat ramp to any sandbars that exist in the area on the river. Mr. Brown stated this is not included in any of their plans but they have looked into this issue. They have looked at the type of permitting process was necessary and it is called at "six-pack" license by the Corps of Engineers. It would require a special course. This license would allow someone to carry six unrelated people that are unknown by a pilot for a fee as an excursion on the river, for any purpose, what so ever. Mr. Brown stated he does not have any of these people and is not prepared to do this.

Commissioner Stamper noted to Mr. Brown that he was sworn in and asked Mr. Brown again if it was his intent to accommodate or host this type of activity. Mr. Brown stated he would not be able to do this because he will never apply for a license. Taylor Brown stated he would not do it either. Mr. Brown stated there would have to be a licensed pilot and there are no plans to find a pilot. This was an exploratory issue Mr. Brown looked into for excursion purposes along the bluff.

Commissioner Miller stated the staff recommended should this request be approved is that

this facility is limited to 150 people and wanted to know if this number included the campground and the boat ramp together. Mr. Shawver stated this number was for the campground. What staff was looking at and the comments they received from previous hearings is the possible number of people that could be at this location. There are eighteen campsites but each one has two camping spots on each campsite.

Commissioner Miller noted the handicapped campsite only has one on each. Mr. Shawver stated there are two tent spots on each one. In figuring the typically family would have, for staff purposes would have four to five people. With thirty-six camping spaces, five people per space would be 180 people. There is also the group camping area, which had no estimate number of people that could be there. The staff tried to be realistic, they did not believe all of the sites would be full at all times and believes this is a reasonable number for the area.

Commissioner Miller asked about the two open paddocks that she asked the applicants about earlier, if these would not be acceptable for the group camping sites. Mr. Brown stated these would be acceptable for the group camping and they would like to label it group campsite and get rid of the other site on the plan, with a maximum of thirty people. Commissioner Miller asked if they are not adding any new sites that are not on the plans. Mr. Brown stated one site would just be moved.

Commissioner Stamper stated that in one document that Mr. Brown previously submitted, he listed boat rides, guided tours, fishing trips and excursions out of the facility and asked Mr. Brown to elaborate on this. Mr. Brown stated Jeff Barrow would begin teaching canoe training and as a final part of this training, he would be taking people from Rocheport to the boat ramp. This could be considered an excursion. Mr. Brown did look into the excursion part of it. If they had a proper boat and pilot but they do not have this facility and do not see this in the future. This is something that might be a possibility if they could find someone that is willing to do it. It would be contracted work. This was added in as a possibility for excursions.

Commissioner Stamper asked Mr. Shawver if Mr. Brown were to turn the other cheek and allow people to party in his field to all hours of the morning and without there being a charge, there is really no land use violation in an agriculture setting. Mr. Shawver stated this was correct.

Commissioner Stamper asked if Mr. Brown or Mr. Williamson or someone across the river, where there is no Planning and Zoning, allowed for those activities, there would still be many of the impacts that the citizens who are opposed to this fear but there would be no regulatory authority on it what so ever. Mr. Shawver stated if there was no pattern established then that is correct.

Commissioner Stamper stated there are a number of details that have to be examined and worked out on this issue. In order to deal with this issue and make a decision on whether

this should or should not be done, it needs to be looked at in the shape and structure or whether or not this request could be conditioned to a point where it would be acceptable. Commissioner Stamper requested the pleasure of the Commission on how they wish to proceed with this request.

Commissioner Miller stated she wants to find a way to do this, with some balance. Some of the issues brought up tonight really concern her, especially the road safety issue. If that is the case, then Terrapin Hills should have never have been there and the people should have never bought out there because that road was bad when people bought their homes and they knew it when they bought. It suited people to live there and it does not suit them for something else and this concerns her. The issue with the emergency vehicles and the Sheriff not having access; if this attitude was taken about everything then there would be no MKT trail, one of the State's most outstanding resources. For the whole trail, the access for the Sheriff or the Fire Department is going to be a problem. The trail is something that is desired and used and has been a pleasure to people from all over the country. People cannot be so shortsided to think about those issues and there has to be more willingness to balance.

Commissioner Miller stated she also has concerns about amplification, she would not want any music amplified at the campground. She is sympathetic to the quiet times and she appreciates the no alcohol concept. She is unsure if this would have to be a condition to require the no alcohol so if it was violated then the permit could be taken away.

Commissioner Miller stated she wants to find away to do this. She is unsure of the best way to discuss all the issues and concerns this evening.

Commissioner Elkin stated there has been some discussion this evening about where this plan will be in a year or two. Should the Commission strike a balance and allow this to happen, he can assure people that if any of the conditions are violated that the Commission sets forth, he will be the first one to step forward and have the permit withdrawn. There are guarantees and that is why it is a Conditional Use Permit. Those are the conditions the applicant is allowed to operate under and no more. This campground is no more out of the way than any part of the MKT trail or any other park in the State of Missouri.

Commissioner Elkin noted the flooding issue has been raised. He canoes a lot on many rivers and has seen campgrounds on the riverbanks. Some of the issues he does not believe are relevant on this request. In his opinion and his intent is to try to strike a balance to address some of the issues brought forward this evening. He does not believe, with the limited amount of time the Commission has that all the issues could be covered and discussed. Commissioner Elkin stated the Commission should look at this issue with the intent of finding some conditions that would allow this to take place and bring it forward at a later date.

Commissioner Stamper stated only approximately 6-10% of the time does the Commission differ with the Planning and Zoning findings. It is almost always based upon additional testimony, revised plans to change it to adjust the plans in some way. In this case, it was pointed out earlier, that this request had been voted on twice to deny. One of the votes was for a recreational use and it was a poor plan. The Commission was not going to turn a development like this loose to a recreational district knowing that the Commission had to work with it. The developer and landowner in this case went back to the table and began to work on a Conditional Use, which allows the Commission to exercise authority over it.

The first time Commissioner Stamper was approached about this land in this area, there were people that approached him and suggested this would be a great location for a river boat location. They spoke with him about Rocheport and he informed them that this was not his vision for the future of Boone County. The second time they approached him, their suggestion for a location was McBaine. Riverboats are not Commissioner Stamper's vision of what Boone County would become.

Commissioner Stamper stated he has always thought that the potential alternative use of land of this type, other than agriculture, was a potential for recreational development. The most intrigued he has been this evening was with discussion offered by Mr. Dufur, and the idea or vision that this could promote a variety of development and economic growth. If the County has learned one thing from the MKT trail and the Boone County Commission was one of the first ones to fight for the connection of Columbia to the MKT trail, is that the trail has developed an interesting variety of small family owned businesses, typically, these businesses exist there on a seasonal basis.

Commissioner Stamper stated he has had discussions with many of the landowners and shares their concerns in a variety of points. He would like the Commission to approach this from looking for a way to make this work and approve it if we can make it work. The way the Commission approaches issues is to see if they can be made to work and to work in the context of all issues brought forward. He will not support this request being 71 acres and the plan will have to be revised to an area that is affected. There are some issues that he will not support. He has concerns with a condition that would allow for the transportation of people across the river to a sandbar for activities that the County cannot control. He stated he is going to bring to the discussion a variety of issues that may not please the applicant and he knows he will be taking positions on issues that will not be pleasing to the neighbors. He does not honestly believe that there is any reason that this cannot co-exist.

Commissioner Stamper suggested that the Commission express their intent to continue working on this issue from the perspective of looking for ways, conditions and controls that can be placed on property that is the Conditional Use portion of the request to make it work. He is not clear on how or where this should be done and has a temptation to refer it back to Planning and Zoning with that influence and have Planning and Zoning

Commission continue to work on the issue. He knows that this has been done in the past but the County Commission has also retained issues and worked on them.

Commissioner Miller stated she would prefer the Commission work on this issue.

Commissioner Elkin agreed with Commissioner Miller.

Mr. Shawver stated regulations provide that the Commission has 45 days to act upon it.

Commissioner Stamper suggested to the Commission that this issue be tabled and an additional public hearing be scheduled after staff has worked on the issue. He is prepared to vote on the rezoning request, if that is the pleasure of the Commission.

Commissioner Miller agreed with Commissioner Stamper that she could vote for the rezoning this evening.

John Patton, County Counsel, stated tabling the issue would be fine but enough time needs to be allowed for the minutes of this meeting to be typed and reviewed by the Commission.

There was no further discussion on this issue.

Commissioner Miller moved to approve the request by Linda Lenau and Robert Brown to rezone from A-1 (Agriculture) to C-GP (Planned Commercial) of 0.65 acres, more or less, located at 8825 W. Sarr St., Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 250-2002**

Commissioner Miller moved to approve a Review Plan by Linda Lenau and Robert Brown for property located at 8825W. Sarr St., Columbia with the following conditions:

- That it be recognized that the development is limited only to that which has been requested and shown on the review plan, any alteration in proposed use, additional structures, or additions to the structure shown is a major change and will require a revised review and revised final plan be submitted and approved after appropriate public hearings.
- That a means of providing required fire flow be provided and be acceptable to both the fire district and director of planning.
- That the location of any dumpster or refuse containment area be shown on the plan including a 6' wooden privacy type screening fence.

- That all lighting be shielded and directed inward and downward.
- That all drive and parking areas are a minimum of chip & seal surface, with the further recognition that no gravel surfaces are allowed within the review plan area.
- That the access drive between the review plan area and the MKT trail be a minimum of chip & seal surface.
- Hours of operation restricted to 8:00 AM to 9:00 PM.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 251-2002**

Commissioner Stamper told Mr. Brown and Ms. Lenau that the Commission has just approved the Commercial Zoning and is no means of a forecast of what the Commission's action will be on the second issue. There are some significant obstacles to overcome. The Commission will discuss this in the spirit of the perspective that this can or could be a wholesome, meaningful type of growth, economic and cultural growth for the community. If this Commission is unable to reach the terms and conditions they believe will support the community, they will not hesitate to decline the request. If it can be done, the Commission will give consideration to voting for the request.

Commissioner Stamper moved to table the request by Linda Lenau and Robert Brown for an Outdoor Recreational facility on 71.95 acres, located at 8825 W. Sarr St., Columbia.

Commissioner Miller seconded the motion.

Commissioner Stamper stated the Commission's responsibility and has sworn to do it to measure land uses according to whether or not they are proper. The economics, the management of it, whether or not the proposal is financially feasible is not a part of the Commission's consideration. It is whether or not it is an appropriate land use and whether or not the conditions that can be placed on it are adequate to protect the community. This is the strategy with which the Commission works. The Commission takes all comments and concerns into consideration but ultimately the issue comes back to the Commission in a way for them to take the action they believe is best. This type of a development can potentially have a positive impact on the whole community.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 252-2002**

Commissioner Stamper recessed the meeting at 10:15 p.m.

Commissioner Stamper reconvened the meeting at 10:20 p.m.

Subject: Request by Dana and Elizabeth Austin to rezone from A-2 (Agriculture) to A-R/PRD (Agriculture Planned Residential Development) of 250 acres, more or less, and to approve a Review Plan for property located at 4201 E. Christian School Road, Hartsburg

Mr. Shawver stated the 250-acre tract is located approximately 1 ½ miles southwest of Ashland. The zoning is A-2, all of the surrounding property is zoned A-2. The property has been used for agricultural purposes but is otherwise undeveloped. The request is for approval of a rezoning to Agriculture Residential Planned Residential Development or AR-PRD. There have been no previous requests made for this property.

The first item to be considered is whether a rezoning to AR-PRD is appropriate. The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The AR-PRD zoning limits the residential density that is allowed within the development. In this case, the proposed density for the development is 125 homes, which is an increase of 25% over the density allowed by the current A-2 zoning. If the rezoning and review plan is approved, the maximum density for the tract is 125 homes on 250 acres or 1 dwelling unit per 2 acres.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: Consolidated Public Water District Number 1 will provide water service. The developer is funding the extension of an 8-inch water line to the property. The line will provide adequate water for domestic service and provide sufficient flow for fire protection. This will not only benefit the development but other properties in the area as well.

A central wastewater collection and treatment system will be installed to provide sewer service to each lot within the development. The treatment system will include a re-circulating sand filter and ultra-violet dis-infection and will be designed to meet the discharge limits for a losing stream. When construction is complete the Regional Sewer District will assume ownership and provide maintenance and operation services.

Boone Electric will provide electricity. Ameren U.E. will provide natural gas.

Primary access to the development will be via Christian School Road, which is a paved two-lane road and is classified as a collector road. Collector roads carry between 750 and

2,500 average daily trips. The additional traffic generated by development will not cause a change in the classification of the road. There are three problematic curves between Old 63 and the project site. One of the curves is adjacent to the project site. The other two curves are between the project site and Old 63. The Developer has agreed to straighten the curve that is adjacent to the development as a required off site improvement.

The property is in the Southern Boone County Fire District. The Fire Chief has stated that with the construction of the 8-inch water main, the District can provide fire protection services.

Compatibility:

The development was designed as a cluster subdivision. In a rural cluster subdivision, lot sizes are reduced in exchange for preservation of open space. The smaller lot sizes can lead to a first impression of incompatibility with existing conventional rural development patterns. However, the key measurement of compatibility should be in terms of gross density and use, not lot size. The gross density of the proposal is one home per two acres. Compared to the current zoning, which allows one home per 2.5 acres, the proposed density is compatible with the surrounding area. In terms of use, the uses proposed for the development, residential, is similar to the uses allowed by the current A-2 zoning.

Rural clustered subdivisions take on many similarities of traditional rural villages such as compactness and tighter form, medium density, open spaces within and around the edges and streets scaled for appropriate use. The tighter grouping of homes helps to engender a feeling of community among the residents, which in turn, can lead to a greater likelihood for a broader range of relationships and friendships and an increased sense of mutual responsibility and support among neighbors.

There are also environmental benefits associated with clustered subdivisions such as reduced land disturbance, reduced impervious surface and increased open space. It should be noted that an open space strip of at least 25 feet and a building setback of 50-feet is maintained around the perimeter of the development. This provides a similar setback as required by the current zoning and a 25-foot buffer of open space.

The proposal has been reviewed for compliance with the draft Boone County Stream Buffer Ordinance. Although not originally designed to comply, only slight modifications were required in order to meet the provisions of the draft ordinance. The developer voluntarily made the modifications.

The property scored 51 points on the rating system.

44 property owners were notified of this request.

Staff recommends approval subject to the following conditions:

1. The improvements to Christian School Road shall be completed with the first phase of the development.
2. The portion of Hart Ridge Boulevard that stubs to the adjacent property to the south must be built with or before the phase of the development that includes Prairie Sage Lane.
3. Each phase must be developed in a manner so that it can stand on its own or with a previously platted phase.
4. A reference to Boone County Commission Orders 181-2002, 182-2002, 183-2002 and 184-2002 shall be placed on the review plan and preliminary plat.
5. The developer shall determine a private entity to provide maintenance for the islands in the area of Lots 1-12.
6. A private access easement shall be provided for Lot 201.

The Planning and Zoning Commission held a public hearing on May 16, 2002. After subsequent testimony, the Planning and Zoning Commission made a motion to recommend approval of the rezoning request. This motion received 4 “yes” votes and 2 “no” votes. Mr. Shawver noted that Carl Frieling refused himself from any participation, he left the room during the presentations and testimony. The motion carried on a recommendation for approval of rezoning. The Planning and Zoning Commission then made a motion to recommend approval of the Review Plan with the conditions recommended by staff. This received six “yes” votes and comes forward with a recommendation for approval.

Jay Gebhardt, civil engineer with A Civil Group, Dana Austin, and Neal Slattery, also with A Civil Group, were present on behalf of this issue.

Jay Gebhardt stated this is a big project and there is a lot to this project. He presented a drawing of the development plan. This development is three miles from Southern Boone Elementary School, about 3.7 miles from Southern Boone R-I, and he noted the location of the fire stations. Mr. Gebhardt also presented another drawing of the development with streets. The tract is currently zoned A-2 (Agriculture), which is 250 acres and it is allowed to have 100 2.5 acre sites. They are planning to develop 125 homes.

Mr. Gebhardt noted the light green on the drawing is the common areas, the dark green is the tree line. On this plan, lots 1-12, 13-125, including lot 201, which is a total of 125 home sites. Lots 1-12 are single family homes on single family lots. These lots are different because they will pay a higher monthly fee for outside maintenance and snow removal. Lots 13-135 range in size from 0.5 acres to 3.5 acres and noted these are a mixture of lot sizes throughout the development. They will pay a yearly homeowners

association fee but the outside maintenance will be paid by owners of lots 1-12. This is a 250 acre tract with 50% being undisturbed, which is 125 acres.

Mr. Gebhardt stated that there has been a problem with Christian School Road in early discussions with staff. They have worked with staff to figure out what needs to be done and what their fair share will be for this portion. There is 1,000' of Christian School Road that they will rebuild to County standards to a 40' wide curb and gutter street. This will eliminate one of the three curves.

Mr. Gebhardt stated because of the layout of the land, it was not possible to have a lot of outlets to this development and this led to one road along the ridge. Because of the traffic count, it became a collector street. Instead of doing something that is just standard, they tried to come up with something that would be a little bit better and that is to make a parkway out of this road which will have a sunken median which will also have storm water benefits. The streets are curbing and gutter streets. The wastewater treatment plant is a re-circulating sand filter system. The fire protection will be improved but not only for this development but for the surrounding neighborhood. Regarding the storm water issue, Mr. Gebhardt did a rough calculation and came up with a little less than 10% impervious area with the homes and all. He has previously stated 15% just to be safe. 15% in the literature, is when streams begin to become degraded. They have worked with Frank Gordon with the NRCS to look at this plan and how it can work with the stream buffer ordinance. He believes that Mr. Gordon is in favor of this plan.

Commissioner Miller asked if the homeowners association will maintain the open space. Mr. Gebhardt stated this was correct.

Commissioner Stamper asked Dana Austin how much adjacent land does he own. Mr. Austin stated they owned an additional 163 acres.

Commissioner Stamper asked Mr. Austin if he was able, at this time, to express his intent with that 163 acres. Mr. Austin stated he had no intent with that land at this time. He noted they share a corner post with the property being requested for development, there is no connection.

Commissioner Stamper opened the floor for a public hearing on a request by Dana and Elizabeth Austin to rezone from A-2 (Agriculture) to A-R/PRD (Agriculture Planned Residential Development) of 250 acres, more or less, and to approve a Review Plan for property located at 4201 E. Christian School Road, Hartsburg.

Stuart Raskin, 4951 Christian School Rd., Hartsburg, stated he is interested in the end lot (lot 201), the acreage of the lot and what the one lot is by itself. Commissioner Stamper stated the applicants will answer that question when the public hearing is closed.

Mr. Raskin stated one of his concerns with this development is the septic system. This is

a step system with ultra-violet light and disinfecting unit and was ready to raise questions about the dumping of a fluid into the area. As he conferred with the people at DNR and with Tom Ratterman, Boone County Regional Sewer District and learned about septic systems, the development will be putting approximately 44,000 gallons per day. He is unsure of where this will be dumped. He knows there are a few streams that lead into Jemerson Creek. One of the things that was noted in his discussion with John Hoke of the DNR, was that these streams are dry the majority of the time. The way they are going to proceed to make sure these 44,000 gallons are adequately treated is that they have a standard. This standard will be checked at the discharge point, from his understanding.

In speaking with the developers, Mr. Raskin assumed the system would be discharged on an hourly basis. Apparently, this is a system that has a discharge of two to three times a day when the system is full. Mr. Raskin asked Mr. Hoke if at the point of discharge, would it be fair to call this a treated sewage canal. Mr. Hoke told him yes that the only amount of liquid that will be in these streams is treated sewage. It is treated adequately and there will be enough oxygen in the water to not kill the fish or harm cattle. He is unsure what this does to humans or if he would like to have his children playing in the streams. In addition, at the discharge point, from what he has seen on the plan, the discharge point is on someone else's property. There is one re-circulating tank and each house will have its own septic tank. He wanted to know how far the re-circulation system is from the other people's property and how the owners feel about this discharge being dumped on their property. Commissioner Stamper noted that it is regulated at the point of discharge so if there is an acceptable quality being discharged then it is not regulated. Mr. Raskin stated when he looked at all the information and with all the observations made, he believes it is a good septic system.

Mr. Raskin's next concern is the location of this development. One issue that was brought forward about the location of this development at the Planning and Zoning meeting, he believes a lot of good reasons and arguments were brought forward. Mr. Raskin does believe this is a good subdivision and is laid out very well. Kristen Heitkamp, a Planning and Zoning Commissioner, commented on the growth of the area and the possibility that this property in question can be rezoned to have one house per every 2.5 acres. The neighbors believe that A-2 zoning is good for the area. Mr. Raskin noted Mr. Gebhardt's comment if this development was not approved then another development could be requested that would not do as much for the surrounding area as this neighborhood will, if approved. Mr. Raskin stated he walked away from the meeting feeling like this request is spot zoning by intimidation, if the developer does not get what they want then they will do something.

Mr. Raskin believes this proposal is a clustered suburbia and suburbia is being moved into the middle of a rural area. The people that will probably move into this area are people who would probably not move into to 2.5 acre lots in a rural area. He believes these kind of subdivision will develop quickly. Rural subdivision, with A-2 zoning, take a longer time to develop. There are subdivision in this area that are still waiting for houses to be

developed.

Mr. Raskin noted statements in previous meetings about this development being good for the community and will create community. He does not see any common community in this development. This development would be put in a rural area of people who would have nothing in common. It is a different lifestyle that the people moving into this development would have compared to people who live in rural areas. He does not believe it is appropriate to put a clustered subdivision on top of a ridge in the middle of a cow pasture. He believes the Commission will be opening a Pandora's box with approval of this development and believes other developers will want to do this type of development in the future. He believes this development would work better in the Ashland area, not on Christian School Road. The people that have moved into this area have moved there because they like what they see being A-2 zoning. A comment was made about people who move into this development will be able to enjoy the open space without maintaining the open space. People move into rural areas to be able to maintain open spaces.

Mr. Raskin is also concerned with the road and where his driveway is on Christian School Road. He received plans of the proposed Christian School Road project from Boone County Public Works. Commissioner Stamper noted this project was never done. Mr. Raskin explained how the road was laid out around his house and the difficulty getting in and out of his driveway because of the curves, hills and valleys around his driveway. He believes since the road has been black topped it is more manageable. He is concerned about the traffic on the road because of this subdivision.

Commissioner Elkin asked exactly where Mr. Raskin lived on Christian School Road. Mr. Raskin stated he lives on the first one-half mile of Christian School Road.

Kathy Murray, 2900 E. Nichols Rd., Hartsburg, stated when the question was posed about where would the sewage go, and according to the map, it will be drained on to her farm. The farm she lives on belongs to her family and her house is in the middle of the farm. She is concerned with the sewage. What she grew up knowing as a ditch, which does have water in it when there are heavy rains, runs along a field on her property and into Jemerson Creek. She believes that 44,000 gallons of water, treated or not, will effect the environment and her farm. Jemerson Creek is usually a dry creek but when it rains the creek floods and the water comes down like a wall. Jemerson Creek runs along the road that comes into the five properties on Nichols Road. There is only one way to get to her property. Mrs. Murray submitted six pictures to the Public Record showing how a flooded Jemerson Creek has affected this driveway. Jemerson Creek is flooding more frequently and is concerned about the extra 44,000 gallons of fluid that will be in this creek.

Mrs. Murray stated there are five families that use this driveway and it is the only way for them to get to their homes. She is concerned about the sewage and where it will be going in reference to her farm, which is just a farm of nature. The creek takes a lot of abuse and is not the same that it used to be. She sees the green hill where Mr. Austin is proposing to

build his house and that is why she chose that location for her house, to see the hill. She is concerned about the runoff from the dense housing.

Nancy Lenger, 5120 E. Christian School Road, Hartsburg, stated has lived at this location for almost seventeen years. She noted that the density of this development is far to great for this rural area and this development will turn this now rural area into a residential area. The increase in traffic and noise from the traffic and development will detract from the current property owners and will not increase their property values, in her opinion. Commissioner Miller stated before in a prior discussion that people who wanted to live in the development know the condition of their road and people now know the condition of Christian School Road. She does not believe the density of this development should be allowed. She does not believe this is the right location for this development that others have stated. Just because something can be done does not mean that it should be done or that it is the right thing to be done. It is her opinion that because of the number of people in opposition to this request at the Planning and Zoning meeting that much weight and consideration should be given to the fact that so many residents in the area are in opposition to this development. She requested the Commission not to approve the rezoning request.

Mike Rovetto, 4225 E. Christian School Rd., Hartsburg, stated he has given the Commission a letter about some of his concerns with this development. The major concern he has is the increased runoff and erosion. Mr. Rovetto's property is located just to the north of the proposed development. A large part of what is being put forth as green space is not really suitable for building, drainage fields or sewer systems. His major concern is with the runoff and the concept that the neighbors are getting is land will have homes on it but there will be a lot of open space. Mr. Rovetto does not believe this land should be developed, even under the current zoning. He believes the County can do a better job of planning that. He bought his land four to five years ago, to move away from Columbia and the urban life.

Gail Raskin, 4951 E. Christian School Rd., Hartsburg, stated she agrees with many of the points already brought up. One comment that was made during the Planning and Zoning meeting was from Mr. Gebhardt stating it is not economically feasible to build a central collection sanitary sewer system without having the density. Even if the zoning were to remain A-2, to her understanding the development would still need a collection system. Commissioner Stamper noted that it would probably not be needed. Mrs. Raskin stated this was their main reason wanting the density. Twenty-five houses may not sound like a lot but having them clustered to the front of the property close to the road, increasing stormwater drainage. Since the houses are being built on ridges, then there will be an increase in the amount of runoff. She believes the main reason for having the density they propose is so that it would be economically feasible for them to do the collection sanitary system. She agrees that it would be difficult to find 100 sites for homes with the way this land is.

William Orey, 3921 Christian School Rd., Hartsburg, stated he is concerned with the road. Since the road has been paved, the speeds have increased, the amount of traffic, and the number of fire calls has increased on Christian School Road dramatically. He believes if additional housing is added on this road, then there will be a significant risk of having more fire call and more accidents. The curves on the road are not adequate to be seen around, just as previously stated, and some of the curves have to be eliminated to make the road safer. Mr. Orey is also concerned with the number of houses being proposed to be built and the additional 160 acres owned by Mr. Austin. If there would be future development of this land would the sewage treatment plant have extra capacity.

These are Mr. Orey's two major concerns. He does not agree with this development at all and believes the 2.5 acres is sufficient for this area.

Nancy Burke, 4180 E. Christian School Rd., Hartsburg, stated she has major concerns about the traffic on Christian School Road. She researched this issue on the U.S. Highway Administration and the Institute of Traffic Engineers. She noted the article on traffic calming techniques. There are many different traffic calming devices such as the planters on the corners of the intersections on Broadway here in Columbia, narrow the street, introduce curves. Christian School Road is already narrow and has curves. In a previous county Mrs. Burke lived in, a rural road was widened and straightened and it became a death trap because everyone was driving 65 mph. She does not believe eliminating the curves and widening the road will be good for anyone.

Mrs. Burke read a point from an article from a journal for traffic engineers. "Reducing traffic speed and volumes can reduce the severity of vehicle crashes, particularly those involving pedestrians and bicyclists." Mrs. Burke stated Christian School Road is currently used for walking and biking everyday. She noted how the speed difference can make a difference when a driver sees a pedestrian and there is an increase of traffic accidents with an increase in street width. At the last meeting, Mrs. Burke stated she found it difficult to believe that one of the Planning and Zoning Commissioners had never heard of adding curves to a road as a traffic safety device. The article was written in 1999 and traffic-calming devices have been used in Europe for over 30 years.

Mrs. Burke is also concerned about the subdivision covenants, which she has not seen, and is concerned about the lighting. She did not move to rural Boone County to live in town and it appears to her that she is being moved into town whether she wants to or not. She does not want dusk to dawn lights. She has heard from the developer that there will be no dusk to dawn lights but she has not seen this in writing. She has not seen any written proposals of how the entrance will be handled. Mr. Gebhardt informed Mrs. Burke and her husband that he would work with them. She has heard a lot about this development but has not seen anything in writing. Mrs. Burke noted that her property is directly across from the proposed entrance and the entrance would come out directly opposite her front window. The proposal indicates that existing cedar trees will be torn down on that section of road. She believes everything else she wanted to discuss has been covered.

Commissioner Stamper asked Mrs. Burke if the document she was reading from is an urban standard. Mrs. Burke stated she believed that was correct, the study was done in Victoria, Canada.

Judy Burke, 3912 E. Christian School Road, Hartsburg, stated the majority of the people who live on Christian School Road and the surrounding areas are opposed to this rezoning. They know that progress will happen and are not opposed to leaving the zoning A-2 (Agriculture). She has a petition that has been signed by 94 people that live in the area that are opposed to the rezoning. She noted 45 letters were sent to residents within 1,000' of the Austin's property regarding the rezoning request. 32 out of 45 residents living within 1,000' of the Austin's property signed the petition in opposition to this rezoning. This petition was submitted to the Public Record.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked about the acreage and the intended use of lot 201. Mr. Gebhardt stated lot 201 is a 2.5-acre lot for Mr. Austin's home and the remainder is platted as common area. Commissioner Stamper asked what the reason was for this. Mr. Austin stated nothing else will be developed on this lot. Mr. Gebhardt stated the plat shows their intent of having one home on 60 acres.

Commissioner Stamper asked Mr. Gebhardt to elaborate on the discharge point for the sewer system, the DNR regulations for the system, and the drainage basins for stormwater. Mr. Gebhardt stated the location of the sewage treatment plant was chosen by the Boone County Regional Sewer District. They contacted DNR about three separate discharge points, and Mr. Gebhardt pointed out those locations. The Boone County Regional Sewer District flows to a losing stream portion of a tributary. This location is not a losing stream location. They have permission from DNR to have a 30/30 limit, which is what can be obtained from a lagoon. Instead of a sewage treatment plant, they could have a large lagoon. They have taken the extra step to put in a re-circulating sand filter to meet a 10/15 limit, which is a stricter limit and to disinfect the discharge. This will be much cleaner for the neighbors and the surrounding property owners.

Commissioner Miller asked if there was any excess capacity in the re-circulating sand filter for the other 160 acres. Mr. Gebhardt stated no there is not. This development will be built in stages to reflect the stages of the platting.

Commissioner Miller asked how long Mr. Gebhardt thought it might take to develop out. Mr. Gebhardt stated, in his opinion, it will take at least 10 years.

Commissioner Elkin asked if the 44,000 gallons per day was maximum capacity. Mr. Gebhardt stated that 44,000 gallons per day is an estimate that is created by using DNR regulations. Commissioner Elkin asked if this was based on a full development. Mr.

Gebhardt stated that was correct.

Commissioner Elkin asked about the two to three times per day discharge on the way the system will discharge. Mr. Gebhardt stated that was correct and this is the reason why it is called a re-circulating sand filter. The sewage sits in a tank and in the morning and evening, the sewage re-circulates through the filter and when there is a lot of usage, it will discharge until it quits receiving.

Commissioner Elkin asked if it was an accurate statement to say that if there are two discharges on one day, then each discharge will be 22,000 gallons. Mr. Gebhardt stated the discharge pipe is a 4" pipe and it never runs full. This will be a small flow but does sound big when one says it is a 44,000 gallon per day but if this is divided by 24 hours in a day and the number of minutes in a day, it is not 44,000 gallons.

Commissioner Elkin asked if the discharge would be constantly flowing. Mr. Gebhardt stated no. When it does flow, it is a small flow.

Commissioner Elkin stated the actual discharge is not sewage solids but is a treated effluent. Mr. Gebhardt stated that was correct and the sewage will be treated to the most strict standards under DNR regulation.

Commissioner Stamper asked if it was 15/30. Mr. Gebhardt stated the treatment would be 10/15 with disinfection and the disinfection is an ultraviolet system so it does not have residual chlorine in it.

Commissioner Stamper asked Mr. Gebhardt to discuss the stormwater issue particularly the drainage basins. Mr. Gebhardt stated the dark lines on the streets on the map indicate which way the storm drains will flow from the middle ridge. On each of the cul-de-sacs, there would be a storm drainage pipe at the end. The collector street will have a center median, which will be a depressed median. With the crossroads and at each cross there will be a pipe that allows for the opportunity for some detention in and to store this, not only for the increase of runoff but for water quality purposes.

Commissioner Elkin asked what type of detention Mr. Gebhardt discussed. Mr. Gebhardt stated a detention would be a depressed area and designed for a 2, 10, and 25-year storm.

Commissioner Elkin asked if the water would sit there and filter out. Mr. Gebhardt stated the water would not filter out, these are like a farm pond with a small pipe. When it rains it fills up and over time, it would drain out.

Commissioner Stamper stated he received a telephone call from a resident on Albert Lane and expressed their concern about maintaining that as a cul-de-sac and asked if Mr. Gebhardt had any comment on this. Commissioner Stamper noted this is forecasted as a connection and asked if Mr. Gebhardt had any comment on a variance that might be

related to the road remaining as a cul-de-sac. Mr. Gebhardt stated they do not object.

Commissioner Stamper stated the resident on Albert Lane wanted to know if it would be in the plans for it to be paved. Mr. Gebhardt stated it would be paved to where the development would connect back in but from that point, it would remain as is. He noted one additional road would be paved to Snowy Hills for the same reason they are doing Albert Lane.

Commissioner Stamper asked Mr. Shawver if there has been any comment from the Southern Boone County School District or the City of Ashland on this development. Mr. Shawver stated no.

Commissioner Stamper asked Mr. Shawver or Commissioner Miller to elaborate on the Public Work position as it relates to Christian School Road and the need for additional improvement beyond the straightening of one curve. Commissioner Miller stated this is not in the budget plan. The County did have good plans when the Christian School improvement project was started and it just did not work out so the County is living with what they have. She believes that taking out the curve that is associated with the development is a benefit to the Burke's because the curve was going to go the other way, into their property on the County plans. Mr. Gebhardt stated that was correct.

Commissioner Stamper stated he has been told that this development would contribute approximately a 30% increase. The decision was reached that the development would pay for the straightening of one curve and that would be the limit of their exposure of off-site improvements. Mr. Gebhardt stated this was correct.

Commissioner Stamper stated that Mr. Raskin has raised a legitimate concern about people having built driveways in marginal locations and one could stand in Mr. Raskin's driveway and see the problem that he has. From a Public Works stand point, a 30% increase on this road, will not be overwhelming but will provide the County with new challenges. He asked if Commission or staff had any reaction to this.

Commissioner Miller stated her concerns are about the curves and if the curves are not going to be taken out then the County should address the situation. She agrees with Mrs. Burke that curves do slow the traffic but it would be beneficial if one could see around those curves. She stated she would be happy to take this to the Public Works department to have them look at that possibility.

Commissioner Miller stated she spent most of the day at a stormwater workshop and this is exactly the kinds of things that they encourage a developer to do in ridges, build on the ridge and do not disturb the heavy slopes. She noted there are developers in the community that could find a way to flatten this area and put the houses on 2.5 acres, whether one believes it is feasible or not, they would find a way to do it. As far as precedent setting, she likes this development and thinks it develops with the environment

instead of against the environment. Regarding the impervious surface, she noted Mr. Gebhardt's comment about 15% maximum. A typical development in Boone County today is 35%, average. She likes this development and the way she evaluated this, prior to the testimony tonight, was looking at what is allowable today. She asked Mr. Shawver if it was correct that the development could have on-site sewage as long as it was 2.5 acres or greater, as far as lot size. Mr. Shawver stated the department requires a cost benefit analysis is preformed and he would guess it would be prohibitive to put that in on 2.5-acre lots because it would be a gravity system.

Commissioner Miller stated there could be 100 lagoons instead of the sewage treatment system. She believes that bringing in natural gas is an asset to the whole area. The off-site improvement to the road is a benefit to the Public Works department. The water upgrade, she believes, would have to happen whether it was A-2 zoning or this development. One good point about having a PRD, which is a planned development, is that the County has control over stormwater control and issue to that nature that the County, would not have otherwise.

Commissioner Miller stated what this comes down to is an extra 25 homes and she sees many benefits. She is prepared to support this request tonight.

Commissioner Elkin stated he agrees with Commissioner Miller. He noted whether anyone likes it or not, Boone County is going to continue to grow. If one lives next to open land in Boone County, it is not a question of if but when it will develop. Boone County is a progressive county and it will continue to grow. There will continue to be developments like this and others all over the County. The Commissioners have to make the decisions on what is the best development. To Commissioner Elkin, having 100 individual sewage discharge points compared to one discharge point is huge. Having the streets designed like this and keeping the open space, the impervious surface, when these points are compared to what they can do now with A-2 zoning. This development is better than the alternative. He knows that development and growth in this area will not be the same but property owners have certain rights to develop their property and it is the Commissions responsibility to see that the property is developed in the best manner under County guidelines. He believes this is a better choice.

Commissioner Stamper stated when he first heard of this proposal; he wanted to know why put this development in this location. He would have liked the development even more if it would have been adjacent to Ashland or Hartsburg but he does like this development. The further into this proposal there were more items that attracted him to it. He does not like the idea that it is isolated and is convinced that the developer of this proposal is making a good use of the existing acreage and by clustering these homes there will benefits of sidewalks and an interconnection of neighbors. Some one informed Commissioner Stamper that in the last 15 years, there has been addition 60 homes built on this road. This proposed development has already been half done on Christian School Road but the houses are more spread out. He pointed out the number of people present at

the meeting who have moved into the area in the last 15 years.

Commissioner Stamper stated he cannot support chaotic growth but he can support it, as Commissioner Miller said, with the additional benefits. He likes this plan and the character it builds in the community. If land is going to be subdivided, then this is a better alternative than 100 doublewide trailers or another format. This is quality growth and is something the Commission has been trying to encourage in Boone County. This will be a precedent setting decision. It will force the County to deal with some issues on the road that the Commission will not have a solution for this evening but it will have to be looked at because the car count will increase.

Commissioner Stamper commented on Mr. Raskin's comment on moving suburbia into the rural area. He does not believe this development will do this because suburbia is already there. This development is easier for the County to enforce and protect; it is growth that is more organized. He sees this as organizing the suburbia that is already in the rural area. It is not a perfect development, it could be in a better location and a better development but the way it is laid out is something that needs to be encouraged in Boone County because it makes smart use of the available resources.

Commissioner Miller moved to approve the request by Dana and Elizabeth Austin to rezone from A-2 (Agriculture) to A-R/PRD (Agriculture Planned Residential Development) of 250 acres, more or less, located at 4201 E. Christian School Road, Hartsburg.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 253-2002**

Commissioner Miller moved to approve a Review Plan by Dana and Elizabeth Austin for property located at 4201 E. Christian School Road, Hartsburg, with the following conditions:

1. The improvements to Christian School Road shall be completed with the first phase of the development.
2. The portion of Hart Ridge Boulevard that stubs to the adjacent property to the south must be built with or before the phase of the development that includes Prairie Sage Lane.
3. Each phase must be developed in a manner so that it can stand on its own or with a previously platted phase.
4. A reference to Boone County Commission Orders 181-2002, 182-2002, 183-2002 and

184-2002 shall be placed on the review plan and preliminary plat.

5. The developer shall determine a private entity to provide maintenance for the islands in the area of Lots 1-12.

6. A private access easement shall be provided for Lot 201.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 254-2002**

Subject: Receive and Accept Clear Creek Plat. S31-T48N-R12W. Joseph Bindbeutel and Dorothea Carpenter-Bindbeutel, owners. J. Daniel Brush, surveyor

Mr. Shawver stated this is a minor subdivision plat and the owners would like to split it into two parcels prior to the possible annexation to the City. The property is zoned R-S.

Commissioner Miller moved to receive and accept Clear Creek Plat.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 255-2002**

There was no public comment.

The meeting was adjourned at 11:40 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner