

TERM OF COMMISSION: October Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
County Counselor CJ Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Michelle Thompson

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

Resource Management

- 1. Public Hearing for Request by Todd and Michelle Werts to rezone from R-S (Single-Family Residential) to A-R (Agriculture Residential) on Tract 1 of 24.66 acres and from C-G (General Commercial) to A-R (Agriculture Residential) on Tract 2 of 4.50 acres, located at 6767 N Farrar Rd., Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during its October 17, 2019 meeting.

The minutes for the Planning & Zoning Commission meeting of October 17, 2019, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject tract is located between the eastern end of Mauller Road and Farrar

Road along Highway 63 north of the City of Columbia. The subject project is 98.08 acres in size and has a residence and two accessory structures present. This property is composed of three different zoning districts: A-R (Agriculture-Residential), R-S (Residential Single-Family), and C-G (General Commercial). This proposal seeks to rezone the 24.66 acres of R-S and the 4.5 acres of C-G to A-R. The purpose of this rezoning is to make the entire 98.08 acres one zoning district and more usable for the equine ranch use that is desired by the property owners.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a gate-keeping function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has access to Farrar Road, a publicly dedicated, publicly maintained right-of-way via a driveway across the Central Electric Power property to the south and Mauller Road to the west.

Public Safety: The property is in the Boone County Fire Protection District with the station at Prathersville being closest for service.

The property scored 47 points on the rating system.

Zoning Analysis: This proposal is a downzoning to a lower intensity zoning classification. While the sufficiency of resources test indicated that there are noticeable limits to the available utility infrastructure and roadway infrastructure, this request is an overall decrease in the intensity of use for this property. Much of this tract is covered by floodplain, making it less suitable for the higher density R-S and C-G development. In particular, the C-G zoned portion of this property is completely covered by the floodplain. Much of the R-S zoned portion of this property is also covered by floodplain. The development potential of this property is limited by the floodplain and the available infrastructure.

Downzoning to A-R from R-S and C-G decreases the needs of this property for utility services while maintaining the intent of the original 1973 zoning by showing a higher density band of development around the city of Columbia.

Staff recommended approval of the rezoning.

The Planning & Zoning Commission conducted a public hearing on this request during their October 17, 2019 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning requests. That motion was approved unanimously.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Todd Wertz was present to speak on this item.

Wertz explained he and his wife recently purchased this property. They raise and breed horses and in the middle of their planning, he noticed that part of the property in the middle area where they planned on putting fencing up was zoned R-S. It is not an area that would have much developmental potential on that side of the creek. The highway is a good deal above the useable land there. It is a perfectly fine area for agricultural and having horses.

There were no comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by Todd and Michelle Werts to rezone from R-S (Single-Family Residential) to A-R (Agriculture Residential) on Tract 1 of 24.66 acres and from C-G (General Commercial) to A-R (Agriculture Residential) on Tract 2 of 4.50 acres, located at 6767 N Farrar Road, Columbia, Missouri.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #464-2019**

- 2. Public Hearing for Request by M E L Oetting Family's Legacy LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.0 acres, more or less, located at 6750 E Hwy AB, Columbia (appeal).**

Stan Shawver read the following staff report:

The property is located on the south side of Route AB, approximately ½ mile east of US 63. The zoning is A-1, which is the original zoning. All of the

adjacent zoning is A-1. A 30-acre tract on the north side of AB and approximately ¼ mile west of the subject property was rezoned from A-1 to C-GP in 1998 for the purpose of establishing an insurance company office.

The property that is the subject of the request is part of a 278-acre parcel that is vacant and in agricultural operation. In 2003 the owner applied for and was granted a Conditional Use Permit to operate a corn maze.

The property scored 63 points on the rating system. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposal. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources used for this analysis can generally be broken down into three categories; Utilities, Transportation, and Public Safety Services.

Utilities: The property is in the Consolidated Water service area. There is no public sewer available in the area and on-site systems must be used for sewage disposal. Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to Route AB.

Public Safety Services: The property is approximately four miles from the Southern Boone County Fire station at Columbia Regional Airport.

Zoning Analysis: The Master Plan designated this property as suitable for agriculture and residential land use. The area is characterized by large agricultural tracts, rural residential lots in the 10 to 20-acre range, and a few nonconforming rural residential lots that do not meet the minimum 10 acres of the A-1 District. There are two lots less than 10 acres that were created since 1991; both were created by Planned Residential Development. Pauley Estates, approved in 1991, created a 4-acre residential lot and a 6-acre non-developable remainder. Turner's Estate created a 2.5-acre residential lot and a 7.5-acre undevelopable remainder.

Staff is unaware of any changes in the area that would indicate the original A-1 zoning to be inappropriate. Rezoning 4 acres for a specific land division could be a spot zoning. The Planned Residential Developments of Pauley Estates and Turner's Estate should be considered precedential in this area.

This request could be made to comply with the precedent if it were changed to an A-1P PRD that allowed creation of the desired 4-acre lot but encumbered a full 10 acres required by the current A-1 zoning.

Staff recommended denial of this request.

The Planning & Zoning Commission conducted a public hearing on this request during its October 17, 2019 regular meeting. There were six members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend denial of the rezoning requests. That motion was approved unanimously.

In accordance with Section 15.F of the Boone County Zoning Regulations, the applicant filed an appeal of the recommendation for denial to the County

Commission in a timely fashion. This request comes to the County Commission on appeal.

Commissioner Parry asked if there were any concerns by the Planning & Zoning Commission other than spot zoning and noted that, looking at the map, it seems A-2 zoning is sprinkled throughout that area.

Shawver said there were great concerns on setting precedent and inconsistent approaches to accomplish what is necessary for the existing regulations.

Commissioner Atwill asked for explanation on the request being able to be made if it was changed to an A-1P PRD.

Shawver said the owners asked for straight zoning change from A-1 to A-2 for 4 acres. Instead, they can submit an application and a plan to go to A1-P using 10 acres and having a Review Plan and Development Plan that would show the 4 acres for the home site and the remaining 6 acres could be used in any agricultural purpose. The only restriction on that is that nothing can be built on the 6 acres other than agricultural related structures.

Commissioner Parry asked if there were any other options under this zoning that the owners would have.

Shawver explained another option would be to sell 10 acres to the family wanting to use the 4 acres and then keeping agricultural easement for 6 acres.

Commissioner Thompson wanted clarification that there were ways to accomplish the stated goals other than what they have requested.

Shawver said yes.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

David Butcher was present on behalf of the owner.

Larry Oetting, the owner, was also present.

Butcher said this is not that significant of an issue since it is only 4 acres. The important part of this is that the owner is wanting his family to live on this property. They decided on 4 acres because it was non-divisible in an A-2 district. If they were to do what was suggested by Staff, they would still create a 4-acre tract of land but also set aside an additional 6 acres that would not really serve a purpose. In the end, there is still going to be a 4-acre tract of land that the couple could build their house on. This is a reasonable request due to the location. It is only 3 miles away from the city limits of Columbia and it is only 3 miles away from the city limits of Ashland. It is ½ mile away from a major intersection at Highway AB, and there is the Deer Park convenient store right at the corner of the property. It is suitable for something denser than A-2 development. Mr. Oetting has no intention of doing that. This is close to a century farm for this family and he has every intention of having his family raising their family on this farm. A-2 would make a great transition zoning. There is lots of farming in this area and Mr. Oetting intends to keep farming. In the end, creating a plan on this would probably cost an additional \$2,000 and take an additional two or three months to get it done, all to end up with the same 4-acre tract of land. It seems somewhat wasteful and unnecessary. Zoning is situational. There is already C-G zoning across the street.

Oetting said he didn't believe this constituted spot zoning. There is A-2 zoning all around the area. Oetting explained these areas shown on several maps and showed where there are many houses that were on tracts of the same size. Those maps are included at the end of these minutes.

Butcher explained these little tracts such as the request are sprinkled all throughout what is considered to be the neighborhood in that area, and no one seems to mind. They fit in quite nicely.

Oetting said the precedent that Staff is worried about is already there. There are already numerous homes on 3, 4, or 5 acres in the area. He has a desire and a need to have his daughter and son-in-law live out there and they have a desire to live on a farm. His desire is to have a century farm and for his kids and grandkids to live there and see it.

Commissioner Atwill asked Staff what harm would be done if Commission agreed to approve this request.

Shawver said it really comes down to a precedent issue.

Commissioner Atwill said a precedent issue is subjective and asked what rules would actually be violated if approved.

Shawver said it is a legislative action, so it is entirely up to Commission and no given rule would be broken.

Commissioner Parry asked if Staff had heard back from any other property owners that were contacted about this request.

Uriah Mach said there were two calls seeking additional information but that was it.

Oetting said he spoke with a couple of neighbors himself and none of them had any issues with it.

There were no more comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry said he plans to vote to approve this request. There are several things influencing that. One: there is Planned Commercial right across the street. That lessens the impact of having A-2 zoning on this tract. Two: here is a plan that scored 63 on the sufficiency of resources test and the previous request that was approved unanimously by the Planning & Zoning Commission only scored a 47. This will not compromise the integrity of the area, nor will it set a precedent because this is a very specific family situation where there are very specific plans.

Commissioner Thompson explained that, as the Commission has often said, unless there is a compelling reason to go against what the Planning & Zoning Commission has decided, it is hard to go against that. It is not only that that would persuade her to vote to deny this request but also the fact that there is another way within the rules to accomplish the same goal.

CJ Dykhouse was asked to address Commissioner Atwill's question about the rules in play in this situation. Dykhouse said there are three things to note that he believes are important. One thing would start with the idea that the current zoning, A-1 is the correct zoning. The second issue is that although the applicant has a compelling personal narrative on the intentions of the plan, that is not the correct intellectual approach to analyze a straight rezoning request. A straight rezoning request must be calibrated by the maximum theoretical density of the proposed use. The last thing to note is the discussion on spot zoning. The scale of the yard stick that the applicant is advocating is a much larger scale yard stick than used in the past when trying to analyze neighboring tracts. Those three things are important to consider when discussing precedent for the next request on a straight rezone.

Commissioner Thompson made the motion to deny the request.

There was no second to this motion.

Commissioner Parry moved on this day, the County Commission of the County of Boone does hereby approve the request by M E L Oetting Family's Legacy LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4.0 acres, more or less, located at 6750 E Hwy AB, Columbia, Missouri.

Commissioner Atwill seconded the motion.

The motion carried 2 to 1. **Order #465-2019**

3. Request by Fred Overton Development, Inc. to approve a Final Development Plan for Perche Ridge Planned Development on 17.0 acres, more or less, located at 6001 W Gillespie Bridge Rd., Columbia.

Stan Shawver read the following staff report:

The property is located on the north side of Gillespie Bridge Road at the intersection of Gillespie Bridge Road and Coats Lane. In July 2019, the Planning & Zoning Commission recommended approval of a Rezoning from A-2 to R-SP and an accompanying Review Plan. The County Commission approved the Rezoning and Review Plan, Commission Order 312-2019 and 313-2019. The review plan was approved with two conditions:

The issues related to the intersection of proposed Tamarack Drive and Gillespie Bridge Road shall be worked out to the satisfaction of the County Engineer and the Director of Resource Management prior to the submission of a Final Plan; sight distance and location issues; conflict with the existing Drive.

A right turn lane shall be installed in accordance with Boone County Roadway Regulations and to the satisfaction of the County Engineer and Director of Resource Management prior to recording any final plat.

The Zoning Ordinance states that the Planning & Zoning Commission shall approve a Final Development Plan when it is satisfied that:

All required information is accurately portrayed on the plan.

The Final Plan conforms to the approved review plan.

The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the plan. All required information is accurately portrayed, and the plan conforms with the review plan.

The conditions imposed by the County Commission have been complied with.

Staff recommended approval.

The Planning & Zoning Commission approved the Final Plan during its October 17, 2019 meeting.

The Plan comes to the County Commission and Section 6.2.15 of the Zoning Regulations state "County Commission Order. Following approval of the final plan by the Commission, the plan shall be presented to the County Commission who shall summarily endorse the plan by Order of the Commission".

Commissioner Atwill said, before the Commission goes any further on this, he would ask Counsel to give a position statement on where this request is from a legal standpoint.

CJ Dykhouse said the Commission decided back in July what conditions would need to be met for the review plan before the final plan could be approved. The Planning & Zoning has decided that it does meet all the requirements set forth by the Commission. In the regulations 6.2.15 that Staff mentioned, it is now at the portion of a planned development

where the Commission's role is ministerial. The reason for the Commission Order is to memorialize the change in the map so it can be identified when the zoning changed. There is no substantive role as the legislative decision was made back in July.

Commissioner Atwill asked Staff to outline how that process was handled.

Shawver said when the Final Development Plan was submitted, Staff reviewed it to make sure it included all the information that was included in the Review Plan. Anything that was required to be added has been added. It complies with the regulations and conditions. Before a final plat can be done, road improvements to Gillespie Bridge Road will need to be done, but that has nothing to do with the Final Plan.

Commissioner Atwill wanted clarification that essentially with this item, the Commission is just making it a part of the official record.

Shawver said correct. The last item was a legislative action where this item is a memorialization.

Commissioner Parry asked Counsel what some of the legal implications or complications of a moratorium could be, as many neighbors of this area have asked for one.

CJ Dykhouse explained that what is known from the United States Supreme Court, zoning moratoriums measured six months or less have been deemed constitutional in the face of an argument of regulatory taking. That doesn't mean for sure that something longer than that wouldn't be approved, it just means that is the safe harbor that the Supreme Court has taught. If there is an identified problem and a path toward a resolution and it stays development for six months, that is not a 5th amendment taking of property without compensation. In this instance, what makes that complicated is that the City Staff estimate and their presentation of the review plan for this area estimated a two-year time to completion, if everything goes well. Two years is certainly beyond anything he has read

with the Supreme Court in approving a moratorium. For this situation, it is past that point. It is a moot point. It would be appropriate that a moratorium might be considered for another tract of land but not this one.

Commissioner Atwill said, with a clear understanding of what the Commission's role is in respect to this item, he will open the floor for public comment.

Commissioner Atwill opened the public hearing.

Jana Stephens was present to speak on this item.

Stephens expressed her concern for the increased flooding in the area. The new lots being built in the area will certainly increase flooding in an area that already has a flooding problem. There is also a problem for emergency vehicles. If there is a flood, the distance emergency vehicles would have to travel to get to that area will increase and the emergency vehicles will have to drive on Highway UU, a curvy road. That will increase response time. It seems it would only be a matter of time before the County Commission has a bunch of citizens demanding that the height of Gillespie Bridge Road be raised so that it doesn't flood. A person who is in the environmental field has contacted her on this issue and has written some letters to the Commission over the past days. These were letters about the pond possibly being Protected Waters of the U.S.

Commissioner Atwill said the Commission has received considerable public interest on this by mail and those will be added to the record. Those letters are included at the end of these minutes.

Commissioner Atwill asked Staff to clarify that the issues raised by Stephens have been considered in this whole process.

Shawver said yes.

Adrian Plank was present to speak on this item.

Plank expressed concern on tire kicking on future developments in the area. Along Coats Lane, there is an area being filled in right now for future development, as well as properties behind that and the Rapp property further down. It may not be direct tire kicking, but it is coming, and Coats Lane is not going to be up to par. There are lots of infrastructure issues here. Flooding and traffic are also major concerns.

Don Emery was present to speak on this item.

Emery said the possibility of 17 acres causing flooding on Gillespie Bridge Road is like a drop of water in a 55-gallon barrel. It is not going to make a difference. Emergency vehicles are not going to be affected any more than they are right now. It has to be put in perspective. People do not want it in their backyard, but the County is going to grow and that has to be understood and all should hope that growth would do well.

Linda Pressley was present to speak on this item.

Pressley explained what she and all the neighbors had hoped was that the West Area Plan would be put in place before this neighborhood would be developed. The climate is changing. There is more and more rainfall. Another thing that has not been mentioned is all the mature trees out there. With all those mature roots, there is going to be erosion and other issues that do happen with this. This development is also going to be very dense. The lots will be .23 acres.

Jack Meisienbach was present to speak on this item.

Miesienbach said on a recent trip to Chicago, he found out that Great Lakes are 3-4 feet higher than they have ever been in recorded history. Looking at the rivers right now one can see how high they still are from the last floods. There are a lot of busted levees up north that

have water behind in the area where they have flooded, and the rivers have not come down enough to drain the water back down into the rivers so that the levees can be repaired. The area to be developed is very close to the flood zone. The numbers for the flood zone need to be redone. Building houses in a floodplain causes major issues.

Dee Dokken was present to speak on this item.

Dokken said she hoped that the Commission would have the courage to say no to future developments in this area and then meet the City to work on the West Area Plan.

Penny Arafe was present to speak on this item.

Arafe said the properties next to hers have been sold to developers and it is only a matter of time until more developments of this kind pop up. This development is opening it all up. A plan is desperately needed. The smell is also awful out there because of the sewage treatment plant. She doesn't know that anyone that would buy a house out there would be able to live there unless they put the smell diffusers on their lawn.

Andrew Sieff was present to speak on the item.

Sieff said the smell the Arafe was referring to is an intermittent odor that seems to happen depending on what is going on in the air such how much humidity there is, but it wafts through where that neighborhood will be. He wonders if that has been part of the assessment and if Mr. Overton will be informing potential buyers about this odor. There are 661 acres that are owned by families and largely by landholding companies out there. The interested party that has written the Commission over the last few days has raised some significant issues. Perche Hills Neighborhood Coalition will likely pursue conversations with state and federal agencies to see if there is anything to this land being designated as wetland. The pond that is slated to be filled may be under federal jurisdiction and the Coalition is not sure that due diligence has been done environmentally.

Tom Lota was present to speak on this item.

Lota explained that this development is premature from a transportation perspective. There are very few ways to get out of his neighborhood when there is a big backup of traffic on I-70. The road that serves this development is a curvy road. If something happens, everyone along that road is going to be backed up. There need to be road improvements before developments like this happen.

Scott Mullins was present to speak on this item.

Mullins lives directly across the street from the proposed site. He understands the need for growth, but the City denied this request multiple times and then pushed it to the County. He bought his property three years ago assuming he would be a little outside city limits that would be nice and quiet. The increased traffic on that road, even with the right turn lane going into that neighborhood, will be dangerous.

Leigh Speichinger was present to speak on this item.

Speichinger asked the Commission when the West Area Plan was going to take place and if the Commission would allow other developments to take place in the meantime.

Commission Atwill said the Commission will take developments as they arrive before the Commission. Every plan has its own merits or lack thereof. The Commission cannot tell people they are not allowed to file. They will just have to see what happens.

Commissioner Parry said back in the 1970s, this area was identified as residential by the Master Plan and that was affirmed again in 1996. So, there is a good chance that a West Area Plan is not going to do much to change what has already been defined for this area. The capacity of the sewer line out there is at about 17 percent. That sewer line was put in back in the 1980s. When that was put in, it was part of a bigger plan, speaking to the fact

that there would be development in that area. The County has been talking with the City about a West Area Plan for many, many years.

There was no one else present to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry said he empathizes with the neighbors in the area. It is a beautiful area in the community and County, and he hates to say that this type of development is inevitable, but in many respects, it is. As the County Counselor has pointed out, this is a ministerial act tonight simply confirming that the Final Plan matches the Review Plan. The City and the County made the developer jump through every single hoop they could, and it has taken four years to get here. Since it does meet all the requirements the options of the County are very limited. He is confident that Mr. Overton will build a development that will be very attractive, and FEMA will likely keep him from building any properties in the floodway or floodplain. This has been one of the most professional and organized presentations by a neighborhood association that he has seen, and he appreciates the thought and effort that has gone into their work and he encourages them to keep an open mind about the work Mr. Overton is going to do.

Commissioner Atwill said some areas of this state and other states have an advantage of developing their transportation infrastructure before they have development. The history in this area has been just the opposite. Infrastructure isn't built until it is more than needed. Things change and unless you know someone who owns the property next to them, they have very little control over what happens there, and he thinks they all know that. This County is lucky to have zoning as almost all the surrounding counties do not have the zoning control that Boone County has. It is easy to overlook the good things the County has. It is not all gloom and doom. Mr. Overton looked at the set of rules that were in existence at the time he started this project, he followed the rules, and it would be unfair to him to change the rules at this point. Development follows the sewer. The sewer is the first thing

you have to have and then everything else follows and that sewer is there. It has been there for a long time. The inevitability of growth outside the City of Columbia is something that cannot be ignored. The City of Columbia granted Mr. Overton the right to connect to that sewer. That is what opened the door. Without sewer, this development would probably not be under way. Ironically, the City has asked the County to reconsider this project after they basically approved it. The developments that Mr. Overton has worked on around the City are very good developments and he believes this will be as well. The Commission appreciates the comments given and they are all good points but there is no choice but to move on.

Commissioner Thompson said that she stated her comments on this back in July. She thinks that Mr. Overton is certainly not to blame for this situation. Commissioner Atwill called it ironic that the City is asking us to reconsider this, but she would call it disingenuous for the City to tell the County to stop this project at this point when the City opened the door to this project by granting Mr. Overton sewer access. The last time the County asked the City to participate in a West Area Plan, the request was rejected. Now, however, and thankfully, they are willing to work toward that plan. Unfortunately, for this project, it does not matter. Please do not put any blame on Mr. Overton. He has done everything within the rules. Moving forward, hopefully with the City, things can be dealt with on the front-end rather than trying to fix them on the backend.

There were no more comments from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by Fred Overton Development, Inc. to approve a Final Development Plan for Perche Ridge Planned Development on 17.0 acres, more or less, located at 6001 W Gillespie Bridge Road, Columbia, Missouri.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #466-2019**

4. **Request by RML Investment Properties to approve a Final Development Plan for Mobility Worldwide P.E.T. Mobility Center on 2.13 acres located at 4901 E Meyer Industrial Dr., Columbia.**

Stan Shawver read the following staff report:

The subject property is located on Meyer Industrial Drive south of Highway 63, to the south of the Magellan Pipeline facility on Tom Bass Road. The property is 2.13 acres in size and vacant. The property was rezoned from A-1 (Agriculture) to M-GP (Planned General Industrial) in 2012 when Meyer Industrial Drive was created. The surrounding properties are zoned M-GP to the south, east, and west, with M-L (Light Industrial) zoning to the north and C-G (General Commercial) to the northeast. The M-GP zoning was created under the same development plan as created the subject property's zoning in 2012. The M-L and C-G are original 1973 zonings. The revised M-GP review Plan and rezoning were approved in October of 2018.

This proposal is to revise the current M-GP plan to allow a light manufacturing facility on this property. The current plan is vacant with no approved uses. The proposed plan allows the manufacture or assembly of metal or fiberglass products and/or the manufacture or assembly of wood products, wholesale merchandising or storage warehouse. This final plan locks in the previously approved rezoning and allows the property to be developed as described on the approved plan.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify three criteria for approval:

All the required information is accurately portrayed on the Plan.

The Final Plan conforms to the approved Review Plan.

The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan.

After review of the submitted Final Plan, Staff has found that the plan meets these three criteria and is ready for approval by the Planning & Zoning Commission.

The property scored 83 points on the rating system.

Staff recommended approval of the Final Plan.

The Planning & Zoning Commission approved the Final Plan during its October 17, 2019 meeting.

There were no comments or questions from the Commission.

Commissioner Atwill open the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by RML Investment Properties to approve a Final Development Plan for Mobility Worldwide P.E.T. Mobility Center on 2.13 acres located at 4901 E Meyer Industrial Drive, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #467-2019**

5. **Quisenberry. S23-T50N-R12W. R-S. Shirley D Quisenberry and Kathryn M Quisenberry Family Trust, owner. Donald E. Bormann, surveyor.**

Stan Shawver said Quisenberry Subdivision is located on the west side of Route B just south of Hallsville. It is occupied by an existing single-family dwelling.

6. **Arrowhead Lake Estates Plat No. 2-A. A-2. 3WT Properties LLC, owner. David T. Butcher, surveyor.**

Stan Shawver said Arrowhead Lake Estates Plat No. 2-A is located on the west side of Arrowhead Lake Drive approximately 600 feet north of the intersection of State Route K and Arrowhead Lake Drive. The subject property is 5.49 acres in size and zone A-2P (Planned Agriculture).

7. **Starting Five. S16-T46N-R12W. A-2. Starting Five LLC, owner. David T. Butcher, surveyor.**

Stan Shawver said Starting Five is located on the south side of Palis Nichols Road approximately 900 feet south of the intersection of Webster Road and Palis Nichols Road.

All Plats Done On One Order

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorizes the Presiding Commissioner to sign them:

- Quisenberry. S23-T50N-R12W. R-S. Shirley D. Quisenberry and Kathryn M. Quisenberry Family Trust, owner. Donald E. Bormann, surveyor.
- Arrowhead Lake Estates Plat No. 2-A. S9-T47N-R13W. A-2. 3WT Properties LLC, owner. David T. Butcher, surveyor.
- Starting Five. S16-T46N-R12W. A-2. Starting Five LLC, owner. David T. Butcher surveyor.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #468-2019**

Emergency Management Operations

8. Second Reading; Approval Grant Application: State of Missouri Application for Federal/State Public Assistance (1st read 10-22-19)

Commissioner Atwill moved now on this day, the County Commission of the County of Boone does hereby approve the attached grant application by Boone County Emergency Management Operations for the State of Missouri Application for Federal/State Public Assistance.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Grant Application.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #469-2019**

Purchasing

9. Second Reading; RFP Award Recommendation: 33-22AUG19 – Credit-Debit Card Processing Services (1st read 10-24-19)

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby award Contract 33-22AUG19 – Credit-Debit Card Processing Services to Municipal Services Bureau (MSB) of Austin, Texas.

Terms of the award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #470-2019**

10. Second Reading; Purchase Agreement: 65-123119C – Timeclock Plus Perpetual License Agreement (1st read 10-24-19)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Perpetual License Agreement between Boone County and Timeclock Plus for Contract 65-123119C – Timeclock Plus Perpetual License Agreement.

Terms of the agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #471-2019**

11. Second Reading; Surplus Disposal: Interstate Trailer & Impala (1st read 10-24-19)

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of the following:

One (1) 2000 Interstate Trailer (no asset tag), by auction on GovDeals

One (1) 2003 Chevrolet Impala, fixed asset tag 14151, by auction with Missouri Auto Auction

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal Forms.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #472-2019**

12. Second Reading; Surplus Disposal: Computer & Peripheral Surplus Disposal (1st read 10-24-19)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of the following list of Computer and Peripheral Surplus through MRC Recycling Center.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal Forms.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #473-2019**

Commission

13. Public Comment

None

14. Commission Reports

None

The meeting adjourned at 9:05 p.m.

Attest:



Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



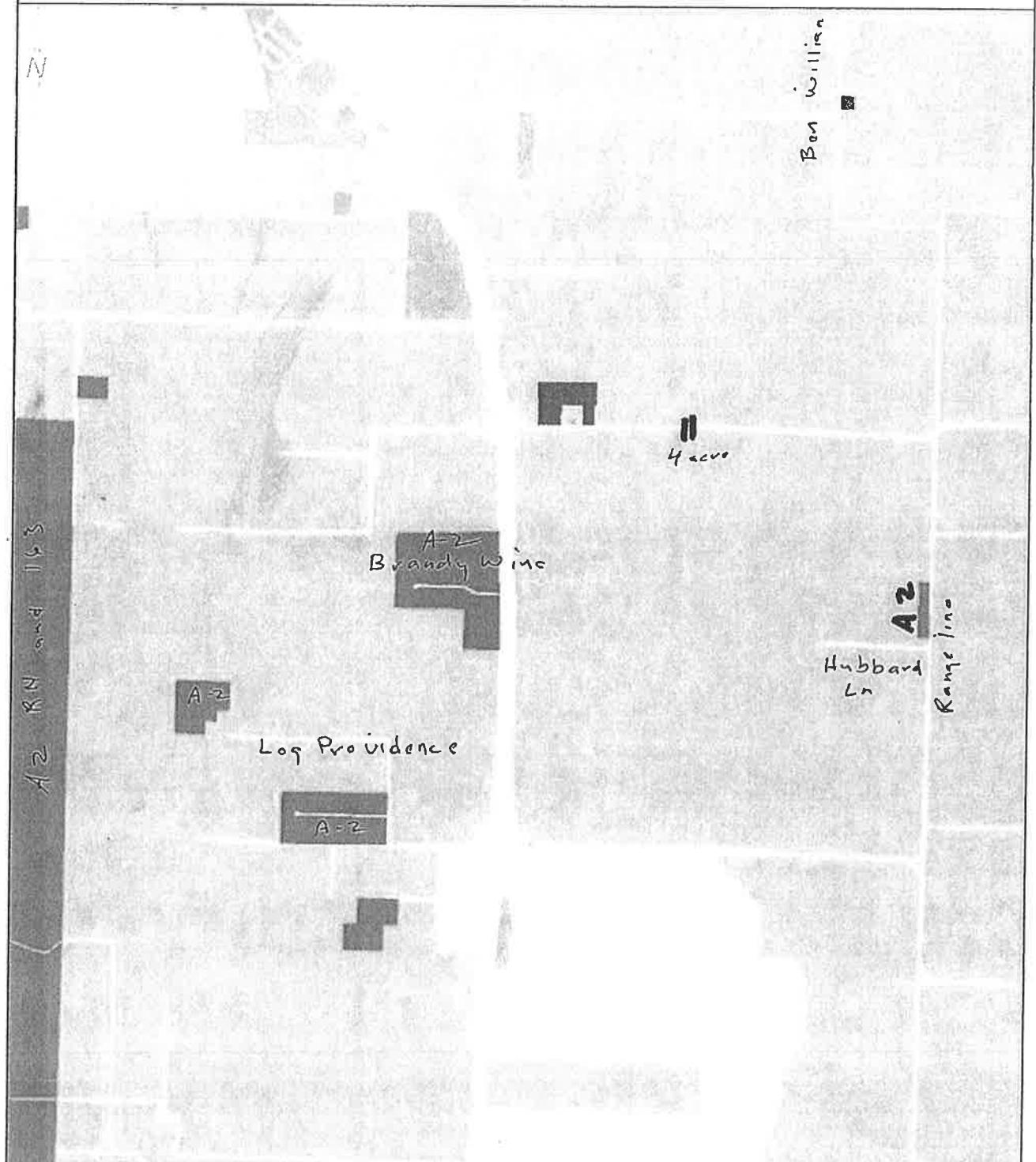
Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

Boone County Zoning Map # 1

Prepared by the Boone County Resource Management, (573) 886-4330



Boone County Resource Management

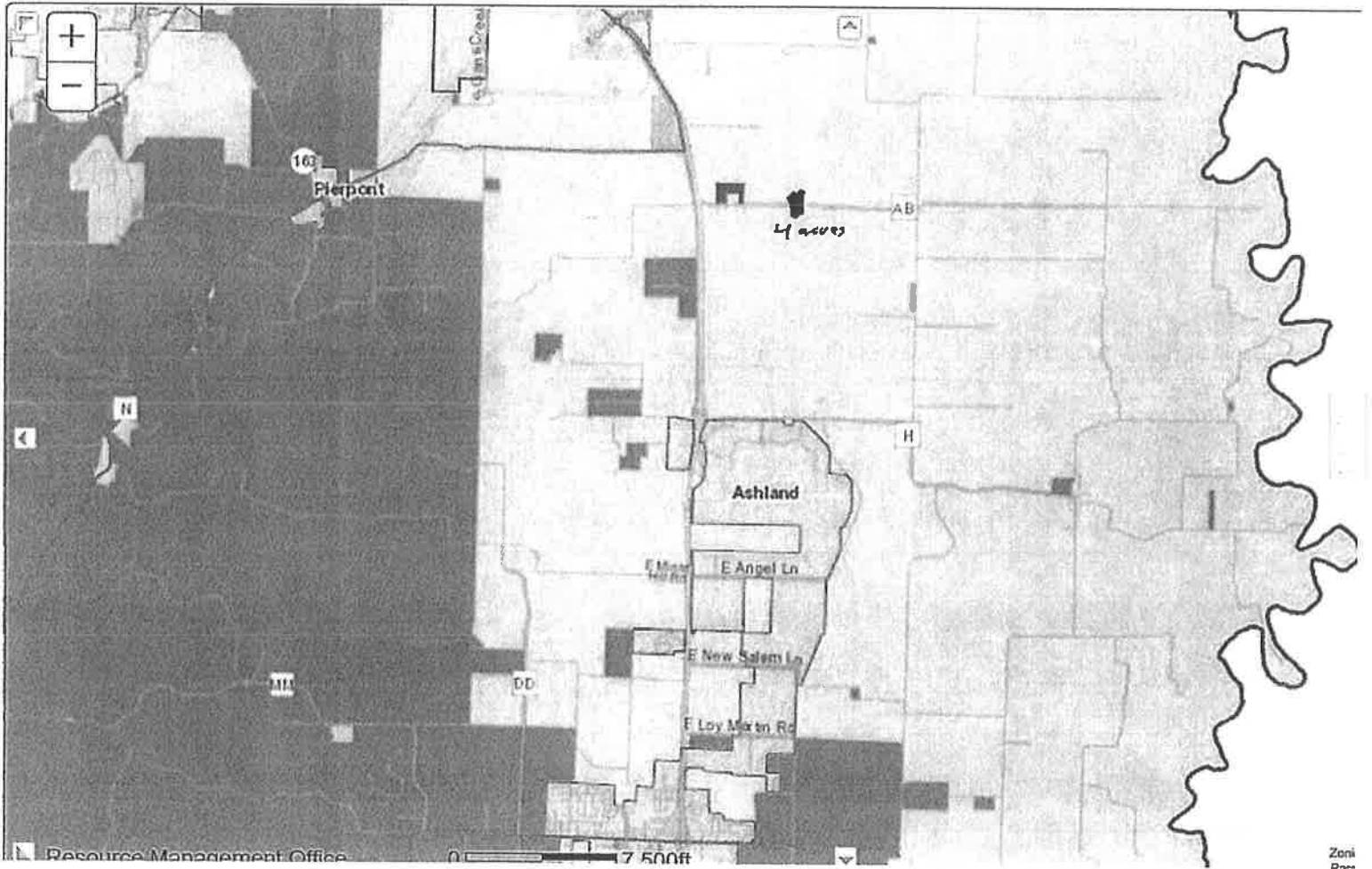
0  13,418ft

Orthophoto: 2011
Map Generated: 10/24/2019 1:11:18 PM

ATTENTION!

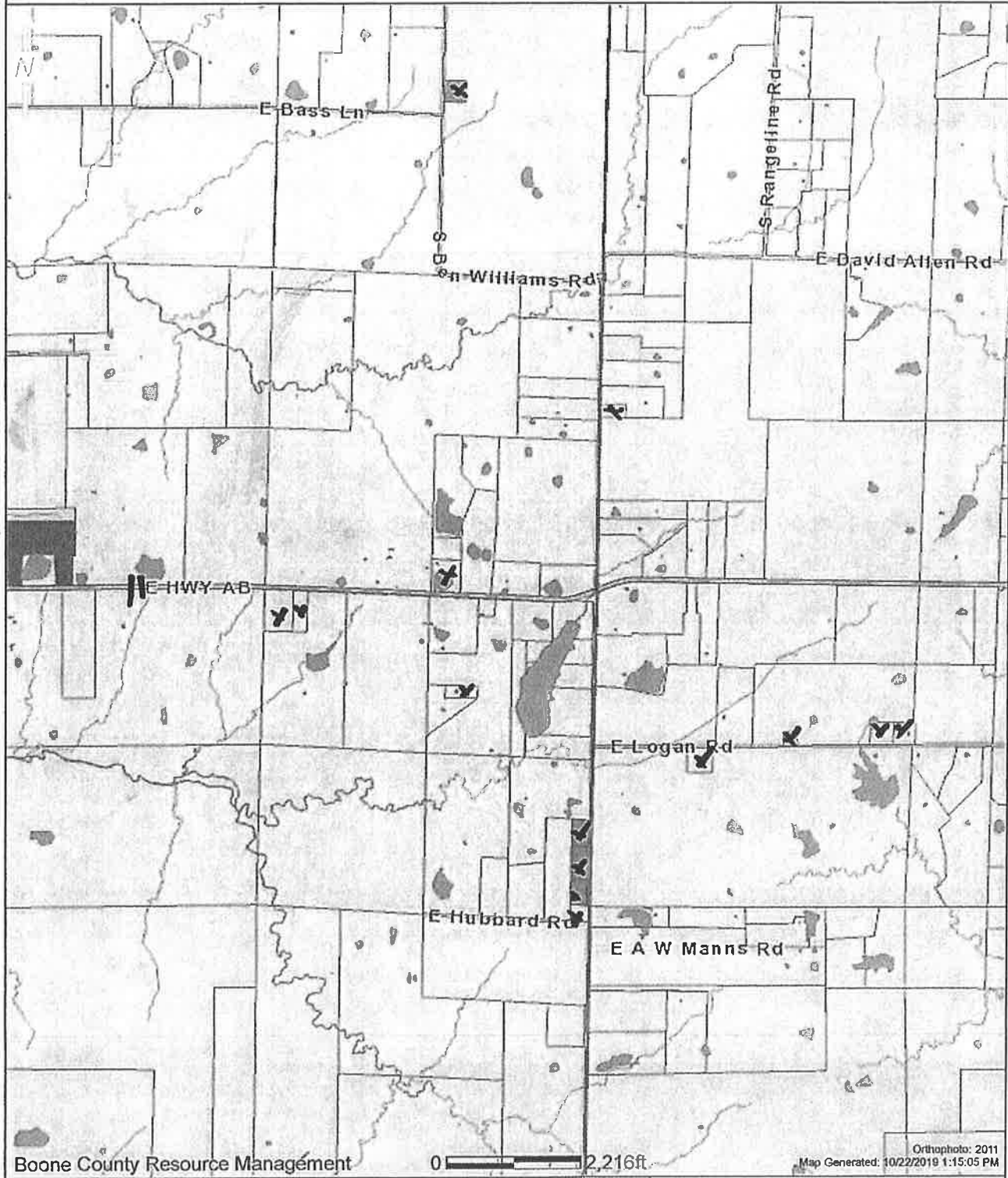
DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

Boone County Zoning Map # 2



Boone County Zoning Map

Prepared by the Boone County Resource Management, (573) 886-4330



Boone County Resource Management

0 2,216ft.

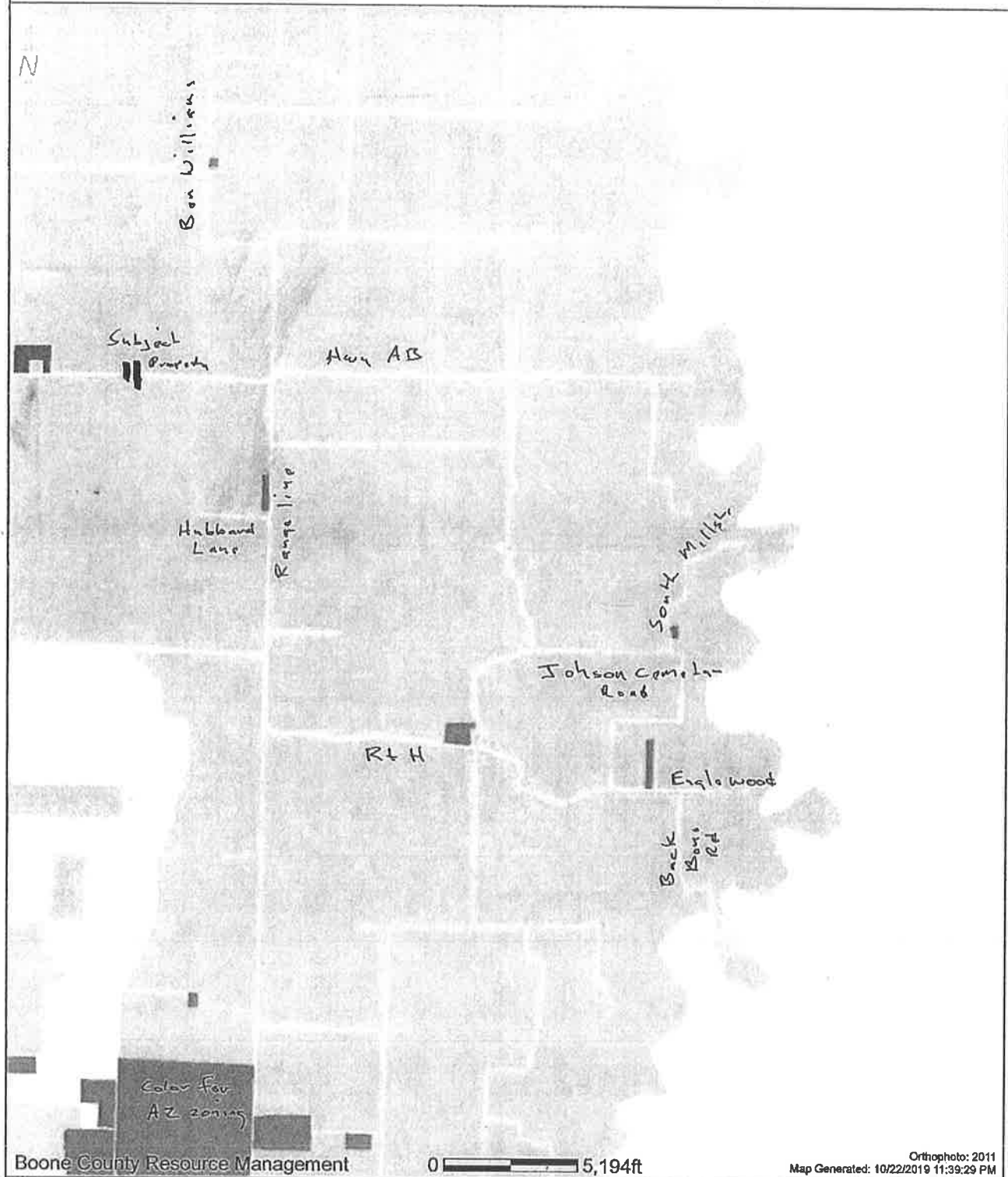
Orthophoto: 2011
Map Generated: 10/22/2019 1:15:05 PM

ATTENTION!!

DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

Boone County Zoning Map #2

Prepared by the Boone County Resource Management, (573) 886-4330



ATTENTION!!
DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:52 AM
To: Michelle Thompson
Subject: FW: Overton Property Rezoning and Perche Ridge Subdivision
Attachments: Perche Ridge Rezoning Letter From Sierra Club.docx

From: Carolyn Amparan <carolyn.amparan@gmail.com>
Sent: Wednesday, July 24, 2019 7:50 PM
To: Janet Thompson <JThompson@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; Dan Atwill <DATwill@boonecountymo.org>
Cc: Dee Dokken <deedokken@gmail.com>
Subject: Overton Property Rezoning and Perche Ridge Subdivision

Dear Boone County Commissioners:

Please find attached a letter from the Osage Group of the Missouri Sierra Club. This letter addresses concerns we have with the proposed rezoning and subdivision development of the 17 acre Overton property on Gillespie Bridge Road, Columbia, MO.

Any questions, may be addressed to me at this email address or sc.osage.group@gmail.com or 417-793-8600.

Sincerely,
Carolyn Amparan
Chair, Osage Group, Missouri Sierra Club

Boone County Commission
Boone County Government Center
Columbia, MO 65201

July 25, 2019



Dear Boone County Commissioners:

This letter is being submitted on behalf of the Osage Group of the Sierra Club and the 4200 members and supporters in Boone County. We are writing in regard to zoning and development issues in Boone County in general and specifically the rezoning and development of the Fred Overton property on 17.0 acres, more or less, located at 6001 W Gillespie Bridge, Rd., Columbia.

No Fill in Floodplains

The Overton proposal includes adding fill so that houses can be lifted above the elevation of an anticipated base flood also known as a 1% annual chance flood hazard or 100 year flood. Though this removes them from some flood regulations, it isn't a real solution. It damages the floodplain and the value it provides. Healthy floodplains are the result of thousands of years of floods and meanders. They store floodwaters and lower flood depths, recharge groundwater and reduce pollution.

Filling in the floodplain just moves the floodwater downstream and across the landscape to other areas less suited to perform these services. The best and most reasonable use of floodplains is for wetlands, agriculture, parks and greenbelts.

Heavier rainfall events are increasing localized flooding

This property is at even greater risk of flooding going forward than it has been in the past. "The role of human-induced climate change in the increasing frequency and severity of extreme weather events is well established."¹

For each 1 degree Celsius of warming, the air's holding capacity for water vapor goes up by almost 7 percent.² With more water vapor in the air, there is more water available to precipitate in extreme, single-event downpours.²

According to the US National Climate Assessment, the heaviest rainfall events have become heavier and more frequent across most of the United States. Since 1991, the amount of rain falling in very heavy precipitation events has been significantly above average. The Midwest has experienced a 37% increase in heavy downpours between 1958 and 2012.⁵

The Columbia area has already experienced a 10% increase in precipitation and is projected to experience at least a 7% increase in annual rainfall.³

If this development is approved as proposed, not only will some of the properties be exposed to a historical 100 year flood, even more will be exposed to a 500 year flood and even more than that to a 1000 year flood. There have been 17 once-in-a-thousand-year downpour events in the last nine years in the United States and greater numbers of lesser floods.

Scientists and risk experts are telling us that “Communities should plan defenses and emergency responses based on the climate of the future, not the past”⁴ Today’s 500-year floodplain could be tomorrow’s 100-year floodplain.⁴ “A FEMA commissioned study found many inland floodplains could expand in size by 45 percent by 2100, which would in turn greatly increase the number of vulnerable properties.”⁷

There are significant problems with FEMA’s flood maps. We cannot depend on the federal government alone to provide guidance on flooding and development. We must use our own knowledge of changing rain conditions and local conditions to make wise decisions for future home owners.

“Even FEMA’s newer maps are likely to fall short as an accurate indicator of flood risk because they don’t account for rapid rain accumulation, how buildings are constructed, climate change or expected population growth, among other things. “Until they do that, these maps will always be obsolete the day they come out,” said Larry Larson, senior policy adviser and director emeritus for the Association of State Floodplain Managers, a professional organization focused on reducing losses from flood damage.”⁶

Even FEMA says the maps only illustrate part of the risk picture. FEMA is interested in updating the maps to anticipate future conditions such as weather and land development but those projects are listed as “10+years” projects in a FEMA report to Congress. Only New York City has flood maps that consider any future climate change risk.⁶

“According to a 2013 report from the Congressional Research Service, just 18% of Americans living in flood zones have the required insurance”.¹ This is bad news for them and the governments responsible to help with relief after a flooding disaster. Who will be responsible to explain to the new home owners of Perche Creek subdivision the real flood risk for their home and how it might change over the next 3-75 years? Who will explain that perhaps they should buy flood insurance even though the federal government doesn’t require the purchase?

How will the homeowners feel if they find out with the next re-mapping that they need to buy flood insurance and can't afford it on top of their mortgage payments? What will they think of the fact that the County let the developer build and sell them homes that will have a diminished property value?

A West Area Plan is Needed

After this parcel was rejected for city annexation last year, it has been noted that the Perche Creek area needs some thoughtful consideration ahead of development pressure. When a pre-annexation agreement was passed by a 4-3 vote at the July 17, 2019 Columbia City Council meeting, the over-riding issue was the threat of a small sewage treatment discharge into already impaired local streams unless a connection to Columbia's sewer system was allowed.

At that time, several city council members voiced a desire for a West Area planning process, similar to the East Area Plan completed a few years ago. They want a process that includes city and county, landowners and stakeholders that will consider how best to protect what is valuable about this rural area as more development occurs. We've been told that discussion is on-going and hopefully there will soon be a city-county agreement to do a plan. This rezoning should be postponed until a larger community process takes place.

We strongly urge that the proposed rezoning of the Overton Perche Ridge subdivision from A-2 to R-S and the preliminary plat be denied. You must speak for the future home owners and say no to building in a designated 100 year flood zone.

Thank you.

Sincerely,

Carolyn Amparan
Chair, Osage Group, Missouri Sierra Club
Past Member Columbia Mayor's Taskforce on Climate Action and Adaptation

1. "Trends in the frequency and intensity of floods across the central United States", Journalist's Resource, Leighton Walter Kille, December 2015
2. Center for Climate and Energy Solutions, "Extreme Precipitation And Climate Change," accessed April, 2018. <https://www.c2es.org/content/extreme-precipitation-and-climate-change/>
3. Columbia Climate Action and Adaptation Plan, Climate in the Heartland report analysis, which used historical climate data from the Columbia Regional Airport weather station, 28 National Weather Service cooperative stations across Missouri, and climate change projections

completed by Iowa State University scientists based on downscaled data from the international Coupled Model Intercomparison Project 3 (CMIP3) and nine different global climate models.

4. <https://www.scientificamerican.com/article/extreme-floods-may-be-the-new-normal/>, August 2016

5. Katharine Hayhoe et al., U.S. National Climate Assessment—Heavy Downpours Increasing (U.S. Global Change Research Program, May 2014).

<http://nca2014.globalchange.gov/report/our-changing-climate/heavy-downpours-increasing>

6. <https://www.bloomberg.com/graphics/2017-fema-faulty-flood-maps/>, By Michael Keller, Mira Rojanasakul, David Ingold, Christopher Flavelle and Brittany Harris, October 6, 2017

7. <https://www.aecom.com/fema-climate-change-report/>

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:53 AM
To: Michelle Thompson
Subject: FW: Follow-up on of Meeting September 12
Attachments: Aug 5 Staff Report to Council.docx; Sep 5 Min-Staff Report to Council on WAP.pdf; P&Z memo on WAP.docx

-----Original Message-----

From: Jana Stephens <stjana@centurylink.net>
Sent: Saturday, September 14, 2019 1:00 PM
To: Janet Thompson <JThompson@boonecountymmo.org>
Subject: Follow-up on of Meeting September 12

Dear Ms. Thompson,

Thanks for your and Mr. Parry's time Thursday at the Boone County Commissioner Meeting. I will get the letter you and Mr. Parry requested off to you over the weekend.

My husband, Andrew Sieff, and I met with City Council Mike Trapp Friday afternoon. We communicated to him your need for an official notification that a West Area Plan is in the making. We also asked him to consider initiating, through a vote by City Council, a formal request to the Boone County Commission that you table final approval of the proposed Overton subdivision, pending creation of a West Area Plan.

I am also writing to the Mayor and all City Council Persons a letter that will communicate the points in the above paragraph.

I am attaching three City of Columbia reports that indicate some movement on the West Area Plan. Again, thank you for your time in hearing our concern

Sincerely,

Jana Stephens



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 5, 2019

Re: West Area Plan

On July 1, 2019 the City Council requested a report on the feasibility of a West Area Plan to guide development in the area west of the existing city limits. Such a plan is feasible with in-house resources, and Boone County officials are interested in collaboration on the plan.

Since receiving the request from Council, Community Development and Boone County Resource Management staff have met to discuss the logistics of a West Area Plan. Coordination of Planning & Zoning Commission, delineation of the west area boundaries, and outlining a schedule would be our initial tasks.

Two recent projects in the west area have brought the need for area planning to the fore: The Henderson Branch Sewer Project (with associated annexation proposals) and the Perche Ridge Subdivision proposal on Gillespie Bridge Road. The cost of infrastructure and the carrying capacity of the land to support continued urban development appear to be primary concerns. A well-considered plan could offer beneficial guidance to manage growth in the area.

Staff would propose the following steps:

1. Determine a tentative study boundary. Staff believes the boundary at its fullest extent could include territory from the north side of I-70/Hwy 40 in the north to south of Rte. K, west of the existing city boundary to the edge of the Columbia Area Transportation Study Organization (CATSO). This is a very large area but the majority of the territory within it is rural in character.
2. Data collection. Document the existing conditions with particular attention to land use/land cover patterns, infrastructure locations and capacities; development activity; and plans and projects.
3. Public outreach. Gather public, stakeholder, and Planning & Zoning Commission input on the representation of the existing conditions, and solicit goals and objectives of the plan.
4. Preparation and presentation. Write draft recommendations for public, stakeholder, and Planning & Zoning Commission review and comment.
5. Review and revision. Revise the plan recommendations as necessary and schedule plan for public input/public hearing sessions.
6. Public hearings. County and City Planning & Zoning Commissions approve the plan and recommend adoption to the County Commission and City Council.



7. Adoption of the Plan by the County Commission and City Council.

Plan Area

Staff would be inclined to break the West Area down into three distinct sectors: An I-70/Hwy 40 corridor sector; Gillespie Bridge Road sector; and a Rte K sector. Each has distinctive challenges.

Resources and Scheduling

Staff would propose to develop the plan in cooperation with City and County Planning & Zoning Commissions and using in-house resources. The only cost of the plan would be the diversion of staff time from other projects and some printing and postage expenses. Realistically, a plan prepared in-house will require 15-18 months to complete.

If additional technical tasks are desired, such as collection of traffic count data, this would be presented to the City Council/County Commission as part of a budget request.

The City and County have worked together in this manner before to develop the East Area Plan and the Northeast Area plans which remains a policy guidance document for city-county development on the east side of the metro area.

Short-Term Impact: Some printing and postage costs for initial public notifications; plan could be delivered with in-house resources over a period of 18 months

Long-Term Impact: Project would be complete within two years and possibly save some resources by facilitating decision-making

| Date | Action |
|------|--------|
| N/A | N/A |

Suggested Council Action

Direct staff to begin preparing a west Area Plan including the participation of the Boone County and Columbia Planning & Zoning Commissions

- charges.
- B236-19 Amending Chapter 17 of the City Code as it relates to Parks and Recreation fees.
- B237-19 Amending Chapter 29 of the City Code as it relates to planning and zoning processing fees.

X. REPORTS

REP68-19 West Area Plan.

Mr. Teddy provided a staff report.

Mr. Thomas commented that he was happy to see that this proposal was moving forward. He was not sure he had any specific suggestions with regard to the geographical scope. In terms of the planning process, he hoped the outcome would give some guidance to the zoning regulations and whether areas should be annexed into the City and receive City services. He asked if that would be a part of the scope of the process. Mr. Teddy replied he thought they would get to some land use recommendations, which would include not only the category but also the intensity and form of development. He believed they would want to look at some unique forms of development since it involved a very interesting countryside, particularly in the southern half. He commented that they did not view these as annexation plans, but it would be implied that if any of the recommendations involved a more urban density, the City would be best equipped to provide services to those areas.

Mr. Thomas stated they had talked a bit about clustered village-type developments with both residential and commercial uses, and thought it might be helpful if staff could do some research on those examples. He did not believe there were any around here, but thought they were quite common in the northeast. Mr. Teddy noted there was some literature on that, and a technique that would probably be used would be to present some of those concepts and obtain a public response. He explained that was what they had tried to do with the Central Area Neighborhood Plan that included West Ash Street. He commented that not all of the concepts were well received, but it had helped to drive the plan process forward. Mr. Thomas thought there would be a lot of learning opportunities for everyone.

Mr. Skala asked if this would be similar to the process used for the Northeast Area Plan in that it would be an in-house process with collaboration with the County and with public outreach. Mr. Teddy replied they would ultimately want to bring something to the Council and the Boone County Commission and seek adoption on an area plan that was a little more specific than the City's overall plan.

Mr. Pitzer asked if the Midway area north of I-70 would be included. Mr. Teddy replied yes. He stated he thought they were considering the Henderson Branch basin area and the area south of it. Mr. Pitzer commented that he thought the geographic scope suggested made sense. It sounded like a large area, but there was a lot of floodplain and it included the wastewater treatment plant. There were a lot of undevelopable areas so it was not as large as it seemed.

Mayor Treece asked how far south it would go. Mr. Teddy replied they were thinking to around Route K. He noted they would not go to McBaine. Mayor Treece understood it would be to the north and west side of Route K.

Mayor Treece stated he liked that this would be done in-house and in conjunction with the County.

Mr. Thomas asked if it would go as far out as the metropolitan planning organization (MPO) limits. Mr. Teddy replied he thought that was what would be proposed.

Mayor Treece asked when they would get started. Mr. Teddy replied he believed the next step would involve some ramp-up time, so likely in September, but noted they would want to consult with both planning and zoning commissions.

Mayor Treece understood the legislation that would be brought back would include some

of the detail to include the scope. Mr. Teddy stated they would outline a plan process once they had a chance to have more open discussions with the commissions.

REP69-19 Waiving application fees for rezoning to District O (Open Space District).

Mr. Teddy provided a staff report.

Mayor Treece asked Mr. Teddy if he would propose this as an amendment to the downzoning ordinance. Mr. Teddy replied the fee schedule had downzoning content in it. He noted a fee ordinance had been introduced tonight, and with the permission of the City Counselor, the Council could potentially amend it. Mr. Thomas asked if those fee changes were a part of the budget process. Mr. Teddy replied yes.

Mayor Treece asked if there was any objection to this. Mr. Thomas replied he viewed this as providing the same relief people received for downzoning to R-1. He noted he would support it and asked his fellow council members to support it as well. Mayor Treece thought they could visit it during the budget process if they were all agreeable.

REP70-19 Housing and Community Development Commission Recommendations on FY 2012 Surplus Funds.

Mr. Cole provided a staff report.

Mayor Treece asked if the funds had to stay within the scope of the CDBG. Mr. Cole replied they were general revenue funds so not necessarily. Mayor Treece stated his preference would be for those to be reverted back to the general revenue fund. Mr. Skala wondered if this should be discussed as part of the budget process as well.

Mayor Treece asked about the timing of the original allocation. Mr. Cole replied the original agreement had been dated August 19, 2013. Mayor Treece understood that was six years ago and reiterated he would be inclined to return it to general revenue and reappropriate it. He suggested they treat it the same as everything else. He commented that if it had been CDBG money, he would have kept it for that same purpose, but it was not.

Ms. Peters asked how they were funding the Cullimore Cottages. Mr. Cole replied they had \$70,000 left from the amount that had been allocated from general revenue funds and the remainder would come from CDBG and HOME dollars along with the development financing they would receive from a local bank. Ms. Peters asked for the total cost of that project. Mr. Cole replied he anticipated it would be close to \$2 million as it would involve a fairly major stormwater improvement project. He noted that would be about \$200,000 per house.

Ms. Peters asked if there was any requirement for this to come back to Council due to the cost or if staff would reevaluate the project. She thought that was significantly higher than had been anticipated. Mr. Cole explained most of their houses were about \$175,000-\$185,000. They were seeing an increase in costs each year. When they had put a bid out for the Lynn Street Cottages in 2017 the cost of the structures alone was around \$128,000. They put out a bid for those exact plans recently and they were around \$135,000. This was due to a variety of reasons, such as the tariffs, natural disasters, etc.

Mr. Trapp understood there were larger stormwater needs in the area and it was the wish of the neighborhood to deal with those robustly. Since it was a community benefit project, there were larger reasons for it. If there were funding difficulties, they would have to do it in phases. He noted he had been at the Housing and Community Development Commission meeting when they had made the recommendation and they had been enthusiastic about supporting that project. In 2013, microlending was a part of a social equity initiative and this seemed like another project that was for the community good. He asked Mr. Cole if that accurately represented the thinking of the Commission. Mr. Cole replied he believed it did.

Mr. Cole commented that if they took these funds away, they might be able to get it all out of CDBG and HOME dollars, but that would mean they would have to pull it from



MEMO

DATE: August 29, 2019

TO: Planning Commission Members

FROM: Patrick R. Zenner, Development Services Manager

Re: West Columbia Area Plan

Attached please find a council report and excerpts from the City Council's August 5 meeting relating to the preparation of an area plan for West Columbia. The attached documentation and meeting minutes indicate a desire by City Council for the plan to be prepared using in-house resource and in collaboration with the Boone County Planning and Zoning Commission similar to the Northeast and East Area Plans.

As one of the first steps in preparing to undertake this new planning activity, staff desires to obtain the Commission's input on how it would like to incorporate this project into its existing work program. The planning process is anticipated to extend over an 18-month period. From past experience completion of the plan will likely necessitate additional "special call" work sessions.

Following the Commission's indication of how it would like to incorporate this new activity into its work program, staff will be engaged with County personnel and take the necessary steps to have the County Planning and Zoning Commission authorized to participate. Upon such authorization, it is anticipated that a "scoping" meeting between the Commission's and staff will be scheduled to refine the study area, define plan objectives, and begin the data collection and analysis process.

Please feel free to contact me with questions.

Building & Site • CATSO • Housing Programs • Neighborhood Services • Planning • Volunteer Programs

 573.874.7474 Service Counter
573.874.7239 Administrative Offices

 701 E. Broadway, P.O. Box 6015
Columbia, Missouri 65205

 CoMo.gov
CoMo.gov/community-development

Our vision: Columbia is the best place for everyone to live, work, learn and play.

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:53 AM
To: Michelle Thompson
Subject: FW: Letter Regarding Joint Boone County-City of Columbia West Area Planning Process and Perche Ridge Development Proposal
Attachments: 191028^Thomas-Letter-to-County-Commission.pdf

From: Janet Thompson
Sent: Monday, October 28, 2019 8:32 AM
To: Stan Shawver <SShawver@boonecountymo.org>; CJ Dykhouse <CDykhouse@boonecountymo.org>
Subject: FW: Letter Regarding Joint Boone County-City of Columbia West Area Planning Process and Perche Ridge Development Proposal

From: Ian Thomas <ward4@como.gov>
Sent: Monday, October 28, 2019 6:22 AM
To: Fred Parry <fparry61@gmail.com>; Fred Parry <FParry@boonecountymo.org>; Janet Thompson <JThompson@boonecountymo.org>; Dan Atwill <DATwill@boonecountymo.org>
Subject: Letter Regarding Joint Boone County-City of Columbia West Area Planning Process and Perche Ridge Development Proposal

Boone County Presiding Commissioner Dan Atwill
Boone County District I Commissioner Fred Parry
Boone County District II Commissioner Janet Thompson

Dear Dan, Fred, and Janet:

Please include the attached letter in the public testimony for the Perche Ridge Development Proposal, and consider delaying approval of this project until a joint Boone County-City of Columbia West Area Planning Process has been completed.

Cheers, Ian

Ian Thomas
Columbia, Missouri City Council Member
ward4@como.gov, 573-239-7916
www.ianfor4th.com

2616 Hillshire Drive
Columbia, MO 65203

28th October, 2019

Boone County Commission (*Presiding Commissioner Dan Atwill, District I Commissioner Fred Parry, and District II Commissioner Janet Thompson*)

Boone County Government Center
801 E. Walnut St., Rm 333
Columbia, MO 65201-7732

Regarding: Joint Boone County-City of Columbia West Area Planning Process and Perche Ridge Development Proposal

Dear Dan, Fred, and Janet:

I am delighted that Boone County and City of Columbia planning staff have started to design a joint "County-City West Area Planning Process," focused on the portion of Boone County immediately west of the Perche Creek.

Over recent years, the need for a community-supported "West Area Plan" has become apparent, as development pressure in this area has increased. Columbia City Council has been asked to vote on projects such as the proposed Henderson Branch Sewer and Perche Ridge subdivision – the discussions have been contentious and the votes have frequently been 4-3 split decisions. It is good news that the City and County are now moving forward with a planning study and community engagement process, so that elected officials will have reliable and up to date information on which to base future votes.

I'm sure you would agree that it would be preferable for the City and County to conduct this process and formally adopt the "West Area Plan" before any major development is permitted in the area. ***Therefore, I am writing to you today to ask you to delay approval of the final plat of the Perche Ridge Development Proposal until completion and adoption of the plan.*** I realize this move might cause some hardship to Perche Ridge developer Fred Overton, but I contend that Fred would be able to design a better-accepted and, therefore, more successful development once the plan is in place.

I hope you will consider this request, so that we can honor the interests of all affected stakeholders, including County residents in this area, City of Columbia taxpayers, business owners, land owners, investors, and developers - all of whom should have input to a critically important plan, which will guide future policy on annexation, public infrastructure investment, and land use zoning.

Sincerely,



Ian Thomas
City of Columbia Council Member

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:54 AM
To: Michelle Thompson
Subject: FW: Perche Ridge Subdivision Environmental Concerns
Attachments: PercheRidgeLetter.docx

From: donna@clintonent.com <donna@clintonent.com>
Sent: Monday, October 28, 2019 2:08 PM
To: Janet Thompson <JThompson@boonecountymo.org>
Subject: FW: Perche Ridge Subdivision Environmental Concerns

Second try. Missed a letter in your name on the first try. Thanks!

From: donna@clintonent.com <donna@clintonent.com>
Sent: Monday, October 28, 2019 1:18 PM
To: datwill@boonecountymo.org
Cc: Donna@ClintonEnt.com; fparry@boonecountymo.org; jthomson@boonecountymo.org
Subject: Perche Ridge Subdivision Environmental Concerns

Dear Commissioners,

Please see my attached letter on the proposed Perch Ridge Subdivision which outlines my concerns for compliance with federal environmental laws. I wish I would have know of it sooner! I am trying to scan the additional IPaC report from the USFWS mentioned in the letter. If my scanner won't cooperate then I will have it dropped by your offices. Feel free to contact me with any questions you may have. I should be available all day today and tomorrow.

Thank you!

Donna S. Clinton
4900 McKenna Ct.
Columbia, MO 65205
Ph: 406-581-5289

October 28, 2019

Donna S. Clinton
4900 McKenna Ct.
Columbia, MO 65203

Dear Commissioners,

I am writing to you today as a concerned citizen regarding the proposed Perche Ridge project west of Perche Creek here in Columbia, MO. As a retired environmental consultant and the former Environmental Compliance Specialist with MDC, this project caught my ear during a Channel 17 evening broadcast this past Sunday. I drive the Gillespie Bridge road often and am somewhat familiar with the area. During times of heavy rain fall I always check the MoDOT app. to make sure the road isn't closed due to flooding. I was shocked to hear of a proposed development in this vulnerable area.

Upon further review of the information I could find I am even more concerned with the project's lack of environmental review. I spoke with the US Army Corps of Engineers (COE) this morning to see what, if any, due diligence has been completed by the project Engineers regarding wetlands. According to Agent James Reenan, no consultation has been initiated for the project to date. This is very surprising given the nature of the flooding concerns as well as how far along the project layout and timing has already progressed. I am further dismayed at the proposal to fill in an existing pond for the development. This pond appears to be a jurisdictional Water of the US (WUS) and therefore subject to federal jurisdiction under **Section 404 of the Clean Water Act**. What are the plans to mitigate for this loss of a protected WUS? That needs to be determined prior to final project approval. A wetland delineation of the subject property, by a qualified consultant, should be undertaken prior to final approval to determine what, if any, other WUS are to be impacted. An acceptable mitigation plan should also be developed prior to approval so that no WUS are lost or are mitigated for in an acceptable manner. A wetland bank is required to be used in the state of MO for lost wetlands. A determination of wetland credits lost and those needing to be purchased should be undertaken prior to City approval. Not all wetlands are created equally with some requiring more credits than others and therefore the on-site delineation should be done for this type of determination.

After looking at this project as I would have for any other project from an environmental protection standpoint, I decided to run the US Fish and Wildlife Services (USFW) IPac report for threatened and endangered (T&E) species and critical habitat. I have attached this report for your review and consideration. It is watermarked "Not for Consultation" which has legal implications under Section 7 of the Endangered Species Act. "Consultation" is used by the USFWS. This report was for informational purposes only. To summarize it, there are three potential T&E bat species listed here. It also lists wetlands for the subject property in the National Wetlands Inventory (NWI) system. The NWI maps have data limitations and need to be ground-truthed for accuracy. That ground-truthing requires an on-site wetland delineation, by a qualified consultant, and a subsequent jurisdictional determination and concurrence by the COE. Habitat concerns and T&E legal requirements are administered by the USFWS under **Section 7 of the Endangered Species Act**. They have an office in Columbia and are available for questions.

Finally, I would like to point out that not far from this site at an additional subdivision on the other side of Perche Creek is an Indian burial mound. It was preserved by the developer and overlooks the valley below. Under the National Historic Preservation Act, which is administered by the **State Historic Preservation Office (SHPO)** in Jefferson City, a review of this site and perhaps an on-site survey may be warranted given the proximity to the other historic site(s).

These are the federal laws which need to be considered and whose compliance allows for more responsible development for all projects. Columbia is a beautiful city with many demands for growth which will only continue into the future. That growth can be guided by many opinions, legal facts and environmental laws just to name a few, none of which should be ignored. Responsible development is achievable once a proposed project site is properly evaluated and any constraints identified and mitigated for in a reasonable manner. Thank you for your consideration.

Sincerely,
Donna Clinton

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:54 AM
To: Michelle Thompson
Subject: FW: PERCHE RIDGE DEVELOPMENT ON 17 ACRES

From: Donald Emery <donald@donemery.com>
Sent: Monday, October 28, 2019 3:34 PM
To: Janet Thompson <JThompson@boonecountymo.org>; Dan Atwill <DATwill@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; MHALL@boonecountymo.com
Subject: PERCHE RIDGE DEVELOPMENT ON 17 ACRES

First I want to thank you all for listening to both sides of this issue and know you'll make the right decision.

Don Emery
CRS, GRI, ABR and BS in Ag KSU 1966
Broker / Salesperson
Member REMAX Hall of Fame since 2002
RE/MAX Boone Realty
33 E. Broadway, Suite 200
Columbia, MO 65203
Office: 573-876-2881
Cell: 573-999-WORK (9675)
Fax: 573-817-WORK (9675)
www.DonEmery.com
Donald@DonEmery.com

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Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:54 AM
To: Michelle Thompson
Subject: FW: Perche Ridge Development

From: Karl Skala <ward3@como.gov>
Sent: Tuesday, October 29, 2019 2:15 PM
To: Janet Thompson <JThompson@boonecountymo.org>
Subject: Perche Ridge Development

Commissioner Janet Thompson,

Following a split 4-3 Council decision to extend City sewer access to the Perche Ridge development, the Mayor, Councilman Thomas, and I publicly agreed to send each of the County Commissioners a message in support of County/City cooperation with respect to a "West Area Plan" and to respectfully request that the proposal for Mr. Overton's Perche Ridge development be tabled until such time that proper planning can precede development in the undeveloped areas west of Perche Creek.

From the 10/27/10 Columbia Daily Tribune:

"Community Development Director Tim Teddy said a joint county-city plan would be the best option for development west of Perche Creek, which has been long considered a natural boundary of the city. If the city accepted annexation of the area to support the development, he said, it would likely cause a domino effect — more proposals would follow Overton's, and some type of plan would be needed to govern development."

I remain concerned about flooding issues in particular, and the lack of proper sub-area planning west of Perche Creek, in the larger context. Please consider a prudent delay.

Thank you for your consideration.

Best Regards,

Karl Skala
Mayor Pro Tem and Third Ward Councilman

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:54 AM
To: Michelle Thompson
Subject: FW: Scan of Letter to County Commission re West Area Plan
Attachments: Letter to County Commission re West Area Plan.pdf

From: City of Columbia Mayor <mayor@como.gov>
Sent: Friday, November 22, 2019 11:35 AM
To: Dan Atwill <DATwill@boonecountymo.org>; Janet Thompson <JThompson@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; Sheela Amin <Sheela.Amin@como.gov>
Subject: Fwd: Scan of Letter to County Commission re West Area Plan

Commissioners--

Attached please find a letter from the Columbia City Council regarding our support for a proposed collaboration on a West Area plan. We look forward to our professional planning staff working together as this area continues to develop. Please do not hesitate to contact me if you have any questions. A formal letter will be delivered as well.

Sincerely,
Brian Treece



November 22, 2019

Boone County Commission
Boone County Government Center
801 E. Walnut Street, Room 333
Columbia, MO 65201-7732

Re: Joint Boone County-City of Columbia West Area Planning Process

Dear Commissioners Atwill, Parry, and Thompson:

At the November 18, 2019 Columbia City Council Meeting, the Columbia City Council voted unanimously to relay our desire to move forward as quickly as possible with a joint "County-City West Area Planning Process," focused on the portion of Boone County immediately west of the Perche Creek.

Over recent years, the need for a community-supported "West Area Plan" has become apparent, as development pressure in this area has increased. The Council has been asked to vote on projects such as the proposed Henderson Branch Sewer and Perche Ridge subdivision without clear guidance from Boone County or City of Columbia voters. If the City and County implement a joint planning study and community engagement process, elected officials in both jurisdictions will have reliable and up to date information on which to base future decisions.

Therefore, we request that you authorize the Boone County planning staff to collaborate with the City's planning staff to design a process that will include County residents in the area, City of Columbia taxpayers, business owners, land owners, investors, and developers - all of whom should have input to a critically important plan, which will guide future policy on annexation, public infrastructure investment, and land use zoning.

Sincerely,

Brian Treece
Mayor

Enclosure: City staff letter to County staff dated October 16, 2019

 573.874.7222

 701 E. Broadway, P.O. Box 6015
Columbia, Missouri 65205

 CoMo.gov

Our vision: Columbia is the best place for everyone to live, work, learn and play.



City of Columbia

Community Development Department

701 EAST BROADWAY • PO BOX 6015 • COLUMBIA, MO 65205-6015

October 16, 2019

Stan Shawver, Director
Boone County Resource Management
Boone County Government Center
801 E Walnut, Rm. 315
Columbia, MO 65201-7732

RE: West Area Plan

Mr. Shawver:

By this letter I am requesting, on behalf of the City Manager, City Council, and Columbia Planning & Zoning Commission, participation of the Boone County Planning & Zoning Commission and Resource Management staff in a joint County-City West Area Plan. As you are aware, the Council on August 5, 2019 reviewed and discussed a staff report on the idea of collaborative planning in the "west area." While the Council did not take formal action, they are interested in the project and I am authorized by the City Manager to request County participation.

As we discussed, we envision a plan for the area west of the existing city limits to the west boundary of the CATSO Metropolitan Planning Area (i.e., as far west as Booth/Dometorch/Hickory School/Route O), and from I-70/US Hwy 40 on the north to State Route K on the south. The plan would be similar in nature to our previous successful joint County-City plans in the Northeast and East Areas. The plan would be developed "in-house" with existing staff, commission, and budget resources. We would expect that approximately 18 months would be needed to complete the plan.

Please advise if this communication is sufficient to initiate the joint planning process, or if there are any questions or concerns. We look forward to working with you.

Sincerely,

Timothy Teddy
Community Development Director

c: John Glascock, City Manager
Pat Zenner, Development Services Manager

Building & Site Development
(573) 874-7474
Fax (573) 874-7283

Neighborhood Services
(573) 817-5050
Fax (573) 442-0022

Planning & Zoning
(573) 874-7239
Fax (573) 874-7546

TTY 1-800-676-3777 MO Relay

www.gocolumbiamo.com/communitydevelopment

Michelle Thompson

From: Janet Thompson
Sent: Thursday, December 5, 2019 8:55 AM
To: Michelle Thompson
Subject: FW: Overton housing development

From: Therese Folsom <theresefolsom@yahoo.com>
Sent: Monday, October 28, 2019 9:22 AM
To: Dan Atwill <DATwill@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; Janet Thompson <JThompson@boonecountymo.org>
Subject: Overton housing development

Commissioners,

I am writing to express my concerns about proceeding with the Overton development before working with the City of Columbia to develop a West Area Plan for development in this floodplain. Any development in this area will impact the City of Columbia as well as the surrounding floodplain.

I support tabling a decision to move forward with this development before proceeding with any development in this area. This is a very ecological sensitive area and creating a reasonable plan to move forward on future development is necessary. The large scope of the 660+ acres of possible development will have far reaching impacts. It just makes sense to proceed in a thoughtful and well planned manner.

It is my understanding that the County Commission wants a formal vote of the Columbia City Council to start with this development before proceeding with a West Area Plan.

As a citizen of the City of Columbia I plan to contact the Columbia mayor and all the council persons and request them not to support the Overton development until the full impacts of this development and future developments in the area are studied and planned for.

Therese Folsom
111 N. Greenwood Ave.
Columbia, MO 65203