

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Justin Aldred  
District II Commissioner Janet Thompson  
Chief Juvenile Officer Ruth McCluskey  
Director of Resource Management Bill Florea  
Deputy County Clerk Jodi Vanskike

Public Present: Kevin Schweikert - Surveyor, Brent Elliott – Schmidt Billiards, Fred Schmidt – Schmidt Billiards, Cody Darr – Central Missouri Professional Services

**Conference Call Information:**

**Number: 425-585-6224 Access Code: 802-162-168**

The meeting was called to order at 7:00pm.

**13<sup>th</sup> Judicial Circuit Court**

**1. First Reading: Juvenile Court Diversion Grant**

Chief Juvenile Officer Ruth McCluskey stated this grant is a three-year cycle and they have been receiving this grant in their office since 1995. Ms. McCluskey stated this grant fund two of the deputy positions, as well as their benefits. Ms. McCluskey stated the total amount they are requesting is \$97,195.09 a year for three years.

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

**P & Z**

2. **Petition to Vacate Lots 4-8, and 10 of Nature Trail Ranchettes First Plat as shown in Plat Book 11 Page 281 and Lots 11-48 of Nature Trail Ranchettes Second Plat as shown in Plat Book 11 Page 306 of the Boone County Records. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following memo: Petitions have been submitted by Alta Vista Properties LLC to vacate Lots 4-8 & 10 of Nature Trail Ranchettes First Plat as recorded in Plat Book 11 Page 281 of Boone County Records and Lots 11-48 of Nature Trail Ranchettes Second Plat as recorded in Plat Book 11 Page 306 of Boone County Records. The Boone County Subdivision Regulations are entered into the record of this meeting.

A previous request to vacate the subject plats was approved on the 29<sup>th</sup> of December 2015. Following that vacation approval, a Preliminary Plat of Delmar Estates was approved in February of 2016. A final plat for Delmar estates was approved by the Planning and Zoning Commission in November 2016. While not recorded, Delmar Estates is the currently approved plat for this property. Acceptance and recording of Delmar Estates is pending until proper infrastructure installation is complete. The currently approved vacation would go into effect upon the recording of Delmar Estates.

Nature Trail Ranchettes 1<sup>st</sup> Plat was platted in June of 1977. Nature Trail Ranchettes 2nd Plat was platted in September of 1977. These original two plats contained 48 lots with public right of way, the streets were not built. Delmar Estates approved by P&Z in November 2016 contains 45 lots with public streets. It is the intent of the petitioners to redesign the subdivision into 14 lots ranging from 5-acres to 20-acres with private easements for access. If the requested vacation and conceptual replat is approved, the vacation does not go into effect until the new proposed Final Major Plat is recorded.

In accordance with Boone County Subdivision Regulations Section 1.8 the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services and will not generally adversely affect the health, welfare or safety of persons owning or possessing real estate within the subdivision.

The proposed replat is not in keeping with the character of the area as established by the original and subsequent plats. The character of the area, since the original plats were approved in 1977, is that of an under-developed suburban residential development. There are two homes that have been developed on the suburban sized lots as well as some roadway constructed under approved plans in the right-of-way dedicated by the former and current plat which eventually can be expected to result in a through connecting public road from Hatton Chapel Road to O.B. Brown Road. The proposed concept of the replat is not suburban in nature but rural, and eliminates the

potential for the though street, therefore it is not in keeping with the current neighborhood character.

Granting the vacation request will adversely affect future traffic conditions, circulation, location and alignment of streets within the subdivision. Approval of the vacation would result in the County vacating approximately 4,500 feet of existing public right-of-way that terminates approximately 1500 feet south of O.B. Brown Road. The plat of Delmar Estates extends that right of way to the north property line which, is approximately 800 feet south of O.B. Brown Road. If extended the additional 800 feet, the right of way would provide a through connection between Hatton Chapel Road and O.B. Brown Road. The currently approved plat maintains the potential for construction of a new through public roadway which would provide traffic choice when connected. As the County continues to develop, additional through roads will be necessary to ensure traffic dispersal and emergency access.

A waterline extension with fire hydrant spacing at 500 feet intervals is required as part of any Final Major Plat regardless of which development eventually gets recorded. However, the Consolidated Public Water District #1 and Boone Electric have expressed concern that the current proposal might lack the density that is necessary to efficiently support the required infrastructure. Prior to the current proposal, the utilities were planning to serve 45 homes. The vacation will adversely affect public health, safety, and welfare. Private access, even with private agreements in place, does not provide the same level of service as public roadways with respect to maintenance and quality of roadway. The proposed concept would adversely affect the health, welfare and safety because it relies on private access. Publicly maintained roadways can more readily and consistently provide proper ingress/egress in emergency conditions and access to public safety infrastructure such as fire hydrants.

Staff recommends denial of this request because the proposed concept fails to meet the requirements of Section 1.8.1.3 of the Boone County Subdivision Regulations and is detrimental to the character of the neighborhood, will adversely affect future traffic conditions, circulation, location and alignment of streets within the subdivision, does not support/promote the same level of public utility infrastructure to the area, and adversely impacts health, welfare, and safety when compared to the currently approved plat.

Commissioner Atwill opened the public hearing. Surveyor for Brush and Associates, Kevin Schweikert, stated he has a written statement to submit into the record, which will be attached to the official minutes. Mr. Schweikert also stated there is flood plain on the west end, a lot of drainage, hills and valleys and the platting of Nature Trail Ranchettes is along the ridgetop and towards Hatton Chapel, off to the west a little bit. Mr. Schweikert stated they would be developing the whole site, except one lot that was already sold. Mr. Schweikert stated what they are trying to do with the review plan is to reduce the infrastructure by allowing for a private road to access these 12 properties, with an access easement and maintenance agreement, in order to not create a public County road. Mr. Schweikert stated the infrastructure cost of this has killed the last couple of developers who tried to develop the area with smaller lots. Mr. Schweikert stated the previous developers all ran the numbers and found the breakover point is about 75 lots to make them pay out, Delmar has 45, and they can't make it work financially. Mr. Schweikert stated they can't fit 74 or 75 lots on the tract. Mr. Schweikert stated he thinks it lends itself to more of a County feel. It still has a gravel public road in that section.

Commissioner Atwill asked “At the present time, with the present zoning, 45 properties could be developed, correct?” Mr. Schweikert stated yes, it’s a large tract and two and a half acres is the minimum size for the lots. Mr. Schweikert stated it has 45 lots on it, but it won’t be built by the current owner because they can’t make it work financially. Mr. Schweikert stated he thinks the problem with getting this land developed, clear back to 1977, has been the finances. Commissioner Thompson stated that the Commission is bound by the Section 1.8.1.3 subdivision regulations which essentially state no subdivision plat may be vacated in whole or in part, unless A. the owner of the land for which vacation is sought petitions the County Commission in writing and B. the County Commission finds after public hearing that vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, proper location alignment and improvement of the streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services and will not generally adversely affect the health, welfare or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Commissioner Atwill closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby deny the request by Alta Vista Properties, LLC to vacate Lots 11-48 of Nature Trail Ranchettes 2<sup>nd</sup> Plat as shown on Plat Book 11 Page 306 of Boone County Records. Said denial is based on finding that the vacation and proposed replat fails to meet the requirements of Section 1.8.1.3 of the Boone County Subdivision Regulations and will be detrimental to the character of the neighborhood, will adversely affect future traffic conditions, circulation, location and alignment of streets within the subdivision, does not support or promote the same level of public utility infrastructure to the area, and adversely impacts health, welfare, and safety when compared to the currently approved plat.

Commissioner Thompson seconded the motion.  
The motion carried 2 to 0. **Order #190-2022**

**3. Request by Bridget Early for a conditional use permit for a private family cemetery in the A-2 zoning district on one acre located at 21 & 31 E Audubon Rd, Columbia. (Open Public Hearing).**

Teresa Sterling, applicant’s sister, was on the phone and stated the applicant is unable to be in attendance this evening due to her son getting married tomorrow. Kevin Schweikert, surveyor, stated they would like to table this item since he had not completed the necessary survey work.

Commissioner Thompson stated on this day, the County Commission of the County of Boone does hereby move to table the request by Bridget Early until the May 31<sup>st</sup> County Commission meeting.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #191-2022**

**4. Request by Joseph A & Kelly Eagle to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) and to approve a review plan on 5 acres located at 6910 S High Point Ln, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed these requests at its April 21, 2022 meeting and voted to recommend approval on a unanimous vote.

The property is located at the southeastern corner of the intersection of State Route K and High Point Lane, adjacent to the City of Columbia to the west. The property is 5 acres in size, 4.7 acres after dedication of right of way. The property has substantial regulatory stream buffer to the north and west along the property boundary. FEMA floodplain runs concurrent to the stream buffer. An existing house and on-site wastewater lagoon are present on the property. The property is zoned A-2 (Agriculture). Adjacent zoning is:

- South - A-2;
- East - R-DP (Planned Two Family) New Town Subdivision;
- North, across Route K - R-SP (Planned Single Family) Old Plank Village Subdivision;
- West – City of Columbia R-1, Oak Park Subdivision.

The R-DP New Town subdivision is from a 2019 rezoning. The R-SP Old Plank Village is from a 2003 rezoning. The existing A-2 zoning is original 1973 zoning. The proposal scored 70 points on the point rating system.

The proposal seeks to rezone the 5 acres to Planned Agricultural Residential and utilize the density of the proposed zoning district to construct a second house on the lot. The Boone County Master Plan designates this area as being suitable for residential land uses. The sufficiency of resources test was used to analyze this request.

Utilities: The subject property is within Consolidated Public Water Supply District. Boone Electric Cooperative provides power. The existing house is served by an on-site wastewater system under the jurisdiction of the Columbia/Boone County Health Department. The applicant has obtained written approval from the Boone County Regional Sewer District to connect both the existing house and proposed house to public sewage lines to be served by the South Route K wastewater treatment facility. The review plan states that the existing lagoon will be removed.

Transportation: The property has driveway access onto High Point Lane, a Boone County maintained road. A 33' halfwidth right-of-way will be dedicated along High Point Lane and a 50-foot halfwidth right-of-way for Route K with a subsequent subdivision plat.

Public Safety: The Boone County Fire Protection District provides fire protection for the property. The nearest station, Station 8, is 2 miles east along Route K.

Zoning Analysis: This request meets the sufficiency of resources test and does not change the overall character of the surrounding properties. Addition of the proposed house on the property

will match the residential use of the surrounding area and will have minimal impact to traffic, utilities, and safety resources.

Staff notified 132 property owners.

Staff recommended approval of this rezoning request and review plan subject to the following conditions:

1. That a sewer connection plan is submitted to both the Boone County Regional Sewer District and the Director of Resource Management before the submission of a Final Plan.
2. The property is platted according to the requirements of the Boone County Subdivision Regulations.

Commissioner Atwill opened the public hearing. Kevin Schweikert, Surveyor for Brush and Associates stated Mr. Eagle wants to build two houses on his lot. Mr. Schweikert stated the review plan and final plan have already been approved by P&Z, and to benefit the County, they have dedicated the right-of-way for two public roads, and will get rid of an on-site sewage system.

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 Joseph and Kelly Eagle to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 5 acres located at 6910 S. Highpoint Lane, Columbia.

AND

Now on this day, the County Commission of the County of Boone does hereby approve the request by Joseph and Kelly Eagle for a Review Plan for Eagle A-RP Review Plan, 6910 S. Highpoint Lane, Columbia. Subject to the following conditions:

1. That a sewer plan is submitted to both the Boone County Regional Sewer District and the Director of Resource Management before submission of the Final Plan.
2. The property is platted according to the requirements of the Boone County Subdivision Regulations.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #192-2022**

5. **Request by Frederick E. Schmidt to rezone from A-2 (Agriculture) and C-GP (Planned General Commercial) to C-GP and to revise an approved review plan in the C-GP zoning district on 3.47 acres located at 601 N Hwy UU, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed these requests at its April 21, 2022 meeting and recommended approval on a unanimous vote.

The property is located on State Route UU, less than ½ mile south of the intersection of Van Horn Tavern Road and State Route UU. It is approximately 9.6 acres in size and has a house, garage, warehouse, and showroom present. The property is split-zoned A-2 (Agriculture) & C-GP (Planned General Commercial). The adjacent zoning is:

- North, south, and west, A-2
- East, across Route UU - A-1(Agriculture) and M-LP (Planned Light Industrial).

The A-2 is original 1973 zoning, the adjacent M-LP was rezoned in 1988, and the existing C-GP on the subject property was rezoned in 1989. This property was rezoned and had a C-GP review plan approved by the County Commission in December of 2021.

Schmidt Billiards rezoned approximately .25 acres of A-2 to C-GP in 1989. This request modifies the boundary of the 2021 C-GP zoning to better serve the desired expansion on the property.

The Boone County Master Plan identifies this area as being suitable for residential land uses. The sufficiency of resources test was used to evaluate the 2021 rezoning request. Sufficient resources were found to be present. The findings of that analysis are valid with respect to this minor boundary revision.

Zoning Analysis: The previously approved review plan was designed to be specific for this business and matches the subtlety of the current business presence. This revised plan does not change the character of the request, it is just changing its shape to better serve the property owner.

The property scored 45 points on the rating system.

Staff recommended approval of the rezoning request and revised review plan.

Commissioner Atwill opened the public hearing. Brent Elliott with Allstate Consultants stated they are back here today simply because the demand for the size of his warehouse needed to be bigger and to do that, they needed to readjust the legal boundary that was previously described. Mr. Elliott stated the area within the CGP will remain the same, it's just adjusting the west lot line to the east and pushing the north lot line further north to accommodate a larger building.

Commissioner Atwill closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the request by Frederick E. Schmidt to rezone from A-2 (Agriculture) to C-

GP (Planned General Commercial) and to revise an approved review plan in the C-GP district on 3.47 acres located at 601 N Highway UU, Columbia.

AND

Now on this day the County Commission of the County of Boone does hereby approve the request by Frederick E. Schmidt for a review plan in the C-GP district on 3.47 acres located at 601 N Highway UU, Columbia.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #193-2022**

**6. Request by Bill & Pamela Vaughn to rezone 1.6 acres from A-1 (Agriculture) to A-2 (Agriculture) located at 21470 S Westbrook Dr, Hartsburg. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed these requests at its April 21, 2022 meeting and recommended approval on a unanimous vote.

This property is on the east side of Westbrook Drive approximately 2000 feet south of the intersection with US 63. The parcel is approximately 5.26-acres in area and is currently split zoned with the northwestern 1.6-acres zoned A-1 (agriculture) and the remaining 3.66-acres zoned A-2 (agriculture). The original zoning for this property was A-1, the A-2 portion of this property was included in a rezoning request in 1998. The 1.6-acres of A-1 zoning was not part of the rezoning requested at that time. Zoning adjacent to the property is:

- North, east, south and southwest is zoned A-1 (Agriculture);
- Southeast is zoned A-2;
- West across US Highway 63 is zoned A-2 and A-R (agriculture – residential).

The site currently has a residential structure on it. The proposed rezoning would make the current property uniform in zoning and compliant with the minimum lot size requirements of the ordinance. The applicants have expressed an interest to divide the property by Family Transfer once the rezoning is completed; any Family Transfer must meet the minimum lot size for the zoning district in which it is located.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The sufficiency of resources test was used to analyze this request.

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

Utilities: Public Water District #1 provides water service to the property. There is a 4-inch water main that serves the current property. There is no central wastewater near so on-site wastewater is and will be used. Ameren UE provides power.

Transportation: The subject tract has frontage on and direct access to Westbrook Drive which is a County maintained public roadway.

Public Safety Services: The property is approximately 1.8 miles from the Southern Boone County Fire station 20 on North Mt. Pleasant Road.

Stormwater: The site is developed and new development or redevelopment on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis: The property does not meet the minimum lot size for the A-1 zoning district. This property is better served with a single zoning district where the parent parcel complies with the corresponding standards. The resources needed to support this request are the same as those that support the existing situation. Staff notified 14 owners about this request. The property scored 40 points on the rating system.

Staff recommended approval of the rezoning.

Commissioner Atwill opened the public hearing. Cody Darr from Central Missouri Professional Services stated this is a family transfer where the owner wants to split the transfer so that their daughter and son in law can build a house on the property. Mr. Darr stated there is split zoning on the current tract.

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 Bill and Pamela Vaughn to rezone 1.6 acres from A-1 (Agriculture) to A-2 (Agriculture) at 21470 Westbrook Drive, Hartsburg, MO.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #194-2022**

**7. Request by Green Acres Farm LLC to approve a Final Development Plan for Green Acres Farm on 10 acres located at 12001 S Hwy 63, Ashland.**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed these requests at its April 21, 2022 meeting and recommended approval on a unanimous vote.

The property is located at the southwestern corner of the intersection of Minor Hill Road and US Highway 63, adjacent to the city limits of Ashland to the east. The plan includes 10 acres of an approximately 210-acre parent property. The initial rezoning and review plan were approved

by the County Commission under order 131-2022. The proposal scored 55 points on the point rating system.

The property is in the Ashland school district and the Southern Boone County Fire Protection District. The Boone County Master Plan has designated this area as being suitable for agriculture and rural residential land uses. This request is to change the current zoning of the property from A-1(Agriculture) to A-1P (Planned Agriculture) to allow division of a residence and outbuildings from the larger portion of the property that is in cultivation.

This final plan establishes permanent A-1P zoning for the property as proposed in the previously approved rezoning and allows the property to be divided as proposed, separating the smaller lot with the house from the rest of the property.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 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.

Staff recommended approval of the final plan.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the request by Green Acres Farm 1939, LLC for a Final Development Plan on 10 acres located at 12001 S. Highway 63, Ashland and authorizes the Presiding Commissioner to sign it.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #195-2022**

- 8. Request by VH Properties LLC to approve a Final Development Plan for Midway USA Campus on 14.13 acres located at 5885 and 5875 W Van Horn Tavern Rd, Columbia**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed these requests at its April 21, 2022 meeting and recommended approval on a unanimous vote.

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1900 feet west of the intersection with U.S. 40. The site is about 300 feet west of the Columbia city limits. In March 2022 the Planning and Zoning Commission recommended approval of a rezoning and a Rec-P & Revised M-LP PID Review Plan. The County Commission approved the rezoning and Review Plan, Commission Order 132-2022 with the following conditions:

1. Under general notes number 4 Tract 3A add, a line labelled "d." incidental retail sales and services accessory to the main use" (Subject to the approval of a Conditional Use Permit)
2. An agreement to resolve sewer concerns acceptable to the BCRSD and the Director of Resource Management must be finalized prior to the submission of the Final Development Plan.

The Zoning Regulations state that the 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 to the review plan.

The conditions imposed by the County Commission have been met.

Staff recommended Approval.

Commissioner Thompson moved now on this day, the Boone County Commission does hereby approve the request by VH Properties LLC for a Final Development Plan for Midway USA Campus, located at 5885 W Van Horn Tavern Rd, Columbia and authorize the Presiding Commissioner to sign it.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #196-2022**

9. **Estates at Oak Mill Plat 1 Preliminary Plat. S14-T48N-R12W. A-R. Charlotte M. Frazier & Melissa L. Ussery, owners. David Butcher, surveyor. (Report Only)**

The 29.74-acre property is located on the west side of Olivet Road approximately 1200 feet south of the intersection of Richland Road and Olivet Road. It is split-zoned. The majority of the property is zoned A-R (Agriculture residential) and approximately 3-acres is zoned A-1 and

is included in the proposed common lot that comprises the south portion of the property. Property to the West, Northwest, and North, is zoned A-R, to the Northeast, East and Southeast across Olivet Road is zoned A-1 (Agriculture) as is the property to the South and Southwest. These are all original 1973 zonings.

The proposal is to create a residential subdivision with 19 home lots, one common lot, and 3 public roads. Shumard Lane is proposed to run from East to West through the entire property and connect to Olivet Road. Shingle Court is a cul-de-sac serving 5 of the proposed lots and Catesby Drive serves 3 lots and stubs to the remainder of the parent property to the North.

The property is in public water district #9 service area which will provide water to the development. It is 3.1 miles from Boone County Fire Protection station #1 and 3.5 miles from station #12.

The development will get central sewer service from the city sewer main already located on the property. The property is subject to a pre-annexation agreement with the city. The site is in Boone Electric's service area. The property scored 68 points on the rating system.

**10. Green Acres Farm Estates. S34-T47-R12W. Pending A-1P. Green Acres Farm 1939, LLC, owner. Kevin Schweikert, surveyor.**

Director of Resource Management Bill Florea read the following memo: The property is located at the southwestern corner of the intersection of Minor Hill Road and US Highway 63, adjacent to the city limits of Ashland to the east. The subject property is 5.16 acres out of an approximately 210-acre parent property. The property has a substantial amount of flood plain and regulatory stream buffer present, as well as a house, barn, and grain bin. The property is zoned A-1(Agriculture) and is surrounded by A-1 zoning to the north, south, southeast, and west, with the City of Ashland to the northeast and east. The A-1 is original 1973 zoning. The property was rezoned to A-1P and a review plan was approved by the County Commission under order 131-2022. This proposal creates the lot identified on the plan.

The lot has direct access onto US Highway 63, publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study.

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

An existing on-site wastewater system provides wastewater treatment for the home on site. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 55 points on the rating system.

Staff recommended approval of the plat and granting the requested waivers.

**11. CC Country Lots Plat 1. S12-T51-R13W. A-2. Phyllis A. Powell, owner. Steven Proctor, surveyor.**

Director of Resource Management Bill Florea read the following memo: The subject property is located on Highway CC, just over 1 mile to the west of the City of Sturgeon. The parent parcel is 84 acres in size and zoned A-2(Agriculture). There is A-2 zoning to the north, south, and west, with A-1(Agriculture) zoning to the east. This is all original 1973 zoning. There is a residence, two barns, and a lagoon present on the property. This proposal divides the structures from the rest of the parent parcel on a 5.04-acre lot.

The proposed lot has direct access on to State Highway CC. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Public Water Service District 10. There is a water meter on the property, but it is noted as inactive per PWSD#10. The property is located in the Boone County Fire Protection District service area and the Boone Electric Cooperative service area.

There is an existing lagoon serving the residence on the property. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 50 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

**12. Noble Subdivision Plat 1. S26-T50N-R12W. A-2. Brian Noble, owner. James Patchett, surveyor.**

Director of Resource Management Bill Florea read the following memo: The property is located just over a mile and a half south of the City of Hallsville on Varnon School Road. The property is zoned A-2 (agriculture) zoning districts. The proposed subdivision would create three lots. Lot one is 3.18 acres in size, with lots 2 and 3 each 3.01 acres. A corresponding boundary survey for the remainder of the parent parcel was submitted to the Director of Resource Management for approval. The boundary survey is exactly 20 acres. The A-2 zoning is original 1973 zoning.

All three lots have direct frontage on and access to Varnon School Road. A 33-foot half width right of way was previously dedicated before the plat. A 20' utility easement is dedicated along Varnon School Road. The surveyor submitted a written request to waive the traffic study requirement for this project.

The property is located within the service area of the Public Water Supply District #4. Boone Electric Cooperative provides power in this area. Boone County Fire Protection District provides fire protection.

The three lots of Noble Subdivision would be served by on-site wastewater lagoons. The applicant submitted a wastewater plan that outlines potential lagoon locations. The submitted plan was approved by the City of Columbia/Boone County Health Department. The surveyor submitted a written request to waive the wastewater cost benefit analysis.

The property scored 15 points on the rating system.

Staff recommends approval with requested waivers of the traffic study and wastewater study.

Commissioner Aldred moved 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:

1. Green Acres Farm Estates. S34-T47-R12W. Pending A-1P. Green Acres Farm 1939, LLC, owner. Kevin Schweikert, surveyor.
2. CC Country Lots Plat 1. S12-T51-R13W. A-2. Phyllis A. Powell, owner. Steven Proctor, surveyor.
3. Noble Subdivision Plat 1. S26-T50N-R12W. A-2. Brian Noble, owner. James Patchett, surveyor.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #197-2022**

### **Purchasing**

#### **13. Second Reading: Surplus Disposal – Inmate Beds (First Read 04.28.22)**

This item was tabled.

### **Boone County Counselor**

#### **14. Second Reading: ARPA – Boone County Nature School Agreement with CPS (First Read 04.28.22)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Agreement for ARPA Funding for the Boone County Nature School between Boone County and Columbia Public School District.

The terms of the Agreement are set out in the attached. The Presiding Commissioner is authorized to sign said Agreement.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #198-2022**

### **Human Resources**

#### **15. Second Reading: Budget Amendment Department 1170 to add a Deputy Director position Open Public Hearing (First Read 04.21.22)**

Commissioner Atwill opened/closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment for Department 1170 to add a Deputy Director position.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #199-2022**

### **Auditor**

#### **16. Second Reading: Budget Amendment Department 2983 - Establish budget for the purchase of N95 Masks Open Public Hearing (First Read 04.21.22)**

Commissioner Atwill opened/closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment for Department 2983 to establish a budget for the purchase of N95 Masks.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #200-2022**

**Commission**

17. Public Comment

None

18. Commissioner Reports

None

Attest:



Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner

# **BRUSH & ASSOCIATES**

LAND SURVEYORS

506 NICHOLS STREET, SUITE A COLUMBIA, MISSOURI 65201  
PHONE : (573) 442-3110 FAX: (573) 442-4851

PROFESSIONAL ENGINEERS  
JAMES W. BRUSH PE - RETIRED

LAND SURVEYORS  
JAMES W. BRUSH PLS - RETIRED  
KEVIN M. SCHWEIKERT PLS

May 3<sup>rd</sup>, 2022

How do we solve the 45 year old problem of Nature Trail Ranchettes?

We are asking you to vacate Nature Trail Ranchettes so that we can replace it with a less dense larger tract subdivision.

Nature Trail Ranchettes came into existence 45 years ago in the summer of 1977.

It consists of 2 plats:

Plat 1 which includes 10 lots and plat 2 which consists of 37 lots

48 lots in all.

The plat (Nature Trail Ranchettes) does not conform to the Boone County subdivision regulations or the Boone County zoning ordinance a few of the non conforming issues are as follows:

1. Some lots do not meet the minimum width requirement.
2. Multiple lots do not meet the 3 to 1 width to depth ratio requirement.
3. The minimum length of a cul-de-sac by regulation is 1000 ft. This plat consists of a platted public right of way for a road to be dedicated that is 4600 ft long.
4. The tract is within the A-2 Zoning District that requires lots to be at least 2.5 acres. Many of the lots are under 2.5 acres.

Taking into consideration these non-conforming issues, it is understandable why this property with Nature Trails Ranchettes encumbering it has never been developed. It is obvious that Nature Trails Ranchettes needs to be vacated and replaced with a development that is at least conforming to the zoning district that it is a part of. Which requires a minimum lot size of 2.5 acres. Which is the minimum size lot for onsite sewage disposal.

As was stated within the Resource Management Report Nature Trails Ranchettes was vacated in 2015 hinging on a plat called Delmar Estates to replace it. Delmar Estates is a proposed plat that consists of 45 lots. Delmar Estates calls for a dedicated public right-of-way for 4600 feet of road one way in and one way out. 45 residences to have on site sewage disposal.

All of these on a Gravel Hatton Chapel Road.

The Platting of Delmar Estates requires infrastructure to be built before the plat is recorded and finalized which is when it replaces Nature Trail Ranchettes.

Since the Developer of Delmar Estates has decided not to build infrastructure that the platting of Delmar estates requires. Delmar Estates has not been recorded and finalized. Which means Nature Trail Ranchettes has not been replaced. Boone County Resource Management has stated to the developer that Nature Trails Estates is not vacated until

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replaced with another subdivision plat.

The Developer is asking to have Nature Trail Ranchettes vacated and replaced with a plat that resembles the layout that has been submitted with this vacation request.

This layout we propose consists of a standard large tract division of the property into <sup>14</sup>10 tracts. The entire division will be completed by subdivision plat which is required in this case to replace Nature Trail Ranchettes.

This division of the property that we propose is a standard large tract subdivision that is commonly done in the County. The proposed layout would meet the County Regulations completely if the property had never been platted in the past.

In other words, if this tract did not have the history from 1977. This <sup>14</sup>11 tract layout would be developed with minimum infrastructure which is typical in the county on large tracts such as this. I believe the infrastructure, road and water, are the reason Nature Trail Ranchettes and Delmar Estates have not been developed.

This has been sitting waiting for a solution for 45 years.

Nature Trail Ranchettes to be built on will need plenty of concessions from the County I believe to make it happen since it has many non conforming issues.

The process to accomplish our proposed subdivision according to County Planning Staff is to ask for A-2 planned zoning which will require a Review & Final Plan.

<sup>14</sup>11 We plan to work closely with the County Resource Management staff to create a plan & finally a <sup>14</sup>11 tract plat that would require infrastructure that makes good financial sense for the development.

We believe that the plan we have before you will be more beneficial to the near by property owners and the future owners of one of these <sup>14</sup>11 tracts for the following reasons:

A Development with <sup>14</sup>13-14 tracts on a 4600 ft long one way, on a way-out road. Instead of a development with 43 lots on the same road.

1. Hatton Chapel Road

Instead of adding 45 new Residences as Delmar Estates would do or 48 new residences as nature Trail Ranchettes intended to do. Our proposal only adds <sup>14</sup>17 new residences to this unpaved gravel road. Which will create a traffic count of less than half of the two other plats.

2. On-site sewage for 45 tracts. As opposed to on site sewage disposal for <sup>14</sup>17 tracts.

If I were an adjoining owner or the County Health Department, I think both would prefer the <sup>14</sup>17 over the 45.

3. Fire safety: A development with <sup>14</sup>17 residential homes on a 4600 feet long one way in and one way out road rather than 45 residential homes. Less homes means less chance for a fire.

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How do we solve the 45 year old problem with Nature Trail Ranchettes and all of its non conforming issues?

With your approval to vacate the plat we believe our proposal if the solution.

Kevin Schweikert, PLS