

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Planner Uriah Mach
Deputy County Clerk Jodi Vanskike

Public Present: Stacy Gooch, Rick Parks, Jonathan Cole

Conference Call Information:

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

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

P & Z

- 1. Request by VH Properties LLC for a conditional use permit for an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia. (Open Public Hearing)**

This item was tabled until the June 28, 2022, meeting.

- 2. Request by VH Properties LLC for a conditional use permit for a snack bar as an incidental use in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia. (Open Public Hearing).**

This item was tabled until the June 28, 2022, meeting.

3. **Request by VH Properties LLC for a conditional use permit for retail sales as an incidental use in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia. (Open Public Hearing)**

This item was tabled until the June 28, 2022, meeting.

4. **Request by Victory Baptist Church for a conditional use permit for a group daycare in the A-R (Agriculture/Residential) zoning district on 10 acres located at 9401 E I-70 Drive NE, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report: The subject property is located on the north side of Interstate 70, on I-70 Drive Northeast, approximately 3500 feet to the east of the intersection of State Route Z and Interstate 70. The property is 10 acres in size and zoned A-R(Agriculture-Residential). The property has a church, an accessory building, and a lagoon present on the property. There is A-R zoning to the east and west, M-L (Light Industrial) zoning to the north, and A-2(Agriculture) zoning across I-70 to the south. The M-L zoning was created in 2009, all the other zonings are original 1973 zoning.

This proposal is to remodel the accessory building into a daycare facility to serve up to 60 children on a Monday through Friday schedule. This building was built under a commercial building permit, but it will require a remodel permit under the seal of a licensed design professional to meet the current building code for the daycare facility use. The property is currently served by an existing wastewater lagoon. It is unknown if this facility has the capacity to handle the additional needs of the proposed daycare's staff and children.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The lack of information on how wastewater treatment can be handled and regulated is an issue that is detrimental to the public health, safety, comfort, or general welfare. Public health is specifically at risk without clear details on how wastewater will be treated for this use. That deficiency shows this proposal failing to meet this criterion.

- (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

Nearby properties are either developed for significant commercial/industrial use or underdeveloped for residential use. The establishment of this conditional use permit should not

be injurious to the use and enjoyment of those properties for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

This proposal has access to public roads in the form of I-70 Drive Northeast, electrical service from Boone Electric, and sufficient water from Public Water Service District #9. However, the lack of information on how wastewater treatment will be handled for this proposal is failure of this application. All necessary facilities are not available, therefore this proposal fails to meet this criterion.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The subject property has two access points onto I-70 Drive Northeast under permit with the Missouri Department of Transportation. Access to this property should not be hindered by the approval of this conditional use permit.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal has elements supporting this increase in activity. There is transportation infrastructure and access to the site to support the drop-off/pick-up activity required of a day-care center. There is a 12" water line along I-70 Drive NE capable of serving this proposed project. The building, once reviewed and updated to meet the current requirements of the building code, may serve the needs of a day-care center.

The applicant has failed to provide information on the ability of the existing wastewater system to serve this use. With that shortcoming, this conditional use permit cannot meet all of the standards needed for approval.

There is an existing central wastewater treatment facility with available capacity to the east of the subject property. Connection to this facility would allow for this proposal to meet the identified standards for approval.

The property scored 71 points on the rating system.

Staff recommends **denial** of the conditional use permit, due to failure to meet the standards of criteria (a) & (d).

Should the Commission decide to approve this conditional use permit, staff recommends the following conditions:

- 1) That the commercial remodel of the accessory building, done under the direction of a licensed design professional is completed prior to opening the day-care facility.
- 2) That the accessory building be connected to the Boone County Regional Sewer District wastewater treatment plant at Lenway for wastewater treatment or an onsite wastewater system under permit of the State of Missouri.

Commissioner Atwill opened the public hearing.

Stacy Gooch from Victory Baptist Church stated they have tried to get approved under a permanent exemption, which failed, so they have moved forward with plans for an inground septic tank. Ms. Gooch stated she was told this septic tank would work as long as it was permitted, and the County told her they would permit it. Ms. Gooch stated she has an architect and septic workers already lined up to complete this project and is on a tight deadline, needing to have it done by September 1, 2022, due to her grant stipulations. Ms. Gooch stated there is a significant need for childcare in the 65202-zip code area and stated the US Census report showed there are 1,646 children in this zip code that do not currently have childcare. Commissioner Atwill asked if Ms. Gooch would be amicable to connection to the Boone County Regional Sewer District or if she trying to do an onsite wastewater system. Ms. Gooch stated she was told it was in her best interest to do an onsite wastewater system. Ms. Gooch stated there is capacity at Bobcat of St. Louis, but the reason they wouldn't go that route first is because they don't have enough time since grant funding requires the project to be underway by early fall. Ms. Gooch stated they would have to go through two different properties to get to the sewer system which would require easements and they just don't have the time. Commissioner Atwill asked Ms. Gooch if she understood the conditions that Director Florea referenced regarding the approval. Ms. Gooch stated yes, she would need to get it inspected by an architect and get the sewer system approved. Commissioner Thompson asked "specifically what Planning and Zoning stated from Director Florea's report is an onsite wastewater system that would be permitted by the State of Missouri. Do you understand that?" Ms. Gooch stated, "What's the difference between doing that or doing Columbia Boone County?". Commissioner Thompson

stated, "They are different entities". Ms. Gooch stated she spoke with someone on the phone the other day who told her she would be able to get it permitted through the Boone County Health Department. Director Florea asked "Who did you talk to"? Planner Andrew Devereux stated, "It was me." Director Florea stated he did not know that was part of Ms. Gooch's proposal, and while staff doesn't have a problem with that, they would need to amend the condition to add "or a system approved by the Boone County Health Department". Mr. Rick Parks stated he is lost as to the lagoon being approved for both buildings in the past, and never reaching the amount of people they were approved for under that lagoon system and now they are basically doing the same thing again. Director Florea stated the system has been there for quite sometime and he doesn't know that it was ever permitted for a 60-child daycare with up to 10 staff members. Director Florea stated they don't know the state of the lagoon or how it has been maintained. Commissioner Thompson stated the daycare will add 60 children and up to 10 staff, so an additional 70 people, where they will be running water through the kitchen and laundry facilities which is a huge difference in use than a church that you might use twice a week, and this is what they are looking at. Ms. Gooch stated it was originally designed as a school and had classrooms on the original plans for up to 40 kids. Commissioner Thompson stated that time has passed and now they need to make sure everything is good moving forward.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby **approve** a conditional use permit for Victory Baptist Church to operate a daycare for up to 60 children in the A-R (Agriculture-Residential) zoning district on 10 acres located at 9401 E I-70 Drive NE, Columbia subject to the following conditions:

1. That the commercial remodel of the accessory building, done under the direction of a licensed design professional, is completed prior to opening the day-care facility.
2. That the accessory building be connected to the Boone County Regional Sewer District wastewater treatment plant at Lenway Estates for wastewater treatment or an onsite wastewater system under permit of the State of Missouri, or a system approved by the Boone County, Columbia, Health Department.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #235-2022**

5. **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)**

This item was tabled for the last time, until the June 28, 2022 meeting.

6. Request by Michael R & Cheryl Ann Steffan to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and to approve a review plan for Steffan Crossing on 20.32 acres located at 5480 E Spiva Crossing Rd, Hallsville. (Open Public Hearing)

Director of Resource Management Bill Florea read the following staff report: The Planning and Zoning Commission reviewed these requests at its May 19, 2022 meeting and recommended approval on a unanimous vote.

The 20.32-acre property is located off Spiva Crossing Road, about a half mile east from the intersection of Spiva Crossing Road and North Brown Station Drive. There are two regulatory stream buffers on the southern portion of the property. Two dwelling units and two corresponding lagoons, and two accessory structures exist on the property. The zoning is A-2 (Agriculture) and is surrounded by A-2 zoned properties on all sides. The A-2 zoning is original 1973 zoning.

The proposal seeks to rezone the 20.32 acres to Planned A-2 and utilize the density of the parent zoning district to construct an additional dwelling unit and allow two dwellings to be located on a single tract smaller than 20 acres. The additional dwelling unit would be constructed on a 5-acre lot that would be subdivided from the parent parcel under the Family Transfer process. The two existing dwelling units would remain on the 15.32-acre remainder. The remainder of the parent parcel is to be surveyed as an Administrative Survey lot.

The Boone County Master Plan designates this area as being suitable for rural residential land use. The sufficiency of resources test was used to analyze this request.

Utilities: The property is within the Public Water Supply District #4. Boone Electric Cooperative provides power to the tract. The existing homes are served by lagoons under the jurisdiction of the Columbia/Boone County Health Department. One of the existing lagoons is located within the area of the proposed Family Transfer Survey lot. Onsite wastewater systems are required to be within the same property boundary as the home that they serve. The applicant proposes relocating the lagoon in question to reside on the 15.32-acre lot to be within the same parcel boundary as the dwelling that it serves.

Transportation: The property has multiple driveways onto Spiva Crossing Road, a Boone County maintained road. The applicant proposes a 33-foot halfwidth roadway easement as well as a 20 foot utility easement as part of the land division process.

Public Safety: The Boone County Fire Protection District provides fire protection for the property. The nearest station, Station 16, is just over a mile and a half away on Highway HH.

Zoning Analysis: This request meets the sufficiency of resources test and does not change the overall character of the surrounding area. The addition of another dwelling unit in the area and division of the property into a 5-acre lot and 15.32-acre lot will have minimal impact to transportation, utilities, and safety resources.

Staff notified 20 property owners. The proposal scored 50 points on the point rating system.

Staff recommends approval of the request with the following conditions:

1. The existing lagoon on the proposed 5-acre Family Transfer Lot is relocated to the 15.32-acre Administrative Survey Lot before submittal of a Final Plan.
2. That a 33-foot halfwidth roadway easement and 20-foot utility easement along Spiva Crossing Road are granted to Boone County concurrent to the approval of the Administrative Survey and Family Transfer.

Commissioner Atwill opened the public hearing.

Jonathan Cole spoke on behalf of the applicant. Mr. Cole stated, to the best of his knowledge, the lagoon in question has been relocated for the existing house. Mr. Cole stated he doesn't know if it's been fully switched over by the plumber yet, but a quick stop by the area will verify that.

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 Michael R & Cheryl Ann Steffan to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 20.32 acres located at 5480 E Spiva Crossing Rd, Hallsville.

AND

Now on this day, the County Commission of the County of Boone does hereby **approve** the request by Michael R & Cheryl Ann Steffan for a Review Plan for Steffan Crossing, at 5480 E Spiva Crossing Rd, Hallsville subject to the following conditions:

1. The existing lagoon on the proposed 5-acre Family Transfer Lot is relocated to the 15.32-acre Administrative Survey Lot before submittal of a Final Plan.
2. That a 33 foot halfwidth roadway easement and 20 foot utility easement along Spiva Crossing Road are granted to Boone County concurrent to the approval of the Administrative Survey and Family Transfer.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #236-2022**

7. **King Ranch Plat 1. S4-T49N-R12W. A-2. Wildwood Enterprises, owner. David Butcher, surveyor.**

Director of Resource Management Bill Florea read the following staff report: The property is located at the eastern end of Todd Road, approximately 2 miles North of the limits of the city of Columbia. The parent parcel is a 37.14-acre remainder from a four-tract administrative survey. There are no structures on the property. This proposal creates two lots at 3.58 acres and 3.26 acres, leaving the remainder as a legal 20+ acre tract. The zoning is A-2 (Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

Both lots have direct access on to Todd Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4, however, water service may not be available without improvements. Private wells are recommended as the water service solution to this site. The property is located in the Boone Electric Cooperative service area and the Boone County Fire Protection District.

On-site wastewater is proposed for these lots and a plan for wastewater was submitted as part of the plat. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

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

8. Hidden Brook Subdivision Plat 1. S16-T48N-R14W. A-2. James Edward Maxwell ETAL, owner. James B. Patchett, surveyor.

Director of Resource Management Bill Florea read the following staff report: The subject property is located off Sinking Creek Road, about three miles southeast of the boundary of Rocheport. The property is within a A-2 (Agriculture) zoning district and surrounded by A-2 zoned property. The proposed subdivision would create one 8.27-acre lot after dedication of road right of way out of a parent parcel of 40 acres. The A-2 zoning is original 1973 zoning.

The property has road frontage along and direct access to Sinking Creek Road, a Boone County maintained roadway. The subdivision plat will dedicate a 33' half width right of way. No driveway currently serves the parcel to be created. The applicant requested a waiver to the traffic study.

The proposed parcel is within the Consolidated Water Supply District service area. No existing water lines are nearby to serve the area. The parent parcel is within the Boone County Fire Protection District. The nearest fire station, Station 2, is located approximately 3.5 miles away in Rocheport.

The applicant proposes utilizing an on-site wastewater system. Soils data for the parcel from two points within the proposed boundary were submitted to the Columbia/Boone County Health

Department for review. The Health Department will require an on-site wastewater system to be designed by an engineer. The applicant requested a waiver from the sewer cost benefit analysis.

The proposed parcel is within a sinkhole area per Section 12 of the Boone County Zoning Ordinance.

The property scored 21 points on the rating system.

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

9. Ray's Ridge Plat 1. S18&19-T50-R13W. A-2. Roy H. & Sheila B. Ray, owners. Steven Proctor, surveyor.

Director of Resource Management Bill Florea read the following staff report:

The property is located 1 and 1/2 miles from the southwestern border of the Town of Harrisburg, located along an abandoned portion of Gallup Lane. The tract is within a A-2 zoning district. The zoning is original 1973 zoning. The subject property is surrounded by A-2 zoning. The minor subdivision plat proposes creation of one 6.26-acre lot out of the larger 52-acre parent parcel.

The proposed lot is located along a County abandoned portion of Gallup Lane. The County maintained portion of Gallup Lane ends approximately 30 feet from western boundary of the subdivision lot. The lot does not have a driveway onto Gallup Lane. The applicant has submitted a request to waive the traffic study.

The subject property is located within the Consolidated Water Public Water Supply District. Boone Electric serves the area with power. The Boone County Fire Protection District would provide fire protection. The nearest station, Station 4, is approximately 2 and a half miles away.

The lot would be served on an on-site wastewater lagoon under the jurisdiction of the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

An existing access easement exists along the north portion of Gallup Lane to serve the property owners to the east of the lot to be created. The easement was granted from a previous owner of the parent parcel.

The property scored 32 points on the rating system.

Staff recommends approval of the plat as submitted with waivers to the traffic and sewer study.

10. Gilpin Place. S26-T46N-R12W. A-2. Lester W Gilpin, Alison K Gilpin, Roxanne M. Gilpin and William D. Stone, owners. Steven R Proctor, surveyor.

Director of Resource Management Bill Florea read the following staff report: This property is located on Gilpin Road, approximately 1 mile south of the limits of the City of Ashland. The parent parcel is 42.50 acres in size and zoned A-2(Agriculture). There is A-2 zoning to the north, east, south, and west, and R-S (Residential Single-Family) zoning to the northeast. This is all original 1973 zoning. This proposal splits a 5.67-acre lot from this parent parcel, containing a house, lagoon, shop and gazebo, leaving a 20+ acre remainder.

The subject property has direct access to Gilpin Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

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

The house on the lot has an existing on-site wastewater system.

The property scored 65 points on the rating system.

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

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:

1. King Ranch Plat 1. S4-T49N-R12W. A-2. Wildwood Enterprises, owner. David Butcher, surveyor.
2. Hidden Brook Subdivision Plat 1. S16-T48N-R14W. A-2. James Edward Maxwell ETAL, owner. James B. Patchett, surveyor.
3. Ray's Ridge Plat 1. S18&19-T50-R13W. A-2. Roy H. & Sheila B. Ray, owners. Steven Proctor, surveyor
4. Gilpin Place. S26-T46N-R12W. A-2. Lester W Gilpin, Alison K Gilpin, Roxanne M. Gilpin and William D. Stone, owners. Steven R Proctor, surveyor.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #237-2022**

Auditor

11. Second Reading: Budget Amendment: Capital Repair and Replacement General Fund to replace the backup generator for the Boone County Sheriff Annex Open Public Hearing (First Read 05.19.22)

Commissioner Atwill opened and 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 to replace the backup generator for the Boone County Sheriff Annex.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #238-2022**

Boone County Prosecuting Attorney

12. Second Reading: VOCA Grant Funding – Notice of Award (First Read 05.26.22)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Notice of Award for Victims of Crime Act (VOCA) from the Boone County Prosecuting Attorney's Office, in the amount of \$78,077.00 issued from the Missouri Department of Social Services, for the time-period of April through September 2022. Said funds are to be used for reimbursement for costs associated with personnel and benefits, travel training, and supplies and operations, as permitted by the Missouri Department of Social Services.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #239-2022**

Human Resources

13. Second Reading: Request for an extended overlap training period in position 867, Administrative Coordinator- Joint Communications (First Read 05.26.22)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the request for an extended training period for new employees for position 867, Administrative Coordinator, through August 10, 2022. This request was made pursuant to Commission Order 147-2005, which requires Commission approval for any training period in excess of 80 hours.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #240-2022**

Commission

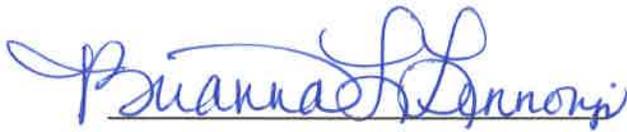
14. Public Comment

None

15. 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