

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 Kip Kendrick  
District I Commissioner Justin Aldred  
District II Commissioner Janet Thompson  
Director of Resource Management Bill Florea  
Boone County Deputy County Clerk Jodi Vanskike

Public: Dr. Randal Trecha, MD – Homeowners Association Representative; Brent Haden – Attorney; Dr. William L Ambrose, DDS – Property Owner

**Conference Call Information:**

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

The meeting was called to order at 7:00pm and roll call was taken.

**P&Z**

1. Consent Agenda
  - A. Request by Carl and Sandra Freiling to approve a Final Development Plan on 30 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 17300 S Burnett School Rd, Ashland.
  - B. Request by William and Lisa Nichols, Jose Hernandez-Sanchez, and Megan N. Hernandez to approve a Final Development Plan on 31.63 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 13331 & 13575 S Crump Lane, Ashland.
  - C. Request by Joseph and Kelly Eagle to approve a Final Development Plan on 4.70 acres in the Planned Agriculture-Residential (A-RP) zoning district located at 6910 S High Point Ln, Columbia.
  - D. Freiling Estates. A-1P (pending). S29-T46N-R11W. Carl and Sandra Freiling, owners. Kevin Schweikert, surveyor.

- E. Nichols Plat 1. A-1P (pending). S3-T46N-R12W. William P. and Lisa K. Nichols, owners. Kevin Schweikert, surveyor.
- F. Elizabeth Ann Subdivision. Agriculture (A-2). S1-T50N-R13W. Jonathan D Wadlow & Elizabeth Wadlow, owners. Steven Proctor, surveyor.
- G. Heartland Hills Plat 1. S4-T51N-R13W. Agriculture (A-2). Keystone Commercial Construction Inc, owner. Kevin Schweikert, surveyor.

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

The Planning and Zoning Commission reviewed the items on the consent agenda at its April 20, 2023, meeting and approved all items by consent.

- A. Freiling Final Plan. A-1P. 30 acres at 17300 S. Burnett School Road.

The property is near the southern end of Barnett School Road, approximately 4.5 miles east of Ashland. It is adjacent to Cedar Creek to the east, which serves as the boundary between Boone & Callaway Counties. The parent parcel is 73 acres in size, and zoned Agriculture (A-1). All the surrounding property is zoned as follows:

- North A-1 & Callaway County
- South A-1 & Callaway County
- East Callaway County
- West A-1

This is all original 1973 zoning. There are currently two houses, two garages, and two barns on the property. The approved A-1P Review Plan is designed to create one lot smaller than 10 acres and two tracts at 10 acres or larger. The smaller lot is proposed at 5 acres and holds one house, one garage, and one barn. The 10-acre tract holds the other house, garage, and barn. The 15-acre tract is currently vacant. The Planned Agriculture (A-1P) rezoning allows for the use of a density requirement rather than a minimum lot size requirement to control the intensity of development. The property being rezoned is 30 acres in size. That allows for 1 unit per 10 acres. That is proposed here with one lot (5 acres) and two tracts (10 and 15 acres). The 1 unit per 10-acre density available to the A-1P is met in this proposal.

The property scored -5 points on the rating system.

The Rezoning and Review plan was approved under County Commission Order 154-2023.

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

Staff review of the final plan shows that it meets the criteria for approval and recommended approval by the Planning and Zoning Commission.

B. Nichols A-1P Final Plan. 31.63 acres at 13331 and 13575 S. Crump Lane.

The property is on the west side of Crump Lane approximately 1800 feet north of the Ashland city limits at the intersection of Clellie Harmon Road and Crump Lane. The property is 31.63-acres in size and zoned Agriculture (A-1) as is all the surrounding property. A review plan and rezoning request proposing a Planned Agriculture (A-1P) plan including two modified administrative survey lots and one platted lot of less than 10 acres was recommended for approval in March and approved under County Commission Order 156-2023.

The property scored 55 points on the rating system.

The applicant has submitted a final plan for the proposal. This final plan locks in the previously approved rezoning and allows the property to be re-configured and developed in a manner consistent with the approved review 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

There were no conditions placed upon the approval.

Staff review of the final plan shows that it meets the criteria for approval and recommended approval by the Planning and Zoning Commission.

C. Eagle A-RP Revised Final Plan. 4.7 acres at 6910 S. High Point Lane.

The property is located off S High Point Lane and W Route K. The property is 4.7 acres. An existing home is present on the property. The property is zoned Planned Agriculture-Residential (A-RP). The property was rezoned in 2022 from Agriculture (A-2) to A-RP under County Commission order #603-2022. The property is surrounded by the following zoning:

- A-2 to the south.
- Planned Two Family Residential (R-DP) New Town Subdivision to the east.

- Planned Single Family Residential (R-SP) Old Plank Village to the north across W Route K.
- Columbia zoning R-1 to the west across from S High Point Lane.

The proposal seeks to revise the previously approved Eagle A-RP Final Plan. The revised plan adds a 40' by 60' accessory structure to be located between the existing home and the proposed home.

The Boone County Master Plan designates this area as suitable for residential land uses. The initial rezoning and revised review plan were approved under County Commission order #154-2023. The proposal scored 70 points on the point rating system.

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

One condition was placed under County Commission order #154-2023:

1. Wayfinding signage shall be installed and maintained near the driveway entrance with High Point Lane and the interior of the development, near the proposed accessory structure, indicating the location of the various structures on the property. The signage must be of a type and location approved by the Director of Resource Management.

The applicant has shown two locations for wayfinding signage, one near the driveway entrance near High Point Lane and another interior to the property near the accessory structure. A proposed wayfinding sign is shown on the final plan. All wayfinding signage used will be approved by the Director of Resource Management.

Staff review of the final plan shows that it meets the criteria for approval and recommended approval by the Planning and Zoning Commission.

D. Freiling Estates. A-1P. S29-T46N-R11W. Carl and Sandra Freiling, owners. Kevin Schweikert, surveyor.

The property is located near the southern end of Barnett School Road, approximately 4 ½ miles to the east of Ashland. It is adjacent to Cedar Creek to the east, which serves as the boundary between Boone & Callaway Counties. The parent parcel is 73 acres in size, and zoned Planned Agriculture 1(A-1P). All the surrounding property is zoned as follows:

- North A-1 & Callaway County

- South A-1 & Callaway County
- East Callaway County
- West A-1.

This proposal creates a 5-acre lot as shown on the A-1P (planned Agriculture) review and final plans. This proposed lot has a house, garage, and barn present on the property.

This lot has direct access to Barnett School Road, a publicly dedicated, publicly maintained right of way. However, all of Barnett School Road in this area is in a federally-regulated floodplain. Any new access points or changes to existing points of access will require a floodplain development permit and elevation certificate as part of their permitting process. The applicant has submitted a request to waive the traffic study requirement.

The property is in Consolidated Public Water Supply District #1. However, the District has no facilities in the area and is not able to provide water service. The property is in the Callaway Electric Cooperative service area, and it is in the Southern Boone County Fire Protection District.

Wastewater service is provided by an existing on-site system. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored -5 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

E. Nichols Plat. A-1P. S3-T46N-R12W. William P. and Lisa K. Nichols, owners. Kevin Schweikert, surveyor.

The property is located on the west side of Crump Lane, approximately 1800 feet north of the Ashland city limits which is also the intersection of Clellie Harmon Rd and Crump Lane. The property is 7.39-acres in size and zoned Planned Agriculture 1 (A-1P). All of the surrounding property is zoned Agriculture 1 (A-1) with the exception of the two adjoining properties that are also part of this same planned development. The property being platted is a portion of Tract 2 of the administrative survey created in June of 2019. This property is also included in the review plan approved earlier this month under Commission Order 156-2023. The Final Plan that will finalize the zoning is on the agenda tonight.

The site contains one single-family dwelling, wastewater lagoon, and some accessory structures. The property is located inside the Southern Boone School District and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use.

This plat will create a single 6.83-acre lot. An accompanying administrative survey where the other two tracts in the development will incorporate the remnant of the original tract from which this lot is created has been provided. This change in lot size is possible because a planned

zoning substitutes a density requirement for the minimum lot size. Under the existing A-1 the 31.63 acres of the area within the development plan allows, at most, three lots of 10-acres or larger, resulting in three dwelling units with one on each lot. Under the A-1P the 31.63-acres is still limited to the maximum of three dwelling units, but the property line of proposed lot 2A can mostly follow a creek that forms a more natural boundary for the lot. The resulting lot 2A is not a full ten acres. But, because the density of the overall request is still only three total dwelling units on 31.63 acres. The proposal complies with the density of the underlying A-1 zoning.

The property is within the Consolidated Public Water District #1 service area for water. Boone Electric provides electric service for the area. The Southern Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 17, is about 1.5 miles away.

An onsite wastewater lagoon serves the home on the lot. Both the wastewater lagoon and home are under permits issued from Resource Management. The tract has direct access to Crump Lane, a county-maintained roadway. The applicants have requested waivers from the required Cost-Benefit analysis for provision of Central Sewer and from the need for a traffic study. Staff concurs with both requests.

The property scored 55 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

F. Elizabeth Ann Subdivision. A-2. S1-T50N-R13W. Jonathan D. Wadlow & Elizabeth Wadlow, owners. Steven Proctor, surveyor.

The property is located off Old Highway 63. The proposed subdivision seeks to combine two previous survey tracts into a single 1.41-acre minor subdivision lot. A single-family dwelling is present on the southern portion of the property. The property is zoned Agriculture (A-2) and is surrounded by A-2 zoning. All zoning appears to be original 1973 zoning.

The property has road frontage along Old Highway 63, a publicly dedicated publicly maintained roadway. An existing driveway for the home crosses the neighboring property to provide access to Old Highway 63. The plat notes that a prescriptive easement may be present since the existing driveway has been present since the house was built. The applicant has not submitted a waiver to the traffic study requirement. However, the proposed plat has an existing home and no further residential development can occur on the property. Waiving the traffic study requirement is appropriate for this proposal.

The property is located within Public Water Supply District #10. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, Station 7, is over five miles away.

The house is currently served by a wastewater lagoon located on an adjoining property. The plat shows that an intended location for a new onsite wastewater lagoon that should meet required setbacks for both State of Missouri and Boone County onsite wastewater regulations. The applicant has not submitted a waiver to the sewer cost-benefit analysis. Central sewer is not available in this area, and with the existing home being served by an onsite wastewater system a waiver of the sewer cost benefit analysis is appropriate for this proposal.

The Boone County Board of Adjustment granted two variances under case #2023-002. The first variance granted relief from Appendix B.3.1 and Appendix B.3.2 of the Subdivision Regulations to allow for a platted lot to propose the use of an onsite wastewater system on a lot less than 2.5 acres. The second variance granted relief from Section 5.A.3 and Section 11.A to create a lot less than 2.5 acres in an A-2 zoning district.

The property scored 33 points on the rating system.

Staff recommended approval of the plat and granting of waivers

G. Heartland Hills Plat 1. Agriculture (A-2). S4-T51N-R13W. Keystone Commercial Construction Inc, owner. Kevin Schweikert, surveyor.

The subject property is located on the north side of State Route F to the northwest of the intersection of McCauley Road and Route F, approximately 5 miles to the west of Sturgeon and 1/3 of a mile to the south of the Boone County border with Randolph County. The subject property is 13 acres in size and zoned Agriculture 2(A-2). The surrounding zoning is as follows:

- North – A-2
- South – A-2
- East – A-2
- West – A-2.

The property is vacant. This tract was created by the administrative survey recorded in Book 5733, Page 94. This plat divides the 13-acre administrative survey tract into a 6-acre lot and a 7-acre lot.

The subject property has direct frontage on and access to State Route F, 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 Public Water Service District #10. There is no water service to this property. Any domestic water requirements will be met by private wells. Boone Electric Cooperative can provide electrical service to this property, although this tract is the only portion of the original 176-acre parent property that will not require significant improvements for

delivery of electrical service. The property is in the Boone County Fire Protection District, with the station in Sturgeon being closest for service.

On-site wastewater is proposed for the two lots on this plat. A wastewater cost-benefit analysis was conducted as part of the review of the administrative survey in Book 5733, Page 94, and it determined that central wastewater treatment for the proposal, even including the additional building site created by this plat was not warranted.

There is regulatory stream buffer along the northwestern side of Lot 2. There is a 100' gas pipeline easement in the northern portion of Lot 1.

The property scored 19 points on the rating system.

Staff recommended 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 approve the Final Plans, items A, B, C, and receive and accept the plats, items D, E, F, G, as listed in the attached consent agenda (Attachment A), and authorize the Clerk to insert the associated staff reports into the minutes of this meeting.

Attachment:

- A. Request by Carl and Sandra Freiling to approve a Final Development Plan on 30 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 17300 S Burnett School Rd, Ashland.
- B. Request by William and Lisa Nichols, Jose Hernandez-Sanchez, and Megan N. Hernandez to approve a Final Development Plan on 31.63 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 13331 & 13575 S Crump Lane, Ashland.
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- G. Heartland Hills Plat 1. S4-T51N-R13W. Agriculture (A-2). Keystone Commercial Construction Inc, owner. Kevin Schweikert, surveyor.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #201-2023**



2. **Request to by Quayd C. Robertson and Rachel P. Robertson to vacate Lot 14 of County Downes Subdivision Block 1, Recorded in Plat Book 12, Page 42 of the Boone County Records. (Open public hearing)**

Commissioner Kendrick tabled this item until the next night meeting on May 30, 2023, due to no representative being present.

3. **Request by the Wm. L. and Rebecca H. Ambrose Family Trust to rezone from Agriculture-Residential (A-R) to Agriculture (A-2) 5.5 acres located at 7700 E North Shore Drive, Hartsburg. (Open public hearing)**

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

The Planning and Zoning Commission conducted a public hearing on this request at its April 20, 2023 meeting and voted to recommend approval on a five to two vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

The property is located at 7700 E. Northshore Drive, approximately 1.5 miles from the intersection with S. Westbrook Drive. North Shore Drive is privately maintained. The property is zoned A-R, which is the original zoning. All the neighboring property is also zoned A-R. The stated purpose of this rezoning is to facilitate division of the lot by family transfer. In May of 2020, the same request as is proposed now was heard by the Planning and Zoning Commission and approved under a split decision. However, the request was unanimously denied by the County Commission.

The Master Plan designates this property as suitable for 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, which was used to analyze this request.

The resources typically 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, however there is no water service available to this property.

There is no public sewer service available.

Transportation: Access to a publicly maintained road is by North Shore Drive, which is maintained by the Lake Champetra Homeowners Association.

Public Safety Services: The property is approximately 3 miles from the Southern Boone County Fire station.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The Master Plan designates this property as suitable for rural residential land use. The current zoning is Agriculture Residential, A-R. The level of service available to this property is compatible with the requested A-2 zoning. However, under the current A-R zoning the property cannot be subdivided due to lack of direct access to a publicly maintained road: all lots less than 5 acres in size must have frontage on and direct access to a publicly-maintained road. In this case, because of the context of the request with respect to the provision of sufficient resources, the request fails the sufficiency of resources test because the rezoning is being sought to actually increase the intensity of development without the provision of proper services to coincide with additional development.

Granting this rezoning will allow division by family transfer, which will result in one additional dwelling unit using the already substandard private road for access. For this reason, staff recommends denial of the request.

Staff notified 23 property owners about this request. The property scored 22 points on the rating system.

Staff recommended denial of the rezoning.

Commissioner Kendrick opened and closed the public hearing. No completed public hearing forms were submitted for this item.

Commissioner Kendrick 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.

**Purchasing**

**4. Second Reading: Reading: Cooperative Contract: State of Missouri Contract #CS21108001 – Temporary Employment Services – Clerical and Laborer Personnel Services with 22nd Century Technologies, Inc. – First Read 04.27.23**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve an Agreement with 22nd Century Technologies, Inc., for Temporary Employment Services – Clerical and Laborer Personnel Services.

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

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #202-2023**

**Sheriff's Office**

**5. Second Reading: Detainee Housing Agreement with Montgomery County – First Read 04.27.23**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Detainee Housing Agreement Contract between Boone County and Montgomery County.

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 #203-2023**

**Emergency Management**

**6. Second Reading: Homeland Security Grant – Mid Missouri Regional Planning Commission Subaward Agreement – First Read 04.27.23**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve and accept the attached 2022 State Homeland Security Program sub-awards.

Terms of the Sub-awards are stipulated in the attached Sub-award Agreements. It is further ordered the Presiding Commissioner is hereby authorized to sign said Sub-award Agreements.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #204-2023**

**Commission**

7. Public Comment

None

8. Commissioner Reports

Commissioner Thompson stated she, Commissioner Aldred, and Lenna Peterson had the distinct pleasure of attending a service at Second Missionary Baptist Church. Commissioner Thompson stated a Proclamation with respect to the lynching death of James T. Scott, 100 years ago, was presented. Commissioner Thompson stated she spoke by phone this morning with the Reverend Dr. Clyde Ruffin, Senior Pastor at Second Baptist Church, and told him how moving that service was. Commissioner Thompson stated she has rarely felt the kind of heart-wrenching experience that she felt listening to the congregation speak about what happened to Mr. Scott,

who was a member of the Second Baptist Church congregation. Commissioner Thompson stated Mr. Scott was falsely accused of the rape of a young white woman and was detained in the Boone County Jail. Commissioner Thompson stated a crowd of people used a blow torch on the locks of the jail, took him from the jail, and dragged him to what was then the Stewart Road bridge. Commissioner Thompson stated from that bridge, the crowd hung him by the neck until his neck broke.

Commissioner Thompson stated the recounting of that occurrence was so powerful, since the account of what happened also included reference to his lawyer, who was a black man. Commissioner Thompson stated, thinking back about that, sometimes when you represent someone who is not among the elite, you might feel pushback from the community. Commissioner Thompson stated for that person to have represented Mr. Scott, she stated she couldn't imagine what he went through, and he was undoubtedly putting his life in peril.

Commissioner Thompson stated it was also discussed about the then pastor of Second Missionary Baptist Church who pleaded with the mob to let the process go forward and to let constitutional rights be afforded to this young man. Commissioner Thompson stated it was a stunning experience. Commissioner Thompson stated the young lady's father, who was a professor in the German Department at the University of Missouri, pleaded with the crowd, stating Mr. Scott didn't even match his daughter's description of the person who assaulted her.

Commissioner Aldred stated this was a significant celebration of James T. Scott's life. He was more than just a name in a history book; he was a prominent member of the community.

Attest:



Brianna L. Lennon  
Clerk of the County Commission

  
\_\_\_\_\_  
Kip Kendrick

Presiding Commissioner

  
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Justin Aldred  
District I Commissioner

  
\_\_\_\_\_  
Janet M. Thompson

District II Commissioner