

BOONE COUNTY PLANNING & ZONING COMMISSION WORK SESSION
BOONE COUNTY GOVERNMENT CENTER, CONFERENCE ROOM 301
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

5:30 P.M.

Monday, January 24, 2018

Present: Boyd Harris, Erik Kurzejeski, Bill Lloyd, Carl Freiling, Jeff McCann

Also Present: David Butcher, Mike Tompkins, Dan Brush, Stakeholder Committee

Staff: Bill Florea, Thad Yonke, Uriah Mach, Paula Evans

Staff Note: For those not attending the work session please reference the comment matrix emailed to you as a guide to the minutes. Only responses to questions proposed for change, questions with lengthy discussion, and responses with further clarification are addressed in these minutes.

Mr. Florea informed the Commissioners that staff would like the process to keep moving forward and doesn't want to repeat discussions of comments already addressed, however, if there any Commissioners have an issue that was not discussed at a previous meeting they are welcome to bring up the topic again. Please keep in mind that there are still several unresolved issues that were held over for further discussion. Discussion on those items will take place after going through all of the comments.

We will begin where we left off with the public comments starting with Appendix A.

A.1.2 "Three copies of the survey."

Staff Comment: The ability to submit electronic versions has been discussed internally by staff. We are going to talk to our I.T. Department about whether we can use the One-Drive system to distribute Administrative Surveys, we will have to contact the utilities that surveys are frequently sent to and see if this will meet their needs as well. If so we can probably reduce the number of copies required but we will still need one or two paper copies. If we are able to have the capability we will try it for a while to see if it works but expanding that to plats and review plans might be more challenging due to the number of entities we send those to and we need to make sure it meets their needs. Staff is not ignoring the issue. Mr. Yonke stated the city isn't even accepting electronic submissions.

A.1.2 "When should the recording fees be submitted?"

Note: Change for Abbreviated Approval Process.

Discussion: Mr. Brush asked why staff was taking on the responsibility for recording the Administrative Surveys. Mr. Yonke stated to see that it gets done. Mr. Florea stated they are also requiring this for Family Transfers. Mr. Brush stated Family Transfers have a lot more documents. Mr. Brush stated if he were able to control when the Administrative Survey is recorded then he will have a mechanism for bill collection. I will also have a vested interest in the timing of the recording so that it happens fairly quickly so I can take care of any closings. Mr. Yonke stated the intent is for staff is to make sure it gets finalized. Mr. Butcher stated that he can understand staff needing to record a plat because they have a vested interest in those. With Administrative Surveys the owner can change his mind, who cares if it was approved? The owner can change his mind that minute. I think it would be beneficial if the surveyor was in control of the recording. Mr. Brush stated he has a copyright on part of that, I share a copyright with the owner for the survey and protecting his and my copyright I would like to have control of when it gets recorded. I don't see that it is a benefit to the public for the staff to record it. Mr. Butcher stated he believes that goes for all the surveys, utility and family transfer. They have a vested interest in dividing the land, the only reason staff would need to record it is to make sure it is done in a timely fashion but we are already putting a deadline in place, if it expires who cares? It is not staff's issue it is the owner's problem. The recording should be left in the hands of the surveyor. Mr. Yonke stated this issue has already been discussed and the stakeholders agreed to it. This is the compromise that we passed forward, we have already had the negotiations.

Mr. Yonke stated there is a public interest in that staff has gone through the process to have it reviewed and if they are not serious about having it done and finalized then we would like to see that it gets finished. Mr. Butcher stated it is not staff's prerogative; it is their property. If they change their mind at the finish line that is their prerogative. Surveyors want staff to review it and tell us whether it meets the regulations, we don't want staff in control of whether or not it gets finished. Mr. Yonke stated if it meets the regulations at that moment... Mr. Brush stated it has a 90-day sunset. Mr. Florea stated 90 days plus 180-day extension. Mr. Brush stated he doesn't have a problem if there is a sunset on the signature approval. Mr. Butcher stated if it was approved today but it is not recorded for five years from now, what is the difference? Mr. Florea stated the regulations may have changed during that time period. Mr. Butcher stated it met the regulations at the time it was approved. Mr. Yonke stated it doesn't go in to effect until it is recorded; it is not a lot of record until it is recorded. Mr. Butcher stated he doesn't think that recording it makes it go in to effect; the signature makes it legal. Mr. Yonke stated if that is the case then we want it to be of record at that point. Mr. Florea stated if you don't want it recorded then don't bring it in for a signature. Commissioner McCann stated he believed that to be a solution, the original should not be brought in for a signature until it is ready to be recorded. Chairperson Harris and Mr. Butcher agreed. Mr. McCann also stated that the County has an interest in not having signed but unrecorded surveys in public circulation. Mr. Lloyd asked whether having multiple signed but unrecorded surveys, for the same property, in circulation at the same time will create conflict and raise potential legal issues. It was decided to retain the language as written except that recording of Abbreviated Administrative Approval Subdivisions will be recorded by the surveyor

Further discussion brought up the question of whether the survey is legal when it is recorded or when it is signed by an official. Staff will add a general regulation that states it is not a legal lot until the survey is recorded.

The Commission will revisit at a later work session whether recording fees should be submitted with the application or when it's ready to record.

A.1.3 "How do we know where the utilities are?"

Delete last sentence of comment.

A.1.3 "Rather than saying to show all proposed and existing easements.."

Discussion: Mr. Brush stated if he followed this section specifically he would be required to draw all of utilities; all of the fiber optics, water lines, underground electric, telephone, and cable in the 10-foot utility easement and the survey would get very cluttered, we don't do that now because staff doesn't make us. Mr. Yonke stated it is supposed to be shown. Mr. Brush stated it would be better if it stated show all easements that aren't in a recorded utility easement.

Staff Note: Amend to require utilities not within a utility easement to be shown.

A.1.3 "Rather than saying to show all proposed and existing easements..."

Discussion: Mr. Butcher stated that State law says "known to the surveyor". Mr. Florea stated if the surveyor decides not to find out then they don't have to show them. Mr. Butcher stated that is the way the state takes it, it is not our obligation to do this. Mr. Yonke stated the new regulations says it is the surveyor's responsibility.

A.1.3 "In an administrative survey are they considered lots or tracts?"

Answer changed to Lots

A.1.3 "Certification or declaration that it meets minimum standards..."

Discussion: Mr. Brush stated they are no longer called minimum standards staff may want to have a statement that can be long lasting that indicates compliance with the current standards.

Added to answer: A statement that states "This indicates compliance with state land survey regulations as adopted by the relevant regulatory authority."

A.1.3.3 "Under what circumstances may the Director require an engineers report?"

Commission asked that additional language be added to clarify.

A.1.4 “Show existing community assets including but not limited to..”

Staff note: Insert footnote

Appendix B

B.1.2.1 “Add the bullets: Continuation from an existing subdivision”

Staff Note: Staff agrees to the first bullet “Continuation from an existing subdivision” and will adjust the language to reflect with the following language added: only in circumstances where the location of the existing road makes it impossible to meet the block length standards

B.1.9.1 “Stem lot is not defined”

Staff note: Adding definition of Lot, Stem to the regulations

B.1.9.1 “We are opposed to any change in regulation that would ease regulation”

Add to answer: There are circumstances where more efficient land division could be accomplished by using a stem lot.

Add to regulation: Insert “or Director” for Administrative Surveys.

B.1.9.1 “The purchase of land, by developers or individuals..”

Per Commission members, change answer to: This is the purpose of subdivision and zoning regulations which may be updated and revised from time to time.

B.1.9.1 “The stem of one lot shall not be adjacent to the stem”

Per Commission members, use both terms in the regulations “adjacent or abut”

B.1.9.2 “Side lot lines at right angles to straight streets”

Delete second sentence from answer.

B.1.9.2.8 “Should read rear setback”

Staff Note: Staff will make that change.

The meeting ended having reviewed comments for Appendix B.1.9.2.8.

The next work session is scheduled for Monday, January 29, 2018 at 7:00 pm where we will pick up where we left off starting with Appendix B.1.11

The work session adjourned at 7:20 pm

Minutes taken by Paula Evans, Administrative Coordinator, Boone County Resource Management