

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, May 19, 2005

Vice-Chairperson Sloan called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Heitkamp.

Present:	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Carl Freiling	Cedar Township
	Rob Brown (left 8:15)	Rock Bridge Township
	Boyd Harris	Centralia Township
	Michael Morrison	Columbia Township
	Russell Duker (arrived 8:15)	Missouri Township
	David Mink	Public Works
Absent:	Pat Smith, Chairperson	Perche Township
	Mike Morgan	Bourbon Township
	Larry Oetting	Three Creeks Township

Also present:	Stan Shawver, Director	Uriah Mach, Staff
	Thad Yonke, Staff	Paula Evans, Staff
	Bill Florea, Staff	

The minutes of the April 21, 2005 meeting were approved with no corrections. Approved by acclamation.

Vice-Chairperson Sloan read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the county and the county engineer or his representative.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes three conditional use permit requests, three rezoning requests and five plat reviews.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the Planning Department Staff. At that time, the applicant or their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's

presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight is quite lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or any signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Commission. The Commission will then discuss the matter and may ask questions of anyone present during discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the County Commission. Please note that the Boone County zoning regulations and subdivision regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, May 31, 2005. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between this meeting and the County Commission hearing. The County Commission hearing scheduled for Tuesday, May 31, 2005 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

1. Request by Michael Cooper for a permit for incidental retail sales, travel trailer park and restaurant on 1.5 acres in the REC (Recreation) district, located at 11505 S Easley River Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located southwest of Columbia approximately 1 mile north of Easley on the west side of Easley River Road between the Katy Trail and the Missouri River. The property is situated approximately 3&1/2 miles south of the closest municipal limits of Columbia. The property is zoned REC (Recreational) which was rezoned from A-1 in 1986. All property in this area to the west of the Katy Trail, excluding the subject tract, is zoned A-1, while all the adjoining property on the east side of the Trail is zoned A-2. These are all original 1973 zonings. There is a building functioning as a store, a mobile home residence, boat docks, and boat fueling station on the property. The purpose of these conditional use permit requests is to legitimize activities that have "evolved" at the site. Therefore, the store, the food services, and travel trailer areas are in need of these

permits. With respect to the food services we have determined that it falls under the restaurant category, however, it is our understanding that it may take a form closer to an open air food court along with food sales in the store. The applicant currently has a cantina trailer that functions as one of the kitchen facilities and he needs a larger kitchen area to replace the current cantina trailer. He would like to modify a singlewide mobile home into the new kitchen facility. This is problematic as units manufactured as singlewide mobile homes can only be used as residences under the zoning ordinance. While the staff is supportive of the restaurant uses for this site, the staff can't support the use of the singlewide mobile home. There are additional problems under the floodplain portion of the ordinance as well, with respect to the use of the singlewide. A site-built flood proofed addition to the main building is the best solution under the ordinance and the money that would be invested in attempting to modify the singlewide would be better utilized towards such an addition. The outdoor concerts that take place on the site are covered under the existing Recreational zoning and are not part of the permits under consideration. This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1 and there is a private well on the property. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Wastewater service will be regulated by either the Health Department or DNR. An engineered wastewater system is on site for boats to use as a dumping station, but it is not a system designed to accommodate restaurant uses. The master plan designates this area as being suitable for agriculture and rural residential land uses, it should be noted that recreational zoning already applies to this site. Staff notified 5 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

- (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.

Staff has no reason to believe that the proposed uses will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

- (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.

The recreational zoning already applies; the requested conditional uses are primarily auxiliary in nature and by themselves should not be injurious. Staff is not aware that the proposed conditional uses have impacted other property owners in the area.

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

There is no indication that the proposed use will have a negative effect on property values if proper facilities are provided.

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

The site is located where it is by the nature of the use as a marina. The uses under consideration are supportive in nature and limited in scope. The existing unimproved road is not a high volume roadway and there is not much other than this site to attract traffic to the

area. Easley River Road is an unimproved gravel county maintained road. The wastewater system has not been permitted by the Health Department and an engineered system is needed. At least one fire hydrant will likely be required by the Boone County Fire Protection District.

(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 proposed use will not impede the development of the surrounding area. As A-1 and A-2 zoned floodplain; development in the area is expected to be minimal and will not be impeded.

(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 proposed use should not hinder traffic flow in the area as the majority of the traffic is suspected to be directly related to this site.

(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.

Without the modified mobile home proposed to be a kitchen, the proposal for the three conditional uses conforms to other applicable regulations of the REC zoning district.

Staff supports this request and recommends approval subject to the following 10 conditions:

1. No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
2. 4 parking spaces are required for the store plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities including restaurant use must be designed and installed.
5. Lighting is oriented inward and downward so as to minimize light leaving the site.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.

Present: Mike Cooper, 11505 S. Easley River Road, Columbia.

Mr. Cooper stated that the convenience store is well known, it has been there for 20 years. It serves the community and people off the Katy Trail and is a destination for people along the Missouri River. There are a few RV sites that are valuable to the community because they bring out of state people and people from all over the state to our area. About half of the people that use the RV sites are people that want to use the Katy trail and need a nice, safe, convenient place where they can park and spend a few days riding trails. Most of the other people that use the sites are people from Boone County that have discovered that there is a local place where they can go for boating, recreation, music and good food.

The biggest problem right now is the food service; the applicants are limited on their ability to take care of the people that have discovered us and turned Coopers Landing in to a very popular place. We have the small deli inside the store and a cantina on the outside; the cantina business is so popular that they have outgrown the little cantina that is being used right now. The applicants have a plan based on discussions with the local health inspector and with an engineer and the building inspectors; the applicants feel that an improved situation would be a 10-foot wide trailer, formally a mobile home. It has been sitting there waiting for an outcome and a determination of whether the applicants can go ahead and remodel it in to a kitchen. They will use it temporarily for 2 or 3 years until they have the resources to build an addition on the building for a more permanent type of kitchen facility. It is an eyesore right now but that is the reason it is there, if the applicants can continue with their plans to remodel that kitchen then it will look nice and blend in with the rest of the scenery.

Commissioner Heitkamp asked if the applicant was comfortable with the 10 conditions.

Mr. Cooper stated that he just saw them for the first time tonight.

Commissioner Heitkamp stated that she believes operating the single wide as a restaurant is not in conformance with zoning ordinances.

Mr. Cooper stated that he thinks there is the possibility that there are things that can be done to bring it in to compliance. Mr. Cooper met with an engineer who thought it was possible. There are some difficulties but he would like to keep the door open on that if the Commission would consider it. Right now the little cantina is not insulated at all and it is too small. What we could do with this 10-foot wide mobile home is bring in something that could satisfy the requirements that the health inspector has come up with.

Commissioner Heitkamp stated that it may satisfy the health department but it wouldn't satisfy the building code or the zoning ordinances.

Mr. Cooper stated that he understood that but if they couldn't come up with an adequate solution they can not proceed with that.

Commissioner Heitkamp asked if the applicant was amenable with the other 10 conditions.

Mr. Cooper stated that there is no county water at the site so he is not sure how a fire hydrant could be placed. He has installed yard hydrants all over the property with service from his well.

Commissioner Brown stated that a fire hydrant wouldn't be required.

Mr. Yonke stated that the staff condition is that the applicant comply with the Fire District requirements. It is likely that they would need a hydrant; they could possibly use a dry hydrant in to the river. Staff left it open because they know there is no public water there.

Mr. Cooper stated that with previous visits with the Fire Marshal had noted that the river was next to the structures.

Commissioner Heitkamp asked about the waste water systems.

Mr. Cooper stated that there are three septic systems there and the one for the RV site wouldn't be used for this at all. The one that would be used is the one the applicant is already using for the building for the

existing kitchen and the existing commercial purposes that we have. The applicants would continue to use the same septic system. Whenever it would need to be upgraded the applicant would do that.

Commissioner Heitkamp asked the applicant if he was confident he could meet all health department requirements for food service and wastewater.

Mr. Cooper stated yes.

Commissioner Mink asked the applicant if he could comply with condition 2 which is 4 parking spaces plus 2 for a total of 6 spaces within the confines of the property and not along side the road.

Mr. Cooper stated yes; the applicant has that already.

Commissioner Mink asked how often the crowds would require parking greater than 6 spaces.

Mr. Cooper stated that he has an agreement with DNR and Katy trail. The applicant has access to 40 spots that are available and designated as part of the lease agreement with the Katy trail.

Commissioner Sloan asked if private owners are going to bring in their RV's and lease the space or is the applicant planning to put RV's there and lease the RV.

Mr. Cooper stated that he has one RV that he owns himself and the only service it has is electric, there is no water or sewer hooked to it. Most of the RV sites that are there people just pull in and stay a couple of days and use the RV dump as they leave.

Commissioner Sloan stated the applicant is not planning to put RV's there that will be rented out.

Mr. Cooper stated just the one he owns.

Open to public hearing.

Present speaking in favor of the request:

Steve Johnson, Executive Director, Missouri River Communities Network, 904 Maplewood Dr., Columbia.

Mr. Johnson stated that Missouri River Communities Network is a non-profit organization. The mission of this organization is to enhance stewardship of the Missouri River. We are interested in creating a forum to balance all of the stake holders that are related to the Missouri River, including barge operators, agencies, environmentalists, recreation bicyclists, winery owners, and whoever has an interest in the Missouri River. One of the things we are interested in doing is promoting recreation on the Missouri River. We feel that the more people that use and get down to the Missouri River and get out on the Missouri River the more people will start taking a new attitude that the river is a valuable resource that needs to be taken care of. Mr. Cooper is a pioneer in providing services along the Katy trail and the Missouri river. He has been at that location for close to 20 years. His services have evolved over the years as more people are becoming aware of the Missouri River and the recreational opportunities. Those services that Mr. Cooper has provided have expanded. Mr. Johnson stated that he is speaking in favor of allowing Mr. Cooper's request. Mr. Johnson stated that he understands the problem with the building permit and would like to see the staff and Commission figure out some way that the Thai kitchen could expand the facilities there so they could expand.

Present speaking in opposition to the request:

William Crowley, 11340 S. Smith Hatchery Road, Columbia.

Mr. Crowley stated that his property is adjacent to Mr. Cooper's property. Mr. Crowley stated that he has a lot of things to say one of which is the assertions made by the staff which Mr. Crowley found to be not represented from his point of view. The previous speaker, Mr. Johnson, mentioned that Mr. Cooper's activities have expanded; Mr. Crowley concurs with that. It is his understanding that the property initially acquired by Mr. Cooper in 1980 was somewhat less than an acre. On the local current tax rolls Mr. Cooper is currently paying taxes on 1.1 acre. In the preliminary notice of this meeting it was stated that Mr. Cooper is requesting a change in zoning based on 1.4 acres and this evening it has increased to 1.5 acres. Indeed, Mr. Cooper's activities have expanded. It is quite obvious that these activities have expanded at the expense of the local stakeholders mentioned by the last speaker. In particular, Mr. Cooper has expanded on to about 3/10 of an acre of Mr. Crowley's property in which Mr. Crowley currently, and for the past 30 years, have been paying taxes. Mr. Crowley has a copy of the local aerial survey, which contains the property lines, the property lines show distinctly Mr. Crowley's property and Mr. Cooper's property and they show Mr. Cooper's singlewide trailer occupying Mr. Crowley's property. He has had a surveyor on the property and there are irons buried there and he has had the sheriff there and Mr. Crowley has done everything he could to get Mr. Cooper removed from his property, but as pointed out, he has expanded. There will be other speakers, local property owners, who will also testify that Mr. Cooper has expanded.

Mr. Cooper has expanded on to the Katy trail itself; Mr. Crowley has a photo of the expansion. It would be interesting if Mr. Crowley tried to occupy the Katy trail and what his luck would be. Mr. Cooper must have quite a relationship with DNR to permit that. Mr. Cooper has a contract for additional parking spaces; the additional parking spaces are, based upon a contract with DNR are on Mr. Crowley's property. Some of the additional parking spaces that Mr. Cooper is describing are on Mr. Crowley's property. Mr. Crowley would like to propose that Mr. Cooper proves that he owns the property for which he is requesting a zoning variance. Mr. Crowley does not wish his property rezoned.

Commissioner Sloan stated that this is not a rezoning request or a variance; it is a request for a conditional use permit. The property is currently zoned Recreational and as far as the Commission knows, the applicant is in compliance under that zoning.

Mr. Crowley stated that part of the requirements was that the applicant have adequate parking and asked if this parking should be on Mr. Crowley's property.

Commissioner Sloan stated that she couldn't address whether or not this is on Mr. Crowley's property. Part of the staff's recommendation is that there be 4 parking spaces for the store plus 2 for the residence for a total of 6 parking spaces. There is nothing that says anything about additional parking on anyone's property.

Dale Rechten, 11602 Smith Hatchery Road, Columbia.

Chris Rechten, 11602 Smith Hatchery Road, Columbia.

Mr. Rechten stated that he lives right across from Coopers Landing. He is not against Mr. Cooper's business or the restaurant in question; he is concerned that the operation has outgrown his piece of property to the point where access to his own property is inhibited on the weekends. Mr. Rechten stated that he has to listen to loud music on the weekends; it is a concert venue, a marina, restaurant, store and

outside tavern. On another similar property up at Huntsdale they had very restrictive conditions on that property and it was 26 acres of land. Mr. Rechten is not against Mr. Cooper's business but there needs to be restrictions and some of the planning and zoning recommendations sounded sensible but there could be more.

Commissioner Sloan stated that some of the restrictions that Mr. Rechten is referring to is permitted under the current recreational zoning so the Commission can not take those away.

Mrs. Rechten stated that she is against the expansion until things are under control.

Mr. Rechten stated that there is too much on too little property.

Mr. Rechten presented pictures of parking areas.

Mr. Rechten stated that the pictures show how you can't get through the road.

Mrs. Rechten stated that there aren't adequate bathroom facilities; people have been using their driveway for the bathroom. There is not enough parking, there is trash built up, and there are too many people for such a small piece of land and a little one way road. Although she is not against Mr. Cooper's business there needs to be restrictions; something to keep things under control. Now there is parking on DNR property that was not leased to him. Expanding and improving the restaurant is going to make things even worse.

Mr. Rechten stated that it might be better if there can be some kind of agreement reached with the neighbors. The zoning that Mr. Cooper originally received was done without anyone realizing what it meant.

Mrs. Rechten stated that the business is so big that everything is spilling over on to everyone else's property with no way to contain it.

James Crane, 2393 E. Hwy MM, Ashland.

Mr. Crane stated that he owns 262 acres of property adjoining Mr. Coopers and he has rental property that joins it and the renters have complained about the parking and loud noise at night. A few years ago Mr. Crane had a trailer that the renters had moved out of and there hadn't been anyone in it for 4 or 5 years. Mr. Crane went by one day and someone had moved in. He stopped in and asked them who they were and they told him they were renting the trailer from Mr. Cooper and that he owned the property.

Mr. Crane stated that he checked with the Assessor and straightened it out, showing that he owned the property. The assessor said Mr. Cooper had claimed it. Mr. Crane stated that he went by last weekend and there were cars parked along side the road adjoining his property. There is not enough room on the property Mr. Cooper has for the RV parking. Mr. Crane stated that he does not have a problem with the restaurant or the business along the Katy trail. But there is late night music that disturbs neighbors and the parking is terrible along the road.

Closed the public hearing.

Mr. Cooper stated that two weeks ago there was an event down there that was planned by Missouri River Relief and Missouri River Communities Network as a fund raiser. Annually Missouri River Relief has been having a clean up where members of the community come to Coopers Landing and they get

different businesses in the area, including Civic Recycling and Onyx Waste Disposal and other recyclers that recycle products that are picked up and brought to Coopers Landing that was collected from the Missouri River, local roads, the Katy Trail, some of the waste dumps and from some of the neighbor's property. It is all brought to Coopers Landing and as much as possible is recycled and the rest of it is taken to the landfill. That event two weeks ago, the turnout was a lot more than anyone expected. Normally Missouri River Relief is very good about putting out signs and posting where people can park. For that event, that is one of the things that fell through the cracks. It is a once a year event and it is the first time we ever had a problem with that.

Mr. Cooper stated that as far as late night music; the music venue is primarily solo acts and it runs from 7:00 to 10:00. Mr. Cooper doesn't like to run it past 10:00; a lot of the people that come down there, come to camp and sleep so they can ride the Katy trail. For that event, they booked a couple of different bands and they played a little bit late that night; we did have an unusual problem that night. Mr. Cooper was aware of the one car that got parked on a neighbor's field and Mr. Cooper called him and apologized and told him they would try to make sure that didn't happen again. The problem with Mr. Crane's property; a few years ago he saw on his tax bill that he was being charged tax on 3 or 4 acres and Mr. Cooper went down to see what it was and the last time they had surveyed and assessed it they had drawn his property down around the mobile home. Mr. Cooper stated that he did not request them to do that and it surprised him when he went down and found it. Mr. Crane came and showed Mr. Cooper on his deed that this had always been part of his property. Mr. Cooper stated that he accepted that and Mr. Crane took the proof of it to the Assessor's office and they got it straightened out and there was never any more question.

Mr. Cooper stated that concerning Mr. Crowley; this is a dispute over a ¼ acre of land that goes back over 20 years. Mr. Crowley was not a party to the original agreements between Mr. Cooper and the other partners he had at that time. Mr. Crowley has not tried to talk to Mr. Cooper at all to settle this dispute. Mr. Cooper feels that if they could sit down together they could settle the dispute.

Commissioner Freiling asked if there was alternative in sight that the applicant has discussed or envisioned that would allow the continuation of food service in anything other than a permanent structure.

Mr. Yonke stated that a existing cantina trailer is not a singlewide mobile home; therefore it doesn't run afoul of our regulations. The fact that what he is proposing was manufactured as a singlewide mobile home is the problem. If it was a larger cantina trailer that wouldn't be an issue.

Mr. Yonke stated that staff received three calls in opposition to this request. Additionally, for clarification, under staff's proposed conditions the engineered wastewater system is not "when or if it fails" - this is mandatory. If the Commission places those conditions the applicant will have to go to the health department and get an engineered wastewater system. The existing systems that are there now were not inspected by the health department for the uses currently being served. The uses that are there currently are not legal until the applicant gets these permits. The site plan that staff is requiring is to try and resolve some of the property line issues. As far as the zoning goes, it is a "more or less" zoning when it was done, so what it comes down to is all off the property the applicant owned at that time, however much it is, is the recreational zoning. The applicant can not rezone any one else's property, whatever property is not the applicant's is not recreational. The issues about the parking on other property, the Commission can take that in to account with respect to the three conditional use permits, but the only matter before the Commission tonight is really these three conditional use permits. With the recreation zoning, there is no ability to limit the hours of operation on the outdoor concerts, all of that is covered under recreational zoning. The parking problems are related to the concerts and not related to

the conditional use permits. It may be an issue for the property owners but that doesn't stop the other issue. If there are concerns on the property the parking issues are still going to come in to play whether or not there is a conditional use permit granted.

Commissioner Freiling asked if there was any chance the existing systems will be found to be sufficient.

Mr. Yonke stated that he spoke with the health department and they indicated that they inspect the eateries but they do not permit any of them. Similarly the waste water systems were existing so unless there is a failure or complaint the health department doesn't feel they have jurisdiction to go in; whereas if the Commission puts a condition on it then they are involved.

Commissioner Freiling stated that this conditional use permit is intended to both clarify and structure the existing uses primarily.

Mr. Yonke stated yes; and legitimize them because technically they have been illegal up to this point.

Commissioner Sloan stated that she can not go along with the mobile home being a restaurant. If the Commission doesn't see that as being part of this then what is the applicant's alternative.

Mr. Cooper stated that the little cantina is still being used so the alternative is to continue with that until the applicant can figure out something that would be acceptable to the building code. The applicant would like to do an addition to the building but right now with putting in the marina services it would be difficult to do right now; it would be several years off before the applicant can do that.

Commissioner Harris asked Mr. Yonke to clarify condition 10; that will alleviate the concerns of whether there is any encroachment on to adjacent property.

Mr. Yonke stated that if a licensed engineer or surveyor prepares a site plan for this site, part of that is to establish a boundary so there is a little leeway in terms of how accurate they used the record information in determining that. One of the reasons we wanted to have that is because there are disputes over the property lines and we want to make sure we get things back in to compliance. If for some reason the mobile home has to go; then it has to go.

Commissioner Mink stated it would have been nice to have that done ahead of time but there must be reasons it couldn't be. If a study is done and it is determined that some of these things aren't going to work and the Commission proceeds with the approval how does it get rescinded if it doesn't meet the satisfaction of the Director of Planning.

Mr. Yonke stated that if, after one year, the actions are not taken care of the conditional use permit lapses automatically. If it is not brought in to compliance within that year, it lapses. If it is determined that some of it is in compliance and not others and doesn't lapse it can go before the County Commission for a revocation. If the applicant doesn't utilize the 12 RV sites because they find out they can't fit 12 but they can fit 3 that would still be in compliance.

Commissioner Mink stated that Mr. Cooper didn't address the comment about inadequate restrooms.

Mr. Cooper stated that there is a restroom in the store with a shower and laundry; there is also 3 port-a-potties that get serviced every week.

Commissioner Freiling stated that it doesn't mean you can make people use them.

Commissioner Heitkamp stated that the Commission has heard a lot tonight about expansion and the conditional use permit requests for retail sales and restaurant are to legitimize what is currently going on. Commissioner Heitkamp asked where 12 RV's would be placed. If there is a problem with those travel trailer spaces taking up parking spaces in order to be a good neighbor and to serve the people on the trail and on the river the applicant should prioritize.

Mr. Cooper stated that 12 sites was the maximum figure that the applicant came up with. It would be the maximum that could ever be placed on the property. The locations that have been designated for the RV sites are well established and are not involved in the designated parking areas at all, it is completely separate.

Commissioner Heitkamp stated that anyone coming for recreational zoning any more the Commission prefers that it be a planned recreational zoning. When the Brown/Lenau request came up there was a limit on the travel trailers and the County Commission put 24 conditions on the operation of that property.

Mr. Shawver stated that the Brown/Lenau request was for a conditional use permit for an outdoor recreational facility in an agricultural zone.

Commissioner Heitkamp stated that while the Commission encourages development on the Katy trail and on the river it is very important for Boone County to have it but people still do have rights as a neighbor.

Mr. Cooper stated he agrees.

Commissioner Heitkamp asked how many camp sites are proposed.

Mr. Cooper stated that there are no designated primitive camp sites. There are two areas that the applicant allows people to do the primitive camping in and there are 2 or 3 fire rings in both areas and there are water hydrants and picnic tables but there are really not any designated sites. A lot of the groups they get are boy scouts and church groups that pretty much camp in a cluster.

Commissioner Freiling addressed the neighbors stating that property lines are not the Commission's venue. Hopefully by adopting this conditional use permit with its specificity it will help the neighbors rather than hurt them. It seems that the conditional use permit is trying to bring existing activities within the new standards that have been developed by the County since the time when the original zoning was granted. That is a positive and hopes it proves positive for the neighbors. This is not changing use so much as regulating use. Commissioner Freiling stated that the conditions are appropriate.

An audience member asked how the Commission could agree with this if some of that property that is going to expand upon is the neighbors.

Commissioner Freiling stated that the Commission doesn't have the authority or a capacity to make that judgment.

The audience member stated that the Commission is approving an expansion at the same time.

Mr. Yonke stated that there may be a misconception; there is no expansion of the property. The property is somewhere between ½ acre and 1.5 acres. Whatever Mr. Cooper owns is the only thing that counts on that. That is one of the reasons the site plan is required which should help resolve the other issues. If the

applicant can't fit his business on his property then whatever can't fit isn't going to be able to be there. It has to be on Mr. Cooper's property, that is part of what has to be resolved.

Commissioner Freiling made and Commissioner Brown seconded a motion to **approve** the request by Michael Cooper for a permit for incidental retail sales, travel trailer park and restaurant on 1.5 acres in the REC (Recreation) district, located at 11505 S Easley River Rd., Columbia **with the following conditions:**

1. No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
2. 4 parking spaces are required for the store plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities including restaurant use must be designed and installed.
5. Lighting is oriented inward and downward so as to minimize light leaving the site.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Rob Brown – Yes
Michael Morrison – Yes

Motion to approve the request carries. 7 YES 0 NO

Vice-Chairperson Sloan informed the applicant that this request would go forward to the County Commission on May 31, 2005 and all applicants would need to be present.

* * * * *

2. Request by Robert M. LeMone on behalf of Certified Properties LLC for a permit to allow self storage units to be placed on 5.75 acres located at 5757 S. Hwy 63, Columbia.

Planner, Bill Florea gave the staff report stating that this property is located south of Columbia off of Highway 63. The property is zoned C-G (General Commercial). Property to the north and is zoned C-G and M-G. To the east, across Highway 63, land is zoned C-G and R-M. To the south there is M-LP and C-G zoning. Adjoining land to the west is zoned C-G. This request is to allow self storage units and outside storage for larger items such as boats and recreational vehicles. Plans indicate that there will be an office and a residence for an on-site manager. This site lies within the Columbia Public School District. Limited domestic water service will be required for the residential use, consistent with that required for a single family dwelling. Electric service will be provided by Boone Electric Cooperative.

Wastewater will be directed to a facility owned and maintained by the Boone County Regional Sewer District. The master plan designates this area as being suitable for residential land uses, though it should be noted that commercial zoning applies to this site. The original zoning for this site is C-G. Staff notified 32 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

- (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.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

- (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.

Existing uses in this immediate vicinity of this side are of a commercial nature. The proposed use should not have any impact on those uses.

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

There is no indication that the proposed use will have a negative effect on property values.

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

The site has access to a frontage road. Development of this site may require that water lines be upgraded to accommodate fire flows if required by the Boone County Fire Protection District or the building code.

- (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 proposed use will not impede the development of the surrounding area.

- (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 proposed use generates minimal traffic and should not hinder traffic flow in the area.

- (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.

The proposal conforms to other applicable regulations of the C-G zoning district.

Staff supports this request and recommends approval with the following conditions:

1. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
2. A landscaping buffer and buffering plan acceptable to the planning department be submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
3. Lighting is oriented inward and downward so as to minimize light leaving the site.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Present: David Kurtz, Representing Applicants, 111 S. 9th Street, Columbia.

Mr. Kurtz stated that Greg Waxton is one of the principals in certified properties; he couldn't make the meeting tonight. Mr. Waxton is a pharmaceutical representative and one of the primary targets for the storage facility will be climate controlled units that pharmaceutical reps will be able to use to store their product and merchandise. 50 of the units in phase 1 will be climate controlled units, 150 other regular units and as the staff report indicated, open storage area for RV's, boats and a covered storage area as well for some of those units. There is a shortage of climate controlled self storage units in Boone County so there is a public necessity for such units in this market. Most of the site will be a paved surface except for the gravel surface in the RV and boat storage area. Phase 2 of this process would be to convert that in to additional storage units. It is currently an undeveloped 5.75 acres and this is a conditional use within the C-G zoning district. Other commercial uses in the vicinity include the Simon Steel facility, Triple B doors, the petroleum tank farm just up the road and Boone County Public Works. This property is currently being subdivided; the 5.75 acres is part of a larger tract a preliminary plat for that subdivision has already been approved. The final plat approval must be obtained. All of the sewer, utility, drainage requirements, etcetera will be met before construction of this facility.

The staff report mentioned access. Access is planned from a new street that is being constructed on the adjacent property, it will be known as Meyer Industrial Drive. Access to this site will be directly from that side street and not from the access road so that should limit any traffic congestion. The applicant's position is the same as staffs, that operation of a self storage mini warehouse facility at this location poses no threat to public health, safety, comfort or the general welfare. This use is compatible with surrounding areas immediately adjacent to highway 63 and there are other commercial and industrial uses in the area therefore, it will not be detrimental to the other properties in the area. It will not diminish neighboring property values. It will not impede the normal and orderly development of the properties in the area and the uses that are planned conform with all the other applicable regulations of the C-G zoning district. The applicants ask for approval of the application. The applicants have no objections to the conditions; this is the first the applicant has heard of the landscape and buffering condition. Mr. Kurtz asked who would have to approve the landscaping buffer plan.

Mr. Shawver stated he would be the one to approve it.

Commissioner Sloan stated that the applicant mentioned they weren't going to chip/seal the area with the boats. Commissioner Sloan asked if that that is acceptable because the regulations say that all driveway, loading, and parking areas are to be dust free.

Mr. Florea stated that the applicants are required under the ordinance to be a minimum chip/seal.

Mr. Kurtz asked if the storage areas are included in that regard.

Mr. Florea stated that the only exception is the display areas for boats, RV's and mobile homes and this is not a display area.

Mr. Kurtz stated he didn't believe there would be any objection to that condition.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Harris asked if something was mentioned about a residence on the property.

Mr. Florea stated he believes there is a residence planned for the care taker.

Mr. Kurtz stated there is a 2-story office structure and the office manager will have an apartment above that; it will be integral to the project.

Commissioner Mink made and Commissioner Harris seconded a motion to **approve** the request by Robert M. LeMone on behalf of Certified Properties LLC for a permit to allow self storage units to be placed on 5.75 acres located at 5757 S. Hwy 63, Columbia **with the following conditions:**

1. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
2. A landscaping buffer and buffering plan acceptable to the planning department be submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
3. Lighting is oriented inward and downward so as to minimize light leaving the site.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Rob Brown – Yes
Michael Morrison – Yes

Motion to approve the request carries.

7 YES

0 NO

Vice-Chairperson Sloan informed the applicant that this request would go forward to the County Commission on May 31, 2005 and all applicants would need to be present.

* * * * *

Commissioner Duker arrived.

3. Request by Eugene and Sandra Arens on behalf of Jack and Colby Tinsley for a permit for a riding school on 50 acres located at 9601 N. Memar Rd., Columbia.

Mr. Yonke gave the staff report stating that this property is located 6 ½ miles northwest of Columbia, approximately 2 miles east of Woodlandville. The property is zoned A-2, as is all of the surrounding property. This request is to allow riding school on a 50 acre tract. There is a house, barn and other outbuildings on the tract. This site lies within the Columbia Public School District. This site is within the service area of Consolidated Public Water District No. 1. Electric service will be provided by Boone Electric Cooperative. The master plan designates this area as being suitable for agricultural and rural residential land uses. The original zoning for this site is A-2. Staff notified 18 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

- (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.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

- (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.

Existing uses in this immediate vicinity of this side are primarily agriculturally based or of a residential nature. The proposed use should be a good fit for the neighborhood.

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

There is no indication that the proposed use will have a negative effect on property values.

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

The site has direct access to a county maintained road. The impact on utility service will be virtually the same as that of a residence and small agricultural operation.

- (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 proposed use will not impede the development of the surrounding area.

(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 operation of a riding school should have minimal impact on the road, though there will be an increase in traffic.

(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.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Staff supports this request and recommends approval with the following conditions:

1. Any lighting other than standard “dusk –to-dawn” lighting is to be oriented inward and downward so as to minimize light leaving the site.
2. Comply with all site requirements of the Boone County Fire Protection District.

Present: Colby Tinsley, 2715 Rangeline Street, Columbia.
Jack Tinsley, 2715 Rangeline Street, Columbia.

Mrs. Tinsley stated that the applicants run a riding school now specializing in children. Applicants supply horses and tack for them. Due to development approaching their property, the applicants are looking for a future place to relocate.

Mr. Tinsley stated that the applicants are losing their lease on their existing property.

Present speaking in favor of the request:

Brenda Schmidt, 2201 Oak Cliff Drive, Columbia.

Ms. Schmidt stated she is the parent of a rider of the applicant’s school and the school is great. The City needs a good riding school and Ms. Schmidt is all for them moving out in to a much more quiet place.

Present speaking in opposition to the request:

Kirk Wacker, 9830 Memar Drive, Columbia.

Mr. Wacker stated that he owns property directly north of the proposed site. You would have to be in the neighborhood to understand what the situation is out there but it is just a little 2 mile long road, it goes nowhere and there are only 4 families living on the road. The whole reason everyone bought property out there is because it is pastoral and quiet, there is no traffic on the road. The most cars that come by Mr. Wacker’s house is maybe 4 a day. It is the whole draw of the area and it is really beautiful. It is not on any main road, it is tucked away. Placing a riding school there would be injurious to the use of his property. There is going to be traffic, light pollution, and sound pollution; it is a business. There is plenty of property for sale on paved roads that go somewhere that traffic from a riding school wouldn’t affect people and how they live. On a paved road you wouldn’t even notice the cars. Mr. Wacker stated that he has been around long enough to know a business is a business and if they are not running 10 or 20 people every hour through there they aren’t going to make any money. You are talking about 4 cars

going up the road and turning in to 50 or 60 cars on the road. That road is maybe a lane and a half wide, it has drainage problems, it washes out every time it rains. It is not designed to handle a bunch of traffic. If people are driving out there with horse trailers and dual wheeled pickup trucks it is going to be a mess for the County, they will have to spend a lot of money on that road.

Mr. Wacker stated that staff report stated that it would not reduce property values but Mr. Wacker disagrees. The reason he bought his place was because of the isolation, the seclusion, the quietness, the scenery. If anyone was to purchase his place that is what they would be looking at. A riding school, open 6 or 7 days a week is not going to increase his property value. There is a problem with public necessity; a new riding school just opened on Akeman Bridge Road which is right in the neighborhood. Boone County is growing and there are going to be more people riding and more horses but they all need to go in the right places. Everyone who moved out there, moved because of the quietness and solitude. It is only a 2 mile road; 4 families live on it, it is not a place for a business. Mr. Wacker stated that he bought this 60 acres 12 years ago as a residence and a farm setting, a business of any sort moving in is not co-habitable with the area. It is residential, no one is farming, there is some cattle but that is it. There isn't even any heavy equipment going down the road. This would increase the amount of traffic and it would change the whole atmosphere of the area, there is going to be a lot of traffic. The applicants aren't going to have a business if they only have 4 people come out there a day, they won't make any money. It will get bigger and bigger and they are building the big indoor and outdoor arenas across from Mr. Wacker's property. A barn is one thing but a big arena is another.

Charlene Laqua, 9031 N. Memar Rd., Columbia.

Ms. Laqua stated that with the people that travel down that road you feel safe. If the area starts getting more people coming down the road Mr. Laqua is not going to feel safe in the neighborhood anymore. When you have a business you never know who is going to be traveling down your road. Ms. Laqua stated that she is afraid the crime rate might go up.

Cindy Lockaas, 8901 N. Memar Rd., Columbia.

Ms. Lockaas stated that she trained and showed horses for 15 years early on in Boone County and boarded her horses different places, she has taken lessons at riding schools and so she has a really good idea about the kind of traffic this is going to cause. The applicants could run as many as three, one hour lessons in an evening. The classes Ms. Lockaas took averaged 5 to 10 people per class, at the turnover of the classes you are talking about the possibility of 5 or 10 cars coming in and 5 or 10 cars going out. That is 10 to 15 vehicle trips per hour on the road. You are talking 3 hours every evening, all week long and on Saturdays. The location is only about 10 minutes from town and many parents don't want to stay and watch the kids lessons, it is going to be very convenient to drop the kids off, run in to town to do errands and come back to pick up the kids so that doubles the amount of cars we are talking about just for the number of people that are in the classes. The riding schools tend to have clinics on the weekends or small horse shows so now you are talking spectators and participants. The people who board out there are coming and going. We are talking cars, trucks, and horse trailers on that little road. There are two 90 degree turns on the way out there that can not be maneuvered by truck and horse trailer without taking up both lanes of the road. Memar was not built and maintained for that kind of traffic. The County tried to chip and seal it last year and it was one of them that failed and they tried to turn it back in to gravel so there are areas along there where the shoulders drop down 2 feet. If you try to pass two horse trailers, or even two vehicles on some parts of that road it is not going to work. That is on top of the fact that it is a rural community, the kids ride their bikes on the road, the people walk the road. If you increase the traffic the neighbors will not be able to use their neighborhood like they have been able to use it. It is going to be a traffic hazard for the people driving out there and for the people who live out there just

trying to get in and out of their driveways. Also with this traffic there is going to be a large amount of dust, it is always there when you live on a gravel road but if you are talking 20 cars in and out every hour all night you are going to end up with a lot more dust. It is a very high traffic business and they want to put it on what is considered a small, rural, residential road.

Commissioner Heitkamp stated that she lives on Route E and from Memar Road it takes more than 10 minutes to get to town. But Memar is a small road, there are blind curves.

Closed to public hearing.

Ms. Tinsley stated that she understood everyone's concerns. Where the applicants are operating now they are closed on Wednesday's and Sunday's. There are 2 classes in the afternoon and evening and 3 to 4 classes on Saturday mornings. The applicants do not board so there is no boarding traffic and there is no outside training of horses so they would not be hauling any horses in trying to train. Under the current location the parents do drop their children off for about two hours, run in to town and come back to the school and pick their children up. The current property is 10 to 12 minutes from town and people will be more likely to stay so that would cut down a little bit of the traffic.

Commissioner Sloan asked how many students the applicant has now.

Ms. Tinsley stated approximately 40 a week.

Commissioner Sloan asked how many students the applicants anticipate at this location.

Ms. Tinsley stated right now the applicants are seasonable, classes currently run March 1 through the middle of December. The applicants purchased the land on Memar Road and would like to build an indoor arena to accommodate riders throughout the winter months. Ms. Tinsley stated that she would think she wouldn't have more than 50 students. The applicants may lose a handful of students because it is further out. Route E has always been a very horse friendly neighborhood. Akeman Bridge is closer to town than Memar Road and the boarding facility that has gone up on Akeman Bridge used to be a past client of the applicant. The facility on Akeman Bridge is not a training facility, they are strictly a boarding facility, they have clinics and other outside equine activities at their place. The applicants are not looking to be that kind of business, only a riding program for the children.

Commissioner Sloan asked Commissioner Mink to address the road issue.

Commissioner Mink stated that he was up on Memar Road today to make sure he saw it before tonight's meeting. It is a nice piece of property and would probably be a nice setting for such a facility. The things that the neighbors have said about Memar Road are accurate. The current traffic count at Wilhite is 51 which is considered very low, the department has a problem with erosion on that road and the County did try to chip seal it to stop the erosion from occurring and that hasn't proved to be satisfactory. There are a lot of erosion problems with that road, it is narrow, there are jagged ditches along. It is probably 2 miles from the paved highway and it will increase the amount of dust that is occurring. Commissioner Mink stated that he can not support this request because of condition D. The road is not adequate for this business and the additional traffic is also going to create dust which falls over to criteria E and will probably also eventually generate pressure to have the County chip seal or pave those roads at taxpayer expense and that would cost quite a bit of money.

Commissioner Mink made and Commissioner Morrison seconded a motion to **deny** the request by Eugene and Sandra Arens on behalf of Jack and Colby Tinsley for a permit for a riding school on 50 acres located at 9601 N. Memar Rd., Columbia **for failure to meet criteria D and E:**

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Rob Brown – NO
Michael Morrison – Yes
Russell Duker - Yes

Motion to approve the request carries. 7 YES 1 NO

Vice-Chairperson Sloan informed the applicants that if they wished to appeal to the County Commission and appeal form would need to be filed with the Planning Department within three working days.

REZONING REQUESTS

Commissioner Brown left the meeting.

1. Request by United Developers, LLC on behalf of Miller Properties, LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) of 108.32 acres, more or less, and from A-2 to C-GP (Planned Commercial) of 5.75 acres, more or less, and to approve a Review Plan and Preliminary Plat for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland.

The property is located on the north side of Route M just east of the intersection with Route MM approximately .8 miles west of the Ashland City Limits. Part of the property was platted as Shadowridge July 2004. Lots 2-4 of Shadowridge were replatted in September 2004.

The current proposal includes a rezoning request of 108.25 acres to RS-P and 5.75 acres to CG-P with a review plan and preliminary plat. 236 lots are shown in the RS-P portion of the development of which 232 are intended for single family residential development. The remaining 4-lots are designated common area but also show a location for a wastewater treatment plant and in some cases a sanitary sewer pump station. The 5.75 acre lot proposed for CG-P zoning has no proposed uses. If rezoned the lot would remain vacant until a revised review plan and final plan were approved.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

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

Utilities:

- The development will generate approximately 92,222 gallons per day of wastewater. The developer has identified two options for sewage disposal. One option is to connect to the City of

Ashland sewage system. The second option is to build a treatment plant onsite. The Boone County Regional Sewer District is the governmental agency having jurisdiction to collect and treat waste water in the unincorporated areas of Boone County. Under section 250.010 of the Revised Statutes of Missouri, no other municipal government is authorized to provide waste water collection and treatment services in the unincorporated areas of Boone County without the consent of the District's Board of Trustees. Regardless of which option the developer chooses, BCRSD may exercise its right to operate and maintain the collection system. In that case the residents of Shadowridge will be sewer district customers. An intergovernmental agreement will be required between Ashland and the BCRSD for wastewater treatment. The District has stated that it would not permit a bilateral agreement between the developer and the City of Ashland concerning waste water collection and treatment services for this development without the consent of the Board of Trustees for the District.

Ashland currently has a capacity limitation of 290,000 gallons per day (gpd). They are currently treating approximately 230,000 to 240,000 gpd leaving a surplus capacity of 50,000 to 60,000 gpd. Ashland has applied to MoDNR to increase their capacity to 490,000 gpd. Ashland anticipates that the application will be approved this year. The proposed upgrade to 490,000 gpd includes capacity for all the existing platted lots within Ashland City Limits and for this proposal. If the upgrade is built Ashland will have capacity to serve this development.

If Ashland is unable to provide sewer service the developer has proposed construction of an on-site treatment plant. Other than showing four proposed locations for a treatment plant, no information regarding this option has been submitted for review. There are several constraints to discharging sewer effluent from this property that need evaluation. Therefore, this option should only be considered after through study and disclosure of the potential impacts.

- Consolidated Public Water District Number 1 provides water service to the property. There is an 8-inch waterline along Route M and a 4-inch line along MM. The existing 8-inch line can provide 350 gpm fire flow. The fire flow required for the development is 500-gpm. In order to provide the required fire flow a new 8-inch main will have to be built to the property from Route DD west along Clellie Harmon Road then south along MM to the subject property. The approximate cost of the improvements is \$325,000. There is currently inadequate water supply for the development. If the additional 8-inch waterline is built there will be adequate water for the development.
- Natural gas can be provided by Ameren U.E.
- Electricity can be provided by Boone Electric Cooperative.

Transportation:

The development will have two entrances from Route M and one entrance from Route MM. A traffic study has been provided by the applicant that analyzes the impact to the existing road system and classifies the new internal streets according to the County's classification system.

The study analyzed the existing intersection of Route M and MM and the proposed intersections of Alex Humpf Drive with Route M and Route MM and the intersection of John Michael Drive with Route M. The conclusion is that all intersections will function either at a level of service A (delay of 10 sec./vehicle) or B (delay of 10.1 to 15 sec./vehicle) throughout the analysis period which is 2007 through 2027.

The Missouri Department of Transportation has reviewed the traffic study and generally agrees with the conclusions regarding level of service at the studied intersections. MoDOT has stated

that it does not appear that the traffic study has addressed whether improvement to the existing roadways are necessary in order to ensure that the increase in traffic will have minimal impacts to safety.

MoDOT suggests the construction of right turn lanes should be required in order to minimize conflicts between vehicles slowing to turn at an intersection and vehicles continuing through an intersection. MoDOT has determined right turn lanes should be constructed along Route M at the intersections of Alex Humpf Drive and John Michael Drive.

Internal street classification is based on Average Daily Traffic or ADT. Streets carrying up to 750 ADT are classified as local, 750 to 2,500 are classified as collector. The traffic study assigns local status to all streets except John Michael Drive and Alex Humpf Drive which are classified as collector and commercial respectively.

T.S. Davis Parkway connects the proposed commercial lot with an undeveloped 80-acre tract to the north. It is assigned 486 ADT which is 264 ADT less than the threshold for a collector street. 264 ADT is the approximate equivalent of traffic generated by 26 single family dwellings. The traffic study did not take into account the impact to T.S. Davis Parkway of future development on adjacent properties.

Traffic from future residential development to the north will be divided between trips to and from remote destinations and trips to and from the proposed commercial area in Shadowridge. The total number of these trips on T.S. Davis Parkway will likely exceed 264. At that point, T.S. Davis Parkway will be reclassified to a collector street. Sufficient right of way should be dedicated for T.S. Davis Parkway so that it can be upgraded to a collector when it is warranted by additional traffic thereby ensuring sound development of the area.

Public Safety Services

Southern Boone County Fire Protection District provides fire fighting services. The district has stipulated that the development be supplied by an 8-inch waterline capable of providing 500 gpm for four hours. As noted above the existing infrastructure is not capable of providing the required fire flow. If the stipulated improvements are made fire protection will be adequate.

The Boone County Sheriff's Department will provide law enforcement services.

Existing water and sewer services are not adequate for the proposed development. However, with upgrades to the water supply system and Ashland sewage treatment system or construction of an on-site treatment plant, the needs of the development can be met. Since the infrastructure upgrades are necessary to approve the rezoning, conditions will be suggested in the recommendation section of this report to tie the upgrades to approval of the final development plan.

Insufficient right of way for T.S. Davis Parkway will likely inhibit sound development of the area and could place a burden on the general public when traffic reaches a point where the road needs to be upgraded to a collector.

The developer is required to establish a system for maintenance of the common areas. A draft of the proposed restrictive covenants has been submitted but does not address maintenance of common areas.

There is an historic cemetery on the property. The headstones have been relocated due to continuing vandalism. The remains are still on the property. The subdivision regulations require that the cemetery be preserved.

Staff notified 39 property owners about this request. The property scored 66 points on the rating system.

Staff recommends approval of the rezoning.

Staff recommends approval of the review plan and preliminary plat with the following conditions:

1. Prior to final plan approval the developer must provide documentation that the City of Ashland has adequate sewage capacity for the development and that the capacity has been reserved for the development.
2. If the developer desires to construct an on-site treatment plant, a revised Review Plan must be submitted along with a report that identifies the following:
 - a. The receiving stream
 - b. Whether the receiving stream flows through public land or any lake or impoundment
 - c. Discharge limits to demonstrate that DNR will consider permitting a treatment facility on the property.
3. Any agreement between the developer and the City of Ashland for sewage treatment shall be subject to the approval of the Boone County Regional Sewer District Board of Trustees.
4. Prior to final plan approval the developer must provide fire flow of 500 gallons per minute to the property.
5. A 66-foot wide right of way, sufficient for a collector street, shall be dedicated for T.S. Davis Parkway. The developer of Shadowridge Estates shall build T.S. Davis Parkway to a local street standard.
6. Prior to final plan approval the developer shall submit proposed restrictive covenants that provide for maintenance of all common areas meeting the standard of the Subdivision Regulations Appendix B 1.4.
7. Since no residential or recreational structures are shown on the common area tracts no such structures are allowed.
8. The signage note shall be amended to indicate that signs must comply with Boone County sign regulations except that signs on Lot 237 shall be limited to 10-feet in height and 32 square feet of sign area.
9. The developer shall construct right turn lanes on Route M at the intersections with John Michael Drive and Alex Humpf Drive. The right turn lane for John Michael Drive shall be installed prior to recording the final plat for Phase 1. The right turn lane for Alex Humpf Drive shall be installed prior to recording the final plat for Phase 2.
10. The developer shall identify the location of the cemetery and propose a plan for its preservation for the approval of the County Planning Department. The review plan and preliminary plat shall be amended to show the location of the cemetery. The cemetery shall also be shown on the appropriate final plan and final plat.

Present: Chad Sayre, Allstate Consultants, 7401 Fall Creek Drive, Columbia.

Chad Sayre: I guess I will start off this evening a little bit of history about the development. The development; we were contacted several months ago from Mr. Miller to look at subdividing this piece of property. I am very familiar with, as far as the infrastructure needs of the area, we made a list of what we thought was realistic for this development to be in the position where it is now. With staff approval with the conditions that we agree with, I think that as these things go, this will be as little amount of data as

we will be in front of this Commission with. It is the process we are faced with but quite a detailed plan for a rezoning. I think the concept, the goal obviously tonight is to see if this use is appropriate for this property and to just give you a run down of what we are going to cover tonight, traffic, big concern, probably our number one concern; sewer, wastewater. I guess from a standpoint of achieving the goal was not the concern as in other cases when I have been in front of this Commission as much as usual there are a couple options here that are reasonable from an engineering perspective. In looking at the type of other treatment and type of other treatment facilities in the area. Water; water going in, the water supply itself can supply minimum quantities for the residential portion. The concern of the developer and of the water district from the focus in our discussions with them, of course, is the commercial tract which is shown as vacant right now. We think that the market for mixed use at these intersections will be several years away as roof tops continue to develop to the west from Ashland and densities along the divide. Really Route M is the divide of major water sheds, kind of the end of the prairie, if you will, two mile prairie and going in to the transition streams to the Ozark streams there. We think that in looking at develop ability, at relief that it is going to be a natural progression as property becomes available, this tract obviously was available. Another tract has since become available and is being proposed to be developed in between which lowers, if it is annexed successfully, will lower the distance to the City limits by a fourth. I think the history of it, there has been a long history in Ashland of aggressive planning from the City standpoint, of course in the County.

Ron and I were talking about it today; it was about eleven or twelve years ago I came before this Commission with my first planned development and it was also quite controversial. I know a lot of these folks behind me from either getting beat by their girls on the basketball team or some other way. I've worked in Ashland for some time so I'm going to stay pretty direct in the approach from the engineering perspective and then later I want to talk about things that are outside the engineering, the planning, the subdivision regulations and that's the emotions and the other things that are concerns.

On our list whenever we went through this development the very first thing was sewer, sanitary sewer service, the options for sanitary sewer service. This development is currently around 8/10 of a mile from the City limits. With the proposed annexation of the next tract it will be about 6/10 of a mile, plus or minus. All of the developments that currently exist; the amount of gravity flow to the wastewater treatment facility, there is hardly any area left that will flow by gravity to the wastewater treatment plant. So from the concept of pumping wastewater to the City, West Oaks pumps wastewater, basically everything on the north side of Broadway pumps wastewater to the wastewater treatment facility in one way or another. Blue Grass Estates to the south has a pump station that serves it across highway 63. The other direction, there's numerous pump stations that surround the city. In the history on the development in sewer; several years ago 1999, 2000 the City, the Boone County Commission, and the Boone County Regional Sewer District were participants and partners in a project to try to get an EPA sustainable grant, sustainable use grant, communities grant, and part of that was to look at regional wastewater service. That spurred the City at that time who was going from 25 permits a year, to 30, to 40 and that's housing permits per year, they could see it rapidly increasing, obviously, in population so that had them move forward with the regional study. The idea of not only just the study of sanitary sewer, but a comprehensive study that also looked at the develop ability and where the density should occur. Density, from a planner's standpoint, we are lucky in Boone County, many counties our size, first class counties that are considered rural like we are, compared to Kansas City or St. Louis or Springfield don't have planners. But I learned a lot about area studies, I've learned a lot about the property approach in these things and you can't just look at one service utility. So in this study it addressed the need, it was a needs assessment for a regional wastewater treatment facility and from that that spurred the discussions of the plan for the City of Ashland and to serve to be the regional provider in an interim fashion until the overall regional facility could be developed.

The goals in 2000 were to increase a 160,000 gallon per day plant. That's what it was when it was initially designed, to 290,000 per day. In 2002 they obtained a permit for that. That was a three to five year solution with the growth rates that occurred and the potential for further regionalization and also the fact that the City couldn't afford to add anymore capacity than that. It is very difficult for small communities to say "let's build a 1,000,000 facility but we only have 290,000 gallons worth of customers". That means the water and sewer rates have to go up to serve development. I think the city, at that time; the phasing that we put in our applications in 2001 and 2002 was a phase one of 290,000 gallons per day, a phase two of 490,000 gallons per day, and a phase three of 750,000 gallons per day. In the needs assessment the discussions of the phase 1 for the regional plant were then 1,000,000 gallons per day to support the local cost share for the regional plant. The whole concept for the regional plant was to get a water quality study to study the downstream affects to try to select a location that would have the least amount of impact to the environment, that grant was awarded, it is underway. One water quality study was done through a grant obtained by the Boone County Regional Sewer District. It has already been completed and two improvements have been made to the facility at Ashland's lagoon. As Bill had mentioned in the staff report, 290,000 gallons per day is the existing capacity, but an 18 month to 24 month full scale pilot study was done on equipment to remove ammonia. This wastewater stabilization pond lagoon doesn't look like the lagoons that surround Shadowridge right now. It is a mechanical facility that removes ammonia that meets a fairly stringent limit as far as effluent goes. But as Bill also mentioned on May 15, 2004, we submitted a facility plan with the water quality study. And the water quality review, the thing that Bill had added to the comments is very...it's difficult, it is a fairly significant review that is complete by the DNR.

I might hand this through, this is the form, the water quality review sheet that would have to be filled out for this development if a wastewater treatment facility was being proposed. (Mr. Sayre presented the form to the Commission) It completes what Bill had mentioned, the items that were in the staff report that needed to be completed prior to selecting a water shed if a package wastewater treatment facility was actually selected. You will note on there the items that Bill had mentioned in the staff report about the outfall, the locations, the receiving water body, and it also talks about if the treatment types are different. The type of treatment that would be proposed for this facility, sticking with the wastewater treatment, is a membrane bio reactor. It is a type of facility that would, I guess, exceed in quality any effluent limitation that I have seen given in Boone County. It exceeds losing stream limits; it exceeds the necessary criteria for recreational use attainability studies that you will see for recreational properties. It would be the only option feasible from our standpoint as a design engineer and that is kind of the way we are going anymore. They are very expensive with that expense comes the feasibility to regionalize and try to work out an agreement with the sewer district and the City to pump sewer from the facility across the tracts in between this tract and the city, as the city limits are today, and it would have to be pumped completely to the wastewater treatment facility.

(Applicants presented a copy of a green space plan for the development)

Chad Sayre: Right now the green has a name on it that was since purchased by United Developers and the yellow is the tract that is just pending annexation to the city right now. These are the smaller tracts; there is a 2.5 acre development here and larger tract developments here, the Jennie Lake development, and then some large parcels here. All of the parcels that you see, every single one of them would have to be pumped. The concept from the city standpoint and basically, from the planning standpoint is if it is regionalized the easements would have to be acquired and at that point where that force main crossed those facilities would then legally be served by sewer. There would be a connection fee similar to the connection fee structure that this development would be proposing and then it would be a per lot fee that would pay in advance, if you will, for the treatment capacity and the collection system. But then there could be some reimbursement for the public improvements as the County does now and as the other

cities in the area if there are public benefits the developer is eligible for reimbursement. That alignment would depend on available easements. As far as elevation goes, the amount of pressure or head that you would have to pump against is not a huge issue because this, the same reason that the water system, this is one of the higher elevations in the area and so with the tower, and the pressure from the tower that's basically on the commercial corner our static pressures aren't high enough to supply the 500 gallons a minute, or in our case, we are going to want more than that for the commercial areas as they develop five, ten, fifteen years in the future.

I'm going to jump off a little bit on the cemetery issue. We had a neighborhood meeting a few weeks ago and we discussed this map, as far as an asset map, that shows the Jones Cemetery and I was educated a little bit by some folks that had lived there for a long time about the Jones School and then now the Jones Cemetery. The cemetery, where we think it is, is in a green space. As it was mentioned, the headstones have been relocated so there will have to be a location study done. Currently it is right in this area (Mr. Sayre pointed out on the asset map the location of the cemetery). There used to be a fence that offset we found out but that was torn out some years ago so right now it is in this area and it would obviously be the developer's intention and requirement that it would have to be preserved. It is noted and will be added to the review plan in detail, the staff will have a note that we develop as we move forward for control of that.

(Mr. Sayre presented a map from the water district)

Water, this is the map we got from the water district and it shows the existing Harmon tower here. There is an 8 inch water line on the property and it serves the new church, the properties along here and but the 4 inch, even though as far as it is being looped, does not provide the capacity because of the lack of static head in this area so they said proposed eight inch loop, that may be a twelve inch loop but there won't be a problem going bigger with the water but the minimum size from the engineering hydraulics would be an eight inch to meet the minimums. The city requirements will require, in my opinion, a larger water line dot size and when you are putting those in, there were a few complaints in the neighborhood meeting about water pressure along the four inch. This would be mitigation for our problem that there would be some residual community benefit too.

As far as wastewater, I try to be realistic when we do these things about the negatives that we see, we don't live there, its an important point in that area so the neighbors concerns obviously weigh heavier than ours, but from an engineering perspective the wastewater extension that we are proposing, everyone would have to pump now. I think some of the concerns about wastewater discharges are valid as far as recreational use attainability studies to determine effluent limits, there are a lot of them that discharge directly in to lakes of recreation. It is a big concern you have to spend a lot of money to make sure that you don't have problems. In a development such as this the developers proposal now is to somewhat build a shell house over it. The aesthetics can be a problem, noise won't really be a problem with this type of system but anytime you have a big chain link fence or something, it draws attention and from a marketability standpoint, wherever it ends up, if a plant is constructed it would be covered 100-percent. As far as wastewater benefits to the area, of course there are 30 or 40 lagoons in the area, our neighborhood has gotten larger as we have moved forward with the proposal, it keeps growing. But if we look at the Jennie Lake area and we look at the need for sewer there, there are lagoons that are adjacent to the lake and there I think that the possibility, and the 2.5 acre development adjacent to this just to the east, there would be an excellent possibility for those folks to annex and/or work out an agreement to pre-annex and connect to regional sewer and eliminate those lagoons. If you are an owner there and don't want to do it then it is not a benefit but from the regionalization standpoint and an environmental standpoint and a planning standpoint, anytime a development can regionalize and eliminate point source discharges that is a positive from the engineering and planning standpoint.

Streets, the staff report identified the streets. I don't know if it's a hang up dedicating the additional right of way, we are dedicating the additional right of way but are not required to build the additional street width. Our thoughts are its very close; this was our proposed collector to run in parallel to connect to the tracts to the north. And the concern would be is that someday this street and the extension of that street would need to be wider because of the developments to the north. We think if they are developed like this one and the internal traffic study is done like this one, that in part of the concern with the traffic study was the amount of distribution that the traffic engineer used to MM and we've since tried that also as far as putting more vehicles to MM in the future here, I think the developers opinion is that he has built the collector for his development and I think that it can be incorporated but it is with some concern that we met the subdivision regulations in our opinion from the traffic count standpoint but we do understand the future need of this area but we also think it can be mitigated by the planning as these tracts develop in the area. The annexation plan and thoroughfare plan of the city, the annexation plan extends, this tract is well within the annexation plan of the city, but the thoroughfare plan stops at D. That shows two east west corridors and if that thoroughfare plan was filled up the annexation plan I think what we would see is the need for other east west corridors obviously, with the traffic concerns that are here this evening, before we even develop this subdivision the neighbors have concerns about traffic on M

From MoDot's perspective from our traffic engineering section in our office it is not even close to the capacity of what is rated from a manual. But when you look at the change in traffic you know, that is where my concern would be, that is something that would need to be addressed. There could be six or seven more of these and will be these type of subdivisions as we move to the west. But the time to set up the impact fee structure, or at least study the terminus of this roadway which is two 4-way stops in Ashland, is now. That is what this development has proposed to do is to, I think it would be the first development that is proposed to be pre-annexed or is annexed in the city of Ashland that is proposing to fund a study of the downtown area. I do understand, we had proposed, before any hearings or neighborhood meetings, \$10,000 for a preliminary study and I understood from the council meeting the other night the developer sent me a note today and said that he had told the council that if they thought that \$10,000 wouldn't be enough and that was only, as far as a per lot basis, they didn't think from assessing an impact fee and then assessing it to developments that occurred along M so that they were fair that \$20,000 would be more realistic to produce a study that could be submitted to MoDot with defense, if you will, to show that when warrants are met and the needs are there for improvements in the eyes of MoDot, that is a MoDot roadway, that it would take more money and I understand and as part of the record that the developer has agreed to fund a \$20,000 study to the city of Ashland as their concern that \$10,000 was not enough.

As far as traffic goes, we have heard a lot of comments about the traffic study, that one didn't occur, and they questioned it. Crawford, Murphy, and Tillys is a very reputable traffic engineering firm that does a lot of work for MoDot in Boone County, the City of Columbia, they used accepted industry standards, there's guidance in the subdivision regulations in the MoDot manual. The developer requested to be able to construct right turn lanes initially but sometimes they cause problems and so he has agreed from the beginning to construct right turn lanes if allowed by MoDot. I think it was a re-review that came up and also the concerns that were raised by the neighbors. There was also another concern that was a good one, lots of good ones from the neighborhood meeting, that there is a site distance issue, a small dip, which is not an engineering term but that is what I use. That where you lose site of vehicles and that's become an issue so the lay, the available site distance had to be decreased. We also ran that this week, we met with Trent Brooks on Wednesday and had talked to him last week about it and it still runs in 2027 at level service A and B. But from the Commission standpoint to sit in front of you it is the first to come, the impacts don't appear to be as much, you can take background traffic at 1%, 2% per year, 3% per year

growth and that may not reflect the long term impacts in 2027. We weren't comfortable estimating population in Ashland for over 10 years so I think that that's where we think that, as far as this development and its impacts, there will be more traffic as far as functional impacts to decrease the level of service those will be very manageable from the study and changing all of the assumptions. One gentleman said lets make a lot more traffic go to MM and double the peak hour traffic. Well you aren't supposed to jump around we used accepted amounts but we did that and you'll still see it function at level service A and B. And the only thing that would drop to level of C might be a left turn movement that's created that's within the development or at the entrance to the development. So all of those level of service will still be acceptable by the County standards, by the State standards, but the point of proposing a \$10,000, now a \$20,000 traffic study, is that lets look at the terminus of the roadway, a two-lane roadway has a certain capacity and we won't be close to that with this. But as there's 5, 6, 7 more developments like this over then next 1 to 5 years to 10 years as they continue to move west I think that now is the time to do that. Now the County has Liberty Lane that several people have told me is a great route now and we have one missing link in the city, that's another east west corridor. You will see this occur I think it's great that it occurred last year. You'll see east west corridors as like Liberty Lane was an existing corridor that was improved, we will see new corridors east west and with Liberty Lane and then the north south connectors what we will see is a County traffic system and then a City traffic system that will be able to handle these at an acceptable level of service, but now is the time to plan for that. We contacted the City about a pre-annexation agreement of course and going down through their list they've learned a lot in the last 5 years with the pressures of development and the different types of lots and the different types of houses and the one thing they wanted this time was they did not want to inherit a ravine that they couldn't get to as a common area that was called a pocket park. So on this development if you look at the contours they are very developable as far as a park goes, as far as usable space, as far as providing buffer to the I guess the people across the street the design was really there obviously for the also for the lots and their location in relationship to the roadways.

But there is a good portion of the roadway and of course as the commercial development is developed the County subdivision regulations we will, they will require a significant landscape buffer also and a significant amount of green space. But if we look at the total percentage of green space on this development its 114 acres plus or minus the development and its 13.25 acres of green space. Now each of those green spaces won't all be grass, what we've proposed for those as far as stormwater goes, which is the next area I want to talk about is ponds, as far as an amenity, to keep them there and then there's another place to the north where it may be a dry facility with rock trench filters or some other water quality aspects that we will have to address. The detention ponds on this we are quite lucky that there are so many different water sheds, if you look at ratios of watershed area to pond area and what we've dedicated the amount of area you are actually required to be with surface water will be quite small to maintain pre-development flows off the site which is also something that staff will require as we move through the final plan stage. A hydraulic analysis that does show that. Water quality, we are finding the actual test results as we do more of these and the studies that are being done that they do work well for water quality but you do need to make sure you maintain a grass buffer or a rock trench filter, some type of system upstream of those ponds and that is what we will have to do. The City is currently experiencing liabilities from developments that are being done without this approach so the one thing the city wanted to make sure of, as far as public funds, they wanted to make sure that this was a sound plan with good stormwater management.

As far as the internal workings of the development we have a phasing plan shown over here. From an economic standpoint and also from the stormwater runoff standpoint it is going to be fairly straight forward for us to isolate runoff from a watershed basis. The contours reveal it the Commission can't see those from this map but the divide, when you have 4 to 5 watersheds that we can deal with here and the orange would be the proposed first phase, then from there the purple would be the second phase we

think, then the blue or the yellow from there. As far as the viability of the commercial property, the neighborhood commercial, it has the use restrictions on it. It is going to be several years; I think when you see the planning documents from the City of Ashland you'll see that the Planning and Zoning Commission as they look through the annexation plan for the city. I believe this has been revised from that time but this shows the city limits as exist. This that says McKee, by it is the proposed city limits if the annexation is successful and then this is the tract that we are discussing here this evening. It is well within the annexation plan and when the city started deciding they were going to see from their standpoint what was an acceptable use they want to make sure from a sustainable approach, through the visioning process that we did several years ago we were going to change the developments in Boone County. We were going to look at multi-use, we were going to look at planned developments, this is a planned proposal from a single family planned proposal hasn't been used a lot in Boone County but it shows the node of commercial in this development. This is obviously not to scale, that would be a lot bigger chunk of development but whenever we talked about the node we basically used some of the existing terrain and the site distances. Whenever the site distance study was done for these driveways by Department of Transportation that's what determined the commercial node. More driveways would be very difficult to get, it's not the intention for that to be the case and from a neighborhood commercial standpoint the uses can't be as intense as open commercial. City of Ashland annexation plan was referenced; the City of Ashland land use plan was referenced.

Back to the park comment. I think that more work will have to be done through the process the final plan process obviously for the park plan. I know that the City is adamant, I know the County staff will be too that they don't inherit a ravine, that we do have a plan that shows what kind of amenity this will be. That is the intention of the developer, that is what's going to be required of him and then as far as the instrument that he sets forth, the homeowners association an assessment type instrument to try to fund that. That will also have to be reviewed during the final plan process. One of the neighbors comments was what's the entrance going to look like. So Mr. Miller's staff has been working to try to get some concept of what that's going to look like. A large median, I think Danny wants a fountain of some kind, and then the sign concept is here. These are conceptual plans but I want to leave these somewhere. It takes some time to develop these so I'm going to pass these out also.

The water quality features for stormwater runoff, we are going to have temporary measures, silt basins, rock check filters, but in our case we are quite manageable because they will be incorporated within the permanent structures of a permanent impoundment. Drawdown structures will be put in to allow sediment removal in the future and also for bank maintenance. There is a lot of confusion about the number of lots; there is 232 lots shown on the plan. 4 of those are common, one of those is just shown as a vacant commercial property, that will be split in to more lots but there is 227 residential lots shown. It is a total gross acreage in that 114, 115 acre; if you take out the common area, it depends on how bad you want to make the density look and how you are doing it, but that is the statistics on the development. Today a lady called me and asked me if there really were 350 lots and that there were 4 lagoons. That is not the case. There is not going to be any lagoons on this property.

There is one more document I want to pull out. This is the needs assessment that was completed in January 1999. This was the first document that was used to get the EPA sustainable communities grant. The actual monies that was received was actual line item but then it was basically being administrated as a grant. There is a map in here that is probably one of the best planning tools I learned it from the planners at the University and also our planners here. It is called a shaded relief map and from the Commissions standpoint you probably haven't seen one of these and the only one since then. But from a regional or sub area standpoint when we look at this type of thing, I got to help them pick the colors and if you look at shaded relief, the amount of slope you have, the elevation, it shows the red zones, it shows where from a planning standpoint, from a sustainable standpoint you want density to be, you don't want

density not just right over the hill where the grades are steep, you want to minimize grading. Put the density where we can afford to put in the utilities, make the development sustain itself and then preserve the areas downstream. Try to maintain yourself in the top 15 to 30 percent of the watershed area. It is very difficult, it turns out, to determine the upper part of the watershed area but I do want to hand this out also.

From that standpoint, I think, as far as my opening presentation, I feel like this is a single family planned development. As far as lot size, there is a range in lot size, some that are as large as a half acre, very few of those, most of them average in the 12,000; 11,000 to 12,000 square foot range. The minimum in the county is 7000 square foot; the minimum in the city is 8000 square foot. They're very compatible with many of the developments in Ashland. There are developments from a minimum square footage requirement, that was a concern by the neighbors. I originally proposed 1250 square foot minimum, at the neighborhood meeting Mr. Miller agreed to raise that to 1450 square feet, that would exceed the developments in Ashland except for Blue Grass Estates from what I understand from the city and portions of West Oaks. As far as lot size if you look through the West Oaks development that is one that is close to this. Many, many of these lots are bigger than some of the lots in West Oaks, a few of them are smaller but from the range of lots there was a concern from the neighbors about the density. Density, from a planning standpoint, and from your all's standpoint, you see it everyday. Large tracts, you can't afford, from a development standpoint, from a performance standpoint, from a sustainable standpoint, you can't afford to put in the necessary improvements. You can't afford to give \$20,000 to help at least spur a study of downtown Ashland; I don't think one's ever been completed so I think it's a big step in the right direction from that standpoint. Many, many, many improvements occur because of development these days. Especially County developments and the way they approach it with requiring the improvements prior to building permits being issued or whatever conditions are placed on there. I think that this traffic study itself has shown issues with M and MM. As far as the right turn lanes, I think that will be good for traffic getting in. I think our left turn as getting out but the speeds here were a concern also by the neighbors. The design speed there and as the City limits moves west I think we'll see the speeds that drivers actually use which then controls, gives guidance to MoDot on setting speed limits. I think we'll see an improvement with that. I had someone call me today and said that I said there would not be an increase in traffic and so many times we deal with mis-information as you all do but there will be an increase in traffic. Every year there has been an increase in traffic the data fluctuates. I think that MoDot's data will fluctuate depending on if they take the counts when school is in or not but whenever we looked at the sensitivity analysis, what you do want on these traffic studies is something that we can improve upon with this study is to see how changing those assumptions and changing those counts just quantitatively will affect the actual level of service. We started doing that in the last few days, we met with Trent Brooks earlier this week and what we are seeing is, as far as level of service A or B you might find a level of service C but it is more of an internal movement so I don't know that it is realistic with one development. I know the traffic is going to go up. We also heard that there has been a ton of accidents at the intersection, it was very difficult, we couldn't find confirmation of those so the neighbors thought it might be a reporting problem with the law enforcement agencies but from the standpoint of the data that we could acquire we could not find a lot of accidents like were reported.

Commissioner Duker: Where would the receiving stream be for the onsite treatment plant? Which way would it go out of the subdivision?

Chad Sayre: There will, I would anticipate 4 discharge locations to be evaluated. The water quality review process has gone full circle. It used to be quite straightforward there is a model that is used by the department but a lot of things affect the model; down stream conditions, recreational uses, livestock watering, aquatic habitat, that type of thing. The actual water quality review process will actually look at four different locations if a plant turns out to be the selected option so we can't tell you which location

and what we will find many times is after the preliminary engineer report is turned in with the water quality review request there will be a switch. There will be geologists that weigh in; the process itself may take 6 months to go through from the standpoint of a water quality review. It's turned in to be quite a lengthy process and a lot of modeling has to occur to determine the effluent limits. One thing that helps the process is when an owner and operator selects a system like we are proposing. A membrane bio reactor type system from an effluent standpoint is as pristine as our technology will allow us to get. They are in operation in Missouri but they're fairly new to Missouri so 4 locations would have to be evaluated.

Commissioner Duker: It will go west though, right?

Chad Sayre: Pardon?

Commissioner Duker: The property drains west?

Chad Sayre: There is a portion of the property that drains west, a portion that drains north, a portion that drains east, and a portion that drains south. It is right on the divide if you look at the ridge road that is there. There is a system of ridges that meet right there. One thing in looking to the west and looking actually every direction but north, the amount of existing lagoons that are there from a water quality standpoint and you look at back ground levels that are going in there from a mass loading basis, I think that will be the approach of this. There is recreational concerns, everybody will have a concern. There's concerns with every different direction but from an engineering perspective and an environmental perspective the type of system we are proposing puts out quite a pristine effluent. I think, a fellow with DNR told me that that type of system would be putting out an effluent that would be a higher quality than any effluent limit that had been issued in Boone County, but it is very expensive so there's expense, you do get what you pay for in wastewater treatment, at least that is the idea.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Rick Flett, 12347 Andrew Sapp Rd., Ashland.

Rick Flett: Ladies and gentleman my name is Rick Flett, I live on Andrew Sapp Road with my wife, Janet. We've lived on Andrew Sapp now for over 25 years and in that time we've seen Andrew Sapp go from a gravel road, to chip and seal, to a paved road and it is a lovely road that has turned in to be a major connector if you're not familiar with it between highways MM and highway N. Even though we are about three miles from Shadowridge, I'm sure that the increased traffic will profoundly will affect us. State Farm insurance is a mere twelve miles from the junction of highway M and MM. Now none of the people that you will hear speak tonight in opposition to this plan are against development. We are merely opposed to Shadowridge because of the density issue. Now a urban density development in our county we believe to be fraught with problems and in fact could a dangerous precedent for the County Commission for future developments who see this as an opportunity to make money elsewhere. If this development were contiguous to the existing city limits of Ashland or within a reasonably close proximity none of us would be here this evening. In fact, it's clear that the developers desire to be annexed by Ashland is really the motivation behind the density issue itself. In fact, I will quote from his response, given this close proximity this property will be in Ashland within a reasonable short period of time. Who's short period of time is that referring to? I can tell you that in the 25 years that I've lived

near Ashland the city limits has moved 3/10 of a mile to the west. That's been during a period of remarkable growth in Ashland. So is Ashland going to extend that far in five years or is it ten years or is it fifteen years or longer? So my question is there are many obstacles to overcome with the city of Ashland to get that far out to annex this development as it exists. There are vast areas of undeveloped land currently within the city limits of Ashland and I know you all have to be familiar with those. In fact, one of the largest developments under construction is barely half-way there. A development I think of about 150 homes. The newest annexation is going to increase single family housing by a significant amount but they are large tracts of land east of Ashland and south toward the elementary school that are undeveloped that could be right for reasonable single family home development. Buy my question really is this; if this is allowed to proceed as recommended what happens to that infrastructure in ten years if it is not part of the city limits, if it's not within Ashland, who is going to foot the bill for infrastructure failures that are inevitable. Who's going to provide the maintenance, are these people that buy these homes, are they going to have a trust fund to ensure that nothing interferes with surrounding properties in terms of problems? No one seems to know. Everyone who is going to speak in opposition would be perfectly happy if Mr. Miller proceeded with his development under current county zoning standards; 2.5 acres per single family home, but clearly it's an issue of economics and you heard Mr. Sayre comment that it's just not economically feasible to proceed. That means profit; they aren't going to make as much money if they have to reduce the number of units that go in there. In fact, Tuesday night at the Ashland City Council, Mr. Miller stated I am not interested in the 2.5 acre development. So we believe as a group that this kind of urban density in an out county setting is fraught with problems and those include; an individual will speak after me and address each of these individually, the burden on local schools, safety issues, certainly involving traffic, but also law enforcement issues, sewage treatment, density problem in and of itself, annexation in a reasonably short time, what does that mean? Property values of surrounding, property owners, existing homeowners, and certainly stormwater runoff. That is not in order of any significance but I'm going to end my discussion and allow others to speak in opposition of the plan.

Dale Brigham, 2202 Hillshire Court, Columbia.

Dale Brigham: I work in public health as a physical activity practitioner specifically; I work in an obesity prevention program. I am here to address the impact on public health that potentially could arise as a result of this development and I have a document to share with the Commission. (Presented handout to Commission). The public health entity recognized in the United States as the expert is the U.S. Center for Disease Control and Prevention. The centers for disease control and prevention is responsible for ensuring the health of all Americans and Missourians in turn. The CDC, as they are called, has recognized that the built environment, that means buildings, streets, other things that we are talking about, has a profound affect on health. The affect on health is a long term one and it's hidden, its some of the things people talk about are more overt and won't happen instantly but the affect that we see on development is long term. Particularly because the affects of development on health are related to chronic diseases, ones that take decades to arise, things that you are familiar with like diabetes and heart disease and one that we see is increasing in Missouri and elsewhere, obesity. As you probably know over half of adult Missourians are classified by CDC as being overweight or obese and there has been a three-fold increase in childhood and adolescent obesity in the last generation. The financial impact of that to Missouri is estimated to be 1.6 billion dollars currently. Obviously we know why we are becoming obese, we eat too much and we don't exercise enough and CDC has identified the built environment as a potential in the decrease in physical activity that leads to obesity and other chronic diseases. In particular, they have found that developments that have certain characteristics lend people to become overly heavy. Characteristics include things such as lack of sidewalks connecting a development to a desirable area such as a school or other commercial activities. Cul-de-sacs and that is that cul-de-sacs have less interconnectivity in streets as opposed to a grid design. And isolating developments, a

commercial development in one area rather than the center of a planned residential development. Shadowridge has all of those features and some others that CDC would characterize as being a development that would not lend itself to promoting public health. In addition to those the leap frog, or sporadic developments have been identified by CDC and those are characterized by a development with large spaces of vacant land between them. In this type of development also, the automobile becomes the dominant form of transportation. Bicycling and walking become less desirable and possible because of safety concerns and there are several other factors in there, I won't go through every one of them. Particularly the CDC in terms of childhood physical activity, it has, is so interested in walking that they have developed and implemented a nationwide program called "Kids walk to school" and kids walk to school is important because, whereas, when I was growing up decades ago, 30-years ago more than 80-percent of kids walked or rode a bike to school, now that statistic has flipped. Less than 20-percent of U.S. kids walk or ride a bike to school because of the lack of sidewalks or bike paths along Route M or MM and the lack of plan to create such in the near future they will be a cohort of kids that will never have that opportunity and CDC feels that it is so important that kids walk to school that, indeed, they recommend that developments follow a pattern such that kids are able to do so. In closing, I know that the developers are not intending to impair the health of people who are residents within the development or in the surrounding communities. Unfortunately this development as planned has characteristics that the CDC has identified as being poorly planned growth and those have been shown to have a negative impact on health. Certainly we couldn't put all of the onus on this development or any other specific one on the growth of obesity in this state and in the country. But unless we do plan better in the future we are stuck with the debilitating condition that will decrease the health of future generations in the United States.

Chuck McKenna, 2926 E. Jeannie Lake, Ashland.

Jennie Lake is a little cul-de-sac which is probably less than 100-yards down from the intersection of M and MM. It's about a ¼ mile long, it's got a few houses on it, they all have 2.5 acres or above and there were two residential lakes on Jennie Lake and when you stand in the corner of M and MM you can probably see or know where, within a 500-yard four recreational lakes from that very same intersection. I would be happy to show it to you, my house is right here where these valleys go down there's a recreational lake that goes underneath the culvert and drains in to another lake and goes down to the creek bed that is being dammed. There's another one here and there's another one here, I don't know what's over here. This is not a very big piece of property, look at that, Ashland hasn't moved, Ashland is way over here. This is a quarter to a third the size of Ashland today. There's all these houses that have big lots and we are going to put a town a mile away from another town. Here's my problem with this, I am a roofing contractor, I look for roofing problems all over the United States, I work for one of the oldest, biggest roofing companies in the world and I run a traveling division for them here. So what I do, I study engineering failures, Pensicola Naval Air Station right now for Halliburton or whoever, all over the United States so I don't look at things that are necessarily eleven years old, I look at stuff that are maybe twenty years old but it failed three times. Suppose I go in to a town and I do a shopping center, wherever, maybe just outside the city limits or whatever and I put a wonderful roof on a building but I don't get a building permit, I don't file anything with the city or whatever. In the United States you can sue me for negligence per se, in some states fourteen years, nine years, or five years in many states way past my warranties because I didn't get a building permit. Now, if I get a building permit and I put on a bad roof, but I got a permit and I went through the motions of getting permission on everything then you can't sue me for negligence nearly as easily. It turns out, to me, someone, it is just my personal opinion, someone paid too much for some land, realized they couldn't do it traditionally, gave it to another guy to try and do something with it, he realized he had to increase the density to get it to work. I think the deal might even be conditional upon you giving permission and then hired a development firm to talk you in to it. What they are showing is all the reasons what the man just says, is out of all the things they can

think up in water pollution today, they can think of one option that might be feasible but they haven't done the due diligence. And he also said that even if this was next door to Ashland and you gave well in gallons tomorrow they aren't licensed to deal with the sewage, he just told you. That's 92,000 gallons the City of Ashland has a certain license but they have tried and they've already got problems there now and they've got a permit in process, they've done some paperwork to try and get it increased. This is a long way away. I don't see this happening.

I've been living here since 1971 and I want to thank you. I run all over the country looking at engineering failures and I've stashed my family, I have six kids and my wife on a 10 ½ acre deal down here and I commute three to five hundred miles a day, ten-thousand miles a month and put my kids in this wonderful county we live in that you folks help make, and keep wonderful, it really is. I really do work and my company is licensed in thirty eight states I work all over the country, this is the best place in the United States to live in and raise children and part of it is because you folks do such a wonderful job and everybody here knows how much its changed since 1973 and what a quality thing you've done, really. I pass up jobs all the time and other opportunities because they don't live in Boone County, including today, because this is the best place in the United States to live and part of it is because you folks, you people, I've never been in this room, I never come to speak, ever but this is the best place probably, I think in the world to live and part of it is because you've done such a good job at being custodians with the public trust.

This is a bad idea. My problem with it is, if you had permission and you were tweaking out the rules and you got the zoning and the sewage treatment thing planned for this failed for this town you've got no recourse when you live downstream. Do I call Shelter Insurance? That's another Boone County company, you going to hurt them with this deal? It has no features except for the guy that invested in the real estate and I think if we are going to inconvenience and change the quality of life of that many people it ought to have a good reason. You can hear these statistics all you want; I've been in a car wreck, I hobbled up here, I've got a broken hip, I think I got it on a car wreck on that street. I had two kids go in the hospital, my wife's had a wreck there in the last year, she goes to the doctor every couple of days, still. You can stout these statistics all you want, it's a dangerous place to drive today, let alone all the other stuff. When I drive all over the country where do I get in a car wreck? Well, between, I think the sign says two miles, but between MM and Ashland is pretty hectic. My problem is when this sewage treatment fails, which apparently there's not that many of them, otherwise everyone would know a lot more about it in this county, and it will, I've got no recourse, especially when they go through all the channels to get the permissions to put some gadget in.

The things that are designed are going to have a warranty and the warranties are written by the manufacturer's attorneys, I give them out all the time, they look impressive. But if I get the, I look at failures where I ask the client what happened to this, when they hire me as a consultant, well the guy got the permission, it's inside the industries standards, it's been going on forever. The average twenty year roofing in Missouri fails in eight years; it used to fail in four they think they've done marvelous industry standards. Now the government makes you depreciate them for 39 ½ years. It's why factories wants you to buy the best one in the world because they last 39 ½ years, it's free. So inside the industry standards they failed. This thing is going to fail, my lake is downstream, it's going to ruin my property and I'm begging you not to do it because it's not fair; it affects thousands of people's lives, their quality of lives for no reason. And the natural flow of the town is not west and it certainly isn't going to happen inside the next couple of years or five years. There are big hunks of land in between there and they are not for sale and people, they've asked them and they don't want to sell them. Thank you for your time. There is no recourse when it does fail. On the first lake upstream from me the people, the subdivision built, someone built a house on it last year. We could see a dramatic change in the water for one house, let alone 108 or 127 acres of bulldozing. If you look at the schedule they are going to bull doze it pretty

quick, all at once. A three month period they said. It is an amazing amount of silt which they haven't done due diligence on the creeks and stuff and its pretty easy to see they all flow in to lakes, they've been dammed the people use today.

Ben Londeree, 2601 Chapel Wood Terr., Columbia.

Ben Londeree: I am with Boone County Smart Growth Coalition we have not taken any positions on this particular subdivision but we do have some general principals that we would like to express. Our group would like to protect areas of natural significance. Preserve and revitalize urban neighborhoods, preserve the areas natural character, conserve open space, encourage the viability of the family farms, discourage leap-frog development, reduce public subsidy of infrastructure to the extent that it supports and encourages urban sprawl. This subdivision relates to at least a couple of these. The one that really jumps out is the leap-frog development. It seems that 8/10 of a mile or a mile is a long ways away from the city. It would appear that it would take a long time to fill that area. We are also very concerned about infrastructure costs and who is going to pay for them. It even becomes more of a concern when it's combined with the infrastructure of the leap-frog development. I think our organization would expect every cent of cost on infrastructure should be borne by the developer rather than the public. We're concerned about storm water issues. I also happen to be on the Bonne Femme Water Shed project and we are looking at water shed concerns in the entire area between Columbia and Ashland. We certainly would like to see the storm water issues dealt with. My understanding is there are a number of recreational lakes down stream from this and it doesn't take much of a mistake to cause all kinds of storm water problems. So in summing it up, we would be concerned with leap-frog development, infrastructure costs and the storm water control issues.

Mary Martin, 15101 Palis Nichols Rd., Ashland.

Mary Martin: I have lived at 15101 Palis Nichols Road since 1962; I am right at the junction of D and Palis Nichols Road. I am here to talk about the availability of the easement and the timing for the City annexation. All the farmers located in, around, and between the proposed subdivision and the City of Ashland have been very adamant that they are not willing to give an easement on their property to connect the sewer system from Shadowridge to the City of Ashland. None of this property is annexed in the city right now and we hope not for a long time. The area I am in, there are two pieces of ground between me and Ashland and they are pretty large pieces of ground, we have no intention, any of us, of selling at this time. I noticed on the plan that they already have me annexed in in so many years in their proposed plan and as of now I don't intend to annex in. Thank you.

Cathy McKenna, 2926 Jennie Lake, Ashland.

Cathy McKenna: I would like to speak on some issues of safety and the traffic which a lot of people have gone over. It is true, my husband has been in a accident with two of my children which girl ran a stop sign off of D and he was coming west in to town which caused all six of them to go to the hospital. Two of the girls were in very serious condition. The little baby was even thrown out of the car from her car seat. I was in an accident going in to town, because I travel that road probably eight times a day, in and out, in to school and everything. But I was in an accident, a lady pulled out in front of me off of C west in which my daughter and I were in the car and I am still going through some medical issues from the car accident. Just having this subdivision I look at more kids on the road, more high schooler's leaving to go to school; there's already a problem for me trying to pull out, you can't see the cars coming down the hill and there's been several times I've almost pulled out in front of somebody and then I get to the intersection of M and MM, and the same thing, people coming up from the Wilton area, there's just that, that man had talked about that slope. You honestly can not see the traffic; you cannot see some of

the vehicles, if MoDot or somebody hasn't mowed that area of that vacant lot across from it. We've almost, you could probably talk to all of us, we've almost all been hit at that intersection so that is an issue with the traffic. And if you put in the five acres of commercial you are going to have even more traffic going in and out of that area. My concerns are a lot of the traffic. Also, the safety issues. I feel very comfortable and very safe when my husband travels all over the world. I don't necessarily even lock my doors, I don't even pull my garage door down and when I look at this development, I think, oh my gosh, that is kind of scary to me. I feel like I'm going to have to be more concerned about safety issues and locking my doors and every thing because I look at a development like this and I'm thinking you have all these single family homes. Is this going to turn in to a rental property down the road for us? Is it going to be all rental property? I don't see the Boone County Sheriff patrolling our areas; I feel they come out when they are called to come out, so to me that is going to be an issue who is going to constantly be patrolling that area. That is kind of my concerns is the safety and the traffic. Also, I don't know how many people of you know that M and MM, there's an extremely a lot of bicycle riders on that road. I think they leave from the Pierpont area and they come down M and they go out MM and they go all the way through Ashland down to Rangeline and some days you're on that road and there's maybe ten, maybe fifteen bicyclers so here you are caught in, going up over the hill and here's all these bicyclers so do you attempt to go out on the other side of the road or do you just wait for them to move out of the way. Some of them come up from down in the Wilton area where they are traveling so that is just some more concerns about that being such an..... and they love that biking area; there is just a route that they all take so that is kind of a concern. Then, I've notice a lot of the big trucks going through on M, the breakdown of our road already is happening. So what is going to happen when they start the development, we are going to have more breakdown of the road systems.

John Humpf, 3001 E. Jennie Lake, Ashland.

John Humpf: I live directly west across MM highway and the proposed Shadowridge development. First of all thank you for letting me address you all on this proposed rezoning. For what it is worth, I was born and raised in Boone County and I've lived and loved the life in southern Boone County for a quarter of a century. I believe the Commission has done an excellent job of protecting the quality of life we enjoy in southern Boone County where we still believe in family, in farming, in 4-H, and FFA, and where our schools are the best even outranking Columbia. The proposed Shadowridge development is way to dense for this area and the negative impact it will have is actually obvious. This is definitely a no-fit for its proposed location and for that I ask your help with a "no" vote tonight. A major concern to myself and my neighbors is the storm water and sewers at this development. This watershed drains on the west side in to Jennie Lake, a recreational lake that my family and my three neighbors that share this lake enjoy. I feed my pet catfish at my boat slip. The neighbor kid's swim here and we enjoy the pictures we have taken of many children catching their first bass or blue gill here. The grins from ear to ear are priceless. This lake is also home to a few geese and ducks, their landings and take offs are majestic. The herons dip for an occasional bass and once early in the morning I woke my wife to witness the 22 wild turkeys in our back yard. We love this lake and we wish to protect it and by the way, our lake overflow drains down in to our neighbors beautiful recreational lake below us. They share our concerns naturally. I am afraid my neighbor on the north side of Jennie Lake would soon find himself lake less when the silt washes in from this proposed development and trash from the proposed commercial end of this property will wash along the ditch on the east side of MM, down the hill, under the road, and directly in to our lake. I also worry of the sewer runoff and in no way do I want Jennie Lake or the lake below it to become a giant lagoon. This would be unacceptable to the homeowners in Jennie Lake estates who I can assure you pay heavy property taxes. How can the county even think of maintaining services to this development when they can't even replace the culvert pipe at Jennie Lake and MM which is totally crushed on the south side and hasn't functioned for a very long time. My other concern is this so called leap-frog development; this is so wrong, bad planning at its best. Development should be close to

existing towns where infrastructure is in place and connections can be made efficiently and effortlessly. Little by little, not leap by leap. How will you say no to the next developer down the road and the next one and the one after that? Soon it would be stopped only by the Missouri River a fragmented hodge podge of problems. Please say no to this and do not set a bad precedence that you and the citizens of Boone County could very well regret in the future.

Norman Baker, 3101 Fox Hollow Road, Ashland.

Norman Baker: I live directly across from 5.75 acres of commercial property on the corner of M and MM. Some of my main concerns are there is no designation for the intended use of this property. I just heard a few minutes ago that it's going to be several years before this commercial property is developed but if you approve it tonight it can be developed almost immediately. Mr. Miller said it could be up to fifteen years before it's developed, don't believe that. Another one of my concerns is lighting in this commercial property. At the present time we live in a very serene, quiet area at night with no street lights and we like it that way, that's why we moved out there. There will be lighting throughout this commercial area infringing upon my rights to have quiet non lit area. Crime; gas stations, convenience stores and banks are some of the things they have suggested that might be put in this property, attracts or draws crime. A bank or a filling station or a convenience store and the criminals seem to come to it. At the present time, it has been stated, some of us don't even lock our doors out there, that is going to have to change. Property values, I did sell real estate and they told me my property value won't go down because of a commercial property on the other side of the road from me. That is very untrue. Property values do decrease I can ask the same price for it but I cut 50 or 60 percent of the people buying property out and it is across the street from a commercial area. And on May 10 of this meeting that Mr. Miller attended, that I attended also trying to get some information from him and I point blank asked him why commercial property. His statement was he told me and a group of people, that it was not his idea but the Planning and Zoning people told him he had to put it there. We quizzed him a little bit to find out who in Planning and Zoning would tell somebody that they had to do this in a nice quiet area when we have four filling stations in Ashland, four convenience stores in Ashland, we did have five but one of them had to close up because there wasn't enough business for all five of them. We also have four banks presently in Ashland and from that present proposed site it is 1.8 miles to the closest convenience store and gas station. By the way be person that told him on the committee, he gave us a name, I think Bill is here, he told Mr. Miller that he had to put that commercial property on that corner and his engineer immediately backed him up and said he heard it. We have contacted Bill and he said he did not tell him that, he would not tell him that and in my opinion the best place for a commercial property on this particular ground along with the recreation area for the kids, which this plan has none, would be in the center of the development with the houses out in spokes from it. Because his plan survey shows that more than 50 percent of the traffic in the area would be from their houses to the convenience store and back, showing very little of it going out in M and MM. As a matter of fact his survey shows on MM to the north zero traffic. We had a problem with his traffic survey so we have conducted one of our own. Our survey shows his survey is about 150 percent off in traffic at the corner of M and MM. We the neighbors oppose this plan, we oppose the commercial development, we oppose the extreme density of housing in the county and we feel a development should be at 2.5 acres like the rest of us, or more, that the rest of us had to live with.

Commissioner Heitkamp: Mr. Baker, I would like to address your comment about commercial in a development in the County. Philosophically, in speaking for myself, but I believe I speak for the Commission when I say that the model for development in the rural areas is the small town. The small town provides services to the people around it. This development notwithstanding, it's a good idea to have a mix of commercial and residential when you add people to the mix. Do you understand what I mean? Now I'm not saying that it's a good idea to put a corner commercial at M and MM but if you

look at it philosophically, its better to keep people where they are so they can go to school, they can go to church, they can have a post office, and they can have retail and commercial needs met so they don't get on the roads and they don't cause traffic problems.

Norman Baker: You hit the nail on the head.

Commissioner Heitkamp: So if somebody, I am not speaking in particular about Shadowridge, I am speaking philosophically about this county.

Norman Baker: Then philosophically it should be in the center if 50 to 70 percent of the traffic is going to be within the area it should be in the center to where they could have access to it without having to get in the car and drive to it.

Commissioner Heitkamp: And wouldn't you agree it should be a walk-able community as well?

Norman Baker: Yes I would.

Commissioner Heitkamp: With recreational opportunities?

Norman Baker: Yes, I stated in here it needs a recreational area for the kids in the center of the community, not out on the corner of M and MM to play in traffic.

Lori Hinz, 2925 E. Jennie Lake, Ashland.

Lori Hinz: I would like to thank each of the Commissioners for hearing our concerns regarding this development this evening. The concern I would like to address is sidewalks in this development, or I should say lack of sidewalks. There has been no mention verbally or on the diagrams of the plat of sidewalks along MM and M. We feel this is something that would need to be incorporated in to this development as a safety issue. As already mentioned, this is a very heavily traveled area. Once this development reaches it full capacity we anticipate it is going to be a lot of young families, they are starter homes, there is going to be a lot of children. Potentially we could have 300 or 400 or plus more children living in this development alone. Not including all the other children that live in the surrounding neighborhoods. If you're going to put the 5 acres of development on the corner we are assuming it will be a convenience store, adults, but especially the children, they are going to be traveling back and forth, they need a safe place to go. Also it is normal to assume that the neighborhoods around there with the people that live there, and especially again the children, are going to want to travel across MM, especially to get to the convenience store to get to whatever else might be there so then that brings up the matter of perhaps we need to have some kind of a cross over or a cross walk where people can travel safely from one side to the other. I know typically I believe, with Boone County with the codes, they don't normally request or require sidewalks in the County. But since this is going to be an urban development as being developed as a city development with all the other big city amenities then I think this is definitely something that is going to have to be incorporated in by the developer.

Steve Hinz, 2925 E. Jennie Lake, Ashland.

Steve Hinz: One of my concerns is as was stated earlier. MM is used as also a connector to Columbia and more and more traffic is going up MM, especially as M becomes more congested due to additional buildings and the additional traffic. Along with that, there should also probably be a left hand turn lane on MM in to the subdivision as people will also be coming out of this subdivision and going to Columbia, but they will also be returning as such. For safety sake there should probably also be a left

hand turn lane there. Also, across from that intersection, but not at a true straight angle is Jennie Lake Road, so you do have a side road that is also adjacent to it so that would create a further problem without the turn lane.

Clifford Caldwell, 2002 Cedar Tree Lane, Hartsburg.

Clifford Caldwell: My concern is the lack of any recreation areas on this plan. As dense as it is, I see these children are going to have to do something and we own a farm just south of this development on this farm there is timbered area. I'm sure there are trees you could fall out of if they trespass over there. We also have a pond and I don't know what my liability is but right now I already have a problem with trespassing, especially during hunting season and other things.

Cindy DeBlauw, 4200 Cedar Tree Lane, Hartsburg.

Cindy DeBlauw: I have a handout. (Passed out handout to Commissioners) The concern that I would like to represent tonight is that of the impact this development will have on schools. The handout you have before you starts out by indicating the current status of the Southern Boone County School District. As you can see between 1990 and the year 2000 our enrollment in the K-12 school increased by 4.3 percent and in the year 2000 we opened up a new primary school. Within that five year period of time, between then and now, that primary school is almost at capacity. It also indicates that southern Boone County has projected a 6.3 percent increase in our enrollment in the next four years. That equates to 83 students. Coming up in April of 2006 our school district would like to ask for a new bond issue for 7 million dollars to support a new school and just to support our existing growth, just at the 6.3 percent. You'll notice that with the impact on southern Boone County schools, at a recent key stakeholders meeting with the southern Boone County school district, 90 percent of the families moved to southern Boone County because of our school district, because of the quality of the schools of which we are all very proud.

The cost of the proposed homes from the Shadowridge development is likely to draw young families which we would expect. If you just do the simple math, if each one of these families comes in with just one child that's an increase of 227 children or almost 18 percent increase, and keep in mind southern Boone County is projecting 6.3 percent increase. Now if each of these families has two children, which is the national average, then we are talking about 454 children and an increase of 36 percent and that is far greater than the 6.3 percent that we've projected. Our question is how is this going to be paid for. Unlike the other services such as sewer and water, when you increase the enrollment in a school district the cost is now borne by the people moving in. It is also borne by the other tax payers that already live in that community. Under our current school funding formula for a home that costs \$140,000, residents are going to pay \$644 in taxes to that school every year. You'll note that southern Boone County spends over \$6000 per student and of that, approximately half of it is paid by our local taxes so you can see that of the \$3000 paid by local taxes, only \$644 are going to be paid by the tax payers moving in to that community. Even with a new funding formula, southern Boone County is going to be reaping the benefits, probably more than most of the school districts in the state. We are going to receive \$1.5 million additional over the next eight years, but that is still not going to support the additional infrastructure that's needed. So our concerns are these. We don't have the infrastructure or the funding to support these additional kids and maintain a quality education that we currently have. I'm also very concerned that because you can see that there is such a strong negative opinion about this development that it's also going to impact our ability to pass our tax levy next year, just to support that 6.3 percent increase in growth. People have a very negative opinion about this additional growth and they perceive that additional schools are needed just to support this additional growth. I have a fear that we aren't going to be able to pass our bond levy and have the quality education that we have now. Basically I'm

asking for your rejection of this proposal for our most vulnerable population that can't be here tonight and that's our children because we want to have a quality education for our children, but also any children that potentially move in to our community.

Eric Fogle, 1480 E. Hwy MM, Ashland.

Eric Fogle: You have heard a litany of issues and concerns raised by a number of people I think there was even some questions asked of Chad, the engineer about the waste water treatment plan that I think are unanswered. Interestingly enough, I don't work for Allstate Consultants, I have another job I have to go do, but I sometimes feel that I know more about this plan than he was able to share tonight. In particular, the waste water treatment they have proposed multiple choices. The option with the City, the City will make a valid attempt to try to bring this in to the regional plan and they do not have permitted capacity and you have heard from land owners that there is no desire to provide easement or annexation for anytime in the near future. Beyond that, there is also discussion about a need for inner-agency agreement between Boone County Sewer and the City of Ashland, which hasn't even been discussed. The pre-annexation agreement they would need to make this work is a draft, only showed up last week only because the area homeowners said they would like to see a draft. In essence you have a waste water treatment plan the lead option, which has so many obstacles and hurdles and this developer says he wants to do this development in the next three years, I don't believe he is going to wait the two to three years its going to take to get all those hurdles cleared. So what does that leave? It leaves us with an onsite waste water treatment plan, which I hope you and others will prevent. The reason behind that is that I can actually show you what this will potentially turn in to. I don't know why an engineer can't. I think it's because he doesn't want to talk about it. This property sits on a knob, or a hill, and it drains in four directions. If you look, I highlighted the property location in pink to make it easy for you people to find, this is a map of the Bonne Femme Water Shed. It is on the southern end of the water shed and they are simply not talking of the fact that the very high end of the water shed, they are talking about 92,000 gallons a day that might go in to Bass Creek, through Three Creeks State Forest or might go through the Smith Branch, or might go through Fox Hollow Branch. It could possibly go to the south, that is a concern also. But what you have is, what I consider Russian roulette of waste water treatment, you've got 92,000 a day of waste water in to water sheds that are largely dry through a great part of the year which would have a traumatic affect on those water sheds cause its very high up in the water shed, this is the very peak of the land so the entire downstream water shed would be affected which is a tremendous issue. Beyond that, to get to some of these water sheds you have to go through these recreational lakes, you've heard about the lake issue but again, in some cases you have not only a Bonne Femme Water Shed issue but you have a recreational lake and then a Bonne Femme Water Shed issue. So the engineers are not likely to talk about that. The traffic study, you've heard people talk about the traffic study, we have wonderful retired people in the neighborhood, we looked at their traffic study, we didn't understand it because our experience has been different. We asked the engineers how they did the traffic study and they said the local counts they did with tube counters. We said, we didn't see any tube counters, we all live out there and drive those streets and didn't see it. Came back a week later and said we were mistaken we actually did a click count. Well, people said we didn't see anybody sitting out there at the intersection clicking because we would have seen that too. We asked when they did that, what time, what day, that type of thing. They have not been able to provide that. What it appears they've done, they took 2002 numbers and grew them by 1.5 percent a year. So we said we are industrious folks, what are the actual counts. So we went out and had a couple of guys sit on the corner with clip boards and actually tallied in the morning and tallied in the evening. In doing so we found out that our actual traffic counts are anywhere from 150 percent, to 300 to 400 percent higher than what their counting for in their traffic study, actual traffic counts. That is disconcerting. The other thing too is engineers worry about this, is the peak ness of the traffic count. In other words how, in our case, and our average isn't very telling because traffic and community patterns, a lot of traffic between 7:30 and 7:45 in the morning, a

lot of traffic at 4:30 and 5:30. So in other words, all the traffic for an hour arrives in 15 minute intervals so there is a lot of congestion all of a sudden which is a risk from a safety perspective. So the traffic study is probably inaccurate, they don't count for all local traffic. What else doesn't make sense? They have what they call a mixed use community, the corner is commercial. They believe somewhere between 25 and 45 percent of all traffic in the subdivision will stay in the subdivision and go to the commercial on the corner and back. In other words they are saying almost half of the traffic won't leave the subdivision, it is going to stay here. I ask you, do any of you take 25 percent of your trips the local convenience store or a sit down restaurant or a drive in bank. The answer is no one does that. So again, they underestimated the local traffic; they are overestimating how people go to the corner store. The third big problem was engineers from St. Louis, I'm sure they are credible, I'm sure they use industry averages and take things out of text books. I worked with the Department of Transportation engineers to verify that what they got out of the text book is the text book numbers. None of them even recognize the fact that this is a major community road up through MM and Andrew Sapp and you've heard people talk about that. So they mis-directed all the traffic through Ashland, some of it will actually go up through MM and so they have zero traffic going that direction and too much traffic is now going the other. So they have them going the wrong directions, too much of it staying onsite and they don't count for the actual traffic there. The traffic study, in essence, is almost thoroughly inaccurate and I'm very concerned about what's going to happen with the infrastructure because the conclusion at the end of the traffic study was no need for infrastructure improvements. And yet the Department of Transportation says, well, we think a couple of right hand turn lanes are important. The engineer says, well we thought of that earlier but we decided against it. Well, there's other folks who actually did a proper traffic study that think left hand turn rates will also be important. Because there are too many variables that are so far off that their sensitivity now since they talk about would actually correct for this. To finalize, or summarize, in terms of concerns that we have, I have provided a sheet which I call the "Shadowridge shortfalls" and the reason behind that is because it comes short in so many different ways and you've heard these tonight. The first shortfall is there is no shortage of available housing in Ashland or Columbia that makes this development necessary. The density he is talking about he 230 homes, there is no need or the public need for this density out here in the county. There is no shortage of land between this location and Ashland; there is no shortage of land north of Ashland towards Columbia. You have 200 to 300 percent increase in local traffic as a result of this subdivision without any road improvements. That is a major concern. 92,000 gallons of waste water that they don't have a long term plan. Even if they hooked in to the City of Ashland, they manage to leap through every hurdle, they would only be able to push Ashland toward their next capacity limit which Ashland said they would reach in 6 or 7 years or maybe 8 years. So when you look at the Ashland development and this development there's not even a long range plan beyond eight years and since it has taken six years to get some of their permitted capacity now, I think they need to start right away to add more capacity, no long term plan there. They have provided no storm water runoff, they've asked us to trust them as they work through the process they will prevent storm water runoff from the construction phase not only prevention and quality control. Based on the errors I've seen in what they've provided so far, I don't have a lot of trust that they will do the right. The concern is one event could damage multiple recreational lakes and properties around and then of course it would be an enforcement action but the neighbors would have all kinds of troubles. You've heard about impact on public health, impact on schools. The subdivision is going to be a county subdivision for many, many years. Mary Martin came up and talked about the many homeowners and property owners between that subdivision and the city have no desire. They are not all that old that they are going to die very soon so I believe it is going to be a long time before this thing is ever brought in to place. The next two pieces, my concern is this plan cuts too many corners. It doesn't provide sidewalks on M and MM, in fact he specifically excludes those sidewalks which means he is not being responsible for the safety of kids in the future. It doesn't address storm water runoff. It doesn't leave space for retention ponds at additional runoff locations. He has four or five listed, there are multiple places where runoff happens across the roads now. He has no retention ponds; he actually has houses and lots above those so again he has not

adequately addressed that, even with the plat that is there today. The traffic study has many issues, part of it is he has offered \$20,000 to the City of Ashland to study traffic in the City of Ashland, but why didn't he do that in his traffic study, the one he already paid for. He could have put in and covered the City of Ashland at that time, but he chose not to do that. It is an interesting choice but now he is willing to pay for one in the future. The internal capture rates are too high, it doesn't track traffic in other directions, you hear about lack of recreation areas, 400 plus kids in this area. They will trespass, they will do things, they will find places to go and have fun, there is obviously not enough plans there. Commercial, if you were to look at planned commercial areas you'd put the commercial in the middle with residential and recreational area and radiate the housing out from there, including sidewalks. I'm not opposed to commercial but when you have commercial that will fail that typically becomes a blight on the community. The commercial in Ashland that draws for the entire area struggles, restaurants struggle, the convenience stores struggle, gas stations, only if they are on 63 make it. I don't see the commercial here being successful for many, many, many years. To put it in this corner is just going to create a blight. That the summary, and that's the close and I do appreciate it because I know we've taken a lot of time but we've tried very hard to be organized so that each person presented a single issue on behalf of everybody here. To give you an idea of how coordinated the community is, in the process of the last three weeks we have collected over 260 signatures on petitions of people who oppose this subdivision that are right in that area and that is not all the petitions, there are several people who are out collecting them and have not turned them in to me but it is overall our massive opinion, collective opinion no one came here to vote for this or to recommend for this other than the developer, this is a development that none of us are looking for or wish to have in our area and there is multiple, very valid, reasons why that's the case.

Alice Nichols Lauffer, 175 E. State Road M, Hartsburg.

Alice Lauffer: I will confine myself to things that haven't been covered but I want to brief. Nobody mentioned the roads of M and MM also converge with Fox Hollow Road so there is an added burden of traffic at that intersection that nobody mentioned. Nobody mentioned the roads are narrow, exceedingly curved and that they are conduit from the river road for all the south county area up in through Ashland and that's the only thoroughfare that we have. It was mentioned that Liberty Lane was a great alternative because it's been paved. The latter part of Liberty Lane is pot holed, 20 mile and hour, residential area and when you get to the end of it you are faced with ongoing traffic to the south of 70 mhp and you have to cross that prior to getting on the north bound lane of 63 to get to Columbia and most of us work in either Jefferson City or Columbia. I'm one of those who has to cross that if I choose not to go through the intersections in Ashland. I served on the Boone County study group several years ago and everyone...Mr. Sayre...(in audible)...we all know that numbers only tell part of the story. I would like to share with the group, the study group found some intangibles and again, I commend this group for making this the most wonderful place in the world to live. These intangibles are part in parcel of that. We determine that an excellent mix of green space or rural land was important to this wonderful atmosphere of Boone County. We agreed that the development which draws good neighbors who are involved in their community and contribute to a positive climate are absolutely necessary to maintain the lifestyle that we all enjoy in south Boone County. We agreed that a good mix, just as the Commission did, a good mix of residential, commercial, and farming contributes to diversity which also makes this a wonderful place to live. We have been able to maintain all of these conditions up till this point and I personally and so many of my neighbors that you've already heard from believe that this sort of subdivision does not contribute in any way to our lifestyle, our lively hoods or our safety and I thank you for having us here tonight.

Closed to public hearing.

Chad Sayre: It is very difficult to discuss and rebut with a group of neighbors, I was raised on a 1000 acre farm in north central Missouri so I can appreciate all that but I also take a lot of pride in getting staff recommendation for approval, getting a staff recommendation for compliance with ordinances in Ashland and Boone County. Recreational areas are provided in mass in this subdivision its not going to happen over three years, the market in Ashland won't allow it, at least that's what we predict, but the market in Ashland, as far as available housing, I think the city administrator and the city council would look at it differently. The permits raise about ten percent per year as far as demand on housing. As far as these being starter homes, the argument was valid at the first neighborhood meeting; the developer changed the minimum square footage to 1450 square feet. There was a combination garage with car port statement that was a concern; he removed the carport, that was a car port in addition to the garage. 1450 with a garage is not a starter home, well it's not for me. I think as far as the health, that was a new one for me. I learn something at every one of these meetings but I do think that it's important to point out that when we look at long term developments like the annexation plan of the City of Ashland as it shows development I think that if you look at the commercial nodes, the planning nodes, we agree with him completely. This little corridor of the commercial node over the next five, ten, twenty, thirty years, that is our point that we have come up with a plan that does address those concerns and actually provides the most possible control to this Commission and the city as growth will occur to the west. Growth is hard to predict, obviously, but if you look at these nodes and the term itself of node and you look at what will occur around it as these areas develop around the City I think the Planning and Zoning Commission of the City of Ashland and I think the staff of Boone County is right, that you do want mixed use, you do want to create these nodes that are in the center of this mass of residential. If you do more than just what people have termed pocket parks, that are 1/3 of an acre, if you do four acres, three acres, parks that are developed with a water feature, with the playground equipment, that type of thing, those are the instruments that have to be put in place with this development. As far as Mr. Florea and the comment from the gentleman there, that was mis-stated, I think he stated correctly what Mr. Miller said, but whenever I said it, I said that the commercial nodes are recommended by the staff in many occasions. And then to produce the City of Ashland map that does recommend the node of commercial development that's exactly right, he is right, the staff does recognize plans like this and their own plan for commercial nodes in areas like this that will be center of growth.

The health, I guess I can say I'm not competent for this study that he was referencing, I've never seen that study, buy my, oh my, that must be quite a subjective study to relate a subdivision layout to obesity. I think the developer should build sidewalks along M and MM and I'm very confident as a matter of the public record that he will do that. This is a chance not only for sidewalks but also for sewers, for water lines, for there to be positive impacts from the mitigations that were required by the county. One gentleman made it clear, and one thing I want to agree with one speaker on he said he wasn't an Allstate employee and he wasn't an engineer and I think it is obvious. The confusion with the traffic study, I'm going to ask Brian to briefly go over, he was totally wrong in what the study said, I was hoping Mr. Brooks could explain it to him also. He was right in one regard is that we could show more traffic going north up MM but in some regards that takes away from the impacts of the intersection. So he's right in some regards in that it is subjective but with this case, with such a small number of lots in the overall concept of this roadway system its not fair to say that the traffic will go up, it will, but to try to reference this development and overall impact to the roadway system, he's right, he doesn't understand this traffic study. I am going to ask Brian Harrington, our traffic engineer, to comment, Crawford, Murphy, and Tilly is a reputable firm. I'm sure that with time they could explain it to the one gentleman who didn't understand it and made several references that we have, I think, are obvious errors.

As far as schools, I haven't been to a hearing yet and so many times there are controversial where a school says we are against this development and the reason is, and schools are hard to talk about, and this Commission usually just says we're not going there, and I'm going to stick to that. But assessed

evaluation, the limits of the bonding capacity, all those things, it's a very complicated formula and I don't think we'll see the superintendent of the schools against growth as long as its planned and it meets with the city's, the host of the southern Boone County schools and Boone County's approval. With that I'm going to have Brian make a few comments about the traffic study and I'm going to close up.

Brian Harrington, Allstate Consultants, 5412 Thompson Road, Columbia.

Brian Harrington: I am a professional engineer and a traffic engineer; I also worked with Brian Eads with Crawford, Murphy and Tilly a significant amount of times. Brian is a professional engineer and a professional traffic operations engineer, which is a national certification by I.T.E. the Institute of Traffic Engineers. This study was prepared by Brian in accordance with those guidelines; it was prepared according to the national standards on trip generation. As was said, the distribution of trips as far as where anticipated trips would go is a judgment call and it's made based on the traffic counts that we took in late January, those were done by members of Allstate staff. There were no tube counts taken on this because tube counts are typically used where you are investigating warrants to traffic signals. The manual counts didn't indicate the traffic was anywhere close to meeting warrants on traffic signals and MoDots ADT figures that they have used on these roads didn't indicate we were anywhere close to indicating traffic signal warrants. I will keep it very brief. The confusion on the internal capture rate, that is 45 to 50 percent of the commercial generated trips, it's not reducing the residential trips by that amount but it's reducing the trips that would be generated by a convenience store or something of that nature. Its saying that those trips would not be destination trips from outside the development, roughly half of those, half of those would be taken from the development promoting that neighborhood commercial type of use and the other half would be taken from the roadway network that's already in place. I'd be happy to answer any questions.

Chad Sayre: One more point, there was discussion about 92,000 gallons of waste water, 92,000 gallons of waste water that comes out at levels of bad stuff of 5/5 compared to levels of waste water that come out at 80/80. There's a big difference in the mass of loading to a water shed and this entire water shed is loaded full of lagoons that aren't supposed to run over, that aren't supposed to leak and some of them do affect these lakes that we're talking about. One final point is, high quality effluence impact the water sheds a lot less, it goes back to the argument for concentration of density from a planning standpoint and I think that's all we have.

Commissioner Freiling: The first thing, Chad, that has troubled me honestly from the get go on this is my knowledge that Allstate not only represents the developer but represents the City of Ashland as the city's engineer. As aware as I know you have become, you have earned their trust, you know this, I know this, but as aware as you are of this awkward spot you find yourself in, even tonight you've repeatedly have referenced the city's concerns are, the city's intents are, and one of the difficulties I see in this is it gives the impression that you're speaking on behalf of the City of Ashland with regard to this proposal. I would like to ask for the public record, is that the case?

Chad Sayre: No, I think the documents that are produced by the city that are recorded by the city and the policies they have enacted that are in writing are what I'm referencing. And also I'm referencing one of the county policies is required pre-annexation to the adjacent cities, whether it's Harrisburg or Centralia. So from the very beginning concept review stage the staff said go meet with the city and the city had a long list and I'm very familiar with that list and if anything, I think this development is a first in many regards, the first person to ever pay a traffic impact fee for something that's outside the scope of what the study would require, the first person to offer to pay in advance for treatment capacity that would not only finance his development but would also finance the rest of the improvements that are necessary for the people who pay bills in Ashland and the first person to ever offer to pay in advance to upgrade the water

system and in this case which would be the first time that we'd enacted the territorial agreement. But in the last five years the city has put so much in writing, so many standards, the street standards, the sidewalk standards, the land use plan, a thoroughfare plan, the annexation plan, their policy for , its not a written policy for parks, parks are required but they knew after the lawsuits that have happened with other developments in the area that they wanted water quality, they wanted no ravines that were undeveloped and it was such a simple meeting with Mr. Eftink to go over this with the developer that the list was easy to find. As far as a conflict, I do not feel awkward in anyway what so ever. If anyone feels awkward, I would say, he is not here tonight, but it's Mr. Miller because of the long list of the things that he has to do. It takes a sustainable development to meet with our staff's approval with the conditions of course. But I think, I don't feel awkward in any way what so ever to work on the development that is in the County and my knowledge of the city has been a huge asset, I think, in getting agreement in concept anyway to try to move forward with this development in this sustainable manner.

Commissioner Freiling: And so in that regard then, the expectation that this is essentially an urban development is that correct? And that as such, it needs connection with urban services, is that a correct assumption?

Chad Sayre: Yes, if a development can afford that in a sustainable manner then I would agree it is an urban development.

Commissioner Freiling: And given this and given the fact that the connection of both water and sewer are critical to any small city, which obviously we are talking about 700 or 800 people, that's what we are talking about creating out here, what contact has been made with the landowners between this property and the city who's cooperation, who's voluntary cooperation with this will be essential if that is going to be achieved.

Chad Sayre: I have not made any contact with the land owners. Mr. Miller has referenced contact he's made. There's several different paths that can be taken; the path that would be best from an engineering perspective will affect the largest area of un-sewered property from a planning standpoint.

Commissioner Freiling: I don't want the Texas two-step, I'm sorry, if sewer is so critical and so much work has been done and so much good planning why has somebody not taken the simple effort to contact the half a dozen landowners, six people in between who's cooperation is essential to this if you expect to be able to achieve that.

Chad Sayre: To go to people without the concept of a land use approved, I think it's important that tonight, to keep the eye on the ball is, is this an appropriate use of the land. After that vote is taken place then a person can go with a proposal and actually I think its just two land owners on the annexation plan between this tract and the city limits, or I guess three with the proposed annexation on one path. But I think its important that before the expense is huge as you know with a planned development to go through these processes and these drawings and all of the analysis that's occurred, the traffic study, even prior to knowing if the land use is appropriate but I also think to go with them and say, what do you think if, the County Planning and Zoning is the governing board and the County Commission, I think his approach is before I go to them I want to know and then he also knows that he has another valid option as far as providing waste water treatments on site so he has two options.

Commissioner Freiling: My perspective on this would be different. my perspective is that before the developer spent the money and all of the neighbors had to deal with this and Planning and Zoning had to deal with this it might have been valuable to find out if it was even possible because it seems to me that one of the big hooks in this development has been hung on is tying to the Ashland city waste water

treatment plant. Certainly that has been the majority of the conversation that has occurred prior to this meeting on behalf of the developer. The second thing that I would like to address is that issue of wisdom that you just mentioned. Is there a shortage of adequate availability of building, residential building lots within and adjacent to the City of Ashland now and in terms of what is in the pipeline, both in the process of approval and being addressed by the city.

Chad Sayre: That is a matter of opinion. As the growth occurs, over the last five years, it's grown about ten lots, ten building permits per year. I don't know if we'll sustain that in the area, I think we will. I think what it shows is that its not just ten lots per year, it's about ten percent per year cumulative as the years go by and we look at the water meter connections. But I think with that market if we looked at 100 houses per year next year and then 110 new houses the year after compared to fifty, sixty, seventy, eighty, and ninety building up to this year. I know that Bill Martin has a subdivision east of town that there's the Fisher tract is being proposed to develop, Palomino is rolling, I think it will be closed up in a year or so, two years. As far as their available housing right now, I see that this market, that's the test I guess, is the market there, that's why this planned development, its not open zoning, the risk to the public is low.

Commissioner Freiling: So to your knowledge at least, there is no difficulty now or that you can see with your knowledge of Ashland's growth in a sufficient availability of residential lots within and or adjacent to the City of Ashland on ground that is currently being developed, is proposed for development, or is available for development, that is the question I would like answered.

Chad Sayre: That's a long question. I think housing; I think demand will always make sure that housing is available. The developer's ultimate responsibility, it's his market study from that stand point. We want to make it marketable and I think we have and I think we've made it sustainable but to put your finger on exact numbers or opinion, I think there will always be housing available and I think the City has used their waste water capacity to control it, the growth.

Commissioner Freiling: The other issue that has been addressed that is of concern nationwide and its nobody's fault, but it has been a serious issue, is storm water and I don't want to sand bag you on this but I know in the past 12 months a number of systems designed by Allstate within the city limits of Columbia have been sited for failure because of major storm events. In the infamous EPA visit of last July. You met all design standards required in most cases the developers have met their responsibilities for keeping those structures in proper condition. What they had was such a major storm even it overwhelmed the structures and so absent a County wide, State wide, Nation wide phase to approved storm water ordinance that really is designed to address these issues in a way that is more appropriate to specific sites and conditions. How can any downstream owner feel any assurance that the best of intentions will not result in a serious downstream impact from the development according to Mr. Miller at least the other night a three month period of site disturbance of 100 acres on a property that drains in a lot of directions.

Chad Sayre: We are not going to disturb 100 acres in three months. The property balances per phase, it's a great property to work with from and engineering perspective. As far as failures of systems from an engineering standpoint there's different phases, you said you know of the failures and Allstate's failures but I totally disagree. The storm water pollution prevention planning process has took a step up last year, locally. Everybody learns every year that they do things as no different than in the real estate business or other businesses that the Commissioners do. Things improve every year. As far as design flaws or failures, we weren't fined on anything, it was maintenance of silt fence on one site and the other sites, as far as Allstate's sites, City control, it was builders allowing silt on the streets, things like that. Since that time and with our stormwater plan, gutter sediment control, they are called gutter buddies, but

we require those on our standard details, they are above and beyond county details and above and beyond City of Ashland details. I totally disagree that there has been an Allstate failure, we are actually using pilot studies on rock trench filters, things that we've expended a lot of research and development on so I think we've already tried a lot of those in the last 12 months and we've got a lot of successful results and we've got modeling data, things that no one else has so I think it's a huge asset, our knowledge in this and I am very confident. What guarantee do they have? Their recourse, they have their recourse, one gentleman mentioned who do I sue or whatever, I think it's a multi tiered project; it's a multi-phased project. Each basin we've tried to isolate major sediment control. The relationships we try to use is, this is zoned agricultural, if they did plow it up or it has been plowed up but now it's a pasture, how much sediment would leave that site and we definitely know we want less tonnage to leave that site than that and ultimately there would be a lot less as it becomes vegetated and we put these controls in place. So I totally disagree with your, I don't know where you obtained your opinion on that but we were very involved with EPA, we have an environmental compliance coordinator that all she does as a professional is comply with the storm water pollution prevention planning process and I don't know that any other consultant in our area does that. But our clients love it because she writes them up, she is a quality control person, she goes out within 24 hours after a rainfall, she looks at the sediment basins and finds that occurred, as mentioned, silt fences that had been run over that were then went in to a rock check filter. I think it was more of a maintenance issue and a compliance issue with time. Guarantees; I learned a long time ago as far as guaranteeing, never say never, but you take all the reasonable precautions and extraordinary precautions in this case because of the downstream conditions and that's what we plan to do.

Commissioner Freiling: So to summarize, if I understand, your position with this, it is the representing developer, it's the developer's intention that because he has made efforts to meet both the development standards of this proposed rezoning request and in some regards gone an extra step beyond those that that is the justification for approving an urban density development that is at past rate of movement of housing in Ashland west somewhere around fifty years from contiguousness with the rest of the urban development in Ashland, that that is a sufficient reason to approve a rezoning that is a five-fold increase in density. I find this really, I'm serious Chad, this is a long way out for a town of Ashland that's eating about 30 acres of development ground a year for residential and even you attach a ten year, a ten percent per year growth on that the rate of growth required to reach this property, if the land owners in between were willing to annex, which we've clearly heard is pretty questionable, and if all the growth only went west, which of course is not true, it's going to be a long time before the growth of Ashland reaches this development. If there is not a shortage of housing within and contiguous to the city what is the benefit of what is truly a leap-frog development jumping outside the city. I understand that in the city's long range plan that that shows as residential but that is a long range plan. I don't think that long range plan says that we are going to approve the fact that we want these developments to occur outside the city, remain outside the city for a considerable number of years just because they show within our map for the long range plan. To me this is a really serious planning issue. Why would a development need to occur where it very well may be, certainly promises to be years and could be decades before that small part of the Ashland community would actually be within the city limits of Ashland itself. Instead of allowing that growth to continue as it has to occur either within the corporate city limits or adjacent where a voluntary annexation can bring it in and where services are adjacently available.

Chad Sayre: I do think that because it meets the Boone County subdivision regulations and we obtained a staff approval with conditions and the City of Ashland, I guess we ultimately obtained a vote from the council of no opposition, initial letter that said we met or exceeded the regulations that it does provide sustainable growth and that that is exactly why we are here that if it wouldn't have met staff approval we would have done what we had to do to get that approval but then it may not have been economical. The approach is economical, it is sustainable, and I think that if we look at this map right here, and the

number of people that scoffed at the potential annexation on the north side to the airport just a few years ago and the hundreds of acres that came in without a plan for infrastructure it was done for other reasons by land owners up there who would have ever thought that that would have ever happened. I think with a development that meets the long range plan, that does put in the commercial nodes, that does put in less density in many cases of the densities that we're seeing on some of the subdivisions in the areas closer in but does provide large green space areas that it will provide a benefit, it will provide an advantage in planning to the west. So I think that this is a plan of annexation and there's owners that happened five years ago and they still don't have sewer, they are about to get it but they are going to have to invest some of their own dollars. This way all these owners in between, whatever path that that force main takes, if that's the option that occurs, they will receive that benefit, it does comply with the plan and yes there exactly, if it complies with the subdivision ordinance as you mentioned in the beginning of your question that compliance is exactly why we're here. If there would have been a requirement because it's planned, because the staff had input, because the Commission has input, and it is not clearly a compliance issue its mitigations also have to be thought out in advance. But that's exactly why we believe it will work. The market will control the phasing. I'm not financing the development, I'm not the developer, his belief in the market is what's important. Our belief in compliance with the ordinance is a very, very important. So that's exactly why we are here is the fact that we followed, we have plans that we followed. We've done a lot of planning in Boone County; we've done a lot of planning in the City of Ashland. The Ashland City Council has been very aggressive so that this type of thing can happen and when these things do come along the developer, to answer another question earlier, the developer has to pay for everything, that's a new concept in Ashland. So in this concept to make it sustainable, yes, that's why we're here, it did comply with the subdivision regulations or we would not have received staff approval.

Commissioner Freiling: I understand that side, what I'm saying is I'm just trying to ascertain if you believe that meeting the requirements is a justification for rezoning approval.

Chad Sayre: Yes, I do.

Commissioner Heitkamp: A couple of years ago we approved a development, it was a planned development south of Ashland, we had many Ashland neighbors in here up in arms against it. It was Hart Ridge, Dana Austin's Hart Ridge, it was, I can't remember if it increased the density of the current zoning of that tract but it was planned and it would have impacted the road quite a bit and the developer offered to pay for road improvements. There were sewage issues, things like that, but we thought it was innovative and we went ahead and passed it. He went belly up. Nobody wanted to buy his houses.

Commissioner Freiling: He worked within his existing zoning. He asked for a planned development and he did about a ten percent increase in density.

Bill Florea: It was a rezoning to AR-PRD. I don't remember exactly the increase in density.

Commissioner Freiling: It was about ten percent, he had A-2 zoning, he had a couple hundred acres, he could have a hundred houses or so and he ended up with about 112. Is that right Stan?

Stan Shawver: Yes, it was A-R.

Commissioner Freiling: It was apples and oranges and the density increase was ten percent instead of five-fold.

Commissioner Heitkamp: What I'm saying is that I'm not sure at all if the housing market in Ashland would support this number one. Number two, I've been out there several times and I'm all over the river roads and putting commercial at M and MM is probably the most dangerous thing I believe you can do for the neighbors for that road. Number three, the whole thing is the sewer. We have just been, you know, I'm sorry but I think this all hinges on sewer and I don't think I've had a good answer about the sewer and I don't have any assurances that sewer or storm water would be addressed. In conscience, I would not vote for this.

Boyd Harris: From the perspective of been there, done that, my personal opinion is that you are going to have a tremendous uphill road to access the existing city sewer system when you so vocally have the opposition to easements or annexation. And the avenue of immanent domain for the benefit of a developer to access a public property is going to become more and more restrictive as that particular issue moves through the Supreme Court and is taken a dimmer view of for benefit of a developer. That said, I come up and I have to agree with Kristen, that has been my big concern through all this is we've got a real wishy-washy position on sanitary sewer and the storm water runoff in and of itself concerns me that once the development is in place and the concrete's there and everything, are there basins to hold the storm water on site so that there is no more discharge offsite once all is said and done and existing pre-construction runoff. The other issue I would like you to address is back on the sewer thing, if you can't get to the city sewer and have to use an onsite plan, how will that be designed, northeast Missouri, not that far from where you grew up, is full of onsite sewer systems that belong to Premium Standard Farms that were designed state of the industry and I realize we are talking a different type of waste, but the concept is still the same, those facilities were designed to be state of the industry, state of the art, no problems and they failed. My question is, regardless of how pristine this effluent may be that comes out of an onsite plan at some point you have to recognize that there could be a failure. Once that happens, these lakes around this are shot. How do you safeguard a failure of an onsite system?

Chad Sayre: Before you can get, move forward through the process, you have to have a continue authority. In our case, our continuing authority is going to be with an onsite sewer plant from the letters that I've seen and it's a decision that will be made above the developer but the Boone County Regional Sewer District will operate and maintain those plants as a continuing authority as someone who is responsible to maintain the effluent quality. The Premium Standards Plants referenced; it is a lot different. Its actually totally different from the standpoint of the type of waste, you know, the type of system, all those types of things so you propose something, after we learn what the effluent limits are, you know, when these type of proposals in planned proposals the control is there. In one way it helps defer this to see if the land use is appropriate, we have a long list of things that this developer has to be successful at doing before he can get his permit to start on this project. The effluent quality, that would be defined by the department, and I said it before, you are right, there can always be failures there can be failures in farming systems that are there now, there can be a lot. As far as we know there could have been thousands of tons of sediment run in to the lake from a farming operation. As far as storm water goes, yes there will be basins, there will have to be, the regulations require in a planned development, no increase in runoff. Basins is a great way to handle peak flow because you can size them and there is a benefit that they are an amenity to the development. You get some benefits from you expense in doing that. As far as water quality, that is probably one of our biggest concerns and we will have to do more than just basins, but our studies of the basins that we've done in pre-development run off quality from an agricultural use compare to post-development runoff quality that we think that as more studies are done that we will learn that in many instances of agricultural type uses that if its not managed properly, most farmers manage their land and I'm not saying this ones not but we have done studies of pre-development where there's livestock grazing and livestock operations going on that are pasture type that the runoff quality in post-development as far as a quality issue is better in many regards and then can be handled

from a water quality standpoint easier than even runoff from an ag operation. Guarantees, there can always be a failure, I know that, with any system.

Commissioner Freiling: This is the first proposal that has occurred in Cedar Township with I represent in the four years that I've sat on this side of the table. Most of you folks know I'm a realtor; I have been a realtor for 32 years. I have developed property. I have represented developers; I represent a single developer now in Ashland. It's almost sold out so at least there's no competitive issue. What has occurred to me in thinking about this is that Planning and Zoning itself is a deal. It is an agreement between the citizens of a given area and the government that is going to exercise the planning and zoning. Individuals turn over some of their constitutionally granted private property rights to the care of some form of government. In return for a clear promise to protect their community interest. That does not always mean it will protect their individual interests. But I think there is a clear pledge that the governmental authorities and individuals involved in the decision making will assume that they have an obligation to protect the community interest. I know for the folks that I have served with over these years I have seen that particular sense come up over and over. But I have never articulated it for myself; I never fully comprehended how I felt about it until this issue has made me think about it a lot, too many nights. I believe that I have always felt, but I now know that I feel that before a decision is made by the public authority in response to zoning issues that is clearly against the desire and interest of the existing citizenry in a given area you need to have a public interest reason that for us to approve moving an urban development, city development to what is still a rural residential area and in affect, moving the city to you and your neighbors we would need to need to. Not need not to. We would have to have a positive need to take that step. It is not unreasonable to love where you live; it is not unreasonable to want to protect both the quality of life and the quality of your property. It is not unreasonable to want to delay change in your neighborhood as long as it's reasonably possible. There is no question that the two-mile prairie area around Ashland, east west, north west, south will be developed. There is no question the City of Ashland's long range plan showing residential and commercial nodes of development spreading out from the city in a radial fashion is absolutely correct. The question is timing. At what point does it become appropriate to fulfill the vision of that long range plan? All planning that I'm aware of, all theory of growth is that infill and adjacent development is the most desirable that lineal growth is less desirable and that leap frog growth is the least desirable. In 32 years in Ashland I have watched the community go from a city with a population roughly what this subdivision itself would be to a population of three times that size. Three decades, three fold increase. I really think it is very possible that that would be a county subdivision for one or two decades. I think it is probably that it would be, prove impossible to connect this property to city sewer. And I know that there is available within Ashland at a considerably higher price because it has city services available to them, properties of equal size that could be purchased that are not listed with me that are eligible for development. That there is no public necessity either because of a lack of available housing opportunities in Ashland or because of a lack of available land that could be purchased for development that is contiguous or within the city limits of Ashland to approve a five to six fold increase in density in an area that is well outside the practical urban service zone of the City of Ashland. This is what I do, it really bothers me, but this proposal seems to me to be an utterly inappropriate place to put an urban density development at this time. Its not that you folks across the road won't have this if you live long enough because you will. I just can see that there is a reason, a public necessity reason, to approve a rezoning, no matter how carefully the developer and his engineers meet the required infrastructure and design standards. That to me is not a justification for approving a rezoning. The rezoning is an issue of public benefit and public impact. Because of that I move for the denial of this request for rezoning.

Commissioner Harris: Second.

Commissioner Duker: I would like to say something. Chad, I think someone is trying to impugn your reputation. I would like to say that Allstate has great reputation. I also like the idea that you are extending the sewer line out there and opening up that property to future development at the same time that kind of mitigates a little bit the leap-frog ness even though its not connected to Ashland 8/10 of a mile is really not that far given the size of the county. It's not like its way, way out somewhere. I like the idea of commercial on that corner. I think it would be inappropriate anywhere else out there, if you were to rezone that, it seems like there should be some kind of commercial further down that road and it's a long straight highway. Coming out of Ashland it's a straight highway, it's not like it does when it gets down in the bottoms but coming from Ashland out there its straight. I like the idea that you are putting it in four locations, or four developments, that you have four phases and the market will have control over the development. What I don't like is if you have an onsite treatment plant we don't know where that will go. We don't know that you can connect to the City of Ashland, there's no infrastructure for that at the current time. There is definitely no community support for it. I like your development, I think it's not anti-growth to vote yes on this proposal but due to the timing and the infrastructure, community support there is no compelling reason to go ahead and do the subdivision at this time.

Commissioner Freiling made and Commissioner Harris seconded a motion to **deny** the request by United Developers, LLC on behalf of Miller Properties, LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single Family Residential) of 108.32 acres, more or less, and from A-2 to C-GP (Planned Commercial) of 5.75 acres, more or less, for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland.

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Michael Morrison – Yes
Russell Duker – Yes

Motion to approve the request carries. 7 YES 0 NO

Commissioner Freiling made and Commissioner Harris seconded a motion to **deny** the request by United Developers, LLC on behalf of Miller Properties, LLC for a Review Plan and Preliminary Plat for Shadowridge Estates Planned Development, located at 3445 E Route M, Ashland

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Michael Morrison – Yes
Russell Duker – Yes

Motion to approve the request carries. 7 YES 0 NO

Vice-Chairperson Sloan reminded the audience that applications that have been denied must file an appeal within three working days in order to continue to the County Commission. Individuals who are opposed to an application that has been denied contact the Planning office next Wednesday to learn if an appeal has been denied has been filed.

* * * * *

2. Request by Frank and Pok Davis to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10 acres, more or less, located at 6100 S. River Hills Rd., Columbia.

Planner, Thad Yonke gave the staff report stating that this site is located just south of Columbia on River Hills Rd. The property is currently zoned A-1. There is a single family dwelling on the site. This request is to rezone the property to A-2 (Agriculture) so that it can be subdivided into additional lots. This site is located within the Boone Electric service area, Consolidated Public Water District No. 1 service area and Columbia school district. The original zoning for this tract is A-1. In 1978, a request was considered to rezone this 76 acres from A-1 to A-2. The subject tract was a part of that rezoning request. The request was denied. The master plan designates this area as being suitable for residential land uses.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The applicants own 10 acres of land. If approved, the maximum possible density would be four dwellings.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

There is no reason to believe that utility services could not be provided without a resulting loss in services to any existing customers.

Access to the site is from River Hills Road, a county maintained road. The addition of three additional dwellings should have little impact on the road.

The nearest fire station is located 2 ½ miles north of this site on Scott’s Blvd. The additional dwelling units proposed by this application should not result in an increased demand on other public safety services.

It should be noted that this lot is part of a subdivision of 15 lots that range in size from 10 to 25 acres. All of the lots in the subdivision are zoned A-1. One of the tracts in the subdivision contains a horse boarding facility as part of a conditional use permit. Rezoning this tract will constitute a spot zoning which will be completely surrounded by A-1 zoned land. Recently another tract in this subdivision requested annexation by the city of Columbia and rezoning to a higher density. That annexation and change of zoning was denied by the city.

Staff recommends **denial of the request.**

Present: Anthony Davis, Real Estate Agent to Owners, 230 E. Wee Jo Court, Columbia.

Mr. Davis stated that the applicants want to break down the ten acres in to two tracts, three actually. The one with the house that’s currently residing there, there’s an area to the north that is currently blocking

the entrance to another lot to the north of us and we are wanting to divide that portion off to sell to our neighbors so they actually don't need an easement to access their land. We only want to build residential to the south of it.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Harris asked the applicant to explain what they are planning.

Mr. Davis stated that the lot currently sits in a triangular form. There is a lot to the north of us that is land locked and it has a twenty foot water easement where they laid their driveway.

Commissioner Harris asked if the lot was the applicant's property.

Mr. Davis stated that is the neighbor's property. They currently want to purchase a piece of land in front of their house that the applicants own so they will no longer require an easement and they will have a front yard that way. To the south side we would like to build one spec home approximately 3600 square feet. The neighbors to the north, she was actually here earlier but had to leave, but she was also considering rezoning if the applicants request is approved. That was in reference to this spot.

Commissioner Freiling stated that part of this is clean up of a physical difficulty but part of it is actually asking for an increase in lot density.

Mr. Davis stated yes.

Commissioner Sloan stated that the neighbor is considering rezoning.

Mr. Davis stated yes.

Commissioner Sloan asked why.

Mr. Davis stated that it is currently A-1 as well she was considering rezoning to A-2.

Mr. Yonke stated that if it's rezoned to A-2 there is no binding requirement on the density.

Commissioner Sloan stated that she doesn't like it. In looking at this and as the staff report said, all of the existing lots in the area are ten acres or more and all of a sudden we are making smaller lots and then smaller lots. I'm sure if people were here one of the things we would hear is that when they moved out there this is the way it was, this is the way they would like to have it, this is the way they thought it was going to be and not in my backyard. Commissioner Sloan stated she is against this request due to those reasons. This is not the place to start making smaller lots.

Commissioner Heitkamp stated she believes this is spot zoning.

Commissioner Heitkamp made and Commissioner Duker seconded a motion to deny the request by Frank and Pok Davis to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10 acres, more or less, located at 6100 S. River Hills Rd., Columbia

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – NO

Kristen Heitkamp – Yes
Michael Morrison – Yes
Russell Duker – Yes

Motion to approve the request carries. 6 YES 1 NO

Vice-Chairperson Sloan informed the applicants if they wished to appeal this decision to the County Commission an appeal form would need to be filed within three working days.

* * * * *

3. Request by Virgil and Janet Wooldridge, Jr. and William and Betty Benedict to rezone from A-R (Agriculture Residential) to A-2 of 15.88 acres, more or less, located at 12701 N Hecht Rd/ 8101 E. Low Crossing Rd., Hallsville.

This site is located approximately 1 mile southeast of Hallsville. The tract consists of 15.88 acres currently zoned A-R. It has A-R zoning to the north, east, and west, with A-2 zoning to the south. Currently, there are three dwellings on this site. The original zoning for this site is A-R. There have been no previous requests submitted on behalf of this site. This site is within the Boone Electric service area, and is in the Public Water Service No. 4 service area. It is located in the Hallsville School District. It scored 28 points on our point rating system.

The applicants are requesting a rezoning to A-2. The applicants own a total of 80 acres. If the rezoning is approved, they will create four tracts for family members by following the requirements of the “family transfer” section of the subdivision regulations. A-2 zoning in the 15.88 acre tract described by the applicants will have a maximum density of six dwelling units. Staff notified nine property owners about this request.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner.

The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation, and public safety services.

Splitting this tract will not result in a decrease of available utility services in the area.

Access to the site is by Hecht and Low Crossing roads, both of which are county maintained. The addition of three additional dwellings will have little impact on the roads.

The nearest fire station is located in Hallsville, which is between 1 and 1½ miles away. The addition of three dwelling units should not result in increased demand on other public safety services.

Staff recommends approval of this rezoning.

Present: Kevin Schweikert, 506 Nichols St., Columbia.

Mr. Schweikert stated the staff report adequately represented the rezoning request and what they want to do is family transfer. Under the current zoning they can't family transfer to their children so they want to down zone to A-2 so they are able to do that.

Commissioner Sloan stated that there is currently three houses on the property.

Mr. Schweikert stated yes. Three of the children live there now and they would be adding one more child to the property.

Commissioner Sloan asked if they lived on the property also.

Mr. Schweikert stated yes. The fifteen acres includes three of the structures.

Commissioner Freiling made and Commissioner Morrison seconded a motion to **approve** the request by Virgil and Janet Wooldridge, Jr. and William and Betty Benedict to rezone from A-R (Agriculture Residential) to A-2 of 15.88 acres, more or less, located at 12701 N Hecht Rd/ 8101 E. Low Crossing Rd., Hallsville.

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Michael Morrison – Yes
Russell Duker – Yes

Motion to approve the request carries. 7 YES 0 NO

Vice-Chairperson Sloan informed the applicant that this request would go before the County Commission on May 31, 2005 and the applicants would need to be present.

PLAT REVIEWS

1. Kallenbach Acres. S18-T50N-R11W. A-R. Mildred L. Elkin, owner. Neal R. Slattery, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Owens School road, west of the intersection with Level lane, and east of State Route OO. It is a single 2.5 acre lot zoned A-2, surrounded by A-2.

The property has frontage on Owens School road and has dedicated a 33 foot half-width right of way dedicated by this plat. The applicant has submitted a request to waive the requirement for a traffic analysis.

Public Water Service District #4 provides this property with water service.

On-site systems will be used for wastewater disposal. The applicant has submitted a request to waive the requirement for a wastewater cost-benefit analysis.

Due to a discrepancy in the early surveying of this area, the southern boundary of this section is not in the correct location. Original field notes are available at Rolla to adjust the lines of the survey as necessary.

The property scored 47 points on the rating system.

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

Commissioner Freiling made and Commissioner Duker seconded a motion to **approve** Kallenbach Acres. S18-T50N-R11W. A-R. Mildred L. Elkin, owner. Neal R. Slattery, surveyor **with waiver requests**:

Mary Sloan – Yes	Kristen Heitkamp – Yes
Carl Freiling – Yes	Michael Morrison – Yes
Boyd Harris – Yes	Russell Duker – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

2. Sweringen Road. S35-T50N-R14W. A-2. Kirby and Michelle McKenzie and Steven and Jacqueline March, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The property is located on the south side of Sweringen road, approximately four tenths of a mile from the intersection with Evert School road and four and one-half miles south of Harrisburg. It consists of three lots, which have an area of 5, 5.90, and 5.89 acres, with a combined area of 16.79 acres. The plat also includes .89 acres of right-of-way. It is zoned A-2, as are the surrounding parcels.

All three lots of the subdivision have frontage on Sweringen road. Right-of-way sufficient to provide a 33-foot half-width right-of-way is dedicated by this plat. The applicant has submitted a request to waive the requirement for a traffic analysis

Consolidated Public Water Service District #1 would provide water service to the property.

On-site systems will be used for wastewater disposal. The applicant has submitted a request to waive the requirement for a wastewater cost-benefit analysis.

The property scored 19 points on the rating system.

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

Commissioner Freiling made and Commissioner Duker seconded a motion to Sweringen Road, S35-T50N-R14W. A-2. Kirby and Michelle McKenzie and Steven and Jacqueline March, owners. Curtis E. Basinger, surveyor **with waiver requests**:

Mary Sloan – Yes	Kristen Heitkamp – Yes
Carl Freiling – Yes	Michael Morrison – Yes
Boyd Harris – Yes	Russell Duker – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

- 3. Kincade Estates. S19-T47N-R12W. A-2. Brett and Roberta Kincade, owners. Nathanael E. Kohl, surveyor.

The following staff report was entered in to the record:

This 2-lot minor plat is located on the east side of Barry Road approximately 900 feet north of the intersection of Bluebird Lane and Barry Road. The site is approximately 1 mile south of the Pierpont store. The area being subdivided contains 9.86-acres. The property is zoned A-2 (agriculture) as is all the surrounding property. These are all the original 1973 zonings. There is an existing house and wastewater lagoon on proposed lot 1. Proposed lot 2 is vacant. Sewage treatment will be provided by on-site wastewater systems. Lot 2 requires an engineered wastewater system to overcome soil and site limitations. An appropriate wastewater plan is in the file. Any on-site wastewater systems must meet all County Health Department requirements. The site is in Consolidated Public Water District #1 which has a 2” watermain in the area. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 44 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests.

Commissioner Freiling made and Commissioner Duker seconded a motion to **approve** Kincade Estates. S19-T47N-R12W. A-2. Brett and Roberta Kincade, owners. Nathanael E. Kohl, surveyor **with waiver requests**:

Mary Sloan – Yes	Kristen Heitkamp – Yes
Carl Freiling – Yes	Michael Morrison – Yes
Boyd Harris – Yes	Russell Duker – Yes
David Mink – Yes	

Motion to approve request carries unanimously.

* * * * *

- 4. Thousand Oaks. S20-T50N-R13W. A-2. Jason Eaves, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located west of State Route YY, approximately 3 miles southeast of Harrisburg. It consists of two lots with areas of 7.55 and 7.01 acres. The property is zoned A-2 and is surrounded by A-2 zoning.

The lots have access to State Route YY via a Private Roadway and Utility easement established by an earlier administrative survey. With this plat, the private roadway will be at maximum capacity, serving four lots.

Consolidated Public Water Service District #1 provides water service to the property.

On-site systems will be used for wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 28 points on the rating system.

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

Commissioner Freiling made and Commissioner Duker seconded a motion to **approve** Thousand Oaks. S20-T50N-R13W. A-2. Jason Eaves, owner. Steven R. Proctor, surveyor **with waiver requests**:

- | | |
|---------------------|------------------------|
| Mary Sloan – Yes | Kristen Heitkamp – Yes |
| Carl Freiling – Yes | Michael Morrison – Yes |
| Boyd Harris – Yes | Russell Duker – Yes |
| David Mink – Yes | |

Motion to approve request carries unanimously.

* * * * *

- 5. Mockingbird Hill. S35-T50N-R12W. A-2. Shirley and Melvin Greenwood, owners. Brian David Dollar, surveyor.

The following staff report was entered in to the record:

The property is located south of the intersection of State Route U and McLaine-Dailing Rd and is approximately 5 miles southeast of Sturgeon. It consists of two lots of 4.39 acres and 4.48 acres, and is zoned A-2 and surrounded by A-2 zoning.

Both lots have frontage on State Route U. The remainder tract has a private ingress-egress easement on State Route U that also allows use by the owners of Lot 1. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Public Water Service District #4 provides water service to the property.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

An administrative survey covering the remainder tract of this plat has been submitted and is in the process of being concurrently recorded with the subdivision plat.

The property scored 31 points on the rating system.

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

Commissioner Freiling made and Commissioner Duker seconded a motion to **approve Mockingbird Hill, S35-T50N-R12W, A-2, Shirley and Melvin Greenwood, owners. Brian David Dollar, surveyor with waiver requests:**

Mary Sloan – Yes
Carl Freiling – Yes
Boyd Harris – Yes
David Mink – Yes

Kristen Heitkamp – Yes
Michael Morrison – Yes
Russell Duker – Yes

Motion to approve request carries unanimously.

* * * * *

OLD BUSINESS

Mr. Shawver welcomed the new Planning and Zoning Commissioners.

Mr. Shawver updated the Commission of the decisions of the County Commission.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 12:02 a.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

Minutes approved on this 16th day of June, 2005.