

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, August 20, 2009**

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morgan	Bourbon Township
Larry Oetting	Three Creeks Township
Michael Morrison	Columbia Township
Derin Campbell	Public Works

b. Members Absent:

John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
Paul Zullo	Rock Bridge Township
Vacant Seat	Perche Township
Vacant Seat	Missouri Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Paula Evans, Staff	Thad Yonke, Senior Planner

d. Also Present:

Georganne Bowman

III. Approval of Minutes:

Minutes from the July 16, 2009 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

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. The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two conditional use permits, two rezoning request, a revised review plan for a planned development, and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri State statutes to follow its 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 short and 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 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. We ask that you not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other 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. Also, we ask that you please turn off your cell phones.

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, September 1, 2009. Interested parties will again have the opportunity to comment on the request 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 have been denied will not proceed to the County Commission unless the applicant files an appeal form within three 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 the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, September 1, 2009 will begin at 7:00 p.m. and will convene in this same room.

## V. Conditional Use Permits

1. Request by Rick and Kimberly Rose for a permit for a privately operated outdoor recreational facility on 11.06 acres located at 7040 S. Lakota Ridge Ln., Columbia.

Planner, Bill Florea gave the following staff report:

This site is located south of Columbia off of Lakota Ridge Lane in the Bonne Femme Estates residential development. The zoning for the property is A-2, which is the original zoning. All of the adjacent land is zoned A-2. Approximately 9.5 acres of the 11.06 acre site is within the 100-year floodplain. The

character of the area is described as large lot residential: most parcels in the area exceed 5 acres in size. The master plan designates this site as being suitable for residential land uses.

The request is to allow operation of a privately operated outdoor recreation facility which, is allowed as a conditional use in the A-2 district. The specific use is for an athletic field for baseball and soccer. According to the application the applicant intends to operate from 10:00 A.M. until dusk. Minutes from the January 23, 2006 meeting of the Bonne Femme Estates Homeowner's Association indicate endorsement of the use of the subject parcel for an athletic field.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

*(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.*

Lack of restroom facilities could be detrimental to the public health. Unauthorized use or access to the site, especially outside of the operating hours, raises public safety concerns. With appropriate conditioning the use should not be detrimental to the public health, safety or general welfare.

*(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 neighborhood is characterized by large lot residential use. The proposal stipulates hours of operation from 10:00 A.M. to dusk. No lighting is proposed.

*(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 the facility is operated within the guidelines established by the application and the conditions of the permit.

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

- The site is accessed by a private easement to Lakota Ridge Lane approximately .5 miles south of Buffalo Ridge Road.
- The property is within Consolidated Public Water Supply District Number 1.
- Boone County Regional Sewer District provides sewer to the lots within Bonne Femme Estates.
- There should be no significant change in drainage due to issuance of the conditional use permit.

*(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 athletic field has been in existence for several years. Development in the area has continued during that time. There is no indication that the proposed use will have a negative effect on development of the 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.*

Public road access from the site to the nearest arterial, State Route K, is via Lakota Ridge Lane and Buffalo Ridge Road. Lakota Ridge Lane is cul-de-sac approximately .5 mile long and serves 23 residential lots. The additional traffic generated by the proposed use should not conflict with the peak hour traffic on Lakota Ridge, Buffalo Ridge or Route K and therefore, should not result in traffic congestion on public streets.

*(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 site plan shows two parking areas. The gravel area is 160'x60' and the grassed area is 180'x60'. A survey of 6 communities resulted in an average parking requirement of 23 spaces per ball field. The gravel parking area is sufficient to provide 34 spaces. The area necessary to provide the minimum of 23 spaces 104'x60' and the access drive must be maintained in a dust free surface. Otherwise, the proposed use complies with the applicable regulations of the A-2 zoning district.

Staff recommends approval subject to the following conditions:

1. The owner shall devise and implement a plan for providing restroom facilities to the satisfaction of the Columbia/Boone County Health Department.
2. The owner shall install a gate within 30 feet of the right of way at the access to the site from Lakota Ridge Lane. The gate shall remain closed and locked at all times outside of normal operating hours except when the owner is on site.
3. The owner shall maintain the driveway and 23 parking spaces in a dust free surface.

Present, representing request:

Rick Rose, 7040 S. Lakota Ridge Ln., Columbia.

Rick Rose: When my boys were 12 years old they won three state championships and our goal was to have every one of them make the high school cut, which they did. This is a facility to help youth get better at baseball and soccer. It is a place for them to go that is safe; I plan on doing nothing more with it. It will actually be less than before because my son is going to college this year. We have a Christian team that plays there a little bit and a couple of 12 year old teams and a 13 year old team once in a while. There has never been one complaint from anybody out there. I helped the Daniel Boone All-Stars win districts last year; they went on to win a state title right here in Columbia with my help and other coaches assistants. It is a place for kids to get better at baseball. It is never overcrowded, traffic is never a problem and there has never been one complaint. I plan to continue what I have done with permission. It is just a place for kids to go and get better at their sport.

Commissioner Oetting: What are the hours of operation?

Rick Rose: Sometimes the field is not used for 2 to 3 weeks at a time, especially October through April. It will never be before 10:00 a.m. and it will never be after dusk. It is just for practice and a few games. So it is going to be inconsistent as far as times but no more time will be spent down there than has been in the past three or four years.

Commissioner Oetting: Is the 23 parking spaces the minimum?

Bill Florea: That is a minimum; there could be more.

Commissioner Oetting: What are the hours of operation?

Bill Florea: 10:00 a.m. to dusk is what the applicant stipulated.

Commissioner Oetting: Is the applicant planning to lease the field to teams?

Rick Rose: No. I have never charged anyone to use the field. It has been supported by me. The intent was to help kids get better; it is not a profit generating center and it never will be.

Commissioner Oetting: There will be no lighting to it at all?

Rick Rose: I would love to do that but it is about \$50,000, so no. I do have some poles there that need to be removed.

Commissioner Oetting: You can see on the aerial photograph where the baseball field is; where is the soccer field?

Rick Rose: The soccer field is the baseball outfield; we just put cones up. There are even a few hot air balloons that launch from the outfield; that happens once every two or three months.

Open to public hearing.

Present, speaking in support of the request:

Tom Mendenhall, 7300 Quantrills Pass, Columbia.

Tom Mendenhall: I am president of the Bonne Femme Homeowners Association. This ball field got started as a place for kids to play in the neighborhood; it was an area that was down in the low lands hidden away. Kids have been playing there for years and it has been a really good facility for us. There are 36 lots in the neighborhood and a lot of kids have gone down there and played. We had unanimous support for it in our meeting in 2006 when we talked about it. We have had a couple of new neighbors move in that have bought lots. I have talked to them about it; they have kids and believe it is great. The guy that lives to the west who owns 136 acres, Mike Leopard, is in support and has no problem with it. We haven't had anyone call or say anything against the ball field. I was one of the original developers of Bonne Femme and I still live out there and most of us are all in support of this. There haven't been any problems as far as property values. There have been two houses sold in the last three or four months that brought 95% of the asking price.

Present, speaking in opposition to the request:

Reginald Kinsey, 7060 Lakota Ridge Ln., Columbia.

Janice Prather-Kinsey, 7060 Lakota Ridge Ln., Columbia

Reginald Kinsey: We built our home there in 2003 and there was no baseball field. We are very disappointed to look at the traffic and all the activity that is going on down there with busses in the subdivision. We had no idea that when we built a home the size that we built, and the value, that we would some day be by a recreation facility. We have nothing against the kids playing soccer or learning in a safe environment but we are sure there is somewhere else where this activity can take place other than our own backyard. We built what we considered to be our dream home. When we come home we don't

have any intention of seeing cars up and down the subdivision. We know that there will be traffic but not as much that will go down to the baseball field. We have seen mailboxes being destroyed and have had to pick up trash out of our yard. We have the noise. I wake up on Saturday morning to do yard work and there are people down there and I can hear it from my property. We are really concerned about our property when we get ready to sell. The baseball and soccer field is not going to excite everybody. When you build a dream home somewhere you don't expect to have a recreational facility. That was not our intention and I hope the Commission takes that under consideration.

Janice Prather-Kinsey: There have been those against the baseball field in the Homeowners Association. There was a concern that the traffic was going too fast. One of the neighbors started throwing balls at the folks as they were going down in to the neighborhood at a speed they considered not safe.

Commissioner Harris: Can you repeat that?

Janice Prather-Kinsey: One of the neighbors took a tennis ball and threw it at the drivers in the cars who were driving at an unsafe speed.

Commissioner Oetting: Are there busses coming down there?

Reginald Kinsey: Yes. People do drive at a high rate of speed on the road.

Commissioner Oetting: Are we talking school busses?

Reginald Kinsey: Yes.

Closed to public hearing.

Rick Rose: Traffic comes down in small groups and one of the most important things I tell the coaches and parents is the speed limit is 30 mph. I watch it, I monitor it, there is not a problem there, there has never been a problem. (Addressing Mrs. Kinsey) When I got ready to build that field you and I were talking in the yard one day and you said that wouldn't bother her a bit because it was my property and I was welcome to do whatever I wanted to with my property. This has never harmed you guys whatsoever.

Commissioner Harris requested Mr. Rose address the Commission.

Rick Rose: This has come about for no reason. My field has never caused any problems anywhere.

Commissioner Harris: Is Lakota hard surface or gravel?

Rick Rose: Black top.

Commissioner Morgan: Is it possible to lower the speed limit?

Commissioner Campbell: It can be but we would have to take a look at it and see if it truly warrants it or not.

Commissioner Harris: At any given time, how many people are there? If the field is being used, how many are using it?

Rick Rose: 25 ball players, never more than 20 to 25 cars. They come and then they leave. It is not a bother to anybody.

Commissioner Harris: Do school busses bring kids out?

Rick Rose: There was a Christian team that started their baseball league and they asked if they could use the field. They used it two times this year. It was a Kansas City Baptist Church that brought two school busses down there.

Commissioner Harris: (to staff) We discussed that there wouldn't be any lighting was there any lighting mentioned on the application?

Bill Florea: There was no lighting proposed in the request.

Commissioner Harris: Being that it is not proposed it can't be done.

Bill Florea: That is correct. If they want lighting in the future they would have to come back to amend their conditional use permit.

Commissioner Oetting: Can the Commission define the times of operation just to certain months or is 10:00 a.m. to dusk year round?

Bill Florea: Those hours were proposed by the applicant and no; staff didn't recommend any amendment or modification to that.

Commissioner Harris: I think that the natural lighting and the four seasons in and of itself would regulate the use of the field.

Rick Rose: This facility is used by teams maybe 20 times a year; it is a very small percentage for the entire year. Once in a while there are a few guys that go down there and play catch.

Commissioner Oetting: I have a little problem with it. It may only be 20 times a year now but what is it going to be in two or three years down the road? I can see that field being used year round if the weather conditions are right. I have a little problem when I see something like this it is almost more of a commercial activity than it is a small family operation.

Commissioner Freiling: (to staff) Is there a legitimate mechanism to specify that this is not being approved as a commercial operation?

Bill Florea: I don't know that staff could regulate that. The best you could regulate would be the intensity of how often it is used, not whether or not it's for profit.

Commissioner Freiling: As we all know the permit runs with the piece of ground. Everyone is mortal so if someone buys this lot and decides to run it everyday of the year they could.

Bill Florea: The hours of operation would be the only way to restrict the intensity of use.

Commissioner Freiling: It is possible that in the future that it could become a commercial business.

Bill Florea: Yes. There is no distinction between a non-profit or profit oriented enterprise in terms of how the zoning regulations look at this land use.

Commissioner Freiling: (to Mr. Mendenhall) What would the Homeowners Association think if the property changed hands and all of a sudden someone was charging folks to use it and its operation was much more intense than it is now.

Mr. Mendenhall: One of the concerns would be the lighting and there is no lighting. This field is down over the hill; it is just kids playing baseball. We have some really nice homes out there; I don't think it is intended to be a commercial business.

Commissioner Freiling: What would happen if the property ended up in someone's hands?

Mr. Mendenhall: I can't speak on behalf of the neighbors but I think if that happened with the property some other people might do something. There are 36 of us; I think Mr. Rose would give us that opportunity before something like that happened.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** the request by Rick and Kimberly Rose for a permit for a privately operated outdoor recreational facility on 11.06 acres located at 7040 S. Lakota Ridge Ln., Columbia **with the following conditions:**

1. The owner shall devise and implement a plan for providing restroom facilities to the satisfaction of the Columbia/Boone County Health Department.
2. The owner shall install a gate within 30 feet of the right of way at the access to the site from Lakota Ridge Lane. The gate shall remain closed and locked at all times outside of normal operating hours except when the owner is on site.
3. The owner shall maintain the driveway and 23 parking spaces in a dust free surface.

Boyd Harris – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Larry Oetting – NO

Michael Morrison – NO

Derin Campbell – Yes

Motion to approve the request carries: 4 YES 2 NO

Chairperson Harris informed the applicants that this request would go before the County Commission on September 1, 2009 and the applicants need to be present for the hearing.



2. Request by William J. Harrison and Thomas C. Harrison III for a permit for a private family cemetery on 90 acres located at 3000 E. Winn Rd., Sturgeon.

Planner, Uriah Mach gave the following staff report:

The subject tract is located to the southeast of the intersection Winn & Tucker School Road, three miles to the west of Hallsville. It is 90 acres in size and has no structures present. It is zoned A-2(Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

The applicants have requested a conditional use permit for the placement of a private family cemetery on their property. Previous applications for private family cemeteries have identified two recommended conditions. First is that the location of the cemetery be identified on a survey of some form. This is recommended due to the impacts that finding a previously unidentified cemetery can have on the property. And second, that there be some form of access easement to the cemetery location identified and recorded for descendants of those interred to have legal access to the site.

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

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

If operated in conformance with existing county regulations, the use should comply with this criterion.

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

It is difficult to see how the placement of a private family cemetery can have any significant impact on the use and enjoyment of other properties in the immediate vicinity. While there may be an increase in activity at the site on an irregular basis, unless the number of family members interred at this site is considerable, there should be limited impact on the surrounding properties.

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

The placement of the cemetery and the ensuring of access and maintenance of the site should prevent any off-site impacts caused by this conditional use permit.

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

This use has limited needs as far as utilities and infrastructure is concerned. The establishment of an access easement to the cemetery should prevent any problems so far as road access is concerned.

(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.

This use will have negligible impacts on the surrounding properties. The permit's impacts are site-limited, and can be resolved by a survey identifying the location of the cemetery on the subject property.

(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.

As previously mentioned, the establishment of an access easement to the cemetery from the road should allow the request to meet the needs of this criterion.

(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 recommends approval of the request with the following conditions:

1. That a survey identifying the location of the proposed cemetery be approved by the director of planning and recorded.
2. That an access easement be recorded and referenced on the previously mentioned survey.

Present, representing the request:

William "Billy" Harrison, 5836 State Hwy 48, Weldon, IL  
Tom Harrison, 4904 N. Oakley Rd., Oakley, IL

Billy Harrison: We want a private cemetery plot. There are 90 acres; we only need one acre to get this done on so as far as maintaining the entire 90 acres isn't going to be an issue. It is just for the immediate family that wants to be laid to rest there. At this point there are only three or four of us; there is one right now that is waiting.

Commissioner Campbell: Any plans on fencing the area?

Billy Harrison: We wish to have the cemetery on the 90 acre piece. The last person that lived on that property passed away in 1971; there has been no house on the property since then. Family members who visit the property, six or eight times a year camp and hunt on it; other than that it sits. As far as a fence, if it is requested then we will put a fence around it.

Tom Harrison: The plot will be located near the northwest corner of the property.

Commissioner Freiling: In addition to the staff conditions, the Commission could place the condition limiting the size of the plot.

Uriah Mach: That is correct. That was the idea of getting a survey to identify the location.

Commissioner Morgan: Have the applicants made any provisions to maintain the property 50 years from now?

Billy Harrison: It is only for immediate family. A neighbor, Mr. Sullivan, has offered to take care of the property.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Harris: One of the staff's recommendations is that the area and the access to it be defined by a survey. We certainly don't put that recommendation on there to be a burden on the applicants plan. My concern is that down the road we all will be gone and the area that you want for their final resting place, we wouldn't want something to happen to that area because it wasn't marked, to end up being desecrated in some way; that is our concern. Also from a maintenance perspective; finding a cemetery by

surprise is the last thing that anyone wants to do. That is where the condition comes from. (to staff) Can we add a condition that the survey specifies the use and has permanent markers, not just a drawn survey? I would like to see something physical out there to mark that tract of land whether it is a fence or corner markers.

Uriah Mach: Yes. The primary purpose for the survey and the access easement is to ensure that the cemetery is protected and identified as protected space on that survey.

Commissioner Harris: That physical marker should be where the plot is; not necessarily the easement.

Commissioner Freiling made and Commissioner Morrison seconded a motion to **approve the request by William J. Harrison and Thomas C. Harrison III for a permit for a private family cemetery on 90 acres located at 3000 E. Winn Rd., Sturgeon with the following conditions:**

1. That a survey identifying the location of the proposed cemetery be approved by the director of planning and recorded.
2. That an access easement be recorded and referenced on the previously mentioned survey.
3. The site not exceed one acre in size.
4. The property irons have steel or masonry markers to define the boundaries of the cemetery.

Boyd Harris – Yes

Carl Freiling – Yes

Mike Morgan – Yes

Larry Oetting – Yes

Michael Morrison – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously

Chairperson Harris informed the applicants that this request would go before the County Commission on September 1, 2009 and the applicants need to be present for the hearing.



## VI. Rezoning Requests

1. Request by Timothy and Toby Rost to rezone from A-R (Agriculture Residential) to C-GP (Planned Commercial) and approve a review plan on 1.70 acres, more or less, located at 2450 N. Trails West Ave., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject tract is located at 2450 Trails West Avenue, south of Highway 40, approximately 3 miles from the city limits of Columbia. The applicants are seeking a rezoning of 1.70 acres of R-S (Residential Single-Family) zoning to C-GP (Planned General Commercial) to expand the commercial areas and use of the property for their landscaping business. Currently, the property is split zoned R-S (Residential Single-Family), A-R (Agriculture-Residential), and C-G (General Commercial). The R-S is original 1973 zoning, the A-R was rezoned in February of 1990, and the C-G was rezoned in April 1982. The property is surrounded by original 1973 R-S zoning.

Currently, the property has one existing building in the C-G zoned area, and six buildings in the A-R and R-S zoned areas. The building in the C-G area is used as an office structure and the buildings located in the R-S and A-R zoned areas are used for the agricultural activities associated with the current agricultural use associated with the landscaping business. The applicant's review plan indicates one new greenhouse building and an associated parking area. If approved, this rezoning will allow for expansion of the landscaping business in the new building. This request scored 63 points on the point rating system. Staff notified 56 property owners about this request.

The Master Plan designates this property as suitable for residential land uses. The Master Plan also identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: Public water is provided by Consolidated Public Water District #1. There is an existing 6" water line on the east side of Trails West Avenue for provision of water to this site. A new hydrant will be installed on site to meet the requirements of the Boone County Fire Protection District. Electrical service is provided by Boone Electric Cooperative.

Transportation: Trails West Avenue feeds into Rollingwood Boulevard, and these streets are identified on the Major Roadway Plan as neighborhood collectors. The uses identified on the plan, which may increase traffic counts to this site, are off-peak increases, and should have limited impact on peak hour residential traffic for the residential areas around this site.

Public Safety: The nearest fire station is at Midway, approximately 1 mile away. The existing road network provides access for public safety services. An additional fire hydrant will be installed to meet the requirements of the Boone County Fire Protection District.

This request meets the requirements of the Boone County Master Plan's sufficiency of resources test. While the requested uses are more intense than those uses currently present on the site, they are an acceptable expansion of those uses.

Staff recommends approval of this request.

Present, representing request:

Tim Rost, 8050 Highway 40, Columbia.

Neal Slattery, 1123 Wilkes Blvd., Columbia

Neal Slattery: We are here tonight to submit a rezoning request for a 1.7 acre tract from A-R to planned commercial. The applicants also have a review plan showing what the use is and the proposed structures for the site. One of the things to point out is this facility is based on demand. We show a building envelope and parking requirements ranging from 2000 square feet to 12,000 square feet. Time will show how much and when the expansion occurs.

Commissioner Campbell: Public works had made several comments on the plan and they have all been addressed by the applicant.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Freiling: There are a lot of requests that can be made on this site that would have the potential to have more negative impact because of the nature of the use. This seems a more neighborhood friendly request.

Commissioner Harris made and Commissioner Morgan seconded a motion to **approve** the request by Timothy and Toby Rost to rezone from A-R (Agriculture Residential) to C-GP (Planned Commercial) on 1.70 acres, more or less, located at 2450 N. Trails West Ave., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Michael Morrison – Yes	Derin Campbell – Yes

Motion to approve the request carries unanimously

Commissioner Harris made and Commissioner Morrison seconded a motion to **approve** the request by Timothy and Toby Rost to approve a review plan on 1.70 acres, more or less, located at 2450 N. Trails West Ave., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Michael Morrison – Yes	Derin Campbell – Yes

Motion to approve the request carries unanimously

Chairperson Harris informed the applicants that this request would go before the County Commission on September 1, 2009 and the applicants need to be present for the hearing.



2. Request by David Biggs to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 6.14 acres, more or less, located at 3701 E. Biggs Rd., Ashland.

Planner, Thad Yonke gave the following staff report:

This property is located north of Ashland on the north side of Biggs Rd approximately 2000 ft west of the intersection of State Highway DD and Biggs Rd. The subject property is situated approximately 1.25 miles northwest of the closest municipal limits of Ashland. The parent property of this request is zoned A-1 (agriculture). Property to the northeast and east is zoned A-1P (planned agriculture) and was rezoned from A-1 in 1995. Property to the southeast and south is zoned A-2 (agriculture) which was rezoned from

A-1 in 2002. Property to the southwest, west, and northwest is zoned A-2 and is an original 1973 zoning. Property to the north is zoned A-1 and is also an original 1973 zoning. The applicant is requesting a rezoning of a 6.14 acre portion of the parent parcel to A-2, the remainder of the parent parcel will remain zoned A-1. The entire parent parcel is vacant. This site lies within the Ashland Public School District. The site is in Consolidated Public Water District #1 and the site is served by a 4 inch water main. The site is in the Southern Boone Fire District but the area of land requested for rezoning can't be subdivided into enough lots to trigger fire hydrants. Electric service will be provided by Boone Electric Cooperative. Wastewater service is proposed to be provided by on-site wastewater systems regulated by the health department. The proposal scores 36 points on the point rating system. The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan. Staff notified 23 property owners about this request.

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. This test serves a gate keeping function to see if a request merits further detailed analysis.

Utilities: This site is served by Boone Electric Cooperative and Consolidated Public Water District 1. There are existing district waterlines serving the property. Sewage will be by an on-site wastewater system regulated by the health dept.

Transportation: Access to the site is from Biggs Rd a County maintained road.

Public Safety: The nearest fire station is located in Ashland within 5 road miles.

The services available to serve the existing zoning are adequate to serve the proposed rezoning. Essentially, the request is to simply move the boundary between the A-1 and A-2 zoning districts from the roadway to a stream draw that crosses the parent parcel. The stream is a natural visible feature and suitable boundary. This stream does require a stream buffer according to County ordinances and would make a reasonable and identifiable district boundary

Therefore, staff recommends approval of the request.

Present, representing the request:

Gene Basinger, 300 St. James St., Columbia.

David Biggs, 12021 S. Highway DD, Ashland

Gene Basinger: (presented a sketch – aerial photograph – of the property)

Gene Basinger: The sketch shows the proposed division of the property. The site that we are trying to rezone is divided by a blue line stream. As staff indicated, it will require a stream buffer. This was the most feasible way to divide the property up. There are 34.66 total acres that would allow three tracts of land under A-1 zoning. If this request is approved there would be 6.14 acres in this tract; the lot would end up being 5.31 acres and that would leave enough for two tracts in A-2 zoning. I don't believe the division of the land is a question here; it was divided using the blue line stream. The question I think is going to come up tonight is whether this should be A-1P or A-2 zoning. A-1P zoning would give no more protections because there could only be 3 tracts of land either way. Under A-1P you are still looking at

tying up a 10 acre tract. If we go A-1P we would still have to come up with an additional 4.69 acres to make the 10 acre tract under planned zoning. By going to an A-1P it is going to cost the developer another \$1500 to \$2500 of time and effort on my part which would be passed on to the buyer of the property. It would be quite a bit more time to do an A-1P. A-2 would cost less and be quicker and the effect is the same as an A-1P and it is still going to be three tracts of land so there is no more gain on the number of tracts that would be divided either way whether it is A-1P or A-2. As there is only 21.52 acres after this tract comes out it still allows for 2 tracts of land. The property is such that I believe this is the reasonable thing to do as far as the division of land.

Open to public hearing.

Present, speaking in favor of the request:

Hollis Dale, 3590 Biggs Rd., Ashland

Hollis Dale: I own the property south, southwest of the proposed zoning. All Mr. Biggs is asking to do is change the zoning to what everyone else has around there. Biggs Road is being developed; there has been eight to ten houses built on Biggs Road. It is going to be developed; it is just a matter of time. I like the fact that there are going to be six and ten acre tracts. The only thing I would have a problem with is something smaller. As long as they stay five acres or bigger then it shouldn't be a problem as far as traffic; it is a gravel road.

No one spoke in opposition.

Closed to public hearing.

Commissioner Harris: The 5.31 acres, that could still potentially be divided in A-2 zoning to make a couple of 2.62 acre tracts.

Thad Yonke: Yes, this property, even though it is proposed on the plat as 6 acres, can be divided in to two larger than 2.5 acre parcels.

Commissioner Freiling: Would that proposed division change any of the requirements relative to fire protection.

Thad Yonke: No, you would have to have a full 10 acres in order to trigger four lots, which is the minimum threshold for requiring fire protection. Even if it were 7.5 acres the maximum number of lots would be under what would trigger fire protection.

Commissioner Freiling: So the worst case is we are changing three potential tracts to four potential tracts.

Thad Yonke: The frontage is the only reason this could be done as two tracts; each one would still have to have frontage on Biggs Road. Essentially it would be two triangles.

Commissioner Freiling made and Commissioner Oetting seconded a motion to **approve** the request by David Biggs to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 6.14 acres, more or less, located at 3701 E. Biggs Rd., Ashland:

Boyd Harris – Yes

Carl Freiling – Yes

Mike Morgan – Yes  
Michael Morrison – Yes

Larry Oetting – Yes  
Derin Campbell – Yes

Motion to approve the request carries unanimously

Chairperson Harris informed the applicants that this request would go before the County Commission on September 1, 2009 and the applicants need to be present for the hearing.



## VII. Planned Developments

1. Request by Larry W. Potterfield Revocable Trust to revise an approved Review Plan for Boone West Planned Industrial Development on 14.83 acres, located at 5875 W. Van Horn Tavern Rd., Columbia.

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for revision is comprised of two parcels containing 14.28-acres total. The current zoning of the entire property is M-LP (planned industrial) which was rezoned from C-GP (planned commercial). Property to the north across I-70 is zoned part A-2 and part A-R. Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the C-GP are original 1973 zonings. The site is currently the location of two large commercial/industrial buildings. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is currently provided by an on-site commercial wastewater under DNR or the Health Dept. The purpose of this revision to the plan is to allow a separate lot to be subdivided around the sewage treatment plant for conveyance to the BCRSD. The PID Plan must show all lots that are proposed for creation and this is the only significant change from the currently approved plan. The list of Allowed Uses is the same and the property already has been granted a CUP for the manufacture or assembly of metal or fiberglass products: such as firearms. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The property scored 80 points on the rating system. Staff notified 16 property owners concerning this request. Since this proposal is virtually identical to the approved version except for a proposed sewer lot for the BCRSD;

Staff recommends approval of the review plan subject to retaining the condition on the current approved plan:

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Present, representing request:

Matthew Kriete, 1113 Fay St., Columbia.

Matthew Kriete: This is somewhat of a formality. As mentioned Boone County Regional Sewer District is to take over the sewage treatment plant on the site. This is due to the recent ML-P plan and the construction of the neighboring property. The forced main is being constructed between two facilities to maintain discharge for the sanitary sewer waste. Just by code it is required to be a public system as it crosses several lots. The sewer district is going to be taking that over and caused for the creation of this lot.

Open to public hearing.

No one spoke.

Closed to public hearing.

Commissioner Harris made and Commissioner Morgan seconded a motion to **approve** the request by Larry W. Potterfield Revocable Trust to revise an approved Review Plan for Boone West Planned Industrial Development on 14.83 acres, located at 5875 W. Van Horn Tavern Rd., Columbia **with the following condition:**

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Michael Morrison – Yes	Derin Campbell – Yes

Motion to approve the request carries unanimously

Chairperson Harris informed the applicants that this request would go before the County Commission on September 1, 2009 and the applicants need to be present for the hearing.

#### VIII. Plats

- 1 Audubon Estates Plat 2. S25-T47N-R13W. A-2. Anna Marie Albert-Lewis, owner. J. Daniel Brush, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located on Audubon Road, off of State Route N, approximately 5 miles south of the city limits of Columbia. The applicant is splitting off a 5.09 acre tract from an approximately 27.5 acre parent parcel. The property is zoned A-2(Agriculture), with A-2 zoning to the north, east, and south, with R-S (Residential-Single Family) zoning to the west. These are all original 1973 zonings.

The property has direct access on to Audubon Road. The applicant has requested a waiver to the traffic study requirement.

There is a 4" waterline on the north side of Audubon Road that can provide domestic water service. Electric service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Southern Boone County Fire Protection District.

On-site wastewater is proposed for this lot. The applicant has requested a waiver to the cost-benefit analysis requirement.

The property scored 16 points on the rating system.

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

Commissioner Freiling made and Commissioner Oetting seconded a motion to **approve Audubon Estates Plat 2 with waiver requests:**

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Michael Morrison – Yes	Derin Campbell – Yes

Motion to approve the plat carries unanimously



2 Biggs Road. S4T46N-R12W. A-1. David Biggs, owner. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The subject tract is located on Biggs Road, approximately 1 ½ miles northwest of the city of Ashland. This plat creates a 5.31 acre tract from a 35 acre parent parcel. The property is zoned A-1(Agriculture), and has A-1P(Planned Agriculture) zoning to the east, A-1 zoning to the north & northeast, and A-2 zoning to the west, southwest, and south. There is a section line running along the western property line of the parent parcel and that section line is the dividing line between the original A-1 and A-2 zoning districts. The subject tract was denied a rezoning as part of a larger proposal in June of 1994. The A-1P area was rezoned as a planned development in August 1995. The A-2 to the south was rezoned from A-1 to A-2 in October and December of 2002.

The property will have direct access onto Biggs Road. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water District #1 can provide water service through an existing 4" line along the front of the property. Southern Boone County Fire Protection District will provide fire protection. Boone Electric Cooperative will provide electrical service.

On-site systems are proposed for this lot. The applicant has requested a waiver to providing a cost-benefit analysis.

This property is currently zoned A-1 (Agriculture), with a minimum lot size of 10 acres. This lot does not conform to requirements of the existing zoning.

The property scored 36 points on the rating system.

Staff recommends denial of the plat.

Present, representing the plat:

Gene Basinger, 300 St. James St., Columbia

Gene Basinger: I would like to ask that the Commission approve the plat pending the zoning approval by the County Commission.

Uriah Mach: Staff would like to point out that the alternative was to act on this plat, give it preliminary approval and table the request until the County Commission has a chance to act on the rezoning; that is the only alternative to denial at this point.

Stan Shawver: The regulations stipulate three actions that can be taken on this plat. One, the plat is approved; two, the plat is denied; and three, the plat is approved and tabled for one month with the understanding that any faults be corrected within a one month period. Denial of the plat does not prejudice the plat from going forward to the County Commission. The Planning and Zoning Commission makes a recommendation for the rezoning but you can not approve a plat that does not comply with the zoning.

Commissioner Freiling: If the Planning and Zoning Commission denies this plat can the applicant appeal to the County Commission?

Stan Shawver: Yes, the applicant has been given the appeal form.

Commissioner Freiling: So the applicant can appeal to the County Commission and if they approve the rezoning they can act on the plat.

Stan Shawver: Yes.

Commissioner Freiling: That is the best option for the applicant.

Stan Shawver: The procedure on the agenda will be set up the same way. The rezoning will be considered. If the applicant appeals the denial of the plat the Commission will be informed that the plat was recommended denial because the zoning didn't apply. If the County Commission approves the zoning at their meeting then the plat would be approved because the zoning will apply.

Commissioner Morgan made and Commissioner Harris seconded a motion to **deny** Biggs Road:

Boyd Harris – Yes	Carl Freiling – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Michael Morrison – Yes	Derin Campbell – Yes

Motion to deny the plat carries unanimously

Commissioner Harris stated if the applicant wished to appeal the decision to the County Commission the applicant would need to file an appeal form with the Planning Department within three working days.



IX. New Business

1. Public hearing on proposed storm water ordinance

Commissioner Harris opened the public hearing.

Present:

Pat Devaney, A Civil Group, 1123 Wilkes Blvd., Columbia

Pat Devaney: I would like to commend the County on what is a very well thought out and thorough ordinance. A Civil Group has been privy to the ordinance adoption process with the City of Columbia as well as the process with the county and we have dealt with the many problems that the city of Columbia ordinance has had to face. I wish that the City's ordinance much more reflected that of what the County has. I would like to caution the County that one of the biggest problems we had with the initial adoption of the city of Columbia's ordinance is that there was too much of the ordinance that was left to interpretation. I would like to stress that the county be as diligent as possible in making sure that all definitions are covered within the ordinance because the interpretation of the ordinance with the city of Columbia seemed to change from plan reviewer to plan reviewer as well as from engineer to engineer.

Pat Devaney: With regards to the redevelopment section as defined in the definitions within the county's ordinance; I would very much like to commend the County on the exclusions listed in those definitions. That was one of those areas that was a major headache. Page 9 of 40, section 2; ultimately the city of Columbia removed the definition of redevelopment from their ordinance because they had these same issues. Kudos to the county for getting this right. The exclusions as far as ordinary maintenance activities was something that was never addressed with the city of Columbia which was a big concern. If you had a sidewalk that had to be repaired and you tore it out and removed it there were no provisions in the city's ordinance to account for that. Section 3, plan submittal and review requirements; specifically the pre-application meeting, again another commencement to the county. We have been attempting to do this at every chance possible with the city of Columbia. One of the major benefits behind this is when a site is initially addressed, because all of these new ordinances are fairly new to all of us, we are all having a hard time putting our fingers on a relevant cost or an estimate of what it is going to cost to address these issues on those particular sites. That being the case, having the opportunity to up front meet with the county or city and determine what is going to be an applicable and effective measure of taking care of these water quality and quantity issues has been very much appreciated. One thing I would stress is that in order for

the engineering community to come up with a conceptual stormwater plan there is already a certain amount of design involved. We have to know that what we are proposing before we even start down that path that we know we can make the numbers work out in the end. Even though it is preliminary there is already a certain amount of design involved and there is already a substantial amount of time involved. Therefore, meeting with the county as early as possible in this process is a great benefit to the developers and to the engineering community.

Pat Devaney: We have been trying to do this with the city of Columbia as often as possible. One issue that we've had is that certain members of the public works department for the city of Columbia who attend these meetings may not be those who have the authority to approve or deny that particular plan in the end. However, they may still offer us the notion that we are headed in the right direction. I would really urge the county to be careful in assigning the correct staff to these preliminary meetings because a certain amount of preliminary engineering goes in to this. When we leave these meetings we are only going to take that engineering which adds cost to our client and to the development. We are going to take that that much further before we submit what the county considers to be the preliminary stormwater management plan. To be honest, by the time that the particular plan is submitted we already know whether it is going to work or not. We have to know the numbers by that point, if not we have severely misled our clients.

Pat Devaney: The review process, the initial submittal and whatever the other submittal was, I believe 30 days apiece for those. We can work with it but would like the county to speed that process up; that is a little lengthy from a development standpoint. A lot of people are going to be holding construction loans throughout that time period. Section 4.4, stormwater quantity control. I was very impressed with the county's approach at dealing with detention. Having dealt with the city's ordinance and stormwater manual I would like to address that any gray area that is in the manual is going to cause nothing but headaches. The city's manual leaves a lot to interpretation and it is only going to cause problems. We have to get a different interpretation every time we approach the same scenario. There is no guarantee that when we reach the end of that particular project, whoever gave us the initial interpretation is going to be there in the end to stand by what they said. You state in the runoff reduction 10% of the water quality volume shall be permanently reduced. This may be accomplished through infiltration practices where soil conditions allow. We are in Boone County; we do not have soils conducive to infiltration. We have a very low infiltration rates in the vast majority of the county. That being the case you follow that by saying by disconnecting impervious areas, maintaining or reestablishing deep rooted vegetation maintaining sheet flow to areas of natural vegetation such as riparian corridors and undisturbed forest lands and or collection and reuse of runoff. With the exception of actual collection and reuse of runoff. As an engineer I do not see how you can quantify a volume reduction and runoff through the disconnection of impervious areas or the establishment or maintenance of natural vegetation over riparian corridors. I do believe that it exists, I do believe that a decrease in the volume, I do not however see how you could quantify that by that decrease. That being the case, will the county offer some sort of charts, tables, or diagrams that will allow the engineering community to then be able to shoot for a certain goal? Will it be based on soil infiltration rates going off curve numbers, various land covers? That is a big concern because inconsistency is one of the things we are battling at the city of Columbia. Also, it would be beneficial for the county to provide something simply so there was extensive consistency from engineer to engineer and from plan to plan. If we are going to have these goals to shoot for we need to be able to approach them head on and spend our clients money as efficiently as possible from the get go.

Pat Devaney: Section 8.4, performance bond or guarantee. It states that upon approval of the stormwater pollution prevention plan and prior to issuance of a land disturbance permit the developer shall post a security in the form of a cash bond, cash or equivalent of not less than 150% of the value of all erosion and sediment control which are part of the SWPPP. It goes on to discuss land disturbance permits for

public improvements but with regard to the private sector, 150% of those activities and then it goes on to state that the release of those will be at the point of dissolution of that land disturbance permit. I assume the county releases their land disturbance permits in accordance similar to what the State of Missouri does which is approximately 78-80% fully stabilized of the entire area in question. We are talking about a residential neighborhood that could very well be 80 or 90% of the lots in question. Is there some way the county could maybe look at a partial refund of this bond at the time of occupancy permit as opposed to full dissolution of land disturbance permit. It could potentially be multiple years. The way I understand this is 150% of the value of the erosion and sediment control measures as part of the SWPPP which means those measures put in place to control sediment loss and erosion during the construction process, not the cost incurred for the stormwater BMP's.

Ben Londeree: 2601 Chapel Wood Terrace, Columbia.

Ben Londeree: I have followed this ordinance and was involved in the meetings. The ordinance has good points and some problem areas. It addresses the water quality issue in a much better way than what the city has done. It addresses the sensitive areas very well; the city's doesn't address this at all. On the other hand when it comes to reducing the volume of water that is running down the creek it falls way short. We already have considerable flooding downstream. We have had two storms since last September that were both in the neighborhood of 2.75 inches; the Hinkson backed up north of Forum Boulevard. County House backed up to a level higher than the 1993 and 1995 floods. We already have flooding problems so anytime you add more water into the system with new development you are going to increase that flooding. The ordinance retains onsite temporarily the difference between a two year storm under the existing conditions and what it would be under the proposed conditions. This amount is 1/3 of what the city requires. It is going to lead to more flooding downstream.

Ben Londeree: I am working on some spreadsheets that will give peak flow and total volume of water and will get that to the Commissioners. The other issue is that channel protection and the volume of water that is going to be going downstream is going to be enough that it won't protect the stream banks. There will be continued erosion of the stream banks which has been a problem. For those two reasons I have my reservations about it. The only redeeming grace is I suspect the developments will be small in nature and maybe not in a percentage of what could happen. It won't be quite as big of an impact.

Commissioner Freiling: What is your personal background in this field?

Ben Londeree: I've been dealing with stormwater issues since 2001, I was on the Boone County/Columbia Stormwater Taskforce, I was on the Bonne Femme project, I am on the Hinkson project. Recently I have been working with some stormwater engineers on getting my numbers right. I think my numbers are reasonably close right now, the relationships probably will not change but by working with the stormwater engineers I hope that it will be very close. I don't want to give you the spreadsheets until I feel comfortable when the stormwater engineers say yes. It won't be a full blown type thing that you see them do where they measure every little nick and cranny in the whole development area. It will be more global but it will show you things that, relatively speaking, what would happen if you develop it this way versus another way and if you didn't develop at all. Those are the kinds of things that I want to be able to demonstrate. Sometime in the next couple of weeks I hope to have it ready and will provide it to the Commission.

Don Stamper, Central Missouri Development Council, 2604 N. Stadium, Columbia.

Don Stamper: I first want to congratulate the staff on the work that has been done today. It has been an onerous and difficult task and its one they have done with a lot of diligence over a long period of time. It

is really interesting to hear one of the things that concern me the most is the law and intended consequences. We found with the city ordinance and we will find in this ordinance as well that we sit in a room together from time to time and they come up with recommendations and they came forward with those recommendations and quite frankly some of them won't work. Sometimes you won't know that until you put it in the field, sometimes there are people that think that on the front end but the law and intended consequences are very circumventual. The first speaker was talking about the requirements for a cash deposit and it not being released until the permit was released. The Department of Natural Resources does not release the developer or permit holder from the permit until certain conditions are met and generally speaking your 70 to 80% through the lot sales; literally the developer is held responsible for stormwater management on land that they don't own. Land that we don't have permission to be on. It is a very complex nature of a relationship. We met with them in the spirit of how we can get those permits released earlier on portions of development, once we have sold it and moved on with it we shouldn't be responsible for it. The way that you have your wording it is in contrast where it will make it more difficult and that has potential to a part of the law of unintended consequences.

Don Stamper: We are going to break our comments down in to three sections. We will have comments for each of the public hearings. We will talk about the economics of this and the implementation and some questions that we have there. The second hearing we intend to address specific content within the draft with questions and concerns. The third hearing we intend to bring forward our concerns as related with the legality of it and the ability to implement your authority as it rests with the statutes. We currently have research that is going on with all of those points.

Don Stamper: The economic and the cost of implementation is a concern to us. How will it affect the cost of housing in Boone County? What will it mean per living unit in subdivisions? Secondly, how are we going to pay for it? We don't have a source like the city has with its utility. Will it be paid for by fees? Will it be absorbed by the county? What positions will staff it? How will it function? Do we have extra pieces in place or do we have to bring in the extra pieces? How much training will be required? We haven't seen any documentation on cost. I visited with the County Auditor today as she was preparing the county budget, she tells me the county budget is less this year than it has been in previous years and they are at a point where they are going to have to start picking and choosing some things that they are not able to do. Are we implementing an ordinance that we will not be able to afford to implement? The balance needs to be struck there and going in before adopting something that is this aggressive, that is this major a change to the county, we ought to know something about the fiscal impact of it. We should know how much it is going to cost and what it is going to mean per living unit and what it is going to do to permit prices. In the end the consumer pays if it goes to permits. If the permit fees are high the developer doesn't pay it; it's the person who buys the house that pays. Who will staff it? How will it be paid for? Will it be done with existing staff or reassignment in this area? It is really being handled in a loose capacity. I understand sometimes that it has to be done that way but we have an opportunity here know those things before you refer this to the Commission and before adoption.

Don Stamper: The city's experience; they retained a consultant after it was adopted and that consultant indicated that over time it was going to need somewhere between 30 and 60 full time employees to manage the ordinance the way it was adopted. That came as a bit of a surprise to everyone. This is a massive undertaking for Boone County. I recognize that you have to do it and the Commission will adopt something but is there wisdom in doing it incrementally or is there wisdom in just launching in to it and not knowing exactly what we have? Ultimately I don't think we want to create a situation where we are making it harder for people to build homes and harder for us to have the kind of developments that we want. We are not opposed to the implementation to these types of regulations but we would expect our county government and our community to be careful with what we are adopting and what we are

implementing and how aggressive we are being. We can sit in a room and convince ourselves of all kinds of things but when you do it on paper sometimes they don't work as well as we thought.

Don Stamper: I am a little disturbed that the rhetoric in some of the county's material is not factual. It was said in a press conference last week that narrower streets were cheaper, actually they are not. You have to move the water off the streets through curb and gutter and if you narrow a street up you have to increase the size of the stuff that is under the ground and it is very expensive stuff. The pipes have to be bigger because we have to move the water away. We learned that in the city's discussions they gave us the opportunity to have narrower streets, which they are very reluctant to approve, but as we began to study it a 28 foot street was not necessarily cheaper than a 36 foot street because you spend more under the ground to accommodate getting the water out. I would urge you to be cognoscente and sensitive to these questions. I don't think it is wise for us to implement public policy that we don't know how we are going to pay for, how we are going to staff, and how we are going to enforce. Those are discussions that should come along with any policy that is adopted.

Don Stamper: I have said many times that part of my disagreement with what Ben says is that we leave agricultural land out of this. Staff will say that we can't regulate it because they are exempt. I understand that, but I also understand that you could have BMP's for agricultural, you could have recommendations for buffering, you could have recommendations on how they manage their stormwater. You can't require them to do it according to the rules but there is no reason to ignore it because it is a tremendous impact on the streams in Boone County. Most of the land we have in the county is agricultural in nature. It can't only be dealt with in subdivisions it must be dealt with in a comprehensive way.

Alyce Turner: 1204 Fieldcrest, Columbia.

Alyce Turner: I have lived in Boone County for about 30 years. Up until 6 years ago it was primarily in the county near what is now called Discovery Ridge and as such I got interested in some of the stormwater issues. There was a local Bonne Femme community partnership group and I got involved in it and some of that education happened in Boone County due to this phase 1, phase 2 encouraging public education; that was seven years ago; this is 2009. I think this issue has been really well studied, really well researched and I hope as a county that we proceed and get approval for this. I think there are some areas in which Mr. Londeree raised that will need improvement. Maryland passed a stormwater ordinance in their community which is a little smaller than Columbia within six months. I hope we proceed with this. The public in America is very concerned about water quality and environmental issues; I think the reasonableness of flooding issues, runoff, water quality, shade trees, these are all issues that people in Boone County care about. I am supportive and I hope to see this pass.

Closed to public hearing.

The next public hearing on this issue will be September 14, 2009 at the County Office in Centralia and again on September 21, 2009 at the Ashland City Hall.

2. Public hearing on proposed addressing ordinance

Open to public hearing.

No one spoke.

Closed to public hearing.

The next public hearing on this issue will be September 14, 2009 at the County office in Centralia and again on September 21, 2009 at the Ashland City Hall.

X. Old Business

1. Update on County Commission Decisions

Director, Stan Shawver updated the Commission of the decisions made by the County Commission.

All items were approved as recommended.

X. Adjourn

Being no further business the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Michael Morrison  
Acting-Secretary

Minutes approved on this 17<sup>th</sup> day of September, 2009