

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 18, 2011

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 Morrison, Secretary	Columbia Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Kevin Murphy	Perche Township
Larry Oetting	Three Creeks Township
Brian Dollar	Bourbon Township
Derin Campbell	County Engineer

b. Members Absent:

None

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the July 21, 2011 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 a conditional use permit, a rezoning request, two development plans, and a preliminary subdivision plat.

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 the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

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 please 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.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

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. Also, we ask that you please turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. In that regard, if you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

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 the 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, August 30th. 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 the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, August 30th, will begin at 7:00 p.m. and will convene in this same room.

Conditional Use Permits

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1. Request by Missouri Soybean Association for a permit for an Agri-business oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Road, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Rangeline Road, approximately 3 ½ miles east of the city limits of Columbia. The subject property is approximately 98 acres in size and is zoned A-1(Agriculture) and is surrounded by A-1 zoning. This is all original 1973 zoning. The Boone County Master Plan identifies this area as being suitable for rural residential and agricultural land uses.

The applicant is requesting a conditional use permit to operate a farm implement sales and service facility or other agribusiness oriented to and exclusively serving the agricultural community. Additional materials submitted to Boone County Resource Management – Planning indicate that the applicant desires to construct a building for use as an office and lab near their agricultural property. In addition to the subject tract, the applicants own an adjacent 92 acres to the northwest. As a facility which is exclusively serving the agricultural community, the activities described by the applicant allow them to apply for this conditional use permit.

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 local regulations, this use should not be detrimental to or endanger the public health, safety, comfort, 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 application materials describe the structure desired, a 15,400 square foot building with a dry lab, a wet lab, office space, seed storage, cold storage, and an equipment shed. The remainder of the subject property is being used for agricultural purposes on the majority of its acreage. That is consistent with the activity on the surrounding properties, which are being used for agricultural and rural residential land uses, with agriculture being most common. The inconsistency of the submitted materials with the text of the application makes ensuring that this criterion is met difficult. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. Public testimony may be indicative as to whether this criterion is met.

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

Water service will need to be expanded by the extension of a water main from existing Public Water Service District #9 infrastructure. Road access is off of Rangeline Road, an asphalt-surfaced, county-maintained, public right of way. Wastewater treatment will be through an on-site system approved by the Columbia/Boone County Health Department.

(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 establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The limitations of the existing road and utility infrastructure will restrict development far more than approval of this conditional use permit.

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

Access to this site is off of Rangeline Road, a publicly dedicated, county-maintained road. The use described by the application materials is not expected to be a major traffic generator, and any increased traffic should not overload existing public streets. However, the inconsistency between the application materials and application itself make ensuring that this criterion is met difficult. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met.

(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-1 zoning district.

Zoning analysis: The uses requested in the application are broad, potentially intrusive, and may cause problems in the use and enjoyment of surrounding properties. Further review of the materials submitted by the applicant restricts the use to the lab/office building that is requested by the applicant. That restriction makes the conditional use more acceptable to ensuring the use and enjoyment of the surrounding properties. This conditional use permit meets a technical analysis of the criteria identified in the Boone County Zoning Ordinance for approval.

Staff recommends approval of the request with the following conditions:

1. Farm implement sales & service will not be conducted on this property.
2. Construction will be limited to the structure shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.
3. The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, & the Columbia/Boone County Health Department.

Present representing the applicant:

Chris Sander, Crockett Engineering, 2608 N Stadium Blvd., Columbia
Dale Ludwig, Missouri Soybean Association, 1150 Highway 50, Linn

Chris Sander: I want to begin by apologizing to the neighbors for the miscommunication. I had taken a quotation out of the zoning ordinance of the allowed uses under conditional use and used that for the application. That included farm implement and machinery sales. The Soybean Association has no intention of doing any sort of implement sales or machinery sales. The applicants have no objection to the condition proposed by staff to prohibit farm implement sales and service. As was stated by the staff report the utilities are generally available and the facility will be very similar to the Bradford Farm just to the north but at a lesser scale.

Dale Ludwig: One of the things that we do is develop new varieties of soybeans. As we try to increase production and come up with higher yields of soybeans with increased value we have to continue to try to develop different strains in order to accomplish that. The facility will consist of five different areas within the building which will include office area, a small processing area, equipment storage, a lab, and cold storage.

Dale Ludwig: To start with the cold storage and the reason for it is to try to keep these different varieties and different lines of soybeans for several years. We will plant part of them this year but if you happen to have weather when there is a crop disaster you want to be able to maintain those different lines of soybeans so you keep some of them in cold storage where the temperature and humidity is regulated. In that process you can keep them for up to ten years or so. In the small processing area in some cases we start with just one plant; we may have a handful of seeds and we will have a small threshing machine where we will remove the seeds from the plant. When we get a few more seeds we will do progeny rows where we normally do four rows that are eight to ten feet long. At that point in time we will start to get larger volumes; when we do that we have special harvesting equipment, a small combine, that we harvest with. In the equipment storage area we will have small planters, specialty equipment so you don't get contamination from other seeds from different lines, harvesting equipment, and a tractor. We will have an office and a lab for when we harvest the soybeans, what we are trying to accomplish in addition to higher yields we look for specific types of compounds present in the beans. Sometimes we would like to see higher levels of certain properties in modified soybeans. Soybeans are about 25% oil. In many cases what we are looking for is unique properties in certain types of oil. As an example, if we could produce or grow Omega 3 oil in soybeans that would be of more value than the current oil that we have. We will take the soybeans to the lab and analyze those and see what the protein levels are and what changes, if any, we might have in oil. We can then try to propagate lines of soybeans that will have a unique higher oil. There was never any intent of having an equipment business.

Commissioner Oetting: How many workers will be there?

Dale Ludwig: Initially it will be pretty small. We will have a person that will oversee the facility, he will have an office. The rest will be seasonal people that will come in spring and plant and maybe do some irrigation during the growing season. Maybe three people; the person overseeing the facility and perhaps two people that are taking care of the planting, irrigation, any cultivation that is necessary, and the harvest, then a lab person and hopefully we will have enough different varieties that we will keep him busy most of the time. One person full time and maybe three others that are there part time.

Commissioner Oetting: Will there just be security lighting around the building.

Chris Sander: Security lighting was all that was intended.

Dale Ludwig: If you look at the drawings it is certainly our intent to have a professional looking facility that would have a brick front; it is something people can be proud of.

Chairperson Harris: The application indicates a 15,000 square feet building. Picture eight shows some additions on the sides. Is that included in the 15,000 square feet or is that in addition to it?

Chris Sander: The additions are part of the 15,000. They will start with a 9000 square feet building.

Open to the public.

No one spoke in favor.

Present speaking in opposition:

Bill McQuegge, 6402 S. Rangeline, Columbia

Bill McQuegge: I am not against this whole project; we are in an agriculture area, this is not going to bother me as far as lighting and traffic. We are used to machinery on the road and I don't have a problem with that at all. I would rather have an agricultural business there than a residential neighborhood. What I am concerned about is Bonne Femme Creek virtually starts in my front yard. We have a tremendous water problem since they have black topped the road. We have had some development up the road as far as housing and the water problem has increased to the point to where it got all the way up to the house. I have consulted an engineer, a hydrologist, County Road and Bridge and also the Soil Conservation Service and no one could give me an answer as far as what we are going to do. What I did out of frustration is rent a bobcat for a week and I built a levee to protect my home. It worked well but as development has continued I am about to run out of levee. I have some pictures from where a bad storm came through and rained about eight inches and the water got to the top of the levee and in to my yard up to my house. The only thing that concerns me about the project is stormwater run off. With that many square feet that cannot soak rain in to the ground, anytime we build a road or parking lot we lose that much area for rain to soak in. It has to go somewhere and the way the geography of the land lays it will end up in my front yard. The only thing I ask is before anything is done that someone will come and talk to me and let me show them the problem that I do have and possibly we can get together and raise this levee. We aren't going to stop the water, we have had cars flood off the road and buried in the creek. I have lost track of how many cars I have pulled out totally flooded. We have had people come up to the house until they could get home. That problem is not going to go away. The only thing I want to do is protect my home. That is why I am here tonight. Before anything is done I would like someone to come to talk to me and let me show them the problem that I have and see if we can come to some kind of solution. As far as the project itself, it is an agriculture project, I am all for it.

Commissioner Freiling: How high was the berm built?

Bill McQuegge: Out on the edge of the pasture it is probably 3 ½ feet. In the yard it is about two feet. Water has been at the top of the levee and has gone over. We have lived with this problem for years, they failed to tell me about it when I bought the property and by the time I figured it out it was too late to do anything about it. We have a bridge in our front yard right off of Rangeline Road you have to cross the bridge to get in to my driveway, it gets buried under two to three feet of water. The problem is that it is getting up to the top of the levee now and once it spills over it goes straight towards my house.

Present speaking in opposition:

James Fairchild, 9603 E. Vemers Ford Rd., Columbia

(Presented a power point presentation)

James Fairchild: I was not within the 1000 feet to be notified but I can see the property when standing at the edge of my property. I am here primarily to gain information. The only information I have received on this is what I read in the Tribune. The Tribune article was quite alarming to me; I have heard some suggestions that it was not totally accurate. I contacted the reporter and asked him what I thought were critical questions not only for me but for the Planning and Zoning Commission and I got no response. The only information I have is what I heard from Mr. Ludwig with the Soybean Council tonight.

James Fairchild: I have numerous concerns about this and I made the mistake of trusting the newspaper in terms of expressing rezoning for a commercial agriculture sales and service.

(Power Point Presentation – Mr. Fairchild’s comments in parenthesis)

My concerns: Rezoning of Bay Farm for Commercial Agricultural Equipment Sales/Service Facility

- Increased traffic, noise, and night lighting
- Area roads not built for transport of newer machinery
- Loss of private property values (that is based on the actual use of the facility which has not been totally clarified)
- Environmental damage from fuels and fluids
- Sets precedent for additional commercial development in area zoned residential/agricultural
- Takes away from income from local private dealerships (may be moot – it didn’t make sense to me given the number of agricultural implement facilities that we have)
- Revenue-neutral issue for Boone County (same as above)
- Loss of irreplaceable agricultural research ground (I have not spoken with anyone from the University of Missouri nor the Soybean Council)

UMC Bradford Farm

- 591 acres – not including Bay Farm – purchased in 1965
- Part of UMC Agricultural Research Station established in 1888 as a land-grant University dedicated to agricultural research and education
- 31 University and Government research project leaders
- Over 200 current crop studies
- Research Areas: Crop variety testing; weed science; genomics; alternative crops
- 10,000 square foot technology transfer center open to public on request
- Outreach Programs:
 - Crop injury clinic
 - FFA Field Day
 - Quail Clinic
 - Integrated Pest Management Clinic
 - Tomato Festival – Thursday, Aug 25, 2011 – get a taste of the neighborhood

Aerial View UMC Bradford Farm

James Fairchild: It shows the level of investment that has been put in to this research facility. They have over 40 years of data regarding climate such as temperature and rainfall and complete soil maps of the area. They probably have soil maps of the Bay area.

Aerial View of Bay farm in relation to UMC Bradford Farm

James Fairchild: This slide shows the relationship between the existing Bay farm and the UMC Bradford Farm. The University, I understand, is currently using the Bay farm for its research; they are cooperative partners. I haven't spoken with anyone at the University or with the Soybean Council due to a lack of information but I think you can clearly see that the existing facility constitutes about 33% of their research plot potential.

Distance of Bay Farm to Closest Commercially Zoned Property >4 miles.

James Fairchild: I am not aware of any other requests for commercial zoning in our area and I have developed a map in which I've looked at the nearest commercial or office facility and there is nothing within four miles of Bradford Research Farm. This basically will set a unique precedent.

Columbia Area Privately Owned Farm Implement Dealers

James Fairchild: We can skip this slide because I was under the assumption that they were asking for a permit for an agriculture implement dealership. My point here was to say it is not needed and takes away dollars from private interest. However, depending on the wording of this final permit, if granted, one has to worry if they are going to start bringing in larger equipment. What types of chemicals will they be using?

Aerial View of Sydenstricker's Implement Dealership with Environmental Footprint.

James Fairchild: To some degree it may be out of context but it was something to think about. As part of the permit request the applicants will be talking to Public Works about wastewater treatment. One of the things I would like to point out is people have different ideas about wastewater treatment. You can see the dark green lagoon on the aerial which has nutrients from human waste but you will also see the other area that has no vegetation growing. This is a true farm implement facility and they handle tremendous volumes of fluids; hydraulic fluids and tank washouts so it is not simply a wastewater issue, this is an example of a facility that has a very wide environmental footprint unless it is closely monitored.

Aerial of Tradewinds Industrial Park

James Fairchild: We can skip this; it is just the Tradewinds Industrial Park five miles away. There is discussion about wastewater handling. Boone County voted on sewer upgrades to handle various types of wastes.

Please Deny this Re-Zoning Request

James Fairchild: I am still not convinced that I know exactly what is being proposed and I doubt that the Planning and Zoning Commission does either at this point. But I ask you to please gather more information.

- Protect existing residential and agricultural land
- Protect area from undesirable commercial development
- Protect existing local farm implement dealers (moot since they are not going to be an ag implement dealer)
- Promote ongoing and future agricultural research at the University of Missouri

James Fairchild: The Soybean Council and the University of Missouri are partners but I have no evidence that they have even talked amongst themselves about this issue. That really concerns me, they are research partners. How is this going to affect the University of Missouri's operation? In my opinion agricultural research is incredibly important to this nation and beyond. This is not just a Boone County issue, it is a statewide and nationwide issue and potentially a global food issue. The research that is done at the University of Missouri is transferable to other areas of the United States as well as around the world. They have a lot of researchers that come in from other countries and this is not a small issue in my mind.

Chairperson Harris: I agree with Mr. Fairchild, it is very unfortunate that the reports in the media were misleading and were not correctly founded. The request tonight is for a conditional use permit which is a part of the A-1 agricultural zoning. The request they are making tonight under a conditional use permit is an appropriate part of that zoning by ordinance. This is not a request to change the zoning; it will remain an A-1 agricultural zoning. An agri-business is an appropriate use under a conditional use permit within that zoning.

James Fairchild: I am extremely disappointed that the Tribune didn't publish a follow up article clarifying that and I think the Commission, the University of Missouri, and the Soybean Council should have been all over that reporter to get it clarified before we invested this much time to come in and speak our concerns. Our concerns are real, we love that area and want it to stay the same.

Chairperson Harris: Mr. Fairchild, for clarification, the dark area just south of the Sydenstricker's property on the one photo is a MoDOT property; it is not and never was a part of Sydenstricker's property. Their facility has nothing to do with the implement dealership.

James Fairchild: I have never met the Sydenstricker's; I have never gone out there.

Chairperson Harris: My point is when we have some issues tonight because of misleading information I am just trying to keep everything on the same page where we don't get skewed off somewhere else.

James Fairchild: Some of those materials used by MoDOT are used at implement dealers and potentially this facility. University of Missouri has a safety hygiene environmental compliance system and I have not heard that from the Missouri Soybean Association.

Commissioner Dollar: What the applicant is asking for is for storage, office, and lab. How many of those things need a conditional use permit?

Uriah Mach: We are considering this an agri-business which is a business or activity that exclusively serves the agricultural community. As the Soybean Association has additional materials that were submitted which the Commissioners received as part of their packets they are only dealing with soybeans and the work they are doing with the research goes under service exclusively for the agricultural community. The fact that they examine new strains of the crop and that they operate test plots is consistent with what has been approved in the past for an agri-business. Both farm implement dealership and servicing and agri-business are listed in the zoning ordinance in the same general category in that they have some commercial aspects to them but they have to exclusively serve the agriculture community.

Commissioner Freiling: Conditional use permits are just what they say. There is a permit for a conditional use. The conditional use is the use stated and that is the only use. It is not a rezoning where there is a whole list of potential uses. What they have applied for is exactly what they explained; it is for a building and soybean field with research associated with the building. Any change requires them to reapply all over

again. They can't just go to the staff for approval. That very limited use is the only change that is being applied for by the Soybean Association, and if approved, it is the only change that is permitted.

Don Bay, 7601 Chimney Ridge Rd., Columbia

Don Bay: The property in question was my family farm; it was owned by my wife and myself for 35 years before we sold it to the Soybean Association a few years ago. I feel that at my age I knew that we wouldn't have control of that land years from now and most of the land in the area was being turned in to ten acre lots. My family wanted to protect some of the land out there. We had 190 acres and could have had 20 lots with houses built on each lot. The Soybean Association stepped forward and said that they would like to work with the University on ag research, particularly soybean research. I think this is the first time that they have asked to build on that land since they've owned it; it seems reasonable. I felt like I needed to say something and I received a few calls from the neighbors who were concerned about the implement service and it concerned me too. But it is not part of this deal. I feel like it is a worthwhile endeavor for them to continue working with the University. I have talked to the manager of Bradford Farms and they are continuing to work together on research.

Commissioner Poehlman: I feel like the purpose has been limited as well as scope by defining the size of the building. What would happen if down the road they wanted to expand the building?

Uriah Mach: They would reapply for an expansion of their conditional use permit. They would come back through the same process.

George Hobson, 4801 Ben Williams Rd., Columbia.

George Hobson: The questions just asked are the essence of my concern that this is the camel's nose under the tent. They are asking for a facility to be built which is to support agriculture research and all of those missions that the Soybean council is asking to have their own building for are currently being conducted by doctoral and doctoral candidates by the University at Bradford Farm. Essentially the research that this Soybean Council is proposing is already being conducted for them under contract with the university. Secondly, we have talked about five usage areas in a structure. One of the things that was over looked was the necessity for chemical and other containment in the maintenance of the equipment that is going to be stored there. That was not really addressed - we need to consider the environmental impact and the EPA requirements for the proper storage and disposal of chemicals and fluids in servicing equipment. If they are going to have equipment there it is going to have to be serviced. If they don't have the mechanics to do it; it is going to require large moving equipment to get it to and from some where that is going to service it. I have concern in the fact that the only way to get to that facility is coming from the north down Rangeline Road which has no shoulders and it is a two lane road. There is some concern about the size and mobility of equipment required to service what the Soybean Council is going to need to do their own planting and operations. I also appreciate the gentleman with the flooding at his house. Once you put in impervious surfaces it is tough to control the runoff; we have known that for decades. I think a consideration is that all the things the Soybean Council is proposing to do itself are currently being done under contract at the University. They are entitled and should, for those who believe in a capitalistic system, continue to expand and make money and grow. I would like more information about the potential and where they see this construction going five or six years from now. I would want to be sure and have insurance that as I continue to expand I could do that so that the money I am investing now, capitalistically, is going to give me a greater return as my needs change. I think it is unrealistic in some way for the council and the people here now not to expect a capitalistic business to intend to grow and expand. I would like to see their vision down the road; if they say they don't have a vision for down the road that doesn't sound like good business management to me.

Deanna Pickering, 1800 E Whisenhunt Rd., Columbia

Deanna Pickering: I own a ten acre farm at the end of Ashley Lane. Is there rural water available at the site?

Chairperson Harris: That was addressed in the staff report; it will have to be extended from Vemer's Ford Road to the facility.

Deanna Pickering: At who's expense?

Chairperson Harris: At the developer's expense.

Phyllis Smith, 5500 Rangeline Rd., Columbia

Phyllis Smith: The site is across the road from my property. My husband's family has been on that same property for at least three centuries. We get our water out of a well, we have pear trees, now that they have paved the road we have bicycle riders. My youngest son has talked about coming back and buying the farm from us someday. This is a beautiful rural area and I am scared that this is a footstep in to something that is going to become a big deal. Are there any environmental controls about their water? Because we get our water out of a well.

Commissioner Freiling: The primary use is an agricultural use; the building is bigger than a house but the environmental impact will be less because they are just flushing a stool, they are not washing clothes.

Phyllis Smith: My son is not going to want to move in to our house someday.

Commissioner Freiling: The use will continue to be agricultural.

Phyllis Smith: There will be a business out there now instead of just rural farmers.

Commissioner Murphy: It is not necessarily a business; they don't have people coming in and shopping; they aren't selling things.

Phyllis Smith: You will have seasonal workers coming in and more traffic on the road.

Commissioner Murphy: It is a farm; an agri-business is a semantic type thing because their sole purpose is to deal with the agriculture community. It is the same as the university; they do research and they make money too. This may be a break from their contract to do that, I don't know.

Phyllis Smith: I am just worried about the future.

Commissioner Murphy: This is A-1 property; it is no different than anyone else that comes in and builds storage bins, silos, and barns.

Phyllis Smith: Will they be using chemicals that will run off in to the water.

Commissioner Murphy: Just the same as any farm would.

Phyllis Smith: It is a research facility so they will be using new chemicals.

Commissioner Murphy: Not necessarily.

Commissioner Freiling: They are doing seed research.

Commissioner Murphy: Any chemicals that any other farmer would use on their crops is what they are going to use.

Commissioner Martin (to the staff): Does the county have any jurisdiction over anything the University of Missouri does on their property? Do they have to have permits to build a facility two to three times this size and employ 1000 people on that same corner just ½ mile down the road?

Uriah Mach: The County has no authority over the University of Missouri; it is considered sovereign much like the city of Columbia.

Commissioner Martin: What the Commission is looking at is something they have control over; we are limiting the scope of what they are doing. They are an agriculture business; they wouldn't apply anything to their crops that they wouldn't allow a farmer to apply to their stuff.

James Fairchild: What happens if they are in violation of their conditional use permit?

Chairperson Harris: Then it becomes a civil matter that can be dealt with in circuit court. If they are in violation it comes back before the Commission.

Stan Shawver: They can be called back before the County Commission and they will conduct a hearing and consider revoking the permit.

James Fairchild: I understand the county has full control over the monitoring, the type of business, and the activity. Will this require a DNR permit?

Stan Shawver: It depends on what type of wastewater system is involved.

Commissioner Freiling: It is possible, the county has an inspection process for on-site wastewater systems, there are certain types of systems that require DNR's inspection rather than the county's. One way or another the on-site wastewater system will be an approved system.

James Fairchild: Will they be doing chemical trials and will any chemicals they use be registered with the EPA?

Uriah Mach: The health department is aware of this facility and they are interested in insuring that it does provide all necessary environmental safeguards that are within their jurisdiction.

Chairperson Harris: The county regulations already in place addresses a lot of the concerns that have been brought up.

Chairperson Harris read the following email received by the Boone County Resource Management department from Mary Willingham:

Please vote no. Not only is this a thriving agricultural/residential area, but the infrastructure is not appropriate for commercial farm implement sales. The roads are not designed for heavy vehicles

and there are no shoulders. This would be hazardous for all who drive to/from work and all the school buses who travel roads around this area. It will reduce all area property values as well. Please vote no. Thank you.

Closed to public hearing.

Chris Sander: This site will comply with the stormwater ordinance and we will be working with Resource Management to assure that the run-off from the site is dealt with in accordance with the new ordinance.

Dale Ludwig: We worked closely with the University for the past 25 years on soybean research and we intend to continue to do that in the future. The Bradford Farm was becoming full, there were no longer plots to do additional research and this was an opportunity to have a window. Once you build houses it can no longer be used for agricultural research. Mr. Bay was very helpful in working out a deal where we were able to purchase the property. We will continue to work closely with the university in doing research. Our research is going to focus on developing new varieties; they look at a number of different things which I'm sure they will continue to do because we are not going to use the entire Bay Farm. Longer term we will continue to grow that program. The facility that we have should be large enough to take care of what our needs will be, at least for the next ten years. One of the other questions that came up is if we are going to do chemical research plots; we will not, that is not our intent. We will use commercial herbicides; we will be using the same products that farmers use to control weeds and insects.

Chris Sander: There was a question about DNR permits; there will be a land disturbance permit that will be required by DNR during construction. The wastewater system will be approved by the Boone County Health Department, it is possible that a system will be designed that will require a DNR permit as well. The exact details haven't been worked out yet but either way all the regulations will be met.

Chairperson Harris: One of the things mentioned which still goes back to the misinformation in the newspaper regarding the equipment dealership. The operation of the property for the most part is going to continue as what it has been. Looking at the type of research the applicants are going to do, if they bring in any type of equipment it is going to be more plot equipment on a small scale.

Commissioner Freiling: The only change in operation is the building. Everything else is the same operation the applicants have been doing for the time period that they have owned the property.

Chairperson Harris: This will be the applicant's research complimentary to what goes on at Bradford Farms and MU's Life Science Center on campus.

Dale Ludwig: It is a newer facility; if you look at the facilities at Bradford they are pretty old. The laboratories are beyond being useful and they don't have cold storage. This is an upgrade of what they have at Bradford.

Commissioner Murphy made and Commissioner Martin seconded a motion to **approve** the request by Missouri Soybean Association for a permit for an Agri-business oriented to the agricultural community on 98.36 acres located at 5601 S Rangeline Road, Columbia **with the following staff conditions:**

1. Farm implement sales & service will not be conducted on this property.

2. Construction will be limited to the structure shown on the application and further development of the property related to the agribusiness lab/office use will require revision of the conditional use permit.
3. The construction of the proposed structure will be done in full compliance with the requirements of Boone County Resource Management, the Boone County Fire Protection District, & the Columbia/Boone County Health Department.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – NO
Brian Dollar – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Eric Kurzejeski – Yes	Kevin Murphy – Yes
Derin Campbell – Yes	

Motion to approve request passes. 10 YES 1 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on Tuesday, August 30, 2011 and the applicant or his representative needs to be present for the hearing.

VI. Rezoning

1. Request by Marie Haught to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.4 acres, more or less, located at 5500 W Rte K, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property has Mount Celestial Road to the southwest and State Route K to the northeast, approximately ½ mile to the south of the city limits of Columbia. The property is described by the survey recorded in book 460 page 113. The property is zoned A-1(Agriculture), with A-1 zoning to the north, east, and west, with A-2(Agriculture) zoning to the north and east. The A-2 to the south was rezoned from A-1 in 1994; all of the other zonings are original 1973 zonings. The applicant is requesting a rezoning of 10.4 acres to divide the property, specifically to split off the property containing the house.

The Boone County Master Plan identifies this area as suitable for residential land uses. The Master Plan also identifies a “sufficiency of resources test” to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: This property is served by Consolidated Public Water Service District #1 for water service and Boone Electric Cooperative for electrical service. On-site wastewater systems will be used as permitted by the Columbia/Boone County Health Department.

Transportation: This property has direct access on to State Route K, a state highway and Mount Celestial Road, a county road. Any new driveway accesses will have to be approved by the Missouri Department of Transportation or Boone County Resource Management.

Public Safety: This property is located in the Boone County Fire Protection District.

Zoning Analysis: This zoning request allows for the division of this property into lots as small as 2.5 acres. Existing services can provide sufficient infrastructure to support the requested zoning on this tract.

The property scored 31 points on the rating system.

Staff recommends approval of this request.

Present representing the request:

Dan Brush, 506 Nichols, Columbia

Dan Brush: As staff indicated the applicants wish to cut off a small piece of property around an existing residence so the owner can sell the rest.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Prevo made and Commissioner Kurzejeski seconded a motion to **approve the request by Marie Haught to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.4 acres, more or less, located at 5500 W Rte K, Columbia.**

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Eric Kurzejeski – Yes	Kevin Murphy – Yes
Derin Campbell – Yes	

Motion to approve request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on August 30, 2011 and the applicants need to be present.

VII. Planned Developments

1. Request by William B. McWilliams Revocable Trust to approve a revised Final Development Plan for Ivy Ridge Planned Development on 2.51 acres, more or less located at 7105 W Henderson Rd., Columbia.
2. Request by Corey and Julia Nettles to approve a Final Development Plan on 1.82 acres, more or less, being lots 125 and 126 of the Replat of Sunrise Estates Subdivision, located adjacent to 7400 E I-70 Drive SE, Columbia.

Planner Uriah Mach explained that the final development plans are on the agenda for tracking purposes. The regulations provide that a final plan can be approved by the Chairperson and Secretary whenever there are no changes by the County Commission to the review plan approved by the Planning and Zoning Commission. That is the case with the final plans on the agenda tonight.

Planner Mach stated that the Final Development Plan for Ivy Ridge Planned Development has been signed and is ready to go to the County Commission.

Planner Mach stated that the Final Development Plan for the Nettles has not been returned and is not ready for the County Commission.

VIII. Plats

(Commissioner Murphy exited for the remainder of the meeting)

1. Somerset Village # 2 preliminary plat. S1/2 – T48N-R12W. A-2 / R-S. St. Charles Road Development Company LLC, owner. Jay Gebhardt, surveyor.

Planner, Thad Yonke gave the following staff report:

This property is located northeast of Columbia and shares the western and northern boundary of the property acquired by Columbia Public Schools for Battle High School. The property has frontage on the north side of St. Charles Rd. approximately 3900 feet northeast of the intersection of Golf Blvd. and St. Charles Rd. The subject property is situated approximately 2000 feet north of the nearest municipal limit of Columbia. The property of this request is zoned predominantly A-2 (agriculture) with a small portion of R-S (residential-single family) along the St. Charles Rd. frontage. Property to the south across the St. Charles Rd. frontage is also zoned R-S, as is the property to the west of the site comprised of the golf course owned by the City of Columbia. The property north of the golf course but west of the site is zoned A-2 as is all the property to the north. Property to the east is zoned A-2 and was part of the Copper Creek A-RP request, and while some of that request was rezoned to A-RP the portion that adjoins the subject tract was part of the project for which a final plan was never filed and the review plan has expired. The CPS Battle High School property is zoned A-2. All the zoning of the adjoining tracts are original 1973 zonings.

The current proposal is the second preliminary plat for the property. There is an approved preliminary plat and an approved final plat of a portion of the property that will be supplanted by this current proposal should it be approved. The applicant has added some additional acreage over the previous proposal and has reconfigured some of the proposed lots. The current submittal includes 8 large "holding lots" and roadway for 5 new roadways. Of the 5 new roadways, Spartan Drive and Battle Avenue were shown on the previous preliminary. These two roads were initially shown with different proposed names and slightly different configurations. The two JCIC approved names of Tabor and Alder have been proposed for two roadways that were not shown previously. The name "Houghton" has not yet been approved by JCIC and is shown for the third roadway that was not shown previously. The previous preliminary plat of a major plat contained 155.90 acres while the current proposal contains 203.88 acres. The current proposal still includes the creation of a public arterial road, two public collector roadways and two local residential roadways. As with the previous request, it should be recognized that the main purpose of this preliminary plat is to establish the concept by which a final plat containing the first portion of this development can be created along with setting the stage for the phases to follow. The first portion should still contain a section of the public roads, several of the large lots, and the moderate lot. The moderate lot is intended to be

transferred to the CPS to be added to the High School complex while the large lots are “holding lots” and will have to come back through the planning processes before they will be eligible for anything more than one house on proposed lots 101, 102, and 302 or two houses on proposed lots 201, 202, 301, and 401. These large lots are being created as holding tracts that are anticipated to be proposed for further subdivision and rezoning requests at some point in the future. Proposed lots 201 and 202 may become a public elementary school and a park respectively. The first phase to be final platted will at a minimum comprise proposed lots 101, 102, 103, and 302 and the associated roadway to facilitate the current needs in order to develop the High School. The order of the development of the remaining phases is not yet determined. It is anticipated that these later phases will be proposed for modification when specific uses are conceived for their development. During review for these proposed changes, all the additional information such as traffic studies and CATSO roadways will be looked at to see what is required. The preliminary platting of the entire property will not be considered to vest any specific phase two and three from being required to be modified to provide adequate infrastructure such as additional public roadways. The site is currently vacant. This site lies within the Columbia Public School District. The site is in Public Water District #9 and there is a 12 inch waterline along St. Charles Rd. At a minimum, additional waterline will need to be installed in conjunction with the portion of Battle Avenue and Spartan Drive that is proposed in phase one. It would be prudent, if more intensive development is intended to be proposed in the future, to build the larger capacity with the first phase rather than having to come back and upsize a line that is already in service.

The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district; however, if the property comes under a pre-annexation agreement with the City of Columbia, it will be subject to both standards and will have to meet the greater of the two. Lot 302 is proposed due to the addition of a new public roadway to meet an additional access requirement of the BCFPD should lot 201 become the site of a new elementary school. The exact acreage and design specifics of lot 302 will need to be reconfigured from what is shown, as the minimum block length has not been met. The redesign should be able to be conducted without substantially altering the current concept and conditions to allow approval with corrections have been proposed. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site systems regulated by the health department. Since the lots proposed are really only larger chunks of vacant property intended for more intensive development proposals in the future, on-site wastewater seems a reasonable safeguard since such development is unlikely. This conclusion is supported since each tract proposed is only eligible for one or two single family dwellings at most. It seems unlikely that any residential construction will actually occur prior to some additional new request that will be required to have central sewer. This site will eventually be served by a sewer main extension that is being brought to the area to serve the new High School by City of Columbia. A condition is recommended that if central sewer becomes available prior to any construction on the lots contained in any Final Plats of property contained in this preliminary plat, then central sewer extension or connection will be required. Please be aware that the BCRSD has commented that an agreement exists between the District and the City of Columbia that would require annexation or pre-annexation agreements when central sewer service is required or desired. The master plan designates this area as being suitable for residential land uses. The request is consistent with the master plan. The plat scored 73 on the point rating system.

Staff recommends approval of the request and granting of the waivers subject to the following conditions:

1. That it is recognized that final plats based upon this preliminary plat may be required to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.

2. That the extension and construction of any remaining portions of Battle Avenue as shown will be required within either phase two or phase three.
3. That it is recognized that construction cost estimates for all infrastructure requirements associated with the phased final plats must be submitted with the final plat in order to keep the option to bond improvements open. If the improvements are not bonded as part of the phased final plat, then the final plat can't be recorded until all infrastructure is installed, inspected and approved. No property can change hands until the final plat is recorded.
4. That the developer and the developers consultant work with staff to reconfigure lot 302 and any portions of this preliminary plat that are consequently altered so as to meet the requirements of the subdivision regulations. The Commission will be able to verify the results of said reconfiguration on proposed Final Plats.
5. JCIC must approve a road name for the segment labeled "Houghton Drive" and if Houghton is not acceptable then an acceptable name will be required.

Present representing the request:

Jay Gebhardt, A Civil Group3401 Broadway Business Park Ct., Ste 105, Columbia

Jay Gebhardt: The applicants don't have any problems with the conditions; I was unaware that there was a mistake and that will be fixed. Essentially this is a preliminary plat to create a potential lot for the elementary school.

Commissioner Prevo made and Commissioner Harris seconded a motion to **approve** Somerset Village # 2 preliminary plat. St. Charles Road Development Company LLC, owner. Jay Gebhardt, surveyor **with the following conditions:**

1. That it is recognized that final plats based upon this preliminary plat may be required to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.
2. That the extension and construction of any remaining portions of Battle Avenue as shown will be required within either phase two or phase three.
3. That it is recognized that construction cost estimates for all infrastructure requirements associated with the phased final plats must be submitted with the final plat in order to keep the option to bond improvements open. If the improvements are not bonded as part of the phased final plat, then the final plat can't be recorded until all infrastructure is installed, inspected and approved. No property can change hands until the final plat is recorded.
4. That the developer and the developers consultant work with staff to reconfigure lot 302 and any portions of this preliminary plat that are consequently altered so as to meet the requirements of the subdivision regulations. The Commission will be able to verify the results of said reconfiguration on proposed Final Plats.
5. JCIC must approve a road name for the segment labeled "Houghton Drive" and if Houghton is not acceptable then an acceptable name will be required.

Boyd Harris – Yes

Gregory Martin – Yes

Brian Dollar – Yes

Paul Prevo – Yes

Carl Freiling – Yes

Michael Morrison – Yes

Larry Oetting – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes Derin Campbell – Yes

Motion to approve the plat carries unanimously.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission.

The conditional use permit request by Dubas LLC was approved as recommended.

The rezoning request by Douglas was approved as recommended.

The planned development by McWilliams/Ivy Ridge was approved as recommended.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 15th day of September, 2011