

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, March 16, 2017

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
Paul Prevo, Vice-Chairperson (arrived 7:05)	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Bill Lloyd	Three Creeks Township
Rhonda Lightfoot	Perche Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the February 16, 2017 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 five subdivision plats and a public hearing on the draft amendments to the Boone County Land Use Regulations, Chapter 1 Subdivision Regulations. An additional announcement will be made prior to opening that hearing.

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 Commission will discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either approve or deny the request. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

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. 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.

All approved plats except those requiring installation of infrastructure will be forwarded to the county Commission. They will receive them on Tuesday, March 28th. 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 meeting scheduled for Tuesday, March 28th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

None

VII. Planned Developments

None

VIII. Plats

1. Preliminary Plat for Spencer Hills, Plat No. 4. S24-T49N-R13W. R-M. McGhee Real Estate Holdings, LLC., owner. David T. Butcher, Surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is in the northeastern corner of Clearview Subdivision, north of the intersection of Clearview Drive and Sacketts Road, approximately 1 ¼ miles to the north of the city limits of Columbia. The parent parcel is approximately 7 acres in size and zoned R-M (Residential-Moderate Density). There is R-M zoning to the west and south, with R-S (Residential-Single Family) to the east and north. This proposal is to divide the property in a manner consistent with the development to the west and south, creating 28 lots suitable for development and 2 common lots for stormwater management.

The proposal is extending Clearview Drive north to the limits of the property. The applicant has submitted a request to waive the traffic study requirement.

The subject property is served by Columbia Water & Light for water service, Boone Electric for electrical service, and the Boone County Fire Protection District for fire protection.

The proposal will connect to an existing central wastewater system maintained by the Boone County Regional Sewer District.

The property scored 76 points on the rating system.

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

Commissioner Poehlman made and Commissioner Martin seconded a motion to approve as recommended Preliminary Plat for Spencer Hills, Plat No. 4.

All members voted in favor, none opposed.

The following items were placed on consent agenda:

2. Gabriella Estates. S22-T45N-R12W. A-2. B&M Properties, LLC, owner. Stephen C. Heying, Surveyor.

The subject property is located on Giesing Hill Road, near South Mount Pleasant Road, approximately six miles to the southeast of Hartsburg, 1 & ½ miles north of the Missouri River. The parent parcel is 50 acres in size, and this proposal splits a 4 acre lot off of the parent tract. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

The new lot will have direct access on to Giesing Hill Road, a publicly-dedicated, publicly-maintained, right-of-way. The applicant has submitted a request to waive the traffic study requirement

Water service to this property will need to be provided by an on-site well. Electrical service can be provided by Boone Electric. Fire protection will be provided by the Southern Boone County Fire Protection District.

The plat proposes on-site wastewater treatment, as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 9 points on the rating system.

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

3. Sievert Subdivision Plat 1. S30-T50N-R12W. A-2. Mark E. Sievert and Connie Sievert, owners. Kevin M. Schweikert, surveyor.

The subject property is located west of MacKenzie Road, south of Friendship Church Road. The parent parcel is approximately 69 acres in size, and this proposal reconfigures an adjacent lot and divides a new lot from the parent parcel. Both lots are 5 acres in size. The reconfigured lot, identified as Lot 1, has an existing house, garage, shed, and lagoon present. The property is zoned A-2(Agriculture) and has A-2 zoning to the east, west, south and northeast. There is REC(Recreation) zoning to the north and northwest. This is all original 1973 zoning.

Lots 1 & 2 both have direct access to Friendship Church Road, a publicly-dedicated, publicly-maintained right of way. Lot 2 also has direct access on to MacKenzie Road, also a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4 for domestic water, the Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District for fire protection.

The existing house will continue to use its lagoon for wastewater treatment and a new wastewater treatment system, built under permit with the Columbia/Boone County Health Department, will serve the residence on Lot 2. The applicant has submitted a request for to waive the wastewater cost-benefit analysis requirement.

The property scored 8 points on the rating system.

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

4. Corbin's Acres. S16-T46N-R12W. A-2. Derrick Schooler and Scott Schooler, owners. Ronald G. Lueck, surveyor.

The subject property is located on State Route M, approximately ¼ of a mile to the west of the city limits of Ashland. The parent parcel has Route M to the north, Henry Lane to the west, and Palis Nichols Road to the east. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The parent parcel is 49 acres in size, and has been divided by administrative survey and family transfer. The family transfer split 10.69 acres out of the northwest of this parcel, and the administrative survey divided the remainder into 10 acre lots. This proposal is dividing one of the administrative survey tracts into two 5.02 acre lots.

The proposed lots have access on to State Route M, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is served by Consolidated Public Water Service District #1 for domestic water service, Boone Electric for electrical service, and the Southern Boone County Fire Protection District for fire protection.

The lots are proposed to use on-site wastewater systems for wastewater treatment. These systems will be permitted and regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 66 points on the rating system.

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

5. Heatherhill Estates. S15-T47N-R13W. A-2P. Beacon Street Properties, owner. Christopher M. Sander, Surveyor

The property is located on the east side of High Point Lane approximately one-half mile south of Route K. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property to the northwest which is in the City of Columbia and is zoned R-1. In 2006 a rezoning to AR-P, Review Plan and Preliminary Plat was approved to allow creation of 45 lots. The internal road network, water lines and some of the sewer lines were installed. The approvals expired before the Final Development Plan and Final Plat were approved. Therefore, the zoning of the property remains A-2. In 2012 a preliminary plat application was submitted under the A-2 zoning that would have created 12 lots. In 2015 that application was withdrawn and replaced with a one lot minor plat that was approved and recorded. Also, in 2015 a rezoning to AR-P with review plan and preliminary plat for a 50-lot subdivision was submitted. That request was denied. The developer has purchased and contracted to purchase additional adjoining property to bring the total acreage to 70.04. The current review plan and preliminary plat were approved in October of 2016, and established an A-2P development with 28 residential lots and 3 common lots.

Utilities: Consolidated Public Water District Number 1 provides water service to the property. Water lines were installed with the previously approved development, however the district has not accepted them for operation and maintenance. The district has provided the developer with a list of items that must be completed prior to accepting the water lines. Sewage disposal will be provided by Boone County Regional Sewer District. A force main will be constructed from the development to the South Route K Wastewater Treatment Facility. Boone Electric will provide electrical service.

Transportation: Streets internal to the development were constructed around 2007 and are stubbed out to adjoining property to the north and south. Since a final plat was not approved the streets have remained in private ownership since they were built. The developer has been provided with a list of conditions that must be met in order to address possible deterioration prior to acceptance by the County. Traffic generated by the development will generally travel north on Highpoint Lane to the intersection with Route K. A traffic study was conducted to analyze the impact to that intersection. The conclusion is that there will be less than a one second increase in delay at the intersection, therefore no improvements to the intersection are warranted.

Public Safety Services: The property is approximately three miles from the Boone County Fire station on Route K and 5 miles from the station at Scott Blvd and Vawter School Road. The water lines in the development will provide the necessary fire flows.

Stormwater: The development has been designed to comply with the County Stormwater Regulations. Two common areas have been set aside for stormwater infrastructure and two tree preservation easements are shown on the preliminary plat. Detailed engineered plans are under review at this time.

The property scored 69 points on the rating system.

Staff recommends approval of the final plat.

Commissioner Martin made and Commissioner Prevo seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Bill Florea updated the Commission as follows:

The conditional use permit for Dickenson was approved as recommended.

The rezoning requests for T-Vine and North Battleground were approved as recommended.

All the plats from the February meeting were approved as recommended.

X. New Business

1. Public hearing on proposed revisions to the Boone County Land Use and Subdivision Regulations.

Chairperson Harris gave the following statement regarding the public hearing:

The Boone County Planning & Zoning Commission is conducting three public hearings to take comments on proposed revisions to the Land Use Regulations, Chapter 1, Subdivision Regulations. The existing regulations and the proposed changes, along with a guide to key changes, has been and is currently available on the Resource Management portion of the county website, showmeboone.com.

The first of these public hearings is tonight Thursday, March 16, 2017 here in the Boone County Commission chambers in Columbia Missouri. The second public hearing will be held in Centralia at the County Office, 1023 E Highway 22, Centralia, MO on Tuesday, April 11, 2017 at 7 pm. The third public hearing will be held in Ashland at Ashland City Hall, 109 E Broadway, Ashland, MO on Wednesday, April 26, 2017 at 7:00 pm.

The purpose of these hearings is to provide opportunity for members of the public to make comments and ask questions related to the proposed changes to the Land Use Regulations, Chapter 1, Subdivision Regulations mentioned previously. All comments and questions will be collected, compiled, and addressed following the third public hearing. Once completed, the comments, questions, and responses will be posted on the Resource Management portion of the county website, showmeboone.com.

When the public hearing is opened opportunity will be provided for individuals to express comments or ask questions related to the proposed regulatory changes, however, it should be understood that there will be no presentation on the proposed changes nor will questions about the proposed regulations be answered during the hearing; this is not the purpose or intent of the hearing. The purpose of the hearings is to provide opportunity for and solicit comment from members of the public in an efficient manner. Members of the public wishing to speak will need to give their name and mailing address when addressing the commission. Please sign the sheet found at the table.

Anyone who feels they need a deeper understanding or explanation of the current or proposed regulations is encouraged to make an appointment with the Resource Management Department- Planning Division staff during normal business hours for assistance.

In addition to oral comments from the three public hearings all written comments received before May 11, 2017 will be included in the compilation review and response.

Bill Florea informed the Commission that staff has received comments from Gene Basinger, Don Bormann, and Jon Cole on the proposed regulations. Mr. Florea distributed these comments to the Planning and Zoning Commission.

Present offering comment:

Gene Basinger, 19335 S Route A, Hartsburg

Mr. Basinger had the following comments and questions:

- Has there been anyone in the county who has tried to alert the land owners in Boone County that there is being a total rewriting of the regulations and all landowners will be affected?
- Why do we need minor plats?
- Commented on the additional time and cost for each project.
- The new regulations state that the Director will determine the subdivision classification but it doesn't tell when, how, what the process is or how long it will take.
- Currently for a concept review you make a sketch of the property and show how it will be divided and how many acres, it is not very detailed because it is just a concept. You don't know what you are getting in to until you have a concept review.
- Under the new regulations you have to submit it at least a week prior to the scheduled review and there is a list of things you have to show on it one of them being a graphic scale. It is hard to show a graphic scale if it is approximate.
- You have to show all known easements, at that point we probably don't know of any easements, that comes later when we develop the property. If you have to do all of this the client is going to spend a lot of money and find out they can't do it.
- You have to include the name and address of the subdivider; who is the subdivider? The owner or the surveyor?
- You have to show all existing buildings, structures, and onsite wastewater systems. What is the difference between a building and a structure? Structure should cover everything. For waste water; during a concept review we don't go to the property and see what is out there. We don't know if there is a waste water system or where it is or what kind it is; that comes with the platting process.
- On the list of everything to submit it asks for a lot of information but it doesn't ask the zoning of the property.
- For administrative surveys one of the submittal requirements is that you submit a recording fee. They don't need the recording fee until the document is ready to be recorded; the project may not even go forward.
- Why do you need an affidavit of ownership?
- If more than one lot is created each lot shall be numbered. Are these lots or tracts?
- Contain the width and location of all streets. What if you do if you don't know the width of each street. Many roads in Boone County don't have widths.
- They want the name, width and location of all easements of record, rights of way and utilities. We don't know about utilities, do we show them on the survey? Is there an easement we don't know about?
- Show all existing and proposed easements proposed within the survey. We don't know what all the existing easements are. There may be easements out there that we don't know anything about, we aren't on that property and don't know how it is used. It doesn't say show all "known" existing easements, it just says to show them all.

- It wants a note indicating it is in compliance with Boone County Stormwater regulations. They asked for that today and I've never understood it. They don't ask for Boone County Driveway regulations or building or setback regulations. I don't see it as being a necessity.
- Contain a certification or declaration that the surveyor has surveyed the described property and subdivided it as shown on the plat in accordance with the current minimum standards for property boundary surveys adopted by the Board of Registration for land surveys in the State of Missouri. This is something that is already regulated by the State of Missouri, we don't need it in Boone County. I can't do this because my liability becomes tremendous because I said that it meets those regulations. What if I forget or miss an item then my license could be subject to who knows what? The state has you put on there that it meets to the best of my knowledge or something similar.
- Supplemental requirements for administrative surveys. A copy of the engineer's report should include a copy of a traffic analysis for road and street capacity in accordance with Appendix B 2.2. Who is going to do this? How long does it take? How much does it cost?
- A copy of a waste water cost benefit analysis. When will we know that we need this? How long will it take? How much will it cost? Who is going to do it?
- It asks for a stormwater management plan. Why do you need this on 15 or 20 acres? How long will it take? How much will it cost? Who is going to do it?
- Submit a completed application on a form provided by the Director. Can we see the form before the regulations are approved? It may be something simple or it could be a nightmare.
- A graphic layout of the collector or onsite waste water system. If I am doing a 19 acre tract do we really need waste water site to be designated? The Health Department determines where the wastewater goes.

All this is cause more expense to do a simple job that can be done at a much cheaper price. What are we trying to accomplish? I don't think the landowners of Boone County have been adequately informed.

Also present providing comment/questions:

Don Bormann, 524 S Miles St., Centralia

I spoke with a developer today who has done a number of big subdivisions in this area and he had no idea this was going on. I spoke with a realtor who didn't know anything about it either.

- If you want to divide and make one piece of property it is going to require a traffic analysis. One additional lot is not going to make much difference on any road.
- Is the affidavit of ownership a new document that is required on every single land split? What does it do? Every subdivision plat is signed by the owner. Isn't that already an affidavit? It is signed and notarized on the plat. Why do we need another affidavit of ownership if it is a subdivision plat? There is no value in it.
- If Boone County didn't have planning and zoning today and decided to vote on it today the state law it would be under says that the county can adopt regulations that affect the division of all land or lots in to two or more parts except the division of land resulting in tracts or lots the smallest of which is an area of five acres or more or ten acres or more in any county having a population of 207,000. If we didn't have Planning and Zoning today and adopted it for the first time we would be under the 5 acres or more is exempt from Planning and Zoning. Why are we allowed to over-reach when there are first class counties who cannot regulate anything over 5 or 10 acres?
- The regulations want to control all retracement surveys. If I want to record a retracement survey I have to bring it to Resource Management and have them look it over before they decide it can be recorded. State law states that Planning and Zoning is allowed to adopt regulations regarding subdivisions, it does not say anything about other surveys. If it doesn't subdivide land it falls

outside what State law allows. I spoke with staff about this and was told that the County Counselor has said that we are fine with this. If the county starts to regulate all surveys such as retracement surveys the retracement surveys will still be done but they won't be recorded because no one wants to pay the extra few hundred dollars that it is going to cost to go through the process. Either that or we will have them recorded without going through the county approval process. I have recorded several surveys that were never approved by county staff.

Also present providing comment/questions:

Jonathan Cole, 2204 Martinshire Drive, Columbia

Mr. Cole believes the regulations are poorly written.

- There is no intent in the regulations. If a regulation is being proposed it should state why because it needs to meet a need.
- What is the purpose behind a minor subdivision versus a major subdivision?

XI. Adjourn

Being no further business the meeting was adjourned at 8:06 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 20th day of April, 2017