

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, November 15, 2018

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
Michael Poehlman, Secretary	Rock Bridge Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Loyd Wilson	Columbia Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Absent:

Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the October 18, 2018 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 three rezoning requests, two revised review plans for planned developments and five 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 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. When you address the commission please speak directly into the microphone so that your remarks are properly recorded. Please sign the sheet on the table after you testify. Also, we ask that you 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. 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, November 27th. 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, November 27th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by the Norma J. Keil Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 2.8 acres more or less, located at 5400 E Hwy 22, Sturgeon.

Planner, Bill Florea gave the following staff report:

The property is located 5400 E Highway 22, Sturgeon. The zoning is A-1, which is the original zoning. Adjacent property is zoned as follows:

- North – Audrain County
- East – A-1
- South – A-1
- West – A-1 & A-R

The request is to rezone approximately 2.8 acres of the farm to A-2 to allow the owner to conduct estate planning while leaving the remainder of the farm in agricultural production. A single-family residence occupies the property.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

Utilities:

The home will continue to be served by an onsite wastewater system.

There is no requirement for public water.

Boone Electric will provide power.

Transportation: The property will continue to have frontage on and direct access to Highway 22.

Public Safety Services: Within 1.5-miles of the Boone County Fire Protection District Station 6 in Sturgeon.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The Master Plan designates this property for agricultural and rural residential use. The proposed use is consistent with that designation.

In many cases such as this A-1P has been used to create a smaller tract without disrupting the integrity of the zoning district. In this case however, considering proximity to an A-R district, staff is recommending approval.

Staff notified 9 property owners about this request. The property scored 26 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Don Bormann, 101 W Singleton, Centralia

Norma Keil, 5400 Hwy 22, Sturgeon

Don Bormann: I was aware of the staff report, this is a spot zoning in the middle of an A-1 zoned area however, what Ms. Keil is trying to do is preserve farmland and this is one way of doing that. This accomplishes the goal of what the county wants to do in preserving farmland. Spot zoning is generally considered to be undesirable if it actually meets the goals of what the county is trying to do it can be a good thing and I think this the case in this situation.

Norma Keil: My husband died in April and as I am growing older it makes sense to do something in getting it surveyed because the house will probably be sold in a few years. I don't want to sell any more of the farmland than I have to; my son farms the land.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Koirtyohann made and Commissioner Kurzejeski seconded a motion to **approve** the request by the Norma J. Keil Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 2.8 acres more or less, located at 5400 E Hwy 22, Sturgeon:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on November 27, 2018 and the applicants need to be present for the hearing.

THE FOLLOWING TWO REQUESTS ARE JOINED IN A COMMON REVIEW PLAN

2. Request by Joanna M. Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan and preliminary plat for The Estates on 46.47 acres, more or less, located at 7055 S Quantrills Pass, Columbia.
3. Request by DNT Group, LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan and preliminary plat for The Estates on 7.55 acres, more or less, located at 1700 W Cresskill Dr, Columbia.

Chairperson Harris explained that these are two separate requests but they are intertwined so we are going to do one hearing and one action because they have to be handled together.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1000 feet to the east of the City of Columbia, across High Point Lane and ½ mile south of State Route K. The properties making up The Estates are zoned A-2 (Agriculture), with A-2 zoning to the north, east, and west, with A-2P (Planned Agriculture) and A-2 zoning to the south. The A-2P zoning is Heatherhill Estates, which was finalized in December of 2016. This proposal covers 54.21 acres from two adjacent property owners to be rezoned to A-2P and divided into 11 development lots and one at lot. The property scored 69 points on the point rating system.

The Boone County Master Plan has designated this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Consolidated Public Water Service District #1 can provide water service to this property. Sewer capacity with the Boone County Regional Sewer District has been secured to serve these 11 lots. Boone Electric Cooperative can provide electrical service to this property.

Transportation: The western part of this proposal is set to be served by an extension of Cresskill Drive from the south. This public street extension will be built to a current county standard or a proposed alternative design to serve eight lots. The proposed alternative is a 50’ right of way with a 26’ paved surface. That alternative is noticeably narrower than the 50’ right of way with a 32’ curb and gutter pavement that is Cresskill Drive within Heatherhill Estates. A variance from the road standards will be required to use the proposed alternative design. Off of Cresskill, a short private drive is proposed to serve two lots. The remaining three lots will be served by a private drive extending from the end of Oradell Court to Quantrills Pass. Both private drives will be dust-free with a minimum of a chip-seal surface.

Public Safety: 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.

Zoning Analysis: The Boone County Master Plan indicates that this area is suitable for agriculture and rural residential development. The sufficiency of resources test shows that sufficient resources are present for this development. The Estates is an expansion of the level of activity approved under Heatherhill Estates. The extension of Cresskill Drive for more developable lots is ideal for this purpose, although discussion of the width and standard of that extension is an issue.

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

1. The minimum pavement width for Cresskill Drive shall be 30 feet unless a variance to the Chapter II Roadway Regulations is granted by County Commission for a narrower pavement width.
2. Revise Review Plan Note 1 to read as follows: "All cul-de-sacs will consist of a 38-foot pavement radius within a 47 foot radius right-of-way as per Boone County standards."
3. Delete Review Plan Note 4.
4. Maintenance agreements and covenants for the private drives will be submitted for review with the final plan submission.
5. Survey work to consolidate any remainder tracts left by this preliminary plat must be completed prior to approval of the final plan.

Chairperson Harris stated those conditions are for both ownerships.

Uriah Mach stated yes. The staff report covered both proposals.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park, Ste 105, Columbia
Michael Leipard, 7560 S High Point Ln, Columbia

Jay Gebhardt presented the attached three page document titled "The Estates".

Jay Gebhardt: Mr. Leipard owns proposed lots 106, 107, and 108; the rest of the property is owned by the Wilson's. The applicants have no problems with the proposed conditions. We understand we have to come back to the County Commission for a variance request to do the 26 foot road for Cresskill drive rather than the 30 foot. The entire site is covered with trees however the trees shown on page one of the handout are the ones that will remain. Page 2 is the County Assessor's map with the proposed development highlighted. A couple of years ago A Civil Group represented Heatherhill Estates; this development is somewhat of an extension of that. Part of the negotiations with Heatherhill at the time was to provide a private drive that is shown as the 14 foot private drive off Oradell Court. This connects to Quantrills Pass which is a private street. Quantirlls Pass has a low water crossing and it makes it impassable anytime it rains. This drive was negotiated to provide another way in and out for those people. Cresskill Drive is the best way to access that part of the Wilson's property; they are working together for the extension of Cresskill and working together on this whole plan. There is an existing shed on lot 101 and the Wilson's home on lot 103. We have sewer service through Boone County Regional Sewer District and an agreement in the works to secure that. Page three of the handout is a copy of the plan.

Chairperson Harris: Which lot is the common lot.

Jay Gebhardt: It is a small lot labeled C-1 at the corner of Cresskill Drive and the private drive. This will be where the mailboxes will be placed.

Chairperson Harris: Quantrills Pass is a private road in Bonne Femme Estates?

Jay Gebhardt: Correct.

Chairperson Harris to staff: How does allowing the 14 foot driveway come back on the Commission on the other subdivision under the new subdivision regulations or will it?

Thad Yonke: Quantrills Pass was part of Bonne Femme Estates prior to the subdivision regulations. When they did that development all of the roads were private; they came back and asked the county to take over those roads and the county took all of the roads except for Quantrills Pass because it was substandard to what the county would have accepted. It is already staying as a private road, this is really more of a secondary access.

Chairperson Harris: Will there be a maintenance agreement for the road with the adjacent property owners?

Jay Gebhardt: Yes, it is part of the conditions.

Commissioner Kurzejeski: Will that include the owners on Oradell Court? Lots 14 and 15?

Jay Gebhardt: They don't have any rights to that road; it just crosses their property. An easement was granted in favor of the Wilson tract.

Commissioner Kurzejeski: How wide is the easement?

Jay Gebhardt: It is 20 or 25 feet.

Open to public hearing.

No one spoke in favor or opposition to the request:

Closed to public hearing.

Commissioner Wilson made and Commissioner Kurzejeski seconded a motion to **approve** the request by Joanna M. Wilson Trust to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 46.47 acres, more or less, located at 7055 S Quantrills Pass, Columbia and by DNT Group, LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 7.55 acres, more or less, located at 1700 W Cresskill Dr, Columbia.:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the rezoning passes unanimously.

Commissioner Kurzejeski made and Commissioner Wilson seconded a motion to **approve** the Review Plan and preliminary plat for The Estates located at 7055 S Quantrills Pass, Columbia and on 7.55 acres, more or less, located at 1700 W Cresskill Dr, Columbia with the following conditions:

1. The minimum pavement width for Cresskill Drive shall be 30 feet unless a variance to the Chapter II Roadway Regulations is granted by County Commission for a narrower pavement width.
2. Revise Review Plan Note 1 to read as follows: "All cul-de-sacs will consist of a 38-foot pavement radius within a 47 foot radius right-of-way as per Boone County standards."
3. Delete Review Plan Note 4.

4. Maintenance agreements and covenants for the private drives will be submitted for review with the final plan submission.
5. Survey work to consolidate any remainder tracts left by this preliminary plat must be completed prior to approval of the final plan.

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the review plan and preliminary plat passes unanimously.

Chairperson Harris informed the applicants that these requests would go before the County Commission on November 27, 2018 and the applicants need to be present for the hearing.

VII. Planned Developments

1. Request by RML Investment Properties LLC to approve a revised Review Plan for Lot 2, Concorde South Plat 2 on 2.13 acres located at 4901 E Meyer Industrial Dr., Columbia.

Planner Uriah Mach gave the following staff report:

The subject property is located on Meyer Industrial Drive, south of Highway 63, to the south of the Magellan Pipeline facility on Tom Bass Road. The property is 2.13 acres in size and vacant. The property was rezoned from A-1 (Agriculture) to M-GP (Planned General Industrial) in 2012, when Meyer Industrial Drive was created. The surrounding properties are zoned M-GP to the south, east, and west, with M-L (Light Industrial) zoning to the north, and C-G (General Commercial) to the northeast. The M-GP zoning was created under the same development plan as created the subject property's zoning in 2012, the M-L and C-G are original 1973 zonings.

This proposal is to revise the current M-GP review plan to allow a light manufacturing facility on this property. The current plan is a vacant plan with no approved uses. The proposed plan allows the manufacture or assembly of metal or fiberglass products and/or the manufacture or assembly of wood products, wholesale merchandising or storage warehouse.

The Boone County Master Plan has designated this area as being suitable for industrial land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a "gatekeeping" function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: This property is served by Consolidated Public Water Service District #1 for water service. Fire protection will be provided by the Boone County Fire Protection District. A permit from the Boone County Regional Sewer District for provision of sewer service will be required.

Transportation: This property has direct access on to Meyer Industrial Drive, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is less than ½ a mile to the west of the Boone County Fire Protection District station on Tom Bass Road.

Zoning Analysis: This proposal can meet the requirements of the sufficiency of resources test. The Meyer Industrial Drive area is an ideal location for facilities such as this one, providing access to utilities and public safety services while being served by a public commercial road.

The property scored 83 points on the rating system.

Staff recommends approval of the rezoning. Staff recommends approval of the review plan with the following condition:

1. That sewer service to meet the needs of the development be secured prior to approval of the final plan.

Present representing the request:

John Simon, Simon and Associates, 210 Park Ave, Columbia

John Simon: We are responsible for the preparation of the review plan in conjunction with our civil engineering group. Their current facilities are located on Heriford Drive right now. They make hand driven, motorized carts that are shipped out to third world countries and they have outgrown their current facility and want to build a new facility at the proposed location.

Chairperson Harris: The rezoning approved a vacant lot we just didn't have a plan then because there wasn't a use.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Harris made and Commissioner Koirtyohann seconded a motion to **approve** the request by RML Investment Properties LLC to approve a revised Review Plan for Lot 2, Concorde South Plat 2 on 2.13 acres located at 4901 E Meyer Industrial Dr., Columbia with the following condition:

1. That sewer service to meet the needs of the development be secured prior to approval of the final plan.

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on November 27, 2018 and the applicants need to be present for the hearing.

2. Request by Omkara, LLC to approve a revised Review Plan for Godas Leatherwood Center on 3.64 acres, more or less, located at 1505 W Rte K, Columbia.

Planner, Thad Yonke gave the following staff report:

This proposal is for a Revised Review Plan for Godas' Leatherwood Center. This new proposal will replace the currently approved Final Development Plan. The property is located immediately east of the intersection of Old Plank Road and State Route K just north of where Maple Meadows Drive comes off State Route K. The site adjoins the Columbia City Limits on the east. The property is currently zoned C-GP (planned commercial) which was rezoned from R-S in 2007. Zoning to the north is R-M and R-S and zoning to the south is R-S and A-2 and these are the original 1973 zonings. The current proposal eliminates the proposed strip mall found on the 2007 plan and focuses on making the site function for the convenience store/gas station use that is already an approved use on the existing approved plan. The current proposed plan contains the 3.83 acres of the lot which is the area to be developed. The multi-use plat associated with this development has been approved and recorded in conjunction with the previous plan. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is proposed to be from the BCRSD, Cedarbrook/Leatherwood Hills facility. An agreement for sewer service has been proposed and will have to be finalized prior to submission of the Final Plan for this proposal. Any public sewer infrastructure will have to be installed, inspected and approved prior to any building permit being issued for this site. Similarly, all water and fire hydrant infrastructure required for the development must have an approved plan and schedule for installation prior to any building permit being issued. No occupancy of any structure will be allowed until full compliance with the water and hydrant installation is completed to the satisfaction of the water district, fire district, and director of resource management. The driveway connections to State Route K and Old Plank Road will be required to get approval from the State and City of Columbia as neither is a roadway under our maintenance. The proposal rates 81 points on the point rating scale. Staff notified 123 property owners of this request.

Staff recommends approval subject to the following recognition:

1. Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved.

Present representing the request:

Jay Burchfield, 302 Campusview Drive, Columbia

John States, 3316 Lemone Industrial Blvd, Columbia

Jay Burchfield: We are under contract with Omkara to purchase the property for the development of a convenience store. The applicants agree with the staff report. We worked out the condition with the Boone County Regional Sewer District and the District Board has approved our capacity for the sewer and have a gentleman's agreement with the water district that is under design for the water service.

The applicants presented a color rendering of the site plan (attached to end of these minutes).

Jay Burchfield: We eliminated the 30,000 foot retail center and just focused on the convenience store. Mr. Kuhlman with Missouri Department of Transportation has approved the access on to the state road.

Commissioner Kurzejeski: How many square feet were possible under the previous plan?

Jay Burchfield: On the previous plan there was a convenience store roughly the size of the one being proposed plus a 30,000 square foot retail store strip center.

Chairperson Harris: It sat to the east side and took up the whole area.

Jay Burchfield: Yes, it spanned north to south on the east side of the property where the trees are; we will keep the trees on the eastern border.

Chairperson Harris: So the impervious footprint will just be what is shown on the drawing and the rest of will stay in its natural state?

Jay Burchfield: Yes.

Open to public hearing.

No one spoke in favor of the request

Present with questions:

Maggie Walter, 6520 S West Way, Columbia

Maggie Walter: I am not on in favor or opposition but I just have a question. It was mentioned briefly but what is being planned for the roadway? There are so many more houses being built farther down so it has gotten interesting to make the turn past the Conoco station and there will a gas station on the other side of it. I would like to know how that is coming about?

Chairperson Harris: The applicant will address that question after the public hearing.

Also present with questions:

Patricia Carr, 1800 W Boris Dr, Columbia

Patricia Carr: I live in the subdivision across the street from this location. My concern is also the roadway right there; it has a speeding problem and there are a lot of accidents. Just last weekend someone knocked two utility poles on the applicant's property. There was a bicycle accident there yesterday. I am also concerned about light pollution and noise. What will the hours be? What about crime? The gas station right across the street was recently robbed at gunpoint. There is pedestrian traffic that crosses that road all the time and there are a lot of bicycles. I think the roadway needs to be improved before we build another gas station right next to another gas station. If the current gas station goes under because there is a new gas station then you end up with a vacant building.

Present speaking in opposition:

Ashley Brown, 6800 S Brookhaven, Columbia

Ashley Brown: My neighbor, Amanda Staley Harrison, could not be here tonight but she sent a letter to the Commission. I am against development at this property due to the same concerns mentioned previously tonight. The traffic, between the speed and volume and the continued growth just west of this site, there are bus stops along Route K. There are many accidents that happen at that connection; there are no turning lanes and no good lighting, there are a lot of blind spots and curves. There is unkept land; in our

neighborhood there is a vacant lot and we have argued with the owners to keep it mowed so when you are sitting at the stop sign you can see traffic. It is a big safety concern. There are a lot of kids in the neighborhood and also adults that walk across the street to the gas station, especially during the summer time. What are the hours going to be at the gas station? What kind of unwanted activities will be brought to it? The gas station across the street was recently robbed. I also know that the gas station has also removed their air pump because it keeps getting vandalized. I have other neighbors that feel the same way. What improvements or adjustments are going to be made to the road? A gas station will cause a lot more people to stop right there.

Thad Yonke: Staff passed out the letter from Amanda Harrison earlier.

Chairperson Harris: Staff did present us with a letter in opposition to the request citing concerns about sewer capacity and other things and it is entered into the record.

Closed to public hearing.

Jay Burchfield: Lighting for sight lines will be improved with having the site developed, light pollution will not be there. All the lighting requirements will be met.

Chairperson Harris: I assume the lighting will be inward and downward?

Thad Yonke: The reason there is no condition for that is because the applicants built that in to the plan; they are required by their own plan to provide a lighting plan that will be approved by the director.

Jay Burchfield: The hours of operation will be determined by market demand, it could be 24 hours per day. The market area that you see in many of the suburban locations don't go 24 hours a day, the Nifong store that is at Providence and Nifong is now closed from midnight to 6:00 AM and that is in a more populated area. Regarding the road traffic, that is a MoDot regulated road; when we visited with the MoDot engineers they were without hesitation that the capacity is there, the speed limit has been reduced to 45 mph fairly recently to slow down traffic. Yes it is a major thoroughfare in south Columbia.

Commissioner Poehlman: What about the portion you are dumping onto Old Plank Road?

Jay Burchfield: The secondary access on Old Plank Road?

Commissioner Poehlman: What does the city say about that?

Jay Burchfield: We haven't had a conversation with the city about that.

Commissioner Poehlman: There are going to be a lot of cars pulling in there and then they will pull on through and get on Old Plank Road and go south and that road cannot sustain that traffic. That road hasn't changed much from when it was built over 100 years ago. The comment about that intersection; I have probably almost been killed about 10 times there.

Jay Burchfield: The engineers say that the increased traffic will actually calm the traffic in that area. Right now it is a pass-through, there is no reason to stop anywhere. Our biggest fear with Old Plank is that the traffic westbound on Old Plank will cut through our lot to get to the new intersection that is not at an angle and it won't populate the other one. That is what MFA was concerned about because it is a drive-thru, especially at night because it will be lit versus the next click over to the west.

Chairperson Harris: I assume there is adequate right of way if the city or MoDot were to come along to widen it for an additional lane.

Jay Burchfield: Yes. The site is pretty much bound by the roads and the setback on the MoDot side is pretty wide; it is a three acre site but it really gets down to less than a two acre site to work with. The currently approved plan that has been on the books for over ten years, I don't know how you could do it, you could do it by right but it wouldn't be very smart.

Commissioner Freiling: The neighbors concerns are well founded, Route K has absorbed more traffic than that road was designed to handle. MoDot has made improvements as possible but they are strapped for funds and the people of Missouri didn't see fit to help them and projects like this that really need attention across the state are in much the same shape. The only light at the end of the tunnel is the worse it gets the farther up the road you move for attention. I think you will find less mischief with more lighting and more people in stores. This plan has a far more minimized impact on the entire neighborhood than the plan that was previously approved. I wouldn't discount your concerns but on the proposal that has come forward I think is a far better choice than what already exists.

Commissioner Kurzejeski to staff: Were the operating hours at Breaktime stores at Scott Boulevard and Nifong tied to something in the past?

Thad Yonke: They are inside the city limits so the county had no involvement.

Jay Burchfield: There are and that was a condition of their rezoning.

Commissioner Kurzejeski: What are the operating hours?

Jay Burchfield: I think they close at 10 or 10:30 PM. That was not a Breaktime when it was approved, MFA Oil purchased it.

John States: They do have 24 hour gas pumps.

Commissioner Poehlman: Will the applicants have to get approval from the city to add the driveway?

Thad Yonke: Yes. On the existing plan there is more access to both roads than the current plan and it was done long enough ago that the current proposed access is superior to what they could do by right today. That road has been turned over to the city in the meantime so originally it was the county's and we would have permitted the Old Plank connection. They do have to get a city connection permit for it but I don't see the city denying it as long as it meets their regulations. On the plan it says they have to meet the city's regulations or they will have to come back and modify the plan.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by Omkara, LLC to approve a revised Review Plan for Godas Leatherwood Center on 3.64 acres, more or less, located at 1505 W Rte K, Columbia with the following condition:

1. Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved.

Boyd Harris – Yes
Michael Poehlman – NO
Greg Martin – Yes

Carl Freiling – Yes
Eric Kurzejeski – Yes
Lloyd Wilson – Yes

Steve Koirtyohann – Yes

Jeff McCann – Yes

Motion to approve the request passes. 7 YES 1 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on November 27, 2018 and the applicants need to be present for the hearing.

VIII. Plats

Plats 1, 3, 4 and 5 were placed on consent agenda:

1. Cole. S10-T48N-R14W. A-2. Alan C. Cole, owner. Jonathon A. Cole, surveyor.

The following staff report was entered into the record:

The subject property is located at the eastern end of Sinking Creek Road, approximately 4 miles to the west of the City of Columbia. The property is 21.8 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is original 1973 zoning. This plat divides 4.2 acres off of the 21.80-acre parent parcel, leaving the remainder to be shown as an administrative survey lot. This plat follows Cole Subdivision, approved in 2017, that created two four acre lots. The property is currently undeveloped.

The lot has direct road frontage on to Sinking Creek Road, a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

Water service is provided by a 2” line maintained by Consolidated Public Water Supply District #1. Electrical service is provided by Boone Electric Cooperative. Fire protection is provided by the Boone County Fire Protection District.

On-site wastewater is proposed for these lots under permit from the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis requirement.

This property is immediately to the north of an identified sinkhole area. Additional care may be needed in development and on-site wastewater installation.

The property scored 32 points on the rating system.

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

3. McCubbin. S23-T51N-R13W. A-2. Silas E. McCubbin Family Trust, owner. Donald E. Bormann, surveyor.

The following staff report was entered into the record:

The subject property is located at the southeast corner of the intersection of State Route NN and Riley Road, approximately 1.5 miles west of US 63. The property is zoned A-2, and is occupied by a single-family residence, a barn and three sheds.

The lot will continue to have direct access on to Route N and has frontage on Riley Road. The applicant has requested a waiver to the requirement to provide a traffic analysis.

An on-site wastewater treatment system provides sewage treatment. The applicant has requested a waiver to the requirement to provide a wastewater cost benefit analysis.

On September 27, 2018, Case Number 2018-011 and 2018-012, the Board of Adjustment granted a variance to the requirement to provide a minimum 50-foot setback for the existing barn and one shed and from the requirement to provide a 10-foot utility easement. The Certificate of Decision is recorded in Book 4960 Page 63 in the records of the Boone County Recorder of Deeds.

The property scored 20 points on the rating system.

Staff recommends approval of the plat and waiver requests.

4. Cricket Hollow. S21-T51N-R12W. Diversified Property LLC, owner. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located at the northeast corner of State Route V and Gordon Road. It is approximately 2.7 miles south of the City of Sturgeon. The parent property is approximately 16 acres in size. There is a house and two sheds present on the property. This proposal divides the property into a 10-acre lot and a 5.27 acre lot. The property is zoned A-2 (Agriculture). This property was rezoned to A-2 from A-1 (Agriculture) in September of 2018. Property to the north, east, and west is zoned A-1, and property to the south is zoned A-2. The other adjacent properties are all original 1973 zoning.

Lot 1 has an existing direct access to State Route V. Lot 2 has access on State Route V and Gordon Road. Both State Route V and Gordon Road are publicly-dedicated, publicly-maintained rights of way. The applicant has requested a waiver to the traffic study requirement.

The property is located in Public Water Service District 10. Additional services will require a water study to confirm service can be provided. The property is located in the Boone County Fire Protection District, with the nearest station in Sturgeon.

The existing house has an on-site wastewater system. The new lot will also make use of 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 38 points on the rating system.

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

5. Steinman Plat 1. S3-T45N-R12W. Francis & Leonard Steinman & Anita Robinson, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

Cooperative, and Southern Boone County Fire Protection District. Fire hydrants will be required to serve all the proposed platted lots.

Wastewater is proposed to be from on-site systems and a cost-benefit analysis has been provided.

The property scored 51 points on the rating system.

Staff recommends approval of the plat.

Commissioner Harris made and Commissioner Wilson seconded a motion to approve Liberty West Estates preliminary plat:

Boyd Harris – Yes	Carl Freiling – ABSTAIN
Michael Poehlman – NO	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve Liberty West Estates preliminary plat passes. 7 YES 1 ABSTAIN

IX. Old Business

1. Update on Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The final development plan for AEM Diversified (Endovac) was approved as recommended. Commission Order 477-2018

Bears Den plat was approved as recommended. Commission Order 478-2018

Tumlin Hills plat was removed from the agenda at the request of the owner.

2. Update on Subdivision Regulation comments.

Bill Florea stated that the Commission was given a handout regarding the proposed subdivision regulations at the last meeting. The Commissioners were to read over and form questions. We have a set of comments that Commissioner Kurzejeski submitted and I think everyone has seen those. We will open it up for discussion.

Commissioner Wilson: I thought Commissioner Kurzejeski's comments made sense, especially when we talk about grandfathering in and exempting family transfers on some of these things. I don't know if that is part of the discussion or not. I wanted to go on record to say that I support what Commissioner Kurzejeski said.

Chairperson Harris: The only thing I saw that struck me and where we are trying to go is the PAE's were at four, then at six and now up to eight.

Thad Yonke: It was negotiated; we had been directed to go to two.

Commissioner Freiling: One of the things I think will happen from a real estate standpoint with current values in Boone County, which are escalating rapidly, is infrastructure costs increase more rapidly than the value of land and lots and it makes it increasing difficult to divide and provide decent infrastructure which is an aggravation when you are a realtor. In the long run there is legitimate values to better infrastructure. Both Commissioner Kurzejeski and I favor a more laissez-faire approach sometimes but with both family transfers and with private roads there is a list of significant problems that have occurred because of the existing language. Over the two or three year period that staff and the working group struggle through it became obvious that a change was necessary in both family transfer and private access roads. It isn't working the way it is. It is easy to accept the fact that a tightening of the regulations and addressing some of the more chronic more identified issues was necessary. It is appropriate if you are going to require a much more expensive but very sufficient street standard you have to have more lots or it is a pointless regulation. The eight lots was probably the minimal compromise that makes it work. The history of regulation in any area is more population, more regulation. The question is do we come to a point where we do more than truly needed. Each time we change regulations we take away value from some people in Boone County, it is a limited number but it is the old farm families with rougher properties so we should do it with some caution.

Stan Shawver: Earlier this evening the Commission had a revised review plan and two roads are involved. Route K is a state road and everyone said traffic is an issue. MoDot has done a tremendous job but the citizens are right; I have sat at meetings when MoDot has said there is nothing wrong with Route K. They have done everything they can and they have no plans to do anything else; they wouldn't even participate in a traffic study that the county was going to fund. They are satisfied.

Thad Yonke: According to MoDot it is operating at 1/6 of its capacity.

Stan Shawver: You have roads that were built to no standard on one sense and has been improved. What happens in the future? These people will be back in 20 years saying that the county allowed the land to be split up and there is inadequate roads. When the current regulations were done there were no regulations whatsoever on anything over five acres.

Commissioner Kurzejeski: I would like to meet with the current County Commission. Karen Miller's concerns about two lots on a private roads being such a headache is old business. I would like to know before we pass something is to put their stamp on this. I would like to know what the current County Commission thinks about these issues. We are making some dramatic decisions that will impact a wide array of properties in the county. There will be places where there will be no additional change allowed even though the land is zoned.

Thad Yonke: That is already true.

Bill Florea: That is how subdivisions work, if you don't meet the standards you can't subdivide.

Commissioner Kurzejeski: I understand that but we are taking another large step. I asked former County Engineer Campbell how many private drives serve two or more residences in Boone County, I was amazed that no one in Boone County knew, he finally said around 900 so I don't know if that number is close.

Thad Yonke: That doesn't really mean anything.

Commissioner Kurzejeski: The point is we can't even begin to decide how many properties might we be impacting by this change. How many properties don't have anything other than an easement to them that

would have to turn into a PAE and ditto with the family transfer. I would just as soon get rid of the family transfers if you are going to make someone who carve off five acres make the driveway a PAE standard road or tell them to put in a second driveway. I think we are knocking the family transfers in the head unless they have road frontage, is that what we want to do? I struggle with the impact that a lot of this will have and seeming to grow because Karen Miller didn't like this and some people were saying they didn't have snow plows on my private drive. These are private drives, they are not public roads. If there was a way to have an agreement with the county that if they were built to these standards they would be taken over by the county if all the owners agree I would feel a lot different but these are private access easements.

Thad Yonke: Another thing to remember is if you are dividing property you are supposed to be dividing property on public roads. The regulations are already set up with that. The only time you get to use private roads is as exceptions. So all of these private things are not supposed to be the way you divide property; that is not where property is supposed to be divided according to the philosophy under the regulations. The way it works now is you are supposed to be building public roads or having public road access if you are dividing property.

Commissioner Freiling: This is the divide between professional planners that clearly see it the way any professional planner would and me sitting here thinking about my farm families out there that are personally and financially impacted by this. There are two legitimate points here. There is what I would call best management planning and the physical reality of people who never expected to be told they can't do what they thought the simple zoning told them they could do. Where do we strike that balance between the long term best plan but not paying for that plan with the finances of Boone County citizens?

Stan Shawver: Boone County has had planning and zoning for 45 years; there are very few farmers left in Boone County who think they don't have to follow any rules.

Commissioner Kurzejeski: I don't think the question is the lack of rules it is the degree of rules of which we place.

Bill Florea: These rules have been in place for over 25 years.

Commissioner Kurzejeski: It does restrict them; this is just an additional layer of restriction. I cannot go that route. Mr. Yonke stated that development should only occur where there is public road frontage and this is the exception, why have we been letting people do this then? Where did we decide to back off of that and let people go ahead?

Thad Yonke: When they did the 1995 regulations. The model standard regulations are you build roads when you develop, either you have existing public road or you build new roads and that is what you get to build lots off of. Use of a private road is prohibited in standardized versions. Having that be palatable to a public that had no rules above five acres when they put the 1995 regulations in to place they realized they had to have some ability to allow for some small development that could be on these limited accesses that had limited numbers of lots. It is very clear the intent was four lots was all you were allowed. That was the intent, they used poor language that has allowed it to drift but the intent was you aren't supposed to have any more than the four.

Commissioner Martin: I live on a private road. I don't care how long the private road is but the problem is when you get sold that piece of property you are going to get excited but it is never brought up that it could cost \$30,000 over then next couple of years to upgrade the road. The developer puts a road in and throws in what he wants to be on this PAE then the developer disappears and the people living there are stuck with a road that just fell apart and you need a \$10,000 bridge. There are 10 of you living on the road and

everyone has to fork up \$1000 but the people that don't cross the bridge don't want to but the people on the other side have to and there are only two of them so they have to come up with \$5000 each. That is my problem with private drives. I don't know how you adjust this but I understand everyone's concerns with blocking off pieces of property for development because of a private road access but I don't know where you find middle ground. I accept living on a private road because I understand it; I didn't understand it the first time, I got suckered in by the realtor and developer telling me the county was going to take over the road. I understand needed to figure out a number to help guide this but I don't know how we do that and keep the public informed to a level they can understand. I understand the need for a maintenance agreement but I would like to know how you make one firm enough that it stands up.

Commissioner Freiling: Not only stand up but the practicality of enforcing one is very limited. It is a fine gentleman's agreement that explains how everyone is going to play by the rules as long as they want to. If they don't want to it is difficult to enforce.

Commissioner Kurzejeski: There is no chance that the county will agree to take over roads built to county standards?

Thad Yonke: The county will take over all the roads built to county standards; it is just that no one ever does that.

Commissioner Freiling: It is the hard surface expense.

Commissioner Kurzejeski: If the roads are hard surface the county will take it over?

Thad Yonke: It has to have been built that way to begin with. Sometimes the developer wants us to take their word that it was built to public standards but they don't have any documentation and if they are unable to provide proof that it was built to the public standards. If they can provide the proof and it has the right of way the county will take over the roads.

Commissioner Kurzejeski: A PAE will be built to standards.

Bill Florea: Not to public road standards.

Commissioner Kurzejeski: It will be a lesser standard?

Thad Yonke: Yes, to support fire.

Commissioner Freiling: The difference from a practical standpoint were \$50 per foot for the current proposed 70,000 lb capacity so two fire trucks could pass; that is the proposed standard for PAE's and that is on decent terrain and \$100-\$120 per foot, depending on the price of concrete and steel to go to a standard where you could create a public standard road. Roads are the primary development cost in rural developments. The problem with rural lots is you have too much frontage, in the city lots you have 60 to 80 feet of frontage per lot and lots on both sides of the street; you can recover your infrastructure costs through numerics. In county lots when you have four or five times that kind of frontage you can't charge enough for the lot to recover that cost. If you really want to do a dense development get a pre-annexation agreement and get annexed to the city where you have adequate sewer and roads. There are people who want to live in the country and it would be nice when there is some country left when all the building lots are developed.

Commissioner Kurzejeski: If we are going to make them build a road that is close then make them build it to county standards so the county can take it over.

Thad Yonke: That is what we did. We proposed a new standard.

Stan Shawver: The rural road standard which has less width, we are trying to get there. Commissioner Martin is in a development where the guy that bought the land didn't want to invest any money, he wanted quick turn around and the bare minimum, he put two inches of asphalt down and sold the five acre lots under the old regulation – which allowed anything and didn't even require a subdivision plat when the lots were larger than 5 acres. That is what people do, the bare minimum to sell the lots so we came up with a standard in 1995 to require all paved roads. We are backing off of that in the rural areas.

Commissioner McCann: Just so everyone understands when we are talking about taking over a road for public maintenance when that happens Boone County is going to maintain that road forever so as a condition of that we aren't just looking at the road thickness or how much gravel it has underneath, that is one component, we are looking at the whole package, the right of way width, is it designed and were construction plans created by a civil engineer, were the plans instructed by a contractor capable of doing that work, was it inspected by one of our inspectors to make sure all of that met the plans? We have horizontal curvature minimums and back slopes and there is criteria on that. All of those things are in there to make sure the road is physically capable of being taken care of by Boone County with public money. When you think about someone building a road and there was 6 inches of concrete and the reason the county won't take over is because of the curvature and maybe the right of way wasn't wide enough. There is a defined procedure for having the county take over a road.

Stan Shawver: As Commissioner McCann stated our road inspector is on site throughout construction; he is not like a building inspector where you are checking the framing and come back later for electrical he is physically on the job site during the entire construction, he is checking the concrete as it comes in and does tests and there are core samples. They are watching every aspect of the public's investment.

Chairperson Harris: As Commissioner Kurzejeski has asked since the County Commission has the final authority there is no reason that we can't have a work session with the County Commissioners is there or is there some reason not to do that?

Stan Shawver: The Planning and Zoning Commission makes recommendations. You aren't making a decision. All I can do is ask.

Chairperson Harris: So the Planning and Zoning Commission can make a recommendation of what they think is right and the County Commission either likes it or they don't and if they don't we go back and start all over again or they make changes and do what they want.

Chairperson Harris to Commissioner Kurzejeski: Are you comfortable to move forward and make a recommendation.

Commissioner Kurzejeski: No, not when the first thing I hear from people is that Karen Miller started all of this years ago we have to go to two lots because I don't like getting calls about private roads and taking the snow off of them. It is a straw man.

Bill Florea: We are far from the two lots that it is not really an issue.

Commissioner Kurzejeski: This all started with a Commissioner's concern.

Stan Shawver: It wasn't just one Commissioner, it was all three and yes we have all three different Commissioners now.

Chairperson Harris: We can make the request and if they want to meet fine and if they don't we do our thing.

Stan Shawver: That is all I can do.

Commissioner Freiling: If we were going to do this out of respect to the fact that they are the final deciders my personal thought is I would like to hear what they want.

Commissioner Poehlman: I don't feel like you guys have enough respect for all the work that you put in on this for the past few years. You were trying to uncover the truth and make good compromises and it moved in to something that is the right thing to do and I think the Commissioners would be happy with that.

Commissioner Freiling: A high percentage of the work that was done is not in dispute at all. This is the two sticking points.

Stan Shawver: It is more than just two points. Commissioner Kurzejeski mentioned grandfathering everything that exists right now as being exempt from the regulations - that is everything, there is no point in going anywhere.

Thad Yonke: The concept of grandfathering is not appropriate for subdivision regulations. Grandfathering is a concept that comes from zoning; grandfathering is a use that you are already doing on the property that is legal now that becomes illegal once a change has been made. Subdividing is a momentary thing, you divide the land or you think about dividing the land. Thinking about dividing land doesn't give you anything. Until you actually do it that is the set of rules you are under. There is no concept of how grandfathering works with subdivision regulations, it is whatever the regulations are when the land is actually divided. You can't use grandfathering in that context.

Commissioner Wilson: Or the other way to look at it is it is 100% grandfathered because if you did your subdivision under the old rules you aren't going to be forced to change to the new rules. If I have a road that doesn't meet the new standards the county is not going to make me upgrade it.

Thad Yonke: That is correct unless you want to add more lots.

Stan Shawver: If your land is undeveloped and you have 800 acres of row crops that is your grandfather rights. If you change that to a development then you have lost your grandfather rights, it is not a farm anymore.

Commissioner Kurzejeski: If you have five 40 acre parcels served by an easement and someone wants to carve one of those in two and make two 20's they can do that without a PAE? I don't see the analogy of the row crop farm as much as I see that we have tracts of land that are already served by PAE's and if someone wants to break another parcel off in there they are going to be bound to put in a PAE.

Thad Yonke: Because the adding of those tracts is what causes the problems in the long term where people can't get along and that is the point of the government's role.

Commissioner Kurzejeski: It is not the government's role.

Bill Florea: Yes it is, it is part of having public land use policy is to minimize civil conflict. The Commission spent a lot of time talking about the problems that happen with these maintenance agreements in that they are difficult to enforce.

Commissioner Kurzejeski: None of this changes that. We have a PAE that is built to standards and a maintenance agreement and the road falls apart and they fight about it.

Thad Yonke: But at least there is something that they actually have defined.

Stan Shawver: Not every private road has a maintenance agreement.

Bill Florea: For the ones that don't have a maintenance agreement you make those more intense and increase the chance of civil conflict.

Thad Yonke: Before there were land use regulations all of it was civil; the entire legal system of land use was private and it didn't work. The problem with that is whoever has the most money are most likely going to have their belief prevail whether it is the right way or not because they have more money to throw at it. That is why we have public land use regulations because it was seen that it was not a good system because even the rich people understood there were always richer people who could force their will on the system. That is why we have governmental land use regulations.

Commissioner Kurzejeski: I agree with you I just don't want us to be the rich person. I don't want us to force upon people having to build a road so two fire trucks could pass, I don't want to make people do that when we won't make them make their driveway to their private residence meet the same standard. We don't make them have a driveway wide enough for two trucks to cross, why?

Bill Florea: Because there are multiple people using it. When one property owner makes decisions that impact only themselves.

Commissioner Kurzejeski: We have building codes when that person builds a house, we don't let them off the hook.

Thad Yonke: You are right we probably should have it go all the way up there but you are arguing about not being able to afford to do this stuff.

Commissioner Kurzejeski: I am arguing about being consistent in the degree to which we are going to take that philosophy of public oversight of land use forward. I am not sold that we take it just part way and not all the way. Just like the family transfers, get rid of them, you say we can't do that so we cripple them.

Stan Shawver: I will just see if I can't get the Commissioners to set up a meeting.

Chairperson Harris: If they want to fine if they don't, fine. Our task is to make the recommendation and let them act on it or not.

Thad Yonke: We asked them earlier in this process to give us some direction and they refused to give us any; they want a whole package, they will get a whole package presented to them and then they get to analyze that.

Chairperson Harris: Regarding family transfers, they are a venue for abuse.

Commissioner Freiling: Every time someone comes to me and asks about a family transfer it is trying to get around regulations and doesn't have a thing to do with a legitimate case of wanting their child to live next to them.

Chairperson Harris: Family transfers are a system that is inherently flawed and leads to abuse. Does it serve a purpose anymore?

Commissioner Freiling: How many does staff see now that is really serving was the initial purpose?

Stan Shawver: The Keil farm would have been a legitimate family transfer if it were zoned A-2.

Commissioner Freiling: He could have done that exact same thing by spending a little more money and going through a little more regulatory requirements.

Stan Shawver: The majority of family transfers we see are not truly agricultural land.

Chairperson Harris: They get utilized to avoid having to pay a surveyor.

Commissioner Freiling: What if we say no more family transfers by doing that have we made it not possible for the intended family transfer community to do what they still want to do? There are other avenues within the system that lets them do exactly the same thing with a little more propriety.

Stan Shawver: Yes, they can plat it and in most cases there is no money being exchanged. For the price of a plat for getting land is still less than what the value of the land is.

Commissioner Freiling: If the change that is being proposed is that it is either a PAE or a public road; if that change were approved there is no point in having family transfers anyway.

Stan Shawver: To require platting rather than allowing a family transfer - if someone has five kids they would have to have a 6 inch water line and fire hydrants; if they are in Water District 10 that is not going to happen. So you are essentially saying the large families in northern Boone County can only have three kids.

Chairperson Harris: The time that I have been here I don't think I have ever seen a legitimate family transfer. Maybe those should go away. Knowing that we have been at this a long time and there needs to be some resolution can staff prepare a ballot for those items that aren't resolved.

Thad Yonke: Do you want the ballot to have choices such as A, B or C?

Commissioner Kurzejeski: What about a write in?

Bill Florea: If you don't support A, B or C you can leave that question blank which says you don't support any of those options.

Chairperson Harris: We need to take some sort of action to resolve this.

Commissioner Kurzejeski: I think we need to vote on these things.

Commissioner Freiling: I do too.

Bill Florea: I know there are some undecided people here but I know there are some that are cemented in their positions. Bringing it to a vote will have some benefit so we can see where we are if we are even close to making a decision. Some of these we might be able to dispose of and focus on the other issues.

Commissioner Freiling: Regarding the 20 to 40 acres I think any land division in the county should have a survey. I think it is a public interest mistake not to, I don't care if it is 200 acres. Anytime we divide land there should be a survey so I don't think we should have a threshold at which you don't have to have a survey. I think a scaled difference in what is required as it gets larger is also appropriate.

Thad Yonke: Staff can try to get this together but I don't know if we can get that crafted in a month not knowing what we are going to have on the December agenda.

Chairperson Harris: If it can be ready by the December meeting that doesn't prolong the agony, if it can't be then it can't be and then we make a decision. If everyone made an effort to be here we could deal with that sort of voting decision at a work session. Do we want to do that in January just to keep the can moving?

Bill Florea: Work sessions aren't well attended.

Thad Yonke: You would have to have a significant number of Commissioners show up which is where we ran into the problem last year.

Bill Florea: If there is no quorum there is no point in taking a vote.

Commissioner Kurzejeski: Can we do a mail in ballot for those who can't be here?

Stan Shawver: This is just a recommendation so I don't know why we couldn't do that.

Chairperson Harris: If we had something we could vote on that could start to bring some closure.

Commissioner Poehlman: It doesn't have to be binding.

Chairperson Harris: No, but we have to get off the fence. If staff wants to do it in January get it ready and mail it out or have everyone make an effort to be here for a meeting.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Secretary
Michael Poehlman

Minutes approved on this 20th day of December, 2018

