

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, October 21, 2021

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Jeff McCann	County Engineer

b. Members Attending by Phone:

Randal Trecha	Cedar Township
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-disconnected at 7:09 PM; only voted on minutes

c. Members Absent

Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Fred Furlong	Bourbon Township

d. Staff Present:

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

III. Approval of Minutes:

Minutes from the September 16, 2021 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following statement into the record:

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 one conditional use permit request, one final development plan and two 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:

This meeting is being conducted in compliance with County Commission order 443-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older continue to wear a face mask in any public areas of the Government Center.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. 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. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and 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.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table when you testify. Also, we ask that you turn off, or silence 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 those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. 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 Thursday, November 4th. Interested parties will again be able 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 Thursday, November 4th will begin at 7:00 PM and will convene in this same room.

V. Conditional Use Permits

1. Request by Floyd & Nola Dorman for a conditional use permit for an animal boarding facility on 26.57 acres in the A-2 (Agriculture) zoning district located at 10170 N Hwy VV, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located at 10170 N. Highway VV, 1 mile north of the intersection of Hinton Road and Highway VV, approximately 4 miles north of the City of Columbia. The property is 26.57 acres in size and has a house, several outbuildings, and a transmission tower present. The property is zoned A-2(Agriculture) and has A-2 zoning to the north, south, east, and west, with A-R(Agriculture-Residential) zoning to the southeast. The A-2 zoned tract to the south received several lot design variances from the Boone County Board of Adjustment in 1977. The subject property received a conditional use permit in 2000 for the placement of a 200' transmission facility. The Boone County Master Plan indicates that this area is suitable for rural residential and agricultural land uses.

This conditional use permit request is to establish an animal boarding facility on this property. The boarding facility is proposed to be 2000' square feet in size, with 1500 square feet for the dogs and the remainder to storage. The applicant intends to board up to 40 dogs, with an average size of 30-40 pounds as a vacation/long-term boarding facility. The building will also have an outside run area along the exterior of the north side of the building, covered by an overhang of the building roof.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

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

A facility for boarding a significant number of dogs, such as the one proposed will generate a great deal of noise, animal waste, washdown water, and pulses of high turn-over traffic. Each of these impacts can be considered a detriment to public health, safety, comfort and general welfare unless specifically addressed by effective mitigation designed and required to minimize or eliminate the impacts. Conditions to control these impacts will be placed on an approval of this conditional use permit.

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

Animal boarding facilities can create negative off-site impacts in several ways. Increased traffic in previously low traffic areas, increased noise from animals unfamiliar with each other, and unpleasant odors created by limited or lack of proper animal waste handling practices. Recommended conditions to control these impacts will be included at the conclusion of this report.

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

Like the previous criteria, conditions on traffic control, noise, and odor may impact property values of the surrounding property in the neighborhood. Public testimony may better reflect any impacts on property values.

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

The proposed use will require confirmation with the Missouri Department of Transportation regarding the existing driveway and its width to support this commercial use. Improvements to the driveway connection to State Highway VV may be required. Any drive surface and parking associated with this use will be a dust-free surface, minimum chip-seal. Parking spaces consistent with the parking requirements of the Boone County Zoning Ordinance will be required. Compliance with the commercial building code may require water improvements to the site to meet code requirements. Construction of the structure and improvement of a parking area and drive surface may also require compliance with the Boone County Stormwater ordinance for treatment and/or detention. On-site wastewater treatment for a kennel facility will require a Missouri Department of Natural Resources permit.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The presence of this use will not limit the normal and orderly development of surrounding properties for uses permitted in the zoning ordinance.

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

An improved driveway access to meet the traffic needs of this use will be required under permit from the Missouri Department of Transportation. Such improvements need to be designed to have any user pull straight out onto the roadway and not need to back out of the drive, this should include semi-trucks that might be delivering bulk items such as dog food.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

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

Zoning Analysis: This site initially seems appropriate for this use. As a larger property for the area, the boarding of small animals might be considered a reasonable request. However, given the desire to board 40 dogs, the proposed 2000 square foot building would seem to be small to meet the needs of such a number of dogs. A prior request, with a similar number of dogs, proposed a 7000 square foot building. While that request might have proposed a greater amount of day-to-day traffic, as a dog day-care facility, and this proposal appears to be more long-term stays rather than day-to-day, the number of animals sought as a ceiling is an issue. One of the diagrams provided by the applicant shows a "Lobby and Retail" area. It is important to note that a retail sales area is not covered by this CUP and retail sales is not allowed in this zoning district. The current proposed design, with limited exterior exercise area for the dogs would also appear to be a contributing factor to an increase in noise and agitation in a long-stay boarding facility. The application states that the building will be soundproofed but provides no details as to how that will be achieved nor is there any information on proposed noise mitigation from the outdoor run-areas

Based on the current proposal, staff recommends denial of the request.

Should the commission choose to approve this request, staff recommends the following conditions:

1. That the number of dogs boarded be limited to 20.
2. That a permit to construct an engineered subsurface on-site wastewater system, approved by the Missouri Department of Natural Resources and the Director of Resource Management shall be obtained prior to issuance of a building permit. The system shall be constructed and operational prior to occupancy of the building.
3. That improvements to the driveway connecting to State Highway VV be completed under permit with the Missouri Department of Transportation. Such improvements must be designed so no vehicles, including semi-trucks will back out of the drive.
4. New drive surfaces and parking spaces for this use will have to have a dust-free surface, minimum of chip-seal.
5. A landscape plan to provide visual and auditory screening of the property from adjacent properties will be submitted for approval by the Director of Resource Management as part of the building permit for the facility.
6. A sound study and mitigation plan, prepared by a qualified professional, shall be submitted for review and approval by the Director prior to issuance of a building permit for the proposed structure. The study shall demonstrate that the sound from the kennel does not exceed an Adjusted Total Day-Night Sound Exposure (Ldn) of 45 dBA measured from the property line. Measurement and analysis shall conform to the applicable ANSI Standards.
7. The noise level caused by the operation of the kennel shall not exceed fifty (50) dBA during any daytime hours and forty (40) dBA during any nighttime hours, as measured at the nearest property line. The average Adjusted Total Day-Night Sound Exposure shall not exceed 45 dBA Ldn.

At 7:09 PM Commissioner Trecha disconnected from the phone conference and did not attend the remainder of the meeting.

Present representing the request:

Nola Dorman, 10170 N Hwy VV, Columbia

Nola Dorman: I had deliberated on this at great length, the last thing I want to do is be one of those neighbors that disrupt everyone else. I have asked for 40 dogs because the national average says to expect 50% occupancy, therefore in order to make any money, I need to be able to have at least 20 to 30 dogs to be able to pay the loan and the cost of building. That is why I asked for 40 dogs. A building of 7000 square feet was mentioned but I will have much bigger dog runs outside and all dogs will be walked several times a day; that is one of the services I will be offering that makes me a little different than other places. If you look at a google map of dog boarding in northern Boone County there is not much available, the nearest place is My Zoo and the next one after that is a daycare at Blue Ridge and Rangeline. The material I want to use for the building will be the most soundproof material possible and as thick as possible because that is my number one concern. If a dog happens to get upset at night I don't want it disturbing anyone, especially my neighbors. I want to put it on the south side of my shed, that way it blocks my neighbors to the north and the northwest. In 2014 when we first moved out there, MoDOT told us we could have a driveway directly south of where the white fence is that runs along my driveway. I talked to an excavator six to eight weeks ago to prevent stormwater from rushing down the hill and going past where this is going to be located and putting in berms and drainage tubes to a pond to catch runoff in order to prevent anything from going off. I plan on having grass runs, perennial ryegrass or Bermuda, a heavy-type grass that can withstand the abuse from high-traffic areas. When I contacted the Department of Natural Resources (DNR) they told me I could get a permit, it is \$1800 per year, but they said they didn't recommend that a dog kennel have a septic line with drip irrigation because it clogs and I would be pulling out my hair trying to keep it clean and take care of it. I was told if the dogs are on walks and outside on the dog runs that is a natural area that is not concentrated and it was fine and I wouldn't need an exemption from them because of that.

Nola Dorman: The purpose of dog walking is because it provides exercise and it also gives me a way to interact with the dogs; I expect most of the dogs to be between 5 and 100 pounds and most people don't own giant dogs but if they do I might occasionally have one. The average size of my dog is 32 pounds. I have on my application that I want to meet the needs of my client so if they have a husky or great pyrenees I want them to be able to stay outside if they aren't noisy, and enjoy the cool weather more so than a little terrier that can't handle the cold. I want them to be able to be well adjusted and I want to be able to treat them like they are my own dogs and be pets, not just livestock. I currently have three horses, a donkey, and some goats. If this conditional use permit is approved I will get rid of the goats. I am 10,000-feet from Boone County Regional Sewer District so I am not able to hook into them so the other options afforded to me is a holding tank into a pump and haul, but when speaking with Tom Ratermann with BCRSD he said if they were going to be out on the grass I wouldn't need it which duplicated what I was told by DNR. Like my horses they are out all over different areas, so it is not concentrated in one area. Most dogs are house-trained so they are not going to deposit waste inside the kennels most of the time because they are house-trained. I will do my best to meet the schedules of the owners. I am not planning on using chemicals because it is hard on septic tanks so I want to use something biodegradable. I am basing my cleaning and exercise requirements on kind of what USDA requires of dog breeding facilities. I had planned on building a big area to hide the facility from the highway and put lots of trees, bushes and shrubbery there to help block the noise as well. They make fencing materials that help block sound and I am going to do whatever I can to make it not noisy. If dogs are outside and they are noisy I will bring them inside.

Open to public hearing.

No one spoke in favor of the request.

Speaking in opposition:

Jo Deakins, by phone, Peabody Rd.

(Google search indicates Joanne Deakins, 610 W Peabody Rd, Columbia)

Jo Deakins: I have concerns with traffic, school busses run through there. I also have concerns about the noise from the animals and property values being affected.

Jeff Merritt, 10400 N Hwy VV, Columbia

Jeff Merritt: My biggest concern, besides the noise and property values, is the safety of the animals that are in the area now. In my case I have a small breed dog who is an inside dog and only goes outside when accompanied. Numerous times I have had to call Animal Control because dogs appear in my yard, my dog has been chased and I have had house guests chased. If there is a facility with 20 to 40 dogs, how will they be contained? An animal is going to escape at some point.

Pam Bremer, 10330 N Hwy VV, Columbia

Pam Bremer: My concern is property values and the noise. We have had some new houses being built and improvements being made to the neighborhood and they are positive activities. I am concerned about what this request could do to the area. The applicant spoke about materials, bushes and fencing and if the dog is going to make noise then they will be taken inside. Will there be someone there 24 hours a day to do that activity if there is wildlife running and the dogs bark at it? If one dog barks another one is going to bark.

Barry Malan, 9750 N Hwy VV, Columbia

Barry Malan: My property adjoins the applicant's property on the back side. On the front side I am 200-feet away from them. There will be additional traffic and the road doesn't need additional traffic. Our property values are going to drop, I don't plan on selling my property but if I ever did I think it is going to affect the values of everyone's property around there. They want to run this as a business; to me this area is not commercial, it is for homes and farms. If they want to do this I would think they should go to a commercial area. It sounds like they don't want to do a septic tank or lagoon, they want to do something natural. What are they going to do with the waste? She said something about DNR and an exception for a septic tank, are they not planning on doing a lagoon? I would think that the county would require a lagoon at least. My son lives right on the north line so the noise is really going to bother him and it will bother all the neighbors across the road. I have cattle on the farm, what if one of the dogs get out and starts chasing the cattle? I think they should move this to a commercial site.

Sean Moore, 804 Medford Dr, Columbia

Sean Moore: I own the 112 acres encompassing all of the land to the east and north. I recently purchased this property as a real estate investment, I am a local realtor here in Columbia and a retired Columbia police officer. My wife and I intend to build our home at the back of the lazy S on the bottom southwest corner immediately backing the property in the red. There is a natural gas line that divides my land in the middle. I plan to keep the land in the northeast corner raw for wildlife and someday I hope to develop the land on the west under A-2 zoning; I would potentially divide that down to 5 or 2.5 acre lots and build a lake where the creek drainage area is. Mr. Deakins is building three \$550,000 homes, one is almost complete and he is getting ready to start two more directly opposite of where the applicants intend to build this facility. My concerns are obvious. My wife and I spent seven figures to have solitude, tranquility, and peace. The last thing we ever imagined happening near this property is a facility of this nature. We are very upset. I called the owner of the largest canine boarding facility in Columbia who is a friend of mine and boards my dog when I travel, and he informed me that a dog's bark can be heard for two miles. The excrement that a canine creates is double that of a human because of the way their digestive system is. We aren't talking about sewage for 40 dogs, but sewage the equivalent of 80 humans. They talked about leaving excrement outside on the runs, you can't do that in a facility for dogs. Every dog facility I've been to they have to scoop the excrement, you don't just let nature take care of it, it will overwhelm the facility. Everyone else has voiced concerns about noise, property values, and traffic but if a project like this gets approved you have killed my dream for tranquility and for what my wife and I have worked all of our lives to build; this was our dream and it is crashing down.

Bill Florea: Resource Management received six emails in opposition, all voicing the same concerns expressed tonight.

Closed to public hearing.

Nola Dorman: The excrement will be picked up every day in the dog runs. On the dog walks I would be going different ways, I am allotting five acres. Where I would be walking the dogs will not be anywhere close to Mr. Moore's property. The dogs will be walked several times per day and not in the same area. I would do my best to make the sound as little as possible. There are so many dogs that bark out there now that I can't imagine the ones I would be boarding would be much worse than what is already out there but I understand if people are opposed to it.

Chairperson Harris: One of the topics that was brought up was the sewer system. What wastewater management system is proposed?

Nola Dorman: I was told by DNR that I could do a commercial septic tank and then I could have a lagoon with it. Most of the animals would be going outside to do their business so most of what will be going down the drain is if I happen to bathe a dog or if I have to rinse one off. I plan on using steamers that steam clean instead

of a lot of water and I don't plan on using a lot of chemicals because there are so many other options. I may have a bathing station but there shouldn't be a lot of waste.

Commissioner Kurzejeski: Staff has proposed several conditions, does the applicant have any problem with those conditions or are any of them problematic?

Nola Dorman: No.

Commissioner Kurzejeski: Is there a standard for square feet per dog?

Uriah Mach: There are different numbers that have been circulated by a variety of organizations in regard to the boarding and keeping of dogs. Under some circumstances there have been breakdowns by pound and physical size of dogs; averaged out at 40 dogs which is what is proposed by the applicant, the average was a little less than 35 square feet per dog. That was on the lower end of all standards that I have found, it is not outside the standard but on the low end. The inconsistencies on the application materials we based this on, indicating the preference for dogs in the 30 to 40 pound range, although, the applicant also mentioned dogs in the 100 pound range. With that information we were reluctant to rely upon a lower end estimate, particularly with the information presented in the application because we have to make the assumption that there are going to be larger dogs. If they request up to 40 dogs we have to assume that they have the capacity to handle that many at a time. That being said, our nearest meter stick was a 7000 square foot facility that was proposed several years ago with the same threshold. As mentioned in the staff report, theirs was a slightly different business, though the numbers of the dogs are the same the level of activity proposed by both operations appear to be similar. That was the basis for our hesitation about the difference between a 2000 square foot building with 1500 square feet dedicated to the dog space and a 7000 square foot building with the same number of dogs without any breakdown of dog space. Both were on similar sized properties but the incongruity of 3.5 times the size seems like a substantial difference with regards to the square footage of the structure.

Commissioner Martin: The facility will have indoor dog runs to contain the dogs and there will be a dog door to an outside run?

Nola Dorman: On some of them, not all.

Commissioner Martin: There will be grass on the outside runs?

Nola Dorman: Yes.

Commissioner Martin: What is going to be used below ground to keep dig-out from occurring?

Nola Dorman: I am going to have the fencing dug; there is material you put down deep and cover up over it. Not only will I have that but there is also going to be an outside gate to keep dogs from escaping.

Commissioner Martin: My concern is based on the grass. I have one dog in my backyard and there are dead spots everywhere.

Nola Dorman: I would alternate areas. I am only expecting to have full capacity a couple times per year, the rest of the time 20 dogs. I will rotate the cages and runs outside so I am not just using the same ones. If the grass is getting worn down I will put in some artificial turf to get by with until I get the grass growing again.

Commissioner Poehlman: The staff condition with regard to noise levels, 50 decibels during the day and 40 at night, that will pretty much require a building wont it? If the dogs are going to be outside they can't meet that level.

Nola Dorman: I won't have any dogs outside at night.

Commissioner Poehlman: During the day it is 50 decibels so that precludes that they will be indoors all the time.

Commissioner Koirtyohann: How is the applicant going to have grass on the runs and not have it worn down?

Nola Dorman: I will walk them as much as I can because that is going to be part of my service; I don't just let the dogs run and be wild. I am going to be firm that the dogs get along and not be aggressive toward other dogs or people. To give them exercise and to tire them out we will walk them as much as we can because if they are worn out they are going to be more quiet.

Commissioner Koirtyohann: If you have 20 dogs and walking them 15 minutes...

Nola Dorman: 15 to 30 minutes each dog. I may be able to do 2 to 3 at a time; I plan on hiring people to help me.

Commissioner Koirtyohann: Even on a basis of 20 dogs that is 10 hours of walking time.

Nola Dorman: Yes. I plan on it being my full-time job.

Thad Yonke: The building code will require a bathroom in the building, especially if there are employees.

Commissioner Koirtyohann: What type of sewer system do other boarding facilities have?

Bill Florea: The facility on 163 has a drip irrigation system that was engineered and sized for the facility.

Commissioner Koirtyohann made and Commissioner Martin seconded a motion to deny the request by Floyd & Nola Dorman for a conditional use permit for an animal boarding facility on 26.57 acres in the A-2 (Agriculture) zoning district located at 10170 N Hwy VV, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – NO
Michael Poehlman – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Jeff McCann – Yes	

Motion to deny the request passes	6 YES	1 NO
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Chairperson Harris informed the applicant that if she wished to appeal the decision to the County Commission an appeal form would need to be filed with Resource Management within three working days.

VI. Planned Developments

1. Request by Jon Adam Sapp to approve a Final Development Plan for Harvest Acres on 10.0 acres zoned A-1 (Agriculture) with pending A-1P (Planned Agriculture) located at 12200 S Hwy DD, Ashland.

Planner Uriah Mach gave the following staff report:

The subject property is located on the west side of State Highway DD approximately 1200 feet north of the intersection of Biggs Road and State Highway DD, approximately $\frac{3}{4}$ of a mile west of the nearest Ashland city limits. The parent property is 73.5-acres in size and zoned A-1(Agriculture). This proposal seeks to rezone 10-acres of the parent parcel to A-1P to facilitate a land division creating a 5.59-acre buildable lot and to define the remaining portion of the 10-acres as a non-developable portion of the parent parcel. The property is surrounded by A-1 zoning, except for an A-1P development to the southwest that adjoins the parent parcel across Highway DD. The adjoining A-1P was rezoned in 1995 and the remaining A-1 is original 1973 zoning. The property scored 60 points on the point rating system.

An A-1P rezoning and Review Plan were approved on this property in August of 2021 under Commission Orders 359-2021 & 360-2021.

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All required information is accurately portrayed on the plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the final plan. All information is accurately portrayed on the plan and conforms with the approved review plan. A family transfer is proposed to create the desired land division.

No conditions were placed on this proposal at the time of its hearings before the Planning & Zoning Commission or County Commission.

Staff recommends approval of the final plan.

Chairperson Harris: No issues with this request?

Uriah Mach: No, there was originally a plat for this request on the agenda but the design did not meet platting requirements so it was removed. It was staff's assumption that this was for family transfer purposes.

Chairperson Harris made and Commissioner Kurzejeski seconded a motion to approve the request by Jon Adam Sapp to approve a Final Development Plan for Harvest Acres on 10.0 acres zoned A-1 (Agriculture) with pending A-1P (Planned Agriculture) located at 12200 S Hwy DD, Ashland:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go to the County Commission on Tuesday, November 4, 2021 at 7:00 PM.

VII. Plats

The following items were placed on consent agenda:

1. Oak Hill Estates Plat 1. S24-T47N-R13W. A-2. IUVO Constructum LLC, owner. David Butcher, surveyor.

The following staff report was entered into the record:

The property is located on the west side of State Route N at the intersection of Brook Valley Drive and State Route N. The zoning is A-2 (Agriculture) as is all the surrounding zoning and these are all original 1973 zonings. The proposed development contains approximately 160-acres. The proposal is for a Final Plat comprising 13 total lots, 11 of these are buildable lots and two are common lots. Only four of the 11 buildable lots are in the final configuration that corresponds to the approved preliminary plat. The seven remaining lots of this plat all comprise two or more of the lots shown on the approved preliminary and will need to be further subdivided through replatting in order to match the approved preliminary. Since there is no mechanism to compel these composite lots to divide further, this plat must be able to stand on its own if no further development happens.

Sewer service for Oak Hill Estates will be provided by a new sewer plant built on property owned by BCRSD where the plant serving Brookfield Estates is located. Construction on the new plant has not begun. In order to be approved, Oak Hill Estates Plat 1 must have 11 sewer connections. These sewer connections are proposed to be from the BCRSD facility that currently serves Brookfield Estates. The BCRSD has informed us that they have reserved capacity for 11 single family homes for this plat in the Brookfield Estates system; one for each buildable lot created. The existing system and the system to be constructed are not directly compatible: outlining improvements that are necessary to address the incompatibility will be contained in an agreement between BCRSD and the developer.

Before the plat can be scheduled for the County Commission to receive and accept, the central sewer will have to be acceptable, constructed, inspected and approved based upon approved plans, or it must be bonded. Any bonding will have to be based upon approved plans and associated engineered construction cost estimates including at a minimum, a multiplier for future cost increases, removal of unacceptable construction, prevailing wage and potential additional costs associated with securing the bonding funds. If bonding is sought a development agreement is typically required.

The creation of these 11 lots is not ideal as the infrastructure designed and being installed for the development needs the density envisioned in the approved preliminary to function properly. This plat is intended as an interim step with the remaining replats of the 7 composite lots to follow in the next few months. Existing structures on the property have been or are proposed to be removed. The development also includes five new sections of public roadway including an extension of Brook Valley Drive which will fit the location for a portion of a proposed Collector roadway on the adopted CATSO map.

All proposed lots have frontage on and access to a publicly maintained road. Right of way sufficient to provide a 66-foot width is provided for the extension of Brook Valley Dr. A small portion of additional right of way for State Route N is also provided.

The property is in the Consolidated Water service area. The district has waterlines in the area and on the property. Waterline extensions and relocations are part of the project. The water district has expressed concerns about having installed infrastructure to accommodate the 47-lot density of the preliminary plat which do not work well for only 11 lots. They hope the replats to create the additional lots will soon be forthcoming. Hydrants will need to be installed at maximum spacings of 500-feet in order to provide fire protection. The property is located 5.1 miles from the nearest Fire Station.

An upgrade/replacement BCRSD central wastewater system is proposed for ultimate sewage disposal for the 47 lots. The developer of this subdivision is going to construct the replacement facility on the site of the existing BCRSD plant in Brookfield Estates. The developer is wishing to bond the plant construction so a development agreement will be needed. All the proposed bonding paperwork needs to be submitted with the

Final Plat. None of the infrastructure internal to the development is sought to be bonded. The details of the wastewater system will have to be worked out to the satisfaction of the Director of Resource Management and the BCRSD.

Stormwater management is to be concentrated on the common lots and must be in compliance with County regulations.

The proposal scored 71 points on the rating system.

Staff recommends approval of the final plat with the following conditions:

1. The Final Plat may not be scheduled for the County Commission to receive and accept until all the public road infrastructure is approved, installed, and ready to be accepted.
 2. The Final Plat may not be scheduled for the County Commission to receive and accept until all the public water infrastructure is approved, installed, and ready to be accepted.
 3. The Final Plat may not be scheduled for the County Commission to receive and accept, until the central sewer is acceptable, constructed, inspected and approved based upon approved plans, or is bonded. Any bonding will have to be based upon approved plans and associated engineered construction cost estimates including at a minimum, a multiplier for future cost increases, removal of unacceptable construction, prevailing wage and potential additional costs associated with securing the bonding funds.
 4. All bonding must be acceptable to the BCRSD, the Director of Resource Management, and the County Commission.
2. Eagles Tres Estates. S9-T46N-R12W. A-2. Cari & Travis Nichols, owners. Steven Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route DD, approximately 600' northwest of the city limits of the City of Ashland. The property is proposed to be divided into two lots, one at 9.83 acres in size, and the other at 10 acres in size. The western lot has a single-family residence, shop, and on-site wastewater system present. The eastern lot is currently undeveloped. The property is 19.85 acres in size and zoned A-2(Agriculture). The surrounding property is also zoned A-2. This is all original 1973 zoning.

The subject property has access to State Route DD. This access is direct in the case of the western lot, and via an access easement in the case of the eastern lot. The applicant has submitted a request to waive the traffic study requirement.

The property is in Consolidated Public Water Service District #1 for water service, the Boone Electric Cooperative for electrical service, and the Southern Boone County Fire Protection District for fire protection. Water service is provided off a Consolidated Public Water Service main along Highway DD.

The existing home has an on-site wastewater system. Wastewater development on the eastern lot will be done under permit with Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 58 points on the rating system.

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

Commissioner Kurzejeski made, and Commissioner Martin seconded a motion to approve the items on consent agenda with staff conditions:

All members voted in favor.

VII. Old Business

1. Update on Commission action.

Bill Florea updated the Commission of the decisions of the County Commission as follows:

The rezoning request for Dale & Nancy Lenger on Christian School Rd, from R-M (multi-family) to A-2 was approved as recommended.

The request by 40 & J Development to revise their review plan was approved as recommended with several conditions.

The plat for Cedar Valley Subdivision was approved as recommended.

2. Proposed Wind Farm Regulations

Bill Florea presented the final draft of the Wind Farm Regulations to the Commission. These drafts are available on the Resource Management website at www.showmeboone.com/resource-management/WECOD. The amendments are in red.

Bill Florea stated that staff has had worksessions with the County Commission and as a result of their public hearings they have advised staff to make some amendments. The County Commission will consider the regulations at their meeting on November 4, 2021; the agenda for that date has not been finalized yet so that could change. Staff is making the Planning and Zoning Commission aware of the changes, no action is required by P & Z.

VIII. New Business

1. West Area Plan

Bill Florea: The West Area Plan had been discussed before the Covid-19 pandemic and then the process was stopped. There has been discussion with staff and the County Commission about how to restart that process. During discussion, the idea was brought up by one of the Commissioners to redo the entire Master Plan. The Planning department added a supplemental request to the budget to fund this process, we won't know if it will move forward until the County Commission finalizes the 2022 budget.

Chairperson Harris: If this is approved will we finish the subdivision regulations first?

Bill Florea: Probably not, if the Master Plan is redone it will affect the subdivision regulations and they would have to be amended again. It may be done concurrently. There has also been interest in solar development in Boone County so we will need to start working on Solar regulations and that could be done rather quickly.

Chairperson Harris: With regard to the subdivision regulations, could staff come back with the remaining three outstanding items at the next meeting?

Bill Florea: We can do that.

IX. Adjourn

Being no further business, the meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Secretary
Michael Poehlman, Secretary

Minutes approved on this 18th day of November, 2021