

BASINGER SURVEYING
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October 9, 2012

RE: Proposed Boone County Subdivision Regulations

To Whom It May Concern:

Per Karen Miller it took 3 years and 1 month to produce these regulations. They are dated September 4, 2012. No surveyors or anyone else I am aware of were aware they were out until September 25th when I received a call from another surveyor who had accidentally discovered their existence. On September 27 there was a work session between the County Commission, Planning and Zoning Commission, and the planning staff. I attended that meeting but was unable to stay for the entire meeting due to a prior commitment. Karen Miller said we should make comments to staff. To me this is like the fox guarding the hen house, I have no trust in staff as they have lied to me in the past. If it took over 3 years to create these regulations do you feel 3 weeks is adequate time for us to review and analyze them?

Near the beginning of the rewrite of these regulations I and others found out from outside sources the current regulations were being reviewed by staff. I and other surveyors were informed by staff that we didn't need to be involved as they weren't rewriting the regulations they were only clearing up some language and proposing some fixes for some problem areas. We were lied too as these are a major rewriting of the regulations. We, as surveyors who probably use the regulations more than any other profession, should have been part of the process from day one.

Why is it these regulations were out on September 4th yet no surveyors knew about them until September 25th and only found about them by accident? When I attended the work session meeting I could tell some people were surprised we were there and did not appreciate our being there. I believe the intention was for these regulations to be adopted without input from the citizens of Boone County. I am aware of this being the case with other Boone County regulations.

One of the questions I like to ask is, what are the goals and what are you trying to accomplish. Surveyors deal with the regulations more than any other profession, it would be nice if we could meet with the County Commission, Planning and Zoning Commission, and staff to discuss these regulations.

I could write a book on problems, questions, and comments on these regulations. I believe some of these regulations don't meet state law, some are vague (a problem we have with the current regulations which staff interprets differently daily), some don't make sense, some are wrong, some I just don't understand and some are engineering design that do not need to be a part of these regulations. I believe regulations should be strait forward and easily understood by any citizen of Boone County with at least a high school education.

If these regulations are put in effect January 1 as proposed, what happens to projects going through the county process if not completed by this deadline? Will they be grandfathered or will they only be partly completed or not completed at all because they won't be possible under the proposed regulations. Should the clients pay for something they did not receive or should I lose the time and money I have in these projects? I am trying to cram a 6 month backlog into 2½ months.

I could point out where I have questions, problems, and comments about these regulations but I feel you would think I was just complaining. I don't have time to explain in detail everything I would like to comment on. I am going to make some comments and hope those reading this will realize these regulations need a lot more discussion and revisions.

- 1.3 #3 – Is excessive crowding a problem other than in high-density developments?
- 1.4.10 – What does “diverts water” have to do with dams.
- 1.4.12 – Needs to be clarified, I don't understand this. Is well drilling considered development, how about fence post holes?
- 1.4.25 – Should date be effective date of these regulations?
- 1.4.29 – Where does it come from, why is it needed, it is only advisory.
- 1.4.39 – “or any utility” needs clarification.
- 1.4.44 #1– Is all land in Boone County surveyed under these regulations a subdivision?
- 1.4.45 #1&2 – Is an approval a subdivision category?
- 1.5.1.1 – Poor wording. 40 acres is too large, 20 acres now, why not 10 acres?
- 1.5.2 – Every time we want to survey something do we have to go to the director for this determination, and how long will it take? Should not these regulations be clear so most everyone especially surveyors will be able to make this determination?
- 1.5.4 – How long will this take?
- 1.5.11 – How will we know what has been filed with the director? How long will it take to find this out?
- 1.5.16 #3 – Water district requires exclusive easements, will this still be allowed?
#4 – Where did this date come from?
- 1.5.18 – Why do we need this, it is only primarily (whatever that means) advisory.
- 1.5.19 – Do we need this section? What is an unrecognized utility?
- 1.5.20 – Why do we need this? Are title companies OK with this? Must be surveyed to obtain a description.

These are comments through page 15 of 93 pages, I hope you get the idea that there are many questions that need to be addressed concerning these regulations. I am hereafter going to list sections I have questions or comments about and am not going into detail as I just cant afford the time as I have too many projects I have to have completed before January 1.

1.6.1.1	Appendix A
1.6.2.1	1.1
1.6.2.2	1.2
1.6.2.4	1.3
1.6.4.3	1.3.1
1.7.1	1.3.2
1.7.2	1.3.3
1.7.2.1.1	1.3.4
1.7.2.1.2	1.4
1.7.2.2	1.4.1
1.7.2.2.2	1.5
1.7.3	1.5.3
1.7.3.1.2	Appendix B
1.7.3.2.1	1.1
1.7.3.2.2	1.2
1.7.3.2.4.1	1.8
1.7.3.2.4.4	1.9.1
1.7.3.2.5	1.9.2.3
1.7.3.3.3	1.9.2.9
1.7.3.4.1	1.12
1.7.4.1.2	2.2
1.7.4.2	2.2.1
1.7.4.3	2.2.3
1.7.4.3	2.3
1.7.4.4	2.6
1.7.5.1	2.7.3.1
1.7.5.2	2.7.3.2
1.7.5.3	3.2
1.7.5.5	3.2.5
1.7.7	3.2.5.1
1.8.2.1	6.1
1.9	Table A
2.1.1	Minimum Lot Depth
2.4	Maximum Lot Depth
2.5	

I hope this is enough to make you realize that these proposed regulations need a complete review by other than the County Commission, Planning and Zoning Commission and planning staff. Surveyors, engineers, realtors, title companies, attorneys, developers, citizens of Boone County, and any other affected parties should be included in any further review and analysis of the proposed regulations.

Sincerely,

Curtis (Gene) Basinger
Professional Land Surveyor