

Gentlemen: I believe these regulations will have a major impact on landowners and land use. As Carl aptly points out we have a contract with the citizens of our county. Making these changes in a responsible manner would, to me, require 1) a serious quantitative assessment of the impacts and 2) a significant effort to communicate to the affected citizens (landowners) how these changes impact their land so that we can then get informed public input. I realize we have a suggested timeline but that may be unrealistic if we wish to inform landowners and get feedback.

Some of my specific thoughts/concerns are listed below:

40 Acre Threshold:

While state statute does require a survey of any tract < 40 acres it does not require us to move the ceiling for tracts that fall under the subdivision regulations from 20 to 40 acres. This change needs some added justification/discussion.

Private Driveways :

- 1) How many county residences are served via private drives now?
- 2) How many complaints have we received about road maintenance etc on private drives over last year and last 5 years?
- 3) How many public safety issues have resulted from private driveway access issues?

My concern is we are regulating based on the 10% of folks who have problems not the 90% who don't. Many citizens prefer living on private drives. We need to quantify the extent of the problem before we place regulations on everyone to deal with issues caused by a few.

- 4) What alternative strategies for private drives were assessed? I assume other municipalities have tackled this issue in differing ways.
- 5) Have we considered a gravel county road option?

I think there are other options to 2 lots being served by private drive that could result in some middle ground. Have we explored these? I lean towards staying with existing rules and being firm with the "4 means 4" option.

- 6) Have we done or will we do an economic assessment of the proposed changes? For example I assume it will decrease land values. If most subdivisions will require asphalt or concrete public roads then fewer parcels have development potential. I assume it will reduce the amount of building that occurs in the county and affect those trades. I assume it will translate into a loss in the growth of the tax base.
- 7) Have we assessed how these changes might impact natural resource conservation. Over the long term as Boone County continues to grow I for one would rather see 5-10-20 acre lots than high

density subdivisions. I assume increased infrastructure cost for roads required by these rules will require a smaller lot size to be economically practical when one develops a tract. So, over time we get more high density subdivisions and fewer people with larger lots. Flip side is that less land will be capable of being developed so we may have a greater acreage that is set aside by default as one cant afford to or legally develop it.

We need some assessment of the broad economic impacts of these changes. I think we could find room for allowing a gravel road, to county standards, which would significantly reduce development costs and therefore expand development options. How many additional miles of county road will these proposed changes create? Do we want to add roads that require maintenance vs private roads that are maintained by owners?

8) What is grandfathered ? If there is a 20 – 39 acre parcel with and undeveloped easement in place is that parcel exempt from new requirements? Can a private road be built to the tract? Can a building permit be issued without a survey?

Family Transfer:

1) Why exclude the sale of remainder of parent parcel? If John Q. gives 8 ac off a 160ac tract to daughter seems that tying up the remaining parcel is unfair. While they could survey out a 40 and then give the 8 acres out of that sill seems unfair to tie up the remaining 32 acres. This is another change that is aimed at plugging any hole that could lead to abuse. We might not be able to regulate all potential abuses if there is a cost to legitimate landowner transfers. We need to balance impact on landowners with our desire to limit means of abusing the Family Transfer. Maybe a 3 year holding period is a compromise.

2) Family transfers can exceed the 2 lots on private roads and then can eventually sell those lots. Why are we not consistent at limiting to 2 ?

3) Are step-children included in family transfer option? If not why not – is so should we clarify if we say son or daughter?

1.5.12 – *No land shall be subdivided in any manner except by land survey* Should we insert “< 40 acres” here to prevent confusion ? Or “tracts > 40 acres may be divided by metes and bounds or by survey”.

1.5.13 Assume one can build a private road on their land if they desire to do so for access – should we clarify here so as to not confuse?

1.5.14 If a private drive is on the boarder of a subdivided tract does the neighboring property county as an adjoining tract that is “served” by the private road ?

1.5.20 Proof of Ownership ... if I read this right a recorded deed is not acceptable proof – instead one needs to pay a title company to do a title search and certify title is held by owner? Isn't this an added cost that is not needed?

1.6.4.3 Final Minor Plat – if I am reading this right no lot < 10 acres may be served by a private road e.g. Private Road provision only applies to Administrative Survey (10-40 ac lots). Why do we want to not allow the same standards we now have ... that private roads can serve lots < 10 acres if platted. This seems fair even if we go to a 2 lots minimum.

1.7.3.1.4.1 Limitations on Use of Private Drives : Wonder if we should use the same wording found in this section on pg 17 under 1.6.2.1 to ensure consistent message

Appendix B

1.4 Common land – why did we add a requirement that a trust be funded with monies adequate to cover maintenance for 20 years? I can see retaining requirement for an assessment/maintenance agreement that is part of the covenants and assessed to each lot owner. Again seems we want to protect people from problems that might occur among themselves by requiring the 20-year fund.

2.10 Cul-de-sacs - does the 1000' minimum apply to private roads?

Setbacks :

3.2.4.2 Table Pg 87 We have proposed to increase setbacks for onsite treatment facilities. In general I support these. One exception is the 500' for karst (which includes springs losing streams etc). I agree we want to limit discharge that goes into our counties waters but I cant see the we care less about the setback from a stream than we do for a karst feature. Effluent that reaches water , reaches water. Seems karst is singled out to have a higher standard, we even have a 200' greater setback for karst than we do public water supply wells. I don't agree with this. I am also concerned that we have no knowledge of the location of springs and losing stream sections ... how do we propose these are inventoried? Do we expect landowners to have to pay for an assessment?

