

TERM OF COMMISSION: March Session of the February Adjourned Term

PLACE OF MEETING: Courtroom One East, Boone County Courthouse

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle Malaby
County Counselor John Patton

The regular meeting of the County Commission was called to order at 7:00 p.m.

SUBJECT: Public Hearing on Planning and Zoning Requests

Director of Planning and Building Inspection Stan Shawver reported **Larry R. and Mona L. Shuck request to rezone from A-1 (Agriculture) to A-2 (Agriculture) 17.65 acres, more or less, located at 15411 N. Highway 124.** The property is located on the southwest corner of the intersection of State Highway 124 and Schooler Road, approximately 1.5 miles north of Hallsville. Land to the north, east, and south is zoned A-1; land to the west is zoned A-R. If the request is approved, the owner plans to subdivide the land into lots ranging in size from 2.5 to 4 acres. No previous requests have been submitted for the property. The comprehensive plan designates the area as suitable for agriculture and rural residential land use. Staff notified 10 property owners concerning the request. At the Planning and Zoning Commission public hearing, no one appeared in opposition. Some neighbors spoke in support of the request. There is a drainageway across the property. Neighbors indicated they are satisfied the planned development will not create a flooding hazard. The Planning and Zoning Commission voted unanimously to recommend approval of the request.

The applicant was not present and no one responded to a call for public comment.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Larry R. and Mona L. Shuck to rezone from A-1 (Agriculture) to A-2 (Agriculture) 17.65 acres, more or less, located at 15411 N. Highway 124.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 164-95.

Hutchinson Subdivision, a minor plat, located in S11-T50N-R13W, zoned A-2. Thomas C. Hutchinson, owner. Don Bormann, surveyor.

Director Shawver stated the two lot subdivision is located at the intersection of State Highway 124 West and Hopper Road. One lot is 2.96 acres and one lot is 2.97 acres. The Planning and Zoning Commission approved the plat.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, the minor plat of Hutchinson Subdivision located in S11-T50N-R13W. Thomas C. Hutchinson, owner. Don Bormann, surveyor.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 165-95.

Southern Elegance, a minor plat located in S13 and S24-T47N-R13W, zoned A-2. Steven and Sandra Nichols, owners. Ron Shy, surveyor.

Director Shawver stated this four lot subdivision is located on State Route N between Pierpont and Sapp. There is a house on one lot and a modular home on another. Individual wastewater treatment is proposed for each lot. The Planning and Zoning Commission approved the plat.

Commissioner Miller moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, Southern Elegance, a minor plat located in S13 and S24-T47N-R13W, zoned A-2. Steven and Sandra Nichols, owners. Ron Shy, surveyor.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 166-95.

Vacation of drainage easements located on lots 3 & 4 and 13 & 14 located in South Woods Subdivision Plat No. 2 as recorded in Plat Book 28, Page 47, Records of Boone County.

Director Shawver stated South Woods Subdivision, located on Palis Nichols Road and Liberty Lane in the Ashland area, was platted last Summer. It is zoned A-2. The owners would like to vacate drainage easements laid out at that time and dedicate other easements. The Planning and Zoning Commission voted to support the change.

Commissioner Stamper moved that the County Commission of the County of Boone approve the abrogation of two drainage easements located on lots 3 & 4 and 13 & 14 located in South Woods Subdivision Plat No. 2 as recorded in Plat Book 28, Page 47, Records of Boone County.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 167-95.

Commissioner Stamper moved that the County Commission of the County of Boone accept the grant of easements for drainage purposes located between lots 2 & 3 and 12 & 13 located in South Woods Subdivision Plat No. 2 as recorded in Plat Book 28, Page 47, Records of Boone County, as described on the attached documentation.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 168-95.

SUBJECT: Public Hearing on Revisions to Subdivision Regulations

Commissioner Stamper stated the Commission received a letter dated March 27 from Citizens for a Better Community. Commissioner Stamper made opening comments, then called for comment.

Bill Marshall, 3208 Lynnwood Drive, Columbia, stated he is owner and chief engineer of Marshall Engineering. Mr. Marshall submitted a letter to the Commission dated March 28, 1995. Mr. Marshall stated the Missouri Department of Health is revising on-site sewage treatment regulations. The proposed Subdivision Regulations do not consider this. He hopes the State regulations will incorporate new technology such as the use of certain sand filters. The regulations propose that on-site sewage treatment systems not be approved on a tract of less than 2.5 acres. He has performed over 200 percolation tests in Boone County on lots from a quarter acre to several acres in size. About 43 percent passed the percolation rate. Excluding a particular size lot does not reflect the ground's ability to percolate. In regard to the proposed regulation concerning water districts. Water districts were established based on Farmers Home Administration requirements and the perspective that lines should be sized according to consumption rather than fire protection. There areas within four miles of Columbia which have two inch lines because there is a small number of homes. Requiring developers to pay for miles of six to ten inch water lines in order to provide fire protection may not be in the best interest of Boone County citizens.

John Payne, 10951 I-70 Drive NE, stated the maximum cul-de-sac length and minimum and maximum block lengths on Table A are not practical. Many times tract size is based on topography. These requirements should be removed from the table.

Commissioner Stamper asked Mr. Payne should the items not be addressed in the document?

Mr. Payne replied yes. Continuing, Mr. Payne stated 1.4.38 on page 6 refers to subdivision regulations adopted April 23, 1991 in regard to mobile or manufactured homes. Does this mean a single wide mobile home cannot be placed on a tract smaller than 20 acres?

Director Shawver replied single wide mobile homes are precluded from major subdivisions. Currently, a 1976 or later model mobile home can be placed on lots over five acres in size. The revised regulations require a subdivision plat on tracts ranging from five to ten acres in size. The County did not want to preclude mobile homes from minor subdivision plats.

Mr. Payne stated any lot less than 20 acres must be platted as a subdivision. He interprets the 1991 regulations to prohibit mobile homes on any lot platted as a subdivision. This will force a segment of the housing market out of the County or prevent them from owning homes.

Director Shawver replied a mobile home can be placed on a lot which is five or more acres in size. Under the current regulations a mobile home could not be placed on a three acre lot created through the subdivision process.

Continuing, Mr. Payne stated he interprets 2.1 on page 37 to say anyone who subdivides land must improve County infrastructure at their expense. This is not equitable. Adjoining property owners will benefit from the first person who tries to develop the area. Boone County should provide a market impact study on the effect of these revisions to the subdivision regulations.

Ellen Burns, 810 Rangeline, Columbia, stated she and her husband are building a house in Harper's Point. Their future neighbors built a lagoon in their front yard. Ms. Burns distributed photos of the property. She would think that people who spend \$30,000 on a lot and \$200,000 to build a house there would have the sense not to build a lagoon in their front yard. Her husband is a builder. She knows builders are opposed to regulations, but when you are talking about investing your savings--a regulation might have helped. There are no windows in the end of the neighbors house. This seemed to be an appropriate forum to discuss this.

Commissioner Stamper asked what size is the lot?

Mr. Joe Burns, Ms. Burns' husband, replied 2.7 acres. The neighbor's lot is about the same size.

Carol Harl, 204 Westwood, Columbia, stated she did not find anything in the regulations on non-district water supplies, such as wells. She spoke with an individual at the Department of Natural Resources who said it was not a problem to have a well and a septic tank or lagoon on a lot of virtually any size.

Commissioner Stamper replied an effort was made to decrease the number of individual wells,. The document does not provide for a subdivision to be developed with a private water supply. There might be a tolerance for having a well for a single house or in a minor subdivision.

Director Shawver confirmed that a provision was not made for private water supplies, except on larger lots. A major subdivision has to use public water. Section 4.1 on page 43 addresses this.

George P. Wilson, M. D., 918 Westwinds Drive, Columbia stated he spends most of his time in the county near McBaine. During the past ten years he has been involved in three situations concerning boundaries. He does not believe the proposed regulations would allow the parties to settle the matters as they did with a quit claim. Roads in that area are not deeded to the County. When someone subdivides land, they execute quit claims to the center of the road.

Commissioner Stamper stated that concern has been brought forward. A request was made for tolerance of small acreage exchanges between landowners.

Linda Leneau, 704 Independence, Columbia, stated she is a realtor. How will realtors know whether a person will be able to obtain a building permit?

Commissioner Stamper replied if land is surveyed or subdivided and properly recorded prior to the implementation date of these regulations, there should not be a problem obtaining a building permit. The lot would have to have proper metes and bounds for sewage treatment.

Ms. Leneau asked if a farmer wants to sell a piece of land to a non-family member, would it have to be 20 acres or larger to obtain a building permit?

Commissioner Stamper replied if the lot was 20 acres or less in size, they would have to go through the subdivision process.

Director Shawver stated if the land is sold with no intention to build on it, it will not trigger the subdivision regulations.

Ms. Leneau stated the regulations do not seem to address tract modifications. Will they go through planning and zoning?

Commissioner Stamper stated the ability to modify lines in a subdivision would be limited. It has been proposed minor modifications be allowed.

Don Bormann, 9545 N Route E, stated the proposed regulations have many long sentences, some of which are so garbled, only a lawyer could interpret them. The regulations should be written in language which is understandable by the public. There are numerous grammatical errors and misuses of technical terms. On page 4 in regard to performance bonds, he does not see any mention of a letter of credit or other surety which could be used.

Mr. Patton replied a bond is required because that is what State statute calls for.

Mr. Bormann stated the lot size in 1.4.38 on page 6 should be 10 acres rather than 20 acres. Mr. Bormann stated section 1.5.9, on page 8, Buildings Prohibited Within Major Thoroughfare Right-of-Way--is taking of land without proper compensation. Who determines where the right-of-way is when there is only a plan line drawn on a very small map.

Commissioner Miller replied it says the only way it can be restricted is with a boundary survey or other lawful metes and bounds description.

Mr. Bormann stated they discussed making the minor plat process easier. The process described in section 1.6.3 on page 9 is not. If the concept review described on page 10 is implemented, it will probably increase the cost of a survey by \$100 or more. In regard to section 1.7.3.3, Time Limitations for Completion of Final Plat, he does not see why there cannot be an extension. Five years is not a long time if the developer prepared a preliminary plat on a large subdivision. If this change is made, developers will prepare a preliminary plat on part of the land. That is poor planning. Mr. Bormann stated he cannot understand 1.7.5, Subdivision Improvements and Public Infrastructure on page 15. In regard to vacation of plats, on page 17, it says plats can be vacated without Commission approval. It is his understanding statute requires Commission approval. On page 18 it states point ratings are required. The Commission promised the point rating system would be advisory. On page 24 regarding fees, why is there a fee for an administrative plat?

Commissioner Stamper stated the County is trying to meet the expenses of enforcing regulations.

Mr. Bormann stated \$10 will not come close to meeting such expenses.

Commissioner Stamper replied none of the fees come close individually. The County is trying to be fair. Each activity takes an expenditure of time.

Mr. Bormann stated 3.1, Concept Review, on page 24 requires a graphic proposal drawn to scale. It sounds like a preliminary plat. It will add to the expense of development.

Commissioner Stamper asked Mr. Bormann what he would remove from the list of requirements?

Mr. Bormann replied in concept reviews, people bring in deeds or surveys, if available, and discuss their proposal in general terms, possibly using the Assessor's maps. He sees no reason to require a graphic proposal drawn to scale--it is a concept at that stage. Turning to page 25, section 3.2, Administrative Survey, Mr. Bormann stated there are several things he does not like. It says it should be drawn to the scale of 1 inch equals 100 feet. He is working on a 320 acre survey of six forty acre, two twenty acre, and four ten acre tracts, which would make it an administrative plat. With a page size of 18" by 24" he uses a scale of 1 inch equals 400 feet. It will be legible when the Recorder reduces it. The minimum scale should be at least 1 inch equals 200 feet. The recorder reduces to a 11" by 17" document. Mr. Bormann stated he prepares many 11" by 17" drawings which are not reduced. This change requires the drawing be reduced. Some drawings people prepare are not legible when reduced. The term **be** mathematically close is

incorrect. It refers to the closure of the lot. It must mathematically close, not **be** close to. Dedication of street rights and utility easement, bullet four on page 26, needs to be done by separate document. If it is put on an administrative plat, the landowner's signature must be on it or it is invalid. If the landowner's signature is on it, it becomes a subdivision plat and falls under different rules. The ninth bullet on page 26 refers to a statement of acceptance from the County Commission. He was under the impression administrative surveys are not reviewed by the Commission.

Mr. Patton replied that is a valid point, the language was left from last revision.

Mr. Bormann stated Roads and Streets section 2.1, Improvements, on page 36 refers to a cost benefit analysis. He understood that provision would be removed.

Director Shawver replied some provisions in Appendix B, Section 2, Roads and Streets, and Section 3, Sewers, will not be enacted at this time. Director Shawver specifically described the sections concerning traffic study and cost benefit analysis requirements. A study group consisting of public and private engineers will review that portion of the regulations.

Continuing, Mr. Bormann stated on page 43, on-site sewage treatment, it is premature to require the proposed location of septic tanks and lateral fields, lagoons or any other type of alternate sewage treatment systems. On a preliminary plat, the location of lots is unknown. They are subject to shifting in the platting process. On the final plat, the location of houses is not known. It depends on who purchases it. This requirement is ridiculous. He can indicate the location, but it is totally meaningless.

Commissioner Stamper stated the situation described by Ms. Burns earlier is a prime example of why the provision is necessary. If sewage cannot be treated on a lot, it should not be platted.

Mr. Bormann replied he does not believe this will address that problem. Finally, Mr. Bormann stated a number of people spent weeks working with the Planning Department to arrive at a compromise document. Their recommendations seem to have been totally ignored.

At the request of Commissioner Stamper, Director Shawver stated the intent of section 1.7.5 on page 15.

Commissioner Vogt stated the Commission spent many hours integrating the recommendations Mr. Bormann refers to.

Darryll Raitt, 5730 Raitt Road, Hartsburg, stated he learned about this meeting in the newspaper tonight. His main concern is how the regulations will affect development in the County. He would like the Commission to reconsider the cost benefit analysis and traffic study provisions. They will drive the cost of land up. When he developed his small subdivision, people interested in buying lots were not interested in paying the extra \$5,000 per lot to pave the roads. If these regulations had been in place, these people would not have been able to buy the lots. That is not to say that he couldn't have sold the higher priced lots, but they would have been purchased by a different segment of the population.

Commissioner Stamper apologized that Mr. Raitt did not know about the meeting. A series of public meetings have been held over the past two years.

Mr. Raitt replied he attended some of the meetings, but it seemed to be an off and on type of thing. There would be a meeting, then silence for months.

J.E. Savage, 5401 S. Route K, Columbia, asked if a subdivision is planned, but no structures have been built on the land, will these regulations affect the development?

Commissioner Stamper stated the proposed regulations will only apply to those subdivisions not in existence before the effective date.

Mr. Savage stated he is concerned with entry and exit from State Highways such as Route K, which is dangerous for children traveling to school. Will the regulations address such situations when a subdivision is proposed near a problem area. Table A, with lots between 7,000 square feet and .49 acres in size, would allow about six homes per acre. There could be thirty houses on five acres. A subdivision with that density adjacent to a highway is dangerous for children.

Commissioner Stamper stated the Commission attempted to address such scenarios with the traffic study provision for major subdivisions. The Commission first proposed to have the study performed by a traffic engineer but learned there are only one or two such engineers in the state. Such a study would be very expensive. The intent was to achieve a higher degree of planning.

Dan Simon stated he is a lawyer with offices at 601 E. Broadway, Columbia. He appears as chairman of the Citizens for a Better Community Technical Committee. He does not purport to speak for all members of the citizens group or even all members of the Committee. Mr. Simon expressed appreciation to the Commission for this process. There has been adequate opportunity for public review and discussion of the proposed revisions. No document is perfect. There are provisions he does not care for. Mr. Simon stated he addressed a letter to the Commission dated March 24, 1995 to state problems the Citizens for a Better Community saw with the ordinance. If the changes they propose can be made, they will strongly endorse the ordinance. Even if the changes are not made, and they agree to disagree, they will still commend the Commission for the process and its willingness to listen.

Larry Moore, 15220 Route U, Hallsville, stated he is a member of Citizens for a Better Community. He would like to make one point in regard to the cul-de-sac length listed on Table A. People love to live on cul-de-sacs. If lots are 7,000 square feet, housing will be very dense, but with half acre or 5 acre lots, there would be two or three houses on the cul-de-sac. The provision should be given attention, possibly making it a requirement to be covered in the review process.

Tim Capehart, 3804 Wyatt Lane, Columbia, stated he is a registered land surveyor. He came to Boone County to attend school and chose to stay because he likes the community. His goal was to buy land in an outlying area. He felt he could finance his purchase by subdividing a piece of property. Ten acre tracts are reasonable. The proposed ordinance eliminates the ability of people such as himself to purchase and subdivide land to finance their own home in the County. He cannot afford to implement the proposed ordinance. People such as himself will look for other places to live. His current thought is to move just outside the Boone County line, so he can take advantage of Boone County, but Boone County can not take advantage of him.

Ms. Leneau stated she understands the concerns Mr. Bormann expressed regarding the location of on-site sewage treatment systems. The County should require a soil test. Anyone who performs percolation tests could give you a good idea of whether a lagoon or septic tank would work.

Commissioner Miller commented the regulations provide for a percolation test, performed as required by Boone County code, to demonstrate the feasibility of such a system.

Mike Whitekemper, 709 N Kircher Road, stated he bought 40 acres in 1978 with the idea that he would subdivide it for his kids in the future. Under these regulations, he does not think he can.

Commissioner Miller replied the regulations allow family transfers.

Director Shawver stated the provision has actually been expanded.

Ms. Harl stated there are areas of the County which are not serviced by public water districts. Will the value of land in these areas fall or will the areas become ultra elite subdivisions of lots?

Commissioner Stamper replied the intent was to direct development to areas where infrastructure exists and if it does not exist, to require it to be placed there according to the need being created.

Director Shawver added the regulations allow a private water company to be formed and be licensed by the Public Service Commission.

SUBJECT: Contracts for Furniture Acquisition

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Standard Form of Agreement Between Owner and Contractor for Furniture, Furnishings and Equipment with Check Office Equipment Co., Inc.; Columbia Office Supply; Concepts for Business, Inc.; Mayer Malnick, Inc.; and Buschart (B.T. Working Interiors).

Commissioner Miller seconded the motion. Motion passed unanimously. Order 169-95.

SUBJECT: Government Center Change Order No. 24

Commissioner Stamper stated the change order includes provision and installation of conduit for the satellite dish and future microwave equipment and modification of the Universal Power Supply circuit. The total cost of the change is \$1,513. Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Government Center Change Order No. 24.

Commissioner Vogt seconded the motion. Order 170-95.

SUBJECT: Agreement with Reality House for Work Place Readiness

Commissioner Stamper moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Community/Social Service Agreement with Reality House for work place readiness.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 171-95.

SUBJECT: Boone County Historical Society Service Agreement

Commissioner Vogt moved that the County Commission of the County of Boone approve the attached service agreement with the Boone County Historical Society.

Commissioner Miller seconded the motion. Order 172-95.

SUBJECT: Johnson Building Change Order No. 3

Commissioner Stamper summarized the change order and moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, the attached Johnson Building Change Order No. 3.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 173-95.

SUBJECT: Boone County Government Center Address

Commissioner Stamper moved that the County Commission of the County of Boone identify the address of the Boone County Government Center as 801 E. Walnut, Columbia, Missouri, 65201.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 174-95.

SUBJECT: Compensation for Damage to Public Defender Office on Broadway

Commissioner Stamper moved that the County Commission of the County of Boone authorize Commissioner Stamper to negotiate damages to the office at 920A E. Broadway leased from for use by the Public Defender up to, but not exceeding, an amount of \$890.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 175-95.

SUBJECT: Purchase of Trash Compactor for Alley Behind Government Center

Commissioner Stamper requested consensus from the Commission to direct Mr. Patton to prepare an agreement between the County of Boone, the owners of the old Benbow Hotel property and Boone Tavern for the joint purchase of a trash compactor to be located in the alley to the south of the Government Center.

The Commission agreed.

SUBJECT: Appraisal of Licklider Property

Commissioner Miller moved that the County Commission of the County of Boone agree to pay Moore and Shryock \$1,500 for the appraisal of the Licklider property in connection with the Gillespie Bridge Road.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 176-95.

SUBJECT: Authorize Use of Courthouse Grounds

Commissioner Stamper moved that the County Commission of the County of Boone authorize use of the Courthouse Square and Plaza grounds on May 1, 1995 for a Partners in Education celebration.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 177-95.

SUBJECT: Public Comment

There was no comment.

The meeting adjourned at 8:55 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner