

TERM OF COMMISSION: August Session of the August Adjourned Term

PLACE OF MEETING: Boone County Historical Museum Meeting Room

PRESENT WERE:

Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
Assistant Prosecuting Attorney John Patton
Deputy County Clerk Michelle Malaby

The special meeting was called to order at 7:03 p.m.

SUBJECT: Public Hearing on Revisions to Subdivision Regulations

Commissioner Stamper stated if the County is to grow, the Commission wants to ensure infrastructure necessary to support the growth is considered. The Commission does not want to prohibit growth. However, developments that do not have adequate water, sewage disposal and roads should not be tolerated. The Commission has attempted to treat urban areas around cities and rural areas differently.

Pat Carl , 12903 S. Rangeline Road, Ashland, asked do the regulations prohibit one party from vacating a subdivision?

Having spoken with Ms. Carl earlier in the day, Commissioner Stamper added Ms. Carl is concerned with a subdivision on Dozier Station Road. Except for four lots, the land is owned by one owner. The four lots are owned by another party. Can she vacate her portion without permission from the other party?

Director of Planning and Building Inspection Stan Shawver replied the proposed regulations encompass the same requirements for vacation as current regulations. Consent of all owners of subdivision lots would be required unless it was originally developed as a planned unit development.

Ms. Carl requested the regulations be changed to allow a provision for vacation by one party.

Gene Basinger, 19335 S. Rt. A, Hartsburg, asked was the County Commission involved in writing the regulations?

Commissioner Stamper replied yes, the Commission worked with staff and the Planning and Zoning Commission, providing comments and stating its preferences. The Commission worked with staff on wording the final draft.

Mr. Basinger asked what is a multiple use plat?

Director Shawver replied a multiple use plat typically involves multiple family structures or multiple commercial activities, which in the past have been called planned unit developments. Under current regulations, if land is zoned moderate density residential, a subdivision plat is not required to be filed. A development similar to the one on Route B at Oakland Church Road can take place. There is one large tract with twelve multiple family buildings. There is no review process to ensure there are adequate utilities or interior circulation. The same could be true for a commercial development held by one owner where there is no transfer of land.

Mr. Basinger stated he is not sure he understands.

Mr. Patton replied it is intended to cover strip malls and large rental developments where a plat is not required and there are no infrastructure standards for the development except those the developer wants to put in, which may or may not be adequate.

Mr. Basinger read section 1.5.9, *Buildings Prohibited Within Major Thoroughfare Right-of-Way*. He reads this to mean there is a major thoroughfare plan in place which defines roads. Therefore, you can plot roads on a piece of land and provide setbacks. Is that true?

Commissioner Stamper stated the intent was to combine efforts to identify future roads with intended land use. The County does not intend to predispose an individual to the taking of their land, but rather to advise them of the intent to acquire land needed to build the road when the time comes. It is in line with efforts by the Missouri Highway and Transportation Department to have legislation adopted regarding major thoroughfare planning.

Mr. Basinger replied it is not a workable situation.

Commissioner Stamper asked Mr. Basinger to state why he is uncomfortable with the provision.

Mr. Basinger did not reply, but instead turned to the subject of administrative plats and asked if a sewer cost analysis is required.

Commissioner Stamper replied no. The intent was, at the request of surveyors, to make the administrative plat process as efficient as possible. If Mr. Basinger would like that stated, the request will be noted.

Mr. Basinger replied that is his request. Mr. Basinger stated the administrative plat came about at the request of surveyors that the County do something to alleviate the time consideration on minor plats. The minor plat remains the same. Per the revised regulations, processing any survey takes thirty days from completion. Such a survey currently does not take long to approve. The cost has gone up tremendously. Why does the Commission believe every tract under 40 acres in size should be a subdivision?

Commissioner Stamper replied the County has difficulties with subdivisions of five acre tracts where there is no review process for the provision of adequate infrastructure. The Commission settled on 40 acres as the trigger for such a review. The intention was to engage the County Commission in planning subdivisions when density and proximity of housing is an issue.

Mr. Basinger commented there are provisions in the current regulations for small subdivision tracts which he has no problem with. He does have a problem when a person who owns 57 acres and wants to divide it in half has to do a subdivision--dedicating easement and right-of-way on an existing road. In his opinion that is taking of land by a governmental body without due compensation.

Commissioner Stamper stated if the person uses the property for multiple houses, it would have to go through the subdivision process. If they intend to use it for one home, an administrative plat can be used.

Mr. Basinger stated they still have to dedicate right-of-way. Why is a traffic analysis needed on a minor subdivision?

Commissioner Stamper replied the goal was to examine the impact on the area.

Mr. Patton added there is a provision whereby application can be made to request the County highway engineer waive the requirement.

Mr. Basinger stated the same section (page 35) states, ". . . subdivision fronts an existing paved public road or gravel public road with an existing or resulting (due to the subdivision) daily motor vehicle use count of 250 or more vehicles per day . . . or such subdivision fronts a gravel road scheduled for paving on any existing funded road improvement plan officially adapted by the County Commission." Who decides whether such roads have to be paved and what is the criteria used?

Commissioner Stamper stated the intent is that subdivision roads be paved when they front on paved roads, or are within a reasonable proximity of paved roads. The decision would be made during the application process and ultimately ratified by the County Commission.

Mr. Basinger stated he sees no need for a traffic study, but if it is required, the regulation should be specific. Turning to on-site treatment of sewage, Mr. Basinger said it states there shall be a cost benefit analysis provided comparing centralized sewage collection with small on-site treatment systems. If it is determined a centralized sewage collection system is not feasible, small on-site treatment systems shall be permitted. It goes on to say plans shall be submitted with the preliminary and final plat for each lot including the proposed location of the treatment system. Mr. Basinger stated specifying the location of the sewage system on the preliminary and/or final plat is unworkable because you are deciding where the

property owner will locate their home. Mr. Basinger asked who determines whether a centralized sewage collection system is feasible and what criteria is used?

Commissioner Stamper stated a proposal would be presented to the Planning and Zoning Commission. There are lots where sewage treatment systems do not work. A provision could be added to allow a request to be made to change the location shown on the preliminary plat. The Commission would decide whether a centralized sewage collection system is feasible, based on the cost benefit analysis.

Mr. Basinger stated he has not seen lots where sewage treatment systems would not work. As far as he is concerned, that is the concern of the developer, the surveyor and the engineer.

Commissioner Miller read the relevant section on pages 39-40 of the regulations and stated in areas where the County, Sewer District, and City plan to place trunk lines, where possible the County wants collection systems in place rather than small on-site systems, so they can be picked up.

Mr. Basinger stated he would still like to know what criteria will be used.

Commissioner Stamper suggested Mr. Basinger submit written suggestions on criteria he would like used.

Mr. Basinger stated under water supply, the County is asking for a 250 gallon per minute flow. If one lot is platted on a gravel road, will a six inch line have to be extended to the property?

Commissioner Stamper replied yes.

Mr. Basinger asked are fire hydrants required in minor subdivision?

Director Shawver replied yes.

Mr. Basinger asked why are fire hydrants required at intervals of 500 feet in residential subdivisions and 300 feet in commercial subdivisions? That seems close together.

Mr. Patton stated the standards were recommended by the Boone County Fire Protection District.

Mr. Basinger asked has the Commission discussed the increased cost it will impose on people by requiring plats versus surveys.

Commissioner Stamper replied the Commission received very little comment on the concern for cost. The Commission discussed the cost of sewer lines and streets with curbs and gutters and assumes they will not be higher than they would be in urbanizing areas under similar circumstances. Concern with cost was expressed in a worksession on Monday with Citizens for Good Government. The Commission believes cost is a question of now or later. In high density areas, the Commission prefers cost be incurred on the front end.

Jonathon Davis, 4602-D Rollins Road, asked is the point system referred to in Table B only used to define an urban service area?

Director Shawver replied it would apply to any major subdivision in the County.

Mr. Davis read section 1.4.40, the definition of an urban service area. Mr. Davis stated an area which receives a point rating of 50 or more would be an urban service area. He has heard three stories on what the point system does: defines an urban service area; is used to determine if a tract can be a subdivision; or they don't know.

Commissioner Stamper stated the intention was that any major subdivision receive an acceptable rating prior to approval. The Commission has received criticism on the lack of flexibility of the point system. In the past it has been used as a guide.

Mr. Davis stated then the point system is used to define an urban service area and will be used as a criteria in approving major subdivisions.

Mr. Patton stated the point system has been in the regulations since 1980. Aside from Director Shawver commenting on whether a proposed plat did or did not have 50 points, it was not enforced. In revising the regulations, it was decided the concept should have teeth or should be abandoned.

Mr. Davis asked if he presents a minor plat which does not have 50 points, would it not be approved?

Mr. Patton replied the point system does not apply to minor plats, only major subdivisions.

Mr. Davis asked has an economic study been conducted to determine the impact of the proposed regulatory changes on the number of new homes to be built in Boone County?

Commissioner Stamper no. Similar standards exist within the community as a whole. Development is occurring in those areas. Requiring paved streets, curbs and gutters, sidewalks and sewers will cost more.

Mr. Davis asked has anyone considered the total increase in cost for a tract of land, less than 10 acres in size, with the required improvements?

Commissioner Stamper referred Mr. Davis to the chart within the regulations to determine the required improvements, depending on the location of the property.

Mr. Davis stated he does not think anyone in the development, construction or real estate business wants to see an area developed improperly to the extent that it will hurt them. The cost impact of the proposed regulatory changes must be considered. The proposed changes will make five and ten acre tracts extremely expensive because of the amount of frontage. In the City, the same amenities are placed on lots that have 85 or 90 feet of frontage. An individual will be prohibited by cost from living on more than a lot.

Commissioner Stamper, referring to the table on page 45, stated they attempted to deal with the situation just described. Larger tracts are subject to different standards.

Jeffrey Smith, 3316 Woodrail Terrace, stated he believes the efforts of the Commission are good. We need to control sprawl. On page 16, plat vacation, could the first paragraph be read to allow an anti-growth Commission to vacate a plat without the consent of landowners if there were no activity on the plat? Could the language be expanded to limit the Commission's power to vacate.

Mr. Patton stated vacation would be by petition rather than unilateral action by the County Commission.

Mr. Smith commented he does not think you should be able to do it at all, provided regulations are met.

John Pekkala, 4350 N. Rt. E, agreed paved roads and safe sewage are great, but the cost will be exorbitant on large lots. Siting sewer without knowing where a house will be on property does not make sense. With large subdivisions, there could easily be a fire hydrant at every home. Putting in a six inch water line to service two homes does not make sense. Mr. Pekkala asked are we debating whether or not to have the regulations? If so, he would like to vote to put them off for a year.

Commissioner Stamper replied the regulations exist.

Mr. Pekkala stated Commissioner Stamper noted there have been problems with five acre tracts. Where are they?

Commissioner Stamper stated he could show many examples. Large tracts of land were being surveyed into five acre tracts. In some cases, ten homes were being placed on eight foot wide gravel roads.

Mr. Pekkala stated the point system will make having a subdivision outside the urban service area impossible.

Commissioner Stamper commented it might be more costly, but it can occur. Eagle Knoll Subdivision is an example of where it is being done.

Mr. Pekkala asked the Commission to name five or more problems which the revised regulations would prevent.

Director Shawver replied prevent is not the word. Control is the word. Those present are welcome to view a list of problems following the meeting.

John Blakemore, 4807 S. Bearfield Road, asked the Commission how the regulations will affect county growth as opposed to growth in Columbia. Will people who want to move to the country still be able to?

Commissioner Stamper replied for urban areas the Commission intends regulations to be consistent with regulations of adjacent cities. Ashland, not Columbia, is the fastest growing city in Boone County. Areas in the draft need to be reevaluated. Development as described by Mr. Blakemore can occur. If the point system survives, it will make development in urban areas around cities more attractive than rural areas.

Commissioner Miller stated people who move outside city boundaries to have a little piece of the country also want city amenities--paved streets or dust control, etc. The goal is not to be able to see a major difference in development standards when you leave the city limits.

Mr. Blakemore stated when the regulations are finished, he would like the County to publicize them and get them into the hands of developers, real estate agents and homeowner's associations. A question and answer brochure with examples would be helpful.

Don Bormann, 9545 N Rt. E, Harrisburg, read section 64.241 RSMo. on planning and zoning in non-charter first class counties.

Commissioner Stamper noted the statute does not apply to Boone County.

Mr. Bormann asked why was 40 acres chosen?

Commissioner Stamper reiterated his earlier response as Mr. Bormann was not present at that time.

Mr. Bormann asked is there a provision for transfer of property between adjacent landowners. Such a transfer is currently exempted from the subdivision regulations.

Mr. Patton asked, for example, if an individual wants to buy the east ten feet of a neighbor's property?

Mr. Bormann stated that is correct.

Mr. Patton replied that situation is not addressed because it is not considered to be a subdivision. If you want to change the lot lines on the plat, it would be a subdivision.

Mr. Bormann argued without an exemption, to buy ten feet of a neighbor's property will require a plat. The City of Columbia's regulations have a specific exemption.

Director Shawver commented the definition of a subdivision covers the situation--the division of land which creates a lot. The stated example does not create a lot.

Mr. Bormann read section 1.5.4 Prohibited Land Sales and Transfers and stated the section seems to prohibit such a transfer. The exemption should be stated.

Mr. Bormann asked is the family transfer eliminated?

Commissioner Stamper replied no.

Director Shawver added family transfers are protected by the second sentence of the definition of subdivision--section 1.4.38.

Mr. Bormann commented he has read the proposed regulations and sees little of the suggestions made by surveyors and engineers over the years.

Commissioner Stamper stated he does not agree.

Ron Shy, 5600 S Highway KK, Columbia, stated although he has given the Commission written comments, he has a question concerning minor plats. The regulations say the Director may elect to label a minor plat as a major plat if roads, sewer and water are sufficient for the plat to develop. He would think every minor plat could be so labeled if this regulation is loosely interpreted. He does not believe that is the way it should be. Why is the provision in the regulations?

Mr. Patton replied the provision has been in the regulations for quite a while. The purpose is to prevent developers from platting a number of minor subdivision plats adjacent to one another, thereby avoiding the stricter development standards for roads and sewers, etc. To his knowledge the Director has never declared a minor plat a major plat. He would have to have an objective and reasonable basis for doing so.

Mr. Basinger stated the question was raised about whether land could be developed in an area outside the urban service area under the 50 point system. At the meeting last Monday night, it was brought out that it would be impossible.

Commissioner Stamper stated that was Mr. Simon's perspective. Commissioner Stamper stated the point system will be used to evaluate any major subdivision. It might be costly to develop a subdivision which scores 50 points outside the urban service area. The Commission will reevaluate the point system.

Director Shawver displayed a map and explained the urban service area is a section where the average for the section is more than 50 points. You can define a specific urban service area around any community. Adjacent to the urban service area is an area where the average for the entire section--one square mile--is less than 50 points. A specific site in such an area can have 50 or more points by providing certain improvements, but the average for the section is below 50 points. Beyond that area, you can still garner more than 50 points at specific locations. The point system only applies to major subdivisions.

Mr. Basinger stated his personal opinion is the County is trying to stop growth in Boone County. If the rural property owners in Boone County understood the regulations, would they agree the regulations should be put into effect.

Commissioner Stamper answered rural and urban areas have to be treated differently. The regulations can be a plus for land developers. They will have a guide to use when buying land. He cannot answer for the rural landowner as to whether they approve. That is the purpose of the public hearings. It will affect those who wish to convert agriculture land to residential use. The goal is to stop creating subdivisions which have substandard infrastructure. People have expressed support for better standards.

Commissioner Miller answered she does not believe the average citizen wants to pay for your development. They do not want to pay when the County has to upgrade gravel roads to paved roads because traffic added by a developer creates a problem with maintenance. In areas where roads are mostly hard surface it does not make sense to put in gravel roads. In regard to the Philips tract, she did not believe the developer should have to pay the total cost to upgrade Gans Road and Bearfield Road, but they should participate. Upgrade of the roads was already planned. However, upgrade to handle a 500 lot subdivision was not planned. The Commission is trying to get to the point where they are not always playing catch up on County roads. Sewers are just as big a problem. If appropriate infrastructure is provided initially, it will save everyone money in the future.

Mr. Blakemore stated the philosophy that development should be compact and contiguous should be balanced with the rural resident's desire for low density. That is why they moved out of the cities.

Commissioner Stamper asked is there something in the regulations that indicates that is not the case?

Mr. Blakemore replied no.

Mr. Bormann stated on the minor plat restrictions mentioned by Mr. Shy, he agrees it is a shotgun approach which could be used by a director to get back at a developer or surveyor. He would like to see specific guidelines as to when the Director can label a minor plat a major plat.

Commissioner Stamper stated written comments will be taken until September 6th.

Marvin Rhodes, 3191 Big Timber, Columbia, commented it appears the County Commission and its staff is trying to curtail rural living as we know it.

Commissioner Stamper stated an individual can still buy and place a house on five acres. The difficulties are occurring with subdivisions.

Mr. Davis asked if someone owns a 100 acre farm and someone wants to buy five acres of it, is it a problem to survey and sell the five acres?

Director Shawver replied it would be a minor plat.

Mr. Davis suggested changing Table A to make the administrative plat encompass all lots 5 acres or greater.

Director Shawver commented that is what current regulations provide for.

Jeff Barrow, 1007 Coates Lane, Columbia, asked when were the subdivision regulations last revised?

Director Shawver replied minor amendments were made in 1981. This is the first major revision.

Mr. Barrow stated one of the main concerns he has heard is the point system will prevent development in certain areas of the County. An updated map might put the issue in context. Mr. Barrow stated he supports putting teeth into the point system. He assumes the Eagle Knoll development has less than 50 points.

Commissioner Stamper replied Eagle Knoll scores above 50 points.

Mr. Barrow agreed the provision of educational materials to the public would be helpful. Mr. Barrow stated this is a difficult process and commended the Commission for pursuing it.

Louise Easen, 6 Highlands, asked are farmers who are already in the county protected from individuals who move to the country and complain about their hog or cattle farm?

Commissioner Stamper replied yes, there are statutes which protect farmers.

John Payne, 10951 E. I-70 Dr N.E., stated it appears the zoning in urban service areas will have to be changed to a higher density zoning. Is that correct?

Commissioner Stamper replied most of the land is already zoned R-S.

Mr. Payne stated encouraging development in the urban service area will double the price of the property there. People who want to live in rural areas will be driven out of Boone County. At the Monday night meeting, it was indicated the intent is that infrastructure should lead development. That is not practical.

Commissioner Stamper disagreed, stating the County does not propose to lay water lines based upon the assumption that development will follow. What the Commission feels pressure to do is have adequate standards which do not allow development to occur without proper infrastructure. The concern is not for what the regulations would do to the price of land. The Commission actually put blinders on to that. The County is trying to establish what the standards should be for orderly, quality development.

Mr. Payne stated the County cannot control the Department of Natural Resources. They have strict regulations on sewage disposal. The County is overstepping its bounds by trying to regulate sewage disposal. The same is true of the water districts.

Commissioner Stamper replied if an adequate water supply cannot be provided, housing should not be allowed to develop.

Jan Percher, 3505 Rock Quarry Road, stated since the neighborhood she lives in spans the city of Columbia and Boone County, she believes it is good there is an objective criteria for development. If surrounding landowners know a development has to meet these standards, there will likely be a lot less opposition. The objections which have been raised by landowners are being addressed.

Mr. Bormann responded plats are not open to public comment.

Mr. Pekkala stated there appear to be two classes of property. One can easily muster 50 points. They will probably increase in value. The other cannot. That would seem to be what is known as taking.

Commissioner Stamper asked how is that taking?

Mr. Pekkala stated to the extent that the increased cost of developing certain property will mean that the owner of that property will make less money.

Public Works Director Stan Elmore indicated he also has an example of a problem area.

Brian Thomas, 8901 E. Wheeler Lane, stated he is an average citizen. Commissioner Stamper mentioned the Commission put blinders in terms of the cost to develop land--

Commissioner Stamper stated he said the Commission put blinders on about what the value of the land would be relative to implementation of the standards.

Mr. Thomas replied had the regulations as revised been in place when he purchased his land, he might not have been able to afford it.

Chip Cooper, 500 Longfellow Lane, Columbia, commented when a body is setting public policy, sometimes it has to put blinders on and determine who will and who will not be a beneficiary of the policy. We are talking about shifting, not the creating or taking of wealth.

The meeting adjourned at 9:02 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Absent

Linda Vogt
District II Commissioner