

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Boone County Commission Chambers

PRESENT WERE: Presiding Commissioner Kip Kendrick
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Deputy County Clerk III Jodi Vanskike

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 7:00PM and roll call was taken.

P&Z

1. First and Second Reading: Consent Agenda

A. Ratliff Subdivision Plat. A-2. S15-T47N-R13W. Ratliff Arthur C & Cyola J Revocable Trusts, owner. Kevin Schweikert, owner.

B. Request by D Who Land, LLC to approve a Final Development Plan for Five Pines Subdivision PRD in the pending Planned Single-Family Residential (R-SP) zoning district on 174.98 acres located at 8100 E. Richland Road, Columbia.

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission reviewed agenda items 1 through 4 at its April 18, 2024 meeting. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are incorporated into the record of this meeting.

Regarding item 1, the consent agenda, the final plat, item A, was approved and is presented for your receipt and acceptance. The Final Plan, item B, was approved and is presented for your approval. I request that you waive the reading of the staff reports and authorize the Clerk to insert them into the minutes of this meeting.

A. Ratliff Subdivision Plat. A-2. S15-T47N-R13W. Ratliff, Arthur C. & Cyola J. Revocable Trusts, owner. Kevin Schweikert, surveyor.

The subject property is located just over 1 mile south of State Route K, on High Point Lane, less than ½ mile south of the city limits of Columbia. The property is 15.30 acres in size, and zoned Agriculture 2 (A-2). There is a house and accessory building located on the property. The surrounding zoning is all A-2, and all original 1973 zoning. This proposal divides the 15.30-acre tract into two lots, one at 6.54 acres, and the other at 8.06 acres.

Both lots have direct access to High Point Lane, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request for a waiver to the traffic study requirement.

The subject property is located in Consolidated Public Water Service District, the Boone Electric Cooperative service area and the Boone County Fire Protection District.

The existing house uses an on-site wastewater treatment system. Future development on lot 2 will require an engineered on-site wastewater system due to slopes on the property. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 69 points on the rating system.

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

B. Request by D Who Land, LLC to approve a Final Development Plan for Five Pines Subdivision PRD in the pending Planned Single-Family Residential (R-SP) zoning district on 174.98 acres located at 8100 E. Richland Road, Columbia.

The property is located on the south side of Richland Road, immediately south of the intersection of Richland Road and Trade Winds Parkway. The applicant is seeking to finalize the rezoning of 174.98-acres from Agriculture (A-1) to Planned Single Family Residential (RS-P), which the approval of this Final Plan will do. The Review Plan and rezoning was approved by the County Commission on December 27th, 2022, by Commission Order 601-2022, with the same conditions as recommended by the Planning & Zoning Commission. The conditions are as follows:

1. An approved Pre-annexation Agreement that includes the additional property that was added under warranty deed recorded in Book 5668, Page 0051 of the Boone County Recorder of Deeds office shall be provided prior to approval of a Final Plan for any portion of Phase of B or Phase C.
2. Any off-site improvements, other than the roundabout at the intersection of Rolling Hills and Richland Road, must be installed prior to or concurrently with the phase of the

- development that includes connection of the southern extension of Trade Winds Parkway to Richland Road (which is proposed Phase 2), or the phase that includes the 101st lot, whichever is earlier.
3. While the phasing of the numbered phases 1 to 11 do not have to be executed in sequential order, anything other than sequential order is subject to approval of the Director of Resource Management at the Director's sole discretion.
 4. No Final Plan may be submitted containing any portion of Phase B or Phase C, as shown on Sheet C103 of the review plan, until the corresponding Annexation Agreement with the city has been approved that includes the additional acreage added to the proposal and the current proposed subdivision design and documentation of said approval has been submitted and accepted by the Director of Resource Management.
 5. The note on the Review Plan and Preliminary Plat for Phase C shall be amended to indicate that Phase C can be platted after January 1st, 2028.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 criteria for approval and 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 plan. All required information is accurately portrayed, and the plan conforms to the revised review plan.

Conditions 1 and 4 are satisfied by the agreement recorded in Book 5732, Page 116 of the Boone County Recorder of Deeds. Condition 5 has been corrected on the submitted plan. Conditions 2 and 3 are conditions that trigger with physical development of the project which has not yet begun and will be enforced at the appropriate time. At this point, the Final Development Plan is in compliance with the conditions established by Commission Order 601-2022.

Staff recommended Approval.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does receive and accept the plat, item A and approves the Final Development Plan, item B, as listed in the attached consent agenda (Attachment A) and authorizes the Clerk to insert the associated staff reports into the minutes of this meeting.

Attachment A:

- A. Ratliff Subdivision Plat. A-2. S15-T47N-R13W. Ratliff, Arthur C. & Cyola J. Revocable Trusts, owner. Kevin Schweikert, surveyor.

- B. Request by D Who Land, LLC to approve a Final Development Plan for Five Pines Subdivision PRD in the pending Planned Single-Family Residential (R-SP) zoning district on 174.98 acres located at 8100 E. Richland Road, Columbia.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #205-2024**

- 2. First Reading: Request by Butch's Investments LLC to rezone to Planned Light-Industrial (M-LP) and to approve a revised review plan for Butch's Investments 163 on 13.49 acres located at 7180 S. Cadet Court, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request at its April 18, 2024 meeting and issued a recommendation for approval of the rezoning on a 9-0 vote and approval of the review plan on a 9-0 vote.

The subject property is located on Route 163, approximately 1300 feet west of US Highway 63, approximately 1 mile south of the city limits of Columbia. The property currently has an existing building present on Lot 4. The subject property is 13.49 acres in size, and zoned Planned Light Industrial (M-LP). There is Agriculture 1 (A-1) property to the south, east, and northwest, Planned Recreation (REC-P) to the west, and M-LP zoning to the north.

The subject property was part of an M-LP rezoning and review plan in September of 2020. That request was denied by the Planning & Zoning Commission. The 2020 request was revised and reapplied as a new rezoning request and review plan for the December 2020 agenda, and it was approved under County Commission order number 623B-2020. Then in 2022, the plan was revised with a design that included two configurations. The new proposal was approved under County Commission order number 360-2022.

This proposal revises the designs for lots 3 & 4 of the Butch's Investments Final Development Plan. This revision is in the form of an additional new building on Lot 4. This building does not alter the sewer requirements or parking requirements as it takes square footage from the building envelope on lot 3 and transfers it to lot 4 as a new building. This loss of developable square footage from lot 3 is translated onto both designs for lot 3, as is the presence of the new lot 4 building. As the developable square footage remains the same, no additional parking areas are required. The subject property is in the Bonne Femme Watershed, a studied environmentally sensitive area, and the Devil's Icebox recharge area. The property scored 55 points on the rating system.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes which was used to analyze this request.

Utilities: The subject property is served by Consolidated Water. Boone Electric Cooperative provides power. There is a 12" waterline on the south side of Highway 163 that has been extended to provide service and fire protection. Wastewater is treated through a system built on lot 5 of Butch's Investment subdivision, owned and operated by the Boone County Regional Sewer District. The existing agreement that dictates sewer service is in the process of being revised and approved by the Sewer District to support the new building on lot 4.

Transportation: The property has direct access to Highway 163. No change in access is proposed.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: Since the 2022 approval of the current final plan, the infrastructure supporting the request remains, indicating continued compliance with the sufficiency of resources test. Revision and modification of the review plan, as shown in this proposal, is consistent with the intent of the original request. Reprogramming of square footage from one building area to another is an appropriate use of the planned development process to confirm that there is no net increase in intensity of activity on the site, therefore confirming that the original approval is still correct for this development.

Staff recommended approval of the rezoning request and review plan subject to the following condition:

1. All agreements and documentation related to the provision of sewer service be completed to the satisfaction of the BCRSD and the Director of Resource Management prior to submission of the Final Development Plan.

Commissioner Kendrick opened and closed the public hearing. No public comment forms were submitted for this item.

Commissioner Kendrick stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

3. **First Reading: Appeal of a Recommendation for Denial of the request by IUVO Constructum LLC to rezone from Agriculture 2 (A-2) to Planned Agriculture-Residential (ARP) and to approve a review plan for Oak Hill Estates Plat 3 on 2.5 acres located at 550 E. Brook Valley Dr., Columbia. (Open Public Hearing) (LOT 201)**

This item was tabled by the applicant.

4. **First Reading: Appeal of a Recommendation for Denial of the request by IUVO Constructum LLC to rezone from Agriculture 2 (A-2) to Planned Agriculture-Residential (ARP) and to approve a review plan for Oak Hill Estates Plat 3 on 2.51 acres located at 555 E. Brook Valley Dr., Columbia. (Open Public Hearing) (LOT 243)**

This item was tabled by the applicant.

Purchasing

5. **First and Second Reading: Professional Services Contract C000774 – ARPA Contract Administration Services with Lacey Newday Consulting, LLC**

Commissioner Thompson read the following memo:

The Boone County Legal Department requested Purchasing route for Commission approval the attached Agreement C000774 - ARPA Contract Administration Services with Lacey Newday Consulting, LLC of Houston, Texas to administer the ARPA funded contract with Socket.

This “shall not exceed” contract is \$11,000.00, and will be paid from Department 2983 - American Rescue Plan Act, Account 84200 - Other Contracts.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve an Agreement with Lacey Newday Consulting, LLC for ARPA Contract Administration Services.

The terms of the Agreement are set out in the attached Contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #206-2024**

Boone County Facilities Management

6. **First Reading: Budget Amendment - Department 2705 – ECC Geothermal**

Commissioner Kendrick read the following memo:

The geothermal system at the ECC has experienced ongoing issues with the high water return temperatures. This has caused the building to be too warm, leading to premature failure of pumps and compressors. A study by McClure Engineering was approved and completed. They

have recommended the replacement of some loop pumps, adding a fluid cooler, and modifying the building automation system. The cost relating to engineering support services has been secured with PO #2023- 0354.

Commissioner Kendrick stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Boone County Resource Management

7. Second Reading: Annual Consultant Service Agreements for Engineering, Architecture and Surveying with A Civil Group & CBB – First Read 04.25.24

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the attached annual consultant service agreements with A Civil Group & CBB.

Terms of the agreements are stipulated in the attached and it is further ordered the Presiding Commissioner is hereby authorized to sign said agreements.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #207-2024**

Commission

8. First and Second Reading: Acceptance of ARPA Round Two Intent to Fund Recipient List

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby acknowledge the attached ARPA Intent to Fund Project List for round two of the ARPA awards distributed by the Boone County Commission.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #208-2024**

9. Public Comment

None

10. Commissioner Reports

None

Attest:



Brianna L. Lennon
Clerk of the County Commission



Kip Kendrick
Presiding Commissioner



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner