

365-2024

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

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July Session of the July Adjourned

Term. 20 24

County of Boone

In the County Commission of said county, on the 30th day of July 20 24

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve the final plan, item A and does receive and accept the plats, item B, C, D, E, and F, 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:

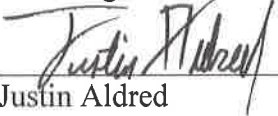
- A. Request by IUVO Constructum to approve a Final Development Plan for Oak Hill Estates Plat 3 in the pending Planned Agriculture-Residential (A-RP) zoning district on 5.01 acres located at 500 E Brook Valley Dr, Columbia.
- B. Settlers Ridge Plat 8. R-D. S9-T49N-R12W. T-Vine Development Corp, owner. Jay Gebhardt, surveyor.
- C. Oak Hill Estates Plat 3. Pending A-RP. S24-T47N-R13W. IUVO Constructum, owner. Jay Gebhardt, surveyor.
- D. Foggy Hills Subdivision. R-S. S23-T49N-R13W. Smithsonian Holdings LLC, owner. Stephen Heying, surveyor.
- E. Country Farms Plat 1A. R-S. S33-T48N-R13W. Arlene Priest, owner. David Butcher, surveyor.
- F. Luedders Estate. A-2. S6-T49N-R11W. Joel Luedders, owner. Kevin Schweikert, surveyor.

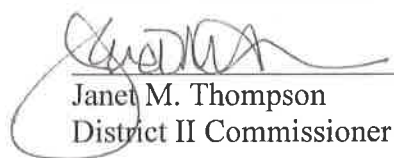
Done this 30<sup>th</sup> day of July 2024.

ATTEST:

  
 Brianna L. Lennon  
 Clerk of the County Commission

  
 Kip Kendrick  
 Presiding Commissioner

  
 Justin Aldred  
 District I Commissioner

  
 Janet M. Thompson  
 District II Commissioner

**Staff Report for County Commission**  
**RE: P&Z Agenda Items**  
**July 30, 2024**

**1. Consent Agenda – Final Plans and Plats**

The Planning and Zoning Commission reviewed agenda items 1 through 3 at its July 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 plan, item A, was approved and is presented for your approval. The final plats, items B, C, D, E, and F, were approved and are presented for your receipt and acceptance. 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. IUVO Constructum, Final Development Plan.**

The subject properties are located at the intersection of Brook Valley Drive and Route N. The applicants are seeking to finalize the rezoning of lots 201 and 243 of Oak Hill Estates Plat 2 from Agriculture 2 (A-2) to Planned Agriculture-Residential (A-RP). The approval of this Final Plan will finalize the zoning. The corresponding Review Plan was approved by County Commission orders #263-2024 and #264-2024. The following conditions were placed on the Review Plan:

1. That farm dwelling and public park are removed from the list of allowed uses of the planned development.
2. A maintenance plan for the monument sign and water feature shall be submitted to the Director concurrent to the submittal of the Final Plan.
3. All structures, other than the proposed sign and water feature shown on this plan, shall remain in line with or behind the 50' building setback shown on this plan.
4. Both lots shall be re-platted before issuance of building permit for each lot. The re-plat must show the 25' perimeter setback, the 50' building setback, and a note indicating the A-RP zoning district.

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 have reviewed the submitted Final Plan. All required information is accurately portrayed, and the plan conforms to the corresponding Review Plan and conditions.

The use list has been updated, both farm dwellings and public park have been removed. A maintenance plan was submitted as part of a draft maintenance easement to the Director. The applicant has indicated in the notes section of the Final Plan that all structures other than the sign and water feature must remain in line with or behind the 50' building setback. A replat of both lots has been submitted for approval by P&Z on the July 2024 agenda. Staff reviewed the submitted replat, it meets all the requirements of condition 4.

Staff recommended Approval.

### **B. Settlers Ridge Plat 8**

The subject property is located near the southwestern corner of Ketterer Road and Brown Station Road, approximately 1 1/3 miles to the north of the City of Columbia. The property is currently undeveloped. The subject property is a 3.03-acre lot and five lots that are each roughly ¼ acre in size. The properties have three zonings among them, the 3.03-acre lot is zoned Agriculture 2 (A-2), the three northernmost small lots are zoned Two-Family Residential (R-D), and the southernmost small lot is zoned Single-Family Residential (R-S). Small portions of the A-2 lot and the R-S lot were rezoned on the June Agenda of the Planning & Zoning Commission under County Commission order 327-2024.

The surrounding zoning is as follows:

North – A-2

South – R-S

East – A-2

West – Planned Two-Family Residential (R-DP)

This proposal reconfigures the original three R-D lots into four R-D lots and revises the A-2 lot and the R-S lot to reflect small areas transferred to the R-D lots. This was the goal of the rezoning approved on the June agenda.

Utilities – The subject property is located in Public Water Service District #4, the Boone Electric Cooperative service and the Boone County Fire Protection District. Utility services to meet the needs of this rezoning have been constructed as parts of earlier phases of the Settlers Ridge development plan. Wastewater is treated by the City of Columbia under an existing agreement with the Boone County Regional Sewer District.

Transportation – The properties that are part of this rezoning request have frontage on Ketterer Road and North Brown Station Road. Both Ketterer and North Brown Station have been improved during earlier phases of the Settlers Ridge development plan to

support the overall development. The applicant has filed a request to waive the traffic study requirement.

Public Safety – The nearest Boone County Fire Protection District Station is located approximately 2 ¼ miles away, on State Route HH, east of the subject property.

The property scored 71 points on the rating system

Staff recommended **Approval** of the plat and granting the requested waiver.

### **C. Oak Hill Estates Plat 3**

The subject properties are located at the intersection of Brook Valley Drive and Route N. The proposal is a replat of lots 201 and 243 of Oak Hill Estates Plat 2. The subject properties are currently zoned Agriculture 2 (A-2) and pending Planned Agriculture-Residential (A-RP) upon approval of a submitted Final Plan for both lots. The property is surrounded by A-2 zoning on all sides.

Both properties have road frontage along both Brook Valley Drive and Route N, publicly maintained roadways. Future driveway access for both lots will come off Brook Valley Drive. The applicants have not submitted a request for a waiver from the traffic study requirement. Previous plats of the property included a traffic analysis. This replat will not create any additional traffic sources. Granting a waiver to the traffic study is appropriate in this case.

Consolidated Water Supply District #1 provides water service in the area. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 8, is approximately 5.8 miles away.

The Boone County Regional Sewer District (BCRSD) provides sewer service in the area. The applicants have not submitted a request for a waiver from the sewer cost benefit analysis. BCRSD has informed staff that there is existing sewer capacity allocated for residential development on both lots. Granting of a waiver as to the sewer cost benefit analysis is appropriate in this case.

The replat of the property is to satisfy a condition placed on the review plan for both lots. Any future buildings, other than the water feature and development sign approved on the Final Plan, must remain behind the 50' building setback identified on the plat.

The property scored 61 points on the rating system

Staff recommended approval of the plat and granting of waivers.

### **D. Foggy Hills Subdivision**

The subject property is located off Creasy Springs Road, north and west of the intersection of Creasy Springs Road and Roemer Road. The parent parcel of the property is split zoned Single Family Residential (R-S) and Agriculture-Residential (A-R). The area to be platted is zoned R-S and is surrounded by R-S zoning on all sides. The proposal is to plat a single 5.72-acre lot out of a 38-acre parent parcel. A single-family dwelling and subsurface onsite wastewater system are present on the property.

The property has direct frontage along Creasy Springs Road, a publicly maintained roadway. An existing driveway provides access to the dwelling on the property. The applicant has not submitted a request for a waiver from the traffic study requirement. However, the plat will not create any additional traffic sources as a house already exists on the single lot. Granting a waiver from the traffic study requirement is appropriate in this case.

The subject property is in Consolidated Water Supply District #1. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 5, is approximately 4 miles away.

An existing subsurface wastewater system serves the single-family dwelling. The applicant has provided an onsite wastewater plan showing replacement area for an onsite wastewater lagoon. A Boone County Regional Sewer District (BCRSD) sanitary sewer line is approximately 345 feet south and east of the intended plat, running along Creasy Springs Road. The applicant has provided a sewer cost benefit analysis prepared by a professional engineer. Based on staff's interpretation of the report, there is a large cost burden to connect a single lot to the BCRSD line. Granting a waiver to connect to public sanitary sewer is appropriate in this case.

Future subdivision of this proposed lot or remainder of parent parcel will require reexamination of potential sanitary sewer connection. Future analysis may indicate that connection to public sewer may not incur a large cost burden if multiple lots are proposed. Should the existing subsurface wastewater system fail or require significant repair under a wastewater construction permit, Resource Management staff will require a reevaluation of connecting the property to sanitary sewer before issuance of a permit. The reevaluation will include the standard submittal of information required by the Director of Resource Management for a sewer cost benefit analysis. This includes soils data from a soils scientist, an engineered subsurface onsite wastewater system designed by a Professional Engineer, cost estimates, and a schematic for connecting the property to sanitary sewer with estimated costs prepared and sealed by a Professional Engineer.

The property scored 62 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

#### **E. Country Farms Plat 1A**

This preliminary plat was reviewed by the Planning and Zoning Commission at its July 18, 2024 meeting and was approved by consent.

The subject property is located on Old Mill Creek Road, approximately ½ mile south of the roundabout at Vawter School Road and Old Mill Creek Road. The property is 8 acres in size and zoned Residential Single-Family (R-S). There is currently a single-family dwelling and an on-site wastewater treatment system on the property. This proposal shows a design splitting the property into two lots, one at 3.97 acres, the other at 3.96 acres. The property is surrounded by R-S zoning. This is all original 1973 zoning. Both proposed lots have direct access to Old Mill Creek Road, a publicly dedicated, and publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

Public water and electrical services are provided by Consolidated Public Water Supply District #1, the City of Columbia, and Boone Electric Cooperative. The existing home is served by Consolidated Public Water Supply District, but future development will be served by the City of Columbia.

The existing home has an on-site wastewater treatment system. Future development of the new lot will also likely utilize on-site wastewater treatment. The applicant has submitted a statement indicating that they are opposed to annexation for provision of central sewer service from the City of Columbia, meaning that the new lot will use an on-site system.

The property scored 71 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

#### **F. Luedders Estate**

The subject property is located off Phillipe Road, west of the intersection of Phillipe Road and Spiva Crossing Road. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a one lot minor subdivision plat. An existing home and onsite wastewater lagoon are present on the property.

The property has frontage along Phillipe Road, a publicly maintained roadway. The existing home utilizes a driveway north of the proposed plat. The applicants have submitted a request for a waiver from the traffic study requirement. This plat will not result in the addition of any new traffic sources. Granting a waiver is appropriate for this request.

The property is in PWSD #9 service area. Boone Electric Cooperative provides power. The Boone County Fire Protection District provides fire protection. The nearest station, station 16, is approximately 3.4 miles away.

The existing home utilizes an onsite wastewater lagoon. An onsite wastewater plan was submitted concurrent to the submittal of the plat. The plan demonstrates adequate area for a replacement lagoon system should the need arise to replace the current system. The applicants have submitted a request for a waiver from the sewer cost benefit analysis requirement. This plat will not result in any additional sources of wastewater. No publicly operated central sewer system is nearby. Granting a waiver to the sewer cost benefit analysis is appropriate.

The property scored 18 points on the rating system

Staff recommended approval of the plat and waiver requests.

3166-2024

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

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July Session of the July Adjourned

Term. 20 24

County of Boone

In the County Commission of said county, on the 30th day of July 20 24

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby approve the attached Road & Bridge Asset Transfer Cooperative Agreement between Boone County and the City of Ashland.

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

Done this 30<sup>th</sup> day of July 2024.

ATTEST:

*Brianna L. Lennon*  
Brianna L. Lennon  
Clerk of the County Commission

*Kip Kendrick*  
Kip Kendrick  
Presiding Commissioner

*Justin Aldred*  
Justin Aldred  
District I Commissioner

*Janet M. Thompson*  
Janet M. Thompson  
District II Commissioner



COUNCIL BILL NO. 2024-23

ORDINANCE NO. 1483

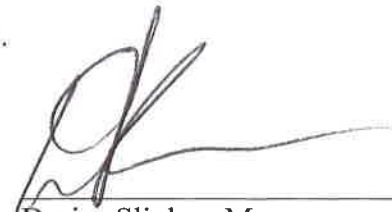
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE BOONE COUNTY  
MISSOURI ROAD & BRIDGE ASSET TRANSFER COOPERATIVE AGREEMENT

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ASHLAND,  
MISSOURI AS FOLLOWS:

Section 1. The Board of Aldermen hereby authorizes the Mayor, on behalf of the City of Ashland, to enter into the Boone County, Missouri Road & Bridge Asset Transfer Cooperative Agreement. The form and content of the Cooperative agreement shall be substantially as set forth in Exhibit "A" which, is attached to and made a part of this ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Dated this 16<sup>th</sup> day of July, 2024.

  
\_\_\_\_\_  
Dorise Slinker, Mayor

Attest:

  
\_\_\_\_\_  
Darla Sapp, City Clerk

Certified as to correct form:

  
\_\_\_\_\_  
Todd Smith, City Attorney

**BOONE COUNTY, MISSOURI  
AND  
CITY OF ASHLAND, MISSOURI**

**ROAD & BRIDGE  
ASSET TRANSFER COOPERATIVE AGREEMENT**

THIS AGREEMENT, dated this 30<sup>th</sup> day of July, 2024, is made and entered into by and between the parties, **Boone County, Missouri**, a political subdivision of the State of Missouri, herein "**Boone County**" and the **City of Ashland, Missouri**, a political subdivision of the State of Missouri, herein "**Ashland**".

WHEREAS, Boone County has available certain surplus equipment road & bridge purposes consisting of a single-axle dump truck, snowplow, spreader and spreader stand; and

WHEREAS, Ashland's road & bridge department will benefit from the transfer of these assets from Boone County to Ashland for continued public use; and

WHEREAS, this Cooperative Agreement (hereinafter referred to as "Agreement") memorializes the parties' understanding regarding the transfer of these Boone County assets to Ashland; and

WHEREAS, RSMo §70.220 authorizes the parties to enter into cooperative agreements for the purposes herein stated.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements in this Agreement, the parties agree as follows:

1. **PURPOSE.** The purpose of this Agreement is to facilitate the transfer of ownership of certain items of personal property from Boone County to Ashland for continued public use, to-wit: one (1) 2013 Freightliner dump truck, VIN:

1FVAG3BS1DHFF1130; one (1) Henke 36R10 snow plow; one (1) Swenson SW10 material spreader; and one (1) Henderson spreader stand.

2. **BOONE COUNTY AGREEMENTS.** Within thirty (30) days after receipt of the payment from Ashland set forth in this Agreement, Boone County will transfer all right, title, and interest in the following items of property to Ashland (including an executed Certificate of Title on the 2013 Freightliner vehicle):

- a. One (1) 2013 Freightliner dump truck, VIN: 1FVAG3BS1DHFF1130;
- b. One (1) Henke 36R10 snow plow;
- c. One (1) Swenson SW10 material spreader; and
- d. One (1) Henderson spreader stand.

3. **ASHLAND AGREEMENTS.**


- a. Ashland will pay Boone County a total sum of Twenty-Eight Thousand Dollars (\$28,000.00) within thirty (30) days of Ashland's execution of this Agreement.
- b. After payment is made as set forth above, Ashland will pick up the transferred assets from the Boone County Road & Bridge Department within thirty (30) days after final execution of this agreement at a mutually-agreeable time; and
- c. Ashland will accept the transferred assets on an "as-is" basis and place the same in service for public use for so long as Ashland deems it appropriate; and
- d. Ashland will promptly re-title the vehicle with the Missouri Department of Revenue in order to reflect Ashland's ownership.

4. **NO WARRANTIES.** The personal property transferred herein is delivered in “as-is” condition with no warranties of any kind.
5. **ASSIGNMENT.** Neither party may assign or transfer any of its rights or obligations under this Agreement to any other person or entity without the prior, written consent of the other party.
6. **SOLE BENEFIT OF PARTIES.** This Agreement is for the sole benefit of the parties to this agreement only, and nothing in this Agreement is intended to confer any rights or remedies on any other party.
7. **RELATIONSHIP OF PARTIES.** Nothing in this agreement shall be deemed or construed by the parties, nor by any other party, as creating the relationship of principal and agent, or of partnership, or of joint venture, between the parties to this agreement.
8. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by the laws of the State of Missouri, and any action relating to the same shall be brought in the Circuit Court of Boone County, Missouri.
9. **BINDING ON SUCCESSORS.** The covenants, agreements, and obligations herein contained shall extend to, bind, and inure to the benefit of the parties hereto and their respective successors and approved assigns.
10. **COUNTERPARTS.** This Agreement may be executed by the parties in several counterparts, each of which shall be deemed an original instrument.
11. **COMPLETE AGREEMENT.** All negotiations, considerations, representations, and understandings between the parties are incorporated herein, shall supersede any prior agreements, and may be modified or altered only in a writing signed by the parties hereto.


**12. AUTHORITY OF SIGNATORIES.** Each of the persons signing this Agreement on behalf of either party represent that he/she has been duly authorized and empowered, by order, ordinance or otherwise, to execute this Agreement and that all necessary action on behalf of said party to effectuate said authorization has been taken and done.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed by their duly-authorized officers on day and year indicated by their signature below.

**BOONE COUNTY MISSOURI**

By:   
Kip Kendrick, Presiding Commissioner  
Date: 7/30/2024


**ASHLAND, MISSOURI**

By:   
Dorise Slinker, Mayor  
Date: 7/16/24

ATTEST:

  
Brianna L. Lennon, County Clerk

ATTEST:

  
Darla Sapp, City Clerk

ACKNOWLEDGED:

  
Kyle Rieman, Boone County Auditor

**CERTIFICATION:**

I certify that this contract is within the purpose of the appropriation to which it is to be charged and there is an unencumbered balance of such appropriation sufficient to pay the costs arising from this contract.

 7/19/24  
Auditor Date

APPROVED AS TO FORM:

  
CJ Dykhouse, County Counselor