

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, June 16, 2022**

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Gregory Martin, Secretary	Katy Township
Steve Koirtyohann	Rocky Fork Township
Fred Furlong	Bourbon Township
Randal Trecha	Cedar Township
Jeff McCann	County Engineer

b. Attending by Phone:

Eric Kurzejeski, Vice Chairperson	Missouri Township
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c. Members Absent

Bill Lloyd	Three Creeks Township
Daniel Mings	Columbia Township
Vacant Seat	Rock Bridge Township
Vacant Seat	Perche Township

d. Staff Present:

Bill Florea, Director	Uriah Mach, Planner
Andrew Devereux, Planner	Paula Evans, Staff

III. Approval of Minutes

Minutes from the May 19, 2022 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris gave the following statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request, and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of

the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with County Commission order 443-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older, continue to wear a face mask in any public areas of the Government Center.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours.

After those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, June 28<sup>th</sup>. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing

tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, June 28<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

#### V. Rezoning Requests

1. Request by D Who Land, LLC to rezone from A-1 (Agriculture) to R-SP (Planned Single-Family Residential) and to approve a review plan for Five Pines on 145.72 acres located at 8100 E Richland Rd, Columbia.

Chairperson Harris stated that this item was tabled during the May 2022 meeting and a motion needs to be made to remove the item from the table this evening.

Chairperson Harris made and Commissioner Koirtyohann seconded a motion to remove the item from the table:

All members voted in favor to remove the item from the table.

Director Bill Florea stated that the staff report for this item was read at the May meeting. Staff has met with the applicants to resolve some issues, Director Florea stated he would read the amended staff report regarding transportation.

Following is the entire staff report which was entered into the record as well as the portion read by Director Florea. The staff report included an exhibit, labeled "Exhibit One" which is attached to the end of these minutes.

The subject property is located on the south side of Richland Road immediately south of the intersection of Richland Road and Trade Winds Parkway approximately 2600 feet east of the nearest Columbia municipal limit. The applicant is seeking to rezone 145.72-acres from A-1 (Agriculture) to R-SP (planned single family residential). The surrounding zoning is as follows: M-L (Light Industrial) to the north and northeast, A-1 to the east, southeast, south, southwest and west, and R-S (residential single family) to the northwest. These are all original 1973 zonings with the exception of approximately 9-acres of the northern M-L that was rezoned from R-S in 2008. The property has a home and one outbuilding on the property. There is a land-locked 22-acre neighboring property, at 8104 E. Richland Road, that the proposed development flanks on two sides and contains a home and outbuildings. The 8104 property is served by existing easements for access and utilities that cross the proposed new development. The proposed development conflicts with those existing easements.

The requested rezoning to R-SP includes a Review Plan/Preliminary Plat for 354 residential lots, 10 common lots, and an extension of an existing public roadway, and nine new public roadways. Five of the residential lots are proposed to allow multi-family options with a density up to 4 units per lot for a 20 unit maximum and the ability to subdivide. The common lot around the existing house is proposed for development amenities such as recreational fields and courts. The house itself is intended to be remodeled into a clubhouse. The plan proposes that the building can be enlarged up to 5000 additional square feet. An Architect licensed to practice in the State of Missouri will be required as this will be a change of use. The club house is required to obtain a Conditional Use Permit in addition to being shown on the plan. The proposal indicates up to nine phases to complete the buildout. The common lots are proposed predominantly to be used for stormwater management. Staff notified 34 property owners about this request.

The Master Plan designates this property as suitable for residential land uses. The proposed development is also within the East Area Plan which is a sub-area plan that compliments and refines the Master Plan. Sub-area plans are considered an update to the Master Plan for specific areas of the County. The East Area Plan

Future Land Use Map shows approximately 86% of the proposed development to be in the higher-density, non-agriculture, residential area.

The break between the residential and agricultural areas on this map is roughly based upon the watersheds with the Grindstone watersheds in the residential and the Gans watershed being predominantly agricultural. This is based in part upon the infrastructure investments already completed and existing land use and land cover. However, this is not an absolute distinction to be taken without considering the context of a proposed development. Traditional rectilinear property boundaries do not generally correspond with ridgelines that separate watersheds. These ridgeline boundaries are considered to be slightly fluid as a delineator because site grading and underground utilities can focus impacts caused by development into the dominant watershed. The current proposal is predominantly found within the Grindstone watershed with only a fringe of approximately 20-acres that extends into the Gans watershed.

The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: This property is served by Public Water Service District #9, water for fire protection will need to be extended into the development from the existing mains along Richland Road. The Boone County Regional Sewer District and the City of Columbia are proposed to provide wastewater services. The property is served by a sewer main that was constructed by the Boone County Regional Sewer District with capacity that is sufficient to serve the anticipated needs within the watershed up to the I-70/Route Z interchange. Boone Electric Cooperative provides power. There is adequate utility capacity to serve the needs of this development without significant upgrades.

Transportation: Access to this property is via Richland Road. The development proposes a public cul-de-sac, Aleppo Court, that serves six lots. An extension of Trade Winds Parkway provides the main collector on the west side of the development and Kieffer Lane is created as the connection on the east.

A traffic study was provided that focused on evaluating the intersections of the surrounding area and what impact the proposed development is expected to have. The study identifies that this development contributes significantly to a failure of the road system at the intersection of Rolling Hills/Grace Lane and Richland Road. The developer has entered into a pre-annexation agreement that requires them to pay \$188,097.20 to the City of Columbia to mitigate this impact.

The study identifies that an eastbound right turn lane is needed at the intersection of Trade Winds Parkway and Richland Road and this turn lane is incorporated into the development design.

Additionally, the study indicates that this development will add 3,465 average daily trips or ADT to Richland Road. The current ADT for this Richland Road is 2,950; the development alone will more than double the traffic load on Richland. The traffic study does not propose mitigation of this impact. The study indicates that Richland Road can handle this increase without causing a failure/degradation requiring mitigation. Despite not triggering a roadway failure, the addition of more than double the existing traffic count on the roadway is an impact directly attributable to the development.

The County Roadway Regulations set the ADT threshold for arterial roadways at 2500 ADT. If all of the traffic generated by the development was concentrated on a new roadway within the development, the developer would be required to construct an arterial roadway. Proportionally, the development is adding 138% of the minimum threshold for a County arterial roadway to an existing roadway that does not meet the geometric requirements for an arterial roadway.

The study indicates that Richland Road has a “book” maximum capacity of 11,232 ADT and assuming this is correct, the roadway is currently carrying 26% of its maximum capacity. The additional traffic generated from this development brings this use up to 57% of the maximum capacity. The significant increase in ADT will accelerate the time frame for physical improvements to Richland Road. Additional discussions with the development team have yielded a proposal to require the developer to improve the intersection of Richland Road and Tradewinds Parkway to a three-lane road section. Further analysis and a corresponding condition of approval is contained in the Zoning Analysis and Recommendation sections of this report.

**Public Safety:** This property is in the Boone County Fire Protection District approximately 4.8 miles from Station 1 on St. Charles Rd and 5.4 miles from the Station 12 at El Chaparral Dr.

**Zoning Analysis:** Generally, the starting point of any rezoning request is the assumption that the existing zoning is correct. In light of the adoption of the East Area Plan that assumption is not the case here. This proposal is consistent with the East Area Plan and the existing zoning is not. The issue of appropriateness comes down to infrastructure and impacts. The proposal efficiently utilizes existing major infrastructure while enhancing the roadway infrastructure of the area. This is all supported by the East Area Plan. The bulk of the development is in the Grindstone watershed and the small portion that falls in the Gans watershed is likely to be reduced/shifted as part of grading into the Grindstone. The development is required to comply with the stormwater regulations which will further reduce any potential impact to the Gans watershed.

The development utilizes Richland Rd, which is a major area roadway. While not constructed to the geometrics of an Arterial Roadway, it is designated both as an arterial and carries the existing ADT that exceeds the County threshold for an arterial. The existing road surface is around 22 to 24 feet in width, which is less than a new local subdivision roadway. The arterial pavement standard is 50 feet in width. As with the other infrastructure, it is critical that improvements to the road network happen in conjunction with impacts attributable to development in order to support the rezoning.

The contribution to the future roundabout at Rolling Hills/Grace Ln. and Richland Rd. and the provision of an eastbound right turn lane at Trade Winds Parkway address some of the traffic impacts as identified in the traffic study. Mitigation for impacts to Richland Road, was not adequately addressed. This request was tabled in May to allow the developer and staff to develop a mitigation plan that is roughly proportional to the development related impact.

Staff met with the developer and explored an alternative road improvement to address the development generated impacts by encouraging traffic to use alternate routes and enhancing the long-term integrity of the Richland Road – Tradewinds Parkway intersection. Accompanying this improvement are any needed improvements to the culverts and stream that is proximate to the improved intersection. These improvements are based on the Conceptual Diagram Exhibit One, as presented here. The concepts behind these improvements are to encourage traffic from Five Pines to utilize Trade Winds Parkway to get to I-70 DR SE and therefore lessen the impact of development traffic directly to Richland Road and to establish a long term configuration for the intersection of Richland Road and Tradewinds Parkway.

The conflict between the development and the existing access and utility easements favoring the property at 8104 E. Richland Road is a significant factor in the decision whether to approve this development. The conflict will need to be resolved before the Final Plan can be submitted. It will be incumbent on the developer to ensure continuous uninterrupted vehicular access and utility service during the construction phase of the development. It will be necessary for the developer to obtain the consent of the owner of 8104 E. Richland in order to alter those easements. Otherwise, the development may need to be redesigned to respect the existing easements. Alternate easements or access may replace the existing, but this must be resolved between the private parties and the resultant solution must be acceptable to the Director of Resource

Management. Access and utility service must remain uninterrupted throughout the construction phases and beyond.

With appropriate conditions, Staff believes the requirements of the sufficiency of resources test can be met. The property scored 76 points on the rating system. The nexus and the proportionality of the remaining road improvements that required tabling have been defined and an appropriate solution has been proposed.

Staff recommends approval subject to the following conditions:

1. Prior to submittal of the final plan, the developer shall provide a signed and notarized document from the neighboring property owner at 8104 E. Richland Road that:
  - a. Describes the manner in which vehicular access and utility service will be maintained continuously and uninterrupted during the construction phase of the development.
  - b. Agrees to release all portions of the easements, as shown on the survey recorded in Book 1010 Page 104 of the Records of Boone County Missouri, that conflict with proposed public rights of way and any element of the proposed development all subject to the approval of the Director of Resource Management.
  - c. That it is recognized that failure to appropriately address these concerns to the satisfaction of the Director of Resource Management will result in the need to redesign and bring the proposal back through the process.
2. The proposed improvements to the intersection of Trade Winds Parkway and Richland Road, based upon conceptual diagram exhibit one, including any and all modifications to the drainage and streams proximate to or impacted by the improvements be made to the satisfaction of the Director of Resource Management and the County Engineer.
3. 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 or the phase that includes the 101<sup>st</sup> lot, whichever is earlier.

Present representing the request:

Keenan Simon, Simon and Struempfler, 210 Park Ave, Columbia

Keenan Simon stated he presented a power point presentation during the May meeting. Mr. Simon stated he would like to “skim through” the same power point presentation.

Keenan Simon: The development of Five Pines is to create a community of single-family and multi-family homes, there will be ADA accessible units to try to promote family use. There will be a clubhouse, pool, outdoor sports facilities, and walking trails. About a year ago we met with the neighbors and had a concept and talked through some of the issues and concerns that they had. Some of the items that were discussed were stormwater, traffic, relocation of the CATSO roadway and relocating the multi-family location interior to the development. For the past year we have been redefining the CATSO corridor and relocating it to bring it interior to the development and we have increased the common ground area. This property is identified on the East Area Plan as being a residential property. The property is served by the Boone County Regional Sewer District, they have an agreement called the Grindstone Creek Watershed Agreement. They have made an investment to extend gravity sewer out to the Trade Winds Parkway area, this project will allow them to recoup some of the costs for that project and allow them to use that money for other projects throughout the county. We’ve touched base about the traffic study, we removed the Sunrise Estates items that we had presented previously, we are focusing on how we can relocate the traffic and generate traffic patterns that would prevent introduction eastbound on Richland Road. We have been working with the County and the

County Engineer for the past few weeks to come up with something that was going to be reasonable for everyone and make sense. I believe we have a solution that we can make work.

Commissioner Trecha: I thought someone mentioned a round-a-bout?

Keenan Simon: Yes, at the intersection of Grace Lane and Richland Road, there are about five developments within the East Area Plan region that are currently moving forward. The City of Columbia is requiring those developments to chip in a cost percentage based off of traffic generated by the new developments. Silver Lakes is located just west of where we are, the extension of Hawthorne, the finish out of The Vineyards, and The Brooks. They looked at the percentage of traffic increase due to each one of those developments and the baseline traffic that was created in the area prior to those developments and then they averaged five of their round-a-bout projects and came up with an estimated cost and what percentage each development would have to pay. The majority of the traffic that the City and County agreed upon was westbound. From some of the traffic patterns we have seen in that region people usually use I-70 and we feel that most of our development will be going eastbound to utilize the major highway. I am not saying that is the only way they are going to go but with the numbers that the city required us to use, they looked at the worst-case scenario as far as the amount of traffic going westbound.

Commissioner Koirtyohann: You mentioned Sunrise Estates and a safety plan program. Also, what are the plans for the duplexes? The driveway is right on Richland Road.

Keenan Simon: When we were looking at trying to offset traffic and the amount of traffic being added to the Richland corridor, we evaluated a couple of different options and presented them to the county. They were not sufficient from a standpoint of the impact of the project to satisfy county staff. We have been reevaluating that and since then we came up with a plan that is going to help directionalize traffic out of our subdivision and utilize some of those major roadways that are in better condition than the minimum that would possibly impact traffic going westbound. With the approximate cost of the improvements that they want us to do at the intersection; that is the improvement that we are presenting to move forward with this development.

Commissioner Koirtyohann: The only protection they are really going to have is, you are assuming the majority of the traffic is going to go east to get on the highway.

Keenan Simon: Yes, the mitigation we are trying to do is increase the traffic utilizing I-70 or going straight.

Commissioner Trecha: Is there a traffic signal proposed?

Keenan Simon: No, it doesn't warrant having a signal at that location.

Chairperson Harris asked for the aerial of Richland Road and I-70 Drive Southeast with the properties along Trade Winds.

Commissioner Furlong: I would imagine most of the traffic would go out to I-70 Drive and go up to the exit to the interstate.

Chairperson Harris: There is a minimal number of driveways along Trade Winds. That is built out at 50 on the right of way and 38 or 32 paved?

Commissioner McCann: It is 42-foot pavement.

Chairperson Harris: So, there is a driving lane each way and a shoulder.

Commissioner McCann: Yes.

Open to public hearing.

No one spoke in favor to the request.

Present, speaking in opposition:

Mike Monson, 8104 E Richland Rd, Columbia

Mike Monson presented a statement along with aerials.

Mike Monson: My property is the one that has the easements going across it. I have been here over 30 years living on the east side, I have a nice house, a lake and trees in an A-1 area. We are there because that is where we wanted to be. I was going to the hearings when the East Area Plan was developed. The second page of my presentation is a map of the entire area between Highway WW, Olivet, Rangeline, and Richland, it is all A-1 zoning, there are no developments in there. This is out of place and it is not consistent with the area around there.

Mike Monson asked if we could bring up page 17 or 18 of the East Area Plan.

Director Florea stated no, we weren't prepared to do that.

Mike Monson asked if the slide the applicant used in his power point of the East Area Plan could be shown again.

The slide was presented on the overhead screen.

Mike Monson: The yellow is designated as future residential use. I used some GIS tools and if you notice where Route Z intersects Richland Road, I would argue that it is at least as far from Route Z to Rangeline if you go to the east, it is almost 2450-feet. If you look the other direction and head west on Richland Road, Trade Winds is 2250-feet so obviously, the diagonal line (on the map) hits Richland Road, is at least 2500-feet to the west of Route Z. None of that property is in the yellow area; it is all in the designated green area. You are welcome to measure the distances yourself. It is clearly 2500-feet from Route Z to Rangeline and it looks to me that it is at least that same distance. The East Area Plan says the subject property should stay A-1. The East Area Plan calls for the headwaters of the Hinkson and Gans Creek Watersheds to stay protected as A-1 zoning. There are ¾ acres of wetlands on the property, I don't know how that is being mitigated. From a neighborhood perspective, this is the country; we have livestock and fences, the sound of tractors and cows. These are things we are used to in the area and I don't think that those 370 homes are going to appreciate the combine lights coming in their windows at midnight when someone is trying to get a crop out, the cows hollering when they are being weaned, tractors starting up in the morning. It just seems that this development is out of place. I quoted some things from the East Area Plan, I am trying to give the facts rather than the emotional part of this.

Caleb Colbert, Attorney, 827 E Broadway, Columbia

Caleb Colbert presented a copy of the development, an easement, and survey.

Caleb Colbert: The staff report noted that there is an existing easement which conflicts with the site plan. The first page of my submission was prepared by A Civil Group and it shows the easements cut right through the middle this project. Those easements are more than just a little inconvenience, they run through the heart of it. The review plan is supposed to function as a preliminary plat; when you look at the Boone

County Subdivision Regulations the preliminary plat requirements are mandatory, they say any plat shall meet the following specifications and contain the following information; the site plan, or plat shall show existing utilities, it shall show existing easements, it shall show roads, bridges, and alleys; in this case the site plan doesn't do that. I understand the county's position and their suggestion that a condition is included that those be addressed as part of any final plan. From my perspective that is putting the cart before the horse. Look at exhibit one in comparison to the site plan; how would we ever get to a final review plan when you have that level of inconsistency between the easements and the site plan? The right process is to resolve the easement issue first before the site plan moves forward, otherwise we are running in circles, we aren't really approving anything if the site plan is going to be thrown out and they have to go back to square one. Why add that as a condition as opposed to resolving the easement issue right now? I don't think the site plan meets the preliminary plat requirement and shouldn't be approved.

In this situation Mr. Monson did everything he could to protect himself. When he bought this property, he negotiated for a perpetual, irrevocable access easement, he negotiated for a perpetual irrevocable utility easement, he negotiated for restrictive covenants which say that portions of this property have to be a minimum of 10 acres in size. All of those documents were recorded and once those are placed in the public record any subsequent buyer is put on notice that those exist. Mr. Monson was there first, he did everything he could to protect himself and protect his interests. What else could he have done? All of the easements are there, all of the covenants are there, that is the right process to go through as a property buyer, especially in the county, if you are looking to protect yourself.

Looking at it from the developer's perspective, when he bought the property he gambled. All of these things were a matter of public record, he had an opportunity to resolve these easements and covenants and he didn't do that, he gambled. My client didn't gamble, he made a deal and he put that deal in the public record. You are essentially rewarding bad behavior and allowing the developer to benefit from a gamble. My client did everything he could to protect himself and this process is here to make sure his property rights are protected and respected. If you are on the fence, the developer can always come back with a different plan at some point in the future. If Mr. Monson's property rights aren't protected now when will they be?

Eric Blume, 7750 E Richland Rd, Columbia

Eric Blume: I bought this piece of property 20 years ago with the same intent that we were buying property in the country and that we weren't going to have 380 houses right next door to us. I don't care what he does to mitigate the traffic and he can say that traffic is going to go across Richland Road and use Trade Winds. Trade Winds is, and always will be a commercial piece of property; it takes you to I-70 Drive. It is no faster to use that than it is to go west or east and down to Grace Lane, which is what the majority of people in that area do regardless of what they tell you; we are all going left, we are going to Grace Lane. Very few people go east to use Rangeline. The problem we are creating is that we are basically putting in a highway where it is already hard to get in and out of our driveways. When we more than double the amount of traffic flow, on a daily basis, it is going to get ridiculous. We are essentially going to have a limited access highway running along our property. All of those people in the duplexes back out of their driveways. Those of us with a little bit bigger property have the ability that we are heading forward driving out, but those people don't, they are backing out into it. Traffic is a horrible problem with this.

There hasn't been any consideration as to what happens here associated with the runoff. The staff report mentions when a ton of the trees are knocked down on the property there will be additional runoff that is going to come into the Grindstone side. Currently, if we get two or three inches of rain, our property floods. I fight it on an annual basis to where we literally have water within 30-feet of our home, and it is rising and getting worse. If you go out there when it is raining hard, Richland Road floods; the county acknowledges that is the case and there is now a sign that says do not enter when road is flooded right next door to us. Adding additional runoff is going to flood my home. The first good rain we get, we are done. How does this plan take this into consideration? It doesn't.

It doesn't take into consideration the best use of the property. It takes into consideration the best use of the property if you happen to be a developer. The best use of the property for the last 50-80 years has been agricultural. It has sat there and has been unused. The East Area Plan is merely a suggestion and the fact that we are so close on the areas that indicate residential use; that plan could not have taken into account what has happened out there. Did the plan take into account that there would be five other developments to the west? How are we going to address the traffic? How are we going to address any of these issues? We aren't, we are just going to make dang sure that the best use of the property is to develop it and make someone money. Those of us who live there like Mr. Monson, will have to go through a development in order to get to their homes and I will have to live with the possibility that my home may flood. Are the developers going to be held accountable for this? No. They are just going to put a highway out there and tell them to make all the money they can. The facts are the facts. That is what a development is intended for. I don't feel that the best use for the property is what is being proposed. For those reasons and for the many other reasons already stated I ask that this request be denied.

Richard Siegle, 7700 E Richland Rd, Columbia

Richard Siegle: My biggest concern is the Grindstone watershed. My property has to cross that watershed to access my house; I have lived there for about six years now and every year the water level comes up higher and higher where I had to bring rip rap in three feet high to slow the water flow from crossing over the top of my bridge. He started to develop the property directly north of my property with 35 houses and he cleared all of the woods, he also cleared approximately an acre or three-quarters of an acre for a pond. Now all that watershed comes directly in the northeast corner of my property through my pond. Now my pond does not satisfy the watershed and it overflows which floods the whole lower portion of my property.

I have a barn down there and it sits in water now. When you add that to the Grindstone Creek that flows through there, I am basically going to live in a puddle. With all the woods to the east of me, once that is removed, I am not going to be able to access my house anymore. The lowest portion of the creek from that bridge is eight feet to the road that I cross every day to get home. The water is coming up and over the bridge. If you allow them to develop that property, I will have no access to my home unless there is some other diversion fixing the whole watershed. The people directly west of me have a low water crossing that they had to rebuild last year, it went from eight inch tubes to now 36 inch tubes and I think they had 3 or 4 of them just installed and they will still have to cross a low water crossing to get to their home. If we get two inches of rain they can't get to their house. That also includes the 7510 property; they access those homes from Richland crossing the creek. Any more watershed that is added to this road by the removal of forest lands is going to be detrimental to everyone west all the way downstream. In my opinion, if you grant this to them you are going to flood everyone else out; they will be safe and sound because they are on the east side of it, their property is higher than ours.

The traffic increase: it is already not safe. I have had people run through my fence on at least three occasions on Richland Road where they have become airborne. Where the new road that goes north into the new development there is a rise in the road there so when they are heading eastbound and there is water or ice on the road they become airborne and they end up on my property. Adding any more traffic to this road is futile, you are going to eliminate everyone west of there to provide new housing for other people.

Norma Underwood, 708 Olivet Rd, Columbia

Norma Underwood: My property abuts Mr. Monson's. All of a sudden for some reason I am having a lot more water on my property. We all live out there because we like being in the country; I have ten acres and most my neighbors do too. I went through the neighborhood and got a petition going and I have two pages of signatures.

Ms. Underwood presented the petition to the Commission.

Norma Underwood: I am definitely against this development; it seems like there is a lot of action going on out there that we aren't used to.

Jerry Craig, 9620 Vemers Ford Rd, Columbia

Jerry Craig: I own some property on Olivet Road and I just recently heard about the rezoning. I was just thinking about the water, I am on Gans Creek and I have had four loads of rip rock brought in to keep the creek from washing out on my property. When you get that many houses you get a lot of elementary school, where are these people going to go to school? Are we going to have to add another school there? There are no shoulders on the road past the Hawthornes. I just feel like that is too many houses for this area. Since I am going south I agree with the other gentleman that most of the traffic doesn't go to the interstate; If you are going west you are going to go Grace Lane, Olivet, Rangeline to get to your location, they aren't going to go east. From what I have seen of the Master Plan, this just doesn't match up with what has been expected for the area.

Bill Florea: Staff received three emails in opposition to this request.

Bill Florea read the following emails:

From Tamara Gull: I would like to register my opposition to the rezoning at 8100 E Richland Rd. This land was intended to remain predominantly green in the city plan and should not be rezoned for residential use. The roads cannot handle the traffic and the utility infrastructure is also suboptimal, plus it would significantly decrease the greenspace on that side of town. We don't need another 300 homes and its accompanying traffic.

From Karen Minnick: I am opposed to development at 8100 Richland Road.

Bill Florea: Emily Hartman requested some information but also stated "my understanding is that it is currently zoned agriculture and I believe it should remain that way as that area has not been prepared for any increase in traffic or utilities".

Closed to public hearing.

Keenan Simon: The East Area Plan boundary represents the Grindstone Watershed; that is what was presented with the Boone County Regional Sewer District maps where you look at elevation boundaries that would prevent gravity sewers from crossing lines, that is how that diagonal line was established. You look at the Grindstone Watershed Agreement that kind of shows where the property lies for the plan that makes sense.

The covenants that were brought up by Mr. Monson. The way our attorney interpreted, those restrictions are for his property only and they do not relate to our 145 acres. I would say his attorney would probably need to look at that with a little more detail. Essentially it defines the 30 acres of the property and tells what those restrictions are and that is the basis of how we see it defined and how we read it.

With regard to the preliminary plat and review plan; we do show all of those easements that are existing as far as the driveway access and utility easements that are traced on the gravel road, so we do meet that requirement. We are currently working with Mr. Monson, we've met with him once and we have had some follow-up conversations and we are trying to work through; I believe we might be close to trying to have something resolved or come to an understanding to incorporate his concerns and thoughts as we move forward with this.

As far as stormwater goes, we are going to be subject to the Boone County Stormwater Ordinance which requires us to detain the stormwater and release it at the same rate as we are currently doing on that property. Therefore, there shouldn't be any increase in flooding that occurs downstream that would be impacted from our development. I know that people are talking about this being out of place but directly north and west of us we have Sunrise Estates which is a 500-600 lot subdivision that is just a stone's throw away from where we are now. I would contend that this is appropriate, and it is within the long-term planning that was created with the county and the city when the East Area Plan was developed.

Commissioner Furlong: Has there been a study done with what is going to happen with all of the driveways, streets and rooftops? There is going to be a ton of water going somewhere.

Keenan Simon: Our development plan and review plan have established common ground areas that we will be able to have for stormwater. There are a couple of different watersheds on the property and we have accounted for that; we are going to make modifications to the existing lake that is on the property to allow for additional stormwater. There is also a common lot on the northeast corner, on the north central there will be a common lot in the timbered area at the very north and toward the entrance where we will have some room. You will also see the common lot that is located next to Mr. Monson that is kind of a triangle further south and then the southeast corner. Those represent some preliminary sizing based off the different watersheds that are on our property so that we are able to mitigate the stormwater runoff. Those sizes are schematic in nature. Within our review plan we are allowed to make those larger if we need to and drop lots to accommodate anything that may need additional expansion to meet the requirements. This has all been considered and taken into account from the standpoint of creating this master plan and plat.

Chairperson Harris: Was there some discussion that in the west side that the original plan was to remove quite a bit of tree cover but that has since changed?

Keenan Simon: Yes, we were originally required by CATSO to have the extension of Trade Winds Parkway go directly southwest and have that collector street corridor be pointed directly at the house that is located existing on the property. We spent about six months getting their blessing and going through the process with meeting with CATSO to allow us to relocate that to be internal to the development so that it wouldn't be cumbersome to the neighbor that is located to the west of us. That allows us to expand and save that wooded area substantially; it was approximately half that size before we moved the street.

Chairperson Harris: When you talk about mitigating the stormwater runoff and using your detention basins; will the plan that you have for that hold all of the increased flow of water that comes off this development and not allow any more discharge off of this property when it is done than what there is today?

Keenan Simon: Yes, the design and requirement that the county has is that we have to account up to a 100-year storm event and we are not allowed to discharge any stormwater off at a higher rate than what the existing condition is. You just look at a comparison to what the land use development is. The first look is accounted for as a wooded area or an open field and you compare that to a paved surface and there is a basic calculation that relates to the amount of runoff you are creating so you can look at the existing condition and post-developed condition and that gives you the amount of storage you have to provide so that you are not discharging that stormwater at a higher rate than what was previously discharged on any of those watersheds. We aren't talking about one watershed; the property breaks in a couple of different ways.

Commissioner Furlong: How is the wooded area elevation in relation to the development? It doesn't matter if you have 1000 acres of woods if it is higher than the development.

Keenan Simon: That is the area we intend to preserve.

Commissioner Furlong: But in elevation is it lower than the development?

Keenan Simon: No, it is about the same elevation. We aren't changing the existing condition.

Commissioner Trecha: How large are the retention ponds?

Keenan Simon: They are pretty significant. The lake that is currently on the property is about three acres; one of the north ponds is about 1.5 acres. This review plan is to provide the development intent and make sure that everything is ironed out from the standpoint of no changes; those lots are allowed to get larger and we can reduce the number of lots. What we are looking at in a ballpark range is 320 single-family homes but from an application process of how you go through that you typically want to ask for the worst-case scenario and back off from there and that is where we went to get our sanitary sewer capacity with the city. The schematic layout that we have done for the size lots that we want is about 320 to 330 homes and those could drop if we need to make those stormwater areas larger. It just depends on the depth of the detention ponds and how much water they can capture and hold.

Commissioner Trecha: Have you run an analysis?

Keenan Simon: Yes, I started to do that for about three of the watersheds that are in the early stages of development and then from that I can get really close on some of the other ones that are a little further south.

Commissioner Trecha: To retain the water in this large impervious surface you have 2% of the surface area for a retention pond, that would have to be a pretty deep pond.

Keenan Simon: If we are looking at the total area that are common grounds we are looking at about 9% of common ground that will be utilized.

Commissioner Trecha: You are going to have 12 acres of detention ponds?

Keenan Simon: Common ground, if you are talking about water surface area I can't tell you exactly how much that will be because the intent is to hold the water and release it at a really slow rate so it is not really a pond. The property we have earmarked for stormwater mitigation is all the common grounds. There are ten common lots on the review plan and they equate to a ballpark range of 12 acres or more.

Commissioner Trecha: I am just trying to understand the concept of your plan for mitigation because it currently exists as permeable surface and that is going to change. Now you are adding all this impervious surface, I want to know where all of that runoff is going to go.

Keenan Simon: Lot C4 is the common lot to the east and it drains about 30 acres of property, the lot is roughly two acres in size; the stormwater will get channelized and piped to the pond, the pond will be dry during a non-rain event and it will fill up with the excess water that is created from the impervious surface and the pond will fill up and hold the water and will discharge it at a very slow rate for an extended period of time which could be a period of two or three days and then it will eventually completely discharge to be a dry basin. This common lot is picking up 30 acres and holding the stormwater that is coming off the impervious area.

Commissioner Trecha: Is that going to be typical for all of the common areas? They will be dry basins and they will serve their 30 acres and they will be scattered over the subdivision?

Keenan Simon: They have to generate a homeowner's association, they have to maintain those and they have to be compliant with the county requirements for those basins and they have to have access.

Commissioner Trecha: So, 9%, or 12 acres of dry detention?

Keenan Simon: Yes, on some of those common grounds we will be saving native vegetation to not disturbing portions of ground where you are preserving existing habitat that goes to some of the stormwater quality aspects as required by the county. But yes, in general we have located these common grounds to be the stormwater detention for the volume aspect.

Commissioner Koirtyohann: How many inches per rain day? How do you calculate that if you are getting three inches of rain in one day and the detention pond fills up?

Keenan Simon: There is historic rainfall data from the last ten years and how much each storm occurrence has. When you hear ten-year storm, the probability of that storm occurring is once every ten years; that is where you get the designation. If you are looking at the rational method, which is a very basic scenario to look at the amount of rainfall, it just looks at a rainfall event that occurs for a sixty-minute period. If you are comparing a two-year event it is about a four-inch rainfall event to where if you are looking at a ten-year event that is more in line with an eight or nine inch rain over the course of sixty-minutes and those high intensity amounts of rain is associated with how long it takes that stormwater to get to its final destination. Typically, when we do these design calculations we assume the worst-case scenario as far as it instantly going to a place which is a more intense rainfall event.

Commissioner Koirtyohann: The rate is eight or nine inches per hour?

Keenan Simon: It is a distribution of a rainfall event that occurs over a sixty-minute period and it assumes that over that sixty-minute period you receive nine inches of rain and that would be a 100-year storm. A reoccurring storm like a one or two-year event is about 1.3 inches and that is a storm you see every month or every few days.

Commissioner McCann: The stormwater calculations are part of platting and development; the actual design calculations are spelled out in the Stormwater Ordinance of how these things become mitigated. Like Mr. Simon said, the property is what it is today and then the Stormwater Ordinance is written to where calculations are done to hold and slowly release the water to compensate the impervious area that is put on the site as part of development at a rate that is equal to what the creek would normally see just with the ground in its current state. All of those calculations are laid out in the Stormwater Ordinance and that is what they will follow if this preliminary plat is approved, once they decide whatever phase1 is going to be they will design all of those calculations for stormwater as well as the streets, sewer, storm sewer and everything else that goes along with the development. Resource Management reviews those calculations to make sure they match what the requirements are in the Stormwater Ordinance; we double-check those.

Commissioner Trecha: That scrutiny is done when a decision is made as to whether they have satisfied those requirements.

Commissioner McCann: That is done during the final design and prior to the construction phase. Once the calculations and all of the design construction plans are done then we let them construct that and make sure it is constructed according to the standards, sign off on it and then the final plat comes to the Planning and Zoning Commission for approval and once all the infrastructure is in, the final plat goes to the County Commission for acceptance. At this phase, Mr. Simon has done the conceptual sizing so he knows, roughly, how big to make the common lots but the final design to meet the ordinance will be during the design phase for the construction plans because it is a lot of detailed work. If the applicants haven't allocated a big enough common lot, they will have to lose buildable lots to make the common lots bigger to match the size that is required in the regulations.

Chairperson Harris: It sounds like a far-fetched concept to be able to do that but Lakeview Street in Centralia, every time it rained 1.5 inches, it would flood beside the water tower. We put 120 houses in a 40-acre subdivision above it and did the detention basins the way they should have been done and Lakeview Street hasn't flooded again once we did that project. We stopped and controlled it. The design tonight probably needs to hold back even more than what is being discharged now and it can be done.

Keenan Simon: I think now is the time to address that and if we can accommodate it that is something we will look at.

Chairperson Harris asked Caleb Colbert to return to the speaker table.

Chairperson Harris: Mr. Colbert indicated that the preliminary plat is supposed to show the roads and easements; they are actually on the drawing they just aren't really standing out so that addresses that concern.

Bill Florea: They are there.

Chairperson Harris: At some point in the design, these existing water and utility easements that are there and are of record, is it your intent to negotiate a relocation for those? They are going under a lot of houses.

Keenan Simon: The intent is to relocate those; I believe we will come to an agreement with the property owners in the future.

Chairperson Harris: Mr. Colbert alluded to some covenants recorded in Book 1035, Page 333. What is Mr. Colbert's interpretation in paragraph 4 of those covenants?

Caleb Colbert: My interpretation of the covenants is that it essentially applies to any of the property that is north of Mr. Monson's lot. That 10-acre minimum size if you go north from his property line between his property line and the road, which is all originally owned by the Osborn's, was essentially subject to that 10-acre minimum. It wouldn't make sense for Mr. Monson to agree only to limit himself. The attorney that prepared that document is prepared to testify in court for us as to the intent of that document. I will just say we are prepared to go the distance on the covenants. It should speak volumes that I am here to talk about the covenants and their lawyer is not.

Bill Florea: I would like to mention that these covenants are private covenants. The county is not bound by those; they are not relevant in the Commission's decision-making process. If there is a disagreement over what they say, that is between two private property owners.

Caleb Colbert: I would like to address Mr. Simon's comment of the intent to negotiate a resolution on the easements. I would suggest that if their intent is to resolve those easements why has that not been done yet? Why do we have to resolve that after this hearing rather than before? I was very surprised that they were considering reducing the number of lots because the density was one of the topics that we have discussed with the applicant and my understanding was that there was no flexibility on the number of lots. I would also like to point out that one of the common areas that was represented to be for stormwater management includes a parking lot, a club house, tennis courts, basketball courts, and many other features that don't appear to serve as detention basins.

Commissioner Trecha: Richland Road is designated as arterial even though it doesn't meet the geometric parameters for an arterial road? It is nearly to the threshold of an arterial road usage.

Bill Florea: It is actually over the threshold of an arterial.

Commissioner Trecha: I thought it was at 2400 now and 2500 was arterial?

Bill Florea: It is currently 2950.

Commissioner Trecha: We are going to add 138%.

Bill Florea: Yes.

Commissioner Trecha: It does not meet arterial road construction parameters, is that correct?

Bill Florea: That is correct.

Commissioner Trecha: We are more than doubling this road that is called arterial, but it doesn't meet the standards and yet at some point someone says this road is sufficient to handle 11,000 daily trips.

Bill Florea: The designation of arterial comes from CATSO which is a transportation planning organization for the Columbia metro area. They look at maps, roadways and potential roadways and assign them categories based on the traffic that they are anticipated to carry or the intended desire for that road. For example, Richland Road is an arterial because it provides a conduit function into the City of Columbia so collector and neighborhood roads filter to it and it is the main road to get where you need to go. The county didn't build Richland Road originally; it came into the county road system like all county roads, it was there, and the county took it over for maintenance. There aren't resources to bring every county road up to its designated status. As development occurs the intent is to try to mitigate what impact you can based on the scope of the development. To do that you have to determine what the impact is and ensure that it is directly attributable to that development and then the mitigation has to be roughly proportional to its impact.

You look at the existing problem and how much the development is contributing to that. Another way to look at it is what would it take to fix that problem to build an arterial roadway and how much of that construction cost can proportionally be attributed to this development? That is what we did with our calculations, those are rough calculations, they aren't exact. Part of that was also the \$188,000 they are paying to the City of Columbia. There are simply not enough resources from this development to fix Richland Road and build it as an arterial. What we try to do is mitigate as best we can with the fair-share from the developer's side. That is the plan we came up with to do that intersection improvement at Richland Road and Trade Winds. There are simply not enough resources to build Richland as an arterial far enough to solve the problem.

Commissioner Trecha: Where did the 11,000 trips come from?

Bill Florea: That came from the traffic study and that is the traffic engineer saying that a two-lane road can handle up to 11,000 trips per day. Believe that or not, staff is not certifying that number, that is what was in the traffic study; that is pushing it. I don't believe anyone would want to see that many cars per day on Richland Road the way it is built now.

Commissioner Koirtyohann: Do they take into account the width, sight-lines, and hills?

Bill Florea: I don't know.

Commissioner Koirtyohann: That is a ridiculous number; not even in the realm of possibility.

Chairperson Harris: Mr. Colbert mentioned changing the number of lots.

Caleb Colbert: My comment was that tonight was the first we heard that there was a possibility to reduce the density of the development by reducing lots. That was one of the concerns.

Keenan Simon: What we are requesting is a planned development and we are imposing a restriction based off the density that we could do if we went to an R-S type zoning which would be single-family residential. If we were to apply for straight zoning this property could develop in the upwards of 600-700 lots based off the amount of acreage that is provided for this parcel. The way that the application process works we try to take a good look at what's the most feasible from the type of lot size that we want to generate and that is where we came up with the 350-lot number. That lot number is probably going to decrease, we tried to overestimate because if we under-estimate we aren't allowed to come back and add 20 more lots. Once we submit this we aren't allowed to relocate streets unless we come back and ask for that type of change, we aren't allowed to add additional lots from what is shown, we aren't allowed to tear down the wooded area and add more lots. The planned development we went with was just to create an open book and show the intent of what we want to do. The R-S zoning category is similar to what we are doing, if we were to obtain that type of zoning, we wouldn't have to show anything as long as we worked within that zoning category. We are trying to be as open with what our intent is and how we believe the property should be developed with this type of zoning request.

Chairperson Harris: That is the way to do it; ask for a lot and reduce from there.

Commissioner Kurzejeski: I would like to address the fellow commissioners; I am uncomfortable when people bring things to the table where there are underlying legal disputes, be they covenants which are private, or easements which are not, they are a matter of record and something that needs to be remedied beforehand. Just as the folks have worked with the county staff to remedy the issues of transportation they should have, and have not, satisfactorily worked with the adjoining landowners to deal with those issues. In that regard, until they do, I prefer to deny this request and I make a motion to deny.

Commissioner Trecha seconded the motion to deny the request.

Commissioner Kurzejeski made and Commissioner Trecha seconded a motion to deny the request by D Who Land, LLC to rezone from A-1 (Agriculture) to R-SP (Planned Single-Family Residential) and the corresponding review plan for Five Pines on 145.72 acres located at 8100 E Richland Rd, Columbia.:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Fred Furlong – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to deny request passes unanimously

Chairperson Harris informed the applicants that if they wished to appeal the decision to the County Commission an appeal form would need to be filed within three working days. In this case, since Monday is a holiday, the deadline is Wednesday, June 22<sup>nd</sup>.

## VI. Plats

1. Five Pines Subdivision PRD. Preliminary Plat. S13-T48N-R12W. D Who Land, LLC, owner. Derek Forbis, surveyor.

The motion to by Commissioner Kurzejeski to deny the request served to deny the preliminary plat.

2. Bertlee Acres Plat 3. S29-T51N-R11W. A-2. Edgar D & Diann L Hancock, owners. Don Bormann, surveyor.

Planner, Andrew Devereux gave the following staff report:

The subject property is located off Drew Road, south of the intersection of Drew Road and Ball Road, and approximately 2 miles south from the municipal boundaries of Centralia. The current proposed subdivision is a replat of Lot 5 of Bertlee Acres Plat 1 approved April 28<sup>st</sup>, 1977, and northern half of Lot 6 of Bertlee Acres Plat 2 approved February 27<sup>th</sup>, 1979. The southern half of Lot 6 is owned by the owners of Lot 7 and is not being consolidated in Bertlee Acres Plat 3. The proposed subdivision would create a 4.10-acre lot out of one and one-half previously platted lots.

An existing shop building exists over the property boundary between lots 5 and 6. The shop structure violates Section 10 of the Boone County Zoning Ordinance 15-foot side setback from the property line for the A-2 zoning district. The proposed replat under Bertlee Acres Plat 3 would consolidate Lot 5 and the north half of Lot 6 into Lot 5A. The existing shop structure would follow setback requirements with the proposed Lot 5A. The property is zoned A-2 and surrounded by A-2 zoning on all sides. The A-2 zoning is original 1973 zoning.

The property has road frontage along and direct access to Drew Road. A driveway exists to serve the house and shop structure. Note #25 of survey states that a 33-foot half right-of-way was dedicated along Drew Road as part of Bertlee Acres Plats 1 and 2. Note #25 also mentions that the lot lines to the center of Drew Road exceeds 33 feet. The right-of-way dimension is not shown on the plat. The applicant has requested a waiver of the traffic analysis study.

Public Water Supply District #10 supplies water to the tract. The Boone County Fire Protection District provides fire protection for the tract. The nearest station, Station 10, is approximately 2 and a half miles away off Route CC.

An existing on-site wastewater lagoon is present on the property. The lagoon is under the jurisdiction of the Boone County/Columbia Health Department. The applicant has requested a waiver of the sewer cost-benefit analysis.

The dimensions of Drew Road and Ball Road to the north of the area to be platted are not shown on the plat. Per Section 3.4 of Appendix A of the Boone County Subdivision Regulations, "Show the location, dimension and purpose of all easements and rights-of-way". The subdivision plat does not show right-of-way for either Ball Road nor Drew Road. Without dimensions that show their right-of-way width, the submitted plat does not meet the requirements of a Final Minor Plat.

The property scored 37 points on the rating system.

Staff recommends approval of the plat with the requested waivers subject to the following condition:

1. That all rights of way shown on the plat meet the requirements under Section 3.4 of Appendix A of the Boone County Subdivision Regulations, "Show the location, dimension and purpose of all easements and rights-of-way."

Chairperson Harris made, and Commissioner McCann seconded a motion to approve Bertlee Acres Plat 3 with the following staff condition:

1. That all rights of way shown on the plat meet the requirements under Section 3.4 of Appendix A of the Boone County Subdivision Regulations, Show the location, dimension and purpose of all easements and rights-of-way.

All members voted in favor.

## VII. Old Business

1. Update on Commission action.

Bill Florea updated the Commission of the decisions of the County Commission as follows:

The conditional use permit for Victory Baptist Church for a group day care was approved with the recommended conditions.

VH Properties did not send a representative to the County Commission meeting for their conditional use permit requests for the shooting range, snack bar and retail sales. They will go before the County Commission on June 28<sup>th</sup>.

The rezoning request and review plan for Michael and Cheryl Ann Steffan from A-2 to A-2P, were approved as recommended.

The plats for King Ranch Plat 1, Hidden Brook Subdivision Plat 1, Ray's Ridge Plat 1 and Gilpin Place were approved.

## VIII. New Business

1. Solar Regulations

Staff gave a power point presentation. The power point included drafted sections of the outline, intent and purpose statements, design requirements of the overlay district and buffering and screening requirements. The outline was based on the Wind Energy Conversion Overlay District (WECOD).

Commissioner Martin: The separation distances, how one grows so large based on another one, that would be something that would have to come back for a conditional use to change that distance or get a waiver?

Bill Florea: That would be up to the Commission if they want to have waivers.

Commissioner Martin: I was just thinking if you had two, 80-acre tracts. If you had a good position, if you had 1000 acres and you wanted to do two, 80-acre ones and the two 80-acre tracts you wanted to use are not quite that distance apart.

Bill Florea: To consider those two 80-acre tracts as one they would have to be in one overlay district.

Commissioner Martin: But you wanted to separate them and do two, they would have to be that specific distance apart in order to have two.

Bill Florea: The idea was to force concentration up to the maximum size, but then not overconcentrate a certain area by requiring a minimum amount of separation.

Commissioner Martin: If I had two spots that would fit on my property would I have to do two 320-acre overlay districts because the one 320-acre district didn't capture both 80-acre tracts that are both ideal spots?

Bill Florea: In the scenario I think you are giving you get one of those 80-acre tracts; not both unless you can get them both in the 320-acre overlay. Those numbers might not be right but what we are trying to do is keep from having a huge mass that dominates an area and changes the character of two-square miles of land. 80-acres may be too big and 320 might not be big enough. The Boone-Stephens project near Settler's Ridge on Route B, when they were talking to us it was 500-acres; the rumor I now hear from Columbia is 700-acres.

Chairperson Harris: If you had one landowner and had room to meet the setbacks but on one landowner's property, he had room for two but the best two places were closer together than what these guidelines are. Potentially the way around that would be to give a creative way to have them closer together but they will give up the right to do it on the rest of their property. Kind of like losing development rights in a planned district where they develop part of it but it precludes development on the rest of it.

Commissioner Trecha: What is the purpose of separation?

Bill Florea: So that you don't have too much massing in one area, so the solar farms don't completely dominate the landscape.

Commissioner Trecha: I am trying to incorporate that into the philosophy of why we are even here, its because we want to put businesses where businesses belong and residential where residential areas. Why wouldn't we want a 700 acre in one part of the county?

Bill Florea: I don't know, that is up to the Commission.

Chairperson Harris: Part of it is you don't want to create something that is horribly intrusive to the character that is already there.

Commissioner Trecha: It doesn't make noise like a wind turbine and it is fairly low profile; we don't worry about screening mall parking lots or car lots. I am just naturally cautious about over-regulating without good purpose.

Bill Florea: Car lots are in commercial districts where commercial uses are expected, so are mall parking lots. These are going to be in agriculture areas that are predominately agriculture and residential uses and where those uses are expected so these are out of character to begin with. That is the reason to try to screen them to try to mitigate that difference in character.

Commissioner Trecha: What does out of character mean? It is not a noise pollution problem and it is not a visual effect.

Bill Florea: It can be.

Chairperson Harris: There are some pollution and runoff situations when they disturb down to clay 80 to 100 acres and they don't have to do any mitigating stormwater stuff, that becomes a runoff and eyesore issue.

Bill Florea: As an example, we were speaking with the developers of Settler's Ridge right across the road from the proposed 700 acre solar farm and they have a planned area of 80 to 100 acres for single-family development; now the developer is talking about asking for light-industrial zoning rather than residential on their far west property. This is already changing the plan of that developer because they don't think they will be able to sell homes there. That is one of the reasons for having buffering to try to address those issues. If

you had your home out there would you want to be right next to all of that? Some people don't care but some people do.

IX. Adjourn

Being no further business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Secretary  
Gregory Martin, Secretary

Minutes approved on this 21<sup>st</sup> day of July, 2022