

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, March 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
Eric Kurzejeski, Vice Chairperson	Missouri Township
Gregory Martin, Secretary	Katy Township
Daniel Mings	Columbia Township
Rhonda Proctor	Perche Township
Jeff McCann	County Engineer

b. Attending by Phone

Fred Furlong	Bourbon Township
Randal Trecha	Cedar Township

c. Members Absent

Steve Koirtyohann	Rocky Fork Township
Kevin Harvey	Rock Bridge Township
Vacant Seat	Three Creeks Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the December 15, 2022 meeting were approved as presented by acclamation.

IV. Chairperson Statement

The following statement was entered into the record:

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.

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. Members of the public who are attending by phone will be muted until the public hearing portion of each request.

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, March 28th. 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, March 28th will begin at 7:00 p.m. and will convene in Conference Room 214. Please note that the County Commission has modified its procedures. A vote on discretionary items, such as rezonings and conditional

use permits, will not be taken on the 28th. After hearing those items, they will be scheduled for a second reading at future County Commission meeting. The date of that meeting will be announced at the March 28th meeting, but is likely to be April 6, 2023 at 1:30 PM in these Chambers.

V. Conditional Use Permits

1. Request by On Point Construction for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 2541 S Casa Circle Drive, Columbia. (Open public hearing)
2. Request by On Point Construction for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 4312 W Mesa Drive, Columbia. (Open public hearing)

Director, Bill Florea gave the following staff report:

The applicant, On Point Construction, has requested conditional use permits on Lot 35 and Lot 36 of Scottsdale Subdivision. The lots share a common property line. Both lots will be addressed by this report, but separate motions will be required for each lot.

The lots are located southwest of and adjacent to the intersection of Mesa Drive and Casa Circle in Scottsdale Subdivision. Lot 35 has frontage on Casa Circle and Lot 36 has frontage on Mesa Drive. Both lots are vacant. Approximately 2/3 of Lot 36 and 100% of Lot 35 is within the 100-year floodplain. Fill has been placed on the lots to elevate them above the base flood elevation. The zoning is Single-Family Residential, R-S. Adjacent zoning is as follows:

- Northwest, west and south is R-S
- East and northeast is zoned Moderate Density Residential (R-M).

Conditional Use Permits, to allow construction of duplexes, were issued for these lots in December of 2021. Those permits have expired. The current request is identical in that the owner is requesting conditional use permits to build a duplex on each lot.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county and state regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

All the structures in Scottsdale are fourplexes or duplexes. The lots adjoin R-S zoned lots to the west that are developed with single family dwellings. However, there is a creek with an incised channel and forested corridor that provides a physical and visual buffer. The addition of two more duplexes will not be injurious to the use and enjoyment of the existing homes in the immediate vicinity.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Due to the existing character of the area and the buffering provided by the creek, the conditional use permits will not substantially diminish or impair property values of the neighborhood.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access, and drainage.

All utilities are available to the lots except sewer. There is an existing City of Columbia sewer line on Lot 36 and under the roadway in front of Lot 35. In order to access the sewer, the property has been included in an annexation agreement with the City of Columbia.

Mesa Drive and Casa circle are built in publicly dedicated rights of way. However, neither road is publicly maintained. This is not a desirable condition, but private maintenance appears to be effective. Both streets are hard surfaced. Ingress and egress seem to be adequate.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The proposed duplexes match the character of existing structures in the neighborhood. There are nine vacant lots remaining in the subdivision, two are zoned R-S, two are zoned R-M and five are in the city limits of Columbia and owned by the City of Columbia. It is anticipated that future construction on lots in Scottsdale will match the existing two and multifamily character.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The conditional use permits will not have a detrimental impact on traffic flow or circulation.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the R-S zoning district.

Zoning Analysis: The application appears to meet the requirements for a conditional use permit. The only questionable area is access. Access is via privately maintained roads. Normally, this would not be a preferred method of access for construction of new duplexes. However, the entire subdivision is accessed by privately maintained roads and has been for several decades.

Staff recommends approval of each request.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Kevin Schweikert: There was a conditional use permit for these lots up until December 31, 2022 and it expired. The applicants want to reinstate the conditional use permits. There was a long period of time for getting a letter of map amendment with FEMA, it took an extended amount of time getting that through and took us in to late December, I think we got it on January 3, 2023 after the permits expired.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Proctor made, and Commissioner McCann seconded a motion to approve the request by On Point Construction for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 2541 S Casa Circle Drive, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously

Commissioner Proctor made, and Commissioner McCann seconded a motion to approve the request by On Point Construction for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 4312 W Mesa Drive, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

VI. Rezoning Requests

1. Request by Joseph and Kelly Eagle to rezone to Planned Agriculture-Residential (A-RP) and to approve a Revised Review Plan on 4.70 acres located at 6910 S High Point Ln, Columbia. (Open public hearing)

Planner, Andrew Devereux gave the following staff report:

The subject property is located at the southeastern corner of the intersection of State Route K and High Pointe Lane. The property is 4.7 acres in size. A Final Plan and Planned Agriculture-Residential (A-RP) rezoning was approved under County Commission Order 602-2022. The surrounding zoning is as follows:

- Agriculture (A-2) zoning to the south.
- Planned Two Family Residential (R-DP) New Town Subdivision to the east
- Planned Single Family Residential (R-SP) Old Plank Village to the north across State Route K
- City of Columbia One-Family Dwelling (R-1) zoning to the west across High Point Lane

The previously approved Final Plan for the property utilized the density of the parent zoning district to allow for the construction of an additional dwelling. The current proposal shows a 40' by 60' accessory structure that will be utilized for equipment storage in addition to the already approved second home. The proposed accessory structure will be placed between the existing home and the proposed house. The Boone County Zoning Ordinance prohibits accessory structures in front of primary structures on lots less than five acres. The Revised Review Plan indicates that the accessory structure will not be closer to the front property line along Route K than the existing home. The accessory structure must be completed before the proposed second dwelling which is further interior to the property. Should the second dwelling be completed before the accessory structure then it would have to be in line with or behind the second dwelling to be compliant with the Zoning Ordinance.

The Boone County Master Plan designates this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test to determine if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. Failure to pass the test should result in denial of a request. Passing the test should result in further analysis.

Utilities: The subject property is within Consolidated Public Water Supply District. Boone Electric provides power service to the existing home. The Boone County Regional Sewer District provides sanitary sewer for the existing home and future development.

Transportation: The property has driveway access onto High Point Lane, a Boone County maintained road. An internal gravel driveway will provide connection to the accessory structure and proposed home.

Public Safety: The Boone County Fire Protection District provides fire protection for the property. The nearest station, Station 8, is 2 miles east along Route K. With the addition of a large accessory structure between the existing home and the proposed home, public safety services may confuse the accessory structure for the second dwelling during an initial response to an emergency. Wayfinding signage will be needed to ensure the Fire District can respond to an emergency at the proposed home without confusion.

Zoning Analysis: The addition of the accessory structure to the revised review plan will match the residential use of the surrounding area and should have minimum impact to traffic and utilities. Wayfinding signage to indicate the location of the proposed home is interior to the property should be sufficient to direct public safety resources in the event of an emergency.

Staff notified 132 property owners of the request. The proposal scored 70 points on the point rating system.

Staff recommends approval of the review plan and rezoning request with the following condition:

1. That wayfinding signage is installed near the driveway entrance with High Pointe Lane and interior near the proposed accessory structure indicating the second dwelling is interior to the property. The signage must be of a type and location approved by the Director of Resource Management.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Kevin Schweikert: This review plan was approved earlier but this has a change to add an accessory structure which was of a significant size so we were requested to provide another revised review plan to accommodate it. We understand the contingencies put on it to put signage and the applicants are agreeable to that.

Mr. Schweikert asked for clarification on the timing of building the accessory structure.

Andrew Devereux: If you build the secondary structure first and it is going to be in the location as shown on the plan, that will be compliant with the zoning ordinance. Should you build the second dwelling first and then build the accessory structure after that, the accessory structure will have to be behind the front plane of the of the second dwelling.

Kevin Schweikert: Are you talking about the front yard setback? Which property line is the front setback?

Andrew Devereux: The property lines along Route K and High Point Lane are both front property lines and the front setback applies to both.

Kevin Schweikert: The applicants agree to the conditions.

Chairperson Harris: If you build the second house first then you have no choice for the front of the accessory to be behind the plane of the second house. That is not a condition, that is the regulation.

Kevin Schweikert: Yes.

Open to public hearing:

Present with a question:

Paul Garrett, 13710 Robbie Forbis Rd, Ashland

Paul Garrett: I travel High Point Lane a lot, where is the driveway going to be? Because there is only one at the top of the hill and it is a steep grade going to Route K.

Bill Florea: The map on the overhead shows the plan.

Paul Garrett: I know that but how many feet is that from Route K?

Thad Yonke: Where it is currently.

Paul Garrett: The visibility is poor there.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made, and Chairperson Harris seconded a motion to approve the request by Joseph and Kelly Eagle to rezone to Planned Agriculture-Residential (A-RP) on 4.70 acres located at 6910 S High Point Ln, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Kurzejeski seconded a motion to approve the request by Joseph and Kelly Eagle to approve a Revised Review Plan on 4.70 acres located at 6910 S High Point Ln, Columbia with the following condition:

1. That wayfinding signage is installed near the driveway entrance with High Pointe Lane and interior near the proposed accessory structure indicating the second dwelling is interior to the property. The signage must be of a type and location approved by the Director of Resource Management.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

Commissioner Furlong left the meeting

2. Request by Carl and Sandra Freiling to rezone from Agriculture 1 (A-1) to Planned Agriculture 1 (A-1P) and to approve a Review Plan on 30 acres located at 17300 S Burnett School Rd, Ashland. (Open public hearing)

Planner, Uriah Mach gave the following staff report:

The subject property is located near the southern end of Burnett School Road, approximately 4 ½ miles to the east of Ashland. It is adjacent to Cedar Creek to the east, which serves as the boundary between Boone & Callaway Counties. The parent parcel is 73 acres in size, and zoned Agriculture 1 (A-1). All the surrounding property is zoned as follows:

- To the north A-1 & Callaway County
- To the south A-1 & Callaway County
- To the east Callaway County
- To the west A-1

There are currently two houses, two garages, and two barns on the property. This proposal is designed to create one lot smaller than 10 acres and two tracts at 10 acres or larger. The smaller lot is proposed at 5 acres and holds one house, one garage, and one barn. The 10-acre tract holds the other house, garage, and barn. The 15-acre tract is currently vacant. The proposed Planned A-1(Agriculture) rezoning allows for the use of a density requirement rather than a minimum lot size requirement to control the intensity of development. The property being rezoned is 30 acres in size. That allows for 1 unit per 10 acres. That is proposed here with the one lot (5 acres) and two tracts (10 & 15 acres). The 1 unit per 10-acre density available to the A-1P is met in this proposal.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. 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. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The property is in Consolidated Public Water Supply District #1; however, the District has no facilities in the area and is not able to provide water service at this time. The property is in the Callaway Electric Cooperative service area, and it is located in the Southern Boone County Fire Protection District. Wastewater service is provided by on-site systems for each of the existing houses and any development on the 15-acre tract will require an on-site system permitted by Resource Management.

Transportation: All three of the new parcels of land have direct road frontage on to Burnett School Road. However, all Burnett School Road in this area is in federally regulated floodplain. Any new access points or changes to existing points of access will require a floodplain development permit and elevation certificate as part of their permitting process.

Public Safety: The property is in the Southern Boone County Fire Protection District. The issues with access due to floodplain over Burnett School Road make any consideration of increased public safety needs difficult.

Zoning Analysis: This proposal intends to make use of the A-1P(Agriculture) density of one dwelling unit per 10 acres in the proposed plan. Noting the limited infrastructure available to this site, this is an appropriate use of the planned rezoning process. This proposal utilizes the existing infrastructure at the property and generates no significant impact on the availability of services to the site.

The property scored -5 points on the rating system.

Staff recommends approval of the rezoning request and review plan.

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia
Carl Freiling, 17300 S Burnett School Rd, Ashland

Carl Freiling: This request is part of our estate planning. The house with the five-acre tract was built for my mother.

Kevin Schweikert: It keeps the same density as A-1 zoning; the plan is to have three houses, two are already there, we are just adding one more house, there is a building site on the 15-acre tract that the applicants would like to utilize.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Kurzejeski made, and Commissioner Proctor seconded a motion to approve the request by Carl and Sandra Freiling to rezone from Agriculture 1 (A-1) to Planned Agriculture 1 (A-1P) on 30 acres located at 17300 S Burnett School Rd, Ashland:

Boyd Harris – Yes
Greg Martin – Yes
Randal Trecha – Yes
Jeff McCann – Yes

Eric Kurzejeski – Yes
Daniel Mings – Yes
Rhonda Proctor – Yes

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Trecha seconded a motion to approve the request by Carl and Sandra Freiling to approve a Review Plan on 30 acres located at 17300 S Burnett School Rd, Ashland:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

3. Request by William & Lisa Nichols and Jose Hernandez-Sanchez & Megan N. Hernandez to rezone from Agriculture 1 (A-1) to Planned Agriculture 1 (A-1P) and to approve a Review Plan on three tracts totaling 31.63 located at 13331 & 13575 S Crump Lane, Ashland. (Open public hearing)

Planner, Thad Yonke gave the following staff report:

The subject property is located on the west side of Crump Ln. approximately 1800 ft north of the Ashland city limits which is also the intersection of Clellie Harmon Rd and Crump Ln. The property is 31.63-acres in size and zoned Agriculture (A-1) as is all the surrounding property. The property currently consists of three ten-acre or larger tracts created by administrative survey in June of 2019. Tracts one and two of this survey each have a single single-family dwelling, wastewater lagoon and some accessory structures. Tract three is vacant. The property is located inside the Southern Boone School District and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use.

The current proposal is to rezone the property to the planned version of the A-1 zoning district, Planned Agriculture 1 (A-1P). The proposal is to allow for reconfiguring the lots within the development to allow for one of them, proposed Lot 2A, to be smaller than the 10-acre lot size minimum of the A-1 zoning district. This change is possible because a planned zoning substitutes a density requirement for the minimum lot size. Under the existing A-1 the 31.63-acres allows, at most, three lots of 10-acres or larger resulting in three dwelling units, one on each lot. Under the A-1P the 31.63-acres is still limited to the maximum of three dwelling units, but the property line of proposed lot 2A can mostly follow a creek that forms a more natural boundary for the lot. The resulting lot 2A is not a full ten acres. But, because the density of the overall request is still only three total dwelling units on 31.63 acres the proposal complies with the density of the underlying A-1 zoning.

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: The subject property is in the Consolidated Public Water District No.1 which provides water service to the existing two homes. Wastewater is provided by individual on-site systems since there is no

central sewer service. The property is in the Boone Electric Cooperative service area and the two existing homes are served.

Transportation: The property has access on to Crump Ln, a publicly dedicated, publicly maintained roadway. Lot 3 is served by a private driveway easement.

Public Safety: The property is in the Southern Boone County Fire Protection District, with the station on Henry Clay Blvd being closest for service.

Zoning Analysis: By requesting a planned rezoning, the opportunity to configure one of the lots to the site features and drop the acreage below 10-acres is possible. The net effect in character of the area and density of population is unchanged from the current situation.

The property scored 55 points on the rating system.

Staff recommends approval of the rezoning request and review plan.

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Kevin Schweikert: There is a natural creek separating a lot in the southeast corner, there is an existing house and there is an existing house on the northern lot. The guy on the south lot needs to get a mower across the creek and has to go out in the road and come around to maintain the north half of his property. It made sense to try and get the northern portion of the property to the owner that could maintain it easily. You have a natural feature that makes sense. The lot line mostly runs with the creek and we would run it with it if we could but certain subdivision regulations with width and 3:1 ratios come in to play to do that and it would be more cumbersome to make that happen with the Board of Adjustment hearing so we decided to go with this route. We are keeping the same density as the staff report said. We just have a smaller piece and there would be no change to the neighborhood in any way, no additional structures going up other than what could have been built on prior to the rezoning.

This planned zoning gives the neighbors more control over the property in the future so it is a benefit to both the neighbors and the two adjoining neighbors with what they are using and what they can maintain.

Chairperson Harris: The boundary sort of follows the creek but not everywhere.

Kevin Schweikert: In order to make things work with the subdivision regulations the line is running perpendicular to the road straight back for 50-80-feet or so then it bends and runs straight; it was hard to make the depth ratio work to run it with the creek. It mostly follows the creek on the rest of the property.

Commissioner Kurzejeski: The 10-acre tract to the northwest is not part of this request?

Thad Yonke: It is not.

Chairperson Harris: Is the southwest piece intended to have access or is it going to remain part of the 10-acres to the north.

Kevin Schweikert: There is an existing access and utility easement to that tract that was done with the Administrative Survey of the four tracts.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Mike Purcell, 4880 Clellie Harmon Rd, Ashland

Mike Purcell: I own the property to the south. I have pictures of the water that runs through there. You guys think that you are using a natural boundary; the water is cutting through our land and it is trying to make a straight line of the creek. When it hits this property, it is going to straighten it out so every one of those little crooks the water is going to jump over and make an oxbow. When they purchased the property the zoning was satisfactory at that time, why does it need to be changed? Does A-1P mean less houses?

Chairperson Harris: There is floodway shown on the map.

Mike Purcell submitted photos.

Mike Purcell: The stream is trying to make itself straight; it has taken out trees and whenever a tree gets out it hops over and straightens the branch. Eventually over time the natural waterway is going to straighten too.

Chairperson Harris: You are saying that by changing the zoning we will be changing the water flow and intensity?

Mike Purcell: What happens when they think the border is here and now it has jumped off and now you have a piece of the property on the other side of the creek?

Also speaking in opposition:

John Bullard, 5015 Dee Woods Rd, Ashland

John Bullard: I own the property on the east where all the water is coming. There is a lot of water coming from Ashland through there; I have 30-40 feet of gullies with water running on me; it comes across the road. I am not in favor of dropping anything down less to allow more houses or houses closer. 10-acres is what it was and I would like it to stay 10-acres; why do we always change stuff around?

I am more worried about all the water control that comes across, it covers the road. You bought 10-acres, keep 10-acres. I know it might be easier but there is always a way to get across the creek and do the mowing. It changes the route of the creek; it keeps washing out and trees keep falling and it keeps getting wider. Water is a major problem down that road. We've talked to the City of Ashland and Planning and Zoning passed laws and they are coming up with another farm to subdivide in Ashland and it is not doing much for water control.

Also speaking in opposition:

Paul Garrett, 13710 Robbie Forbis Rd, Ashland

Paul Garrett: I don't have opposition to what he is trying to do but I do have opposition of you turning around and letting it reduce the acres that you are permitted to buy in the county. I have developed 300-acres so far and we've asked for smaller tracts and we never got it because you left it at 10 and I am still selling lots at 12 because I asked for eight and I couldn't get it.

You have another problem causing all of this because the county water well is just to the west; the overflow from that well runs into the pond, the pond water comes down and constantly runs and dumps water every so many hours. It comes down and hits the waterway over into Mr. Purcell's property and goes down and

changes the direction. The ground to the west of the ditch is always pretty well wet. I oppose it two ways; the ditch is going to change its course so are we going to ask for him to change his property line again for smaller acres? You can't use the creek as the middle of the deal. Is this a blue stream or a red stream?

Bill Florea: What do you mean blue or red?

Paul Garrett: Is it blue or red? DNR declares them blue or red, which one is it?

Bill Florea: I have never heard DNR refer to a red stream under the state regulations.

Paul Garrett: They tell you what it is when you turn around and try to apply for a permit to build a lake or anything else. It makes a difference what this stream really is. He bought 10-acres knowing that creek was there and I know the applicants well. But when you buy 10-acres you buy 10-acres. If he does, can I buy that three acres?

Thad Yonke: The three acres is not a separate piece; what they have proposed..

Paul Garrett: I understand that, but you are taking it off and making it available to sell. He is getting a chance to buy it, why can't I buy it?

Thad Yonke: That isn't the way it works on an A-1P.

Paul Garrett: I understand that; I am just saying you buy 10-acres, you buy 10-acres. He knew the creek was there when he bought it and he can't get to his 10-acres because he has to cross the creek. I bought a farm six months ago, there are five acres on the other side of the creek and I can't get to it either but I knew it was there when I bought it. What is fair for one is fair for everybody.

Closed to public hearing.

Commissioner Proctor: The applicant stated that the whole reason for this request is because the owners can't get to the back of the property?

Kevin Schweikert: That is my understanding; it is hard to get around and maintain that portion on the back side of the creek. It makes sense. The creek would be better maintained if you can get things to it, if you own both sides of the creek it is hard to get your mower back there to maintain it. If you have two owners that are able to maintain all the way to the banks of that creek I think you would have a better managed creek. I think this is a good thing in that regard. We could trace the aerial photos in history and see how much the creek moves if you want. Creeks are going to move around, but the property line will stay fixed. If the creek moves there will be some differences but I think it makes sense to do it this way.

Commissioner Proctor: How long have they lived on the property?

Kevin Schweikert: The Administrative Survey was done in 2019 so it hasn't been long. It is a pretty new house.

Commissioner Proctor: I tend to question realigning something just because you can't get to it; you can make an agreement to have that person mow that side for you. I live on property with a creek running through it but I still get over there and mow it.

Kevin Schweikert: It is possible to do that. Some of it is just for convenience; it makes sense to use regular topographic things as a boundary when you can. We are doing it as we can with the regulations that are currently in place; we are doing it the right way and it has been approved by the Planning Department.

Commissioner Kurzejeski: I also live on a creek that moves around all the time and recently we couldn't find the corner pins because they are gone; I understand that the creeks move around but I also sympathize in the other side where if I had five acres on the other side of the creek that I couldn't get to I would probably be happy to do something else with it if the regulations allowed. I think when you buy 10-acres the regulations allow a process to have the A-1P zoning used to make that a smaller tract as long as overall it isn't an increase in density. I see it as being consistent and gives people more latitude.

Kevin Schweikert: The only change is the size of the tract; the other tracts get larger than 10-acres. There is no density change; there will probably be a house built on tract 3A eventually but that could be done now. An approval of this review plan gives the public an opportunity to come and speak if they ever want to change anything. We are making a smaller lot that is mostly bordered by the creek; if the creek moves it will be the same size.

Commissioner Kurzejeski: There is nothing you see with this request that will change the amount of water that comes down through the existing creek.

Kevin Schweikert: No, we aren't adding any more hard surface that would cause more runoff, this basically just a change in the property line. I think it is a type 2 stream buffer. I am not sure what a redline stream is, I've never heard that term. There is a stream buffer on the creek that is regulated by the county and they can only do certain things in that buffer; the buffer is there whether this rezoning goes through or not. There is also a 50-foot perimeter setback around the entire property that is created by the approval of this plan to protect anything that might happen.

Chairperson Harris: Mr. Yonke did a very detailed staff report to explain and address some of the concerns as far as tract size and density. While in some ways it may look like we are changing the rules to accommodate someone but the reality is, and it was explained very clearly in the staff report, once you go in to a planned zoning, which for decades has been part of the A-1 zoning, that plan applies some very strict controls and the biggest thing it does is it goes to density parameter rather than acres. With three, 10-acre lots you can have three houses, that is all you could ever have; with A-1P zoning you can have a seven, twelve and fifteen acre tract and still only have three homes and that is all you can ever have. The density of the houses is not going to change, access to the back lot was already there and prescribed and someone can build a house on it and that is not going to change from what it was.

The creation and installation of an imaginary line through a floodplain along a creek channel isn't going to change anything on the ground. That water has been there forever, and that water will be there in the days to come.

Over the years I have tried to give people in the public hearing as much latitude as I could; I suspect there is something more going on here than this proposed land division and a couple members of the public came close to being asked to stop because I have a hard rule against personal attacks. I can't change the dynamics of the neighborhood. The request that has been asked is within the letter of the law of the Boone County ordinances and subdivision regulations that have been that way for decades. If someone has a piece of ground that is across the creek and they want to change and if it can be done within the letter of the law and the rules we follow they have the same opportunity to make the request that the applicants have tonight. Ultimately, the Commission's position is to determine if this is an appropriate use of land in this location.

Chairperson Harris made, and Commissioner Mings seconded a motion to approve the request by William & Lisa Nichols and Jose Hernandez-Sanchez & Megan N. Hernandez to rezone from Agriculture 1 (A-1) to Planned Agriculture 1 (A-1P) on three tracts totaling 31.63 acres located at 13331 & 13575 S Crump Lane, Ashland:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Commissioner Kurzejeski made, and Commissioner Martin seconded a motion to approve the request by William & Lisa Nichols and Jose Hernandez-Sanchez & Megan N. Hernandez to approve a Review Plan on three tracts totaling 31.63 acres located at 13331 & 13575 S Crump Lane, Ashland:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

4. Request by Boone County Regional Sewer District to rezone from Agriculture 2 (A-2) to Single-Family Residential (R-S) located at 7300 E Backwoods Cove, Columbia. (Open public hearing)

Planner, Uriah Mach gave the following staff report:

The subject property is in the southwestern corner of Sun Valley Estates Subdivision. The Sun Valley Estates development was platted in 1970, prior to the development of the Boone County Subdivision Regulations. The development is located on the south side of Highway HH, approximately 2 miles east of Settlers Ridge and the intersection of Highway HH and State Route B. The property is 1.86 acres in size and zoned Agriculture 2 (A-2). The surrounding zoning is as follows:

- North – Residential Single-Family (R-S)
- South – Agriculture (A-2)
- East – Residential Moderate Density (R-M)
- West – Agriculture (A-2)

This is original 1973 zoning with the exception of the R-M zoning, which was rezoned in 1976. The current size is inconsistent with the zoning. The lot was created prior to the adoption of the Boone County Zoning Map for the lagoon system serving Sun Valley Estates. The lagoon system was replaced in 2014-2015 with a pump station. The lot is considered a utility lot and not suitable for development as currently configured.

This proposal will rezone approximately 1.02 acres in preparation for redevelopment into the lot owned by GHP Construction to the east. The remaining .84 acres contains the pump station and supporting infrastructure for the Boone County Regional Sewer District. This rezoning will create a homogeneously zoned property that complies with the requirements of the zoning ordinance. The property scored 65 points on the point rating system. Staff notified 61 property owners about this request.

The Boone County Master Plan has designated this area as being suitable for residential land uses. 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: The subject property is in Public Water Supply District #4 for water service and the Boone Electric Cooperative service area. Central sewer is provided by the Boone County Regional Sewer District.

Transportation: This portion of the BCRSD lot will be consolidated with the adjacent property owned by GHP Construction to create a single lot with access to E Backwoods Cove, a publicly dedicated, publicly maintained right-of-way.

Public Safety: The subject property is in the Boone County Fire Protection District, with the nearest station at 6550 Highway HH, less than a half mile from the subject property.

Zoning Analysis: This rezoning meets the standards of the sufficiency of resources test to a level consistent with the adjacent Sun Valley Estates development. The rezoning’s purpose, to provide a homogenously zoned property for replatting into an adjacent lot, is well served by approval of this request.

Staff recommends approval of the request.

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Kevin Schweikert: The Boone County Regional Sewer District doesn’t want to maintain the rest of the property south of the northern cell so the southern portion will hopefully be attached to the southwest corner lot that is located in the subdivision. They are building a house on that lot and our purpose is for the Sewer District to convey this property to that lot owner. The owner is going to make it into one lot and this portion will just be a big backyard. No one else adjoining the Sewer District property wanted it. There will be a plat done in the future if the rezoning is approved and the northern piece will be surveyed for the Sewer District. We are going to an R-S zoning, the GHP property is zoned R-M which allows for duplexes, a single-family dwelling is being constructed so we agreed to rezone the whole thing to R-S. The northern portion of the Sewer District property will stay A-2.

Chairperson Harris: Is that a freshwater pond on the property?

Kevin Schweikert: Yes. I think they closed the other lagoon years ago. I think there were two cells there in the 1980’s. There is a pump station on the northern portion and that is a holding cell if they need it.

Commissioner Kurzejeski: There is no access to this parcel through the piece the Sewer District will retain?

Kevin Schweikert: No; it is to be contiguous to the GHP Construction lot, it will just be a big backyard.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris made, and Commissioner Kurzejeski seconded a motion to approve the request by Boone County Regional Sewer District to rezone from Agriculture 2 (A-2) to Single-Family Residential (R-S) located at 7300 E Backwoods Cove, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

5. Request by GHP Construction Services to rezone from Moderate Density Residential (R-M) to Single-Family Residential (R-S) located at 7300 E Backwoods Cove, Columbia. (Open public hearing).

The following staff report was entered into the record:

The subject property is identified as Sun Valley Estates Subdivision, Block 2, Lot 30. The Sun Valley Estates development was platted in 1970, prior to the development of the Boone County Subdivision Regulations. The development is located on the south side of Highway HH, approximately 2 miles east of Settlers Ridge and the intersection of Highway HH and State Route B. The property is .43 acres in size and zoned R-M (Residential Moderate-Density). This property was part of a larger rezoning to R-M from R-S (Residential Single-Family) done on the March 1976 agenda and approved under Commission Order 76-12. The surrounding zoning is as follows:

- North – Residential Moderate-Density (R-M)
- South – Agriculture (A-2)
- East – Residential Moderate-Density (R-M)
- West – Agriculture (A-2)

The R-M lots were part of the previously mentioned 1976 rezoning from R-S. The A-2 is original 1973 zoning.

The subject lot is currently vacant. The Boone County Commission held a vacation/replat hearing on 2/28/2023 and granted permission to vacate and replat this lot.

This proposal will rezone this lot in preparation for redevelopment by adding a portion of the lot owned by the Boone County Regional Sewer District to the west. The remainder of that lot contains the pump station and supporting infrastructure for the Boone County Regional Sewer District. This rezoning will create a homogeneously zoned property that complies with the requirements of the zoning ordinance. The property scored 65 points on the rating system. Staff notified 61 property owners about this request.

The Boone County Master Plan has designated this area as being suitable for residential land uses. 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: The subject property is in Public Water Supply District #4 for water service and the Boone Electric Cooperative service area. Central sewer is provided by the Boone County Regional Sewer District.

Transportation: This lot will be consolidated with a part of the adjacent property owned by the BCRSD to create a single lot with access to E Backwoods Cove, a publicly dedicated, publicly maintained right-of-way.

Public Safety: The subject property is in the Boone County Fire Protection District, with the nearest station at 6550 Highway HH, less than a half mile from the subject property.

Zoning Analysis: This rezoning meets the standards of the sufficiency of resources test to a level consistent with the adjacent Sun Valley Estates development. The rezoning’s purpose, to provide a homogenously zoned property for replatting into an adjacent lot, is well served by approval of this request.

Staff recommends approval of the request.

*See testimony and public hearing under BCRSD rezoning request.

Chairperson Harris: This tract will become a big backyard and going forward this will be one piece of property.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Kurzejeski made, and Commissioner Martin seconded a motion to approve the request by GHP Construction Services to rezone from Moderate Density Residential (R-M) to Single-Family Residential (R-S) located at 7300 E Backwoods Cove, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, March 28, 2023 at 7:00 PM.

VII. Plats

The following items were placed on consent agenda and the staff reports entered into the record:

1. Cedar Heights Estates Plat 1A. A-2. S26-T49N-R12W. High Tide Design and Build, LLC, owner. David Butcher, surveyor.

The subject property is located off State Highway PP, north of the intersection with E Mary Ann Circle. The proposed subdivision is a replat of Cedar Height Estates Plat 1 that was approved under County Commission order 457-2021. The proposed replat will replat lot 7 of Cedar Height Estates and the neighboring 11.40 acres into a 20.01-acre lot. The property is zoned Agriculture A-2 and is surrounded by A-2 zoning. All zoning appears to be original 1973 zoning.

The tract will be served by a private access easement to State Highway PP, a publicly dedicated publicly maintained roadway.

The property is within the Columbia Water service area. Boone Electric provides electric service for the area. The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 16, is about 4 miles away.

An onsite wastewater lagoon is currently under construction and will serve the home that is being built on the lot. Both the wastewater lagoon and home are under permits issued from Resource Management.

The property scored 45 points on the rating system.

Staff recommends approval of the plat.

2. Addisons Ranch Subdivision. S9-T48-R14W. A-2. Phyllis Powell, owner. Derek Forbis, surveyor.

The subject property is located on State Route O, northeast of the intersection of State Route O and Sinking Creek Road. The parent parcel is 19.48 acres in size and zoned Agriculture (A-2). The surrounding properties are zoned as follows:

- North – A-2
- South – A-2
- East – A-2
- West – A-2

This is all original 1973 zoning. This proposal divides the parent parcel into a 5-acre platted lot and a 14.41-acre administrative survey. The administrative survey will be recorded concurrently with the plat. The platted lot includes an existing house and lagoon.

The proposed lot has direct access on to State Route O, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Consolidated Public Water Service District #1 for water service, Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District.

The subject property has an existing on-site wastewater system serving the house. Any improvement to the system will require a permit from Boone County Resource Management. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

This property is located in a Missouri Department of Natural Resources Sinkhole area. As such, it is classified as an environmentally sensitive area. That classification may require increased attention to land disturbance and stormwater permitting requirements.

The property scored 27 points on the rating system.

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

3. Amsdel Acres Subdivision Plat 1. S20-T51N-R13W. A-2. Amsdel Investments LLC, owner. Steven Proctor, surveyor.

The subject property is located at the southeastern corner of the intersection of Rock Hollow Road and Krause Road, approximately 6 miles northeast of Harrisburg. The parent parcel was created by administrative survey and this proposal splits the survey tract into two lots, one at 5.01 acres, the other at 4.83 acres. The property is currently vacant. The property is zoned Agriculture (A-2) and the surrounding zoning is as follows:

- North – A-2
- South – A-2
- East – A-2
- West – A-2

This is all original 1973 zoning. There have been no other land use requests on this property.

Lot 7A-1 has access to both Rock Hollow Road and Krause Road. Lot 7A-2 has access to Rock Hollow Road. Rock Hollow Road and Krause Road are publicly dedicated, publicly maintained rights-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #10 for water service, the Boone Electric Cooperative service area for electrical service, and the Boone County Fire Protection District.

Any development requiring wastewater will apply to Boone County Resource Management for an on-site wastewater system construction permit. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 16 points on the rating system.

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

4. Gilbert's Corner Subdivision. S28-T51N-R13W. A-2. Lynn & Mary Gilbert, owners. Steven Proctor, surveyor.

The subject property is located at the intersection of State Highway NN and N Barber Road. The proposed subdivision will create a 5.23-acre lot with a single-family home, detached garage, and wastewater lagoon. The property is zoned A-2 agriculture and is surrounded by A-2 zoning on all sides. The A-2 zoning appears to be original 1973 zoning.

The existing home has direct access to west State Route NN, a publicly dedicated publicly maintained roadway. The applicants have not submitted a request to waive the traffic study requirement. However, a one lot minor plat with an existing single-family home will have minimal impact on existing roadway infrastructure. A waiver of the traffic study is appropriate for this request.

Public Water Supply District #10 provides water service in the area. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 4, is 7 miles away.

An onsite wastewater lagoon is present on the proposed lot to serve the single-family home. The applicants have not submitted a request to waive the sewer cost benefit analysis. However, an onsite wastewater lagoon is already in use and future development of the area will likely require onsite wastewater systems. A waiver of the sewer cost benefit analysis is appropriate for this request.

The property scored 38 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

5. Calcote Acres Revised Plat. S26-T50N-R13W. A-2. Ralph B. & Tammy L. Calcote, owner. Donald Bormann, surveyor.

The subject property is located off of a private road access west of Old HWY 63. The private road intersects with Old HWY 63 approximately one mile north of the intersection of Dripping Springs Rd and Old HWY 63. The property was platted into two lots and recorded in January of 2008 as Calcote Acres. The parent parcel is 15.06-acres in size with a detached garage present on Lot 1. The property is zoned Agriculture (A-2) and is surrounded by A-2 zoning. This is all original 1973 zoning.

An adverse possession claim resulted in a judgement recorded in Book 4926 Page 79 of the Records of Boone County Recorder of Deeds. The judgement altered the underlying ownership of the land contained in the original plat resulting in the need to replat in order for the lots to regain their legal lot status and again become compliant with the subdivision regulations. The proposed plat replats the original two lots into slightly smaller lots than the original plat but otherwise is substantially the same. The graphic has an incorrect book reference that appears to be a number transposition that say "BK 4296" when it is really BK 4926; this needs to be corrected.

Both proposed lots are served by the same private roadway as the original plat. The applicant has requested a waiver to the traffic study requirement and staff concurs with the granting of the waiver.

The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District with the nearest station being station seven 1.8 miles away.

There is no central wastewater system near the property nor is it likely that installation of one would be reasonable to require for these two lots. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement staff concurs with the granting of the waiver.

The property scored 18 points on the rating system.

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

1. The incorrect deed reference on the western side of the graphic depiction needs to be corrected prior to the plat going to County Commission.
6. Rusty Acres Subdivision. S3-T51N-R13W. A-2. Jack & Brandi Beagle, owners. Derek Forbis, surveyor.

The subject property is located off Route F, about four miles west of Sturgeon. The proposal seeks to create a 2.50-acre subdivision lot. The 10.25 acres that remains of the parent parcel will be surveyed as an administrative survey tract. The 2.50 lot contains a single-family home with two accessory structures and an onsite wastewater lagoon. The property is zoned agriculture A-2 and is surrounded by A-2 zoning. All zoning appears to be original 1973 zoning.

The existing home has driveway access off North Route F, a publicly dedicated publicly maintained roadway. The applicants have not submitted a written request to waive the traffic study requirement. However, the proposed lot already has its allowed one single family home and future impacts to traffic should be minimal. Granting a waiver of the traffic study requirement is appropriate for this proposal.

Public Water Supply District #10 provides water service for the area. Boone Electric Cooperative provides power service. The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 6, is just over 6 miles away.

The proposed subdivision plat shows an existing lagoon that will serve as the wastewater system for the home. Boone County Resource Management has an active onsite wastewater construction permit for the lagoon labeled as “existing” on the plat. Permit records indicate that the lagoon has not received and passed the required construction and final inspections before the lagoon is permitted for use. An older lagoon is present on the property and not shown on the plat, located near the proposed eastern property boundary and within the required 75-foot property setback. The older lagoon must be closed before the newer “existing” lagoon is permitted for use.

The applicants have not submitted a written request for a waiver of the sewer cost benefit analysis. Should the lagoon receive and pass all required wastewater inspections, use of an onsite wastewater system would be appropriate for this area not already served by central sewer. Granting a waiver of the sewer cost benefit analysis is appropriate for this case.

The property scored 33 points on the rating system.

Staff recommends approval of the plat and granting of waivers with the following conditions:

1. That the lagoon labeled as existing on the plat receive and pass both a construction and final inspection.
 2. The older lagoon located near the eastern boundary of lot 1 and not shown on the plat be permanently closed.
7. The Glades Plat 1. S26-T48N-R14W. A-2. Hemme Construction LLC, owner. David Butcher, surveyor.

The subject property is located along Route O, about one half mile north from the boundary of Huntsdale. The proposal seeks to create three lots via a minor subdivision plat. A corresponding administrative survey will create a separate tract to the south of lot 3. The property is zoned agriculture A-2 and is surrounded by A-2 zoning on all sides. The zoning appears to be original 1973 zoning.

All three lots will have direct access onto Route O, a publicly dedicated publicly maintained roadway. The applicants have not submitted a request for a waiver of the traffic study requirement. However, the creation of three buildable lots should have minimal impact on existing transportation infrastructure. Granting of a waiver to the traffic study requirement is appropriate for this case.

Consolidated Water provides water service in this area. Boone Electric Cooperative provides power in this area. The Boone County Fire Protection District provides fire protection. The nearest station, Station 14, is located seven miles away.

The applicant proposes use of onsite wastewater lagoons for three subdivision lots. The applicants have not submitted a request for a waiver of the sewer cost benefit analysis for this plat. However, the creation of three buildable lots with proposed onsite systems would likely not be cost effective for building of a central sewer. Granting of a waiver to the sewer cost benefit analysis is appropriate for this case.

The property scored 58 points on the rating system.

Staff recommends approval of the plat and granting of the waivers.

Commissioner Trecha made, and Commissioner McCann seconded a motion to approve the items on consent agenda with recommended conditions

All members voted in favor.

VII. Old Business

1. Update on Commission action.

Update on County Commission Action – From December 2022 agenda items.

The conditional use permit for a Kennel at 5550 W Gillespie Bridge Road was approved with the recommended conditions.

The rezoning request and review plan by D Who Land LLC for Five Pines at 8100 E Richland Road was approved as recommended.

The final development plan for Joseph & Kelly Eagle were approved as recommended.

The following plats were approved and accepted:

- Eagle Nest Estates
- 4C2AP Acres
- Biggs Estates Plat 1
- Kaila's Ranch Plat 1
- Peabody Ridge
- Douce Division

VIII. New Business

1. County Commission – New Procedure

Bill Florea: The Commission prefers to have a period of time to consider the record before making a decision so they are going to hold the public hearing and about one week later, at another County Commission meeting, they will make their decision.

Thad Yonke: It gives them time to consider everything they've heard rather than making a decision on the fly that night.

Chairperson Harris: On the surface it could look like it is adding a layer to the bureaucracy; as long as there isn't a great delay or disservice to the applicants.

Bill Florea: This is something they are trying.

Commissioner Kurzejeski: Is it the expectation that they will make no decision on any items or just some?

Bill Florea: They will probably not make a decision on any of the discretionary items. Essentially, it mirrors what they do with almost every other decision they make, to have a first and second reading. Their first reading will be the traditional Tuesday night meeting with the public hearing and the second reading probably the next week during one of their day meetings.

Commissioner Kurzejeski: Is the expectation that the applicant will need to be at both the first and second reading?

Bill Florea: If they choose to be.

Thad Yonke: They are not doing a second public hearing at the second reading.

IX. Adjourn

Being no further business, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 20th day of April 2023