

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

Minutes

3:30 P.M.

Thursday, December 8, 2016

Present: Eric Kurzejeski, Carl Freiling, Greg Martin, Bill Loyd, Rhonda Lightfoot, Michael Poehlman (arrived 3:40)

Also Present: Dan McCray, Stakeholder Committee; Phil Clithero, Stakeholder Committee

Staff: Stan, Shawver, Thad Yonke, Bill Florea, Uriah Mach, Paula Evans

December meeting packets were distributed.

Stan Shawver gave a brief history of the subdivision regulations and explained that a stakeholders group was formed, the stakeholders met once a week for two years and there were a lot of compromises made on both sides.

Commissioners elected to discuss the major changes to the subdivision regulations but decided it was not necessary to go over the reorganization and “clean-up”.

Bill Florea stated there were changes in the definitions but we will probably get through all of them by going through the rest of the regulations because most are tied to regulatory changes.

Section 1.5.1.1 Survey Not Required, When

Some Commissioners had issue with the threshold being changed from 20 acres to 40 acres and asked why this was changed. Staff explained that this is a change the County Commission wanted as it matches State requirements. Commissioner Kurzejeski understands the law requirement but believed this to be a major impact on property owners with regard to the level of road service they would have to provide. Commissioner Freiling stated he saw no benefit in penalizing property owners and believed 40 acres to be excessive. Commissioners clarified that they didn't have a problem with the property being surveyed. Commissioner Freiling stated any regulation that is passed that establishes a threshold of 40 acres as a minimum lot size is excessive and unreasonable as it will affect private road development. Commissioners continued to discuss private road standards. Dan McCray stated when the stakeholder committee was given this task the County Commission didn't want private roads at all; the committee tried to meet on middle ground. Thad Yonke stated a new category was created which is the rural public road standard which is different from the current public road standard. Commissioner Loyd asked the reason for the proposed change. Stan Shawver explained that prior to 1995, no survey or plat was required on lots larger than 5 acres. The county was being cut up into 5 acre lots with no infrastructure. The 1995 regulations changed that aspect. The law at that time already required surveys on tracts 40 acres or smaller, but the County Commission stated that going from five acres to forty acres was too much change at one time so they decided on the 20. When staff reviewed proposed changes in 2008 the Commission and County Counsel agreed that this has been in effect for 15 years and should now increase it the additional 20 acres. State Law says it is supposed to be surveyed and their thinking is it is a disservice not to get a good survey. Thad Yonke stated that staff understands that this is an issue with the Commissioners and proposed that staff come back with proposals.

Section 1.5.2 Determination of Type of Subdivision

Bill Florea stated this is a new regulation but it mirrors our practice.

Section 1.5.8 Prohibited Land Sales and Transfers of Illegally Created Lots

Thad Yonke stated it doesn't matter who created the lot; the current property owner will be required to solve the issue before transferring the property to another person. Stan Shawver stated this requirement is in the regulations now it is just worded differently.

Section 1.5.9 Building on Unlawfully Subdivided Land, or an Illegally Created Lot Prohibited

Thad Yonke stated this is already in the regulations it is just worded differently.

Section 1.5.14 Private Access Easements (PAE)

Bill Florea stated if a developer is dividing property in a manner that requires them to provide private access easements they can either build that to the standards that are published in the regulations or they can defer the construction. If they defer the construction then they record a Notice of Non-Occupancy of the Property (NNOP), it is a recorded notice so anyone buying that property has notice that they won't receive a building permit until the easement is built according to the regulations. If they elect that option the buyer of the property has notice that not only are they buying a piece of property to build a house on but they have to build the road too. After construction they would have a private engineer come out and certify the road to the Director that it is built to standards, at that time staff would release the NNOP for that lot.

Section 1.5.16 Determining the Number of Tracts Served by a Private Access Easement (PAE)

Thad Yonke stated staff is fairly firm on this regulation. There has to be a way to count the tracts so that everyone is counting them the same way. If the easement touches a tract it is going to count as having access to the easement. Commissioner Freiling stated if a tract has public road frontage and does not have rights to the private road. With the new road standards the road will have ditches I still think that is unreasonable. Staff asked for a better way to count them. Commissioner Freiling stated if a lot has public road frontage and you indicate in the plat and private road agreements that this lot only has public road access and are not subject to the private road agreement, they have no use rights and they have no maintenance responsibilities. Bill Florea stated he thinks the solution is to increase the number and still count that lot and that is what staff did. Thad Yonke stated there is little ability to stop that property owner from using the private road if it is connected to their property; if it is there they are going to use it. Bill Florea stated the current number is four but you have two with frontage so you get a total of six, staff is proposing eight. Commissioner's discussed alternatives with staff. The stakeholders present stated they agreed to eight lots.

Section 1.5.19 Advisory Point Ratings for Subdivision Plats

Commissioner Kurzejeski questioned the term advisory versus regulatory. Stan Shawver stated it was initially planned to be regulatory and if it didn't score 50 points then they couldn't move forward. They realized they couldn't deny someone the right to develop their land so they evaluate the potential for development and figure out the shortcomings.

Section 1.5.20 Recognized Utilities

Bill Florea stated staff has a practice where they approve utility surveys. When a utility comes in and needs to subdivide a piece of property for utility purposes historically the Director has signed off on the survey for that development but there is no regulation that allows that but it needs to be done. This section puts into writing what staff is already practicing. Stan Shawver stated these are typically lots that don't comply with regulations.

Commissioner Martin left the work session.

Section 1.5.21 Affidavit of Ownership

Bill Florea stated there is a provision in the appendices that requires staff to check ownership prior to approving a subdivision.

Section 1.5.22 Prohibition of Transfer Prior to Recording

Section 1.5.22.1 Transfer With Notice Allowed

Bill Florea stated once an application has been submitted the applicant can't sell without notifying Resource Management. The process will stop until the new owner comes in and submits an updated Affidavit of Ownership.

Section 1.5.23 Road Stub Location

Thad Yonke stated this is the current practice and it keeps stubs from running into ravines or ending at a cliff.

1.6 Subdivision Category and Type

1.6.1 Abbreviated Administrative Approval Subdivisions

Bill Florea stated that staff created a new review process; it is a three day turn around period. Currently the survey is brought in for approval and staff has no time to do any research. On property boundary surveys staff needs to verify that they aren't leaving anything behind such as needing an administrative survey.

1.6.2 Administrative Approval Subdivisions

Bill Florea stated currently the only one we have is Administrative Surveys and those are subdivision lots from 10 acres to 20 acres in size and those will continue to be in this category.

1.6.2.2 Family Transfer Division Survey

Bill Florea stated this is a new type of survey. We currently have a process for Family Transfers which is an exemption from the subdivision regulations so there are no regulations that apply to it. A process was set up to require a survey. Stan Shawver stated there have been issues where people write their own legal description, the description goes through the house, the house isn't even on the property, and deeds get transferred incorrectly. Two years ago state law changed and requires that any new legal description has to be done by a surveyor, this takes it a step forward so not only do people get a legal description but a picture of the legal description.

1.6.2.3 Lot Consolidation Survey

Bill Florea stated the way this is done now is by whatever type of subdivision you fit in to. If you have two six acre tracts you want to combine you would have to do an Administrative Survey to combine them, if you had two three acre tracts that you want to combine you would have to do a subdivision plat which is a six week process. It didn't make sense for people to go through this process to combine lots. It mostly affects lots when after combined creates less than 10 acres.

1.6.2.4 Lot Line Adjustment Survey

Bill Florea stated this is one of the biggest problem areas we have right now. We get complaints all the time from surveyors because we don't have a process for this.

The work session adjourned at 5:35 pm

Minutes taken by Paula Evans, Administrative Coordinator, Boone County Resource Management