

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
County Counselor CJ Dykhouse
Director of Planning & Building Stan Shawver
Planning & Building Planner Uriah Mach
Deputy County Clerk Kristina Johnson

Supporting documents presented during this Commission meeting can be viewed at the end of this document, under the item numbers they were presented in.

The meeting was called to order at 7:00 p.m.

Planning and Zoning

- 1. Request by T-Vine Development Corp. to rezone from R-D (Two-Family Residential) to R-DP (Planned Two-Family Residential) on 6.04 acres, more or less, and to approve a Review Plan located at 4625 E. Hwy HH, Columbia.**

James Jefferies with Allstate Consultants, and Rhonda D. Carlson the property owner, were present on behalf of this item.

Uriah Mach stated the minutes for the Planning and Zoning Commission meeting of the February 18, 2010 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

This property is located north of Columbia in the northeast quadrant of the intersection of State Highways B and HH. The original zoning for this tract is A-2. In 2000 the property was rezoned to R-D, Two Family Residential as part of a larger development plan. In 2005 the land was platted as Settlers Ridge Plat 1 and was composed of 17 lots suitable for two-family dwelling construction. The entire infrastructure necessary to support Settlers Ridge Plat 1 was installed at that time.

The current proposal is to rezone the property to RD-P, Planned-Two Family Residential and replat into 34 lots suitable for single family dwellings or two-family attached dwellings utilizing zero lot line construction. The planned zoning designation is necessary in order to allow the zero setbacks on internal lot lines. If the rezoning is granted there will be no change in the density of the development.

The Master Plan designates this area as being suitable for agricultural and rural residential land

uses. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of a proposed rezoning. The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities:

Water is provided by Public Water District No. 4. The water district has adequate infrastructure in place to provide potable water and fire flow.

The City of Columbia provides sewer service. Two short sewer main extensions will be required in order to provide sewer service to proposed Lots 101A and 117B. A pre-annexation agreement with the City of Columbia was required in 2000 as a condition of receiving sewer service.

The property is located within the Boone Electric service area.

Natural gas is provided by Ameren UE.

Transportation: The property is served by an internal road network that was designed to accommodate the density of this development. The original development plan for Settlers Ridge included required improvements to existing roads. Those improvements are tied to various phases of the development. All of the offsite improvements for Plat 1, which includes proposed Plat 1A, were completed in 2005.

Public Safety Services: Since there will be no net increase in the number of dwelling units that result from this proposal there will be no net impact on public safety services. A Type II Stream crosses the west end of the property. The stream buffer limits have been shown on the Plan/Plat.

Since there is no change in density compared to the existing plat for the property, approval of this Rezoning and Review Plan will have no net impact on infrastructure, public roadways or storm drainage systems. Staff notified 63 property owners regarding this request. The property scored 79 points on the rating system.

Staff recommended approval of the rezoning request and the review plan.

The Planning and Zoning Commission conducted a public hearing on this request during their February 18, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning request be approved. That motion received unanimous support. It comes forward with a recommendation for approval.

James Jefferies stated he was with Allstate Consultants. Mr. Jefferies stated he and the family have prepared the plats before the Commission. He stated he has been working with the family on this for the past ten years and they have looked through this thoroughly. The Carlsons feel like having the flexibility to put some single family detached homes would be a good thing. The

houses would be three bedroom single car garages. Mr. Jeffries stated if the Commission had any questions Rhonda Carlson the owner of the property is here with him to answer anything asked.

Commissioner Miller stated this seems like an upgrade from her perspective versus the duplex option.

Commissioner Pearson inquired if anyone was present to testify in support. No one was present.

Commissioner Pearson inquired if anyone was present to testify against. No one was present.

a. - Rezone

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request of T-Vine Development Corp. to rezone from R-D (Two-Family Residential) to R-DP (Planned Two-Family Residential) on 6.04 acres, more or less, located at 4625 E. Hwy HH, Columbia.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 109-2010**

b. Review Plan

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request of T-Vine Development Corp. to approve a Review Plan on 6.04 acres located at 4625 E. Hwy HH, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 110-2010**

2. Request by Greenwing Development LLC to rezone from C-GP (Planned Commercial) to C-G (General Commercial) on 8.19 acres, more or less, located at 6301 W. Cunningham Dr., Columbia

Jay Gephardt a Civil Engineer with the Civil Group, and Scott Atkins a member from the Greenwing Development, were present on behalf of this item.

Mr. Mach stated the subject tract is located on Cunningham Drive, at the northeastern quarter of the Highway 40/Interstate 70 interchange, approximately 1.5 miles from the city limits of

Columbia. The applicants are seeking to rezone 8.19 acres of C-GP (Planned General Commercial) zoning to C-G (General Commercial) to match the surrounding C-G zoning. The property was originally zoned C-G, but was rezoned to C-GP in 1981 as part of a set of conditions on a conditional use permit for a lumberyard. The property is surrounded by original 1973 C-G zoning.

Currently, the property is vacant, and the conditional use permit for a lumberyard was never acted upon. If approved, this rezoning will return the property's zoning to its original 1973 zoning. Staff notified 12 property owners about this request.

The Master Plan designates this property as suitable for residential land uses. The Master Plan also identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public water is provided by Consolidated Public Water District #1. Electrical service is provided by Boone Electric Cooperative. Natural gas is provided by Ameren UE. Fire protection is provided by the Boone County Fire Protection District. This rezoning will increase demand on available public utilities, due to the delimitation of uses inherent in an open rezoning. However, the present C-G zoning around this property currently has the same requirements for development. So, while there will be an increase, resources should exist or be sufficiently close to meet the needs of the subject tract.

Transportation: The property has direct access onto Cunningham Road, which is an access road for Interstate 70 and Highway 40. This rezoning will not increase demand on the transportation network

Public Safety: The property is approximately 1 mile from the nearest fire station, located at Henderson Road. This rezoning will not increase demand on public safety services.

Zoning Analysis: This request meets the requirements of the Boone County Master Plan's sufficiency of resources test. While the preference of staff is typically to oppose rezoning that move from more restrictive to less restrictive zoning districts, the advantages that usually exist in such situations do not exist here. The Midway area has developed as a commercial/industrial node in the county. Returning this property to its original C-G zoning will have limited impact on the surrounding properties.

Staff recommended approval of this request.

The Planning and Zoning Commission conducted a public hearing on this request during their February 18, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning request be approved. That motion received unanimous support. It comes forward with a

recommendation for approval.

Jay Gephardt stated he believed the Planning and Zoning staff from Boone County has pretty much said what needs to be said. Mr. Gephardt stated this situation is kind of an anomaly in that the surrounding area is 53 acres of straight CG. Any of the things that would normally be looked for to protect neighbors, just do not apply to this tract. Mr. Gephardt stated he and Scott Atkins are present to answer any questions the Commission may have pertaining to this request.

Commissioner Pearson inquired if anyone was present to testify in support. No one was present.

Commissioner Pearson inquired if anyone was present to testify against. No one was present.

Commissioner Pearson stated he received a letter from Mr. Gordon Thompson expressing concern about this request.

Commissioner Miller stated Mr. Thompson just wants the County to be very careful about this because the rules have changed over time and he just wants to make sure the Commission is protecting the citizens.

Commissioner Pearson stated Mr. Thompson wants this to remain as it was zoned.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request of Greenwing Development LLC to rezone from C-GP (Planned Commercial) to C-G (General Commercial) on 8.19 acres, more or less, located at 6301 W. Cunningham Dr., Columbia.

Commissioner Miller seconded the motion.

There was no further discussion or public comment.

The motion carried 3 to 0. **Order # 111-2010**

3. Public hearing for the Northeast Area Plan.

Stan Shawver stated the Northeast Area Plan is the product of a lengthy process between the City of Columbia Planning and Zoning Commission and the Boone County Planning and Zoning Commissioner to do a sub area plan for the new Columbia High School site. This is a wedge shaped property which is roughly by I-70 on the South and about a half mile east of route Z and the Mexico gravel road on the North. The process was the Planning and Zoning Commission's met over a number of work sessions, in addition to a number of public meetings, and some open houses to have some input from the neighbors. The Commission's examined the existing infrastructure which included the sewer lines, electric lines, water lines, and existing land uses. The Commission's then developed a development plan for the area looking at the fact that there would need to be improvements as a result of construction of the high school. The proposed land use that they came up with encompasses some residential uses with a little higher density,

some commercial use, and also some preservation of open farm area. This has been a learning experience for both Planning and Zoning Commissions. The City of Columbia has adopted this proposal and the Boone County Commission is on the verge of adopting this as well.

Commissioner Pearson stated he wanted to thank both the Planning and Zoning staff's and thank the public for the input on this project.

Commissioner Pearson opened the public hearing over the Northeast Area Plan.

Pam Jordan stated she lived just east of the proposed site. Ms. Jordan stated she has just had a couple of quick concerns that she would like to voice as a landowner. Ms. Jordan stated she wanted to thank the Planning and Zoning Commissions for the access the public was given and the hours and hours of input. There is some concern over the roads in that area. Currently St. Charles extends out over Route Z. In the proposal there is the thought that St. Charles would be cul de sacked, at Route Z. For those landowners and herself (Ms. Jordan owns 20 acres along there) this would affect her adversely whereas this would also be a great area for a roundabout, and it would not have the same effect as a cul de sack. There will be students on these roads connecting from Route Z and a roundabout has a way of slowing them down. Having students on a cul de sack could cause some backup and real problems. There were also concerns about how the cul de sack might hurt the property values. Many of the people living in this area with large pieces of property view the property as our retirement. Many of us do not want to fight anything being placed there but we would like to see concern and respect for our places. Ms. Jordan stated the other thing that she would like to bring up is that twenty years of her professional experience has been in real-estate appraising and development in the Jackson County area. This plans outlook is for twenty years and twenty years can go pretty quick. Ms. Jordan stated twenty years may not be a long enough outlook. For example, look at what happened in Southwest Columbia and Boone County. The public has been told all along that this is not set in stone, however it has happens all too often that what ends up happening down the line is exactly what was in the proposal. Ms. Jordan stated that the property owners are really hopeful that this plan is not set in stone and that the public is continued to be heard.

Commissioner Elkin stated he appreciated Ms. Jordan's attendance to the Planning and Zoning Meetings. Columbia Schools has commissioned a traffic study for that area and St. Charles being one of the main roads, will be apart of that study. Commissioner Elkin stated one of the options is for there to be a readjustment of the intersection of St. Charles road and route Z. From the map it is clear that this intersection is not a perpendicular angle, it is skewed. Commissioner Elkin stated he is aware that there have been some instances where I-70 has been blocked off and they used St. Charles as a bypass and he is aware that there has been some trouble with that obtuse angle over there. One of the proposals was to realign St. Charles road to the South to where the County could intersect route Z at a more perpendicular angle. If this happens there would not be two thoroughfares through there. There are many discussions going on over transportation in that area and so there will be plenty of opportunity for public input.

Ms. Jordan asked where someone might find the publication of those discussions? Are they for the public?

Commissioner Elkin stated yes. The County meets fairly often with the public schools and Columbia City.

Ms. Jordan asked if notification of these meetings were in print or if they are online somewhere?

Commissioner Elkin stated it would be in the Tribune under meetings and depending on who calls the meeting will result in if it is listed under the County or the City.

Commissioner Pearson stated these meetings are published and the Commission posts a schedule in the Tribune every Sunday.

Commissioner Pearson closed the public hearing on the Northeast Area Plan.

4. Request by Rick and Kimberly Rose for a permit for a privately operated outdoor recreational facility on 11.06 acres located at 7040 S. Lakota Ridge Ln., Columbia. (tabled 9/1/09)

Rick Rose was present on behalf of this item.

Commissioner Miller stated the Commission has already had its public hearing and testimonies. Since then, she called a meeting with Mr. Rose, the neighborhood association, and the Kinsey's, who had the most concern about this property. Commissioner Miller stated they met last Monday to discuss some of the issues over the baseball field. Ms. Kinsey sent her group of conditions that she would like to see and Mr. Rose sent his, and it is up to the Commission to make the decision what those conditions will be.

Mr. Rose stated he lived at 7040 Lakota Ridge Ln.

Commissioner Pearson asked Mr. Rose if there was anything he would like to add at this point.

Mr. Rose stated he is at the mercy of everyone in front of him and around him. Mr. Rose stated he hopes to continue to do what he would like to do over the past years.

Commissioner Miller stated the Commission has been very supportive of youth sports. This is evident in what is happening at the Fairgrounds and the need for these facilities is also evident. Commissioner Miller stated what Mr. Rose has done is really out of the goodness of his heart and it grew beyond his wildest dreams of what he had anticipated it to be. This is what created some of the heartburn. Then he found out he was supposed to have a conditional use permit and the options then were to either tear it down or to condition it in such a way to try to mitigate the concerns of the neighborhood. Commissioner Miller stated she has some proposed conditions that she would like to suggest and then the Commission can make a motion from there if that is okay.

Commissioner Pearson stated yeah, okay.

Commissioner Miller stated you can react to it because I have not sent them to anyone.

Commissioner Pearson stated okay.

Commissioner Miller stated the conditions that she would like to suggest are:

- 1) No lighting
- 2) Dust free parking for 23 vehicles
- 3) Dust free driveway secured from traffic except during operating hours, unless the owner is on site
- 4) No tournaments
- 5) All trash to be removed from the property after each use
- 6) Provide restroom facilities to the satisfaction of the Boone County health department
- 7) Operating period from March to May
 - a. operating hours Saturday noon to dusk; Sunday 10am to dusk; Monday thru Thursday 4pm to dusk; Friday no use;
 - b. June through November practice only and no Friday use; December thru February the baseball field would be closed

Commissioner Miller stated the Commission cannot place a number on the acceptable ball game because it is too hard for staff to keep track of how many and manage that.

Commissioner Pearson stated he has some questions about this. Commissioner Pearson inquired if he had any comments about this.

Mr. Rose stated he did not.

Commissioner Pearson stated on March through May there is designated time periods, Saturday noon to dusk, Sunday 10am to dusk, Monday through Thursday 4pm to dusk, and nothing on Friday. Why nothing on Friday?

Commissioner Miller stated typically ball teams do not practice on Friday nights. Commissioner Miller stated she also believed that it would be one night that the neighbors would know there would be no traffic down there period. They could have an outdoor barbecue and they would not need to worry about traffic. Commissioner Miller stated Friday night is just kind of a date night kind of thing.

Commissioner Elkin stated mom and dad need to have one night.

Commissioner Pearson stated he is married he does not date on Friday nights anymore. Commissioner Pearson stated here is where he is really headed on this: what are the hours from June through November?

Commissioner Miller stated dusk should be the final hours because there is no lighting and no reason to be there after that time.

Mr. Rose stated there are no plans for this field to be used at all at this time from June through November. Mr. Rose stated if it will be used it is going to be limited use. There will be kids out of school during the summer so I would like to see 10am to dusk. Mr. Rose restated the use will be limited. The kids will be trying to accomplish in March, April, or May, is to get prepared for the season. Mr. Rose stated there will be very little use if any and he will be mowing the grass probably for nothing.

Commissioner Pearson stated he actually remembers when he was young and he used to play all summer long and all day long. Commissioner Pearson stated he did not have a field as nice as this which is why is curious about how that would work. December through February is closed.

Commissioner Elkin inquired if the Kinsey's were present?

Commissioner Pearson stated he did not see them come in.

Commissioner Elkin asked Commissioner Miller if she had received correspondence from Ms. Kinsey?

Commissioner Miller stated she had and she had given it to Stan Shawver. Commissioner Miller stated one of the things Ms. Kinsey wanted to point out was that she cannot charge fees according to their neighborhood association.

Mr. and Ms. Kinsey's correspondence with Commissioner Miller:

Karen Miller - Re: Ballfield Conditions

From: Jenice Kinsey # 4
To: Karen Miller ,
Date: 2/26/2010 7:16 AM
Subject: Re: Ballfield Conditions
CC: Stan Shawver , Reginald Kinsey

Karen,

My deal with Mr. Rose was that I would agree to practices, and practices only, in the fall, if and only if he agreed to start Saturday games after 1:00 pm. Otherwise there would be no fall practices permitted.

Please include the following Boone Femme Homeowners Association Resolution dated August 29, 2009, signed by Meir Lazar, John McGee, Thomas Mendenhall, Rick Rose, Kimberly Rose and Ann Korschgen in the Conditional Use Permit as was presented to the Boone County Planning and Zoning Commissioners by Mr. Tom Mendenhall.

"A Boone Femme Homeowners Association Resolution dated August 29, 2009, signed by Meir Lazar, John McGee, Thomas Mendenhall, Rick Rose, Kimberly Rose and Ann Korschgen states that:

1. The owner of Lot 2 shall not charge any rent, fee or other form of compensation as consideration for the use of the baseball field located on Lot 2.
2. The the owner of Lot 2 shall not charge any admission fee or other form of compensation to any spectator observing a baseball game being played on Lot 2.
3. That no commercial activity or commercial business of any type shall be conducted on Lot 2."

Karen, thank you for your support in this matter.

Sincerely,

Jenice Prather-Kinsey

From: Karen Miller <KMiller@boonecountymo.org>
To: ~~members1755@yahoogroup.com~~
Cc: Stan Shawver <SShawver@boonecountymo.org>
Sent: Wed, February 24, 2010 4:29:09 PM
Subject: Ballfield Conditions

Mr. Rose and Mrs. Kinsey,
Did you get the times worked out? I need to prepare for Tuesday

Proposal to The Boone County Commission
Baseball/Soccer Field Compromise Suggested by Reginald Kinsey and Jenice Prather-Kinsey
September 4, 2009

The Boone County Commission (BCC) has asked Reginald Kinsey and Jenice Prather-Kinsey (Reggie and Jenice) to develop a compromise under which the baseball/soccer field in Bonne Femme Estates could be used. We believe that we have developed a reasonable compromise.

We propose that the BCC deny permission for a "conditional use permit" to Rick and Kimberly Rose on Lakota Ridge Lane.

Rick Rose said at the September 1, 2009, BCC Meeting that he would sell the baseball property to Reggie and Jenice. We propose that Rick and Kimberly Rose sell the baseball/soccer property to the Bonne Femme Homeowners Association (BFHA) where the Association would have control over the use of the property.

The property must be appraised by an appraiser selected by Reggie and Jenice. If the BFHA agrees, the cost of the baseball/soccer property would be spread evenly over each home in the Association, not evenly over each lot. The BFHA would then purchase the baseball/soccer field in the name of each of the homeowners who paid their share of the cost of the baseball/soccer property and each homeowner would receive a deed to the property.

In the future, when a BFHA member's property is sold, the buyer would be required to pay for the seller's interest in the baseball/soccer field to the BFHA whereupon the seller's proportionate ownership share of the baseball/soccer property would be transferred from the seller to the buyer of the Bonne Femme Estates property.

Property owners would be responsible for keeping the property mowed and cleaned from debris (20 homeowners @ 15 days a year excluding the months of January and February). Each homeowner would be responsible for 15 days of upkeep. The individual neighborhood homeowners could either do the mowing/upkeep themselves or hire someone else to mow.

The baseball/soccer field would be available for use only by the BFHA homeowners and their immediate visiting family. No organized baseball teams would be permitted to play or practice on this field. Reggie and Jenice are open to discussions about further restrictions on use, as proposed by the Bonne Femme Homeowners Association.

I experienced a similar arrangement in another neighborhood. Reggie and Jenice would be happy with this compromise. We would also be happy to lead in arranging for this compromise.

Thank you for your consideration.

BONNE FEMME HOMEOWNERS ASSOCIATION

The annual meeting of the Bonne Femme Homeowners Association was held on January 23, 2006, at 7:30 pm, at the home of Tom and Diane Mendenhall, 7300 Quantrill's Pass Southm, Columbia, MO 65203.

Attending were:

Carl and Ann Korschgen
Meir and Gail Lazar
John and Cynthia McGee
Bill Dickinson
Rachael Schwarz
Ray and Kerri Navarro
Jeff Viles
Shelly Deters
Jenice Prather-Kinsey
John Pardalos
Tom and Diane Mendenhall

Proxies were submitted by:

Ellen Pappas
Darren Alexander

Tom Mendenhall presided over the meeting.

The Treasurer's report was read and approved. The yearly assessment will remain at \$250 per lot.

Motion was made by Tom Mendenhall and second by John McGee to make Ann Korschgen a director to replace John McGee as Secretary/Treasurer. Motion carried. Unanimous

Carl and Ann Korschgen presented a proposal to the Association regarding their Lot 6. They want Association approval so that they may rezone a portion of this lot to CP Planned. This lot fronts along Route K and this gives them the potential to sell the lot or a portion at some future point. Motion made by John McGee to allow them to apply for rezoning. Motion second by Meir Lazar. Motion carried. Unanimous

Motion made by John McGee to put Gail Lazar on Architectural Committee. Motion second by Tom Mendenhall. Motion carried.

Carl and Ann Korschgen also discussed planting some trees between the road and their garage. This was agreeable with all present.

Motion made by Tom Mendenhall to formally acknowledge the rights of the baseball field and soccer field. Motion second by Meir Lazar. Motion carried. Unanimous

In other discussions, Karl Korschgen will oversee clean up along Buffalo Ridge Road. Cynthia McGee has requested that mowing people, mow the front area a more frequently. She also mentioned the fence is turning green with mold again. Tom Mendenhall will have someone check on this. Meir Lazar mentioned Rick Rose had introduced him to the mole killer. It seems everyone is having problems with moles. Ann Korschgen mentioned seeing what looked like soap suds in creek. Tom Mendenhall says this comes from Hillcreek Subdivision, and will clear up when Hillcreek area hooks on to sewer. Meir Lazar said that he would be doing the fireworks celebration this year.

A copy of these minutes and budget will sent to all owners and to J. Turner Jones to be included in our association records.

APPROVED BY
Tom Mendenhall PRES.

Commissioner Miller stated when the Kinsey's and Mr. Rose met, there was discussion of time restrictions on the ball field. Ms. Kinsey had wanted one to dusk on Saturday because she works in her yard on Saturday and did not want people around her while she was there. Mr. Rose went back and spoke with the people who coach and they wanted to start at ten. Commissioner Miller stated she met both parties in the middle and decided noon would be an appropriate time. Commissioner Miller stated this is all her thoughts on how to create a fair compromise for the neighborhood.

Commissioner Pearson stated so Commissioner Miller you are trying to make them both mad?

Commissioner Miller stated well, equally unhappy, let's put it that way.

Mr. Rose stated he has always been willing to negotiate.

Commissioner Miller stated she knows that he has. When Mr. Rose came up with March through May as concentrated use of the ball fields, Commissioner Miller had a lot more comfort with trying to find that middle ground.

Commissioner Pearson stated so the drive goes from the street down the hill. Is that correct?

Commissioner Miller stated right.

Commissioner Pearson asked if this is chained off when it is not in use?

Mr. Rose stated it was.

Commissioner Pearson asked if the drive was part of the property?

Mr. Rose stated it is actually an easement.

Commissioner Pearson inquired if Mr. Rose would be willing to be responsible for any trash that might be along that?

Mr. Rose stated yes sir; there has never been one piece. Mr. Rose stated he is on his gator all the time going up and down that drive and trash has never, ever been an issue. It is a fabrication.

Commissioner Elkin stated that the only question he had was over the commercial activity.

Commissioner Miller stated the no commercial activity clause is appropriate to add. Commissioner Miller stated she suggests she can support this and if you guys can support this let's ask staff to find the findings of fact and conclusions of law and bring it back for us to adopt.

Commissioner Elkin asked if there was anyone from the neighborhood association that wished to comment on this.

Tom Mendenhaul the president of Bonne Femme Homeowners Association stated that he appreciates the Commission's efforts to get everybody together and work this out.

Commissioner Pearson inquired if anyone else had any comments over the proposed conditional uses? Commissioner Pearson also inquired if there was anything else that Mr. Rose would like to say?

Mr. Rose stated yes. Since this is a private facility that is non-commercial and non-profitable and he funds this himself, he would like to ask for his consideration that instead of blacktopping and instead of tar chipping and sealing that he is allowed to use magnesium sulfate. This is a dust free agent and can be applied with a spreader which he owns. This is applied through a liquid form and it is three times less toxic than baking soda and has been proven all over the Boone County area to be used to eliminate dust in horse arenas. This is a good product and it can be applied more than one time. There has never ever been a concern out here on dust it is minimal dust. The magnesium sulfate would just seal the deal so there were no more complaints.

Commissioner Pearson stated magnesium chloride has been used on some County roads. Commissioner Miller stated the County has found this product to be successful on the ones that we have used it on. Commissioner Miller stated we should require some sort of a dust free surface because that is what we would require of anybody. In speaking with Stan Shawver the director of Planning and Zoning, chip and seal was the least costly option that the County had prior to the magnesium chloride. Commissioner Miller stated she would be okay with this.

Commissioner Pearson stated he needed to think about that.

Commissioner Elkin stated he agreed. Commissioner Elkin stated if we are going to start using this, the Commission needs to come up with some guidelines on when this can be used. This may be the perfect scenario where it is limited use, and it is not used all year round.

Commissioner Miller inquired if this was allowed on the bed and breakfast?

Stan Shawver stated they had to do chip and seal.

Mr. Rose asked if the bed and breakfast was the one in Hallsville?

Commissioner Elkin stated yes.

Mr. Rose stated there is no chip and seal out there just rocks.

Commissioner Miller stated there is no chip and seal, just rock.

Mr. Shawver stated chip and seal was what was required.

Commissioner Miller stated no, I was just there Saturday for a tea party.

Mr. Shawver stated they have extended time to establish a base.

Commissioner Pearson stated right, but ultimately they must have it chip and sealed. The magnesium chloride does not create a completely dust free surface.

Mr. Rose stated that is correct. Mr. Rose stated in addition to this, you could also use salt. Salt helps everything work better. The type of gravel that he has down there now is very compacted and there is very little dust that ever comes from it, even in the driest months. With the humidity that is in Missouri, the magnesium sulfate works with the moisture so there is no need to wet the surface before it is placed on. Mr. Rose stated he could personally maintain it because he owns spreaders. Mr. Rose stated he already owns two piles of this stuff.

Commissioner Elkin stated in the past on conditional use, similar to the bed and breakfast, is the Commission allows up to a year, so maybe the Commission approves this with the conditions and then investigate into this.

Commissioner Miller stated yes, allow this for the first year and the reevaluate the situation out there.

Commissioner Elkin stated yeah before I say yes on this I just want to make sure that I completely understand. The reason being is because every conditional use permit after this will want to do this because it is cheaper and easier.

Mr. Rose stated but isn't the County using it, successfully? Is that not what you just said?

Commissioner Pearson stated how the County applies this is different then how you want to apply this. Commissioner Pearson stated the County mixes this into the surface while the surface is wet and then the County rolls it. This is still only good for a couple of years and then it still needs to be top dressed annually.

Mr. Rose stated absolutely. I totally understand Commissioner Pearson. Mr. Rose stated he has researched it and spoken to the contractors who would help them put on a heavy application and then he is here with his spreader to maintain it if he has to at any time.

Commissioner Pearson stated he believes that the Commission needs to think about this a little bit more by itself. Commissioner Pearson stated thank you.

Virginia Gardner was speaking on behalf of her sister and brother in law who live in California but who own the plot South of Dakota ridge. Ms. Gardner stated she has been in contact with them about the ball field and they feel very comfortable with this proposal. Ms. Gardner stated they know Mr. Rose to be extremely vigilant in maintenance of this field. Ms. Gardner stated again that they feel very comfortable with what he would like to do here. Ms. Gardner stated this is their retirement property and they are looking forward to watching the games.

Commissioner Pearson stated be sure to be there between noon and dusk on Saturday.

Commissioner Pearson asked for a motion.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Rick and Kimberly Rose for a conditional use permit for a privately operated outdoor recreational facility on 11.06 acres located at 7047 South Lakota Ridge Lane, subject to the conditions discussed and request staff to develop the findings of fact and conclusions of law.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 112-2010**

5. Request by Debra Diller for a permit for Riding School and Equine Boarding Facility on 13.1 acres, located at 5950 N. Boothe Ln., Rocheport.

Debra Diller was present on behalf of this item.

Additional supporting and opposing documents for this item can be viewed at the end of this document.

Mr. Mach stated the subject property is located on a private drive off of Boothe Lane, approximately 6 miles northeast of Rocheport. It is 13.1 acres in size, and has a house, covered riding arena, outdoor riding arena, corral, and a stable on-site. The property is zoned A-1 (Agriculture) and is surrounded by A-1 zoning. This is original 1973 zoning. The master plan designates this area as being suitable for agriculture and rural residential land uses.

The applicant is requesting a conditional use permit for a riding school and an equine boarding facility. There have been no prior requests submitted on this site. In 2002, a conditional use permit was granted for a similar facility approximately 800' south of this site. Staff notified 11 property owners about this request.

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 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.

Hours of operation, number of horses, and the number of students will determine if the use is injurious to the use and enjoyment of other property in the immediate vicinity. The applicant has indicated that the number of students and their schedules, as well as her schedule as public school teacher, will be a limiting factor in the intensity of the use. Public testimony may be indicative as to whether this criterion is met.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. Public testimony may be indicative as to whether this criterion is met.

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

The issue of roads and road access is of note for this use. The subject property does not have direct frontage on Boothe Lane. It has access to public roads via a private driveway easement that extends across the tract immediately adjacent to the north and one that lies to the northwest. The access easement serves four tracts of land.

(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.

This property has already developed in compliance with the present zoning of the area (A-1). The establishment of this conditional use permit will not impede the further development of this area unless a rezoning to a higher density is sought for the surrounding properties.

(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 previously identified private drive easement that serves four of the five tracts in the immediate vicinity (including the applicant's tract), is identified as being 100' in width, yet the actual graveled surface does not appear to be that wide. Space exists for the expansion of the private drive, so improvement or widening of the driving surface would be simple.

(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 A-2 zoning district.

Staff recommended approval of the request with the following conditions:

- 1) That the structures utilized by this use be brought into compliance with Boone County's building code and the fire code to the satisfaction of the Director of Planning & Building Inspection and the Boone County Fire Protection District.
- 2) That the number of horses that can be boarded be limited to 15.

The Planning and Zoning Commission conducted a public hearing on this request during their February 18, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the conditional use permit be approved with the following conditions:

1. That the structures utilized by this use be brought into compliance with Boone County's building code and the fire code to the satisfaction of the Director of Planning & Building Inspection and the Boone County Fire Protection District.
2. That the number of horses that can be boarded be limited to 15.
3. Any horse present on the property for more than three continuous days shall be deemed a boarded horse.
4. The number of non-boarded horses that can be brought to the property at any one time is limited to ten.
5. The outdoor hours of operation are limited to daylight hours with not more than one weekday evening per week.
6. Operation of the covered riding arena end before 9:00 p.m. year-round.

That motion carried by a vote of 7-2. It comes forward with a recommendation for approval.

Commissioner Elkin inquired how Mr. Mach derived at 15 horses for the property?

Mr. Mach stated originally he considered making it one horse per acre and so the number would be 13. Mr. Mach stated he discussed that with the applicant prior to the P&Z meeting and she requested as many as 17. Mr. Mach stated he felt as though 15 was a good middle ground to hit. Directly to the South on the Gerzen property their current limitation is 22.

Commissioner Pearson asked how many acres were available on that property?

Mr. Mach stated roughly 39 or 40 acres.

Commissioner Pearson stated so they have roughly one per almost two acres.

Mr. Mach stated yes.

Commissioner Pearson asked what was the basis for your fifteen number.

Mr. Mach stated he came to the thirteen number looking at the Department of Agriculture.

Commissioner Pearson asked thirteen or fifteen?

Mr. Mach stated well, he started at thirteen and then through discussion with the applicant that we came to the fifteen number. Mr. Mach stated he admits that the number choice was just an effort to give and take. Originally the number thirteen was developed from the Department of Agriculture where they have a formula for identifying maximum numbers of livestock on any given acreage.

Commissioner Pearson stated so if the acreage of the house, garage, the building itself, stable, pond, and anything else that is on the land, how much acreage is left? How much pasture is actually there on the thirteen acres?

Mr. Mach stated he did not know.

Commissioner Pearson asked if it was possible to find that out?

Mr. Mach stated he could do an analysis of that property.

Commissioner Pearson stated he is just trying to get an idea of the amount of pasture that is actually available for the horses. If that analysis could be done, it would be appreciated.

Commissioner Pearson inquired who was present to speak on behalf of this application? Commissioner Pearson requested a copy of the presentation that Ms. Diller was going to present.

Deb Diller stated the packet with all of the slides is in front of you. Ms. Diller stated this is Horsin' Around Natural Horsemanship. This program offers summer camps, riding lessons, natural horsemanship clinics, and facility rental, on this property. This all started with Ms. Diller's dream of having horses when she was little.

Ms. Diller stated she dreamt of having horses since she was a little girl living in the suburbs of St. Louis. This presentation is the timeline of this dream. It wasn't until she bought her second home in rural Boone County (2003), that she knew she could, finally, realize her dream of having horses. Ms. Diller stated she bought her first horse 3 months later.

Ms. Diller stated she did not have a saddle or know the first thing about buying one, she did not know if pasture was all she needed, and she did not have a place to "safely" ride her, she did not know what she did not know. Ms. Diller stated she found a Natural Horsemanship program that has taught, and continues to teach, her about love, language, and leadership.

Ms. Diller stated she build an outdoor arena, but knew our winters would make it impossible

to do much riding in the winter. She needed dry ground, but couldn't afford to build a covered arena. She built a barn (2006) to protect other investments necessary for farm work, but left a large space to the north for a future covered arena.

Ms. Diller stated she wanted to share her ranch with kids and wondered if parents would like the idea of a "country" summer camp. There were many interested families who like the idea of a "country" camp. Her first Summer Camp was 3 years ago. Summer camp includes swimming, fishing, crafts, hiking, and projects. Ms. Diller stated she had summer camp for 3 or 4 weeks each summer. Each camp is limited to 12 kids. A few of the campers wanted to continue the riding lessons. She did the math and she is an experienced teacher and phenomenal Natural Horsemanship experience and so that makes for a great system to begin teaching beginning riders.

Ms. Diller stated the advantages of the arena were that she needed to advance her horsemanship throughout the year without winter being a roadblock. The arena would also allow summer camp to not be affected if it rained; riding lessons would not need to be rescheduled; friends, neighbors, and other interested riders could ride in a dry facility throughout the winter months. Ms. Diller stated the stars aligned and her loan was approved.

Ms. Diller stated the facility is centrally located on 13.1 acres. This is a premier environment for horse and rider. There is 150' x 80' covered, sand arena; 100' x 150' outdoor, grass arena; 60' round corral; 6 acre playground; 4 turnout pastures; wash rack; grooming; classroom and lounge; tack room, tack lockers; refrigerator and microwave. Ms. Diller stated the natural horsemanship clinics are put on by expert instructors. They are unique "country" summer camp for kids. There are dry places for equine owners to come and ride. This will provide a foundation for natural horsemanship riding lessons. Ms. Diller stated her facility also offers riding lessons to underprivileged youth by invitation.

Ms. Diller stated this project has taken years to be what it is. This is a long-range business plan, and retirement plan. This plan will grow over time. Ms. Diller stated there would be regularly scheduled riding lessons one evening per week and on the weekends. There will be manure composting which reduces parasites, flies, the volume of material, and reduces manure contaminated run-off. This will begin by the end of the month making the environment more pleasing for people and horses to be around. There will be rotational grazing which means changing pastures every 3 to 4 weeks. This will provide adequate forage, exercise space, and conditions to control internal parasites. Ms. Diller stated there will be a sign in her driveway which was a condition requirement from Planning and Zoning. The business hours for this facility will be from 7 am to 9 pm. The arena lighting will be off by 9 pm. Exterior lighting will shine inward and downward. Ms. Diller stated there will be no more than 15 horses on the property with a restriction of 10 clinic horses for no more than 3 days using pens or stalls.

Ms. Diller stated here are some things that have not been worked out and have questions about. Ms. Diller stated she has very smart and resourceful neighbors who trust her, but have concerns if my property goes into another's hands. The first question is if there is a renewal

or expiration date on the conditional use permit? Can a conditional use permit title be changed to a specific business? Can she terminate the conditional use permit? What happens if the new property owners ignore the conditions? Ms. Diller stated her neighbors and herself are drafting a new maintenance agreement with regard to the access driveway. Ms. Diller stated her share will be half and each of the 3 other tracts will be one-sixth. Ms. Diller stated the property access driveway is a single lane, gravel driveway with 4 private drives leading off of it. The single lane driveway has been a challenge to maintain. Ms. Diller and her neighbors also agree that the new "driveway" is way overdue, but she should bear most of the cost since there would be an increase in traffic due to her facility expansion. The neighbors want the drive brought up to "county specifications" specifically, double the width, install drainage ditches, and widen the culvert at the entrance.

Commissioner Pearson inquired if anyone was present to testify in support.

Nicole Forshee and her son Blaine were present in support of this item. Ms. Forshee stated Blaine participated in Ms. Diller's natural horsemanship camp last summer. He had great stories to share each evening about the time he spent working with the horses and all the wonderful outdoor group activities she planned. This was a fantastic well organized camp. Ms. Forshee stated Blaine is now taking individual horseback riding lessons. Blaine is a very energetic child but when he is working with Ms. Diller and Phoenix, his favorite horse, he is absolutely focused and hanging on her every word. She is patient and kind and he has learned so much from her. Ms. Forshee stated she is thankful that Blaine had this opportunity to visit her facility.

Blaine Forshee stated he is present to support Ms. Diller in getting her permits. Blaine Forshee stated he believed Horsin' Around Natural Horsemanship is a wonderful way to learn about horses. Ms. Diller will not just teach you how to mount a saddle and ride but she will teach you how to understand and learn about horses, learn about their feelings, strengths and weaknesses. Ms. Diller is a smart caring and responsible teacher. Blaine Forshee stated if he did not understand something she would break it down and explain it a different way that would help him learn. Blaine Forshee stated if he did something well she would compliment him; if he needed a boost in confidence she would encourage me.

Virginia Gardener was present in support of this item (was also present in support of item # 4). Ms. Gardener stated she knew Deb Diller from the Columbia Public School Systems. Ms. Gardener stated she was extremely impressed with Ms. Diller as a teacher and with the plans she has put together for this facility. Ms. Gardner believes that this facility would provide for an economic boost in this area, as well as a recreational outlet for this area. Ms. Gardener stated it seems to her that Ms. Diller has been totally cooperative with all the County's regulations and compliances that are needed in the neighborhood and with Planning and Zoning. Ms. Gardner stated it appears that Ms. Diller is willing to go over and above these requirements to make this facility work. Ms. Gardner stated she believes that the Horsin' Around facility appears to be totally compatible with the rural environment and neighborhood land use. The buildings are extremely low impact and there is no lighting, so there is no light pollution. Ms. Gardner stated she was really impressed with Ms. Diller's

written and revised plans and willingness to continue to work so that everyone is comfortable with this. Ms. Gardner stated she would just like to vouch for the instructors that would be teaching at the facility. Currently one of the instructors is the seventh highest ranked instructors for natural horsemanship which is quite an honor to have here.

Loren Matheny was present in support of this item. Mr. Matheny stated he is the contractor on the job for this facility. Mr. Matheny stated he is in support of this project for a number of reasons and the first reason is because it is good for the environment. Many times there is so many things that people would like to do on 16 acres and on his property they put goats and have a goat farm. This is his son's business but everyone spends a lot of time doing this. Mr. Matheny stated he does not know of a better person then Ms. Diller. Ms. Diller is very honest and wants to do what is in compliance with the County Commission and Boone County. Mr. Matheny stated originally they never dreamed that it would lead to what it has led to. Mr. Matheny stated this is just an agricultural building on her property and since then it has led to these things that are being discussed. Mr. Matheny stated with the Commission's approval he does not see any reason why they should not be able to proceed with that. Mr. Matheny stated home businesses are growing in this area and around the country. He is in support of all home businesses because individuals are living off their own land. With the limitations agreed upon by the Planning and Zoning Commission, he believes that all the stipulations and all the limitations that are apart of this, Ms. Diller would be in compliance with. Mr. Matheny stated he believed that she has the opportunity a couple times a year to generate a little revenue for herself. When he takes on a project of this magnitude he always wonders if the property owner will be able to make their money back on their investment and he has no reason to doubt that she can and that she would comply with the County.

Commissioner Miller asked if there were restroom facilities in the building?

Mr. Matheny stated no, there is an outside port a potty.

Commissioner Miller asked Mr. Matheny when he knew he was supposed to have a building permit and a conditional use permit?

Mr. Matheny stated upon starting this whole procedure Ms. Diller and he discussed the permits. Mr. Matheny stated he had come to Boone County to get a permit for the building and in the process of filling out the permits, they told him they need to discuss the building first. Mr. Matheny stated the County told him that he would need an engineer. Mr. Matheny stated he said okay and made a phone call to Ms. Diller and let her know what they needed. Ms. Diller asked how long this would take. Mr. Matheny stated he told Ms. Diller it could take anywhere between two weeks up to two months. Mr. Matheny said Ms. Diller stated they could not wait that long and so they proceeded. Mr. Matheny stated now they are in compliance with Crockett Engineering, and Connell Architects are working on the plans right now.

Commissioner Pearson asked Mr. Matheny if he does this kind of construction on a regular

basis?

Mr. Matheny asked buildings like this?

Commissioner Pearson stated yes.

Mr. Matheny stated yes.

Commissioner Pearson asked of this size?

Mr. Matheny stated he has done three of these.

Commissioner Pearson asked again of this size?

Mr. Matheny stated yes.

Commissioner Pearson asked if these three other structures were done in Boone County?

Mr. Matheny stated one in Callaway County and one in Cole County.

Commissioner Pearson asked if these two other County's had engineering requirements?

Mr. Matheny stated no.

Commissioner Elkin asked when construction was started on this?

Mr. Matheny stated October 2, but that was followed by twenty days of rain.

Commissioner Pearson asked if the structure was complete at this time.

Mr. Matheny stated 99% is complete.

Commissioner Pearson asked what the other 1% was?

Mr. Matheny stated touch ups, a few critiques, finish work, some windows that need to be placed into the stalls for ventilation, and a little wiring.

Commissioner Pearson asked if that was it?

Mr. Matheny stated it was.

Commissioner Miller asked if Mr. Matheny will have to retrofit the structure once the engineers go through and identify what is needed for wind draft etc.?

Mr. Matheny stated the engineers thus far seem very comfortable with the building but they would apply with whatever needs to be done.

Melanie Brown stated she also wanted to say is this is the only facility that teaches natural horsemanship in this area. We would have to go to Kansas City or St. Louis in order to get this training. One thing that is really great about this program is that it is really like a personal development program. This program teaches kids about relationships in general that will help them through life. Melanie Brown stated since she wants to become one of these natural horsemanship instructors and this would give her a venue to teach from.

Craig James was present in support of this item. Mr. James stated everything that he sees Ms. Diller do is fantastic and he sees what she is doing and he would not give this the gung-ho unless he was in full support of this. Mr. James stated he sees these kids come in, and some of these are high risk kids, who walk away without some of the problems they had before. Mr. James stated that the program is just excellent for helping kids. Mr. James stated he knows for a fact that Ms. Diller met with every neighbor out there, as well as meeting with them Sunday night. Mr. James stated by the Commission giving this the yes vote, he believes the Commission will look back on that and say that was a good thing. Mr. James stated he sees a lot of bad things in Boone County and he sees a lot of great things, and this is one of those great things.

Todd Burke and his daughter Farley Burke were present in support of this item. Mr. Burke stated he is a native Missourian and a thirty year Boone Countian. He stated his background is thirty years in emergency services; he has served 22 years as a volunteer firefighter and a Columbia Police Officer and paramedic. Mr. Burke stated in 2002 he began his own business and what he does full time is teach police and military in firearms and defensive tactics. Similar to Mr. James, Mr. Burke has seen a lot of the dark side and he travels around the country doing this. Mr. Burke stated in 2004 he began teaching firearms courses here in Boone County mostly to the conceal carry folks who would like to pursue that. That has expanded into ten different programs including defensive tactics, protecting you from a home invasion, crisis casualty care, medical courses, and he decided to introduce himself this way because he did not want to be repetitive on how he knew Ms. Diller. Mr. Burke stated Ms. Diller is intelligent articulate, she cares about what she does, she has no ulterior motives. In listing everything what he thought about was he lived in the City of Columbia for 18 years in their first home and they moved out of that home into the County. The place that they moved from, the Columbia Police Department receives calls about shots fired two to three times in a week. As the trees got chopped down and as the crime moved in we wanted to move out of this area. Mr. Burke stated this is the kind of thing that he would like his girls involved in and they are kind of mature for their age because of what daddy does but this is the kind of thing that he believes is good for kids. Mr. Burke stated he is being very selfish because they are my kids. Both of his daughters have done this program for the past two years and it is neat to see a smile on a kids face. Mr. Burke stated he supports this program and he certainly supports Ms. Diller knowing her for over ten years, the best thing that he can say is that he trusts Ms. Diller with his kids.

Farley Burke stated she is present to support Deb Diller. Horsin' Around is a really good camp and we get to interact with wildlife, sometimes we go swim in the creek, and we even

have moss ball fights. All of these things are great. Farley Burke stated she feels safe at this camp and it is a really good thing. Farley Burke stated when her sister and she went there, they always had fun and they always came back tired because their day was so full. Farley Burke stated she wanted to be present to support Deb Diller and this camp, and she is thankful for it.

Sarah Gerling stated she went to the camp one year and she loved it. Sarah Gerling stated she got addicted to the horses and she loves them so much. Sarah Gerling stated Ms. Diller taught her a lot and she is grateful for having the opportunity to learn about nature and wildlife. Horsin' Around is a great place to be. Commissioner Elkin stated you don't throw moss balls.

Sarah Gerling stated well it is fun.

Commissioner Pearson asked who her favorite horse was.

Sarah Gerling stated Tess.

Commissioner Pearson inquired if anyone was present to testify in opposition.

Sheldon Toepke was present with concerns over this item. Mr. Toepke stated he owns the property just North. Mr. Toepke stated he would like to show his concerns with the driveway. The driveway is about two tenths of a mile long.

Commissioner Pearson asked for copies of these pictures.

Mr. Toepke stated he would leave his flash drive here with the Commission. Going up the driveway there are blind spots and people cannot see the traffic coming down. Mr. Toepke stated he fully supports Ms. Diller's business and supports every good thing that is said about Deb Diller but the Commission is not giving the permit to Deb Diller. The permit is given to that property and the property can change to a different person. Mr. Toepke stated he would like to see the road be part of the condition of the permit, that way it will stay with the property. Mr. Toepke stated he whole heartedly supports the business and he supports Ms. Diller but he would like to see one of the conditional use stipulations address the driveway.

Commissioner Miller asked if at the meeting that the neighbors had last night, everyone agreed to the arrangement with the driveway?

Mr. Toepke stated yes.

Commissioner Miller asked if he was in agreement with the plan to bring the road up to the County standard and then each neighbor pay a third while Ms. Diller pay half?

Mr. Toepke stated yes.

Commissioner Elkin asked if that area is on a public water line or wells?

Mr. Toepke stated public water.

Commissioner Elkin asked Mr. Toepke if he knew where the water line ran.

Mr. Toepke stated the water line runs way to the left, almost to the edge of the right away.

Commissioner Pearson stated so there would be plenty of room.

Mr. Toepke stated yes.

Merrilee Barta stated she is representing herself and her husband with regards to this item. Ms. Barta stated she and her husband feel that this development is a detriment to property value. A large barn does not blend with the landscape. The barn is built on top of a hill. Ms. Barta stated her and her husband had to plant pine trees to try and camouflage her barn and still have a view of the sunset, since she was unwilling to plant any foliage to try and camouflage her building. Ms. Barta stated her and her husband would like some trees planted and this was brought up at the meeting February 18th. This is the view now and this was the view from before.

The neighboring and conditional permit barn is the picture from Boothe lane all facilities are from behind the house, with no rear neighboring house. Ms. Barta stated initially when this started being built we had the understanding that this was for a private use, a personal use so that she could ride in the winter. On February 15th, she came over and began discussing this and what the uses were going to be.

Ms. Barta stated her and her husband would like the driveway access brought up to County specifications for a two lane gravel road with water control, same requirement for subdivisions with higher density because this will now be used for public access. Ms. Barta stated her and her husband would like a contract in place before a conditional use permit is granted for maintenance of the road. Ms. Barta stated we would like to recommend that anyone having that conditional use permit requires them to pay three times as much as household road users staying within the current County zoning area A-1. This is a picture of the culvert. Ms. Barta stated they would like to see something that is typical for gravel roads in rural Boone County.

Commissioner Elkin stated there is no County gravel road standard because they do not allow it.

Ms. Barta stated okay so, she would like to see whatever is the County standard.

Commissioner Elkin stated they would discuss it.

Ms. Barta stated okay. Ms. Barta stated this is road damage due to the building construction. The covered riding arena does not have a permit, as of 2-22-10. Ms. Barta asked the Commission: How does the County inspect things that are no longer inspectable, such as

footings? How does this building permit protect the public if it hasn't been done properly? Will there be a waiver?

Ms. Barta stated Horsin' Around is conducting riding events currently without being within building codes and does not have a special use permit. Horsin' Around currently has boarded horses with no special use permit. Ms. Barta stated her and her husband do not know the specific size this business is going to be. They would like limits on the special use permit to control size.

Ms. Barta stated Jay Barta called a boarding facility north of Columbia that currently boards 8 horses on 12 acres. Next door stable Burr Oak stables special use permit allows 23 horses on 40 acres. These both have more than 1 acre of pasture per horse. We would like to see special use permit, limit the number of horses to be boarded to 1 boarded horse per acre of pasture. The facilities, house and pond total approximately 4 acres on Showme Boone web site. Ms. Barta stated she would like Ms. Diller's boarded horses limited to 9 or less. 2.19 AC for house and facility, .11 AC for lagoon, 1.41 AC for pond, .33 AC for outdoor riding ring. Ms. Barta stated Horsin' Around website advertises 4 outdoor stalls and these stalls could not be located. There is no manure plan established for removal from indoor/outdoor stalls.

Ms. Barta stated the issues that her and her husband would like to see resolved in the Conditional Use Permit are:

- 1) The road is brought up to County road specifications for 2 lane gravel road in timely manner or all events need to stop.
- 2) Contract for all land owners for maintenance of the road to say that anyone who has a conditional permit pays 3x the share of the maintenance cost. In this instance, Ms. Diller would pay 3/6 and each other household would pay 1/6.
- 3) Limit event sizes to 20 total horses including boarded horses on property limited to 9. 20 human participants and no more than 10 children per adult. Ms. Barta stated this is one of the regulations that would help prevent rodeo type things.
- 4) Operation of the covered riding area end before 9 p.m. year round and all other events must end by 9 p.m.
- 5) Participants in events are not allowed to tent camp on the property.
- 6) Not enlarge any business-related structures or add any structures.
- 7) Any horse present on the property more than 3 days should be deemed a boarded horse.
- 8) Outdoor hours of operation (includes all buildings not fully enclosed) are limited to daylight hours with not more than 1 weekday evening per week.
- 9) All event activities and parking must remain on business property.
- 10) No rental of facility for use of adult parties.
- 11) Facility needs small sign at entrance of her property.
- 12) No P.A. (public announcement) system since this is a neighborhood community.

Ms. Barta stated in conclusion we all have dreams too. We all moved out into the country to fulfill our dreams as well. They would still like to get along as neighbors and not end up in a civil suit. Some limitations on size would go a long way to solve this.

Commissioner Elkin asked to Ms. Barta's knowledge has anyone parked off on to the shared driveway?

Ms. Barta stated during the summer camp, people parked at the top of the hill.

Commissioner Elkin asked if this was on the shared road.

Ms. Barta stated at the top, kind of in the grass.

Ms. Diller stated not for camp. People parked at the top for school.

Commissioner Pearson stated one of your requests is foliage or something to break up the line of sight?

Ms. Barta stated yes.

Commissioner Pearson stated another request is to limit the number of horses.

Ms. Barta stated yes.

Commissioner Pearson stated another request would be to limit the number boarded.

Ms. Barta stated Ms. Diller has four horses and the other covenants state that animals such as bovine, sheep, and goats is one animal per acre. Ms. Barta stated they have cows and they abide by this rule. Ms. Barta stated they would like this facility to fit with this same rule. All of the buildings on the land reduce the space available by about four acres. There is about 9 acres available. Ms. Barta stated our concern is that if there are too many horses they would eat everything all up and the land gets bald and everything starts running off. There are no longer terraces on this side of her property and they have more runoff already.

Commissioner Pearson requested Ms. Barta go back to the picture with the pond and the lake. So the lake is on the Boothe Lane side of the hill or the west side.

Ms. Barta stated yes.

Commissioner Elkin asked if Ms. Barta was at the meeting on Sunday?

Ms. Barta stated yes. Ms. Diller did present our concerns with the road and our questions concerning the conditional use permit. Ms. Barta stated she has this large building on her property where she probably will not have large parties but someone else certainly has the space to.

Scott Greathouse and Jessica Longaker stated they are neighbors to Ms. Diller. Mr. Greathouse stated as far as the previous conditions set by Planning and Zoning Commission, he and his wife agree with all of those with the exception of number of four. Mr. Greathouse stated he and his wife are not sure if the total number of horses that should be on those 13.1 acres is appropriate. Mr. Greathouse stated it sounds as though everyone is trying to figure out what is appropriate for that area. Mr. Greathouse stated he agrees with most of what was

said on Sunday and they agree with the driveway conclusions that Horsin' Around should cover more of the maintenance of the road. Mr. Greathouse stated he and his wife also agree with the Barta's with the need to reduce the number of total horses, number of adults, and children to adult ratio. Mr. Greathouse stated he wanted to emphasize something that happened at the previous meeting which was that someone had indicated that the facility was constructed under a legitimate building permit. This was not true at all at 11am no one had applied for the permit. This facility is incredibly large and has a monolithic industrial appearance and it sits on the highest point in the area. This facility dominates the landscape. Mr. Greathouse stated everything said positive about Ms. Diller and this project is true and he believes that everyone is ready to make some sacrifices to help Ms. Diller realize her dream. At the same time, because this permit process has not even really been started we think it is reasonable to ask that some vegetation be applied around the building. Mr. Greathouse stated he believed it was Uriah Mach who was under the impression that this building had already had its permit. In addition, Mr. Greathouse and his wife are strongly in favor of limiting this process to the number of buildings that are currently on the property and that the footprint of the existing buildings not be enlarged at all, ever. Mr. Greathouse stated the last thing is for anyone to leave or enter Ms. Diller's property they need to actually enter into the Barta's property and cross his property. Neither of our houses wants to deal with the liability issues that could be incurred because of that, so we would like that it be specified that any activities remain on her property and not cross ours.

Commissioner Miller stated she does not understand what he is saying.

Mr. Greathouse stated they own the whole portion of the property entering from the main road. Mr. Greathouse stated that activities that start in the facility stay in the facility.

Commissioner Elkin stated so you do not want them riding horses down that easement.

Mr. Greathouse stated horses are great but they are also dangerous and his grandmother had her pelvis crushed when she was about his age and that is a lot of money if something like that happens.

Commissioner Pearson stated he understands now.

Commissioner Elkin asked if horses were ridden down the driveway?

Mr. Greathouse stated things have changed very recently as a result of all of these discussions but the answer is yes, they have. Part of the issue is that we are concerned that if at some point if this is really successful this could get a lot bigger. This might result in her moving to a larger property to do this and this smaller property might be left to someone else. Mr. Greathouse stated that it is not what Ms. Diller intends to do with this property that is the problem but rather someone else in the future that could be damaging to them later.

Commissioner Pearson stated you said you agreed with the Barta's about limiting the number of horses, is that correct?

Mr. Greathouse stated we had an assumption based on our restrictions that one large animal per acre was appropriate. Actually our restrictions say one large animal per fenced acre.

Commissioner Pearson stated that is your covenant, is that correct?

Mr. Greathouse stated that is correct.

Commissioner Pearson asked what the basis was for the one per acre?

Mr. Greathouse stated he did not know.

Commissioner Elkin stated he believed it was standard in rural neighborhoods.

Commissioner Pearson stated he is wondering if while that might be standard if that is actually appropriate and rather it should be 1 animal per two acres. Commissioner Pearson stated his family used to own a farm and have animals on quite a few acres in three different parcels. One of the parcels was forty acres and those forty acres was fenced with fifteen animals on the lot.

Mike McMillen stated he is a neighbor of Ms. Diller on the west. Mr. McMillen stated this fall he watched with amazement as a covered riding arena was being built on Ms. Diller's property. Shortly after the roof was on, a wing was added to the West side.

Adjoining our property on the South, is the Gerzen's property. Approximately 8 years ago, the Gerzens made a request for a conditional use permit for horse training and boarding facility on their property. I appeared before the County Commission in these chambers, in support of the Gerzens' conditional use permit.

After receiving a letter from the Building and Planning department that Ms. Diller had similar plans for her property, I invited her to come over and talk to us about what intentions were for her property. She assured us that she didn't plan on having any big events and that she would just be giving a few riding lessons. In that case, I told her I would come to the P&Z hearing and speak in support of her application.

I came to the P&Z meeting and testified in support of the applicant's request for a conditional use permit. As the meeting progressed, it became clear that the applicant had some BIG plans which she failed to mention to us, just a few days earlier.

One of the things that make the Gerzen's conditional use request different from the applicant's is that on the Gerzen's property, the facilities were already there BEFORE anyone in the area purchased their property. In addition, the Gerzen's property is 3.4 times larger than Deb Diller's property. It's our opinion, that the applicant's property can't sustain the number of horses authorized by the Planning and Zoning Commission; and that her new riding/boarding facilities have already diminished OUR property value.

Everyone I know, moved out into the area to enjoy the serenity and beauty provided by country living. Had we known, that the applicant was going to put up 50 x 60 foot barn, later attach a 140 x 80 foot covered arena, install 6 RV hookups so people could stay overnight, build stalls for 12 horses (with the intentions of putting in another 12 stalls) putting on riding

clinics, having birthday parties for kids, planning 4 week long summer daycare camps for kids, and renting the facilities out to God knows who ... we would have bought some place else.

Our desire would have been that the applicant had come to us and been TOTALLY upfront with her plans, prior to her putting up her facility. Had we known back then, what we know now, we would have done everything we could to discourage her from going forward with her plans on such a small track of land. It wasn't until after the P&Z meeting, when by accident, I found the applicant's website (www.horsin-around.us) that we fully came to grasp the scope of her business venture. Not once did the applicant tell the P&Z Commission that she was planning on having birthday parties for kids has FOUR weeklong daycare camps planned for this summer or has 6 RV connections so people could camp on her property overnight.

I believe the applicant has not been upfront with us, our neighbors, the Boone County Building and Planning Department and the Planning and Zoning Commission. For these reasons her application for a conditional use permit should be denied in its entirety. Should the Boone County Commission choose to grant the applicant a conditional use permit, we would like to see the following similar conditions to those the Commission put on adjoining Gerzens' property:

- A) The Commission required the Gerzens' to put up a privacy 400' fence between them and one of their neighbors. In lieu of a privacy fence, we're requesting landscaping on East & West with tall trees & evergreens to help hid her facilities (landscape design to be reviewed and approved by neighbors on East & West).
- B) The Commission required the Gerzens to chip & seal their private road and parking area. We are requesting that the common road be asphalted; and the private road(s) to facilities and parking area be chipped and sealed to reduce noise and dust. Our house sits closer to the common road, than the Chanualts' house does to the Gerzens' driveway. Unlike our neighbors, we will have to listen to the noise and have to contend with the dust from the increased traffic generated by every vehicle that goes to the applicant's facility.
- C) The Commission established a limit of 1 horse per 2 acres on the adjoining Gerzen's property.
- D) The Commission required the Gerzens' to keep manure at least 100' from adjoining property lines. With less than 13 acres, we don't think this is practical and request that all manure must be scooped up regularly and placed in an enclosed commercial trash bin and hauled off weekly. In addition, we are requesting that manure not be piled up, spread on the property, and/ or burnt.
- E) The Commission required the Gerzens' to provide a portable toilet on site, as long as, horses are boarded or classes are held on the property.
- F) The Commission required the Gerzens' to cease hours of operation at 9:00 PM. We would prefer to see the hours of operation restricted to 9 AM to 7:30 PM.
- G) The Commission required the Gerzens' to keep any outdoor lighting directed inward and downward. We would prefer to see external outside lighting limited to one dusk-to-dawn light.
- H) The Commission required the Gerzens' to keep all fences properly maintained.
- I) The Commission required periodic review of the Gerzens' property by staff.
- J) The Commission required the Gerzens' to put up appropriate signage – not to exceed 3

square feet.

In addition to the above conditions, we are requesting the Boone County Commission impose the following additional conditions on the applicant:

- A) Horses shall not be ridden on adjoining property, common grounds or county roads.
 - B) No fireworks, music or amplified sound be permitted.
 - C) Property and/ or facilities may not be rented or leased to 3rd parties.
 - D) Other than their own horses, clients may not bring dogs or other animals onto property.
 - E) Client's vehicles may not be permitted overnight on property, non-owned trailers not kept on property for more than 3 consecutive days.
 - F) Prohibit overnight camping by clients.
 - G) No day camps, day care, birthday parties, weddings or non horse training related activities are permitted on the applicant's premises.
 - H) The entrance to the common road at Boothe Lane is widened 8' on North & South to accommodate vehicles with horse trailers.
 - I) The East side of indoor riding arena to be enclosed to keep light from escaping.
 - J) The riding arena and barn used for classrooms be brought up to code for commercial buildings.
 - K) Excluding the residents, limit the number of persons on the property at any one time to one and a half (1.5) times the number of horses authorized in the conditional use permit.
- Finally, the applicant has had three horse riding/training classes since January 1, 2010 on property which has not yet been granted a conditional use permit for such activities; and in buildings not approved for commercial use. We are therefore requesting that the County Commission issue the applicant a cease and desist order, prohibiting her from any and all future activities until all conditions have been complied with and buildings and property are brought into compliance.

Thank you for your attention.

Commissioner Pearson stated he had a question on K. How did you come up with the number 1 horse per 1.5 acres?

Mr. McMillen stated this is a number to try and limit the size of the people. If there is going to be a number of horses, not everyone will be there at the same time. Mr. McMillen stated this is a way of limiting any large groups of people at any one time.

Commissioner Pearson stated Ms. Diller had an opportunity to come back up and answer questions and concerns.

Ms. Diller stated the Planning & Zoning Commission dealt with the tree planting issue at the meeting.

Commissioner Miller stated there is nothing in the conditions about this.

Ms. Diller stated not in the conditions but at the meeting. Ms. Diller stated that she is on a huge hill and she would have to plant thousands of trees to block anything. Ms. Diller stated the Commission would have to come out there and look.

Commissioner Miller stated they were out there today.

Ms. Diller stated the website does not say four stalls it says ten indoor stalls with ten outdoor pens, coming. Ms. Diller stated since she has had horses she just picks manure up in the dry lot or mows it in the grass. Manure has never been an issue. These discussions were about what could happen or what could be coming. No one knows what could be coming. Ms. Diller stated she would like to provide some of the amazing natural horsemanship opportunities to this area. These are two riders right here who know exactly what she is talking about and they know how big the clinics are. Ms. Diller stated Mike McMillen said she misrepresented herself and she guesses the word big is different for each of us. Ms. Diller stated she does not believe these clinics are big compared to what a rodeo would be like or something else. The clinics are no more than ten riders and they are very low key. A lot of time is spent on theory in the classroom and then they go and practice it in the arena. Ms. Diller stated she is not being flippant about it, these are very low key.

Ms. Diller stated the number of horses was dealt with in the Planning and Zoning Commission and with the ten stalls and then with the horses she presently owns they just added one. Ms. Diller stated the ten visiting horses happen to be a limit for when they come in, and they will be managed the whole time.

Ms. Diller stated as far as the student adult ratio and teaching the department of education, at least for fifth graders, one teacher for thirty students.

Ms. Diller stated she has a question about the easement being crossed.

Commissioner Elkin asked Ms. Diller to please only address the Commission with your questions.

Ms. Diller stated she has ridden with some neighbors down the drive when it is a nice night or something. Ms. Diller stated she was not under the impression that she was not allowed to use the road to ride her horses on. Mike McMillen mentioned diminished property value and she is not sure if anyone has had their property appraised but Ms. Diller's value has gone up. Ms. Diller stated she certainly did not do any of this to lower property values or be vindictive to her neighbors. The situation with my neighbors conditional use permit is completely different because his road was right next to the neighbor's property. Ms. Diller stated on her plat map the closest neighbor's home is 750feet away (from the arena to the home). Ms. Diller stated the covenants do not have limitations on large animals. Ms. Diller stated no one seems to know what the number should be, although one per acre does seem reasonable. Ms. Diller stated she feels like the neighbors are addressing the roadway but there is no plan for improving the driveway. Ms. Diller stated everyone is in agreement that something needs to be done.

Ms. Diller stated she has to have lighting out there for people, if they are leaving at 9 pm in the winter they have to be able to see their vehicle. Ms. Diller stated she does not understand why she can not have some movement censor lights.

Ms. Diller stated she is not so sure about the commercial removal of the manure. Ms. Diller stated she believes that there are some other ways and composting would be a great way to deal with that. Ms. Diller stated she is not dealing with anything right now.

Ms. Diller stated it is the projection of what could happen that is scaring everyone not what actually is happening.

Ms. Diller stated no rental of property, no dogs, no overnights on property, no camps, and no birthday parties, these things just seem vindictive right now and do not have any other words for that.

Ms. Diller stated just like Mr. Rose with the ball park, she had no idea that she needed one of these.

Commissioner Miller stated you did know that you needed an engineered building and you snubbed your nose at the regulation. This probably set you down the wrong path and it does not set a very good example for your students.

Ms. Diller stated she agreed with Commissioner Miller. Ms. Diller said that her and her contractor discussed it and in hindsight that was idiotic. Ms. Diller stated now they are playing catch-up but she did keep trying to do the right thing. Ms. Diller stated she is not sure if going for a commercial code with the arena is what my neighbors want, and she does not.

Commissioner Elkin stated it means the building is safe for places of assembly. Other words if there is three feet of snow on the roof will it be structurally sound if there are riders in there in January.

Ms. Diller asked how does the County know it is not already safe?

Commissioner Elkin stated well, that is what the engineer has to certify. The County does not make this stuff up, it is a part of the national standards. If it was a hay barn it is a different class, when there are people inside, it changes the rules.

Commissioner Pearson stated in addition to the size. The best thing would have been to have an engineer before it was even started. So you would know the carrying capacity, the effect of winds, and all of these kinds of things. Certainly, you do not want to have this thing collapse with a bunch of kids inside and that is a concern.

Ms. Diller stated no and with the contractor that has done this before so it should not be a problem.

Commissioner Miller stated he may have built buildings but in areas that did not require building codes.

Ms. Diller stated she trusted him to know these things.

Commissioner Miller stated the Commission is not saying that he does not know but we are saying that Boone County has different expectations.

Ms. Diller stated we are finding that out.

Commissioner Pearson asked Ms. Diller if she had any criteria for fertilizing the pastures?

Ms. Diller stated she has binders full of information on composting and fertilizing, and handling manure, and stalls.

Commissioner Pearson asked if they have any recommendations on number of animals per acre?

Ms. Diller stated that she does not know.

Commissioner Pearson asked if she had any information on the proximity of animals to the lake? If there is manure in the field, regardless of it being mowed, and it rains and this is all running towards the lake, have you thought about what is going into that lake?

Ms. Diller stated she had the water tested a couple of years ago.

Commissioner Pearson stated two years ago is one thing but if you are thinking about having kids there in the summer time, and the horses are on the hill all year round, this stuff has to go somewhere. What is the effect of all that manure running into this lake? What is the effect on the kids who swim in this lake? Commissioner Pearson stated he believes that this would be something she should check on.

Ms. Diller stated absolutely.

Commissioner Miller asked Ms. Diller when you said “facility rental” what were your thoughts on renting the facility?

Ms. Diller stated strictly to people that would want to bring a friend or two, a 4-H group, a couple of kids in high school that needed a dry place to ride or practice running barrels.

Commissioner Miller stated so you are talking about individual rentals, not to take over the whole farm.

Ms. Diller stated she is privately inviting everyone there.

Commissioner Miller stated yes, but you would not be renting your facility for a party or wedding, correct?

Ms. Diller stated correct.

Commissioner Miller stated she did not see any identified parking areas when she was out there this morning. Can you identify where you anticipate the parking to be and are there enough for what you are requesting?

Ms. Diller stated yes. When you pull in front of, passed the barn, no. The arena sticks out here there is about 60 feet of space for trailer parking, and there are some spots underneath for cars.

Commissioner Miller stated when she looked back at other training facilities that the County permitted to have conditional use permits all of them have dust free parking. Commissioner Miller stated she thinks they need more information then they have today. Commissioner Miller stated from her perspective she could never sit her and identify what she wants to do. Commissioner Miller stated she would recommend that the Commission accept all the information that they have received today, have a work session, and then maybe a work session with staff and neighbors but table this tonight.

Commissioner Pearson stated he is not quite ready to table this item yet.

Commissioner Miller stated she knows but she is just talking in terms.

Commissioner Elkin stated the number of animals per acre, and the variables involved are very complicated. Some of these variables may include do you feed them hay and grain? If you do how much pasture do they need? Are they fully pastured, with rotational grazing? Commissioner Elkin stated there are many questions here and currently he is not sure he can make an informed decision currently.

Commissioner Pearson asked how many kids are there in each camp?

Ms. Diller stated no more then twelve.

Commissioner Pearson asked where the kids go to the bathroom?

Ms. Diller stated a port a potty.

Commissioner Pearson asked if there is space for ten horses in stalls, in the new structure?

Ms. Diller stated horses do not go in the barn. The arena is where the horses are stalled.

Commissioner Pearson asked where the other five horses are?

Ms. Diller stated her horses stay out.

Commissioner Pearson clarified they do not go into stalls ever?

Ms. Diller stated no.

Commissioner Pearson asked to view a calendar of events for the summer. In terms of your busiest time of the year, what does your calendar look like with all your events on it? Commissioner Pearson stated what he is trying to get a feel for is how busy this facility gets

in terms of numbers.

Commissioner Miller moved to table the request by Deb Diller for a permit for Riding School and Equine Boarding Facility on 13.1 acres, located at 5950 N. Boothe Ln., Rocheport.

Commissioner Elkin seconded the motion.

Commissioner Elkin inquired if the Commission would like to set a goal of trying to have a decision by the County's next night Planning and Zoning meeting?

Stan Shawver stated March 30th.

Commissioner Elkin stated he believes that would give the Commission ample time.

Commissioner Pearson stated he believes that would work.

Commissioner Miller stated she would recommend that Ms. Diller not have a whole lot of events until the Commission sorts this out.

There was no further discussion or public comment.

The motion carried 3 to 0. **Order # 113-2010**

Commissioner Pearson called for a five minute recess.

6. Request by Barry and Sherri Homan to amend a permit for an Outdoor Recreational Facility on 10.97 acres, located at 14341 N. Proctor Rd., Columbia. (appeal)

Mr. and Ms. Homan were present on behalf of this item.

Additional supporting and opposing documents for this item can be viewed at the end of this document.

Uriah Mach stated this property is located 4 miles east of Harrisburg, 10 ½ miles north of Columbia and 2 miles west of Highway 63. The site is located about ½ of a mile south of Highway 124 on Proctor Road, which is a gravel, county maintained road. This property is zoned A-2 (Agriculture), as is all of the surrounding property. The applicants live on the property and operate a private outdoor recreation facility for use for outdoor parties, weddings, reunions and other similar private functions. The private outdoor recreation facility was approved as a conditional use on 10.97 acres in 1999. In October 2000, the conditional use permit for the private outdoor recreation facility was suspended pending compliance with the conditions set in 1999. The suspension ended when the applicants met those conditions. The applicants submitted a rezoning request to REC in 2000 and were denied at that time.

This property is within the Harrisburg R-8 School District. Electric service is provided by Boone Electric Co-operative. Information provided by Consolidated Public Water Service District No. 1 indicates that there is no public water at this end of Proctor Road. The master plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 20 property owners concerning this request.

The current request is to amend the original permit's conditions of approval. In 1999, the County Commission approved the conditional use permit for a private outdoor recreation facility with the following conditions:

- That the facility may be open only on Saturdays and Sundays from April through October.
- The hours of operation be restricted to daylight hours.
- No overnight camping is permitted.
- Parking area to be provided on site for a minimum of 60 vehicles.
- Driveway and parking area to have a dust-free surface within six months of approval of the permit.

The applicants are requesting the conditions be changed to allow for the following:

- That the facility may be open year-round
- That the hours be as follows:
 - Monday through Thursday – 8:00AM – 7:00PM
 - Friday through Saturday – 8:00AM – 12:00AM
 - Sunday – 10:00AM to 7:00PM

In 1999, the staff analysis of the request recommended denial based on failure to meet conditional use permit criteria b) injurious to use and enjoyment of other properties; d) all necessary facilities will be available, including but not limited to utilities, roads, road access & drainage; f) will not hinder the flow of traffic or result in traffic congestion; and g) conform to applicable regulations and that there is public necessity. Staff also suggested the current set of conditions if approval was to be granted.

The following criteria are the standards for approval of a conditional use permit:

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

If operated in compliance with the codes and regulations of Boone County, this criterion will be met.

- 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.

The applicant's proposed changes in conditions may prevent this condition from being met.

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

The applicant's current conditional use may not substantially impact property values in the neighborhood; however the applicant's proposed conditions are likely to do so due to the increased use.

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

The lack of public water for fire protection, of public sewer, and existing road infrastructure are not sufficient to meet the level of use proposed by the applicant.

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

The previously mentioned lack of infrastructure to support increased development in this area will have greater impact on the development of the surrounding property than the establishment of this conditional use permit.

- f) The establishment of the 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 current conditional use permit on the property allows this criterion to be met. The expansion of activity under the applicant's proposed conditions would not allow this criterion to be met.

- 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 current state of the property conforms to the applicable regulations of the zoning ordinance.

After the suspension of the conditional use permit in 2000 and its later reinstatement, staff has had few complaints about activity related to the approved permit. That indicates that the current conditions are appropriate to this location and use. Conditional use permits are not to be used as a means to avoid the requirement of commercial zoning for a particular use. This request seeks to

modify the conditions in a manner that would make the use comparable with commercial reception facilities, which under the zoning ordinance would need to be located in commercial or recreational zoning. This is not the purpose of a conditional use permit. Conditional use permits exist to allow activities that may be in the character of a given zoning district, but are more intense or may generate negative off-site impacts. An increase in the intensity of this use must be weighed against the conditional use criteria. As described above, criteria b), c), d), and f) are unable to be met with the changes in conditions desired by the applicant.

Staff recommended denial of this request.

If the commission approves the request, staff recommends the following conditions:

- That the facility may be open only on Saturdays and Sundays from April through October
- The hours of operation be restricted to daylight hours (6:00 AM to 9:00 PM Central Daylight Time)
- No overnight camping is permitted
- Parking area to be provided on site for a minimum of 60 vehicles
- Driveway and parking area to have a dust-free surface

The Planning and Zoning Commission conducted a public hearing on this request during their February 18, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the conditional use permit be denied.

That motion to deny the request carried by a vote of 8-1. The applicants filed a timely appeal and so it comes before the County Commission on appeal.

Barry Homan and his wife Sherri Homan were present on behalf of this item. Mr. Homan stated:

Alpine Park and Gardens, LLC
Boone County Commission Presentation
March 2, 2010

We come tonight before the Boone County Commission to amend a conditional use permit for an outdoor recreational facility. Alpine Park and Gardens LLC, operates as a botanical park with amenities to host varies functions. With thorough guidance, we were able to obtain and shape our vision into what it is today. Alpine Park is a regionally recognized park that many utilize for a multitude of functions such as weddings, receptions, family reunions, fund raisers, photography, and other social events.

The park is currently in its 11th year operating under the purview of a conditional use permit. Real world conditions have changed in this time frame and as the park matures so is the need to realign the conditions set forth in 1999.

Our presentation bears the burden to show that we meet the 7 criteria set forth under Section 15 A. Conditional uses. A power point slide show will complement an oral presentation of these 7 criteria and why we are seeking an amendment to the original conditions.

- 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.

Alpine park promotes walking and enjoying nature in a developed setting with a trail system throughout the park.

- We have public restrooms with running water
- Advocate sound use of natural resources
- Installation of a street light at Hwy 124 and Proctor road
- Fire protection on site and two fire stations within 8 miles
- Encouraged upgrades to Proctor road and Hwy 124(improved signage)
- Use of low level lighting
- Adopt a Hwy program of nearly 3 miles
- Live on the premises
- On site staff during events
- Medical personal on site
- A comfort room for elderly or infants
- Dust free drive surface
- Handicapped accessible
- Promote low impact games

This facilities that in its core values not only promote these concerns, but enhances them for the general public to enjoy the park without reservation.

- B. Conditional use permit will not be injuries to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted by these regulations.

Definition – Injury: 1. Harm or damage done or sustain, espically bodily harm 2.wrong or injustice done or suffered.

We do not rise to the level that by definition that we create an instance that would be construed as injuries to the enjoyment of surrounding property.

Noise, while is the contributing factor to this item in general. It is not an item regulated in an A-2 Agricultural district except for a Veterinary office, clinic or animal hospital. A Dog kennel also has reference to noise.

Noise disturbance actually is a law enforcement regulatory issue.

Boone County Sheriff Records (produced by Kris Lane, records clerk) show that in ten years noise actually rose to the level in which a summons to appear was issued on April 28, 2003.

Joint Communications records (produced by Zim Schwartz, Director) shows that only four calls for peace disturbance has occurred in the last 4 years.

Measures have been taken to lessen the effect of our activities on the surrounding property in general.

Planting of evergreens by the upper parking lot to shield headlights

Recommend use of in-house system which is I-pod / laptop compatible. (Installed, 2007)

Placement of speakers (direction and angle)

Tighten Disc Jockey management oversight (sound check, continuous and vigorously enforced)

Promote alternative music (live, acoustical, Background)

Monitor music content and levels (recognized volume level to BCSD noise policy time table)

A proactive approach to noise abatement does reflect by virtual of the reports that we strive to make noise from music not a burden to the surrounding area.

*Although, not regulated by zoning regulations, fireworks are permitted in unincorporated areas of the county. A management decision to moved these displays (fireworks) closer to dusk then closing was enacted so more guest could enjoy them and recognizing / observing the BCSD policy on noise after ten pm.

- C. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Land values are determined by market conditions, condition of the property, activities occurring on the property and Appraisers.

Land that lays to the south and west of us directly was purchased for \$1200 pre Alpine and we purchased it for \$2400 per acre a 100% increase after Alpine.

The most recent land purchase abuts our northwest corner and was purchased in 2007 for \$313,000 and was appraised for \$ 330,000 2009 a 5.4% increase.

The Nichols Tract that lays to the south of us now recently sold for over \$3000 per acre.

Carol Van Gorp of the Columbia board of realtors has compiled statistics for the surrounding area and you can go to www.cbormls.com to view them.

David Doering (state licensed)of Missouri Property Appraisals can elaborate more on what determines property values and the market place.

David.doering@moprop.com

We have included a summary of Social and Economic indicators for Boone County that reflect current conditions (2008) that can have an effect on property values.

Any improvements to agricultural ground that reflect agricultural practices and lay in balance with the surrounding area tend to have a positive impact on land values.

Properties that have homes and active agricultural plans such as tree farm management plans, riparian stream bank protection plans, soil and water loss prevention plans and in general good stewards of the land will see a positive return on those investments.

The essence of Alpine park has been created around being good stewards of the land and leaving a legacy that the next generation will be able to enjoy and see the rewards of those practices.

- D. All necessary facilities will be available, including, but not limited to utilities, roads, road access and drainage.

Fire protection is provided by a dry hydrant with road access to the north Koi pond. Plans supplied by Ken Hines of the Boone County Fire Protection district. This was installed in 1999. This pond is part of the alpine storm water management plan and collects water from the parking and roof systems.

An onsite wetland at grade disposal field engineered by Dennis Sievers of Marshall Engineering and surveying was installed in 2001. Barry currently holds a Missouri Department of Health and Senior Services Basic OWTS installers license # 33491

A non-community public water source (A-097254) is available for future upgrades to the potable water usage. Has an estimated capability of 25 gpm (1370 total dynamic Head-Feet of water).

Proctor Road is provided and maintain by Boone County and Boone County Public works. Proactive in seeing that Proctor Rd. has been improved to current conditions:

- Culvert replacement
- Signs
- Widening
- Rock
- Drainage
- Implement rock recovery points
- Erosion control measures to prevent road deterioration
- Culvert head protection
- Landscaping

One Road count indicated 180 vehicles (7/10/07) and is a drive through road with access from Missouri Hwy 124 and drives through to Missouri Hwy 63 by way of Dripping Springs Road. Entryway bears two points of egress on to property. All in house road structure drain to storm water retention water features.

In general, Proctor Rd is a maintained county road that can meet the demands our activities produce for vehicular traffic.

- E. The establishment of the conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the /zoning district.

Alpine Park is built upon implementing agricultural practices that enhance the property and promote these practices as a show case for others to observe and learn.

- Alternative use of storm water retention ponds for landscaping, water features, fire control.
- Timber management
- Wildlife preservation practices

Although not specific the congregating of people in one location is reflected in the Zoning book under “place of worship”, “Public school”, “Public Park” as a permitted use.

Our activates today although under present zoning conditions are a conditional use/rezoning item up till 1985 the congregating of people in an agricultural setting for weddings, receptions, religion, school, politics’ and other social gatherings historically have occurred on the farm.

We have taken the farm and created Alpine Park as an alternative agricultural practice that blends into the surrounding region. Once part of a larger farm we seek to preserve and enhance the viability of the property.

- F. The establishment of the conditional permit will not hinder the flow of traffic or result in traffic congestion on the public street. Including the provision of point of access to the subject property.

Alpine park maintains both sides of Proctor Rd coming off Hwy 124 for approximately 100ft.

Entails extensive Landscaping, mowing, signage has made this a very recognizable point.

Installation of a traffic light at Hwy 124 and Proctor Rd (safety)

We also mow 500 ft of hwy frontage west of Proctor Rd. (safety)

Assist in brush control along property except for grass strips. Boone County provides this service.

Boone County provides surface rock and road grating services.

Additional signage along Proctor road points the way.

Additional signage on the day marks the way.

The park entrance is well marked and has two points of egress.

We staff all events that require traffic control at the entry way.

In the park road structure allows for round about drive through and maintains EMS excess at all times before, during and events.

Dust free primary parking and drive lanes.

Low-level Park lamps and farm lamps provide lighting throughout the park

No reported accidents in eleven years.

We actively promote the use of shuttles to decrease traffic - "Rick's Taxi and shuttle" is an exclusive shuttle service for Alpine and " First Student" provides those who have the need for larger capacity.

As a whole Proctor road not only handles day to day traffic, but the traffic our activities produce very well.

- G. Conditional use permit 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.

There are limited facilities in the unincorporated parts of the county that is built using our agricultural model to cater to the rural population.

Presently, Boone County retains 29.4% in these unincorporated areas and services for those citizens are necessary to allow those to keep their rural heritage identity.

Boone County Master Plan of 1996 alluded to encouraging development of environmentally clean industries, parks and facilities and the preservation of agricultural land. Managed growth and practical land use was to be encourage.

The follow up to this plan in 2000 was the vision Project and the result of this study reinforced the original study and in summary pointed to economic prosperity (job growth), environmental stewardship and social well being as a guiding force for future policy making for Boone County.

We believe the creation of Alpine Park and Gardens is an innovative way to protect the land and by closely identify those objectives mention we have met our goal to increase the appreciation of Boone County and help preserve its heritage and cultural diversity.

Economy Weddings

- Group size is capped
- Time frame for ceremony is actually small but schedules for those individuals needs to be more flexible.
- An alternative to the courthouse setting
- A targeted audience
- Decrease the trend toward filling up Sunday's
- No Reception
- No music
- By appointment

Day time use by a group would be groups looking for a meeting place. These activities are more oriented toward instruction and presentation formats. Usually, they fall in a 9am to 5pm time frame and are limited in nature by their structure.

These kinds of events are unobtrusive and low profile. Groups that are targeted would be: Conservation, Agriculture, Natural Resources and similar groups that are looking for a meeting place that meets their needs. These are very limiting in size and weather related. These groups more closely identify with the park setting.

We have had numerous inquires over the past two years and have graciously declined them. Being included in banquet facilities this comes naturally. We do have limiting features that eliminates most of these request without too much problem. I feel though this would be a very small audience as our primary targeted audience is the wedding industry and consumes most of our time. We are seeking minority designation by the state.

Our goal here is to decrease the trend toward filling up every Sunday May through October and replace this with the economy weddings and activity that is less obtrusive in nature in a normal work hour setting.

Closing

When we created Alpine park and Gardens the vision was to create a park based on agricultural and landscaping practices. The actual layout is designed to have a positive impact on the environment and how we were going to leave it. To share it came along with that vision. The commission 11 years ago gave an opportunity to create and nurture this into what it is today.

We have not ventured from our core values or beliefs for the sake of financial gain. There is a moral and higher calling to leave the earth better than the way we received it and what we are asking for is not an expansion of the park but an extension of what we are already doing.

- - -PRIOR INCIDENTS AT 14341 PROCTOR RD N-BC- - -

- 1 2009227663PD 11/20/09 09:43:29 FU-FOLLOW-UP
- 2 2007176283PD 10/07/07 22:45:51 PD-PEACE DISTURBANCE
- 3 2006152283PD 09/04/06 01:03:47 PD-PEACE DISTURBANCE
- 4 2006152230PD 09/03/06 23:10:07 PD-PEACE DISTURBANCE
- 5 2006137688PD 08/12/06 22:23:05 AS-ASSAULT 2006-005447
- 6 2006079614PD
- 7 2006020656PD
- 8 2005111951PD
- 9 2005111726PD

CITY OF COLUMBIA & BOONE COUNTY

OFFICE OF EMERGENCY MANAGEMENT
PUBLIC SAFETY JOINT COMMUNICATIONS



Zim Schwartze
Director



17 NORTH 7th STREET, SUITE A
COLUMBIA, MISSOURI 65201

(73) 874-6325
4X (573) 875-1072

zim@gocolumbiamo.com
www.gocolumbiamo.com/PSJC

Official CAD info regarding
4341 Proctor Rd.

Zim Schwartze
Director, PSJC
03-01-10

bhoman

From: Karen Johnson [K.Johnson@boonecountymo.org]
Sent: Tuesday, February 16, 2010 10:21 AM
To: alpinepark@centurytel.net
Subject: marriage numbers

Total marriages performed in Boone County for 2009 = 702

123

Total marriages licenses issued and used for Boone County in 2009 = 1025

Check out our website: www.showmeboone.com 200

Boone County Recorder's Office
801 E. Walnut, Room 132
Columbia, MO 65201
573-886-4345 (Phone)
573-886-4359 (F ax)
Karen Johnson, Chief Deputy
kjohnson@boonecountymo.org

Count Administrator Kathy Lloyd 75 2009
were done on a specific day/time that fits the judicial system timetable

Boone County total issued 1025 2009

Boone County total performed + 702 (627)

outside of Boone County - 323

bhoman

From: Karen Johnson [KJohnson@boonecountymo.org]
Sent: Tuesday, February 16, 2010 1:15 PM
To: alpinepark@centurytel.net
Subject: marriages by month in Boone County

Total marriage by month in Boone County:

Jan= 19
Feb=37
Mar=40
Apr=57
May=104
Jun=93
Jul=80
Aug=66
Sept=91
Oct=54
Nov=29
Dec=32

Check out our website: www.showmeboone.com

Boone County Recorder's Office
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Columbia, MO 65201
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573-886-4359 (F ax)
Karen Johnson, Chief Deputy
kjohnson@boonecountymo.org

bhoman

From: Karen Johnson [K.Johnson@boonecountymo.org]
Sent: Tuesday, February 16, 2010 8:51 AM
To: alpinepark@centurytel.net
Subject: officiant names

Mr. Homan,

It looks like in 2009 there were approximately 123 weddings performed in a courthouse by a judge. Below is a list of officiant names entered into our system (some are repeated because it is every record for 2009).
Let me know if you have any other questions.

Thanks,
Karen

2009 Officiant Names

ACOCK, MIKE
ADAM DUNCAN
ALAN HELLAND- VA REGIONAL HOSPITAL
ALBERT OETMAN
AMANDA LITTLE
AMY KAY PAVLOVICH
AMY CHAMBERS CORTRIGHT
AMY CORTRIGHT-CHAMBERS
AMY KAY
AMY KAY PAVLOVICH
AMY KAY PAVLOVICH
AMY KAY PAVLOVICH
AMY KAY PAVLOVICH
AMY PAVLOVICH
AMY PAVLOVICH
ANDERSON, BRIAN
ANDREW JENKINS
ANDREW WILLIAMS
ANDY LATTIN
ANGEL, NOAH
ANGELA
ANGELL, JED
ANTHONY DATILO
ANTHONY LIVELL
APPLETON, LANCE
APRIL KARLOVIT
ARLIN EPPERSON
ART DWYER/ ELLIS FISHCER
ART DYER
ART DYER
ARTIE SAPP
ASHLEY MASONI
ATKINS, BRYCE
ATKINS, BRYCE
ATKINS, BRYCE
ATKINS, BRYCE
BARSAMIAN, CHUCK

Summary of Social and Economic Indicators for Boone County

Population and Change. Over the period from 2000 to 2008, Boone County's population increased by 18,911, going from 135,454 to 154,365. This was a change of 14.0 percent, compared to 5.7 percent for the state.

Components of Change. Natural Increase is defined as births minus deaths. Boone County had 8,862 more births than deaths between 2000 and 2008. Net migration is the difference between the number of people who moved into an area and the number of people who moved out. A negative net migration means a net loss of persons due to migration (more out-movers than in-movers), while a positive value represents a net gain. Between 2000 and 2008, Boone County had an estimated net migration of 10,049.

Age. In 2008, an estimated 9.4 percent of Boone County residents were 65 and older compared to 13.6 percent statewide. At the same time, the Census Bureau estimated that young people (under 18) made up 22.3 percent of the county's population, compared to 24.1 percent for the state.

Racial Diversity. The 2008 vintage estimates from the Census Bureau indicate that 85.7 percent of the population in the county was White (132,341 persons), while the estimated Black population was 13,478 (8.7%). The same set of estimates indicated there were 5,036 Asians (3.3%) and 697 American Indians (0.5%). (These are all "race alone" figures.) Hispanic is not considered to be a race by the Census Bureau/OMB, but rather a separate ethnic category. In 2006, an estimated 3,954 Hispanic persons (2.6%) were living in the county.

Place of Residence. Sub-county estimates for 2008 indicate that 67.6 percent of the county's population lived in incorporated places of 2,500 or more. Those living in smaller places accounted for 3.0 percent of the county's population, while 29.3 percent lived in unincorporated areas.

Housing. According to the 2007 Census Bureau's estimates, there were 69,229 housing units in Boone County. The homeownership rate in 2000 was 57.5 percent compared to 70.3 percent statewide. In 2000, the median value of owner-occupied housing units was \$107,400 compared with a statewide figure of \$89,900.

Households and Families. There were about 53,106 households in the county according to the 2000 decennial census. Families comprised 59.6 percent of households (31,665). About 22.3 percent of households were married couples with children under 18, which was less than for the state overall (23.3%). Single parent families accounted for 8.7 percent of all Boone County households, compared to 9.1 percent in Missouri.

Families and Children. Median family income for Boone County was \$51,210 in 1999, compared to \$46,044 for Missouri.

- The 2007 poverty rate in Boone County was 16.0 percent which was higher than that of the state (13.3%). The poverty rate among children (15.0%) was lower than that of the state (18.4%).
- In 2007, 29.9 percent of children in Boone County were enrolled in the free and reduced lunch program, compared to 41.7 percent statewide.
- The 2007 annual Kids Count reports Boone County indicators on children ranked 15 out of 114 counties and St. Louis City. Kids Count indicators show that 7.6 percent of the infants born over the period from 2003 to 2007 were low birth weight infants, while births to teenage mothers were 24.5 per 1,000 girls, compared to 45.7 statewide.

Unemployment / Jobs by Sector. The 06 / 2009 unemployment rate (per BLS, preliminary and not seasonally adjusted) was 6.8 percent, compared with 9.5 percent statewide. According to Bureau of Economic Analysis (BEA) estimates, in 2007 there were 112,252 jobs in Boone County. State government accounted for more than 19.7 percent of the total jobs (22,066). Retail Trade (12,638), Health care and social assistance (10,108) and Accommodation and food services (8,799) were the next largest industries for this county.

County Income Patterns. BEA estimates indicate that Boone County generated over \$5,000.046 million dollars of total

Narrative: OSEDA Social & Economic profile ("cntypage")

Page 2 of 2

personal income in 2007. Per capita income was \$32,884, compared with \$33,964 for Missouri. Significant sources of income were:

- State government: \$1,042.983 million (20.9%);
- Dividends, interest, and rent: \$835.062 million (16.7%);
- Personal current transfer receipts: \$715.241 million (14.3%);
- Health care and social assistance: \$453.267 million (9.1%)

Commuting. In Boone County, 9.2 percent of workers commuted outside their home county to work in 2000. Statewide, 25.2 percent of workers traveled between 30 and 60 minutes to work, while in Boone County 13.5 percent traveled as long. At the same time, 2.4 percent of workers traveled more than 60 minutes to work, compared with 5.4 percent statewide.

Educational Attainment. In 2000, about 41.7 percent of Boone County residents aged 25 years and over (32,517) were college graduates, compared to 21.6 percent statewide. An additional 18,799 had some college education (24.1%) compared with 27.0 percent of all Missourians over the age of 25.

In 2007, the high school graduation rate in Boone County (87.3%) was higher than the statewide rate (86.3%), as reported by the Missouri Department of Elementary and Secondary Education.

Disabilities. In 2000, 5,778 persons age 65 and older in Boone County reported having a disability (52.9%). The corresponding Missouri rate was 55.3 percent. Among the working age population (16 to 64) of Boone County, 7,530 reported some work disability, which was 7.9 percent of all persons in that age cohort, compared to a statewide figure of 10.8 percent.

Health Status Indicators. In 2003, over 12.9 percent of Boone County residents reported their health was "fair or poor" compared with 16.9 percent statewide. While 12.3 percent of Missourians reported having no health coverage, the percent without coverage in Boone County was estimated at 12.2 percent. State health data report the top two prevalence indicators for the county were High Blood Pressure (22.9%) and High Cholesterol (35 years and older) (31.3%). Missouri reported 28.5 percent and 37.3 percent in those same categories.

Age-adjusted Mortality. The age-adjusted cause-of-mortality rate (per 100,000) significantly higher than the state for Boone County was Alzheimer's Disease (19.9). The corresponding Missouri rate was 12.7.

Note(s):

- Additional data indicators created for this report are available via the **Uexplore/Dexter** extraction application.
- Excel file with current place population (see tabs: 1-Cities Alpha or 2-Cities by County)
- Report generated on 27JUL09 at 13:10.

**UM Extension Social and Economic Profile
Boone County, MO**

Subject	Boone		Missouri
	Number	Percent	
Total Population			
1990	112,379		5,117,073
2000	135,454		5,595,211
2008	154,365		5,911,605
Projections			
2015	170,796		6,184,390
2025	194,516		6,580,868
Change, 1990-2000			
Number	23,075		478,138
Percent	20.5		9.3
Change, 2000-2008			
Number	18,911		316,394
Percent	14.0		5.7
Natural Increase			
1990-2000	10,004		219,553
2000-2008	8,862		199,168
Net Migration			
1990-2000	13,071		258,585
2000-2008	10,049		115,759
Other 2000 Population Items			
Persons Per Square Mile	198		81
Urban	102,434	75.6	69.4
Population by Select Age Cohorts, 2008			
Total Population	154,365		5,911,605
Under 5	10,304	6.7	6.8
5 to 17	24,166	15.7	17.3
18 to 24	27,838	18.0	9.4
25 to 34	23,479	15.2	13.2
35 to 54	39,655	25.7	28.2
55 to 64	14,425	9.3	11.4
65 to 84	12,322	8.0	11.6
85 and Older	2,176	1.4	2.1
65 and Older	14,498	9.4	13.6
Under 18	34,470	22.3	24.1
Population by Race and Ethnicity, 2008			
White alone	132,341	85.7	85.0
Black alone	13,478	8.7	11.5
Am Indian and Alaska Native alone	697	0.5	0.5
Asian and Pacific Islander alone	5,036	3.3	1.5
MultiRacial	2,813	1.8	1.4
Hispanic	3,954	2.6	3.2
Households by Type, 2000 ACS			
Total Households	53,106		2,197,214
Families	31,665	59.6	67.7
Married Couples	24,662	46.4	52.7
Married Couple w Own Children < 18	11,825	22.3	23.3
Single Parent Families	4,598	8.7	9.1
Single Mothers	3,639	6.9	7.0
Other Families	2,405	4.5	5.8
Non-family HHs	21,441	40.4	32.3
Persons Living Alone	15,244	28.7	27.3

Subject	Boone		Missouri
	Number	Percent	
Population by Place Category, 2008			
Living in incorporated places of 2500+ population	104,402	67.6	58.8
Living in incorporated places of less than 2500	4,668	3.0	7.2
Living in an unincorporated area	45,295	29.3	34.0
Disability of Civilian Non-Institutionalized Persons By Age, 2000 ACS			
Disabled Persons Over 5 Years of Age	18,273	14.5	19.0
Disabled Persons Over 65 Years of Age	5,778	52.9	55.3
Persons 16-64 with work disability	7,530	7.9	10.8
Housing Data ACS			
Total Housing Units, 2007	69,229		2,647,274
Home Ownership Rate, 2000	57.5		70.3
Pct units in multi-unit structures, 2000	31.9		20.0
Median House Value, 2000	\$107,400		\$89,900
Total Full-time and Part-time employment (BEA), 2007			
Total Employment	112,252		3,663,291
State government	22,066	19.7	3.1
Retail Trade	12,638	11.3	10.9
Health care and social assistance	10,108	9.0	10.0
Accommodation and food services	8,799	7.8	6.9
Local government	6,404	5.7	7.5
Construction	6,223	5.5	6.4
Other services, except public administration	5,386	4.8	5.8
Professional and technical services	4,809	4.3	5.2
Finance and insurance	4,757	4.2	4.5
Manufacturing	4,663	4.2	8.5
Administrative and waste services	4,557	4.1	5.3
Real estate and rental and leasing	4,437	4.0	4.0
Wholesale trade	3,170	2.8	3.7
Management of companies and enterprises	2,279	2.0	1.9
Unemployment Rate, June, 2009 (BLS)**	6.8		9.5
Personal Income (BEA definition), 2007			
Total Personal Income (in thousands)	\$5,000,046		\$199,655,237
State government	1,042,983	20.9	2.4
Dividends, interest, and rent	835,062	16.7	16.6
Personal current transfer receipts	715,241	14.3	17.5
Health care and social assistance	453,267	9.1	7.7
Retail Trade	298,326	6.0	5.1
Local government	293,799	5.9	6.2
Construction	251,225	5.0	5.1
Manufacturing	241,403	4.8	9.9
Finance and insurance	221,088	4.4	4.6
Professional and technical services	165,143	3.3	6.4
Federal, civilian	163,871	3.3	2.5
Management of companies and enterprises	135,045	2.7	3.2
Wholesale trade	132,294	2.6	4.4
Accommodation and food services	130,966	2.6	2.2
Other services, except public administration	125,108	2.5	2.5
Administrative and waste services	101,585	2.0	2.7
Selected Income Indicators ACS			
Median Household Income, 2007 (SAIPE est)	\$44,936		\$45,012
Median Family Income, 1999 (2k Census)	\$51,210		\$46,044
Per Capita Personal Income, 2007 (BEA)	\$32,884		\$33,964

Subject	Boone		Missouri
	Number	Percent	
Agricultural/Farm Indicators, 2007 (Dollar amounts in thousands)			
Total Number of Farms	1,322		107,825
Market Value of Ag Products Sold	\$3,596		\$1,199,981
Ag Farm Production Expenses	\$3,373		\$262,604
Net Farm Income	\$223		\$937,377
Distribution of Farms by Sales Category			
Under \$10,000	722	54.6	46.0
\$10,000 to \$49,999	356	26.9	27.0
\$50,000 to \$99,999	96	7.3	9.8
\$100,000 or more	61	4.6	6.2
Travel to Work/Commuting Patterns, 2000 ACS			
Total Workers Aged 16 and Over	71,967		2,629,296
Work Outside the county	6,615	9.2	33.4
Did Not Work at Home (commuters)	69,677	96.8	96.5
Commuter time: less than 30 minutes	58,206	80.9	66.0
30 to 60 minutes	9,742	13.5	25.2
60 minutes or more	1,729	2.4	5.4
Worked at home	2,290	3.2	3.5
Educational Attainment, 2000 ACS			
Population Age 25 or Older	77,919		3,634,906
Less than High School, no Diploma	8,423	10.8	18.7
High School Grad or GED	18,180	23.3	32.7
Some College No Degree	18,799	24.1	27.0
College Graduate	32,517	41.7	21.6
High School Graduation Rate, 2007	87.3		86.3
Children and Families ACS			
All Persons Below Poverty			
2000	18,366	14.5	11.7
2007 (SAIPE est)	22,963	16.0	13.3
Children (Ages 0 to 17) Below Poverty			
2000	3,639	12.1	15.3
2007 (SAIPE est)	5,026	15.0	18.4
Students enrolled in free & reduced lunch program, 2007	6,315	29.9	41.7
Low birthweight infants (count/per 1000), 2003-2007	754	7.6	8.1
Child abuse and neglect (count/per 1000), 2007	960	28.1	32.6
Births to Tcens Aged 15-19 (count/per 1000), 2007	174	24.5	45.7
Food stamp recipients (kids), 2007	9,288	27.2	31.0
Children enrolled in MC+/Medicaid, 2007	9,391	27.5	33.2
Overall Kids Count composite rank (out of 115), 2007	15		
<i>Note: 3 items in this table have rates per 1000 in the Percent column.</i>			
Health Status Indicators, 2003			
Pct Reporting Health as Fair or Poor	12.9		16.9
Pct with no health care coverage	12.2		12.3
Prevalence of Health Problems			
High Blood Pressure	22.9		28.5
High Cholesterol (35 years and older)	31.3		37.3
Asthma	13.7		10.7
Overweight (BMI 25-29.9)	38.6		35.3
Mortality Rates Significantly Higher than the State			
Alzheimer's Disease	19.9		12.7
<i>Note: mortality rates are age-adjusted and per 100,000 population</i>			

Boone County, MO Social and Economic Profile (rev. 7/2009)

Page 1 of 1

**** See very latest unemployment data for Missouri and its counties at MERIC Local Area Unemployment Statistics page.**

View a **narrative profile** for this county.

For information and links regarding data sources used in this report see the sources metadata page for this application.

Recent updates to these reports:

**** See very latest unemployment data for Missouri and its counties at [MERIC Local Area Unemployment Statistics page](#).**

View a **narrative profile** for this county.

For information and links regarding data sources used in this report see the sources metadata page for this application.

Recent updates to these reports:

- **7-25-09:**
 - Data on population by Age and by Race / Ethnicity updated to 2008.
 - Data re population living in places updated to 2008.
 - Unemployment rate (bottom of Total Employment table from BEA) updated to June, 2009.
- **4-29-09:**
 - Data from the BEA REIS collection regarding employment and personal income updated to 2007 figures.
 - "Kids count" data in the Children and Families table revised to reflect data through 2007.
- **3-19-09:**
 - Links to American Community Survey profiles have been added to tables where the same or related (but more recent) data are available from ACS. These links appear only for county level reports and when the county is large enough (over 19,000 population).
 - Population estimates updated to 2008.
 - Agricultural data updated per 2007 Census of Agriculture.
 - New income and poverty estimates from SAIPE updated to 2007.
 - Latest monthly unemployment estimate from BLS updated to 12/08.

We have also modified this section of the report with respect to citing our sources. We now provide a link to our new **Sources** web page, which not only provides better detail regarding what sources are used for what parts of the profiles, but also provides links to those sources.

Finally, we have also done extensive editing of the narrative profiles so that they read much better and more closely resemble something written by an intelligent human being.

It is our intention to update the data used in these reports throughout the year so that we always have close to the most recently available data.

Produced by: University of Missouri Extension, Office of Social and Economic Data Analysis (OSED)
 Return to [Main Menu](#)

Produced by cntypage.sas, rev. 06-10-09

Estimated Population: Residents of Boone County

Year	Race							
	White		Black/African American		Other		All Races	
	Number	Percent of Total Row	Number	Percent of Total Row	Number	Percent of Total Row	Number	Percent of Total Row
2008	133,745	86.6	14,546	9.4	6,074	3.9	154,365	100.0

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<http://mcdc2.missouri.edu/coi-bin/broker?PROGRAM=websas.cntypage.sas&SERVICE=anndev&deb> 2/28/2010

Commissioner Pearson inquired if anyone was present to speak on behalf of this item?

Julie D'Autenil was present in support of this item. Ms. D'Autenil stated she enjoys the Homan's as neighbors and is not disturbed by the events that they have on their property.

Reverend Julie D'Auteuil was present in support of this item. Reverend D'Auteuil stated she is in full support of granting Alpine Parks and gardens LLC of Columbia, Missouri, additional work days and hours in order to expand their business.

Reverend D'Auteuil stated the Homan's and herself are looking to offer an economical alternative to large weddings by being open during the week. Traditionally, small weddings do not have extended receptions with music so the concern about loud music is full addressed. The concept is to offer a nice environment for the couple's special ceremony that isn't as clinical as the courthouse and truly focuses on the wedding party.

The current recession has affected the wedding industry in big and small ways and we see this as an opportunity to provide a quality service through the economy weddings being performed at the Alpine beautiful park.

Reverend D'Auteuil stated As a non-denominational minister she sees a great need for the Boone County residents to have alternative places to be married as there is currently a three month waiting period for courthouse weddings. These weddings would provide much needed relief to the courthouse by alleviating some of the huge backlog that now exists.

Reverend D'Auteuil stated she sees this as a win to our county resources in addition to a win for newly engaged couples seeking to be married on short notice.

Reverend D'Auteuil stated she hopes that the Commission will see the important impact this expansion will have for Boone County residents without negatively impacting Alpine neighbors.

Donna Frerking stated she can only speak for herself but as a neighbor she is not bothered by the events that take place on the Homan's property. Ms. Frerking stated her friends were over one evening and there were visible fireworks from one of the weddings. Ms. Frerking stated her and her friends thought the fireworks were a real treat and went outside to watch. Ms. Frerking stated she cannot speak for all her neighbors but for her the Homan's business does not bother her, and in fact, she enjoys having the fireworks occasionally.

Kenneth Darwent stated he has a number of concerns about this facility. Mr. Darwent stated that noise is an issue now. If the conditional use permit is extended, the Homan's do not abide by now then how much is the noise going to increase with the new conditional use permit. Mr. Darwent stated he has concerns about how the county can regulate this facility.

Penny and Lou Kujawinski were present in opposition to this item. Ms. Kujawinski stated she is in opposition to the use of fireworks. They go off all the time and unlike Ms. Frerking she does not have the luxury of seeing them. The fireworks go late into the night and are really loud. Ms. Kujawinski stated the Homan's property is a business and business is a different kind of neighbor. Ms. Kujawinski stated she and her husband had moved out there for the quiet and now that quiet is being disturbed.

Commissioner Pearson asked how late the fireworks would go off?

Ms. Kujawinski stated multiple times past 11 pm.

Commissioner Pearson inquired if she would still be opposed to the fireworks if the use of them was restricted to certain times?

Ms. Kujawinski stated she has had her property since before the Homan's had theirs' and she liked it better without the fireworks.

Jerry D. Thompson stated he was present in opposition to this item. Mr. Thompson stated that the design and build of the structure does not prevent the noise from the events from traveling. Mr. Thompson stated similar to the other neighbors he does not like the noise and finds it bothersome late at night. Mr. Thompson stated he believes that the Homan's should make sure as a business the things that have to do with the business stay on their property and like wise feels the noise should not encroach onto his property. Mr. Thompson stated he does not like the noise at any time and on top of the noise from the events there is noise from fireworks. Mr. Thompson stated currently the Homan's have no respect for the hours of operation they are supposed to abide by. Mr. Thompson stated he calls the Homan's and let's them know about the noise issues and still there are problems. The Homan's do not show any respect towards Mr. Thompson's requests. Mr. Thompson does not want the conditional use permit extended because he believes the abuse of the hours of operation will only get worse.

Commissioner Pearson closed the public hearing. Commissioner Pearson requested the Homan's to again come forward.

Commissioner Pearson asked Mr. Homan how often fireworks were used?

Mr. Homan stated not very often because they are restricted by the time of day and by weather. Mr. Homan stated most clients do not even know that there will be fireworks. The fireworks are just something that we provide on our own to make someone's wedding or event special.

Commissioner Pearson stated so the clients do not ask for fireworks?

Mr. Homan stated no.

Commissioner Miller stated they are still purchased for the weddings. Commissioner Miller stated when this facility is supposed to be closed at dusk and fireworks are being setoff at 11pm, you are not making your neighbors very happy or supportive.

Mr. Homan stated he is aware that.

Commissioner Elkin inquired how long the events are going?

Mr. Homan stated most weddings begin around 6 and then the facility is rented for four hours, so it can be later then dusk. Mr. Homan stated it is sometimes hard to get people out.

Commissioner Elkin inquired how long it takes for people to filter out of the facility?

Mr. Homan stated well, it all depends. Mr. Homan stated it can take anywhere from a half hour to an hour and a half.

Commissioner Miller asked if the people know that they are supposed to be gone. Do they know that this is what time the facility should be closed?

Mr. Homan stated he thought there was room to negotiate. Mr. Homan stated he did not want to force people out and most weddings start around 6. Mr. Homan stated 9 pm at one part of the year is different then 9 in another.

Commissioner Pearson inquired what the magic surrounds the 6 o'clock hour was.

Mr. Homan stated most of that is all keyed around eating and catering. The food has to be brought and most people want to eat within an hour of the ceremony. Most people just think that the 6 o'clock hour is a good time to begin, mostly.

Commissioner Miller stated if this is approved she would advise Mr. Homan to be more considerate of his neighbors because they will be watching him closely now. If Mr. Homan violates the conditions of the new conditional use permit he might not have any conditional use permit in the future. Commissioner Miller stated all guests must be gone by 11 pm.

Mr. Homan stated the guests will clear out by then.

Commissioner Miller stated the clearing out of guests must happen prior to 11 pm. All guests must have left by 11 pm.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request for Barry and Sherri Homan for expanded regulations on their current conditional use permit to maintain hours of operation from Monday through Thursday 8 am to 7pm, Friday through Saturday 8 to 11, and Sunday 8 to 7pm; Should fireworks be set off they must be terminated by 9:45 pm.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 114-2010**

7. Buckman. S 11-T50N-R12W. A-R. Buckman Properties LLC, owner. J. Daniel Brush, surveyor.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the presiding

commissioner to sign:

Buckman. S 11-T50N-R12W. A-R. Buckman Properties LLC, owner. J. Daniel Brush, surveyor.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 115-2010**

Sheriff's Department

8. Budget Amendment to establish a budget for Records and Jail Management Systems (second reading, first read on 2/18/2010)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget amendment to establish a budget for site visits for records and jail management systems, and license plate reader research:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2501	37220	Forfeiture Fund Justice	Travel		1,006.00
2502	37235	Forfeiture Fund Treasury	Meals & Lodging Other		3,894.00
2501	37200	Forfeiture Fund	Seminars/ Conferences		100.00

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 116-2010**

Commission

9. Authorize Commissioner Miller to sign Change Order # 004 in the amount of \$6,958.00 (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize Commissioner Karen M. Miller to sign Change Order #004 in the amount of \$6,958.00 for the Sheriff's Annex & Warehouse Project.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 117-2010**

Miscellaneous

10. Appointment of Sarah E. Giboney to the Boone County Family Resources Board of Directors (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the appointment of Sarah E. Giboney to the Boone County Family Resources Board of Directors effective 3/2/2010 and expiring on 2/28/2013.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 118-2010**

11. Appointment of Jeanne A. Jarrett to the Mental Health Board (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the appointment of Jeanne A. Jarrett to the Mental Health Board effective 3/2/2010 and expiring on 2/28/2013.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 119-2010**

12. Organizational use of the Boone County Courthouse Grounds and Courtyard Square by Earthdance (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Courthouse Grounds and Courtyard by the group Earthdance – Columbia on Saturday September 18, 2010 from 10:00 am to 10:00 pm.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 120-2010**

13. Public Comment

14. Commissioner Reports

The meeting adjourned at 12:33 a.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner

Additional supporting documentation:
[20100302a.pdf](#)