

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Room 301

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
County Counsel C. J. Dykhouse  
Property Owner Elizabeth Peters  
Surveyor Curtis E. Basinger  
Rangeline Investments Representative Chris Sander  
Deputy County Clerk Mike Yaquinto

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

### **Resource Management**

**1. Request by Elizabeth Peters for a permit for a kennel and animal (canine) training facility on 23.65 acres located at 3150 N Rte Z, Columbia.**

Stan Shawver read the following Conditional Use Permit:

The minutes for the Planning and Zoning Commission meeting of March 21, 2013, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located approximately 2 ½ miles to the east of the city limits of Columbia, 1 ½ miles to the north Interstate 70 on State Route Z, near Mexico Gravel Road. It is 23.65 acres in size and is zoned A-1(Agriculture), and is surrounded by A-1

zoning. This is all original 1973 zoning. The master plan designates this area as being suitable for agriculture and rural residential land uses. There is currently a house, a 32x120 heated shop, kennel, and horse shed on the property.

The applicants are seeking a conditional use permit for the operation of an animal training facility and canine boarding facility. Staff notified 15 property owners about this request.

In December 2004, the property was approved for a conditional use permit for a breeding kennel with the following conditions:

- 1) Facility to comply with USDA standards within 90 days.
- 2) Facility limited to nine (9) breeding females.
- 3) Install sight-proof fence around facility within 90 days.
- 4) Install wastewater system for the kennel within 90 days.
- 5) Kennel building must be at least 100 feet from property lines.
- 6) Premises to be available during normal business hours for inspection within 24 hours notice.

That property owner has since sold the property to the current owner, who wishes to operate an animal training facility/boarding kennel. Discussion with staff has indicated that they would not serve more than 15 animals at one time. They expect to train in two week sessions with six weeks as a maximum. These dogs are expected to be newly adopted dogs and not generally problem animals. The applicants expect to occasionally work with dogs from the shelters serving the Columbia/Boone County area that need training in order to be adopted, but that is intended to be the exception rather than the rule to their usual clientele.

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.

The applicant has made an effort to meet and speak with the neighbors to answer any questions about this request and have not received any negative comments. Staff has received a comment that could be described as cautiously positive on the conditional use permit. However, public testimony may be indicative as to whether this criterion can be 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 site has access to public water, electricity, and roads. The improvements required by the previous conditional use permit were completed, so necessary facilities are

available.

(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). Noise and odors emanating from the site, unless adequately controlled, could discourage future residential development at a higher density. However, public testimony may be indicative as to whether this criterion is met.

(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.

This site has direct access from State Route Z. The proposed use should not hinder traffic or cause congestion on public streets.

(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-1 zoning district.

Zoning Analysis: This request is a reasonable one. Most issues that would regularly be raised in a request of this nature were addressed in 2004. The uneventful operation of that conditional use permit would indicate that those conditions worked for that permit. This permit, while less intense in some aspects and more intense in others, benefits from the long-term impact of the prior conditions, i.e. structure and wastewater conditions placed on the earlier conditional use permit. Staff has discussed a limit on number of

dogs to be trained/boarded at any given time, and a limit of 15 was considered a reasonable maximum.

The property scored 41 points on the rating system.

Staff recommended approval of the conditional use permit with the following condition:

- Facility limited to 15 dogs in training or boarding at any given time

The Planning & Zoning Commission conducted a public hearing on this request during their March 21, 2013 regular meeting. There were seven members of the commission present during this hearing.

Following the public hearing, a motion was made to recommend approval of the request with the following condition:

- Facility limited to 15 dogs in training or boarding at any given time.

That motion carried and so the application comes forward with a recommendation for approval.

There were no comments or questions for Mr. Shawver on the Conditional Use Permit.

Commissioner Atwill opened up the meeting to Public Comment

Elizabeth Peters, representing the proposed animal training facility said that the intended used is for boarding and training of dogs. They bought an existing facility which is set up and functioning.

Commissioner Atwill asked if there will be a particular breed of dog at the facility.

Ms. Peters said that they are not restricted to any one breed.

Commissioner Atwill asked what type of training will occur at the facility.

Ms. Peters said that it will be mostly obedience training, teaching to be a good companion, a well rounded animal.

There were no further comments or questions.

Commissioner Atwill asked if there was anyone in opposition to the proposal.

There were none.

Commissioner Atwill closed the meeting to Public Comment.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by Rangeline Investments LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) on .72 acres, more or less, located at 30 S. Rangeline Road, Columbia, MO.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #160-2013**

**2. Request by Rangeline Investments LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) on .72 acres, more or less, located at 30 S Rangeline Rd., Columbia.**

Stan Shawver read the following Staff Report:

This site is located approximately 2 miles east of Columbia, south of the intersection

of I-70 and Rangeline Rd/State Highway Z. The tract consists of .72 acres currently zoned A-2. It has M-L zoning to the north and west, A-1 to the south, and A-2 to the east. The property being rezoned is a stem created by an old survey that was not rezoned with the bulk of the property in August of 1975. The original zoning for the site is A-2. This site is located in the Boone Electric service area, and is in the Public Water District #9 service area. It is located in the Columbia School District. It scored 47 points in our point rating system.

The applicants are requesting a rezoning to M-L, as the rest of the property is zoned M-L, and has been for over thirty years. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for industrial land use but suggests the use of planned districts to establish new commercial and industrial areas. 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 Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For industrial use, connecting into a centralized sewer system would be the most reasonable action where wastewater is concerned. Boone County Regional Sewer District is the service provider for this utility.

Transportation: Access to the site is by Rangeline Road, which gives close access to I-70. This area is an industrial/commercial area, with a good basic road system in place.

Public Safety: The nearest fire station is on St. Charles Road, approximately three miles away. The existing road network provides ready access for emergency service providers

Zoning Analysis: This rezoning request is appropriate for this portion of the property.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for industrial land uses, staff recommended approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during their March 21, 2013 regular meeting. There were seven members of the commission present during the meeting, however, one member had given prior notice that he would not participate due to a conflict of interest.

Following the public hearing, a motion was made to recommend approval of the request.

That motion carried and so the application comes forward with a recommendation for approval.

There were no comments or questions for Mr. Shawver on the Rezoning Request.

Commissioner Atwill opened the meeting to Public Comment and asked if anyone would like to speak to this item.

Mr. Chris Sander, representing Rangeline Investments said he would answer any questions concerning the rezoning.

There were no questions or comments.



Commissioner Atwill asked if there was anyone in opposition to the proposal.

There were none.

Commissioner Atwill closed the meeting to Public Comment.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Rangeline Investments LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) on .72 acres, more or less, located at 30 S. Rangeline Road, Columbia, MO.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #161-2013**

**3. Receive and accept the following Plats:**

- **Renard Hollow Plat 1. S7-T46N-R12W. A-2. Tompkins Homes and Development, Inc., owner. David T. Butcher, surveyor.**
- **Joanna Place. S26-T46N-R12W. A-2. Sherman and Joanna Horton, owners. Michael L. Klasing, surveyor.**
- **Burkholder. S9-T48N-R11W. R-M. Emanuel-Sheila Burkholder Trust, owner. J. Daniel Brush, surveyor.**
- **Gilmore Woods. S35-T46N-R12W. A-2. Stacie M. Gilmore, owner. Curtis E. Basinger, surveyor.**

Stan Shawver said the Plats were approved by the Planning & Zoning Commission at the

March 21, 2013 meeting. They all conform to the subdivision regulations and are ready for Commission approval.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the Presiding Commissioner to sign them:

1. Renard Hollow Plat 1. S7-T46N-R12W. A-2. Tompkins Homes and Development, Inc., owner. David T. Butcher, surveyor.
2. Joanna Place. S26-T46N-R12W. A-2. Sherman and Joanna Horton, owners. Michael L. Klasing, surveyor.
3. Burkholder. S9-T48N-R11W. R-M. Emanuel-Sheila Burkholder Trust, owner. J. Daniel Brush, surveyor.
4. Gilmore Woods. S35-T46N-R12W. A-2. Stacie M. Gilmore, owner. Curtis E. Basinger, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #162-2013**

**4. First reading; Approve Intergovernmental Cooperative Agreement with City of Columbia and University of Missouri for Hinkson Creek related projects**

Stan Shawver said this is an agreement formalizing the process that will be followed when projects come up related to the Hinson Creek Property Adaptive Management Program. The agreement says that whatever party has the work being done in their area of responsibility will be responsible for the bulk of the expenses.

Commissioner Miller asked if the Commission could do a 1<sup>st</sup> and 2<sup>nd</sup> reading on this item since it has gone through three processes and has gotten all the approval signatures from the parties involved. Also, the contracts have Commissioner Atwill's name on them for

signature and he will not be present for the second reading on Thursday.

It was agreed by all that the item can proceed for a 1<sup>st</sup> and 2<sup>nd</sup> reading.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Intergovernmental Cooperation Agreement between the County of Boone, the City of Columbia and The Curators of the University of Missouri as it relates to the collaborative adaptive management implementation process for Hinson Creek.

The terms of this Cooperative Contract are stipulated in the attached Intergovernmental Cooperation Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Intergovernmental Cooperation Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #163-2013**

## **Purchasing**

### **5. Second reading; Cooperative Contract 3-121101RJ – Purchase a 2013 Ford Fusion for the Prosecuting Attorney and dispose of a 2000 Chevrolet Malibu (1<sup>st</sup> reading 4-1-13)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the Missouri Department of Transportation Cooperative Contract 3-121101RJ to purchase one (1) 2013 Ford Fusion for the Prosecuting Attorney from Joe Machens Ford of Columbia, MO and dispose of one (1) 2000 Chevrolet Malibu, fixed asset tag 12457 (serial #1G1ND52J8Y6329933).

The terms of this Cooperative Contract are stipulated in the attached Purchase Agreement. It

is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement and Request for Disposal form.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #164-2013**

**6. Second reading; Contract Amendment Number One – 052910 – Spacesaver Storage Furniture (1<sup>st</sup> reading 4-1-13)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve Contract Amendment Number One – 052910 – Spacesaver Storage Furniture assigning the contract to Bradford Systems Corporation from Peterson Business Systems, Inc. The terms of this amendment are stipulated in the attached Contract Amendment Number One. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number One.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #165-2013**

**Commission**

**7. Public Comment**

Surveyor Curtis Basinger addressed the Commission.

I came tonight wanting to comment on a controversial Plat and found out that County Planning has removed it from the agenda. I have a story to tell concerning this plat, especially

the timeline of this plat/story.

I was contacted by an 80+ year old lady who wanted to divide her property which I previously had surveyed. On this property, 72.8 acres is commercial, so it had to be platted. In August of 2012 I turned in a request for a concept review and on September 10<sup>th</sup> I had the review completed. On September 26<sup>th</sup>, I turned in a sewer waiver. On October 3<sup>rd</sup> I received a comment sheet from Planning that the sewer plan was not approved. My sewer plan provided for a review and the Health Department said it had to be a sub-surface system. They also said they cannot approve lagoon permits on commercial property, the DNR must do this. I talked to several soil scientists and Engineers and they said you can build lagoons on commercial property. The DNR also said it's possible to put lagoons on commercial property. There are two nearby commercial properties that have lagoons on them.

I believe the original plan should have been sufficient. To expedite the plat I had soil scientists do sample test holes on the property and then revised the sewer plan to that new test. On November 8<sup>th</sup>, I submitted new plans/plats at the request of the Planning Department. On November 13<sup>th</sup> I received another comment sheet from the Planning Department. They said in review of the submittal, it appears most concerns have been addressed but the required wastewater plans are insufficient for the plat to be put on the agenda in November. The proposal has been rejected because no soil data has been submitted which is required when a sub-surface system is proposed. They also said when checking with the BCRSD, our office was informed that it would be almost impossible and certainly impractical to use a DNR lagoon on this site. Therefore the engineering subsurface system is really the only system proposed.

On December 18<sup>th</sup> I turned in the soils report with the sewer plan trying to expedite this thing. On December 20<sup>th</sup> I asked if I could be on the agenda. I was told no. The Health Department needed time to review the soils report. I don't understand why they needed to review the report as well as why the regulations call for the sewer plan to be approved and by who. The plat could have gone to Planning and Zoning for conditional approval which would have

given the Health Department time to review the report.

On December 19<sup>th</sup> I received another comment sheet. They had received the soil data that was previously missing for the wastewater plan that caused the plan to be rejected and said the soil data report has been added to the current information on file. In January, the Commission does not meet. So there is another month gone by. On February 21st, the Planning and Zoning meeting was cancelled due to the snow storm, which I understand, and I later found out the plat was not presented to Commission at the March 5<sup>th</sup> meeting. Therefore the plat was delayed another month.

On March 22nd there was a Planning and Zoning meeting. On March 26th I received another comment sheet which said the plat has been approved with conditions. If I knew they were going to approve with conditions, I would have attended the meeting to talk about this. They wanted to change the plat. I was told the submission date needed to be revised to the plat day change of January 28th. I don't know how they came up with this date. They also wanted a note stating that wastewater services for this lot are limited and wastewater plans are on file with the Boone County Resource Management Office. This was to be added to my Mylar. I can't see where there is anything in the regulations that says I need this note on my plat and to say that the wastewater services on this lot is limited....every lot that we create, the wastewater services are limited. It is limited to what will fit and work on the lot.

Then I get a letter about corrections on the wastewater plan on file that need to be made to the satisfaction of the Director concerning the item being scheduled by Commission. I called the Planning Office and was told what was needed. I changed the plan which was merely adding wording. On December 19th everything seemed to be fine. From December to March, I have not heard about any changes needed. It is now March 26th and I have received no communication that I need to make any changes. They wait until the last minute to tell me to make changes. I didn't make the changes because to comply with what they wanted, which I got last Tuesday, I had to create new Mylar, go before a notary, get the owner to a notary and also I don't see that the two conditions have any merit on the plat. So I don't see a need to redo a plat. I made the change on wastewater. I assumed tonight it would be on agenda and

approved. Now it isn't on the agenda. I don't know where I am now. I have been working on this for 7 months trying to get a 7.82 acre lot approved. I am done. Something has to change. This is not reasonable.

The Commissioners said they have not previously heard of this issue.

Commissioner Atwill said he will ask Stan Shawver to give the Commission an update. We have multiple issues with one of the questions being can the County prohibit a lagoon on commercial property or require some kind of special language on the plat and some of the other things that have been brought up on the process. I will ask our legal counsel to examine this from a legal standpoint concerning the stances taken and look at the timeline.

Commissioner Miller said that we can act on this pretty quickly if we are sure of what needs to be done. We do not have to wait a month for the next Planning and Zoning meeting.

Commissioner Atwill said we will look at all the issues. This is the kind of thing that make citizens question County government.

Commissioner Miller said she knows for a fact that the County has no rights concerning lagoons on commercial property. It needs to go through the DNR. That is my understanding and the law is pretty clear.

County counsel C. J. Dykhouse said that looking at regulations on perk tests and soil tests can be very complicated and that is why we rely on experts in this field. I, along with Stan will review the minutes of this meeting so we can bring this to a suitable conclusion.

Mr. Basinger said the lagoon is a moot point now and what has occurred is the norm and not the exception.

Commissioner Atwill said the Commission appreciated Mr. Basinger coming to the meeting

and addressing these issues.

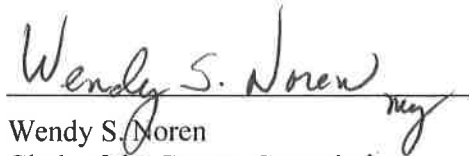
There were no further comments or questions.

**8. Commissioner Reports**

None

The meeting adjourned at 7:40 p.m.

Attest:

  
\_\_\_\_\_  
Wendy S. Moren  
Clerk of the County Commission

  
\_\_\_\_\_

Daniel K. Atwill  
Presiding Commissioner

  
\_\_\_\_\_

Karen M. Miller  
District I Commissioner

  
\_\_\_\_\_

Janet M. Thompson  
District II Commissioner