

TERM OF COMMISSION: June Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
County Counselor C. J. Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 7:01 p.m.

Resource Management

- 1. Public Hearing and request by Samuel and Chelsea Otten to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 18 acres, more or less, located at 8151 and 8001 N Ballew Rd., Hallsville.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their June 15, 2017 meeting.

The minutes for the Planning and Zoning Commission meeting of June 15, 2017, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their June 15, 2017 regular meeting. There were nine members of the commission present during the meeting.

The subject property is located at the southwest corner of the intersection of State Highway HH and Ballew Road, approximately 4 miles to the northeast of the City of Columbia and less than 1 mile to the west of Murry. The subject property consists of two tracts, one at 10 acres, the other at 8 acres. Each has a house present on the property. The property is zoned A-1(Agriculture) with A-2(Agriculture) zoning to the north, and A-1 zoning to the south, east, and west. This is all original 1973 zoning.

This proposal is seeking to rezone the subject property from A-1 to A-2 in order to resolve outstanding issues with the 8-acre tract. That tract was created by exception and smaller than the minimum lot size for the A-1 zoning district. Legitimizing the 8-acre tract requires a rezoning to A-2 and a subdivision plat.

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

Utilities: The subject property is located in Public Water Service District #9, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: The property has direct access on to State Highway HH and Ballew Road, both publicly-dedicated, publicly-maintained rights-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Hallsville being closest for service.

Zoning Analysis: The proposed rezoning allows for the property owners to legally create the 8-acre lot. Available infrastructure can support the proposed rezoning request.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their June 15, 2017 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request. That motion carried unanimously, so the request comes forward with a recommendation for approval.

There were no comments or questions from the Commission at this time and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Samuel Otten said he is the owner of the north property plat and they have bought the south plat property last year. When re-financing with the bank, we found out that the plat was improperly zoned. For a long time, there has been an original house on the south eight acres. This was originally 18 acres with the original farm house. In the 70's, the family had their son build a house and moved onto the north 10 acres, so they had two homes on 18 acres and since it is A-1, they really needed 20 acres for the two homes.

We purchased our home two years ago and then purchased the south acreage last year for Chelsea's mother. This request is to bring the property up to the proper zoning.

Commissioner Atwill asked if there is anyone else that would like to speak to this issue. There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by Samuel and Chelsea Otten to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 18 acres, more or less, located at 8151 and 8001 N Ballew Rd., Hallsville.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #286-2017**

2. Request by T-Vine Enterprises Inc. to approve a Final Development Plan for Settlers Ridge located at 8000 N Rte. B.

Stan Shawver read the following staff report:

The property is located north of the intersection of Glen Meadow Drive and Steiner Glen Drive approximately 1500 feet northwest of the intersection of Route B and Route HH. The zoning is A-2, which is the original zoning.

On February 16, 2017, the Planning and Zoning Commission made a recommendation to approve a rezoning to R-MP, R-SP, C-GP, R-D, and R-S and an accompanying Review Plan with three conditions. The County Commission Approved the rezoning and Review Plan February 28th, 2017 with the same three conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvements shall be built by the developer in accordance with the Phasing Plan and Offsite Improvement Schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by three years for a total of five years from the date of approval.

Approval of the final plan will finalize the zoning for:

- 3.36 acres R-DP
- 2.02 acres M-MP
- 5.38 total acres

Section 6.2.14 establishes criteria for approval of a Final Plan:

- All required information is accurately portrayed on the Plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan

Staff has reviewed the plan and confirms that all required information is accurately portrayed and the plan conforms to the approved review plan.

As to the conditions imposed on the review plan by the County Commission,

1. A final plan meeting the requirements of the Boone County Zoning Regulations is presented to you tonight. A revised review plan was deemed unnecessary in this case because sufficient detail was presented on the Review Plan approved February 28, 2017 for this portion of the development.
2. No off-site road improvements are required with this phase according to the approved Phasing Plan and Offsite Improvement Schedule.
3. The review plan is well within the five-year period of validity.

Staff recommended approval of the final plan.

The Planning & Zoning Commission reviewed the Final Development Plan for Settlers Ridge during their June 15, 2017 regular meeting. There were nine members of the commission present during the meeting. The motion to approve the final development plan passed unanimously.

There were no Commission comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by T-Vine Enterprises Inc. to approve a Final Development Plan for Settlers Ridge located at 8000 N. Rte. B.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #287-2017**

Commissioner Atwill asked Mr. Ron Shy if he had anything to add on this issue.

Ron Shy said he would like to mention that he received a phone call from the city today and after all the approvals from the County, the city said they are not going to give me a permit on the sewer because there is no agreement with the sewer district. This is our 3rd plat and we are in the process of construction and I don't know what needs to be done to solve this issue.

Commissioner Parry suggested that Mr. Shy call Tom Rattermann and share this information with him because we talk about Settler's Ridge every single Boone County Regional Sewer District meeting that I have attended, and that is six. I can't image this has not been taken care of.

Mr. Shy said that every time we have a review with the county, the sewer district comes back with a comment that there is no agreement between the city and county.

Stan Shawver said the city ran a line about ½ mile to get up to where it can serve Settler's Ridge. That was 15 years ago and the fact that they say there is no agreement between the city and Sewer District is mind boggling as they have been providing sewer out there all this

time for the rest of the development and this is the 3rd phase and there are a lot of houses that are already connected to sewer as is Sheridan Hills and all the way down to Sun Valley Estates.

Mr. Shy said this is the first time they have said they will hold off without the permit.

Commissioner Thompson inquired as to what they would want.

Mr. Shawver said he does not know. They say there is no agreement, but they have not refused service to those other homes.

Commissioner Thompson noted they are getting their sewer fees.

Mr. Shawver said that when the sewer line ran across the Heller property, they had to get permission from the Sewer District to run the line to those areas.

Commissioner Parry said he will call Tom Rattermann tomorrow to get resolution on this.

3. Receive and accept the following plats:

- **Rangeline Estates Plat 1A. S13-T47N-R12W. A-2. J Alan Investments LLC, owner. David W. Borden, surveyor.**
- **Hagan's Ridge Plat 2. S13-T46N-R12W. A-2. Bryan and Leslie Crump, owners. Steven R. Proctor, surveyor.**
- **Anderson Country 151. S10-T51N-R11W. R-S. Country Land LLC, owner. Donald E Bormann, surveyor.**

Stan Shawver read the following plat descriptions:

- **Rangeline Estates Plat 1A.** This plat is located northeast of Ashland on Rangeline Rd near the intersection with Hubbard Rd. It was re-zoned from A-1 to A-2 last month. This plat reconfigures two non-conforming lots into 2 lots that meet the zoning minimum lot size.
- **Hagan's Ridge Plat 2.** This plat is located on Bentlage Road, approximately 1 mile east of the city limits of Ashland. This proposal creates two lots that are zoned A-2.
- **Anderson Country 151.** This plat is located just north of Centralia and consists of one lot situated on State Highway 151. It is zoned R-S (Single-family Residential).

There were no comments or questions.

Commissioner Parry 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:

- Rangeline Estates Plat 1A. S13-T47N-R12W. A-2. J Alan Investments LLC, owner. David W. Borden, surveyor.
- Hagan's Ridge Plat 2. S13-T46N-R12W. A-2. Bryan and Leslie Crump, owners. Steven R. Proctor, surveyor.
- Anderson Country 151. S10-T51N-R11W. R-S. Country Land LLC, owner. Donald E Bormann, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #288-2017**

Purchasing

**4. Second reading; Bid Award 24-25MAY17 – Boone County Hill Creek Road Bridge
(1st read 5-25-17)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 24-25MAY17 – Boone County Hill Creek Road Bridge to Gene Haile Excavating, Inc. of California, MO.

Terms of the bid award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #289-2017**

Commission

**5. 1st & 2nd reading; Organizational Use of the Courthouse Plaza by Mid-Missouri
Peaceworks for September 24, 2017**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Courthouse Plaza by Mid-Missouri Peaceworks for September 24, 2017 from 12:00 p.m. to 4:30 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #290-2017**

6. Public Comment


None

7. Commissioner Reports

None

The meeting adjourned at 7:20 p.m.

Attest:



Art Auer
Interim Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner