

# Christian County Commission

June 01, 2009

## Convene

Presiding Commissioner John Grubaugh called the meeting of the County Commission to order at 9:00 a.m. on June 1, 2009 at the County Commission Office. Attendance: John Grubaugh, Present: Bill Barnett, Present: Tom Huff, Present. County Clerk Kay Brown is taking the minutes.

## 9:00 a.m. Bob Atchley, Planning and Zoning Re: UDC Amendment & Proposal For Code Changes

The meeting was attended by Commission Secretary Cindy Childress and Jim Bresee Resource Management Administrator, Todd Wiesenhan Senior Planner of the Planning and Zoning and Common 2 Road District Supervisor Brent Young.

Bob Atchley, Acting Administrator of the Planning and Zoning Department Jim Bresee Resource Management Administrator presented UDC Amendments and Proposals for Code Changes to the County Commission for their review.

### MOTION/VOTE -- Amendment 1 : Section 5-10 Division I Permit Procedure

Western Commissioner Bill Barnett made the motion to adopt the amendment which changes the filing fee for a the single family residence to a flat fee of \$ 300.00 and any additions made to any single family residence would be a flat fee \$ 100.00. Eastern Commissioner Tom Huff seconded the motion. The motion passed by vote : (Yes) John Grubaugh, (Yes) Eastern Commissioner, Tom Huff and (Yes) Western Commissioner Bill Barnett.

### MOTION/VOTE -- Amendment 2: Section 5-10 Division I Permit Procedure

Eastern Commissioner Tom Huff made the motion to adopt the amendment which changes the filing fee for a Division 1 Commercial Land Use permit to a flat fee of \$ 800.00 and any additions onto existing commercial structures shall be a flat fee of \$ 275.00. Western Commissioner Bill Barnett seconded the motion. The motion passed by vote : (Yes) John Grubaugh, (Yes) Western Commissioner Bill Barnett and (Yes) Eastern Commissioner, Tom Huff.

### MOTION/VOTE -- Amendment 3: Section 15-46 Utilities

Eastern Commissioner Tom Huff made the motion to adopt the amendment which states that all utility crossings shall be approved by the County Commission and the installation of buried lines with the County rights-of-way shall be in accordance with County Order Number 3-19-09-01. Western Commissioner Bill Barnett seconded the motion. The motion passed by vote : (Yes) John Grubaugh, (Yes) Western Commissioner Bill Barnett and (Yes) Eastern Commissioner, Tom Huff.

### MOTION/VOTE -- Amendment 4: Section 22-35 Utilities

Eastern Commissioner Tom Huff made the motion to adopt the amendment which states that any tower no longer in use for the original purpose granted by the Division III permit or serving as an approved co-location site must be dismantled and removed with one hundred eighty (180) days of the cessation of operations. The tower company shall post a \$ 75,000 bond or irrevocable letter of credit for tower removal prior to issuance of a construction permit. Western Commissioner Bill Barnett seconded the motion. County Order Number 3-19-09-01 was added to the UDC as Appendix B. The motion passed by vote : (Yes) John Grubaugh, (Yes) Western Commissioner Bill Barnett and (Yes) Eastern Commissioner, Tom Huff.

### MOTION/VOTE -- Amendment 5: Performance Criteria Evaluation Score Sheet for Towers and Off-Site Advertisement Signs

Eastern Commissioner Tom Huff made the motion to delete section 11-40 (A-3) (Dedication of tower location for county emergency services) for the performance criteria evaluation score sheet for towers and off-site advertisement signs. Western Commissioner Bill Barnett seconded the motion. The motion passed by vote : (Yes) John Grubaugh, (Yes) Western Commissioner Bill Barnett and (Yes) Eastern Commissioner, Tom Huff.

**MOTION/VOTE -- Amendment 6 : Section 23-40 District I Provisions**

Western Commissioner Bill Barnett made the motion to adopt the amendment that all advertising structures shall conform to the requirements of the Missouri State Highway and Transportation Department for a divided four-lane limited access primary route with the following additions : Maximum size 800 sq. ft. per side 2. Maximum Height 50 ft. 3. Minimum Spacing 1,400 ft. (and 1,400 feet from interchange ramps) Eastern Commissioner Tom Huff seconded the motion. The motion passed by vote : (Yes) John Grubaugh, (Yes) Eastern Commissioner, Tom Huff and (Yes) Western Commissioner Bill Barnett.

**Ordinance - 06-01-09-01 -**

Amendments to the Unified Development Code of Christian County, Missouri

Amendment 1. - Adopted to the UDC - On June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009.

SECTION 5-10 Division I Permit Procedure - Division I permits provide for the rapid staff approval of permits for single-family residences, Administrative Minor Subdivisions and lot line adjustments.

A. Filing Fees- An application for a Division I permit may be filed with the staff at any time during regular business hours.

1. The filing fee for single family residences shall be a flat fee of \$ 300.00.
2. The filing fee for additions onto single family residences shall be a flat fee of \$ 100.00.

Amendment 2. Adopted to the UDC - On June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009.

Section 5-10 Division I Permit Procedure -- Division I permits provide for the rapid staff approval of permits for single-family residences, Administrative Minor Subdivisions and lot line adjustments.

A. Filing Fees - An application for a Division I permit may be filed with the staff at any time during regular business hours.

3. The filing fee for a Division I Commercial Land Use Permit shall be a flat fee of \$ 800.00. The square footage charge shall not apply to Home Occupation or public Institutional uses.
4. The filing fee for additions onto existing commercial structures shall be a flat fee of \$275.00.

Amendment 3. Adopted to the UDC - On June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009.

Section 15-46 Utilities

A. All utility crossing shall be approved by the County Commission. The installation of buried lines within the County rights-of-way shall be in accordance with County Order Number 3-19-09-01 (Refer to Appendix B)

**APPENDIX B**

**ROAD RIGHT-OF-WAY AND ROAD CROSSING PROCEDURES FOR BURIED LINES**

The Christian County Commission authorizes the following procedures to be used when any utility company or individual will be using county rights-of-way for installation of buried lines in Christian County.

1. Anyone wishing to bury wire, pipe, cable, fiber optics or other lines which will be in County road right-of-way or will cross County roads (hereinafter referred to as the "Applicant"), must complete a Utility Permit Application or an Application for Road Crossing Permit, which shall be signed by the Utility and/or an authorized contractor or representative, and present it and a copy of project plans in their entirety to the Christian County Planning and Zoning Department for approval by the County Commission as early as possible but no later than two weeks prior to construction start date. All Applications shall be accompanied by a \$ 100.00 non-refundable Permit Fee payable

to Christian County. Applications for lines which will be buried within the 100 year flood plain must be accompanied by a Floodplain Development Permit/Application.

2. The Applicant will require any contractor procured by the Applicant to work under this Agreement:

(a) To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name Christian County and the County Commission and its employees as additional named insured's in amounts sufficient to cover the sovereign immunity limits for Missouri public entities (\$400,000.00 per claimant and \$2,500,00.00 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610 RSMo.

(b) In no event shall the language of these Procedures constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

3. When a line is being buried, it shall be a minimum of 42 inches under the roadway and 42 inches below the flow line of the ditch. Telecommunications lines for service drops are excluded from the 42 inch minimum and are to be buried no less than 24 inches under roadway, back-slope and ditch line. Service drops are defined as copper lines with no more than 12 pairs which are buried from the serving pedestal to a single end user structure. When a pedestal is installed for telecommunication lines in County right-of-way, said pedestal shall have an orange cap on the top with an orange flag affixed and displayed at least 12" above the cap.

4. Any utility line greater than 3" in diameter must be in a steel encasement from flow line of ditch to flow line of ditch.

5. In areas where solid rock is encountered within road right-of-way, the applicant may request approval of the County (in writing) to reduce the minimum bury depth to 18".

6. Any project requiring road bore or any cutting of road surface must receive prior approval by the County Commission.

7. For any road crossings where surface rock is disturbed, the trench must be filled with 1" crushed rock and within one year, any area that has settled must be filled and brought back to Christian County specifications. See figures 1 and 2.

8. One half of the roadway shall be open at all times.

9. When approaching bridges or a stormwater culvert, lines shall be greater than 18 feet minimum from the road centerline when within 15 feet of the stormwater culvert or bridge. No lines will be attached to bridges without prior permission in writing from the County Commission. See figures 3 and 4.

10. All lines installed by a utility company on County rights-of-way shall be set back as close to adjoining property lines as possible. No lines shall be laid parallel in the road surface or in the roadbed itself except as approved by the County.

11. The Utility Provider will put up a \$ 1,000.00 deposit per crossing to cover installation across roads.

12. At the start of work at a job site, the necessary warning signs and traffic control must be in place for public safety. The signage shall be in accordance with the current addition of the Manual of Urban Traffic Control Devices.

13. The Applicant utility company or individual being authorized to bury lines will be responsible for all damage to County roads and right-of-way. Reimbursement for any damages shall be made in full if adequate repairs are not made.

14. Any individual crossing County roads with a line of any kind shall make a deposit of \$ 1,000.00. After the project is completed and has been inspected with the work having found to be satisfactorily by the County, the deposit will be refunded.

15. Any Applicant utility and/or cable company and contractor for such utility and/or cable company using a county right-of-way for installation of any utility or cable lines shall deposit with the County \$ 20,000 in cash or an irrevocable letter of credit for each contract bid within the County for each project under 25 miles in total length, projects 25 miles or greater in total length will require a bond equal to at least \$ 1,000.00 per mile. When a

company intends to start a project, the County will have an inspector check the area before construction begins. A county inspector can make routine checks on the project. If installations are not being done according to County specifications, the County can stop construction of the project until the correct action is taken. At the discretion of the County, construction can resume. After the project is totally completed, the County will inspect the work. The project shall then be re-inspected by the County one year after the inspection that was performed at completion. At this point the County may determine that the project has been done satisfactorily according to County specifications and can release the security deposit or irrevocable letter of credit associated with this project or will direct the applicant regarding any required corrective action.

16. The procedure outlined above supersedes all previous procedures and all future right-of-way construction must conform to this procedure.

Amendment 4. Adopted to the UDC - On June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009.

#### Section 22-35 Discontinued Use

A. Any tower no longer in use for the original purpose granted by the Division III permit or serving as an approved co-location site must be dismantled and removed with one (180) days of the cessation of operations.

1. The owner of the tower must notify the Christian County Planning & Zoning Department with a copy of any notice given to the FCC relating to its intent to cease operations.

2. Upon removal, the tower owners will reclaim the site by obtaining the proper grading permits from the Christian County Planning & Zoning Department and reclaiming the disturbed area.

3. An extension to the one (180) day period may be granted by the Christian County Planning and Zoning Administrator if a good faith effort is made to resolve situation.

B. The tower company shall post a \$ 75,000 bond or irrevocable letter of credit for tower removal prior to issuance of a construction permit.

#### Amendment 5 Performance Criteria Evaluation Score Sheet For Towers and Off-Site Advertisement Signs

Adopted to the UDC - On June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009

Performance Criteria Evaluation Score sheet for Towers and Off-Site Advertisement Signs - Delete section 11-40 (A3)

3. Dedication of tower location for County Emergency Services.

Amendment 6 - Adopted to the UDC - on June 1, 2009 by a unanimous vote of the Christian County Commission to be effective on June 15, 2009.

#### Section 23-40 District I:

A. Provisions- All advertising structures shall conform to the requirements of the Missouri State Highway and Transportation Department for a divided four-lane limited access primary route with the following additions:

1. Maximum Size 800 sq. ft. per side

2. Maximum Height 50 ft.

3. Minimum Spacing 1,400 ft. (and 1,400 feet from interchange ramps)

The minimum spacing requirement shall only apply to distances between off-premise advertising structures.

Distances between on-premise advertising structures shall not be governed by this spacing requirement.

### **Resolution - 06-01-09-01R -**

Resolution to Amend Unified Development Code of Christian County Missouri

WHEREAS, the Unified Development Code of Christian County, Missouri provides for a procedure in which applicants may seek a Division III Permit upon any one, or combination, of seven conditions; and

WHEREAS, many, if not all, of these applications have concerned a change in land use category, and

WHEREAS, others have sought a change in land use category and establishment of a subdivision of four lots or

more, and

WHEREAS, it is the intent of this Resolution to clarify the distinction between issues that concern the change of land use categories from those that only concern subdivisions, and

WHEREAS, it is believed that the existing "Performance Criteria Evaluation Score Sheet for Subdividing of Residential Land Use" should be replaced with the Criteria Checklist for Subdivision of Residential Land Use attached to this Resolution as Exhibit A.

IT IS HEREBY RESOLVED that a plot plan is required before an application for preliminary plat may be filed and the requirements for a plot plan are as follows:

- (a) A title block giving the subdivision's name and the quarter-quarter section, section, township, range, principal meridian, and County of its location.
- (b) The exterior boundaries of the platted area giving lengths and bearings of the boundary lines. If the subdivision is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the plat. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given, including the curve's radius, central angle, and arc length.
- (c) A notation of any adjoining plats or certificates of survey and ties thereto.
- (d) The basis of bearings used and a north point.
- (e) A scale, not smaller than one inch (1") to two hundred feet (200').
- (f) All existing monuments found during the course of the survey, including a physical description, such as "brass cap."
- (g) All existing easements or rights-of-way, including those contiguous to the platted area, their nature, width and the book and page numbers where recorded.
- (h) All lots, blocks, rights-of-way and easements to be created by the subdivision with their boundary, bearings, lengths and widths.
- (i) All monuments set during the course of the survey, in accordance with Missouri Minimum Standards, and including appropriate witness monuments.
- (j) The area of the smallest and largest lots created by the subdivision' and in a separate table or in the owner's certificate, a summary of total acreage, total acreage in lots, and total acreage in roads or other dedicated parcels.
- (k) A vicinity map locating the subdivision within the section, identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.
- (l) A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed and dated.
- (m) Absolute Policies in accord with Section 10-10.
- (n) Absolute Policies in accord with Section 10-15.
- (o) Absolute Policies in accord with Section 10-25.
- (p) Absolute Policies in accord with Section 10-40.
- (q) Absolute Policies in accord with Section 10-45.
- (r) Absolute Policies in accord with Section 10-50.
- (s) Absolute Policies in accord with Section 10-55.
- (t) any such regulation to which those Absolute Policies refer.

IT IS HEREBY RESOLVED that the existing "Performance Criteria Evaluation Score Sheet for Subdividing of Residential Land Use" shall be replaced in favor of the Criteria Checklist for Subdivision of Residential Land Use, attached hereto as Exhibit A; that the previous evaluation score sheet be removed from Chapter 11; and that the criteria checklist for subdivisions of residential land use be inserted at the end of Chapter 4.

IT IS HEREBY RESOLVED that the following provision shall be included at the end of the seventh sentence in Chapter 7, Section 7-10(D) "Action": "provided, however, that Relative Policies shall not be considered or applied to determine whether a proposed subdivision otherwise complies with pertinent provision of this Unified Development Code."

IT IS HEREBY RESOLVED that the phrase "(except subdivision applications)" follow the title "Time Line for Division III Permit" in Section 7-10 (C)(6) shall be as follows: "This will be the preliminary plat, subject also to the requirements set forth in the Criteria Checklist for Subdivision of Residential Land Use."

IT IS HEREBY RESOLVED that a Division III Permit is required for any subdivision of land involving four or more tracts for single family residences on lots of three acres or more or the creation of a commercial lot before an application for a preliminary plat may be submitted to the Planning and Zoning Commission for approval. Any application for a Division III Permit, which includes an application for approval of a major subdivision, shall be reported upon by the Planning & Zoning Commission within thirty (30) days for the application, unless the applicant waives this time limitation.

John Grubaugh  
Presiding Commissioner

6-1-09  
Date

**Motion/Vote - Approve the May 28th, 2009**

Eastern Commissioner Tom Huff made a motion to approved the May 28, 2009 minutes.

Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

**Ordinance - 06-01-09-02 -**

Right-of-Way Warranty Deed for Badger Road 10:00 a.m. The Commission signed and approved the Right-of-Way Warranty Deed for Badger Road to transfer additional right-of-way along Badger Road to Common 1 Road District. The grantors are Jerry Lee Richardson and Goldie Richardson. The deed was attested to by County Clerk Kay Brown.

**10:30 a.m. Renette Wardlow, Extension Office Re: Stimulus Act and Funding for Homeless**

The meeting was cancelled and will be rescheduled.

**Signatures**

  
John Grubaugh, Presiding Commissioner