

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
MARCH 22, 2018

Case No. 18-83

A request by the City of Columbia to amend Section 29-5.1(b) of the Unified Development Code as it relates to avoidance of sensitive areas, land analysis mapping, and preservation of sensitive areas. Comments were received on this matter at the March 8, 2018, Planning Commission meeting and has been scheduled for a public hearing and vote on March 22; however, may be delayed based upon additional public testimony.

May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the proposed amendments to Section 29-5.1(b) of the Unified Development Code.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions of staff? Ms. Burns?

MS. BURNS: Mr. Zenner, I know that at least twice we've dealt with the floodplain quest-- using flood fringe questions. Have we been challenged on the steep slope issue?

MR. ZENNER: We never really have been. I think that the practicality of identifying the slopes and what it really means in the -- in the broader scheme of things has really not been raised at this point. We require it, and I think most of the engineering firms that we work with regularly, they begrudgingly say okay, well, provide you the four-to-one slopes on our property. I think the definition, the addition of the natural slope clause will help definitely clarify, I think, some of the confusion that has existed within the industry. We basically tell them it says all 25 percent slopes, they fork it up for us. When we say natural slopes, I think that that is probably far more definitive for them as design professionals and we may get something that's more meaningful. I can't really tell you because normally when we deal with this type of slope, we're not really -- the areas that we're seeing development in aren't those that are of the most high sensitivity. If you recall, this discussion hit its flash point when we were doing stuff north of what is now The Brooks up off of Rolling Hills right on the North Fork of the Grindstone where we had slopes that were probably 20 -- 25 percent along the creek channel. And -- and we had other valleys and areas within that development that had some pretty significant slope, as well. We really haven't seen development like the Brooks II, which you just heard for platting and annexation purposes, is flat in all -- in all respects. Breckenridge out off of the end of Smith Drive, which was our last major development that we saw also, fairly flat until you got to where the Perche Ridge was, but we weren't proposing development in it, it was actually retained as open space. So, I mean, I think the development community

understands stay away from it. If they don't stay away from it, we've already got another protection that says you've got to have an extra 20 -- 10 or 25 feet into it per the way the Code is currently written. So, I think it -- I don't think we have experienced anything, to my knowledge, that's really come to the flash point of anything. I know as Ms. Dokken's memo from the Sierra Club indicates, there is a concern, obviously, that if we do not protect these areas appropriately, we lose them. I will say that is what is in the comprehensive plan, which is quoted in Ms. Dokken's letter, is aspirational. It applies in very specific areas. Yes, we'd love to have 15 percent -- all slopes 15 percent in grade are protected within the City. I think, from a development perspective, that's probably extremely impractical as it relates to other factors -- soil conditions and things of that nature, which, if we had any other attendees in the audience that were engineers, they would probably tell you, based on the soil conditions in this community, a three-to-one slope is very developable. A two-to-one slope is probably developable in most instances, as well, but they're not suggesting we go up to two to one. They're willing to take what we have in our storm -- in our land disturbance manual.

MR. STRODTMAN: Commissioners, any additional questions of staff? I see none. I'll go ahead, and this is a public hearing. I'll open it up to anyone in the audience.

PUBLIC HEARING OPENED

MR. STRODTMAN: Dee, come on up. You're a trooper; you've been here the whole night.

MS. DOKKEN: I'm Dee Dokken; I live at 804 Again Street. And, boy, I almost have more questions than comments. I'm not going to go over the letter again. I think the concern is for -- for one thing, anything over than 15 percent is steep. Now, you can allow -- you know, you can decide you want to do things on it, but I think it's good to have it on a map and know -- a lot of communities do it, but 15 to 25 and 25 -- above 25. But it's good to know where those slopes are when you're deciding what to do. And if it's not protected in that part of the comprehensive plan, it's not protected anywhere? I don't understand that. I think there is some danger along streams, which is the main concern, where they're going to be out of the buffer, but still a steep, scenic habitat rich slope, and that this protection is needed in that case. Ideally, it won't come up very often. And it is true that most of the -- the area is not in steep slopes. Like, I -- in the letter, I say that the Natural Resource Inventory says only 2.6 percent of the land area in the metropolitan planning area is even above 15 percent. And then when you go to above 25 percent, which is what we're talking about now, it's only 1 percent. Hopefully, most of that is protected in buffer, but some of it won't be. And it would be good to have that on map and avoid it and do some bonus density or something to protect it, I believe. My -- I think the land disturbance at 33 percent is a big issue. Why is that happening? I think -- why -- why has the land disturbance part of this not been part of the comprehensive plan? I -- they can still go in and bulldoze or do whatever they do that upsets people and I don't have a handle on the land disturbance issue. And if they're saying, yeah, you can go in and change the land's -- or, you know, disturb a three-to-one slope, maybe that's something we should be dealing with. I would like to say Austin, Texas, has -- they've been doing a very contentious long code redo, and right now, their final draft is saying anything between 15 and 25 percent has special

requirements for vegetation, impervious surface, and terracing, and they aren't allowing anything over 25 percent. So, any questions, I guess?

MR. STRODTMAN: Thank you, Ms. Dokken. Commissioners, any questions of this speaker?

MS. DOKKEN: I guess I have one more comment. I know from your work session that this is going to be quite a process going through the Code and making decisions on it. But whatever process, I think that this slope thing, I would -- even I don't completely understand it. I don't know if you all understood everything, but it seems like a little more process would be good for this issue.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just real quick. I would like to echo the Chairman's comments. Dee, you've been a trooper. You've been here since 5:00.

MS. DOKKEN: Yeah.

MR. MACMANN: I appreciate that, I really do.

MS. DOKKEN: Look at you all.

MR. STRODTMAN: We get paid for it, though.

MR. MACMANN: Oh, yeah. You saw the pay we get.

MR. STRODTMAN: We don't get a pay. I'm just joking.

MS. DOKKEN: Well, this is my new hobby. I'm going to be going --

MR. STRODTMAN: I'm tired. I'm sorry. Getting a little giggly. We're not paid.

MS. DOKKEN: Yeah. Right.

MR. STRODTMAN: Any questions of Ms. Dokken? Thank you, ma'am. Thank you again for coming in this evening and sticking with us.

MS. DOKKEN: And, I'm sorry. I think the natural slope thing, there might be some unintended consequence about it, but I think as long as it's not going to hurt a waterway or something, it makes complete sense. I don't care about something that -- you know, some pile of dirt in an empty lot, you know.

MR. STRODTMAN: Yeah. Thank you. Anyone else like to come forward?

PUBLIC HEARING CLOSED.

MR. STRODTMAN: Commissioners, discussion, comments, specific -- specific items that you're concerned with? Mr. Stanton?

MR. STANTON: As it relates to Case 18-83, Unified Development Code Text amendment, I move to approve the change to the text.

MS. RUSSELL: Second.

MR. STRODTMAN: Mr. Stanton has made a motion for approval of Case 18-83, and it received its proper second from Ms. Russell. Commissioners, is there any discussion needed on this motion?

MR. MACMANN: I'll make it really quick.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I'm sorry. I didn't see you.

MS. BURNS: No. Go ahead.

MR. MACMANN: Okay. I will be voting no. I've been counting and I'm sure this will pass. My concerns are as follows: I understand that 33 percent and 25 percent aren't the same. I think 33 is too far, and I'm a little concerned -- I'm still concerned about enforcement procedures. That's why I'm voting no.

MR. STRODTMAN: Ms. Russell? Oh, I'm sorry. Ms. Burns?

MS. BURNS: We did have tremendous discussion on the steep slopes and I was okay when we went to 15 to 25, but then going 25 to 30 on -- what -- I guess I didn't have enough time to consider this or have discussion on this. So unless Mr. Stanton wants to amend his motion, I'll probably vote no, too.

MR. STRODTMAN: Thanks, Ms. Burns. Anyone else, before we do roll call? Ms. Burns, when you're ready for roll call.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Harder, Mr. Stanton, Mr. Strodman. Voting No: Ms. Burns, Mr. MacMann. Motion carries 5-2.

MS. BURNS: Five to two, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration.