



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 19800-19900 Block of N Eastern Road

Section 33 | Township 54 | Range 32

Site Size: 40+ acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: < None >

Surrounding Landuse & Zoning:

North – Agricultural (AG) zoned land, Clinton County line

East – Agricultural (AG) zoned land, Smithville Lake Reservoir, Graves Corner (AG)

South – Agricultural (AG) zoned land, Smithville Lake Reservoir, Majestic View (R-1A), Schonecrest (AG)

West – Agricultural (AG) zoned land, Smithville Lake Reservoir

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Show-Me Real Estate, on behalf of owners B & R Farms, LLC (Robert and Ronda Schmidt, organizers) are requesting the use of well water as the sole water supply source. The subject property is proposed Lots 1 & 2 of Halferty Acres along 19800 - 19900 blocks of N Eastern Road lying to the north of the Smithville Lake Reservoir.

Show-Me Real Estate is submitting this request to allow for the future construction of a single-family residence on Lots 1 & 2.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **NATURAL RESOURCES TIER**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

	Natural Resources Tier † (Yellow)	Rural Low-Density Tier † (Green)	Urban Services Tier † (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽¹⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). A/G, Agricultural zoning is appropriate until full range of urban services available.

⁽¹⁾ On-site septic allowed for agricultural uses only.

† The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non-binding city recommendation for Clay County to consider in their deliberations.



Report to Planning & Zoning Commission

Clay County, Missouri

	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.
 ** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property with AG zoned subdivisions to the east and south, and R-1A to the south. The Smithville Lake Reservoir is to east, south, and west of the property, and the Clinton County line is just to the North [See Attachment B].

LDC Considerations

Section 151-8.9, Water Supply and Fire Protection, of the Land Development Code (LDC) requires that all proposed development (including new construction) be connected to an enclosed water supply system, with an exception under subsection (D) for well water "only under unusual circumstances, as determined by the Planning and Zoning Commission, Clay County Commission and approved by the MO Department of Natural Resources".

Outside Agency Review

Clinton County Consolidated Public Water District No. 4 ("Clinton County No. 4") indicated over the phone that the closest existing water line was approximately 500-600 feet to the west. Missouri Department of Natural Resources ("MDNR") "Domestic/Multi-Family Well Record and Pump Information Data" form is completed following the completion of the well. As such, staff recommends this stipulation be included as a condition to the approval.

Findings

Section 151-8.9, Water Supply and Fire Protection, provides some guidance in reviewing well water as a water supply request. Subsection (B), Exemptions, further defines qualifications for exemptions from hooking up to enclosed water supply system:

"Exemptions ... maybe approved only in the following 2 instances. As a condition of any approved exemption, the property owner shall sign a notarized statement that they will connect within 90 days to a public water supply district or other approved water source when service becomes available within 200 feet of the property."

In addition, subsection (H) further defines the exception for well water but "only under unusual circumstances". The Department Director's interpretation of these 2 sections of code revolves around the applicant proving they have exhausted all options for hooking up to an enclosed water supply system, and that well water is the last resort.



Report to Planning & Zoning Commission

Clay County, Missouri

Based on fact that the subject property is more than 200 feet from the nearest existing enclosed water supply line, staff believes the subject request meets the requirements established by Section 151-8.9 of the LDC. While staff prefers to avoid the use of any water supply source other than enclosed systems where reasonable due to fire protection and proper growth management principles, Smithville Lake and COE land creates a natural barrier to the south that dramatically limits future development growth within the surrounding area. Therefore, the subject request presents a unique circumstance that merits the approval of well water as a sole water supply source.

Recommendations

Staff recommends the **General Recommendation** to allow for the use of well water as a sole water supply source for the property at Lot 1 & 2, Halferty Acres be **approved**, with the following condition as shown under **Exhibit A**:

Exhibit A

1. Meet all regulations and requirements of the Missouri Department of Natural Resources ("MoDNR" or "DNR"), and applicable water and fire districts.



Report to Planning & Zoning Commission

Clay County, Missouri

Attachments

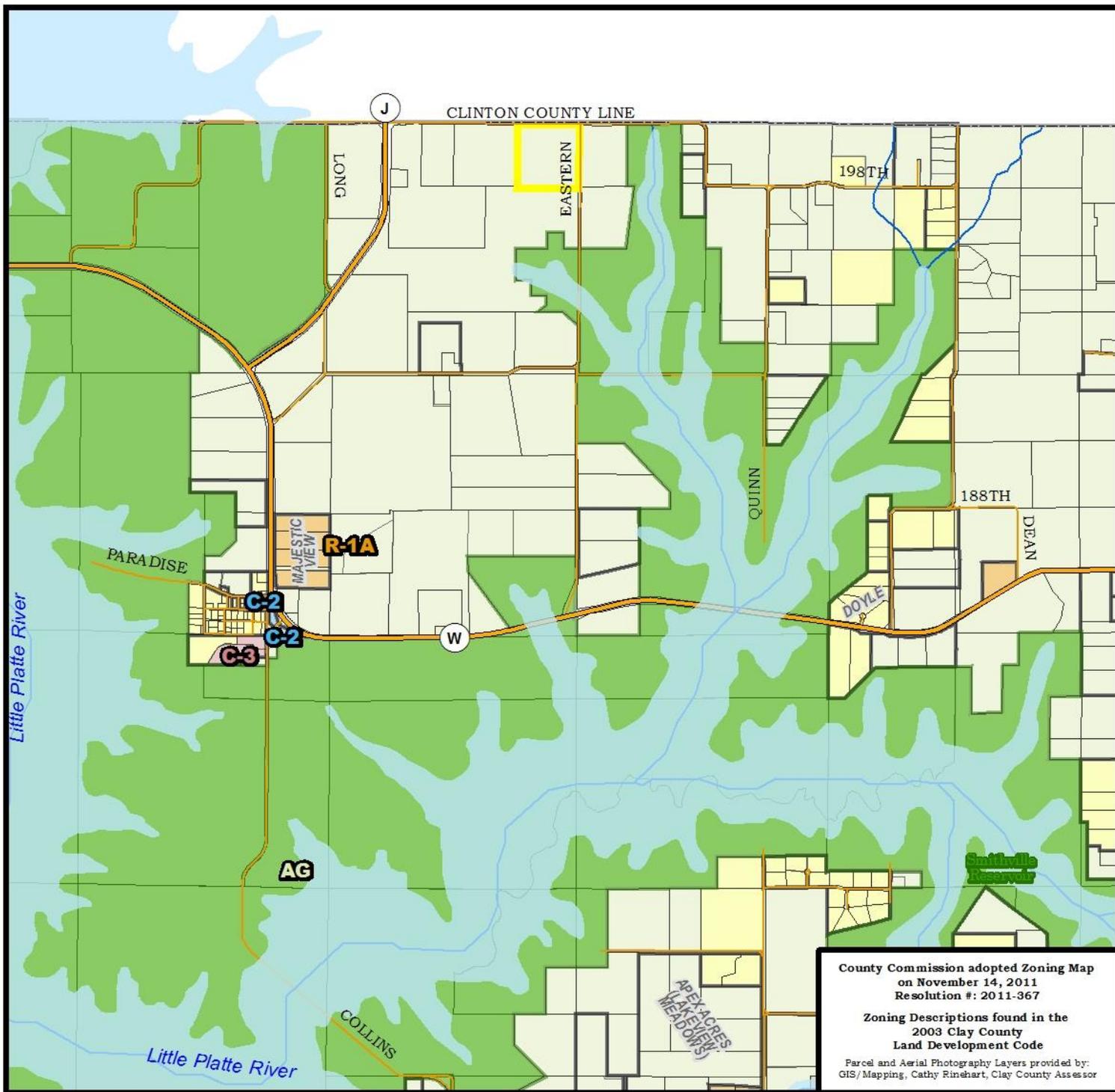
March 14-110GR – Well Water – Halferty Acres Attachment A – Vicinity Map

TOWNSHIP 54N • RANGE 32W



March 14-110GR – Halferty Acres-Well Water

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map on November 14, 2011
 Resolution #: 2011-367

Zoning Descriptions found in the 2003 Clay County Land Development Code

Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinshart, Clay County Assessor

Map Document: (G:\GIS\Project_Files\Vacinity_Map - 8 x 11 P.mxd) 02/24/2014 04:51:18 PM

Planning & Zoning Department

LEGEND

- Property Line
- Streams (EPA)
- Railroads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries

Overlay Districts

- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP