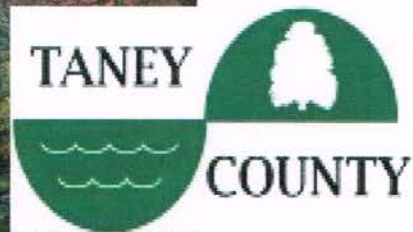
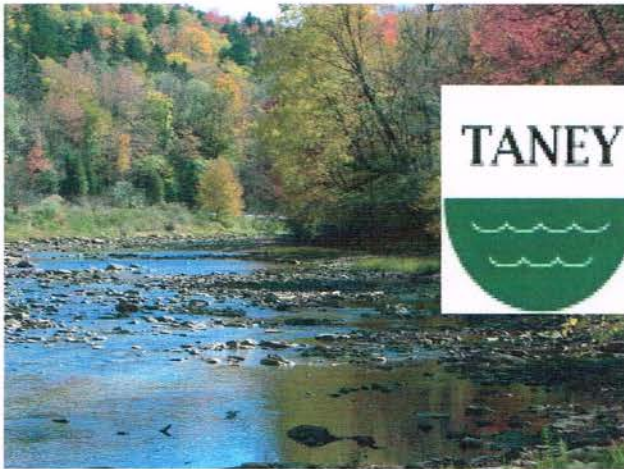


# TANEY COUNTY PLANNING DEPARTMENT



## 2011 ANNUAL REPORT AND THE YEAR AHEAD



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
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February, 2012

Dear Taney County Commission, Planning Commission, Board of Adjustment & Interested Citizens:

The Taney County Planning Department provides a wide variety of professional community planning services to the citizens of Taney County. Between on-going development administration duties and a variety of special studies and projects, the Department remained exceptionally busy throughout 2011. This Annual Report documents the accomplishments of the Department during 2011 and sets a course for continued progress in 2012.

The Planning Department went through a major transition in 2011, with the Department becoming the on-site wastewater permitting authority for Taney County, with the acquisition of the Taney County Water Quality Lab, as well as being charged with a complete revision of the current Taney County Development Guidance Code. As the new Planning Administrator, I am very excited to be here. Taney County is a wonderful mix of both rural and rapidly growing urban land uses. The Taney County Planning Commission and the Board of Adjustment are hard-working groups of volunteer citizens who believe in a strong future for Taney County. Last of all, I must thank my staff. As the new Planning Administrator, I have had a great deal to learn. The Staff has been tremendous and very supportive. They are very devoted to the profession of planning. They each work extremely hard in the pursuit of continuing to improve Taney County.

The Taney County Planning Department Staff proudly presents the Taney County Planning Department 2011 Annual Report and The Year Ahead. The Planning Department Staff looks forward to continuing to work with our citizens, other departments, elected officials and community partners to help create your vision for Taney County.

Sincerely,

Bob Atchley  
Taney County Planning Administrator



## **PREFACE**

Per the provisions of the Taney County Development Guidance Code, *“To provide an annual review of the Codes, the Taney County Planning and Zoning Commission's regular February meeting shall be exclusively devoted to a review of permits issued during the previous year, to a hearing of public comments on the Codes, and to the initiation of amendments the Commission may consider necessary to improve the Codes' performance as a growth-management tool.”* This annual report outlines and describes the Planning Department's numerous activities and projects, and highlights the Department's major accomplishments over the past year. In addition to the Department's accomplishments for 2011, the Annual Report provides a listing of future projects and activities to be pursued by the Department Staff in 2012.

## **PLANNING DEPARTMENT GOAL**

The goal of the Planning Department is to provide the very best possible service to the citizens and visitors of Taney County, Missouri while also ensuring compliance with the requirements of the Taney County Development Guidance Codes, the Master Plan, the Floodplain Management Ordinance and policies set by the County Commission, the Planning Commission and the Board of Adjustment. The Statutory Authority for Taney County's form of Planning and Zoning is based upon RSMo 64.800.

## 2011 PLANNING COMMISSION MEETING ATTENDANCE

The Planning Commission held twenty-four (24) public meetings through the course of the year. Commission members continued to maintain their good record of participation with an average of 72% attendance at all meetings. Not included in these hours is travel time to and from meetings.

2011 PLANNING AND ZONING MEETING ATTENDANCE																										
NAME	TOWNSHIP	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER		mtg to date
		10	18	14	22	14	22	11	18	10	16	13	20	11	18	8	15	12	19	11	17	14	21	12	19	24
Dave Stewart						1	1	1	1	1	1	1	1	1	1	1	1	0	0	1	1	1	1	1	1	18
Mark Blackwell	Jasper	0	1	1	1																					3
Rick Caudill	Oliver	1	1	1	1	0	1	1	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	0	1	20
Steve Adams																		0	0	0	0	1	1	1	1	4
Randall Cummings	Beaver	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0									14
Ray Edwards	Cedar Creek	0	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	1	17
Rick Treese												0	1	1	1	1	1	1	1	1	1	1	1	1	1	13
Sarah Klinefelter	Swan	1	1	1	1	1	1	1	1	1	0															9
Shawn Pingleton	Branson	1	1	1	0	1	0	1	1	1	1	1	0	1	1	1	1	0	1	0	1	1	1	1	0	18
Randy Haes																										
Frank Preston	Road & Bridge	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Susan Martin	Scott	0	1	1	1	1	1	1	1	1	1	1	0	1	1	1	1	1	0	1	0	1	1	0	1	19
Carl Pride	Big Creek	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	# of Meetings	Att.	%
Mark Blackwell	4	3	75%
Rick Caudill	24	20	83%
Dave Stewart	20	18	90%
Randall Cummings	24	14	58%
Steve Adams	8	4	50%
Ray Edwards	24	17	71%
Rick Treese	14	13	93%
Shawn Pingleton	24	18	75%
Frank Preston	2	2	100%
Susan Martin	24	19	79%
Carl Pride	10	0	0%

Zero indicates missed meeting 1 indicates meeting was attended



## 2011 BOARD OF ADJUSTMENT MEETING ATTENDANCE

The Board of Adjustment held eight (8) public meetings through the course of the year. Board members continued to maintain their excellent record of participation with an average of 90% attendance at all meetings. Not included in these hours is travel time to and from meetings.

### 2011 BOARD OF ADJUSTMENT MEETING ATTENDANCE

NAME	JAN	FEB	MAR	APR	MAY	JUN	JLY	AUG	SEP	OCT	NOV	DEC	Mtgs
	19	W/S	16	20	18	15	20	17	21	19	16	21	8
Dave Clemenson	1	1	0	0	1	1	1	0	1	0	1	1	8
Tom Gideon	1	0	0	0	1	0	1	0	1	0	1	1	6
Bob Hanzelon	1	1	0	0	1	1	1	0	1	0	1	1	8
Mark Weisz											1	1	2
Jack Johnston	1	1	0	0	0	1	0	0	1	0			4
David Nelson	1	1	0	0	1	1	1	0	1	0	1	1	8

	Mtgs	Att.	%
Dave Clemenson	8	8	100%
Tom Gideon	8	6	75%
Bob Hanzelon	8	8	100%
Jack Johnston	6	4	67%
Mark Weisz	2	2	100%
David Nelson	8	8	100%

Zero indicates missed meeting 1 indicates meeting was attended  
 February is Planning Commission Work Session, Board paid for one meeting



## **STAFFING AND NEW DEPARTMENTAL FUNCTIONS**

The Planning Department began the year with a total of three staff members. In April of 2011 Eddie Coxie transferred from the Planning Department to the Taney County Regional Sewer District and Bob Atchley was hired as the new Planning Administrator. In June the Taney County Commission made the decision to hire a new Division I & II Inspector / Code Enforcement Officer. During this time frame it was discovered that per the provisions of Missouri Revised Statute that the Regional Sewer District must be established as a separate autonomous entity from the Taney County government, thereby requiring that the Sewer District's staff be employed directly by the Regional Sewer District and not the County government. In August 2011 the Taney County Commission made the decision to continue funding the on-site wastewater inspection program which is to operate under the direction of the Taney County Planning Department. The on-site wastewater permitting duties are now undertaken by the Planning Department Inspector / Code Enforcement Officer via a contract with the Missouri Department of Health and Senior Services. On-site wastewater permitting is conducted by the Planning Department staff in conjunction with technical assistance which is provided by the State Department of Health and Senior Services. In December the Water Quality Lab re-opened under the direction of the Planning Department. The recent separation of the Regional Sewer District from the Taney County Government initially left the lab without a funding source. Believing that the preservation of the area's water quality is of the utmost importance, the County Commission agreed to continue the funding of the lab and its technician which provides a number of environmental services to the citizens of Taney County.

### **On-Site Wastewater System Inspections**

In September 2011 the contract between Taney County and the Missouri Department of Health and Senior Services was finalized. The Taney County Planning Department is now the on-site wastewater permitting authority for Taney County. A brief explanation of this permitting process is as follows:

A portion of the permit application is a fee receipt which is mailed to the Missouri Department of Health & Senior Services with the \$90.00 application fee. The on-site application is completed by the applicant and an on-site installer. A soil evaluation is completed by a soil scientist. This soil evaluation is obtained by the installer in order to configure an on-site system that is suitable for the applicant's site, based upon the results of the soil evaluation. The permit application is submitted to the Planning Department office for the review of the On-Site Wastewater Inspector. A site visit is arranged between the installer and the On-Site Wastewater Inspector. Any necessary revisions are made at this time prior to the issuance of the permit. Any changes made are then reflected on the application before the permit is issued.



Once the On-Site Sewage System Permit has been issued the applicant may then apply for the appropriate Division I or II Permit. The on-site sewage system is either inspected for completion or a certification without inspection form is completed by the installer. As per RSMo 701.043, in aggregate, 60% of the permits are to be inspected. A quarterly report is filed with the Missouri Department of Health and Senior Services for finalized on-site sewage permits. The County reimbursement for each permit is \$65.00.

### **Taney County Water Quality Lab**

As of December 2011 the Taney County Water Quality Lab now falls under the direction of the Taney County Planning Department. The primary goal of the Lab is to aid the citizens of Taney County with water issues and ensure that the water quality of Taney County's lakes and streams are of the highest quality. The lab has been in service since the late 1980's with numerous duties and responsibilities regarding water quality. The Lab has been providing monthly water quality monitoring at 27 stream and lake sites since 1989. The testing of private wells is also performed by the lab for any interested property owners throughout Taney County for a \$10.00 fee. A number of schools have and will continue to request speaking engagements for classrooms studying environmental issues. The Lab works directly in conjunction with the Taney County Health Department in order to make a determination of wastewater contamination. Once the Lab is able to positively identify a specific health hazard(s), the violation process of the Health Department is greatly expedited. The Lab is also in close contact with the Southwest office of the Missouri Department of Natural Resources (MoDNR). Should a contaminant or form of pollution be discovered while testing streams or lakes the MoDNR is notified immediately.

### **Floodplain Management**

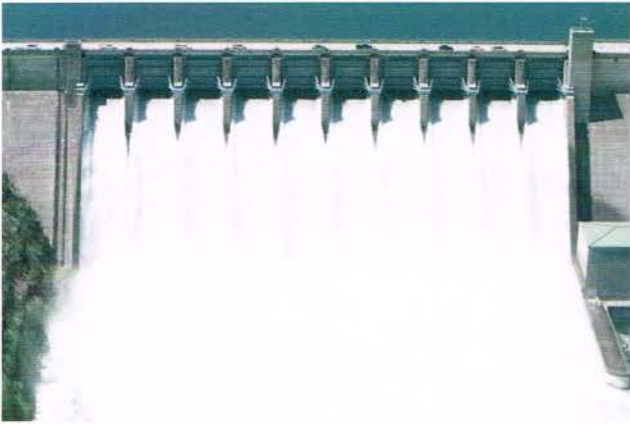
On April 1, 2004 the Taney County Commission adopted a Floodplain Management Ordinance and Flood Insurance Rate Maps (FIRM), ensuring that all property owners within the unincorporated area of Taney County are eligible for flood insurance via the National Flood Insurance Program (NFIP). Per the provisions of the Floodplain Management Ordinance the Planning Administrator is designated as the Floodplain Administrator for Taney County.

In April and May of 2011 two record flooding events ravaged areas of Taney County. Immediately after the first flooding event the Planning Staff began assessing damage to each of the structures that had been inundated with flood waters in order to determine if any of the structures had sustained substantial damage. *Substantial damage*, as



defined by FEMA, means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. On May 9, 2011 Taney County was among the Counties in the State of Missouri to receive a Presidential Disaster Declaration (Disaster # 1980), allowing the County to become eligible to apply for Hazard Mitigation Grant Program (HMGP) funds. These HMGP funds may be utilized for a FEMA Voluntary Residential Flood Buyout Program. This is a voluntary program which would allow the County to voluntarily request and accept a federal grant and assume responsibility for managing a program that offers its citizens, who own houses in a flood-prone area, an opportunity to sell their property to the County, utilizing Federal funds. On June 30, 2011 the Taney County Commission voted unanimously to proceed with an application for Hazard Mitigation Grant Program (HMGP) funds on behalf of the property owners that were impacted by the two flooding events of 2011, within the unincorporated area of Taney County, directing the Planning Department staff to begin this process in conjunction with a hazard mitigation consulting company. Taney County chose to apply on behalf of those property owners that received substantial damage because of the FEMA waiver of the lengthy requirement for a Benefit / Cost analysis if all of the buyout properties have been found to be substantially damaged. On August 15, 2011 the Planning staff submitted a Notice of Interest (NOI) form for the buyout of 10 residential properties to the Missouri State Emergency Management Agency (SEMA) along with the following information: a listing of property owners' names and addresses, estimated fair market value of each home, owner or renter occupied and an indication that each property was declared substantially damaged. On December 2, 2011 the staff received an electronic copy of the HMGP application sent via an e-mail from the State Hazard Mitigation Officer, with the Missouri State Emergency Management Office (SEMA). This e-mail gave Taney County the "green light" to proceed with the flood buyout application. On December 15, 2011 the Planning Staff also submitted a Community Development Block Grant (CDBG) application to the Missouri Department of Economic Development. The County has requested CDBG funds to be utilized as the required 25% non-Federal match for the costs associated with the flood buyout. On January 27, 2012 the completed HMGP application and all of the supporting documentation were sent to the representatives from SEMA. At this time, I am uncertain of the exact timeframe for completion of the HMGP voluntary residential buyout but I feel that it may be feasible to complete the process within the first six months of 2012.





## **PERMIT SUMMARY:**

### **❖ Division III Permits**

In 2011 the Planning Department received a total of 29 Division III applications. Of the total number of Division III applications 23 were approved, 2 were denied, 3 withdrawn and 1 tabled (currently pending) item. Of the 29 total applications, 7 development proposals dealt directly with subdivision of land, 5 applications were Special Use Permits and the remaining 17 applications consisted of land use approval. In 2011 the Planning Department received a consistent number of Division III applications when compared with the total numbers processed in 2010 for a total decrease of approximately 3% (30 Division III Application were received in 2010).

### **❖ Division II Permits**

In 2011 the Planning Department issued a total of 32 Division II Permits for commercial, school and church construction. The number of Division II Permits issued in 2011 increased by approximately 47% over the number that was issued over the same time period in 2010 (17 Division II Permits were issued in 2010).

### **❖ Division I Permits**

In 2011 the Planning Department issued a total of 159 Division I Permits for the construction of residential structures, residential additions, accessory structures in excess of 100 square feet in ground cover and the placement of mobile homes. Of the 159 total Division I Permits 60 were issued for the construction of single-family home, 14 were issued for the placement of mobile homes, 19 were issued for additions and 66 were issued for accessory structures. The number of Division I Permits issued in 2011 decreased by approximately 22% below the number that were issued in the same time period in 2010 (204 Division I Permits were issued in 2010).



### ❖ Land Disturbance Permits

In 2011 there were a total of 8 Land Disturbance Permits that were issued for various development proposals which required the disturbance of over one acre of land. The number of Land Disturbance Permits issued in 2011 decreased by approximately 27% below the number that were issued during the same time period in 2010 (11 Land Disturbance Permits were issued in 2010).

Taney County is currently holding a total of \$282,057.00 in open Cash Bonds for land disturbance. However, of this total amount \$98,225 is currently being held for properties that are either bank owned, the development company has gone out of business or the development proposal is in litigation. The Planning Department is in the process of working with the Taney County Counselor in order to determine how these funds should be handled. In 2011 \$53,775.00 in land disturbance cash bonds were released back to the applicants upon the completion of the work proposed as a part of the Land Disturbance Permit.

### ❖ Plat Review

In 2011 the Planning Department processed a total of 57 plat applications. Of the 57 total applications, 18 plats were final plats, 17 plats were amended plats, 8 were replats and 14 were minor subdivision plat. 2011 saw an increase of approximately 11% in the total number of plats processed over the amount processed over the same time frame in 2010 (51 plat applications were processed in 2010). The largest increase that was seen was in amended plat submission which increased from 9 amended plats in 2010 to 17 amended plats in 2011.

### ❖ Board of Adjustment Requests

In 2011 the Planning Department processed a total of 19 applications for appeal, variance and reconsideration/rehearing requests. Of the 19 total applications, 12 were variance requests (including 1 request for rehearing) and 7 were appeal requests (including 1 request for reconsideration). Of the 12 total variance requests heard, 7 were approved, 4 were denied and 1 was withdrawn. Of the 7 total appeal requests heard, 6 were denied and 1 modification was allowed.

**FIVE YEAR  
PLANNING DEPARTMENT APPLICATION SUMMARY**

<b>APPLICATION TYPE</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>% Change from 2010</b>
Division III Permits	79	72	39	30	29	-3%
Division II Permits	96	206	46	17	32	47%
Division I Permits	589	281	208	204	159	-22%
BOA Applications	34	26	19	13	19	32%
Land Disturbance Permits	28	25	11	11	8	-27%
Final Plats	94	36	17	18	18	0%
Replats	18	7	15	7	8	13%
Amended Plats	21	10	11	9	17	47%
Minor Subdivisions	17	15	15	17	14	-18%
Floodplain Permits	0	1	0	0	0	0%



## THE YEAR AHEAD

### TANEY COUNTY PLANNING IN 2012

The Taney County Planning Department saw a number of changes during 2011. During the upcoming year, the Taney County Planning Department staff plans to continue these efforts. Listed below are some of the Department's projects and activities planned for the year 2012.

#### ❖ **Comprehensive Update of the Taney County Master Plan**

The Planning Department Staff has begun to assemble the information needed in order to complete a comprehensive update of the Taney County Master Plan which will enable the Staff to present a current representation of Taney County and will enable decision makers to understand the needs the County faces and how the two translate those needs into the goals and objectives that the County's citizens hope to achieve. A major part of this process will be gathering public input. The Planning and Zoning Department will hold a series of public meetings within each of the seven townships of the county. The county will seek the assistance of its citizens who will be encouraged to express their needs, desires and future vision for Taney County which will then be translated into the goals and objectives of the Master Plan.

In 1966, Taney County voted for planning by referendum. In 1972, the Branson-Hollister Jaycees secured matching funds for a Department of Housing and Urban Development Comprehensive Planning Grant. During the same year, Taney County contracted with professional assistance in developing the first Master Plan for Taney County. The Master Plan was then updated in 1980 with the most recent updated version being adopted by the County Commission on December 27, 1999.

*The Taney County Master Plan is a guide for public and private decision-makers on policy issues and actions for providing community direction to the future development and growth of Taney County. The Master Plan is a statement of community values and desired quality of life. It is a statement of community aspirations for the future of Taney County's built and natural environments. In addition to defining Taney County's vision of its future, the Master Plan provides strategies and actions to achieve the desired vision for the future. The goals, policies and implementation strategies of the Master Plan are intended to provide elected and appointed officials with a framework for making decisions on land use, public infrastructure and services, natural resources, and economic development. The Plan also benefits the private sector by providing information*

*on County goals and priorities that may influence private investment decisions. The Taney County Master Plan is a guide to action for managing change and achieving the quality of life desired by the people of Taney County.*

In order for the revision of the Taney County Development Guidance Code to truly be successful, it is essential that a comprehensive update of the Taney County Master Plan be completed, including the creation of a future land use plan and map. The Planning Department Staff has been in contact with the staff of the Southwest Missouri Council of Governments (SMCOG). The SMCOG staff has been awarded a grant which will allow their staff to assist with the integration of natural hazard mitigation planning into the comprehensive planning process and will enable them to assist Taney County with the preparation of a future land use map at no cost to the County.



## ❖ **Revision of the Taney County Development Guidance Code**

The Taney County Commission has tasked the Planning Department staff with making a complete revision of the Taney County Development Guidance Code. At this time the staff is writing a draft set of regulations, utilizing regulations from number of other Missouri Counties.

The Taney County Development Guidance Code was adopted on November 13, 1984 by order of the Taney County Commission pursuant to the authority granted by the Legislature of the State of Missouri in Sections 64.800 through 64.895 of the Revised Statutes of Missouri. The Taney County Development Guidance Code created two districts, Western Taney County and Eastern Taney County. These Codes were designed to manage the growth and development of Taney County by segregating incompatible land uses with use permits and performance standards based on absolute and relative policies.

The Taney County Planning Staff is proposing a complete revision of the Taney County Development Guidance Code which would separate the Development Guidance Code into Zoning Regulations and Zoning Map, Subdivision Regulations and the Sediment & Erosion Control Regulations. I have listed the proposed zoning districts below:

### **AGRICULTURE DISTRICTS**

- A-1 Agricultural District
- A-R Agricultural Residential District

### **RESIDENTIAL DISTRICTS**

- R-1 Single-Family Residential District
- R-2 One and Two-Family Residential District
- R-3 Multi-Family Residential District
- MH-1 Manufactured Home (Mobile Home) Park or Subdivision District

### **OFFICE DISTRICT**

- O Office District

### **PLANNED UNIT DEVELOPMENT**

- PUD Planned Unit Development

### **COMMERCIAL DISTRICTS**

- C-1 Neighborhood Commercial District
- C-2 General Commercial District

### **MANUFACTURING DISTRICTS**

- M-1 Light Manufacturing or Industrial District
- M-2 General Manufacturing or Industrial District

The County Counselor feels that a transition to a more traditional Euclidian form may be accomplished as an amendment of the regulations and districts of the Taney County Development Guidance Code. Per the provisions of RSMo 64.875, "The regulations imposed and the districts created under authority of sections 64.845 to 64.880 may be amended from time to time by the county commission by order after the order establishing the same has gone into effect but no amendments shall be made by the county commission except after recommendation of the county planning commission." The Missouri Revised Statutes would only require advertised public hearings before both the Planning Commission and the County Commission if this transition is viewed as an amendment of the Development Guidance Code. However the staff is proposing that a series of public meetings be held within each of the eight townships of the county in order to gain additional public input from throughout Taney County.

❖ **Amendment of the Floodplain Management Ordinance Adopting the Updated Flood Insurance Rate Maps**

The Federal Emergency Management Agency (FEMA) and the Missouri State Emergency Mangement Agency (SEMA) began the process of updating Taney County's Flood Insurance Rate Maps (FIRMs) a few years ago based upon LIDAR data (Light Detection And Ranging) that was provided to the SEMA contractor by Taney County. LIDAR is an optical remote sensing technology that was utilized in order to create two foot interval contour mapping. AMEC Earth and Environmental was hired to update the Taney County FIRMs based upon this LIDAR data. The new FIRMs become effective on March 15, 2012 and must be adopted by the Taney County Commission, with the adoption of a new Floodplain Management Ordinance prior to the March 15<sup>th</sup> date. The Base Flood Elevations on the FIRMs have not been revised; however the contour data that has been utilized to produce these flood maps allows the maps to be produced with a much greater degree of accuracy.



### ❖ **Renewal of the Missouri Local Approved Program (LAP)**

It is my understanding that in the early 1990's Taney County received approval from the Missouri Department of Natural Resources (MoDNR) as a Local Approved Program (LAP). Taney County, Greene County and the City of Springfield are the only local governmental entities within Southwest Missouri to receive LAP status via the MoDNR. The LAP is a program which enables Taney County is able to retain a greater level of local control over land disturbance permitting. Currently, based upon this status, applicants who apply for a Taney County Land Disturbance Permit are issued a MoDNR Land Disturbance Permit "over the counter", upon providing a copy of the County Permit to the MoDNR. This LAP is scheduled to expire on May 15, 2012. I have enumerated the benefits of attaining a LAP status to the County Commission, namely the expedited land disturbance permitting process via the MoDNR and the ability to retain more local control of land disturbance activities. The County Commission has indicated that they wish for the Planning Staff to apply for a renewal of the LAP status prior to its expiration. This renewal will require the submission of correspondence identifying all of the elements of the Taney County Land Disturbance Permitting process, including documentation concerning training and outreach, enforcement, bond requirements etc; along with copies of Taney County's regulations and policies that concern land disturbance. After meeting with representatives with the MoDNR I feel that there is a highly likelihood that many of the provisions that are concerned with sediment and erosion control, stormwater management, educational programs and bonding will be required to be updated in order to retain an ongoing Local Approved Program status.