



Report to Planning & Zoning Commission

Clay County, Missouri

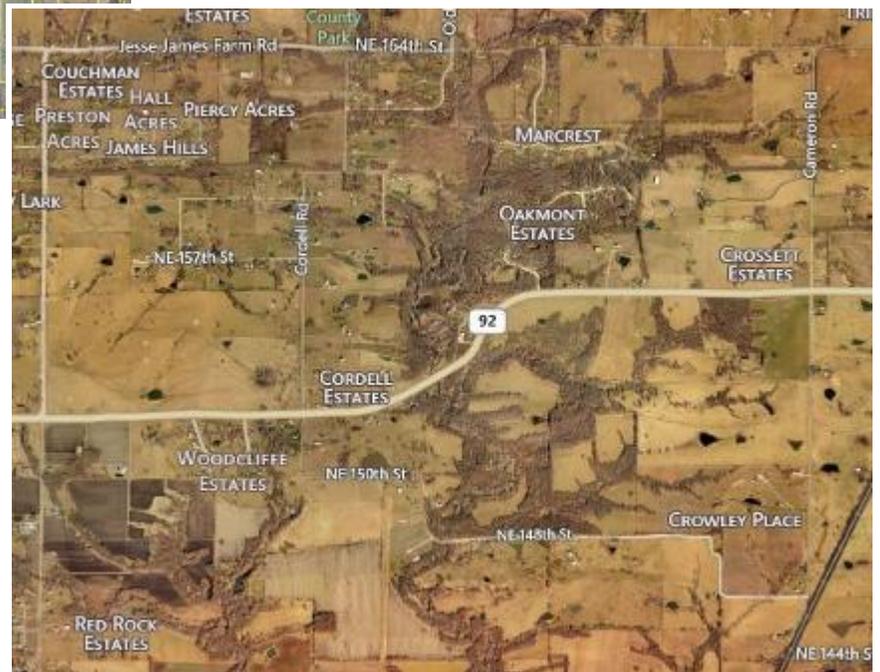
General Information

- Site Location:** approx. 15304 Cameron Road
Section 10 | Township 52 | Range 32
- Site Size:** 530+ Acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** none
- Surrounding Landuse & Zoning:**
 - North - AG-zoned land, Oakmont Estates Resurvey (R-1), Crossett Estates (AG), Musgrave Acres (R-1)
 - East - AG-zoned land, Tarkio Ranch (R-1A), Tryst Falls park
 - South - AG-zoned land, McElwee Estates (AG/R-1), Crowley Place (AG)
 - West - AG-zoned land, Quality Acres (R-1A), Cordell Estates (R-1A), Woodcliffe Estates (R-1)

Current Conditions:



Courtesy Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Garrett and Kelley Westfall, on behalf of John Ying, owner of “JY Farming, LLC” is requesting approval of a **Conditional Use Permit (CUP)** for an Exotic/Dangerous/Wild (EDW) animal facility at approximately 15304 Cameron Road (530± acres).

The Westfalls are pursuing this request to continue the operation of an EDW animal facility. According to the attached business plan (see Attachment “D”), they wish to “develop JY Farm into a functioning preserve that offers a quality experience to associates and families”. JY Farming, LLC currently holds a Missouri Department of Conservation (MDC) “Big Game Hunting Preserve” which authorizes them to keep and hunt white-tailed deer, elk and ungulates, and similar mammals having hoofs related to this EDW CUP request.

2008 Comprehensive Plan Considerations

The Comprehensive Plan (“Plan”) indicates that the subject property is located in the **URBAN SERVICES TIER**, as well as the Highway Corridor Overlay District and 1-Mile Urban Coordination Sub-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 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). AG, 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

Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures

	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.

Character of the General Neighborhood

Oakmont Estates Resurvey (R-1), Crossett Estates (AG), and Musgrave Acres (R-1), and AG zoned land are to the north. AG zoned land, Tarkio Ranch (R-1A), and Tryst Falls park are to the East. AG zoned land, McElwee Estates (AG/R-1), Crowley Place (AG) are to the south. To the West is AG zoned land, Quality Acres (R-1A), Cordell Estates (R-1A), Woodcliffe Estates (R-1).

Code Considerations

The Conditional Use Permit (CUP) application was properly noticed in the Kearney Courier on August 13, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on August 12, 2015.

The subject request for an Exotic/Dangerous/Wild (EDW) animal facility is handled under multiple sections of the 2011 Clay County Land Development Code (LDC). The use table inside Section 151-6.1 includes an "Exotic/Dangerous/Wild (EDW) Animal" designation requiring approval of a Conditional Use Permit (CUP) in the Agricultural (AG), Rural Residential (R-1), and Commercial Services (C-3) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- A) The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- B) The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- C) The proposed use will not cause substantial injury to the value of other property in the vicinity.
- D) Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- E) Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- F) The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).



Report to Planning & Zoning Commission

Clay County, Missouri

The LDC also provides certain use standards within Section 151-6.2 (E) for “Animals, Exotic/Dangerous/Wild (EDW)”, which are listed below.

E. Animals, Exotic/Dangerous/Wild (EDW)

It is the intent of Clay County to protect the public against health and safety risks that exotic, dangerous or wild animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

1. **Exotic/Dangerous/Wild (EDW) animals** include but are not limited to any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- a. Artiodactyl (hippo, antelope, giraffe, camel, yak, zebra)
- b. Bats (bat, flying fox)
- c. Cannabis sativa and indica (skunks)
- d. Canine (wolf, coyote, fox, jackal, dingo)
- e. Crocodylian (alligator, crocodile, gharials, and caimans)
- f. Edentata (anteater, sloth, armadillo)
- g. Feline (lion, tiger, bobcat, cougar, leopard, jaguar, jaguarondi, lynx, Canada lynx, ocelot, mountain lion, panther, cheetah, margay)
- h. Fowl (raptors, fowl not native to the continental United States)
Canary, finch, parakeet, lovebirds, parrots, pheasants, and peacocks bred domestically, legally imported, or naturally occurring population are exempt.
- i. Hyaenidae (hyena)
- j. Marine animals and sea mammals (seal, dolphin, whale, walrus)
Fish for aquarium use and native fish are exempt.
- k. Marsupial (kangaroo, opossum, wombat, koala)
- l. Mustelid (weasel, otter, badger)
Ferret, mink, and sable bred domestically or legally imported are exempt.
- m. Perissodactyl (rhinoceros, tapir)
- n. Non-human primates (monkey, chimpanzee, baboon, ape, gibbon, gorilla)
- o. Proboscidian (elephant)
- p. Procyonidae (raccoon, coatis, panda, mongoose)
- q. Reptiles (all venomous snakes, constricting snakes, iguana, venomous lizards, and nonpoisonous/nonconstricting snakes more than six (6) feet in length)
- r. Rodents weighing more than one (1) pound.
Guinea pigs and rabbits are exempt.
- s. Ungulate (wild cattle, wild deer, wild boar, takin, water buffalo)
- t. Ursine (all bears)
- u. Viverrine (mongoose, civet, and genet)
- v. Any other poisonous creature such as certain spiders or tarantulas.
- w. Endangered species shall be considered EDW animals and are not permitted as pets.

2. EDW animals as listed in Section 151-6.2 (E) (1) are allowed only under an approved Conditional Use Permit (CUP) in AG, R-1, or C-3 Districts in accordance with Section 151-3.10, in addition to being registered with the Clay County Sheriff’s Department.

If a CUP is granted for an EDW animal, a display sign shall be placed upon the premises stating that there are EDW animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.

3. It shall be unlawful for any person or corporation to own, possess, keep, harbor, shelter, sell, offer for sale, bring, or have in one’s possession an EDW animal within unincorporated Clay County without an approved CUP and registration with the Clay County Sheriff’s Office.



Report to Planning & Zoning Commission

Clay County, Missouri

4. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within unincorporated Clay County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an EDW animal upon the property, residence or premises without an approved CUP and registration with the Clay County Sheriff's Office.
5. It shall be unlawful for any person to own any animal EDW or otherwise that has inflicted severe or fatal injury on a human being or domestic animal, livestock or poultry without provocation on or outside the owner's property. "Severe injury" shall include an animal bite or action that results in broken bones or inpatient hospitalization.
6. Any person finding or capturing any EDW animal, as outlined in this ordinance, shall make a report to the Clay County Sheriff's Office within six (6) hours of the time of capture.

7. Exemptions

- a. Provisions of this act shall not apply to:
 - i. Institutions accredited by the American Zoo and Aquarium Association
 - ii. Circus (Temporary Use Permit required in accordance with Section 151-6.4)
 - iii. Scientific and/or educational institution, research laboratory
 - iv. Licensed Humane Societies
 - v. Licensed pet shops, veterinary hospitals, or clinics
 - vi. Any wildlife rehabilitator, licensed by the state of Missouri who temporarily keeps any EDW animals within the limits of unincorporated Clay County when the purpose is to return the animals to the wild. An animal wildlife refuge public or private is allowed as a CUP in an Agricultural (AG), Limited Industrial (I-1), General Industrial (I-2) and an Open Space/Trails/Parks/Public Uses (OP) zoning districts.
 - vii. An organized event sponsored by a federal, state or county agency

8. Violations and Penalties

- a. Conduct made unlawful by this section of this ordinance constitutes a crime subject to the provisions set forth in Clay County's penalty section.
- b. Persons found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor.
- c. For the purpose of enforcement of this chapter, the Clay County Sheriff's Office is permitted entry without warrant on any private or public property where an EDW or diseased animal is or is believed to be kept or running at large, and to seize such animal from such private property to abate ordinance violation(s).

9. Nonconforming

The owner or possessor of any EDW animal who owned, possessed, kept, or harbored the EDW animal on or before the effective date of this ordinance may keep the same EDW animal as long as he/she satisfies licensing requirements of the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal agencies and complies any other housing and maintenance regulations which may be adopted by the County Commission.

In addition, the animal must be registered with the Clay County Sheriff's Office and Planning & Zoning Department within 30 days of the effective date of this ordinance.

10. Owner's Responsibility

Permitted and registered EDW animals in compliance with Section 151-6.2 (E) (2) shall be confined on the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

The Clay County Highway Department indicates there will be no adverse road impact “based upon MUTCD”.

The Clay County Health Department has given final approval. The Public Water Supply District #8 of Clay County currently has a water meter at the subject property and can provide any necessary additional service.

Findings

The applicant has submitted a business plan, and can be found under Attachment D. Per the business plan, JY Farm currently houses the following animals on the subject property:

- Nine (9) Aoudad
- Four (4) Eland
- Four (4) Zebra

All of the aforementioned animals fall within the “ungulales” species, or mammals having hoofs.

During a phone conversation on 08/25/2015, Missouri Department of Agriculture (MDA) staff indicated they only regulate the movement of exotics, and do not require any permitting aside from health certificates for exotic animals. United States Department of Agriculture (USDA) only requires licensing if animal owners wish to breed, sell, and/or exhibit the exotics, none of which the applicants are requesting at this time.

Recommendations

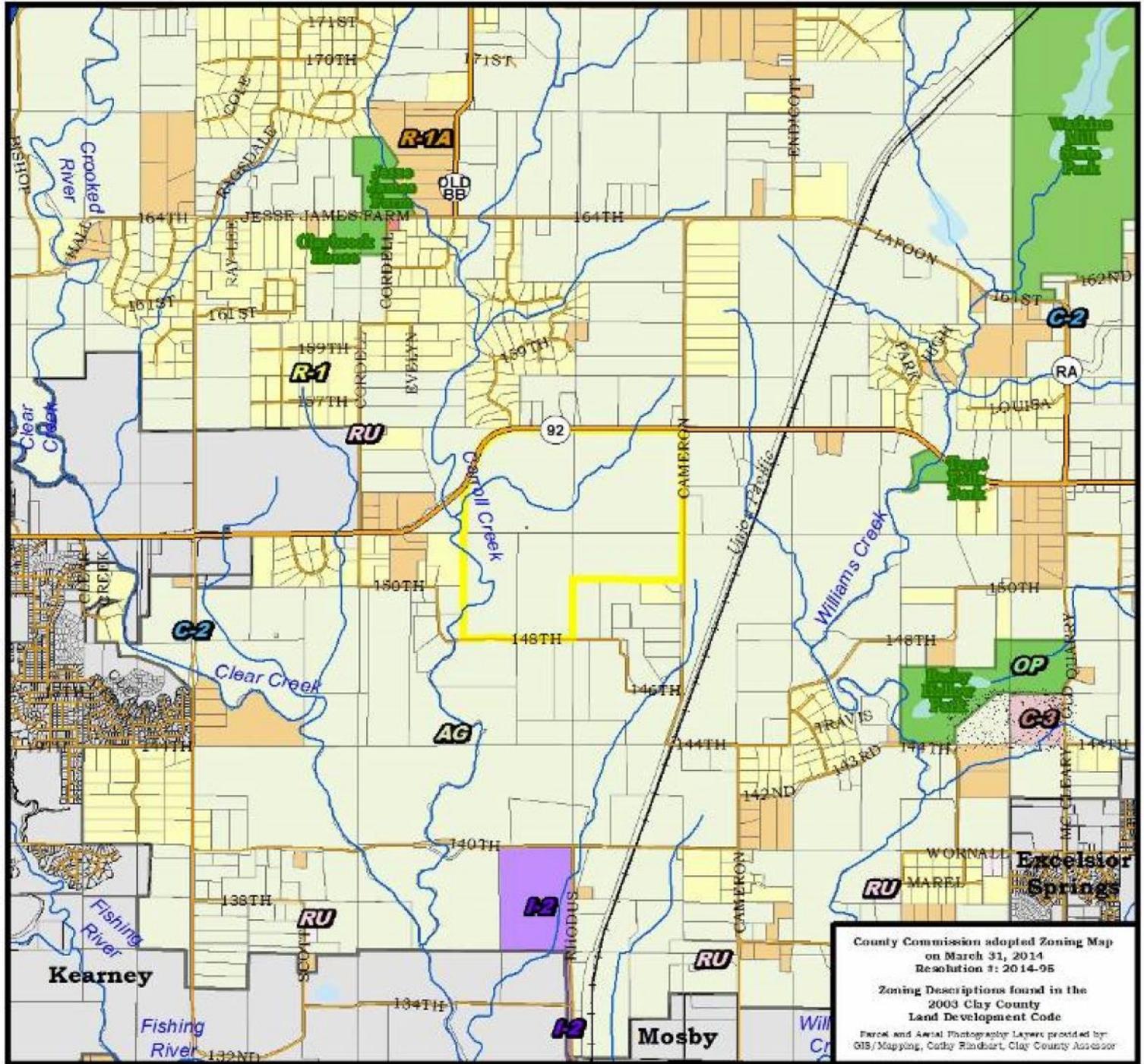
Staff recommends the request for the **Conditional Use Permit** for an Exotic/Dangerous/Wild (EDW) animal facility at approximately the SW corner of 92 Highway and Cameron Road (530+ acres) be **approved with the following conditions** as shown on Exhibit A:

Exhibit A

1. The applicant shall comply with all the conditions and requirements of the Land Development Code (LDC) Section 151-3.10, Conditional Use Permits, and Section 151-6.2 (E), Animals, Exotic/Dangerous/Wild (EDW), or as amended.
2. The CUP shall be based on a time frame of ten (10) years.
3. This CUP may be revoked at any time based on validated public complaints for violations to the LDC substantiated by County staff.
4. Proper notification and registration with the Clay County Sheriff’s Office of the EDW animal facility.
5. 8-foot perimeter fence around the entirety of the EDW animal facility.
6. The applicant shall comply with and meet all codes and regulations stipulated by any local, state and federal governmental entities having jurisdiction over animal care and/or EDW animal facilities, or as amended.
7. Each EDW animal must have current health certificate in accordance with Missouri Department of Agriculture standards.
8. Display sign must be placed upon the premises stating that there are EDW animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.
9. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.

Sept 15-135CUP – Westfall EDW

Attachment B - Existing Conditions Map



Map Document: G:\GIS\Project_Files\zoning_Map - 8 x 11 Print.dwg 08/20/2015 - 10:38:18 AM

Planning & Zoning Department

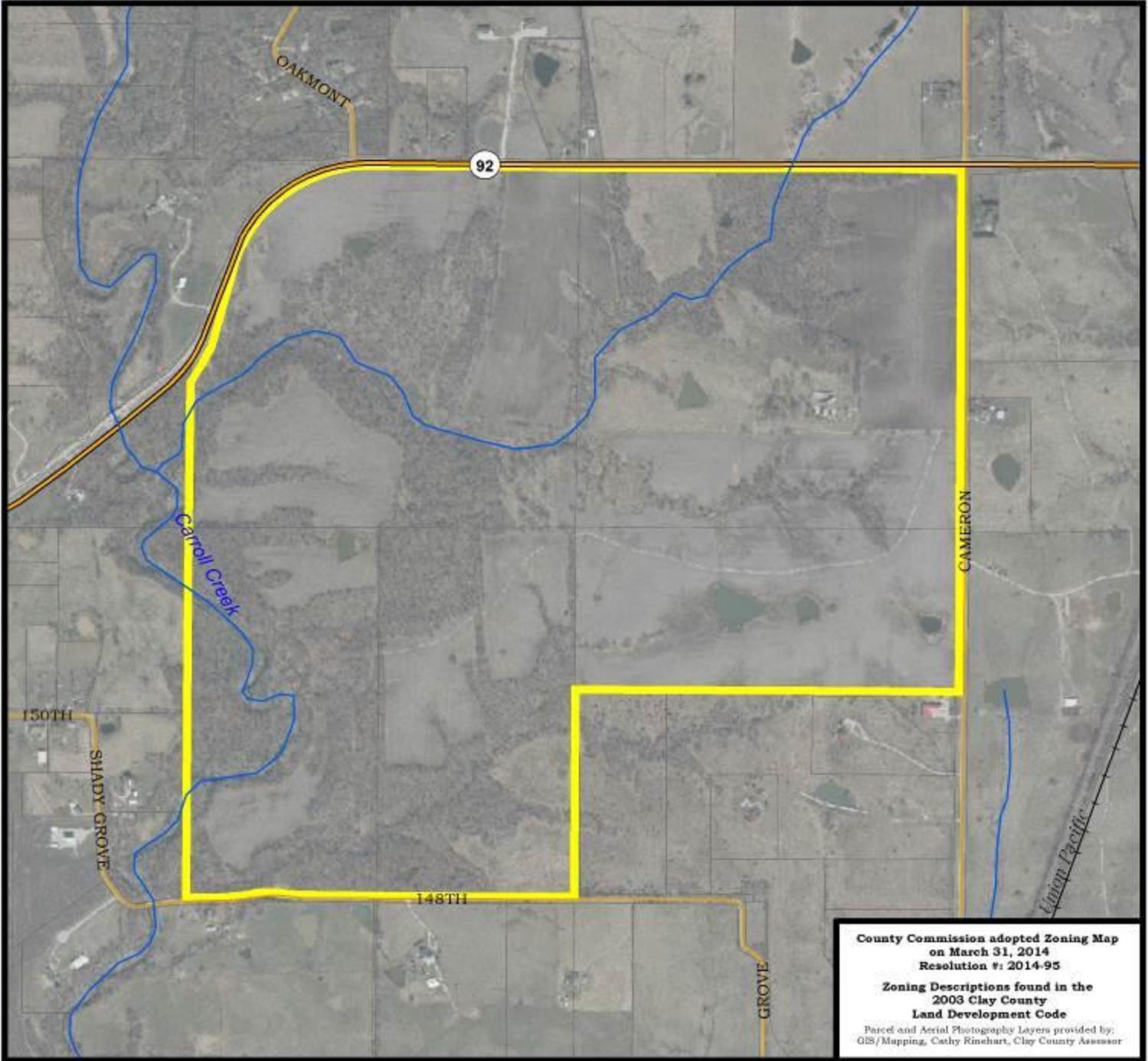
LEGEND

<ul style="list-style-type: none"> Property Line Streams (EPA) Railroads 	<ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> City Limits Parks County Boundaries 	<p>Overlay Districts</p> <ul style="list-style-type: none"> OD (Conservation District) POD (Preservation Overlay District) PUD (Planned Unit Development)
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Zoning Districts	
AG	C-1
R-1	C-2
R-1A, R-1.5	C-3
R-1B, R-1U	M-1
R-2	M-2
OP	

Sept 15-135CUP – Westfall EDW

Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity_Map - 8 x 11 P.mxd) 08/25/2015 - 11:25:18 AM

Planning & Zoning Department




1 inch = 1,000 feet
1 inch = 0.19 miles

LEGEND

<ul style="list-style-type: none"> Property Line Streams (EPA) Railroads 	<p>Roads</p> <ul style="list-style-type: none"> Interstates State Highways Local Roads Highway Ramps 	<ul style="list-style-type: none"> City Limits Parks County Boundaries
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Report to Planning & Zoning Commission

Clay County, Missouri

September 15-135CUP – Westfall EDW CUP Attachment D – Applicant Information

JY Farm Business Plan

Purpose: JY Farm was purchased as a private/leisure investment.

Develop Jy Farm into a preserve that offers a secure and private experience to the owner, family and friends.

Fencing- Maintain fence that meets state/county regulations. Missouri Department of Conservation and local/county authorities will be notified in the event of an escape. Daily inspection of the fence is performed by property manager.

Roads and entrance- Maintain and continue improvements of private gravel roads.

Animal inventory- Natural development of herd will be monitored. Future purchases of non-dangerous animals will be made with consideration to herd size and safety of animals and people. Our intent is to never overpopulate this property due to the agricultural/grain product it also produces.

Current Animals- 3 Zebras, closely related to horses and donkeys. They range in height from 3.5-5ft and can weigh almost 1000lbs. 2 Eland, also known as an eland antelope. This type of eland is the world's slowest antelope. It may weigh from 1300 – 1500lbs and may grow to 70 inches at the shoulder. They are peaceful herbivores. 15 Aoudads, also known as Barbary sheep or Aoudad Goat. They are native to Desert Mountains and are plentiful in Texas and New Mexico. These elusive, gentle goats weigh from 66 – 319lbs and stand at 2.5-3.7in. in height.

Structures- Existing farm structure 48 x 100 ft equipment barn. No new structures considered at this time.

The owner and property manager intend to follow all necessary Clay County permits and approvals.



Report to Planning & Zoning Commission

Clay County, Missouri

LIVESTOCK AUCTION EVERY TUESDAY

EXOTIC LIVESTOCK
AUCTION EACH APRIL, JULY,
SEPTEMBER & DECEMBER

Lolli Bros. Livestock Market, Inc.

704 Main Street • Suite A • Macon, MO 63552-1313
Barn Phone: 660-385-2516 or 3812 or 4763 • Fax: 660-385-2843

HORSE SALE 1st
SATURDAY OF EACH
MONTH

WEBSITE: www.lolibros.com

DATE: Sep 26, 2014 (351-)

INVOICE NO. 039749

PURCHASER:

JY FARMING
JOHN YING
EXCELSIOR SPRINGS, MO 64024

Pen/tags	Head	Desc	Ticket	Avg Wt/lbs	Price	Amount
		1 CANE	003510			
230 R 87		1 DOE DEER	003519			
230 P 14		3 FEMALE DEER	003520			
	P 15	^ FEMALE DEER				
	P 27	^ FEMALE DEER				
230 BL13		1 FEMALE DEER	003521			
		1 ANTIQUE SADDLE	003532			
32 5432		2 ZEBRA MALE	003581			
	5433	^ ZEBRA MALE				
? 5910		1 ZEBRA FEMALE	003585			
37 5495		1 ZEBRA FEMALE	003589			
219 Y79		2 ELAND MALE	003605			
	Y96	^ ELAND MALE				
219 Y76		2 ELAND FEMALE	003606			
	Y82	^ ELAND FEMALE				
209 5300		1 NILGAI MALE	003608			
223 W26		3 AOUDAD MALE	003614			
	W31	^ AOUDAD MALE				
	W34	^ AOUDAD MALE				
224 W24		3 AOUDAD MALE	003615			
	W27	^ AOUDAD MALE				
	W37	^ AOUDAD MALE				
225 W23		3 AOUDAD FEMALE	003616			
	W29	^ AOUDAD FEMALE				
	W32	^ AOUDAD FEMALE				

Continued***

EXPENSES

Every lot is sold "AS IS" and "WITH ALL FAULTS." There are NO WARRANTIES, either expressed or implied, and each item is the sole responsibility of the Buyer from the MOMENT THE AUCTIONEER DECLARES THE ITEM SOLD. NOT RESPONSIBLE FOR LOSS DUE TO ACCIDENT, SICKNESS OR DEATH. WE ACT AS AGENTS ONLY.

SIGNATURE _____

THANK YOU!

TOTAL EXPENSES	
TOTAL AMOUNT DUE	



Report to Planning & Zoning Commission

Clay County, Missouri



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: (573) 751-4115 • www.MissouriConservation.org

ROBERT L. ZIEHMER, Director

Big Game Hunting Preserve Permit (Year 1 of 3)

Valid: 7/1/2014 to 6/30/2017

Issued: Tuesday, July 08, 2014

Permit No: 0020807

County: Clay

Cost of Permit: \$750.00

Type Code: 555

JY FARMING, LLC

Permittee(s)

Permittee: JOHN YING

Address: 15302 CAMERON RD
KEARNEY, MO 64060

Area

Section, Township, Range	Acreage
S-29 T-53 R-30	530
Holder:	
Location:	

This grants to the person or business listed above the privileges accorded under a Big Game Hunting Preserve Permit as provided under Section 3CSR10-9.560 of the Missouri Wildlife Code. This permit is issued on the conditions set forth hereon and becomes effective on the date of issue unless otherwise provided above.

Date	Band/Book/Tags Assigned	Lost/Void	Replaced	Added	Name
7/8/2014	25201 - 25300 Locking Leg Seals	N / N		7/8/2014	DEER, WHITE-TAILED
7/8/2014	2121 - 2130 License Shooting Area (3-Day)	N / N		7/8/2014	ELK
7/8/2014	261 - 270 License Shooting Area (Annual)	N / N			

This permit is issued subject to the provisions of the section of the Missouri Wildlife Code indicated on the face of this permit and compliance with the Rules and Regulations of the Missouri Conservation Commission and Revised Statutes of Missouri, Chapter 252.

This permit may be suspended or revoked as provided in Section 3CSR10-05.216, Missouri Wildlife Code. This permit is not valid until signed in ink by the permittee. Signature constitutes acceptance of all rules and regulations pertaining to this permit.

A permit for the taking of wildlife may be issued only to an individual and may be used only by the individual to whom it is issued.

This permit does not authorize trespass, is not transferable and expires (unless otherwise provided above) on 6/30/2017

Permittee Signature:

Supervisor Signature:



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Clay County, Missouri



Picture 01 – Aoudad



Picture 02 – Eland



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Clay County, Missouri



Picture 03 – Zebras