

SECTION 15 ADMINISTRATION

A. Conditional Uses

- (1) Applications for conditional use permits for uses specifically authorized for conditional consideration in the district use regulations shall be made to the County Commission. The County Commission shall refer the application to the Planning Commission for investigation and public hearing. Adjoining property owners within 1000 feet shall be notified by first class mail of the request and hearing date. Following a public hearing, the Planning Commission shall vote on a recommendation to either approve or deny the request. A record of the recommendation shall be forwarded to the County Commission and shall include the wording of the motion and the action taken. Upon receipt of a recommendation from the Planning Commission, the County Commission shall conduct a public hearing and either approve or deny the request or continue action for a period of not more than 45 days. Should the Planning Commission fail to forward a report of their action to the County Commission within 60 days of the date of referral to the Planning Commission, it shall be assumed that the Planning Commission has recommended approval of the request. No application for a conditional use permit will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant.
 - (a) Requests for structures having height in excess of 200 feet shall require additional notification beyond the 1,000 feet as noted above. In such cases, each additional 50 feet in height shall require notification to be extended for an additional 500 feet, up to one mile in distance from the location of the structure.
- (2) Criteria for Approval. It is the responsibility of the applicant to provide sufficient information/documentation to allow approval of the conditional use permit. Before authorizing the issuance of such a conditional use permit, the County Commission shall satisfy itself that:
 - (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.
 - (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

- (c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
 - (d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.
 - (e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
 - (f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
 - (g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.
- (3) Any approved conditional use permit must be utilized within one year of approval by the County Commission, unless a longer period of time is approved for initial utilization. Failure to exercise an approved permit within this period of time will automatically invalidate the permit. An invalidated permit can only be renewed by reapplication and approval as outlined above. If a use authorized by a conditional use permit ceases for twelve months, said permit shall become void.
- (4) In the event that it appears to the Director that the holder of a conditional use permit is making use of the permit or premises in violation of the permit, or is permitting others to use the permit or premises in violation of the permit, the Director may file a written complaint with the County Commission, which for cause shown, shall have authority to revoke the permit. The Director will send a copy of the complaint to the holder of the permit, by first class mail to his last known address, at least 45 days prior to a scheduled public hearing to consider revocation of a permit. The Director shall prove by a preponderance of the evidence that violation(s) of one or more conditions of the permit has occurred and shall show cause as to why the permit should be revoked. If the County Commission finds that one or more conditions have been violated, upon hearing the evidence of the director and the permittee, it may revoke the permit. Failure of the permittee to appear at the County Commission hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The Director may, in his discretion, dismiss the complaint prior to

hearing if he determines that the violation(s) alleged in the complaint has been corrected.

- (5) Applications shall include the following minimum information:
- (a) The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
 - (b) A legal description of the property included in the request. Proof of ownership by the applicant shall be attached to the application.
 - (c) The present zoning of the land included in the request.
 - (d) The present use of land included in the request.
 - (e) The size of the tract included in the request, broken down either by acreage or square feet.
 - (f) The zoning of land adjacent to the land included in the request.
 - (g) The proposed use of land if the permit is approved. This description should be as complete as possible.
 - (h) The classification of conditional use requested, the reason or justification for the request being submitted and a sketch of the tract of land showing existing structures and proposed structures.
 - (i) A site plan that shall clearly and legibly show, at a scale of not less than one inch equals one hundred feet (1"=100'), the following:
 - Scale, north point, boundary and area of land included in the request
 - The name of the owners of the property, name of the applicant and the name of the person and/or firm who prepared the site plan
 - The location, use and approximate size of existing structures on the tract and within 200-feet of the boundary of the request
 - The location, use, size and arrangement of structures, signs, parking and loading areas, existing and proposed public streets, existing and proposed private drives, all known easements, utility lines, landscaping

and other features of the proposed conditional use that are necessary to show in order to document compliance with the approval criteria contained in Section 15.A.2

- Access points to the property from public streets, roads and highways
 - The location and size of existing and proposed on-site wastewater systems. The type of wastewater system shall be listed and copies of any existing wastewater operating permits shall be attached
- (j) The signature of the property owner or his authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
- (k) The names and addresses of all property owners owning land within 1,000 feet of the property under consideration for a conditional use permit.
- (l) The application shall include photographs of the property and existing structures as well as any proposed mobile homes or manufactured structures to be placed on the property.
- (m) The application shall include the floor plan and front elevation view of any site built structure proposed to be constructed.
- (n) Failure to provide any of the required material will result in the invalidation of the application.
- (6) In cases where the Planning and Zoning Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Commission unless; (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a notice of appeal to the County Commission stating grounds why the Planning Commission recommendation for denial is in error; and (2), the applicant appears before the County Commission in person or by representative with written authorization of the owner.
- (7) In cases where the Planning and Zoning Commission recommends approval of an application, the County Commission will summarily deny the application if: (1) the applicant does not appear at the County Commission hearing in person or by representative, and (2) there is opposition to the application expressed in person at the County Commission hearing.

- (8) It is the applicant's responsibility to demonstrate to the Planning and Zoning Commission and the County Commission by competent, substantial evidence that the requirements of the standards for granting a conditional use permit set forth in Section 15.A(2) are satisfied.

B. CONDITIONAL USE PERMITS FOR TRANSMISSION FACILITIES

(1) PURPOSES AND GENERAL PERMIT REQUIREMENT

- (a) These regulations are intended to regulate the placement and construction of telecommunication transmission towers and transmission facilities in order to protect and promote the public health, safety and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.
- (b) No transmission facility or tower as defined herein shall be constructed, erected, maintained or operated except under conditional use permit issued in accordance with these regulations in areas zoned for such conditional uses.

(2) DEFINITIONS

As used in these regulations, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

- (a) Telecommunications Equipment - telecommunications antenna and accessory electronic equipment not including transmission towers, buildings or other equipment not directly related to the operation of antenna.
- (b) Transmission Facility - Transmission tower, buildings, guy wires, guy anchors, land or site permitted under these regulations, fence and other equipment necessary for the transmission of telecommunication signals authorized by these regulations.
- (c) Transmission Facility Operator - any person(s), partnership, corporation, association, organization or entity of any type or kind that owns or has a legal possessory interest in a transmission facility and the owner of land upon which a transmission facility exists and is permitted under these regulations if different than the owner of the transmission facility, but excluding any person(s), partnership, corporation, association, organization or entity of any type or kind who leases or otherwise is permitted to place

one or more antennas on a transmission tower but have no ownership interest in the transmission tower upon which they are placed.

(d) Transmission Tower - a land based tower used as a base for those antennas specified in these regulations.

(3) APPLICABILITY

(a) These regulations apply to land based transmission facilities and the accessory facilities permitted under Section (4)(i) or the following uses in areas zoned A-1, A-2 and C-G provided they comply with Sections (4) and (6) of these regulations:

(a) 1. VHF and UHF television;

(a) 2. FM radio;

(a) 3. Two-way radio;

(a) 4. Common carriers;

(a) 5. Cellular telephone; and

(a) 6. Fixed-point microwave.

(a) 7. Low-power television; and

(a) 8. AM radio.

(b) An antenna and supporting structure for the following use is permitted in any district if accessory to a permitted use and if it complies with applicable regulations of the district in which it is situated:

(b) 1. Amateur radio;

(b) 2. Citizen band radio;

(b) 3. A telecommunication device that only receives an RF signal, and;

(b) 4. A sole-source emitter with more than one kilowatt average output.

- (c) A source of nonionizing radiation can be attached to an approved tower or structure in any district if the planning director finds the source complies with Sections (4)(k) and (6).

(4) APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

- (a) Applications for new transmission facilities shall be considered only when an existing or approved transmission facility cannot accommodate the telecommunications equipment planned for the proposed transmission facility.

- (a) 1. Planned telecommunications equipment cannot be accommodated on an existing or approved transmission tower if:

- (a) 1.1. Planned telecommunications equipment would exceed the structural capacity of an existing or approved transmission tower, and the transmission tower cannot be reinforced to accommodate planned telecommunication equipment at a reasonable cost;

- (a) 1.2. Planned telecommunications equipment will cause radio frequency interference with other existing or planned telecommunications equipment for that transmission tower and the interference cannot be prevented at a reasonable cost;

- (a) 1.3. Existing or approved towers do not have space on which planned telecommunication equipment can be placed so it can function effectively and at least in parity with other similar telecommunication equipment in place or approved by the Boone County Commission;

- (a) 1.4. Addition of planned equipment to an existing or approved transmission tower would result in NIER levels in excess of those permitted under Section (6); or

- (a) 1.5. Other reasons that make it impracticable to place the telecommunications equipment planned by the applicant on an existing and approved transmission tower.

- (a) 2 No application for a new transmission facility shall be considered unless the applicant is unable to lease or otherwise secure space on an existing or planned transmission tower.

- (a) 2.1 Shared use of an existing or approved tower shall be conditioned upon the applicant's agreement to pay reasonable fees and costs associated with adapting existing facilities to the proposed use, including but not limited to reasonable costs for reinforcing or modifying a tower or structure, for preventing radio frequency interference and other changes reasonably required to accommodate shared use.
 - (a) 2.2. The fees and costs for shared use are unreasonable, among other reasons, if they exceed the cost of the proposed transmission tower.
 - (a) 2.3. The County Commission may consider expert testimony to determine whether the fees and costs are reasonable.
 - (a) 2.4. Once the County Commission finds that telecommunications equipment proposed by the applicant cannot be accommodated on an existing or approved tower, each tower so found is presumed unable to accommodate similar equipment that may be proposed in the future, unless evidence is introduced to demonstrate otherwise.
- (b) Applications for new transmission facility sites shall be considered only when an existing or approved transmission facility cannot accommodate the telecommunications equipment planned for the proposed new transmission facility.
- (b) 1. A planned transmission facility cannot be accommodated on the site of an existing or approved transmission facility and still comply with the provisions of Section (4) (c).
 - (b) 2. Shared use of a site shall be conditioned on the applicant's agreement to pay reasonable fees and costs of adapting existing transmission facilities to the proposed use, including but not limited to the measures listed in Section (4) (a) 2.1.
 - (b) 3. The County Commission may consider expert testimony to determine whether the fees and costs are reasonable.
 - (b) 4. Once the County Commission finds that the new transmission tower proposed by the applicant cannot be accommodated on the site of an existing or approved transmission facility, each site so found is

presumed unable to accommodate similar transmission facilities that may be proposed in the future.

- (c) Transmission facilities shall be set back from abutting property or roads sufficient to:
 - (c) 1. Substantially contain on-site ice-fall or debris from tower failure;
 - (c)2. Protect the general public from NIER in excess of that allowed in Section (6); and
 - (c) 3. Create open spaces for public safety purposes. A site is of sufficient size to comply with this requirement if:
 - (c) 3.1. Accessory structures and guy wire anchors shall comply with the setback standard in the underlying zoning district;
 - (c) 3.2. A tower base is set back from property lines or roads by a distance equal to the tower height.
- (d) Transmission towers shall structurally accommodate the maximum number of foreseeable users technically practicable and shall be designed to comply with the following standards:
 - (d) 1. Television towers shall be designed to accommodate at least 2 high-power television antennas, 4 microwave antennas, 1 FM radio antenna, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.
 - (d) 2. FM towers shall be designed to accommodate at least 2 FM antennas, 4 microwave antennas, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.
 - (d) 3. Transmission towers that are not for television or FM antennas shall be designed to accommodate at least 2 microwave antennas, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.
 - (d) 4. The County Commission may reduce the required shared capacity of a tower in the following circumstances:

- (d) 4.1. If fewer or different antennas should be accommodated based on: the number of FCC licenses that are potentially available for the area; kind of tower site or structure proposed; the number of existing and potential licenses without tower space; and space available on existing and approved towers; or
- (d) 4.2. If a tower necessary to provide for such sharing dominates and alters the visual character of the area adversely such that property values are diminished.
- (d) 5. Antennas on a shared tower shall be arranged as follows, except as needed to prevent electromagnetic interference or to accommodate topographic or other physical or functional constraints:
 - (d) 5.1. Transmitting and receiving equipment serving similar kinds of uses shall be placed on a shared-use tower so one of the users in a group can operate roughly equal to other users in the group with similar equipment.
 - (d) 5.2. A TV tower shall have two side-mounted and one top-mounted TV antenna or one top-mounted, one mounted below it, and one side-mounted. Triangular, T-shaped, or other platforms or candelabra may be used if required telecommunications equipment cannot be mounted as safely or economically without such structures.
 - (d) 5.3. Microwave antennas and FM and two-way radio antennas can be placed anywhere on a tower above surrounding obstacles subject to the restrictions contained in these regulations.
- (d) 6. Transmission facility operators shall be required to:
 - (d) 6.1. Respond in a timely manner to any request from a potential user with information about the available capacity.
 - (d) 6.2. Respond in a timely, comprehensive manner to a request, required under Sections (5) (e) and (5) (f) for information from a potential shared-use applicant; tower owner may charge a party requesting information under Section (5) (e) or (5) (f) to pay a reasonable fee not in excess of the actual cost of preparing a response.

- (d) 6.3. Negotiate in good faith for shared use of a transmission facility or tower by applicants and operators shall negotiate in the order in which requests for information are received, except an operator generally shall negotiate with a third party applicant who has received an FCC license or permit before doing so with other applicants.
 - (d) 6.4. Allow shared use of a transmission facility or tower if an applicant agrees in writing to pay charges specified in (4)(d)6.5.
 - (d) 6.5. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles and pricing practices generally reflective of the central Missouri area. The charge may include but is not necessarily limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on investment, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit NIER in excess of levels permitted under Section (6).
- (e) Transmission towers shall have the least practicable adverse effect on the environment and property values in the surrounding area. A transmission tower complies with this standard if it complies with the following:
- (e) 1. If the tower is 200 feet or less in height, more than 10,000 feet from an airport, and has a galvanized finish or is painted silver.
 - (e) 2. If the tower is over 200 feet in height, it shall comply with FAA painting and lighting standards. Lighting is restricted to red beacon style lights, except where FAA requirements specify a different type of lighting.
 - (e) 3. Towers shall not be artificially lighted unless required by the FAA.
 - (e) 4. Towers shall be the minimum height necessary to comply with the provisions of these regulations.

- (e) 5. Towers shall be either mono-pole or guyed unless the County Commission approves other reasonable alternatives practicable for visual or technical reasons.
- (f) Vehicular access shall be limited to a collector street if the site adjoins both a collector and a local street.
- (g) At least two off-street parking spaces and one additional space for each two on-site personnel shall be provided.
- (h) Existing on-site vegetation shall be preserved to the maximum extent practicable. Ground disturbed by construction at a transmission facility site shall be seeded and mulched within 45 days of the completion of construction, except in cases where the applicant has requested and received an extension of this time.
- (i) Transmission facilities in the A-1 and A-2 zoned districts may not include offices, long-term vehicle storage, outdoor storage, broadcast studios (except for emergency purposes), or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for transmission equipment and functions.
- (j) Fence shall be installed around the base of the transmission towers, guy anchors and buildings in compliance with the following standards:
 - (j) 1. Fences shall consist of chain link material with a minimum of 6-feet in height.
 - (j) 2. Guy anchors shall be fenced to allow a clear zone around the guy anchors such as to provide a 14-foot minimum vertical clearance.
 - (j) 3. A sign shall be installed on the gate to the facility and on the door of any buildings to indicate "High Voltage" on the premises.
- (k) The proposed use shall comply with applicable federal and state regulations.
- (l) The owners of transmission facilities shall cause the facility to be safety inspected every two years from the date of construction. The inspection shall be performed by a licensed engineer who shall provide a certified copy of the inspection report to Boone County. Deficiencies noted in inspection reports shall be corrected within 90 days and shall be certified as corrected by the engineer unless for good cause an extension is granted by the Boone County Commission.

(5) APPLICATION CONTENTS FOR A NEW TRANSMISSION FACILITY AND PERMITTING PROCEDURES

(a) An application for approval of a new transmission facility shall include:

(a) 1. A site plan or plans drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; uses, structures, and land-use designations on the site and abutting parcels; and the location of the nearest public recreational and wildlife areas.

(a) 2. A plan drawn to scale showing proposed landscaping, including species type, size, spacing, and other features.

(a) 3. A report from a licensed professional engineer. The report shall:

(a) 3.1. Describe the tower and the technical, economic, and other reasons for the tower design;

(a) 3.2. Demonstrate that the tower complies with the current building code;

(a) 3.3. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;

(a) 3.4. For a tower in the A-1 and A-2 zoning district, show that the tower complies with Section (4)(d)1. (4)(d)2. or (4)(d)3., or the capacity reduction requested under Section (4)(d)4.;

(a) 3.5. Demonstrate that the tower and site comply with Sections (4)(c)1., (4)(c)2., and (4)(d); and

(a) 3.6. Demonstrate that the proposed sources of NIER will comply with Section (6).

(b) The applicant shall provide the FAA Determination of No Hazard and FCC construction permit (if required), or a written statement from those agencies that the tower is exempt from such requirements.

- (c) The applicant for a transmission facility in any zoning district shall provide evidence that the tower complies with Section (4)(d)1., (4)(d)2., and (4)(d)3. or (4)(d)4. and a publicly recordable notice of intent to provide telecommunication antenna access on the transmission tower except to the extent reduced capacity is requested under Section (4)(d)4. and, if applicable, access to the transmission facility site for the erection of additional transmission towers.
- (c)1. The notice of intent shall commit the transmission facility operator and successors in interest to:
- (c)1.1. Respond in a timely, comprehensive manner to a request, required under Sections (4)(a) and (4)(b) for information from a potential shared-use applicant; the tower owner may charge a party requesting information under Section (4)(a) or (4)(b) to pay a reasonable fee not in excess of the actual cost of repairing a response.
- (c) 1.2. Negotiate in good faith for shared use of a transmission facility or tower with third parties; the owner generally will negotiate in the order in which requests for information are received except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.
- (c) 1.3. Allow shared use of a transmission facility or tower if an applicant for shared use agrees in writing to pay charges described in Section (5)(c)1.4.
- (c) 1.4. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles and pricing practices generally reflective of the central Missouri area. The charge may include but is not necessarily limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on investment, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit NIER in excess of levels permitted under Section (6).
- (c) 2. If the conditional use permit for the transmission facility is approved, the above described notice of intent shall be recorded in

the Office of the Boone County Recorder of Deeds by the permittee before a building permit is issued.

- (d) An applicant shall provide evidence of its ownership or legal possessory interest of the land for which the conditional use permit for a transmission facility is being sought.
- (e) For a transmission facility in an A-1 or A-2 district, an applicant shall provide documentary evidence that it complies with Section (4)(a) as follows:
 - (e)1. The applicant has contacted the operators of all existing or approved towers with a top elevation like or higher than that proposed, except owners of those towers presumed unable to accommodate the proposed antenna under Section (4)(b)4. and provide each contacted operator with the engineer's report required under Section (5)(a)3.
 - (e) 2. The applicant shall request each contacted operator to:
 - (e) 2.1. Identify the site by address and legal description;
 - (e) 2.2. Describe tower height and existing tower users;
 - (e) 2.3. Assess whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference; and
 - (e) 2.4. If the antenna to be attached to the proposed tower cannot be accommodated on each existing tower, assess whether the existing tower could be structurally strengthened or whether the antennas, transmitters, and related equipment could be protected from electromagnetic interference and generally describe the means and projected cost of shared use of the existing tower.
 - (e) 3. Document in writing the response to each contact to the information request specified in (5)(e)1. through (5)(e)2.4., above, inclusive, for each operator contacted.
- (f) For a transmission facility in an A-1 or A-2 district, the applicant shall provide documentary evidence that it complies with Section (4)(b) as follows:

- (f) 1. The applicant shall contact the operators of all existing or approved transmission facilities if the base elevation of an existing or approved tower at each such facility is the same or higher than the base elevation of the proposed transmission tower except operators of those towers presumed unable to accommodate the proposed facility under Section (4)(b)4.
 - (f) 2. The applicant shall request each contacted operator to:
 - (f) 2.1. Identify the site by address and legal description;
 - (f) 2.2. Assess whether the site could accommodate the proposed facility without changing an existing or approved tower;
 - (f) 2.3. If the proposed facility cannot be accommodated on an existing site, assess whether the existing site could be changed to accommodate the proposed facility, and generally describe the means and projected cost of shared use of the existing site.
 - (f) 3. Document in writing the response of each contact to the information request specified in (5)(f)1. through (5)(f)3 above, inclusive, for each operator contacted.
 - (g) Applicants for a conditional use permit for a transmission facility shall complete and submit to the office of the Boone County Planning and Building Inspection Department 15 completed applications for a conditional use permit for a transmission facility as prescribed by these regulations, together with publicly recordable notice of intent prescribed by Section (5)(c) of these regulations and applicable conditional use permit fees. The permit approval process for conditional use permits for transmission facilities shall otherwise be the same as for other conditional use permits as specified in SECTION 15 A of the Boone County Zoning Regulations.
 - (h) Transmission facility operators possessing conditional use permits for transmission facilities shall at all times comply with these regulations; transmission facility operators which violate these regulations shall be subject to prosecution and/or conditional use permit revocation as otherwise specified in the Boone County Zoning Regulations.
- (6) NONIONIZING ELECTROMAGNETIC RADIATION STANDARDS

- (a) All transmission facilities shall conform to the relevant sections of the "American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz". This standard is identified as ANSI-C95.1-1982 and is published by the American National Standards Institute, a copy of which is incorporated herein by reference and is maintained on file in the office of the Boone County Planning and Building Inspection Department.

C. BOARD OF ADJUSTMENT

- (1) The County Board of Zoning Adjustment previously created is hereby continued. The Board shall consist of five (5) members, all freeholders, and not more than two (2) of whom shall be residents of the incorporated area of the county and not more than one (1) of whom may be a member of the County Planning and Zoning Commission. Members shall be appointed for terms of four years each. Members shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.
- (2) The Board shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of this ordinance. The Chairman or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board and shall be a public record.
- (3) Appeals to the Board may be taken by any owner, lessee, or tenant of land, or by a public officer, department, board or bureau affected by any decision of the administrative officer in administering this ordinance. The appeals shall be taken within a period of not more than three months, and in the manner provided by the rules of the Board. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
- (4) The Board shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
 - (b) To hear and decide all matters referred to it on which it is required to determine under the regulations of this ordinance as herein provided.

- (c) Where by reason of shape or topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as relating to the property, a variance from the strict application of this ordinance provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zone Plan as embodied in these regulations and Zoning Map.
- (d) To permit, in case of practical difficulty or unnecessary hardship, for a period of two years, the location of a mobile home on a lot.
- (e) To permit placement of a singlewide manufactured prior to 1976 on a parcel less than 20-acres in area that does not have any other dwelling unit on the property.
- (f) Variance for the Height of a Freestanding Sign. The height of a freestanding sign may be varied due to extreme elevation difference between the base of the sign and the adjacent street frontage subject to the following criteria:
- The strict application of the height limit will result in undue hardship to the sign user by reducing the net sign height to less than 20-feet.
 - There is no alternative location on the parcel where the regulations could be met and the requested variance is the minimum necessary to afford relief to the sign user.
 - The granting of the variance would not be materially detrimental to other property owners in the vicinity.
- (5) In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- (6) Any owners, lessees, or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board or of the County Commission, respectively, under the provisions of this ordinance, or Board, Commission, or other public official, may present to the Circuit Court a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of illegality and asking for relief therefrom. Upon the presentation of the petition, the Court shall allow a Certiorari directed to the Board of Adjustment or the County Commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The Court may reverse or affirm or may modify the decision brought up for review.

D. ENFORCEMENT OF THE ORDINANCE

(1) Director of Planning

- (a) Duties: It shall be the duty of the Director of Planning to enforce this ordinance. The Director of Planning shall receive applications required by this ordinance, issue permits, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make the necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He shall, when requested by the Commission, or when the interests of the county so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same. For the purpose of enforcing compliance with the law, he shall issue such notices or orders as may be necessary.
- (b) Inspections: Inspections shall be made by the Director of Planning or a duly appointed assistant.
- (c) Rules: For carrying into effect its provisions, the Director of Planning may adopt rules consistent with this ordinance.
- (d) Records: The Director of Planning shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices of orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Director of Planning.
- (e) Cooperation of Other Officials: The Director of Planning may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Engineer in fixing grades, of the Sheriff in enforcing orders, of the County Attorney in prosecuting violations and of other officials.

(2) Building Permits

- (a) **When Required:** It shall not be lawful to install a manufactured home or mobile home outside of a mobile home park or to construct, alter, or repair, or to commence the construction or alteration, of a non-farm building or structure, without first filing with the Director of Planning an application in writing and obtaining a formal permit.
- (b) **Action on application:** It shall be the duty of the Director of Planning and Building Inspection to examine applications for permits. If, after examination, he finds that the proposed work will be in compliance with the laws and ordinances applicable hereto, he shall approve such application and issue a permit for the proposed work. If his examination reveals noncompliance with the applicable laws or ordinances, he will reject such application, noting his findings in a report to be attached to the application and deliver a copy to the applicant. Reasons for rejection must be based on noncompliance with the provisions of applicable laws and ordinances.
- (c) **Approval in part:** Nothing in this section shall be construed to prevent the Director of Planning and Building Inspection from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the portion to be approved and which have been found to comply with this ordinance.
- (d) **Certificate of Occupancy for a Building:** No building, except those used for agricultural nonresidential purposes, shall be utilized before a Certificate of Occupancy has been issued. Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit. Said certificate shall be issued within three days of receipt of a written request made to the Director of Planning and Building Inspection following the completion of a building or part thereof. A temporary certificate of occupancy may be issued by the Director of Planning and Building for a period not exceeding one year, allowing the completion of alterations during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed to alter in any way the respective rights, duties, or obligations of the owners or of the tenants relating to the use and occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- (e) **Certificate of Occupancy for Nonconforming Uses:** Certificate of Occupancy shall be required of all nonconforming uses. Applications for such certificate

for nonconforming uses shall be filed within six months from the effective date of this ordinance.

E. Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made part of this ordinance, the following rules apply:

- (1) The district boundaries are streets unless otherwise shown, and where the districts designated on the map accompanying and made part of this ordinance are bounded approximately by street lines, the street shall be construed to be the boundary of the district.
- (2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- (3) In subdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

F. Amendments of Regulations

- (1) General. The County Commission may, from time to time, on its own motion or on petition after public notice and hearing, as provided below, may revise, modify, or amend the regulations and the districts created by this ordinance; however, such proposed changes shall first be submitted to the Commission for recommendations and report after hearings thereon by the Commission as provided below.
- (2) Revision, Modification or Amendment to the Zoning District Map.
 - (a) Before the adoption of a revision, modification or amendment to the Zoning District Map, the County Commission shall hold at least one public hearing thereon. At least 15 days prior to the public hearing, the Director shall give notice by certified mail to all owners of any real property located within one thousand feet of the parcel of land for which the change is proposed and all contiguous land under the same ownership. Additionally, notification shall be provided through publication of a locality map in a newspaper having a daily

- circulation at least 15 days prior to hearing before the County Commission. All notification costs shall be paid by the applicant prior to the public hearing. No application for revision of the Zoning District Map will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant after a recommendation has been issued by the Commission.
- (b) In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty (20) percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1 1/2) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of a municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Clerk, the amendment may not be passed except by the favorable vote of two members of the County Commission.
- (c) Before any action shall be taken on a petition submitted under the provisions of this section, the party or parties proposing a change in the district regulations or district boundaries shall deposit with the County Planning Office the rezoning fee established by the County Commission to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of the requested change to be adopted by the County Commission. In addition, the applicant shall furnish the names of the adjacent property owners within one thousand (1,000) feet of the parcel of land for which the change is proposed and all contiguous land under the same ownership and shall pay all mailing costs for notification of these owners.
- (d) In cases where the Planning and Zoning Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Planning Commission unless: (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a notice of appeal to the County Commission stating grounds why the Planning Commission recommendation for denial is in error, and (2) the applicant appears before the County Commission in person or by representative with written authority of the owner.
- (e) In cases where the Planning Commission recommends approval of an application, the County Commission will summarily deny the application if: (1) the applicant does not appear at the County Commission hearing in person or by representative with the written authorization of the owner, and (2) there is opposition to the application expressed in person at the County Commission hearing.

- (f) Applications for amendment to the Zoning District Map shall include the following information:
- (1) The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
 - (2) A legal description of the property included in the request. Proof of ownership shall be attached to the application.
 - (3) The present zoning of the land included in the request.
 - (4) The present use of the land included in the request.
 - (5) The size of the tract to be rezoned, broken down either by acreage or square feet.
 - (6) The zoning district to which the applicant wants property rezoned.
 - (7) The zoning of the adjacent land.
 - (8) The proposed use of land, should the request to rezone be approved.
 - (9) The approximate size and location of any existing structures on the property to be rezoned, including wastewater system. The applicant should also list the approximate size of buildings proposed to be built.
 - (10) The reason and justification for the request being submitted.
 - (11) A sketch of the tract of land showing the location of existing and proposed structures.
 - (12) The signature of the property owner or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
 - (13) The names and mailing addresses of all property owners owning land within 1,000 feet of the property under consideration for rezoning.
 - (14) Failure to provide any of the required material will result in the invalidation of the application.

(g) An applicant for a change in the Zoning District Map shall have the responsibility to demonstrate to the Planning Commission and the County Commission by competent, substantial evidence that the proposed change in the Zoning District Map is justified.

(3) Revision, Modification or Amendment to Text. Before the adoption of a revision, modification or amendment to the text of this ordinance, the Commission shall hold at least three (3) public hearings. One hearing will be held in each of the County Commission districts outside of the county seat and one in the county seat. Fifteen days notice of the time and place of the public hearing shall be published in at least one newspaper having general circulation in the county and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the county administration building. The hearing may be adjourned from time to time. Within ninety days after the final adjournment of the hearings, the Commission shall make a report on the proposed revisions, modifications or amendments to the County Commission. The County Commission may adopt the revisions, modifications or amendments with or without change or may refer it back to the Commission for further consideration and report.

G. CONDITIONAL USE PERMITS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS-C)

1. PURPOSES AND GENERAL PERMIT REQUIREMENTS

- 1.1 These regulations are intended to regulate the placement and construction of commercial wind energy conversion systems (WECS-C) in order to protect and promote the public health, safety, and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.
- 1.2 No WECS-C as defined herein shall be constructed, erected, maintained or operated except under Conditional Use Permit issued in accordance with these regulations in areas zoned Wind Energy Conversion Overlay District (WECOD).
- 1.3 All Conditional Use Permits for WECS-C shall comply with the procedures and standards of Section 15 A. of these regulations and the Wind Energy Conversion Overlay District, Section 29.

2. APPLICABILITY

- 2.1 These regulations apply to WECS-C facilities and accessory facilities such as staging yards, maintenance yards, maintenance buildings, or laydown yards, in a Wind Energy Conversion Overlay District (WECOD).

3. APPLICATION STANDARDS FOR A NEW WECS-C

3.1 In addition to the standards contained in Section 15 A.(5), applications for new WECS-C shall be required to meet the following standards. Any application that does not meet these requirements shall be returned to the applicant for revision and supplemental material.

3.2 Limited Number of Applications per Month:

3.2.1 Up to three (3) applications from the same project owner may be submitted per month.

3.2.2 Each application may contain up to two (2) WECS-C that are located less than 1.5 times the minimum spacing distance from each other.

3.2.3 The Director may allow groups of up to six (6) WECS-C to be included in one application if:

- All towers are in a single cluster;
- Each tower within the group is less than 1.25 times its minimum spacing distance from at least one (1) other tower in the group;
- There is sufficient room on the Planning and Zoning Commission agenda without displacing other items or resulting in an unreasonably long meeting.

3.3 Project Owner Information:

3.3.1 Name, address, phone number, and e-mail address of the project owner and the project owner's contact person for the project;

3.3.2 A statement from the project owner providing relevant information regarding an overview of the company, the company's financial condition, the company's environmental management history and the company's qualifications and experience in WECS-C development. Specific references regarding other WECS-C projects are required;

3.3.3 A description of the entity identified as the project owner and builder of the proposed project and a complete financial statement for such entity including audits or reviews, whichever are applicable, for three (3) years preceding the date of application;

3.3.4 The name, address, phone number and e-mail address of the manager of the project in the event the project is approved and the name, address and phone numbers of any proposed buyers of the project.

3.4 Site Plan:

3.4.1 A site plan drawn in sufficient detail to clearly describe the following:

- General vicinity of the project location within the County;
- Scale and north arrow;
- Acreage of the site;
- Physical dimensions of the property and the physical location of the project boundary including the property lines of the discrete lot;
- Any previous survey work of record within the project boundary and any deed work showing consolidations of separate lots into the single proposed lot upon which the project is proposed;
- Location and physical dimensions of existing structures and location and physical dimensions of proposed structures, including the proposed wind turbines and accessory structures;
- Houses within one thousand feet (1,000') of the parcel boundary and the approximate distance of such houses from the proposed tower, and any additional houses within one-half (1/2) mile of the proposed tower;
- Location of existing electrical lines and facilities, including transmission lines and whether overhead or underground;
- Approximate location of proposed electrical lines and facilities, including transmission lines and whether overhead or underground;
- Existing topography;
- Proposed grading and removal of natural vegetation;
- Wind characteristics and dominant wind direction;
- Proposed setbacks of all proposed structures from the project boundary;
- Anticipated ingress and egress locations and projected methods of circulation on the project property;
- Location of and distance to public roads in all four directions surrounding the project perimeter;
- Approximate location of any major known underground pipelines or other underground utilities;
- Approximate location of any major known utility easements;

- Location of any delineated 100-year floodplains, stream buffers, sinkholes, wetlands, and other environmentally sensitive areas;
 - Approximate area/size of land disturbance.
- 3.5 A summary of the economic Cost/Benefit Analysis (CBA) that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located and:
- 3.5.1 A description of how the proposed WECS-C relates to the CBA;
- 3.5.2 A description of any mitigation measures identified in the CBA.
- 3.6 A summary of the environmental assessment of the potential adverse impacts from the project that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located as well as:
- 3.6.1 A description of how the proposed WECS-C relates to the assessment;
- 3.6.2 Identification of any proposed measures to mitigate or lessen the effects of the adverse impacts that relate to the construction and operation of the proposed WECS-C.
- 3.7 A copy of written notification to the utility company(s) of the proposed interconnection with their corresponding service(s).
- 3.8 Detailed information on the type, size, height, rotor size, rotor material, color scheme, rated power output, performance, safety and noise characteristics of the proposed wind turbine model, tower and electrical transmission equipment.
- 3.9 A decommissioning and land reclamation plan to be implemented in the event the project is abandoned or upon the end of the useful life of the project. The plan shall include a statement specifying the anticipated useful life of the project.
- 3.10 A summary of the Transportation and Infrastructure Mitigation Plan developed during the approval process for the WECOD in which the proposed WECS-C is located in addition to:
- 3.10.1 A description of how the proposed WECS-C relates to that plan;
- 3.10.2 The mitigation measures that are to be implemented and a schedule of when such measures are to be completed.
- 3.10.3 If applicable, the Missouri Department of Transportation approval of the plan for the site-specific project.

- 3.10.4 If applicable, any local municipalities approval of the plan for the site-specific project.
- 3.11 A plan for the physical security of the site and the structure(s) authorized by the Conditional Use Permit.
- 3.12 A Federal Aviation Administration Determination of No Hazard (if required), or a written statement from FAA that the tower is exempt from such requirements.
- 3.13 The project owner has demonstrated compliance with United States Fish and Wildlife Service Land-Based Wind Energy Guidelines and compliance with all recommendations resulting there from.

4. APPROVAL STANDARDS FOR A NEW WECS-C

- 4.1 It is the responsibility of the project owner to provide sufficient information and documentation to allow approval of the Conditional Use Permit (CUP).
- 4.2 Before authorizing the issuance of a CUP for a WECS-C, the County Commission shall satisfy itself that the following approval standards are met and the requirements of Section 15 A. (2) are met:
- The project owner has addressed mitigation as identified in the economic Cost/Benefit Analysis (CBA) that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;
 - The project owner has addressed measures to mitigate or lessen the effects of the adverse environmental impacts that relate to the construction and operation of the proposed WECS-C as identified in the environmental assessment of the potential adverse impacts that was submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;
 - The project owner has notified applicable utilities of the proposed interconnection;
 - The type, size, height, rotor size, rotor material, color scheme, and noise characteristics of the proposed wind turbine model and tower are similar to all other towers in the same WECOD;
 - A satisfactory Decommissioning and Land Reclamation Plan has been submitted including procedures to address project abandonment or upon the end of the useful life of the project;
 - The project owner has negotiated a draft agreement with Boone County to mitigate traffic and road related impacts as identified in the

Transportation and Infrastructure Mitigation Plan submitted and reviewed as part of the approval process for the WECOD in which the proposed WECS-C is located;

- Adequate measures are proposed to protect the physical security of the site and the structure(s) authorized by the Conditional Use Permit;
- The project owner has submitted a Federal Aviation Administration (FAA) Determination of No Hazard (if required), or a written statement from FAA that the tower is exempt from such requirements;
- The project owner has demonstrated compliance with United States Fish and Wildlife Service Land-Based Wind Energy Guidelines and compliance with all recommendations resulting therefrom;
- The proposed WECS-C complies with all requirements and standards of the Wind Energy Conversion Overlay District, Section 29;
- The County Commission may use testimony and evidence, presented in the public hearings to establish the WECOD, to impose additional conditions on the CUP.

5. STANDARD CONDITIONS

5.1 The following conditions shall be attached to each Conditional Use Permit granted under this section, unless the County Commission specifically omits one or more.

- 5.1.1 Prior to construction of any structure authorized by this permit, the owner shall enter into a Transportation and Infrastructure Mitigation Agreement approved by the County Commission of the County of Boone.
- 5.1.2 Any alteration to any lot line, as it existed at the time of application submittal, that results in a conflict with any adopted standard or condition of approval, shall be cause for revocation of the permit in accordance with procedures established in Section 15 A. (4).
- 5.1.3 The owner shall submit an annual report detailing monthly power generation for each WECS-C for the previous twelve (12) months. The annual reporting period shall commence on the date the Conditional Use Permit is issued. Reports are due within 60-days of the end of each annual reporting period.
- 5.1.4 The owner shall continue to comply with the United States Fish and Wildlife Service Land Based Wind Energy Guidelines.

5.1.5 Any division of land, regardless of the acreage involved, on which a Conditional Use Permit (CUP) for a WECS-C has been issued is subject to review by the Director. The Director's review is to ensure that the proposed division is compatible with the requirements of the CUP.

- If proposed division is not compatible with the requirements of the CUP, it is prohibited.
- The owner shall record, in the land records of the Boone County Recorder of Deeds, a Notice of Land Division Review (NLDR). The NLDR shall be on forms provided by the Director and shall clearly state the requirements of this condition.

5.1.6 All WECS-C shall be equipped with an automatic fire suppression system that meets the applicable NFPA standard or is otherwise approved by the fire district with jurisdiction.

H. CONDITIONAL USE PERMITS FOR ENERGY STORAGE FACILITIES LOCATED WITHIN A SOLAR ENERGY OVERLAY DISTRICT (SEOD)

1. PURPOSES AND GENERAL PERMIT REQUIREMENTS

1.1 These regulations are intended to regulate the placement and construction of commercial scale energy storage facilities and support facilities located within a Solar Energy Overlay District (SEOD) in order to protect and promote the public health, safety, and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.

1.2 No energy storage device as defined herein shall be constructed, erected, maintained or operated except under Conditional Use Permit issued in accordance with these regulations in areas zoned Solar Energy Overlay District (SEOD).

1.3 All Conditional Use Permits under this section shall comply with the procedures and standards of Section 15 A. of these regulations and Section 30 Solar Energy Overlay District.

2. APPLICABILITY

2.1 These regulations apply to the following facilities when located in a SEOD.

- energy storage facilities;

- accessory facilities such as staging yards, maintenance yards, maintenance buildings, or laydown yards, that were not approved as part of the overlay district.

3. APPLICATION STANDARDS

3.1 Project Owner Information:

- 3.1.1 Name, address, phone number, and e-mail address of the project owner and the project owner's contact person for the project;
- 3.1.2 A statement from the project owner providing relevant information regarding an overview of the company, the company's financial condition, the company's environmental management history and the company's qualifications and experience in renewable energy development.
- 3.1.3 The name, address, phone number and e-mail address of the manager of the project in the event the project is approved and the name, address and phone numbers of any proposed buyers of the project.

3.2 Site Plan:

- 3.2.1 A site plan drawn in sufficient detail to clearly describe the following:
 - General vicinity of the project location within the County;
 - Scale and north arrow;
 - Acreage of the site;
 - Physical dimensions of the property and the physical location of the project boundary including the property lines of the discrete lot;
 - Location and physical dimensions of existing structures and location and physical dimensions of proposed structures, and accessory structures;
 - Houses within one thousand feet (1,000') of the parcel boundary;
 - Location of existing electrical lines and facilities, including transmission lines and whether overhead or underground;
 - Approximate location of proposed electrical lines and facilities, including transmission lines and whether overhead or underground;
 - Existing topography;

- Proposed grading and removal of natural vegetation;
- All required setbacks;
- Anticipated ingress and egress locations and projected methods of circulation on the project property;
- Location of and distance to the nearest accessible public road;
- Approximate location of any major known underground pipelines or other underground utilities;
- Approximate location of any major known utility easements;
- Location of any delineated 100-year floodplains, stream buffers, sinkholes, wetlands, and other environmentally sensitive areas;
- Approximate area/size of land disturbance.

3.3 An assessment of the potential adverse environmental impacts from the proposed facility.

3.4 A decommissioning and land reclamation plan to be implemented in the event the project is abandoned or upon the end of the useful life of the project. The plan shall include a statement specifying the anticipated useful life of the project.

3.5 A summary of the Transportation and Infrastructure Mitigation Plan developed during the approval process for the SEOD in which the proposed facility is located in addition to:

3.5.1 A description of how the proposed facility relates to that plan;

3.5.2 The mitigation measures that are to be implemented and a schedule of when such measures are to be completed.

3.5.3 If applicable, the Missouri Department of Transportation approval of the plan for the site-specific project.

3.5.4 If applicable, any local municipalities approval of the plan for the site-specific project.

3.6 A plan for the physical security of the site and the structure(s) authorized by the Conditional Use Permit.

4. APPROVAL STANDARDS

4.1 It is the responsibility of the project owner to provide sufficient information and documentation to allow approval of the Conditional Use Permit (CUP).

4.2 Before authorizing the issuance of a CUP for the requested facility or facilities, the County Commission shall satisfy itself that the following approval standards are met and the requirements of Section 15 A. (2) are met:

- A satisfactory Decommissioning and Land Reclamation Plan has been submitted including procedures to address project abandonment or upon the end of the useful life of the project;
- The project owner has negotiated a draft agreement with Boone County to mitigate traffic and road related impacts as identified in the Transportation and Infrastructure Mitigation Plan submitted and reviewed as part of the approval process for the SEOD in which the proposed facilities are located;
- Adequate measures are proposed to protect the physical security of the site and the structure(s) authorized by the Conditional Use Permit;

5. STANDARD CONDITIONS

5.1 The following conditions shall be attached to each Conditional Use Permit granted under this section, unless the County Commission specifically omits one or more:

All energy storage facilities shall be equipped with a fire suppression system that meets the applicable NFPA standard or is otherwise approved by the fire district with jurisdiction.