

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, October 20, 2022

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson
Eric Kurzejeski, Vice Chairperson
Gregory Martin, Secretary
Fred Furlong
Randal Trecha
Rhonda Proctor
Jeff McCann

Centralia Township
Missouri Township
Katy Township
Bourbon Township
Cedar Township
Perche Township
County Engineer

b. Members Attending by Phone:

Steve Koirtyohann

Rocky Fork Township

c. Members Absent

Bill Lloyd
Daniel Mings
Kevin Harvey

Three Creeks Township
Columbia Township
Rock Bridge Township

d. Staff Present:

Bill Florea, Director
Uriah Mach, Planner
Paula Evans, Staff

Thad Yonke, Senior Planner
Andrew Devereux, Planner

III. Approval of Minutes

Minutes from the September 15, 2022 meeting were approved as presented by acclamation.

IV. Chairperson Statement

The following statement was entered into the record:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer. Tonight's agenda also includes the first of three public hearings regarding the proposed Solar Energy Overlay District Regulations; that hearing will take place at the conclusion of regular agenda items.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with County Commission order 443-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older, continue to wear a face mask in any public areas of the Government Center.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings. Members of the public who are attending by phone will be muted until the public hearing portion of each request.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours.

After those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, November 1st. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, November 1st will begin at 7:00 p.m. and will convene in this same room.

V. Rezoning Requests

1. Request by Andrew Biggs to rezone from A-1 (Agriculture) & R-S (Single-Family Residential) to R-S on 2.68 acres located at 10281 E Englewood Rd, Ashland.

Planner Andrew Devereux read the following staff report:

The subject property is located off East Englewood Road, approximately 240 feet east of the intersection of East Johnson Cemetery Road and East Englewood Road. The property is 12.04 acres in size and split zoned with R-S Residential Single Family and A-1 Agriculture zoning. The zoning on the property is original 1973 zoning. The property currently has a house and several accessory structures on the southern portion. A wastewater lagoon is present on the property serving the existing home. The property is surrounded by A-1 zoning except for the west and south property lines that share a boundary with R-S zoning. The proposal seeks to rezone 2.68 acres to R-S Residential Single Family and 9.35 acres to A-2 Agriculture. The applicant proposes to subdivide the land in a future subdivision along the proposed zoning districts and create two land parcels.

In August 2022 the Boone County Zoning Board of Adjustment granted four variances for the property related to the Zoning Ordinance and Subdivision Regulations. All four variances are related to the proposed 2.68-acre R-S section of the property. The variances are as follows:

- Variance from rear setback for an existing garage
- Variance from the front and rear setback for an existing single-family dwelling
- Variance from the 33-foot half-width right of way
- Variance from the 250-foot minimum lot depth

The Boone County Master Plan identifies this area as being suitable for agricultural and rural residential land use. The Boone County Master Plan designates a sufficiency of resources test to determine whether adequate transportation, utilities, and public safety resources are available to support a change in zoning. Failure to pass the test should result in denial of the request. Success in passing the test should result in further analysis.

Transportation: The property has direct road frontage along East Englewood Drive, a publicly dedicated, publicly maintained roadway.

Utilities: Consolidated Water provides water service to the area. Boone Electric provides power service to the area. No public sewer service is available nearby. Future residential development will require use of an onsite wastewater system.

Public Safety: The property is approximately 8 miles from the Southern Boone County Fire Protection District station 17.

Zoning Analysis: Granting of this rezoning request is more of a modification than a creation of a R-S zoning district. The south west section of the tract already contains R-S zoning. Modification and expansion of R-S

on the property allows for a pathway for the applicant to create a subdivision under current Boone County ordinances along with the already granted variances mentioned previously. Impacts on existing infrastructure and the character of the Englewood community would be minimal.

Staff notified 14 property owners of the rezoning request. The proposal scored 38 points on the point rating system.

Staff recommends approval of the request.

*Following is discussion and public hearing for this request and Rezoning Request # 2 by the same owner.

Present, representing the request:

Jay Gebhardt, A Civil Group, 3401 W Broadway Business Park, Columbia
Andrew Biggs, owner, 10281 E Englewood Rd, Ashland

Jay Gebhardt: This is a pretty straight-forward request; we went before the Board of Adjustment and got the required variances.

Chairperson Harris: What is the objective of this request?

Jay Gebhardt: We wanted to create two lots so we could build another house.

Andrew Biggs: I am recently divorced; we have a daughter and we get along fine. We would like to make this work.

Chairperson Harris: The intent is to build one more house on the bigger piece?

Jay Gebhardt: That is correct; so their daughter can have access to both parents.

Chairperson Harris: The only unintended consequence would be further subdivision with the A-2 zoning if access was developed from the road?

Bill Florea: It would be difficult to divide it as a subdivision plat because of the configuration of the property; the most likely would be if someone had a qualifying family member and wanted to do a family transfer of property. That is about the only way the property could be further subdivided.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made, and Commissioner Furlong seconded a motion to approve the request by Andrew Biggs to rezone from A-1 (Agriculture) & R-S (Single-Family Residential) to R-S on 2.68 acres located at 10281 E Englewood Rd, Ashland:

Boyd Harris – Yes
Greg Martin – Yes
Fred Furlong – Yes
Rhonda Proctor – Yes

Eric Kurzejeski – Yes
Steve Koirtyohann – Yes
Randal Trecha – Yes
Jeff McCann – Yes

Motion to approve request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, November 1, 2022 at 7:00 PM.

2. Request by Andrew Biggs to rezone from A-1 (Agriculture) & R-S (Single-Family Residential) to A-2 on 9.35 acres located at 10281 E Englewood Rd, Ashland.

Planner, Andrew Devereux gave the following staff report:

The subject property is located off East Englewood Road, approximately 240 feet east of the intersection of East Johnson Cemetery Road and East Englewood Road. The property is 12.04 acres in size and split zoned with R-S Residential Single Family and A-1 Agriculture zoning. The zoning on the property is original 1973 zoning. The property currently has a house and several accessory structures on the southern portion. A wastewater lagoon is present on the property serving the existing home. The property is surrounded by A-1 zoning except for the west and south property lines that share a boundary with R-S zoning. The proposal seeks to rezone 2.68 acres to R-S Residential Single Family and 9.35 acres to A-2 Agriculture. The applicant proposes to subdivide the land in a future subdivision along the proposed zoning districts and create two land parcels.

In August 2022 the Boone County Zoning Board of Adjustment granted four variances for the property related to the Zoning Ordinance and Subdivision Regulations. All four variances are related to the proposed 2.68-acre R-S section of the property. The variances are as follows:

- Variance from rear setback for an existing garage
- Variance from the front and rear setback for an existing single-family dwelling
- Variance from the 33-foot half-width right of way
- Variance from the 250-foot minimum lot depth

The Boone County Master Plan identifies this area as being suitable for agricultural and rural residential land use. The Boone County Master Plan designates a sufficiency of resources test to determine whether adequate transportation, utilities, and public safety resources are available to support a change in zoning. Failure to pass the test should result in denial of the request. Success in passing the test should result in further analysis.

Transportation: The property has direct road frontage along East Englewood Drive, a publicly dedicated, publicly maintained roadway.

Utilities: Consolidated Water provides water service to the area. Boone Electric provides power service to the area. No public sewer service is available nearby. Future residential development will require use of an onsite wastewater system.

Public Safety: The property is approximately 8 miles from the Southern Boone County Fire Protection District station 17.

Zoning Analysis: Modification of the existing R-S zoning combined with the eventual land division into lots less than ten acres requires a change in the current A-1 zoning on the property. The minimum acreage for land in an A-1 zoning district is ten acres. Rezoning to A-2 would lower minimum acreage to 2.5 acres, potentially opening the area to higher density of development. Without improvements to public infrastructure such as new public roads and central sewer, combined with the design of the proposed

subdivision, the likelihood of full development potential is low. Rezoning of A-1 to A-2 adjacent to the R-S zoning district would also create an area of transition between less intense A-1 zoning to the north and east and the existing R-S zoning to the west. R-S zoning adjacent to larger lot A-1 is uncommon in Boone County. Usually there is a gradual transition from larger to small minimum acreage. Rezoning of the A-1 to A-2 would serve as the area of transition from the residential zone to the larger lot agricultural district and match a zoning pattern more consistent with other portions of the County. Granting of the A-2 rezoning request would allow for the eventual subdivision of the property and construction of an additional dwelling. Impacts on existing transportation, utilities, and public safety resources would be minimal with the addition of another home.

The proposal scored 38 points on the point rating system. Staff notified 14 property owners of the request.

Staff recommends approval of the request.

*See discussion and public hearing under previous Rezoning Request.

Chairperson Harris made, and Commissioner Trecha seconded a motion to approve the request by Andrew Biggs to rezone from A-1 (Agriculture) & R-S (Single-Family Residential) to A-2 on 9.35 acres located at 10281 E Englewood Rd, Ashland:

| | |
|----------------------|-------------------------|
| Boyd Harris – Yes | Eric Kurzejeski – Yes |
| Greg Martin – Yes | Steve Koirtyohann – Yes |
| Fred Furlong – Yes | Randal Trecha – Yes |
| Rhonda Proctor – Yes | Jeff McCann – Yes |

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, November 1, 2022 at 7:00 PM.

3. Request by MBK Investments to rezone to M-LP (Planned Light Industrial) and to approve a revised a review plan for Rockbridge Business Park on 3.39 acres located at 5105 S. Providence Rd, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on the outer road along S Providence Road, just north of the intersection of State Route K, Highway 163 and Providence Road. The property is 3.47 acres in size and zoned M-LP (Planned Light Industrial). The property has the City of Columbia to the north and east, and R-S (Residential Single-Family) to the west, and south, with C-GP (Planned General Commercial) to the southeast. It had been used as a mobile home park, originally being zoned R-M (Residential Moderate Density). The property is vacant. This property was approved for a rezoning to M-LP (Planned Light Industrial) in December of 2021 with an affiliated review plan. The final plan was approved under County Commission Order 134-2022.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. This request is to revise the proposed plan to allow for more uses of the property than initially requested in 2021. The proposed plan adds commercial and industrial uses, such as the personal services (such as barber shop and beauty parlor), photographic processing, and printing/publishing. These uses are more typically found in smaller commercial and industrial spaces, such as those proposed in this plan.

The Boone County Master Plan identifies this area as being suitable for residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is in the City of Columbia Water & Light service area for water, is provided central sewer service by the Boone County Regional Sewer District, is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has access on to the outer road along S Providence Road, a publicly dedicated, publicly maintained right of way. Internal circulation on the property is limited due to its shape, and that limitation may make increasing the intensity of some of the new uses difficult.

Public Safety: The property is in the Boone County Fire Protection District, with the station on Route K being closest for service.

Zoning Analysis: While this plan is an expansion of the uses allowed by the existing review plan, there are no physical changes proposed. The expanded use list is workable within the confines of the development. Physical limitations on the site should restrict the scale to a level where the available infrastructure can deal with the needs of the requested allowed uses.

The property scored 62 points on the rating system.

Staff recommends approval of the rezoning request and review plan.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 W Broadway Business Park, Columbia
Brian Kelly, MBK Investments, 5105 S Providence Rd, Columbia

Jay Gebhardt: This plan is an addition to some of the allowed uses; we are under construction and there has been activity about people wanting to lease the spaces. Some of the uses requested were a gym and dance studio. The gym would be private and by appointment only; not like a Planet Fitness. There has also been someone interested in doing a t-shirt shop. Those things weren’t originally contemplated when we did the rezoning a year ago; now that we’ve got a product coming to market there has been interest. There is no physical change to the plan, we already have adequate parking and stormwater has been taken care of.

Commissioner Kurzejeski: These were just unanticipated uses?

Brian Kelly: Yes; we looked at the anticipated uses but we didn’t know exactly what the interest would be. The uses can vary and these have been prospective tenants who have come to us and haven’t found a suitable place elsewhere on the south side of town. These uses would fit well within the development.

Chairperson Harris: The staff report indicated that the master plan designated this area as suitable for residential purposes but given the narrow width, by the time you put in a residential street then there is not enough room for a lot to make it a viable use.

Uriah Mach: Originally this property was a mobile home park for a long time and an original 1973 R-M zoning district. It was probably not a terrible site at the time for residential use.

Jay Gebhardt: There is also a significant stream buffer which takes up a lot of available land.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Trecha made, and Commissioner Kurzejeski seconded a motion to approve the request by MBK Investments to rezone to M-LP (Planned Light Industrial) on 3.39 acres located at 5105 S. Providence Rd, Columbia:

| | |
|----------------------|-------------------------|
| Boyd Harris – Yes | Eric Kurzejeski – Yes |
| Greg Martin – Yes | Steve Koirtyohann – Yes |
| Fred Furlong – Yes | Randal Trecha – Yes |
| Rhonda Proctor – Yes | Jeff McCann – Yes |

Motion to approve the rezoning request passes unanimously

Commissioner Furlong made, and Commissioner Proctor seconded a motion to approve the request by MBK Investments to approve a revised a review plan for Rockbridge Business Park on 3.39 acres located at 5105 S. Providence Rd, Columbia:

| | |
|----------------------|-------------------------|
| Boyd Harris – Yes | Eric Kurzejeski – Yes |
| Greg Martin – Yes | Steve Koirtyohann – Yes |
| Fred Furlong – Yes | Randal Trecha – Yes |
| Rhonda Proctor – Yes | Jeff McCann – Yes |

Motion to approve the revised review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, November 1, 2022 at 7:00 PM.

VI. Plats

1. 561 Subdivision Preliminary Plat. R-M. S24-T49N-R13W. The 561 Project, LLC, owner. Derek Forbis, surveyor.

Senior Planner, Thad Yonke gave the following staff report:

This property is on the west side of Clearview Drive approximately 3000 feet southwest of the Hwy 763-State Hwy VV-Prathersville Rd-Wagon Trail Road roundabout. The current property consists of four parcels totaling 5.79 acres. Two of the lots are in Clearview subdivision; each will be replatted along with a portion of right-of-way for Autumn Ct that has received a tentative approval from the County Commission to be vacated. The other two tracts comprise an almost 5-acre parcel of raw land and a small triangle that was deeded to the County and which must be obtained by the developer prior to final plat approval.

Harold Ct. currently ends at the northern line of this development and will be extended into and terminated with a proper cul-de-sac bulb as part of the proposed development.

The current zoning of the subject property is R-M (Residential Moderate Density). The 5- acre tract is vacant. There are houses on the two lots in Clearview subdivision. A conditional use permit was requested to site a mobile home on this tract in 1988, but that request was denied.

The surrounding properties were rezoned to R-S from R-M as part of other rezoning requests in Clearview subdivision in 1992. There have been several infill development proposals for the property in the past, but none have been brought to completion. The current proposal replaces all the previous development proposals.

The developer will have to obtain title to the portion of property not contained within the right-of-way area for Clearview Drive. This requires certification of title and proper execution by the developer's agents during the final platting process.

This preliminary plat offers direct access for proposed lots 1-6 on to Clearview Drive and on the extension Harold Court for proposed lots 7-11.

Columbia Water & Light will provide domestic water service & fire protection to this property. The Boone County Fire Protection District will provide fire protection services to this property. The Boone County Regional Sewer District will provide wastewater services to this property. The property scored 81 points on the rating system.

Staff recommended approval of the preliminary plat subject to the following condition:

1. The developer's agents continue to work with the County to secure the portion of the property contained within the proposed development that was previously deeded to the County.

Commissioner Kurzejeski made, and Chairperson Harris seconded a motion to approve 561 Subdivision Preliminary Plat with the following condition:

1. The developer's agents continue to work with the County to secure the portion of the property contained within the proposed development that was previously deeded to the County.

All members voted in favor.

2. Butch's Investments Plat 1. M-LP. S10-T47N-R12W. Butch's Investments LLC, owner. Christopher Sander, surveyor.

The following staff report was entered into the record:

The subject property is located on Route 163, approximately 1300 feet west of US Highway 63, approximately 1 mile south of the city limits of Columbia. The property currently has an existing accessory building present. The subject property is 22.09 acres in size was originally zoned A-1 (Agriculture) but has since been rezoned to M-LP (Planned Light Industrial). There is A-1 property to the south, east, and northwest, REC-P (Planned Recreation) to the west, and M-L (Light Industrial) zoning to the north and northeast.

In 2016, the subject property and the adjacent 10.04-acre tract to the east were part of a Planned Light Industrial (M-LP) rezoning request that was denied by the Planning & Zoning Commission. The subject

property then proposed for a M-LP (Planned Light Industrial) rezoning in September of 2020. That request was denied by the Planning & Zoning Commission. The subject property submitted a new rezoning request and review plan for the December 2020 agenda, and it was approved under County Commission order number 623B-2020. Then in 2022, the subject property had a revised review plan submitted that included two design options. The new proposal was approved under County Commission order number 360-2022. The Final Plan, locking in the new design, was approved in September of 2022 under County Commission Order 462-2022. The subject property is in the Bonne Femme Watershed, a studied environmentally sensitive area, and the Devil's Icebox recharge area. The property scored 55 points on the rating system.

The proposed plat divides the property into five lots, varying in size from 1.57 acres to 11.15 acres. The three smaller lots (lots 1, 2, & 3) are shown on the approved plan as being suitable for industrial development per the plan. Lot 4 is shown as also suitable for industrial development, but in a more limited manner than the smaller lots, due to substantial environmental constraints on the property. Lot 5 is being used for the installation and operation of a central sewer treatment facility under the ownership of the Boone County Regional Sewer District.

Lots 1 & 5 have direct access on to Highway 163, and lots 2-4 have access to Cadet Court, a private drive. The applicant has evaluated the traffic impacts and MoDOT has agreed with their assessment of the ability of Highway 163 to handle traffic generated by this proposal.

The proposal is served by Consolidated Public Water Service District #1, Boone Electric Cooperative, and the Boone County Fire Protection District.

The applicant is constructing a central wastewater treatment system for this development that will be operated by the Boone County Regional Sewer District.

Staff recommends approval of the final plat.

Chairperson Harris made, and Commissioner Furlong seconded a motion to approve Butch's Investments Plat 1 as recommended:

All members voted in favor.

VII. Old Business

1. Update on Commission action.

Bill Florea updated the Commission of the decisions of the County Commission as follows:

The Final Development plans for Uptown Investments (The Cedars) and Butch's Investments were approved as recommended.

The plats for Schotte Lane Subdivision, Baumgartner Subdivision and Stone Estates Plat 1 were approved.

VIII. New Business

1. Solar Regulations Public Hearing

Chairperson Harris made the following announcement:

An informational presentation will be given which will explain elements of the proposed regulations. After the presentation, the Commission will open the floor to public comment. In the interest of time, responses to questions will not be given this evening. However, a record of all questions and comments will be kept and responses may be made directly to the individual, by posting on our website, or both.

In the interest of time, please be brief with your comments so that everyone will have an opportunity to speak. We also ask that you not be repetitious with your remarks. Additional comments or questions may be made in writing to RMPlanning@boonecountymo.org until November 10, 2022.

After the public hearings are completed, Resource Management will review and organize the comments and questions and forward them to the Planning and Zoning Commission. The Commission may make changes to the proposed regulations as a result of the comments received, or they may make a recommendation for approval or denial to the County Commission. The County Commission will hold at least one public hearing before making a final decision.

A power point was presented, a copy of which is attached to the end of these minutes.

Chairperson Harris opened the floor for public comment.

Present with comments:

Melissa Vancrum, 4510 Bellview Ave, Kansas City, MO

Melissa Vancrum: I am here on behalf of my client, Boone-Stephens Solar One, LLC which is a subsidiary of Enel Green Power of North America. Joining by phone tonight is Jay Regnier, who is a developer with Enel Green Power as well. Boone-Stephens appreciates the efforts of staff and the effort of the County to adopt comprehensive regulations for siting within the county. We believe it is a very important thing to do because having well sited and environmentally compatible projects can benefit the county in an important way. We have discussed the regulations with staff and feel it is important to go ahead and continue that conversation here as well. There are a number of good elements to the regulations, there are few things we have concerns about that we have expressed to staff and have included in letters. When researching solar there is a lot of misinformation or outdated information online. In the siting process there is a significant amount of due diligence and investment that goes into a utility scale solar project before it ever comes before the county for permitting; that includes solar resource analysis to make sure there are sufficient resources of the sun to make it worthwhile, it includes evaluating the locations, typically these projects are sited close to transmission infrastructure because if they are not and spread out the result is you get long transmission lines. Generally, they are concentrated close to specific transmission infrastructure so you can put them on the grid with very limited transmission lines. There is extensive interconnection studies, interconnection reports, and the process to get approved to put the energy on the grid can take years, often that happens much after the project is approved. There is landowner outreach, if you have a 500 acre project you aren't just going to go to one landowner; it requires piecing together parcels from different landowners that desire to participate, whether through leases or purchase options. There are also extensive environmental studies in consultation with state and federal agencies that take place. The Boone-Stephens project has undertaken extensive efforts already in terms of siting and coordination on biological and various environmental aspects. We work a lot with US Fish and Wildlife, Missouri Department of Conservation, and Missouri Department of Natural Resources in addition to the Army Corps of Engineers. There are further extensive studies and permits and various approvals at different levels that have to happen. The reason that this matters is that there are expert agencies that will have recommendations and consultation and reports that applicants can provide to the county for review. That is really the key, when adopting regulations it is important not to have a lot of restrictions about a project "must be" or "it has to be"; some parameters are good but there are so many projects that are good quality projects but if you have too many of those constraints you will never see those projects. Among those items can be vegetative screening. Often around here you have heavily treed

areas that will give natural screening. In certain areas screening is not as important, if you are near residences that is the place where screening makes more sense. Glare is something that people consider to be a big issue but the FAA, being the agency that is the most concerned about glare, has recently said that it is essentially the same amount of reflection that you get off of glass or building windows. Ultimately a project would not get built without tens of millions of dollars of investment which means there is a significant amount of stakeholder involvement. That provides an insurance policy and the county can know that a project will get built if it is possible to get built once they have gone through the permitting process and once it is built it will continue to operate because those stakeholders that invested the money will make sure, even if one entity were to go out. There is a massive amount of money in the equipment, their power purchase agreements for the people that are using the power and there is the interconnection agreement so they will make sure that there is someone who is experienced and capable of continuing to run it so they can recoup their investment. It is less about the need to approve the entity that is actually building or operating a project as insuring that any owner that is operating the project is required to abide by all of the rules and obligations of that project. It is very similar to any project, you often don't have assurances when someone builds a commercial building or anything else if the same person is going to operate it but here there is a lot of money at stake and that will ensure that someone will continue to use it. With renewable energy projects there are decommissioning and that ensures that the project will be removed at the end of their life and the land restored. In places that have developed projects that is typically phased in considering the value of the equipment at the beginning of the project life and the ability for it to keep running. As with any other commercial project if you needed the money up front to both construct and operate it and 150% of the cost to remove it at the beginning before you even break ground you wouldn't see many projects get built. It is all a matter of balance and making sure that the county is protected while looking at the full context of the projects.

Chairperson Harris: The Commission hears what Ms. Vancrum is saying and we have the letter from Mr. Regnier. There are points in that letter that you may want to reconsider because about half of the letter strikes me as "we just don't want to do that, we just don't to jump through the hoops". I would suggest, in the days ahead, that you come up with a more cogent argument for opposition than "we just don't want to". Typically that is not something that will be successful with this Commission.

Melissa Vancrum: I appreciate that feedback.

The following letter was received from Enel Green Power.

October 19, 2022
VIA EMAIL (bflorea@boonecountymo.org)
Boone County Planning and Zoning Commission
c/o Bill Florea
Director, Boone County Resource Management
Boone County Government Center
801 E Walnut, Rm. 315
Columbia, MO 65201-7732

Subject: Boone County Proposed Solar Text Amendment Draft – Planning & Zoning Commission Meeting – October 20, 2022

Members,

Thank you for the opportunity to provide comments on the proposed Boone County Zoning Ordinance (Ordinance) text amendment on solar energy systems (Amendment). Boone Stephens Solar Project is in the process of developing a project in Boone County that could be negatively impacted by the proposed amendment in its current form.

We fully support the County's effort to add more comprehensive siting regulations for solar energy to the Ordinance because that commitment can greatly improve the County's ability to benefit from high-quality, environmentally appropriate projects. We have discussed initial concerns with the previous outline with staff. There are certain items from our previous discussion that have not yet been captured in the latest draft that might unintentionally inhibit solar projects locating in the County. Following are highlights of the biggest concerns.

Vegetative Screening –It is not practically feasible or necessary to screen the entire perimeter of a solar project. More commonly vegetative screening would be recommended to be proposed through a landscape plan in specific areas where there are existing and occupied residences in close proximity (typically 200-300 feet) of a solar project that have not waived such requirements. Often existing natural features may also already provide effective screening so review of a landscape plan can take this into consideration on a case-by-case basis.

Conceptual Plan – There are many details that are not final at the time of submission of an application for a rezoning or CUP due to unique, lengthy development process of a solar project with many factors outside the developer's control such as interconnection approval. For this reason, it is important to distinguish clearly between the detail in plans and associated materials required with an application for a rezoning/CUP versus

the final plan submitted with the application for building permits. There are a number of items that would be more appropriately required with the application for building permits listed in the proposed amendment, including the following:

- Conceptual versus final design – key to specify level of flexibility for administrative approval for shifts in location of panels within the established parcels, setbacks, buffers approved through the rezoning/CUP
- Transportation Infrastructure Plan and Mitigation Plan and Agreement
- Interconnection notification (queue number would be available)
- Fire suppression plan

Decommissioning - The requirements for decommissioning security are extremely onerous and not consistent with requirements in other jurisdictions that have developed solar projects. The cost of decommissioning is typically estimated by a third-party consultant hired by the applicant. The security should be phased in over time and reflect the value of the equipment. Before a project starts operations, there are many millions of dollars of investment that will ensure a project starts operations once it is constructed and continues to operate even if a company were to go into bankruptcy. It is also unclear as to why 150% of the decommissioning cost would need to be set aside, especially when this amount could be updated every 5 years to reflect actual increases in costs and depreciation in equipment.

Short Repair Timeline – It is unclear the reason for the requirement that a panel that is inoperable be replaced within 90 days. Supply chain shortages can make it impossible to ensure such turnarounds unless there is sufficient on-site storage for additional solar panels.

Wildlife Corridor Fencing – Rather than requiring separate clusters of panels to be fenced separately, the Ordinance should refer to the required third-party environmental assessment and wildlife agency review to allow the experts in these areas to determine impacts to wildlife and potential mitigations. Fencing may not be necessary and may have many unintended consequences without consideration of alternatives.

Glare Percentage – Photovoltaic solar panels are designed to absorb light rather than reflect it which means that glare is more of an anticipated than actual issue with most projects. FAA has likened glare from such panels to windows or water in recent policy guidance. As written, Glare Percentage does not appear to be measurable with currently available tools and is inconsistent with how FAA and relevant authorities measure

glare. Glare should be minimized on adjacent properties and any glare that could present a safety hazard mitigated. If desired, the same tools used to measure glare by the FAA can be used to demonstrate this standard is met and would provide a more realistic measure of any negative impacts.

Restriction on Transfers – the current draft requires County approval for any transfers within a SEOD. However, Missouri law authorizing counties to zone requires uniformity, contrary to restricting zoning overlay to the identity of a particular owner/operator. It is also not possible to provide the extensive detail that is required of a prospective purchaser of a project for County approval of a transfer as currently drafted. There are legal methods to adequately protect the County that we are happy to discuss as appropriate.

We appreciate the opportunity to provide input in this process. Although many jurisdictions are hesitant to embrace comment from industry, we review numerous regulations on a regular basis to develop projects in full compliance. We understand through experience the regulations that are feasible and problematic and, most of all, that everyone benefits from clear regulations that outline how the County and applicant will work together on the development, approval, construction and operation of a renewable energy project. These are unique projects that require an understanding of the technology, which is constantly changing, in order to properly regulate development.

We thank you for your time and consideration and welcome the opportunity to continue to work with the County in development of comprehensive solar regulations. Please feel free to contact me with any questions.

Sincerely,

Jay Regnier
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Enel Green Power for
Boone Stephens Solar Project, LLC
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Public hearing closed.

The next public hearings are scheduled for:

Wednesday, November 2, 2022 at 6:30 PM at the Southern Boone School, Central Office Board Room, 5275 W Red Tail Drive, Ashland, and

Thursday, November 10, 2022 at 6:30 PM at the Centralia Clinic, 1021 E Highway 22, Centralia.

2. Subdivision Regulations Update

No updates.

IX. Adjourn

Being no further business, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Secretary

Greg Martin, Secretary

Minutes approved on this 17th day of November 2022

DRAFT