

BOONE COUNTY PLANNING & ZONING COMMISSION
WORK SESSION & WIND FARM REGULATIONS PUBLIC HEARING
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

6:00 P.M.

Thursday, April 8, 2021

Commissioners present: Boyd Harris, Eric Kurzejeski, Michael Poehlman, Greg Martin, Steve Koirtyohann, Bill Lloyd, Rhonda Proctor, Jeff McCann, Fred Furlong, Randal Trecha

Absent: Daniel Mings

Staff: Bill Florea, Thad Yonke, Uriah Mach, Cece Riley, Paula Evans

Chairperson Harris called the work session to order at 6:00 PM

Staff informed the Commission of the items on the April 15, 2021 Planning and Zoning Commission meeting and gave a brief summary of each.

Worksession adjourned 6:15 PM

The first public hearing to receive comments and questions regarding the proposed Wind Farm regulations was called to order at 6:30 PM.

Chairperson Harris read the following statement:

Good evening and welcome to tonight's hearing regarding the proposed Boone County Wind Farm Regulations. An informational presentation will be given which will explain the proposed regulations. After the presentation, the Commission will call upon those who have pre-registered to speak, after those who have pre-registered have spoken, anyone present who wishes to make comments may do so. In the interest of time, responses to questions may 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. Forms have been made available for those who prefer to submit their questions in writing.

If you choose to provide testimony this evening and have not pre-registered, please complete the "Request to Speak" form and place in the box on the table. Please be concise and we ask that you not be repetitious with your remarks, we also ask that you restrict your comments to the proposed regulations. We recognize that this issue can be quite emotional, in that regard we ask that you refrain from applause, cheers or other signs of support or displeasure. Please be considerate of everyone here.

In order to give everyone an opportunity, speakers will be limited to five minutes each. Time limits may be changed depending on how the hearing progresses. If you feel that your allotted time is not enough, you are welcome to attend later public hearings or submit your additional comments in writing. Comments and questions can be submitted in writing and by email until May 1, 2021, to: WECOD@boonecountymo.org.

This is the first of three public hearings to be held by the Planning and Zoning Commission. No decision will be made tonight. 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 another public hearing regarding

the final draft. The County Commission may approve or deny the regulations, or they may refer them back to the Planning and Zoning Commission for further consideration.

The progress of the proposed regulations will be updated regularly on our website at:
www.showmeboone.com/resource-management/WECOD

Staff gave a power point presentation which included a brief summary of the requirements for establishing a wind farm in Boone County. This power point is available on the previously mentioned website.

The floor was open for comments:

Susan Goodman, 11581 N Trimble Rd, Harrisburg

Note: Ms. Goodman presented several displays but did not leave any for the record.

Ms. Goodman spoke about property values and proposed that a property value guarantee agreement be required. Ms. Goodman states that according to NASA research they were surprised that they received complaints from a dozen families within a three-kilometer radius of turbines. According to Mike McCann there is a property value devaluation, it goes down 25% and it can go down 40% and even 100% if the property becomes uninhabitable. If we have a property value guarantee agreement then we can do something about it and they will have to buy your property. Two years later Mr. McCann said that is not far enough within three miles, it is better if it is three megawatt turbines because they have more impact.

Ms. Goodman also spoke about noise levels (page 13, Section 29.8.1.1) stating that according to the World Health Organization, at 40-55 decibels adverse health effects are observed among the exposed people, children, the elderly and people with chronic diseases are affected more. Above 55 decibels is considered increasingly dangerous to the public health. Adverse health effects occur frequently, a sizable amount of the population have them and are sleep disturbed and there is evidence of increased risk of cardiovascular disease. Ms. Goodman provided a link of 1500 pages of documents from Madison County, Iowa Health Department who declared wind turbines to be a health hazard. Ms. Goodman referred to 15 peer-reviewed articles of the adverse health effects of wind turbine noise. She also referred to Australia stating that the larger wind turbines produce more noise in the infrasound range and low frequency and operate at lower RPMs. A retired fire-chief wrote that pieces of blades have been documented as traveling over 4200 feet.

Ms. Goodman stated operators should maintain project-wide windfarm general liability insurance.

Chairperson Harris asked Ms. Goodman if she lives or owns property in the general area where the project has been proposed in Boone County. Ms. Goodman stated yes.

Chairperson Harris called Allison Kite attending by video. Ms. Kite did not answer.

Chairperson Harris called Jenna Rose attending by video. Ms. Rose did not answer.

Tom Weislocher, 11581 N Trimble Rd, Harrisburg

Regarding Section 29.7.4.1, Historical, Cultural and Archeological Resources Mr. Weislocher asked if close proximity means 1000 feet, 2000 feet or two miles? Mr. Weislocher believes it should be more specific. He also asked if Sensitive Historical, Cultural and Archeological resources included churches, cemeteries, or multi-generational family farms and stated that there are a lot of those in this area.

Section 29.8.5.5 states that individual turbine heights and markings shall comply with FAA regulations. If lighting of turbines or other structures are required, daytime white, nighttime red shall be the only type of lighting allowed unless prohibited by law. Mr. Weislocher stated one of the big complaints that homeowners near the wind farms have is that the night sky is ruined by the constant, unsynchronized flashing of red lights. There are already several FAA approved solutions to this problem, most commonly involving a system that keeps the lights off at night and uses radar within the turbines to detect approaching aircraft and automatically activates the flashing red lights only while aircraft are in the area.

Mr. Weislocher stated he is not aware of any industrial windfarms in Missouri that are utilizing these systems. Given that Boone County is densely populated relative to other areas where commercial windfarms exist, he thinks that lights off at night, except when activated by approaching aircraft, should be a requirement.

The draft regulation does not state where the power goes. Part of the attraction of this area is the proximity to power transmission lines but there has been no mention of any developer having encamped a cell tower to any utility within Boone County. It will more likely be transmitted up the line to the highest bidder. Given that the City of Columbia's ordinance specifies that 30% of direct electric retail usage come from eligible renewable energy resources by 2028, I think the county regulations should require that the project owner give first option to purchase power at competitive rates to utilities within Boone County. It would be a shame to allow destruction of the rural landscape and not be able to reap the benefit of the energy being produced.

Mr. Weislocher spoke about the reduction of property values and believes the developer should provide additional security to Boone County to be escrowed by the county for the purpose of compensating the property owners who are not leasing land to the developer in the event that their property becomes affected by it as demonstrated by appraisal. If no one applies for and is approved to receive this compensation then those escrowed funds would be returned to the developer at the end of a specified period.

Mr. Weislocher continued that the proposed regulations are a complex system of inter-related moving parts, changing any one thing would send ripples through the workings and would necessitate other changes. For example, if a developer should request approval to build a turbine taller than 355 feet then that would entail a corresponding proportional increase in the 1750 feet setback distance.

Hazardous material during the construction and operation phase. Each turbine typically has a pad mounted transformer containing up to 500 gallons of mineral oil, these are shipped empty and filled onsite. In addition, each substation transformer, where the project connects to the grid, may contain up to 12,000 gallons of mineral oil. Once online each turbine requires copious amounts of hazardous fluids on an ongoing basis such as glycol, hydraulic oil, and lubricating oil. All these fluids must be drained and replaced on a regular basis. If kept onsite, whether above ground or below ground they present a risk of soil, stream, and ground water contamination. I propose that no onsite storage of hazardous fluids, new or used, should be allowed.

Regarding enforcement, if the County detects wind turbines out of compliance due to noise levels, location or hazards and the county issues an order to repair, modify, or cease desist, if that order is not complied with in a timely manner then the county shall retain the authority to shut-down and remove power or take the turbines offline.

James Owen, Executive Director, Renew Missouri, 409 Vandiver Dr, Ste 205, Columbia

Mr. Owen stated that Renew Missouri works frequently with industries working on renewable energy, including the wind industry. In the conversations I have had with individual companies and national and regional organizations representing the wind industry in this Country we have talked about this proposed set of regulations and while we are encouraged that Boone County is taking steps toward looking to offer guidelines on how this can

be done we believe that these rules, as written, will not allow for any meaningful or significant wind farm opportunities for any industry anywhere. I think it is important to address that. My objectivity may be called into question, but it is important to look at how these ordinances are drafted and how they compare to other parts of the country and state where there is zoning.

Looking at the requirements for signatures and setbacks, it presents so many geographical challenges to it that you would never be able to find anyone or any project that would meet those elements. With the 1750 feet setback from public roads and other private property lines the reality is I am not sure there are very many places at all in Boone County where you could have more than one or two turbines in a specific location. If you look at what has been done in Kansas and Oklahoma, you will find that there are regulations that look at 1750 and 1000 feet. We are not asking for a free pass to let them put them where they want to, I think we should be mindful of the practicality of what the industry has to look at. I know there are a lot of residents who are concerned. If you look at Adair County it is a very similar setup, they have small towns around a larger town, and they have seen incredible benefits from wind. They've seen increases to their property tax base and farmers who benefit from the income from the leases. Wind technicians make an average of \$65,000 per year. Those economic elements are enough to say that we should be looking at regulations that are going to allow for something to be put here.

I know there is a lot of concern and a lot of issues. Any time that you look at doing something different there is going to be concern from people. I think that the concerns are outweighed by the benefits. If these regulations were to be put in to place, we wouldn't see anything happen. I would encourage this Commission to look at what they have already put together and work with people in the industry and some of the organizations that have technical expertise in this. They have dealt with it in other counties and know what the problems and challenges and also know what the opportunities are.

Jay Hasheider, 1812 Cliff Drive, Columbia

Mr. Hasheider stated he is not financially involved in this debate but is an advocate for climate. Mr. Hasheider wants to keep the climate we have; wind energy is a renewable energy that would help reduce the amount of carbon produced. The regulations that are being proposed for wind development is an intimidating amount of rules, guidelines, and requirements that is essentially going to eliminate any development in this county. I can't image anyone going through all of that labor and expense just to apply. It is a waste of the Commission's time; you could have just said no wind development in Boone County from what I am seeing from the regulations. I can't believe there is such a daunting set of rules in any other place. If you look at some of the other developments for energy such as the Peabody coal mine, they came in and tore up the county. This seems like a targeted set of guidelines for one particular industry which is an industry that is beneficial for the good of all of us in the sense of producing energy without creating a climate problem. The interest of Boone County is not simply to not see windmills but there is an interest to provide benefits to all of the citizens. These interests include doing something in a positive way for the climate. Making a decision to clamp down with such severe regulations is not going to be something that would sit well with me going into the future as you hear more about climate problems. We need wind generation and solar panels, we need to reduce ourselves from fossil fuels, the landscapes you are trying to protect are not going to stay the way they are because climate is going to take care of them.

Chairperson Harris called Carolyn Chrisman attending by video. Ms. Chrisman did not answer.

Jenna Rose, attending by video, 2308 Berry View Ct, Columbia

Ms. Rose stated she has spent most of her career as an advocate and communicator for bio-based products and renewable energy. Ms. Rose stated she mostly works in biodiesel and has a deep appreciation for diversification of energy, especially renewable energy, we need an all of the above approach and that includes wind. We should not be looking for one single technology or fuel, we need them all and that makes our energy economy stronger. We shouldn't have ordinances that are too restrictive for an all of the above approach and we need to make sure we

have reasonable ordinances that allow energy to be made locally and to benefit local farmers. Biodiesel is a good example of something that allows farmers to participate in the energy economy and that is better for all of us. This is the direction we need to be heading as a society and as a community. It feels like the tide is finally turning in a meaningful way in favor of renewable energy. With many companies and states taking bold action on carbon I see that we are on the edge of a decade that will bring irreversible change and we can be a part of that and have some say in how we contribute, or we can have it done for us and to us. I would rather see my community, which has always leaned green, be a part of the solution rather than resisting change and trying to keep the status quo. Wind is an area we need to go and work toward. I would like to urge the Commission to adopt reasonable ordinances that will allow energy to be made locally and benefit the local economy.

Chairperson Harris called Allison Kite, attending by video.

Allison Kite indicated she did not wish to add any comments.

Rex Smith, 12700 N Rte J, Harrisburg

Mr. Smith stated he lives in the area the wind farm was originally proposed. We do need renewable energy, but you don't want to put a nuclear reactor in New York City either. The population in Boone County has gotten to the point that this would really be burdensome to a lot of people. You can go one county north or west and find a lot of land that would be less impacted by a wind development than what you would see in Boone County. It doesn't have to be here. I don't want to step out and listen to the frogs at night and hear the windmill turning. There are better places to put it, there are a lot of acreages in a short distance that this could be placed.

No one else wished to speak.

Chairperson Harris stated the next public hearing would be on April 20, 2021 in the Harrisburg High School Gym at 6:30 PM. There will be no video or phone capability in Harrisburg, if you wish to speak you will have to do so in person or send written comments to WECOD@boonecountymo.org.

The work session adjourned at 7:22 PM.

Meeting notes prepared by Paula Evans, Administrative Coordinator, Boone County Resource Management