

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, May 20, 2021

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
Michael Poehlman, Secretary
Gregory Martin
Rhonda Proctor
Daniel Mings
Randal Trecha
Steve Koirtyohann
Jeff McCann

Centralia Township
Missouri Township
Rock Bridge Township
Katy Township
Perche Township
Columbia Township
Cedar Township
Rocky Fork Township
County Engineer

b. Members Absent

Bill Lloyd
Fred Furlong

Three Creeks Township
Bourbon Township

c. Staff Present:

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

Thad Yonke, Senior Planner
Cece Riley, Planner

III. Approval of Minutes:

Minutes from the April 15, 2021 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following statement:

The Boone County Planning & 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.

The planning and zoning commission makes recommendations to the county commission on matters dealing with land use. Tonight's agenda includes one Final Development Plan and three subdivision plats.

The following procedure will be followed:

All persons in the Government Center, including those fully vaccinated, are required to wear a face mask and maintain 6-feet of physical distance from each other.

The agenda item will be announced, followed by a report from the planning department staff.

The Planning and Zoning Commission will then make a motion to either approve or deny the agenda item. The Commission may approve the plats on a consent agenda.

All items that are recommended approval are forwarded to the County Commission where they will consider the items on Tuesday, June 1st. The County Commission meeting scheduled for Tuesday, June 1st will begin at 9:30 a.m. and will convene in Room 301 of this building. The County Commission meeting can be attended by phone, the call-in information will be printed on the official meeting agenda.

Also, on the agenda tonight is a discussion of public comments received regarding the draft windfarm regulations. The public is welcome and encouraged to observe. However, the Planning and Zoning Commission is not taking additional public comment on this matter.

V. Planned Developments

1. Request by Danny Hill to approve a Final Development Plan for Lot 4 Concorde South Plat 2 on 1.82 acres located at 4775 E Meyer Industrial Drive, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is 1.82 acres in size and located approximately 1/4 mile south of Columbia, on Meyer Industrial Drive. The property is zoned M-GP (Planned General Industrial). There is M-LP (Planned Light Industrial) & M-L zoning to the north, with M-GP zoning to the east, south and west. The M-LP was rezoned in 2012. The M-GP was also rezoned in 2012. This site's second review plan was revised and finalized in late December of 2017. The current revised review plan was approved on the April 2021 County Commission agenda. The M-L is original 1973 zoning. The property is currently vacant.

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. The property scored 83 points on the rating system.

The approved rezoning request is for a building with office and warehouse uses for Elite Orthopedics, as well as a future expansion to that building. The revised review plan was approved on the April 27, 2021 County Commission agenda under order 174-2021 with no added conditions.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identifies 3 criteria for approval:

- All the required information is accurately portrayed on the Plan
- The Final Plan conforms to the approved Review Plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan

After a review of the submitted Final Plan, staff have concluded the following regarding this Final Plan and the 3 criteria for approval:

1. All required information is accurately portrayed on the Plan.

Staff believes this criterion has been met.

2. The Final Plan conforms to the approved Review Plan.

Staff has determined that the submitted Final Plan conforms to the approved Review Plan. This criteria has been met.

3. The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan.

The County Commission imposed no conditions on this Final Plan, therefore this criteria has been met.

Based on the review of the Final Plan, staff recommends **approval** of the revised final plan.

Commissioner Koirtyohann made and Commissioner McCann seconded a motion to approve the final development plan for Danny Hill for Lot 4 Concorde South Plat 2 on 1.82 acres located at 4775 E Meyer Industrial Drive, Columbia:

Boyd Harris – Yes
Michael Poehlman – Yes
Rhonda Proctor – Yes
Daniel Mings – Yes
Jeff McCann – Yes

Eric Kurzejeski – Yes
Greg Martin – Yes
Steve Koirtyohann – Yes
Randal Trecha – Yes

Chairperson Harris stated that this request would go to the County Commission on Tuesday, June 1st at 9:30 AM.

VI. Plats

The following plats were placed on consent agenda:

1. Trade Winds Park, Plat 1-B. S12-T48N-R12W. M-L. Martin Equipment of Illinois, owner. David Borden, surveyor.

The following staff report was entered into the record:

The subject property is located on the south side of I-70 Drive SE at the immediate southwestern corner of the intersection of Trade Winds Parkway and I-70 Dr SE approximately 1400 feet west of the Route Z interchange on I-70. The site is approximately 3/4 mile east of the municipal limits of the City of Columbia. The property is zoned M-L (Light Industrial). Property to the north across I-70 is zoned A-2 (agriculture). Property to the east, south and west is zoned M-L and all the surrounding property zoning is original 1973 zoning. This proposal splits an existing lot, Lot 3 of Trade Winds Park Plat No 1, into two lots, proposed (Lot 3A) of 7.37-acres and proposed (Lot 3B) of 4.00-acres.

The subject property has frontage on both I-70 Dr SE and Trade Winds Parkway. Access is permitted only on Trade Winds Parkway. The applicant has requested a waiver to the traffic study requirement.

Public Water Service District #9 provides water service to these lots. The property is located inside the Boone County Fire Protection District service area.

The subject property has wastewater service provided by the Boone County Regional Sewer District.

The original approval of this plat was subject to the following conditions:

1. That it is understood that modifications to the plat may be required to comply with both the City & County Regulations and that a sign-off from the city prior to recording will be needed
2. That this plat must work out the sewer and road placement issues to the satisfaction of the Director of Planning, BCPW, & BCRSD.
3. Appropriate cross-references to existing easements be placed upon the graphic.
4. That it is recognized that the existing preliminary plat is still expected to represent the replatting of the larger lots into smaller ones.

The plat must proceed through the City of Columbia's approval process prior to approval by the county commission. It is our understanding that this has been done.

The property scored 78 points on the rating system.

Staff recommends approval of the plat with the following conditions:

1. That it is understood that modifications to the plat may be required to comply with both the City & County Regulations and that a sign-off from the city prior to recording will be needed.
2. Montague Subdivision. S7-T49N-R12W. A-2. James Montague, owner. Donald Bormann, surveyor.

The following staff report was entered into the record:

The subject property is located on the south side of Calvert Hill Road approximately 350 feet east of the intersection of Calvert Hill Road and Wagon Trail Road. The site is approximately 2 miles northwest of the municipal limits of the City of Columbia. The property is zoned A-2 (agriculture). All the surrounding property is also zoned A-2 and this zoning is original 1973 zoning. This proposal will create two platted lots from three existing lots currently comprising two different tax parcels. Proposed Lot 1 is 5.24-acres and contains a house, shed, and existing wastewater system. Proposed Lot 2 is 7.06-acres and contains a mobile home and its associated wastewater system. Both proposed lots have direct frontage on and access to Calvert Hill Road. The applicant has requested a waiver to the traffic study requirement and the cost/benefit analysis for provision of central sewer. Staff concurs with the waiver requests.

Public Water Service District #4 provides water service to these lots. The property is located inside the Boone County Fire Protection District service area hydrants are not required for this development. On-site wastewater exists on each lot and any replacement system will need to go through the Health Department.

The property scored 54 points on the rating system.

Staff recommends approval of the plat and waiver requests:

3. Bellaridge Subdivision Plat 5. S34-T46N-R12W. A-R. Bryan & Leslie Crump, owners. Anthony Derboven, surveyor.

The following staff report was entered into the record:

The subject property is located at the eastern corner of the intersection of State Route A and Old Highway 63, approximately 2 miles south of the city limits of Ashland. The subject property is 60.96 acres in size, and split zoned A-R (Agriculture-Residential) and A-2 (Agriculture). The property has A-R zoning to the north, west, and south, and east across US Highway 63, there is A-2 zoning. This proposal creates one 6.41 acre lot and one 5 acre lot from a 31.80 acre survey tract. The remainder of the 60.96 acres has been divided by a 15.70 administrative survey(zoned A-2), and a 12 acre administrative survey.

The proposed lots have direct access on to Old Highway 63, a publicly-dedicated, publicly-maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

The subject property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

On-site wastewater systems are proposed for both of these lots, consistent with the rest of the development. The applicant has already submitted a cost-benefit analysis for the development area.

The property scored 58 points on the rating system.

Staff recommends approval of the plat and granting the requested waiver.

Commissioner Martin made, and Commissioner Koirtyohann seconded a motion to approve, as recommended, items on consent agenda

All members voted in favor.

VII. Old Business

Update on Commission action.

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

The conditional use permit for Con-Agg LLC at 2201 W. Williams Rd, Sturgeon was approved as recommended.

The request by T-Vine Development to rezone and approve a review plan for Settlers Ridge Plat 5 was approved as recommended.

The request by Danny Hill to rezone and approve a review plan for Lot 4, Concorde South Plat 2 was approved. The final development plan was on tonight's agenda.

The final development plans for James Pounds and Club Car Wash Headquarters were approved.

The plats that went forward to the County Commission were also approved.
(Central Bridge Subdivision Plat 2, Ben Williams Corner, and Windy Ridge)

VIII. New Business

Wind Farm Regulations Public Comment Review

Director, Bill Florea stated that when creating new regulations, the Commission should have documentation and reference a history of how their decisions were made. For example, a document titled “A method for defining wind turbine setback standards” submitted by Eric Lidholm, a member of the City of Columbia’s former Energy and Environment Commission, suggests that blade-tip speed and not tower height is what should be used to determine the setbacks. This document was what the Commission used to help determine the 1750-foot setback requirement. Also used in this decision was the 1750-foot buffer map that showed where in Boone County a wind turbine may be placed and meet that proposed setback. The Commission has good documentation showing how and why that decision was made.

Mr. Florea continued to say that some of the arguments against the proposed regulations have been framed in terms of being anti-alternative energy. Some of the County Commissioners have expressed concern with that. It was suggested in some of our earlier work sessions that we work on utility scale solar power regulations and I have gotten some positive feedback from the County Commission to move in that direction. After we finish these regulations and get the subdivision regulations done I would like to begin work on commercial-scale solar.

Only sections of the WECOD that received comments and were addressed during this meeting will be included in the minutes. Public comments received are in color.

2. DEFINITIONS

Cluster: A group of WECS, contained within the same WECOD, that are geographically adjacent, and each tower is less than 1.25 times the minimum spacing distance from at least one other WECS in the group.

Regarding the definition of cluster on the first page. I believe you mean for it to match the information on 29.8.8.3, changing the wording from “less than 1.25 times the minimum spacing distance from the least one other WECS in the group” to “no greater than 1.25 times the minimum spacing distance..”

Staff Comment: The wording in the definition was deliberate.

The Commission determined that no action was needed.

SECTION 29 WIND ENERGY CONVERSION OVERLAY DISTRICT (WECOD)

29.1.1 The intent of the Wind Energy Conversion Overlay District is to establish an area or areas where Wind Energy Conversion Systems-Commercial (WECS-C) are allowed by Conditional Use Permit. Interested property owners in the area that is proposed for designation shall instigate the initiative for the designation.

29.1.1 (The property owners should not be the only ones who can instigate the initiative of the WECOD. The wind energy company that desires to build on a site should be able to handle the application process on behalf of property owners. Appropriate documentation from the property

owner or owners indicating their support for the WECOD application process should be submitted at the beginning of the process. Individual landowners can't bear the expense and effort of preparing these applications. Additionally, cutting the wind company out of the process leaves it at risk of being unable to defend its own interests.

Staff Comment: The property owner is not the only one who can instigate a WECOD, the regulations say that the property owner has to instigate it, the property owner will have to sign the application but there are representatives doing work on behalf of property owners all the time. The zoning regulations state "property owners or their representative".

The Commission agreed that no action was needed.

29.2 Qualifying Underlying Zoning Districts: A WECOD may be requested in Agriculture or Industrial zoning districts.

29.2 I would like to see wind turbines stay strictly to A-1 zoning districts. It would be more suitable north of Hallsville, Sturgeon and Centralia.

Staff Comment: Staff believes that will be too restrictive, a lot of the sites are A-2 and that would eliminate some of the sites on the 1750-foot buffer map.

The Commission agreed it would be too restrictive and that no action was needed.

29.3.1.1 Primary District Area Requirements:

- The smallest component of a Primary District is one-quarter (1/4) Section as defined by the Public Land Survey System. Therefore, when any portion of a lot that is included in a WECOD falls within a one-quarter section, the entire quarter section shall be included in the WECOD
- A Primary District must include a minimum of four (4) contiguous one-quarter (1/4) Sections

29.3.1.1 A primary district should not have to be as large as 640 acres. Wind farms exist that fit six turbines comfortably within 300 acres. By requiring four contiguous one-quarter sections, it is burdensome and unequitable to landowners with smaller properties. Additionally, it would be useful to have less stringent ordinances for a small commercial wind operation versus a large commercial wind operation. Some localities utilize different standards for large and small operations. These proposed ordinances seemed designed for a large operation.

Staff Comment: Landowners of smaller properties are not going to be able to have a tower on their property. This is really the heart of the regulations and changing this would be very significant. Staff recommends no action.

Commissioner Kurzejeski: The comment that six turbines can fit on 300 acres, is that not true with our regulations?

Bill Florea: It is not true with our regulations.

Commissioner Kurzejeski: Given our regulations is 640 acres what you have to have?

Bill Florea: Staff has not done the calculations on how many you can get in 640 acres. The reason 640 was chosen is because wind turbines are character changing structures. So, you need to have a big area and

include those property owners, in the decision-making process, who have invested their money into an area live in.

Commissioner Trecha: We have not calculated whether a tower could be placed on a 300-acre property?

Bill Florea: A 300-acre parcel can fit at least one turbine if the property was shaped correctly.

Commissioner Trecha: One turbine but not one cluster?

Bill Florea: Probably not. It would depend on the size of the turbines because there is a separation requirement based on the blade diameter.

Commissioner Trecha: If a homeowner association or a small group of landowners all agreed you wouldn't allow them to have them on smaller parcels?

Bill Florea: Our regulations don't allow for property owners to waive setback requirements.

Commissioner Kurzejeski: Mr. Florea mentioned that what decisions we made had to be justifiable; are we comfortable that 640 acres is justifiable as a reasonable district size?

Thad Yonke: It is one section.

Bill Florea: This issue has been discussed quite a bit; it cannot be said that you didn't carefully consider this requirement. I am comfortable with it.

Commissioner Martin: The 640 acres is a minimum, this doesn't say the applicant can't have a 10 square mile WECOD.

Bill Florea: The applicants can't pick and choose areas; they have to go one-quarter section at a time.

The Commission agreed that no action was needed.

29.3.1.2 Buffer Area Requirements: The Buffer shall extend 1,320 feet outward from the perimeter of the Primary District.

Buffer requirements should only depend on the presence of building structures or infrastructure such as homes, barns or public roads and be based on the height of the tower. A buffer standard for the entire boundary of the WECOD seems excessive.

Staff Comment: We believe this comment conflates buffers and setbacks. They are two different things. We believe people living in the buffer are impacted as well but less so than those within the 640-acre area. Staff does not believe it is excessive because the people in that buffer are going to be affected so they should have some say, but it is the Commission's decision to make.

Commissioner Kurzejeski: I struggle with it because the people at 1321 feet are going to be directly affected. Do we need the buffer?

Thad Yonke: Yes, because you have to have small landowners buy in, that is part of the system.

Commissioner Kurzejeski: I agree but we could have landowners buy in without a buffer.

Bill Florea: How? That is the reason for having the buffer: so the wind energy company will have to engage those owners. If you don't do that they won't engage them. Maybe 1320-feet isn't enough.

Commissioner Kurzejeski: They are going to be impacted so where do we draw that impact line?

Thad Yonke: 1320-feet is the quarter-section line. Since we based everything on sections, we tried to keep it consistent.

Chairperson Harris: Hearing both sides I wonder if it is the right number or the wrong one. There is probably never an answer to what is right or wrong.

Commissioner Martin: I believe 1320-feet is a solid spot to stop at.

Bill Florea: I agree.

Thad Yonke: It is not a number based on a perfect science; it is a number that fits within the system that we designed.

Cece Riley: In the public comments received there were no residents who asked for a bigger buffer.

29.4.2 Determination of Completeness – An application shall be deemed complete when the Director determines that all required application materials have been submitted and contain sufficient detail for review. An incomplete application will be returned to the applicant. The owner shall be responsible for the cost of shipping the returned application. The Director shall have up to 30 days to make a Determination of Completeness.

29.4.2 No building activities of any kind may begin before the full application is approved.

Staff Comment: This is covered under the conditional use permit.

The Commission agreed that no action was needed.

29.4.7.2 In cases where the Commission recommends approval of an application, the County Commission will summarily deny the application if the following two conditions occur: (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.

29.4.7.2 Worry expressed that the commission would deny an application if the applicant couldn't be there in person but met all of the other criteria. Explained the use of and within the section. Still generally displeased

29.4.7.2 It is not enough that the landowner-applicant or his/her representative appear. It is the wind company that bears the risk and the burden and would lose its very substantial investment in conducting all the studies and other activities, costs, fees and notices involved in preparing the application. It is extremely unlikely that any landowner, unless it is the developer, will be able to shoulder the effort and expense. The procedure for summary denial should ensure that the company will have full notice and opportunity to appear. Additionally, there should be an opportunity to reschedule or use a virtual meeting should unforeseen circumstances prevent a representative from appearing in person.

Staff Comment: This is something that is already in the zoning regulations and is true now. This is not specific to WECOD or wind farms, this applies to all zoning applications. If the applicant doesn't show up and there is opposition, the County Commission shall summarily deny the request. Bill Florea said he doesn't remember this ever happening. If something happens where the applicant cannot make it to the meeting the Commission has been very accommodating and has rescheduled the hearing. It can be removed from the WECOD regulations, but it will still be in the zoning regulations and will still apply because the WECOD will be part of the zoning regulations.

The Commission agreed that no action was needed.

29.5.1.3 A Petition for Application on forms provided by the Director. For purposes of calculating the percentages described below, each legal lot will qualify for one signature. The product of all calculations shall be rounded to the nearest whole number. The petition shall contain the following:

29.5.1.3 "The petition should make it very clear what the property owners are signing. Should a minimum number of signatures be required, when a single property owner owns sufficient acreage to make up one or more primary districts?

Those signing the petition should also acknowledge in writing that they have read the adverse conditions documents described in section 29.5.1.10 and that they are aware of the length of the leases (30 years): FULL DISCLOSURE. Property owners in the proposed overlay district and surrounding area (including Boone and contiguous counties) have the right to the same information."

Staff Comment: If one property owner has 640 acres their one signature is all that it takes, except for the buffer. They still have to get the signatures from the people in the buffer. If the same property owner owns all of the property in the buffer they can apply for a WECOD on their own. The first comment that says it should be clear what the owners are signing, the regulations say that Resource Management will develop the petition so we will ensure that the language is very clear. Regarding having access to the same information, Resource Management follows state laws regarding open records. Staff recommends no action.

The Commission agreed that no action was needed.

29.5.1.5 A narrative explanation of why the proposed project site was chosen by the applicant over alternative locations for the project in the region and reasons for preferring the proposed site over the alternatives considered by the applicant. The region shall be defined as all counties adjoining and including Boone County;

29.5.1.5 Requires a narrative explaining why the proposed project sites were chosen over alternative locations. I think this is very good for transparency purposes. I would like to know why the densely populated rolling hills of Harrisburg and the surrounding area were chosen over flat areas east of highway 63 between Hallsville and Sturgeon that are more consistent with the topography of other wind projects in the state.

Staff Comment: The location was chosen by the wind farm company, people would have to ask them why the proposed location was chosen. Staff recommends no action.

The Commission agreed that no action was needed.

29.5.1.7 An overlay district plan, drawn to a scale where all features are legible, including the following:

The regulations say there needs to be an overlay district plan drawn to scale during the application process. One of my concerns on this is it says the approximate proposed grading and removal of natural vegetation. Is there an allowable acreage that is going to be destroyed? How much of this land is going to be stripped and be replaced with windmills?

Staff Comment: With the density of one turbine per 300-acres we don't know how much clearing will occur. Staff doesn't know if they would take out forest land to increase their access to air.

Commissioner Martin: They would have to meet all of the land disturbance requirements if they do any clearing.

Bill Florea: They could log without clearing, in terms of the county regulations, disturbance is at the root-zone. If they were to log an area and not disturb the root zone they wouldn't need a land disturbance permit. They could do a lot of logging and not need a permit.

Commissioner Martin: They could do that now.

Bill Florea: Yes.

Commissioner Kurzejeski: I assume they could do ag conversion without a permit also.

Bill Florea: Yes.

Commissioner Kurzejeski: I understand where the commenter is coming from but they can clear 640 acres of timber now and it is permitted.

Chairperson Harris: That is their privilege as a property owner.

Thad Yonke: The regulations ask for that information on the plan, if the Commission feels it is too much they can deny the application.

The Commission agreed that no action was needed.

29.5.1.8 An accurate computer-generated visual simulation, including dynamic motion of the turbine blades, of the project components from the following:

Other projects have reported that the provided simulations were not accurate. How can it be proven that it is accurate? Are there parties who verify these things? Wind company must pay for verification by party chosen by county.

Staff Comment: If people give the Commission false information, Staff doesn't believe this is likely and it can be verified later on that they provided false information. This is not a court process and people aren't bound by the rules of perjury.

Commissioner Martin: There is still the conditional use permit process hearings to get it ironed out.

Bill Florea: If we were to take the information at a conditional use permit hearing and we found out later that the information was false the Commission can revoke the permit.

Commissioner Trecha: Is this the only visual documentation of how the proposal will appear in reality? Don't they have to submit site plans also?

Bill Florea: Yes, they have to submit a site plan, they have to identify the make, model and size of the turbines they are proposing.

Commissioner Trecha: Is the computer generation necessary for the Commission to understand what is being presented? Depending on how the views are setup all of those things can be manipulated and it is subjective to say that the simulation doesn't represent what it looks like. It does if you use a 35mm camera. There are so many variables in that presentation. Commissioner Trecha asked Commissioners if anyone else felt this was necessary to understand what is being proposed.

Thad Yonke: Yes, or we wouldn't have written the regulation that way.

Commissioner Trecha: We absolutely need that to understand what they are presenting?

Bill Florea: In my mind, this was more for the public than the Commission. The Commission is used to looking at applications and plans but the public is more interested in what it will look like from their house.

Commissioner Trecha: Those things can change, the relative height of that at different perspectives can change the way it is presented. I don't think that it is a reasonable thing to require because it is so subjective.

Bill Florea: We could keep this on and do a little research and find out where it came from. Some of the other things Commissioner Trecha mentioned is up to the Commission.

Commissioner Kurzejeski: I would prefer we did it because I was going where Commissioner Trecha went. Maybe for our decision making it is not going to tell us anything that will make us say yes or no. Could there be a list of vendors that they have to use?

Bill Florea: Yes, we use that procedure for traffic studies.

Commissioner McCann: If this is such a specialized service then maybe that is the way to go. How much research are we going to have to do? I am not familiar with this technology but there are always ways to manipulate visual things.

Bill Florea: There are different ways to go about this, we can have a list of trusted vendors they can choose from, you can also set up parameters and maybe the county has to hire someone to help us set what those parameters are.

Commissioner Kurzejeski: I see a downside for the citizens, for the company and for us because we don't know what we are looking for in terms of it being too visual from a scenic byway.

Commissioner Martin: This is more for the people rather than for our decision making. The point is if they give us something that is doctored and we find out then it stops the project until we figure out what is going on.

Thad Yonke: If they are going to go through the process of putting together an application, I don't see them trying to scuttle their own project by playing fast and loose. There is a lot of effort that goes into meeting our requirements, it is not something they can just throw together, I don't see them jeopardizing their own project that way.

Commissioner Kurzejeski: I am okay with a list of companies.

29.5.1.9 An estimated economic cost/benefit analysis describing the impact of the project on the local and state economy in the following respects:

- The number of permanent jobs and estimated continuing payroll; (7th bullet)

The number of construction jobs and estimated construction payroll sentence should be edited to indicate subtotals for Boone County jobs and estimated payroll will be provided, in addition to non-Boone county construction jobs and estimated payroll.

The number of permanent jobs and estimated continuing payroll sentence should be edited to indicate subtotals for Boone County permanent jobs and estimated payroll will be provided, in addition to non-Boone county permanent jobs and estimated payroll.

Staff Comment: Staff agrees so we know what the local impact is.

Commissioner Koirtyohann: I don't know how they can estimate that, we have a hard enough time trying to find people that can hammer nails. This is going to be more specialized than that. Are they going to say they have one-million payroll and you find three people that want to work that can do the job?

Commissioner Martin: I think they can estimate this fairly accurately because there are millions of wind farms across the country and they know what it costs to build one in any place and what the expenses are and all of the money they pour into the local economy. It is pretty well established. Adding this is probably an okay thing. My concern is if we get a number like that does that mean we can come back if they don't make it?

Bill Florea: It says "Boone County jobs", it doesn't say they are hiring Boone County people. Are these going to be jobs that they have to relocate here or, do they come in temporarily from other counties where the impact of that payroll has no impact on Boone County.

Chairperson Harris: I am not sure that is a reasonable argument because you add the risk of getting twisted into saying that they should only be jobs in Boone County or for Boone Countians and that is unreasonable. It makes no more sense in saying we are going to change I-70 to six lanes across Boone County and the only contractors that can bid on it companies that are in Columbia or Boone County and only employ Boone County people; that will never fly.

Commissioner Trecha: Maybe we could ask that the permanent jobs could be categorized as those jobs that are considered onsite and offsite. If they are onsite jobs you have a better idea of how many jobs will stay in Boone County. With the job market now I don't know how you could make that estimate.

Bill Florea: The job market is always going to change, just because it is hard to get labor now doesn't mean it will be in five years. I agree with Commissioner Trecha but the comment does not say it has to be Boone County people, it says Boone County jobs.

Commissioner Koirtyohann: But it is supposed to be a basis for our determination.

Bill Florea: If you don't want that information, I am fine with it; I thought it might be something the Commission wanted to consider.

Chairperson Harris: The short-term jobs aren't going to be relevant, there will be a quick impact and there might be a boost.

Bill Florea: The only permanent jobs will be the maintenance and operations.

Commissioner Proctor: The speaker from Kirksville spoke about how many people came during the construction period and filled up the hotels and restaurants. How many hotels do you see in Harrisburg? It is not going to impact Harrisburg, it will be Columbia and Fayette.

Commissioner Koirtyohann: The permanent jobs I have no problem with.

Bill Florea: Is this bullet point fine the way it is?

The Commission agreed that no action was needed.

- Any projected costs or benefits to tourism in the County; (*9th bullet, same section*)

Other projected economic benefits and costs of the project; in other areas where wind energy has been added, consumer electric bills have increased significantly, as much as 30 percent. Boone County should have the right to negotiate a fair value for the purchase of the wind energy, such that it does not raise rates significantly to consumers, including residents and businesses.

Staff Comment: Staff doesn't know how you can regulate that.

Commissioner Proctor: You can't.

Bill Florea: It is going to be up to the power companies that make that purchase, the county has nothing to do with that.

The Commission agreed that no action was necessary.

- The impact of the project on existing surrounding property values within the visual dominance zone, as defined, based on studies of any similar projects in similar areas and based upon an opinion from three (3) qualified Missouri real estate appraisers or valuation experts; (*10th bullet, same section*)

Basing impacts on surrounding property values on studies of similar projects in similar areas is reasonable. Relying on the opinions of real estate appraisers who may be completely inexperienced with wind farms seems to be problematic. Additionally, how will the real estate appraisers be selected? What are their qualifications related to experience with commercial wind farms? The model ordinances from other states do not include any regulation such as this one. In a property values study conducted by The Center for Economic Development and Business Research, a part of the W. Frank Barton School of Business at Wichita State University, "the data used included the completion dates of 23 wind projects across Kansas from 2005 to 2015, and county-level appraised rural residential property values for Kansas from 2002 to 2018 for all Kansas counties, excluding the five metropolitan core urban counties, since no wind power projects were completed in any Kansas core urban county during this period." The conclusion of the study indicated there is not statistically significant evidence that wind power projects either increase or decrease rural residential property values in a county in the three years after their construction.¹ Without these type of statistically valid and comprehensive studies it seems difficult for a real estate appraiser to be able to make a valid appraisal based on data rather than opinion.

So question is, why would it be accepted that the Wind Companies "hired real estate agents" and what qualifies as an "expert" opinion/s to provide that information to you? They will say what the

county wants to hear. And the real estate agents working for the WF would push the numbers to favor their project. This has not been mentioned yet, but the facts are that people are migrating out of Columbia and to Ashland area and surrounding, for a lot of the same reasons. To get away from the crime that Columbia keeps concealed due to the student population, nor reporting all the stats on, and Columbia, as a place to live is dropping in appearance over the years and do not reflect the taxes collected. Even as far away as our home is, it is a shorter distance to Harrisburg than to Columbia, yet we still pay into Columbia taxes. The taxes that we do pay out in the county seem worth the price to get away from town yet still be close enough commute to.

Michael McCann is an expert appraiser in Chicago, with long wind project experience and has worked in MO. He should not be excluded if the regulations are saying it must be a Missouri appraiser.

Staff Comment: Staff cannot answer these questions.

Chairperson Harris: At the very least the language in our text where it says “qualified Missouri real estate appraisers or valuation experts”, in order to be consistent with all the other legislation and existing statutes, it should read “general certified real estate appraisers” because it takes it to a credential level that is expected to have greater expertise. The complexity of that assignment will need to have the greater credentials. Beyond that, there have been projects through the years where we hear people say it will impact the value of their property, unfortunately this is a case where, to some degree, you could cherry-pick the data and get the answer you want. I have colleagues that work in Michigan who work for power companies and they tried to prove there was a damage to property values because of power lines and they can’t prove it. I have worked with livestock facilities for thirty years and you try to see if there is a negative impact on property values because someone builds a hog barn, if you go to Iowa you will find an increase in adjacent property values because of the benefit to the farm operators of the manure and you don’t find any houses near them. This is one of those topics where it depends on how you want it argued. To go out and find the data where a wind farm is built and everyone is leaving the neighborhood and they say it is going to destroy their house value, it is an awfully big project and an awfully big mountain to climb. I am not saying it couldn’t happen but it is going to take an awful lot of money to get that argument proven one way or the other, it doesn’t matter which way you prove it, that is an expensive project.

Thad Yonke: Is there any other way to deal with the valuation of the property and what it would do?

Chairperson Harris: I am not saying this is not the way you go about it, I am saying that in order to get to the answer that those making this argument want, it is a much bigger and much more expensive project than what they think.

Thad Yonke: My thought was there needs to be some kind of discussion of what it does to property values. The question becomes how that gets worked into the regulations. It may be an imperfect system, but it is basically the same type of thing that you always have.

Chairperson Harris: You can go to any other communities where they’ve built wind farms or something that is perceived as offensive. If they find some evidence that there is a damage in value is that enough, in and of itself to stop the project? Who is going to be responsible for compensation if the project goes forward? Do all of the landowners in the buffer zone get a check every year? How far down the rabbit hole are we going with this?

Commissioner Kurzejewski: In any of our other regulations do we require some assessment on the impact on property value?

Thad Yonke: We do for cellular towers.

Bill Florea: It is one of the conditional use permit criteria but we don't require an appraisal.

Commissioner Kurzejeski: But we don't have three appraisers? We don't stipulate a process for getting these opinions? We had people come in on the Potterfield project saying they had stuff from appraisers saying their property values would go down X amount. I am not sure it is really a good idea to toss this on the back of the applications and have them get three appraisals and that is good enough.

Uriah Mach: It always seems to be a wash when you come down to it. They provide one, the neighbor in opposition provides one and they are different.

Commissioner Kurzejeski: I don't know that anyone is going to be able to really assess the impact on property value.

Commissioner Martin: I agree with that comment. I drove through Colorado and saw wind farms by the hundreds, and I saw places where new subdivisions were going in next to them. It is the acceptability of the project and as our level goes, we are going to burrow a lot of holes if we don't watch what we are doing. If we make sure all of the criteria with setbacks and all of that fit, we are controlling it down to a margin that it becomes controllable. I think this is a rabbit hole and it can go either way. The developer will have one appraisal that says it increases the property value and the opposition comes in with a different appraisal saying it decreases it by the same amount.

Chairperson Harris: After further thought, you can't say "general certified Missouri appraisers" you would have to just say "general certified" because in Marion County they will come in with a firm out of Houston or Dallas that will put together a ream of paper siting land sales and generalities where their whole approach is to blow us with so much data to look for that it becomes more than what you can get through to overwhelm us, or whoever the regulator is. I know people think that it will impact their property values. This bullet is a requirement that the applicant would have to provide evidence of the impact on property values from the project?

Bill Florea: Yes.

Commissioner Kurzejeski: What is the visual dominance zone?

Bill Florea: It is a zone within, or distance from which a turbine may be perceived as dominating the visual landscape determined to be a zone surrounding a turbine that is 20 times the total height of the turbine.

Commissioner Kurzejeski: The applicant will have to access property values over a pretty good chunk of real estate given the number of homes.

Thad Yonke: 400 feet is the height limit.

Bill Florea: Then the visual dominance zone would be 8000'feet.

Commissioner Trecha: If we don't require three appraisals on anything else in our regulations is this a vulnerability?

Commissioner Kurzejeski: Yes.

Commissioner Poehlman: We think it is.

Commissioner Trecha: I would back away from that one.

Commissioner Martin: I agree.

Commissioner Poehlman: It might be excessive and burdensome.

Bill Florea: There is quite a bit of debate on value of the input anyway based on who does the appraisal and what data they choose to use.

Commissioner Trecha: I agree.

Commissioner Poehlman: It is an opinion; that is all it is.

Chairperson Harris: They may not be able to hire theirs because you are talking tens of thousands of dollars for this sort of valuation analysis and I am not sure there is anyone in the state of Missouri who can do it.

Thad Yonke: The question is do you want to go through the process without any discussion of value at all?

Commissioner Koirtyohann: In terms of consistency I don't think we need to if we don't do it for anything else.

Bill Florea: Property value was the second highest item that was commented about. Are you going to change any minds? Those people believe there will be a negative impact and nothing you say or show them is likely to change that.

Chairperson Harris: If they want to make that argument and pay for the appraisal don't they have the opportunity during the conditional use process to make that argument?

Bill Florea: Yes, they do.

Chairperson Harris: If we take this requirement out, it is not that we are precluding that argument.

Bill Florea: Property value is one of the conditional use permit criteria.

Commissioner Kurzejeski: They can hire an appraiser.

Thad Yonke: If you want to drop the value discussion at the WECOD level it is still in the criteria for the conditional use permit process.

Commissioner Martin: I think at the WECOD level we are pushing a point that may be arguable.

Bill Florea: It is already in the conditional use permit criteria and everyone has to meet that criteria so it is the same for everyone.

Thad Yonke: Should staff look into this to see if it can be removed and whether it can be done without messing anything else up?

The Commission asked that this bullet be reviewed by staff.

- Costs associated with the impact on roads or other County infrastructure in the area and a draft Transportation Infrastructure Plan and Mitigation Agreement approved by the County Engineer and the Director. *(last bullet point of section 29.5.1.9)*

A certain percentage of locally hired workers required.

Staff Comment: The Commission addressed this earlier tonight.

The Commission agreed that no action was needed.

29.5.1.10 An environmental assessment of the potential adverse impacts from the project and any proposed measures to mitigate or lessen the effects of the adverse impacts. The assessment and mitigation plan shall include, at a minimum, all of the following:

This environmental assessment should include potential adverse impacts on the community, individuals and local populations including children and senior citizens, *displaced ground animals*, and livestock. Again, these potential adverse impact documents should be shared with all those potentially affected by the overlay district.

For example, An assessment that identifies the anticipated hours per year of shadow flicker expected to be perceived at each residence, educational facility, workplace, health care setting, outdoor or indoor public gathering area, other occupied building and roadway within a minimum of one mile of any turbine;

A plan for fire protection for the proposed facility that is prepared by or in consultation with a fire safety expert; and an assessment of the risks that determines whether the proposed facility will interfere with the weather radars used for severe storm warning or any local weather radars. Location of all sensitive receptors, including schools, day care centers, healthcare facilities, residences, residential neighborhoods, places of worship and elderly care facilities;

Section about environmental assessment that needs to be done during the application process. After reading through this I wondered why this is not done prior to even considering a windmill coming to the area because of the impact it already has? We know they have impacts on a lot of things and I don't know who is going to be accountable for all of these studies and what the rules are going to be for them to adhere to. How soon will their application be kicked out if they don't meet the guidelines from the studies?

Staff Comment: In response to the first comment there are environmental studies that the applicant has to provide which includes the US Fish and Wildlife protocol and other animals that are not covered by that protocol and we already have many regulations in the draft that address human health; noise, visual impact, and safety. Staff thinks it would be redundant to require an environmental assessment, those items have been adequately covered in other areas of the regulation.

The Commission agreed that no action was necessary regarding an environmental assessment.

Commissioner Kurzejeski asked Commissioner Martin about the comment about potential effects on weather radar, radio, fire stations, and if there was anything to that.

Commissioner Martin stated no.

Bill Florea: I spoke with representatives from the Boone County Fire Protection District and I was told they would set up a perimeter and put out the fires that were thrown off of the burning turbine, they would not attempt to put out the fire in the wind turbine. They will try to protect other people's property and let the turbine burn. Another comment we got regarding fire protection was that there should be automatic fire suppression systems installed in these. Assuming there is such a thing that might be a good addition to the regulations.

Commissioner Trecha: Do we have any data on incidences of fire in any turbines?

Commissioner Martin: I did some research on turbine failure and they are rare. I believe their fire suppression systems are quite adequate, it is just when they have a catastrophic failure, but I could not find total melt downs in America listed anywhere where they had complete fire destruction. I found several in Europe but none in America. The information may be out there but I haven't found it yet.

Chairperson Harris: I believe I have seen one or two broken blades and I think I've seen one charred top.

Commissioner Martin: Some of that is oil; I saw that too and part of that was what the turning of the blades do to the oil systems. I don't know that fire suppression is something we need to address; I think our setbacks take care of those issues. When it comes to fire suppression it is going to be strictly up to the companies as to how they manage their own suppression systems.

Commissioner Poehlman: I agree.

29.5.1.12 Information, in as much detail as possible, on the type, size, maximum and minimum height, rotor size, rotor material, color scheme, rated power output, performance, safety, and noise characteristics of each proposed wind turbine model, tower and electrical transmission equipment;

Unredacted current company operation and safety manuals for each turbine model used shall be furnished to and kept on file in the county.

Commissioner Koirtyohann: (referring to the comment) For what purpose?

Chairperson Harris: If that is the way the comment was submitted it seems there is an underlying tenor that they are hiding something from us.

Bill Florea: I am not sure that information is readily available. It is very hard to find information about safety and what their safety hazards are; we have heard a lot of different testimony of what the workers are told about what to do if there is a safety hazard. If you have a safety manual that lays that to rest.

Commissioner Trecha: If they fall short on compliance to the safety or operational manuals and we have required that we be supplied with those manuals do we have any exposure or liability when they fall short?

Bill Florea: I don't think so unless we are doing periodic inspections or requiring them to report to us on a periodic basis that they are doing all of this maintenance. We have a 1750-foot setback and if there is a failure that is part of the reason for having that setback; if there is a failure the damage will be contained onsite. The probability of someone else off site being impacted by that damage is very low.

Commissioner Trecha: I think that is a reasonable assumption as far as approaching safety. Who is going to review the operational manuals on this and then who is going to see if they are compliant? Since there is no interval follow-up, I don't know of any need for this. If there is any consideration to liability and the fact that

we fell short on reviewing these and holding the operator to compliance I am not sure we need to put that in there.

Commissioner Poehlman agreed.

Thad Yonke: Requiring the information is different than staff reviewing it. Having access to the information they provided is not the same as us saying we are going to hold them to a specific standard. This is merely asking for the information.

Commissioner Poehlman: But what are we going to do with the information?

Thad Yonke: We can at least answer questions that people ask.

Commissioner Martin: As far as fire and safety goes, the company will have to provide safety information to the fire district because they'll have to be able to mitigate the problem as a first responder.

Commissioner Trecha: Do these companies typically share that with fire protection districts? They are a multi-million dollar company, I am sure they would want the cooperation of the local fire district. Is there usually information exchanged between those entities?

Commissioner Martin: Yes, generally they get information because they don't want the fire district to break out the chainsaw and start cutting one of them down. The goal is to save people's lives; lives first, then property. If they want the fire district to help manage that they have to provide information that people can be trained on in order to sufficiently access and mitigate their issues prior to their people arriving. Just like in a commercial structure the fire district has to know where the fire connections are. I am thinking some of this is not necessary; it might be nice to have as supplied information.

Commissioner Kurzejeski: If a member of the public called the county and asked what the scheduled maintenance is on a turbine are we comfortable being the ones that become the go-to for information on these?

Thad Yonke: At that point I would tell them they could come and look at the manual because we won't look it up for them. If we have it electronically, we can tell them they can come and look at it.

Chairperson Harris: There is no harm in having it; there is a little question of who is going to understand it and use it. Thad's argument is right, they can come and look at it.

Commissioner Martin: I don't think we need to make any change to this section; the information that we really want is listed.

Commissioner Poehlman: They get revised all the time and the company can say it is confidential.

Bill Florea: If our office has the information we are required to provide it under state statute, it would not be considered confidential information under the statute. If we get this manual and someone asks for it we have to provide it. I am not sure we want to be the one handing these out.

Chairperson Harris: Commissioner Poehlman made a good point, these things get revised all the time, who will be in charge of which information is current? You can make an argument for having it but there are more reasons to not have it. The important one to have it is the fire district and they will get that information sooner or later.

The Commission decided that no action was needed with regard to the comment.

29.5.1.16 The anticipated operation and maintenance requirements (including estimated frequency of maintenance activities) for the turbines and internal transmission lines connecting the individual turbines within the project and the transmission lines connecting the system to the power “grid”;

Add to maintenance statement: maintenance as required by industry standards and proven need in similar climates and WECS.

Chairperson Harris: We can put it in there but how good was that information in February this year? Everything they do went out the window.

Bill Florea: We received a comment that they should be capable of operating at -40 degrees.

The Commission stated no action was necessary.

29.7.2.4 To promote visual uniformity, the rotors, nacelles, and towers of all turbines in an array should appear similar and shall be a shade of white in color.

The color of the wind turbines should be a neutral color but not necessarily have to be white. Sample ordinances and FAA rules Section 13.4.1 allow light grey or white. Forcing a choice of white might limit the technology choices.

Staff Comment: If it says light gray, what is light gray? White is white. If we stick with white then they are similar across the landscape.

The Commission agreed that no action was necessary.

Commissioner Trecha: I believe there was a study that showed that bird strikes were minimized a substantial amount when one of the blades was painted black. If there is a rule of that to the industry are we going to allow that.

Thad Yonke: It would be prohibited at the moment.

Commissioner Kurzejeski: But we could allow it.

Commissioner Martin: If the environmental impact showed that then we would have to adhere to that because it could become a national standard. Until it does become the standard, I don't believe that is an issue.

Commissioner Kurzejeski: I will look that up because I remember seeing that.

29.7.2.6 To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less shall be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other governmental or industry-wide guidelines/standards, violate applicable law, render the project economically infeasible or have demonstrated to the Commission that such lines will be hidden from public view.

Section talks about the burying of power lines. The word “shall” is used which I agree with. However, it is followed by four potential outs for the company to use to get out of burying the lines. The one potential out that I have problems with deals with the one on economic infeasibility. I request that this one and the one that follows it be removed. I don't think it is the

Commission's responsibility to allow them an exception based on a lack of economic feasibility to the company. We already have to deal with the unsightly turbines and if it is infeasible for them then maybe they should consider this not a feasible site for the project.

I do feel that the commission should also consider requiring setbacks for the intra connecting line. This would protect our property from any disturbances if the underground cable were to need repaired or replaced

Staff Comment: Staff agrees that economic feasibility is one of the weakest reasons. With regard to the second comment, the County doesn't have setbacks from power lines; there are regulatory setbacks from power lines and I don't know why we would add to those.

Commissioner Proctor: It depends on what kind of transmission line it is going to be. If it is Ameren, they are their own utility and they will fall under the Public Service Commission so they are told what they have to do and comply with. A Co-op is different because it is not under the PSC. It is based on the transmission lines; the voltage and size. I don't think that is something the County can regulate.

Bill Florea: I don't know why we would want to get into that if there is already a body of regulation there.

Commissioner Koirtyohann: What about the economic feasibility? That is a pretty easy out.

Bill Florea: These regulations have an economic impact on companies that want to do this kind of work; it all factors in. To say that is the one thing that makes this unfeasible, I don't know.

The Commission agreed that "render the project economically infeasible" should be removed.

Bill Florea: The comment continued that "or have demonstrated to the Commission that such lines will be hidden from public view" should also be removed.

The Commission did not make a decision regarding this.

29.7.2.7 Commissioner Kurzejeski: I don't know what "constructed in harmony with the surrounding landscape" means.

Bill Florea: We can strike "otherwise constructed in harmony".

29.7.4.1 WECS-C should avoid sites in close proximity to known sensitive historical, cultural, or archeological resources.

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.

Wind Energy Conservation systems "should avoid sites in close proximity to known sensitive historical, cultural, or archeological resources." So is close proximity 1,000 ft., 2,000 ft., or 2 miles? Let's be more specific there. And do sensitive historical, cultural, or archeological resources include, for example, churches, cemeteries, or multi-generational family farms? We have a lot of all of those in this area.

Historical (and modern) graveyards must not be negatively impacted. Turbines must be at adequate distance so that vibrations from digging, possible blasting, and ground vibrations from operations will not crack or topple gravestones, or cause graves in any way to be disrupted.

Commissioner Kurzejeski: Regarding close proximity do we need to put a number in there?

Bill Florea: I would use the visual dominance zone.

Commissioner Martin: A number that we've already listed should be used.

Bill Florea: That is already in there.

Commissioner Kurzejeski: So, they are not permitted?

Bill Florea: Either that or the setback unless it is on the site.

Commissioner Koirtyohann: We have already established the 1320-foot buffer and the 1750-setback, we can put those two together and make it that.

Bill Florea: I suggested the visual dominance zone; 8000-feet.

Commissioner Kurzejeski: So we are saying you can't have a WECS-C within 8000 feet of?

Bill Florea: It is "should", it is permissive language.

Commissioner Kurzejeski: I think the shorter distance.

Commissioner Martin: I agree; it is already going to be 1750-feet from any occupied structure so we have to start with that anyway.

Thad Yonke: If you take the 1320 plus 1750 that is the minimum distance that you could be from the actual tower itself if you are not one of the participants.

The City of Columbia Climate and Environment Commission sent a letter to the Commission siting a map created by the Nature Conservancy that shows land that could be utilized for wind without significant adverse environmental impacts. Staff showed the map to the Commission which indicated that the only places suitable, as per the Nature Conservancy map, is a small portion of northeastern Boone County. <https://www.arcgis.com/apps/webappviewer/index.html?id=41b780468606415e8dcee36b39045d79>

Due to the time the Commission scheduled a work session to continue this discussion for Thursday, May 27, 2021 at 5:00 PM.

Bill Florea: Staff may come back with a proposal for the noise portion of the regulations.

IX. Adjourn

Being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Secretary
Michael Poehlman, Secretary

Minutes approved on this 17th day of June, 2021