

# **BOONE COUNTY PLANNING & ZONING COMMISSION WORK SESSION**

BOONE COUNTY GOVERNMENT CENTER, CONFERENCE ROOM 301

801 E. WALNUT, COLUMBIA, MISSOURI

(573) 886-4330

**Minutes**

**5:30 P.M.**

**Thursday, April 24, 2019**

Commissioners Present: Boyd Harris, Rhonda Proctor, Jeff McCann, Greg Martin, Loyd Wilson, Michael Poehlman, Fred Furlong, Steve Koirtyohann

Staff: Stan Shawver, Bill Florea, Thad Yonke, Uriah Mach, Paula Evans

Stan Shawver distributed definitions for existing wind farm regulations from Iowa, Illinois, Kansas, and Massachusetts.

Stan Shawver stated that at the last work session the Planning and Zoning Commission asked staff to use regulations from other areas to create regulations for Boone County rather than starting from the beginning. The Commissioners should look at these definitions and identify a comfort level. We are looking at commercial wind energy systems. Wind farms consist of the tower structure on a base which is very deeply anchored, the turbine, and the blades; all of those are brought in and assembled on site. The regulations state that anything that is not defined in the zoning regulations should use the definition found in a common dictionary.

Chairperson Harris stated he would like to see the definition for Public Conservation Lands in the regulations as well as karst elements and areas and suggested starting with the Massachusetts definitions and work backwards.

Stan Shawver stated the Energy and Environmental Committee met last night and they have a subcommittee that will work with us and will attend our work session on Tuesday, April 30<sup>th</sup>. Perhaps they can look at the environmental aspects and report back to us and that could save us some efforts. This is a much bigger project than just the turbines, it involves a lot of land and you can't radio transmit energy so they will have to run lines into the network so that is a consideration to think about as well.

Chairperson Harris stated it seems like the counties that have wind farms are making it work with less verbiage than the Massachusetts regulations.

Stan Shawver stated that the Commission went through something similar when cellular towers began to be more popular; the county had no regulations other than structures taller than 100 feet had to have a conditional use permit so regulations were created dealing with how to site them, how far they had to be from property line and fall zones. They were very extensive regulations, however the State and Federal government decided that communications was so important to modern society they have taken away a lot of the requirements. The language is still in our regulations so it is a good place to start.

Chairperson Harris stated that will deal with setbacks and fall zones.

Stan Shawver stated that this is more complicated than communications towers where setbacks are concerned. The fall zone on those are dealing with a lateral collapse. There are other things to consider with wind turbines, ice fall is one thing even though the majority of it falls directly down it can still go several hundred feet in the right weather conditions. If the manufacturer says they need to have an evacuation zone of so many feet should that be the minimum setback from the property line? Should we look at property lines as being what the setback is from or do we look at setbacks from occupied structures?

The group discussed inspection requirements, repairing the roads after a turbine installation, and procedures for emergency shut down.

Commissioner Martin stated we need to know the destruction zones of where debris was found from a failure so we will know what setbacks to mandate.

Stan Shawver stated there should be adequate setbacks however, weather conditions can change where debris is found. There will be an occasion at some point where a piece is going to fly off and it will go greater than that distance, you have to balance that with what is realistic. As the cellular tower companies say, "that never happens" and they are continually improving the design and making them more efficient but that doesn't mean we want to be a test ground for the newest technology.

Commissioner Martin stated there is higher density in our county than in some of the other counties that have wind farm regulations. Our setbacks will have a bigger impact.

Stan Shawver stated the meteorology mast is in a less dense area of the county. There are less dense areas but I doubt they will look at locations in the outskirts of Columbia.

Commissioner Martin asked what affect setbacks will have on future development? If we create setbacks and you had 100 acres next to it then the sewer came through, what would happen then if your vacant land was inside the parameters of the turbine that were already established. Will that eliminate development?

Stan Shawver stated Nursery Heights development was built next to an existing cellular tower. Going back to the public hearing for that all the neighbors stated no one would build by a cell tower. Boone's Landing subdivision is adjacent to it on the north side and Nursery Heights is being built around it. I don't know that you can say that people have lost their development potential because what you might not want to live next to may not bother someone else. It is not for us to say that it is or isn't going to have an impact on development.

Chairperson Harris stated if you approve person A to have a wind farm what happens if you accidentally preclude person B from doing something on their property that they are will within their right to do?

Commissioner Furlong stated whatever we decide for setback should be from what exists so it won't prevent the neighbor from building a structure in the future.

Commissioner Loyd stated that the setback should be focused on structures or potential places for structures, not from property lines.

Commissioner Poehlman stated it may have to be both.

Stan Shawver stated you are talking 50 feet additional beyond the property line and it really won't impact the neighbor. This is why we will probably be talking about setbacks from property lines and making them as substantial as we can.

Chairperson Harris suggested that staff take the regulations from one of these examples as a blueprint and tweak it to come up with a draft. There are only so many points of discussion we can look at so it may be time to have staff come up with draft regulations and the Commission can review and make comments. Everything we have looked at has been tried and tested; we want all the operational definitions and probably some environmental definitions.

Commissioner Martin stated one of the Iowa regulations separated commercial and non commercial.

Thad Yonke stated residential wind turbines are already in the regulations.

Commissioner Wilson asked if any of the existing regulations for residential wind turbines need to be looked at in light of this.

Thad Yonke stated if it is for personal use for your personal house that is already covered under accessory uses, if it is tall enough you get into a conditional use permit for a structure over 100 feet.

Commissioner Wilson asked if we had the ability or the need to write into the regulations whether a conditional use permit was required per turbine or per project?

Stan Shawver stated it could be done either way. If this comes forward we will have to have their entire layout of land and whether we require an overlay that would cover an entire area and it would still probably be best to have a permit per turbine. It could be a two-step system, one of the overlay and one for each turbine because each site may have some unique features. Due to the administrative process we will probably limit the number of applications that can be submitted per month.

Chairperson Harris stated they will have to stand collectively and individually both.

Thad Yonke stated they will have to meet the conditional use permit tests which may be difficult to do on a broad scale which is why they should be done individually.

Commissioner Wilson asked if there was a rezoning option rather than a conditional use permit.

Stan Shawver stated that staff feels that it would need to be an industrial zoning for commercial energy production. That would require spot commercial zoning for each turbine in the rural areas which isn't a good idea. When you take in to account the sufficiency of resources on the rezoning of land it is not going to have the water and fire protection required for commercial zoning. If they have 25 acres to accommodate one turbine, which requires a small footprint, they can develop the remainder of the land for industrial uses. That will have more impact on the neighbors than the turbine would.

Stan Shawver stated that some of the ordinances allow the company to obtain easements from adjoining property owners in order to get closer to the property lines; staff is not a fan of that idea.

Chairperson Harris stated he would not be in support of that.

Stan Shawver stated staff will start working on a draft.

Commissioner Furlong stated he has an acquaintance who travels the country and does nothing but study the affects of wind mills on wildlife and that he has his phone number.

Stan Shawver stated that would be good to reach out to him if the Energy and Environmental Commission take that on he might be a good connection for them. However, the county will not hire a consultant, there is enough literature available that we wouldn't do that.

Chairperson Harris opened the meeting for public comment and stated that this is an opportunity for the public only to give input on anything the Commission may have left out regarding proposed wind farm regulations.

An individual in the audience commented that Nursery Heights was mentioned earlier and wanted to mention that many of those new houses are empty, the developer is having a difficult time selling them. I think the cell tower has an impact.

Another individual stated the Commission talked about industrial zoning versus a conditional use permit; something to keep in mind that we are allowing people to create a 15,000 to 20,000 acre industrial park. That is the amount of acreage they will need to make this project happen. The whole area is going to be an industrial park;

there will be power lines underground and above ground. We have always been careful in Boone County how we locate industrial parks and have done pretty good in the past.

Another individual stated she hadn't heard the Commission discuss anything about medical flights.

Commissioner Martin stated medical helicopters follow specific FAA rules and something like this has a certain FAA requirement and once they get into these areas they are visual flight only. It would not have much of an impact on medical flights. I have 100 x 100 square area where a helicopter can land.

Closed to public comment.

The next work session is scheduled for Tuesday, April 30, 2019 at 5:00 pm.

The work session adjourned at 6:42 pm

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