

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, May 22, 2019

Commissioners present: Boyd Harris, Rhonda Proctor, Jeff McCann, Greg Martin, Fred Furlong, Steve Koirtyohann

Energy & Environment Members present: Joe LaRose, Jean Sax

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

Stan Shawver stated that at the last work session the Commission asked staff to choose one of the ordinances from another location and bring that back to the Commission to review. After reading through so many they all seem to be similar. Staff chose the ordinance from Riley County, Kansas which includes the city of Manhattan. Riley County is 640 square miles and has a population of approximately 75,000.

Mr. Shawver passed out the ordinance and emphasized that this is not a draft ordinance for Boone County but only a starting point for the Commission to review and build from.

Chairperson Harris stated one of the things up for debate will be the required setbacks.

The Commission discussed the application process and the information and inspections required.

Chairperson Harris mentioned grassland burning and whether that should be in the ordinance.

Mr. Shawver stated he left that in because there are a lot of areas that are burned off in the spring.

Commissioner Martin stated there are several thousand acres are burned in the County every year, especially by the Conservation Department.

Mr. Shawver stated anything in this document is not written in stone; it is a starting point.

Jean Sax stated it looked as though the Riley County ordinance covered all the bases.

Chairperson Harris stated this is a place to start and the Commission should review this and try to create an ordinance but we would be chasing our tail to try to provide an ordinance for every contingency and every thought. The people who drafted the Riley County ordinance probably looked back after creating their ordinance and realized they should have included something else. Mr. Shawver stated that happens; after you adopt an ordinance you realize you left something out.

Jean Sax asked if E.On already had a permit to do this. Mr. Shawver stated no; they haven't even submitted an application. Chairperson Harris stated they only have a permit for a meteorological tower to test the wind.

The discussion moved on to decommissioning a wind turbine.

Jean Sax asked if the county would require a security bond. Mr. Shawver stated it would cover the removal of the turbine and restoration of the site. They would have to post a security other than a letter of credit because banks don't like to extend a letter of credit for more than a year or two. There needs to be some type of escrow method.

Regarding noise, Mr. Shawver stated that if there is a complaint Resource Management will first have to determine if it is a legitimate complaint but the County doesn't have a sound engineer on staff. The Commission continued to discuss potential noise from wind turbines.

The Commission began discussion of height limitations and setbacks. Mr. Shawver stated they will be required to show the location of all homes within a certain number of feet, including those on the property. Commissioner Martin stated in section 7.A on page 4 it mentions 1000 feet from property boundaries and then it states to locate homes within ½ mile; it jumps around, I think we could narrow that down to one caveat. Chairperson Harris stated we should define a parameter and distance for a tower from any given property boundary and confirm any structure on the property or from another tower but I think we go with the property boundary. Commissioner Martin stated he didn't believe we should restrict setbacks for buildings on the property owner's own property, if they want their house by the tower then they have that right. Chairperson Harris stated we don't want to make the ordinance so restrictive that no one can have one. Mr. Shawver stated we also have to think of the safety and enjoyment of property for the people that are already out there.

Jean Sax asked who is responsible for inspecting these to make sure they are in working order. Mr. Shawver stated the only inspections that Boone County is able to do is construction inspections, on something like this it will require special inspections. Maintenance inspections would have to be done by the operator, it is not Boone County's responsibility; it would be our responsibility to make sure they are doing maintenance and are still abiding by all of the rules. We could require that they submit documentation to show that they have inspected them on a periodic basis but it starts becoming a paper chase. Commissioner Martin stated those companies are going to spend millions of dollars to put wind turbines up and the payback is going to be years down the road so they will want to keep them going; I am sure they maintain those pretty well.

Mr. Shawver stated one of the things we've heard is property values; I am pretty sure the County Assessor is not going to go out and reassess properties because a tower goes up on adjoining property but it might affect your ability to sell your property. In order to protect property owners on adjoining property we could require that the applicant pay for a pre-construction appraisal and they escrow money to compensate any loss in value. Chairperson Harris asked how you would account for changes in the market? Mr. Shawver stated we are not talking about 100% but a percentage. Chairperson Harris stated if it was drafted right it could pacify the neighboring property owners. Mr. Shawver stated the county could come up with a list of approved appraisers and they could use anyone off that list. This is something for the Commission to think about; Mr. Shawver will check with County Counsel on the legality.

Chairperson Harris asked if staff could look into ordinances in Michigan as they have similar terrain. Mr. Shawver stated he would.

Regarding page 7 under Natural and Biological Resources, Joe LaRose stated number 1 is somewhat subjective. Mr. Shawver stated as far as migratory patterns Department of Conservation has information on that; Mr. Midkiff had indicated that he was going to contact the Department of Conservation. Mr. Shawver asked if anyone with the Energy & Environment Commission had spoken to him to see if he had done that. Joe LaRose stated no. Mr. Shawver stated the draft is a starting point, some things may not be appropriate for Boone County and some things may not be stringent enough and others may be too stringent, we have to look at it. We have some ideas on how to make this work within our regulations; the likelihood is that we will look at an overlay district that will encompass the entire area they are targeting and an individual conditional use permit for each turbine. The Commission should read through it and come back with comments; it has to be something that the County can enforce; the County Commission is not going to add staff to police these.

Chairperson Harris stated the Commission should take this home and give notes back to staff or bring their ideas to the next work session to discuss. Mr. Shawver stated we gain more from group discussion and exchanging ideas.

Stan Shawver stated that the Commission should have time to look this over and asked about cancelling the May 30, 2019 work session. The next work session is scheduled for Thursday, June 6, 2019 at 5:00 pm.

The work session adjourned at 6:46 pm

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