

# BOONE COUNTY PLANNING & ZONING COMMISSION WORK SESSION

BOONE COUNTY GOVERNMENT CENTER, CONFERENCE ROOM 301

801 E. WALNUT, COLUMBIA, MISSOURI

(573) 886-4330

**Minutes**

**5:00 P.M.**

**Thursday, June 25, 2019**

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

Energy & Environment Members present: Eric Lindholm

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

The work session was called to order at 5:00 PM.

Stan Shawver distributed a draft of proposed wind farm regulations to the Commission. Mr. Shawver stated the items in red bold are changes that the group made at the last work session.

Mr. Shawver stated he was contacted by a representative from E.On, the company that placed the met mast in northwest Boone County. The representative stated he knew we were working on creating regulations and offered to supply us with some information that may help with that process, they offered to come to a meeting and talk or give a presentation. Mr. Shawver informed the representative that he would have to speak with the Commission. Mr. Shawver stated that while E.On's information may be helpful, in this process it may not be a benefit to the Commission but we don't want to preclude them from an opportunity to speak, the other side of that is the Commission has had a lot of people observing this process and they likely have a lot of input they would like to give as well. It would be unfair to allow E.On to give a presentation without giving other parties that same opportunity. One option is to continue with the process in creating regulations and then set up a meeting for E.On to come in and then another meeting for people with a different viewpoint but that is not much different than having public hearings. Mr. Shawver asked the Commission what they would like to do.

Commissioner Koirtyohann stated he believed the public hearing would be the appropriate process.

Chairperson Harris stated to allow E.On a floor that the other side doesn't get is not appropriate. If E.On would like to be at one of the public hearings that is the venue that is the most fair. Chairperson Harris stated he would like the Commission to finish what they are doing without any outside input. Commissioner Furlong agreed. Commissioner Martin stated that what they say at the public hearing might have some impact because they may bring something forward that we may have overlooked that they already have in place. Chairperson Harris stated it needed to be heard in the right venue. Mr. Shawver stated at the public hearing for the met mast E.On focused on wind power and the benefits of that, no one questions that, the Commission doesn't necessarily need their push on the value of alternative energy. The Commission is focusing on an ordinance that is suitable for Boone County.

Chairperson Harris stated it comes back to the Commission determining if a wind farm is an appropriate use of land at that place and at that time. Mr. Shawver stated the applicant will have to make their case.

Chairperson Harris asked staff how difficult it would be for staff to create a mockup of an area around the location of the current met mast in northwest Boone County, for example between Route E and Highway 124 and the met mast location, show the houses and the distances that gives a visual idea of where a turbine can be placed. Mr. Shawver stated that those buffer maps have already been created and given to the Commission at one of the first meetings. Chairperson Harris stated those maps are fairly small and difficult to get a good idea. Mr. Shawver stated staff could make a larger map for the Commission to view.

The Commission began review of the draft. Only the items discussed are noted below. Mr. Shawver reminded the Commission that the numbers such as height and setbacks are place holders at this time until the Commission decides on a specific number.

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Items d-f

Commissioner Koirtyohann stated he didn't believe those were relevant and asked if those needed to be in the regulations. Mr. Shawver stated during presentations the companies always stress how many jobs they create and the economic impact, if it is in the application they may not include it in their presentations. Chairperson Harris started he agreed with Commissioner Koirtyohann, the applicants should make the argument of why this is an appropriate use of land and because they are going to bring tons of money is not a mitigating factor. Mr. Shawver stated economics doesn't have a bearing on the decision of land use but with a project of this scale the applicants will probably keep bringing it up. Commissioner Martin stated he is in favor of having as much information in the application as possible

Item i:

Chairperson Harris asked if that was our language. Mr. Shawver stated that Chairperson Harris had stated it should read "general". Chairperson Harris asked if the original draft stated three appraisers. Mr. Shawver stated yes. Chairperson Harris wondered how big of an obstacle it may be to get three appraisers to tackle a project like that.

Item 9

Commissioner Proctor asked who was going to do the environmental assessments. It shouldn't be someone from the applicant's company. Mr. Shawver stated they will have to have someone with appropriate training. Commissioner Proctor stated they are going to have someone on staff for that; Commissioner Proctor stated she didn't think that is who we would want to do that. Chairperson Harris asked about adding something like an "environmental assessment by a qualified third party" so it is not someone from their staff. Mr. Shawver stated he will contact the Department of Conservation, in the past when we have done archeological studies DNR has a set list of people who are vetted.

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Item 5:

Mr. Shawver stated the first draft stated to avoid objectionable density there should be adequate space between turbines. At the last meeting it was discussed what was considered adequate so a number of feet was put in.

Items 8-10

Mr. Shawver stated those were added because staging sites were brought up.

Soil Erosion & Water Quality

Item 3

Commissioner Furlong stated this seems vague. Chairperson Harris asked if it needed to be more specific. Chairperson Harris clarified that the internal access drive is the drive from the road to the turbine. Commissioner Martin stated if they needed a 250 foot opening for the turn to get the turbine in we are talking about from that point to the turbine. Mr. Shawver stated this is under the Soil Erosion and Water Quality so we are talking about the runoff from these. Chairperson Harris asked if we could say "not to exceed 20 feet" or some other number? Chairperson Harris asked if we could change "internal access drive" to just read "access drive"? Mr. Shawver stated yes. Commissioner Martin asked Commissioner McCann what the general access size to a piece of property? Commissioner McCann stated for a residential driveway 30 feet is the maximum; depending on if it was classified as agricultural it could go a little wider if you are bringing in combines and bigger equipment.

Commissioner Martin stated he believed we should err to the side of the County's existing requirements then they would have to get a special variance to go any wider. Chairperson Harris agreed.

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Item 1

Commissioner Koirtyohann stated he believes it should state "what the department deems to be a reasonable complaint". Chairperson Harris stated on the wildlife section earlier we stated it should state "selected from a list of approved people", we can't just leave this open ended to say "selected and paid for by the applicant". Mr. Lidholm stated it says "a third-party acoustics expert".

Discussion took place regarding who will be responsible for visiting the site when there is a complaint, who pays for it and whether staff had enough time to visit these sites.

Mr. Shawver stated staff will have to respond to that type of complaint the same as they do for other types of zoning complaints. Commissioner Furlong asked if you have a problem tower that you keep getting complaints on can a penalty or fee be assessed? Mr. Shawver stated it would probably be better to say after so many complaints they have to shut the turbine down until it is fixed.

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Item 11

Mr. Lidholm stated at the Harrisburg meeting E.On had they said their turbines are 499 feet tall to the tip of the blade because at 500 feet they trigger FAA rules.

Safety

Items 1 & 2

Commissioner Koirtyohann asked if item 2 would be covered under item 1. Mr. Shawver stated no, sometimes public roads cut through property.

Mr. Lidholm stated that didn't follow EEC's recommendation.

Commissioner Martin asked if we were staying with 2500 under item 1.

Mr. Shawver reminded the group that all of the numbers for heights and distance are placeholders until the Commission can discuss them further.

Commissioner Furlong stated at the last meeting we discussed decommissioning, if a turbine wasn't running for a certain amount of time they would have to decommission it. To keep that from happening they could let it spin for a day or week; should we put a percentage of six months? Commissioner Koirtyohann stated a turbine is considered abandoned if it isn't capable of producing 20% of the average amount of electricity produced in a comparable time period.

End of review.

Chairperson Harris stated the only remaining points are the setbacks and height requirements. Chairperson Harris suggested rather than having those discussions over a number of meetings could we go forward with what we have and look at some mock proposals to see if what we have proposed is practical. Mr. Shawver stated the next work session dedicated to wind farm regulations is July 23<sup>rd</sup>, that will give us time to blow up the maps. Chairperson Harris stated he didn't see the need to have two more meetings just to argue over numbers; a graphic portrayal would give a better idea of what will work. Mr. Shawver stated we take these numbers and put them on a map. Chairperson Harris stated he didn't have a problem with the numbers proposed but if we get it on a map and look

at actuals we may find it is impossible to make work and we would know we have gone too far, I don't know how to make that judgement call until we have it in front of us. Mr. Lidholm stated we are a very populated county and we have a lot of small tracts of land; that is E.On's hurdle to overcome. Chairperson Harris stated he understands but he's been on this Commission long enough to know that we cannot create a regulation that would be reviewed and found to be too restrictive. Mr. Lidholm stated safety should come first. Mr. Shawver stated staff could create a scenario.

Commissioner Koirtyohann asked when this is anticipated to go to public hearing. Mr. Shawver stated probably in the fall.

The next work session to discuss wind farm regulations will be Tuesday, July 23, 2019 at 5:00 pm.

The work session adjourned at 5:58 pm

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