

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, January 9, 2020

Commissioners present: Eric Kurzejeski, Greg Martin, Rhonda Proctor, Steve Koirtyohann, Jeff McCann, Fred Furlong (arrived 5:08 PM)

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

Stan Shawver, Director, called the work session to order at 5:00 PM without a quorum present. Since there was no quorum present, Mr. Shawver stated that staff would go ahead and discuss the items that were prepared for tonight's meeting and the items would be sent to Commissioners who are not present this evening. Without a quorum a decision cannot be made to move forward at this time, but the items can still be discussed.

Bill Florea presented two examples of what a windfarm overlay district could look like. Example A was based on a current Lease of Record, as recorded with the Boone County Recorder of Deed's Office. Example B was based on a parcel identified on the 1750-foot buffer map. Also presented was a draft outlining details of the proposed Wind Energy Conversion Overlay District (WECOD).

Bill Florea stated that these are only examples, no one has approached Resource Management about applying to do this. There are some property owners who have entered into agreements with E.On and those agreements are recorded. Staff took one of the recorded leases to use in Example A, and one of the parcels from the 1750-foot buffer map for Example B, and applied the criteria that staff developed and discussed with the Commission at the last meeting about how to identify the boundary of the district. The cross-hatched area on Example A represents the land that is described in the lease agreement and the cross-hatched area on Example B is the area that was identified as being large enough to meet the 1750-foot buffer.

We discussed last time that if any portion of the proposed district extends into a quarter section then the entire quarter section would be included, that is the remainder of the dark blue areas that are not cross-hatched. Those are properties, not owned by the proponent, that are pulled into the district because of their proximity to where the project would be located.

The light blue around the outside of the district is the buffer. We chose a buffer width of 1320 feet because it is a quarter mile and fits into the scheme we adopted by extending to the quarter sections. 1320 feet is the width of a quarter of a quarter section. The lightest blue is the remainder of properties that would be in the buffer that are under one ownership, but those areas wouldn't be in the actual buffer.

In dark blue areas the proponent would have to get a certain percentage of property owners to sign on before an application for an Overlay District could even be accepted. 67% of the total number of property owners have to sign the overlay application. Within that same area, the owners of 75% of all the land would have to sign on as well. For the buffer area, 67% of all property owners would have to sign. Anyone outside the buffer would be 2900 feet at the closest to any wind turbine.

Thad Yonke stated this would work the same whether it is a single tower or a cluster of towers. Once you have established the overall boundaries then it is a matter of how far apart the individual towers could be.

Commissioner Kurzejeski asked what if five people own one parcel.

Bill Florea stated one parcel gets one vote so those five people would have to agree.

Thad Yonke stated in the hashed areas you can see the red lines, which are individual parcel lines. Just because an individual owns adjoining parcels the tower still has to meet the individual property line setback regardless of ownership; this is the same regulation we use for all other structures. They may have to survey multiple parcels into one parcel to meet setback requirements.

Commissioner Kurzejeski believes that would be impractical.

Bill Florea stated if the property owner wants a wind farm on their property that is one of the things they will have to do. If they don't wish to combine their properties then they can decide not to have a wind farm.

Stan Shawver stated if the tracts are owned by different owners, they may need to form a partnership or LLC in order to combine the properties into a single tract.

Commissioner Furlong arrived.

Stan Shawver announced that there is now a quorum present.

Stan Shawver stated that as dense as Boone County is, this is a very good way to let the community weigh in on something that will have a significant impact. Those towers will be there for potentially 30 years.

Bill Florea stated it also gives the tower company a tool to gauge their risk on these applications because if they are able to get the property owners to sign on, they will have a much better chance of going through the process successfully. There are still public hearings and the public will still have a chance to weigh in. Just because the companies meet that burden doesn't mean that the Planning and Zoning or County Commission are going to approve the overlay district. But the applicant shown that a majority of the people most affected by that particular proposal have agreed to it.

There were no additional comments on Examples A and B.

The Commission discussed the Details of Overlay District document.

Bill Florea stated the highlighted areas are portions that staff needs a consensus on from the Planning and Zoning Commission.

After review, the Commission agreed to have staff move forward with the draft.

Thad Yonke stated that staff will move on with more detailed criteria for the WECOD.

The work session adjourned at 5:36 pm.

The next work session to discuss wind farms is scheduled for Thursday, January 16, 2020 at 5:00 PM. Mr. Shawver asked that Commissioners let Paula Evans know if they are unable to attend because if there aren't enough Commissioners present, we will likely cancel the work session.

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