

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, June 17, 2021

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum present.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Rhonda Proctor	Perche Township
Randal Trecha	Cedar Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Attending by Phone:

Bill Lloyd	Three Creeks Township
------------	-----------------------

c. Members Absent

Fred Furlong	Bourbon Township
Daniel Mings	Columbia Township

d. Staff Present:

Bill Florea, Director	Thad Yonke, Senior Planner
Uriah Mach, Planner	Cece Riley, Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the May 20, 2021 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following statement:

The Boone County Planning and 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 rezoning request and three plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of

the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with County Commission order 238-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older continue to wear a face mask in any public areas of the Government Center.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours.

After those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, June 29th. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, June

29th will begin at 7:00 p.m. and will convene in this same room. That meeting will also be conducted in compliance with the current Covid-19 health order and may use the same format as this meeting.

V. Rezoning Requests

1. Request by Crown Power & Equipment to rezone 3.43 acres from R-D (Two-Family Residential) and 1.68 acres from R-M (Moderate-Density Residential) to C-G (General Commercial) located at 7106 E I-70 Drive SE, Columbia.

Planner, Thad Yonke gave the following staff report:

This property is located approximately 800 feet north of the nearest portion of the Columbia municipal limits that fall on the south side of I-70 Dr. SE and approximately 1 mile east of the Lake of the Woods interchange on I-70. The parcel is approximately 5.11-acres in area and is currently split zoned with the north 3.4-acres zoned R-D (residential duplex) and the remaining 1.7-acres zoned R-M (residential moderate density). These zonings went into effect in August of 1993 having been rezoned from R-S (residential single family). The site currently has a small residential structure on it that is proposed to be removed if the site is redeveloped. The surrounding zoning to the south, and west is R-S and is all original 1973 zoning. The municipal limits adjoin the subject property across I-70 to the north and this northern property is used for commercial/industrial uses. Property to the east is zoned C-G after having been rezoned from R-S in 2019 to legitimize a legal nonconforming use. This property was part of a C-GP (planned commercial) request submitted in 2004. The planned request was withdrawn by the applicant during the Planning & Zoning hearing.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities: Public Water Supply District 9 provides water service to the property. There is a 2.5-inch water main across the entire frontage of the property, which is not capable of producing commercial fire flow. A main extension from Wester Lane, approximately 1100-feet west, would allow connection to an 8-inch main. It is unknown whether that connection would provide adequate fire flow. A water study would likely be needed.

There is a Boone County Regional Sewer District line on the adjoining property to the east that connects to the Columbia treatment plant. The existing building is not connected to the sewer line. Connection to the line will likely require the owner to enter an annexation agreement with the City of Columbia. We do not have any documentation that this process has been requested or approved, nor what conditions would be tied to such an approval. Until the situation about access to the central sewer is resolved we can't consider it available at this time.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to I-70 Drive SE. The drive access appears to be shared. The other properties sharing the access are all residentially zoned.

Public Safety Services: The property is approximately two miles from the Boone County Fire station at 5910 E. St. Charles Road.

Stormwater: The site is not developed and new development or redevelopment on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The property is in the Master Plan and the East Area Plan. Both plans designate this property as suitable for residential land use. There is no evidence that this property was ever used in a commercial capacity and its historic use and current zoning show the role of the property in the neighborhood as residential. The existing zoning supports the East Area Plan goal of encouraging multiple types of housing in the area as it allows for higher density housing without rezoning. The proposed rezoning to C-G conflicts with several of the Goals of the East Area Plan. The plan indicates that commercial areas need to be nodal, the proposal is not. Making the outer road a commercial strip is to be discouraged according to the plan. This request promotes speculative strip commercial development. Under the sub-area plan commercial areas are supposed to be supportive of the residential uses of the neighborhood. As an open C-G request, it is questionable whether the actual use would fit this criterion. Of the existing commercial zoning and legal non-conforming commercial uses of the area almost none are what would be considered supportive commercial uses. Therefore, if rezoned as proposed it is unlikely that this property would be developed with supportive commercial uses. Unless the request was a planned rezoning there is no mechanism which could limit development to such uses. The requested zoning, general commercial (C-G) is an open zoning district upon which conditions of approval can't be placed. Under open zoning, the property must be able to support all Permitted Uses in the C-G district; this has not been shown. It has not been shown that central sewer is available at this time and is subject to approval by the City of Columbia. Water sufficient to provide commercial fire flow is not available at the property nor has been shown to be available, therefore the proposal fails to pass the sufficiency of resources test in addition to the conflicts with the East Area Plan.

Staff notified 71 property owners about this request. The property scored 65 points on the rating system.

Staff recommends denial of the rezoning for failure to pass the sufficiency of resource test and because of conflicts with the adopted East Area Plan.

Present representing the request:

Ben Ross, Engineering Surveys & Services, 1113 Fay St, Columbia
Harold Chapman Jr, Crown Power & Equipment, 5793 N Hwy PP, Columbia

The applicants made a power point presentation.

Harold Chapman: Crown Power came into existence in 1992, we are located on Prathersville Road. We purchased this property and the property to the east in 2004. We were running a small Cub Cadet dealership. We were told by the brand that we would need more land so we bought this 5.1 acres. We did some consolidation and moved everything to our Prathersville Road location. This property has been vacant for some time now. We employ 190 employees and we travel from Macon to Monett, Missouri. We have been successful and have been part of the community, we are active with the fair and other youth events. We feel like we have been a good neighbor and a good business for Boone County. We would like to sell this property and we need to rezone in order to be able to resell.

Ben Ross: The second slide of the power point shows an overall view of the property, there is a commercial use to the east and north. There is an old house on the property which will likely be removed. We reached out to the adjacent property owners and one of them is in support and the other two are not in opposition.

The neighbor to the east has been a commercial use since 1938, in 1973 the County adopted zoning and gave it R-S zoning. In 1983 it was rezoned to R-D and R-M which is what it is now. Since 1980 the community has grown 180%; you would think there would be a demand for housing and nothing has happened on this property since the 1980's. The property was in default and Crown Power bought it from the bank in 2004. In 2019 the neighbor to the east rezoned because they wanted to have a legal commercial property so if their structure ever burned down or had more than 75% loss they wouldn't be able to rebuild without proper zoning.

I reached out to John Kuhlman at MoDot. There is good sight distance east and west and Mr. Kuhlman told me that a commercial driveway could be constructed on the property. There is a drainage easement we will have to work around but I don't see that as a problem. Access is good for this property for a commercial use. Things have changed since the original zoning in 1973 and even since the rezoning in 1983. The biggest change is that it was just announced that a new subdivision will be built to the south of this property and it will be 348 lots; it is going to be in the City of Columbia. Those property owners will want some commercial uses close by. To the east of that new development Olivet Road will be extended and it will be a future arterial extension. The pavement will be about 50-feet wide with curb and gutter and a 100-foot wide right of way; it will eventually go north toward Battle High School and there will be an overpass over I-70. We think it will also have a connection to the outer road. There will be a new, major roadway just $\frac{1}{4}$ mile away from the property we are asking to rezone. In the future, transportation is going to call for some commercial growth in the area. In 1988 there were 28,000 vehicles per day on I-70 and today there are over 45,000. The property has good frontage and visibility from I-70 and it makes sense to have a commercial property along the high visibility corridor.

I reached out to Roger Ballew regarding the water service. The closest eight-inch pipe to the property on the south side of I-70 is about 1000-feet to the west. Mr. Ballew indicated it has over 1000 gallons per minute (gpm) capacity which would be good for a smaller commercial development. If you are going to build a big hotel that might not be enough. Right now the property is zoned Multi-family Residential, to develop in the current zoning the water main would still have to be extended. The water main is just down the street and is close enough to make it economically viable to extend it for a commercial development. There is a fire hydrant the next street over and it is between 500-1000 gpm. The ability to get commercial fire flow for smaller to moderate commercial uses is very viable for this site.

A sanitary sewer line is located on the neighboring property; ES & S designed that about six or seven years ago for the Boone County Regional Sewer District. The easement is contiguous with this lot so they would be able to connect to that. I have never heard of a case where BCRSD or the City of Columbia would deny someone connecting to the sewer; it is the most economical and environmentally friendly way to treat wastewater. The eight-inch sewer main would support about anything you would build on that site from a commercial standpoint. There is a petroleum pipeline that crosses the property, it is a 12-inch steel line. If I was going to build a house I wouldn't want to be anywhere near that. A commercial parking lot over that would be a better use. The pipeline is a detriment to any kind of residential development on the property. We think this is a great site for commercial development, it is right along I-70. The utilities are close enough to meet the sufficiency test.

Chairperson Harris: Is the pipeline active?

Ben Ross: I am not sure. They defend their right of way zealously. The pipeline crosses through Columbia diagonally through town, we have encountered it in several places. It is the Magellan pipeline and in Tulsa they have an engineering staff and you have to get permits for it. You can pave over it but no building.

Harold Chapman: I believe it is active. There are two pipes with it, one is running fiber. Any time we do anything out there we call Magellan and they send someone out.

Commissioner Trecha: What is currently on the commercial lot to the east?

Ben Ross: It is Columbia Golf cars.

Chairperson Harris: The statement was made that water and sewer would have to be upgraded to exercise the existing zoning, is that correct?

Thad Yonke: Yes.

Chairperson Harris: No matter what happens to it, that has to be fixed?

Bill Florea: Correct.

Open to public hearing.

Present speaking in favor:

Paul Land, Real Estate Broker, 4104 Joslyn Ct, Columbia

Paul Land: I represented this property owner in 1992 when they moved to the Prathersville location and in recent years on this property and the property to the east of this. For the last three years we have marketed this property and have fielded commercial requests, not a single residential request. The fact that the traffic counts have gone up by 25,000 cars per day in 20-years makes it unlikely that this property will ever develop as a residential property. The south side of I-70 seems to be the ideal place for commercial development, it has an outer road that spans from Lake of the Woods to the Route Z exit providing access unlike the north side of the interstate with the outer road of ABC Lane which does not connect to Lake of the Woods. I think this is an appropriate spot for commercial development. We have seen a sprawl of development in Callaway County of businesses that probably wouldn't mind being in Boone County except for the lack of zoning that allows them the same features in Callaway. I hate to see that development go to another county when it could come to Boone County. The uses that are defined within the C-G district are the uses that are appropriate for this area. I spoke to each of the adjoining property owners and they have no objection to this request. Notice was sent to 71 property owners; I will be surprised if anyone is here to speak in opposition tonight.

Mr. Land presented traffic count maps and population charts.

No one spoke in opposition to the request.

Closed to public hearing.

Chairperson Harris: Does Crown Power own the C-G zoned property to the east?

Harold Chapman: We sold it.

Thad Yonke: We took one phone call from a property owner in the area and his concern was if they got the rezoning was whether they would have to put in the water improvements. I explained that there is nothing inherent about the zoning that requires the water to be put in but that the development of the property would require it. He was concerned because he had requested commercial zoning for his property and was denied because he didn't have the water.

Commissioner Poehlman: Since you own the property and you feel strongly about it getting it rezoned then why didn't you go ahead and make a plan for it?

Harold Chapman: We aren't going to develop the property, whoever buys it will. When we purchased this property, the property to the east is where we had our retail outlet but the brand that we were dealing with told us we had to have more acreage, so we purchased this property. If we had stayed over there we probably would have asked to rezone and cleared this property to display equipment.

Chairperson Harris: The commercial use to the east exists because it is pre 1973 zoning?

Bill Florea: It may have been a non-conforming use, but we have not checked for a certificate of occupancy for non-conforming use.

Thad Yonke: The reasoning and justification for the C-G rezoning that exists there was because it was legitimizing an existing, legal non-conforming use. It had already existed and continued to exist on that property. That was the justification for that C-G zoning.

Commissioner Kurzejeski: If we go east from this property is there any residential along I-70?

Thad Yonke: Yes. You have Sunrise Estates but there are also other houses along the outer road.

Commissioner Lloyd: How many properties along the outer road between Lake of the Woods and Route Z are zoned commercial?

Thad Yonke: I don't know.

Commissioner Lloyd: Would it be safe to say there are several?

Thad Yonke: There are several.

Commissioner Kurzejeski: I don't remember why there was concern about this being a commercial node during the East Area Plan discussions.

Thad Yonke: Because they didn't want it to be strip commercial where the entire frontage was commercial, they felt it should be nodal, which is at intersections and concentration points. Not because you have commercial zoning so the property next door should also be commercial.

Commissioner Kurzejeski: It is not nodal at this point.

Thad Yonke: No.

Chairperson Harris: While the theory is wonderful the reality is the existing residential surrounds a mix of commercial property that is in a strip.

Commissioner Lloyd: If the master plan was being developed today would this property still be declared suitable for low-density residential or would the plan say it should be commercial for a good portion of this stretch of properties?

Thad Yonke: The East Area Plan was done after the master plan and it did designate this area as residential. I would say that answer has been made and it was that this area was suitable for residential. They did indicate that the residential should be a mix of residential uses which is exactly why the R-M and R-D is supported by the area plan. While it might not be the most attractive spot for a single-family home it is developable as an apartment complex with a parking lot on the front like what you would find with a commercial development. Also, to clarify, there was a statement that the City of Columbia doesn't deny sewer access.

Within the last couple of weeks, they did just that and they have been more insistent upon having conditions placed upon pre-annexation agreements for getting access to the sewer. The question about whether you have access to sewer and what that entails is important to have clarified before the right to have a zoning of that type is ascertained.

Commissioner Martin: That was going to be my question. Why have the applications not pursued and obtained an agreement from the sewer district so that you know you have it? It is concerning to put the zoning out there and now you can't have access to sewer.

Thad Yonke: One of the standard conditions the sewer district has been placing is that you must meet city fire flows which is 1500 gpm for commercial, not 1000.

Commissioner Trecha: Is the water available currently that would support development for the residential densities that are currently allowed?

Thad Yonke: It could for a duplex or some types of multi-family. You can put a multi-family in that requires the same as commercial. It depends on how many units you are developing.

Commissioner Kurzejeski: Does the pipeline through there impede the potential for residential development in any way?

Paul Land: I don't know; it impedes the usability of the tract, so that impedes the density. We are not seeking a building permit tonight; we are seeking the appropriateness for commercial zoning at this location. The answer to why we haven't pursued some of that is because we don't know what capacity we are asking for. It would be better to know what capacity we are asking for and the first leg of that is to get the zoning.

Commissioner Kurzejeski: Any commercial use is still going to have to deal with the sewer and water.

Chairperson Harris: The existing zoning will have to deal with the sewer and water as well. The water and sewer, regardless of what zoning label we put on it doesn't make a difference, they both have the same dilemma.

Commissioner Martin: As a Commission we also must look at the fact that it doesn't meet the resource requirements.

Commissioner Lloyd: Does it make any sense to table the request to allow the applicant to get with the sewer district and the city to see if there could be a definitive answer to connection?

Commissioner Poehlman: Shouldn't the applicant ask for that?

Chairperson Harris: The applicant would have to ask the Commission to table the request.

Commissioner Martin: I believe the Commission should make their decision and allow this to move forward one way or another. I am not comfortable making that decision based upon the sufficiency of resources because we can't okay it carte blanche.

Chairperson Harris: The existing sewer line goes under I-70?

Ben Ross: Correct.

Chairperson Harris: Is it Boone County Regional Sewer or the City of Columbia sewer?

Ben Ross: We were working for the Boone County Regional Sewer District; I don't know if that was a service area they kept or how it worked out. In my experience, if you have public sewer next to your property you can hook on to it. I can look up those details and report to the County Commission.

Thad Yonke: Even if it is the Boone County Sewer District you still have to get the agreement because it is ultimately treated by the City of Columbia, so you have to get it worked out.

Chairperson Harris: The question becomes if this is an appropriate use of land in this location. If this was the only spot that this zoning is being requested along that stretch of road I would say probably not. The problem is the precedent is set in both directions. From a development perspective, while I fully understand the East Area Plan looking at that as residential, you tend to find a lot of major roadways with commercial property that fronts it and the residential comes up behind it so that the residential isn't right next to all the traffic.

Commissioner Poehlman: There wasn't anyone voicing concern about it either. Without a plan I am hesitant.

Commissioner Kurzejeski: I can see you not having a plan if you are just selling it because you don't know who the buyer is going to be or what the use will be.

Commissioner Martin: They are still going to have to have those resources.

Commissioner Poehlman: It would be easier to accommodate those resources if you knew what the plan was.

Chairperson Harris: In light of the existing uses and the fact that the existing zoning is no more compliant with the sufficiency of resources than the proposal, and with respect to Staff, I will make a motion to approve the rezoning request.

Chairperson Harris made and Commissioner Koirtyohann seconded a motion to approve the request by Crown Power & Equipment to rezone 3.43 acres from R-D (Two-Family Residential) and 1.68 acres from R-M (Moderate-Density Residential) to C-G (General Commercial) located at 7106 E I-70 Drive SE, Columbia:

Boyd Harris – Yes
Michael Poehlman – NO
Bill Lloyd – Yes
Steve Koirtyohann – Yes
Jeff McCann – NO

Eric Kurzejeski – Yes
Greg Martin – NO
Rhonda Proctor – Yes
Randal Trecha – Yes

Motion to approve the request passes 6 YES 3 NO

Chairperson Harris informed the applicants that this request would go to the County Commission on Tuesday, June 29, 2021 and the applicants need to be present for the hearing.

VI. Plats

The following plats were placed on consent agenda:

1. Cochran Subdivision Plat 2. A-2. S25-T51N-R14W. Allen & Judy Cochran and Sean & Angela Cochran, owners. Steve Proctor, surveyor.

The following staff report was entered into the record:

The property is located just south of the intersection of Carr Lane and State Route F, approximately 3 ½ miles north of Harrisburg. The subject property is 11.13 acres in size. This proposal creates two lots, one at 5.56 acres, the other at 5.57 acres. Both lots are already developed with single-family residences and on-site wastewater systems. This proposal revises the previously-platted Cochran Subdivision to include the adjacent property to the north and the lake between both properties. This plat consolidates a not-for-development tract with the two lots, making that area developable. The subject property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The lot has direct access to State Route F. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the lot is provided by Public Water Service District #10 and electrical service is provided by Boone Electric Cooperative.

Existing on-site systems provide wastewater disposal for the single-family residences. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 36 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

2. Higher Ground Subdivision Plat 1. S24-T50N-R14W. A-2. Gems Hilltop Acres LLC, owner. Steven Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located at the northwest corner of the intersection of N Bethlehem Road and W Gray Rd, approximately 1.5 miles to the southeast of the City of Harrisburg. The subject property is 40.07 acres in size and zoned A-2 (Agriculture). It is surrounded by A-2 zoning, all of which is original 1973 zoning. This proposal divides two tracts into three lots and reconfigures the remainder into a 20+ acre simple survey. The three lots proposed to be platted are 5.00, 5.09, and 5.38 acres, respectively. The property within this plat proposal is currently undeveloped.

The subject property has direct access onto Gray Rd and Bethlehem Rd, both being gravel roads with publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Consolidated Water District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Wastewater has been proposed as on-site lagoons. The health department has been made aware of this proposal and has indicated no foreseen issues at this time. Any new development on these property's on-site wastewater treatment systems will require permitting from the Columbia/Boone County Health Department.

The property scored 30 points on the rating system.

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

3. Quarry Farms Subdivision Plat 1. S26-T51N-R13W. A-2. Tim Burke, owner. Steven Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located on West Creed Road, approximately 7 miles to the southwest of the City of Sturgeon. The property is 24.8 acres in size and zoned A-2 (Agriculture). It is surrounded by A-2 zoning, all of which is original 1973 zoning. This proposal divides the north 4.8 acres away from the remaining 20-acre tract. The property is currently undeveloped.

The subject property has direct access on to W Creed Rd, a gravel road, with publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement. The subject property is located in Public Service Water District #10, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Wastewater has been proposed as an on-site lagoon. The health department has been made aware of this proposal and has indicated no foreseen issues at this time. Any new development on this property's on-site wastewater treatment system will require a permit from the Columbia/Boone County Health Department. The property scored 35 points on the rating system.

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

Commissioner Martin made, and Commissioner Kurzejeski 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 final development plan for Danny Hill/Lot 4 Concorde South Plat 2 was approved.

The plats that went forward to the County Commission were also approved.
(Trade Winds Park Plat 1-B, Montague Subdivision, Bellaridge Subdivision Plat 5)

VIII. New Business

Wind Farm Regulations

Director, Bill Florea gave the following staff report:

Nearly three years ago, on July 31, 2018, after having received a recommendation of approval from the Planning and Zoning Commission, the County Commission approved a Conditional Use Permit for a meteorological mast in northern Boone County.

The applicant, Mike Sivore, with E.ON Climate and Renewables, testified that there are several factors that his company considers when deciding on a location for a windfarm: a supportive community, the ability to transmit or ship the electricity, and wind. Mr. Sivore stated that he felt the first two factors were present, which left wind and the need for the met mast.

In March 2019, a community meeting was held in the Harrisburg High School Gym to discuss a potential windfarm. At the meeting, then Director of Resource Management Stan Shawver stated that changes in County regulations would be necessary for a windfarm to move forward. Shortly thereafter, the County Commission directed Resource Management to work with the Planning and Zoning Commission to address the issue of utility scale wind powered energy generation in Boone County.

P&Z has held 14 work sessions on this issue. Several of the work sessions were held jointly with the Columbia/Boone County Energy and Environment Commission.

Over time, it became clear that the Commission's work on this issue focused on several priorities including

- A high level of community support for all proposed wind farms;
- A high commitment to public safety, health, and welfare;
- Minimizing impacts to non-participating properties and property owners;
- Ensuring mitigation of any degradation of public transportation infrastructure;
- Minimizing impacts to the natural environment;
- Ensuring a fair process.

In order to ensure community support of a proposed wind farm, P&Z chose to use established Boone County policy for creating a Character Preservation Overlay District as a model. That process requires the applicant to obtain the notarized signatures of a super majority of property owners in a defined area where the windfarm is proposed. This procedure blends well with E. ON's desire to locate in an area with strong community support.

The Commission has carefully considered information from a variety of resources. In establishing a setback requirement the Commission considered setbacks of varying distance, reviewed maps provided by staff, testimony from the Columbia/Boone County Commission on Energy and Environment and the peer reviewed article *A method for defining wind turbine setback standards* published in the academic journal WIND ENERGY.

In establishing noise standards, the Commission considered the World Health Organization *Environmental Noise Guidelines for the European Region* and the American National Standard *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long-term Community Response (ANSI 12.9-2005/Part 4)*.

Concerning the natural and built environment, applicants are required to follow United States Fish and Wildlife Service *Land-Based Wind Energy Guidelines* and prepare a comprehensive environmental assessment that addresses things such as flora and fauna, noise generation, waste generation, fire risk, water quality and soil erosion, impacts to historic and cultural resources, visual impacts including shadow flicker and blade glint, and impacts to public transportation infrastructure.

The Commission held three public hearings on the following dates:

- April 8, 2021 in the Boone County Commission Chambers
- April 20, 2021 in the Harrisburg High School Gymnasium
- April 29, 2021 in the Southern Boone County School District Offices in Ashland.

Written comments were accepted from April 1, 2021 through April 30, 2021. The draft regulations brought before the Commission tonight are the result of many hours of work by the Commission and staff as well as a significant amount of time and effort from the general public.

The most recent drafts of both the WECOD and the WECS-C CUP Regulations were included in your work session packets and are displayed on the screen for your consideration.

Chairperson Harris: The Commission has gone through the proposed regulations line by line and addressed all of the comments and questions raised by the public. After review, the Commission asked Staff to make recommended changes and bring it back before the Commission and this is the finalized draft version.

Commissioner Koirtyohann made, and Commissioner Martin seconded a motion to accept the proposed regulations and forward them to the County Commission for consideration:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

The motion passed unanimously.

Chairperson Harris stated that the Commission has accepted the proposed regulations and recommend they be forwarded to the County Commission for consideration. The County Commission will hold at least one public hearing and a 15-day notice will be provided prior to the hearing.

Bill Florea stated that we will keep the public up-to-date on the Wind Farm Regulations website at: <https://www.showmeboone.com/resource-management/WECOD/>. The County Commission has not set a meeting date yet.

IX. Adjourn

Being no further business, the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Secretary
Michael Poehlman, Secretary

Minutes approved on this 15th day of July, 2021