

**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, December 19, 2019**

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
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Eric Kurzejeski	Missouri Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township

b. Members Absent:

Carl Freiling, Vice Chairperson	Cedar Township
Bill Lloyd	Three Creeks Township
Jeff McCann	County Engineer
Fred Furlong	Bourbon Township
Vacant Seat	Columbia Township

c. Staff Present:

Stan Shawver, Director	Thad Yonke, Senior Planner
Bill Florea, Senior Planner	Uriah Mach, Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the November 21, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

The following Chairperson statement was entered into the record:

The Boone County Planning & 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 5 subdivision plats.

The subdivision plats on tonight's agenda are being considered as administrative acts. The commission must approve any plat that conforms to the subdivision regulations.

Following the subdivision plats, the staff will make a presentation to the Commission about Section 23 - Character Preservation Overlay District which is part of the Boone County Zoning Regulations.

V. Plats

All plats were placed on consent agenda.

1. Sappington. S7-T46N-R12W. A-2. David and Linda Sappington, owners. David T. Butcher, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route MM, approximately three miles to the east of the City of Ashland. The proposal is to expand and reconfigure an existing lot to contain the existing house and wastewater system on the property. Previously, the house was not located on the lot it was supposed to be on. The proposed lot is 2.03 acres in size and zoned A-R (Agriculture-Residential). The property is surrounded by A-R zoning. The A-R zoning was rezoned from A-2 (Agriculture) in 1977. This plat and its associated variance bring the property into compliance with the Boone County Zoning and Subdivision Regulations.

The subject property has direct access on to State Route MM, a publicly-dedicated, publicly-maintained, right-of-way. The applicant has requested a waiver to the traffic study requirement.

The subject tract is located in Consolidate Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

The subject property uses an on-site wastewater system as permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the waste-water cost-benefit analysis requirement.

This property received a variance for the minimum lot size with an on-site wastewater system under variance 2019-005, which was heard and approved by the Boone County Board of Adjustment on 26 September 2019.

The property scored 41 points on the rating system.

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

2. Graham. S26-T49N-R14W. A-2. Larry Forest and Linda Lee, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located at the end of Graham Road, approximately 4 miles to the northeast of Rocheport. The proposal is composed of two lots. These two lots are being created out of parent tracts totaling approximately 61 acres. The proposed lots are 6.51 and 5.0 acres in size, each with an existing dwelling unit present. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Graham Road, a publicly-dedicated, publicly-maintained right of way, terminates at Lot 1 of this proposal. Lot 2 has access to Graham Road via a private access easement. The applicant has requested a waiver to the traffic study requirement.

The property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Both dwellings have existing on-site wastewater systems. Any modifications to those systems will be done under permit with the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

This property is in a sinkhole area as designated by the Missouri Department of Natural Resources. That designation requires land disturbance permits to be sought for any disturbance over 3000 square feet.

The property scored 28 points on the rating system.

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

3. Gilmore. S26-T46N-R12W. A-2. Gilco LLC, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located east of Highway 63 on Gilmore Road, approximately 2 miles south of the City of Ashland. The parent parcel is 58 acres in size and zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal splits off 3 lots at 5 acres, 5.10 acres, and 5.05 acres from the parent parcel. This property has an existing house on Lot 1, which must be removed prior to final approval of the plat, due to setback issues.

Lot 1 has direct access on to Gilmore Road, a publicly-dedicated, publicly-maintained right-of-way. Lots 2 and 3 have access to Gilmore Road via a private access easement. The applicant has requested a waiver to the traffic study requirement.

The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Any development on this property will require the installation on an on-site wastewater system under permit from the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 61 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers with the following condition:

1. That the plat does not proceed to the County Commission until the house on lot 1 is removed.
4. The Estates Plat 1. S11-T47N-R13W. A-2P. Joanna M. Wilson Trust, owner. Jay Alan Gebhardt, surveyor.

The following staff report was entered into the record:

The overall development of this project is generally located approximately 1000 feet to the east of the City of Columbia, across High Point Lane and ½ mile south of State Route K. The properties making up The Estates are zoned A-2P (Planned Agriculture) that went into effect in July of 2019. The zoning is A-2 to the north and east. The zoning immediately adjoining this plat to the west is A-2P and will be a further phase of this same development. A-2P (Planned Agriculture) and A-2 are the zonings to the south. This A-2P zoning is Heatherhill Estates, which was finalized in December of 2016.

This is the first phase of the project to be platted to create lots. This plat starts at the furthest east portion of the property and comprises three lots. This proposal covers 23.62-acres of the total development acreage of 54.21-acres. The property is served by Consolidated Public Water Service District #1, Boone Electric, BCFPD, and the BCRSD. The plat scored 69 points on the point rating system.

Staff recommends approval of the plat.

Commissioner Koirtyohann made and Commissioner Proctor seconded a motion to approve the items on consent agenda with staff recommendations and conditions:

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The rezoning request for Old Hawthorne was approved by the Planning and Zoning Commission and by the time it got to the County Commission the applicants agreed the turn lane would be appropriate but the applicants asked for a change in how it was staged and the Commission approved their request. Commission Order 509-2019 rezoning, 510-2019 review plan

The rezoning request for 40-J Farms LLC was recommended denial by the Planning and Zoning Commission, the applicants appealed the decision to the County Commission who approved the request. Commission Orders 511-2019 (rezoning), 512-2019 (review plan), and 513-2019 (preliminary plat).

The Final Development Plan for Melloway was approved as recommended. Commission Order 514-2019.

The Final Development Plan for Martha L. Straub Trust was approved as recommended. Commission Order 515-2019.

Plats Bellaridge Plat 2, Flynt Lane Estates, Melloway Plat 1, Zumwalt Road, and Deer Crossing were approved. Commission Order 516-2019

## VIII. New Business

### 1. West Area Plan

Stan Shawver informed the Commission that County staff met with City staff to talk about the West Area Plan. The soonest a joint meeting between the city and county Planning and Zoning Commissions is February 6, 2020. Mr. Shawver stated that no time or meeting place has been determined at this time but asked the Commission to keep that date open for a joint meeting.

### 2. Review of Character Preservation Overlay District.

Staff presented the Character Preservation Overlay District section that is in the current zoning regulations and a flow chart showing the process of obtaining an overlay district.

This is a suggestion that was brought to the Commission at the July 23, 2019 wind farm work session. The Character Preservation Overlay District has been in the Zoning Regulations since 1998. Bill Florea stated that 67% of property owners in the proposed district have to sign the application; if the Commission chooses, they can use the Character Preservation Overlay District as a model for a Wind Energy Overlay District (or similar name). Once an overlay district is approved then a wind energy company can apply for individual conditional use permits for wind turbines within that district. Thad Yonke stated if there is not enough support in the community for an overlay district then the conditional use permit cannot be applied for. An overlay district doesn't change the zoning, but it overlays a new set of regulations for the district in addition to the existing regulations. In this instance an overlay district would not place additional restrictions on property use but would, instead, enable an entity to apply for a conditional use permit to construct a wind turbine and tower. What staff would like tonight is a go ahead from the Commission to use the Character Preservation Overlay District as a model and if the Commission agrees to that then staff would start working on a Wind Energy Overlay District.

Commissioner Kurzejeski asked if a single landowner could create their own Overlay District.

Bill Florea stated that staff talked about having a minimum land area of a quarter-section. It is possible if one property owner owns  $\frac{1}{4}$  of a section. However with the setbacks the Commission has discussed it would probably have to be larger than  $\frac{1}{4}$  of a section in order to place a tower. The overlay would need to be large enough to encompass the  $\frac{1}{4}$  section and all required setbacks.

Stan Shawver stated that this is a good tool for community involvement. Many conditional use permits are from individual property owners. An overlay district will cause a community to come together and say yes, we want the conditional use permit or no, we don't. If that won't work for the company then they will have to look at a different area where they can get the property owners to agree.

Chairperson Harris stated this is a way to allow the stakeholders to make the decision even though the zoning regulations would say they can't.

Thad Yonke stated it is a way for them to show support; they don't make any decisions.

Bill Florea stated the proponent would have to get a certain percentage of the people that own property to support it.

Thad Yonke stated it is not worth anyone's time to go through the conditional use permit process and not be approved because only one person wants it and there are 300 people against it. You have to get the collective mass in agreement.

Bill Florea stated this first step is only to submit an application and to certify a set of standards that they develop. Then, that same number of property owners must agree to those standards. It still has to go through the Planning and Zoning Commission for public hearing and the Commission can ask the citizens committee to modify it and bring it back if necessary. The P & Z Commission would then recommend approval or denial to the County Commission. Just because the percentage of property owners approve the overlay district it still goes to the Commission for a recommendation to the County Commission who makes the final decision.

Chairperson Harris stated this will put the burden on the company to find 2/3 of property owners in a quarter section to agree.

Commissioner Kurzejeski asked staff to consider whether there is some proportion of the land area. I could see five 10-acre owners around a 200-acre owner trying to make an overlay district so that nothing happens on the 200 acres. Conceptually, in the whole idea of overlay districts there are many things that could happen that could impact a larger property because others don't wish to see anything happen with that larger property.

Thad Yonke stated they could use the existing Character Preservation Overlay District to do that right now.

Commissioner Kurzejeski stated we should think about a proportion of an acreage within there also; a percentage of the owners of all of the acreage in the proposed district should be factored in.

The Planning and Zoning Commission asked staff to go ahead with preparing a Wind Energy Overlay District regulation.

Stan Shawver stated the Commission had asked for a 1750-foot buffer map showing where in Boone County wind turbines could be placed.

Staff presented the 1750-buffer map to the Commission as well as the 1000, 1500, 2000, and 2500 buffer maps.

Stan Shawver stated that some property owners may be able to resurvey their smaller properties into a larger piece which could then have a wind turbine but those aren't shown on the map.

Chairperson Harris stated he thought the Commission settled on 1750-foot setbacks at the last work session. The 2000 and 2500 feet are restrictive. 1750 feet is well below the industry suggestions and we still don't have many sites that fit. I am looking at it from the perspective of writing legislation and what doesn't get you a lawsuit.

Commissioner Poehlman stated that you shouldn't go less than 2000 feet especially when the companies are suggesting that number. Commissioner Proctor agreed; if that is the industry standard then why are we suggesting less? We will conform to their rules by going to 2000 feet.

Thad Yonke stated, as a reminder, the buffer maps shown shows what will fit on properties that are currently surveyed as single pieces; it doesn't reflect the property owners that own two 180 acre pieces side by side, they could survey those into one piece and have a turbine on it.

Chairperson Harris stated there is always going to be the possibility of some sort of scenario. I am still on the fence of writing legislation that will get an immediate lawsuit. I understand Commissioner Poehlman's

perspective that this is the industry's safety parameters, but we should find a point in the middle that isn't so restrictive that it buys a lawsuit.

Commissioner Koirtyohann stated he would like to stick with 1750 feet; Commissioner Martin agreed.

The majority of Commissioner's present agreed to a 1750-foot buffer.

Stan Shawver stated once the draft is completed there will be public hearings and the Commission could reevaluate after hearing public comment.

Stan Shawver stated the next work sessions for Wind Farm discussion are Thursday, January 9, 2020 and Thursday, January 16, 2020.

IX. Adjourn

Being no further business, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 20<sup>th</sup> day of February, 2020