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MINUTES OF THE BUCHANAN COUNTY
PLANNING & ZONING COMMISSION
June 14, 2023

The meeting was called to order by Albert Purcell, Buchanan County Planning & Zoning Chairman, at 7:00 p.m. in the Thomas J. Mann III Room, #223. This room is located on the 2nd floor of the Buchanan County Courthouse, 411 Jules Street, St. Joseph, Missouri 64501.

Board members Wayne Barnett, Glen Frakes, Mike Korte, Rodney Fry, Alfred Purcell, Cody Cornelius, and Fred Corkins were present for roll call and a quorum was present.

Also present were Commissioner Scott Burnham, Planning & Zoning Specialist Kristy Theas, and County Attorney Joshua Bachman.

AGENDA

ITEM #1: A request by Gidgibleo, LLC, aka Randy Buckles, SE Riverside Terrace, St. Joseph, to obtain a Conditional Use Permit to survey and sell to construct one (1) Single Family Dwelling on a 2.01 m/1 acre parcel located on SE Riverside Terrace, St. Joseph, all located in Section 6, Township 56, Range 34.

ITEM #2: To review and discuss draft for Solar Ordinance and application for Buchanan County.

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P R O C E E D I N G S
(Proceedings commenced at 7:00 p.m.)

CHAIRMAN PURCELL: Let's call the meeting to order and, Kristy, if you would call the attendance.

MS. THEAS: Sure. Al Purcell?

CHAIRMAN PURCELL: Here.

MS. THEAS: Cody Cornelius?

MR. CORNELIUS: Here.

MS. THEAS: Wayne Barnett?

MR. BARNETT: Here.

MS. THEAS: Shirley Day?

(No response.)

MS. THEAS: Fred Corkins?

MR. CORKINS: Here.

MS. THEAS: Scotty Sharp?

(No response.)

MS. THEAS: Glen Frakes?

MR. FRAKES: Here.

MS. THEAS: Mike Korte?

MR. KORTE: Here.

MS. THEAS: Rodney Fry?

MR. FRY: Here.

MS. THEAS: Pat McLear?

(No response.)

CHAIRMAN PURCELL: The minutes have been sent out to everyone, and so they'll stand approved as written, unless they need a change. I will entertain a motion to approve the minutes.

MR. KORTE: So moved.

CHAIRMAN PURCELL: So moved, and is there a second?

MR. CORNELIUS: Second.

CHAIRMAN PURCELL: Second? Okay. Thank you so much, and all that approve the minutes say aye.

(Unanimous aye.)

CHAIRMAN PURCELL: Those opposed?

(No response.)

CHAIRMAN PURCELL: Hearing no objections, then the minutes will go into the record. Thank you so much.

Kristy, would you call the topic that we have, Item 1 on the agenda?

ITEM NO. 1:

MS. THEAS: Item one is Randy Buckles, who has a 14.46, more or less, acre tract of land that is wanting to sell off two acres to an individual, which

1 is Scot VanMeter, to build a single-family dwelling.

2 I want to remind you all that this is a
3 conditional use for him to take the two acres and sell
4 to him to build a single-family dwelling, which is
5 right next to Scot VanMeter's son. The parcel will
6 never be able to be split again because there's already
7 his son's house is there. The remaining will stay
8 agricultural behind their houses, and this conditional
9 use will follow the owner, not -- not the parcel
10 owner -- you know, will follow the land, not the owner.

11 CHAIRMAN PURCELL: So that's the note that you
12 put here?

13 MS. THEAS: Yes.

14 CHAIRMAN PURCELL: And so that's what we will
15 be --

16 MS. THEAS: -- voting on.

17 CHAIRMAN PURCELL: Yeah, after we hear the
18 presentation --

19 MS. THEAS: Yes.

20 CHAIRMAN PURCELL: -- that's what we'll be
21 voting on. So it provides clarity.

22 MS. THEAS: Yeah.

23 CHAIRMAN PURCELL: Josh?

24 MR. BACHMAN: That's right, because, remember,
25 we bumped up against that at our last meeting, and I
did a little research of case law. And just to keep it
nice and clear, we'll just have that be one of the
conditions, that it's clear it runs with the land and
is good until it's either violated or it expires. So
that way the next owner will be able to build that
house.

CHAIRMAN PURCELL: And so who is here
representing this this evening? Would you come forward
and state your name and your address, if you'd be kind
enough to do that.

MR. BUCKLES: I know a few of you. I'm Randy
Buckles. I live at 6880 Southeast Riverside, right
across the street from where the VanMeters live, and
we've been out there 34 years, almost 35. And just so
happened I was able to buy the 40 where we're at and
then a few years ago bought the 40 or the 37, whatever
it was, across the street.

And so we fixed up the old house that was
there, and Tyce and Kylee, who are deputies and police
detectives, built -- or bought that house from me two
or three years ago. And I know they've got a couple
children and real small, and I don't know if they have
some others on the way, but Scot and Jenny called me
and wanted to know about building a house next to them
so that they could see the grandkids whenever. I'm all

1 about family. And, first of all, I want to thank you
2 guys for doing the job you do. I know it takes time
3 out of your busy schedules and it takes us so much;
4 it's hard to be able to come in and do something like
5 this. I know you don't do it for all the money the
6 county pays you, but because of your willingness to
7 oversee the county and things that are brought up, I
8 appreciate you doing that.

9 But that's -- that's pretty much the case is
10 they approached me about building next to where the
11 grandkids are growing up and living out the rest of
12 their years there. So me and my wife talked it over,
13 and that's what we want to see, so I brought it to you
14 all to approve and ask me any questions or tell me
15 otherwise.

16 I would like to ask one thing. I'm keeping a
17 road on the south edge of that. I'd like a 25-foot
18 easement for -- they'll have two acres, but there will
19 be about 20, 25 feet left, but I want a road to the
20 back of that 14 acres. And I own the 16 acres on the
21 north also.

22 MS. THEAS: Yeah, to have access.

23 MR. BUCKLES: I know that's a third piece of
24 property, but one of my kids had mentioned at one time
25 there's, like, an eight- or ten-acre timber back in the
26 back where there used to be a barn and a house in the
27 middle of it, and it's all cleaned out pretty much and
28 everything. They had mentioned one time they might
29 later want to build a house back in that timber. Would
30 that keep them from doing that?

31 MR. BACHMAN: Well, yeah -- I'm sorry.

32 MS. THEAS: If it's on the same parcel, it
33 would, but I don't think it's on the same parcel.

34 MR. BUCKLES: Yeah, it's on the same parcel.
35 Where -- on the very back was eight or ten acres of
36 timber right there.

37 MS. THEAS: That would be back here.

38 MR. BACHMAN: So we're looking at the aerial
39 map here that was provided in your packets.

40 MS. THEAS: So it would be south of --

41 MR. BUCKLES: It would be east, straight east.

42 MR. BACHMAN: So it would be --

43 MR. BARNETT: It really ain't on this map.

44 MR. CORNELIUS: I was trying to look at it on
45 Google Maps.

46 MS. THEAS: Yeah, no. I'm sorry, I can't --

47 MR. BACHMAN: Is it the one that's under the T
48 here saying the distance?

49 MR. BUCKLES: Yeah, well, I just know there's,
50 like, about five acres of ground that I plant. It may

1 be a little more than that, maybe about six and a half
2 acres that I plant, and then there's eight to ten acres
of timber right behind that.

3 MR. BARNETT: It's straight east of the field,
underneath the T.

4 MR. BACHMAN: Oh, okay.

5 MR. BUCKLES: It's back in there.

6 MS. THEAS: This is where we were going to
take away to Scot -- no, Scot --

7 MR. BUCKLES: No, it's all -- it's all right
here.

8 MS. THEAS: It's back in the back?

9 MR. BUCKLES: It's straight east. It's lined
up with all this. So I don't know why that's not on
there.

10 MR. BARNETT: Cody, can you see it?

11 MR. CORNELIUS: Well, I was trying to find it.
Is this south of 169?

12 MR. BARNETT: Yes.

13 MR. CORNELIUS: Below?

14 MR. CORKINS: That's about two miles, isn't
it?

15 MR. BARNETT: Yeah, it's a little ways down
there.

16 MS. THEAS: It's a subdivision.

17 MR. BUCKLES: That's not what I was told years
ago when I built the house on it.

18 MR. CORNELIUS: Before or after the house?

19 MR. BARNETT: Straight east.

20 MS. THEAS: Yeah.

21 MR. CORNELIUS: Yeah.

22 MR. BARNETT: Between the two basically.

23 MR. BUCKLES: Can we divide it into three,
though?

24 MS. THEAS: Into three?

25 MR. BARNETT: I looked it up the other night
on my iPad so I could see where it was.

MS. THEAS: That would be a subdivision, then,
if you do it more than twice.

MR. BUCKLES: They said more than three.

MS. THEAS: No, it's original two.

MR. BUCKLES: Because I own eight acres to the
south of there that I want my kids to build on, and
last year I divided it into three lots 'cause that's
what she told me downstairs I could do and have three
houses on it.

MR. BARNETT: It's straight back east.

MR. CORNELIUS: Yep. There's just a block of
timber back in there.

MR. BUCKLES: That's the old Shepherd's place.

1 MR. CORNELIUS: If you want to look at it,
it's right here.

2 MS. THEAS: Cody, you have it on your phone?
MR. CORNELIUS: Yeah, I got it.

3 MR. CORKINS: I looked at it the other night.
CHAIRMAN PURCELL: Is there anyone here in
4 opposition to the request?
MR. BUCKLES: I just meant if this would come
5 up down the road. So I don't want you guys to have
to (inaudible.)

6 MR. KORTE: I have a question before we vote.
So they're going to build just, like, a stick-built
7 home?
MR. BUCKLES: Mm-hmm.

8 MR. KORTE: Okay.
MR. BUCKLES: They've already got the plans
9 and they've already got the contractor and everything.
MR. KORTE: Okay.

10 MR. BUCKLES: I guess they're pretty
optimistic.

11 CHAIRMAN PURCELL: Well, I -- I think the
decision we need to make is what's been presented.

12 MR. BUCKLES: Right.
MS. THEAS: Yes.

13 CHAIRMAN PURCELL: And you've offered up
another discussion in terms of right-of-way and access
14 road.
MR. BUCKLES: Well, that was just the amount
15 of ground that's left over after the two acres is
something like 20 feet on the south side there, 25 --
16 between 20 and 25 feet.
MS. THEAS: Well, she could allow that in the
17 survey, just have a roadway easement back to their farm
ground.

18 MR. BUCKLES: Yeah, they already do that.
MS. THEAS: That is not an issue for me.

19 MR. FRAKES: You say that's going to be access
to that farm ground?

20 MR. BUCKLES: Yes. But I can go on the 16
acres to get to it, too. It's just --

21 MS. THEAS: -- easier access.
MR. BUCKLES: Easier access, mm-hmm.

22 MR. BARNETT: So, Josh, I have a question for
you.

23 MR. BACHMAN: Okay.
MR. BARNETT: If we're approving this --

24 MR. BACHMAN: Uh-huh.
MR. BARNETT: -- the land, and it goes with the
25 landowner.
MR. BACHMAN: Uh-huh.

1 MR. BUCKLES: It goes with the new landowner.
MR. BARNETT: With the new landowner.
2 MS. THEAS: That's right.
MR. BUCKLES: Yeah, with Scot.
3 MR. BACHMAN: Right. Well, what it would do
is it runs with the land, so that means -- well, in
4 fact, you could even -- I don't know why you couldn't
put a condition on it saying that it runs with the land
5 and it's for -- it's for Scot VanMeter.
MR. BARNETT: Oh, Scot VanMeter.
6 MR. BACHMAN: Right, so that way if somehow it
ends up going, being sold to somebody else -- I doubt
7 if it will be but --
MR. BARNETT: Yeah.
8 MR. BACHMAN: That way you know to who it's
going. I don't see any issues with it.
9 MS. THEAS: Then it wouldn't be -- yeah, then
they couldn't do that --
10 MR. BARNETT: Yeah, yeah.
MS. THEAS: -- without coming back in front of
11 you guys.
MR. BARNETT: Right.
12 MR. BACHMAN: Right. But that would still --
you'd still -- you're still bringing it to the board.
13 MR. BUCKLES: To keep him from doing more.
MS. THEAS: Like, if you didn't sell it to
14 Scot.
MR. BUCKLES: Mm-hmm.
15 MS. THEAS: And you sold it to someone else,
you'd have to come back in front of us because they're
16 going to put a condition on it that it's going to Scot.
MR. BUCKLES: Going to Scot, yeah.
17 MR. CORKINS: That's basically what this says
anyway; right?
18 MR. BARNETT: Well, yes and no.
MS. THEAS: Yeah, but I mean --
19 MR. CORKINS: Yeah. I mean --
MR. BARNETT: For the landowner.
20 MR. CORKINS: Right.
MR. BARNETT: It just has a list of things.
21 MR. CORKINS: But it lists VanMeter, you
know --
22 MR. BARNETT: Yeah.
MR. CORKINS: -- on here, so...
23 CHAIRMAN PURCELL: Well, it -- not to get in
the weeds, it mentions VanMeter, but the council says
24 this conditional use will follow the land, not the
owner. And so today you're the owner, and then if you
25 sell that, it goes with the land.
MR. BUCKLES: With the land. Okay, that makes

1 sense.

2 CHAIRMAN PURCELL: Now, if the board wants to
say that VanMeter is actionable in this statement, then
we can make a decision based upon that.

3 MR. BACHMAN: And you might make it, it
4 still -- you're still granting the conditional use to
Mr. Buckles, but the condition is is that he's going to
5 own the land, but it only allows for Scot VanMeter to
do the -- to build --

6 MS. THEAS: The single-family dwelling.

7 MR. BACHMAN: -- to build a single-family
dwelling, so maybe more in line to say if Scot comes,
8 he buys it, and then something comes up and two weeks
later they end up turning around and selling it again,
9 and then whoever he sells it to wants it, then they
need to come back and get a new conditional use because
you put that condition that Scot VanMeter --

10 CHAIRMAN PURCELL: As long as the board
understands that, that we're making the decision based
upon that. So there's clarity on that. This goes with
11 the land vis-a-vis VanMeter.

12 MR. BARNETT: Being the purchaser.

13 MS. THEAS: And that's what you'll vote on.

14 MR. FRANKES: You put a condition on VanMeters.

15 MS. THEAS: Right. Yes.

16 MR. FRY: If he buys it, he can build a house.
If he doesn't buy it, whoever buys it will have to come
back and see us.

17 MS. THEAS: Yeah, whatever they're --

18 MR. FRY: And this -- this ground was all
agricultural use.

19 MR. BUCKLES: When they sold the other lot off
to the other VanMeter, that was agricultural ground.

20 MS. THEAS: Well, it was already there.

21 UNKNOWN SPEAKER: There was a house already
there.

22 MS. THEAS: It was a farm. It was the
farmstead.

23 MR. FRY: But the house was with -- with the
land.

24 MS. THEAS: Correct.

25 MR. FRY: It wasn't sold off just to build a
house.

MS. THEAS: No. Correct.

MR. BUCKLES: No, it was all land -- I mean,
it was all yard at the time and everything.

MR. FRY: Right.

MS. THEAS: Right.

MR. BUCKLES: It's been that since it was
originally built in the '70s.

1 MR. KORTE: I drove by it and, yeah, it's been
there a long time.

2 MS. THEAS: Yep.

3 MR. BUCKLES: Yeah.

4 MS. THEAS: Yep.

5 CHAIRMAN PURCELL: Any more questions?
(No response.)

6 CHAIRMAN PURCELL: Hearing none, we will call
the meeting closed and --

7 MR. BUCKLES: Appreciate it.

8 CHAIRMAN PURCELL: -- will you call the roll,
please?

9 MS. THEAS: Okay. Al Purcell?

10 CHAIRMAN PURCELL: Yes.

11 MS. THEAS: Cody Cornelius?

12 MR. CORNELIUS: Yes.

13 MS. THEAS: Wayne Barnett?

14 MR. BARNETT: Yes.

15 MS. THEAS: Fred Corkins?

16 MR. CORKINS: Yes.

17 MS. THEAS: Scotty Sharp? I'm sorry. Glen
Frakes?

18 MR. FRAKES: Yes.

19 CHAIRMAN PURCELL: Mike Korte?

20 MR. KORTE: Yes.

21 MS. THEAS: Rodney Fry?

22 MR. FRY: Yes.

23 MS. THEAS: Okay.

24 CHAIRMAN PURCELL: It's been approved.

25 MR. BUCKLES: Thank you very much.

CHAIRMAN PURCELL: Thank you, sir.

MR. BUCKLES: They'll be glad to hear that.
They went back to Florida, so that means I'm the one
after that.

You said you were going to talk about the
solar farms. Can I listen in on any of that?

MS. THEAS: You sure can. It's a public
hearing.

MR. BUCKLES: If I get called and not paged,
I'm sorry, excuse me.

ITEM #2 - Review and discuss draft for Solar Ordinance
and application for Buchanan County.

Work Session and Conversation Held.

Chairman Purcell asked for Josh Bachman to
start the conversation.

Mr. Bachman talked about reviewing the draft
ordinance from Black & Veatch, the information
disseminated by Mike Korte at the last board meeting,

1 and the timing of putting an ordinance in place. He
2 advised the board they would be voting on
3 recommendations to the draft ordinance and the board
4 will only make a recommendation to the county
5 commission.

The board will have to:

4 - Have an open meeting for the general public to
5 express opinions one way or the other about it.

5 - Make a report on what the board found.

6 - Vote their recommendation to the county
7 commission.

7 - The county commission makes the decision on
8 whether to have an ordinance put in place.

8 Mr. Barnett asked when Black & Veatch would come
9 back to discuss it more. Black & Veatch can answer
10 more questions the board may have.

9 The lifespan of solar farms was discussed, and 25
10 to 30 years was the consensus.

10 Mr. Bachman advised a total prohibition of solar
11 farms would need a change to the zoning order and he
12 does not recommend this.

12 The question was asked: At what point does it
13 become a solar farm? Black & Veatch's definition is 50
14 megawatts or more. Ms. Theas responded 200 acres or
15 more, and Mr. Barnett responded 50 megawatts or more.

14 Mike Korte reported that Callaway County has 8000
15 acres of landowners who have contracts with solar
16 companies that they know of. Callaway County is not a
17 zoned county. Solar companies quit filing at the
18 courthouse. There is a lot of wide open space in
19 Callaway County.

17 Mr. Korte read from a letter from Carrie Brandon of
18 Kansans for Responsible Solar stating that the money
19 made from recycling the solar farm materials doesn't
20 come close to clean-up costs. In Sacramento, CA, a
21 3 megawatt project cost owners \$220,000 to clean up
22 after getting \$375,000 for recycling material. A 20
23 megawatt farm cost \$2.1 million to remove after
24 recycling revenue.

21 Mr. Cornelius, who has a master's degree in
22 agronomy, stated his belief that solar farms will
23 permanently ruin farmland and they can't ever be farmed
24 again. They are more impactful than wind turbines for
25 that reason. He further stated when you eliminate
sunlight to soil and add that much gravel and it
remains fallow for 25 years, it would take years and
years to ever get it back and that people need to
understand that good, prime farmland is never going
back.

More discussion was had about Callaway County and

1 unzoned counties. Mr. Korte said there are two house
2 bills in Callaway County that have been introduced that
would allow solar. He talked about the solar farms
having a large reach, from Indiana to California.

3 Glen Frakes talked about having no restrictions on
4 wind turbines to putting restrictions on solar farms.

5 Mr. Bachman talked about the board driving to
6 Kansas to look at a solar farm. He encouraged the
7 board to build off the current proposed ordinance done
8 by Black & Veatch, telling the board they can add to it
9 or take away from it, but the board needs to have an
10 idea of what they are comfortable with recommending and
11 then pass that recommendation on to the commission.

12 Commissioner Scott Burnham addressed the board. He
13 talked about the best way to protect the county because
14 he believes there will be a legal challenge in the
15 future no matter what decision the commission makes.
16 The commission was approached by a company called Renew
17 Missouri about six months ago. They are a law firm
18 that is suing counties that banned wind turbines.

19 Commissioner Burnham stated Black & Veatch has done
20 everything the commission asked them to do. They were
21 asked to come up with an ordinance without being given
22 any direction as to what the commission wanted or
23 didn't want in that ordinance. He thinks the board
24 needs to go back to Black & Veatch and focus on what
25 they want to recommend to the commission. Black &
Veatch has said that if the Board gives them direction,
they can give recommendations on the draft ordinance
and how to change it.

Ms. Theas stated she would send all the information
from last month's meeting to Dusti Miller of Black &
Veatch, who has been working with the board, and have
her review it.

Mr. Bachman stated the most effective communication
the board can have with Black & Veatch is to highlight
the concerns the board has.

Discussion was had on whether solar farms make
sound. Mr. Cornelius stated the solar panels do not,
but the DC to AC adapters do.

Mr. Korte talked about the economic impact the
solar panels would have in Callaway County. Those
documents are listed in last month's packet.

Mr. Cornelius spoke about farmland values going up
and his concern solar farms will be an interruption to
that on properties that have it. He stated that
farmers are being offered so much money by the solar
companies, that the farmers have to at least consider
it.

Chairman Purcell recapped the discussion at last

1 month's meeting that the board needs to have rules and
2 regulations and it needs to have something to give
3 Black & Veatch that lays out where the board is on
4 solar farms. His belief was that Black & Veatch was
5 going to come back and go through a work session of
6 what they proposed and come up with a set of rules and
7 regulations for the board. He wants to protect the
8 county and also be enlightened in terms of the decision
9 the board makes, from total prohibition to having
10 hearings. Before any hearings take place, Black &
11 Veatch needs to do more work for the board.

12 Mr. Bachman talked about the board going through
13 the proposed ordinance with Black & Veatch.

14 Commissioner Burnham recommended forwarding the
15 information Mike Korte has from Callaway County to
16 Black & Veatch, letting them know it has been shared
17 amongst the board. He would like Black & Veatch to
18 review it and come to a meeting in July or August. He
19 added they need to know the consensus of the board and
20 need to know the board and commission can defend the
21 decisions they make.

22 Ms. Theas suggested for all board members to review
23 the proposed ordinance, take any questions the board
24 members have from that, have Black & Veatch come back
25 to answer questions and explain. Black & Veatch can
then go back and make a new draft. Ms. Theas can email
the board's questions to Black & Veatch.

Chairman Purcell recommends going through the
proposed ordinance together line by line to make sure
everyone understands it and address any questions the
board has.

Commissioner Burnham recommends not having Black &
Veatch back until the board has the bulk of its work
done.

Chairman Purcell asked what the next steps should
be and how many board members would like to go through
the ordinance collectively.

Commissioner Burnham asked Ms. Theas to forward the
Callaway County information to Black & Veatch.

Chairman Purcell asked for a motion to adjourn.

Mr. Corkins made the motion.

Mr. Korte seconded the motion.

(Meeting was adjourned at 7:50 p.m.)

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REPORTER'S CERTIFICATE

STATE OF MISSOURI)
)
COUNTY OF BUCHANAN)

I, Karen J. Lyman, Certified Court Reporter of the State of Missouri, do hereby certify that I appeared at the time and place first hereinbefore set forth, that said proceedings were taken before me and thereafter transcribed into typewriting under my direction and supervision; and I hereby certify that the foregoing transcript of proceedings is a full, true and correct transcript of my shorthand notes.

I further certify that I am neither counsel, nor related to any party to said action, nor otherwise interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my seal this 29th day of June, 2023.



Karen J. Lyman, CCR #395