

***MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
October 4, 2022***

***MIAMI COUNTY ADMINISTRATION BUILDING
COMMISSION CHAMBERS
201 SOUTH PEARL STREET
PAOLA, KANSAS 66071***

ATTENDANCE

CHAIR:	John Menefee
VICE-CHAIR:	Phil Elliott
PLANNING COMMISSION	Kelli Broers, Joshua Brown, Bret Manchester, Mark Oehlert, Mark Ross, Topher Philgreen, and Randy Kitchen
ABSENT MEMBERS:	None Absent
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Teresa Reeves
ASST. PLANNING DIRECTOR:	Katie Jardieu
PLANNER:	Not present
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
ECONOMIC DEVELOPMENT	Not present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	Not Present
PRESS:	Not Present

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CALL TO ORDER

Chairman John Menefee called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken with all nine members present.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Philgreen moved to adopt the agenda as presented. Brown seconded, and the motion passed unanimously (9-0), via a show of hands.

CONSENT AGENDA

- Minutes: Approval of the September 6, 2022, Planning Commission Minutes

Elliott stated on page 19 of the minutes about a third of the way down the page, the heading “Discussion on Solar Regulations” should be removed and placed above the “Solar Farm Discussion”. Currently it is over the discussion about Zoning Regulation Section 14.2.17.F.

Oehlert stated on page 1 of the minutes, the roll call shows Randy Kitchen both present and absent. Oehlert stated on page 2 of the minutes, shows John Menefee’s title as Vice-Chairman instead of Chairman.

Elliott moved to approve the minutes per above revisions. Ross seconded, the vote was 8 – 0 with Kitchen abstaining per his absence from the September 6, 2022, meeting, via show of hands.

REGULAR AGENDA

Old Business: None.

New Business:

Public Hearing 22008-CUP: Heartland RV Storage

Jardieu presented the staff report for consideration of an application to expand a Conditional Use Permit for a Recreational Equipment Storage Facility (Boat and Recreational Vehicle Storage) per Section 5-2.02.15 of the Miami County Zoning Regulations. The proposal encompasses approximately 10.77 acres in the Countryside zoning district and is located on the South side of 271st Street, approximately 2000 feet west of Jingo Rd, in the Southeast Quarter of Section 25, Township 16 South, Range 24 East, Wea Township.

Jardieu stated in August 2019, the Board of County Commissioners unanimously approved a Conditional Use Permit (CUP) for nine (9) storage buildings for a total of 102,560 square feet on this property. To date three (3) of the storage buildings have been built or have building permits. Currently, Heartland RV Storage is applying for an expansion to the CUP approved August 2019, some of the buildings were constructed smaller which allows room for an additional unit to be built. This CUP will be combined with the CUP from August 2019 making it one CUP instead of two (2). The combined building area increases the total area 200 square feet from what was originally approved. Parking area is not required since people do not park there – the RVs are either picked up or dropped off to be stored inside the buildings. The facility is gated, and customers require a keycard to access the facility. Traffic numbers did not appear to trigger a traffic study. The applicant estimates 1,620 trips per year which equals to about 4 to 5 trips per day. If the Planning Commission finds it necessary, a traffic study can be ordered.

Staff recommends the Planning Commission to approve the request for a CUP for a RV storage and for one onsite sign, based on the Findings, and subject to the Conditions listed below, as well as the Minimum Development Standards listed in Section 14-2.01.7:

Findings

1. The requested use, as conditioned, and subject to minimum developments standards, should reduce the negative impacts of the proposed use.
2. The current Countryside zoning district permits a storage facility with an approved conditional use permit and provides a local service that is useful to the community.

Conditions

1. Except as amended by these Conditions, the property shall be developed according to the Applicants' Narrative, attached hereto as Exhibit "A."
2. Except as amended by these Conditions, the property shall be developed according to the Site Plan, that includes the type of screening that will be used for the storage areas. It will then be, attached hereto as Exhibit "B."
3. The term of this Conditional Use Permit shall be 10 (ten) years, commencing from the original date of County Commission approval – 08/28/2019.
4. Any construction of change in occupancy shall comply with all sanitary, building, fire and other applicable County codes and permit requirements, including ADA accessible bathroom(s).
5. This CUP is approved exclusively for the applicant (SDC Holdings, Shawn Chappell) at this location. Change of ownership or subleasing of the property/facilities shall require review by the Planning Commission to ensure the use substantially complies with the original conditional use permit.
6. All lighting needs to be of shoebox design and directed downward with no part of the lightbulb exposed to prevent offsite glare. The maximum height of poles is 25'. Lighting locations need to be shown on the Site Plan and an updated photometric plan will need to be submitted prior to the issuance of a Temporary Certificate of Occupancy.
7. Except in emergencies, activities that cause noise, odor, smoke, heat, vibration, or similar effects shall not occur outside of the hours of 7am to 6pm Monday through Friday.
8. In accordance with the Zoning Regulations, all signage must be approved by the Planning Commission and comply with the Zoning Regulations. A Sign Permit shall be obtained from the Planning Dept, in addition to the Building Dept for the sign.
9. Thuja Green Giants (evergreens) shall be provided around the perimeter of the property abutting the 5-acre tract to the west, at a distance of 25 feet apart or nearer, and shall be maintained and kept in good health or replaced immediately. Fill-in shrubs or trees shall be offset within the 25' evergreen separation to complete the screening, if necessary. The existing tree lines established

around the perimeter of the 10-acre storage facility serve as natural screening and shall be maintained on the property. If the natural screening is lost for any reason, the owner shall plant Thuja Green Giants and/or other evergreens in place to comply with the screening requirements of the facility.

10. The gate and fencing shall be maintained in good condition around the perimeter of the 10-acre site.
11. The future wall sign shall comply with the commercial standards of the Miami County Sign Regulations. A building permit is required for signage.
12. Fire hydrant placement shall comply with the IFC. A Knox box shall remain at the gated entrance with a master key for all buildings, or each building will also require a Knox box.
13. A code footprint shall be provided with the building permit application showing details on how building and site improvements comply with the 2006 editions of the International Building Code and International Fire Code for the new proposed building.
14. Wastewater system shall comply with the Miami County Sanitation Code and State of Kansas Sanitary Codes. A complete design shall be submitted for the waste holding system for the RV dumping station and its tie-in to the existing system.
15. Building designs shall be sealed by an architect or engineer that is licensed by the State of Kansas

Manchester pointed out some typos under the recommendations on page 6, “staff recommends approving the CUP for a daycare and for one onsite sign”.

Oehlert wanted to make sure everyone understands it is not a 200 square foot building being added, it is an 8,400 square foot building being added. Oehlert read the staff comments under *Golden Criteria* Rule number 6 “*The applicant also has the option to sell the property to an entity that desires to use the property within the uses allowed without the need for a conditional use permit in the Countryside district*” and asked if the CUP stays with the land, whether the landowner is selling and for clarification on what that statement means. Reeves stated the CUP runs with the land. Jardieu stated the owner is not selling and noted there isn’t necessarily a hardship to the landowner if the CUP is approved, because the land can still be used in a variety of ways according to our regulations that wouldn’t require a CUP.

Elliott requested an example of an allowed use. Menefee stated a person could buy it and store hay. Reeves stated single-family residential and agricultural uses are the typical uses allowed in this district. Oehlert referenced part staff’s comments under Number 6 *Golden Criteria*, “*The issue of increasing or decreasing nearby property values has not been studied and there is no evidence to support a claim either way regarding this issue.*” Oehlert questioned how staff can state there is no evidence either way when a study has not been completed? Jardieu stated the County Appraiser typically does the studies and he didn’t have anything to report on the issue.

Oehlert asked for an explanation of staff’s comments under *Golden Criteria* Rule Number 8, sentence number 3. “*The proposal does not conform to the goals and objectives of the Comprehensive Plan but, may be considered if conditioned appropriately and found to be in the interest of the public health, safety, morals, and general welfare of the community.*” Jardieu stated it is residential, it doesn’t conform as far as the look and feel.

On page 6 under public comments, Oehlert referenced staff’s comments, “*There also do not appear to be any complaints on file regarding the storage operation.*” and asked if that mean there are or are not complaints. Jardieu stated there are no complaints and letters were sent to all neighbors within 1,000 feet. Oehlert asked how many buildings is too many and asked if this is the last one. Jardieu stated if he needs an additional building, he will need to file another CUP application to expand and that will be a decision for the Planning Commission.

Oehlert stated according to the report it is estimated that there will be approximately 1,620 trips per year. Jardieu agreed. Oehlert stated on page 32 it states, "9 two-way trips each year", there are 192 units for rent, according to his math it comes up to 3,456 trips per year. Oehlert stated he is concerned about the difference in traffic estimated.

Manchester stated he would like to know the height of the buildings, noting it isn't shown in the dimensions. Jardieu stated the applicant is present and can answer that question.

Oehlert stated on page 40 of 65 shows Wildwood Outdoor Education Center Expansion/Master Plan has been included in the information. Jardieu stated the subject line is the only thing incorrect, all the comments do pertain to the Heartland RV Storage CUP request.

Elliott asked if any of the listed conditions differ from the conditions listed in the original CUP approved August 2019. Jardieu stated the term is the same, so if this CUP is approved, it will have the same timeline as the previously approved CUP. Number 12 is new which is the addition of a fire hydrant.

Kitchen asked how much of the surface is concrete. Jardieu stated maybe just the apron to each building, other than that it is all gravel. Oehlert stated the pictures show a significant amount of concrete. Jardieu stated the pictures are just to show how the buildings will look, they are not the actual buildings he has.

Elliott stated a typical condition is a stormwater plan. Jardieu stated the stormwater plan is on page C2. Philgreen asked for the amount of additional square feet? Jardieu stated 200 square feet. Philgreen stated with no concrete an additional 200 square feet should not affect the runoff. Elliott stated if the previous CUP didn't address it, then there is 102,000 square feet of runoff not 200 square feet. Philgreen stated he presumed there was a stormwater condition from the last CUP.

Oehlert stated number 9 on page 68 of 65 states that a stormwater plan was submitted with this application, *"A Stormwater Management Plan is required for all CUP's. An updated plan was submitted with the CUP application and was reviewed for verification and compliance. The site was graded with the original CUP and 12 – 15-inch pipes were installed to accommodate varying degrees of run-off."* Jardieu confirmed that Jim Long, Sr. Project Engineer with Schlagel sealed the plan.

Menefee invited the applicant to the podium at 7:27 p.m.

Shawn Chappell stated the side walls will be 16 feet high. Kitchen asked where the runoff goes. Chappell replied there are either 4 or 6 (the number is on the stormwater plans provided in the packet) catch boxes that everything is graded to. Kitchen asked where it goes from the catch boxes. Chappell stated the land naturally slopes to the east, there is a creek at the bottom of the slope, and the water naturally runs that way. The catch boxes also have 15- or 18-inch pipe that are directed towards the creek.

Menefee asked how much concrete is in front of the buildings or is it all gravel. Chappell stated it is all gravel, there is about 10 inches of gravel throughout the area sitting on top of clay.

Manchester asked if there have been any incidents such as someone breaking in. Chappell stated there have been none.

Oehlert asked Chappell to assist with math on the trips. Chappell stated he doesn't recall if it was based on round trips or one-way trips and doesn't recall if it was based on 192 units that was proposed at the time or the 66 that were built. This was originally calculated four (4) years ago. The 4 – 5 trips is accurate because everyone is time stamped keeping a log of everyone that has been on site. Customers live in

Alaska, Minnesota, and even Arizona, as well as locally, they don't come out but every six months maybe. Oehlert had concern that the potential still exists for more traffic.

Menefee opened the Public Hearing 22008-CUP: Heartland RV Storage at 7:32 p.m.

Darren Hain asked if the property is sold and the new owner doesn't want to use it for this purpose, the current CUP talks about screening with trees; will the new owner have to maintain that? Menefee stated it will depend on if it is a similar CUP or reverts back to a residence. Jardieu stated if it returns to residential, they would be allowed to remove the trees if the buildings are removed. Elliott stated the buildings wouldn't necessarily have to be removed. Jardieu stated that is correct they just wouldn't be allowed to use them as commercial storage.

Menefee closed the Public Hearing at 7:33 p.m.

Menefee opened discussion amongst members at 7:33 p.m.

Menefee stated Oehlert asked about complaints, Menefee has a relative living very close to this area and if there would be a complaint it would be her and she has had no complaints about it.

Elliott stated for clarification if a motion is made it is a request for a CUP for Heartland RV Storage.

Menefee closed discussion at 7:35 p.m. and asked for a motion.

Elliott moved to approve 22008-CUP, Heartland RV Storage as presented. Philgreen seconded, the vote was 7 – 2 (Kitchen and Manchester voted no), via show of hands. Menefee stated this will go to the County Commissioners on October 26, 2022.

Finding of Substantial Compliance: Queen of the Holy Rosary Wea

Reeves presented the staff report for a Request for Finding of Substantial Compliance for the addition of a 24'x35' Carport Structure at Queen of the Holy Rosary Wea. She noted the department received another application from Queen of the Holy Rosary Wea to add a portable carport building to their property about one week after the daycare was approved by the Planning Commission. Reeves included the property history of Queen of the Holy Rosary Wea and noted the church has a long history here dating back to the 1800s. The Zoning Regulations allow the church to expand up to 100% of its current size before it needs to apply for a CUP. Reeves requested the Planning Commission consider approving the carport structure be allowed to be constructed with a building permit only, without the need for a CUP. When the school and daycare CUP is reviewed in 2024, staff would ask that the Planning Commission makes a determination at that time as to whether the church should be included as part of that CUP or remain separate. If it is placed under the same CUP, make provision for the expansion of the church and accessory structures for future planning.

Menefee stated this appears to be a portable carport style garage. Reeves agreed. Menefee stated he helps out another business in a different county and every building is portable, so they don't have to go through their county for approval to construct a building. Reeves stated for this type and size of portable building she believes it will have to be tied down somehow. Reeves stated she will get with Miami County Building Official for clarification. Oehlert stated tying it down won't make it permanent. Similar to a mobile home, it can sit on a property, but it has to be fixed for it to be considered real estate. He asked if this would have a permanent foundation with footings and be bolted down? Reeves stated it will be anchored but doesn't recall the specifics.

Oehlert moved to approve the portable building for Queen of the Holy Rosary Wea with the understanding

this will be brought into the original CUP for the school / church. Kitchen seconded.

Elliott stated he will be abstaining from the vote. Elliott doesn't believe he has enough information to make a decision and would like clarification on the county's actual stand on portable carport structures. It is his understanding they are very difficult to get permitted through the Building Department. Reeves stated from her experience people don't just install a carport, they have to have them tied down and secured. Elliott stated he wants to make sure a similar request would be handled in a similar way. Reeves stated by regulation, the church would be allowed to expand up to 100% of its original size. Elliott stated his concern is the fact that it is a carport, if it were a stick-built garage he wouldn't be concerned. Elliott asked if the county allows carports and what requirements are allowed to go with carports. Reeves stated absolutely they are allowed, but they are required to be fastened and secured to the ground. Elliott stated if this were to be approved then they would still need to get a building permit. Reeves stated absolutely. Elliott was concerned with the engineer's letter where it states, *"In my opinion, and without performing calculations, or a water study, I do not for see any future potential issues with excessive storm water runoff from the project in question."* Elliott stated he is not questioning the engineer's opinion, but if the previous CUP for the school required a stormwater management plan, how can we approve this without modifying the plan. Reeves stated when the school was constructed, they did a stormwater plan with detention, she believes that is already factored in.

Menefee repeated the motion on the table "approval for finding of Substantial Compliance for the Queen of the Holy Rosary for the carport", the vote was 8 – 0 (Elliott abstained from the vote).

GENERAL DISCUSSION

Discussion on Solar Regulations

Jardieu stated she would like to talk about the definitions for the various parts of the Solar Farms Regulations. Broers stated she noticed on the calendar there is continued discussion on draft recommendations and changes and asked if these regulations are all the recommendations the Planning Commission is going to get and whether there will be continued conversation or will more be coming.

Jardieu distributed a map and calendar:

- The Planning Commission requested a map showing zoning with flood boundaries, the map shows a 500-, 1,000- and 1,500-foot buffer around the flood areas.
- The calendar shows the timeline we are trying to adhere to, it was previously emailed to each Planning Commissioner, with the exception of an addition in February 2023.

The moratorium on Solar Farms ends in January 2023, but this is one timeline recommendation Jardieu presented to the Planning Commission.

Following-up on Broers' question, Oehlert stated this is not a complete set of regulations for Solar Farms. Jardieu stated that is correct. Broers stated it also hasn't been through legal review. Jardieu stated that is correct. Oehlert stated he is not in favor of discussing a piecemeal regulation, he would like the regulations to go through legal before the Planning Commission reviews and discusses it. Broers agreed noting that the definitions should be the last thing discussed because then you know everything you need to define. Oehlert stated he would like to know the Board of County Commissioners' views – do they want Solar Farms in Miami County and if so the Planning Commissions job is to come up with the regulations for the Solar Farms.

Reeves stated if the moratorium was not in place, someone can come in and apply for a Conditional Use

Permit (CUP) under the utility provision and there aren't any development standards or parameters in place to follow. Reeves believes the County Commissioners are trying to walk through this process and see where we come out on the other side to create some type of regulations specific to Solar Farms. Oehlert asked if the pros and cons of this whole concept have been discussed. He asked if Miami County wants to give up farmland, have the reclamation, decommissioning, and toxic issues been discussed? Kitchen stated that's what they've been trying to figure out. He believes this has been dumped in the Planning Commission's lap and the Planning Commission doesn't know anything about Solar Farms. Staff has been presenting the only thing they know. Reeves stated staff put together two workshops, making sure the County Commission and Planning Commission were present together, presenting some type of regulation to see if those are favorable to the Planning Commission; these workshops are not public hearings at this point. Reeves stated staff is trying to see where the Planning Commission and County Commission are at, what they like or dislike about Solar Farm regulations in neighboring counties so that staff can put something together and then bring it forth as a public hearing. Oehlert stated for him, he finds it difficult to recommend, review, or edit regulations when he doesn't understand, in total, all the pros and cons in commercial solar energy. Oehlert stated he just doesn't feel he has enough information about the pit falls, or the benefits, especially long term. Reeves stated she agrees. Oehlert stated maybe he should abstain from everything because he is to a point that he doesn't feel he can reasonably or intelligently make any kind of recommendations. Oehlert stated he sees what Johnson County did, maybe they had background and knew what there were doing. Reeves stated that helps staff in knowing where they need to go, the problem they are running into is the moratorium is six months and ends January 2023. Kitchen and Oehlert stated then maybe the moratorium needs to be extended. Reeves stated that will need to come from the County Commission. Oehlert asked what the impact is going to be environmentally, what is the impact going to be to Miami County, and to the neighbors? Oehlert stated if people are wanting to see some of the issues, there is a Solar Farm going in west of Gardner, Kansas and there is a website and citizens are bringing up a lot of good questions about Solar Farms.

Reeves stated a Miami County citizen sent a couple of emails requesting it be forwarded to the Planning Commissioners. Reeves stated she printed the emails out and handed them to the Planning Commissioners when they arrived at the meeting tonight. This person references several websites containing information about the disadvantages of Solar Farms.

Broers thanked staff for the time they have put into researching Solar Farms. Broers stated she has expressed her displeasure with the timeline previously, she has drafted and gotten approved regulations at the State level numerous times. It is a months if not years long process. Broers stated she doesn't understand why the County Counselor isn't here again tonight when we are talking regulations and doesn't understand why the regulations weren't reviewed before they came to the Planning Commission to review. Broers stated they shouldn't be reviewing something not knowing if it is legal or not. At the State level the regulations would never have been presented to the board prior to legal review. Broers believes we are just guessing at the regulations, pull a rabbit out of the hat so the public has something to look at, and the public will probably come in very hot based on what's going on in other counties. If the public throws it back at us, will we have to go through another review, and another public hearing? Reeves stated this is somewhat like a workshop other than we don't have the County Commission here. Jardieu stated she has been attempting to go off of the timeline she was given and hasn't received feedback until now. Jardieu stated in the last workshop (September 20, 2022) Commissioner Vaughan stated he would like to see how far we get into the process before considering an extension on the moratorium.

Ross stated he is in agreement with Oehlert, he has numerous concerns himself. Ross stated he wants to see the completed regulations and would like it long before the next meeting of discussion on Solar Farms, so he has time to review it before going into a discussion. Ross would also like to see an extension on the moratorium. Ross would like the discussion on Solar Farms tabled tonight until more research has been

done, legal has reviewed the regulations in question, and he thanked staff for all their work in researching Solar Farms and trying to stay on the timeline.

Kitchen stated the Planning Commission is supposed to watch over the welfare of the Miami County citizens. Kitchen doesn't see the benefit a Solar Farm in Miami County brings to the citizens. The only possible benefit would be if it states in the regulations that the power gathered by the Solar Farms has to go to Miami County citizens first. Jardieu noted there is one in SW Kansas, however, they are part of an electrical coop and those in the coop receive the power from the Solar Farm. Jardieu stated it might be more difficult here as she isn't aware of any electric coops within Miami County so all the energy would go to Evergy and there would be no way to say it goes to Miami County residents first. Kitchen asked where's the revenue for Miami County out of it?

Broers stated her big concerns are safety and oversight - does the county have the staffing to regulate the Solar Farm(s). Broers reminded the Planning Commission at the last meeting (September 20, 2023) Shelley Woodard (County Counselor) was present and stated we need to be careful not to infringe on the Interstate Commerce regulations. Her concern is if it is stated the power has to stay in Miami County then we might be infringing on the Interstate Commerce Regulations. Kitchen stated Miami County better not have a black out then. Broers stated it appears the county is very Solar Farm focused so why aren't our regulations being focused on residential and coop solar in the county?

Kitchen had concern with the landowner side of it. It would be great if the landowner receives \$1,200 to \$1,500 per acre to lease but they'll never have a farm again, so they need to make all the money up front. Kitchen stated his real concern is a company will be leasing the land, the business will change names twelve times in the first two years - how will the landowner get paid? The landowner will be involved in many lawsuits and the business will have high-end attorneys, there has been talk of having surety bonds on the businesses, but the surety bonds are only as good as the paper they are written on. There are other things in the county the judge(s) have ordered to cease and desist but there is no way to regulate them, so they keep operating. When it comes down to it, what can the county do to protect the landowners?

Ross stated this goes back to the issue of tabling the discussion. There are too many questions on the table, and we need the regulations as a whole in front of us in order to make informed decisions. Ross stated he is a licensed electrician, and he doesn't understand enough about Solar Farms to make an informed decision. Oehlert stated if it is decided not to have Solar Farms, he believes it is a waste of time to discuss regulations. Oehlert stated they need to figure out if the county will allow Solar Farms or not, and if so, Oehlert needs to understand more about commercial solar energy before he can make any decision. Reeves stated staff will put together a list of pros and cons and gather more information for the Planning Commission to read over and do more research.

Kitchen asked if it is possible to have a Solar Farm owner come to a meeting to answer questions. Oehlert stated he would prefer having an unbiased person come to the meeting. Kitchen stated until he hears both sides, he won't know. Oehlert stated he doesn't want to hear from anyone until he knows if the county will move forward with this. Broers stated she doesn't believe they will know until they hear from the citizens at a public hearing and once the citizens state they do or do not want the Solar Farms that's when the Planning Commission will know what direction to take. Oehlert stated then let's have a public hearing. Jardieu stated she contacted people with the State of Kansas, Kansas University and K-State University; there was no one available to come to Miami County to speak. Johnson County had a consulting firm work with them, and she will need to see if it is within Miami County's budget to bring someone to come speak.

Oehlert asked if our current Comprehensive Plan talks about commercial energy. Reeves stated it talks

about renewable energy, but nothing on a commercial scale. Philgreen stated if they choose to do nothing, there is a good chance someone will come in with a Solar Farm under utilities and then the county will have no say. Reeves stated they would still have to come in under a CUP, but we won't have any guidelines to follow. Oehlert stated if a Solar Farm wants to come into Miami County right now, they can't because there is a moratorium. Oehlert stated the Planning Commission needs more time and if we did a moratorium once, we could do it again. Oehlert stated we need legal counsel present at these meetings.

Kitchen stated we are here to regulate an energy source, why aren't we regulating other energy sources. Broers stated KCC doesn't have authority to regulate Solar Farms until it hits the transmission lines. Elliott stated he agrees with some of the statements said tonight; he agrees the timeline given was very aggressive; he believes the exercise that the Planning Commission has in front of them is necessary including even some of the partial regulations that are in front of us tonight to help everyone here learn and understand where the concerns lie. Elliott stated to wait for a complete package the Planning Commission will end up with the same thing as the comprehensive plan in holding six different meetings to discuss section by section anyway. Elliott stated having a full picture will make it easier for the review, and he has several questions himself, but for argument's sake let's assume the public hearing will give the impression with the right set of conditions this would be ok. If this is the case, for Elliott, finding those conditions is the most important part of this. Elliott believes that is what Reeves was alluding to, we don't have those guidelines today and if someone applies for a CUP then we have nothing for staff to base their findings and conditions on. Elliott stated if the Planning Commission states they don't understand this or that and need more information that's ok, but to just bring in guest speakers he believes will be a waste of his time. He suggested that each Planning Commissioner identify the specific concerns they have and submit their concerns to staff. Elliott stated without giving those concerns to staff they are flying blind and it's not fair to staff and it's also not fair for staff to try to communicate our concerns to the County Commission without a very clear list of what those concerns are. Elliott stated if they aren't going to look at these specific things tonight, then they need to give a very clear list of concerns to staff. Oehlert stated he is willing to get them a list, but doesn't feel tonight is the night, he needs time to read through everything and make the list.

Kitchen wondered if these companies lease the properties rather than buy so they can wash their hands of it when they are done and leave the cleanup to the landowner. Menefee stated they receive a tax deduction for leasing the property instead of owning the property.

Menefee suggested everyone get their questions and concerns in a written form to staff by October 14, 2022. Menefee stated this could be a full-time job for someone, between putting together the regulations and doing the research to all the questions and concerns, there won't be time left in a day for anything else. Reeves stated staff will make copies of everything provided and make sure it is reflected in the report as part of public record.

Elliott stated he would like it recorded in the minutes everyone needs to plan on having a discussion on the square footage of agricultural sales. Elliott stated there is an active business in the county that isn't able to do what they would like to do for their business based on the limited square footage.

Possible Future Amendments to Zoning and Subdivision Regulations

- A.** Common Access Easement requirements
- B.** Sign Regulations
- C.** Telecommunications Regulations
- D.** Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.

There was no discussion regarding these "Possible Future Amendments" to the regulations.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Jardieu stated the monthly staff report was in the packet and asked that they let her know if there are any questions or concerns with the report.

Reeves reminded the November meeting will be on Monday, November 8, 2022, instead of Tuesday.

Broers moved to adjourn the meeting, Philgreen seconded. The meeting adjourned at 8:29 p.m. with a unanimous vote (9-0), via show of hands.

Approved this 7th day of November, 2022.



Casey d'Augereau, Secretary



John Menefee, Chair / Phil Elliott, Vice-Chair

Minutes written by Casey d'Augereau