

**MINUTES OF THE  
MIAMI COUNTY PLANNING COMMISSION  
September 3, 2024**

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

**ATTENDANCE**

|                                 |                                                                                            |
|---------------------------------|--------------------------------------------------------------------------------------------|
| <b>CHAIR:</b>                   | Kelli Broers                                                                               |
| <b>VICE-CHAIR:</b>              | Topher Philgreen                                                                           |
| <b>PLANNING COMMISSION</b>      | John Menefee, Randy Kitchen, Bret Manchester, Phil Elliott,<br>Joshua Brown, and Joe Flake |
| <b>ABSENT MEMBERS:</b>          | Mark Raney                                                                                 |
| <b>EX-OFFICIO MEMBERS:</b>      | None present                                                                               |
| <b>PLANNING DIRECTOR:</b>       | Kenneth Cook                                                                               |
| <b>ASST. PLANNING DIRECTOR:</b> | Jennifer Koehn                                                                             |
| <b>PLANNER:</b>                 | Not present                                                                                |
| <b>PC SECRETARY:</b>            | Casey d'Augereau                                                                           |
| <b>COUNTY COUNSELOR:</b>        | Not present                                                                                |
| <b>ECONOMIC DEVELOPMENT</b>     | Not present                                                                                |
| <b>COUNTY COMMISSION:</b>       | None Present                                                                               |
| <b>COUNTY CLERK:</b>            | None Present                                                                               |
| <b>PRESS:</b>                   | None Present                                                                               |

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**CALL TO ORDER**

Chairman Kelli Broers called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Roll Call was taken with eight (8) members present, making a quorum.

**DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST**

There were none.

**ADOPTION OF THE AGENDA**

Menefee moved to adopt the remaining agenda as presented. Philgreen seconded, and the motion passed unanimously (8-0), via show of hands.

**CONSENT AGENDA**

- Minutes:
  - Approval of the July 2, 2024, Planning Commission Minutes.
  - Approval of the August 13, 2024, Planning Commission Minutes.

Menefee moved to approve the consent agenda, Flake seconded, and the motion passed 7-0, one (1) abstained due to being absent for the July meeting (Brown), via show of hands.

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**New Business:**

There was no new business.

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**GENERAL DISCUSSION:**

Kennith Cook, Director of Planning, stated the Board of County Commissioners would like Staff and Planning Commission to complete the Next Comprehensive Plan by the end of the 2024 year. Cook stated Staff plans to have work sessions with the Board of County Commissioners starting next week. Staff will cover the sections of the Next Comprehensive Plan that the Planning Commission has already discussed. Staff plans to finish their discussion on the Next Comprehensive Plan with the Planning Commission in October, shortly afterwards the Board of County Commission will do their final review before the draft is sent to the consultants.

Cook stated there were no items received for the October Agenda which will allow the meeting to be focused solely on the Next Comprehensive Plan. Cook stated when the time comes for the Public Hearing of the Next Comprehensive Plan the Planning Commission might want to hold a special meeting.

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Cook held a discussion on the Next Comprehensive Plan Future Land Use Map and showed the following maps on the overhead projector to the Planning Commission:

- The current Land Use Map
- The consultant's drafted Future Land Use Map
- Staff drafted Future Land Use Map.

Kitchen asked for clarification on the statement "*raising small livestock for personal use*" (page 2, paragraph 3, sentence 2 of Residential Development Areas: *These activities can include gardening, orchards, raising small livestock for personal use.*)

Menefee suggested getting rid of the word "*small*".

Broers suggested getting rid of the words "*personal use*".

Cook stated some of the wording was intended to describe activities that will still be occurring within Miami County. Cook pointed out that one factor beyond Staff's control is the developer's authority to establish HOA requirements when creating a residential subdivision. These requirements can impose specific regulations, and anyone purchasing property within the subdivision must comply with the HOA rules.

Elliott referred to the sentence on dwelling per 5-acres (page 2, paragraph 3 of Residential Development Areas: *The recommended minimum density for this land use category is one dwelling per 5-acres.*) and asked how accessory dwelling would fall into this.

Menefee suggested changing wording to say, "*one primary residence*".

Cook suggested changing wording to say, "*one property per 5 acres*".

Brown asked if it will be considered a different residence regarding mailing addresses.

Cook stated he will need to check into that.

Cook held a discussion on the Future Land Use Map/Residential Development Area. Cook showed the drafted Future Land Use Map/Residential Development Map on the overhead projector. Cook asked for feedback from the Planning Commission on the following maps:

- 1) *Draft Future Land Use Map showing an area highlighted by Staff for possible residential use along Gardner Road from County Line to approximately 239<sup>th</sup> St and extending East along 223<sup>rd</sup> Street.*
- 2) *Draft Future Land Use Map for the Northwest portion of the County not showing the residential area along Gardner Road and 223<sup>rd</sup> St.*
- 3) *Map of the Northwest portion of the County showing parcel sizes by use of different colors.*

Cook explained the map key, what color represented commercial, residential etc., and discussed which areas to consider for "*Residential*".

Elliott asked for clarification as to the purpose of this map.

Cook explained that this is based on the draft plan prepared by the consultants, which proposed Residential Development with a 3-acre density stretching from Spring Hill to Hillsdale. Cook recalled discussions with the Planning Commission expressing concern that this was too extensive, as the plan suggested

Residential Development near the boundary of Spring Hill—an area the County hopes will accommodate future expansion by Spring Hill. Cook further noted that the Old Kansas City Road corridor is more residential in character and questioned whether it would be preferable to direct additional residential development to areas like this, where smaller lot residential patterns already exist.

Kitchen asked if anyone has been denied having a residential area.

Elliott believes there was one in the Southeast, the roads wouldn't support it.

Kitchen doesn't believe it matters because someone will come in with a plan that isn't intended for that area, and it is allowed anyway.

Elliott stated that is one of his concerns, but another concern is potentially they are picking "winners and losers". Elliott asked if the Planning Commission says that won't be a high-density area and will remain agricultural and someone comes along with 160-acres and wants to put in a 3-acre subdivision with an internal road.... What will this do for the county when Ag Preservation will do this without drawing a line on a map.

Cook noted that through the Community Survey, there was feedback indicating a desire for some areas to accommodate Residential Development. However, the responses seemed somewhat contradictory. While the majority emphasized that preserving Rural Residential Character is a top priority, just over 50% of property owners expressed that Suburban Residential Development was acceptable in Miami County. Yet, when asked if they would be comfortable with a 20-lot subdivision of 3-5 acre lots across from their street, more than 50% responded "no."

Cook highlighted ongoing discussions about preserving Rural Character and Rural Agricultural properties. Cook noted that Staff often receives inquiries from property owners on gravel roads seeking to divide their land into 5-acre lots. Staff's response is that while they are willing to assist the property owner through the application process, such proposals are unlikely to be approved. Residential subdivisions are generally not permitted on gravel roads.

Cook stated the areas indicated for Residential Development have good road infrastructure and water infrastructure.

Elliott asked is it about making the maps show the road and water infrastructures more than anything else.

Cook stated showing the roads and water infrastructures as well as the existing character of the areas where there is already a substantial amount of small-lot development. Allowing the area to continue to be developed in a similar manner would be acceptable.

Kitchen believes 5, 10, and even 20-acre lots would be detrimental to Miami County because of the extra costs the County incurs to maintain the roads due to the number of entrances from the properties. Kitchen likes the idea of subdivisions because the property owner incurs the costs for the roads and there will only be one (1) entrance onto the road.

Cook stated the map will show the Residential Subdivisions, should there be development. Residential Subdivisions will have an internal road and it will be a little denser.

Kitchen asked if it will be easier to say the only way to divide land is with a subdivision and it doesn't matter where in the County. The property would be the deciding factor if a subdivision is allowed or not.

Broers asked why it needs identified at all in this area.

Cook stated the current Future Land Use Map, and the current Comprehensive Plan really specifies the only places where Residential Development was to happen was in the Growth Areas or the Village Expansion Areas. Cook stated in his opinion, the two (2) subdivisions that happened in this area in the last decade don't comply with the County's current Comprehensive Plan. Cook stated if sticking with the current Comprehensive Plan, Residential Subdivisions would only be allowed in Bucyrus, outside Hillsdale, and the Wagstaff area. Cook stated the Planning Commissioners, and the Board of County Commissioners have the ability to override the Comprehensive Plan. Staff looks at the Comprehensive Plan as a guide to determine where development is appropriate.

Broers asked isn't that driving growth to that area and isn't it preferred the growth takes place around the cities.

Cook replied yes. Cook showed the Staff's drafted Future Land Use Map on the overhead projector and stated Staff typically kept Residential Development outside of the cities' growth areas.

Manchester asked for clarification of the "dots" on the two (2) different maps.

Cook stated this version of the Future Land Use Map uses dots instead of a solid color to show the land designated for Rural Agricultural land use, while the other map is demonstrating current density where the dots represent address points.

Cook explained that the current Comprehensive Plan and zoning regulations permit the creation of smaller lots, with a minimum lot size of 2 acres, through the provisions for agricultural preservation and conservation subdivisions. These provisions allow for the potential of additional development, provided that the overall density remains within the limits set by the regulations for the district's zoning.

Menefee agrees growth should be close to the cities, but when looking at the area North of Hillsdale Lake that is closer to Gardner than one of Miami County's cities and it is becoming Miami County's problem. Menefee believes growth is going to happen in that area and believes it's a good idea for Miami County to focus on that area but doesn't know that it needs identified on the map one way or another.

Broers asked if Staff is looking for a definitive answer from the Planning Commission.

Cook stated his understanding that the Planning Commission prefers not to designate specific Residential Development areas and instead show only Agricultural, Residential, and Village Growth Areas on the Future Land Use Map. Staff can remove the Residential Development areas from the proposed map if directed.

Kitchen inquired about the impact on Staff, to which Cook responded with an example. If a request is made to rezone land along Old KC Road to an R1 District for a Residential Subdivision, while it may align with the neighborhood's character, it would not conform to the Comprehensive Plan, which specifies a 10-15 acre density for the area. This inconsistency makes it challenging for Staff to recommend approval. Cook noted that the existing development in the area predates zoning regulations.

Elliott suggested a more flexible approach, proposing "fuzzy" boundaries rather than strict "hard lines" on the map. He emphasized the importance of infrastructure, such as roads and water, over rigid map designations. Kitchen added that he owns 200 acres on a blacktop road with rural water, questioning why his acreage, located south of the current map, would be excluded from potential subdivisions.

Cook clarified that subdivision plats reviewed by Staff have been based on the Countryside (CS) District's 10–15 acre density. Elliott reiterated the focus on infrastructure and suggested considering factors such as soil quality—whether land is a rocky hillside or prime farmland—when determining development potential. Kitchen supported preserving agriculture as long as possible, emphasizing that dividing land into smaller tracts hinders this goal. He advocated for maintaining larger parcel sizes, like 40 acres or more, to slow development.

Brown agreed with Kitchen, stating that preserving Rural Character aligns with community priorities. He observed that smaller 5-acre lots often shift focus away from agriculture, whereas parcels of 10 acres or more encourage agricultural use. Kitchen noted that many 5- and 10-acre lots in the area are either overgrown or eroded, highlighting challenges with smaller lot divisions.

Broers raised concerns about the County's ability to provide sufficient services, such as EMS and fire protection, for additional growth in these areas. Cook acknowledged that services, such as EMS, can be stretched, citing a recent discussion during the proposal to create the city of Golden. While a new EMS station in Hillsdale is in progress, service challenges remain for expanding development.

Brown asked if the current Comprehensive Plan restricts subdivisions outside of cities. Cook clarified that the plan anticipates residential development primarily within Villages Overlay Areas (e.g., Hillsdale, Bucyrus, Wagstaff) and allows for Planned Developments, which include multi-use and commercial areas within designated Areas of Significance.

When asked about public awareness of the Comprehensive Plan Cook stated that Staff refers applicants to specific sections of the plan to address their inquiries. Manchester brought up initiatives in Ohio, where landowners are compensated to keep land in agriculture. Cook noted that while similar programs may interest Miami County residents, current funding is insufficient to implement such measures. Kitchen mentioned that the Kansas Land Trust supports agricultural preservation, indicating it's already active in the state.

Cook concluded by highlighting the Transfer of Development Rights program included in the draft of the next Comprehensive Plan, identifying areas for development and preservation. He closed by stating that he received clear direction from the Planning Commission and would proceed with the necessary changes before turning the floor over to Assistant Planning Director, Jennifer Koehn.

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Jennifer Koehn, Assistant Planning Director presented the Staff Report over Section 5 of the Next Comprehensive Plan. Koehn stated she referred to the comments received when rewriting Section 5. Included in the agenda packet was:

- Original Next Comprehensive Plan Draft (consultants) of Section 5, Natural Environment
- The Next Comprehensive Plan Draft (Staff) of Section 5, Natural Environment
- Planning Commission Comments from the meetings in the year of 2022

Koehn began discussion with **Goal 5.1: *Protect countywide water resources through responsible ~~development~~ residential, industrial, commercial developments and agricultural practices to ensure water quality is maintained.***

The Planning Commissioners had no comments to **Goal 5.1.**

Koehn presented **Policy 5.1.1. Hillsdale Lake Watershed Overlay**.

Broers asked what is considered Large Lot Zoning.

Cook stated it was intended to discourage a lot of development near the lake that could create more runoff into the lake.

Broers expressed concerns that while the 100-foot setback is effective for the overlay, protecting water quality in Hillsdale Lake requires consideration of the entire watershed. She noted a recent discussion about promoting growth in key areas of the watershed, which drains into the north part of the lake, and said she struggles to reconcile promoting growth with protecting water quality. Broers emphasized that each new rooftop increases runoff, whereas responsible agricultural practices help retain water.

Elliott stated he finds the focus on the Hillsdale Lake Watershed too narrow and suggested that **Policy 5.1.1** be broadened to encompass "*Watershed Overlays*" more generally, rather than singling out Hillsdale Lake. Koehn acknowledged that Staff has been having similar discussions and asked the Planning Commission whether they want to keep the focus on the Hillsdale Lake Watershed or expand it. She noted that protecting Hillsdale Lake is emphasized in the current Comprehensive Plan.

Elliott asked if the principles under **Policy 5.1.1** apply across Miami County and suggested making the policy about watersheds in general without being overly broad. He pointed out that considerations such as the "*high-water mark*" and "*blue streams*" are relevant countywide, not just to Hillsdale Lake. Koehn confirmed that Elliott's recommendation was to remove references to the "*Hillsdale Lake Overlay*" and reword the policy, and both Elliott and Broers proposed renaming it as "*County Watershed Policy*."

Kitchen pointed out that **Goal 5.1** mentions "*agricultural practices to ensure water quality is maintained*" but argued that Miami County should not focus on agriculture since it is already monitored by the State of Kansas.

Elliott agreed, suggesting that language about agricultural practices is included more to provide reassurance than for practical enforcement. He proposed removing any specific targets and instead stating that water quality is a consideration during the evaluation of subdivisions and developments.

Kitchen questioned the relevance of the 100-foot setback when referring to "*agricultural practices*",

Elliott responded that it likely does not apply and is superseded by state regulations.

Kitchen questioned why agricultural practices were mentioned at all if state regulations govern them.

Cook explained that **Goal 5.1** provides broad guidance, covering commercial, residential, industrial, and agricultural land uses. However, when developing the individual policies, Staff adjusted the wording to fit the specific context. Cook highlighted that in **Policy 5.1.1**, the requirement for new developments was refined to focus on residential, industrial, and commercial uses, with agricultural practices excluded because they were not relevant in this context.

Koehn stated she will rewrite this part.

Koehn asked if the Planning Commissioners know what "*Performance Zoning*" is. Koehn stated it is also known as Impact Zoning or Flexible Zoning. Koehn doesn't believe it belongs here.

It was agreed to get rid of "*Performance Zoning*".

Koehn moved to **Policy 5.1.2** and noted that Staff had struck through all content in the policy originally recommended by the consultant. She then read the revised draft of **Policy 5.1.2** prepared by Staff.

The Planning Commission had no suggestions for changes.

Koehn proceeded to **Policy 5.1.3**, explaining that Staff retained the consultant's draft but suggested removing the word "*also*" from the first sentence.

For **Policy 5.1.4**, Streamway Protection Policy, Koehn stated that Staff had made edits to parts of this section and read the policy as revised by Staff.

Broers raised concerns about the wording of the sentence, "*The only exception to this recommendation would be in areas where a development has already encroached upon a stream and thus a buffer or setback would no longer apply.*" She argued that the statement was inaccurate because, in cases of redevelopment, such as tearing down a 60-year-old farmhouse and building a new house, the buffer or setback would apply.

Koehn clarified that under current regulations, if a property is non-conforming and a structure is torn down, it cannot be replaced in the same location, it would need to adhere to current regulations for setbacks.

Broers requested the removal of the sentence regarding exceptions for areas where development has already encroached upon a stream.

Koehn agreed to strike the sentence as requested.

Elliott believes the exception is more of a regulation issue not a Comprehensive Plan issue and agrees with Broers that striking it makes a lot of sense.

Cook agreed and stated the Comprehensive Plan is outlining the general goals and policies then Staff needs to look at the regulations to see how to enforce the goals and policies.

There were no changes to **Policy 5.1.5: Watershed Management and Protection.**

Koehn read **Policy 5.1.6: Manual of Best Practices for Stormwater Quality.** "*To maintain water quality for new developments, the county should consider continuing the use of the Kansas City Metro Chapter of the American Public Works Association's Stormwater Manual for storm drainage and Best Management practices as it applies to Miami County.*"

There were no suggested changes.

Koehn moved to **Policy 5.2.1: Preservation of Open Space and Natural Areas.** Koehn stated she removed the drafted comments by the consultant and read the suggested Staff changes.

The Planning Commission had no suggested changes.

Koehn moved to **Policy 5.2.2: Noise, Odors, and Light.**

Elliott asked for the word "*and*" be removed from the beginning of the sentence "*Minimize exposure to excessive ~~and~~ noise*".

Koehn stated she will correct that.

Koehn read **Policy 5.2.3: Water Conservation.**

Broers believes this is picking on ag and believes if really concerned about Water Conservation this should include homeowners as well.

Koehn stated she can add something that targets residential specifically.

Koehn moved to **Policy 5.2.4: Waste Reduction and Recycling.**

Elliott asked if businesses was missing from this.

Koehn will add businesses.

Menefee questioned the last sentence “*Provide recycling receptacles...*” stating he doesn’t believe the County provides recycling receptacles and asked if it should say “*encourage*”.

Koehn will change “*Provide*” to “*Encourage*”.

Koehn covered **Policy 5.2.5: Stormwater Management, Policy 5.2.6: Stream Corridors, Policy 5.2.7: Construction Practices, and Policy 5.2.8: Low Impact Development.**

The Planning Commission had no changes/comments for these sections.

Koehn stated Staff suggested changing the consultants drafted **Policy 5.2.9: *Environmentally Sensitive Areas (ESAs)*** to ***Sensitive Lands.***

Broers asked if the bullet points are from the current Comprehensive Plan.

Koehn replied yes.

Elliott stated he struggles with the last sentence of the 2<sup>nd</sup> bullet point. Elliott would like to get rid of that sentence.

Koehn stated she will strike that sentence.

Koehn covered the following sections:

- **Goal 5.3: Encourage countrywide conservation development through the promotion of site and building practices that are oriented toward nature.**
- **Policy 5.3.1: Topography and Geography**

The Planning Commission had no suggestions for these two (2) items.

Koehn moved to **Policy 5.3.2: Conservation Site Design.**

Broers stated bullet number 7 is missing “*of*”, should read “*Protect native plants and trees identified with the assistance of entities...*”.

Koehn stated she will make that change.

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## **ANNOUNCEMENTS BY STAFF / COMMISSIONERS**

Philgreen asked for next month’s Comprehensive Plan study what should the Planning Commission prepare for.

Cook stated it will be the second part of Section 5, Recreational.

Koehn offered to email it to the Planning Commissioners.

Cook gave an anticipated timeline for completing the Next Comprehensive Plan indicating having a Public Hearing in December.

Cook stated once the Next Comprehensive Plan is completed Staff's plan is to move onto:

- The sign moratorium
- Renewable energies (solar and wind turbines).
- Battery storage for renewable energies

Cook stated each of the Zoning Districts has their own list of uses permitted by rights. Cook would like to put together a table showing exactly what use is permitted in what districts to make it easier for the citizens to go to one (1) location to see what is allowed.

Broers stated she is also on the Economics' Board, and it was mentioned the World Cup is coming and it is anticipated that a lot of people will be wanting short term rentals including as far out as Miami County. Broers would like Staff to consider addressing that sooner than later.

Cook stated he is finalizing the Always & Furever KORA request and hopes to have it sent to them by the end of the week.

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#### **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.

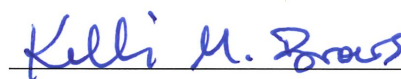
There was no discussion regarding these "Possible Future Amendments" to the regulations.

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Philgreen moved to adjourn the meeting; Kitchen seconded. The meeting adjourned at 9:07 p.m. with a vote (8-0), via show of hands.

Approved this 7<sup>th</sup> day of January, 2024.

  
Casey d'Augereau, Secretary

  
Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau