

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
July 1, 2025**

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

ATTENDANCE

CHAIR:	Kelli Broers
VICE-CHAIR:	absent
PLANNING COMMISSION	Randy Kitchen, John Menefee, Peter Peuser, Phil Elliott, Joe Flake, and Rusty Gerken
ABSENT MEMBERS:	Joshua Brown
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	Jennifer Koehn
PLANNER:	vacant
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
ECONOMIC DEVELOPMENT	Not present
COUNTY COMMISSION:	None Present
COUNTY CLERK:	Not Present
PRESS:	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 all seven (7) members present.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

Planning Commissioner Peter Peuser stated he is on the Board for Rural Water District #2 (RWD2) but does not believe it will be a conflict of interest as it is only a letter from RWD2 regarding 25001-SUB: Victory Estates stating they are able to supply water to the subdivision. Broers agreed she doesn't believe it will be a conflict of interest.

ADOPTION OF THE AGENDA

Planning Commissioner John Menefee moved to adopt the agenda as presented, Planning Commissioner Phil Elliott seconded. The motion passed unanimously (7-0), via show of hands.

CONSENT AGENDA

1. Minutes:
 - o Approval of the June 3, 2025 Planning Commission Minutes

Menefee moved to approve the consent agenda as presented, Planning Commissioner Rusty Gerken seconded. The motion passed unanimously (7-0), via show of hands.

Old Business:

25001-CUP: 1880 Block Quarry

Broers invited Staff to the podium to present the Staff Report for 25001-CUP at 7:02 p.m. She reminded everyone that the public hearing for this item was completed at the May 6, 2025 Planning Commission meeting and that the public would not be heard from at tonight's meeting.

Assistant Planning Director Jennifer Koehn presented the Staff Report for 25001-CUP: 1880 Enterprises, regarding an expansion of the rock quarry, and she began her presentation by focusing on the Traffic Impact Study and other concerns raised by the Planning Commission at the May 6, 2025, meeting, including utility notifications.

Koehn noted Staff's recommendation is for approval, based on the findings of the Traffic Impact Study. She noted due to the traffic study and comments received from utility providers, Staff had made changes

to the original conditions presented at the May 6, 2025, Planning Commission meeting. Koehn distributed the amended conditions.

Koehn explained that Kimley-Horn performed the traffic study, and that Road & Bridge reviewed the report and agreed with the findings presented by Kimley-Horn. The quarry generates approximately 107 vehicles per day, which is a small fraction of the traffic already on Hedge Lane Road—approximately 1,470 to 1,800 vehicles per day. The study indicates minimal delays, with about one vehicle waiting. The traffic study found no justification for turn lanes, pull-out lanes, or other road improvements based on KDOT standards.

Koehn noted that, based on the traffic study and Road & Bridge concurrence, Staff determined that the adjacent roadway (Hedge Lane, a designated collector) is adequate to handle the additional quarry-related traffic. Therefore, no roadway improvements or maintenance agreement is required, per Miami County Zoning Regulations Section 14-2.C: *"If the County determines that any road associated with the use is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the applicant shall be required to improve and maintain the road(s) to a standard acceptable to the County. An Improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the road(s) used by the operation will be appropriately improved and maintained."*

Koehn stated that the correct utility entities and the school district were contacted. There were no objections, no concerns, or no replies from the agencies. Rural Water District #3 (RWD3) stated if water usage remains minimal, they have no objections but requested that no additional dirt be placed in the waterline easement. Koehn stated she discussed this with the applicant, who indicated the primary water source is the on-site pond, while RWD3 water is used only for the office building. Staff proposed Condition 18 to state no dirt or materials be placed in the RWD3 waterline easement.

Koehn expressed neighbors concerns regarding trucks lining up on the road, creating safety issues for school buses and farm equipment. In response, the applicant adjusted the truck entry time from 7:30 a.m. to 7:00 a.m. to allow earlier access and reduce roadside queuing. Employees have also been asked not to park on Hospital Drive while waiting for the gates to open. Koehn confirmed that Road & Bridge has verified Hedge Lane has a 24-foot road width, which is adequate for trucks and farm equipment.

Koehn noted Staff visited the quarry site on June 6, 2025, to observe a scheduled blast and tour the quarry. The blast produced visible dust, which is an expected result of this type of operation. However, dust mitigation measures appeared to function effectively, with operators actively working to control and limit dust dispersion. Staff observed that the operation is taking significant steps to minimize dust generation during blasting, crushing and other quarry activities, consistent with best management practices and prior documentation submitted by the applicant.

Staff has updated the Conditions based on the new information from the traffic study and Staff witnessing the blasting firsthand.

2. Condition 19 *The applicant shall submit a blasting schedule to all property owners within 1,000 feet of the quarry site via mail or email on a monthly basis, detailing planned blasting activities for the upcoming month. The schedule should include anticipated dates and timeframes.*

Staff removed this condition from the original list of conditions as it is not feasible for the applicant to notify everyone every time they scheduled a blast.

3. Condition 17 *The applicant shall complete a traffic impact study, reviewed and approved by the Road & Bridge Department, to evaluate the effects of the quarry expansion on adjacent county*

roads and identify any warranted improvements. Based on the study, the applicant shall enter into a written Improvement and Maintenance Agreement with Miami county...

Staff removed this condition from the original list after the traffic study was completed and determined that no improvements, including a turn lane, were necessary. Road & Bridge concurred with the findings of the traffic study; therefore, an Improvement and Maintenance Agreement is not warranted.

4. Condition 3 *This CUP is approved exclusively for the applicant (1880 Enterprises, LLC). Change of ownership or subleasing of the property/facilities shall require review by the Planning Commission to confirm the new owner understands the CUP obligations and to verify the status of compliance.*

Staff amended Condition 3 to include: “shall require review by the Planning Commission...”

5. Condition 15 *Copies of the reclamation plan and associated documents filed with and approved by the State shall be submitted to the County for filing. The approved plan indicates the applicant’s intent to create a lake or pond in the excavated areas and to return the remaining land as close to its original condition as practicable. The reclamation plan may be amended when the applicant is prepared to initiate reclamation. Any amendment must be reviewed and approved by the Board of County Commissioners through a public hearing process in accordance with CUP procedures. Nothing in this condition shall be construed to prevent or override the authority of the State of Kansas to approve a reclamation plan pursuant to the Surface-Mining Land Conservation and Reclamation Act, K.S.A. 49-601 et seq. This condition does not waive or expand the County’s legal authority under applicable law.*

Koehn explained there was a question as to whether the County has authority to veto a state-approved reclamation plan. The addition clarifies that County and State have dual regulatory authority over the site, including reclamation requirements.

6. Condition 18 *The applicant shall pave the quarry entrance from Hedge Lane to meet Miami County’s commercial standards and implement measures, such as regular sweeping or water trucks, to minimize debris being drug or tracked onto Hedge Lane.*

Staff included this condition to help prevent debris from being dragged onto Hedge Lane.

Broers asked if Condition 18 is to aid in mitigating debris off Rural Water District 3’s water line.

Koehn explained that the intent is to help contain debris on-site and prevent it from ending up on Hedge Lane. The applicant has implemented measures to support this effort, including tire brushes that trucks drive over before exiting the facility to remove debris from their tires

Broers stated RWD3 asked that no debris be piled onto the waterline easement and indicated the map shows the waterline runs the full length of Hedge Lane.

Peuser believes there are two (2) different topics, waterline and entrance.

Planning Commissioner Randy Kitchen said Condition 18 only mentions the entrance, not the waterline. Kitchen stated he didn’t see anything in the conditions about keeping debris off the waterline easement.

Koehn explained it was their understanding RWD3 did not want dirt piled on the waterline at the entrance of the facility.

Broers referred to page 95 of Staff’s report and read a portion of RWD3’s comments “*I have attached the map with our easement drawn in red for our water lines. Rick Courtney asks that they do not pile any dirt up on the water line.*”

Koehn noted the applicant hired someone to find all waterlines, utility lines, etc.

Kitchen believes the concerns of RWD3 is the waterlines are buried 3-foot deep, and they don't want added dirt piled onto it.

Broers added, "like a berm or screening".

Peuser stated they won't be piling dirt in the easement.

Koehn stated the applicant is present if there are additional questions for the applicant.

Broers invited the applicant to the podium at 7:17 p.m.

David Waters, Spencer Lane, Overland Park, KS, attorney for applicant. Waters asked for clarification if the issue with the RWD3 will be an additional condition making it Condition 19, or will it be added to another Condition. Waters stated he is fine either way.

Broers confirmed it had not yet been included in the Conditions and emphasized that this was the Planning Commission's concern to address.

Waters stated they have been working with Staff and are fine with the Conditions Staff has recommended. Waters thanked Staff for their assistance during this process.

Broers called for deliberation amongst the Planning Commissioners at 7:18 p.m.

Kitchen asked if the County could revisit the traffic study issue at a later date, such as if there is a large increase in trucks.

Elliott believes Condition 2 *"Except as amended by these conditions, the property shall be developed and operated according to the narrative report, attached hereto as Exhibit B. The approved use does not include the processing and selling of asphalt tailings and clean concrete or the operation of an asphalt batch plant."* If it changes from the narrative, then they would be in violation and the County can reevaluate the Conditional Use Permit (CUP).

Cook agreed with Elliott and noted if there is a substantial change from what is proposed in the narrative, then Staff has the opportunity to have the applicant return with an amendment to the CUP.

Kitchen asked if that would come back to the Planning Commission or to Staff.

Cook stated it will start with Staff, and if needed, the applicant would go through the full process again.

Broers referred to the language in red added to Condition 3 and remarked that it is vaguer than she would prefer. Broers would like it to say "...shall require review by the Planning Commission."

Kitchen commented that it goes back to whether the CUP goes with the owner or the land.

Elliott explained that it is applied to the land but is only valid with the current owner.

Gerken stated if the land changes ownership, the new owner has to apply for the CUP.

Cook clarified that the new owner wouldn't necessarily need to reapply; it is just a review to ensure the new owner understands the Conditions of the CUP.

Gerken asked whether the review would be conducted by Staff or the Planning Commission.

Cook clarified that in this case, it would go to the Planning Commission. There would be a discussion comparing what was originally approved with the current operation, along with confirmation from the applicant that they understand and agree to the Conditions of the CUP.

Broers noted this appears to contradict the first sentence of Condition 3: “This CUP is approved exclusively...”. She emphasized if ownership changes, the new owner will need to apply for a new Conditional Use Permit (CUP).

Kitchen stated exclusive means exclusive.

Elliott agreed.

Cook stated in the past this Condition has been worded in the same manner with the first sentence calling attention to the applicant and the second sentence stating if there is new ownership or subleasing then a review must take place to assure the new owner understands the Conditions.

Gerken asked if the applicant is ok with the wording of Condition 3.

Waters replied they did raise some concerns with the language of Condition 3 as they felt it was like one sentence was cancelling out the other sentence. Waters suggested striking the first sentence and amending the second sentence per Chairman Broers’ suggestion “*Change of ownership of subleasing of the property/facilities shall require review by the Planning Commission.*”

Elliott asked Staff if, as currently written, the expectation would be for the Board of County Commissioners to also review this as an approval action item.

Cook responded he does not believe so. He indicated it would be a discussion item for the Planning Commission. Cook noted that Staff has been in communication with the applicant and has also consulted with the County Attorney via email regarding the language of several conditions in the Staff Report. He believes the wording of Condition 3 reflects the County Attorney’s suggestion.

Waters expressed concern about making judgments regarding ownership structures, noting that future changes in the structure of 1880 Enterprises, LLC—such as a corporate restructuring—could raise questions. He questioned whether it is appropriate for the Planning Commission, as a land-use body, to determine whether a new LLC structure is acceptable, suggesting this may fall outside the Commission’s scope.

Broers noted similar language to Condition 3 has been used in the past and asked whether adding the phrase “or related entities” might help address the applicant’s concerns.

Waters responded that such a revision would help.

Elliott stated he has always interpreted the condition to mean if ownership changes, it constitutes a new application. While he understands the applicant’s investment and changes may occur over time, he emphasized this is a significant use that justifies a CUP. Elliott believes the Planning Commission has a responsibility to ensure if a new entity takes over, it must undergo some level of approval, especially if it is not the original company named in the CUP.

Broers said for that reason she doesn’t believe the first and second sentence go together.

Peuser stated the Condition doesn’t say it is not valid, but the Planning Commission will confirm the new owner understands the obligations.

Elliott said he disagrees with the wording in red. He believes if there is a change in ownership this CUP ends and a new one is applied for under the new ownership.

Peuser asked if there are three (3) partners that own this Conditional Use Permit (CUP) and one (1) partner buys the other two (2) out, it's still the same company.

Elliott stated if the company name changes...

Menefee stated as long as it continues to operate under 1880 Enterprises, LLC...

Elliott agreed and stated if they buy them out of the company name, they are good to go.

Gerken asked if there has ever been a CUP applied to the property itself rather than the owner.

Cook responded he would need to research that further, but in his experience with Miami County, the condition tying the CUP to the applicant has been included on every CUP he has worked on. He noted there were a couple of CUPs issued for water towers, and he does not recall that particular condition being included for those utility-related permits.

Gerken stated the utility CUPs make more sense being applied to the property rather than the owner, and he believes that could also apply in this case due to the nature of the business.

Kitchen asked what precedent that might set for future applicants requesting a CUP tied to the property.

Gerken responded each case is ultimately up to the Planning Commission's discretion, and every situation is unique.

Elliott stated such an approach could be difficult to defend.

Menefee agreed with Elliott.

Broers noted that subleasing would generally fall under Condition 2, as the applicant still owns the facility but is leasing it to someone else.

Kitchen asked whether Gerken Rent-All is currently able to sublease their facility without issue.

Broers said subleasing is not a change in ownership. Referring back to Condition 2 subleasing is potentially not a use described in the narrative.

Gerken asked why any applicant wouldn't want to sublease.

Broers stated that is her point and asked about getting rid of the second sentence of Condition 3 altogether. Broers asked for Elliott's recommendation.

Elliott said he doesn't have a recommendation yet. Elliott stated he looked ahead to see how this condition is worded for the next item on the agenda, and it is approved exclusively for the applicant and only for the purpose of operating the specific thing. Elliott believes the wording has been modified slightly from CUP to CUP and asked Staff if there is an example of a recently approved CUP that is similar to the item being discussed.

Gerken asked if the quarry operating out of Louisburg is under a CUP.

Cook believes it is. Cook stated the other quarry on Block Road was also under a CUP, but they are currently in their remediation. The quarry operating out of Louisburg Staff believes was operating prior to Zoning Regulations.

Gerken asked if Staff has access to the wording of the CUP for the Louisburg quarry.

Cook stated not without leaving the meeting.

Elliott asked how this has been worded traditionally.

Cook stated what was in the original packet was closer to the normal wording. Cook noted the changes made was an attempt to address some issues without making the changes too substantial to the wording.

Broers asked Staff if they understand that sentences 1 and 2 contradict one another.

Cook agreed.

Elliott doesn't believe that allows the Planning Commission any opportunity to make changes if there is an existing problem that needs to be addressed.

Cook stated in discussions with the applicant if there are any violations of the Conditions Staff has other methods of resolving them. First a violation letter would be sent to the applicant and probably go to Codes Court...

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Elliott clarified that the intent is not what was previously suggested. It is simply to ensure that new ownership is informed, and that Staff updates the necessary paperwork. He added that he doesn't believe the original draft was problematic since it refers only to a review. Referring to Broers' original point, Elliott expressed that, to him, the red wording implies the Conditional Use Permit (CUP) becomes null and void upon a change in ownership. He emphasized that a review is not equivalent to an approval for a new owner.

Peuser asked about removing the word exclusively.

Cook suggested if the word "exclusively" is removed, and make the two (2) sentences into one (1) sentence...

Broers stated one (1) sentence will mean the same thing as two (2) sentences even if exclusively is removed.

Elliott asked the Planning Commissioners what issue Staff is trying to resolve with the revised condition, as it was already included in the original packet. He emphasized his belief that this CUP is intended specifically for the applicant. He added that the Planning Commission's goal is to protect the surrounding residents as much as possible by ensuring that the Conditions minimize the potential impact of the use.

Broers stated she would be in favor of striking the second sentence.

Menefee agreed with Elliott that the condition has been used historically. However, he noted that if the revised language helps address a problem and becomes a consistent standard moving forward, it will help level the playing field and ensure the Planning Commission is not perceived as showing favoritism. Menefee expressed support for striking the second sentence.

Broers asked if there is a need to address the dirt on the waterline.

Gerken doesn't believe it is necessary.

Waters stated the minimum setbacks eliminates the area the waterlines are located and believes this addresses the RWD3's concern.

Menefee moved to approve 25001-CUP 1880 Block Quarry with amending Condition #3 by striking the second sentence from the Condition. Gerken seconded.

Broers noted a lot of work went into the review and decision of this item.

Broers called for the vote. The motion passed 6-1 with Kitchen voting against, via show of hands.

Broers stated this is strictly a recommendation to the Board of County Commissioners and the Board of County Commissioners will hear the recommendation on June 23, 2025.

New Business:

Public Hearing 25003-CUP: Zarco #66 Landfarm

Broers opened Public Hearing 25003-CUP: Zarco #66 Landfarm inviting Staff to the podium to present the Staff report at 7:45 p.m.

Cook presented the Staff Report asking the Planning Commission to consider a request for a Conditional Use Permit (CUP) for the operation of a Land Farm in the Agricultural District, per Section 6-2.02.33 of the Miami County, Kansas Zoning Regulations. The subject property is located 1,800' East of Crescent Hill Road, straight West of the City of Paola. A land farm is a temporary way to remediate soils and once the site is remediated the property will be turned back into agricultural use.

Cook stated there have been conversations with KDHE regarding the land farm and KDHE confirmed this is something that happens on a somewhat regular basis, throughout the State of Kansas, to attempt to clean up soils. Once the remediation and testing are complete the soil is able to be placed back into production. Cook noted this use is not listed in the Miami County Zoning Regulations, but the Zoning Regulations state the Planning Commission is allowed to approve other uses that are not specifically listed in the Regulations. Cook stated the main issue to look for is if the activity follows the intent and purpose of that Zoning District.

Cook stated activities associated with the use, such as the disking of soil, are operations that typically take place in AG District. There are other similar uses in the AG District such as sanitary landfill, and CND landfill. These are both examples of land-fields that can be approved through the CUP process in the Agricultural District. This is more of a treatment of the soil than a landfill and the soil will be used on site for agricultural purposes.

Cook noted in discussions he has had with KDHE (Kansas Department of Health & Environment), it has been noted that while there have been no official studies, feedback from property owner/farmers who have had a landfarm on their property is believed to have caused an increase in production in the area that was used for the landfarm. Staff's understands the landfarm process, especially involving gasoline fuels, includes the disking of dirt to help release the vapors/chemicals into the atmosphere.

Cook reviewed staff's findings for the Golden Criteria as included in the staff report:

1. *Character of the neighborhood including zoning and uses.*

Most of the properties are large in size and primarily AG use in this area.

3. *The extent to which removal of the present zoning will detrimentally affect nearby property.*

This application will not change the zoning of the property it is an overlay of the Conditional Use and will still be an agricultural zoned property. Staff does not find there will be any significant impact from the operation. The biggest impact will be traffic and there will be around 55-85 trips with smaller dump trucks or side dump trucks. The applicant estimates 40-loads per day maximum. Staff made a recommendation for a Condition for just the period that the applicant will be hauling dirt, if the road needs it due to being a dry period of the year, that the applicant do some watering of the road to help mitigate the dust.

5. *The relative gain to the public health, safety, and welfare by the destruction of the value of the nearby property as compared to the hardship imposed upon the individual landowner.*

Staff believes as long as the applicant complies with KDHE's requirements, building the berms around the site, and making sure no water run-off is happening while the soil is being treated this will help mitigate any possible issues with contamination.

Staff does not believe the denial of the Conditional Use Permit (CUP) would be a hardship on the property owner. The property owner would still be able to use the property for agricultural purposes if this application is denied.

7. *The conformance of the requested Conditional Use Permit to the adopted Miami County Comprehensive Plan.*

The applicant indicated this process will take 5-8 months and Staff considers this to be a temporary application. Staff has suggested it be a 3-year CUP to provide extra time due to unforeseen factors that could slow down the process. The property should be turned back into agricultural production and berms removed in 3-years or less. Staff doesn't believe this application goes against the Comprehensive Plan as the property will be returned to agricultural use.

Cook stated the applicant has received conditional approval from the State of Kansas in regard to the land farm operation and has worked with the State of Kansas in regard to the designing the plan and how the operation will occur. The applicant has addressed contamination issues, as well as submitted a stormwater pollution prevention plan.

Staff's recommendation is for approval of the Conditional Use Permit with the Conditions listed in the Staff Report based on the Staff's Findings for approval.

Cook stated the applicant is present if the Planning Commissioners have questions for the applicant.

Broers invited the applicant to the podium at 7:59 p.m.

Matt Kralik, 141 W 10th Street, Wahoo, NE, stated he is present to answer any questions the Planning Commission might have and is willing to go into as much detail as they need.

Kitchen asked how many dump truck loads there will be.

Kralik stated they are anticipating 1,200-yards of dirt.

Kitchen asked how large of an area will the dirt be spread on.

Kralik stated they agreed to 3-acres but probably only need a little over 2-acres.

Gerken asked if dirt is being hauled from the farm to Zarco or just Zarco to the farm.

Kralik stated from Zarco to the farm then hauling dirt from the construction of a pond located on the West side of Miami County to Zarco.

Kitchen stated there will be around 150,000-square feet of land and only 1,200-yards...

Kralik stated the plan is to spread it 6-inches thick.

Flake asked how long ago was this dirt contaminated.

Kralik stated the actual releases was around 10-years ago but believes the releases are very old, maybe as far back as the 1930s.

Kitchen stated he has witnessed this process before, it can be smelt but it's not terrible.

Kralik stated typically the first week smells and after that it's not bad.

Kitchen asked what happens to the soil after the process is complete, will it be removed.

Kralik stated the soil will stay in place when the process is complete. Kralik stated there will be field screenings monthly. Once the field readings are non-detected there will be analytical samples every 300-yards. Kralik stated they will test for everything including metals before they ask KDHE for a clean-bill-of-health.

Broers asked if there is an anticipated start date.

Kralik stated they would like to start August 1, 2025, this is the last approval the applicant needs.

Kitchen asked if it needs to show the applicant is responsible for any damage to the County's infrastructure.

Cook stated this application is kind of unique and in this case it is a gravel road with a gravel entrance...

Kitchen stated it shows 80 total loads, and the last applicant was 100-trucks per day.

Cook stated the last applicant was required to pave his entrance.

Kitchen asked what is considered public infrastructure.

Cook stated the culverts. Cook stated if the applicant has a truck go into the ditch and does damage...

Kitchen stated the way he is reading it there could be more involved than just the culvert and entrance.

Elliott gave the example if they happen to haul on a wet day and the road base gives up, that is the only other thing Elliott can think of that would apply.

Kitchen stated he isn't understanding the difference between the 2-applications.

Gerken stated the other application was commercial.

Kitchen stated this is farm and doesn't believe this Condition should be a Condition (Condition 7: *Any damage to public infrastructure (included the site entrance/culvert) shall be the responsibility of the application.*).

Broers stated to Kitchen's point the trucks coming out the quarry will do a lot more damage to the infrastructure.

Kitchen stated they will do more damage to a black top and there was no language in the Conditions like this one and the quarry's is a 20-year term.

Elliott asked if there will be a change in agricultural status for this property while it is under mitigation.

Cook stated he will need to check with the appraiser's office but doesn't anticipate a change.

Gerken asked how large is the parcel.

Cook stated 68 acres +/-.

Elliott asked if the parcel in the previous application is currently zoned AG (the quarry).

Cook stated yes.

Elliott asked from an appraiser's view.

Cook believes the quarry will be more of industrial from an appraiser's view.

Kitchen believes rock falls under AG.

Elliott doesn't believe the business portion of the quarry falls under AG and stated it looking at the tax implication between the two (2) there's a pretty significant difference.

Kitchen is concerned that one (1) applicant doesn't have to do anything with the road and this one (1) does. Kitchen stated he doesn't like the inconsistency. Kitchen stated he does not like the language on this one.

Broers asked if she is driving down the road and hits a sign, does she get charged for fixing the sign. Broers asked if this is already covered under an umbrella or is the target really the infrastructure associated with this property. Broers believes a truck has the ability to drive down a road and tear it up all day long.

Cook stated he had discussions with Road & Bridge and Hedge Lane near the quarry is designed to be a collector road. The intent is to have that type of business (quarry) with that type of traffic and from the County's prospective that is where the County wants those businesses to be.

Kitchen stated if the applicant had 100-acres of corn planted he could easily haul 20-semi truck loads in one (1) day and he wouldn't be responsible for the road or public infrastructure.

Gerken asked Kitchen if he wants that Condition strike.

Kitchen state he wants that Condition removed.

Broers opened Public Hearing 25003-CUP: Zarco #66 Landfarm at 8:10 p.m. Broers stated each person will be allowed 3-minutes to speak, and asked that each person state their name and address for the record.

Shirley Oyster, 32051 W. 303rd St, Paola, stated there is a creek that runs through the property the applicant will be using for the Landfarm and asked what side of the creek the Landfarm will be located on.

Broers stated on the East side of the creek and indicated the location on the map on the overhead.

Broers closed Public Hearing 25003-CUP: Zarco #66 Landfarm at 8:12 p.m.

Flake asked the applicant how this parcel was selected.

Kralik stated they asked around for anyone that would allow them to use their property, and the property owner called them.

Flake asked for clarification stating he understands the process to be hauling in soil to the Landfarm from 1005 N. Pearl, then haul different soil to 1005 N. Pearl.

Kralik stated that is correct.

Kitchen stated when soil is contaminated then it needs to spread out to evaporate the contaminates into the atmosphere.

Broers stated she initially didn't like this, but it is a necessity of reality.

Broers asked before a motion is made does the Planning Commission need to consider Kitchen's proposal to strike or amend Condition 7.

Elliott asked what kind of road 303rd Street is.

Cook stated it is a paved road and believes it is a collector until the pavement ends and gravel begins.

Broers stated it isn't gravel very long.

Cook stated less than a mile.

Elliott asked if there are any regulations that prevents trucks on a gravel road.

Cook stated no.

Elliott suggested amending Condition 7 to "any damage to the site entrance or culvert shall be the responsibility of the applicant."

Gerken asked the applicant if he is ok with the wording.

Kralik stated yes.

Menefee moved to approve 25003-CUP: Zarco #66 Landfarm with Elliott's amendment to Condition 7 that the applicant be responsible for the site entrance or culvert. Flake seconded; the motion passed unanimously (7-0), via show of hands.

Broers stated this is strictly a recommendation to the Board of County Commissioners and the Board of County Commissioners will hear the recommendation on June 23, 2025.

GENERAL DISCUSSION:

No general discussions.

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Cook stated Staff hopes to have a rough draft of the Next Comprehensive Plan at the August Planning Commission Meeting. Staff would like some discussion at the August meeting and hold a Public Hearing at the September Planning Commission Meeting.

Cook stated the following applications have been received by Planning & Zoning and will be on the Planning Commission's August agenda:

- Fontana Christian Church for an amended expansion to their Conditional Use Permit, it will be on the August agenda.
- Rezoning application on Lookout Road for a possible residential subdivision.

Cook provided an update on new applications preliminary meetings that have taken place since the last Planning Commission meeting in June 2025.

Menefee confirmed the next meeting will be on a Thursday. Cook agreed stating due to an election the Planning Commission meeting was moved to Thursday August 7, 2025.

Gerken asked to go back to General Discussion:

Gerken stated he visited with Cook about stormwater plans and currently the County requires an applicant to have a stormwater study completed then the County has the stormwater study reviewed by another engineer. The applicant is required to pay all fees associated with the stormwater study and review of the stormwater study. Gerken asked what the reason for this is and questioned if it is putting the liability back on the County by doing this.

Broers asked if that is a process set by the Board of County Commissioners.

Cook stated a long time ago the County had a full-time engineer on staff that would review these plans. Cook believes it has been more than a decade since Miami County had an engineer on staff.

Broers stated the Board of County Commissioners felt it would be more cost efficient to hire a third party to review the plans as needed than to have a full-time engineer on staff and asked if that is a common practice with Planning Departments across America.

Cook stated yes, either a Staff Engineer or a third party engineer. Cook stated he is a certified Planner and has some knowledge reviewing stormwater plans but is not licensed. The engineer hired by the applicant is looking out for the best interest of the applicant not of Miami County. The double check has caught some issues missed by the engineer hired by the applicant previously and most recently was the Bucyrus Post Office Project. At one time the stormwater plans would be sent to Road & Bridge and would have an engineer they work with review the plans and Road & Bridge would pay for the cost of the review. The Board of County Commissioners approved an updated fee schedule for Planning & Zoning effect January 1, 2023, as part of this was the cost of 3rd party reviews to be charged back to the applicant. Another way the County could recoup their cost is to just include the cost into the cost of a Conditional Use Permit (CUP). If added to the cost of the CUP, the fee is applicable to all CUPs not just the ones that require a stormwater plan.

Broers stated the Board of County Commissioners are responsible for reviewing the fee schedule and ensuring the County's costs are being...

Cook agreed.

Kitchen asked if this makes the County liable.

Gerken asked what the average cost for the third party engineer.

Cook stated \$200.00 to \$600.00, with the more recent reviews have been around \$430.00.

Gerken believes its double engineering.

Kitchen asked if the applicant pays for their engineer and the County's engineer.

Cook confirmed yes.

Peuser asked if an applicant would like to use the same engineer the County uses are they allowed to ask the County for the name of the engineer.

Cook stated no because it is to be a disinterested engineer reviewing it. Cook noted stormwater plans are only required for a residential subdivision and for commercial industrial development.

Gerken asked when the County had their own engineer was there a pass through cost at that time.

Cook stated no they would just review the plans.

Broers doesn't believe it is double engineering as much as it is a review process.

Gerken asked if the engineer reviewing the plans is stamping the plans.

Cook stated no, he only provides a written review of the plans.

Gerken asked if there is an issue in the future who does that fall back on.

Cook stated the original engineer hired by the applicant.

Kitchen stated when it comes to septic systems the property owner doesn't get to pick the system the County picks the system and asked if this is correct.

Cook stated that would be a Codes Services issue.

Gerken stated he doesn't understand why two (2) engineers are required.

Elliott stated like it or not there is an inspection process, and the reviewing engineer is really like an inspection. The second set of eyes to make sure it complies.

Possible Future Amendments to Zoning and Subdivision Regulations

- A. Discussion on Solar Farms: Moratorium
- B. Sign Regulations: Moratorium
- C. Short-term Rentals
- D. Height limits for radio, television, internet antennas and satellite dishes designed for individual residences.
- E. Telecommunications Regulations
- F. Wayfinding Signs

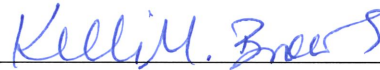
There was no discussion regarding these "Possible Future Amendments" to the regulations.

Elliott moved to adjourn the meeting; Menefee seconded. The meeting adjourned at 8:38 p.m. with a unanimous vote of 7-0, via show of hands.

Approved this 7th day of August, 2025.



Casey d'Augereau, Secretary



Kelli Broers, Chair / Topher Philgreen, Vice-Chair

Minutes written by Casey d'Augereau