

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
August 6, 2026**

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

ATTENDANCE

CHAIR:	Absent
VICE-CHAIR:	Absent
PLANNING COMMISSION	Shane Hall, Phil Elliott, Rusty Gerken, Randy Kitchen, Kelli Broers, and Drew Moore
ABSENT MEMBERS:	Topher Philgreen, Joshua Brown, and John Menefee
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Kenneth Cook
ASST. PLANNING DIRECTOR:	Jeff Joseph
PLANNER:	Not present
PC SECRETARY:	Casey d'Augereau
COUNTY COUNSELOR:	Not present
COUNTY COMMISSION:	None present
COUNTY CLERK:	Not present
CODES SERVICES DIRECTOR:	Not present
PRESS:	None present

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CALL TO ORDER

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

Planning Commissioner Phil Elliott moved to appoint Kelli Broers as acting Chair for the August 6, 2026 Planning Commission meeting, in the absence of both the Chair and Vice-Chair. Planning Commissioner Rusty Gerken seconded; the motion passed unanimously (6-0)

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken, and six (6) members were present making a quorum.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

Planning & Zoning Director Kenneth Cook noted 2026-002-Z: Rezoning from CS to Plan Development was heard by the Board of County Commissioners on July 29, 2026. The Board of County Commissioners decided to send it back to the Planning Commissioners for additional consideration and it is scheduled for the October 2026 Planning Commission meeting. Cook asked the Planning Commissioners to try not making any comments or have any discussions related to the rezoning application since one of the Planning Commissioners is the applicant. Any such discussions or comments need to take place at the time the Planning Commissioners have the application brought back to them in October 2026.

Cook noted the County experienced an unknown power surge on Wednesday (August 5, 2026) which has caused some issues with the recording and live streaming equipment. The County is working on the issue and hopes to have everything back up and running by next week.

Elliott asked for clarification on the rezoning application being returned to the Planning Commissioners and asked if it is another public hearing.

Cook stated the Planning Commission already held a public hearing and the public hearing was closed. Cook does not recall the exact wording the Board of County Commission returned the application to the Planning Commission but it was for additional consideration. Cook believes it was mostly regarding the character of the neighborhood and other items brought up at the public hearing.

ADOPTION OF THE AGENDA

Elliott moved to approve the agenda as presented. Planning Commissioner Andrew Moore seconded; the motion passed unanimously (6-0).

CONSENT AGENDA

1. Minutes:

a. Approval of July 7, 2026 Planning Commission Minutes

Elliott moved to approve the Consent Agenda. Gerken seconded; the motion passed unanimously (6-0), via show of hands.

Old Business:

Public Hearing 2026-003-AT: Amendments to Articles Regarding Communication Towers

Broers opened Old Business, 2026-003-TA: Amendments to Articles Regarding Communication Towers at 7:05 p.m. and invited Staff to the podium.

Assistant Planning & Zoning Director Jeff Joseph stated this is a continuation from the June 2, 2026 Planning Commission meeting. The Public Hearing was opened at the June 2, 2026 Planning Commission and was not closed yet. Joseph continued the Staff Report presentation.

Joseph asked if the Planning Commission has any questions.

Broers asked if a legal review has been done of the proposed changes by the County's attorney.

Joseph stated no but all changes being presented for this section are from the Kansas State Statute.

Planning Commissioner Randy Kitchen asked if amateur stations are the same as Hamm Radio.

Joseph confirmed yes.

Kitchen asked if Miami County can regulate Hamm Radio.

Joseph stated if it is taller than 132-feet the County is allowed to regulate it.

Gerken asked if someone wants internet at their house but has no service what height regulations are in place for an individual to have a personal tower to receive internet.

Joseph stated an individual is allowed to have a tower up to 35-feet without a permit, over 35-feet will require a Conditional Use Permit (CUP).

Cook stated the current regulations allows for 35-feet without a CUP.

Gerken does not believe 35-feet is a tall enough height regulation and does not want a bunch of CUPs for private/residential use to come before the Planning Commission. Gerken does not think the minimum height should be over 50-feet.

Joseph stated they also have to meet the minimum setback requirements, which is the height of the tower plus 10-feet. If it is a small lot they probably will not be able to have a tower due to the setback requirements.

Cook stated Staff's attempt is to make the private towers to have the same requirements as Hamm Radio. The main concern is making sure the applicants can meet the setback requirement which is the height of the tower plus 10-feet.

Kitchen stated since landlines are going away people will need internet and if they do not have a signal they will have to get a 100-foot tower which will require them to have a CUP.

Gerken stated anything over 35-foot will require a CUP.

Cook stated Staff is attempting to make it where 100-foot towers will not have to go through a CUP process.

Elliott asked where this is located in the written proposal.

Joseph stated it is located in Article 14-2 of the CUP.

Elliott stated if it is in the CUP section that is not making the process easier.

Cook stated Staff is working on moving some of the Performance Standards into Article 14 and gave the example of a contractor shop in Industrial District, while they do not require a CUP there are Performance Standards in Article 14 that are specific to contractor shops. Cook stated while Article 14 will still be the CUP section it will also include Performance Standards. This will incorporate all things permitted by right.

Broers asked where the Performance Standards is located in the proposal.

Joseph stated Staff has not changed the name yet and it only shows CUP but the name will be changed to CUP and Performance Standards.

Gerken confirmed all regulation changes are copying State of Kansas Regulations.

Joseph agreed.

Elliott referred to screening: 1) If more than 1,000-feet screening can be waived; 2) Topography, 3) Exiting landscaping along property lines, 4) Screening shall be the type and color that blends in with the surrounding environment, or 5) Solid fencing including chain link fence with slats that are opaque in nature and matches in a color that blends in with the surrounding environment. Elliott asked if this is what the Planning Commission changed.

Joseph confirmed yes.

Broers opened Public Hearing 2026-003-TA: Amendments to Articles Regarding Communication Towners at 7:20 p.m. and invited the public to the podium to speak. There were no citizen comments, Broers closed Public Hearing 2026-003-TA at 7:21 p.m.

Broers called for deliberation amongst the Planning Commissioners at 7:21 p.m.

Elliott stated he will struggle to approve anything until he understands the impact on personal towers for internet and other uses. Elliott stated he is not against anything in the presentation but is concerned there is a chicken and egg issue.

Kitchen asked at what point do cell phone towers become a public utility. Kitchen believes landlines are going away in January 2027...

Elliott stated he believes that is why the State Statute changed the way it did.

Kitchen asked what does that do to the person that needs to receive reception at their home, it is now a public utility basically. A CUP was not needed before (for landlines).

Cook noted there have been a couple of cases where individuals went through the CUP process to get a taller tower for their personal use. Cook referred to page 17 of the Staff's report indicating to the top of the page talking about amateur radio stations and has Cook reread this section made a suggestion clarifying this section. Cook suggested verbiage that allows personal towers to be allowed to mimic the regulations for amateur stations.

Elliott believes Staff's suggested solution is a good option.

Gerken moved to approve 2026-003-TA: Amendments to Articles Regarding Communication Towers to include personal towers to mimic amateur stations (5A & 5B). Elliott seconded, the motion passed 5-1 with Kitchen voting against, via show of hands.

New Business:

2026-001-SUBEX: Fannon

Broers opened 2026-001SUBEX: Fannon at 7:26 p.m. and invited Staff to the podium.

Cook presented the Staff Report stating this property has come before the Planning Commission a couple of times in the last few years. Cook provided the history to current day of this property and applicant. Cook stated there was a question as to who is responsible for maintaining the Right of Way, KDOT or Miami County but has found that the responsible party is KDOT. Cook stated Staff recommends approval of this application.

Kitchen asked if this application would resolve the ingress and egress issues from May 9, 1991.

Cook stated that is a different parcel but was owned by the same person and is in the same area which was included in the history background to show where the subject property came from.

Cook stated Staff is available for questions and the applicant is also present.

Planning Commissioner Shane Hall stated he sees a road parallel to K-68 Highway and asked why the applicant will not be able to use that road for the entrance to the property.

Cook stated that is the road entrance Staff is referring to. Staff was waiting to confirm if that road is maintained by KDOT or Miami County; it is maintained by KDOT.

Broers verified this is the third time this parcel has come before the Planning Commission. Broers recalls the first time the Planning Commission recommended approval of the split, the second time the Planning Commission and the Board of County Commission denied the request. Broers recalls the second time was an aggressive split.

Cook agreed with Broers.

Broers asked if this application is approved by the Planning Commission does this lock the applicant in to only two (2) lots and will they be able to come to the Planning Commission again for another Rule Exception.

Cook stated it is his understanding the applicant's buyer wishes to purchase the property and do a lot split, if not in two (2) equal parcels then close to two (2) equal parcels. As a condition of allowing the Rule Exception the property owner will not be allowed to further divide the parcel(s) without going through the Subdivision process and upgrading the road.

Broers asked what happens if KDOT denies the applicant access.

Cook stated then that will shut down this option. Cook believes the North 5-acre lot just came back onto the market and if the applicant acquires that lot they might be able to do some sort of Boundary Line Adjustment.

Broers invited the applicant to the podium at 7:40 p.m.

Matt Brooker, 11020 King St, Suite 200, Overland Park, stated he represents the sellers and both the sellers and buyers are present. Brooker stated the plan is to split the 116-acres into two equal parcels and believes by allowing the split it will allow the land to maintain the current integrity. Brooker believes the impact to the roads and infrastructure will be minimal. Brooker stated he spoke with KDOT earlier today and has the impression that KDOT will not have a problem with the proposed access if the parcel is split.

Broers moved to deliberation amongst the Planning Commissioners at 7:43 p.m.

There was no deliberation.

Gerken moved to approve 2026-001-SUBEX as presented. Planning Commissioner Andrew Moore seconded; the motion passed unanimously (6-0), via show of hands.

Public Hearing 2026-002-TA: Text Amendment – Table of Uses

Broers opened 2026-002-TA: Text Amendment – Table of Uses at 7:44 p.m. and invited Staff to the podium.

Joseph presented to Staff Report and asked the Planning Commissioners for feedback.

Broers asked contents is not changing but presentation is changing.

Joseph agreed.

Broers stated she sees deletions of 5-2.01 and asked if 5-2.02 is also being deleted.

Joseph stated Staff is not deleting anything, the Table of Uses is in addition to the text.

Broers stated an enhancement.

Joseph agreed.

Cook stated each Zoning District will make a reference of permitted uses for that district and reference the Table of Uses. Cook gave the example of AG District will no longer list all the uses by right instead it will reference the Table of Uses to see what uses are permitted by right. Staff's intent is to simplify the Regulations so anyone can find what uses by right are allowed for the district their property lays within.

Broers stated text is being deleted.

Cook stated yes and being moved to the Table of Uses.

Broers asked if there will be a public hearing on this tonight or is this the first discussion with the Planning Commissioners.

Cook stated Staff published both this item and 2026-004-TA: Amendments to Articles regarding Kitchens, Accessory Structures & Home Occupations in the paper as Public Hearings. Staff thought it was important for anyone interested in these items be aware of them being on the agenda so they can attend the meetings and provide their input. Cook recommend that both this item and 2026-004-TA be opened as Public Hearings so the citizens present can talk during the Public Hearing and then the Planning Commissioners can keep the public hearing open but continue it to another meeting if they would like.

Kitchen referred to page 84 of 119 of the Agenda "Wellhead stations, well separators, tank batteries, or other similar above ground facilities used merely for oil and/or gas well drilling operations, distribution, transmission or temporary storage of oil or natural gas." and asked these are only allowed in AG District.

Joseph stated those are only examples of the format.

Kitchen stated he does not believe that can be regulated and asked why it is in the regulations.

Broers asked if Kansas Corporation Commission preempts that.

Kitchen stated to drill they do, but not for storage of tank batteries.

Cook noted the specific table Kitchen is referring to, when it was put together, the left hand column that lists the uses has the uses as listed in the current Zoning Regulations. The specific "Wellhead station" is currently listed in Article 6-2.01 subitem 3, it was copied as it is worded in the Zoning Regulations into the Table of Uses.

Broers stated if the content is not changing and it is just an enhancement does it really belong in the Regulations or would it be better as an enhanced document that can be posted on the website.

Cook stated the proposed change has multiple functions: some of the items permitted or Conditional Uses in different districts, have specific performance standards that are listed in that specific zoning district. Cook gave cell towers as an example: every district has all of the standards for cell towers listed. If Staff were to make a change to cell towers but keep it in the same format Staff would have to make changes to verbiage in every district regarding cell tower standards. By creating a Table of Use and listing cell towers in the Table of Uses instead of incorporating it in the verbiage of each District Staff only the Table of Uses needs to be updated.

Elliott understands what Staff is saying but Elliott agrees with Broers, if the regulation is not being changed just the format of how it is displayed then is it really a change to the Zoning Regulation that requires an approval.

Cook believes it does require approval because Staff is proposing to put the Table into Article 3 of the Zoning Regulations and that would become an official part of the regulations and all of the items as they are listed in each Zoning District will be deleted from those sections and refer to the Table of Uses. Cook stated the Performance Standards that are listed in each individual district are going to be incorporated in Article 14. Rather than having the Performance Standards listed five (5) separate times throughout the Zoning Regulations there will be one (1) place for a person to go. If an amendment is needed Staff will only have to amend the Tables of Use and not each individual section.

Elliott understands Staff's logic but he does not believe anything is being changed other than navigation.

Joseph stated as part of the process Staff is also looking at unusual uses and if something is needing added to the Table of Uses this is the time to do it or if the Planning Commission desires a use by right to be changed to include multiple districts.

Kitchen stated the Planning Commission is not wanting to make any changes. Kitchen is concerned that there are changes that the Planning Commission does not realize has changed.

Elliott agreed.

Gerken asked when will the Planning Commission see the updated information for the Tables of Use.

Joseph stated once Staff receives the Planning Commission's direction Staff will get to working on it.

Moore asked what Staff needs from the Planning Commission to move forward with this.

Cook stated Staff did not want to go through the effort and time of putting Table of Uses together before Staff knew what the Planning Commission would prefer, placing into a table or keeping it in the various sections of the Zoning Regulations.

Gerken asked if the primary goal of Staff is to make it easier for the public to understand what they are permitted to do by right.

Cook believes in the long run it will simplify things and by the end of the next meeting Staff will have a more extensive/complete list. Staff does not believe they are changing anything and noted event venues is not listed anywhere in the Zoning Regulations. Cook believes as Staff is updating the Table of Uses that event venues and anything else not found in the current regulations be added to the Table of Uses.

Gerken believes this is a pretty big deal.

Cook agreed that it will be a substantial change but it will not be a substantial change on how Staff will do things.

Gerken believes it will be a substantial change on how things are done as it will provide a better direction to the Planning Commission.

Cook believes Staff will be able to provide a more final document at the next Planning Commission meeting, what is permitted, what is a Conditional Use Permit, etc. but believes the Planning Commission might need another meeting before making a final decision allowing themselves time to go over all the information provided in the Table of Uses.

Broers does not like the idea of moving text from the regulations and place it in a table. Broers would like all changes be “redlined” to make it easy on the Planning Commissioners to cross reference.

Moore prefers text over the table as he believes text is full proof. Moore suggested keeping text and adding the table as a quick reference.

Elliott stated just need to find a way to list the text only once instead of in every zoning district. Elliott stated while he hates making the suggestion he believes this needs to be approached in a similar manner as the Comprehensive Plan it needs to be reviewed a section at a time. Once the Planning Commission has completed the review then hold a Public Hearing. Elliott stated he has been on the Planning Commission for several years and has complete faith in the current staff but who knows what the future staff will be like. Elliott wants to make sure the Planning Commission get this right.

Broers stated this item was listed as a public hearing item, if this item is continue will they leave the public hearing open during the duration of the meetings.

Cook state the Planning Commission can do it that way or they can close the public hearing tonight, continue to the next meeting for discussion, then when the Planning Commission is ready to have a final public hearing Staff will republish for a public hearing.

Elliott likes that idea.

Broers opened Public Hearing 2026-003-TA: Text Amendment – Table of Uses at 8:06 p.m. No one step up to talk, Broers closed Public Hearing 2026-003-TA: Text Amendment – Table of Uses at 8:07 p.m.

Elliott moved to have a second public hearing when the Planning Commission is closer to a final document for 2026-003-TA: Text Amendment – Table of Uses. Gerken seconded; the motion passed unanimously (6-0), via show of hands.

Public Hearing 2026-004-TA: Amendments to Articles regarding Kitchens, Accessory Structures & Home Occupations

Broers opened 2026-004-TA: Amendments to Articles regarding Kitchens, Accessory Structures & Home Occupations at 8:08 p.m.

Cook presented the Staff Report and asked the Planning Commission for feedback.

Broers opened Public Hearing 2026-004-TA: Amendments to Articles regarding Kitchens, Accessory Structures at 8:22. Broers invited the public to the podium stating they will each be allowed 3 minutes to talk. Broers asked that each person state their name and address for the record and that all comments be addressed to the Planning Commission.

Loralie Tangen, 40610 W 324th Ter, stated that she reviewed Staff's options regarding secondary kitchens and opposed Option 1, stating that she did not believe an additional document was necessary to clarify information already addressed by Staff. She indicated that Options 2 and 3 appeared to have similar wording and meaning. L. Tangen expressed concern that the County's regulations are confusing and conflicting regarding accessory dwelling units (ADUs), noting that an ADU is essentially a second dwelling while the code states that a parcel may have only one dwelling. She questioned whether the ADU regulations adequately preserve Miami County's rural character and protect the health, safety, and welfare of residents and if not, why do the regulations for an ADU exist. L. Tangen recommended doing away with the code language "customarily, incidental and subordinate," as there is no definition for the words and Staff is allowed to interpret the meaning. L. Tangen stated that a space within a single-family home containing a secondary food-preparation area, bedroom, and bathroom should not automatically be considered a second dwelling, regardless of whether the space is separated from the remainder of the home. L. Tangen questioned the meaning of "separated," including whether it refers to a separate floor or access through an exterior entrance. L. Tangen discussed the proposed language that "each structure or portion thereof that provides for or is used for independent living facilities shall be considered a separate dwelling," stating that the definition of a second dwelling remains open to interpretation and should be clearly defined. L. Tangen stated the regulations should not prevent homeowners from providing space for aging relatives, disabled family members, multigenerational living, or additional amenities within a residence, nor should the regulations create an unnecessary regulatory burden for homeowners. L. Tangen further recommended that the County stop focusing primarily on kitchens as an indicator of a second dwelling, stating that bedrooms and bathrooms may be more appropriate indicators of a secondary dwelling. She expressed support for allowing kitchens in residential and accessory structures, as well as allowing multiple bathrooms. Time was called.

Eric Tangen, 40610 W 324th Ter, spoke in opposition to all three (3) proposals presented by Staff and recommended a fourth option that would eliminate restrictions on kitchens and sinks, provided they comply with Building Codes. E. Tangen stated that the existing definition of "dwelling" as a building used for residential purposes should be used to determine whether a second dwelling exists, rather than the presence of a kitchen. E. Tangen expressed opposition to the use of affidavits, stating they imply a lack of trust between the County and its residents. E. Tangen expressed concern with allowing the Planning & Zoning Director to issue directives to clarify regulations, noting that such practices can result in inconsistent interpretations, such as restrictions on the size or number of sinks. E. Tangen stated that if an item is not specifically addressed or prohibited in the regulations, Staff should err on the side of permitting it. E. Tangen stated that the practice of "we have always done it that way" limits innovation and is not an appropriate basis for County decisions. In response to Planning Commissioner Gerken's question at the last meeting regarding why the Planning Commission was just hearing about the kitchen issue, E. Tangen recommended that the Planning & Zoning Office track and report permits that are denied, applicant who are discouraged from applying, and individuals who are turned away from the office, including the reasons. E. Tangen further stated that he has four (4) permits associated with one building and has experienced repeated issues with building documents being lost or incorrectly filed and later (after he has replaced the documents) the documents being located, and a lack of communication regarding the building permit approvals. Time was called.

Lucas Price, 39485 New Lancaster Rd, stated this was his first time attending a meeting of this nature and found it eye opening. Price expressed support for E. Tangen's comments, stating that if "dwelling" is already defined in the Code, the definition should be used. Price agreed that "trust" goes both ways and stated that the County should not tell property owners what they cannot do. Price stated he has lived in rural Miami County since approximately 2010 and has encountered similar barriers when working with the County. He stated he does not want to be prohibited from having a kitchen in an accessory building and questioned why a property owner should not be allowed to have a kitchen or bathroom in an accessory structure to use while working on the farm, particularly if the owner resides in another county or state. Price yielded his remaining speaking time to L. Tangen.

Broers stated no one will be allowed to forfeit time to someone else, everyone will be allowed no more than 3-minutes.

Mike Hursey, 16315 W 287th St, expressed concerns regarding customer service when obtaining building permits the bed and breakfast he owns and operates. Hursey stated that he and his builder went to Planning & Zoning to pick up a building permit. When asked for the permit number, the builder provided the number; however, Staff advised that she could only except the number if he personally stated the number. Hursey repeated the same number, and the permit was then provided. Hursey stated that improvements are needed in the customer service provided when picking up building permits. Hursey noted that he was a Wal-Mart manager for 25-years and that poor customer service was not acceptable. Time was called.

Broers closed Public Hearing 2026-004-TA: Amendments to Articles regarding Kitchens, Accessory Structures, and Home Occupations at 8:35 p.m.

Broers asked if there are any questions for Staff.

Elliott stated he has been researching and doing some sole searching on this topic and is concerned that this amendment is focusing on treating a symptom rather than the cause. Elliott asked with the limitations Staff is attempting to put in place, both historically and going forward, what is Staff trying to prevent. Elliott is concerned that good regulations cannot be provided if the regulations is focused on the symptoms. Elliott stated if the Planning Commission has to pick one (1) of the three (3) options provided by Staff he would lean towards Option 3 but he personally is concerned that this should even be a discussion item.

Cook stated the general consideration when comparing the different communities...

Elliott apologized for interrupting and added Zoning Regulations exist, by State Statute, to protect the health, safety, and welfare of the residence and asked how the definition of a kitchen does those three (3) things.

Cook stated Zoning Regulations also allow Staff to consider aesthetics and other things.

Elliott believes "aesthetic" comes from the "welfare" component, in other words it has to be justified that there is a financial component. Elliott stated that is why he is asking which of the three (3) things (health, safety, and welfare) this applies to.

Cook stated that an additional kitchen is not the only factor used to determine whether a separate use is occurring but noted that it is a common and often primary factor considered by other jurisdictions. Cook stated that many jurisdictions do not specifically define this issue and instead rely on Staff interpretation. Cook expressed concerns regarding kitchens in accessory structures large enough to accommodate residential occupancy, particularly when someone is residing in the structure, noting potential health, safety, and welfare concerns and whether the structure was constructed to meet residential building codes.

Elliott interrupted Cook and apologized for the setup, stating that was the information he was seeking.

Elliott stated that Staff's concern is whether an additional residence is being created, whether in a basement with a kitchen or a detached structure with a kitchen, which could constitute an accessory dwelling unit (ADU). Elliott stated that the Zoning Regulations already address additional residences and expressed concern that the regulations may prevent potential positive uses due to concerns that violations may not be identified. Elliott asked the Planning Commission to consider whether restrictions on bathrooms, kitchens, and similar features are necessary or whether the County needs to improve communication and enforcement. Elliott stated that the Table of Uses Staff is developing may help improve communication. Elliott used the 145-square-inch sink as an example, stating that sink size should not determine whether an area is considered a kitchen or wet bar. Elliott stated that homeowners should be allowed to use and enjoy their space and questioned whether such restrictions are necessary when the primary concerns are additional residences and residential safety. Elliott asked the Planning Commission to consider the intent of the regulation and whether the regulations may be an overstep.

Gerken stated if there is an Option 4 and the regulation is removed altogether and asked does that affect anything else in the Zoning Regulations.

Cook stated some of this is interpretation and the Zoning Regulations will state that Miami County only allows for a single family residence per parcel.

Elliott stated a "single family" is not defined in the regulations.

Cook stated it is one (1) unit but "family" is not defined.

Kitchen asked why does it matter how many people live in a house, what if an adult child moves back in with his/her parents, is that still considered a single family.

Hall stated in his opinion it is habitable space and Staff is gravitating towards regulating the space and regulating off of definitions.

Cook stated if there are no definitions...

Hall stated he understands that but the need is to understand both sides.

Gerken stated that goes back to his question, if there is an Option 4 and the Planning Commission chooses to do away with this regulation what else will it affect or is it affecting anything else.

Broers stated she will play devil's advocate; she believes defining "single family" is a fixable issue and stating "single family" per parcel in the regulations is a standard requirement in any county in Kansas that has Codes.

Cook asked if people will be allowed to build five (5) separate dwellings or apartment building on a property in rural Miami County and Cook believes that is the main reason the Zoning Regulations states "single family dwelling." Cook does not believe "single family" was intended to prevent the aging parents, disabled family members, and such from living in the same dwelling. Cook stated the regulations can say "one dwelling" per parcel instead of "single family dwelling."

Elliott stated he is fine with that component and believes the point Broers was attempting to make was to ensure the County does not end up with a... Broers stated hodge podge development. Elliott stated on a single parcel. Elliott understands that and it protests the health, safety, and welfare of the County.

Gerken asked if this regulation will accomplish that (health, safety, and welfare).

Elliott stated that is his point. Elliott believes this issue is below the standard of the Zoning Regulations. Miami County Zoning Regulations already define what a dwelling is, a single family is, and how many dwellings can be allowed on a single parcel.

Broers stated Miami County is complaint based and there are violations in the County everywhere and understands why Staff is trying to put a barrier to prevent a person from building a garage, throwing a kitchen and a cot in it and basically squatting. Broers stated she understands Staff's motive but there are a lot of reasons why that is not in the best interest of the people. Broers stated at the last meeting it was discovered that there are people all over Miami County listing their house for sale if the house has two (2) kitchens. The regulations are not stopping people from building a second kitchen, but the regulations are stopping people from having legitimate businesses, having a BBQ in their garage... Elliott added or getting a permit. Broers believes Staff's motive is good just does not know if the regulation is accomplishing what it is they want to do.

Cook asked if this is deleted and any structure on any property can have a kitchen and a person can have any number of structures on a property and each structure has a kitchen and a bathroom...

Elliott stated the County should address actual violations rather than preventing other legitimate uses that do not create the problem the County is trying to prevent. Elliott acknowledged the need for some level of uniformity but believed Staff had gone too far in regulating the issue. Elliott stated the regulations appeared to have been created out of a "fear factor." Elliott said that if the County is not actively policing the regulations, the regulations should focus on the primary concerns so that, when a complaint occurs, it is clear whether a violation exists. Elliott expressed concern that the current regulations may encourage residents to avoid obtaining permits, conceal their activities, and proceed anyway. Elliott stated he does not believe this is the best practice for the current or future residents of Miami County.

Kitchen believes more than 35% of Miami County has two (2) kitchens in the house or in an accessory structure. He recalls the house he grew up in (1970s) had a kitchen in the main house and in the garage and the majority of the neighbors' houses were the same way.

Gerken asked how long has this regulation been enforced.

Cook believes it has been longer than 20-years.

Gerken said then there are hundreds of properties in Miami County with two (2) kitchens then.

Cook stated he does not know when the regulation was written but it used to be a person could not build an accessory structure without having a primary structure on the property. An AG building was permitted but not an accessory structure (building). That has been changed. Another thing was that bathrooms were prohibited in the accessory structures, this has also changed allowing for a bathroom in the accessory structure. Staff realizes the regulations change over time and some of the regulations are created after looking into citizens' concerns. Cook believes he approached this problem in a manner that makes it easy for an individual wanting to do these things will be able to do it. While making sure if a person puts a kitchen and or bathroom in a shop that there is no intent of the building being turned into living quarters for someone.

Broers asked how hardships are granted every year and living in RVs.

Cook stated the only thing the County has for hardships is for manufactured homes and it is very limited. Cook stated basically if someone has a medical issue and needs additional assistance a property owner can move a manufactured home onto the property to allow for someone to live close enough to receive the assistance needed. Cook believes there are 4-5 active hardships in Miami County and when the hardship is no longer present the manufactured home has to go away because the regulations only allow for one (1) single family dwelling on a parcel.

Gerken asked if the only thing being presented at this time is dealing with kitchens.

Cook stated it is pertaining to both kitchens and bathrooms.

Moore asked what the main difference is between Option 1 and Option 2.

Cook stated for an accessory structure it is defined to being subordinate to the primary structure and asked how often does a person need multiple bathrooms in an accessory structure.

Moore stated he understands the question and asked does the County have the right to make that decision for the people.

Broers used a day camp as an example and stated without regulating it someone could run a day camp on their property without getting a Conditional Use Permit (CUP).

Moore stated he understands and it always comes back to someone is breaking the law but it is still someone's property and it is a shame people are not allowed to do something they want with their property. Moore believes it is unfortunate that people are not allowed to do what they would like to do with their property without restrictions.

Cook stated part of it comes down to the definition of accessory structure. Accessory structures are typically for storage purposes.

Broers stated the Planning Commission is responsible for balancing the needs for all Miami County residents. When a person is allowed to have an accessory building that has 3-5 bathrooms in it and they are not required to get a CUP...

Gerken stated if there is activity on the property that goes against regulations a neighbor will turn them in. Gerken believes the County is overstepping.

Kitchen asked if any of the Planning Commissioners own land in a county that is not zoned. Gerken stated yes. Kitchen stated a person can do whatever they want with their land in a county not zoned, and he does not recall ever hearing neighbors complain about development going on in the area.

Gerken agreed, he has never recalled a complaint.

Moore asked how often does Staff have people coming in asking for multiple bathrooms.

Cook stated multiple times a year. Cook stated within the last 6 months an application came in asking for five (5) bathrooms.

Gerken asked what was the use.

Cook stated it was a family wanting a large accessory structure with five (5) bathrooms.

Kitchen stated if they had 6 or 7 kids...

Moore stated when he hears that a person wants a kitchen and bathroom in the accessory building he thinks about a family that goes hunting and brings their game back to the accessory building to clean it in the accessory building.

Broers stated she would be in favor of a reasonable middle ground. Broers believe the County has zoning and a comprehensive plan for a reason. Broers does not believe the current structure and definitions are good and believes people should be allowed to have a second in their house as well as having a kitchen and bathroom in their accessory building.

Elliott stated he is struggling with this topic. The regulations are there that it is a single family dwelling and list the uses allowed, but believes the County is regulating out of fear and regulating to prevent the hassle. Elliott stated he is not sure what the middle ground is but Option 3 comes the closest if the Planning

Commission has to do something. Elliott's general concern is where to draw the line. Elliott stated if a "single family dwelling" is defined, define what the specific zoning districts can allow, the rest should not matter and should be dependent on the individual's needs and uses as long as they meet the level of standards the County has adopted for that specific zoning district. Elliott believes there is a need for zoning regulations but is concerned that the County is too deeply involved in regulating what a person can do.

Kitchen asked if any of the Planning Commissioners will call on a neighbor down the road for doing something that is not allowed in the regulations such as having too many bathrooms.

Broers stated the concern is not the number of bathrooms the concern is the parties every weekend and start running a contractor shop on their property.

Kitchen stated he could have a party every night and the neighbor can complain all they want but there is nothing that can be done about it. Kitchen asked the Planning Commissioners again if anyone on the board would turn in a neighbor.

Elliott stated if it negatively impacts his way of life he will.

Kitchen asked if a neighbor having five (5) bathrooms would negatively impact him.

Elliott stated no but it is based on what they are doing and if it meets the regulations.

Moore stated a complaint can be made on too many flushes and it does not matter how many bathrooms what matters is if the reason for the bathrooms is...

Kitchen asked then why is the County worried about the number of bathrooms.

Hall asked when an application is provided by a person and it goes to Environmental, when it comes to sizing the septic system, what will Environmental look at on the application/plan.

Kitchen stated closets.

Hall agreed that in order to be considered a bedroom they have to have a closet, they will not be counting the bathrooms/toilets.

Cook stated when talking about an accessory structure without a dwelling then Staff has to consider what is the reason, what will the property owner be utilizing this structure for, is there a business being ran out of this structure...

Hall stated he believes as a government that is overstepping the boundaries and Hall does not believe that is what the Planning Commission is being asked to do. Hall believes as a government body they are always anticipating what the citizens are going to do and he is not in line with making a person sign an affidavit. Hall believes sitting around trying to define what a kitchen is, is a waste of time.

Kitchen agreed.

Moore asked the Planning Commissioners their thoughts on signing an affidavit and asked is it that hard to sign a piece of paper.

Gerken asked if Moore believes signing an affidavit will keep the people from lying.

Elliott believes what Staff is trying to accomplish is when the title work is done for the next person everything is correct and in order. Elliott believes if he could be part of the deed that would make sense to him. Elliott does not believe putting it with a building permit will do any good. Elliott stated his opinion is that this not for the current owner.

Hall stated drawing from his experience over the past few years when the wastewater system installed starts

failing they will higher the cheapest person to repair the septic system and it will not be repaired correctly. Then the County will send a Deputy out to serve papers because the resident is not in compliance with the Environmental Health Codes. Hall does not believe the regulations are protecting the future landowners.

Kitchen believes the wastewater system is basically designed by the County, the County requires certain wastewater systems, and the location of the wastewater system and when the wastewater system fails the County is not responsible it falls back on the landowner.

Gerken asked what is the affidavit for then.

Hall stated that is his point. Hall stated he as a business owner has seen the affidavits do not work and wants to understand the reason for them.

Moore asked if that is Staff's reasoning for not having multiple bathrooms.

Cook stated in most situations the person has come into the office to talk about having a bathroom in an accessory structure and when that house sells Staff takes calls from the new owner wanting information on how it was permitted and the real estate agent is listing it as a second dwelling. The intent was to have a document recorded by the Register of Deeds providing proof of the intent of the structure. Cook stated there are a lot of people that are violating the Codes for various reasons, and just because they are violating the Code he does not believe Miami County should get rid of the entire Code. Cook stated Building Department will receive building plans with a second dwelling indicated in an accessory structure, they will leave with the permit and return the next day with the markings of the second dwelling whited out. It then gets approved, and what is to say they go ahead with the original plan after they pass all inspections, this is a challenge Staff has to deal with.

Hall asked what challenges will Staff need to deal with if it is clearly marked on the plan that there is no bedroom/second dwelling, at point and time during that can a person insert something above and beyond that. Hall believes Staff is anticipating something that is not there. Hall asked what line in the sand is drawn in this situation. Hall believes Staff can only work with what is in front of them.

Cook stated Staff has been going more in that direction. Cook stated if someone resubmits a plan that has been modified Staff will make a note on the approval that states the applicant stated they are not using it for a second dwelling.

Hall stated Staff needs to take the plans in faith that the applicant is going to stand by the plan that is approved. There are people in the County that are legit and when looking at the affidavits and everything being proposed to do that is a lot of paperwork and a lot of time, Hall does not believe Staff have the time for all this. Hall stated he asks himself, "what is the purpose of this."

Broers asked what Staff needs from the Planning Commission. Broers stated Elliott and herself like some of Option 3, no one likes the idea of an affidavit, and strike the portion limiting the number of sinks, toilets, and showers in a bathroom. Broers asked that Staff bring back two (2) more options that are "red lined" to the next meeting for discussion.

Elliott stated he went through the Zoning Regulations looking at the use section for each section and in every case, Plan Development is a little different so he will skip it, but Rural Residential, Countryside, and AG District all say "a single family dwelling per legal lot" providing a definition of a single family dwelling has having a permanent foundation, minimum square footage, etc. They each have their own ADU section. Elliott asked why is this information in each section not enough. Elliott believes "single family dwelling," "accessory structures," and "accessory dwelling units" need to be defined and believes the definitions in the regulations are descent. Elliott asked what is the County gaining by 21-1.14 in example Option 3 that has been presented by Staff.

“21-1.14 Limitations on Non-Residential Structures, Accessory Structures, Kitchens and Bathrooms: Specific standards for the determination of the presence of a second dwelling and limitations on uses of non-residential structures (as defined in Article 2-1.01) and accessory structures are as follows:

- 1. Each structure or portion thereof that provides for or is used for independent living facilities shall be considered a separate dwelling. Other than as allowed as an Accessory Dwelling Unit (attached or detached) or as may be provided by other provisions of these Regulations, no lot, tract or parcel, shall have two dwellings.*
- 2. A single-family dwelling may have more than one kitchen so long as such structure consists of and functions as a single dwelling unit or includes a permitted Accessory Dwelling Unit (ADU). Any owner of a property desiring to construct a second kitchen in a single-family dwelling shall provide a notarized affidavit specifying such kitchen will not be used for or converted into a second dwelling or for business purposes (other than as may be permitted as a home occupation or by Conditional Use Permit (CUP)).*
- 3. Non-Residential Structures, where a dwelling is not yet established on the property, shall not include a kitchen and shall be limited to a maximum of one (1) bathroom. Said bathroom shall be limited to one sink, one toilet, and one shower/bathtub. One additional utility sink may be permitted within the structure.*
- 4. Accessory Structures, where a dwelling is established on the property, may include a kitchen and shall be limited to a maximum of one (1) bathroom and subject to the following standards:*
 - a. Any owner of a property desiring to construct a kitchen in an accessory structure shall be required to submit a notarized affidavit, to be recorded in the Miami County Register of Deeds Office, specifying that said owner, tenant, heirs and/or successor-in-interest will comply with the restrictions and/or conditions noted, including that such kitchen will solely be used for the personal use of the occupants of the dwelling located on the property, and will not be used for or converted into a second dwelling or for business purposes (other than as may be permitted as a home occupation or by Conditional Use Permit (CUP)).*
 - b. A bathroom in an accessory structure shall be limited to one sink, one toilet, and one shower/bathtub.*
 - c. An accessory structure, other than when permitted as an Accessory Dwelling Unit (ADU), shall not be used for habitation. Such accessory structure that includes a kitchen and a bathroom shall be designed to not include additional habitable space.”*

Elliot asked what is the County gaining with this.

Cook stated if someone comes into the office with a plan that includes these things our regulations will say it is allowed. It will take interpretation out of Staff's hands.

Elliott stated that Staff feels they need a little more depth so they can easily identify a single-family dwelling, an ADU, and an accessory structure and these things are allowed in in these structures.

Cook agreed and stated that the Planning Commission did not like the affidavit, which was part of the affidavit. With the person signing the affidavit they agreed that the structures were being used as indicated.

Moore stated then it needs to be clear to the applicant that no one can live in the accessory structure.

Cook stated the County has Accessory Dwelling Unit (ADU) requirements and to allow something that is a lot bigger to have bathrooms and a kitchen can start blurring lines between an ADU and an accessory structure. What is an ADU and what is not; the County used to allow guest houses but the County changed

the regulations and guest houses are no longer allowed. Cook noted there have been complaints from neighbors stating that multiple people are living in the shop building, or the second floor of a house was converted into an apartment and these would be violations against a single family dwelling on one (1) property and single family residence.

Moore asked if these regulations are specifically restricting that from happening.

Cook stated legally, yes. Cook stated when looking at ADUs from a national prospective no county allowed an ADU for a long time. Part of the reason ADUs have become acceptable is because of people converting guest homes into ADUs. After Miami County adopted ADU regulations they were too restrictive and the County had to loosen up the regulations. It is serving the community's desires.

Kitchen asked when did we become a society that tells a person how they have to live. Kitchen stated he does not like it and he does not like that they can tell a person how big the house has to be. Kitchen stated he is not so important that he needs to tell people how they need to live in their house.

Gerken and Hall agreed with Kitchen.

Broers stated she was not allowed to move into her home until the house had handrails installed on the deck and yet there were already handrails.

Kitchen stated the County has all these rules and regulations in place and asked if something happens the people cannot sue the County for it so what good does it do.

Broers believes there is Planning and Zoning in place to help mediate the friction, the more people you have in a space the more likely there will be friction. Miami County is continually growing.

Kitchen stated that is why he does not like CUPs, because it is now in the backyard of someone that did not want it in their backyard.

Moore stated he would like to see the rules easy enough that people want to come to Miami County.

Gerken believes the County is teetering to the side of people not coming to Miami County because it is too regulated.

Moore agreed and asked if they should loosen the regulations to be more inviting to people.

Broers asked if Staff has what they need to come back to the next meeting with another option.

Cook believes he understands Options 1 & 2 are out, Option 3 is the primary option the Planning Commission would like to consider with possible verbiage changes and would like a fourth option presented for consideration.

Broers asked if there needs to be a motion to reopen the public hearing when a more final option is presented.

Cook stated anticipates this coming back to the Planning Commission in September 2026.

Broers stated she already closed the public hearing...

Elliott believes they have a good understanding of the citizens' concerns and the things the citizens brought up have been discussed by the Planning Commission. Elliot does not believe another public hearing will be necessary.

Cook agreed.

Elliott moved to continue 2026-004-TA, Amendments to Articles regarding Kitchens, Accessory Structures and Home Occupations to the September 2026 meeting. Gerken seconded; the motion passed unanimously (6-0), via show of hands (motion was made around 9:37 p.m., after General Discussion).

GENERAL DISCUSSION:

Broers stated a citizen state through the entire July meeting thinking that the Planning Commission would be discussing one of the items listed under “Possible Future Amendments to Zoning and Regulations” and asked if this could be reworded so that it not be confusing for the citizens.

Elliott suggested retitling it to say, “Items for future meetings.”

Cook stated it has come up that people would like the County to consider allowing event venues to offer some sort of short term rental during events. Staff will be adding this as a future discussion item. The event venues would like to have the option of having multiple units available, not just one or two.

Elliott stated it might be happening while in conjunction to an event and that to him is an all new category.

Gerken believes it will depend on the situation and how it is laid out.

Gerken asked how many short-term rentals have been issued since the Planning Commission approved short-term rentals in Miami County.

Cook stated one (1).

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

There were none.

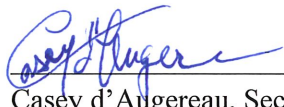
ITEMS FOR FUTURE MEETINGS:

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

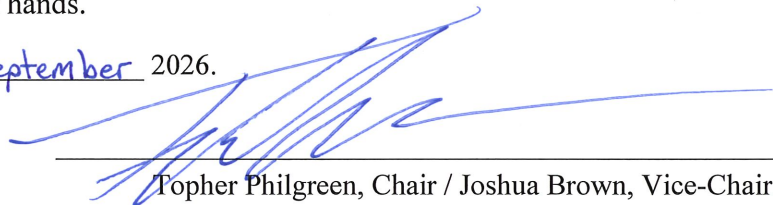
There was no discussion regarding these “Possible Future Amendments” to the regulations.

Kitchen moved to adjourn the meeting; Moore seconded. The meeting adjourned at 9:38 p.m. with a unanimous vote of 6-0, via show of hands.

Approved this 1st day of September 2026.



Casey d'Augereau, Secretary



Topher Philgreen, Chair / Joshua Brown, Vice-Chair

Minutes written by Casey d'Augereau