

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
August 1, 2022**

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

ATTENDANCE

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

MINUTES

August 1, 2022

MIAMI COUNTY PLANNING COMMISSION

At the beginning of the meeting Misty Kitchen distributed a letter she wrote to the Planning Commissioners and County Commissioners.

CALL TO ORDER

Vice-Chairman Phil Elliott called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Roll Call was taken with six (6) members present, constituting a quorum. Topher Philgreen arrived after adoption of the Agenda, bringing the total present to seven (7) members.

ADOPTION OF THE AGENDA

Broers moved to adopt the amend the Agenda to continue the Queen of Holy Rosary Wea Daycare application to the September 6, 2022, Planning Commission meeting. Oehlert seconded, and the amended Agenda passed unanimously, 6-0, via a show of hands.

KOMA AND ETHICS REVIEW BY COUNTY COUNSELOR

Shelley Woodard distributed two (2) handouts to the Planning Commission. First, "A Citizen's Guide to Open Government, Kansas Open Meetings Act/Kansas Open Records Act." This document was prepared by the Attorney General's Office as a guide for citizens with inquiries about the Kansas Open Records Act. Woodard stated the Planning Commissioners are subject to the Kansas Open Meetings Act which requires the Planning Commission meetings be open to the public. An example of an open meeting without the public would include an email sent from one person to a second person, then forwarded to another person, and before you know it all Planning Commissioners are participating in the email. This would be a violation because the Planning Commissioners are not allowed to talk amongst themselves about anything pertaining to an agenda item without the discussion being open to the public. Any violation could result in a fine. There were no questions.

Ms. Woodard moved on to the second document: Miami County Kansas' "Article 5. Code of Ethical Conduct (R00-06-099)", which outlines the principles - the things Miami County values like, honesty, openness, and accountability. Woodard stated Principle 5 would likely be the one that the Planning Commission would run into the most: *An officer should perform the duties of public office with fairness and impartiality so as to enhance public confidence in county government. Impartiality requires an officer to engage in conduct unswayed by public clamor, without fear of criticism and without seeking personal financial gain or partisan advantage. An officer should make decisions free from the influence of family members, private business relationships, or other personal relationships. An officer should promote county business practices which contribute to public perception of the impartiality of county decisions. An officer should abstain from voting or taking part in the decision-making process, even if not required to by law, if his or her impartiality might be reasonably questioned. An officer should support the principle of equal employment opportunity and vigorously oppose discrimination in county operations.* Woodard stated if you have a business partner, family member or close friend involved in

a Planning Commission meeting then that Planning Commissioner should recuse him/herself from that part of the meeting. Kitchen asked what to do when a person owns thousands of acres in the county or is a tenant of multiple farms. Woodard stated if you meet that definition then you would need to recuse yourself. Kitchen stated it is hard to be appointed to a position over an area that you reside in without knowing your neighbors. Kitchen asked, “what if you don’t believe you are being influenced by anyone?” Woodard stated the Code of Ethics does state “to avoid the appearance of impropriety.” Woodard read “*An officer should abstain from voting or taking part in the decision-making process, even if not required to by law, if his or her impartiality might be reasonably questioned.*” Kitchen asked who gets to decide what “might be” reasonably questioned? Woodard stated a reasonable person. Elliott questioned whether “a reasonable person” exists today. Kitchen asked if a County Commissioner should then recuse himself if he is in an area being discussed. Woodard stated since her hire date she knows of one (1) County Commissioner that had to recuse himself, so yes that can come up at the County Commissioner’s level as well. Philgreen stated that he needs to recuse himself tonight on an application and asked if he could step down and be a part of the public hearing as a citizen? Woodard replied yes, you can step down and be a part of the public hearing as a citizen, you just won’t be allowed to participate in the Commission discussion or be a part of the vote. The best practice is for you to step out of the meeting altogether. Kitchen commented that it makes it tough to serve in the county when you know almost everyone in the county especially when you’ve been here a long time. Elliott stated he struggles with “fairness and impartiality,” when we talk about the comprehensive plan and the agricultural way of life; he has a vested interest. Elliott stated he isn’t sure he can sit here and have a conversation about the comprehensive plan because of his preconceived beliefs about the lifestyle he would like to maintain in Miami County. That line is difficult and to Kitchen’s point about “might be reasonably questioned” that’s a pretty common terminology and a lot of legal documentation. Elliott stated in the last two and half (2 ½) years the definition of reasonable has gone out the window. Elliott requested that if the Planning Commission has to follow this that the county needs to do a better job of defining that specific item. Woodard stated she can look into that; she is not sure the last time the Ethic Codes was updated. Woodard stated she is always available via phone or email if one of the Planning Commissioners needs to talk with her. Elliott stated in addition to that he believes it would be advantageous for Woodard, or some other representatives to be present at the meetings, based on the criticism they have received by the public and the County Commissioners. Woodard stated she will be happy to be present if the Planning Commission feels it necessary. Elliott stated the other issue he would like to discuss is on Principle 5 the second sentence “*Impartiality requires an officer to engage in conduct unswayed by public clamor, without fear of criticism and without seeking personal financial gain or partisan advantage,*” and asked if she would please report that back to the County Commissioners. Woodard confirmed that she would relay the message.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

Topher Philgreen stated that he would need to recuse himself as a Planning Commissioner in the Wildwood Outdoor Education Center (22006-CUP) application.

CONSENT AGENDA

- Minutes: Approval of the July 5, 2022, Planning Commission Minutes (5 -2)
- Spalding Enterprises: 22006-SUB (Final) (6-1)

Philgreen moved to adopt the Consent Agenda as presented. Broers seconded, and the motion passed 5-2 (Kitchen voted no on both agenda items; Oehlert voted to abstain from the vote on the Minutes since he was not present at the previous meeting but wanted to approve the Spalding Enterprises).

REGULAR AGENDA

Old Business:

Antioch Baptist Church Conditional Use Permit (CUP) was continued to September 2022 meeting at the request of the applicant.

New Business:

Public Hearing 22005-CUP: Queen of the Holy Rosary Daycare – Continued to September.

Public Hearing 22006-CUP: Wildwood Outdoor Education Center

Topher Philgreen recused himself as a Planning Commissioner to participate as a citizen in the public hearing for 22006-CUP: Wildwood Outdoor Education Center at 7:18 p.m.

Katie Jardieu presented the staff report for consideration of a conditional use permit for the expansion and master plan of an outdoor education center. The subject property, of approximately 139.78 acres, is addressed as 7095 W 399th Street, and is located on the south side of the of 399th St at Metcalf Rd, in the Northeast Quarter of Section 17, Township 19, Range 25, Sugar Creek Twp. Submitted by Paula Cornwell, Facilities Director of Wildwood Outdoor Education Center.

Jardieu stated Wildwood had a CUP before county-wide zoning and therefore was under a Z-CUP was grandfathered in. She noted that Wildwood has come before the Planning Commission four (4) times, 1994, 1998, 2000, and 2003 for various small projects and have been found to be in substantial compliance of the original CUP each time. In 2017 the Planning Commission approved a separate CUP (Borda) to use the facilities as a live entertainment venue which included 3–4-day camping and various activities for up to three (3) times per year.

The proposed Wildwood application includes:

- Expand the current youth camp accommodations from 90 to 180 overnight campers, and existing overnight accommodations to a capacity of 240.
- Host indoor/outdoor short term/therapeutic programming for up to 60 participants a day.
- Host rustic, large group, short term/day camp programs for up to 500 participants in the West Meadow area.
- Increase program offerings to improve youth outcomes, guest experience, capacity and improve camper retention.
- Provide rental opportunities for individuals and families including weddings and family reunions (maximum of 500 people).
- Utilize land and facilities as a retreat venue for groups or organizations of 50 to 1,000.
- Maintain existing cabin facilities while increasing overnight capacity to 240 including a graduated camp experience for ages 8 to 18. New accommodations to include yurt style camping, tent camping, electric hookups for bring your own camping,
- Expand elements to include teaching areas, a small animal program, new challenge course high elements, greenhouse, and gardening.

Someone will be onsite at all times. No new lighting is proposed with this application. The current property is zoned agricultural which allows camping with an approved Conditional Use Permit. There are gates on the site plan to limit traffic into the facility.

Surrounding property owners within 1000 feet of the property were notified and to date no responses have been received back. Staff recommends approval of the CUP based on the findings and conditions listed in the staff report. Jardieu reviewed the proposed conditions for the record:

1. Except as amended by these Conditions, the property shall be developed according to the Applicants' Narrative, attached hereto as Exhibit "A."
2. Except as amended by these Conditions, the property shall be developed according to a revised Site Plan, which includes the type of screening that will be used for the storage areas. It will then be, attached hereto as Exhibit "B."
3. The term of this Conditional Use Permit shall be 10 years, commencing from the date of County Commission approval.
4. All new construction and modifications to existing structures shall comply with all sanitary, building, fire and other applicable County codes and permit requirements, including ADA accessible bathroom(s).
5. This CUP is approved exclusively for the applicant (Wildwood Outdoor Education Center, LLC) at this location. Change of ownership or subleasing of the property/facilities shall require review by the Planning Commission to ensure the use substantially complies with the original conditional use permit.
6. All lighting needs to be of shoebox design and directed downward with no part of the lightbulb exposed to prevent offsite glare. The maximum height of poles is 25'. Lighting locations need to be shown on the site plan.
7. The site plan shall be revised to show parking space numbers and dimensions; method for delineating parking spaces and maintaining required fire access; the location and type of all solid waste trash receptacles; building, pathway, and parking lot lighting; location of fire hydrant(s) on the property. All aisle ways shall remain clear with no parking signs installed to insure access by emergency vehicles.
8. Except in emergencies, activities that cause noise, odor, smoke, heat, vibration, or similar effects shall not occur outside of the hours of 7am to 10pm Monday through Friday.
9. Liability insurance in an amount no less than \$1 million shall be maintained by the property owner(s) at all times, listing Miami County Kansas as a Certificate Holder.
10. New facilities/buildings will require: (a) Miami County wastewater connection permit and compliance with Miami County Environmental Health Code; and (b) a report from KDHE of acceptance of effluent into the wastewater lagoon system. A copy of KDHE approval will need to be supplied stating that the existing lagoons and operating permit are adequate for the expected use or that modifications to the existing wastewater lagoons and operating permit will be required
11. All wastewater facilities must comply with Miami County Environmental Health Code and must also be accessible for servicing. KDHE will need to address the facilities and permits must be obtained from Miami County and/or KDHE as appropriate, this will include the submittal of plans for facilities for plan review by Miami County Environmental Health Department.
12. A dry hydrant will need to be installed to the south of Meadowview and the Pavilion with a dry line to the small lake on the property in case of emergency.

Oehlert stated it looks like this will be a ten (10) year CUP, how will that process be managed within the Planning Department to monitor the growth? Jardieu stated as each phase of the plan takes place they will have to get a building permit and the Planning Department can review the growth at that time. Oehlert asked what the timeline is on the waterline. Jardieu stated a timeline was not provided. Kitchen asked if they are using a lot more water now than they were using previously. Jardieu stated it is not an availability issue, it is a pressure issue. Oehlert questioned if the water main they have right now is

sufficient for firefighting? Jardieu stated it is not. Reeves stated they plan to put in a dry hydrant as recommended by Mark Whelan, Emergency Management Coordinator. Oehlert stated it might be important to figure out the waterline before getting too far into the CUP. Kitchen asked with the waterline issue, will they be asking for more water? Jardieu stated no.

Broers raised concern with the rentals and questioned how these will be differentiated from AirBnB's that we have denied because we don't have short term rental regulations and asked if we are potentially opening a door to Airbnb's? Reeves commented that it is a little muddy but the difference being the others were single-family residential properties where this property is unique as it is already a carryover from an existing CUP that has been historically used for camping.

Elliott stated he made note of the noise section, specifically 7:00 p.m. to 10:00 p.m. Monday thru Friday, what about Saturday and Sunday? Jardieu stated it needs to be changed to include Saturday and Sunday.

Elliott stated he didn't recall having two (2) CUPs on the same property before. Should the CUPs for this property be separated instead of building it under one (1) CUP. Reeves stated they are two separate CUP's, and the Borda Productions events are restricted to three (3) events per year, within specific dates, and they notify us when they are going to have an event.

Regarding Conditions 10 & 11 on wastewater, the number of people that could be in attendance, and KDHE's calculations on the water usage, Elliott questioned whether the Planning Commission should approve the application knowing that they are basing the wastewater on 200 – 300 people yet on the application it states there could be thousands of people there at some events. Reeves stated that Dave Delp, Director of Code Services reviewed this part of the application for compliance with state and county sanitation regulations. Reeves stated if there is something the Planning Commission doesn't feel comfortable with, this can be tables to the next month.

Elliott stated there was a narrative uploaded on the website showing Planning's response to the applicant with the conditions of the CUP. In past meetings Elliott requested the applicants be notified of the conditions prior to the meetings. Seeing this narrative with the conditions is what Elliott was looking for. He complimented staff for putting that correspondence out there and asked they continue doing it.

Manchester stated the parking shows 206 parking spaces with 100 being overflowed, yet the application shows up to 1,000 people could be in attendance. Jardieu replied that there is more parking available in the grass in the front area of the property, also there might be two (2) or more people in each vehicle so that will cut the number of vehicles down compared to the number of people be in attendance.

Broers asked if it would be possible to do a rezoning for this instead of doing a CUP. Jardieu stated no, this is a unique situation but there is no rezoning available to accommodate the CUP.

Elliott invited the applicant to speak at 7:45 p.m.

Robyn Ratcliff, Executive Director for Wildwood Outdoor Education Center, distributed a packet of information about Wildwood Outdoor Education Center. In reference to parking, she noted that they use buses for large groups, and they encourage car-pooling. Referencing the bathroom facilities, when there is a large group that uses the facilities, they have port-a-potties brought to the facility. She noted that this was started in 1962 as a summer camp before they became Wildwood. Kids need more opportunities to get outside. Wildwood focuses on quality time outside, in a technology-free environment, and building connections and healthy relationships. She noted that they had

approximately 600 campers go through the summer camp program. They can't make the summer longer, but they can increase the number of kids allowed to come. Their goal is to be a ten (10) year program in the life of a child from the time they are 8 to the time they are 18. They want to be with them every year, retaining the kids and turning them into leaders.

Broers asked where the retreat and wedding events come into this plan and whether this is just a way to help fund the facility? Ratcliff stated we do not want weddings as our main focus, they produce revenue for us to continue to grow for the kids. Sometimes we will invite all the families back with their kids and have kind of a family reunion. The non-related events will be limited and will have to work around our programs, our kids are our main focus.

Kitchen asked if the rentals are daily rentals or longer. Ratcliff stated the rentals mostly take place on the weekends, but they will have to work around our programs. We don't want anyone staying long-term or taking up residency (other than the onsite property managers).

Elliott opened the Public Hearing at 7:59 p.m.

Topher Philgreen, 3409 W 222nd St, stated that he is the Chief Operating Officer for Youth Front, which has property that abuts Wildwood Outdoor Education Center. Regarding the water line, Youth Front has 350 kids, and we have a three-quarter inch water line that covers all our kids. We have a 40,000-gallon water tank, it is all about capacity and we pressure our own system. Regarding stormwater, Wildwood Outdoor Education Center abuts the KCPL power plant lake (LaCygne Lake) so he didn't think they would need a stormwater plan, noting that stormwater is to protect housing and property, this is literally in the watershed of a lake. Wildwood Outdoor Education Center operates under a 501C3, which means that they are a non-profit and cannot make money doing other things unless it goes to support their mission which is called "unrelated business income." Philgreen stated this group is who we want in Miami County. They are honest, transparent, and good stewards and they are making a big difference in the kids' lives.

With no other comments, Elliott closed the public hearing at 8:03 p.m.

Elliott stated the draft of the Next Comprehensive Plan talks a lot about stormwater, during each phase when a new building is put up, will this create an issue with the stormwater plan? Jardieu stated no. Kitchen asked if the pond catches all the stormwater or if it overflows to the lake or goes directly to the lake. Jardieu stated it goes to a stream that takes it to the lake. Kitchen asked if there are any houses behind the pond. Jardieu replied that there are none.

Manchester asked if the traffic study had been done. Jardieu stated Wildwood Outdoor Education Center has contacted an engineer, no contracts have been signed yet. Manchester asked if they must redo the road will the applicant be paying for it? Jardieu stated she will need to review the original CUP to confirm. Kitchen asked don't we typically have a traffic study by the time the applicant gets to the Planning Commission meeting? Reeves stated yes. Kitchen stated he doesn't want to see them pay for a \$5 million road project when the county should be tending to this. Jardieu stated she has been talking with Wildwood Outdoor Education about the necessity of getting a traffic study completed prior to the CUP being approved by the Board of County Commissioners. Oehlert stated all these questions brings us back to his original question of how this will be maintained for the ten (10) years, because it is going to be in phases, and these questions will come up each time a new phase is started. Elliott stated a condition needs to be added that the traffic study must be completed prior to phase three (3), and recommended improvements must be implemented at the beginning of phase three (3). Elliott stated the traffic study can be done tomorrow instead of waiting for phase three (3), that way they know

what to expect. Oehlert stated the study might be outdated in eight (8) years. Elliott stated the costs will be different, but a good traffic engineer will anticipate the future growth based on the numbers.

Elliott stated a condition needs to be added that the stormwater retention plan must be completed prior to phase three (3) and any recommended improvements must be implemented with phase three (3).

Elliott stated he would like clarification on condition number 8: *“Except in emergencies, activities that cause noise, odor, smoke, heat, vibration, or similar effects shall not occur outside of the hours of 7 a.m. to 10 p.m. Monday through Friday.”* Jardieu suggested to modify this to read daily in place of Monday through Friday.

Elliott the applicant to respond to any of the discussion or conditions.

Ratcliff stated they will follow the rules and regulations and plan to be good stewards. Jardieu asked if she needs additional information on stormwater. Ratcliff stated they are constantly working on water erosion but is willing to find an engineer to write something up regarding stormwater.

Oehlert moved to approve 22006-CUP: Wildwood Outdoor Education Center leaving Conditions 1-7 as is; amending the language on condition 8 to read *daily* instead of Monday through Friday; leaving conditions 9 – 12 alone; adding Condition 13, *“The stormwater retention plan must be completed prior to phase three (3) and any recommended improvements must be implemented with phase three (3)”*; adding Condition 14 *“The traffic study must be completed prior to phase three (3), and recommended improvements must be implemented at the beginning of phase three (3)”*. Ross seconded, the vote was unanimous (6-0), via show of hands. Reeves stated this will go to the Board of County Commission meeting on August 24, 2022.

Topher Philgreen rejoined the Planning Commissioners at 8:26 p.m.

Elliott called for a 5-minute break before starting the General Discussion, at which time Jennifer Williams distributed a letter/information she typed up to the Planning Commissioners.

GENERAL DISCUSSION

Continuing discussion on the Next Comprehensive Plan (beginning with Section 5):

Elliott began discussion at *Goal 5.1: Protect countywide water resources through responsible development and agricultural practices to ensure water quality is maintained.*

Policy 5.1.1. Hillsdale Lake Watershed Overlay

A new overlay district for the Hillsdale Lake watershed should be defined, established, and enforced. The purpose of the overlay would be to prevent soil erosion along the creek banks; prevent sedimentation from entering creeks; preserve and enhance vegetation along creeks; ensure adequate setbacks for buildings, structures, and septic systems; and supplement regulations of underlying zoning districts. The exact overlay district boundary should be defined at the parcel level but could potentially be defined as 100 feet beyond the Ordinary High-Water Mark on each side of creeks and tributaries that flow into Hillsdale Lake. Potential tools to consider as part of the overlay include:

- *Natural vegetation strips at least 25 feet wide;*
- *Minimum development setbacks from creeks (at least 100 feet);*
- *Additional development review application requirements (e.g., drainage report for point and non-point pollution sources, etc.);*
- *Maximum imperviousness of the area;*
- *Large lot zoning; or*

- *Performance zoning to ensure certain open space ratios, impervious surface ratio targets, or desirable densities to manage stormwater runoff.*

Reeves stated the County doesn't currently have an overlay, but we do have the Hillsdale Lake Watershed that is identified on the current Comprehensive Plan Map. Ross asked if the Corp of Engineers owns the watershed. Reeves stated they own the abutting property to the lake, but the watershed encompasses a much larger portion of land that includes part of Johnson, Franklin, Douglas, and Miami County's.

Elliott asked staff how these Goals and Policies would be reflected in the regulations. For example – natural vegetation strips at least 25 feet wide and minimum development setbacks from creeks (at least 100 feet). Specifically on those two (2) examples how are we defining creeks and wet weather creeks versus dry weather? Reeves stated the Planning Commission had talked at one time about exempting agricultural uses because of the concern that it would restrict agriculture too much. Reeves stated Planning & Zoning currently identifies blue line streams on the USGS maps which are not part of the floodplain and we have them identify a 25a s-foot setback from the highwater mark on each side of the stream. That is identified as a non-buildable drainage easement. Elliott stated he can't get behind this the way it is written. Broers stated Hillsdale is a unique watershed and maybe it should be more descriptive and treated differently than the other watersheds. Kitchen stated they made the watershed around fifty years ago. Reeves stated she sent this to Leslie Rigney with the Conservation District to review and comment, and she was very pleased with the draft. Kitchen stated that's a higher government level than the Planning Commission and he believes their input is needed. Elliott asked if Sections 5.1.1 and 5.1.2, provide the information we need to create a policy. Ross stated he doesn't like the statement "at least 100 feet": is that 100 feet from the center line, is that 100 feet from the high line...? Reeves stated it is usually measured from the high-water mark. Manchester stated much of Section 5.1.2 is overseen by the USDA farm program. Broers questioned if the second sentence of 5.1.2 is largely because of agriculture practices? Kitchen stated most of it is coming from commercial lawns. Broers stated she has a problem with that statement without citation. Elliott stated he feels that it is a political statement, and it should be removed from the policy. Reeves verified they are talking about the second sentence of Section 5.1.2 needs to be removed. Kitchen stated he thinks the whole thing should be stricken, and asked why the county should regulate his farming practices? Reeves stated sentence five (5) of Section 5.1.2 would likely also need to be stricken. Elliott agreed.

Policy 5.1.3. Construction Best Management Practices (BMPs) for Water Pollution Control

Surface and groundwater can also be contaminated by urban activities, particularly during the lifecycle of a construction process. BMPs for construction sites could include the following:

- *Preservation of Existing Vegetation: this minimizes the amount of land clearing and exposed soil to protect nearby waterways, wetlands, and other sensitive areas;*
- *Construction Phasing: construction activities can be sequenced to minimize soil exposure for long periods of time to help a site maintain stabilization during construction;*
- *Dedicated Construction Entrances/Exits: this practice reduces the amount of land disturbance by isolating truck and vehicle movements to one area;*
- *Silt Fencing: by burying the bottom of a silt fence into the ground, debris and other large contaminants are trapped by the fence, thus not exiting the construction site;*
- *Storm Drain Inlet Protection: rocks or other large objects can be used to shield storm drains from trash or other construction debris;*
- *Vegetative Buffers: along waterbodies, vegetative buffers can be used to slow and filter site runoff;*
- *Equipment Fueling and Containment: fueling offsite to avoid spills is ideal; however, if fueling must occur on site, it should happen at least 50 feet from downstream facilities; and*
- *Waste Management: trash and recycling receptacles should be covered to contain refuse while emptying them offsite on a regular basis to avoid overflow outside of the containers.*

Elliott asked for discussion on Section 5.1.3. There were no comments.

Policy 5.1.4. Streamway Protection Policy

An appropriate setback or buffer should be applied along all streams, rivers, and other watercourses. The only exception to this recommendation would be in areas where a development has already encroached upon a stream and thus a buffer or setback would no longer apply. Typically, streamway buffers widths do not vary by land use, but rather on how environmentally sensitive the stream is, or if it has already been straightened or armored. Miami County should follow APWA's guidance on streamway protection to preserve water resources from the impacts of future development. APWA recommends buffer zones be established along all preserved streams with the limit of the zones designated on a plat, deed, easement, or restrictive covenant. Buffer widths should be measured separately from the ordinary highwater mark (OHM) outward in each direction and should exceed the dimensions outlined in Table 5.1, which summarizes APWA's buffer widths recommendations depending on drainage basin size.

Table 5.1

Recommended Streamway Buffer Widths

**Contributing Drainage
Basin Size (Acres)**

Basin Size (acres)	Buffer Width
Less than 40 acres	40 feet
40 acres to 160 acres	60 feet
160 acres to 5,000 acres	100 feet
Greater than 5,000 acres	120 feet

Elliott stated Section 5.1.4 should also reference development. Reeves asked if they would like to exempt agriculture. Elliott stated according to Table 5.1 a quarter section of ground means a 100-foot setback or buffer on all edges of a stream. For example, the CUP we had earlier tonight would have to have a 100-foot buffer on all edges of the stream. Reeves asked if want to strike this of if it can be more a recommendation. Manchester stated that is more than the federal government recommends. Kitchen stated if this is implemented the county will have to hire an all-new department just to monitor this. Elliott stated he doesn't have a problem doing things to make improvements, buffers for development makes sense, anything else doesn't. Elliott stated he wants to do something a little more reasonable and not so much of a political agenda.

Policy 5.1.5. Watershed Management and Protection

Institute watershed management practices that protect countywide water resources that focuses on BMPs that can be more generally applied depending on the watershed type, size, and function. Recommendations are based on the location of the watershed and are described as follows:

- In the upper portions of the watershed, frequent storm events (one-year events or less) should be controlled through BMPs and small detention basins for larger areas. This protects the streams from erosion while requiring less land to be set aside by developers.*
- In the middle portions of the watershed, larger and more infrequent storm events—those occurring every 10 to 100 years—should be captured in a regional detention basin. Typically, this is upstream of the FEMA floodplain limits. BMPs, parks, and recreation trails can be incorporated into these areas of a watershed.*
- In the lower portions of the watershed, there is no need for detention. However, developments should*

be set back from future floodplain limits to reduce flood risk.

The caveat to these recommendations for various portions of the watershed is that if there is known downstream flooding or is a concern for downstream flooding, the upstream development should reduce flood flows according to APWA's comprehensive control release rates. Identification of these locations require further study; however, they could represent viable options for stormwater detention. Consider the creation of watershed protection overlay districts for other waterbodies within the county.

Elliott asked if we could get with the water conservation district and see how this can be softened and still meet their needs. Reeves agreed.

Policy 5.1.6. Manual of Best Practices for Stormwater Quality

To maintain water quality for new developments, the county should adopt the Manual of Best Management Practices for Stormwater Quality (2012) authored by MARC and the Kansas City Metropolitan Chapter of the American Public Works Association (APWA). The manual provides clear guidance on how to appropriately plan for and implement BMPs and utilizes methods specific to the Kansas City region for a more tailored approach.

Elliott asked if this something that should be in this, is this part of Planning & Zoning. He is concerned that it is asking the County to adopt a specific document that is out there by Mid-America Regional Council (MARC). Oehlert raised concern with referencing a document they haven't reviewed which might put everything back in that they just removed. Elliott agreed. Oehlert thought this section should be removed. The Planning Commissioners agreed to remove this section.

Goal 5.2. Protect and conserve Miami County's natural resources and environment.

Policy 5.2.1. Preservation of Open Space and Natural Areas

Respect the holistic value of undeveloped open space and ensure that open space opportunities are preserved for future generations. Work with landowners, developers, and environmental interests to protect or enhance important natural areas, environmentally sensitive lands, and native wildlife habitat as development occurs (e.g., create new stormwater treatment facilities, preserve native vegetation, protect stream corridors, update the landscape code to include tree and native grass preservation, and other regulatory tools).

Elliott stated he believes we already have this in our current Planning & Zoning regulations. Reeves agreed but referenced the last sentence, noting that we do not have any landscaping regulations. Broers stated this would come up more in a city. Reeves stated we have had a few developments come up, but most of that is for the screening, then again that falls back into the zoning and this is just a recommendation. Kitchen asked where the setback requirements are for screening. Reeves stated if someone is putting up a privacy fence it would be at the edge of the right-of-way. Kitchen stated people are planting trees, but five (5) years down the road when the trees are overgrown, who will maintain that? Reeves stated the county will cut them down if they are an obstruction. Kitchen stated the county won't be able to chop them down because they are on private property and not county property. Reeves stated she will look into this.

Policy 5.2.2. Noise, Odors, and Light

Minimize exposure to excessive and disturbing noise, light, and unpleasant odors. Support ongoing efforts to identify, track, and manage emissions, effluents, waste, and other sources of pollution.

Reeves stated we don't have anything on this we can really follow unless we are going to create new regulations for this. Oehlert asked what about diesel emissions on agricultural vehicles? Reeves stated that if it is agricultural equipment, it is exempt. Kitchen stated another department will have to come

out and measure the equipment. Elliott noted that we need to have the limits defined on the noise, odors, and lights in general. Reeves stated we are starting to hear from more citizens that aren't familiar with farming practices complain about farming practices. Broers suggested getting rid of the word "disturbing," because what's disturbing to you or me might not be disturbing to the next person. The Planning Commissioners agreed to keep "Minimize exposure to excessive noise, light, and unpleasant odors," and strike the last sentence from the Comprehensive Plan.

Policy 5.2.3. Water Conservation

Promote the most efficient use of water through conservation and related practices, particularly within parks and open spaces by requiring water-efficient irrigation techniques and through educational programs on water conservation in farming practices.

Oehlert suggested striking the word "requiring" and replace it with the word "encouraging" or "promoting." Kitchen requested the phrase "in farming practices" be stricken.

Policy 5.2.4. Waste Reduction and Recycling

Pursue a variety of programs and strategies that increase waste reduction and recycling among residents and in county facilities (e.g., bi-annual recycling events, printing policies, composting, etc.). Provide recycling receptacles in public spaces and facilities, especially those that are heavily used.

Elliott asked if this is a Planning & Zoning item? Jardieu stated she hasn't seen this in other Comprehensive Plans, but she knows they have policies that follow this. Reeves suggested maybe instead of the word "pursue" use the word "encourage." Manchester stated Miami County currently has recycling available in several places, such as the landfill and behind Price Chopper in Paola. Elliott asked what rule or regulation would we use this with? Oehlert agreed with Reeves that he doesn't want the word "pursue." The Planning Commissioners agreed to get rid of it altogether.

Elliott closed discussion on the Next Comprehensive Plan Draft for the night, noting they will continue discussion at the September 6, 2022, Planning Commission meeting beginning with Section 5.2.5 Stormwater Management.

Schedule workshop Discussions on Solar Regulations

Jardieu stated that we need to schedule one or two workshops with the Planning Commission regarding Solar Regulations. Oehlert stated he would like to hear from some experts on the topic. Elliott suggested scheduling one workshop, and if a second 2nd workshop is needed, schedule afterward. Kitchen asked if someone brought Solar Farms to Miami County? Reeves stated there have been several inquiries. Jardieu stated she will coordinate with each of the Planning Commissioners on potential dates and once she has date(s) for workshop she will contact some experts on the topic to attend the meeting.

Wayfinding Signs

Jardieu stated staff does not have any information on this topic today. Elliott stated this will move forward to next month's meeting.

Possible Future Amendments to Zoning and Subdivision Regulations

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

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

ANNOUNCEMENTS BY STAFF / COMMISSIONERS

Oehlert moved to adjourn the meeting, Ross seconded. The meeting adjourned at 9:43 p.m. with a 6-1 vote, Kitchen voted no.

Approved this _____ day of _____, 2022.

Casey d’Augereau, Secretary

John Menefee, Chair / Phil Elliott, Vice-Chair

Minutes written by Casey d’Augereau