

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
December 6, 2022**

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

ATTENDANCE

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

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CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

There were none.

ADOPTION OF THE AGENDA

Philgreen moved to adopt the agenda as presented. Broers seconded, and the motion passed unanimously (6-0), via a show of hands.

CONSENT AGENDA

- Minutes: Approval of the November 7, 2022, Planning Commission Minutes
- 22012-SUB: Plum Creek Farms
- 22013-SUB: 3V Ranch & Cattle (2nd Plat)

Philgreen moved to approve the consent agenda. Manchester seconded, the motion passed unanimously (6-0), via show of hands. Broers abstained from minutes since she was absent in November.

REGULAR AGENDA

Old Business: None.

New Business:

Reeves requested the Planning Commission to consider adopting the 2023 / 2024 Planning Commission Calendar.

Broers suggested moving the July meeting from Monday, July 3, 2023, to a different date. Broers stated most people take an extended weekend when a holiday falls on a Tuesday.

Menefee suggested moving the July meeting to Wednesday, July 5, 2023.

Philgreen moved to change the July meeting to Wednesday, July 5, 2023, and approving the remainder of the Planning Commission Calendar as presented. Broers seconded, the motion passed unanimously (6-0), via show of hands.

GENERAL DISCUSSION

Discussion on Solar Farms: there was none.

Square Footage of Agricultural Sales:

Reeves stated at the November Planning Commission meeting Elliott distributed a document with suggested options to amend the square footage of the display area related to the Agricultural Sales Regulations and asked that it be an item for discussion tonight. Included in tonight's packet is the document Elliott presented in November's meeting. Reeves distributed copies of the regulations when they were originally adopted in 2012 as well as a copy of the minutes from those meetings.

Elliott was thankful for Reeves providing the supporting documents as he was trying to remember how they came up with the actual dimensions for Agricultural Sales but didn't see it in the 2012 minutes. Elliott recalled the conversation about not wanting to cover the entire width of the lot but didn't remember coming up with actual dimensions. Reeves stated she will do more research and focus on how they decided on the dimensions.

Elliott stated the reason he is wanting this discussion is because when staff reviewed the Stone Farms CUP it was mentioned there are 40 foot plus trailers and a 100 x 200 lot. Elliott stated it's not possible for him to have more than one (1) 40 foot plus trailer and move it around or have them displayed within this area.

Elliott stated Option 2 is simply keeping the regulations the way they are and adding a modification clause. Elliott stated he knows staff doesn't always like "modification clauses". Reeves agreed, stating it leaves things open for litigation.

Menefee didn't see any reference to size until page 7 when Hayden stated his concern for the minimum of 10 acres and allowing 5%. Elliott stated in Option 1 he suggests display/sales lots shall not exceed 5% of the approved parcel or twenty thousand (20,000) square feet whichever is greater and shall not be wider than 30% of the area along a public road frontage.

Reeves stated she believes it is divided in two (2) sections; display area and storage area. Elliott agreed.

Elliott stated for full disclosure, he is bringing this up to help a local business meet his business needs. Menefee stated this has the potential to be more than that. Elliott stated he is trying to come up with something that will work for any business, current or future. Menefee stated there's a lot of merit to Elliott's suggestions. Elliott stated part of his motivation is that this business is trying to do something positive not only for their own business but for the County.

Broers asked how many businesses this regulation (Square Footage of Agricultural Sales) affects. Reeves stated at this time this is the only business. Broers stated the discussion has been about a specific business and it sounds like this is the only business that the regulations have an effect on. Elliott stated he wanted to make sure he fully disclosed his reason for this topic. Reeves stated this person has complained about the size of the display area since the original Conditional Use Permit (CUP) which was in 2012. Reeves stated the applicant simply said the area wasn't large enough, but when asked he couldn't give her an area that would work, and she has no idea what size would be needed. Broers stated at this time since he is the only one that seems to be affected by the regulations, she would like everyone to be mindful of how the regulations should look for future businesses. Elliott stated that has been his biggest concern with this since the beginning, including back in 2012. Menefee agreed that they need to make sure this doesn't have a negative impact 10 years from now.

Elliott stated one challenge for him, is commercial property is sold by the square foot and there would have to be a huge profit margin on the sales to make that make sense. Elliott believes this kind of

business fits the Comprehensive Plan idea of trying to keep the rural and agricultural character about it if we can keep it on a residential property and reduce some of the big commercial blight. This type of business needs to be sprinkled through the county rather than not allowing it at all. Elliott stated this type of business only has a handful of customers a day it isn't 100+ people coming/going per day. Menefee stated there are seed and feed dealers that operate out of their barn, this type of business can't do that, they need space.

Manchester stated Stone Farms is a good business and his prices are reasonable, this is a much needed business in Miami County.

Philgreen asked if this is something that can be voted on tonight. Reeves replied no. If the Planning Commission would like to give some direction on this topic, then she will need to draft some regulations that will need to be adopted at a future hearing. Notice of the drafted regulations will have to be published in the Miami County newspaper for a public hearing.

Menefee liked Elliott's proposed Option 1. Brown agreed. Broers asked if the regulations allow for this type of business on a 10-acre lot. Elliott stated it is allowed today. Reeves stated the CUP requires a 100-foot setback which would be difficult with the 10-acre scenario provided. Broers asked if the display allows for signage along the full length of the frontage road. Menefee stated no. The regulations refer to the display area. Signs are under a different section of the regulations. Manchester stated he prefers Option 1 as well.

Reeves asked if everyone was in agreement for her to move forward putting regulations together on Elliott's proposed Option 1. Several of the Planning Commissioners stated yes.

Broers asked if there is screening requirements for this. Reeves stated the display area is not required to have screening, but the storage area is.

Reeves stated it is too late to get the public hearing published for the January's meeting, so it will be on February's meeting. Reeves stated she can have that draft available for the Planning Commission in February. Menefee stated they would like to have a rough draft prior to the February meeting so the Planning Commissioners have a chance to review the rough draft.

Menefee asked about an application he has been hearing about. Reeves stated she hasn't received any applications at this time for the January meeting.

Reeves stated the Planning Commission has the option of meeting or cancelling the January meeting. Reeves stated January is when they vote in the new officers for the board but that can be done in February.

Reeves stated Mark Ross has resigned from both Planning Commission and Board of Zoning Appeals. Menefee asked who is up for renewal. d'Augereau stated Manchester, Elliott, and Philgreen's terms are up for renewal. Philgreen stated he was just appointed earlier this year. Reeves explained he was appointed to complete the term of another board member and that term expires December 31, 2022. He will need to be reappointed if he wishes to serve the next term. Philgreen asked how to be considered for the upcoming term. Elliott stated he should let his County Commissioner know.

Philgreen moved to cancel the Planning Commission meeting scheduled for January 3, 2023. Elliott seconded; the vote was unanimous (6-0), via a show of hands.

Staff Announcements:

Reeves stated Jardieu provided a monthly report for the Planning Commissioners, which is included in the packet. Menefee asked if the building permit numbers is fairly steady from a year ago. Reeves stated Planning & Zoning no longer get reports from Building due to new software they have but believes Dave Delp, Codes Services Director, made a comment they are down about 10 permits from last year. Menefee asked if building permits include houses, barns, and ag buildings. Reeves stated yes, as well as electrical, roofing, solar... Reeves stated the Planning Department reviews most of the applications to assure they meet the setback requirements and various other things including verifying things aren't in the floodplain. Reeves stated accessory dwellings are becoming popular.

Elliott stated he would like more information about what the Codes Enforcement Officer does and what the public can expect to see/hear from the Codes Enforcement Officer. Reeves stated Kevin Collins is our Zoning Compliance Officer. On the home page of the County website a link is provided for the citizens to "Report a Concern". Reeves stated a lot of people want to remain anonymous and they can also drop off a letter, mail a letter, or send an email. It helps the Planning Department to have some form of written documentation, so people don't believe we are picking on them when we investigate a complaint. Once a concern/complaint is received the Zoning Compliance Officer investigates the complaint. If he finds there is a violation he will send the owner a letter advising of the violation and giving them a deadline to bring things into compliance. Planning & Zoning will work with people if they show they are working actively on correcting the violation. If someone isn't trying to bring the property into compliance, then the matter is forwarded to Codes Court. Elliott asked if there is a specific thing that continues to be reported as a problem, i.e., is there a trigger or process that would send up a red flag to re-evaluate the regulation for that item. Reeves asked if there is a specific item Elliott was thinking about. Elliott stated not at this moment, but sometimes we do things because we have always done it that way and just because we've always done something in a specific way doesn't mean it is the best way. Reeves stated if we continually see someone needing an exception to the rule or variance, that is usually a good indicator that the regulations need amending. Reeves stated a lot of what is being seen right now are people moving RV's onto their property to live in with no permits.

Manchester stated he received a USDA Survey and was surprised at the number of additional questions listed on it. He stated the additional questions have never been on the surveys in the past. Elliott and Menefee agreed. Elliott stated the questions are streamlining towards the green fuels.

Elliott stated information from Riley County about LESA (Land Evaluation and Site Assessment) was sent to the Planning Commissioners and he was amazed at how many scoring items they have. Elliott's first reaction was "hey that would be cool" while his second reaction was he can see about as many scenarios going the opposite of what the Planning Commission wants as well as going the way they would want. Elliott stated he would like to have a greater discussion about this in the future. Elliott stated he is concerned about where development should be allowed and where it should not.

Broers circled back to the Zoning Compliance Officer, stating she agrees with what Elliott was saying and needing a more granular look at what the Compliance Officer is doing. She has noticed more and more people living in RVs in the county, and not sure how to regulate that. She stated it has been a while since she reviewed the regulations for RVs, but she recalled there is like a time in/out and it

will be hard for the Compliance Officer to know when they are allowed to be there. Reeves stated they are required to have a permit and there are two (2) options for the permit:

1. A 90-day camping permit per year; and
2. Live in a RV during the construction of a new house.

Both are temporary permits as RV's are not permitted as permanent / long-term residences.

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

Reeves wished everyone a Merry Christmas. She stated that she will not be retiring at the end of December.

Menefee asked if there are any applicants to take her place. Reeves stated there is someone being considered but doesn't know where they're at in the process at this time and hopes that there will be a decision by next week. Reeves stated the Administrator asked her to stay on until March and she agreed. She wants to stay on long enough to help the new Director transition into the position.

Elliott moved to adjourn the meeting, Philgreen seconded. The meeting adjourned at 7:57 p.m. with a unanimous vote (6-0), via show of hands.

Approved this 7th day of February, 202~~2~~³.



Casey d'Augereau, Secretary



John Menefee, Chair / Phil Elliott, Vice-Chair

Minutes written by Casey d'Augereau