

**MINUTES OF THE
MIAMI COUNTY PLANNING COMMISSION
September 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, Mark Oehlert, Mark Ross, and Topher Philgreen
ABSENT MEMBERS:	Randy Kitchen
EX-OFFICIO MEMBERS:	None present
PLANNING DIRECTOR:	Teresa Reeves
ASST. PLANNING DIRECTOR:	Katie Jardieu
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

MINUTES

September 6, 2022

MIAMI COUNTY PLANNING COMMISSION

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 eight members present.

DISCLOSURE OF ANY EX PARTE COMMUNICATIONS OR POTENTIAL CONFLICTS OF INTEREST

Mark Oehlert recused himself from agenda item 22001-SIGN: Patton Structural Steel.

ADOPTION OF THE AGENDA

Philgreen moved to adopt the Agenda as presented. Brown seconded, and the motion passed unanimously (8-0), via a show of hands.

CONSENT AGENDA

- Minutes: Approval of the August 1, 2022, Planning Commission Minutes
- Stillwater Estates: 22007-SUB (Final)

Broers moved to adopt the Consent Agenda without the minutes from the August 1, 2022, Planning Commission meeting. Ross seconded, and the motion passed unanimously (8-0).

Broers moved to have the August 1, 2022, minutes amended on page nine (9), paragraph two (2), sentence seventeen (17): *"Elliott and Broers stated the second sentence of Section 5.1.2 of the Comprehensive Plan, needs to be removed, as it's a political statement, not a fact."* Her recollection was that this was not cited and could therefore not be relied on as fact. The amended sentence will read, *"Elliott and Broers stated the second sentence of Section 5.1.2 needs to be removed, as it isn't cited and may be someone's opinion rather than a fact."* Ross seconded; the motion passed 7-1 (Oehlert voted against).

REGULAR AGENDA

Old Business:

Antioch Baptist Church Conditional Use Permit (22004-CUP) was continued to September 2022 meeting at the request of the applicant. Staff received an email from the applicant on August 17, 2022, requesting that the application be withdrawn.

Public Hearing 22005-CUP: Queen of the Holy Rosary Daycare

Public Hearing for consideration of a conditional use permit for a daycare. The subject property of approximately 1.05 acres, is addressed as 22781 Metcalf Road and is located approximately 1/3 mile north of 231st Street, on the east side of Metcalf Road, in the Northwest Quarter of Section 29, Township 15, Range 25, Wea Twp. Submitted by Nick Antista, Principal of Queen of the Holy Rosary Catholic School.

Jardieu stated this application is a request for a conditional use permit (CUP) for a daycare in a residential structure located north of the church and west of the school, (7021 W 227th Street) located in the Countryside zoning district. The daycare has been in operation for a number of years. This Conditional Use Permit, if approved, will bring the daycare use into compliance with County Zoning Regulations, Section 5-2.02 which requires a CUP for the operation of a daycare. The current enrollment for the daycare is 10 (ten) total students ranging in age from 6 (six) weeks to 3 years old, and 3 (three) total adult employees, 2 (two) of which are part time. There are currently sixteen (16) parking spaces available for the daycare and five (5) ADA stalls for a total of twenty-one (21) parking spaces which is more than sufficient for this type of use. A traffic study is required for the "school" when enrollment reaches 300 students which does not include the daycare. Current enrollment at the school is 185 students, per Nick Antista, school principal. The requested use, as conditioned, and subject to minimum developments standards, should reduce the negative impacts of the proposed use. The current Countryside zoning district permits a daycare with an approved conditional use permit and provides a local service that is useful to the community and church members. Staff recommends that the Planning Commission approve the request for a CUP for a daycare and for one onsite sign, based on the following findings and conditions, and subject to the Minimum Development Standards listed in Section 14-2.01.17.

Findings

1. The requested use, as conditioned, and subject to minimum developments standards, should reduce the negative impacts of the proposed use.
2. The current Countryside zoning district permits a daycare with an approved conditional use permit and provides a local service that is useful to the community and church members.

Conditions

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, that 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 (ten) years, commencing from the date of County Commission approval.
4. Any construction of change in occupancy 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 (Queen of the Holy Rosary) 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. Kansas Department of Health and Environment License shall be kept up to date and a copy of the annual renewal shall be submitted to the Miami County Planning Department.
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 6pm Monday through Friday.
9. In accordance with the Zoning Regulations, all signage must be approved by the Planning Commission and comply with the Zoning Regulations. A Sign Permit shall be obtained from the Planning Dept, in addition to the Building Dept for the sign.

Oehlert asked for clarification whether the building is really a residential structure or a structure that used to be a residence. Jardieu replied that it used to be a residence but has since changed occupancy type.

Oehlert asked that Condition #6 be removed since no lighting is being proposed. Jardieu stated it can be removed.

Oehlert asked if the applicant and the school are under the same ownership. Jardieu stated yes. Oehlert pointed out that the school CUP renewal is due in 2024 and asked why the two couldn't be combined to make it more convenient for the applicant. Jardieu commented that the applicant can close the daycare without closing the school, if needed. Menefee asked if the applicant was present at the meeting. Reeves confirmed. Reeves also noted that these are two (2) separate applications, that were submitted at two (2) different times. Menefee asked if these were two (2) different business entities. Elliott agreed with Oehlert. Oehlert commented that this is one applicant/owner at the same location, so it only makes sense that we modify the current CUP instead of approving a second CUP. Elliott suggested, to keep this moving forward, that when the school CUP is renewed in two years, the option to combine the two applications so the school and daycare are on under one CUP, is possible. Elliott asked for comments from the applicant.

Oehlert stated Condition #1 indicates there is an Exhibit "A", but he did not see the Exhibit in the packet provided. Jardieu clarified that Exhibit "A" is the Narrative. Elliott referred to Exhibit "A" stating there isn't anything in the Narrative that talks about the size and nothing in the Conditions that states what it will be in the future. It talks about what it is today, currently serving ten (10) families with seven (7) full-time and three (3) part-time children. Elliott stated if he reads the conditions correctly that is all it ever could be. Jardieu agreed. Elliott stated if a family ends up with an extra child, then they are out of compliance instantly. Jardieu didn't believe the building occupancy would allow any additional children. Oehlert asked what KDHE's occupancy regulation is. Jardieu stated KDHE uses a ratio of caretakers to children based on the age, which is different than the building occupancy allowed under Building Codes. Jardieu stated the building can only hold the number of children and staff it currently has now, they cannot expand, or they will need to make modifications that they weren't able to make to the basement.

Manchester stated in the Planning Comments of the report it says lighting should be shown on the site plan with a maximum height of 25 feet and it says lighting is not proposed with this application. Is lighting something they are not wanting to do? Jardieu stated those are her comments to the applicant and the applicant doesn't want lighting at this time. Manchester stated so it doesn't apply to this applicant. Jardieu stated correct. Oehlert stated as far as the removal of Condition 6 (lighting) it is a suggestion and it is up to the Commission if they want to remove it from the Conditions or not. Broers asked if the applicant is operating in the Winter and it is 6:00 p.m., they won't have any lights. Jardieu pointed out that there are lights in the parking lot for the school that provide some lighting to the daycare.

Nick Antista, Principal of Queen of Holy Rosary School, accompanied by Mike Dorrell Jr., stated he is available for questions or concerns from the Planning Commission. Philgreen asked Antista if it would be beneficial for them to have one (1) or two (2) CUPs. Antista stated they were discussing this while listening to the discussion and to help it move forward tonight would like to end the current CUP in two (2) years when they renew and then modify the current CUP to include the daycare. Broers asked if they felt they are at maximum capacity under KDHE's regulations for the daycare. To his knowledge, Mr. Antista did not believe so. Broers asked if he knows what the capacity is per KDHE's regulations. Antista stated he would have to look it up. Elliott asked if the Planning Commission should add a Condition that states the maximum capacity would be determined based on KDHE's regulations. Antista agreed with the concept of following KDHE's regulations/recommendations for maximum capacity. Broers asked if the applicant was sure they don't need any additional lighting. If so, now is the time to say something. Dorrell stated he does not believe outside lighting is necessary. Philgreen asked what the ability is for the applicant to fight fires onsite, questioning if there are fire hydrants on site. Dorrell stated they do have fire hydrants

on site. Philgreen asked if they have sprinklers in the building or just rely on the county to fight the fire. Dorrell stated both.

Jardieu clarified again that KDHE's capacity for daycares is based on a ratio of caregivers to the number of children according to age. She stressed that the occupancy load and fire exits within the building are separate. Currently KDHE says they can have up to twelve (12) based on the number of caregivers. They are at maximum with 12 children.

Menefee opened the Public Hearing 22005-CUP: Queen of the Holy Rosary Daycare at 7:25 p.m. With no public comments, the public hearing was closed at 7:26 p.m.

Broers stated they shouldn't be limited to what's in the Narrative, the number of children they can keep at the daycare should be based upon KDHE's regulations. KDHE is free to amend their regulations at any time, but if we limit them they won't be able to increase in numbers and likewise if the KDHE's numbers go down, we will have to uphold the specific number allowed in the CUP. Menefee commented that the numbers aren't just up to KDHE they also need to consider the fire code and what is permissible in that regard. Broers stated that KDHE's ratio's consider fire code, they work with the fire department to produce the ratios.

Regarding the CUP term, Elliott asked if it is approved for a ten (10) year CUP and within the next two (2) years they decide to merge with the school CUP, would they still be able to do that? Jardieu stated yes. Oehlert asked how this will be tracked. Jardieu stated it will be in both a paper file and an electronic file and through the resolution. Ross asked if it could be added to Condition 3 stating should the applicant decide to combine their two (2) CUPs into one (1) prior to the ten (10) years, it would be evaluated, or something like that?

Oehlert asked if any of the conditions for the school are contradictory to the conditions for the daycare? Jardieu stated the conditions are specific for each of the CUPs today, in two (2) years if they choose to combine the CUPs then they would need to be evaluated.

Elliott stated he would suggest adding a condition stating the "maximum number of children to be served will be based on KDHE's regulations, building, fire code, and any other applicable measures." Jardieu stated that is twelve (12). Elliot stated that is today, tomorrow the KDHE might change their regulations to eight (8) or fifty (50), we are trying to put a little flexibility in the condition. Broers stated they are required to show their license each year and KDHE keeps that information readily available. Broers stated not to make it personal, KDHE and fire departments work together to produce the ratios. Jardieu clarified there will still be nine (9) conditions: remove Condition 6, add to Condition 3, and create a new Condition 9 stating "the maximum number of children to be served will be based on the KDHE's regulations".

Philgreen moved to approve 22005-CUP as amended. Elliott seconded, the vote was unanimous (8-0), via show of hands. Jardieu announced this will go before the Board of County Commissioners on September 28, 2022, at 1pm.

New Business:

Oehlert recused himself and stepped out of the meeting at 7:40 p.m.

22001-SIGN: Patton Structural Steel (21004-CUP)

Reeves presented the staff report for consideration of a request to permit additional sign area to an existing monument sign. The existing monument sign measures 7'10" (h)x13'(w) (101.83 sf), on a 15'(w)x8" (h) foundation for a total height above ground level of 8'10". The proposed sign addition to the top of the existing monument sign is an irregular shape that contains a total of 30.65 sf. The total area of the monument sign including the addition is 142.48 sf. Lighting is not proposed with this application. The

sign will be reviewed for compliance with Article 18, Section 18-8. Low Intensity Commercial (C-1), Commercial (C-2), and Business Park (BP) District Sign Regulations. The subject property of approximately 2 acres is zoned Commercial (C-2) with an approved Conditional Use Permit (21004-CUP) and is located directly south of the K-68 roundabout between OKC Rd, and Hedge Ln, in the Northwest Quarter of Section 34, Township 16, Range 23, Marysville Twp., and is addressed as 27980 Hedge Lane, Paola. Submitted by Patton Structural Solutions, LLC, property owner of record.

Reeves stated Patton Structural Steel was recently approved for a CUP at the round-about north of Paola at K-68 and Hedge Lane. There is an existing sign on the property, which is a monument sign that measures 7' 10" h X 13' w. Since there was an existing sign on the property, there was no sign requested for approval by the Planning Commission at the time of the CUP review. Planning Commission is required to approve all new signage associated with a CUP. After the approval of the CUP the Pattons began moving onto the property and subsequently made a modification to the existing sign which made it non-compliant with our current Sign Regulations. The applicant is now applying for a Sign Permit. Staff has advised them since the sign is non-compliant, we would not be able to recommend approval of the sign proposal. The applicant wanted to move forward with the application to the Planning Commission. Reeves cited the regulations for monument signs: **Monument Sign:** *A detached sign where the width of the base of the sign is at least one-half (1/2) the width of the widest part of the sign face or where the base consists of two (2) or more supports where the sign face is not more than 2 feet above the average grade of the ground. The materials of the base shall be one (1) of the following: masonry, wood, anodized metal, stone, or concrete. A monument sign shall harmonize with the architecture of the building or complex it serves and be constructed of materials consistent with the same. Such sign shall not be located within the sight visibility triangle of an intersection.*

Reeves added that the Board of County Commissioners passed a moratorium on sign enforcement in Miami County at their August 30th meeting. Menefee asked if the moratorium is only in place until the study of the Comprehensive Plan is completed. Reeves stated they did not give a timeframe on the moratorium, and it sounded like the Commissioners themselves are planning on drafting new language. Reeves stated the Planning Commission cannot approve this sign because it does not comply with the regulations. The moratorium just prevents us from enforcing the sign regulations at this time. This will be the same for everyone in the county.

Elliott asked for clarification of this agenda item, noting that it is strictly a sign application, and no public hearing is required. Reeves confirmed, noting that they have a CUP for their business and are wanting to change the structure of the current sign on site for their business. Ross stated in February the CUP was approved with conditions, fencing and screening was a condition of approval. The fencing has not been put up and he drives that area regularly only to see the eye sore their outdoor storage creates every time he passes it. He asked why he should consider voting to approve a sign when they are not in compliance with the conditions of the CUP? Menefee stated just because the applicant was approved for a CUP in February doesn't mean they were necessarily through the process in February, they were still waiting on site plans and things to that nature. Reeves stated they made some modifications to the site plan, but they were delayed on obtaining stormwater approval. Reeves stated the applicant has been asked about the fencing and the applicant stated that they are waiting on their fencing contractor.

Menefee called the applicant to the podium at 7:47 p.m.

Trevor and Doyle Patton came to the podium. Trevor Patton pointed out for a correction in the report that their company name is actually Patton Structural Solutions, not Steel. In reference to Ross's statements, he stated that they did receive approval in February. After several months of working on the site plan, stormwater plan, and other issues they didn't move onto the property until August 1, 2022. He stated that he has about \$10,000 worth of wood and fencing materials on the ground, and once the posts come in they will have a fence up. It is their intention to comply with the CUP. Regarding the sign they had that sign

at their old location in the City of Paola, and never had a problem with it. We moved it to the new place and put it on the existing front monument sign location. Patton stated that he lives in Miami County, he pays taxes in Miami County, and his business is located in Miami County. You can drive up and down 169 highway and see 20 to 30 billboards of companies not based in Miami County and don't pay taxes in Miami County. Yet a guy that lives in, pay taxes in, and owns a business in Miami County can't advertise his own business. He has a hard time understanding the common sense in this. He stated the sign is structurally sound, it is anchored, and the property is not open to the public.

Doyle Patton stated he has received nothing but compliments about how nice the sign looks. He asked where the common sense is and cited Thomas Paine's writing of Common Sense which encouraged the 13 colonies to fight for their rights. He asked where common sense has gone. Doyle Patton commented that maybe the county should consider changing their regulations.

Philgreen asked if the sign was just a few inches out of compliance with the regulations. Reeves stated the sign is substantially larger than what is allowed.

Menefee asked Reeves to explain how substantial the sign is out of compliance. Reeves read the County regulation on signs: *"Each business or commercial establishment, not part of a shopping center designed as one (1) unified entity, shall be permitted:*

- In lieu of one (1) of the wall, marquee, canopy, or projecting signs permitted above, one (1) monument sign of any illumination listed above shall be permitted for each business or commercial establishment not part of a shopping center designed as one (1) unified entity. Such sign shall not exceed 5 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face.*
- In lieu of the monument sign permitted above, one (1) clad pole sign of any illumination listed above shall be permitted for each zoning lot/tract. Such sign shall not exceed 35 feet in height above the average grade, and the sign face shall not exceed 50 square feet in area per face. For properties that abut highways I-35 and US-169, one (1) such pole sign shall be permitted with a height not to exceed 50 feet above average grade. All provisions of the Kansas Highway Advertising and Control Act must be met for any sign located within 660 feet of the rights-of-way of such highways.*

Incidental signs are allowed and shall not count against the total allowed number of wall, projecting, or freestanding signs. Wall-mounted incidental signs that are greater than 20 square feet in area shall, however, be counted against the maximum allowed coverage of the facade upon which they are placed but may have their area calculated as noncontiguous (a separate box) from other signage on the same facade. Freestanding incidental signs shall not exceed 4 feet in height above the average grade and 4 square feet in area per face. (Res. R15-11-033 (Exh. A))"

The existing monument sign is 7'10" h X 13' w, and 8'10" above ground. The total square footage is 142.48'. They didn't propose any lighting, so if they are thinking about lighting, now is the time for them to do it. Lighting is allowed on signs. Reeves stated the sign exceeds the county regulations and that she explained to Trevor that she cannot recommend approval.

Elliott stated the Commissioners required a fence to screen the area and equipment. Reeves stated it was only required for the fence to screen the outside storage area. Elliott asked if the sign is outside the fencing area. Reeves stated yes. Elliott asked what is technically considered the sign. On the drawing included in the packet it is a 4' X 10' aluminum sign on a mounting pedestal. Is the monument considered the sign or just the part with the lettering? Reeves stated it is the whole structure that makes up the sign. Reeves stated we don't regulate the sign face other than the area because we don't regulate content. Broers asked if this could be considered a billboard instead of a monument sign. Reeves stated that a billboard is an offsite

sign which is also regulated by the State of Kansas, and anyone can advertise on the billboards. Reeves stated onsite signs are regulated by the local county or local city. Brown referenced a sign at 327th & Hwy 169, and asked how they got to have one that tall? Reeves stated there was a sign and structure there as she recalled, and it was grandfathered in. Reeves stated if the information on the sign changes it is not regulated by the county, just the structure.

Manchester stated that the regulations have the Commissioners hands tied. He asked Patton how much work will need to be done to the sign to bring it into compliance. Trevor Patton stated it will have to be taken completely down and redone based on information he has received from Reeves. He understands that the inside can be altered because the structure is grandfathered in. Reeves stated that is correct, the existing monument was approved by the City of Paola and is grandfathered in, so they could have used it without altering the exterior dimensions. Menefee asked if a sign is on a movable structure if we still regulate that. Reeves confirmed.

Reeves noted that due to the Board of County Commissioners motion last week for a moratorium on sign enforcement the Planning Commission may want to consider tabling this agenda item until the moratorium is lifted.

Broers asked the applicant if they had considered withdrawing their application at this time due to the moratorium. Trever Patton stated he didn't know that's what the moratorium meant. Doyle Patton asked why the County Commissioners placed a moratorium on signs. Reeves stated the Planning & Zoning staff was at a conference when this took place, and we were not advised of why this was done. Reeves stated they are able to watch the Board of County Commission meeting online. The discussion about the moratorium is toward the end of the meeting but there was very little discussion on it. Doyle Patton asked what the time frame is for the moratorium. Reeves and Menefee stated it is unknown.

Elliott moved to table 22001-SIGN until the Board of County Commissioners lift the moratorium. Broers seconded, the vote was unanimous (7-0), via show of hands. Oehlert did not vote as he recused himself.

GENERAL DISCUSSION

Continuing discussion on the Next Comprehensive Plan (beginning with Section 5.2.5: Stormwater Management)

Policy 5.2.5. Stormwater Management

Provide state-of-the-art stormwater systems through regional partnerships that protect residents' properties. Promote the use of low-impact development practices to manage stormwater runoff and flooding, increase ground infiltration, and reduce the amount of sediment and other pollutants entering surface waters.

Philgreen referenced the words "state of the art," and asked if this can be replaced with "reasonable"? "State of the art" means it's the best there is, and he thought perhaps "reasonable" would be a better fit. Broers didn't think it needed to be modified, provided stormwater does the things listed afterwards. Menefee agreed. Broers suggested striking through "through regional partnerships." Reeves stated that she and Jardieu attended a meeting that morning on stormwater updates which will include multiple jurisdictions as part of Mid America Regional Council (MARC). MARC is in the beginning stages of updating the American Public Works Association (APWA) 5600 regulations that deal specifically with stormwater. Reeves wanted the Planning Commission to know that it is now being looked at as a regional issue, noting that they are trying to look at stormwater from a watershed perspective. Menefee asked Reeves if her recommendation is to leave the "regional partnership" in there? Reeves stated it is up to the Planning Commission but that is where we are headed. Reeves stated that someone from another jurisdiction asked if a threshold could be provided in the new plan that would determine when a

stormwater plan would be required. Oehlert questioned whether the Planning Commission is bound to follow MARC guidelines. Reeves stated the county is already in a contract with MARC on the APWA update. Oehlert asked what that means and what the consequences are if they don't participate with MARC? Reeves stated she believes the county has already lost out on some grant money as the county doesn't encourage some of these regional concepts. Broers stated she isn't saying "regional partnerships" are a bad idea or if they aren't even necessary, she is just saying from our perspective she doesn't believe they would write regulations that specific. It is stuff that will be written by Memorandum of Understanding (MOU) or contracts. Menefee stated he agrees but obviously these lead to rules and regulations in the long run. Menefee believes this will also let everyone know our desire as a county is to work with those regional partners – it's not saying which ones or how. Elliott stated his hesitation is every time there is talk about stormwater, they want to put public access corridors in the floodplain areas - Elliott is anxious about tying those two (2) things together. Elliott believes the second sentence of Stormwater Management is ok, but the first sentence is fluff and does no good for our ability to make regulations. Menefee stated he believes that was Broers point too, those things are going to happen anyway. Reeves asked if they would like for her to strike the first sentence? Elliott and Menefee replied yes. Jardieu questioned if we are willing to look at it from a regional perspective, does it hurt to include that? Elliott stated he doesn't trust how it will be used against us.

Policy 5.2.6. Stream Corridors

Promote the preservation of stream corridors for habitat, flood mitigation, and managed public access including trail opportunities.

Menefee struggles with putting trails near the streams is the best location from a wildlife standpoint and a trash standpoint, he questions putting trails in those areas. Reeves stated there was a KDOT meeting last week about the K-68 expansion near Louisburg, and they are talking about putting in a bike lane. Reeves advised them the Planning Commission would be supportive of them following the highway and staying away from the Katy trail. Manchester felt that a lot of the areas near streams grow up in brush and was concerned that putting trails near streams might cause more erosion. Broers stated personally she feels a little like a hypocrite noting that she enjoys using the Streamway Trails in Johnson County noting that they are great for the communities and connect communities. However, she pointed out that Miami County isn't there yet; we've discussed previously the issues of imminent domain, flooding, and maintenance. As much as she's enjoyed using those trails, they are also surrounded by neighborhoods – there are a different set of facts here. Reeves agreed but also pointed out that they are trying to plan for the future. If a subdivision comes in they put in a trail system, the intent is that we can eventually tie those together, but she doesn't see the county going out and purchasing property for trails. Broers stated that is something that was never discussed even during the comprehensive plan workshop. She noted that there is some part of the Comprehensive Plan where they've put in projected growth numbers over the next 20 years. Broers would like to know how they forecasted that number because for the last 10-15 years the growth has gone from 27,000 +/- to 36,000 +/-, their numbers just don't add up to me. She realizes there will be a lot of growth in the northern area of the county but based on historical growth in the last 10-15 years, she doesn't see how the county will get to 100,000 people in the next 20 years like they have projected. Elliott stated he is fine with the trails coming in as development comes in, his concern is when there is a blanket statement across the whole county (we have a lot of significant natural barriers), and when he thinks of streamway trails all he can see is Bull Creek, the Marais des Cygnes River, Ten Mile Creek, and Middle Creek after a good rain. Elliott can't see beyond that. Elliott's barrier with this is when they take the overlay map and place it over the entire county and want to try and connect everything. Elliott stated if we were a fully developed city, it makes a lot of sense, but in the rural part of the county, that statement is concerning. Elliott believes it gives an unrealistic expectation that the trail will be there some day. He wouldn't have a problem with the statement if the wording were changed to say "as development occurs" or a with a disclaimer of some sort. Menefee suggested they may need to

change the language a little. Manchester reminded everyone that these streams are in a flood zone. Water can come over the trail by 30 feet and the trails would be gone. Reeves asked if there was a final decision on this section. Menefee stated he likes Elliott's suggestion of changing the verbiage to include "as development occurs." Brown agreed.

Policy 5.2.7. Construction Practices

Prohibit the use of over lot grading and other construction practices that increase the potential for erosion, water and sediment runoff, and other impacts to stream corridors.

Philgreen asked for a definition of "over lot grading." Reeves stated she believes it means over grading of a lot. Reeves believes it includes the stormwater management and National Pollutant Discharge Elimination System (NPDES). Ross gave an example of building a 100,000 square foot building and a 100,000 square foot parking lot on an 80-acre lot. This tells the construction crew to only grade 200,000 square foot of the 80-acre lot and not to grade anymore than the 200,000 square foot area. Menefee stated he looked up the lawyer's definition of "overlot" (one word) grading means an excavation, fill, or combination thereof associated with the construction or improvements of a subdivision or building site. Menefee stated by that definition it would be any dirt work. Reeves asked if they would like the word "over lot" removed. Jardieu stated in her experience overlot grading can be as little as 5% to as much as 15%. Elliott stated he suggest this reading "Encourage construction practices that decrease the potential for erosion, water, and sediment runoff and other impacts to stream corridors." Planning Commissioners agreed with Elliott's suggestion.

Policy 5.2.8. Low Impact Development

Incentivize low impact development (LID) to mimic nature in the built environment. LID refers to systems and practices that use or mimic natural processes to result in the infiltration, evapotranspiration, or use of stormwater to protect water quality and associated aquatic habitat. LID is an approach to development and redevelopment that works in concert with nature to manage stormwater as close to its natural process as possible. Rooted in the preservation of natural landscape features, LID intends to minimize impervious surface to create functional and appealing site drainage that treats stormwater as resource instead of a waste product to be flushed offsite.

There are many ways in which stormwater can be naturally managed, especially through the implementation of green infrastructure, which works in concert with LID practices. Green infrastructure could include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, or permeable pavement. Introducing such techniques onsite manages water in a way that reduces the impact of built areas while promoting the natural movement of water within an ecosystem or watershed. Applied at a broad scale, LID and green infrastructure can maintain or restore a watershed's hydrologic and ecological functions.

Elliott asked what "incentivize" means. Reeves stated an incentive to follow these standards might be more development rights. For example, instead of 15-acre lot minimums, a 10-acre density is allowed which would allow more lots as long as they follow conservation design. It's a development bonus. Elliott liked the flexibility because they would be allowed to have a more creative development.

Policy 5.2.9. Environmentally Sensitive Areas (ESAs)

Miami County contains an abundance of rich natural areas that must have safeguards in place to ensure they remain intact for generations to come. Defining these ESAs is one such way to ensure the land that should not be developed or must be adequately buffered from development, is clearly denoted. Creating dedicated, set aside areas that are not for development enhance quality of life as they offer a natural area for people to recreate and enjoy the outdoors. ESAs are considered areas of land that have special attributes worthy of retention or special care. These areas are often critical to the maintenance of

productive and diverse plant life and wildlife populations, and thus human disturbance should be limited. ESAs can range in size from small patches to extensive landscape features, including rare or common habitats, plants, and animals. This target focuses on land-based ESAs; however, water resources are also considered environmentally sensitive due to their habitat importance for aquatic dwelling beings.

Elliott stated without a specific or defined purpose this makes him nervous. Maybe a donation, a trust, or some sort of purchase plan, if the county, state, government is trying to lock in some wetlands to where landowners could opt into it. Elliott stated the general statement made him nervous. Reeves stated our current comprehensive plan has a similar statement in it. Menefee stated a lot of people take loans with FSA or FHA to borrow money to purchase farmland, the federal government is requiring all sorts of studies to prove whether or not you are trying to buy property to build on an environmentally sensitive area. Menefee wasn't sure what that means for the future, but a lot of farmers are now going to Farm Credit. Oehlert stated he understands this to mean if you have ground in the flood zone, and you can't develop it, you can transfer the development rights somewhere else. Oehlert stated you are relocating the inability to develop property in the flood zone to a property that can be developed somewhere else. Elliott asked Oehlert if he was talking about something similar to the agricultural density subdivision where you can potentially have smaller lots in one area and use that as your credit against you? Oehlert stated if he understands Elliott correctly, yes. Reeves stated then you're going to get into transfer development rights that have historically not been well received. Oehlert stated that is a very complicated topic and he isn't sure this fits in the comprehensive plan at all. Reeves suggested using the language in the current comprehensive plan and see if it fits better for the Draft NEXT Comprehensive Plan. Menefee and Oehlert thought that might work. Manchester stated the USDA already has regulations that restrict someone's ability to develop their property i.e., wetlands that can't be filled in. Manchester stated it falls under the Clean Water Act. He noted that he owns some of this type of land that was once farmed. He looked into clearing it for farming and learned he will be fined if he does any type of work on the land. He can't farm it ever again. Elliott asked if this was what Reeves was referring to and read from the current regulations "*New development should create a balance between nature and man-made environments*" and the bullet specifically says "*encourage the preservation and restoration of significant stands of trees, grasslands, wetlands, streambanks, and environmentally sensitive areas as part of a passive use of open space. Allow low intensity agriculture production including sod farms, tree farms and nursery stock in floodplain open space areas.*" He added that this is the only place in our old comp plan that uses the word environmentally. Menefee stated what Elliott just read is a lot shorter than what is in the proposed comprehensive plan, but he does still believe that is a goal for the county to protect those areas and what Elliott just read serves that purpose. Broers stated she sees this as an invitation to define what an environmentally sensitive area is. Reeves stated in our current regulations we do define sensitive areas. Broers suggested that we possibly keep the current verbiage in place of the proposed verbiage in the NEXT Comprehensive Plan. Elliott read the definition of Sensitive Land from the current zoning regulations, "*Land that contains, but is not limited to, wetlands, floodways, floodplains, slopes in excess of 12%, soil types unsuitable for development, significant wildlife habitats and wildlife travel corridors (such as along floodplains), significant woodlands and vegetation areas (that provide habitat and soil stability), productive farmland, historic and cultural features (including archaeological sites), scenic vistas, watersheds, and groundwater resources and their recharge areas.*" It was agreed to strike the 6 Environmentally Sensitive Area Protection Tools and replace it with the existing language in our current Comp Plan, pgs. 39-40, and update the current plan to fit with this comprehensive plan update.

Goal 5.3.

Encourage countywide conservation development through the promotion of site and building practices that are oriented toward nature.

Policy 5.3.1.

Topography and Geography Embrace the county's unique topography and geography as a character-

defining feature, requiring it to be integrated into developments and site designs.

Jardieu asked what this section accomplishes? Elliott stated he believes 5.3.1 and 5.8.4 may be in conflict of one another. Menefee agreed, depending on what the writer was trying to accomplish. Reeves stated the current regulations specify 12% slopes. Philgreen asked if the purpose of this is to prevent someone bringing in a subdivision and leveling everything? Reeves stated you would be surprised how many developers will stick a lot anywhere they can. Philgreen stated to him it seems like the purpose of this is to keep the natural beauty of the county. Philgreen stated he also prefers the words; embrace, promote, and encourage in place of “required.” Menefee agreed and asked to strike the word require and replace with “encourage.” Ross agrees the word require needs replaced with encourage.

Policy 5.3.2. Conservation Site Design

Development is encouraged in proximity to existing activity centers and municipalities (see Figure 3.2) to promote clustered development and preservation of open space and farmland. Where new commercial buildings or homes are constructed, conservation design practices are one way to protect the county’s extensive environmental resources. Conservation design aims to maintain the integrity of a landscape’s natural features and functions, protect water quality, enhance community character and connectivity, and provide for greater design flexibility and affordability. Using the following tools, conservation site design principles can be accomplished:

- *Standards for open space, greenways, and trails;*
- *Density bonuses;*
- *Protection of natural areas, including wetlands, woodlands, and steep slopes;*
- *Clustering of lots and flexible lot standards;*
- *Efficient road networks where developments are placed;*
- *BMPs for infiltrating and filtering stormwater runoff;*
- *Native landscaping and tree protection;*
- *Long-term stewardship of natural areas and open space;*
- *Lighting standards that reduce light pollution.*

Broers stated she would like this to be targeted at commercial buildings or subdivisions development. Oehlert stated he believes it is really a continuation of 5.3.1 only more detailed. Density bonuses needs to be defined if it is going to remain in the text. Elliott voiced concern with Native landscaping and tree preservation. When it comes to landscaping and tree protection, the type of trees must be defined. He is concerned if the trees are not defined, we will be stuck with the wrong type of mature trees, i.e., hedge, thorny locust, cedars, etc. Broers stated that’s why she wants it focused on commercial buildings or subdivision developments. If a developer is coming in with a subdivision you could say you must keep 30% of the mature trees. Elliott argued that there are properties that are completely covered with the wrong type of trees. Broers suggested native grasses or trees although it seems very prescriptive. Menefee agreed with having it directed toward commercial buildings or subdivisions rather than an individual landowner. He didn’t want to see an individual required to have 30% of a certain type of trees or open space. Reeves stated the current regulations require at least 30% open space for conservation subdivisions and sensitive land would be required to be in it. Menefee stated we need to define what “native” means for Miami County.

Philgreen asked how the word “cluster developments” affects different parts of our county? For instance, the youth camp in the northwest part of the county in close proximity to Johnson County parks, soccer fields at 215th and Spoon Creek; and then in the southeast part of the county there are a couple of camps and a festival, and a destination spot for that type of use. How do we handle something when someone wants to do something that’s in a clustered type of attractions? Reeves stated in the proposed comprehensive plan the Planning Commission will be defining areas that are appropriate for that type of

activity or development. Philgreen clarified that he was referring to more of a commercial or recreational type of use and asked if this is something that should be addressed. Reeves stated yes it should be addressed and should be shown on the map. Menefee felt it might be addressed in 5.4.4. Philgreen stated the proposed Plan discusses marketing and agritourism, etc., but as an example if someone wants to bring in an amphitheater, is there anywhere that states that makes sense for a destination spot because it is clustered near some other recreational types of uses like one of the youth camps or Wildwood? Elliott stated we have the Areas of Regional Significance in the current Plan and most of those addressed corridors, large traffic things and maybe existing attractions; he sees that more along the line of “cluster developments” he doesn’t see “cluster developments” and think about venues, he thinks more about housing rather than venues. Broers stated she believes there is an overarching theme throughout this comprehensive plan that development should be next to existing development rather than all over the county in random area. Elliott stated just because something is in existence doesn’t necessarily make it a good location for something to move in next to it. Elliott gave an example of Wildwood: Wildwood allows music festivals and events that make sense because they are close to the highway. But if Wildwood were further east, north, or south that didn’t have good access to the highway it wouldn’t make sense.

Goal 5.4. Build Miami County’s reputation as a regional recreational destination.

Policy 5.4.1. Local Products and Services

Develop strategies to attract businesses that provide goods and services to residents. Create opportunities for local businesses to showcase their products and services during community events and to gain exposure to visitors to Miami County.

Policy 5.4.2. Historic Character

Honor the county’s rich history by preserving its historical assets and utilizing them as an economic driver for the county through community events and other public programming.

Policy 5.4.3. Agritourism Destinations

Support opportunities for agritourism in appropriate areas of the county where such uses do not negatively impact surrounding properties through a variety of nuisances. Capitalize on the revenue produced from Miami County’s high-quality destinations.

Policy 5.4.4. Recreation Destination Marketing

Promote Miami County as a place for health, connectedness, and sense of belonging in every neighborhood. Rebrand the county and create ways to promote a sense of pride throughout the county.

Elliott stated in Section 5.4.1 he noted way finding signs. Elliott believes the Planning Commission can solve a lot of their problems with way finding signs if the county was in charge of them and they were all the same. If a person wants a way finding sign, they will apply to the county, pay the fee, and move on. The signs are all the same color, size, font, etc.

Elliott stated his other note is on Section 5.5.1, the “open space” in general. Elliott stated he has problems with the bikeway and trails in Section 5.5.2. Jardieu asked for clarification on “open space” in Section 5.5.1. Elliott stated he does not like the definition in this plan for “open space,” our current plan defines “open space” better. Reeves reminded the Planning Commission this comprehensive plan won’t be adopted immediately, it still needs to go through public hearings, come back to the Planning Commission, and the Board of County Commission. Menefee agreed with Elliott that the current plan defines this better and would like to use the current plan definition.

Goal 5.5. Develop and maintain an inter-connected and accessible system of parks, trails, and recreational destination facilities.

Policy 5.5.1. Open Space

Actively pursue opportunities to acquire and retain open space areas that provide watershed functions or

wildlife habitat and offer increased access to open space and recreational amenities in underserved neighborhoods. Coordinate development of public and private open spaces through dedications and planned purchase agreements.

Policy 5.5.2. Countywide Trail and Bikeway System

Create a continuity of regional connections through trails and on-road bikeways by funding and implementing the trail and bikeway recommendations as shown on Figure 4.2.

Policy 5.5.3. Recreational Programs and Facilities Support and Marketing

Support a diversity of recreational programs and facilities that meet the needs of the county and draw visitors to the county. Link parks, recreation facilities, and outdoor gathering spaces with programming to bolster social recreation opportunities. Utilize county communication channels to bolster programming and event marketing.

Policy 5.5.4. Underserved Areas

Work toward providing equitable locations of programs, facilities, trails, bikeways, and open space throughout the county and prioritize projects.

Policy 5.5.5. Accessibility and Usability

Ensure universal design features, such as ramps, restrooms, frequent benches, hard surface paths, and adequate lighting are incorporated into facilities within the county to improve the accessibility and usability of countywide facilities for all residents, regardless of age or ability.

Jardieu asked about the “Accessibility and Usability” in Section 5.5.5, stating “universal design” is geared more towards a city, commercial buildings, or housing. Menefee stated a lot of this will work itself out and a lot of our businesses are county amenities because some of it is going to be dealing with ADA standards. Menefee stated some of it will be worked out through CUPs, such as adequate lighting. He also agreed with Elliott on 5.5.2 and thinks it needs to be in the right location. Broers stated in 5.5.5 they are tying the Planning Commission’s hands by using the word “ensure” and suggested “promote”.

Goal 5.6. Support healthy and active living among residents of all ages, abilities, and lifestyles.

Policy 5.6.1. Social Equity

Ensure equitable access to meaningful opportunities for all residents to advance their well-being regardless of their circumstances, age, ability, and impairment. Recognize the critical importance of equity and integrate it into decision- and policymaking, public engagement, and other planning efforts.

Policy 5.6.2. Programs and Activities

Provide residents with access to a variety of recreational and wellness services and programs as defined through regular coordination with recreational agencies, conservation groups, and county incorporated communities.

Policy 5.6.3. Land Use and Built Environment

Encourage the construction of built environments that support active lifestyles, walkability, and safety and comfort of all users.

Ross stated they use the word “Ensure” at the beginning of Section 5.6.1. Menefee stated he reads that as an anti-discrimination statement. Broers stated the first sentence is basically an ADA housing, equal opportunity; the second sentence is soft (recognized), and we have our ethics statement. Menefee stated everyone has a voice if they want to come to our meetings.

Goal 5.7. Optimize opportunities for parks, open space, and other recreational amenities.

Policy 5.7.1. Development Requirements

Incorporate open space and natural resource access into future development, redevelopment, and revitalization projects.

Policy 5.7.2. Public/Private Partnerships

Create partnerships with public and private entities and organizations, such as homeowner's associations (HOAs), the incorporated communities, surrounding counties, the county school districts, and others to provide public access and connections to existing or planned parks, recreational facilities, or other local and regional facilities.

Policy 5.7.3. Education and Volunteerism

Promote volunteer opportunities (e.g., wildlife habitat restoration) to provide environmental education for residents and foster an environmental stewardship ethic.

Policy 5.7.4. System Maintenance

Protect the health of the parks, open space, and growing trail and bikeway system through maintenance and monitoring issues over time to address changing community demands and needs.

Policy 5.7.5. Funding Mechanisms

Identify and secure a range of funding sources that will enable the implementation of the recommendations for trails, bikeways, and recreational programs.

Menefee questioned in Section 5.7.4, and asked what responsibility the county has to protect the open spaces or parks? Reeves stated currently the development owns the open space or they have it in a Homeowner's Association (HOA), or a land trust that identifies how it is managed. Menefee suggested getting rid of the word "Protect" and replace it with "Promote" Menefee stated he struggles with the word "protect" because he feels like it puts the county in another authority position, and we don't have the staff to manage it. Reeves stated some of the language will need to be changed.

Goal 5.8. Promote a safe and resilient community.

Policy 5.8.1. Public Safety

Be a leader in public safety best practices to ensure the county's capacity to provide the highest possible level of public safety and emergency services. Encourage proactive community involvement in resident and business safety through cooperation with law enforcement and emergency personnel, situational awareness, and other volunteer programming. Examples include participation in the Citizen Police and Fire Academies.

Policy 5.8.2. Regional Mitigation Planning

Participate in the implementation of and periodic updates to the most recently adopted Region 7 Hazard Mitigation Plan, collaborating with regional partners to assess risks and vulnerabilities and identify mitigation strategies.

Policy 5.8.3. Floodplain Management

Enforce floodplain regulations within areas of the community in flood hazard areas as designated by FEMA to maintain and improve Miami County's rating for the National Flood Insurance Program (NFIP). Ensure development within the floodplain is compatible with the natural tendencies of these areas, such as open space and recreation.

Policy 5.8.4. Steep Slopes and Geologic Hazards

Avoid development on slopes with grades steeper than 15 percent to the maximum extent practicable. Utilize slope stabilization, erosion controls, and stormwater management best practices to reduce risks of erosion, landslides, and other geological hazards.

Policy 5.8.5. Emergency Preparedness

Continue to provide public awareness of natural and man-made hazards in general and at specific high-risk locations. Provide information about measures the public can use to protect themselves, their property, and the community, such as safe rooms

Menefee stated Elliott already addressed Section 5.8.4.

Philgreen stated section 5.8.1 brings him to "the highest possible level." Philgreen stated to him it should say "reasonable or practical" instead of "highest possible level." Menefee suggested "to provide a responsible level of public safety and emergency services." Broers stated "highest possible" is capped by

what we can afford. Oehlert asked why it belongs in the comprehensive plan? Oehlert stated we have no control over the Sheriff's office or fire departments, we don't regulate any of that. Philgreen suggested striking the first sentence. Oehlert asked how would we write a regulation on this? Reeves stated the Planning Commission should decide where the best locations are for EMS, and Fire Departments.

Oehlert asked, in Section 5.8.2, what Region 7 Hazard Mitigation Plan, it sounds very scary. Reeves stated Region 7 is FEMA. Oehlert asked what hazards are we mitigating? Reeves stated there are a whole host of mitigation plans that could include flooding, what to do if a dam breaks, etc. Oehlert questioned if we have to write regulations for this too? Reeves stated not necessarily, but we do for the floodplains. Reeves stated we work with Mark Whelan (Emergency Management Coordinator), FEMA, and floodplain is the biggest part that we work on. Menefee stated he believes this is something we participate in. Reeves confirmed. Menefee asked if we can put FEMA in front of Region 7 so people will understand what Region 7 is? Reeves confirmed. Jardieu asked Oehlert if it would be better to input more specific language into that section? Oehlert stated he doesn't know what "participating" is. If it is agreed to he might be "participating" by giving up his land. Jardieu asked if they would like this removed. Oehlert stated we need to find out more about Region 7 before we agree or disagree with this section. Broers asked if there are parts of this plan that would be tied to federal funds for the floodplain. Reeves stated yes, and we have floodplain regulations. Reeves stated she will attempt to find more information or some examples of FEMA Region 7. Menefee stated even from a comprehensive plan standpoint, most people are going to access this online, maybe put a link for them to click to take them to that information. Elliott stated the regulations and directives for the environmental planning and historic program, talking about the Clean Air Act, the Clean Water Act, and the National Historic Act, etc.; in summary it all appears to be federal law. Jardieu stated there are various waivers for State/Federal law, so it is not in conflict with current regulations we have and does allow for waivers. Menefee asked Reeves and Jardieu to locate more information and examples for this.

Ross stated in Section 5.8.3, the second sentence (*Ensure development within the floodplain is compatible with the natural tendencies of these areas, such as open space and recreation.*), what developments can we do in a floodplain? Reeves stated we cannot deny developing in the floodplain, but they would have to comply with the minimum standards. Reeves stated we need to prevent redirecting a natural stream, creek, or waterway as much as possible. Reeves stated they tend to put soccer fields and recreational areas in the floodplain areas. Recreational areas would include parks, they are considered lower impact which means lower loss of property and lives. Jardieu stated the only part of that she would consider not to be true is "improve Miami County's rating for the National Flood Insurance Program (NFIP)," unless the county is part of the Community Rating System that's the only part that is rated. We're not a part of that, I don't know that we have the capacity, or desire to be apart of that. Jardieu stated that should just be taken out.

Broers referenced Section 5.8.4, and asked Reeves if the current grade is 12%? Reeves confirmed and stated this was discussed about five (5) years ago, but didn't recall why 12% was settled on. Menefee stated if we look at the way USDA & NRCS offices breakdown slopes, they consider everything from 8% to 15% to be steep and anything over 15% is very steep slopes. Reeves stated she will look into this more.

Philgreen questioned whether they are allowed to change/add things to the map (labeled "Figure 5.1") provided. Reeves stated yes, and all comments we have been gathering in these meetings will be incorporated.

Elliott and Philgreen would like a list of criteria to be created to decide what should and shouldn't be on the map. The Planning Commission would like to be able to say why someone made it on the map and why someone didn't make it on the map.

Elliott referenced Zoning Regulation Sections 14.2.17.F; *“the total area of displays or sales area should not exceed 20,000 square feet and shall not be wider than 200 feet along the public road frontage”*. Elliott would like this reviewed in the near future. Elliott believes when that regulation was put in, it was a best guess, and believes that specific regulation is having a significant negative impact on a business that was before the Planning Commission recently with a CUP. Elliott would like one (1) of two (2) things to happen: 1) utilize the waiver concept that is part of the Solar Farms recommendations, or 2) use the verbiage that the County Counselor cited recently stating that a reasonable person can decide if it would be in conflict or not. Elliott believes they can use the same logic that the nine (9) Planning Commissioners can have the ability to determine the size of each individual item based on the particular parameters and requirements of that business. Elliott stated we have a business that needs this tweaked.

Jardieu stated that she is not opposed to either option Elliott provided, even if we do both of those perhaps still increasing the base measurements because it seems that's not adequate, then people will always want the waiver because it's fairly small. Elliott stated it depends on what you are selling. Elliott stated if he is selling just one specific item, he wouldn't need bigger than that area, if I'm selling a variety of items ranging in size, then there will be more area needed. Reeves clarified that Elliott was referencing the size of the display area and asked if the landowner is also having an issue with his storage area? Elliott stated yes, and that needs addressed as well, but the display area is the primary issue and not sure what areas are limited. Jardieu stated the storage area is not limited. Reeves stated she doesn't drive farm equipment and therefore doesn't know how much space is needed to turn around; she needs recommendations from people who know the equipment. Elliott stated he agrees. Reeves stated she is concerned that the Planning Commission is setting themselves up for a lawsuit with waivers and being discretionary. Reeves stated it is too subjective. Elliott stated he just needs the staff to bring back suggestions and he will work on the size. Elliott stated he understands the concerns with the legal aspect of it, he believes the waiver piece provides some checks and balances, the waiver is not a haphazard decision. Broers asked if this was agricultural would it be exempt from regulation. She asked if Shelley Woodard would be able to come in and address this. What makes retail sales unique to this? Reeves stated in her opinion most people think of agricultural use as traditional agricultural. She can see grapes and the processing of the grapes as agricultural but wasn't sure how wine tasting fits in as agricultural. Jardieu stated zoos are exempt. Reeves stated even airplanes are exempt. Jardieu asked if there is a timeline Elliott is looking for. Elliott stated sooner rather than later. He stated that person is tired of getting hounded and wants to get this solved, so either leave him alone or get it taken care of.

Reeves Stated she can't leave him alone when he isn't following the existing regulations, her job requires her to follow the regulations. Elliott stated that is why we need to get the regulation fixed.

Discussion on Solar Regulations

Jardieu stated she is still planning another Solar Farms Workshop on September 20, 2022, leaving October to draft the recommendations. Brown questioned when the public will have input. Jardieu stated she is shooting for November and trying to stay away from December due to the Christmas holiday. She plans to submit the draft to the Board of County Commissioners in December 2022. Broers questioned if the Board of County Commissioners are allowed to extend a moratorium on the Solar Farms if necessary. Reeves stated yes.

Jardieu stated Staff put together a memo and map on the wayfinding signs. Elliott stated per the Board of County Commissions action at the meeting on August 30, 2022, at this time it doesn't matter when we get to this.

Jardieu provided a monthly report that is attached to the agenda. She asked for feedback so that she can make changes on future monthly reports if needed.

Broers asked if we could remove items from the agenda that we aren't going to have time to discuss so that the public doesn't show up to talk on those items. Reeves stated we leave them on the agenda so that we don't lose sight of them.

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

Philgreen moved to adjourn the meeting, Ross seconded. The meeting adjourned at 9:56 p.m. with a unanimous vote (8-0), via show of hands.

Approved this 7th day of November, 2022.



Casey d'Augereau, Secretary



John Menefee, Chair / Phil Elliott, Vice-Chair

Minutes written by Casey d'Augereau

*These are amended minutes from the September 6, 2022, Planning Commission meeting. The following were typos that needed to be corrected:

- Page 1, Randy Kitchen showed as both present and absent. Randy Kitchen was absent from this meeting.
- Page 2, John Menefee was listed as Vice-Chairman not as Chairman
- Page 19, the heading "Discussion on Solar Regulations" is in the wrong location and needs moved to the correct location.